UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS
SECOND SESSION

VOLUME 146—PART 11

JULY 18, 2000 TO JULY 26, 2000
(PAGES 15033 TO 16559)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2000

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

SENATE—*Tuesday, July 18, 2000*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, You have all authority in Heaven and on Earth. You are sovereign Lord of our lives and of our Nation. We submit to Your authority. Bless the Senators as they serve You together in this Senate Chamber and as they recommit to You all that they do and say this day. Make it a productive day. Give them positive attitudes that exude hope. In each difficult impasse, help them to seek Your guidance. Draw them closer to You in whose presence they will discover that, in spite of differences in particulars, they are here to serve You and our beloved Nation together. Gracious Lord, You have made this Senate a family, and we care for each other. Together we intercede for the needs of our friend, PAUL COVERDELL, and ask You to guide and keep him this day. All praise and glory and honor be to You, Gracious Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Ohio is recognized.

PROGRAM

Mr. VOINOVICH. Mr. President, today the Senate will immediately resume debate on the Interior appropriations bill with Senators FEINGOLD and BINGAMAN in control of 15 minutes each to offer and debate their amendments. Following that debate, at approximately 9:45, the Senate will proceed to rollcall votes on the remaining amendments to the Interior appropriations bill, as well as on the final passage. Following the disposition of the Interior appropriations bill, the Senate will begin the final four votes on the reconciliation bill. Therefore, Senators should be prepared to stay in the Chamber for up to 12 votes with all votes after the first limited to 10 minutes in length.

As a reminder, the Senate will recess for the weekly party conferences from 12:30 to 2:15 p.m.

For the remainder of the day, it is expected that the Senate will begin consideration of the Agriculture appropriations bill.

I thank my colleagues for their cooperation.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4578, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

> Reed amendment No. 3798, to increase funding for weatherization assistance grants, with an offset.
>
> Bryan/Fitzgerald amendment No. 3883, to reduce the Forest Service timber sale budget by $30,000,000 and increase the wildland fire management budget by $15,000,000.
>
> Lieberman modified amendment No. 3811, to provide funding for maintenance of a Northeast Home Heating Oil Reserve, with an offset.
>
> Nickles amendment No. 3884, to defend the Constitutional system of checks and balances between the Legislative and Executive branches.
>
> Reid (for Boxer) amendment No. 3885, to provide that none of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children may be present.
>
> Gorton (for Bond) amendment No. 3886, to prohibit use of funds for application of unapproved pesticides in certain areas that may be used by children.
>
> Reid (for Bingaman) amendment No. 3887, to express the sense of the Senate regarding the protection of Indian program monies from judgement fund claims.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding we have until 9:45 in morning business, and then votes will be taken, is that correct?

The PRESIDING OFFICER. The Senator from New Mexico controls 15 minutes.

Mr. DURBIN. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CODE CHANGES

Mr. DURBIN. Mr. President, those who have followed the proceedings of the Senate over the last 2 weeks understand we have been debating changes in the Tax Code. The two changes we have focused on are changes in the estate tax and changes in what is known as the marriage penalty. These are two very interesting proposals that have been before the Senate but they really tell the story about the priorities of the Senate when it comes to dealing with the economy and helping families across America.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The estate tax, which we have considered and passed in a version last week to ultimately repeal it, is a tax which affects a very small percentage of Americans. In fact, fewer than 2 percent of American families will pay the estate tax. Those who end up paying it are the wealthiest people in America.

It is curious to me that when we established our list of priorities in this Congress as to tax relief, the first people in line were the wealthiest people in America. That is not to say we should not consider tax relief that involves them, but I think everyone understands that average families, smaller businesses, and family farms have priorities, too, when it comes to tax relief.

Take a look at what the Republican proposals under the estate tax, as well as the so-called marriage penalty tax, would do in terms of the people in America and their income groups.

For the 20 percent of American families lowest in income, the Republican proposals, two of them—the estate tax as well as the marriage penalty—result in tax breaks of $24 a year. Then, as you start moving up in income, you see that not until you get up to the level of the next 15 percent here, of the top wage earners in America, do you find people even seeing a tax break of about $900 a year—about $75 or $80 a month.

Now look at what happens when you go to the top 1 percent of wage earners in America, the wealthiest people in America: $23,000 in tax breaks coming from this Republican-led Senate under these two bills, estate tax reform and marriage penalty.

So if you happen to be in a working family, down here, you are not going to notice what has been going on in the Senate because, frankly, the tax relief they are sending your way hardly pays for a magazine. But look what happens at the highest income levels: $24 for the lowest wage earners, the people struggling to survive in America; $23,000 for the wealthiest people in this country. Time and time and time again, the Republican leadership, given a chance to deal with tax equity in America, decides the best thing that can be done is to give to the wealthiest Americans more tax breaks.

This tells the story as well. I will not go through it in all detail, but the top 1 percent of wage earners in this country, people making over $300,000 a year—those folks are going to see a tax break of $23,000; 43 percent of all the tax relief coming in these two Republican bills goes to people making over $300,000 a year.

There are people who will say perhaps they need it. I am not one of them. Frankly, I can tell you who needs it, as far as I am concerned. A working family trying to figure out how they are going to pay for their kid's college education expenses, those are the folks who need a tax break. When we put on the floor a measure sponsored by my seatmate here, Senator Charles SCHUMER of New York, to allow people to deduct $12,000 a year in college education expenses instead of giving tax breaks to the wealthy, it was rejected by the Republican majority. A $12,000 deduction for college education expenses was rejected while we give a $23,000-a-year tax break to the wealthiest among us.

Then Senator DODD of Connecticut, who has been a leader in child care, stood up and said we have a lot of people going to work in America every day worried about the safety and quality of child care; let's give them a tax break so they can pay for good, professional, safe child care and have peace of mind while at work that their kids are in good hands. It was rejected by the Republican majority. The idea of helping working families take care of their kids was rejected.

Then Senator KENNEDY and others offered a prescription drug benefit for seniors and the disabled under Medicare, struggling to pay for their drug bills. We said we think that is a higher priority than a $23,000 tax break for the wealthiest people in America. The Republican majority said no, it is not a higher priority; it is a much higher priority to keep in the front of the line at all times the wealthiest people in America. That is what this debate is all about.

The question is, Whom do we stand for? Do we stand for working families in this country or do we stand for the financially articulate who, frankly, lord over this political process with their representatives who come in expensive suits, well dressed, standing in the corridors here saying we have to help the wealthy of America.

For good Heaven's sake, for the last 8 years this economy has been on such a roll, the wealthiest in America have done very, very well. I don't begrudge them that. But when we talk about helping people in this country, why don't we remember the folks who get up and go to work every single day, who worry about their kids' education expenses, who are concerned about day care where they can leave their kids safely, who want to make certain their parents can afford the prescription drugs they need to stay healthy?

That is not a priority among the Republican leadership here. They don't want to talk about it. They want to go to their convention in Philadelphia in 2 weeks and talk about how they have worked so hard for tax cuts and President Clinton and the Democrats have stopped them. Don't forget to ask them the question, Who are the winners under your tax cuts? The winners are those who turn out always to win when the Republicans are in control. The wealthiest win again and again in America.

I see Senator HARKIN. Senator HARKIN came in with his own proposal, trying to help those concerned about tax equity. I am happy to yield to him at this point.

Mr. HARKIN. Mr. President, I thank my friend for his very eloquent and decisive statement. I think my friend has really put his finger on it.

I would add one other thing to what we attempted to do here with the future surpluses the Senator was mentioning, the various things we wanted to do to try to help average working people. I had offered an amendment a couple of weeks ago to fully fund the Individuals with Disabilities Education Act so we could help the States help families with children with disabilities to send them to school to get them the best possible education. We were stymied by the Republicans. Most of them voted against it.

Yet they find it within themselves to give, as the Senator pointed out, to the top 1 percent of this country 43 percent of the tax breaks. The surplus we have coming in the next 10 years is being used up by these tax breaks. I might ask the Senator if that is not so. It is my information, just this year, up until right now, this Senate, under Republican leadership, has passed something over $1.3 trillion in tax cuts. Am I in the ballpark, I ask the Senator?

Mr. DURBIN. The Senator from Iowa is correct. As these charts indicate, those tax breaks are going to the wealthiest people in America. I think the Senator from Iowa, from my neighboring State, believes as I do: Hard-working people in this country are not looking for a handout; they are looking for an opportunity. Give them a chance to pay for their kids' college education; give them a chance to pay for prescription drugs; give them a chance to pay for day care. And the Republicans say consistently: That is not a priority. That is not important.

Mr. HARKIN. I see my distinguished colleague from Massachusetts. The other day, Senator KENNEDY was pointing out that the Republicans have passed $1.3 trillion in tax cuts. Yet we have not purchased one book; we have not reduced the size of one class, we have not hired one new teacher, modernized one school, brought one prescription drug for the elderly. Yet they spend $1.3 trillion of the surplus that is there because of hard-working Americans the Senator from Illinois is talking about.

Mr. DURBIN. I might say in response to the Senator from Iowa, to think we live in a nation where 30 percent of our population cannot read any higher than a fifth-grade level, this is a waste of resources in our country. We will need to be a productive society in the 21st century. The fact is that this Republican-controlled Congress does not even view education as a high enough priority; they would rather put our time and our effort into tax breaks for people who are doing very well under our economy.

I will be happy to yield again to the Senator from Iowa.

Mr. HARKIN. Mr. President, the Senator knows that next week we celebrate the 10th anniversary of the Americans with Disabilities Act. A recent court decision upheld the ADA, trying to get people with disabilities the right to live independently in their own communities. That is going to require us to make some changes in this country. It is going to require us to invest in making sure people with disabilities have the kind of support they need so they can get education and jobs and independent living and transportation. If we do that, they are going to be wage earners and taxpayers and not living in institutions.

I say to the Senator from Illinois, as we celebrate the ADA next week, we ought to think about that, where all the money is now going, because the Republicans are giving it all to the top 1 percent and there will not be anything left to help make our country more fair and just, and to make sure we live up to our obligation to people with disabilities so they are fully integrated into our society.

Mr. DURBIN. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Just before the Senator leaves that thought about the need for support for special education, this is something the Senator from Iowa has been particularly interested in and in which he is strongly supported by the Senator from Illinois and myself.

We have heard a lot of lectures out here about the importance of helping local communities who have these extraordinary challenges of families who have children with these special needs, and it places a very special burden on local communities. I think the Senators from Iowa and Illinois and others understand the importance of giving help and relief to these communities all across this country. We hear about the need out there.

I am wondering whether the Senator shares my belief that after giving $1.3 trillion away, whether we should not have used some of those resources to try to help local communities and help families who have these kinds of special needs for their children?

We are going to be hard pressed to find the resources to do that. Perhaps the Senator would also tell me why it is now that we have gone all of this last year, all of this year, and we still can't get a minimum wage up to look out for the interests of 13 million Americans who are working 40 hours a week, 52 weeks a year, who take pride and have a sense of dignity, that we can't have an opportunity to address it, when in the last 5 days we have given $1.3 trillion away to the wealthiest individuals.

Mr. DURBIN. I say to the Senator from Massachusetts, if you take a look at this chart, this is what the Republicans want to do for those who are working for the minimum wage, for less than $13,000 a year. They want to give them a tax cut of $24. Two dollars a month is their response. We are trying to give them a dollar an hour increase under Senator KENNEDY's leadership in the minimum wage. Yet those at the highest level, those making over $300,000 a year, under the Republican proposal, will see a tax break of $23,000 a year. That is almost double what people making minimum wage are receiving in income. We are going to give that much in a tax break to those making over $300,000.

So instead of raising the minimum wage for the millions that the Senator refers to—and the 350,000 people who get up and go to work every day in Illinois at minimum-wage jobs—we are, instead, giving a tax break to the wealthiest among us.

Mr. KENNEDY. Will the Senator respond to another question?

Is it the Senator's position—and we have been joined by the Senators from California and New York—that there is a greater priority to provide a prescription drug program for the 40 million Americans who need prescription drugs than there is to grant the $1.3 trillion to the wealthiest individuals, that the Senator from Illinois shares the belief that we ought to be addressing that particular issue prior to the time that we give away all of these funds to some of the wealthiest individuals?

Mr. DURBIN. I agree completely.

When Senator FEINGOLD offered his amendment that said anyone with an estate over $100 million a year will have to pay estate taxes, it was rejected by the Republicans. To think people that wealthy should not pay their taxes, while many seniors have to choose between filling their prescription drug prescriptions or filling their refrigerators with food, I think tells the difference between the two parties when it comes to helping America.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I do not know if the Senator has mentioned this, but it seems to me this Republican Congress wants to take care of the top 2 percent of income earners in this country; and as far as the other 98 percent, they don't seem to care.

Why do I say that? Because you have to look at the action. I ask the Senator to again hold up that chart. What is happening here? If you asked the average person in the higher income brackets, who is doing so well in this particular time—thanks to the policies, I would say, of the Clinton-Gore team, supported by those of us in Congress—they don't need to get back $23,000 a year. They are doing extremely well.

Does my friend think it is time to take a little of this emotion—I watched the debate when Senator FEINGOLD offered his amendment to exempt estates of any taxes up to $100 million. I thought at least on that point our friends on the other side could join hands with us. But no, the emotion on the other side of the aisle, defending the people, the "poor" people who are worth more than $100 million, was so powerful that I only wished we could take a tenth of that emotion and address it to the minimum wage and prescription drugs and good public education.

I wonder if my friend noted the strong emotion and feeling on the other side of the aisle when it came to defending and protecting the wealthiest in this country, rather than the 98 percent of the people who need it. Did he take note of that?

Mr. DURBIN. I say to the Senator from California, time and again, the Republican Senators here have felt the "pain" of being wealthy in America. They can feel the "pain" of those who make over $1 million each year, over $300,000. They don't seem to feel any pain or any sense of emotion when it comes to the working families.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Resumed

AMENDMENT NO. 3798

The PRESIDING OFFICER. The hour of 9:45 a.m. having arrived, the question now occurs on the Reed amendment No. 3798.

The Senator from Rhode Island.

Mr. REED. Mr. President, I believe my colleague, Senator GORTON, has a modification to my amendment, which I will accept. He is prepared to offer the modification to my amendment.

Mr. GORTON. Mr. President, what is the order of business? It is 9:45.

The PRESIDING OFFICER. There are 2 minutes evenly divided for explanation on the Reed amendment No. 3798.

Mr. GORTON. Mr. President, Senator REED and I have come to an accommodation, and we have a modification to his amendment.

First, I ask unanimous consent that the yeas and nays on the Reed amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3798, AS MODIFIED

Mr. GORTON. Mr. President, I send a modification to the Reed amendment to the desk, and ask unanimous consent that it be immediately considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To increase funding for weatherization assistance grants, with an offset)

On page 182, beginning on line 9, strike "$761,937,000" and all that follows through "$138,000,000" on line 17 and insert

"$763,937,000, to remain available until expended, of which $2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account and $2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses: *Provided*, That $174,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $140,000,000".

Mr. GORTON. Mr. President, this modification does make an increase in the appropriation to the amount in the House bill.

It has been a pleasure to work with Mr. REED toward a cause in which he believes and in a way which is fiscally responsible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator for his gracious cooperation. This would increase the money we are committing to the weatherization program so that we could, in fact, provide more assistance to low-income homes to weatherize their homes, both to protect themselves in the cold of winter and the heat of summer. It would also make, we hope, the Nation less dependent on foreign sources of energy. It is an excellent proposal and program.

I thank the Senator for his cooperation.

Mr. President, I yield back my time and ask for a voice vote on the measure.

Mr. GORTON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3798, as modified.

The amendment (No. 3798), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3910 AND 3911, EN BLOC

Mr. GORTON. Mr. President, I ask unanimous consent that two amendments that were inadvertently omitted from the managers' package last night be adopted at this time.

I send them to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRASSLEY, for himself and Mr. HARKIN, proposes an amendment numbered 3910.

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 3911.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 3910

(Purpose: To direct the Secretary of the Interior to enter into a land exchange with Dubuque Barge & Fleeting Services, Inc., of Dubuque, Iowa)

On page 163, after line 23, insert the following:

SEC. 1 . MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE.

(a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the "Secretary"), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as "Dubuque"), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILD LIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) EXCHANGE.—Not later than 30 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting in the Mississippi River island, Tract JO–4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

AMENDMENT NO. 3911

On page 126, line 16, strike "$207,079,000" and insert "$208,579,000".

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3910 and 3911), en bloc, were agreed to.

AMENDMENT NO. 3883

The PRESIDING OFFICER. Under the previous order, there are 2 minutes of debate on the Bryan amendment.

The Senator from Nevada.

Mr. BRYAN. Mr. President, this amendment would reduce the amount of money in a program that loses the American taxpayers a great deal of money—some $2 billion over the period of 1992 to 1997—and transfers $15 million into a program to help prevent forest fires in those areas which interface with the urban base. So we have State and local governments and the Forest Service all needing more money for planting.

This is totally different from the amendment the distinguished Senator from New Mexico offered which deals with reducing fuels that cause fires—a totally separate issue. This one is a winner for the American taxpayer, and it is a winner for the other people who live in those areas that can be affected by forest fires.

I urge the adoption of the amendment.

Mr. SMITH of Oregon. Mr. President, I rise today in strong opposition to the Bryan amendment which proposes to cut funding for the Forest Service's timber sale program. Unfortunately, this amendment continues to assault on the statutory principle of multiple use of public lands.

While I don't take issue with the Senator from Nevada on the question of increasing funds for fire preparedness under the U.S. Forest Service, I must vehemently disagree with the proposal that the federal timber program should be slashed by thirty million dollars. As we all know, we are dealing with finite resources under the Interior appropriations bill, and I believe the managers of the bill have achieved a proper balance under these circumstances. In addition, I must remind my colleagues that just last week we all voted to dramatically increase funds for hazardous fuels reduction with the adoption of the Domenici amendment.

Year after year, opponents of logging on public lands allege that the Forest Service timber program is a subsidy for timber companies. The fact is, however, public timber is sold at competitive auctions at market prices. This is no subsidy for timber companies. Year after year, opponents of logging on public lands also claim that the Forest Service timber program is a money loser. Of course, their figures never seem to take into account the bureaucratic and statutory requirements created by a myriad of federal land regulations or recent accounting changes that front-load certain expenses, making more sales appear below cost. Unlike many private lands, National Forest System lands are managed for multiple uses—recreation, wildlife habitat, and forest products. If anything, the fiscal arguments used by proponents of this amendment only prove that, indeed, federal regulatory mandates are quite expensive.

Ironically, this amendment is actually counterproductive for the environment as well. We have well over sixty-five million acres of the National Forest System at risk of catastrophic wildlife, disease, and insect infestation. The high fuel loads created by a century of fire suppression, and eight years of passive forest management have set up our national forests for catastrophic wildlifes that threaten homes, wildlife, and watersheds. Mechanical removal through timber sales can be an efficient and economical tool to reduce these wildfire risks, and it should be available to the professional foresters of the Forest Service.

Despite its strong backing from environmental groups, the Bryan amendment will do nothing for global environmental stewardship as long as we, in the United States, continue to consume more wood products. During the assault on public lands industries under this administration, the amount of timber sold from our federal forests has dropped by nearly eighty percent. Predictably, our lumber imports have jumped by fifty percent over the same time. In other words, further cutting our domestic federal timber program may be a feel-good move for some, but it will merely serve to encourage the shift of U.S. timber consumption to forests in foreign countries. Many of these source countries do not have the rigorous environmental standards we have in the U.S.—so we should ask ourselves whose environment we are really saving with this amendment, and at what cost.

What is particularly troubling for me about this kind of attack on the timber sale program is that Oregon has some of the best forests for timber production in the world. Certainly, Oregon forests are able to regenerate this renewable resource in a much more environmentally sound way than some of the foreign forests on which we have come to depend for our wood products needs. Yet in Oregon we have seen an even steeper decline in federal timber harvests than the nation as a whole during the Clinton-Gore years—more than ninety percent. Over a hundred mills have closed in my state and thousands of family-wage jobs in rural counties have been lost. Just last month, two more wood products facilities closed—one in Dallas, Oregon and one in Wallowa, Oregon. The Bryan amendment will just exacerbate the transfer of these jobs to foreign timber producers.

Mr. President, I'm not saying that there isn't a place for environment and recreational purposes on our federal lands—there certainly is. However, I believe strongly that we must manage our federal lands in a balanced way, so that we are good stewards of the land and meet some of our human needs for timber and recreation at the same time. Unfortunately, the amendment before us is just another attempt to export jobs and timber harvests overseas at the expense of rural America. I urge my colleagues to reject the Bryan amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this is another attempt to do away with the timber program and the salvage program, and all those associated with them. If you want to do something about fires, or the safety of the forests, or the health of the forests, what you do is maintain a healthy harvest situation. In other words, it just makes a lot of sense. It is the old idea of the Government having to own all the land. You have to harvest those trees. To take the money away from it does not get to the environmental objective that a lot of us want to get to.

I hope my colleagues will reject this amendment.

Mr. BRYAN. Might I inquire, is there any more time remaining on my side?

The PRESIDING OFFICER. There is not. The question is on agreeing to amendment No. 3883. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—45

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Chafee, L.
Cleland
Conrad
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Craig
Crapo
Daschle
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Murray
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Coverdell

The amendment (No. 3883) was rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the votes in the next series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I ask unanimous consent that the Lieberman amendment be postponed and be put last on the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3884

Under the previous order, there are 2 minutes equally divided on the Nickles amendment numbered 3884.

Mr. NICKLES. Mr. President, this amendment would basically say there would be no new national monuments unless authorized by an act of Congress.

Under the Antiquities Act, this administration just this year declared 2 million acres to be national monuments.

I happen to be a fan of national monuments, but I think we should have local input. We should have the Governors say whether or not they are for it. We should have local communities testify before Congress. We should have some input. Right now, that is not happening.

Prior to the last election, the President stood at the Grand Canyon and declared 1.7 million acres in Utah a national monument. This year, he declared 2 million acres. In contrast, that compares to 86,000 acres by Presidents Nixon, Ford, Reagan, and Bush. President Johnson declared 344,000. This President has already declared 2 million acres this year.

I think Congress should have some input. We should authorize it by an act of Congress.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Nickles amendment is a historic vote. Since 1906, virtually every President of the United States has used the Antiquities Act to protect valuable, irreplaceable national treasures, such as the Grand Tetons and Olympic National Park.

With this Nickles amendment, the party of Teddy Roosevelt officially abandons its commitment to his environmental legacy. Without as much of a minute of hearings on this issue, the Nickles amendment strips the President of the authority he has had for generations to protect America's natural and national treasures. The Grand Old Party works overtime to protect the legacy of the wealthy from taxation but refuses to protect the legacies of meadows, rivers, mountains, and forests for our children.

Vote "no" on the Nickles amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask for a rollcall on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3884. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—49

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Craig
Crapo
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Chafee, L.
Cleland
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Coverdell

The amendment (No. 3884) was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in a very short period of time now, we can adopt two amendments that have now been agreed to.

AMENDMENT NO. 3811

Mr. GORTON. Mr. President, I ask unanimous consent we now proceed to consider the Lieberman amendment No. 3811.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, the amendment has now been agreed to by all sides.

We yield back all time.

The PRESIDING OFFICER. All time being yielded back, the question is on agreeing to the amendment.

The amendment (No. 3811) was agreed to.

AMENDMENT NO. 3887

Mr. GORTON. Mr. President, I ask unanimous consent that we now proceed to the Bingaman amendment No. 3887.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3887, AS MODIFIED

Mr. GORTON. Mr. President, an agreement has been reached on this amendment, which requires a modification. I send the modification to the Bingaman amendment to the desk and ask unanimous consent that it be so modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To express the sense of the Senate regrading the protection of Indian program monies from judgment fund claims)

On page 163, after line 23, add the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) in 1990, pursuant to the Indian Self Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the ISDEAA (*Ramah Navajo Chapter* v. *Lujan*, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling $76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of $82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund;

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in Ramah resulted primarily from the non-payment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) repayment of the judgment fund for the partial settlement in Ramah from the accounts of the Bureau of Indian Affairs and Indian Health Service would significantly reduce funds appropriated to benefit Tribes and individual Native Americans; and

(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in Ramah within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.

Mr. BINGAMAN. Mr. President, this amendment is intended to express the sense of the Senate that repayment of the judgment fund for the partial settlement in the Ramah Navajo Chapter v. Lujan case from Indian program funds within BIA and IHS would significantly reduce the funds appropriated to benefit Tribes and individual Native Americans across the country.

This unprecedented partial settlement was the result of a lawsuit filed in 1990, pursuant to the Indian Self-Determination and Education Assistance Act against the United States, the Secretary of Interior Manuel Lujan, and others.

The Ramah Chapter of the Navajo Nation in northwest New Mexico initiated the lawsuit to recover damages for the alleged non-payment or underpayment of indirect costs, related to 638 contracts it entered into with several federal agencies.

This suit became a class action suit and currently involves over 326 class members made up of tribal contractors and tribal consortia from across the country.

In 1997, the Tenth Circuit Court of Appeals found that the tribes involved were underpaid and that several federal agencies were involved in the non-payment and underpayment of indirect costs.

Last year, the federal agencies and the plaintiffs negotiated a partial settlement totaling $76,200,000, plus applicable interest.

This partial settlement was paid by the United States in September 1999.

Many people do not realize that Congress established a Judgment Fund to pay for legal judgments awarded to plaintiffs who sue the United States. This enables plaintiffs to be paid the amount of their judgment without having to wait for Congress to appropriate funds for each case.

Years later, in 1978, Congress passed the Contract Disputes Act and required that the Judgment Fund be reimbursed by the responsible agency after an award is paid from the judgment fund.

The problem we have today is the Department of Interior, namely the Bureau of Indian Affairs, has been billed for the entire amount of the partial settlement in the Ramah case. With interest, this totals approximately $83 million.

Many tribes are concerned that if BIA has to pay back the judgment fund from available funds, Indian programs will be significantly impacted. I share their concern.

I introduced this amendment to shed some light on this issue and to encourage the federal agencies to resolve this matter in a way that does not severely impact Indian programs.

It does not seem appropriate to me that Indian program funds—funds that benefit tribes and individual Indians—should be used to pay for a lawsuit brought by tribes and tribal entities.

Because there were many agencies involved in the underpayment of the contract support costs, I believe the Secretary of Interior should work with the OMB to find the funding from within the budgets of all of the agencies involved.

Any other result would be unjust and unfair to Native Americans across the country.

I encourage my colleagues to support this sense of the Senate and I thank

Senator CAMPBELL for his leadership in this area and his support of this amendment.

Mr. CAMPBELL. Mr. President, I am pleased to join Senator BINGAMAN and others in this Sense of the Senate Resolution related to a class action lawsuit that was filed some years ago by several Indian tribes against Secretary Babbitt for failure to fully pay for contract support costs necessary for tribal contractors to carry out Federal programs and services under the Indian Self Determination and Education Assistance Act of 1975, as amended, 25 U.S.C. 450 et seq.

To fully understand this issue a little background is in order. I was the proud sponsors of S. Res. 277, commemorating the 30th anniversary of President Nixon's "Special Message to Congress on Indian Affairs" in which he laid the foundation for modern Federal Indian policy—Indian Self Determination. Built on the twin pillars of political self determination and economic self sufficiency, this policy continues to be a driving force in the economic progress some tribes are making.

The 1975 ISDEA was enacted to further this policy by authorizing Indian tribes to contract for the performance of Federal programs and services by "stepping into the shoes" of the United States.

Now, 25 years later, nearly one-half of the Bureau of Indian Affairs and Indian Health Service programs and services are subject to tribal contracts and compacts.

To facilitate these contracts, the United States is obligated to provide the administration costs—or "contract support costs"—to those tribes that carry out ISDEA contracts, just as it does to military contractors, research universities and other entities.

The Ramah Navajo Chapter v. Babbitt case resulted in a judgment of $82 million against the U.S. to be paid from the Judgment Fund for failure to pay these contract support costs. Under the law applicable to this case, the Treasury Department may seek to have the BIA reimburse the Judgment Fund for this amount. The funds for reimbursement would come from the BIA's operating budget, resulting in manifest inequity for not only the plaintiff tribes but for all tribes who depend on BIA funds for core programs such as law enforcement, education, child care, and others.

This sense of the Senate amendment would not prevent the kind of reimbursement that the tribes and I fear, but expresses the consensus of the Senate that the agencies involved—the BIA and the IHS—should declare Indian program funds unavailable for purposes of reimbursement.

I remain hopeful that stronger language can be crafted to protect these funds, and in the interim lend my support to this amendment. I want to commend Senator BINGAMAN for his hard work in finding a solution that does not run afoul of the budget rules and commit to working with him and others as we proceed to conference in this bill.

The PRESIDING OFFICER. Is all time yielded back on the Bingaman amendment, as modified?

Mr. GORTON. All time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3887, as modified.

The amendment (No. 3887), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, regular order.

AMENDMENT NO. 3886

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to a vote on the Bond second-degree amendment No. 3886 to the Boxer amendment.

The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that Senators LINCOLN, KERREY of Nebraska, and ROBERTS be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I yield 30 seconds to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise in support of this bipartisan amendment which prevents funds from being used for the application of unapproved pesticides in areas that may be used by children and directs the Secretary of the Interior to work with EPA to ensure that pest control methods do not lead to unacceptable exposure to children.

We updated the safety standards for pesticides, with specific safety factors for children, in 1996.

This amendment allows EPA to do its job. The Boxer amendment seeks to regulate pest control products from the Senate floor, thereby ignoring the scientific tests EPA requires for pesticide registrations.

I urge Members to support the Bond second-degree amendment and to let EPA do its job of regulating and ensuring safety for all of us, including our children.

Mr. ROBERTS. Mr. President, I rise today in support of the Bond second-degree amendment to the amendment offered by my colleague from California.

I agree with the intentions of the amendment offered by the Senator from California. All of us want to protect the health of our children. However, I do not believe her amendment does this. In fact, I believe it could actually harm the health of children.

In 1996, Congress approved, nearly unanimously, the Food Quality and Protection Act. The FQPA was intended to reform pesticide tolerance and review processes dating from as far back as the 1950s. Quite simply, prior to the passage of the FQPA the standards being used to evaluate pesticides and chemicals was not in step with today's science.

Under the FQPA we tightened the review standards. Their are specific guidelines for pesticide and tolerance review by EPA. And, EPA has tightened the requirements regarding the effects of the pesticides on children. If EPA believes a chemical or pesticide could be harmful to children, it can pull, or request that a product be pulled from the market. In fact, this has happened in several instances.

EPA should and will pull a chemical when children's and the public's health are at risk. At the same time, I want my colleagues to understand that without these pesticides we may be submitting our children to health risks associated with roaches, brown recluse spiders, ticks, mosquitoes, and other pests.

By passing the Senator from California's amendment, we may actually be tying the hands of our federal officials and keep them from protecting children from these pests.

The Bond amendment recognizes that we already have a review and approval process in place. It says that if a chemical has not been deemed safe to use around children it cannot be used by the federal agencies funded under this act. Congress has put a product review process in place. It should be followed. The Bond amendment stays the course and I urge my colleagues to support his amendment.

Mr. BOND. Mr. President, the underlying amendment circumvents the science-based process at EPA which includes explicit and stringent protections for children.

Additionally, it places children at risk by prohibiting EPA-approved products that protect our children from diseases such as asthma, encephalitis, malaria, Lyme disease, brown recluse spiders, and others.

EPA does not support this amendment, and the amendment is based on the shockingly false premise that EPA does not care enough about children to protect them as mandated by law.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have no problem with the Bond-Lincoln amendment, but it does nothing. All pesticides that are on the market today are approved by EPA. There are none that are not. This is a sham amendment to kill my underlying amendment, which already passed this Senate 84-14 when I offered it on the Department of Defense Appropriations bill.

Simply put, what we are saying is, for preventive and routine application of pesticides in national parks—where children play—don't use the most toxic pesticides, those that are identified by the EPA as known or probable carcinogens, acute nerve toxins or organophosphates, carbamates or organochlorines. EPA has identified these pesticides as those "which appear to pose the greatest risk to public health." In a June 13, 2000 letter, EPA states that it "strongly supports the goal" of my amendment.

EPA supports what we are trying to do because they have a mission, which is to protect kids. While it's true that the Food Quality Protection Act of 1996 required EPA to ensure that its standards protect children, the fact is, EPA is not implementing this provision consistent with congressional intent. EPA has only applied the "safety factor" referred to by my colleague from Arkansas in nine—just nine—of the thousands of cases it has reviewed. EPA is currently being sued because it is not enforcing this important provision.

So what we are saying is, for the preventive and routine application, do not use these highly toxic pesticides unless there is an emergency, because children are not adults—they are rapidly growing, they are rapidly changing and they are, as a result, uniquely vulnerable to these toxins.

In its report, Pesticides in the Diets of Infants and Children, the National Academy of Sciences tells us that children are uniquely vulnerable to the exact toxins targeted by my amendment. The NAS also tells us that current EPA standards "could result in the permanent loss of brain function [in children] if it occurred during prenatal or early childhood period of brain development."

I am voting for the Bond amendment. And I am coming right back with my first degree amendment to protect children from these dangerous pesticides.

I suggest the absence of a quorum.

Mr. BOND. I ask unanimous consent——

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3886 offered by the Senator from Missouri.

Mr. BYRD. Mr. President, what is the question on which we are voting?

The PRESIDING OFFICER. The question is on agreeing to the Bond second-degree amendment No. 3886 to the Boxer amendment.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Coverdell

The amendment (No. 3886) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3912 TO AMENDMENT NO. 3885

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3912 to amendment No. 3885:

At the end of the amendment, add the following: "None of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children and pregnant women may be present."

Mrs. BOXER. Mr. President, this is an important amendment. What we are saying is, for routine pesticide spraying in our national parks where children play and pregnant women are present, that the Park Service should use the least toxic pesticides. In other words, for routine use, don't use pesticides that are known carcinogens, probable carcinogens, or that are toxic to the nervous system. These pesticides are identified by EPA as "those which pose the greatest risk to public health."

I would like to place into the RECORD a June 30, 2000 letter from EPA to my colleague Senator BOND where EPA states that fact.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 30, 2000.

Hon. ROBERT SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding follow up questions to the June 13, 2000 nomination hearing of Mr. James Aidala before the Senate Committee on Environment and Public Works. Enclosed are the questions with the Administration's responses. Should you require any additional information, please contact me, or your staff may contact Ron Bergman at 564-3653.

Sincerely,

DIANE E. THOMPSON,
Associate Administrator.

Enclosures.

ENCLOSURE 1

(1) Is it accurate that EPA supports enactment into law of amendment #3308 as written?

As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

(2) If EPA supports elimination of the products restricted in amendment #3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgement.

EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA is ready to work with the Department of Defense (DoD) and others to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effect has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances.

When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

(3) If EPA opposes the amendment, supports changes to the amendment, or has concerns with the amendment, why was that not expressed in the letter?

As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

(4) If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the scheduled floor consideration of the amendment. As Mr. Aidala testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue.

(5) Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the Committee?

At the time of Mr. Aidala's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aidala was only aware that Senator Boxer was considering introducing such an amendment.

(6) If you were not, were you subsequently consulted?

Mr. Aidala was subsequently informed that EPA's Office of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views.

(7) If you were not consulted, why were you not consulted?

Not applicable.

(8) Please reconcile your testimony with the letter.

The letter and, to the best of our understanding, Mr. Aidala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

(9) Does EPA already protect children on military bases from harmful pesticides?

The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

(10) If not, why not?

Not applicable.

(11) If so, why is this legislation necessary?

EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

(12) List the products that would be impacted by this amendment?

As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

(13) Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

(14) Do any of these products have positive benefits to children's health?

When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

(15) If so, is there any risk to children if Congress prevents the availability of these products?

EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

(16) What is the availability and cost of substitute products?

Again, EPA would need to know more about the DoD's pest control needs to make that determination.

(17) Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

There would be many other products affected that were not part of last week's agreement, although chlorpyrifos products would be part of the list of affected pesticides.

(18) If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

(19) Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

(20) Is EPA, in general, supportive of Congress substituting its own judgment in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA stands ready to work with Congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

(21) In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

Mrs. BOXER. I would also like to place into the RECORD a letter from EPA stating that the agency supports the goals of my amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 13, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: Thank you for the opportunity to express the views of the U.S. Environmental Protection Agency on your amendment to the appropriations bill for the Department of Defense. This amendment would prohibit the expenditure of funds for the preventative application of certain categories of hazardous pesticides in areas owned or managed by the Department of Defense, if the area may be used by children. Examples of such areas include: parks, base housing, recreation centers, and day care facilities.

The EPA strongly supports the goal of the proposed amendment to prevent unnecessary exposure of children to highly hazardous pesticides. We consider protection of children from unnecessary exposure to pesticides to be one of our highest priorities. Before EPA registers a new pesticide for any use, we evaluate its potential human health effects, including effects on children, using the best scientific data available. We conduct an extensive scientific evaluation to ensure that pesticides will not cause short-term effects, such as skin and eye irritation, or more persistent effects, such as birth defects, reproductive system disorders, and cancer.

As you know, the Food Quality Protection Act of 1996 (FQPA) directs EPA to bring the same scientific scrutiny to the review of all pesticides previously approved for food use so that we can be sure that we are providing the full measure of protection for children. Under the FQPA, the Agency has identified the pesticides which appear to pose the greatest risk to public health. These pesticides, which receive the highest priority for reassessment, include the categories identified in the Boxer-Reed amendment: organophosphate, carbamate, and organochlorine pesticides, potential human carcinogens, and neurotoxic compounds.

EPA stands ready to work with the Department of Defense and other federal agencies to design safe, effective methods of pest control that do not lead to unacceptable exposure of children to these hazardous materials.

Sincerely,

MICHAEL MCCABE,
Acting Deputy Administrator.

Mrs. BOXER. Contrary to statements you have heard today, EPA is not opposed to my amendment.

Now, the Senate is already on record as voting for this before by a vote of 84–14. I hope we will see that type of a vote today. I just have to say this. There are scare tactics being used that say if there is an emergency, they could not use the highly toxic pesticides targeted by my amendment. Untrue. We have drawn up this amendment in such a way that only applies to the routine, preventive use. So please support us.

The children in this country are counting on us to protect them. The National Academy of Sciences has told us that children are vulnerable to the dangers posed by the pesticides targeted by my amendment. Most important, the NAS has told us that current EPA standards don't protect our children from those dangers. At a minimum, we should protect our children. Please vote aye.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I stated before that this approach proceeds on the outrageous assumption that the Clinton-Gore-Browner administration in EPA is not doing its job of regulating pesticides. Children would be placed at risk if we banned these pesticides. And contrary to what was said in the DOD debate, EPA does not support the underlying amendment.

I ask unanimous consent that a June 30 letter from EPA, which states they have not reviewed it, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 30, 2000.

Hon. ROBERT SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding follow up questions to the June 13, 2000 nomination hearing of Mr. James Aidala before the Senate Committee on Environment and Public Works. Enclosed are the questions with the Administration's responses. Should you require any additional information, please contact me, or your staff may contact Ron Bergman at 564-3653.

Sincerely,

DIANE E. THOMPSON,
Associate Administrator.

Enclosures.

ENCLOSURE 1

(1) Is it accurate that EPA supports enactment into law of amendment #3308 as written?

As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

(2) If EPA supports elimination of the products restricted in amendment #3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgment.

EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA is ready to work with the Department of Defense (DoD) and others to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effort has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances. When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

(3) If EPA opposes the amendment, supports changes to the amendment, or has concerns with the amendment, why was that no expressed in the letter?

As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

(4) If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the secluded floor consideration of the amendment. As Mr. Aidala testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue

(5) Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the Committee?

At the time of Mr. Aidala's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aidala was only aware that Senator Boxer was considering introducing such an amendment.

(6) If you were not, were you subsequently consulted?

Mr. Aidala was subsequently informed that EPA's Office of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views

(7) If you were not consulted, why were you not consulted.

Not applicable.

(8) Please reconcile your testimony with the letter.

The letter and, to the best of our understanding, Mr. Aidala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

(9) Does EPA already protect children on military bases from harmful pesticides?

The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

(10) If not, why not?

Not applicable.

(11) If so, why is this legislation necessary?

EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

(12) List the products that would be impacted by this amendment?

As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

(13) Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

(14) do any of these products have positive benefits to children's health?

When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

(15) If so, is there any risk to children if Congress prevents the availability of these products?

EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

(16) What is the availability and cost of substitute products?

Again, EPA would need to know more about the DoD's pest control needs to make that determination.

(17) Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

There would be many other products affected that were not part of last week's agreement, although chlorpyrifos products would be part of the list of affected pesticides.

(18) If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

(19) Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

(20) Is EPA, in general, supportive of Congress substituting its own judgement in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA stands ready to work with congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

(21) In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

Mr. BOND. Mr. President, there are great efforts in the EPA to protect children. They have special protections for infants and children. These products are important for sterilization of medical instruments, pest control, and other uses that are potentially beneficial to children.

I yield the remaining time to the Senator from Kansas.

Mr. ROBERTS. Mr. President, I agree with the intentions of the amendment by my distinguished friend and colleague from California.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. All of us should support Senator BOND.

Thank you very much.

The PRESIDING OFFICER. The question is on amendment No. 3912 to amendment No. 3885. The yeas and nays have been ordered. The clerk will call the roll. The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—41

Akaka
Bayh
Bingaman
Boxer
Bryan
Byrd
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NAYS—58

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Craig
Crapo
DeWine
Domenici
Edwards
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerrey
Kyl
Landrieu
Lincoln
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Coverdell

The amendment (No. 3912) was rejected.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent to address the Senate for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I remind Senators that the two models of the World War II memorial that will be on The Mall are down in S-128 with people there to explain. It will come before the Fine Arts Commission this week for a final approval. Senator INOUYE and I have been to see it. We urge Members to see the memorial and understand it. I think it will become a controversial subject in the near future.

AMENDMENT NO. 3885, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the underlying BOXER amendment, as amended.

The amendment (No. 3885), as amended, was agreed to.

CITY OF CRAIG, ALASKA

Mr. STEVENS. Mr. President, I would like to engage the distinguished manager of the Interior appropriations bill in a short colloquy regarding a provision of interest to me. My amendment provides an appropriation to recompense an Alaskan community for its inability to receive a municipal land entitlement under the Alaska Statehood Act and Alaska state laws.

The city of Craig is a small town located on the southern end of Prince of Wales Island in southeast Alaska. It is the only community in southeast Alaska which was unable to receive a municipal entitlement under Alaska state law. This is a result of a 20-year process in the 1960s and 1970s by which the U.S. Forest Service and State of Alaska could not agree on the process for State selections under the Alaska Statehood Act at Craig.

In 1971, Congress passed the Alaska Native Claims Settlement Act. ANCSA authorizes the Secretary of Agriculture to work with the State "for the purpose of effecting land consolidations or to facilitate the management or development of the land. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged."

Despite this authority, the implementation of the act in southeast Alaska simply resulted in Alaska Native land selections completely surrounding Craig. Under ANCSA, these selections are not taxable or subject to condemnation unless the land is developed. As a result, Craig and its residents of about 2,500 people live on only 300 acres of privately and municipally owned land. This is insufficient as a tax base to support the community. My colleague and chairman of the Energy and Natural Resources Committee introduced S. 1797 to solve this problem. That bill which I cosponsored and which has passed the Senate unanimously would provide a land grant to Craig of approximately 4,300 acres.

However, I recently have been informed by the administration that it believes a direct monetary grant to Craig is a better way to resolve this situation. The amendment which is to be added to the bill would provide for this payment.

Mr. MURKOWSKI. Mr. President, as chairman of the Energy and Natural Resources Committee, I held a hearing on this issue and on S. 1797—that bill will provide a grant of lands. While I would be happy to have that bill passed into law, I plan to work to that end. However, to assure that Craig is not left with nothing, I would also support this solution. It is my hope that one of these two approaches can be accomplished this year.

My committee's hearing provides a clear record that Craig is in a unique position being the fastest growing city in Alaska and the regional center for Prince of Wales Island. The city fathers are struggling to keep up with the demands for services as people from all over the island move to Craig looking for work. The city submitted its financial records which showed its problems. Our committee responded with S. 1797.

Mr. GORTON. The Senator is correct that this amendment would provide for such a payment. I am happy to accept this amendment from my colleagues from Alaska.

FISH AND WILDLIFE SERVICE

Mr. LEVIN. Mr. President, I congratulate the chairman and ranking member of the Appropriations Committee for presenting the Senate with an Interior appropriations bill which addresses so many of the Indian, natural resource, and energy issues confronting America today. I also want to reiterate my support for a program of great interest to me and my colleagues from the Great Lakes states.

The Great Lakes Fish and Wildlife Restoration Act authorizes funding for a grants program for the implementation of fish and wildlife restoration projects recommended in the Great Lakes Fishery Resources Restoration Study. Enthusiasm for this program has been high and proposals for grants have exceeded available funds. Nevertheless, the Administration has proposed discontinuation of these grants in its budget request. I thank the chairman and ranking member for recognizing the value of Great Lakes fish and wildlife restoration grants and maintaining funding for these grants at this year's $398,000 level.

I would like to ask the distinguished ranking member if, should additional funds become available, he would consider increasing the grants funding for the Great Lakes Fish and Wildlife Restoration Program by an additional $500,000?

Mr. BYRD. Mr. President, I want to thank the distinguished Senator from Michigan and our colleagues from the Great Lakes states for highlighting the importance of Great Lakes Fish and Wildlife Restoration grants to the chairman and myself. We are pleased to recommend continuation of this program which is so vital to the fish and wildlife of the Great Lakes. I assure the Senator that the conferees will keep this program in mind, should additional funds become available for the appropriations in this bill.

Mr. LEVIN. I thank my friend from West Virginia.

FUNDING FOR NATIONAL PARKS

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for the Department of Interior and Related Agencies, I wonder if the distinguished Senator from West Virginia would answer two questions regarding funding for the National Park Service?

Mr. BYRD. I would be pleased to offer my views about this bill to my friend from Michigan.

Mr. LEVIN. I am aware that the bill before us contains funding for Operations of the National Park System in the amount of $1,443,795,000, which is more than $80 million above the Fiscal Year 2000 level. I am also aware that approximately $25.6 million has been provided for increases in the base operating budgets of more than 80 parks and related sites, including increases of $325,000 for Isle Royale National Park and $850,000 for Keweenaw National Historic Park. I greatly appreciate that the chairman and ranking member have been able to provide these amounts. I must say to my colleagues, though, that there is also a significant need for operating increases at other Michigan parks such as the North Country National Scenic Trail and Sleeping Bear Dunes National Lakeshore. I would like to ask the distinguished Senator from West Virginia whether such additional needs, including those above the President's request, will be considered in conference, or, in the event additional resources are not available, whether he would consider a reallocation of operational funds for Michigan parks?

Mr. BYRD. While the increases provided in the bill for base operating increases are essentially spoken for, I will certainly be mindful of the needs identified by the Senator should additional funding become available in conference.

Mr. LEVIN. I thank the Senator from West Virginia for his answer, and if he will indulge me a few moments more, I would like to also inquire about land acquisition funding for the National Park Service.

First let me say that, while the administration did not include the Sleeping Bear Dunes National Lakeshore in its Fiscal Year 2001 land acquisition request, I nevertheless appreciate your support, Senator BYRD, in obtaining $1.1 million for acquisition of the LaPorte property. I would ask, however, if the Senator would be willing to consider in conference a second request of $4 million for purchase of the Barratt property at Sleeping Bear Dunes should additional funds become available as the appropriations process continues?

Mr. BYRD. Again, I thank the Senator for his question. As my friend from Michigan may know, the Interior subcommittee received over 2,000 Member requests for funding for particular projects, accounts or activities. It is not an easy task, of course, to strike a satisfactory balance between the thousands of requests on the one hand, and the subcommittee's limited resources on the other. However, I am aware that the Sleeping Bear Dunes National Lakeshore is of great importance to the Senator from Michigan and the people he represents, and I was therefore pleased to be able to secure funding for the LaPorte land acquisition. I can also assure my friend that I will carefully consider his Barratt property request should additional resources become available later in the year.

Mr. LEVIN. As always, I appreciate the courtesy of the distinguished Senator from West Virginia.

CAT ISLAND

Mr. COCHRAN. Mr. President, as the distinguished chairman of the subcommittee may be aware, Cat Island is the last remaining private island that lies outside the Gulf Islands National Seashore. Located so close to the mainland, Cat Island has many natural and recreational resources that make it an attractive target for development.

For the past couple of years, the owners of this property have been extremely patient while working with the Mississippi delegation and the National Park Service to ensure that their property is included in the Gulf Islands National Seashore, while competing development offers have been on the table. H.R. 2541 has passed the House of Representatives, allowing the Park Service to acquire this tract. A companion bill, S. 2638, is now pending here in the Senate, where I hope it will move forward expeditiously and be enacted this year.

Because this process has taken longer than expected, it is now critical that funding for the first phase of this project be provided this year through the Land and Water Conservation Fund should the enabling legislation be enacted. There is $2,000,000 in the House-passed Interior Appropriations bill which is a good start, but it provides well below the amount needed for Phase I of this project. In fact, the first phase will require $10 million. Therefore, I request the chairman's assistance in working with me to fund the first phrase of Cat Island, providing that additional funding be made available as the Interior appropriations bill moves toward conference.

Mr. GORTON. The report accompanying this bill reflects the willingness of the committee to consider funding for acquisition of Cat Island, Mississippi, should the enabling legislation be enacted this year. I understand the urgency of this project and the need to provide adequate funding this year. With this in mind, should additional allocations be made available for this bill as it moves through the process, I will work with the Senator to ensure that this worthy project receives our full consideration.

Mr. COCHRAN. I appreciate the Chairman's consideration of my request and his willingness to work with me both last year and this year to further this important project. I hope that the enabling legislation will be completed by the time the Interior bill reaches conference and that we can work together to make Cat Island a success this year.

BLACK LIQUOR GASIFICATION

Mrs. LINCOLN. Mr. President, I want to thank the distinguished gentlemen from Washington and West Virginia for their leadership in shepherding this bill through Committee and to the floor. I recognize that the Committee was faced with requests that went far beyond the Committee's budget, and I commend the leaders for successfully balancing the myriad of requests with which they were presented.

I want to bring to my colleagues' attention one particular program that I believe is worthy of additional funding in Conference. Would the Senator from West Virginia agree that encouraging the forest and paper products industry to achieve greater energy efficiency is a worthy goal?

Mr. BYRD. Yes, I would agree that is a worthy goal.

Mrs. LINCOLN. Since we agree with that goal, I am sure the Senator shares my support for a program within the Department of Energy that will encourage the forest and paper products industry to utilize resources that are readily available on site to produce energy. By utilizing wood and bark residues and spent pulping liquor in a process called black liquor gasification, the industry could potentially improve on site electricity generation by 300%–400% over existing cogeneration systems. Given these benefits, would the Senator agree that increasing funding for the black liquor gasification program should be pursued in Conference?

Mr. BYRD. Yes, I share the Senator's support for the program and will support efforts to find additional funding for the program.

Mrs. LINCOLN. I thank the gentleman.

INDIAN TRUST SERVICES PROGRAMS

Mr. INOUYE. Mr. President, resolving Indian trust management issues should be one of the foremost priorities of this Congress. Ever since the passage of the Dawes Act in 1887, serious problems have plagued the Federal government's trust management efforts. Due to recent congressional interest and support, the Department of the Interior has been able to make significant progress in reforming its trust management systems. Working in collaboration, the Bureau of Indian Affairs and the Office of the Special Trustee are:

Instituting a national, state of the art, trust asset management system;

Implementing a revised Trust Management Improvement Project High Level Implementation Plan; and

Instituting improvements in systems, operations, and policies that will help ensure that the Federal government meets its fiduciary obligations to Indian Tribes and individual American Indians.

The subcommittee's efforts to provide full funding for the Trust Management Improvement Project under the Office of the Special Trustee should be applauded. However, I am very concerned that the Senate mark does not fully fund the Bureau of Indian Affair's trust services programs. All of our efforts to reform trust management could become meaningless if BIA can't sustain these reforms by providing the funding and staffing to properly manage the trust land that produces trust income, to produce accurate and timely land title information, and provide timely closing of long open estates.

I would like to work with the gentleman from Washington, Senator GORTON, and other concerned members, as the budget process continues, to provide additional resources for BIA's trust programs if funds become available.

Mr. GORTON. Mr. President, I would be pleased to work with the gentleman on that endeavor.

Mr. INOUYE. I would like to thank the Chairman from Washington State for his support. I look forward to working with him to secure the resources necessary to institutionalize and maintain trust management improvements in the future.

RED MOUNTAIN PROJECT

Mr. CAMPBELL. Mr. President, I take this opportunity to express my support for the acquisition of Red Mountain in my home state of Colorado. This site should be preserved because of its mining history and natural beauty. I look forward to working with the chairman of the Interior Subcommittee to ensure its funding in the future.

Mr. ALLARD. I would like to engage the chairman briefly on an important Land and Water Conservation project in my state of Colorado called the Red Mountain project. Specifically, the first phase of the project owned by Idarado Mining Co.

Mr. GORTON. I would be happy to oblige the Senator.

Mr. ALLARD. The Red Mountain project, located in the communities of Silverton and Ouray Colorado, is a top priority for the U.S. Forest Service this year.

Red Mountain is a 10,500 acre site that is one of the most nationally renowned scenic and historic resources in Southwestern Colorado. Before the Silver Crash in 1893, Red Mountain was a vibrant mining town, home to thousands of miners and their families, living in four communities and working dozens of rich silver mines. Today, the remnants of this community have been designated by Ouray and San Juan Counties as a historical landmark, and just named one of the National Trust for Historic Preservation's 11 most endangered sites in America. In addition, Red Mountain contains extensive habitat for endangered species as well as other sensitive species. The area offers an abundance of recreation opportunities to one million visitors annually—from hiking, biking and four-wheel driving to cross country skiing and mountaineering.

As you may know, this year although the Forest Service recommended $10 million in its FY01 budget for a Colorado project called Silver Mountain, we have received correspondence from the Forest Service indicating that this project is no longer viable. In addition, the U.S. Forest Service has further indicated that the Red Mountain project is a top priority for funding this year. Therefore, I urge you to consider allocating the $10 million from the Silver Mountain project to the Red Mountain project as the Interior bill moved toward conference.

Mr. GORTON. Unfortunately, due to our subcommittee's allocation, there was not enough room in the Senate mark to cover many good Land and Water Conservation Fund projects. As the bill moves forward, if there is an opportunity to reconsider this project, I will make every effort to do so especially given the unusual circumstance surrounding the FY01 US Forest Service budget request. With the budget flexibility provided by the Forest Service in its recent correspondence, I feel confident that this will help the Red Mountain project as the bill moves forward.

Mr. ALLARD. I sincerely appreciate the Chairman's consideration of my request and understand the predicament he was in with respect to his allocation. Given the immediate needs of this project, I appreciate the Chairman is willing to work with me to find ways to fund the first phase of the Red Mountain project this year.

Mr. GORTON. I will continue to work with you toward that end.

LINCOLN PRESIDENTIAL LIBRARY

Mr. FITZGERALD. Mr. President, I would like to take this opportunity to ask the Chairman of the Interior Appropriations Subcommittee about the Abraham Lincoln Presidential Library that is planned for construction in Springfield, Illinois.

Currently, the Nation is without an institution that honors the legacy of one of our greatest Presidents, Abraham Lincoln. The Lincoln Library would serve as museum and interpretive center, allowing visitors and scholars to learn about the events that shaped Lincoln's life and the contributions that he made to the history of our country.

Mr. DURBIN. I join my colleague from Illinois in recognizing the need for a Lincoln Library. Twelve Presidents, as well as Confederate leader Jefferson Davis, currently have presidential libraries. Abraham Lincoln, as the man who preserved the Union, truly deserves such an institution where people from around the world can learn about his great achievements.

This project enjoys tremendous support at the federal, state, and local levels. The entire Illinois Congressional Delegation, the Illinois General Assembly, and City of Springfield have all expressed their strong support for this library to be completed. The State of Illinois has contributed $50 million, and the City of Springfield $10 million, to begin construction on the interpretive center. In addition, the Lincoln Library received $3 million from the FY 2000 Interior Appropriations Bill. While these federal funds are greatly appreciated, we need a stronger federal commitment to make sure construction of the Library can get underway. I would like to ask the Senator from Washington if there is any possibility to receive increased funding from the FY 2001 Interior Appropriations Bill for this important endeavor.

Mr. GORTON. I understand the importance of the Abraham Lincoln Presidential Library to my colleagues from Illinois, their constituents, and the nation. While the Lincoln Library is an important project, the Interior Appropriations Subcommittee has received many important requests, for Fiscal Year 2001, that have received precedence, due to the fact that they have been authorized.

The Lincoln Library project is a worthy project, and if the project receives authorization, the Committee will again review the project and give it strong consideration.

Mr. BYRD. I agree with the Chairman of the Subcommittee.

SECTION 326 OF HR 4578

Mr. KERRY. Mr. President, I would like to clarify for the record the intent of language included in Section 326 of the Interior Appropriation fiscal year 2001 bill. I want to point out that interagency coordination of Federal resources is desirable and certainly something many of us have been supporting as a way to eliminate wasteful bureaucratic redundancies. We don't want to spend money in Washington duplicating positions and processes. We want money in the field helping local communities. The language in Section 326 refers to the American Heritage Rivers Initiative, which is coordinated by an interagency committee that serves that purpose for communities seeking technical assistance and opportunities for Federal grants. I would like to point out that this initiative has proven to work well for the participating communities in my state and others.

It is my understanding that this language does not prohibit Federal agencies funded through this appropriation from working on or coordinating with each other to support American Heritage Rivers projects. Further, I understand that this language does prohibit the use of resources derived from this bill for funding personnel, training or administration of the activities of the Council on Environmental Quality.

Mr. L. CHAFEE. The Senator is correct. This language does not prohibit coordination by Federal agencies funded in the bill. It also is not intended to penalize or disadvantage communities that seek or apply for grants from agencies funded on the bill. Section 326 is limited to prohibiting funding transfers for the Council on Environmental Quality or the Executive Office of the President. Would the Chairman and the Ranking Member agree with this interpretation?

Mr. GORTON. Yes.

Mr. BYRD. Yes.

COLLABORATIVE FOREST RESTORATION

Mr. BINGAMAN. Mr. President, I would like to take this opportunity to engage Senator DOMENICI, Senator GORTON, and Senator BYRD in a brief colloquy at this time.

Mr. DOMENICI. Of course.

Mr. BINGAMAN. I would like to clarify that it is your intent that $5 million of the emergency funds available through amendment 3782 will be used to implement the Collaborative Forest Restoration Program in New Mexico. This program will be authorized by a bill, S. 1288, that Senator DOMENICI and I introduced together. It already passed the Senate last November and will be considered by the full House Resources Committee next week. This program creates a mechanism through which people with varied interests will be able to work cooperatively with the Forest Service to conduct forest restoration and value-added projects. Improving communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds can assist us in our efforts to address the problem posed by communities at risk from catastrophic wildfire.

Mr. DOMENICI. Yes, that is correct. However, I would note that the emergency needs for on-the-ground work on fuel reduction in New Mexico are very great. I understand that the agencies could use more than $50 million in emergency dollars for projects ready to go in New Mexico by the end of the year. The Collaborative Forest Restoration Program will help promote additional projects for fuel reduction. Considering the terrible toll fires have taken in the state, I hope our federal land management agencies will use as much as possible in this emergency funding to decrease the risk in New Mexico urban-wildland interface communities.

Mr. GORTON. That is my understanding as well.

Mr. BYRD. Yes, I agree with you that $5 million of the emergency funds will be used to implement the Collaborative Forest Restoration Program.

Mr. BINGAMAN. Thank you all for the clarification.

SAINT CROIX ISLAND

Ms. COLLINS. Mr. President, the year 2004 will mark the 400th anniversary of a small French settlement on Saint Croix Island, located in the Saint Croix River, which forms the boundary between the State of Maine and Canada. The 1604 settlement was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia. Many view the expedition that settled on the Island as the beginning of the Acadian culture in North America.

Mr. GORTON. I am aware of the historical significance of the 1604 settlement of Saint Croix Island and would note that the Island is the only international historic site in the National Park System.

Ms. COLLINS. I want to thank you for your invaluable support of efforts to commemorate the Saint Croix Island site. Last year's Interior Appropriations bill included my sense-of-the-Senate language that the National Park Service should take what steps are necessary to ensure that appropriate exhibits are completed by 2004. This year's Appropriations Committee mark includes $200,000 in the U.S. Fish and Wildlife Service construction budget to assist with the Downeast Heritage Center. The Center, which we will make every effort to complete in time for the 2004 celebration, will allow state and federal agencies and other partners in the project to interpret the French settlement efforts at Saint Croix Island and other historical, recreational, and cultural aspects of Downeast Maine.

Mr. GORTON. I have been pleased to support your efforts to commemorate the Saint Croix Island settlement, including your work on the Downeast Heritage Center. I would note that the National Park Service is scheduled to undertake major improvements to its site at Red Beach beginning in fiscal year 2002. I support this effort as well.

Ms. COLLINS. A major, international celebration is expected to commemorate the Saint Croix Island settlement's 400th anniversary. Pursuant to a memorandum of understanding signed by the U.S. Department of the Interior and the Canadian Department of the Environment, Parks Canada has worked diligently to prepare for the event. I am concerned that we have not been as enterprising and now face the very real possibility of being less than fully prepared for the 2004 celebration. Indeed, the National Park Service has informed me that it requires planning money in fiscal year 2001 in order to ensure that the Downeast Heritage Center will be completed in time. I have introduced authorizing legislation, S. 2485, that would permit the National Park Service to join with other public and private entities to construct the Center. That bill has been reported out of the Senate Committee on Energy and Natural Resources. I have every hope that the bill will become law this year. Mr. Chairman, as the FY 2001 Interior Appropriations bill goes to conference, I would ask that you do what you can to add $340,000 to the National Park Service construction budget so that it can assist this year in the planning of the Downeast Heritage Center with an eye to its completion by 2004.

Mr. GORTON. I want to thank the Senator from Maine for again bringing this matter to my attention. I understand the importance of this matter to the State of Maine and to a much broader, international community. I also understand the importance of providing funds soon enough to allow completion of the Downeast Heritage Center in time for the 2004 commemoration. I will be pleased to do what I can to see that your request is considered fully in conference.

Ms. COLLINS. I want to thank my good friend again. I know he, in particular, appreciates the value of preserving our nation's history and its cultural heritage.

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for the Department of Interior and Related Agencies.

I want to express my support for the American Heritage Rivers Initiative. This bill contains a provision that prohibits funds in the Act from being given to or used to provide support for the Executive Office of the President in coordinating the American Heritage Rivers. It also prevents the Council on Environmental Quality from receiving funds and support to coordinate and oversee the initiative.

The American Heritage Rivers Initiative, which redirects federal resources without new spending, has greatly improved the Detroit River, a designated American Heritage River, through shoreline development and protection of wetlands. In the ten months that the River Navigator for the Greater Detroit American Heritage River has been in operation, over $1 million has been acquired for Detroit River projects. This program also assists communities in the use of Federal resources to help communities revitalize parks—to help celebrate their history and their heritage.

This initiative needs our support and full participation and I strongly oppose any language which would put this program in jeopardy.

NATIONAL PARK SNOWMOBILE BAN

Mr. CRAIG. Mr. President, I rise to express my concern over this egregious and unjustified action by the Department of the Interior that will have severe negative economic consequences on citizens and communities in Idaho and many other states around the country. The Department has announced that it intends to ban recreational snowmobile use in virtually every national park that now allows them, although snowmobiles have been an established use in these parks for more than four decades. This announcement was made by Interior Assistant Secretary Don Barry on April 27th in an orchestrated press conference that amounted to a public lynching of the snowmobile community. This new policy was made without consultation with Congress, the snowmobile manufacturers, the nearly four million snowmobile users, or with the many gateway communities to the national parks that are dependent on business generated by snowmobile visitors. Although Assistant Secretary Barry claimed that this ban is necessary because of air pollution, noise and wildlife disturbance caused by snowmobiles, the truth is that there is simply no evidence that snowmobiles cause such harm. In fact, in a shocking admission before the U.S. Senate Energy and Natural Resources Committee Mr. Barry conceded that snowmobiles had never been found in violation of any environmental standard in any national park. I understand Mr. Barry has since left the Department to be employed by the Wilderness Society, an organization that has actively advocated the exclusion of snowmobiles from national parks.

The major snowmobile manufacturers have made great progress in producing machines that are cleaner and quieter than ever before. The manufacturers, the snowmobile users and the gateway communities are willing to work with the Department of the Interior to develop reasonable plans and programs to achieve agreed to environmental goals. I believe this is the best course for the Department to follow.

I bow to no one in my love for our majestic national parks. I fully support reasonable and reasoned efforts to protect and preserve them. But to ban snowmobiles completely in the national parks is totally unnecessary. It is an abuse of bureaucratic power, and it is the duty of Congress to uphold the law and prevent this from taking place.

I feel it is important for all to understand that snow machines do not run roughshod over the national parks as has been stated on the floor. Travelways are designated and adhered to. The issue of where snowmachines travel is a matter of management by the park service, not of whether or not they should be in our national parks. I ask unanimous consent that a letter from Dr. Lori Fussell that explains a number of misconceptions on pollution from snowmobiles be printed in the RECORD to clarify several of these issues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL ENGINEERING & RESEARCH,
Wilson, WY, June 5, 2000.

Hon. JAMES V. HANSEN,
Chairman, Subcommittee on National Parks and Public Lands,
House of Representatives, Washington, DC.

COMMENTS ON TESTIMONY GIVEN AT THE MAY 25, 2000 HEARING HELD BY UNITED STATES HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, REGARDING SNOWMOBILE USE IN NATIONAL PARKS

I am writing to you today because I have had the opportunity to read through some of the testimony offered at the May 25, 2000 hearing held by the U.S. House of Representatives' Subcommittee on National Parks and Public Lands regarding snowmobile use in National Parks. And, in my expert opinion, some of the testimony regarding pollution from snowmobiles was incorrect or misleading. I feel a need, in the interest of good science, to providing information to the Subcommittee to correct these errors.

Before I go into details, let me make several points about the information contained in this letter. First, the intent of this letter is simply to correct misinformation that was presented to the Subcommittee. I am not being paid by any organization to submit my opinion to you and I have no personal interest in the outcome of the hearings. I am not a snowmobiler and do not particularly care for snowmobiles as they presently exist. In fact, I was the first person to publish any scientific research on exposure to snowmobile pollution and believe very strongly that actions must be taken to significantly reduce snowmobile emissions in our National Parks. Human exposure to snowmobile pollution in Yellowstone National Park (YNP), in particular, is unacceptable. However, I believe just as strongly that decisions about emissions are reduced (visitor limits, technological improvements, and/or banning snowmobiles) should be based on accurate information.

Second, I do not any way want to imply that the testimony given to the Subcommittee by any individual or organization was intentionally incorrect or misleading. There is a lot of information circulating about pollution from snowmobiles. It is difficult to separate fact from fiction.

Third, I have established myself as an expert in the field of snowmobile emissions. I have attached my Curriculum Vitae to this letter as documentation of my credentials and will be happy to provide further documentation of my experience in this area. My comments will be limited to the information presented regarding snowmobile pollution. I do not have the expertise necessary to comment as an "expert" on any other issue regarding snowmobile use in the National Parks.

Fourth, I do not have access to all of the testimony given at the hearings. I only have copies of the statements prepared by the following individuals: Michael Scott, Kevin Collins, Sean Smith, Mark Simonich, Donald Barry, Kim Rapp, Michael Forsman, Jerry Johnson, and Teri Manning. Therefore, my comments are limited to the testimony offered by these individuals. While I can not comment on any information presented by any other individual at this time, I would be happy to do so if this information were provided to me.

The rest of this letter will simply outline information related to pollution from snowmobiles contained in the above testimonies that I find requires clarification or correction. In each case, I will list direct quotes from testimonies in italics. I will then reference the specific testimony in parenthesis at the end of the quote. My response and explanation will follow.

I. TESTIMONY

"*Carbon monoxide levels in the (Yellowstone) park currently exceed National Ambient Air Quality Standards and will continue to be exceeded unless snowmobiles are removed.*" Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

"*It is their position* (the Wyoming Department of Environmental Quality) *that there have been no documented violations of the Clean Air Act within Yellowstone National Park. Not Ever.*" (Testimony of Kim Raap, Manager, Wyoming State Trails Association)

"*The DEIS issued by the Park Service confuses data collected for personal exposure measurements (50 ppm) to the ambient air quality standards. The Montana Ambient Air Quality Standard (MAAQS) 1 hour-maximum CO standard is 23 ppm as monitored according to the standard. Let me clearly state, air quality standards, both federal and the more stringent Montana standards, have not been exceeded in*

Yellowstone National Park. The DEIS incorrectly states that this happened. While air quality did reach 90% of the Montana standard last winter, the standard was not exceeded." (Testimony of Mark Simonich, Director, Montana Department of Environmental Quality)

Response

The testimony given by the Greater Yellowstone Coalition (GYC) clearly contradicts the testimony of the Wyoming State Trails Association (WSTA) and the Montana Department of Environmental Quality (MDEQ). Who is correct? WSTA and MDEQ are correct. There is no data to support the claim that ambient air in Yellowstone National Park (YNP) is violating National Ambient Air Quality Standards (NAAQA) for carbon monoxide (CO).

So, if NAAQS have not been violated in YNP, what is the problem with emissions from snowmobiles in YNP? The problem is that research conducted by both the National Park Service (NPS) and me have shown that YNP employees and snowmobilers can be *exposed* to high levels of CO. And, since the presence of CO indicates a probable presence of hydrocarbon emissions, the potential exists for significant air toxic exposure as well.

NOTE. A comprehensive study of employees and visitor exposure to pollution from snowmobiles is due to be published by Dr. Norm Kado of the University of California at Davis in the upcoming months. The information contained in this report is not currently available to the public.

Explanation

The NAAQS for CO is 35 parts per million (ppm) for a one-hour sampling period and 9 ppm for an eight-hour sampling period. (The state of Montana one-hour CO standard is 23 ppm, stricter than the federal standard.) A violation of NAAQS is recorded if the standard is exceeded more than once in a year.

In order for data to be used to determine compliance with NAAQS, it must be collected according to standardized sampling methods outline in The Code of Federal Regulations, Title 40, Parts 53 and 58. Sampling locations must meet proper siting criteria in order to assure that the data is representative of ambient air. The sampling criteria include placing the sampling probe at a height of approximately ten feet and at a distance of at least seven to thirty feet from the edge of the nearest traffic lane. Additionally, the probe must be at least 33 feet from the nearest intersection.

There is currently a properly sited and maintained CO monitor located at the West Entrance to Yellowstone National park, operated by the Montana Department of Environmental Quality (MDEQ). And, while relatively high CO measurements have been recorded by the MDEQ, they have never exceeded the national or Montana standards.

So, why do some organizations believe that NAAQS have been exceeded in Yellowstone National Park? The MDEQ testimony explains this. Many organizations continue to confuse data taken to determine personal exposure to snowmobile pollution with data taken to determine degradation of ambient air.

CO samples have been taken by the park service (on the roadway) at the West entrance to Yellowstone National Park (YNP) and on the road between West Yellowstone and Old Faithful. I have personally taken CO samples on the roadway at Flagg Ranch, the south entrance to YNP. CO concentrations collected on these roadways have reached levels in excess of 35 ppm for a 1-hour time period. However, data collected on a roadway should not and can not be interpreted as indicative of overall ambient air quality. It is only indicative of personal exposure. It can not be used to determine compliance with NAAQS.

2. TESTIMONY

"*The highest carbon monoxide levels in the nation were recorded at Yellowstone's West Entrance during winters in the 1990s.*" (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

Response

This statement is false.

Explanation

As mentioned in the explanation of Testimony #1, the MDEQ operates properly sited and maintained CO monitoring station at the West Entrance of YNP. And, no state or federal standards for CO have ever been exceeded at this location. The location is classified by the Environmental protection agency (EPA) as "in attainment".

As of August 10, 1999 the Environmental Protection Agency lists 20 areas in the United States as Nonattainment areas for CO pollution (this information can be found in the EPA Green Book at http://www.epa.gov/oar/oaqps/greenbk/cnsum.html). These areas of the United States clearly have a larger CO problem than does the West Entrance of Yellowstone National Park.

NOTE: Perhaps this testimony refers to exposure data taken at the West Entrance of Yellowstone. If so, this testimony would still be false. There are instances of CO exposures nationwide that exceed the CO exposure concentrations measured at West Yellowstone and Flagg Ranch. In his text, *Automobiles and Pollution* (Published by the Society of Automotive Engineers, 1995), Paul Degobert states that "up to 250 ppm of CO can be found inside passenger compartments" of automobiles. Again, I must stress that is not appropriate to compare NAAQS data to exposure data.

3. TESTIMONY

"*One snowmobile emits 225 times more carbon monoxide than an automobile. One snowmobile emits 1000 times more hydrocarbons than an automobile.*" (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

Response

This statement is false.

Explanation

In February of this year, the National Park Service Air Resources Division (NPS ARD) issued a report titled, "air Quality Concerns Related to Snowmobile Usage in National Parks." Of this report, the Greater Yellowstone Coalition (GYC) writes:

"*The final report was checked and validated by scientists involved in the original research. That review, combined with the depth and breadth of the studies (they began in 1995 and covered emissions, ambient levels of pollutants, deposition of pollutants in the snowpack, human exposure and more) make the report the most comprehensive and credible assessment of Yellowstone's air pollution to date.*" (GYX website, 6/2/00, http://hosts2.in-tch.com/www.greateryellowstone.org/wintcruse.html)

I agree with the GYC assessment of the February 2000 NPS ARD report.

The NPS ARD report estimates that "a snowmobile operating for 4 hours, using a conventional 2-stroke engine, can emit between 10 and 70 times more carbon monoxide and between 45 and 250 times more hydrocarbons than an automobile driven 100 miles." These NPS ARD estimates are significantly different than the estimates in the above GYC testimony.

4. TESTIMONY

"*These (two-stroke) engines create dangerous levels of airborne toxins including nitrogen oxides, carbon monoxide, ozone, particulate matter, aldehydes, 1,3 butadiene, and extremely persistent polycyclic aromatic hydrocarbons (PAHs).*" (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

"*Nitrogen Oxides* (NO_x) and hydrocarbon emissions from snowmobile two-cycle engines are also a major concern due to their contribution to ground level ozone." (Testimony of Sean Smith, Public Lands Director, Bluewater Network)

Response

While most of the pollutants listed above are emitted from two-stroke engines, oxides of nitrogen (NO_X) and ozone are not pollutants of concern with respect to snowmobile emissions.

Explanation

- Two-cycle engines (including those used by snowmobiles) emit less NO_X than four-stroke engines (including those used by automobiles).

The February 2000 NPS ARD report estimates that only 2% of the NO_X pollution in YNP comes from snowmobile engines (with the remainder of the NO_X pollution coming from automobiles, busses, snow coaches, and recreational vehicles). Although the NPS ARD report does not compare the NO_X emissions from an automobile to the NO_X emissions from a snowmobile, it does contain the data necessary to make this comparison. I did the calculations (using the same methodology used in the NPS ARD report to compare automobile and snowmobile CO and UHC emissions) and came up with the following: one automobile emits 1.5 to 6.8 times as much NO_X as one snowmobile.

Low NO_X emissions from snowmobile engines are confirmed by emission data taken at the South West Research Institute (summarized in the NPS ARD report) and also by snowpack chemistry analysis performed by George Ingersoll of the United States Geological Survey. Ingersoll's paper titled, "Snowpack Chemistry as an Indicator of Pollutant Emission Levels from Motorized Winter Vehicles in Yellowstone National Park" (published at the Western Snow Conference in 1997) concludes "that regional activities—not local snowmachine traffic—seem to be controlling nitrate deposition."

- Ozone, as the Bluewater Network testimony correctly states, is not emitted by snowmobiles. Ozone is formed via a photochemical reaction between NO_X and volatile organic compounds (VOCs are a specific class of unburned hydrocarbons). While snowmobiles do emit a significant amount of VOCs, NO_X emissions from snowmobiles are minimal (as explained previously).

Even when NO_X are present in significant amounts in areas frequented by snowmobiles (from regional sources) the cold temperatures in which snowmobiles operate are not conducive to ozone formation. "Strong sunlight and hot weather cause ground-level ozone to form in harmful concentrations in the air" (from *Ozone: Good Up High, Bad Nearby*, EPA/451K-97-002, October 1997). Snowmobiles operate at temperatures near freezing and below.

For the reasons listed above, significant ozone formation due to pollution from snowmobiles is not a potential problem.

5. TESTIMONY

"*Recent tests conducted by the SouthWest Research Institute confirm that the two stroke engines of snowmobiles emit hundreds of times* *more pollution than a modern automobile.*" (Testimony of Sean Smith, Public Lands Director, Bluewater Network)

Response

This statement can not be substantiated. The Southwest Research Institute (SwRI) has not published the statistic cited.

Explanation

The SwRI reports cited above only contain data on snowmobile engine emissions. They do not contain a comparison of snowmobile and automobile emissions.

In order to make the comparison between snowmobiles and automobiles, one must make a series of assumptions regarding snowmobile and automobile usage. The results of the comparison are highly dependent upon the assumptions made.

The best estimates available that compare snowmobile and automobile emissions are contained in the February 2000 NPS ARD report. The NPS ARD report bases its calculations on the SwRI data. As I stated before, the report estimates "a snowmobile operating for 4 hours, using a conventional 2-stroke engine, can emit between 10 and 70 times more carbon monoxide and between 45 and 250 times more hydrocarbons than an automobile driven 100 miles." Additionally, NO_X emissions from automobiles are 1.5 to 6.8 times greater than NO_x emissions form snowmobiles.

6. TESTIMONY

"*Given current levels of snowmobile use in Yellowstone National Park, this* (discharge of 25–30% of the fuel mixture from a snowmobile engine) *translates into the equivalent of five tanker truck loads of gasoline being dumped along park roads each winter.*" (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

"*Snowmobile emissions are deposited directly onto the snowpack of the parks. This snowpack pollution translates directly into pollution of the parks' waters as the snow melts. Snowmobiles each year emit the equivalent of five tanker truck loads onto the snowpack of Yellowstone.*" (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

About 5000 gallons of gasoline and 250 quarts of 2 cycle oil was spilled by National Park Service snowmobiles alone." (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

Response

It is ludicrous to compare potential water quality impacts from snowmobile emissions to the catastrophic environmental devastation associated with a tanker spill.

Explanation

The fate and transport of pollutants in the environment is a very complex field of study. However, it does not take a scientist to realize that if most of the unburned fuel and oil from snowmobiles is emitted in gaseous form (as air pollution), the total hydrocarbon pollution emitted by snowmobiles in YNP will not be found in the snowpack.

Only a percentage of the total snowmobile hydrocarbon pollution is deposited onto the snowpack. George Ingersoll ("Effects of snowmobile Use on Snowpack Chemistry in Yellowstone National Park", United States Geological Survey, 1998, Water Resources Investigations Report 99-4148) has measured elevated levels of hydrocarbon pollution in snowpacks near snowmobile use. However, he reported that these elevated hydrocarbon levels "were lower, in general, than concentrations at hundreds of locations nationwide representing a full spectrum of watershed settings ranging from subalpine to urban."

In his 1998 investigation, Ingersoll also performed a preliminary analysis of snowmelt runoff in YNP. He concluded that "snowmelt runoff chemistry from five of the snow-sampling sites indicated that elevated emission levels in snow along highway corridors (used by snowmobiles in YNP) are generally dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health." He also concluded that "localized, episodic acidification of aquatic ecosystems in these high snowmobile-traffic areas may be possible, but verification will require more detailed chemical analyses of snowmelt runoff."

Bottom line, the data shows some percentage of snowmobile hydrocarbon emissions (the unburned fuel and oil) ends up in snowpack along roadways. And, some percentage of this snowpack pollution will later be found in the snowmelt (most volatile organic compounds will tend to volatilize into the gaseous phase during the spring melt-off). To date, no data has been collected that shows snowmelt pollution from snowmobiles at concentrations likely to threaten human or ecosystem health. Only a potential for localized, episodic acidification has been reported in the scientific literature. Clearly, this potential, localized, episodic acidification does not pose the same environmental risk as that of a tanker spill in Park waters.

NOTE: I am aware that a more detailed investigation of water quality impacts from snowmobiles was undertaken over the winter of 1999-2000 in YNP. The results of this study may provide new information regarding water quality impacts from snowmobiles. However, a report on this research has not yet been published and I do not have access to the raw data.

7. TESTIMONY

"*The components of snowpack pollution from snowmobile emissions can include toxic compounds such as MTBE (a fuel additive), and polycyclic acromatic hydrocarbons (PAHs) such as benzene, xylene, toluene, and formaldehyde.*" (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

Responses

This is a true statement, but it requires clarification for proper perspective.

Explanation

The components of snowpack pollution from snowmobile emissions can include the toxic compounds listed above. However, the mere presence of a pollutant does not indicate environmental degradation. The pollutant must also be present at concentrations that are high enough to be of concern (even oxygen can be considered a toxic compound at high concentrations . . . but it does no harm to us at lower concentrations). As described in the explanation for Testimony #6, George Ingersoll ("Effects of Snowmobile Use on Snowpack Chemistry in Yellowstone National Park", United States Geological Survey, 1998, Water Resources Investigations Report 99-4148) did find elevated levels of hydrocarbon pollution in snowpacks near snowmobile use. However, he reported that these elevated hydrocarbon levels "were lower, in general, than concentration at hundreds of locations nationwide representing a full spectrum of watershed settings ranging from subalpine to urban." And his preliminary research found that "snowmelt runoff chemistry from five of the snow-sampling sites indicated that elevated emission levels in snow along highway corridors (used by snowmobiles in YNP) are generally dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health." So, despite the fact that these compounds can appear in the snowpack, they have not yet been found in high enough concentrations to cause concern.

8. TESTIMONY

"*Unburned fuel (emitted by snowmobiles) contains many toxic compounds including benzene, toluene, xylene, and the extremely persistent suspected human carginogen MTBE (methyl tertiary butyl ether).*" (Testimony of Michael D. Scott, Program Director, the Greater Yellowstone Coalition)

"*Contaminants released by two-stroke snowmobile engines include polycyclic aromatic hydrocarbons (PAH) and methyl tertiary butyl ether (MTBE).*" (Testimony of Kevin Collins, Legislative Representative, National Parks and Conservation Association)

Response

These are true statements, but they require clarification for proper perspective.

Explanation

Methyl tertiary butyl ether (MTBE) is a fuel additive that is required in many areas to increase the oxygen content in fuels. This is done in an effort to reduce hydrocarbon and carbon monoxide pollution from automobiles and other mobile sources. MTBE is also added to fuels (in smaller concentrations) by some refineries to boost octane rating. MTBE can only be emitted by snowmobiles if the fuel they are burning contains MTBE as a additive. Snowmobile engines to not "manufacture" MTBE.

The Minnesota Pollution Control Agency issued a press release on January 18, 2000 that states "gasoline in Minnesota does not contain MTBE as an additive". Therefore snowmobiles in Minnesota (the site of Voyageurs National Park) do not emit MTBE as a pollutant.

None of the other states with significant National Park snowmobile usage (Michigan-Pictured Rocks, Montana-Yellowstone, and Wyoming-Grand Tetlon and Yellowstone) require the use MTBE as an oxygenate in fuel. Fuels in these states are oxygenated with ethanol, if oxygenated fuels are being used to curb air pollution (as in West Yellowstone, Montana). However, the states of Michigan, Wyoming, and Montana do allow the use of MTBE as an octane booster. Therefore, it is probable that some percentage of the fuel sold in these states does contain MTBE.

A fact sheet on MTBE from the Michigan Department of Environmental Quality (available at http://www/deq.state.mi.us/std.mtbe.html) reports that a 1998 survey of Michigan fuel revealed that five percent of the fuel sampled in Michigan contained MTBE. I have not located any statistics on the amount of MTBE added as an octane booster to Montana and Wyoming.

NOTE: MTBE has been detected in the snowpack along snowmobile traffic corridors in Yellowstone National Park (George Ingersoll, 1998 study previously cited), indicating that some of the fuel sold in Montana and Wyoming does, in fact, contain MTBE concentrations found in the snowpack were not high enough to cause concern.

9. TESTIMONY

"*While we are fully supportive of the development of cleaner and quieter* (snowmobile) *technology, to date, there are no definitive, comprehensive studies which document the degree to which four-stroke engines will mitigate the adverse impact that snowmobiles have on our parks.*" (Testimony of Donald J. Barry, Assistant Secretary, Fish Wildlife and Parks, Department of the Interior.

Response

This is a true statement. However, in September of this year I will be publishing information about snowmobile emission and noise reductions that were attained with the use of a four-stroke engine. The information is summarized below.

Explanation

As the organizer and co-founder of the Society of Automotive Engineers Clean Snowmobile Challenge 2000 (a non-partisan student design competition to improve snowmobile emissions and noise) I offer the following results as a glimpse at what is possible in a short amount of time, using existing technology. In doing so, I do not attempt to define what emissions or noise levels are appropriate in National Parks. I am simply reporting what has been documented as an easily implemented improvement over the status-quo.

The University at Buffalo, State University of New York, won the SAE CSC2000 with a four-stroke snowmobile that was designed and manufactured in less than 5 months by a team of undergraduate engineering students. When compared to a traditional two-stroke snowmobile, the four stoke entry reduced hydrocarbon emissions by more than 99.5% (NOTE: We could not detect the snowmobile's hydrocarbon emissions. The 99.5% reduction cited represents the limit of detectability of the test method). Carbon monoxide emissions were reduced by 46%. Fuel economy was increased to 27.6 miles per gallon (a 226% improvement). The sound level (measured 50 feet from the road at wide open throttle) measured just 66.8 dbA. This sound level reduction corresponds to an 80–90% reduction in the distance snowmobiles can currently be heard in National Parks.

Detailed information on the SAE CSC2000 is currently available on the competition website at: http://www.sae.org/students/snow.htm. The results will also be available in a peer-reviewed paper I am writing, scheduled for publication on September 11, 2000.

Thank you, Representative Hansen, for the time you have taken to read this lengthy letter. I will be happy to answer any questions you or other Subcommittee members might have and provide further documentation of the facts contained in this letter.

Sincerely,

LORI M. FUSSELL.

SNOWMOBILING IN NATIONAL PARKS

Mr. JOHNSON. Mr. President, I rise today to join my colleagues in this important discussion concerning the National Park Service's recent proposal to substantially curb recreational snowmobile use within the national park system.

I believe that virtually everyone can agree that snowmobile use in national parks must be carefully managed in a manner which balances legitimate recreational needs with a concern for public safety and environmental protection. Nobody argues that snowmobiles should be allowed in every area of every park and without regard for noise, speed or numbers. But at the same time, snowmobiling is a recreational option that should not be totally banned or limited in an unreasonable manner.

I appreciate that the National Park Service has now "clarified" its earlier statements which created the impression that an across-the-board ban on snowmobiles in all parts of all parks was about to be established. The Park Service tells us that rather than a ban, it wants to curtail snowmobile use on park lands.

I will follow this new approach carefully. Again, few South Dakotans have objections to reasonable rules designed to protect the environment, protect wildlife habitat and address issues of noise, safety and numbers. But regulations to properly address these matters do not require a total ban or draconian limitations on snowmobile use. I will urge the National Park Service to listen to all segments of the American public in a careful, thoughtful manner and seek to strike a sensible balance that will protect our natural heritage but also allow for reasonable and well-managed winter recreation opportunities for all our citizens. It certainly would be better for the National Park Service to administratively arrive at balanced final rules, than to necessitate legislative action on the part of Congress. If legislation is ultimately required on this matter, I will work with both my House and Senate colleagues in a bipartisan manner to secure a balanced final resolution of this issue.

Mr. DOMENICI. Mr. President, Friday morning, July 12th, the House of Representatives passed the Valles Caldera Preservation Act by a vote of 377–45, and it will soon be signed by the President.

Later this month, the Secretary of Agriculture will take possession of the Baca ranch. He will be charged with the task of managing the Valles Caldera National Preserve for an interim period until the Trust is appointed.

In order for the Preserve to be opened to the public at the earliest possible time, the Secretary and the Trust will have to complete a substantial inventory, put together interim plans, and provide for the immediate requirements of basic public safety and law enforcement.

The Department of Agriculture has provided us with a breakdown of proposed activities over the next year, and estimates that they will need about $990,000 to prepare the Preserve for an eager public, over half of which will go into planning and law enforcement activities.

Once the Trust takes over, hopefully in about 6 months, funds will transfer to them, so that they can take over management responsibilities for the Preserve.

The $990,000 will be taken out of the budget of the Department of the Interior Solicitor's office, the bureaucrat who recently issued an opinion to federalize several reclamation projects in New Mexico.

Mr. McCAIN. Mr. President, each year I carefully review the annual Interior appropriations bill to analyze how the Federal Government is meeting its fiscal obligations and priorities to protect our nation's resources and provide needed funding for Native American programs. I commend the Interior subcommittee chairman, Senator GORTON, and the ranking member, Senator BYRD, for their hard work in completing this year's funding recommendations that will provide critical funding for National Parks, energy programs, the Indian Health Service, and the other resource management responsibilities within the Department of Interior.

Unfortunately, the appropriations committee has also continued the irresponsible practice of loading up an important bill such as this one with unrequested, low-priority earmarks and legislative riders. This Interior appropriations bill has once again become the target for members to tack on parochial spending for their own special interest projects. In this bill, I found nearly $280 million for porkbarrel spending projects, a level that is unacceptably higher than previous years.

This type of unnecessary and low-priority spending is particularly egregious since each agency within the Department of Interior is struggling to meet its statutory responsibilities to protect our nation's parks, wildlife refuges and trust obligations to Native Americans. These agencies all report exceptionally large, multimillion backlogs for maintenance and repairs. Yet, instead of directing funding to substantially eradicate these backlogs, the appropriations committee instead chooses to divert federal spending toward locale-specific earmarks that either were not included in the budget request, increase funding above the requested level for other specific projects, or fund unauthorized projects.

I recognize that various communities around the country look to the federal government to help protect them against wildfire threats or set aside funding to preserve open space to build parks for their children. Many of the projects in this bill will no doubt address some of these important needs and are deserving of federal investments. However, I fail to understand why it is necessary to load up this bill with erroneous earmarks that appear to pander more to special interests rather than address our highest resource management needs. I believe that we should abide by our established budget procedures by allocating federal assistance to those projects that undergo a normal, merit-based prioritization process that protects the interests of the American taxpayer, and employs the most cost-effective approach.

While individually, the amounts earmarked for these projects may not seem substantial, collectively they add up to unmitigated pork. Where does some of this pork go?

An increase of $600,000 is included for the Alaska Sealife Center for an eider recovery research program, a center which already received supplemental funding in the recently passed Military

Construction conference agreement. Other locale-specific earmarks include $200,000 for a direct pass-through grant to Long Live the Lings to coordinate the various hatchery managers and governmental jurisdictions in Washington state; $500,000 to continue with the retrofit of the research vessel (the R/V) Sturgeon) for use by the Great Lakes Science Center; $5,000,000 for maintenance and snow removal on the Beartooth Highway; and, an increase of $500,000 above the requested level for the Smithsonian Astrophysical Observatory (SAO) to begin construction of a base facility at Hilo, Hawaii in conjunction with the SAO Submillimeter Array initiative.

These projects may be important to the local communities for which they are targeted, but are they really the highest national priorities? Are these projects fundamental to carrying out the resource management functions of the Interior Department? Unfortunately, it matters little since I, nor the majority of my colleagues, had any input about whether funding these projects is the wisest and best use of Federal dollars.

We further abandon our budget principles by funding projects that have not been authorized by Congress. For example, the proposed Wheeling National Heritage Area in West Virginia has been the recipient of an annual earmark for the past several years, including a recommendation for a $500,000 earmark in this bill. While this does not appear to be problematic, what is not well known is that this particular heritage area has not yet been authorized by Congress. This flies directly in the face of the statement by the Interior appropriations committee which specifically pointed out that it would not fund projects unless Congress authorized them. Again, this project itself is not necessarily objectionable to me and may have good reason to be funded. But what is appalling is that these funds are specifically earmarked for a project not yet authorized, thereby clearly sidestepping a process that other heritage area projects are expected to adhere to in order to receive federal assistance.

It is also alarming to find, buried in this bill, a specific earmark of two million dollars to the Sealaska Corporation to develop an ethanol manufacturing facility in Alaska, the purpose of which is intended to support a declining timber industry in the Alaska region. To further assist these impacted communities in Alaska, an additional five million earmark is provided for a three year timber supply for the Tongass National Forest, language added securing preferential treatment of Alaska's surplus red cedar for sales abroad, and hundreds of thousands more are directed to other forest management activities to benefit the Alaskan region.

I admit that I am not an authority on the matters affecting local communities in Alaska. However, what I take particular exception to is the fact that this earmark benefits the ethanol industry, a fiscal boondoggle industry that already reaps substantial benefits from existing federal subsidies at the expense of taxpayers. It is a blatant insult to taxpayers to ask them to supplement the ethanol industry even more by spending two million to build one ethanol manufacturing facility for a region that is receiving more than adequate fiscal attention.

With the many identified priorities stated by the subcommittee members, such as addressing wildfire emergencies and health care for Native Americans, little to no information is provided as to why certain organizations are deserve of direct earmarks, such as $176,000 for the Kawerak Reindeer Herders Association, and one million for the National Conservation Training Center. With no information to explain the national importance of these programs, I find it troubling that the subcommittee tends to specifically favor certain organizations for funding when these organizations should also be subjected to a competitive and merit-review process.

As I stated before, there is undoubtably considerable merit to some of the programs for which funding is earmarked in this bill. However, until Congress ends the typical arbitrary spending which violates the integrity of the federal budget process, I have no choice but to highlight the practice of adding and earmarking funds for programs and activities that appear to serve narrowly tailored interests at the expense of the national interest.

Even in this time of an unprecedented budget surplus, we have a responsibility to the American public to exercise fiscal responsibility and discretion rather than allowing this type of unchecked spending to continue. It is shameful the way we are squandering the public's trust and money, and it will be the burden of the taxpayers to shell out the $280 million for needless and wasteful spending included in this bill.

The list of objectionable provisions in this bill that I compiled is more than 19 pages long and is unfortunately too lengthy to print in the RECORD. However, the list is available from my Senate office.

Mr. DODD. Mr. President, I am pleased to join with my colleagues Senators LIEBERMAN, SNOWE, JEFFORDS, LEAHY and TORRICELLI in offering an amendment to the Interior Appropriations for FY 2001. Our amendment would provide $4 million in funding for the maintenance of a Northeast Home Heating Oil Reserve, with an offset of $3 million from the Strategic Petroleum Reserve (SPR) Petroleum account and $1 million from the Naval Petroleum and Oil Shales Account.

This amendment is critically important to the people of Connecticut and throughout the Northeast because most homes and many schools and businesses rely on oil for heating. Last winter, the Northeast region was gripped by cold weather and skyrocketing oil prices.

Last week, the President issued a directive to establish a heating oil reserve in the Northeast by exchanging crude oil from the Strategic Petroleum Reserve for 2 million barrels of heating oil to be stored across the Northeast. In addition, the Secretary of Energy transmitted a permanent plan that must lay before Congress for 60 days. Our amendment would fund the maintenance of that reserve and we will continue to work with the members of the Energy Committee to authorize a trigger that is appropriate to the Northeast situation.

Mr. President, with increased demand for gasoline and refineries at or near capacity, experts agree that heating oil stocks will remain low going into the winter season. Even now, the heating oil stocks are more than 60 percent lower than last year. The writing is on the wall.

This amendment will mean that the heating oil reserve will be maintained. Heating oil will be stored within the Northeast. Residents of my state need not have to choose among filling their oil tanks, putting food on the table, paying for their medication or paying the rent or mortgage.

I thank my colleagues, especially Chairman GORTON and Senator BYRD for their interest in this amendment and I urge its immediate acceptance.

Mrs. FEINSTEIN. Mr. President, Today I want to express my support for the NEA which plays an important role in preserving our culture and is funded in this bill.

The bill before us provides $105 million for the NEA, an increase of $7.3 million over FY 2000. This is of vital importance to the survival of the arts in both California and in the United States. National interest in the arts continues to increase. The number of artists in America has more than doubled since 1970. Today, the arts industry supports nearly 1.3 million jobs nationally; 391,200 indirectly, and 908,800 directly.

Despite this growth, the United States still spends nearly 50 times less on the arts than in any other countries: While the U.S. spends $6.00 per person on the arts, the United Kingdom spends $26.00; France spends $57.00; Finland spends up to $91.00.

In 1999, NEA funded projects in every county in the state of California, awarding 210 grants totaling $5.6 million. To date, in FY 2000, the NEA has provided 225 grants in California, totaling $7.3 million.

Here are three examples of how the National Endowment for the Arts helps preserve our national cultural heritage.

This year, the NEA awarded a grant to the City of San Diego Commission for Arts and Culture to support the Living Traditions Initiative. Living Traditions teaches a wide array of skills in music, dance, language arts, history, folklore, crafts and visual arts though classes, publications, recordings and the broadcast media.

In 1999, the NEA funded a collaborative project of the Brooklyn, New York, Historical Society to increase public access to visual materials documenting Prospect Park, the location of the 1776 Battle of Long Island, the first major conflict between the Continental and British Armies in North America, following the signing of the Declaration of Independence. The project will increase a historic image database, produce a guide for the database and make it Internet accessible.

In 1999, the NEA funded Documentary Arts, Inc. of Dallas, Texas, to support a series of films that explore the complexity of American life through the spoken word and community-based sounds of folk artists across the country.

Preserving national and community culture is one way to encourage patriotism and a sense of community that can help combat the apathy that keeps people from actively involving themselves in the daily life of their community.

The NEA can be a force to engage the imagination. The NEA funds arts education for children, such as these:

The Magic Theater in San Francisco, promotes the Young California Writers Project, an educational program designed to support young playwrights.

Class Act is a music education program in Orange County, California, elementary and middle schools supported by NEA.

Stagebridge in Oakland, California, provides a literacy program for both children and adults.

The National Book Foundation does literary outreach to link leading authors with underserved communities throughout the country. For example, American Voices brings established writers to American Indian reservations nationwide and conducts a summer writing camp for inner-city teens and adults.

The MoveSpeakSpin program in Santa Cruz, California uses dance education activities as a tool in teaching curriculum subjects in math and science, subjects which often are difficult for children to learn.

Given the demands on our school budgets in California, many school districts in California were forced to cut funding for music and art programs from their schools' curriculums. NEA funding in the schools helps assure that our children will still have access to arts education.

Additionally, students who participate in the arts do notably better on standardized testing. Research from the 1995–1997 College Entrance Examination Board shows that students who studied the arts scored an average of 83 points higher than non-art students on the SAT.

Arts can also provide a constructive outlet for young people. A three-year research study of YouthARTS, funded by the NEA and the U.S. Department of Justice in 1999, demonstrated that arts programs help decrease youth delinquency. Several NEA-funded projects have demonstrated this:

NEA awarded a grant to the Richmond Art Center in California to support expansion of the "Art Reach" program for at-risk youths in West Contra Costa County.

Creative Links: Positive Alternatives for Youth funds residency projects across the nation in which young people work with artists after school and during the summer. Programs are supported through arts organizations, community centers, low-income housing projects, tribal communities and juvenile facilities.

By encouraging at-risk teens to express themselves through art instead of antisocial behavior, the NEA can help deter delinquency.

For much of American history, art has been considered to be a "luxury" of the elite. Through traveling programs and other outreach programs, the NEA has made art accessible for Americans in all corners of the nation and to all economic strata. Here are some examples in California:

The Rural Journeys Project, run partially by Independent Eye, Ltd. in Sebastopol provides residencies that offer performances from the repertoire and workshops to rural communities nationally.

A grant to the Humboldt Arts Council in Humboldt supports a consortium of multi disciplinary arts workshops and activities to rural, low-income populations.

A Fresno Arts Council program compiles and assesses data on the state's artistic resources, including identification of traditional artists, and the creation of a database and report on artistic resources and needs.

NEA has opened up the artistic world to the visually and audibly impaired.

Deaf West Theater Company in North Hollywood supports a multi-disciplinary production of "Oliver," the musical, and production workshops in schools that serve deaf and disadvantaged youth.

ARTREACH, Inc. of Philadelphia, Pennsylvania, creates a Cultural Access Guide for the Disabled for the Greater Philadelphia region. The guide describes architecture and art for the physically disabled, blind, deaf, and hard of hearing populations to cultural venues.

Many private organizations which fund art base their grants on the profitability of an artist or on their organizations' goals. The NEA gives special attention to underrepresented groups. Here are two examples:

The NEA-funded Women's Philharmonic supports women conductors and music directors in leading national orchestras.

The San Francisco group, American Indian Contemporary Arts, with NEA funding, mounts thematic exhibitions of contemporary Native American artists' work.

Art is a "language" which crosses lines of race, ethnicity, culture, age, education, geography, and disability. Many of the projects which the NEA funds promote an understanding of our nation's diverse heritage:

The Hmong Cultural Arts, Crafts, Teaching & Museum project in California provides instruction in Hmong Pa Dao embroidery and instruction in the ancient musical instruments of Kheng and Xee Xo.

The Lake Tahoe Arts Project produces the Ballet Folclorico do Brasil

The American Musical Theater of San Jose produces "Musicals in the Neighborhood," multi-lingual musical performances that focuses on universal themes.

Supporting arts representing different cultures is especially important to my state, the state with the most diverse population in the nation. Currently, California has 12 percent of the total population in the United States, 33 percent of the Hispanic population, 37 percent of the Asian/Pacific Islanders population, 7 percent of the African-American population, and 13 percent of the American Indian population. California is the true melting pot. By funding arts which express many cultures, the NEA helps to foster cultural understanding among these many groups.

The NEA provides Americans with valuable cultural programs, with an impact far beyond art. Through its work, the NEA has made great contributions to preserving American culture, educating American citizens, and assuring equal access to the arts and arts funding. To continue reaping these benefits, we must continue to support the NEA.

Mr. BYRD. Mr. President, with final passage of the Fiscal Year 2001 Interior and Related Agencies Appropriations Act, I wish to take a moment to thank all Senators for their time and effort in helping to make this important measure a better product. As I have frequently noted, crafting the Interior bill is not an easy charge. Weighing the thousands of Member requests that come in to the Interior subcommittee against the limited resources made available to us is an arduous task, indeed.

Yet, this year, as in past years, that job has been handled with great skill by the subcommittee chairman, Senator GORTON. My friend from Washington is, I can say unequivocally, the best subcommittee chairman I have ever had the pleasure of working with. His dedication to duty, his graciousness under fire, and his commitment to working with me in a bipartisan manner are simply unparalleled. Moreover, the fact that this legislation will be adopted by the Senate by an overwhelming vote is testament, I believe, to the incredible job done by the distinguished subcommittee chairman.

Let me also extend my appreciation to all subcommittee staff, in particular, Bruce Evans, who serves Senator GORTON in an efficient and capable manner. And, on the minority side, I wish to offer a special thanks to Peter Kiefhaber. Although this young man has been on my staff for more than eight years, this is his first year working for the Appropriations Committee. In the span of less than 6 months, he has worked hard, distinguishing himself not only to me, but obviously to other Members of the Senate, who have told me personally of his good work.

Finally, let me again thank all Senators and say that I look forward to working with the subcommittee chairman as we proceed to conference with the House of Representatives.

Mr. GORTON. I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—2

Feingold
Wellstone

NOT VOTING—1

Coverdell

The bill (H.R. 4578), as amended, was passed.

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. GORTON. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, at the closing of this bill, this is one more opportunity for me to thank my colleague, Senator BYRD, for his guidance, cooperation, and many courtesies in moving this bill through to final passage. He has been very complimentary of me. I can simply say that much or most of what I have learned about managing a bill I have learned from the distinguished Senator from West Virginia, and I hope he regards me as an apt pupil.

I also thank his staff for all of their hard work. The minority clerk, Peter Kiefhaber, who is new to this job, has been a tremendous asset to the subcommittee and has been a forceful advocate for Members on his side of the aisle. Peter has been ably assisted by Carole Geagley of the minority staff, and by Scott Dalzell, who has been with us on detail from the U.S. Fish and Wildlife Service.

My own subcommittee staff has also had the benefit of an agency detailee—Sheila Sweeney from the Forest Service. Sheila has kept her good humor even while struggling to track the thousands of Member requests that the subcommittee receives from Members of this body. We have enjoyed having her with us. She has been extremely productive.

The subcommittee professional staff on my side has done yeoman work: Ginny James, Leif Fonnesbeck, Joe Norrell, and Christine Drager, who is in her first year with the subcommittee. All have contributed to making the passage of this bill a relatively smooth process, something I think speaks well of their dedication, professionalism, and knowledge of the programs and issues in this bill.

Finally, of course, there is my chief subcommittee aide, Bruce Evans, who has guided this bill in each of the years that I have worked on it. I could not possibly have any better staff. I am certain that no Member of the Senate has better, more dedicated, or more effective staff in seeking passage of a particular bill.

I also thank Kari Vander Stoep of my own personal staff for her outstanding work on the issues in this bill that are of particular importance to the people of the State of Washington.

As many hours as we put in here on the floor, each of these individuals has spent that multiplied by 10 in late nights and early mornings, in literally months of putting the bill together. They are likely to do exactly the same as we go through to the conference committee and final adoption of the bill.

I express my gratitude for their good work and the appreciation, I am sure, of Senator BYRD and of the Senate as a whole.

MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4810, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

Pending:

Burns Amendment No. 3874, to repeal the modification of the installment method.

Reid (for Hollings) Amendment No. 3875, to pay down the debt by striking the tax cuts.

Nickles (for Lott) Amendment No. 3881, to provide a substitute.

The PRESIDING OFFICER. The Senate will now proceed to vote in relation to the following amendments, with 2 minutes for explanation prior to each vote: BURNS, HOLLINGS, and LOTT.

The Senator from Montana.

AMENDMENT NO. 3874

Mr. BURNS. Mr. President, the amendment that I have offered to this piece of legislation is a freestanding bill, S. 2005, the Installment Tax Collection Act of 2000.

Basically, it allows small businesses or farms that sell their businesses on the installment plan to pay their capital gains taxes as they receive the money. Right now, they are required to pay the capital gains taxes in one lump sum. In other words, in some cases, when properties are sold, they even have to borrow the money to pay the capital gains up front.

It is no cutback in revenue to the Government. We just receive the money whenever the owners receive their payments for their property.

I urge adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Is all time yielded back?

Mr. MOYNIHAN. A voice vote would be very agreeable.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to amendment No. 3874. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.—

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Coverdell

The amendment (No. 3874) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3875

The PRESIDING OFFICER. Under the previous order, the next amendment is Senator HOLLINGS' amendment.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, do you want to make $1 million? Do you want to become a millionaire? All you have to do is find the surplus that is in the headlines.

This morning, USA Today said "surplus doubles."

That crowd knows how to write, but they do not know how to read.

I have the Congressional Budget Office report that they quoted. On page 17, the debt goes from $5.617 trillion to $6.370 trillion. The debt is going up. The surplus is going down.

I thought maybe they had gotten it from the President's midyear review just given 2 weeks ago. Of course, you know how they mix these things up. The last page tells the truth. On page 23, President Clinton finds that the debt goes up to $1 trillion—no surplus. The debt increases.

I then go to the public debt to the penny. Call up Treasury. They give this out every day. You find how the debt goes up.

What they are trying to do is increase the debt with this $248 billion.

I am for paying down the debt.

Vote for the amendment if you are for paying down the debt, please.

Mr. LEVIN. Mr. President, I will support the Hollings amendment to strike the tax cuts proposed in this legislation and devote those funds to reduction of the national debt.

I supported and would prefer the Democratic proposal to eliminate the marriage penalty in the Tax Code. I voted for the Democratic plan and had it passed would not have supported the Hollings amendment. However, since the Democratic alternative to the pending bill was defeated yesterday by a 46-50 vote, and since the Republican bill would cost a wasteful $40 billion a year, reflecting the wrong priorities, I will support the Hollings amendment to better use those funds to pay down the national debt.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, evidently the proponent of the amendment does not believe any marriage tax relief is in order.

Let me say that I find this position to be incredible. The Federal Government is taking a record level of the economy in revenue over 20 percent. The Federal take has not been this high since World War II.

Income taxes have doubled since the Clinton administration came to office. Clearly, it is the taxpayers—especially America's hard-working families—who have caused the surplus.

This bill returns less than 3 percent of the non-Social Security surplus to virtually every married couple in the country. Both Republicans and Democrats agree that marriage tax relief is an appropriate use of the non-Social Security surplus. We differ on how the relief is delivered.

I urge my colleagues to reject Senator HOLLINGS' amendment.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3875. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—20

Akaka
Boxer
Daschle
Dodd
Feingold
Harkin
Hollings
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lincoln
Moynihan
Reed
Robb
Rockefeller
Voinovich
Wellstone

NAYS—79

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerrey
Kohl
Kyl
Landrieu
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reid
Roberts
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NOT VOTING—1

Coverdell

The amendment (No. 3875) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask consent the vote occur in relation to the Lott amendment notwithstanding the order for the recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask consent that immediately following the reconvening at 2:15, there be 5 minutes for the managers or their designees for closing remarks, to be followed immediately by a vote on passage of H.R. 4810.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3881

Mr. LOTT. Mr. President, I do have brief remarks before the vote on the next amendment. Are we ready to proceed to that?

The PRESIDING OFFICER. There are 2 minutes for debate, equally divided. The majority leader.

Mr. LOTT. Mr. President, the amendment we have before us will return to the text of the committee-reported bill. If this amendment is agreed to, we will then be voting on a clean marriage penalty relief bill with the exact text that was reported from the Finance Committee. It is a simple vote. It is a simple choice. Last night the Senate did accept some amendments on several issues that are not relevant to marriage penalty relief, several of them on voice vote, perhaps a couple of them along the way on recorded votes.

Some of them are good amendments. We will have another opportunity to vote for them or have them included in other legislation. They are good ideas that deserve to be on another bill. This bill is about tax relief for married couples and about eliminating the marriage penalty when a couple gets married, so I urge my colleagues to support cleaning up the bill so we can pass a clean marriage penalty bill.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. DURBIN. Mr. President, let me explain to the body what the Lott amendment does. If you voted in favor of the Durbin-Bond amendment to give full deductibility of insurance premiums to self-employed small businesses and farmers, the Lott amendment eliminates that vote. If you voted with Senator TORRICELLI of New Jersey for lead screening under Medicaid to protect children, the Lott amendment eliminates that. If you voted with Senator TORRICELLI on special provisions in Medicare for those suffering from Lou Gehrig's disease, the Lott amendment eliminates that. If you voted with Senator BURNS to change business accounting to make it more fair to small businesses, the Lott amendment eliminates it.

This is done over and over in the House of Representatives by the Rules Committee. It clears the deck of all the activity and progress we have made. It is an effort to make a tabula rasa the last amendment of the day. If you believe the amendments we voted for are worth standing behind, I urge you to vote "no" on the Lott amendment.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3881. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Coverdell

The amendment No. (3881) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Wyoming, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:55 p.m., recessed until 2:15 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000—Continued

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, we are poised to approve the Marriage Tax Relief Reconciliation Act of 2000. This is a great victory for the American family—all America's families. It is not one that has been won, as much as it has been earned.

This bill is the centerpiece of our efforts to reduce the tax overpayment by American families. It is fair, it is responsible, it is the right thing to do for American families. And it is long overdue that they receive it.

The provisions in this bill will help over 45 million families. That is virtually every family in the U.S. Some of my colleagues have argued that almost half of those families—21 million families located in every state in this country—do not deserve any tax relief. I reject that argument. I reject it because in my home state of Delaware it would mean leaving over 30,000 families that contributed to our ever-growing budget surplus out of family tax relief.

All of these American families have contributed to the record surplus that we have in Washington. They deserve to get some of it back. I believed that three months ago when I first unveiled this package. And I believe it even more so today with the new numbers released by the Congressional Budget Office.

Today's bill amounts to just 3 percent of the total budget surplus over the next five years. It amounts to just 8 percent of the total non-Social Security surplus over the next five years. That is less than a dime on the dollar of American's tax overpayment. By any comparison or estimation, this marriage tax relief is fiscally responsible.

I would ask those who oppose this family tax relief: Just how big will America's budget surplus have to get before America's families deserve to receive some of their tax dollars back? If not now, when? if 8 percent of just the overpayment is too big a refund, how little should it be? How long do they have to wait? How hard do they have to work? How large an overpayment do they have to make?

This bill is fair. We have addressed the three largest sources of marriage tax penalties in the tax code—the standard deduction, the rate brackets, and the earned income credit. And we have done so in a way that does not create any new penalties—any new disincentives in the tax code. We have ensured that a family with one stay-at-home parent is not treated worse for tax purposes than a family where both parents work outside the home. This is an important principle because these are important families.

Despite the red flags thrown up by those who want to stand in the way of marriage tax relief, this bill actually makes the tax code more progressive. Families with incomes under $100,000 pay less than 50 percent of the total federal taxes; yet under our bill, these same families receive substantially more than 50 percent of the benefits.

I do not understand how people can claim that this bill is tilted towards the rich. I believe that the real complaint of those who oppose this bill is not that it is tilted towards the rich—because it is not—but because it is tilted away from Washington. As a result, some of America's tax overpayment will flow back to America's families.

Mr. President, it is time for us to act. Families across America are waiting for us to make good on our promise. They are waiting for us to return some of this record surplus to them. Let's approve the Marriage Tax Relief Reconciliation Act of 2000 and let's divorce the marriage tax penalty from the tax code once and for all.

Mr. ASHCROFT. Mr. President, the current tax code is at war with our values—the tax code penalizes the basic social institution: marriage. The American people know that this is unfair—they know it is not right that the code penalizes marriage. I commend the Senate on the vote we are going to take today to end this long-standing problem.

Twenty-five million American couples pay an average of approximately $1,400 in marriage penalty annually as a result of the marriage penalty. Ending this penalty gives couples the freedom to make their own choices with their money. Couples could use the $1,400 for: retirement, education, home, children's needs.

This bill will also provide needed tax relief to American families—39 million American married couples, 830,000 in Missouri. Couples like Bruce and Kay Morton, from Camdenton, MO, who suffer from this unfair penalty. Mr. Morton wrote me a note so simple that even a Senator could understand it: "Please vote yes for the Marriage Tax relief of 2000."

Another Missourian, Travis Harms, of Independence, Missouri, wrote to tell me that the marriage penalty hits him and his wife, Laura. Mr. Harms graciously offered me his services in ending the marriage penalty. "I would like to thank you for your support and effort towards the elimination of the unfair 'marriage tax.' If there is any way I can support or encourage others to help this dream become a reality, I would be honored to help."

I am grateful to Travis Harms and Bruce Morton for their support. And I want to repay them by making sure we end this unfair penalty on marriage.

The marriage penalty places an undue burden on American families. According to the Tax Foundation, an American family spends more of their family budget on taxes than on health care, food, clothing, and shelter combined. The tax bill should not be the biggest bill families like the Morton's and Harms' face.

And families certainly should not be taxed extra because they are married. Couples choosing marriage are making the right choice for society. It is in our interest to encourage them to make this choice.

Unfortunately, the marriage penalty discourages this choice. The marriage penalty may actually contribute to one of society's most serious and enduring problems. There are now twice as many single parent households in America than there were when this penalty was first enacted.

In its policies, the government should uphold the basic values that give strength and vitality to our culture. Marriage and family are a cornerstone of civilization, but are heavily penalized by the federal tax system.

The marriage penalty is so patently unfair no one will defend it. Those on the other side of the aisle are making a stab at addressing the marriage penalty, even though they are not willing to provide relief to all couples who face this unfair penalty. Their bill implements a choose or lose system for some couples who are subject to the marriage penalty. Their bill phases out marriage penalty relief, and does not cover all of the couples who face this unfair penalty.

This issue, however, is not about income, it's about fairness. It is unfair to tax married couples more than single people, no matter what their income. The Finance Committee bill provides tax relief to all married couples.

In addition, the Finance Committee bill makes sure that couples do not face the risk of differential treatment. Under the minority bill, one family with a husband earning $50,000 and a mother staying home with her children will pay more in taxes than a family with a combined income of $50,000, with the wife and husband each earning $25,000. This system creates a disincentive for parents to stay at home with their children. The Republican plan will treat all couples equally.

While the minority bill is flawed, I am encouraged that they are finally acknowledging that the marriage penalty is a problem. I am also encouraged that President Clinton has also acknowledged the unfair nature of the marriage penalty. But unfortunately, Treasury Secretary Larry Summers has announced that he would advise the President to veto marriage penalty relief.

I say to the President and to my colleagues on the other side: being against the marriage penalty means that you have to be willing to eliminate it. You cannot just say you oppose the penalty, and then fight to keep the penalty in law, or to keep part of the penalty in law for some people. Join us to vote for the elimination of the penalty, and let us bring this important tax relief bill to the American people together.

The marriage penalty has endured for too long and harmed too many couples. It is time to abolish the prejudice that charges higher taxes for being married. It is time to take the tax out of saying "I do."

Mr. DEWINE. Mr. President, I rise today in support of the Marriage Tax Penalty Relief Reconciliation Act. This bill would eliminate much of the so-called marriage penalty contained in the current tax code by expanding the standard filing deduction for married couples filing jointly, widening the tax brackets, increasing the income phase-outs for the earned income credit, and extending permanently the preservation of the family tax credits.

My main reason for supporting this measure is the simple fact that I do not believe that the federal government should be penalizing marriage. If two people meet and fall in love, they should not have to worry about whether their formal union will bring about adverse tax consequences. After all, newly married couples have enough to worry about, without the added burden of increased tax liability.

Mr. President, one of the basic principles of our tax system is that it treats individuals in similar situations in the same way. In other words, if two individuals make the same amount of money and the rest of their lifestyles are similar, they pay the same amount of tax.

When two people marry, these principles of fairness should remain in place, even if the basis of tax liability changes from the individual to the family. Two people, as a married couple, simply should not have to pay higher taxes than they would as singles. And furthermore, two couples who make the same income should pay the same amount of taxes. The proposal before us today adheres to those principles. The alternative offered by my colleagues on the other side of the aisle, does not.

Mr. President, I support the marriage tax relief proposal currently before us now—it is a step toward eliminating one of the most egregious examples of unfairness and complexity in the tax code today. I strongly urge my colleagues to support its final passage.

Mr. DOMENICI. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the RECORD a list of material in S. 2839 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

To the best of my knowledge, S. 2839, the Marriage Tax Relief Reconciliation Act of 2000, contains no material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313 of the Congressional Budget Act of 1974.

Mr. CONRAD. Mr. President, this week the Senate was required to choose between two plans to correct the marriage tax penalty. Unfortunately, both of them were flawed.

Make no mistake. The marriage penalty is wrong. The tax code should not penalize people simply because they choose to marry. As our economy continues to thrive, we have the opportunity to address the unfairness in the tax code. But we must do so in a manner that is fiscally responsible. We must provide relief to those unfairly penalized, but avoid an unwarranted windfall to those who already receive favorable treatment.

I believe the only way to fully eliminate the marriage penalty is to allow couples to decide whether to file jointly, or as individuals. As we have heard throughout this debate, there are 65 different places in the tax code which can cause married couples to pay more tax than they otherwise would. By allowing couples to choose between filing singly or jointly, we allow each couple to choose the best outcome for their personal situation. That is the approach I favor.

And that is why I supported Senator MOYNIHAN's proposal. His plan takes the right approach, and would completely eliminate the marriage penalty for couples making $100,000 or less. However, I believe Senator MOYNIHAN's proposal did not go far enough to completely restore fairness for all couples, no matter what their income.

I did not support the plan proposed by Senator ROTH. It would deal with only three of the instances in the tax code that can result in a marriage penalty, and would direct even greater benefits to people who already experience a "marriage bonus" under current tax law. The Roth proposal carries a tremendous price tag, with costs ballooning out of control as the baby boomers begin to retire—and despite its costs, would provide only modest relief from the marriage penalty for the great majority of couples over the next ten years.

We have heard that this legislation faces a veto. We will have the opportunity to return to this issue, and find a better solution, one that is affordable, simple, and effective.

The plan I offered in the Finance Committee in April could, I believe, form the basis for a compromise. It provides a simple, elegant, and complete solution to the marriage penalty, based on the concept of optional single filing.

Optional single filing could not be simpler—taxpayers decide whether to file as a couple or as two single individuals, whichever method produces the smallest family tax bill. Optional single filing means that couples who actually pay the marriage penalty get the relief from it.

Let's review one more time why the marriage tax penalty happens. Under our system, marriage affects tax liabilities because married couples pay income taxes jointly rather than as two individuals. Because tax brackets, deductions, and credits for couples are not always set at exactly twice the levels for individuals, married couples do not always pay the same taxes as they would if the same two people were unmarried. As I said, experts have identified 65 separate provisions in the Internal Revenue Code that can affect taxpayers differently based on marital status.

About 42 percent of couples pay more filing jointly than if they were not married and filed as two individuals. This is defined as a marriage tax penalty. About half of all married couples pay less. This is known as a marriage tax bonus. The remainder see no significant difference either way.

The Roth proposal dealt conclusively with only one of the provisions that gives rise to a marriage penalty. If the difference in the standard deduction is responsible for your marriage penalty, the Republican plan has all the relief you need.

If the widths of the rate brackets causes you to pay more as a married couple than you would if you were two single individuals, the Roth plan will give you some help. Likewise, if your penalty stems from the structure of the earned income tax credit, the Republicans have a little something to offer. But for those two marriage penalty situations—and the 62 other provisions in the Internal Revenue Code that could result in a couple paying a marriage penalty—only optional single filing can provide complete relief.

That's why I so strongly support optional single filing. It's the best way of dealing with the marriage penalty—give people the flexibility to decide what's best for them.

And, because optional single filing would not give tens of billions of dollars in new tax breaks for wealthy individuals who already get a marriage bonus, it would allow us to pay down the national debt faster. Every time I visit with North Dakotans, they tell me that paying down the national debt should be a top priority. Paying down debt will strengthen our economy and reduce interest costs. And it will ensure that our children and grandchildren are not saddled with future tax increases to pay for the debt we ran up in the past three decades.

This plan is simple. It is complete. And it matches our nation's priorities. I hope that as this debate moves forward, we can use the plan as a basis for an effective compromise.

Mr. BAYH. Mr. President, I rise today in support of eliminating the marriage penalty for working families. Eliminating the marriage penalty—which results when a married couple pays more in taxes than they would if they had remained single—is the right thing to do. Unfortunately, the approach the majority offers is fiscally irresponsible and provides more than half its benefits to couples who pay no marriage penalty. By contrast, the approach I support provides tax relief only to those who actually pay marriage penalties, and it allows us to provide additional, targeted tax cuts.

A few months ago, I introduced my own approach to the marriage penalty problem, the Targeted Marriage Penalty Relief Act of 2000, S. 2043. My bill provides a dollar-for-dollar tax credit—up to a maximum of $500 in 2001, rising to $1,700 in 2004—that reduces or eliminates the marriage penalty on a couple's earned income. My bill provides immediate marriage penalty relief to millions of American families, completely eliminating the penalty for 59 percent of families that face a penalty in the first year. Plus, it provides tax relief only to those families who currently pay more when they marry than they would if they had remained single, which is the true measure of the marriage penalty.

Because it is more targeted to those with marriage penalties, my bill is also more fiscally responsible. The Targeted Marriage Penalty Relief Act costs $80 billion over ten years—$33 billion in the five-year reconciliation window—or just over $10 billion a year by the year 2010. It costs only one-third as much as the Republican plan, yet it eliminates the marriage penalty within four years for more than 80 percent of families.

In other words, Mr. President, my bill is targeted, simple, and affordable, as is the Democratic alternative offered by Senator MOYNIHAN. Both approaches allow us to honestly deal with the marriage penalty while also providing enough room for other priorities, such as prescription drug coverage, a college tuition tax credit, or a long term care tax credit. Given the likelihood that the Democratic alternative will fail, and the Republican bill will be vetoed by the President, it is my hope that my proposal will eventually receive serious consideration.

Compare the advantages of both the Democratic alternative and the Bayh approach to the Republican bill that we are debating here today. The Republican bill is expensive, costing $248 billion over ten years and $56 billion over five years. If allowed to continue until the year 2010, it would cost more than $40 billion every year. The bill is poorly targeted, with nearly 60 percent of the total tax relief going to couples who today pay less in tax when they marry, rather than more.

In addition, the Republican bill provides immediate relief only to a small number of families because it phases in over a seven-year period. In fact, the Republican bill has not even completely phased in by the end of the five-year budget window, thereby hiding its true cost.

I appreciate the argument made by the other side of the aisle that with significant surpluses on the horizon, some of that money ought to be returned to taxpayers. I also agree that we ought to do something about the marriage penalty, because people should not have to pay more tax simply because they fall in love and get married, as the two Senators from Texas point out often with both irony and humor. But unfortunately, eliminating the marriage penalty is not the only challenge we face. The majority's proposal severely hampers our ability to cut other taxes, pay down the debt, and make needed investments in Medicare and education. It provides most relief for those who pay no marriage penalty and offers incomplete relief for those who do. I support a better, more balanced approach and look forward to the day when it is adopted.

Mr. LEAHY. Mr. President, I do not like the marriage penalty. I think it is poor public policy. Unfortunately, the Senate Finance Committee has presented us with a bill, sponsored by Senator ROTH, that does not completely eliminate the marriage penalty. What this bill would do instead is direct a majority of its tax benefits to married couples who already benefit from a marriage bonus and to certain individuals who have never even been married. Hard working married couples in Vermont deserve an honest, targeted measure to eliminate the marriage penalty, not the proposal that is before us today.

Of the 65 marriage penalties in the Tax Code, the Republican bill eliminates only one and partially addresses only two more. It would do absolutely nothing to get rid of the 62 other marriage penalties in areas such as the Hope and Lifetime Learning Credits, Individual Retirement Accounts, and the taxation of Social Security benefits, programs that are important to Vermonters. In addition, by increasing the deduction and expanding brackets, this bill would benefit married couples who experience a marriage bonus, at a cost of $55.6 billion over five years and $40 billion per year after that.

I support the alternative amendment, proposed by Senator MOYNIHAN, because it would eliminate all 65 marriage penalties in the Tax Code for couples with up to $100,000 in adjusted gross income. This common sense plan would accomplish this relief by allowing married couples to calculate their tax liability jointly or as single individuals. The alternative would also significantly shrink the marriage penalty for couples with between $100,000 and $150,000 in adjusted gross income. According to the Vermont Department of Taxes, in 1998, 113,132 married couples in Vermont had an adjusted gross income under $150,000. That is 94.5 percent of all married couples ion Vermont that filed taxes that year. Under Senator MOYINHAN's proposal, Vermonters get more bank for their buck and those married couples who are truly hurt by the marriage penalty get a break.

Senator ROTH's bill, when fully phased in, would cost American taxpayers $40 billion a year, $10 billion more than Senator MOYNIHAN's proposal, but would leave 62 marriage penalties untouched. In addition, an analysis by the Department of Treasury indicates that only 40 percent of the benefits of this bill would actually reduce the marriage penalty. This means that 60 percent of the benefits are directed to other cuts—expensive cuts that do nothing to provide senior citizens with a prescription drug benefit, nothing to improve our children's education, nothing to help repay our national debt.

If the Republican bill is enacted, we will have made little progress in eliminating the marriage penalty—one small step as opposed the giant leap that we would get with Senator MOYNIHAN's alternative. I support an end to the marriage penalty and I will continue to work with other Senators to pass affordable legislation that is targeted at eliminating all of the marriage penalties in our Tax Code. Vermonters and all hard working Americans deserve nothing less.

Mr. GORTON. Mr. President, the marriage tax penalty is an injustice in the Federal income Tax Code that results in a married couple filing a joint return paying more in taxes than if the same couple were not married and filed as individuals. Today, the Senate will vote to end this injustice.

There is no question that the American people, both married and single, are troubled and upset by the marriage tax penalty, and that they are telling Congress and the President to end this injustice in the Tax Code. I know every one of my 99 colleagues in the Senate receives letters like those that arrive in my mail every day from Washington state—letters urging support for legislation to eliminate the marriage tax penalty.

I will share just one of the hundreds and hundreds I have recently received. The Gaylord's of Sumner, Washington wrote to me and described how they learned of the penalty the Tax Code imposed on them for being married when preparing their tax filings for this year. The letter reads, "Here is what I did to see the penalty: I simply clicked on the 'single' box on my wife's return (as it is on the computer, it is a simple thing to do) and her tax went from sending $400 to the IRS, to an instant recalculation of getting $500 back!" Computer tax software made it easily and brutally clear to the Gaylord's that they were being punished by the Tax Code for being married to each other, that they would pay less in taxes if they were single.

Mr. President, the marriage tax penalty is as outrageous as it is indefensible. President Clinton, however, has threatened to veto this marriage tax penalty legislation. President Clinton should reverse his threatened veto, sign marriage tax penalty legislation into law and bring fairness to the Tax Code. No longer should those who fall in love and get married be penalized by the Tax Code.

Mr. LEVIN. Mr. President, I oppose the Republican marriage penalty tax reform proposal and support the Democratic alternative for three simple reasons: the Democratic alternative is targeted, provides comprehensive relief, and is fiscally responsible, and the Republican plan is not.

First, the Democratic relief plan is targeted: It confers 100% of its benefits on couples suffering a marriage penalty—when two individuals pay more in income taxes as a married couple, filing jointly than they would if they remained single. The Republican plan confers only 40 percent of its benefits to taxpayers who currently suffer a penalty. Of the remaining benefits, 37 percent go to couples currently receiving a marriage bonus—when two individuals pay less in income taxes as a married couple, filing jointly than they would if they remained single. So the Republican plan is effectively a singles penalty bill.

Second, the Democratic relief plan is comprehensive: There are 65 areas of the tax code where a marriage penalty occurs—from the standard deduction to the earned income tax credit. The Democratic plan addresses all of them. In fact it completely eliminates the penalty—in all its forms—for couples earning up to $100,000, 80% of all married couples. The Republican plan addresses only 3 of the 65 places in the tax code where the marriage penalty occurs—it doesn't address the other 62. So the Republican plan provides inadequate, incomplete relief.

Despite these deficiencies, or perhaps, because of them, the Republican plan carries an enormous, fiscally irresponsible price tag of $40 billion per year when fully in place—compared with $29 billion per year for the Democratic alternative. Allocating so much money to an inefficient, poorly targeted tax cut leaves no room for other important national priorities and threatens the very prosperity that has made tax cuts possible. The Democratic proposal is simply a better value for the American taxpayer.

Mr. ROTH. Mr. President, I yield 3 minutes off the majority leader's time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we are not talking about a tax cut today. We are talking about a tax correction. We are talking about 21 million married couples in this country having tax equity.

We have heard the arguments: This is a tax for the rich. Is a schoolteacher who makes $30,000 a year and a policeman who makes $32,000 a year a couple who are rich? That is what the other side would have you believe. They think this is a tax cut for the rich.

I ask the question: Does a schoolteacher and a policeman believe the Federal Government can decide better how they should spend their own money than they can decide for themselves? That is what it gets down to.

When I hear the other side saying this is going to cost the Government too much, I think: Who do they think this money belongs to? Do they think it belongs to the people who earn it or do they think it belongs to people in Washington, DC, who have never met the families who are paying these taxes? I think the money belongs to the people who earn it.

We are looking at a $2 trillion non-Social Security surplus. We are talking about tax cuts. With the death tax and the marriage tax penalty relief that we have given in the last week in this Senate, it would be 10 percent of the projected non-Social Security surplus—10 cents on the dollar.

What are we going to do with this money if we don't let people keep more of the money they earn? Are we going to dream up new programs that will not affect these people? I don't think that is the right approach.

We are talking about tax relief for hard-working American families—people who make $30,000 a year or $32,000 a year or $35,000 a year—because we believe marriage should not be a taxable event. We believe people should be treated the same if they get married. If they are two working people who are trying to save their money to buy their first home, they should have the right to do it with their own money, especially since we are talking about 10 percent of the non-Social Security surplus.

We are talking about being good stewards of taxpayer dollars today. We are talking about letting hard-working families keep the money they earn to do a little bit better for their children or to be able to start a family or buy their American dream home.

That is what we are talking about. We believe the family can make the decisions for themselves better than someone in Washington.

Marriage penalty relief is what we are talking about. Tax equity is what we are talking about. We are talking about fairness today for hard-working Americans.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I would like to make five points in a very short period of time before we vote.

The first goes to the issue raised by the distinguished Senator from Delaware and the chairman of the Finance Committee, Senator ROTH, having to do with the surplus.

Over the course of the last 6 months we have seen the surplus increase—projected now to be about $2.1 trillion. In 6 months, we have gone from roughly $800 billion in projected surplus to $2.1 trillion. I will predict that surplus is going to change one way or the other over the next 6 months, the next 6 years—for any length of time. In fact, I think the surplus projections are the fiscal equivalent of the dot-com stock market. They will continue to be volatile. We know how volatile they can be. We projected deficits as far as the eye could see a few years ago. We could see those deficits come back completely in a very short period of time. We don't know. There will continue to be volatility in predictions of surplus just as there has been volatility in the dot-com stock market. Let's keep that in mind.

When you add all the Republican tax breaks to date, and add the Bush Social Security privatization proposal and it comes to $3.4 trillion. That exceeds by more than 50 percent the available surplus.

Last week, we dealt with the estate tax. Today, we are dealing with marriage penalties. But when you add all of them up, we exceed by more than 50 percent of the projected surplus.

They are counting on this surplus continuing to go up, No. 1, or they are going to do something they say they don't want to do, which is to tap the Social Security surplus and the Medicare surplus in order to pay for the tax cuts in the first place. That is point No. 1.

We don't have the surplus in the bank until it is there. They can project all they want to project. But that surplus could be eliminated very quickly.

The second issue: If you are going to say you are going to fix the marriage penalty, fix the marriage penalty. There are 65 marriage penalties in the Tax Code. The Republicans chose to deal with three of them. The cost in dealing with those three is $248 billion. They filed amendments in the Finance Committee for an additional $6 billion, totaling another $81 billion. I don't know what it would cost if they were actually going to fix all 65. We don't know how many hundreds of billions of dollars there would be in addition to the $248 billion. Keep that in mind. This does not fix the marriage penalty. Anyone who is voting under that impression ought to recognize that they can say what they will but they are only fixing 3 of the 65 problems that are currently incorporated in the tax law. That is the second point.

This is the third point related to the second point. Let's take this teacher and this policeman the distinguished Senator from Texas was talking about. She mentioned a teacher and a policeman and having the need to address their concern. For this couple who has been penalized, let's assume each of them were making $35,000, which in the case of a teacher is very difficult to assume. But we will assume that for the moment. The husband and wife jointly would pay $9,532. If they were able to file singly, they would pay $8,407. So their actual marriage penalty is $1,125.

The Republican plan only provides 39 percent of the relief for that couple making $70,000—$443. That is all the relief this Republic plan provides. That is another reason the Democrats felt compelled to offer our alternative.

It is no accident that the Democratic plan authored by the distinguished Senator from New York and the Finance Committee Democrats provide 100-percent relief—$1,125 in the case of this particular couple making $70,000.

The fourth point: This bill actually creates a new inequity. We call it a singles penalty. I promise you somebody is going to come to the floor saying we have to deal with the singles penalty.

That $70,000 joint income I was talking about creates a joint tax liability of $10,274 under current law. They get some tax relief under the GOP plan, and end up with a liability of $8,743. However, a widow does not get any relief at all. A single widow, a person trying to make ends meet with the same kind of income, doesn't get any kind of reduction in her tax liability at all. In fact, because they now create a singles penalty, that widow will actually pay $1,531 in additional taxes over a couple getting relief under the marriage penalty. We are inadvertently creating a singles penalty in the name of trying to address this marriage penalty relief under the Republican plan. That is something I hope Members will take a close look at.

The fifth point I raise, I heard several colleagues discuss the fact this does not benefit the wealthy at the expense of the rest. According to the Joint Tax Committee, it sure does. The Joint Tax Committee said a couple making $50,000 a year, as a joint couple, the Republican tax bill is going to allow $240 in relief when paying a marriage penalty with $50,000 worth of income. Someone earning $200,000, their benefit under the Republican plan is $1,335. The Democratic plan is shown in contrast. Someone earning $30,000 under the Democratic plan receives $4,191 in relief. Under the Republican plan, they receive $807.

When representing the vast majority of the American working families in that $30,000 to $59,000, why vote for a plan that actually reduces their opportunity to generate meaningful relief by giving them $240 in the case of a $50,000 income earner, and $807 relief for those in the $30,000 category? Why vote for such a plan?

It goes to the very point that many have made all along, and the distinguished Senator from New York has made so eloquently. Mr. President, 60 percent of the benefit in this bill we are about to vote on actually goes to those who get a marriage bonus; only 40 percent of that $248 million actually goes to those who face a marriage penalty.

Why give, in the name of marriage penalty relief, 60 percent of the benefit to those who are actually getting a marriage bonus under current law? Why exacerbate the inequities in current law already? That is what we are doing.

The Democrats have a far better plan. This chart shows that better plan. The Republicans, as I noted earlier, deal with 3 of the 65 inequities for $248 billion, 60 percent of which goes to those who get a marriage surplus. The Democrats deal with every single inequity currently in the code, all 65, and in one sentence.

That is the choice. Do we want to fix it or do we want to talk about it? Do we want to create new inequities and singles penalties, or do we want to deal with the problem? Do we want to fritter away $248 billion, thinking we have fixed the marriage problem, or do we want to deal with the real problem for a lot less money?

The Democratic plan allows married couples to file separately or jointly. Very simply, taxpayers get a choice. Why deny them that choice? We provide them, for the first time, an opportunity to do one or the other, in a single sentence.

We eliminate all marriage tax penalties for those making less than $100,000. We don't expand the marriage bonus, and we provide fiscally responsible relief.

You cannot get much better than that. I am hopeful my colleagues will think very carefully before they vote for a plan that does not solve this problem. I urge a "no" vote on the Republican plan on marriage penalty relief.

I yield the floor.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CRAPO). Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kohl
Kyl
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—38

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Bryan
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Voinovich
Wellstone
Wyden

NOT VOTING—1

Coverdell

The bill (H.R. 4810), as amended, was passed.

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

CHANGE OF VOTE

Mr. KOHL. Mr. President, on rollcall vote No. 215, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that I be permitted to change my vote since it would not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Presiding Officer appoints Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN conferees on the part of the Senate.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I take this occasion to thank the persons who have supported us and, most particularly, to thank the minority staff of the Finance Committee which produced what we think to have been a fine measure.

We are, as ever, indebted to our chief of staff, Dr. David Podoff, who, in the course of these deliberations, had Marshall's "Principles of Economics" on his desk for reference; to our tax team, led by Russ Sullivan, Stan Fendley, Mitchell Kent, Jerry Pannullo, Cary Pugh, John Sparrow, Lee Holtzman, Matthew Vogele, and Andy Guglielmi; to our health team, Chuck Konigsberg, Kyle Kinner, Kirsten Beronio, and David Nightingale.

Also, I extend a very special thank-you to Lisa Konwinski from the Budget Committee staff who provided extraordinary assistance on the reconciliation bill rules and procedures.

I yield the floor, sir.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is currently on S. 2, which is the Elementary and Secondary Education Act.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHAT PRICE LEGACY?

Mr. BYRD. Mr. President, the peace talks that President Clinton has been hosting at Camp David between Prime Minister Barak of Israel and Chairman Arafat of the Palestinian Authority appear to be reaching their climax. The President has made clear from the outset that the negotiations would be difficult, but that it was his hope to recreate the spirit of the Camp David summit hosted by President Carter more than 20 years ago that resulted in the historic peace treaty between Egypt and Israel.

The goal of the current discussions is no less ambitious than the peace treaty between Israel and Egypt that was enshrined in the first Camp David accords. Certainly, a peace agreement between the Israelis and the Palestinians would be a welcome advance in the quest for a lasting peace in the Middle East. We would all like these discussions to lead to an end to the conflict that has caused so much suffering and instability in that troubled region.

Whether such a positive outcome is possible is still very much in doubt. There is no guarantee of success; indeed, many think the chances are dim. But when there is a chance for peace, the opportunity should be seized.

That being said, Mr. President, it should be made clear what the role and responsibility of the United States are here. The most important role of the United States is our ability to serve as the facilitator of these discussions. That is due to the nature of our relations with Israel and the Palestinians, and the personalities of the leaders involved at this time in history.

But providing a forum and encouragement for the Israelis and Palestinians to solve their own conflict should not be translated into a commitment to solve the conflict for them. Stability in the Middle East, including the state of relations between Israel and the Palestinians, is a matter of great importance to the United States, but it is not our conflict. It is theirs. We can help them find common ground, but ultimately it is their ground to find.

This distinction is significant in light of the potential cost of a peace agreement between the Israelis and the Palestinians. Figures ranging from $15 billion to $40 billion have been floated in the media over the past several days as the possible sums that U.S. taxpayers will be asked to contribute to a peace agreement. If history is any guide, this is only the beginning.

According to the Congressional Research Service, from 1979 through 2000, the United States has provided over $68 billion to Israel, and over $47 billion to Egypt to support the Camp David accords. That amounts to more than $115 billion in U.S. tax dollars to two countries alone. Besides that, from 1994 and 2000, the United States has provided $927 million—almost a billion dollars—to the Palestinians.

I wonder how many Americans are aware of this. I wonder how many Americans knew, at the time of the first Camp David summit, that the price of an Israeli-Egyptian peace agreement would be an open-ended financial commitment of U.S. tax dollars exceeding $100 billion. Yet after more than 20 years of paying the bills, that is indeed the cost. And there is no end in sight.

Mr. President, there has been a lot of talk about President Clinton's legacy and Secretary of State Albright's legacy. I appreciate their zeal to achieve historic agreements and to be remembered for their achievements. I recognize that peace between the Israelis and the Palestinians would be a crowning achievement. But what legacy at what price? Are we going to be told somewhere down the line that in order for the Israelis and Palestinians to agree—and this does not include the Syrians—the Administration had to promise them billions and billions of dollars in U.S. taxpayer aid? Why is it the responsibility of the United States Congress to pay to implement an agreement that we are not a party to, and about which we have, so far, received no details?

There is a disturbing tendency on the part of the Administration, and it is by no means unique to this Administration, to negotiate agreements and make costly financial commitments behind closed doors, and then inform the Congress, in so-called "consultations," after the fact. I fear that is what is contemplated again, and I think it is wrong.

If consultations are happening, that is news to me. As ranking member of the Senate Appropriations Committee, I have not been consulted, and perhaps for good reasons. I am not aware of any other Senator who has been approached by any administration official who has suggested what the price of implementing a peace agreement might be, or why it is the responsibility of the American taxpayers to pay that price. I say this particularly when it was only last year that the Congress provided a total of $1.6 billion to Israel and the Palestinians to implement the Wye River agreement—another deal that was made without any prior consultations, as far as I know, with Congress. Again, I fear we are being led down the path of "sign now, pay later" without even knowing how much we are going to be asked to pay later, or why.

Now, I recognize that the discussions underway at Camp David may fail. There may be no agreement. That would be unfortunate. But whatever the outcome, I want to remind the administration, and the Israelis and Palestinians, that the negotiations are being hosted by the administration, not by the Congress, not by the Appropriations Committees of the Congress. No one should assume that the check is in the mail. No one should assume that we are going to dig another hole for ourselves the way we did the last time there was such a negotiation at Camp David.

We all want to see peace in the Middle East, and if there is a legitimate need for funding to implement a peace agreement, we can discuss what role the United States should play—but not after the commitments have already been made, not after the ink has already dried, not if this ancient Senator has anything to say about it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE PASSING OF SENATOR JOHN O. PASTORE

Mr. REED. Mr. President, Rhode Island and the Nation have lost an extraordinary statesman and patriot, Senator John O. Pastore. Senator Pastore passed away Saturday at the age of 93. He served in this body from December 1950 until January 1977. He served with distinction, he served with integrity, and he served with the utmost commitment to helping the people of Rhode Island and the people of this Nation to achieve the noblest aspirations of this country. He committed his life to public service. Senator Pastore was, in turn, a State representative, an assistant attorney general of the State of Rhode Island, a lieutenant governor, a Governor, and then, for over 26 years, a U.S. Senator.

He began his life on March 17, 1907, on Federal Hill, the Italian American community in Rhode Island. It was an interesting combination of a young Italian American born to immigrant parents on St. Patrick's Day. He would never let anyone around forget that he was both proudly Italian and fortuitously Irish—at least for 1 day of the year. He grew up in an immigrant household that was experiencing all the difficulty and travail of people who come to a new land to find themselves and make a better life for their children. It was not glamorous: it was difficult. He endured the difficulties with the same kind of determination that marked his whole life.

In his own words:

> We lived in the ghetto of Federal Hill. We had no running water, no hot water. I used to get up in the morning and have to crank the stove and go out in the back yard and sift out the ashes and come back with a coal that I could recoup. I had to chisel ice with an ice pick in the sink so that I could wash up in the morning. And that was everybody in the family. That wasn't me alone. That was my wife's family. That was everybody's family.

The hard, difficult life of a young immigrant family in Providence, RI, in the early part of the century became even more difficult because when Senator Pastore was 9 years old, his father, a tailor, passed away. At the age of 9, he became the man of the family. His mother went to work as a seamstress to support Senator Pastore and four other children. She labored all of her life to do that.

Senator Pastore was a bright and gifted student. He progressed through the Providence public schools and finished Classical High School, which was the preeminent public high school in the State of Rhode Island. He did so well that he was offered an opportunity to attend Harvard College so that he could fulfill his dream to become a doctor. He did so well, not only by studying but at the same time supporting his family, working in a jewelry factory in Providence, RI. But the reality and the truth was, he was poor, he was without a father, and he felt the keen obligation to ensure that he protected and helped his family. And so he would forego that opportunity. He was without the funds. He had to work to support his brothers and sisters and help his mother. It is said—and he has said it, in fact—that he wept on the night of his graduation, thinking that his great talent would never be fully utilized, that he would forever be committed to a life of perhaps even menial work. But he did so willingly and voluntarily because he, too, wanted to help his mother and his brothers and sisters to make it in this great country.

As we all recognize, all of us who have in any way briefly come in contact with Senator John O. Pastore, he was a man of extraordinary determination. He went to work as a clerk at the Narragansett Electric Company, and during the day he worked hard. But in the evening he enrolled at the Northeastern University Law School extension, held at the Providence YMCA. Those were the days when you could become a lawyer without going to college and then going from college into law school. At night, while working and supporting his family, he became a lawyer. After he became a lawyer, he opened up his practice in the basement of his family's home in Providence.

The clientele did not rush to him, frankly, but he also discovered that he had a knack for politics. He ran as a State representative in the thirties. He was elected twice and, at that point, he began to create a name for himself as an articulate advocate, someone who was a hard-working, determined champion, not only for his people but for all people.

He was made an assistant attorney general for the State, and then he was selected to run as lieutenant governor. He served as lieutenant governor for the State of Rhode Island. And then, fortuitously—because the Governor accepted a position in the Democratic administration—he became the first Italian American Governor in this great country. Then, he moved on to the U.S. Senate to become the first Italian American Senator in the history of this country. An extraordinary individual. He came here and worked on so many different issues. He was the chairman of the Joint Committee on Atomic Energy at the time when atomic energy was becoming a powerful force in all of our lives.

He committed himself to the peaceful use of atomic energy to try to develop its potential to help rather than to destroy. He worked ceaselessly to ensure that we were controlling atomic energy throughout the world. He worked very hard on the Nuclear Test Ban Treaty. He worked with many colleagues—some colleagues who are here today—on that landmark legislation.

He also served on the Commerce Committee where he was the chairman of the telecommunications subcommittee. I daresay many of the fundamental foundations and principles that have guided this huge explosion of telecommunications that have opened up the cyberspace of the world began years ago under his deliberations on that committee.

Also, in 1974 at the end of his career, he was very active in campaign finance reform in the wake of the Watergate affair.

Those are accomplishments, but what is so compelling and so emblematic of the man is that his whole life represented something so fundamentally American. He was modest and humble. He seized the opportunity that is America—the chance to succeed. Then he committed himself in his public life, day in and day out, to ensure that every American had those types of opportunities.

That is why he and his colleagues in the 1960s embraced the idea of providing educational support to the talented but poor Americans who could get into college but couldn't afford to go to college. That was not some theoretical flourish he discovered in a lecture hall at a great university; that was from his heart, from having lived it, from having seen so many of his contemporaries with the talent, the skills, and the ambition frustrated and thwarted because they didn't have the money to go to college. In so many other ways, he tried to ensure that "opportunity" was the watchword of America.

His greatest contribution perhaps is the fact that he lived what we all think America should be and is—that someone can rise up from an immigrant household, from a place where English is not the first language, to the highest positions in this country through hard work, dedication, and commitment. That example alone, that inspiration alone, is extraordinarily important to all of us.

We in Rhode Island are very lucky because we have a chance to see our public officials close up. All of us have stories about our leaders. In Rhode Island, Senator Pastore was no exception. We all understood early on that he was one of the most extraordinary debaters and oral advocates this body has seen in a very long time.

In 1964, President Johnson asked Senator Pastore to be the keynote speaker at the Democratic National Convention. I was 14 years old then. I, as every other Rhode Islander, was crowded around the television set on a hot summer's night waiting for our Senator to speak to the Nation. He spoke in his typical powerful and forceful way. He spoke about justice and opportunity. He spoke about the Democratic Party, and he spoke about our commitment to help everyone. He spoke with both passion and precision. He moved that convention, and he moved the Nation. We will never forget those words.

Also, again because of the proximity of everyone to everyone else in Rhode Island, I had the chance to see him when I was a younger person in my early teens because my parents would summer down at Narragansett, RI, and his family would summer there also. It was a very modest summer resort. My father was a school custodian. So this was not exactly the Riviera. But he was there because that is where the people were. That is where he went for his summer vacation.

I can remember going to mass on a hot summer's day. We were all lucky just to be in long pants because it was summertime. However, he would be there in his suit and tie looking every inch the sartorial master that he was, with a bearing and a dignity that was beyond senatorial, it was regal, but also with a kindness and a humility that came through equally well.

Finally, with a great deal of appreciation and gratitude, Senator Pastore was the individual who appointed me to the military academy at West Point. He gave me the greatest opportunity of my life. He did it in a nonpartisan, nonpolitical way. I had never really met the Senator. I had asked for the appointment. I sent him a letter. He had his staff direct me to take a test. I took a test. I took a physical. I took a physical aptitude test. I still remember the moment when his executive assistant called me and told me I was going to West Point.

In my office in Washington I have both his picture and the letter he sent me on that day. In my office in Rhode Island I have his picture and the telegram he sent to follow up. He gave me a great opportunity. I like to think that the good things I have done in a way have been a response to that confidence he showed in me as a very young man.

He also was someone who had a great sense of humor about himself and about many things. He once quipped that he was very grateful his parents named him John O. Pastore rather than Giovanni Orlando Pastore because in the latter case his initials would have been "GOP," which is something he would have been hard pressed to deal with because of his very strong Democratic life and career.

I can remember also that Senator Mansfield spoke to me one time. He said: You know, every St. Patrick's Day, Senator Pastore insisted that he be the President pro tempore. It was his birthday. He wanted to preside. He also reminded everyone that his name was really John O. Pastore with the accent one would have if one were John O'Rourke, or John O'Neill, or John O'Donnell.

He was an extraordinary man. He graced us with a life of service. He graced us with a life that is an example to all of us. He has honored us by doing his best every day, by taking his work much more seriously than himself, and by doing this great work and then quietly and gracefully returning home, back to Rhode Island, to his beloved wife and his family—to his simple life with the people he respected and admired. He is beloved in my State of Rhode Island. He is well deserving of that great love.

To his wife, Mrs. Pastore, to his son John, to his daughters Francesca and Louise, to his sisters Elena and Michelina, our sincere condolences. But today we not only commemorate his passing but we celebrate his great life.

I yield the floor.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, for the information of Senators, as I understand it, the leader has announced that we would go next to the Agriculture appropriations bill. I further understand that leadership is discussing an agreement under which we will proceed to consider that bill.

Pending the completion of that discussion, I ask unanimous consent that the Senate now go into a period of morning business with Senators permitted to speak therein for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Pursuant to that request, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL SURPLUS

Mr. DURBIN. The United States has changed a lot in the last 7½ years. Mr. President, 7½ years ago we were deep into deficits. We were spending more each year than we collected in taxes. We were running up the largest national debt in the history of the United States. We have $6 trillion in debt to show for that experience.

Many people have lost faith in the ability of this institution to correct this problem and to respond to what was truly a national crisis. In fact, some went so far as to suggest we should amend the Constitution of the United States to pass what was known as the balanced budget amendment.

On the floor today with me is Senator ROBERT BYRD of West Virginia, acknowledged to be probably the most gifted Senator when it comes to the rules of this body and knowledge of the Constitution. He fought a battle, sometimes lonely but ultimately successful, in stopping Members from amending the Constitution and giving power to the Federal courts to tell the Congress to stop spending. Some in this body thought that was the only way we could stop the red ink cascading over the Treasury in Washington, DC. Senator BYRD prevailed. The amendment was defeated.

Amazingly, we stand today in this Senate, in this Capitol, in Washington, DC, with a complete change of events. We are no longer talking about the yearly deficits. We are talking about the yearly surpluses, the fact that the economy is so strong, so many people are working, so many people are earning a good income, businesses are successful, people are building homes, America is on the move. For 7½ years or more now, we have seen that prosperity not only lift the boats of the American people but also bring a new opportunity in Congress. For the first time in many years, we can honestly sit back and discuss and debate what to do with the surplus in the Treasury.

I think many Democrats share the feeling that we should be conservative in our approach with this surplus. I am not sure what tomorrow, next year, 3 years, or 5 years down the line will bring. I think the decisions we should make as to this surplus should be thoughtful. First and foremost, let's retire our national debt, the $6 trillion debt. We collect $1 billion a day in taxes from Americans, businesses, families, and individuals to pay interest on our old national debt. It is as if to say to our children, we are going to leave you the mortgage on the home we enjoyed our entire lives.

I agree with President Clinton and most Democrats; our first priority should be reduce the publicly held national debt to zero. We can do it. We can do it in a short period of time. It will call for some discipline and some honest dialog with the American people. We can take the money from our surplus, pay down the debt in Social Security, pay down the debt in Medicare, strengthen those two very important programs, and bring down our national debt. That is our policy on the Democratic side of the aisle. That, we think, should be the first step that we make, the most important, the most conservative, the most disciplined.

The Republican side sees things quite differently. They believe if we are going to have a surplus, the first and most important thing we should do with that surplus is to give tax cuts. There isn't a politician alive who wouldn't like to address a crowd in his hometown and announce a tax cut. There is just no more popular set of words we can use in this business than: I'm going to cut your taxes. Is it the right thing to do? Is it the responsible thing to do?

Equally important, if we are to give tax cuts, who should be the beneficiaries? If we are going to have a surplus for the first time virtually in modern memory, what are we going to do with that surplus? Who will benefit from that surplus?

Over the last week and a half, we have heard the Republican answer to those questions. They have suggested if we have a surplus in America, if times are good and we can help somebody in America, the very first people in line for help should be the wealthiest in America. Now, is that the conclusion most American families would reach? I don't think so.

If you take a look at the proposal of the Republicans to eliminate the estate tax, and the bill that just passed to eliminate the so-called marriage penalty, you can see who the winners are. This chart I am presenting shows the Republican tax plan, their spending of our surplus. Almost half of our surplus is going to benefit the wealthiest people in America. The biggest winners? Mr. President, 43 percent of the total tax cut proposed by the Republicans goes to people making over $319,000 a year. They get 43 percent of the tax breaks. It means for them, on average, an annual tax cut of $23,000. That is almost $2,000 a month.

The Republicans believe in good times, after we have been through all this pain, and we now have a surplus, the first group who deserves a break, the first group to deserve a benefit is the wealthiest people in America, those making over $319,000 a year.

What about those on the other end? What about the people who get up and go to work every single day and may make a minimum wage or a little better than that? How will they fare under the Republican proposal? How were they considered when the Republicans sat down and said where our priorities will be, here are the people we will help. The lowest 20 percent of wage earners in America, those making less than $13,600 a year, get less than 1 percent of the Republican tax cut. It is worth $24 a year to them, $2 a month. The Republicans didn't forget them, they will send them $2 a month. For the wealthiest, it is almost $2,000 a month.

The next group, those making up to $24,400, see about $82 a year from the Republican tax cuts. That comes to $7 a month. Think about that for a second. If we are going to help the people in America who need help the most, shouldn't we be rewarding hard-working families who get up and go to work every single day, play by the rules, try to buy a home, try to build a community, try to provide for their children and their future or should we take this surplus and give it, first, to those who are making over $300,000 a year?

Some people say that being in Congress is about a question of being "in touch" or "out of touch." The Republican tax plan is in touch with the wealthiest people. It is out of touch with regular families.

The Democratic side believes after bringing down the national debt, we should target tax cuts to help these working families who have been virtually ignored by the Republicans in their tax benefits.

On the floor of the Senate, we offered an amendment to say every family in America, every single family, can deduct every year $12,000 in college education expenses. I have seen a lot of families with new babies. Everybody is happy to see the child arrive. After a few minutes, people turn and say: What a cute little boy. How in the world are we ever going to pay for his college in 18 years? People know that cost is going up. The average family knows how tough it is to pay it.

We say on this side, you deserve a helping hand to help your son or daughter be the absolute best they can be. We offered an amendment. Instead of the Republican plan for the wealthiest, we said let the people of America deduct $12,000 a year in college education expenses from their taxes. It is a deduction which would mean, for some families, as much as $3,000, and a helping hand to pay for tuition. Rejected, rejected on the floor of the Senate last week. They don't want that kind of tax cut. They want the kind of tax cut that gives $23,000 a year to the wealthiest people in America but would not give to average families, worried about their kids going to good schools and having a bright future, a helping hand.

We also considered a prescription drug benefit. I think everybody knows what that is about. Your parent and your grandparents, on Medicare, are struggling to pay for their prescription drugs. On the Democratic side, we think there should be a program under Medicare to make sure the elderly have a chance to fill those prescriptions, stay healthy, stay strong, stay independent. We have been fighting for that. We offered it as an alternative. Instead of giving money to the wealthiest in this country, why don't you help those under Medicare, give them a helping hand in paying for some of the drugs? Rejected. The Republicans had a chance to vote for that tax benefit and rejected it on the floor of the Senate.

Having been across the State of Illinois, with public hearings on prescription drug benefits, the stories will break your heart. Men and women coming to those hearings get their prescription from the doctor. They go to the pharmacy, and before they ask them to fill it they ask how much will it cost. If it is too much, they either don't fill it or take half the prescription many times, depriving themselves of the basics of life so they can have prescription drugs.

That was the choice: To give to people earning over $300,000 a year in income a tax break of $23,000 or to give to seniors and the disabled a chance to pay for the prescription drugs. These are the values we tested on the floor of the Senate, and Republicans rejected the idea of a prescription drug benefit proposed by the Democrats.

On child care, do you know a working family with small children? Unless they have someone in the family they can count on, who doesn't worry about safe, quality child care for the kids? I think about it as a grandfather. I have a little 4-year-old grandson, and it finally dawned on me when my daughter told me she was looking for day care, somebody was going to have my little Alex for 8 hours a day. I said, "Who are these people? I want to know who they are if they are going to have my grandson."

Every mother and father asks that same question, and they struggle to come up with the money to pay for good child care to guard each day the most precious thing in their lives, and Senator DODD said, can't we give a tax break to working families to help them pay for child care? Wouldn't that be something good for America, so the kids are in good, safe hands during the course of the day so working families have that peace of mind? Rejected by the Republicans in the Senate. No, sir, we are not going to give a child care tax break for working families. We are going to give to the wealthiest in America $23,000 a year in tax cuts.

When it comes to putting people in the front of the line for help from this Government, the Republican leadership has said time and again: We are not there helping working families pay for college education. We are not there helping working families pay for child care. We are not there for prescription drug benefits. We are there for changes in the Tax Code that literally help the wealthiest people in America.

Another challenge many of us face is the whole question of taking care of aging parents. If you are a baby boomer, you probably know what I am talking about. Your parents, now, who want to live as long as they possibly can as independently as they can, basically come to you at some point and say, "We are going to need a hand." People make sacrifices for their parents in those circumstances. We think the Tax Code should recognize that, and reward that as well, and give to families who are struggling to take care of their aging parents and those with serious illness a helping hand. That is another idea for a tax cut that helps real American families, another idea rejected by the Republican leadership in the Senate. No, these people are not on their radar screen. First and foremost, the tax break suggested by the Republicans has to go to the very wealthiest among us.

So half the surplus we are now generating and hope to see in the next 10 or 20 years is not going to the working families of America. It is going to those who already are well off, those who are doing well, those who, frankly, don't need a helping hand.

Imagine, if you will, if you are making $300,000 a year, what an extra $2,000 a month means to you. What are you going to do with it? Surely you will find something to do with it. But could it possibly be as valuable as providing what a family needs to help pay for a college education expenses? Prescription drugs? Day care? Taking care of an aging parent? That is the battle that is underway.

President Clinton said he is going to veto these bills, and he should, because he was elected by people across America, 98 percent of whom will see no benefit whatsoever from these bills. Let us at least start listening to families across America when it comes to our tax policy. Let us sit down and correct the inequities in the Tax Code. But also let us decide who is most deserving of our tax assistance. I do not believe it is people making over $300,000 a year. They are doing quite fine by themselves. Let's be sensitive, though, to those families struggling every day to realize the American dream and to have opportunity.

When you take a look at this Nation we live in, it is the greatest on Earth. God blessed each one of us who had a chance to call this home. But we have an obligation to people who live in this country to make sure they have a chance for opportunity, too. You heard the wonderful story Senator JACK REED of Rhode Island told about John O. Pastore, one of the giants in the history of the Senate. A son of immigrants, he rose to serve in this Chamber and be an ideal and to serve as a model for so many people and so many generations.

There are many others like John Pastore out there who need their chance to prove themselves in America. They are not worried about estate taxes paid by fewer than 2 percent of the American people. They are folks who are worried about making sure they have a safe, healthy home, making sure they have health care, have college education expenses taken care of. Those people have been forgotten in the debate over the last 2 weeks. It is up to President Clinton to remind us of our priorities. It is up to him to lead us, now, into meaningful tax relief targeted to help families who really need it.

When it comes to prescription drug benefits, I do not think there is a more important issue we can consider during the course of this remaining congressional session. Prescription drug expenditures have been growing at double-digit rates for almost every year since 1980, and the drugs that seniors need the most have increased at four times the rate of inflation. The average prescription drug cost for Medicare beneficiaries will reach $1,100 per year this year.

The Republicans have proposed, in a manner to try to deal with this, the suggestion that we should turn to the health insurance companies to let them take care of prescription drugs. Pardon me, we have seen what those same managed care companies and health insurance companies do to families when the families really need help. They turn them down when they need medical care. They let decisions be made by insurance clerks rather than doctors. They force people to go to court to sue for basic health care. That is the same group to whom Republicans would turn over the prescription drug benefit. That will never work. It is best for us to put together a plan that is guaranteed and universal and under Medicare that we can count on.

It is also important we have the leverage and the power to make sure we can negotiate for reasonable drug prices. It is just inconceivable to me that some of the same drugs we approve in the United States, some of which we spent taxpayers' dollars to research and develop, end up being sold in Canada for a fraction of the cost. Americans are now getting in buses and driving over the Canadian border to buy their drugs, fill their prescriptions for prescription drugs made by American drug companies at taxpayers' expense because they have to pay three and four times as much in the United States as they would in

Canada. That is disgraceful. If this Congress does not address it with not only a prescription drug benefit but also some effort to have reasonable control of price increases, we are not listening to the people we were sent here to represent.

We can talk about estate taxes. We can talk about people making over $300,000 a year. But we have lost touch with reality and we have lost touch with America if we do not understand the cost of prescription drugs is something that haunts literally millions of Americans every single day. That is something we can and must do something about in the immediate future.

We have to bring Medicare in line with reality. The reality is that prescription drugs can keep you out of the hospital, keep you home and healthy, keep you independent and strong. When Medicare was created, there was no prescription drug benefit. Forty years ago, there were not that many drugs around, for that matter. But the world has changed. You would not buy a health insurance policy today that did not have some prescription drug benefit in it. Today, the most vulnerable people in America are seniors and disabled under Medicare who virtually have no prescription drug protection whatsoever.

We want to change that. We, on the Democratic side, believe if we do nothing else this year, we should enact a prescription drug benefit. We can then say to our parents and grandparents and the elderly we love in this country: We have heard your message. Again, I say while we should have been debating that, we were debating an estate tax change that ends up giving almost $23,000 a year to some of the wealthiest people in America.

Look at how this works out in terms of the different income groups and how much they receive. As I mentioned, the lowest 20 percent of wage earners in America, under the Republican plan, get $2 a month. What can you buy with that nowadays? Maybe a coke at McDonald's, I guess. Then up here at the highest level, those making over $300,000 a year, $23,000 in breaks on the Republican tax plan. Again, the inequity is so obvious—the fact that the people who are struggling the hardest, working the hardest, doing the most to make America strong, are the people who are being ignored by the Republican tax relief.

This is not the first time that has occurred. Take a look at some of these charts involving Republican tax cuts from years gone by. You will see every single time the Republicans have had a chance—in August of 1999; in May of 2000, the House minimum wage proposal; in March of 2000, and the Republican Congress estate tax repeal—at least 41 percent of all the tax benefits went to the very richest, the top 1 percent in America.

When it came to the minimum wage, the same thing was true. Think about that minimum wage for a second. How long could you survive on $5.15 an hour on a job? Well, 350,000 people in my home State of Illinois got up this morning and went to work, and they are being paid today $5.15 an hour. These are not lazy people. These are some of the hardest working people in my State. These are people cleaning the tables, making the beds, doing the laundry, doing the dry cleaning, watching our children in day care, and these people are being paid $5.15 an hour.

We have tried, with Senator KENNEDY, for over 2 years to increase the minimum wage in this country, and we have been told America just cannot afford it. We cannot afford to give people who go to work every single day a livable, decent wage of $6.15. That is hardly a great sum of money, but at least it tries to keep up with the cost of living.

The same Congress and the same leadership that has rejected a 50-cent-an-hour wage increase for some of the hardest working people in America wants to turn around and give a tax break of $23,000 a year to those making over $300,000.

Doesn't it strike you as odd that they are willing to give a tax break to folks making over $300,000 a year, which is the equivalent of more than twice the income of a person earning the minimum wage? Where is the sensitivity to America? I can't understand how the Republicans can feel the "pain" of the wealthy but can't feel the pain of those who are working hard every single day to try to make a living and to try to make America better.

Again and again, given the chance to come up with the Republican tax cuts, we find that the richest in America are the ones who profit. We just ended up passing the so-called marriage penalty tax cut and exactly the same rules apply. Who are the people who will benefit from this? Under the Republican plan, this so-called marriage penalty turns out to be a marriage bonus.

The idea, of course, behind it is if two individuals are earning a certain income and decide to get married and they combine their income on a joint return, many times they find themselves moving up to a higher income tax bracket. That is wrong. We should change it. The Democrats support that change and that reform.

The Republicans say that is not enough. They say: For those who happen to get married—and one is working and one isn't—we want to lower the tax rate in their situation, even though there is no tax penalty. You end up giving a break where, frankly, it is not needed. So the tax break goes to whose who are not being penalized.

When you look at the ultimate benefit of it, you see, once again, the top 20 percent of earners in America are the ones who benefit the most from the Republican plan. And 25.7 percent of all the benefits under this plan go to the richest 5 percent in the country, and 78 percent of it goes to the richest 20 percent in the country.

Again and again, given a chance to help working families and young married people who are struggling to get a start in life, the Republicans have said, no. They say the first people to help are the richest people in our society. That, to me, does not make sense.

What we have suggested, under the marriage penalty, is that we should have a simple, straightforward plan. We should define the marriage penalty as when a married couple pays more as a married couple than they would as two singles. Very simple. We say let married couples earning below $100,000 have a choice in filing. They can file as two singles or as a couple. The proposal could not be more simple.

The Democratic alternative completely eliminates each and every one of the 65 marriage penalties in the Tax Code for taxpayers making $100,000 a year or less. It reduces the marriage penalty for taxpayers making between $100,000 and $150,000. I think it is realistic, generous, and makes a lot of sense. I supported that, but that is not what passed the Senate a few minutes ago.

What passed is a benefit that will, frankly, go to the wealthiest people in this country. Again and again, we forget those who are making America great, working every single day. We forget those who need help in paying college education expenses.

We forget those who, frankly, have to make a tough decision at some point in the life of their son or daughter: Where are they going to go to college? Every parent dreams of their son or daughter getting into the very best school, and then they try to think of how they are going to pay for it. Many times they can't; they are unable to pay for it. They have to have that sad meeting in their household where they discuss it and say: Maybe you will have to stay home for a year. Maybe you will go to a school closer to home for a couple years, and then maybe, just maybe, if we save enough, you will get your chance to realize your dream and go to the very best school where you have been accepted.

That is a sad situation for a lot of families, but it is a real situation. We know what has happened to college education expenses. Anybody you talk to can tell you that particularly private schools but many public educational institutions have seen their costs increase dramatically. Families struggle with paying for that.

We came up with a suggestion on the floor of a tax deduction to help families pay for college education expenses. Rejected by the Republican majority, their belief was, if we are going to give tax relief, let's give it to the folks who are making over $300,000 a year.

Prescription drugs, college education expenses, child care, helping to pay for your aging parents, that is my top list when it comes to tax relief in this country. But, sadly, with the Republican majority in control of the Congress now, that will not be the list that is listened to or followed when you talk about tax relief.

In just a few weeks, the major political parties will go through the quadrennial exercise of heading off for their national conventions—the Republicans to Philadelphia, the Democrats to Los Angeles. Of course, there will be a lot of speeches. The networks have decided it is not worth listening to, and they are going to tune us out most of the time. But you will read about it and probably catch some items in the news. You will hear a lot of claims being made.

You can count on the message coming out of Philadelphia—the Republican Convention—where they will say: President Clinton had a chance to cut your taxes, and he didn't do it. He vetoed the bills that the Republicans passed in the Congress.

A lot of people back home might say: That is a shame because I need a tax cut.

But for 98 percent of the American families listening to those shows, guess what, you were not protected or improved in any way by those tax cuts. They go to the top 2 percent of the American people. Those are the ones, the biggest wage earners in America, who will benefit.

Of course, at the Democratic Convention, you will hear us talk about issues that this Congress has refused to even consider—the prescription drug benefit, an increase in the minimum wage, and gun safety legislation. Think about that. Of course, if you turn on the television in the morning or pick up a newspaper, you hear of another incident of a child shooting up a school. And you think to yourself: What is America coming to that this can happen, in what is supposed to be one of the safest places in our country, that kids can take guns to school?

We were paralyzed a year ago—a little over a year ago now—at the tragedy at Columbine High School in Littleton, CO. To think that 12 kids could be killed, and so many others terrorized by those who would come upon these weapons and take them to school and open fire.

Every mother and father, and every schoolteacher and administrator, and many students across America said: What are we going to do to protect ourselves? They turned to Congress because we are representing these people and their families and said: Can you do something?

We came up with gun safety legislation. Let me tell you what it proposed. It wouldn't end gun violence in America, but it was an effort to try to keep guns out of the hands of criminals and children. We said: If you are going to buy a gun from a gun dealer in America, we are going to check on who you are. We want to know something about your background. It is the Brady law. We stopped a half a million people from buying guns who should not have bought them because they were too young, they had a criminal history or a history of mental illness. That law has worked.

But the same people could have turned around and gone to a gun show at the local armory and bought the same guns without any background check. Those are the guns that we are finding more and more popping up in high schools and schools across America, guns purchased at gun shows, by those who were ineligible or questionable. They turn around and sell them. Kids get their hands on them. So we enacted legislation that said: We will do a background check at gun shows, too, to try to keep guns out of the hands of criminals and children and those who would misuse them.

That bill passed. It was a tie vote, 49–49, when Vice President GORE came and cast the tiebreaking vote. That was over a year ago. Nothing has happened to that bill since. It went over to the House of Representatives, and the gun lobby ripped it to shreds. They sent it to a conference committee, where it has been sitting moribund for literally a year, while gun violence continues in America and claims the lives of 12 or 13 of our children every single day.

One of the other provisions in that bill came from Senator KOHL of Wisconsin. He said: When you sell a handgun in America, it should have a child safety device or a trigger lock on it so kids can't get their hands on them and hurt themselves or their playmates or their classmates. That was part of the bill that we passed out of here. That was stopped by the gun lobby, as well.

When you think about it, many parents who decide not to have a firearm in their homes because they have small children never know, when their son or daughter goes to play next door, what the circumstances might be—whether those same kids are going to be vulnerable to some child finding a gun in a drawer or up on a shelf, play with it, and kill their playmate. You read about it almost every single day.

So this commonsense idea that we will have child safety devices or trigger locks on handguns in America was in the bill we sent over to the House. It was stopped cold—stopped dead in its tracks—by the gun lobby. They said: We have just gone too far. It is just too radical a suggestion that we would sell child safety devices with handguns.

The third provision was from the Senator from California, Mrs. FEINSTEIN, who said: It is against the law to manufacturer and sell high-capacity ammo clips in the United States, but there is a loophole. You can import them from overseas. And it is pretty simple to do.

She put into law the provision that you won't be able to buy high-capacity ammo clips that hold up to 100 cartridges and bullets. You have to ask yourself: What sportsman or hunter needs 100 cartridges or bullets? I believe if you need a high-capacity ammo clip and a semiassault weapon to go and shoot a deer, perhaps you ought to stick to fishing.

In many instances in America, the people who are buying these high-capacity ammo clips are turning around and using them for these gang banger activities and drive-by shootings that you read about, sadly, here in Washington, DC, and Chicago and cities across America.

That was the third provision in the gun safety bill. That was the third provision that the National Rifle Association said was unacceptable: We cannot restrict the right of American hunters and sportsmen to have high-capacity ammo clips that hold over 100 cartridges.

To my way of thinking, common sense requires us to say to people who want to exercise their right to legally and safely use a firearm that they, too, have to face some restriction on their activity. Those who have visited Washington, DC, as tourists may have gone through an airport and through a metal detector. It is an inconvenience we accept because we want to be safe when we get on that airplane. To ask that those who own firearms face similar inconveniences is not unreasonable, unless you happen to be the National Rifle Association. They think it is unreasonable to impose any restrictions whatsoever.

As a result, sadly, every morning in America, when you pick up the paper, you see instances where children are being killed, instances where kids are taking guns to school, instances where with some foresight and some political courage, this Congress might have been able to do something. We have not.

This has been a do-nothing-for-the-people Congress, as Vice President GORE has said. It has failed to take into consideration what the average working family in this country expects of us, not only to balance the books but to balance our priorities, to make sure the people who prosper because of our judgments and our decisions and our legislative leadership are the families across America.

I think also of the uninsured in this country. To think that in this time of prosperity in America, after the longest run of economic progress in the history of the United States, at a time when we are envisioning surpluses that have never been seen in our history, that we still live in a country with 40 million people who are uninsured. I offered an amendment to my friends in the Senate that said we ought to give a tax credit to small businesses to help pay for health insurance for their employees. These are the businesses that pay the highest health insurance premiums to protect the family who owns the business as well as their employees. These are the employees working for small businesses who make the lowest incomes. Not surprisingly, they turn out to be the largest source of uninsured people in this country, those workers and their children.

What I propose, as part of our tax package on the Democratic side, is to say to small businesses: We will give you a helping hand. We will give you a tax credit so that you can offer health insurance to your employees. It strikes me as one of the basics we should consider.

Just a few years ago, we initiated a nationwide plan to help the States pay for covering the children of working parents with health insurance. It is called the CHIP program. It is working well in my State of Illinois and across the Nation. Congress is trying to plug the holes of 40 million uninsured people in America.

We had a hearing the other day that would have broken many hearts. The mothers and fathers of very disabled children came to tell us about their plight. They depend on SSI, a program under Social Security and Medicaid, to provide for kids who are profoundly retarded or disabled. They find, sadly, they earn too much money. We heard from a woman who talked about a situation where her State came to her and said: You can no longer provide for your child with your income; you just don't have enough money. We want you to turn your child over to be a ward of the State.

Imagine, in America, in the country in which we live, parents who are struggling to raise disabled children are told that the only answer is to turn their child over to become a ward of the State. That was what she faced. Her health insurance did not cover her needs.

Then there was a sergeant in the Air Force who came to see us with his lovely little 9-year-old daughter, Lauren, who has some serious medical difficulties. This is a man who has given most of his adult life to his country in the Air Force. He was recently given a promotion to E-6, where he would make $200 more a month. With that $200 more a month, he was disqualified from receiving Medicaid and SSI. He said it would cost him over $500 a month to take care of his little daughter. So as he gets a tiny increase in pay of $200 a month, he sees that $500 of medical bills fall on his shoulders.

These are people in America without health insurance. These are people who I think about when I think about the surplus that we are experiencing. What are we going to do with this to extend health insurance coverage to more and more Americans so it is no longer a question that parents ask their emancipated kids, as I have asked my daughter, Jennifer: Do you have health insurance now? She is a student who works from time to time, does her very best, but I worry about it as a father. I shouldn't have to. No one should have to in this country. Health insurance ought to be a given in America—not the fanciest and most expensive policy but a basic policy.

Is Congress debating that? Is Congress even thinking about it? Is Congress sensitive to it? No. We are debating tax breaks for people making over $300,000 a year. That is our priority. The priority is not the parents of the handicapped children, the children of America who are uninsured, the 40 million uninsured Americans in general. That is where we lost sight of the true reality of the challenges facing American families.

The choices on the floor of the Senate are clear, and the choices for the American people in the election will be clear in terms of the values that should be represented when we decide who will benefit from the surplus we have generated and the strong economy of the last 8 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, in the year-and-a-half that I have been in the Senate, I have taken several opportunities to come to the floor to talk about the need to reduce our national debt.

Every chance I get, I remind my colleagues that we cannot let the excitement of having a record-high surplus allow us to lose sight of the fact that we must keep spending in check, and use our Social Security surplus and on-budget surplus dollars to pay down our $5.7 trillion national debt.

I can't help but wonder why the media is quick to report that we have such tremendous surpluses, but is virtually silent when it comes to reporting that we have such a huge national debt.

I think the people need to know that we have a national debt that is costing us $224 billion in interest payments a year, and that translates into $600 million per day just to pay the interest. Out of every federal dollar that is spent this year, 13 cents will go to pay the interest on the national debt. In comparison, 16 cents will go for national defense; 18 cents will go for non-defense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more federal tax dollars on debt interest than we do on the entire Medicare program.

This debt didn't accumulate overnight. In fact, it took decades of misguided fiscal policies on the part of the Congress and the Executive Branch to get this way. But, fortunately, we have an opportunity, with our strong economy and low unemployment, to make some headway on paying down our debt.

Nearly every family in America or every business owner in America, when they come into some extra money, would use that surplus money to pay off their loans, their credit cards, etc.—whatever debt they had accumulated.

And that's precisely what the U.S. government should do.

I don't think our Nation is any different from our families. If we have some extra money, we ought to get rid of the debt we are carrying on our back.

As my colleagues know, because of the expanding economy, CBO's April surplus estimates showed that we had attained a $26 billion on-budget surplus in fiscal year 2000.

And I would like to remind my colleagues that $22 billion of that $26 billion surplus was from payroll tax overpayments to the Medicare Trust Fund.

However, of that $26 billion surplus amount, the fiscal year 2001 budget resolution assumed we would spend $14 billion of it.

That left $12 billion, which I felt should be used for debt reduction, and so I sought to find a legislative remedy to have those funds allocated solely for the purpose of debt reduction.

On June 15th, by a vote of 95–3, the Senate passed an amendment to the Transportation Appropriations bill that Senator ALLARD and I sponsored, directing the remaining $12 billion on-budget surplus to be used for debt reduction. It was a tremendous victory, but, recognizably short-lived.

Over the last two months, Congress has spent $13.8 billion in an "emergency" supplemental appropriations package that was included as part of the Military Construction Appropriations Conference Report, and an additional $5.5 billion has been allocated for payments for another "ag bailout" bill with the passage of the Crop Insurance Reform package.

Thus, nearly all but $4 billion of the $26 billion surplus has been spent, including just about all of the $22 billion in overpayments to the Medicare Trust Fund—money that we in Congress have been talking about "lock-boxing" to prevent it from being spent in just such a manner.

With all this added spending, I would like to remind my colleagues that we are significantly raising discretionary spending this year—a habit Congress seems reluctant to break. For example, in fiscal year 1998, Congress spent $555 billion on discretionary spending. In fiscal year 1999 we increased discretionary spending to $575 billion—a 4% increase over that one year.

In fiscal year 2000, if you factor in the emergency supplemental appropriations we approved two weeks ago, discretionary spending will be $618 billion. Compared to last year's $575 billion, if my figures are right, that is a 7.5% increase so far in discretionary spending.

How many people in this country can say that they received a 7.5% pay increase from last year?

This is outrageous, and all the more reason we can't allow spending to grow any further in FY 2000.

When given the opportunity to spend more or bring down our national debt, Congress has to learn to make the tough choices—the fiscally prudent choices.

Fortunately, we will have another opportunity to curb spending and make a dent in our national debt.

Today, we have received the expected news from CBO that our fiscal year 2000 on-budget surplus has grown to $84 billion—$60 billion more than was projected in January.

With such a large amount of on-budget surplus dollars at stake, I fear that, again, the temptation will be enormous to spend these dollars—and with even greater zeal than before. We must ignore the allure of spending these surpluses, and remember that the best thing we could do with these funds is use them to pay down the debt.

For those of my colleagues who support tax cuts, I would like to remind them that the only thing that we can do with these FY 2000 surplus funds this year is use them to increase spending or pay down the national debt. That's it. They cannot be used for tax cuts because the fiscal year is almost over.

I have recently read an excellent paper written by Peter B. Sperry, who is the Grover M. Hermann Fellow in Federal Budgetary Affairs at the Heritage Foundation, regarding our obligation to use our surplus dollars to pay down our national debt.

I believe each of my colleagues should read this compelling article, and I ask unanimous consent that a copy of the article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit I.)

Mr. VOINOVICH. Mr. President, I agree with the conclusion that Mr. Sperry reaches in his paper, and that is, Congress needs to enact legislation that will automatically take the $60 billion windfall we just received for fiscal year 2000 and use it to pay down the debt.

The bill that Mr. Sperry says that Congress needs to pass is H.R. 4601, the Debt Reduction Reconciliation Act of 2000. Fortunately, on June 20th, the House of Representatives passed H.R. 4601, by a vote of 419–5. An overwhelming majority—just think of it.

I have reviewed this bill, and I believe H.R. 4601 is our last hope to pass meaningful debt-reduction legislation this year. That is why I asked that this bill be held at the desk and put on the Senate's calendar, instead of being sent to Committee. We must consider this legislation now, and we need to let the American people know that Congress is serious about reducing the national debt and not merely paying lip-service towards that goal.

In particular, the bill establishes an off-budget account at the U.S. Treasury that would be called the Public Debt Reduction Payment Account. Any funds that are over the amount specified in CBO's January surplus estimate of $24 billion would be transferred to the Account, where they would be automatically used to reduce the debt. Thus, $60 billion in on-budget surplus funds for FY 2000 would be directed towards debt reduction.

My fear is that before any of the extra FY 2000 funds actually go towards debt reduction, Congress and the President—especially the President—will say, "well, we've got the money, let's spend it and get out of town." But Mr. President, that's definitely not how it should work.

We have a moral obligation to use this money to pay down the debt, and I would like to read a quote from General Accounting Office (GAO) Comptroller General David Walker that hits the nail right on the head regarding that obligation. In testimony before the House Ways and Means Committee last year, Mr. Walker said:

> This generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

To me, the most important thing that we can do on behalf of our children and our grandchildren is to remove the yoke of this debt burden from their backs. If we do so, it will strike a blow for their future and for the future of our nation.

It is the responsibility of the House and the Senate to "stop the hemorrhaging of spending" by agreeing to let the remaining on-budget surplus for FY 2000 go towards paying down the national debt. H.R. 4601 will meet that challenge, and it is now up to the Senate to pass this bill. Let's get it done, Mr. President, and let's get it done now.

I thank the Chair, and I yield the floor.

EXHIBIT I

[From The Heritage Foundation, June 13, 2000]

HOW TO PROTECT THE SURPLUS FROM WASTEFUL SPENDING

(By Peter B. Sperry)

Although most Americans assume that a federal budget surplus in any year is automatically used to reduce the national debt, or at least the debt held by the public, this actually is not the case. The U.S. Department of the Treasury must implement specific financial accounting procedures if it is to use a cash surplus to pay down the debt held by the public. If these procedures are not followed, or if they proceed slowly, then the surplus revenue just builds up in the Treasury's operating cash accounts.

This excess cash could be used in the future to further reduce the debt, but only if it is protected from other uses in the meantime. Until the excess cash is formally committed to debt repayment, Congress could appropriate it for other purposes. Consequently, the current surplus will not automatically reduce the publicly held national debt of $3.54 trillion unless Congress acts now to make sure these funds are automatically used for debt reduction and for no other purpose.

There is a parallel to this in household finance. When a family with a large mortgage, credit card debt, and several student loans receives an unexpected financial windfall, it usually deposits the funds in a checking account and takes a little time to consider how best to allocate the revenue—whether to refinance the mortgage, pay off credit cards, or establish a rainy day fund. Meanwhile, the family's debt remains, and will not be reduced until the family formally transfers funds to one or more of its creditors. If the family does not take some action in the interim to wall off the cash, it often ends up frittering away the money on new purchases, and the debt remains.

The federal government faces a similar situation. Surplus revenues are accumulating in the Treasury Department's operating cash accounts faster than the Bureau of the Public Debt can efficiently dedicate them to reducing the public debt. Consequently, surplus balances in these accounts have reached historic levels, and they are likely to accumulate even faster as the size of the surplus grows. Unless Congress takes formal action to protect these funds, they are available to be used or misused at anytime in the appropriations process. Fortunately, the House soon will consider a bill (H.R. 4601) that would protect the budget surplus from being raided by appropriations until prudent decisions can be made about its use.

WHY DEBT REDUCTION NEEDS A BOOST

Thanks to unexpected budget surpluses, the U.S. Department of the Treasury issued less new debt than it redeemed each year. It conducted several "reverse" auctions to buy back old high-interest debt. And it successfully reduced the amount of federal debt held by the public in less than three years by $230 billion, from $3.77 trillion in October 1997 to $3.54 trillion in April 2000. Chart 1 clearly shows that its efforts have been successful and impressive.

Despite this effort, the Treasury still is awash in cash. Examining the Treasury Department's monthly reports over this same period (see Appendix) reveals that, after accounting for normal seasonal fluctuations, the closing balances of its operating cash accounts have grown dramatically and, more important, the rate at which cash is accumulating in them has accelerated. The linear trend line in Chart 2 shows both the growth in the closing balances in the cash accounts and the projected growth under current conditions. Essentially, if no provisions are made to protect these balances, in August 2002—two months before the midterm elections—appropriators would have access to almost $60 billion in non-obligated cash.

Unfortunately, even this projection may be too conservative. Examination of month-to-month changes in the closing balances indicates that the rate of cash accumulation has started to accelerate, which will cause the closing balances to grow even faster. The trend line in Chart 3 shows that the amount of positive monthly change in closing cash balances has, after accounting for normal fluctuation, increased since October 1997, and cash balances could start to increase by an average of $20 billion per month within two years.

The Treasury Department faces extraordinary cash management challenges as it attempts to repay the debt held by the public steadily and without destabilizing financial markets that depend on federal debt instruments as a standard of measurement. By protecting accumulated cash balances from misuse, Congress could provide the Treasury Department with the flexibility it needs to do its job more effectively.

TREASURY'S LIMITED DEBT MANAGEMENT TOOLS

The Treasury relies on three basic debt management tools to reduce the debt held by the public in a controlled manner.

Issuing Less Debt. As old debt matures and is redeemed, the Treasury Department issues a slightly smaller amount of new debt in return, thereby reducing the total debt held by the public. This is the federal government's most cost-effective and preferred method of debt reduction. However, it is not a simple process to determine how much new debt should be issued. If the Treasury Department returns too much debt to the financial market, it misses an opportunity to retire additional debt. If it returns too little to the markets, the cost of federal debt instruments will rise, driving down their yields and disrupting many private-sector retirement plans.

Reverse Auctions. The Treasury Department periodically conducts reverse auctions in which it announces that it will buy a predetermined amount of specific types of debt instruments from whoever will sell them for the best price. This method quickly reduces debt held by the public, but it can be expensive. Investors holding a T-bill that will be worth $1,000 in 20 years may be willing to sell it for $995 if they need the money now and believe that is the best price they can get. However, if they know the Treasury Department has made a commitment to buy a large number of T-bills in a short period of time, investors may hold out for $997—a premium of $2 million on every $1 billion of debt the Treasury Department retires.

Purchasing Debt Instruments. The Treasury Department can use private-sector brokers to purchase federal debt instruments on the open market without having it revealed that the client is the federal government. This method is slow, but it allows the Treasury Department to take advantage of unpredictable fluctuations in financial markets to buy back federal debt instruments for the best possible price. This method must be used carefully and discreetly to avoid having investors, upon realizing that the true buyer is the federal government, hold out for higher prices.

WHY TIMING AND FLEXIBILITY ARE IMPORTANT

The Treasury Department needs time and flexibility to use debt management tools effectively. It often will need to allow large balances to accumulate in the operating cash accounts while it waits for the opportunity to buy back federal debt instruments at the best possible price. If these balances are unprotected, they may prove irresistible temptations for appropriators with special-interest constituencies.

A prudent Secretary of the Treasury would not risk disrupting financial markets by recklessly reducing the amount of new debt issued each year, but might increase the number and size of reverse auctions to ensure that surplus revenues are used for debt reduction rather than remain available to congressional appropriators. The taxpayers would, at best, pay more than necessary to retire the federal debt, and they might find that appropriators have spent the surplus before it could be used to pay down debt.

MAKING DEBT REDUCTION AUTOMATIC

Fortunately, Congress has the opportunity to ensure that the Treasury's large cash balances are not misused in the appropriations process. The U.S. House of Representatives will soon consider H.R. 4601, the debt Reduction Reconciliation Act of 2000, recently approved by the House Ways and Means Committee. This legislation, sponsored by Representative Ernest Fletcher (R-KY), is designed to give the Treasury Department the time and flexibility it needs to use debt management tools most effectively. It would protect the on-budget surplus revenues collected during the remainder of fiscal year (FY) 2000 and appropriate them for debt reduction by depositing them in a designated "off budget" Public Debt Reduction Account.

Although the surplus revenues could still cause an increase in cash balances, the cash would be dedicated in the Debt Reduction Account rather than in the Treasury Department's operating cash account. Appropriators would be able to reallocate these funds only by first rescinding the appropriation for debt reduction in legislation that would have to pass both houses of Congress and gain presidential approval. Once surplus revenues are deposited in the Debt Reduction Account, appropriators would have very limited ability to increase spending without creating an on-budget deficit, which many taxpayers would perceive as a raid on the Social Security trust fund.

H.R. 4601 would effectively protect the surplus revenues that are collected during the remainder of FY 2000; moreover, it serves as model for how Congress should allocate unexpected windfalls in the future. It does not preclude tax reform because it is limited to the current fiscal year and therefore affects only revenues that have already been collected or that will be collected before any tax reform legislation takes effect. Nevertheless, once the Debt Reduction Account is established, Congress could continue to appropriate funds to the account at any time. Consequently, Congress would retain the option to reduce revenues through tax reform and still have a mechanism to prevent unexpected surplus revenues, once collected, from being used for any purpose other than debt reduction.

H.R. 4601 would give the Treasury flexibility to use its debt reduction tools in the most effective manner. Surplus revenues deposited in the Debt Reduction Account would remain available until expended, but only for debt reduction. The department would be able to schedule reverse auctions at the most advantageous times, make funds available to brokers buying back debt on the open markets or decrease the size of new debt issues—depending on which mechanism, or combination of tools, proves most cost effective. There would no longer be pressure to "use it or lose it."

HOW TO IMPROVE H.R. 4601

Although H.R. 4601 demonstrates a real commitment of members of the House to fiscal discipline, the legislation could be improved. Congress should consider requiring the Secretary of the Treasury also to deposit all revenue received from the sale of Special Issue Treasury Bills (which are sold only to the Social Security Administration) in the Debt Reduction Account. This would preclude the possibility of any future raids on the Social Security trust fund.

Congress should also consider adding language to H.R. 4601 to automatically appropriate future real (rather than projected) surplus revenues to the Debt Reduction Account. This would allow Congress the flexibility to implement tax reforms while also guaranteeing that surplus revenues, once collected, could be used only for debt reduction.

CONCLUSION

Many Americans assume that if surplus revenues are not used for spending or tax cuts, they automatically reduce the national debt. Indeed, this has become an unstated premise in discussions of fiscal policy, whether in the press, academia, or Congress. Unfortunately, the premise is incorrect.

To make the premise true, the Treasury Department should be able to make specific provisions for retiring debt. If it is not given the power and obligation to do so, the surplus revenues accumulating in its operating cash accounts will be subject to misuse by appropriations. Congress has an opportunity and obligation to give the Treasury Department the time and flexibility it needs to utilize its debt management tools effectively when it considers H.R. 4601. This bill offers an effective first step toward the goal of making sure that budget surpluses do not disappear in new spending programs.

WHAT IS THE NATIONAL DEBT?

The national debt consists of Treasury notes, T-bills, and savings bonds that were sold to raise cash to pay the ongoing operational expenses of the federal government. National debt held by the public consists of debt instruments sold to anyone other than a federal trust fund. Most federal debt held by the public is owned by state and local governments, pension plans, mutual funds, and individual retirement portfolios.

Most investors consider federal debt instruments to be cash equivalents that pay interest, and they are strongly motivated to hold them until maturity—up to 30 years in the case of T-bills. Many institutional investors, particularly pension funds, are required to maintain a certain portion of their portfolio in cash equivalents, and they depend on the federal government to issue new debt when their old investments mature and are redeemed. In additional, many lenders, particularly mortgage companies, use the market price of federal debt instruments as a measurement device to determine appropriate rates of return on alternative investments. These lenders rely on the federal government to maintain enough federal debt in circulation to make this measurement valid.

APPENDIX

U.S. TREASURY OPERATING CASH AND TOTAL PUBLIC DEBT: OCTOBER 1997–APRIL 2000

[In millions of dollars]

	Treasury operating cash: opening balance	Treasury operating cash: closing balance	Change	Total borrowing from the public: opening balance	Total borrowing from the public: closing balance	Change
1997:						
Oct	$43,621	$20,261	−$23,360	$3,771,141	3,777,456	$6,315
Nov	20,261	19,778	−483	3,777,456	3,806,564	29,108
Dec	19,778	31,885	12,107	3,806,564	3,804,792	−1,772
1998:						
Jan	31,885	40,307	8,422	3,804,792	3,779,985	−24,807
Feb	40,307	16,280	−24,027	3,779,985	3,810,549	30,564
Mar	16,280	27,632	11,352	3,810,549	3,830,686	20,137
Apr	27,632	88,030	60.398	3,830,686	3,770,099	−60,587
May	88,030	36,131	−51,899	3,770,099	3,761,503	−8,596
Jun	36,131	72,275	36,144	3,761,503	3,748,885	−12,618
Jul	72,275	36,065	−36,210	3,748,885	3,732,515	−16,370
Aug	36,065	36,427	362	3,732,515	3,766,504	33,989
Sep	36,427	37,878	1,451	3,766,504	3,720,092	−46,412
Oct	38,878	36,217	−2,661	3,720,092	3,735,422	15,330
Nov	36,217	15,882	−20,335	3,735,194	3,757,558	22,364
Dec	15,882	17,503	1,621	3,757,558	3,752,168	−5,390
1999:						
Jan	17,503	57,070	39.567	3,752,168	3,720,919	−31,249
Feb	57,070	4,638	−52,432	3,720,919	3,722,607	1,688
Mar	4,638	21,626	16,988	3,722,611	3,759,624	37,013
Apr	21,626	58,138	36.512	3,759,624	3,674,416	−85,208
May	58,138	25,643	−32,495	3,674,416	3,673,865	−551
Jun	25,643	53,102	27,459	3,673,865	3,651,619	−22,246
Jul	53,102	39,549	−13,553	3,651,619	3,652,812	1,193
Aug	39,549	36,389	−3,160	3,652,812	3,679,282	26,470
Sep	36,389	56,458	20,069	3,681,008	3,633,290	−47,718
Oct	56,458	47,567	−8,891	3,632,958	3,638,712	5,754
Nov	47,567	6,079	−41,488	3,639,079	3,645,212	6,133
Dec	6,079	83,327	77,248	3,645,212	3,680,961	35,749
2000:						
Jan	83,327	62,735	−20,592	3,680,961	3,596,976	−83,985
Feb	67,735	21,962	−40,773	3,596,570	3,613,701	17,131
Mar	21,962	44,770	22,808	3,613,701	3,653,447	39,746
Apr	44,770	92,557	47,787	3,653,447	3,540,781	−112,666

Sources: U.S. Department of the Treasury, Monthly Treasury Statements, at http://www.fms.treas.gov/mts/.

Mr. VOINOVICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, we are working with the managers of various pieces of legislation to determine the best way to proceed. Senator DASCHLE and I have been discussing how to proceed. We have had a very busy time over the past 8 days. We have had a lot of votes. We have completed a lot of work: The Department of Defense authorization bill—actually, we completed that with debate at night—the Interior appropriations bill today, the death tax elimination legislation last Friday, and the marriage tax penalty today.

The question is how to proceed at this point. We hope we can complete action on the foreign operations appropriations bill so it can go to conference, as we did yesterday on the legislative appropriations bill.

Our colleagues will recall, we did take that up but didn't complete it. We need to get that done so that can go to conference and the House and Senate conferees can begin working with the administration to get that important legislation passed. I know they have interest in it. We do, too.

We are also committed to getting four appropriations bills done before we go out for the August recess: Agriculture, which is, I believe, ready to proceed. The managers are in the area. Senator COCHRAN and Senator KOHL are in the area; The energy and water appropriations bill is ready to go when we complete Agriculture; Treasury-Postal Service will be ready next week, and Commerce-State-Justice.

That would be 11 appropriations bills. That would still leave the HUD-VA appropriations bill and the DC appropriations bill. But for a variety of reasons, we probably could not get those two done until some time in September, maybe even the middle of September anyway.

Now, there are other issues in which Senators are interested. We have been discussing ways to proceed to them, or if we could proceed to them. We had discussed the possibility of going to the NCAA gaming issue. I discussed that with some of the advocates on this side of the aisle at noon today. I understand, in fact, we may not be able to proceed to that because we have to clear it with a lot of different Senators. But we will continue to look to see if we can find a way to have that legislation considered.

Senator DASCHLE will want to comment on a number of these things, and maybe ask questions, too.

We still have pending the Elementary and Secondary Education Act. We put about a week or more into that legislation. A lot of amendments have been offered and voted on. There is a feeling, I hope, on both sides of the aisle that we would still like to actually complete that legislation.

I would like to consider working on it and at some point proceed the way we did on the Defense authorization bill so we actually get it completed. I am going to talk more with Senator DASCHLE about that. He will want to consult, I am sure, with the ranking member on his side. I will want to consult with the chairman on our side, Senator JEFFORDS, and Senator CRAIG, and others who are involved in that.

I continue to urge the Judiciary Committee to make progress on judicial nominations. There are a number of nominations that have had hearings, nominations that are ready for a vote, and other nominations that have been pending for quite some time that should be considered.

I have discussed this matter regularly with Senator HATCH, including last Friday afternoon and, again, just briefly yesterday. I cannot make the Judiciary Committee vote. I cannot tell them who to vote on, but I can urge them to continue to work on those nominations that can be cleared and can be reported to the Senate.

I have been assured by the chairman that they are going to have a markup and report out some judges on Wednesday of this week or—I thought it was Wednesday. Has it been moved to Thursday? I thought it was 10 o'clock on Wednesday. But they are going to report out judges this week and have at least one more hearing before the August recess. They expect to report out another group of judges next week. In that group will be not only district judges but circuit judges. So I want to make that record clear.

With regard to the issue a lot of Senators are interested in, the China permanent normal trade relations issue, we have to finish the appropriations bills. But we are discussing now a procedure, which we can discuss, that would allow us to go ahead and proceed to it, take some action on it next week but recognize that because of the time that could be required in having to debate and file cloture on a motion to proceed, and other cloture motions that might be necessary, we would not be able to complete it and do the appropriations bills next week.

Also, I continue to have a desire to find a way for the Thompson-Torricelli issue to be considered, either freestanding or as an amendment. So we need to get that resolved before we actually move to proceed to the China PNTR bill.

But I can see, again, the possibility of doing some work on that freestanding at night or doing it as an amendment, or, of course, he may reserve his right and may, in fact, believe he has to actually offer it when we go to China PNTR.

So what I am proposing here—and I would like Senator DASCHLE to comment on it—is that we go ahead and complete action on the foreign operations appropriations bill, send it to conference; that we go to the Agriculture appropriations bill; that we then take up the other appropriations bills in this group —energy and water, Treasury-Postal Service, and CJS—but that we work to see if we can proceed at night, perhaps on Thursday, perhaps next Monday, on the Elementary and Secondary Education Act. I need to consult with Senators that have been involved in that from the committee—the chairman and others I mentioned—and Senator DASCHLE needs to do the same thing.

If we could get an understanding that we would work on all these, we would also entertain the idea of proceeding to the China PNTR legislation next Wednesday. I believe, as it now stands, I would have to file a cloture motion on that. That cloture, then, would ripen on Friday; I believe that would be the 28th of July, which would be the Friday that we would hope to go out for the August recess. That would be the final action, unless 30 hours had to be run off of it at that time. Then we would go back to that when we come back after the August recess in September. The positive effects of that would be that we would show clearly we intend to go to this legislation.

We are going to work together to get these appropriations bills done. We are going to go to China PNTR. We are going to get over the first hurdle, recognizing that there are several other hurdles that could require quite a bit of time to complete.

But those are sort of the parameters of what Senator DASCHLE and I and others have been talking about.

I say to Senator DASCHLE, why don't I yield the floor so you can make comments on that and/or ask any questions.

Mr. McCAIN. Mr. President, may I ask a brief question.

The majority leader discussed with me earlier, off the floor, about the possibility of bringing up the NCAA prohibition of betting on college sports. This bill was passed overwhelmingly through the committee after hearings. Every college coach in America is committed to this proposition that betting on college sports should stop.

I would allege there would be a vote of 98–2 in this Senate, if it came to a vote. It is something I think we could get done. I think we could get it done quickly. Every college coach in America, the most respected men and women in America, are saying that these young people are tempted by this gambling and by this betting.

It was a unanimous recommendation of the National Gaming Impact Study Commission. I hope that the majority leader and the Senator from South Dakota would enter into a time agreement so we could get this done and stop what every college coach in America is saying is an outstanding evil and temptation that needs to be removed from these young Americans who have been basically put in their charge.

I hope the majority leader will consider, in consultation with the Democratic leader, that we bring this bill up, get it passed, and get it on the President's desk.

Mr. LOTT. If I could respond to Senator McCAIN's comments, as I indicated to him at lunch, I was prepared and am prepared to move to proceed to that issue. I understand perhaps there may be objection to proceeding. I had hoped maybe we could get an agreement to go ahead and proceed. But we can call it up, and if there is objection, there is objection. We will have to deal with it at that point.

Of course, one option is to file cloture to try to overcome that objection. But we would have to factor in the time that would take and how that would play in all these other issues we are trying to balance.

Senator DASCHLE and I thought maybe we could go to it, but we have an obligation. Just like I had to talk to Senator McCAIN, I need to talk to Senator BROWNBACK. He has Senators he needs to talk to. I believe—I do not want to speak for him—he indicated he thought perhaps there would be an objection to proceeding. We did not think that was the case as early as 11 o'clock today. We will continue to work with the Senator because I am committed to working with him and Senator BROWNBACK to find a way for this issue to come up and be considered. If we can ever get it to a vote, I think the Senator is right; it is going to pass overwhelmingly.

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the majority leader in regard to the NCAA bill. I think there is broad support for it. But I also recognize that every Senator is within his or her rights to object and to prolong consideration of any bill for whatever length of time the rules might allow.

We have colleagues on this side of the aisle who have indicated to me that is their intention. I know we have to take that into account as we schedule legislation for the balance of this work period. I will certainly work with the distinguished chair of the Commerce Committee and the majority leader to find a time, either through an amendment or through a freestanding bill, to bring it up.

Senator LOTT has articulated very clearly the discussions he and I have had over the last hour or so. He has expressed the desire to me—not only to me, to the Senate on several occasions—that we finish at least 11 appropriations bills. I have indicated my hope that we could accommodate that kind of schedule, even though we recognize the disruptions in the schedule, even tomorrow, necessary disruptions. I think it is accomplishable. I would like to work with him to attempt to try to resolve these matters. I have indicated to him that a number of colleagues on this side of the aisle have indicated to me that in order for us to do that there would be a need to address a number of other issues.

The majority leader has identified each of those issues and responded just as we discussed. It is my understanding that there will be a markup in the Judiciary Committee on future judicial nominations. I hope, as the majority leader has indicated, it will include both circuit and district judges. It is my understanding that is likely to occur. He has also now indicated that we will get another batch of them done next week and that a mix of circuit and district judges is also anticipated. I am very pleased with that information and commend him for his efforts to move this process along. He has operated in extraordinarily good faith in working with me to try to move these nominations along. I know it is not easy. It is very difficult. But he has certainly been a major factor in getting us to this point.

We have again indicated the desire, as we have on several occasions, to bring up PNTR, at least through a motion to proceed beginning next Wednesday. I subscribe to his suggestion or his proposal that would allow us to vote on cloture on the motion to proceed on Friday. We would then have 30 hours of debate. Senators who wish to discuss the matter beyond the vote or perhaps preceding the vote would certainly be entitled to do so. We could have the vote either on Friday or immediately after we come back. That would accommodate at least overcoming one major hurdle. I applaud him for approaching the issue in that way.

Third, we have discussed on several occasions on the floor our hope and desire that we can use the dual track that worked very successfully in accommodating Senators' needs to address a number of issues but also in finishing legislation, as we did with the Defense authorization bill. There came a point when we had exhausted the amendment process and rightfully brought the issue to closure. I hope, as Senator LOTT has noted, that we might be able to do that with ESEA as well. It is important for us to resume this dual track. I am very pleased with the majority leader's commitment to continue a dual-track process over the course of the next couple of weeks. We have the opportunity to get a lot of work done—work on appropriations bills, work on judges, work on PNTR, and work on ESEA—as a dual-track vehicle with which we can work to offer other amendments. I am pleased with our discussions and hope we can proceed with that understanding.

I, again, thank the majority leader for his willingness to work with us and accommodate all of these important matters.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Montana.

Mr. BAUCUS. Mr. President, I compliment both leaders. This is incredibly complex, all of the scheduling. We have had lots of conversations. Every Senator in this body has had conversations with both of them, and I know they are trying to do their very best to work all this out. Not getting into any specific item, I am appreciative of the tone and nature of the conversation I have just heard and of the items mentioned. As one Senator, I wanted to tell them how much I appreciate their working together to get these things up along the lines they have outlined.

Mr. LEVIN. Will the majority leader yield?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I am glad to yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, I add my thanks to the two leaders for their efforts. We watch them with admiration as they seek to work through these multiple challenges. We have had many discussions concerning one of the items about which they talked. I just couldn't sit here without adding my gratitude to both of them.

Mr. LOTT. I thank the Senator.

Let me note, for instance, the types of things we do need to accommodate. The Senate tomorrow will want to accommodate Senators wishing to attend the services for Senator Pastore, a great Senator from the State of Rhode Island. A delegation will be attending those services tomorrow morning. We will continue to work, but we will withhold the votes or stack the votes, if any are required, until the afternoon at 2 or 2:30. I don't know exactly what time it would be, but I know Senator COCHRAN would want to do that. That is the kind of situation we have to try to accommodate. We can't always dictate how we will proceed because we want to do this in memory of a Senator who served in this body for many years.

We will continue to act in good faith to try to make sure Senators' wishes are known and accommodated. We may not be able to get them all worked out. As to the NCAA gaming, I thought maybe we could move to proceed to that without objection, but there may be a legitimate one. I had promised a couple of Senators we would make sure they knew of that.

I will also need to talk to Senators about the best night that we could do some work on ESEA. Senator DASCHLE will want to do the same in view of that.

Mr. DASCHLE. Mr. President, if the majority leader will withhold, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I understand there may be some clarification that needs to be completed before we can proceed to the appropriations bill for Agriculture.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 4811, the House-passed foreign operations appropriations bill. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 2522, as amended, be inserted in lieu thereof, the bill be read the third time and passed with the motion to reconsider laid upon the table.

The bill (H.R. 4811), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4811) entitled "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $768,000,000 to remain available until September 30, 2004: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2019 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2001, 2002, 2003, and 2004: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $25,000 for official reception and representation expenses for members of the Board of Directors, $58,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2001.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal *year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $38,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.*

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2001 and 2002: Provided further, That such sums shall remain available through fiscal year 2010 for the disbursement of direct and guaranteed loans obligated in fiscal years 2001 and 2002: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $46,000,000, to remain available until September 30, 2002: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2002, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, and title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $1,368,250,000, to remain available until September 30, 2002: Provided, That of the amount appropriated under this heading, up to $14,400,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That of the funds appropriated under this heading, not less than $425,000,000 shall be made available to carry out the provisions of section 104(b) of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD): Provided further, That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, not less than $310,000,000 shall be made available for agriculture and rural development programs of which $30,000,000 shall be made available for plant biotechnology research and development: Provided further, That of amounts made available in the preceding proviso for plant biotechnology activities, $1,000,000 shall be made available for the University of Missouri International Laboratory for Tropical Agriculture Biotechnology, not less than $1,000,000 shall be made available for research and training foreign scientists at the University of California, Davis, and not less than $1,000,000 shall be made available to support a Center to Promote Biotechnology in International Agriculture at Tuskegee University: Provided further, That not less than $4,000,000 shall be made available for the International Fertilizer Development Center: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated under this heading not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $17,000,000 shall be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 shall be available to support an international media training center: Provided further, That of the funds appropriated under this heading, and the heading "Assistance for the Independent States", up to $7,000,000 should be made available for Carelift International: Provided further, That, of the funds appropriated by this Act for the Microenterprise Initiative (including any local currencies made available for the purposes of the Initiative), not less than one-half should be made available for programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans: Provided further, That of the funds appropriated under this heading, up to $1,500,000 may be used to develop and integrate, where appropriate, educational programs aimed at eliminating the practice of female genital mutilation: Provided further, That of the funds to be appropriated under this heading, $2,500,000 is available for the Foundation for Environmental Security and Sustainability to support environmental threat assessments with interdisciplinary experts and academicians utilizing various technologies to address issues *such as infectious disease, and other environmental indicators and warnings as they pertain to the security of an area: Provided further, That of the amount appropriated or otherwise made available under this heading, $1,500,000 shall be available only for Habitat for Humanity International, to be used to purchase 14 acres of land on behalf of Tibetan refugees living in northern India and for the construction of a multiunit development for Tibetan families.*

GLOBAL HEALTH

For necessary expenses to carry out the provisions of Chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities, in addition to funds otherwise available for such purposes, $651,000,000 to remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, not less than the amount of funds appropriated under the headings "Development Assistance" and "Child Survival and Disease Program Fund", for programs for the prevention, treatment, and control of, and research on, infectious diseases in developing countries in fiscal year 2000 shall be made available for such activities in fiscal year 2001, of which amount not less than $225,000,000 shall be made available for such programs for HIV/AIDS including not less than $15,000,000 which shall be made available to support the development of microbicides as a means for combating HIV/AIDS: Provided further, That of the funds appropriated under this heading for infectious diseases, not less than $35,000,000 should be made available for programs for the prevention, treatment, control of, and research on tuberculosis, and not less than $50,000,000 should be made available for programs for the prevention, treatment, and control of, and research on, malaria: Provided further, That of the funds appropriated under this heading, not less than $50,000,000 shall be made available for a United States contribution to the Global Fund for Children's Vaccines, notwithstanding any other provision of law: Provided further, That of the funds appropriated under this heading, not less than $1,200,000 should be made available to assist blind children.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $18,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided, That not less than $15,000,000 of the funds made available under this heading shall be made available from funds appropriated under the Economic Support Fund.

IRAQ

Notwithstanding any other provision of law, of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $25,000,000 shall be made available for programs benefitting the Iraqi people, of which not less than $15,000,000 shall be made available for food, medicine, and other humanitarian assistance (including related administrative, communications, logistical, and transportation costs) to be provided to the Iraqi people inside Iraq: Provided, That such assistance shall be provided through the Iraqi National Congress Support Foundation or the Iraqi National Congress: Provided further, That not less than $10,000,000 of the amounts made available for programs benefitting the Iraqi people shall be made available to the Iraqi National Congress Support Foundation or the Iraqi National Congress for the production and broadcasting inside Iraq of radio and satellite television programming: Provided further, That the President shall, not later than 30 days after the date of enactment of this Act, submit to the Committees on Appropriations of the Senate and the House of Representatives a plan (in classified or unclassified form) for the transfer to the Iraqi National Congress Support Foundation or the Iraqi National Congress of humanitarian assistance for the Iraqi people pursuant to this paragraph, and for the commencement of broadcasting operations by them pursuant to this paragraph.

BURMA

Of the funds appropriated under the headings "Economic Support Fund" and "Development Assistance", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CONSERVATION FUND

Of the funds made available under the headings "Development Assistance" and "Economic Support Fund", not less than $3,000,000 shall be made available to support the preservation of habitats and related activities for endangered wildlife.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $220,000,000, to remain available until expended.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For administrative expenses to carry out the direct and guaranteed loan programs, $4,000,000, which may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development".

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,489,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $510,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $25,000,000, to remain available until September 30, 2002, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,220,000,000, to remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, not less than $840,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That not less than $695,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That for fiscal year 2001, up to the Egyptian pound equivalent of $50,000,000 generated from funds made available by this paragraph or generated from funds appropriated under this heading in prior appropriations Acts, may be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for the following activities under such Agreements: up to the Egyptian pound equivalent of $35,000,000 may be made available for costs associated with the relocation of the American University in Cairo, and up to the Egyptian pound equivalent of $15,000,000 may be made available for projects and programs including establishment of an endowment, which promote the preservation and restoration of Egyptian antiquities, of which up to the Egyptian pound equivalent of $3,000,000 may be made available for the Theban Mapping Project: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement at least equivalent to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for assistance for Jordan: Provided further, That of funds made available under this heading not less than $2,000,000 shall be available to support the American Center for Oriental Research: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for East Timor of which up to $1,000,000 may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development": Provided further, That up to $10,000,000 of the funds appropriated under this heading should be used, notwithstanding any other provision of *law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.*

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $635,000,000, to remain available until September 30, 2002, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading not less than $89,000,000 shall be made available for assistance for Montenegro: Provided further, That of the funds made available under this heading and the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not to exceed $75,000,000 shall be made available for Bosnia and Herzegovina: Provided further, That of the funds appropriated under this heading and made available to support training of local Kosova police and the temporary International Police Force (IPF), not less than $250,000 shall be available only to assist law enforcement officials to better identify and respond to cases of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than $60,000,000 should be made available for Croatia: Provided, That the Secretary of State shall make funds for activities and projects in Croatia available only after certifying that the Government of Croatia is fulfilling its declared commitments: (1) to cooperate with the International Criminal Tribunal for Yugoslavia including providing documents; (2) to take immediate steps to end Croatian financial, political, security, and other support which has served to maintain separate Herceg Bosna institutions; (3) to establish a swift timetable and cooperate in support of the safe return of refugees; and (4) to accelerate political, media, electoral and anti-corruption reforms: Provided further, That the Secretary of State shall report to the Committees on Appropriations 90 days after the date of enactment of this Act on the progress achieved by the Government of Croatia in fulfilling pledges made to meet the preceding proviso.

(c) None of the funds made available under this heading for Kosova shall be made available until the Secretary of State certifies that the resources obligated and expended by the United States in Kosova do not exceed 15 percent of the total resources obligated and expended by all donors: Provided, That none of the funds made available under this heading for Kosova shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading for Kosova, not less than 50 percent shall be made available through non-government organizations: Provided further, That of the funds made available under this heading for Kosova, not less than $1,300,000 shall be made available to support the National Albanian American Council's training program for Kosovar women: Provided further, That of the funds appropriated under this heading not less than $750,000 shall be made available for a joint project developed by the University of Pristina, Kosova and the Dartmouth Medical School, U.S.A., to help restore the primary care capabilities at the University of Pristina Medical School and in Kosova.

(d) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(e) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(f) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(g) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(h) The provisions of section 532 of this Act shall apply to funds made available under subsection (g) and to funds appropriated under this heading.

(i) The President shall withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $775,000,000, to remain available until September 30, 2002: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the amounts appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East, not less than $400,000 shall be made available to support the Cochran Fellowship Program in Russia, and not less than $250,000 shall be made available to support the Moscow School of Political Studies: Provided further, That of the funds appropriated under this heading, not less than $1,500,000 shall be available only to meet the health and other assistance needs of victims of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than $175,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than $25,000,000 shall be made available for nuclear reactor safety initiatives, not less than $1,000,000 shall be made available to the University of Southern Alabama to study environmental causes of birth defects, and not less than $5,000,000 shall be made available for the Ukranian Land and Resource Management Center.

(c) Of the funds appropriated under this heading, not less than $94,000,000 shall be made available for assistance for Georgia of which not less than $25,000,000 shall be made available to support Border Security Guard initiatives, and not less than $5,000,000 shall be made available for development and training of municipal officials in water resource management, transportation and agribusiness.

(d) Of the funds appropriated under this heading, not less than $89,000,000 shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 7 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(g) Of the funds appropriated under title II of this Act not less than $12,000,000 shall be made available for assistance for Mongolia of which not less than $6,000,000 should be made available from funds appropriated under this heading: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(i) None of the funds appropriated under this heading may be made available for assistance for the Government of the Russian Federation

until the Secretary of State certifies that: (a) the Government of the Russian Federation is fully cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya; and, (b) the Government of the Russian Federation is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya: Provided, That of the funds appropriated under this heading for assistance for Russia, not less than $10,000,000 shall be made available to non-government organizations providing humanitarian relief in Chechnya and Ingushetia.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $244,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside the United States: Provided, That $24,000,000 of such sums be made available from funds already appropriated by the Act, that are not otherwise earmarked for specific purposes: Provided further, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2002.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $220,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $615,000,000, which shall remain available until expended: Provided, That not more than $14,000,000 shall be available for administrative expenses: Provided further, That funds appropriated under this heading to support activities and programs conducted by the United Nations High Commissioner for Refugees shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not less than $60,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $215,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That 20 days prior to the obligation of funds for use by the Comprehensive Test Ban Treaty Preparatory Commission, the Secretary of State shall provide a report to the Committees on Appropriations describing the anticipated use of such funds: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $5,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), $75,000,000, to remain available until expended: Provided, That of this amount, funds may be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Trust Fund administered by the International Bank for Reconstruction and Development: Provided further, That funds made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Initiative (HIPC) or the HIPC Trust Fund shall be subject to authorization and approval by Congress: Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated hereunder or previously appropriated under this heading: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $55,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,519,000,000: Provided, That of the funds appropriated under this heading, not less than $1,980,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.26 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $10,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not *less than $4,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That of the funds appropriated by this paragraph, not less than $12,000,000 shall be made available for Georgia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Georgia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That pursuant to section 3(a)(2) of the Arms Export Control Act and section 505(a)(1)(B) of the Foreign Assistance Act of 1961, the United States consents to the transfer by Turkey to Georgia of defense articles sold by the United States to Turkey having an aggregate, current market value of not to exceed $10,000,000 for fiscal year 2001: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).*

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $33,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2001 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2000, whichever is later: Provided further, That withdrawal from the account shall be made only on authenticated instructions from the Defense Finance and Accounting Service: Provided further, That in the event the interest bearing account is closed, the balance of the account shall be transferred promptly to the current appropriations account under this heading: Provided further, That none of the interest accrued by the account shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $85,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $50,000,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $750,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $4,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $80,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $10,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $6,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $95,983,000.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $72,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,779,000, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,238,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $288,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than $5,000,000 shall be made available to the World Food Program: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): Provided further, That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: Provided, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying *a foreign country's loan obligations to such institution.*

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 2001, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2001.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any government which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such government by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance", "Global Health", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the Agency for International Development", "Operating Expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2002.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2001, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for health, family planning, child survival, environment, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: Provided, That up to $1,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for "Economic Support Fund" may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster rule of law and democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country, except that funds appropriated by this Act under the heading "Economic Support Fund" that are made available for the National Endowment for Democracy or its grantees may be made available for activities to foster democracy in that country notwithstanding this proviso and any other provision of law: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. (a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the United States may not sell or otherwise make available under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961 any Stinger ground-to-air missiles to any country bordering the Persian Gulf.

(b) ADDITIONAL TRANSFERS AUTHORIZED.—In addition to other defense articles authorized to be transferred by section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, the United States may sell or make available, under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961, Stinger ground-to-air missiles to any country bordering the Persian Gulf in order to replace, on a one-for-one basis, Stinger missiles previously furnished to such country if the Stinger missiles to be replaced are nearing the scheduled expiration of their shelf-life.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United

States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

FUNDING PROHIBITION FOR SERBIA

SEC. 537. None of the funds appropriated by this Act may be made available for assistance for the Republic of Serbia: Provided, That this restriction shall not apply to assistance for Kosova or Montenegro, or to assistance to promote democratization: Provided further, That section 620(t) of the Foreign Assistance Act of 1961, as amended, shall not apply to Kosova or Montenegro.

SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961 are repealed.

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2001, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2001, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, *subject to such terms and conditions as the President may prescribe.*

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 556. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

ASSISTANCE FOR HAITI

SEC. 559. None of the funds made available by this or any previous appropriations Act for foreign operations, export financing and related programs shall be made available to the Government of Haiti until the Secretary of State reports to the Committees on Appropriations that Haiti has held free and fair elections to seat a new parliament.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 560. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1999.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 561. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons

in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI NATIONAL POLICE AND COAST GUARD

SEC. 562. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 565. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(I) assistance to refugees and internally displaced persons returning to their homes in Bosnia from which they had been forced to leave on the basis of their ethnicity.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in any sanctioned country, entity, or municipality described in subsection (e) in which a person publicly indicted by the Tribunal is in residence or is engaged in extended activity and competent local authorities have failed to notify the Tribunal or failed to take necessary and significant steps to apprehend and transfer such persons to the Tribunal or in which competent local authorities have obstructed the work of the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of

the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 566. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 567. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2001, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2002: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix: Provided further, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 568. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ENTERPRISE FUND RESTRICTIONS

SEC. 569. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 570. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

FOREIGN MILITARY EXPENDITURES REPORT

SEC. 571. (a) Section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391) is amended by repealing paragraph (2) relating to military expenditures.

(b) Not later than February 15, 2001, the Secretary of the Treasury shall submit a report to the Committees on Appropriations which describes how the provisions of section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended (Public Law 104–208), and of section 1502(b) of title XV of the International Financial Institutions Act (22 U.S.C. 262o) as amended, are being implemented. This report shall identify, among other things—

(1) the countries found not to be in compliance with the provisions of section 576 and the instances where the United States Executive Director to an international financial institution has voted to oppose a loan or other utilization of funds as a result of the requirements of that section;

(2) steps taken by the governments of countries receiving loans or other funds from such institutions to establish the reporting systems addressed in section 576;

(3) any instances in which such governments have failed to provide information about the governments' audit process requested by an international financial institution; and

(4) any policy changes that have been made by the international financial institutions with regard to providing loans or other funds to countries which expend a significant portion of their financial resources for their armed forces and security forces, and with regard to requiring, and providing technical assistance for, audits of receipts and expenditures of such armed forces and security forces.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 572. (a) Of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs", not to exceed $35,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Of the funds made available for KEDO, up to $15,000,000 may be made available prior to June 1, 2001, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended; and

(5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel.

(c) Of the funds made available for KEDO, up to $20,000,000 may be made available on or after June 1, 2001, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(2) North Korea is complying with its obligations under the agreement regarding access to suspect underground construction;

(3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(4) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(d) The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees prior to his exercise of such waiver. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(e) The Secretary of State shall submit to the appropriate congressional committees a report (to be submitted with the annual presentation for appropriations) providing a full and detailed

accounting of the fiscal year 2002 request for the United States contribution to KEDO, the expected operating budget of the KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

AFRICAN DEVELOPMENT FOUNDATION

SEC. 573. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 574. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 575. (a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the United States Agency for International Development;

(2) the term "Administrator" means the Administrator, United States Agency for International Development; and

(3) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(D) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this section or any other authority and has not repaid such payment;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this section, shall submit to the Committees on Appropriations and the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered;

(C) a description of how the agency will operate without the eliminated positions and functions; and

(D) the time period during which incentives may be paid.

(3) APPROVAL.—The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove the plan and may make appropriate modifications in the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraphs (2)(B) through (D).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the agency to employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this section—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) on or before December 31, 2001;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

KYOTO PROTOCOL

SEC. 576. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 577. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end, the following: "and $50,000,000 for fiscal year 2001".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by inserting at the end thereof the following *sentence: "Of the amount specified in subparagraph (A) for fiscal year 2001, not more than $50,000,000 may be made available for stockpiles in the Republic of Korea.".*

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 578. (a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) FOUNDATION.—The term "Foundation" means the Inter-American Foundation.

(3) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(b) ABOLITION OF INTER-AMERICAN FOUNDATION.—During fiscal year 2001, the President is authorized to abolish the Inter-American Foundation. The provisions of this section shall only be effective upon the effective date of the abolition of the Inter-American Foundation.

(c) TERMINATION OF FUNCTIONS.—

(1) Except as provided in subsection (d)(2), there are terminated upon the abolition of the Foundation all functions vested in, or exercised by, the Foundation or any official thereof, under any statute, reorganization plan, Executive order, or other provisions of law, as of the day before the effective date of this section.

(2) REPEAL.—Section 401 of the Foreign Assistance Act of 1969 (22 U.S.C. 290f) is repealed upon the effective date specified in subsection (j).

(3) FINAL DISPOSITION OF FUNDS.—Upon the date of transmittal to Congress of the certification described in subsection (d)(4), all unexpended balances of appropriations of the Foundation shall be deposited in the miscellaneous receipts account of the Treasury of the United States.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for—

(A) the administration and wind-up of any outstanding obligation of the Federal Government under any contract or agreement entered into by the Foundation before the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, except that the authority of this subparagraph does not include the renewal or extension of any such contract or agreement; and

(B) taking such other actions as may be necessary to wind-up any outstanding affairs of the Foundation.

(2) TRANSFER OF FUNCTIONS TO THE DIRECTOR.—There are transferred to the Director such functions of the Foundation under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the date of the enactment of this section, as may be necessary to carry out the responsibilities of the Director under paragraph (1).

(3) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under paragraph (1) and subject to the availability of appropriations, the Director may—

(A) enter into contracts;

(B) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(C) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

(4) CERTIFICATION REQUIRED.—Whenever the Director determines that the responsibilities described in paragraph (1) have been fully discharged, the Director shall so certify to the appropriate congressional committees.

(e) REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to the appropriate congressional committees a detailed report in writing regarding all matters relating to the abolition and termination of the Foundation. The report shall be submitted not later than 90 days after the termination of the Foundation.

(f) TRANSFER AND ALLOCATION OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under subsection (g)(3)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions, terminated by subsection (c)(1) or transferred by subsection (d)(2) shall be transferred to the Director for purposes of carrying out the responsibilities described in subsection (d)(1).

(g) SAVINGS PROVISIONS.—

(1) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the Foundation in the performance of functions that are terminated or transferred under this section; and

(B) that are in effect as of the date of the abolition of the Foundation, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as otherwise provided in this section—

(A) the provisions of this section shall not affect suits commenced prior to the date of the abolition of the Foundation; and

(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(3) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Foundation shall abate by reason of the enactment of this section. No cause of action by or against the Foundation, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this section.

(4) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date of the abolition of the Foundation, the Foundation, or officer thereof in the official capacity of such officer, is a party to a suit, then effective on such date such suit shall be continued with the Director substituted or added as a party.

(5) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Director in the exercise of functions terminated or transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Foundation immediately preceding their termination or transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Director.

(h) CONFORMING AMENDMENTS.—

(1) AFRICAN DEVELOPMENT FOUNDATION.—Section 502 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h) is amended—

(A) by inserting "and" at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(2) SOCIAL PROGRESS TRUST FUND AGREEMENT.—Section 36 of the Foreign Assistance Act of 1973 is amended—

(A) in subsection (a)—

(i) by striking "provide for" and all that follows through "(2) utilization" and inserting "provide for the utilization"; and

(ii) by striking "member countries;" and all that follows through "paragraph (2)" and inserting "member countries.";

(B) in subsection (b), by striking "transfer or";

(C) by striking subsection (c);

(D) by redesignating subsection (d) as subsection (c); and

(E) in subsection (c) (as so redesignated), by striking "transfer or".

(3) FOREIGN ASSISTANCE ACT OF 1961.—Section 222A(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182a(d)) is repealed.

(i) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(j) EFFECTIVE DATES.—The repeal made by subsection (c)(2) and the amendments made by subsection (h) shall take effect upon the date of transmittal to Congress of the certification described in subsection (d)(4).

WEST BANK AND GAZA PROGRAM

SEC. 579. For fiscal year 2001, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

INDONESIA

SEC. 580. (a) Funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available to the Government of Indonesia if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and militia groups responsible for human rights violations in Indonesia and East Timor.

WORKING CAPITAL FUND

SEC. 581. (a) Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding a new subsection (l) as follows:

"(l)(1) There is hereby established a working capital fund for the Agency for International Development which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment and supplies for International Cooperative Administrative Support Services.

"(2) The capital of the fund shall consist of the fair and reasonable value of such supplies, equipment and other assets pertaining to the functions of the fund as the Administrator determines, rebates from the use of United States Government credit cards, and any appropriations made available for the purpose of providing capital, less related liabilities and unpaid obligations.

"(3) The fund shall be reimbursed or credited with advance payments for services, equipment or supplies provided from the fund from applicable appropriations and funds of the agency, other Federal agencies and other sources authorized by section 607 of this Act at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

"(4) The agency shall transfer to the Treasury as miscellaneous receipts as of the close of the fiscal year such amounts which the Administrator determines to be in excess of the needs of the fund.

"(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity or agency and the proceeds shall, if otherwise authorized, be credited to current applicable appropriations.".

IMMUNITY OF FEDERAL REPUBLIC OF YUGOSLAVIA

SEC. 582. (a) Subject to subsection (b), the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7).

(b) This section shall not apply to Montenegro or Kosova.

(c) This section shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

(d) The certification provided for in subsection (c) shall not affect the continuation of litigation commenced against the Federal Republic of Yugoslavia prior to its fulfillment of the conditions in subsection (c).

CONSULTATIONS ON ARMS SALES TO TAIWAN

SEC. 583. Consistent with the intent of Congress expressed in the enactment of section 3(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

SANCTIONS AGAINST SERBIA

SEC. 584. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2001, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the Government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the Government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the Government of Serbia is implementing internal democratic reforms; and

(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosova.

(f) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.

CLEAN COAL TECHNOLOGY

SEC. 585. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID's Development Credit Authority.

REPEAL OF UNOBLIGATED BALANCE RESTRICTIONS

SEC. 586. (a) The final proviso under the heading "Foreign Military Financing Program" in Title VI of the Foreign Operations, Export Financing, and Related Programs as enacted into law by section 1000(a)(2) of division B of Public Law 106–113 (113 STAT. 1501A–133), is repealed.

(b) Subsection (a) shall be effective immediately upon the enactment of this Act.

REPEAL OF REQUIREMENT FOR ANNUAL GAO REPORT ON THE FINANCIAL OPERATIONS OF THE INTERNATIONAL MONETARY FUND

SEC. 587. Section 1706 of the International Financial Institutions Act (22 U.S.C. 262r–5) is repealed.

EXTENSION OF GAO AUTHORITIES

SEC. 588. The funds made available to the Comptroller General pursuant to Title I, Chapter 4 of Public Law 106–31 shall remain available until expended.

PROCUREMENT AUTHORITY

SEC. 589. Funds appropriated by this or any prior Acts making appropriations for foreign operations, export financing, and related programs, that are provided to the National Endowment for Democracy shall be provided in a manner that is consistent with the last sentence of section 503(a) of the National Endowment for Democracy Act and Comptroller General Decisions No. B–203681 of June 6, 1985, and No. B–248111 of September 9, 1992, and the National Endowment for Democracy shall be deemed "the awarding agency" for purposes of implementing

Office of Management and Budget Circular A–122 as dated June 1, 1998, or any successor circular.

FUNDING FOR PRIVATE ORGANIZATIONS

SEC. 590. Notwithstanding any other provision of law, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations and multilateral organizations—

(1) shall not be subject to requirements related to the use of non-United States Government funds for advocacy and lobbying activities more restrictive than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act; and

(2) shall not be ineligible for such assistance solely on the basis of health or medical services provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 591. (a) FUNDING CONDITIONS.—Of the funds made available under the heading "International Financial Institutions" in this or any prior Foreign Operations, Export Financing, or Related Programs Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies that—

(1) the institution is implementing procedures for conducting semi-annual audits by qualified independent auditors for all new lending;

(2) the institution has taken steps to establish an independent fraud and corruption investigative organization or office;

(3) the institution has implemented a program to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new lending; and

(4) the institution is taking steps to fund and implement measures to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of the Treasury shall report on March 1, 2001 to the Committees on Appropriations on progress made to fulfill the objectives identified in subsection (a).

(c) DEFINITIONS.—The term "International Financial Institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. 592. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

EDUCATION AND ANTI-CORRUPTION ASSISTANCE

SEC. 593. Section 638 of the Foreign Assistance Act of 1961 (22 U.S.C. 2398) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any provision of law that restricts assistance to foreign countries, funds made available to carry out the provisions of part I of this Act may be furnished for assistance for education programs and for anti-corruption programs, except that this subsection shall not apply to section 490(e) or 620A of this Act or any other comparable provision of law.".

INDOCHINESE PAROLEES

SEC. 594. Notwithstanding any other provision of law, any national of Vietnam, Cambodia, or Laos who was paroled into the United States before October 1, 1997 shall be eligible to make an application for adjustment of status pursuant to section 599E of Public Law 101–167.

NONPROLIFERATION AND ANTI-TERRORISM PROGRAMS

SEC. 595. It is the sense of Congress that—

(1) the programs contained in the Department of State's Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) budget line are vital to the national security of the United States; and

(2) funding for those programs should be restored in any conference report with respect to this Act to the levels requested in the President's budget.

MOTHER-TO-CHILD TRANSMISSION OF HIV/AIDS IN SUB-SAHARAN AFRICA

SEC. 596. (a) FINDINGS.—The Senate finds that:

(1) According to the World Health Organization, in 1999, there were 5,600,000 new cases of HIV/AIDS throughout the world, and two-thirds of those (3,800,000) were in sub-Saharan Africa.

(2) Sub-Saharan Africa is the only region in the world where a majority of those with HIV/AIDS—55 percent—are women.

(3) When women get the disease, they often pass it along to their children, and over 2,000,000 children in sub-Saharan Africa are living with HIV/AIDS.

(4) New investments and treatments hold out promise of making progress against mother-to-child transmission of HIV/AIDS. For example—

(A) a study in Uganda demonstrated that a new drug could prevent almost one-half of the HIV transmissions from mothers to infants, at a fraction of the cost of other treatments; and

(B) a study of South Africa's population estimated that if all pregnant women in that country took an antiviral medication during labor, as many as 110,000 new cases of HIV/AIDS could be prevented over the next five years in South Africa alone.

(5) The Technical Assistance, Trade Promotion, and Anti-Corruption Act of 2000, as approved by the Senate Foreign Relations Committee on March 23, 2000, ensures that not less than 8.3 percent of the United States Agency for International Development's (USAID) HIV/AIDS funding is used to combat mother-to-child transmission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that of the funds provided in this Act, the USAID should place a high priority on efforts, including providing medications, to prevent mother-to-child transmission of HIV/AIDS.

REPORTING REQUIREMENT ON SUDAN

SEC. 597. One hundred and twenty days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees—

(1) describing—

(A) the areas of Sudan open to the delivery of humanitarian or other assistance through or from Operation Lifeline Sudan (in this section referred to as "OLS"), both in the Northern and Southern sectors;

(B) the extent of actual deliveries of assistance through or from OLS to those areas from January 1997 through the present;

(C) areas of Sudan which cannot or do not receive assistance through or from OLS, and the specific reasons for lack or absence of coverage, including—

(i) denial of access by the government of Sudan on a periodic basis ("flight bans"), including specific times and duration of denials from January 1997 through the present;

(ii) denial of access by the government of Sudan on an historic basis ("no-go" areas) since 1989 and the reason for such denials;

(iii) exclusion of areas from the original agreements which defined the limitations of OLS;

(iv) a determination by OLS of a lack of need in an area of no coverage;

(v) no request has been made to the government of Sudan for coverage or deliveries to those areas by OLS or any participating organization within OLS; or

(vi) any other reason for exclusion from or denial of coverage by OLS;

(D) areas of Sudan where the United States has provided assistance outside of OLS since January 1997, and the amount, extent and nature of that assistance;

(E) areas affected by the withdrawal of international relief organizations, or their sponsors, or both, due to the disagreement over terms of the "Agreement for Coordination of Humanitarian, Relief and Rehabilitation Activities in the SPLM Administered Areas" memorandum of 1999, including specific locations and programs affected; and

(2) containing a comprehensive assessment of the humanitarian needs in areas of Sudan not covered or served by OLS, including but not limited to the Nuba Mountains, Red Sea Hills, and Blue Nile regions.

PERU

SEC. 598. (a) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, deserves the recognition and gratitude of the United States for having performed an extraordinary service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru and by exposing efforts of the Government of Peru to manipulate the national elections in April and May of 2000 to benefit the president in power.

(2) The Government of Peru failed to establish the conditions for free and fair elections—both for the April 9 election as well as for the May 28 run-off—by not taking effective steps to correct the "insufficiencies, irregularities, inconsistencies, and inequities" documented by the OAS Electoral Observation Mission.

(3) The United States Government should support the work of the OAS high-level mission, and that such mission should base its specific recommendations on the views of civil society in Peru regarding commitments by their government to respect human rights, the rule of law, the independence and constitutional role of the judiciary and national congress, and freedom of expression and journalism.

(4) In accordance with Public Law 106–186, the United States must review and modify as appropriate its political, economic, and military relations with Peru and work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report evaluating United States political, economic, and military relations with Peru, in accordance with Public Law 106–186. Such report should review, but not be limited to, the following:

(1) The effectiveness of providing United States assistance to Peru only through independent non-governmental organizations or international organizations.

(2) Scrutiny of all United States anti-narcotics assistance to Peru and the effectiveness of providing such assistance through legitimate civilian agencies and the appropriateness of providing this assistance to any military or intelligence units that are known to have violated human rights, suppressed freedom of expression or undermined free and fair elections.

(3) The need to increase support to Peru through independent non-governmental organizations and international organizations to promote the rule of law, separation of powers, political pluralism, and respect for human rights, and to evaluate termination of support for entities that have cooperated with the undemocratic maneuvers of the executive branch.

(4) The effectiveness of United States policy of supporting loans or other assistance for Peru through international financial institutions (such as the World Bank and Inter-American Development Bank), and an evaluation of terminating support to entities of the Government of Peru that have willfully violated human rights, suppressed freedom of expression, or undermined free and fair elections.

(5) The extent to which Peru benefits from the Andean Trade Preferences Act and the ramifications of conditioning participation in that program on respect for the rule of law and representative democracy.

(c) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the President shall determine and report to the appropriate committees of Congress whether the Government of Peru has made substantial progress in improving its respect for human rights, the rule of law (including fair trials of civilians), the independence and constitutional role of the judiciary and national congress, and freedom of expression and independent journalism.

(d) PROHIBITION.—If the President determines and reports pursuant to subsection (c) that the Government of Peru has not made substantial progress, no funds appropriated by this Act may be made available for assistance for the Government of Peru, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Peru, except loans to support basic human needs.

(e) EXCEPTION.—The prohibition in subsection (d) shall not apply to humanitarian assistance, democracy assistance, anti-narcotics assistance, assistance to support binational peace activities involving Peru and Ecuador, assistance provided by the Overseas Private Investment Corporation, or assistance provided by the Trade and Development Agency.

(f) WAIVER.—The President may waive subsection (d) for periods not to exceed 90 days if he certifies to the appropriate committees of Congress that doing so is important to the national security interests of the United States and will promote the respect for human rights and the rule of law in Peru.

(g) DEFINITIONS.—For the purposes of this section, "appropriate committees of Congress" means the Committee on Appropriations and the Committee on Foreign Relations in the Senate and the Committee on Appropriations and Committee on International Relations in the House of Representatives. For the purposes of this section, "humanitarian assistance" includes but is not limited to assistance to support health and basic education.

SENSE OF SENATE REGARDING ZIMBABWE

SEC. 599. (a) FINDINGS.—The Senate finds that—

(1) people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

(2) Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

(3) the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

(4) a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

(5) the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

(6) previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

(7) recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

(8) violence has been directed toward individuals of all races;

(9) the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

(10) the offices of a leading independent newspaper in Zimbabwe have been bombed;

(11) the Government of Zimbabwe has not yet publicly condemned the recent violence;

(12) President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

(13) 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

(14) the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

(15) the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

(16) the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

(17) events in Zimbabwe could threaten stability and economic development in the entire region.

(18) the Goverment of Zimbabwe has rejected international election observation delegation accreditation for United States-based nongovernmental organizations, including the International Republican Institute and National Democratic Institute, and is also denying accreditation for other nongovernmental organizations and election observers of certain specified nationalities.

(b) SENSE OF THE SENATE.—The Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

SENSE OF SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA

SEC. 599A. It is the sense of the Senate that nothing in this Act regarding the assistance provided to Estonia, Latvia, and Lithuania under the heading "FOREIGN MILITARY FINANCING PROGRAM" should be interpreted as expressing the sense of the Senate regarding an acceleration of the accession of Estonia, Latvia, or Lithuania to the North Atlantic Treaty Organization (NATO).

ELIMINATION OF DOWRY DEATHS AND HONOR KILLINGS

SEC. 599B. (a) IN GENERAL.—The Secretary of State should meet with representatives from countries that have a high incidence of the practice of dowry deaths or honor killings with a view toward working with the representatives to increase awareness of the practices, to develop strategies to end the practices, and to determine the scope of the problem within the refugee population.

(b) DEFINITIONS.—In this section:

(1) DOWRY DEATH.—The term "dowry death" means the killing of a woman because of a dowry dispute.

(2) HONOR KILLING.—The term "honor killing" means the murder of a woman suspected of dishonoring her family.

ELIMINATION OF FEMALE GENITAL MUTILATION

SEC. 599C. The Secretary of State shall conduct a study to determine the prevalence of the practice of female genital mutilation. The study shall include the existence and enforcement of laws prohibiting the practice. The Secretary shall submit the findings of the study and recommendations on how the United States can best work to eliminate the practice of female genital mutilation, to the appropriate congressional committees by June 1, 2001.

SUPPORT BY THE RUSSIAN FEDERATION FOR SERBIA

SEC. 599D. (a) FINDINGS.—Congress finds that—

(1) General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia (Serbia and Montenegro) and an indicted war criminal, visited Moscow from May 7 through May 12, 2000, as a guest of the Government of the Russian Federation, attended the inauguration of President Vladimir Putin, and held talks with Russian Defense Minister Igor Sergeyev and Army Chief of Staff Anatoly Kvashnin;

(2) General Ojdanic was military Chief of Staff of the Federal Republic of Yugoslavia during the Kosova war and has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosova;

(3) international warrants have been issued by the International Criminal Tribunal for the Former Yugoslavia for General Ojdanic's arrest and extradition to The Hague;

(4) the Government of the Russian Federation, a permanent member of the United Nations Security Council which established the International Criminal Tribunal for the Former

Yugoslavia, has an obligation to arrest General Ojdanic and extradite him to The Hague;

(5) on May 16, 2000, Russian Minister of Economics Andrei Shapovalyants announced that his government has provided the Serbian regime of Slobodan Milosevic $102,000,000 of a $150,000,000 loan it had reactivated and will sell the Government of Serbia $32,000,000 of oil despite the fact that the international community has imposed economic sanctions against the Government of the Federal Republic of Yugoslavia and the Government of Serbia;

(6) the Government of the Russian Federation is providing the Milosevic regime such assistance while it is seeking debt relief from the international community and loans from the International Monetary Fund, and while it is receiving corn and grain as food aid from the United States;

(7) the hospitality provided to General Ojdanic demonstrates that the Government of the Russian Federation rejects the indictments brought by the International Criminal Tribunal for the Former Yugoslavia against him and other officials, including Slobodan Milosevic, for alleged atrocities committed during the Kosova war; and

(8) the relationship between the Government of the Russian Federation and the Governments of the Federal Republic of Yugoslavia and Serbia only encourages the regime of Slobodan Milosevic to foment instability in the Balkans and thereby jeopardizes the safety and security of American military and civilian personnel and raises questions about Russia's commitment to its responsibilities as a member of the North American Treaty Organization-led peacekeeping mission in Kosova.

(b) ACTIONS.—

(1) Fifteen days after the date of enactment of this Act, the President shall submit a report to Congress detailing all loans, financial assistance, and energy sales the Government of the Russian Federation or entities acting on its behalf has provided since June 1999, and intends to provide to the Government of Serbia or the Government of the Federal Republic of Yugoslavia or any entities under the control of the Governments of Serbia or the Federal Republic of Yugoslavia.

(2) If that report determines that the Government of the Russian Federation or other entities acting on its behalf has provided or intends to provide the governments of Serbia or the Federal Republic of Yugoslavia or any entity under their control any loans or economic assistance and oil sales, then the following shall apply:

(A) The Secretary of State shall reduce assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Governments of Serbia and the Federal Republic of Yugoslavia.

(B)(i) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of the Russian Federation except for loans and assistance that serve basic human needs.

(ii) In this subparagraph, the term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(C) The United States shall suspend existing programs to the Russia Federation provided by the Export-Import Bank and the Overseas Private Investment Corporation and any consideration of any new loans, guarantees, and other forms of assistance by the Export-Import Bank or the Overseas Private Investment Corporation to Russia.

(D) The President may waive the actions described in subparagraphs (2)(A), (2)(B), and (2)(C) if he determines and reports to Congress that it is in the national interest of the United States of America.

(3) It is the sense of the Senate that the President of the United States should instruct his representatives to negotiations on Russia's international debt to oppose further forgiveness, restructuring, and rescheduling of that debt, including that being considered under the "Comprehensive" Paris Club negotiations.

REHABILITATION OF THE TRANSPORTATION INFRASTRUCTURE OF BULGARIA AND ROMANIA

SEC. 599E. Of the funds appropriated under the heading "Support for East European Democracy", rehabilitation and remediation of damage done to the Romanian and Bulgarian economies as a result of the Kosova conflict should be given priority especially to those projects that are associated with the Stability Pact for South Eastern Europe, done at Cologne June 10, 1999 (commonly known as the "Balkan Stability Pact"), particularly those projects that encourage bilateral cooperation between Romania and Bulgaria, and that seek to offset the difficulties associated with the closure of the Danube River.

UNITED STATES-CUBAN MUTUAL ASSISTANCE IN THE INTERDICTION OF ILLICIT DRUGS

SEC. 599F. Of the amount appropriated under the heading "Department of State, International Narcotics Control and Law Enforcement", up to $1,000,000 shall be available to the Secretary of Defense, .on behalf of the United States Coast Guard, the United States Customs Service, and other bodies, to work with the appropriate authorities of the Cuban Government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illicit drugs being transported over Cuban airspace and waters: Provided, That such assistance may only be provided after the President determines and certifies to Congress that—

(1) Cuba has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction of illegal drugs; and

(2) that there is no evidence of the involvement of the Government of Cuba in drug trafficking.

EMERGENCY FUNDING TO ASSIST COMMUNITIES AFFECTED BY HURRICANE FLOYD, HURRICANE DENNIS, OR HURRICANE IRENE

SEC. 599G. (a) ECONOMIC DEVELOPMENT ASSISTANCE.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for "Economic Development Assistance Programs", $125,000,000, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The $125,000,000—

(A) shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) COMMUNITY FACILITIES GRANTS.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $125,000,000, to remain available until expended, to provide grants under the community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)) with respect to areas subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The $125,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SENSE OF THE CONGRESS REGARDING ADDITIONAL ASSISTANCE FOR MOZAMBIQUE AND SOUTHERN AFRICA

SEC. 599H. (a) FINDINGS.—The Congress finds that:

(1) In February and March of 2000, cyclones Gloria, Eline, and Hudah caused extensive flooding in Southern Africa, severely affecting the Republic of Mozambique.

(2) The floods claimed at least 640 lives and left nearly 500,000 people displaced or trapped in flood-isolated areas.

(3) The floods contaminated water supplies, destroyed hundreds of miles of roads, and washed away homes, schools, and health clinics.

(4) This heavy flooding and the displacement it caused created conditions in which infectious disease has flourished.

(5) The Southern African floods of 2000 washed previously identified and marked landmines to new, unmarked locations.

(6) Prior to the flooding, Mozambique had been making progress toward climbing out of poverty, enjoying economic growth rates of 10 percent per year.

(7) The World Bank estimates that the costs of reconstruction in Mozambique alone will be $430,000,000, with an additional $215,000,000 in economic costs.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that an additional $168,000,000 should be made available for disaster assistance in Mozambique and Southern Africa.

SENSE OF SENATE ON DEBT RELIEF FOR WORLD'S POOREST COUNTRIES

SEC. 599I. It is the sense of the Senate that—

(1) the relevant committees of the Senate should report to the full Senate legislation authorizing comprehensive debt relief aimed at assisting citizens of the poor countries under the enhanced Heavily Indebted Poor Countries Initiative;

(2) these authorizations of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) these authorizations should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these authorizations should promote debt relief agreements that are designed and implemented in a transparent manner so as to ensure productive allocation of future resources and prevention of waste;

(5) these authorizations should promote debt relief agreements that have the broad participation of the citizenry of the debtor country and should ensure that country's circumstances are adequately taken into account;

(6) these authorizations should ensure that no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in military or civil conflict that undermines poverty alleviation efforts or spends excessively on its military; and

(7) if the conditions set forth in paragraphs (1) through (6) are met in the authorization legislation approved by Congress, Congress should fully fund bilateral and multilateral debt relief.

RUSSIAN MISSILE SALES TO CHINA

SEC. 599J. It is the sense of the Senate that the Secretary of the Treasury should direct the executive directors to all international financial institutions to use the voice and vote of the United States to oppose loans, credits, or guarantees to the Russian Federation, except for basic human needs, if the Russian Federation delivers any additional SS–N–22 missiles or components to the People's Republic of China.

INTERNATIONAL HEALTH EMERGENCIES

SEC. 599K. In addition to amounts otherwise appropriated in this Act, $40,000,000 shall be available for necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities: Provided, That of the funds appropriated under this section, not less than $30,000,000 shall be made available for programs to combat HIV/AIDS: Provided further, That of the funds appropriated under this section, not less than $10,000,000 shall be made available for the prevention, treatment, and control of tuberculosis: Provided further, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

TITLE VI—PLAN COLOMBIA

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

CHAPTER 1

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support Central and South America and Caribbean counternarcotics activities, $934,100,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than $120,000,000 shall be made available for assistance for Bolivia, of which not less than $100,000,000 shall be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for Ecuador, of which not less than $12,000,000 shall be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, up to $42,000,000 shall be made available for assistance for Peru: Provided further, That of the funds appropriated under this heading, not less than $18,000,000 shall be made available for assistance for other countries in South and Central America and the Caribbean which are cooperating with United States counternarcotics objectives: Provided further, That of the funds appropriated under this heading not less than $110,000,000 shall be made available for the procurement, refurbishing, and support for UH–1H Huey II helicopters: Provided further, That of the amount appropriated under this heading, $5,000,000 shall be available to the Secretary of State for transfer to the Department of Labor for the administration of the demobilization and rehabilitation of child soldiers in Colombia, of which amount $2,500,000 shall be transferred not later than 30 days after the date of enactment of this Act, and the remaining $2,500,000 shall be transferred not later than October 30, 2000: Provided further, That funds made available under this heading shall be in addition to amounts otherwise available for such purposes: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the U.S. Agency for International Development, shall provide to the Committees on Appropriations not later than 30 days after the date of enactment of this Act and prior to the initial obligation of any funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity: Provided further, That funds appropriated under this heading shall be subject to notification: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6101. CONDITIONS ON ASSISTANCE FOR COLOMBIA. (a) CONDITIONS.—

(1) CERTIFICATION REQUIRED.—Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that—

(A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

(iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and

(C) the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

(2) CONSULTATIVE PROCESS.—The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

(3) APPLICATION OF EXISTING LAWS.—The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106–113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) shall apply to the availability of funds under this heading.

(b) REPORT.—Beginning 60 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the provision of resources administered under this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing the following:

(1) A description of the extent to which the Colombian Armed Forces have suspended from duty Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights, and the extent to which such personnel have been brought to justice in Colombia's civilian courts, including a description of the charges brought and the disposition of such cases.

(2) An assessment of efforts made by the Colombian Armed Forces, National Police, and Attorney General to disband paramilitary groups, including the names of Colombian Armed Forces personnel brought to justice for aiding or abetting paramilitary groups and the names of paramilitary leaders and members who were indicted, arrested and prosecuted.

(3) A description of the extent to which the Colombian Armed Forces cooperate with civilian authorities in investigating and prosecuting gross violations of human rights allegedly committed by its personnel, including the number of such personnel being investigated for gross violations of human rights who are suspended from duty.

(4) A description of the extent to which attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia, are being investigated and the alleged perpetrators brought to justice.

(5) An estimate of the number of Colombian civilians displaced as a result of the "push into southern Colombia", and actions taken to address the social and economic needs of these people.

(6) A description of actions taken by the United States and the Government of Colombia to promote and support a negotiated settlement of the conflict in Colombia

(c) DEFINITIONS.—In this section:

(1) AIDING OR ABETTING.—The term "aiding or abetting" means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and security cooperatives.

(4) ASSISTANCE.—The term "assistance" means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90–629); relating to credit sales.

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to emergency drawdown authority).

Sec. 6102. Regional Strategy. (a) Report Required.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, the Committee on International Relations and the Committee on Appropriations of the House of Representatives, a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and neighboring countries.

(b) Report Elements.—The report required by subsection (a) shall address the following:

(1) The key objectives of the United States' counternarcotics strategy in Colombia and neighboring countries and a detailed description of benchmarks by which to measure progress toward those objectives.

(2) The actions required of the United States to support and achieve these objectives, and a schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(4) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and paramilitary forces in Colombia.

(5) How the strategy with respect to Colombia relates to and affects the United States' strategy in the neighboring countries.

(6) How the strategy with respect to Colombia relates to and affects the United States' strategy for fulfilling global counternarcotics goals.

(7) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

(8) A schedule for making Forward Operating Locations (FOL) fully operational, including cost estimates and a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall the Strategy.

Sec. 6103. Sense of the Congress on Counter Narcotics Measures. It is the sense of Congress that—

(1) the Government of Colombia should commit itself immediately to the urgent development and application of naturally occurring and ecologically sound methods for eradicating illicit crops, which could reduce significantly the loss of life in Colombia and the United States;

(2) the effectiveness of United States counter narcotics assistance to Colombia depends on the ability of law enforcement officials of that country having unimpeded access to all areas of the national territory of Colombia for the purposes of carrying out the interdiction of illegal narcotics and the eradication of illicit crops; and

(3) the governments of countries receiving support under this title should take effective steps to prevent the creation of a safe haven for narcotics traffickers by ensuring that narcotics traffickers indicted in the United States are promptly arrested, prosecuted, and sentenced to the maximum extent of the law and, upon the request of the United States Government, extradited to the United States for trial for their egregious offenses against the security and well-being of the people of the United States.

Sec. 6104. Report on Extradition of Narcotics Traffickers. (a) Not later than six months after the date of the enactment of this title, and every six months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

(1) a list of the persons whose extradition has been requested from any country receiving counter narcotics assistance from the United States, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by the authorities and who are being processed for extradition;

(C) have been detained by the authorities and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.

Sec. 6105. Herbicide Safety. None of the funds appropriated under this title may be used to support the use of any herbicide, unless the Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention determines and reports to the appropriate congressional committees that such herbicide is safe and nontoxic to human health, and the Administrator of the Environmental Protection Agency determines and reports to the appropriate congressional committees that such herbicide does not contaminate ground or surface water.

Sec. 6106. Limitations on Support for Plan Colombia and on the Assignment of United States Personnel in Colombia. (a) Limitation on Support for Plan Colombia.—

(1) Limitation.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) Exceptions.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Military Construction Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

(b) Limitation on Assignment of United States Personnel in Colombia.—

(1) Limitation.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this or any other Act (including unobligated balances of prior appropriations) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500; or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of Plan Colombia who are funded by Federal funds to exceed 300.

(2) Exception.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) Waiver.—The President may waive the limitation in subsection (b)(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

(d) Statutory Construction.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) Report on Support for Plan Colombia.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

(f) Bimonthly Reports.—Beginning within 90 days of the date of enactment of this joint resolution, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in the antinarcotics campaign in Colombia.

(g) Congressional Priority Procedures.—

(1) Joint Resolutions Defined.—

(A) For purposes of subsection (a)(1)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the request of the President for additional funds for Plan Colombia contained in the report submitted by the President under section 6106(a)(1) of the 2000 Emergency Supplemental Appropriations Act.".

(B) For purposes of subsection (b)(2)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the

matter after the resolving clause of which is as follows: "That Congress approves the request of the President for exemption from the limitation applicable to the assignment of personnel in Colombia contained in the report submitted by the President under section 6106(b)(2)(B) of the 2000 Emergency Supplemental Appropriations Act.".

(2) PROCEDURES.—Except as provided in subparagraph (B), a joint resolution described in paragraph (1)(A) or (1)(B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936).

(h) PLAN COLOMBIA DEFINED.—In this section, the term "Plan Colombia" means the plan of the Government of Colombia instituted by the administration of President Pastrana to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform.

(i) NATIONAL SECURITY EXEMPTION.—The limitation contained in subsection (b)(1) shall not apply with respect to any activity subject to reporting under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 6107. DECLARATION OF SUPPORT. (a) CERTIFICATION REQUIRED.—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights conditions in section 6101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) ASSISTANCE.—The term "assistance" means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90–629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to emergency drawdown authority).

SEC. 6108. SENSE OF THE SENATE ON UNITED STATES CITIZENS HELD HOSTAGE IN COLOMBIA. (a) The Senate finds that—

(1) illegal paramilitary groups in Colombia pose a serious obstacle to United States and Colombian counter-narcotics efforts;

(2) abduction of innocent civilians is often used by such groups to gain influence and recognition;

(3) three United States citizens, David Mankins, Mark Rich, and Rick Tenenoff, who were engaged in humanitarian and religious work were abducted by one such group and have been held hostage in Colombia since January 31, 1993;

(4) these 3 men have the distinction of being the longest-held American hostages;

(5) their kidnapers are believed to be members of the Fuerzas Armadas Revolucionarias de Colombia (FARC) narco-guerrilla organization in Colombia;

(6) the families of these American citizens have not had any word about their safety or welfare for 7 years; and

(7) such acts against humanitarian workers are acts of cowardice and are against basic human dignity and are perpetrated by criminals and thus not deserving any form of recognition.

(b) The Senate—

(1) in the strongest possible terms condemns the kidnaping of these men;

(2) appeals to all freedom loving nations to condemn these actions;

(3) urges members of the European Community to assist in the safe return of these men by including in any dialogue with FARC the objective of the release of all American hostages;

(4) appeals to the United Nations Commission on Human Rights to condemn the kidnaping and to pressure the FARC into resolving this situation; and

(5) calls upon the President to raise the kidnaping of these Americans to all relevant foreign governments and to express his desire to see this tragic situation resolved.

SEC. 6109. SUPPORT FOR THE DEFENSE CLASSIFIED ACTIVITIES. In addition to amounts provided elsewhere in this Act, $8,500,000 is hereby appropriated to the Department of Defense under the heading, "Military Construction, Defense-Wide" for classified activities related to, and for the conduct of a utility and feasibility study referenced under the heading of "Management of MASINT" in Senate Report 106–279 to accompany S. 2507, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request for $8,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $35,000,000 for Mozambique and Southern Africa, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

The value of articles and services authorized for Southern Africa as of March 2, 2000, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

Under the authority of section 506(d) of the Foreign Assistance Act of 1961, as amended, up to $37,600,000 is appropriated to the Department of Defense as reimbursement for drawdowns for southern Africa pursuant to section 506(a)(2) of such Act authorized as of March 2, 2000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $17,850,000 to be made available until expended.

METHAMPHETAMINE PRODUCTION AND TRAFFICKING

For initiatives to combat methamphetamine production and trafficking, $40,000,000 to be made available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading for the State Criminal Alien Assistance Program, $7,850,000 are rescinded.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001".

Mr. LOTT. Mr. President, I further ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I finally ask unanimous consent that S. 2522 be indefinitely postponed

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. SMITH of Oregon) appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, while some Members of the Senate are conversing about the schedule, I want to take a moment and comment today on a couple of items that have appeared in today's newspapers related to a very important matter that we will be addressing soon. The first item appeared in the Wall Street Journal:

> "Drug benefit costs for large employers are expected to jump 22.5 percent for employees and 23.4 percent for retirees over the next year," according to a survey of 61 companies.

Drug costs are expected to jump 22.5 percent in a single year for employees and employers.

The second item is a full-page ad that appeared in the Washington Post today. This ad is sponsored by the Pharmaceutical Research and Manufacturers of America. It says:

> One of these pills is a counterfeit. Can you guess which one?

And then it says:

> Congress is about to permit the wholesale importation of drugs from Mexico and Canada. The personal health of American consumers is unquestionably at risk. Counterfeit prescription drugs will inevitably make their way across our borders and into our medicine cabinets. Counterfeit prescription drugs can kill. Counterfeit drugs have killed.

This is from the big pharmaceutical manufacturers. What they are alleging is that it would be unsafe to allow those in this country who want to go to Canada to access a supply of prescription drugs from a drugstore in Winnipeg that was originally made in the United States, in a plant inspected by the Food and Drug Administration, and then put in a bottle and sent to a pharmacy in Canada.

It would not be unsafe. It would be cheaper, but not unsafe. Here is the issue. This is a global economy, we are told, and the pharmaceutical industry certainly benefits from that global economy. They buy their chemicals all around the world to get the best prices, and they should. They use these chemicals to produce wonderful, life-saving medicines. Then they ship that medicine all around the world. They ship it to Pembina, ND, and to Emerson, Manitoba in Canada. Those two communities are about 5 miles apart. For the same medicine, produced in the same manufacturing plant by the same company, in the same dosage strength, put in the same bottle, the manufacturers will charge the U.S. consumer triple, double, or quadruple the price charged the Canadian consumer.

The question is this: Why should an American citizen have to go to Canada to buy a drug that was produced in the United States in order to find that they will save 50 to 70 percent on the price of that same drug? The answer is that they should not have to go to Canada to do that. There ought to be fairer pricing of prescription drugs in this country.

There is a little sweetheart law on the books in this country that needs to be amended. This law says that the only entity that can re-import prescription drugs into the United States is its manufacturer. So when a pharmaceutical manufacturer makes a drug in the United States and ships it to Canada for sale at a fraction of the price—and that is because Canada won't allow them to sell it at the price at which they sell it in the United States—they are able to say to pharmacists and drug wholesalers in the United States that they can't go to Canada and buy it and bring it back and pass the savings along to their customers. Even though it is the same drug, made in a plant in the United States, and the plant is approved by the FDA, they can't bring it back from Canada. Why? Because a law in this country prevents that. Talk about a sweetheart deal.

Some of us want to amend that law. Some Republicans and Democrats have come together on legislation to allow pharmacists and drug wholesalers to import FDA-approved medicines. So in response, the pharmaceutical industry spent a fortune putting full-page ads in newspapers today, saying this is about "counterfeit medicine" that will kill people. What a sack of lies. There is no counterfeit medicine problem here. We are talking about the importation of prescription drugs in this country only in instances where the chain of custody has been assured and guaranteed.

This is the most profitable industry in the world, and I understand that it wants to protect its profits. I think the drug companies do a lot of wonderful things. But I don't think it is wonderful when they tell senior citizens in this country—all citizens, for that matter, but especially senior citizens—we have a life-saving drug, but you will pay double the price of what we charge anywhere else in the world. That is not fair. But it happens all the time.

What we ought to do is decide that if this is a global economy, it is a global economy for senior citizens and for pharmacists, as long as we assure the chain of custody and resolve the issue of safety.

A pharmacist in Grand Forks, ND, cannot go to Winnipeg, Canada, to buy the same pill, in the same bottle, made in the same manufacturing plant, and bring it back and pass the savings along to senior citizens. Senior citizens are 12 percent of our population, yet they use one-third of all the prescription drugs in this country. They have reached their retirement years, the years in which their incomes are limited, and they discover that they must pay the highest prices for prescription drugs of any group of consumers in the world. That is not fair.

Miracle drugs only perform miracles if you can afford to take them. Life-saving drugs only save lives if you can afford to access those drugs. I have had hearings all across this country, and I have heard identical testimony in every State. Senior citizens tell me: When I go to the grocery store, I must first go to the pharmacy at the back of the store to buy my prescription drugs because only then will I know how much money I have left to pay for food. Only then will I know how much money I have left with which to eat.

That is happening all across this country. The folks in the pharmaceutical industry want to continue to charge U.S. consumers double, triple, or quadruple the prices they impose upon citizens of other countries. That is not fair. We ought to change it.

In the appropriations bill when it was considered by the House, the House enacted two amendments to essentially prevent the FDA from enforcing the current law.

In the Senate, there will be an amendment offered by one of my Republican colleagues, myself, and others. The Senate amendment would also allow pharmacists and drug wholesalers to import prescription drugs that were produced in the United States, in plants that are approved by the FDA, but it includes provisions to ensure this is done in a safe manner. We hope enough Members of the Senate will agree so that we will be able to get this done in the coming days.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to H.R. 4461, the Agriculture appropriations bill. I further ask unanimous consent that all after the enacting clause of H.R. 4461 be stricken and the text of S. 2536 with a modified division B be inserted in lieu thereof, and that the new text be treated as original text for the purpose of further amendment, and that no point of order be waived.

Mr. REID. Mr. President, reserving the right to object, I express my appreciation to Senator WELLSTONE for being so reasonable on this issue. As usual, he spotted the issue. It has been explained to him. We are now moving forward on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I know the manager, Senator COCHRAN, is ready to proceed. We hope to go forward with opening statements and any amendments that can be considered tonight. I will consult with Senator COCHRAN and the managers about how to proceed throughout the remainder of the night. But we will turn back to this legislation in the morning not later than 9:30. We will have stacked votes, if any are ready by then, at 2:15 or 2:30 p.m. tomorrow. We will indicate a specific time later.

I thank the Senator from Mississippi, Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am very pleased to present for the Senate's consideration the fiscal year 2001 Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill. This bill provides fiscal year 2001 funding for the programs and activities of the Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission. The U.S. Forest Service is funded by the Interior appropriations bill.

This bill, as reported, also provides fiscal year 2000 supplemental appropriations and rescissions to respond to emergency needs resulting from natural disasters and other unanticipated funding requirements.

The fiscal year 2001 provisions are contained in Division A of the reported bill. It provides total new budget authority for fiscal year 2001 of $75.3 billion. This is $295 million less than the fiscal year 2000 enacted level, excluding emergency appropriations, and $1.5 billion less than the President's budget request.

Just over eighty percent of the total recommended by this bill is for mandatory appropriations over which the Appropriations Committee has no effective control. The spending levels for these programs are governed by authorizing statutes. The mandatory programs funded by this bill include the Commodity Credit Corporation, the Federal Crop Insurance Corporation, and the Food Stamp and Child Nutrition Programs.

About twenty percent of the total appropriations recommended by this bill is for discretionary programs and activities. Including Congressional budget scorekeeping adjustments and prior-year spending actions, this bill recommends total discretionary spending of $14.850 billion in budget authority and $14.925 billion in outlays for fiscal year 2001. These amounts are consistent with the Subcommittee's discretionary spending allocations.

I would like to take a few moments to summarize the bill's major funding recommendations. For the Food Safety and Inspection Service, appropriations of $678 million are recommended, $29 million more than the fiscal year 2000 level. For the Animal and Plant Health Inspection Service, $468 million is recommended, $25 million more than the 2000 level.

Appropriations for USDA headquarters operations and for other agriculture marketing and regulatory programs are approximately $84 million more than the fiscal year 2000 appropriations levels. Included in this increase is $25 million to support information technology investments in support of the Department's Service Center Modernization initiative; $42.4 million to support the Department of Agriculture's buildings and facilities and rental payment requirements; $5.9 million, as requested, for costs associated with implementing the Mandatory Livestock Reporting Act; and $6.2 million for the Agricultural Marketing Service to implement a microbiological data program.

For farm credit programs, the bill funds an estimated $3.1 billion total loan program level, the same as the fiscal year 2000 level, excluding additional loans funded through fiscal year 2000 emergency appropriations. The amount recommended includes $559.4 million for farm ownership loans and $2.4 billion for farm operating loans.

For salaries and expenses of the Farm Service Agency, total appropriations of $1.095 billion are recommended. This is $89 million more than the 2000 level and the same as the President's budget request.

The bill provides total appropriations of $1.4 billion for agriculture research, education, and extension activities. Included in this amount is an increase of $3.8 million from fiscal year 2000 for Agricultural Research Service (ARS) buildings and facilities, an increase of $41.2 million for research activities of the ARS; and a $19.2 million increase in funding for the Cooperative State Research, Education, and Extension Service.

For conservation programs administered by USDA's Natural Resources Conservation Service, total funding of $867.6 million is provided, $63 million more than the 2000 level. This includes $714 million for conservation operations, $11 million for watershed surveys and planning, $99 million for watershed and flood prevention operations, $36 million for the resource conservation and development program, and $6 million for the forestry incentives program.

USDA's Foreign Agricultural Service is funded at a program level of $117.7 million, $4 million more than the fiscal year 2000 level. In addition, a total program level of $996.7 million is recommended for the Public Law 480 program, the same as the fiscal year 2001 budget request and $51.4 million more than the fiscal year 2000 level. This includes $159.7 million for Title I and $837 million for Title II of the program.

The bill also provides a total program level of $2.5 billion for rural economic and community development programs. Included in this amount is $749 million for the Rural Community Advancement Program, $33 million for the Rural Business-Cooperative Service, and $75 million to support a total $2.6 billion program level for rural electric and telecommunications loans.

In addition, the bill devotes additional resources to those programs which provide affordable, safe, and decent housing for low-income individuals and families living in rural America. Estimated rural housing loan authorizations funded by this bill total $4.6 billion. Included in this amount is $4.3 billion in section 502 low-income housing direct and guaranteed loans and $114 million in section 515 rental housing loans. In addition, $680 million is included for the rental assistance program. This is the same as the budget request and $40 million more than the 2000 appropriations level.

Appropriations totaling $35 billion for USDA's nutrition assistance programs continue to command the highest percentage of the total appropriations recommended by the bill—nearly 47 percent of the total new budget authority provided. This includes $9.5 billion for child nutrition programs, including $6 million to complete funding for the school breakfast pilot program; $4.05 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); $140 million for the commodity assistance program; $140 million for the elderly feeding program; and $21.2 billion for the food stamp program.

For those independent agencies funded by the bill, the Committee provides total appropriations of $1.2 billion, $54 million more than the 2000 level. Included in this amount is $67 million for the Commodity Futures Trading Commission, and $1.1 billion for the Food and Drug Administration (FDA). The bill also establishes a limitation of $36.8 million on administrative expenses of the Farm Credit Administration.

Total appropriations recommended for salaries and expenses of the FDA are $33.7 million more than the 2000 appropriations level. This additional amount, along with $34 million redirected from FDA's tobacco program in light of the recent Supreme Court decision, provides a total increase of $67.7 million for fiscal year 2001. Included in this amount is the full increase requested in the budget for FDA rental payments to the General Services Administration; an additional $24 million for FDA food safety initiatives; and $25 million for premarket review activities. The additional funding for premarket review will continue to strengthen FDA's ability to perform its core statutory mission of reviewing drugs, foods, medical devices and products within statutory time frames and to ensure patients' speedy access to new products and the latest technology.

The bill also makes available $149 million in Prescription Drug User Fee Act collections, $4 million more than the fiscal year 2000 level.

The discretionary budget authority allocation for this bill is approximately $200 million more than the CBO baseline level, or a "freeze" at the 2000 enacted appropriations level. To provide the increases the Committee felt were necessary to maintain funding for essential farm, housing, and rural development programs, several mandatory funding restrictions are included in the bill. Modest limitations on the Environmental Quality Incentives and Conservation Farm Option programs are maintained at the fiscal year 2000 levels. Funding for the Initiative for Future Agriculture and Food Systems and the Fund for Rural America is deferred until fiscal year 2002, as proposed in the President's budget.

Although the total discretionary spending recommended by this bill is approximately $277 million in budget authority below the President's budget request level, as reestimated by the Congressional Budget Office, the President's proposed budget relies on additional revenues and savings to accommodate much higher levels of discretionary spending. The President's budget proposes to generate a net total of $564 million in collections from new user fee proposals, and to redirect funds from ongoing projects and Congressional initiatives to pay for Presidential initiatives.

This Committee does not have the luxury of relying on revenues and savings from legislative proposals that have not been acted on by the Congress and signed into law. Consequently, within the discretionary spending limitations established for this bill, we have not been able to afford many of the discretionary spending increases and new initiatives proposed by the Administration, and still remain consistent with the Budget Act.

Food safety continues to be a high priority of this Committee. This bill, as recommended to the Senate, provides the funds necessary to ensure that American consumers continue to have the safest food supply in the world. Not only does this bill provide increased funds required for meat and poultry inspection activities of the Food Safety and Inspection Service, it provides total funding of $377 million, a $53 million increase from the 2000 level, for USDA and FDA programs and activities included in the President's Food Safety Initiative.

Turning to "Division B", the reported bill recommended a net total of $2.2 billion for emergency and regular supplemental appropriations and rescissions for the fiscal year 2000.

A number of these provisions have been enacted into law as part of the conference report on the fiscal year 2001 Military Construction Appropriations Act. The substitute amendment deletes those provisions and makes other accompanying technical and conforming changes to Division B of the reported bill.

The Chairmen of the various Appropriations Subcommittees may speak to those provisions in Division B of the reported bill under their respective jurisdictions.

However, for programs and activities within the jurisdiction of the Agriculture Subcommittee, Division B, as modified, recommends $1.1 billion in emergency supplemental appropriations for fiscal year 2000.

Supplemental appropriations for emergency housing and relief to farmers as a result of the North Carolina hurricane and other natural disasters; for the Farm Service Agency to meet high workload demands; and to offset the assessment on peanut producers for program losses have now been enacted into law.

The remaining emergency supplemental appropriations recommended in the bill reported to the Senate still must be addressed.

These include the $13 million requested by the President to cover a shortfall in available funding for crop insurance premium discounts; $35 million to support ongoing acreage enrollments in the Conservation Reserve and Wetlands Reserve programs; and an additional $130 million for the Rural Community Advancement Program.

Just as devastating to producers as losses from hurricanes, drought and other natural disasters are losses from new and emergent diseases and pest infestations. The bill provides authority for the Secretary of Agriculture to compensate growers for losses as a result of the plum pox virus which has devastated the stone fruit industry; citrus canker; Mexican fruit fly; grasshoppers and Mormon crickets; and Pierce's disease, a new problem plaguing the grape industry.

In addition, emergency assistance totaling an estimated $443 million is recommended for dairy producers and $450 million for livestock producers.

Mr. President, this appropriations bill was reported by the Committee on May 10th. It was one of the first of the thirteen fiscal year 2001 appropriations bills to be reported to the Senate by the Appropriations Committee.

Although the companion bill was reported from the House Appropriations Committee around that same time, on May 16th, the House did not begin consideration of the bill until June 29. The House resumed consideration of the bill immediately following the July recess and passed the bill on July 11 by a vote of 339–82.

There are approximately 26 legislative days remaining before the October 1 start of the fiscal year. It is my hope we can expedite the Senate's consideration of this bill so we can go to conference with the House and get this bill to the President as quickly as possible.

I thank the distinguished Senator from Wisconsin, the ranking member of the subcommittee, Mr. KOHL, as well as other members of the subcommittee, for their support and cooperation in putting this bill together. It is never easy to determine funding priorities, or to balance the many competing and legitimate needs that confront agriculture in this bill and stay within the subcommittee's required spending limitations. I believe this bill represents a responsible funding recommendation. I ask the Senators to give it their favorable consideration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2886

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I understand that S. 2886 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2886) to provide for retail competition for the sale of electric power, to authorize States to recover transition costs, and for other purposes.

Mr. SMITH of New Hampshire. Mr. President, I now ask for its second reading, and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. SMITH of New Hampshire. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for a period of about 15 minutes, or until the leader seeks recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. MURKOWSKI. Mr. President, I would like to chat a little bit about energy this evening because there are several misconceptions relative to the position that the United States is currently in relative to the high gasoline prices that we have been subjected to in the last several months.

First of all, the bad news is, there is no relief in sight. What we currently have is a situation where, simply, the available refining capacity associated with gasoline production and the demand is such that the two lines are almost parallel. In other words, our ability to produce gasoline and the current consumption of gasoline are about equal. So as a consequence, in reality, we are drawing down our reserves. This is at a time when normally our reserves would be substantially higher.

There is a reason for this. I think the American people should understand and appreciate reality because what we have is a situation where our refining capacity has been reduced dramatically over the last 8 years. We have lost about 37 refineries in the United States during the last 10-year period. There has not been a new refinery built in the United States in almost two decades.

What we have, then, is a concentration of our existing refineries operating at near full capacity, producing the requirements associated with the public's demand for gasoline, coupled with the problems associated with meeting the Clean Air Act, which mandates certain reformulated gasolines in various parts of the country.

We had testimony before the committee of which I am chairman, the Energy and Natural Resources Committee, earlier last week. One of the principals with the Environmental Protection Agency identified that the Environmental Protection Agency, under their interpretation of the Clean Air Act, has mandated as many as nine specific cuts of reformulated gasolines that have a regional application around the country. That means in California you have one type of reformulated gasoline. You have another type in Chicago. You may have another type in Atlanta.

These have gone into effect as a consequence of the June 1 new mandates for reformulated gasoline in various parts of the country. What this means is, the refineries have to separate and move and store separately these different cuts of gasoline. The cost, of course, is significant from the standpoint of what the American public has to pay.

We have seen, since the spiraling price of crude oil over the last year—where a year ago prices were $11, $12, $13, $14 a barrel—an average price of nearly $30 a barrel this year.

The difficulty we experience is, having become so dependent on imported oil, currently imported oil is running at 56 percent of total U.S. consumption. As we look at our neighbors in OPEC, we recognize that we have an increasing dependence on their resources. In other words, they control the supply and we are the market. As a consequence, when we have significant demand increases of consumption, we go to OPEC, as our Secretary of Energy has done from time to time, encouraging more production.

However, OPEC seems to have learned from experience. They have developed a strategy internally where they have set a price floor and a price ceiling. The floor evidently is $22 a barrel of oil; the ceiling is $28 a barrel. In recent days, there has been an anticipation that OPEC will increase production, today we have the president of OPEC indicating that since the price fell temporarily below $28 a barrel, OPEC was not going to increase production and was going to review the matter in another 20 days.

The American public should be aware that we are caught between a floor-to-ceiling $22 to $28. The American public should be aware that as a consequence of OPEC's internal discipline, there is no relief in sight for a reduction of gas prices of anything appreciable. There will be perhaps some regional reductions as we get the reformulated gasoline under control in various parts of the country.

It is also important to recognize that one of the most significant additives, MTBE, has been dismissed as contrary to the health of the public in the sense that this reformulated portion does get into the water table. As a consequence, we are substituting ethanol for MTBE, which is a grain and agriculture product that enjoys a partial subsidy but nevertheless is a satisfactory additive to make reformulated gasoline to meet the market demands in the various regions of the country.

The point I want to make is that on gasoline, our demand is up. Our production is relatively stagnant, even though we are producing at the maximum capacity for our refineries. We have a situation where we are actually pulling down our reserves. For many Members of this body, particularly in the Northeast corridor, who are concerned legitimately about the high cost of heating oil and the awareness that there might not be adequate reserves being built up during the summer to meet the demand if there is a cold winter, they justifiably should be concerned. What we should be doing now is dropping off substantially our production of gasoline and building up reserves for heating oil. But that is not the case. Our reserves for heating oil are at an all-time low.

We have had consideration from the Clinton administration and some Members to set up some kind of a heating oil strategic reserve. This is rather an interesting dilemma, if you walk through it and understand it. It doesn't necessarily create the relief we want and may suggest that the Government is involving itself in the manipulation of pricing of petroleum products.

Let me cite an example of what I fear. Currently, the thought is that there will be an arrangement made by the Department of Energy to acquire up to 2 million barrels of heating oil reserve somewhere in the Northeast, perhaps in the New York City area, where they can lease tankage. The tradeoff on where the oil would come from would be crude oil from the Strategic Petroleum Reserve in Louisiana. That oil, of course, is not refined. If we take an equivalent of 2 million barrels plus, because we want to have value for value, and take the crude oil out of SPR and refine it, we are offsetting the refining capacity of that refiner of making gasoline or perhaps heating oil with the substitution of the oil from SPR.

That is purchased by the Government, put in storage, and sits in storage until such time as circumstances dictate the trigger be pulled and the oil released. Then the question is, What is the appropriate triggering mechanism? Are we going to trigger the release of based on the price of heating oil, or are we going to do it as a consequence of a supply shortage?

Last year, we had a critical situation in the Northeast but did not actually have anyone go without heating oil. What happened last year is the reserves were very low, but there was enough to meet the demand. This year, the fear, rightly so, for many in the Northeast is that there might not be enough fuel oil to meet the demand if the winter gets cold. The dilemma is, if the Government is putting in 2 million barrels and going to basically store it, then is the industry that ordinarily would build up an inventory and tie up its cash-flow for a period of time going to do that, knowing that the Federal Government is doing the same thing? It is going to be a business decision, but it is going to be interesting to see what the private sector does.

It might be simply a tradeoff. Why should the private sector build up an inventory when it knows the Government has an inventory? In the end, is there any more fuel oil left for the Northeast corridor if indeed there is a cold winter?

I bring this out to point to the difficulty we are having in coming to grips with the reality that we have a greater demand for oil than we have of productive capability. We have become dependent again on our neighbors in OPEC—and not just the 10 official OPEC members. One of our other associates is a gentleman by the name of

Saddam Hussein, who is the head of Iraq.

Many people forget that we fought a war over there just a decade ago. We lost 147 lives; we had 427 Americans who were wounded; we had 23 taken prisoner. Today, Iraq is the fastest growing source of oil for the United States. Isn't that rather ironic? I can't understand why Americans are not indignant over the fact that we are looking to this tyrant, who we know is selling oil, smuggling it out, generating funds for missile development—there was just an article today relative to the testing of a new missile by Iraq—developing his biological capability. This man is a bad man. He is up to no good. Yet the United States is looking to him to bail us out for our supply of oil. It is absolutely ironic that we would look to Saddam Hussein.

August 2 will be the 10th anniversary of Saddam Hussein's invasion of Kuwait. What a difference a decade makes. Let's do a little comparison. I think the American people should wake up and be a little sensitive to the fact that we have lifted embargoes on technologies that would allow him to increase his refining capacity. The U.N. no longer does any inspections of what is going on in Iraq or where his oil is going or whether it is going for the Food for Peace Program.

Ten years ago, Saddam Hussein invaded Kuwait to stimulate higher oil prices and to build up his war machine. We know that. That was 10 years ago. Now high oil prices yield Saddam Hussein $75 million a day under a legal U.N. oil-for-food program and $2 million a day in illegal smuggling revenue which is used to build up his war machine.

Mr. President, we know this for a fact. We know what he is doing with the funds he gets from smuggling oil. Ten years ago, Saddam Hussein was proved to be the biggest threat to peace in the Middle East. As of today, it has cost thousands of lives, some $10 billion of U.S. taxpayers' money, and 150,000 sorties, where we have flown to enforce our no-fly zone. It has cost the American taxpayers $10 billion to fence in Saddam Hussein.

Saddam Hussein is still the biggest threat to peace in the Mideast and certainly the biggest threat to Israel. I can't understand why there is not more of an awakening of the fact that we are supporting this tyrant. We are becoming more dependent upon him and we are playing into his hands.

Where is the logic? Where is the American foreign policy? I can simplify foreign policy with regard to Saddam Hussein and Iraq in one single syllogism. We buy his oil, we send him our dollars, we put his oil in our airplanes, and fly over and bomb him. He puts out a press release saying how many people we injured or killed, they rally around Saddam Hussein, and the process starts all over again.

Is this the foreign policy of the United States that we support? Or would we rather ignore it and pretend it doesn't exist? I think the latter is probably the case. It is absolutely incredible that we don't face up to what is happening and the fact that we are condoning this action. Ten years ago, Saddam Hussein was using oil revenue to purchase weapons of mass destruction. Now, Saddam Hussein—the same guy—is using his oil revenue to purchase weapons of mass destruction. We know this. They just tested them yesterday. He has the ability, with the advanced weaponry he has developed, to extend the missile clear to Israel.

Ten years ago, the United States purchased less than 400,000 barrels a day from Iraq—before the war started. Now the United States is purchasing 750,000 barrels a day. Ten years ago, the United States began to import more than 50 percent of our oil, and OPEC became an important voice in U.S. energy policy. Now, the United States, as I have indicated, is importing more than 56 percent of our oil. With Iraq, the fastest-growing supplier, Saddam Hussein has become an important voice—imagine that—in our U.S. energy policy. Saddam Hussein may have lost the war, but he certainly seems to have won the peace. With its energy policy—or lack thereof—the Clinton-Gore administration has snatched defeat from the jaws of the gulf war victory. I will repeat that. Saddam Hussein may have lost the war, but he has won the peace. With its energy policy, or lack of an energy policy, the Clinton-Gore administration has snatched defeat from the jaws of the gulf victory.

We are very much dependent on this source, and the likelihood of reducing it is not going to take place until we send a clear message as to what our energy policy will be. Now, the alternatives aren't really very complex. We either import more and pay the price, or we commit to development and exploration of our energy resources here in the United States. Wyoming, Montana, Colorado—the overthrust belt—have a tremendous potential for oil and gas development, as does Illinois, Pennsylvania, and numerous other States. We have withdrawn about 64 percent of the public land in the United States and exempted it from exploration, let alone production.

Now, we have a tremendous potential in OCS areas—off the shores of Texas, Alabama, Mississippi, and other States, some of which don't want to develop OCS areas off their States. That is their own business. But for those who do they should be allowed to do so. It is kind of interesting because our Vice President made a statement in Louisiana that if he is elected President, he will make an attempt to buy back OCS oil leases and cancel other leases.

Mr. President, that leaves one with the question: Where is this energy going to come from? We have energy coming from my State of Alaska. We have been producing 20 to 25 percent of our domestic crude oil for the last twenty years. We have the potential for a major discovery in a small sliver of the Arctic area, the Coastal Plain. Let me explain how small that sliver is. In the general area of the Arctic Wildlife Refuge, there are 19 million acres. That is as big as the size of the State of South Carolina. Half of that has been reserved in perpetuity as a wilderness. Nearly the other half has been set aside in a refuge, also in perpetuity, subject to the Congress, who are the only ones that can change it. Out of those 19 million acres, 1.5 million acres was left out to the discretion of Congress back in 1980. That was done as a consequence of the belief that this was the area where a likely discovery could be made.

Well, there have been a lot of estimates. When you look for oil, you never know where you are going to find it or how much you are going to find. If you are going to find it in Alaska, you better find a lot of it; otherwise, you can't afford to produce it. Recent estimates go as high as 16 billion barrels of recoverable reserves. That is based on the latest discovery and production technology, even though much of this area has not been made available for 3D seismic evaluation because it is under the Department of Interior. Sixteen billion barrels would be as much as what we would import from Saudi Arabia for a 30-year period. So it is a substantial amount.

What we need to do in this country—and we need to do it now; the longer we wait, the more dependent we are going to be on OPEC—is to set a clear and decisive policy toward a commitment to reduce our dependence on imports. That is what we have done, along with Senator LOTT and several colleagues, in the legislation we introduced, which is the National Energy Security Act of 2000. We have adopted a goal to guide our energy policy, and the goal is to reduce our dependence on imported oil to less than 50 percent by the end of the decade. When you have that kind of objective, you have an opportunity to send a clear message.

We have to send a clear message. We have to send a message to Saudi Arabia and to Kuwait, and we have to send it to Venezuela and Mexico, that we are committed to reducing our dependence and we are committed to increase exploration and production here in the United States. I admire the commitment of America's environmental community who, for the most part, oppose domestic oil production and exploration in the United States. But I remind them that we have the technology, the know-how, the American can-do spirit, and we can make the impact of development much smaller here and keep the jobs and the dollars at home, as opposed to the exploration that occurs in other areas of the world where they don't have the environmental safeguards. So what kind of a tradeoff is it? Is it better for the environment that we do it right here at home, or if we depend on those countries that don't have that internal discipline and consideration for the environment?

The industry says that if, indeed, they find oil in this sliver of the Arctic, out of the 1.5 million acres, which is part of the 19 million acres, which is the size of South Carolina, the footprint would be somewhere between 1,500 to 2,000 acres. My friends who are in the farming business know what kind of a farm a 1,500-acre or 2,000-acre farm is. The drilling and exploration would be done in the wintertime. The roads would be ice roads. There would be no permanent community. There would be a compatibility with the caribou. We have addressed all the issues, and we have proven it in Prudhoe Bay, where 20 percent of the crude oil has come from for the last two decades. But that was old technology; we have new technology now. Many don't want us to have an opportunity to find out if indeed the oil is there, and the oil is there in the reserves that we have.

Some people more or less dismiss it, and say, well, we are in a situation with oil. Don't worry. We have lots of natural gas.

As chairman of the Energy Committee, I have a little bit of a different view about the situation with natural gas in this country. Let me start out by reminding you and the American people that there is a rude awakening coming with regard to natural gas. It is going to affect Americans in their heating bills. It is going to affect Americans in their electric bills.

This is what has happened. A year ago in this country the price for natural gas was around $2.30. Six months ago, it was $2.56. Deliveries in January are $4.30. I know many utilities are going to their commissions advising them of rate increases. This hasn't hit the American public yet. If we thought the hue and cry on the increased price of heating oil or gasoline was going to bring down the roof, wait until you hear the cry of the American people this winter when they get their gas bills.

How did this come about? Somebody said, well, we have 160 trillion cubic feet in reserve. That was last year. We have 150 trillion cubic feet this year. We are, again, pulling down our reserves faster than we are finding new reserves. When you do that, you deplete your base.

What also is happening to put further pressure is the electric industry is turning to gas turbines for power generation—turbines. The permitting process is much easier and much cheaper than for building a coal-fired plant.

We have a situation where we are coming to grips. The American people aren't aware of it. They are not reflecting on it because it doesn't really hit them like they were hit in 1973 or 1974 when we had the Arab oil embargo. Some people in this body might be old enough to remember. We had gasoline lines around the block. The public was outraged: How could this happen in this country? How could we have these kinds of shortages? We did. The public reacted. We played the blame game and pointed the finger at everybody and everything. Gasoline and oil prices had no relief in sight.

I can guarantee it, natural gas has spiraled. It is escalating with no relief in sight. How did we get in this situation? One reason is we haven't had an energy policy for a long, long time.

What is our energy policy? Clearly, it is to provide more imports of oil into this country as opposed to developing domestic oil reserves. What is our gas policy on natural gas? We have withdrawn from public lands areas that ordinarily would be available for exploration—64 percent of the overthrust belt, as I have indicated.

What have we done with regard to nuclear power? Twenty percent of our power generation is nuclear energy. We can't pass a bill in this body to deal with the waste. We can't override the President's veto. We are one vote short to address what to do with our nuclear waste. There hasn't been a nuclear plant built in this country in 20 years. There is not going to be. They are building them in China. They are building them in Taiwan. They are building them in France. France is 76 percent dependent on nuclear energy. They don't have air quality problems. They are never going to be held hostage by the Mideast again. They learned that in 1973.

We don't have a policy on oil other than to import more. We don't have a policy for encouraging domestic gas exploration. We don't have a policy to address what we are going to do with our nuclear industry let alone resolve the nuclear waste problem. We have lots of coal. Are we building coal plants? Absolutely not. The permitting time for coal plants puts them out of reach of reality. There are none being built.

Tell me from where the energy is going to come. There are many who say, well, we should find alternative energy. I am all for it. But you name it.

We have spent over $70 billion in the last two decades subsidizing the development of alternative energy. What is it? Solar, biomass, wind? Some places in my State, such as Barrow, don't get much daylight in the wintertime. It is dark all the time. Sometimes the wind doesn't blow. These alternatives are fine. They have a place. We have to encourage them. But they are not going to take the place of oil and gas in the near future. By the time we are through evaluating our alternatives, it is not a very bright picture because the alternatives just aren't there. The alternatives provide us with about 4 percent of our current energy mix.

We have hydro. I have not spoken of hydro. It is a renewable resource. There is no question about it. But this administration curiously enough has identified hydro as nonrenewable. I grew up in Ketchikan, AK. We have a couple hundred inches of rain a year. I remember one year we had 226 inches of rain. We have a few little hydrodams.

To suggest rainfall and hydro are not renewable is beyond me. But, nevertheless, the administration proposes to remove some of the dams from the Columbia and Snake Rivers to rebuild the fish runs. Unfortunately, some time ago decisions were made, rightly or wrongly, with regard to the tradeoff on posterity. It is just that simple. You are going to have your natural runs of fish. You are not going to have dams. But they trade it consciously or unconsciously for the agricultural industry associated and what dams those rivers could do with benefits in low-cost power to the residents of the area. Whether you have an aluminum plant, whether you have Boeing, whether you have tremendous agricultural productivity out of land that was once desert, they traded those things off. You can't want it both ways. You want to rebuild the natural runs. Most of the biologists will tell you that you can enhance runs by bringing in new stock, if your ability to rebuild the native runs is pretty remote. Some people suggest it is not possible.

But if you tear down the dams, there is another tradeoff. How much barge traffic that moves the grain and commerce up and down the Columbia and Snake Rivers is going to go back on the highways? It is all going to go back, isn't it? Somebody said there will be 700,000 more trucks on our highways, if you tear down the dams. What kind of a tradeoff is that?

There is no energy policy identifiable with this administration. It is that simple—no oil, no domestic exploration, no hydro, no nuclear, no coal. That is the reality of where we are. It is a pretty bleak picture.

I ask unanimous consent to have printed in the RECORD a statement from Richard Butler from the Washington Post dated Monday, July 17, entitled "Guess Who's Back." It is our friend, Saddam Hussein. It is entitled "Saddam Hussein is reconstituting his capability to deploy weapons of mass destruction."

I also ask unanimous consent to have printed in the RECORD a statement that came out of Reuters today entitled "Venezuelan OPEC president Ali Rodriguez said Tuesday there would be no oil production rise at the end of this month because prices have fallen below the upper limit of OPEC's price target ban."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> [From the Washington Post, Monday, July 17, 2000]
>
> ### GUESS WHO'S BACK
>
> (By Richard Butler)
>
> So you thought Saddam Hussein was out of your life? Sorry—he's back, manufacturing the weapons of mass destruction with which he threatens the Iraqi people, his neighbors and, by extension, the safety of the world.
>
> Two separate developments have returned Saddam Hussein to the headlines. Earlier this month the administration revealed that its satellites had detected Iraq test-firing Al-Samoud missiles, home-grown, smaller versions of the Scuds last used against Israel during the 1990 Gulf War. The chief of U.S. Central Command, Gen. Tony Zinni, said that the range of the Al-Samoud easily could be increased.
>
> The administration also revealed that Saddam Hussein has been hiding between 20 and 30 Russian Scuds as well as working through front companies outside Iraq to acquire the machine tools needed to build more missiles.
>
> None of this is new. In my last report as executive chairman of UNSCOM, the agency charged with disarming Saddam, I warned the U.N. Security Council about Iraq's missile-development activities. That was almost two years ago, just before Iraq shut down all international arms control and monitoring efforts. I've also publicly detailed Iraq's refusal to yield or account for its holdings of at least 500 tons of fuel usable only by Scud-type missiles. Iraqi officials told me that a complete accounting for this fuel was unnecessary because, after all, Iraq had no Scud missiles. I disagreed, stating that the reverse was true: As long as Iraq refused to yield the fuel, it clearly had concealed Scuds or planned to acquire or build them.
>
> Presumably unconnected with the administration's revelation but simultaneous with it, former UNSCOM inspector Scott Ritter, in an article in Arms Control Today, claimed that Iraq is "qualitatively disarmed." He failed to offer any new information or evidence to support this dubious concept.
>
> There were two levels of deception in Iraqi dealings with UNSCOM: concealment and false declarations on the weapons Iraq was prepared to put in play in the disarmament process. When Ritter worked for me, he was in charge of the UNSCOM unit responsible for finding and destroying the concealed weapons, and he was vilified by Iraqi leaders as their major persecutor. Now he says he has had private conversations with unspecified Iraqi officials that have persuaded him they are "qualitatively disarmed" and will accept a new monitoring program if the Security Council first lifts all sanctions against Iraq.
>
> The facts are clear and alarming, and they do not support this assertion. Iraq has been free of any arms control or monitoring regime for almost two years, a consequence of the breakdown of consensus among the permanent members of the Security Council. Now Saddam Hussein is reconstituting his capability to deploy weapons of mass destruction. I've seen evidence of Iraq, attempts to acquire missile-related tools and, even more chilling, of steps the Iraqis have taken to reassemble their nuclear weapons design team. After the Gulf War, experts assessed Iraq was only six months from testing an atomic bomb. It retains that know-how. It also has rebuilt its chemical and biological weapons manufacturing facilities.
>
> If the United States is serious about addressing the threat current developments raise, it should insist to its fellow permanent members of the Security Council that there be a new consensus on enforcing arms control in Iraq. Selective revelations such as those recently issued by the administration need to be accompanied by a robust policy within the Security Council, making clear particularly to Russia and France that the United States is not prepared to accept their patronage of Saddam Hussein.

> CARACAS, July 18 (Reuters)—Venezuelan OPEC President Ali Rodriguez said Tuesday there would be no oil production rise at the end of this month, because prices had fallen below the upper limit of OPEC's price target band.
>
> Speaking to reporters on his arrival in Venezuela after a tour of OPEC countries, the Venezuelan energy and mines minister said the mechanism to trigger an increase in production depended on the OPEC oil basket price staying above $28 a barrel for 20 consecutive days.
>
> The price of OPEC's basket of crude fell to $27.46 a barrel on Monday, according to the OPEC secretariat in Vienna.
>
> Asked what would result from the fall in the basket price, Rodriguez replied "the 20-day process will begin again."
>
> OPEC's news agency carried a report on Monday quoting Rodriguez as asking other members to prepare for an output increase of 500,000 barrels a day if prices did not fall.
>
> Asked whether he planned to consult with fellow OPEC members on a possible increase, Rodriguez replied "that does not require consultation," By he added there is unanimous consent in the cartel for an OPEC summit in Caracas in September.

Mr. MURKOWSKI. Mr. President, that is the president of OPEC.

The article further states:

> Speaking to reporters on his arrival in Venezuela after a tour of OPEC countries, the Venezuelan energy and mines minister said the mechanism to trigger an increase in production depended on the OPEC oil basket price staying above $28 a barrel for 20 consecutive days.

Our Secretary of Energy made a deal when he was over there several months ago and petitioned the Saudis for greater production. That was at the time we were first beginning to feel the price escalation. He did generate a commitment for another 500,000 barrels of oil.

However, the American public and the American press made the assumption we were going to get all that increased production. We only got 16 percent. That is our allocation in this country. Mr. President, 16 percent of 500,000 barrels is not enough to fuel Washington, DC, in 1 day. It is a drop in the bucket. Other areas of the world are recovering, including Asia, Japan, and they are increasing in their demand for oil.

In any event, speaking to reporters, the Venezuela Energy and Mines Minister says the mechanism to trigger an increase depended on the OPEC oil basket price staying above $28 a barrel for 20 consecutive days. He further says the price of OPEC's basket of crude oil fell to $27.46 a barrel on Monday, according to the OPEC secretary in Vienna. Asked what the result from the fall in the basket price would be, Rodriguez replied: The 20-day process will begin again.

So we are on another 20 days; no relief for at least 20 days. They are not going to produce more oil, so the price will stay around $30, where it is currently.

OPEC's news agency carried a report on Monday quoting Rodriguez and other members to prepare for an output increase of 500,000 barrels a day if prices did not fall. Well, they fell. And asked whether he planned to consult with fellow OPEC members on a possible increase, Rodriguez replied that does not require consultation. He added that there is unanimous support in the cartel for an OPEC summit in Caracas in September. Remember where you heard it first. Right out of Caracas, from the president of OPEC, there is no relief in sight until September.

Maybe we ought to go out and fill up our tanks today because it might go up tomorrow.

There we are. A capsule, if you will, of the dilemma with regard to a lack of an energy policy, where we are on gasoline, where we are in heating oil, where we are in natural gas. Who bears the responsibility for this? I think it is fair to say, at times this is a partisan body of some regard, I think we have seen from time to time situations where we point the finger and don't want to bear the responsibility.

At the risk of generating some reaction from my colleagues on the other side of the aisle, I think it is fair I point out some inconsistencies with regard to the position of our Vice President. As we look at the coming election and the role of the candidate on energy and on the environment, I think we have to ask where the candidates really stand. I will give one person's view. As the campaigns march toward November, I think we have to ask ourselves where Vice President GORE really stands in the minds of the voters. I served with the Vice President in this body and I have the deepest respect for him, but I think we are aware that, while he is an expert politician, he is recognized as an extreme environmentalist to some extent. He has a mixed bag. He is involved in policy but he also appears to be a zinc miner, an oil company shareholder, and has a record of shifting his position on energy and environmental issues.

One looks back on gasoline prices, which I have talked a good deal about this evening, but in his book "Earth in the Balance," the Vice President, who certainly structures himself as an environmentalist said: Higher taxes on fossil fuels is one of the logical first steps in changing our policies in a manner consistent with a more responsible approach to the environment.

"Changing our policies" is certainly legitimate. Even as the Vice President was casting a tie-breaking vote in this body to raise gasoline taxes—and it was his vote that raised them 4.3 cents—the Environmental Protection Agency determined that more expensive reformulated gasoline needed to be sold in many areas of the country. According to memoranda from the Department of Energy and the Congressional Research Service, EPA's gasoline requirements balkanized the market and strained supply and raised prices.

One has to question whether, if the Vice President's policies were so effective in raising prices, one would expect the Vice President to be somewhat satisfied. But obviously, confronted with angry consumers, AL GORE, the politician, suggested that refiners and oil companies were to blame. There is a lot of blaming around here for anything that is an inconvenience to the public. We all scurry for cover. Again, I think we have to look at whether what AL GORE wrote in his book, "Earth in the Balance," suggests high energy prices would thwart the utilization of gasoline that, indeed, he might be satisfied with higher energy prices.

I have been handed a note relative to a matter that is of concern to all Members, and as a consequence I believe the leader is going to request the attention of this body.

I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocations for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$541,565,000,000	$547,687,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	869,352,000,000	889,461,000,000
Adjustments:		
General purpose discretionary	+28,000,000	+6,527,000,000
Highways		
Mass transit		
Mandatory		
Total	+28,000,000	+6,527,000,000
Revised Allocation:		
General purpose discretionary	541,593,000,000	554,214,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	869,380,000,000	895,988,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,467,670,000,000	$1,446,408,000,000	$56,792,000,000
Adjustments: Emergencies	+28,000,000	+6,527,000,000	− 6,527,000,000
Revised Allocation: Budget Resolution	1,467,698,000,000	1,452,935,000,000	50,265,000,000

VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 18:

Sabino Cornejo, 39, Memphis, TN; Ronald Dowl, 24, New Orleans, LA; Steven Gardner, 45, Miami-Dade County, FL; Gregory Irvin, 17, St. Louis, MO; Willie Love, Detroit, MI; Iddeen Mustafa, 17, Detroit, MI; Phet Phet Phongsanarh, 20, Detroit, MI; Roberto Ramirez, 15, Detroit, MI; Ronald Regaldo, 19, Denver, CO; Lenou Thammavongsa, Detroit, MI; Jorge Vasquez, 18, Dallas, TX; Dawamda Withrow, 20, New Orleans, LA; Unidentified male, 25, Norfolk, VA.

One of the victims of gun violence I mentioned was Sabino Cornejo, a 39-year-old Memphis man who was a beloved and highly respected member of his community. One year ago today, gunmen burst into his home and ordered him and his family to the floor. Sabino was shot and killed in front of his four children.

We cannot sit back and allow such senseless gun violence to continue. The time has come to enact sensible gun legislation. Sabino's death is a reminder to all of us that we need to act now.

* * *

DEATH TAX ELIMINATION ACT

Mr. KYL. Mr. President, last Friday, the Senate concluded debate on the Death Tax Elimination Act, H.R. 8, and passed the bill by a bipartisan vote of 59 to 39. I am very grateful to Senators on both sides of the aisle who supported this important legislation.

The broad, bipartisan support the death-tax repeal bill received suggests that we have finally found a formula for taxing inherited assets in a fair and common sense way. Unrealized gains will be taxed, but they will be taxed when they are earned—not at death. Death itself will no longer trigger a tax.

This change—effectively substituting a capital-gains tax, which would be due upon the sale of inherited assets, for an estate tax at death—is itself a compromise.

When I first introduced a death-tax repeal bill in 1995, I did not propose any change in the stepped-up basis—a change that is at the heart of this bill. My original legislation would have repealed the death tax and allowed heirs to continue to step up the tax basis in the inherited property to the fair market value at the date of death.

That is obviously the ideal world for taxpayers: No death tax, and a minimal capital-gains tax when the inherited assets are later sold. The problem was, that approach sat idle for four years. We could not get it to the Senate floor for a vote, and we could not attract bipartisan support for it.

The idea behind this bill really came out of a hearing before the Senate Finance Committee in 1997. At the hearing, Senators MOYNIHAN and KERREY acknowledged that the death tax was problematic, but expressed the concern that, if we repealed the death tax without adjusting the basis rules, unrealized gains in assets held until death could go untaxed forever.

It struck me then that we had the basis for a compromise. If we could agree that death should not trigger a tax, we should be able to agree that death should not confer a tax benefit, either. The answer was to simply take death out of the equation. Coupling death-tax repeal with a limitation on the step-up in basis does just that.

So H.R. 8 represents a compromise. And that is why, I think, we were able to win the votes of 59 Senators, including nine Democrats. And that is why 65 Democrats were able to support the legislation in the House of Representatives.

During consideration of the death-tax repeal bill last week, some of our colleagues on the other side proposed a different kind of compromise. They said theirs would repeal the death tax for virtually all family-owned businesses and farms. Some have suggested that, if President Clinton vetoes the death-tax repeal initiative, the Democratic substitute might serve as a basis for further compromise. The problem is, the approach taken in the substitute—while well-intentioned—is fatally flawed.

Here is how the Wall Street Journal put it in an editorial on July 13:

> Senate Democrats also offer to expand a small-business and farm exception that is a tax-lawyer's dream. The loophole, known as IRS Code section 2057, is so complicated and onerous that few estates qualify.

Let me take a few moments to explain the deficiencies of this Democratic substitute. First, there are requirements that more than 50 percent of the decedent's assets must be made up of the qualifying business; that the decedent or immediate family must have actively operated the business for five of the eight years preceding death; and that a member of the immediate family must agree to continue to operate the business for at least 10 years after the decedent's death.

If any of these conditions is not adhered to for 10 full years after death, the government can still collect the original estate-tax that was due, plus accrued interest.

And understand this: to protect its right to recapture the estate tax if the business fails to comply, the Federal Government attaches a Federal tax lien to the property for a full 10 years. For a business, like farming, which is credit-dependent, such tax liens can make it virtually impossible to secure loans and financing for business operations, for growth, and for viability. In addition, the heirs are held personally liable for the estate tax and any penalties.

So, far from providing meaningful relief, the Democratic substitute leaves a cloud over the family business for up to a decade after death. The government can come back any time and recapture the estate tax that was due, plus interest, if the business, at any point, falls out of compliance. The threat of reimposition of the tax absolutely limits the family's flexibility in managing and disposing of business assets in its best interest.

The Democratic substitute relies on the current law's onerous material participation requirement, which, in effect, forces the family to work in the day-to-day operation of the business, or face the death tax, plus severe penalties. These requirements may be difficult to satisfy if, for example, the present owners are disabled or other family members are not yet involved in the business.

It relies on very complex rules for determining the value of farms and closely-held business interests. Historically, the IRS has challenged virtually every valuation method used, and these challenges typically wind up in Tax Court.

There are currently 149 tax cases which have been decided and reported involving 2032A issues. The IRS has challenged the validity of 2032A election or planning, and has won in approximately 67 percent of the cases. An equal number may be embroiled in the administrative process before court action. So much for relief—two-thirds of the few who do think they qualify, do not ultimately qualify and have to pay the tax with interest.

The so-called family business "carveout," which is embodied in Section 2057 of current law, is so bad that the Real Property and Probate Section of the American Bar Association has urged its repeal.

The reason the ABA condemns this section so strongly is that it is extremely complex and has an extremely limited application. It provides little practical help to families trying to preserve the family-owned farm or small business. It incorporates 14 sections from Section 2032A, which the ABA considers the most dangerous section of the estate-tax law because of the risk of malpractice claims against estate-planning lawyers and accountants.

So the fact is, if you rely on these sections of the tax code, you can raise the value of the estates eligible for relief as high as you want, and still few estates are going to get the intended relief. Estimates are that only about three to five percent of estates would benefit, and even then, as I said before, if they do not continue to meet all requirements for 10 years after death, the government can still come back and collect the original estate-tax bill plus accrued interest. The government's interest is protected by a lien that is maintained on the business for 10 years.

Of course, because the family-business carveout is so complex—because it requires determining compliance and ensuring continued compliance for 10 years—business owners have to continue to engage in expensive estate-tax planning. That is a tremendous waste of resources—resources that would otherwise be plowed back into the business for new jobs, better pay for current employees, business expansion, or research and development.

A recent report by the National Association of Women Business Owners (NAWBO) found that, "on average, 39 jobs per business or 11,000 jobs have already been lost due to the planning and payment of the death tax." NAWBO projects that, on average, 103 jobs per business, or a total of 28,000 jobs, will be lost as a result of the tax over the next five years. That would not change under the Democratic substitute, because there would still be a need for expensive estate-tax planning.

Mr. President, 59 Senators voted for a better approach—one that takes death out of the equation and taxes inherited assets like any other assets for tax purposes. A capital-gains tax would be paid when the assets are sold, with only a limited adjustment in the decedent's tax basis to ensure that no one is subject to new tax liability.

That is the true compromise. Tinkering with an already unworkable section of the tax code is not an effective substitute. I hope the President will sign the Death Tax Elimination Act when it reaches his desk. If not, we will be back next year when a new President is in the White House, and I predict that we will prevail.

I yield the floor.

WILLISTON WATER TRANSMISSION LINE

Mr. DORGAN. Mr. President, I rise today as a proud cosponsor of the bill to authorize the Williston Water Transmission Line. Williston is a small town of 13,000 located in the Northwest corner of North Dakota about twenty miles East of the Montana state line. Williston is located along the Missouri River not far from where the Fort Union Trading Post existed from 1828–1867. Today the fur trading post is a tourist attraction, and agriculture and oil productions are the main industries in the Williston area.

Mr. President, prior to construction of the existing Williston Water Treatment Plant, Williston obtained water to meet its municipal needs from the Missouri River. With the construction of the Garrison Dam and the creation of Lake Sakakawea in 1954, Williston is in the delta area of Lake Sakakawea and had to relocate its water intake and water treatment plant approximately five miles upstream to its present location. The Corps and Williston funded the construction of a large diameter transmission line to convey the entire water supply from the water treatment plant to the city of Williston.

All of the water treated by the water treatment plant must flow through this single existing transmission line to reach Williston. In the 1970's and early 80's, siltation covered the existing intake valves for the city's water supply, requiring the construction of two new intake valves. The lake is currently silting twice as fast as the original Corps estimate. Mr. President, in the spring of 1998, a leak in the transmission line caused by the saturated soil forced the city to forgo any supply of water for five and a half days. The lack of accessibility, unstable soil conditions and high ground water along the route make the line's reliability a significant concern. Williston must now construct a new water transmission line on higher ground.

This bill will authorize the construction of a new water transmission line to Williston. Because the old line has been damaged by the construction of the Garrison Dam, this authorization is appropriate and essential. Mr. President, I would like to commend the residents of Williston who have worked so hard for so long to resolve this problem. They have been tireless in their efforts to fix this problem—a problem caused by the Federal government.

Mr. President, I join with Senator CONRAD and look forward to working with my colleagues to ensure the citizens of Williston have a reliable water transmission line.

THE WHITE MOUNTAIN NATIONAL FOREST

Mr. KERRY. Mr. President, today the Senate passed the Interior Appropriations bill for fiscal year 2001. Included in that legislation is a rider that exempts the White Mountain National Forest in New Hampshire from the Forest Service's Roadless Initiative. While I supported the passage of the Interior Appropriations bill, I want to express my concern over this rider.

I am concerned because the White Mountain National Forest is a national resource, and it is completely appropriate for the federal government to set forth policies to conserve and protect a national resource. Many of my constituents in Massachusetts hike, camp, sightsee and enjoy the great natural lands of the White Mountains. In fact, it was a Massachusetts Congressman, John Weeks, who sponsored the legislation creating the White Mountain National Forest. When the Forest Service sought comment on a new management plan for the forest, more than 54 percent of all comments were submitted by Massachusetts residents. Proponents of the rider have argued that its purpose is to protect local control of forest management. Certainly local residents should have input in the management of the forest. I urge local participation in decisions at Cape Cod National Seashore. However, it sets a bad precedent when one forest is exempted from a national policy to protect the national interest.

Despite these concerns I did not move to strike this rider. The reason, ironically, is that I'm confident that the White Mountain National Forest will remain protected because of local input. Time and again, the local process, driven by the citizens of New Hampshire and Massachusetts, has resulted in sound management of the White Mountain National Forest. So, while I oppose the amendment for the precedent it will set, I expect and hope that it will have almost no impact on the health of the forest.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 17, 2000, the federal debt stood at $5,671,572,598,778.11 (Five trillion, six hundred seventy-one billion, five hundred seventy-two million, five hundred ninety-eight thousand, seven hundred seventy-eight dollars and eleven cents).

Five years ago, July 17, 1995, the federal debt stood at $4,927,653,000,000 (Four trillion, nine hundred twenty-seven billion, six hundred fifty-three million).

Ten years ago, July 17, 1990, the federal debt stood at $3,160,395,000,000 (Three trillion, one hundred sixty billion, three hundred ninety-five million).

Fifteen years ago, July 17, 1985, the federal debt stood at $1,795,284,000,000 (One trillion, seven hundred ninety-five billion, two hundred eighty-four million).

Twenty-five years ago, July 17, 1975, the federal debt stood at $533,089,000,000 (Five hundred thirty-three billion, eighty-nine million) which reflects a debt increase of more than $5 trillion—$5,138,483,598,778.11 (Five trillion, one hundred thirty-eight billion, four hundred eighty-three million, five hundred ninety-eight thousand, seven hundred seventy-eight dollars and eleven cents) during the past 25 years.

ADDITIONAL STATEMENTS

HONORING THE ECOLE CLASSIQUE ACADEMIC GAMES TEAM

• Mr. BREAUX. Mr. President, I rise to pay tribute to the Ecole Classique Academic Games team from Metairie, Louisiana, which is one of the most successful Academic Games teams in America.

For the past seven years, Ecole Classique has competed in the National Academic Games in Eatonton, Georgia. Over these years, the team has won hundreds of first, second and third place honors, more than 100 national titles, and seven sweepstakes championships as the finest team in the country. They have also won national titles in all four divisions, something no other school in the country has ever achieved.

The Ecole Classique team undergoes an intense year of preparation and hard work to prepare for the Academic Games. At the tournament they divide into fuor divisions and use creative problem solving skills and strategies to compete against other students from across America in the areas of Social Studies, Language Skills, Mathematics and Logic.

Once again, their hard work has paid off. At this year's competition, the Ecole Classique students won more than 100 trophies, 16 national championships and two sweepstakes titles—far outpacing their nearest competitors.

Making Ecole Classique's accomplishment even more remarkable is the fact that while other teams are comprised of all-star students pooled from multiple schools, Ecole Classique's team only consists of students who attend this small school in Metairie, Louisiana.

I must also salute the team's coach, Don Shannon. An extraordinary leader and mentor, Mr. Shannon has distinguished himself by becoming the only Academic Games coach in the nation to lead multiple sweepstakes champions in all four divisions.

I congratulate the remarkable students of Ecole Classique's Academic Games team who continue to make their family, school and community proud, and extend my very best wishes for their continued success.•

TRIBUTE TO WILLIAM WENTWORTH—2000 ENTREPRENEUR OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor William Wentworth upon his recognition as the 2000 Entrepreneur of the Year by the New Hampshire High Technology Council.

Bill is the President and CEO of Source Electronics, a software programming company that he has increased in size from three employees in 1988 to its current number of 220. Bill's strong commitment to customer service and the highest levels of quality are the primary reason why Source Electronic was able to grow into such a successful business.

Source Electronics illustrates true dedication to its clients by tailoring programs to meet their needs, such as an interactive website allowing customers the ability to submit and track their orders. It is competitive advantages like these that set Source Electronics apart from other companies and allows them to do business with large firms such as Lucent Technologies, Cabletron and Motorola, to name a few. The enthusiastic dedication to serve and support the customer is also demonstrated by the entire staff at Source Electronics, undoubtedly a result of the examples Bill has set for others. Under Bill's strong leadership, Source Electronics was voted one of the top ten companies in New Hampshire in 1997 and 1999.

The hard work Bill has invested into his company proves his keen business skill. The dedication he has exhibited in placing customer concerns first is truly commendable. It is companies like Bill's that prove New Hampshire's competitiveness in the technological field. Bill, it is an honor to represent you in the United States Senate.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE TALIBAN IN AFGHANISTAN—MESSAGE FROM THE PRESIDENT—PM 120

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Taliban (Afghanistan) that was declared in Executive Order 13129 of July 4, 1999.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 17, 2000.*

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 728. An act to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

H.R. 3985. An act to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building."

H.R. 4437. An act to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3985. An act to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building"; to the Committee on Governmental Affairs.

The following bill, received previously from the House of Representatives for concurrence, was read twice, and referred as indicated:

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; to the Committee on Energy and Natural Resources.

MEASURE PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-566. A resolution adopted by the House of the General Assembly of the State of Illinois relative to the financial structure of the Coal Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 564

Whereas, Illinois is a coal-producing and coal-consuming State that has benefitted tremendously from the hard, dangerous work of retired coal miners; and

Whereas, The United States government entered into a contract with the coal miners in 1946 that created the United Mine Workers of America Health and Retirement Funds; and

Whereas, This contract was signed in the White House in a ceremony with President Harry Truman; and

Whereas, A federal commission established by U.S. Secretary of Labor Elizabeth Dole concluded in 1990: "Retired coal miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives and that is now they planned their retirement years. That commitment should be honored."; and

Whereas, This promise became law in 1992 when Congress passed, and President George Bush signed, the Coal Industry Retiree Health Benefit Act (the Coal Act); and

Whereas, The Coal Act reiterated the promise of lifetime health benefits for retired coal miners and their dependents; and

Whereas, Congress intended the Coal Act to:

"(1) remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry;

(2) allow for sufficient operating assets for such plans; and

(3) provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans"; and

Whereas, Certain court decisions have eroded the financial structure that Congress put in place under the Coal Act; and

Whereas, These court decisions have placed the continued provision of health benefits to retired coal miners in jeopardy; therefore, be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That we urge the Congress and the Executive Branch of the United States to work together to reform the financial structure of the Coal Act and to ensure that retired coal miners continue to receive the health care benefits they were promised and so rightly deserve; and be it further

Resolved, That suitable copies of this resolution be sent to the President of the United States and to each member of the Illinois congressional delegation.

POM-567. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to market access concerning China; to the Committee on Finance.

RESOLUTION

In agriculture, tariffs on U.S. priority products, such as beef, dairy and citrus fruits, will drop from an average of 31% to 14% in January 2004. China will also expand access for bulk agricultural products such as wheat, corn, cotton, soybeans and others; allow for the first time private trade in said products; and eliminate export subsidies. In manufactures, Chinese industrial tariffs will fall from an average of 25% in 1997 to 9.4% in 2005. In information technology, tariffs on products such as computers, semiconductors, and all Internet-related equipment will fall to zero by 2005. In services, China will open markets for distribution, telecommunications, insurance, express delivery, banking, law, accounting, audiovisual, engineering, construction, environmental services, and other industries.

At present, China severely restricts trading rights, i.e., the right to import and export, as well as the ability to own and operate distribution networks, which are essential in order to move goods and compete effectively in any market. Under the proposed agreement, China will phase in such trading rights and distribution services over three (3) years, and also open up sectors related to distribution services, such as repair and maintenance, warehousing, trucking and air courier services. This will allow American businesses to export directly to China and to have their own distribution network in China, rather than being forced to set up factories in China to sell products through Chinese partners, as has been frequently the case until now.

At the same time, the proposed agreement offers China no increased access to American markets. The United States agrees only to maintain the market access policies that already apply to China, and have for over twenty (20) years, by making China's current Normal Trade Relations status permanent. WTO rules require that members accord each other such status on an unconditional basis.

If Congress does not grant China "Permanent Normal Trade Relations" status, our European, Asian, Canadian and Latin American competitors will reap the benefits of China's WTO accession, but China would not be required to accord these benefits to the United States.

In addition to purely economic considerations, China's accession to the WTO will promote reform, greater individual freedom, and strengthen the rule of law in China, which is why the commitments already made represent a remarkable victory for Chinese economic reformers. Furthermore, WTO accession will give the Chinese people greater access to information, and weaken the ability of hardliners in the Chinese government to isolate China's public from outside ideas and influences. In view of these facts, it is not surprising that many of China's and Hong Kong's activists for democracy and human rights—including Martin Lee, the leader of Hong Kong's Democratic Party, and Ren Wanding, a prominent dissident who has spent many years of his life in prison—see China's WTO accession as the most important step toward reform in the past two decades.

Finally, WTO accession will increase the chance that in the new century, China will be an integral part of the international system, abiding by accepted rules of international behavior, rather than remain outside the system, denying or ignoring such rules. From the U.S. perspective, PNTR advances the American people's larger interest to bring China into international agreements and institutions that can make it a more constructive player in the current world, with a significant stake in preserving peace and stability.

For all of the above considerations, the Senate of Puerto Rico joins in urging the President and the Congress of the United States to pass a Permanent Normal Trade Relations ("PNTR") agreement with China at the earliest possible moment, which will provide American farmers, workers and industries with substantially greater access to the Chinese market, to the ultimate benefit of the U.S. economy in general and the American people in particular. Be it

Resolved by the Senate of Puerto Rico:

SECTION 1.—To urge the President and the Congress of the United States to approve a Permanent Normal Trade Relations ("PNTR") agreement with China at the earliest possible date in order to promote security an prosperity for American farmers, workers and industries by providing substantially greater access to the Chinese market.

SECTION 2.—This Resolution will be officially notified to the Honorable William Jefferson Clinton, President of the United States, to the Honorable Albert Gore, Jr., Vice-President of the United States, to the Honorable Trent Lott, United States Senate Majority Leader, and to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives, as well as selected Members of the United States Congress.

SECTION 3.—This Resolution will be publicized by making copies thereof available to the local, state and national media.

SECTION 4.—This Resolution will become effective immediately upon its approval by the Senate of Puerto Rico.

POM-568. A resolution adopted by the House of the General Assembly of the Commonwealth of Virginia relative to the financial structure of the "Coal Act"; to the Committee on Finance.

HOUSE RESOLUTION NO. 6

Whereas, the Commonwealth of Virginia is a coal-producing and coal-consuming state that has benefited tremendously from the hard, dangerous work of retired coal miners; and

Whereas, the United States government entered into a contract with coal miners in 1946 that created the United Mine Workers of America Health and Retirement Funds; and

Whereas, this contract was signed in the White House in a ceremony with President Harry Truman; and

Whereas, a federal commission established by United States Secretary of Labor Elizabeth Dole concluded in 1990 that "retired coal miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives and that is how they planned their retirement years. That commitment should be honored"; and

Whereas, this promise became law in 1992 when Congress passed, and President George Bush signed, the Coal Industry Retiree Health Benefit Act (the Coal Act); and

Whereas, the Coal Act reiterated the promise of lifetime health benefits for retired coal miners and their dependents; and

Whereas, Congress intended the Coal Act "(1) to remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry; (2) to allow for sufficient operating assets for such plans; and (3) to provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans"; and

Whereas, certain court decisions have eroded the financial structure that Congress put in place under the Coal Act; and

Whereas, these court decisions have placed the continued provision of health benefits to retired coal miners in jeopardy; now, therefore, be it

Resolved by the House of Delegates, That the President and the Congress of the United States be urged to work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promised and so rightly deserve; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-569. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Trade Act of 1974; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 284

Whereas, the Trade Act of 1974 established a statutory framework for providing transitional adjustment assistance to employees displaced due to increased importation of competitive products; and

Whereas, the adoption by Congress of the North American Free Trade Agreement (NAFTA) included the establishment of a transitional adjustment assistance program in the event that imports of competitive goods from Canada or Mexico are an important contribution to workers' separation; and

Whereas, since the adoption of NAFTA, the number of imports from Canada and Mexico of products directly competitive with products manufactured in the United States has increased; and

Whereas, many manufacturing plants in the United States have displaced workers or closed entirely due to increased competition from imported products; and

Whereas, American workers have had difficulty finding similar employment and need retraining services to be qualified for other types of employment; and

Whereas, the current length of time for retraining benefits under the Trade Act is inadequate for most Americans to complete retraining programs; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; and, be it

Resolved further, That the General Asssembly of Virginia most fervently urge and encourage each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as a show of solidarity in petitioning the federal government for greater benefits to workers displaced due to the adoption of NAFTA; and be it

Resolved finally, That the Clerk of the House of Delegation transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the Virginia Congressional Delegation, and to the presiding officer of each house of each state legislative body in the United States of America.

POM-570. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the North American Free Trade Agreement transitional adjustment assistance; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 283

Whereas, ratification of the NAFTA treaty was a congressional policy decision which could benefit the continent as a whole; and

Whereas, one of the effects of NAFTA has been to set the United States and other countries on the road to economic globalization; and

Whereas, professional economists continue to analyze and to debate the efficacy of economic globalization; and

Whereas, however, professional economists and most policy makers are not directly or dramatically affected by economic globalization; and

Whereas, although the United States continues to experience economic prosperity, pockets of the United States and Virginia have not benefited from the financial boom; and

Whereas, when plants close because of outsourcing of labor costs to other countries, the people who lose their jobs are not likely to feel sympathy for the benefits of a global economy to the rest of the country or the Commonwealth; and

Whereas, these displaced workers are frequently entitled to elect such benefits as the 18-month COBRA extension of health care insurance coverage; and

Whereas, the costs of the COBRA extension are often beyond the means of unemployed individuals with families; and

Whereas, those individuals who lose their jobs because of the effects of NAFTA and globalization are tax-paying and responsible citizens who, through no fault of their own, must face an uncertain future in the new millennium that may include retraining, the search for new employment, and inadequate access to health care; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enhance the benefits for individuals eligible for North American Free Trade Agreement (NAFTA) transitional adjustment assistance by providing expanded and short-term eligibility for medical assistance services to such individuals and their families; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-571. A resolution adopted by the House of the Legislature of Louisiana relative to a multiyear reauthorization of the Coastal Wetlands Planning, Protections, and Restoration Act; to the Committee on Environment and Public Works.

House Resolution No. 6

Whereas, the Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) has been the keystone of state and federal efforts to restore Louisiana's disappearing coastal lands; and

Whereas, it is essential to successfully build on and improve the coastal stewardship campaign that holds and secures the resources, communities, and economies dependent upon the barrier shorelines, wetlands, fisheries, and estuaries of our coastal zone; and

Whereas, it is vital to the interests of Louisiana and this nation that CWPPRA and the efforts it has authorized and funded be continued; and

Whereas, the United States Senate has already passed a multiyear reauthorization of CWPPRA. Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize congress that it is in the urgent best interests of the state of Louisiana and of the United States of America to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-572. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Michigan's Remedial Action Plans; to the Committee on Environment and Public Works.

Senate Resolution No. 133

Whereas, the United States-Canada Great Lakes Water Quality Agreement of 1972, as amended, provided for the designation of Areas of Concern in need of remedial actions to address documented pollution problems; and

Whereas, Fourteen Areas of Concern have been designated in Michigan, each with a Remedial Action Plan process that coordinates and focuses the efforts of multiple levels of government and other stakeholders; and

Whereas, Many of Michigan's Remedial Action Plans are entering the implementation phase, when funding for technical guidance and coordination by state agency staff is critically important; and

Whereas, The United States Environmental Protection Agency (EPA) has traditionally supported state Area of Concern efforts. This is consistent with the EPA's responsibilities under the Great Lakes Water Quality Agreement; and

Whereas, Funding through the EPA is vital to leveraging funding through the Clean Michigan Initiative environmental bond program to implement measurable environmental improvements in Michigan's fourteen Areas of Concern; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to reaffirm its support for and federal role in the Areas of Concern program by allocating a minimum of $7.5 million for the Great Lakes Areas of Concern in Fiscal Year 2001; and be it further

Resolved, That we urge that no less than $1.0 million of this total be allocated by the EPA for efforts within the state of Michigan to develop and implement Remedial Action Plans and associated activities under the Great Lakes Water Quality Agreement; and be it further

Resolved, That we urge that these funds be allocated to provide no less than $700,000 for Michigan Department of Environmental Quality staff; $125,000 for Statewide Public Advisory Council activities; and $175,000 for support to individual Public Advisory Councils within the Areas of Concern; and be it further

Resolved, That we urge that funding support for the EPA be used to leverage substantial resources from the Clean Michigan Initiative environmental bond program for contaminated sediment remediation, nonpoint source pollution control, brownfields redevelopment, and other critical efforts; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the EPA, the EPA's Region 5 office, the EPA's Great Lakes National Program Office, the International Joint Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-573. A resolution adopted by the County of Ocean, New Jersey relative to halt the dumping of dredge materials; to the Committee on Environment and Public Works.

POM-574. A resolution adopted by the Council of Stafford Township, New Jersey relative to the prohibiting of ocean dumping of dredged material; to the Committee on Environment and Public Works.

POM-575. A resolution adopted by the Township of Eagleswood, New Jersey relative to the halting of dumping of dredged material; to the Committee on Environment and Public Works.

POM-576. A resolution adopted by the Council of the Borough of Barnegat Light, New Jersey relative to ocean dumping; to the Committee on Environment and Public Works.

POM-577. A resolution adopted by the Township of Stafford, New Jersey relative to the dumping of dredge spoils at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM-578. A resolution adopted by the Township Committee of Dover, New Jersey relative to the halting of dumping at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM-579. A resolution adopted by the Council of Borough of Barnegat Light, New Jersey relative to the dumping of contaminated dredged material; to the Committee on Environment and Public Works.

POM-580. A resolution adopted by the Board of Commissioners of the Borough of Beach Haven, New Jersey relative to the "Mud Dump site"; to the Committee on Environment and Public Works.

POM-581. A resolution adopted by the Council of the Borough of Ship Bottom, New Jersey relative to the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM-582. A resolution adopted by the Legislature of the State of New York relative to the Boundary Waters Treaty Act; to the Committee on Environment and Public Works.

Resolution

Whereas, Water is a critical resource that is essential for all forms of life and for a broad range of economic and social activities; and

Whereas, The Great Lakes support 33 million people as well as a diversity of the plant and animal populations; and

Whereas, The Great Lakes contain roughly 20% of the world's freshwater and 95% of the freshwater of the United States; and

Whereas, The Great Lakes are predominantly non-renewable resources with approximately only 1% of their water renewed annually by precipitation, surface water runoff and inflow from groundwater sources; and

Whereas, The Great Lakes Basin is an integrated and fragile ecosystem with its surface and groundwater resources a part of a single hydrologic system, which should be dealt with as a whole in ways that take into account water quantity, water quality and ecosystem integrity; and

Whereas, Sound science must be the basis for water resource management policies and strategies; and

Whereas, Scientific information supports the conclusion that a relatively small volume of water permanently removed from sensitive habitats may have grave ecological consequences; and

Whereas, Single and cumulative bulk removals of water from drainage basins such as interbasin transfers, reduce the resiliency of a system and its capacity to cope with future, unpredictable stresses, including potential introduction of non-native species and diseases to receiving waters; and

Whereas, There is uncertainty about the availability of Great Lakes water in the future—in light of previous variations in climactic conditions, climate change, demands on water—cautions should be used in managing water to protect the resource for the future; and

Whereas, A report from The International Joint Commission, released March 15, 2000, recommends that Canadian and U.S. federal, provincial and state governments should not permit the removal of water from the Great Lakes Basin unless the proponent can demonstrate that the removal will not endanger the integrity of the Great Lakes Ecosystem; and

Whereas, Canada has already introduced legislation to amend the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to effectuate an amendment to the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes to preserve the integrity and environmental stability of the Great Lakes; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to each member of the United States Congressional Delegation of the State of New York; to the Vice President of the United States in his capacity as President of the United States Senate; to the Speaker of the United States

House of Representatives; to the Clerk of the United States House of Representatives; to the Secretary of the United States Senate; and to the Administrator of the United States Environmental Protection Agency.

POM–583. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the proposed "Solid Waste Interstate Transportation and Local Authority Act"; to the Committee on Environment and Public Works.

House Joint Resolution No. 385

Whereas, recent reports issued by the Department on Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states in the nation, second only to Pennsylvania, and is currently importing approximately four million tons of municipal solid waste from other states; and

Whereas, the amount of municipal solid waste being imported into Virginia from other states is expected to increase in coming years due to the impending closure of the Fresh Kills Landfill in New York; and

Whereas, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

Whereas, the importation of significant amounts of municipal solid waste from other states has created many short-term environmental problems for Virginia as a result of an increase in the number of garbage trucks on its roads and an increase in the number of garbage barges on its rivers; and

Whereas, the importation of significant amounts of municipal solid waste from other states creates serious long-term environmental problems for Virginia; and

Whereas, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination of tourism and high-tech economic development; and

Whereas, the Commerce Clause of the United States Constitution and the interpretation and application of the Commerce Clause by the United States Supreme Court and other federal courts with respect to interstate solid waste transportation have left Virginia and other states with limited alternatives in regulating, limiting or prohibiting the importation of municipal solid waste from other states; and

Whereas, it is the belief of the General Assembly of Virginia that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact the Solid Waste Interstate Transportation and Local Authority Act of 1999 (HR 1190) that gives state and local governments additional authority to regulator the importation of municipal solid waste into their jurisdictions; and be it

Resolved Further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–584. A joint resolution adopted by the Legislature of the State of California relative to homelessness; to the Committee on Health, Education, Labor, and Pensions.

Assembly Joint Resolution No. 39

Whereas, Homelessness has been steadily increasing for several years and constitutes, especially for the mentally ill, an archaic form of human misery that can no longer be tolerated in this, the world's greatest and most responsive democracy; and

Whereas, Homelessness creates a sizable drain on social and economic resources and is a frustration to legitimate commerce and an obstacle to community development; and

Whereas, Prevention of future homelessness will pay great dividends to American society that will more than justify the effort and costs of instituting a national plan for the homeless; and

Whereas, Health and social services, as well as welfare institutions, are now faced with the urgent necessity of creating new avenues of cooperation, coordination, and mutual support, and there is a nationwide need for new concentrations of community outreach, and active, aggressive provision of services, for the treatment and prevention of homelessness and of mental illness among the homeless; and

Whereas, A number of recent studies, all reliable, broadly-based, and conducted independently of one another, reveal that American homeless persons number over two and one-half million at any given time, and fall into one or more of the following general categories:

(a) Women and their children;
(b) The mentally ill;
(c) Military veterans;
(d) Drug and/or alcohol addicts;
(e) Parolees or probationers;
(f) HIV/Aids victims;
(g) Functionally illiterate persons or others with incomplete educations;
(h) Newly-evicted working poor; and
(i) Welfare recipients for whom aid has been reduced or curtailed; and

Whereas, The causes of homelessness are numerous and complex and therefore the cure cannot be simplistic and cannot exclusively address any single issue or causative factor; and

Whereas, Due to a lack of resources, many local governments, particularly cities and counties throughout the State of California and nationwide, have increasingly relied upon law enforcement or the enactment or enforcement of municipal codes and ordinances to address the behavioral aspects of homelessness. This approach has resulted in public policy that focuses on a person's status as homeless, instead of focusing on the obstacles that need to be overcome to solve the problem of homelessness; and

Whereas, It is absolutely necessary that any meaningful, comprehensive plan for the eradication or significant reduction of homelessness be instituted at the federal level because successful local model projects will not achieve permanence and uniform consistency unless they are integrated into a national strategy; and

Whereas, The number of homeless men, women, and children throughout the United States is increasing at an alarming rate; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature calls for, endorses, and supports a comprehensive national plan to end homelessness, and urges the President of the United States, Congress, and other relevant federal agencies to develop and implement a comprehensive plan to end homelessness; and be it further

Resolved, That the President of the United States is requested to convene a National Commission on Homelessness, nonpartisan and broadly representative in composition, with the specific mission of developing a comprehensive strategic plan for addressing homelessness, its causes, and its prevention nationwide; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–585. A resolution adopted by the Legislature of the State of California relative to Ryan White CARE Act; to the Committee on Health, Education, Labor, and Pensions.

Assembly Joint Resolution No. 47

Whereas, In California, as of January 1, 1999, more than 110,000 individuals have been infected with the expanding pandemic known as acquired immune deficiency syndrome (AIDS); and

Whereas, The State of California created an Office of AIDS within the State Department of Health Services to proactively address issues relating to the human immunodeficiency virus (HIV) and AIDS; and

Whereas, This office directly administers the expenditure of federal and state funds to combat the disease; and

Whereas, Due to advancements in pharmaceutical therapies and an increasing focus on early intervention and treatment, the number of individuals living with HIV has grown significantly; and

Whereas, For many, the progression from HIV to an AIDS diagnosis has slowed considerably as a result of these therapies; and

Whereas, It is estimated that more than 44,000 California residents are currently living with AIDS, 15 percent of the nationwide total of 288,000; and

Whereas, It is estimated by the Centers for Disease Control and Prevention that there are 40,000 new HIV infections annually in the United States and that California accounts for one-fifth, or 8,000, of these infections; and

Whereas, Approximately one-third of Californians with HIV disease are unaware of their diagnosis and tens of thousands of individuals know they are HIV-positive but are not receiving care regularly; and

Whereas, The number of annual AIDS deaths in California dropped 51 percent between 1996 and 1997; however, between 1997 and 1998, deaths dropped by only 27 percent; and

Whereas, HIV/AIDS in California has a significant impact on communities of color, gay and bisexual men, and women, as well as low-income and other underserved communities; and

Whereas, As many as one-half of new HIV infections occur in people under the age of 25 years; one in four are in young people under age 22 years; and

Whereas, Increasingly, some individuals with HIV disease have also been diagnosed with substance abuse or mental illness; and

Whereas, Substance abuse is a factor in well over 50 percent of new HIV infections in some cities; and

Whereas, California looks to the federal government to assist the state in meeting the expanding health care and social service needs of people living with HIV disease; and

Whereas, The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act (42 U.S.C. Sec. 300ff et seq.) was first adopted by the Congress in 1990; and

Whereas, The Ryan White CARE Act expires on September 30, 2000; and

Whereas, Since its inception, the Ryan White CARE Act has ensured the delivery of medical care and treatment as well as essential support services to tens of thousands of Californians including medical examinations, laboratory procedures and evaluations, drug therapy, dental care, case management, home health and hospice care, transportation, housing, legal assistance, benefits education and assistance, treatment education and adherence, nutrition therapy, and mental health and substance abuse counseling; and

Whereas, Under federal law, the Ryan White CARE Act is designated as the provider of last resort; therefore, it is recognized as a critical safety net program for low-income, uninsured, or underinsured individuals; and

Whereas, The federal budget for the 2000 fiscal year contains increased funding for the Ryan White CARE Act, a significant portion of which is dedicated to California; and

Whereas, Title I of the Ryan White CARE Act currently provides emergency assistance to the 51 United States metropolitan areas most heavily impacted by the AIDS epidemic, of which nine are in California, the most in the United States; and

Whereas, The Ryan White CARE Act has enabled local communities receiving Title I funding to tailor the delivery of services that best meet the needs of their residents who are affected by HIV/AIDS; and

Whereas, California receives funding under Title II of the Ryan White CARE Act for care and treatment and social services, a significant portion of which pays for life-extending and life-saving pharmaceuticals under California's AIDS Drug Assistance Program (ADAP); and

Whereas, Title III of the Ryan White CARE Act provides funding to public and private nonprofit entities for outpatient early intervention and primary care services; and

Whereas, Title IV of the Ryan White CARE Act has focused on women, children, youth, and families, and has increased access to medical care and support services for persons under 25 years of age living with HIV or AIDS; and

Whereas, The Ryan White CARE Act Dental Reimbursement Program (Title VI) reimburses eligible dental schools and postdoctoral dental education programs for the reported, uncompensated costs of oral health care to people living with HIV; and

Whereas, The goal of the Ryan White CARE Act Special Projects of National Significance (SPNS) Program (Title VI) is to advance knowledge about the care and treatment of persons living with HIV/AIDS by providing time-limited grants to assess models for delivering health and support services, and SPNS projects have supported the development of innovative service models for HIV care to provide health and social services to communities of color and hard-to-reach populations in California; and

Whereas, A network of 14 regional AIDS Education and Training Centers (AETCs), along with local performance sites, were funded under Title VI of the Ryan White CARE Act; and

Whereas, These AETCs train clinical health care providers, provide consultation and technical assistance, and disseminate ever-changing information to health care professionals on the effective management of HIV infection: now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature affirms its support of the Ryan White CARE Act, and urges the Congress and the President of the United States to expeditiously reauthorize the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act in order to ensure that the expanding medical care and support service needs of individuals living with HIV disease are met; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Senate Majority and Minority Leaders, the Speaker of the House of Representatives and the House Minority Leader, the Chairpersons and ranking minority members of the Senate Health, Education, Labor and Pensions, Appropriations, and Budget Committees, to the Chairpersons and ranking minority members of the House Commerce, Appropriations, and Budget Committees, and to each Senator and Representative from California in the Congress of the United States.

POM-586. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to an autism working group; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 74

Whereas, autism results in severe problems in communication, social interaction, and impulse control disorders, including repetitive and sometimes bizarre actions and interests; and

Whereas, according to estimates from the National Institute of Mental Health, autism affects as many as two in every one thousand Americans; and

Whereas, families are often devastated by the effects of dealing with children with autism; and

Whereas, according to information from the National Institute of Mental Health, lack of a common diagnostic scheme from autism, which is critical for comparing research data, has posed a major challenge to science; and

Whereas, current research on autism is inconclusive as to its causes and treatment, and there is no biological test to confirm its diagnosis; and

Whereas, at the present time, there is no specific biological marker for autism and no cure; and

Whereas, the cost of health and educational services to those affected by autism exceeds three billion dollars per year, according to estimates from the National Institute of Mental Health; and

Whereas, the National Institutes of Health has as its mission health research to promote the general welfare of the citizens of the United States. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to take such actions as are necessary to commission the National Institutes of Health to assemble an autism working group to update its 1997 research report on the causes, diagnosis, and treatment of autism. Be it further

Resolved, That such working group shall be composed of distinguished scientists for the purpose of assessing the state of science in autism and related areas by assembling the disciplines, expertise, and subject populations needed to address scientific questions beyond the resources of a single investigator or research team. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, each member of the Louisiana congressional delegation, the directors of the National Institutes of health, the National Institute of Child Health and Human Development, the National Institute on Deafness and other Communication Disorders, the National Institute of Mental Health, and the National Institute of Neurological Disorders and Stroke.

POM-587. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to high quality health care; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 81

Whereas, an immediate health care crisis exists in the United States and in the state of Louisiana; and

Whereas, citizens of our state and nation are sometimes denied access to necessary health care services due to the financial practices of health maintenance organizations and other managed care entities, the utilization of managed care by health insurers, and the lack of adequate medical facilities in many communities nationwide; and

Whereas, the guiding principles of United States health care policy, as provided in the Hill-Burton Act, 42 U.S.C. 291 et seq., have been steadily undermined by the concept of managed health care; and

Whereas, a primary purpose of the Hill-Burton Act is to assist states in "furnishing adequate hospital, clinic, or similar services to all their people" by tying certain federal funding to commitments by health care facilities "to make available a reasonable volume of services to persons unable to pay therefor"; and

Whereas, the state of Louisiana, as a result of its climate and geographical location, is not only a crossroads for international trade and commerce but also subject to a range of threats to the public health, as indicated by Louisiana being placed on the "watch list" for dengue fever, which potentially compound the already existing public health crisis; and

Whereas, the current health care delivery system in Louisiana, including the Department of Health and Hospitals and the state's charity hospital system, is currently unable to fulfill the full health care needs of all of this state's residents; and

Whereas, under the preamble to the Constitution of the United States, the federal government is required to "promote the general welfare", which thus necessitates action by the federal government to address the current health care crisis; and

Whereas, the United States is rightfully a signatory to international declarations and covenants, including the Universal Declaration of Human Rights of the United Nations, which establish the universal right to adequate health care and require governments to take steps to assure access to quality medical health care. Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high quality health care. Be if further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the house of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-588. A concurrent resolution adopted by the Legislature of the State of New

Hampshire relative to integration of people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

House Concurrent Resolution 24

Whereas, thousands of people with disabilities live in New Hampshire; and

Whereas, the overwhelming majority of people with disabilities want the right to choose where they live and to receive support services; and

Whereas, the overwhelming majority of people with disabilities want to live and receive support services in home and community settings; and

Whereas, many people with disabilities are on waiting lists for home and community services; and

Whereas, the Americans with Disabilities Act (ADA) was passed as a civil rights act to protect the rights of people with disabilities; and

Whereas, the ADA's "integration" mandate requires that a public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the State of New Hampshire supports the integration requirement of the Americans with Disabilities Act; and

That the governor and mayors remove themselves from any filing of any future lawsuit by the National Governors' Association or National League of Cities that opposes the integration requirement in the Americans with Disabilities Act; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to the members of the New Hampshire congressional delegation.

POM–589. A resolution adopted by the General Assembly of the State of New Jersey relative to private long-term care insurance programs; to the Committee on Health, Education, Labor, and Pensions.

Assembly Resolution No. 72

Whereas, A private long-term care insurance market has begun to develop in New Jersey, although it is still very limited, as it is nationwide, because of the high cost of purchasing such coverage; and

Whereas, The issue of private long-term care insurance has begun to receive increasing attention among both federal and state policymakers, as reflected by the federal "Health Insurance Portability and Accountability Act of 1996," Pub.L. 104–191, which extended the federal income tax deduction allowed for the payment of standard health insurance plan premiums and medical expenses to the payment of premiums for federally qualified long-term care insurance plans, and also required these plans to satisfy certain consumer protection provisions endorsed by the National Association of Insurance Commissioners with respect to disclosure, nonforfeitability, guaranteed renewal and noncancellability; and

Whereas, Widespread interest has been reported in the asset protection feature of the New York State Partnership for Long-Term Care, which is designed to assist residents of that state in planning for the cost of long-term care and is funded in part by a grant from the Robert Wood Johnson Foundation; and

Whereas, The unique features of the New York State Partnership program are that, if a person exhausts his benefits under an approved long-term care insurance policy, the person can apply for Medicaid without regard to the type or amount of assets the person may have; and, unlike the regular Medicaid program which imposes limits on the amount of assets an eligible person may have in order to qualify for benefits and seeks recovery from a person's estate for the cost of benefits received, the Partnership program sets no such limits and does not require the person's estate to repay the Medicaid program benefits received for and;

Whereas, The New York State Partnership program and similar partnerships in California and Connecticut were established prior to the federal "Omnibus Budget Reconciliation Act of 1993," Pub.L. 103–66, known as OBRA '93 which requires that all states pursue liens and recoveries from the estates of Medicaid recipients who received long-term care services; and

Whereas, The effect of OBRA '93 was to nullify the asset protection feature of the partnerhip program for other states such as New Jersey that might wish to replicate there programs, since the programs established prior to OBRA '93 were permitted to continue as developed but additional states could not offer the asset protection incentive; and

Whereas; The establishment by additional states of private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care could stimulate the development of an expanded private long-term care insurance market which would relieve the financial pressures on the Medicaid program associated with funding long-term care, while also assisting many of those elderly and disabled persons who deplete their life savings paying for long-term care in order to qualify for Medicaid coverage of their long-term care costs; and, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House respectfully memorialized the Congress and President of the United States to enact statutory provisions which would permit additional states to establish private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care, in order to stimulate the development of an expanded private long-term care insurance market nationwide.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the United States Secretary of Health and Human Services, the presiding officers of the United States Senate and House of Representatives, and each of the members of the United States Congress elected from the State of New Jersey.

POM–590. A joint resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to the Occupational Safety and Health Administration's proposed ergonomic standards; to the Committee on Health, Education, Labor, and Pensions.

Senate Joint Resolution No. 610

Whereas, Tennessee has enacted a comprehensive workers' compensation system with incentives to employers to maintain a safe workplace, to work with employees to prevent workplace injuries, and to compensate employees for injuries that occur; and

Whereas, Section 4(b)(4) of the Federal Occupational Safety and Health Act, 29 U.S.C. §653(b)(4), provides that "Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment."; and

Whereas, The Occupational Safety and Health Administration ("OSHA"), notwithstanding this statutory restriction and the constitutional, traditional and historical role of the states in providing compensation for injuries in the workplace, has nevertheless published a proposed rule that, if adopted, would substantially displace the role of the states in compensating workers for musculoskeletal injuries in the workplace and would impose far-reaching requirements for implementation of ergonomics programs; and

Whereas, The proposed rule creates in effect a special class of workers' compensation benefits for ergonomic injuries, requiring payment of up to six months of wages at ninety percent (90%) of take-home pay and one hundred percent (100%) of benefits for absence from work; and

Whereas, The proposed rule would allow employees to bypass the system of medical treatment provided by Tennessee law for workers' compensation injuries and to seek diagnosis and treatment from any licensed health care provider paid by the employer; and

Whereas, The proposed rule would require employees to treat ergonomic cases as both workers' compensation cases and OSHA cases and to pay for medical treatment under both; and

Whereas, The proposed rule could force all manufacturers to alter workstations, redesign facilities or change tools and equipment, all triggered by the report of a single injury; and

Whereas, The proposed rule would require all American businesses to become full-time experts in ergonomics, a field for which there is little if any credible evidence and as to which there is an ongoing scientific debate; and

Whereas, The proposed rule would cause hardship on businesses and manufacturers with costs of compliance as high as eighteen billion dollars ($18,000,000,000) annually, without guaranteeing the prevention of a single injury; and

Whereas, The proposed rule may force businesses to make changes that would impair efficiency in distribution centers; and

Whereas, This proposed rule is premature until the science exists to understand the root cause of musculoskeletal disorders, OSHA should not rush to make rules that are likely to result in a loss of jobs without consensus in the scientific and medical communities as to what causes repetitive-stress injuries, and medical researchers must answer fundamental questions surrounding ergonomics before government regulators impose a one-size-sits-all solution; now, therefore, be it

Resolved by the Senate of the One Hundred First General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby memorializes the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect. Be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of the Tennessee Congressional delegation.

POM-591. A joint resolution adopted by the General Assembly of the State of Virginia relative to federal medical and long-term care benefits; to the Committee on Health, Education, Labor, and Pensions.

House Joint Resolution No. 168

Whereas, throughout our nation's history, older generations of Americans have contributed greatly to the prosperity of the United States; and

Whereas, older Americans have always recognized the value of the economic freedoms that our forefathers fought to ensure; and

Whereas, older Americans have always been leaders in the realms of business and industry, serving as mentors and teachers to ensure that younger generations would have the knowledge and skills to carry on; and

Whereas, throughout their toil and enduring commitment to the principles of freedom, older Americans have laid the foundation for the economic prosperity and financial security of all Americans; and

Whereas, during the early years of the twentieth century, the current generation of older Americans worked hard to ensure that their families and communities could continue to enjoy this financial security for generations to come; and

Whereas, they endured the struggle of the Great Depression, undergoing countless hardships as they rebuilt this nation by the sweat of their brows both economically and spiritually; and

Whereas, they fought in wars to preserve the liberties that have enabled our nation to earn its place as the economic leader in the world; and

Whereas, throughout those hardships, the current generation of older Americans learned to appreciate the importance of preserving assets, including homes, land, durable goods, and "nest eggs," they had managed to hold onto despite the economic challenges they had faced; and

Whereas, today these personal assets help them maintain the dignity, independence, and health they so cherish as Americans; and

Whereas, with nursing home care now costing an average of $40,000 to $50,000 per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings; and

Whereas, steps need to be taken into inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need of families to plan for their long-term care; and

Whereas, the federal laws governing the rules of qualification for federal medical and long-term care benefits force many older Americans to liquidate their assets, including their homes and life savings; and

Whereas, these confiscatory policies impose unjust and inequitable burdens on older Americans, who have contributed so much to our economic security; and

Whereas, widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on the federal government to provide medical and long-term care benefits; now, there, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the Unites States be urged to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; and, be it

Resolved further, That the Congress of the United States be urged to ensure that persons who purchase long-term insurance policies will be able to protect their assets equal in value to the policy purchased; and, be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-592. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to gasoline prices; to the Committee on Energy and Natural Resources.

POM-593. A joint resolution adopted by the General Assembly of the State of Colorado relative to the Old Spanish Trail; to the Committee on Energy and Natural Resources.

Senate Joint Memorial 00-002

Whereas, The Old Spanish Trail, which ran between Santa Fe, New Mexico, and Los Angeles, California, was the first trail into Utah and is still the least known; and

Whereas, Frontiersmen and traders en route from Santa Fe to Los Angeles blazed a circuitous route to the north through Utah; and

Whereas, Between 1839 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, The Old Spanish Trail and the northern branch of the Old Spanish Trail proceeded through much of western Colorado and followed part of the route traveled by the Dominguez-Escalante Expedition of 1776; and

Whereas, In 1853, Captain John Williams Gunnison of the U.S. Corps of Topographic Engineers was commissioned by the war department to find a route for a railroad through the Colorado Rockies along the 38th parallel; and

Whereas, During his expedition, Captain Gunnison came upon the northern branch of the Old Spanish Trail in the San Luis Valley, which he followed into eastern Utah; and

Whereas, The federal government's Salt Lake Wagon Road followed portions of the Old Spanish Trail at the northern branch to bring supplies to the Los Pinos Indian Agency in the Uncompahgre Valley and the budding mining camp of Ouray, Colorado, in the late 1870's; and

Whereas, The Old Spanish Trail and its northern branch was instrumental in the creation and establishment of many of western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, Very little information is recorded about the northern branch and much more can be learned about the Old Spanish Trail; and

Whereas, Beginning with the northern branch of the Old Spanish Trail in the 1830's and 1840's, followed by the Gunnison Expedition of 1853 and the Salt Lake Wagon Road of the late 1870's, the Grand Valley of western Colorado has been the site of an historic route for travelers; now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to adopt legislation that dedicates the Old Spanish Trail and the northern branch of the Old Spanish Trail as an historic trail. Be it further

Resolved, That copies of this Joint Memorial be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Colorado congressional delegation.

POM-594. A resolution adopted by the Legislature of the Commonwealth of Guam relative to Guam Memorial Hospital; to the Committee on Energy and Natural Resources.

Resolution No. 308

Whereas, Guam's economy has been in a prolonged recession for several years as a result of the Asian economic crisis and a reduction of military spending on Guam, resulting in drastically reduced government revenues; and

Whereas, large numbers of medically indigent individuals have been receiving free health care at the Guam Memorial Hospital, which the Hospital cannot afford to provide; and

Whereas, for humanitarian reasons the Guam Memorial Hospital is in need of assistance from the United States Federal Government in providing health care services to those medically indigent individuals who are on Guam as a result of Federal legislation; now therefore, be it

Resolved, That I MináBente Singko Na Liheslaturan Guåhan ("the Twenty-Fifth Guam Legislature") does hereby, on behalf of the people of Guam, respectfully request assistance from President William Jefferson Clinton, the United States Congress, and the United States Surgeon General in taking one (1) of the following actions:

(1) establishing a small National Public Health Service Hospital on Guam for the purpose of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law;

(2) providing to the Guam Memorial Hospital additional doctors and nurses through the National Public Health Service for the purpose of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law; or

(3) appropriating Four Million Dollars ($4,000,000) annually to the Guam Memorial Hospital to defray the costs of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States; to the Honorable Albert Gore, Jr., President of the U.S. Senate; to the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the Honorable Donna E. Shalala, U.S. Secretary of Health and Human Services; to the Honorable David Satcher, U.S. Surgeon General; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T. C. Gutierrez, I Magålahen Guåhan ("the Governor of Guam").

POM-595. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Outer Continental Shelf; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 13

Whereas, the government of the United States receives revenues from rent, royalties, net profit share payments, and related late payment penalties from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act; and

Whereas, these leases are for tracts or portions of tracts lying seaward of the zone defined and governed by Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which Section 8(g) does not apply, the geographic center of which lies within a distance of two hundred miles from any part of the coastline of Louisiana as defined by Section 304(4) of the Coastal Zone Management Act of 1972 (U.S.C. 1453(4)); and

Whereas, there are over four thousand five hundred offshore oil and gas rigs and platforms off the coast of Louisiana and on the Outer Continental Shelf (OCS), with such structures representing over ninety-five percent of all offshore structures in the world; and

Whereas, these offshore structures support and impact an abundant commercial and recreational fishery along an intricate coastline which is in excess of seven thousand miles long; and

Whereas, the enforcement division of the Louisiana Department of Wildlife and Fisheries is charged with the responsibility for the enforcement and regulation of Louisiana's marine fishing industry which, with recreational fishing and commercial fishing activities combined, constitutes an industry with a total economic impact on the state of $3.6 billion annually through landings of over one billion pounds and direct employment of over forty thousand people; and

Whereas, a well-regulated, well-managed, and well-monitored Outer Continental Shelf region and a well-regulated, well-managed, and well-monitored coastline of Louisiana are of benefit to the uninterrupted operation and maintenance of the oil and gas industry in the Gulf of Mexico; and

Whereas, a continuing dependable source of funds for the operation of the enforcement division of the Louisiana Department of Wildlife and Fisheries would ensure the continuation of efforts to secure the Outer Continental Shelf region of the Gulf of Mexico and the coastline of Louisiana for both the oil and gas industry and the fishing industry; therefore be it

Resolved, That the U.S. Congress and the Louisiana congressional delegation are hereby memorialized to provide funding from revenues received from oil and gas activity on the Outer Continental Shelf (OCS) to the Louisiana Department of Wildlife and Fisheries for state enforcement of the wildlife and fisheries laws; be it further

Resolved, That a copy of this Resolution be forwarded to the presiding officers of the U.S. Senate and the U.S. House of Representatives and each member of the Louisiana congressional delegation.

POM-596. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the increase in gasoline prices; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 189

Whereas, the United States Environmental Protection Agency and the United States Department of Energy report that there are adequate gasoline supplies to keep prices in check. Further, 87 percent of the service stations in Michigan recently surveyed by the American Automobile Association report that they expect to have adequate gasoline supplies this summer; and

Whereas, Profits of the world's largest oil-producing companies tripled in the first three months of the year. Financial analysts predict that the companies will earn more revenue this year than ever before; and

Whereas, In the biggest weekly jump since 1973, when such statistics were first recorded, gasoline prices have soared in June. As of June 13, 2000, the statewide average cost per gallon was $2.01, a 27-cent per gallon increase since the previous week. That was 87-cents per gallon higher than the same time last year. In Metro Detroit, as of the same date, the average cost per gallon was $2.04, which was 40-cents higher than the previous week and 92-cents per gallon more than the same time last year; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to investigate the rapid increase in gasoline prices and to take immediate action; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-597. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to investigating the factors responsible for reduced gasoline supplies; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 191

Whereas, The recent surge in gasoline prices nationwide has shocked consumers. The federal government has struggled to find remedies for this new and unexpected burden. Matters relating to the federal role in regulating commerce, new foreign demand for oil as overseas economies recover from economic crises, and the decision by oil producing nations to reduce output have contributed to this situation. Even the federal government will face limits on what it can do to influence global circumstances; and

Whereas, Although the rise in gasoline prices is a national problem, gasoline prices in Michigan are amongst the highest in the nation. As families here and around the country plan their vacations, the cost of gasoline may well harm Michigan's tourism industry as people seek locales closer to home. The state's automobile industry is bound to suffer if unreasonably high gasoline prices persist as will the agricultural sector. Michigan consumers have been economically overwhelmed by the near-doubling of the retail price of a gallon of gasoline within the last year. For those living paycheck to paycheck, purchasing fuel just to make it to work is difficult; and

Whereas, Despite the global factors that have contributed to the tremendous increase in gasoline prices, a number of measures at the national level may provide some relief until global circumstances become more favorable. Identifying why gasoline stockpiles were allowed to fall so low, examining the impact of new regulations requiring cleaner-burning fuel, and exploring ways of using the Strategic Petroleum Reserve are issues that Congress should explore; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to investigate the factors responsible for reduced gasoline supplies and the recent increases in retail gasoline prices; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-598. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to initiating a study to determine the cause of the recent gasoline price surge; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 192

Whereas, Gasoline prices have doubled in recent months from their levels of 1999. The prices in Michigan and other areas of the Midwest surpass the national increases by wide margins. Consumers have been shocked and their lives disrupted by this tremendous increase. Motor vehicles are part of the fabric of our culture and economy and any disruptions in our ability to keep the wheels rolling are cause for deep concern; and

Whereas, No single event has prompted our present situation. Instead, separate events and decisions occurring in our own backyard and around the globe have combined to drive prices to levels that are unacceptable if we are to maintain a strong and vibrant economy. The causes are murky, and the measures needed to reduce prices and prevent rapid price surges are not clear. We have repaired a pipeline and restored the flow of gasoline in Michigan, but how do we address the cause of a shortage of fuel for Michigan gas stations?; and

Whereas, It is reported that major oil companies have an abundant supply of gasoline while independent dealers are being cut off from adequate supplies. Only when all dealers have normal access to gasoline supplies will competition be reintroduced and will no single wholesaler monopolize supply and pricing. The United States Congress, as the chosen representatives of the American people, must step forward to investigate this issue in order to prevent another price surge. Without a complete grasp of the complex factors involved, we will be unable to cope with similar problems in the future and will instead simply place our trust in fate and the good will of others; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to initiate a study to determine the causes of the recent gasoline price surge; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 2705: A bill to provide for the training of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes (Rept. No. 106–348).

By Mr. DOMENICI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4733: A bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Report No. 106–346).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Government Performance and Results Act of 1993" (Report No. 106–347).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT:

S. 2883. A bill to suspend temporarily the duty on piano plates; to the Committee on Finance.

By Mr. GRAMS:

S. 2884. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. Robb):

S. 2885. A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself and Mr. Schumer):

S. 2886. A bill to provide for retail competition for the sale of electric power, to authorize States to recover transition costs, and for other purposes; read the first time.

By Mr. GRASSLEY (for himself, Mr. Robb, Ms. Collins, and Mr. Daschle):

S. 2887. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. Daschle, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Ashcroft, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bryan, Mr. Bunning, Mr. Burns, Mr. Byrd, Mr. Campbell, Mr. L. Chafee, Mr. Cleland, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Craig, Mr. Crapo, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Helms, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Roberts, Mr. Rockefeller, Mr. Roth, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond , Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr. Wellstone, and Mr. Wyden):

S. Res. 338. A resolution relative to the death of the Honorable Paul Coverdell, a Senator from the State of Georgia.; considered and agreed to.

By Mr. ROTH:

S. Con. Res. 131. A concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnose, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT:

S. 2883. A bill to suspend temporarily the duty on piano plates; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON PIANO PLATES

Mr. LOTT. Mr. President, I rise today to introduce legislation temporarily suspending duties on imports of certain piano plates. This legislation is needed to address a difficult situation facing the domestic piano industry.

A piano plate is an essential part of a piano. It is the iron casting over which the strings are stretched and tuned by pins inserted in the plate. Baldwin Piano & Organ Company, which employs more than 600 workers in the production of pianos in Arkansas and Mississippi, is one of a diminishing number of piano producers in the United States. Piano plates are produced in the United States by a single company, a competitor of Baldwin, whose production is for the most part captively consumed. As such, Baldwin lacks a domestic source for piano plates, other than the surplus production of one of its competitors. Due to its own demand for plates, Baldwin's competitor cannot meet Baldwin's requirements.

Mr. President the history and recent contraction in the domestic piano industry points to the critical need for this legislation. Indeed, were the production of Baldwin or other domestic producers to be curtailed due to the insufficient availability of domestically-produced piano plates, it is likely that this would engender an increase in foreign piano supply, rather than an increase in market share of other domestic producers. This is evident from the fact that, in the early 1980s, there were 15 domestic piano producers supplying approximately 80 percent of U.S. consumption, whereas now only nine domestic producers remain—servicing approximately half, if not less, of the U.S. market. The domestic piano industry is well aware that foreign production stands ready to fill any gap in domestic supply.

The legislation I am introducing today would temporarily suspend, through the year 2004, the rate of duty applicable to imports of piano plates provided for in subheading 9209.91.80 of the Harmonized Tariff Schedule of the United States. Currently, the applicable rate of duty is 4.2 percent ad valorem. If the legislation is approved, the reduction in duty collection is estimated to be between $300,000 and $400,000 per year through 2004.

Given the situation currently facing domestic piano producers, it is unlikely that there will be objection from other domestic manufacturers to the legislation proposed today. In view of the fact that Baldwin must resort to imported plates regardless of the duty rate applicable to such imports, and that no appreciable domestic production of piano plates will be displaced by imports, suspension of the duty rate will have no adverse affect upon the domestic industry. This legislation stands to ensure only that a U.S. piano producer will find a reliable source of supply for a critical component and thus will be better positioned to stand with other domestic producers in providing a secure and stable supply of pianos for the domestic market.

I ask that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PIANO PLATES.

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new item:

··	9902.92.09	Piano plates (provided for in subheading 9209.91.80)	Free	No change	No change	On or before 12/31/2004	··

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. GRAMS:

S. 2884. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

SMALL ETHANOL PRODUCER CREDIT

Mr. GRAMS. Mr. President, I rise today to introduce legislation to allow farmer-owned cooperatives access to the small ethanol producer tax credit. Mr. President, current law provides for an income tax credit of 10 cents per gallon for up to 15 million gallons of annual ethanol production by a small ethanol producer. A small ethanol producer is one defined as having a production capacity of less than 30 million gallons per year. The credit was enacted as part of the Omnibus Budget Reconciliation Act of 1990 and championed by our former colleague, Senator Bob Dole. Unfortunately, the credit was enacted at a time when the growth and shape of the ethanol industry was still difficult to predict.

This situation has led to an unfortunate situation in Minnesota, Iowa, and in other areas where farmer-owned cooperatives have been unable to access the credit due to the way in which the original legislation was drafted. The original legislation certainly envisioned these small, farmer-owned cooperatives as being eligible for the tax credit, but the intricacies of the tax code have made it impossible for them to do so.

Mr. President, there are currently 22 cooperative ethanol plants in the United States. Twelve of them are located in Minnesota. Eleven of these Minnesota cooperatives involve over 5,000 farmers and their families. Minnesota cooperatives are able to produce roughly 189 million gallons of ethanol per year.

My legislation would simply provide a technical correction to ensure farmer-owned cooperatives are included in the definition of who can benefit from the small ethanol producer tax credit. My bill also expands the definition to include facilities with less than 60 million gallons in annual capacity.

I want to again stress that this proposal is consistent with the original intent of the 1990 law that created the small ethanol producer tax credit. Farmer-owned cooperatives were never intended to be excluded from receiving the benefits of the tax credit if they produce less than 30 million gallons. It was just hard to envision the role and growth of cooperatives when we passed the 1990 law. Cooperatives are not huge corporate ventures, but associations of small farmers.

Mr. President, the ethanol industry in Minnesota and across the country is one we should promote. Ethanol is a crucial product for rural America, for our nation as a whole, and especially for Minnesota. I'd like to point out just a few of ethanol's impressive benefits—environmentally and economically. According to the Minnesota Corn Growers, ethanol production boosts nationwide employment by over 195,000 jobs. Ethanol improves our trade balance by $2 billion and adds $450 million to state tax receipts. It reduces emissions from gasoline use and therefore helps us clean up the environment.

According to the American Coalition for Ethanol, more than $3 billion has been invested in 43 ethanol facilities in 20 states. Those investments have directly created 40,000 jobs and more than $12.6 billion in increased income over the next five years.

Minnesota is now home to over a dozen operating ethanol plants with a capacity of over 200 million gallons annually. These plants mean new jobs with good wages and good benefits for people living in rural areas where these plants are built. According to a report by the Minnesota Legislative Auditor, those plants, and the resulting economic activity, are expected to create as many as 5,000 new, high-wage jobs—including jobs in production, construction, and support industries.

In addition to its positive economic impact, ethanol production allows our nation to move away from our dependence on foreign energy sources. The United States Department of Agriculture estimates that for every gallon of ethanol produced domestically, we displace seven gallons of imported oil. Ethanol plays a role in increasing our national energy security by providing a stable, homegrown, renewable energy supply. Ethanol is estimated to reduce our demand for foreign oil by 98,000 barrels per day.

Those are just some of the reasons why I urge my colleagues to join me in allowing small, farmer-owned cooperatives to enjoy the full benefits of the small ethanol producer tax credit.

I want to thank Senator CHARLES GRASSLEY of Iowa for working with me on this important legislation. As everyone knows, Senator GRASSLEY has been a steadfast leader of efforts to promote tax relief for farmers and rural Americans. I'm proud to be working with him on this legislation.

I ask that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SMALL ETHANOL PRODUCER CREDIT.

(a) ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.—Section 40(g) Internal Revenue Code of 1986 (relating to definitions and special rules for eligible small ethanol producer credit) is amended by adding at the end the following:

"(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

"(A) ELECTION TO ALLOCATE.—

"(i) IN GENERAL.—Notwithstanding paragraph (4), in the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(iii) SPECIAL RULE FOR 1998 AND 1999.—Notwithstanding clause (ii), an election for any taxable year ending prior to the date of the enactment of this paragraph may be made at any time before the expiration of the 3-year period beginning on the last date prescribed by law for filing the return of the taxpayer for such taxable year (determined without regard to extensions) by filing an amended return for such year.

"(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

"(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

"(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization (as so defined) determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

"(i) such reduction, over

"(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.".

(b) DEFINITION OF SMALL ETHANOL PRODUCER; IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.—

(1) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g)(1) of the Internal Revenue Code of 1986 (relating to eligible small ethanol producer) is amended by striking "30,000,000" and inserting "60,000,000".

(2) SMALL ETHANOL PRODUCER CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of such Code (relating to passive activity credit) is amended by striking "subpart D" and inserting "subpart D, other than section 40(a)(3),".

(3) ALLOWING CREDIT AGAINST MINIMUM TAX.—

(A) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following:

"(3) SPECIAL RULES FOR SMALL ETHANOL PRODUCER CREDIT.—

"(A) IN GENERAL.—In the case of the small ethanol producer credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

"(B) SMALL ETHANOL PRODUCER CREDIT.—For purposes of this subsection, the term 'small ethanol producer credit' means the credit allowable under subsection (a) by reason of section 40(a)(3).".

(B) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting "or the small ethanol producer credit" after "employment credit".

(4) SMALL ETHANOL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of such Code (relating to income inclusion of alcohol fuel credit is amended to read as follows:

"SEC. 87. ALCOHOL FUEL CREDIT.

"Gross income includes an amount equal to the sum of—

"(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

"(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).".

(c) CONFORMING AMENDMENT.—Section 1388 of the Internal Revenue Code of 1986 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following:

"(k) CROSS REFERENCE.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d) (6)."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1997.

(2) CERTAIN PROVISIONS.—The amendments made by paragraphs (1) and (4) of subsection (b) shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. WARNER (for himself and Mr. ROBB):

S. 2885. A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

THE JAMESTOWN 400TH COMMEMORATION COMMISSION ACT

Mr. WARNER. Mr. President, today I introduce legislation to establish a federal commission to join the Commonwealth of Virginia in preparing for the 400th anniversary of the founding of the Jamestown settlement, the first permanent English settlement in the United States.

In a little more than six years, America will observe one of its most important anniversaries with the celebration of the Jamestown quadricentennial. On May 13, 1607, nearly five months after setting sail from London, a group of 104 English men and boys selected a site on the banks of Virginia's James River as their new home. Settling Jamestown was a momentous event in American history.

While the Spanish founded St. Augustine in Florida in the 1560's and the English attempted to colonize Roanoke Island in North Carolina in the 1580's, Jamestown was America's first successful, permanent European settlement. Jamestown is the birthplace of our nation, and is where representative government in the Americas began. The founding of Jamestown marks the beginning of what Alex de Toqueville described as the United States' "great experiment" in democracy.

The establishment of Jamestown remains a cornerstone event in American history because of the lasting traditions that the English brought with them, including the legacy of language and common law that have shaped our great republic for decades.

Celebrating the 400th Anniversary of Jamestown marks an important opportunity to remember and reflect on how our ancestors established Virginia: how they treated America's original inhabitants, the Indians, and how the slave trade was begun. While injustice is a major part of this historical legacy, it is also the legacy that marked the beginning of our rich cultural heritage that defines the United States today.

With the 2007 celebration we have a chance to properly remember a story—too often glossed over—of the "darker side of the Jamestown legacy" as one scholar has noted, "a legacy of slavery; of warfare and conquest; of the displacement and decimation of Native Americans; of damage to the natural environment."

The history of Jamestown is rich, complex, tragic and inspirational. Certainly, an important part of Jamestown's history is the beginning of the distinct American spirit of exploration and adventure. The Jamestown adventure led directly to the formation of the great American principles of rule of law, religious and political freedom and the rights of man. The establishment of these pillars of American government was, again, unique in the history of man and government. The United States stands today as the world's longest lived, continuous democratic republic in existence today.

The Jamestown story is also the story of the beginning of truly global commerce. Not only was the establishment of Jamestown a commercial venture, it was a venture that coincided with an emerging worldwide capitalism. The landing was one of many efforts by primarily western European countries to go beyond a country's boundaries in search of commercially important natural resources.

The English came to Virginia looking for economic gain, but found personal freedom. They quickly found that the British model of government was not well-suited to the challenges of the New World.

Americans have joined in celebrating Jamestown's founding with major events during the past two centuries, most recently in 1957. These occasions have been marked with parades to an eight-month international exposition.

The 2007 Jamestown celebration will allow us to learn from our past as we prepare for the future. It is a national event that deserves our national attention and commemoration. The commission will bring the many talents of noted historians and scholars together with the Commonwealth's plans to fully observe the Jamestown experiment and its lasting contributions to our society.

Mr. ROBB. Mr. President, I want to join my senior colleague today in introducing legislation that will establish a Federal commission to commemorate the founding of the English colony at Jamestown nearly 400 years ago. Jamestown, the first permanent English Colony in the new world, holds enormous significance for us as a nation. We are an English speaking nation and our laws are based on English law. The history of Jamestown is the earliest history of the United States, and our culture still reflects those beginnings.

Jamestown was the capitol of Virginia for 92 years and was the center of cultural activity for the new colony. The celebration of the 400th anniversary of the founding of Jamestown is important to Virginia, and the Nation. In order to ensure that the celebration be conducted in a way that all Americans can appreciate and share in the history of Jamestown, we propose to establish a federal commission that will assist in developing federal activities that will complement those programs and activities undertaken by the Commonwealth of Virginia.

Currently the Commonwealth of Virginia and the federal government, through the Department of Interior, work together at Jamestown to tell the story of the early colonial times. The commission will provide additional assistance, and coordination and will provide support for the scholarly research that is ongoing at the Jamestown site. The commission can help ensure that the celebration of our earliest history is accessible to a broad range of Americans, and not just those in the immediate vicinity of the original colony.

The authority for the Commission will terminate one year after the Jamestown celebration in 2007 and after completing a report on its activities. The report will not only tell the story of the Jamestown celebration, but will provide guideposts and information for national celebrations in the future. Having an end to the commission's work will ensure that the organization will not outlive its usefulness.

The planning for this wonderful celebration has already begun, and so I ask for quick consideration of this legislation so that we can move forward together.

By Mr. GRASSLEY (for himself, Mr. ROBB, Ms. COLLINS, and Mr. DASCHLE):

S. 2887. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

CIVIL RIGHTS TAX FAIRNESS ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today to introduce the Civil Rights Tax Fairness Act of 2000. I am being joined by Senator ROBB in this effort. Civil rights legislation has been in force throughout this country for nearly thirty years; its purpose being to provide real remedies to victims of discrimination.

The Civil Rights Tax Fairness Act restores certain remedies for victims of discrimination by eliminating taxes on emotional distress awards. This tax was incorporated into the Small Business Job Protection Act of 1996, making the taxation of awards received in discrimination cases involving back wages or non-physical injuries (including emotional distress) taxable. The result of the 1996 legislation was to discriminate against people involved in civil rights cases. People who received damage awards because of a bar-room brawl or slip-and-fall incident, often caused by simple negligence, get tax free awards. While, for similar types of psychological injuries caused by intentional discrimination the damages are taxed. The result of this taxation is that the attorneys and government make out better than the victims who had their rights violated.

A second part of The Civil Rights Tax Fairness Act changes the current law, which requires people who receive back pay awards in discrimination cases to be bumped up into a higher tax bracket. When back pay awards are received by a person in a case the IRS considers it taxable income to be taxed in the year it is received, even though the award received covers many years of lost wages. Currently no averaging of back pay awards is allowed, but The Civil Rights Tax Fairness Act attempts to address this problem. The act provides for income averaging of back pay awards, making it possible for the award to be taxed over the number of years it was meant to compensate.

The third area that The Civil Rights Fairness Act attempts to combat is the double taxation of attorneys' fees that takes place under current law. Presently individuals who receive awards end up having to include in that award their attorneys' fee. This fee can end up being larger than the actual award received by the plaintiff. The current tax implications in the law require the plaintiff to pay taxes on their award and on the attorneys fees received by their lawyer.

One real life example recently brought to my attention involves an Iowa citizen named Don Lyons. Mr. Lyons, a man attempting to do the honorable thing by helping out a co-worker with filing a sex discrimination complaint against their employer, was unjustly retaliated against. After prevailing in court and receiving a $15,000 remitted judgment, Mr. Lyons then had to deal with the present tax laws, which not only devoured his judgment, but required him to actually pay thousands of more dollars to the government in taxes.

First, Mr. Lyons had to pay taxes on the $15,000 he received as punitive damages from his employer. After he pays his taxes he is left with $9,533. However, when Mr. Lyons takes into account the taxes that he has to pay on the combination of his settlement and attorneys' fees, he ends up owing $67,791 in taxes. When you subtract the $9,533 Mr. Lyons had left from the initial judgment he ends up still owing the government $58,236 in taxes. Mr. Lyons attorney, Ms. Victoria L. Herring, also has to pay taxes on the fee she received for taking Mr. Lyons case. Mr. Lyons ends up paying taxes on money that he never even received, making him a good example of why it is important to pass The Civil Rights Tax Fairness Act and end double taxation. Everyone should agree that this is a extreme example of unfair taxation.

Mr. Lyons helped out a co-worker, was attacked by his employer, and received damages in a court of law. People count on the legal system to protect them and when their civil rights are violated the system needs to function properly. It is disheartening to learn that, in actuality, Mr. Lyons is going to be taken to the cleaners by the government tax system, and as a result, he ends up owing $58,236 to the government for the "privilege" of having won his retaliation case.

It seems to me that there is something fundamentally wrong with the law when it hurts the people it is supposed to protect. This being said, it is time to change the mistakes made in the past by passing the Civil Rights Tax Fairness Act 2000. This bill will go a long way toward helping out victims of discrimination by eliminating taxes on emotional distress awards, ending lump-sum taxation, and ending double taxation. The changing of the law will have positive effects on citizens like Mr. Lyons, allowing similar victims to keep more of their awards. At the same time, it will be beneficial for business, since they will be able to settle discrimination claims for lower settlements.

I ask unanimous consent to have printed in the record after my remarks the letter I received from Mr. Lyon's attorney, Victoria L. Herring. Ms. Herring does an outstanding job of quantifying and personalizing the importance of the Civil Rights Tax Fairness Act.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 30, 1999.

Re Tax implications of civil rights litigation.

Senator CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.
Senator TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS: I write you as an attorney of long-standing in Des Moines and an Iowa citizen who represents other Iowans in employment-related matters. I write to bring to your attention a problem that you should know of (as legislation is now pending to cure the problem, H.R. 1997), but perhaps the effect of the present status of the law escaped you.

As you know, for some thirty years civil rights legislation has been in force in this country; that includes Title VII, the ADA, the ADEA, and other types of such statutes. As a part of the legislative effort to provide remedies to victims of discrimination, Congress also passed an attorney fees provision that entitles a successful plaintiff to have his or her attorney fees and expenses compensated by the losing defendant, subject to the trial court's discretion. Certainly, this legislation had a salutary effect in ending some of the worst vestiges of discrimination and seeing that the litigators were paid for their efforts as "private attorneys general". The United States Supreme Court has endorsed this concept in numerous cases.

What I now bring to your attention is the fact that all of this legislation has been rendered meaningless and, indeed, punitive against plaintiffs and their attorneys, by the Congress's passage in 1996 of the Small Business Protection Act and the various tax laws enacted by Congress over the years. I have a real life example to bring to your attention, in the hope that you will see how unfair and offensive is the present state of the law. In fact, in light of the law as it is today, it is entirely possible that no attorney in his or her right mind would take any plaintiff's civil rights case, and that no person in his or her right mind would undertake to litigate civil rights discrimination no matter how much they were harmed by such actions.

First, it is my understanding that the tax laws now require the payment of taxes upon any and all sums obtained in litigation or settlement that are not clearly related to "personal physical injury". As most (if not all) civil rights and discrimination cases brought under Title VII, the ADA, etc., rarely involve "personal physical injury", most (if not all) jury verdicts, judge awards and/or settlements are entirely taxable to the victim of discrimination. Perhaps that was truly the intent of Congress in its 1996 passage of the amendment to Internal Revenue Code Section 104. If so, then victims of discrimination certainly do owe taxes on whatever they might receive by way of verdict, judgment or settlement, and should pay those taxes. Of course, that frequently prevents settlements from occurring or raises the cost of the settlements, but that might also be within Congress's intent in passing the legislation. (That less than salutary effect of the 1996 amendment is one reason quite a variety of groups have supported the proposed bill, H.R. 1997, among them the U.S. Chamber of Commerce, NELA, the AARP, etc.) In any event, that is not the entire problem facing victims and litigators.

The most pernicious problem and one which causes me to write to you is the combined effect of the above legislation coupled with other laws of Congress, court cases and IRS regulations. The effect is to cause any and all lawyers who might wish to advocate for plaintiffs who have been harmed by discrimination to rethink whether, in fact, they wish to continue to do that work. And it places lawyers who do continue to advocate at loggerheads with their clients' interests.

The law is now clear that victims of discrimination owe tax payments on whatever settlement/judgment they might receive. And it is clear that their attorneys owe tax payments on whatever attorney fees and expenses they are awarded. However, the law is also quite clear that the victims of discrimination also owe taxes upon the amount of money their attorney is compensated for his/her efforts in obtaining the settlement/verdict. While in some situations it is possible to deduct those costs, given the Alternative Minimum Tax provisions and recent Tax Court cases, it is close to impossible to do so. Thus, victims of discrimination may well add up with an additional tax burden in excess of any sums of money actually obtained in the litigation to compensate them for their injuries. This must be contrary to the intent of Congress in passing civil rights legislation over the past thirty years, and the views of the Supreme Court in holding that attorney fees awards should be fully but reasonably compensatory to the attorneys, in order to facilitate attorneys in handling civil rights legislation.

I can provide you with a real-life example which impacts an Iowa citizen who successfully fought discrimination and retaliation and his attorney, the undersigned, who joined in that effort. Based on what we know now, both of us are quite sorry we ever entered into the effort to prevent discrimination and retaliation from occurring.

Don Lyons assisted a co-worker in filing a sex discrimination complaint against their employer. As a result, he and the co-worker were retaliated against. We brought suit on behalf of the co-worker for sex discrimination in employment in the Southern District of Iowa and made a claim for retaliation in violation of Title VII on behalf of both Don and his co-worker. The case was litigated in the court here, with the result that the sex discrimination case was resolved prior to trial. However, because no settlement of Don's claim was possible, his retaliation case went onto a jury trial before eight jurors from the southern District of Iowa.

We put on two days of evidence before the jury and Judge Wolle, with the result that Don was awarded $1.00 in nominal damages (a recognition of his right to bring the claim) and $150,000 in punitive damages. On post-trial motions, Judge Wolle upheld the jury's verdict on liability and held that there was sufficient evidence that "defendant had an evil motive and had intentionally violated federal law in retaliating against Lyons because he had assisted other pilots in protecting their civil rights." However, Judge Wolle remitted the punitive damage amount to $15,000.00, because he thought that would be sufficient to punish the defendant. Pursuant to the attorney fee provision of the civil rights law, I have petitioned the court for approximately $170,000 in fees and expenses; that is based on my hourly rate of $180.00 an hour (a rate much less than that of lawyers in other cities, and probably much less than the two defense lawyers from Chicago who tried the case). The fees and expenses amount may seem high, but is the result of a fair amount of contentiousness and the need to take depositions in Kansas and Arizona.

The problem for my client and for myself arises from the clear tax implications of this situation. My client would normally pay out of his $15,000 in punitive damages the sum of $5,467.00, and that would be fine for him.

However, if the court awards me a "fully compensatory" fee and expenses figure of $150,000 (I am using that as an example, because we have run the figures on this sum), not only will I pay my taxes on this figure (gladly so), but my client will also and without the ability to deduct the sum due to the pernicious effect of the alternative minimum tax!

	Amount
Don's taxes of $15,000	$5,467.00
Don's taxes on $15,000 plus the attorney fee award of $150,000	67,791.00
Difference/Additional Taxes Owed by Don for the "privilege" of having won his retaliation case	58,236.00

In other words, because Don assisted someone to bring a claim of sex discrimination through appropriate channels and prevailed in his jury trial claim of retaliation, he will be forced by present tax laws to pay an additional amount of $58,236.00, which is over two-thirds of his annual salary. *And* he will not have any additional money as a result of the remittment of the judgment to pay that additional tax. And because Don hired me to be his advocate and then prevailed before a jury of eight citizens, he is penalized with a severe tax penalty for having advocated civil rights. And I need not tell you that this result has severely strained what had been a cordial and positive working relationship between attorney and client.

This is a clear injustice and one that we cannot find any way of resolving, given the present state of the law. If we could, we would. We are, therefore, bringing this to your attention because it is a concern which only legislation can rectify. We believe that H.R. 1997 is the only means possible to rectify this problem and urge you to support it strongly and vocally as soon as Congress returns.

If you have need of further information, please let me know. Both Don and I would appreciate the opportunity to visit with you or your staff to discuss this problem and to shed light upon how this situation causes me to rethink my chosen profession and Don to rethink his willingness to assist people who are being discriminated against.

Very truly yours,
VICTORIA L. HERRING,
Attorney at Law.

Mr. ROBB. Mr. President, I am pleased to introduce the Civil Rights Tax Fairness Act of 2000 with Senators GRASSLEY, DASCHLE and COLLINS. This important legislation will correct several imperfections in our Tax Code that unfairly tax the victims of civil rights violations at a time when they are most vulnerable. I'm pleased that it accomplishes this in a fashion that has bi-partisan Congressional support and has been endorsed by civil rights organizations as well as the business community.

The Civil Rights Tax Fairness Act contains several provisions. The first section excludes emotional distress awards received in discrimination cases from the gross income of the recipient. Due to a change in the Small Business Job Protection Act of 1996, damages received for emotional distress in civil rights cases are taxable, while those received in slip and fall accidents are not. There is no defensible reason for this disparity and it must be changed.

The bill would also allow employees who receive lump sum awards for back wages for civil rights violations by their employers to take advantage of income averaging. Currently, if an employee receives a large award it will generally push that person into a higher income bracket for that year due to the income spike from the damages. The result is that the victim may be taxed at a higher rate than they would if they had received the income as wages in the normal course of business. This is the wrong tax treatment and should be corrected.

Finally, this legislation ends the double taxation on attorney's fees that are awarded to a victim in a discrimination case. Mr. President, even though the attorney ultimately gets the fees, not the victim, present law not only taxes the attorney on the fees that they receive when they take them into income, but also requires that the victim include them in computing their gross income. Even though they are supposed to be able to take a corresponding deduction, due to limitations on miscellaneous deductions and the alternative minimum tax, in most cases the victims cannot get the entire amount. This is not fair and cannot be the intended effect.

I look forward to working with the senior Senator from Iowa in getting this bill signed into law. It is time to bring our Tax Code into the 21st Century. We must implement tax policies that help to eradicate discrimination.

ADDITIONAL COSPONSORS

S. 203

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 203, a bill to amend title XIX of the Social Security Act to provide for an equitable determination of the Federal medical assistance percentage.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

S. 1378

At the request of Mr. VOINOVICH, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Georgia (Mr. COVERDELL), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1378, a bill to amend chapter 35 of title 44, United States Code, for the purposes of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

S. 1439

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1439, a bill to terminate production under the D5 submarine-launched ballistic missile program.

S. 1489

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1489, a bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 1796

At the request of Mr. MACK, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1902

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2456

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2456, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit to provide assistance to adoptive parents of special needs children, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2608

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2689

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2689, a bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2707

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2707, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

S. 2781

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. CON. RES. 130

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S.J. RES. 48

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

At the request of Mr. CAMPBELL, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Indiana (Mr. BAYH), the Senator from Vermont (Mr. JEFFORDS), the Senator from Utah (Mr. BENNETT), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. FEINSTEIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nevada (Mr. BRYAN), the Senator from Vermont (Mr. LEAHY), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S.J. Res. 48, supra.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as "National Relatives as Parents Day."

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nebraska (Mr. HAGEL), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res . 301, a resolution designating August 16, 2000, as "National Airborne Day."

AMENDMENT NO. 3457

At the request of Mr. LEVIN, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3457 intended to be proposed to S. 2536, an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3798

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3798 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3847

At the request of Mr. HARKIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 3847 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3886

At the request of Mr. BOND, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nebraska (Mr. KERREY) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 3886 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3887

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of amendment No. 3887 proposed to H .R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3888

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3888 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3899

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3899 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 131—COMMEMORATING THE 20TH ANNIVERSARY OF THE WORKERS' STRIKES IN POLAND THAT LED TO THE CREATION OF THE INDEPENDENT TRADE UNION SOLIDARNOSC, AND FOR OTHER PURPOSES

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarnośc̀, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarnośc̀ and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarnośc̀ issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December 1981 in an attempt to block the growing political and social influence of the Solidarnośc̀ movement;

Whereas Solidarnośc̀ remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February 1999, the communist government of Poland agreed to conduct roundtable talks with Solidarnośc̀ that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarnośc̀;

Whereas, on August 19, 1999, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, 1999, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarnośc̀ movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnośc̀; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

SENATE RESOLUTION 338—RELATIVE TO THE DEATH OF THE HONORABLE PAUL COVERDELL, A SENATOR FROM THE STATE OF GEORGIA

Mr. LOTT (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr.

Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Roberts, Mr. Rockefeller, Mr. Roth, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr. Wellstone, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 338

Whereas the Honorable Paul Coverdell served Georgia in the United States Senate with devotion and distinction;

Whereas the Honorable Paul Coverdell served all the people of the United States as Director of the Peace Corps;

Whereas his efforts on behalf of Georgians and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Coverdell a Senator from the State of Georgia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

GRASSLEY (AND HARKIN) AMENDMENT NO. 3910

Mr. GORTON (for Mr. Grassley (for himself and Mr. Harkin)) proposed an amendment to the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 163, after line 23, insert the following:

SEC. 1 . MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE.

(a) Identification of Land To Be Received in Exchange.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the "Secretary"), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as "Dubuque"), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) Land for Wild Life and Fish Refuge.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) Exchange.—Not later than 30 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting at the Mississippi River island, Tract JO-4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

GORTON AMENDMENT NO. 3911

Mr. GORTON proposed an amendment to the bill, H.R. 4578; supra; as follows:

On page 126, line 16, strike "$207,079,000" and insert "$208,579,000".

BOXER AMENDMENT NO. 3912

Mrs. BOXER proposed an amendment to the bill, H.R. 4578, supra; as follows:

At the end of the amendment, add the following:

"None of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children and pregnant women may be present."

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

BAUCUS AMENDMENTS NOS. 3913–3916

(Ordered to lie on the table.)

Mr. BAUCUS submitted four amendments intended to be proposed by him to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Amendment No. 3913

On page 14, line 23, strike "and".

On page 15, lines 1 and 2, strike "in all, $494,744,000." and insert "and $500,000 for the Montana Sheep Institute; in all, $495,244,000, of which $500,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds available for administrative and related expenses.".

Amendment No. 3914

On page 14, line 23, strike "and".

On page 15, lines 1 and 2, strike "in all, $494,744,000." and insert "and $500,000 for a 1-year economic study on live cattle packer concentration at the University of Florida; in all, $494,894,000, of which $150,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds available for administrative and related expenses.".

Amendment No. 3915

On page 12, line 22, strike "expended (7 U.S.C. 2209b):" and insert "expended, of which $2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds available for administrative and related expenses, and of which not less than $2,000,000 shall be available for the Northern Plains Agricultural Research Laboratory, Sidney, Montana, for facility construction:".

Amendment No. 3916

On page 50, lines 9 through 12, strike "$21,221,293,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations" and insert "$21,221,793,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations and $500,000 shall be available to provide a waiver to the State agency of the State of Montana from the standard utility allowance requirements of section 5(e)(7)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)(C))".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of New Hampshire. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, July 25, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2877, to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin; Oregon; S. 2881, to update an existing Bureau of Reclamation program by amending the Small Reclamation Projects Act of 1956, to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and for other purposes; and S. 2882, to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 18, 2000, at 9:30 a.m. on Global Warming—National Assessment on Climate Change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, at 2:30 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet to conduct a hearing on drug costs during the session of the Senate on July 18, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, at 3 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, to conduct a hearing on "S. 2733, the Affordable Housing for Seniors and Families Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Production and Price Competitiveness be authorized to meet during the session of the Senate on Tuesday, July 18, 2000. The purpose of this meeting will be to examine the future of U.S. agricultural export programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Committee on Finance authorized to meet during the session of the Senate on Tuesday, July 18, 2000, for a public hearing on Energy Tax Issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that Ben Noble of Senator LEAHY's staff be accorded floor privileges during the remainder of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Garry Stacey Banks, Ashley Badger, Erin Choi, Marissa Coughlin, Crystal Duncan, Ethan Falatko, Geneva Head, Walter Kookesh, Aaron Meredith, David Naneng, Darien Pearson, Marshall Sele, Yun Xia, Jennafer Tryck, and Jensen Young, Alaskan students participating in my summer intern program, be granted floor privileges in order to accompany me on my daily schedule through August 15, 2000. Only two interns will accompany me to the floor at any particular time.

I also ask that Garry Stacey Banks, Ethan Falatko, Marshall Sele, Jennafer Tryck, and Jensen Young be granted floor privileges in order to accompany my legislative director, Chris Schabacker, through August 15, 2000. Only one intern will accompany my legislative director to the floor at any particular time.

THE DEATH OF SENATOR PAUL COVERDELL, OF GEORGIA

Mr. LOTT. Mr. President, I have one of the most difficult things to do now that I have had to do since I have served as majority leader of the Senate, and that is to announce that our beloved colleague from Georgia, PAUL COVERDELL, passed away today at approximately 6:10 p.m. in the Piedmont Hospital in Atlanta, GA. PAUL has been a close friend and confidant, an outstanding Member of this body, and we will miss him greatly.

At the appropriate time, I will join the rest of my colleagues in trying to make appropriate remarks to pay tribute to PAUL, but for now I can't do any more than just make this announcement. I do want to say to Nancy Coverdell and the family that we extend our sympathy and our love. Our hearts are breaking also.

Mr. President, I send a resolution to the desk and ask for its immediate consideration; further, that the resolution be read.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 338).

Whereas the Honorable Paul Coverdell served Georgia in the United States Senate with devotion and distinction;

Whereas the Honorable Paul Coverdell served all the people of the United States as Director of the Peace Corps;

Whereas his efforts on behalf of Georgians and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Coverdell a Senator from the State of Georgia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

Mr. LOTT. Mr. President, I ask unanimous consent that all Members of the Senate be made cosponsors of this resolution, and further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 338) was agreed to.

The preamble was agreed to.

Mr. LOTT. Mr. President, we will announce for the Senate and all those who knew and loved PAUL, the details of the services for him when they are available. We don't have that information at this time. I presume sometime tomorrow we will know that. And also I want colleagues to know that they are encouraged to make statements of sympathy during the proceedings tomorrow when we are in session, if they feel so inclined. But, as is the tradition, we will designate a specific time at a later date so that all Senators will have time to appropriately express their feelings for this fine Senator.

I ask the assistant majority leader conclude our proceedings this afternoon.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I join with our distinguished majority leader in expressing the grief we all feel for a man of peace who did so much in his life, and brilliantly, as Director of the Peace Corps under President Bush. We know him so well and miss him so much and can only share in the thought that he rests in peace.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.]

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, the announcement the majority leader just made that our friend and colleague, PAUL COVERDELL, passed away at 6:10 p.m. today is a very sad statement. PAUL COVERDELL was an outstanding Senator from the State of Georgia. This is Georgia's loss, but it is also a loss for all of our country.

I join with my colleagues in expressing our sympathy to Nancy Coverdell, to the Coverdell family, to all the friends and associates of PAUL COVERDELL, for he was truly an outstanding Senator. He served this body with great distinction, with great humor and leadership. Frankly, he was a leader in everything he did, certainly in the Peace Corps and his service in the Senate. He will truly be missed, not just by Georgians but, frankly, by all Americans.

ORDERS FOR WEDNESDAY, JULY 19, 2000

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, July 19. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date and the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, when the Senate convenes at 9:30 a.m., the Senate will immediately resume consideration and debate of the Agriculture appropriations bill. Amendments are expected to be offered and debated throughout tomorrow's session. As previously announced, any votes ordered with respect to the Agriculture appropriations bill will be stacked to occur sometime after 2 p.m. in order to accommodate those Senators attending the funeral service for former Senator Pastore. In addition, as information becomes available with respect to the services for Senator COVERDELL, further announcements will be made.

Mr. BROWNBACK. Mr. President, before we close, I ask that we have a moment of silent prayer for the Paul Coverdell family.

(Moment of silence.)

Mr. NICKLES. Mr. President, I thank my friend and colleague from Kansas, and I wish to reiterate the statement that all of us are praying for the Coverdell family.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 338, out of respect for our colleague, Senator PAUL COVERDELL.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, July 19, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 2000:

UNITED STATES INSTITUTE OF PEACE

SEYMOUR MARTIN LIPSET, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

To be lieutenant

ELIZABETH A. ASHBURN, 1038

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PETER PACE, 7426

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS J. CONNALLY, 1503

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

To be first lieutenant

AARON D. ABDULLAH, 8415
TINA M. ABRAHAM, 9483
ERIK R. ABRAHAMSON, 7731
CEASAR M. ACHICO, 8414
DAVID M. ADAMIEC, 8829
RAYMOND L. ADAMS, 8550
KENNETH P. ADDIS, 1757
JOHN J. AHN, 0050
LOUIS M. ALBIERO, JR., 5411
BRIAN S. ALBON, 5724
GREGORY J. ALLAN, 1670
EZIEKEL E. ALLEN, 8201
TIMOTHY E. ANDERSON, 0521
JOHN T. ANDRESS, 4964
AARON A. ANGELL, 5770
DANN V. ANGELOFF, JR., 4549
BRIAN ANTONELLI, 5232
ARTHUR D. ANZALONE, 4611
RICHARD D. APOSTOLICO, 3057
TOBEI B. ARAI, 5722
JONPAUL C. ARCHER, 5894
JOSEPH D. ARICO, 7922
JAMES F. ARMAGOST, 4977
ROBERT L. ARMBRUSTER, JR., 1193
ERICK M. ARMELIN, 1319
ADRIAN D. ARMOLD, 3900
MICHAEL J. ARPAIO, JR., 2595
JOHN R. ARQUETTE, 4033
JASON D. ARTHAUD, 3191
LANCE R. ATTAWAY, 7857
SCOTT K. ATWOOD, 6348
BRAD E. AUGHINBAUGH, 7065
BLAS AVILA, JR., 8194
JULIE L. AYLWIN, 7979
SHERIF A. AZIZ, 3711
JAMES S. BACHE, 1748
JOHN T. BADAMI, 3367
BROCKLYN D. BAHE, 4815
EDWARD BAHRET, 4157
JANINE L. BAILEY, 4955
GREGORY T. BAKER, 4270
THOMAS A. BAKER, 6831
GREGORY R. BAMFORD, 1831
ROBBI J. BANASZAK, 7860
JOHN J. BANCROFT, JR., 8788
ROZANNE BANICKI, 5129
WALTER C. BANSLEY IV, 2156
DAVID S. BARBEROT, 3736
BRUCE E. BARKER, JR., 1289
GWENDOLYNN L. BARR, 9767
TRAVIS A. BARTELSON, 1821
HARVEY BARTLE IV, 8814
CHRISTOPHER T. BATES, 8246
BARTHOLOME BATTISTA, 8950
PAUL J. BATTY, 8368
JOHN P. BAZYLEWICZ, 8293
JOSEPH T. BEALS, 1515
BRADLEY P. BEAN, 6789
RYAN A. BEAUPRE, 0576
ERIC M. BECKMANN, 2968
DAVID A. BEEBE, 8677
ERIN S. BENJAMIN, 9522
TIMOTHY R. BENNETT, 2245
CHRISTOPHER E. BENSON, 9404
DAVID P. BERARDINELLI, 7800
CHARLES H. BERCIER III, 5921
PETER M. BEREZUK, 9560
FREDERICK L. BERNIER, 4508
BRENDAN T. BERRY, 6291
JOHN K. BEST, 7847
GREGORY S. BIAGI, 2203
SCOTT T. BIELICKI, 8427
MICHAEL J. BISSONETTE, 2686
EDUARDO C. BITANGA II, 2031
TROY B. BLACK, 6688
PAUL J. BLAIR, 4980
DONALD P. BLAND, 6184
DAVID R. BLASSINGAME, 8001
ANDREW C. BLOCKSIDGE, 7859
MICHAEL A. BOCCOLUCCI, 1930
BRAD P. BOITNOTT, 3865
BRANDON M. BOLLING, 4578
CHRISTIAN J. BOLLINGER, 8669
JOHN A. BONDS, 6924
JONATHAN A. BOSSIE, 5225
STEPHEN C. BOUCHER, 4113
TYLER E. BOUDREAU, 0288
MICHAEL J. BOULTON, 7292
MICHAEL B. BOWDOIN, 5125
CHRISTOPHER J. BOWER, 2715
ELIKA S. BOWMER, 7030
JONATHAN L. BRADLEY, 5077
SEAN P. BRADLEY, 1989
ROBERT K. BRINTON, 4965
BRANDON C. BROOKS, 5931
GARY D. BROOKS, 1442
BENJAMIN W. BROWN, 8449
CHRISTOPHER L. BROWN, 9651
JENNIFER L. BROWN, 2058
MEREDITH E. BROWN, 2600
SHANNON M. BROWN, 8056
TINA M. BROWN, 4036
CHRISTOPHER A. BROWNING, 8339
AARON J. BRUNK, 0958
JOHN P. BRUZZA, 0242
CHRISTIAN J. BUCHANAN, 5385
WYNDHAM K. BUERLEIN, 4222
ERNEST L. BULLICRUZ, 4373
KAREN L. BURCKART, 2690
GREGORY S. BURGESS, 3779
RUSSELL A. BURKE, 4495
DOUGLAS W. BURKMAN, 2815
BRIAN M. BURNS, 4591
ERIC G. BURNS, 3897
LOUIS V. BUSH, 4121
GREGORY K. BUTCHER, 5261
BRADLEY J. BUTLER, 4953
SCOTT P. BUTTZ, 9023

DANIEL R. CAMPBELL, 4006
TAMARA L. CAMPBELL, 3452
RAFAEL A. CANDELARIO II, 6410
RONALD M. CANNIZZO, 7887
CHRISTOPHER P. CANNON, 2745
ROBERT A. CANO, 6883
PETER J. CAPUZZI, 9844
CONLON D. CARABINE, 5333
DAVID M. CAREY, 9696
EDWARD M. CARICATO, JR., 6405
FOSTER T. CARLILE, 2735
WILLIAM L. CARR, 2961
CHARLES A. CARTE, 3675
THOMAS CATUOGNO, 0912
MATTHEW L. CHADWICK, 0363
BRIAN A. CHAJEWSKI, 0962
MICHAEL R. CHALLGREN, 5667
JEREMY P. CHAPMAN, 3406
CHRISTOPHER C. CHILDS, 9834
DAVID M. CHIODO, 3484
JEFFERY M. CHIOW, 9091
JAMES M. CHITTENDEN, 3729
JOHN Y. CHONG, 0811
DANIEL P. CHRISTMAS, 1644
DAVIS R. CHRISTY, 7538
DARIN A. CHUNG, 4834
BILLY J. CLARK, 2195
JOSHUA D. CLAYTON, 0807
C R. CLIFT, 1859
DARIUS COAKLEY, 0062
LLONIE A. COBB, 9849
COLIN P. COCKRELL, 4007
WILLIAM J. CODY, 6873
BRIAN W. COLE, 9206
CHRISTOPHER G. COLLINS, 9092
CHRISTOPHER J. COLLINS, 7811
JAMES B. COLLINS, 5765
RYAN M. CONNOLLY, 1581
JUSTIN CONSTANTINE, 9390
LEE K. COOPER, 6660
ROBERT L. CORL, 6112
LESTER M. CORPUS, 8863
JEFFREY C. CORRIVEAU, 4469
STEPHEN L. COSBY, 6871
JOSEPH V. COSENTINO, 9506
MICHAEL H. COTHERN, 4851
CHRISTOPHER G. COVER, 9332
BRADLEY S. COWLEY, 4415
CHRISTOPHER S. COX, 4482
LUKE A. COYLE, 0825
BARRY A. CRAFT, JR., 0662
MICHAEL L. CRAIGHEAD, 8257
RYAN E. CRAIS, 7490
LORI R. CREEL, 3994
THOMAS R. CRELLIN, 9922
BRENT A. CREWS, 7390
MICHELLE E. CROFTS, 4484
KRISTOPHER M. CRONIN, 7441
CLINTON A. CULP, 5956
THOMAS P. CUNNINGHAM, 3425
CHRISTOPHER C. CURRAN, 0777
IAN C. DAGLEY, 8398
NINA A. DAMATO, 4503
JEFFREY R. DANSIE, 6111
MEHDI A. DARAKJY, 6506
JOHN F. DASTOLI, 3770
CARLOS M. DAVILA, JR., 2278
JUN YOUNG K. DAVIS, 7064
MARK S. DAVIS, 4354
ROBERT B. DAVIS, 8632
SCOTT R. DAVIS, 5246
TIMOTHY A. DAVIS, 3205
TIMOTHY R. DAVIS, 2047
VINCENT C. DAWSON, 8393
NORMAN T. DAY, 3472
DAVID K. DECARION, 7302
MICHAEL J. DEDDENS, 9500
JOSE M. DELEON, JR., 6800
ANDREW M. DELGAUDIO, 1722
BRYAN C. DELIA, 4745
GERALD DELIRA, JR., 5774
JOSEPH T. DELLOS, 5798
VINCENT A. DELPIDIO III, 5910
CHARLES W. DELPIZZO III, 6928
GREGORY P. DEMARCO, 1343
GREGORY R. DEMIK, 8603
COLLEEN R. DEMOSS, 3534
SAMUEL N. DEPUTY, 7402
CHRISTIAN T. DEVINE, 9127
PATRICIA M. DIENHART, 3200
MICHAEL C. DIETZ, 0367
JASON F. DIJOSEPH, 5051
ERIC C. DILL, 4472
JUSTIN T. DIRICO, 0384
ANDREW P. DIVINEY, 2172
ERIC L. DIXON, 4337
GILBERT F. DMEZA, 2778
JOHN F. DOBRYDNEY, 3976
WILLIAM DOCTOR, JR., 1211
KEVIN M. DOHERTY, 6585
HENRY DOLBERRY, JR., 2884
DAVID M. DOMAN, 9218
JOHN H. DOUGLAS, 6091
STEWART L. DOWNIE, 4216
DOUGLAS A. DOWSON, 3127
TERESA J. DRAG, 4974
ANDREW S. DREIER, 1771
JONATHAN A. DREXLER, 9272
STEPHEN D. DRISKILL, 9469
AARON A. DRUMMOND, 8826
CHARLES E. DUDIK, 9082
CHRISTOPHER M. DUKE, 1343
JOSEPH R. DUMONT, 5408
JASON K. DUNCAN, 3944
CHRISTOPHER M. DUNDY, 6281
RYAN E. DUNHAM, 1826
DOUGLAS R. DUNLAP, 9137
SEAN R. DUNN, 4851
KATHLEEN M. DUNNE, 8193
TANYA M. DURHAM, 8449
MICHAEL E. DWYER, 5600
SCOTT A. DYER, 6782
JONATHAN J. ECKHARDT, 6753
SCOTT C. EDWARDS, 3545
DAVID I. EICKENHORST, 3370
PHILIP E. EILERTSON, 7586
CHRISTOPHER P. ELHARDT, 3233
RYAN M. ELLER, 9129
JOHN M. ENNIS, 3041
RYAN J. ERISMAN, 2928
WILLIAM R. ERRETT, 5509
BRYAN M. ESPRIT, 1237
MICHAEL F. ESTORER, 0444
DANIEL J. EVANS, 0868
MATTHEW S. FAHRINGER, 1577
DAVID D. FAIRLEIGH, 4978
ROBERT B. FARRELL, 4215
TIMOTHY F. FARRELL, 9591
JOHN P. FARRIS II, 1195
THOMAS R. FECHTER, 8183
MICHAEL J. FEDOR, 9248
WILLIAM A. FEEKS, 0787
MARTIN E. FEENY, 3941
MATTHEW D. FEHMEL, 8338
DANIEL C. FELICIANO, 5811
WILLIAM T. FELTS IV, 7929
WILLIAM B. FENWICK, 8532
SCOTT E. FERENCE, 9337
ERNEST D. FERRARESSO, 8845
SHANNON R. FIELDS, 5529
PETER C. FIGLIOZZI, 9302
FRANK E. FILLER, 0741
CORNELIUS T. FINNEGAN IV, 9462
JAMES F. FINNEGAN, 3015
MICHAEL L. FITTS, 0932
ROBERT C. FITZBAG, 9071
JAMES C. FITZHUGH, 5516
CHARLES N. FITZPATRICK III, 6925
ROBERT J. FITZPATRICK, 6224
RYAN P. FITZPATRICK, 8038
MARY K. FLATLEY, 0490
PHILIP E. FLECHER, JR., 2364
MICHAEL C. FLEMMING, 2914
JASON R. FLYNN, 9999
FREDERICK D. FOLSON, 6153
RYAN P. FORD, 0964
TRAVIS A. FORD, 9544
JUAN F. FORERO, 3057
BRYAN J. FORNEY, 5396
VINCENT P. FORTUNATO, 7903
MARC H. FOSTER, 5306
MARK E. FRANKO, 5979
JASON E. FRANKS, 6549
LAWRENCE M. FRAUENHEIM, 9167
AARON T. FRAZIER, 4179
PETER D. FREEBURN, 0916
CHRISTOPHER A. FRY, 4871
BENJAMIN D. FRYE, 9282
JASON A. GADDY, 2066
JASON P. GALETTI, 6613
ANTANAS D. GARBAUSKAS, 1660
JER J. GARCIA, 7182
JOANNA L. GARCIA, 2460
KENNETH C. GARDNER, JR., 6474
RYAN K. GATCHELL, 7750
JOSHUA T. GAUGHEN, 4394
SAMUEL C. GAZZO, 6162
SCOTT A. GEHRIS, 5580
JOSEPH H. GENT, 9457
LESTER R. GERBER, 2377
MICHAEL J. GERVASONI, 6554
MATTHEW S. GETZ, 3648
PAUL M. GHIOZZI, 6808
PETER M. GIBBONS, 0814
JASON L. GIBSON, 6459
GINGER E. GIERMAN, 9660
TARRELL D. GIERSCH, 1761
JOHN S. GILBERT, 8577
JESSE J. GIPSON, 0037
RICHARD L. GLADWELL, JR., 8205
OWEN L. GLISTER, 7789
IAN T. GLOVER, 8855
PATRICK M. GLYNN, 1961
MICHAEL B. GOLDSTEIN, 9581
CARLO J. GONZALEZ, 9066
GILBERTO C. GONZALEZ, JR., 6461
MATTHEW J. GORBATY, 5975
JAMES H. GORDON, 1021
DUSTIN B. GORZYNSKI, 2407
RYAN W. GOUGH, 3244
AIDEN S. GOULD, 4771
GREGORY F. GOULD, 5627
KENNETH B. GRAF, 2207
GRAHAM R. GRAFTON, 3026
BRANDON W. GRAHAM, 1258
KEVIN P. GRAVES, 6760
MICHAEL A. GRAZIANI, 9664
MAX S. GREEN, 8183
BRANDON C. GREGOIRE, 3036
JOHN R. GREGORY, 8876
ADAM W. GRESHAM, 0024
BRIAN R. GRIFFING, 5996
CHRISTOPHER M. GRIFFITH, 5218
SAMUEL M. GRIFFITH, 6878
SHANA L. GRITSAVAGE, 9472
JASON D. GROSE, 0289
CHRISTOPHER D. HAFER, 1636
DANIEL M. HAJEK, 7527
JEREMY S. HALCOMB, 3393
CHRISTOPHER W. HALL, 4785
MARK G. HALL, 9023
MICHAEL S. HALL, 8781
JASON M. HAMILTON, 0101
ALFRED B. HAMMETT II, 8225
JEFFREY L. HAMMOND, 6003
MARK A. HAND, 5569
MICHAEL F. HAND, 7239
ERIC H. HANEMANN, 0392
JASON C. HANIFAN, 4893
PETER C. HANTELMAN, 2591
KEVIN B. HARBISON, 4189
ETHAN H. HARDING, 3916
TODD A. HARDING, 4527
MICHAEL A. HARLOW, 3638
BRETT M. HARNISH, 9788
JEFFREY M. HARRINGTON, 8034
RYAN E. HARRINGTON, 9414
CLINT C. HARRIS, 9416
GEORGE D. HASSELTINE, 1513
HOWARD H. HATCH, 5991
BLAKE E. HAUSMAN, 0350
CORY M. HAVENS, 0111
ROBERT C. HAWKINS, 5856
ORION J. HAYES, 4092
MICHELLE L. HEATH, 1594
BRENDAN G. HEATHERMAN, 0714
TREVOR A. HEIDENREICH, 0924
WILLIAM C. HENDRICKS, IV, 1559
HENRY A. HENEGAR, III, 4355
JOHN M. HENITZ, 2402
ADAM G. HENRICH, 0911
JESSICA L. HENRYSPAYDE, 8749
ARTURO HERNANDEZLOPEZ, 4952
HEATHER L. HERNANDEZTHEIS, 6093
JOHN P. HERRON, 2564
PHILIP R. HERSCHELMAN, 5360
DREW R. HESS, 5701
JASON W. HEUER, 1256
DOUGLAS P. HIBSHMAN, 3082
BRANDON M. HIGGINS, 2207
AARON P. HILL, 4250
RICHARD J. HOFHEINS, 7284
CHRISTOPHER L. HOLLOWAY, 7378
CHRISTOPHER M. HOLLOWAY, 3598
FRANKLIN R. HOOKS, II, 9904
JAMES B. HOOVER, 3468
JOSHUA D. HOPFER, 3543
MAX H. HOPKINS, 0890
RICHARD L. HOPKINS, JR., 5578
WILSON M. HOPKINS, III, 6451
BRYAN T. HORVATH, 2730
ALEJANDRO R. HOUSE, 7017
DANE L. HOWELL, 8310
MARK A. HOWEY, 7639
WILLIAM C. HOWLETT, 5683
MICHAEL R. HUDSON, 4008
KENNETH S. HULATA, 2328
JAMES B. HUNT, 2678
MICHAEL L. HUNTING, JR., 3814
PER D. HURST, 8369
HENRY E. HURT, III, 1366
JAY D. HUSBANDS, 7708
ANDREW J. HUSMAN, 5051
BRET M. HYLA, 2560
JOHN C. ILLIA, 8192
GEORGE F. INMAN, JR., 8479
TIMOTHY W. IRWIN, 7135
VICTOR R. ISLAS, 6061
JOSHUA E. IZENOUR, 1221
CARLOS T. JACKSON, 7334
JIMMY L. JACKSON, 1705
REGINALD L. JACKSON, JR., 5014
MATHEW J. JACOBSEN, 1657
JOHN J. JAESKI, 5725
ROBERT E. JAMES, 2156
JASON M. JANCZAK, 9318
RYAN P. JANOSEK, 5487
DONALD A. JANVRIN, 4108
MIKE K. JERON, 9965
FERNANDO V. JIMENEZ, 0566
CHRISTOPHER H. JOHANSEN, 0903
JOHN C. JOHNS, 1781
THOMAS V. JOHNS, 6923
ANDREW D. JOHNSON, 2554
CHRISTOPHER L. JOHNSON, 6771
DAVID A. JOHNSON, 2802
GRANT M. JOHNSON, 0213
KIMBERLY A. JOHNSON, 1615
MICHAEL J. JOHNSON, 1200
PAUL K. JOHNSON III, 8523
ANNEKE L. JOHNSTON, 8899
MARC A. JOHNSTON, 6571
RANDALL C. JOHNSTON, 3009
KEMPER A. JONES, 6450
SYDNEY F. JORDAN, JR., 3731
DAVID C. JOSEFORSKY, 1167
ANGELA C. JUDGE, 1058
FRANCIS A. JUROVICH III, 8008
MICHAEL C. KAHN, 5402
DANIEL B. KALSON, 3593
TIMOTHY A. KAMB, 1824
MARK T. KAMINSKY, 4672
ANDREW D. KARAMANOS, 2105
DOV KAWAMOTO, 6048
MARTIN P. KAZANJIAN, 9203
CHRISTOPHER F. KEADY, 7947

RONALD W. KEARSE, 3012
COLIN H. KEENAN, 8708
JOHN P. KEENAN, 5837
BRIAN K. KELLER, 3084
ALEXANDER E. KELLEY, 7711
SHAWN M. KELLY, 8359
TIMOTHY L. KELLY, 9144
CHRISTOPHER A. KENNEDY, 9248
ERIN M. KEWIN, 7209
MATTISON J. KIDD, 0475
MARK A. KIEHLE, 0308
JOHN E. KIM, 3532
TROY O. KIPER, 5782
THOMAS F. KISCH, 5411
MICHAEL C. KLINE, 9829
AARON R. KNEPEL, 9369
TOMIS M. KNEPPER, 3374
JAMES A. KNIGHT, 7463
BRANDON S. KNOTTS, 1098
JACK R. KNOX, JR., 5237
JOHN D. KNUTSON, 1972
ROBERT M. KOHRS, 4897
NOAH J. KOMNICK, 9732
VINCE W. KOOPMANN, 4784
PAUL B. KOPACZ, 2895
CHRISTOPHER M. KOREN, 5054
JAMES F. KORTH, 0567
JEFFERSON L. KOSICH, 6620
SPEROS C. KOUMPARAKIS, 9790
SHANNON M. KRAFT, 1390
CHARLES B. KROLL, 7397
LORI KRSULICH, 0488
MATTHEW B. KUCHARSKI, 3985
ADZEKAI M. KUMA, 5298
JOHN J. KURIGER, 8344
JOSEPH B. LAGOSKI, 1500
PHILIP C. LAING, 1970
JEFFREY K. LAMB, 6011
JUSTIN D. LAMORIE, 8158
SAMUEL W. LANASA, JR., 7222
MATTHEW J. LANDRY, 7606
CARROLL K. LANE, 9701
DEREK E. LANE, 6224
JEFFREY J. LARSON, 7243
CHRISTOPHER R. LASHER, 6013
GOTTFRIED H. LAUBE, JR., 4377
SCOTT A. LAUZON, 8932
ANDREAS D. LAVATO, 8158
GARY R. LAWSON, II, 4993
DUSTIN T. LEE, 4902
KATHY R. LEE, 5868
SAMUEL K. LEE, 5280
ADAM V. LEFRINGHOUSE, 3446
JOEL T. LEGGETT, 5120
ANDREW T. LEPPERT, 1656
MATTHEW E. LEYMAN, 3625
DOUGLAS A. LINDAMOOD, 3854
JONATHAN B. LINDSEY, 8359
JOSEPH B. LINGGI, 4257
SUSAN K. LINSERT, 7560
JOHN W. LITTON, 4332
JON B. LIVINGSTON, 0467
ANDREW J. LOCKETT, 1567
ANTHONY W. LOIGNON, 7351
BRENT A. LOOBY, 0366
ALFRED J. LOUIS, JR., 6341
BRIAN F. LOWE, 9605
JOSH R. LOWE, 7539
JAMES T. LOWERY, 0303
MICHAEL R. LUCIANI, 7373
HAROLD Q. LUCIE, 1087
GALIN G. LUK, 8919
CHRISTOPHER D. LUTHER, 1015
JONATHAN C. LUTTMANN, 1960
ANDREW D. LYNCH, 7027
STEVEN M. LYONS, 1089
SCOTT J. MABEE, 6853
DAVID C. MAIER, 5229
SEAN W. MAITA, 9723
MAREK Z. MAKAREWICZ, 4280
MICHAEL J. MANIFOR, 7228
WILLIAM M. MAPLES, 2246
WILLIAM J. MARKHAM III, 9634
JON S. MARONEY, 4911
MICHAEL F. MARTIN, 3612
MICHAEL D. MARTINO, 6006
JUSTIN E. MARVEL, 0753
TAMARA A. MASON, 5109
GARTH P. MASSEY, 4133
RENEE L. MATTHEWS, 5512
STEPHEN W. MATTHEWS, 1758
CHRISTOPHER J. MAYFIELD, 5227
ADAM W. MC ARTHUR, 9545
JAMES K. MC BRIDE, 9583
MICHAEL D. MC CARTY, JR., 8043
MICHAEL M. MC CLOUD, II, 9831
DANIEL G. MC COLLUM, 7986
LUCAS M. MC CONNELL, 3623
GARY A. MC CULLAR, 0540
JUDSON C. MC DANIEL, 5011
KEVIN M. MC DONALD, 3797
MARK J. MC DONALD, 8012
MARK D. MC FARLAND, 4377
JOHN G. D. MC GARRY, 2841
GREGORY C. MC GEE, 1759
BRIAN T. MC GONAGLE, 6025
JAMES P. MC GONIGLE, III, 4615
AMY M. MC GRATH, 4987
JAMES R. MC GRATH, 6019
GREGORY A. MC GUIRE, 2653
RODRICK H. MC HATY, 4254
ADAM T. MC HENRY, 4591
CAMERON M. MC KAY, 1582
BRYAN T. MC KERNAN, 0721
ADAM T. MC LENDON, 6310
SCOTT D. MC LEOD, 2511
MICHAEL T. MC QUADE, 4257
JOHN P. MC SHANE, 7551
JEFFREY L. MEEKER, 5026
ANDREW F. MEREDITH, 7268
CHRISTOPHER M. MERRILL, 9571
CHRISTOPHER M. MESSINEO, 4325
SAMUEL L. MEYER, 5909
CHRISTOPHER V. MEYERS, 8408
SHARRON M. MICHAEL, 0331
ADAM E. MILLER, 8046
BRIAN M. MOLL, 9039
SCOTT MONTES, 5760
KEVIN M. MONTGOMERY, 7032
MARK A. MONTOYA, 2113
JOHN M. MOORE, 9313
ELLIOT MORA, 3392
DAVID F. MORAN, 6987
DAVID M. MOREAU, 0943
JENNIFER B. MORRIS, 5181
TRAVIS L. MORSE, 5306
STEPHEN H. MOUNT, 1962
ROGER O. MOUSEL, JR., 5412
JESSICA S. MOWREY, 8886
JOHN P. MULKERN, 4861
BRIAN T. MULVIHILL, 8512
RAMON J. MUNOZ, 8509
SETH MUNSON, 3085
GERALD E. MURPHY, 9280
CHRISTOPHER M. MURRAY, 4451
SEAN M. MURRAY, 9097
MICHAEL R. NAKONIECZNY, 1147
YOHANNES NEGGA, 7782
NICHOLAS O. NEIMER, 2701
ANDREW J. NELSON, 4991
ISAAC D. NELSON, 2233
CHRISTINA F. NESMITH, 3453
JAMES D. NEUSHUL, 7289
DAVID E. NEVERS, 4934
MICHAEL E. NEWMAN, 3665
VICTOR NEWSOM, 3017
DEREK J. NEYMEYER, 3871
HILARY NICESWANGER, 1489
CHRISTOPHER M. NICHOLSON, 1148
ALEXANDRA K. NIELSEN, 4709
JONCLAUD A. NIX, 0770
STEVEN J. NOLEN, 5342
MARVIN L. NORCROSS, JR., 5100
WADE H. NORDBERG, 7829
BRIAN M. NORDIN, 4765
EDWIN NORRIS, 2544
RUSSELL H. NORRIS, 9120
AARON J. NOTEBOOM, 9392
MICHAEL M. OBALDE, 1962
ELTON D. O'BRIEN, 3524
WILLIAM E. O'BRIEN, 0738
CHRISTOPHER P. O'DONNELL, 2096
JEFFREY M. O'DONNELL, 2100
THOMAS R. OEHLER, 7314
JEFFREY W. OLESKO, 4681
DONALD W. OLIVER, JR., 2145
BERNARD J. O'LOUGHLIN, 2670
READ M. OMOHUNDRO, 2352
JARLATH P. ONEILDUNNE, 7402
CHRISTOPHER G. OPRISON, 0437
SEAN F. O'QUINN, 2782
PATRICK J. O'ROURKE, 6089
MICHAEL W. OSBORN, 0865
PAUL J. OVALLE, 3001
QUINTON S. PACKARD, 4612
SPENCER L. PADGETT, 6529
DARNELL K. PALMER, 5938
MARK A. PAOLICELLI, 0491
VASILIOS E. PAPPAS, 7755
JASON D. PARDUE, 5226
YOUNG K. PARK, 2397
DAMON M. PARKER, 8513
GREGORY S. PARKER, 5215
TERENCE L. PARKER, 6548
THOMAS W. PARKER, 1352
RICHARD E. PARKINSON, 5250
RICHARD H. PARRISH, 2073
BRIAN C. PATE, 2940
ANGELA D. PATERNA, 9539
RICHARD B. PATTESON, 8704
MARTHA L. PAYNE, 1561
MATTHEW R. PEARCE, 5107
JASON D. PEJSA, 2546
ERIC J. PENROD, 0276
CHRISTOPHER R. PERKINS, 9941
NATHAN T. PERKKIO, 1053
TRINITY D. PERSFUL, 0335
STEPHEN C. PETERS, 9555
DAREN R. PETERSON, 2107
ROBERT C. PETERSON, 3933
MATHEW J. PFEFFER, 9244
TUANANH T. PHAM, 3441
BRADLEY W. PHILLIPS, 8839
NATHALIE C. PICADO, 4111
NEAL P. PLASKONOS, 8995
ROBERT J. PLEAK, 0187
CLAY A. PLUMMER, 7072
JAMES P. POPPY, 4310
CHERYL L. PORAK, 1967
LARRY S. POST, 4975
DEREK A. POTEET, 9873
BRENDAN W. POWELL, 3661
AARON E. PRICE, 5390
CARL C. PRIECHENFRIED, 3759
ROBERT C. PRIJATELJ, 4305
JAMES PRUDHOMME III, 3230
RYAN A. PYKE, 4872
EUGENE A. QUARRIE III, 0225
ROBERT P. RACE, 4384
MATTHEW M. RAFFERTY, 6282
GEORGE P. RAMSEY, 4294
ROBERT P. RANDAZZO, 7757
MILAN K. RATKOVICH, 6199
CASMER J. RATKOWIAK III, 1591
GUY W. RAVEY, 1421
MIHAE P. RAVEY, 4542
HUNTER R. RAWLINGS IV, 3208
WILLIAM G. RAYNE, 8765
JAMES D. REDDING, 1531
ANDREW P. REED, 9025
KEVIN L. REED, 8582
MATTHEW L. REGNER, 5612
ROBERT B. REHDER, JR., 5199
DAVID M. REILLY, 1851
CHRISTOPHER T. REINHART, 1125
PETER O. REITMEYER, 2522
KIMBERLY A. REITZ, 1213
JULIAN D. REYESJONES, 2548
JACOB L. REYNOLDS, 3547
PATRICK J. REYNOLDS, JR., 4343
BRYAN M. RHODE, 4113
KERRY K. RHODES, 3092
WILLIAM T. RHODES, 4522
SHELTON RICHARDS, 5636
BRYAN D. RICHARDSON, 2895
JAMES E. RICHARDSON, JR., 6580
JASON P. RICHTER, 9184
THOMAS A. RICKS, 6592
JASON P. ROBERTS, 4750
RICHARD C. ROBERTS, 9712
BENJAMIN C. ROBERTSON, 9737
EDWARD N. ROBINSON, 9812
NATHANIEL K. ROBINSON, 4288
SEAN M. ROCHE, 3429
CHRISTOPHER A. ROCK, 1477
RANDY L. RODEN, 1712
VICTOR G. ROEPKE, 0850
CHRISTOPHER B. ROGERS, 7421
DAVID M. ROONEY, 2698
GUILLERMO ROSALES, JR., 5876
OMAR W. ROSALES, 6314
AARON M. ROSE, 1631
EDWIN B. ROSE, 1339
ERIK M. ROSENBERRY, 5514
DAWN C. ROSENBLAD, 4920
KEVIN L. RUNOLFSON, 2439
MICHAEL RUSH, 7499
WILLIAM A. RUSHE IV, 1119
MICHEAL D. RUSS, 3301
TRAVIS G. RUSSELL, 7944
JOHN T. RYAN, 4142
RUSSELL C. RYBKA, 2415
STEVEN A. SABLAN, 8926
REGINA M. SABO, 4346
CHRISTI L. SADDLER, 0712
ANDRE P. SALVANERA, 6087
JOHN E. SAMPSON, 6154
SOUNTHONE SANANIKONE, 1184
ROLANDO R. SANCHEZ, 3801
TIMOTHY J. SANCHEZ, 8490
WILLIAM D. SANDS, JR., 3771
ERIC T. SANEHOLTZ, 6090
KURT M. SANGER, JR., 8932
WILLIAM A. SANTMYER, 4471
LARA A. SANTOS, 1739
DANIEL S. SARNER, 1415
JOHN S. SATTELY, 0766
KEVIN T. SAUNDERS, 0485
JEFFREY B. SAXTON, 6938
KARL E. SCHIMMECK, 9607
KARL T. SCHMIDT, 1275
ZACHARY T. SCHMIDT, 0553
PAUL M. SCHNEIDER, 4952
TIMOTHY W. SCHNELLE, 3166
MICHAEL T. SCHOELZ, 1347
RYAN J. SCHOMER, 6520
WILLIAM M. SCHRADER, 4161
SEAN D. SCHROCK, 0656
ABEL A. SCHULTZE, 8308
CHARLES F. SCHWARM, 6497
WILLIAM M. SCHWEITZER, 7475
DANIEL R. SCOTT, 6033
ROBERTO C. SCOTT, 6703
WILLIAM T. SCOTT, 8787
ROBERT C. SELLERS, 0429
MICHAEL J. SHEA, 5584
THOMAS M. SHEA, 0013
DAVID B. SHEALY, 1576
AARON P. SHELLEY, 0713
BRIAN O. SHELLMAN, 6556
SCOTT M. SHELTON, 6966
JOHN E. SHEPARD, 9143
CHRISTOPHER H. SHEPPARD, 4471
CHRISTOPHER J. SHIMP, 6425
SHANNON L. SHINSKIE, 7426
LESLIE A. SHIOZAWA, 7297
JAMES F. SIFFERLEN, 0604
ALAN D. SILVA, 8012
LOUIS P. SIMON, 6978
ADAN E. SISNEROS, 1611
MICHAEL F. SKORICH, 9788
JOSEPH G. SKRYD, 1054
DANIEL J. SKUCE, 4771
RICHARD T. SLACK, 2992
DAVID B. SLAY, 0549
SAMUEL L. SLAYDON, 0669

MARC R. SLEDGE, 5681
TIMOTHY M. SLINGER, 6461
GRAHAM F. SLOAN, 4406
SAMUEL D. SMALDONE, 9659
DAVID P. SMAY IV, 3629
ANTHONY L. SMITH, 4545
ERIC D. SMITH, 2571
JAMES W. SMITH, 4411
JOSHUA E. SMITH, 8767
MELVIN SMITH, JR., 0340
MICHAEL R. SMITH, 2677
ROGER A. SMITH, 5100
SEAN P. SMITH, 7738
MARK C. SMYDRA, 8617
STEFAN R. SNEDEN, 6069
TRACI L. SNIVELY, 8412
WILLIAM R. SNOWMAN, 9996
MATHIEU J. SOULIERE, 4278
KIRK M. SPANGENBERG, 1571
DAVID W. SPANGLER, 8021
RAYMOND V. SPAULDING, 3655
BENJAMIN O. SPIELER, 6213
MATTHEW A. SPURLOCK, 6659
RANDY J. STAAB, 6216
JAMES F. STAFFORD, 1310
DAVID H. STAINTON II, 1303
JAMES R. STARR, JR., 3144
JOSEPH H. STEELE III, 0759
ROBERT A. STEELE, 8689
JEFFREY S. STEPHENS, 7768
BLAIR A. STEVENSON, 1859
KENRIC D. STEVENSON, 5927
ALYSSA R. STEWART, 4758
JOHN E. STEWART II, 3220
ALEXIS G. STOBBE, 4536
STEVEN W. STORMANT, 1620
DEAN T. STOUFFER, 9774
KEVIN M. STOUT, 1435
JONATHAN J. STRASBURG, 0940
FRANK W. STRYCHAZ, 7788
WAYNE E. STUETZEL, 7337
JAMES M. SULLENBERGER, 1452
JOSEPH C. SWANSON, 9690
THOMAS C. SWEATMAN, 6905
JUSTIN R. SWICK, 3022
MICHAEL N. SWIFT, 7980
TROY S. SYBESMA, 9508
GREGORY V. SZEPE, 7209
DAVID C. SZWED, 2208
STEPHEN M. SZYMANSKI, JR., 2038
PETER TABASH, 9379
DAVID H. TAFFE, 6908
JASON E. TAUCHES, 2870
ERIK C. TAUREN, 8628
BARRON S. TAYLOR, 7338
BRIAN J. TAYLOR, 4411
BRIAN R. TAYLOR, 8470
COREY M. TAYLOR, 5117
JAMES L. TAYLOR, JR., 9540
JOHN S. TAYLOR, 7561
STEPHEN J. TAYLOR, 8643
JOSEPH D. TEASLEY, 0743
BRADLEY J. TEEMLEY, 9105
PATRICK K. TEMPLE, 2858
HAMARTRYA V. THARPE, 4939
LAURENT C. THERIVEL, 2895
AMY N. THOMAS, 8455
CHARLES G. THOMAS, JR, 4681
MICHAEL P. THUE, 9335
PATRICK F. TIERNAN, 2702
JOHN W. TINNING, 2687
EMMANUEL V. TIPON, 3588
PETER M. TITTERTON, 1832
CURTIS J. TOMCZAK, 9602
ROBERT A. TOMLINSON, 6452
JOHN E. TOWN, 8478
MATTHEW W. TRACY, 8812
MICHAEL D. TRAPP, 8858
HEATHER A. TROUT, 1883
GAYLEN D. TRUSLOW, 1118
JOSEPH B. TURKAL, 1449
SHAWN S. TURNER, 2875
HANORAH E. TYERWITEK, 1952
JOSEPH S. UCHYTIL, 6179
EDWARD L. USHER, 5491
JAMES D. UTSLER, 5967
DAVID A. VALDEZ, 0828
JAMES D. VALENTINE, 8306
JOSHUA M. VANCE, 1797
CHAD D. VANDENBERG, 6880
MARK R. VANDERBEEK, 3732
JAY E. VANDERVOORT, 1946
TOBIAS K. VANESSELSTYN, 2620
CHAD I. VANSOMEREN, 4887
JAMES A. VAUGHAN, 1452
CHAD A. VAUGHN, 3363
QUENTIN R. VAUGHN, 4369
ANTONIO E. VELASQUEZ II, 6103
WILLIAM M. VESSEY, 6256
SEAN M. VIEIRA, 6234
MATTHEW F. VIRNIG, 7830
ROMAN P. VITKOVITSKY, 0630
JARED C. VONEIDA, 1924
PAT P. VONGSAVANH, 8568
LEAF H. WADE, 2343
PHILIP E. WAGGONER, 0140
MATTHEW B. WAGNER, 5755
THOMAS O. WAGNER II, 7645
JASON A. WALKER, 5468
MICHAEL T. WALLACE, 7045
WAYNE J. WALTRIP, 4395
THOMAS M. WARREN, 2628
GREGORY WARRINGTON, 6919
ALTON A. WARTHEN, 0761
ANTONIO H. WATERS, 0101
SCOTT M. WAWRZYNIAK, 9300
WILLIAM S. WEIS, 5481
ERIC E. WEISS, 2041
VINCENT J. WELCH, 4847
TRAVIS B. WELLS, 4811
CHRISTINE F. WELZMUELLER, 9668
MICHAEL P. WESTHEAD, 4169
TASHA D. WESTINGHOUSE, 7511
JASON L. WHALEN, 0765
EDDIE R. WHEELER, 2982
JODY E. WHITE, 4115
VAN E. WHITE, 2340
DANIEL M. WHITLEY, 5726
DANIEL K. WICKENS, 6503
VERNON C. WILKENS, JR., 8920
CHAD D. WILKINSON, 9751
EDWARD J. WILLETT III, 6991
DANIEL L. WILLIAMS, 8737
JAMES R. WILLIAMSON, 2842
BRETT M. WILSON, 0730
BRYAN D. WILSON, 9169
ROY W. WILSON, 2239
TIMOTHY E. WILSON, 5693
JOEL A. WIRTZ, 6648
LYNN M. WISEHART, 5669
JAMES T. WITHROW, 5776
BRIAN E. WOBENSMITH, 2245
KEVIN WOJCICKI, 8514
DOUGLAS N. WOLFE, 2140
JENNIFER M. WOLFE, 2813
STACEY L. WOLFE, 2670
DARREN C. WOLFF, 0548
BRIAN P. WOOD, 0487
RICHARD C. WOODS, JR., 9131
WADE L. WORKMAN, 4537
RICHARD S. WORTHINGTON, JR., 8890
ALEXANDER B. WRIGHT, 5036
COURTNEY D. WYCKOFF, 0536
NEAL B. WYNN II, 6961
JAMISON YI, 1123
LUKE R. YLITALO, 6266
NEBYOU YONAS, 5901
JEFFERSON T. YOUNG III, 0881
MATTHEW S. YOUNGBLOOD, 9406
AMGAD H. YOUSSEF, 1277
DANIEL R. ZAPPA, 7815
JOHN J. ZAVALETA, 8915
BRIAN M. ZIEGLER, 4307
DANIEL M. ZONAVETCH, 0627

HOUSE OF REPRESENTATIVES—*Tuesday, July 18, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 18, 2000.

I hereby appoint the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 337

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John O. Pastore, formerly a Senator from the State of Rhode Island.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4516) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2550. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2551. An act to authorize appropriations for fiscal year 2001 for military construction, and for other purposes.

S. 2552. An act to authorize appropriations for fiscal year 2001 for defense activities of the Department of Energy, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS) for 5 minutes.

CYPRUS BELONGS TO ALL CYPRIOTS

Mr. BILIRAKIS. Mr. Speaker, as I have done every year I rise again today to declare my fierce objection to the 26-year occupation of the Island of Cyprus by Turkish troops and to express my grave concern for the future of the area.

In July of 1974 Turkish troops invaded Cyprus, seized 37 percent of the island, killed 5,000 people and brutally expelled 200,000 Greek Cypriots from their homes. A quarter of a century later, 1,400 of these people, including 4 Americans, still remain unaccounted for.

For the past 26 years, Cyprus has been divided by the green line, a 113 mile barbed wire fence that runs across the island. Greek Cypriots are prohibited from visiting the towns and communities where their families have lived for generations. With 35,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world.

The illegal nature of the Turkish aggression and the brutality with which it was conducted aroused the indignation of the entire international community. The self-proclaimed Turkish Republic of Northern Cyprus remains a pariah in the international community with no nation, except Turkey, recognizing its legitimacy.

Today, the Cyprus problem continues to be one of the most critical in the international arena. In his 2000 State of the Union address, the President labeled it one of his key foreign policy concerns. Numerous attempts have been made to find a peaceful resolution to the issue but so far all have foundered because of the irrational intransigence of Turkey.

Relations with the European Union have also been affected by this dispute.

Cyprus is in the group of applicants that are furthest down the path to entry into the European Union. While it recognizes the legitimate government of Cyprus, the EU has refused to negotiate with Northern Cyprus as a separate entity. They have also stated that Cyprus' accession is not contingent on a resolution of the territorial dispute. If the dispute over Cyprus is not resolved, Cyprus will accede into the European Union and Northern Cyprus will see the great economic disparity that already exists between the two regions widened.

Throughout the occupation, the United Nations has been trying to encourage a solution to the Cyprus problem. U.N. Secretary General Kofi Annan has sponsored proximity talks between the President of Cyprus, Glafcos Clerides, and Rauf Denktash, the self-proclaimed leader of the Turkish part of Cyprus. The third round of talks started this month. For these talks to be successful, there will have to be significant movement on the part of the Turkish Cypriots.

The solution that has been endorsed by the United Nations, by the European Community and by the United States is the formation of a bizonal, bicommunal federation. Unification with Turkey is not an option and neither is the status quo.

Two weeks ago, I wrote a letter to President Clinton co-signed by 231 of my colleagues and 81 Senators encouraging him to give his utmost attention and involvement to the third round of proximity talks. I hope that the President and the administration will give these talks the close attention they deserve.

Cyprus, Mr. Speaker, belongs to all Cypriots, whether they are of Turkish or Greek descent. America has a duty to the people of Cyprus and to itself to push for a peaceful and permanent resolution to the Cyprus problem. I hope it is a duty that we will discharge to the very fullest of our ability.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMEMORATION OF THE 26TH ANNIVERSARY OF TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from New York (Mrs. Maloney) is recognized during morning hour debates for 4 minutes.

Mrs. MALONEY of New York. Mr. Speaker, once again, as I have every year that I have been a Member of Congress, it is my distinct honor and privilege to commemorate the 26th anniversary of the 1974 illegal Turkish invasion of Cyprus. Over 77 members of the Hellenic Caucus join me in the spirit of remembering this important illegal date.

The continued presence of Turkish troops represents a gross violation of human rights and international law. Although the President has only a little more than 6 months remaining in office, he has a golden opportunity to once and for all help resolve the problem of reuniting Cyprus.

Since their invasion of Cyprus in July of 1974, Turkish troops have continued to occupy 37 percent of Cyprus. This is in direct defiance of numerous nations' resolutions and has been a major source of instability in the eastern Mediterranean, but recent events have created an atmosphere where there is now no valid excuse for not resolving this long-standing, thorny problem. However, this cannot happen without the committed and sustained U.S. leadership.

More than 20 years ago, in 1977 and 1979, the leaders of the Greek and Turkish Cypriot communities agreed to work together to establish a bicommunal, bizonal federation to replace the unitary government created under the 1960 constitution. Even though this agreement was codified in U.N. Security Council resolution 939 of July 14, 1994, there has been no action on the Turkish side to fill in the details and once and for all have a final agreement. Instead, for the last 26 years, there has been a Turkish Cypriot leader presiding over a regime recognized only by Turkey. It has also meant the financial decline of the once rich northern part of Cyprus to just one quarter of its former earnings.

As my colleagues know, this conflict reached a low point after the European Union summit of December 1997 when Cyprus was invited to participate in accession negotiations while Turkey was deemed not yet ready. But since then, we have seen several positive steps towards peace. First in December, the European Union formally invited Turkey to become a candidate. Then President Clinton made it clear, and he made a clear statement to Turkish President Ecevit that a resolution of the Cyprus problem could not involve a return to pre-1974 conditions. Most recently, we saw a thawing in Greek-Turkish relations resulting from the earthquake diplomacy in which each country gave assistance to the other during the tragic earthquakes last August and September.

With these developments, there is now no valid reason for the Turkish side to resist direct and serious negotiations on all issues during the continuation of meetings in Geneva. The U.S., the EU, Greece and Cyprus have all acted to accommodate Turkish concerns but it remains to be seen whether Turkey will put pressure on Denktash to bargain in good faith. And make no mistake about it, if Turkey wants the Cyprus problem resolved, it will not let Denktash stand in the way. We cannot let one person dictate Turkish Cypriot policy.

REMEMBERING THE KOREAN WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Nebraska (Mr. BEREUTER) is recognized during morning hour debates for 5 minutes.

Mr. BEREUTER. Mr. Speaker, 50 years ago this month, without warning or provocation, hundreds of thousands of North Korean troops invaded South Korea, pouring across the 38th parallel and precipitating the Korean War. Unprepared South Korean, or ROK, forces and the handful of Americans on the ground were incapable of halting this swift and brutal assault. In a matter of days, the badly battered U.S. and ROK units had been pushed back to a tiny toe-hold on the southern tip of the Korean Peninsula.

It was only with determination and unbelievable courage that American forces, together with South Korean and allied troops, were able to push back the attacking North Korean Army. The break-out of the Pusan perimeter, the Inchon landing, battles like Pork Chop Hill and Heartbreak Ridge, the terrible fight against overwhelming odds at the frozen Chosin Reservoir, on these and countless other unnamed battlefields we beat back the invaders.

The Korean conflict reflected the absolute determination of the United States to halt the spread of tyranny and totalitarianism, but the cost was high. The war that North Korea started resulted in 39,000 U.S. deaths and over 100,000 wounded and severely undermined U.S. relations with Russia and China. It took decades for our South Korean ally to recover.

In the so-called Democratic People's Republic of Korea, the DPRK, there is certainly a very different and distorted interpretation of the events that occurred 50 years ago. Incredibly, according to the North Korean news agency, quote, "the U.S. instigated the ROK Army to start a surprise armed invasion of North Korea on June 25, 1950. It was commanded by the U.S. military advisory group," end of quote.

The newscast goes on to explain that in precipitating this unprovoked attack, the U.S. supposedly indiscriminately carpet bombed throughout North Korea.

Mr. Speaker, these lies from North Korea newscasts are not from some ancient historical record. No, this was the broadcast in the last several weeks. It is worth noting, Mr. Speaker, that this slanderous pack of lies was broadcast right after the recent historic meeting between South Korean President Kim Dae Jung and North Korean leader Kim Jong Il. It was broadcast the day after the United States had announced the delivery to North Korea of an additional 50,000 tons of grain. And about the same time that North Korea was reinventing history, Secretary of State Albright was announcing that North Korea is not a terrorist state or even a rogue state, but merely a state of concern.

This member points this out because of the recent changes in perception regarding North Korea. On the verge of collapse, the hermit kingdom is at least attempting to give the impression that it is reaching out to South Korea and to the West. If North Korea is in fact sincere in its peaceful overtures, that certainly would be a dramatic, positive development. However, it would be premature to assume that the DPRK has irrevocably reformed its behavior. It would be naive in the extreme to believe that a few gestures constitute a reversion of 50 years of violently confrontational behavior and terrorism, and it would be foolish to pretend that North Korea no longer deserves to be labeled as a terrorist state.

In recent days, a historic meeting has occurred between the North and South Korean leaders. Kim Dae Jung went to Pyongyang and promised to open the spigots of foreign assistance, although at the North's insistence, it is called economic cooperation. That is, the South gives and the North cooperates by accepting. In return, the North has promised to permit some long-awaited family reunions of those who have been torn from their families 50 years ago.

From a public relations standpoint, North Korea scored a remarkable victory. Kim Jong Il was described as cherubic in the New York Times and, amazingly, senior administration officials called him courageous and visionary. But the question remains, has Kim Jong Il and the totalitarian elite that rules North Korea made a commitment to peace? When one examines North Korea's record on weapons of mass destruction, missiles and support for terrorism, it is not at all clear that it has made a permanent commitment to peace.

Despite the 1994 Agreed Framework that was touted as capping the North Korean nuclear threat, there is ample evidence that Pyongyang continues to pursue an undeclared nuclear program. An unclassified 1998 CIA report concludes that North Korea possesses between 6 and 12 kilograms of plutonium which it acquired before the Yongbyon nuclear reactor was shut down in 1995. This weapons-grade material has not been accounted for. In addition, press reports from publications such as Jane's Intelligence Review suggest the DPRK has continued its efforts to acquire uranium enrichment technologies. In 1998, a secret underground facility was discovered that certainly seemed like it was related to nuclear activities.

I hope that North Korea has made a change, Mr. Speaker, but we need to see exactly what it has done before we reach any new conclusions about its intentions.

According to the Congressional Research Service, Russian and former East German nuclear scientists are operating in North Korea.

In contrast to the time when the 1994 Agreed Framework was signed, North Korea seems on the threshold of being able to attack the United States with a missile that could deliver chemical, biological, or possibly nuclear weapons. It has produced, deployed and exported missiles to several countries of great concern to the United States. The DPRK has launched a three-stage (Taepo-dong 1) missile and continues to develop a larger, longer-range missile (the Taepo-dong 2). Not only does North Korea now possess a missile capable of reaching U.S. soil, but it is clear that it intends to sell such fully developed weapons systems to the highest bidder. According to a 1999 National Intelligence Estimate, "the proliferation of medium-range ballistic missiles—driven primarily by North Korean No Dong sales—has created an immediate, serious and growing threat to U.S. forces, interests, and allies, and has significantly altered the strategic balances in the Middle East and Africa."

While individuals in the Executive Branch argue that North Korea has agreed to halt its missile program, it is important to note that the North only has agreed to a moratorium on flight tests. Design, rocket motor tests, production, and sales to other so-called "states of concern" can continue.

It was just last week, at negotiations that took place between U.S. and North Korean officials, that the DPRK flatly refused to halt development of missiles. Instead, they made it clear that development of new and more capable missiles will continue. In addition, North Korea demanded $1 billion to impose a "moratorium" on new missile exports. Unfortunately, this is all too typical of the North's pattern of threats and extortion.

North Korea insists that it is not a terrorist state, but its past and even recent actions certainly suggest otherwise. The DPRK has remained a haven for the terrorists of the Japanese Red Army faction. Pyongyang regularly has infiltrated training and resupply teams into South Korea and Japan. Other actions include border violations, infiltration of armed saboteurs and spies, hijacking, kidnapping, assassination, and threats against media personnel and institutions.

To finance these terrorist activities, North Korea uses counterfeit U.S. currency. Recently a Japanese Red Army terrorist was caught while traveling in Southeast Asia with a North Korean diplomatic passport. This terrorist was carrying over $100,000 in counterfeit currency. In short, Mr. Speaker, North Korea has not to date behaved like a country wishing to join the international family of nations.

Former Secretary of Defense William Perry, a truly outstanding public servant, was tasked with reviewing U.S. policy toward North Korea. He concluded that North Korea had two options. The first option would be the path of engagement. If the DPRK really sheds its rogue behavior, the United States should respond with a reduction of sanctions, and gradual extension of normal political and commercial activity. If, however, the DPRK chooses the path of confrontation, the Perry-recommended policy is that the United States and our allies must meet the North's aggressiveness with firmness, resolve, and military might. It must be clear that America would respond in that fashion.

Mr. Speaker, it is far too early to tell which path the DPRK will choose. It is possible that they will opt for peaceful engagement. America and South Korea obviously hope that it is the path the DPRK will choose, but we must end the cycle of extortion which the North has successfully pursued with the United States. One insubstantive summit meeting does not guarantee such a sea change in behavior. This nation must maintain its resolve to preposition 100,000 troops in the Asia-Pacific area, with 37,000 on the Korean Peninsula. We must resist the temptation to throw even more money at the North without demonstrable progress in reducing the threat. And, we must continue to aggressively pursue the development of ballistic missile defenses capable of defending this nation against the emerging ballistic missile threat—a threat made evermore immediate by the North Korean missile development program and its missile exports.

Mr. Speaker, this Member genuinely hopes that North Korea will one day become merely a "state of concern." But until this Member sees ample evidence to the contrary, he must continue to view North Korea as a "terrorist state" and to regard the Korean Peninsula as the place on the globe where American forces might again be attacked and a tragically costly war begun again.

ANTIBIOTIC RESISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I rise to sound the alarm about a silent war that is going on all over the world, the war between people and infectious diseases.

It is not a new war. Since humans first walked the earth, microbes have preyed on us and we have fought back. As recently as the 19th century, the average life span in Europe and North America was 50 years, and the likelihood of dying prematurely from infectious diseases was in most places as high as 40 percent.

With the widespread introduction in the 1940s of penicillin and other antibiotics, we thought we had won the war. Finally, we could cure a whole raft of infectious diseases that routinely took human lives across the whole span of a human lifetime, from infancy through the prime of life to old age.

A month ago, the World Health Organization issued a report that paints a comprehensive picture of the renewed danger we face from infectious diseases. Microbes are mutating at an alarming rate into strains that too often fail to respond to drugs.

Dr. Gro Harlem Brundtland, director general of the WHO, recently stated, we currently have effective medicines to cure almost every major infectious disease, but we risk losing these valuable drugs, and our opportunity to eventually control many infectious diseases, because of increasing antimicrobial resistance.

The report describes how around the world almost all infectious diseases are becoming resistant to existing medicines. In Estonia, Latvia, and parts of Russia and China, over 10 percent of tuberculosis patients have strains resistant to the two most powerful TB medicines. Because of resistance, Thailand has completely lost the means of using three of the most common anti-malaria drugs. In New Delhi, typhoid 10 years ago could be cured with three inexpensive drugs, but now these drugs are largely ineffective. A small but growing number of patients are already showing primary resistance to AZT and other new therapies for HIV-infected people.

Patients admitted to hospital wards are especially vulnerable. In the U.S., some 14,000 people become infected and die every year from drug-resistant microbes to which they were exposed in hospitals. As many as 60 percent of infections around the world acquired in hospitals are caused by drug-resistant microbes.

In the U.S., overuse of the antibiotics is a key cause of resistance. The more frequently that microbes are exposed to these drugs, the more quickly they develop defenses against them. Patients are demanding and physicians are prescribing drugs for conditions that simply do not require antibiotics.

Overuse of antibiotics in the agricultural sector is also contributing to the resistance problem in a big way. Livestock producers use antibiotics to treat sick animals, as they should, but they also use antibiotics to promote more rapid weight gain in healthy animals. Many of the antibiotics used in livestock are also used in humans, including tetracycline and penicillin. In farm animals, prolonged exposure to antibiotics provides a breeding ground for resistant strains of salmonella, E. coli, and other bacteria which are harmful to people. When transferred to people through the food chain, these bacteria can cause dangerous infections that are resistant to drugs.

Antibiotic use in livestock is causing resistance in large part because of the sheer volume of antibiotics used in the farm for subtherapeutic purposes, not treating ill animals but making livestock put on weight more rapidly so they are ready for market more quickly.

Forty percent of all antibiotics manufactured in the United States are given to animals. Eighty-eight percent of all antibiotics used on-farm are used subtherapeutically, just for weight gain.

Among hogs, 93 percent receive antibiotics in their diets at some time during their quote/unquote grower/finisher period.

The medical community has been raising concerns about antibiotic use in livestock for decades. Thirty years ago, the Swann Committee in the United Kingdom concluded that antibiotics used in human therapy should not be used as growth promoters in animals. Since that time, mounting scientific evidence has pointed to the dangers of overusing these precious drugs in livestock. It is time, Mr. Speaker, to take a close look at antibiotic use in agriculture, and take decisive action to protect people from resistant microbes that move through the food chain, from animals to our young children to our oldest citizens and to all of us.

THE POSSIBILITY EXISTS TO REDUCE OUR NATIONAL DEBT AND OUR ANNUAL INTEREST PAYMENTS BY BILLIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. METCALF) is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, does one believe it would be possible to reduce our national debt by $500 billion and to reduce our annual interest payments by $25 billion, with no harm to anyone, nor to any program? Sounds too good to be true but it is possible, and it is simple.

Most people have little knowledge of how money systems work and are not aware that an honest money system would result in a great savings for the people. We really can cut the national debt by $500 billion and reduce our Federal interest payments by $25 billion per year. It is an undisputable fact that Federal Reserve notes, that is our circulating currency, is issued by the Federal Reserve in response to interest-bearing debt instruments. Thus, we indirectly pay interest on our paper money in circulation. Actually, we pay interest on the bonds that back our paper money, that is, the Federal Reserve notes. This unnecessary cost is $100 each year to each person in our country.

The Federal Reserve obtains these bonds from the banks at face value in exchange for the currency, that is the Federal Reserve notes, printed by the Bureau of Engraving and Printing and given to the Federal Reserve without cost.

The Federal Reserve appears to pay the printing costs but in fact the taxpayers pay the full cost of printing our Federal Reserve currency. The total cost of the interest is roughly $25 billion, or about $100 per person in the United States. Why are our citizens paying $100 per person to rent the Federal Reserve's money when the United States Treasury could issue the paper money exactly like it issues our coins? The coins are minted by the Treasury and essentially sent into circulation at face value.

The Treasury will make a profit of $880 million this year from the issue of 1 billion new gold-colored dollar coins. If we use the same method of issue for our paper money as we do for our coins, the Treasury could realize a profit on the bills sufficient to reduce the national debt by $500 billion and reduce annual interest payments by $25 billion.

Federal Reserve notes are officially liabilities of the Federal Reserve, and over $500 billion in U.S. bonds is held by the Federal Reserve as backing for these notes. The Federal Reserve collects interest on these bonds from the U.S. Government and then returns most of it to the U.S. Treasury. Thus, it is a tax on our money that goes to the United States Treasury, a tax on our money in circulation.

Is there a simple and inexpensive way to convert this costly, illogical, convoluted system to a logical system, which pays no interest directly or indirectly on our money in circulation? Yes, there is.

Let me present two alternatives to accomplish it. First, plan A. The Nation's Treasury prints and issues United States Treasury currency in the same denominations and the same amounts as the present Federal Reserve notes. Because the new U.S. currency would be issued into circulation through the banks to replace or exchange for the Federal Reserve notes, there would be no change in the money supply. The plan would remove the liability of the Federal Reserve by returning to the Federal Reserve the Federal Reserve notes in exchange for the $500 billion in interest-bearing bonds now held by the Fed. Then because the liability is lifted, the Federal Reserve returns the bonds to the U.S. Treasury. The Nation would thus have a circulating currency of United States currency, United States Treasury currency, or U.S. notes, bearing no debt nor interest.

The national debt would be reduced by $500 billion and annual interest payments reduced by over $25 billion. The easiest way we can save our taxpayers $25 billion.

Possible drawbacks of plan A. Our currency circulates worldwide and it would be impossible to find and exchange all that currency and in addition the cost of printing all the new paper money would be huge. So we have plan B, the best solution. Congress merely must pass a law declaring Federal Reserve notes to be official United States Treasury currency, which would continue to circulate as it is now.

The Federal Reserve, now freed from $500 billion liability, simply returns their U.S. Treasury bonds which back the Federal Reserve notes to the United States Treasury. This reduces the national debt of the United States by $500 billion and reduces interest payments by over $25 billion annually.

TWENTY-SIXTH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Nevada (Ms. BERKLEY) is recognized during morning hour debates for 1 minute.

Ms. BERKLEY. Mr. Speaker, I rise today to acknowledge the 26th anniversary of Turkey's invasion and occupation of Cyprus. Today an estimated 35,000 heavily armed Turkish troops continue to occupy 37 percent of the island. If a solution is ever to be achieved, it is essential that all decisions and pronouncements of the international community be fully implemented. It is my hope that the United States Congress will continue to firmly support the people of Cyprus by urging Turkey to comply with the resolutions of the United Nations and to work instructively for a solution. It is imperative that we take all necessary steps to actively support efforts to end the forcible division of the island and its people and to unify Cyprus through a just and lasting solution.

Twenty-six years of occupation are enough. Twenty-six years of occupation are 26 too many. It is time to end the occupation now.

THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, this morning I would like to use this opportunity to congratulate the American people on a remarkable achievement. We are now 112 months into the current economic expansion, the greatest period of prosperity ever. Thanks to the innovation and hard work of everyone in this Nation, we have built a $9.4 trillion economy. Just to put this in perspective, 112 months of continued economic growth. This economic expansion has lasted for over 9 years, starting during the Bush administration in April of 1991. The roots of this era of prosperity, however, reach further back, to 1991.

Michael Cox, an economist with the Dallas Federal Reserve Bank, traces this unprecedented expansion even further back, a total of 18 years. Since 1982 the U.S. economy has benefited from continued growth for all but 6 months in this 18-year period. That is right, over the last 205 months the economy has been in a slump for only 180 days.

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Now, many of us believe the architect of this expansion, this incredible economic force, was President Ronald Reagan. So we ask, why?

Reagan pushed the idea of reducing taxes. He reduced the taxes from a top rate of 70 percent, and we forget about that today, down to 28 percent. He initiated stability of the currency and monetary policies; and the inflation rate was 15 percent and he brought it down to 3 percent in 1986, and then he launched deregulation of the energy, gas, transportation industries. Many of us believe this unleashed the creativity of the American people by allowing them to keep more of what they earned and saved.

What are the fruits from this dynamic reduction in taxes? It has been announced recently, yesterday, that the Federal Government is forecasting a $4.6 trillion budget surplus over the next 10 years. This year, the Federal budget surplus will be the largest ever, $224 billion. That is 2.4 percent of our Nation's total economic output.

Mr. Speaker, these surpluses have helped us to pay down the national debt by $140 billion over the past 2 years, and by a total of $400 billion by the end of this year. We are on a pace with our plan to eliminate the public debt by the year 2013. However, we should not forget the source of these dollars.

The fact that we are running surpluses is one thing, but the fact is, the American people are being overcharged. Over the next decade, the people of this Nation could end up paying $4.6 trillion more in taxes than the Government needs. That amounts to an overcharge of $14,000 for every man, woman and child in this country. If we do the math, that turns out to be $56,000, and I assume every family out there would rather have this $56,000 than to give it to the United States Government.

Mr. Speaker, only 4 months ago, the total surplus projected for the next 10 years stood at $2.9 billion. Interestingly, this revised increase of $1.3 trillion alone would be more than enough, more than enough to cover the tax cuts vetoed by the President last year and the $500 billion tax cut presented by the Vice President this year, combined. This newly anticipated windfall also would be enough for the tax cuts advocated by Governor George Bush of Texas.

Does this mean that the whole $4.6 trillion should be earmarked for tax relief? No, I am not saying that. Mr. Speaker, $2.3 trillion of this surplus is expected to come from Social Security taxes, and those dollars should be set aside to meet the needs for older Americans. That is why the Republicans created a lock box to protect the Social Security surplus. However, Mr. Speaker, that leaves almost $2.2 trillion in non-Social Security surpluses; and a portion of that, I believe, should go to the rightful owners.

As I mentioned, this year's surplus will run about $220 billion. Recently, we voted to end the death tax, a measure that the President has threatened to veto. This death tax raised $23 billion in 1998, one-tenth of the 2000 surplus. We recently voted to reduce the tax penalty on married couples. The cost of making the Tax Code more fair for families is $182 billion over 10 years. That is less than this year's surplus alone. Again, the defenders of big government say we cannot afford this.

Mr. Speaker, I know the American people can spend their own money more wisely than the Government can spend it. We trust our citizens to vote to raise a family and to serve on juries; let us allow them a portion of their surplus, and I believe they will be better off.

ANNIVERSARY OF TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 1 minute.

Mr. MCGOVERN. Mr. Speaker, 26 years ago on July 20, Turkey invaded Cyprus. I will enter into the RECORD at this time the statement on developments this year to resolve the human rights and political crises resulting from that illegal invasion.

Mr. Speaker, in the almost 26 years of the division and occupation of Cyprus, many consider the next few months to be the best opportunity to bring about a Cyprus solution. Many developments have brought us to this moment of caution and hope.

On December 3, 1999, proximity talks on the Cyprus problem were held for the first time in over two years. During the week of December 3–14, 1999, United Nations Secretary General Kofi Annan and U.N. Special Advisor on Cyprus Alvaro de Soto had a series of separate meetings in New York City with Cyprus President Glafcos Clerides and Turkish-Cypriot leader Rauf Denktash.

Both sides laid out their position on the four core issues identified by the Secretary General: security, territory, separation of powers, and property. The completion of this first round of proximity talks and the agreement of the two sides to keep talking was widely praised and raised hopes that the climate may be shifting towards a concerted effort for a comprehensive settlement.

A second round of talks took place in Geneva, Switzerland from January 31st through February 8th, 2000. During this round, the two sides explored in greater depth the range of issues and prepared the ground for meaningful negotiations.

Shortly thereafter, during the period of February 28th through March 1st, U.N. envoy Alvaro de Soto traveled to Cyprus for a familiarization visit. Mr. de Soto had a full program of meetings on both sides of the divide—in the southern, government-controlled areas of the Republic, and in the northern part illegally occupied by Turkey since its invasion in 1974. The visit also took de Soto across the U.N. controlled buffer zone to observe peacekeeping operations.

I would like to say a few words about Alvaro de Soto, a diplomat who I know well. On behalf of the United Nations, Mr. de Soto successfully facilitated negotiations between the two warring parties in El Salvador's civil war. These were not easy negotiations: the differences and conflict between the two parties had a history going back decades and were of much-longer standing than just 12 years of armed conflict. Tens of thousands of civilians had been murdered during the war. And hundreds of others had disappeared. I quickly learned to respect and admire Mr. de Soto's diplomatic skills, his patience, and his understanding and ability to distinguish between those issues which must not be compromised and those that might be more easily brokered between the two parties if a lasting peace were to be secured. I was most impressed by his integrity and commitment to achieve a lasting peace, one that would bring real peace to a long-suffering civilian population. While I believe the Cyprus conflict is, in many ways, more difficult and intractable than El Salvador's, I have greater hope that a solution may be negotiated because of Alvaro de Soto's involvement in identifying core issues and steps that might lead to a successful agreement.

Earlier this month, the parties met with Alvaro de Soto, again in Geneva, to continue proximity talks. Those discussions adjourned on July 12th and will resume on July 24th. They will proceed until early August and resume again in New York City at the United Nations on September 12th. We are all disappointed that Turkish Cypriot leader Denktash interrupted the process and left the talks to return for the Turkish Cypriot celebration of the July 20th invasion of Cyprus. I remain hopeful, however, that continued international interest in and pressure for a negotiated settlement will result in a return of good faith efforts by all parties to move the agenda forward when talks resume on July 24th.

The international community has been consistent throughout the past quarter century in expressing its support for a unified Cyprus. Over the past several months, it has been particularly forceful in expressing its support and desire for successful proximity talks leading to a comprehensive negotiated settlement. These include strong statements from the European Union, leaders of the G–8 nations, the United Nations Security Council, the Clinton Administration and the U.S. Congress.

The people of Cyprus have suffered too long. A lasting and comprehensive solution, one based on international law and democratic principles, can and must be negotiated.

Twenty-six years ago, on July 20th, Turkey invaded Cyprus. As a result, an estimated 35,000 heavily armed Turkish troops continue to occupy 37 percent of Cyprus' territory.

I hope that this year, the beginning of the new millennium, a new anniversary will be created. It will be the year when the breakthrough happens and the people of Cyprus are blessed with peace, security, reconciliation and a single democratic sovereignty.

COMMEMORATING THE ANNIVERSARY OF THE OCCUPATION OF CYPRUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. GILMAN) is recognized during morning hour debates for 5 minutes.

Mr. GILMAN. Mr. Speaker, today we are observing a tragic occasion, the invasion of Cyprus by Turkish troops. I commend the gentleman from Florida (Mr. BILIRAKIS) who has, over the years, made certain that the House does not fail to observe the events of July 1974, the tragic consequences of which still persist today, more than a quarter of a century later.

The occupation of northern Cyprus by Turkish troops which began some 26 years ago has turned into one of the most vexing problems of the international community, confounding the efforts of five presidents, four U.N. Secretaries General, and many of the world's top diplomats, including our own.

Late last year, we finally saw the first faint signs of hope when Rauf Denktash, a Turkish Cypriot leader, decided after more than 2 years of stonewalling, to agree to participate in U.N.-sponsored proximity talks with President Clerides, the Greek Cypriot leader. A few days ago, the third round of those talks resumed in Geneva. Although they have recessed until later this month, the good news is that they are going to continue, and further rounds for the fall of this year are also scheduled.

But mere talks alone do not achieve any resolution of this issue. We need to see substantive discussions with real progress being made.

It is gratifying that this summer, we have had two young people from Cyprus serving as interns with our Committee on International Relations. They have given their personal viewpoint, providing some convincing evidence to us that a resolution of the Cyprus problem is very possible, if sufficient political will is brought about by both sides. Greek Cypriot President Clerides has over the years demonstrated that kind of will. We must, therefore, look to Mr. Denktash and to Ankara. There is, thankfully, a new dynamic at play, which is the European Union's accession talks with Cyprus and the prospective candidacy for EU membership that was extended to Turkey by the EU just late last year.

Membership in the European Community is now at hand for Cyprus; and with all of that, it entails cementing a peaceful and prosperous future for the Cypriot people. Likewise, Turkey, in order to demonstrate its own commitment to the peaceful democratic values that lie at the core of the European Union, must decide whether it wants to play a positive role in resolving the Cyprus dispute, or a divisive one.

Mr. Speaker, when I first came to the Congress some 28 years ago, Cyprus was one of the first international crises in which I became involved as a member of our Committee on Foreign Affairs, as it was then labeled. It is one of the most frustrating facts that I have faced as I look back on that now, after a quarter of a century during which we have seen the collapse of communism in Europe, greater peace in the Middle East, a possible settlement in Northern Ireland, and conflicts resolved in the Balkan tinderbox, but no movement on Cyprus.

Accordingly, we call upon our State Department and our President to continue to place the highest priority on working with the Turkish Government and all parties in Cyprus to produce results in this ongoing U.N. negotiation.

I have conferred with our special envoy to Cyprus, Al Moses; and I know that he is committed to achieving success, but he needs to have the continued backing of high officials, including our President. With such support, I am confident we can produce the outcome that we have all been seeking for so long, a reunified Cyprus and a peaceful and prosperous future for all of the Cypriot people.

TURKEY AND CYPRUS: THE TIME FOR PEACE IS NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. FILNER) is recognized during morning hour debates for 1 minute.

Mr. FILNER. Mr. Speaker, I thank the distinguished chairman of the House Committee on International Relations for his statement and for his long-standing support and leadership in educating us all on this issue.

I rise today to join him and other colleagues, the gentleman from New Jersey (Mr. PALLONE), who will follow, in acknowledging this tragic invasion of Cyprus by the government of Turkey.

We are here, as we heard the Chairman say, for the 26th anniversary of the hostile assault on Cyprus which unlawfully led to the declaration of independence by the Turkish Cypriots.

Mr. Speaker, time and time again, Turkey has violated international law, imposing a systematic campaign of harassment and intimidation in the occupied areas. This has led to severe problems such as internally displaced refugees, violations of human rights, and the disappearance of over 1,400 Greek Cypriots.

Mr. Speaker, Turkey is our ally. We give them military aid and other forms of assistance. It is about time that we demanded that this ally comply with the United Nations and end this deplorable crisis.

The time for peace is now.

THE BEST OF TIMES AND THE WORST OF TIMES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 2 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is the best of times and the worst of times.

In 1993, it was somewhat the worst situation in this country in terms of overspending and debt. We had a $250 billion deficit every year, as far as the budgeters could project. Earlier this year in January, CBO and OMB predicted there was going to be a $26 billion on-budget surplus next year—a $28 billion surplus this year. Yesterday, they predicted a tremendous increase in tax revenues, almost three times the amount in terms of on-budget surplus this year for an estimated $84 billion. Next year, they are projecting $102 billion surplus. Our economy has been growing now for 18 years—steadily for the last 10 years.

But remember, back in 1993 the Clinton administration and the Democrats made a decision that we should increase taxes in order to have deficit reduction. They passed the largest tax increase in history, $250 billion. As it turned out, half of that money was used to expand domestic social program spending. The other half used to reduce borrowing.

If the goal of that huge tax increase was to have a smaller deficit and now we are looking at a projection of $4.6 trillion to $5.6 trillion surplus over the next 10 years with the unified budget, it is time to give back some of that tax increase. Let us reduce that 4.3 cent gas tax increase passed. Let us rescind and reduce the extra Social Security tax that was also part of that 1993 tax increase.

And of course the President pushed for and got an increase in the income tax going to a new top rate of 39.6 percent, increased the death tax, and increased the payroll tax on workers.

It could help make this the best of times for the American people during these times of huge surpluses, by repealing some of those tax increases that the other side of the aisle along with Mr. Clinton and Mr. GORE got passed in 1993.

RENEWING U.S. COMMITMENT TO CYPRUS IN THEIR QUEST FOR PEACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, as my colleagues have mentioned this morning, July 20 will be the 26th anniversary of the illegal Turkish invasion of Cyprus. Although two rounds of U.N.-sponsored proximity talks between the Cypriot and Turkish sides have been completed in recent months, the Turks are casting the shadow of failure over the negotiations by employing provocative and destabilizing behavior.

For example, the current round of proximity talks have been temporarily suspended by the Turkish Cypriot leader so he could fulfill his stated intention to postpone discussions in order to attend the so-called "Peace and Freedom Day" on July 20 in the Turkish-occupied area of Cyprus. This action sends an unmistakable message that the Turkish side is not taking the current proximity talks seriously. Rather, the Turkish side is just spinning its wheels.

Should the current round of talks end up as all previous efforts have in the last 26 years, the United States should be prepared to act forcefully. In the last 2 years or so, there have been a number of initiatives that both the international community, and the Cypriots have taken to try and jump-start this decades-old problem and make the environment more fertile for a negotiated peaceful settlement. Turkey should be held accountable by the United States if it purposefully undermines these efforts.

In December of 1998, the U.N. Security Council passed resolutions 1217 and 1218. The former, Mr. Speaker, reaffirmed that any settlement be based on the federated bi-zonal, bi-communal framework. The latter called for the Secretary General to work with the two sides to reduce tensions and arms on the island, a position consistent with the Cypriot government's offer to demilitarize all of Cyprus, an offer that has been rejected by the Turks. The United States supported both of these measures.

Following the passage of these two resolutions, the Cypriots unilaterally decided not to deploy the S-300 anti-missile system they were considering deploying in an effort to give legs to the U.N. Security Council resolutions.

Attempting to build on this momentum, in June of 1999, the group of eight industrialized nations, or G-8, urged the U.N. to invite the two sides' leaders to begin peaceful negotiations without preconditions in the fall of 1999. The U.N. Security Council in turn passed two more resolutions, 1250 and 1251, reaffirming its support for negotiations under the bi-communal, bi-zonal federation framework and requesting that such negotiations move ahead.

These events did, in fact, lead to the onset of negotiations in December of 1999. Despite the U.N.'s call for negotiations without preconditions, however, the Turkish side came to the table insisting that a number of unrealistic conditions be met before real discussions could occur.

The negotiations, Mr. Speaker, are expected to resume on July 24. While the U.N. and the United States should do whatever it takes to facilitate continued negotiations, the U.N. and the U.S. should also take note of the manner in which the Turkish side is conducting itself.

Mr. Speaker, for 26 years now, the people of Cyprus have been denied their independence and freedom because of a foreign aggressor. I urge all of my colleagues to join me in remembering what the Cypriot people have suffered and continue to suffer at the hands of the Turks. I also urge my colleagues to join me in pressuring the administration to focus American efforts to move the peace process forward on the Turkish military, which has real and substantial influence on decision-making in the Turkish Government. If and when the Turks undermine yet another peace effort, the U.S. should instantaneously do what I have been calling for for years, punish Turkey by making drastic and immediate changes to our relationship with Ankara.

As the Turks interrupt peace negotiations to celebrate their brutality as Cypriots mourn their dead and all they have lost, the United States must let the people of Cyprus know that we will have freedom and independence again and that we will help them attain it.

Mr. CAPUANO. Mr. Speaker, on July 20th 2000, we will mark the 26th anniversary of Turkey's invasion of the sovereign State of Cyprus. It was on this date in 1974, Turkish troops began a campaign of terror. During the Turkish invasion, nearly 200,000 Greek Cypriots were forced to flee their homes in the northern part of the island of Cyprus. After twenty-five years, Greek Cypriots are still prohibited from returning to their homes and remain refugees within their own country.

Over 1,400 men, women and children who vanished during the invasion have not been accounted for, and the Turkish government continues to refuses to provide information as to their whereabouts.

During these 26 years of occupation, Turkey has relocated some 80,000 Turkish citizens to Northern Cyprus, thus changing the demographic structure in the north. Most of the homes and land that have been reoccupied by Turkish citizens were once the homes of Greek Cypriots who were evacuated during the invasion. Historical institutions of cultural and religious heritage, including archaeological sites and churches, have been pillaged and in many cases completely destroyed.

Tragically, there are only 500 Greek Cypriots still living in the occupied area, and even those few families are subject to constant and systematic campaigns of harassment and intimidation. In some instances, they are forbidden to travel and attend school, clearly being denied of their basic rights.

In 1983, Turkey encouraged a "unilateral declaration of independence" by the Turkish Republic of Northern Cyprus (TRNC). This declaration was condemned by the U.N. Security Council, as well as the U.S. government. Consequently, the U.N. Security Council called for Turkey to withdraw from Cyprus immediately. To date, the TRNC is not officially recognized as a sovereign State by any country except for Turkey.

In June of 1999, the European Commission of Human Rights found Turkey responsible for continuing to violate several provisions of the European Convention of Human Rights, including not accounting for missing persons, limiting the living conditions of the enclaved, and failing to protect the properties of the displaced person.

Despite the continuing efforts on behalf of the U.S. and the international community to negotiate a peaceful settlement, 35,000 heavily armed Turkish troops continue to occupy more than one-third of the island. Turkey had previously thrown a wrench in the peace talks by advocating two preconditions: first, prior recognition of the TRNC, and second, Cyprus withdrawing its EU membership application. Fortunately, through international pressure and diplomatic maneuvering, a new round of proximity talks were undertaken without implementation of these conditions. The first of which took place in December 1999 under U.N. auspices, and the most recent talks commenced on July 5th in Geneva.

Mr. Speaker, I reiterate my argument from last year that the continued occupation of Northern Cyprus is clearly an affront to countless U.N. resolutions calling on Turkey to withdraw its forces and return all refugees to their homes, and for Turkey to respect the sovereignty, independence and territorial integrity and unity of the Republic of Cyprus. this is an insult to the United States and the global community which has worked tirelessly to unify Greek and Turkish Cypriots in a peaceful manner.

I hope that the U.S. and the international community will continue to advocate for this new round of proximity talks and fervently work to find a peaceful solution to this conflict that has torn Cyprus apart and caused 26 years of suffering for thousands of families.

Mr. BLAGOJEVICH. Mr. Speaker, I rise to denounce the illegal occupation of Cyprus by Turkey. Twenty-six years ago today, the Turkish military invaded Cyprus, driving 200,000 people from their homes. Since then, the Turkish military has continued to occupy a third of the island, in defiance of international law. During this time, nations around the globe have sent the clear, unequivocal message that the Turkish occupation of Cyprus is patently illegal and must end.

Nonetheless, Turkey continues to defy the international community, engaging a deliberate strategy to change the ethnic composition of Northern Cyprus. Since forcing out the Greek Cypriot population from the occupied area, Turkey has settled thousands of Turks from Anatolia in Northern Cyprus in a blatant attempt to prevent the return of the native Greek Cypriot population.

The recent talks held in Geneva provide a glimmer of hope that those forced out of Northern Cyprus by the Turkish invasion may finally be able to return home. But the world community will be watching carefully. There have been too many false starts, too many dashed hopes, for the Greek Cypriot refugee population to be convinced that peace is finally at hand.

In this dispute, the United States has played a positive role in bringing the parties to the table to begin their discussions. But now the United States must go further. We must clearly say to Turkey that it is time to bring the Cyprus dispute to an end. This can only happen when the Turkish military leaves Cyprus, and lets Greek and Turkish Cypriots settle their own disputes in the context of a free, unified, and democratic Cyprus.

Mr. CROWLEY. Mr. Speaker, it is with great sadness that I rise today to recognize the 26th anniversary of Turkey's tragic invasion of Cyprus.

Cyprus gained independence from Great Britain in 1960 but its success as a new republic only lasted until 1963. After years of turmoil and violence between the majority of Cypriots of Greek ethnic origin and the minority of Cypriots of Turkish ethnic origin, Turkish troops invaded the island in 1974. Over 1,400 Greek Cypriots have been missing since the Turkish invasion and all remain unaccounted for. Today, Turkish troops continue to occupy 37 percent of Cyprus' territory.

The invasion led to the widespread dislocation of the Cypriot population and to numerous related refugee and property problems. Nearly 200,000 Greek Cypriots were forcibly evicted from their homes and became refugees in their own country.

Over the last three decades, Turkish authorities in Cyprus have waged a ceaseless campaign of systematic harassment and intimidation of Greek Cypriots. The flagrant human rights abuses by Turkey have been condemned repeatedly by international authorities.

Turkey is a member of NATO and an ally of the United States. We should use all of our influence to further a negotiated settlement in Cyprus and support the United Nations in its efforts to do so. Applications by the Republic of Cyprus and Turkey to become full members of the European Union may present a fresh opportunity to resolve the conflict. Let us take this chance.

My fellow colleagues, I urge your continued support for the people of Cyprus. I also join my colleagues in encouraging President Clinton to continue his efforts to promote peace in Cyprus during his last months in office.

After 26 years of forcible division it is high time to take firm steps to reach a peaceful settlement of this ongoing conflict.

Mr. PORTER. Mr. Speaker, I want to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentlelady from New York (Mrs. MALONEY) for organizing today's commemoration.

It saddens me greatly that again we are remembering the Turkish invasion of Cyprus, instead of celebrating a united island and a resolution to the Cyprus problem.

Twenty-six years ago, on July 20th, 1974, over 6,000 Turkish troops and forty tanks landed on the north coast of Cyprus and heavy fighting took place. Turkish troops pressed on to the capital city of Nicosia, where the heavy fighting continued. By the time a cease fire had been arranged on August 16th, Turkish forces had taken the northern one third of the country. Throughout the battles and subsequent occupation, there were extensive tales of atrocities, abductions, rapes and executions. It was only as those abducted or taken prisoner of war began to filter back to their homes after the cease fire that it became apparent that hundreds were missing.

Nearly 200,000 Greek Cypriots, who fell victim to ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country. More than a quarter of a century later, the Turkish occupation still prevents them from returning to homes which have been in their family for generations.

35,000 Turkish troops have occupied northern Cyprus since the summer of 1974. During this time, Turkey's government has shown what it is that it is not a democracy. It is a military dictatorship in which the generals allow only as much democracy as they want. The Turkish government continues to support the illegal occupation of Cyprus, while also continuing to persecute its Kurdish population, and to spurn normal relations with Armenia.

However, today, for the first time I do see the potential for the resolution of this conflict. Not only have Presidents Denktas and Clerides recently engaged in the third round of U.N. sponsored talks, Turkey's candidacy for the European Union creates a new urgency for a solution to be found for this situation.

I want to encourage these talks to continue and for the Clinton Administration to support them in every way possible. After twenty-six years of division, it is imperative that the United States and United Nations take all steps to support the efforts to bring an end to the forcible division of the island and its people.

Mr. MARTINEZ. Mr. Speaker, I join my friend, the distinguished gentleman from Florida, and my colleagues in commemorating the 26th anniversary of Turkey's military invasion and continued illegal occupation of northern Cyprus.

Twenty-six years have passed since Turkey illegally invaded the northern part of Cyprus. On July 20, 1974, Turkey launched a full scale invasion on Cyprus, forcing more than 200,000 Greek Cypriots from their homes. To this day, these refugees are prevented from returning to their homes by the Turkish Army. Turkey's bloody invasion of this Mediterranean island state has been rightfully condemned by the United Nations and all peace loving nations of the world.

Later on this month, Greek Cypriot President Glafcos Clerides and Turkish Cypriot leader Rauf Denktash will meet again in Geneva. I hope that this meeting will lead to a constructive outcome, but this can only occur if Mr. Denktash is willing to meet President Clerides halfway. Mr. Denktash must be willing to negotiate in good faith. Only when these two Cypriot leaders meet in good faith will there be a resolution to the Cypriot problem.

Mr. Speaker, the 26th anniversary of Turkey's cruel invasion of northern Cyprus should weigh heavily on the conscience of all civilized people of the world who share in the underlying principle that military aggression must not prevail.

Mr. Speaker, the status quo must be broken. The paralysis in U.N. sponsored negotiations must be broken. And the intercommunal strife that has torn Cypriots apart must be settled peacefully. But none of these worthy objectives can occur as long as Turkey continues to violate international law and flout U.N. resolutions condemning its oppressive occupation of 40 percent of Cypriot territory.

It is indeed a sad testament to Turkey's intransigence that more than a quarter of a century after its invasion of northern Cyprus, its troops still occupy a third of Cyprus. Turkey must realize that its military occupation stands as an obstacle to a just and permanent solution of the Cypriot problem.

Mr. Speaker, a permanent solution to the Cypriot impasse must take into consideration the anxieties and legitimate concerns of both Greek and Turkish Cypriots. However, the first step toward reconciliation and peaceful reunification must be the end of Turkey's illegal occupation of northern Cyprus.

Mr. TIERNEY. Mr. Speaker, I rise today in commemoration of the 26th anniversary of the Turkish invasion of Cyprus. As a member of the Congressional Hellenic Caucus, I look forward to a day when peace comes to the region and we no longer have to come to the floor each year and remind the world that this occupation continues.

26 years ago, nearly 200,000 Greek Cypriots were forced from their homes during the Turkish invasion. This act of aggression resulted in the capture of over forty percent of the island, and the death of five Americans among scores of Cypriots. Since that time, more than 1,400 Greek Cypriots have gone missing and are unaccounted for. The invasion took a toll not only on the people of Cyprus, but also on the island's rich religious and architectural history as churches and other places of worship have been destroyed.

ver the years, Turkey has continuously upgraded its military presence on the island. In contrast, Greek Cypriots have been willing to compromise. The international community has also sought a decrease in tension.

As we watch the ongoing talks between the Israelis and Palestinians at Camp David, we are reminded that peace is possible—indeed it is the only option. Since the time of the invasion, the United Nations has sought to reach a just peace agreement for Cyprus. I am pleased that the recent round of talks in Geneva have been encouraging.

I look forward to July 2001 when, I hope, we will be celebrating the peace in Cyprus, and remembering the futility of aggression.

Mr. WEYGAND. Mr. Speaker, today I rise in remembrance of the invasion of Cyprus by Turkish forces in July of 1974. It was 26 years ago, Mr. Speaker, that more than six thousand Cypriots lost their lives, and more than 200,000 were displaced from their homes and communities by the advancing Turkish forces. With their culture threatened, their ancestral lands occupied, and their rights deprived, Cypriots have endured untold suffering. It is a terrible human tragedy and affront to all who support human rights that more than a quarter of a century later the situation remains unresolved.

There are several United Nations resolutions calling for a peaceful end to the situation under the guidelines of a bi-zonal, bi-communal federation based on a single sovereignty and a single citizenship with the independence and territorial integrity of Cyprus safeguarded. There have been resolutions passed through this body which have called for a peaceful conclusion to the conflict and an end to the Turkish occupation. The Cypriot government has made extraordinary efforts to reach an accord with the Turkish government, displaying goodwill, courage and a bold vision of peace. However, to date, all of this is to no avail.

Turkey employs a standing army of more than 35,000 troops, hundreds of tanks and other sophisticated weapons on the island, and maintains a substantial amphibious force permanently stationed on the Turkish mainland base closest to Cyprus. Turkey has made no serious effort to implement agreements made in good faith regarding the status of refugees, property rights and human rights and has exhibited a rather tenacious intransigence in working toward demilitarization and peace.

Mr. Speaker, the status quo is unacceptable, the occupation is illegal and a peaceful solution must be reached. Today, I am happy to say, there is hope for this solution. Negotiations between the Turks and Cypriots under United Nations auspices in Geneva are scheduled to resume on July 24 and to continue into August and even into the autumn; we can only have hope that this time, the tragedy and suffering of the Cypriots will be eased by a peaceful and true conclusion. I implore all sides to the conflict to be bold, to be courageous, to reach out for the vision peace and stability which can be achieved, and to give the world hope by closing this unfortunate chapter in the history of Cyprus.

Ms. PELOSI. Mr. Speaker, I rise today to join my colleagues in marking the 26th year of Turkey's illegal invasion and partition of the Republic of Cyprus. I commend Congresswoman MALONEY and Congressman BILIRAKIS for their leadership on this issue and thank them for calling this special order.

This anniversary is not a happy occasion, but it is one which serves to remind us of the continuing strife that the people of Cyprus have faced everyday for over two decades.

In 1974, using United States military equipment, Turkey invaded the Republic of Cyprus, killing 4,000 Greek Cypriots and capturing over 1,600 others, including 5 United States citizens. Though the Turkish Government has been condemned by this Congress and the international community time and time again, it has not halted its unjustified occupation. Today, Cyprus remains cruelly divided. A barbed-wire fence known as the green line cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations.

The human rights violations by the Turkish Government on the people of Cyprus also continue. The freedoms of religion and assembly are frequently stifled, and intimidation by the military is ongoing and ever present.

On July 5, 2000, U.N. sponsored Cyprus talks resumed in Geneva with the full support of the United States and all members of the U.N. security council. Now is the key time to resolve the Cyprus problem and the only way forward is through a sustained process of negotiations and a solution which can unite Cyprus and its people. President Clinton has emphasized that we must "work for an end to the tragic conflict on Cyprus, which is dividing too many people in too many ways."

After 26 years of division, it is urgent that all the necessary steps are taken to actively support a just and lasting solution to the island's armed conflict. A peaceful resolution of this conflict is long overdue.

Mrs. ROUKEMA. Mr. Speaker, I rise today to join my colleagues to remember the 26th Black Anniversary of Turkey's invasion of Cyprus that occurred on July 20, 1974.

Following the first assault and despite the fact that talks were being held in Geneva to resolve the situation, on August 14, 1974, the Turkish army mounted a second full-scale offensive. By the end of the offensive, Turkey increased its hold on Cyprus to include the booming tourist resort of Famagusta and the rich citrus-growing area of Morphou. Over 37 percent of the area of Cyprus came under Turkish military occupation, an area Turkey still holds today, despite international condemnation.

As a result, 200,000 Greek Cypriots were made refugees in their own country and 70 percent of the economic potential of Cyprus came under military occupation. Moreover, thousands of people, including civilians, were killed or ill-treated by the Turkish invaders. There are still 1,619 Greek Cypriots missing as a result of the Turkish invasion, many of whom were held in Turkish custody.

Currently, Cyprus remains divided with 35,000 Turkish troops stationed there as a constant reminder of this violation of human rights and international law. Only Turkey recognizes the Turkish Cypriot State in the north. A 2,500-member U.N. peacekeeping force patrols the buffer zone between north and south.

Mr. Speaker, this Congress must do everything we can to state our firm condemnation of the Turkish invasion and our unwavering support of the self-determination of Cyprus and the sovereignty of Greece. Thousands of families still bear the terrible scars of the invasion. They must have their land and homes back!

It is time for the United States to join its voice in calling for a solution based on the U.N. resolutions. The time is now for us to use all of our influence on Turkey to obtain peace in Cyprus.

Mr. CUNNINGHAM. Mr. Speaker, today, on the 26th anniversary of Turkey's invasion of Cyprus, I rise to voice my concerns regarding that state's current efforts to gain entrance into 'the European Union.

On Friday, the British Broadcasting Company reported that, "Foreign Minister Ismail Cem and Guenter Verheugen, member of the EU commission responsible for enlargement, have said that relations between Turkey and the EU are 'developing rapidly' . . . and that a compromise could be reached" regarding Turkey's entrance into the European Union.

Yet, as the EU discusses Turkey's entrance into the European union, I feel that it is necessary to discuss the human rights violations and violations of the Vienna III agreement that are currently taking place in the occupied area of northern Cyprus. Turkey still occupies 37% of the Cyprus territory, which was illegally annexed in the 1974 Turkish invasion. Currently, Turkey maintains 35,000 troops in this territory and there are still 1,400 Greek Cypriots, including four Americans of Cypriot decent, who are unaccounted for. Turkey is the only state in the world that recognizes the northern Turkish Cypriot state.

In an attempt to alter the demographic make-up of the northern Cyprus region, Turkey has transplanted over 80,000 Turkish settlers to the area and has illegally distributed land belonging to evicted Cypriots—actions prohibited by articles 9 and 17 of the Universal Declaration of Human Rights set forth in the Geneva Convention of 1949. Turkish soldiers are also responsible for destroying Byzantine churches and other places of worship. These violations have not gone unnoticed by the European commission of Human Rights, which issued a report in June of 1999 that found Turkey in violation of the European Convention on Human Rights in regards to the issues of missing persons, the living conditions of the enclaved, and the properties of displaced persons.

But these violations of international treaties are not new. In 1983, Turkey established unilateral independence in the area of military occupation—a direct violation of international Treaties establishing the Republic of Cyprus. Since 1974, the UN has adopted numerous resolutions calling for the withdrawal of all foreign forces from Cyprus, the return of refugees to their homes in safety, and respect for the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus.

If Turkey is going to press ahead with its effort to gain acceptance into the EU and demand legitimacy in international markets, it must commit to drastic change and become more aligned with the goals and ideals central to the European Union. Eligibility for EU admittance should hinge on Turkey's willingness to abide by these treaties and withdrawal from its current position in Cyprus.

Mr. ACKERMAN. Mr. Speaker, I am honored to join with my colleagues in bringing the House's attention to the 26th anniversary of the Turkish invasion of Cyprus, a tragedy that continues to upset the peace and stability of the eastern-Mediterranean region. The Turkish invasion, which occurred on July 20, 1974, has led to the expulsion of over 200,000 Greek Cypriots from their ancestral homelands for more than a quarter of a century.

The systematic campaign of ethnic cleansing and harassment of Greek Cypriots has significantly marred the rich history of Cyprus and its people. Lootings and destruction continued to be ordered against archaeological and religious monuments in an attempt to wipe out the Hellenic and Christian Orthodox heritage of the island. The policies of redistributing Greek Cypriots' land to the 80,000 transferred Turkish settlers brought from the mainland by the Turkish government, and of harassing those Greek Cypriot enclaves forced to live within the stifling confines to Turkish-controlled areas on the island, are offensive to our nation's values. These violations of international law, unless acknowledged and remedied, will continue to cast a grim shadow on the future of all Cypriots.

We, here in the House of Representatives, must remember the thousands of innocent Greek Cypriot victims not just for the meaning of their suffering, but also as a reminder of all those who have fallen victim to vicious ethnic, religious, and social hatred. Even today, ethnic strife remains a pox on the international community, and the unrelenting pattern of conflict around the world illustrates the importance of commemorative anniversaries such as the one we acknowledge today. Perhaps, it is only when we focus on the similaries of suffering between the people of the world that we can move beyond the differences among us. Our nation's unshakable commitment to human rights and the dignity of all people demands that we acknowledge and remember all those who have suffered at the hands of bigotry, hatred and intolerance around the world.

As a nation, we witnessed a myriad of atrocities in the last century. In response, rightly, we have committed our nation to both working for the peaceful resolution of ethnic conflicts around the world and to defending truth and memory where injustice has occurred. Today, I am proud that this House again ensures that the victims of aggression on Cyprus are not victimized in memory as they were in life.

Mr. Speaker, I am here today for a simple reason: to publicly recall that since 1974, thousands of innocent Greek Cypriots, regardless of sex or age, have been victimized by ethnic cleansing and partition for no just cause. Failure to take note of the situation in Cyprus is to become a party to this gross injustice, for as we all know, silence and inactivity amounts to acceptance.

I continue to advocate the unwavering support of this House in support of the people of Cyprus in their struggle for a peaceful and just settlement to this protracted and ugly conflict with Turkey.

Mr. Speaker, I'd like to commend and thank my colleagues Congresswoman CAROLYN MALONEY and Congressman MICHAEL BILIRAKIS, the co-chairs of the Congressional Hellenic Caucus. Thanks to their leadership, this House has again fulfilled America's commitment to memory and decency, and most importantly, has kept faith with the people of Cyprus. I'd also like to recognize and express my thanks for the tireless devotion of America's citizens of Hellenic descent. Thanks to them and their commitment, the atrocities which have occurred in Cyprus will not be forgotten. We must build on their successes and work together to find an end to this terrible injustice as soon as possible.

Mrs. KELLEY. Mr. Speaker, I rise today to join with my colleagues in marking the 26th Black Anniversary of Turkey's invasion of the island of Cyprus. On July 20, 1974, the government of Turkey sent troops to Cyprus and forcefully assumed control of more than one-third of the island. This action dislocated nearly 200,000 Greek Cypriots, forcibly evicting them from their homes and creating a refugee problem that exists to this day. Additionally, over 1600 Greek Cypriots are still missing or unaccounted for as a result of this brutal invasion.

The Turkish Cypriot community has historically shown its unwillingness to move towards a negotiated settlement with their Greek neighbors. The removal of the roughly 35,000 Turkish troops from the island of Cyprus is central to any such agreement, as is compliance with the previously agreed upon parameters for any solution. However, the Turkish government is doing the exact opposite. They have continued their arms buildup on the island, have abandoned reconciliation efforts begun on a bi-communal grassroots level, have added two new preconditions for the resumption of the peace talks and are now seeking the creation of a confederation of two sovereign states. The net result of these actions is to make any sort of reconciliation all the more unlikely.

The Greek Cypriots have continually demonstrated their flexibility and willingness to compromise in order to bring an end to this long-standing dispute. The Cyprus government has made numerous gestures of goodwill in an effort to move the peace process forward. In the last year, they have canceled the deployment of a Russian defensive surface to air missile system on Cyprus in an effort to head off any escalation of this conflict. In addition, Cyprus has continued to comply with the preconditions established by the United Nations Security Council resolutions, and has even put forth a plan for the demilitarization of the island.

In another positive step forward, last year for the first time in a substantive way, the leaders of the G–8 dealt with the Cyprus issue in their meeting in Cologne (June 20, 1999) and urged the UN Secretary General, in accordance with the Security Council resolutions, to invite the leaders of the two sides to comprehensive negotiations without preconditions. The UN Security Council in its resolution adopted on June 29, 1999 reiterated the G8 leaders' appeal and requested the UN Secretary General to proceed accordingly (UNSC resolution 1250 [1999]).

As a result of this coordinated international effort, a new round of proximity talks between the two communities was launched, under UN auspices, which began in December 1999. This process is still continuing, with a second round of proximity talks having taken place in Geneva in February 2000 and a third round which began on July 5, 2000, with the full support of the US and all the other members of the UN Security Council. This process has once again stalled with the Turkish Cypriot Leader's decision to leave the talks to return for Turkish Cypriot celebration of July 20, 2000.

The U.S. government must again take bold steps to show its continued resolve to the Turkish government that it is serious about moving towards peace in Cyprus. In this regard, I am pleased to be a so-sponsor of House Concurrent Resolution 100, urging the compliance by Turkey with United Nations Resolution relating to Cyprus. It is essential that the United States and the entire international community continue to work for the long awaited resolution to this tragic event.

Mr. Speaker, it is with decisive steps such as these that we can begin to hope for a brighter future for Cyprus. I wish to commend the Gentleman from Florida, Mr. Bilirakis, and my other colleagues on the Hellenic Caucus for their steadfast work in this area. I look forward to working with him, and all who share our concerns, to achieve a unified and peaceful Cyprus in the future.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to begin by thanking my colleague from Florida, Mr. BILIRAKIS, for this special order commemorating the 26th anniversary of the Turkish occupation of the island of Cyprus.

In 1960, the Republic of Cyprus was formed after the island received its independence from Great Britain. From the start it struggled to balance the various ethnic and religious differences between its people in such a way that would provide for a harmonious and democratic nation. Both the Cypriot government and the Cypriot people sought to prosper in peace rather than fall victim to the plague of sectarian infighting. But, for the people of one third of that democratic nation, the dream of peace and prosperity has been denied.

Since the Turkish invasion of the northern third of the island in 1974, the Cypriot people have endured countless violations of their human rights at the hands of foreign invaders. Following the occupation, a Turkish policy of ethnic cleansing has resulted in nearly 200,000 Greek Cypriots being evicted from their homes. The Turkish military has prevented their repatriation ever since and many Cypriots continue to live as refugees in their own nation.

Throughout the decades following that initial suspension of human rights, international organizations have sought to compel the Turkish military to return basic human rights and freedoms to the people of northern Cyprus. But despite the signing of agreements designed to reunite Cyprus under democratic government, the Turkish military has never honored their promises with positives results. To this day they still pursue the vain and unjust goal of establishing a separate, Turkish republic in the north. The Turkish military even goes so far as to violate the Geneva Convention of 1949 by its effort to bring 80,000 mainland Turks to colonize the homes and lands of Cypriots that had been ethnically cleansed in previous decades.

Although the world is rife with instances of injustice, the frequency of that injustice is no excuse for complacency. This Congress must continue to speak out against the actions of the Turkish military to subvert the existence of the free and democratic nation of Cyprus. We must support the efforts of those who would seek peace and unity over those who would promote fear and division. We, as the Congress of the United States, must note that with great power comes great obligation, and that, therefore we are obliged to speak out against the tyranny of the Turkish occupation of Cyprus. We must speak out for a peaceful and just solution to this oft overlooked international issue. To close, I would like to thank the strong Greek and Cypriot communities of Rhode Island for bringing this important issue to my attention and I hope that we will all honor their efforts through this commemoration today.

Ms. ROS-LEHTINEN. Mr. Speaker, I commend my colleagues Congressman MICHAEL BILIRAKIS and Congresswoman CAROLYN MALONEY for calling this special order and for bringing the public's attention to this sad anniversary we commemorate this week.

This Thursday, July 20th marks the 26th anniversary of the Turkish invasion and occupation of northern Cyprus. On that sad day 26 years ago, over 50,000 heavily armed troops landed in northern Cyprus.

Today 35,000 of those troops remain in Cyprus and are used, along with Turkish police forces, to harass and terrorize the Greek-Cypriots remaining in the occupied area.

Those Greek-Cypriots remaining in the Turkish occupied area are referred to as the enclaved. They are called the enclaved because when the Turkish forces invaded the island, over 200,000 Greek-Cypriots were forcibly evicted from their homes their families had lived in for centuries.

Under an international agreement signed in 1975 called the Vienna III Agreement, 20,000 Greek-Cypriots and Maronites were to be allowed to stay in the northern area called the Karpasia Peninsula and in certain Maronite villages.

That Vienna III Agreement had not been honored because of those 20,000, only 500 remain.

This is the result of a systematic campaign of harassment and intimidation and continuing massive violations of their most basic human rights and freedoms, including those guaranteed by Turkey in the 1975 Vienna III Agreement.

In a hope to bring an end to the suffering of these brave people, I filed H. Con. Res. 80 last year, which today I am happy to report has 131 cosponsors.

H. Con. Res. 80 is a modest resolution simply seeking to bring attention to and thereby end the suffering of the enclaved and urging the President of the United States to undertake efforts to end the restrictions on the freedoms and human rights of the enclaved people of Cyprus.

The violations of the enclaved people's human rights and of the agreements signed by Turkey have been documented in UN reports.

The daily life for the enclaved is far from the normal life guaranteed by the international agreements. As stated in the 1999 case Cyprus vs. Turkey before the European Court of Human Rights, taken as a whole, the daily life of the Greek Cypriot in northern Cyprus is characterized by a multitude of adverse circumstances.

These adverse circumstances include: the absence of normal communication, the unavailability in practice of the Greek Cypriot press, the insufficient number of priests, the difficult choice before which parents and school children are put regarding secondary education, the restrictions and formalities applied to freedom of movement, the impossibility to preserve property rights upon departure or death and the various other restrictions create a feeling among the persons concerned of being compelled to live in a hostile environment in which it is hardly possible to lead a normal private and family life.

If these Turkish created difficulties were not enough to get these enclaved people to abandon their traditional family homes, over 80,000 Turkish settlers from the mainland have been moved to the occupied area and are living in the homes the Greek Cypriots had to flee from, in violation of international law.

The history of this military occupation is a sad history with many disappointments. Presently, thanks to the efforts of the United Nations and others in the international community, the two sides are in their second round of negotiations.

My heart is full of hope that these talks find the breakthrough that all the previous talk did not find. But I believe that our Administration must do all it can to show the Turkish side that the settlement of this conflict is a high priority.

Moreover, that the plight of the enclaved will not be tolerated any longer and it must be known that Turkey's attitude toward the plight of the enclaved will affect the United States attitude towards Turkey.

The recent improved relations between Greece and Turkey does give us cause for hope but that is no reason to hold back our earnest desire that the Cyprus dispute be finally ended and that the island and its people no longer be divided.

I believe that this is a time for pressure on both sides but mostly the Turkish side. I hope our Administration plays its part during these negotiations. As for us here in Congress, I know we will continue to do our part to help the cause of freedom and justice for the enclaved people of Cyprus.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 45 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Glen Warner, Pastor, Second Congregational United Church of Christ, Ashtabula, Ohio, offered the following prayer:

The Lord is my light, and my salvation.

Whom then shall I fear?

The Lord is the strength of my life.

Of whom then shall I be afraid?

Faithful, Father God, Creator of all mighty galaxies and human hearts;

May our work be worship today as minds and hearts are newly formed by Your creating spirit. We do not seek to change Your mind, but to open ours.

May common sense prevail! We thank You for the brilliance and the passion of America! Forbid that we settle today for shallow sentiments of the merely secular or values faded into pale pastel shades! Forgive our diminished expectations.

Almighty God! By Your spirit save us from ourselves and the misuse of all the good and perfect gifts we have received from Your hand! And all God's people said, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO THE REV. GLEN W. WARNER

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, it is my pleasure today to welcome the Reverend Glen W. Warner as our guest chaplain today. Glen is the Pastor of the Second Congregational United Church of Christ in Ashtabula, Ohio, a post that he has held for the last 3 years.

I have had the pleasure of knowing Glen and his wife Nancy and their wonderful family for the past 6 years. Their generosity in time and spirit is well known in our community. Churches, children's services, and philanthropic causes of all stripes have benefited from Glen and Nancy's involvement. Glen was actually the Republican candidate for the seat that I have the pleasure of holding in 1982.

Glen is also blessed with an endearing sense of humor. According to a newspaper account heralding his visit here, Glen was asked what he planned to incorporate into his morning prayer with us this morning. I will quote: "Warner said he has talked to several Ashtabulans, seeking their opinion as to what he should mention in his prayer. One woman's suggestion that Warner pray for a Democratic majority obviously didn't make the cut."

Mr. Speaker, it is my pleasure to welcome Glen to the House this morning and thank him for his service.

SECURITY LEAKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our national security is serious business. The American people have a right to know that we are safeguarding our defense secrets well. But the Clinton-Gore administration has botched the job. A suspected spy was allowed access to critical secrets in Los Alamos for 17 months after FBI Director Freeh advised the administration he should be removed from classified areas.

Between November of 1997 and November of 1998, 191 supercomputers were shipped to Communist China. Only one was checked by the administration to make sure it was not being used for weapons development.

In 1996, the Loral Corporation was found by the Department of Defense to have damaged our national security by sending critical missile technologies to the Chinese, but the administration went ahead and had them keep launching missiles in China, ignoring DOD's recommendations. I might add, the CEO of this company gives $1 million a year to the Democratic National Committee.

In June we found out that hard drives containing secret nuclear data were missing for a month before even anyone noticed.

Mr. Speaker, we have a security problem in this administration. It needs to be addressed immediately.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to talk about Katherine Nevin Caner, who was taken by her noncustodial father, Mr. Muzaffer Caner, on May 15, 1998.

At the time of the abduction, Katherine was 12 years old and living with her mother, Mrs. Elizabeth Paladini. At the age of 6, Katherine had been diagnosed with a cancerous tumor that impairs the parts of the brain that control the involuntary muscles and functions such as heartbeat, breathing, and thought processes. The ailments Katherine is suffering from include brain cancer, pulmonary fibrosis, psychosis, and dementia.

Both Katherine and Mr. Caner, the abductor, are believed to be in Turkey, and an Unlawful Flight to Avoid Prosecution was issued on May 20, 1998.

Mr. Speaker, Katherine's mother has not had contact with her since her abduction 2 years ago. She has no idea if Katherine is receiving the proper medical care or how she is being treated.

This is an issue that affects 10,000 American children and their families. This House should make sure that the most sacred of bonds, that between a parent and a child, is preserved. We must bring our children home.

CONTINUED NATIONAL SECURITY CONCERNS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, one of the greatest responsibilities our government has to the American people is to protect the national security interests of our great Nation. Unfortunately, over the past year evidence has shown that the Clinton-Gore administration has maintained a lax, even negligent, national security policy with regard to China.

Get this, the administration has now permitted defense contractors and computer companies to hire hundreds of Chinese technicians to work on highly sensitive and classified military-related technologies.

Not only to me, but to the American people and to top officials in the Pentagon, it is obvious why China is sending to the U.S. their most highly educated and motivated professionals. China is continuing its efforts to obtain U.S. military secrets and technology by any means, legal or illegal. This breakdown of American national security is beyond belief and must stop.

Mr. Speaker, I yield back the administration's careless disregard for a country's most sensitive and classified technology which continues to jeopardize the U.S. national security every day.

IS THE MIDDLE EAST PEACE SUMMIT REALLY ABOUT AMERICAN DOLLARS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, leaders Barak and Arafat and President Clinton have been discussing peace in the Middle East for days. But something does not add up to me. Are they discussing peace, or dollars?

Reports now say that American taxpayers may be asked to cough up more than $40 billion to get this agreement signed. Unbelievable. What started out as a peace agreement has turned into a sort of dial for dollars lottery. What is next, Monty Hall?

Beam me up, Mr. Speaker. Dollars never have nor ever will result in a lasting peace. I yield back the fact that we already spend $20 billion every year in grants, loans, and aid in the Middle East. Think about that.

REPUBLICAN ACCOMPLISHMENTS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, when the American people talk, Congress listen. Thousands of our Nation's seniors asked for relief from rising prescription drug prices. We worked to create a bipartisan plan that is voluntary, affordable, and available to all. We passed it through the House.

When married couples came to us in droves, shocked by the fact that the Federal government taxes them at a greater rate, we did something about it. The House passed legislation earlier this year, and will pass it again tomorrow, to lessen the impact of the marriage penalty by increasing the standard deduction for married couples, expanding the 15 percent tax bracket for joint filers, and increasing the earned income tax credit.

When small business owners and family farmers from Oregon to North Carolina came to us and asked for relief from the devastating inheritance tax, we began efforts to repeal it.

Mr. Speaker, we are committed to providing relief to the American people.

GUN SAFETY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, every day the Republican leadership wastes not taking action on gun safety, 12 to 13 children die as a result of gun violence. That is 13 children gone forever. This is not a game, this is about our children's lives.

Yesterday a 13-year-old boy fired a gun in a cafeteria at his middle school in Seattle. How many more children's lives need to be jeopardized before this Congress acts?

Our children need safety locks on guns, they need effective background checks, and they need the NRA to loosen its grip on the Republican leadership. They need all of this now; not tomorrow, not next year, now.

With just 2 weeks before the August recess, I urge my Republican colleagues, stop playing politics with our children's lives. Start working on a meaningful gun legislation package. Our children's lives depend on it.

"PORKER OF THE WEEK" AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the United Nations is at it again. One of the most wasteful organizations in the world acknowledged last week that its 38,000 peacekeeping troops are spreading the AIDS virus. Its solution to the problem is not to restrict them to the base or discipline inappropriate behavior, or something that actually might work. No, their solution is to distribute one free condom per day to each troop, courtesy of the American taxpayer.

The United States contributes 25 percent to the U.N. peacekeeping budget. The money is supposed to be for troops, equipment, and peacekeeping efforts. Yet, the U.N. spends a portion of the money on condoms. Is this part of the U.N. uniform: A helmet, flak jacket, canteen, rifle, and condom?

Give me a break. By my estimate, each condom costs approximately 20 cents. Multiply this by 38,000 troops per day and we are talking about an annual condom fund of $2.7 million. What makes them think that troops engaging in irresponsible behavior are responsible enough to use the condoms? The U.N. peacekeepers are supposed to protect, not infect. The U.N. gets my "porker of the week" award.

☐ 1015

MARRIAGE PENALTY

Mr. Speaker, we are considering another tax cutting scheme aimed at benefiting only the wealthiest Americans and does little to help the working families in my district. The scheme we are looking at now will benefit 5 percent of the wealthiest Americans with 60 percent of the tax cuts.

The Republican plan is fiscally irresponsible that could lead to higher interest rates and force huge deficits or tax increases on our children and our grandchildren.

Everybody wants a tax cut. I would like to see it particularly around April 15. The difference between the two parties is Democrats, we want to save the money enough to build our national defense, save Social Security, modernize Medicare, and pay down the national debt instead of ignoring these issues until they become a crisis, giving a tax cut now and make it a crisis later.

I met with so many of my constituents in the last few months, and they recognize our number one priority is to safeguard our own country, protect Social Security, and provide for prescription drugs for our seniors.

The failure to address these issues today will make them be paid for tomorrow. As Democrats, we want to make sure we do that and still have the tax cut.

OUTRAGEOUS GAS PRICES A RESULT OF CLINTON-GORE ADMINISTRATION

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the outrageous gas prices that plague this Nation are a direct result of failed energy policies by the Clinton-Gore administration.

High gas prices have devastated Americans from every walk of life, from our seniors on fixed incomes who are struggling to pay for the rising cost of home heating oil, to our families, farmers, and those who rely on transportation to survive.

The jump in prices do not just affect individual family budgets, but also impact the districts across the country that rely on tourism dollars, especially during these popular summer months.

Mr. Speaker, the Clinton-Gore administration has refused to take actions while Americans everywhere have been left to suffer. If this trend continues and gas prices remain high, our economy will certainly feel the impact. This may not be the legacy that President Clinton had in mind.

INCREASING LIMITS ON RETIREMENT ACCOUNTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, when I was 21 years old and flying combat in Korea, I thought I was bulletproof. I never gave one thought about being 65 years old and worrying about retirement. But young and middle-aged workers need to start today to prepare for the future.

This week, the House is going to vote on legislation to increase the annual amount Americans can save in their individual retirement accounts from $2,000 to $5,000.

IRAs provide one of the best incentives for Americans to save for their retirement security. It has been nearly 20 years since this $2,000 limit was set, and it is way past the time to increase it.

This bill also increases the amount Americans can put into their 401(K) accounts and allow Americans to keep their retirement accounts if they choose to switch. Republicans have worked hard to tear down all the barriers through traditional American values, like family, hard work and savings.

This bill goes a long way to make sure that every American has security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

UNSOLICITED COMMERCIAL ELECTRONIC MAIL ACT OF 2000

Mrs. WILSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3113) to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail, as amended.

The Clerk read as follows:

H.R. 3113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unsolicited Commercial Electronic Mail Act of 2000".

SEC. 2. CONGRESSIONAL FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) There is a right of free speech on the Internet.

(2) The Internet has increasingly become a critical mode of global communication and now presents unprecedented opportunities for the development and growth of global commerce and an integrated worldwide economy. In order for global commerce on the Internet to reach its full potential, individuals and entities using the Internet and other online services should be prevented from engaging in activities that prevent other users and Internet service providers from having a reasonably predictable, efficient, and economical online experience.

(3) Unsolicited commercial electronic mail can be an important mechanism through which businesses advertise and attract customers in the online environment.

(4) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(5) Unsolicited commercial electronic mail may impose significant monetary costs on Internet access services, businesses, and educational and nonprofit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle without further investment. The sending of such mail is increasingly and negatively affecting the quality of service provided to customers of Internet access service, and shifting costs from the sender of the advertisement to the Internet access service.

(6) While some senders of unsolicited commercial electronic mail messages provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of unsolicited commercial electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

(7) An increasing number of senders of unsolicited commercial electronic mail purposefully disguise the source of such mail so as to prevent recipients from responding to such mail quickly and easily.

(8) Many senders of unsolicited commercial electronic mail collect or harvest electronic mail addresses of potential recipients without the knowledge of those recipients and in violation of the rules or terms of service of the database from which such addresses are collected.

(9) Because recipients of unsolicited commercial electronic mail are unable to avoid the receipt of such mail through reasonable means, such mail may invade the privacy of recipients.

(10) In legislating against certain abuses on the Internet, Congress should be very careful to avoid infringing in any way upon constitutionally protected rights, including the rights of assembly, free speech, and privacy.

(b) Congressional Determination of Public Policy.—On the basis of the findings in subsection (a), the Congress determines that—

(1) there is substantial government interest in regulation of unsolicited commercial electronic mail;

(2) Internet service providers should not be compelled to bear the costs of unsolicited commercial electronic mail without compensation from the sender; and

(3) recipients of unsolicited commercial electronic mail have a right to decline to receive or have their children receive unsolicited commercial electronic mail.

SEC. 3. DEFINITIONS.

In this Act:

(1) Children.—The term "children" includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the parent, who have not attained the age of 18 and who reside with the parent or are under his or her care, custody, or supervision.

(2) Commercial electronic mail message.—The term "commercial electronic mail message" means any electronic mail message that primarily advertises or promotes the commercial availability of a product or service for profit or invites the recipient to view content on an Internet web site that is operated for a commercial purpose. An electronic mail message shall not be considered to be a commercial electronic mail message solely because such message includes a reference to a commercial entity that serves to identify the initiator.

(3) Commission.—The term "Commission" means the Federal Trade Commission.

(4) Domain name.—The term 'domain name' means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(5) Electronic mail address.—

(A) In general.—The term "electronic mail address" means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered.

(B) Inclusion.—In the case of the Internet, the term "electronic mail address" may include an electronic mail address consisting of a user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part").

(6) Internet.—The term "Internet" has the meaning given that term in section 231(e)(3) of the Communications Act of 1934 (47 U.S.C. 231(e)(3)).

(7) Internet access service.—The term "Internet access service" has the meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

(8) Initiate.—The term "initiate", when used with respect to a commercial electronic mail message, means to originate such message or to procure the transmission of such message.

(9) Initiator.—The term "initiator", when used with respect to a commercial electronic mail message, means the person who initiates such message. Such term does not include a provider of an Internet access service whose role with respect to the message is limited to handling, transmitting, retransmitting, or relaying the message.

(10) Pre-existing business relationship.—The term "pre-existing business relationship" means, when used with respect to the initiator and recipient of a commercial electronic mail message, that either of the following circumstances exist:

(A) Previous business transaction.—

(i) Within the 5-year period ending upon receipt of such message, there has been a business transaction between the initiator and the recipient (including a transaction involving the provision, free of charge, of information requested by the recipient, of goods, or of services); and

(ii) the recipient was, at the time of such transaction or thereafter, provided a clear and conspicuous notice of an opportunity not to receive further messages from the initiator and has not exercised such opportunity.

(B) Opt in.—The recipient has given the initiator permission to initiate commercial electronic mail messages to the electronic mail address of the recipient and has not subsequently revoked such permission.

(11) Recipient.—The term "recipient", when used with respect to a commercial electronic mail message, means the addressee of such message.

(12) Unsolicited commercial electronic mail message.—The term "unsolicited commercial electronic mail message" means any commercial electronic mail message that is sent by the initiator to a recipient with whom the initiator does not have a pre-existing business relationship.

SEC. 4. CRIMINAL PENALTY FOR UNSOLICITED COMMERCIAL ELECTRONIC MAIL CONTAINING FRAUDULENT ROUTING INFORMATION.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by inserting "or" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(D) intentionally initiates the transmission of any unsolicited commercial electronic mail message to a protected computer in the United States with knowledge that any domain name, header information, date or time stamp, originating electronic mail address, or other information identifying the initiator or the routing of such message, that is contained in or accompanies such message, is false or inaccurate;";

(2) in subsection (c)(2)(A)—

(A) by inserting "(i)" after "in the case of"; and

(B) by inserting before "; and" the following: ", or (ii) an offense under subsection (a)(5)(D) of this section"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

"(10) the terms 'initiate', 'initiator', 'unsolicited commercial electronic mail message', and 'domain name' have the meanings given such terms in section 3 of the Unsolicited Commercial Electronic Mail Act of 2000.".

SEC. 5. OTHER PROTECTIONS AGAINST UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) Requirements for Transmission of Messages.—

(1) Inclusion of return address in commercial electronic mail.—It shall be unlawful for any person to initiate the transmission of a commercial electronic mail message to any person within the United States unless such message contains a valid electronic mail address, conspicuously displayed, to which a recipient may send a reply to the initiator to indicate a desire not to receive any further messages.

(2) Prohibition of transmission of unsolicited commercial electronic mail after objection.—If a recipient makes a request to a person to be removed from all distribution lists under the control of such person, it shall be unlawful for such person to initiate the transmission of an unsolicited commercial electronic mail message to such a recipient within the United States after the expiration, after receipt of such request, of a reasonable period of time for removal from such lists. Such a request shall be deemed to terminate a pre-existing business relationship for purposes of determining whether subsequent messages are unsolicited commercial electronic mail messages.

(3) Inclusion of identifier and opt-out in unsolicited commercial electronic mail.—It shall be unlawful for any person to initiate the transmission of any unsolicited commercial electronic mail message to any person within the United States unless the message provides, in a manner that is clear and conspicuous to the recipient—

(A) identification that the message is an unsolicited commercial electronic mail message; and

(B) notice of the opportunity under paragraph (2) not to receive further unsolicited commercial electronic mail messages from the initiator.

(b) Enforcement of Policies by Internet Access Service Providers.—

(1) Prohibition of transmissions in violation of posted policy.—It shall be unlawful for any person to initiate the transmission of an unsolicited commercial electronic mail message to any person within the United States in violation of a policy governing the use of the equipment of a provider of Internet access service for transmission of unsolicited commercial electronic mail messages that meets the requirements of paragraph (2).

(2) Requirements for enforceability.—The requirements under this paragraph for a policy regarding unsolicited commercial electronic mail messages are as follows:

(A) Clarity.—The policy shall explicitly provide that compliance with a rule or set of rules is a condition of use of the equipment of a provider of Internet access service to deliver commercial electronic mail messages.

(B) Publicly availability.—The policy shall be publicly available by at least one of the following methods:

(i) Web posting.—The policy is clearly and conspicuously posted on a World Wide Web site of the provider of Internet access service, which has an Internet domain name that is identical to the Internet domain name of the electronic mail address to which the rule or set of rules applies.

(ii) Notification in compliance with technological standard.—Such policy is made publicly available by the provider of Internet access service in accordance with a technological standard adopted by an appropriate Internet standards setting body (such as the Internet Engineering Task Force) and recognized by the Commission by rule as a fair standard.

(C) INTERNAL OPT-OUT LIST.—If the policy of a provider of Internet access service requires compensation specifically for the transmission of unsolicited commercial electronic mail messages into its system, the provider shall provide an option to its subscribers not to receive any unsolicited commercial electronic mail messages, except that such option is not required for any subscriber who has agreed to receive unsolicited commercial electronic mail messages in exchange for discounted or free Internet access service.

(3) OTHER ENFORCEMENT.—Nothing in this Act shall be construed to prevent or limit, in any way, a provider of Internet access service from enforcing, pursuant to any remedy available under any other provision of Federal, State, or local criminal or civil law, a policy regarding unsolicited commercial electronic mail messages.

(c) PROTECTION OF INTERNET ACCESS SERVICE PROVIDERS.—

(1) GOOD FAITH EFFORTS TO BLOCK TRANSMISSIONS.—A provider of Internet access service shall not be liable, under any Federal, State, or local civil or criminal law, for any action it takes in good faith to block the transmission or receipt of unsolicited commercial electronic mail messages.

(2) INNOCENT RETRANSMISSION.—A provider of Internet access service the facilities of which are used only to handle, transmit, retransmit, or relay an unsolicited commercial electronic mail message transmitted in violation of subsection (a) shall not be liable for any harm resulting from the transmission or receipt of such message unless such provider permits the transmission or retransmission of such message with actual knowledge that the transmission is prohibited by subsection (a) or subsection (b)(1).

SEC. 6. ENFORCEMENT.

(a) GOVERNMENTAL ORDER.—

(1) NOTIFICATION OF ALLEGED VIOLATION.—The Commission shall send a notification of alleged violation to any person who violates section 5 if—

(A) a recipient or a provider of Internet access service notifies the Commission, in such form and manner as the Commission shall determine, that a transmission has been received in violation of section 5; or

(B) the Commission has other reason to believe that such person has violated or is violating section 5.

(2) TERMS OF NOTIFICATION.—A notification of alleged violation shall—

(A) identify the violation for which the notification was issued;

(B) direct the initiator to refrain from further violations of section 5;

(C) expressly prohibit the initiator (and the agents or assigns of the initiator) from further initiating unsolicited commercial electronic mail messages in violation of section 5 to the designated recipients or providers of Internet access service, effective on the 3rd day (excluding Saturdays, Sundays, and legal public holidays) after receipt of the notification; and

(D) direct the initiator (and the agents or assigns of the initiator) to delete immediately the names and electronic mail addresses of the designated recipients or providers from all mailing lists owned or controlled by the initiator (or such agents or assigns) and prohibit the initiator (and such agents or assigns) from the sale, lease, exchange, license, or other transaction involving mailing lists bearing the names and electronic mail addresses of the designated recipients or providers.

(3) COVERAGE OF MINOR CHILDREN BY NOTIFICATION.—Upon request of a recipient of an electronic mail message transmitted in violation of section 5, the Commission shall include in the notification of alleged violation the names and electronic mail addresses of any child of the recipient.

(4) ENFORCEMENT OF NOTIFICATION TERMS.—

(A) COMPLAINT.—If the Commission believes that the initiator (or the agents or assigns of the initiator) has failed to comply with the terms of a notification issued under this subsection, the Commission shall serve upon the initiator (or such agents or assigns), by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Commission within 15 days after the date of such service.

(B) HEARING AND ORDER.—If the Commission, after an opportunity for a hearing on the record, determines that the person upon whom the complaint was served violated the terms of the notification, the Commission shall issue an order directing that person to comply with the terms of the notification.

(C) PRESUMPTION.—For purposes of a determination under subparagraph (B), receipt of any transmission in violation of a notification of alleged violation 30 days (excluding Saturdays, Sundays, and legal public holidays) or more after the effective date of the notification shall create a rebuttable presumption that such transmission was sent after such effective date.

(5) ENFORCEMENT BY COURT ORDER.—Any district court of the United States within the jurisdiction of which any transmission is sent or received in violation of a notification given under this subsection shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notification. Failure to observe such order may be punishable by the court as contempt thereof.

(b) PRIVATE RIGHT OF ACTION.—

(1) ACTIONS AUTHORIZED.—A recipient or a provider of Internet access service may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State, or may bring in an appropriate Federal court if such laws or rules do not so permit, either or both of the following actions:

(A) An action based on a violation of section 5 to enjoin such violation.

(B) An action to recover for actual monetary loss from such a violation in an amount equal to the greatest of—

(i) the amount of such actual monetary loss; or

(ii) $500 for each such violation, not to exceed a total of $50,000.

(2) ADDITIONAL REMEDIES.—If the court finds that the defendant willfully, knowingly, or repeatedly violated section 5, the court may, in its discretion, increase the amount of the award to an amount equal to not more than three times the amount available under paragraph (1).

(3) ATTORNEY FEES.—In any such action, the court may, in its discretion, require an undertaking for the payment of the costs of such action, and assess reasonable costs, including reasonable attorneys' fees, against any party.

(4) PROTECTION OF TRADE SECRETS.—At the request of any party to an action brought pursuant to this subsection or any other participant in such an action, the court may, in its discretion, issue protective orders and conduct legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program, and computer software involved in order to prevent possible recurrence of the same or a similar act by another person and to protect any trade secrets of any such party or participant.

SEC. 7. EFFECT ON OTHER LAWS.

(a) FEDERAL LAW.—Nothing in this Act shall be construed to impair the enforcement of section 223 or 231 of the Communications Act of 1934, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

(b) STATE LAW.—No State or local government may impose any civil liability for commercial activities or actions in interstate or foreign commerce in connection with an activity or action described in section 5 of this Act that is inconsistent with the treatment of such activities or actions under this Act, except that this Act shall not preempt any civil remedy under State trespass or contract law or under any provision of Federal, State, or local criminal law or any civil remedy available under such law that relates to acts of computer fraud or abuse arising from the unauthorized transmission of unsolicited commercial electronic mail messages.

SEC. 8. STUDY OF EFFECTS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission shall submit a report to the Congress that provides a detailed analysis of the effectiveness and enforcement of the provisions of this Act and the need (if any) for the Congress to modify such provisions.

SEC. 9 SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

SEC. 10. EFFECTIVE DATE.

The provisions of this Act shall take effect 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

GENERAL LEAVE

Mrs. WILSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3113, and to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Mrs. WILSON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the bill that we have before us incorporates the text of H.R. 3113, which is sponsored by myself and the gentleman from Texas (Mr. GREEN) and which passed the Committee on

Commerce. It also incorporates language from H.R. 1686, the bill of the gentleman from Virginia (Mr. GOODLATTE), which creates misdemeanor criminal penalties for fraudulent e-mail schemes. It also makes some technical and conforming changes to the committee bill.

There are a lot of thanks that are due for this bill. I would like to thank the gentleman from Virginia (Chairman BLILEY) from the Committee on Commerce and the gentleman from Illinois (Chairman HYDE) from the Committee on the Judiciary; the gentleman from Michigan (Mr. DINGELL), ranking member from Committee on Commerce; the gentleman from Florida (Chairman MCCOLLUM) from the Subcommittee on Crime; as well as the gentleman from Louisiana (Chairman TAUZIN) from the Subcommittee on Telecommunications, Trade and Consumer Protection; and, of course, the gentleman from Texas (Mr. GREEN); and the gentleman from California (Mr. GARY MILLER) who have worked very hard on this bill.

There are a number of staff members who also have worked hard, and they often do not get much credit around here, so I would like to thank them: Justin Lilley from the office of the gentleman from Virginia (Chairman BLILEY); Andy Levin from the office of Mr. DINGELL; Teddy Jones with the gentleman from Louisiana (Mr. TAUZIN); John Dudas with the gentleman from Illinois (Mr. HYDE); Patrick Woehrle, who works with the gentleman from Texas (Mr. GREEN); Ben Cline from the office of the gentleman from Virginia (Mr. GOODLATTE); Steve Cope, the Legislative Counsel; Paul Callen, the Legislative Counsel; Cliff Riccio; and, of course, my staff member, Luke Rose.

The Internet community in New Mexico also deserves a lot of thanks in teaching me about this problem. But I want to talk a little bit about the problem. The most annoying thing about the Internet is junk e-mail. But it goes beyond just annoying. It also causes tremendous cost to Internet service providers.

Steven Fox is a CEO of a little company in Albuquerque called Associated Information Services. He has 2,000 clients. This is a mom-and-pop Internet service provider. They get about 4,000 e-mails a day generally. But he has been fighting to keep his servers from crashing because they were under a spam attack, getting 400,000 to 2 million e-mails a day, clogging up their computers.

The estimates are that junk e-mail costs the Internet service provider companies $1 billion a year and a whole lot of hassle. But it goes beyond just the hassle and the cost. Three out of every 10 junk e-mails is pornographic.

I first became aware of this problem shortly after I was elected when I started getting junk e-mail. The first one had a subject line that said "What your Federal Government does not want you to know." Thinking that this is from one of my constituents who is telling me about yet another failure of the Federal Government, I opened it and found myself in an X-rated e-mail Web site. Well, I guess maybe my Federal Government does not want me to know what naked women look like. That is what I concluded from that.

But I also concluded that that is something that I did not want my children to see if they got an e-mail that said "new toys on the market". That is the problem.

As I found out, as a consumer, one has no right to say do not send me any more of this. It is very likely that the return e-mail address is not accurate anyway; and that, as soon as one replies to it, it validates one's e-mail address, and they sell it to somebody else.

This bill requires a valid return address on unsolicited commercial e-mail. It allows Internet service providers to set and enforce policies including having spam-free Internet service providers. It requires that unsolicited commercial e-mail be labeled, and it requires that people who send unsolicited commercial e-mail respect a consumer's request to be taken off the list.

There is a right of free speech in this country, including commercial free speech on the Internet, but there is no right to force us to listen or to force us to pay the cost of junk e-mail. That is what this bill will take care of.

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3113, the Unsolicited Electronic Mail Act.

As one of the principal authors of the legislation, along with the gentlewoman from New Mexico (Mrs. WILSON), I am very pleased that the House of Representatives will act on this important piece of Internet legislation today.

Over the last decade, Americans have witnessed the development of the Internet and the many associated applications that now make our daily lives easier and more efficient. However, this movement to cyberspace has not occurred without problems.

As more and more people move online, their need for privacy and data management becomes paramount. Just as the Internet provides a personalized window looking out to work and shop through, it can be used by strangers to look into our personal habits and information.

H.R. 3113 will be the first line of defense against people trying to look into our private lives. The legislation's primary function is to stop individuals and companies from forcing unwanted e-mail messages on to our computers.

Typically, these messages are advertisements for anything from dog food to pornography and, in many cases, come in disguised formats that make the consumer believe the message contains innocent information, as the gentlewoman from New Mexico (Mrs. WILSON) mentioned.

It is only after these messages are delivered and opened that the consumer realizes they have just received a junk e-mail or better known as spam.

Because the Internet provides a low-cost method of advertising, many advertisers tap this technology to send millions of unwanted messages to consumers through the Internet service providers, the ISP.

While these messages may cost the sender almost nothing to initiate, the ISP and the consumer both lose time and money carrying and deleting these messages.

H.R. 3113 limits the ability of spammers to force their messages by forcing spammers to have a clear and conspicuous label on their messages so consumer and ISPs have an easier time identifying and deleting these messages; making sure spammers send clear and accurate router and return address information on their messages so consumers can respond to their message to opt out of future advertisements; providing consumers with the option to opt out reinforced by the ability to seek civil damages for any future violation. Once a consumer requests that their name be taken off whatever list a spammer is using, any further spam messages could result in court action. Allowing ISPs and consumers to initiate civil actions to seek damages from spammers is our last effort.

Taken as a whole, all these provisions empower consumers and our ISPs with the ability to protect both their privacy and their resources.

One point I want to make very clear is spam is not free. Millions of spam messages dumped into an ISP can degrade the system speeds while the servers and routers try to deliver this mail, and consumers waste, must waste time and energy deleting these messages from their computer.

For those Members that may be concerned with the legislation's impact on the first amendment to the bill, it deals only with unsolicited commercial e-mail. This bill would not have any effect on nonprofit fund-raising or any other type of e-mail communications that is not commercially related.

Mr. Speaker, since the problem spam was brought to my attention several years ago in a town hall meeting in my own district, I made it a priority to try and correct the problem we have with the Internet and return it back to my constituents.

H.R. 3113 is a tool that can now be used to filter and stop unwanted intrusions in our home and offices.

Mr. Speaker, I would like to join the gentlewoman from New Mexico (Mrs. WILSON) in thanking many of the members and the staff particularly for their work on this. I would like to thank the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), our ranking member, for all of their support in getting this legislation passed out of the full Committee on Commerce by unanimous consent.

This is an important piece of legislation. I urge my colleagues to vote in favor of stopping Internet spam.

Mr. Speaker, I reserve the balance of my time.

Mrs. WILSON. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection.

Mr. TAUZIN. Mr. Speaker, I rise in support of H.R. 3113, a bill which, for the first time, puts in place meaningful consumer protections against the receipt of spam or unsolicited commercial e-mail.

It is important, first of all, to recognize this is a truly bipartisan effort, 100 percent of the way, 100 percent of the time.

Back in November of last year, the gentlewoman from New Mexico (Mrs. WILSON), who I want to congratulate today, and as flowery a term as I can possibly imagine, she has done Herculean work to bring this to the floor. The gentleman from Texas (Mr. GREEN), like the gentlewoman from New Mexico, has worked so hard in putting together the final compromises.

The gentleman from California (GARY MILLER) who came to us earlier and asked for our consideration of his measure which has now played a significant role in the final version of this bill, along, of course, with the gentleman from Virginia (Mr. BLILEY), chairman, and the gentleman from Michigan (Mr. DINGELL), ranking member, of our committee, who have done such a good job to bring this to the floor today.

We reported the bill out of subcommittee by unanimous vote, and the same thing happened in full committee, all in voice votes, indicating strong support for this bill.

It addresses the substantive concerns of the Committee on the Judiciary as well, by the way. It makes the appropriate adjustments to title XVIII, which was proposed by the gentleman from Virginia (Mr. GOODLATTE), which criminalizes certain egregious spamming activities that will not necessarily be deterred by civil penalties.

□ 1030

In effect, this consensus legislation will protect consumers without infringing upon constitutionally protected commercial speech. It does so by providing consumers layers of protection that, on an aggregate basis, empower the consumers to rid themselves of spam without imposing an outright ban on unsolicited electronic mail.

First, consumers will have a choice in the marketplace between the ISPs who accept spam and those who do not. Second, if a consumer subscribes to an ISP that does accept spam for dissemination, that consumer will have the right to be placed on an op-out list administered by the ISP so spam will not be received. And, third, where a consumer not wishing still happens to receive spam, the bill requires that all spam messages contain a valid electronic mail address to which the recipient can send a reply saying no further messages.

Mr. Speaker, this is good legislation; I urge its adoption on the House floor.

Mrs. WILSON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARY MILLER), who was not only a leader in pulling this legislation together here in the House but also in California before he was elected, and I would also like to personally thank him for his assistance.

Mr. GARY MILLER of California. Mr. Speaker, it does not cost any more money to send a million e-mails than it does to send one, and that has created a skewed incentive that is harming the Internet with spam.

This is a very important issue to me. I really want to thank the gentlewoman from New Mexico (Mrs. WILSON). She has been a joy to work with, and also the gentleman from Texas (Mr. GREEN) on the Democratic side. But the gentleman from Louisiana (Mr. TAUZIN), his input has been invaluable and his commitment to getting this bill to the floor has caused this bill to be heard today.

I originally became involved in this issue 4 years ago when a constituent of mine was harmed by spam. The e-mail address for his computer business was used as a false return address for spam. His business basically was shut down for days because hundreds of thousands of responses came back and, basically, also sent from expired addresses.

This is simply an issue of unfair cost shifting. More than 90 percent of Internet users receive spam at least weekly. Thirty percent of America Online traffic is spam. For SBC communications, 35 percent of all their e-mail traffic is spam. Out of the 2 million spam messages collected by the spam Recycle Center, over 30 percent was pornography. Many parents are tired of their children pulling up e-mail messages saying "sorry I missed you," just to find out it is a pornographic response to something. Thirty percent of the get-rich schemes come through spam also, many of which target senior citizens. Much of the rest of these solicitations include selling information on how to become a spammer, gambling, or weight loss.

Advertisers are shifting their costs on to our constituents, and that is why we need to give Internet service providers and individuals the tools to protect themselves.

When I became a California State assemblyman, my legislation to allow Internet service providers to protect themselves from spammers became law. Internet service providers have been enforcing this anti-spam policy in court in California; and in most cases, they settle out of court and spammers stop spamming individuals.

Federal legislation is necessary. The part of this legislation that I have worked most hard on says Internet service providers can have a policy regarding spam; they can have it conspicuously posted on their policy; and they can enforce that policy in court and collect damages from spammers, $500 per message, capped at $25,000 per day. This forces a spammer to gain permission from the ISP or the individual recipient before the advertiser trespasses on someone's computer equipment.

It is the responsibility of Congress to stop unfair cost shifting that harms our constituents. We did it with faxes, and the problem is even more urgent with e-mail. By allowing ISPs and individuals to control spam, we will take away the ability of fly-by-night advertisers from sending something we do not want in our homes and then forcing us to pay for it. That is the ultimate insult, and it needs to be corrected. It is as bad as having somebody bill us for the junk mail we receive at home at the end of each month.

This legislation is a market-based consumer protection solution to a skewed incentive on the Internet. I urge all my colleagues to support Internet consumers, Internet service providers and e-commerce by supporting this legislation.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Internet spam will never go away. However, by passing this legislation we will be taking the first steps towards limiting its impact on the overwhelmed e-mail users everywhere.

It is my hope, as the provisions of this legislation begin to take effect, that private industry will continue to develop better and more effective software to combat spam. Our ultimate goal is to intercept and delete spam before it ever reaches the consumer's mailbox, if that is the consumer's decision. If it does make it to the recipient, then filtering software on our personal computers can take care of it.

This bill, though, will not affect those consumers who wish to receive commercial solicitations over the

Internet. For those of us who are tired of opening innocent looking e-mails only to find an advertisement for a porn site, this legislation will hopefully curb those unwanted and objectionable messages.

Mr. Speaker, I again thank my colleague, the gentlewoman from New Mexico (Mrs. WILSON), for her efforts on this legislation; and I hope the other body will act quickly to pass this important consumer protection measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. WILSON. Mr. Speaker, I yield myself such time as I may consume.

The creation and the growth of the Internet has been one of the most important developments of the second half of the 20th century. It started out as an academic research tool in the 1960s, then moved to the defense world. The Internet today has become the global communications, information, entertainment and commercial medium. All of us want to see electronic commerce flourish, and the Committee on Commerce particularly is focused on making sure that interstate and international commerce remains as free and as open as possible.

In 1996, consumers spent just $2.6 billion in on-line transactions compared to more than $50 billion in 1999. That explosive growth will continue. But there are some things about the new medium which create problems for consumers: when someone tries to commit fraud over the Internet; when someone tries to shift costs from the person making and selling a product to those who are carrying the e-mail; and, of course, the right of consumers to say there are some things that I just do not want to have in my in-box.

The reality is, with regular mail, we have rights under Federal law to say I do not want any more of that sent to my mailbox at the end of my road. But we do not have that right with Internet communications and with e-mail. This bill will give us that right, as consumers and as parents, to say there are some things I do not want to see in my in-box.

I am very pleased that we were able to accomplish it. I thank the gentleman from Texas for his cooperation and his help, and the gentleman from California, as well as all of the members of the subcommittee and of the Committee on the Judiciary.

Mr. DINGELL. Mr. Speaker, I rise in support of this very important consumer protection measure. My congratulations go to Representatives GREEN and WILSON, who together have crafted a solution to this insidious problem on the Internet known as "spam."

Spam, or unsolicited commercial e-mail, is no longer a mere nuisance to the 40 million Americans who use the Internet. It has rapidly become an abusive practice whereby innocent users are bombarded with commercial messages over which they have no control.

Worse, the content of these messages is often pornographic. So-called "teaser" images often appear out of nowhere, inviting the recipient to visit one adult site on the Web or another. For many people, especially families who share a computer, these spam messages are more than an intrusion, they are a personal assault.

Spam also imposes real economic costs on Internet users. Many consumers, particularly in rural areas, pay long distance charges when connecting to the Internet. The time spent downloading these unwanted messages translates into real dollars and cents paid by the consumer. And, of course, the slower the Internet connection, the greater the tab.

The consumer also pays for spam through higher costs incurred by Internet Service Providers, or "ISPs." The exponential growth in spam leaves ISPs with no choice but to expand their server capacity to accommodate the heavier traffic. These investments pose a significant, but unavoidable, burden on ISPs that many must pass along to consumers.

H.R. 3113 is a common-sense approach that will go far to putting an end to this practice. First, it permits an ISP to legally enforce its own policy with regard to whether it will accept spam or not. This protects ISPs and consumers alike. Second, it allows consumers to opt-out of receiving spam from individual senders. And finally, it empowers consumers to "just say no" to receiving future messages from a particular company when he or she has had enough.

Mr. Speaker, again I want to commend my colleagues for their diligent efforts.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 3113, The Unsolicited E-Mail Act.

The problem of junk e-mail is reaching epidemic proportions. I've received hundreds of calls and letters from constituents in my congressional district pleading with me to do something about the spam that plagues their computers.

In Silicon Valley, where e-mail is often the communication medium of choice, deleting unwanted messages has posed a significant time and financial burden.

More importantly, the proliferation of unwanted e-mail messages has raised real privacy concerns.

In 1991, Congress passed the Telephone Consumer Protection Act to restrict the use of automated, prerecorded telephone calls and unsolicited commercial faxes on the grounds that they were a nuisance and an invasion of privacy. Shouldn't we provide the same level of protection for e-mail?

Unwanted e-mail also poses a significant burden on the Internet infrastructure and on companies providing Internet access services. Unwanted and unwelcome data have flooded ISPs, considerably increasing their costs for network bandwidth, processing e-mail, and staff time.

H.R. 3113 offers a balanced and effective approach to the junk e-mail problem by ensuring that providers and consumers control their own mailboxes, and still allowing businesses to market by e-mail to the millions of consumers who desire it.

I urge my colleagues to support this thoughtful bill.

Mrs. WILSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentlewoman from New Mexico (Mrs. WILSON) that the House suspend the rules and pass the bill, H.R. 3313, as amended.

The question was taken.

Mrs. WILSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DRUG ADDICTION TREATMENT ACT OF 2000

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2634) to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment, as amended.

The Clerk read as follows:

H.R. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Addiction Treatment Act of 2000".

SEC. 2. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(1)" after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense"; and

(5) by adding at the end the following paragraph:

"(2)(A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing), by a practitioner who is a qualifying physician as defined in subparagraph (G), of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, the physician submit to the Secretary a notification of the intent of the physician to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the physician:

"(i) The physician is a qualifying physician as defined in subparagraph (G).

"(ii) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

"(iii) In any case in which the physician is not in a group practice, the total number of such patients of the physician at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number.

"(iv) In any case in which the physician is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

"(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

"(i) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

"(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

"(D)(i) A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

"(I) The notification under subparagraph (B) is in writing and states the name of the physician.

"(II) The notification identifies the registration issued for the physician pursuant to subsection (f).

"(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

"(ii) The Secretary shall provide to the Attorney General all information contained in such notifications.

"(iii) Upon receiving information regarding a physician under clause (ii), the Attorney General shall assign the physician involved an identification number under this paragraph for inclusion with the registration issued for the physician pursuant to subsection (f). The identification number so assigned clause shall be appropriate to preserve the confidentiality of patients for whom the physician dispenses narcotic drugs under a waiver under subparagraph (A).

"(E)(i) If a physician is not registered under paragraph (1) and, in violation of the conditions specified in subparagraphs (B) through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

"(ii)(I) A physician who in good faith submits a notification under subparagraph (B) and reasonably believes that the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary.

"(II) For purposes of subclause (I), the publication in the Federal Register of an adverse determination by the Secretary pursuant to subparagraph (C)(ii) shall (with respect to the narcotic drug or combination involved) be considered to be a notification provided by the Secretary to physicians, effective upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

"(F)(i) With respect to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a physician may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

"(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

"(G) For purposes of this paragraph:

"(i) The term 'group practice' has the meaning given such term in section 1877(h)(4) of the Social Security Act.

"(ii) The term 'qualifying physician' means a physician who is licensed under State law and who meets one or more of the following conditions:

"(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

"(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

"(III) The physician holds a subspecialty board certification in addiction medicine from the American Osteopathic Association.

"(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

"(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

"(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

"(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients. Any criteria of the Secretary under this subclause shall be established by regulation. Any such criteria are effective only for three years after the date on which the criteria are promulgated, but may be extended for such additional discrete 3-year periods as the Secretary considers appropriate for purposes of this subclause. Such an extension of criteria may only be effectuated through a statement published in the Federal Register by the Secretary during the 30-day period preceding the end of the 3-year period involved.

"(H)(i) In consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary may issue regulations (through notice and comment rulemaking) or issue practice guidelines to address the following:

"(I) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

"(II) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

"(ii) Not later than 120 days after the date of the enactment of the Drug Addiction Treatment Act of 2000, the Secretary shall issue a treatment improvement protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

"(I) During the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, a State may not preclude a qualifying physician from dispensing or prescribing drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance of detoxification treatment in accordance with this paragraph unless, before the expiration of that 3-year period, the State enacts a law prohibiting a physician from dispensing such drugs or combinations of drug.

"(J)(i) This paragraph takes effect on the date of the enactment of the Drug Addiction Treatment Act of 2000, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

"(ii) For purposes relating to clause (iii), the Secretary and the Attorney General may, during the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, make determinations in accordance with the following:

"(I) The Secretary may make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings; may make a determination of whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and may make a determination of whether such waivers have adverse consequences for the public health.

"(II) The Attorney General may make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a qualifying physician may provide treatment; may make a determination of whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V or combinations of such drugs are being dispensed or possessed in violation of this Act; and may make a determination of whether such waivers have adverse consequences for the public health.

"(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall in making any such decision consult with the Attorney General, and shall in publishing the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall in making any such decision consult with the Secretary, and shall in publishing the decision in the Federal Register include any comments received from the Secretary for inclusion in the publication.".

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter after and below paragraph (5), by striking "section 303(g)" each place such term appears and inserting "section 303(g)(1)"; and

(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

SEC. 3. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS REGARDING DEPARTMENT OF HEALTH AND HUMAN SERVICES.

For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by section 2, there are authorized to be appropriated, in addition to other authorizations of appropriations that are available for such purpose, such sums as may be necessary for fiscal year 2000 and each subsequent fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2634, the Drug Addiction Treatment Act, a bill I introduced with my colleague from Texas, the gentleman from Texas (Mr. GREEN).

I also would like to acknowledge the other early cosponsors of this bill: the gentleman from Ohio (Mr. OXLEY), the gentleman from Virginia (Mr. BOUCHER), the gentleman from California (Mr. COX), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from North Carolina (Mr. COBLE), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Georgia (Mr. DEAL), the gentleman from New York (Mr. RANGEL), and the gentleman from Michigan (Mr. UPTON). Their assistance in opening up a new front in the war on drugs will be greatly appreciated by the many American families who have been scourged by drug abuse.

Mr. Speaker, this is a bill that helps those who can least help themselves. Let me relate some of the testimony Mr. Odis Rivers of Detroit, Michigan, shared with the Subcommittee on Health and the Environment of the Committee on Commerce last year. He has been addicted to heroin for 30 years and is undergoing treatment with a drug that this bill would help more physicians prescribe to their patients.

He told the subcommittee that he was back with his wife and family and was enjoying the support of his family. He had won their respect and could again assume his rightful place in their family. As the Detroit Free Press stated on October 3 of last year, this seems like the kind of legislation that should be passed, especially in light of the new University of Michigan research showing that heroin use among teens doubled from 1991 to 1998.

Narcotics traffickers in Colombia, one of the main heroin producing countries for the United States, have been able to broaden their consumer base by offering increasingly pure forms of the drug at lower cost, which has broadened the reach of this drug. Heroin-related emergency room visits have more than quadrupled within the past decade among Americans age 12 to 17. Although the House recently approved $1.3 billion to assist Colombia in drug interdiction, we still have to be concerned about what to do once drugs get through our borders.

This legislation will not solve the drug addiction problem. It does not address the multiplicity of societal concerns that have led to addiction. It does not solve all the problems that keep individuals and families enslaved and encumbered by addiction, but it makes a start.

I ask my colleagues to help someone in their community break from heroin. Join me in voting for H.R. 2634.

Mr. Speaker, I want to also take this opportunity to thank the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, for his assistance in bringing this legislation to the floor. I am including in the RECORD an exchange of correspondence between our two committees regarding H.R. 2634.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 25, 1999.

Hon. TOM BLILEY,
Chairman, House Commerce Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY: I am writing to you concerning the bill H.R. 2634, the Drug Addiction Treatment Act of 1999.

As you know, this bill contains language which falls within the Rule X jurisdiction of this committee relating to the Controlled Substances Act. I understand that you would like to proceed expeditiously to the floor on this matter. I am willing to waive our committee's right to mark up this bill. However, this, of course, does not waive our jurisdiction over the subject matter on this or similar legislation, or our desire to be conferees on this bill should it be subject to a House-Senate conference committee.

I would appreciate your placing this exchange of letters in the Congressional Record. Thank you for your cooperation on this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, October 21, 1999.

Hon. HENRY HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR HENRY: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 2634, the Drug Addiction Treatment Act of 1999.

I acknowledge your committee's jurisdiction over this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Judiciary Committee with respect to its jurisdictional prerogatives on this or similar legislation, and will support your request for conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

TOM BLILEY,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Virginia for turning his attention to the issue of addiction and for providing this body an opportunity to focus on it. Addiction is the number one killer in the United States.

As it happens, the substance that lends addiction that distinction is not heroin but tobacco. Tobacco is responsible for 400,000 deaths a year. Regardless of the substance, though, the message is the same: addiction can kill. The Nation is well served by efforts to combat addiction to killer substances like heroin and tobacco.

I appreciate the gentleman's interest in the heroin treatment initiative contained in this bill. I fully support the spirit of the bill as captured in its title. To win the war against drugs, however, we need to pay as much attention to the demand side of the equation as we do to the supply side. Fighting drugs means fighting drug producers and drug dealers. It also means preventing addiction, and it means treating addiction. In the context of this bill, that means expanding treatment options for heroin addiction.

□ 1045

Last week, 600,000 Americans used heroin. Last year, 80,000 people were admitted to hospital emergency rooms around the country because of heroin.

There is wide agreement among researchers that heroin is the most underreported of all controlled substances in terms of usage. Some researchers believe as many as three million Americans are heroin abusers. And increasingly, those users are younger and younger.

In 1980, a street bag of heroin was 4 percent pure. Today the average street bag ranges from 40 to 70 percent purity. The drug is stronger. It can be introduced in the body in more ways and still produce a high.

Teenagers who would normally shy away from injecting heroin perceive snorting and inhaling as a safe means of using heroin. They do not think it can kill them. They do not even think it can make an addict of them. They are wrong. Those misconceptions are beginning to show up in the statistics.

Substance abuse counselors are reporting it has been years since they have seen so many cases of heroin addiction among teenagers and young adults.

Buprenorphine can be part of the solution, but there is more to it than that. If we want to fight heroin addiction, if we want to fight drug addiction, we need to reauthorize the Substance Abuse and Mental Health Services Agency, or SAMHSA.

SAMHSA has one of the most difficult jobs of any Federal agency, to reduce the demand for illicit drugs and in that way to save lives.

I am pleased to be an original cosponsor of legislation to reauthorize SAMHSA, H.R. 4867, introduced by my colleague the gentlewoman from California (Mrs. CAPPS).

Mr. Speaker, by reauthorizing SAMHSA this year, we can secure the foundation upon which the success of H.R. 2634 and other legislation devoted to the treatment of drug addiction depends. It is fortunate, then, that the author of H.R. 2634, my respected colleague the gentleman from Virginia (Mr. BLILEY) is in a position to influence whether this body takes action on the bill that the gentlewoman from California (Mrs. CAPPS) has introduced.

The bill of the gentleman from Virginia (Mr. BLILEY) is a modest and a good step. CBO estimates that it may help 10,000 low-income addicts receive treatment. Unfortunately, the need for heroin treatment surpasses that figure 30 fold.

The gentleman from Virginia (Mr. BLILEY) I hope will fulfill the promise of H.R. 2634 by working to ensure committee consideration and passage of the SAMHSA reauthorization bill offered by the gentlewoman from California (Mrs. CAPPS) on a timely basis before we go home.

With all due respect and gratitude to my friend from Virginia, the real drug addiction treatment act is the SAMHSA reauthorization.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 2634, the Drug Addiction Treatment Act of 1999.

H.R. 2634 is designed to amend specific sections of the Controlled Substances Act for practitioners who dispense narcotic drugs as part of a treatment program. In doing this, it seeks to assist qualified physicians in treating their addicted patients, to speed up approval of narcotic drugs for addiction treatment purposes, and offers treatment options for those Americans for whom other treatment programs are financially out of reach.

This legislation waives the current regulation that physicians obtain the prior approval of the Drug Enforcement Administration, to receive the endorsement of State and regulatory authorities, and dispense only drugs that have been pre-approved by the Food and Drug Administration. This waiver process only applies to those registered physicians who are qualified to dispense controlled substances to treat opiate-dependent patients.

The bill contains a number of safeguards that are designed to prevent abuses of the waiver procedure. The Secretary of Health and Human Services may deny access to the waiver process for any drug the Secretary determines may require more stringent physician qualification standards or more narrowly defined restrictions on the quantities of drugs that may be dispensed for unsupervised use. Physicians also face losing their registration status or even criminal prosecution for violations of the waiver process. Finally, after 3 years, the Attorney General and the Secretary may end availability of the waiver if they determine the process has had adverse public health consequences or to the extent it has led to violations of the Controlled Substances Act.

Mr. Speaker, drug treatment programs form an important component of our national war on drugs. In order for this war to be effective, both demand and supply must be reduced simultaneously. Treatment programs can be an effective method of reducing demand, but require enormous commitment on the part of both doctor and patient. This is especially true for those addicted to opiate narcotics.

This legislation will make it easier for doctors to treat those difficult addiction cases, without permitting gross abuses of the waiver system. The end goal is more successful treatment programs, with shorter durations and lower recidivism rates.

It is important that we utilize all available tools in the war against drugs. For this reason, I urge my colleagues to lend their support to H.R. 2634.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2634, the Drug Addiction Treatment Act. I want to acknowledge the leadership and effort on this issue that has been put forth by my good friend and colleague from the other body, Senator CARL LEVIN. His longstanding interest and acknowledged expertise in the development of effective treatments for drug addiction have been important influences in my deliberations on this matter. I thank him.

Indeed, the language before us contains a number of changes to the bill reported out of the Commerce Committee. These changes reflect provisions adopted and passed by the Senate and represent improvements in the bill.

Mr. Speaker, none of us should leave here thinking that we have done as much as we should to tackle the scourge of drug addiction in this country. Statistics on heroin addiction alone show that interdiction is not completely effective. The advent of narcotic treatments such as buprenorphine are important tools in the panoply of strategies to meet and defeat the drug addiction problem. The bill before us is a modest measure and I challenge us to do more, much more, before we adjourn this session.

Mr. Speaker, my colleague and good friend, Representative CAPPS has introduced legislation to reauthorize programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). I urge swift action on this bill. SAMHSA provides the crucial safety net of programs for those who lack the means to obtain treatment elsewhere. Importantly, SAMHSA's programs address virtually all addiction issues and are not limited to the heroin alone. SAMHSA also provides important prevention programs, unlike the bill before us today. SAMHSA's programs also address co-occurring substance abuse and mental health disorders.

Finally, SAMHSA provides the resources necessary for many of those who are in the "treatment gap" to obtain needed services. Today we will hear about stigmas and red tape. In my view, the most significant factor in the treatment gap is lack of adequate resources for those who need treatment. The promise of buprenorphine will be lost on low income persons unless we provide access to treatment for them. The bill before us does not address this important issue, however, Representative CAPPS' bill does, so I hope we will move as expeditiously on that legislation as we are on this legislation. Chairman BLILEY and Chairman BILIRAKIS both promised action on SAMHSA during the hearing and markup of H.R. 2436. Today I remind them of that promise and express my hope that they will take up

Representative CAPPS' bill as soon as possible.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 2634, and I commend Chairman BLILEY for introducing it and shepherding it to the floor of the House today.

As a family physician, living and working in a district that is medically underserved, I often had to provide coverage to the Methadone Program in our Department of Health. I saw first hand how the use of such drugs could provide an option for treatment which would allow persons suffering from heroin addiction to reconcile with their families, return to work and live productive lives once again.

I also saw how under some circumstances, the need to travel distances on a daily basis to be medicated was in direct conflict with requirements in the workplace, and how it hampered the full reentry of some patients into society.

Drug addiction plagues many in our communities. It destroys individuals, families and undermines those communities. IV drug use, often associated with heroin use, also transmits the HIV virus and thus contributes to the scourge of AIDS.

Today, addicted persons seeking treatment are often turned away. This bill will enable more people to receive treatment, and it will save lives, heal families and support wholesome communities.

I am pleased to support H.R. 2634, and I ask my colleagues to support its passage.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I urge adoption of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 2634, as amended.

The question was taken.

Mr. BLILEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERNATIONAL PATIENT ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2961) to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Patient Act of 2000”.

SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND VOLUNTARY DEPARTURE PERIOD FOR CERTAIN NONIMMIGRANT ALIENS REQUIRING MEDICAL TREATMENT WHO WERE ADMITTED UNDER VISA WAIVER PILOT PROGRAM.

Section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)) is amended to read as follows:

“(2) PERIOD.—

“(A) IN GENERAL.—Subject to subparagraph (B), permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

“(B) 3-YEAR PILOT PROGRAM WAIVER.—During the period October 1, 2000, through September 30, 2003, and subject to subparagraphs (C) and (D)(ii), the Attorney General may, in the discretion of the Attorney General for humanitarian purposes, waive application of subparagraph (A) in the case of an alien—

“(i) who was admitted to the United States as a nonimmigrant visitor (described in section 101(a)(15)(B)) under the provisions of the visa waiver pilot program established pursuant to section 217, seeks the waiver for the purpose of continuing to receive medical treatment in the United States from a physician associated with a health care facility, and submits to the Attorney General—

“(I) a detailed diagnosis statement from the physician, which includes the treatment being sought and the expected time period the alien will be required to remain in the United States;

“(II) a statement from the health care facility containing an assurance that the alien's treatment is not being paid through any Federal or State public health assistance, that the alien's account has no outstanding balance, and that such facility will notify the Service when the alien is released or treatment is terminated; and

“(III) evidence of financial ability to support the alien's day-to-day expenses while in the United States (including the expenses of any family member described in clause (ii)) and evidence that any such alien or family member is not receiving any form of public assistance; or

“(ii) who—

“(I) is a spouse, parent, brother, sister, son, daughter, or other family member of a principal alien described in clause (i); and

“(II) entered the United States accompanying, and with the same status as, such principal alien.

“(C) WAIVER LIMITATIONS.—

“(i) Waivers under subparagraph (B) may be granted only upon a request submitted by a Service district office to Service headquarters.

“(ii) Not more than 300 waivers may be granted for any fiscal year for a principal alien under subparagraph (B)(i).

“(iii)(I) Except as provided in subclause (II), in the case of each principal alien described in subparagraph (B)(i) not more than 1 adult may be granted a waiver under subparagraph (B)(ii).

“(II) Not more than 2 adults may be granted a waiver under subparagraph (B)(ii) in a case in which—

“(aa) the principal alien described in subparagraph (B)(i) is a dependent under the age of 18; or

“(bb) 1 such adult is age 55 or older or is physically handicapped.

“(D) REPORT TO CONGRESS; SUSPENSION OF WAIVER AUTHORITY.—

“(i) Not later than March 30 of each year, the Commissioner shall submit to the Congress an annual report regarding all waivers granted under subparagraph (B) during the preceding fiscal year.

“(ii) Notwithstanding any other provision of law, the authority of the Attorney General under subparagraph (B) shall be suspended during any period in which an annual report under clause (i) is past due and has not been submitted.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2961.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor H.R. 2961, the International Patient Act of 2000, a bill introduced by our colleague, the gentleman from Texas (Mr. BENTSEN).

Aliens who seek to visit the United States temporarily for business or pleasure are admitted to the United States under “B” visas. B–1 business visas are initially valid for up to 1 year and can be extended in increments of not more than 6 months each. B–2 visas are initially valid for up to 1 year and can also be extended in increments of not more than 6 months.

The visa waiver program allows aliens traveling from certain countries to come to the United States as temporary visitors for business or pleasure without having to obtain “B” visas. However, a visit cannot exceed 90 days and no extensions are available.

The Attorney General can authorize an alien admitted under the visa waiver program who faces an emergency situation to remain in the United States for 120 days beyond the initial 90-day admission under voluntary departure. While the 210-day period provided by the initial 90-day admission and the 120 days under voluntary departure is adequate to deal with most emergency situations, it does not meet the need of a relatively few aliens who are admitted to the United States under the visa waiver program and are receiving long-term medical treatment.

H.R. 2961 would address this problem by establishing a 3-year pilot program authorizing the Attorney General to waive the 120-day cap on voluntary departure for a limited number of patients and attending family members who enter the U.S. under the visa waiver program.

The legislation contains safeguards to ensure only those truly in need of long-term medical care can obtain such a waiver.

An alien seeking a waiver would be required to provide a comprehensive statement from their physician detailing the treatment sought and the alien's anticipated length of stay in the United States.

In addition, the alien and attending family members would be required to provide proof of their ability to pay for the treatment and their living expenses.

The bill caps the total number of waivers at 300 annually and limits the number of family members who can enjoy the benefits of a waiver.

The bill also requires the INS to provide Congress with an annual report detailing the number of waivers granted each fiscal year and provides for the suspension of the Attorney General's authority if an annual report is past due.

The only change made to the bill from the version reported by the Committee on the Judiciary is that the starting date of the 3-year pilot program is advanced to October 1, 2000.

H.R. 2961 is drafted to meet the compelling needs of international medical patients without creating any undue risk or abuse.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman for moving this legislative initiative along and, as well, the chief sponsor of this legislation, my colleague, the gentleman from Texas (Mr. BENTSEN), for his insightful leadership on this very, very important issue.

This bill is an excellent compromise for a very harsh provision that the INS had in place that really did damage to those individuals who needed important and urgent medical help. And so this particular legislation allows for the discretion of the Attorney General to extend the stay of many who are securing important medical health or other urgent matters. It allows this country to be a nation of laws as well as a nation with humanity.

So again, Mr. Speaker, I thank you and I thank my colleague because this particular legislation would create a 3-year pilot program under which the Attorney General would have the discretionary authority to waive the 120-day limit on grant of voluntary departure. I think that this, as I said earlier, is a good idea. Aliens entering the United States temporarily for prearranged, personally financed medical treatment generally are admitted as nonimmigrant visas.

If eligible, they may do this under the visa waiver pilot program. This program allows aliens traveling from certain designated countries to come to the United States as temporary visitors without having the immigration documentation normally required to enter the United States.

In many instances, these particular visitors are coming on emergency, needing a heart transplant or needing an organ transplant or having a devastating disease.

Visitors entering under the visa waiver program are admitted for 90 days, after which they become deportable. What a crisis if they happen to be in the midst of their recuperation or their physician has indicated that they cannot travel or they need to be under the medical facility.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 created the 120-day limit on voluntary departure grants. It is harsh and unreasonable to have a limit on this privilege that operates without regard to the circumstances of the alien's situation.

This bill would correct this problem with respect to aliens who are in the United States under the visa waiver program and need additional voluntary departure time for medical treatment.

An infinite number of unexpected problems can occur, particularly during a visit to a foreign country. For instance, the alien may have to stay beyond the additional 120-day period while waiting for assistance from his consulate office on a legal matter, such as dealing with a car accident and determining the time that they should leave or that all legal matters have been handled.

This bill is needed to prevent people from being departed who have serious medical conditions.

Coming from a community that has in it one of the most outstanding medical centers in the Nation housed in the 25th Congressional District, that of my colleague and sponsor of this bill, the gentleman from Texas (Mr. BENTSEN), we are aware of the international responsibilities that our medical center has taken on in providing care for so many of those who have come to seek help to extend their lives and to then live quality healthy lives.

It is aptly named the International Patient Act because it allows visitors from around the world to temporarily remain in the United States to seek medical treatment. It really puts the United States in the context of which we want to be known, that of a world leader, that of a country of laws, as I indicated, but a country that is a great humanitarian or views humanity in the sense of being sensitive to their need.

Therefore, Mr. Speaker, I do support this legislation and would hope that we would be able to have our colleagues pass this legislation to ensure that others may be protected.

Mr. Speaker, the bill proposed by my colleague from Texas, Congressman BENTSEN, would create a three-year pilot program under which the Attorney General would have discretionary authority to waive the 120-day limit on grants of voluntary departure. I think this is a good idea.

Aliens entering the United States temporarily for prearranged, personally financed medical treatment generally are admitted as nonimmigrant visitors. If eligible, they may do this under the Visa Waiver Pilot Program. This program allows aliens traveling from certain designated countries to come to the United States as temporary visitors without having the immigration documents normally required to enter the United States. Visitors entering under the visa waiver program are admitted for 90 days, after which they become deportable.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") created the 120-day limit on voluntary departure grants. It is harsh and unreasonable to have a limit on this privilege that operates without regard to the circumstances of the alien's situation.

The bill would correct this problem with respect to aliens who are in the United States under the visa waiver program and need additional voluntary departure time for medical treatment.

An infinite number of unexpected problems can occur, particularly during a visit to a foreign country. For instance, the alien might have to stay beyond the additional 120-day period while waiting for assistance from his consulate office on a legal matter such as dealing with a car accident.

This bill is needed to prevent people from being deported who have serious medical conditions. It is aptly named the International Patient Act because it allows visitors from around the world to temporarily remain in the United States to seek medical treatment. I support this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank the gentlewoman for yielding me this time.

Mr. Speaker, today the House considers H.R. 2961, the International Patient Act, bipartisan legislation which I introduced at the request of several of the institutions of the Texas Medical Center in my congressional district to address the time limitation placed on international patients and attending family members who remain in the United States while receiving medical treatment. I am grateful to the Texas Medical Center in Houston for bringing this important issue to my attention. I am also grateful to the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their assistance in putting this legislation together and bringing it to the House floor.

Many international patients who obtain prearranged care in the United States require long-term medical treatment and lengthy hospital stays. However, a provision in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act instituted a time limit on voluntary departure status that has restricted health care facilities from providing sufficient care to some patients.

Each year, hospitals and health facilities across the United States provide prearranged treatment and health care assistance to more than 250,000 international patients who come from many nations around the world. At the Texas Medical Center in Houston, Texas, more than 25,000 international patients are seen each year. These patients come to the United States because of the high quality health care that is the best in the world.

Since the 1996 immigration reforms were enacted, many medical patient visitors have entered the U.S. under the visa waiver program, which allows a maximum 90-day stay. After 90 days these patients and their attending family members are eligible to apply for voluntary departure which allows an additional stay of 120 days. Upon completion of the 120 days, these individuals must request, quote, "deferred action status," which allows them to stay in the United States for an extended period but places them under illegal status. Consequently, these patients, whose lives are often dependent on return visits to the United States for further medical treatment, are barred from entering the United States from between 3 to 10 years.

After I brought this issue to the attention of the Immigration and Naturalization Service and the Department of State, each agency has worked to strengthen their staff knowledge of medical patients and to better screen prospective international patients at U.S. embassies and during inspections. However, due to the relaxed rules governing participation in the visa waiver program, many patients have continued to come to this country unaware of its strict length-of-stay restrictions.

Mr. Speaker, I was a strong proponent of the immigration reforms passed by the Congress and signed by the President in 1996. Overall, I believe these were tough but needed reforms that cracked down on illegal immigration. I have worked closely with law enforcement authorities in my district to clamp down on illegal immigration, and I have supported legislative efforts to provide the INS with the resources to safeguard the integrity of our borders while also holding the agency to high professional standards of law enforcement. In this case, though, I believe it is entirely appropriate to make a concession to the small number of international patients who travel to the United States for lifesaving treatment.

The bill I am offering today would authorize a 3-year pilot program allowing the U.S. Attorney General to waive the voluntary departure 120-day cap for a very limited number of international patients and attending family members who enter the U.S. under the visa waiver program. It would implement a tough, restrictive process to these patients to ensure that only those truly in need of long-term medical care could obtain such a waiver. This legislation would require these patients to provide comprehensive statements from attending physicians detailing the treatment sought and their anticipated length of stay in the United States.

In addition, the patients would be required to provide proof of ability to pay for their treatment and the daily expenses of attending family members. This legislation would strictly limit the number of allowable family members and limit the total number of waivers to 300 persons annually. To safeguard against fraud and abuse, this legislation would require the INS to provide Congress with an annual status report detailing the number of international patients waivers allowed each fiscal year. Should the INS fail to release this data, Congress would be authorized to discontinue these waivers.

In drafting this legislation, I consulted with the Texas Medical Center and a number of its member institutions to determine an accurate, workable number of waivers for the bill. After contacting a number of medical institutions throughout the United States, the Texas Medical Center estimated that approximately 1,000 annual waivers would be needed to meet the total number of international patients who fall out of legal immigration status due to long-term health care needs. Despite this estimate, I believe the 300 annual waivers provided for in this bill will provide an adequate starting point to address this situation and provide an appropriate safeguard against fraud and abuse, and additionally will give us the information necessary should this have to be reviewed in the future.

Mr. Speaker, I realize there are many Members who are hesitant to make changes to the immigration law Congress adopted in 1996. I know that I am loath to do anything more than a surgical fix to the underlying statutory scheme. However, I am convinced that the reforms enacted in 1996 were not intended to target nonimmigrant visitors who enter the country to receive preapproved, lifesaving medical treatment. I believe we have an obligation to protect the status of legal international patients who owe their lives to the high-quality medical care they receive in the United States.

Working together in a bipartisan manner, we have taken great strides in strengthening our immigration laws. We should not allow our hard work to be diminished by the unintended consequences of otherwise highly effective immigration reforms.

I urge my colleagues to join me in supporting this important effort. Once again I want to thank the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their assistance on this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to again congratulate my colleague from Texas. He has worked very hard on this legislation. I would only offer to say that we hope that the visa waiver program that is intimately connected to this legislation can be passed by the United States Senate so that we can move this legislation along. Additionally, I think it is very important that as we look at the provisions in this legislation that there are 300 allowances, that we have the opportunity to review it and maybe move the numbers up to cover the great need for people to receive medical care.

Ultimately, I think we will have to come to this floor and fix many elements of the 1996 immigration reform law to prevent mandatory detention and other problems that have been with that legislation. I hope this is the first step.

I congratulate the author of this legislation. I would ask my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2961, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RIGHT-TO-KNOW NATIONAL PAYROLL ACT

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1264) to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee.

The Clerk read as follows:

H.R. 1264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Right-To-Know National Payroll Act".

SEC. 2. DISCLOSURE OF FICA AND MEDICARE TAX ON W-2 FORM.

(a) IN GENERAL.—Subsection (a) of section 6051 of the Internal Revenue Code of 1986 (relating to requirement of receipts for employees) is amended by striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting a comma, and by inserting after paragraph (11) the following new paragraphs:

"(12) the total amount of tax with respect to the employee imposed on such person under—

"(A) section 3111(a),

"(B) section 3111(b),

"(C) so much of the tax imposed under section 3221(a) as relates to section 3111(a), and

"(D) so much of the tax imposed under section 3221(a) as relates to section 3111(b), and

"(13) the total amount of tax with respect to the employee for old-age, survivors, and disability insurance and for hospital insurance, which is the sum of—

"(A) each of the amounts shown under subparagraphs (A) through (D) of paragraph (12), plus

"(B) the amount shown under paragraph (6)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to remuneration paid after December 31, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think every Member would agree that our American workers pay too much in taxes, and with a $2.2 trillion surplus it is time for Washington to give our workers relief from a crushing tax burden. Unlike most Democrats, I believe our workers have earned a tax refund. I also think they are entitled to know the whole truth about how Washington secretly takes more of their hard-earned money than they might realize.

Many workers simply do not realize the actual tax burden that Washington imposes on them. For instance, as every working American probably knows, each January we get a W-2 form. This W-2 form shows how much money we made and how much we paid in taxes during the previous year. But the W-2 simply does not show the whole picture. It fails to show how much tax your employer pays to Washington on your behalf.

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Many people are not aware that half of all of their payroll taxes, which are separate from their income taxes, are paid by the employers. In fact, yesterday I met with communications workers in my district who complained that their payroll taxes were too high and yet they did not realize that Washington takes the same amount from their employer, too. That is because current W-2s do not show the employer's share of the payroll tax burden.

This is a typical Washington sleight of hand. The money they take from an employer is money that could have gone to the employee, either by increasing their take-home pay or providing better retirement or health benefits.

Why does one think they hide it? Because they know that once the truth is out, bureaucrats cannot keep spending everyone's money to increase the size of government. This bill will change that by showing America the whole truth.

In this legislation, the Right-to-Know National Payroll Act, employers will disclose their share of Social Security and Medicare taxes on each of our annual W-2s. This common sense legislation should have been law last year but the President vetoed it, along with much-needed other tax relief.

So I am pleased that we are able to address this issue once again. Working Americans have a right to know the total amount of their paycheck that goes to Washington and they have a right to know the true extent of their payroll tax burden. It is clear that Washington takes too much money from our workers and it is time to let the sunshine shine on Washington's book of tricks.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Michigan (Mr. HOEKSTRA), the sponsor of this bill.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague, the gentleman from Texas (Mr. SAM JOHNSON), for yielding me this time.

Mr. Speaker, for 7 out of 10 households, the FICA tax, also known as the payroll tax, is the greatest of all taxes that they pay. Yet half of the payroll tax is hidden from the employee's view.

Current law requires employers to annually issue all of their employees a W-2 form, a written statement that shows their total wages and the amount withheld in taxes for the previous year. However, the information on American workers' W-2s does not tell the whole story. The 12.4 percent Social Security tax and the 2.9 percent Medicare tax are split equally between employers and employees. Current W-2s disclose only the employee's half of the cost of these programs.

Many workers are probably unaware of this employer contribution to Social Security and Medicare, which my colleague from Texas just pointed out, which also makes them unaware of how much their employment actually costs. It is possible that if the employer were not required to pay payroll taxes, or if the payroll tax was reduced, a portion of this money might go to the employee. Not only does this lack of information hide from employees the true cost of their employment but it also makes them uninformed about how much of their paycheck funds two government programs which are vital for their retirement security, Social Security and Medicare.

The Right-to-Know National Payroll Act would require employers to simply disclose their share of both Social Security and Medicare taxes on each employee's annual W-2. Implementing the right-to-know payroll form is as simple as changing the format of a current W-2 form because employers actually calculate these costs annually. For employers, the right-to-know payroll form helps workers understand the constraints employers face when seeking to create jobs, increase pay and compete effectively in a global economy, and shatters the myth that taxes and mandates can be placed on employers without affecting the workers themselves.

For workers, the right-to-know payroll form allows them to compare the benefits and costs of various government programs and helps to raise the awareness of employment-related public policy and how it affects their jobs.

Language from the Right-to-Know National Payroll Act was included in the Financial Freedom Act of 1999. The concept has been endorsed by the Cato Institute and The Heritage Foundation. I thank the Committee on Ways and Means for bringing it back up today.

The Right-to-Know National Payroll Act came out of discussions I had several years ago with the Mackinac Center of Public Policy in Michigan. The Mackinac Center thought it was important for workers to know the total cost of taxes and government programs and developed the right-to-know payroll form for use by employers. The right-to-know payroll form is now being used by hundreds of businesses across the country and by the State of Michigan.

The purpose of this legislation is simple. For too long, the government has taken taxes from employers and hidden this information from employees. It is time to give employees information about the full cost of their Federal benefits. I urge my colleagues to support H.R. 1264.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I rise in support of H.R. 1264, the Right-to-

Know National Payroll Act, offered by my friend, the gentleman from Michigan (Mr. HOEKSTRA).

In Colorado, there was an employer who at one point in time opened two windows giving his employees payments in cash at one window for all the time. They went to the next window and he took from them the taxes they had to pay back. The fact is that IRS made him stop that practice because it was too truthful. They had to know exactly what was being paid. The employer wanted the employees to know how much they were making, how much it was costing him to employ them so he gave them their total payment in cash. They moved to the next window, as I say, and they had to pay back their income taxes, their State taxes and their Social Security taxes so that they would have a sense of exactly what it was that taxes were costing them.

Now, this only went on for a relatively short time until, as I say, the IRS stepped in and said this cannot be done. They disallowed it. But from my point of view, this proposal, the proposal of the gentleman from Michigan (Mr. HOEKSTRA), H.R. 1264, is in the vein of full disclosure.

As the previous speakers have alluded to, this will help workers understand the constraints employers face when seeking to create jobs, increase pay and compete effectively in a global economy, and it shatters the myth that taxes and mandates can be placed on employers without affecting workers themselves.

More importantly, it allows workers to compare the benefits and costs of various government programs and helps raise awareness of employment-related public policy and how it affects their jobs.

I want to stop there, for the previous speakers have talked about the merits of the legislation. The support and the news articles that it has received from those around the country speak for itself, but I want to turn to the problem of hidden taxes.

Today, the average Federal tax burden is around 20 percent but, of course, it is not the true cost of taxation. We still have State and local taxes, as well as thousands of dollars in so-called hidden taxes; taxes the Americans pay but never see, primarily because they have been added to the cost of goods and services or resulted in a reduction in pay.

These include hotel taxes added to the cost of the hotel room; stadium taxes included in the price of a baseball or football ticket; highway and airport taxes added to the cost of gas and airline tickets.

It also includes the employee's burden of financing Social Security and the Medicare system, for workers are being deceived when taxes are imposed on business. A careful employee can look at the pay stub and figure out that Social Security and Medicare payroll taxes consume 7.65 percent of his income, but will he or she know that another 7.65 percent is being paid on his behalf by his employer?

This is money that otherwise would go to the employee's paycheck. Sadly, the worker never knows it exists in the first place. It is because of this and some estimate that the average taxpayer, in reality, pays over 40 percent of his or her income in taxes. This is an abomination. As many of my colleagues here in the House know, and I know, I was elected to Congress in an effort to reduce the tax burden on the American families and to reduce the size of government. We are all making strides in this regard.

A great deal of work certainly remains to be done in the area of hidden taxes. The bill we are considering today starts the process of informing the public about hidden taxes and lets them know that both themselves and their employers contribute to the solvency of the Social Security and Medicare funds. I urge my colleagues to support this good government legislation, and I thank my good friend, the gentleman from Michigan (Mr. HOEKSTRA) for bringing the bill to the floor.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was asked about 15 minutes ago to manage this bill. We apparently on this committee could not find anyone to manage this piece of legislation. No one thought it was significant enough to take the time to manage so I kind of am stuck with this responsibility. My understanding of this legislation is that right now on the W-2 forms there is an aggregate number of the FICA tax and the HI tax, and what this basically will do will break it up into employer/employee taxes.

Now, bear in mind that the information is already provided by the Social Security Administration. Beginning this year, the Social Security Administration will be sending out, on an annual basis, to everybody that pays the payroll tax the aggregate amount over the lifetime of the individual of both the HI tax and the payroll tax, the FICA tax, and broken down from management, or the employer and employee side.

So that information is provided. There is no secrecy involved in it. It will be provided to every taxpayer, every employee, on a lifetime basis every year. So there is no secret to it.

In fact, what this will do is probably put an additional small burden on the employer, because now the employer perhaps will have to go back to the computers and make some adjustments, but I guess that is not an unfunded mandate although I am not quite sure. It could be an unfunded mandate, but I do not think anybody will object to it because it is not that big of a deal. Most employers will probably be able to do it.

I might also say, just to have no misunderstandings about this, that we are not going to oppose this legislation. The more information to the public, the better off we are, and if breaking it down from employer, employee side gives more information to the average citizen, more to it.

The only problem is that I did hear on the other side, as I was coming in, that the whole issue of true costs, then people will be able to figure out the real true costs, and obviously rate of return they are going to get but this really will not have any relevance to that because I have done a lot of studies on Social Security. And the fact of the matter is that right now the overhead costs on one's Social Security benefits, the money coming in and going out, is about 1 percent. We have done some studies, had some hearings in the Committee on Ways and Means, the Subcommittee on Social Security, and we find that actually the costs of maintenance, if one privatizes and actually invests in the private market, is about 20 percent, because there are fund managers and all of that, and we are not going to put that on that W-2 form because that would be too much trouble. Then once there are the aggregate benefits in the trust fund and one is ready to retire then they have to amortize the account. That will cost another 20 percent. So we are talking anywhere from 35, 40, maybe even 45 percent, in terms of the overall cost if the Social Security system is privatized; whereas the overall cost is 1 percent in terms of the current Social Security system.

So this does not give anybody any comparison. Again, as I said, the more information the better off we are and so we are not going to oppose this.

Just in conclusion, it would be my hope that we begin to focus on the real issue of Social Security, is that how do we deal over the next 35 years with the fact that we are going to have a 25 to 30 percent shortfall in the Social Security system? That is a big issue, and we need, on a bipartisan basis, to come up with a solution to that, because that is going to hit us much sooner than we expected. The reality is that we cannot leave the uncertainty in the system that we currently have.

☐ 1130

Mr. Speaker, I urge a yea vote on this resolution, and I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume to just remind my colleagues that we are trying to put sunshine on the issue, and it was a Republican Congress that started this by making the Social Security Administration report at all.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA) for closing.

Mr. HOEKSTRA. Mr. Speaker, just to make sure there is no misunderstanding between us and our colleague from California, currently a W-2 form does not require the employer's share to be reported, so the W-2 form only lists the employee's share.

What this legislation will require is that on the W-2 form, both the employer and the employee's share of the FICA tax will be listed. This will allow employees to fully understand the true cost of their employment. This is a process that a number of people have already taken steps toward; that this is good government. Hundreds of companies are doing this. The State of Michigan has added this in.

Mr. Speaker, I thank my colleague from the other side of the aisle for encouraging a "yes" vote in support of this.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 1264.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALFRED RASCON POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4430) to redesignate the facility of the United States Postal Service located at 11831 Scaggsville Road in Fulton, Maryland, as the "Alfred Rascon Post Office Building."

The Clerk read as follows:

H.R. 4430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALFRED RASCON POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 8926 Baltimore Street in Savage, Maryland, and known as the Savage Post Office, shall be known and designated as the "Alfred Rascon Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Alfred Rascon Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4430.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just last week we began what today evolves into a 3-day process of considering and ultimately passing a number of pieces of legislation designed to extend the honor of the naming of a postal facility after what we like to believe and, in fact, do firmly believe are very deserving Americans.

I stated yesterday on the floor of this House that we owe our thanks on the subcommittee to people like the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), and his staff for their efforts, but also to those Members from across the country who I think do such an admirable job in searching out and bringing to us the names of individuals who do, indeed, deserve this particular honor.

It is interesting to me that while all of them are very, very special individuals, they are all very unique. Today, for example, as we consider the first of what we all hope will be four such initiatives, we see the uniqueness of each individual and each nominee that is represented in all of the four bills.

Today, I would like to begin by thanking the gentleman from Maryland (Mr. BARTLETT) for leading us down the right path in that regard.

As the Clerk designated, Mr. Speaker, this legislation was introduced on May 11 of 2000 and seeks to name the postal facility located at 11831 Skaggsville Road in Fulton, Maryland, as the Alfred Rascon Post Office Building.

Mr. Rascon is a very special individual for a number of different reasons, Mr. Speaker, not the least of which is the very successful life that he has led, coming to this country as he did from his birthplace in Chihuahua, Mexico, and ultimately accruing in this, his new homeland, a remarkable record of bravery and of citizenship. In fact, Mr. Rascon was just recently awarded the Congressional Medal of Honor for his heroic efforts as well as the serious injuries he received during his tour of duty in South Vietnam where the record that I have had the honor and the privilege of reading speaks very clearly about his valor, about his courage on behalf of his fellow soldiers and his wounded squad members in his attempts to save their lives.

We do have the main sponsor of this legislation, the gentleman from Maryland (Mr. BARTLETT), with us, so I do not want to go on at great lengths and take away from both the time and, of course, the substance of his comments.

So, Mr. Speaker, with a final word of appreciation to the gentleman from Maryland and a final word of appreciate to a very special man in Mr. Rascon, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4430 for the naming of this post office. Also, to speak in general in terms of the post office naming bills that are in front of us today which I hope will receive positive support here on the House floor. Three of these four have met the committee requirement for complete delegation sponsorship. One has not, but will be the subject of some dialogue, I am sure, about that. But nonetheless, all honor very worthy Americans.

The gentleman that this bill would seek to name a post office in honor of is someone who has served our country well. Even though born in Mexico, he served in the Armed Forces, was seriously wounded, and is still serving our government in the selective service system. We are going to hear more about him from the prime sponsor; but as for my side of the aisle, we fully support this legislation and hope that it receives the support that will ensure its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. BARTLETT), who, as I mentioned before, is the lead sponsor and author of this particular legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in support of H.R. 4430, which renames the post office in Savage, Maryland, after one of my constituents, Mr. Alfred Rascon. Mr. Rascon received the Congressional Medal of Honor on February 8 of this year for his gallantry during the Vietnam War. He served as a Specialist 4 medic to a reconnaissance platoon in the 173rd Airborne Brigade. On March 13, 1966, Mr. Rascon's platoon came under heavy fire from a numerically superior force while moving to reinforce another battalion. Disregarding his own safety, Mr. Rascon ran to assist his fellow soldiers under heavy enemy fire. He was wounded numerous times, fell on fellow soldiers three separate times to shield them from heavy machine gun and grenade attacks with his own body, and yet, continued to search for more wounded comrades to assist. He later refused aid for himself or to be evacuated and continued to provide assistance to his fellow soldiers.

The paperwork for Mr. Rascon's original recommendation for the Congressional Medal of Honor was lost in the Pentagon and was only recognized recently due to the efforts of members of his platoon who testify to this day that they are alive only because of Mr. Rascon's heroism. I was pleased to assist in remediating this problem, and I am pleased to pay him tribute now by naming the post office in Savage, Maryland, in his honor.

I would like to thank Mr. Rascon and his wife for being here with us in the gallery today. I thank them very much more honoring us with their presence.

Mr. Speaker, we live in a world today where role models for our children abuse drugs, break the law, or act totally out of self-interest. It is men like Alfred Rascon who show us what role models are supposed to be. He regarded the lives of his comrades as more important than his own and acted totally out of his care for them. Even after being wounded, he did not stop seeking to help them. He considered his own life as forfeit and completely sacrificed himself. He did not seek attention when his paperwork was lost in the Pentagon, nor did he seek that this post office be renamed for him. Indeed, in no way has he ever tried to glorify himself or take credit for his actions. His friends and those whose lives he saved had to bring to light the fact that his heroism had gone unrewarded by his country.

We must constantly remind ourselves and educate our children that we are privileged to live in the greatest and most free country on earth only because of the service and sacrifices of brave individuals such as Alfred Rascon. Our country can never truly reward these men or those like him who have sacrificed so much for us. The only thing we can do is to never forget them. Naming this post office after him is one very small way to ensure that we never forget his extraordinary heroism or that of many like him who have fought, bled and died for our freedom.

Mr. Speaker, I would like to thank the members of the Hispanic Caucus and the Maryland delegation who cosponsored this bill with me. I would also like to thank the gentleman from New York (Mr. McHUGH), the chairman of the subcommittee, for expediting this bill's consideration.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. REYES) to speak on this important legislation.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the bill offered by the gentleman from Maryland (Mr. BARTLETT) designating the Alfred Rascon Post Office Building. It is difficult to talk briefly about a man who has done so much in the service of his country, so I think I want to begin by making just a few comments about the man, Al Rascon.

Al represents all of those tenets that the founders of this Nation set forth for our country. He was born in Mexico, grew up and attended high school in California, and enlisted in the United States Army. He completed training as a medic and served in Vietnam. During his tour of duty, he was seriously injured during an operation with his reconnaissance platoon. Because of his injuries, he was discharged from active duty and was placed in the Army Reserves. As most of my colleagues know, because of his heroic efforts earlier this year, he received this Nation's highest award, the Medal of Honor.

However, Al Rascon is not a hero only because of his actions on the battlefield 24 years ago. He is a hero because he has continuously given of himself to his community and to his country. In addition to his military service, he has served honorably as a government civil servant with the Drug Enforcement Agency and the Immigration and Naturalization Service, and currently serves as Inspector General of the Selective Service. Beyond his government service, he has dedicated himself to working with our youth, to show them that there are opportunities in this country for those who are willing to work and work hard.

Earlier this year, Al Rascon brought that very message to high school students in my district of El Paso, Texas; and it was overwhelmingly well received by our young people.

So today, I urge each of my colleagues to support passage of this important legislation. This is a small tribute to a man who has given so much for his country.

□ 1145

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I reiterate that not only did this gentleman serve and provide extraordinary relief to a number of his colleagues during his tour of duty in Vietnam, but his continued service, both with the Drug Enforcement Administration and with the INS and now with the Selective Service, shows a continuing commitment to be a citizen of our country that is committed to providing public service.

I want to just say that of the 40-some thousand Post Offices in our country, very few are named in honor of anyone, but this is a gentleman who not only do we honor, but I think we honor ourselves by naming this Post Office in Maryland in his honor.

Mr. BACA. Mr. Speaker, I wish to join with my colleagues in honoring a very special American, Alfred Rascon.

I want to thank my colleague from Pennsylvania, Mr. FATTAH, and the gentleman from New York, Chairman McHUGH, for bringing this measure to the floor today.

I was honored to participate in the White House ceremony earlier this year when Alfred Rascon was presented with the Medal of Honor. I can't think of a more deserving person to receive the Medal of Honor than Alfred Rascon. Each and every American should be deeply proud of this veteran, a true and authentic American hero. .

Alfred Rascon waited well over thirty years to receive this highest of all distinctions.

Alfred Rascon's bravery and courage on the battlefields of Vietnam should have brought this honor to him much sooner.

The ceremony at the White House was one of the most emotional and moving events I have ever witnessed in my entire life.

Bestowing this special distinction upon this American hero was long overdue, and the honor we bestow upon Alfred Rascon today is both fitting and proper.

Earlier this year, following the White House event honoring Alfred Rascon, I introduced legislation that will bring honor and distinction to America's most highly decorated veterans. As a veteran of the 101st and 82nd Airborne Divisions, I was surprised to learn that the Medal of Honor, awarded to our veterans in the Nation's highest honor for their heroic efforts, is made primarily of brass. Congress awards its own gold medal to distinguished Americans, and this medal costs as much as $30,000, and is made of gold. My legislation, H.R. 3584, would replace the brass in the Congressional Medal of Honor we award to America's brave Americans with gold. The Congressional Budget Office has indicated my bill would cost only $2,300 per medal. I don't think that's too high of a price to pay for our most heroic Americans.

Many of the recipients of the Medal of Honor already paid the ultimate price for our Nation and for our freedoms and liberty.

We need to remember our veterans and think about them every day. There are more than 25 million veterans in the United States. There are 2,700,000 veterans living in California.

Today, I invite my colleagues who honor and respect America's veterans to join with me in honoring Alfred Rascon by supporting H.R. 4430, the measure to name the Alfred Rascon Post Office, and by supporting my bill for a more fitting Medal of Honor, H.R. 3584.

Once again, I wish to thank my colleagues for this opportunity. This is an honorable recognition for a highly honorable and courageous American, Alfred Rascon.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of H.R. 4430, to rename the United States Post Office in Fulton, Maryland, as the "Alfred Rascon Post Office Building". As a recent recipient of the Medal of Honor, there is no one more deserving of this honor than Alfred Rascon.

Alfred Rascon is an American hero who holds a special place in the hearts of Hispanic-Americans. An immigrant from Mexico, Rascon enlisted in the Army at age 17 because he wanted to serve his adopted homeland.

Mr. Rascon, who served as a medic in Vietnam, braved machine gun fire and grenade blasts to treat wounded soldiers. He twice jumped on top of wounded soldiers to protect them from grenades. In so doing, Rascon was shot in the hip and wounded by shrapnel when a grenade exploded in his face. Despite his injuries, Rascon grabbed guns and ammunition to give to U.S. soldiers so they could continue holding off the attack. His patriotism and courage are an inspiration for all Americans.

Although Rascon was immediately recommended for the Medal of Honor, his paperwork was never forwarded up the chain of command. Instead, he received the Army's second most prestigious award, the Silver Star. In 1993, his fellow soldiers learned that he was never awarded the Medal of Honor and petitioned the Army Decorations Board to consider the case. Finally, in November of 1999, after more than 30 years of waiting, Defense Secretary Cohen approved Rascon for the Medal of Honor. I was extremely proud to be present at the White House ceremony in February when Mr. Rascon was presented this award.

Alfred Rascon now lives in Laurel, Maryland with his wife and two children. Naming the Post Office in this community after Mr. Rascon is a fitting honor and will remind the residents of Laurel of his extreme courage and patriotism and will serve as an example for future generations.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of this fitting tribute to our nation's newest Hispanic Medal of Honor winner, Alfred Rascon. Naming a post office building is reserved for those rare individuals who have distinguished themselves not only in one event, but through a career of service and excellence. Mr. Rascon is one such individual, who waited 33 years to receive the nation's highest medal for bravery on the battlefield. But during those years, he did not stop in his effort to serve his colleagues and his country. He currently serves as the Inspector General for the Selective Service System.

On March 16, 1966, while his platoon was under intense fire from a North Vietnamese unit in South Vietnam, SP4 Rascon risked his own life repeatedly to save the lives of wounded comrades and to prevent his unit from being overrun. While seriously wounded three times, he managed to perform his duties as a medic and save the lives of two of his fellow soldiers. On two separate incidents, he used his body as a shield to protect the wounded from the full force of incoming enemy grenades. Ignoring his own serious wounds from the grenades, he also managed to protect with his body another wounded soldier from incoming machine gun fire and grenades and carry that soldier, who was much larger than himself, to safety.

Mr. Rascon also risked his own life to help save his unit. Witnesses testify that he retrieved an M-60 machine gun and its ammunition, under fire in an open enemy trail, that was abandoned by an evacuated soldier. This act alone helped save the lives of the platoon members who were in danger of being overrun by the enemy. In addition to this and despite the fact that he was severely wounded, SP4 Rascon continued to search out the wounded and aid them. When the enemy was routed, he then supervised the evacuation of the wounded, refusing medical attention to himself until he finally collapsed. His wounds were so extensive that he had to be medically discharged from the Army.

While his acts of bravery as an Army medic in Vietnam have been recounted on several occasions, it serves as a reminder of the lesson we seek to instill in our children and all our citizens in all facets of life: never leave those who fall behind.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 4430, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read:

"A bill to redesignate the facility of the United States Postal Service located at 8926 Baltimore Street in Savage, Maryland, as the 'Alfred Rascon Post Office Building'.".

A motion to reconsider was laid on the table.

MATTHEW "MACK" ROBINSON POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4157) to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building".

The Clerk read as follows:

H.R. 4157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MATTHEW 'MACK' ROBINSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, shall be known and designated as the "Matthew 'Mack' Robinson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Matthew 'Mack' Robinson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the true privileges and frankly more enjoyable aspects of serving as the chairman of the Subcommittee on Postal Service is the opportunity that it provides I would hope all of us, but certainly, speaking on my own behalf, provides me to learn.

I think I am rather typical in terms of the average American who has heard many times over in his or her life about such great athletes as Jesse Owens, and as one of the giants of baseball, we have heard of Jackie Robinson. But I must confess, until very recently, I was not as familiar with a second Robinson, a gentleman by the name of Matthew "Mack" Robinson.

We have heard, of course, about the achievements of people such as those I have just mentioned. When we talk about Jackie Robinson, we talk about history. When we talk about "Mack" Robinson, we talk a bit less about history but a great deal about what made this country great, what made it special. That is simply through the contributions of people like "Mack" Robinson.

I would say that when it comes to achievements of athleticism, "Mack" has to take a back seat to very few people. He was a participant, along with his younger brother, Jackie Robinson, and others with the 1936 Olympic team in that infamous event in Berlin. But beyond that, after returning home, he has achieved what I think is a very, very remarkable record of service to his community through his volunteer help and, perhaps even more importantly, through his character and through his leadership in leading the community of Pasadena from segregation to unification.

As I have had the opportunity, as I mentioned, to learn about "Mack" Robinson, I have learned how he served his community, how he cared about his neighbors. He became involved not for power or glory, certainly not for money, but because he cared about others and wanted to make today better than yesterday and hopefully tomorrow better than today. That is the kind of life I believe we can all learn a great deal from. That is the kind of inspiration we can all draw a great deal from.

The city of Pasadena just recently honored both "Mack" and Jackie Robinson by constructing a monument to them near City Hall. I think we owe our thanks to the gentleman from California (Mr. ROGAN) for bringing us Mack's name as a fitting follow-on to that celebration and that honor in Pasadena by seeking to name the Matthew "Mack" Robinson Post Office Building.

The gentleman from California (Mr. ROGAN) I would say worked very hard to achieve what we have always strived for here, and that is bipartisanship in reaching out to his fellow delegates within the California delegation. We have tried to work with him to bring us to this floor today in a position to enact a piece of legislation that is a fitting tribute to a very, very fitting individual.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in relationship to H.R. 4157, a piece of legislation to honor Matthew Robinson with the naming of a Post Office in Pasadena, California.

I would like to first of all indicate that unlike all of the other bills that we have brought before this House during my time as the ranking member on the Subcommittee on Postal Service, this bill apparently as of yet does not have all of the cosponsorships that we would require.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Speaker, I appreciate the gentleman yielding to me.

I think it is important for it to be pointed out, Mr. Speaker, that we have passed in this year alone 53 of these bills. During the time the gentleman and I have served together, we are in the several hundreds, if not more, and it is a hard record to keep track of.

But we have indeed passed, both through the committee and through this House, pieces of legislation naming Post Offices that have not carried full State delegation sponsorship.

It is the policy of the committee to request that. In fact, that is a policy that I asked for when 6 years ago I became chairman, and I went to then full committee chairman Bill Clinger and suggested we were in need of a way by which we could have a second check, if you will, on the fitness of each of the candidates.

Along with Cardiss Collins, who was then the ranking member on the full committee, and Barbara Rose Collins, the ranking member on the subcommittee, we agreed that that would be not a rule but a policy.

When it has happened, as it has happened in the past, where Members have made a legitimate effort to secure full State delegation sponsorship and have been unable to, we have gone to those who have withheld their cosponsorship and tried to ascertain if it was related directly to the merits of the nominee, and where it was not, without that full State delegation sponsorship, we have passed the bills in any event. This was a process to check on the fitness of the nominees.

In fact, after the gentleman from California (Mr. ROGAN) came to us and in this case showed us documentation where he had reached out through his staff to each member of the California delegation on five separate occasions, I then wrote to each member of the California delegation who had not yet cosponsored his bill and asked if it was in relationship to the fitness of the nominee, because if it was, that is an important thing for us to know.

We have not heard back from all of them, but those we have heard from have all said that, no, it has nothing to do with the fitness of the nominee. That is frankly the only thing I am concerned about.

Mr. FATTAH. Reclaiming my time, Mr. Speaker, let me thank the gentleman from New York for illuminating the RECORD. Let me continue with my statement.

I think that this House should not be mired down in a foolish consistency on these types of policies, especially when it relates to a gentleman like Matthew Robinson, who has been an extraordinary citizen of our country and who has faced many obstructions.

Not only was he an Olympic athlete, and it is true that we could recount all of the facets of his life, but one I want to point to in speaking in relationship to H.R. 4157 is that it is true that the city of Pasadena just honored both Matthew and his brother, Jackie Robinson, but it is also true that when he returned to that city to work there in the city, he was fired at a time when all African-American employees were fired by the city of Pasadena as part of litigation related to desegregation and other matters taking place in California at that time.

I do not think that this House would serve itself well to delay this legislation as a result of the inability of the sponsor to get all of the i's dotted and t's crossed. I think what is most important is that this is someone who deserves this honor, and that we should move with haste to honor him in this respect.

I rise therefore in support of this legislation, and would hope that before it becomes a finality through this process, that there will be a time in which the entire delegation will have the opportunity to be cosponsors.

Mr. Speaker, I reserve the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate, as always, the bipartisan support and contributions of the ranking member. I mentioned 53 Post Office naming bills we have acted on, through these four before us this week. That is 53. Twenty-three of those were sponsored by Republicans and 30 were sponsored by the minority and Democrats, so that bipartisanship has I think been very clearly demonstrated. I think it is an important part of our work and it certainly should continue.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. ROGAN), who, as I said, has brought us this very distinguished nominee here today, and who has put a lot of work into reaching this point on the floor, for which I commend him on both counts.

Mr. ROGAN. Mr. Speaker, first I thank my good friend, the gentleman from New York (Mr. MCHUGH), the distinguished subcommittee chairman, not only for his incredible help on this bill, but for the leadership he has shown. I know I speak for the Robinson family in thanking the gentleman for helping us to make this day a reality.

I also thank the distinguished ranking member, my good friend, the gentleman from Pennsylvania (Mr. FATTAH) for his support of this bill. I know I speak for the Robinson family in thanking the gentleman for helping to bring a broad bipartisan flavor to this day.

Mr. Speaker, I am proud to join my colleagues from across the United States to recognize a great Pasadena resident and public figure, Mack Robinson. Today we salute Mack on what would have been his 86th birthday, and we join together to pass legislation in his honor to name the historic Post Office in Pasadena after him.

What made Mack worthy of this recognition is not just one feat. It is not just his medal-winning performance in the 1936 Olympics or his accomplishments as a student athlete or his public service in the community.

□ 1200

What made Mack worthy of this great honor is the combination of all of these qualities, which, until the time of his passing earlier this year, were unknown to many outside of his hometown of Pasadena.

Mack's story is so inspiring. From humble beginnings, Mack became a respected community leader who influenced young people's lives.

Mack's reputation as a local track star piqued the interest of Olympic organizers. Over 60 years ago, Mack, along with another Olympic great, Jesse Owens, traveled to Berlin to compete in the 1936 games. In competition, it was reported that Mack's skill and technical ability on the track was so pure that he thought nothing of wearing the same track shoes that he wore in competition in Pasadena to compete in the Olympic village against the world's best and to win.

Mack earned his silver medal in that competition, with Jesse Owens winning the gold medal. Both of these great American Olympians portrayed a powerful image of freedom in the midst of a hostile and fascist Nazi Germany. Mack returned home to begin working in Pasadena as a city employee, and he also cared for his mother and for his family.

Mack eventually lost his job with the City, Mr. Speaker. As the New York Times later reported, Pasadena's African-American city employees were summarily fired in a desegregation battle when a judge opened the public pools and other facilities to all city residents.

Showing the same determination that carried him to triumph on the track, Mack never flagged. He channeled his energy and commitment back to his own neighborhood and to others throughout the city. He became a well-respected and widely known community figure, as well as an internationally recognized athlete. Mack volunteered countless thousands upon thousands of hours in gymnasiums, boys and girls clubs and after-school programs throughout the area.

Mack's work product today is proudly on display in thousands of homes and businesses. It is found in the inspired generations of youngsters that Mack touched and helped to get involved in school, sports and their community. His efforts fostered their success.

Fifty years after Mack competed in the Berlin Olympics, Mr. Speaker, I had the privilege of meeting him and his wife in their home one day. It was about 15 years ago.

I was a young deputy district attorney working in the Pasadena courthouse, and Mack was helping me on a community issue. I went to visit him in his home along with four or five police officers and a couple of deputy district attorneys. He and his family were very gracious to us. They spent a lot of time with us.

When it was time to go, I asked Mack if he had any pictures of himself because I wanted him to autograph one. Well, I was teased mercilessly by the police officers and senior district attorneys with me for asking for an autograph. I was told that was a childish request.

When Mack's lovely wife, Del, said "I think we have some pictures left over from the Olympics," every one of those police officers and senior prosecutors almost knocked me over to get in line at the kitchen table to get their signed picture from Mack first!

I still have that picture, Mr. Speaker, and I will cherish that photograph Mack gave me 15 years ago as I know one day my children and grandchildren will cherish it.

Not long ago, the City of Pasadena saluted the contributions of Mack and his brother Jackie. The City erected a monument in City Hall in tribute to these two great figures that hailed from the City of Roses. That was a fitting tribute to the Robinson family.

Today, the United States House of Representatives will honor the contributions of Mack Robinson, both to Pasadena and to his country, by naming a very public building after a man whose life was spent serving the public. It is a small way for us to thank one of Pasadena's great sons.

Mr. Speaker, once again, I thank the distinguished gentleman from New York (Mr. McHUGH) for yielding to me, and I thank the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, for his support.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me in conclusion just say that, as is the case too often, there is an irony in the life of the gentleman who we honor. Matthew Mack Robinson, who represented this country in Hitler's Berlin at the Olympics as an African American, came home to this country and his home city, working as a City employee, was fired summarily with every other African American who worked for the City at that time. Things have changed, because time and effort and circumstances have helped bring a more enlightened leadership to our Nation. In many ways, the same doors that opened for his brother Jackie Robinson in some respects opened for Matthew Robinson.

But the City of Pasadena has seen fit to honor him with a statute along with his brother, and, in some ways, that perhaps makes some amends for the travesty of justice that he was subjected to. But, nonetheless, his life, moving from Georgia to California, starting out in a technical high school, on to a junior college, and after the Olympics, to the University of Oregon, his work as a community leader and as a public-spirited citizen, it is fitting that this Congress honor him through this legislation.

I ask that all of my colleagues support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. FATTAH), the ranking member.

We have, as I tried to indicate in my remarks on this proposal and by the gentleman from California (Mr. ROGAN), an amazing story that in so many ways was a quiet story and yet in equal ways is one that screams to us about what was wrong in terms of this country's direction and what one person can do through dedication and through caring to make it better.

I think that all of us can stand here and support this very, very worthy nominee and this very, very worthy proposal.

I am honored to join with the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from California (Mr. ROGAN), and others in urging its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 4157.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALAN B. SHEPARD, JR. POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4517) to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building."

The Clerk read as follows:

H.R. 4517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALAN B. SHEPARD, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, shall be known and designated as the "Alan B. Shepard, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Alan B. Shepard, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4517.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I mentioned on the previous piece of legislation, one of the more likable aspects and certainly favorable aspects of serving as the chair of this Subcommittee on Postal Service is it provides the opportunity to learn new things about very special people.

Certainly in the previous bill, the one we just dealt with, Mack Robinson was a very, very special person who did some incredible and some very courageous things, but in many ways did them with a quiet determination.

We have before us now, Mr. Speaker, a bill that seeks to honor a gentleman who also is very special and who also showed great courage, great determination, but perhaps showed it through a somewhat different venue, through a somewhat more public perspective.

I think certainly in my generation and those before us and those shortly after, the name Alan B. Shepard, Jr. is far from unknown. Most of us grew up in an era in the late 1950s and 1960s when space travel, space exploration was in its infancy, when we knew far less than we do now, when each step was a first, each step was surrounded by the unknown, by the possible calamities that those kinds of factors and unknown circumstances could surely bring.

There were some very, very courageous people at that time, such as Alan B. Shepard, Jr. who stepped forward, who used their training as pilots, who used their knowledge and their skills accrued by both through the service and through their academic studies to take us into outer space.

As one of the Mercury astronauts in 1959, of course Alan Shepard enjoys and has earned the reputation of being America's first to journey into space. Everything about this man before that time and since speaks grace and elegance, determination, and courage.

We certainly owe our thanks to the gentleman from New Hampshire (Mr. SUNUNU), the primary sponsor of this bill, for bringing us this legislation, for providing us an opportunity to recognize and pay tribute to such a great American.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to concur in the comments of the gentleman from New York (Mr. McHUGH), chairman of the Subcommittee on Postal Service, and I rise in support of H.R. 4517.

This is another example of someone who has had a distinguished career and obviously someone who really helped open the door to space travel, being the first American in 1959, which is a long time ago, but when he started out, and then later on in 1963 and throughout his career with NASA, has demonstrated a type of courage and determination for the exploration of space. I think this is appropriate, and I want to thank the gentleman from New Hampshire (Mr. SUNUNU), the prime sponsor of this legislation, for bringing this forward.

Mr. Speaker, I reserve the balance of my time.

Mr. McHUGH. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New Hampshire (Mr. SUNUNU) with our appreciation. We are privileged to have the gentleman from New Hampshire here who brought us this particular piece of legislation and, of course, in that context brought us the name of Alan B. Shepard, Jr.

Mr. SUNUNU. Mr. Speaker, it is my pleasure today to rise in support of this legislation honoring Alan Shepard, a true American hero and America's first man in space. Alan Shepard was born and raised in Derry, New Hampshire, and he is certainly best known for his historic flight on Freedom 7. But that was only one of a long line of historic achievements for this great American.

He was a Navy veteran. He was a test pilot. He was a pioneer in America's early space program. He was chief of NASA's Astronaut Office. He was the space craft commander on Apollo 14. He was one of the very few select individuals who have walked on the moon. In fact, his time set a record for the longest lunar visit, over 33 hours.

His achievements were recognized by NASA, by organizations across the country and across the world. He was awarded the Congressional Medal of Honor.

Today, it a great source of personal pride to rise in support of the people of Derry, New Hampshire who seek to recognize this great individual whose service and dedication has brought pride, not just to New Hampshire, but to our entire Nation.

I ask my colleagues to support this important legislation.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS), the remaining Member of the New Hampshire delegation, a fine gentleman who I am certain consulted and worked with the gentleman from New Hampshire (Mr. SUNUNU) on this piece of legislation and who is a cosponsor of it.

Mr. BASS. Mr. Speaker, I thank the gentleman from New York for yielding me this time. The entire New Hampshire delegation shall be heard from today on this issue.

I want to praise the gentleman from the First Congressional District of New Hampshire for introducing this bill which dedicates this Post Office in Derry.

Let me reminisce for a second, if I could, about Alan Shepard who was true, truly a hero. I remember back in the early 1960s when my dad was in Congress representing the second district and a member of the Space Committee, now, what the Committee on Science calls the Subcommittee on Space and Aeronautics, whatever its newest name is, probably the issue of sending a man to the moon was clearly one of our major national goals.

Alan Shepard who was the first American to go into space, although he did not orbit the earth, he went up and came down, about an 18-minute flight, was a true American hero. There had not been one in reality since Charles Lindbergh flew across the Atlantic Ocean in 1927.

So Alan Shepard, for this young school child, I was in the third grade at the time, was an enormous event for us and for everybody in New Hampshire. Alan Shepard, everybody who is in my generation will remember the movie that every school child saw of Alan Shepard. What he did as the first astronaut in space was truly heroic. Nobody knew whether a human being could really survive in this tiny little space capsule.

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And Alan Shepard did it, and he went on to have a long and distinguished career in NASA.

As a true New Hampshire native, I think it is fitting that this post office facility be dedicated to him in his original hometown.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Let me just echo the comments of the gentleman from Pennsylvania and, of course, the gentlemen from New Hampshire (Mr. SUNUNU) and the gentleman from New Hampshire (Mr. BASS) for the tribute that they paid to a very, very special individual, as our last speaker suggested, I think very correctly, a true American hero, Alan B. Shepard, Jr.

I would just make a final urging to all our Members to join us in supporting this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 4517.

The question was taken.

Mr. McHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOSEPH F. SMITH POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4554) to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building."

The Clerk read as follows:

H.R. 4554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, and known as the Kensington Station, shall be known and designated as the "Joseph F. Smith Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Joseph F. Smith Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4554.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would never be so bold as to suggest that we save the best for last, but let me instead suggest that for all of the very special individuals that we have the opportunity both here today and traditionally on this floor through the process of postal namings it is somewhat special, I think for most of us, to have the opportunity to pay such a tribute to a former colleague, to someone who had the honor, as we all do, to serve in this, the people's House. And this final legislation, brought to us by the gentleman from Pennsylvania (Mr. BORSKI), is indeed such an opportunity.

Joseph F. Smith was in fact a Member of this body, elected to the 97th Congress to represent his home district in Pennsylvania. But for anyone having the opportunity, as I have had, who takes the time to look over this gentleman's distinguished life story, we find that his service and his efforts and contribution extended far beyond the walls of this particular House.

In fact, he began as a sergeant in the United States Army, serving not only in World War II but receiving a Purple Heart for the wound he received in that action. He served as a congressional staffer, later serving in the Pennsylvania State Senate before coming to Congress; and after having left Congress, he continued to serve in politics and government through various party positions.

This is a man who, I think, has shown in his lifetime that he cares as well about his communities, who always strived to serve them, whether through the Armed Services and defending our Nation's pride and freedom, or through elective office and serving those people who were selecting him time and again to be their representative.

So just a final word of thanks to the sponsor, the gentleman from Pennsylvania (Mr. BORSKI), for bringing us this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, I rise in support of H.R. 4554, a bill to designate a post office in Philadelphia after Joseph F. Smith, a former Member of this body.

If I can take some liberties, before I speak on the bill, Mr. Speaker, I want to thank a departing staff member of mine, Neil Snyder, who is here on the floor, who has served as my legislative director since I came to the Congress. He is moving on to a brighter future, and I want to wish him and his wife all the best. He is someone who was from my district back home, but has had a great deal of impact on the legislative successes we have had here in the House, and I would hope that my colleagues would join with me in wishing him well.

This legislation to honor Joe Smith, who served both in the Pennsylvania State Senate, where I served, and here in the Congress, is someone who, as has been mentioned by the gentleman from New York, has been much more than a lawmaker. He also served in the United States Armed Forces, fought in World War II and received the Purple Heart. He could have probably received a few other Purple Hearts for the rough and tumble of Philadelphia politics that he had to endure through his many years and decades of service in Philadelphia as a ward leader and other various positions.

There is no one better qualified, more uniquely situated to speak on the life and legacy of Mr. Smith, or Chairman Smith, than my colleague, the gentleman from Philadelphia (Mr. BRADY), who is not only the Member of Congress representing the first district but also serves now as the chairman of the same Democratic party that Joe Smith served as chairman of.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BRADY) to speak on this legislation.

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania (Mr. FATTAH), for yielding me this time.

Mr. Speaker, I rise to support bill 4554. My friend, Joe Smith, served in Congress, earned the Purple Heart in World War II, was a fellow ward leader for 30 years, and was the chairman of the Committee on Appropriations in the Senate in the State of Pennsylvania. But closer to my heart, he was my predecessor in the city of Philadelphia as the chairman of the Democratic party in the city, and nobody knows better than I do what a tough position that can be at times.

He was a people person. He loved the people that he served in his neighborhood. Mr. Speaker, that is why this distinguished honor is so fitting. In naming this post office after him, his memory will remain in that community forever. To his lovely wife, Jean, to his daughter, Gigi, we want them to know that we are as proud of him as they have been throughout his distinguished career.

Mr. Speaker, I want to thank my friend and colleague, the gentleman from Pennsylvania (Mr. BORSKI), for introducing this measure, and my friend and partner, the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), for bringing this bill to the floor; and I want to also thank the chairman of the subcommittee, the gentleman from New York (Mr. McHUGH), for his hard work in honoring my friend, Joe Smith.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume by saying that the senior Congressman and chair of the Philadelphia delegation here in the Congress, the gentleman from Pennsylvania (Mr. BORSKI), is the prime sponsor of this legislation and is someone who served with Joe Smith when he was here in the Congress. The gentleman from Pennsylvania could not be with us here on the floor at this moment, Mr. Speaker, but he will be entering a statement into the RECORD.

Let me finally thank the gentleman from New York, the chairman of the subcommittee. It is as always a pleasure to work with the gentleman as we move this type of legislation through the House. And I congratulate him on yesterday's passage of the semipostal bill, which is an important piece of legislation having to do with postal services here in our country and the benefit for charitable causes.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume; and first, I want to return the compliment from the gentleman from Pennsylvania, the ranking member. We did, indeed, do some good work here yesterday. That was, as I attempted to indicate yesterday in the course of the discussion on the bill, in no small measure due to the contributions, the input, and the very constructive suggestions that the gentleman from Pennsylvania and his staff made to that bill, and I think we can all take a great deal of pride in it.

Let me echo as well his appreciation by expressing my thanks to him for his continued cooperation. I mentioned earlier the bipartisan structure of the subcommittee, the record of achievement, and the bipartisan way that we have accrued; and I think, again, we should all take a great deal of pride in that. It is probably not as common on this floor as some of us would hope it would be.

Finally, Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. BRADY) for his very gracious and kind comments and also thank all the Members of the Pennsylvania delegation, including, of course, the gentleman from Pennsylvania (Mr. BORSKI), for bringing this nominee to our attention. And I would, finally, urge support from all our colleagues for this legislation.

Mr. BORSKI. Mr. Speaker, I rise in strong support of H.R. 4554, a bill that I introduced which would rename a United States Post Office in Philadelphia, PA to honor the late U.S. Congressman, Joseph F. Smith. I would like to thank Chairman MCHUGH for his efforts on behalf of this bill. I would also like to extend my deep appreciation to my fellow colleagues of the Philadelphia Delegation. Ranking Member FATTAH put in remarkable work at expediting this bill through Committee. Congressman BOB BRADY, the successor to Joe Smith as the Democratic Chairman of the City of Philadelphia, was an advocate of this bill from day one. Finally, I would like to thank the entire Pennsylvania Congressional Delegation for joining together in a bipartisan matter in strong support of this important legislation.

Joe Smith started his career of service to this Nation as a sergeant in the United States Army, receiving a Purple Heart for his actions during World War II. Joe began his career in politics as a Democratic Committeeman. He was a Ward Chairman, working directly under James Byrne, the Ward Leader who went on to become a U.S. Congressman, who Joe would eventually work for as an Administrative Assistant from 1965–1970. From 1970–1981, he served in the Pennsylvania State Senate. As you are aware, Joe was elected to the Ninety-seventh Congress in 1981 and served until 1983. He worked at the forefront of the Democratic Party as the Democratic City Chairman in Philadelphia from 1983–1986. this was an enormous accomplishment, because he achieved the difficult task of earning the trust and respect of the city's Ward Leaders who voted to elect him their Chairman. Joe also served as the 31st Ward Leader for more than 3 decades. He remained devoted to the people of his community until May of 1999, when he passed away.

Joe Smith served for over 60 years in politics. Through his old-fashioned values of working hard and starting from the grassroots, Joe climbed from Committeeman to U.S. Congressman. Regardless of the position he was serving, Joe Smith remained noble enough of a man to continuously work hard towards his goal of helping the people of his country and his community. He once told me that he considered himself a "dinosaur" because he still believed in the pure art of politics—going door to door in your community not only to get the vote, but also to learn about the people and families that you plan to serve. On another occasion, Joe answered a question given by group of labor leaders with a memorable quote. "I was Joe Smith yesterday, I'm Joe Smith today, and I'll be Joe Smith tomorrow." They understood what he meant—that they could always count on this unpretentious man who believed enough in the hard-working people and values of the 1st Congressional District, to adamantly work for their well being. I can only hope that more of today's leaders will abide by Joe's principle that "politics" is never a dirty word.

Throughout his career, the people of Philadelphia looked to him for leadership, and he immersed himself in understanding their needs. Joe understood that public service is most effective when one understands and closely reflects the convictions and beliefs of one's constituents. No matter what body he was serving in, his heart was always with the people who resided in the communities of Kensington, Port Richmond, and Fishtown. After his retirement, Joe could still be found sharing wisdom and insight from his front steps to those who sought advice and kinship.

When I think of Joe Smith I also think of the dedicated women in his life. He was a committed husband to the love of his life, his wife, Jean, and a devoted father to his daughter, Gigi. Joe was certainly proud of Gigi who is following in his footsteps as a Democratic Committeeperson. His daughter has also sought elected office and I am sure that she has a bright political future ahead of her. Along with his wife and daughter, I am certainly reminded of the three "Peg's" in his life—Peg Butkowski, the late Peg McCook, and Peg Rzepski. Whenever you called his office, you were sure to be assisted by the ever-helpful Peg Butkowski and Peg McCook. These women fought the fight in reconnecting the community with their government. Peg Rzepski served as his loyal lieutenant as the Ward Chairman for years. As his successor of the 31st Ward, she has shared in his belief that politics is never a dirty word and should be seen as a noble cause.

Joe Smith was an outstanding legislator, a great human being, and a distinguished American. I urge my colleagues to join me in supporting this bill to honor his legacy in the community that he so diligently served throughout his life, by naming the Kensington Station Post Office after Joe Smith.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4554.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INTERCOUNTRY ADOPTION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2909) to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intercountry Adoption Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—UNITED STATES CENTRAL AUTHORITY

Sec. 101. Designation of central authority.
Sec. 102. Responsibilities of the Secretary of State.
Sec. 103. Responsibilities of the Attorney General.
Sec. 104. Annual report on intercountry adoptions.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

Sec. 201. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.
Sec. 202. Process for accreditation and approval; role of accrediting entities.
Sec. 203. Standards and procedures for providing accreditation or approval.
Sec. 204. Secretarial oversight of accreditation and approval.
Sec. 205. State plan requirement.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

Sec. 301. Adoptions of children immigrating to the United States.
Sec. 302. Immigration and Nationality Act amendments relating to children adopted from Convention countries.
Sec. 303. Adoptions of children emigrating from the United States.

TITLE IV—ADMINISTRATION AND ENFORCEMENT

Sec. 401. Access to Convention records.
Sec. 402. Documents of other Convention countries.
Sec. 403. Authorization of appropriations; collection of fees.
Sec. 404. Enforcement.

TITLE V—GENERAL PROVISIONS

Sec. 501. Recognition of Convention adoptions.
Sec. 502. Special rules for certain cases.
Sec. 503. Relationship to other laws.
Sec. 504. No private right of action.
Sec. 505. Effective dates; transition rule.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress recognizes—

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993), and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,

and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ACCREDITED AGENCY.—The term "accredited agency" means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.

(2) ACCREDITING ENTITY.—The term "accrediting entity" means an entity designated under section 202(a) to accredit agencies and approve persons under title II.

(3) ADOPTION SERVICE.—The term "adoption service" means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

The term "providing", with respect to an adoption service, includes facilitating the provision of the service.

(4) AGENCY.—The term "agency" means any person other than an individual.

(5) APPROVED PERSON.—The term "approved person" means a person approved under title II to provide adoption services in the United States in cases subject to the Convention.

(6) ATTORNEY GENERAL.—Except as used in section 404, the term "Attorney General" means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) CENTRAL AUTHORITY.—The term "central authority" means the entity designated as such by any Convention country under Article 6(1) of the Convention.

(8) CENTRAL AUTHORITY FUNCTION.—The term "central authority function" means any duty required to be carried out by a central authority under the Convention.

(9) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(10) CONVENTION ADOPTION.—The term "Convention adoption" means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.

(11) CONVENTION RECORD.—The term "Convention record" means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 401(a) by the Secretary of State or the Attorney General.

(12) CONVENTION COUNTRY.—The term "Convention country" means a country party to the Convention.

(13) OTHER CONVENTION COUNTRY.—The term "other Convention country" means a Convention country other than the United States.

(14) PERSON.—The term "person" shall have the meaning provided in section 1 of title 1, United States Code, and shall not include any agency of government or tribal government entity.

(15) PERSON WITH AN OWNERSHIP OR CONTROL INTEREST.—The term "person with an ownership or control interest" has the meaning given such term in section 1124(a)(3) of the Social Security Act (42 U.S.C. 1320a–3).

(16) SECRETARY.—The term "Secretary" means the Secretary of State.

(17) STATE.—The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

TITLE I—UNITED STATES CENTRAL AUTHORITY

SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.

(a) IN GENERAL.—For purposes of the Convention and this Act—

(1) the Department of State shall serve as the central authority of the United States; and

(2) the Secretary shall serve as the head of the central authority of the United States.

(b) PERFORMANCE OF CENTRAL AUTHORITY FUNCTIONS.—

(1) Except as otherwise provided in this Act, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this Act.

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's Issues shall have a strong background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.

(c) AUTHORITY TO ISSUE REGULATIONS.—Except as otherwise provided in this Act, the Secretary may prescribe such regulations as may be necessary to carry out central authority functions on behalf of the United States.

SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.

(a) LIAISON RESPONSIBILITIES.—The Secretary shall have responsibility for—

(1) liaison with the central authorities of other Convention countries; and

(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.

(b) INFORMATION EXCHANGE.—The Secretary shall be responsible for—

(1) providing the central authorities of other Convention countries with information concerning—

(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been temporarily or permanently debarred from accreditation or approval;

(B) Federal and State laws relevant to implementing the Convention; and

(C) any other matters necessary and appropriate for implementation of the Convention;

(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice requesting the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;

(3) making responses to notices under paragraph (2) available to—

(A) accredited agencies and approved persons; and

(B) other persons or entities performing home studies under section 201(b)(1);

(4) ensuring the provision of a background report (home study) on the prospective adoptive parent or parents (pursuant to the requirements of section 203(b)(1)(A)(ii)), through the central authority of each child's country of origin, to the court having jurisdiction over the adoption (or in the case of a child emigrating to the United States for the purpose of adoption to the competent authority in the child's country of origin with responsibility for approving the child's emigration) in adequate time to be considered prior to the granting of such adoption or approval;

(5) providing Federal agencies, State courts, and accredited agencies and approved persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country; and

(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.

(c) ACCREDITATION AND APPROVAL RESPONSIBILITIES.—The Secretary shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.

(d) ADDITIONAL RESPONSIBILITIES.—The Secretary—

(1) shall monitor individual Convention adoption cases involving United States citizens; and

(2) may facilitate interactions between such citizens and officials of other Convention countries on matters relating to the Convention in any case in which an accredited agency or approved person is unwilling or unable to provide such facilitation.

(e) ESTABLISHMENT OF REGISTRY.—The Secretary and the Attorney General shall jointly establish a case registry of all adoptions involving immigration of children into the United States and emigration of children from the United States, regardless of whether the adoption occurs under the Convention. Such registry shall permit tracking of pending cases and retrieval of information on both pending and closed cases.

(f) METHODS OF PERFORMING RESPONSIBILITIES.—The Secretary may—

(1) authorize public or private entities to perform appropriate central authority functions for which the Secretary is responsible, pursuant to regulations or under agreements published in the Federal Register; and

(2) carry out central authority functions through grants to, or contracts with, any individual or public or private entity, except as may be otherwise specifically provided in this Act.

SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.

In addition to such other responsibilities as are specifically conferred upon the Attorney General by this Act, the central authority functions specified in Article 14 of the Convention (relating to the filing of applications by prospective adoptive parents to the central authority of their country of residence) shall be performed by the Attorney General.

SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.

(a) REPORTS REQUIRED.—Beginning one year after the date of the entry into force of the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report describing the activities of the central authority of the United States under this Act during the preceding year to the Committee on International Relations, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.

(b) Report Elements.—Each report under subsection (a) shall set forth with respect to the year concerned, the following:

(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred under the Convention, including the country from which each child emigrated, the State to which each child immigrated, and the country in which the adoption was finalized.

(2) The number of intercountry adoptions involving emigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.

(3) The number of Convention placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.

(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.

(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.

(6) The names of the agencies and persons temporarily or permanently debarred under this Act, and the reasons for the debarment.

(7) The range of adoption fees charged in connection with Convention adoptions involving immigration to the United States and the median of such fees set forth by the country of origin.

(8) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.

(a) In General.—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—

(1) is accredited or approved in accordance with this title; or

(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.

(b) Exceptions.—Subsection (a) shall not apply to the following:

(1) Background studies and home studies.—The performance of a background study on a child or a home study on a prospective adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.

(2) Child welfare services.—The provision of a child welfare service by a person who is not providing any other adoption service in the case.

(3) Legal services.—The provision of legal services by a person who is not providing any adoption service in the case.

(4) Prospective adoptive parents acting on own behalf.—The conduct of a prospective adoptive parent on his or her own behalf in the case, to the extent not prohibited by the law of the State in which the prospective adoptive parent resides.

SEC. 202. PROCESS FOR ACCREDITATION AND APPROVAL; ROLE OF ACCREDITING ENTITIES.

(a) Designation of Accrediting Entities.—

(1) In general.—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 203, and upon entering into each such agreement shall designate the qualified entity as an accrediting entity.

(2) Qualified entity.—In paragraph (1), the term "qualified entity" means—

(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or

(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—

(i) has expertise in developing and administering standards for entities providing child welfare services;

(ii) accredits only agencies located in the State in which the public entity is located;

(iii) on the basis of the most recent review, has not been found to have conducted a State program that has been found to have failed substantially to conform with the requirements of the child and family services review system authorized under section 1123A of the Social Security Act; and

(iv) meets such other criteria as the Secretary may by regulation establish.

(b) Duties of Accrediting Entities.—The duties described in this subsection are the following:

(1) Accreditation and approval.—Accreditation of agencies, and approval of persons, to provide adoption services in the United States in cases subject to the Convention.

(2) Oversight.—Ongoing monitoring of the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary.

(3) Enforcement.—Taking of adverse actions (including requiring corrective action, imposing sanctions, and refusing to renew, suspending, or canceling accreditation or approval) for noncompliance with applicable requirements, and notifying the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.

(4) Data, records, and reports.—Collection of data, maintenance of records, and reporting to the Secretary, the United States central authority, State courts, and other entities (including on persons and agencies granted or denied approval or accreditation), to the extent and in the manner that the Secretary requires.

(c) Remedies for Adverse Action by Accrediting Entity.—

(1) Correction of deficiency.—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.

(2) No other administrative review.—An adverse action by an accrediting entity shall not be subject to administrative review.

(3) Judicial review.—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.

(d) Fees.—The amount of fees assessed by accrediting entities for the costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.

SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.

(a) In General.—

(1) Promulgation of regulations.—The Secretary, shall, by regulation, prescribe the standards and procedures to be used by accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.

(2) Consideration of views.—In developing such regulations, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in international adoptions and family social services, including public and private entities with experience in licensing and accrediting adoption agencies.

(3) Applicability of notice and comment rules.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) Minimum Requirements.—

(1) Accreditation.—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:

(A) Specific requirements.—

(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent practicable, shall include an English-language translation of such records) on a date which is not later than the earlier of the date that is 2 weeks before (I) the adoption, or (II) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.

(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child's country of origin under section 102(b)(3), including in the case of a child emigrating to the United States for the purpose of adoption the requirements of the child's country of origin applicable to adoptions taking place in such country. For purposes of this clause, the term "background report (home study)" shall include any supplemental statement submitted by the agency to the Attorney General for the purpose of providing information relevant to any requirements specified by the child's country of origin.

(iii) The agency provides prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(iv) The agency employs personnel providing intercountry adoption services on a fee for service basis rather than on a contingent fee basis.

(v) The agency discloses fully its policies and practices, the disruption rates of its placements for intercountry adoption, and all fees charged by such agency for intercountry adoption.

(B) CAPACITY TO PROVIDE ADOPTION SERVICES.—The agency has, directly or through arrangements with other persons, a sufficient number of appropriately trained and qualified personnel, sufficient financial resources, appropriate organizational structure, and appropriate procedures to enable the agency to provide, in accordance with this Act, all adoption services in cases subject to the Convention.

(C) USE OF SOCIAL SERVICE PROFESSIONALS.—The agency has established procedures designed to ensure that social service functions requiring the application of clinical skills and judgment are performed only by professionals with appropriate qualifications and credentials.

(D) RECORDS, REPORTS, AND INFORMATION MATTERS.—The agency is capable of—

(i) maintaining such records and making such reports as may be required by the Secretary, the United States central authority, and the accrediting entity that accredits the agency;

(ii) cooperating with reviews, inspections, and audits;

(iii) safeguarding sensitive individual information; and

(iv) complying with other requirements concerning information management necessary to ensure compliance with the Convention, this Act, and any other applicable law.

(E) LIABILITY INSURANCE.—The agency agrees to have in force adequate liability insurance for professional negligence and any other insurance that the Secretary considers appropriate.

(F) COMPLIANCE WITH APPLICABLE RULES.—The agency has established adequate measures to comply (and to ensure compliance of their agents and clients) with the Convention, this Act, and any other applicable law.

(G) NONPROFIT ORGANIZATION WITH STATE LICENSE TO PROVIDE ADOPTION SERVICES.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.

(2) APPROVAL.—The standards prescribed under subsection (a) shall include the requirement that a person shall not be approved under this title unless the person is a private for-profit entity that meets the requirements of subparagraphs (A) through (F) of paragraph (1) of this subsection.

(3) RENEWAL OF ACCREDITATION OR APPROVAL.—The standards prescribed under subsection (a) shall provide that the accreditation of an agency or approval of a person under this title shall be for a period of not less than 3 years and not more than 5 years, and may be renewed on a showing that the agency or person meets the requirements applicable to original accreditation or approval under this title.

(c) TEMPORARY REGISTRATION OF COMMUNITY-BASED AGENCIES.—

(1) 1-YEAR REGISTRATION PERIOD FOR MEDIUM COMMUNITY-BASED AGENCIES.—For a 1-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(2) 2-YEAR REGISTRATION PERIOD FOR SMALL COMMUNITY-BASED AGENCIES.—For a 2-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 50 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(3) CRITERIA FOR REGISTRATION.—Agencies registered under this subsection shall meet the following criteria:

(A) The agency is licensed in the State in which it is located and is a nonprofit agency.

(B) The agency has been providing adoption services in connection with intercountry adoptions for at least 3 years.

(C) The agency has demonstrated that it will be able to provided the United States Government with all information related to the elements described in section 104(b) and provides such information.

(D) The agency has initiated the process of becoming accredited under the provisions of this Act and is actively taking steps to become an accredited agency.

(E) The agency has not been found to be involved in any improper conduct relating to intercountry adoptions.

SEC. 204. SECRETARIAL OVERSIGHT OF ACCREDITATION AND APPROVAL.

(a) OVERSIGHT OF ACCREDITING ENTITIES.—The Secretary shall—

(1) monitor the performance by each accrediting entity of its duties under section 202 and its compliance with the requirements of the Convention, this Act, other applicable laws, and implementing regulations under this Act; and

(2) suspend or cancel the designation of an accrediting entity found to be substantially out of compliance with the Convention, this Act, other applicable laws, or implementing regulations under this Act.

(b) SUSPENSION OR CANCELLATION OF ACCREDITATION OR APPROVAL.—

(1) SECRETARY'S AUTHORITY.—The Secretary shall suspend or cancel the accreditation or approval granted by an accrediting entity to an agency or person pursuant to section 202 when the Secretary finds that—

(A) the agency or person is substantially out of compliance with applicable requirements; and

(B) the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.

(2) CORRECTION OF DEFICIENCY.—At any time when the Secretary is satisfied that the deficiencies on the basis of which an adverse action is taken under paragraph (1) have been corrected, the Secretary shall—

(A) notify the accrediting entity that the deficiencies have been corrected; and

(B)(i) in the case of a suspension, terminate the suspension; or

(ii) in the case of a cancellation, notify the agency or person that the agency or person may re-apply to the accrediting entity for accreditation or approval.

(c) DEBARMENT.—

(1) SECRETARY'S AUTHORITY.—On the initiative of the Secretary, or on request of an accrediting entity, the Secretary may temporarily or permanently debar an agency from accreditation or a person from approval under this title, but only if—

(A) there is substantial evidence that the agency or person is out of compliance with applicable requirements; and

(B) there has been a pattern of serious, willful, or grossly negligent failures to comply or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) PERIOD OF DEBARMENT.—The Secretary's debarment order shall state whether the debarment is temporary or permanent. If the debarment is temporary, the Secretary shall specify a date, not earlier than 3 years after the date of the order, on or after which the agency or person may apply to the Secretary for withdrawal of the debarment.

(3) EFFECT OF DEBARMENT.—An accrediting entity may take into account the circumstances of the debarment of an agency or person that has been debarred pursuant to this subsection in considering any subsequent application of the agency or person, or of any other entity in which the agency or person has an ownership or control interest, for accreditation or approval under this title.

(d) JUDICIAL REVIEW.—A person (other than a prospective adoptive parent), an agency, or an accrediting entity who is the subject of a final action of suspension, cancellation, or debarment by the Secretary under this title may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the person resides or the agency or accrediting entity is located to set aside the action. The court shall review the action in accordance with section 706 of title 5, United States Code.

(e) FAILURE TO ENSURE A FULL AND COMPLETE HOME STUDY.—

(1) Willful, grossly negligent, or repeated failure to ensure the completion and transmission of a background report (home study) that fully complies with the requirements of section 203(b)(1)(A)(ii) shall constitute substantial noncompliance with applicable requirements.

(2) Regulations promulgated under section 203 shall provide for—

(A) frequent and careful monitoring of compliance by agencies and approved persons with the requirements of section 203(b)(1)(A)(ii); and

(B) consultation between the Secretary and the accrediting entity where an agency or person has engaged in substantial noncompliance with the requirements of section 203(b)(1)(A)(ii), unless the accrediting entity has taken appropriate corrective action and the noncompliance has not recurred.

(3) Repeated serious, willful, or grossly negligent failures to comply with the requirements of section 203(b)(1)(A)(ii) by an agency or person after consultation between the Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply under subsection (c)(1)(B).

(4) A failure to comply with the requirements of section 203(b)(1)(A)(ii) shall constitute a serious failure to comply under subsection (c)(1)(B) unless it is shown by clear and convincing evidence that such noncompliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin.

SEC. 205. STATE PLAN REQUIREMENT.

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking "children." and inserting "children;"; and

(3) by adding at the end the following new paragraphs:

"(13) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and

"(14) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution.".

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

SEC. 301. ADOPTIONS OF CHILDREN IMMIGRATING TO THE UNITED STATES.

(a) LEGAL EFFECT OF CERTIFICATES ISSUED BY THE SECRETARY OF STATE.—

(1) ISSUANCE OF CERTIFICATES BY THE SECRETARY OF STATE.—The Secretary of State shall, with respect to each Convention adoption, issue a certificate to the adoptive citizen parent domiciled in the United States that the adoption has been granted or, in the case of a prospective adoptive citizen parent, that legal custody of the child has been granted to the citizen parent for purposes of emigration and adoption, pursuant to the Convention and this Act, if the Secretary of State—

(A) receives appropriate notification from the central authority of such child's country of origin; and

(B) has verified that the requirements of the Convention and this Act have been met with respect to the adoption.

(2) LEGAL EFFECT OF CERTIFICATES.—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive evidence of the facts certified therein and shall constitute the certification required by section 204(d)(2) of the Immigration and Nationality Act, as amended by this Act.

(b) LEGAL EFFECT OF CONVENTION ADOPTION FINALIZED IN ANOTHER CONVENTION COUNTRY.—A final adoption in another Convention country, certified by the Secretary of State pursuant to subsection (a) of this section or section 303(c), shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the United States.

(c) CONDITION ON FINALIZATION OF CONVENTION ADOPTION BY STATE COURT.—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.

SEC. 302. IMMIGRATION AND NATIONALITY ACT AMENDMENTS RELATING TO CHILDREN ADOPTED FROM CONVENTION COUNTRIES.

(a) DEFINITION OF CHILD.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) by striking "or" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; or"; and

(3) by adding after subparagraph (F) the following new subparagraph:

"(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age—

"(i) if—

"(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

"(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

"(III) the child is not the grandchild, niece, nephew, brother, sister, aunt, uncle, or first cousin of one or both of the adopting parents, unless—

"(aa) the child has no living parents because of the death or disappearance of, abandonment or desertion by, separation from, or loss of, both parents; or

"(bb) the sole or surviving parent is incapable of providing the proper care for the child and has in writing irrevocably released the child for emigration and adoption; and

"(IV) in the case of a child who has not been adopted—

"(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

"(bb) the prospective adoptive parent or parents has or have complied with any preadoption requirements of the child's proposed residence; and

"(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.".

(b) APPROVAL OF PETITIONS.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended—

(1) by striking "(d)" and inserting "(d)(1)";

(2) by striking "section 101(b)(1)(F)" and inserting "subparagraph (F) or (G) of section 101(b)(1)"; and

(3) by adding at the end the following new paragraph:

"(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child's country of origin has notified the United States central authority under the convention referred to in such section 101(b)(1)(G) that a United States citizen habitually resident in the United States has effected final adoption of the child, or has been granted custody of the child for the purpose of emigration and adoption, in accordance with such convention and the Intercountry Adoption Act of 2000.".

(c) DEFINITION OF PARENT.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting "and paragraph (1)(G)(i)" after "second proviso therein)".

SEC. 303. ADOPTIONS OF CHILDREN EMIGRATING FROM THE UNITED STATES.

(a) DUTIES OF ACCREDITED AGENCY OR APPROVED PERSON.—In the case of a Convention adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency or approved person providing adoption services, or the prospective adoptive parent or parents acting on their own behalf (if permitted by the laws of such other Convention country in which they reside and the laws of the State in which the child resides), shall do the following:

(1) Ensure that, in accordance with the Convention—

(A) a background study on the child is completed;

(B) the accredited agency or approved person—

(i) has made reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States; and

(ii) despite such efforts, has not been able to place the child for adoption in the United States in a timely manner; and

(C) a determination is made that placement with the prospective adoptive parent or parents is in the best interests of the child.

(2) Furnish to the State court with jurisdiction over the case—

(A) documentation of the matters described in paragraph (1);

(B) a background report (home study) on the prospective adoptive parent or parents (including a criminal background check) prepared in accordance with the laws of the receiving country; and

(C) a declaration by the central authority (or other competent authority) of such other Convention country—

(i) that the child will be permitted to enter and reside permanently, or on the same basis as the adopting parent, in the receiving country; and

(ii) that the central authority (or other competent authority) of such other Convention country consents to the adoption, if such consent is necessary under the laws of such country for the adoption to become final.

(3) Furnish to the United States central authority—

(A) official copies of State court orders certifying the final adoption or grant of custody for the purpose of adoption;

(B) the information and documents described in paragraph (2), to the extent required by the United States central authority; and

(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.

(b) Conditions on State Court Orders.—An order declaring an adoption to be final or granting custody for the purpose of adoption in a case described in subsection (a) shall not be entered unless the court—

(1) has received and verified to the extent the court may find necessary—

(A) the material described in subsection (a)(2); and

(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and

(2) has determined that the adoptive placement is in the best interests of the child.

(c) Duties of the Secretary of State.—In a case described in subsection (a), the Secretary, on receipt and verification as necessary of the material and information described in subsection (a)(3), shall issue, as applicable, an official certification that the child has been adopted or a declaration that custody for purposes of adoption has been granted, in accordance with the Convention and this Act.

(d) Filing with Registry Regarding Non-convention Adoptions.—Accredited agencies, approved persons, and other persons, including governmental authorities, providing adoption services in an intercountry adoption not subject to the Convention that involves the emigration of a child from the United States shall file information required by regulations jointly issued by the Attorney General and the Secretary of State for purposes of implementing section 102(e).

TITLE IV—ADMINISTRATION AND ENFORCEMENT

SEC. 401. ACCESS TO CONVENTION RECORDS.

(a) Preservation of Convention Records.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that establish procedures and requirements in accordance with the Convention and this section for the preservation of Convention records.

(2) Applicability of notice and comment rules.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) Access to Convention Records.—

(1) Prohibition.—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law.

(2) Exception for administration of the convention.—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act.

(3) Penalties for unlawful disclosure.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

(c) Access to Non-Convention Records.—Disclosure of, access to, and penalties for unlawful disclosure of, adoption records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable State law.

SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.

Documents originating in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.

(a) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) Assessment of Fees.—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.

(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

(c) Restriction.—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.

SEC. 404. ENFORCEMENT.

(a) Civil Penalties.—Any person who—

(1) violates section 201;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2),

shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation.

(b) Civil Enforcement.—

(1) Authority of attorney general.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) Factors to be considered in imposing penalties.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) Criminal Penalties.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

TITLE V—GENERAL PROVISIONS

SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.

Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.

SEC. 502. SPECIAL RULES FOR CERTAIN CASES.

(a) Authority to Establish Alternative Procedures for Adoption of Children by Relatives.—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.

(b) Waiver Authority.—

(1) In general.—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.

(2) Nondelegation.—The authority provided by paragraph (1) may not be delegated.

SEC. 503. RELATIONSHIP TO OTHER LAWS.

(a) Preemption of Inconsistent State Law.—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.

(b) Applicability of the Indian Child Welfare Act.—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(c) Relationship to Other Laws.—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.

SEC. 504. NO PRIVATE RIGHT OF ACTION.

The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

SEC. 505. EFFECTIVE DATES; TRANSITION RULE.

(a) EFFECTIVE DATES.—

(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.

(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

(b) TRANSITION RULE.—The Convention and this Act shall not apply—

(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or

(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2909.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise enthusiastically to bring to the House floor H.R. 2909, the Intercountry Adoption Act, and I offer a personal word of thanks for the diligent efforts of the gentlewoman from Connecticut (Mrs. JOHNSON); the gentleman from Michigan (Mr. CAMP); the distinguished chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH); the ranking minority member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON); and the gentleman from Massachusetts (Mr. DELAHUNT) for their collective efforts. Their efforts and their expertise enables us to bring this bipartisan bill to the floor today, which has strong congressional support with a remarkable total of 51 cosponsors.

The purpose of our bill is to provide the Department of State with the necessary authorities to implement the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. As a signatory to this convention, our Nation must now meet the obligations of the convention, which includes establishing a Federal central authority and an accreditation process for agencies engaged in intercountry adoptions.

The Hague Convention, developed in response to abuses in the intercountry adoption process, sets forth standards and procedures that can be recognized and followed by countries engaged in intercountry adoptions. This legal framework provides protection to the adoptive children and to their families by ensuring that agencies and individuals involved in the intercountry adoption process meet standards of competence, ethical behavior, and financial soundness.

This bill reflects many hours of deliberation among committees of jurisdiction, the Department of State and the Department of Justice. We greatly appreciate the advice from many outside groups and individuals as we crafted this bipartisan measure. We are also grateful for the many letters of support we received for the bill before the House today.

I say with confidence that we have before us a solid bill that will enable our State Department to implement procedures to assist thousands of families in adopting children from overseas.

□ 1230

We want those parents to have the best information and services available to them. This bill provides many consumer protections to improve the intercountry adoption process and to establish a consistent and a reliable system that will be recognized by other foreign countries.

In closing, I would like to recognize the significant assistance provided by the leadership staff in helping us bring the bill to the floor and to our Committee on International Relations staff members Kristen Gilley, our professional staff member; David Abramowitz, our committee minority counsel; Joseph Rees, counsel and staff director of our Subcommittee on International Operations and Human Rights; and Mark Agrast, staff assistant of the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. Speaker, I urge full support for this bill by our colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume; and I rise in support of the resolution.

Mr. Speaker, well, this day has been long in coming. And while I still have some reservations about certain provisions of the bill, it certainly is a good day. I might add parenthetically that today happens to be my birthday, and passage of this measure certainly would be the most memorable of birthday gifts.

I want to thank our chairman, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations; the gentleman from Connecticut (Mr. GEJDENSON), the ranking member; and the gentleman from North Dakota (Mr. POMEROY), my friend and colleague, who is the father of two adopted children from Korea; and our colleagues from the Committee on Ways and Means, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Michigan (Mr. CAMP), who has been a leader not only in this particular effort but on other important adoption initiatives; as well as my friend and colleague, the gentleman from New Jersey (Mr. SMITH); also, a number of key officials at the Department of State who contributed substantially to this effort. Their advice and input are genuinely appreciated.

I also want to express my appreciation to Senators HELMS, BIDEN, and LANDRIEU, with whom the amended bill was carefully developed in the course of extensive consultations.

And finally, I want to thank the many adoptive families, adoption experts and child service organizations that have been so generous with their encouragement and counsel on the many difficult issues that we had to confront.

At our hearing on the bill last October, I promised to do all I could to see that this would be an open process and that their concerns would be heard. I believe that promise has been kept, Mr. Speaker, and that the extensive input we received has resulted in a bill that merits wide support.

Mr. Speaker, I think many of my colleagues are aware of the fact that, for me, this is no ordinary piece of legislation. And intercountry adoption is not some abstract or theoretical policy question or concept.

This past April 6, my family marked the 25th anniversary of the arrival of my younger daughter, Kara, who was airlifted out of Vietnam during "Operation Baby-Lift" just days before the fall of Saigon.

I cannot express adequately to this House how profoundly her arrival changed our lives. Her mother, Katy, her sister, Kirsten, and I often reflect on how much richer and fuller our lives are because she is part of us, she is our family. But our experience is far from unique, as I am sure can be verified by my friend, the gentleman from North Dakota (Mr. POMEROY). It is shared by hundreds of thousands of families across this country, including a number of my colleagues in this House who have adopted from abroad.

Intercountry adoption is not the answer to all the problems affecting children around the world, but it has given loving homes and a chance in life to needy children who could not be cared for in their countries of origin.

When the process works, it results in the successful placement of happy, well-adjusted children with responsible parents who will love and care for them. But problems, including some very serious problems, do occur. And while most of the leading international adoption agencies maintain high ethical and professional standards, sadly, this is not always the case.

Documented abuses range from the charging of exorbitant fees by so-called "facilitators" in some countries to child kidnapping, baby smuggling; and coerced consent from birth mothers do occur.

In some cases, information has been improperly held from adoptive families with regards to the child's medical and psychological condition. And tragically, some adoptions have been disrupted because the adoptive families were poorly prepared for their parenting responsibilities as a result of the failure of the agency to provide the necessary pre- and post-adoption counseling.

Such concerns have caused a number of countries, including Russia, Romania, and Guatemala, to actually suspend overseas adoptions until safeguards could be put in place.

For example, last March a special United Nations investigator reported to the Human Rights Commission that Guatemalan babies have been reduced to "objects of trade and commerce." And that is a quote, "objects of trade and commerce."

According to her report, prominent lawyers, doctors, and judges in Guatemala were involved in a series of abuses from falsifying birth records to tricking or drugging frightened birth mothers into signing over their children.

That is why the Hague Convention on Intercountry Adoption is of such importance and this implementing language is so critical. It will help eliminate these abuses and enable both birth parents and adoptive families to participate in the intercountry adoption process with full confidence and a sense of security.

It is also important to understand the importance of the United States' role on this issue. As the largest receiving country for adopted children, the United States played a prominent role in negotiating the Convention. Since Americans adopt four out of five children that are placed through intercountry adoption, it is certainly in our national interest to secure ratification. And while 40 nations have already ratified the document, many more are simply waiting to see what we will do.

U.S. ratification will signal our commitment to these standards and will reassure sending countries that we intend to abide by them. And I am hopeful that it will encourage people everywhere to consider the benefits of international adoption.

On the other hand, should we fail to ratify, we will deal a serious setback to the Convention and will cause major sending nations to reconsider whether to continue to send their children here.

Mr. Speaker, I recognize that this legislation represents a compromise on many tough issues. And every compromise involves some degree of sacrifice by all concerned. I am, therefore, very grateful that so many organizations representing such a broad spectrum of opinion have been willing to put aside their broader agendas and give their support to the bill.

Again, I want to thank all who have contributed to this effort. But before I conclude, I would be remiss not to take particular note of the extraordinary contributions of the following staff: Kristen Gilley of the Committee on International Relations; David Abramowitz of the Committee on International Relations minority staff; Cassie Bevan of the Committee on Ways and Means of the majority staff; and Mark Agrast, my own legislative director.

As I suggested, this has been an arduous and lengthy process. I have no doubt that this legislation has involved more meetings and conversations and discussions than possibly any other proposal in the 106th Congress. But for their efforts, it is clear that we would not be here today. Their dedication, their persistence and their commitment bordered at times on the Herculean.

We all, particularly those who adopt children from overseas, are deeply in their debt and we recognize that their motivation was a deep and profound concern, love, if you will, for children everywhere on God's good Earth who are in the most desperate of situations.

So, on behalf of all of us, especially those children, I thank my colleagues. They have truly made a difference.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, it is with great pride and pleasure that I rise to urge the enactment of H.R. 2909, the Intercountry Adoption Act of 2000.

I am proud to be an original cosponsor of the Intercountry Adoption Act, which is necessary to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

The Convention was adopted in 1993 and signed by the United States in 1994. It will enter into force for the U.S. when the Senate gives its advise and consent and the President ratifies it.

Senator HELMS, the chairman of the Senate Foreign Relations Committee, has indicated his intention to schedule a committee vote as soon as both Houses of Congress have enacted this implementing legislation.

Mr. Speaker, the purpose of the Hague Convention and of this implementing legislation is twofold. The first purpose is to facilitate international adoptions whenever they are in the best interest of the child by eliminating unnecessary confusion, expense, and delay resulting from differences among certain laws and practices of nations.

The second and equally important purpose is to ensure transparent and fair regulation of international adoptions so that adoptions that are not in the best interest of the child, whether they involve gross abuses such as baby stealing and baby selling or other abuses that result in placing children in inappropriate settings, will not take place.

The legislation now before us establishes a framework for fulfilling both these essential goals. It charges the Secretary of State and the Attorney General with overseeing a process of accreditation and regulation of agencies and persons involved in international adoptions while avoiding unnecessary Federal encroachment on the regulatory authority long exercised by State governments. It sets minimum standards for this process of accreditation and regulation, all of which are designed to protect the best interests of children by promoting their adoption into appropriate family settings by agencies whose employees have the requisite skill, experience, and good judgment. And it ensures that courts and other competent authorities in the United States and in the adoptive children's countries of origin, as well as prospective adoptive parents, will have the information they need to make intelligent, life-affirming decisions.

Mr. Speaker, just let my say, throughout my 20 years in Congress, I have worked tirelessly on behalf of adoption and always in a bipartisan way.

In the late 80's, I introduced the OMNIBUS Adoption Act—which had as its centerpiece, a $5,000 tax credit for nonrecurring expenses. That's low today. Now I've introduced an updated measure designed to boost the credit to $10,000. That too is a bipartisan bill. The text in H.R. 2909 as it is presented on the floor today, is again a result of a tremendous amount of bipartisan work on the text.

Let me also point out, Mr. Speaker, in keeping with this commitment of protecting children, during the long and painstaking process of preparing this bill for enactment, I have at various times expressed concerns about provisions in preliminary versions of the legislation. Particularly, I have been concerned that the new regulatory scheme not facilitate "end runs" around legitimate laws and policies of States and foreign countries designed to protect the best interests of children.

□ 1245

Again I am happy to say that the gentleman from New York (Mr. GILMAN) and I and the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Michigan (Mr. CAMP), the gentlewoman from Connecticut (Mrs. JOHNSON) and many others have worked on legislation, with a text we could all agree to.

I join my colleague in thanking the professional work of our respective staffs especially Joseph Rees, who is general counsel and chief of staff of my Subcommittee on International Operations and Human Rights.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I want to join my colleagues in recognizing the bipartisan effort in accomplishing this goal and all the participants, the chairman, the subcommittee chairman, those on the Committee on Ways and Means, particularly from my side of the aisle, the gentleman from Massachusetts (Mr. DELAHUNT), the staff on both sides, particularly my staff, Mr. Abramowitz and others who were involved and also the staff back in the district that we all have that taught us the lessons of why we need this legislation. On my staff, Patty Shea, who works in the Middletown office, not only has adopted on her own, as a number of my other staff people have, but has constantly been involved in the trouble related often to the intricacies of adoption, whether in the United States at our end of the process or in the country where the child is coming from.

And so for all of us who have seen the torment and heartache often associated with families who are in the process of adopting running into very complex situations, often contradictory procedures and laws in our country and the country where the child is coming from, the efforts here today to set up an international regime that will set some certainty and a process by which parents and potential parents can know what that process is going to be is an important step forward.

The complexities here are significant, obviously, not simply those that divide some of us here in this Congress on the things we care about; but one of the concerns that I had of course is the impact on small agencies to make sure they were not overrun by a large bureaucratic system, but also the differences between countries and cultures and different systems of law. It will necessitate more cooperation in the future in every one of these categories.

I commend all the participants again for the work they have done here on this important piece of legislation. It is the kind of thing that makes us all proud to participate in this great democratic process we have here. I thank particularly the gentleman from Massachusetts (Mr. DELAHUNT) for his work.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the distinguished chairman of the Subcommittee on Human Resources.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman very much for yielding me this time and rise in strong support of passage of this Intercountry Adoption Act. The Subcommittee on Human Resources of the Committee on Ways and Means has written legislation that has more than doubled adoptions nationwide in America through good law, and we hope that this Intercountry Adoption Act will not only demonstrate America's commitment to the child, the birth parents and the adoptive parents, all parties to the adoption but will enable those adoptions to move more smoothly and more rapidly so that more children throughout the world can find permanent and loving homes.

The purpose of the Hague Convention on Intercountry Adoption is to set the rules for intercountry adoption that will do three important things: first, allow recognition of adoption among the party countries; two, protect the interests of all members of the adoption triad; and, three, prevent illegal child trafficking.

The Convention establishes an international set of principles and rules that will govern intercountry adoptions. These rules provide for the first time normal international recognition of the process of intercountry adoption and establish a minimum set of uniform standards governing international adoptions.

The implementing legislation we have before us today has been a long time in coming. The number of people that have been involved has been iterated by previous speakers so I will not reiterate those names; but it is fair to say without six Members of this House devoting really many hours to this subject over the last 2 years, we would not have this opportunity to more fairly and honestly and effectively govern international adoptions.

I would particularly like to recognize the efforts of the gentleman from Michigan (Mr. CAMP). He is a member of my subcommittee. He has been involved in this issue many, many years; and he has carried the major responsibility on behalf of the Committee on Ways and Means and myself on this legislation. I also want to recognize the work of Dr. Cassie Bevan, our chief of staff, because not only did she write the Safe Home and Families Act that has done so much to increase adoptions in America, but she was very instrumental in helping us find the language that allowed us to come to agreement on this bill and have it before Members today.

There are two principles that governed the drafting of this implementing legislation. First, the drafters were careful to include in the implementing legislation only those requirements that were specifically mandated by the Convention. The Convention required the implementing country to, among other things, designate a central authority, establish an accreditation process, and preserve adoption records.

This legislation was not intended to change domestic adoption practices or provide for a larger Federal role in nonconvention adoptions but was designed to meet the specific requirements of the Hague Convention. Secondly, the drafters were mindful that in the United States, family law is a field in which States are preeminent. Thus, this legislation was not viewed as an opportunity to override State laws. On the contrary, efforts to override State laws were resisted.

The Intercountry Adoption Act was designed to put into practice certain internationally agreed upon norms and procedures. Among these are the establishment of an accreditation system that will ensure that adoption agencies and adoption lawyers engage in sound, ethical adoption practices that recognize the dignity of all the parties involved.

Today, the Congress continues to build an impressive record of promoting adoption. I believe that H.R. 2909 along with the adoption tax credit, the Multiethnic Placement Act, the Adoption and Safe Families Act, and the Foster Care Independence Act shows our interest in making it easier for children to find permanent, loving families through adoption.

I congratulate the gentleman from New York (Mr. GILMAN) for his skillful leadership and the intense interest of a few Members, that handful of Members on both sides of the aisle that have made this bill possible and thank again my staff, the staff of all the committees, and the office of the gentleman from Texas (Mr. DELAY) that helped us get this crucial legislation to the floor.

Mr. DELAHUNT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on International Relations.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time. I am grateful to many as I get up to speak on this legislation, including the majority leadership for allowing this bill to come up on the suspension calendar. I am particularly grateful to the legislators who played such critical roles in getting this to the point where we can now enact it. It is critical legislation. Although this was not slated for House floor action intentionally to coincide with the birthday of the gentleman from Massachusetts (Mr. DELAHUNT), it could not have been more appropriately timed because he has put in such an extraordinary effort to bring it to this point.

Let me put a personal face on this issue. This is my daughter Kathryn. On February 3, 1994, the very day that Mother Teresa addressed the National Prayer Breakfast about the importance of adoption, Kathryn arrived on a Northwest jet out at National Airport. My wife and I went out and picked her up. She has certainly deeply changed our lives. It is a miracle, an absolute miracle. Two years later we adopted a son, a similar blessed event. We love him just as much; I just do not happen to have a poster of Scotty. I hope he understands.

This miracle has many composite points. As you look through them, really it is not a miracle; but it is a culmination of events, extraordinarily important events. The miracle behind Kathryn being my daughter today begins with South Korea having a priority on the best interests of its children, a priority that even usurps national pride to the dimension where they cannot place when they do not have capacity to place, they cannot find the homes for the children who need adoption, they have sought families wherever they may be located, including in our case, halfway around the world from where Kathryn was born. It takes a special country with special values to hold the interests of its children to the forefront in this way, and I commend South Korea and all countries that facilitate the interests of their children in this fashion.

Next, it takes quality programs where the quality assurance of the homes for placement is absolutely assured, because it is not just about sticking kids in some homes; it is about quality families for these beautiful children. I want to commend the agency we worked with, Asia, the individuals at that agency, Ted Kim, Mary Durr and Marilyn Regere, who were so involved in our own adoption circumstances. They represented the very finest in terms of quality assurance in an adoption program.

We need and will by this legislation make certain that there are the highest standards of quality. It is very important because the United States in 1998 alone received 16,000 children from around the world for placement with United States families. Now, this is a level of intercountry adoption activity that will raise concern in some of these countries where the children are coming from. They want to make certain these children are going to be provided for in the ways that they have a right to expect, safe environments, loving homes, capacity to provide. We need to make certain as the country accepting these children into our families that we address this concern by having processes and procedures that are open, that assure the highest levels of quality and that comport in all respects with the international standards agreed to between the many countries of the Hague Convention.

Just a few weeks ago, I met with a number of Russian judges who deal with family adoption. They had questions about why the Hague Convention had not yet been approved. I am very pleased we will be able to answer those questions with this action today. The United States is completely committed to providing the finest homes and families for these beautiful children and our action on this legislation makes that very clear. Beyond that, the bill facilitates the coordination of adoption laws across the country and I believe will help families who so desperately want to have the miracle of children that my own family has gotten to experience realize this goal through international adoption, if not otherwise.

In conclusion, I would just say to each of you who have been involved in this legislation that you have helped children find families and families find children who need them. There is not a thing we do in this body more important than this task. I commend each of you for your great work.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. CAMP), a member of the Subcommittee on Human Resources.

Mr. CAMP. Mr. Speaker, I rise in strong support of our bipartisan legislation to strengthen the international adoption process. I would like to commend the leadership of the gentleman from New York (Mr. GILMAN), the gentlewoman from Connecticut (Mrs. JOHNSON) of the Committee on Ways and Means, the gentleman from New Jersey (Mr. SMITH), chairman of the subcommittee, and our leadership on this important issue. I also have to mention that the gentleman from Connecticut (Mr. GEJDENSON), the ranking member, and also the gentleman from Massachusetts (Mr. DELAHUNT) have been very active on this issue; and I appreciate all of their efforts to make this bill a reality.

Of course, no bill comes to the floor without the help of competent staff: Kristen Gilley, David Abramowitz, Mark Agrast, Joseph Reece, and especially Dr. Cassie Bevan of the Subcommittee on Human Resources of the Committee on Ways and Means.

Our bill today is about families opening their homes and their hearts to children who need them. Before I came to Congress, I represented families seeking to adopt. There is nothing more rewarding than seeing a mom and dad bring home a new child into their family through adoption. This bill will help bring families together.

In the last 10 years, almost 100,000 children from other countries have been adopted by U.S. families. That is a doubling of international adoptions. We adopt more children from abroad than all other countries combined. In 1998 alone, over 15,000 children were adopted by U.S. parents. This increase has created many opportunities for children to find loving homes. At the same time with the sharp increase, we have a responsibility to establish international standards to ensure that adoptions are safe, that they are in the best interest of the child, the birth parents and the adoptive parents.

Mr. Speaker, no important bill is ever easy; but it is easy to work on legislation where you can see up close the impact it has on the lives of children and their families. For that reason, the United States in 1994 signed the Hague Intercountry Adoption Convention, which establishes basic international procedures for concluding safe intercountry adoptions. The Intercountry Adoption Act, of which I am proud to be an original cosponsor, implements the Hague Convention. We were careful to include in this implementing legislation only what was specifically mandated by the convention.

□ 1300

And, second, in U.S. law, especially in U.S. family law and adoption, State authority is assured. The bill establishes the State Department as a central authority to monitor these adoptions and help adoptive parents in dealing with officials in other countries. The State Department will designate one or more private, nonprofit organizations to accredit U.S. adoption service providers using strict standards of ethics, competence, and financial soundness. These accredited agencies can then facilitate intercountry adoptions in other Hague countries.

Mr. Speaker, in closing, I, again, want to commend the gentleman from New York (Chairman GILMAN), the gentlewoman from Connecticut (Chairman JOHNSON), and everyone involved in our bill, our leadership, especially the gentleman from Texas (Mr. DELAY), for the hard work they put in for making this bill possible.

Mr. Speaker, I believe that the work we have done will allow the other body to quickly take up ratification of the treaty and passage of our implementing legislation.

Mr. Speaker, I urge support of our bill.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his remarks. Mr. Speaker, I do not have any further requests for time and I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply conclude by saying I am sure that my family is watching, and they heard the reference by the gentleman from North Dakota (Mr. POMEROY) to the agency that placed Kathryn with the Pomeroy family, and I do not want to leave the floor and receive a telephone call, so I really want to acknowledge the Holt International Children's Services in Eugene, Oregon, giving me the greatest gift of all, which was my daughter, Kara.

I particularly want to acknowledge Susan Cox, who several years ago I encountered and engaged me in this particular legislation; but, as I said, in my remarks, it certainly is a good day.

Mr. Speaker, it is a good day for hopefully tens of thousands of children all over this planet who will find a deserving home.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend all of our Members who took part in today's debate and, once again, all of the staff members who worked so diligently to bring together this bipartisan measure. And I, too, want to commend the Holt agency. I am very familiar with them; it was formerly the Pearl Buck Group that started this agency. They have done such good work in bringing children and parents together, and I want to thank particularly the gentleman from Massachusetts (Mr. DELAHUNT) as we gave him his gift for his birthday today. I urge my colleagues to support this measure.

Mr. BLILEY. Mr. Speaker, our children are our future and they represent our hopes and dreams. Many families decide adoption is the right path for them to build a family and we should do all we can to promote life-affirming policies like adoption. As an adoptive father, I believe every child deserves love, shelter, security, and a permanent home yet the orphanages around the world are filled with children seeking loving homes and families. Many Americans choose to adopt a child from another country because they know they can make a difference in a child's life. America is a rich country and our citizens are very generous in opening up their homes to orphans. The Hague Intercountry Adoption Act builds upon the spirit of the thousands of American parents who have adopted their child from another country.

I am a proud cosponsor of the Hague Intercountry Adoption Act because I am committed to ensuring intercountry adoption remains a viable option for American families. American families are very altruistic because they spend thousands of dollars and are willing to travel to a foreign country to build a family. Unfortunately, some people took advantage of adoptive parents and legislation was needed. The Hague Intercountry Adoption Act attempts to guarantee the child's safety and fully protects the rights of the adoptive parents and birth parents.

In the days ahead, Congress must ensure the process of crafting rules and regulations for the Hague is done in an expeditious manner. Congress must also ensure that the regulatory process is not abused and used in a manner to reward the efforts of those who failed to achieve their policy initiatives through the legislative process. I strongly believe the Central Authority must be fully staffed and have personnel with adoption experience. Inadequate staffing levels and/or lack of staff familiar about adoption policy could lead to a dramatic decline in the number of intercountry adoptions.

Today is a momentous day for adoption. This legislation provides hope for orphaned children worldwide and it will improve the lives of countless children and families.

Mr. BURR of North Carolina. Mr. Speaker, last summer I introduced legislation with Representative BALLENGER that approached this issue differently than H.R. 2909 as introduced.

Through the committee process, however, we were able to reach a compromise between H.R. 2342 and H.R. 2909. Through the efforts of Chairman GILMAN and Ranking Member GEJDENSON the legislation we are considering today takes the best of both bills, and I would like to thank them for their hard work in moving the process forward. I would also like to thank Representative DELAHUNT, who perhaps more than anyone in this body appreciates the positive impact this legislation can have. He is to be commended for his role in the process as well.

I would like to extend a special thank you to those parents of children adopted from overseas who contacted me with their concerns and for sharing their experiences with me. Their input was critically important, and I appreciate their active interest in this legislation and the process we have gone through.

It is an unfortunate reality that there are people willing to exploit the vulnerability of needy children and their prospective parents. The willingness of these families to go through the international adoption process, despite its flaws, is testimony to their character. The passage of this legislation affirms our commitment to creating a framework that better protects children and their families in the future.

Despite our different approaches in addressing the problems faced by children and parents in the international adoption process, it is safe to say we all want the same thing—to help those who want nothing more than to provide a child with a loving home. It is my firm belief that the legislation we are considering today will do just that, and I encourage my colleagues to vote for this important bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 2909, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that pursuant to clause 8 of rule XX, notwithstanding the Chair's previous announcement, the Chair will postpone further proceedings today on each motion to suspend the rules on which the yeas and nays were ordered until later this afternoon.

DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. ARCHER. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 103) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 103 is as follows:

H.J. RES. 103

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 2, 2000, with respect to the People's Republic of China.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, July 17, 2000, the gentleman from Texas (Mr. ARCHER) and a Member in support of the joint resolution each will control 1 hour.

Is there a Member in support of the joint resolution?

Mr. BROWN of OHIO. Mr. Speaker, I am in support of the resolution.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) will control 1 hour of time.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J.Res. 103.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a little less than 2 months ago, the American people and this House spoke out overwhelmingly in favor of expanded trade with China. With broad bipartisan support, we passed a measure granting American workers, farmers, and businesses unprecedented access to China's once-forbidden markets.

Agriculture exports alone are expected to triple with this increased trade, and tariffs on American-made goods will be slashed or eliminated entirely in virtually every sector.

Mr. Speaker, as I have said many times before, this clearly is a win for the U.S. and her people. It is particularly important that we stay engaged with China so we can see the blessings of individual freedom, democracy, and move forward toward a free enterprise society.

Mr. Speaker, given that, it is disappointing that we must vote on this issue yet again. Nevertheless, support for continued normal trade with China is stronger than it has ever been, and I urge Members to keep this process on track by opposing H.J. Res. 103.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here in Congress, we stand together in a commitment toward the spread of democratic ideals and the improvement of human rights. But as we have helped encourage the growth of democracy, many American corporations promote practices that work against all that Congress fosters throughout the world.

During the weeks approaching the vote for permanent NTR for the People's Republic of China, corporate CEOs flocked to the Hill to lobby for increased trade with China.

They talked about access to 1.2 billion consumers in China. What they did not say was that their real interest is in 1.2 billion Chinese workers, workers whom they pay wages on the level of slave labor.

These CEOs will tell us that increasing trade with China will allow human rights to improve. They will tell us that democracy will flourish with increased free trade. But as the CEOs speak, their companies systematically violate the most fundamental of human and worker rights.

Companies such as Huffy and Nike and WalMart are contracting Chinese sweatshops to export to the United States, often with the assistance of repressive and corporate Chinese local government authorities.

Mr. Speaker, 1,800 Huffy bicycle workers in the U.S. lost their jobs as Huffy in Ohio shut down its last three remaining plants in the U.S. In July of 1988, Huffy fired 800 workers from its Celina, Ohio, plant where workers earned $17 an hour.

Huffy now outsources all of its production to developing nations, such as China, where laborers are forced to work up to 15 hours a day, 7 days a week and earn an average wage of 33 cents an hour. This is less than 2 percent of what bicycle workers made in Ohio.

The Qin Shi Handbag in China makes Kathie Lee Gifford-line handbags for WalMart. There are about a thousand workers at the factory where they put in 14-hour shifts, 7 days a week, often 30 days a month. The average wage at the factory is 3 cents an hour.

Many workers live in a factory dormitory where they are housed 16 to a room. Their ID documents have been confiscated, and they are allowed to leave the factory for an hour and a half a day. For half of all factory workers, rent for the dormitory exceeds their wages.

The workers earn, in fact, nothing at all. In fact, they owe the company money. These people are indentured servants for WalMart or, most of us would say, slave labor.

Developing democratic nations such as India are losing out to more totalitarian nations such as China, where people are not free and the workers do as they are told. Developing democratic nations such as Taiwan lose out to authoritarian developing nations, such as Indonesia, because the workforce is stable and docile and does as their told.

In the post-Cold War decade, the share of developing countries' exports to the United States for democratic nations fell from 53 percent in 1989 to 35 percent last year.

Corporate America wants to do business with countries with docile workforces that earn below-poverty wages and are not allowed to organize to bargain collectively.

In manufacturing goods, developing democracies' share of developing country exports fell 20 percentage points. Corporations are relocating their manufacturing base from democratic developing nations to authoritarian regimes where the workers do not talk back for fear of being punished.

Western corporations want to invest in countries that have below-poverty wages; that have poor environmental standards; that have no worker benefits; that have no opportunities to bargain collectively. As developing nations make progress toward democracy, as they increase worker rights and create regulations to protect the environment, what we do in the developed democratic world, the American business community punishes those democratic developing countries by pulling their trade and their investment in favor of totalitarian countries.

They like China a lot more than they like democratic India. Corporate America likes Indonesia much more than they like Taiwan.

Decisions about the Chinese economy are made by three groups: the Chinese Communist Party, the People's Liberation Army, and wealthy Western investors. All of them control a significant amount of the business that exports to the U.S. and Western investors.

Mr. Speaker, which one of these three, the People's Liberation Army, the Chinese Communist Party, Western investors, which one of these three want to empower workers? Does the Chinese Communist Party want the Chinese people to enjoy increased human rights? I do not think so. Does the People's Liberation Army want to close the slave labor camps? I do not think so. Do Western investors want Chinese workers to bargain collectively to get a little bigger piece of the pie? I do not think so.

None of these groups, Mr. Speaker, none of these groups, the People's Liberation Army, the Chinese Communist Party, and Western investors, none of these groups have any interests in changing the current situation in China. If they did, they would choose democratic India and democratic Taiwan.

None of these groups have any interest in changing the current situation in China. All three, Western investors, the Communist Party of China, the People's Liberation Army, all three profit too much from the status quo to want to see human rights and labor rights improve in China.

Congress should not tolerate the working conditions that exist in Chinese factories. Congress should care about how American corporations are behaving outside of our borders.

I urge my colleagues, Mr. Speaker, to reject MFN and vote for the Rohrabacher resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the Chair announces that the gentleman from Illinois (Mr. CRANE) will be managing the time for the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. CRANE. Mr. Speaker, I yield 30 minutes of my time, for purposes of control, to the gentleman from Michigan (Mr. LEVIN), my distinguished colleague.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. LEVIN) will control 30 minutes of the time of the gentleman from Illinois (Mr. CRANE).

There was no objection.

Mr. BROWN of OHIO. Mr. Speaker, I ask unanimous consent to yield 30 minutes of my time to the gentleman from California (Mr. ROHRABACHER) and that he may then yield time as he sees fit.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. ROHRABACHER) will control 30 minutes of the time for the gentleman from Ohio (Mr. BROWN).

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we all know, we had a very thorough and informed debate in the House just a few months ago on these very issues. The spotlight is now on the Senate. There is a clear majority there for passage of permanent

NTR, and I express the hope of many of us that there can be full debate on the Senate side and action there expeditiously, which I think should mean within the next few weeks.

I want to dwell on the major challenges ahead, because clearly the U.S.-China economic relationships are at the beginning of a new phase; they are far from their final form. So I believe there is a need to focus on these challenges, and we cannot simply put our economic relationships and our broader relationships with China on automatic pilot.

As we know, there were major provisions in the legislation that passed the House that attempt to address these very critical challenges, and we need to focus on their effective implementation. The legislation set up a high-level executive congressional commission to be a continuing watchdog and a creative force in the area of human rights, including worker rights.

We need to be sure during this session that that legislation is adequately funded. We need to be sure that the appointees to this vital high-level commission have the interest and the determination to make that commission work, as the Helsinki Commission has worked, and, if I might express the hope, even more so.

□ 1315

We need to be sure that this commission gets off to a strong start. I hope whatever the point of view may be in terms of PNTR that all of us will join together on both sides of the aisle and within each caucus and conference to make sure that happens.

The legislation also calls for strong monitoring and enforcement of Chinese trade-related commitments and, as the chairman of the committee indicated, there are numerous, indeed essentially innumerable commitments. There also in the legislation is a strong anti-surge mechanism to make sure that there is a safeguard against major loss of American jobs in any specific sector. We need to be sure that the requests for adequate funding that have come on behalf of the Commerce Department and USTR to carry out these critical monitoring enforcement duties are fully funded in the appropriation processes.

Those processes are far from complete when it comes to these aspects.

We also need to be sure that the ongoing discussions in Geneva, in the working group on China, that in these discussions in Geneva the administration continues to press for a regular annual review within the WTO of these commitments by China.

I see that we have been joined by the gentleman from Nebraska (Mr. BEREUTER), with whom I have had the chance to work on these very provisions, as well as the chairman of the subcommittee and the ranking member of the full committee and the chairman of the full committee. I think all of us join in indicating the importance of the implementation process of these provisions.

In a word, we need now to focus on the future. We are far closer to the beginning than to the end of the challenges that we face in our economic relationships with China. China, as it grows, is already 1,200,000,000 people and is projected to become the second largest national economy within 20 years. We need to focus on these challenges as China emerges from 50 years as a state-controlled economy and with state abuses of human rights and individual freedoms. So today I urge my colleagues to vote no on this resolution and to join together to continue on this important and difficult road of confronting the challenges ahead.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). The Chair would remind Members that it is not in order to urge certain Senate action, as recorded on page 181 of the House Rules Manual.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have introduced H.J. Res. 103 to disapprove the President's annual certification of the so-called normal trade relations with China, and I have no allusions that this bill will overturn the House vote on permanent normal trade relations. But I have introduced this bill because we need to pay attention as to what has happened in China and throughout the world since we voted for permanent normal trade relations with China.

I believe the American public has the right to hear about events and the events in China that followed the mega million dollar propaganda campaign that was waged by U.S. corporations in order to acquire the approval of Congress for PNTR.

PNTR, let us remember, is a taxpayer subsidy for corporations; includes, and that is the most important provision for these companies, a taxpayer subsidy in the form of loan guarantees and actual interest guarantees and loan guarantees to companies that are closing their factories in the United States and opening them in China.

What we are talking about is American workers being taxed in order to support the transfer of thousands of jobs to low-paying labor mills in China. That is what PNTR was all about, and it was sold to us as something totally different. It told to us that there would be many benefits of PNTR.

Well, the day after the PNTR vote, the media began reporting what the real story behind the corporate lobbying campaign was all about, even though during the debate for PNTR we heard that it was all about selling American products which, of course, is not the case. But after the vote, the truth began to emerge. A May 25 Wall Street Journal article put it very bluntly. Quote, "even before the first vote was cast by Congress and while the debate in Washington focused on U.S. exports, the multinationals had something very different in mind." Quote, "this is about investment in China, not about exports," said an economist for a major U.S. financial firm.

So I am including several articles for the RECORD, Mr. Speaker.

[From the Wall Street Journal, May 25, 2000]

OPENING DOORS: CONGRESS'S VOTE PRIMES U.S. FIRMS TO BOOST INVESTMENTS IN CHINA

DEBATE FOCUSED ON EXPORTS, BUT FOR MANY COMPANIES, • GOING LOCAL IS THE GOAL: "LOOKING FOR PREDICTABILITY"

(By Helene Cooper and Ian Johnson)

The China investment rush is on.

Even before the first vote was cast yesterday in Congress's decision to permanently normalize U.S. trade with China, Corporate America was making plans to revolutionize the way it does business on the mainland. And while the debate in Washington focused mainly on the probable lift for U.S. exports to China, many U.S. multinationals have something different in mind.

"This deal is about investment, not exports," says Joseph Quinlan, an economist with Morgan Stanley Dean Witter & Co., "U.S. foreign investment is about to overtake U.S. exports as the primary means by which U.S. companies deliver goods to China."

Michael T. Byrnes, chief representative of Rockwell International Corp.'s China division, seconds that: "In China, that's the direction we're going."

Yesterday, by a vote of 237–197, the U.S. House of Representatives gave its approval for the world's largest communist nation to become a card-carrying member of the ultimate capitalist club, the World Trade Organization.

The hotly contested House vote was portrayed by proponents as a historical watershed. It was "the most important vote we [have] cast in our congressional careers," said Rep. Bill Archer, House Ways and Means chairman.

The vote perfectly punctuates the end of the 20th-century struggle between communism and capitalism for dominance of the world economy. Capitalism won. With China's entry into the WTO, free markets and free trade have emerged as the unchallenged global standard for business.

The vote also cements a legacy for Bill Clinton. He will now be viewed by history as a president who firmly opposed protectionist forces within his own party, winning approval for the North American Free Trade Agreement in 1993, the WTO in 1994 and, finally, permanent normalization of trade with China. After yesterday's vote, Mr. Clinton said: "This is a good day for America. Ten years from now we'll look back on this day and be glad we did this."

For business, which spent millions of dollars on advertising and lobbied vigorously for this outcome, the consequences are more practical, but no less far-reaching. In the tense weeks leading up to last night's vote, business lobbyists emphasized the beneficial effect the agreement would have on U.S. exports to China. They played down its likely impact on investment, leery of sounding supportive of labor union arguments that the deal would prompt companies to move U.S. production to China.

But many businessmen concede that investment in china is the prize. Consider Mr. Byrnes's company, Rockwell, a Milwaukee-based maker of automation and aviation equipment. In 1987, Rockwell invested in a small cable factory in the southern city of Xiamen that produces about $3 million worth of equipment a year for the China market.

Like many foreign companies in the 1980s, Rockwell was allowed to invest only if it entered a joint venture, a messy arrangement that required Rockwell to cooperate with four local partners, all of them state-owned. The experience so frustrated Rockwell that it never invested in another factory in China, preferring instead to export as much as $200 million worth of products each year to China from the U.S. and other countries.

Now, Rockwell says that's likely to change. The WTO agreement, Rockwell hopes, will encourage China to abide by international rules, such as publishing regulatory changes and making transparent the workings of its bureaucracy. "We're looking for predictability, rehability," Mr. Byrnes says. With that, Rockwell expects to set up more factories. "My advice back to the headquarters," Mr. Byrnes says, "is WTO makes things more predictable for investing."

Technically, yesterday's vote in the House has no direct bearing on China's entry into the World Trade Organization. That was all but assured last week when the European Union completed negotiation of a broad trade agreement with China, following a similar agreement with the U.S. last year. But under WTO rules, China still couldn't enter the group until Congress provided permanent normal trading relations with China—rescinding the law under which China's trade status came up for a vote each year.

If the measure hadn't passed, China would have had the right to deny U.S. companies the access to its markets that it is extending to other WTO members.

Now that that hurdle is cleared, the agreements to let China into the WTO will probably boost exports to the country by lowering its tariffs on a host of products. The U.S. Department of Agriculture estimates that American farm exports to China will rise by $2 billion within five years. U.S. and foreign moviemakers also expect to do more business in China, where their combined annual quota will rise to 40 releases from 10.

Equipment manufacturer Caterpillar Inc., exports about $200 million of tractors and other construction equipment to China a year, a figure that has roughly tripled in the past few years as China has pushed an ambitious infrastructure program, says Dick Kahler, president of Caterpillar China Co. WTO entry will cut tariffs to 10% from 20%, making Caterpillar's products even more affordable to Chinese customers. "We don't see why we can't continue to see that kind of growth," Mr. Kahler says.

Indeed, the fear among many in China is that local businesses will be swamped by foreign goods. A play that premiered in Beijing yesterday titled "Made in China" tells the story of a beleaguered Chinese cosmetics maker fighting a flood of foreign imports. "Chinese factory managers are terrified about the low tariffs," says the play's director, Wang Shaoying.

Still, if the strategic plans of American companies are anything to go by, U.S. exports aren't the big trade story here. "U.S. exports will increase, over time," says Greg Mastel, director of global economic policy at the New America Foundation, a Washington think tank. "But not at the rate of investment, and the corporate community has been quiet about that. They've been able to avoid telling that story."

That story reflects a simple business fundamental: Companies need to be closer to their customers. And China has 1.2 billion potential customers.

Direct foreign investment in China already has burgeoned. It totaled $45 billion in 1998, according to a January study by A.T. Kearney Inc., the Chicago management consulting firm. Last year, after the onset of the Asian financial crisis and a slowdown in the Chinese economy, the total shrank to $40 billion. Now, many economists expect investment in China will resume rising, by as much as 15% to 20% a year.

With WTO membership, China agrees to allow foreign-owned dealership and distribution services, a big boost for auto makers and heavy-equipment manufacturers. U.S. banks, too, will get a crack at a market totaling 1.1 trillion yuan ($132.88 billion), in terms of loans outstanding. U.S. lenders ultimately will have unlimited access for the first time to manage the deposits of Chinese citizens and to lend to individuals and corporations. And foreign asset managers will be allowed to establish joint-venture fund-management firms.

Consider Motorola Inc.'s China plans. Motorola has just developed a $600 combination computer and wireless phone, called Accompli, which it makes entirely in China. "It has really clever Chinese features, all done based on market research in China," says Motorola Chairman Chris Galvin. Already, Motorola has China sales of about $3 billion each year.

When it officially joins the WTO later this year, China will allow foreign companies 49% ownership of telecommunications carriers, and 50% two years later—compared with nothing today. Mr. Galvin believes that will be a huge opportunity for Motorola as its Chinese customer base expands. Motorola also plans to invest in Chinese Internet ventures, he says.

In Shanghai, General Motors Corp.'s Buick Regal is in the second year of production at a factory that cost more than $1 billion to build. About 60% of the car is made locally, says Larry Zahner, president of GM China Group. Much of the rest, about $250 million a year, is imported from North America, mostly from Michigan. But even with China in the WTO—which should eliminate Chinese rules requiring local content—the Detroit company expects to raise the local content of its cars manufactured in Shanghai to 80% or 90%, Mr. Zahner says.

Eastman Kodak Co. is well into plans to invest $1 billion on manufacturing plants in China. Kodak expects China will leapfrog the U.S. as Kodak's biggest market by 2025. To that end, Kodak has been boosting its manufacturing capacity there, as well as encouraging smaller investors to open Kodak Express processing stores.

European and Japanese multinationals have been drawing up their plans as well. Germany's Volkswagen AG and Japan's Toyota Motor Corp. have big Chinese investment plans on the drawing board. In an era when new models are rolled out with increasing frequency, factories can't wait months for parts to be shipped around the world. As a rule of thumb, auto companies want their suppliers to locate within 250 miles of the final assembly plant.

Many of the biggest trade concessions China made in return for its acceptance into the WTO are in banking, insurance and other services. New York Life Insurance Co. is one insurer already planning to set up a joint-venture with a Chinese partner, though it hasn't made public the amount it wants to invest. Just after the vote yesterday, New York Life International's chief executive, Gary Benanav, was preparing to hop on a flight to China. "As quickly as possible, we are going to apply for a license to enter the life-insurance market," he said.

American International Group already has pumped hundreds of millions of dollars into China, mostly to set up offices, train Chinese insurance agents and to ingratiate itself with local regulators by plowing collected premiums back into Chinese infrastructure projects. It also is expected to be among the first to set up a fund-management joint venture.

Even agriculture companies are getting in on the act. Poultry giant Perdue Farms Inc. is ratcheting up its investment in China with a joint venture for a processing plant and hatchery near Shanghai.

Beijing is well aware that entry into the WTO will bring a rush of foreign investment. Indeed, that's a big reason why, after years of dragging its feet, China has in the past two years aggressively pursued WTO entry—to bring in the money needed to keep the economy growing and modernizing.

China Warns "No More Concessions" to Get Into WTO

Geneva (Reuters)—A senior Chinese official declared Friday that his country could make no more concessions on opening up markets for goods and services in its bid to join the World Trade Organization (WTO).

China's lead WTO negotiator, vice-minister for foreign trade Long Yongtu, issued his warning at a formal meeting of diplomats from most of the body's 137 member states who are working to wrap up the terms of Beijing's entry.

Some countries, said Long, "have raised some unreasonable requests, either requiring China to undertake obligations exceeding the WTO rules, or insisting that China cannot enjoy its rights under the rules . . .

"We will never accept further requests that China should undertake obligations exceeding those for ordinary WTO members, and nor will we allow ourselves to have the rights that we should have to be impaired or even taken away," he added.

Long's trenchant statement came as Beijing's 14-year effort to become a formal part of the global trading community appeared moving into its final lap.

Diplomats said his remarks were largely aimed at developing countries—including India and several Latin American states—who are seeking to come fully under the umbrella of china's bilateral accords with the United States and the European Union.

Many of these countries are bidding to win the same right to impose so-called safeguard restrictions as were written into the U.S.-China pact on surges of Chinese imports of textile goods that might threaten the survival domestic producers.

SUBSIDIES ALSO AN ISSUE

But diplomats said there were other areas—like how subsidies were assessed and balance-of-payments measures treated—where the language of both U.S. and EU accords with China was drafted to be a specific to bilateral trading relations. Many emerging economies want the terms of these accords to be fully "multilateralized'"—or written into the final documents setting out the terms of china's entry and therefore applicable to all WTO members.

Speaking at a news conference, Long said his government was "determined and prepared" to honor all its agreements on WTO entry, but could not accept overall terms that went beyond the current rules of the organization.

Envoys said the row, which was unlikely to become a major obstacle to Chinese entry by the end of this year, was a reflection of the negotiations were now in the end-game.

"Many countries are upping the ante to try to win something extra at the last moment," said one negotiator. "Everyone realizes that Chinese entry will bring momentous changes for the organization."

ENTRY TALKS SEEN POSITIVE

Despite the controversy, both Long and Pierre-Louis Girard, Swiss chairman of the WTO Working Party on Chinese accession, said the atmosphere during the past week of formal and informal talks had been positive.

"Everybody seems pretty serious about getting this done so China can come in by the end of the year," a senior U.S. official who attended the session told reporters.

In a sign of advance, China Friday wrapped up a bilateral accord with Costa Rica—which had been seeking wider access for its tropical fruit and coffee exports—and appeared close to a final accord with Switzerland. Other agreements remain to be completed with Mexico, Guatemala and ?

Diplomats said the Working party would meet with Long and his team again in Geneva in the last two weeks of July and that the aim then would be to complete the major admission documents—a Protocol of Accession and a Working Party Report.

[From the Wall Street Journal, June 5, 2000]

China Unicom Scraps Plan Linked to Qualcomm Deal

(By Matt Forney)

BEIJING—China's No. 2 phone company has confirmed it won't use a mobile-phone technology designed by Qualcomm Corp., of the U.S. for at least three years—a decision that could reverberate from Silicon Valley to Washington.

China's promise to open its markets to Qualcomm's current generation of cell-phone technology was key to it earning U.S. support to join the World Trade Organization, the Geneva-based group that sets global trade rules.

Last year, Premier Zhu Rongji personally assured U.S. Commerce Secretary William Daley that China would open its markets to San Diego-based Qualcomm's code-division multiple access, or CDMA, technology, according to people in the room at the time, a decision that was supposed to result in millions of Chinese subscribers using Qualcomm technology by the end of this year.

But after China's entry into WTO was stalled by the U.S. last year—and the Chinese embassy in Yugoslavia was bombed—China's enthusiasm for Qualcomm's technology likewise faded. As China's WTO bid picked up steam last autumn and was endorsed by the U.S. last November, Qualcomm's fortunes in China rose, culminating in it signing a "framework" agreement with Unicom in February. But Qualcomm then ran into problems with China over the amount of its technology that would be produced locally.

The delays meant Qualcomm was starting to make little economic sense to China—analysts said it would be wasteful for China to pour billions into a technology that would become dated in a few years when companies start rolling out next-generation mobile-phone technology.

"The company has planned to provide CDMA services this summer," said a representative for China United Telecommunications Corp., or Unicom, who was quoted in the state-run Xinhua news agency Sunday. Unicom canceled the project because "the timing of constructing a narrow-band CDMA system has become unfavorable," he said.

"Narrow band" refers to Qualcomm's currently available CDMA technology. The spokesman said he expected Unicom to use Qualcomm's next-generation, or "wide-band," CDMA technology in around 2003. But the spokesman also said that the February agreement, in which Unicom agreed to license some form of CDMA equipment from Qualcomm, "could be canceled."

Over the past week, Unicom sent mixed messages on whether it would use Qualcomm's technology, causing a sell-off of the company's stock, which had risen more than 20-fold last year but has sunk 60% from its January high.

China Wary of its Private Sector

(By Charles Hutzler)

BEIJING—President Jiang Zemin, worried about the Communist Party's slipping hold on a fast-changing China, has ordered the party to set up cells in the country's thriving private sector, state media reported yesterday.

Mr. Jiang's speech to party officials Sunday underscored the leadership's growing anxieties about the challenges global economic change is bringing to its monopoly rule. As more Chinese find work outside the government and decrepit state industries, free markets, not fiats from Beijing, hold sway.

Mr. Jiang, who heads the 61 million-member Communist Party, said the organization must improve its leadership and "strengthen its combat capabilities . . . so that the party can direct China's modernization drive and secure the country's power in the midst of fierce international competition."

He noted the private sector's importance in China's economy. Private companies need party organizations "to guarantee the healthy development of the sector," Mr. Jiang said in remarks carried by the official Xinhua News Agency.

Those cells "should work hard to unite and educate entrepreneurs to advocate various policies of the party, run businesses according to law and protect the employees' interests," Mr. Jiang said.

It was not clear how the party would put Mr. Jiang's order into effect. But if realized, the plan could bring a marked change to the freewheeling private sector. State firms have always had party representatives, and despite 20 years of free-market reforms, they often wield more power than enterprise managers.

Businesses outside state control now account for 60 percent of China's $990 billion economy. That portion is projected to grow after China's expected entry into the World Trade Organization later this year opens many long-protected Chinese markets.

Foreign businesses are likely to increase investment in China.

China Pop De-Fizzed

WHY THINGS GO BETTER FOR COKE WITHOUT AH-MEI ON ITS BILLBOARDS.

(By Charles Lane)

In a time of tension between China and Taiwan, Zhang Huimei brought people together. The diminutive Taiwanese pop singer, who goes by the stage name Ah-mei, sells millions of CD's on both sides of the Taiwan Strait. Last year 45,000 screaming fans caught her Madonna-like act in a government authorized Beijing concert.

American business, too, recognized her star power. Coca-Cola, seeking to harness her popularity to sell its products in the mainland Chinese market, spent millions on TV, radio and billboard ads for Sprite, featuring Ah-mei.

But Ah-mei's career in the People's Republic came to a screeching halt when she agreed to sing Taiwan's national anthem at the May 20 inauguration of Taiwan's newly elected president, Chen Shui-bian, whom Beijing considers excessively interested in independence for the island nation. Her videos and music were immediately banned on state-controlled media in China.

And Chinese authorities notified Coke that its Ah-mei ads would also henceforth be verboten. Beijing tried to portray this as a response to public outrage at Ah-mei's performance in Taipei. But there's been public outrage over the massacre at Tienanmen Square, and the Communist government hasn't deferred to that. The banning of Ah-mei was clearly linked to Beijing's broader attempt to enforce its increasingly hard line against Taiwan.

This blatant censorship was a frontal attack on Coca-Cola's freedom of expression, and Ah-mei's, and that of her fans, too. It was also an attack on Coke's bottom line. After the first six weeks of Ah-mei Sprite TV ads in 1999, Coke claimed that consumer awareness of the brand had doubled, and sales had grown substantially.

So how did this most American of multinationals fight back? A lawsuit? A plea for help from the U.S. government? Actually, Coke rolled over, without a peep of protest. The company was "unhappy" about the ban, says Robert Baskin, the company's director of media relations, but "as a local business, we will respect the authority of local regulators and we will abide by their decisions."

Trade and investment with the People's Republic has sometimes been sold as a kind of universal political solvent: The more U.S. firms get involved in the Chinese economy, the theory goes, the better the chances that American political values will, over time, penetrate the Communist-run society as well. We heard a lot of this during the recent debate over permanent normal trading status for China. The case of Coke's Ah-mei ads provides a rough test of how well this argument stands up in the here and now.

To be sure, you could argue that the fact that China felt constrained to justify its ban on the big U.S. firm's ads represents a kind of progress. Coke's presence in China is, of course, not hurting the Chinese people. Insofar as it provides jobs, income and tasty carbonated beverages, it makes life better and, in economic terms, freer. Coke runs a scholarship program that supports some 700 low-income Chinese university students.

Nor is Coke the first American firm to alter its advertising in China for political reasons. Two years ago Apple Computer actually censored itself, voluntarily removing images of the Dalai Lama—living symbol of Tibetan resistance to Chinese domination—from its "Think Different" ads in Hong Kong. A spokesperson for the company said at the time that "where there are political sensitivities, we did not want to offend anyone"—i.e., Apple didn't want to incur the wrath of Beijing by even seeming to urge Chinese citizens to think different about

Tibet. (Coke will continue to use its Ah-mei ads in Hong Kong and Taiwan.)

The point is that in the struggle over what values ultimately reign in China, the Chinese state is hardly helpless against the impact of American commerce. When pushed, firms such as Coke will be flexible about freedom of speech—and even, it seems, sacrifice some short-term profits—if they deem it necessary to preserve the long-term market access conferred by a prickly authoritarian government. And who can blame them? Coke and other multinationals are fundamentally economic, not political, institutions. They have to answer to their shareholders.

The Chinese regime's priorities are equally clear: it wants economic development; it wants foreign investment; it wants Sprite; it even tolerates entertainment imported from the renegade province across the Taiwan Strait. But what it really wants more than any of those things is ideological purity on such vital issues as Taiwan's political status. If your company won't accommodate itself to that hierarchy of values, Beijing will find a competitor who will. The Chinese Communist Party is a political institution. And it answers to no one.

Thus is a mighty Atlanta-based multinational with $20 billion in annual global sales reduced to an obedient "local business."

PLA-FIRMS PLAN "COMPLETED"

XIAO YU

Beijing says it has completed its programme of removing thousands of firms from ownership by the military and judicial departments, in an effort to cut corruption.

Figures now made available, although incomplete, show that the PLA and departments of the judiciary used to own 37,670 businesses. By April 19, 459—52 percent—had been disbanded. Of these, 3,928 belonged to the PLA and 15,531 to judicial bodies.

In the past two years, local authorities have taken over 2,956 companies and firms from the PLA and 3,536 from judicial bodies. The PLA has kept 1,346 business enterprises under its wings and judicial bodies have retained 4,757 ventures. The PLA includes not just the military but also the armed police forces. Similarly, judicial bodies cover the police, prosecutors and courts.

President Jiang Zemin made the decision for the PLA and judiciary to spin off their business interests in 1998. It was seen as a major move to curb rampant corruption and smuggling.

First announcing completion of the programme in May, Vice President Hu Jintao reiterated Beijing's determination to stop the "serious harm" of military-backed business ventures.

"These companies take advantage of their special connection and enjoy all kinds of perks. Some even make use of the army, armed police and judicial organs to run monopolies, compete for profits against private business and threaten fair trade," he said.

Mr. Hu said army and judicial bodies must be run with government funding and he urged all levels of government to guarantee their budgets.

TRAVELERS INSURANCE, SAFECO LOSE CHINA OPERATING LICENSES

(12 June 2000) The Beijing representative offices of three foreign insurance companies in China have had their licenses revoked by the China Insurance Regulatory Commission (CIRC), Zhongguo Xinwen She (China News Service) reported on June 12.

These include two U.S.-based firms—Travelers Insurance (a member of Citigroup) and Safeco (US) Co.—and the Hong Kong-based Gui-Jiang Insurance Agency Co.

As stated in the article, the CIRC claims these firms "have violated the relevant insurance rules and regulations of China."

These regulations include: changing an operations' address without approval; failing to submit annual work reports to regulatory authorities regarding the work of the representative office; and failing to submit annual reports to regulatory authorities of the companies represented.

According to China News Service, CIRC officials believe the foreign rep offices "seriously violated the 'Administrative Rules Regarding Representative Offices of Foreign Insurance Companies in China.'"

The official also said that some representative offices of foreign insurance companies continue to violate relevant rules.

Last year, the CIRC designated the "Administrative Rules" as the primary guide to regulating foreign insurance companies.

By the end of last year, there were 113 foreign-invested insurance institutions from 17 economies working in China through nearly 200 representative offices in 14 cities.

China's $70 billion annual trade surplus with the United States will continue to grow; and since the PNTR vote, Beijing is continuing its massive buildup in its military arena. There are new reports of the transfer of Chinese weapons of mass destruction and other types of deadly technologies to rogue nations. At the same time, this regime is attempting to galvanize international opposition to the United States in our efforts to build a missile defense system.

Since the vote on PNTR, the Chinese military has continued its missile buildup and has continued to call for the democratic government in Taiwan to surrender and become subject to Beijing. In addition, Beijing is now attempting to buy more naval destroyers from Russia, armed with the deadly Sunburn nuclear-capable anti-ship missiles that were developed in Russia for one reason, to destroy American aircraft carriers.

Since the PNTR vote, the Communist regime in Beijing has contracted for two more of these deadly naval weapons systems. Since the PNTR vote, there has been no move toward democratic reform or credible rule of law in China.

Now, these are all things we were told was going to happen, all the good things that would happen if Congress just showed our goodwill by voting for permanent normal trade relations. Instead, things have gone in the opposite direction. Jiang Zemin and his party have intensified the crackdowns on religion and on the media and within the academic community. The regime's quasi-Maoist anti-rightist campaign has spread throughout China since our vote on PNTR. Since our vote on PNTR, the State-run media has called the Dalai Lama a rapist and a cannibal, end of quote. This, of course, while the Communist regime in Beijing continues to commit its genocide in Tibet.

Ominously, after our PNTR vote the regime issued a decree ordering Communist political cells to be formed in all private corporations.

Now we have been sold this bill of goods. We have been sold a bill of goods: Vote for permanent normal trade relations and things are going to go in the opposite direction. However, since our vote on PNTR, things have been going in the wrong direction. They continue to escalate going in precisely the opposite direction than we were told would happen if we simply would show a sign of good faith by giving permanent normal trade relations, which means subsidies to American corporations to invest and create factories in China; if we just do that, things will get better and there will be improvements along these other lines.

We have heard repeatedly that U.S. information technology in China is key to promoting democracy and free speech. However, since the PNTR vote, the Chinese Communist security services have stepped up their use of advanced western technology to do what? To crack down on Internet users. Sadly, during the past month, U.S. companies in China have ignored pleas for human rights and have ignored requests for them to speak out for people who were arrested or in some way under attack for some policy agreement with the Communist Chinese regime.

U.S. corporations have been compliant, thus, with Communist censorship. Who is having an effect on whom here? Is our engagement with them making them more democratic or are they corrupting our process and undermining America's commitment to freedom and democracy?

For example, after the PNTR vote, the music of one of the most popular female singers in China, who happens to be from Taiwan, was banned because she sang at the inauguration of Taiwan's democratically elected President. Subsequently, the Coca Cola Company was ordered by Beijing to destroy all advertising that featured her image at a cost of millions of dollars. Did Coca Cola put up resistance in the name of free trade or free expression? Was this the kind of engagement that would certainly point to Beijing and say, look, this is what we really believe in freedom and that is what they should not do if they believe in freedom?

No, they did not do that at all. What they did was comply with the demand of the Beijing dictatorship. Engagement is not helping them become more democratic. It is corrupting the United States of America and it is undermining America's commitment to democracy and freedom, as well as, I might add, adding subsidies to people who want to close factories here and open factories there. All of these things are sinful and all of these things have been even worse since our vote for permanent normal trade relations.

Increasingly, Mr. Speaker, in dealing with an unreformed China what is happening is it is ending up with a betrayal of fundamental American values for which our children will some day pay a heavy price and the working men and women of America are paying the price today with their factories being shut and these companies going with tax subsidies to Mainland China to create jobs.

I ask for support of my resolution, H.J. Res. 103.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), our distinguished colleague.

Mr. FOLEY. Mr. Speaker, first my congratulations to the chairman on a good discussion here today, and particularly the gentleman from Michigan (Mr. LEVIN) from the Democratic side who has taken a lot of extra efforts to make certain that this is a balanced approach to trade. He has taken some significant pressure back home from constituents. He understands some of the concerns raised by the gentleman from California (Mr. ROHRABACHER) and wants to make certain human rights are protected, religious expressions allowed.

I have visited China twice and can say from a personal observation that there is an emerging thought in China amongst the young people, amongst the average citizens, that suggests that they may in fact be able to change the way Mainland China thinks; they may be able to influence their leaders in the future. But the one thing became apparent to me, having visited there, is that we have to be there in order to facilitate that dialogue.

I think clearly the gentleman from Illinois (Mr. CRANE) has been very, very admirable in listening to all sides of the debate and taking into consideration the concerns the gentleman from California (Mr. ROHRABACHER) has raised. I know he does not just make these characterizations without some background and some deep thought. I know he cares deeply about this debate and about the people of Taiwan and the Dalai Lama and others, and I do not criticize that strong voice that he brings to the floor today, but my various points of view that I have been able to study and look at suggest that there is progress on some of those fronts, maybe not as much as we would all like and, yes, there are some threats to average citizens, but I sense that if the American country, the people of our country, our corporate participants that provide jobs and provide opportunity, are not engaged in China, then we will not be able to impact or change the dynamic of the Communist government; we will not be able to provide incentives for young people that recognize that entrepreneurial nationalism as it is in America is something to strive for; freedom of expression is something to be proud of.

It takes time to change people's ways of thinking. So I again urge a negative vote on the amendment of the gentleman from California (Mr. ROHRABACHER) but urge that we continue to have this kind of spirited debate so we can resolve some of the underlying issues we bring to the floor today.

□ 1330

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL), who has been involved in fighting for worker rights in this country and around the world.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I rise in support of the resolution. Many of my colleagues on both sides of the aisle would like to keep this debate low key, below the radar screen this afternoon. They would like for this issue to go away. In the land of freedom, this may be the last time we debate the issue on the floor of the Congress, the Congress of the people, the House of the people; this may be the last time we debate the issue of trade with China. Sadly, this could be the last debate. We will never have the ability to voice our concerns about an authoritarian government whose regime this House has recently voted to coddle, to patronize. Free trade with China is an oxymoron. Check the record. Check the record.

Mr. Speaker, I would like to use this time to talk about an even bigger picture. In his book, the Lexus in the Olive Tree, New York Times columnist Tom Friedman lays out what he calls globalization. We have addressed that issue not only with trade, but in foreign policy and a lot of other things, the subject of globalization. Friedman's contention is that no longer will there be Democrats and Republicans, one will either be a free trader, or not; one will be a globalizer, or not. Globalization means the spread of free market capitalism to virtually every country in the world. He talks about how these trade agreements we are talking about are the wave of the future. Get with it, I say to the gentleman from California (Mr. ROHRABACHER). Get with it, I say to the gentleman from Ohio (Mr. BROWN), my friend. You are not with it.

The proponents of PNTR won their battle by arguing that we, the opponents, were against trade and globalization. It was clever. I cannot stress this point enough. We are not against trade, and we are not against a global economy. Mr. Speaker, I am against deals that cause my State, the State of New Jersey, to lose 22,000 jobs. Yes, I am against that. I am against deals that see our textile industry exported overseas in the name of economic progress. Yes, I am against that.

While Mr. Friedman talks of globalization and the interconnection of economies, which is something that we cannot question, which will be good for big business, our constituents will see their technical and manufacturing jobs exported overseas. This sort of global economy will see jobs that were someone's career. Our grandparents who came here had these entry-level jobs, and we continue to export these manufacturing jobs against the very people who used them. Out of one side of our mouth we talk about the immigrants coming to America, but the very jobs that we work at will no longer be here.

Mr. Speaker, we have no longer a war on turf in America or in the world. We are not going to be fighting over boundaries, I say to my good friend from New York. I know that. But to think that the boundary lines are going to be the competitive forces playing out on Wall Street and on the Internet is to bury our heads in the sand. It is absolutely unforgivable what we have done in the last 3 months on the subject of trade with an enemy. Our enemy is not the Chinese people, it is the authoritarian government; and it goes long before 50 years that that government was authoritarian.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), my distinguished colleague and friend.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the resolution of the gentleman from California and essentially do so for two reasons: the first is, we have, I think, an opportunity to provide an incentive for the Chinese to engage in fair international competition. I think we have an opportunity to provide an incentive for the Chinese to improve their labor standards, human rights standards. I think we have an opportunity to provide an incentive for the Chinese to improve their environmental standards.

However, I think if we continually on an analyzed basis and potentially on a permanent basis grant most favored nations status to the country of China, we have removed that last incentive to do these things. I think it is incumbent upon all of us that believe those changes are necessary is to say if you are going to do them, show us that you will.

Secondly, I do think that we have to change the focus of the debate and recognize that we have a choice to make today and every day, and that is whether we are going to fight and negotiate to raise environmental standards, raise international labor standards; or are we simply going to engage in a race to the bottom because that is the way the world is today as we find it; that is the way we will accept the world as we find it, and we will accommodate ourselves.

Mr. Speaker, for 50 years we have spent the Treasury of the United States, and tens of thousands of young Americans have given their lives to secure our freedom, to win the Cold War, and to provide an opportunity for democracy to spread across the world. I think we have to make the same commitment to have our economic form of government also spread across the globe and not race to the bottom, but work every day to improve those international standards. We are not doing that if we do not support the gentleman's resolution.

Mr. ROHRABACHER. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, who knows full well that in this bill there are subsidies to American corporations to close their doors here and open up factories in the dictatorship in China to use their slave labor.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the legislation by the gentleman from California (Mr. ROHRABACHER) that is before us today disapproving the extension of nondiscriminatory treatment to the People's Republic of China.

On May 24, when the House considered a measure providing permanent normal trade relations to China, I cited then a number of significant concerns in our relations with China regarding the enforcement of trade agreements, the documentation of human rights abuses, and the continued evidence of China's nuclear proliferation.

Over the past several months, additional evidence has emerged that China continues to play a key role in supplying sensitive nuclear missile and chemical weapons technology to a number of states of concern around the world. In particular, nonproliferation experts in and out of our government believe that China has provided critical assistance to the Pakistani nuclear weapons program.

To meet this growing threat to international peace and stability in Asia and around the world, I joined with the gentleman from Massachusetts (Mr. MARKEY), my friend and colleague, in introducing on July 13 the China Nonproliferation Act, a companion measure to S. 2645 introduced by Senators THOMPSON and TORRICELLI.

In short, our concerns about irresponsible Chinese policies regarding the export of dangerous weapons of mass destruction are of even greater concern today than they were several months ago during the debate on granting PNTR status for China. Approving this resolution, Mr. Speaker, of disapproval would send the right signal to Beijing that business as usual in Chinese weapons and technology exports is undermining our friends and allies throughout Asia and the Middle East.

China's continuing military buildup has only emboldened that nation to claim islands and territories belonging to the Philippines and its other neighbors in the region. Its illegal occupation of Tibet and its brutal repression of the Tibetan people continues unabated.

Under the current annual review arrangement, we in the Congress are able to fully examine and to debate the current human rights situation in China and its observance of religious freedoms. I ask my colleagues that if China is allowed to trample on the basic freedoms of its own citizens, how can we tell other nations in Asia and in Africa and elsewhere that they must not violate those freedoms?

I would also note that a recent report of our U.S. Commission on International Religious Freedom was unanimous in its conclusions that China needs to take concrete steps to release all persons imprisoned for their religious beliefs and to take concrete measures to improve their respect for religious freedom.

Accordingly, Mr. Speaker, I urge our colleagues to support this resolution, disapproving the extension of the nondiscriminatory treatment of the People's Republic of China.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), our distinguished colleague.

Mr. BEREUTER. Mr. Speaker, as chairman of the Subcommittee on Asian and the Pacific of the Committee on International Relations, this Member rises in opposition to House Joint Resolution 103. Despite the recent supercharged and misleading claims by opponents to NTR that this vote is about rewarding China, it is not that at all, but instead, a vote for our national interests, just as was the case with the successful passage on May 24 of legislation to provide permanent normal trade relations for China and the context of its accession to the World Trade Organization.

This Member strongly supports the continuation of normal trade relations, NTR, status for China because it is unmistakably in America's short-term and long-term national interests.

First, the continuation of NTR directly benefits American economic prosperity, just as it has done for the past 20 consecutive years. Regardless of what this body does, China will join the WTO and be required to take major actions to open up its vast markets of 1.2 billion consumers. However, if this body recklessly disrupts current trade by failing to continue China's current NTR status during this interim period, we certainly jeopardize our ability to take advantage of the benefits of China's WTO accession and give an unfair advantage to our international competitors.

Second, continued NTR supports the U.S. national security objective of maintaining peace and stability in East Asia. Expanding trade with China and supporting further economic liberalization, and eventual political reform in China provides a means of giving China a stake in the peaceful, stable economically dynamic Asia Pacific region. If China, on the other hand, concludes that we have concluded it as our adversary, resources China currently devotes to economic reform could easily be reallocated to military expansion and modernization with adverse consequences for Taiwan and for our allies in Korea and Japan, and a destabilized region. A rejection of NTR could well trigger such a reaction from Beijing. Confronting China in this scenario will require much more than the 100,000-person military force we presently have in the Pacific area.

Mr. Speaker, this particular annual debate, triggered again this year by H.J. Res. 103, has become highly counterproductive. It is very damaging to Sino-American relations, and importantly, with little or no positive results in China on human rights or freedom, or any positive impact on our relationship with that country and its people.

□ 1345

Given the strong support and 40-vote margin this body provided in passing PNTR on May 24, denying the continuation of NTR during this interim period is self-evidently neither in our short- nor long-term national interest, and therefore, this Member strongly urges his colleagues to join him opposing House Joint Resolution 103.

This Member, in contrast to what the gentleman from New Jersey says, does not intend that this have a low-key atmosphere. If Members are convinced of the rightness of their position in opposition to the resolution, let it have full public scrutiny.

The gentleman from Michigan and I have established, by our action, in the House, at least, and we expect that the other body will consider it soon, an opportunity for a full review of what China does in human rights by the creation of an executive-legislative branch Helsinki-type Commission. We in the Congress are going to have plenty of opportunity to scrutinize what they do with respect to their people. That is a better mechanism than we have now. It is a better mechanism than this annual debate.

I urge my colleagues to vote "no" on the Rohrabacher resolution.

Mr. Speaker, as this Member mentioned, this body passed H.R. 4444, legislation granting Permanent Normal Trade Relations (PNTR) to China in the context of China's accession to the World Trade Organization (WTO) by a strong margin of 40 votes: 237–197. As the other body has not yet acted on this important legislation and China is still negotiating its WTO accession protocols, the continuation of normal trade with China during this interim requires another annual Presidential waiver as contained in the Trade Act of 1974. Unfortunately, despite the support in the House for Normal Trade Relations with China, as reflected by the successful passage of PNTR, the introduction of H.J. Res. 103 requires the House to vote on extending Normal Trade Relations status for China yet again.

There is perhaps no more important set of related foreign policy issues for the 21st century than the challenges and opportunities posed by the emergence of a powerful and fast-growing China. However, today we are not having a debate focused on those important challenges. Instead, as we have in the past, we are debating whether to impose 1930s Great Depression-era Smoot-Hawley trade tariffs on China that the rest of the world and China know for our own American interests we realistically will never impose.

This Member again points out that this particular annual debate has become highly counterproductive as it unnecessarily wastes our precious foreign policy leverage and seriously damages our Government's credibility with the leadership of China and with our allies. It hinders or ability to coax the Chinese into the international system of world trade rules, nonproliferation norms, and human rights standards. Moreover, Beijing knows the United States cannot deny NTR without severely harming American workers, farmers, consumers or businesses, or do it without devastating the economies of Hong Kong and Taiwan.

It is true, as NRT opponents argue, that ending normal trade relations with China would deliver a very serious blow to the Chinese economy, but the draconian action of raising the average weighted tariff on Chinese imports to 44 percent instead of the current average of 4 to 5 percent would severely harm the United States economy as well. China is already the 13th largest market abroad for American goods and the 4th largest market for American agricultural exports. If NTR is denied to China, Beijing will certainly retaliate against the over $14 billion in U.S. exports to China. As a result, many of the approximately 200,000 high-paying export jobs related to United States-China trade would disappear while the European Union, Canada, Japan, Australia, Brazil, and other major trading nations would rush to fill the void.

Regardless of how this body votes on NTR, China will soon join the WTO and be required to take major actions to open up its vast market of 1.2 billion consumers. As part of China's WTO accession process, the U.S. negotiated an outstanding export-oriented, market access agreement which significantly lowers China's high import tariffs and allows for direct marketing and distributing in China. For example, the tariff on beef will fall from 45 percent to just 12 percent. Quantitative restrictions on oilseeds and soybean imports are abolished. Indeed, it is projected that by 2003, China could account for 37 percent of future growth in U.S. agricultural exports. Prior to the agreement, China frequently required manufacturing offsets—most products sold in China had to be made in China. This export-oriented agreement abolishes that unfair offset and eliminates currently required industrial technology transfers allowing products made in America to be sold in China. This agreement makes it less likely that American companies need to open foreign factories and thereby export jobs. Given that America's markets are already open at WTO standards to Chinese exports, the U.S. has effectively given up nothing with the new agreement; all the concessions have been made by China.

However, during this interim period as China continues to take the steps necessary to join the WTO, it is necessary to provide continued, uninterrupted NTR status to China on an annual basis to help ensure that American commercial interests remain engaged in China in preparation for the opening of China required when China joins the WTO. For the past 20 years, the U.S. has provided China with NTR status on an annual basis. It appears to make no sense to this Member to revoke China's NTR status now and only for an interim period thereby significantly jeopardizing the ability of the U.S. to take advantage of the benefits of China's forthcoming accession to the WTO.

To elaborate on our own national security interests, the continuation of NTR for China, indeed, supports the U.S. national security objective of maintaining peace and stability in East Asia. Sino-American relations are increasingly problematic and uncertain. In the wake of our accidental bombing of China's embassy in Belgrade and China's confusion about U.S. continuing support for Taiwan, rejection of NTR, if only for an interim period, could result in a resurgence of resentful nationalism as hard-liners in Beijing characterize a negative NTR vote as an American attempt to weaken and contain China. Resources China currently devotes to economic reform could easily be reallocated to military expansion with adverse consequences for Taiwan and our allies in Korea and Japan, and a destabilized region. Confronting China in this scenario will require much more than the 100,000 strong force we presently have in the Pacific. China is not a strategic partner; it is increasingly as economic competitor that is growing as a regional power. However, it is not an adversary. If the United States is astute and firm—if America increases our engagement with China and helps integrate it into the international community—it is certainly still possible to encourage China along the path to a complementary relationship with America instead of an incredible level of conflict.

China is emerging from years of isolation and the future direction of China remains in flux—more than any major country. WTO accession and continued—and hopefully soon to be permanent—NTR are critical for the success of China's economic reform process and those Chinese leaders, like Premier Zhu Rongji, who support it. These reforms, being pursued over the formidable opposition of old-style Communist hardliners, will eventually provide the foundation for a more open economy there, a process that, in the long term, should facilitate political liberalization and improved human rights. In the near term, China will be required more and more to govern civil society on the basis of the rule of law, clearly a positive development we should be encouraging. Rejection of this standard annual renewal of NTR prior to providing China with PNTR would, indeed, jeopardize the pace and scope of these reforms in China.

Continuing to provide China with NTR and China's accession to the WTO does not guarantee that China will always take a responsible, constructive course. That is why the distinguished gentleman from Michigan [Mr. LEVIN] and this Member proposed an initiative which was attached to the recently-passed legislation providing PNTR that incorporates special import anti-surge protections for the U.S. and other trade enforcement resources for our government to ensure China's compliance with WTO rules. This initiative also proposes a new Congressional-Executive Commission on Chinese Human Rights that will report to the Congress annually on human rights concerns, including recommendations for timely legislative action.

Mr. Speaker, this Member believes that these additional provisions, particularly the Commission on Chinese Human Rights with the guaranteed review of its findings and recommendations by the appropriate standing committee in the House, do, indeed, address the multi-faceted concerns of our colleagues. The Levin-Bereuter initiative assures that China's compliance with their commitments and their human rights record will certainly not be ignored by the Congress or the Executive Branch. The Commission will be a far more effective way to address human rights issues than the noisy but ineffective annual debate on extending NTR.

Some have advocated the revocation of NTR status for China in order to punish Beijing for weapons proliferation and its espionage operations against the United States. As one of the nine members of the bipartisan Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China which investigated and reported on Chinese espionage, and as a former counter-intelligence officer in our military, this Member adamantly rejects such linkage. The United States has been and will continue to be the target of foreign, including Chinese, espionage. We should have expected China to spy on us, just as we should know that others, including our allies, spy on us. While our outrage at China for spying is understandable, that anger and energy ought to be directed on correcting the severe and inexcusable problems in our own government. Our losses are ultimately the result of our own government's lax security, indifference, naivete and incompetence, especially in our Department of Energy weapons laboratories, the National Security Council and the Federal Bureau of Investigation. The scope and quality of our own counter-intelligence operations, especially those associated with the Department of Energy's weapons labs, are completely unrelated to whether or not a country like China has NTR status. Indeed, revoking NTR status for China does absolutely nothing to improve the security of our weapons labs or protect militarily sensitive technologies. However, this feel-good symbolic act of punishment would inflict severe harm on American business and the 200,000 American jobs that exports to China provide. It makes no sense to punish American farmers and workers for the gross security lapses by our own government of which the Chinese—and undoubtedly other nations—took advantage.

Similarly, revoking NTR status during this interim period before China's accession to the WTO for proliferation reasons will have minimal, if any, impact in halting Chinese proliferation. On the contrary, China's likely reaction would be refuse any cooperation on this issue to the detriment of U.S. national security interests around the globe.

The United States has convinced nearly every other country in the region that the best way to avoid conflict is to engage each other in trade and closer economic ties. Abandoning this basic tenet of our foreign policy with China—as H.J. Res. 103 would certainly do—would be a serious shock and would be an extraordinary setback from much of what our nation has been trying to achieve in the entire Asia-Pacific region. It would send many countries scrambling to choose between China or the United States.

We should first do no harm to our own nation and America's citizens. Rejecting annual NTR status for China is self-evidently neither in our short term nor our long term national interest. Therefore, Mr. Speaker, this Member is strongly opposed to H.J. Res. 103 and again urgently urges its rejection.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Cleveland, Ohio (Mr. KUCINICH), who has opposed our government's policy of subsidizing industry's practice of shutting down U.S. plants and moving them to China.

Mr. KUCINICH. Mr. Speaker, the fact that today's vote on annual renewal of MFN with China occurs after the House's previous close vote granting China permanent MFN gives us a chance to re-evaluate the wisdom of our action.

Since that vote in May, we have learned that several of our assumptions about the meaning of the vote and of China's role in the world have proven false. Consider this. The Wall Street Journal ran an article that I want to quote from. The headline was, "House Vote Primes U.S. to Boost Investments in China."

The article says that the China deal with the U.S. on trade has less to do with U.S. workers making and exporting goods to the Chinese and more about Chinese workers working in U.S.-owned factories in China for import to the U.S.

The Journal quotes a Wall Street economist saying, "This deal is about investments, not exports." Indeed, the same article quotes a Washington-based analyst who said: "U.S. exports will increase, but not at the rate of investment, and the corporate community has been quiet about that. They've been able to avoid telling that story."

I want to read that quote again. This is a Washington-based analyst: "U.S. exports will increase, but not at the rate of investment, and the corporate community has been quiet about that. They've been able to avoid telling that story."

We are going to tell the story here. Since the vote for permanent MFN with China, a company in the Cleveland area which provides jobs for my constituents said it will close in the U.S. in favor of a new factory in China.

Mr. Speaker, as a director of the UAW in the Cleveland region wrote to his Senators last week, "The first casualty of normal trade relations has occurred. . . . It is obvious that Rubbermaid's cancellation of the Nestaway contract is not about world competition, it is about naked greed. Nestaway's story is about only one of the thousands of small American companies which are confronted with an economic squeeze brought about by unfair trade laws. PNTR for China will be the death knell for many small companies."

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the center core argument of this debate today is never addressed. People always try to ignore it. I would just like to draw the attention of those people reading the CONGRESSIONAL RECORD or listening to this debate to this, that over and over again we have stated that this is not about free trade. This is not a debate about free trade, or even engaging in China. People have a right to do business in China.

The reason why the American corporate community is insisting on normal trade relations status, which is a specific status, is so that those corporations can receive taxpayer subsidies and loan guarantees so they can close up their factories in the United States and open up factories in China to exploit a near slave labor, where people are not permitted to join unions, and do so at the taxpayers' risk, U.S. taxpayers' risk.

Mr. Speaker, this is a sin against the American people. It is not leading to more freedom. They are laughing at us because we are subsidizing their $70 billion surplus which they are using to build weapons systems to kill the American military personnel that some day may have to confront their belligerency.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to House Joint Resolution 103, which would terminate normal trade relations with China 60 days after enactment.

By raising tariffs to the prohibitive levels that applied before 1980, and thereby prompting mirror retaliation on the part of the Chinese against $14 billion in U.S. exports, this bill would effectively extinguish trade relations between our two countries.

House Joint Resolution 103 is an annual resolution of disapproval of the President's recommendation to extend normal trade relations status to China under the Jackson-Vanik amendment to the Trade Act of 1974.

In light of our action earlier this year on H.R. 4444, rejecting House Joint Resolution 103 should be pro forma.

On May 24, after a vigorous debate which considered the opportunities that will be possible for the United States and the Chinese people when China accedes to the World Trade Organization, the House voted 237 to 197 to eliminate this annual review of China's NTR status upon China's accession to the WTO.

Unfortunately, H.R. 4444 is still pending in the other body, and I hope that H.R. 4444 will go as quickly as possible to the President without amendment. As the historic debate and the strong vote on H.R. 4444 documents, there is overwhelming support in this body for bringing China into the rules-based trading system of the WTO. It is the right thing to do for Americans and for the Chinese people.

Under the WTO deal, in exchange for applying tariffs on Chinese imports identical to those in effect now, United States exporters will have unprecedented access to 1.2 billion consumers in China. Tariffs on our exports to China will be steeply reduced, and the Chinese trade regime subject to the whole scale of reforms.

For example, under the agreement, average tariffs on agricultural goods would drop from 40 percent to 17 percent, Chinese tariffs on American-made automobiles would fall 75 percent, while quotas on U.S. auto exports to China would be eliminated entirely.

The opportunity we have to impose an enforceable system of fair trade rules on a nation of 1.2 billion people, as it emerges from the iron grip of communism and state planning, is one that cannot be lost. In my estimation, the revolutionary change WTO rules will bring to China dwarfs any other avenue of influence available to the United States.

Maintaining normal trade relations supports the continued presence of Americans throughout Chinese society, whether they be entrepreneurs, teachers, religious leaders, or missionaries. It is these individual contacts that are bringing our ideals of freedom to the Chinese people. These contacts would be lost if we revoked NTR.

The Reverend Pat Robertson has urged Congress "to keep the door to the message of freedom and God's love" open, not shut. "Leaving a billion people in spiritual darkness punishes not the Chinese government but the Chinese people," he wrote. "The only way to pursue morality is to engage China fully and openly as a friend."

Motorola, my corporate constituent, directly promotes the exchange of ideas through its activities in China. For example, Motorola sends hundreds of Chinese employees to its United States facilities each year to attend technology, engineering, and management seminars. In a country where only 10 to 15 percent of the people have access to a college education, this is precious training that allows for eye-opening exposure to the American way of life.

H.R. 4444 has the active bipartisan support of more former presidents and cabinet officials, more distinguished Americans, more small businessmen and farmers, more Governors, more religious and human rights leaders, both here and in China, more of our allies, such as Taiwan and Great Britain, than any foreign policy or trade legislation in recent memory. H.R. 4444 even has the support of a past president of the United Auto Workers, Leonard Woodcock.

Denying normal trade relations with China means severing ties that would take years to repair. For the interests of all Americans and for the Chinese people, I urge a no vote on House Joint Resolution 103.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Georgia (Ms. McKINNEY), who understands this debate is about China, not about its 1 billion consumers but about 1 billion workers, many of whom work as slave labor.

Ms. McKINNEY. Mr. Speaker, the gentleman from California (Mr. ROHRABACHER), has it right, and I am pleased to support his bill. It is the only moral position to take.

It is amazing how far backwards this Congress will bend for big business. This Congress should stand for small people, for human need, and not corporate greed. Why else would a young woman work 70 hours a week for pennies an hour and end up owing the company? Two hundred years ago they called that sharecropping, and it was black people, but they never called it freedom. Yet, Kathi Lee Gifford handbags and Huffy bicycles and Timberland shoes and of course Nike, operate factories where the standard is to do just that.

We will hear folks talk about China trade bringing democratic values to the people. I think the people of China already have democratic values, and these corporations work with the repressive Chinese government to deny the Chinese people the democracy that they want.

Besides, U.S. corporations are running away from developing democracies as if they have the plague, and are instead investing in the world's worst authoritarian regimes. They have a history of doing that. That is why the slave trade flourished; so, too, trade with the Nazis.

By definition, what is happening in China, especially to women, is slavery. If it was bad for America and it is bad for Sudan, then it is bad for China. We should not be supporting it.

I know American corporations can do better than that. That is why I have introduced the Corporate Code of Conduct. I urge my colleagues to support the Corporate Code of Conduct and to support this bill.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield 4½ minutes to the gentleman from New Jersey (Mr. SMITH), one of this body's greatest spokesmen for human rights, who knows that we should not be subsidizing American corporations to close factories here and open them up in China.

□ 1400

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER) for yielding me this time and for his kind remarks. I have the highest respect for Mr. ROHRABACHER,—a true champion of human rights.

Mr. Speaker, in 1994, President Clinton decided to conduct an experiment. He decided to delink most favored nation status for China with human rights on the theory that more trade and investment with the United States would be the quickest way to persuade the government of China to treat its own people as human beings. At the same time, the Clinton administration gave up its power to use even the threat of the loss of MFN as a lever against Beijing's military aggression against Taiwan and other neighboring countries, and its military threats against the United States as well.

Mr. Speaker, we are now 6 years into these two risky experiments with the lives of 1.2 billion people who are unfortunate enough to live under a cruel dictatorship and with the national security of the U.S. and the whole free world hanging in the balance. Nobody can seriously argue that either experiment has been a success. Instead, it has brought the people of China 6 more years of torture, forced labor, forced abortion, and sterilization, the crushing of the free trade unions, the denial of fundamental rights of freedom of religion, of expression of assembly, and of the press.

The Chinese Communist regime is not only threatening to invade Taiwan, its senior military leaders have also threatened to attack the United States of America. These are our great business partners.

Mr. Speaker, here is what Wei Jingsheng, the father of the Chinese democracy movement and long-time prisoner of conscience said in 1999 about the practical effects of MFN on the everyday lives of political and religious prisoners in China:

"The attitude of prison authorities toward political prisoners is directly related to the amount of pressure being exerted by the international community. When international pressure was high, the number of dissidents sent to prison declined drastically and prison conditions for political prisoners somewhat improved. In 1998, condemnation of China's position was abandoned entirely. The direct consequence of this easing of pressure was that, not only did the government crack down on activists attempting to organize an opposition party, but they also cruelly suppressed nonviolent demonstrations by ordinary people."

Mr. Speaker, that is not me talking, that is Wei Jingsheng. When the U.S. turns up the economic pressure of Beijing, the beatings and the torture are less severe and are imposed on fewer people. When the pressure lets up, the repression gets worse.

But, Mr. Speaker, Members do not have to take Wei's word for the fact that Beijing responds to strength rather than weakness. All we have to do is watch what happens when Beijing does something that the Clinton administration and big business really hate, such as tolerating software piracy.

When that happens, Mr. Speaker, do the constructive engagers follow their own advice? Do they decide to just grin and bear it, go on trading and investing in China in the hope that eventually the Chinese Government will see the light? No, they do not. Instead, they threaten to impose trade sanctions, the very sanctions they say are inappropriate or ineffective when it comes to stopping torture and other human rights abuses. Talk about misplaced priorities.

Mr. Speaker, the threat to withhold trade privileges works to persuade Beijing to respect international copyrights because the Chinese dictatorship values the U.S. as a market for their expanding economy. So when we threaten their access to our market, they respond by respecting international copyrights. Why should that not also work when it comes to stopping or at least mitigating torture of religious prisoners and political prisoners?

Maybe there is a reason, Mr. Speaker. Maybe the Chinese Government is more attached to torture than they are to software piracy, but maybe not.

Let us try and do an experiment, a more promising one than the failed experiment of delinkage. Let us hold out the hand of friendship to Beijing, as Ronald Reagan did to Gorbachev, but make it clear that American friendship and American largesse are conditional on Beijing's observing certain minimum standards of human decency. Let us convince them that good things will flow to them from the United States if and only if they stop threatening to invade Taiwan and to shoot missiles at Los Angeles.

Mr. Speaker, the constructive engagers continually want us to give up our power and try any strategy except their own 6-year-old experiment which is looking more and more like a miserable failure. Since our May vote on PNTR, the U.S. Commission on International Religious Freedom has reported that the Beijing regime has intensified its repression of Uighur Muslims, the Tibetan Buddhists. It has intensified its crackdown on Falun Gong as well as to Catholic and Protestant leaders.

Mr. Speaker, I urge a yes vote on the measure offered by the gentleman from California (Mr. ROHRABACHER).

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, for his very important leadership on this issue.

We all have gone through this discussion very vigorously over the past several months. We know that this, as many people have said, was the most important vote that we would face, some reported in a generation, in their entire careers, whether we would grant permanent normal trade relations with the People's Republic of China.

Because we have not seen the completion of China's accession in the World Trade Organization, we are here today dealing with this annual renewal question. As we look at this issue, I have to say that, having listened to my friends with whom I disagree on this issue, the gentleman from California (Mr. ROHRABACHER) and the gentleman from California (Mr. HUNTER), I just listened to the statements of the gentleman from New Jersey (Mr. SMITH), no one is arguing about the problems that exist in China. We all know that they are there.

I think it is important for our colleagues who oppose us on this who support what really is a policy of trying to disengage, to end normal trade relations with China, we have to recognize that we do share the same goal of trying to ensure the recognition of human rights, to make sure that we maintain stability, the stability in the region, that we diminish the threat to Taiwan, that we do everything that we possibly can to recognize the rights of the people in Tibet. All of these questions, technology transfer, all of these are very high priorities for all of us.

The question is, how do we most effectively deal with them? Well, I argue that it is very clear that a policy of trying to encourage the spread of our Western values is the most effective way to deal with it.

Mr. Speaker, I am happy to report that we have an instance which has shown dramatic success, and that instance to which I am pleased to point to took place just 2 weeks ago. I am talking about the election in Mexico.

Now the gentleman from California (Mr. ROHRABACHER) suspected that I might want to hit him hard on this. I am not going to hit him, I am going to praise and congratulate him, because he stood in this well in 1993 when we, on a regular, on regular occasions would engage in debate with the gentlewoman from Toledo, Ohio (Ms. KAPTUR).

The gentleman from California (Mr. ROHRABACHER) and I were on the same side going against the gentlewoman from Ohio (Ms. KAPTUR) when we were arguing in behalf of the North American Free Trade Agreement. We realized as we were arguing for that that we were going to do everything that we could to enhance the economy of Mexico, to improve the standard of living.

At the time that we were debating the NAFTA, working hard with the gentleman from Arizona (Mr. KOLBE) my friend in the back of the Chamber here, and others, we argued that economic reform which began under President Salinas in 1988 was a very positive force. We saw privatization, decentralization. We saw President Salinas close down the largest oil refinery in Mexico City. We saw very bold moves towards free markets in Mexico.

When we were debating the NAFTA, one of the criticisms leveled by opponents to the NAFTA was the critical corruption that existed in Mexico, the fact that they did not have free and fair elections. We did not argue with that. But we said that there is an interdependence between economic and political freedom. Maintaining strong economic ties is the best way to bring about the kind of political change and reform that we all want to see take place.

So what is it that took place? We saw the implementation of the NAFTA. We have seen great benefits, dramatic improvement in economic relations, a great increase in exports from the United States to Mexico, from Mexico into the United States, a dramatic improvement in the standard of living to the point where Mexico's middle-class population is today larger than the entire Canadian population.

Yes, we still have problems. We all recognize that. But we did see for the first time free and fair elections. In 71 years of one-party rule, we had so many problems developed. President Zedillo, to his credit, said that he wanted self-determination in Mexico. Having followed economic reform, they brought about free and fair elections.

I was pleased, along with the former Secretary of State James Baker and the Mayor of San Diego Susan Golding to have led a delegation of 44 members observing that election. It was terrific. To see the enthusiasm the people of Mexico had for participating in an election where their votes actually count was very reassuring.

Mr. Speaker, the same thing is going to happen in the People's Republic of China, not tomorrow, not next week, not next year, maybe not for 5 years or 10 years, but clearly based on the evidence that we have seen in Mexico, in South Korea, in Taiwan, that clearly is the wave of the future.

So expanding our values into China is the best way that we can deal with repression. Rejecting this resolution of disapproval, realizing that Taiwan is very supportive of maintaining our ties with China, those sorts of things will benefit us, they will benefit the people of China and help maintain world peace.

Vote no on this resolution of disapproval.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MASCARA) who recognizes that countries like Mexico and Taiwan are democracies and do not have slave labor camps like the People's Republic of China.

Mr. MASCARA. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I rise today in support of workers who do not have to toil in sweatshop conditions, workers who are not denied the right to organize, workers who are not confined to slave labor factories.

I rise in support of American workers, workers at Wheeling Pittsburgh Steel in my district, workers at Weirton Steel, in the textile mills of North Carolina and the auto factories of Michigan.

These are the people who have seen first hand the effects of unbalanced trade with China. These are real people who have seen their jobs moved overseas and their communities decimated.

I should mention from the start that I am a strong supporter of free trade. Our country has profited greatly from exports, and we are poised to take great strides as global leaders of the high-tech industry.

But free trade must be fair trade. We have suffered through many trade disputes with China without satisfactory resolution. Illegal dumping and subsidies have hurt scores of American companies and cost many workers their jobs.

We have been told that we must pass normal trade relations so that China can be admitted into the WTO. We are told that China's entry into the WTO will hold them accountable to international standards and lead them to respect the rule of law.

But the People's Republic of China have had a dismal record in previous trade agreements with our country. Moreover, the WTO itself has proven inconsistent in resolving trade disputes. Our country recently won two prominent WTO cases against the European Union, which has subsequently failed to honor both of these rulings.

If Europe can ignore WTO, what message does that send to China? What assurances should we have that our accession agreements are meaningful?

If we look for trade to change China, we are looking in the wrong direction. If we expect increased commerce to bring more freedom to the Chinese, we are being misled. The only thing we can be sure of is that our country's workers will be asked to risk their jobs in the hope that social and political conditions in China will improve.

I am unwilling to ask my constituents to make this sacrifice. I am not about to risk my neighbors' well-being for anybody, including China. I support the resolution to deny China most-favored-nation's status.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time, and I thank him once again for his hard work on permanent normal trade relations and his successful legislative efforts to help us in a bipartisan way establish, not just a yearly way of monitoring human rights, not just a monthly way of monitoring human rights, but a daily way of us trying to monitor and improve the human rights condition in China, something we are all very concerned about.

Mr. Speaker, Thomas Jefferson, the third President of the United States said that he sought "an empire for liberty". He was not content merely to say that the 13 original colonies were what we should improve our great Republic's emphasis on human rights and expanding liberties. He sought in 1803 to purchase the Louisiana territories or the Louisiana Purchase, as it was later called, and expand the United States. He also sought with the Lewis and Clark Expeditions in 1803 through 1806 to also look for a greater expansion of the United States.

As we debated permanent normal trade for China, many of us came to the conclusion that the status quo between the United States and China simply was not good enough for human rights, for the environment, and for trade, and that we wanted to change that. We wanted to penetrate the Chinese markets with products, not exporting our jobs. We wanted to see the Chinese improve on their human rights condition. It was not good enough.

□ 1415

Therefore, we sought an engagement strategy of confrontation, an engagement strategy of challenging the Chinese Government, an engagement strategy of penetrating their markets and opening up their markets to American products.

We are having a similar debate today. None of us are happy with the status quo. None of us think the Chinese have made enough progress on human rights. None of us feel that they have gone far enough in terms of emphasizing freedom and liberty, as Jefferson talked about. None of us feel like our workers are being fairly treated, at this point, with fair trade opportunities. So we came to a 13-year agreement to try to find ways to cut their barriers to trade, to cut their surplus on our trade, and try to find new ways for workers and farmers to get into their markets.

I would hope that we would continue, in the tradition of the permanent normal trade debate that we had, to find new ways to engage the Chinese to try to insist that the United States make trade policy national security policy, because our workers and our jobs depend upon it. So we have to get better fair trade policies. We have to get agreements that allow the Chinese to take down their barriers and quotas and tariffs to trade, and that is what we are trying to do with the permanent normal trade agreement.

So I would hope in a bipartisan way, Members of the Democratic and Republican parties would continue to try to come together and not only support, as we have, permanent normal trade, but fair trade policies. Not free trade but fair trade policies that penetrate the Chinese market, penetrate new markets; that do not sell our jobs overseas, but get our products into new markets.

Mr. ROHRABACHER. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. ROHRABACHER) has 12½ minutes remaining, the gentleman from Illinois (Mr. CRANE) has 13 minutes remaining, the gentleman from Michigan (Mr. LEVIN) has 18½ minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 13½ minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that I be allowed to yield the balance of my time to the gentleman from Florida (Mr. STEARNS) and that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time, and let me say to all my colleagues who have been engaged in this debate that I think it has been a high-level debate.

I think the theme that my colleague and good friend, the gentleman from California (Mr. DREIER), just made was a central theme that has been advanced by the side in favor of most favored nation trading status for China. It is a theme that has resonated throughout this debate. The theme is essentially that when the United States moves trade dollars abroad and we engage in liberal trade practices with a nation, good things happen; and, therefore, we can expect good things to happen with China.

I am reminded that in 1941, Carl Anderson, one of our former colleagues, the gentleman from Minnesota, warned his colleagues, and this was about 6 months before Pearl Harbor, that there was a chance that the American fleet might at some point be engaged with the Japanese fleet in combat. And he said at that time that when that engagement occurred we would be fighting a Japanese fleet that was built with American steel and fueled with American petroleum. Six months later, at Pearl Harbor, a lot of ships were sunk, a lot of planes destroyed, and 5,000 Americans killed and wounded by a Japanese fleet that was built with American steel and fueled with American petroleum.

That attempt at engagement with Japan's coprosperity sphere for Southeast Asia did not work. In fact, the fruits of American trade came back to kill Americans on the battlefields in the South Pacific. Similarly, the United States was one of the biggest investors in Nazi Germany, and I think we can all conclude that that massive transfer of funds did not work. It did not bring about good things.

Now, let us examine what China is doing with the trade dollars we are sending them. The second of the Sovremenny-class missile destroyers has now been delivered to China. This is the missile destroyer type built by the Russians for the sole purpose of killing American aircraft carriers. It is armed with the high speed Sunburn anti-ship missiles, which are very difficult to defend against. And that transfer is accompanied by the transfer of SU27 fighter aircraft, very high performance aircraft, also air-to-air refueling capability, which is now being purchased by the Chinese with American trade dollars. American trade dollars are also going to help construct the components of weapons of mass destruction and rocketry that is also being diffused around the world to such nations as Iraq and Syria.

So we are helping to build with American trade dollars a military machine, a war machine, in China. And I think it is a tragedy. Because in the century we have just left, where 619,000 Americans were killed in the bloodiest century in the history of the world, we left the century in a position of dominance, of absolute military dominance, having disassembled the Soviet empire.

Now, with our own hand, with $70 billion a year in this trade imbalance with China, $70 billion in American cash, we are helping to raise up with our own hand another superpower, which one day, either in proxy or by direct conflict, may engage American forces on battlefields and may kill American soldiers and sailors with technology and equipment that has been purchased with American trade dollars. That is the tragedy of this MFN for China.

I realize it is a fait accompli, but I hope my colleagues will reflect on the military machine that we are constructing in this new century.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong opposition to what I regard to be a shortsighted and, I believe, a very misguided attempt to undermine continued progress in the U.S.-Chinese relationship.

Just a few months ago, a bipartisan majority of the House voted to extend permanent normal trade relations to China. Now, this is not a vote that occurred in a vacuum. It followed 10 years of annual review of China's human rights policies under the Jackson-Vanik procedures that is now the law pertaining to trade with China. Under these procedures, we spent the last decade in committee hearings and in debates here on the floor. We spent the last decade analyzing and reanalyzing virtually every aspect of the relationship that we have with China.

During that time I think two central tenets emerged. First, none of us are satisfied with the current political environment that exists in China. Second, all of us would like to see greater and more profound changes occur in China. On that we all agree. But then we diverge. We diverge on how we are going to bring that about.

There is a group in the House, a minority in the House, that believes the best way to effectuate change in China is by isolating them. I respect that point of view; I disagree with it. They would have us cut off economic and political ties to the most populous nation on earth by voting first against permanent normal trade relations and now, today, against the annual renewal of the Jackson-Vanik waiver.

A majority of the House, and the administration, rejects this view. They believe, as I do, that change in China is going to occur only if the United States continues to help nurture those elements within Chinese society that promote change; namely, the expanding free market system, a new civil society that is emerging, and reform of the political party system. And we can only nurture these elements if we are engaged.

This year, after a long national debate that preceded it, the House was faced with a stark choice between these competing views. The majority rejected isolationism in favor of engagement. We rejected the flawed annual Jackson-Vanik procedures in favor of a more thoughtful, long-term approach to U.S.-China relations. We believe the Senate will follow shortly and that a new and more productive era in U.S.-China relations will begin.

There are some in the U.S. Congress who want us to change course with today's vote. They urge that we return to unproductive policies of the past by voting against renewal of the Jackson-Vanik waiver this year. That would be a mistake, Mr. Speaker. This historic opportunity awaits us as we venture into the 21st century, an opportunity to help redefine our relationships with China, an opportunity to help bring greater security to Asia, and an opportunity to bring forth real change in China through the magic of the free enterprise.

A "yes" vote today would be a vote for the past. I urge my colleagues to vote against the failed policies of the past and for a more enlightened future. I urge a "no" vote on this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Toledo, Ohio (Ms. KAPTUR), who fights for justice so workers can share in the wealth that they create.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time and for his leadership on this issue, as well as the gentleman from California (Mr. ROHRABACHER); and I rise to express my strong support for this resolution to disapprove most favored nation status for China.

Why? Due to China's growing arrogance and record of transgressions, even in the wake of this body's unfortunate vote to grant unconditional permanent normal trade relations with China just a few weeks ago, by only a handful of votes I might add. So, what has happened? Three days after that vote, the Jiang regime clenched its fists even tighter on religious freedom in China when a Chinese court sentenced a Catholic priest to jail for 6 years. Why? For printing Bibles.

And then 10 days after the vote here in the House, Communist China repressed free speech again when Chinese officials arrested Huang Qi, a Chinese Web site operator, for posting articles about government corruption and human rights violations in China, including the 1989 massacre of pro-democracy students in Tiananmen Square. At 5:15 on June 3, with the Chinese police at his door, Huang posted his last message on his Web site. It said, "Thanks to all who make an effort on behalf of democracy in China." He wrote, "They have come. Goodbye."

Huang now faces a prison sentence of 10 years or more because the State says he is trying to subvert state power.

And then 2 weeks after the vote here in this House, Communist China proved its unworthiness again when China broke its promise to open its markets to California-based Qualcomm Corporation's cellular phone technology, a deal that was key to China's earning U.S. support to join the World Trade Organization. And that was after the premier of China had personally assured Secretary Daley over at the Commerce Department that China would open its markets to Qualcomm, and they even signed a deal to that effect.

Based on this abysmal continuing record of oppression and human rights abuses, no one should support permanent extension. Today, we have a chance to cast a vote; and it should be for disapproving most favored nation relations with China.

Mr. STEARNS. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me this time.

My colleagues, I would like to ask how many people here believe that governments in general will do purposely, decisively things that are not in their national interest? Do we really believe that governments in the world, especially the Chinese Government, are so stupid, so unclear about who they are and what they want that they are going to do something that they believe would lead to their own demise?

Everything we have heard here today, and everything we heard during the debate on PNTR, suggests that we all have one goal, and that is to make sure that China changes itself from the totalitarian system that now exists, from the system that we have just heard described that takes away freedom from their own people, that enslaves people, that acts as an aggressor nation, that threatens its neighbors. We all want to change that; right? Everybody here has said that is their goal.

□ 1430

Well, do my colleagues really believe that the Chinese Government thinks that PNTR will in fact create that same metamorphosis inside of them? Of course not. Do my colleagues think it is at all odd that the Chinese Government wants PNTR? If they agreed with any Member on the floor here about the ramifications of PNTR, do my colleagues think they would be saying, yes, please let us have more trade so that we can become a gentler nation and a nicer, kinder, gentler nation so that we can actually dissolve ourselves into some sort of Jeffersonian democracy? Of course not.

What the Chinese Government knows and understands perfectly well is that what this trade does is in fact embolden them. It supports the regime. The Chinese people and the Chinese Government have a social compact they have entered into, and it is this. This is the agreement they have reached that the Government says, we will do more for you in terms of your economic welfare; and you, in turn, will keep us in power. That is the agreement.

What PNTR does and what normal trade relations does with China is to stabilize an aggressive regime. They know it. That is why they support it.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), who has fought for workers' rights all over the globe and especially in the United States and Latin America and China.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments and for his leadership on this issue.

Mr. Speaker, all of us know this House has debated and resolved the question of China's trade status. But the concerns raised during that debate, the abuse of human rights, the destruction of the environment, the denial of religious freedom, China's failure to live up to trade agreements, we have not begun to even respond to those.

And the situation has only grown worse, as we just heard from the gentlewoman from Ohio (Ms. KAPTUR), who has by example illustrated to us what was promised and what was not fulfilled and what was broken soon after a vote we had.

In just the time since we voted on the permanent trade deal, China has only continued to back away from its commitments it made to the WTO. Of course, we may never know the extent to which China is violating its agreement since not all the funds that were promised to monitor that made it into the budget. Meanwhile, China remains an autocratic police state.

Did voting for permanent trade help Wang Changhuai? Wang was an auto worker at the Changsha engine factory. After the crackdown in 1989, Wang was tried and he was convicted of subversion. And what was his act of subversion? He helped organize a free trade union. For that crime he was sentenced to 13 years in prison.

Mr. Speaker, Bernard Malamud once wrote "the purpose of freedom is to create it for others." While trade with China may generate wealth for a few investors, it will not free brave men like Wang. Nor will it provide economic security to workers and their families right here at home.

We can undo today the mistakes of the past. I urge my colleagues to think about this issue more fully, and I hope we will not repeat the mistakes that we have made in the past in the future.

Mr. STEARNS. Mr. Speaker, can the Chair be kind enough to tell us the time remaining on each side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida has 6 minutes remaining. The gentleman from Illinois (Mr. CRANE) has 10 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 18½ minutes remaining. The gentleman from Ohio (Mr. BROWN) has 8½ minutes remaining.

The order of closing is the gentleman from Florida (Mr. STEARNS), the gentleman from Michigan (Mr. LEVIN), the gentleman from Ohio (Mr. BROWN), and the gentleman from Illinois (Mr. CRANE).

Mr. STEARNS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have a vigorous debate on the House floor. There are not a lot of Members here, but it is important. Again, China's Government seems to me making things more difficult for itself. It admits recent reports of missile technology aid to Pakistan and using the Commerce Department's less-than-secure measure of granting defense and computer companies permission to hire Chinese technicians to work on sensitive export control technologies.

Again, earlier this month, The New York Times reported that the U.S. intelligence agencies have told the Clinton administration and Congress that China has continued to aid Pakistan in its efforts to build long-range missiles that could carry nuclear weapons. And just yesterday, The Washington Times reported that the Clinton administration has allowed the hiring of hundreds of Chinese technicians to work on military-related or dual use technologies.

China is stepping up its espionage presence in the U.S. through all means possible and continues to expand its military complex with U.S. trade dollars.

As said before, some see China as a strategic partner. My colleagues, I see China as a potential adversary.

So I urge my colleagues to vote yes on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume to close briefly and then I will let others refute if they want to.

Mr. Speaker, this is not going to be the last time that we debate our economic and trade relations with China. I hope not at all.

Indeed, China PNTR as it passed the House has been molded so that we will be assured of continuing surveillance, continuing oversight, continuing pressure, and continuing debate.

The whole purpose of that effort as we shaped and reshaped it was to make sure that we both engaged China and confronted it in terms of our economic and trade relations. As a result, as we have discussed, and I do not want to go into this in detail, we set up a commission that has major responsibilities, that is created at the highest level and that has jurisdiction in terms of human rights, including worker rights.

That commission is going to report back to this Congress with provisions written in to assure that we will be discussing and debating it. Indeed, I see these mechanisms, these instrumentalities as ways to assure our greater involvement, not our lessened involvement, our deeper engagement on a regular basis rather than the once-a-year consideration.

We also have provided that there shall be major enhanced oversight in monitoring responsibilities by the executive, including Commerce and USTR and, as I expressed earlier, the hope that there will be full appropriations for these purposes.

Also, we created within the legislation the strongest anti-surge provision that has ever been introduced and eventually, I trust, enacted into American law, a safeguard provision to make sure that if there is a major deleterious effect of this growing, complex relationship on American jobs in any particular sector there will be a prompt answer from the United States of America.

It is an effort to both expand trade but to do so shaping it. It is an effort that globalization will continue, in my judgment, there is no way to slam the door on it, but to shape it, to wrestle with these issues.

So I do think it is now important that we look to the future, that all of us join together in realizing that the challenges are mainly the challenges of the future and not of the past.

This is going to be a changing and difficult relationship. It is going to have a lot of edges to it, including rough edges. We are going to smooth them in an effective and constructive way, not by insulating ourselves or isolating China. Neither is going to work.

What will work is an activist, internationalist kind of approach to these problems that looks after the needs of American workers and businesses in a world that is indeed changing.

So I urge strongly that we vote no on this resolution. I take it that a no vote is indeed a yes vote to an activist effort to make sure that as China and the U.S. evolves into a fuller relationship that it will be one with our eyes open and one with our hands strong to make sure that American workers land on their feet and that American businesses as they work overseas conduct themselves in a way that we will be proud of.

Mr. Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last Saturday I went to Nicaragua with the National Labor Committee and visited workers in a neighborhood called Tipitapa. These workers work in a Taiwanese-owned company, Chentex. They sew blue jeans. They make 21 cents for every pair of blue jeans that is sold for $24 in Wal-Mart, in Kohl's, in K-Mart in the United States.

These workers asked for a 13-cents-per-pair-of-jeans raise. Summarily, the union leaders and the workers were fired by this company. These workers work about 60 or 70 hours a week and are paid about $30 or $40 a week for their work. They do not share in the wealth they create for their employer. They cannot buy the clothes, the products that they make.

General Motors workers in Mexico cannot buy the automobiles they make because they are not paid enough. Disney workers in Haiti cannot buy the toys they make because they are not paid enough. Nike workers in Indonesia cannot buy the shoes they make because they are not paid enough. The textile workers in Nicaragua cannot buy the jeans they make because they are not paid enough. And Nike workers in China cannot buy any of the Nikes that they make, they cannot buy the shoes, because they are not paid enough.

When I was in Nicaragua, I met a young woman named Kristina. She and her husband live in a very run-down shack papered with boxes. Her house, basically, is made out of shipping material, shipping crates that she got from the factory where she works. Kristina leaves every day at 6 o'clock in the morning, rides two city buses to get to work, takes her 2-year-old to her mother's house, arrives at work at 7 o'clock, works until 7 o'clock at night, goes and picks her 2-year-old daughter up, comes home, gets home about 9 o'clock. She leaves home at 6 she gets home at about 9 o'clock at night.

□ 1445

Her husband has an even longer schedule. She does that 6 days a week. She lives in substandard housing. Her daughter is suffering from malnutrition. You can look at the ends of her hair and see the protein deficiency that shows up in the discolored hair. She has no opportunities in life. They are not sharing in the wealth they create. They cannot buy the products they make.

Mr. Speaker, the tragedy of the global economy, the tragedy of how we have let the global economy develop, is that in democratic developing countries, investments leaving democratic developing countries like India and go to authoritarian developing countries like China. American business would prefer the workers in Indonesia because they cannot form unions, they do not talk back, they do not pay them any kind of real wages, they do not have worker safety laws, they do not have environmental laws. American companies would rather invest in Indonesia than democratic Taiwan. They would rather invest in China where they can pay slave labor. Kathie Lee/Walmart pays as little as 3 and 5 and 10 cents an hour. They would rather invest in China where they can pay slave labor wages instead of investing in democratic India.

Mr. Speaker, if we believe in this country, as we say we do, we believe in free enterprise, we do, it creates dynamism, it creates a dynamic, wealthy economy, we also believe in rules. We believe in environmental laws, in food safety laws, in worker protection laws, in minimum-wage laws. We believe in free enterprise. We believe in rules.

Mr. Speaker, in the global economy, we believe in trade, we believe in openness, we believe in capitalism, but we need the same kind of rules.

Vote "yes" on the resolution.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI) who has been such a leader in this movement.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from California is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his great leadership on this issue.

I listened intently to the debate as we have had this debate over and over again; and I come to the floor in a little bit of a different approach and, that is, the Congress has spoken, the House has spoken on this issue. The House has placed the ball in China's court to comply with our bilateral agreement. The House has spoken to the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska's (Mr. BEREUTER) commission as the way to go to sort of calibrate the relationship between trade and human rights. So I think what choice do I have but to see this as an opportunity.

For 10 years many of us, the gentleman from Virginia (Mr. WOLF), the gentleman from Ohio (Mr. BROWN), for some of that and others, the gentleman from Michigan (Mr. LEVIN), have fought this fight about how do we improve trade, improve human rights and stop the proliferation of weapons of mass destruction by China. Again, the PNTR vote has been taken and a choice has been made. So in my optimistic spirit, I think that maybe putting that aside now, we can really focus on the human rights, proliferation and some of the trade issues in a way that does not menace, for some, the passage of PNTR. So with the air cleared and that decision made, hopefully we will all join together when we hear of some of the things that are happening in China that are not in furtherance of our national security, that is, promoting democratic values, stopping the proliferation of weapons of mass destruction, growing our economy by promoting exports abroad.

The reason, Mr. Speaker, we are having this vote today is because when we took the PNTR vote, and I am sure this was explained earlier, but I think it bears repeating, when we took the PNTR vote earlier in the year, it was to be effective when China became a member of the WTO. China has not met all of the requirements, and indeed today there is a wire story that says that China's bid for admission to WTO still faces major hurdles and more time is needed before it gets the green light. They said compilation of key documents essential to the process were running into problems, with the United States and the European Union sensing that China was trying to water down parts of the agreement it has made with them.

At the same time, some developing countries, including India, were insisting despite China's objections that their domestic interests should have the same protection against floods of China's imports, especially textiles, as the big powers had won. It is far from over yet, said one key official. There is a lot more work still to do and a lot of problems to resolve.

Let us hope they do resolve them. Then they would get PNTR, but only then would they get PNTR. And some of the concerns that many of us had on the vote, we were not saying they should not get it, we were saying if and when they meet the criteria that is established, the standards in our bilateral, then we should give them PNTR. Let us give them a chance to take the initial steps. Well, they have not yet, but again the Congress has spoken.

I just want to make a couple of points. Since our vote, China, in terms of human rights, the day after the congressional vote on PNTR, China continued to persecute individuals for their religious beliefs. Reuters reported that a Chinese court sentenced a Roman Catholic priest to 6 years in jail only for printing Bibles. The arrests are part of a nationwide repression campaign on authorized religious activities.

Then on June 8, Chinese authorities arrested an operator of an Internet Web site because it posted news about dissidents and the government's 1989 crackdown on pro-democracy protest in Tiananmen Square. The Web site is a U.S.-based Internet service provider. In response to this, many people in the Internet world, which I come from, have said, well, wait until the Internet democratizes China. When this happened, they said, what can we say? If we say something, we will only endanger these people further.

The gentleman from Michigan's (Mr. LEVIN) commission is going to be very important in addressing some of these issues. Then on June 13, the Chinese police arrested members of the China Democracy Party which they have outlawed who were sentenced to 3 years in a labor camp for only asking for the release of a fellow dissident. Imagine that. Sentenced to 3 years for requesting the release of a fellow dissident. Many members of the China Democracy Party already serving long terms in labor camps throughout China. Yesterday China's middle school teachers were beaten and seriously injured by police for protesting a plan to force them to resign and take tests to get their jobs back.

Mr. Speaker, Congress has spoken but our work is not done. Hopefully we can work together to improve human rights, trade and to stop the proliferation of weapons of mass destruction.

Mr. STEARNS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, there will be no real human rights monitoring in China. The Russians were signatories of the Helsinki Final Accords and Helsinki worked. The Chinese will never sign or participate in the monitoring.

If every Member would go back and search your files, how many letters have you all sent to China on behalf of the Catholic bishops, the 14 Catholic bishops that are in jail? How many of you have sent a letter since we have passed PNTR?

I do not know why we are having a debate, but we are having it, and I think the gentlewoman from California made the case, your side won. But now have you done anything about the human rights concerns raised? Have you done anything about the fact that the Dalai Lama cannot return to Tibet and Tibet is still being plundered? Search your files. Have you done anything with regard to Tibet? Or have you done anything, as the gentlewoman talked about, to help house church leaders who have been arrested since we passed PNTR? Have you done anything with regard to them? Do you think Boeing has done anything with regard to the Catholic priests? Do you think Boeing, the head of Boeing, has done anything with regard to the evangelical house church leaders that have been arrested? Do you think Boeing has done anything with regard to the Catholic priest who went to jail for publishing the Bible? You all probably know that Boeing has not done anything.

Secondly, I think we are in the same mood as we were during the 1930s with regard to Winston Churchill and Nazi Germany. I think when I watch what is taking place in the other body, Senator THOMPSON is trying to do something and Members are urging him not to do anything because he may upset this. In closing, your side won. I wish their commission works. But in the meantime, not only those of us who have been against PNTR but those of you who have been for PNTR have an obligation, have a burden that every time you get a Dear Colleague letter from a Member asking that something be done to help a Catholic priest in China, you sign the letter. When there is something to be done with regard to a Catholic bishop, you sign the letter. When there is something to do with regard to Tibet and the Dalai Lama, you sign the letter. When there is something to be done to stop the persecution of the Moslems in the northwest portion of the country, you sign the letter. When we raise concerns with regard to nuclear proliferation in China, you sign the letter. If we can come together with regard to these issues of human rights and religious persecution, perhaps we can make some changes.

Mr. Speaker, I rise today in support of the resolution disapproving the extension of normal trade relations with China for another year.

Just two months ago we were on this floor debating the issue of granting permanent normal trade relations with China. At that time I and many of our colleagues provided evidence which showed that China has done nothing to deserve permanent access to U.S. markets. The evidence was strong in the areas of national security and human rights showing that the Chinese government is a brutal regime which poses a serious national security threat to the United States and which continues to commit human rights abuses and persecutes its own people for their religious beliefs.

In the past two months since the PNTR debate, the fears which many expressed about China's behavior have become reality and have been reported on by some of the major newspapers and leading news sources on China.

Immediately after the PNTR vote, the Washington Post published a lengthy article on the core planning document for the Joint Chiefs of Staff. This document reportedly says that there should be a new focus on Asia, in part because of the risk of a hostile relationship with China.

The article, stated: "Cautiously but steadily, the Pentagon is looking at Asia as the most likely arena for future military conflict . . ." The article reports that a Pentagon official estimates that ". . . about two-thirds of the forward looking games staged by the Pentagon over the last eight years have taken place partly or wholly in Asia." Aaron L. Friedberg, political scientist at Princeton University is quoted on this subject, saying ". . . however reluctantly, we are beginning to face up to the fact that we are likely over the next few years to be engaged in an ongoing military competition with China . . . Indeed in certain respects, we already are." I submit this article for the record.

China has exported weapons of mass destruction and missiles in violation of treaty commitments. The director of the CIA has said that China remains a "key supplier" of these weapons to Pakistan, Iran, and North Korea. Other reports indicate China has passed on similar weapons and technology to Libya and Syria. If one of these countries is involved in a conflict, it is very possible that our men and women in uniform could be called into harm's way. These weapons of mass destruction could then be targeted against American troops.

I am concerned about the alliance that seems to be forming between China and Russia against the U.S. China is purchasing as many weapons from Russia as it can. I am concerned with recent reports in the Taiwan press that Russia will dispatch its Pacific Fleet to check the route of the U.S. Seventh Fleet if the U.S. makes any movement toward Taiwan during a China-Taiwan conflict. I also submit this article for the record. Also, reports indicate that China has purchased advanced naval vessels and top of the line anti-ship missiles from the Russians that specifically are meant to be used against U.S. aircraft carriers.

The Chinese government has continued to persecute people because of their faith. Compass Direct, a news service that covers global religious freedom, reports that the government has cracked down on the House Church in Anhui province with new restrictions entailing all new house churches that are unregistered with the government are outlawed; all unregistered meetings and Bible training classes are labeled as illegal activities; and well over one hundred House church believers have been arrested in the past few months.

Compass Direct also reports that:

Ten house church leaders were arrested in May in Guangdong province.

Two Beijing House church leaders have reportedly received 1½ year sentences in prison labor camps for organizing "illegal religious meetings".

An underground Catholic priest near Wenzhou Province, Father Jiang Sunian, was reportedly given a six-year jail sentence on May 25 for printing Bibles and other religious literature without official permission.

The head of China's Religious Affairs Bureau, recently said that the Communist Party will increase the Party's control of religious affairs and "redirect the religions toward the adaptation of the socialist society."

The U.S. Committee on International Religious Freedom has recently stated that the Chinese government has increased its persecution of the Muslim Uighurs in Northwest China. I submit the Commission's statement for the record.

Tibetan Buddhists continue to be persecuted and imprisoned by the Chinese communist government.

In the PNTR debate, we said China's military engages in organ trafficking. On June 15 the International Herald Tribune published an article on the Chinese government's role in the organ trafficking of prisoners. I submit this article for the record. The article says:

"The day before convicts are executed—usually in batches—a group of patients in the hospital are told to expect the operation the next day . . . The night before their execution, 18 convicts were shown on a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would provide him with the kidney he so badly needed."

"China's preferred method of capital punishment, a bullet to the back of the head, is conducive to transplants because it does not contaminate the prisoner's organs with poisonous chemicals, as lethal injections do, or directly effect the circulatory system, as would a bullet through the heart.

". . . kidneys are essentially handed out to the highest bidders . . ."

A Chinese official from the Health Ministry was quoted saying that the trafficking of executed prisoner's organs ". . . is put under stringent state control and must go through standard procedures."

In closing, since PNTR has passed, there is even more evidence about China's gross human rights violations, religious persecution, and information regarding the national security threat that China poses to the U.S.

As I said in my statement for the record during the PNTR debate, the U.S. is at a crossroads in its relationship with China. Wishful thinking and ignoring all of the evidence about China's human rights violations, religious persecution, and national security threat do not change the reality of the regime in China.

We need to learn what history teaches us about leadership. Leadership is not about seeing what we wish to see. Leadership is not about closing our eyes to the threats before us. Leadership is about clearly, lucidly, and forcefully addressing facts and truth and taking appropriate action.

The American way of life, our freedom can only be preserved by vigilance. Vigilance requires us to look at the situation in China today and conclude that the Chinese regime should not have received permanent trade relations with the U.S. until the questions of national security were adequately addressed and until there was a significant improvement in China's human rights record.

The same applies to this debate on extending approval of normal trade relations with China. Giving China PNTR was the wrong thing to do and for the same reasons, which are buttressed by even more evidence today, the U.S. should disapprove extension of China normal trade relations.

[From the Washington Post, May 26, 2000]

FOR PENTAGON, ASIA MOVING TO FOREFRONT

(By Thomas E. Ricks)

When Pentagon officials first sat down last year to update the core planning document of the Joint Chiefs of Staff, they listed China as a potential future adversary, a momentous change from the last decade of the Cold War.

But when the final version of the document, titled "Joint Vision 2020," is released next week, it will be far more discreet. Rather than explicitly pointing at China, it simply will warn of the possible rise of an unidentified "peer competitor."

The Joint Chiefs' wrestling with how to think about China—and how open to be about that effort—captures in a nutshell the U.S. military's quiet shift away from its traditional focus on Europe. Cautiously but steadily, the Pentagon is looking at Asia as the most likely arena for future military conflict, or at least competition.

This new orientation is reflected in many small but significant changes: more attack submarines assigned to the Pacific, more war games and strategic studies centered on Asia, more diplomacy aimed at reconfiguring the U.S. military presence in the area.

It is a trend that carries huge implications for the shape of the armed services. It also carries huge stakes for U.S. foreign policy. Some specialists warn that as the United States thinks about a rising China, it ought to remember the mistakes Britain made in dealing with Germany in the years before World War I.

The new U.S. military interest in Asia also reverses a Cold War trend under which the Pentagon once planned by the year 2000 to have just "a minimal military presence" in Japan, recalls retired Army Gen. Robert W. RisCassi, a former U.S. commander in South Korea.

Two possibilities are driving this new focus. The first is a chance of peace in Korea; the second is the risk of a hostile relationship with China.

Although much of the current discussion in Washington is about a possible military threat from North Korea, for military planners the real question lies further ahead: What to do after a Korean rapprochement? In this view, South Korea already has won its economic and ideological struggle with North Korea, and all that really remains is to negotiate terms for peace.

According to one Defense Department official, William S. Cohen's fist question to policy officials when he became defense secretary in 1997 was: How can we change the assumption that U.S. troops will be withdrawn after peace comes to the Korean peninsula? Next month's first-ever summit between the leaders of North and South Korea puts a sharper edge on this issue.

In the longer run, many American policymakers expect China to emerge sooner or later as a great power with significant influence over the rest of Asia. That, along with a spate of belligerent statements about Taiwan from Chinese officials this spring, has helped focus the attention of top policymakers on China's possible military ambitions. "The Chinese saber-rattling has gotten people's attention, there's no question of that," said Abram Shulsky, a China expert at the Rand Corp.

THE BUZZWORD IS CHINA

Between tensions over Taiwan and this week's House vote to normalize trade relations with China, "China is the new Beltway buzzword," observed Dov S. Zakheim, a former Pentagon official who is an adviser on defense policy to Republican presidential candidate George W. Bush.

To be sure, large parts of the U.S. military remain "Eurocentric," especially much of the Army. The shift is being felt most among policymakers and military planners—that is, officials charged with thinking about the future—and least among front-line units. Nor is it a change that the Pentagon is proclaiming from the rooftops. Defense Department officials see little value in being explicit about the shift in U.S. attention, which could worry old allies in Europe and antagonize China.

Even so, military experts point to changes on a variety of fronts. For example, over the last several years, there has been an unannounced shift in the Navy's deployment of attack submarines, which in the post-Cold War world have been used as intelligence assets—to intercept communications, monitor ship movements and clandestinely insert commandos—and also as front-line platforms for launching Tomahawk cruise missiles against Iraq, Serbia and other targets. Just a few years ago, the Navy kept 60 percent of its attack boats in the Atlantic. Now, says a senior Navy submariner, it has shifted to a 5–50 split between the Atlantic and Pacific fleets, and before long the Pacific may get the majority.

But so far the focus on Asia is mostly conceptual, not physical. It is now a common assumption among national security thinkers that the area from Baghdad to Tokyo will be the main location of U.S. military competition for the next several decades. "The focus of great power competition is likely to shift from Europe to Asia," said Andrew Krepinevich, director of the Center for Strategic and Budgetary Assessments, a small but influential Washington think tank. James Bodner, the principal deputy undersecretary of defense for policy, added that, "The center of gravity of the world economy has shifted to Asia, and U.S. interests flow with that."

When Marine Gen. Anthony Zinni, one of the most thoughtful senior officers in the military, met with the Army Science Board earlier this spring, he commented offhandedly that America's "long-standing Europe-centric focus" probably would shift in coming decades as policymakers "pay more attention to the Pacific Rim, and especially to China." This is partly because of trade and economics, he indicated, and partly because of the changing ethnic makeup of the U.S. population. (California is enormously important in U.S. domestic politics, explains one Asia expert at the Pentagon, and Asian Americans are increasingly influential in that state's elections, which can make or break presidential candidates.)

Just 10 years ago, said Maj. Gen. Robert H. Scales, Jr., commandant of the Army War College, roughly 90 percent of U.S. military thinking about future warfare centered on head-on clashes of armies in Europe. "Today," he said, "it's probably 50-50, or even more" tilted toward warfare using characteristic Asian tactics, such as deception and indirection.

WAR GAMING

The U.S. military's favorite way of testing its assumptions and ideas is to run a war game. Increasingly, the major games played by the Pentagon—except for the Army—take place in Asia, on an arc from Teheran to Tokyo. The games are used to ask how the U.S. military might respond to some of the biggest questions it faces: Will Iran go nuclear—or become more aggressive with an array of hard-to-stop cruise missiles? Will Pakistan and India engage in nuclear war—or, perhaps even worse, will Pakistan break up, with its nuclear weapons falling into the hands of Afghan mujaheddin? Will Indonesia fall apart? Will North Korea collapse peacefully? And what may be the biggest question of all: Will the United States and China avoid military confrontation? All in all, estimates one Pentagon official, about two-thirds of the forward-looking games staged by the Pentagon over the last eight years have taken place partly or wholly in Asia.

Last year, the Air Force's biggest annual war game looked at the Mideast and Korea. This summer's game, "Global Engagement 5," to be played over more than a week at Maxwell Air Force Base in Alabama, will posit "a rising large East Asian nation" that is attempting to wrest control of Siberia, with all its oil and other natural resources, from a weak Russia. At one point, the United States winds up basing warplanes in Siberia to defend Russian interests.

Because of the sensitivity of talking about fighting China, "What everybody's trying to do is come up with games that are kind of China, but not china by name," said an Air Force strategist.

"I think that, however reluctantly, we are beginning to face up to the fact that we are likely over the next few years to be engaged in an ongoing military competition with China," noted Princeton political scientist Aaron L. Friedberg. "Indeed, in certain respects, we already are."

TWIN EFFORTS

The new attention to Asia also is reflected in two long-running, military-diplomatic efforts.

The first is a drive to renegotiate the U.S. military presence in northeast Asia. This is aimed mainly at ensuring that American forces still will be welcome in South Korea and Japan if the North Korean threat disappears. To that end, the U.S. military will be instructed to act less like post-World War II occupation forces and more like guests or partners.

Pentagon experts on Japan and Korea say they expect that "status of forces agreements" gradually will be diluted, so that local authorities will gain more jurisdiction over U.S. military personnel in criminal cases. In addition, they predict that U.S. bases in Japan and South Korea will be jointly operated in the future by American and local forces, perhaps even with a local officer in command.

At Kadena Air Force Base on the southern Japanese island of Okinawa, for example, the U.S. military has started a program, called "Base Without Fences," under which the governor has been invited to speak on the post, local residents are taken on bus tours of the base that include a stop at a memorial to Japan's World War II military, and local reporters have been given far more access to U.S. military officials.

"We don't have to stay in our foxhole," said Air Force Brig. Gen. James B. Smith, who devised the more open approach. "To guarantee a lasting presence, there needs to be a private and public acknowledgment of the mutual benefit of our presence."

Behind all this lies a quiet recognition that Japan may no longer unquestioningly follow the U.S. lead in the region. A recent classified national intelligence estimate concluded that Japan has several strategic options available, among them seeking a separate accommodation with China, Pentagon officials disclosed. "Japan isn't Richard Gere in 'An Officer and a Gentleman,'" one official said. "That is, unlike him, it does have somewhere else to go."

In the long term, this official added, a key goal of U.S. politico-military policy is to ensure that when Japan reemerges as a great power, it behaves itself in Asia, unlike the last time around, in the 1930s, when it launched a campaign of vicious military conquest.

SOUTHEAST ASIA REDUX

The second major diplomatic move is the negotiation of the U.S. military's reentry in Southeast Asia, 25 years after the end of the Vietnam War and almost 10 years after the United States withdrew from its bases in the Philippines. After settling on a Visiting Forces Agreement last year, the United States and the Philippines recently staged their first joint military exercise in years, "Balikatan 2000."

The revamped U.S. military relationship with the Philippines, argues one general, may be a model for the region. Instead of building "Little America" bases with bowling alleys and Burger Kings that are off-limits to the locals, U.S. forces will conduct frequent joint exercises to train Americans and Filipinos to operate together in everything from disaster relief to full-scale combat. The key, he said, isn't permanent bases but occasional access to facilities and the ability to work with local troops.

Likewise, the United States has broadened its military contacts with Australia, putting 10,0000 troops into the Queensland region a year ago for joint exercises. And this year, for the first time, Singapore's military is participating in "Cobra Gold," the annual U.S.-Thai exercise. Singapore also is building a new pier specifically to meet the docking requirements of a nuclear-powered U.S. aircraft carrier. The U.S. military even has dipped a cautious toe back into Vietnam, with Cohen this spring becoming the first defense secretary since Melvin R. Laird to visit that nation.

The implications of this change already are stirring concern in Europe. In the March issue of Proceedings, the professional journal of the U.S. Navy, Cmdr. Michele Consentino, an Italian navy officer, fretted about the American focus on the Far East and about "dangerous gaps" emerging in the U.S. military presence in the Mediterranean.

WHERE THE GENERALS ARE

If the U.S. military firmly concludes that its major missions are likely to take place in Asia, it may have to overhaul the way it is organized, equipped and even led. "Most U.S. military assets are in Europe, where there are no foreseeable conflicts threatening vital U.S. interests," said "Asia 2025," a Pentagon study conducted last summer. "The threats are in Asia," it warned.

This study, recently read by Cohen, pointedly noted that U.S. military planning remains "heavily focused on Europe," that there are four times as many generals and admirals assigned to Europe as to Asia, and that about 85 percent of military officers studying foreign languages are still learning European tongues.

"Since I've been here, we've tried to put more emphasis on our position in the Pacific," Cohen said in an interview as he flew home from his most recent trip to Asia. This isn't, he added, "a zero-sum game, to ignore Europe, but recognizing that the [economic] potential in Asia is enormous"—especially, he said, if the United States is willing to help maintain stability in the region.

TYRANNY OF DISTANCE

Talk to a U.S. military planner about the Pacific theater, and invariably the phrase "the tyranny of distance" pops up. Hawaii may seem to many Americans to be well out in the Pacific, but it is another 5,000 miles from there to Shanghai. All told, it is about twice as far from San Diego to China as it is from New York to Europe. Cohen noted that the military's new focus on Asia means, "We're going to want more C–17s" (military cargo planes) as well as "more strategic airlift" and "more strategic sealift."

Other experts say that barely scratches the surface of the revamping that Asian operations might require. The Air Force, they say, would need more long-range bombers and refuelers—and probably fewer short-range fighters such as the hot new F-22, designed during the Cold War for dogfights in the relatively narrow confines of Central Europe. "We are still thinking about aircraft design as if it were for the border of Germany," argues James G. Roche, head of Northrop Grumman Corp.'s electronic sensors unit and a participant in last year's Pentagon study of Asia's future. "Asia is a much bigger area than Europe, so planes need longer 'legs.'"

Similarly, the Navy would need more ships that could operate at long distances. It might even need different types of warships. For example, the Pentagon study noted, today's ships aren't "stealthy"—built to evade radar—and may become increasingly vulnerable as more nations acquire precision-guided missiles.

Also, the Navy may be called on to execute missions in places where it has not operated for half a century. If the multi-island nation of Indonesia falls apart, the Pentagon study suggested, then the Navy may be called upon to keep open the crucial Strait of Malacca, through which passes much of the oil and gas from the Persian Gulf to Japan and the rest of East Asia.

The big loser among the armed forces likely would be the Army, whose strategic relevancy already is being questioned as it struggles to deploy its forces more quickly. "At its most basic level, the rise of Asia means a rise of emphasis on naval, air and space power at the expense of ground forces," said Eliot Cohen, a professor of strategic studies at Johns Hopkins University.

In a few years, Pentagon insiders predict, the chairman of the Joint Chiefs of Staff will be from the Navy or Air Force, following 12 years in which Army officers—Generals Colin L. Powell, John Shalikashvili and Henry H. Shelton—have been the top officers in the military. Perhaps even more significantly, they foresee the Air Force taking away from the Navy at least temporarily the position of "CINCPAC," the commander in chief of U.S. forces in the Pacific. There already is talk within the Air Force of basing parts of an "Air Expeditionary Force" in Guam, where B–2 stealth bombers have been sent in the past in response to tensions with North Korea.

PARALLEL WITH PAST

If the implications for the U.S. military of a new focus on Asia are huge, so too are the risks. Some academics and Pentagon intellectuals see a parallel between the U.S. effort to manage the rise of China as a great power and the British failure to accommodate or divert the ambitions of a newly unified Germany in the late 19th century. That effort ended in World War I, which slaughtered a generation of British youth and marked the beginning of British imperial decline.

If Sino-American antagonism grows, some strategists warn, national missile defense may play the role that Britain's development of the battleship Dreadnought played a century ago—a superweapon that upset the balance by making Germany's arsenal strategically irrelevant. Chinese officials have said they believe the U.S. plan for missile defense is aimed at negating their relatively small force of about 20 intercontinental ballistic missiles.

If the United States actually builds a workable antimissile system, former national security adviser Zbigniew Brzezinski predicts, "the effect of that would be immediately felt by the Chinese nuclear forces and [would] presumably precipitate a buildup." That in turn could provoke India to beef up its own nuclear forces, a move that would threaten Pakistan. A Chinese buildup also could make Japan feel that it needed to build up its own military.

Indian officials already are quietly telling Pentagon officials that the rise of China will make the United States and India natural allies. India also is feeling its oats militarily. The Hindustan Times recently reported that the Indian navy plans to reach far eastward this year to hold submarine and aircraft exercises in the South China Sea, a move sure to tweak Beijing.

Some analysts believe that the hidden agenda of the U.S. military is to use the rise of Asia as a way to shore up the Pentagon budget, which now consumes about 3 percent of the gross domestic product, compared to 5.6 percent at the end of the Cold War in 1989. "If the military grabs onto this in order to get more money, that's scary," said retired Air Force Col. Sam Gardiner, who frequently conducts war games for the military.

Indeed, Cohen is already making the point that operating in Asia is expensive. He said it is clear that America will have to maintain "forward" forces in Asia. And that, he argued, will require a bigger defense budget.

"There's a price to pay for what we're doing," Cohen concluded. "The question we're going to have to face in the coming years is, are we willing to pay up?"

AN EYE ON ASIA

U.S. forces dedicated to the Pacific region: U.S. Army Pacific 60,000 soldiers and civilians (two divisions and one brigade); U.S. Pacific Fleet 130,000 sailors and civilians (170 ships); Pacific Air Forces 40,000 airmen and civilians (380 aircraft in nine wings); Marine Forces Pacific 70,000 Marines and civilians (two expeditionary forces).

ON FOREIGN SHORES

Major U.S. deployments in Asia include:

U.S. Forces Japan: 47,000 personnel ashore and 12,000 afloat at 90 locations.

U.S. Forces Korea: 37,500 personnel at 85 installations.

TRAINING GROUNDS

The Pacific Command participates in dozens of joint exercises with allied countries each year, including:

1. Cobra Gold: The U.S.-Thai exercise is expanding to include Singapore.
2. Foal Eagle: Brings together U.S. and South Korean troops on the Korean peninsula.
3. Crocodile: A training exercise with Australia at Shoalwater Bay.
4. Rim of the Pacific: Participants include the U.S., Australia, Japan and South Korea (pictured above).

[From Hong Kong Sing Tao Jih Pao, July 8, 2000]

Russian Navy Reportedly Instructed To Stop US Involvement in Taiwan Strait

(By Reporter Li Nien-ting)

Taiwan's media have reported that after the Sino-Russian summit a few days ago, Russian President Vladimir Putin gave a special instruction to the Russian military that in case the Taiwan situation deteriorates and the US military attempts to become involved in the situation, Russia will dispatch its Pacific Fleet to check the route of the Seventh Fleet of the US Navy, to keep the latter far away from the Taiwan Strait. This will be the embryonic form of Sino-Russian military cooperation in defense.

Jiang Zemin and Putin, the heads of state of China and Russia, had an in-depth exchange of views before the five-nation summit a few days ago. The two countries reached a consensus on jointly opposing the US global missile defense system (TMD) [as published; acronym given in English] and made commitments on Sino-Russian military cooperation in defense.

Relevant analysis held that military cooperation and antagonism seems to have become the hottest topic for discussion in the post-Cold-War period. Following the US attempt to develop the national missile defense system and TMD, China has found the US move to join hands with the weak to deal with the strong a knotty problem. Having failed to obtain any result through severe denunciation the Beijing authorities have decided to work with Russia to contend with the United States. Since Putin was elected Russian president, the cooperation between the two countries has tended to be further strengthened. Their military cooperation has caused the two countries to be on the same front against the United States.

A MILITARY COOPERATION PLAN INVOLVING $20 BILLION

Taiwan media have quoted information from a mainland official source as saying: In order to strengthen Russia's strategic cooperative partnership with China, Russian President Putin gave a special instruction to the high-level officers of the Russian military a few days ago that in case the US military involves itself in the Taiwan Strait situation, Russia will dispatch its Pacific Fleet to cut off the route of the US fleet in order to keep the latter far away from the Taiwan Strait.

Regarding the military alliance between China and Russia, the media of the West have commented that the strategic cooperative partnership between China and Russia has entirely been established on the basis of the fundamental interests of the national security of the two countries. Therefore, on the issues of Chechnya and Taiwan, China and Russia not only should fully support each other's sovereignty, territorial integrity, and unity, but also should join hands in solving the other side's conflicts over sovereignty and territorial integrity.

It has been disclosed that there is a 2000–2004 military cooperation plan between China and Russia that involves as much as $20 billion. China will purchase from Russia high-tech equipment for the navy and the air force, or cooperate with Russia to develop and produce such equipment. It is believed that the plan is being implemented.

[From Hong Kong Ta Kung Pao, July 6, 00]

[Special Article on Cooperation Among PRC, Russia, Kazakhstan, Kyrgyzstan, Tajikistan]

(By Mao Chieh)

"That historical issues left over in the past several hundred years have been mostly solved over the past five years represents a great achievement of the "Shanghai Five" meeting. Taking a step back and assuming crisis in the Taiwan Strait will further escalate, the mainland will be able to concentrate all its efforts to handle the cross-strait issue since its worries about its backyard have been greatly reduced."

The heads of state of China, Russia, Kazakhstan, Hyrgystan, and Tajikistan gather today (6 July) in Dushanbe, capital of Tajikistan, to attend the fifth meeting of the "Shanghai Five." Due to the presence of the new Russian President Putin and to the first attendance of Uzbekistan as an observer, the Dushanbe summit meeting has attracted particular attention.

"Of the 20-point Dushanbe Statement signed today by the five countries' heads of state, the main points of the meeting can be summed up in four," remarked Pan Guang, director of Shanghai Research Center on international issues, when interviewed by this paper's reporter.

Chinese Persecution of Uighur Muslims May Be Increasing, Commission Says

The U.S. Commission on International Religious Freedom today issued a statement deploring what appears to be increasing persecution of Uighur Muslims in China's Xinjiang region and called for the U.S. government to raise the issue directly with China and in international organizations. Following is the text of the statement:

"In the Commission's May 1 Annual Report to the Administration and Congress, and in testimony before Congress, since that date, we have called attention to the serious deterioration of religious freedom in China during the past year.

"Since last summer, the authorities have launched a nationwide crackdown on the Falun Gong spiritual movement, sentencing leaders to long prison terms and detaining more than 35,000 practitioners, a few of whom have been sent to mental institutions, have been beaten to death, or have died suddenly while in police custody. Catholic and Protestant underground "house churches" are suffering increased repression, including the arrests of priests and pastors, one of whom was found dead in the street soon afterwards. The repression of Tibetan Buddhists has expanded, with a top religious leader, the Karmapa Lama, recently fleeing to India in January.

"The increase in religious persecution has touched another group, less known in the West—the 8 million Muslim Uighurs, a Turkic people living in western China's Xinjiang Uighur Autonomous Region. In the face of Han Chinese mass migration into traditionally Uighur areas, Islamic institutions have become an important medium through which Uighurs attempt to preserve their history and culture.

"Verifiable information from the region is hard to come by, largely because foreign diplomats, journalists, and human rights monitors are generally barred from traveling there. But in recent years tensions in Xinjiang and reports of sporadic violence against the government have increased. While the government blames "small numbers" of "separatists" for the violence, Islamic institutions and prominent individuals in the Muslim community have become the target of repressive, often brutal measures by Chinese authorities unwilling or unable to differentiate between religious exercise or ethnic identify and "separatist" aspirations. Thousands have been detained, including many religious leaders. Convictions and executions of so-called "splittists" are common, often reportedly on little evidence and with no regard for due process of law. Indeed, residents of Xinjiang region are the only Chinese citizens who are subject to capital punishment for political crimes.

"Last August, the Chinese authorities stepped up their crackdown with the arrest of a prominent Uighur businesswoman, Rebiya Kadeer. Ms. Kadeer was arrested last Aug. 11 as she was on her way to a private dinner in Urumqi with two staff members from the U.S. Congressional Research Service. She was last convicted in a show trial for "harming national security" and sentenced to 8 years in prison. The evidence consisted of a number of Chinese newspaper articles she had passed on to her husband in the U.S., who commented on them over Radio Free Asia. Kadeer is reported to be in poor health and in need of medical help as a result of brutal treatment meted out to her in prison.

"In recent days a major Xinjiang newspaper announced the July 6 execution of three accused Uighur separatists by firing squad immediately after their public sentencing on charges of "splitting the country." This follows upon similar executions of five Uighurs immediately after sentencing in a June trial, with two others sentenced to life in prison and the others receiving jail terms ranging from 17 to 20 years.

"Several weeks ago, the House voted to grant China Permanent Normal Trade Relations status (PNTR). During the debate, PNTR supporters argued that the fruits of engagement with China would be increased respect for the rule of law and international norms of behavior with regard to human rights. As Beijing's violations of religious freedom continue unabated, if not at a stepped up pace, PNTR supporters have a moral obligation to speak out and let the Chinese government know that these abuses are unacceptable. "No one expected improvement overnight, but certainly things shouldn't have deteriorated overnight," said Commission Chairman Elliott Abrams.

"The Commission reiterates its recommendation of May 1 that the U.S. government raise the profile of conditions in Xinjiang by addressing religious-freedom and human rights concerns in bilateral talks, by increasing the number of education exchange opportunities available to Uighurs, and by increasing radio broadcasts in the Uighur language into Xinjiang. The Commission further recommends that the U.S. move immediately to take up the issue in all appropriate international organizations. The State Department should demand both the humanitarian release of Rebiya Kadeer from prison, an immediate end to summary executions of Uighur "separatists," and free access to Xinjiang for foreign journalist and human rights monitors. Finally, the Commission urges the U.S. Senate to consider the plight of the Uighurs and the state of religious freedom in China as it considers whether to grant Beijing PNTR status."

[From the International Herald Tribune, June 15, 2000]

AN EXECUTION FOR A KIDNEY

CHINA SUPPLIES CONVICTS' ORGANS TO MALAYSIANS

(By Thomas Fuller)

MALACCA, MALAYSIA.—The night before their execution, 18 convicts were shown on a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would provide him with the kidney he so badly needed.

Mr. Yeo, 40, a Malaysian who manages the local branch of a lottery company here, says he never learned the name of the prisoner whose kidney is now implanted on his right side. He knows only what the surgeon told him: The executed man was 19 years old and sentenced to die for drug trafficking.

"I knew that I would be getting a young kidney," Mr. Yeo says now, one year after his successful transplant. "That was very important for me."

Over the past few years at least a dozen residents of this small Malaysian city have traveled to a provincial hospital in Chongqing, China, where they paid for what they could not get in Malaysia: functioning kidneys to prolong their lives.

They went to China, a place most of them barely knew, with at least $10,000 in cash. They encountered a medical culture where kidneys were given to those with money and a doctor could stop treatment if a patient didn't pay up. Surgeons advised them to wait until a major holiday, when authorities traditionally execute the most prisoners.

China's preferred method of capital punishment, a bullet to the back of the head, is conducive to transplants because it does not contaminate the prisoners' organs with poisonous chemicals, as lethal injections do, or directly affect the circulatory system, as would a bullet through the heart.

More than 1,000 Malaysians have had kidney transplants in China, according to an estimate by Dr. S.Y. Tan, one of Malaysia's leading kidney specialists. Many patients go after giving up hope of finding an organ donor in Malaysia, where the average waiting period for a transplant is 16 years.

Interviews with patients who underwent the operation in China reveal how the market for Chinese kidneys has blossomed here—to the point where patients from Malacca negotiated a special price with Chinese doctors.

In 1998, two doctors from the Third Affiliated Hospital, a military-run complex in Chongqing, came to Malacca and spoke at the local chapter of the Lions Club about their procedures. Kidney patients worked out a deal with the doctors: Residents of Malacca would be charged $10,000 for the procedure instead of the $12,000 paid by other foreigners.

It goes without saying that the kidney transplants these doctors perform are highly controversial. The Transportation Society, a leading international medical forum based in Montreal, has banned the use of organs from convicted criminals. Human rights groups call the practice barbaric.

But patients here who have undergone the operation in China say they were too desperate at the time to consider the ethical consequences.

Today they are simply happy to be alive. The trip to Chongqing offered them an escape from the dialysis machines, blood transfusions, dizziness and frequent bouts of vomiting. And why, they ask, should healthy organs be put to waste if they can save lives?

"Ethics are only a game for those people who are not sick," says Tan Dau Chin, a paramedic who has spent his career working with dialysis patients in Malacca. "Let me put it this way: What if this happened to you?"

Simon Leong, 35, a Malaccan who underwent a successful operation two years ago in Chongqing, says the principle of buying an organ is "wrong."

"But I was thinking, I have two sons. Who's going to provide for them?"

Corrine Yong, 54, who returned from Chongqing two months ago after a successful operation, was told that if she did not receive a transplant she would probably not live much longer.

"I didn't have a choice," she says of her decision to go to China.

For kidney patients in Malaysia the chances of obtaining a transplant from a local donor are slim. Despite an extremely high death rate on Malaysian roads—in a country of 22 million people, an average of 16 people are killed every day in traffic accidents—the organ donation system is woefully undeveloped.

Kidneys were transplanted from just eight donors last year. Thousands of people are on the official waiting list.

Dr. Tan, the Malaysian kidney specialist, says the small number of donors in Malaysia is partly due to religious and cultural taboos.

Malaysian Muslim families in particular are reluctant to allow organs to be removed before burial, although this is not the case in some other Muslim countries, such as Saudi Arabia, which has a relatively high number of donors.

Organ donation has always been an uncomfortable issue. The terminology is euphemistic and macabre: Doctors speak of "harvesting" organs from patients who are brain-dead, but whose hearts are still beating.

And when the issue of executed prisoners comes into play, transplants become politically explosive.

"It is well known that the death penalty is often meted out in China for things that most people in Western countries would not regard as capital crimes," said Roy Calne, a professor of surgery at both Cambridge University and the National University of Singapore.

Using organs from executed prisoners is not only ethically wrong, he says, but discourages potential donors to step forward in China: "If the perception of the public in China is that there's no shortage of organs you're not likely to get any enthusiasm for a donation program."

It is impossible to know exactly how many Asians travel to China for organ transplants. But data informally collected from doctors in at least three countries suggest the numbers are in the hundreds every year.

Also impossible to confirm is whether all parties in China receive organs from executed prisoners and not other donors.

But patients interviewed for this article say doctors in China make no secret of where the organ comes from. The day before convicts are executed—usually in batches—a group of patients in the hospital are told to expect the operation the next day.

Melvin Teh, 40, a Malacca businessman who received a kidney transplant from a hospital in Guangzhou two years ago, says doctors did not offer the names of the prisoners. "They just tell you it was a convict," he said. "They don't tell you what he did."

Mrs. Yong says doctors told her that the donors were all "young men" who had committed "serious, violent" crimes.

Chinese officials have admitted that organs are occasionally taken from convicts, but deny that the practice is widespread.

"It is rare in China to use the bodies of executed convicts or organs from an executed convict," an official from the Health Ministry was quoted as saying in the China Daily in 1998. "If it is done, it is put under stringent state control and must go through standard procedures."

That view does not jibe with the stories that patients from Malacca tell, where kidneys are essentially handed out to the highest bidders, often foreigners.

Mr. Leong, the Chongqing patient, and his wife, Karen Soh, who accompanied him to China, say money was paramount for the surgeons involved in the operation. They recounted how another Malaysian kidney transplant patient who suffered complications while in Chongqing had run out of cash.

"They stopped the medication for one day," Mrs. Soh said, referring to the anti-rejection drugs. The patient was already very sick and eventually died of infection upon her return to Malaysis, according to Mrs. Soh.

Patients say they are advised by friends who have already undergone a transplant to bring the surgeons gifts. Mrs. Young brought a pewter teapot and picture frame. Ms. Soh and her husband brought a bottle of Martell cognac, a carton of 555 brand cigarettes and a bottle of perfume for the chief surgeon's wife.

"They call it 'starting off on the right foot'" Mrs. Soh said.

After the operation was complete, the couple gave two of the doctors "red packets" filled with cash: 3,000 yuan ($360) for the chief surgeon, and 2,000 yuan for his assistant. Other patients also "tipped," although the amounts varied.

It might be tempting to see the market for Chinese organs as part of the more general links that overseas Chinese have with the mainland.

Many of the patients are indeed ethnically Chinese and come from countries—Malaysia, Taiwan, Thailand—with either links to the mainland or large ethnic Chinese populations.

Yet if the experience of Malaysian patients in any indication, the trip to China provides a severe culture shock. Patients recalled unsanitary conditions, and for those who did not speak Mandarin the experience was harrowing.

Mr. Leong, who speaks little Mandarin, was helped by his wife who wrote out a list of phrases for her husband to memorize. The list included: "I'm feeling pain!" "I'm thirsty." "Can you turn me over?" Mr. Leong would simply say the number that corresponded to his complaint and the nurse would check the list.

But more difficult than communicating is paying for the transplant. For the Leongs it involved pooling savings from family members and appealing for funds through Chinese-language newspapers. The cost of an operation amounts to several years' salary for many Malaysians.

Yet despite financial problems and cultural shock, all four patients interviewed for this article said they had no regrets.

Mr. Yeo enjoys a life of relative normalcy, maintaining a regular work schedule and jogging almost every day.

He says he was so weak before his transplant that he had trouble crossing the street and climbing stairs. Four-hour sessions three times a week on dialysis machines were "living hell."

Does it disturb him that an executed man's kidney is in his abdomen?

"I pray for the guy and say, 'Hopefully your afterlife is better,'" Mr. Yeo said.

And has he ever wondered whether the prisoner might have been innocent?

Mr. Yeo pauses and stares straight ahead. "I haven't gone through that part—the moral part," he said.

"I don't know. I can't question it too much. I have to live."

[From The New Republic, July 24, 2000]

SIERRA LEONE, THE LAST CLINTON BETRAYAL—WHERE ANGELS FEAR TO TREAD

(By Ryan Lizza)

Even for the Clinton administration, it was an extraordinary lie. "The United States did not pressure anybody to sign this agreement," State Department spokesman Philip Reeker proclaimed at a press briefing in early June. "We neither brokered the Lomé peace agreement nor leaned on [Sierra Leonean] President Kabbah to open talks with the insurgents. . . . It was not an agreement of ours." Observers were stunned. The dishonesty, said one Capitol Hill Africa specialist, was "positively Orwellian."

Orwellian because the peace agreement signed in Lomé, Togo—an agreement that forced the democratic president of Sierra Leone to hand over much of his government and most of his country's wealth to one of the greatest monsters of the late twentieth century—was conceived and implemented by the United States. It was Jesse Jackson, Bill Clinton's special envoy to Africa, who in late 1998 pressed President Ahmad Tejan Kabbah to "reach out" to Foday Sankoh—a man who built his Revolutionary United Front (RUF) by systematically kidnapping children and forcing them to murder their parents. In May 1999, the United States, led by Jackson, brokered and signed a cease-fire agreement between the government and the RUF. In June, U.S. officials drafted entire sections of the accord that gave Sankoh Sierra Leone's vice presidency and control over its diamond mines, the country's major source of wealth. U.S. Ambassador to Sierra Leone Joseph Melrose even shuttled back and forth between Lomé and Sierra Leone's capital, Freetown, to cajole the reluctant Kabbah. In March 2000, after the accord was signed, American officials hosted repeated meetings at the U.S. embassy to carry it out.

Barely any of this made the American press. And then this May, when the RUF took hostage 500 of the U.N. peace-keepers meant to supervise Lomé's implementation—simultaneously detonating the agreement and catapulting it onto the front page—the United States washed its hands of the whole thing. Said Reeker on June 5, "We were not part of that agreement."

The Clinton administration's Africa policy will probably go down as the strangest of the postcolonial age; it may also go down as the most grotesque. In dealing with Africa, previous U.S. administrations were largely unsentimental. Africa was too poor to affect the U.S. economy, too alien to command a powerful domestic lobby, too weak to threaten American security. As a result, past presidents spoke about Africa modestly and not very often.

Not Bill Clinton. He has proclaimed frequently and passionately that Africa matters. He has insisted that black suffering has as great a claim on the American conscience as white suffering. He has vowed that the United States will no longer be indifferent. These words have borne no relation whatsoever to the reality of his administration's policy. Indeed, confronted with several stark moral challenges, the Clinton administration has abandoned Africa every time: it fled from Somalia, it watched American stepchild Liberia descend into chaos, it blocked intervention in Rwanda. But Clinton's soaring rhetoric has posed a problem that his predecessors did not face—the problem of rank hypocrisy. And so, time and again, the imperative guiding his administration's Africa policy has been the imperative to appear to care. Unwilling to commit American blood and treasure to save African lives, and unwilling to admit that they refuse to do so, the Clintonites have developed a policy of coercive dishonesty. In Rwanda, afraid that evidence of the unfolding genocide would expose their inaction, they systematically suppressed it. And in Sierra Leone, unwilling to take on a rebel group that was maiming and slaughtering civilians by the thousands, the Clintonites insisted that all the rebels truly wanted was peace and a seat at the negotiating table.

Abandoning Africans is nothing new. But the Clinton administration has gone further. It has tried to deny them the reality of their own experience, to bludgeon them into pretending that the horrors around them do not truly exist—so that they won't embarrass the American officials who proclaim so eloquently that their fates are inextricably linked to our own.

Sierra Leone, a former British colony whose capital was founded in the late eighteenth century by freed slaves, was a pretty nasty place even before the birth of the Revolutionary United Front. After an initial bout with democracy upon gaining independence in 1961, it slid into dictatorship and kleptocracy and stayed there through the 1970s and '80s—consistently near the bottom in world rankings of infant mortality, per capita income, and life expectancy.

So the outside world barely noticed when, in 1991, a group of about 100 guerrillas launched a campaign to take over the country. But the RUF—backed by Charles Taylor, a warlord in neighboring Liberia—quickly established itself as a rather unusual rebel group. For one thing, it had no discernible political philosophy or agenda. For another, it was almost unimaginably brutal. Typically, RUF troops would enter a village and round up its children. Girls as young as ten would be raped. Boys would be forced to execute village elders and sometimes even their own parents, thus cutting themselves off from their past lives and beginning their absorption into their new rebel "family." Once children were conscripted, their loyalty was maintained through drugs—they were injected with speed, which numbed their sensitivity to violence and rendered them dependent on their adult suppliers—and violence. When conscripts tried to escape, RUF leaders amputated their limbs. Refugees even accused the RUF of cannibalism.

For several years after its initial invasion, the group terrorized the Sierra Leonean countryside, periodically closing in on Freetown and being pushed back by a succession of military dictators. And then in 1996, something remarkable happened—a burgeoning civil-society movement, backed by the United States and led largely by women's groups, rose up against Sierra Leone's military overlords and cleared the way for the country's first presidential elections since 1967. The RUF did its best to keep people from the polls—chopping off the hands of would-be voters—but almost two-thirds of the electorate cast ballots nonetheless, electing as president Ahmad Tejan Kabbah, a longtime U.N. official. After the election, hundreds of Sierra Leoneans danced outside the U.S. embassy in Freetown in gratitude for America's support.

The euphoria did not last long. In May 1997, 14 months after Kabbah's election, disgruntled government soldiers—known as "sobels" because of their collaboration with the rebels—staged a coup, forcing Kabbah into exile in Guinea. The coup leaders invited the RUF into their junta, suspended Sierra Leone's constitution, emptied Freetown's prison of its worst criminals, and literally held the city's residents hostage, placing artillery in the hills around the capital and threatening to bombard the civilians below if removed from power.

No one expected the United States to send troops to restore democracy; this was, after all, Africa. But it didn't need to. Nigeria, a country that long fancied itself the region's hegemon, already had its own intervention force in Sierra Leone under the auspices of an organization called ECOMOG, the Economic Community of West African States Monitoring Group.

While Nigeria, a country in perpetual economic crisis, spent some $1 million per day battling the criminal regime in Freetown, several mid-level State Department Africa hands began lobbying their superiors to request funds from Congress to bolster ECOMOG's work. But the administration refused, saying such a request was pointless because Congress would say no. And, while the Clintonites were right that the Republican Congress wasn't usually enamored of foreign aid, the struggle for Sierra Leone might have offered the administration an opportunity to put its vaunted commitment to Africa into action. Indeed, several sympathetic members of Congress—Republicans and Democrats—even urged the State Department to challenge Congress to rise to the occasion. But the challenge never came. "It was totally bizarre," says one person with knowledge of the internal squabbling. "A decision was made that the State Department was just not going to ask for it."

In fact, not only did the Bureau of African Affairs not request additional money from Congress, it didn't even spend the money Congress had already given it. For months, $3.9 million sat unspent in the bureau's budget for voluntary peacekeeping operations. In February 1998, ECOMOG liberated Freetown and restored Kabbah to power—proving that the RUF's child soldiers were no match for a bona fide adult military. As the rebels streamed back into the countryside, The Nigerians saw an opportunity to finish them off for good. But ECOMOG lacked the resources to take the war into the Sierra Leonean hinterland, and still no money came from the Clinton administration. "The only way they [ECOMOG soldiers] could eat is because the people of Sierra Leone gave them food and places to sleep," says one U.S. official. By spring, the window of opportunity had closed. The RUF, freshly resupplied by Liberia, was back on the offensive with a campaign of systematic killing, mutilating, and raping called Operation No Living Thing. In late May, long after it could have made a real difference, the administration finally allocated the $3.9 million to ECOMOG.

Nigeria, visibly tiring of its proxy war, began to look for a way out, and the United States faced an even starker version of the same dilemma it had confronted all along. It could make a major financial and political commitment, in conjunction with the Nigerians or others, to save a fledgling democratic government too weak to save itself. Or it could abandon that government, leaving Sierra Leone to Sankoh and his child butchers—because, after all, Sierra Leone did not remotely affect America's vital national interest. The Clintonites, typically, did neither. Against all the evidence that Sierra Leone could be saved from the RUF only through war, the Clinton administration set out to make peace. In early spring 1998, a group of U.S. policymakers gathered on the sixth floor of the State Department to plot strategy. One senior official summarized their goal: "We need to appear to be doing something."

To make peace with Foday Sankoh and the RUF, the Clintonites had to go through Sankoh's political godfather, Liberian dictator Charles Taylor. Taylor and Sankoh attended the same school—a Libyan secret-service camp known as al-Mathabh al-Thauriya al-Alamiya (World Revolutionary Headquarters), a sort of university for revolutionary guerrillas from all over Africa. When they met, Taylor had recently returned from the United States, where he had escaped from a prison in Plymouth, Massachusetts, while awaiting extradition back to Liberia on charges of embezzlement. Sankoh, imprisoned in the '70s for his role in plotting a coup, had been working as an itinerant photographer in the Sierra Leonean countryside. Each man dreamed of overthrowing his native government, and they pledged to help each other do so.

Taylor got his chance first, on Christmas Eve 1989, when he launched a civil war that would become a model for Sankoh's a year and a half later. One of Taylor's first military innovations was his creation of the Small Boys Unit, a battalion of intensely loyal child soldiers who were fed crack cocaine and referred to Taylor as "our father." Soon, refugees from the Liberian countryside began recounting stories of horrific cruelty. Taylor's soldiers were seeking out pregnant women and placing bets on the sex of their unborn children. Then they would rip open the woman's wombs and tear out the babies to see who was right. Evidence of cannibalism also began to trickle out. One soldier told Reuters, "We rip the hearts from their living bodies and put them on the fire, then eat them." A Liberian human rights organization claimed cannibalism in Taylor-controlled territory was so widespread that "there is fear of persecution based on one's fitness for consumption." Taylor's own defense minister accused him of taking part in the practice himself.

By 1991, Liberia looked a lot like Sierra Leone would look seven years later. Troops from ECOMOG defended a weak government in the capital, Monrovia, while Taylor controlled the other 90 percent of the country. Taylor developed a vast warlord economy, selling off Liberia's minerals and raw materials, trafficking in hashish, and reportedly reaping an annual income of about $250 million. But he wanted to expand his lucrative empire even further—to include the diamond mines just across the border in Sierra Leone. What's more, he wanted revenge against Sierra Leone, which had served as a base for the ECOMOG troops that were preventing his total victory in Liberia.

So he kept his deal with Sankoh. In March 1991, a number of Taylor's fiercest fighters accompanied Sankoh and the fledgling RUF into Sierra Leone, where they headed straight for the diamond mines. Taylor appointed Sankoh "governor of Sierra Leone," and his soldiers jokingly referred to Sierra Leone as their Kuwait. Sankoh frequently visited Taylor at his headquarters in the Liberian town of Gbarnga.

And then in 1996, with Liberia in ashes and 13 failed peace agreements—"[Taylor] reneged on all of them," says a former senior State Department official—Taylor offered his Sierra Leonean protégé the ultimate lesson in the politics of terror: he took power. Taylor agreed to stand for election. He had the largest army and the most money, and he made it clear that if he did not win, he would resume the killing. A country exhausted by war elected him president. During the run-up to the vote, Taylor's child soldiers took to the streets, chanting what became his unofficial campaign slogan: "He killed my pa. He killed my ma. I'll vote for him."

To bring "peace" to Sierra Leone, the Clinton administration first had to show that Sankoh and Taylor were men with whom one could legitimately do business. "Their whole policy was to 'mainstream' them—that was the word used by someone at State," explains an aide to the House International Relations Committee. "If you treat Sankoh like a statesman, he'll be one'. . . . [A State Department official] used the term to explain what they had done with Taylor and what they were trying to do with Foday Sankoh." In Jesse Jackson, appointed, "Special Envoy for the President and Secretary of State for the Promotion of Democracy in Africa" in October 1997, Washington had the ideal man for the job.

Jackson first met the Liberian dictator on an official trip to West Africa in February 1998. Taylor, worried that Jackson, like prior American diplomats, would hector him about human rights, invited an old Liberian friend of Jackson's named Romeo Horton to brief him on America's new envoy. Horton says Jackson and Taylor's meeting went extremely well. "Instead of meeting an adversary," says Horton, Taylor "met a friend." The following month, when Clinton toured Africa, Jackson arranged a 30-minute phone call between the two leaders from Air Force One. Upon returning home, Jackson organized a conference on "reconciliation" for Liberians at his PUSH headquarters in Chicago. According to Harry Greaves Jr., cofounder of a Liberian opposition party, who attended the Chicago conference, "The message was, '[Taylor's] been elected, and let's give him a chance.' It's all about p.r., and Jackson is part of that campaign." As Leslie Cole, an old friend of Taylor's, wrote to the new president soon after Jackson's conference, "Getting Jesse on the bandwagon was a good and smart idea."

So it's not surprising that by the time Jackson began the diplomatic push that would lead to Lomé, he and Taylor were giving the same advice to the democratic government of Sierra Leone: Cut a deal with the RUF. In November 1998, Jackson traveled to West Africa again, meeting with Taylor and Kabbah in Guinea and then, in Freetown, with Kabbah alone. During his five-hour stop in Sierra Leone, Jackson, who arrived just days after fresh reports that the RUF was beheading children and disemboweling pregnant women, urged Kabbah to make concessions to the rebels. "The government must reach out to these RUF in the bush battlefield," Jackson told Sierra Leonean leaders. Much of Freetown believed otherwise. "Think again, Jackson, the RUF is not a civilized body to be trusted," implored one prominent newspaper. A local journalist asked Jackson why he was telling Sierra Leoneans to negotiate with the RUF when the public was against it. "I remember very clearly what he said," says Zainab Bangura, a prominent member of Freetown's democracy movement. "'That is what leadership is about: to mold public opinion, not to follow public opinion.'" Sierra Leone's current ambassador to the United States, John Leigh, remembers Jackson's trip well. "When he went to Sierra Leone in 1998," Leigh says, "what he was doing was pushing Charles Taylor's position."

Seven weeks after Jackson departed, as Bangura put it recently, "All hell broke loose." The "hell" was the January 1999 RUF assault on Freetown, which, hard as it is to believe, set a new standard for rebel atrocities. Capitalizing on ECOMOG's weariness, the RUF marched into the capital surrounded by a human shield of civilians that prevented the Nigerians from launching an effective counterattack. Divided into squads with names like "Burn House Unit," "Cut Hands Commandos," and "Kill Man No Blood Unit" (the last group specialized in beating people to death without spilling blood), the RUF burned down houses with their occupants still inside, hacked off limbs, gouged out eyes with knives, raped children, and gunned down scores of people in the streets. In three weeks, the RUF killed some 6,000 people, mostly civilians. When the rebels were finally forced from the city by an ECOMOG counterattack, they burned down while blocks as they left and abducted thousands of children, boys and girls who would become either soldiers or sex slaves.

Incredibly, the Clintonites didn't abandon their efforts to "mainstream" the RUF in the weeks following the attack; they intensified them. In February, just weeks after the assault, the State Department hosted the RUF's "legal representative," Omrie Golley, for talks in Washington. While Golley was at the State Department, Deputy Assistant Secretary of State for African Affairs Howard Jeter organized a phone call between him and Kabbah, establishing the first formal contact between the government and the rebels. Golley remembers the experience fondly. In contrast to the British, who he says treated his group with disdain, Golley gushes that he "was always very impressed with the American approach to the whole conflict."

Golley also met with New Jersey Representative Donald Payne, probably the most important member of Congress on Africa policy. Within the Congressional Black Caucus, it is common knowledge that members take their cues on Africa from Payne. And, given the overriding importance of domestic politics—particularly domestic racial politics—on the Clinton administration's Africa policy, Payne wields substantial influence.

Among Capitol Hill Africa specialists, Payne's sympathy for Taylor and Sankoh is the stuff of legend. In February 1999, for instance, after his meeting with Golley, Payne wrote to Kabbah imploring him to pursue negotiations with Sankoh, who had been temporarily captured by the government and was actually awaiting execution for treason, even while the RUF continued the war. "[S]uccessful negotiations must be without precondition and include the permanent release of Mr. Foday Sankoh," Payne wrote. "That letter is exactly what Charles Taylor was saying at the same time in Liberia. He was saying Sankoh should be freed," says Ambassador Leigh. "That letter that Payne wrote to President Kabbah is exactly the type of agreement that the State Department pressed Kabbah to accept." And, indeed, Sankoh was released as part of the run-up to Lomé.

On the House Africa Subcommittee, where Payne is the ranking Democrat, both Republican and Democratic staff members say he has bashed ecomog and questioned whether Taylor was really aiding the RUF. In May of last year, Payne fought to remove from a resolution language accusing Liberia and other countries of supporting the rebels, even after the State Department formally acknowledged that Taylor "continues to actively support the rebels in Sierra Leone, including the provision of arms and ammunition." Says one Democratic aide, "Whenever there is talk of sanctioning Taylor or of threatening Liberia . . . Mr. Payne is always the first one to jump to their defense." Former Liberian Ambassador to the United States Rachel Diggs says Taylor "had free access to Don Payne and Jesse Jackson . . . whenever there was a problem, these were the people whose ear Taylor had in the U.S. and who had his ear in Liberia."

Indeed, Payne's relationship with Taylor goes back to the early '80s, when Taylor was in jail in Massachusetts and Payne, then a member of the Newark municipal council, spoke out against his extradition to Liberia. Payne says he was simply helping Taylor at the behest of a friend and didn't actually meet the Liberian until 1997, when he attended Taylor's presidential inauguration in Monrovia. But since then the two men have clearly become friends. One visitor to Payne's office tells of watching the congressman hang up the phone with Taylor and remark that the Liberian president had just told him he was tired of dealing with Jeter, the U.S. envoy for Liberia. (Taylor is known to dislike Jeter, once referring to him as a "burnt-out" diplomat.) Taylor suggested that Payne become the U.S. envoy instead. "What surprised me was that Payne didn't say anything," says the visitor. "He seemed flattered." Payne says he does not remember any such conversation. At one point, according to an associate of Payne's, the New Jersey congressman jokingly complained that he was getting so many calls from Taylor that he was tired of talking to him. Payne insists he has talked on the phone to Taylor no more than half a dozen times.

Within three months of Golley's February 1999 visit to the State Department and the congressional offices of Donald Payne, the phone call initiated by Howard Jeter had led to a government/RUF cease-fire. With striking unanimity, Sierra Leonean intellectuals believe that Kabbah, a rather weak president, agreed to the cease-fire under pressure from Jackson and against the advice of some of his ministers and prominent members of civil society. Days before the ceasefire, Jackson and Kabbah met up in Ghana, where both were attending a conference. From Ghana, Jackson abruptly flew Kabbah to the talks in Lomé, Togo, where the cease-fire agreement was signed. One Freetown newspaper even reported that Kabbah was "kidnapped" by Jackson. "The story was," explains Zainab Bangura, "that he was kidnapped, because [Kabbah] went [to the conference in Ghana] with his finance minister and information minister"—at the time both men were thought to be against signing the agreement—"and they all went to the airport to go to fly to Lomé, and Jesse Jackson said there were no seats for them. So they didn't go."

The cease-fire paved the way for the Lomé peace talks themselves. And, once again, the United States took the lead. U.S. Ambassador to Sierra Leone Joseph Melrose was a constant presence at the negotiating table. "They oversaw the whole peace talks," says Abu Brima, who attended as the leader of a delegation representing Sierra Leonean civil society. "Melrose was very, very active and literally kind of led it, I would say." Bangura adds: "Every time the talks were about to fall apart, Melrose would fly over to Freetown to pressure the president." According to Leigh, Melrose's "job was to soften the Sierra Leonean delegation to accept the agreement." The Clinton administration even sent a technical team, led by a USAID official named Sylvia Fletcher, that actually drafted parts of the accord.

The final agreement at Lomé, signed on July 7, 1999, awarded the RUF four ministerial posts, made Sankoh vice president, placed him in charge of a new commission to oversee Sierra Leone's diamonds, and granted the RUF blanket amnesty for all crimes. After the agreement was signed, Fletcher and Melrose held meetings establishing the diamond commission—which included Sankoh, members of Kabbah's government, and representatives from De Beers and other diamond companies—at the U.S. embassy. As one U.S. government official put it, "The message we sent with Lomé is that you can terrorize your way to power."

For close to a year, the Lomé agreement did what the Clinton administration hoped it would do. With articles on pages A17 and A6, respectively, The Washington Post and The New York Times announced the accord and ushered Sierra Leone off their pages—another peace process successfully brokered by an administration committed to the well-being of Africa. As Assistant Secretary of State for African Affairs Susan Rice bragged last September, "the U.S. role in Sierra Leone . . . has been instrumental. With hands-on efforts by the president's special envoy Jesse Jackson, Ambassador Joe Melrose, and many others, the United States brokered the cease-fire and helped steer Sierra Leone's rebels, the Kabbah government, and regional leaders to the negotiating table."

It probably wouldn't even have mattered that Sankoh refused to disarm—of the estimated 10,000 children fighting for the RUF, only about 1,700 were turned over to demobilization camps, as required—or that he continued the illicit diamond-trading that Lomé was meant to stop. If Lomé had simply unraveled quietly—even if Sankoh had followed his mentor in Liberia and grabbed complete power himself—it is unlikely that Sierra Leone would have made the American front pages. The Clinton administration would still have accomplished much of what it set out to do at that meeting on the sixth floor of the State Department in spring 1998.

But this May, in an ironic twist of fate, Sierra Leone leapt from the shadows into the world spotlight. Lomé had achieved one of the RUF's central goals—the exit of the stubborn Nigerians. The U.N. peacekeepers who took their place—sent from countries like India, Jordan, Kenya, and Ghana—were ill-equipped and bound by the timid U.N. rules of engagement. And, as soon as they ventured into the RUF's diamond heartland, the rebels stole their weapons and vehicles and held them hostage for several weeks. The humiliating standoff brought Lomé crashing down in full public view. And U.N. Secretary-General Kofi Annan's desperate appeals for Western countries to send troops to reinforce his peacekeepers called global attention to the very point the Clinton administration had worked so hard to conceal: Its unwillingness to sacrifice anything real on behalf of the people of Sierra Leone. Instead of soldiers, the United States once again sent Jesse Jackson. But, by this time, Jackson was so bitterly despised in Freetown that the Sierra Leonean government told him it could not guarantee his safety. One group of prominent Sierra Leonean democracy activists warned Jackson, "Our people will greet your presence in the country with contempt, and we'll encourage them to mount massive demonstrations in protest." During a conference call with Freetown leaders in which he tried to explain himself, Jackson was openly attacked as a RUF "collaborator." His trip to Sierra Leone was canceled.

Today, a year after Lomé, the U.N. hostages have finally been freed. Foday Sankoh has even been captured and will likely be tried as a war criminal. President Kabbah's government is defended by a shaky coalition of citizen militias, government soldiers, former RUF collaborators, U.N. troops, and, most importantly, military advisers from Great Britain—the only Western power to heed Annan's call. Sankoh's apparent replacement has been given sanctuary in Liberia by Taylor, who continues to arm the RUF. The rebels still control much of the Sierra Leonean countryside, and there are widespread rumors of an imminent RUF attack on Freetown. If the British leave, an attack is all but certain.

At the National Summit on Africa in February, President Clinton said, "We can no longer choose not to know. We can only choose not to act, or to act. In this world, we can be indifferent, or we can make a difference. America must choose, when it comes to Africa, to make a difference." Sophisticated people understand what this kind of talk, coming from this administration, means. And the people of Sierra Leone, who now count prostheses as one of their country's chief imports, have become sophisticated. In fact, in recent months Sierra Leonean exiles in Washington have increasingly allied themselves with Republicans like New Hampshire Senator Judd Gregg. It's a remarkable turn of events, given that Gregg and his ilk are isolationists—men who say forthrightly that America has no important interests in Africa, can't successfully export its method of government there, and shouldn't waste blood or money trying. After eight years of the Clinton administration, it seems, the people of Sierra Leone no longer expect very much from the United States. They're willing to settle for truth.

The SPEAKER pro tempore. The gentleman from Florida (Mr. STEARNS) has 2 minutes remaining and the gentleman from Illinois (Mr. CRANE) has the right to close.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Let me say to my colleagues before the vote here, this is a motion to disapprove of the President's waiver of the Jackson-Vanik amendment to the U.S. Trade Relations Act. Right now, all of us can trade with China. There is no problem there. You or I could go out to trade with them. All corporations can trade with them. But under this motion, we are saying yes to disapprove of the President's waiver. What he wants to do is continue this waiver of the Jackson-Vanik amendment so that basically when businesses go into China, they are subsidized by U.S. taxpayers, agricultural subsidies, Ex-Import Bank subsidies and a myriad of these subsidies that helps businesses when they go in. But when the taxpayer goes into business for himself, does he get support and subsidies from the government? No.

So all we are saying today, vote yes on this motion to prohibit this waiver by the President of the Jackson-Vanik amendment and let these businesses continue to go in and continue to do business but not at the taxpayers' expense. I think we have heard plenty of arguments to show during this vigorous debate that there are human rights issues, that there are espionage issues, that there is the hiring of these Chinese technicians in this country to work on related military dual use technologies issues. Our relationship is moving along and in some ways it is bad and in some ways it is good, but I do not think the American taxpayers should be forced to subsidize businesses that go in. I ask for a "yes" on the motion to disapprove of the President's waiver of the Jackson-Vanik amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. CRANE) is recognized for up to 10 minutes.

Mr. CRANE. Mr. Speaker, we have heard expressions here on the floor today as we have heard in the past during our debates on this issue of persecution of Christians, Muslims and other groups in China which is a legitimate and serious concern. However, the U.S. can be most effective in advancing religious freedom by expanding our engagement with the Chinese people and by continuing to press Beijing to respect the rights of Chinese believers.

World religious leaders, including the Reverend Billy Graham, the Reverend Pat Robertson, the Dalai Lama, the American Friends Committee, Father Robert Drinan, the National Council of Churches, Rabbi Arthur Schneier and Reverend Don Argue with the National Association of Evangelicals see continued U.S. engagement with China as key to promoting religious freedom. Two years ago, the Chinese Service Coordinating Committee, an umbrella group for U.S. religious agencies working in China, said "a public Christian stance against MFN status for China is not in the interest of the church in China, and will seriously hamper the efforts of Christians from outside China who have spent years seeking to establish an effective Christian witness among the Chinese people."

Religious activity of all types is flourishing as ordinary Chinese reach out for new forms of belief. Unofficially, it is estimated that there are now 30 to 60 million Chinese Protestants, 6 million Catholics, 17 million Muslims, and 100 million Buddhists.

The present situation stands in stark contrast to the post-Communist revolution China of the 1950s when religious activity was harshly suppressed. The situation worsened even further during the Cultural Revolution when many churches were closed and church properties were seized.

Engagement with China has made it possible to disseminate Bibles and religious literature to Chinese citizens. World Pulse, a publication of the Billy Graham Center, has 250,000 readers in China. East Gates International, a Christian organization, publishes and distributes religious materials in China and reports that "expanding U.S. economic ties with China and especially China's admittance to the World Trade Organization will continue to benefit religious organizations working in China."

□ 1500

While some, indeed, believe the annual Normal Trade Relation votes can be used as leverage, U.S. religious groups who are actively engaged in evangelical work in China believe such threats are highly counterproductive.

Threatening U.S. economic sanctions in the name of religion creates an impression that religion is being used as a tool of U.S. foreign policy and undermines their work in China. Recently pastors of key house churches in China, many of whom have served time in prison for their beliefs, urged Congress to approve Permanent Normal Trade Relations.

We in the House have already taken that action as everyone knows, and it is the absence of completion of that work still that causes us to go through this annual renewal procedure, but the annual renewal procedure is consistent with what we did recently when the House overwhelmingly supported granting mainland China Permanent Normal Trade Relations, and we should.

In this instance, on today's resolution, all vote no to reject it overwhelmingly and be insistent with what we have done thus far.

Mr. STARK. Mr. Speaker, I rise today in support of the resolution to disapprove annual normal trade relations (NTR) with China. Unfortunately, we should have debated the one year extension in May, instead of the harmful bill that will give permanent normal trade relations (PNTR) trade status to China's barbaric regime, and will ensure that multinational corporations have the investment protection they need to exploit China's cheap labor. China doesn't deserve annual normal trade relations status and it definitely doesn't deserve the permanent normal trade relations status the House approved in May. Regardless of how the House voted on PNTR, I will take this opportunity to tell my colleagues and the American people why the People's Republic of China (PRC) does not deserve normal trade privileges with the United States—for the next year or permanently.

Just one month after the House voted to give China PNTR, the New York Times reported that China continues to aid Pakistan in its efforts to build long-range missiles that could carry nuclear weapons. China plays by its own rules and doesn't adhere to the rules of the international community. The United States wouldn't need to monitor the regional tension between India and Pakistan if China worked toward a mutual goal of nonproliferation. Instead, China provokes Pakistan with transfers of nuclear technology and exacerbates tensions between the two countries.

Senator THOMPSON is trying to force a vote on his bill to monitor China's nuclear proliferation activities with greater scrutiny and applies sanctions if China is found proliferating weapons of mass destruction. Unfortunately, Senator THOMPSON is finding resistance from his own party that does not link PNTR with a nonproliferation bill.

We saw what happened when the Administration decided to de-link trade and human rights for China. Human rights abuses in China worsened yet China has been allowed to export their cheap sneakers to the United States.

Tens of thousands of Falun Gong practitioners have been detained, tortured and now are being committed to Chinese mental institutions for the mere expression of their faith. The Chinese government claims that Falun Gong is a religious cult not approved by the state. The state does not approve peaceful meditation, but it does approve torture and forced abortions. The Chinese government does not approve Roman Catholicism, but the sale of executed prisoner's kidneys is perfectly acceptable to the PRC. The United States cannot allow this barbaric government to harm its own people without facing some sort of punishment. Withholding annual normal trade relations should be that punishment.

China is the biggest producer of ozone layer-destroying chlorofluorocarbons (CFCs) and will soon surpass the United States as the leading emitter of greenhouse gases. The United States suffers from China's earth-destroying practices. The United States spends $3 billion annually on cataract operations and billions more on treating skin cancer cases due to the destruction of the earth's protective ozone layer. China's irreverence for environmental standards is reflective of its irreverence for human life. This is unacceptable in the 21st Century. China must be held accountable for its actions—human rights violations, labor rights violations, trade violations, weapons proliferation and environmental violations must be scrutinized and the annual NTR debate is the forum for scrutiny.

Withholding annual NTR will send a clear signal to Beijing that the United States does not condone its inhumane actions. Opposing the annual NTR extensions will tell China that the United States is willing to hold the PRC accountable. China must pay a price for its actions, and that price should be United States trade. I urge my colleagues to support disapproval of extending NTR status to China yet again.

Mr. PORTER. Mr. Speaker, again I come to the floor to debate the issue of trade with China. In no way should the United States' continued engagement with China be seen as a reward for its horrendous human rights violations. As co-chairman of the Congressional Human Rights Caucus, I am all too familiar with the human rights violations which the government of China practices everyday against so many of its own citizens. From the Falun Gong to the Catholic Bishops, to the Tibetan Buddhist and the Uighur Muslims, this past year has seen China's continued persecution of its minorities.

I strongly believe that for change to come about and for democracy to take hold in China, the citizens of China must be exposed to democratic ideals and other Western values. Today, these very ideals are taking root throughout China. They are taking place because of our current policy of engagement, one on one, business to business, client to customer. Information is also being spread by important U.S. programs, such as Radio Free Asia and the Voice of America. Slowly, attitudes and actions are changing. The Chinese people want freedoms: freedom of religion, freedom of speech, freedom of assembly. We know these ideals are slowly taking hold. This is evident though radio Free Asia's call-in listen program which is overburdened every day with thousands of citizens risking their lives to express their views, which is currently prohibited by the Chinese government. If the United States wants to see true change in China, see freedoms enjoyed by all throughout the country, programs such as Radio Free Asia must continue to exist and must be expanded so they can reach a greater audience.

If we hope to bring stability and democracy to Asia, we must not turn our backs on the largest country in the world. We must continue to work with the Administration in pressuring the Chinese government to release all political prisoners including Rebiya Kadeer, a Uighur businesswomen jailed earlier this year, and to allow the Dali Lama to return to Tibet. We must also continue to support worthwhile, effective endeavors current in place, including Radio Fred Asia. I hold out hope that greater involvement in the world community will one day bring out respect for human rights and the rule of law in China.

Mr. LIPINSKI. Mr. Speaker, I rise today to support the passage of H.J. Res. 103 and deny the extension of Normal Trade Relations with China.

I believe that we are all shaped by our life experiences. We are all influenced by the lessons from our youth.

For me, post-World War II Chicago was a unique place and time to grow up. At home, in school, in church, and in the ballfields, we learned the difference between right and wrong, good and bad, friends and enemies.

Our parents taught us the value of hard work and discipline. When we played 16-inch softball, we knew the rules, and we played by them. It was wrong to cheat, and cheaters were punished. In school, we learned about our nation's history. In the schoolyards, we learned who were our friends and who weren't. In church, we learned about God, morality, and right and wrong. When I grew up, we learned to love and honor this nation and all that it stands for.

I value those simple lessons from my youth that remain with me to this day, which is why I opposed NTR for China.

The Communist leaders in Beijing do not play by our rules. They do not act as friends. They do not act in the interest of peace and prosperity for all.

Instead, they point missiles at the democratic island of Taiwan and U.S. military bases on Japan, break trade agreements with the U.S., sell nuclear and other dangerous weapon technologies to the highest bidder, practice forced abortions, throw democratic activists into jail, ignore human rights, and set up concentration camps.

We do not trade with other totalitarian regimes.

Do we have NTR with North Korea?

Do we have NTR with Serbia?

Do we have NTR with Cuba?

No, no, and no.

Then why should China get it?

That is the question I pose to my colleagues today. Think about the lessons from our youth. Think about the logic of trading with China. Think about what it means for this nation and our ideals.

Mr. Speaker, I am not someone who seeks out confrontation and conflict with anyone. I do not believe that the U.S. should carelessly start needless fights in this world. But we must protect our interests. We must protect our ideals. We must protect our principles.

I can see a day in the future where we can freely and fairly trade with a friendly and democratic China. I can see a day in the future where China acts as our friend in promoting peace and prosperity.

I want to see such a day happen, but until the day that China becomes a democracy that is for the people and by the people, until China stops pointing missiles at the U.S. and Taiwan, until China honors its trade agreements, until China starts to respect basic human rights, I will continue to fight against giving a blank NTR check to China.

Vote for this resolution and against NTR for China.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to the order of the House of Monday, July 17, 2000, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and the third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BASS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 147, nays 281, not voting 6, as follows:

[Roll No. 405]

YEAS—147

Abercrombie
Aderholt
Baca
Baldacci
Baldwin
Barcia
Barr
Bartlett
Barton
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Capuano
Clay
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Costello
Cox
Coyne
Cummings
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
Diaz-Balart
Doyle
Duncan
Ehrlich
Engel
Evans
Forbes
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gilman
Goode
Goodling
Graham
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hayworth
Hefley
Hilleary
Hilliard
Horn
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Kucinich
Lantos
Lee
Lewis (GA)
Lipinski
LoBiondo
Mascara
McIntyre
McKinney
Meek (FL)
Menendez
Metcalf
Miller, George
Mink
Mollohan
Nadler
Ney
Norwood
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Phelps
Pombo
Quinn
Rahall
Riley
Rivers
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Sabo
Sanchez
Sanders
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sisisky
Smith (NJ)
Souder
Spence
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Wamp
Waters
Weldon (FL)
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—281

Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Combest
Cooksey
Cramer
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
DeGette
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley

Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kelly
Kind (WI)
Kleczka
Knollenberg

Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman

Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Roemer
Rogan
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sawyer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Stabenow
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (FL)

NOT VOTING—6

Boswell
Campbell

McCollum
McIntosh

Smith (WA)
Vento

☐ 1525

Messrs. NUSSLE, ARMEY, DELAY, CUNNINGHAM, MALONEY of Connecticut, GONZALEZ, GARY MILLER of California, Ms. PRYCE of Ohio, Ms. NAPOLITANO, Mrs. BIGGERT, Ms. SLAUGHTER and Mrs. CHENOWETH-HAGE changed their vote from "yea" to "nay."

Messrs. CAPUANO, FRANK of Massachusetts, LIPINSKI, GUTIERREZ, BARTON of Texas, QUINN, Ms. LEE and Mrs. MEEK of Florida changed their vote from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Under clause 8 of rule XX, the Chair will now put the question on two motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3113, by the yeas and nays; and

H.R. 4517, by the yeas and nays.

Further proceedings on H.R. 2634, on which the yeas and nays were ordered, will resume tomorrow.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

UNSOLICITED COMMERCIAL ELECTRONIC MAIL ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3113, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Mrs. WILSON) that the House suspend the rules and pass the bill, H.R. 3113, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 427, nays 1, not voting 6, as follows:

[Roll No. 406]

YEAS—427

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley

Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer

Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello

Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra

Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley

Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)

Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—6

Boswell
Campbell
McCollum
McIntosh
Smith (WA)
Vento

☐ 1545

Mr. SANFORD changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

ALAN B. SHEPARD, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4517.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHugh) that the House suspend the rules and pass the bill, H.R. 4517, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 407]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
'Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
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Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
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Larson
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Lewis (CA)
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Lewis (KY)
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Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
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Maloney (CT)
Maloney (NY)
Manzullo
Markey
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Mascara
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McCarthy (MO)
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McDermott
McGovern
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McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
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Pastor
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Rogers
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Ros-Lehtinen
Rothman
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Roybal-Allard
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Ryan (WI)
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Sanford
Sawyer
Scarborough
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Smith (MI)
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Toomey
Towns
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Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
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Weiner
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Wilson
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Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Bliley
Boswell
Campbell
Kuykendall
McCollum
McIntosh
Sanders
Saxton
Smith (WA)
Vento
Weller

☐ 1554

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BEST WISHES TO SENATOR PAUL COVERDELL DURING A HEALTH CHALLENGE

(Mr. BLUNT asked and was given permission to address the House for 5 minutes and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, about a year ago I began to work closely on a number of projects with Senator Paul Coverdell from Georgia. I just want to take some time today to express my appreciation for his great work for the House, the Senate, for America, and extend our best wishes to him and his wife, Nancy, as they deal with the challenge to his health right now.

Senator Coverdell brings humility to this job, a humility that is rare in public office. He brings dedication, an ability to work hard, a tremendous insight, and certainly those of us in the House benefit more than we know by his hard work in the Senate, his hard work for this process.

I would like for him and his wife, Nancy, to know that we are thinking about them as he deals with this health challenge, and that we need him back here. We hope for his speedy recovery. We know that if anybody can meet this challenge in an extraordinary way, PAUL COVERDELL can.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. LINDER. I thank the gentleman for taking this time, Mr. Speaker.

I have known PAUL COVERDELL since 1972. There was not an important project in politics or policy that went on in Georgia in the last 28 years in which he was not involved, very often very quietly, very much behind the scenes. Lynne and I have been friends with him and Nancy since they were married.

We want Nancy to know that our prayers are with them. We hope PAUL recovers and gets back here. His country needs him.

Mr. ISAKSON. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his expressions for PAUL and Nancy. I, too, have known PAUL COVERDELL for the past 25 years, and no one in our State has contributed more.

The people of the Sixth District will join me, I am sure, in their prayers and thoughts over the next few days for a speedy recovery for PAUL. As the gentleman from Georgia (Mr. LINDER) so eloquently said, his State needs him, his country needs him, and we need him in the Congress of the United States of America. He has our thoughts and our prayers today as he meets his challenges ahead.

Mr. DEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding, and for taking this opportunity to express our concern for Senator COVERDELL.

Like most of those of us in the Georgia delegation, we have worked with Paul for many years. I worked with him in the eighties when we were both members of the Georgia Senate. He has always been one of those conscientious individuals who dedicated himself to whatever task was before him, and he has carried that same dedication here to the United States Senate.

We wish for he and Nancy a speedy recovery, and our prayers and the prayers of those in our State will be with him.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding.

Mr. Speaker, I have known Senator PAUL COVERDELL for many years. We worked together in the city of Atlanta in the Fifth District. He has been very helpful and very supportive over the years.

Our prayers are with him at this time, with his family, and we wish for Senator COVERDELL a speedy recovery. We ask that the divine hands of the Almighty be with him during this hour.

Mr. BARR of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished chief deputy majority whip for providing this time on the floor today as PAUL and his family are coping with a very serious medical illness that has befallen our colleague from Georgia on the other side of this great Capitol building.

□ 1600

PAUL COVERDELL is a man of Georgia. He is a true patriot of this country, and he works tirelessly on behalf of the people of Georgia and the United States of America. But first and foremost, he is a man of God. We ask the Lord's blessing on him and his doctors today as they cope with this very serious illness, and we ask for the prayers of all of our colleagues and all of those many millions of Americans whose very kind and gentle work and lives PAUL has touched with his work over the years.

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I would like to join with my colleagues in praying for a speedy recovery of Senator COVERDELL. I have had many differences with the Senator on legislative issues, but I have not met anyone that has been more of a gentleman, more of someone that respects the other view, and someone that really respects the institution of the House and the other body.

It is times like this that we throw away the labels of Democrat and Republican and realize that God's hand is involved in everything that we do, and at a time like this, only our prayers can be of any assistance to our colleague.

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for yielding to me.

I, too, would just like to echo the sentiment of all of my colleagues. PAUL COVERDELL is a great American. Nobody does more for his country or loves this country more than PAUL COVERDELL. He is simply a great American and great individual to work with us.

Our prayers go out to PAUL and Nancy as he goes through this very difficult time. We just look forward to a very speedy recovery for PAUL and return to the United States Senate.

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding to me. I thank him, too, for bringing this matter and this announcement before the House of Representatives.

PAUL COVERDELL is a colleague, but most of all he is a friend, a friend for many years to many of us. In fact, PAUL COVERDELL has been a role model for many of us who followed him and served with him in the different bodies of the legislature.

When we received the call on Sunday afternoon that he had been admitted to Piedmont Hospital, our prayers began immediately, because we understood the severeness of his problem.

I hope and I pray that all of my colleagues would join us, join with the people of Georgia, the people of this Nation in praying for a speedy recovery and a full recovery of PAUL COVERDELL.

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is times like this and many other times when one is dealing with PAUL COVERDELL that one no longer thinks of him as a United States Senator. One does not think of him as one of the most influential men in America. One thinks of him just as PAUL, PAUL and Nancy Coverdell, two friends whom we have all worked with over the years, whom we have all known and respected.

One thing about PAUL is one may agree or disagree with him, but one always respects his energy level, his knowledge of the issue, and the way he is so focused in attacking things. We are all his friends. He is a friend of the institution, and he is a friend of the governmental process, somebody who respects everyone and has that respect both ways.

Our prayers are with him, and that is the best that we can all do at this time.

Mr. BLUNT. Mr. Speaker, I thank my friends for participating today and the indulgence of the House as we talk about a person who is really of great value to the House.

About a year ago, I was given an assignment that allowed me to work with Senator COVERDELL every week. I told the person that gave me that assignment several months ago I would have done that job in retrospect if for no other reason than to get to work with PAUL COVERDELL.

He is truly, as the gentleman from New York (Mr. RANGEL) said, one of the great gentlemen of this Congress. We need him to get our work done. We wish him well. Our prayers are with him and his family.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair has, under today's unusual circumstances, allowed unusual latitude in references to a sitting member of the other body.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on postponed questions will be taken later today.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1660

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor from H.R. 1660.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

DEBT RELIEF RECONCILIATION ACT FOR FISCAL YEAR 2001

Mr. NUSSLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4866) to provide for reconciliation pursuant to section 103(b)(1) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, as amended.

The Clerk read as follows:

H.R. 4866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Debt Relief Reconciliation Act for Fiscal Year 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) fiscal discipline, resulting from the Balanced Budget Act of 1997, and strong economic growth have ended decades of deficit spending and have produced budget surpluses without using the social security surplus;

(2) fiscal pressures will mount in the future as the aging of the population increases budget obligations;

(3) until Congress and the President agree to legislation that strengthens social security, the social security surplus should be used to reduce the debt held by the public;

(4) strengthening the Government's fiscal position through public debt reduction increases national savings, promotes economic growth, reduces interest costs, and is a constructive way to prepare for the Government's future budget obligations; and

(5) it is fiscally responsible and in the long-term national economic interest to use a portion of the nonsocial security surplus to reduce the debt held by the public.

(b) PURPOSE.—It is the purpose of this Act to—

(1) reduce the debt held by the public with the goal of eliminating this debt by 2013; and

(2) decrease the statutory limit on the public debt.

SEC. 3. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

"§3114. Public debt reduction payment account

"(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').

"(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

"(c) There is hereby appropriated into the account on October 1, 2000, or the date of enactment of this Act, whichever is later, out of any money in the Treasury not otherwise appropriated, $25,000,000,000 for the fiscal year ending September 30, 2001. The funds appropriated to this account shall remain available until expended.

"(d) The appropriation made under subsection (c) shall not be considered direct spending for purposes of section 252 of Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) Establishment of and appropriations to the account shall not affect trust fund transfers that may be authorized under any other provision of law.

"(f) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

"(g) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

"3114. Public debt reduction payment account.".

SEC. 4. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting "minus the amount appropriated into the Public Debt Reduction Payment Account pursuant to section 3114(c)" after "$5,950,000,000,000".

SEC. 5. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 6. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

SEC. 7. REPORTS TO CONGRESS.

(a) REPORTS OF THE SECRETARY OF THE TREASURY.—(1) Within 30 days after the appropriation is deposited into the Public Debt Reduction Payment Account under section 3114 of title 31, United States Code, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate confirming that such account has been established and the amount and date of such deposit. Such report shall also include a description of the Secretary's plan for using such money to reduce debt held by the public.

(2) Not later than October 31, 2002, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the amount of money deposited into the Public Debt Reduction Payment Account, the amount of debt held by the public that was reduced, and a description of the actual debt instruments that were redeemed with such money.

(b) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than November 15, 2002, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate verifying all of the information set forth in the reports submitted under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. NUSSLE) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4866.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, last month, H.R. 4601 took the first step toward eliminating the national debt by the year 2013. That bill set aside additional non-Social Security surpluses for fiscal year 2000 for debt reduction by depositing the money in a newly created public debt reduction payment account in Treasury. Money deposited in this account would be taken off budget and could not be used for any purpose other than paying down the publicly held debt. The bill passed an overwhelmingly 419 to 5.

Well, what a difference a month makes. Since then, as my colleagues may recall, the budget surplus for this next year was going to be about $180 billion, the Congressional Budget Office has announced that that now is going to rise to a level of $268 billion. So today, H.R. 4866 would build on that progress of H.R. 4601 by depositing into the account an additional $25 billion out of the non-Social Security surplus for the fiscal year 2001.

A debt reduction payment account has already been established from Treasury. The account is not part of the budget. So any cash, any money that we put into that would be taken outside of the budget. Twenty-five billion dollars of the non-Social Security surplus is automatically deposited into this account if this bill is passed. The statutory debt limit will also be reduced by an equivalent amount. Once the money is deposited into the account, the Treasury must use the money to reduce the public debt. The money cannot be used for any other purpose.

Thirty days after the end of the year, after the end of fiscal year 2001, Treasury has to submit a report detailing to Congress the amount of money that was deposited into the account, the amount of the public debt reduction, and the exact Treasury securities that were redeemed with those funds; and this information is verified by the GAO.

Let me just give those people at home that I know watch what happens here with a lot of enthusiasm, a lot of concern, let me give them a thumbnail sketch of what we are talking about here today.

The budget, when we passed it in April for fiscal year 2001, was going to have a surplus of $180 billion. The Congressional Budget Office has now reestimated that surplus to be $268 billion.

Now, let me tell my colleagues what we have planned based on this bill and based on our budget for how that money should be used. First of all, $166 billion of that is Social Security. It is taken out of the budget under our budget plan. It is taken away. Nobody can touch it. We have done that now for the third consecutive year. We have had the opportunity to take Social Security completely out of the budget.

The Medicare surplus, the Medicare Trust Fund surplus, $32 billion, is taken outside of the budget. Nobody can use it for anything else, as it was used in the past. The debt that we are reducing is $25 billion. All right. There will be tax relief of about $5 billion to $6 billion.

Let me give my colleagues some of the percentages. The debt reduction of this bill alone represents 83 percent of the budget surplus going to reduce the national debt. We have the opportunity today to pass on to our kids a little less debt than we did the day before. The tax cut by relationship is only representing about 2 percent of that particular budget.

This is the second bill in a row to reduce the national debt, and there is still the opportunity to have a third bill in the fall to, again, make another principal payment toward the national debt.

Now, it is not going to be very glamorous to do this, and there is going to be a lot of people who run down here to the floor and say, oh, well, this would automatically happen. Yes, sure. For the last 40 years, it has not automatically happened. Nobody reduced any debt during that period of time. If someone wants to believe this is automatically going to happen, I have got some swamp land someplace to sell to them.

This is prioritizing how the surplus ought to be used, national debt number one.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill comes to the floor under the Suspension Calendar, which it is a suspension of the rules. But I would assume it also means it is the suspension of common sense. I have never before heard anybody that is going to reduce the deficit by proclamation.

I was amazed that the gentleman from Iowa (Mr. NUSSLE) would say that he was addressing his remarks to the people at home, because I would be embarrassed to tell the people at home that I am supporting a bill that never went through any committee in the House of Representatives.

It is just that someone woke up in the middle of the night and said let us give a message to the people at home. Last night, the message would have been that we would reduce the budget by $7.5 billion. But that was not a sufficient message for the people at home. That would not fly in going to the convention. So we say, let us reduce it by $90 billion or whatever the new numbers are going to be.

One does not reduce deficits just by standing on the floor proclaiming what one wants to do. One does not reduce the deficit by just trying to find out what is the new surplus under the Clinton-Gore administration, what has been announced, and then, as soon as one does, one adds it to the list of tax cuts that one has had that, so far, is $611 billion. Then, too, one has to restrain one's spending.

The people at home know that the only way to reduce debt is to increase revenue or to decrease spending. So what my colleagues are trying to do is to do both. But since we know that this is merely a proclamation for the people at home, and since we know that nobody in this House is against the concept, and since we know that the gentleman that is supporting the bill on this side belongs to the same committee I belong to, and it certainly did not come from our committee, that maybe it came from the Republican Congressional Campaign Committee.

I do not have any problem with that, because we Democrats would support the reduction of the deficit. It is a waste of people's time to do this. We need people to do things by action, not just by statement.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), who is a member of the Committee on Ways and Means, and maybe the more committee members we have of the Committee on Ways and Means, we can see where this suspension came from.

Mr. MCDERMOTT. Mr. Speaker, it is Howdy Doody time again.

Mr. Speaker, I will enter into the RECORD my remarks of June 20 when we passed the last iteration of this foolishness.

Mr. Speaker, I started by saying that Groucho Marx said the main requirement to be a good politician is to appear to be serious.

The Washington Post recently commented on the performance of the majority in this Congress by calling this the "pretend Congress."

Now my colleagues get the second act from what I said in June. Because after we passed the bill, immediately the Congress went to work and started passing a supplemental appropriation. They reached into this lockbox that they say they are creating, and they took out of it all of the money and spent it. Then they started on the budget for 2001, and they started moving around pay days and when contractors get paid. It is all a flimflam.

Now, for the folks back home who are listening, let me explain something to them.

□ 1615

When the Federal Government gets tax money in, it sits in the treasury, and when the bonds come due, those government bonds, people say——

POINT OF ORDER

Mr. FLETCHER. Mr. Speaker, point of order.

Mr. McDERMOTT. I am explaining to the Speaker, because he may not understand either, from the way these bills come.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will suspend.

The Chair recognizes the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, point of order. My understanding of the rules on the floor is that we are to address the Speaker, not the people back home, and yet he directly addressed them.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members to address the Speaker, and not the television audience.

Mr. McDERMOTT. Mr. Speaker, I want you to understand how the budget money is dealt with, because I know you may not have been on the Committee on the Budget.

When the money is in the Treasury and the bonds come due, if there is money laying there, they buy back those bonds. They do not have to borrow money to roll over the debt. It happens automatically. It happens automatically. It has done it for years. We do not need bills like this, which come out here 2 weeks before the convention to say that we are reducing the debt. We have been reducing the debt. It has been going on on a regular basis.

Now, if my colleagues on the other side were serious about reducing the debt, and we get a new announcement from the Congressional Budget Office that says that we have $90 billion more in surplus, why do they come out here and only buy back $25 billion? Why do they not buy it all back? We know why. Because the Republicans want to give tax breaks. We are going to move on one of them here very shortly.

The fact is that we have already given $611 billion in tax breaks over the next 10 years. Now, if my colleagues were serious about paying back the deficit and they wanted to reduce the debt, what they would do is stop spending money, let it accumulate in the treasury, and when the bonds come due, the treasury pays them off. We do not do it by spending every chance we get.

We have to save some money here also for what happens in September. I will say it now so I can get out my remarks in September and say that we are going to spend a bunch of money in September to buy our way out of this Congress. The majority cannot stop themselves. It is an election year. And that makes this a sham.

Now, we are all part of the PR, and we are going to vote for it, like everybody else; but do not, anybody who is watching, pay any attention.

Mr. Speaker, I submit for the record hereafter the remarks I referred to earlier:

DEBT REDUCTION RECONCILIATION ACT OF 2000

Mr. McDERMOTT. Mr. Speaker, Groucho Marx said that the main requirement to be a good politician is to appear to be serious. The Washington Post recently commented on the performance of the majority in this Congress by calling this 'the pretend Congress.'

This is one of the new acts. This debt reduction bill here pretends to do something. We are all called here together, we are going to be serious, we are going to give pompous speeches about how we are going to reduce the debt, and we are saving America, and all those Girl Scout cookies and all that stuff will just be fixed by this bill.

Now, the chairman at least was honest, and I really acknowledge the gentleman from Texas (Mr. Archer) honesty. This bill is effective from now until September 30, 2000. It does not quite make it all the way through the election. So it is not really a very good pretend item. It would be better if it went at least until November 8. But this is a bill for 4 months.

Now, you ask yourself, why would anybody be doing such a thing? Well, if you come up to a new reestimate of the revenue estimates here very shortly, the CBO and the OMB are going to come out with a whole bunch more money. Clearly the majority is afraid that they are going to spend it. They cannot save themselves. They have all the votes. This is your problem. We have the votes, as the majority over there, and they are going to put more money on the table and if you do not pass this bill, you will not be able to stop yourself from spending it. That is what this is about, I guess. Or maybe it is not about that.

The fact is that we have a situation where the Treasury does not need this bill to pay off more debt. If we get to the end of the fiscal year and there is some money there, they reduce the debt. They do not have to borrow. It is real simple. They do not need us to pass H.R. 4601 to tell them what they have been doing for 200 years. If they have a surplus, they buy down some of the debt. But this is a symbolic act, as my colleague from California says. I thought this would be on Friday, because this is usually the news cycle on Friday, they want to have something that says the Republicans today have passed a bill to encourage reduction of the debt.

Now, if you think about it, if you want to reduce the debt, you do not give big tax breaks, because taxes bring in money. And if you cut the taxes, there will not be any money to pay off the debt. So when you come out here and vote for tax cut after tax cut after tax cut and then say, And we want to reduce the debt, you simply are not making sense. There are only two ways to have money to pay off the debt, either take the taxes and pay it off or reduce the spending and pay it off, one or the other.

I do not see any evidence so far in this appropriations process that we are actually reducing spending. In fact, we are going up a little bit, and probably we are going to need some of this money along about September 15 to solve the problem to buy off this program or that program so we can get out of here. All we have to do under this bill, we do not have to repeal the act, we do not have to do anything, just pass the supplemental appropriation.

This can be violated by the most simplistic legislative act of all, just bring out another bill, spend some more money, in spite of the fact that we have passed H.R. 4601, the debt reduction bill. This bill will die in the Senate from laughter. There will not be anybody over there that takes this seriously.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds to say that it is interesting that both of the gentlemen who just spoke voted for the bill that they ridiculed. They rush here down to the floor and they say, oh, what a bad bill; oh, it is just theater; oh, we cannot stand it, and then they vote for it. Boy, that is political will. Boy, that is courage.

This is the Democratic magic show. Do not look at what we are doing; look over here. Look over here. We want people to look over here; do not look at what we are working on. Look over here. Let us talk about everything else but the facts that we are reducing the debt.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. Hayworth).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from the Committee on Ways and Means, who serves as one of our representatives to the Committee on the Budget, for yielding me this time; and I would note for this House, mindful of the remarks of my colleague on the Committee on Ways and Means from Washington State, my remarks in response to his comments in June that also appeared in the CONGRESSIONAL RECORD where we offered the popular definition of insanity. The popular definition of insanity is, doing the same thing over and over again and expecting a substantially different outcome.

And therein we find the horns of the dilemma for our friends on the left. Because they come to this floor and speak disdainfully of process, indeed, Mr. Speaker, inviting our constituents to believe that this is somehow a flimflam. But, Mr. Speaker, the sad fact is the flimflam came in the 40 years of one-party dominance that this Congress saw where our friends on the left continually spent not only the money raised in revenue for general purposes but revenue intended for Social Security, revenue intended for Medicare, revenue that drove us deeper and deeper and deeper into debt.

And, Mr. Speaker, while we welcome their support, disdainful though it may be, while we welcome their support here and we also welcome their rhetorical endorsement now of debt retirement, we also point out that we stand in support of today's resolution because we intend to retire the debt. We have listened to the folks back home, Mr. Speaker; and, moreover, we understand this fundamental truth that fails to be grasped by our friends on the left: the money in the United States Treasury, Mr. Speaker, belongs to the American people, the American taxpayer. And, yes, we proudly stand and say that the American people ought to hold on to more of their hard-earned money instead of sending it here to Washington.

Now, it is a legitimate debate. My colleagues on the left believe the highest and best use of taxpayer money, of the American people's money, Mr. Speaker, is to keep it here in Washington for more and more expenditures, for more and more grand schemes, because the Washington bureaucrats know best.

We know exactly the opposite is true, Mr. Speaker. That is the voice of fiscal sanity here. We say let the American people hang on to their money and let us take a portion of that money that remains in Washington and use it to pay down the debt with this particular resolution to the tune of $25 billion, paying down the debt, in effect lowering the debt ceiling, for the second time since 1917, and thereby making history.

No, Mr. Speaker, it is not gimmickry. It is something that is unique and novel to our colleagues on the left. It is sound accountancy and ultimately being accountable to the American people.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there are different ways to skin this cat; and I guess the puzzling, perplexing aspect of this bill is why we are reaching for a new solution when we have got other solutions ready at hand.

For example, as the gentleman from Iowa knows, we are way over the discretionary spending caps. There is no chance that we will adhere to the caps that we set in 1997. We could reset the discretionary spending caps, reinstate the process we call sequestration, so that if we exceed those caps, there is an automatically across-the-board series of cuts that reins in spending to the level we have set.

We also have something around here we call the pay-go rule. It applies to tax cuts and entitlement increases. It says, basically, if we want to have either, we have to pay for it. We have to offset it. There must be an offsetting tax increase to diminish the revenue loss or there must be a decrease in an entitlement in order to pay for an increase in entitlement. Those rules are there. Why not simply put them back into working order?

Furthermore, if we are really in earnest, the surplus projected for next year, 2001, is $102 billion, per CBO's most recent report. $102 billion is the on-budget surplus without including Social Security. Why go for $25 if the on-budget surplus is $102? Why not raise our sights, lift the bar a bit, and go $50, half of the on-budget surplus? At least why not go for $32 billion, because $32 billion is the amount of surplus calculated into that $102 billion surplus which is attributable to the surplus in the Medicare hospital insurance trust fund?

Now, the last time we had a similar bill to this on the House floor, there was a companion bill which sought to redefine the on-budget surplus to exclude the surplus in the Medicare trust account. The surplus in the Medicare trust account is $32 billion in fiscal year 2001. This amount should be, if we are really in earnest about protecting the Medicare surplus, at a minimum $32 billion. Why is it $25 billion? Why have we set the bar so low, and what do we accomplish by doing all this?

Now, I voted for it the last time; I will vote for it again this time. But I really think this is more about showmanship than about substance, because there are other ways to do what we want to do. And if we are really sincere and earnest about doing this, it ought to be higher than $25 billion.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARCHER), the distinguished chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me this time. This is not showmanship. This is not just for rhetoric. This is a sincere attempt to try to prevent new spending, which occurs over and over again when we are about to close a congressional session.

Is it perfect? Maybe not. But it is genuinely designed to protect the update in surplus, which we have just received from the CBO, over and above what we planned when we passed the budget earlier this year, from being spent on programs which will continue to grow like Topsy in the years ahead.

Is this for the people back home? I heard a Member say, oh, but this is for the people back home. It is for the people back home. It is to protect their hard-earned money that has come to Washington as a windfall profit to the Federal Government, a windfall profit that should not go into new spending programs.

And, yes, we must be honest. Politicians will find a way to spend money. It is seductive. It is not just on one side or the other. This is a genuine attempt to put this money off budget so it cannot be spent and that it will go where it should go: to pay down the debt.

Now, it has been alluded to that, oh, well, this relates to new tax relief. There is no way any new tax bill can get at the updated surplus for this year. The only thing that can happen to it that is not in the interest of the people is that in the last moment it will be spent on new programs. And we want to stop that. Yes, we do. And, yes, it is for the people, because it will protect their earnings that they have sent to Washington from new spending programs.

This should be overwhelmingly embraced by both sides of the aisle, if they genuinely want to stop new spending this year. I encourage a bipartisan vote for this bill.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to join with the chairman of this committee in asking for a bipartisan vote on this, I guess we can call it a bill.

It really does not mean anything. But if I understand the chairman of the committee and the sponsors of this bill correctly, we have to have this bill to make certain that the politicians do not spend up the surplus and that we reduce the deficit. We have to let the whole country know that we are here to stop these politicians who cannot control themselves.

Now, I assume that the politicians that we are talking about are Members of Congress, because they are the ones that will be doing the spending, and these are the people that we want to control. And I want to control them, too. It just so happens that the people that have created this declaration of wanting to reduce the deficit are the people who are in charge of the spending. Are my colleagues saying that the majority does not trust itself, and so it has to create some type of a mandate, some proclamation saying that they are going to reduce the deficit by $25 billion?

Suppose these same politicians that my colleagues and I are trying to control decide that they do not want to do this, and suppose they have the majority? Then it means that what we are doing today is worth absolutely nothing except to send out some political message. And so why would we not join with our colleagues in saying control the politicians, control the spending, reduce the deficit, pay down the Federal debt so that we do not have this burden of interest to carry?

And since we know that our colleagues know that they are in control of the calendar, they are in control of the tax cuts, they are in control of the spending, why would we as the minority not say, for God's sake, put handcuffs on these people, they are completely out of control? So do not ask why we are joining with our colleagues. We have no choice. Our colleagues are telling us that they have no discipline, as the majority party comes to the end of this congressional session, except to attempt to buy themselves out of it.

Well, I have more confidence in my colleagues than they have in themselves. But if they feel that they can bypass the Committee on Ways and Means and bring a leadership proclamation to the floor that says I love America and I would like to reduce this debt, and figure that any Member is going to vote against it, then my colleagues are mistaken.

So let us suspend the rules, let us suspend common sense, let us vote for this proclamation, and get on to legislation to see whether or not we are really concerned about reducing spending and making certain that we do not just give tax cuts to the rich at the expense of the working poor.

□ 1630

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. FLETCHER) who is the author of the original legislation to set aside this money for debt reduction.

Mr. FLETCHER. Mr. Speaker, I recall a few weeks ago when the minority was talking when we brought up the initial bill to establish this debt reduction account in the Department of Treasury and I remember one thing they said, and that was that if we were serious, then why would we only do it for 1 year?

We are serious. We are doing it for fiscal year 2001. My hope, my belief is that we will continue to do this for the future.

We have a $3.5 trillion publicly held debt. That is mind boggling. We must continue on this historic path to pay down the publicly held debt. We have an opportunity today to actually appropriate and pay down the publicly held debt by another $25 billion.

Just a few weeks ago we voted to pay it down by $16 billion. Today the Congressional Budget Office reported that the sun is shining ever brighter on America, that we have a greater surplus.

We have voted to set aside Social Security with a lockbox. We voted to set aside Medicare with a lockbox. Now we are setting debt reduction as a priority so that at the end of the year, if we are looking at the surplus, we have to decide truly are we going to take this money from this debt reduction account and spend it on more and bigger government, as has been done by the minority for years and years, or are we truly going to remove the shackle of debt from our children, are we going to reduce that debt, the debt that every family in America and every future generation will have to pay.

This will allow us to set our priorities at the end of the year, yes, and to discipline ourselves, as the gentleman said, to make sure that we pay down the debt, that we reduce this mind boggling debt. That is why we must seize this opportunity. It is like my bill that was passed last month. This bill will continue that historical precedent of paying down the debt by appropriating to this account in the Department of Treasury.

It is the moral equivalent of burning a mortgage or cutting up a credit card when it is no longer needed or when it has been paid off. It is removing the shackles of debt from our children. And we owe it to our children and our grandchildren. It is simple. It is common sense and it is the right thing to do.

In Kentucky we sing a song, "the sun shines bright on my old Kentucky home." And let me say, fiscally, the sun is truly shining bright on America; and we need to continue to repair this roof while the sun is shining. Let us continue this work. Let us ensure that America is a land of hope, of prosperity and economic bounty.

Mr. Speaker, I encourage support of House Resolution 4866.

Mr. RANGEL. Mr. Speaker, I only have one remaining speaker so I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER) a distinguished member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise in strong support of the Debt Reduction Reconciliation Act of 2001.

Recently we learned from the Congressional Budget Office that non-Social Security budget surpluses will be nearly $1.3 trillion more than previously anticipated over the next decade.

Make no mistake, if we do not protect the people's surplus, politicians will find a way to spend it on more government. This legislation protects all the Social Security and Medicare surpluses for fiscal year 2001 while setting aside $25 billion in additional surplus to pay down the public debt.

We must seize this unique opportunity and not just spend it on bigger government. Simply put, paying down the public debt lessens the burden facing the next generation of Americans.

I urge my colleagues to support this legislation.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New York (Mr. RANGEL) toned down his rhetoric momentarily from ridicule to wonderment and to questioning. He wants to know why we are doing this at this point. He thinks it is because maybe we do not trust ourselves.

Well, first and foremost, I would say to the gentleman it is because many of us have been good observers of Congresses over the last 40 years and how we got into that situation and how Congresses and Presidents have this tendency to spend money when it is left on the table. So that is number one is that we are good observers. It does not matter which party it is.

It happens to have been during those 40 years that the Democrats were in control almost all of that time. But the point is that we are good observers. I think experience is a good teacher, and we have learned from those experiences. And that is the first reason.

But the second reason is an issue of priority. It is an issue of choices. Instead of a budget that waits until the end of the year to set a priority, which, as the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget pointed out, is exactly the current process, if, and I put that word out there in big letters, if there is money on the table at the end of the year, there is a mechanism to pay down the debt.

The gentleman from South Carolina (Mr. SPRATT) is correct, it is automatically then paid down by Treasury because they have nothing else to do with the money, if there is money left over. The problem is that there has almost never been money left over. And, in fact, there has been money that was needed to be borrowed. That is how we got into the national debt in the first place.

So it is a matter of almost like a family with their budget laying out in front of them deciding that the Visa bill has to be paid first before they look at something new to do, before a new family vacation maybe is taken, before they put on a new addition to their house, before they try something new as a new priority, new spending, new indebtedness of any kind, they say it is a priority to pay down the mortgage, it is a priority to pay down the national debt.

And so, instead of waiting until the end of the year to say if there is money left over, we are saying there is money left over, this is a priority, this is a choice that the Congress is making. And if at the end of the year, the President and the Congress decide to do something different, as the gentleman from New York (Mr. RANGEL) pointed out very correctly, if we decide to do something different, then the American people know that that choice was made.

It was a choice between new spending and Social Security. It was a choice between new spending and Medicare. It was a choice between new spending and debt reduction. It was a choice between tax reduction and debt reduction.

That is a choice that we can go home and explain to our constituents. This is a choice that we can explain to America. This is a choice that is responsible in the area of budgeting. I believe it is those choices that need to be made.

It is for that reason that we come out here with a bill that we believe is important. No, it is not maybe the most important legislation that the gentleman from New York (Mr. RANGEL) has ever seen, but we believe it is an important priority; and it is for that reason that we bring the second bill of debt reduction.

And if in the fall, as the gentleman stated, there is more money, we can bring a third bill for debt reduction.

Mr. Speaker, I reserve the balance of my time

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just ask the gentleman just one question; and that is, can the same Congress that passes this resolution today be the same Congress to ignore it in September? That is all I am asking.

What we are doing today is just showing good intentions, and that is what it is all about. We could vote for eliminating disease. We could vote against war and for peace. And that is good and I will vote with the gentleman. But I just do not want people to believe that what we are doing today means that we are under any legislative obligation to fulfill what the gentleman is stating.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume to answer the gentleman.

Mr. Speaker, this is a bill. Now, the gentleman has a long and very stellar career in this Congress and I know the gentleman knows full well the difference between a resolution, a proclamation, and a bill. Because a bill can become a law.

That law can be changed, the gentleman is correct, but it is a law and it is a law that must be followed by the Treasury. It is a law that must be followed by the Congress. It is a law that must be followed by the President unless or until that law is changed. And that law can be changed in the fall, the gentleman is correct, but it will be a change of law and a change of priority. It will be the juxtaposition between spending and Social Security.

If they want to spend more money, they can. If the Congress wants to spend more money, it can. Certainly it can raise taxes. It can dip into Social Security. It can decide not to do any debt reduction. But we are deciding today that that choice must be made instead of waiting, as the gentleman from South Carolina (Mr. SPRATT) pointed out, until the very end of the day on the very last legislative opportunity to see if there is any money left over.

We are saying it is a priority. And interestingly enough, not only are the Republican majority joining together today to say it is a priority but last month 419 Members of this Congress, including the very respected gentleman from South Carolina (Mr. SPRATT) and the very respected gentleman from New York (Mr. RANGEL), joined with us in that tact.

Now, I understand that there might be some ridicule on their side because they have never been in a position to reduce debt. We believe it is an important priority. We appreciate the fact that the gentleman joined with us in this regard, and we would hope that they would be slightly more enthusiastic as a look at a possible third debt reduction bill in the fall.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that we all have to be in support of this once the gentleman from Iowa (Mr. NUSSLE) acknowledges that the same Congress that makes the decision today as to what it is going to attribute to reducing the deficit is the same Congress that is going to come back and say what they think is in the national interest.

It defies reason and common sense why the majority party can come to this House and tell the American people and our colleagues that they do not trust their ability to control spending. But, in order to do this, they have to pass a law to prevent them from doing what they say they do not want to do.

We are going to help them all that we can and we are going to help to reduce the Federal debt. We are going to try to stop them from these outlandish tax cuts that they tried to do in the last session and was vetoed.

When that $792 billion tax cut was vetoed, the majority did not even try to come together and try to override the veto because they never expected that tax cut to pass.

As a matter of fact, I think the good wisdom of the Republicans in this House is that they do not expect any of these tax cuts to become law. They do not even bring them to the floor unless they promise to veto. And they are never discussed, anyway. And so, if they want to call this the Republicans' bill to control itself from excessive spending, why would we not be able to support them in that effort?

□ 1645

You are the majority. You are in charge. You set the agenda. You set the appropriations bills at the spending level. You come in and ask for your tax cuts. And then in the middle of the night you smell a surplus that we never had before in all of the Reagan-Bush years. We never really had a chance under Republican Presidents. Even though we had the majority, we did not know what a surplus was until we got President Clinton and Vice President Gore. So this is new to us. And so it is obviously new to you, as well.

We are enjoying a surplus, but we still have this tremendous, close-to-$6 trillion national debt, and it has to be reduced and it has to be reduced by discipline. I would suggest, since it is too late in this session, that maybe the first thing that we should do next year is that Republicans and Democrats set aside their party label and start to talk with each other as to what is in the best interests of the people of the United States. Maybe then we will not have Republican bills and Democratic bills saying, Please stop us before we spend some more. Maybe we can have bipartisan bills that will be able to show the American people that we are serious.

And so in an effort to show you my sincerity, I stand here tonight and join with you and say, let us do this. Why? Because it is the right thing to do. And with it I pray that you in the majority can control your urge to spend unnecessarily and depend on our support.

Mr. Speaker, I yield back the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield myself the balance of my time.

I understand that the minority will try and stop us to reduce the taxes on the American people and to reform those taxes, but we will try and stop you from dipping into the Social Security trust fund yet again, the Medicare trust fund yet again, to add to our debt, to add to our deficits as you did for 40 years. We will and we will succeed.

But there is one factor that you left out and that is the fact that the Congress is not the only one in control. Every eighth grade government student knows that the President has to sign the law. I hope he signs this law; and I hope we reduce the debt for my kids, for your kids and grandkids and for all of America.

Mr. Speaker, I urge a "yes" vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Iowa (Mr. NUSSLE) that the House suspend the rules and pass the bill, H.R. 4866, as amended.

The question was taken.

Mr. NUSSLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1710

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 o'clock and 10 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4810. An act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4810) "An Act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN, to be the conferees on the part of the Senate.

MOTION TO GO TO CONFERENCE ON H.R. 4810, MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 553 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 553

Resolved, That upon receipt of a message from the Senate transmitting any Senate amendments to the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, it shall be in order to consider in the House without intervention of any point of order a motion offered by the chairman of the Committee on Ways and Means or his designee to take from the Speaker's table the bill, with any Senate amendments thereto, to disagree to the Senate amendments, and to request a conference with the Senate thereon or agree to any request of the Senate for a conference thereon. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. House Resolution 550 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking Member, my good friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 553 provides for consideration of a motion to go to conference with the Senate on H.R. 4810, the Marriage Tax Penalty Elimination Reconciliation Act. The motion will be debatable for 1 hour equally divided between the chairman and the ranking minority Member on the Committee on Ways and Means.

As my colleagues will recall, the House passed H.R. 4810 last week by a bipartisan vote of 269 to 159. This vote marked the second time that the House passed this legislation and the fourth time that it has voted to provide marriage tax penalty relief in this 106th Congress.

The will of the House is clear, and it is time that we finish the job and get this bill to the President for his signature. We are almost there. In fact, the Senate just passed its own version of the marriage tax penalty relief act by a bipartisan vote of 60 to 39. This resolution will allow the House to quickly respond to the Senate's actions by going to conference where the two bodies will negotiate a final marriage tax penalty elimination act that we can send to the President, and in doing so, we will give him the chance to make good on the words he spoke during his State of the Union speech.

During that speech, the President told the American people that we can make "vital investments in health care, education, support for working families and still offer tax cuts to help pay for college, for retirement, to care for aging parents and to reduce the marriage penalty. We can do these things without forsaking the path of fiscal discipline that got us to this point."

Mr. Speaker, Congress has helped the President meet his challenge. We have passed legislation to preserve Social Security for future generations, to provide affordable drug coverage to seniors through Medicare, to restore our national defense, to invest in education and to pay down the debt.

We have done all of these things in the context of a balanced budget, and we are still swimming in surplus cash.

□ 1715

Meanwhile, 25 million American couples suffer under the unfair financial burden imposed by the marriage penalty. On average, they pay $1,400 more in taxes than they would if they were single; skip the whole marriage thing and just live together. What kind of message is that for the government to send? Where is the logic in taxing marriage, one of the most fundamental institutions in our entire society?

Mr. Speaker, $1,400 is real money to American families. Families can use this income to pay for health care, invest in a child's education or plan for their retirement. Sound familiar? These are all the things the President says that government should finance before it provides tax relief.

Well, why do we not just cut out the middleman, the government, and let the American people make the decisions about what their needs are and where their money should be spent? Let us stop crippling them financially so they have to lean on the crutch of government.

Eliminating the marriage penalty will help these families, especially the middle class and minorities, whom the marriage penalty hits the very hardest.

Mr. Speaker, the good news is that the Republicans and many Democrats in Washington actually agree that the marriage penalty is bad policy. If we in Congress can agree that the marriage tax should be abolished then there is no reason to delay any longer in reversing this inequity in the Tax Code. That is why the House Republican leadership is moving quickly to get this bill to conference and to the President so that he can sign it.

Today, with the passage of this resolution, we have the opportunity to show that we can come together in a bipartisan way to achieve something for the American people that will make a real difference in their lives. We can end this tax that robs hundreds, if not thousands, of dollars from some 25 million families each year, and let them keep their money to spend as they see fit on their priorities.

Mr. Speaker, there is no reason why at this time of peace and prosperity and budget surpluses that we cannot provide this tax equity and relief. It is time to end the delays, the excuses and the political trade-offs. It is time to get the job done.

I hope my colleagues will join me today in moving this issue forward and I hope the President will be true to his word and take the opportunity to sign this legislation when we put it on his desk. I urge a yes vote on the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the time.

Mr. Speaker, the issue of changing the marriage tax is a very important one, but thus far my Republican colleagues have turned it into a political prop. Millions of Americans pay taxes in the higher income bracket after they get married than they did when they were single, but Democrats believe we should do something to alleviate that tax burden, especially on working families with children who are struggling to pay their bills, who are struggling to educate these children, and to keep them safe.

So far, my Republican colleagues have charted out a series of bills that do a lot more to help the rich get richer than they do help working families get shoes on their kids. Meanwhile, my Republican colleagues have rejected Democratic bills that would actually help middle-income working families by increasing the standard deduction for married couples until it is twice that of a single person. Our bills would also change the alternative minimum tax so that all promised taxes would actually take effect. That way working families would get the help they need rather than a lot of posturing just before a convention.

Mr. Speaker, I think this bill would be better named the Philadelphia Story, because it is a lot more about the Republican Convention in Philadelphia than it is about helping working

American people, and this is a part of the pattern. Almost a year ago my Republican colleagues tried to enact a trillion dollar package of tax cuts, primarily for the rich, that would have endangered Social Security and do just about nothing for the everyday Americans.

Now they are foisting that package on us once again, Mr. Speaker, and this time it is in increments; but if one reassembles it, if one puts it all together, the result is the same.

According to the Citizens for Tax Justice, the Republican plan gives the richest 1 percent of Americans an average of a tax cut of $23,119. Meanwhile, it gives families with incomes of $30,000 only $131. That does not sound like equity to me, Mr. Speaker.

I think it is time my Republican colleagues stop writing bills to make the rich richer and started writing bills to help everyone else. This conference is a great place to start.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. WELLER), my distinguished colleague, a gentleman who has put so much time and effort in this Marriage Penalty Relief Act, a gentleman who has brought two people and made them household names to the American public, Shad and Michelle, and we will hear about them now.

Mr. WELLER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE), my good friend, and the gentleman from Massachusetts (Mr. MOAKLEY), for the opportunity to address this House.

Mr. Speaker, I rise in strong support of eliminating the marriage tax penalty. I rise in strong support of the House and Senate going to conference and sending to the President this week legislation that wipes out what I consider to be the most unfair tax of all.

We have often asked from the well of the House a pretty simple, basic question. That is, is it right, is it fair that under our Tax Code 25 million married working couples pay higher taxes just because they are married? Is it right, is it fair, that 25 million married working couples pay on average $1,400 in higher taxes just because they are married? And today, the only way to avoid that marriage tax penalty when both the man and the women that are in the workforce is either not get married or get divorced.

It is wrong that under our Tax Code one pays higher taxes just because they are married.

I was so proud of this House just this past week when we passed and sent to the Senate legislation which wiped out the American tax penalty for 25 million couples. This afternoon, the Senate by a vote of 61 to 38, an overwhelming vote, including Democrats joining with Republicans, voted to eliminate the marriage tax penalty. Of course, the bills are a little bit different. We have to work out the differences. The bottom line is we want to eliminate the marriage tax penalty.

Let me give an example of a couple from the district that I represent in the south side of Chicago in the south suburbs who suffer the marriage tax penalty. This is Michelle and Shad Hallihan. They are two public school teachers. They live just outside Joliet, Illinois. Shad teaches at Joliet High School. Michelle teaches at Manhattan Junior High. They suffer about $1,000 in marriage tax penalty. Their combined income is about $62,000. They are homeowners, and I would point out that since we introduced the bill to eliminate the marriage tax penalty a year and a half ago Shad and Michelle have since had a little baby. If the Democrats have their way, this child will probably be out of college before we eliminate the marriage tax penalty because there is always an excuse not to do it today.

The bottom line is, for Michelle and Shad Hallihan and for their new little baby Ben, $1,400, the average marriage tax penalty, is real money. In the Joliet area, $1,400 is 3 months of day care at a local child care center for little Ben. $1,400 is 3,000 diapers for little Ben. $1,400 is one year's tuition at a community college called Joliet Junior College in Joliet, Illinois. It is a washer and dryer for their home.

Our legislation that passed the House of Representatives will help people like Michelle and Shad Hallihan. The Democrats talk about their alternative. It would leave Michelle and Shad Hallihan out. They would still be stuck with the marriage tax penalty.

Under our legislation, which passed the House of Representatives with the vote of every Republican and also 48 Democrats who broke with their leadership to support the elimination of the marriage tax penalty, we helped couples, two public school teachers like Shad and Michelle Hallihan.

As I pointed out earlier, Shad and Michelle are homeowners. They also have a baby and, of course, they give money to church and charity. So that means they itemize their taxes. Under our proposal, we double the standard deduction to twice that for single people, under our proposal. That helps those who do not itemize, but if we are going to help people like Michelle and Shad Hallihan, we have to help itemizers. That means we need to widen the tax bracket so in the 15 percent bracket two joint filers, a couple with two incomes, have to be able to earn twice as much as what a single person can earn in that tax bracket.

Under our proposal, in the 15 percent tax bracket, we widen it so that two-earner households can earn twice as much. That will help Shad and Michelle Hallihan.

I would point out that the proposal that the gentleman from Massachusetts (Mr. MOAKLEY) talked about would not help those who itemize. And think about it. Most middle-class families who itemize their taxes itemize because they own a home or they give money to church and charity.

We as Members of Congress can all think of our neighbors back home, middle-class working families who pursue the American dream; they buy a home and because of their mortgage interest costs and because of their property taxes, they itemize their taxes.

The Democrats say if one itemizes their taxes, they are rich so they should continue to suffer the marriage tax penalty.

Now, Michelle and Shad make $62,000 a year. Back in the south suburbs of Chicago, that is kind of a middle-class working family. Under the Democrat definition of rich, they are rich making $62,000 a year.

Mr. Speaker, our goal is to make the Tax Code more fair. When I am in the south side of Chicago at a steel workers hall in the Tenth Ward or a legion post in Joliet or at a local iron workers hall in La Salle or a Chamber of Commerce function or coffee shop, people tell me theirs taxes are too high but they also point out that the Tax Code is unfair. That is why we should help people like Michelle and Shad Hallihan. Let us eliminate the marriage tax penalty. Let us go to conference.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the strong bipartisan votes for marriage tax penalty relief in both bodies demonstrate the will of Congress and the people that we represent. It is time to see if the President will join us by enacting this legislation. It is time to do the right thing. I urge a yes vote on this resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ARCHER. Pursuant to House Resolution 553, I move to take from the Speaker's table the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, with a Senate amendment thereto, disagree to the Senate amendment, and agree to a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 553, the gentleman from Texas (Mr. ARCHER) and the gentleman from Maryland (Mr. CARDIN) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is not a great deal to say about this. This is a customary motion to go to conference with the Senate. I understand that the minority has a motion to instruct which is debatable for 1 hour.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we did debate this issue when the bill was before us and the chairman is correct, we do have a motion to instruct that we would like to offer at the appropriate time.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 553, the previous question is ordered.

The question is the motion offered by the gentleman from Texas (Mr. ARCHER).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer a motion to instruct conferees on the bill H.R. 4810.

The Clerk read as follows:

Mr. CARDIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4810 be instructed, to the maximum extent permitted within the scope of conference—

(1) to maximize the amount of marriage penalty relief provided to middle and low income taxpayers,

(2) to minimize the additional marriage bonuses provided to taxpayers already receiving marriage bonuses under current law, and

(3) to resolve the differences in effective dates and phase-in amounts in a way which takes into account fiscal responsibility.

The SPEAKER pro tempore. Under clause 7(b) of rule XXII, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Texas (Mr. ARCHER) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

□ 1730

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct makes it very clear that the conferees should try to resolve the differences between the two bodies so that the maximum amount of relief goes to those who need the relief, those that are of low- and middle income, rather than going to the higher income taxpayers.

Secondly, it points out what we believe to be a major problem with the legislation that was passed by this body, and that is the legislation that was passed by this body cost about $180 billion, of which about 50 percent of that relief went to individuals who actually had a marriage bonus; that is, their taxes were actually less as a result of them being married. They were able to take advantage of lower rates because the husband and wife filed a joint return. That happens frequently, where one of the spouses has the majority of the income.

What we are suggesting to the conferees is that we agree that we should try to deal with those that have the penalty; therefore, we should minimize the amount of tax relief that goes to those who are already receiving a bonus. Let us put the relief to those that are actually paying the penalty rather than putting the relief to those who are already getting a bonus for being married.

Lastly, we would point out that we have to resolve the effective dates and phase-in amounts in a way that takes into account fiscal responsibility. I would hope that all of us would agree that that is one of the issues that we would hope our conferees would resolve.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct that has been presented by the minority I am sure is taken in good faith, but I would say to the minority that it is the responsibility of our conferees to defend the House bill. When we go into conference with the Senate, that is what it is about, and we will measure up to our responsibility to defend the House bill.

The motion to instruct goes beyond that. It is primarily general in its content; it will bring about nothing in the conference, but it will attempt to prevent us from being able to accelerate the day when the marriage penalty relief will take effect, which many of us would like to consider. We believe that having to wait a full 6 years before it is fully vested is perhaps too long a period of time, and we may well want to consider accelerating that relief. But if this motion to instruct were binding, which it is not, it would prevent us from doing that. I cannot embrace it because I would be embracing something that would, on paper, at least, appear to limit our ability to do what is in the best interests of the people in this conference.

So I must reluctantly oppose this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just point out what the motion to instruct says. In regards to the effective dates and phase-in amounts, we suggest that it be done in a fiscally responsible way. I do not know why any Member of this body would oppose the conference committee acting in a fiscally responsible way. That is part of our responsibility here.

However, the main point of the motion to instruct, the main point is, yes, we want to help those people who are being penalized because they are married. Because they have a basically equivalent or similar income, they are paying a higher tax rate than they would if they were two individuals. Approximately half of our married couples are affected by the marriage penalty; about 50 percent fall into that category.

The problem is that the legislation that passed this body provides an equal amount of relief to every person who is married, regardless of whether they are in the penalty position or the bonus position. So the motion to instruct simply says to the conferees, target the relief to those that are penalized by their marital status. Use the tax relief in the most cost-effective way.

Mr. Speaker, I would hope that this body would agree with this motion to instruct. If we are able to do that, then I think we can have a strong bipartisan vote and get a bill not only that will come out of conference and will pass this body and the other body, but will also be signed by the President. It is for those reasons that this motion to instruct is offered.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

I would simply explain to the Members that this motion to instruct is actually an oxymoron, because on the one hand it says, within the scope of conference, limit the marriage bonus; and yet there is no difference between the Senate and the House bill in that regard. It is not possible for us to change what they call the marriage bonus.

But I happen to be unabashedly proud that within this legislation, in both the Senate and the House bill, and within the scope of conference it cannot be changed, a provision that helps stay-at-home moms and dads. They need economic help and relief as they rear their children. I do not walk away from that. That is a very positive part of both the Senate bill and the House bill, which the minority would like to undo and take away.

So this cannot be changed in conference within the scope of conference, and the minority understands that. I do not know why they put that the way they did in this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just point out that the other body gave a more generous provision in regards to the bonuses; and, therefore, it is within the scope of the conference.

But, Mr. Speaker, I think the key point here, and what we are trying to do by this motion to instruct, is target the relief to those who pay the penalty and to try to work out a bill that could be signed into law that will provide relief to our taxpayers.

Mr. Speaker, I am prepared to yield back my time; however, I do not know whether the gentleman from Texas has any other speakers or not.

Mr. ARCHER. Mr. Speaker, I would say to the gentleman from Maryland that I would be prepared to yield back as well; however, I have a very strong request from the gentleman from Illinois (Mr. WELLER), who has been a big sponsor of this legislation to be able to speak, so I hope the gentleman from Maryland would indulge us in that regard.

Mr. CARDIN. Mr. Speaker, I was going to yield time for closing to the gentleman from Illinois from our side; but instead, I will reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield up to 5 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, let me just briefly address my friend from Maryland's motion to instruct. He talks about our legislation as to whether or not it should be fiscally responsible. It is fiscally responsible. We use that surplus tax revenue and use that to bring fairness to the Tax Code.

He says that we should delay implementation of the marriage tax relief, and I believe that would hurt those low-income and moderate-income and middle-income families that we want to help, so we do not want to delay that. So I am concerned about that idea.

Then he also talks about those who do not suffer the marriage tax penalty, whether or not they should receive any relief. The chairman pointed out the stay-at-home moms, people like my sister, Pat, who took a few years out of the workforce to be home with her children, so she could be home with the kids before they were old enough to go to school. I admire people who do that, and we do not mind helping them.

I would also point out in the Democrat alternative that the House voted down just this past week, they provided a similar proportion of relief to those who do not suffer the marriage tax penalty. So I would point out their proposal did the same thing.

Last, they talk about low- and moderate-income families. The bottom line is, their proposal would not help low- and moderate-income families who happen to be homeowners. We believe if you are a homeowner and itemize your taxes, you should receive relief as well.

Mr. Speaker, I have often come to the floor of this House, along with many of my colleagues, and asked a very basic and fundamental question, and that is, is it right, is it fair, that under our Tax Code a married working couple, a husband and wife with two incomes, pay higher taxes under our Tax Code just because they are married; higher taxes than an identical working couple who choose not to marry, who choose to live together outside of marriage, who actually save money by not participating in marriage. I think it is wrong that 25 million married working couples, on average, pay $1,400 more in higher taxes just because they are married.

I have with me a photo of Shad and Michelle Hallihan. They are two public school teachers from Joliet, Illinois. They suffer the marriage tax penalty. Their income is about $62,000 a year, their salary as teachers. Shad is at Joliet High School, and Michelle is at Manhattan Junior High. They are at similar incomes, but if they chose to stay single and just live together, they would save about $1,000 in taxes; but they chose to get married. Under our Tax Code, they pay higher taxes.

I would point out that under our legislation, the only way we can eliminate that $1,000 marriage tax penalty for Shad and Michelle Hallihan of the Joliet area is if we help those who itemize their taxes, because Michelle and Shad Hallihan, of course they have a little baby, Ben, who is in his first year, but they also happen to be homeowners. Like most middle-class families who itemize their taxes, they are homeowners. Because their combined property taxes and mortgage interest are more than the standard deduction, they itemize.

Mr. Speaker, the only way we can help those who happen to be homeowners, those who give to their institutions of faith and charity, marriage tax relief, is if we widen the tax bracket.

Under our legislation, we double the standard deduction for those who do not itemize, wiping out the marriage tax penalty for, I think, about 9 million couples.

But in order to help all 25 million married working couples who suffer the marriage tax penalty, we have to help those who itemize as well. Under our legislation, we widen the 15 percent tax bracket so people like Michelle and Shad Hallihan can earn twice as much and stay in the 15 percent tax bracket, the lowest bracket. Under our legislation, we wipe out the marriage tax penalty for people like Michelle and Shad Hallihan who make about $62,000 a year.

Think about it: $1,400, the average marriage tax penalty, that is a washer and a dryer. In Joliet, Illinois, for people like them, that is 3 months of day care for little Ben at a local day care center; it is a year's tuition at Joliet Junior College if Shad and Michelle would like to go back to school.

The bottom line is, in this Congress, we want to help our schools, we want to strengthen Medicare and Social Security, we want to pay down the national debt, and we are making tremendous progress on that agenda; but we also want to make the Tax Code more fair, so that if a husband and wife choose to get married and choose to both be in the workforce, they do not pay higher taxes.

Our legislation accomplishes that goal, and we have come so far in this campaign to eliminate the marriage tax penalty over the last several years. We have an opportunity, with a strong bipartisan vote, and I would point out that the legislation we passed out of the House this past week was supported by every House Republican, and I was pleased to say that 48 Democrats broke with their leadership and joined to make it a strong bipartisan vote to eliminate the marriage tax penalty. That was a great accomplishment for this House, that Democrats and Republicans came together.

My hope is that by the end of this week when we send to the President legislation that wipes out the marriage tax penalty for 25 million married working couples, that the President will join with us. I hope we can make it a bipartisan effort. I urge a bipartisan "yes" vote.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Maryland for his leadership, and I thank the chairman for his leadership, along with the ranking member, on the issues that really bear on both our investment in this Nation and a return of the American public's investment in the Federal Government back to them.

It saddens me to come to the floor of the House to have to argue against some of the very attractive pictures of young families with children, and that is not the direction that any of us are going. My district is a district that is enormously diverse and really has a large number of young families buying new homes and raising their children. I am very proud of the 18th Congressional District and some of the prosperity that we have gained and some of the opportunities for young families to get their first home.

□ 1745

So I do not believe that any of us who believe that the present marriage penalty tax format is misdirected can be accused of not working to support the needs of young families and those married couples who work so hard for what they have.

But I just came from a hearing, I say to the gentleman from Maryland (Mr. CARDIN), from discussing the issues of mental health resources for special needs children. We were actually in a meeting trying to find out how we could get more resources from this Federal Government, with the budget caps that we have, with the appropriations fight we are in, and trying to share the few dollars that we have, and trying to help those children with special needs, those broken minds where those parents are struggling to get the resources.

We could not find them. We determined that community health centers, mental health centers, they are only in about 30 cities in our country, and we were struggling, what do we do with a parent who comes and says, I have two suicidal children, not one but two?

That is why this motion to instruct conferees is the right kind of compromise. I resent accusations that those of us who want to seek an opportunity to maximize the amount of marriage penalty relief provided to middle- and low-income families are against giving relief to married couples, or those of us who say that this effort that is being proposed by Republicans is too costly.

We do not have enough money for Medicare and social security, we do not have enough money to be able to provide, and when I say we do not have enough money, we are not pushing the Medicare benefit for prescription drugs, which would allow senior citizens to be able to get prescription drugs. We cannot do all of that and be able to provide for those very needy families and middle-income families.

So this motion to instruct to minimize the additional marriage bonuses, to minimize the additional marriage bonuses provided to taxpayers already receiving marriage bonuses under current law, it makes a lot of sense.

We have to balance the resources of the Federal government, and who in the world wants to again see the tragedies of a Columbine because some youngster is struggling with a mental health need which we did not see? Who wants to have children who are not immunized in this Nation? Who wants to go into communities where in fact those young married couples cannot even get affordable housing because they are priced out of the market?

The $800 or the $200 that they are getting out of the proposal that really goes to high-income married couples, to the greater degree, and has a huge result at the end in terms of how much it is going to cost us, is not the answer.

So I am supporting this motion to instruct conferees that can resolve the difference in effective dates and phase-in amounts in a way that takes into account fiscal responsibility. Yes, we should give marriage tax penalty relief. I want to do that. But I want to balance it, that the relief goes to low-income and middle-income, and I want those families who come to me and say, my children need special services in their schools, they need a mental health counselor, a school counselor, a nurse, they need not be like Kip Kinkel, who killed his parents; who, when was in his classroom in Seattle, was crying out. He was using profane words, and rather than getting him mental health services or special needs services, he was sent to the principal for using bad language. I understand that, because there was no resources that he could access. What a tragedy. School violence is built up a lot around the turmoil of our children.

So I would hope that we take this opportunity not to accuse those of us who support this motion to instruct conferees as being against giving the marriage tax penalty relief. I believe this is the right direction to go.

Mr. ARCHER. I have no further requests for time, and I yield back the balance of my time, Mr. Speaker.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just point out what this motion to recommit does. It is very simple. One, it says maximize relief to low- and middle-income people. It does not says 100 percent, exclusive, it says to maximize.

Second, it says minimize the relief to those achieving a bonus. It does not say zero or no relief, it says give the relief to those who had the penalty.

Third, it says be fiscally responsible.

Mr. Speaker, there is a chance for us to work in a bipartisan way. I would urge my colleagues to accept this motion to instruct so the conferees can work in a bipartisan way, bring a bill out that can pass this body and the other body and be signed by the President.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. CARDIN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CARDIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, following this 15-minute vote on the motion to instruct, proceedings will resume on H.R. 4866, a motion to suspend on which the yeas and nays are ordered, as a 5-minute vote.

We will have a 17-minute vote on the motion to instruct, followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 203, nays 222, not voting 9, as follows:

[Roll No. 408]

YEAS—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett

Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Boswell
Brown (OH)
Campbell
Horn
McCollum
McIntosh
Porter
Smith (WA)
Vento

☐ 1812

Messrs. EWING, BONILLA, TANCREDO and GOODLATTE changed their vote from "yea" to "nay".

Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. RUSH and Mrs. MCCARTHY of New York changed their vote from "nay" to "yea".

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees:

Messrs. ARCHER, ARMEY and RANGEL.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the motion to suspend the rules.

DEBT RELIEF RECONCILIATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4866, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. NUSSLE) that the House suspend the rules and pass the bill, H.R. 4866, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 11, as follows:

[Roll No. 409]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Nadler

NOT VOTING—11

Boswell
Brown (OH)
Campbell
Gordon
Horn
McCollum
McDermott
McIntosh
Murtha
Smith (WA)
Vento

☐ 1821

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I was unavoidably detained on official business and was unable to vote. I would have voted in favor of the motion to instruct conferees on H.R. 4810 (rollcall No. 408). I would have voted in favor of H.R. 4866 (rollcall No. 409).

PERSONAL EXPLANATION

Mr. BOSWELL. Mr. Speaker, because of illness in the family, I was necessarily absent on the following votes and had I been present I would have voted in the following manner: Rollcall No. 405—NAY on H.J. Res. 103; Rollcall No. 406—YEA on H.R. 3113; Rollcall No. 407—YEA on H.R. 4517; Rollcall No. 408—YEA on Motion to Instruct Conferees on H.R. 4810; and Rollcall No. 409—YEA on H.R. 4866.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO TALIBAN IN AFGHANISTAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–268)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Taliban (Afghanistan) that was declared in Executive Order 13129 of July 4, 1999.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 17, 2000.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CORPS OF ENGINEERS REFORM ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, today, I, along with the gentleman from Oregon (Mr. BLUMENAUER) and the gentlewoman from Wisconsin (Ms. BALDWIN), introduced the Corps of Engineers Reform Act of 2000.

The purpose of this legislation is to reform the project review and authorization procedures at the U.S. Army Corps of Engineers and let the sun shine in through greater civilian oversight of Corps projects. Through this legislation we hope to persuade our fellow Members of Congress to act this session to clarify the mission of the U.S. Army Corps of Engineers and to restore the public's severely eroded trust in the Corps.

The Corps of Engineers is the primary Federal agency responsible for construction and maintenance of our Nation's water resources infrastructure. The Corps' civil works mission is large and vital, with projects in the areas of flood protection, navigation, irrigation, hydropower and recreation. In recent years, the Corps has assumed a more significant role in the areas of environmental protection and restoration.

Despite its historic reputation for professionalism and integrity, the Corps is at present an embattled agency. Over the past 6 months, the Corps has come under intense fire because of alleged improprieties in connection with its multiyear, $50 million Upper Mississippi River-Illinois waterway system navigation study. Earlier this year, Congress also learned of efforts by top Corps officials to increase the Corps' civil works budget from its current level of $4 billion a year to over $6 billion by 2005.

Reports about the Corps' attempts to push through projects that lack a sound economic justification or that contain inadequate environmental provisions point to the breakdowns in the Corps' process for planning and approving water resources projects. This bill attempts to fix that problem, and with these reforms to lift the cloud of distrust and suspicion that currently hangs over the Corps of Engineers.

Last year, the National Research Council of the National Academy of Sciences published a report entitled New Directions in Water Resources Planning for the U.S. Army Corps of Engineers. This study was the product of 2 years of careful input and analysis by leading economists, engineers, environmental scientists, and water resource planners, including former high-level Corps of Engineers officials. The bill we introduced today builds on many of the key recommendations contained in the study.

Specifically, it clarifies congressional intent with respect to the Corps' broad mission in water resources planning. The bill states that, and I quote, "It is the intent of Congress that economic development and the environmental protection and restoration be coequal goals of water resources planning and development."

The bill creates new advisory and review procedures through the establishment of an environmental advisory board, an independent review panel, and a stakeholder advisory group.

The legislation also calls for the ongoing monitoring of the economic and environmental results of all Corps projects exceeding $25 million. The purpose of this monitoring program is to establish the baseline data needed to evaluate current and future Corps projects and to ensure that all Corps projects meet high standards of fiscal responsibility.

Finally, the bill seeks to ensure that environmental damages caused by projects are fully mitigated. Under this legislation, the Corps would also be required to mitigate damages to wildlife on a one-to-one basis.

The overarching purpose of this legislation, Mr. Speaker, is to restore trust and confidence in the Army Corps of Engineers and to enable the Corps to get on with its important work on our Nation's rivers, lakes, coastlines and harbors. The best way to achieve this goal is to increase the level of transparency, and through transparency create greater accountability in the Corps' planning process, and to establish guidelines that strike a genuine balance between economic development and other social and environmental priorities.

In closing, I would urge my colleagues on the House Committee on Transportation and Infrastructure to work to build significant reforms into this year's reauthorization of the Water Resources and Development Act. I would like to thank the efforts of key environmental and taxpayer groups, such as American Rivers and Taxpayers for Common Sense for their support and interest in Corps reform.

Finally, I would invite other interested groups and citizens across the Nation to join in this effort to bring fiscal responsibility and environmental accountability to the Corps of Engineers.

TRIBUTE TO COAST GUARD AUXILIARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to the men and women of the first southern district of the United States Coast Guard Auxiliary.

□ 1830

This all-volunteer Auxiliary played a major role in the recent July 4th festivities in the New York Harbor, which was celebrated during the International Naval Review and Military Salute Week.

These selfless civilian volunteers, many of whom live in my district, provided a safe boating atmosphere for the more than 30,000 boats that occupied New York Harbor for the festivities.

Out of the 193 Coast Guard vessels in New York Harbor, 65 are from the First Southern District of the Auxiliary.

These volunteers, well over 500 strong, worked hard to maintain security zones and to provide direct assistance and support to the Coast Guard.

Because of the dedication of these individuals and active Coast Guard members, no problems or catastrophes occurred during this incredibly busy time in New York Harbor.

In fact, the dedication of the members of the First Southern freed active Coast Guard personnel to perform necessary life-saving search-and-rescues during Military Salute Week.

These volunteers were a critical part of an Independence Day celebration that I am sure will always be remembered by New Yorkers.

I salute my constituents and all of the men and women of the First Southern District and the active Coast Guard for a job well done.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations. For fiscal year 2000, the allocation established by H. Con. Res. 290, as adjusted, is increased to reflect $1,779,000,000 in additional new budget authority and $0 in additional outlays. This will change the fiscal year 2000 allocation to the House Committee on Appropriations to $588,253,000,000 in budget authority and $614,029,000,000 in outlays. Budgetary aggregates will increase to $1,484,852,000,000 in budget authority and $1,455,479,000,000 in outlays.

Outlays from that additional budget authority occur in fiscal year 2001. The allocation for the House Committee on Appropriations printed in House Report 106–729 is therefore increased to reflect $1,273,000,000 in additional outlays. This will establish a fiscal year 2001 allocation to the House Committee on Appropriations of $601,208,000,000 in budget authority and $632,312,000,000 in outlays. Budgetary aggregates become $1,529,413,000,000 in budget authority and $1,501,533,000,000 in outlays.

As reported to the House, House Report 106–754, the conference report to accompany the bill making fiscal year 2001 appropriations for the Department of Defense, includes $1,779,000,000 in fiscal year 2000 budget authority for emergencies. Outlays flowing from that budget authority are $41,273,000,000 in fiscal year 2001.

Questions may be directed to Dan Kowalski or Jim Bates at 67270.

IN HONOR OF FOUR AFRICAN-AMERICAN WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise this evening to honor and celebrate four African-American women.

I would like to begin with the memoriam for Jean Ford Clayton. Jean Ford Clayton, a retired Cleveland police detective, died on July 8 at her home in University Heights, Ohio. Mrs. Clayton was an exemplary police officer who is credited with leveling the playing field for other female detectives with their male counterparts.

In 1972, women who joined the police force were automatically assigned to the Women's Bureau and limited to handling cases involving neglected and abused children, juvenile delinquency and rape.

Mrs. Clayton challenged this policy by filing charges of sex discrimination against the Cleveland Police Department with the Equal Employment Opportunity Commission.

As a result of Mrs. Clayton's lawsuit, the doors of opportunity were opened to all female police officers in roles traditionally reserved for men. Her tenacity and perseverance helped to change the face of law enforcement locally and nationally.

After retiring from the Cleveland Police Department, Mrs. Clayton continued her community involvement by working with juveniles and as a chief investigator for the Cleveland Job Corps Center.

In addition to her second career, Mrs. Clayton worked for 22 years as a counselor with the National Football League's Youth Development Camp.

She is survived by her husband of 54 years, Eddie Clayton, two daughters, one son, and 16 grandchildren. Her son is deceased, and she is survived by 16 grandchildren.

On a personal note, I would like to say it was through the support of Jean Clayton that I was able to serve well as both a judge and a prosecutor in Cuyahoga County, Ohio.

The second woman I would like to honor is living. Her name is Bishop Vashti McKenzie.

After 213 years, the African Methodist Episcopal Church has finally selected a woman for the position of Bishop, Rev. Dr. Vashti McKenzie was elected Bishop at the A.M.E. General Conference in Cincinnati on July 11, 2000.

She is a pastor of the 1,700 member Payne Memorial A.M.E. Church in Baltimore. Dr. McKenzie is an Ordained Itinerant Elder in African Methodist Episcopal Church and the Pastor of Payne Memorial A.M.E. Church in Baltimore City.

The 101-year-old historic congregation has tripled in membership since her arrival. Under her leadership, there are 15 new ministries designed to enhance, enrich, inspire and meet critical needs of the community.

She is the wife of Stan McKenzie, former star in the National Basketball Association; and they have three children, Jon-Mikael, Vashti-Jasmine, and Joi-Marie.

In the November 1993 issue of Ebony Magazine, she was selected for the Honor Roll of Great African-American Preachers. She was selected after a poll of national, civic, social, religious and academic leaders. Her "Ministry of Equality and Hope" was featured in 1999 in Ebony Magazine. She is characterized as an electrifying speaker in an issue of Jet; is a graduate of the University of Maryland, College Park; holds a Master of Divinity Degree from Howard University. She earned a Doctor of Ministry Degree from United Theological Seminary in Dayton, Ohio.

She is a member of several service organizations. One of them, Delta Sigma Theta Sorority is my sorority. She is the granddaughter and namesake of one of the founders of Delta Sigma Theta, the late Vashti Turley Murphy. She serves as the spiritual leader of more than 175,000 college-trained women as the national chaplain. She has traveled considerably and continues to do so across the United States.

As one of the newest bishops in the A.M.E. Church, Bishop McKenzie will be presiding over the 18th Episcopal District, which includes portions of Southern Africa.

The last two young women that I would like to celebrate today, Mr. Speaker, are Serina and Venus Williams, the winners of Wimbledon, Venus as the singles winner and Serina and Venus as the doubles winner.

What better role models could we have for young women throughout this country than to see these two fantastic young women who have been successful in the tennis arena?

I am very proud to be able to stand today, Mr. Speaker, to celebrate four strong African-American women.

IN HONOR OF OFFICER JOHN KELLY, STATEN ISLAND POLICE DEPARTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, John Kelly was a young man, 31 years old, who grew up in the Oakwood section of Staten Island, attended high school there, was a parishioner at Lady Star of the Sea in Huguenot, had a wonderful wife, also a police officer with the New York City Police Department.

John, after graduating, fulfilled his desire like so many of his family members, his brothers Thomas, James and Daniel, as well as other family members, to go become a New York City police officer.

He did that for 8½ years. He had two beautiful children, a 2-year-old and a 9-

month-old. He had his whole life ahead of him, until yesterday. This decorated New York City police officer was killed while he was doing his job protecting the people of New York City and specifically the people of Staten Island.

He is the third police officer to die in the last 3 years in Staten Island alone, adding to the list of hundreds of others who have given their life for their country and for the community.

So now a 2-year-old and a 9-month-old grow up without a father. Patricia, with our prayers, along with her family, will live on.

John's mother, Margaret, as well as his brothers Michael, Robert and Patrick, hopefully will find some comfort and solace from the other people of our community knowing that Officer John Kelly, a decorated officer with four commendations during his career, who went above and beyond the call of duty for the people he loved so much, the community he loved so much, as well as for the job he took so much pride in performing day in and day out. His partners and everyone who worked with him on Staten Island have nothing but praise for him.

I just thought it was appropriate that from time to time while others, like cats on mice, jump to disparage what good police officers do throughout our Nation, that we understand and pause for just a moment to remember that people like John Kelly, just 31 years old, gave his life for the very reason that he took the oath to be a New York City police officer.

So if anything comes out of this, I just would hope that the people of this Nation remember the Kelly family in their prayers. We wish, on behalf of the people of Staten Island, that they find some comfort in knowing that John Kelly died a hero.

NUCLEAR FUEL RELIABILITY ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise this evening to inform the House that I am introducing a major piece of legislation which would make it possible for this Government to once again assume the ownership of the nuclear fuel production industry in this country. The act is entitled the Nuclear Fuel Reliability Act of 2000.

Why is this legislation necessary? I think it is important for this House to understand that approximately 2 years ago actions were taken that for the first time privatized the industry which is responsible for enriching uranium in this country.

What that means, in practical terms, is that the industry that is responsible for producing approximately 20 percent of all of the electricity that is generated in this country has been placed in private hands.

Now, that may not be so bad if the company that became the owner of this industry had acted responsibly and had kept faith with this Government once privatization had occurred.

One of the obligations placed upon the private company was to operate the two enrichment plants which exist in this country today, one in Paducah, Kentucky, and one in Piketon, Ohio, to operate those plants through the year 2004. Recently, the company has made the decision to close the Piketon, Ohio, plant in June of next year.

Who has benefited from privatization, Mr. Speaker? I think the only ones who have benefited from privatization are those select few individuals who oversaw the privatization process and have enriched themselves. And I am speaking specifically of the CEO of that private corporation, Mr. Nick Timbers.

As I have said before, as a Government employee, his salary was approximately $350,000, which is a respectable income. He was given permission to oversee privatization, to make recommendations, to advocate; and he did those things and he did so in a way that enriched himself.

As the CEO of the now private corporation, his salary is somewhere in the vicinity of $2.48 million; and he has a golden parachute of $3.6 million.

What has been the result? Who has benefited other than Mr. Timbers and a select few of Wall Streeters? Well, I will tell my colleagues who has not benefited. Have the investors benefited? Absolutely not.

At the point of privatization, the stock of the company was worth approximately $14.50 a share. It is now hovering around $4 a share. So the investors have not benefited.

Has the Government benefited? Absolutely not. We find ourselves, as a government, facing a situation where we may become dependent on foreign sources for up to 23 percent of all of the electricity that is generated in this country.

Have the communities where these plants are located benefited? Absolutely not. My community is being absolutely annihilated as workers who have spent 25 and 30 years of their lives working in the service of this country are being summarily discharged and dismissed.

I am terribly troubled by the actions of this corporation. I am terribly troubled as a result of the process that led to privatization. I think it was a process that was corrupted, it was a process that enabled individuals to benefit themselves, to enrich themselves personally at great expense to the well-being of this Nation and to our local communities and to the investors.

□ 1845

That is why I have asked for an investigation of these matters. That is why I look forward this fall to the Commerce Committee's hearings into these matters, because I think they will bring many things to light that the American people need and deserve to know.

And so as I introduce my bill this evening, it is my hope that multiple Members of this House will see fit to join me in supporting this legislation. It is the right thing to do for our country.

VICTIM OF "DRIVE-BY" POLITICS

The SPEAKER pro tempore (Mr. BRADY of Texas). Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, earlier today I was talking to a gentleman from Common Cause. I had called him in regard to a statement that they sent out asking all Congressmen to sign the statement. One of the points on the statement that they were asking us to sign on to was a commitment to vote for any ban on soft money, banning all soft money going to political organizations coming from corporations, coming from unions, coming from wealthy individuals.

We got to talking about this. I had called them and asked them to give me their thoughts on this because, of course, this kind of thing happens often, the kind of thing that they are trying to deal with; and they explained that for a long time there had been a relatively effective ban on the kind of money coming into politics that has a corrupting influence. They use the words "corrupting influence." It started with the Teddy Roosevelt era. But that interestingly in 1992, the Clinton campaign found a way around it and found a way that they could use soft money in the creation of ads attacking their opponents but doing so sort of in a way that separated them from the ad itself. They could set up these dummy little organizations and run ads that were not part of the campaign, and they could use soft money to fund it. So all of a sudden they found this loophole. Now everybody is doing it, essentially. Once they found out how to do it, both parties use it and certainly many, many organizations use it.

Members know the kind of ad that I am talking about. Many people have seen these ads run, where the group comes on, they usually have some name you have never heard of and they will say something like, gee whiz, isn't it horrible that certain Congressmen would do X, Y or Z. Why don't you call them and ask them why they did such a terrible thing.

Now, Common Cause says that this kind of thing has a corrupting influence on the system, and that is why they would like to try to stop it. They want to try to stop these thinly veiled partisan attacks called issue ads if they could. At least they want to stop the funding that goes into them. They say, as I said, that there is a corrupting influence on the system as a result of it.

I would like to give Members a real-life experience that will point out how corrupt organizations can, in fact, help corrupt the system by making Americans even more cynical. I refer back to a situation that occurred on the floor of this House during the debate on the VA-HUD appropriations act.

There was an amendment to that act offered by the gentleman from New York (Mr. HINCHEY). The amendment struck certain language in the original bill, actually committee language. The committee language was not mandatory. The committee language simply was urging EPA to do or not do two things, two or three things. It had no force beyond just saying we urge the EPA. It did not take any money away from the EPA if they did it. It was a sense of the committee that they should not do whatever they were planning on doing.

In this case they were saying, please don't force water companies throughout the United States to go through the expense of trying to find a standard, a purer standard for water, especially with the elimination of arsenic from the water, until you set the standard. Tell us what the standard will be. Then of course these companies can try to meet it. But if you do not set the standard right away, you will have companies spending all the money getting to a certain point, and that point might not be the one that you eventually determine to be correct. So set the standard. And, by the way, you are suggesting that the standard be 5 parts per billion, EPA, and that makes absolutely no sense; there is no scientific evidence to support that that is the kind of standard we should have, so please look at that.

It also said, by the way, we should not dredge the Hudson River, as you are planning on doing, because when you dredge, the committee said, you stir up the sediments and in fact you put a lot of carcinogenic material into the water supply. So we strongly urge you not to do that.

That was the committee language. The amendment that came to this floor struck that. It would have essentially said, go ahead to the EPA, set the standard at 5, or at least wait as long as you want to do it and go ahead and dredge. So a vote against that amendment was a vote essentially, especially when you talk about sediments, it was certainly a vote for clean water.

I think, by the way, 216 Members of this House voted against the amendment and prevailed. They were in the majority. I was one that voted against the amendment. Shortly thereafter, the Sierra Club began to run ads in my district against me, essentially saying that I was for dirty water. This is the kind of corrupting influence, saying something like that which is, by the way, libelous. It is not just wrong, it is libelous. But they did it, and this is the kind of thing that Common Cause is talking about, and this is the kind of thing that should be stopped.

QUESTIONS REGARDING REPUBLICAN TAX BILLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. EDWARDS) is recognized for 60 minutes as the designee of the minority leader.

Mr. EDWARDS. Mr. Speaker, one of the most important issues facing Congress this year is how we should address the use of the surplus, the projected surplus this year and in the years ahead. The purpose of tonight's special order is to address three questions regarding the Republican tax bills proposed as a response to the projected or possible surplus.

The first question we want to address is, are the Republican tax bills fiscally responsible? The second question we want to address is, are the Republican tax cuts proposed in the House this year fair to average working families? The third question we want to address is, what major national priorities if any do the proposed and House-passed Republican tax cuts crowd out, other high national priorities?

Mr. Speaker, let me say that over the last several months, I have heard a lot of speeches about values. It is good that we discuss values. Values are an important part of who we are as an American Nation and as American individuals and families. But I would suggest that as Members of the House, how we vote on the question of spending the people's money says more about our values as Members of Congress than all the political speeches in the world.

Let us go back to the first question we want to address this evening. Are the Republican tax bills fiscally responsible? I would suggest the answer to that question is no. First, let us look at the cost of those tax cuts that have passed the House. Because of the strategy of divvying up the pieces of the pie, a lot of Americans and Members of Congress have not really put together those pieces to figure out what the true total cost is of just the tax cuts proposed and passed in the House this very year alone. The answer to that question is those total $573 billion over 10 years.

Now, Mr. Speaker, if we include the additional interest cost as a result of those tax cuts, the House has already passed a series of tax cuts that almost total the total amount of the massive tax cut passed in the House last year that the American people rejected overwhelmingly as being irresponsible at a time when Americans felt we should pay down the national debt.

Let me make several key points about the question of fiscal responsibility. Some say that we ought to pass these massive tax cuts because this is the people's money and they have earned it, they are paying it, they should get it back. I would agree with that point. There is some credence to that point except for one clear, undebatable fact, the fact that we have a $5.6 trillion national debt. That is not just some sort of vague number that most of us cannot relate to because, in fact, the average family in America pays about $1,000 per man, woman and child in interest payments on that national debt. That interest payment, paid for by our taxes, does not educate one college student, it does not help train one Army soldier, it just is paying off the interest on past national debt.

So I would suggest it is fiscally irresponsible most clearly to pass these massive tax cuts based on projected future possible surpluses because we ought to be paying down the $5.6 trillion national debt that is soaking away money from taxpayers and other high national priorities.

The second point about fiscal responsibility I want to make is this: all of these projections, including the most recent Congressional Budget Office projections, are just that. They are projections. I often hear from my colleagues, and I think it is good advice, we ought to run the government like a business. We do not often do that. I would suggest that if a business in any district in this country were to say, we project our revenues and profits over the next 10 years to be an extra couple of trillion dollars, and therefore we ought to go out and spend money right and left, give our stockholders dividends, give massive salary increases to our employees and our executives based on nothing more than hopeful projections for 10 years, I would suggest that company would be bankrupt very, very quickly. Clearly, a business cannot go out and say, These are our projected revenues for 10 years; therefore, let's spend all that money, either in new spending programs or in the tax cuts proposed and passed in the House by our Republican colleagues.

I would like to ask whether there is any Member of this House that would be willing to bet his or her net worth on any economist's projection for the next 10 years. What we have learned is that the projections over the last 10 months have been off to the tune of possibly trillions of dollars; and to invest, to bet, to gamble our children and grandchildren's future that economists' projections of Federal tax revenues over the next 10 years are going to be exactly correct is just that, it is a gamble and it is an unfair gamble at the risk of our children and grandchildren's future.

Mrs. THURMAN. Will the gentleman yield?

Mr. EDWARDS. I am glad to yield to the gentlewoman from Florida who has been a real leader on the Committee on Ways and Means in discussing the tax issue this year in Congress.

Mrs. THURMAN. Focusing in on just that issue here for a moment, and I hate to break your steam here because you are doing a great job.

Mr. EDWARDS. I appreciate the gentlewoman's involvement.

Mrs. THURMAN. We have also offered on this floor similarly to what we offered and was passed on the CARA bill, which was the conservation issue, that nothing would be spent until we could and made sure that Social Security and Medicare were preserved. And any one of the other instructions that we have offered since that on every issue except for the tax issues, we cannot get that guarantee. Based on this assumption that there will be a surplus, there could be a surplus, there might be a surplus, and yes, it looks good for the country but we are still working off of assumptions, it would seem to me that the pressure should be put on Republicans to make sure that in fact we do guard against those issues that we all feel are very important and, that is, Medicare and Social Security. When those have been offered, they have been turned down, particularly on the tax issue. I do not understand that.

Mr. EDWARDS. Certainly no business would be able to make that kind of hopeful projection and say we will commit our company's resources for the next 10 years to a massive extent of expenditures or extra dividends to stockholders based on perhaps a very optimistic assumption, in fact what I think is an unrealistic assumption in this case, about the Nation's economy over the next 10 years.

But I think the gentlewoman is correct. I do not recall one bill coming out of the Committee on Ways and Means on which she serves that has come to the floor that has said, now, these tax cuts are contingent upon every assumption in these grandiose 10-year projections coming true. The fact is the way they have passed these, we could have, for example, an economic crisis, we could have a military crisis throughout the world that could dampen a 10-year projection of a 2.7 percent increase over the next 10 years in our economy, projecting no recession for a longer period of time than has ever occurred in this country without a recession. They do not have any qualifiers saying, we will qualify those tax cuts based on what happens to the economy.

□ 1900

To me, that is the kind of thinking that got us in the 1980s into what is today a $5.6 trillion national debt.

Mrs. THURMAN. If the gentleman would yield, not looking at what potential emergencies we could hit in this country. We have continued to pass over the last couple of years emergency spending, which continues to kind of eat into some of these surpluses as we know them.

Mr. Speaker, we do not know what emergencies might be ahead of us, and we are not making any provisions for the kind of rainy day that could potentially happen in this country.

Mr. EDWARDS. In fact, to comment on that, I thought one of the shortfallings of the Republican tax bill last year, that the American people so overwhelmingly rejected, was that it assumed there would be no national emergency over 10 years.

I cannot recall in a 10-year period where we have gone without having a tornado, without having a drought for our farmers and ranchers. In fact, within days before the ink was dry on passing that legislation through the House, the very same people who said there would not be emergencies for 10 years, voted in favor of expending, I think, $10 billion to $15 billion, perhaps more in emergency spending just for that one year. And yet their assumption assumed there would be no emergency spending over 10 years.

Mrs. THURMAN. That is correct.

Mr. EDWARDS. I think what we are saying is this is an economic sand castle built on a foundation of sand; and it would be much more prudent in business and in government to be very cautious, whether it is new spending programs or whether it is tax reductions, to not commit that expenditure of dollars up front, not knowing whether 10 years of projections would be true.

I would like to ask the Member, the gentlewoman from Florida (Mrs. THURMAN), if the gentlewoman recalls any major national economist predicting that oil prices were going to double over the last several months.

Mrs. THURMAN. No. No. And therein itself is a perfect issue as it comes to the defense issue, because now we are wondering how we are going to continue to keep things rolling and not have some kind of an emergency on funding because of the gas price issue that we are dealing with.

Mr. Greenspan and others have been before our committee several times over the last couple of years and never once was it mentioned that we potentially would have the prices of gas go up as they have. Hopefully, they are coming down; but, in fact, they have gone up. No, it is a serious problem.

Mr. EDWARDS. I think, Mr. Speaker, our point is that we live in an uncertain world. We are not here to belittle economists and their role in our society; but we are here to say that it is truly unrealistic, and it is frankly disingenuous to suggest to the American people that these economic projections are absolutely going to be correct.

Again, I would like to see which Member of this House, of either party, would be willing to bet his or her family's net worth on the assumption that these 10-year projections will be within 1 percent or even 10 percent or 20 percent correct, and I came here in January of 1991. I know that not even the best predictions of our military intelligence community could have predicted a few years earlier that Saddam Hussein would invade the country of Kuwait. So the point is we live in an uncertain world, and to pass certain massive tax cuts based on an uncertain world with inexact, inexact science of economic 10-year projections really is a prescription for returning to the old politics of the 1980s for which our children and grandchildren will have to pay a very significant price.

Mrs. THURMAN. Mr. Speaker, if the gentleman will continue to yield, one of the things that does concern me in all of this, too, is the way that somewhat it has been crafted. It is very easy to go home and say we are only going to spend $55 billion on the marriage tax penalty, and they think that is reasonable. Quite frankly, it sounds reasonable.

But then when we start looking at the 10-year projections; we are talking about $248 billion. And the exact same thing happens with estate tax or death tax. It starts off with a moderately low number, and I can go home and I can say well, you know, this is only going to cost us $28 billion over the next 5 years, but in the 10-year costs, it is $105 billion; and that is when it goes into full effect. And then it can be as high as $750 billion, which is by all accounts the surplus. That gives us nothing for Medicare, nothing for shoring up Social Security, nothing for debt reduction, and many of the assumptions that we make to make this country continue to move ahead as it has been is to buy down the debt so we can get rid of the interest payments so that we have dollars available to us.

Mr. Speaker, I say to the gentleman from Texas (Mr. EDWARDS) some say we might look a little conspicuous up there that we might be against tax relief to the American people. In 1997 we had a wonderful bipartisan, huge fight, we had big fights on the floor, and I do not even know that it got sent to the President, I think it got worked out before it went to the President; but the fact of the matter is we all voted. And my guess is that the gentleman voted for it, too; we did a reduction in capital gains.

We gave student interest loans. We did the mortgage interest so that anybody that had a home every 2 years would have no capital gains for a $250,000 to a $500,000 home. I do not have a lot of those in my district, but we said, look, we need to give back some of this. We need to make sure, but the difference was we also gave through the earned income tax credit a little bump, and we did some things that spread the cost of these tax cuts to not only the wealthy, but to the middle and to the poor.

If we are going to be fiscally responsible, and we have asked people since the 1980s to help us dig ourselves out of this, the very least we could be doing is giving back to the entire population and, in these cases, is not limited.

Mr. EDWARDS. In fact, I hope we can speak in just a few moments about the question of are the proposed Republican tax cuts in the House this year fair to average working families; and maybe I can conclude on the first question that we want to address tonight, and perhaps the gentleman from North Dakota (Mr. POMEROY) would want to respond and discuss also the issue of the fiscal responsibility of this as well as get us into the question of are the Republican tax cuts fair to average working families or not.

I want to conclude by saying this: the 1997 tax reconciliation bill not only had tax cuts that benefited a wide range of American families of all income levels, but it also had spending cuts. Many of those tax cuts were paid for. I have not seen pay-fors for the Republican tax cuts that have passed the House this year. The pay-fors are a hope and a wish, a hope and a wish that some economist who we do not know his or her projection is going to be correct for the next 10 years. If they are wrong, our grandchildren, our children are going to pay a dear price.

Mrs. THURMAN. Is it not true that one of the ways that we have dug ourselves out of this debt so we do have or at least get to have a conversation about surpluses and debt reduction is because of the rules of the House as pay-as-we-go, both on spending and on tax limitations? I mean, it is a pay-as-we-go; and to the public that means that if we decide we are going to do something, just kind of like in your own family, if we are going to buy that car for your child who is going to go off to college, then over here we have to limit what we are buying over here, so that we can pay for it.

I mean, that is how I have always understood it. And, of course, I was not here when all the pay-fors and as-fors came into contact, but it certainly has been something that when we are doing fiscal responsibility that if we really believe that that is how we got in the position of being able to even talk about tax reduction that we did it through fiscal responsibility.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I want to participate in this discussion and commend both my colleagues for basically stepping back and looking in a broader context at what has been taking place here on the floor week in and week out. It really is a time to see if we cannot really see the forest for the trees, because I think that we are right in the middle of accumulating a record that is horribly irresponsible at a time of such wonderful opportunity for the American people.

We have through dint of fiscal discipline in Congress, and the wonderful innovation and hard work and productivity of the American people, worked ourselves out of deficits that were threatening the future of this country. We now stand with surpluses running and projected in dollar amounts never seen before. We have the opportunity at this point in our Nation's history to eliminate debt held by the public.

I guess if there is one thing that any family would want to pass to its children is better opportunities than they found them. I know that was certainly my parents' burning commitment to us as children. By golly, I feel the same thing about my little ones. How about collectively we do that for the next generation to follow and leave this country with no debt held by the public? As we move into retirement, all of these baby boomers, we do not entirely know what is going to happen, but we do know if the country does not have any debt we are in a darn sight better position to deal with whatever may come than we can carry on those trillions.

Mr. EDWARDS. If I can respond, I know the gentleman from North Dakota (Mr. POMEROY) has small children. I have a 3-year-old and a 4-year-old, both sons. I can think of a few things that I would like to pass along to them as one Member of this House and to say to their generation, we are going to take a Nation that was $5 trillion to $6 trillion of national debt and pass on to your generation a debt-free country.

When we talk about tax cuts today, it does not take a lot of courage to take our grandchildren's credit card and with that credit card charge multitrillion dollar-tax cuts, most of which will go to the wealthiest families in America.

I have a problem with the child or grandchild of an average working family having to take their credit card from their generation to give Bill Gates a tax cut, as has passed the House this year. I think that is unfair.

Going back to the comments of the gentlewoman from Florida (Mrs. THURMAN) minute ago, it is the pay-for philosophy and rules of the Congress that have gotten out of this terrible hole where we are mortgaging our children's futures of the 1980s before we came to the House.

It is the free-lunch bunch mentality of tax cuts do not cost anybody anything and let us not offset tax cuts with spending cuts. It is that free-lunch bunch mentality that got us is in trouble in the 1980s. Just as we are climbing out of that horrible hole, what a horrible mistake for our children and grandchildren it would be to take that free-lunch mentality and go back and add up the national debt, rather than pay off the national debt.

Mr. POMEROY. Mr. Speaker, if the gentleman would yield, one thing that surprises me about all of this is the American people have evaluated the proposition of a gargantuan tax cut going primarily to the wealthiest families and crowding out other priorities. They rejected it. One year ago, just before heading off on that August recess, we voted on this $700 billion-plus tax cut advanced by the majority.

We were told they were going to go home and sell this to the American people. And when the President vetoed it, the first thing we would do in September is override that veto, and those who had voted against that tax cut would be bludgeoned into supporting it by their outraged constituents because it was going to be so popular. Guess what?

The American people took a look at it. They said that is irresponsible. It is not fair. It is not the time, and it does not reflect our priorities as a country. Forget about it. And that bill, the only one I can remember every vetoed was not brought back for even an override. In the 4 terms I served in Congress, I cannot remember an instance where they did not at least even try, but this thing did not work.

Mr. Speaker, 1 year later, what is the majority doing? It is pretty crass really, taking it in bites, the whole package was rejected. So we will pass it chapter at a time as a stand-alone bill. How dumb do they think the American people are? I will tell my colleagues something. I do not think they are dumb at all.

I think they are the same responsible folks that rejected that gargantuan, irresponsible proposal of a year ago, and they will this time when they see it in its full context.

Many of us might have had the situation of resisting the temptation of a large piece of cake then nibbling our way through the pan as the afternoon goes on. The effect is the same.

Mr. EDWARDS. Mr. Speaker, I have also learned, speaking of cake with a 3-year-old and a 4-year-old at home, that if we give them the ice cream first, they are very unlikely to eat the vegetables and the meat.

If we pass in effect a trillion dollar tax cut this year, we are not going to see the House having the courage to pass a trillion dollars in spending cuts to match that. So what we are going to do is we are going to decrease their ability to pay down the national debt.

Let me point out when we do that, we are really increasing taxpayers interests on the national debt. So I guess in conclusion to our first question tonight, the Republican tax cut proposals that have passed the House so far this year, are they fiscally responsible? I think the answer is no.

They are based on uncertain, perhaps terribly false assumptions about where the economy in the world will be over the next 10 years. They ignore the fact that we already have a $5.6 trillion national debt.

Let me clarify. Nobody on this floor tonight is suggesting tax increases. We just want to make our top priority paying down the national debt, which is probably the best way to get a permanent tax cut to the gentlewoman who sits on the Ways and Means Committee. The best way to give a permanent tax cut to the American people is to pay off the national debt.

□ 1915

That would free up $200 billion a year. Now, to put that in perspective, that $200 billion could be passed as a major tax cut, a permanent tax cut. It could fund two-thirds of our national security needs in America, over two-thirds, in fact, of our military budget. College loans could be provided for students all across this country; grants. All sorts of things could be done, including permanent tax cuts with that.

So I think it is very clear to me, when we look at the facts, that Republican tax proposals this year are fiscally irresponsible and perhaps that should take us to the second question. That is, if we are going to have tax cuts, whatever level they might be, a trillion dollars or a billion dollars, should they not be fair to average working families? I think that would be a good discussion to have, and I would just start it by making one point and then yield to my colleagues.

I did a little research on the 1999 tax bill that passed the House, that ultimately the American people rejected so clearly that our Republican colleagues did not even try to bring it up for a veto override after they listened to the American people and their constituents in August. I did a little research and I found out that a working family at the lower end of the income scale, compared to the richest 1 percent of families in America, would have to have been born 32 years before the signing of the Declaration of Independence to enjoy the same tax benefits over all those 200-plus years that the wealthiest 1 percent of families got in year one.

Now, even with the miracles of modern medicine, I do not think the average working family is going to live that long, the point being that the tax cuts were skewed to help the wealthiest families in America. I think the proposals this year reflect unfairness.

I yield to the gentleman from North Dakota (Mr. POMEROY) to talk about the distribution of the Republican tax cuts and then to the gentlewoman from Florida (Mrs. THURMAN) who is a member of the Committee on Ways and Means that handles these tax measures.

Mr. POMEROY. Mr. Speaker, I think the gentleman's question really cuts to the heart of it because, after all, we are for tax cuts in the context of a plan that gets the debt eliminated, deals responsibly with the other needs and priorities we have, but as we approach that tax cut we want it to be one that reflects the broad cross-section of this country, not just to go to the most affluent, perhaps the financial base of the majority party but not the rank and file of all of our districts.

The fact of the matter is is most people in this country do not make $100,000 a year. In fact, on average, the bottom 60 percent income levels earn less than $39,000. I think that this chart here, prepared by the Citizens for Tax Justice, lays it out pretty clearly. Here is the stake of the plans passed so far and in the pipeline by the majority of the bottom 60 percent. The bottom 60 get 8.9 percent. Now, the next 35 percent, those from $39,000 to $130,000, get a third of the package, leaving almost two-thirds for the top five percent.

Why should two-thirds of the taxes go to the top 5 percert of the people in this country?

Tax cuts ought to go to those who most need them, and obviously the top 5 percent income levels in this country are not those that have the toughest time with the family pocketbook issues, affordable health care, saving for retirement, getting the children to college. So why would we want to pass almost two-thirds of the tax cuts and send it to them? I think there are folks that need it more and they ought to have the high priority.

A Committee on Ways and Means analysis of the tax cuts passed so far by the Committee on Ways and Means shows that about half, the lowest half in terms of wage earners, would get on average about 100 bucks a year; whereas, the top 20 percent would get 76 percent of the benefit or more than $2,000 a year if one figures on equal dimension.

The top 10 percent gets 60 percent. The top 5 percent nearly half, as reflected, and the top 1 percent 27 percent.

Now, those are different slightly, depending upon which tax bills were figured into the measurement, but one thing is precisely consistent, regardless of the tax measure the majority has advanced. It is skewed to the most affluent in this country.

Now, believe me, the most affluent in this country play critical roles in making our economy run, building our businesses. We honor their participation in our economy but that does not mean they have the hardest time with the fundamentals of making a go of it as a family, and, therefore, should not be first in line to soak up most of the tax relief we pass. Let us get the tax relief to our middle income families who are having the toughest go of it, and I think those are the distribution issues that are so troubling about the construction of this tax plan. It is a huge tax cut plan that forgets about eliminating the debt and other priorities we have as a country, and then they do not even distribute it fairly. Far from the middle class getting the benefit, this thing is skewed to the wealthiest people in the land and they are not the ones most in need of this kind of tax relief.

Mr. EDWARDS. Mr. Speaker, I would like to yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, this number has escaped me. How many people do we have or how many families do we have in this country? Does anybody know? About?

Mr. EDWARDS. Three hundred million total population; about 270 million or so citizens.

Mrs. THURMAN. Mr. Speaker, if the gentleman will yield then, I found this very interesting. Working off the numbers of the gentleman from North Dakota (Mr. POMEROY), and I love this guy because he is so good at numbers, I mean he just knows this stuff, but one of the numbers that stuck with me was that if one thinks about the 270 million people, that top 1 percent that we have talked about or top even 5 percent is only about, ready, 1.2 million families; 1.2 million, out of 270 million or say even out of half of that being 135 million people. Right? They get the 27.5 percent of the total tax.

The bottom 20 percent, which gets about 8.9 percent or whatever, is 22.4 million families. So one can just see, we can talk real numbers here with real people about what is happening; but I have to say, the number that got me, the number that absolute blew me away when we were doing the markup on the estate tax and all of us, and including in the Democratic substitute, were willing to raise those thresholds to $2 million or $4 million, somewhere around there, because just like we find out these numbers we also know how many people would actually be the beneficiaries of the estate tax, this blew me away.

Fully implemented, if we took the numbers today of how many people would be included, now remember this was between $500 billion to $700 billion, not million but billion, almost the surplus numbers, ready, and the gentleman from North Dakota (Mr. POMEROY) may have a city in his State that is only this big, 43,000 people, and that is it, get to share $500 billion; 43,000.

If we do not have that money when the time rolls around, talk about that credit card, who do they think they are going to get to make up that money? Do they think they will go back to those 43,000 people to make up that $500 billion to $700 billion? I do not think so, and that just puts more burden on us.

Is not that an outrageous number? I mean, I do not know, but if the gentleman from North Dakota (Mr. POMEROY) would help me here, how many of those people are even in the State of North Dakota?

Mr. POMEROY. Let us talk about the estate tax provision because I do think it is one where clearly the multi-multi-millionaires are the largest beneficiaries.

I noted with interest the debate. I represent a farmer's State. I arguably represent more production acres than any other Member of the House of Representatives, and when they are talking about the farmer's need for this estate tax relief and the small business owner's need for this estate tax relief, I paid close attention because those are the folks I speak for. Well, we came up with a proposal that would have allowed $4 million on a unified credit in estate tax relief, and I was wondering, is this sufficient?

I got a USDA figure. Ninety-nine percent of the farms in this country have a net worth of $3 million and below. We took it up to $4 million.

So this business about this being a farmer-driven issue, this being a small business driven issue, that is fiction, that is bait and switch. They will hold out the farmer, they will hold out the small business owner. Believe me, repeal of the estate tax is not about them at all. It is about the wealthiest few in this country, and if we direct our tax relief there, look, if we had unlimited resources, I would say fine, fine; but if we give it there, then we darn sure make sure that middle income families do not get the relief that they need.

The people at the very top earning levels of our country do not have the month-to-month pinch in their cash flow that creates nearly the compelling need for the tax cuts that our working families as they struggle to pay for their college tuition for their children, as they struggle to get access to health care, as they struggle to put some money aside for retirement. Those are real needs for real Americans, and if we give it to the wealthiest few we do not have it for them.

Mr. EDWARDS. In fact, as I look at the Republican-passed estate tax, and I supported the Democratic alternative that was much more fiscally responsible and helped most farmers, ranchers and small businesses, but I look at the Republican estate tax plan, it is essentially this, that the majority party in this House is saying we can afford to spend $500 billion over the next 10 years.

Guess what? Ninety-eight out of every 100 Americans will not get one dime of that. So, Mr. Speaker, what I would say to the American people is that next time they go into a room of 100 people, think about the estate tax. Look around them. Five hundred billion dollars is going to be spent throughout the country, but of the 100 people in that room only 2 will get a single dime out of that.

The single mother working hard trying to, as a waitress, find a way to pay for child care and put her children through school, the $30,000 a year working family, the average working family in America that goes to work and works hard, sometimes two parents trying to save money for their children's education and a little bit for their retirement and pay their utility bills, they do not get a dime out of the estate tax; but the richest 329 families in America will get over a billion dollars a year in tax benefits out of this.

So it is just amazing to me, at a time when this House has not found a way to get all of our Army soldiers off of food stamps, we can all of a sudden say but, however, we cannot afford to get our Army soldiers off of food stamps but we can pass a $500 billion tax cut over a 10-year period where over 100 percent of the benefits go to 2 percent of the wealthiest families.

I am not here to attack wealthy families. I respect and admire them. I am not here to raise their taxes. In fact, they had their taxes cut significantly just a few years ago when we reduced the capital gains tax. In fact, the reality is that some of the wealthiest families in America pay less on their income than the poor average working family. The waitress that works 30, 40, 50 hours a week, the two-income family that makes $40,000, $50,000 a year, they pay more income tax because their tax rates are in the 30 percent range. The billionaire who makes most of his or her money off of capital gains on stock investments are paying 18 percent. So the wealthiest have already gotten a tax cut, and that was passed for reasons to encourage investment in this country.

Now we are adding on top of that; one hundred percent of the benefit going to 2 percent of Americans.

Again, I would remind the American people that means 98 out of every next 100 people we see will not get one dime, but I can say what those working families will get. They will get an extra $11.5 billion interest payment on the national debt because of that tax break for Bill Gates and Ted Turner and the richest families in America. They will get $11.5 billion increase in interest payments that they will have to help contribute and pay for, their children and grandchildren will have to pay for. So the working folks not only do not get a dime of the estate tax as proposed by the Republicans, they are actually having to pay for it. That is simply unfair, and that is what this part of our debate is about, are the Republican tax proposals fair?

□ 1930

Mrs. THURMAN. Mr. Speaker, I actually was at a function on Friday night for the Key Training Center, which is for children with mental retardation, and I have to tell my colleagues something. I went to a friend of mine who I know is a Republican and is an accountant. I said to him, and I will not mention his name, but I said, tell me what you think about this. I mean I wanted to make sure that I had a clear understanding, because I do have farmers, as the gentleman from North Dakota does, and the gentleman from Texas (Mr. EDWARDS); although I do not believe that the gentleman from Texas (Mr. GREEN) has farmers in his district, and he said, KAREN, I do estate planning. He said, they know how to make sure that they are not paying this money. They know how to make sure that that is going to be passed on.

Yes, there are a few out there; I think the farmers and the small businesses that we have talked about that have some assets that are based on land and some equipment and some things that are not necessarily done through a paper shuffle, they have some issues, which is why the democratic substitute looked at it and we said, we need to take care of this. Or, in fact, why we raised it and voted for less than 3 years ago in 1997. I mean we raised the estate tax, we did that too, and it was signed by the President in a bipartisan way.

So I think that when I talked to this guy and he said, KAREN, I think you are right on this. Actually, KAREN, I know you are right on this. Because we all need to have that gratification, knowing that we are doing the right thing and we go to the professionals out there, we talk to the people in our district. We find out those people that deal on these issues, and they are coming back saying exactly the same thing, that some of these numbers and some of this conversation that we have had with other folks is, in fact, true, that this is not necessary at this time; that there are bigger issues that this country faces than to just give a few people in this country that are already able to send their kids to college, that are already able to buy a home, that are already able to put money aside for their pensions, that already have advantages that many of the other folks do not have. We are talking about people that are making anywhere between $50,000 to $60,000, and they are not getting but maybe, at best, $19 to $185 out of a tax bill.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I would say to working businesses, small businesses and farmers and ranchers, if your business, your ranch, your farm are worth $4 million or less, the democratic estate bill will actually help you more quickly than the Republican bill.

Mr. POMEROY. Mr. Speaker, if the gentleman will yield, that is a very important point. We got help for them next year up to $4 million. We took the lead just 3 years ago, as was mentioned by the gentlewoman from Florida (Mrs. THURMAN), to move it up to $2.6 million on a unified credit. We now propose taking it to $4 million, and next year a lot more relief than we see under the majority bill.

Mr. Speaker, we see the majority bill really is not about helping farmers or small businesses. It is geared to the wealthiest families in this country, and that is why the long, slow phase-in so that they can get the super-rich involved in the package.

Mr. EDWARDS. Mr. Speaker, as I yield to the gentleman from Texas (Mr. GREEN), I would just summarize my comments on this fairness question in this way: I think Democrats feel that we do not have to give Bill Gates and Ted Turner and Steve Forbes a massive multi-billion dollar tax cut to protect the family farmer in Lomita, Texas or Gatesville, Texas or the small businessperson in Texas.

Mr. Speaker, I would like to yield to my colleague from Houston (Mr. GREEN), who is a key member of the Committee on Commerce.

Mr. GREEN of Texas. Mr. Speaker, first I would like to thank the gentleman for organizing this Special Order tonight on the issues of the tax cuts. I just came in to talk about the fairness and what we are not funding, because I think that is important. But my colleagues in North Dakota and Florida and the two of us from Texas, we recognize what is important, that we are considering a budget and a marriage tax penalty and an estate tax proposal that only benefits the wealthiest of Americans and does nothing to help the working folks in my district. I have to admit, we do not have any farmers in urban Houston, but we do grow our backyard gardens, we have tomato plants and peppers, but with this heat, they are all dead now.

But I think the graph and the distribution that our colleague from North Dakota has, and I have the smaller version of it, shows almost 60 percent of the marriage tax penalty benefits and the estate tax will go to those percentage of 130,000 or more, the top 5 percent of the income brackets. That is what that shows. I think it is frustrating.

We want the opportunity to show the American people that we can work together on a bipartisan basis and agree on a tax resolution and a budget that is fair.

The gentleman mentioned the democratic alternative on the estate tax. Mr. Speaker, $2 million per person in Texas, $4 million because it is a community property State, although I know it affects every other State now, is not that huge tax cut for the wealthy, it will benefit the small business people, a machine shop owner in Houston who may be on a third generation who has built up his machine shop to where it may be substantially beneficial, or the rancher or farmer in west Texas or North Dakota, $2 million is a lot of money individually. We wish we could get to that point.

My concern about the Republican plan, and the gentleman has mentioned it, if we do this, we will see higher interest rates and force huge deficits, go back to those deficits, and we will see these tax increases in the future on our children and our grandchildren.

So before we hastily rush into these bills, we need to make sure that we realize that there are certain programs that we have to do and talk about what we may not be funding. But all of us are for tax cuts, Democrats and Republicans, who just need to be reasonable. I think the difference, though, is that we are concerned about making sure we have money to pay the service personnel, the defense of our country, to save Social Security, modernize Medicare, pay down our national debt, as the gentleman mentioned, how important that is for our own tax rates, for people who are going out and buying cars or mortgaging a house, or even that small businessperson going out on the market and saying hey, I need an inventory loan.

By paying down the national debt, we are lowering our taxes. Educating our children, making sure that businessperson has qualified employees that will come in. Educating our children is not free. It is expensive, it costs local and State dollars, but it also requires Federal resources to help so we can bridge that gap on what local and State resources cannot do.

So I have met lots of my constituents over the last few months, and the number one concern I think is insolvency of Social Security and a prescription drug benefit for our seniors. We need to make sure that we balance that. We can have reasonable tax cuts and yet still make sure that we support those programs, the defense of our country, Medicare prescriptions, and Medicare itself, and the education of our children, that will not be a balanced budget-buster, like what we will see if all of these are passed, and thank goodness the President will veto them.

Mr. Speaker, I cannot help but mention one project, because my colleague from Waco knows the Port of Houston project. We have critical projects all over the country. With the gentleman's help, we have been able to make sure the Port of Houston project is on line to be completed in the time frame. That is not free, but it will pay down the line, it will pay in customs duties, it will pay in local taxes that we will ultimately pay back. There are times we are going to have to say no, we cannot do these infrastructure projects that will ultimately pay more than if we give these huge tax cuts now.

So I want to thank the gentleman for his effort on the Port of Houston project and also thank him for tonight, in making sure that we have the opportunity to give our side of it and say, we are for tax cuts, we are for reasonable ones that also take care of Medicare, Social Security, infrastructure and education for our children, and paying down the national debt.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I want to thank the gentleman for his comments. He summarized some very key points.

For our debate tonight, I think the first question we wanted to raise was, are these, in effect, trillion dollar proposed tax cuts fiscally responsible? The answer is no. The second question is, are they fair to average working families? The facts are they clearly are not. The third point I think perhaps we could get into and mix with the debate of the fairness of the tax cuts is, if we were to have this $500 billion, or even the proposed $1 trillion in tax dollars to spend over the next 10 years, should they all go to these particular tax cuts or should they perhaps be balanced between tax cuts, paying down the debt and supporting some other major national priorities?

I think we ought to continue this discussion with about 12 minutes that we have left in this hour of debate on the crucial issue of how are we going to reflect our values as a Congress in the way we spend the projected surplus. I would like to get into the issue of not only the fairness of the tax cuts, continue that debate, but also talk about how perhaps this massive size of tax cuts, bigger in sum total than last year's proposed cuts projected by the American people, how do these proposed tax cuts cut out other high national priorities? Unless, of course, you are part of the free lunch bunch, in which case you can cut taxes, have massive increases in defense spending, adequately fund domestic needs and pay down the national debt. But I hope we grew beyond that free lunch bunch mentality that got us into a massive national debt position in the 1980s.

I yield to my to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding. What can we not do? What priorities have been crowded out if we pass the revenue plans secured to the wealthiest in this country of the majority?

Well, let us start with one that was considered last week in the Committee on Ways and Means and was deemed to be too expensive by the chairman of the committee, the very chairman that has supported virtually every one of these tax cuts, including the unlimited estate tax relief that we have been talking about.

The proposal that he believes we cannot afford is one that would help middle income families save for retirement.

Mr. Speaker, we have one-third of the people in this country with no retirement savings whatsoever. And of the IRA-eligible, where the $50,000 and below household can contribute to that and deduct that contribution, only 4 percent of all eligible households are using that IRA. We need to go back to the drawing board and recognize that we have to have a more meaningful tax incentive to help people with their savings challenge.

There is no better savings incentive than a match on a contribution. As Federal employees, one puts money in the Thrift Savings Plan, and then the employer, the Federal Government matches that contribution. We could pass a tax cut that matched by a tax credit to the tune of 50 percent that contribution to savings. That proposal was considered. It was voted down, virtually on party lines. It will be considered on the floor of the House this week.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I want to be sure I am clear. The same House leadership that said we could afford to give Bill Gates a massive tax cut this year, said that we cannot afford to provide tax incentives for middle and lower income working families to save for their retirement; is that correct?

Mr. POMEROY. Mr. Speaker, that is precisely the sorry circumstance that this issue presents. They said we could not afford it. We could not afford to take a family making $30,000 trying to save for retirement, we could not give them a tax cut. So that if they get $2,000 into an IRA, we give them a tax credit of $1,000, representing essentially a 50 percent match on their contribution. There is no better savings incentive than an employer match through this tax cut to middle income families. We could essentially give them an Uncle Sam match, helping them save for retirement. They said we could not afford it.

I cannot think of anything more important than helping middle income families save for retirement. That is what ought to be the priority. We need to help people save for their later years before we get around to aiding Bill Gates with his estate dilemma.

Mr. EDWARDS. Mr. Speaker, I appreciate the gentleman's comment. The question is, if we have a certain amount of tax cuts to provide, who are we going to give them to? I think the American people ought to ask, whose side is Congress on? Are we going to be on the side of the working folks that are struggling or the wealthiest one-tenth of 1 percent of Americans who have already gotten a substantial tax cut over the last several years?

I again yield to the gentlewoman from Florida (Mrs. THURMAN).

□ 1945

Mrs. THURMAN. In my former life I was a math teacher, so we could play a little game here, if Members would like to. I think it would be very advantageous, because I think it can show really significantly that we are not against tax cuts, and that we have offered to the other side to negotiate and participate in these issues, but the question is as to how it is going to happen.

Let me say to the gentleman from North Dakota (Mr. POMEROY), we had the marriage tax penalty on the floor here today, $182 billion, the alternative is $90 billion, somewhere around there, that would have really taken away the tax penalty for marriage, okay?

If my numbers are right and we did this tax credit that the gentleman is talking about for folks, $30,000, $40,000.

Mr. POMEROY. All the way up to $80,000 on the Committee on Ways and Means bill.

Mrs. THURMAN. If I remember correctly, the number that was given as kind of the estimate without being scored was about $50 billion. So if I take 50 from 184 that leaves me 134, so I still now have $44 billion. I could pay for this pension part, and I still have $44 billion to kind of work with here. Because if I really just want to take care of the marriage tax penalty, I only really need $90 billion.

So what is the next issue? Well, we could only squeeze out of this surplus $50 billion, or I am sorry, $40 billion for prescription drugs. Right? That is it. We are going to send it to those HMOs that are pulling out of all of our districts. We are going to give subsidies to insurance companies who do not even want to give a drug bill. Correct?

So if we took that $44 billion and transferred it over to the $40 billion that we already have, we could potentially get to a negotiation. That is just the marriage tax. That is compromise. That is looking at numbers. That is understanding that we can do both. We do not have to just do one.

All we have said to them, and have reached over there and said is, give us a chance to talk about this. But no, we come to this floor just before convention time, just before everybody wants to go home and talk about these tax cuts. The fact of the matter is, we could do it for a lot of people.

So I now have $90 billion in marriage tax, I now have $88 billion for the prescription drug, and we have another $50 billion to help people have security in their paychecks when they retire, and we have not even talked about the estate tax. But there is a compromise.

Mr. EDWARDS. Mr. Speaker, I want to thank the gentlewoman for making the point, which is our third question tonight. That is, does the Republican proposal for tax cuts this year, does that actually crowd out other major national priorities?

I think the answer to that question is yes, just as the answer to our other question, are their proposed tax cuts irresponsible fiscally and are they unfair to average working families, is yes.

Let me talk as a member of the Committee on Appropriations about the values reflected by the choices made in this House, because it is not a free lunch. As they have proposed their massive tax cuts, they have proposed to tighten the belts of a few folks as we try to enhance Bill Gates' and Ted Turner's and Steve Forbes' substantial wealth.

Let us look at who has been asked to tighten their belts.

First, Republicans on my Committee on Appropriations suggest a 60 percent cut in the Legal Services Corporation. So while we come to this House floor and put our hands over our hearts and say pledge of allegiance to the flag every day when we are in session, and finish with "liberty and justice for all," we are giving some liberty enhancing the wealth of Bill Gates, but we are denying justice for the lower-income woman who has been the victim of abuse by her husband, who walked out and left her trying to support her children. They wanted to cut the Legal Services Corporation.

In the Subcommittee on Energy and Water Development in the Committee on Appropriations on which I serve, we had to make an arbitrary decision of no new flood construction projects anywhere in the country. If one's community is at risk for massive flooding, because of these massive proposed tax cuts, we cannot offer that community a national responsibility, and that is to prevent flood damage and perhaps even injury and death in the community.

They proposed that we kill the President's program to bring in 100,000 new teachers, so we can have qualified teachers and smaller classrooms throughout America. That went out the window because of the cost of these massive tax cuts.

For example, the estate tax, 100 percent of the benefits go to only 2 percent of American families.

We have had to cut back on the President's proposal for school modernization, to bring our public elementary schools up to safe standards that local communities would require for safety for people of any age, much less children. We have reduced funding for basic science research.

As someone who cares deeply, along with Members of the Republican and Democratic Caucus in this House, cares deeply about our national defense and our men and women serving in uniform, this House, which originates or has the responsibility for originating spending bills, could not find the money to get soldiers and airmen and Marines off of food stamps, but we could give Bill Gates a tax cut.

It goes on and on and on. One in 13 seniors throughout America, including in my district, have to make a decision sometime during this year whether to adequately purchase food or their prescription drugs their doctors say they need for health. Yet the Republican leadership says, no, we can afford these tax cuts for the wealthiest 2 percent of families, but we cannot afford that expensive old Democratic prescription Medicare drug program that is going to help seniors not have to choose between eating properly or taking their medicine properly.

So my point is that it is not a free lunch. These proposed tax cuts not only are fiscally irresponsible, they are not only skewed to the wealthiest Americans and not average working families, they end up costing average working families. They are also crowding out our opportunity with today's budget surplus, our opportunity to help folks like senior citizens who need help with prescription drugs.

Their proposals crowd out our ability to protect the solvency of the social security and Medicare trust fund.

So there is a tremendous cost for these proposals. I think when the American people recognize the cost of these so-called free lunch tax cuts for the wealthiest Americans, I think they are going to be outraged by it.

Mr. POMEROY. If the gentleman will yield further, Mr. Speaker, for my final participation tonight in the special order, and I still commend the gentleman for hosting it, as we look at this in context we can only conclude that the totality of what they are doing is not responsible, does not pay down the debt as its first priority, and depends upon 10-year projections. Who knows whether we are going to hit those projections or not?

It is not fair and is hopelessly skewed to the wealthiest families, leaving the rest getting pennies while the wealthiest few come out like bandits under this proposal.

Finally, it crowds out doing what we ought to do for middle American families.

Mr. EDWARDS. Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY) and the gentlewoman from Florida (Mrs. THURMAN) for their participation on this vital national issue.

REPORT ON H.R. 4871, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

Mr. KOLBE (during the Special Order of Mr. EDWARDS) from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–756) on the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 200, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. HUNTER). Pursuant to clause 1 of Rule XXI, all points of order are reserved.

WHAT IS THE FATE OF THE NORWOOD-DINGELL-GANSKE BIPARTISAN CONSENSUS MANAGED CARE REFORM ACT OF 1999?

The SPEAKER pro tempore (Mr. HUNTER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 30 minutes.

Mr. GANSKE. Mr. Speaker, 10 months ago this House of Representatives passed real patient protection legislation to correct HMO abuses. We passed the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act of 1999 with a vote of 275 to 151.

So, Members ask, why is that bill not law yet? Why is not the congressional leadership leaning on the chairman of the conference committee to hold meetings? Is the conference dead? If so, then Senator NICKLES should say so, so that we can move beyond the failure of the conferences committee.

Mr. Speaker, every day that goes by without passage into law of a real patient protection bill means that people are being harmed by HMOs that care more about their bottom line, more about their most recent stock quotes on Wall Street, than they care about patients.

Let me give some examples of people who have been harmed by HMOs. Before coming to Congress, I was a reconstructive surgeon. I took care of little children that were born with birth defects like this little baby with a cleft lip and palate.

Do my colleagues know that in the last several years, more than 50 percent of the surgeons who care for children born with this birth defect have had cases like these refused by HMOs, who call this a "cosmetic deformity"? This is a birth defect. The operation to repair this would be to restore towards normalcy. That is not a cosmetic case under any definition.

A couple of years ago now this lady's case was profiled on the cover of Time Magazine. This woman lived in California. Her HMO did not tell her all that she needed to know. Furthermore, they put pressure on the Medicare center treating her not to tell her. Because she did not get that information in a timely fashion, and because her HMO did not play straight with her on getting her the treatment that she needed as medically necessary, she died. Today her children and her husband do not have a mother and a wife.

A couple of years ago a young woman was hiking in the mountains about 70 miles west of Washington, D.C. She fell off a 40-foot cliff. She broke her pelvis, fractured her arm, broke her skull, was lying at the bottom of this 40-foot cliff, when her boyfriend, who had a cellular phone, managed to get a helicopter in. They took her to the emergency room. She was treated. She lived.

But then, do Members know what? The HMO would not pay her bill because she had not phoned ahead for prior authorization. Mr. Speaker, was she supposed to have a crystal ball that was going to tell her that she was going to fall off a 40-foot cliff so she could make a phone call to her HMO?

I have shared these stories with my colleagues in the past, but I have some new ones tonight that are going to amaze my colleagues. This is also a story, a true story about a little boy. We can see him here tagging on his sister's sleeve. One night his temperature was about 104 or 105 degrees, and his mother phoned the 1–800 number for their HMO and said, my baby needs to go to the emergency room. He is really sick.

She got somebody thousands of miles away who said, well, I will only authorize you to take him to one emergency room. And when the mother asked where it was, the person said, I do not know. Find a map. It turned out that the HMO was about 60 or 70 miles away. En route, this little baby had a cardiac arrest.

If one is a mom and dad driving this little baby to the hospital, Members can imagine what that was like. When they finally found it, the mother leaped out of the car holding her little baby screaming, save my baby, save my baby. A nurse came out, started resuscitation. They put in the i.v. lines, gave him mouth-to-mouth resuscitation, gave him the medicines, and they managed to bring his life back.

All because that HMO did not have the common sense or decency to say, if your baby is really sick take him to the nearest emergency room, because en route, they passed three emergency rooms, but they were not authorized by that HMO, this little baby managed to survive, but because he had that cardiac arrest, he lost the circulation to his hands and his feet and he had to have both hands and both feet amputated.

Why do 80 percent-plus of the American public think that Congress should pass an HMO reform bill, a patient protection bill, a real bill? Because their friends and neighbors have had problems just like some of those that I have shown the Members.

A few years ago there was a movie, As Good as It Gets. In that movie Helen Hunt is talking to her friend, Jack Nicholson, and explaining how this HMO that they belong to will not properly take care of her son, who has asthma. Then she let loose a string of expletives that I cannot repeat on the floor of Congress, but I can tell the Members what happened in the theater that my wife and I were in. It happened all across the country. People started cheering and clapping and even standing up in applause, because they knew the truth of that allegation.

No law has passed because the HMOs have spent over $100 million lobbying against real patient protection legislation. They have given generously to keep that legislation bottled up in conference committee.

Even worse, the HMO industry is trying to get legislation passed that would undo the progress that is being made on behalf of patients in State legislatures and in the courts.

The GOP bill that recently passed the Senate, the Nickles amendment, is worse than no bill at all. In fact, it is an HMO protection bill, not a patient protection bill. Would Members like some proof of this? Let me tell the Members about some of the things that have been documented in a recent article in Smart Money Magazine in their July issue.

□ 2000

Consider the case of Jim Ridler. It was shortly after noon on a Friday back in August 1995, and Jim Ridler, then 35 years old, had been out doing some errands. He was returning to his home in a small town in Minnesota on his motorcycle when a minivan coming from the opposite direction swerved into his lane. It hit Jim head on. It threw him more than 200 feet into a ditch. He broke his neck, his collar bone, his hip, several ribs, all of the bones in both legs. It ripped his triceps muscle clean through.

Over the next 4 months, after a dozen surgeries, he still did not know whether he would ever walk again, when he got a phone call from his lawyer who had started legal proceedings against the driver of that minivan who had swerved into his path.

That call that he got from his lawyer really shook him up. "I'm afraid I've got some bad news for you," said his lawyer. He told Jim that, even if Jim won his lawsuit, his health plan wanted to take a big chunk out of it that they had spent on his care.

"You're joking, right?", said Jim.

Nope, said the lawyer, Jim's health plan had a clause in its contract that allowed the HMO to stake a claim in his settlement, a claim known in insurance as subrogation.

"So I pay the premium, and then something happens that I need the insurance for, and they want their money back?", Ridler asked incredulously. "The way I figure it, my health insurance is just a loan."

Well, Ridler eventually settled his lawsuit for $450,000 which was all the liability insurance available. His health plan then took $406,000, leaving him after expenses with a grand total of $29,000.

"I feel like I was raped by the system", he says.

Do my colleagues know what, Mr. Speaker, most people are not even aware that these subrogation clauses exist until they have been in an accident and try to recover from a negligent individual like the person who almost killed Jim Ridler.

Originally, subrogation was used for cases in which care was provided to patients that had no health insurance but who might receive a settlement. However, HMOs are now even seeking to be reimbursed for care that they have not even paid for.

Susan DeGarmo found that out 10 years ago when her HMO asked for reimbursement on her son's medical bills. In 1990, Stephen DeGarmo, age 10, was hit by a pickup truck while riding his bike to football practice near his home in West Virginia. That accident left him paralyzed from the waist down. His parents sued the driver, and they collected $750,000 in settlement plus $200,000 from the underinsured motorist policy. Now, that is to last this little boy the rest of his life as a paralyzed person.

The health plan of Upper Ohio Valley wanted $128,000 in subrogation from Stephen's bills. Now Stephen's mother thought that that was a high amount, so she phoned the hospital in Columbus Ohio where Stephen had been treated, and she got an itemized list of charges. What she found out infuriated her. The HMO had paid much less than the $128,000 it was now seeking.

Mrs. DeGarmo had found another dirty little secret of managed care, and that was that HMOs often use subrogation to go after a hospital's billed charges, the fee for full-paying patients, even though the HMO gets a discount off the billed charges.

According to DeGarmo's lawyer, the health plan of Upper Ohio Valley actually paid $70,000 to treat Stephen. That meant they were trying to take $50,000 from Stephen's settlement that they had not even paid for. They were going to make money off this little boy who had become paralyzed.

When the DeGarmos refused to pay, the HMO had the gall to sue them. Well, others found out about this HMO's action; and in 1999, the HMO settled suits for $9 million spread among roughly 3,000 patients that they had treated like the DeGarmos.

Now, when HMOs get compensation in excess of their costs, I believe they are depriving victims of funds that those victims need to recover. This subrogation process has even spawned an industry of companies that handle collections for a fee, typically 25 percent to 33 percent of the settlement.

The biggest of these subrogation collection companies is Louisville, Kentucky based Healthcare Recoveries, Incorporated. Last year, HRI, whose biggest customer, not surprisingly, is United Healthcare, recovered $226 million for its clients, and its cut was 27 percent.

According to one former claims examiner for HRI, Steve Pope, the company is so intent on maximizing collections that it crosses the line into questionable practices.

Take the case of 16-year-old Courtney Ashmore who had been riding a four-wheeler on a country road near her home by Tupelo, Mississippi. The owner of the bordering land had strung a cable across the road, and Courtney ran into it, almost decapitating herself. Her family collected $100,000 from the property owner.

Their health plan paid $26,000 for Courtney's care. Steve Pope, the claims examiner for HRI, contacted the family's lawyer and wanted that $26,000 back. The lawyer asked for a copy of the contract showing the subrogation clause. Well, they could not find a copy of the contract. So Mr. Pope told his supervisor at HRI of this, and he was told to send out a page from a generic contract that did have a subrogation clause in it.

Later, Pope found out that Courtney's health plan did not, in fact, mention subrogation. Still, he has testified, he was told to pursue the money anyway.

Steve Pope has testified, "These practices were so widespread, and I just got tired of being told to cheat and steal from people."

Well, Mr. Speaker, the notion that subrogation should be prohibited or at least restricted is gaining ground. Twenty-five States have adopted doctrine that injured people get fully compensated before health plans can collect any share of personal injury money.

In March, a Maryland appeals court went even further. It ruled that the State's HMO Act prohibits managed care companies from pursuing subrogation at all. The court said, "An HMO, by its definition, provides health care services on a prepaid basis. A subscriber has no further obligation beyond his or her fee."

So what did Senator NICKLES' bill do to address this problem with subrogation? Did the Senate GOP bill try to make the system more fair for patients? Did it protect those State laws which are being passed to prevent subrogation abuses by HMOs?

Oh, no, Mr. Speaker. The Senate GOP goes even further than subrogation in protecting HMOs. It says that the total amount of damages to a patient like Jim Ridler or Steve DeGarmo or Ashley Courtland would be reduced by the amount of care cost whether they have a subrogation clause in their contract or not. In other words, the Senate GOP bill that passed a couple weeks ago would preclude State laws being passed on subrogation entirely.

If that were not enough of a sop to the HMO industry, the Nickles bill says that the reduction in the award would be determined in a pretrial proceeding and that any evidence regarding this reduction would be inadmissable in a trial between the injured patient and the HMO.

What does that mean? Well, let us say one is hit by a drunk driver while crossing the street. One's HMO subsequently refuses to pay for necessary physical therapy, even though these are covered services under one's employer's plan. So one files two separate lawsuits, one against the drunk driver in the State court and the other against the HMO in the Federal court, because the HMO is not treating one fairly.

The civil case against the drunk driver is delayed because criminal charges are pending against him. If the Federal case proceeds to trial, under the Senate GOP bill, the Federal judge would have to guess how much a State jury would award one, and the Federal judge would have no way of knowing what one might actually collect.

This collateral source damages rule in the Nickles bill would leave patients uncompensated for very real injuries. For example, if one is injured in a car accident by another driver who has a $50,000 insurance policy, but one has medical costs of $100,000 that one's HMO refuses to cover when one goes to collect the $50,000 from the negligent driver, one might get nothing. Why? Because whether one has brain damage or broken legs or one's loved one is dead, one gets nothing because, under the Senate GOP bill, the HMO gets to collect all $50,000, even though it denied one necessary medical care for one's injuries, and one does not get a penny.

Mr. Speaker, the Senate GOP bill values the financial well-being of the HMO more than it values the well-being of the patient. That is only part of the reason why I say that Senate GOP bill is an HMO protection bill, it is not a patient protection bill.

Mr. Speaker, we can do a lot better than that. The House did a lot better than that. It passed the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act of 1999. Mr. Speaker, we better do better than that Senate GOP bill, because the voters are watching; and because their friends and family members are being injured by HMOs, and we need to fix this.

FEDERAL RESERVE MONETARY POLICY: IS GREENSPAN'S FED THE WORLD'S CENTRAL BANK?

The SPEAKER pro tempore (Mr. HUNTER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for 30 minutes.

Mr. METCALF. Mr. Speaker, the topic of my speech tonight is Federal Reserve monetary policy: Is Greenspan's Fed the world's Central Bank?

Some years ago, William McDonough of the Federal Reserve Bank of New York stated the most important asset a central bank possesses is public confidence. He went on in that speech to note that, "I am increasingly concerned that in a democracy a central bank can maintain price stability over the intermediate and long term only when it has public support for the necessary policies."

Public confidence here can only mean the confidence of the Members of Congress in our oversight capacity. Most of the American public, to this very day, have not the least interest in, awareness of, or knowledge of the Federal Reserve System, our central bank. But most Members feel that Allan Sproul, another former president of the New York Federal Reserve Bank, was quite correct in his letter, still quoted by Fed officials, that Fed independence does not mean independence from the government but independence within the government.

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In performing its major task, the administration of monetary policy, the Federal Reserve System is an agency of the Congress, set up in a special form to bear the responsibility for that particular task which constitutionally belongs to the legislative branch of government."

Clearly, that form of argument appeals to most Members today. The construct is a masterpiece not just for being true, Congress did abdicate its enumerated powers, but for letting even those of us responsible for oversight off the hook: The Treasury does not rule the Fed, the White House does not rule the Fed, but this Congress does not write the script either.

The current Fed chairman, Alan Greenspan, will soon testify before this House expressing his independence. As the journal Central Banking recently noted regarding the Fed, "It has acquired an air of sanctity. Politicians hesitate to bait the Fed for fear of looking stupid." As a result, still quoting, "the Fed's accountability is less than it appears. The Fed is always accountable in the sense that Congress could bring it to heel if it really wanted to."

And the Fed has not done too badly in some areas, as the economy demonstrates, most notably where inflation and interest rates are today resting. Whether they remain even close to where they are come a year or two from now may indeed be an all together different story.

Mr. Greenspan has been pretty clear about what is now important in Fed policy. Let me quote from some past testimony: "The Federal Reserve believes that the main contribution it can make to enhancing the long-term health of the U.S. economy is to promote price stability over time. Our short-run policy adjustments, while necessarily undertaken against the background of the current condition of the U.S. economy, must be consistent with moving toward the long-run goal of price stability."

The reality is that monetary policy can never put the economy exactly where Greenspan might want it to be. He knows full well that supply shocks that drive up prices suddenly, like the two major oil shocks of the 1970s, are always going to be with us, and more so than ever as the process of globalization continues to transform the world's economies. And the United States Federal Reserve is leading this global transformation. Some are quietly arguing, over lunch mostly, that Greenspan is in charge of what he may already believe to be the World Federal Reserve, the World Central Bank.

There is good reason to suggest this. As Robert Pringle noted some time ago in Central Banking, "Central banks, rather than governments, are laying down the rules of the game for the new international financial system. The Fed is in the lead."

Pringle went on to argue, and I am quoting him at length here, "If the Fed's record during the debt crisis and in exchange rate management is mixed, most observers would give it full marks for the way it dealt with the stock market crash of October 1987. It is not clear that the verdict of history will be as favorable. After being prodded into action, some central banks, notably those of Japan and England, went on madly pumping money into the system long after the danger had passed, creating an unsustainable boom and reigniting inflationary pressures.

"Well, the Fed can hardly be blamed for that. The real problem was that Greenspan's action risked creating the expectation among investors that the Board of Governors would support U.S. stock markets in the future. Clearly, the action was prompted by the need to protect the banks from the risks to which they were exposed to firms in the securities markets.

"Equally, this support signalled an extension of the central banks' safety net to an area of the financial system where investors are traditionally expected to bear the risks themselves. It is no accident that after 1987 the bull market really took off, and it has never looked back."

I have quoted this section in the article by Robert Pringle that appeared in Central Banking because we are hearing the very same fears expressed today, though quietly, over lunch, by phone, by rumor, by investors and money managers throughout the U.S. Not too long ago former Fed chairman Paul Volker strongly suggested that our current boom is driven almost exclusively by the major international firms in the high-tech industry and the 40 industrials. Clearly, this is due to the fact that these few giant monopolies dominate the world market. Therefore, this boom reflects less what is happening here in America than what is going on in the world to these few monopolies' financial benefit.

I am not entirely complaining. Where these few giant firms are concerned, some American workers do benefit. But more foreign workers benefit than American. More investors and owners benefit than workers; more very wealthy individuals than the middle class bedrock.

My problem is that Greenspan's Fed seems to believe money does not matter; that we can create vast sums of cash and pump it into financial markets at will, manipulate the Adjusted Monetary Base to even greater height or plummet to the depths. All this is done toward long-term price stability? Has Greenspan so rejected Milton Friedman's theory that to do so one guarantees inflationary pressures in the road ahead along with savage corrections when actions become necessary by, once again, the same Fed?

Can Greenspan seriously argue the Fed has not created the worst bubble in history; the worst speculation ever witnessed, with millions of day traders gambling their small fortunes on meek wills, wishing to become, each of them, another Bill Gates? Clearly, Greenspan has sent a signal once again to investors that the stock market bears no risk for the middle class citizen.

During 1995, it was Mexico's turn again, and as Pringle pointed out, "The American administration panicked. Again, the Federal Reserve was there to help, even though there was less reason for central banks to get involved than in 1982, since there was less risk to the international banking system."

And as Pringle goes on to state, "Again, European bankers were annoyed at the lack of consultation. You do not need to be a populist politician to expect that Wall Street was calling the shots, especially with former senior partner of Goldman Sachs, Robert Rubin, as U.S. Treasury Secretary."

We have witnessed some rather disturbing policy stratagems in just, say the last 10 months or so. Greenspan's Fed began around August and September of last year to expand the money supply, the Adjusted Monetary Base, from around $500 billion to nearly $625 billion, a $70 billion runup, in anticipation of potential Y2K effects. This enormous expansion flowed directly into financial markets and helped create the enormous boom in stock prices prior to that year's end. The speculation was seen primarily in high-tech stocks.

Then comes the sudden and nearly precisely the same spike downward of the same Adjusted Monetary Base right after the year ends and year 2000 begins. There are no problems with Y2K. This spike downward lasted until about April of the year 2000. We know the savage corrections the stock market displayed, and there were more losers than winners. All we ever hear about are the winners, not the thousands or millions of losers.

And why do we hear so little about the losers in the media? Because, so the argument goes, the market returned almost to normal. The market bounced back, so the argument goes. Certainly, as the Fed began once again to pump up the monetary base around April. But the losers remain losers, and lost homes, businesses and bankruptcies continue to reach all-time highs: personal debt, especially credit card debt and equity finance debt, have reached unheard of levels. This is the speculation? No, let us call it what it really is: Gambling. This is the gambling that is today our U.S. stock market.

We will not hear the White House complain. Only praise for Clinton's appointee shall be sounding out, ringing out the bell in praise for White House management of the economy. We will not hear that from the very speculative bubble created during the last 6 months of 1999. We will not hear that from the quickest investors, who took their profits before the inevitable downturn and before the corrections came.

Investors paid handsomely for their gains in capital gains taxes levied. It is no surprise to Fed watchers that the taxes collected from capital gains nearly equaled the much-hailed government surplus, which Clinton soberly explained was due to his wise leadership of the economy. If the surplus was really generated by the wise leadership of the White House, why has the government's debt not been going down? And we should not confuse the government debt with some mythical balanced budget.

For a Federal central bank, the concentration of power at the top is very marked. True, although the Board of Governors sets the discount rate and reserve requirements, the execution of monetary policy on an ongoing basis is decided by the larger 12-member Federal Open Market Committee. But the FMOC brings only five voting Reserve Bank presidents, to which the New York bank is always one, leaving the Washington governors in the majority. And the influence of the chairman alone can be sometimes near to overwhelming.

On an historical note, and I taught history and government, so forgive me, Congress insisted on scattering 12 Federal Reserve banks across the country when the system was devised so the east could not restrict credit elsewhere. Interestingly, these regional Feds were chartered as private institutions in which local banks owned all the stock. That is still true today, with the outside directors on the board of a Federal Reserve a mix of representatives from small and large member banks in the district, as well as representatives from industry, commerce and the public.

What was intended here was a sort of balancing; three bankers with six nonbankers on each Federal Reserve Board. Supposedly, this would put the lenders at a disadvantage to the borrowing classes, which would outnumber the lenders six to three. The boards choose the Federal Reserve Bank presidents, always from the lending class, but do so only with the approval of the seven-member Federal Reserve Board in Washington. Thus, we can readily see that bankers, lenders, clearly dominate the Federal Reserve System itself.

Even though at the regional Feds the distinction I just made is superficially valid, many of the nonbank directors are tied inextricably to banking itself, or sit on separate boards of directors where bankers rest as well. Nor is the public sector category so clear. Many nonindustry participants on these boards have close ties to banking and banking's network of consultants, academics and financial management roles clearly bank related.

Just how much power any one regional president has is still debated in inner circles. Previous efforts at restricting Reserve Bank presidents' powers have been dismissed on the grounds that their powers were a proper delegation of authority by Congress. Allowing that the Federal Reserve is a quasi-government agency, it remains the only government agency in which private individuals, along with government-appointed individuals, together make government policy.

I will repeat that. The only government agency in which private individuals, along with government-appointed individuals, together make government policy.

It remains a solid fact that these regional bank presidents cast extremely important votes on public policies that in the present as well as the future affect the economic lives of every American.

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Yet, and this is the point to my digression, they lack the public accountability because they lack the public legitimacy to be making these decisions, especially these kinds of decisions, some of whose recent effects I have just pointed out.

Nobody can deny any longer that the Federal Reserve system dominates the U.S. economy, that its decisions, more than even so-called market forces, a sham notion under managed competition in any case, affect everybody's lives and well-being, that within the decision-making process delegated to the Federal Reserve, the Board of Governors clearly dominates the process, that within that Board of Governors, the chairman, and this is not intended to single out Mr. Greenspan but to apply to all past and present and future chairmen, that the chairman dominates the board.

If all this does not concern this Congress, then history will record the result.

TRIBUTE TO VETERANS OF PACIFIC THEATER IN WORLD WAR II

The SPEAKER pro tempore (Mr. HUNTER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I am taking this opportunity for a one-hour special order to pay homage to the veterans of the Pacific Theater during World War II and especially for those who participated in the battles for Guam and Saipan as part of a conflagration sometimes referred to as the Marianas Turkey Shoot, one of the greatest naval victories during World War II.

On July 21, at the end of this week, the people of Guam will be celebrating the liberation of Guam. It is the day that commemorates the landing of the Third Marine Division on the shores of Asan and the First Marine Provisional Brigade supported by the 77th Army Infantry in Agat.

I want to send my greetings to the veterans of that conflict as well as to draw and honor and pay respect to not only the U.S. forces who liberated Guam from Japanese occupiers but also to remember the people of Guam and the suffering that they endured during the Japanese occupation.

Japanese troops had earlier bombed and invaded Guam on December 8 and 10, 1941, as part of Japan's attacks on U.S. forces in the Pacific, including the attack, of course, on Pearl Harbor and on the Philippines, both areas having also significant U.S. forces.

This commemoration, which I do annually and which is marked by a laying of the wreath at the Tomb of the Unknowns, which I did last week, will honor the American veterans and remember the sacrifices of the people of Guam and will serve as a tribute for the necessity for peace. For it is only in the remembrance of the horrors of war do we really truly remain vigilant in our quest for peace.

My purpose this evening is to give an historical perspective to the events we are commemorating on Guam and to enhance the understanding of people across the Nation of the wartime experience of the people of Guam and the post-war legacy which has framed the relationship of my island to the rest of the United States. It is a story that is a microcosm of the heroism of the soldiers everywhere and the suffering of civilians in occupied areas during World War II.

But, as is sometimes not understood about Guam, Guam is a unique story all to itself and it is an experience of dignity in the midst of political and wartime machinations of larger powers over small peoples and, as well, as a story of loyalty to America, a demonstration of loyalty that has not been asked of any civilian community during the entire 20th century.

Guam, which had been an American territory since the end of the Spanish-American War in 1898, was invaded in the early morning hours of December 10, 1941. Thus began a 32-month epic struggle of the indigenous people of Guam, the Chamorro people, to maintain their dignity and to survive during an occupation by a brutal oppressor.

In the months leading up to the war in the Pacific, American military planners had decided that it was not feasible to defend Guam against possible invasion forces by Japanese forces in the surrounding areas. All of the areas in Micronesia, save for Guam, were in the hands of the Japanese under a League of Nations mandate and the most significant Japanese installations being held in Saipan a hundred miles to the north and the naval forces in the Truc Lagoon some 350 miles to the south.

This decision was made because the war plans up to that time had called for several fixed fortifications on Guam that required congressional appropriations; and, unfortunately, due to rapidly moving events in the Pacific and tight military budgets, Guam did not receive the necessary funds to build any defenses in anticipation of World War II, a conflagration which everyone in the Pacific expected to occur at some time.

When the Japanese landed, they found 153 Marines, 271 naval personnel, and 134 workers associated with the Pan American clipper station and some 20,000 Chamorros who were at that time under a status called United States nationals. All American military dependents had been evacuated from Guam in anticipation of the war, with the last ship having left on October 17, 1941, pursuant to an order of the Naval Governor Captain McMillan.

The other vulnerable territory, the Aleutian Islands in Alaska, were similarly threatened by their proximity to Japanese forces. However, in that instance, the army evacuated all of the civilians off of the Aleutian inhabitants in anticipation of the Japanese invasion, thus sparing the people of the Aleutian Islands enemy occupation. So that it ended up that the Chamorros, the U.S. nationals in Guam, were alone among American civilian communities to withstand the onslaught of an enemy occupation.

To demonstrate how Chamorros were treated distinctively, a handful of Chamorros from Guam who worked at the Pan American station in Wake Island were not evacuated. They were civilians, and these were people working for Pan American clipper station in Wake Island. They were not evacuated. Whereas, their counterparts, American U.S. citizens civilians, were.

The end result was that this handful of Chamorro civilian and construction workers ended up fighting like Marines in the battle for Wake Island, and many of them died and were placed in prison camps. And after a long campaign, we were able to provide those Wake Island defenders with the benefits of veteran status as a result of their battle efforts at Wake Island during World War II.

For the actual defense of Guam, it fell to the Guam Insular Guard and the Guam militia comprised of civilian reserve forces, along with a handful of Marines and sailors. The Japanese invasion force, numbering some 5,000, easily overwhelmed the American defenders. And ironically, the only ones who really fired any shots in anger with the Japanese were members of the Guam Insular Guard, who had set up a couple of machine gun nests in defense of the plaza and the governor's offices.

The signal that the Japanese had used to indicate that they had now taken over the island was to lay an American flag on the grounds of the plaza. This was early in the morning, so the sun had not fully risen, and to flash flashlights over it to signal aircraft overhead.

Throughout the ordeal of the occupation, the Chamorro people maintained their loyalty to America and their faith that American forces would soon return to liberate them. The resistance against the occupation manifested itself in many, many forms but none so powerful and costly as the effort to help American servicemen who had decided not to surrender.

Along with their other fellow servicemen, seven U.S. sailors decided not to surrender and they were captured one by one. Each in turn was hunted down and killed by the Japanese occupiers.

One fortunate sailor evaded capture throughout the entire 32 months of occupation with the assistance of the people at the cost of numerous beatings and even beheadings. The story of this one sailor, George Tweed, was made into a movie entitled No Man Is an Island.

The actual liberation of Guam began on July 21, 1944, and was preceded by a serious bombardment which began in mid June. This was a time when they thought the invasion of Guam was going to be an immediate follow-up to the invasion of Saipan in June of 1944.

After they began their preinvasion bombardment of the coast of Guam, they were called back only 2 hours after the initiation of the bombardment because of the ferocity of the battle for Saipan. So the invasion was actually called off for a period of about 5 weeks.

During the intervening 5 weeks following the original naval attack, the onslaught of cruelty endured by the Chamorros on Guam from their occupiers was incessant. This gave actually 5 weeks for Japanese forces to reinforce their position in full anticipation and, of course, gave them additional opportunity to mass the people on one side of the island. This increased brutality and intensity of the atrocities and marked the beginning of the end of the 2½ year enemy occupation.

The invasion, dubbed Operation Forager was scheduled for July 21 and was preceded by a preinvasion bombardment lasting 13 days.

Now, my colleagues have to understand that this was an island 212 square miles, had a preinvasion bombardment lasting 13 days in large measure due to the experience of the battle of Saipan and the invasion of Normandy, there was a lot of rethinking about the nature of preinvasion bombardment.

While this bombardment leveled most fortified structures in Guam, it also acted as a stimulus for further atrocities against the people of Guam. And as the bombardment continued, the Chamorros became more restless and the Japanese, realizing their ensuing fate, inflicted further brutality and mass slaughter against my people.

The preinvasion bombardment had been preceded by numerous air raids beginning in February 1944, 5 months earlier. After the bombardment, underwater demolition teams, UDT teams, spent 4 days sweeping the shoreline, making the marine invasion possible. It is maybe perhaps an apocryphal story, but the Navy, the UDT, put a sign on Asan on the shore of Guam saying "Welcome U.S. Marines" signed "U.S. Navy."

The U.S. Marines landed on the narrow beaches of Asan and Agat to crawl up their way to what is now known as Nimitz Hill. The men of the Third Marine Division were thrust wave after wave onto Asan Beach, already littered with Marines that had come before them. And once on the shore, the U.S. troops were in the heart of Japan's defense fortifications.

This well-thought-out plan led to the heart of Japan's defense fortifications and into the heart of the defense fortifications climbing steep ridges.

I had the pleasure of meeting Mr. William Rose, who came to our wreath laying in honor of the liberation of Guam last week, and he was a participant in this as a 16-year-old Marine. He was in an advanced team of Marines and he had lied his way into the Marine Corps. He had joined at the age of 14; and he went on to participate in Tarawa, Guam, and Iwo Jima, all as a 16-year-old.

Simultaneously, the southern beaches of Guam were being braved by the First Marine Brigade. However, this less formidable, it is a lot flatter area, was quickly interrupted by the only Japanese counter attack of the day. It is also in those beaches that former Senator Hal Heflin was wounded as a Marine in Guam.

The people of Guam are a resolute and tenacious people, as was proved over 56 years ago as they fought side by side with the Marine Corps participating as scouts, lookouts, and even forming little pockets of armed resistance to Japanese occupiers.

The liberation of Guam is commemorated as a time of solemn memory and remembrance every year since World War II, because it is this special struggle of Americans liberating what must be seen as fellow Americans that serves as a reminder of the spirit of freedom and the high cost that must be paid to maintain it.

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The Chamorro people suffered severe privations and cruel injustices under the 3-year occupation by the Japanese where hundreds lost their lives. Thus the mutual and sacrificial experience of Guam's liberation holds unique distinction in the hearts and souls of both the Marines and the soldiers of the 77th infantry, and their story is the story of liberators from without and liberators from within. One came down from the mountain while the others came from the shore and some came from places called Dededo and Agat and others, the ones coming in from the ocean, came from places like Brooklyn and Des Moines. This special kind of spirit in the liberation of Guam which was not seen in any other battle during World War II was very obvious in the 50th anniversary of the liberation of Guam in 1994 when so many thousands of veterans came back, still very tearful, still very appreciative and still very understanding of the unique nature of this battle.

The importance of this particular battle for the war was very important to winning the war against Japan. The defeat of the forces on Saipan and Guam led to the fall of the Tojo government and the recognition in Japan that there was no doubt left about the outcome of the conflict with the United States. "Hell is upon us," stated Admiral Nagano, supreme naval adviser to the Japanese Emperor, and indeed it was as the Marianas was used as the primary location for bombers to take off from airfields on Guam, Saipan and Tinian, Harmon, Andersen, North, Northwest Field, Isley Field, Kobler Field and other names, very familiar to the men of the Army Air Corps, including one of our own distinguished members here in the House, the gentleman from New York (Mr. GILMAN), who participated in many bombing raids flying out of Guam, flying out of what was then North Field and now what is called Andersen Air Force Base.

The importance of the Marianas as the islands from which to prosecute not only an air war against Japan but as the jumping off points for further landings in the Philippines and Okinawa and Iwo Jima became crucial to final victory. In effect, Apra Harbor on Guam became the forward naval base as Pearl Harbor was effectively moved 3,500 miles to the west. And in the words of the victory at sea treatment of the battle for Guam, it is said that Guam became the supermarket of the Pacific struggle after the recapture in July of 1944.

From Guam, Admiral Nimitz set up his headquarters for the balance of the war. In the island-hopping strategy of the Pacific, the Marianas Islands were not to be leapfrogged since they were an integral part of Japan's defensive structure. The ferocity of the Marianas campaign was an indication of the blood that was to be shed in later campaigns. On Saipan, the Americans encountered a phenomenon that had never been encountered before but they would subsequently see in greater and greater numbers, the site of hundreds of Japanese soldiers and civilians committing suicide by jumping off of cliffs rather than surrendering. At places that are now called Suicide Cliff and Banzai Cliff on Saipan, American soldiers and Marines could only watch helplessly as civilian noncombatants chose death over surrendering to an enemy that they believed would commit atrocities against them. And while sporadic kamikaze raids had been encountered in some air battles, naval air battles, nothing could compare to the mass suicides that stunned the American forces.

All of these factors weighed into the decision to avoid an invasion of Japan and the eventual use of atomic bombs on Hiroshima and Nagasaki. Again as we all know the Marianas played a pivotal role in providing the airfield in Tinian where the bombers loaded with the world's first atomic bombs were launched.

As I have indicated before, there is a special dimension to the battle for Guam which was not present in any other Pacific battle, indeed, any other battle during World War II. If you look at it historically, Guam was the only U.S. territory inhabited by civilians that had been invaded and occupied by an enemy power since the war of 1812.

This special relationship between the liberated and the liberators, the people who suffered and endured and the people who remained loyal and the people who came to liberate them and free them from their occupiers is really reflected in this very, very special portrait. This is a painting of a picture taken by a serviceman who stumbled onto two young Chamorro boys and liberated them and these two young Chamorro boys have two flags that are basically replicas of what they think an American flag should look like. It was clear that when the servicemen first saw this and they first had the experience of this, it was reported that many battle-hardened American servicemen broke down at the sight of these people and sobbed at the sight of the children with the handmade American flags, imperfect in their design yet perfectly clear in what they were representing. This was these boys' presentation of that same flag which had earlier laid on the ground in Guam and which the Japanese commander waved the flashlight over as a sign of victory.

The people of Guam had endured much during the occupation of their island. There was forced labor, particularly in the last few months as the Japanese hurriedly built defense fortifications and air strips on the labor of men and boys as young and 13 and 14. There was confiscation of food to feed the thousands of Japanese soldiers brought in from Manchuria as garrisoned troops to fight off the invasion. This led to some form of malnutrition affecting all of the population of Guam, especially the children. In a postwar study of the children of Guam, those who were born after the war were on the average two inches taller than those children who were born right at the beginning of the occupation or just before the occupation. Those who had grown to adolescence prior to the war were also taller than the children of the occupation.

And there was the forced marches and eventual internment in camps near places called Maimai and Manengon. Manengon was where most of the people went and Manengon today still is a testimony to that. It has a river running through it, has lots of bamboo, lots of coconut palms, it is a very heavily wooded area. As people were marched, many were shot or bayonetted or executed or beaten for moving too fast or too slow as whole families, young and old, made their way in ox carts and carabao, water buffalos and just on foot and carrying each other. And in the camps, the people stayed for weeks with no food, waiting for their deliverance and hoping that the Japanese would not carry out the threats to kill them all which of course were numerous and in many instances the Japanese did try to carry out some of these threats.

In this entire panorama of experience, there were naturally heroic stories and very dramatic tales. But most experienced the war as a time in which their families were put at risk. My parents lost three children during the war. Two were buried in areas that my mother can remember but which we cannot really find today. My elder brothers and sisters became so ill. One was so malnourished, the stomach walls almost became transparent. I am the only child in my family that was born after World War II. For most people, this was a very typical experience, a very common experience. For most Chamorros, the war challenged them in these very direct ways.

There is an element to this story which does have a legislative end to it and which needs some resolution to it. A lot has been said about the sacrifices made by U.S. citizens and our allies during the war in the Pacific, World War II. The story that I just told about the people of Guam has not really been fully understood in the context of how, what do you do with the experiences of these people. The people of Guam at the time of the Japanese occupation were not U.S. citizens. They were in a category of people called U.S. nationals. That is to say, they were in political limbo, fully anticipating that one day they would become U.S. citizens. Because they were in this particular situation, in 1948 the U.S. Congress passed a law that compensated U.S. citizens for their experience during World War II, including forced labor and internment. The people of Guam were not included in that legislation because, A, they were not U.S. citizens at the time and there was a bill that Congress had passed in 1945 designed to give them property compensation but not compensation for the trials and tribulations. The way the law that was passed for Guam worked was that if you wanted to make a claim beyond $5,000, you had to personally come to Washington, D.C. and present your claim to a Navy committee with some congressional involvement. Of course, in 1945 most people on Guam were simply trying to piece their lives together, so not much happened. So what happened with most people in Guam is that the Navy officials who were adjudicating these claims on Guam would simply offer a dollar amount for an injury. In one instance, a real life example, a gentleman got $90 compensation for loss of his thumb. Another family got $300 compensation for loss of their father. When the 1948 law was passed, it offered, of course, a whole range of different options and an unending time period in which to resolve these claims that would arise out of the activities of the Japanese government. At the time the theory was that the U.S. Government had confiscated much Japanese property, had frozen all Japanese assets. This was the pool of money through which people who suffered at the hands of the Japanese were going to be compensated. The people of Guam were not included in that legislation.

In 1950, the people of Guam were declared U.S. citizens. A few months later, Japan and the United States signed a peace treaty which then stated that U.S. citizens could not file claims against Japan for the experience of the war. It was kind of a hold harmless which is very common in peace treaties. So here we have a situation where in a very literal sense, the people of Guam fell through the cracks on this war reparations effort. Because they were not U.S. citizens, they were not included in the 1948 law. Two years later they were declared U.S. citizens, a few months later they were not allowed to submit claims against Japan and they were still not included in the 1948 law. In 1962, this law was then reamended in Congress, but at that time the people of Guam were still not included in the law. There was no representation of anyone from Guam in 1962 here in the House of Representatives. As a consequence, that effort did not include the people of Guam.

So what I have done is there is a piece of legislation which has the support of members of the Committee on the Judiciary. I am proud to say that the gentleman from Illinois (Mr. HYDE) who is himself a veteran of the conflict in the Philippines fully understands and supports this effort. I am proud to say DANIEL INOUYE over in the Senate has a companion measure which is basically identical to the measure which has been reported out of the Committee on Resources, which is to create a commission to study the claims of the people of Guam, those who still remain of the original 20,000 who survived the occupation, probably less than 6 or 7,000 remain today as living embodiments of that experience, to study the claims and for the commission to make recommendations regarding that.

I am hopeful that this legislation will see the light of day and that it will bring to light and bring honor and memory to the people who did suffer. Many names come to mind in this effort that we have undertaken and we have tried to move this legislation over many years. I cannot let this rest without again bringing honor to one individual in particular, a young lady at the time by the name of Beatrice Floris who later on married Mr. Emsley, Beatrice Floris Emsley who as a 13-year-old survived an attempted beheading by Japanese soldiers. They attempted to behead her. She felt a thump, she was dumped into a shallow grave, left for dead for 2 days, finally dug her way out, it was a shallow grave so she could still breathe, and for the next 3 days kind of wandered aimlessly until American soldiers discovered her.

□ 2100

The interesting thing about Mrs. Emsley, and she was a great woman, is that she never liked to talk about this experience. Of course, it was a very painful experience. There are not very many people who would survive an attempted beheading. And if any of us have ever seen stories of these atrocities, that was a favored method of execution, simply a big Samurai sword would come down and basically make a fatal cut in your neck, sometimes decapitating people right on the first stroke.

This young lady at the age of 13 did not like to talk about it. I remember when I was in high school I used to see her, and we would always say, did you get to see Mrs. Emsley's scar? Sometimes young people, not being as sensitive as they should be, would take note of it.

Mrs. Emsley proved to be the most courageous spokesperson for this generation of a very courageous people, because we would ask her to come to Congress to tell her story, and she would. She did so at great personal sacrifice and discomfort for herself, but her words were remarkably free of any bitterness.

She never said anything that could be considered unkind. She never said a hostile word. She only recounted the experience and the brutality of the war and then made a special plea for recognition of the Chamorro people of Guam.

The very first piece of legislation that I was able to pass as a Member of this body, and I did so with the assistance of the gentleman from Minnesota (Mr. VENTO), at that time who was chair of the Subcommittee on National Parks and Public Lands, to him I owe a great debt for helping me with this, and Mrs. Emsley, was to construct a memorial wall of the War in the Pacific National Park.

There is only one national park that is devoted to the attention to the war on the Pacific, and that happens to be in Guam. We did build a memorial wall listing all of the people, the soldiers and the Marines and servicemen, who died in the Liberation of Guam and the People of Guam who died and were injured and who were subjected to force labor interment.

Mr. Speaker, unfortunately, Mrs. Emsley has since passed away. I cannot let any commemoration of the Liberation of Guam pass without drawing special attention to her courage and her dedication and her genuine humanity.

Today, as we try to resolve these issues, it brings attention that Guam has a very important role, not only in World War II, but also today. And as Guam's Representative here in the House of Representatives, as a Member of the House Committee on Armed Services, I have frequently maintained and tell the message that the Euro-centric focus, much of our attention, not only economically but sometimes in terms of strategic vision, is an anachronistic vestige of a by-gone-era.

We often heard the cliche that the last 100 years was known as the American Century, and that the next 100 years will be known as the Pacific Century. After World War II, America's Asian presence was relegated to bases in Japan and the Philippines and the Pacific Islands.

All of these things have happened since then, the Cold War and Guam's vital part in the Cold War, and also its part as a staging area again for the Korean conflict, as a major B-52 base for the Vietnam conflict, as a very important part of the network of basing and forward presence of the United States in Asia and being a part of the Cold War struggle; now we are beyond the Cold War, but the importance of Guam has, nevertheless, taken on new dimensions as we try to figure out what we are going to do in that part of the world.

Guam is the only American territory on the other side of the dateline that has a $10 billion military infrastructure. It is the only place where American forces can operate with complete freedom and mobility without having to consult local authorities or foreign countries. It is the place which demonstrates and which continues to demonstrate that America is a Pacific power and an Asian power.

As we contemplate what we are going to do in the 21st Century, and as we determine what is going to be our strategy on strategic vision in the 21st Century, and it would be, I think, simplistic to simply say that China has somehow replaced the Soviet Union, but we certainly need to consider what the challenge of China means to us as we consider all of those elements and all of the areas that could go wrong, that could provide serious involvement of American forces, whether it is things going wrong in Southeast Asia, as we look at what is going on in Indonesia, and the problems with the rebels in the Philippines and the disputes over the Spratlys or the issues that are pertaining to Taiwan and China, or the possibility of a Korean conflict on the Korean Peninsula, which hopefully will dissipate over time; all of that has Guam as a very important part of it.

Even in a more peaceful scenario in the Pacific, if we pull out of Guam, if we pull back from Guam, we are really going to pull out of the eastern hemisphere. We are really going to have to pull back all the way to Hawaii, and that would basically mean that the United States is no longer an Asian power.

In the early part of the 1990s, there was a lot of knee-jerking, I believe, in the military that tended to deemphasize the importance of Guam. The military until recently not only dramatically reduced their presence on Guam, but closed down a ship repair facility, forced thousands of loyal civil service workers to leave the island through very ill-advised commercial outsourcing studies. In order to balance this, we are happy to see that there is a new emphasis on East Asia.

We on Guam recognize that we live in a very important neighborhood where global stability and economic growth will hinge upon the delicate regional interplay of security, trade and the peaceful resolution of grievances.

The Pentagon's reexamination of the role of Guam within this is refreshing and prudent and necessary. What remains to be seen, however, is whether this renewed look will result in renewed commitment, and that is through budgetary support and concrete action. In any case, the people of Guam stand ready to join the military in a renewed partnership.

July 21, the end of this week, will mark the 56th anniversary of the Liberation of Guam. In Guam, this is the single biggest holiday. Its recognition of the unique nature of the history of the island, commemorating not just the fact that the Marines and the soldiers conducted themselves in a heroic way to defeat what was ultimately a brutal, oppressive enemy, but it is also a commemoration of the fact that the Chamorro people were tested severely; they not only survived, but they proved that they could thrive under the most difficult circumstances.

Mr. Speaker, in that interplay between the Chamorro capacity to survive and the Chamorro capacity to deal with adversity and the fact that the Americans did come back and the fact that the Chamorro people were themselves Americans, it is in that interplay that makes this particular commemoration, I think, unique amongst all the other commemorations of World War II and why it continues to have a very powerful hold upon the people of Guam.

If one can understand the scene of Guam as in Washington, D.C. or anyplace else here, it is seen as a very isolated community, a very insulated community. All of my days as a child, I looked forward to Liberation Day. We had a great parade. We would see lots of recreations of the war experience. We would see a lot of military people parade up and down. We would see a lot of community floats, and there would just be a lot of spirit of contentment and commemoration mixed with happiness and laughing and also some serious reflection upon this.

We also had at that time the Island's only successful carnival, islandwide carnival. It would be what would be seen here as a county fair atmosphere. All of those things together really cemented our understanding of what it means to be American.

I have to say this with a very strong sense of pride in my people and the people that have brought me here to Washington, D.C. to represent them that they did something that is remarkable, is historical and stands as a great testimony to their potential, their loyalty, their devotion to duty and their commitment and their capacity to survive. As we deal with legislation here in the House, or as we deal with what sometimes appears to be very mundane matters, when compared to the kinds of sacrifices and tribulations that we pay homage to, at a time when we reflect upon great conflagrations like World War II, it really is with a sense of awe and a sense of deep satisfaction that I am able to represent them.

Later on this week, ironically, there will be a time to review the World War II memorial, which will be built here on the Mall. There is some level of controversy as to whether to build a memorial to World War II. There is some people who are saying that it is an intrusion on the Mall between the Washington Monument and the Lincoln Memorial, and that somehow or another this will somehow change the nature of that.

It is hard to believe and it is hard to imagine that there will be people actually opposed to a World War II memorial, only someone who is totally out of touch with historical reality would fail to understand what World War II means to the lives of everyone alive today in the world.

I do want to point out that there was a particular dimension of the memorial, which was envisioned when the very first memorial was proposed for World War II, it had 50 pillars. I inquired of the people that were building the memorial. I said what did the 50 pillars stand for? They said they stand for each of the 50 States, and this is how we are going to commemorate World War II. I said where is the pillar for Guam? They said that is not a State. It is not part of the thinking that went into it.

I was incredulous, because given just the remarkable story that I have told about the unique circumstance of the battle for Guam and the occupation and then the return of the Americans to Guam and all the unique Americans liberating, in effect, other Americans, that that story for this memorial was now not going to be included. So there proceeded a series of discussions over time.

I pointed out to them your memorial is historically inaccurate. There were only 48 States at the time of World War II. So what does that mean for Alaska and Hawaii? You said you are not honoring territories, but Alaska and Hawaii were territories at the time.

So after a series of discussions, we have now settled on 56 pillars. I am very happy to report that at least we had a little bit of a victory in getting people to understand the true impact of World War II and the true dimension of all the contributions of all of those people who live under the flag and who participated in a very direct way in World War II.

□ 2115

COLORADO AND ITS NATIONAL PARKS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, tonight I want to talk about a number of subjects but before I do, first of all, I want to address the preceding speaker, the gentleman from Guam (Mr. UNDERWOOD). I thought his comments were excellent.

I would like to note that my father, who now lives in Glenwood Springs, Colorado, fought off Guam when he was 18 or 19 years old, and we are proud of him for that. Three times a week, I guess, they would fly off to bomb Japan. He is one who I wish I would have known the gentleman was making his comments this evening. I would have had my father tune in. He would have enjoyed the gentleman's comments.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Guam.

Mr. UNDERWOOD. Yes, I have met the gentleman's father, and it is with a great source of pride that I continue to meet many people that were touched by the battle for Guam, and on behalf of the people of Guam I want to acknowledge the gentleman's father's efforts and thank him very much for participating in the history of Guam.

Mr. McINNIS. Mr. Speaker, the comments of the gentleman from Guam (Mr. UNDERWOOD) were excellent. I appreciate that.

I also this evening wish to pass on my condolences to the people of the State of Georgia and to the people throughout this country who knew Senator COVERDELL who passed away earlier today. It is a sad moment back at the U.S. Capitol when there is a person who is really a gentleman and a scholar and a dignitary within his own ranks pass away. I know that the Senator has gone on to a finer life, as we all dream of, but his acknowledgments and his achievements while he was a United States Senator, while I had the opportunity to work with him as a House Member, are tremendous. He will not be forgotten. He will be long remembered in these chambers, and in his own chambers over on the Senate side.

So for the Members and citizens of the State of Georgia and for all citizens of the United States, Georgia, your loss was our loss and we pass on our deepest sympathies.

Mr. Speaker, this evening I want to talk again a little bit about Colorado. I want to talk about how a community has come together. A community of ranchers, a community of environmental people, a community of business leaders, a community of regular citizens, a community of water experts have come together as a team and tomorrow we are about to pass out of the Committee on Resources one of the most significant bills to come out for the State of Colorado in many years called the Colorado Canyons Bill.

In order to set you up this evening so that you can properly follow me through this bill, which I think by the way is very interesting, I do not think you will be bored at all this evening, I first of all would like to just give a little preamble, as you might say, or some basic facts for you to consider.

First of all, the bill covers an area in the Third Congressional District of the State of Colorado. That is the district that I represent here in the House of Representatives. The Third Congressional District of Colorado is well-known throughout the United States. It contains all or most all of the ski resorts in Colorado and has many communities known throughout the United States, communities like Aspen, Colorado, some of the world class skiing; communities like Telluride, Colorado, with some of the most beautiful mountain terrain you can find; Beaver Creek, Colorado; Vale, Colorado; Steamboat Springs, Colorado; Glenwood Springs, Colorado; Durango, Colorado; Grand Junction, Colorado, numerous ski areas and many of the constituents of my colleagues have probably rafted on the Colorado River, the Rhine Fork River, up in the Green River or on the White River or on the Blue River or in the Arkansas River. All of these rivers have something to do or originate, many of them originate, and certainly they all flow through, the Third Congressional District of Colorado.

There is something else very unique about the State of Colorado and the Third Congressional District in that the eastern border, and I will show this on a map later on if we have an opportunity to get into multiple use, but on a map that I will show you later on from the eastern border, which simplified as a description, is basically a highway called the I-25 interstate from Wyoming to New Mexico. The Third District, by the way, is larger geographically than the State of Florida, but on that eastern border, clear to the Atlantic Ocean, there is very little Federal land ownership, but from the eastern border of this Third Congressional District to the Pacific Ocean there are huge amounts of Federal land ownership.

As a result, when we deal with land issues in the West, we deal with much, much more with what is called public lands. In the East, you do not deal with the public lands near, not even close to the extent that we do in the West. It is simply because you do not have a lot of them in the East. So the circumstances in the East when it comes to public lands are different.

In my opinion, a lot of understanding of the people in the East, and this is not, by the way, a criticism of the people of the East, it is simply kind of an educational basis to let you know that we have to spend a lot of time in the West trying to educate our colleagues in the East. There is something that you have to know about public lands, and public lands, if it has one positive, really positive thing about it, is any time action is taken it really requires much more of a team effort than if you are dealing just with private properties.

Now in the Third Congressional District, it is unique in the State of Colorado as well because of its water resources. In the Third Congressional District of Colorado, we have 80 percent of the State's water resources. Outside the borders of the Third Congressional District in the State of Colorado, we have 80 percent of the population. So you can see that water is a constant, a constant asset that needs to be managed, a constant item of debate. Not only that, the Third Congressional District supplies water not only for the rest of the State of Colorado, but it also is a supplier of water for many, many States in the union and it also includes the country of Mexico.

Now, water is important. Out in the West, it has been often said that the people in the East sometimes think it rains in the West like it does in the East. It does not. In the West, we are a very arid State. In the West, we really have, for the most part, as much water as we can possibly use for about 60 to 90 days. That is called the spring run-off, but after that run-off, in the West, if we do not have the capability to store the water we do not get the water. So water storage is a critical element of survival in the West, and water storage with Federal facilities or water storage on public lands is necessary, not because we randomly decided that we wanted to put it on government lands but because we have no choice.

Most of the lands out there are owned by the Federal Government or the State government or the local government. For example, in the East, if you want to go and have a pipeline built or a highway built or you want to put a fence up, you go to your local city council for your planning and zoning or you go to your county or you go to your state. Most of the time, though, it is a local authority that you go to.

In the West, in many, many cases, when we have to do something like that, we end up going to the Bureau of Land Management, to the U.S. Forest Service, to Washington, D.C. It is here many, many miles away that planning is done for the lands of which we live on out in the West. So it does require a team effort, and the Colorado Canyons Bill is a result of a concentrated good faith effort by many, many different people.

So tonight my first subject is to kind of walk us all through the Colorado Canyons legislation, legislation which, as I mentioned previously, will be up in committee tomorrow; I am confident will pass with strong bipartisan, strong bipartisan support, and I would hope would be able to pass these chambers next week on suspension so that we can take it to the Senate where Senator BEN NIGHTHORSE CAMPBELL has agreed to carry the bill throughout the Senate, and I think we will meet with the same type of success. So let us talk and begin our adventure with Colorado Canyons.

Grand Junction, Colorado, located in the western part of the State of Colorado, a community of about 90,000, has a magnificent national monument adjacent to it. If you are a resident of Grand Junction, Colorado, you can actually access the national monument from anywhere in Grand Junction at the most in 15 minutes. For many people, you can access the national monument in less than 5 minutes.

The painting that I have displayed to my left is a water color painting that hangs in my office that demonstrates just exactly what the Colorado National Monument looks like. It is magnificent, and if you have an opportunity to go to Colorado it is worth the trip to go to Grand Junction just to see the Colorado National Monument.

Let me say, by the way, as kind of a little plug for the State of Colorado and the Third Congressional District, we have many national parks; the Colorado Rocky Mountain National Park. We have national monuments, the Great Sand Dunes National Monumental; the Mesa Verde National Park down in the southwestern corner; the Black Canyon National Park, a new national park over near Gunnison, Colorado.

If you really want to see some beauty, go to Colorado, but on your way go see the Colorado National Monument. This is a good demonstration. The rock structures that you see in the national monument, I would guess that rock structure there is probably 300, 400 feet high, and the echoes that you can hear through the canyons and up on top appears an area that we call the Glade Park area. It is beautiful. Believe it or not, it looks like kind of a desert setting down here amongst these rocks, but as you get up on top on the mesa it is very, very heavily wooded with aspen trees and lots of water. It is beautiful up on top of the Glade Park.

The Grand Mesa, by the way, is another area just opposite of it that you would also want to visit if you go to Grand Junction.

Well, our key is that this national monument we in our local community take great pride in that national monument. We also have excellent community relationships with the Park Service who runs the national monument. We also have excellent community relationships with the Bureau of Land Management which manages the Federal land outside the boundaries of the park, and in some areas the U.S. Forest Service, of which we also have excellent community relationships with, in the West when the government, when the Federal Government, is on these public lands they find that most cooperation is reached, the highest level of cooperation is reached, when you take the time to sit down with the local people and listen to them and talk with them and live in their communities and live the kind of life they live.

As you know throughout the history of this Nation, ever since the Homestead Act and the days of the early pioneers in those mountains, we have found that there is a high level of cooperation that can be reached. Generally when that cooperation begins to fall apart is when an outsider comes in and thinks they know best. Now in some cases some outsiders can come in and they have a positive contribution to make to our effort, and they want to participate and they are entitled to participate, but it is when we get somebody in there who thinks they know better, who does not understand the nature of living on public lands, who does not understand the impact of what public lands does to a community, both the positive impacts and the negative impacts. Well, the Colorado Canyons bill really began as a result of some people who wanted to take the Colorado National Monument, and I will put a poster up with that. This will give us a little better idea of the geography that we are talking about. Right here this would be Grand Junction, Colorado. Over in this area right here is the Colorado National Monument. Well, what had happened is that for some reason, and I am not sure why, but a group of people or one individual or a few individuals decided that what should happen is that the Secretary of Interior should expand the boundaries of the Colorado National Monument to take in, we are not sure exactly what the exact borders were but pretty much this entire area and expand the national monument.

Now some of the justification for this theory of expansion was the fact that it would be better under Park management. This is all Federal land right in here. The white, by the way, is privately-held land. That to expand the monument into this area was necessary because the Bureau of Land Management perhaps was not capable of managing the land the way that it should be managed.

Frankly, that was a bunch of hogwash. Some people say, well, the BLM and the Park Service they do not get along out there. We ought to put it all under Park Service oversight. That, too, was a bunch of hogwash. In fact, the border between the Colorado National Monument and the area in the yellow, in other words this area in purple and the area in the yellow here, that is perhaps the friendliest border between the Park Service and the Bureau of Land Management that exists in the country. We have great people out there with BLM and with Park Service and they have good cooperation.

□ 2130

It is not necessary to expand that monument in my opinion. But not long ago, several months ago, the Secretary of the Interior, Bruce Babbitt, came to Grand Junction and announced that he would like to see the Colorado National Monument expanded. I felt that the Secretary listened to what people in the community had to say, he had an open forum, he was very receptive, to the best of my knowledge. Let me say that many of my colleagues know that my relationship with the Secretary of the Interior is, at times, rocky, but nonetheless I respect the fact that he came in person to Grand Junction, I respect the fact that he had a forum where people in the community could ask him, why do you want to expand this monument? What is broken out there that needs to be fixed? I appreciate the fact that the Secretary, in meetings with myself, in meetings with local people, community leaders, people that were just interested in the community, expressed a period of time that he would allow to go by before he actually implemented an expansion of that monument.

In other words, what the Secretary said was, if you as a community can put together a better proposal than expansion of the monument, I will give you an opportunity to do that. You sell me on the proposal. You convince me that this proposal is better than what I am doing, and I do not have pride of authorship, the Secretary says. He says, I am willing to look at what you have to offer. That was a challenge that we accepted wholeheartedly. But we had a number of different issues to deal with, and let us go through a few of those issues.

First of all, let me explain the geography. We already know from my earlier comments that the City of Grand Junction is here. We know that we have the Colorado National Monument up in this area. Let us start down here in these white areas. This is the Mesa of which I spoke. By the way, we have wonderful herds of elk up there, lots and lots and thousands of acres of Aspen trees. I mean it is a very lush type of setting. Very green, heavy snow in the winter, a wonderful place. But these white spots, this is the private property.

Mr. Speaker, what is critical up here is that the majority of this property is owned currently by a handful of ranchers. These ranchers are not the kind of ranchers who we would call gentleman or gentlewoman ranchers who really are not ranchers, they just own the property and fly in on a private jet every once in a while to see the property; these are people who have worked those ranches, in some cases like the Gore family or the King family, who have been up there for generations. But the viability of their ranches as a result of the fluctuating cattle market is in question.

The only way that these ranches can continue to operate as ranches, thus reserving the open space that all of us enjoy, that we want to preserve up on that Mesa; we do not want that to go into a housing subdivision or into a commercial retail shopping center. But in order to preserve it, these ranches have to continue to be viable as ranching operations. If they cannot continue their viability as ranching operations, the only logical option remaining is for them to subdivide the ranch into 35-acre ranchettes.

By the way, it would be nice to own some land up in this area. It would be beautiful. A lot of people, they would not have any trouble, those ranchers would not have any trouble; in fact, they would probably have to put an auction up or have people draw out names of a hat to see who got to buy one of the 35-acre parcels up there on top of the Mesa.

So when we entered the Colorado Canyon proposal, when we began to put this together, one of our primary goals was to protect the ranching community. Some of the people who are activists in the environmental community agreed with this. They understood our goal here is one, to preserve the character of the ranch; and two, to avoid putting in subdivisions and, instead, holding open space.

But as we began to study the problem with the Warren Gore family, and Warren himself was very dedicated to this, he spent a lot of time with us, and I thank Warren when I see him back in Grand Junction on a regular basis. But I say to my colleagues, what we found when we began to study what was going on up here and how we keep these ranches viable, we discovered that a couple of the ranches have grazing permits in this wilderness study area, what we call the Black Ridge Canyon Wilderness Study Area.

Now, what is a wilderness study area? A wilderness study area is an area that for all practical purposes is treated as if it is a wilderness, and a wilderness is the most restrictive designation that a government can give a piece of property.

Mr. Speaker, just for a moment, let us talk about designations that the government can give to property. The government is a landowner. Imagine the government as the largest ranch owner in the United States and they have a fiduciary duty to manage that land, just like my colleagues would manage their own land as a rancher or as a homeowner, or if one owned any kind of property, they manage it. The government, obviously, wants to have a number of different options, a number of different management tools under which to manage this land, and they have many, many, many, many, many tools. They have national parks, national monument areas, special areas, wilderness and national conservation areas. There is area after area that allows flexibility, various elements of flexibility, allows various elements or input from the local community, allows various types of activities.

For example, Lake Powell is managed much differently than a lake on top of the Flattop wilderness area. All of this range of management tools spans a spectrum. At this end of the spectrum, which thank goodness we do not have much of anymore, is just kind of a free-for-all, let anybody can go in and homestead or do anything they want on Federal land. Those days are long gone. But at this end of the spectrum, the one tool that is the most restrictive tool that should be used only with extreme caution is called the Wilderness.

Wilderness designation, after it is put in place, no longer allows local input, takes no State input, takes no congressional input, with the one exception that Congress can overturn the wilderness area, which politically, obviously, would never happen, so it is the one tool out there that locks itself out of flexibility. It is locked forever politically and, in reality, it is locked in forever. Now, that is okay under appropriate circumstances.

But while we study whether or not, because it is such a dramatic step to put land into this Wilderness designation, we study the area first, to make sure that we are making the right decision, because every one of my colleagues on this floor understands that once we put it into Wilderness, we will never take it out of Wilderness. So before we do it, we need to be sure we know what we are doing. It is kind of a fundamental, basic requirement.

So what we do is we put it into what we call a study area. Let us study it. Let us look at all of the environmental factors, the ecosystems, what are the roads, et cetera, et cetera, before we put it into Wilderness. That is exactly what this area is right here, it is a Wilderness Study Area. In that Wilderness Study Area, now going back to my point about keeping these ranches viable so that we can keep this wide space as open space, which is what we desire to do in our community, in order to continue to allow these ranches to be viable, our group came to the conclusion that we have to protect these grazing permits.

Now, many of us have heard through propaganda, frankly, that grazing is bad, and every cattle rancher out there is bad. That is about the most irresponsible statement I have ever heard. There are a lot of responsible ranching families and they have been there for a heck of a long time out there in Colorado, in Wyoming, in Utah and in the west, and there is a lot here in the east, farming and ranching families. I will tell my colleagues, 99 out of 100 times we will find that they are quality people. Frankly, they live the kind of life many of us dream of living. They are good, solid people and they have every right to exist.

These grazing permits, these are permits that have been handled very responsibly. These are grazing permits of which the Bureau of Land Management, which oversees the management of these permits, has no complaint. The relationship between the Bureau of Land Management and the Warren Gore family, or the Doug King family, or some of these other families, is an excellent relationship. In other words, we do not have anything broken up there.

So the first thing that our community decided was, as a community, we can support the continuation of grazing in this Wilderness Study Area. So as a community, we want that as an element of the Colorado Canyon bill.

Now, the next issue that we looked at, and again, taking a look here, what we have, this mark right here is the I-70 Interstate. This is the Utah-Colorado border. This is going to be very important, because as we can see, our Wilderness Study Area down here comes into Utah. So the other thing that the group wanted to decide was look, we need to correspond with our good neighbors to the west, the State of Utah. By the way, Utah is a great State, the second-best State I guess in the union, but I will say all kidding aside, we have an excellent delegation representing the State of Utah.

So our community felt that we should communicate and work with the delegation out of Utah to see what we could do with this Wilderness Study Area. I will tell my colleagues, the cooperation from the Utah delegation has been excellent. And they have said, hey, we have an idea. We think we can incorporate this area into the Colorado Canyon bill, and they have done exactly that, with an alternative.

So, once again, our community is able to seek and accept cooperation. This time, we cross State boundaries. Here, we cross the traditional boundary of private and public lands. Here we cross the boundary of State borders. Now, we go up here. This highway right here is Interstate 70. It is the highway which goes across the State of Colorado, now, remember, right here, against the Utah border.

On this side of I-70 we have an area called Rabbit Valley. Once again, we need to focus on what is happening in Rabbit Valley. Rabbit Valley is not in the Wilderness Study Area, but Rabbit Valley has quickly become a very, very popular attraction for mountain bikers, for horseback riders, for people who want to go down to the river and fish, for people who want to hike, for people who want to observe wildlife, for people who just want to go out and have a picnic with their families. It has become a recreational area of many uses. I can tell my colleagues that most of the people out there, by far, have used the area responsibly. We have not had great abuses out here in the Rabbit Valley. However, we have had increased activity, and the activity is reaching the capacity, it has reached the point where we need some management. We need to coordinate the activity so that we do not overuse the land, so that we do not overcapacitate the land.

Now, some people would say to us, the best way to do it is kick the users off the land. No more horseback rides, forget the mountain bike riding, which is probably the most popular use out here in Rabbit Valley; tell the hikers they cannot hike anymore; tell the families that want to have picnics not to come and have picnics anymore. These are public lands and we want them off the public lands. That is not a viable answer.

The people in our community which, by the way, again included the environmental community, the business community, the chamber community, our county commissioners of Mesa County who have done an excellent job, our city council of the City of Grand Junction, our 2 elected State representatives, our State Senator, all of these people in the community have come together to make this thing work, and we have decided as a group, hey, let us protect these uses. How do we begin to manage the land? How do we make sure we have not overcapacitated?

So we decided, let us put in what is called a National Conservation Area, which allows us to protect the land, but at the same time preserves the multiple use concept, the right for multiple uses, many uses on the land. By the way, in Colorado and in the west, whenever one enters a forest or Federal lands in the west, when I grew up, for example, you are now entering the White River National Forest, a land of many uses. So by community cooperation, by the designation of a National Conservation Area in our Colorado Canyon bill, we were able to preserve or put this as a National Conservation Area, so it would include all of this area, not just north of I-70, but south of it as well, to the river.

The river. Let us talk about Colorado water. The district, the third congressional district, as I mentioned, 80 percent of the State's water comes out of there. This is an area, this district, that part of the Colorado, that district is an area of immense water resources.

Mr. Speaker, water is very sensitive. It has been said that the lifeblood in Colorado is not blood, it is water, and there have been many battles fought over water in Colorado and in the west.

□ 2145

And here water is a critical element because this is the last few miles of the Colorado River, called the Mighty River, before it crosses the State boundary. It is a critical water resource for the people of the State of Colorado.

Colorado, by the way, just for my colleagues' interest, is the only State in the Continental United States where all of our water flows out. We have no free-flowing water that comes into Colorado for our use. So water is a high sensitivity of which we must observe. So, of course, with the committee, we decide what should we do about the water.

Now, water is a critical resource, and as far as I was concerned, when we put this Colorado Canyons bill together, the water was simply nonnegotiable. It is my duty, as a representative of the State of Colorado, to stand, as long as I stand, on behalf of water in Colorado. Water is a critical element, as I said earlier. It all goes out. We have no water that comes in. And, frankly, a lot of the States where my colleagues reside would like to get their hands on that Colorado water. It is a wonderful resource. So we have an obligation to protect that water.

But here we have the Colorado River going right to the center, so to speak, right through the center of the area that we want to encompass in the Colorado Canyons bill. What do we do about it? We brought the community together. We brought in experts. We called people like my good friend, and one of the leading experts of water in Colorado, Chris Treese of the Colorado Water Conservancy District; we called Greg Walcher, the former head of Club 20, who now heads the Department of Natural Resources for the State of Colorado; we called Tim Pollard of the Colorado Department of Natural Resources; and we asked the governor of the State of Colorado, Governor Bill Owens, who has long been a strong supporter of water in Colorado and a strong supporter of the western slope, to come in and as a team give us water expertise.

Because, frankly, what we had was, we had some people in the environmental community who wanted to include the Colorado River in either the wilderness area or in the national conservation area. And, on the other hand, we had myself, and I said, no, the water is simply nonnegotiable. We will not allow this Colorado River to go into a wilderness area and be overlapped by a wilderness area or be overlapped by a national conservation area for one simple reason: We do not understand what the unintended consequences of putting this river, especially the last 15 miles before it crosses the State border, we do not understand what the future consequences of that will be. And when we deal with water in Colorado, we do not put some kind of imposition on water or some kind of legislation dealing with water unless we have a pretty darn clear understanding of what the consequences of that designation will be, because water is too valuable.

So we brought in the experts. I sat down with the Secretary of Interior, and he was very good. We had good sessions. We had good negotiations with the Department of the Interior. And the result was just like the result that we had with the grazing permits up here on top and the ranchers; just like the result we had with the users of the Rabbit Valley. We were able to reach a consensus and we kept the Colorado River out.

Now, the Department of the Interior did not have any intention of trying to secure through some covert action water rights. I took them on their word. But what they did not want is they did not want development along the river shores. They did not want a coal mine down here, for example. They did not want somebody setting up some kind of an excavation gravel pit here on the river for some reason. And we agreed with them on that. It is not my intent to have any kind of use like that on those river banks.

For those of my colleagues who will ever get the opportunity, and it is really not just an opportunity, it is a privilege, to go down that river on a raft, they will see why it is certainly not an appropriate spot for any kind of development like that.

So we were able to come together. We met my fundamental requirement, and that is that the Colorado River was nonnegotiable; that the Colorado water belonged to the people of the State of Colorado, and that the Colorado water should be preserved in the future for the people of the State of Colorado. We met that requirement and at the same time we met the Interior Department and Bruce Babbitt's requirement or desire that we not have mining exploration or any type of development along that line on the river banks. So we were able to come to a resolution on the river.

What was happening was the package was coming together, and this was in a very short period of time. We also had a number of other people; Stan Broome, with Club 20, who came in and helped us put it together at the end. We had, of course, the city councils. As I mentioned, the city councils of Grand Junction and Fruita came in. Fruita has their reservoir over here. Fruita has a pipeline that brings out water up here off the Glade Park area down to their community. Fruita would be about right over here in this area. And they came together and cooperated with us. Palisade; Clifton. We had a very unified effort out there in Colorado. We had the Auberts, the Albert ranch out here, they came in and helped us with some of the other issues.

This negotiation went back and forth with the Department of the Interior. And I can tell my colleagues that we also had lots of cooperation from not only just the Utah delegation but also the Colorado delegation. And when this bill went for its first hearing in front of the Natural Resources Committee, we had the chairman, the gentleman from Utah (Mr. HANSEN), who bent over backwards to help us out. And the gentleman from Utah (Mr. CANNON), whose district borders, who said why not go ahead and amend it so we can put together something on the Utah side. They care about that area on the Utah side. That delegation wanted the kind of protection that we could do.

So what do we do now with this wilderness study area? That is the final segment. How do we put this bill together by addressing the wilderness study area? Once again, we bring our community together. Once again we brought people like Jeff Widen out of Durango, Colorado, who I think is one of the most balanced, level-headed environmental activists in the State, and we sat down and said how can we do this. What conclusion did we come to? We came to a conclusion that said let us put it into wilderness. We have studied this area; we know this area has many of the characteristics of wilderness, so let us go ahead and put it into wilderness.

And not only that, the State of Utah, the delegation from Utah, who on many occasions unfairly, just like us in Colorado, are unfairly attacked by some people who claim to own the entire environmental agenda, these people are the ones who stepped forward and said let us go ahead, this probably would make sense, let us convert this wilderness study area right here in Utah and let us keep it molded together and let us convert this to a wilderness area.

We have a package. We have got a package. We have got a package that makes sense, and that package will be heard tomorrow, and that package will pass the U.S. House of Representatives and it will pass with bipartisan support. It will pass with strong support from the Colorado delegation. The gentleman from Colorado (Mr. HEFLEY) is a sponsor on the bill. The gentleman from Colorado (Mr. UDALL), Democrat on the other side, has worked with us. He and his staff have worked with my staff. And by the way, my staff has done yeomen's work on this bill. They have worked together to make this thing come together. Other colleagues in the delegation, the gentlewoman from Colorado (Ms. DEGETTE), the gentleman from Colorado (Mr. TANCREDO), the gentleman from Colorado (Mr. SCHAFFER), have all come together to put this together, to mold it and to have a bill that is going to work. And it will pass the Senate as well.

I want my colleagues to know that this is how in the west, when we have public lands, this is how we ought to work as a team. This is how a community ought to be able to offer some input.

We have had a couple of colleagues on the House floor here, for example, who have gone out and asked for a wilderness corridor all the way from Canada to Mexico. And with due respect to my colleagues, I am not sure they have ever been up there. I am not sure they understand the consequences.

We have another group of people out in Colorado who went out, the National Wildlife Federation, they had secret meetings and they went out and decided, well let us take the northwestern part of the third Congressional District of Colorado, and let us go ahead and go to the Secretary of the Interior, Mr. Babbitt, and let us have him expand the monument up there. Who cares about community input; we do not need community input. And they did not seek any community input.

And, guess what. The proposal they have come up with is faulty. Why? Because they did not do what our community in western Colorado did. They did not build their bill based on a community coalition, on community effort, on community input. We brought in the wildlife experts. And, by the way, the division of wildlife helped us a great deal out here in this area right here, the light purple area there. We brought in our county commissioners. We brought in our elected officials. We brought in our leading citizens in our community. We brought in regular citizens who did not hold offices. We brought in our ranchers. We brought in our rafters, and our mountain bikers, our horseback riders, and we brought in our hikers and families. And it works.

So my message tonight really is twofold: Number one, let the local communities out in the west work on solving these problems. Listen to the input of the people who live the life of the west. Listen to them when making decisions back here in Washington, D.C. regarding public lands. They have something to say. Listen to them. Let people in the west be a major part of the decision of how we manage lands in the west.

And, number two, for those groups that decide that they know better, for those people who think they should avoid community involvement, for those people who want to make an end run around and put designations on the people of the west without input, without guidance from people in the west, they are making a big mistake and they are making a mistake that, even dealing in good faith, has consequences which they cannot imagine. We cannot allow that to happen.

This is the way, in my opinion, to proceed in the west. Just like the Colorado Canyons bill, this is how we succeed. This is how we build a bipartisan effort. And this will succeed.

Now, on the subject of the Colorado Canyons bill, for those of my colleagues that are interested, we are going to have it in committee tomorrow. I have talked with our majority leader, who also has been very cooperative, obviously the leader of the House has, about putting it on suspension. We should have it next week on the House floor. So for those of my colleagues who are interested, they are welcome to attend the committee meeting.

In my final few minutes, leaving the Colorado Canyons bill and leaving the area and the subject of the designations in the northwestern part of the State, let me talk and kind of go into a little more detail about some points I referenced earlier, and that is the difference between the western United States and the eastern United States. And the best way to do that is to show my colleagues that there is a dramatic difference, as demonstrated by this map.

Take a close look at this map of the United States. We can see that there is a distinct difference out here. This is all colored in the west. And right here, as I point out, this is the State of Colorado, at the end of the pointer. This is the line, roughly the line of the third Congressional District. That is the district I represent, which, as I mentioned earlier, geographically is larger than the entire State of Florida.

□ 2200

And you will note from our eastern boundary clear to the Atlantic Ocean, all of this land out here, very little Federal ownership. You can see it is represented here. We have a little heavier in the Appalachians. We have the Everglades down here, some up here in the northeast. But, basically, some of these States are very, very sparse as far as any government lands.

But now look at the border and come West and you will see the huge amounts of government land. Most of the public lands in this country are not diversified around the country. In fact, they are a conglomerate in the Western States. And so, when people in the East talk about public lands, we in the West urge them to take a very careful look at what the life is like.

Many of our communities, if you have ever been to Aspen, if you have ever been to Vale, if you have ever been to Grand Junction, if you have been to Salt Lake, if you have ever been to Wyoming, you are surrounded by public land.

Now, how did that happen? What is the history of public lands? It is really quite simple. In the early days of the country when we were trying to settle, remember, our country basically existed over here on the eastern coast in those colonial days and early days of the 1800s up to about 1840, that is primarily right in there. And then our country began to make land acquisitions. But back then, in the early days, having a deed to a piece of property did not matter much.

What really mattered was possession of the property. That is where, for example, the saying "possession is nine-tenths of the law" that is where that saying came from. We needed to possess this property and somehow our leaders in Washington, D.C., needed to encourage the people who lived in relative comfort here on the eastern coast, they needed to encourage these citizens to help us settle the West to help us get possession of these States.

And what is the best way to encourage people to move out of the comfort of their homes into the West, where, by the way, your average life span was probably 30 years or so, to give them land. The American dream is to own your own piece of property. Every American dreams of owning a home.

Americans back then, 98 percent of our population was in the farming or agricultural community. They dreamed of having a ranch or a farm of their own. And so the Government said, hey, the way to get people to move from the eastern coast into these new lands that we have so we possess them so another country does not take them from us is to give them land, called the Homestead Act, called homestaking.

What was that all about? They go out and they work the land and they get 160 acres. But guess what happened? Once they hit this area right here where you see the big blocks, they discovered out here in Kansas or even in eastern Colorado or Ohio or Mississippi or Missouri or Louisiana, some of these other States, 160 acres can support a family. But when they hit the Rocky Mountains, they found out 160 acres does not even feed a cow.

So they went back to their think tank in Washington, D.C., and said, hey, our attempt to settle the West works very or pretty well until we get out here. What to we do?

Somebody came uprise the idea, well, instead of giving them a homestead of 160 acres or 320, let us give them the equivalent of, say, 3,000 acres. The people thought about it and they said, that is too much politically. We cannot give 3,000 acres to every citizen that goes out in the Rocky Mountains.

So then came up the idea, hey, as a formality, why do we not, the Government in Washington, D.C., instead of having to give away so much land to support just one family, why do we not as a formality just continue to hold the title to the land and allow the people to use the land.

That is where the birth of what is called multiple use came. Multiple use means it is a land of many uses. And our lands out here have many uses. We have uses on environment, we have uses of ranching, farming. All of our highways come under federal lands. Our waters is stored upon, it comes across or originates on federal lands.

As I said, our cellular telephones, the towers, most of those are located on public lands. When we go through the mountains and you see those lights up on the top of the mountain, the radio tower, that is how we get our communication. All of our trucks, our traffic, our cattle. We use the public lands. We have a responsibility to use them in a responsible fashion. It is a duty of ours. And I think overall we have exercised it pretty well.

Now, there is a heavy propaganda effect by people who feel no pain, they feel no pain if they do not live in the public lands to kick us off the public lands or to restrict the multiple use or to convince the people out here who are not acquainted with the federal lands that those of us who live in the federal lands are abusing the federal lands, that we are clear-cutting all the forests, that we are putting up coal mines, that our ski areas are abusive, that our mountain bikers have ridden too many trails, that our horses are creating too much disturbance to the wildlife, that our rafters have taken over the rivers and demolished the ecosystem of the rivers. It is not true.

Clearly, we have advanced use. Clearly there are more people who are enjoying the outdoors of the Rocky Mountains than ever before in our history. Obviously, we have to manage it and we have to manage it with the preservation of land in mind. But we also have to manage it without a built-in anti-human bias.

The concept of multiple use is absolutely essential for the survival of the people in the Rocky Mountains in the West. If you take away that concept of multiple use in the West, you will devastate, and that is not an overestimation, I am not exaggerating here, you take away the concept of multiple use, you do what some of these more radical environmental organizations want to do, for example, the National Sierra Club wants to drain Lake Powell, which has more shoreline than the entire Pacific West Coast, now they have announced they want to drain Flaming Gorge, you allow some of these organizations, which, ironically, are all located up here in the East, you allow them to pursue their aggressive agenda of eliminating and pushing people off these public lands and look at what you are doing to about half of the country.

It is easy if you do not live in these public lands, if you live out here somewhere, it is easy for you to say because you feel no pain, it is easy, my colleagues, for you to agree with policies that, for example, have broad sweeps of taking people off the lands and designating areas that are not allowed or have a built-in anti-human bias to it.

What I urge my colleagues tonight and the reason I bring up multiple use is the same reason I bring up water. In the West it is essential for our survival. In the East you have got to figure out how to get rid of your water. In the West we have got to figure out how to preserve it, how to conserve it, how to store it. Water storage is critical.

Out in the West, if we are not allowed to use the public lands and use them with the responsibility of being diligent in our use, of making sure that we observe the rules of preservation but being able, nonetheless, to still use them is absolutely essentially for our preservation here in the West.

And so, my colleagues, before you cast a vote dealing with issues in the West, try and get a feeling of our pain, try and understand what the consequences, or even more dangerously, what the unintended consequences of your action will be for the people of the West.

Remember, the United States does not start here on the eastern border of the Third Congressional District and run to the Atlantic Ocean. The United States is one country and we have an obligation in the West to understand the problems and the issues of people in the East. And the people in the East we feel have an obligation to understand the issues in the West, which include the water issues, which include the concept of multiple use, which include the concept of involving a community from the very basic level up before you draft legislation expanding a monument like we have done on the Colorado canyons.

As a team, we can move this country continually in a positive direction. And as a team, the East and the West can mold together. But it will only mold together, my colleagues, if those of you in the East have a good understanding of our lives and what are necessary to preserve our lives in the West.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Mr. REYNOLDS (during the special order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106–757) on the resolution (H. Res. 554) waiving points of order against the conference report to accompany the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4118, RUSSIAN-AMERICAN TRUST AND COOPERATION ACT OF 2000

Mr. REYNOLDS (during the special order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106–758) on the resolution (H. Res. 555) providing for consideration of the bill (H.R. 4118) to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. REYNOLDS (during the special order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106–759) on the resolution (H. Res. 556) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1102, COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2000

Mr. REYNOLDS (during the special order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106–760) on the resolution (H. Res. 557) providing for consideration of the bill (H.R. 1102) to provide for pension reform, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor of the House tonight to address the House on the topic of illegal narcotics and drug abuse, the problems that it presents for our whole Nation, the challenge for the United States Congress.

I would be remiss, however, if I did not comment for just a moment tonight on the passing of our dear colleague in the other body, the United States Senate, the gentleman from Georgia, Mr. PAUL COVERDELL, who passed away today.

Certainly, our hearts and prayers are with his family at this time and the whole Congress mourns this great loss, his many contributions I know in the war on narcotics. I know in the war on narcotics there was always a true leader and friend who we had the opportunity to work with. His presence will be sorely missed by the entire Congress, I know by the state of Georgia that he so ably represented, and by the American people for his dedication to our nation.

So our heartfelt sympathy is extended to the State of Georgia and his loved ones as they now cope with this tragic loss. And we have indeed lost one of the fighters in our war on narcotics, illegal drug trafficking, and the problem of substance abuse.

So, with those comments, again, we mourn this great loss to this esteemed institution and again to our country.

Tonight, as is customary for me as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, I attempt to use this special order and usually try to take an hour and discuss some of the problems and challenges we face with the problem of substance abuse in this country, with the problem of illegal narcotics, the problem of drug and illegal narcotic production and trafficking that has affected our entire Nation, that has affected every city, every community small, large, rural or urban.

Almost every family in America has been affected by substance abuse and the ravages of illegal narcotics. I always cite that the most recent statistic of 15,973 Americans have lost their lives as a direct result of illegal narcotics. And those are again the numbers in direct death.

Our drug czar estimates that over 52,000 Americans have died in the last year because of substance abuse, illegal narcotics direct, and indirect results. And the toll does go on and on.

Again, so many families are tragically affected. It is not only a cost in lost lives but a cost in our economy in the third of a trillion dollar range each year, a loss of jobs, and also of income, the glutting of our judicial system, our jails with nearly 2 million Americans incarcerated behind bars. Some 60 to 70 percent of those behind bars in most of our communities and States are there because of drug-related offenses.

□ 2215

As I have also tried to point out in my presentations based on the facts and substantial studies that have been conducted, the most recent being last spring in New York which analyzed the effects of the 20 some thousand incarcerated in that State for drug-related offenses, most of them are there for repeated felonies, most of them are there because they have really gamed the system and not cooperated. Some 70 percent, as I said, are there because of multiple felonies, but again you go back to illegal narcotics, drug abuse and the problems that it creates among those individuals and you cannot help but to say that we have a situation that is intolerable for our judicial system, that is intolerable for those incarcerated, their families, and for our society at large.

So our challenge has been the last year and a half plus of the subcommittee to try to weave together a coherent national drug policy, to look at all the options that we have for dealing with this problem, to review some of the initiatives and actions that have taken place across the Nation, see if they make sense, see if they can be adapted to other situations, and see if they provide some opportunity for relief from the situation.

I always like to take a minute and review how we got ourselves into this situation. I heard this weekend, just within the last few days, people repeat the question, is the war on drugs a failure? What is happening in the war on drugs? If people listen and take a few minutes to understand what has happened, I think there is a very clear picture of what works and what does not work. You would have people tell you that the war on drugs is again a failure, and I say absolutely not, that a war on drugs as devised by the Reagan administration and the Bush administration was in fact a success. In fact, the statistics, the facts, the pure facts, bear out the success of the war on drugs conducted by the two previous Presidents.

I have cited and I will cite again a national household survey that said based on the data that they collected, and this is consistent data over a good time period, illicit drug use declined by 50 percent from 1985 to 1992. That is a pretty dramatic decrease. If we look at the statistics from the beginning of the Clinton administration to the present time, we have almost the opposite, almost a 50 percent increase in illicit and illegal drug use. So the facts bear out, there are again surveys that have been conducted over a long period of time show that indeed a true, full-fledged effort, leadership by the President, leadership by the Vice President, at that time Mr. Bush who went on to be the President and also continued the policy, a multifaceted approach in which you have presidential leadership, you have a program to stop drugs at their source, a successful international drug program that deals with elimination of the crops, elimination of the narcotic at its source, which is most cost effective, and an interdiction policy, one that incorporates the use of our national resources and assets such as our military in a war on drugs to stop drugs as they leave their source where they are grown or where they begin and stop those drugs, those illegal narcotics in their tracks, a comprehensive program of prevention and treatment. We know that it takes again a multifaceted effort, that you must have successful treatment, you must have a successful prevention program, you must have a campaign that reiterates that illegal drugs do harm even if it is the first lady who has a "Just Say No" program or a DARE program in school, many of the programs that again were so successful under the Reagan and Bush administration that resulted from 1985 to 1992 in a 50 percent reduction of illicit drug use. Again part of a multifaceted approach, the utilization of all of our resources at the Federal level, the Coast Guard, the military, surveillance and intelligence information and, of course, a tough zero tolerance in law enforcement.

All that changed and took a 180 degree turn with this administration's coming into office, but again the success was really incredible during the past two administrations.

Let me, if I may, put this chart up here. Again, this shows the statistic that I just relayed from the national household survey. You see from the beginning of the Reagan administration through the Bush administration, a real war on drugs, a decline in the prevalence of lifetime drug use and abuse. You see the beginning of the Clinton administration, 1992, 1993, the tragedy we now see ourselves in. Only since the advent of the new Republican Congress have we seen any slight leveling out in again this long-term picture. Overall casual drug use was cut by more than half if we went back to 1997 and 1992. Casual cocaine use fell some 79 percent while monthly use fell from 2.9 million users in 1988 to 1.3 million in 1992. So if anyone tells you that the war on drugs, and this is when we had a real war on drugs, was a failure, these are the hard statistics, hard facts, something that I have not made up, something that has been part of a national survey, a very legitimate national survey. This is the record of the Clinton administration.

Now, the difference with the Clinton administration is when President Clinton took office in 1993, he began dismantling the war on drugs, and they dismantled piece by piece. The very first steps were in fiscal year 1994–1995, the Coast Guard was cut, their budget, and they have an important role in this effort and to conduct a real war on drugs. Their drug operations were cut from $310 million to $301 million. The customs, also an important part of this effort, their drug funds were cut by the Clinton administration, and the Clinton administration, remember, in 1994 and 1995 controlled the House of Representatives by a wide, wide margin, the other body by a wide margin and the White House, the executive branch. They cut the customs budget from $16.2 million to $12.8 million. DEA, our drug enforcement agency, our Federal agency dealing with the antinarcotics problems and enforcement was slashed from $16.2 million to $12.8 million. And DOD, our first line of defense. Now, the Department of Defense does not arrest anyone in a war on drugs. The Department of Defense is prohibited even by the Constitution and provisions of our laws from being an enforcer in domestic law enforcement. What the Defense Department has done as enlisted in the Reagan and Bush administration was to provide intelligence and information. Our planes and our ships and our satellites, our AWACs, other equipment is already in the air for national security purposes. Now, if I told you that an enemy was to kill 15,972 Americans last year or 2 years ago and result in the deaths of over 50,000 Americans each year, Americans and Members of Congress should and would rise up and say, let's stop that, let's go after that. Using our military, we in fact in this period, in the Reagan-Bush period in interdiction and also in intelligence information gathering were able to stem the flow of illegal narcotics coming into the United States, also go after traffickers most successfully. You have heard the results of a successful war on drugs, a 50 percent reduction from 1985 to 1992 in illicit drug use. You heard that casual cocaine use fell by some 79 percent while monthly use fell from 2.9 million users in 1988 to 1.3 million in 1992. Now, the Bush and Reagan administration did not erase the problem of illegal narcotics or substance abuse but they made a dramatic decrease in them.

This is the Clinton record. Some 50 percent cut in interdiction programs and dramatic cuts in international programs, cost effectively stopping narcotics at their source.

This chart shows again the picture of the dismantling of the war on drugs and the reason we see this incredible flood of illegal narcotics coming into the United States and problems throughout every jurisdiction across our land. You see the levels in 1991, 1992, this shows the end of the Bush administration. The red shows interdiction, the blue shows international. Again, international would be stopping drugs at their source. You see the dramatic cuts in half of international programs. You see the dramatic decline in interdiction. This is the use of the military. You see this begin to pick up again with the advent of the Republican-controlled Congress. And we are getting back, and if we use 1991-1992 dollars, we are getting back just about to the level we were with the successful efforts at the end of the Bush administration. But this has been quite an uphill battle.

Now, we know where the illegal narcotics are coming from. This chart provided by the National Drug Intelligence Center to me shows us that the drugs are coming from South America and primarily today from Colombia, both cocaine and heroin. Now, I know it is hard for people to believe this, but 7 years ago at the beginning of the Clinton administration there was almost zero heroin being produced in Colombia. That is heroin actually being produced with poppy growth in that country. In 1992-1993 there was almost no coca, the base for cocaine, produced in Colombia. In 7 years and through very direct policy of this administration, the production of coca and cocaine is now reaching some 70 percent of the heroin that comes into the United States and is seized, we know 70 percent comes from Colombia. We know that cocaine that is produced in Colombia now accounts for about 80 percent of all the production coming in.

We know what works. We know that a successful international program, a program where we have tough enforcement, we have surveillance, and we also have crop alternatives, these peasants and others who were producing these crops need some alternative to make a living, and the reason they are doing it now is they are being paid for it. The reason they are doing it now in Colombia is they are financing narcoterrorist activity and receiving payment and protection.

□ 2230

We have not been going after those individuals, and, again, that is the direct result of this administration and its lack of will to really conduct a full scale war on drugs.

Mr. Speaker, instead of conducting a war on drugs, they have been dismantling the war on drugs. As we saw from the chart that I previously put up, the Clinton administration dramatically cut both the international and interdiction budgets. Federal spending under a Republican-controlled Congress has increased some 84 percent, again, for interdiction, and back to about the 1991-1992 levels.

On international programs, we have increased the funding some 170 percent over the last Democrat-controlled Congress. That number will probably even surge more with Plan Colombia, which, again, we know where the problem is, we know where our resources need to go.

During the past several years, under the Republican-controlled House and Senate, we have put together a strategic plan in Bolivia and Peru. We have cut coca production by some 63 percent in Peru, by over 55 percent in Bolivia. Part of Plan Colombia has funds for both Peru and Bolivia and also some of the neighboring countries, because we know when we apply pressure on Colombia that there will be an inclination to move some of that production to other neighboring areas.

The plan does entail bringing resources into this entire region. This is where the drugs are coming from; most of it is Colombia and a little bit in the peripheral area. That is where we need to concentrate some other resources.

Mr. Speaker, of course, interdiction and source country programs alone will not stop illegal narcotics. It takes a full effort.

It is interesting to note that one of the next steps that the Clinton administration took in 1993 after taking office was to dismantle the drug czar's office. They talked about cuts in Federal bureaucracy, and their idea was to cut the staffing of the Office of National Drug Control Policy. It was cut 80 percent from 147 positions to 25 positions.

Imagine conducting a war on drugs by dismantling the effective and very low dollar expenditure source country programs, stop drugs at their source. Imagine taking the military out of the war on narcotics, which they did. Their next step in cutting the budget for any type of antinarcotic, again, very few dollars, because we already have our military engaged in some of these activities, the next step was to gut the drug czar's office.

Mr. Speaker, probably the most disastrous two things that this administration did next was to appoint Lee Brown, I believe his name is, as the drug czar. He single-handedly did more damage in dismantling our war on drugs that had been started and so successfully executed by President Reagan and President Bush and their administration.

In fact, I remember as a Member of the minority in 1993 attending hearings of the predecessor of the Committee on Government Reform, it was called Government Operations, they held, I believe, one full hearing. Mr. Brown came up to testify.

The hearing was a farce, and over 130 Members, bipartisan Members, asked for hearings to be conducted on our national drug policy and the dismantling basically of the war on drugs, which they very directly were dismantling during that time frame.

One hearing in 2 years while they dismantled the program; it was sinful. One hearing while the drug czar, Mr. Brown, appointed by President Clinton destroyed 2 President's work, 2 administration's work and effort, which was reducing, and we heard there was a 50 percent reduction in drug use from 1985 to 1990 to a successful war on drugs shut down.

During the Bush administration, the United States shared real-time intelligence with some of the drug-producing countries, including Peru, in an effort to allow them to force down and, in some cases, provided information to allow them to shoot down drug trafficking aircraft so their illegal cargos could be seized or destroyed.

This was primarily done through again the interdiction program, through radar and through surveillance flights.

On May 1, 1994, the Clinton administration stopped this program. And it was not until there was an absolute uproar in the House of Representatives and the other body, we really had to pass a clarification in law to convince the administration to reinstitute these drug surveillance missions and provide that information for shoot down.

The Clinton administration did an incredible amount of damage in stopping that information sharing and repeatedly, as recently as 1998, the Clinton appointed ambassador to Peru wrote again, and I have a copy of it as reported to me by the General Accounting Office in a report. I had them independently conduct a study of the problem of declining DOD assets and participation.

In spite of even Congress now funding additional money, the assets have been diverted by the Clinton administration from this region and from conducting a real war on drugs. Again, in 1994, they made the first error. In 1998, they made the same error in not sharing with our allies in this effort information so that they can take action against drug traffickers, drug producers in their country.

I hate to drag up old problems, but we have to look at in the entire picture. And at the beginning of the Clinton administration, it is important to remind the Congress that White House staffers actually were forced with delays in obtaining security clearance process in the issuance of permanent White House passes.

As we may recall, in 1995 up to 21 White House staffers were on a special random drug testing program, because of concerns about recent drug use. Hearings were conducted on this. And I believe the problem became so serious that the Secret Service instituted a requirement that there be a special random drug testing program in the White House.

We might say, well, why would policy come out of the administration to destroy a war on drugs? And I submit, my colleagues, when we have 21 White House staffers on a special random drug testing program, which is instituted at the insistence of the Secret Service, because these individuals could not even pass a basic test and background check because of their recent illicit narcotics involvement. I think we see a little bit of the problem that we have been facing in this whole effort to really conduct a real antinarcotic effort.

In testimony before Congress, the Secret Service and FBI agents testified that the White House employees may have used illicit drugs at the Presidential inaugural in January of 1993.

One Secret Service Agent testified that he had reviewed more than 30 background investigations for White House employees that contained references to recent drug uses. In fact, we had testimony that said, and let me repeat it, I have seen cocaine usage. I have seen hallucinistic uses, crack uses. This is not something I said. This is from their direct testimony.

Mr. Speaker, it is interesting to note, also, that in a sworn statement, one FBI agent said aides' drug use went well beyond the experimental use of marijuana in college, including cocaine, designer drugs and hallucinistic mushrooms.

We might all recall, some of the problems of a famous White House aide, we still do not know who hired him, that is a great mystery, we may never know. I believe the independent counsel has dropped the case, but the infamous who hired Craig Livingston.

I remember so well sitting in those hearings as he took the 5th amendment. He and others who suddenly lost their memory or ability to testify before our investigative panel.

Craig Livingston, as my colleagues will recall, was the chief of White House Personnel Security and reigned over his offices improper acquisition of FBI files. Those files were primarily of Reagan and Bush administration officials and staffers, even some of our congressional staffers.

He acknowledged in his own history illicit drug use and other problems which caused him to be fired from several jobs before he joined the White House staff in 1993. Now, Craig Livingston was the head of the personnel security office for the White House.

Again, we have to look at the whole picture of who we have been involved with in trying to conduct and put together a coherent national drug policy and a strategy that is effective.

Mr. Speaker, we have known from the very beginning that as we put pressure on Peru and Bolivia to stop production of coca and cocaine that we would have to deal at some point with Colombia. Everyone on our side of the aisle and many on the Democrat side of the aisle have urged that we get resources to Colombia. Again, this is not rocket science.

We know that most of the narcotics coming into the United States are produced in that area, in Colombia. We have known that it is very difficult to get to the crop, to destroy the crop, and also to the narcoterrorists who are involved in the narcotics trafficking. It takes helicopters. In this instance, we know it takes Blackhawk helicopters that are capable of high altitude flights and going after drug traffickers.

Mr. Speaker, time and time again, this administration has blocked resources to Colombia. Time and time again, this administration has blocked helicopters coming into Colombia.

According to the Defense Department, it took the Clinton administration 45 days to move 24 helicopters to Albania for an undeclared war in Kosovo.

According to the Defense Department also, it has taken the Clinton administration approximately 4 years to get 6 Blackhawk helicopters to Colombia in a so-called declared war on drugs.

Now, imagine fighting a war on the drugs, we do not go after the source of the production of the destructive device, which are the narcotics; we do not go after that. We do not try to get the narcotics or the destructive devices that leaves the source and uses our military, we take the military out of the battle. And here, where we need resources to go in and get that death and destruction, which is reigning in our cities and counties, and the Congress funds and appropriates and passes resolutions urging action, in fact, it took 4 years to get 6 helicopters to Colombia.

□ 2245

Now, if that was not bad enough, and this is not something I am making up, it is the absolute truth, when we finally got several of the helicopters delivered at the beginning of the year 2000, they were delivered without armor, adequate armor, to be used in conflict, without adequate ammunition.

Now again, I swear I am not making this up, but we needed to get ammunition if we are going to conduct a war on drugs. The Congress has appropriated funds year after year, at least since we took control of the Congress, to get these resources to Colombia. The administration, the President, the vice president, divert funds to other international deployments. The resources never got to Colombia.

Only the year before last we appropriated $300 million and, again, as of the end of last year almost nothing had gotten to Colombia, and the little bit that did get there of the $300 million most of it was in the helicopters that we had ordered some time ago which were delivered in an inoperable, noncombat condition; almost unbelievable.

Again I am not making this up, but there is more to this story. The ammunition that we needed to give the Colombians to fight the narcotraffickers ended up being delivered to the loading dock of the State Department in Washington instead of Colombia. Then I swear I am not making this up, but again the gang that could not shoot straight, the helicopters that cannot fly or are not armored, the story gets worse. The ammunition that is sent to the loading dock of the State Department. I swear this is the truth, they sent them 1952 ammunition, some of which they recommend is not usable in the other equipment that has been sent. So it really boggles the imagination.

Now we have provided very significant resources, $1.3 billion. That is not all for Colombia. It is in a larger package. Actually, the amount to be spent for equipment is a small portion of that, a small fraction of that. To appease the liberals and some of the others who are concerned about human rights violations, we have put in probably as much money for building institutions, nation building, we are going through another exercise of that in Colombia and other funds. There is some money in there that is for crop alternative, and I think that will be very wise to expend. We have known through our efforts in other countries that you have to have a successful crop alternative or alternative development program, but you also have to have tough enforcement. But there is a lot more to the story than meets the eye. These Black Hawk helicopters, in fact, were promised to the Colombian national police back in 1996. Repeatedly you can get headlines. Here is one from February of 1998, Delay of Copters hobbles Colombia in Stopping Drugs. This little note says check the date. It is the end of 1997, 1998.

So year after year, the administration has blocked this. It is only after the administration, I am told, conducted a poll, and I cannot confirm this but they found that there was some criticism for their approach and that they needed to get their act together. Now, it took the President 4 or 5 years to come forward and change his policy, this administration, and declare an emergency. Only when the whole region is disrupted, only when we almost lost Colombia, only when part of the oil supply from that region, I think accounts for 20 percent of U.S. imports is endangered, only after 30,000 people have been killed in one of the bloodiest conflicts of the hemisphere and again only after the situation has reached disastrous proportions, has the administration come forward with a plan.

The end of last year they said that this was getting out of control; they had to do something. I am also told that they polled and saw that even the public was being concerned, and they usually act when they see a poll.

That forced the President to propose Plan Colombia and recommend to the Congress that we move forward with an emergency appropriation. Unfortunately, that emergency appropriation request did not get to the Congress until February of this year. So it took the President 5 years to get a plan and action where we know narcotics are being produced, where he allowed narcotics to be produced and become the center of narcotics activity, and I am pleased that the Congress has acted within 5 months. It started out as an emergency supplemental and was signed by the President, I believe, last week.

Now I keep my fingers crossed that we have given the gang that cannot shoot straight this responsibility now to get these resources to where we know the illegal narcotics are coming from.

If I may, I am going to try to conclude in a reasonable amount of time here tonight so staff can get home a little bit early, but this is another chart that I think the Congress, Mr. Speaker, and the American people should pay particular attention to. I always hear the war on drugs is a failure, and the other side always says we just have to spend money on treatment; treatment is the answer. I compare it a little bit to just treating the wounded in battle.

Imagine conducting a fight, not going after the enemy, not stopping the weapons of mass destruction where they are produced, not stopping the missiles and other things that are being lobbed at us, the illegal narcotics, and just treating the wounded in a battle. How long do you think you could last if we had just treated the wounded in battle in World War II or any of the major conflicts? And certainly a conflict that takes 15,900-plus lives in one year as a direct result of the conflict, the problem, or 50,000 a year, is a major threat to our Nation and our national security.

This chart shows that consistently, well we will go back to the beginning of the Clinton administration, we have increased funding for treatment. In fact, it is almost double for treatment. So we cut, under the Clinton administration, the war on drugs, the interdiction, the source country programs, the military, the Coast Guard, other budgets. They cut them by some 50 percent.

We are now restoring them, as you can see in these lines getting back to our equivalent of 1991/1992 dollars, but treatment has always been on the increase. It is just like here, but other than that we have basically doubled the amount of money that we have spent on treatment; and treatment alone does not work. I think the prime example of that is Baltimore, and I bring this chart up again.

Again, people just have to understand that a policy of toleration, of liberalization of the narcotics law, of nonenforcement of our laws relating to narcotics, attracts death and destruction.

This was provided to me in 1996 by our drug enforcement office. It shows the deaths in Baltimore: 1997, 312; 1998, 312; 1999, 308, and I believe 2000 is probably heading close to record. It shows the population decreasing. It shows about 39,000 drug addicts in 1996, and the estimates are now 60,000 to 80,000 drug addicts. These are people in need of treatment. This is a liberal policy, a policy of nonenforcement.

The police chief here in Baltimore, former police chief, fortunately he was fired, said in testimony before our subcommittee on a Monday several months ago that he had not participated in a high intensity drug trafficking program. The Feds had made dollars and cooperative efforts available. He had said he was only going to go after a limited number of open drug markets in Baltimore. Fortunately, the mayor heard him and on Thursday he was fired, and they are bringing in a zero tolerance law enforcement officer; but this shows the death and destruction.

This is just about half the number of New York City. New York City had about 350 murders in New York City last year. It went from 2,000 murders, a 58 percent reduction, down to about 650, a dramatic decrease, a zero tolerance policy with New York City versus a nonenforcement policy of Baltimore; incredible growth in addict population. If the entire country went to this policy, we saw this many deaths, this much destruction, we could never keep up with what we would face.

The New York statistics compared to Baltimore are startling. In red, Baltimore, 1993, you see the murder rate staying constant in red and Baltimore dropping dramatically from 2,000 down to the mid-650s. It is very dramatic.

Remember New York City has a population probably of 10 million and you are looking at probably 500,000, 600,000, continuing declining population in Baltimore. In fact, I picked up the Baltimore Sun and it says as population drops city must look to D.C. This is a July 15 article I read the other day. This is what the policy will do for your community if you are thinking of adopting a nonenforcement policy. With 4,890 residential properties appearing this week on the multiple listings and dozens of additional houses being advertised directly by the owners, the city has a glut of unsold homes.

Anyone doubting this should drive around various row house neighborhoods and count signs, and that is before the estimated 40,000 vacant houses are considered. In other words, the city is still losing population. Hopefully it is not too late. Hopefully the new mayor O'Malley and the new police chief can bring this situation under control.

I will say what has not worked is the policy they have had in place, and I will say what has worked is New York's zero tolerance policy.

This is, again, a dramatic representation of the way crime has been reduced in New York City from 1993 to 1998, and it continues. If you see the tough enforcement of drug-related offenses, and the arrests as they go up the crime goes down in New York City.

I also show that chart, and people would have you believe that this is not a success, but it is a success. Murder and nonnegligent manslaughter declined some 67 percent from 1993 to 1998. The total of all major felony crimes fell from 51 percent in 1993 to 1998, a 51 percent decrease in those categories.

As a result of Mayor Giuliani's tough enforcement policies, based on what the murder rate was before he took office, more than 3,500 people are alive in New York City; again, just dramatic results.

Now, the other side would probably say that this zero tolerance is a brutal regime. Let me say that we had Mayor Giuliani and we have had his police commissioner testify and provide our subcommittee the facts. For example, one thing is that the fatal shootings by police officers in 1999 was 11.

□ 2300

It was the lowest of any year since 1973, the first year for which records were kept. That is far less than the 41 police shootings that took place in 1990.

Now, where was Reverend Sharpton or whatever his name is in 1990 screaming when there were 41 shootings that took place. Moreover, the number of rounds intentionally fired by police in New York declined by 50.6 percent since 1993, and the number of intentional shooting incidents by police dropped by 66.5 percent, while the number of actual police officers that were employed in New York City increased by 37.9 percent.

Now, do not deal with the facts, and these happen to be the facts. They will tell us that this tough enforcement does not work. It does work. Look at the crimes. Look at the people's lives who have not been ravaged. Look at the thousands who are living as a result of this policy, and there are less incidents of shootings, with a 37.9 percent increase in police officers.

Mr. Speaker, there were 62 percent more shootings by police officers per capita in the last year of David Dinkins' administration last year than under Mayor Giuliani. The press will not tell us that. Specifically, in 1993, there were 212 incidents involving police officers in intentional shootings. In 1994, there were 167. In 1998, under Mayor Giuliani, there were 111. Mr. Speaker, 111 compared to 212, a dramatic decrease under Mayor Giuliani. In 1993, under David Dinkins' last year in office, there were 7.4 shooting incidents per officer. That ratio is now down to 2.8 shooting incidents per 1,000 officers.

By contrast, the misguided approach of others will tell us that this does not work. They will tell us that the war on drugs is a failure, when we can show tonight that there was, in fact, a 50 percent plus reduction under Presidents Reagan and Bush, from 1985 to 1992, and since there has been a dramatic increase.

So the war on drugs is not a failure. The tough enforcement policy is not a failure. It does not brutalize anyone. In fact, these projects and programs of tough enforcement do work.

Finally, during the mid 1990s, I will cite as another example, Richmond, the capital of the Commonwealth of Virginia, had one of the worst per capita murder rates in history, peaking in 1997 with 140 murders. What they did in Richmond, the capital of the Commonwealth of Virginia, was institute a tough gun enforcement law entitled Project Exile, tough prosecution. Homicides in 1998 were approximately 33 percent below 1997, the lowest number since 1987, since the program was instituted. Tough enforcement works in Richmond, it works in New York City. The policies where we turn our back and let drug dealers rule the streets in our neighborhoods, those programs do not work. Just drive through Baltimore, move your business to Baltimore, or move to Baltimore and you will see. It is my hope we can turn Baltimore around. Baltimore is a great American city with a great history, a beautiful area and with wonderful people who have endured the wrong policy. The American people have also endured the wrong policy as it relates to not having a real war on drugs, and we can change that.

Mr. Speaker, I hope we will learn by these costly lessons of the past. I hope that we will give a serious effort to conducting a real war on drugs, and that the funds that this Congress has appropriated from the American people, hard-working American taxpayers' monies they are sending here are appropriately expended to bring this situation under control so that we have a balanced program of interdiction, of source-country programs, of treatment, of education, of prevention; a well-balanced program that we know from the Reagan-Bush era did work, that reduced drug usage in this country by some 50 percent.

So that is my hope, Mr. Speaker. I look forward to working with my colleagues in the House and in the other body in an effort to again to find sensible, cost-effective and real solutions to the real problem we are facing.

Mr. Speaker, I would like to thank the staff for staying late again any hearing my Tuesday night presentation. I am tired too; I would like to have turned in early, but I think this is most important, that we keep repeating this message, and that people understand the problem and challenge that we are faced with, with illegal narcotics.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOSWELL (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of illness in the family.

SPECIAL ORDERS GRANTED

(By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:)

The following Members (at the request of Mrs. MALONEY of New York) to revise and extend their remarks and include extraneous material:

Mr. KIND, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

Mr. PITTS, for 5 minutes, July 19 and July 24.

Mr. TANCREDO, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title.

H.R. 3544. To authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

H.R. 3591. To provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

H.R. 4391. To amend title 4 of the United States Code to establish sourcing requirements for State and local taxation of mobile telecommunication services.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 19, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8829. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Elimination of Requirements for Partial Quality Control Programs [Docket No. 97-001F] (RIN: 0583-AC35) received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8830. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Melon Fruit Fly; Removal of Quarantined Area [Docket No. 99-097-2] received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8831. A letter from the Secretary of Defense, transmitting the Department's Report on Improvements to the Joint Manpower Process, pursuant to Public Law 104—201, section 509(a) (110 Stat. 2513); to the Committee on Armed Services.

8832. A letter from the General Counsel, Department of Defense, transmitting proposed legislation that would extend authority to carry out certain prototype projects for three years, authorize the use of other transactions for follow-on production for up to a maximum of twenty programs, and authorize the use of other transactions for prototypes developed under the Commercial Operations and Support Savings Initiative; to the Committee on Armed Services.

8833. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Progress Payments for Foreign Military Sales Contracts [DFARS Case 2000-D0009] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8834. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Production Surveillance and Reporting [DFARS Case 99-D026] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8835. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Uncompensated Overtime Source Selection Factor [DFARS Case 2000-D013] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8836. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report entitled, "Building The Public Trust: A Report to Congress on FHA Management Reform February 2000," pursuant to 12 U.S.C. 1709(v); to the Committee on Banking and Financial Services.

8837. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Taiwan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8838. A letter from the Director, Office of Management and Budget, transmitting the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

8839. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Service, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 2000-2001 for New Awards for the Alternative Financing Technical Assistance Program, both authorized under Title III of the

Assistance Technology Act of 1998—received June 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8840. A letter from the Deputy Secretary, Department of Education, transmitting a legislative proposal entitled, "Higher Education Technical Amendments Act of 2000"; to the Committee on Education and the Workforce.

8841. A letter from the National Council on Disability, transmitting the Council's report entitled "National Disability Policy: A Progress Report," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

8842. A letter from the Secretary, Department of Health and Human Services, transmitting Model Comprehensive Program for the Treatment of Substance Abuse, Metropolitan Area Treatment Enhancement System (MATES) Final Report to the Congress of the United States Fiscal Years 1994–2000, pursuant to 42 U.S.C. 290gg(f)(2); to the Committee on Commerce.

8843. A letter from the Chairman, Nuclear Regulatory Commission and Secretary of Labor, transmitting a draft bill entitled, "Energy Employee Protection Amendments of 2000"; to the Committee on Commerce.

8844. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Guide to Good Practices for Control of On-shift Training [DOE-STD–1040–93] received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8845. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Guide to Good Practices for Communications [DOE-STD–1031–92] received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8846. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Guide to Good Practices for Shift Routines and Operating Practices [DOE-STD–1041–93] received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8847. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date; Reopening of Administrative Record [Docket Nos. 92N–0297 and 88N–0258] (RIN: 0905–AC81) received June 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8848. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permit Program Revisions; Metropolitan Government of Nashville-Davidson County, Tennessee [TN-NASH-T5–2000–01a; FRL–6710–9] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8849. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; Georgia [GA-T5–2000–01a; FRL–6711–2] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8850. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District [CA241–0238a; FRL–6709–1] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8851. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—State of West Virginia: Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program [FRL–6710–3] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8852. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department [AZ 086–0207a; FRL–6710–5] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8853. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire, Rhode Island, and Vermont; Aerospace Negative Declarations [RI–042–01–6990a; A–1–FRL–6727–9] received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8854. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; VOC Regulation for Large Commecial Bakeries [MA077–7210a; A–1–FRL–6709–5] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8855. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Winslow, Camp Verde, Mayer, and Sun City West, Arizona) [MM Docket No. 99–246; RM–9593; RM–9770] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8856. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ebro, Florida) [MM Docket No. 00–43; RM–9833] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8857. A letter from the Assistant Bureau Chief, Management, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Redesignation of the 17.7–19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7–20.2 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3–17.8 GHz and 24.75–25.25 GHz Frequency Bands for Broadcast Satellite-Service Use [IB Docket No. 98–172; RM–9005; RM–9118] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8858. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Taos, New Mexico) [MM Docket No. 99–270; RM–9703] received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8859. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Powers, Michigan) [MM Docket No. 99–359; RM–9784] received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8860. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report entitled "Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1999," pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

8861. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: VSC–24 Revision (RIN: 3150–AG55) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8862. A letter from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: Standardized NUHOMS–24P and NUHOMS–52B Revision (RIN: 3150–AG34) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8863. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–39), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8864. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 08–00 constituting a request for final approval for the Umbrella Memorandum with Belgium, Denmark, Norway, and the Netherlands for the F–16 Multinational Fighter Program, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8865. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 050–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8866. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of technical data and/or defense services sold commercially under a contract to the Republic of Korea [Transmittal No. DTC 043–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8867. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles and defense services sold commercially under a contract to Japan [Transmittal No. DTC 038–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8868. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Manufacturing License Agreement with the Republic of Korea (Transmittal No. DTC-040-00), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8869. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 039-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8870. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Kazakhstan [Transmittal No. DTC 049-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8871. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 28-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8872. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 051-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8873. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8874. A letter from the Secretary of Education, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8875. A letter from the Secretary of Health and Human Services, transmitting the Semiannual report to Congress for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8876. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8877. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8878. A letter from the Administrator, General Services Administration, transmitting the semi-annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 app.; to the Committee on Government Reform.

8879. A letter from the Deputy Archivist, NPLN, National Archives and Records Administration, transmitting the Administration's final rule—Records Declassification (RIN: 3095-AA67) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8880. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8881. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 1998 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform.

8882. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Electonic Filing of Reports By Political Committees [Notice No. 2000-13] received June 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8883. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Alabama Regulatory Program [SPATS No. AL-070-FOR] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8884. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 070600A] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Jet Route [Airspace Docket No. 99-ASW-33] (RIN: 2120-AA66) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Ltd. Dart 511, 511-7E, 514-7, 528, 528-7E, 529-7E, 532-7, 532-7L, 532-7N, 532-7P, 532-7R, 535-7R, 551-7R, and 552-7R Turboprop Engines [Docket No. 99-NE-50-AD; Amendment 39-11796; AD 2000-12-18] (RIN: 2120-AA64) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8887. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Provincetown Harbor, Provincetown, MA [CGD01-00-122] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8888. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Hill Bay, VA [CGD05-00-020] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8889. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Red, White and Blues Bang, Huron, Ohio [CGD09-00-020] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8890. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Port Clinton, Ohio [CGD09-00-021] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8891. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Maumee River, Ohio [CGD09-00-022] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8892. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Huron River Fest, Huron, Ohio [CGD09-00-023] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8893. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel, New York and New Jersey [CGD01-98-165] (RIN: 2121-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8894. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30094; Amdt. No. 423] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8895. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments [USCG-2000-7223] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8896. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Tongass Narrows, Ketchikan, AK [COTP Southeast Alaska 00-008] (RIN: 2115-AA97) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8897. A letter from the Chairman of the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting a notice of error in transmitted in the 2000 Annual Report of the Board of Trustees; to the Committee on Ways and Means.

8898. A letter from the Administrator, Environmental Protection Agency, transmitting proposed bills, with section-by-section summaries, to amend the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); jointly to the Committees on Agriculture and Commerce.

8899. A letter from the Secretary of Energy, transmitting the Annual Report on Contractor Work Force Restructuring for Fiscal Year 1999, pursuant to 42 U.S.C. 7274h;

jointly to the Committees on Armed Services and Commerce.

8900. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting an update regarding the Department of Housing and Urban Development's 2020 Management Reform efforts which have changed HUD for the better and the semi-annual report of the Inspector General for the period ending March 31, 2000; jointly to the Committees on Banking and Financial Services and Government Reform.

8901. A letter from the Secretary of Labor, transmitting a report certifying that, during calendar year 1999, the Department substantially complied with the requirement in section 212(n)(1) of the INA; jointly to the Committees on Education and the Workforce and the Judiciary.

8902. A letter from the Secretary of Health and Human Services, transmitting a report on the appropriateness of the New Mexico geographic practice cost indices (GPCIs), which are used in determining the payment rates for physicians' services under the Medicare program, in comparison to the surrounding states; jointly to the Committees on Commerce and Ways and Means.

8903. A letter from the Secretary of Transportation, transmitting a draft bill, "To amend title 23, United States Code, to provide for the creation of a highway Emergency Relief Reserve, and for other purposes"; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

8904. A letter from the General Counsel, Department of Commerce, transmitting a copy of draft legislation and a sectional analysis for the "Technology Administration Authorization Act of 2000"; jointly to the Committees on Science and Government Reform.

8905. A letter from the Deputy Executive Secretary, Center for Beneficiary Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; State Health Insurance Assistance Program (SHIP) [HCFA-4005-IFC] (RIN: 0938-AJ67) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8906. A letter from the Deputy Executive Secretary, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program; Solvency Standards for Provider-Sponsored Organizations [HCFA-1011-F] (RIN: 0938-AI83) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8907. A letter from the Chair, Medicare Payment Advisory Commission, transmitting a report entitled, "The 2000 Report to the Congress: Selected Medicare Issues"; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. Supplemental report on H.R. 3485. A bill to modify the enforcement of certain anti-terrorism judgments, and for other purposes (Rept. 106-733, Pt. 2).

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 103. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China; adversely; (Rept. 106-755). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 4871. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-756). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 554. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-757). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 555. Resolution providing for consideration of the bill (H.R. 4118) to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba (Rept. 106-758). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 556. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106-759). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 557. Resolution providing for consideration of the bill (H.R. 1102) to provide for pension reform, and for other purposes (Rept. 106-760). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 4868. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Ways and Means.

By Mrs. CHENOWETH-HAGE:

H.R. 4869. A bill to amend the Clayton Act to protect American consumers from foreign drug price discrimination; to the Committee on the Judiciary.

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 4870. A bill to make technical corrections in patent, copyright, and trademark laws; to the Committee on the Judiciary.

By Mr. KOLBE:

H.R. 4871. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. GILMAN (for himself, Mr. SAXTON, Mr. GEORGE MILLER of California, and Mr. ABERCROMBIE):

H.R. 4872. A bill to allow postal patrons to invest in vanishing wildlife protection programs through the voluntary purchase of specially issued postage stamps; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 4873. A bill to amend title II of the Social Security Act to restore child's insurance benefits in the case of children who are 18 through 22 years of age and attend postsecondary schools; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4874. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. GOODLING, Mr. BALLENGER, Mr. BOEHNER, Mr. DEMINT, and Mr. ISAKSON):

H.R. 4875. A bill to provide for improvement of Federal education research, evaluation, information, and dissemination; to the Committee on Education and the Workforce.

By Mr. BLAGOJEVICH:

H.R. 4876. A bill to amend title 18, United States Code, to prohibit the possession or transfer of the easily concealable pistols known as "pocket rockets"; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself and Mr. TRAFICANT):

H.R. 4877. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to provide for cost-of-living adjustments to guaranteed benefit payments paid by the Pension Benefit Guaranty Corporation; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Ms. DEGETTE, Mr. ENGLISH, and Mrs. THURMAN):

H.R. 4878. A bill to amend title XVIII of the Social Security Act to increase the percent of hospital bad debt that is reimbursable under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. BLUMENAUER, and Ms. BALDWIN):

H.R. 4879. A bill to reform the Army Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mr. DAVIS of Virginia, and Mr. HOYER):

H.R. 4880. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to establish new pay rates and compensation schedules for officers and members of the United States Secret Service Uniformed Division and the United States Park Police, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of Washington:

H.R. 4881. A bill to benefit electricity consumers by promoting the reliability of the bulk-power system; to the Committee on Commerce.

By Mr. WATTS of Oklahoma:

H.R. 4882. A bill to amend the Internal Revenue Code of 1986 to provide that only after-tax contributions may be made to the Presidential Election Campaign Fund and that taxpayers may designate contributions for a particular national political party, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 4883. A bill to authorize and direct the maintenance of a reliable and economic uranium enrichment, conversion, and mining industry, to assure the nuclear non-proliferation objects of the United States, to provide for the deployment of advanced uranium enrichment technology, and for other purposes; to the Committee on Commerce.

By Mr. BERRY (for himself, Mr. PICKERING, Mr. SKEEN, Mr. SANDLIN, Mr. TURNER, Mr. BONILLA, Mrs. EMERSON, Mr. BAKER, Mr. BOEHNER, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. THUNE, Mr. DEAL of Georgia, Mr. KNOLLENBERG, Mr. RILEY, Mr. HOLDEN, Mr. SHOWS, Mr. HAYES, Mr. CHAMBLISS, Mr. BLUNT, and Mr. PETERSON of Minnesota):

H.J. Res. 105. A joint resolution to disapprove the rule submitted by the Environmental Protection Agency on July 13, 2000, relating to total maximum daily loads under the Federal Water Pollution Control Act; to the Committee on Transportation and Infrastructure.

By Mr. DICKEY:

H.J. Res. 106. A joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution; to the Committee on Transportation and Infrastructure.

By Mr. JACKSON of Illinois:

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress that any Presidential candidate should be permitted to participate in debates among candidates if at least 5 percent of respondents in national public opinion polls of all eligible voters support the candidate's election for President or if a majority of respondents in such polls support the candidate's participation in such debates; to the Committee on House Administration.

By Mr. TOWNS:

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

By Mr. MCCOLLUM (for himself, Mr. RANGEL, Mrs. MORELLA, Ms. KAPTUR, Ms. ROS-LEHTINEN, Mrs. MEEK of Florida, Mrs. FOWLER, Ms. JACKSON-LEE of Texas, Ms. DUNN, Mr. HYDE, Mr. MILLER of Florida, Mr. FOLEY, and Mr. DIAZ-BALART):

H. Con. Res. 375. Concurrent resolution recognizing the importance of children in the United States and supporting the goals and ideas of National Youth Day; to the Committee on Education and the Workforce.

By Mr. TANCREDO:

H. Con. Res. 376. Concurrent resolution expressing the sense of the Congress regarding support for the recognition of a Liberty Day; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

403. The SPEAKER presented a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 610 memorializing the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect; to the Committee on Education and the Workforce.

404. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 610 memorializes the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect; to the Committee on Education and the Workforce.

405. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 21 memorializing the Congress for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate; to the Committee on Commerce.

406. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 124 memorializing the United States Government to take appropriate action to address the serious environmental and public health problems posed by the toxic wastes left behind at former United States Military installations in the Philippines; to the Committee on International Relations.

407. Also, a memorial of the Legislature of the State of Georgia, relative to House Concurrent Resolution No. 37 memorializing Congress and the Federal Government to allow for suspension of the requirements for state matching funds associated with receipt of federal grants when a state is experiencing a budget deficit or shortfall; to the Committee on Government Reform.

408. Also, a memorial of the Legislature of the State of Wisconsin, relative to Assembly Resolution No. 29 memorializing support for the Washington Juneteenth 2000 National Holiday Observance, on the National Mall, Lincoln Memorial and U.S. capital grounds, scheduled for Saturday, June 17, 2000; to the Committee on Government Reform.

409. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 27 memorializing the President and Congress to gather with Native Hawaiians in observance of the centennial of the organic act; to the Committee on Resources.

410. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 13 memorializing the United States Congress and the Louisiana congressional delegation to provide funding from revenues received from oil and gas activity on the Outer Continental Shelf (OCS) to the Louisiana Department of Wildlife and Fisheries for state enforcement of the wildlife and fisheries laws; to the Committee on Resources.

411. Also, a memorial of the General Assembly of the State of Rhode Island, relative to House Resolution No. 2000–H 8292 memorializing the United States Congress to provide full and permanent funding for the Federal Land and Water Conservation Fund; to the Committee on Resources.

412. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 00–002 memorializing the Members of the Congress of the United States to dedicate the Old Spainish Trail and Northern Branch of the Old Spainish Trail as an historic trail; to the Committee on Resources.

413. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 9 memorializing the United States Congress to consider the needs of state and local governments and traditional "main street" merchants when determining the proper course of action regarding Internet taxation; to the Committee on the Judiciary.

414. Also, a memorial of the Legislature of the State of Louisiana, relative to House Resolution No. 33 memorializing the United States Congress to take such steps as necessary to preserve the liberties of our nation as a whole and the liberties of the individual citizens of our nation; to the Committee on the Judiciary.

415. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 16 memorializing the United States Congress to amend the Internal Revenue Code, regarding the children of deceased public sector employees who receive death benefits from a state-sponsored retirement system, to provide those children with an exclusion from gross income equal to one-half of such benefits and to treat all such benefits above that limit as ordinary income, but not as investment income, and thereby bring equality of treatment to children of deceased public and private sector employees; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Mr. VITTER.

H.R. 141: Mr. LARSON and Mr. KENNEDY of Rhode Island.

H.R. 207: Mr. DOYLE.

H.R. 220: Mr. PETRI.

H.R. 390: Mr. OWENS and Mr. LOBIONDO.

H.R. 443: Mr. ALLEN.

H.R. 515: Ms. ESHOO.

H.R. 531: Mr. CANNON, Mrs. CHENOWETH-HAGE, Mr. DIAZ-BALART, Mr. EWING, Mr. GOSS, Mr. HUNTER, Mr. LUCAS of Oklahoma, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. SHERWOOD, Mr. SUNUNU, Mr. REGULA, and Mr. KUYKENDALL.

H.R. 534: Mr. DEAL of Georgia, and Mr. WATT of North Carolina.

H.R. 802: Mr. MALONEY of Connecticut.

H.R. 1020: Mr. DICKS, Mr. COYNE, Ms. KAPTUR, Ms. MILLENDER-MCDONALD, and Mr. HOLT.

H.R. 1102: Mr. UDALL of New Mexico, Mr. REYNOLDS, Mrs. BIGGERT, and Mrs. NORTHUP.

H.R. 1187: Mr. MOORE.

H.R. 1366: Mr. VITTER.

H.R. 1592: Mr. DOYLE.

H.R. 1705: Ms. DELAURO.

H.R. 1771: Mr. GILCHREST.

H.R. 1772: Mr. GILCHREST.

H.R. 1795: Mr. MENENDEZ, Mr. SAWYER, and Mr. GORDON.

H.R. 1798: Mr. ROGAN.

H.R. 1824: Mr. GREENWOOD.

H.R. 1871: Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. ROTHMAN, Ms. MCKINNEY, Mr. COOK, and Mrs. MALONEY of New York.

H.R. 1899: Ms. ROS-LEHTINEN.

H.R. 2129: Mr. CAMP and Mr. PETERSON of Minnesota.

H.R. 2341: Mrs. NAPOLITANO, Mrs. BIGGERT, and Mr. BAKER.

H.R. 2457: Mr. KANJORSKI, Mr. INSLEE, Mr. HINOJOSA, Mr. STENHOLM, Mr. BONIOR, Mr. MEEHAN, and Mr. DINGELL.

H.R. 2594: Ms. SLAUGHTER.

H.R. 2710: Mrs. MYRICK.

H.R. 2870: Mr. MCNULTY.

H.R. 2953: Mr. TALENT, Mr. DAVIS of Illinois, and Mr. GREEN of Texas.

H.R. 2969: Mr. ABERCROMBIE.

H.R. 3004: Mr. WATT of North Carolina, Mr. BISHOP, Mr. HINCHEY, and Ms. STABENOW.

H.R. 3083: Ms. KAPTUR, Mr. GONZALEZ, and Mr. PHELPS.

H.R. 3091: Mr. GEJDENSON.

H.R. 3118: Mr. POMBO.

H.R. 3193: Mr. HINOJOSA.

H.R. 3212: Mr. GOODE.

H.R. 3219: Mr. BACA.

H.R. 3295: Mr. PORTER.

H.R. 3449: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3514: Mr. SHERMAN.

H.R. 3667: Mr. WAXMAN.

H.R. 3806: Mr. LaHOOD.

H.R. 3816: Mr. HINOJOSA.

H.R. 3825: Mr. CLEMENT.

H.R. 3826: Mr. SERRANO.

H.R. 3841: Mr. DOYLE.

H.R. 3842: Mr. CROWLEY, Mr. TIAHRT, Mr. LANTOS, Mr. TOWNS, Mr. LaFALCE, Mr. SAXTON, Mr. BLUMENAUER, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. RILEY, and Mr. CUMMINGS.

H.R. 3915: Mr. ARMEY.

H.R. 3981: Ms. VELÁZQUEZ.

H.R. 4002: Mr. POMEROY.

H.R. 4011: Mr. RYUN of Kansas.

H.R. 4049: REYNOLDS.

H.R. 4066: Mr. MORAN of Virginia, Mr. LAFALCE, and Ms. VELÁZQUEZ.

H.R. 4094: Mrs. MINK of Hawaii and Ms. ROS-LEHTINEN.

H.R. 4165: Mr. BRADY of Texas.

H.R. 4167: Mr. GANSKE, Mr. PRICE of North Carolina, Mr. THOMPSON of Mississippi, and Mr. HINCHEY.

H.R. 4192: Mr. GREEN of Wisconsin.

H.R. 4207: Mr. DOGGETT, Mr. BORSKI, Mrs. MINK of Hawaii, Ms. BERKLEY, and Mr. THOMPSON of California.

H.R. 4215: Mr. DICKEY.

H.R. 4248: Mr. WATKINS.

H.R. 4259: Ms. McKINNEY, Mr. WATT of North Carolina, Mr. UDALL of New Mexico, and Mr. BROWN of Ohio.

H.R. 4274: Mr. McNULTY.

H.R. 4281: Mr. LEVIN, Mr. HOBSON, Mr. DeFAZIO, Mr. BONIOR, Mr. SWEENEY, and Mr. TIERNEY.

H.R. 4328: Mr. TALENT.

H.R. 4333: Mr. PAYNE, Ms. LEE, Ms. CARSON, and Mr. NADLER.

H.R. 4360: Mr. SANDERS and Mr. OBERSTAR.

H.R. 4361: Mr. OLVER, Mr. WALSH, and Ms. KAPTUR.

H.R. 4384: Mr. BISHOP, Mrs. CHRISTENSEN, Mr. CLAY, Mr. DOGGETT, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. RANGEL, Ms. WATERS, Mr. GOODLING, and Ms. ROYBAL-ALLARD.

H.R. 4410: Mr. FRANKS of New Jersey.

H.R. 4420: Mr. DOYLE.

H.R. 4441: Mr. WISE.

H.R. 4453: Ms. PELOSI.

H.R. 4481: Mr. BACA, Mr. HINCHEY, Mr. WEXLER, Mrs. LOWEY, Mr. GEORGE MILLER of California, Mr. LARSON, Mr. DIXON, Mr. LoBIONDO, Mr. GREEN of Texas, and Mr. SNYDER.

H.R. 4492: Mr. MARTINEZ and Mr. GOODLING.

H.R. 4503: Mr. WATT of North Carolina.

H.R. 4526: Mr. KIND, Mr. ROMERO-BARCELO, and Mr. GIBBONS.

H.R. 4582: Mr. GREEN of Wisconsin.

H.R. 4624: Mr. DIAZ-BALART.

H.R. 4639: Mr. WEINER.

H.R. 4652: Mr. CALLAHAN.

H.R. 4659: Ms. DANNER, Mr. HOLDEN, and Mr. GONZALEZ.

H.R. 4660: Mr. BARTLETT of Maryland.

H.R. 4664: Mrs. MEEK of Florida, Ms. LEE, Mr. RANGEL, and Mr. DIAZ-BALART.

H.R. 4669: Mr. SCHAFFER.

H.R. 4677: Mr. COMBEST.

H.R. 4759: Mr. GILMAN, Mr. SIMPSON, and Mr. BOEHLERT.

H.R. 4760: Ms. STABENOW.

H.R. 4776: Mr. HERGER.

H.R. 4793: Mr. RAHALL, Mr. ISAKSON, and Mr. MINGE.

H.R. 4794: Mr. BONIOR.

H.R. 4807: Mr. SAWYER, Ms. SCHAKOWSKY, Mr. RUSS, Mrs. BIGGERT, Mr. CALVERT, Mr. CANADY of Florida, Mr. LAMPSON, Mr. GANSKE, Mr. SANDERS, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. BLAGOJEVICH, Mr. SCHAFFFER, Mr. McINTOSH, Mr. BORSKI, Mr. GALLEGLY, Mr. LAZIO, Mr. NADLER, Mr. RAMSTAD, Mr. MEEHAN, Mr. DICKS, Mrs. LOWEY, Mr. SHERMAN, Mr. SABO, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. RAHALL, Mr. FRANK of Massachusetts, Ms. LEE, and Mr. LaTOURETTE.

H.R. 4844: Mr. QUINN, Mr. LIPINSKI, Mr. BACHUS, Mr. WISE, Mrs. JOHNSON of Connecticut, Mr. JEFFERSON, Mr. CAMP, Mrs. NAPOLITANO, Mr. TERRY, Mr. BROWN of Ohio, Mr. DICKEY, Mr. UDALL of New Mexico, Mr. REYNOLDS, Mr. MASCARA, Mr. COOKSEY, Mr. WYNN, Mr. DUNCAN, Mr. BARCIA, Mr. NEY, Mr. MEEKS of New York, Mr. KING, Mr. PETERSON of Minnesota, Mr. POMBO, Mr. CUMMINGS, Mr. LaTOURETTE, Mr. BRADY of Pennsylvania, Mr. FRANKS of New Jersey, Mr. COSTELLO, Mr. ISAKSON, Mr. KANJORSKI, Mr. WHITFIELD, Mr. BOSWELL, Ms. PRYCE of Ohio, Ms. BROWN of Florida, Mr. HORN, Mr. KUCINICH, Mr. WELLER, Mr. SKELTON, Mr. KUYKENDALL, Ms. KILPATRICK, Mr. CHAMBLISS, Mr. BERRY, Mr. SESSIONS, Mrs. TAUSCHER, Mr. COOK, Mr. PRICE of North Carolina, Mr. DAVIS of Virginia, Mr. ABERCROMBIE, Mr. LUCAS of Oklahoma, Mr. TURNER, Mrs. KELLY, Mr. DOYLE, Mr. GILCHREST, Mr. CRAMER, Mr. SAXTON, Mr. SHOWS, Mr. FOLEY, Mr. SNYDER, Mr. HULSHOF, Mr. KILDEE, Mr. COLLINS, Mr. MURTHA, Mr. LaHOOD, Mr. FROST, Mr. SHERWOOD, Mr. ANDREWS, Mrs. FOWLER, Mr. TANCREDO, Mr. RAMSTAD, Mr. HUTCHINSON, Mr. PETERSON of Pennsylvania, Mr. SIMPSON, MR. RUSH, Mr. BEREUTER, Mrs. MALONEY of New York, Mr. BLILEY, Mrs. THURMAN, Mr. STEARNS, Mr. STUPAK, Mr. SWEENEY, Mr. FRANK of Massachusetts, Mr. EHRLICH, Ms. KAPTUR, Mr. THUNE, Mr. PHELPS, Mr. EHLERS, Mr. HASTINGS of Florida, Mr. GOODLING, Mr. VENTO, Mr. MICA, Mr. LUTHER, Mr. BLUNT, Mr. KLINK, Mr. TIERNEY, Mr. BORSKI, Ms. NORTON, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, Mr. CONYERS, Mr. GREEN of Texas, Mr. GONZALEZ, Ms. STABENOW, and Mrs. SLAUGHTER.

H.R. 4850: Mr. STUPAK, Mrs. JONES of Ohio, Mrs. MORELLA, Mr. KLINK, Mr. GIBBONS, Mr. DOYLE, and Mr. SMITH of New Jersey.

H.R. 4864: Mr. BOEHLERT, Mr. TAYLOR of Mississippi, Mr. REYNOLDS, Mr. OBEY, Mr. SMITH of New Jersey, Mr. MINGE, Ms. CARSON, Mr. BLAGOJEVICH, Ms. PRYCE of Ohio, Ms. LOFGREN, Mr. BAKER, Mr. HASTINGS of Washington, and Mr. HINOJOSA.

H.R. 4866: Mr. WELLER, Mr. CHABOT, and Mr. SHAW.

H.J. Res. 102: Mrs. BONO, Mr. BRADY of Texas, Mr. CHABOT, Mrs. EMERSON, Mr. OXLEY, Mr. ENGLISH, Mr. BLUNT, and Mr. THUNE.

H. Con. Res. 133: Mr. CANADY of Florida.

H. Con. Res. 321: Mrs. EMERSON, Mr. DEAL of Georgia, Ms. WOOLSEY, and Ms. BROWN of Florida.

H. Con. Res. 341: Mr. ROMERO-BARCELO and Ms. SLAUGHTER.

H. Con. Res. 350: Ms. CARSON and Ms. BALDWIN.

H. Con. Res. 363: Mr. UDALL of New Mexico, Mr. WATT of North Carolina, and Mr. OWENS.

H. Con. Res. 372: Mr. CASTLE, Mr. FROST, Mrs. THURMAN, Mr. McNULTY, Mr. HOSTETTLER, and Mr. SENSENBRENNER.

H. Res. 107: Mr. MORAN of Virginia.

H. Res. 420: Mr. KLINK and Ms. RIVERS.

H. Res. 430: Mr. HALL of Texas.

H. Res. 437: Mrs. CLAYTON.

H. Res. 537: Ms. DANNER, Mr. DEUTSCH, Mr. MATSUI, Mr. PAYNE, Ms. BALDWIN, Mr. YOUNG of Florida, Mr. STARK, Mr. GOSS.

H. Res. 551: Mrs. EMERSON and Mr. LEWIS of Kentucky.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of Rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1660: Mrs. MINK of Hawaii.

AMENDMENTS

Under clause 8 of the rule XVIII, proposed amendments were submitted as follows:

H.R. 4871

OFFERED BY: MR. DEUTSCH

AMENDMENT NO. 1: At the end of the bill, insert after the last section, preceding the short title, the following new section:

SEC.   . None of the funds made available in this Act may be used to allow the importation into the United States of any product that is the growth, product, or manufacture of Iran.

H.R. 4871

OFFERED BY: MR. GILMAN

AMENDMENT NO. 2: At the appropriate place in the bill, insert the following new section:

SEC.   . Section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1988, as contained in the Act of December 22, 1987 (40 U.S.C. 490b), is amended by adding at the end the following:

"(e) All existing and newly hired workers in any child care center located in federally owned or leased facilities shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).".

H.R. 4871

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 3: In the item relating to "DEPARTMENT OF THE TREASURY—DEPARTMENTAL OFFICES—SALARIES AND EXPENSES", insert before the period at the end the following: ": *Provided*, That of the amounts made available under this heading, $500,000 shall be for preparing a report to the Congress on the contents of agreements between the International Monetary Fund and debtor countries and the World Bank and debtor countries: *Provided further*, That in preparing such report, the Secretary of the Treasury shall report all provisions of those agreements that require countries to privatize state-owned enterprises and public services; lower barriers to imports, including basic food products; privatize their public pension or social security systems; raise bank interest rates; eliminate regulations on the environment and natural resources; and reform their labor laws and regulations, including legal minimum wages, benefits, and the right to strike".

H.R. 4871

OFFERED BY: MR. NADLER

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . Section 9101 of the Balanced Budget Act of 1997 (111 Stat. 670) is repealed.

H.R. 4871

Offered By: Mr. Quinn

Amendment No. 5: In the item relating to "General Services Administration—Federal buildings fund—limitations on availability of revenue"—

(1) after the first and last dollar amounts, insert "(increased by $3,600,000)";

(2) redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(3) before paragraph (2) (as so redesignated), insert the following:

(1) $3,600,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New York:

Buffalo, U.S. courthouse, $3,600,000;

EXTENSIONS OF REMARKS

TRIBUTE TO MILT KANZAKI AND THE 442ND REGIMENTAL COMBAT TEAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. McINNIS. Mr. Speaker, it is at this time that I would like to pay tribute to Milt Kanzaki for his dedicated service during World War II with the U.S. Army. Milt's bravery and courage during the war deserve the recognition and praise of this body.

Milt fought with the renowned 442nd Regimental Combat Team during his participation in the war. The 442nd was an exemplary regiment composed of Nisei (Japanese-American citizens) that were drafted into service after their families had been wrongfully placed into Japanese relocation camps. Even in the face of this blatant transgression by the American government, these soldiers discarded any ill will toward America and fought with a go for broke demeanor, becoming one of the most decorated units in American military history.

Milt was drafted into service during 1944 and joined the 442nd the following year. During his time in the war, Milt fought in the Northern Apennines-Po Valley campaign as well as the melee at Mount Belvedere. In was during these infamous battles that Milt earned himself a combat infantry badge, one of 18,143 decorations that were awarded to the 442nd.

Mr. Speaker, it is a privilege and honor to salute Milt and the 442nd Regimental Combat Team. His story and that of the 442nd is truly heroic and deserves this body's recognition.

Milt, thank you for your dedicated service to America. We are all very proud of you!

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE OF H.R. 4063

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 4063, a bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2000.

HON. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4063, the Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4063—Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000

Summary: Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4063 would cost the federal government between $6.5 million and $10.5 million over the next three years and about $0.8 million annually thereafter. Because the act would allow the Secretary of the Interior to collect and spend donations, pay-as-you-go procedures would apply, but CBO estimates that any revenues and resulting direct spending would be minimal and largely offsetting.

H.R. 4063 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments could incur some costs as a result of the legislation's enactment, but such costs would be voluntary.

Major provisions: H.R. 4063 would establish the Rosie the Riveter-World War II Home Front National Historical Park in Richmond, California. The National Park Service (NPS) would administer the park, which would consist of historical sites related to the themes of Rosie the Riveter such as World War II-era shipyards, housing and daycare centers, as well as a number of local parks and memorials such as the Shimada Peace Memorial Park. The act would authorize the NPS to acquire some of these sites (including the daycare centers and a nearby hospital), to protect these resources through cooperative agreements with their current owners to provide technical assistance, and in some cases to help interpret and restore historic structures. It also would authorize the NPS to lease the Ford Assembly Building to establish an education center, which would serve as the primary visitor contact facility for the new park.

H.R. 4063 would direct the NPS to develop a general management plan for the park and make recommendations concerning other sites that should be linked or added to the park. The act also would require the agency to conduct a theme study of the World War II home front to determine whether other sites in the United States should be included in the National Park System.

Section 5 of H.R. 4063 would authorize the appropriation of whatever sums are necessary to (1) acquire specified properties within the park's boundaries, (2) preserve and interpret park resources (including funds to conduct oral histories), and (3) provide visitor services. In addition, the act would authorize the appropriation of $1 million for the purchase of historical artifacts. Finally, the legislation would authorize the NPS to accept and use donations of funds, property, and services.

Estimated cost to the Federal Government: Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend between $6.5 million and $10.5 million over the next three years to implement H.R. 4063. Most of the funds would be used to develop the education center at the Ford Assembly Building—between $2.7 million and $6.7 million—depending on the size of the facility and on the availability of nonfederal funding. Other one-time costs of about $2.4 million would be incurred to acquire, artifacts, restore buildings, develop required plans and studies, and other activities under cooperative agreements. Finally, we estimate that it would cost $1.4 million to administer the new park during the three-year development period. Once all facilities have been developed, CBO estimates that ongoing costs to operate and maintain the new park would be about $0.8 million annually, beginning in fiscal year 2004.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 4063 would authorize the NPS to accept and use donations for the new historical park. Such donations are recorded in the budget as governmental receipts, and spending of the gifts would be considered new direct spending. Based on information provided by the agency, CBO estimates that both receipts and direct spending under this provision would be less than $500,000 annually.

Estimate prepared by: Federal Costs: Deborah Reis and Ali Aslam. Impact on State, Local, and Tribal Governments: Susan Van Deventer. Impact on the Private Sector: Natalie Tawil.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Burton amendment.

Today, India is the world's largest democracy. India's one billion people account for one-sixth of the world's population. For half a century India has struggled to overcome colonialism, religious and ethnic conflicts and all of the problems of underdevelopment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

India has made tremendous progress in trying to address its human rights problems.

India has instituted a process to receive complaints, initiate investigations of all claims, and passed laws to take action against those officials and members of security forces that have committed human rights offenses. The Burton amendment would eliminate U.S. assistance to help sustain these achievements.

It is senseless to go through this again. As we continue this debate from last year, I want to say again that cutting development assistance to India would have disastrous effects.

I know that some members feel that India now has the opportunity to operate without the help of the United States. To that I say opportunity only follows hard work. It follows effort. And it never comes before.

Let's take this opportunity now to put forth the effort to truly help India, let's vote down the Burton amendment and help keep India on the road to economic sufficiency.

IN HONOR OF THE SPONSORS OF PROJECT CHILDREN 2000

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the sponsors of Project Children 2000, a program enabling children from Northern Ireland to temporarily escape the bitter conflict they have known all their lives, a conflict that has deprived them of their childhood, in a land where hatred and divisiveness have shaped the social climate. Project Children was established to provide a small window of simple childhood pleasures, a holiday of sorts dedicated to peaceful, happy pursuits—these children deserve nothing less, and so much more.

The sponsors or host families of this outstanding program have opened their hearts and their homes to these often neglected victims of the conflict, and they have done so with a profound sense of duty and a rare display of generosity and compassion. I am extremely proud that so many families from my district have volunteered to participate in Project Children. I would like to thank the following sponsors: John and Diane Antonacci; Terrance and Linda Begley; Joseph and Nancy Caprio; Steven and Annette Carbone; John and Linda Carney; David and Patricia Cedrone; Saulle and Marge Critell; Daniel and Susan Davison; Phillip and Kathleen DeCicco; Mark and Lynn deRowen; Donald and Irene Diverio; Al and Ellen Dorso; Peter and Robin DuHaime; Thomas and Cynthia Evision; Rick and Arlene Faustini; Raymond and Donna Flannery; Thomas and Michele Flynn; Salvatore and Patricia Fontana; Jim and Ana Gilligan; Michael and Pat Goodwin; Michael and Stephanie Griffin; John and Veronika Hecker; George and Margaret Hughes; Nicholas and Patricia Kaminskyj; Andrew and Lynne Klosowski; Richard and Eileen Leahy; Brian and Elizabeth Lynch; David and Debra Stroehlein; Nicholad and Agnes Mangelli; Lorenzo and Debra Marchese; Harold and Janice Miller; Kevin and Lisa Miller; Bob and Dyan Moore; Craig and Sharon Parker; Alan and Jan Paul; Craig and Kerry Plokhoy; David and Cathleen Quinn; Timothy and Amy Quinzer; David and Sally Roche; William and MaryJo Sabbert; Jan and Karen Samowski; Scott and Maria Sim; Jeffrey and Eileen Simmers; Stephen and Catherine Simpson; Michael and Laura Sims; Hoby and Joyce Stager; Keith and Barbara Stiehler; Robert and Denise Thompson Jr.; Joyce Vargas, Joseph and Barbara Wewlls; Rodney and Linda Bialko.

I also want to recognize the lovely children from Ireland who are gracing New Jersey with their presence this summer: Jeannette Bailey; Nicole Bennett; Nichola Boyd; Emma Campbell; John Clift; Marie-Theresa Collins; Stephen Coyle; Jason Curran; Wlliam Curran; Stephen Devine; Gemma Devlin; Anthony DiLucia; James Donnelly; Joseph Donnelly; Michelle Donnelly; Michael Duffy; Marie Sinead Flanagan; Caoimbe Marie Fox; Nathan Friel; Oria Gargan; Sean Paul Gorman; Kathleen Hall; Sinead Handley; Tomas Hull; Daniel Hutchings; Sinead Jackson; Jade Laird; David Lewsley; Gary Logan; Daniel Lynch; Laura Lyons; Martin Magennis; Jemina Maguire; Ursula McAteer; Nicola McCabe; Louise McConville; Samantha McConville; Jason McKernan; Claire McKinley; Luke McKibben; Sinead LcLarnon; Sonia McManus; Padraig McPartland; Elaine Murray; Caoimhin McVeigh; Louise Kayleigh McVeigh; Charlene McWilliams; Grainne Pelan; John Robinson; Adele Ross; Una Simpson; Clare Tallon; Lorraine Villa; and Gemma Weir.

In addition, Project Children would not be successful without the hard work of dedicated committee members and other staff. I thank them as well.

I ask that my colleagues join me today in honoring Project Children and everyone who has contributed to making it a great success.

IN HONOR OF MINOR GEORGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great servant of the people of Cleveland and leader of the Arab-American community, former Parma councilman Minor George. His recent death, at the age of 78, is a sorrowful event for the entire Cleveland, Ohio community.

Mr. George served as a Navy Lieutenant in World War II and was awarded the Bronze Star. After the war he was elected as the only Republican on the City Council of Parma and served three terms. In that office, his support was crucial to the success of a number of important Parma-area developments, including Parma Community General Hospital and Parma Town Hall. He was later to serve as Vice-Chairman of the Cuyahoga County Republican party.

Mr. George founded the Cleveland American Middle East organization with his friend Richard Ganim. Today this organization is the Arab-American community's leading political organization, uniting the voice of this important part of the wider Cleveland community. It is a suitable tribute to the vision of its founder, who became the National Arab-American President.

Mr. George also worked tirelessly with entertainer Danny Thomas to raise money to open St. Jude's Children's Research Hospital. Without his efforts, this wonderful institution, which helps hundreds of sick children each year, would never have opened. We all owe him an enormous debt of gratitude.

Through this exemplary record of public service, Mr. George rose to national prominence and his opinions were sought in meetings with Presidents Nixon, Ford and Bush as well as Palestinian leader Yasser Arafat. He always conducted himself with great dignity and was well respected by all sections of the Cleveland community. He will be sorely missed.

I ask the House of Representatives to join me today in honoring the memory of this great community leader and role model.

MISSILE DEFENSE SYSTEM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the July 12, 2000, Omaha World Herald editorial entitled "Another Reason to Hold Off." As the editorial correctly notes, this President should not make a decision on deployment of a missile defense system and should leave the decision to the next President. This Member has long supported the concept of a limited missile defense, however, a decision on deployment is premature. Ultimately a limited missile defense system is likely to prove feasible, especially in a sea-based deployment mode. A sea-based capacity can be readily deployed to an area of increased tension and directed more effectively at the missiles of a threat country, thus making it more feasible to destroy these missiles in the launch phase. This Member urges his colleagues to heed the admonition in this insightful editorial.

ANOTHER REASON TO HOLD OFF

If the proposed U.S. missile defense system were a demo model on a car dealer's lot, the average American wouldn't buy it—at least in its present condition. You step on the accelerator and it doesn't go. Or you try to make a sharp turn and the steering wheel comes off in your hands.

That isn't to say it can't be made right. We hope it can. But it certainly calls into question whether President Clinton ought to put in motion the process that would ultimately lead to its deployment. Our view is that the final decision can wait.

A choice not to decide is, after all, a decision in itself. And at present, given the killer missile's sputtery test record—last Saturday, the booster rocket somehow failed to turn loose of the interceptor—it's the right one to make.

It's a decision made easier by the fact that North Korea, frequently mentioned as a "rogue" state that might try to fling a nuclear missile or two at the United States:

(1) Is generally judged not to be able to deploy one for at least five years (probably

quite a bit longer, in reality); and (2) is currently making enough friendly noises about cooperation and even reconciliation with the West and with its sister state to the south that America may well come to view it with far less concern.

That still leaves other countries—Libya, Iran, Iraq, maybe even Pakistan—that might someday pose such a threat. But seasoned observers put their chances for fielding such missiles in a much longer time frame than was ever projected for North Korea.

This system, if built, is estimated to cost $60 billion. That may well be low; when did we last hear of a weapons system coming in either on or under budget? Of its three currently scheduled tests, it has now failed two.

Mr. President, this important and costly device plainly needs more work. Either Governor Bush or Vice President Gore, as the next president, is more than capable of making the decision. Let George or Al do it.

PERSONAL EXPLANATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. HULSHOF. Mr. Speaker, due to travel delays, I was not present for rollcall votes 373 through 378. Had I been present, I would have voted "aye" on rollcall vote 373, "no" on rollcall vote 374, "aye" on rollcall vote 375, "no" on rollcall vote 376, "aye" on rollcall vote 377 and "no" on rollcall vote 378.

HONORING GIOACCHINO BALSAMO FOR A LIFETIME OF ACHIEVEMENT ON HIS 90TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. DELAURO. Mr. Speaker, it is with great pride that I rise today to honor an extraordinary individual whose contributions to the Italian-American community in my hometown of New Haven, Connecticut have been truly invaluable. A friend to all who know him, I am honored to pay tribute to my Uncle Gino as he celebrates his 90th birthday.

The son of an Italian Supreme Court Judge, Gino grew up in Rome and came to the United States with his family shortly after the conclusion of World War II. Ambitious and hard working, Gino took on a variety of jobs throughout Greater New Haven, doing whatever necessary to support his wife, Nerina, and two children. Always committed to his Italian heritage, one of Gino's firsts jobs was delivering the news on the local Italian radio station. During his first years in New Haven, he found a friend and mentor in my father, Ted DeLauro to help guide him as he began a new life in America. Gino and his family formed a special bond with my family. My mother, Luisa, was especially close with her Aunt Nettie, whom she lived with until Nettie was fifteen years old. Gino's family would come to dinner every Thursday night and I can remember listening in wonder to his stories of Rome and Amalfi, New Haven's sister city. His gentle nature endeared him to all those fortunate to know him and I consider myself blessed to be in his family.

After becoming a prominent figure in the Italian-American community of the Greater New Haven area, he began to use his many talents to assist Italian immigrants with immigration formalities, translations, and travel arrangements to the "Old Country". As a native of Italy and immigrant himself, Gino understood the fear and confusion of coming to a new country. He used his knowledge of his homeland and what he had learned here to support and comfort families that sought his assistance. Finding more and more of his time focused on these issues, he established the Balsamo Agency at the age of fifty-two and ran the company until his retirement at the tender age of eight-four. His compassion, warmth and unparalleled dedication to the Italian-American community helped thousands of Italians adapt to their new lives in America. Without his diligent efforts on their behalf, many would have found the daunting task of starting a new life a much more difficult experience. He made a real difference in the lives of many—a rare accomplishment.

It is a pleasure for me to stand today to recognize Gino's lifetime of achievement. He has left an indelible mark on the New Haven community and words cannot begin to express the thanks and appreciation he deserves for all his kindness and good works. I am honored to join his wife of sixty-six years, Nettie, his children Dino and Fausta, family and friends in extending my best wishes to Gino as he celebrates his 90th birthday. Happy Birthday Uncle Gino!

IN TRIBUTE TO CHIEF JOSEPH WHITE

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mrs. CLAYTON. Mr. Speaker, it is with great sadness that I rise to express my condolences to the family of Chief Joseph White, whose tragic and untimely passing, in the line of duty, we mourn. His wife, Joyce, his three children, his two foster children, his grandson and two foster grandchildren should know, that while their grief is heavy, comfort may be found in those close to them, friends and family, who will gather to acclaim his life. This husband and father was indeed a hero, cut down by a gun, while doing his job.

For nearly 30 years, Chief White gave of himself as a law enforcement officer, after retiring from the United States Navy. He served in a range of roles before becoming Chief at Rich Square a year and a half ago. He has been described as soft-spoken, yet effective. He was often seen with his 13-year-old grandson, a tough yet tender law man.

Chief White has now been called to rest and to reside in a place of total peace. God's finger has gently touched him and he now sleeps. I am confident that he has left a lasting impression on those who came to know him, and the principles that guided him will now serve as guideposts for those he leaves behind. I am also certain that throughout his life, he remained a caring friend, a devoted and loving family member, and a committed and dedicated father and husband.

He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time he spent on this earth.

The passing of a loved one is always very hard to understand, but God has the situation in-hand. Ecclesiastes, Chapter 3, Verses 1 through 8 is instructive. It reads in part, "To every thing there is a season, and a time to every purpose under the heaven . . . A time to be born, and a time to die." And while his friends and family will greatly miss the Chief, I want to remind them that strength can be found in their continued support of one another. That is what he worked for all of his life. That is what he would want.

And, a special word for his wife and children. It is my hope that your family will be comforted by the fact that God in His infinite wisdom does not make mistakes. Your husband, father and grandfather will live on forever in your hearts and minds through your cherished memories of his life and the time you had with him. Please continue to support one another, and I will pray for God's rich blessings on each of you. May God comfort and help your family and friends and help all of you to hold on to treasured yesterdays; and reach out with courage and hope to tomorrow, knowing that your beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Chief Joseph White lived his life in sacrifice so that all of us could live our lives in pride. He has labored long. He now rests.

THE U.S. MUST SUPPORT PROPERTY RIGHTS FOR POLISH HOLOCAUST VICTIMS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. OWENS. Mr. Speaker, nearly two hundred of my constituents are the victims of a gross injustice which is continually being compounded by the evasive actions of the present government of Poland. Instead of acting expeditiously to end the cycle of evil set off by the Nazi extermination of Polish Jews, the present Democratic government of Poland has adopted a set of obviously immoral legal maneuvers which deny just compensation to these Polish holocaust victims and their heirs. Following the Nazi defeat, the Communist government continued the criminal denial of property rights. Now a government which has embraced the principles which recognize private property rights is behaving in a manner bordering on racketeering.

In response to a lawsuit filed in Federal Court in Brooklyn on June 18, 1999, the Polish government, on December 22, 1999 filed a motion to dismiss the pending case; however, four weeks later this same government began drafting a reprivatization law to submit to its parliament. The key provisions of the draft represent a blatant attempt to swindle the long neglected victims: Only fifty percent of the current value will be offered to the original owners; payment in bonds which have no face value is proposed; inheritance taxes will be demanded; a one year limit on making claims under the statute will be imposed; for each person making the claim there will be a five year residency requirement.

Instead of these evasive actions which prolong the cruel and inhuman treatment already suffered by the Polish Jews; justice requires that the Polish government institute the following remedies for the survivors: Immediately commence the deeding of all government owned properties back to their rightful owners; creation of a fund for those with ownership rights in properties that have been sold to bona fide third parties; no eviction of any Polish citizens is demanded and an accounting of profits received by Poland during the last 55 years would be "negotiated away."

The obvious violations of human rights is the least issue involved in this class action suit. Government grand larceny is a more appropriate term to describe this stalemate. The current neutral position of the U.S. State Department on this matter is inconsistent with U.S. Human Rights Policy and totally unacceptable. In addition to encouraging condemnation by national and world public opinion it is vitally necessary that our government examine its relationship with the Polish government to determine ways to accelerate a just settlement of this sordid victimization. It must be noted that in both Switzerland and Germany, recent steps have been taken to establish large funds for labor and bank deposit claims. Private property claims are not only more easily validated; tradition also considers property rights as almost sacred. World opinion and all Democratic governments must act vigorously to uphold the rights of Polish Jews.

RECOGNITION OF MARY TURNER'S 40 YEARS' SERVICE TO THE AMERICAN RED CROSS

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. EVERETT. Mr. Speaker, I would like to recognize a very special humanitarian and volunteer in my congressional district, Mary Turner of Dothan, Alabama.

Mary Turner recently celebrated a remarkable four decades of service to Southeast Alabama as an employee of the Wiregrass Chapter of the American Red Cross.

Mary started to work as a secretary with the Red Cross on May 30, 1960. In January 1979, Mary became Chapter Manager, serving Houston, Henry, Dale and Geneva counties.

Since its inception some 83 years ago, the Wiregrass Chapter of the American Red Cross, has faithfully provided the community with disaster services, health and safety programs, services to the Armed Forces, support of the blood services program, Project Share, and many other outreach efforts. And for nearly half of its history, Mary has played an important role in supporting many of these local Red Cross programs.

Additionally, Mary has been active in and a member of many local, regional and state social and human service organizations, including the Governor's Conference on Volunteerism.

A kidney transplant and coronary by-pass surgery have not diminished Mary's dedication to serve others. She is presently active as a member of the Zonta Club of Dothan, the Association of Service Agencies, the Transplant Support Group, and Highland Park Methodist Church.

I wish to extend my best wishes to Mary and my personal thanks for her efforts to better the lives of so many. America is greater because of its volunteers and the work of people like Mary Turner who help to rebuild and strengthen our communities and restore and enrich our lives.

IN SUPPORT OF REAUTHORIZING PROGRAMS ADMINISTERED BY THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. DINGELL. Mr. Speaker, I am pleased to join my colleagues, Mr. RANGEL, Ms. CAPPS, Mr. BROWN, Mr. STRICKLAND, Ms. DEGETTE, and others as original cosponsors of legislation to reauthorize programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Established by Congress in 1992, SAMHSA has built on Federal-State partnerships with communities and private organizations to provide a safety net of services for individuals and families with substance abuse problems and mental illness. In 1995, the last year for which statistics are available, drugs and alcohol cost the American public $276 billion in unnecessary healthcare costs, extra law enforcement, auto accidents, crime, and lost productivity. The bill introduced today recognizes the challenges of SAMHSA's comprehensive mission and builds upon its successful programs with over a dozen new provisions, a number of which include prevention initiatives that target risk factors contributing to substance abuse and mental illness.

An important aspect of this bill is its extension of the Secretary's flexibility and authority to create programs of regional and national significance in the areas of substance abuse prevention and treatment, and mental health services. This bill affords the Secretary new opportunities to respond to changing societal trends and tomorrow's needs through knowledge development grants, enhancing expertise of service providers, and implementation of regionally sensitive, community-specific programs on an as needed basis.

This bill also places a special emphasis on programs for our Nation's young people, aimed specifically at fostering a generation of drug and alcohol-free youth. This past December, when HHS released its annual report of illicit drug use among teenagers, "Monitoring the Future," we learned that overall marijuana and other illicit drug use among 8th, 10th and 12th graders had leveled off; but, decreases in crack cocaine use among 8th and 10th graders were offset by increases in the use of ecstasy among 10th and 12th graders, and steroid use among 8th and 10th graders. This is not good enough for America's next generation. Therefore, this bill provides funding to: strengthen families; prevent underage drinking; deter methamphetamine and inhalant abuse, particularly by adolescents; create developmentally appropriate early intervention and substance abuse treatment programs; help young people cope with exposure to violence; and permit re-entry into society from the juvenile justice system with appropriate wrap-around services (aftercare and mental health counseling) in place. These are model programs of which we can all be proud. The bill also improves coordination of services to children of substance abusers and provides new help for children and adults with fetal alcohol syndrome.

According to SAMHSA's 1998 Substance Abuse and Mental Health Statistics Source Book, of the 52 million Americans between the ages of 15 and 54 who experience a substance abuse or mental health problem, 8 million, or more than one in seven, have both a mental health and an addiction problem. This represents nearly 5 percent of all Americans in this age group. The bill introduced today acknowledges the common co-occurrence of these conditions by establishing best practices for treatment strategies, and by significantly expending and improving access to those services for both individuals and families.

SAMHSA has been the payer-of-last-resort for millions of Americans with mental health and substance abuse problems. Disorders of the brain are perhaps the most complex challenges we face. While stigmatizing, they are treatable and often preventable. This bill identifies and addresses the broad range of issues contributing to the complex concerns of substance abuse and mental illness. It creates new Centers of Excellence which will lead by example and represents a major step forward for America by providing compassionate and responsible solutions.

IN MEMORY OF MAYOR HUGH MARTIN CURRIN

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mrs. CLAYTON. Mr. Speaker, on Saturday, July 15, 2000, Mayor Hugh Martin Currin, of Oxford, North Carolina, left this life. He was laid to rest today, after serving a total of 25 years as Mayor of Oxford, over a period which spanned 50 years. He spent almost a third of his life as Mayor. At age 78, he died at his home and has now been called to rest and to reside in a place of total peace.

Mayor Currin was first elected to that position in 1949, after having graduated from Oxford High School, Wake Forest College and Wake Forest Law School. This son of a tobacco farmer served as a Naval Officer during World War II. Over the years, in addition to Mayor, he served in various public positions.

He was known for his ability to work with all people. The late Floyd McKissick, Sr., himself an attorney in Oxford, once said of Mayor Currin, that he was a "man of vision." He said the Mayor, "had the nature and capacity to treat a man fairly. He converted Christianity to the political arena." Indeed, despite his many activities and responsibilities, he still found time to teach Sunday School class for more than 40 years.

His years of service were perhaps captured best, in his own words. He said, "The City of Oxford has improved, not because of me or the commissioners, but because the people in this Town cared, and still do." Then, he added, "That's why Oxford has come so far—the people."

Mayor Currin was a devoted husband and loving father, whose son, also a lawyer, practiced with him in Oxford for many years. I know his wife, Doris; his son, Hugh Martin, Jr.; his daughter, Patricia Currin Mangum; and his two granddaughters will miss him dearly. All who knew him were touched by his humility, strength of character and faith in God. He was loved and well respected.

God's finger has gently touched Mayor Currin, and he now sleeps. I am confident that he has left a lasting impression on those who came to know him, and the principles that guided him will now serve as guideposts for those he leaves behind. He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time he spent on this earth.

ALEXIS DEVIN BLACK RECOGNIZED FOR SPECIAL PRAYER

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, today I recognize the outstanding accomplishments of one of my younger constituents, Alexis Devin Black. Miss Black was recently selected as the Grand Prize Winner of the "My Prayer for America" contest conducted by KQCV, a Christian radio station in Oklahoma City. I would like to draw my colleagues' attention to this 13-year-old's eloquent prose, My Prayer for America, which outlines the characteristics that many hope our future America will acquire. Miss Black's special prayer follows:

MY PRAYER FOR AMERICA

(BY ALEXIS DEVIN BLACK)

> Dear God,
>
> My prayer for America comes from younger lips, but it speaks the truth of experience. I pray countless things for America, but above all I pray America come back to its forefather's beliefs. America's history speaks many things, but one that was spoken so clearly from the beginning was You. I pray that America will look at America and stop trying to save a world from problems that arise from some of its own influences.
>
> My prayer for America comes from sighted eyes, but it has looked through blind ones. I pray America will realize that all people are truly created equal and though some may be different, that does not make them a lesser person. I pray that one day a disability can be ignored and a person recognized.
>
> My prayer for America comes from a stable home, but it can easily recognize a broken one. America has created a chicken exit for those who cannot handle marriage. They call it divorce. I pray that even if couples only "stay together for the kids" that they will stay together, not just for their children, but for You.
>
> My prayer for America is one of hope, but it knows degeneration. America has degenerated in every possible and driven God away, therefore falling into its present state. I pray we will, as Americans, take responsibility for our actions and stop blaming our country. For a country can be no stronger, or righteous than its citizens. Amen

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TWA FLIGHT 800

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. FORBES. Mr. Speaker, I rise to recognize the families of those passengers killed in TWA Flight 800. It has been four years since the Boeing 747 exploded over the ocean, 10 miles from Smith Point Park in Long Island, killing all 229 passengers and crew. Yesterday, the families of those aboard came together on the anniversary of the July 17, 1996, crash to remember their loved ones and to break ground on the memorial that will honor the memory of all those who were lost on that fateful night four years ago.

The memorial will have the names of all 229 people killed on Flight 800 chiseled into a curving slab of black granite, the centerpiece of a 2-acre garden that is scheduled for completion on the fifth anniversary of the crash one year from now. The memorial will provide a place for the families of the victims to go and pay tribute to their loved ones.

These families will always remember the day the jet burst into flames at about 8:45 p.m. and then plummeted into the dark waters. What ensued was a massive search over five square miles of debris in the open ocean. Hours later, the Coast Guard and rescue workers began the sad, sad task of turning their rescue mission into a recovery mission.

While the cause of the crash remains uncertain, the end result is still the same. Families that were once happy and complete still experience a deep sense of loss that endures. Life will continue for the parents, husbands, wives and children of those lost and though the years will pass, these families will never again be whole.

On this anniversary of TWA Flight 800, I encourage everyone to pause and remember the victims and their families. Remember those who waited so many hours only to learn that there was no hope for survivors. These are the people that struggle to make it through every day without those who were lost. For most of us, the events of that day have begun to fade into vague memory. For the families devastated by this tragedy, the memories will be forever vivid and full of pain. Let us take this day to rededicate ourselves to the memory of those lost on this day in 1996.

A TRIBUTE TO THE PHILLIP WHITE FAMILY REUNION

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a proud example of American family values, the Phillip White Family Reunion.

Phillip White, Sr., was born a South Carolina slave in 1810. By 1870, he and his wife Elizabeth had established roots in Newnan, Corveta County, Georgia. They gave birth to four children during slavery, and one other child four years after the end of the civil war. Amazingly, they kept their family group together while enduring that most evil of institutions. Their model of love of family endures to this day.

Since that time, the Phillip White Family has established itself in many states in this great nation, including Maryland, Michigan, Georgia, Ohio, California, Connecticut, New York, and especially in my own District in Philadelphia.

Mr. Speaker, the Phillip White Family began holding its reunions on the fourth Sunday in July in the early 1900's in Monroe, Georgia. In 1969, these family meetings evolved into today's Phillip White Family Reunion.

Each year, the reunion is held in a different city. Fittingly, the first White Family Reunion of the new millennium will be held in America's First City, my own Philadelphia. I am proud to welcome this great family to our fine city and I invite all my colleagues to join me in honoring them today.

MARGARET M. GENERALI K–5 SCHOOL

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. MALONEY of Connecticut. Mr. Speaker and my distinguished colleagues, I ask that you join me today in recognizing the achievements of a group of youngsters from the Margaret M. Generali K–5 School in Waterbury, Connecticut. The students, along with their student council advisor, Mrs. Laura Dunlap, succeeded in raising over $1,500 for the National World War II Memorial.

Mrs. Dunlap and the schools' student council members worked for two months at their fundraising campaign, including $1,000 raised standing outside a local grocery store. Moreover, the students did not merely rely on adults to donate money; $563 was given to the fundraising effort by their fellow classmates from Generali School.

At a time when young people are often tempted in harmful directions, it is especially important to acknowledge and reward positive efforts made by our newest generation. The students of Margaret M. Generali K–5 School are the very youngest in our public school system. Yet, through their fundraising, they have demonstrated an understanding and patriotism that is a credit to any age group.

These youngsters clearly recognize the contributions of the millions of men and women who fought and died in a war fifty years before they were born. They decided to make it their goal to help build a memorial honoring those courageous heroes of World War II.

On behalf of the House of Representatives and World War II Veterans and their families throughout our great nation, I want to thank the students of the Margaret M. Generali K–5 School for their hard work, their commitment, and their patriotism. It is gratifying to know that these industrious, bright, young Americans will be the ones leading America in the future.

AIMEE'S LAW

SPEECH OF

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. SALMON. Mr. Speaker, the amended version of H.R. 894, which we are considering today does not include the section in the original bill that provided compensation to the victims of the crimes covered under this bill. This section, which would have transferred $100,000 to each victim of these crimes, was removed from the legislation over a year ago. In fact, the version of Aimee's Law that the House passed by a vote of 412 to 15 on June 16, 1999, as an amendment to the Juvenile Crime Bill (H.R. 1501), also did not contain the $100,000 transfer section. Although I believe strongly that victims of recidivist crime deserve compensation, out of deference to Members who raised concerns that this could complicate the administration of the act, the section was removed. Additionally, the comments provided by the Department of Justice [DOJ] on the transfer section apply to Aimee's Law as introduced, not the current version, and should also be discarded.

The amended version of H.R. 894 simply provides additional funding to states that convict a murderer, rapist, or child molester, if that criminal had previously been convicted of one of those same crimes in a different state. The cost of prosecuting and incarcerating the criminal would be deducted from the Federal crime assistance funds intended to go to the first state, and instead be given to the second state that obtained the conviction. This is fair. Most would agree that a state that releases a violent predator who commits another murder, rape or sex offense in another state should be held responsible for their actions.

As to the administration of Aimee's Law, if you can operate a calculator, you can perform the calculations required to implement the bill. DOJ conducts far more complicated calculations than those required under H.R. 894. Smartly, the bill provides DOJ with maximum flexibility in administering the act. DOJ may use different sources of Federal assistance to implement the transfer provision of the act. The burden on the states is minimal. The act requires DOJ to consult with the chief executive of the state affected to establish a payment schedule. In any event, states should seize the initiative and respond to this law by keeping dangerous rapists, murderers, and child molesters behind bars until they are no longer a threat to society.

Mr. Speaker, I submit the following endorsements and editorials for the CONGRESSIONAL RECORD.

GRAND LODGE, FRATERNAL ORDER OF POLICE®,
Washington, DC, July 10, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing this letter to advise you of the strong support of the more than 290,000 members of the Fraternal Order of Police for H.R. 894, "Aimee's Law: No Second Chances for Murderers, Rapists or Child Molesters Act," which we understand will be brought to the House floor tomorrow under suspension of the rules.

The F.O.P. has been working closely with the bill's sponsor, Congressman Matt Salmon (R–AZ), for several years now. The legislation passed the House as an amendment to H.R. 1501, the "Consequences for Juvenile Offenders Act of 1999," by a 412–15 vote and passed the Senate as an amendment to S. 254, the "Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act" by an 81–17 vote. Clearly, this is a bill for which there is broad bipartisan agreement.

This bill as amended will provide additional funding to States that convict a murderer, rapist or child molester, if that criminal had previously been convicted of one of those crimes in a different State. The cost of prosecuting and incarcerating the criminal would be deducted from Federal crime funds received by the first State and instead be sent to the State that obtained the second conviction. If criminals are convicted in a "truth-in-sentencing" State and the criminal served at least eighty-five (85%) percent of his or her sentence, then there would be no transfer of funds.

Criminals who get locked up and stay locked up no longer pose any danger or threat to public safety. Recidivist rates for murderers, rapists and child molesters are high—but the cost to the victims and the communities they terrorize is higher still. Congressman Salmon's bill takes the right step by encouraging States to employ the death penalty where available and appropriate, or at least keep our most heinous criminals behind bars for the rest of their lives.

One of the most frustrating aspects of law enforcement is seeing the guilty go free and, once free, commit another heinous crime. Lives can be saved and tragedies averted if we have the will to keep these predators locked up. Congressman Salmon's bill addresses this issue smartly, without Federalizing crimes and without infringing on the State and local responsibilities of local law enforcement by providing accountability and responsibility to States who release their murderers, rapists, and child molesters to prey again on the innocent.

On behalf of the membership of the Fraternal Order of Police, I urge the House to again adopt this bill and send it to the Senate. If I can be of any further assistance, please do not hesitate to contact me, or Executive Director Jim Pasco, at my Washington office, (202) 547-8189.

Sincerely,

GILBERT G. GALLEGOS,
National President.

FROM THE DESK OF FRED GOLDMAN

I am pleased to lend my continued support of Matt Salmon's bill "HR 894"—Aimees Law. I strongly urge quick passage of "No second chances for murders, rapists, and child molesters."

Violent crime has become part of our way of life in this nation. Every second of every day, a violent criminal strikes somewhere in our country. A violent crime is committed every 19 seconds. A girl or woman is raped—every 70 seconds. A child is molested—also every 70 seconds. And a child or adult is murdered—every 28 minutes. We are a nation besieged with violence.

Since the introduction of this bill in July of 1998, as an amendment to the Juvenile Crime Bill, approximately 825,000 women or girls have been raped—and an equal number, 825,000 children have been sexually molested—and more than 36,000 people have been murdered.

Less than 3% of our total population commit 100% of this violence. These people recommit their horrible crimes over, and over again—because we let them. The average time served in prison for rape—5 years, the average time served for molesting a child—less than 4 years, and the average time served for committing murder—7½ years. And then, these monsters are released, and out recommitting these same crimes again. Because we let them! We are a nation that continues to put violent felons back on the street, knowing full well, that they will rape, molest and murder again.

There are no accurate records maintained as to where violent felons go after their release from prison. Good common sense, however, tells us that many of these monsters will travel to different states and recommit their heinous acts—again.

Rapists don't stop raping, child molesters don't stop molesting, and murders don't stop murdering—just because they move to a new state. To take the chance that they might, is too big a risk. One more victim, is one to many.

Encouraging States, through the passage of this bill, to get tough on violent criminals and keep them behind bars for at least 85% of their sentence is the only smart thing to do. A released violent felon is a new violent crime just waiting to happen. The longer these people are kept in prison, the safer the rest of us will be.

Every step must be taken, no matter how small, to insure the safety of the citizens of this country. If the passage of this bill prevents only one woman from being raped, only one child from being molested—or, only one murder from being committed then each and every legislator can feel proud.

Don't wait until your loved one is a victim of violent crime. I can assure you, that is a nightmare you don't want to experience. Any delay in the passage of "HR 894" is unacceptable. Remember—lives are at stake.

BRUCE AND JANICE GRIESHABER,
Camillus, NY, July 8, 2000.

To: Congressman Matt Salmon.
From: Bruce and Janice Grieshaber.
Re: HR 894—Aimee's Law.

Our daughter, Jenna, was murdered on November 6, 1997, by a paroled violent felon. Her death deeply impacted two large communities in New York—Albany, where she was killed, and Syracuse, her hometown. Both communities rallied to force passage of legislation in New York that effectively eliminates parole for all violent felons and creates up to five years of post-release supervision. This legislation was dubbed "Jenna's

Law" by Governor George Pataki. This law will, according to the Rand Corporation, eliminate over 200,000 violent felonies in the next 15 years.

Our family has been through the police knocking at our door at 2:00 am to tell us our daughter has been murdered. We have sat in a police station, not 20 feet from her killer, being told that he was out on "mandatory release" parole. We have felt the utter confusion as to why the system had to free this animal even though he had 19 counts of illegal behavior in prison. We still anguish with the utter senselessness of a system that would put this violent creature back on the streets to injure, maim and kill. We now work with other victims, some of whom have lost a loved one who has been paroled in one state to move to and kill in another.

There is nothing in this world that can adequately describe the loss of a child. That they were senselessly murdered deepens the feeling. That they were senselessly murdered by someone who should have still been in prison creates a mind-numbing confusion that is completely inexplicable.

We totally support a law that would force states to reduce options for, or eliminate parole for violent felons. We think the 30,000 good people from every congressional district of New York State who signed petitions supporting Jenna's Law would do so for Aimee's Law. We implore the House of Representatives and Senate to listen to the people who have become victims and truly want an end to the horror that could befall any household in America. Please, please, pass HR 894.

KLAAS KIDS FOUNDATION,
Sausalito, CA, July 7, 2000.

Representative MATT SALMON,
U.S. House of Representatives, Washington, DC.
Re: Aimee's Law

DEAR REPRESENTATIVE SALMON: My promise to Polly was always to protect her from harm. Unfortunately, like so many other parents, reality overwhelmed desire and I was unable to fulfill that simple yet impossible promise. On behalf of Polly and Aimee Willard and the thousands of other children and families whose lives have been shattered by avoidable violence I wish to thank you for authoring Aimee's Law.

The KlaasKids Foundation enthusiastically supports the amended version of HR 894, otherwise known as Aimee's Law. By linking recidivist violent offenses committed in different states your amendment encourages standardized policy in the most powerful way possible, by reducing federal crime funds for states that fail to comply.

Thank you Mr. Salmon, for your hard work on behalf of all Americans. The KlaasKids Foundation supports your effort and encourages all members of the United States House of Representatives to vote for Aimee's Law.

Sincerely,

MARC KLAAS.

April 2, 2000.

Hon. GRAY DAVIS, Governor of California,
Sacramento, CA.

DEAR GOVERNOR DAVIS: We are writing to ask for your support of legislation in Congress to close the revolving door of justice that allows *convicted* murders, rapists and child molesters to prey upon the innocent over and over again. As Governor of California, you have demonstrated in both word and deed your commitment to tough criminal justice policies that place the protection of society first. Indeed, California's criminal laws and sentencing requirements are now among the toughest in the nation, to the everlasting relief of its citizens.

But more needs to be done. All too often, convicted murderers, rapists, and child molesters are released from prison only to victimize the innocent once again. In fact, more than 14,000 murders, rapes, and sexual assaults are committed each year by previously convicted murderers and sex offenders. About one in eight of these completely preventable crimes occurs in a state different from the one where the first conviction was obtained.

The toll on America's children is particularly high: Each year, approximately 83 children are murdered, 1315 are raped, and 7510 are sexually assaulted by released murderers, rapists, and child molesters. How can this happen? In large measure, it is because the national average time served in state prison for rape is just 5½ years. For child molestation, it is about 4 years. And for murder, it is just 8 years. As crime victims and survivors, we know all too well that this is unacceptable.

The No Second Chances for Murderers, Rapists, or Child Molesters Act, also know as "Aimee's Law", would reduce this carnage by rewarding states like California that get tough on these monsters who prey upon the innocent over and over again. Specifically, Aimee's Law would provide additional funding to states that convict a murderer, rapist, or child molester, if that criminal had been previously convicted of one of those same crimes in a *different* state. The cost of prosecuting and incarcerating the criminal would be deducted from the federal crime funds intended to go to the first state, and instead be added to the funds sent to the state that obtained the second conviction.

For states like California that are serious about getting tough on violent crime, Aimee's Law would help mitigate the high cost of apprehending, prosecuting and incarcerating previously convicted murderers, rapists and child molesters from other states who bring their terror to the citizens of California. For states with too lenient laws for these predatory and highly mobile criminals, Aimee's Law would act as a strong incentive for needed change.

Aimee's Law enjoys broad bipartisan support from a variety of law enforcement and victim's rights organizations including the California Correctional Peace Officers Association, the Klass Kids Foundation, the Doris Tate Crime Victims Bureau, the National Fraternal Order of Police and the California Protective Parents Association, just to name a few. In fact, as an amendment to the Juvenile Justice bill, it passed the House of Representatives by a vote of 412–15 and the United States Senate by a vote of 81–17 last Spring. Both Senators Feinstein and Boxer supported Aimee's Law as did 46 of the State's 52 Representatives in the House.

Had Aimee's Law been considered as a stand alone bill it surely would have been signed into law by the President months ago. Unfortunately, differences over unrelated provisions in the Juvenile Justice bill have prevented Aimee's Law from reaching the President's desk. Clearly, common sense bipartisan crime legislation like Aimee's Law should not be needlessly held up because of difference over totally unrelated provisions.

It's time to pass Aimee's Law and put a stop to this easily preventable carnage once and for all. With your support, we can prevent thousands of innocent women and children from being brutalized by a convicted murderer or sex offender.

Thank you for your time and consideration. We eagerly await your influential endorsement, which should be faxed to the office of the sponsor of this legislation, Congressman Matt Salmon at 202–25–3405.

Sincerely,

MARY VINCENT,
MARC KLAAS,
FRED GOLDMAN.

SOUTHERN STATES POLICE
BENEVOLENT ASSOCIATION, INC.,
Alexandria, VA, June 15, 1999.

Hon. MATT SALMON,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SALMON: The Southern States Police Benevolent Association (SSPBA) wishes to lend its strong support to the Matt Salmon, Curt Weldon and Adam Smith amendment to the House Juvenile Justice Bill.

SSPBA is composed of 17,000 federal, state, and local law enforcement officers from the states of Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. The association has always supported tough laws to protect our society from predators.

We believe that this bill takes preventive measures that are necessary to protect our children and is a step forward in terms of dealing with these very sensitive issues. If adopted, this amendment can significantly reduce some of the problems that plague our society.

Congressman Salmon, the PBA commends you and the others involved for introducing this important legislation and we urge Congress to work swiftly for its enactment.

Sincerely,

H.G. "BILL" THOMPSON,
Director, Governmental Affairs.

CHILDHELP USA,
Scottsdale, AZ, May 14, 1999.

Hon. RICK SANTORUM,
U.S. Senate, Washington, DC.

DEAR SENATOR SANTORUM: We applaud the amendment that you are offering to the Senate Juvenile Crime Bill (S. 254). This amendment, also known as Aimee's Law (S. 668, H.R. 894), would encourage states to incarcerate our nation's most brutal offenders—murderers, rapists, and child molesters.

For the past 40 years, Childhelp USA has waged its own campaign to raise awareness of the issue of child abuse and neglect. We firmly believe that those who prey upon our children should be removed from society. We are honored to join our hearts and hands with you to protect the innocent, especially our children.

Thank you for helping to protect America's youth. We encourage all Senators to vote for your amendment.

Sincerely,

SARA O'MEARA,
Chairman & CEO.
YVONNE FEDDERSON,
President.

CALIFORNIA CORRECTIONAL PEACE
OFFICERS ASSOCIATION,
West Sacramento, CA, April 16, 1999.

Hon. MATT SALMON,
Washington, DC.

DEAR CONGRESSMAN SALMON: I am writing on behalf of 28,000 members of the California Correctional Peace Officers Association (CCPOA) to express our support for H.R. 894, "No Second Chance for Murderers, Rapists, or Child Molesters Act of 1999, which you reintroduced. CCPOA strongly supports this legislation because it would redirect funds from a state that has released a murderer, rapist, or child molester to pay the prosecution and incarcerations costs incurred by a state which has had to reconvict this released felon for a similar crime. By doing so, this legislation would work to keep these violent felons off our streets by encouraging states to keep such offenders behind bars. CCPOA appreciates your leadership in this important area. Please contact our Washington, D.C. representative, Shannon Lahey, at (202) 333-6924 if we can be of any assistance to you in securing the passage of H.R. 894.

Sincerely,

MIKE JIMENEZ,
Executive Vice President, CCPOA.

MOTHERS OUTRAGED AT
MOLESTERS ORGANIZATION INC.,
Independence, MO, June 1, 1998.

Hon. MATT SALMON,
Cannon Building,
Washington, DC.

DEAR REPRESENTATIVE SALMON: We at Mothers Outraged at Molesters (M.O.M.s) enthusiastically endorse the "No Second Chances for Murderers, Rapists, or Child Molesters Act of 1998." Passage of this legislation would pressure States to keep sexual offenders behind bars for longer prison terms.

Convicted sexual offenders should not have the opportunity to repeat their criminal behavior. We are aware of numerous cases where convicted molesters have actually said that they would re-offend if released from prison. From what we have witnessed in court, the victims of sexual abuse come in all ages and stations in life. The victims have been babies, nuns or even an Alzheimer patient.

It is well documented that sexual offenders have a high recidivism rate. Among sexual predators, child molesters are the most likely to re-offend. Some studies indicate that convicted child molesters have a recidivism rate as high as 70-90 percent. We simply can not afford to let these people out of prison to destroy additional young lives. Your bill's penalty mechanism, providing that the State that releases a rapist or child molester is liable for any attacks committed by these criminals in other states, will spur a nationwide effort to keep convicted sexual predators in state custody for life with no chance of parole. By keeping the most dangerous criminal element off the streets, thousands of sexual assaults will be prevented each year.

We at M.O.M.s applaud you on your effort to protect innocent citizens from repeat sexual predators. Please do not hesitate to call us to help you advance the "No Second Chances Bill".

Sincerely,

CYRILLA BENDER,
Founder/President of M.O.M.s.

[From the Arizona Republic, June 4, 1999]

ONE LESS OPTION FOR CRIMINALS—SALMON BILL ANOTHER CHECK ON KILLERS, RAPISTS

Rep. Matt Salmon is trying again.

We hope he succeeds.

This year, we hope members of Congress pass his No Second Chances for Murderers, Rapists or Child Molesters Act.

They should do it for men, women and children whose lives are shattered—sometimes extinguished—by violent criminals who should never have been released from prison.

They should do it for families who will never be released from the pain of wondering, "What if I'd gone with her?" or, "What if I'd said, 'No, you can't ride your bike to the store?'" or, "What if I'd gone home early that day?"

Salmon's bill creates a strong financial incentive for states to impose stiff sentences on violent criminals. And it deftly does it without imposing federal regulations.

It works this way: If a state releases a convicted murderer, rapist or child molester whose sentence fell below the national average or who served less than 85 percent of his or her sentence, that state would be liable if the vermin reoffended in another state.

Money from the first state's federal anticrime funds would be diverted to pay the cost of prosecuting and incarcerating the criminal in the state where the new offense was committed. The bill also provides $100,000 to victims.

"States should now be on notice that the revolving prison door for sexual predators and murderers must end," Salmon said.

If you doubt the need to send that message, consider these frightening statistics from the Department of Justice.

- The average time served in state prisons for rape is 5½ years.
- The average time served in state prisons for child molesting is four years.
- The average time served in state prisons for murder is eight years.

That's not even long enough for the night marish memories to begin healing. It's not long enough for the criminals to worry about the consequences of doing it again.

And they will do it again.

Salmon's bill is also called "Aimee's Law," for Aimee Willard, a 22-year-old university student who was raped and murdered in Pennsylvania by a killer who was paroled in Nevada.

Every year, according to Salmon's office, the kind of criminals covered by this bill are released, then cross state lines and kill more than 100 people, including 10 children.

They cross state lines and rape more than 445 people, including 165 children.

They cross state lines and sexually assault more than 1,200 people, including 935 children.

Congress should say, "Enough." Salmon vows to push for passage of his bill as part of a larger juvenile justice bill or as a separate piece of legislation.

Either way, it ought to pass.

Either way, states ought to get the message that law-abiding citizens, not criminals, deserve second chances.

CONCERNS OF POLICE SURVIVORS, INC.
CAMDENTON, *MO, May 21, 1998.*

Hon. MATT SALMON,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN SALMON: "All too often law enforcement families are victims of America's violence!" This is a quote used on a poster Concerns of Police Survivors produced and distributed several years ago. And, unfortunately, all too often police families have their officers injured or killed by perpetrators convicted of heinous crimes who have been released early from prison to prey once again on defenseless Americans.

"The No Second Chances for Murderers, Rapists, or Child Molesters Act of 1998" would place appropriate demands on state penal systems not to release violent offenders simply to relieve overcrowding in the jails or because the perpetrator has served a full sentence. Often, unfortunately, without the public being aware, the released violent offender moves to another state to "start over". Unfortunately, "Starting over" often means picking up with their violent behavior where it left off during their incarceration.

As you pointed out in earlier correspondence, Ippolito "Lee" Gonzales was violently killed in the line of duty while serving with the Franklin Township Police Department in New Jersey. Robert "Mudman" Simon had moved to New Jersey following his release from a Pennsylvania prison after serving 12 years for the murder of his girlfriend who refused to have sex with gang members. Three months after Simon's release, Officer Gonzalez was executed in cold blood during a simple traffic stop. If Pennsylvania had continued to incarcerate Mr. Simon, Officer Gonzales might still be patrolling the streets of Franklin Township.

After the recent observances of National Police Week 1998, May 10–16, and National Victims Rights Week, April 21–27, it is our hope the Congress will remember that law enforcement finds itself seeking repeat offenders who have inflicted their terror on newer victims. Strict sentencing and continued incarceration of violent offenders will make law enforcement's job easier on the streets. It will also spare many Americans from experiencing violent victimization. As you pointed out in earlier correspondence, last year not a single murderer, rapist, or child molester in prison victimized an innocent person in the community. The revolving door of our weakened justice system must be strengthened by tough, innovative legislation which places the burden of responsibility on the appropriate individuals; the perpetrator, the courts, the juries, and the penal system. This bill is certainly one way States will be held responsible for decision they make to allow violent offenders to return to the streets that affect the safety of their citizens and the safety of citizens living in other States as well.

We wish you much luck in the Congress as you take on the task of attempting to pass this bill.

Sincerely yours,

SUZIE SAWYER,
Executive Director.

[From the Daily Journal, March 4, 1999]

NO SECOND CHANCES

Mika Moulton, the mother of Christopher Meyer, is pushing for a law called "No Second Chances."

No Second Chances would essentially bar each of the nation's 50 states from granting early releases to murderers, rapists and child molesters. It means that a murderer sentenced to life would serve life, essentially ending all hope of parole.

If a state does release a killer who goes on to strike again, he or she would have to pay all the costs of the second prosecution, no matter in what state it occurs. They would also have to pay $100,000 to the victim's family.

The law would, of course, mean a massive new prison construction program. The Federal Justice Department estimates that there are 134,000 sex offenders out on probation or parole. Our own Kankakee County list of convicted offenders tops 100.

Much is always made of the cost of building prisons and pushing prosecutions.

What Ms. Moulton is trying to call to our attention is the cost of not keeping people in prison. Sometimes that cost is another rape. Sometimes it's a dead child. The Justice Department says released murderers commit 100 killings a year. Released rapists commit 445 new rapes a year.

Those costs need to be weighted, too.

It's hard to argue that someone who kills a child deserves a second chance.

Pass the law.

[From the Richmond Times-Dispatch, May 23, 1999]

AIMEE'S LAW

Last summer in this space we supported a measure introduced by Arizona Congressman Matt Salmon to hold states liable if their released sex offenders committed subsequent crimes in other states ["No Second Chances," August 12].

"Aimee's Law"—in memory of college student Aimee Willard who was kidnapped, raped, and murdered near Philadelphia by a brute paroled by Nevada—strikes a commendable balance. It creates an incentive for states to monitor predators more closely instead of merely chasing them out of town, while not federalizing crimes that ought to remain under local jurisdiction.

Last week the Senate passed the measure as an amendment to a larger crime bill. Similar legislation is pending in the House, and it ought to be approved as well. Giving a one-way bus ticket to a sex offender might improve the community he leaves, but it is the equivalent of shipping toxic waste to unsuspecting states.

"Aimee's Law" would make states bear the costs of such a repugnant practice. It is good legislation the House should pass and the President should sign into law.

[From the Tampa Tribune-Times, Aug. 16, 1998]

"NO SECOND CHANCES" BILL DESERVES CAREFUL CONGRESSIONAL CONSIDERATION

Lawrence Singleton should have died lonely and despised in a California prison. Instead, the infamous criminal who hacked off the arms of a teenage girl after raping her walked out of his cell and returned to make his home in Florida.

It wasn't long before he was under arrest again, this time for murder.

Singleton is sentenced to die in Florida's electric chair, but he's an old man in failing health who still has appeals to exhaust. As a prisoner, he costs taxpayers $26,000 a year. We taxpayers are paying for his legal costs.

Under a Federal bill making its way through the House of Representatives, the state of California, which let Singleton out of jail, would have to pay Florida's expenses. It also would have to compensate, to the tune of $100,000, the family of Tampa murder victim Roxanne Hayes.

The bill, called No Second Chances for murderers, rapists or child molesters, deserves a fair hearing.

It attacks a national crime problem without costing more federal money. It alerts states that they will assume a financial risk when they release their most violent criminals back into society. It does not federalize crimes or infringe on state and local responsibilities for law enforcement.

At the same time, the bill merits careful scrutiny.

It was written to prod states into drafting laws that would not allow violent sex offenders and murderers to go free. If states don't decide to put those criminals in jail for life, then they risk a financial penalty for giving their prisoners "a second chance." And some prisoners, unlike Singleton, deserve a second chance—after they have paid their debt to society in full.

That's the crux of the problem. Prisoners locked up for despicable offenses are going to get out of jail, and many of them will not have served enough time for their crime. U.S. Rep. Matt Salmon's proposal would force states to put them away forever or pay the price.

The Arizona Republican has the support of parents of murder victims, including Fred Goldman, whose son Ron was killed with Nicole Brown Simpson, and Marc Klaas, whose daughter Polly was murdered by a repeat offender in California.

Whether we like it or not, released criminals roam from state to state. States have no recourse to prevent this immigration, even though one in seven repeat crimes occurs in a different state from the original offense.

Each year, according to Department of Justice studies, released killers drifting from one part of the country to another murder more than 100 people. Each year rapists cross state lines and claim 445 new victims. Each year these criminals cross state lines and sexually assault more than 1,200 people, including 935 children.

(And we don't have to remind you of the many bad actors who wend their way to the Sunshine State when winter looms.)

Critics of the proposal say the recidivism rate for these most heinous crimes is low, but some studies suggest these offenses are repeated more often than not. The critics complain that state laws already allow judges to put repeat offenders away for life, but those arguments do not address the victimization of innocent people or the victimized state's ability to pay for its prisoners.

Specifically, the proposal would require the Justice Department to transfer federal crime-fighting dollars from one state to another to pay for the costs of reincarceration as a repeat offender.

Half of the amounts transferred would be deposited in the state's crime victims' fund, and half would be deposited in the state account that collects federal law enforcement funds. Additionally, the proposal would provide $100,000 to the victims of the subsequent attack.

Interestingly, the bill mandates nothing. The states are required to do nothing. But a state would run the risk of losing federal crime-fighting funds if it let a killer or child molester out of jail and then that convict committed a crime again.

The proposition raises other issues. If a state decides to make life prisoners of these criminals, it has to have a place to house them. The state must also have a parole or probation system to judge accurately when to release prisoners.

Lawmakers considering the bill must also figure out how to handle those prisoners who have served their time. States have no authority to detain someone who has served his sentence and should not be penalized for future crimes in other states.

There are no simple answers to this vexing problem, but Salmon's approach would at least force a state to face the consequences of its decision. The Goldmans and Klaases of the world will not remain silent, and they have thrown their considerable celebrity behind this effort.

The proposal bears watching—and talking about—as the measure makes its way through Congress.

[From the Delaware County Sunday Times, March 26, 2000]

TIME FOR THE HOUSE TO ENACT AIMEE'S LAW

The brutal and senseless murder of Aimee Willard in June 1996 touched the very heart of Delaware County. A vivacious college student and athlete with a bright future was lost and we hurt for her family and friends.

But with the conviction and sentencing of her killer, the book did not close on this terrible chapter in county history. Aimee Willard lives on with the crafting of legislation aimed at preventing a tragedy such as the one that befell her.

This week the U.S. House of Representatives will consider "Aimee's Law."

Labeled as a bipartisan effort, the law turns up the heat on states to impose stronger sentences for criminals convicted of rape, murder and child molestation.

Gail Willard, Aimee's mother, testified at a Congressional hearing last year, urging stiffer state sentencing guidelines for career criminals such as Arthur Bomar.

Bomar had been convicted of killing a man in Nevada over a parking spot. He served 11 years in jail in Nevada before being paroled, despite showing a propensity for violence in prison.

"Right now, life criminals are running the system," said Gail Willard during her testimony in Washington.

U.S. Rep. Curt Weldon says the early release of violent felons is plain wrong.

"The average time served in a state prison for rape is just 5½ years," Weldon said. "For child molestation, it is about four years. And for murder, it is just eight years. That's absolutely unacceptable."

Aimee's Law requires a state that releases a convicted murderer, rapist or child molester who goes on to commit another crime in another state to compensate the second state for the cost of apprehending, prosecuting and incarcerating the criminal.

The money loss would come in the form of withholding federal crime grants from the first state and adding the amount to the second state's share, according to one of the law's sponsors, U.S. Rep. Matt Salmon, R-Ariz.

Whether the financial stick and carrot will work remains to be seen, but several questions remain:

Will the threat of grant money loss make parole boards more accountable—or at least look with a little more scrutiny at who is being allowed to walk out the front gate?

Why must the taxpayers foot the bill for screw-ups in the state prison system?

Should we keep building prisons and ignoring the issue of rehabilitation?

Despite those concerns, we see the consideration of "Aimee's Law" as a step in the right direction as it puts a victim's face on the problem of repeat violent offenders and the need to place responsibility on the shoulders of our state prisons.

AMERICAN SHIPBUILDERS CRUISE INTO A NEW MILLENNIUM

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. ABERCROMBIE. Mr. Speaker. On June 30, 2000, Litton Ingalls Shipbuilding cut steel on the first cruise ship to be built in the United States in nearly 45 years. This historic event marks another milestone in the U.S.-flag Cruise Ship Pilot Project, enacted as part of the MARITECH program in the Department of Defense Appropriations Act of 1998, and represents America's re-entry into the burgeoning cruise travel market.

People have been saying for years that America cannot build ships competitively on the world market. The construction of the two cruise ships for American Classic Voyages Co. at Litton Ingalls Shipbuilding demonstrates that America can build ships competitively on the world market. At a fixed price of $440 million a piece, the ships are only slightly above the price being charged for cruise ship construction in European yards, where nearly all new cruise ships are built. The price of the America ships would be even more competitive in the world market if the worldwide ship construction subsidies were eliminated.

The cruise industry is one of the fastest growing segments of the travel and leisure industry, growing at a pace of about nine percent annually. Loopholes in U.S. laws and regulations have essentially ceded this burgeoning vacation business to companies operating cruise ships under flags-of-convenience. With the exception of the single U.S.-flag oceangoing cruise ship operating in my State of Hawaii, there are no U.S.-flag oceangoing passenger liners. The U.S.-flag Cruise Ship Pilot Project, enacted to help jumpstart the U.S.-flag cruise industry, will change that and will give Americans a foothold in a cruise industry now dominated by foreign cruise lines.

The revitalization of the American cruise business is vital to our economic and national security. The Department of Defense has stated that the Pilot Project alone could save it "tens to hundreds of millions of dollars" in shipyard overhead costs. It also helps to sustain the shipbuilding industrial base of the U.S., which is vital to national security. The thousands of jobs created will help maintain the manpower necessary for building and crewing ships in times of national emergencies. The Department of Defense has also expressed an interest in utilizing the hull designs for cruise ships for command and control vessels in the future.

Mr. Speaker, I am pleased to see a resurgence of interest in the U.S.-flag cruise business. At least three companies have publicly expressed a desire to build U.S.-flag cruise ships in a U.S. shipyard for the American cruise market. Future construction in this area will improve the worldwide competitiveness of U.S. shipyards, and Litton Ingalls Shipbuilding is leading the way for America's re-entry into this growing marketplace. These efforts are important to the future of the U.S. shipbuilding industry, a U.S.-flag maritime industry, and our national security.

I am looking forward to the day when American Classic begins operating these new ships in Hawaii, bringing with it thousands of seagoing and shoreside jobs. Projects such as this will help renew America's leadership in commercial ship construction and in the cruise industry. I hope that Congress will do all it can to help revitalize this vital American industry.

HOUSE OF REPRESENTATIVES—*Wednesday, July 19, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 19, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of Heaven and Earth, ancient writings describe a Suffering Servant you have given us as an example.

We are to follow in His footsteps: "He committed no sin and no deceit was found in His mouth."

Ever since, we have witnessed courageous people in the history of this Nation and throughout the world who have followed the example You have given us.

When insulted, they return no insult, when suffering, they do not threaten; instead, they hand themselves over to You, the only true and lasting Judge, who judges all things justly.

May justice in this land be founded in You. Guide the dealings of this Chamber so that all laws and decisions reflect Your Spirit at work now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 338

Whereas the Honorable Paul Coverdell served Georgia in the United States Senate with devotion and distinction;

Whereas the Honorable Paul Coverdell served all the people of the United States as Director of the Peace Corps;

Whereas his efforts on behalf of Georgians and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Coverdell, a Senator from the State of Georgia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4578. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4811. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4578) "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4811) "An Act making appropriations for the foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD, to be the conferees on the part of the Senate.

EXECUTING PREGNANT WOMEN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, if a woman on death row is pregnant, should she or should she not be executed? That is the question that was recently posed to the Vice President, by Tim Russert on Meet the Press. The Vice President responded, "I don't know what you're talking about."

When Mr. Russert asked the question again, the Vice President laughed and said he would want to think about it. The next day, Mr. GORE emerged from his campaign headquarters and said that it should be up to the felon to decide.

Mr. Speaker, most people on death row are there because they have willfully taken another life, often several of them. The death penalty is not given for manslaughter or third degree murder. It is only given to perpetrators of the most horrible crimes.

How on Earth could the Vice President believe that we should be asking these people for permission to kill their innocent, unborn children along with themselves?

Is the child guilty of the crimes as the mother? Obviously not.

We have had laws for hundreds of years against executing pregnant death row inmates.

Mr. Speaker, the Vice President's position on this issue is wrong. It is callous and cruel.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to draw attention to the issue of international child adduction, and to continue to make my colleagues aware that this issue has ripped 10,000 American children away from their parents.

I have been coming here almost every day since February 16 telling a story about an abducted child, and today I am going to be talking about Brianna

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nicole Ballout. Brianna was abducted by her noncustodial father, Samar Ali Ballout, during his weekend visitation on July 7, 1996. The abductor and Brianna's mother shared joint custody, but Mrs. Rogers had physical custody.

An unlawful flight to avoid prosecution was issued as well as a warrant for his kidnapping. The FBI and the State Department located Brianna in Southern Lebanon, and over 2 years, her mother has had sporadic contact with her, ranging from phone calls to receiving pictures when she was 4 in 1999. Mrs. Rogers has lost contact with Brianna and her abducting father.

Mr. Speaker, I urge this House and my colleagues to join me and to do whatever it takes to bring our children home.

EDUCATION ACCOMPLISHMENTS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, it has been said that an education is the best provision for old age. Without an education, a person's options and their potential for growth are severely limited.

Nowhere is this philosophy more accurate than in America, where even many entry-level jobs require a college degree.

Unfortunately, America's public education system has been failing thousands of American students. Many of our schools are struggling just to provide the basic tools of modern education demands, computers, updated textbooks and evenly qualified teachers.

Republicans are working to solve these problems. We passed legislation that gives States maximum flexibility in how they use Federal education dollars.

We also passed measures to help improve teacher quality and reduce class size, and we passed legislation to improve education opportunities for disabled students. Republicans are making education a top priority and our children deserve no less.

SUBSTANCE AND MENTAL HEALTH SERVICES ADMINISTRATION REAUTHORIZATION

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, I wish to address two pressing issues before our country today; substance abuse and mental health.

This week, I introduced H.R. 4867, the Youth Drug and Mental Health Services Act, along with my colleagues the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), and the gentleman from Wisconsin (Mr. BARRETT).

This bill reauthorizes the Substance and Mental Health Services Administration which provides State mental health and substance abuse prevention grants throughout this country.

Drug addiction is often an intergenerational family problem with future use by children of addicts a very common occurrence. Sadly, this is a pattern I regularly saw as a school nurse, but I have also seen the success of SAMHSA prevention programs in my own district, particularly with Santa Barbara's Fighting Back.

This program provides successful public awareness initiatives, mentoring, criminal justice partnerships and health care intervention programs.

Mr. Speaker, I call on my colleagues to move H.R. 4867 as soon as it is possible. This reauthorization is the best way to comprehensively address the problems of substance abuse confronting our communities. These problems are just too great for us to treat in a piecemeal fashion.

ELIMINATE MARRIAGE PENALTY TAX AND DEATH TAX

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, now is the time, once and for all, to eliminate the marriage penalty and the death tax. These are antiquated and unfair taxes, and they penalize too many American families.

In my district alone, more than 77,000 married couples are subjected to the marriage tax. There is no good reason why we are penalizing these couples who choose to marry. It is unfair financial hardship and it does not reflect the family values of this country. I hope the President will join us in our effort to eliminate this unfair tax burden.

I also want to see the elimination of the estate tax. It is obscene that in this country we tax the dead and penalize the survivors. The time has come to eliminate both these Federal taxes.

Mr. Speaker, I urge the President to put aside political considerations and help the Congress abolish these taxes. Why? Because it is the right thing to do.

WHITE HOUSE THROWING MONEY AROUND AT CAMP DAVID

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, yesterday it was $40 billion, today they are talking $150 billion at Camp David. Unbelievable.

While the White House continues to oppose a tax cut for married couples in America, the White House is literally throwing money around at Camp David like confetti, like cotton candy at a summer festival.

Beam me up, Mr. Speaker, I believe this is a flawed and dangerous policy. The bottom line, a true, lasting and enduring peace will never be built on a foundation of dollars in the first place. I yield back the auction at Camp David.

REMEMBERING SENATOR PAUL COVERDELL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday America lost a true friend, and we were all saddened to hear of the tragic news that we had lost a colleague and friend in the United States Senate.

Senator PAUL COVERDELL was a true leader of the Senate, his beloved State of Georgia and to this Nation. As an ardent supporter of freedom and the American dream, the distinguished Senator from Georgia believed that freedom was best preserved and nurtured by a well-educated citizenry.

As a result, throughout his career, Senator COVERDELL fought for education reform which ensured that every child in America received a quality education in a safe environment.

Personally, I am honored to have had the recent opportunity to work with the Senator in passing a bill to award the Congressional Gold Medal to the Reagans, a family which he held in high regard.

Senator COVERDELL's tenacity and dedication to that effort, as well as to any project he led, were two of his most honorable attributes.

My deepest sympathies go out to Senator COVERDELL's family, colleagues, and his staff during this most difficult time.

Senator COVERDELL and his genuine love for our great Nation will be missed by colleague and friend alike.

EYES ON CAMP DAVID: LAND FOR PEACE

(Mr. SHERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERWOOD. Mr. Speaker, our eyes are on Camp David, and the focus is on various details, 90 percent, 92 percent, this or that concession. And I think it is important for us to take a step back and to look at the entire panoply.

The discussion is land for peace. This is the first time in recorded history when the land for peace equation has meant that the country that has won the wars has been asked to concede land.

Mr. Speaker, never has there been such extraordinary love of peace as we see in the people of Israel, willing to make concessions after they have won four wars of defense. We should also note that half the Jewish population of Israel are themselves refugees from Arab states, from Yemen and Iran and from other Islamic countries. There is not even the slightest discussion that these Jewish refugees will receive any compensation. We must admire Israel's love of peace.

REPUBLICAN ACCOMPLISHMENTS

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, as we know, this Congress has accomplished much, and it should be proud of what it has done. We said we wanted to preserve and protect Social Security and Medicare, and we have. We stopped the raid on Social Security that had been going on for decades. And we made the system stronger by passing legislation locking away 100 percent of the Social Security surplus for Social Security, not for any other spending.

Republicans said we would eliminate the deficit and pay down the debt, and we have. In fact, under the Republican budget, we will pay off the entire $3.5 trillion publicly held debt. When Americans across this land said they wanted us to eliminate the marriage tax, we ignored protests from the Clinton-Gore administration, and we passed a bill that makes married couples equal with singles in the eyes of the IRS.

Let us work together in a bipartisan manner on behalf of all Americans to protect and preserve Social Security and accomplish these other goals.

CONSIDERING LEGISLATION HELPING AMERICAN FAMILIES SAVE FOR RETIREMENT

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, today we are going to consider legislation that will help American families save for retirement. This has never been more important than now, because baby boomers are getting along in their career years and projections are that they will live longer than ever.

The Democrats will offer a substitute, which will add to the underlying legislation, a new savings incentive for middle- and modest-income households. It will be a tax credit for savings committed and will function much like an employer match on traditional 401(k) plans. If you contribute at the qualifying income level, $2,000, to an IRA, the Federal Government will provide a tax credit for $1,000 that can be added to that savings strategy.

□ 1015

This Democrat substitute, I hope, will enjoy the support of both parties. It goes directly to middle and modest income levels, those that are having most difficulty in saving for retirement.

PROTECT AMERICAN JOBS AND THE CONSTITUTION

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the price of gasoline in my home State of Michigan is currently the highest in the country: still nearly $1.90 for a gallon of regular. Yet if $2.00 a gallon is troubling, just consider the impact of implementing the administration's flawed Kyoto Treaty. Tack on at least another 65 cents a gallon and double, double, the energy costs of powering our homes and our factories. Compound this with the loss of as many as 3.2 million American jobs, and we see what this treaty really entails.

The fate of the American economy would be placed in the hands of those nations who do not have to comply with the dictates of the treaty but yet are the biggest offenders. Vice President GORE blatantly disregarded unanimous Senate advice in 1997 and volunteered American taxpayers to the Kyoto Protocol. Three years have now passed and still the advice and the consent of the Senate, as mandated by the Constitution, has not been sought on this misguided treaty.

We already pay too much for our energy supplies. We cannot afford to further insult the American worker with this damaged and unratified treaty.

REPUBLICAN ACCOMPLISHMENTS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, we must be doing a good job when our friends on the other side of the aisle are racing to take credit for our accomplishments. To set the record straight, it was a Republican Congress that provided the fiscal discipline needed to balance the budget for the first time in a generation.

We passed the first broad-based tax cut in 16 years and returned more dollars back to the American taxpayers. We are continuing to find ways to eliminate unfair taxes that penalize hard-working Americans.

This Congress has worked to abolish the earnings limit for our Nation's seniors, repeal the burdensome death tax, and has extended incentives for hard-working Americans to save and invest in the future.

This week the House will again vote to reduce the unfair marriage penalty tax which punishes couples just for being married. We have proven our commitment to secure a better future for every American.

THE FAMILY UNIT IS WHAT MAKES AMERICA STRONG

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, it has been said that the strength of our country can be measured by the strength of our families, and it is true that the family is our smallest unit of government. So when families are doing well, we all do well. It is in the family that we pass on the virtues and the knowledge to build a great Nation. We know that when Mom and Dad can care for their children, their kids do better in school. They are less likely to get into drugs and more likely to reach their goals.

Mr. Speaker, the House and the Senate have passed legislation to make American families stronger. It is called marriage penalty tax relief. With this help, moms and dads can spend more time building strong families and a stronger Nation.

Mr. Speaker, I would ask the President to sign the marriage penalty tax relief, and together we will build a better America.

AMERICA'S MILITARY, THE BEST IN THE WORLD

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, throughout my years in public service I have had the pleasure of meeting and becoming acquainted with many of the fine men and women who serve in our Armed Forces. Their strength has allowed America to be an agent for change and courage. They have helped us win the Cold War, and several hot ones. In the process, they have helped open doors for democracy and torn down walls of oppression.

We have an obligation to do anything and everything we can to defend our shores and protect our citizens. We must also show the same strength and support for our troops.

I have introduced H.R. 4208, the Recruiting Retention and Reservist Promotion Act. This legislation focuses on three things: one, improvement for recruiting through expansion of junior ROTC, sea cadets, young Marines and civil air patrol youth programs; two, retention through enhanced bonus pay for lengthy and numerous deployments; and, three, reservist promotion through tax credits and loans for businesses that employ National Guardsmen and reservists who are called to duty.

I hope my colleagues will join me in cosponsoring 4208. To our friends who say we cannot agree and we argue over we cannot afford to have the best military, I would simply say we cannot afford not to.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 557 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 557

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1102) to provide for pension reform, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of the amendment recommended by the Committee on Ways and Means now printed in H.R. 4843 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel or his designee, which shall be in order without intervention of any point of order, shall be considered as read; and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. OSE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last night the Committee on Rules met and granted a modified closed rule for H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act of 2000. The rule provides that in lieu of the amendment recommended by the Committee on Education and the Workforce now printed in the bill, the text of H.R. 4843 as reported by the Committee on Ways and Means shall be considered as adopted. Additionally, the rule waives all points of order against the bill and against consideration of the amendment printed in this report.

The rule also provides 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means.

The rule further provides for consideration of the amendment printed in the Committee on Rules report accompanying the resolution, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour equally divided and controlled by a proponent and an opponent.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, this is a completely fair rule for reform of our Nation's pension and retirement security laws. Not only is the underlying bill a completely balanced, bipartisan measure, but the rule also makes in order a minority substitute amendment providing for a full hour for debate. In short, the rule allows for a comprehensive debate on this very important matter.

Mr. Speaker, Americans are investing far less than they should to prepare for their retirement. Half of all private-sector workers still have no pension coverage. Over a fifth of small businesses with 25 or fewer employees offer a pension plan, and members of the baby boomers generation, 76 million of whom will retire in the next 15 years, have less than 40 percent of the savings needed to maintain their standard of living.

In fact, retirement savings in the United States are at extremely low levels, even as our economy is reaching record highs. The reason Americans are saving less than they need for their retirement is simple, because the Federal Government has discouraged them from doing so.

For too long the Federal Government has been an impediment to American workers planning and preparing for their retirement security.

Mr. Speaker, contribution limits on pensions and IRAs have not kept with the times. In fact, they have been stuck at the 1980s level. Worse, over the past 2 decades Congress has actually reduced contribution limits and, as a double hit on working Americans, the Federal Government at the same time introduced burdensome and costly regulatory restrictions on pension plans. The result, in 1987 there were 114,000 of these pension plans across America. Ten years later, there were only 45,000. Since 1990 pension coverage has declined from 40 to 33 percent among workers making less than $20,000; and despite a booming economy, the personal savings rate has dropped every year since 1992 and is at its lowest point in 66 years.

The underlying bipartisan bill is a historic measure that will strengthen individual retirement accounts, 401(k) plans and small business retirement plans, finally bringing retirement savings into the 21st century and helping ensure retirement security of countless Americans.

The Comprehensive Retirement Security and Pension Reform Act allows working Americans to set more of their hard-earned money aside in an IRA or 401(k)-type plan, modernizes pension laws, and provides regulatory relief to encourage more small businesses to offer retirement plans.

The bill increases the old IRA contribution limit from $2,000 to $5,000 over the next 3 years for both traditional and Roth IRAs, and the bill includes an important fairness provision to allow workers over 50 years of age to catch up with contributions for 401(k) plans by increasing the contribution level immediately.

This bipartisan measure will remove excessive, burdensome and unnecessary Federal regulations, providing relief to American businesses and workers by encouraging small businesses to offer pension plans. By removing these restrictions, Americans will be allowed the freedom to invest in their future as never before.

Mr. Speaker, H.R. 1102 is a fair, balanced and bipartisan plan that will help millions of Americans. I would like to commend the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), and the gentleman from New York (Mr. RANGEL), for their hard work on this bill. Additionally, I would like to commend the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), the sponsors of the underlying legislation, for their dedication to pension and retirement reform for America.

I urge my colleagues to support this fair rule, the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from New York for yielding me the customary 30 minutes and yield myself such time as I may consume.

Mr. Speaker, this is a modified closed rule; but H.R. 4843 deserves full and open debate, and an open rule would have ensured that no one would be shut out of the process.

Mr. Speaker, I strongly support the underlying goals of H.R. 4843, to provide expanded opportunities for working Americans to save for their retirement. The bill includes a number of provisions which improve current protections for workers and retirees, such as a reduction of vesting to 3 years for 401(k) plan-matching contributions, encouraging rollovers of pension plans when workers switch employment, and eliminating compensation caps that unfairly affect the pension benefits of rank and file workers.

Even during this period of strong economic growth, more people are joining the workforce than are receiving pension coverage. Only half the workforce is covered by a pension plan; and, worse, there is reason to believe it will not provide them with an adequate level of supplemental income in their retirement.

Although there is insufficient data to measure contributions and benefits, data from the Federal Reserve shows pension plan contributions declining by 50 percent in recent years.

While the underlying bill provides significant opportunities for those workers who can most afford to save the maximum amount allowed, few or no opportunities are available to low- and moderate-income workers under the bill. We must continue to work together to improve this aspect of the bill and ensure that no segment of our workforce is excluded from the opportunity to financially improve their retirement years.

☐ 1030

The pressure to save adequately for retirement affects all working Americans. Statistics confirm that low-income workers are far less likely to participate in an employment-based retirement savings plan than workers with higher incomes, even when the plan is available to them. Individuals who are in between $10,000 and $14,000 annually participate at a rate of 31 percent, even though 51 percent of them have access to plans at work. However, the participation rate for workers earning $50,000 or more increased to 83 percent, with 88 percent of such workers having access to employer-sponsored plans.

During the consideration of the underlying bill, the gentleman from New York (Mr. RANGEL) will offer a substitute that incorporates the text of H.R. 4843, as well as provisions to encourage the participation of the low-income workers. Specifically, the substitute provides a refundable credit for low- and middle-income workers who save for their retirement, makes small business employers eligible to claim a credit for certain expenses incurred as the result of establishing a qualified pension plan, provides relief from certain section 415 rules and benefit limits, and expresses a Sense of Congress that issues concerning cash balance plans should be resolved.

Mr. Speaker, I urge that my colleagues support these important improvements to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 557, I call up the bill (H.R. 1102), to provide for pension reform, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 557, the bill is considered read for amendment.

The text of H.R. 1102 is as follows:

H.R. 1102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Retirement Security and Pension Reform Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EXPANDING COVERAGE

Sec. 101. Restoration of limits formerly in effect.
Sec. 102. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 103. Salary reduction only simple plans.
Sec. 104. Modification of top-heavy rules.
Sec. 105. Elective deferrals not taken into account for purposes of limits.
Sec. 106. Reduced PBGC premium for new plans of small employers.
Sec. 107. Phase-in of additional premium for new plans.
Sec. 108. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 109. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 110. Alternative method of meeting nondiscrimination requirements for automatic contribution trust.
Sec. 111. Deduction limits.
Sec. 112. Option to treat elective deferrals as after-tax contributions.
Sec. 113. Credit for pension plan startup costs of small employers.

TITLE II—ENHANCING FAIRNESS FOR WOMEN AND CHILDREN

Sec. 201. Additional salary reduction catch-up contributions.
Sec. 202. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 203. Faster vesting of certain employer matching contributions.
Sec. 204. Deferred annuities for surviving spouses of Federal employees.
Sec. 205. Simplify and update the minimum distribution rules.
Sec. 206. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 207. Percentage limitations on contributions.
Sec. 208. Eligible rollover distributions.
Sec. 209. Immediate participation in the Thrift Savings Plan.

TITLE III—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 301. Rollovers allowed among various types of plans.
Sec. 302. Rollovers of IRAs into workplace retirement plans.
Sec. 303. Rollovers of after-tax contributions.
Sec. 304. Treatment of forms of distribution.
Sec. 305. Rationalization of restrictions on distributions.
Sec. 306. Purchase of service credit in governmental defined benefit plans.
Sec. 307. Employers may disregard rollovers for purposes of cash-out amounts.

TITLE IV—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 401. Repeal of 150 percent of current liability funding limit.
Sec. 402. Missing participants.
Sec. 403. Periodic pension benefits statements.
Sec. 404. Civil penalties for breach of fiduciary responsibility.
Sec. 405. Penalty tax relief for sound pension funding.
Sec. 406. Protection of investment of employee contributions to 401(k) plans.
Sec. 407. Notice of significant reduction in benefit accruals.

TITLE V—REDUCING REGULATORY BURDENS

Sec. 501. Intermediate sanctions for inadvertent failures.
Sec. 502. Repeal of the multiple use test.
Sec. 503. Safety valve from mechanical rules.
Sec. 504. Reform of the line of business rules.
Sec. 505. Coverage test flexibility.
Sec. 506. Increase in retirement plan cash-out amount.
Sec. 507. Modification of timing of plan valuations.
Sec. 508. Section 457 inapplicable to certain mirror plans.
Sec. 509. Substantial owner benefits in terminated plans.
Sec. 510. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 511. Modification of 403(b) exclusion allowance to conform to 415 modification.
Sec. 512. Treatment of multiemployer plans under section 415.
Sec. 513. Elimination of partial termination rules for multiemployer plans.
Sec. 514. Notice and consent period regarding distributions.
Sec. 515. Conforming amendments relating to election to receive taxable cash compensation in lieu of nontaxable parking benefits.
Sec. 516. Extension to international organizations of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 517. Employees of tax-exempt entities.
Sec. 518. Permissive aggregation of collective bargaining units.
Sec. 519. Repeal of transition rule relating to certain highly compensated employees.
Sec. 520. Clarification of treatment of employer-provided retirement advice.
Sec. 521. Annual report dissemination.
Sec. 522. Excess benefit plans.
Sec. 523. Benefit suspension notice.
Sec. 524. Provisions relating to plan amendments.
Sec. 525. Reporting simplification.
Sec. 526. Model plans for small businesses.

TITLE I—EXPANDING COVERAGE

SEC. 101. RESTORATION OF LIMITS FORMERLY IN EFFECT.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$180,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$180,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000' " and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$180,000' ".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62".

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—Subparagraph (F) of section 415(b)(2) is amended to read as follows:

"(F) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—

"(i) IN GENERAL.—In the case of a governmental plan (within the meaning of section 414(d)), a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle, a multiemployer plan (as defined in section 414(f)), or a qualified merchant marine plan, subparagraph (C) shall be applied as if the last sentence thereof read as follows: 'The reduction under this subparagraph shall not reduce the limitation of paragraph (1)(A) below (i) $130,000 if the benefit begins at or after age 55, or (ii) if the benefit begins before age 55, the equivalent of the $130,000 limitation for age 55.'

"(ii) DEFINITIONS.—For purposes of this subparagraph—

"(I) QUALIFIED MERCHANT MARINE PLAN.—The term 'qualified merchant marine plan' means a plan in existence on January 1, 1986, the participants in which are merchant marine officers holding licenses issued by the Secretary of Transportation under title 46, United States Code.

"(II) EXEMPT ORGANIZATION PLAN COVERING 50 PERCENT OF ITS EMPLOYEES.—A plan shall be treated as a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle if at least 50 percent of the employees benefiting under the plan are employees of an organization (other than a governmental unit) exempt from tax under this subtitle. If less than 50 percent of the employees benefiting under a plan are employees of an organization (other than a governmental unit) exempt from tax under this subtitle, the plan shall be treated as a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle only with respect to employees of such an organization.".

(5) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) in paragraph (1)(A) by striking "$90,000" and inserting "$180,000", and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$180,000", and

(ii) by striking "October 1, 1986" and inserting "July 1, 1999".

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$45,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) in paragraph (1)(C) by striking "$30,000" and inserting "$45,000", and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$45,000", and

(ii) by striking "October 1, 1993" and inserting "July 1, 1999".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$235,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 1999", and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraphs (1) and (5) of section 402(g) (relating to limitation on exclusion for elective deferrals) are each amended by striking "$7,000" and inserting "$15,000".

(2) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraph (1), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(1) in subsections (b)(2)(A), (c)(1), and (e)(15) by striking "$7,500" each place it appears and inserting "$15,000",

(2) in subsection (b)(3)(A) by striking "$15,000" and inserting "$30,000", and

(3) in subsection (e)(15)—

(A) by inserting "and the $30,000 amount specified in subsection (b)(3)(A)" after "(c)(1)", and

(B) by striking "September 30, 1994" and inserting "September 30, 1999".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Sections 408(p)(2)(A)(ii), 408(p)(2)(E), 401(k)(11)(B)(i)(I), and 401(k)(11)(E) are each amended by striking "$6,000" and inserting "$10,000".

(2) BASE PERIOD FOR COST-OF-LIVING ADJUSTMENT.—Subparagraph (E) of section 408(p)(2) is amended by striking "September 30, 1996" and inserting "September 30, 1999".

(g) COST-OF-LIVING ADJUSTMENTS.—

(1) PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—Paragraph (1) of section 415(d) (as amended by subsection (b)) is amended by striking "and" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) the $130,000 amount in subsection (b)(2)(F), and".

(2) BASE PERIOD.—Paragraph (3) of section 415(d) (as amended by subsection (b)) is further amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) $130,000 AMOUNT.—The base period taken into account for purposes of paragraph (1)(C) is the calendar quarter beginning July 1, 1999.".

(3) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $180,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $130,000 AND $45,000 AMOUNTS.—Any increase under subparagraph (C) or (D) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(4) CONFORMING AMENDMENT.—Subparagraph (D) of section 415(d)(3) (as amended by paragraph (2)) is amended by striking "paragraph (1)(C)" and inserting "paragraph (1)(D)".

(h) INCREASE IN AMOUNT OF DEDUCTIBLE IRA CONTRIBUTIONS.—

(1) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—Subparagraph (A) of section 219(b)(1) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "$5,000".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (a)(1), (b)(2), (j), and (p)(8) of section 408 are each amended by striking "$2,000" each place it appears and inserting "$5,000".

(B) Clause (i) of section 408(o)(2)(B) is amended by inserting "the lesser of $2,000, or" after "means".

(C) Paragraph (2) of section 408A(c) is amended by inserting "the lesser of $2,000, or" after "shall not exceed".

(D) Subparagraph (B) of section 4973(b)(1) is amended by inserting "(or in the case of a nondeductible individual retirement plan, the amount allowable as a contribution under section 408(o))" after "contributions,".

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to years beginning after December 31, 1999.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified by the date of enactment of this Act, the amendments made by this section shall not apply to contributions or benefits pursuant to any such agreement for years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of enactment), or

(ii) January 1, 2000, or

(B) January 1, 2004.

SEC. 102. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) AMENDMENT TO 1986 CODE.—Subsection (f) of section 4975 (relating to other definitions and special rules) is amended by striking paragraph (6).

(b) AMENDMENTS TO ERISA.—

(1) Section 408 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 407(b)(3)(B) of such Act (29 U.S.C. 1107(b)(3)(B)) is amended by striking "section 408(e)" and inserting "section 408(d)".

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 103. SALARY REDUCTION ONLY SIMPLE PLANS.

(a) Simple Retirement Accounts.—

(1) In general.—Paragraph (2) of section 408(p) (as amended by section 101(f)) is further amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following:

"(C) Employer may elect salary reduction only arrangement.—

"(i) In general.—An employer shall be treated as meeting the requirements of subparagraph (A)(iii) for any year if, in lieu of the contributions described in such subparagraph, the employer elects to limit the amount which an employee may elect under subparagraph (A)(i) to a total of $5,000 for the year. If an employer makes an election under this subparagraph for any year, the employer shall notify employees of such election within a reasonable period of time before the 60-day period for such year under paragraph (5)(C).

"(ii) Exception.—This subparagraph shall not apply to an employer if such employer (or any predecessor employer) maintained another qualified plan (as defined in subparagraph (D)(ii)) with respect to which contributions were made, or benefits were accrued, for service during the year in which the arrangement described in clause (i) became effective or either of the 2 preceding years. If only individuals other than employees described in subparagraph (A) of section 410(b)(3) are eligible to participate in the arrangement described in clause (i), then the preceding sentence shall be applied without regard to any qualified plan in which only employees so described are eligible to participate.".

(2) Special rule for acquisitions, dispositions, and similar transactions.—Subparagraph (B) of section 408(p)(10) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by inserting after clause (iii) the following:

"(iv) the requirement under paragraph (2)(C) that the employer not have maintained another qualified plan described therein.".

(3) Cost-of-living adjustment.—Subparagraph (F) of section 408(p)(2) (as so redesignated) is amended by inserting "and the $5,000 amount under subparagraph (C)" after "subparagraph (A)(ii)".

(4) Coordination with maximum limitation.—Paragraph (8) of section 408(p) (relating to coordination with maximum limitation under subsection (a)) is amended by striking "paragraph (2)(A)(ii) of this subsection" and inserting "subparagraph (A)(ii) or (C) of paragraph (2) of this subsection, whichever is applicable,".

(5) Conforming amendment.—Clause (ii) of section 408(p)(10)(B) is amended by striking "paragraph (2)(D)" and inserting "paragraph (2)(E)".

(b) Adoption of Simple Plan To Meet Nondiscrimination Tests.—

(1) Simple plan.—Subparagraph (B) of section 401(k)(11) is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

"(iii) Employer may elect salary reduction only arrangement.—

"(I) In general.—An employer shall be treated as meeting the requirements of clause (i)(II) for any year if, in lieu of the contributions described in such clause, the employer elects to limit the amount which an employee may elect under clause (i) to a total of $5,000 for the year. If an employer makes an election under this clause for any year, the employer shall notify employees of such election within a reasonable period of time before the 60-day period for such year under clause (iv)(II).

"(II) Exception.—This clause shall not apply to an employer if such employer (or any predecessor employer) maintained another qualified plan (as defined in section 408(p)(2)(D)(ii)) with respect to which contributions were made, or benefits were accrued, for service during the year in which the arrangement described in subclause (I) became effective or either of the 2 preceding years. This subclause shall not apply if such contributions or benefits were solely on behalf of employees who are not eligible to participate in the arrangement described in subclause (I).".

(2) Cost-of-living adjustment.—Subparagraph (E) of section 401(k)(11) is amended by inserting "and the $5,000 amount under subparagraph (B)(iii)" after "subparagraph (B)(i)(I)".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 104. MODIFICATION OF TOP-HEAVY RULES.

(a) Repeal of Family Aggregation Rules.—Section 416(i)(1)(B)(i)(I) (defining 5-percent owner) is amended by inserting "(without regard to subsection (a)(1) thereof)" after "section 318".

(b) Simplification of Definition of Key Employee.—

(1) In general.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i),

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer who has compensation from the employer of more than $150,000,",

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively, and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) Conforming amendment.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(c) Employee Elective Contributions to Plan Not Taken Into Account.—

(1) Definition of top-heavy plan.—Section 416(g)(4) (relating to other special rules) is amended by adding at the end the following:

"(H) Employee elective contributions to plan not taken into account.—At the election of the employer, any employee elective contribution described in section 415(c)(3)(D) to a plan (and earnings allocable thereto) shall not be taken into account for purposes of determining whether a plan is a top-heavy plan (or whether any aggregation group which includes such plan is a top-heavy group).".

(2) Definition of compensation.—Section 416(i)(1)(D) (defining compensation) is amended to read as follows:

"(D) Compensation.—

"(i) In general.—For purposes of this paragraph, except as provided in clause (ii), the term 'compensation' has the meaning given such term by section 414(q)(4).

"(ii) Employee elective contributions to plan not taken into account.—At the election of the employer, any employee elective contribution described in section 415(c)(3)(D) to a plan shall not be taken into account for purposes of determining compensation.".

(d) Matching Contributions Taken Into Account for Minimum Contribution Requirements.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(e) Requirements for Qualifications.—Clause (ii) of section 401(a)(10)(B) (relating to requirements for qualifications for top-heavy plans) is amended by adding at the end the following new flush sentence:

"The preceding sentence shall not apply to a plan if the plan is not top-heavy and if it is not reasonable to expect that the plan will become top-heavy.".

(f) Distributions During Last Year Before Determination Date Taken Into Account.—Section 416(g) is amended—

(1) in paragraph (3)—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE", and

(B) in the matter following subparagraph (B), by striking "5-year period" and inserting "1-year period", and

(2) in paragraph (4)(E)—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE", and

(B) by striking "5-year period" and inserting "1-year period".

(g) Definition of Top-Heavy Plans.—

(1) Exclusion of certain plans from definition of top-heavy plan.—Paragraph (4) of section 416(d) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraphs:

"(H) Cash or deferred arrangements using alternative methods of meeting nondiscrimination requirements.—The term 'top-heavy plan' shall not include a cash or deferred arrangement to the extent that such arrangement meets the requirements of section 401(k)(12). This subparagraph shall also apply to contributions that are not required to satisfy the requirements of section 401(k)(12) but are consistent with the purposes of such section, as permitted under regulations which the Secretary shall prescribe. Nothing in this subparagraph shall preclude an employer from taking into account contributions made under the cash or deferred arrangement when determining whether any plan of such employer satisfies the requirements of this section.

"(I) Defined contribution plans using alternative methods of meeting nondiscrimination requirements.—The term 'top-heavy plan' shall not include a defined contribution plan to the extent that such plan meets the requirements of section 401(m)(11). This subparagraph shall also apply to contributions that are not required to satisfy the requirements of section 401(m)(11) but are consistent with the purposes of such section, as permitted under regulations which the Secretary shall prescribe. Nothing in this subparagraph shall preclude an employer from taking into account contributions made under the defined contribution plan when determining whether any plan of such employer satisfies the requirements of this section.".

(2) Aggregation group not required to include certain plans.—Clause (i) of section 416(g)(2)(A) of such Code (relating to required aggregation) is amended by adding at the end the following new flush sentence:

"Such term shall not include a plan or arrangement described in subparagraph (H) or (I) of paragraph (4).".

(h) Elective Deferrals Not Taken Into Account.—Clause (i) of section 416(c)(2)(B) (relating to special rule where maximum contribution less than 3 percent) is amended by inserting "(other than elective deferrals (as defined in section 402(g)(3))" after "contributions".

(i) Frozen Plan Exempt From Minimum Benefit Requirement.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(1) in clause (i) by striking "clause (ii)" and inserting "clause (ii) or (iii)", and

(2) by adding at the end the following:

"(iii) For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when no employee or former employee benefits under the plan within the meaning of section 410(b).".

(j) Alternative 60 Percent.—Subsection (g) of section 416 (relating to top heavy plan defined) is amended by adding at the end the following:

"(5) Alternative 60 percent test.—

"(A) In general.—For any plan year, an employer may elect for this paragraph to apply to all plans maintained by such employer. If this paragraph applies to a plan, the term 'top-heavy plan' shall have the meaning set forth in subparagraph (B) and the term 'top-heavy group' shall have the meaning set forth in subparagraph (C).

"(B) Top-heavy plan defined.—In the case of any plan to which this paragraph applies, the term 'top-heavy plan' means, with respect to any plan year—

"(i) any defined benefit plan if, for the plan year ending on the determination date, the present value of the accruals for key employees exceeds 60 percent of the present value of the accruals for all employees, and

"(ii) any defined contribution plan if, for the plan year ending on the determination date, the annual additions for key employees exceed 60 percent of the annual additions for all employees.

"(C) Top-heavy group.—In the case of any plan to which this paragraph applies, the term 'top-heavy group' means any aggregation group if—

"(i) the sum, for the plan year ending on the determination date, of—

"(I) the present value of the accruals for key employees under all defined benefit plans included in such group, and

"(II) the aggregate of the annual additions of key employees under all defined contribution plans included in such group,

"(ii) exceeds 60 percent of a similar sum determined for all employees.

"(D) Annual addition.—For purposes of this paragraph, the term 'annual addition' shall have the same meaning as when used in section 415(c)(2) (without regard to section 415(l) or section 419A(d)(2)).

"(E) Certain rules not to apply.—Paragraphs (3) and (4) (other than subparagraphs (B), (C), (D), (E), and (G) of paragraph (4)) shall not apply for purposes of this paragraph.".

(k) Conforming Amendments.—

(1) Subparagraph (A) of section 416(g)(1) is amended by striking "subparagraph (B)" and inserting "subparagraph (B) and paragraph (5)".

(2) Subparagraph (B) of section 416(g)(2) is amended by striking "The term" and inserting "Except as provided in paragraph (5), the term".

(3) Subparagraph (A) of section 415(b)(5) is amended by adding at the end the following: "An employee shall not be credited with a year of participation in a defined benefit plan for any year in which such employee does not benefit under the plan within the meaning of section 410(b).".

(l) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 105. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF LIMITS.

(a) In General.—Section 404 is amended by adding at the end the following new subsection:

"(n) Elective Deferrals Not Taken Into Account for Purposes of Limits.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitations described in this section (other than subsection (a)), and such elective deferrals shall not be taken into account in applying such limitations to any other contributions.".

(b) Conforming Amendments.—Paragraph (3) of section 4972(c) is amended to read as follows:

"(3) Contributions not taken into account.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account—

"(A) any elective deferral (as defined in section 402(g)(3)), or

"(B) any contribution for such taxable year which is distributed to the employer in a distribution described in section 4980(c)(2)(B)(ii) if such distribution is made on or before the last day on which a contribution may be made for such taxable year under section 404(a)(6).".

(c) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 1999.

SEC. 106. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) In General.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) by inserting "other than a new single-employer plan of a small employer (as defined in clause (iv))," after "in the case of a single-employer plan," in clause (i),

(2) by striking the period at the end of clause (iii) and inserting "; and", and

(3) by inserting after clause (iii) the following new clause:

"(iv) in the case of a new single-employer plan of a small employer, $5 for each individual who is a participant in such plan during the plan year. For purposes of this clause (iv):

"(I) The term 'new single-employer plan' means a single-employer plan during its first five plan years; provided, however, that a single-employer plan is not a new single-employer plan if any contributing sponsor or any member of its controlled group (including any predecessor of a contributing sponsor or member of such predecessor's controlled group) had established or maintained a plan to which this title applied that included substantially the same employees as such new plan, at any time within the 36-month period preceding the adoption of such new plan.

"(II) The term 'small employer' means a contributing sponsor that on the first day of the plan year has, in combination with all members of its controlled group, 100 or fewer employees.

"(III) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the plan shall be considered to be a plan of a small employer.".

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 1999.

SEC. 107. PHASE-IN OF ADDITIONAL PREMIUM FOR NEW PLANS.

(a) In General.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended—

(1) by inserting "(or, in the case of a new single-employer plan described in clause (vi), the amount determined under clause (v))" after "determined under clause (ii)" in clause (i), and

(2) by inserting after clause (iv) the following new clauses:

"(v) The amount determined under this clause for any plan year of a new single-employer plan (as described in clause (vi)) shall be an amount equal to the product derived by multiplying the amount determined under clause (ii) by the applicable percentage. For purposes of this clause (v), the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year,

"(II) 20 percent, for the second plan year,

"(III) 40 percent, for the third plan year,

"(IV) 60 percent, for the fourth plan year, and

"(V) 80 percent, for the fifth plan year.

"(vi) For purposes of clause (v), the term 'new single-employer plan' means a single-employer plan during its first five plan years; provided, however, that a single-employer plan is not a new single-employer plan if any contributing sponsor or any member of its controlled group (including any predecessor of a contributing sponsor or member of such predecessor's controlled group) had established or maintained a plan to which this title applied that included substantially the same employees as such new plan, at any time within the 36-month period preceding the adoption of such new plan.".

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 1999.

SEC. 108. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended to read as follows:

"(c) Limitation.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed $15,000 (as modified by any adjustment provided under subsection (b)(3)).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to years beginning after December 31, 1999.

SEC. 109. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) Elimination of Certain User Fees.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of

1987 for requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters or similar requests with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 1999.

SEC. 110. ALTERNATIVE METHOD OF MEETING NONDISCRIMINATION REQUIREMENTS FOR AUTOMATIC CONTRIBUTION TRUST.

(a) IN GENERAL.—Section 401(k) (relating to cash or deferred arrangement) is amended by adding at the end the following new paragraph:

"(13) NONDISCRIMINATION REQUIREMENTS FOR AUTOMATIC CONTRIBUTION TRUSTS.—

"(A) IN GENERAL.—A cash or deferred arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii) if such arrangement constitutes an automatic contribution trust.

"(B) AUTOMATIC CONTRIBUTION TRUST.—For purposes of this paragraph, the term 'automatic contribution trust' means an arrangement—

"(i) under which each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to the uniform percentage (not less than 3 percent) of compensation provided under the arrangement until the employee specifically elects not to have such contributions made, and

"(ii) which meets the other requirements of this paragraph.

Clause (i) of this subparagraph shall not apply to any employee who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the first date on which the arrangement is an automatic contribution trust. The election treated as having been made under clause (i) shall cease to apply to compensation paid after the specific election by the employee.

"(C) PARTICIPATION.—

"(i) Except as provided in clause (ii), an arrangement meets the requirements of this subparagraph for any year if, during the plan year or the preceding plan year, elective contributions are made on behalf of at least 70 percent of employees other than highly compensated employees eligible to participate in the arrangement.

"(ii) An arrangement (other than a successor arrangement) shall be treated as meeting the requirements of this subparagraph with respect to the first plan year in which the arrangement is effective.

"(D) MATCHING OR NONELECTIVE CONTRIBUTIONS.—The requirements of this subparagraph are met if, under the arrangement, the employer—

"(i) makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 5 percent of compensation, or

"(ii) is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 2 percent of the employee's compensation.

The rules of clauses (ii), (iii), and (iv) of paragraph (12)(B) shall apply for purposes of clause (i).

"(E) VESTING.—The requirements of this subparagraph are met if the requirements of subparagraph (C) of paragraph (2) are met with respect to all employer contributions (including matching contributions) taken into account in determining whether the requirements of subparagraph (B) or (C) are met.

"(F) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if the requirements of clauses (ii) and (iii) are met.

"(ii) REASONABLE PERIOD TO MAKE ELECTION.—The requirements of this clause are met if each employee to whom subparagraph (B)(i) applies—

"(I) receives a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf, and

"(II) has a reasonable period of time after receipt of such notice and before the first elective contribution is made to make such election.

"(iii) ANNUAL NOTICE OF RIGHTS AND OBLIGATIONS.—The requirements of this clause are met if each employee eligible to participate in the arrangement is, within a reasonable period before any year, given notice of the employee's rights and obligations under the arrangement.

The requirements of clauses (i) and (ii) of paragraph (12)(D) shall be met with respect to the notices described in clauses (ii) and (iii) of this subparagraph.".

(b) MATCHING CONTRIBUTIONS.—Section 401(m) (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

"(12) ALTERNATIVE METHOD FOR AUTOMATIC CONTRIBUTION TRUSTS.—

"(A) IN GENERAL.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(i) meets the contribution requirements of subparagraphs (B)(i) and (D) of subsection (k)(13),

"(ii) meets the participation requirements of subsection (k)(13)(C),

"(iii) meets the vesting and notice requirements of subparagraphs (E) and (F) of subsection (k)(13), and

"(iv) meets the requirements of paragraph (11)(B).

"(B) MATCHING CONTRIBUTIONS.—An annuity contract under section 403(b) shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if such contract meets requirements similar to the requirements under subparagraph (A).".

(c) EXCLUSION FROM DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(d) (relating to other special rules for top-heavy plans), as amended by section 104(g), is amended by adding at the end the following new subparagraph:

"(J) AUTOMATIC CONTRIBUTION TRUST.—The term 'top-heavy plan' shall not include an automatic contribution trust under section 401(k)(13). Nothing in this subparagraph shall preclude an employer from taking into account contributions made under the automatic contribution trust when determining whether any plan of such employer satisfies the requirements of this section.".

(d) DEFINITION OF COMPENSATION.—

(1) IN GENERAL.—Paragraph (9) of section 401(k) is amended to read as follows:

"(9) COMPENSATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of this section, the term 'compensation' has the meaning given such term by section 414(s).

"(B) USE OF BASE PAY.—For purposes of paragraph (12)(B), the term 'compensation' means the definition of compensation used by the cash or deferred arrangement if such compensation—

"(i) meets the requirements of section 414(s), or

"(ii) constitutes base pay.

"(C) BASE PAY.—For purposes of subparagraph (B), the term 'base pay' means a reasonable definition of compensation that does not by design favor highly compensated employees and that excludes on a consistent basis all irregular or additional compensation.".

(2) AUTOMATIC CONTRIBUTION TRUSTS.—Paragraph (9)(B) of section 401(k) (as amended by paragraph (1)) is amended by striking "paragraph (12)(B)" and inserting "paragraphs (12)(B), (13)(B), and (13)(D)(i)".

(3) MATCHING CONTRIBUTIONS.—Paragraph (11) of section 401(m) is amended by adding at the end the following:

"(C) DEFINITION OF COMPENSATION.—For purposes of subparagraph (B), the term "compensation" has the meaning given such term by subsection (k)(9)(B).".

(e) APPLICATION BY YEAR OR PAYROLL PERIOD.—

(1) CASH OR DEFERRED ARRANGEMENTS.—Subparagraph (B) of section 401(k)(12) is amended by adding at the end the following:

"(iv) APPLICATION BY YEAR OR PAYROLL PERIOD.—The requirements of this subparagraph may be met for a plan year by meeting such requirements either—

"(I) with respect to the plan year as a whole, or

"(II) separately with respect to each payroll period (or other payment of compensation) taken into account under the arrangement for the plan year.".

(2) DEFINED CONTRIBUTION PLANS.—Paragraph (11) of section 401(m) (as amended by this section) is amended by adding at the end the following:

"(D) APPLICATION BY YEAR OR PAYROLL PERIOD.—The requirements of subparagraph (B) may be met for a plan year by meeting such requirements either—

"(i) with respect to the plan year as a whole, or

"(ii) separately with respect to each payroll period (or other payment of compensation) taken into account under the plan for the plan year.".

(f) SECTION 403(b) CONTRACTS.—Paragraph (11) of section 401(m) (as amended by this section) is amended by adding at the end the following:

"(E) SECTION 403(B) CONTRACTS.—An annuity contract under section 403(b) shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if such contract meets requirements similar to the requirements under subparagraph (A).".

(e) Effective Date.—

(1) In general.—Except as provided by paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 1999.

(2) Exception.—The amendments made by subsections (d)(1), (d)(3), (e), and (f) shall apply to years beginning after December 31, 1998.

SEC. 111. DEDUCTION LIMITS.

(a) In General.—

(1) Stock bonus and profit sharing trusts.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "25 percent".

(2) Compensation.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) Definition of compensation.—For purposes of paragraphs (3), (7), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(3) Defined contribution plans.—Subparagraph (A) of section 404(a)(3) (relating to stock bonus and profit sharing trusts) is amended by adding at the end the following:

"(vi) Defined contribution plans subject to the funding standards.—Except as provided by the Secretary, for purposes of this subparagraph, a defined contribution plan which is subject to the funding standards of section 412 shall be treated in the same manner as a stock bonus or profit-sharing plan.".

(b) Conforming Amendments.—

(1) Subparagraph (A) of section 404(a)(3) is amended by striking clause (v) and by redesignating clause (vi) (as added by subsection (a)(3) of this section) as clause (v).

(2) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(3) Subparagraph (D) of section 404(a)(8) is amended by striking the period at the end and inserting the following: ", except that such earned income shall be adjusted under rules similar to the rules of paragraph (12).".

(4) Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "25 percent".

(5) Paragraph (2) of section 404(h) is amended by striking "stock bonus or profit-sharing trust" and inserting "trust subject to subsection (a)(3)(A)".

(6) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 112. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) In General.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) General Rule.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) Qualified Plus Contribution Program.—For purposes of this section—

"(1) In general.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) Separate accounting required.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) Definitions and Rules Relating to Designated Plus Contributions.—For purposes of this section—

"(1) Designated plus contribution.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) Designation limits.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) Rollover contributions.—

"(A) In general.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) Coordination with limit.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) Distribution Rules.—For purposes of this title—

"(1) Exclusion.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) Qualified distribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A).

"(B) Distributions within nonexclusion period.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the earlier of—

"(I) the 1st taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(II) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the 1st taxable year for which the individual made a designated plus contribution to such previously established account), or

"(ii) the 1st taxable year for which the individual (or the individual's spouse) made a contribution to a Roth IRA established for such individual.

"(C) Distributions of excess deferrals and earnings.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) and any income on the excess deferral.

"(3) Aggregation rules.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) Other Definitions.—For purposes of this section—

"(1) Applicable retirement plan.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) Elective deferral.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3)."

(b) Excess Deferrals.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year.", and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) Rollovers.—Subparagraph (B) of section 402(c)(7) (as amended by sections 301 and 302) is amended by adding at the end the following:

"Without regard to the foregoing provisions of this paragraph, if any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA."

(d) Reporting Requirements.—

(1) W-2 information.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) Information.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Designated Plus Contributions.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe."

(e) Conforming Amendments.—

(1) Section 408A(e) is amended by adding after the first sentence the following new

sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A)."

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions."

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 113. CREDIT FOR PENSION PLAN STARTUP COSTS OF SMALL EMPLOYERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45D. SMALL EMPLOYER PENSION PLAN STARTUP COSTS.

"(a) General Rule.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan startup cost credit determined under this section for any taxable year is an amount equal to 50 percent of the qualified startup costs paid or incurred by the taxpayer during the taxable year.

"(b) Dollar Limitation.—The amount of the credit determined under this section for any taxable year shall not exceed—

"(1) $1,000 for the first credit year,

"(2) $500 for each of the 2 taxable years immediately following the first credit year, and

"(3) zero for any other taxable year.

"(c) Eligible Employer.—For purposes of this section—

"(1) In general.—The term 'eligible employer' has the meaning given such term by section 408(p)(2)(C)(i).

"(2) Employers maintaining qualified plans during 1998 not eligible.—Such term shall not include an employer if such employer (or any predecessor employer) maintained a qualified plan (as defined in section 408(p)(2)(D)(ii)) with respect to which contributions were made, or benefits were accrued, for service in 1998. If only individuals other than employees described in subparagraph (A) of section 410(b)(3) are eligible to participate in the qualified employer plan referred to in subsection (d)(1), then the preceding sentence shall be applied without regard to any qualified plan in which only employees so described are eligible to participate.

"(d) Other Definitions.—For purposes of this section—

"(1) Qualified startup costs.—

"(A) In general.—The term 'qualified startup costs' means any ordinary and necessary expenses of an eligible employer which are paid or incurred in connection with—

"(i) the establishment or administration of an eligible employer plan, or

"(ii) the retirement-related education of employees with respect to such plan.

"(B) Plan must have at least 2 participants.—Such term shall not include any expense in connection with a plan that does not have at least 2 individuals who are eligible to participate.

"(C) Plan must be established before January 1, 2002.—Such term shall not include any expense in connection with a plan established after December 31, 2001.

"(2) Eligible employer plan.—The term 'eligible employer plan' means a qualified employer plan within the meaning of section 4972(d).

"(3) First credit year.—The term 'first credit year' means—

"(A) the taxable year which includes the date that the eligible employer plan to which such costs relate becomes effective, or

"(B) at the election of the eligible employer, the taxable year preceding the taxable year referred to in subparagraph (A).

"(e) Special Rules.—For purposes of this section—

"(1) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

"(2) Disallowance of deduction.—No deduction shall be allowed for that portion of the qualified startup costs paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(3) Election not to claim credit.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year."

(b) Credit Allowed as Part of General Business Credit.—Section 38(b) (defining current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) in the case of an eligible employer (as defined in section 45D(c)), the small employer pension plan startup cost credit determined under section 45D(a)."

(c) Conforming Amendments.—

(1) Section 39(d) is amended by adding at the end the following new paragraph:

"(8) No carryback of small employer pension plan startup cost credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan startup cost credit determined under section 45D may be carried back to a taxable year ending on or before the date of the enactment of section 45D."

(2) Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph:

"(9) the small employer pension plan startup cost credit determined under section 45D(a)."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Small employer pension plan startup costs."

(d) Effective Date.—The amendments made by this section shall apply to costs paid or incurred in taxable years ending after the date of the enactment of this Act.

TITLE II—ENHANCING FAIRNESS FOR WOMEN AND CHILDREN

SEC. 201. ADDITIONAL SALARY REDUCTION CATCH-UP CONTRIBUTIONS.

(a) Limitation on Exclusion for Elective Deferrals.—

(1) In general.—Subsection (g) of section 402 (as amended by section 101(d)) is further amended by adding at the end the following:

"(9) Catch-up contributions for those approaching retirement.—In the case of an individual who has attained age 50 during any taxable year, the limitation of paragraph (1) for such year, after the application of paragraph (8), shall be increased by $5,000.".

(2) Cost-of-living adjustment.—Paragraph (4) of section 402(g) (relating to cost-of-living adjustment), as amended by section 101(d), is further amended by inserting "and the $5,000 amount under paragraph (9)" after "paragraph (1)".

(b) Simple Retirement Accounts.—

(1) In general.—Paragraph (2) of section 408(p) (relating to qualified salary reduction arrangement) (as amended by sections 101(f) and 103(a)) is further amended by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph:

"(F) Catch-up contributions for those approaching retirement.—In the case of an individual who has attained age 50 during any taxable year, the limitation of subparagraph (A)(ii) for such year shall be increased by $5,000.".

(2) Cost-of-living adjustment.—Subparagraph (G) of section 408(p)(2) (as so redesignated) is amended by inserting "and the $5,000 amount under subparagraph (F)" after "subparagraph (A)(ii)".

(c) Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.—

(1) In general.—Subsection (b) of section 457 (relating to definition of eligible deferred compensation plan) is amended by adding at the end the following new paragraph:

"(7) Catch-up contributions for those approaching retirement.—In the case of an individual who has attained age 50 during any taxable year, the limitation of paragraph (2)(A) for such year shall be increased by $5,000.".

(2) Cost-of-living adjustment.—Paragraph (15) of section 457(e) (relating to cost-of-living adjustment) is amended by inserting ", and the $5,000 amount specified in subsection (b)(7)," after "(c)(1)".

(d) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 202. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) In General.—

(1) Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended to read as follows:

"(B) the participant's compensation.".

(2) Conforming amendments.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect on December 31, 1998)".

(B) Section 403(b) is amended—

(i) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415",

(ii) by striking paragraph (2), and

(iii) by inserting "or any amount received by a former employee after the 5th taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(C) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(D) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(E) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) Annuity contracts.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(F) Section 415(c) is amended by striking paragraph (4).

(G) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church, a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(H) Section 415(e)(5) is amended—

(i) by striking "(except in the case of a participant who has elected under subsection (c)(4)(D) to have the provisions of subsection (c)(4)(C) apply)", and

(ii) by striking the last sentence.

(I) Section 415(n)(2)(B) is amended by striking "percentage".

(J) Subparagraph (B) of section 402(g)(7) (as amended by section 101(d)) is amended by inserting before the period at the end the following: "(as in effect on the date of the enactment of the Retirement Security for the 21st Century Act)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 1999.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 203. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) AMENDMENTS TO 1986 CODE.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan", and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
1	20
2	40
3	60
4	80
5	100.".

(b) AMENDMENTS TO ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
1	20
2	40
3	60
4	80
5	100.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 1999.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified by the date of enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of enactment), or

(ii) January 1, 2000, or

(B) January 1, 2004.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 204. DEFERRED ANNUITIES FOR SURVIVING SPOUSES OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 8341 of title 5, United States Code, is amended—

(1) in subsection (h)(1), by striking "section 8338(b) of this title" and inserting "section 8338(b), and a former spouse of a deceased former employee who separated from the service with title to a deferred annuity under section 8338 (if they were married to one another prior to the date of separation),"; and

(2) by adding at the end the following:

"(j)(1) If a former employee dies after having separated from the service with title to a deferred annuity under section 8338 but before having established a valid claim for annuity, and is survived by a spouse to whom married on the date of separation, the surviving spouse may elect to receive—

"(A) an annuity, commencing on what would have been the former employee's 62d birthday, equal to 55 percent of the former employee's deferred annuity;

"(B) an annuity, commencing on the day after the date of death of the former employee, such that, to the extent practicable, the present value of the future payments of the annuity would be actuarially equivalent to the present value of the future payments under subparagraph (A) as of the day after the former employee's death; or

"(C) the lump-sum credit, if the surviving spouse is the individual who would be entitled to the lump-sum credit and if such surviving spouse files application therefor.

"(2) An annuity under this subsection and the right thereto terminate on the last day of the month before the surviving spouse remarries before becoming 55 years of age, or dies.".

(b) CORRESPONDING AMENDMENT FOR FERS.—Section 8445(a) of title 5, United States Code, is amended—

(1) by striking "(or of a former employee or" and inserting "(or of a former"; and

(2) by striking "annuity)" and inserting "annuity, or of a former employee who dies after having separated from the service with title to a deferred annuity under section 8413 but before having established a valid claim for annuity (if such former spouse was married to such former employee prior to the date of separation))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to surviving spouses and former spouses (whose marriage, in the case of the amendments made by subsection (a), terminated after May 6, 1985) of former employees who die after the date of the enactment of this Act.

SEC. 205. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) SIMPLIFICATION AND FINALIZATION OF MINIMUM DISTRIBUTION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986, and

(B) modify such regulations to—

(i) reflect increases in life expectancy, and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) FRESH START.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) EFFECTIVE DATE FOR REGULATIONS.—Regulations referred to in paragraph (1) shall be effective for years beginning after December 31, 2000, and shall apply in such years without regard to whether an individual had previously begun receiving minimum distributions.

(b) AMOUNT NOT SUBJECT TO MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (9) of section 401(a) is amended—

(1) in subparagraph (A), by inserting “(minus the exclusion amount)” after “the entire interest”; and

(2) by adding at the end the following:

“(H) EXCLUSION AMOUNT.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘exclusion amount’ means—

“(I) $100,000 in the case of a defined contribution plan;

“(II) $100,000 in the case of an individual retirement plan; and

“(III) $0 in the case of a defined benefit plan.

“(ii) AGGREGATION OF PLANS.—For purposes of determining the exclusion amount under clause (i)—

“(I) all defined contribution plans maintained by the same employer shall be treated as a single plan; and

“(II) all individual retirement plans (other than Roth IRAs) of the individual shall be treated as a single plan.

“(iii) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust the $100,000 exclusion amount specified in clause (i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter ending September 30, 1999.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(c) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking “FOR OTHER CASES” in the heading, and

(ii) by striking “the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)” and inserting “his entire interest has been distributed to him,”.

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking “clause (ii)” and inserting “clause (i)”.

(C) Clause (iii) of section 401(a)(9)(B)(iii) (as so redesignated) is amended—

(i) by striking “clause (iii)(I)” and inserting “clause (ii)(I)”,

(ii) in subclause (I) by striking “clause (iii)(III)” and inserting “clause (ii)(III)”,

(iii) in subclause (I) by striking “the date on which the employee would have attained the age 70½,” and inserting “April 1 of the calendar year following the calendar year in which the spouse attains 70½, and clause (ii) shall not apply to the exclusion amount,”, and

(iv) in subclause (II) by striking “the distributions to such spouse begin,” and inserting “his entire interest has been distributed to him,”.

(3) REDUCTION IN EXCISE TAX.—Subsection (a) of section 4974 is amended by striking “50 percent” and inserting “10 percent”.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided by subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2000.

(B) EXCISE TAX.—The amendment made by paragraph (3) shall apply to years beginning after December 31, 1999.

SEC. 206. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting “or an eligible deferred compensation plan (within the meaning of section 457(b))” after “subsection (e))”, and

(2) in the heading, by striking “GOVERNMENTAL AND CHURCH PLANS” and inserting “CERTAIN OTHER PLANS”.

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking “and section 409(d)” and inserting “section 409(d), and section 457(d)”.

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

“(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers, distributions, and payments made after the date of enactment of this Act.

SEC. 207. PERCENTAGE LIMITATIONS ON CONTRIBUTIONS.

(a) AMENDMENTS RELATING TO FERS.—

(1) IN GENERAL.—

(A) Subsection (a) of section 8432 of title 5, United States Code, is amended by striking “10 percent of”.

(B) Subsection (d) of section 8432 of title 5, United States Code, is amended by striking “section 415” and inserting “section 401(a)(30) or 415”.

(2) JUSTICES AND JUDGES.—Subsection (b) of section 8440a of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively; and

(B) in paragraph (6) (as so redesignated by subparagraph (A)) by striking “paragraphs (4) and (5)” and inserting “paragraphs (3) and (4)”.

(3) BANKRUPTCY JUDGES AND MAGISTRATES.—Subsection (b) of section 8440b of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(B) in paragraph (4) (as so redesignated by subparagraph (A)) by striking “paragraph (4)(A), (B), or (C)” and inserting “paragraph (3)(A), (B), or (C)”; and

(C) in paragraph (7) (as so redesignated by subparagraph (A)) by striking “Notwithstanding paragraph (4),” and inserting “Notwithstanding paragraph (3),”.

(4) COURT OF FEDERAL CLAIMS JUDGES.—Subsection (b) of section 8440c of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(B) in paragraph (4) (as so redesignated by subparagraph (A)) by striking “paragraph (4)(A) or (B)” and inserting “paragraph (3)(A) or (B)”; and

(C) in paragraph (7) (as so redesignated by subparagraph (A)) by striking “Notwithstanding paragraph (4),” and inserting “Notwithstanding paragraph (3),”.

(5) JUDGES OF THE UNITED STATES COURT OF VETERANS APPEALS.—Paragraph (2) of section 8440d(b) of title 5, United States Code, is amended to read as follows:

“(2) For purposes of contributions made to the Thrift Savings Fund, basic pay does not include any retired pay paid pursuant to section 7296 of title 38.”.

(b) AMENDMENTS RELATING TO CSRS.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended by striking “5 percent of”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) COORDINATION WITH ELECTION PERIODS.—The Executive Director shall by regulation determine the first election period in which elections may be made consistent with the amendments made by this section.

(3) DEFINITIONS.—For purposes of this section—

(A) the term “election period” means a period afforded under section 8432(b) of title 5, United States Code; and

(B) the term “Executive Director” has the meaning given such term by section 8401(13) of title 5, United States Code.

SEC. 208. ELIGIBLE ROLLOVER DISTRIBUTIONS.

Section 8432 of title 5, United States Code, is amended by adding at the end the following:

“(j)(1) For the purpose of this subsection—

“(A) the term ‘eligible rollover distribution’ has the meaning given such term by section 402(c)(3) of the Internal Revenue Code of 1986; and

“(B) the term ‘eligible retirement plan’ has the meaning given such term by section 402(c)(7) of the Internal Revenue Code of 1986.

“(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution from an eligible retirement plan. A contribution made under this subsection shall be made by means of a direct rollover from an eligible retirement plan in a manner that is similar to a direct rollover under section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

“(3) The Executive Director shall prescribe regulations to carry out this subsection.”.

SEC. 209. IMMEDIATE PARTICIPATION IN THE THRIFT SAVINGS PLAN.

(a) ELIMINATION OF CERTAIN WAITING PERIODS FOR PURPOSES OF EMPLOYEE CONTRIBUTIONS.—Paragraph (4) of section 8432(b) of title 5, United States Code, is amended to read as follows:

“(4) The Executive Director shall prescribe such regulations as may be necessary to carry out the following:

“(A) Notwithstanding subparagraph (A) of paragraph (2), an employee or Member described in such subparagraph shall be afforded a reasonable opportunity to first make an election under this subsection beginning on the date of commencing service or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

“(B) An employee or Member described in subparagraph (B) of paragraph (2) shall be afforded a reasonable opportunity to first make an election under this subsection (based on the appointment or election described in such subparagraph) beginning on the date of commencing service pursuant to such appointment or election or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(C) Notwithstanding the preceding provisions of this paragraph, contributions under paragraphs (1) and (2) of subsection (c) shall not be payable with respect to any pay period before the earliest pay period for which such contributions would otherwise be allowable under this subsection if this paragraph had not been enacted.

"(D) Sections 8351(a)(2), 8440a(a)(2), 8440b(a)(2), 8440c(a)(2), and 8440d(a)(2) shall be applied in a manner consistent with the purposes of subparagraphs (A) and (B), to the extent those subparagraphs can be applied with respect thereto.

"(E) Nothing in this paragraph shall affect paragraph (3).".

(b) Technical and Conforming Amendments.—(1) Section 8432(a) of title 5, United States Code, is amended—

(A) in the first sentence by striking "(b)(1)" and inserting "(b)"; and

(B) by amending the second sentence to read as follows: "Contributions under this subsection pursuant to such an election shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.".

(2) Section 8432(b)(1)(B) of title 5, United States Code, is amended by inserting "(or any election allowable by virtue of paragraph (4))" after "subparagraph (A)".

(3) Section 8432(b)(3) of title 5, United States Code, is amended by striking "Notwithstanding paragraph (2)(A), an" and inserting "An".

(4) Section 8432(i)(1)(B)(ii) of title 5, United States Code, is amended by striking "either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or".

(5) Section 8439(a)(1) of title 5, United States Code, is amended by inserting "who makes contributions or" after "for each individual" and by striking "section 8432(c)(1)" and inserting "section 8432".

(6) Section 8439(c)(2) of title 5, United States Code, is amended by adding at the end the following: "Nothing in this paragraph shall be considered to limit the dissemination of information only to the times required under the preceding sentence.".

(7) Sections 8440a(a)(2) and 8440d(a)(2) of title 5, United States Code, are amended by striking all after "subject to" and inserting "this chapter.".

(c) Effective Date.—This section shall take effect 6 months after the date of enactment of this Act or such earlier date as the Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may by regulation prescribe.

TITLE III—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 301. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) Rollovers From and to Section 457 Plans.—

(1) Rollovers from section 457 plans.—

(A) In general.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) Rollover amounts.—

"(A) General rule.—In the case of an eligible deferred compensation plan, if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) (other than section 402(c)(4)(C)),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) Reporting.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) Deferral limit determined without regard to rollover amounts.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) Direct rollover.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) Withholding.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b);".

(ii) Paragraph (5) of section 3405(e) is amended by adding at the end the following: "Such term shall include an eligible deferred compensation plan described in section 457(b).".

(iii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) Eligible rollover distribution.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iv) Liability for withholding.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

'(iv) section 457(b).".

(2) Rollovers to section 457 plans.—

(A) Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following:

"(v) an eligible deferred compensation plan described in section 457(b) of an eligible employer described in section 457(e)(1)(A).".

(B) Paragraph (9) of section 402(c) is amended by striking "except that" and all that follows and inserting "except that only an account or annuity described in clause (i) or (ii) of paragraph (8)(B) shall be treated as an eligible retirement plan with respect to such distribution.".

(C) Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) Special rule for rollovers to section 457 plans.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)). For purposes of this subsection, any such distribution shall be treated as if made from a qualified retirement plan described in section 4974(c)(1). This paragraph shall only apply to a transfer that is in excess of $50,000 and that is permitted by reason of section 402(c)(8)(B)(v) or section 408(d)(3)(A)(ii).".

(D) Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended—

(i) by striking "or otherwise made available", and

(ii) by adding at the end the following: "To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(3) Minimum distributions.—Paragraph (2) of section 457(d) is amended to read as follows:

"(2) Minimum distribution requirements.—A plan meets the distribution requirements of this paragraph if the plan meets the requirements of section 401(a)(9).".

(4) Conforming amendment.—Paragraph (9) of section 457(e) is amended to read as follows:

"(9) Benefits not treated as failing to meet distribution requirements of subsection (d).—A plan shall not be treated as failing to meet the distribution requirements of subsection (d) by reason of a distribution of the total amount payable to a participant under the plan if—

"(A) such amount does not exceed the dollar limit under section 411(a)(11)(A), and

"(B) such amount may be distributed only if—

"(i) no amount has been deferred under the plan with respect to such participant during the 2-year period ending on the date of the distribution, and

"(ii) there has been no prior distribution under the plan to such participant to which this paragraph applied.".

(b) Allowance of Rollovers From and to 403(b) Plans.—

(1) Rollovers from section 403(b) plans.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) Rollovers to section 403(b) plans.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by adding at the end the following:

"(vi) an annuity contract described in section 403(b)."

(3) Conforming amendment.—Subparagraph (B) of section 403(b)(8) is amended by striking "Rules similar to the" and inserting "The".

(c) Expanded Explanation to Recipients of Rollover Distributions.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) Conforming Amendments.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended by striking "shall apply for purposes of subparagraph (A)" and inserting "and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator".

(8) Subparagraph (B) of section 403(b)(8) is amended by inserting "and (9)" after "through (7)".

(9) Section 408(a)(1) is amended by striking "or 403(b)(8)" and inserting ", 403(b)(8), or 457(e)(16)".

(10) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(11) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(12) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(e) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 1999.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 302. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) In General.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which he receives the payment or distribution.

For purposes of clause (ii), the term 'eligible retirement plan' has the meaning given such term by clauses (iii), (iv), (v), and (vi) of section 402(c)(8)(B).".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) Simple retirement accounts.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 1999.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 303. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) In General.—

(1) Subsection (c) of section 402 (relating to rules applicable to rollovers from exempt trusts) (as amended by section 2) is amended by striking paragraph (2) and redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(2) Paragraph (31) of section 401(a) (relating to optional direct transfer of eligible rollover distributions) is amended by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(3) Subparagraph (B) of section 408(d)(3) (relating to rollover contributions) is amended by striking "which was not includible in his gross income because of the application of this paragraph" and inserting "to which this paragraph applied".

(4) Paragraph (7)(B) of section 402(c) (as redesignated by subsection (a)(1) and as amended by section 301) is amended—

(A) by striking "The term" and inserting "Except as provided in this subparagraph, the term", and

(B) by adding at the end the following:

"Arrangements described in clauses (iii), (iv) (v), and (vi) shall not be treated as eligible retirement plans for purposes of receiving a rollover contribution of an eligible rollover distribution to the extent that such eligible rollover distribution is not includible in gross income (determined without regard to paragraph (1)).".

(5) Paragraph (2) of section 408(d) is amended—

(A) by striking "For purposes" and inserting the following:

"(A) In general.—Except as provided in this paragraph, for purposes",

(B) by striking "(A) all" and inserting "(i) all";

(C) by striking "(B) all" and inserting "(ii) all";

(D) by striking "(C) the" and inserting "(iii) the",

(E) by striking "subparagraph (C)" and inserting "clause (iii)", and

(F) by inserting at the end the following:

"(B) Application of section 72.—For purposes of applying section 72, if—

"(i) a distribution is made from an individual retirement plan, and

"(ii) a rollover contribution described in paragraph (3) is made to an eligible retirement plan described in section 402(c)(7)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

the includible amount in the individual's individual retirement plans shall be reduced by the amount described in subparagraph (C). As of the close of the calendar year in which the taxable year begins, the reduction of all amounts described in subparagraph (C)(i) shall be applied prior to the computations described in subparagraph (A)(iii). The amount of any distribution with respect to which there is a rollover contribution described in clause (ii) shall not be treated as a distribution for purposes of subparagraph (A).

"(C) Amount described.—The amount described in this subparagraph is the sum of—

"(i) the amount of the rollover contribution described in subparagraph (B)(ii), and

"(ii) in the case of any portion of the distribution with respect to which there is not a rollover contribution described in paragraph (3), the amount of such portion that is included in gross income under section 72.

"(D) Includible amount.—For purposes of this paragraph, the term 'includible amount' shall mean the amount that is not investment in the contract (as defined in section 72).".

(6) Subparagraph (C) of section 402(c)(5) (as redesignated by subsection (a)(1)) is amended by inserting after "other than money" the following: "or where the amount of the distribution exceeds the amount of the rollover contribution".

(b) Hardship Exception to 60-Day Rule.—

(1) Paragraph (2) of section 402(c) (as so redesignated) is amended to read as follows:

"(2) Transfer must be made within 60 days of receipt.—

"(A) In general.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) Hardship exception.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(2) Paragraph (3) of section 408(d) (relating to rollover contributions) is amended by adding at the end the following new subparagraph:

"(H) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) Conforming Amendments.—

(1) Paragraph (4) of section 402(c) (as redesignated by subsection (a)(1)) is amended by striking "(8)(B)" and inserting "(7)(B)".

(2) Subparagraph (B) of section 403(a)(4) is amended by striking "(2) through (7)" and inserting "(2) through (6)".

(3) Section 403(b)(8)(A)(ii) (as amended by section 301) is amended by striking "section 402(c)(8)(B)" and inserting "section 402(c)(7)(B)".

(4) Subparagraph (B) of section 403(b)(8) (as amended by section 301) is amended by striking "(2) through (7) and (9) of section 402(c) (including paragraph (4)(C) thereof)" and inserting "(2) through (6) and (8) of section 402(c) (including paragraph (3)(C) thereof)".

(5) Subparagraph (A) of section 408(d)(3) (as amended by section 302) is amended by striking "402(c)(8)" and inserting "402(c)(7)".

(6) Paragraph (16) of section 457(e) (as added by section 301) is amended—

(A) in subparagraph (A)(i) by striking "402(c)(4) (other than section 402(c)(4)(C))" and inserting "section 402(c)(3) (other than section 402(c)(3)(C))",

(B) in subparagraph (A)(ii) by striking "402(c)(8)(B)" and inserting "402(c)(7)(B)", and

(C) in subparagraph (B) by striking "paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c)" and inserting "paragraphs (2) through (6) (other than paragraph (3)(C)) and (8) of section 402(c)".

(d) Effective Date.—

(1) In general.—Except as provided by paragraph (2), the amendments made by this section shall apply to distributions made after December 31, 1999.

(2) Hardship exception.—The amendments made by subsection (b) shall apply to 60-day periods ending after the date of the enactment of this Act.

SEC. 304. TREATMENT OF FORMS OF DISTRIBUTION.

(a) In General.—

(1) Plan transfers.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) Plan transfers.—

"(i) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this paragraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I);

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election;

"(V) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 417, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 417(a)(2); and

"(VI) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) Elimination of form of distribution.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) Regulations.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: "The Secretary may by regulations provide that this subparagraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.

(3) Secretary directed.—Not later than December 31, 2001, the Secretary of the Treasury is directed to issue final regulations under section 411(d)(6) of the Internal Revenue Code of 1986. Such regulations shall apply to plan years beginning after December 31, 2001 or such earlier date as is specified by the Secretary of the Treasury. Under such regulations, section 411(d)(6) of such Code shall not apply to plan amendments that do not adversely affect the rights of participants in a material manner. In determining whether a plan amendment has such a materially adverse effect on a participant, the factors taken into account shall include—

(A) all of the participant's early retirement benefits, retirement-type subsidies, and optional forms of benefit that are reduced or eliminated by the plan amendment,

(B) the extent to which early retirement benefits, retirement-type subsidies, and optional forms of benefit in effect with respect to a participant after the effective date of the plan amendment provide rights that are comparable to the rights that are reduced or eliminated by the plan amendment,

(C) the number of years before the participant attains normal retirement age under the plan (or early retirement age, as applicable),

(D) the size of the participant's benefit that is affected by the plan amendment, in relation to the amount of the participant's compensation, and

(E) the number of years before the plan amendment is effective.

The regulations described in this paragraph are intended to permit the elimination or reduction of early retirement benefits, retirement-type subsidies, and optional forms of benefit that do not have a material value for a plan's participants but create significant burdens and complexities for the plan and its participants.

(b) Conforming Amendment.—(1) Subsection (g) of section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this paragraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election;

"(v) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 205, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 205(c)(2); and

"(vi) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution which the participant or beneficiary is entitled under transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(5) Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) Paragraph (2) of section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended by striking the last sentence and inserting the following: "The Secretary of the Treasury may by regulations provide that this paragraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 305. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) Modification of Same Desk Exception.—

(1) SECTION 401(k).—Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) BUSINESS SALE REQUIREMENTS REPEALED.—

(1) IN GENERAL.—Section 401(k)(2)(B)(i)(II) (relating to qualified cash or deferred arrangements) is amended by striking "an event" and inserting "a plan termination".

(2) CONFORMING AMENDMENTS.—Section 401(k)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—A plan termination is described in this paragraph if the termination of the plan does not involve the establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).",

(B) in subparagraph (B)—

(i) by striking "An event" and inserting "A termination", and

(ii) by striking "the event" and inserting "the termination",

(C) by striking subparagraph (C), and

(D) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 1999.

SEC. 306. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 (as amended by section 501) is amended by adding at the end the following new paragraph:

"(14) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—

(1) Subsection (e) of section 457 (as amended by section 509) is amended by adding at the end the following new paragraph:

"(18) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(2) Section 457(b)(2), as amended by sections 101, 202, and 301, is amended by striking "(other than rollover amounts)" and inserting "(other than rollover amounts and amounts received in a transfer referred to in subsection (e)(16))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 1999.

SEC. 307. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) AMENDMENTS TO 1986 CODE.—

(1) Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), clause (ii), (iii), or (iv) of 408(d)(3)(A), and 457(e)(16).".

(2) Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(b) AMENDMENT TO ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(e)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this paragraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), clause (ii), (iii), or (iv) of 408(d)(3)(A), and 457(e)(16) of the Internal Revenue Code of 1986.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 1999.

TITLE IV—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 401. REPEAL OF 150 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) IN GENERAL.—

(1) CODE AMENDMENT.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(A) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2003, the applicable percentage", and

(B) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2000	160
2001	165
2002	170.".

(2) ERISA AMENDMENT.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(A) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2003, the applicable percentage", and

(B) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2000	160
2001	165
2002	170.".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to plan years beginning after December 31, 1999.

(b) MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.—

(1) IN GENERAL.—Section 404(a)(1)(D) (relating to special rule in case of certain plans) is amended—

(A) by striking "which has more than 100 participants for the plan year",

(B) by striking "unfunded current liability determined under section 414(l)" and inserting "unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year)",

(C) by inserting after the first sentence the following: "For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) brought about by plan amendment within the last 2 years before the termination date.", and

(D) by striking "(other than a multiemployer plan)".

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c) is amended by striking the sentence preceding the last sentence thereof.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after the date of enactment of this Act.

SEC. 402. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph

(1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) Plans described.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) Certain provisions not to apply.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) Conforming Amendments.—

(1) Section 206(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(f)) is amended—

(A) by striking "title IV" and inserting "section 4050", and

(B) by striking "the plan shall provide that".

(2) Section 401(a)(34) of such Act (relating to benefits of missing participants on plan termination) is amended by striking "title IV" and inserting "section 4050".

(c) Effective Date.—The amendments made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 403. PERIODIC PENSION BENEFITS STATEMENTS.

(a) In General.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)) is amended by striking "shall furnish to any plan participant or beneficiary who so requests in writing, a statement" and inserting "shall furnish to each plan participant at least once each year (in the case of a defined contribution plan) and upon written request of a plan participant or beneficiary (in the case of a defined benefit plan), a statement in written or electronic form".

(b) Required Periodic Statements for Plans With More Than One Unaffiliated Employer.—Section 105(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(d)) is repealed.

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 1999.

SEC. 404. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) Imposition and Amount of Penalty Made Discretionary.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking "shall" and inserting "may", and

(2) by striking "equal to" and inserting "not greater than".

(b) Applicable Recovery Amount.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'applicable recovery amount' means any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.".

(c) Other Rules.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) Transition rule.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 405. PENALTY TAX RELIEF FOR SOUND PENSION FUNDING.

(a) In General.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) Defined benefit plan exception.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 406. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(K) PLANS.

(a) In General.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) Effective Date.—

"(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) Nonapplication to previously acquired property.—The amendments made by this section shall not apply to any elective deferral if such deferral is used for the payment of indebtedness incurred before January 1, 1999 (or any refinancing thereof) on the acquisition by the plan of employer securities or employer real property—

"(A) before January 1, 1999, or

"(B) after such date pursuant to a written contract which was binding on such date and at all times thereafter on such plan.".

(b) Effective Date.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 407. NOTICE OF SIGNIFICANT REDUCTION IN BENEFIT ACCRUALS.

(a) In General.—Subsection (h) of section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended to read as follows:

"(h) Notice of Significant Reduction in Benefit Accruals.—

"(1) If a plan described in paragraph (4) is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide a notice to—

"(A) each affected participant in the plan,

"(B) each affected beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)), and

"(C) each employee organization representing affected participants in the plan, except that such notice shall instead be provided to a person designated to receive such notice on behalf of any person referred to in paragraph (A), (B), or (C). For purposes of this paragraph, an affected participant or beneficiary is a participant or beneficiary to whom the significant reduction described in this paragraph is reasonably expected to apply.

"(2) The notice required by paragraph (1) shall—

"(A) include the plan amendment, or a summary of such plan amendment, and its effective date, and

"(B) provide a notification and description of the reduction described in paragraph (1).

A notification and description shall not fail to satisfy paragraph (2)(B) by reason of a failure to provide the specific amount of the reduction with respect to any participant or beneficiary.

"(3) The notice required by paragraph (1) shall be provided no less than 30 days prior to the effective date of the plan amendment.

"(4) A plan is described in this paragraph if such plan is—

"(A) a defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 302.

"(5) In the case of a material failure to comply with requirements of this subsection with respect to more than a de minimis number of persons described in paragraph (1), the plan amendment to which the failure relates shall not be effective with respect to such persons for any period prior to the expiration of 30 days following the date on which a notice is provided in accordance with this subsection. For purposes of this paragraph, the term 'material failure' includes any failure that results in materially less information being provided to the persons described in paragraph (1).".

(b) Effective Date.—The amendments made by this section shall apply to plan amendments that are adopted more than 120 days after the date of enactment of this Act.

TITLE V—REDUCING REGULATORY BURDENS

SEC. 501. INTERMEDIATE SANCTIONS FOR INADVERTENT FAILURES.

(a) IN GENERAL.—Section 401(a) (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (34) the following:

“(35) PROTECTION FROM DISQUALIFICATION UPON TIMELY CORRECTION OR PAYMENT OF FINE.—A trust shall not fail to constitute a qualified trust under this section if the plan of which such trust is a part has made good faith efforts to meet the requirements of this section, has inadvertently failed to satisfy 1 or more of such requirements, and either—

“(A) substantially corrects (to the extent possible) such failure before the date the plan becomes subject to a plan examination for the applicable year (as determined under rules prescribed by the Secretary), or

“(B) substantially corrects (to the extent possible) such failure on or after such date.

If the plan satisfies the requirement under subparagraph (B), the Secretary may require the sponsoring employer to make a payment to the Secretary in an amount that does not exceed an amount that bears a reasonable relationship to the severity of the plan's failure to satisfy the requirements of this section.”.

(b) APPLICATION TO CASH OR DEFERRED ARRANGEMENTS.—Section 401(k) is amended by inserting after paragraph (12) the following new paragraph:

“(13) PROTECTION FROM DISQUALIFICATION.—Rules similar to the rules set forth in section 401(a)(35) shall apply for purposes of determining whether a cash or deferred arrangement is a qualified cash or deferred arrangement.”.

(c) APPLICATION TO SECTION 403(b) ANNUITY CONTRACTS.—Section 403(b) is amended by inserting after paragraph (12) the following:

“(13) CORRECTION OF ERRORS.—For purposes of determining whether the exclusion from gross income under paragraph (1) is applicable to an employee for any taxable year, rules similar to the rules set forth in section 401(a)(35) shall apply to any annuity contract purchased under this subsection or any plan established to meet the requirements of this subsection.”.

(d) INCOME INCLUSION FOR DISQUALIFICATION NOT APPLICABLE TO NONHIGHLY COMPENSATED EMPLOYEES.—Section 402(b) (relating to taxability of beneficiary of nonexempt trust) is amended by striking paragraph (4) and inserting the following:

“(4) INCOME INCLUSION FOR DISQUALIFICATION NOT APPLICABLE TO NONHIGHLY COMPENSATED EMPLOYEES.—Paragraphs (1) and (2) shall not apply to employees who are not highly compensated employees.

“(5) FAILURE TO MEET REQUIREMENTS OF SECTION 401(a)(26) OR 410(b).—If 1 of the reasons a trust is not exempt from tax under section 501(a) is the failure of the plan to meet the requirements of section 401(a)(26) or 410(b), then a highly compensated employee shall, in lieu of the amount determined under paragraph (1) or (2), include in gross income for the taxable year with or within which the taxable year of the trust ends an amount equal to the vested accrued benefit of such employee (other than the employee's investment in the contract) as of the close of such taxable year of the trust.

“(6) HIGHLY COMPENSATED EMPLOYEE.—For purposes of this subsection, the term ‘highly compensated employee’ has the meaning given such term by section 414(q).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 502. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

“(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 1999.

SEC. 503. SAFETY VALVE FROM MECHANICAL RULES.

(a) IN GENERAL.—The Secretary of the Treasury, by regulation, shall provide that the plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, if—

(1) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test, and

(2) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Paragraph (2) shall only apply to the extent provided by the Secretary.

(b) EFFECTIVE DATES.—

(1) REGULATIONS.—The regulation required by subsection (a) shall apply to years beginning after December 31, 2000.

(2) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under subsection (a)(1) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

SEC. 504. REFORM OF THE LINE OF BUSINESS RULES.

(a) REPEAL OF GATEWAY TEST.—Paragraph (5) of section 410(b) is amended to read as follows:

“(5) LINE OF BUSINESS EXCEPTION.—If, under section 414(r), an employer is treated as operating separate lines of business for a year, the employer may apply the requirements of this subsection for such year separately with respect to employees in each separate line of business.”.

(b) REGULATIONS.—The Secretary of the Treasury shall modify the regulations issued under section 414(r) of the Internal Revenue Code of 1986 (relating to special rules for separate line of business) to—

(1) simplify the administrability of the rules for both the Secretary and plans, and

(2) permit employees to be allocated among lines of business based on all the facts and circumstances.

(c) EFFECTIVE DATES.—

(1) REPEAL.—The repeal made by subsection (a) shall apply to years beginning after December 31, 2000.

(2) REGULATIONS.—The regulations modified under subsection (b) shall apply to years beginning after December 31, 2000.

SEC. 505. COVERAGE TEST FLEXIBILITY.

(a) IN GENERAL.—Paragraph (1) of section 410(b) is amended by adding at the end the following:

“(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

“(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

“(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

“(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph. Clause (ii) shall apply only to the extent provided by the Secretary.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2000.

(2) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(a)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

SEC. 506. INCREASE IN RETIREMENT PLAN CASH-OUT AMOUNT.

(a) AMENDMENTS TO 1986 CODE.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

“(D) INFLATION ADJUSTMENT.—In the case of any plan year beginning in a calendar year after 1999, the Secretary shall adjust annually the $5,000 amount contained in subparagraph (A) for increases in the cost of living at the same time and in the same manner as adjustments under section 415(d); except that the base period shall be the calendar quarter ending September 30, 1999, and any increase which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.”.

(b) AMENDMENTS TO ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(e)) is amended by adding at the end the following:

“(4) INFLATION ADJUSTMENT.—In the case of any plan year beginning in a calendar year after 1999, the Secretary shall adjust annually the $5,000 amount contained in paragraph (1) for increases in the cost of living at the same time and in the same manner as adjustments under section 415(d) of the Internal Revenue Code of 1986; except that the base period shall be the calendar quarter ending September 30, 1999, and any increase which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after the date of enactment of this Act.

SEC. 507. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) IN GENERAL.—Section 412(c)(9) (relating to annual valuation) is amended—

(1) by striking “For purposes” and inserting the following:

“(A) IN GENERAL.—For purposes”, and

(2) by adding at the end the following:

“(B) ELECTION TO USE PRIOR YEAR VALUATION.—

“(i) IN GENERAL.—If, for any plan year—

“(I) an election is in effect under this subparagraph with respect to a plan, and

“(II) the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)), determined as of the valuation date for the preceding plan year, then this section shall be applied using the information available as of such valuation date.

“(ii) ADJUSTMENTS.—Information under clause (i) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iii) ELECTION.—An election under this subparagraph, once made, shall be irrevocable without the consent of the Secretary.”.

(b) AMENDMENTS TO ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)", and

(2) by adding at the end the following:

"(B)(i) If, for any plan year—

"(I) an election is in effect under this subparagraph with respect to a plan, and

"(II) the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)), determined as of the valuation date for the preceding plan year,

then this section shall be applied using the information available as of such valuation date.

"(ii) Information under clause (i) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iii) An election under this subparagraph, once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after the date of enactment of this Act.

SEC. 508. SECTION 457 INAPPLICABLE TO CERTAIN MIRROR PLANS.

(a) IN GENERAL.—Subsection (e) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended by adding at the end the following new paragraph:

"(17) This section shall not apply to a plan, program, or arrangement maintained solely for the purposes of providing retirement benefits for employees in excess of the limitations imposed by sections 401(a)(17) or 415.".

(b) CERTAIN DEFERRED COMPENSATION NOT TAKEN INTO ACCOUNT.—Subsection (c) of section 457 (relating to individuals who are participants in more than 1 plan) (as amended by section 108(a)) is amended by adding at the end the following: "This section shall be applied without regard to a plan, program, or arrangement described in subsection (e)(17).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 509. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following:

"(d) For purposes of subsection (b)(9), the term "substantial owner" means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) on or after the date of enactment of this Act, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation on or after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on the date of enactment of this Act.

SEC. 510. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 511. MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.

The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

SEC. 512. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(b) EXEMPTION FOR SURVIVOR AND DISABILITY BENEFITS.—Subparagraph (I) of section 415(b)(2) (relating to limitation for defined benefit plans) is amended—

(1) by inserting "or a multiemployer plan (as defined in section 414(f))" after "section 414(d))" in clause (i),

(2) by inserting "or multiemployer plan" after "governmental plan" in clause (ii), and

(3) by inserting "AND MULTIEMPLOYER" after "GOVERNMENTAL" in the heading.

(c) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section.".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 513. ELIMINATION OF PARTIAL TERMINATION RULES FOR MULTIEMPLOYER PLANS.

(a) PARTIAL TERMINATION RULES FOR MULTIEMPLOYER PLANS.—Section 411(d)(3) (relating to termination or partial termination; discontinuance of contributions) is amended by adding at the end the following new sentence: "This paragraph shall not apply in the case of a partial termination of a multiemployer plan.''.

(b) Effective Date.—The amendment made by this section shall apply to partial terminations beginning after December 31, 1999.

SEC. 514. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) Expansion of Period.—

(1) In general.—

(A) Subparagraph (A) of section 417(a)(6) is amended by striking ''90-day'' and inserting ''one-year''.

(B) Subparagraph (A) of section 205(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055) is amended by striking ''90-day'' and inserting ''one-year''.

(2) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute ''one year'' for ''90 days'' each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(3) Effective date.—The amendments made by paragraph (1) and the modifications required by paragraph (2) shall apply to years beginning after December 31, 1999.

(b) Consent Regulation Inapplicable to Certain Distributions.—

(1) In general.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) Effective date.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 1999.

SEC. 515. CONFORMING AMENDMENTS RELATING TO ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE PARKING BENEFITS.

(a) In General.—

(1) Clause (ii) of section 415(c)(3)(D) and subparagraph (B) of section 403(b)(3) are each amended by striking ''section 125 or'' and inserting ''section 125, 132(f)(4), or''.

(2) Paragraph (2) of section 414(s) is amended by striking ''section 125, 402(e)(3)'' and inserting ''section 125, 132(f)(4), 402(e)(3)''.

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the amendment made by section 1072 of the Taxpayer Relief Act of 1997.

SEC. 516. EXTENSION TO INTERNATIONAL ORGANIZATIONS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—Subparagraph (G) of section 401(a)(5), subparagraph (H) of section 401(a)(26), subparagraph (G) of section 401(k)(3), and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by inserting ''or by an international organization which is described in section 414(d)'' after ''or instrumentality thereof)''.

(b) Conforming Amendments.—

(1) The headings for subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by inserting ''AND INTERNATIONAL ORGANIZATION'' after ''GOVERNMENTAL''.

(2) Subparagraph (G) of section 401(k)(3) is amended by inserting ''State and local governmental and international organization plans.—'' after ''(G)''.

(c) Effective Date.—The amendments made by this section shall take effect as if included in the amendment made by section 1505 of the Taxpayer Relief Act of 1997.

SEC. 517. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) In General.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k), or section 401(m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan, and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such section 401(k) plan or section 401(m) plan.

(b) Effective Date.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 518. PERMISSIVE AGGREGATION OF COLLECTIVE BARGAINING UNITS.

(a) In General.—Paragraph (3) of section 410(b) is amended by inserting the following immediately before the last sentence thereof: ''Solely for purposes of applying this subsection to employees who are not described in subparagraph (A), an employer may elect to have subparagraph (A) not apply to one or more units of employees who are described in subparagraph (A).''.

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 1999.

SEC. 519. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) In General.—Paragraph (4) of section 1114(c)(4) of the Tax Reform Act of 1986 is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to plan years beginning on or after January 1, 2000.

SEC. 520. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) In General.—Section 132(e) (defining de minimis fringe) is amended by adding at the end the following:

''(3) Treatment of certain retirement planning services.—The provision of retirement planning services by an employer to employees, to the extent not described in subsection (d), shall be treated as a de minimis fringe.''.

(b) No Constructive Receipt.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

''(m) Retirement Planning.—

''(1) In general.—No amount shall be included in the gross income of an employee solely because the employee may choose between any retirement planning fringe and compensation which would otherwise be includible in the gross income of such employee.

''(2) Nondiscrimination requirement.—Paragraph (1) shall apply to a highly compensated employee only if the choice described in such paragraph is available on substantially the same terms to each member of a group of employees which is defined under a reasonable classification set up by the employer which does not discriminate in favor of highly compensated employees.

''(3) Retirement planning fringe.—For purposes of this subsection, the term 'retirement planning fringe' means any retirement planning services provided by an employer to an employee which are not included in the gross income of the employee by reason of subsection (d) or (e).''.

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 521. ANNUAL REPORT DISSEMINATION.

(a) In General.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by striking ''shall furnish'' and inserting ''shall make available for examination (and, upon request, shall furnish)''.

(b) Effective Date.—The amendment made by this section shall apply to reports for years beginning after December 31, 1998.

SEC. 522. EXCESS BENEFIT PLANS.

(a) In General.—Section 3(36) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(36)) is amended to read as follows:

''(36) The term 'excess benefit plan' means a plan, without regard to whether such plan is funded, maintained by an employer solely for the purpose of providing benefits to employees in excess of the limitations imposed by 1 or more of sections 401(a)(17), 401(k), 401(m), 402(g), 403(b), 408(k), 408(p), or 415 of the Internal Revenue Code of 1986 or any other limitation on contributions or benefits in such Code on plans to which any of such sections apply. To the extent that a separable part of a plan (as determined by the Secretary of Labor) maintained by an employer is maintained for such purpose, that part shall be treated as a separate plan which is an excess benefit plan.''.

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 523. BENEFIT SUSPENSION NOTICE.

(a) Modification of Regulation.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(2) need not include a copy of the relevant plan provisions.

(b) Effective Date.—The modification made under subsection (a) shall apply to plan years beginning after December 31, 1999.

SEC. 524. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2002.

In the case of a government plan (as defined in section 414(d) of the Internal Revenue Code of 1986 and section 3(32) of the Employee Retirement Income Security Act of 1974), this paragraph shall be applied by substituting "2004" for "2002".

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

(B) such plan or contract amendment applies retroactively for such period.

SEC. 525. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $500,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated), or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation),

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business,

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses),

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control, and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of a retirement plan which covers less than 25 employees on the 1st day of the plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2), the Secretary of the Treasury shall provide for the filing of a simplified annual return that is substantially similar to the annual return required to be filed by a one-participant retirement plan.

SEC. 526. MODEL PLANS FOR SMALL BUSINESSES.

(a) IN GENERAL.—Not later than December 31, 2000, the Secretary of the Treasury is directed to issue at least one model defined contribution plan and at least one model defined benefit plan that fit the needs of small businesses and that shall be treated as meeting the requirements of section 401(a) of the Internal Revenue Code of 1986 with respect to the form of the plan. To the extent that the requirements of section 401(a) of such Code are modified after the issuance of such plans, the Secretary of the Treasury shall, in a timely manner, issue model amendments that, if adopted in a timely manner by an employer that has a model plan in effect, shall cause such model plan to be treated as meeting the requirements of section 401(a) of such Code, as modified, with respect to the form of the plan.

(b) MASTER AND PROTOTYPE PLAN ALTERNATIVE.—The Secretary of the Treasury may, in its discretion, satisfy the requirements of subsection (a) through the enhancement and simplification of the Secretary's programs for master and prototype plans in such a manner as to achieve the purposes of subsection (a).

The SPEAKER pro tempore. In lieu of the amendment recommended by the Committee on Education and the Workforce printed in House Report 106–331 accompanying the bill H.R. 1102, an amendment in the nature of a substitute recommended by the Committee on Ways and Means printed in H.R. 4843 is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Retirement Security and Pension Reform Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNT PROVISIONS

Sec. 101. Modification of IRA contribution limits.

TITLE II—EXPANDING COVERAGE

Sec. 201. Increase in benefit and contribution limits.
Sec. 202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 203. Modification of top-heavy rules.
Sec. 204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 206. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 207. Deduction limits.
Sec. 208. Option to treat elective deferrals as after-tax contributions.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

Sec. 301. Catch-up contributions for individuals age 50 or over.
Sec. 302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 303. Faster vesting of certain employer matching contributions.
Sec. 304. Simplify and update the minimum distribution rules.
Sec. 305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 306. Modification of safe harbor relief for hardship withdrawals from cash or deferred arrangements.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 401. Rollovers allowed among various types of plans.
Sec. 402. Rollovers of IRAs into workplace retirement plans.
Sec. 403. Rollovers of after-tax contributions.
Sec. 404. Hardship exception to 60-day rule.
Sec. 405. Treatment of forms of distribution.
Sec. 406. Rationalization of restrictions on distributions.
Sec. 407. Purchase of service credit in governmental defined benefit plans.
Sec. 408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 409. Minimum distribution and inclusion requirements for section 457 plans.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 501. Repeal of 150 percent of current liability funding limit.
Sec. 502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 503. Excise tax relief for sound pension funding.
Sec. 504. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 505. Treatment of multiemployer plans under section 415.
Sec. 506. Prohibited allocations of stock in S corporation ESOP.

TITLE VI—REDUCING REGULATORY BURDENS

Sec. 601. Modification of timing of plan valuations.
Sec. 602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 604. Employees of tax-exempt entities.
Sec. 605. Clarification of treatment of employer-provided retirement advice.
Sec. 606. Reporting simplification.
Sec. 607. Improvement of employee plans compliance resolution system.
Sec. 608. Repeal of the multiple use test.
Sec. 609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 611. Notice and consent period regarding distributions.

TITLE VII—PLAN AMENDMENTS

Sec. 701. Provisions relating to plan amendments.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	**The deductible amount is:**
2001	$3,000
2002	$4,000
2003 and thereafter	$5,000.

"(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for taxable years beginning in 2001 or 2002 shall be $5,000.

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.".

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE II—EXPANDING COVERAGE

SEC. 201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000'" and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000'".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62".

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000"; and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000"; and

(ii) by striking "October 1, 1986" and inserting "July 1, 2000".

(5) CONFORMING AMENDMENT.—Section 415(b)(2) is amended by striking subparagraph (F).

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000"; and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000"; and

(ii) by striking "October 1, 1993" and inserting "July 1, 2000".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2000"; and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) IN GENERAL.—

"(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.".

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount specified in the table in subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$7,000
2002	$8,000
2003	$9,000
2004 or thereafter	$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2004, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2003, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Clause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) IN GENERAL.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to loans made after December 31, 2000.

SEC. 203. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no employee or former employee.".

(f) ELIMINATION OF FAMILY ATTRIBUTION.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) FAMILY ATTRIBUTION DISREGARDED.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 201, is amended to read as follows:

"(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2000.

SEC. 206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 7527 of the Internal Revenue Code of 1986 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the fifth plan year the pension benefit plan is in existence; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2000.

SEC. 207. DEDUCTION LIMITS.

(a) IN GENERAL.—

(1) STOCK BONUS AND PROFIT SHARING TRUSTS.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "20 percent".

(2) COMPENSATION.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(2) Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "20 percent".

(3) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) DEFINITIONS AND RULES RELATING TO DESIGNATED PLUS CONTRIBUTIONS.—For purposes of this section—

"(1) DESIGNATED PLUS CONTRIBUTION.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) EXCLUSION.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

"(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND EARNINGS.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) and any income on the excess deferral.

"(3) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED PLUS CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

SEC. 301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) IN GENERAL.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—

"(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(A) $5,000, or

"(B) the excess (if any) of—

"(i) the participant's compensation for the year, over

"(ii) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

"(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

"(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

"(4) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation contained in the terms of the plan.

"(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.

"(D) COST-OF-LIVING ADJUSTMENT.—For years beginning after December 31, 2005, the Secretary shall adjust annually the $5,000 amount in subparagraph (A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(b) Effective Date.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

SEC. 302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) Equitable Treatment.—

(1) In general.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) Application to section 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415";

(B) by striking paragraph (2); and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) Conforming amendments.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2000)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) Annuity contracts.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) Certain contributions by church plans not treated as exceeding limit.—

"(A) In general.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 aggregate limitation.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) Annual addition.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 211) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2000)".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) Special Rules for Sections 403(b) and 408.—

(1) In general.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) Special rules for sections 403(b) and 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) Effective date.—

(A) In general.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) Exclusion allowance.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) Modification of 403(b) exclusion allowance to conform to 415 modification.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.—

(1) In general.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) Effective date.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) In General.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) Faster vesting for matching contributions.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	***The nonforfeitable percentage is:***
2	*20*
3	*40*
4	*60*
5	*80*
6	*100.".*

(b) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2000.

(2) Collective bargaining agreements.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2001; or

(B) January 1, 2005.

(3) Service required.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 304. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) Simplification and Finalization of Minimum Distribution Requirements.—

(1) In general.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986; and

(B) modify such regulations to—

(i) reflect current life expectancy; and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) Fresh start.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) Effective date for regulations.—Regulations referred to in paragraph (1) shall be effective for years beginning after December 31, 2000, and shall apply in such years without regard to whether an individual had previously begun receiving minimum distributions.

(b) Repeal of Rule Where Distributions Had Begun Before Death Occurs.—

(1) In general.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) Conforming changes.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "FOR OTHER CASES" in the heading; and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)";

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)";

(iii) by striking "the date on which the employee would have attained age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,"; and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(c) Reduction in Excise Tax.—

(1) In general.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "GOVERNMENTAL AND CHURCH PLANS" and inserting "CERTAIN OTHER PLANS".

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2000.

SEC. 306. MODIFICATION OF SAFE HARBOR RELIEF FOR HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(b) EFFECTIVE DATE.—The revised regulations under subsection (a) shall apply to years beginning after December 31, 2000.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) ROLLOVERS FROM AND TO SECTION 457 PLANS.—

(1) ROLLOVERS FROM SECTION 457 PLANS.—

(A) IN GENERAL.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) ROLLOVER AMOUNTS.—

"(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) REPORTING.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) DEFERRAL LIMIT DETERMINED WITHOUT REGARD TO ROLLOVER AMOUNTS.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) DIRECT ROLLOVER.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b).".

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) of an employer described in section 457(e)(1)(A).".

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) ,ALLOWANCE OF ROLLOVERS FROM AND TO 403(b) PLANS.—

(1) ROLLOVERS FROM SECTION 403(b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403(b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)," and inserting "403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and

(h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) RULES FOR APPLYING SECTION 72 TO IRAS.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) APPLICATION OF SECTION 72.—

"(i) IN GENERAL.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2000.

SEC. 404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) HARDSHIP EXCEPTION.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAS.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 403, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) WAIVER OF 60-DAY REQUIREMENT.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) PLAN TRANSFERS.—

(1) IN GENERAL.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) PLAN TRANSFERS.—

"(i) IN GENERAL.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election,

"(V) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 417, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 417(a)(2), and

"(VI) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) EXCEPTION.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

(b) REGULATIONS.—

(1) IN GENERAL.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.".

(2) SECRETARY DIRECTED.—Not later than December 31, 2001, the Secretary of the Treasury is directed to issue final regulations under section 411(d)(6) of the Internal Revenue Code of 1986, including the regulations required by the amendments made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2001, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2000.

SEC. 408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 501. REPEAL OF 150 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) IN GENERAL.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2001	160
2002	165
2003	170.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

"(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) PLANS ESTABLISHED AND MAINTAIN BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c) is amended to read as follows:

"(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) In General.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) Defined benefit plan exception.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 504. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) In General.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) Imposition of Tax.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) Noncompliance period.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the failure is corrected.

"(c) Limitations on Amount of Tax.—

"(1) Overall limitation for unintentional failures.—In the case of failures that are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as one plan. For purposes of this paragraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(2) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) Liability for Tax.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) Notice Requirements for Plans Significantly Reducing Benefit Accruals.—

"(1) In general.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) Notice.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment.

"(3) Timing of notice.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) Designees.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) Notice before adoption of amendment.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) Applicable Individual; Applicable Pension Plan.—For purposes of this section—

"(1) Applicable individual.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) any participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

who may reasonably be expected to be affected by such plan amendment.

"(2) Applicable pension plan.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412,

which had 100 or more participants who had accrued a benefit, or with respect to whom contributions were made, under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective. Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.".

(b) Clerical Amendment.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) Transition.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) Special rule.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(d) Study.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 505. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) Compensation Limit.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) Special limitation rule for governmental and multiemployer plans.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(b) Combining and Aggregation of Plans.—

(1) Combining of plans.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) Exception for multiemployer plans.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsections (b)(1)(A) and (c).".

(2) Conforming amendment for aggregation of plans.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 506. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) In General.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Prohibited Allocations of Securities in an S Corporation.—

"(1) In general.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) Failure to meet requirements.—

"(A) In general.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) Cross reference.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

"(3) Nonallocation year.—For purposes of this subsection—

"(A) In general.—The term 'nonallocation year' means any plan year of an employee stock

ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual. Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) DISQUALIFIED PERSON.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) DEEMED-OWNED SHARES.—

"(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) LIABILITY.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) DEFINITIONS.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

"(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) SPECIAL RULE DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after July 11, 2000, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 11, 2000.

TITLE VI—REDUCING REGULATORY BURDENS

SEC. 601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) IN GENERAL.—Paragraph (9) of section 412(c)(9) (relating to annual valuation) is amended to read as follows:

"(9) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) ELECTION TO USE PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations,

be actuarially adjusted to reflect significant differences in participants.

"(iv) ELECTION.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2000.

SEC. 604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning service provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 606. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of a retirement plan which covers less than 25 employees on the first day of the plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2), the Secretary of the Treasury shall provide for the filing of a simplified annual return that is substantially similar to the annual return required to be filed by a one-participant retirement plan.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2001.

SEC. 607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 608. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test. Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2000, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan,

even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) Conforming Amendments.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "Governmental plans".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "Exception for governmental plans".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "Governmental plans.— " after "(G)".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) Expansion of Period.—

(1) In general.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(2) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(3) Effective date.—The amendment made by paragraph (1) and the modifications required by paragraph (2) shall apply to years beginning after December 31, 2000.

(b) Consent Regulation Inapplicable to Certain Distributions.—

(1) In general.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) Effective date.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2000.

TITLE VII—PLAN AMENDMENTS

SEC. 701. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2003.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2005" for "2003".

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in House Report 106–760, if offered by the gentleman from New York (Mr. Rangel) or his designee, which shall be considered read and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. Archer) and the gentleman from Massachusetts (Mr. Neal) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Archer).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1102.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have accomplished a great deal this year for older Americans and for baby boomers who are nearing retirement. We repealed the punitive Social Security earnings penalty so that seniors who wanted to continue to work could do so without the loss of their benefits. We protected the Social Security and Medicare trust funds from being spent, put them in a lock box, and we are paying down the debt by historic levels. Today, we continue our broad agenda to help Americans enjoy a healthier and more fulfilling retirement.

If there is one cloud on our economic horizon, it is the lack of personal savings, private savings in the private sector in this country, which is at an all time low. In fact, negative. We as a people borrow more than we save. We should be encouraging Americans to save more, and one of the proven methods of doing that is simple: do not tax savings or the interest earned on savings.

While we have tried many times, and the last time IRA contribution limits were raised was almost 20 years ago in 1981, there is wide bipartisan support for raising the limits from $2,000 to $5,000. At least 90 Democrats cosponsored the Portman-Cardin bill, which includes an increase in IRA limits, and 60 Democrats cosponsored a straight expansion of IRA limits from $2,000 to $5,000.

The Committee on Ways and Means reported this bill with a strong bipartisan vote, and I expect that support will be reflected by the full House of Representatives today.

Mr. Speaker, I particularly thank the gentleman from Ohio (Mr. Portman) and the gentleman from Maryland (Mr. Cardin), who have really provided the bipartisan leadership on this issue. This should be the hallmark of Congress, that we come together to do the right thing for the American people. I also must mention the leadership of the gentleman from California (Mr. Gallegly) on IRA expansions.

This bill also strengthens our pension system, and it expands opportunities for Americans to get pension coverage, especially women. As we know, women live longer than men and have special retirement needs, but only 32 percent of retired women have pensions as opposed to 55 percent for men.

This bill includes catchup provisions so women who have to leave the workforce, perhaps for a period of time to rear children and then reenter later in life, can increase their contributions to make up for the lost time when they were not in the workforce.

So this is the right legislation at the right time. The workplace has changed, our retirement needs have changed, and the pension system has changed. Now is the time to expand IRAs, improve 401(k)s, update our pension system so more Americans have the opportunity for a safe and secure retirement. We particularly help small businesses to create pension plans where there is a great need for workers to be covered. This is a good bill, one that should get a resounding bipartisan vote.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have an honest disagreement here today reflected in the proposals that are before this House. This honest disagreement I think crystallizes along the lines of who is to benefit from this legislation. Once again, on the Democratic side, we argue, I think with considerable merit, that the legislation in front of us does not do enough to help middle-income Americans or low-income wage earners.

The substitute that we will discuss later on today offered by the gentleman from New York (Mr. Rangel) is, I believe, the only way that we can bring a balanced pension package to the President that he will sign this year. The substitute that we will offer later on will add a dimension that the underlying bill lacks and which it badly needs.

One of the key criticisms of the bill before us is that the benefit increases go only to those lucky few who make a maximum contribution under current law. The retirement savings account proposal takes a good first step at addressing this lack of balance. It gives a refundable tax credit to low- and moderate-income workers who participate in an employer-sponsored pension plan or an individual retirement account. The maximum credit is 50 percent of qualifying contributions, and would be available to married workers earning less than $25,000 when fully phased in. The credit phases down to zero at $75,000 for married workers filing jointly.

Mr. Speaker, it is important to understand that the RSA proposal does not create a separate account like an individual retirement account. With all of the pension vehicles currently in law, placing one more into law really did not seem to make a lot of sense. Rather, the tax credit is tied to contributions made to an IRA, or a qualified employer-sponsored pension plan like a 401(k) plan, or another similar defined contribution plan. This was done for simplicity, and to ease the administration of plan sponsors.

The RSA proposal before us today has gone through similar and many versions. In its final version, it preserves the original goal of the administration, which is to provide a real incentive for low- and moderate-income workers to participate in our retirement system while meeting concerns expressed by the pension community that the proposal be administrable.

For example, the original RSA proposal was designed to deliver the tax credit to business or financial institutions as reimbursement for making employer contributions to eligible employees. The pension community argued that this design was too complex, and that some small businesses or tax-exempt entities would not have the ability to absorb tax credits because they may have little or no tax liability. Thus, the proposal was changed to a tax credit for individuals.

The proposal is intended to provide a stronger incentive for individuals to save for retirement, of which we all agree. For those who have not done so to date, a 50 percent credit encourages them to take the first step in the right direction. For those who currently save a little, it encourages them to save more. Given all of the competing demands, it is often very hard for many workers, even middle income workers, to set aside a percentage of their wages toward retirement. Refundability is a key feature of this credit. It allows us to provide a strong incentive to some workers who simply could not otherwise participate in a pension plan.

This is not a panacea for low-income workers. The average deferral rate for nonhighly compensated workers who make less than $30,000 a year is less than 6 percent. The RSA proposal is the only thing that would help us to help these workers, and it is crucial to do so if we wish to bring some balance to this package.

Likewise, the small business tax credits contained in the amendment may provide a significant increase in pension coverage and pension participation for employees of small businesses. The first proposal gives a 50 percent tax credit for 3 years to small businesses for their start-up costs associated with a new pension plan. That is their administrative and retirement education costs. Not only would this provide an incentive for small businesses to offer a plan to employees, but it also could be used as a marketing tool by financial institutions or pension advisors to promote the adoption of a pension plan to small business.

The second small business credit would provide a 50 percent credit for employer contributions to a pension plan for nonhighly compensated employees if the employer is willing to contribute 1 to 3 percent of compensation through their employees' accounts. This credit is designed to encourage small businesses to make employer contributions to the plan they sponsored for their employees.

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By encouraging small employers to make contributions on behalf of their non-highly compensated employees, retirement savings for all these workers will increase.

Clearly the Rangel substitute will make this a much better bill. It will provide significant incentives for low- and middle-income workers to participate in those pension plans that are offered by their employers. This is clearly where we need to concentrate our incentives because this is where the need is greatest, among low- and moderate-income wage-earners.

For higher-income wage-earners, those who already save a maximum under current law, the bill in front of us provides a boost for their savings. So as long as that increase does not lead to any pension coverage being dropped, as some strongly argue, then there is nothing wrong with the increases, as long as we consider low- and moderate-income wage-earners.

However, the debate today is over the possible unintended consequences of this and other provisions in the underlying bill. It certainly will continue throughout the year.

There are additional controversies that surround this legislation. For example, the Department of the Treasury and some outside groups argue strongly that some of the provisions of this bill can actually lead to a shrinking of pension coverage for low- and moderate-income workers. They cite most often the provisions of the bill that weaken the so-called top-heavy rules and the nondiscrimination rules which are designed to protect non-key employees by making sure they get a minimum amount of benefit from an employer's pension plan.

I know the authors of this bill, the gentleman from Ohio (Mr. PORTMAN) included, strongly believe the opposite, and that these are just simplification proposals that will do no harm. But there are many others, myself included, who feel just as strongly that the proposals will do harm.

For example, we have a letter from 30 organizations, including the AARP, the Gray Panthers, the Pension Rights Centers, the National Urban League, the Older Women's League, and others who argue that if we look at the changes in this bill that affect top-heavy rules and nondiscrimination rules, that taken together, these provisions would serve to aggravate the imbalances in our current pension system.

We urge Members to drop these provisions from their bill. A top-heavy plan, by example, is a definition which we offer to the value of benefits when top employees exceed 60 percent of the package. In order to make sure that all other employees receive a benefit, the rules require faster vesting and a certain minimum benefit for non-key employees. This has led to an increased benefit for those employees.

While top-heavy rules are not being repealed, the changes made by the bill may redefine some plans as being not top-heavy, which in turn means that the workers covered by those plans lose their current protections.

Ironically, one of the arguments for keeping the changes in the top-heavy rules is that there are nondiscrimination rules in place to protect workers. A top-heavy plan already meets the nondiscrimination rules, yet gives key employees more than 60 percent of the benefits, so Congress has already made a judgment that nondiscrimination rules are not enough protection in a top-heavy plan.

Moreover, the other major complaint about this bill is that the nondiscrimination rules are weakened, which in turn will provide, again from the letter, "less protection and ultimately less retirement security" for workers and their families.

Mr. Speaker, these are some of the concerns that have been expressed and some of the provisions that need to get worked out by the end of this legislative year. There is still time to work these proposals out with President Clinton.

I believe that every one of us on this floor wants to see a balanced pension package that can reach the President's desk in October and be signed into law. Unfortunately, this bill will not be signed into law. We may have somewhat different views as to where that balance is, but that is what the legislative process is for.

With that in mind, the substitute that the Democratic Party will offer today is as constructive an approach as is possible, signalling where some of us continue to have problems with the underlying bill, as well as sending a clear message that we would like to try to bridge the gap.

I hope everyone will take this in the spirit in which it is offered, and that we can make real progress on pension reform this year. Having said that, I also think that the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) have served an important purpose, and that is to generate considerable attention to the issue of pension legislation.

I believe there is still time to work out the differences that we currently hold and to get a good pension reform bill that President Clinton will sign. Given the knowledge I have of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), I think that is still possible.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. PORTMAN) will control the time on the majority side.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I want to thank the gentleman from Texas (Chairman ARCHER) for his leadership over the years, and all he has done to expand saving options for all Americans, and in particular, his personal commitment to moving this bill to the floor today. Without his help and his support, we would not be here.

I would also like to thank my colleague, the gentleman from Maryland (Mr. CARDIN) on the other side of the aisle, who has been a true partner over the past 3 years as we have developed this bipartisan legislation before us today.

In the face of some very real political pressure from the administration and others, the gentleman from Maryland (Mr. CARDIN) has remained committed to doing what he believes is right to help people save for retirement. He deserves great credit for that.

I rise in very enthusiastic support of H.R. 1102, the legislation before us today. This is great legislation, because it allows all workers to put more aside in a 401(k) type plan, a traditional pension plan, or in an individual retirement account, an IRA. It makes it easier for employers to offer plans and maintain and establish them, and it makes it easier for workers to roll over their retirement nest egg from job to job.

Let us look at the problem that we face today. Seventy million Americans, that is half the American work force, today do not have a pension, either a 401(k) or any kind of a pension plan. The problem, of course, is much worse in American smaller businesses. In fact we are told that only 19 percent of businesses with 25 or fewer employees have any kind of pension at all today.

Unbelievably, there has been virtually no growth in pension coverage for the past 2 decades. Retirement savings in general is so low that many experts believe that most older babyboomers have not put nearly enough away for their retirement. The estimates are that they have put away only 40 percent of what they will need to have a comfortable retirement.

Part of the problem has been right here in Congress. Over the past 20 years this Congress has done the wrong thing, not the right thing, with regard to pensions. We have lowered the contribution and the benefit levels. We have made pensions more costly by, yes, increasing the number of rules and regulations and mathematical tests and the burdens and costs of establishing and maintaining a pension plan.

What impact did that have? Let me give some specific examples. First, from 1982 to 1994, the limits on defined benefit plans, these are the wonderful traditional guaranteed defined benefit plans, the limits on these plans were repeatedly reduced by Congress from 1982 to 1994 and new restrictions were added, primarily I am told for purpose of generating more Federal revenue.

As these cutbacks began to take effect, the number of traditional defined benefit plans insured by PBGC dropped from 114,000 plans in 1987 to only 45,000 plans in 1997. Those are the facts.

Let me share another example. Within a year after Congress reduced the compensation limit from $235,000 to $160,000 in 1993, the percentage of companies offering so-called non-qualified plans, these are non-insured plans, focused on higher-paids, went from 20 percent of companies to 67 percent of companies.

These non-qualified plans basically ensure that highly-paid executive and managers have retirement coverage, but they do nothing to help lower- and middle-level income employees. That is the record.

Yes, in this legislation we do believe strongly that we ought to increase those limits, at least restore them back to where they were 20 years ago. Yes, we believe strongly that we ought to do something to reduce some of the costs and burdens of establishing and maintaining these plans.

Over the past two decades, overall pension coverage has remained stagnant. It is time for Congress to now take these steps to reverse the trend. This bill before us today does just that. It is a comprehensive approach. It has been developed over the past 3 years, after careful consultations with small business people, who we want to have offer more of these plans, with labor organizations, with pension law experts in the private sector, in academia, in the administration, at the Treasury Department, at PBGC, at the Department of Labor, and most importantly, with workers themselves and individuals who will be affected by these changes.

They have been fully vetted. These proposals have been through the wringer. In fact, most or the great majority of them have now passed this House twice.

About 200 Members of this House, just over 200 as of this morning, almost equally divided between Republicans and Democrats, have now cosponsored this bill. More than 85 outside groups, business groups like the Chamber and the NFIB, labor organizations like the Building and Construction Trades Council of the AFL-CIO, have endorsed this legislation.

The approach is fiscally responsible. It is also straightforward. First, again, we allow all workers to set aside more for their retirement in 401(k) type plans. We address union multi-employer plans. We made those plans fairer for all working union Members. We raise limits for defined benefit plans and for other pensions, as well as for IRAs, moving from $2,000 to $5,000. Again, what we are really trying to do is at least restore these limits back to where they were in the 1980s.

In some cases, we do not even go that far. This $2,000 to $5,000 increase in the IRA limit, incidentally, is right about where it would be had we simply indexed in 1974 the IRA limits.

We also allow special catch-up contributions for those workers who are 50 years old or older. This is done, this accelerated contribution, so older workers, especially women who will be returning to the work force, have the opportunity to build up that retirement nest egg more quickly at a time in their lives when they need it the most and frankly can afford to put some money aside.

Second, after the contribution increases, we are modernizing pension laws to adapt to what we have learned about the realities of an increasingly mobile work force. So we make defined contribution plans portable so workers can roll over their retirement nest egg between various types of qualified plans, 401(k)s, 403(b)s, and 457 plans for public employees.

We require employers to allow workers to become vested in their plans more quickly. Instead of 5 years, we move it down to 3 years. This lets workers get a piece of the action earlier.

Finally, yes, we listened to those in the trenches. We paid attention to the surveys out there that are very clear, clearly demonstrating that if we do not reduce the complexities and the burdens in our current very complex, very burdensome pension laws, we are not going to be able to expand pension opportunities for those who work in small businesses, which is where most lower-paid and middle-income workers now find their jobs.

That is why we make it easier for employers, particularly small businesses, to establish and maintain plans by reducing the costs and the liabilities, including modernizing outdated laws, streamlining complex rules. Yet, we keep in place the very important protections to ensure fairness in our pension system.

My friend, the gentleman from Massachusetts (Mr. NEAL) talked a while ago about his concerns about these provisions. I would love to have a debate over these specific provisions. There are many people, including the President's ERISA Advisory Council, that reported to the Department of Labor, that said we should repeal the top-heavy rules that were discussed a moment ago.

In fact, there are many on my side of the aisle who would like to do that. We do not do that. The changes we make in the top-heavy rules are minor, but yes, they will help the small businesses to be able to offer and maintain a pension plan. We keep in place the 3 percent contribution limit. We keep in place all the fundamentals of the top-heavy rules. Yet, we do go into them, we roll up our sleeves, as the gentleman from Maryland (Mr. CARDIN) and I will hope to have a chance to talk about in more detail, and we do make it easier to offer these plans.

We keep the nondiscrimination tests in place. Again some in the business community would like for us to have gone further. We think it is important that every time a pension is offered to a higher-paid worker, it must be offered right down the line to workers of all incomes. That is why we keep the rules in place.

We do change them a little. The major change is, we say after you have gone through all the incredibly complicated mathematical computations and tests, then the Department of the Treasury would have the discretion in some cases to look at a plan and say, even though you seem to have failed this extremely complicated mathematical test, when we look at your plan, if it retains fairness to workers in that business, we will let you continue with this plan.

Is that too much to ask, to give a little discretion, so that it is not all based on computations and mechanical tests? I have to tell the Members, I think this is the least we can do to try to get at what we know is the problem, which is the cost, the burdens, and the liabilities that small businesses face today if they want to offer pension plans. Unless we want to have a mandate and tell every business in America, you have to offer a plan, and I do not think anybody is advocating that here today, we have to deal with the reality.

I have to tell the Members, I am surprised that the Clinton administration continues, despite this broad bipartisan support, despite a 3-year vetting process, despite going through a process of consultation with all the outside groups, including the Department of the Treasury, that they continue to oppose this legislation.

It is amazing to me. They have brought out the tired class warfare argument again over the last 24 hours, saying this is somehow tax cuts for the rich. That is wrong.

□ 1100

Americans who are struggling to try to meet their retirement needs do not think they are rich when they make less than $62,000 a year, which is the cap on IRAs, and they are told they can now go from $2,000 to $5,000 a year. It is hard to build up an adequate retirement putting $2,000 aside, less than 200 bucks a month. That is hard.

Yes, we think it ought to be indexed to inflation, which means it goes up above $5,000, letting more people save.

I have got to remind people here who benefits the most from this. Seventy-seven percent of the American workers who participate in pension plans today make less than $50,000 a year. So much for tax cuts for the rich. These are the people who need it most.

We ought to be getting out of the way and helping them save for their retirement, not creating more obstacles for them to be able to have a comfortable retirement.

Again, I want to thank Members on both sides of the aisle who contributed so much over the years. I see the gentleman from North Dakota (Mr. POMEROY) here who has been a leader on the portability provisions which are so commonsensical. I see the gentleman from Maryland (Mr. CARDIN), who we talked about earlier who is here. The gentleman from California (Mr. GALLEGLY) and the gentleman from Kansas (Mr. MOORE) who have taken the lead on the IRA contributions. I see the gentleman from California (Mr. GALLEGLY) is here, and I hope he will speak in a minute about his wonderful legislation that is incorporated as part of this legislation as well. The gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Maryland (Mr. WYNN), both of whom I hope will talk later today. There are so many, many others who I do not have time to mention, but who have been part of this process and have contributed to it in valuable ways.

I want to end by urging my colleagues to join us in this crusade, in this movement to try to expand retirement savings for all Americans. This should be bipartisan today. It should be a very strong message. I hope we can get well over a veto-proof majority of the House, Republicans and Democrats together, because if we do not, we probably will not be able to send a strong enough message to the Senate, to the White House and the administration that we are committed to getting this done, not next year, not in some new Congress, but getting it done this year for people who need it badly.

We need to provide this retirement security. We need to provide the peace of mind that Americans deserve in their retirement years. I hope we will send that strong message today with a strong bipartisan vote.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to briefly reference what the gentleman from Ohio (Mr. PORTMAN) has said. We continue to hold on this side that the tax proposals and tax cuts that have been proposed in this House over the last 6 weeks overwhelmingly are skewed toward helping the well off.

Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, first, if I might, let me thank my colleagues on the Democratic side of the aisle, particularly the gentleman from Massachusetts (Mr. NEAL) for his long work on pension issues, on his interest in improving retirement savings accounts for all workers; the gentleman from North Dakota (Mr. POMEROY), who has been one of the real spokespersons for pension reform since his first day in the House; the gentleman from Texas (Mr. BENTSEN), who has been a key player on the pension reform issues; and I know the gentleman from Kansas (Mr. MOORE), who is not on the floor, he will be here later; and the gentlewoman from Florida (Mrs. THURMAN) who has a provision in this bill as it relates to ESOPs.

As the gentleman from Ohio (Mr. PORTMAN) pointed out, this is truly a bipartisan bill. But I particularly want to recognize the gentleman from Ohio for his leadership on this issue. The gentleman has demonstrated amazing patience in working with all elements, not only here in Congress, but the different interest groups so that we could fashion the bill that could truly be a bill that all of us should be proud of and a bill that has been developed in a very bipartisan way. The gentleman from Ohio (Mr. PORTMAN) has reached out to all of us, and I thank him for that.

The process that has been used for this legislation is the right process.

Each provision has been well vetted. We have had public hearings in the Committee on Ways and Means. We have established the record. We have had a mark-up in the committee. We have brought forward a bill that is deserving Members' support.

Why do we need this legislation? Well, it is pretty self-obvious. We brag about the economic progress of our Nation, low inflation rates, high economic growth, stock market still growing; but our saving ratios over the last 2 decades have steadily declined. In fact, we have had negative quarters. We actually spend more money than we earn as a Nation. That is certainly nothing that we can be proud of.

We understand that income security retirement requires, not only a strong Social Security system, but a strong private retirement system; and this is what the legislation is aimed at doing.

So what do we do? Well, we adjust limits to try to bring it back to where they used to be. Let me just give my colleagues a couple of examples. The gentleman from Ohio (Mr. PORTMAN) mentioned the defined benefit. In 1982, that was $136,000. If we adjusted for inflation, it would be $242,000. Instead, it is $135,000 and we raise it to $160,000.

How about the 401(k)'s that many of our constituents are well aware of. In 1986, that was $30,000. If we adjust it for inflation, it would be $47,000 today. Instead, it is $10,500. We make a modest change to $5,000.

Why do we do this? Well, it is interesting. When we reduce the limits, and we did reduce the compensation limit in 1993, we reduced it from 235,000 to 170,000. What happened? What happened? We found that employers dropped their plans. They went to nonqualified plans. We had a threefold increase in nonqualified plans that year. These compensation limits are important if employers are going to be sponsoring plans for all of their employees.

We provide special benefits for women. Women many times enter the workforce; later they take time out of the workforce. We reduce the vesting so that workers can be entitled to defined contribution benefits by their employers earlier, 3 years rather than 6.

We allow for catch-up contributions, because many times one is a little bit older before one is able to put money away, so we allow an extra $5,000 contribution when someone reaches the age of 50. One is finished paying one's children's college education bills, maybe one has got the mortgage down to a more realistic level. Now one can start thinking about retirement; we allow one to do that. We put the 415 provisions in there for people who work for labor unions. We help all workers.

Mr. Speaker, I am still somewhat disappointed by criticisms that this bill is aimed at wealthy high-paid workers. It is not. It is aimed at allowing employers to continue pension plans that help all workers.

If one has an employer-sponsored plan, the employer puts money on the table. That helps the lower-wage workers. We want to encourage those types of pension plans. The IRA provisions, most of the money goes into the IRA provisions. That goes to workers basically who are making less than $60,000 a year. These provisions are well targeted.

The gentleman from Ohio (Mr. PORTMAN) pointed out the top-heavy changes. We do not eliminate top-heavy rules; we make them work. We make them effective. The one provision we change in top heavy is, say, that if an employer has a matched contribution, that should count towards the 3 percent. For my colleagues see, if a pension plan is top heavy, the employer is required to make a 3 percent contribution. Under current law, that employer cannot count their matched contributions. What does that do? Employers drop their matched contribution. This encourages employers to continue to put money on the table which helps lower-wage workers and younger workers actually participate in a pension plan.

It is a well-balanced approach. Sure, one might want to pick at one provision and say, does this not help one special group? All of the provisions help all of our workers. It will help us plan for people's retirement. I urge my colleagues to support the legislation.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

The gentleman from Pennsylvania (Mr. ENGLISH) has been a leader on the multiemployer plan provisions in this bill, which help section 415.

Mr. ENGLISH. Mr. Speaker, I would like to join the individuals who have spoken today in congratulating the gentleman from Ohio (Mr. PORTMAN) for his Herculean efforts on behalf of this legislation.

Mr. Speaker, working families must be able to fall back on strong private pension plans when they are planning for retirement. Social Security is simply not enough. This landmark legislation will allow more families to save with greater flexibility for retirement.

This legislation has many simple changes, but the cumulative effect is profound. It would allow families to secure their retirement future by increasing the IRA contributions limits and increasing the 401(k) limits, long overdue changes.

It would also allow baby boomers who are discovering that their retirement is seriously underfunded to catch up through higher contribution limits.

But particularly I wanted to note that the changes in the current section 415 would address the unintended consequences of this legislation which have hurt many, many of the working families in my district.

Currently section 415 seriously hampers the ability of America's workers, not the rich, but rank and file workers, to collect their full pension amounts that they have earned.

Slashing the pensions of workers who retire before normal Social Security retirement age has caused financial hardship for many workers, especially in my district. Many of these workers have physically demanding jobs and frequently negotiate and contribute to pension plans specifically with the goal of being able to retire before age 65.

Thousands of retiring workers have carefully saved and planned for their retirement. They are depending on their pensions. But when they retire, there are arbitrary cuts in the amount they can collect. Americans are living longer, but are not saving enough to sustain them through an extended retirement.

This legislation goes a great distance toward improving our retirement system and creating a greater incentive for employers to offer private retirement plans and for individuals to save for their retirement.

Some have labeled this as tax cuts for the rich, and I find that to be an extraordinary claim. The fact is this legislation is clearly pro-savings, pro-worker, pro-union, pro-taxpayer, and pro-small business.

Mr. Speaker, I urge every Member of the House to join us in support of this very important initiative.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY) whose work in the pension arena has been invaluable to this Congress.

Mr. POMEROY. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I want to begin by commending the gentleman from Massachusetts (Mr. NEAL) and in particular the sponsors of this legislation, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for the detailed work they have done.

Just listening to the debate and their presentations on the floor leave one well aware of the depth of knowledge they have acquired on this complex subject during the time of their work on the legislation.

In balance, especially as to the Portman-Cardin proper, not addressing the IRA adjustment, but Portman-Cardin proper, I believe that they have made decisions that are well founded in terms of trying to continue support for defined benefit plans in the workplace.

We have seen a collapse in the workers covered by defined benefit plans, the traditional pension coverages. In fact, from 1975 to 1995, the number, percentage of covered workers has fallen 40 percent in defined pension plans. The number of actual defined benefit plans in the marketplace has gone from 114,000 in 1987 to 45,000 in 1997.

It is time we address this subject head on, and that is what the Portman-Cardin legislation does. I have enjoyed working with the gentleman on it.

I believe that there is much to be said for the traditional pension plan in terms of protecting workers. It shifts investment risk away from workers who are least able to bear it, and it provides lifelong guaranteed benefits sustaining people in retirement years, no matter how long they live. Let us face it, workers are living longer today, so these features of defined benefit plans are very, very important.

This legislation also incorporates a bill that I had introduced as a standalone measure called the Retirement Account Portability Act, and it will allow much greater portability across different types of defined contribution plans.

Right now, if one works for a nonprofit corporation, one will have a 403(b) plan. If one works for a for-profit, one will have a 401(k) plan. If one works for a State government, one will have a 457 plan. As one moves in the workplace between these categories of employers, one cannot move one's defined contribution money with one. There is no public policy purpose served by the existing law with those prohibitions. It is time we knocked them down. I am very pleased this, along with the reduction investing schedule from 5 years to 3 years for defined contribution, was incorporated in this legislation.

So there is much to commend this bill and particularly the effort behind it by the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN).

The problem I have today is not with what is in the bill; it is what was left out of the bill as the Committee on Ways and Means marked it up. And that is a special savings incentive for workers needing additional help in saving for retirement.

This chart makes it very clear that savings rates are lower among households who earn less money. There is no rocket science there. It is just obvious. Families that have incomes well in excess of $100,000 can save much more than families earning under $35,000.

This legislation basically fails to address this savings issue. It addresses pension, but only 27 percent of workers under 415,000 have access to workplace retirement savings. It increases the IRA limits, but only 7 percent of households under $50,000 are accessing the tax-deductible IRA.

These people need a more powerful savings incentive, and it is time we address the savings needs of middle- and modest-income households. They have not had an additional savings incentive passed since 1981, and the Democrat substitute, which we will debate next, would provide a powerful new savings incentive for these families.

□ 1115

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from California (Mr. GALLEGLY), who has been a leader on IRS expansion. In particular, he has added valuable contributions to this legislation on increasing the limit and indexing IRA contributions.

Mr. GALLEGLY. Mr. Speaker, I rise today in strong support of H.R. 1102, a bill that will enhance retirement security for all Americans.

I want to particularly recognize my good friend, the gentleman from Ohio (Mr. PORTMAN), my classmate, and my good friend, the gentleman from Maryland (Mr. CARDIN), and the gentleman from Texas (Chairman ARCHER) for their leadership, along with many other Members on both sides of the aisle in bringing this legislation to the floor in a timely fashion.

This legislation includes a provision that increases from $2,000 to $5,000 per year the amount a person can contribute to their IRA. This mirrors the language in a bill I introduced, H.R. 1322, which has garnered strong bipartisan support, in fact, 220 cosponsors and also the endorsement of numerous groups representing senior citizen groups across this country.

Increasing the annual IRA contribution limit is a matter of fundamental fairness. Since 1974, the year IRAs were created, the Consumer Price Index has increased 240 percent. Yet during the same period, the IRA level has only increased once; and this was way back in 1981. Had it simply kept pace with inflation, Americans would now be able to contribute over $5,000 instead of only $2,000.

Mr. Speaker, a very important point of this legislation is that it has recently been brought to the attention of Members of this body that the net savings rate has dropped to zero for the first time since the Great Depression. If we do not reverse this trend, we threaten the long economic prosperity of our country.

Finally, I would like to commend the authors for including language in H.R. 1102 that I strongly supported that indexes the IRA amount to the rate of inflation. We must never again let inflation eat away the amount that people can save.

I would also like to thank the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Kansas (Mr. MOORE) for all their help in working with me on this very important issue.

I urge my colleagues to strongly support H.R. 1102.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), whose concern for quality-of-life issues speaks well of retirees.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for his courtesy in yielding me the time.

I appreciate the hard work that has been going on both sides of the aisle in moving this legislation forward.

I would speak just briefly to one particular item that does speak to the quality of life of our families, who we want to be able to be safe, healthy, and economically secure.

The section 415 modifications speak to a very real problem we have now where working men and women who are covered by pension retirement programs are not able to collect the full amount of money that they would otherwise be granted. This is a problem.

H.R. 1102 would correct this. It recognizes that hard physical labor oftentimes requires people to retire earlier.

The substitute that is going to be offered and the bill before us now both deal with the 100 percent of compensation problem, this speaks to the potential disparity to the lower-paid employees who do not get all that they would otherwise be entitled because some of these programs are based on years of service, not simply to the amount of salary.

The second provision that both bills have that I am pleased to see deals with aggregation. In many cases we have employees who are part of two pension plans, one that is a multiemployer plan and another that is simply their own union or company. It is important that we include this piece.

Finally, I would commend my colleague, the gentleman from Massachusetts (Mr. NEAL), who talked about some of the improvements that are being made for the people most in need. These employees who oftentimes are required to retire earlier are subjected to a problem where there is money in the pension program, but they are not allowed to collect it. The substitute would put an 80 percent floor and protect them.

These are important provisions that I hope will ultimately find their way into law.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to my colleague, the gentlewoman from New York (Mrs. KELLY), for the purpose of a colloquy.

Mrs. KELLY. Mr. Speaker, I rise for the purpose of entering into a colloquy with my friend, the gentleman from Ohio (Mr. PORTMAN), the author of this legislation.

I am grateful for the hard work my colleagues on the Committee on Ways and Means have done in putting together a strong package of tax relief to ensure retirement security for working Americans.

Unfortunately, I have been contacted by constituents concerned about potential interpretations of sections 405, 501, and 701 of H.R. 1102. They fear these could negatively affect pension benefits.

Over the past months, I appreciate the time the gentleman from Ohio (Mr. PORTMAN) and members of the committee concerned with pension issues have spent as we have worked together to ensure that these concerns are properly addressed.

I thank the gentleman from Ohio and the committee for the report language which addresses some of my concerns. But, Mr. Speaker, I would like to get assurances that these sections I have mentioned are not intended to be used to harm participants.

It is my understanding that these provisions are not intended to be interpreted in such a way as to reduce pension benefits, discourage companies from increasing pension benefits, or to allow violations of the Tax Code.

So I ask my friend, the gentleman from the State of Ohio (Mr. PORTMAN), is my understanding correct?

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I thank the gentlewoman from New York for yielding, and I tell her that absolutely, her interpretation is correct. Indeed, the provisions that she mentioned are in the bill with the intent that we will be able to expand pension coverage and protections for American workers who are in defined benefit plans.

Mrs. KELLY. Mr. Speaker, reclaiming my time, I thank my friend, the gentleman from Ohio (Mr. PORTMAN), for his assurances and his continuing efforts on the legislation. With these efforts, we can assure concerned individuals that pensions are enhanced and protected by this legislation.

We have an opportunity today to enhance retirement security for Americans. These are all initiatives I have long advocated. I look forward to voting in support of this important legislation today, and I urge all of my colleagues to join me in strong support.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN), whose work in retirement savings is well known to this body.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act of 2000.

Presently, our Nation is experiencing the lowest unemployment rate in a generation. This recent boom in job creation has been driven in large part by the growth of a number of small businesses. Even as more Americans work and incomes rise, we as a Nation have an abysmally low savings rate of 3.8 percent in disposable personal income. If the economy slows in the near future, that figure may rise by only one or two percentage points, which is still low by historical standards.

Further, with fewer companies offering defined benefit plans, the percentage of private workers covered by pension plans has decreased by 2 percent from 45 percent in 1970 to 43 percent in 1990. This is not progress.

Finally, with Social Security as the main source of income for 80 percent of retirees, the approaching retirement of today's aging workforce will surely place additional stress on Social Security's ability to pay out benefits.

In short, the three-leg stool of retirement security is in jeopardy. Plans where employers make automatic, mandatory contributions have been replaced by plans where employees make voluntary contributions. No longer do companies automatically bear the risks and costs of professionally made investment decisions. Today, workers have to bear the risks and costs of their investment decisions.

Passage of H.R. 1102 will set us on the path of enhancing retirement security by not only increasing the annual contribution limit for IRAs and providing catch-up provisions for older workers and easing administrative burdens to allow employers to offer pension plans.

In particular, H.R. 1102 includes provisions of a bill, H.R. 352, which I introduced with the gentleman from Missouri (Mr. BLUNT) which would allow small businesses to establish qualified small employer pension plans for small businesses of less than 100 employees.

The provisions of the Bentsen bill would provide an easing of the establishment of qualified pension plans while still requiring employer matches and contributions for all employees.

Small businesses with less than 100 employees can participate in this plan, yet only 21 percent of individuals employed by such businesses have such pension plans at this time, compared with 64 percent of those who work for businesses with more than 100 employees.

Overall I want to say, H.R. 1102 will clear up many of the problems in the current pension programs. I know there have been a number of criticisms about whether or not this would skew benefits to the upper income. I might say this is somewhat different than tax cut bills we have had before because this is about savings and not consumption. It is voluntary.

We do not know if the bill will work or not, but we do know that the current regulatory scheme for pensions and savings is not working, and we ought to try this bill to see if it will work to increase the amount of pensions to as many American workers as possible.

I encourage my colleagues to support the bill.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), my colleague on the Committee on Ways and Means, who played a big role in putting together not only the multiemployer provisions but also the catch-up provisions on the 401(k) and IRA side.

Mr. WELLER. Mr. Speaker, I am fortunate to represent a very diverse district, representing the south side of Chicago, the south suburbs and rural areas. And when I listen, whether in the city, the suburbs or the country, my neighbors tell me how frustrated they are with their Tax Code. Not only are taxes too high, but they are frustrated with the complexity and the unfairness of the Tax Code; and they greatly point time and time again about how unfair our Tax Code is where it treats retirement savings, where it treats those who want to set aside more for their retirement.

They also tell me that women in particular have a harder time saving for their retirement. In fact, in 1999 only 23 percent of those who were out of the workforce, usually for raising a family, were able to contribute to an IRA in 1999. That is less than one-fourth contributed to their IRA.

When I think of that example, I think of my sister Pat. She and her husband, Rich, are in their 50s. They live near Sheldon, Illinois, on their farm. One is a farmer. One is a school teacher. But a few years back, my sister and her husband, Rich, decided to have a family. Pat took 7 years out of the workforce in order to be home with the kids. And when the kids were old enough to go into school, she went back into the workforce. But during that period of time the family income was a lot less, it was cut in half, and expenses were up because they had little children. During that time, Pat and Rich really could not really set aside much more retirement savings.

That is why I think it is so important to point out in this legislation that we help people like my sister, Pat, working moms, empty-nesters who now have a little extra money after the kids are out of the household, those who may have missed a little work because of health reasons, but give them an opportunity to catchup on their contributions to their IRA as well as their 401(k).

That is why I am so proud that provisions from H.R. 4546 were included in this legislation allowing an individual when they turn 50 to put a full $5,000 into their IRA immediately in 2001.

As my colleagues know, the increased $5,000 is phased in over three years. Those over age 50 will get the immediate benefit allowing them to catch up. And also, if they have a 401(k), they will be able to put in an additional $5,000 in every year beginning in 2001. That will be a big help, particularly to working moms and empty-nesters, important legislation to help those save for retirement, particularly women making up missed contributions.

I also want to point out another key provision in this legislation. I think of folks back home in the district, working people, building tradesmen, carpenters, cement finishers, iron workers, operating engineers, those who get up early, work hard all day, get their hands dirty, and of course put in many, many hours.

Unfortunately, and I will give an example, Larry Kohr, a retired laborer from La Salle, Illinois. Larry pointed out to me that because of section 415 limitations in our Tax Code that he does not get what he was promised on his pension. According to his pension plan, he should be getting about $39,000 a year. But because of the pension limitations under section 415, he and other building tradespeople only get about half of what they deserve, in Larry's case about $15,000 to $16,000.

□ 1130

Now, think about that, 30 years you get up at 6 a.m. and go out and work hard all day, you only get half of what you were promised. I am so proud our legislation today that helps 10 million building tradespeople, people like Larry Kohr by giving them 100 percent of what they deserve on their pension.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. MOORE), who has been a welcome new addition to this House.

Mr. MOORE. Mr. Speaker, I appreciate the gentleman from Massachusetts (Mr. NEAL) yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 1102, and I urge my colleagues in this body to pass 1102 today.

Back as a new freshman Member of this body, in February of last year, I introduced H.R. 802, which would basically increase the contribution limit from $2,000 to $5,000. That concept at least was incorporated in this bill, and I am very, very proud today to stand here in support of again H.R. 1102.

As a matter of national policy, I think it makes perfect sense that we try to encourage Americans to save more, number one; and, number two, to save more in private retirement accounts to supplement Social Security accounts for later on to take the stress and the strain off of Social Security.

Mr. Speaker, I am very proud to have had an opportunity to work on a bipartisan basis with the gentleman from California (Mr. GALLEGLY), the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Ohio (Mr. PORTMAN), the gentleman from Maryland (Mr. CARDIN), the gentleman from Illinois (Mr. WELLER), and others who have spoken here today in support of this legislation.

It truly is a good experience to work in a bipartisan basis. When I go home, I talk to my constituents back home, they tell me, they are really tired of all the partisan bickering in Congress. They are tired of hearing the Republicans did this, the Democrats did this, and what they would like to see us doing is working together.

This is a perfect example of where Republicans and Democrats have come together across the aisle and worked on behalf of the American people. This is not a Republican idea. This is not a Democrat idea. It is a good idea and should be law, and I urge its passage.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), my colleague who has been very helpful on the small business provisions of this legislation.

Mr. BASS. Mr. Speaker, I thank the gentleman from Ohio (Mr. PORTMAN) for yielding the time to me.

Mr. Speaker, I rise in strong support of H.R. 1002. Mr. Speaker I want to congratulate the gentleman from Ohio (Mr. PORTMAN) for his tireless efforts on working on behalf of this important issue.

Earlier this year, I introduced a bill which would reduce the premiums paid to the Pension Benefit Guarantee Corporation by small businesses that are looking to offer new plans. This bipartisan initiative already had been passed by the House on a previous occasion and was also included in the original version of the bill we are debating today.

I fully understand the reasons for removing all nontax provisions from the bill, but I do hope that Members who may be appointed to the conference committee will work for the inclusion of these provisions that were in my bill and other pension reforms that may have been removed from the bill. With the inclusion of that, we will be assured that we will have a bill that will encourage employers to offer pensions, as this one does, increase participation by eligible employees, raise the limits on benefits and contributions, improve asset portability, strengthen legal protections for planned participants, and reduce regulatory burdens on plan sponsors.

Mr. Speaker, I also urge Members not to lose sight of the fact that during debate regarding who will benefit from this bill, we should consider the fact that when IRAs were created in 1974, they were widely regarded as a great new step in encouraging retirement savings for all Americans, and the original limit of $1,500 was not criticized as a giveaway for the most wealthy, but was hailed by both parties as the introduction of a planning tool for working Americans.

Had this limit been adjusted yearly to account for increases in the CPI, the Consumer Price Index, it would be today $5,353 each year. This bill will not adjust the limit to $5,000 until 2003, and I think we would do well to keep this in mind as we debate this important bill on a bipartisan basis.

Mr. Speaker, I urge support for this bill.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), who once again has helped us reinforce the arguments that we are undertaking today.

Mr. ANDREWS. Mr. Speaker, I thank my friend from Massachusetts (Mr. NEAL) for yielding the time to me.

Mr. Speaker, I rise in support of the underlying legislation. I also support the Democratic substitute because I believe that it more fairly targets the benefits of the legislation. I commend the gentleman from Massachusetts (Mr. NEAL) and his colleagues for offering it, and I look forward to voting for it. But I want to say to my friend, the gentleman from Maryland (Mr. CARDIN), and the gentleman from Ohio (Mr. PORTMAN) that they have demonstrated that people can come together on very contentious issues and do good for the country.

Mr. Speaker, I very much appreciate the work they have done on this bill. Americans are going to have more years of retirement and, therefore, need more income, and that is a great thing; but it is a thing we need to be prepared for.

Mr. Speaker, I support this bill for four significant reasons. First of all, it repeals what I view as a very strange provision that makes it illegal for employers to put too much into the pension plan for their employees. That makes no sense at all. This will result in more money being put away for employees.

Second, I support this because I believe it is great news for people who have left the labor force for a while, usually to raise children, and then rejoin the labor force and want to catch up for those years when they could not put money away. Very frequently women are in this position, although it is not only women. And this is very strong news for those who will benefit from that provision.

Third, this legislation corrects what I believe is a glaring inequity and anomaly in the Internal Revenue Code with respect to pension payments made to people very often associated with the building trades or other unions or other crafts who have earned their pensions and because of a quirk in the law had been unable to collect them fairly. This bill corrects that.

Finally, the increase in contributions that would be made to individual retirement accounts are a benefit to the economy, as well as to the families who will benefit from those.

To the gentleman from Maryland (Mr. CARDIN), who has shown great leadership on this, and to the gentleman from Ohio (Mr. PORTMAN), I am pleased that our committee, chaired by my friend, the gentleman from Ohio (Mr. BOEHNER), has been able to help shepherd this legislation along. I rise in support of it and look forward to its adoption by this House.

Mr. PORTMAN. Mr. Speaker, I understand we have about 3 minutes remaining.

The SPEAKER pro tempore (Mr. OSE). The gentleman from Ohio (Mr.

PORTMAN) has 3 minutes remaining, and the gentleman from Massachusetts (Mr. NEAL) has 2½ minutes remaining.

Mr. PORTMAN. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) has the right to close.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. LAZIO), my colleague who has been a leader on this legislation and in expanding retirement security.

Mr. LAZIO. Mr. Speaker, let me begin by saying how thrilled I am to be here today, and I rise in strong support of this legislation.

I want to commend my good friend, the gentleman from Ohio (Mr. PORTMAN) who has spearheaded the efforts to provide pension and retirement security for millions of Americans, as well as the gentleman from Maryland (Mr. CARDIN). I want to thank him as well for his great help. We would not be here without the partnership and bipartisanship that both have exhibited.

Mr Speaker, the baby boom generation is graying. I ought to know, I am one of them, and I can see myself in the mirror every day. Over 60 million baby boomers will be retiring over the next 20 years.

Let me talk for a moment about the typical baby boomer generation story. It is a story of a typical middle-class couple who are beginning to approach retirement age. Their children have moved out of their house. These prototypical baby boomers have been working hard, day in and day out, since graduating high school. They have been exemplary members of their community, providing for their families, perhaps volunteering for a local charity, maybe serving on a local school board.

Throughout the years, they did all right financially, but they were not millionaires. They never got really rich. They owned their own home. They scrimped and saved to send their kids to school and often they did not have enough left over at the end of the month to save enough maybe for their own retirement.

When the kids are grown and educated, when the house is almost paid off and they have a few more dollars in their pocket, you would think they would be okay. But the fact of the matter is, they have not been able to save that much.

The current law contribution limit for IRAs is only $2,000, the same amount that it was 20 years ago. In today's dollars, $2,000 per year does not add up to much. Once they retire without a steady income, many baby boomers will have to think twice before taking all of their grandchildren out for the ball game or for a concert, and they dare not even dream about visiting that vacation spot that has always caught their eye.

Mr. Speaker, the bill we debate on the floor today will help 70 million Americans who lack access to any type of pension. This bill will allow more Americans to save more of their own hard-earned dollars for their retirement years. It will encourage more small businesses to set up retirement plans for their employees.

This is a bipartisan bill. It has been a result of a lot of hard work. It enjoys the support of over 190 cosponsors from both sides of the aisle. Let me say, there is only one thing standing between us and actual passage, and, that is, the opposition of the administration.

I do not know why anybody would object to a bipartisan bill that would give Americans security in their retirement years. I do not know why anybody would stand opposed to a bill that would help pensionless low- and middle-income workers save for their retirement. We need to pass this bill today.

Mr. NEAL of Massachusetts. Mr. Speaker, the gentleman from New York (Mr. LAZIO) mentioned there was bipartisan support for the bill. I am pleased to announce there is bipartisan opposition to the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, virtually everything that has been said this morning about this bill is true, and it is a bipartisan bill. I am delighted with the work that has gone into it, but I reluctantly rise in opposition to the bill.

Mr. Speaker, I want my colleagues to all consider for a moment the term "vested." I think we all think we know what that term means. The dictionary says it is law, settled, if fixed, absolute, being without contingency, as in a vested right.

About 2 years ago, thousands of employees that worked for IBM Corporation found out that vested does not mean what we think it means, and all of a sudden these people who had calculators on their computers, as part of their tool kit so they could calculate what their pension benefit would be when they retired, all of a sudden woke up and the company had unilaterally changed the pension formula.

They had gone from a defined benefit program to a cash balance program, and they were given no choice. And I had offered to the authors language to give them that choice, just for the vested employees, because once those rights are vested, it seems to me we have a moral obligation as a Congress, as employers. In fact, the term in pension policy is fiduciary responsibility, and that transcends legal.

Yes, it was legal for IBM, and many of these other corporations, to convert their pension plans into cash balanced plans. It was legal, I think. I am not so certain, but it was not moral. It was the wrong thing to do.

As a result, I have to rise in opposition to this bill because we have an opportunity in this Congress to solve this problem; and just because it is IBM this year does not mean it is not going to be another employer next year. This is ultimately going to affect millions and millions of Americans, and everyone in this room knows that it is wrong. It is wrong to allow large employers to abuse their employees, to convert these pension plans without their knowledge and without their choice.

Mr. Speaker, I have to congratulate the authors for working together, but this bill has one glaring omission.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) for those very telling comments, and at the same time point out that we do not on this side hold opposition to this bill, as much as we argue that the bill can be improved.

In the closing days of this Congress, there is going to be ample opportunity to do that. And I would close with the remarks that I opened with, the legislation in front of us does not do enough to help low- and middle-income workers, and when we look at the statistical data of the companies of the proposal in front of us, one would quickly conclude that is the case.

We have an opportunity. The President says he will sign a pension bill. Secretary Summers has told me he will recommend to the President that he veto this legislation in its current form.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend from Minnesota (Mr. GUTKNECHT) for his help on the cash balance issue. As the gentleman knows, in this legislation we expand disclosure and expand information provided so we improve the cash balance situation. I appreciate his help in getting us to that point and tell the gentleman that he is welcome to come to this side to get time any time he wants.

Mr. Speaker, I would also say at the end here that we need to be clear, that this legislation is not only bipartisan, it has not only been fully vetted over a 3-year period, but it does strike the right balance. It is fair.

Most of those lower- and middle-income workers we are all concerned about work in these small businesses that do not offer any kind of pension coverage today, that is precisely where this bill is targeted; that is what we are trying to do. We are trying to reverse what this Congress has done over the past couple of decades in terms of restricting pension access to all workers.

Mr. Speaker, I would encourage all of my colleagues on the both sides of the aisle to support the legislation before us.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act.

This bill contains a number of commonsense provisions to make it easier for Americans to build a stronger financial future for themselves. First and foremost, the bill increases the amount of money an individual can contribute to an Individual Retirement Account (IRA). The current $2,000-a year level, which has remained unchanged since 1981, would be increased to $5,000. An estimated 35 million Americans have some sort of IRA account, and nearly 70 percent of them contribute the maximum amount each year. Passage of H.R. 1102 will allow these individuals to set aside an even greater amount of money to prepare for their future retirement security.

Second, the bill allows workers to become vested in less time—three years instead of five—and makes 401(k)-type plans more portable. As we know, workers no longer spend their entire careers with the same company. Instead, workers increasingly change jobs several times over the course of their careers. Under the provisions of H.R. 1102, these workers will be able to bring their accumulated retirement savings with them when they switch jobs.

Lastly, this bill also allows older men and women, aged 50 and up, to make a $5,000 "catch up" contribution to their IRAs and increases the limit on salary reduction contributions to 401(k)-type plans to $15,000. Further, H.R. 1102 reduces administrative burdens, such as reporting requirements, to encourage small businesses to offer pension plans.

According to the Treasury Department, there are 75 million Americans who do not participate in a retirement pension plan and have little or no other retirement savings. For these individuals, as well as the millions of Americans who already contribute to IRAs or other retirement accounts, I urge my colleagues to support this bill. All of us benefit when citizens prepare for their future retirement security and families have incentives to save.

Mr. WELDON of Florida. Mr. Speaker, today I rise in strong support of H.R. 1102, the 401-K—IRA Pension Expansion Plan. Mr. Speaker, I am a co-sponsor of this measure that will help the over 70 million Americans who need the benefits of this plan. It is imperative that we pass this bill today to help millions of American families save for their retirement security, and to be able to carry those pension funds with them when they change jobs.

In 1981, workers were permitted to put aside up to $2,000 in an Individual Retirement Account (IRA) tax-free. Oddly, that amount has never been raised, even in the face of inflation and increased per capita earnings. Also, with the 1986 Tax Reform Act the number of participants dropped dramatically because of the disincentives it introduced. This bill addresses those shortcomings. It phases in increases for the maximum individual contribution reaching $5,000 by 2003. That means, that over the course of ten or twenty years, a couple can save tens of thousands of dollars more towards their retirement; that doesn't even begin to touch on interest and any additional matching funds from an employer. The $5,000 annual limit is also increased annually to ensure that inflation does not again erode the contributions that can be set aside for retirement.

Today, only half of all private sector workers have any kind of pension plan, and only 20 percent of small businesses offer retirement plans. However, we have seen over the past two decades that IRAs are an effective way for all Americans to save for their future, and with the proper incentives in this bill, it will significantly expand the rate of savings. This measure will help all workers. It can especially help among Generation X-ers, many of whom are already deciding to save for their retirement. In our expanding, technology driven economy, today's twenty- and thirty-somethings have taken it upon themselves to begin saving for the long-term. This bill helps them by enabling and encouraging them to set aside more of their own money over their working years for their own retirement.

Another component of the bill is targeted to my generation. It allows workers age 50 and above to be permitted to contribute up to $5,000 immediately in order to "catch-up" with years of being limited to only $2,000/year. Estimates indicate that over the next two decades over 16 million Baby Boomers will retire. So many of these hard-working Americans have scrimped and saved to put aside some money for their senior years. Now as they begin to see their personal incomes rise they are not able to set aside as much money as they would like to in their IRAs. We should enable them to put aside more money as their incomes grow and as they seriously consider their financial planning for their retirement.

In addition, this bill provides incentives to promote the portability of IRAs. With the expanding and ever-changing economy workers are changing jobs with increased frequency. The prospect of spending thirty or forty years with an American institution like a General Motors or a Ford are less likely today than they were in past generations. With the increased portability provision in this bill it will be easier for workers to take their retirement savings from one job to another. They can roll over their money into an IRA with their new employer and take it with them without penalties and continue to expand the growth of their retirement savings.

In closing, statistics indicate that personal savings among Americans has been down every year since 1992, and now it is at its lowest point in decades. Also, many women put their careers on hold to raise their children. These families not only gave up a second income for these years, but these women were not able to contribute to an IRA. This bill allows them to make-up contributions for those years. We should encourage savings and the best way to do that is to promote tax-free savings for retirement. This bill is a good bill. It is good for hard-working Americans and their families, and I encourage my colleagues to support it.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act.

The authors of H.R. 1102 are to be commended for their work in drafting a bill to address the retirement savings gap by expanding small business retirement plans, allowing workers to save more, providing portability in retirement benefits for an increasingly mobile workforce, and securing the pensions of America's workers. I am pleased to see that H.R. 1102 increases IRA contribution and benefit limits, provides rollovers of retirement plan and IRA distributions, and reduces vesting requirements for employer matching contributions. These provisions will help Americans save more for their retirement needs.

However, I still have concerns about the protection of pension benefits of workers and retirees.

Over the years, I have heard from many of my constituents who have lost pension benefits as the result of their employer declaring bankruptcy or merging with another company. Current law does not do enough to protect the retirement benefits of these employees and the company's retirees.

Mr. Speaker, hard-working Americans do not deserve to lose their hard-earned benefits due to a company's declaration of bankruptcy or merger with another corporation.

As Members of Congress, we spend a lot of time and effort debating what we can do to improve the lives of our constituents. Providing additional protections for the retirement benefits of hard-working Americans is a step in the right direction, and I hope my colleagues will work with me to ensure that changes in a company's structure will not result in the loss of benefits for our constituents.

Mr. PORTMAN. Mr. Speaker, I yield back the balance of my time.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer an amendment in the nature of substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. NEAL of Massachusetts:

Strike all after the enacting clause and insert the text of H.R. 4843, as reported, and add at the end the following new title:

TITLE VIII—ADDITIONAL PROVISIONS

SEC. 801. REFUNDABLE CREDIT TO CERTAIN INDIVIDUALS FOR ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS BY CERTAIN INDIVIDUALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of so much of the qualified retirement savings contributions of the eligible individual for the taxable year as do not exceed $2,000.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is the percentage determined in accordance with the following table:

Adjusted Gross Income						Applicable percentage
Joint return		Head of a household		All other cases		
Over	Not over	Over	Not over	Over	Not over	
$0	$25,000	$0	$18,750	$0	$12,500	50
25,000	35,000	18,750	26,250	12,500	17,500	45
35,000	45,000	26,250	33,750	17,500	22,500	35
45,000	55,000	33,750	41,250	22,500	27,500	25
55,000	75,000	41,250	56,250	27,500	37,500	15
75,000		56,250		37,500		0

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means any individual if—

"(A) such individual has attained the age of 18, but has not attained the age of 61, as of the close of the taxable year, and

"(B) the compensation (as defined in section 219(f)(1)) includible in the gross income of the individual (or, in the case of a joint return, of the taxpayer) for such taxable year is at least $5,000.

"(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include—

"(A) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, and

"(B) any individual who is a student (as defined in section 151(c)(4)).

"(3) INDIVIDUALS RECEIVING CERTAIN RETIREMENT DISTRIBUTIONS NOT ELIGIBLE.—

"(A) IN GENERAL.—The term 'eligible individual' shall not include, with respect to a taxable year, any individual who received during the testing period—

"(i) any distribution from a qualified retirement plan (as defined in section 4974(c)), or from an eligible deferred compensation plan (as defined in section 457(b)), which is includible in gross income, or

"(ii) any distribution from a Roth IRA which is not a qualified rollover contribution (as defined in section 408A(e)) to a Roth IRA.

"(B) TESTING PERIOD.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes—

"(i) such taxable year,

"(ii) the 2 preceding taxable years, and

"(iii) the period after such taxable year and before the due date (without extensions) for filing the return of tax for such taxable year.

"(C) EXCEPTED DISTRIBUTIONS.—There shall not be taken into account under subparagraph (A)—

"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4),

"(ii) any distribution to which section 408A(d)(3) applies, and

"(iii) any distribution before January 1, 2002.

"(D) TREATMENT OF DISTRIBUTIONS RECEIVED BY SPOUSE OF INDIVIDUAL.—For purposes of determining whether an individual is an eligible individual for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

"(d) QUALIFIED RETIREMENT SAVINGS CONTRIBUTIONS.—For purposes of this section, the term 'qualified retirement savings contributions' means the sum of—

"(1) the amount of the qualified retirement contributions (as defined in section 219(e)) for the benefit of the eligible individual,

"(2) the amount of the elective deferrals (as defined in section 414(u)(2)(C)) of such individual, and

"(3) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)).

"(e) ADJUSTED GROSS INCOME.—For purposes of this section, adjusted gross income shall be determined without regard to sections 911, 931, and 933.

"(f) INVESTMENT IN THE CONTRACT.—Notwithstanding any other provision of law, a qualified retirement savings contribution shall not fail to be included in determining the investment in the contract for purposes of section 72 by reason of the credit under this section.

"(g) TRANSITIONAL RULES.—In the case of taxable years beginning before January 1, 2008—

"(1) CONTRIBUTION LIMIT.—Subsection (a) shall be applied by substituting for '$2,000'—

"(A) $600 in the case of taxable years beginning in 2002, 2003, or 2004, and

"(B) $1,000 in the case of taxable years beginning in 2005, 2006, or 2007.

"(2) APPLICABLE PERCENTAGE.—The applicable percentage shall be determined under the following table (in lieu of the table in subsection (b)):

Adjusted Gross Income						Applicable percentage
Joint return		Head of a household		All other cases		
Over	Not over	Over	Not over	Over	Not over	
$0	$20,000	$0	$15,000	$0	$10,000	50
20,000	25,000	15,000	18,750	10,000	12,500	45
25,000	30,000	18,750	22,500	12,500	15,000	35
30,000	35,000	22,500	26,250	15,000	17,500	25
35,000	40,000	26,250	30,000	17,500	20,000	15
40,000		30,000		20,000		0."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 35. Elective deferrals and IRA contributions by certain individuals.

"Sec. 36. Overpayments of tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 802. CREDIT FOR PENSION PLAN STARTUP COSTS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45D. SMALL EMPLOYER PENSION PLAN STARTUP COSTS.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan startup cost credit determined under this section for any taxable year is an amount equal to 50 percent of the qualified startup costs paid or incurred by the taxpayer during the taxable year.

"(b) DOLLAR LIMITATION.—The amount of the credit determined under this section for any taxable year shall not exceed—

"(1) $1,000 for the first credit year,

"(2) $500 for each of the 2 taxable years immediately following the first credit year, and

"(3) zero for any other taxable year.

"(c) ELIGIBLE EMPLOYER.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible employer' has the meaning given such term by section 408(p)(2)(C)(i).

"(2) EMPLOYERS MAINTAINING QUALIFIED PLANS DURING 1998 NOT ELIGIBLE.—Such term shall not include an employer if such employer (or any predecessor employer) maintained a qualified plan (as defined in section 408(p)(2)(D)(ii)) with respect to which contributions were made, or benefits were accrued, for service in 1998. If only individuals other than employees described in subparagraph (A) or (B) of section 410(b)(3) are eligible to participate in the qualified employer plan referred to in subsection (d)(1), then the preceding sentence shall be applied without regard to any qualified plan in which only employees so described are eligible to participate.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) Qualified startup costs.—

"(A) In general.—The term 'qualified startup costs' means any ordinary and necessary expenses of an eligible employer which are paid or incurred in connection with—

"(i) the establishment or administration of an eligible employer plan, or

"(ii) the retirement-related education of employees with respect to such plan.

"(B) Plan must have at least 2 participants.—Such term shall not include any expense in connection with a plan that does not have at least 2 individuals who are eligible to participate.

"(C) Plan must be established before January 1, 2010.—Such term shall not include any expense in connection with a plan established after December 31, 2009.

"(2) Eligible employer plan.—The term 'eligible employer plan' means a qualified employer plan within the meaning of section 4972(d), or a qualified payroll deduction arrangement within the meaning of section 408(q)(1) (whether or not an election is made under section 408(q)(2)). A qualified payroll deduction arrangement shall be treated as an eligible employer plan only if all employees of the employer who—

"(A) have been employed for 90 days, and

"(B) are not described in subparagraph (A) or (C) of section 410(b)(3),

are eligible to make the election under section 408(q)(1)(A).

"(3) First credit year.—The term 'first credit year' means—

"(A) the taxable year which includes the date that the eligible employer plan to which such costs relate becomes effective, or

"(B) at the election of the eligible employer, the taxable year preceding the taxable year referred to in subparagraph (A).

"(e) Special Rules.—For purposes of this section—

"(1) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

"(2) Disallowance of deduction.—No deduction shall be allowed for that portion of the qualified startup costs paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(3) Election not to claim credit.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year."

(b) Credit Allowed as Part of General Business Credit.—Section 38(b) (defining current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) in the case of an eligible employer (as defined in section 45D(c)), the small employer pension plan startup cost credit determined under section 45D(a)."

(c) Conforming Amendments.—

(1) Section 39(d) is amended by adding at the end the following new paragraph:

"(8) No carryback of small employer pension plan startup cost credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan startup cost credit determined under section 45D may be carried back to a taxable year ending on or before the date of the enactment of section 45D."

(2) Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph:

"(9) the small employer pension plan startup cost credit determined under section 45D(a)."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Small employer pension plan startup costs."

(d) Effective Date.—The amendments made by this section shall apply to costs paid or incurred in taxable years ending after the date of the enactment of this Act.

SEC. 803. CREDIT FOR QUALIFIED PENSION PLAN CONTRIBUTIONS OF SMALL EMPLOYERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45E. SMALL EMPLOYER PENSION PLAN CONTRIBUTIONS.

"(a) General Rule.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan contribution credit determined under this section for any taxable year is an amount equal to 50 percent of the amount which would (but for subsection (f)(1)) be allowed as a deduction under section 404 for such taxable year for qualified employer contributions made to any qualified retirement plan on behalf of any nonhighly compensated employee.

"(b) Credit Limited to 3 Years.—The credit allowable by this section shall be allowed only with respect to the period of 3 taxable years beginning with the taxable year in which the qualified retirement plan becomes effective.

"(c) Qualified Employer Contribution.—For purposes of this section—

"(1) Defined contribution plans.—In the case of a defined contribution plan, the term 'qualified employer contribution' means the amount of nonelective and matching contributions to the plan made by the employer on behalf of any nonhighly compensated employee to the extent such amount does not exceed 3 percent of such employee's compensation from the employer for the year.

"(2) Defined benefit plans.—In the case of a defined benefit plan, the term 'qualified employer contribution' means the amount of employer contributions to the plan made on behalf of any nonhighly compensated employee to the extent that the accrued benefit of such employee derived from such contributions for the year do not exceed the equivalent (as determined under regulations prescribed by the Secretary and without regard to contributions and benefits under the Social Security Act) of 3 percent of such employee's compensation from the employer for the year.

"(d) Qualified Retirement Plan.—

"(1) In general.—The term 'qualified retirement plan' means any plan described in section 401(a) which includes a trust exempt from tax under section 501(a) if the plan meets—

"(A) the contribution requirements of paragraph (2),

"(B) the vesting requirements of paragraph (3), and

"(C) the distributions requirements of paragraph (4).

"(2) Contribution requirements.—

"(A) In general.—The requirements of this paragraph are met if, under the plan—

"(i) the employer is required to make nonelective contributions of at least 1 percent of compensation (or the equivalent thereof in the case of a defined benefit plan) for each nonhighly compensated employee who is eligible to participate in the plan, and

"(ii) allocations of nonelective employer contributions are either in equal dollar amounts for all employees covered by the plan or bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.

"(B) Compensation limitation.—The compensation taken into account under subparagraph (A) for any year shall not exceed the limitation in effect for such year under section 401(a)(17).

"(3) Vesting requirements.—The requirements of this paragraph are met if the plan satisfies the requirements of subparagraph (A) or (B).

"(A) 3-year vesting.—A plan satisfies the requirements of this subparagraph if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(B) 5-year graded vesting.—A plan satisfies the requirements of this subparagraph if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	The nonforfeitable percentage is:
1	20
2	40
3	60
4	80
5	100.

"(4) Distribution requirements.—

"(A) In general.—Except as provided in subparagraph (B), the requirements of this paragraph are met if, under the plan—

"(i) in the case of a profit-sharing or stock bonus plan, amounts are distributable only as provided in section 401(k)(2)(B), and

"(ii) in the case of a pension plan, amounts are distributable subject to the limitations applicable to other distributions from the plan.

"(B) Distributions within 5 years after separation, etc.—In no event shall a plan meet the requirements of this paragraph unless, under the plan, amounts distributed—

"(i) after separation from service or severance from employment, and

"(ii) within 5 years after the date of the earliest employer contribution to the plan,

may be distributed only in a direct trustee-to-trustee transfer to a plan having the same distribution restrictions as the distributing plan.

"(e) Other Definitions.—For purposes of this section—

"(1) Eligible employer.—The term 'eligible employer' has the meaning given such term by section 408(p)(2)(C)(i).

"(2) Nonhighly compensated employees.—The term 'highly compensated employee' has the meaning given such term by section 414(q) (determined without regard to section 414(q)(1)(B)(ii)).

"(f) Special Rules.—

"(1) Disallowance of deduction.—No deduction shall be allowed for that portion of the qualified employer contributions paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(2) Election not to claim credit.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(g) Recapture of Credit on Forfeited Contributions.—If any accrued benefit which is forfeitable by reason of subsection (d)(3) is forfeited, the employer's tax imposed by this chapter for the taxable year in which the forfeiture occurs shall be increased by 35 percent of the employer contributions from which such benefit is derived to the extent such contributions were taken into account in determining the credit under this section.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the abuse of the purposes of this section through the use of multiple plans.

"(i) TERMINATION.—This section shall not apply to any plan established after December 31, 2009."

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (defining current year business credit) is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following new paragraph:

"(14) in the case of an eligible employer (as defined in section 45E(e)), the small employer pension plan contribution credit determined under section 45E(a)."

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) is amended by adding at the end the following new paragraph:

"(9) NO CARRYBACK OF SMALL EMPLOYER PENSION PLAN CONTRIBUTION CREDIT BEFORE JANUARY 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan contribution credit determined under section 45E may be carried back to a taxable year beginning before January 1, 2002."

(2) Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by adding at the end the following new paragraph:

"(10) the small employer pension plan contribution credit determined under section 45E(a)."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45E. Small employer pension plan contributions."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or incurred in taxable years beginning after December 31, 2001.

SEC. 804. LIMITATION ON CATCH-UP CONTRIBUTIONS.

(a) IN GENERAL.—Section 414(v), as added by section 301, is amended by adding at the end the following new paragraph:

"(6) LIMITATION.—This subsection shall apply with respect to a participant for a year only if the participant is not a highly compensated employee and certifies to the plan administrator that the participant has been out of the workforce for at least 2 of the preceding 7 years. A plan shall not be treated as failing to meet the requirements of this subsection by reason of reliance on an incorrect certification under this paragraph unless the plan administrator knew, or reasonably should have known, that the certification was incorrect."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

SEC. 805. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) EARLY RETIREMENT LIMITS FOR CERTAIN PLANS.—Subparagraph (F) of section 415(b)(2) is amended to read as follows:

"(F) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—In the case of a governmental plan (within the meaning of section 414(d)), a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle, a multiemployer plan (as defined in section 414(f)), or a qualified merchant marine plan—

"(i) subparagraph (C) shall be applied—

"(I) by substituting 'age 62' for 'social security retirement age' each place it appears, and

"(II) as if the last sentence thereof read as follows: 'The reduction under this subparagraph shall not reduce the limitation of paragraph (1)(A) below (i) 80 percent of such limitation as in effect for the year, or (ii) if the benefit begins before age 55, the equivalent of such 80 percent amount for age 55.', and

"(ii) subparagraph (D) shall be applied by substituting 'age 65' for 'social security retirement age' each place it appears.

For purposes of this subparagraph, the term 'qualified merchant marine plan' means a plan in existence on January 1, 1986, the participants in which are merchant marine officers holding licenses issued by the Secretary of Transportation under title 46, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 806. SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING CASH BALANCE PENSION PLAN CONVERSIONS.

(a) FINDINGS.—The House of Representatives finds the following:

(1) Defined benefit pension plans are guaranteed by the Pension Benefit Guaranty Corporation and provide a lifetime benefit for a beneficiary and spouse.

(2) Defined benefit pension plans provide meaningful retirement benefits to rank and file workers, since such plans are generally funded by employer contributions.

(3) Employers should be encouraged to establish and maintain defined benefit pension plans.

(4) An increasing number of major employers have been converting their traditional defined benefit plans to "cash balance" or other hybrid defined benefit plans.

(5) Under current law, employers are not required to provide plan participants with meaningful disclosure of the impact of converting a traditional defined benefit plan to a "cash balance" or other hybrid formula.

(6) For a number of years after a conversion, the cash balance or other hybrid benefit formula may result in a period of "wear away" during which older and longer service participants earn no additional benefits.

(7) Federal law prohibits pension plan participants from being discriminated against on the basis of age in the provision of pension benefits.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that pension plan participants whose plans are changed to cause older or longer service workers to earn less retirement income, including conversions to "cash balance plans", should receive additional protection under the Internal Revenue Code of 1986 than what is currently provided, and Congress should act this year to address this important issue. In particular, the tax laws, at a minimum, should provide that—

(1) all pension plan participants receive adequate, accurate, and timely notice of any change to a plan that will cause participants to earn less retirement income in the future; and

(2) pension plans that are changed to a cash balance or other hybrid formula not be permitted to "wear away" participants' benefits in such a manner that older and longer service participants earn no additional pension benefits for a period of time after the change.

The SPEAKER pro tempore. Pursuant to House Resolution 557, the gentleman from Massachusetts (Mr. NEAL) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

In the last hour, we have really gone through I think a very helpful exercise, and that is to point out that the differences are really not that large as currently proposed.

□ 1145

Even though the differences are not large, they remain for low-income and moderate-income workers substantial. If we let this get away from us in its current form, if the President were to sign this legislation, which I suggest that he will not, we would find ourselves quickly coming back to an issue in succeeding sessions of the Congress on how to deal with what is the most prickly part of the problem, and that is how do we get low-income wage earners into a pension system? How do we provide the necessary incentives for employers to do precisely that? How do we speak to moderate-income workers who find themselves perhaps in mid-life without the benefits of a pension plan as well?

The amendment today that we offer in the nature of a substitute would accomplish this goal by encouraging individuals, all workers, to save better for retirement through adding retirement savings accounts as proposed by the President and the Secretary of the Treasury, Mr. Summers. This proposal would provide a refundable credit to low- and middle-income workers who participate in an employer-sponsored pension plan or an individual retirement account. The credit would equal up to 50 percent of the annual contribution allowed under a traditional IRA.

Let me say that 2 years ago, the gentleman from California (Mr. THOMAS) and I led the fight here in a bipartisan manner on this floor in support of the Roth IRA. I hold no intransigence or opposition to the nature of expanding individual retirement accounts. I think that there is significant data, however, that indicates that the problem with IRAs is they tend to reward those who already have the ability to save for retirement. No problem with getting more people in, but at the same time we want to extend this benefit to low- and moderate-income workers.

Under this proposal, eligible taxpayers would receive an immediate credit equal up to $300, which would be phased up to $1,000. When fully phased in, individuals filing a joint return with adjusted gross income up to $75,000 would be eligible for the credit. Taxpayers filing as heads of households with an adjusted gross income of up to $56,000 would be eligible for the credit as well, and individuals filing as single would receive the credit if their adjusted gross income does not exceed $37,500.

Now, we have once again an opportunity in the closing days of this Congress to accomplish something that is very important to average Americans, and that is the opportunity, given the uncertainty that so many people feel about pension benefits that are allegedly set aside, we have watched the collapse in different States across the country of pension benefits and it is clearly an issue that is on the minds of the American people. So I ask in the spirit of bipartisanship that we take an opportunity in the next 6 weeks as the Congress adjourns to come back here in September, refreshed and energetic, with the goal of some tangible achievements.

I would alert the Members of Congress again that President Clinton has argued, through Secretary Summers, that he will not sign this legislation into law. That should be the stop sign that we all see at the intersection. Let us come back and revisit it. I think the gentleman from Ohio (Mr. PORTMAN) has done a commendable job. I think the gentleman from Maryland (Mr. CARDIN) has done a commendable job. The problem is that they have, in my judgment, not accomplished enough for moderate- and low-income workers.

MODIFICATION OF AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I ask unanimous consent to modify this amendment. The modification is at the desk.

The SPEAKER pro tempore (Mr. OSE). The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. NEAL of Massachusetts:

Strike out section 804, and renumber succeeding sections accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts that the amendment in the nature of a substitute be modified?

Mr. PORTMAN. Mr. Speaker, reserving the right to object, I would just like to get a quick explanation of the legislation.

Mr. NEAL of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Speaker, I would say to the gentleman from Ohio (Mr. PORTMAN), my understanding is that this was not part of the amendment as proposed; that it was supposed to be deleted last evening and it was not.

Mr. PORTMAN. Is this on the catch-up provisions?

Mr. NEAL of Massachusetts. Yes, it is.

Mr. PORTMAN. I think this House ought to give unanimous consent to this. This essentially, as I understand it, would move the Democrat substitute into a similar position of where the underlying legislation is with regard to catch-ups. Is that correct?

Mr. NEAL of Massachusetts. Yes, that is correct.

Mr. PORTMAN. Otherwise, we would be gutting the catch-up provisions in the Democrat substitute, which none of us want to do.

Mr. NEAL of Massachusetts. This was supposed to be deleted last evening; and it is my understanding, based upon what the staff tells me, that it simply was a miscalculation.

Mr. PORTMAN. Mr. Speaker, I withdraw my reservation of objection. I think we ought to agree with the gentleman and give him unanimous consent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Ohio (Mr. PORTMAN) claim the time in opposition?

Mr. PORTMAN. Yes, Mr. Speaker. I am opposed to the substitute and would claim the time in opposition.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, a few months ago a constituent wrote me about him and his wife. They had been burdened 20 years before with student loans, and they had only recently paid them off. They never had a chance to vest money into an Individual Retirement Account. I introduced H.R. 3620, the Second Chance IRA Act, to allow workers to make up for years when they missed out or simply failed to make IRA contributions.

My legislation would have essentially doubled the IRA contribution and tax deductions from the current $2,000 to the $4,000 to catch up on those lost years.

Before us is H.R. 1102. It has provided a similar "catch-up." This bill would allow those workers to immediately contribute up to $5,000 a year to an IRA. That achieves a good part of the goal to encourage a buildup of savings for workers who are nearing retirement and never had the opportunity to invest in an IRA.

I thank the gentleman from Texas (Mr. ARCHER), the gentleman from Ohio (Mr. PORTMAN), and the gentleman from Maryland (Mr. CARDIN) for their bipartisan effort which resulted in this legislation.

It is an important help for the women who are retiring and reentering the workforce after raising a family, and for many other Americans who want and need a significant retirement savings account so they can have security in their golden years.

Let us help retirement.

Let us encourage saving.

Let us vote for H.R. 1102.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN), who I indicated earlier has done a terrific job with the legislation, and our difference here is a small one. We have time to correct it. He has done a good job with this work.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. NEAL) for yielding me this time.

Mr. Speaker, let me point out that the Democratic substitute is an add-on to the underlying Portman-Cardin H.R. 1102 legislation. By that I mean that all of the provisions of H.R. 1102 remain if one votes for the Democratic substitute. It adds some additional provisions to provide more incentives for particularly low-wage workers to be able to put money away for their retirement.

When the gentleman from Ohio (Mr. PORTMAN) and I started working on this legislation 3 years ago, we were very sensitive to the fact that we had not balanced the Federal budget and that we should be very cautious on the use of tax revenues. We were very conservative in our approach. Quite frankly, we did not think that there would be as much money available for savings incentives as now appears to be the case as we start considering legislation, not only to reform our pension laws but to reform Social Security and the ability of individuals to have private accounts, whether they are part of Social Security or independent add-ons to Social Security.

So I think the discussion has changed somewhat.

The Democratic substitute provides for retirement savings accounts. That will help low-wage workers. Let me indicate some of the problems that we encountered as we worked on H.R. 1102. We were looking for ways to help low-wage workers and to help young workers, because the truth is young workers and low-wage workers are very difficult to get their attention to put money away for savings. I am proud of the provisions in the underlying bill that will help low-wage workers and will help young workers, because the underlying bill encourages employers to sponsor retirement plans and to use some of the same tools that we use in the thrift savings by offering employer contribution to retirement and to offer match by employer. That is good and that will help, and that is why this is an important bill.

The RSAs go to the next step and say let us have the government as a partner in providing incentives for particularly lower-wage workers to set up their own retirement funds.

There is another important part to the Democratic substitute I would like to mention, and that is the provision that deals with small business, small business credits. It was actually in the Portman-Cardin bill, H.R. 1102; and as has been pointed out in a little bit earlier debate, I hope it does make its way into the bill as it works its way through Congress. The gentlewoman from Michigan (Ms. STABENOW) first introduced this bill, H.R. 1021, that provides this credit.

We have incorporated it in the Democratic substitute. It was in H.R. 1102, and I think it is an improvement to add an additional tool for small business to set up pension plans. There is already important provisions in H.R. 1102 that are going to help small business. This improves it.

So, basically, the substitute is an improvement of the underlying bill and spends a lot more money than the underlying bill that we did not want to do when we originally looked at H.R. 1102. So I hope my colleagues will look favorably upon this substitute. I think it does provide a bridge for us to ultimately work out an arrangement with the White House on tax legislation.

I hope regardless of how one feels on the Democratic substitute, and I do hope that they will support it, I hope they will support the underlying bill.

I think this legislation is extremely important. I think we can improve it with the substitute; but regardless of what happens with the substitute, I urge my colleagues to support the legislation so that we can move forward to help secure retirement for those people when they retire.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a member of the Committee on Ways and Means who has been a leader on retirement security.

Mr. FOLEY. Mr. Speaker, let me first thank the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for their excellent work on this legislation that is important to all Americans.

Relative to the substitute retirement savings account, let me make certain people understand this is a new proposal. This has not been vetted yet. In fact, we first saw this proposal during markup and it has since been modified so we are still trying to grapple with the underlying assumptions that are made in the request.

The first we heard about it was the President's State of the Union address and budget proposal. So we have a lot to work out before we accept the substitute.

Let me again answer another claim that was made during debate relative to IRAs. Low- and middle-income Americans use IRAs to save for retirement. This is an absolute certainty. In fact, the median income of new IRA contributors dropped from $41,277 in 1982 to $28,677 in 1986. The vast majority of taxpayers making IRA contributions are lower- and middle-income Americans. The inflation rate would have brought it to $5,000 today had it been adjusted, but it has had one increase, one increase alone from $1,500 to $2,000.

This very bill encapsulates an option to bring it up to $5,000, which I think is significantly important.

One of the greatest fears most Americans have is will they have enough savings and money to retire comfortably to take care of their health care needs, purchase prescription drugs, do the things that are required as one ages. This bill, a bipartisan bill, provides that kind of opportunity.

Let me also underscore that there are 106 Republican co-sponsors and 94 Democrats, for a total of 200 Members of the House of Representatives, that support this initiative. I am delighted today to at least hear positive things about a bill in Congress coming out of the Committee on Ways and Means. Oftentimes these bills we introduce are derided as reckless and risky. Today, we are hearing a celebration of bipartisanship on this floor talking about legislation that will advance the opportunities of all Americans, and I celebrated that. I am thrilled and delighted that this House finally has the common voice in supporting legislation authorized and issued by the committee, and I congratulate again the gentleman from Ohio (Mr. PORTMAN) for his fine work on this proposal.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), a senior and distinguished member of the Committee on Ways and Means who is well known for his work on retirement savings.

□ 1200

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

I would like to congratulate the gentleman from Ohio (Mr. PORTMAN) and certainly the gentleman from Maryland (Mr. CARDIN). They made a good try and made a good effort on this legislation.

However, I have to say that there are fundamental flaws in this legislation. First of all, it does make significant changes, although the authors talk about technical changes, in the top-heavy rules and the anti-discrimination rules. But these changes are actually substantive changes and, in fact, what they will do is make it more difficult for lower- and middle-income wage earners, employees, to be able to get pension benefits.

In addition, statistically, a number of outside groups, because we do not have a joint tax committee distribution table, but a number of outside groups have said that the top 10 percent of the taxpayers will get 62 percent of the benefits in this legislation, and that is taking into consideration the additional employees that will be covered under the original Portman-Cardin legislation. But this is not unusual, because all of the tax bills that we have seen coming from my Republican colleagues over the last 4 or 5 months have been basically for upper-income folks anyway. So I would not make that as a major argument. The marriage penalty and all of these others have been basically for them.

But it is very important that if this legislation passes, and I believe it will, that we add on the substitute provisions here. Because at least then, it will help the distribution of where the benefits will go and it will actually then, in fact, help wage earners and not the top management employees or the employers themselves.

But nevertheless, this bill is a bill that if it is unchanged, is not a good piece of legislation.

Let me just conclude by making one observation. There was an add-on to this bill. Right now, people that want to have IRAs can have up to $2,000 per individual per year on IRA accounts, individual retirement accounts. This will increase that number to $5,000. So a couple will be able to then put $10,000 a year into an IRA.

Now, I will tell my colleagues that there are not many Americans that even put $4,000 a year into IRAs. This means that a small business owner will probably say, I will just eliminate my entire pension program, because why should I give to my employees and share my profits? Why not just take two IRAs out at $5,000 each, husband and wife, and essentially then, I can take care of my retirement and let my employees deal with it themselves. So to a large extent, this legislation will actually reduce, in my opinion, the opportunities for small business to cover their employees. That is why this legislation standing by itself is not a good piece of legislation. It will be vetoed by the President if it stands by itself, and that is why this substitute is so critical to make this legislation work and to make sure that we take care of the average American taxpayer.

Mr. PORTMAN. Mr. Speaker, I yield myself 15 seconds to respond briefly to my friend from California. The intent of this legislation is, of course, just the opposite. It is to expand pension coverage to small businesses. It is an interesting theory that he plays out; but if we are to take the facts, it would be that that small business owner could put $20,000 aside now, $15,000 plus $5,000 catch-up for himself and if his spouse or her spouse is working, another $20,000. So it does not seem to make much sense to shift over to the IRA. If we were just increasing IRAs, the gentleman might have a good point.

Finally, of course, this goes to middle-income workers. We have already talked about that, both on the IRA side and the 401(k) side.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER), the chair of the Subcommittee on Employer-Employee Relations, who has been a leader in expanding pension coverage and reforming ERISA.

Mr. BOEHNER. Mr. Speaker, let me thank the gentleman from Ohio (Mr. PORTMAN) and congratulate both him and the gentleman from Maryland (Mr. CARDIN) for their tireless work over the last 3 years of bringing this bill to the floor.

Clearly, improving retirement security is a top priority this year, as Congress works to secure America's future. But improving retirement security is just not about fixing Social Security. It is also about expanding access to private pensions and making innovations that will maximize every American's opportunity for a safe and secure retirement.

I want to commend the gentleman from Texas (Mr. ARCHER) for his work in crafting this bill along with the two authors and for all of his efforts in this and past Congresses relating to retirement security and improving our Nation's Tax Code to the benefit of all Americans.

Rarely has an ambitious legislation such as this earned such broad support from the AFSCME and Teamsters and other labor unions, to the U.S. Chamber of Commerce, the National Federation of Independent Business and other folks in the private sector. As I said earlier, I think it is a real tribute to the two authors, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) and the work that they have done.

The reforms in this bill will directly improve the retirement security of millions of workers by expanding small business retirement plans, allowing workers to save more, making pensions more secure, and cutting red tape, that have hamstrung employers who want to establish pension plans for their employees.

Mr. Speaker, H.R. 1102 was reported out of the Committee on Education and the Workforce on July 14, 1999 with a bipartisan vote. Our committee made amendments to the Employee Retirement Income Security Act, or ERISA, as we know it, that complement the Tax Code provisions that are on the floor today. And while the ERISA provisions were removed by the Committee on Rules for procedural reasons, the gentleman from Texas (Mr. ARCHER) has pledged to seek the restoration in conference, and I thank the gentleman for this commitment and I look forward to working with him to ensure enactment of H.R. 1102.

Mr. Speaker, we have a new world that we are living in today. As people retire, they are living much longer than anyone had ever anticipated; and if we want to make sure that people have safe and secure retirements, they are going to need more assets than our parents did when they retired. As a result, we all know about the three legs of the retirement security stool: Social Security, private pensions, and personal savings.

The bill we have before us today makes important strides in making sure that people have safe and secure private pension plans and expands access to them, especially by small business owners. The incentives in this bill to expand the amount of money that can be set aside for private savings is also very important. Clearly, shoring up Social Security for the long term is something that we know is going to have to be done in the next Congress.

Just today, Mr. Speaker, the subcommittee that I chair, the Subcommittee on Employer-Employee Relations, moved out a bill that would expand investment advice provided by employers to their employees. It is another piece to this puzzle to help employees give them all of the advice and effort that they need to maximize their private pensions.

So I encourage my colleagues today to support the bill.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY), whose work in pension security is well known to all Members of this House. In fact, I would submit that there are very few, if any, Members of this House that have more knowledge on this issue.

Mr. POMEROY. Mr. Speaker, I rise in response to a preceding speaker who said the Democrat substitute has not been vetted. It is based essentially on a proposal known as First Credit which I introduced last Congress and I introduced this Congress. We do not run the Committee on Ways and Means, but there have certainly been proposals out there to gear savings incentives to modest- and middle-income households to accelerate the rate of savings, and any fair-minded look at the savings issue in this country would identify that the lower-income, modest-income, middle-income levels are having the harder time saving.

Let me just say about the underlying legislation, the problem is not so much what is in it; the problem is what is left out. That is why the Democrat substitute is additive, not detractive. It does not change the underlying bill; it adds to it in a very important way, savings incentives for families who need it.

We have learned that the underlying bill addresses workplace savings. That is great, except half of the people in the workforce today have no workplace savings, half have no workplace savings. As we get down to lower levels of earnings, the percentage goes up. In fact, 70 percent of workers earning under $15,000 have no workplace savings in the workplace, 70 percent. Portman-Cardin will not relate to that group.

We know that the other second major component of the legislation is the IRA, taking the IRA from $2,000 to $5,000. Treasury data tells us that 93 percent of those eligible to use the tax deductible IRA, those earning $50,000 and below, do not use it as of 1995. Mr. Speaker, 93 percent. It is used by only 7 percent.

So if a family cannot afford to save $2,000 a year, our response saying, well, great, now you can save $5,000 a year is completely ridiculous. It misses the point. They need additional help. That is what our substitute offers, a tax credit on savings. For those income eligible, we would match 50 percent of the contribution. I consider this like an "Uncle Sam" match, much like an employer match on savings incentives. You save $2,000, the IRA tax credit of $1,000, matching your savings effort. I believe that this will accelerate savings for those most needing to save.

This chart shows that savings rates is related to income. Twenty-three percent earning between $15,000 and $25,000 are projected to be saving enough for retirement, whereas well over 60 percent earning over $100,000 are saving at the savings rate. We know that this tax credit incentive on savings will work because it is modeled after the savings incentive most effective in the marketplace, the 401(k) match. When employers provide savings opportunities with no match, 65 percent save. When there is a 50 percent match like this bill would provide, there is a 78 percent response in saving.

As Members of Congress, we have access to the Thrift Savings Plan and the Federal Government matches our savings contribution 100 percent on the dollar. Do we not think it is only fair that we extend a match opportunity to American workers who have no savings at the workplace and no opportunity to save in light of sparse discretionary dollars.

This is a tax cut, but it is tax relief to those who need it most, those earning up to $80,000 a year, struggling to save for retirement. It is time we take this step. Last Congress we passed the ROTH IRA, we increased the limits on the spousal IRA. We did a lot of things for a lot of people, but we did not do anything new by way of savings incentives for those earning $50,000 and below.

Mr. Speaker, it is time we take this step, and that is what the substitute is all about.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank him and congratulate him for his diligent work over a long period of time on this important legislation.

My accolades also to the gentleman from Maryland (Mr. CARDIN) for the work that he has done, the fine work in a very bipartisan manner.

I am a cosponsor of H.R. 1102, and I rise in strong support of it, because it addresses the retirement savings gap by expanding small business retirement plans, allowing workers to save more, addressing the needs of an increasingly mobile workforce through portability and other changes, making pensions more secure, cutting the red tape that has hamstrung employers who want to establish pension plans for their employees.

Mr. Speaker, we all know that incentives are necessary to increase retirement savings for all Americans. Our savings rate is much too low to ensure the retirement security of American families. Statistics indicate that a typical household would need to triple its rate of asset accumulation in order to finance its retirement. Simply put, the current savings rate is not sufficient to fund retirement expenditures.

Even more alarming is that the U.S. personal savings rates dropped 6.3 percent of GDP in 1960 through 1980, to 4.1 percent in 1991 through the first quarter of this year, 2000. We need to take action now. H.R. 1102 provides incentives for reversing this alarming trend.

Mr. Speaker, I want to point out something else that needs to be done in this legislation. Unfortunately, the legislation does not address the unfair situation which exists under current law in which Federal employees are prohibited from saving for their retirement in the same manner as private sector 401(k) plans. Currently, FERS employees can contribute up to 10 percent of their salary with a government match of up to 5 percent, and CSRS employees can invest up to 5 percent of their salary.

For example, a FERS employee earning $35,498 per year may only contribute $3,550 annually into his or her Thrift Savings Plan account, while someone in the private sector earning the same amount may contribute $6,450 more annually into their 401(k) account.

Mr. Speaker, I have introduced legislation, H.R. 483, the Federal Thrift Savings Enhancement Act, which would eliminate that 10 percent and 5 percent restrictions and allow all Federal employees to make TSP contributions up to the IRS limit without changing the government contribution. This is fair and equitable.

Mr. Speaker, I would hope that during the conference on this legislation, our Federal workforce will be taken into consideration and the provisions of H.R. 483 will be included in the final conference report.

□ 1215

It is important. It is equitable. Let us pass the bill and add that provision.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the highly effective minority leader in this House.

Mr. GEPHARDT. Mr. Speaker, I rise to argue that this reform bill is in many ways a very good example of bipartisan legislation, and all of us I think can agree that tax incentives for retirement savings are needed, warranted, the right thing to do for our workers, and good for our country in general.

But as currently written, I think this reform bill is flawed, or not including enough features that should be included, because it targets simply those Americans who need incentives for saving the least: corporate executives, managers, big business owners.

This legislation, as the Center on Budget Policy and Priorities wrote recently, "would substantially expand pension tax preferences for high-income executives, but likely lead to reductions in pension coverage among low- and moderate-income workers and employees of small businesses."

I am not opposed to helping upper-income Americans by raising the ceilings on their annual IRA contributions. These men and women have worked hard and deserve their piece of the pie. But I am very afraid that with this bill, as with many of the tax-cutting measures that we have seen in this Congress, we have lost sight of our principal challenge and concern. We have lost sight of our goal to provide tax relief for middle-income Americans and very small businesses, the men and women who really deserve a real reduction in their income taxes.

The greatest failing of this bill is that it does little to encourage retirement saving by lower- and middle-income workers, those Americans who simply are not saving enough because they do not have enough to save.

We have offered an alternative that we think addresses this shortcoming and that rights the playing field so middle-income Americans, not just the well off, receive the lion's share of incentives to boost their retirement accounts.

We have offered an amendment, supported by the administration, that will create retirement savings accounts in which the government will give refundable tax credits to the retirement accounts of millions of Americans.

Our amendment caps the level at which people can receive the tax cut at $75,000, so that the bulk of the incentives to invest in retirement accounts flow to the middle-income group. Our amendment provides tax credits to small businesses of up to 50 percent of the start-up and initial administration costs to set up businesses.

I have said many times in the last several weeks and I will say again, I believe that all of us, Democrats and Republicans, can come together, negotiate on the issues of taxes and spending, hammer out tax cuts that help the vast majority of Americans, while making sure that we address the issues that concern the American people the most: paying down the debt, strengthening social security and Medicare, providing a real prescription medicine reform, and sending the President a total budget that he can sign.

I ask all of us to work together to amend this legislation so that it truly benefits Americans most in need of tax relief; that we fashion these other tax bills so that the President will sign them, and the middle-income Americans and Americans trying to get in the middle class will get the bulk of the help; and that we enact these other reforms, like prescription drugs, medicine, a Patients' Bill of Rights, a minimum wage increase, doing something that is sensible about gun safety, trying to get smaller classroom sizes, which are the issues, along with tax cuts, that really have attracted the interest of the American people.

So I ask Members to vote for our alternative. Let us get a good piece of legislation done that can get the support of the administration and the bulk of the American people.

Mr. PORTMAN. Mr. Speaker, I yield myself 15 seconds.

I would like to say I agree with the minority leader, we need to work on a bipartisan basis to come together. That is what we have done here over the last 3 years. We have over 200 cosponsors, almost equally divided.

Second, I want to assure him that we have indeed not lost sight of the need to help middle- and lower-income categories. That is precisely where we target this legislation.

Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague for yielding time to me, and I thank my friends, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), who have brought forth this commonsense bipartisan piece of legislation.

Mr. Speaker, I listened with great interest to my friend, the minority leader, and coincidentally, I want to wish him well in future endeavors that may extend beyond this House, as the Vice President of the United States may be looking for a partner in the upcoming general election, and want to salute him for coming out with a poll-tested speech.

Mr. Speaker, when all is said and done, I rise in opposition to the Democrat alternative and rise in strong support of our bipartisan bill with 200 cosponsors. I sympathize with the minority leader, because he is finding himself in a situation where we have sought consensus and compromise, we have come up with a commonsense piece of legislation that encourages savings accounts, that protects and builds pension plans.

So with this constructive piece of legislation, and now confronting an election, what is a minority party to do? Well, of course, stand and offer the curious paradox to say, we want cooperation, but this is not good enough.

Therein lies the fundamental problem. We encourage personal savings for every American. Our friends on the left in the substitute say, if you are American, you exist; therefore, you are entitled. It is not enough for one's personal initiative. No, the Federal government needs to step in with a plan that, by the way, as cobbled together here, is eminently unworkable. They ask their friends at the Internal Revenue Service to stick their magnifying glasses and microscopes into the affairs of Americans, because this very provision invites fraud. It appeals to what is the wrong course of action for Americans.

We have a simple, straightforward plan. We strengthen pensions, we build retirement savings accounts, and we do not set up a Rube Goldbergesque machination of entitlement that over the next 10 years will cost close to a quarter of a trillion dollars.

Support the underlying bill and reject the desperate Democrat substitute.

Mr. PORTMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade and an active member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend our two colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), for their work on this bill. This bill proves that Republicans and Democrats can work together in a bipartisan way to achieve worthwhile reforms.

I note that the ranking member of the Committee on Ways and Means often urges us to work together in a bipartisan way, and I appreciate that input from him. I am hopeful that he, too, will strongly support this bill.

This bill also proves that it can sometimes take more than one try to get important legislation passed. Members may have a sense of deja vu because we enacted this bill last year, only to have the President veto it. I hope this year he is able to sign this bill when it comes to his desk.

This is important legislation, Mr. Speaker, for at least two other reasons. The first is that we must do everything we can to encourage savings in America. The figures say our private savings rate is very low. I suspect it is lower than it should be. But I am sure we would be better off saving more than we do.

One way to do that is through fundamental tax reform, and that is just not in the cards right now. I hope we can focus on fundamental reform before long, perhaps with a change in administration.

In the meantime, by rationalizing the laws relating to pensions, by making it easier for businesses, and especially small businesses to establish and maintain pension plans for their workers, this bill will encourage more businesses to establish pension plans and it will encourage more workers to participate. In the end, I believe private saving will result as a consequence.

I also believe private saving will increase through the increase in the contribution limits on individual retirement accounts to $5,000. For individuals who do not have the benefit of an employer-based pension system this is terribly important. It is also, I would point out, a baby step towards tax reform.

Why is that so important? Why is it so important that individuals save more? First, savings is the key to acquiring wealth. It is the key to financial security to us as individuals. Financial security enhances our sense of personal freedom.

Second, the level of saving in America also goes a long way towards determining who owns the Nation's capital stock: the land, buildings, the plant, and equipment.

We have a very high rate of investment right now that has contributed mightily to our rapid rate of economic growth. If Americans do not save enough to fund this capital expansion, then our open economy and advanced capital markets permit us to lure foreign savings to make up the difference.

That is the good news. We can import the capital, the foreign savings necessary to keep our rate of investment high.

The bad news is that that means that foreign savers reap the lion's share of the benefits from that investment. If Members want a sense of the magnitude of this effect, just look at our persistent and high trade deficit. Our trade deficit represents the flip side in the balance of payments to all of the capital we are importing from abroad.

As we find ways to increase our rate of savings at home, at the very least we help Americans to own a greater share of the capital stock driving our economy.

The second reason this bill is so important is because it strengthens the private pension leg of our national pension system at a time when the public leg of that system, social security, is under a cloud.

We have heard about the troubled financial State of social security many times in the Committee on Ways and Means. Fortunately, we have the lockbox in place to keep the Congress from its former practice of spending the American workers' payroll taxes on anything but paying social security benefits. The lockbox performs a function very much like the medical profession's dictum: First, do no harm.

The first step towards restoring social security's financial soundness is to keep Washington from spending payroll taxes on other programs. The lockbox achieves that goal. But beyond that, once again, it appears we must wait for the next administration to take on social security reform.

Until then, and even after we have enacted social security reform, we must do everything we can to strengthen the private pension and savings system. That means eliminating unnecessary rules and regulations and other accumulated barnacles that have attached themselves to this part of the tax law.

I want to thank our two colleagues for undertaking the hard work necessary to bring this to the floor, and urge our colleagues to support it.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), who is well known for her work on retirement savings.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Democratic substitute, which would more fairly distribute the benefits to lower-income people, but also for the underlying comprehensive reform legislation.

Mr. Speaker, we all know that our population is graying. Fifty years from now, more than 80 million people will be over the age of 65. In order to help retirees in the near term and many decades from now, it is critical that we provide them the maximum flexibility to supplement social security.

While President Clinton's plans to dedicate surplus money to social security and Medicare are an important step in preserving these programs for the long-term, individuals should have a range of options for their retirement savings.

This is especially true and important for women. Sixty percent of social security beneficiaries are women. Women are heavily reliant on social security benefits because women earn less than men and because they spend less time in the work force. Women live, on average, 7 years longer. Less than one-third of all women retirees over age 55 receive pension benefits, yet the typical American woman who retires can expect to live approximately 19 years longer.

Women often choose to take time out of their working careers to attend to their families. This bill will allow them to catch up on their pension contributions and increase the yearly amount they can contribute to IRAs and 401(k) plans to make up for lost time, up to an additional $5,000 per year.

I strongly support the fair Rangel substitute and urge my colleagues to support it, and the underlying bill.

□ 1230

Mr. PORTMAN. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. THOMAS), another distinguished member of the Committee on Ways and Means, chairman of the Subcommittee on Health, who has been very active on the IRA front for many years.

Mr. THOMAS. Mr. Speaker, first of all, the fact that we are on the floor today with a bipartisan proposal to reform the pension and the individual retirement accounts is quite an accomplishment, and I want to compliment the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN). It has been more than 20 years since we made an adjustment in this important savings area.

I heard the gentleman from North Dakota (Mr. POMEROY) say that the substitute had been looked at and that it was thoroughly understood. I do have to say it is fundamentally different than the President's initial offering. In fact, it is substantially different than the offering that the Democrats have presented in the Committee on Ways and Means just last week.

Last week's offering cost $225 billion over 10 years on top of the fund. This one only costs $105 billion over 10 years. In one narrow particular area, the refundable credit, which was not in the President's initial budget proposal, cost $35 billion. So it is substantially different. It has not been aired in committee as this bipartisan proposal has.

I heard the minority leader say that this plan simply did not treat low-income people fairly. Well, I know the gentleman from Maryland (Mr. CARDIN), I know the gentleman from Maryland (Mr. WYNN), I know the gentleman from Kansas (Mr. MOORE), I know the gentleman from Tennessee (Mr. TANNER), I know the gentlewoman from Florida (Mrs. THURMAN), and I know the more than 100 Democrats who cosponsor this proposal. They would not cosponsor this proposal if it did not treat low-income people fairly.

Now, I heard my friend from California give my colleagues an example of what would happen under this bill with the expanded IRAs and that, in fact, the employers, while looking out for their self-interest, could in fact damage the savings interest of their employees. The response we heard from the cosponsor was I think significant, and I want to make sure everyone understands it.

This is a bipartisan proposal, precisely because, under all aspects of the bill, the employers maximize their benefit by utilizing all of the portions of the bill; and in pursuing their self-interest and maximizing it, it in fact maximizes the employees' savings capabilities.

It is the way in which this proposal is integrated that makes it really superior. It is the product of the bipartisan working relationship. It is the best of what this House does.

As far as the veto threat, around here we learn to read the tea leaves, and the tea leaves are very clear. The message was very clear, it did not say veto. It does not say veto. Treasury is trying to buy leverage. As a matter of fact, once this moves out of here with the bipartisan majority and off the floor of the Senate, the President does not dare veto this piece of legislation because the last thing he wants is an override of his veto.

The way this piece of legislation was put together, frankly, the House owes a debt of gratitude to the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) and all of those who have worked together to make these changes. They are long overdue. They are much appreciated. It fits our needs today.

Vote no on the substitute, vote yes on H.R. 1102, and send the President a message. This Congress is working, and it is working for the American people in a bipartisan way.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me reiterate quickly, Secretary Summers has told me in a phone conversation he will recommend a veto of this legislation as currently proposed if it goes to the President's desk.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS), who worked on a recent pension case in the State of Vermont who has been an inspiration for all of us.

Mr. SANDERS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding to me.

Mr. Speaker, I rise in opposition to H.R. 1102. This bill is being touted as a package of pension provisions designed to increase pension benefits for Americans; yet some of the pension provisions included in the bill are simply new tax breaks that mostly accrues to the wealthiest Americans and may have the effect of slashing the pensions of lower- and middle-income families.

Mr. Speaker, if Congress is really concerned about protecting the pensions of American workers, it should quickly address the cash balance pension rip-off scheme being implemented by hundreds of large corporations all over this country.

Since 1985, despite large profits and growing surpluses in their pension funds, over 300 companies have slashed the retirement benefits that they promised their employees. Cash balance schemes typically reduce the future pension benefits of older workers by as much as 50 percent. Not only is this immoral, it is also illegal, because the reductions in benefits are in violation of Federal age-discrimination laws.

What makes the conversions even more indefensible is the fact that many of these companies have pension fund surpluses in the billions of dollars, and these surpluses have grown significantly in recent years.

Frankly, it is simply unacceptable that, during a time of record-breaking corporate profits, huge pension fund surpluses, massive compensations for CEOs, including, interestingly, very generous retirement benefits, that corporate America renege on the commitments that they have made to workers by slashing their pensions.

Last year, I held a town meeting in Winooski, Vermont, for IBM workers, the older IBM workers who had seen their pensions cut by as much as 50 percent. Over 700 older workers came out and expressed their outrage at what the company had done. I congratulate the IBM workers and look forward to working with them.

Mr. Speaker, I rise in opposition to H.R. 1102. This bill is being touted as a package of pension provisions designed to increase pension benefits for Americans. Yet some of the pension provisions included in the bill are simply new tax breaks that mostly accrue to the wealthiest Americans and may have the effect of slashing the pensions of lower and middle income families.

Last November, Treasury Secretary Summers and Labor Secretary Herman, criticized these pension provisions, saying that they "could lead to reductions in retirement benefits for moderate and lower-income workers."

Mr. Speaker, if Congress is really concerned about protecting the pensions of American workers it should quickly address the cash balance pension rip off scheme being implemented by hundreds of large corporations all over this country. In fact if this Congress is really concerned about protecting the pensions of American workers it should pass H.R. 2902, the Pension Benefits Preservation and Protection Act, legislation that I authored and that now has a total of 84 co-sponsors.

Mr. Speaker, all across this country, American workers are deeply concerned about the status of their pension plans. That concern is well founded. Since 1985, despite large profits and growing surpluses in their pension funds, over 300 companies have slashed the retirement benefits that they promised their employees. Cash balance schemes typically reduce the future pension benefits of older workers by as much as 50 percent. Not only is this immoral, it is also illegal because the reductions in benefits are in violation of Federal age discrimination law. What makes the conversions even more indefensible is the fact that many of these companies have pension fund surpluses in the billions of dollars and that have grown huge in recent years.

Frankly, it is simply unacceptable that during a time of record breaking corporate profits, huge pension fund surpluses, massive compensation for CEOs (including very generous retirement benefits), that corporate America renege on the commitments that they have made to workers by slashing their pensions.

Last summer, I held a town meeting in Vermont for IBM workers who live there. Seven hundred came out.

According to the Office of Management and Budget, corporations currently receive $100 billion a year in federal government subsidies through the tax code by offering pension plans. American taxpayers have a right to expect that corporations who take advantage of this special tax treatment will not slash the pensions of American workers.

Yet, hundreds of corporations throughout the country from IBM to AT&T are doing just that by converting their traditional defined benefit pension plans to these cash balance schemes.

Cash balance schemes are nothing but a replay of the corporate pension raids we experienced during the 1980's. While these companies claim that they are converting to cash balance plans to attract younger workers into their workforce, the fact of the matter is that cash balance plans are intentional attempts to slash the pension benefits of older workers.

The reason why large corporations are targeting their older workers' pensions is easy to understand. Millions and millions of Americans in the so-called "baby boom" generation are rapidly approaching retirement age. Companies that reduce the pensions of older workers will thus realize tremendous cost savings when these people retire.

Companies claim that they are converting to cash balance schemes to attract a younger, more mobile workforce. But, worker mobility is not the rationale for converting to a cash balance plan, money is. As 11,000 people a day turn 50, which cash balance promoter Watson Wyatt claims will turn us into a "Nation of Floridas," employers are looking for any way possible to reduce older workers' promised benefits. This is outrageous.

But, what is even more outrageous is that they are not being honest to the employees whose pensions they are slashing. As Joseph Edmunds stated at a 1987 Conference of Consulting Actuaries, "It is easy to install a cash balance plan in place of a traditional defined benefit plan and cover up cutbacks in future benefits."

Despite the protestations of cash balance promoters, cash balance schemes are implemented to unlawfully cut the benefits of older employees and to disguise those cuts by implementing a plan that makes it virtually impossible for employees to make an "apples to apples" comparison of their benefits under the old and new plans.

Not only does the federal government need to enforce the laws that are on the books, Congress also must pass meaningful pension protections right now. That is why I introduced H.R. 2902. This legislation would primarily do three things:

(1) It would send a directive to the Secretary of Treasury to enforce the laws that are already on the books;

(2) It would provide a safe harbor making cash balance plans legal only if employees are given the choice to remain in their old pension plan with detailed disclosure; and

(3) It would provide a major disincentive for companies to slash the future pension benefits of employees.

Mr. Speaker, H.R. 2902 would provide meaningful pension protection to millions of Americans, unlike the current bill being considered right now. My legislation is being supported by the Pension Rights Center, the National Council of Senior Citizens, the Communications Workers of America, the IBM Employees Benefits Action Coalition, and several other groups. I urge my colleagues to defeat H.R. 1102, and work with me to pass real pension protection.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MCCRERY), a colleague on the Committee on Ways and Means who has been actively involved and a leader on this issue of expanding retirement savings.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time, and I commend him on his efforts as well as those of the gentleman from Maryland (Mr. CARDIN) in a bipartisan effort to improve pensions in this country.

The gentleman from Vermont (Mr. SANDERS) spoke about the cash balance programs, and it just so happens that the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN) recognize that there are some problems with those, and they call for full disclosure and transparency in those programs. The gentleman from Vermont ought to be supporting this bill.

Mr. SANDERS. Mr. Speaker, will the gentleman yield?

Mr. MCCRERY. I am glad to yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, there are tens of thousands of IBM workers and millions of other workers who have seen significant reductions as the result of the conversion to cash balance. What will this legislation do for any one of those people?

Mr. MCCRERY. Mr. Speaker, reclaiming my time, if the gentleman from Vermont would allow me to reiterate that this bill does provide for accounting disclosure of every parcel of those plans so that those employees will have access to the information that they have not had access to in some of those situations that the gentleman from Vermont presents. So while this bill may not do everything the gentleman wants, it certainly improves the situation, and he should support that. But the gentleman from Vermont certainly should take some solace in the provisions that are in this bill.

The substitute, on the other hand, is something that this House should not support for a couple of reasons. Number one, it has not been properly vetted. It was sprung on the Committee on Ways and Means for the first time last week, and today we have an even different version from that that was sprung on the Committee on Ways and Means just last week.

It doubles the cost of the underlying bill, the new substitute does. The version that was sprung on us last week actually increased the cost by four or five times. Today's version only doubles the cost of the underlying bill.

The substitute is patterned after the earned income tax credit. Now, while I support the EIC, we should know that, before we create yet another program based upon that concept, that the Taxpayer Advocate's 1999 Annual Report to Congress identified the refundable earned income credit as one of the most serious problems facing taxpayers and the Internal Revenue Service in terms of its complexity, compliance, and litigation associated with it. Surely we do not want to double the problems with the IRS by creating a new program based on that concept.

Number two, this proposal would give refundable tax credits only to people who cannot afford now to put part of their salaries forward. So it really would have no effect. It would not help those folks at all.

This substitute, while well-intentioned is wrong headed. They came up with it very quickly to try to obfuscate the issue, try to detract attention from the fact that this is a bipartisan proposal. If the President wants to veto this, shame on him. We are finally doing what he asked us to do in a bipartisan way. He ought to sign it.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished leader of the Democratic members on the Committee on Ways and Means. He is very effective.

Mr. RANGEL. Mr. Speaker, the gentleman from Louisiana (Mr. MCCRERY), the previous speaker, said, if the President intends to veto this, shame on him. This really shatters the whole concept of the bipartisanship which the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) had tried and continue to try to bring to this House.

Whether the majority likes it or not, the President of the United States is a part of the equation. When he presented the retirement savings accounts to this Congress, it would seem to me that the majority, as well as the minority, should at least look at these concepts and to see what could be worked out for true bipartisanship.

The whole idea that people would complain that the substitute had not passed the committee when, even yesterday, we had budget issues coming to the floor for votes that did not even come to the committee, this whole idea that Committee on Ways and Means issues and tax issues should come before the Committee on Ways and Means is relatively new. I thought my colleagues just went to the Committee on Rules for these issues to be before us.

But I am convinced that those who put this bill together, if they had any idea that we would have the type of cash flow, the type of surpluses that are available today, when they put together their bill, that it would have been more expansive, and they would have concerned themselves with those group of Americans that do not have disposable income in order to have pensions.

We have less than one-third of those small business people that have any pensions at all. Yet, two out of five of every working people work for small businesses.

The Social Security system was not created to be a pension. It was created to supplement a pension. So while work has been done to be of assistance to those in the higher income tax brackets, what this does is provide incentives, not only for employees, but it provides an incentive for small employers to be able to do what they would want to do for the employees and, therefore, would enhance and supplement the Social Security benefits.

So the substitute takes into consideration the fine work that has been done by our colleagues and just broadens it to enhance those people who, by any standard, have been excluded from the bill that is before us.

So I ask my colleagues to support the substitute; and I also ask them, when they think in terms of bipartisanship, would they please include my President.

Mr. PORTMAN. Mr. Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Ohio (Mr. PORTMAN) has 7 minutes remaining. The gentleman from Massachusetts (Mr. NEAL) has 3 minutes remaining.

□ 1245

Mr. PORTMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I applaud the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for pursuing this legislation because it is truly of benefit to the American people.

And the distinctions are very clear, as I see it, because we believe that individuals should have more power, more freedom, and more opportunities to save for their retirement. This legislation allows individuals to do so.

We believe that creating wealth for Americans and their families, for their retirement, are good things. This legislation allows those Americans to do so.

We believe that small business owners who want to create pensions for their employees to keep them with them so that they and their employees can save for their retirement, should be able to do that effectively. This legislation allows them to do so.

We believe that firefighters and police officers who want to save a little bit more each year for their retirement, for themselves and their families, should have the opportunity to do so. This legislation allows them to do it.

Yes, we give to Americans the power, the freedom and the opportunity to save a little more if they want to. That is what this Nation is all about. And I think that is what this legislation attempts to do and, indeed, does.

With that, Mr. Speaker, I compliment all those Members, Democrats and Republicans, who give Americans more power to save for their retirement.

Mr. PORTMAN. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, clearly Social Security alone is not enough for retirement in relative comfort today. The private pension system is an indispensable part of retirement security, and this underlying bill, which I have been proud to coauthor, would give American workers more tools to prepare for a better future.

The pension reforms we are considering today will help individuals to save more for retirement. Increased pension portability will allow workers to roll over their pension savings between plans when they change jobs. And streamlined rules and regulations would make it easier for small businesses to offer pensions.

If these changes are enacted, they will give millions of American workers better tools to prepare for retirement.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), who put together his own legislation, which was very popular here in the House. He had a number of cosponsors for the Blunt-Bentsen legislation on expanding small business retirement plans. I thank the gentleman for his contributions to this effort.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time and for his great work, as well as the work of the gentleman from Maryland (Mr. CARDIN) on this bipartisan legislation for retirement security.

I also want to thank the gentleman from Texas (Mr. ARCHER) for seeing that this bill gets to the floor. It makes a difference for the future of Americans.

I want to thank the gentleman from Texas (Mr. BENTSEN), who joined me 2 years ago to come up with legislation that really tried to fill the gap for small business in America, small business and their employees, who really had been left out of retirement security.

Today, as we talk about this bill, 84 percent of all Americans who work for employers with 1,000 or more employees have access to employer-sponsored pension plans. Sixty-nine percent of people who work for employers that have between 100 and 1,000 employees have access to pension plans. Only 42 percent of people who work for employers who have fewer than 100 employees and only 17 percent of small businesses that have fewer than 25 employees have access to a pension plan.

As America gets more focused on retirement security, as Americans understand that that has to be a combination of personal savings and Social Security and a pension, they are more and more concerned about working somewhere where that pension is available. We have kept small business, the engine that runs America, out of the pension environment. This bill removes many of the obstacles. This bill makes it possible for employers of a few people to have the same kind of access to long-term retirement security that mega corporations have today.

It is unfair for an employer in Joplin, Missouri or Springfield, Missouri that has 20 hard-working employees, the people who work to make that business a reality, to not have access to pensions. That happens with this bill.

This is an important bill, and I urge my colleagues to vote for H.R. 1102. This is a giant step for retirement security in America. It is a giant step for small business. It is a giant step for those who would like to see their own IRA have a meaningful annual contribution.

This legislation creates significant new opportunities for small businesses and individuals to establish retirement security plans. It does so by expanding small business retirement plans, such as unnecessary regulations and expenses. This bill also increases the limit on IRA's from $2,000 to $5,000, which is a long overdue updating of a limit set almost 20 years ago.

I feel fortunate that I've had the opportunity to work closely with Congressman PORTMAN and Congressman CARDIN on the provisions of this bill that specifically affect small businesses. In fact, H.R. 1102 includes several key features from legislation I introduced, H.R. 352, the Blunt/Bentsen Retirement Plan.

Why do small employers offer retirement benefits so less frequently than their larger counterparts? According to the 1998 Small Employer Retirement Survey conducted by the Employee Benefit Research Institute Research Institute, small businesses do not offer retirement benefits because, among other things, their revenue stream is too uncertain to commit to a plan, because their employees prefer immediate wages or other benefits, and because plans are too complex and expensive to set up and maintain. In exchange for the tax benefits of an employer sponsored retirement plan, current law imposes myriad requirements on employers. Unfortunately, the complexity of these requirements make the cost of administering these plans prohibitively expensive for small employers.

H.R. 1102 includes several key provisions that address this problem. Under current law, an employer's contributions are effectively limited to 15 percent of the employer's payroll because contributions in excess of 15 percent are nondeductible and subject to a 10 percent excise tax. H.R. 1102 increases the limit on an employer's deduction for contributions to a defined contribution plan from 15 percent to 20 percent. This will enable employers to provide more generous benefits to employees and reduce the need for complex two-plan arrangements. H.R. 1102 also increases the amount that can be contributed on behalf of individuals to $40,000 or 100 percent of pay and provides regulatory relief to encourage small businesses to offer plans. Employer sponsored retirement plans are good for employees because they are proven to be among the most effective ways for individuals to accumulate retirement savings. They are good for employers because they help them to attract and retain workers they need to remain competitive in the global economy. These statements do not apply only to multi-national corporations and their employees; they are every bit as relevant for the small manufacturer in Joplin or Springfield, Missouri and their 20 hard-working employees. Unfortunately, whether or not a particular individual has access to a retirement plan depends a great deal on the size of his employer. H.R. 1102 is a giant step toward correcting this inequity and I urge my colleagues to support this legislation.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the very erudite gentleman.

Mr. GEJDENSON. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time and for his generosity.

It is astounding to me, when we listen to this debate, where the division is once again. There is no debate about the underlying bill. And what has been ignored by our colleagues on the Republican side of the aisle again is whether, in this time of great surpluses thanks to the Clinton-Gore economic plan, whether we are going to be able to get a few resources for the poorest of the poor, for women, and for small businesses. That is the real debate.

It is kind of like the pension debate. The Democrats were ready to give $4 million estates tax exempt. On the Republican side they had to go to Bill Gates, $70 billion tax exempt. It was not enough that Bill Gates would pass his kids $35 billion, he had to go to $70 billion.

We are not arguing with helping people who are better off in this society and making it easier for people who own the companies to do better in pensions. What we are frustrated by is the failure to support the chairman and the gentleman from Massachusetts by reaching out to the poorest of the poor, to working poor people; making sure that those who have the least in this society get a little bit of assistance.

For a long time the Reagan-Bush deficits prevented us from having the resources to do that job. Now, with the fiscal situation we are in today, we have some resources. Yes, we ought to use some of those for upper-income people, to give them a break, but why can we never seem to have enough money at the table to take care of women, who are working often in places without pensions; why can we not provide some assistance to the smallest businesses to provide pensions for the poorest people, to make sure those who are at the bottom of the economic ladder get some benefit out of this society?

It seems to me to be clear that the gentleman from Massachusetts and the ranking member, soon hopefully to be chairman of this committee, offer an opportunity to make sure that we take care of average people and working people to some small degree.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we do not object to the legislation necessarily that has been proposed here. We believe that the amendment that we have offered can actually strengthen this legislation.

I think the gentleman from Connecticut (Mr. GEJDENSON) adequately summed up the arguments that we offer. If an individual is willing to go to work in America, they ought to be in a pension system. That is precisely what our legislation, my amendment, proposes to do.

This is a decent start that has been offered here today. We can improve this legislation, thereby providing an opportunity for people who do get out of bed every morning and go to work to have pension rights.

It is our argument today, based upon the evidence in front of us, that the legislation as proposed does not go far enough. We speak to those in the middle-income range, we speak to those in the lower-income range based upon the notion that if an individual goes to work, they ought to have pension rights. In the end, that is what our proposal is all about. That is what our substitute stands for.

We have had a good debate today; a clarifying debate. We think our substitute stands up under the magnifying glass. While we believe the legislation proposed is a good start, it is simply not enough.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield myself the balance of my time.

I would like to start by thanking the gentleman from Massachusetts for a good debate today and thank him for his support of the process and saying a moment ago that he thinks the underlying legislation is a good start and that he does not necessarily oppose it. He would like to add to it.

I want to tell him that I share his concern about those lower- and middle-income workers who are not saving enough for their retirement. We think we address that here.

The previous speaker from Connecticut talked about how we are trying to help Bill Gates. Let me tell my colleagues who we are trying to help. Seventy-seven percent of pension plan participants make less than $50,000 a year. Seventy-seven percent of them. The average salary of someone who contributes to an IRA is less than $30,000 a year.

Those are precisely the people who are going to be helped most by this legislation; workers making between $15,000 and $50,000 a year benefit most from pension plans. They get two-thirds of pension accruals, even though they pay only about one-third of Federal taxes. These are the folks we are going to help with this underlying legislation.

Now, the substitute is before us. And again I share the concern that the gentleman has addressed. We think we address the problem that he states. But let us look at the substitute, because we do not know much about it yet. It came at the committee markup level, it has been changed a little, and now it is on the floor. We know it doubles the cost of this legislation.

It is interesting, as a Republican, for me to be talking about the cost of tax provisions, because the Democrats have been saying all year, these tax relief proposals are too costly. We cannot afford to do it because we have to save Medicare, Social Security, and so on. But here they are doubling the cost of a tax bill. But my more fundamental concern with it is we just do not know how it would work.

Let me give an example, and it has been talked about a little today. If an individual was to take advantage of this new government program and have the government contribute a 100 percent match into that plan, then that individual could take that money out the next year. And we do not know that there is a mechanism to keep that person from doing that; or, if there is, how it could be administered by the Internal Revenue Service.

We talked about the fraud in existing refundable tax credit programs. We have a concern about that. Is it administrable? It is something I would love to sit down with the gentleman and work out with him. I would love to sit with the Treasury Department and work on it. This has not been vetted.

In contrast, the underlying bill before us has gone through a 3-year bipartisan process, reaching out across the spectrum from labor unions to small businesses to put together something that is really going to work in the real world to expand pension coverage and IRA coverage for those middle-income and lower-income workers we talked about a moment ago. Those are precisely the people who will benefit from this.

Yes, it is important to backstop Social Security. Yes, it is important to increase the savings rate in this country that is at an all-time low. But it is most important of all to give American workers, particularly those baby boomers who have not saved enough, more security in their retirement. This underlying legislation does it. It provides for that comfort level in retirement; that peace of mind in retirement.

I ask my colleagues to oppose the Democrat substitute; to stick to the real thing, and vote for H.R. 1102.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in support of the Democratic substitute to the underlying bill.

I want to commend the hard work and efforts of the authors of the bill we have before us today.

I also want to thank the authors of the Democratic substitute, and the ranking member of the committee, Mr. RANGEL, a champion for retirement security and the preservation of our Social Security system.

It is no secret that many families have great difficulties setting aside even nominal amounts in savings accounts or other means of asset development. Most families are living paycheck to paycheck and at the same time that many families are struggling, there is a high correlation between income levels and the ability to save.

Reports show that fifty percent of American households have total financial assets of $1000 or less; and that half of American families have less than two percent of America's net financial assets.

The Congressional Research Service notes that 60 percent of Americans have no other retirement plan than Social Security.

Today, I would have liked to offer an amendment to the bill, providing the support of the Congress for increasing individual savings and investment, with specific notice given to the needs of lower income families, and the support of the Congress for moving forward legislation that will encourage education and opportunity in the area of personal savings and investment.

Unfortunately, under the closed rule that we were given, I did not have an opportunity to offer this amendment, but the Democratic substitute that we are debating allows for a vote of these principals.

The Democratic substitute provides assistance to low and middle income workers and gives small business employees eligibility for credits on their retirement plans.

This would help level the playing field in the area of retirement security.

This is important because, in the last decade years we have witnessed the emergence of a new wealth gap in America which threatens our sense of fairness and our fundamental tradition of equal economic opportunity. The division is largely between those who have savings and investment and those who don't.

The Retirement Savings Account proposal that was included in the substitute, is designed to provide incentives for low and middle income workers to save or add additional money to their investment plans. In addition to this very necessary effort, we need to move forward with further legislation that will address the special need to close the income gap through facilitation and education on personal savings and investment.

The American Dream for many families revolves around the future of their children. They want their children to be able to receive higher education, own a home or a business, and certainly have retirement security. Yet, this creates a dilemma, because while meaningful savings are required to attain the American Dream, as many as two out of three Americans are shut out from this opportunity.

One way to make the American Dream more accessible is to increase wages and assure livable incomes. That is why I so strongly support our public schools and education reform. But this will get us only part of the way.

I strongly believe that we need to pass an equity and assert rights act that is modeled after the Full Employment Act of 1946. After World War II, Congress understood that we needed to create the national opportunity for all Americans to have a decent job. As we head into the 21st Century, we need to understand the importance of savings—so that all Americans can have a stake in the earning power of America's future economic growth.

In short, if we enable families to save and invest, we facilitate the economic freedom that will allow all Americans to afford higher education, buy a home, and have security in their senior years.

I urge all my colleagues to vote for the substitute, which ensures that all Americans are given a chance at greater retirement security.

Mr. PORTMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 557, the previous question is ordered on the bill and on the amendment, as modified, offered by the gentleman from Massachusetts (Mr. NEAL).

The question is on the amendment in the nature of a substitute, as modified, offered by the gentleman from Massachusetts (Mr. NEAL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NEAL of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 221, not voting 13, as follows:

[Roll No. 410]

YEAS—200

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NAYS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)

Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Baca
Barton
Bateman
Boswell
Campbell
Kennedy
Klink
Martinez
McIntosh
Smith (WA)
Vento
Weldon (PA)
Weygand

□ 1319

Mr. PITTS and Mr. HOBSON changed their vote from "yea" to "nay."

Mr. BERRY, Mr. DOOLEY of California, Ms. BROWN of Florida, and Mr. INSLEE changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute, as modified, was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I was accompanying President Clinton to a funeral in the First District of Rhode Island and consequently I missed one vote. Had I been here I would have voted "yes" on rollcall No. 410, the Neal amendment.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NEAL of Massachusetts. I am opposed to the bill in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NEAL of Massachusetts moves to recommit the bill H.R. 1102 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following new title:

TITLE VIII—CONTINGENCY BASED ON MEDICARE PRESCRIPTION DRUG BENEFIT AND NO ON-BUDGET DEFICIT

SEC. 801. CONTINGENCY BASED ON MEDICARE PRESCRIPTION DRUG BENEFIT AND NO ON-BUDGET DEFICIT.

(a) IN GENERAL.—Subpart A of part 1 of subchapter D of chapter 1 is amended by adding at the end the following new section:

"SEC. 409A. CONTINGENCY BASED ON MEDICARE PRESCRIPTION DRUG BENEFIT AND NO ON-BUDGET DEFICIT.

"(a) COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2000 TO APPLY IF CERTAIN CONDITIONS MET.—The Comprehensive Retirement Security and Pension Reform Act of 2000 and the amendments made by such Act shall apply to any taxable year beginning in a calendar year after 2000 only if the Secretary of the Treasury certifies (before the close of such calendar year) that each of the conditions specified in subsection (b) are met with respect to such calendar year.

"(b) CONDITIONS.—For purposes of subsection (a), the conditions specified in this subsection for any calendar year are the following:

"(1) NO ON-BUDGET DEFICIT.—Allowing subsection (a) to be effective for taxable years beginning in the calendar year, when added to the cost of the coverage described in paragraph (2), would not create or increase an on-budget deficit (determined by excluding the receipts and disbursements of part A of the medicare program) for the fiscal year beginning in such calendar year.

"(2) PRESCRIPTION DRUG COVERAGE.—Coverage for outpatient prescription drugs is provided for Medicare beneficiaries under the Medicare Program on a voluntary basis at all times during the calendar year with—

"(A) the premium for such coverage being not more than $25 per month (adjusted for cost increases after 2003) with low-income assistance for Medicare beneficiaries having incomes below 135 percent of the Federal poverty level and phasing out for such beneficiaries having incomes between 135 percent and 150 percent of the Federal poverty level,

"(B) no deductible required before such coverage is provided,

"(C) the amount of the benefit being at least 50 percent of prescription drug expenses not in excess of the coverage limit (as defined in subsection (c)),

"(D) a $4,000 limitation (adjusted for cost increases after 2003) on out-of-pocket prescription drug expenses of electing Medicare beneficiaries, and

"(E) all Medicare beneficiaries entitled to receive the discounts (otherwise available to large prescription drug purchasers) on their purchases of prescription drugs.

"(c) COVERAGE LIMIT.—The coverage limit is $2,000 for calendar years 2003 and 2004, $3,000 for calendar years 2005 and 2006, $4,000 for calendar years 2007 and 2008, and $5,000 for calendar year 2009 and thereafter (with adjustments for cost increases).

"(d) TRANSITION RULE.—For calendar years 2001 and 2002, the conditions specified in subsection (b)(2) shall be treated as met if the Secretary of the Treasury certifies that coverage described in such subsection will be available as of January 1, 2003.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part 1 of subchapter D of chapter 1 is amended by adding after the item relating to section 409 the following new item:

"SEC. 409A. Contingency based on medicare prescription drug benefit and no on-budget deficit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. NEAL of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. NEAL) is recognized for 5 minutes in support of his motion.

Mr. NEAL of Massachusetts. Mr. Speaker, for the last 3 hours, we have had an opportunity to clarify many differences about the legislation that is in front of us. I think all of us would acknowledge that the work that the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN) have done on this legislation has been a decent start. In fact, we believe that the substitute we offered was Cardin-Portman improved. Cardin-Portman plus. We also would argue, I think, that the substitute that we offered spoke to the issue that the gentleman from Ohio (Mr. PORTMAN) acknowledged about doing more for middle-income and lower-income wage earners in America.

What is important about this discussion, I think, is simply this. Some of the people that have spoken today on this legislation have suggested that there is some doubt as to whether or not the President will veto this legislation in its current form. Let me reiterate as I did an hour ago. Secretary Summers has told me in a phone conversation he will recommend to the President that this legislation in its current form be vetoed. We have an opportunity to fix this legislation, acknowledging a good start but an improved opportunity.

Let me speak specifically, if I can, to the motion to recommit that is in front of this body. We all acknowledge that there is a desire for tax cuts based upon the current surplus projections. But the question before us now is whether or not those tax cuts leave sufficient resources for other priorities. This motion to recommit provides that the tax reductions proposed will not go into effect unless the Secretary of the Treasury certifies the following: that the bill will not invade the portion of existing surpluses dedicated to Medicare and Social Security programs, and—and the most important part of this motion to recommit—a meaningful Medicare prescription medicine benefit be enacted.

The motion to recommit is also required because of a Republican strategy of considering separate tax bills without taking into account their overall cost. Voting against the motion to recommit is a vote for placing these tax reductions ahead of Social Security and Medicare solvency and a meaningful Medicare prescription drug benefit.

It is simple; it is clarifying. I am not intending to belabor the point. What we have now in front of us is a very simple measure, whether or not we will proceed with these cuts or we will proceed with a healthy discussion about a Medicare prescription drug benefit. This is not the end of the debate by any stretch of the imagination. When we come back in September because of the President's veto pen, we are going to have a chance to improve this legislation.

I hope that my colleagues will vote "no" on the measure in front of us after we vote for the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Is the gentleman from Ohio (Mr. PORTMAN) opposed to the motion?

Mr. PORTMAN. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in opposition to the motion.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Subcommittee on Health.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Bear with me, folks. Let us take a look at this motion to recommit. Let us find out exactly what it says. Less than 5 minutes ago, the Democrats offered their substitute which was double the Portman-Cardin bill. You would think that they had enough pride in authorship to require their substitute to be in this motion to recommit. Well, that is not true. The Portman-Cardin bill is in this motion to recommit. The only problem is, how do you get to this new pension relief in the Portman-Cardin bill? The motion to recommit says you have to do two things, because it says Comprehensive Retirement Security and Pension Reform Act of 2000, Portman-Cardin legislation, to apply if certain conditions are met.

Now, what are those certain conditions? Number one, you have a zero budget deficit. Number two, we have to pass and make law the Democrats' prescription drug proposal which was defeated in the House 2 weeks ago. So, one, they do not even have pride in authorship, including their Democrat substitute in the motion to recommit. Secondly, they frankly in my opinion lower the level of this debate to say, one, if you really want this, you have to do these two other things, but here is the insidious part about this motion to recommit: because it is conditional, because we will not get the Portman-Cardin bill unless these other two conditions are met, the Joint Committee on Taxation says this has a zero score.

What does it mean? If you vote for the motion to recommit, you defeat, not that you are cute about it, you defeat the Portman-Cardin legislation. Frankly, the gentleman from Ohio and the gentleman from Maryland deserve a better motion to recommit than this. This is not the kind of motion that lends the kind of sobriety to the debate that we have. What we need to do is hopefully not have a recorded vote on this motion to recommit and move rapidly to the passage of much-needed pension reform, the Portman-Cardin bill.

□ 1330

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

This has been a refreshing debate on the House floor today, because it has been an honest discussion of some differences and how we would approach IRAs and pension expansion, but in the end, as the gentleman from Massachusetts (Mr. NEAL) said, Democrat opposition to the underlying legislation has really not surfaced, in the sense that the gentleman from Massachusetts (Mr. NEAL) has said this is a good start.

I applaud the gentleman for this motion to recommit, because it essentially says that the Portman-Cardin legislation, H.R. 1102, that over 200 Members of this House have cosponsored, about half Democrats, about half Republicans, ought to become law. It is just that the motion says there ought to be a couple of things that happen in between; one, we have to be sure we have a surplus; the second is we offer prescription drug coverage.

Unfortunately, the prescription drug coverage that is being suggested here that would have to be enacted into law is not precisely what this House just voted on in terms of prescription drug coverage. It is much different.

I want to thank the gentleman from Massachusetts (Mr. NEAL) for implicitly supporting Portman-Cardin. I want to thank all of the Members of this House who have played such an important role in getting us to this point. This has been a 3-year bipartisan process where we have done precisely what so many of us talk about around here, which is engage in a bipartisan consultative process with the people who are most affected, that is, small businesses, labor unions, individuals who are trying to save more in their IRAs, workers who are trying to save more in their 401(k) plans and other pension plans.

This legislation is going to help precisely those lower income and middle income workers out there who we talked about earlier today as needing to save more for retirement.

We would not be here today but for the help of the gentleman from Maryland (Mr. CARDIN), who has been my partner in this for the last 3 years, also but for the help of the gentleman from Texas (Mr. ARCHER), who has spent a career coming up with ways to expand savings options for Americans and got this through the committee and to the floor today.

Ladies and gentleman, I urge a no on this motion to recommit. Again, I thank the authors of it for the implicit support of the underlying legislation, and I strongly urge Members on both sides of the aisle to vote yes on final passage, to send a strong message to the United States Senate, a strong message to the President of the United States that we, on a bipartisan basis, want to provide for retirement security for all Americans, and we want to do it this year.

Mr. Speaker, many have dubbed this as a partisan, political year, we want to show the American people we can get something done together. Let us continue this 3-year bipartisan process. Let us vote yes on final passage and let us help all of our constituents have more financial security in their retirement.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NEAL of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 185, nays 239, not voting 10, as follows:

[Roll No. 411]

YEAS—185

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee

Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NAYS—239

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Luther
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Baca
Barton
Boswell
Campbell
Klink
Martinez
McIntosh
Smith (WA)
Vento
Weygand

□ 1351

Mr. MINGE and Mr. LUTHER changed their vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PORTMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 401, noes 25, not voting 9, as follows:

[Roll No. 412]

AYES—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)

Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—25

Becerra
Bonior
Brown (OH)
Clay
Conyers
Filner
Frank (MA)
Gephardt
Gutknecht
Hinchey
Jackson (IL)
Kennedy
Lee
Markey
Matsui
McDermott
Neal
Olver
Rangel
Roybal-Allard
Sabo
Sanders
Serrano
Stark
Visclosky

NOT VOTING—9

Baca
Barton
Boswell
Campbell
Klink
Martinez
McIntosh
Smith (WA)
Vento

☐ 1359

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1102, the bill just passed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Ohio?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 554 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 554

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a normal conference report rule for H.R. 4576, the Fiscal Year 2001 Department of Defense Appropriations Act. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, H. Res. 554 is a noncontroversial rule for a strong bipartisan bill. In fact, the Committee on Appropriations approved this bill in late May by voice vote and without an amendment.

I have always admired the patriotism and dedication of our military personnel, especially given the poor quality of military life for our enlisted men and women. But today, we are doing something to improve military pay, housing and benefits.

Mr. Speaker, we are helping to take some of our enlisted men off food stamps by giving them a 3.7 percent pay raise and we are boosting their enlistment and re-enlistment bonuses. To follow through on our health care promises to our servicemen and women, we are increasing funding for the Department of Defense Health Program by $963 million this year. A good portion of these funds will go to improving care for our military retirees who have never been given the treatment that they deserve.

At the same time, we are increasing the basic allowance for housing so that our military families do not have to pay as much out of their own pockets. Along with personnel, we have to take care of our military readiness. We live in a dangerous world and Congress is working to protect our friends and families back home from our enemies abroad.

We are providing for our national missile defense system so that we can stop a warhead from places like China or North Korea, if that day ever comes; and we are boosting the military's budget for weapons and ammunition. We are providing $41 billion for research and development so that our forces will have top of the line equipment to do their job.

Mr. Speaker, I urge my colleagues to support this rule and to support the underlying bill because now, more than ever, we must improve our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and the conference report to accompany fiscal year 2001 Department of Defense Appropriations. This important appropriations bill provides the funding for the security and defense of the United States and ensures that our military strength remain second to none. This conference agreement will provide $288 billion for the programs of the Defense Department, and includes a 3.7 percent pay raise for our military personnel, an increase of nearly $1 billion over fiscal year 2000 for military health care.

Mr. Speaker, this is a good bill and deserves the support of this House. This rule is the standard rule for the consideration of conference reports in the House, and it waives all points of order against the consideration of the conference report. This rule is noncontroversial, and I urge Members to support it.

I also urge Members to support this conference report. The pay raise provided to our Armed Forces is of great importance, especially for younger military members with families, and for those mid-career personnel who are considering abandoning the military for the civilian world. The bill also addresses an important need for those who have served and are now retired by funding the Expanded Pharmacy Access Program that was part of the National Defense Authorization Act.

These are important benefits for active duty and retired personnel, and I urge Members to support them.

I am particularly pleased that the conference agreement contains $3.9 billion for overseas contingency operations in Bosnia, Kosovo, and southwest Asia. While many Members may disagree with these operations, it would be irresponsible for the Congress to withhold the funds necessary to maintain them, unless and until the Congress decides to end them in an orderly fashion. The conference report also provides $1.1 billion for the acquisition of 16 V–22 tiltrotor aircraft and $122 million for the acquisition of four F–16s. These are important procurements for the Marine Corps and the Air Force.

In addition, the conference report fully funds the F–22 Raptor jet fighter program with $2.1 billion for 10 aircraft, $396 million for advanced procurement, and $1.4 billion for research and development. Fully funding this stage of the procurement of this important addition to our Nation's arsenal is key to ensuring our continued air superiority well into this new century.

Mr. Speaker, this is a very good conference agreement, and I urge Members to support it.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4576, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 554, I call up the conference report on the bill (H.R. 4576), making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 554, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 17, 2000 at page H6102.)

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

First, let me say that this conference report is, in my judgment, a fabulous piece of work. It provides funding for fiscal year 2001 at levels that reflect very much the legislation that was passed by the House only a few weeks ago. Indeed, as the Members may know, I was somewhat disconcerted by the supplemental bill that we passed some weeks ago, because it was my view that that legislation, while significant, failed to fully address certain critical areas of interest, such as our readiness needs, the contingency operations funding challenges that exist around the world, all the outstanding needs, military medical system, et cetera. We made up for much of that in an emergency funding title in their conference report.

Indeed, in working with the other side of the aisle, we have had truly a hallmark year, in terms of laying the foundation for our future national defense. We need to make sure that America continues to lead the world as the strongest among the countries of the world and continue to play our role on behalf of freedom.

Mr. Speaker, let me say that I would like to express to the Members my deepest appreciation for the work done with my colleague, the gentleman from Pennsylvania (Mr. MURTHA); indeed, the cooperation of the ranking member of the full committee has been extremely helpful as well. I must say that the staff on both sides of the aisle, Kevin Roper and his gang of, it looks like 112 staff people, but it is actually only 13 women and men doing three dozen people's work.

Beyond that, Mr. Speaker, let me say that the cooperation on the Senate side, in the other body's committee has been extremely valuable as well. The work of that staff, led by Steve Coatese, as well as Senator STEVENS and the ranking member Senator INOUYE, are very much appreciated.

At this point I would like to insert for the RECORD a summary of the funding levels agreed to in the conference agreement.

H.R. 4576 - DEFENSE APPROPRIATIONS, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	22,006,361	22,198,457	22,242,457	22,173,929	22,175,357	+168,996
Military Personnel, Navy	17,258,823	17,742,897	17,799,297	17,877,215	17,772,297	+513,474
Military Personnel, Marine Corps	6,555,403	6,822,300	6,818,300	6,831,373	6,833,100	+277,697
Military Personnel, Air Force	17,861,803	18,282,834	18,238,234	18,110,764	18,174,284	+312,481
Reserve Personnel, Army	2,289,996	2,433,880	2,463,320	2,458,961	2,473,001	+183,005
Reserve Personnel, Navy	1,473,388	1,528,385	1,566,095	1,539,490	1,576,174	+102,786
Reserve Personnel, Marine Corps	412,650	436,386	440,886	446,586	448,886	+36,236
Reserve Personnel, Air Force	892,594	981,710	980,610	963,752	971,024	+78,430
National Guard Personnel, Army	3,610,479	3,747,636	3,719,336	3,781,236	3,782,536	+172,057
National Guard Personnel, Air Force	1,533,196	1,627,181	1,635,681	1,634,181	1,641,081	+107,885
Total, title I, Military Personnel	73,894,693	75,801,686	75,904,216	75,817,487	75,847,740	+1,953,047
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	19,256,152	19,073,731	19,386,843	19,049,881	19,144,431	-111,721
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	
Operation and Maintenance, Navy	22,958,784	23,250,154	23,426,830	23,398,254	23,419,360	+460,576
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	
Operation and Maintenance, Marine Corps	2,808,354	2,705,658	2,813,091	2,729,758	2,778,758	-29,596
Operation and Maintenance, Air Force 2/	20,896,959	22,296,977	22,316,797	22,268,977	22,383,521	+1,486,562
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	
Operation and Maintenance, Defense-Wide	11,489,483	11,920,069	11,803,743	11,991,688	11,844,480	+354,997
Operation and Maintenance, Army Reserve	1,469,176	1,521,418	1,596,418	1,529,418	1,562,118	+92,942
Operation and Maintenance, Navy Reserve	958,978	960,946	992,646	968,946	978,946	+19,968
Operation and Maintenance, Marine Corps Reserve	138,911	133,959	145,959	141,159	145,959	+7,048
Operation and Maintenance, Air Force Reserve	1,782,591	1,885,859	1,921,659	1,893,859	1,903,659	+121,068
Operation and Maintenance, Army National Guard	3,161,378	3,182,335	3,263,235	3,330,535	3,333,835	+172,457
Operation and Maintenance, Air National Guard	3,241,138	3,446,375	3,480,375	3,481,775	3,474,375	+233,237
Overseas Contingency Operations Transfer Fund	1,722,600	4,100,577	4,100,577	4,100,577	3,938,777	+2,216,177
United States Court of Appeals for the Armed Forces	7,621	8,574	8,574	8,574	8,574	+953
Environmental Restoration, Army	378,170	389,932	389,932	389,932	389,932	+11,762
Environmental Restoration, Navy	284,000	294,038	294,038	294,038	294,038	+10,038
Environmental Restoration, Air Force	376,800	376,300	376,300	376,300	376,300	-500
Environmental Restoration, Defense-Wide	25,370	23,412	23,412	21,412	21,412	-3,958
Environmental Restoration, Formerly Used Defense Sites	239,214	186,499	196,499	231,499	231,499	-7,715
Overseas Humanitarian, Disaster, and Civic Aid	55,800	64,900	56,900	55,900	55,900	+100
Former Soviet Union Threat Reduction	460,500	458,400	433,400	458,400	443,400	-17,100
Pentagon Renovation Transfer Fund	222,800					-222,800
Quality of Life Enhancements, Defense	300,000		460,000		160,500	-139,500
Total, title II, Operation and maintenance	92,234,779	96,280,113	97,507,228	96,720,882	96,889,774	+4,654,995
(By transfer)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,451,688	1,323,262	1,547,082	1,532,862	1,571,812	+120,124
Missile Procurement, Army	1,322,305	1,295,728	1,240,347	1,329,781	1,320,681	-1,624
Procurement of Weapons and Tracked Combat Vehicles, Army	1,586,490	1,874,638	2,634,786	2,166,574	2,472,524	+886,034
Procurement of Ammunition, Army	1,204,120	1,131,323	1,227,386	1,212,149	1,220,516	+16,396
Other Procurement, Army	3,738,934	3,795,870	4,254,564	4,060,728	4,497,009	+758,075
Aircraft Procurement, Navy	8,662,655	7,963,858	8,179,564	8,426,499	8,477,138	-185,517
Weapons Procurement, Navy	1,383,413	1,434,250	1,372,112	1,571,650	1,461,600	+78,187
Procurement of Ammunition, Navy and Marine Corps	525,200	429,649	491,749	471,749	498,349	-26,851
Shipbuilding and Conversion, Navy	7,053,454	12,296,919	12,266,919	11,612,090	11,614,633	+4,561,179
Other Procurement, Navy	4,320,238	3,334,611	3,433,063	3,400,180	3,557,380	-762,858
Procurement, Marine Corps	1,300,920	1,171,935	1,229,605	1,196,368	1,233,268	-67,652
Aircraft Procurement, Air Force	8,228,630	9,539,602	10,064,032	7,289,934	7,583,345	-645,285
Missile Procurement, Air Force 3/	2,211,407	3,031,346	2,893,529	2,920,815	2,863,778	+652,371
Procurement of Ammunition, Air Force	442,537	638,808	638,808	654,808	647,808	+205,271
Other Procurement, Air Force	7,146,157	7,699,127	7,778,997	7,605,027	7,763,747	+617,590
Procurement, Defense-Wide	2,249,566	2,275,308	2,303,136	2,294,908	2,346,258	+96,692
Defense Production Act Purchases	3,000		3,000		3,000	
National Guard and Reserve Equipment	150,000			150,000	100,000	-50,000
Total, title III, Procurement	52,980,714	59,236,234	61,558,679	57,896,122	59,232,846	+6,252,132

H.R. 4576 - DEFENSE APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	5,266,601	5,260,348	6,025,057	5,683,675	6,342,552	+1,075,951
Research, Development, Test and Evaluation, Navy	9,110,326	8,476,677	9,222,927	8,812,070	9,494,374	+384,048
Research, Development, Test and Evaluation, Air Force 3/	13,674,537	13,696,359	13,760,689	13,931,145	14,138,244	+463,707
Research, Development, Test and Evaluation, Defense-Wide	9,256,705	10,238,242	10,918,997	10,952,039	11,157,375	+1,900,670
Developmental Test and Evaluation, Defense	265,957					-265,957
Operational Test and Evaluation, Defense	31,434	201,560	242,560	218,560	227,060	+195,626
Total, title IV, Research, Development, Test and Evaluation	37,605,560	37,873,184	40,170,230	39,597,489	41,359,605	+3,754,045
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	90,344	916,276	916,276	916,276	916,276	+825,932
National Defense Sealift Fund:						
Ready Reserve Force	257,000	258,000	270,500	258,000	270,500	+13,500
Acquisition	460,200	130,158	130,158	130,158	130,158	-330,042
Subtotal	717,200	388,158	400,658	388,158	400,658	-316,542
National Defense Airlift:						
Airlift Fleet Support				2,478,723		
Acquisition				412,200		
C-17					2,170,923	+2,170,923
C-17 advance procurement					257,800	-257,800
C-17 ICS					412,200	-412,200
Subtotal				2,890,923	2,840,923	+2,840,923
Total, title V, Revolving and Management Funds	807,544	1,304,434	1,316,934	4,195,357	4,157,857	+3,350,313
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	10,522,647	11,244,543	11,525,143	11,437,293	11,414,393	+891,746
Procurement	356,970	290,006	290,006	290,006	290,006	-66,964
Research and development	275,000	65,880	327,880	402,880	413,380	+138,380
Total, Defense Health Program	11,154,617	11,600,429	12,143,029	12,130,179	12,117,779	+963,162
Chemical Agents & Munitions Destruction, Army: 1/						
Operation and maintenance	543,500	607,200	607,200	600,000	600,000	+56,500
Procurement	191,500	121,900	105,700	105,000	105,700	-85,800
Research, development, test, and evaluation	294,000	274,400	214,200	274,400	274,400	-19,600
Total, Chemical Agents	1,029,000	1,003,500	927,100	979,400	980,100	-48,900
Drug Interdiction and Counter-Drug Activities, Defense	847,800	836,300	812,200	933,700	869,000	+21,200
Office of the Inspector General	137,544	147,545	147,545	147,545	147,545	+10,001
Total, title VI, Other Department of Defense Programs	13,168,961	13,587,774	14,029,874	14,190,824	14,114,424	+945,463
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	209,100	216,000	216,000	216,000	216,000	+6,900
Intelligence Community Management Account	158,015	137,631	224,181	177,331	148,631	-9,384
Transfer to Dept of Justice	(27,000)	(27,000)	(33,100)	(27,000)	(34,100)	(+7,100)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	35,000	25,000	25,000	60,000	60,000	+25,000
National Security Education Trust Fund	8,000	6,950	6,950	6,950	6,950	-1,050
Total, title VII, Related agencies	410,115	385,561	472,131	460,281	431,581	+21,466

H.R. 4576 - DEFENSE APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE VIII GENERAL PROVISIONS						
Ship Transfers (FY99 with FY2000 carryover)	-170,000					+170,000
Additional transfer authority (Sec. 8005)	(1,600,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(+400,000)
Indian Financing Act incentives (Sec. 8022)	8,000		8,000	8,000	8,000	
Disposal & lease of DOD real property (Sec. 8038)	32,200	24,000	24,000	24,000	24,000	-8,200
Overseas Military Fac Investment Recovery (Sec. 8041)	4,300	3,000	3,000	3,000	3,000	-1,300
Rescissions (Sec. 8055)	-350,180		-690,492	-169,300	-546,980	-196,800
FY 1999 Economic Adjustment (rescission)	-452,100					+452,100
Women in Service for America Memorial	5,000					-5,000
Civilian personnel under execution	-123,200			-56,200		+123,200
Foreign Currency Rev Economic Assumptions (Sec. 8094)	-171,000		-537,800	-789,700	-856,900	-685,900
A-76 Studies	-100,000					+100,000
WMD consequence management	35,000					-35,000
Travel Cards (Sec. 8101)	5,000	5,000	5,000	5,000	5,000	
Recovery of DoD admin expenses from FMS	-87,000					+87,000
Advance pay appropriation	-1,838,426					+1,838,426
Transfer to Department of Transportation (Sec. 8109)	(5,000)			(10,000)	(10,000)	(+5,000)
Aircraft leasing	19,000			5,000		-19,000
Munitions/Readiness	-100,000					+100,000
American Red Cross (Sec. 8141)	5,000				5,000	
United Service Organizations (Sec. 8112)	5,000			10,000	7,500	+2,500
F-22 Program Transfer Account	1,000,000					-1,000,000
F-22 Program Termination Liability	300,000					-300,000
Performance Based Academic Model (Sec. 8114)	5,500		5,000		5,000	-500
Seattle Conveyance	1,000					-1,000
Eisenhower Memorial Commission	300					-300
Rome Labs	13,000					-13,000
Aviation Support Facility	10,000					-10,000
Depot Maintenance	-400,000					+400,000
Spares	-550,000					+550,000
Base Operations	-100,000					+100,000
Munitions	-356,400					+356,400
O&M general reduction	-7,200,000					+7,200,000
O&M contingent emergency	7,200,000					-7,200,000
Working Capital Fund Cash Balances (Sec. 8085)			-800,000		-800,000	-800,000
Foreign Currency Cash Balance Stabilization			-463,400			
Preservation of Democracy (Sec. 8129)				20,000	20,000	+20,000
Quarantine benefits (Sec. 8132)				1,000	1,000	+1,000
National D-Day Museum (Sec. 8134)				2,100	2,100	+2,100
Inflation rescission - Procurement				-173,711		
Inflation rescission - RDT&E				-145,977		
BMDO Support reduction management (Sec. 8126)				-26,154	-14,000	-14,000
Ship scrapping initiative (Sec. 8136)				10,000	10,000	+10,000
Chicago Military Academy (Sec. 8135)				5,000	5,000	+5,000
Joint information technology center				20,000		
San Bernardino (Newmark) (Sec. 8156)					10,000	+10,000
CAAS/Contract Growth (Sec. 8163)					-71,367	-71,367
Excess Funded Carryover (Sec. 8164)					-92,700	-92,700
Headquarters and Administration (Sec. 8165)					-159,076	-159,076
Gulf War Illness (Sec. 8154)					1,650	+1,650
U.S./China Security Review Commission (Sec. 8148)					3,000	+3,000
Fisher House (Sec. 8158)					2,000	+2,000
Zero emission steam technology demo (Sec. 8161)					2,000	+2,000
Oakland military academy (Sec. 8155)					2,000	+2,000
Brownfield site (Sec. 8157)					2,000	+2,000
FY01 economic adjustment general reduction (Sec. 8086)					-705,000	-705,000
Overseas Contingency Oper Transfer Fund (Sec. 8166)					-1,100,000	-1,100,000
Total, title VIII	-3,350,006	32,000	-2,446,492	-1,247,942	-4,227,773	-877,767
TITLE IX - ADDITIONAL FY 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
Operation and Maintenance: Overseas Contingency Operations Transfer Fund (contingent emergency)					1,100,000	+1,100,000
Contingent emergency (sec. 9001)					679,000	+679,000
Total, title IX, FY 2000 Supplemental					1,779,000	+1,779,000
Grand total, FY 2001 bill	267,752,360	284,500,986	288,512,800	287,630,500	287,806,054	+20,053,694
FY 2000 supplemental					1,779,000	+1,779,000

H.R. 4576 - DEFENSE APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
OTHER APPROPRIATIONS						
Waiver of certain sanctions against India and Pakistan	43,000					-43,000
P.L. 106-113:						
Title II - O&M, Army	100,000					-100,000
Title VI - 1994 Friendly Fire Settlement	2,000					-2,000
Title III - Across the board cut (0.38%)	-1,028,000					+1,028,000
Division B - H.R. 4425:						
Title I - Kosovo and other national security matters (net)	6,452,103					-6,452,103
Title III - Counternarcotics	184,059					-184,059
Total, other appropriations	5,753,162					-5,753,162
Adjusted total (incl other appropriations)	273,505,522	284,500,986	288,512,800	287,630,500	289,585,054	+16,079,532
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Adjustment for unapprop'd balance transfer (Stockpile)	150,000	150,000	150,000	150,000	150,000	
Stockpile collections (unappropriated)	-150,000	-150,000	-150,000	-150,000	-150,000	
Spectrum	-2,600,000					+2,600,000
O&M, Army transfer to National Park Service:						
Defense function			-6,000		-5,000	-5,000
Nondefense function			6,000		5,000	+5,000
O&M, AF transfer to Dept of Transportation:						
Defense function				-10,000	-10,000	-10,000
Nondefense function				10,000	10,000	+10,000
Subtotal	-2,600,000					+2,600,000
Advance pay appropriation (P.L. 106-31)	1,838,426					-1,838,426
FY 2000 emergency supplemental					-1,779,000	-1,779,000
Total adjustments	-761,574				-1,779,000	-1,017,426
Adjusted total (incl scorekeeping adjustments)	273,505,522	284,500,986	288,512,800	287,630,500	289,585,054	+16,079,532
Appropriations	(274,307,802)	(284,500,986)	(289,203,292)	(287,799,800)	(290,132,034)	(+15,824,232)
Rescissions	(-802,280)		(-690,492)	(-169,300)	(-546,980)	(+255,300)
Total mandatory and discretionary	273,505,522	284,500,986	288,512,800	287,630,500	289,585,054	+16,079,532
Mandatory	209,100	216,000	216,000	216,000	216,000	+6,900
Discretionary	273,296,422	284,284,986	288,296,800	287,414,500	289,369,054	+16,072,632
RECAPITULATION						
Title I - Military Personnel	73,894,693	75,801,666	75,904,216	75,817,487	75,847,740	+1,953,047
Title II - Operation and Maintenance	92,234,779	96,280,113	97,507,228	96,720,882	96,889,774	+4,654,995
(By transfer)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	
Title III - Procurement	52,980,714	59,236,234	61,558,679	57,896,122	59,232,846	+6,252,132
Title IV - Research, Development, Test and Evaluation	37,605,560	37,873,184	40,170,230	39,597,489	41,359,605	+3,754,045
Title V - Revolving and Management Funds	807,544	1,304,434	1,316,934	4,195,357	4,157,857	+3,350,313
Title VI - Other Department of Defense Programs	13,168,961	13,587,774	14,029,874	14,190,824	14,114,424	+945,463
Title VII - Related agencies	410,115	385,581	472,131	460,281	431,581	+21,466
Title VIII - General provisions	-3,350,006	32,000	-2,446,492	-1,247,942	-4,227,773	-877,767
Total, Department of Defense (in this bill)	287,752,360	284,500,986	288,512,800	287,630,500	287,806,054	+20,053,694
Funds provided in Supplemental Acts	1,838,426					-1,838,426
Other appropriations	5,753,162					-5,753,162
Total DoD funding available	275,343,948	284,500,986	288,512,800	287,630,500	287,806,054	+12,462,106
Other scorekeeping adjustments	-2,600,000					+2,600,000
Total mandatory and discretionary	272,743,948	284,500,986	288,512,800	287,630,500	287,806,054	+15,062,106
Title IX - FY 2000 Emergency supplemental					1,779,000	+1,779,000

1/ Included in Budget under Procurement title.

2/ O&M, AF request reduced by $300,000 by a technical correction budget amendment (H. Doc. 106-222).

3/ A budget amendment reduced MPAF by $30,369,000 and increased R&D, AF by $10,783,000 for the Global Positioning System (H. Doc. 106-240).

Mr. Speaker, I reserve the balance of my time.

Mr. MURTHA. Mr. Speaker, this is basically the same bill that we passed in the House.

I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I will include in the RECORD at this point materials relevant to this debate.

I object to the passage of the conference report because it contains billions of dollars for the inception of a failed missile program which has already cost the taxpayers of the United States over $60 billion in its previous presentations. I ask my colleagues to review the record of failures and also to review the anti-democratic lengths to which the Department of Defense is going to try to cover-up the failures of the system.

NATIONAL MISSILE DEFENSE

HOW IT IS SUPPOSED TO WORK

The ground-based anti-missile system would track warheads using ground-based radars and satellite-based infrared sensors, and the kill vehicles would use infrared sensors to home in on their targets.

An intercontinental missile when it is launched starts out early in its trajectory as a large missile, hot (because the rocket engine is still burning) and slow. This is called the boost phase. It would take approximately 30 minutes for a missile to reach its farthest point of 6,000 miles. The boost phase lasts 5 minutes.

When the boost phase ends and there is about 300 miles left before impact, only the warhead is left, leaving a small, cold (and therefor hard for infra-red sensors to see) and fast. This makes the warhead a much more difficult target. At this point the war head is traveling at a few miles per second.

So, this small, fast and hard to track warhead must be hit by an anti-missile traveling at a faster speed. This is how the system has received the analogy of trying to hit a "bullet with a bullet". It is practically impossible to do now, under controlled conditions.

TECHNOLOGICAL FAILURE

Before the decision is made, three exo-atmospheric intercept tests have been scheduled to determine the system success rate and reliability to deploy the system. The one of two tests failed. And the third test has been put off twice because it was not ready for testing. Three tests can not define the technical readiness of the system and serve the basis for deploying a national missile defense.

With only two of 19 tests conducted, it has yet to work under real-world conditions. According to a report by The Coalition to Reduce Nuclear Dangers and the Council for a Livable World Education Fund other anti-missile systems have been put through far more rigorous testing. The "Safeguard" missile defense system, deployed in 1975 and canceled after one day of operation, was put through 165 missile flight tests. The "Patriot" theater missile defense system was tested 114 times.

According to testimony taken from Dr. David Wright of the Union of Concerned Scientists before the US Senate Committee on Foreign Relations in 1998:

". . . Since 1982 the US has conducted 16 intercept tests of exo-atmospheric hit-to-kill interceptors, which operate in a similar manner to the planned NMD interceptor. To date, the test record of such interceptors has been abysmal. Only 2 of these 16 intercept tests scored hits, for a 13 percent success rate. And the test record is not getting better with time: the most recent successful high-altitude test occurred in January 1991 and the last 11 such intercept tests have been failures."

FRAUD DECEPTION AND MANIPULATED TESTS—NMD IS A TECHNOLOGICAL FAILURE

The Department of Defense recently "classified" a public letter and attachments from an MIT scientist, Dr. Ted Postol, containing devastating information about the failure of the national missile defense system, its inherent inability ever to protect the United States, and the fraud used to cover up these facts. Dr. Postol is a missile expert who worked in the Reagan Administration and has done analysis of weapons systems for the government.

According to Dr. Postol, the system failed those tests. The New York Times states that, "The Pentagon hailed the first intercept try as success but later conceded that the interceptor had initially drifted off course and picked out the decoy balloon rather than the warhead."

That is because, according to the Times, the system cannot tell the difference between warheads and decoys. Experiments with he National Missile Defense system have revealed that the system is"inherently unable to make the distinction [between target warhead and decoys]."

The Times characterized the MIT scientist as saying that the signals "from the mock warhead and decoys . . . 'fluctuated in a varied and totally unpredictable way,' revealing no feature 'that could be used to distinguish one object from the other.'" Indeed, the Times reported, "the test showed that warheads and decoys are so similar that sensors might never be able to tell them apart." In other words, national missile defense does not work and cannot work because it's inherently unable to tell the difference between warheads and decoys.

Not only is the national missile defense system incapable of working, but, according to the Times, contractors and the Pentagon have purposely altered data to create a different appearance. The Times reported that the "Pentagon and its contractors had tried to hide this failure" and that the MIT professor "says the Pentagon conspired to cover up this sensor problem."

The Times, quoting from the classified letter and analysis, goes on to say, "the analytical team arbitrarily rejected and selected data to create an 'elaborate hoax' that was then hidden in reports by the use of 'misleading, confusion, and self-contradictory language.'" According to the Times, "the coverup, [MIT scientist] said, was 'like rolling a pair of dice and throwing away all outcomes that did not give snake eyes.'"

TRW, Inc. One of the major contractors for this system has had allegations of fraud made against it by a former senior engineer from TRW, Dr. Nira Schwartz. She has provided information challenging the claims the company made about the weapons ability to distinguishing decoys from actual warheads.

I have written to FBI Director, Louis Freeh, to investigate these allegations of fraud and cover-up of this program by Dr. Postol. The American people need an independent investigation of this matter to determine these serious allegations.

Moreover, according to Postol, all the data used for his analysis was unclassified when he used it. All his supporting information that he sent to the White House was also designated as unclassified. The DoD has classified allegations and evidence of fraud made from information that was unclassified by the Department. This could be in violation of Executive Order 12958. And I have included this in the letter to Mr. Freeh.

The Executive Order prohibits the use of the classification system to hide fraud or other wrongdoing. Subsection 1.8(a) states "In no case shall information be classified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization, or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security." Furthermore, the Executive Order states at 1.8(c): "Information may not be reclassified after it has been declassified and released to the public under proper authority." Needless to say, the public deserve to expect that the laws of the nation, including Executive Order 12958, be upheld and enforced.

COUNTERMEASURES

The 1999 National Intelligence Estimate on the ballistic missile threat to the United States—a document prepared by the US intelligence community—stated that countermeasures would be available to emerging missile states.

According to the Union for Concerned Scientist, countermeasures could be deployed more rapidly and would be available to potential attackers before the United States could deploy even the much less capable first phase of the system.

A report by the Union of Concerned Scientist details how easily countermeasures could be used against this system. And it would not have to use new technology or new materials.

For example, it states that biological or chemical weapons can be divided into many small warheads called "submunitions." Such submunitions, released shortly after boost phase, would overwhelm the planned defense. Any long-range missile attack with biological or chemical agents would almost certainly be delivered by submunitions, and that the NMD system could not defend against such an attack.

Also, you have heard about the past tests have used balloons as decoys, to see whether the missile can discriminate between the real war head and the missile. What could happen is that an attacker can deploy its nuclear weapons inside balloons along with many other empty balloons. So, the real warhead is indistinguishable from the decoys, therefore tricking the infra-red sensors. Nuclear warheads could also be with cooled materials that would prevent the kill vehicles from detecting and hitting the warhead.

COST ESTIMATES

The Congressional Budget Office has estimated that the system will cost $60 billion to build and deploy. Congress intends to spend $12 billion in the next 6 years.

The SDI/Star Wars system has cost the taxpayer more than $60 billion and it estimated that this system, though less far reaching than Star Wars will cost more.

We have spent more than $122 billion dollars on various missile defense systems. We need to reorganize our priorities and look at how we could better use these funds for programs, that benefit the poor, seniors and our nation's children.

ALTERNATIVES

We are the ONLY superpower in the world. The deterrent that we currently have is sufficient. We have thousands of missiles on hand that act as a deterrent. Any attack by another state would not be massive and would not be able to completely destroy our country or our nuclear arsenals. So any attack would leave the U.S. and its armed forces intact. Our deterrent is impaired only if another state had enough missiles to knock off ours before they launched. The Star Wars system in the 80's assumed that Russia had enough missiles to destroy our missiles before they could launch, that is why we spent $69 billion dollars searching for way to stop incoming missiles. but that has changed and now we have full diplomatic relations with Russia.

We could use much cheaper measures to secure our national security. For example, preventative measures. Why not increase funding for our State Department to boost our diplomatic arms with these so-called rogue states? We know that strengthening diplomatic relations with nations ensures national security.

For example, France and Britain both have Submarine-Launched Ballistic missiles (64 and 48 respectively) or sea based missiles. But they have never attacked us or have never indicated that they will attack the United States. Why? Because we are allies. Because we have close economic and diplomatic ties. Israel has long ranged nuclear capabilities, but will they ever attack the United States, no? Why, because we are allies. Diplomacy is key. What makes these countries different than say North Korea or Iran? Our historical diplomatic relationship.

WHO WILL BENEFIT FROM THE NATIONAL MISSILE DEFENSE SYSTEM?

The national missile defense system will simply line the pockets of major weapons contractors, spending billions of dollars for a system that doesn't work and doesn't protect against real threats, we will undermine legitimate military expenditures, and erode readiness of our forces. So who's benefitting from having a national missile defense system? According to the Washington Post, Boeing in 1998 already obtained a three year contract for $1.6 billion dollars to assemble a basic system, before the President has even decided to deploy the system. The Post states that TRW has contracts for "virtually every type of missile defense program."

The military industry has the most to gain from a National Missile Defense system. According to the Washington Post, Lockheed Martin is the major contractor on theater missile defense, "with its upgraded version of the Patriot missile and the Army's $14 billion Theater High Altitude Area Defense system.

According to Common Cause the defense industry as a whole supplied more than $2.3 million dollars in soft money to major campaigns last year.

NMD EFFECT ON NUCLEAR NON-PROLIFERATION AND INTERNATIONAL RELATIONS

Deploying a national missile defense system could politically succeed in setting the stage for a world-wide arms race and dismantle past arms treaties. The NMD violates the central principle of the ABM Treaty, which is a ban on the deployment of strategic missile defenses. It will undermine the Nuclear Non-Proliferation Treaty. It will frustrate SALT II and SALT III.

It will lead directly to proliferation by the nuclear nations. It will lead to transitions toward nuclear arms by the non-nuclear nations. It will make the world less safe. It will lead to the impoverishment of the people of many nations as budgets are re-fashioned for nuclear arms expenditures. That the United States would be willing to risk a showdown with Russia or China and the rest of the world over the unlikely possibility that North Korea may one day have a missile which can touch the continental United States--argues for talks with North Korea, not the beginning of a new world-wide arms race.

CIA officials realize that deploying a national missile defense system would cause world wide instability and endanger relations with our allies in Europe. The LA Times recently reported that officials are writing a secret report outline their thoughts on the devastating impact that this system will have throughout the world.

Russia and the US signed agreements (1) establishing a permanent joint early-warning center in Moscow to prevent miscalculations about missile launches, and (2) to reduce their stockpiles of military-grade plutonium by 34 tons each. This is a great sign. I think that dialogue is the step in the right direction, but nothing was resolved regarding the proposal of the ABM Treaty. I think it is a bad idea and it could upset our relationship with our allies to the east.

Even if Russia does agree to changing the ABM Treaty, we will most likely see Russia and China build up their nuclear arsenal risking opportunities to bring them and other nuclear countries into the arms control process.

(NOTE: According to law, any substantive change to a bilateral treaty must be agreed to by the Senate. Therefore, any changes to the ABM Treaty must be ratified by the Senate. The Clinton Administration urged Russia to include a protocol to their ratified ABM Treaty that makes Russia, Ukraine, Belarus and Kazakhstan the four ABM Successors. If the Senate wants to move forward with START II it must first agree to make these four states successors to the ABM Treaty.)

Russia has consistently made statements that deploying a National Missile Defense system would be interpreted by them as a threat to their national security. So, there is a great likelihood that deploying such a system could spark another arms race. For example, Gregory Berdennikov, the director of the Russian Foreign Ministry's Security and Disarmament Department warned that if the United States deploys a missile defense system,

"Russia will be forced to raise the effectiveness of its strategic nuclear armed forces and carry out several other military and political steps to guarantee its national security under new strategic conditions . . . We see no variants which would allow the United States to set up a national ABM system and still preserve the ABM treaty and strategic stability in the world."

I would like to quote Col. General Vladimir Yakovlev, commander of Russia's strategic rocket forces. "Problems have cropped up now with Russian-American 1972 AMB treaty; for this reason, we are forced to build in into our new missiles a capability for penetrating anti-missile defenses." 1999 (Isvestia)

Deploying National Missile Defense is the wrong approach. The United States needs to be in active engagement with Russia about disarmament and reducing nuclear proliferation. We need to continue a dialogue based not on fear but on cooperation.

UN Secretary—General Kofi Annan recently said that deploying a missile defense system would create a large arms race world wide.

THE THREAT FROM OTHER "ROGUE" NO . . . . "STATES OF CONCERN" NATIONS

First of all, any nation with ICBM technology does not have enough missiles to seriously combat the United States. Even if a "rogue" state launches one missile, they would not be able to retaliate because the US could easily bomb them with the thousands of nuclear bombs we have in our arsenal. So it would not make sense.

Also, the deterrent that we currently have is sufficient. We have thousands of missiles on hand that act as a deterrent. Our deterrent is impaired only if another state had enough missiles to knock off ours before they launched. The Star Wars system in the 80's assumed that Russia had enough missiles to destroy our missiles before they could launch, that is why we spent $69 billion dollars searching for a way to stop incoming missiles. But that has changed and now we have full diplomatic relations with Russia.

I think that no state will challenge the United States in a nuclear face-off. You will need to assume that the state is willing to face the consequences of their launch which would mean total annihilation by US nuclear forces. No state is ready to commit suicide. As I stated earlier, there are nuclear capable nations that would never deploy or launch a nuclear weapon against the United States because there simply is not match. Diplomacy is key. What makes our allies with nuclear weapons different than these "rogue" states? Our diplomatic relationship. Lets dialogue, lets establish diplomatic ties and maintain our national security. And if that doesn't work, we always have the deterrent of our vastly superior, well-stocked nuclear weapons supply.

We also have satellite technology that can pinpoint the origin of incoming missiles, thus resulting in a massive attack by the United States. A country would be suicidal to launch a missile against the United States.

I think the real threat is the risk from Russian missiles being launched accidentally. Russia has about 2000 (out of a total of 6000) nuclear warheads on high alert, all of which is able to destroy the United States in under an hour. The Russian economy has not allowed the government to adequately maintain their nuclear arsenals. I think that we need to first take our missiles off hair-trigger alert to secure against an accidental nuclear launch from Russia.

Keeping nuclear arsenals on hair-trigger alert increases the risk of an accidental nuclear launch caused by a technical either failure or human error. This nearly happened in 1995, when an American weather rocket launched from Norway was misconstrued by the Russians as nuclear attack. The mistake was caught at the last minute. But a human error nearly caused nuclear war. When missiles are at hair-trigger alert, a nuclear war is just an error away. We need to work with Russia through various programs to ensure that this does not happen again.

THE TESTS CONDUCTED THUS FAR ARE FRAUDULENT

IFA-1A Test—This test was the first test where it was discovered that the system did not work. The objective was to understand how objects looked by the sensors. And what they discovered is that the sensor could not distinguish between real warheads and decoys. These senors locate a target based on its infrared radiation that the target emits. There are three main factors that influences a sensor's ability to locate objects. The first is the infrared rays emitted by the earth, also known as earth shine, which illuminated the object from below. Secondly, there are strong infrared rays from the sun. So, the object has strong infrared rays surrounding it. Third, the infrared rays emitted by the object itself which varies based on temperature. The test put various objects in space to figure out what could and could not be seen. It turns out that the system could not tell the difference between various objects. So, yes the test was successful in achieving its intended objective of gathering information about what could be seen. But the result of this data indicates that the sensor could not distinguish between warheads and decoys.

IFT-2—This test was exactly the same as the first test, except a different kill (Raytheon) vehicle was used. However, this fact does change the fact that the decoys and warheads are indistinguishable. Kill vehicle technology is almost identical from one company to another. It's like using two different brands of binoculars. They both do the same thing, and the differences are minimal.

IFT-3—This test was designed to see whether the missile could hit a warhead. The missile hit the warhead, but with a little help from the designers. However, the test was modified to hit the * * *

[Attachment 1]

DAVID W. AFFELD,
Los Angeles, CA, July 12, 2000.

Re: U.S. ex rel Schwartz. v. TRW, Inc., U.S.D.C. Case No. CV 96-3065 RAP (RMCx).

Letter from David Affeld to Theodore A. Postol regarding Defense Security Service claims about the release of classified information.

Prof. THEODORE A. POSTOL,
Department of Arms Control Studies,
Massachusetts Institute of Technology,
Cambridge, MA

DEAR PROF. POSTOL: I represent Dr. Nira Schwartz in the above-referenced qui tam lawsuit. In connection with that case, Dennis Egan of the Department of Justice and Lt. Col. Bill Groves of the Ballistic Missile Defense Organization ("BMDO") spoke to me two days ago and yesterday, respectively, stating that the BMDO believes Dr. Schwartz improperly disclosed classified information to unauthorized persons over the past few months. In particular, Mr. Egan asserted that Dr. Schwartz had disclosed classified portions of a POET report to you.

Mr. Egan and Lt. Col. Groves also told me that agents of BMDO, the Defense Criminal Investigative Service and the U.S. Attorney's office want to question Dr. Schwartz regarding these allegations.

These allegations appear to be spurious. However, I am trying to determine whether there is any merit to them. I would appreciate it if you could give me your reaction to the above. For your reference, enclosed please find a copy of a letter regarding this matter which I sent to Mr. Egan and Lt. Col. Groves yesterday, July 11, 2000.

Very truly yours,
DAVID W. AFFELD.

[Attachment 2]

DAVID W. AFFELD,
Los Angeles, CA, July 11, 2000.

Re: U.S. ex rel Schwartz v. TRW, Inc., U.S.D.C. Case No. CV 96-3065 RAP (RMCx).

Letter from David Affeld to Lt. Col. Groves regarding false allegations of criminality against Dr. Schwartz.

Lt. Col. BILL GROVES,
BMDO General Counsel,
Washington DC.

DEAR LT. COL. GROVES: As you know, I represent Dr. Nira Schwartz in the above-referenced qui tam lawsuit. This letter is to confirm pertinent portions of our telephone conversation of today, July 11, 2000, regarding the case. It also confirms pertinent portions of the telephone conversation I had last night with Dennis Egan of the Department of Justice, which you apparently had discussed with Mr. Egan before you and I spoke.

I contacted both you and Mr. Egan yesterday in my quest to obtain a security clearance for classified information needed to prosecute the case. You both provided helpful suggestions regarding how a security clearance might be obtained. However, I am very concerned about another matter you both raised.

Last night Mr. Egan told me that agents of the Defense Security Service ("DSS") and the Defense Criminal Investigative Service ("DCIS") will be contacting Dr. Schwartz shortly, to question her regarding supposedly classified information which she allegedly disclosed to unauthorized persons over the past several months. He also said that someone from the U.S. Attorney's office would be involved. You confirmed to me today that such an investigation is indeed imminent, and that the Ballistic Missile Defense Organization ("BMDO"), to which your office is legal counsel, requires the investigation. You also stated that in making the alleged improper disclosures, Dr. Schwartz supposedly violated a protective order entered in the case.

I asked each of you to identify what this supposedly classified information was, so I could determine whether there is any truth to the charges. Mr. Egan vaguely referred to the POET report apparently relied upon by MIT Professor Theodore A. Postol in some of his criticisms of the current missile defense system. However, that document consists solely of non-classified portions of the report publicly available from the court docket in the above-referenced case. You, on the other hand, told me that you were "duty-bound" not to tell me what the supposedly classified information is, because I do not have a security clearance. You also did not identify any persons to whom the information was supposedly disclosed, the dates of any supposed disclosures, or any disclosure events. I am thus posed with a Catch-22. It is obviously impossible to respond to charges that you refuse to articulate.

Just in case you were referring to the materials Dr. Schwartz filed with the Court late last year, I have confirmed yet again that none of it was classified. I am not aware of any other "disclosures" by Dr. Schwartz. It appears that the charges—the unarticulated charges—by BMDO are false.

I am also concerned about what is motivating this "investigation". It comes at a time when the current missile defense program is the subject of heated national debate and intense media scrutiny. It also comes on the heels of the spectacular failure of the system last Friday, July 7, 2000. I am concerned that the "investigation" of Dr. Schwartz is motivated not to preserve national security, but rather to intimidate an outspoken critic of the program, at a time when the White House is deliberating over whether to continue funding the program.

I certainly want to be cooperative, particularly since you intimated that my security clearance might depend on it. However, I must ask that you identify the particular individuals at BMDO who initiated this "investigation", and what specific classified information was supposedly disclosed, to whom, and when. If such disclosures have indeed been made, the information is now in the public domain, and no harm can come form advising Dr. Schwartz's legal counsel what that now-public information is. Fairness and due process require no less. On the other hand, if you decline to provide these specifics, I can only conclude that there is no basis for the charges, and that the BMDO has raised the specter of a criminal investigation purely to scare Dr. Schwartz. Dr. Schwartz obviously will not be a party to such an agenda.

Very truly yours,
DAVID W. AFFELD.

[Attachment 3]

COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE, ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, June 23, 2000.

Letter from Arthur L. Money to Theodore A. Postol making non-credible claims about the routine nature of Defense Security Service actions.

Dr. THEODORE A. POSTOL,
Professor of Science, Technology and National Security Policy, Security Studies Program, Massachusetts Institute of Technology, Cambridge, MA

DEAR DR. POSTOL: I regret any confusion surrounding the recent visit of representatives of the Defense Security Service (DSS) to you at your office. I have been asked to write to clarify the purpose of that visit.

The DSS representatives who met with you on June 21 were Industrial Security Specialists, who are usually called IS Representatives, DSS IS Representatives routinely meet with contractors and contractor employees who hold security clearances to discuss security issues, such as a potential unauthorized release of classified information. Their purpose in visiting you was to obtain information you might have about the source of possibly classified information contained in attachments to your letter dated May 11, 2000. I understand that you discussed the source of these attachments with the IS Representatives and provided information they sought; I appreciate your willingness to do so.

I want to assure you that you are not under investigation, and I regret any misunderstanding about the purpose of this visit. I hope DSS will have your cooperation as they continue to review this matter.

Arthur L. Money.

GOVERNMENT OVERSIGHT,
SECURITY STUDIES PROGRAM,
Washington, DC, July 13, 2000.

DAVID W. AFFELD,
Attorney at Law,
Los Angeles, CA

DEAR MR. AFFELD: I am writing you in response to your letter and our phone discussion of 12 July about threats of criminal prosecution against your client Nira Schwartz for the release of classified information to me. I understand that these threats were made by Mr. Dennis Egan and Lt. Col. William Groves—lawyers working respectively for the Department of Justice and Defense. As I explained to you yesterday, it is clear that when these threats were made both Mr. Egan and Lt. Col. Groves knew, or should have known, that Dr. Schwartz had done nothing improper. It therefore appears that Mr. Egan and Lt. Col. Groves are involved in improper attempts to intimidate a witness in a qui tam lawsuit alleging fraud in the development of a weapons system that is supposed to defend the United States from nuclear attack. Furthermore, I was astounded to also find out that they attempted to interfere with the privileged relationship between an attorney and a client by falsely claiming that a security clearance you will need to work on the qui tam case would be contingent on your cooperating with them in their illegal efforts at intimidation.

The title of the document released to me that is being used as a vehicle for trying to intimidate Dr. Schwartz is "Independent Review of TRW Discrimination Techniques Final Report, (POET Study 1998-5)." This study is part of a scientific fraud that was designed to conceal the fact that the currently under development National Missile Defense system cannot tell the difference between warheads and decoys. The study was performed by contractors for the Department of Defense and with full knowledge of high-level Department of Defense officials.

In particular, I have talked with Mr. Sam Reed, the Defense Criminal Investigation Service leader of the Department of Defense Inspector General's investigation of allegations of fraud at TRW. he told me that he sanitized the document in question with the knowledge of his supervisors during the course of pursuing this earlier investigation. Furthermore, he told me that he had explained to Mr. Egan how Dr. Schwartz had properly obtained this declassified document. In addition, Mr. Reed told me that the Defense Security Service was informed of these facts. I therefore conclude that the actions of Egan and Groves are part of an ongoing effort by Department of Defense officials, and possibly other agencies, to intimidate witnesses in a continuing effort to hide acts of fraud with regard to the development of the National Missile Defense.

It is equally clear that officials at the highest levels of the Department of Defense are in some way involved in these illegal activities of their agents. In particular, the Assistant Secretary of Defense for C^{3}I, Arthur Money, has been informed multiple times of these activities. I spoke with him by phone about a failed attempt to entrap and intimidate me by his agents on 21 June, after receiving a letter from him on 26 June via Express Mail. In that conversation he claimed ignorance of the details surrounding this event. I made it clear to him that I did not find his excuses credible and that I expected a better explanation of his involvement in the matter. In particular, I made it clear that if in fact he was ignorant of what was attempted by his agents he was culpable for not knowing what the agency under his control was doing, and if he was not ignorant, he was culpable for lying to me.

It is also of concern that these illegal actions are possibly being taken with the knowledge of members of the White House staff. The White House Chief of Staff, John Podesta, the President's Advisor on Arms Control, Hans Binnendijk, and the Vice President's National Security Advisor, Leon Fuerth, have all been provided with detailed evidence of fraud in the National Missile Defense Program as well as misconduct in the Pentagon's Defense Security Service in letters sent to them dated 11 May, 19 May, 21 June, and 6 July. There is as yet no visible evidence that anyone in the White House has taken a serious action to address the numerous issues raised in these letters, and it is hard to believe that no one in the White House is aware of the marauding and out of control activities of the Defense Security Service.

It is now clear that a series of questions will eventually need to be answered in an investigation that should include interviews with White House staff, the Defense Security Service, the Department of Defense Inspector General's Office, and the Department of Justice.

These questions are as follows:

1. Who at the Department of Justice, in addition to Mr. Egan, knew and approved of his knowingly making false allegations of criminality against Dr. Schwartz?

2. Who at the Department of Defense, in addition to Mr. Money, knew and/or approved of Lt. Col. Groves' involvement in this affair?

3. What is Assistant Secretary Money's repeated role in these matters? Who else above him at the Pentagon knows of his activities?

4. What was the nature of the SECRET classified information that was presented to me in the unannounced meeting at my MIT office with three agents of the Defense Security Service?

5. Who was responsible for initiating the use of SECRET letters to deal with matters that could simply be investigated in terms of chain of custody?

6. Is the Department of Defense Inspector General's (IG) Office aware of these attempts at intimidation and entrapment? If so, why has the IG not taken steps to investigate these improper actions?

7. Given the substantial amount of information over a two-month period provided by my letters to the White House, what did the White House know of these activities aimed at intimidation and entrapment? If any staff knew of these activities, what did they know and what was their role in the process? If staff did not know of these activities, why did they not know?

At a minimum the responsible U.S. government agencies have so far conducted themselves in a manner like that of a fictitious banana republic. Of greater concern to me is that the White House and other elements of our government, either by intent or negligence, are allowing, or worst yet, encouraging, Department of Defense officials to conduct business like Soviet style thugs.

In any case, it is clear that the document "POET Study 1998-5" was properly sanitized before it was released to Dr. Schwartz. If I were in Dr. Schwartz's position, I would not talk to the Defense Security Services. I suggest instead that if they approach her she simply ask them to write a letter to her explaining what they want to know from her, why they want to know this, and who, by name, is asking for the information. If the information is the letter is credible, she should respond in writing.

Sincerely,

THEODORE A. POSTOL,
Professor of Science, Technology, and National Security Policy, Security Studies Program and Program in Science, Technology, and Society.

Mr. MURTHA. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me say that I recognize all the hard work that went into putting this bill together, and I regret that I cannot vote for it, and let me explain why.

Number one, this bill does not respond to what the Congress always claims the problem is. Every year, when the President sends his budget down, we are then told by the majority that somehow the President is not responding sufficiently to the issue of readiness, and then, when we take a look at what Congress finally does, Congress responds, but it responds in a way which puts other items at a higher priority than a number of the readiness-related accounts.

For example, if we take a look at this budget or at this bill being presented today, the public will be told that for operation and maintenance, which is a key factor in readiness, that it is about $600 million above the President. But if we take a look at the adjustments that are then made by the committee in overseas contingency operations, in foreign currency reestimates, in working capital funds, in headquarters administration accounts, we will see that, in fact, the committee cuts those readiness-related items by about $3 billion. So this Congress, having attacked the President for not having enough in the budget to deal with readiness-related accounts, in fact, will have produced a bill which is about $2.4 billion below the President's request for those accounts. That money has been moved largely into procurement and into research and development.

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It is just by accident, I suppose, that a good many of the congressionally earmarked projects are found in those areas.

I do not suggest that all of those projects are bad. They are not. Some of them are very deserving. All I do suggest is that this Congress should not pretend that it has strengthened the President's budget for readiness, because in fact it has made a number of reductions in this bill which produce readiness-related account funding levels lower than that recommended by the President.

Secondly, I would simply say that the President's budget as he submitted it to us had a very large increase, but that was presented in the context of also providing increases for education, for health care, for agriculture, for land acquisition, items like that.

This bill is presented to us in a far different context. This bill increases the military spending of the country by $20.9 billion, when we discount all the gimmicks. Just the increase in this bill is larger than the entire foreign aid bill. It is larger than the entire Interior appropriation bill.

If we take a look at where it goes, a lot of it goes, in my judgment, not on the basis of where it is needed militarily but where it is produced economically. I think the country needs to understand that, as well.

Secondly, I would say that we need to put in context what threat it is responding to. This chart demonstrates what our defense budget is versus the rest of the world, or certainly at least our adversaries and our allies.

The United States spends about $266 billion, as represented by this bar. That is far more than the combined total of Russia, China, Iran, North Korea, Libya, our major opponents. That does not count the allies, our NATO allies, which last time I looked were on our side. They spent $227 billion. So again, we dwarf the amount of money which is spent on military accounts worldwide.

If we are going to do that, it seems to me that we have an obligation both to take care of our other national priorities and to make certain that our budget has an accounting which is at least as forthright as that provided by the administration. I do not believe it is.

Mr. Speaker, for those reasons, and for others, I will be constrained to vote against the bill when the time comes.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the military will not misconstrue that chart to think that I like charts.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of this bill. It is a good bill. The chairman and the ranking member and all the members of the subcommittee have done an outstanding job in bringing it to us originally, and bringing it to us from the conference committee.

There has already been more than enough debate on this issue of our Nation's security on this particular bill. I urge the Members to support it very strongly.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the conference report for H.R. 4576, the Defense Appropriations Act for FY 2001. In addition to supporting defense projects, this bill provides critical funding for important health research programs.

I am pleased that the conference has included $15 million for the Neurotoxin Exposure Treatment Research Project in the search for answers to the mystery of Parkinson's disease.

Parkinson's Disease is a chronic, progressive disorder affecting one million Americans. In its final stages, the disease robs individuals of the ability to speak or move. Of the many things we know about Parkinson's, we know that there appears to be a disproportionate number of veterans who are afflicted with Parkinson's disease.

This breakthrough research will study the links between Parkinson's and environmental stress exposure factors encountered in military operations. The data will advance preventive measures and treatment interventions against the effects of military threats and operation hazards.

I am also pleased that the bill contains $12 million for ovarian cancer research, $100 million for basic and clinical prostate cancer research, and $175 million for the Peer-Reviewed Breast Cancer Research Program (BCRP). Breast cancer is the most common cancer among women; and one out of every eight women will be afflicted with the disease in her lifetime. Our best hope today is early detection and more research.

In just six years, the Breast Cancer Research Program has matured from an isolated research program to a well-respected resource in the cancer community. It is overseen by a group of distinguished scientists and activists, as recommended by the Institute of Medicine. 90% of the funds go directly to research grants, and consumer advocates are included at every level.

I thank the conferees for recognizing the importance of this program.

Mr. BLUMENAUER. Mr. Speaker, I will oppose the defense appropriations conference report before us because, at $288 billion, it spends too much money and spends it inefficiently. The $1.9 billion it contains for national missile defense is but the most glaring example. That is an amount even greater than the House voted for national missile defense last month.

President Clinton has said that later this year he will decide whether to deploy a national missile defense system. In light of the failure of the last two tests of this system, no decision to deploy should be made.

The President has said his decision will be based on four criteria: the technology, the cost, the threat, and the impact on arms control. For each, the case for deployment is weak at best.

On the technology, the recent test failures demonstrate just how hard effective missile defense is. It is impossible to know whether the system will work until realistic tests are done, and that will not happen for years, if ever. We should not risk American lives on a bet that missile defense will work.

On cost, since the late '50s, the U.S. has spent over $120 billion on missile defense, with almost nothing to show for it. The Congressional Budget Office estimates that the Pentagon's current proposal will cost $60 billion. This is pouring more money into a hole in the ground.

On threat, it is far better to pursue such endeavors as the ongoing talks with North Korea on ending its emerging missile program rather than attempting to build a defense against non-existent missiles.

On arms control, a U.S. national missile defense is likely to push countries that already have nuclear weapons, Russia and China, to maintain or expand their arsenals, and risks destroying the entire nonproliferation regime that the U.S. has tirelessly built over the last 50 years.

A missile defense that does not work while exacerbating tensions with potential adversaries is far worse than no defense at all. We should spend our money on more useful things.

Mr. WATTS of Oklahoma. Mr. Speaker, today the House passed the FY 2001 Defense Appropriation Bill. Included in this important legislation was the funding for the Crusader Program at the level requested by the President. The President's Budget requests includes $355.5 million for the continued development of the Crusader advanced field artillery system.

Artillery is the one combat capability where the United States significantly lags behind its allies and potential adversaries. Without Crusader this unacceptable situation will worsen and endanger our military personnel who are sent in harm's way. Furthermore, the major reason the Army felt it could accept the risk of the 1996 decision to reduce the combat power of its heavy divisions was that Crusader would be fielded with its increased capabilities.

The Army leadership staunchly supports the need for this system and the unified commanders have likewise voiced their support. The Army has restructured the program to ensure it fits within the overall transformation effort of the operational forces. The number of howitzers intended to be procured is 480. The Crusader is being modified to support the Army's transition initiatives and Objective Force across the full spectrum of missions. Crusader is the cannon system for the Army's one remaining counterattack corps. It will be providing continuous, all-weather fire support to the corps well into the fourth decade of the new century, a time when the corps transitions to the Objective Force.

Also, Crusader is being redesigned to increase its global strategic deployability while retaining all of its Key Performance Parameters (range, rate-of-fire, mobility, and resupply). Important features of the redesigned Crusader are lower weight (38 to 42 tons), smaller size (2 howitzers or a complete system transportable on a single C–5 or C–17 sortie), and a change in resupply vehicle philosophy.

This $355 million in research and development funds will be used to help secure our nation's future.

Mr. LEWIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 58, not voting 9, as follows:

[Roll No. 413]

YEAS—367

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter

Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (NM)
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—58

Baldwin
Barrett (WI)
Blumenauer
Brown (OH)
Capuano
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Duncan
Ehlers
Eshoo
Filner
Frank (MA)
Ganske
Gutierrez
Hooley
Jackson (IL)
Kucinich
Lee
Lofgren
Luther
Markey
McDermott
McGovern
McKinney
Meeks (NY)
Metcalf
Miller, George
Minge
Nadler
Oberstar
Obey
Owens
Paul
Payne
Peterson (MN)
Ramstad
Rangel
Rivers
Rush
Sanders
Sanford
Schakowsky
Sensenbrenner
Shays
Stark
Tierney
Udall (CO)
Upton
Velazquez
Waters
Watt (NC)
Waxman
Weiner

NOT VOTING—9

Baca
Barton
Boswell
Campbell
Klink
McIntosh
Smith (WA)
Souder
Vento

☐ 1445

Messrs. JACKSON of Illinois, OWENS, McDERMOTT, RANGEL and MEEKS of New York changed their vote from "yea" to "nay."

Ms. GRANGER changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PAUL COVERDELL, SENATOR FROM THE STATE OF GEORGIA

Mr. LEWIS of Georgia. Mr. Speaker, I offer a privileged resolution (H. Res. 558) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That the House has heard with profound sorrow of the death of the Honorable Paul Coverdell, a Senator from the State of Georgia.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That a committee be appointed on the part of the House to join a committee appointed on the part of the Senate to attend the funeral.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Georgia (Mr. LEWIS) is recognized for 1 hour.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

It is with profound sadness that I rise today to offer a resolution of condolences on the passing of Senator PAUL COVERDELL. PAUL COVERDELL was the senior Senator from the State of Georgia and, more importantly, he was a dear friend.

It is with deep sadness that we say good-bye to our good friend, our colleague and our brother, PAUL COVERDELL. PAUL COVERDELL's unexpected death is so sad and so hard. I have known him for many years, almost 30 years. As young men, we both campaigned for an open congressional seat in 1977. Later, we both came here to Washington to represent the people of Georgia.

Over the years, we shared many rides together back and forth to Washington. We would often see each other here and in Georgia, and we spent a lot of time talking about life and about what is good for the people of Georgia and for the people of our Nation.

PAUL was not just another colleague. He was like family to me and to so many of our colleagues. His passing, his death, hurts. It is painful. It is more than sad. We have not just lost a friend, but we have lost a member of our family.

PAUL COVERDELL's intelligence, commitment, ethics and leadership stood out. He was a friendly, peaceful man. He cared for his colleagues, his friends, the people who elected him, and even people he did not know. He was wonderful to work with, to be with, to travel with. He was good to be around. A wonderful man. One of the good guys. He was my friend, Mr. Speaker. He was my brother.

We occupied different sides of the aisle, and we did not always agree, but always had the utmost respect and admiration for this man. For three decades, as a Georgia lawmaker, Peace Corps director, United States Senator, PAUL COVERDELL was a man who could be trusted to get the job done. He focused on the war on drugs, worked to improve education, and fought for the farmers and small business people of Georgia. He was always prepared to help out and take on any task that was required.

But PAUL COVERDELL never sought out the limelight. He never sought the headline. He would never grandstand. He worked hard behind the scenes without seeking any recognition. In today's political climate, PAUL COVERDELL was an unusual and extraordinary man who will be forever missed from among our midst.

When PAUL was director of the Peace Corps, he would come in to see me from time to time after he had just come back from a trip abroad. He was so enthused about what he saw and what the Peace Corps was doing, whether in Africa, Eastern Europe, Asia, Central America or South America, that his enthusiasm rubbed off on me during those meetings. I looked forward to talking with him and working with him on those concerns. He wanted to help people meet their basic needs, food, water, shelter, and he wanted to stop them from having to struggle. I admired his commitment and his work with the Peace Corps. PAUL COVERDELL will be remembered not just as a citizen of Georgia, an American, but as a citizen of the world.

Mr. Speaker, his death is a tremendous loss for the members of the Georgia delegation, for the people of Georgia, and a personal loss for me. We are all very sad, not just the people of Georgia, but all of his colleagues in the Senate and in the House. He will be deeply missed.

My heart and prayers go out to PAUL's wife, Nancy, to the other members of the Coverdell family, and his staff here in Washington and in Georgia.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), a member of our delegation from the State of Georgia.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time and for bringing this proposal to the floor.

Mr. Speaker, I met PAUL COVERDELL in 1972. He was one of 22 or 23 members of the State Senate who were Republicans, out of 56 members, and 3 years later I was one of 19 members, I believe it was, out of 180 members in the Georgia House who were Republicans. And PAUL never stopped a moment from trying to build a party, to be competitive, not because he thought Republicans were better than Democrats, but he thought more Republicans would make the Democrats better.

PAUL had an unbelievable appetite for work, and those who worked with him understand that he had one failing in that appetite, and that was that he always wanted to have meetings. Whatever he came up with, he called a meeting. I recall helping him in 1977 in the race the gentleman from Georgia (Mr. LEWIS) referred to, a special election. I said, PAUL, how can I help you? He said, we are having a meeting at 5:30. I showed up at his office and we talked strategy for an hour; and then I said, I have to get going and distribute some of this literature. And he said, well, we are going to have another meeting tomorrow at 5:30. I said, No, you, are going to have a meeting at 5:30; I am going to be out doing work.

He did that because he did not want to go off on his own on any issue and he wanted to talk things through. It was not uncommon to hear the phone ring at 11:30 at night, and when I answered it, it would be, JOHN, PAUL, I have to talk to you about something; and he would talk for a long time.

I would play tennis, he would study politics and policy. To him they were exactly the same. Politics and policy were not separate issues. He cared about them both and he cared nothing about attention for his successes. There is a reason why we did not see him on TV a lot because he preferred to work very quietly, very much behind the scenes, bringing people together, building coalitions as no one has in my lifetime.

I woke up this morning and thought there is a huge hole in my life, because PAUL has been a large part of it for 25 years; and he will be missed. I am sad that most of America will not know how much he is missed because his work was so quiet and so behind the scenes.

I thought a little while ago, when I was talking to a reporter about this, that I cannot think of a single former friend of PAUL COVERDELL's, not a single friend, who ever left his side in anger, because he was such a decent and gentle man. He has people working for him today in volunteer capacities who have been with him since 1970. They are still there because he was such a decent and gentle man, and he included them, gave them opportunities to excel, gave them their head and let them achieve, and then let them get the credit. They are all there, too, to this day. His loyalty to the people around him got that loyalty back from them.

I am sad beyond words. There is little left that we can do but to say to Nancy and his mother and loved ones and staff that we offer ourselves as poor substitutes for their beloved PAUL, and urge upon them the words of the Psalmist, who, feeling the pain that we here today feel, was moved to write "The Lord is close to the brokenhearted, and those who are crushed in spirit, he saves."

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for yielding me this time. I am deeply saddened today by the loss of our friend and colleague, PAUL COVERDELL. His passing is not only a great loss for Georgia and our Nation, it is indeed a personal loss for me.

I first met Senator COVERDELL in 1974, when he came to Columbus, Georgia, where I lived, and he did his best to recruit me to run as a Republican for the State Senate. Senator COVERDELL was not successful in that endeavor, but he impressed upon me his commitment to integrity in government and his commitment to our two-party system.

I eventually ran for the legislature 2 years later as a Democrat, and I have served with PAUL, I guess now for nearly 20 years, both as a member of the General Assembly and as a member of our State's delegation here in Congress. He and I worked together on a number of issues over the years, and he was an extraordinary leader whose flexibility, his ability and commitment, and his integrity were recognized by anyone who knew him and had the opportunity to work with him. He was a thoughtful and soft-spoken man, but he was a tenacious fighter for all of the causes that he believed in.

Shakespeare wrote, "All the world's a stage, and all the men and women merely players: They have their exits and their entrances; one man in his time plays many parts . . ."

So it was with PAUL. He was a soldier, having served in the Army in Korea and the Republic of China. He was a legislator, and emerged as one of the most ardent defenders of our American freedoms and our democracy, as a real true fighter for our two-party system. He was a Senator. He was elected by his colleagues to leadership in the U.S. Senate where he served as adviser, counselor, supporter, confidant for the Republican Party, and he gave an important voice to how our government conducts its business.

As a humanitarian, PAUL dedicated a segment of his life to leading the Peace Corps, an organization that needs no accolades in its efforts to lift the untouchables to places of respectability and to bring life and quality of life to people all across the world.

□ 1500

That was PAUL COVERDELL's commitment. He made numerous contributions in the Peace Corps, such as redesigning the agency's mission to serve the emerging democracies in Europe.

PAUL was a family man. He loved Nancy and his family, and he always held them dear. But PAUL was also a statesman; and everything that he did, he did it with dignity and with respect and with courtesy.

I have two personal stories or recollections and memories of PAUL. I have shared one, and that was his efforts in our conversations as he worked to try to recruit me as a Republican candidate for the State Senate in 1974.

But even more important than that was the kind of individual that PAUL was, the kind of integrity that he had. He was a man who was committed to integrity, who was committed to fairness, and who was committed to that which was right.

My colleagues may remember that former State Senator Julian Bond had been a member of the Georgia State

House of Representatives and had made some statements regarding the Vietnam War which angered his colleagues in the Georgia House. They got together, passed a resolution, and expelled him from membership in the Georgia House. So he could not take his seat.

Then Representative Bond filed a lawsuit, took it all the way to the Supreme Court; and the Supreme Court had to order the State House to grant him his seat to represent his constituents.

Shortly thereafter, Julian Bond ran for the State Senate and was elected overwhelmingly and became a member of that august body. But the hostility was so great in the Georgia House because of the resentment for Senator Bond and what he stood for that any piece of legislation that he offered that passed the Senate, even if it passed unanimously, once it got to the House it was doomed to a certain death, a certain death.

So PAUL and Julian were friends. Anything that Julian felt so strongly about that he wanted it to be passed he discussed with his friend, PAUL COVERDELL. PAUL would take Julian's ghostwritten legislation and he would offer it under his name; and when it got to the House, it would secure the usual passage.

PAUL did that not because he wanted the limelight, not because he wanted the credit, but because he believed in doing that which was right; and if it was a good piece of legislation, he felt that it did not matter who wrote the bill. What was important was the result.

PAUL COVERDELL set an example for all of us in elective office to follow. It is not important that we be concerned about the partisanship as it is that we be concerned about the policy.

Yes, all the world is a stage and all the men and women merely players. Each has his entrance and his exit. One man in his time may play many parts.

And so to Nancy and to the Coverdell family, our prayers go out to you; and we will wrap our arms around you, and we urge the Almighty to grant you the peace of spirit that only he can grant at a time like this.

PAUL was our friend, PAUL was a statesman, and we will miss him very deeply.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) very much as the dean of our delegation for bringing this resolution to the floor.

Normally, we come down here to the well of the House to debate bills; and while we are sometimes loud and in heated debate, we are always having fun down here. This is one of those times where we are not necessarily here having fun, although I cannot help but think about PAUL COVERDELL and some of the fun times we had together and some of his traits that have been coming back to me over the last couple of days.

I am reminded particularly about the fact that, I do not care where you saw PAUL, he always had that same white shirt and tie on. I have the great pleasure of representing the Okefenokee Swamp. We were down at the Okefenokee a couple years ago, and some of my colleagues were down there, and we were doing a press event. It was as hot as blazes. We were out there in the middle of the swamp, and all of us were dressed in our golf shirts and our khaki pants. Just as the news conference starts, here comes PAUL driving up with his white shirt, his suit pants, and his tie on. What a classy guy.

Two years ago I was doing an event for him, and I remember it was a farm event and we were over in Terrell County. And again, it was in August. August in Georgia, my colleagues, particularly south Georgia, is hot. We were out in the middle of a field looking at some peanuts out there. And again I am in my golf shirt and my khakis, and PAUL is out there just as cool as he can be in that white shirt and that tie.

As we sat under the shade tree that day talking to a group of farmers, he was just so impressive, not just in what he was saying but in the way he looked and in the way he carried himself. That is the PAUL COVERDELL that I am going to remember.

PAUL and I had a habit of talking to each other about once a week over the last couple years just about things in general. We did not always get a chance to sit down face to face. Sometimes we missed a phone call. But the guy had more political insight, not just partisan political insight, but political insight about things in this country.

I will always remember the fact that if I called him and talked to him about an ag issue, which I did on a regular basis, we talked about whatever it was; but then PAUL with get off and he would, SAXBY, let me tell you what we are doing with the Straight A's bill, this education bill that is going to mean so much to the children that your wife teaches and to other children all across this country.

And you would be talking to him about a defense issue, again which we do on a regular basis; and we talk about our 130s or our F-22 problem, whatever it was, and PAUL would say, Well, let me tell you about one other thing that I am working on, this drug issue with the Colombian drug bill that we are working on. Let me tell you what that is going to do for America. Let me tell you what a difference that is going to make to people all across this country.

That is the PAUL COVERDELL that I am going to remember.

He was a very unique individual, a person who had the ability to take difficult issues, to deal with difficult people with difficult issues and bring common sense and political responsibility to the forefront.

PAUL COVERDELL was truly a unique Member of the United States Senate. He was a great colleague of all of ours, whether you are Republican or Democrat; and that is evidenced by the fact that this is being done in a bipartisan way. Yesterday, on the floor of this House, it was evidenced in a bipartisan way that there was tremendous respect for PAUL COVERDELL.

We will miss him very much. We certainly wish the best for him and his family. His staff are just great people that my staff has had the pleasure of working with every single day that I have been a Member of this House.

PAUL COVERDELL had gotten so political in his thoughts that he probably designed his death to take place on the day of the Georgia primary, which happened to be yesterday. And I am betting you when he got to the pearly gates last night, the first thing he asked St. Peter was for a copy of the Republican election results from yesterday. That is the kind of guy that he was.

He was a great friend, a great individual. This country will miss PAUL COVERDELL.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I guess it is not a secret, PAUL COVERDELL and I were about as different as night and day. But vastly different paths in life led us both to serve in the Georgia legislature and then on to Congress so that we could work together on behalf of the people of the great State of Georgia. And when it came to the interests of the people of Georgia, we often saw eye to eye.

I want to send all of my deepest and most heartfelt condolences to the Coverdell family and to all the people who knew and loved PAUL COVERDELL.

Immediately after the 1996 election, when I had been redistricted and had a vastly changed district and we were able to pull out a victory in a very close race, PAUL COVERDELL and I got together and decided that we needed to build bridges with each other so that we could do the work that the people of Georgia sent us both to do.

Our first project together resulted in about $20 million being protected on the Senate side for my constituents who live in and about the environs of Peach Tree De Kalb Airport.

PAUL COVERDELL's latest project that we all were working on was a veterans cemetery for our Georgia veterans.

But more than anything else, I have to say that I am struck by the finality of death and the incomplete way many of us in public life lead our lives. We are so busy, we are rushing here and rushing there and going to meetings and going here and going there and always, always, always in a rush and too busy to appreciate the people around us, too busy to stop and say "I love you," too busy to stop and say "I thank you" to the people who make a difference in our lives.

This past weekend, I was looking at the Coverdell report on television; and now I am standing here today sending condolences to PAUL COVERDELL's family.

I want to thank the gentleman from Georgia (Mr. LEWIS), the dean of our delegation, for providing us this resolution so that we can pay our respects to our senior Senator. I want to thank all of the people who are responsible for all of us being here serving our people of our State.

I would like to thank my colleagues, who, through difficult times, have stood beside me in particular. And perhaps I have not said thank you appropriately enough, but I want to say thank you today. I want to say thank you to my Georgia delegation members. Because we do not see eye to eye on a lot of issues and we do not even meet as often as we probably should, but I do not think there is a single issue that will benefit the people of our State that we do not come together and work on.

And then finally, I would like to thank the Coverdell family for sharing their leader with the people of our State and the people of our country for about 30 years of public service.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for bringing this resolution to the floor.

This is a sad day for all of us, and I am dearly impressed with the eloquence of my colleagues who have already spoken.

PAUL COVERDELL was indeed a good friend of ours. And it is difficult on occasions like this to say anything that lends full value to the life that he shared with all of us. I realize that labels and slogans themselves are often inadequate. But I will be very brief, and I have a few labels that I would like to put on PAUL COVERDELL.

The first is that he was a defender of democracy. That may seem to be a very bland statement, but he truly believed in this Republic that we have here as a country.

He believed that one of the great things that it embodied was the free enterprise system. And he, as a small businessman, grew his business to a successful national enterprise. So he was indeed a defender of democracy.

And he was a proponent of peace. We have heard the statements about his service as the Director of the United States Peace Corps. But in all of his dealings, both politically and personally, he was indeed a man of peace.

□ 1515

And he was, of course, a patriot with passion. You have heard of his service as a captain in the United States Army overseas. But he also brought that same degree of passion and patriotism to his public service, having been recognized by educational institutions and by other public institutions for his service both at the State level and here in Washington. And he was a statesman with stature.

Like many of my colleagues, we served with PAUL at the State legislative level. PAUL was in the State Senate when I arrived in 1981, and even though he was in the minority in that body, he was respected, because he displayed the kind of dedication to public service that all of us would like to have.

I recall that he was on the retirement committee. I want to tell you, folks, when you get assigned to the retirement committee in the Georgia legislature, you really do not aspire to that position. But he was one of those individuals that everybody, regardless of political party, would go to to ask about those intricate, detailed, often boring and mundane issues relating to retirement, and PAUL always knew what the answer was, because he was willing to do his homework. He was willing to work on the things that other people would want to cast aside because there was not enough public attention given to the subject. But PAUL knew how important things like that were; and that is, of course, what distinguished him here as well and made him a statesman with stature.

He was also and lastly a friend without reservation. He was somebody that you could talk with on a personal and intimate basis. You could rely on his judgment. You could trust the fact that he would keep confidences and he would give you the best and sound advice that he possibly could, both politically and personally.

Lastly, I would simply like to say that PAUL COVERDELL was a quiet man of courage, and he will be deeply missed.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. I thank the gentleman from Georgia (Mr. LEWIS) for yielding me this time.

Mr. Speaker, PAUL COVERDELL's passing is a great loss to the United States, to the other Chamber, to Georgia, to his wife, Nancy, and his family. He was a hardworking, thoughtful legislator who possessed the rare gift of leadership and the even rarer gift of being a good man. The news of his death hit me hard, because I saw PAUL as more than a colleague. I saw him as a true friend, and more than that as a mentor.

When I was first elected to the Georgia Senate, he and I took a walk through his neighborhood to talk about the job that I would be facing. That was his style, quiet and purposeful. He was a teacher who was less concerned about who received the credit than he was of getting the job done.

Mr. Speaker, many others in Georgia's Third Congressional District feel the loss of PAUL COVERDELL. I spoke with several this morning who worked with PAUL to build the Republican Party in Georgia or who served with him in the Georgia legislature, people like Barbara Scruggs, chairperson of the Third Congressional District Republican Party. She said, "I've known PAUL since the first election he ran. I always admired how hard he worked for us. He was always quiet and unassuming and a great leader of the State of Georgia."

Former Congressman Bo Callaway said this morning, "This is such a shock to have PAUL in his prime of life so suddenly taken from us. I really think the people of Georgia and America will never know how much we have lost, for PAUL COVERDELL was really on the way to becoming one of our great leaders. It will be hard to imagine going on without him."

Ted Land, who served in Georgia's Senate with PAUL, said, "PAUL COVERDELL was a man of highest integrity. I never in my 10 years with PAUL ever heard him speak a mean-spirited word about anyone on either side of the aisle. A man of boundless energy, he was totally dedicated to serving his State and his party. The void created by his death will be extremely difficult to fill."

Former State Senator Arthur "Skin" Edge summed up PAUL in one word: patriot. He said that as he heard of the death of PAUL last night, the one thing that kept coming back to his mind is that PAUL COVERDELL is a 21st-century patriot. He stood for the principles that this country was founded on and fought for them all of his life.

Mr. Speaker, on behalf of Georgia's Third District, we mourn PAUL COVERDELL's death, and we cherish the memories of his friendship.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) as dean of our delegation for bringing this resolution today.

Mr. Speaker, PAUL COVERDELL was a sterling example of what a United States Senator should be all about. He provided the kind of leadership for Georgia, America, and the world that will be sorely missed. PAUL COVERDELL was unshakeable in his resolve to support the right policies for Georgia and America. Yet in 6 years of serving with him in Congress, I never heard him utter an unkind word toward any opponent. He was a man of reason, of principle, and provided a shining example of civility in action in the arena of public debate. That is unusual to find a man such as that.

He never to my knowledge backed down on principle; yet he held his ground with dignity and respect for the position of those who disagreed. And he never gave up.

Since coming to Washington in 1993, Senator COVERDELL fought to improve the education of America's children. That fight continues today. But because of his effort, I believe that fight will eventually be won because of his enthusiasm and his sincere belief that we could make it better. When it is, the final product will have the fingerprints of PAUL COVERDELL on every page.

Senator COVERDELL was likewise a champion of those who served this country in our Armed Forces. When Congress forgot the promises made to our veterans, PAUL COVERDELL reminded us all of those commitments. His legislation to restore those promises is still pending in both Chambers, and the finest tribute I think we could all pay to this true statesman would be to pass that measure into law before this session ends. Today, I recommit myself to helping make that happen.

There are far too many issues to mention in which Senator COVERDELL played a decisive role. But we need to reflect on PAUL COVERDELL's public service before he became a Senator, I think, because it reflects a lifetime of public service.

He began adult life, of course, by serving America in the U.S. Army in Korea and the Republic of China. He served his State in the Georgia Senate for nearly 2 decades. He served America and the world as the director of the Peace Corps, as we have heard, where his leadership in building democracy was vital in reclaiming much of Eastern Europe from the dictatorship of Communism.

Our hearts go out to Nancy Coverdell and the entire Coverdell family. They should be and are remembered in the prayers of this Nation in their hour of loss. And we should remember the loyal staff of Senator COVERDELL. Perhaps the strongest confirmation of the basic decency of a Member of Congress can be found in the affection of those who work with him every day, many times under the most trying circumstances. From the true grief that I personally know his staff to be feeling today, the decency of this great American is affirmed in full measure.

That slender thread of life by which we were tied to PAUL COVERDELL is now broken. But the wisdom, the generosity, the civility, the patriotism, and the dedication which he brought to this Congress will never die. The leadership of PAUL COVERDELL will continue to live in the legislation he has enacted and has sponsored. We can best honor his memory by seeing the mission through, from giving our children a choice in education to restoring the health care of the defenders of America.

Mr. Speaker, let us pay tribute to a great leader by picking up the fallen banner of Senator PAUL COVERDELL and carrying it through to victory. I personally feel a great loss for a dear friend; indeed, we all do, a man that we have all become very close to and loved, a quiet, gentle giant in the Government of America.

Today we pray for PAUL's soul and pray God will give comfort to Nancy and the Coverdell family.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I am proud to rise today in support of the resolution authored by the dean of the Georgia delegation, the distinguished gentleman from Georgia (Mr. LEWIS).

Let me first say to PAUL's lovely bride, Nancy, you have the love, the affection, and the prayers of this entire body on both sides of the aisle, on both sides of the Rotunda. We pay tribute today to the hardest-working man in the U.S. Senate. Although his venue has changed, the job description has not. PAUL COVERDELL is now the hardest-working man in heaven. I can hear him already, sleeves rolled up, white sleeves, of course, tie impeccable, saying, There must be some unfinished work up here in heaven, Lord. Point me in the right direction. I'm ready to work.

While PAUL COVERDELL never spoke from this well, but rather from the well on the other side of the Rotunda in the United States Senate, you could often hear his voice here, in front of this American flag that he loved and the country that it represents that he loved so deeply and so passionately. You could hear PAUL COVERDELL whenever we debated such issues of fundamental importance to the American people as those he had championed and loved: education, national defense, and always the needs, wishes, hopes, and desires of our citizens of his and our beloved State of Georgia. You could hear the passion, the conviction, and the patriotism always of PAUL D. COVERDELL. Those words, that passion, that commitment will echo out now forever across the ages as part of what former President Ronald Reagan called in his second inaugural address, the American sound. PAUL COVERDELL is now part of that American sound that President Reagan identified as the sound of love, decency and compassion that has always echoed out across America and through the halls of its leadership and around the world, representing the very best of mankind.

PAUL COVERDELL is a friend. Though we briefly found ourselves, he and I, in a competitive race in the primary, in the primary runoff in 1992, we were friends before that race. Indeed, PAUL was my very first political friend when I moved to Georgia in the 1970s.

□ 1530

I was referred to him by our mutual friend and my former boss at the CIA, George Bush. We remained friends throughout those two races in 1992, and we remained ever closer friends both immediately after and in the years since PAUL was elected with honor and dignity to the United States Senate in 1992.

I am reminded today in closing, as a man of God, I know the gentleman from Georgia (Mr. LEWIS) is, too, of Matthew who tells us in chapter 5 in those words that are so familiar to all that there Beatitudes, blessed are the peacemakers for they shall be called the children of God.

PAUL COVERDELL was a peacemaker. PAUL COVERDELL is a child of God, now and for the ages. I thank the gentleman from Georgia (Mr. LEWIS) and God bless PAUL D. COVERDELL and his family.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for bringing this resolution to the floor today. Mr. Speaker, I thank each of my colleagues from Georgia for paying tribute today to our dear friend, and I hope everyone in this room and I hope everyone listening recognizes that 11 Georgians, Democrat and Republican alike, sit today under this symbol and in this room and pay tribute to a man who transcends politics and who in our State, as we have heard from each speaker, through example after example, changed lives and made them better.

Mr. Speaker, rather than repeat everything that has been said, I would just say this to those of us who are not from Georgia; if you have ever flown through Hartsfield International Airport, PAUL COVERDELL touched your life. If you ever came into Atlanta and rode on its rapid transit, PAUL COVERDELL touched your life. If you are a Georgia citizen whose life or the life of a loved one was saved because of a seat belt, PAUL COVERDELL touched your life.

While so many politicians talk a good game, PAUL COVERDELL lived one; but, you know, at a time like this when a contemporary of all of ours dies, it puts life into perspective.

It makes us think for just a minute what if I die. But for those of you who did not know him, let me just tell you this, PAUL did it all. He did it with dignity and with grace. He did it with passion and with understanding, and he did it with not a single evil touch to anything he ever did. He did it for the best of the United States of America and for the people of Georgia.

In my Sunday school class, in Marietta, Georgia in the Methodist church, we have a little book called Leaves of Gold, and in it there is a poem, and I cannot remember, but twice before that poem has been recalled to me in paying tribute to an individual, but it just seems to fit the life and the legacy and the lasting memory of PAUL COVERDELL.

I hope I can get through it, but it goes a little bit like this: I would rather see a good person than hear about one any day. And I would rather have a good person walk with me than merely point the way. For my eyes are better pupils and more willing than my ear, and fine counsel is confusing but examples crystal clear. And the best of all the people are the ones that live their creeds, for to see the good in action is what everybody needs. Oh, I will be very glad to do it if you let me see it done, but your tongue too fast sometimes may run. And the lectures you deliver may be very wise and very true, but I would rather get my lecture by observing what you do. For I may misunderstand you and the high advice you give, but I will never misunderstand the way you act and the way you live.

Mr. Speaker, I associate myself with all of my colleagues to pay tribute to a man who acted and lived a life exemplary of the finest in public service, the finest in commitment to his wife and to his family and in the finest tradition of public service.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Nancy Coverdell has lost a great husband, as has the Coverdell family lost a great member. The United States of America has lost a great Senator. Georgia has lost a great leader and the Republican party in Georgia has lost the father of our party.

PAUL COVERDELL was the minority leader in the State Senate. He was the State Republican party chairman. He was the official Georgia connection to the Bush White House. He was the director of the Peace Corps. He was the United States Senator, and then also in the great Bush-Coverdell legacy, the official contact for the George W. Bush campaign.

He put our party on the map, and the reason I underscore that is, I believe the State and its citizens are better for it. I believe that having two parties gives our voters every day a choice, and I believe I am a better Republican because of Democrat opposition. I hope that our Democrat counterparts, and I am sure they will agree, they would say they are better Democrats because of Republican opposition.

The State, indeed, is the winner. PAUL COVERDELL was a great strategist. I remember in 1974 my mother, who is a great newspaper clipper, sent me an article called the Gospel According to PAUL. And it was talking about this young guy running for the State Senate in Atlanta, who was doing strange things, like going door to door and having living room coffees and roadside sign wavings. And he was struggling in an uphill battle in a Democrat-controlled State to win, but he did win. I believe, as the gentleman from Georgia (Mr. LINDER) has already said, there were only three Republican Members in the Senate at the time. I know by the time I got to the State House, there were a whopping nine Senators.

COVERDELL was the minority leader. But while he did not have numerical superiority, he did not let that keep him out of the ideas arena. And he was very competitive on ideas. At that time, Governor Joe Frank Harris was introducing a number of DUI laws.

The gentleman from Georgia (Mr. ISAKSON) will remember COVERDELL passed and sponsored a bill in the Senate that said, you know, it is not just enough to give somebody a heftier DUI penalty, what we have found through research is a lot of these people are addicted to alcohol. We need to put in a component of mandatory assessment to see if they are addicted, and then we cannot just leave them addicted to alcohol, we need to have mandatory or at least optional treatment. This was a solid idea.

Mr. Speaker, I remember being on the Motor Vehicles Committee as he pushed that. PAUL COVERDELL was an ideas man. He also had a great world view. As director of the Peace Corps, he did not just use this, okay, this is my political plumb for helping President Bush along the campaign trail. He used it to promote farming in Third World countries, economic growth and development, medical help. Indeed, he saw the formula for world prosperity meant world peace, and it was great and important for the United States of America to be there leading the way.

PAUL COVERDELL was a sobby-eyed patriot in many ways. I remember when he was running for the U.S. Senate and I had him in my living room for a coffee, and at that time all of these people came, and they were asking very lofty intellectual questions about the world situation. PAUL was hanging in there with the best of them. In the middle of this, my small daughter, Ann, 4 years old at the time, had left the playground where all of these kids were, came running into the living room, crashed through the circle of adults to the middle of where this dignified U.S. senatorial candidate was speaking, and said, Daddy, it was my turn in line to go down the slide and they pushed me down the slide and I fell down and hurt my heinie to which the whole audience starting laughing.

Senator COVERDELL was there, acknowledged the little girl and her plight and went on with his speech. And I thought it was so cute because he did not lose control, he kept that COVERDELL dignity through the whole thing. And, indeed, he carried that dignity and that gentleman manner with him everywhere he went.

As the gentleman from Georgia (Mr. CHAMBLISS) has already said, he was a great organizer and a communicator. I remember in the 1992 campaign during the runoff one day, he was at Georgia Southern University, all kinds of people there, and he had done a TV and a radio interview, and he turned on his watch and he said, Jack, we have to go to this event. I said, PAUL, the game has not started. He said, well, we have got a schedule. I said but, PAUL, all of these people are here. He said, well, we really need to get to Savannah and keep our schedule. Indeed, we did leave and go to Savannah.

I was totally amazed and a little bit irritated by this, and only later did I realize the importance of him in terms of strategy; it meant everything, and that is why he could accomplish all of the things that he did accomplish. In our area, he fought as, the gentleman from Georgia (Mr. NORWOOD) said, for the veterans, the active soldiers at Fort Stewart, but the veterans in our area.

Agriculture, we all know in south Georgia good old "Senator Cloverdale." That is what the farmers would always call him. Well, let us just go ask Cloverdale. And they loved Mr. Cloverdale.

Education, if I go to talk to the teachers about educational savings acts, they like that idea. If I talk to seniors about Social Security and lockbox ideas, they like that idea.

PAUL COVERDELL had the uncanny ability, not just to have an opinion on every issue, but have a thought on every issue and a consequential action. He was a man of action.

His civility, as the gentleman from Georgia (Mr. BISHOP) knows, he worked with him very closely on passing the C.B. King Courthouse in Albany, Georgia. I remember, the gentleman from Georgia (Mr. LEWIS) knows, he was friends of Mr. Bond. When Mr. Bond left the State Senate to run for the congressional seat, which the gentleman was successful in obtaining, PAUL COVERDELL was one of the men in the Georgia Senate who stood up and gave a great farewell speech for Julian Bond.

I remember watching that and saying here is a liberal Democrat and the conservative Republican leader of the State. What is he doing? I said there is a lesson here. Bipartisanship and civility is important, and you should never let politics rule over policy.

A week ago, he called me at my home on Sunday. We had an issue in our area with the Federal Law Enforcement Training Center, and we kind of got off path. He said, Jack, I think we are a little out of sync here. I just want to make sure that you and I are okay on this.

It was typical of COVERDELL, because I think so many of us, including me, and especially me, would have said, all right, you are way off base, I am right and you are wrong; not PAUL, he made it so that it was just so easy to get along.

He also told me a couple of weeks ago in a private conversation about committing to the team, when you are a Member of Congress, when you are a Member of an issue and you are associated with that issue, commit to your team and be proud to be on that team, even if the vote is an uncomfortable one.

He talked to me about Nancy. He said, you know, we are doing a little bit with real estate. I have to tell you Nancy is better at real estate than I am. She is real good at it. I will tell you what, you men know. It is a rare man who really privately one on one takes time to brag about his wife to another man, and that is a sign of a great marriage and a great husband and true love.

PAUL COVERDELL was a good Republican, a great strategist, a great ideas man, had a world view, had civility and integrity, a great organizer. He was energetic. He was a great communicator and a loyalist.

In short, PAUL COVERDELL was a statesman. Years ago, there was another Paul on this earth, and he tells us in a scripture that it is better to wear out than rust out. I would not submit to you that PAUL COVERDELL wore out, but I would also say he certainly did not wear out, and maybe in this institution which he loves so dearly we could say, and he would agree, the gentleman's time expired. But while the gentleman's time has expired, I also think we could evoke the words of St. Paul, one more time and say, well done, that good and faithful servant.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida, (Mrs. FOWLER), formerly from the State of Georgia.

Mrs. FOWLER. Mr. Speaker, I did grow up in the State of Georgia, and it was with a really heavy heart yesterday when I learned of the loss of PAUL COVERDELL. PAUL and my dad served together in the Georgia State legislature, and though they were in different parties, they became good friends, and shared many funny stories together as they served.

When I came to the U.S. Congress 8 years ago, PAUL sort of took me under his wing and was such a dear friend to me and a mentor, and I could always go to him for advice and know I could always rely on it. He was such an outstanding man. We have been hearing people talk today about all the wonderful qualities that PAUL had, and when I think of PAUL, I think of someone who lived life with zest and enthusiasm, who loved his family, who loved his country, who loved serving the people.

He was the finest example of a public servant that I have ever known, a decent, honorable man, such deep integrity, who loved people so much and loved doing for them. I look back when he was director of the Peace Corps and all he did to guide and mentor those young people that were serving all around the world.

☐ 1545

So really today, as we all have very heavy hearts because we will all miss PAUL deeply, miss his friendship, miss his service, miss his strength that he brought to the representation of the State of Georgia in the United States Senate but most of all, PAUL, we are going to really miss you.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LEWIS) for bringing this resolution to the floor at this time. It is with deep regret that I rise to join my colleagues in mourning the loss of the remarkable public servant, Senator PAUL COVERDELL of Georgia. As chairman of the Senate Foreign Relations Western Hemisphere Subcommittee, Senator PAUL COVERDELL was dedicated to fostering good relations with our neighbors in the Americas.

Among his many contributions, PAUL actively and ably cochaired our interparliamentary meeting with the Mexican Congress, and I was pleased to have had a personal relationship with PAUL in relation to his work on the Senate Foreign Relations Committee.

Last year, Senator COVERDELL was extremely proud to be able to host our Mexican colleagues in Savannah, Georgia. PAUL went to great lengths to make all of us feel welcome, including delivering a substantial portion of his opening address in Spanish, and I recall PAUL and Nancy guiding Georgia and I through his hometown and pointing out where they lived and pointing out his offices. He had a great deal of pride in his city. It was certainly one of the most productive and pleasant interparliamentary meetings we held in Savannah.

Fortunately, PAUL was able to see the Mexican people secure full democracy for themselves through their recent elections on July 2, something that PAUL was strongly supportive of.

It was my privilege to work with Senator COVERDELL on a number of important regional issues. He was dedicated to defining and defending American interests abroad, and when it came time to stand up to support our efforts in our fight against illicit drugs, PAUL COVERDELL never failed the American people; always taking the lead in galvanizing support in the Senate for moving a substantial, meaningful aid package to help our troubled neighborhoods in the Andean region of South America and more recently particularly in Colombia.

Just last week, President Clinton signed into law a bipartisan emergency supplemental aid package for Colombia, and it was gratifying that PAUL was able to see the consummation of his extraordinary efforts to help our neighbors to the south.

Senator COVERDELL was a principled man. He was a leading voice in the Congress, calling for a firm response to the undermining of democratic institutions through the illegitimate elections in Peru; and we should honor Senator COVERDELL's leadership by strongly supporting his respect for democracy in Peru.

My spouse, Georgia, joins with me in extending our deepest condolences to PAUL's widow, Nancy. PAUL and Nancy were loved by many. We extend our sympathy, too, to the many people in Georgia and elsewhere who admired and followed this remarkable public leader.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the dean of the Georgia delegation for yielding me this time.

Mr. Speaker, I am honored to be here with my colleagues from Georgia and other parts of the country to talk about our friend PAUL COVERDELL. No one could ask for a better friend than PAUL COVERDELL. I first met him when he was appointed director of the Peace Corps in the late 1980s, and at that time the attention in this House and around the world was focused on the emerging democracies of Eastern and Central Europe. In several meetings that we had in my office, PAUL COVERDELL was talking with such enthusiasm about creative ways in which we could help the people of Czechoslovakia, Hungary, Poland, Romania, and other countries that were starting to get that first taste of freedom.

I was so struck with the dedication that this man showed that I made a decision early on that I wanted to do anything that I possibly could to help him. So he took me up on that. He took me up on it when in 1992 he called me and told me that he was going to run for the United States Senate. I thought, what a great idea. He asked me to help him, so I did; and I will never forget the day that I was flying to Atlanta from what is now, and I see Mr. BARR here, affectionately referred to as Ronald Reagan National Airport; and I was standing in the terminal with a former colleague of ours from the other side of the aisle, and he said, Well, why are you flying to Atlanta?

I said I am flying down to help PAUL COVERDELL win his election to the United States Senate.

Well, this former colleague of ours from the other side of the aisle laughed hysterically because he did not believe that PAUL had much of a chance to win, and there were a lot of people who did not think PAUL had a great chance to win. In fact, I suspected that this former colleague of ours from the other side of the aisle kind of thought that PAUL had about as much chance of winning as he did of losing.

So the fact of the matter is, we saw in PAUL COVERDELL a stick-to-itiveness that was very, very impressive. He was dedicated to his work.

I spent time traveling in Georgia with him, and he had a couple of events. There were a few people who attended a number of those events. I assumed it was because they had announced that I was going to be there. But the fact of the matter was, this guy never gave up. He was a real fighter.

One of the things that we have so often found in these Members who worked with him closely in Georgia for decades know that whenever someone wanted a job to be done, the person to whom they would look was PAUL COVERDELL because when this guy said that he was going to take on a job and do it, he did it.

We so often hear the juxtaposition between work horses and show horses in this place, and we all know that PAUL COVERDELL epitomized the work horse. He was a guy who was extremely dedicated.

I am so happy that the chairman of the Committee on International Relations reminded us of his having hosted the Mexican Interparliamentary Conference along with, I remember the gentleman from Georgia (Mr. KINGSTON) was there with us when we held that meeting and PAUL was so proud of the opportunity to host that very important meeting.

I served with him as a cochairman of the Republican House-Senate Dinner. Boy, that guy was absolutely relentless when it came to our goal of building a strong Republican Party, and as has been said by our colleagues from the other side of the aisle, he, working for a strong Republican Party, knew that ultimately working in a bipartisan way was the only way that we could actually get things accomplished.

My thoughts and prayers go to Nancy and other members of the family, and I cannot say what a shocking and devastating loss this is, not only for this great institution of ours but for the Nation as a whole.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises that the time of the gentleman from Georgia (Mr. LEWIS) has expired.

Pursuant to clause 2 of rule XVII, the gentleman from Georgia (Mr. KINGSTON) is recognized for 1 hour on the resolution.

Mr. KINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for yielding me this time.

Mr. Speaker, I believe for the ages Senator PAUL COVERDELL will be remembered as one of the most thoughtful, diligent, and detail-oriented Members in the history of the United States Senate. Who would have ever thought this time last week that we would be here today paying tribute to the memory of Senator COVERDELL?

There are times here where everything seems to stand still, and this is one of those days where we come together at the water's edge, as people, as God's children, no differences, to pay the proper tribute to a truly great public servant. A lot of political people skim the surface, stay on the surface from fear of the details, from fear of the slip of the tongue, from fear of incompetency on very complicated matters of the day, but not Senator COVERDELL.

My experience with him was a fearless master of details and complexity, never worrying about how far deep he would swim into issues, about whether he could comprehend them or always carry a host of things going on at the same time. Unbelievable, really, in his capacity to carry all of the different issues with him and stay that intricately involved. It really bodes well for public service in America that people like PAUL would dedicate his life to others through public service.

As a Tennessean who was born in Georgia when my dad was on active duty at Fort Benning, my dad always said that it cost $12 for me to be born at Fort Benning, and he still wonders if he got his money's worth; but that is my Georgia roots, and I am a Southerner. Georgia mourns the loss today of a truly great United States Senator, but the South has lost one of its greatest leaders as well.

I come as a Southerner today to say, Nancy, we are sorry; to the Georgia delegation, we are sorry that they have lost their friend and lifetime companion in the flesh.

Last October I was coming to the Chattanooga Airport to leave right after Payne Stewart had died tragically at the height of his career, and you think about PAUL at 61 years old, he is really politically at the height of his career and he is gone in the flesh, right at the height of his ability to effectively carry out the responsibilities as a United States Senator and he is gone.

I said to R.V. Brown, a pastor who I know who I ran into at the airport, Reverend R.V. Brown is that not unbelievable that Payne Stewart just vanished like that in the flesh? And here is what he said, and it was a great comfort to me, and I hope it is great comfort to Nancy and others who mourn the loss of PAUL COVERDELL. He said sometimes the Lord picks the ripest fruit to have the greatest impact on everyone around that individual.

I believe that the United States Senate, the United States House, the State of Georgia, the South, the United States of America, mankind at large can come closer together and truly appreciate each other more because of this moment when we forever and ever memorialize a fine person and a great public servant, Senator PAUL COVERDELL. Good-bye, sir.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Tennessee (Mr. WAMP), the chairman of the Morning Prayer Breakfast each Thursday, for his remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the deputy whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for yielding the floor to me.

Mr. Speaker, just yesterday some of us took the floor in an unanticipated moment to wish the very best and to extend our thoughts and our prayers to Senator COVERDELL, his wife, Nancy, and to their family, as they struggled with this unanticipated challenge. Today, just a few hours beyond, almost exactly 24 hours beyond, the time that we were so hopeful in those last moments of PAUL COVERDELL's life that he would continue to be with us, beyond the time when we thought that if anybody could come back from any challenge it would be PAUL COVERDELL, beyond the time when we thought that if anybody else could do this, could be back in a year, he could be back in a few months, we are here today with a person who has been so important in this building to both the House and the Senate and so important to the country, gone from us.

I was moved by the observation that our friend, the gentleman from Tennessee (Mr. WAMP), just made about how the Lord may take someone at such an inopportune time in their life to challenge the rest of us to meet a new standard in our life, a new standard with each other, a new standard of public service, a new standard of being able to reach out as PAUL was famous for to others and say, gee, you have got a lot to do here, can I help you? At the same time, we know that PAUL every time he was saying that it seemed that when you would think about it that he surely had more to do than the person he was offering to reach out and help, but his predisposition in life was to help other people.

I did not know PAUL COVERDELL when I came to Congress 3½ years ago. In fact, I did not really know him except to speak to him in the hallways of the House and the Senate where he was always friendly to me until about a year and a half ago when he and I were both asked to be on the exploratory committee for Governor Bush. That was a 10-person committee. Our jobs were to represent the governor with the House and the Senate in that year and a half. There was not a week that we did not talk on the phone, and many weeks that we saw each other, just to compare notes, just to talk about what was happening.

☐ 1600

Even in that relationship, he would often say, well, you have 200 people over there that you are talking to and dealing with and I only have about 55 over here. Can I help you do anything to make your job in the House easier? I usually observed that probably it was easier to deal with a couple of hundred House Members than 55 people from the other body. He would always smile.

Mr. Speaker, I told somebody not too long ago that there were many good reasons to do that particular job, as the liaison for the Bush Committee, but I would have done it knowing what I knew then, and this was 2 or 3 months ago with no anticipation of this moment, certainly. I would have done it all just to have the chance to work with PAUL COVERDELL. He was that kind of person. He was the kind of person that all of us who got a chance to work with him I am sure were looking forward to a couple more decades of that relationship, not thinking that each time we saw him might be the last time we saw him; but thinking, now, I wonder what it is that we can next do that allows us to work together, because it was such a joy and a privilege to work together with him.

I told someone earlier today that one of the things that one really noticed when one dealt with our friends on the other side of the Capitol was the interesting oil that PAUL COVERDELL added to the process just to make things work that otherwise you did not quite know during a meeting how they might have worked if Senator COVERDELL had not been there. Of course now we are challenged to know how they would work, but we do know the example he set of making things work, the example he set of being willing to reach out to other people, the example he set of always trying his best to appear to be the most humble guy in the room, the person who would be the most likely to take the most difficult assignment, the person who would never show any sense that there was any job that needed to be done that was below or beneath him as an individual. It is a standard that is hard to achieve, frankly, in politics and government, and even hard to achieve in this building; but it is one that he established so well that he made serving others and doing the most menial job seem like that, somehow, that was the most important thing to do.

Mr. Speaker, we will miss him in this building. We will miss him in our relationships between this House and our friends on the other side of the Capitol. We will miss his willingness to work, his capacity, his insight. But as the gentleman from Tennessee (Mr. WAMP) observed earlier, maybe there is a challenge here. There is a purpose in most things in life; and if we search for the purpose of this, one of the purposes might be to emulate some of the things that are so easy to say about PAUL COVERDELL.

Mr. Speaker, it is written somewhere, we will miss him tomorrow and tomorrow and tomorrow.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Missouri. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), the chairman of the House Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I appreciate very much the distinguished gentleman from Georgia, the honorable JOHN LEWIS, the dean of the delegation, and the gentleman from Georgia (Mr. KINGSTON) and the other members of the Georgia delegation, affording us this time to speak about Senator PAUL COVERDELL. The Rules of the House do not permit us to refer to the other body or Members of the other body, and we seldom do speak about them. This is exceptional, because PAUL COVERDELL was really an exceptional person. I think he did touch our lives. Certainly those of us who live in Florida who have to fly through Atlanta understand very well the meaning of having the Atlanta airport there.

What I wanted to talk a little bit about today is the loss to Nancy and his family, to the State of Georgia, and to our country. I think it is pretty much of an incalculable loss, and it is obviously very painful if we have listened to the speakers who have gone before.

We are going to miss PAUL COVERDELL deeply, and we are going to miss him for a very long time to come, not only as a person, but for the skills he brought to the art and science of crafting legislation and people persuasion here in these hallowed halls of the United States Congress.

To me, he had several distinctive hallmarks. They were honor and decency, things that count for a lot here. And effectiveness and accomplishment, of course, the way we are measured. Those of us who were privileged to work with him knew of this literally unrelenting energy. He was a man who could tire out the most hard working of us. He certainly had the intellect to challenge us as well. We all admired his ability, as we have heard testimony to, to find common sense solutions that seemed to work for all sides in a given debate. Those are wonderful people skills. As the gentleman from Georgia (Mr. BISHOP) said in his testimony on the floor, that unquestioning integrity was also another PAUL COVERDELL trademark. That is very high praise.

I well recall his commitment to fighting the war on drugs, just one of the many things he did here, and to his finding a way to get the money to pay for fighting the war on drugs, which is the harder part. His contribution to that was characteristically second to none; and more importantly, he was successful. And that success is now being employed on the front lines in Colombia and in other meaningful ways, and that will affect America as well and those who are concerned about the scourge of drugs on our youth and on our quality of life in this country.

So, Mr. Speaker, I would like to say for my wife and myself and other neighbors in the neighboring State of Florida, we send our condolences, our keen sympathy, and our love to Nancy and the people of Georgia. PAUL COVERDELL was a man who gave so much. He was taken too soon.

Mr. SOUDER. Mr. Speaker, I rise today to express my condolences to the family and staff of Senator PAUL COVERDELL.

I admired and appreciated Senator COVERDELL's commitment to stopping the flow of illegal drugs across our borders and his tireless efforts to expand educational opportunity in America. Senator COVERDELL demonstrated the effectiveness of quiet, but persistent, leadership. He has been hailed as a workhorse and, indeed, his dedication to public service is an example to every official at every level of Government who works for the public good.

My former chief of staff, Ziad Ojakli, is the chief of staff in the Senator's leadership office. On behalf of all of us who are friends of Z and have worked with him over the years, I wish to convey our deepest sympathy to the family, friends and staff of Senator PAUL COVERDELL. They are in our prayers.

Mr. KINGSTON. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, on behalf of my colleagues in the Georgia delegation, Mr. LEWIS, Mr. NORWOOD, Mr. ISAKSON, Ms. MCKINNEY, Mr. LINDER, Mr. BISHOP, Mr. BARR, Mr. CHAMBLISS, Mr. DEAL and Mr. COLLINS, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agree to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 558, the resolution just adopted.

The SPEAKER pro tempore (Mr. FOSSELLA Is there objection to the request of the gentleman from Georgia?

There was no objection.

RUSSIAN-AMERICAN TRUST AND COOPERATION ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 555 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 555

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4118) to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba. The bill shall be considered as read for amendment. The amendment recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative Gejdenson of Connecticut or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), my colleague and friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this subject only.

Mr. Speaker, H. Res. 555 provides for House consideration of H.R. 4118, The Russian-American Trust Cooperation Act. The modified closed rule provides 1 hour of general debate, equally divided between the chairman and ranking member of the Committee on International Relations. In addition, the rule makes in order a minority substitute and one motion to recommit, with or without instructions; in other words, 2 bites at the apple. I am aware of no Members who sought to offer amendments to the bill. Indeed, the only amendment offered during committee consideration that I know of has been actually incorporated into the bill.

Recognizing the time constraints in the floor calendar during this time of year and the relative simplicity of this bill, this is a fair and balanced rule, in my view, and I urge its support.

Mr. Speaker, H.R. 4118 is relatively straightforward as a piece of legislation, but it is enormously important from a national security perspective. Let me explain. Mr. Speaker, H.R. 4118 prohibits the U.S. Government from restructuring or rescheduling any of Russia's debt with the United States until the President certifies that the Russian government has ceased operating its intelligence eavesdropping facility which happens to be located nearby in Lourdes, Cuba.

I know that many Members have passionate feelings about Cuba; but to me, this has little to do with U.S. policy towards Cuba; it has everything to do with protecting American citizens and our national security. It is absolutely inconceivable to me, and I think to most Americans, that the United States would provide aid and loans to Russia at a time when, according to press reports, the Russian government pays Cuba hundreds of millions of dollars a year to operate a facility it uses to eavesdrop on the United States and on our business and what is going on here.

For years now, the defense and intelligence community has been pointing out the danger posed by the Lourdes' listening facility. Relying solely on open-source information and press reporting, and I want to reiterate that point, all of this is based on open-source and media reports, the site at Lourdes is of concern for the following reasons: first, the Russian government allegedly pays up to $300 million each year in rent to the Cuban government for the facility. Second, the Russian government has reportedly invested over $3 billion, that is B, billion, for the operation and modernization of this huge intelligence base. Third, the Russian government, following the collapse of the Soviet Union in 1990, has apparently significantly stepped up its intelligence collection activities against the United States from its Lourdes base, and this is, of course, before the currently elected president of Russia, Mr. Putin, was elected and it is well known that Mr. Putin comes out of the intelligence community as a former KGBer; and I do not know what his view is on the subject of Lourdes, and I suspect it is time we find out.

Reportedly in recent years, Russian intelligence agencies have funded major facility and equipment upgrades and enhancements at the Lourdes site. Finally, the experts familiar with the Lourdes facility, including Russian defectors and former U.S. Government officials, assert that the Lourdes site is being used by the Russian government to collect personal information about American citizens and proprietary information about U.S. corporations.

□ 1615

Clearly, this capability offers the means to conduct cyberwarfare against the United States and its people. That is something most Americans understand and do not want to have happen.

Given the obvious national security implications, I am deeply puzzled by the Clinton-Gore administration's adamant opposition to this bill. It seems we have a very clear case where the Russians, with the assistance from Cuba, are engaged in activity in direct conflict with U.S. national security.

Through the leadership of the gentleman from New York (Mr. GILMAN), the gentlewoman from Florida (Ms. ROS-LEHTINEN) and others, we have found a way to apply real pressure to Russia to cease its activities at Lourdes. Yet, I understand the Clinton-Gore administration is opposed.

I would submit that their opposition to this bill is an example in a very long list that makes the Clinton-Gore administration's disdain for security policy appear again one more time before us, inexplicable as it is.

The Clinton-Gore administration, and in particular, Vice President Gore, who spearheaded administration policy toward Russia through the Gore-Chernomyrdin Commission, has repeatedly claimed that it had achieved a special relationship of trust with Russian, referring to them as partners.

I want to quote from the minority views that accompany this bill, because it contains truly amazing statements from the Clinton and Gore administration and its allies in Congress.

The minority suggest that "the extent to which Lourdes may target U.S. individual or corporate communications is uncertain." We know it is there. We are just not really sure how much they are listening to or what they are getting, I guess is what that means.

Further, the minority suggests that allowing the Russians to eavesdrop on the United States to the Lourdes facility is a way of "guaranteeing a certain level of political trust between Russia and the United States.

These statements remind me of many times that President Clinton has told the American people that our children could sleep peacefully at night because there were no nuclear missiles pointed at the United States. That is a very nice sentiment, it is a great statement and I wish it were true, but it is not. It gives the American people a false sense of security.

I think likewise the many press reports and the testimony by the Russian defectors and the others contradict the reassurances in the minority reports that the Lourdes site is nothing to be concerned about. I think it is something to be definitely concerned about.

I think the American people deserve better than those kinds of assurances, which cannot be backed up. I encourage my colleagues to support this bill. I think that the Republican government needs to understand and be made accountable that it has to honor its financial obligations, and that the Lourdes site must be shut down if it hopes to truly build a relationship of real trust between our two peoples.

Finally, I encourage my colleagues to send a very strong signal to the Clinton-Gore administration that the American people will no longer stand for their culture of disdain for security, whether it is the State Department laptops, bugging at the State Department, Los Alamos, or the many things we have been reading about. It is clear that lack of good security has been a hallmark of this administration from day one, and it is not acceptable. It is expensive, it is painful, and it is affecting our national security in a negative way.

I encourage my colleagues to support this fair rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill for which this rule provides consideration addresses some very valid security concerns in Cuba. However, Mr. Speaker, I think they could be addressed in a better way.

I believe the best way to engage Cuba is first to lift the food and medicine embargo, and then to open up trade and commercial dialogue. In all likelihood, the approach this bill takes will not adequately address American security concerns. Instead, it will further isolate Cuba, which will make it even more susceptible to outside influences other than ours.

My colleagues say that the way to improve human rights in China is to expand trade, an open dialogue. I say we should do the same in Cuba.

Mr. Speaker, when I was in Cuba just a few months ago our chief of mission, which would be our ambassador if we recognized Cuba, told me that her diplomats never have any face-to-face discussions with Cuban officials. They just do not talk. It is much harder to stay enemies with someone that you actually talk with.

The United States is the last country on Earth that still is not talking to Cuba. I suspect that this adds to our problems greatly, because, Mr. Speaker, as many of my colleagues probably know, the Cold War actually ended 9 years ago. Russia is no longer the Soviet Union. In fact, it is no longer Communist.

The debt restructuring is very important to the stability of Russia. A Russian default could upset any attempt at Russian economic reforms. That is something we want to avoid at all costs, because it could eventually threaten our own national security.

This is not leadership. We are not showing our strengths by withholding debt relief to Russia. We need to stand by our commitments and assist Russia as it works to become a true democracy with a market economy, but strangled by this debt, they will never get there.

This bill holds the debt hostage to our outdated Cold War policy. Mr. Speaker, that could have very, very serious ramifications.

Mr. Speaker, I would be the first one to say that we have to address surveillance issues. The United States communications are sacred. They should be protected. But if we are concerned about the types of security threats coming from Cuba, I think we should talk to people in Cuba the way we talk to everybody else. Why should they be any exception?

There are some who believe we should continue to isolate Cuba. They believe we should refuse food, we should refuse medicine. We should refuse any conversation with our neighbors to the south, regardless of the effect on the Cuban people or American businesses.

Mr. Speaker, we have tried isolating Cuba for 40 years. It is not working. This bill is well-intentioned, but might risk making things worse. Let us open the policy up. Let us send our diplomats in. Let us get talking. That is how we protect ourselves and everyone else. That is how we should protect ourselves here.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out that this bill asks Russia to stop renting the facility, and have it shut down that way. So we are dealing and focusing on Russia, not on Cuba in this bill.

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART), my colleague and a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Sanibel, Florida, for yielding time to me.

Mr. Speaker, I rise in strong support of the rule, as well as the underlying legislation. I commend the gentleman from New York (Chairman GILMAN) and the gentleman from Florida (Chairman Goss), and especially my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), the author of the legislation, for their hard work in bringing forth this important bill to prohibit rescheduling of debt to Russia until it removes its intelligence personnel and closes the personnel base, the spying facility, in Cuba.

Almost a decade after the collapse of the Soviet Union, a Communist dictator continues to oppress and brutalize a country only 90 miles from our shores, denying the people of Cuba the most basic freedoms, including the freedom of speech, the right to assemble, the right to democratic elections, the right to participate in political parties and labor unions, the right to a free press; in other words, Mr. Speaker, the right of self-determination and the rule of law.

Cuba is going to be free, it is inevitable. But I think it is without any doubt in the national interests of the United States for Cuba to be free as soon as possible. I think it is important that we touch upon just a few of the reasons why.

We in Congress have the ability to receive research from many so-called think tanks. Obviously, they are institutions of research. One of the most respected, I believe, and certainly well-informed of those research institutes is the William Casey Institute of the Center for Security Policy.

In a recent report, they wrote, "American advocates of normalization contend that Cuba no longer poses any threats to the United States, and that the U.S. embargo is therefore basically an obsolete and harmful relic of the Cold War. Unfortunately, this view ignores the abiding menacing character of the Cuban dictatorship.

"This is all the more remarkable given the emphasis Secretary of Defense William Cohen, among other Clinton administration officials, has placed on asymmetric threats, the very sort of threats that Castro's Cuba continues to pose to American citizens and interests."

The Russian intelligence-gathering facilities in Cuba, which is what this legislation is dealing with, specifically, the vast signal intelligence facilities operated near Lourdes by Havana's and Moscow's intelligence services, permit the wholesale collection of sensitive United States military, diplomatic, and commercial data, and the invasion of millions of Americans' privacy.

The Cuban regime, with Russia's help, has the capability to conduct sustained and systematic information warfare against the United States. A stunning example of the potentially devastating consequences of this capability that this legislation is dealing with was recently provided by former Soviet military intelligence Colonel Stanislav Lunev.

As one of the most senior Russian military intelligence officers to come to this country, Lunev revealed that in 1990 the Soviet Union acquired America's most sensitive Desert Storm battle plans, including General Schwarzkopf's famed "Hail Mary" flanking maneuver, prior to the launch of the U.S. ground war in the Persian Gulf.

Moscow's penetration of such closely-guarded American military planning via its Cuban facility, which this legislation is dealing with, may have jeopardized the lives of literally thousands of U.S. troops in the event that the intelligence had been forwarded to Saddam Hussein at that time by Soviet premier Gorbachev.

By the way, Moscow pays over $200 million a year to this day to the Castro regime for the intelligence-gathering post, for the Russian intelligence-gathering post 90 miles from the shores of the United States. Even though they get a lot of money from the U.S. taxpayer, Mr. Speaker, the Russians turn around and pay over $200 million a year to Castro for the intelligence facility that the Russians maintain in Cuba.

Recent news reports have brought forth that the same types of concerns that existed during Desert Storm due to the intelligence-gathering operations in Cuba that this legislation is dealing with, the same types of concerns that existed during Desert Storm due to the intelligence-gathering operations in Cuba that the Russians maintain and the intelligence-gathering operations that Castro maintains with the help of the Russians, these same concerns remained during our recent operations in Iraq and in Kosovo.

Drug trafficking, money-laundering, assistance to narcoterrorists in Colombia and elsewhere, harboring murderers and many other fugitives from U.S. justice, those are but a few of the actions of the Cuban dictatorship which point out why a free and democratic Cuba as soon as possible is definitely in the national interests of the United States, as well, obviously, as in the national interests of Cuba.

But the intelligence post that we are dealing with today specifically, and that is the issue today brought forth by the legislation of the gentlewoman from Florida (Ms. ROS-LEHTINEN), is certainly another very key reason.

In conclusion, I urge both the adoption of the rule and the underlying bill, for which I commend my colleagues, and especially the gentlewoman from Florida (Ms. ROS-LEHTINEN) for bringing forward.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, as the distinguished dean of the Massachusetts delegation noted, H.R. 4118 raises legitimate security issues. However, the bill puts forth the worst possible recommendation on how to deal with these issues.

Mr. Speaker, the Cold War is over. We are now in an era of engagement. Unfortunately, the sponsors of this bill want to link our policy with Russia to the failed U.S. policies towards Cuba. This bill would undermine U.S. leadership on engagement with Russia. It would cripple U.S. leadership in the Paris Club, that negotiates debt forgiveness and rescheduling of debt for Russia. It would place Russia's shaky economy in an even more precarious situation.

Why? Because the sponsors of this bill reject U.S. engagement with Cuba. If we had relations with Cuba, the United States could negotiate directly with the Cubans and the Russians about how to resolve the security issue.

Even worse, this bill will actually create new security problems for the United States. The United States maintains many listening stations around the world. We enjoy a significant advantage over Russia. Why do we want to bring public attention to these intelligence matters?

□ 1630

H.R. 4118 is part of the same effort that would deny Americans the right to travel to Cuba, and that would deny our farmers the ability to finance the sale of food and medicine to the people of Cuba. Sadly, the leadership of this Congress has, in a back room deal, refused to allow this House to work its will on that issue.

It is also part of the effort to block all efforts to pursue a new policy towards Cuba, one that engages the Cuban people, in order to ensure a peaceful transition to democracy.

This bill is a lose-lose proposition for American interests. I urge my colleagues to oppose H.R. 4118.

Mr. GOSS. Mr. Speaker, it is my great honor to yield 2 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the House Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I support the adoption of this rule for consideration of H.R. 4118, the Russian-American Trust and Cooperation Act of 2000.

This measure addresses a very serious situation, a situation that confronts our Nation with regard to espionage being conducted against our American Armed Forces, against our citizens, and against our companies from an expansive intelligence facility located in Cuba.

This measure also addresses a very serious situation with regard to the financial support that the Communist regime of Fidel Castro receives from the Russian Federation for the use of that intelligence facility.

In brief, this measure prohibits any further debt relief for the Russian government on the debts it owes to the United States until it closes down that espionage facility in Cuba; but the bill does contain a provision, adopted with bipartisan support in our Committee on International Relations, that grants the President limited waiver authority in the application of the requirements of this bill.

Mr. Speaker, I appreciate the expeditious work done by my colleague and the other members of the Committee on Rules to bring this bill to the floor.

Mr. MOAKLEY. Mr. Speaker, as my colleagues probably know, there is a Democratic Caucus going on, so I do not have any of my speakers here, so I will let the gentleman from Florida (Mr. GOSS) take over.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I rise today in support of the rule for H.R. 4118, the Russian-American Trust in Cooperation Act of 2000, introduced by the gentlewoman from Florida (Chairman ROS-LEHTINEN). While the Cold War may have ended 10 years ago, the threat of Russian espionage remains alive and well on the island of Cuba.

Few Americans may know that the Russian government still maintains an agreement with the Castro regime that allows the Russians to operate an intelligence facility at Lourdes, Cuba, the largest espionage complex outside the former Soviet Union. With over 1,500 Russian engineers, technicians and military personnel, the Russian government is able to monitor communications activity in the United States and gather personal information about U.S. citizens. In fact, this facility enabled the Russians to intercept sensitive information about U.S. military operations during the Gulf War.

Now we have received startling news from our own intelligence that the Russian government is increasing its presence at Lourdes. It has been reported that the Russians have spent more than $3 billion to modernize and expand the Lourdes facility.

Our government must respond immediately and forcefully by prohibiting the forgiveness of bilateral debt owed to the U.S. by the Russian Federation and instruct our representative to the Paris Club of official creditors to vote against the rescheduling or forgiving of such debt until the President certifies that the Russian government has stopped all operations, removed all personnel, and permanently closed the

Lourdes facility. The bill would provide the President a waiver if he certifies that doing so is in the national interest of the United States and that the Russian government is in compliance with multilateral and bilateral nonproliferation and arms limitation agreements.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. GILMAN), the distinguished chairman of the House Committee on International Relations, for moving this important bill to the floor.

I urge my colleagues to support the efforts of the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Chairman GILMAN).

Mr. GOSS. Mr. Speaker, it is indeed a privilege to yield 3 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairman of the Subcommittee on International Economic Policy and Trade.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank, first of all, the gentleman from Florida (Chairman GOSS) of the Permanent Select Committee on Intelligence for his support and, indeed, his enthusiasm for this bill. He is a staunch defender of U.S. national security interests and has been an unwavering ally in our efforts to curtail the threat posed by the Russian espionage facility at Lourdes, Cuba.

I would also like to take this opportunity to thank the distinguished gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his leadership and assistance in moving this bill through the committee process.

As has been explained, Mr. Speaker, H.R. 4118, a bill that I introduced in March of this year, documents several things. First, it documents the threat that is the Lourdes facility. Secondly, it documents the need for the legislation, and that is that the Russian Federation continues to have contempt for its financial obligations to the U.S. Thirdly, it provides a solution, that is, the prohibition of debt rescheduling and forgiveness.

H.R. 4118 documents the billions of dollars that the Russian Federation has spent and continues to spend in the leasing, the upgrading, and operation of its Lourdes post, providing much-needed financial support to the Castro regime to help keep it afloat. It underscores also the continued relation between the Russian intelligence service and the Castro tyranny by citing reports of a high-ranking Russian military delegation traveling to Cuba in December 1999 to discuss the continuing operation of Lourdes.

It refers to open sources which classify the Lourdes facility as the greatest single overseas asset for Russian intelligence, with 1,500 Russian engineers, technicians, military personnel, as well as tracking dishes and satellite systems, all tasked with intercepting computer communications, telephone calls, and faxes, as well as with the capacity to engage in cyberwarfare against the U.S.

The bill cites reports confirming the use of Lourdes to steal U.S. commercial and trade secrets as well as to collect personal information on American citizens in the private and government sectors.

H.R. 4118 is a focused bill which addresses specific policy issues, and this rule reflects this.

It enjoys the support of the majority leader and the majority whip, who are cosponsors of this measure; of the gentleman from New York (Chairman GILMAN) of the Committee on International Relations; and of the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence, who, as we have seen, is managing debate on the rule.

The bill has Democrat cosponsorship and was passed in the committee on a voice vote with minority support. It was reported out as amended by compromised language offered by the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

I thank the Committee on Rules for reporting this rule. I ask my colleagues to vote in favor of the rule so that we can move forward with consideration of H.R. 4118, a bill which seeks to utilize the withholding of debt forgiveness and rescheduling to curb Russian behavior running contrary to our U.S. national security concerns.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the gentleman from Florida (Mr. GOSS) if he has any remaining speakers.

Mr. GOSS. Mr. Speaker, I would like to advise the gentleman from Massachusetts, through the Chair, that we have no requests for further speakers. I am going to make a brief closing remark after the gentleman yields back.

Mr. MOAKLEY. Mr. Speaker, I await the remarks of the gentleman from Florida (Mr. GOSS).

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply would put it this way. If we had an aircraft carrier parked off any part of the United States that was bristling with antennas and flying a foreign flag, people would want to know what was going on.

When there was evidence that that aircraft carrier was being used to obtain information that we regard as private information, our personal communications, our telephone calls, so forth, I know most Americans would want the United States Government to take action. That is not a far cry from the situation we are looking at.

The largest intelligence gathering facility is, in fact, at Lourdes, Cuba; and there is no doubt it is being used. Russians are having a hard time making ends meet. Yet they are still willing to put $300 million a year, or something thereabouts, into renting this facility; so presumably, they are getting at least that much back in their dividend, and that is undoubtedly at our expense.

It is worth noting that this weekend we are going to be renegotiating the debt. The Russians are going to be asking us one more time, could we do them a favor. I do not think most Americans want us to be paying our tax dollars to the Russians to spy on us, to take our secrets. That is what this bill seeks to stop.

My colleagues can remember the uproar we had just last week here when the Xinhua news agency for the People's Republic of China proposed to build a building that had line-of-sight capability on the United States Pentagon, the seat of the defense operations. There was huge uproar. That has been stopped because of the concern of spying.

Well, if we are able to stop something that simple, certainly we ought to make an effort to stop something as meaningful as what is going on at Lourdes. Nobody wants Big Brother reading their mail or looking over their shoulder or spying at them especially when Big Brother is not American; and, as all Americans know, we do not spy on ourselves in this country. So if we are being spied on, it is by somebody else, and we should stop it.

Mr. Speaker, I urge the support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 555, I call up the bill (H.R. 4118) to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all the personnel from, and permanently closed the intelligence facility at Lourdes, Cuba, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to House Resolution 555, the bill is considered read for amendment.

The text of H.R. 4118 is as follows:

H.R. 4118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Russian-American Trust and Cooperation Act of 2000".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the Russian Federation maintains an agreement with the Government of Cuba which allows Russia to operate an intelligence facility at Lourdes, Cuba.

(2) The Secretary of Defense has formally expressed concerns to the Congress regarding the espionage complex at Lourdes, Cuba, and its use as a base for intelligence activities directed against the United States.

(3) The Secretary of Defense, referring to a 1998 Defense Intelligence Agency assessment, has reported that the Russian Federation leases the Lourdes facility for an estimated $100,000,000 to $300,000,000 a year.

(4) It has been reported that the Lourdes facility is the largest such complex operated by the Russian Federation and its intelligence service outside the region of the former Soviet Union.

(5) The Lourdes facility is reported to cover a 28 square-mile area with over 1,500 Russian engineers, technicians, and military personnel working at the base.

(6) Experts familiar with the Lourdes facility have reportedly confirmed that the base has multiple groups of tracking dishes and its own satellite system, with some groups used to intercept telephone calls, faxes, and computer communications, in general, and with other groups used to cover targeted telephones and devices.

(7) News sources have reported that the predecessor regime to the Government of the Russian Federation had obtained sensitive information about United States military operations during Operation Desert Storm through the Lourdes facility.

(8) Academic studies assessing the threat the Lourdes espionage station poses to the United States cite official United States sources affirming that the Lourdes facility is being used to collect personal information about United States citizens in the private and government sectors, and offers the means to engage in cyberwarfare against the United States.

(9) It has been reported that the operational significance of the Lourdes facility has grown dramatically since February 7, 1996, when then Russian President, Boris Yeltsin, issued an order demanding that the Russian intelligence community increase its gathering of United States and other Western economic and trade secrets.

(10) It has been reported that the Government of the Russian Federation is estimated to have spent in excess of $3,000,000,000 in the operation and modernization of the Lourdes facility.

(11) Former United States Government officials have been quoted confirming reports about the Russian Federation's expansion and upgrade of the Lourdes facility.

(12) It was reported in December 1999 that a high-ranking Russian military delegation headed by Deputy Chief of the General Staff Colonel-General Valentin Korabelnikov visited Cuba to discuss the continuing Russian operation of the Lourdes facility.

SEC. 3. PROHIBITION ON BILATERAL DEBT RESCHEDULING AND FORGIVENESS FOR THE RUSSIAN FEDERATION.

Notwithstanding any other provision of law, the President—

(1) shall not reschedule or forgive any outstanding bilateral debt owed to the United States by the Government of the Russian Federation, and

(2) shall instruct the United States representative to the Paris Club of official creditors to use the voice and vote of the United States to oppose rescheduling or forgiveness of any outstanding bilateral debt owed by the Government of the Russian Federation,

until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.

SEC. 4. REPORT ON THE CLOSING OF THE INTELLIGENCE FACILITY AT LOURDES, CUBA.

Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until the President makes a certification under section 3, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report (with a classified annex) detailing—

(1) the actions taken by the Government of the Russian Federation to terminate its presence and activities at the intelligence facility at Lourdes, Cuba; and

(2) the efforts by each appropriate Federal department or agency to verify the actions described in paragraph (1).

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 4118, as amended, is as follows:

H.R. 4118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Russian-American Trust and Cooperation Act of 2000".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the Russian Federation maintains an agreement with the Government of Cuba which allows Russia to operate an intelligence facility at Lourdes, Cuba.

(2) The Secretary of Defense has formally expressed concerns to the Congress regarding the espionage complex at Lourdes, Cuba, and its use as a base for intelligence activities directed against the United States.

(3) The Secretary of Defense, referring to a 1998 Defense Intelligence Agency assessment, has reported that the Russian Federation leases the Lourdes facility for an estimated $100,000,000 to $300,000,000 a year.

(4) It has been reported that the Lourdes facility is the largest such complex operated by the Russian Federation and its intelligence service outside the region of the former Soviet Union.

(5) The Lourdes facility is reported to cover a 28 square-mile area with over 1,500 Russian engineers, technicians, and military personnel working at the base.

(6) Experts familiar with the Lourdes facility have reportedly confirmed that the base has multiple groups of tracking dishes and its own satellite system, with some groups used to intercept telephone calls, faxes, and computer communications, in general, and with other groups used to cover targeted telephones and devices.

(7) News sources have reported that the predecessor regime to the Government of the Russian Federation had obtained sensitive information about United States military operations during Operation Desert Storm through the Lourdes facility.

(8) Academic studies assessing the threat the Lourdes espionage station poses to the United States cite official United States sources affirming that the Lourdes facility is being used to collect personal information about United States citizens in the private and government sectors, and offers the means to engage in cyberwarfare against the United States.

(9) It has been reported that the operational significance of the Lourdes facility has grown dramatically since February 7, 1996, when then Russian President, Boris Yeltsin, issued an order demanding that the Russian intelligence community increase its gathering of United States and other Western economic and trade secrets.

(10) It has been reported that the Government of the Russian Federation is estimated to have spent in excess of $3,000,000,000 in the operation and modernization of the Lourdes facility.

(11) Former United States Government officials have been quoted confirming reports about the Russian Federation's expansion and upgrade of the Lourdes facility.

(12) It was reported in December 1999 that a high-ranking Russian military delegation headed by Deputy Chief of the General Staff Colonel-General Valentin Korabelnikov visited Cuba to discuss the continuing Russian operation of the Lourdes facility.

SEC. 3. PROHIBITION ON BILATERAL DEBT RESCHEDULING AND FORGIVENESS FOR THE RUSSIAN FEDERATION.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President—

(1) shall not reschedule or forgive any outstanding bilateral debt owed to the United States by the Government of the Russian Federation, and

(2) shall instruct the United States representative to the Paris Club of official creditors to use the voice and vote of the United States to oppose rescheduling or forgiveness of any outstanding bilateral debt owed by the Government of the Russian Federation,

until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.

(b) WAIVER.—

(1) IN GENERAL.—The President may waive the application of subsection (a)(1) with respect to rescheduling of outstanding bilateral debt if, not less than 10 days before the waiver is to take effect, the President determines and certifies in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) such waiver is necessary to the national interests of the United States; and

(B) the Government of the Russian Federation is substantially in compliance with multilateral and bilateral nonproliferation and arms limitation agreements.

(2) ADDITIONAL REQUIREMENT.—If the President waives the application of subsection (a)(1) pursuant to paragraph (1), the President shall include in the written certification under paragraph (1) a detailed description of the facts that support the determination to waive the application of subsection (a)(1).

(3) SUBMISSION IN CLASSIFIED FORM.—If the President considers it appropriate, the written certification under paragraph (1), or appropriate parts thereof, may be submitted in classified form.

(c) PERIODIC REPORTS.—The President shall, every 180 days after the transmission of the written certification under subsection (b)(1), prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a description of the extent to which the requirements of subparagraphs (A) and (B) of subsection (b)(1) are being met.

SEC. 4. REPORT ON THE CLOSING OF THE INTELLIGENCE FACILITY AT LOURDES, CUBA.

Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until the President makes a certification under section 3, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report (with a classified annex) detailing—

(1) the actions taken by the Government of the Russian Federation to terminate its presence and activities at the intelligence facility at Lourdes, Cuba; and

(2) the efforts by each appropriate Federal department or agency to verify the actions described in paragraph (1).

The SPEAKER pro tempore. Pursuant to House Resolution 555, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4118.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that, at the conclusion of my remarks, the gentlewoman from Florida (Ms. ROS-LEHTINEN), the Chair of the Subcommittee on International Economic Policy and Trade, be permitted to control the balance of the time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the measure we are considering in the House today, H.R. 4118, the Russian-American Trust and Cooperation Act, speaks to the twin issues of Russian electronic espionage conducted against our United States Armed Forces, against our companies and our citizens, and the Russian government's financial support for the Communist regime of Fidel Castro in Cuba, support that is provided by means of the hundreds of millions of dollars of annual rent paid for the use of a site in Cuba to conduct such espionage against our Nation.

Mr. Speaker, there are at least two fundamental questions that we need to address in this measure: first, why is the Russian government conducting such an expansive campaign of espionage against the United States at a time when we are supposed to be building a new relationship in this post-Cold War world?

Second, how does the Russian government explain that they have the financial means to turn over to the Castro regime every year Russian oil and commodities estimated to be worth as much as $300 million that it could otherwise sell to raise its own revenues, while at the same time Russia is claiming to the United States Government and its other creditors that it cannot afford to pay its debts to them?

□ 1645

Mr. Speaker, I suspect that many of our colleagues are not aware of the Russian track record with regard to meeting its debt obligations of the last 8 years. Permit me to take a moment to suggest a review of our committee's report on this bill, which lays out that track record in some detail, and let me summarize it in this manner:

Where the Russian government felt it could get away with not paying its debts, it did so; and that is particularly true with regard to its private, commercial creditors who, after years of Russian refusal to make payments, were earlier this year forced to write off over $12 billion in Russian debts. Twelve billion dollars as a matter of write-off.

Where the Russian government could not readily ignore its obligations, such as its debts to governments, including the United States, it sought out and won multiple reschedulings. Russia's debts to the United States Government have been rescheduled five times since 1993.

While Russia has manipulated its creditors, private and public, it has found the means to provide an estimated $2 billion in financing every 7 years to pay the Castro regime for the use of its espionage facility in Cuba. Over the past year, Russian officials have begun stating they expect the United States and their other official creditors to simply forgive a large part of their debt.

That is a far cry from the statements of Russian officials in 1992 and in 1993, when they laid claim to the former Soviet regime's assets around the world, embassies, gold stocks, foreign bank accounts, and solemnly vowed to take on the payment of that regime's debts. It now appears that the assets proved welcome but the debts were inconvenient. And as we see in so many other situations, the Russian government now wants to avoid its commitments. My colleagues, I leave it to other Members who are here today to speak to the character of espionage that is conducted by the Russian government from its Cuban facility.

It is a major concern for my colleagues when we learn the following: That sophisticated Russian listening devices have been placed in our State Department headquarters itself; that the number of Russian spies sent to the United States has risen sharply in recent years; and when we hear our FBI Director Louis Freeh state that Russian intelligence agencies present, "A very formidable, very ominous threat to this country, to the infrastructure and to our economy."

My colleagues, this measure is quite direct in its intent. If the Russian government wants further debt relief from our Nation, then it should close down its espionage facility in Cuba and stop supplying the hundreds of millions of dollars of support that that facility's operation provides to Fidel Castro.

A bipartisan amendment to the bill adopted by our Committee on International Relations provides the President with the authority to waive that prohibition for purposes of debt rescheduling for the Russian government, but not for any debt forgiveness, if he can certify that that is in the national interest of our Nation.

By passage of this measure, the House will make it clear to our own policymakers that it is time to strongly focus on this issue. If we are to have a new relationship with Russia, and if the Russian government seeks the support of our Nation, such as continued debt relief, then it is time that it hears clearly from our government about those actions that we do not appreciate; that supporting the Castro regime and spying on American citizens and our companies is not appreciated.

Accordingly, Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

It is interesting that we are now going to drive our Russia policy, a country that has a significant nuclear arsenal, and that we are trying to get to transition to a full democracy, we are going to drive the Russian policy from Havana. If this was the free market, it would be as if we were going to Edsel to design Fords and to Beta to run the Sony business empire.

The Cuba policy has not worked. It does not work today. It leaves us looking foolish. We give PNTR to China; we will not sell food and medicine to Cuba. And now what we are going to try to do for the first time, as I understand it, is we are going to try to tie up our financial relations, in hopes to rebuild a Russia in the post-Soviet era, we are going to tie it all to what happens in Havana. Now, the Bush administration, the previous Republican administration, apparently never saw this facility as an obstacle to either American or multilateral assistance to Russia.

When we take a look at what we have here, we have a process where a delegation in this Congress, that is set on continuing a failed policy, now wants to weld the failed policy against Cuba to a policy of trying to deal with Russia in the post-Soviet era. It seems to me that this is not in America's best interest.

There are clearly debates we can have about the listening facility in

Cuba. Some would argue it helps both sides when we have these mutual listening facilities, to make sure that international arms agreements are monitored by the sides, giving people a level of comfort. But even putting that aside, what we want to do here with this legislation is we will prevent the United States from its participation in Paris Club activities because we think this is one more nail in Fidel Castro's coffin. Well, for 40 years we have tried these plots. We have cut off food, we have cut off medicine, we have cut off trade, we have provided embargoes while we have opened up relations with China.

In China, we are told, by the way, that a completely undemocratic system that locks people up even who join exercise clubs, that this new commercial relationship will bring about democratic change and democratic institutions. It is the way to move forward. In Cuba we are told that 40 years of isolation is not enough; that if we can just isolate Cuba a little longer, this policy will work.

Well, my colleagues, it does seem time to bring back Edsel, the car Edsel, and the Beta format for Sony. This policy makes no sense for America's national interest. It is in our interest to make sure that the Russians repay their Soviet-era debt. If the United States uses this legislation to end the rescheduling of debt, what will happen? Well, if the Soviets choose to not repay the debt at that point, what is the damage to Russia? The damage is to America's creditors. We do not get the money back.

So it seems to me that this is bad from an arms control perspective; it is bad from trying to work with Russia to get it through the stage in the post-Soviet era; it seems to make no sense at all to tie a failed Cuban policy to Russia; and it is clearly a mistake for the United States to disrupt our relations in the Paris Club. I would hope, Mr. Speaker, that we would recognize that we need a new policy.

I know, Mr. Speaker, there are a large number of Republicans and Democrats who now see the need for a new policy in trying, frankly, to engage Cuba. Because it seems to me that when we have the better product, and when we show it to the other side, we do not undermine the United States, we undermine Cuba.

I can tell my colleagues that my parents fled the Soviet Union. We came to the United States. And in those early days, when we had the first visits by Soviet leaders, my mother and father said to me, Kruschev probably believes that he is being shown a Potemkin village; that when Kruschev came to the United States and saw grocery stores full of food and nice homes, she was convinced, and she was probably right, that Kruschev probably thought there was this barren wasteland beyond what he was being shown. By the time of Gorbachev, and even Brezhnev before him, they recognized ours was a great success and theirs was a horrendous failure.

Let Americans of Cuban descent and others easily travel to Cuba. Let the Cuban people see what freedom is all about. Let us not fear contact with the Cuban dictatorship. Every time an American in a free America has contact with Cuba, it undermines totalitarianism. Let us get rid of this policy that has hurt America's interest for 40 years.

And let us take a look for just one more moment to explain how silly some of what happens is. In my district there is a gentleman who exports hardwoods; and at one point several years ago, he shipped a shipment of hardwoods, oak, white oak, from eastern Connecticut to Japan. The Office of Foreign Control Authority grabbed all of his bank accounts. Why? It turned out the Cuban government owned a piece of the holding company in Japan, and we were taking his bank accounts away under the Trading With the Enemies Act.

We have created this insanity which more than isolating Cuba has isolated the United States and the world community. Every one of our democratic governments sees this as a policy that does not work. Let us try something new. Let us find a way to make sure the Cuban people understand that Americans care about the Cuban people; it is the type of government they have that we are against. Let us get rid of the hypocrisy of giving PNTR to China while we will not sell food and medicine to Cubans. Let us not tie our Russia policy to a failed policy in Cuba.

This is not going to change what happens in Cuba; it is not going to change what happens in Russia. It is just one more attempt to try to drive, I guess, all of our foreign policy out of how we see a failed policy in Cuba and continue it elsewhere around the globe. Reject this bill. It will not do much at the end of the day. It is just a bad idea.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the threat posed by Russia's facility at Lourdes is not new. The Freedom Support Act of 1992 clearly underscored the dangers to U.S. national security, as did ensuing legislation.

Secretary of Defense Cohen stated in a May 1998 letter to the Congress, "I remain concerned about the use of Cuba intelligence activities directed against the United States." And he further emphasized his concerns with the signals intelligence facility at Lourdes and what benefits the Cuban government may reap from this facility.

This latter statement sums up the dual threat that the Lourdes facility poses related to Russia's specific actions as well as the financial resources it affords the Cuban dictatorship through its yearly payments of $200 million to $300 million to the Castro regime for Lourdes.

However, after 8 years of talks, 8 years of providing the Russian Federation with billions of dollars in U.S. aid of one sort or another, 8 years of rescheduling the Russian debt at different intervals, what has happened is that Lourdes remains a serious problem. In fact, evidence suggests that there has been an increase, not a reduction, of the threat posed by the Lourdes facility.

□ 1700

Coinciding with a February 7, 1996, order by then Russian President Yeltsin demanding that the Russian intelligence community increase its gathering of U.S. and other Western economic and trade secrets, multiple open sources confirm that the Russian Federation began a multi-billion dollar upgrade and expansion of the Lourdes facility, which included, according to open sources and public statements by former U.S. officials and Russian and Cuban defectors, the addition of satellite dishes, voice recognition facilities, more sophisticated computers for intercepting specific telephone numbers, faxes, and computer data, and the means by which to engage in cyberwarfare against the United States.

In fact, the ongoing sophisticated and organized cyberattacks that the Pentagon's military computer systems were subjected to in early 1999 came from a company routing through Russian computer addresses. These attacks have been occurring since 1998 and are believed to be stemming from the Lourdes facility.

Other public sources and reports refer to the jamming of U.S. FAA transmissions as an example of how Lourdes is used for cyberwarfare, which directly threatens the lives of all Americans.

On November 5, 1998, a Moscow publication reported that the Lourdes espionage facility provide between 60 and 70 percent of all intelligence data about the United States, including highly sensitive military information about our own Armed Forces. Such a penetration of closely guarded American military planning jeopardizes the lives of thousands of our men and women in uniform.

The use of Lourdes, however, according to academic studies and news reports quoting officials and unofficial sources, is not limited to secret U.S. military operations. Its targets include the interception of sensitive diplomatic, commercial, and economic traffic as well as private U.S. telecommunications. And these targets coincide with the previously mentioned mandate by Russian President Yeltsin that the focus of Russian intelligence had to be commercial and industrial espionage against the U.S. in particular.

According to surveys of the American Society for Industrial Security, commercial espionage bleeds the U.S. economy of at least $24 billion a year. However, nothing is being done to address Russia's active participation in a practice which has such devastating costs for American companies.

The economic traffic intercepted by Lourdes includes Federal Reserve deliberations, planned U.S. mergers and acquisitions, competitive bidding processes, data which could be used to bank-roll Russian global operations to the detriment of American equities.

The disdain for U.S. security extends into the private realm, as revealed by the director of the Defense Intelligence Agency in August 1996, who stated, "Lourdes is being used to collect personal information about U.S. citizens in the private and government sectors."

Still, the threat does not end there. Cuban engineers and officials of Cuba's Ministry of the Interior, which is Castro's intelligence service, who have defected to the United States in the last 5 years have stated that information on the U.S. obtained through the Lourdes espionage facility is offered by the Russians as a gift or is sold to regimes in countries such as Iran, Iraq, Libya, and China.

There are daily mail runs between the Lourdes facility and a Cuban intelligence office nearby. These are often used to exchange information and provide the Castro regime with valuable U.S. political and commercial data. According to defectors, this data is used by Cuban spies to target specific individuals and American companies in an attempt to undermine U.S. policy.

As the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, has stated, the Russians have made a mockery of the debt rescheduling process; and they have ridiculed and scoffed at the United States for our continued willingness in recent years to look the other way, even when there is overwhelming evidence that Russia uses its alleged limited resources to indeed expand its espionage activities against the U.S. and to provide much-needed funds and information to the enemies of our country.

U.S. willingness to reschedule Russian debt while ignoring the threat posed by the Lourdes espionage facility has not only given the Russian Federation the impression that it can undermine U.S. national security with impunity, but it has sent a signal to the Castro regime that a foreign presence in Cuba which threatens the safety of the American people will be tolerated and indeed even encouraged.

For this reason, the Cuban dictatorship is affording China's military and intelligence services the opportunity to build their own listening post near Lourdes. It has engaged with Chinese Government technical experts who are assisting the Castro regime with infomatics and communications. This will assist the Cuban Foreign Service in what Castro officials term their worldwide struggle against the U.S. by increasing their Internet capabilities.

H.R. 4118, Mr. Speaker, a bill which I introduced in March of this year with several of our colleagues is a critical step in addressing the threats posed by Lourdes and sends an unequivocal message to the Russian Federation that here in the United States we will no longer allow ourselves to be manipulated into debt rescheduling for a country which demonstrates a blatant disregard for U.S. security and the safety of our American people.

Russia cannot continue to claim poverty and ask for debt restructuring from the U.S., whether bilaterally through the Paris Club or at the upcoming Economic Summit in Japan, all the while providing $200 million to $300 million a year in rental payments to the Castro regime. The claims by the Russian Federation fall flat in the face of logic.

If Russia has hundreds of millions of dollars for upgrades to the Lourdes espionage facility, if Russia has hundreds of millions of dollars to build an additional espionage base for the Castro regime at Bejucal nearby, then it has funds to cover its Ex-Im Bank exposure of over $2.2 billion or its $1.9 billion in outstanding loan guarantees under the Commodity Credit Corporation of the U.S. Department of Agriculture or any of its debt to the U.S.

This cannot and must not continue. H.R. 4118 affords us the necessary leverage to correct this situation. It holds the Russian government accountable for its actions. It prohibits the forgiveness and rescheduling of Russian debt to the United States until the Russian Federation discontinues its operations and closes its Lourdes facility.

While it does provide for a national security waiver by the President, the waiver applies only to debt forgiveness and requires certification and reporting to us in the Congress.

I ask my colleagues to act. The time is now to protect our secrets, our security, and the American people. I urge my colleagues to vote for H.R. 4118.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, before yielding to the gentlewoman from California (Ms. WATERS), I yield myself such time as I may consume to just say that the gentlewoman from Florida (Ms. ROS-LEHTINEN) would make a better case if she argued that the Castro government was a threat to the people of Cuba where they do not have full freedom and they do not have a lot of things that they ought to have.

It is a little hard to convince us that we are somehow threatened in the United States by Castro. And for all the listening the Russians have done from the Cold War to today, the United States is the singular superpower; and that the policy the gentlewoman supports has failed to have an impact on the Castro government for 40 years.

Ms. ROS-LEHTINEN. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I believe that if the gentleman reads the bill, it is very clear. We are talking about the threat that is posed by the Russian listening post in Cuba. It happens to be stationed in Cuba. It could be stationed anywhere else. It is a threat to the U.S. security, and I am not the only one to say it.

My colleague can ask Secretary Cohen whether he believes that the intelligence facility of the Russians, and that is the topic of concern here, is a threat to the U.S. national security or not.

Mr. GEJDENSON. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her comments. But the reality is what she is trying to do is make our failed Cuba policy control our Russia policy. That is a mistake.

Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I appreciate the time that has been allotted to me by the gentleman from Connecticut (Mr. GEJDENSON).

I would continue his discussion and help to point to the fact that we know that the gentlewoman on the opposite side of the aisle and many others will have ongoing criticism of Castro and his policies, and it will surface on every issue possible. We know that this is a single issue with some of our colleagues; and they are determined that, whenever they have the opportunity, they are going to try and use it to once again point to what they would consider the failed policies of the Cuban government.

However, we cannot allow those kind of arguments to get in the way of our Government's ability to provide security for the people of the United States of America. The security of the American people is the first priority in our relationship with Russia.

I would like to just read to my colleagues part of a Statement of Administration Policy that will make this very clear. The administration sent us a document which says:

"We share congressional concerns about the Lourdes facility and its intelligence collection activities. However, this legislation is not likely to be an effective lever on Russian actions. The United States, like Russia, maintains a number of signals intelligence facilities around the world. One important function of such facilities for both countries is to collect information to verify arms control agreements. Successive administrations have steadfastly resisted attempts to define national technical means of verification or to circumscribe the location and use of such systems. Such a hindrance would run counter to fundamental U.S. national security interests and, in particular, to their ability to conduct arms verification. Legislation like this bill may rebound adversely to the United States by inviting Russia and other countries to pursue similar charges against U.S. facilities they characterize as threatening. Additional explanation or information relating to facilities such as Lourdes can be provided in classified briefings."

Basically what the administration is telling us is to butt out of their ability to negotiate in the best interest of this country.

We all have our peeves. We all have our dislikes. But we cannot create foreign policy on the floor of this Congress one by one based on our own narrow interests.

I will grant my colleagues and I will not try to take away from any Member their feelings about Cuba or any other country that they wish to talk about. But I would ask them to restrain from trying to dictate foreign policy and tie the hands of this Government when it gets before the Paris Club to negotiate debt relief.

I was on the floor of this Congress just a few days ago where we all agreed that we were going to do debt relief. We have given the signal to our Government which direction we want to go in. We are leaders in this world; and we have got to go to the Paris Club, and we have got to negotiate for debt relief, and we have got to have Russia's interest at heart when we do that.

Now, make no mistake about it, yes, we have facilities. God knows where our facilities are. We spy where we have to spy. We look into what we have to look into. And that is why we have such a large intelligence community.

So let us not mix up our dislike for Castro and our effort to want to continue the embargo with this bill that we have before us. This is not in the best interest of this country. I ask my colleagues to vote against it.

Ms. ROS-LEHTINEN. Mr. Speaker, before I yield to my colleague from California, I yield myself such time as I may consume to remind our colleagues on the other side that perhaps they could read the bill, and they would find out that we are not talking about the embargo, we are not talking about trade sanctions. And, yes, we do have many listening facilities, I would say to my friend from California, in the world that we are not asking anyone for debt forgiveness and rescheduling of our debt.

The difference is that in this bill we say Russia wants rescheduling of their debt, and we believe that U.S. taxpayers should have assurances that their monies are being used wisely. I think our national security is a very important consideration, and that is why we are putting these safeguards in any negotiations with the Russians about rescheduling of the debt.

Mr. GEJDENSON. Mr. Speaker, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, first of all, we are not talking about forgiveness here as much as rescheduling, which is again in our interest. If they default at some point, that hurts us, the lenders.

Additionally, does the gentlewoman think that our present policy with Cuba has diminished Russian influence there or increased it? It seems to me, if they want to diminish Russian influence in Cuba, bring down the embargo and there will be less room for it.

Ms. ROS-LEHTINEN. Mr. Speaker, reclaiming my time, this bill is not about diminishing any power. This bill says national security is important to us in the United States. This bill also says that Russia owes billions of dollars to the United States, that we have a right to protect U.S. taxpayers' money by putting conditions on the forgiveness. We do have listening posts throughout the world and we are not asking anyone else to forgive our debt.

□ 1715

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER) who understands that this bill deals with national security and the protection of the U.S. taxpayer.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H.R. 4118. I am an original cosponsor of this bill. Let us get down to some basics. I know there is a major attempt by some when discussing this bill to try to refocus the debate on something that has nothing to do with this bill, and, that is, a general policy towards Cuba. We are not discussing a general policy towards Cuba. Any attempt to focus on a general policy towards Cuba is nothing more than an effort to get people not to confront the common sense alternative and the common sense policy that is being advocated in H.R. 4118.

I would ask anyone reading the CONGRESSIONAL RECORD or listening to the debate or my colleagues on either side of the aisle to ponder this question: Does it make sense for us to offer debt relief to a country, to a regime, namely, Russia, if Russia is using the economic resources that we are then making available to them through that debt relief to finance a facility that is aimed at undercutting American security, at a facility that is aimed at gathering intelligence that will put America's military personnel in jeopardy? Does that make sense? Does it make sense for us to do a favor for someone, the Russians, giving them resources so they can spend more money to put American lives in jeopardy?

If that does not make any sense, then you should support H.R. 4118, because it makes no sense to help finance someone who is putting their money into a facility that is aimed at gathering intelligence that puts the lives of American military personnel at risk. That is as simple as it gets. I do not understand how anybody can argue on the other side, except, of course, to try to talk about the general Cuba policy to deflect a reasonable discussion on the issue.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, does the gentleman realize that one of the highest priorities of this country is to reduce and control arms in Russia? Does the gentleman realize that we have spent a considerable amount of time and we have already rescheduled debt in the interest of helping to get rid of dangerous weapons in Russia and making this world a safer place? Does the gentleman realize that is the top priority?

Mr. ROHRABACHER. Reclaiming my time, that may be a stated goal of the administration, but obviously this is the difference between goals and what reality, what comes from those goals and what is a result of the goals, in seeking the goal. Yes, we have a goal of lots of wonderful things for Russia. As long as we act like a bunch of saps, as long as we act like we can be taken advantage of, giving debt restructuring while they are doing things in a belligerent way to the United States, and providing resources for an intelligence facility in Cuba, providing hundreds of millions of dollars of resources to an intelligence facility in Cuba that puts the lives of American military personnel at risk is a belligerent act on the part of the Russian government towards the United States.

We should not reward this type of belligerence by restructuring their debt. There is no moral equivalence between an American intelligence post and that of Russia. There is no moral equivalence between a Communist dictatorship in Cuba and other democratic societies. We should not be restructuring the debt of a country that is belligerent towards us and using their money to put the lives of American military personnel at risk.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ) with whom I have some differences on this particular issue, but I am so often together with him that I am very happy to yield to him.

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished ranking member of the committee for yielding time, even though I find this one of those occasions where I have to disagree with him.

Mr. Speaker, I know that there are people in the House who would want to paint this bill strictly about U.S.-Cuba relations. They believe it is a good time to do that. They believe it is propitious because of the set of circumstances that exists in the country and it would be easy to do so. But in my mind what this bill is about, it is about ending Cold War investments that Russia is still spending in Cuba.

I know everybody talks about let us end our Cold War mentality. Let Russia end its Cold War mentality. If any people need peace dividends more than even our citizens do, it is the Russian citizens. And clearly, the expenditures of moneys that they expend at the Lourdes spy station is in fact not a peace dividend to the people of Russia but is in fact totally unnecessary for the purposes that they have. The Russian government's continued operation of its intelligence gathering facility at Lourdes, Cuba is used to spy not just against military and political targets but, many observers believe, against commercial and technological interests in America. Public reports reveal that Russia has, in fact, expanded and modernized the Lourdes facility in recent years. So it is not only just having something that it had, it is expanding it. And we continue to assist Russia.

I have been one of those who have believed that in fact we have to assist Russia, and I have cast my votes on behalf of assisting Russia. But, my God, do we have to assist Russia to expand their spy facilities at Lourdes against the national interests of the United States, against the national security of the United States? I think not.

Now, Russian government revenues are estimated to total about $20 billion annually. The $200 million or more in yearly rent paid to the Cuban regime for use of the Lourdes site, therefore, represents a significant amount of the Russian government's annual revenues. And it is an affront to be asked to support yet another rescheduling of Russia's government debt to the United States and other governments or outright forgiveness of all or part of that debt when Russia spends an estimated 1 percent of its budget to spy on American citizens from this facility alone in Cuba, just from this facility alone.

Mr. Speaker, it is long past time that the Russian government close this spy facility which represents a clear threat to the country. I certainly urge support of the gentlewoman's legislation. I believe it is in the national interests of the United States to do so.

Ms. ROS-LEHTINEN. Mr. Speaker, following the very eloquent words of the minority whip, I am honored to yield 5 minutes to another great patriot, the distinguished gentleman from Texas (Mr. DELAY) our majority whip.

Mr. DELAY. Mr. Speaker, I appreciate the gentlewoman from Florida giving me the time, and I congratulate her on bringing this bill to the floor. It is a very meaningful piece of legislation that I hope the American people will pay some attention to.

Mr. Speaker, Members should support this bill and demand accountability in our relations with Russia. The simple fact that American taxpayers are targeted by a Russian intelligence facility on Cuban soil demonstrates the predictable fruits of this administration's flawed and failed foreign policy and its alarming disregard for our national security.

The Vice President has positioned himself as the architect of our relationship with Russia. He brags about it. Those policies have been a dismal failure. Our relations with Russia have fallen to the lowest ebb than at any time since the Cold War.

It is this administration's insane contention that Russian spying from this facility in Cuba enhances our relationship because it fosters trust. The fact that this facility remains open shows this administration's empty commitment to national security. American foreign policy should be negotiated from a position of strength, not the capitulation of appeasement.

This administration has tossed good dollars after bad to prop up failing, inefficient and corrupt institutions in Russia. For years, keeping Boris Yeltsin in office was seemingly our sole goal. The administration propped up Yeltsin at all costs as he and his cronies ransacked the government while they lined their own pockets.

Sound relations with Russia must begin with accountability. Unfortunately, the administration still has not embraced this fundamental concept. Their answer is to blindly pour more money at the problem. Clinton and GORE want to either restructure or forgive billions of dollars that Russia owes the United States.

We cannot forget that Russia's vast potential is not bound up in the destiny of any one man or one faction. Rather, success lies with the growth of those institutions that allow democracy to take root. Without the proper foundation, the Russian people will never know the blessings of a stable democracy.

Until that day comes, we must remain vigilant, and this cutting-edge spy facility is a bad sign. Many Americans will be shocked to learn that at the same time this administration is ready to write off billions of dollars that Russia owes the United States, the Russians are subsidizing Fidel Castro's evil regime with hundreds of millions of dollars.

Russia leases an intelligence gathering facility at Lourdes, Cuba. The committee reports that this annual payment may consume as much as 1 percent of Russia's entire budget. Money, of course, is fungible. Money sent to Russia for a high purpose can be misapplied to fund inappropriate activities. Intelligence gathered from this site may well be shared by Russia with regimes hostile to America. The simple cost of operating this facility alone directly benefits the most dangerous regime in our hemisphere.

We should not ask the American taxpayer to subsidize a hostile facility that is targeting the Nation from the foot of our continent. This is a regime that does evil to its people. The Russian lease for the Lourdes espionage center is an important source of hard currency for Fidel Castro.

It is strongly against our national interests to have an espionage facility actively stealing our vital national secrets, pilfering economic information, and collecting private information about individual Americans. This is simply wrong and we should not be paying for it.

Members should demand that Russia be given no economic support until this facility is out of business. They can do that by supporting this bill.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

I would just like to say that we need to focus on what we are trying to do here. We are trying to run our Russia policy through Havana. If you want to reduce Russian influence in Cuba, then bring down the embargo. The reason that Cuba does so much with Russia is it does not have other alternatives. Our present Cuba policy has failed for 40 years. The idea that we come down to the floor and make all these great new charges and somehow it is going to make this failed policy work is mindless.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time and want to follow along on his comments. As the preceding speaker, the majority whip indicated, this is not really about Russia, it is about Cuba. How I wish we could have an opportunity to discuss the full range of issues about Cuba, because the majority whip has stood singularly to stop this floor from the consideration of overturning the outdated, ineffective sanctions on the sale of food and medicine to Cuba, and he will not even let that proposal come up as proposed by the gentleman from Washington (Mr. NETHERCUTT) for full consideration of the House.

So that part of the Cuba question never comes to the floor. It is only this part, the piling-on part, the continuing of the outdated sanctions part, all inconsistent with this theme, that comes to the floor for consideration.

As to the issue before us, it is very, very bad business. Last week we marked up a foreign operations appropriations bill. The fact of the matter is we know that extension of taxpayer aid to other countries is at an all-time low relative to the size of our economy, at least in the context of recent history. So we have to have private economic opportunity flowing across the world and in the global marketplace. It will be a critical part of bringing developing countries along.

□ 1730

If any action by this Congress would push Russia into defaulting upon its debt, the ramifications would be felt far beyond Russia. They would be felt in countries like Brazil, struggling to get their economic house in order. They would be felt in countries like South Korea and Malaysia and elsewhere, as the market would contract and pull investment capital out of those developing countries.

Mr. Speaker, I cannot really think of a more unfair, unbalanced debate as what this bill introduces today, nor can I think of much that would do more to stop global development in these Third World countries and other developing countries all in the name of misguided Cuban policy.

Ms. ROS-LEHTINEN. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentlewoman from Florida (Ms. ROS-LEHTINEN) has 3½ minutes remaining, and the gentleman from Connecticut (Mr. GEJDENSON) has 11½ minutes remaining.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time and encourage the gentleman from Connecticut (Mr. GEJDENSON) to use up his time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out to my colleagues particularly on the other side of the aisle that the Bush administration, and this facility existed throughout the entire Bush administration, did not try to interfere with international rescheduling of Russian debt or any other actions based on this that I know of and that anybody has been able to present to me.

During the Bush administration, this facility was there. They certainly did not interfere with debt, and the gentlewoman from Florida (Ms. ROS-LEHTINEN), although it is again a bill that I thought made no sense. But the President already has the authority under Helms-Burton to withhold, I think, an equal amount of money from Russia, if the President so chooses. So what we have here again is it is all driven by how do we stop Cuba, how do we stop Cuba.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, the rescheduling has started since the breakup of the Soviet Union. The Clinton administration has been rescheduling the debt time and time again with no protection for the U.S. taxpayers.

Mr. GEJDENSON. Mr. Speaker, reclaiming my time, in the last 2 years of the Bush administration, they had this same $3.1 billion of Soviet-era debt sitting around. There was several years of end to the Soviet Union. You have Helms-Burton. The fundamental problem is we have a policy that has not worked for 40 years. If we want to reduce Russian influence in Cuba, let Americans in.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not permissible to use wireless telephones or other personal electronic devices on the floor. Such devices should be disabled while in the Chamber.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) is a colleague and a beloved associate here in this House.

Let me say that I am against oppression and certainly recognize that we need to join together in a bipartisan manner to address many foreign policy issues. But this legislation clearly ties the hand of the President of the United States, the Commander in Chief.

We did not do it for previous administrations, and we should not do it now. Frankly, this is debt created in Russia during Communist times. I am a Member of the Committee on Science, and we realized that the Russian government is part of the international space station.

They could not pay their bill. But we recognized in the interests of international friendship, collegiality and working together on an important initiative that this issue of the space station, we should not penalize Russia because of having fallen on hard times.

This is what this legislative initiative does. It penalizes Russia because it has fallen on hard times, and it penalizes the Commander in Chief who is attempting to create peace. What would anyone say if we passed legislation dealing with peace proceedings that I agree with, and since I am on the floor of the House, I do not know the status of it, that kept the President from acting to develop a Middle East peace agreement because we did something negative to negate those negotiations?

This legislation will negate the negotiations of helping Russia. I believe if we have concerns with the Cuban government, we need to deal with it in a sense of having widespread discussions, working with concern to the issues of those who are for Cuba or against Cuba.

Mr. Speaker, I do not believe this particular legislative initiative does this country well in terms of its national and international responsibility as a world power creating peace and not war, to pass this legislation would undermine our relationships with Russia. We do not solve the problems that I believe my friends are attempting to solve.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will close at this point, and just rise to say that in no other part of our society would we continue to press a failed policy. Ford Motor Company dropped Edsel pretty quickly. Sony made a valiant effort to have Beta change the format, but once it was clear it did not work, they abandoned it.

Mr. Speaker, for some reason, we have continued this Cuba policy for 40 years. We have Helms-Burton that isolates us globally, and the President has to continue to waive. In that language, there is already legislation. There is language that would give the President more ability to act if he was so inclined to on this issue.

America's interests are not served by trying to drive all of our foreign policy through Havana. The United States interests in dealing with Russia, with its large nuclear force is far more important to American security than trying to even topple the government of Castro.

I would like to see Castro gone. I would like to see a democracy there. I would like to see the people of Cuba living a better standard of living. I would like to see American farmers selling the food crops and American pharmaceuticals selling them the medicine they need to give their people a better life. I would like to see an end to this policy which for 40 years has only isolated America and not isolated Castro.

Ladies and gentlemen of this Chamber, we know why we are here. This is not about Soviet-era debt and the rescheduling of it at the Paris Club, if America, and this is kind of an esoteric debate for many people, if we fail to fulfill our responsibilities of the Paris Club, if this legislation passes and would go into effect, it would remove our ability to help the poorest of the poor countries, in doing away with their debt and trying to help them alleviate poverty.

There are so many issues that America is involved in. So much of the agenda, what happens in the world, is critical to this country, but yet we continue to try to drive all of that foreign policy, all of our interests through Havana. It has not worked for 40 years, and if you keep it up for another 40, it still is not going to work.

The strongest tool in a democracy's arsenal is contact. The more contact of Cuban-Americas and other Americans with the people in Cuba, the more pressure there would be on Castro for change.

Reject this proposal. Let us start looking for a rational, bipartisan policy and not continue down this path.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN), who is the esteemed chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, the gentleman from Connecticut (Mr. GEJDENSON) says what we need is contact; this is the wrong kind of contact. We are talking about Russian espionage, and let me note the nature of Russian espionage that is carried out against our country.

The Sunday Times newspaper of London stated in a report on January 26, 1997 that the Lourdes base, the largest spy facility outside of Russia, is staffed by about 1,500 Russians. Intelligence reports, using satellites and high speed computers, they pick up millions of microwave transmissions every day and communicate with Russian spies operating on the American continent.

Mr. Stanislav Lunev, a former colonel in the Russian GRU military, has said the following, and I quote, "the strategic significance of the Lourdes facility has grown dramatically since the secret order from Russian Federation President Yeltsin of 7 February 1996 demanding that Russian intelligence community step up the theft of American and other western economic and trade secrets. It currently represents a formidable and ominous threat to the U.S. national security, as well as the American economy and infrastructure."

Mr. Speaker, one other report is Izvestiya, the Russian newspaper, November 1998, the Russian intelligence facility in Lourdes, Cuba "provides between 60 percent and 70 percent of all Russian intelligence data about the United States."

These are the kind of contacts we are concerned about, not the diplomatic contacts. We are concerned about Russian espionage against our Nation.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to close on the bill with the remaining time, and I would like to thank the gentleman from New York (Mr. GILMAN), as well as the gentleman from Connecticut (Mr. GEJDENSON), who has always been very cooperative in our Committee on International Relations, and we have enjoyed bipartisan support on a myriad of issues, including this one, in spite of the tone and tenor and rhetoric of the debate on the floor.

It is a bipartisan bill. This bill is not about the trade embargo. It is not about economic sanctions. It is about Russian espionage. It is about protecting U.S. national security. It helps prevent the theft of political diplomatic and commercial secrets. It protects the American people.

It protects the taxpayers from bearing the burden once and again of Russia's failure to pay its debt, and it upholds congressional priorities regarding fiscal responsibility and exerts congressional oversight over foreign policy priorities.

I will continue to work on my good friend, the gentleman from Connecticut (Mr. GEJDENSON) and have the gentleman see the light about what this bill does, and what, in fact, it does not do.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 4118, the Russian-American Trust and Cooperation Act of 2000. I am proud to be an original cosponsor of this measure, which was introduced by my good friend from Florida, Representative ROS-LEHTINEN, in March of this year. The point of this bill is clear: United States taxpayers should not have to subsidize espionage activities directed against them, or help to fund the repressive Castro dictatorship.

Right now, more than 1,500 Russian engineers, technicians, and military personnel are stationed at an intelligence base in Lourdes, Cuba where they are using tracking dishes, satellites, and other equipment to intercept telephone calls, faxes, and computer communications within the United States. This espionage facility—the largest operated by Russia outside the former Soviet Union—was used to obtain sensitive military information during Operation Desert Storm, and is now being used to collect personal information about U.S. citizens. The Russian government has spent more than $3 billion to modernize and operate that base.

The Lourdes spy base is also a large source of revenue for the Castro regime. The Government of Russia pays Fidel Castro somewhere between $100 to $300 million per year to lease the facility.

The bill before us today makes clear that the United States does not want to underwrite this highly improper and destructive activity. The bill prohibits the President from forgiving any bilateral debt owed by Russia to the United States until he can certify that Russia has closed down the Lourdes spy base. It also requires that the President report to Congress on actions taken by Russia to terminate its activities at Lourdes, and on U.S. efforts to verify those actions. The bill also grants the President authority to waive the debt forgiveness prohibition if he determines that such waiver is in the national interest of the United States.

If the government of Russia wants the United States to forgive its debts, then it should first stop squandering its limited resources on efforts to spy on U.S. citizens, and to prop up the bankrupt dictatorship in Havana. I urge my colleagues to support this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 555, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Connecticut opposed to the bill?

Mr. GEJDENSON. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GEJDENSON moves to recommit the bill H.R. 4118 to the Committee on International Relations with instructions to establish a bipartisan national commission to study and report to the President on the exercise of the presidential waiver in section 3(b)(2) of the bill with regard to United States national interests in the context of other possible actions (including changes in United States policy toward Cuba) and provide that the restriction contained in section 3(a) of the bill on rescheduling or forgiving debt owed by the Government of the Russian Federation to the United States shall become effective only after the date on which the commission submits such report to the President.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. GEJDENSON) is recognized for 5 minutes in support of his motion to recommit.

Mr. GEJDENSON. Mr. Speaker, I would just say to my colleagues I will not use my entire 5 minutes, but say to the gentlewoman from Florida (Ms. ROS-LEHTINEN), who I get along with very well, and we have worked together on many issues, she said she wanted to let the light in.

Mr. Speaker, I am giving her a chance here with this motion to recommit to let the light in. What this motion simply does it creates a bipartisan commission to take a look at the best way to take care of our interests in this area.

I think it is clear that if we want to diminish Russia's interests in Cuba, if we want to increase America's interests in Cuba, if we want to increase American national security, then we will vote for this commission to give us a chance to examine the policy, to figure out what is really best for the United States. For 40 years we have not made progress, but only to isolate America.

Let us end the isolation. Let us let the light in. Support this motion to recommit. It is a bipartisan study. The leadership of this Congress is Republican. My colleagues have plenty of voice. Let us not keep us in the dark, let America see where the light is and it is in a new Cuba policy.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to speak against the motion.

Mr. Speaker, this motion, in effect, kills the bill. If my good friend from Connecticut (Mr. GEJDENSON) was so enamored of this amendment, he should have offered it in the committee stage, and he did not.

The gentleman from Connecticut (Mr. GEJDENSON) crafted the waiver he seeks to amend. It is his very language that is in the bill, now he is amending that. This is not a Cuba study commission bill.

The other side wants to hide. They want to ignore. They want to confuse the very real and imminent and growing threat posed by the Lourdes facility, and that is, in fact, what this bill does.

It is not about sanctions. It is not about U.S. Cuba policy. It is about Russian espionage, and it is about protection of the U.S. taxpayer.

☐ 1745

A very similar proposal that my good friend, the gentleman from Connecticut (Mr. GEJDENSON), is proposing today was soundly defeated just a few short weeks ago in the Senate, after it became abundantly clear that such a commission is nothing more than a waste of the taxpayers' money; that it would be a waste of time and effort given that it duplicates the role that we exert in the U.S. Congress through hearings, through briefings, through meetings, legislation on this issue.

Ironically, this proposal even infringes upon the existing authority of the President and the executive agencies which on a regular basis make modifications to export controls and other regulations that guide U.S. policy toward any government, especially the Castro regime.

However, what is astonishing about this attempt is the apparent willingness of the minority to appease the brutal tyrant who rules Cuba with an iron grip, the willingness of the minority to sacrifice the safety, the privacy, and security of the American people. I know the minority does not want that. Our constituents expect us to defend their interests, to defend their hard-earned dollars, and we should not be using it for the purpose of appeasing a dictator who is a declared enemy of the United States. It is inconceivable to see my colleagues on the other side go to this extreme.

We have had many blue ribbon committees and commissions studying the issue of U.S.-Cuba relations and other issues. In fact, right now in Havana is a delegation, and they will be reporting back to the Committee on Ways and Means in a few months about lifting sanctions and other issues. The Council on Foreign Relations headed by Bernie Aaronson had this similar proposal just a few months ago. We have had countless commissions and countless task forces and blue ribbon groups studying this ad nauseam, and I do not think that the taxpayers want to see their funds used and manipulated in this way.

Mr. Speaker, I yield the remaining time to the gentleman from New Jersey (Mr. MENENDEZ) to speak on this motion.

Mr. MENENDEZ. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding me this time.

Mr. Speaker, I have to oppose the motion to recommit of the distinguished gentleman from Connecticut (Mr. GEJDENSON), and the reason I do so is I do not believe that this body should delegate to any entity its powers and its rights to have a bipartisan commission on any issue.

We are the representatives elected by the people of the United States to make crucial policy decisions, including decisions in foreign policy; not some unelected group of individuals chosen maybe because of their economic interests in this issue. And the fact of the matter is I do not believe that we should abrogate our powers and our responsibilities as legislators to any unelected commission to determine foreign policy. Let us have a commission on the Middle East; let us have a commission on a whole host of other places in the world. The fact of the matter is that would not be the course of events that we should pursue, and I urge my colleagues to reject the motion to recommit.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield the remaining time to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding me this time.

Mr. Speaker, I rise in opposition to the motion to recommit with instructions because I do not believe that it is germane to the underlying bill. This measure addresses a very real threat to American security and privacy posed by the operation of a sophisticated Russian eavesdropping facility in Cuba. These days our papers are filled with articles that debate Internet privacy. I wonder how many Americans are aware that the Russians are operating an electronic spy center in our own backyard violating the very privacy of communications in our Nation each and every day.

I regret that our good friend, the gentleman from Connecticut (Mr. GEJDENSON), has offered this motion which seeks to divert attention to a separate issue, our U.S.-Cuba relations. Let us stick to the subject before us. This bill is about Russian debt relief and Russian espionage. Let us not try to look away from this issue by way of the motion to recommit.

I remind our colleagues this is Russian espionage. Vote against the motion to recommit.

The SPEAKER pro tempore (Mr. FOSSELLA). All time having expired, without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 146, not voting 13, as follows:

[Roll No. 414]

YEAS—275

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez

Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—146

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Cramer
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—13

Baca
Barton
Boswell
Brady (TX)
Campbell
Hilleary
Lazio
McIntosh
Murtha
Napolitano
Smith (WA)
Spratt
Vento

☐ 1810

Ms. SANCHEZ and Mrs. MINK of Hawaii changed their vote from "yea" to "nay."

Mr. PHELPS and Mr. CROWLEY changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 414. I was inadvertently detained and was not recorded. Had I been present, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. PORTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore (Mr. FOSSELLA). The Clerk will report the motion.

The Clerk read as follows:

> Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on no less than the $42,674,645,000 in the Senate amendment for the Department of Education which provides an increase of $179,999,000 over the President's budget request; no less than $7,353,141,000 in the Senate amendment for the Individuals with Disabilities Act to help fulfill the commitment the House of Representatives made on May 3, 2000 in adopting H.R. 4055, the IDEA Full Funding Act of 2000; no less than $8,692,000,000 in the Senate amendment for the Pell Grant Program to provide a maximum Pell grant award of $3,650; no less than $6,267,000,000 in the Senate amendment for the Head Start Program which provides the President's budget request; no less than $817,328,000 in the Senate amendment for the Child Care Development Block Grant which provides the President's budget request for fiscal year 2001; and no less than $20,512,735,000 in the Senate amendment for the National Institutes of Health which provides an increase of $2,723,399,000 over the President's budget request; and to insist on disagreeing with provisions in the Senate amendment which deny the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

☐ 1815

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Illinois (Mr. PORTER) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct is very simple. It says that the conferees should bring back a Labor-HHS-Education conference report that provides the increased funding in the Senate bill for the Department of Education in total and for several key programs such as special education, Pell grants, Head Start, child care, the National Institutes of Health.

The Senate provides a total of $42.6 billion for the Department of Education. That is $3.1 billion over the bill passed by the House. This motion instructs the conferees to provide at least every single one of the dollars that the Senate has added.

Included within the overall total is $7.3 billion for special education authorized under the Individuals With Disabilities Education Act.

Mr. Speaker, let me simply say that this motion to instruct with respect to special education would result in an increase of $803 million in additional spending over the House bill for that item.

I would point out when the House adopted on May 3 of this year H.R. 4055, the IDEA Full Funding Act of 2000, it promised to provide an increase of $2 billion over last year for IDEA. Just about a month later, the Labor-HHS-Education bill adopted by the majority failed to keep that promise, and provided an increase of only $513 million over last year. We think that we ought to provide the full amount.

The Senate bill also does not fully meet the promise that we made, but it would provide $1.3 billion over last year for IDEA to help reach the goal of a $2 billion increase in the Federal contribution toward the additional cost of educating children with disabilities. Every Member who voted for the IDEA Full Funding Act to increase funding for special education ought to support this motion to instruct.

The Senate bill also provides, Mr. Speaker, $8.3 billion to fund the maximum Pell grant of at least $3,650, an increase of $384 million over the House bill. This motion also instructs the conferees to agree with that increase.

The Senate bill provides $6.26 billion for Head Start, which is the President's request, and $600 million over the House bill. With these additional resources, more than 53,000 disadvantaged children would benefit from early learning opportunities to get a good start in life.

The Senate bill also provides the President's request for $817 million in additional funding for the child care block grant in fiscal year 2001, while the House bill cuts the request only $400 million. This motion would go to the full Senate amount and would provide extra resources for an additional 80,000 low-income children.

The motion would also instruct the conferees to adopt the Senate funding levels for NIH, which provide an additional $1.7 billion in real dollars for NIH research, unlike the House bill, which pretended to provide this increase in the front of the bill, but then took it away in the back of the bill.

Mr. Speaker, my motion also instructs the conferees to insist on disagreeing to the Senate's provision concerning class size reduction and school construction. The Senate bill denies two of the President's highest education priorities by merging the funding requested for the class size and school construction initiatives into the title VI education block grant.

Fundamentally, block grants are little more than revenue-sharing programs with little accountability for addressing Federal needs.

Mr. Speaker, if we are going to provide funding for class size initiative, we really need to actually provide it for that initiative, rather than to have a "let's pretend" initiative which in fact allows money to be spent for something else.

A large majority, 61 percent, feel that the Federal government spends too little on education. They support targeted Federal investments to hire new teachers, to reduce class size, and to repair and modernize our schools.

So what we are asking in this motion is that we reject the Senate language, which prevents or which denies the President's request for dedicating those resources to reduce class size in the early grades and for local school construction, and instead, broadly expands the title VI education block grant with limited accountability in the use of those funds. This motion to instruct would ask the conferees to in fact reject that portion of the Senate action.

I might point out that in the past, if we take a look at some of the uses that this money was put to by States or local districts, we will see that in the past some of this money was used for unnecessary State bureaucracy. It was used by one State or by one district to hire a mariachi band when we had the old Chapter II program in effect. Personal computers were bought for boards of education. Printing bills for a district were paid, the entire printing bill for one district was paid. Entertainment costs were paid. We think that there ought to be very specific targeting for these funds.

MODIFICATION TO MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I ask unanimous consent to amend the motion to instruct to correctly reflect that the increase provided in the Senate amendment for NIH is $1.7 billion, rather than $2.7 billion over the Senate request.

There is a typo in the amendment before us.

The SPEAKER pro tempore (Mr. FOSSELLA). The Clerk will report the modification.

The Clerk read as follows:

Modification to motion to instruct offered by Mr. Obey:

Strike out "$2,732,399,000" and insert "$1,700,000,000".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The motion to instruct is modified.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to explain, it simply corrects the typo to make clear that the increase of the Senate over the President's budget request for the National Institutes of Health was $1.7 rather than $2.7 billion.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Wisconsin well knows, I did not support the budget resolution that passed the House of Representatives early this year because I felt it would not provide adequate funding levels for many of the priorities which are reflected in this motion.

So when the gentleman proposes that we yield to the higher number in each case in the Senate bill for important national priorities, I do not disagree with that. We have consistently attempted, when we have had a good budget allocation, to be at or ahead of the President for the Department of Education because we place education at the very highest priority, and have funded it at the maximum number whenever we have had adequate fund to do so.

Certainly no one has been a stronger advocate than our own chairman, the gentleman from Pennsylvania (Mr. GOODLING), in increasing funding for special education under the IDEA program, and during the last 6 years funding has been more than doubled, from 6 percent to 13 percent of the amount that we need to provide full funding at 40 percent for the IDEA program. So we certainly agree that this account should be plussed up, and we will support that higher figure.

The Pell Grant program we have consistently increased at a higher number than the President, and I would again agree that this is a very high priority for our country, and $3,650 is a proper figure to accede to in conference.

Head Start has been a high priority, and we agree that the number ought to be the Senate number rather than the House number, since the House was forced to mark up at a far smaller overall number than the Senate. Child care is, of course, also a very high priority. We support the higher Senate number as well.

Finally, on the number side, if we look at the National Institutes of Health, we have done everything possible to double funding for the National Institutes of Health over 5 years, and for the last 2 years have provided 15 percent increases in each of those 2 years.

If we provide a 15 percent increase this year, in the last 6 years we will have increased NIH by 82 percent, and we will, if 2 more years are added, have increased NIH from $11 billion in fiscal year 1996 to $27 billion by fiscal year 2003.

Now, I might add to my colleague, the gentleman from Wisconsin, during that time the President of the United States has vastly underfunded this account, in some years providing an increase in his budget as low as 1 percent. Thank goodness this past year the increase he suggested was at 4.5 percent. That is some improvement. But we have been consistent in our support for a 15 percent increase for biomedical research through the National Institutes of Health, and certainly would support the higher number in conference.

Where the gentleman loses me on his motion to instruct is with the last few sentences that say, "and to insist on disagreeing with the provisions of the Senate bill which deny the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction, and instead, broadly expands the title VI education block grant with limited accountability in the use of funds."

☐ 1830

Mr. Speaker, here is where we get into a very clear philosophical difference. We believe very strongly that all the wisdom does not reside in Washington at the Department of Education, and that the best decisions are made by those responsible for primary and secondary education in America. It is not the Government in Washington.

It is the States and the local school districts. They can make the decision best as to how these funds can be spent, whether they are needed for more teachers, whether they are needed for teacher training, whether they are needed to equip classrooms for computers, whether they are needed for construction. Those decisions should not be made by Washington mandate. We should give our local school districts maximum flexibility to make those decisions for themselves.

So while I can agree with the gentleman on the higher funding levels reflected in the Senate bill that had a little bit more than $5 billion more than the House in its allocation, I certainly disagree with the gentleman in terms of giving less flexibility to the local school districts, less flexibility to the States, more control to Washington over education. There I think the gentleman is wrong, and I would oppose the motion to instruct for that reason.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me simply take a minute to respond to the gentleman from Illinois (Mr. PORTER); and if he is inclined, I will then yield back my time, and we can have a vote.

Mr. Speaker, I think it is important that this motion to instruct include the language to which the gentleman from Illinois (Mr. PORTER) objects. I want to be very clear about this. This motion, in addition to requiring the higher numbers for special education, Pell Grants, Head Start, child care, and the National Institutes of Health, it would also instruct the conferees to insist on disagreeing to the Senate provisions concerning class size reduction and school construction.

The Senate bill purports to provide funding for the President's initiatives for class size and school modernization; and, yet, in reality, it denies the President's highest education priorities by merging the funding requested for class size and school construction initiatives into the title VI education block grant.

As I tried to indicate earlier on the floor, fundamentally, in my view, block grants are little more than revenue sharing programs with little accountability for addressing Federal needs.

The gentleman from Illinois refers to the need of local school districts and school officials to have flexibility. I certainly agree they need a significant amount of flexibility, but I think that when it comes to spending taxpayers money, we also need accountability.

I did not come here to simply be the tax collector for some other level of government. I came here to try to help identify legitimate national priorities and direct hard-earned taxpayers funds to those priorities. That is why the motion to instruct is structured as it is.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. The Chair announces that he will reduce to 5 minutes the vote by electronic device on the motion to suspend the rules on which the yeas and nays were postponed yesterday. That vote will immediately follow the vote on the pending motion to instruct conferees.

The vote was taken by electronic device, and there were—yeas 207, nays 212, not voting 15, as follows:

[Roll No. 415]

YEAS—207

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller

Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Baca
Barton
Boswell
Campbell
Clay
Greenwood
Johnson (CT)
Lazio
McIntosh
Murtha
Pryce (OH)
Smith (MI)
Smith (WA)
Vento
Weldon (PA)

☐ 1854

Messrs. GOODLING, KINGSTON, CALVERT, CHAMBLISS, NORWOOD, WHITFIELD, SIMPSON, LINDER and COX changed their vote from "yea" to "nay."

Mr. RODRIGUEZ and Ms. WOOLSEY changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 415 I put my card in the voting box but it failed to register. I would have voted "nay."

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the Chair appoints the following conferees: Messrs. PORTER, Young of Florida, BONILLA, ISTOOK, MILLER of Florida, DICKEY, WICKER, Mrs. NORTHUP, Messrs. CUNNINGHAM, OBEY, HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, and Mr. JACKSON of Illinois.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed yesterday.

DRUG ADDICTION TREATMENT ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2634, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 2634, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 1, not voting 21, as follows:

[Roll No. 416]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Sanford

NOT VOTING—21

Baca
Barton
Boswell
Campbell
Cannon
Clay
Greenwood
Kolbe
Lazio
McIntosh
Murtha
Pelosi
Roemer
Rush
Salmon
Sisisky
Smith (WA)
Sweeney
Vento
Waters
Wicker

☐ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule III, IV, or V for maintenance treatment or detoxification treatment.".

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOSSELLA). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PIPELINE SAFETY REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, on June 10, 1999, a liquid gasoline pipeline owned by the Olympic Pipeline Company ruptured and spilled over 200,000 gallons of gasoline at Whatcom Falls Park, a 241-acre park in the city of Bellingham in my district.

Gasoline was carried into Whatcom Creek, where the spilled fuel was inadvertently ignited by two 10-year-old boys, Wade King and Stephen Tsiorvas, who were playing by the creek. The resulting fireball raced down the length of the creek for a mile and a half, killing King, Tsiorvas and an 18-year-old fly fisherman named William Wood. Swaths as wide as 200 feet along the creek were burned within minutes.

The explosion of June 10 caused millions of dollars in property damage and did immeasurable damage to the families and friends of Wade King, Stephen Tsiorvas, and William Wood.

I have long held reservations about our system of pipeline safety regulations. In 1996, I voted against the pipeline deregulation bill because I felt it removed too many essential safeguards.

Since the tragedy, I have redoubled my effort to improve the regulatory climate. I have been in close contact with industry, public interest groups, local officials, and Federal regulators and constituents and have emerged with significant concerns.

To name a few, pipelines are not required to be inspected thoroughly enough to ensure safety. Rules for training pipeline employees are woefully inadequate. Industry is not required to report spills under 2,100 gallons. Forty-five States have almost no role in regulating interstate pipelines which run through their jurisdictions.

Earlier this year I introduced H.R. 3558, the Safe Pipelines Act of 2000, which was cosponsored by the entire Washington State House congressional delegation as well as the gentleman from Georgia (Mr. LEWIS) and the gentleman from Ohio (Mr. KUCINICH). Thus I am pleased that today a bipartisan group of legislators gathered in front of the Capitol to talk about pipeline safety.

I would like to thank the gentleman from New Jersey (Mr. FRANKS) for introducing the new pipeline safety legislation, which I have cosponsored. The gentleman from New Jersey (Mr. FRANKS) is the chairman of the subcommittee that oversees pipeline safety. So this is a very important step forward.

Just last month, the gentleman from Pennsylvania (Mr. SHUSTER) committed to the gentlewoman from Washington (Ms. DUNN) and myself to hold a hearing fully exploring this vital safety issue before the full Committee on Transportation. In addition, Senator MCCAIN has marked up a pipeline safety bill in his committee which is now ready for a vote in the full Senate.

I will continue to work for additional safety provisions on the bill as it moves through the committee process in the House. I will push for measures like hydrostatic testing, greater State participation, Federal safety certification for pipeline employees, and a 5-year time period for internal pipeline inspections.

Too many people have already been lost in tragic pipeline accidents. We must ensure pipeline safety now.

SCOUTING FOR ALL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier today I introduced a bill, the Scouting for All Act, to repeal the Boy Scouts of America's Federal charter. The bill's cosponsors are sending a message to the Boy Scouts and to all Americans that the Congress of the United States does not support intolerance.

As my colleagues know, a charter is an honorary title Congress awards to organizations that serve a charitable, patriotic, or educational purpose. But to me there is nothing charitable or patriotic about intolerance, and it is not a value we want our children to learn.

Revoking the charter sends a clear message that Congress does not support this value, this value of intolerance. The supporters of my bill are not saying that the Boy Scouts are bad. We are saying that intolerance is bad.

I was a Girl Scout. One of my sons was a Boy Scout. And I know the values of scouting, and that is why I believe it should be available to all boys.

The decision handed down by the Supreme Court last month shocked me; but, most of all, it saddened me. Yes, the Boy Scouts fought hard to win their right to discriminate. But for me and the bill's supporters, this is not a question of whether the Boy Scouts have a right to establish anti-gay policy. It is a question of whether the Boy Scouts' anti-gay policy is right.

We believe that choosing to do nothing in response to the court's decision would only compound the injury and would reaffirm the Boy Scouts' message that intolerance is okay.

As I said, the Boy Scouts fought hard to win their right to discriminate. While they may have won this right, we strongly feel the Government should not be a participant in any policy that promotes discrimination or intolerance.

I truly believe that when brave people step up and say intolerance is wrong, we will and can make a difference.

One of those brave people is Stephen Cozza, a teenager from my hometown of Petaluma, California, who founded Boy Scouts For All, which is a national campaign to change the Boy Scouts' anti-gay policy.

To date, Stephen Cozza and his father, Scot Cozza, have gotten more than 51,000 signatures on a nationwide petition supporting the change in the Boy Scout policy and making scouting inclusive for all boys.

As Members of Congress, we also have a part to play. We have an opportunity, an opportunity to let the Boy Scouts of America know that we do not accept their exclusionary and intolerant policy.

I dread the implication and the repercussions should Congress choose not to act. If both the Court and Congress convey the message that discrimination is okay, I fear we encourage other organizations to discriminate as well.

Mr. Speaker, we are halfway through the first year of the new millennium, and we are still debating the pros and cons of discrimination. Did we not learn anything from the last century? All of our children need a tolerant environment in which to grow and learn. Straight kids and gay kids need to know that they are accepted. We must make it clear to those children that the Federal Government supports them and does not support intolerance.

I urge my colleagues to support our children. Join with me and the bill's cosponsors and support repealing the charter of the Boy Scouts of America. But let me repeat. We are not saying that the Boy Scouts are bad. We are saying, and we are saying in absolute terms, that intolerance is bad.

□ 1915

NORTH KOREAN ATROCITIES

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Speaker, I rise today to speak on behalf of the numerous individuals being forgotten in the negotiations between the United States and the hard-line dictatorship in North Korea, those 200,000 plus people who suffer horrifying hardships in the prison camps throughout North Korea.

Despite the fact that the leaders of North Korea refuse to admit that these concentration camps exist, they are real. Individuals that I have met with who have escaped from these camps have said that they want the world to know of the evil that is perpetrated there, even against children.

One young man that I met with was imprisoned at the age of 10 because his grandfather was arrested, so they imprisoned the whole family. The North Korean regime incarcerates three generations of a family due to one generation's crime. What type of government imprisons a 10-year-old boy for his grandfather's crime? Certainly not a civilized one.

Another woman I met with described the terrible torture she endured because she was honest and would not embezzle material goods for her boss.

As a result, her boss concocted false crimes, she was arrested, taken to a prison camp and routinely tortured to the point of losing consciousness. As soon as she lost consciousness, the security officials would pour water on her face, revive her and begin the torture process over again, all of this for 14 months. Then she was sentenced to 13 years in a resocialization camp.

Let me read some excerpts of testimony from torture survivors and escapees regarding the horrendous pain and suffering at the hands of this brutal and repressive regime, a regime that our administration is now looking to appease.

"Officers treated us like animals. They never explained to us what to do but communicated with the prisoners by whipping, kicking and cursing. While prisoners were being beaten, they couldn't stop working or look back at the officers. If a prisoner moaned or tried to avoid getting hit, she was put into solitary confinement, the worst punishment in prison. The solitary confinement cell was only high enough to allow a person to sit on the floor. Concrete thorns stuck out of the walls so the prisoner could not lean against them. The person could only sit and not move for many days. If prisoners were consigned to solitary confinement during the winter, their legs became paralyzed."

"The different forms of torture are too numerous to recount. Sometimes they put a wooden stick with sharp edges behind my knees, make me kneel, and then trampled my body with their heavy boots. At other times, they would hang me by the shackles on my wrists, high enough so that I was forced to stand on tiptoe. At night water would fill the solitary cell up to my stomach, depriving me of any sleep. During the long hours underwater my body would gradually swell up, making it difficult for me to keep my balance. If I fell, the guards kicked me until I scrambled up again in extreme pain and fatigue."

"The prisoners in the export factory were treated even worse than those in the other factories. Our days were a series of unendurable labor. Getting kicked and slapped was common. The female prisoners got used to an officer's kick or slap on the face. After a few years of little food, no sunshine, constant beatings and demanding work, prisoners began to lose the strength in their backbones. As the spine weakened, ligaments started popping out at the back of their necks. The prisoners became ugly like beasts. The export production was the fruit of unbelievable human abuse. These exports went to Japan, to Poland, to France."

I would ask, do we want to participate in this as well? Let me end with this quote:

"When pregnant women came to prison, they were forced to abort their babies. Poison was injected into the babies cuddled in their mother's wombs. After the injection, the pregnant woman suffered tremendous pain until the babies were stillborn about 24 hours later. Medical officers walked around the pregnant women and kicked their swollen bellies if they screamed or moaned."

Mr. Speaker, I could go on and on. These are a few excerpts of people that I have met. We must not forget these people. We must fight to stop the painful, horrifying torture and the other human rights abuses the North Korean people are enduring at the hands of the brutal dictatorship ruling that country.

SELF-ENRICHMENT FROM NUCLEAR POWER PLANT PRIVATIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, just 2 weeks ago, the United States Enrichment Corporation made the devastating decision to close its uranium enrichment facility in Piketon, Ohio, where nearly 2,000 dedicated Americans work. This is devastating not only to my community and to my region of Ohio but it is devastating, I believe, to this country. Some 23 percent of all of the electricity that is generated in our country is generated through nuclear power plants. Nearly all of that material that is necessary to provide the fuel for these nuclear power plants comes from two sites, in Paducah, Kentucky, and in Piketon, Ohio.

Until 2 years ago, the industry which produced this vital fuel for our Nation was under the ownership and control of the United States Government. We made the decision to privatize this vital industry. We did so with the hope and belief that the industry would thrive and that the private company would keep its obligations to this Nation and continue to operate the two plants through the year 2004. Sadly, the leadership of this new private company has broken faith with our government and with the American people, and they have announced that they are closing the Piketon plant.

Mr. Speaker, I want to be very clear. I am upset about this because of its immediate impact upon my district and upon the men and women who work in the facility in my district. But I am equally concerned because this decision can have a terribly adverse effect upon this Nation in terms of our national security and in terms of our energy security.

I am convinced that the management of this company cares for neither but simply is determined to do whatever it can to enrich itself, and the American people and the people who work in these plants can be damned.

That is why I am very, very pleased that the gentleman from Virginia (Mr. BLILEY), who is the chairman of the Committee on Commerce, has recently written the CEO of this private company, Mr. Nick Timbers, a letter in which he expresses concern and asks certain questions. I would like to share a couple of paragraphs from Chairman BLILEY's letter to Mr. Nick Timbers. He says:

"Dear Mr. Timbers:

"As you know, the Commerce Committee is continuing its review of USEC privatization and its impact on our national security and the domestic uranium industry. I am writing to you with respect to recent troubling statements you have made on this subject and to obtain additional documents and information related to USEC privatization."

Then Mr. BLILEY continues:

"Quoting the Wall Street Journal editorial dated Thursday, June 28, 2000, you indicated that USEC's recent decision to close the Department of Energy's Portsmouth gaseous diffusion plant was made in response to congressional intent in privatization legislation. Specifically, you state that USEC's decision to close the Portsmouth plant was, quote, the reason Congress privatized the company, close quote."

Then Mr. BLILEY says:

"I can assure you that this is not the case. A single operating gaseous diffusion plant with no credible plan for a succeeding enrichment technology is not what Congress intended for the privatized company."

My understanding is that we will have hearings this fall, and we will delve into the matters surrounding the privatization of this company. I think Mr. Timbers has some explaining to do, and I think those responsible for the decisions that led to privatization within this administration have some explaining to do. I think there was a terrible, unacceptable, conflict of interest that existed when Mr. Timbers was given the authority to advise and to consult and to give direction as to how this company would be privatized because the decisions that he made resulted in his self-enrichment. This man, who was making as a government employee approximately $350,000, ended up with a salary of some $2.48 million.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise this evening as I have on too many occasions to speak out about the issue of Medicare coverage for prescription drugs. I say too many because the time is up for this Congress to act and to modernize Medicare to cover the way health care is provided today.

We have the most wonderful health care system in the world. I know a gentleman who takes a pill once a month instead of having open heart surgery. The pill costs $400. Medicare will cover the surgery. Medicare will not cover the pill. We have got to change and modernize Medicare so that our seniors are not left in the situation of getting up in the morning and saying do I eat today, do I get my breakfast, or do I get my medicine? Too many seniors in this country find themselves in that situation.

I have been conducting a prescription drug fairness campaign in Michigan now for a year. I set up a hotline, have asked seniors to write, to call, to share with me their situations so we can put names and faces on this problem and encourage, plead and beg with this Congress to act now.

I would like today to once again read a letter. This one is from my hometown of Lansing. Jackie Billion wrote to me, and I would like to share with you this letter:

"Dear Debbie:

"I live alone in a subsidized ground floor apartment. I'm 70 years old and have osteoporosis, rheumatoid arthritis, osteoarthritis and fymalogy. I also have macular degeneration. I'm legally blind in the left eye. Last week, I spent 2 days at Beaumont Hospital.

"I receive $645 a month and quite often I have to decide whether to get some of my prescriptions or eat. I hope and pray that seniors will receive prescription drug coverage soon.

"Thank you, Jackie Billion."

I thank Jackie for sharing these comments with me and for speaking out on behalf of literally millions of seniors that have the same situation that she has today.

This Congress has the opportunity with the best economy in a generation to fix this if we have the political will to do it. If we are willing to stand up to those who are fighting us, who are not understanding or caring about what is happening to Jackie Billion, we can fix this and modernize Medicare for our seniors and for those who will be the next generation of seniors. I would call on the Congress again to take this opportunity, the best economy in a generation, budget surpluses that we have not seen in my lifetime, and place a priority on modernizing Medicare to cover costs of prescription drugs so that seniors like Jackie Billion will not have to worry about choosing between their meals and their medicine.

LOOKING BACK AT 6 YEARS OF REPUBLICAN CONTROL IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, we rise tonight to talk a little bit about what has happened in the last 6 years, and I am delighted to have with me tonight one of my colleagues who came to the Congress with me in 1994. I think once in a while it is important to remind our colleagues where we were in 1994, what was happening here in Washington, what was happening with our government, when the American people said, in effect, enough is enough.

□ 1930

They sent 73 new Republican freshmen to this Congress to begin to change the way Washington did business. We had with us a Contract with America, not a Contract on America, some of the critics like to say, but it was a Contract with America. And we said if you will elect us to the Congress, here are some things we are going to do.

I am happy to report that virtually all of those planks in that contract with the American people have now come to fruition. In fact, we kept every item. We kept our bargain on every one of those items. We had a vote on a few occasions. There were not the constitutionally required majorities, and so those have not become law, for example, with term limits. But on virtually every other item.

One of the first items on that contract was to make Congress live by the same laws as everybody else, and perhaps later this evening, the gentleman from Connecticut (Mr. SHAYS) will join us and talk about that particular plank. I am privileged tonight to have one of my colleagues who came with me in 1994, the gentleman from Oklahoma (Mr. WATTS); and we have really come a long ways.

Let me just talk about the budget side of the equation, and I will talk about this more after the gentleman from Oklahoma (Mr. WATTS) leaves us. But when we first came to Washington, the Congressional Budget Office, and I have a copy of this, if any Member would like a copy of what the Congressional Budget Office said, our official scorekeepers were telling us back in 1994 and 1995, they were telling us that the on-budget deficit for each of the years 1994, 1995, 1996, 1997, 1998, 1999 and 2000 was going to be $208 billion, $176 billion, $207 billion, $224 billion, $222 billion, $253 billion and $284 billion. Now, that was the deficit that they were projecting when we came to Washington in 1994.

That did not include all of the money that the Congress was regularly taking from Social Security to spend on other items; if we include that, we are actually looking at deficits of $259 billion growing ultimately to $381 billion by fiscal year 2000.

That is where we were back in 1994, and what the American people said in that election is listen, there must be a better way. Every family, every business, every association has to balance its budget and somehow they figured out a way to make the income meet the expenditures. Every family does it every week.

It really is time for the Federal Government to do the same, and so they sent some of us there and said, listen, if you do nothing else, at least balance the Federal books.

Mr. Speaker, I am happy to report that we not only have balanced the Federal books, we are now looking at enormous deficits. We will talk more about that. I would like to yield to my friend and colleague, the gentleman from the great State of Oklahoma (Mr. WATTS) to talk just a little bit about where we were, where we are and hopefully where we are going with this Congress.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank my friend from Minnesota (Mr. GUTKNECHT) for yielding to me. And I am appreciative of the fact that the gentleman has chosen this time tonight over the next hour to talk about what we have done in Washington and, although, he and I are Republicans, the wins, the victories that we have seen over the last 5½ years really are not Republican victories. They have been victories for the American people.

I recall back when we were sworn in. I was sworn in on January 9, 1995, my colleagues were sworn in 4 days or 5 days before I was, because of some obligations I had back home, but when I was sworn in on January 9, I believe, and I think the gentleman has the numbers there, that the deficit of that year in 1995 was about $285 billion, somewhere thereabouts, $285 billion or $300 billion. Those were the deficits, and deficits means that we have spent out a whole lot more money than we take in and we create a deficit position.

As the gentleman has said, we came in and wanted to do things differently. We felt like Washington could be better, and it is interesting the Contract with America items that the gentleman has mentioned, about 80 percent of those items today are law.

Although people campaign and they talk about the evils of the Contract with America, 80 percent of the Contract with America today is law and a Democrat President signed those things into law.

A balanced budget amendment, we did not pass that. We did not pass term limits, but I think we both voted for term limits and both voted to say that we should amend the Constitution, have an amendment to force Congress to do about what 39 different States around the country have to do, by law they have to balance their books. They cannot spend out one dime more than they were appropriated or that the legislators appropriated.

So what we have done over the last 5½ years, we do have a balanced budget today. We do not spend out more money than we take in. Welfare reform, we were beaten on that, because we wanted to reform welfare to say, let us not define compassion by how many people we can have on food stamps and AFDC or in public housing, instead let us define compassion by how few people are on food stamps and AFDC and public housing because we have helped them climb the ladder of economic opportunity.

Today 6 million more Americans are in the workplace because we chose to define compassion in a different way.

We cut committee staff by a third for the first time, I understand, in the history of the House of Representatives. We audited the books of the House of Representatives. If Members will recall, back when the gentleman and I were freshman, every morning we would have people pushing these little carts around that had these buckets of ice on them that would give Members a bucket of ice. I thought this was somewhat unusual. The gentleman thought it was unusual, because we had refrigerators inside of our offices that keep our Nehi peach and a Nehi grape cold, and these pockets of ice would melt.

These were no good. So we looked into this, and I think it was costing the taxpayers something like $600,000 a year. We cut it out. We eliminated it. We said that is wasting taxpayers' dollars. I think the people back in the fourth district of Oklahoma would be pretty proud and folks in the gentleman's district back in Minnesota would be proud to know we did not have to put together a task force to do that. We just eliminated it. We said Congress, the American taxpayers are paying for that. We do not need that.

We have given tax relief, $500 per child tax relief. We have done that. We paid down our public debt by $350 billion. Now, 5½ years ago when the gentleman and I came, that was just a theory that some day we would start down that track of paying down our public debt.

We have done all of these things over the last 5½ years, which these things are good for the American people. The gentleman mentioned about stopping the raid on the Social Security and Medicare surplus. We think that is important.

Why is that important? We believe that the FICA fellow who takes money out of your payroll, he ought to do with it what he says he is going to do with it, and that is set aside nothing but for Social Security and Medicare.

Mr. GUTKNECHT. If the gentleman would yield, one of the comments that I made, and I think that the people in my district really appreciated this, was that when we started talking about taking money from Social Security and spending it on other things, what I said was, when the American people allowed the Federal Government to get into their paychecks to pay for Social Security, they never told the Federal Government that they could keep the change. That is what was happening.

The Federal Government was keeping the change and spending it on other programs. And 2 years, thanks to your leadership and the leadership of others in the House, we finally stopped that abuse. For the first time, we are making certain that every penny of Social Security taxes goes only for Social Security or to pay down debt.

As the gentleman has mentioned, we paid down $350 billion of debt and, as a matter of fact, I believe by the end of this fiscal year, that number will be greater than $400 billion that we will have paid down.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, I wanted to point this out. Jimmy Carter wrote a book in the 1970s called Why Not the Best? And he talked about rethinking. So many of the things that we do routinely in government, and I think that even though we had philosophical differences of what that blueprint should be, that is what, in fact, happened in 1994.

I think it took many years with ideas like the challenge of Jimmy Carter, Why Not the Best; and then Ronald Reagan saying, good morning America, bringing out the best news. Now, in this day of great prosperity, the day of great medicine, great technology, great entertainment, great food supply, we still need to get to that next level in a government where our priorities have been very focused in the last 5 years. We protect and preserve Social Security. We protect and preserve Medicare. Then we pay down the debt for the next generation, and then the change.

If we go to WalMart and we buy $7 hamburger and we give $10 at the counter, they are going to give us $3 back. The Federal Government, if we get a congressional cashier, he is going to keep the change and give us some more nails and all kinds of things we did not ask for. We are stopping that.

To go after great communities, where the kids can walk the streets late at night not having to worry about drug pushers and crime. Education, where teachers in the classroom are getting the money, not the bureaucrats in Washington. Just think about every dollar we spend on education, 50 cents never leaves this city.

That is something we have got to change. Our constituents would never put up with that in the private sector. It is outrageous.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for sharing those thoughts with us, because I think what the gentleman has said, what the gentleman from Minnesota (Mr. GUTKNECHT) has talked about in getting us into this special order this evening, I think it is critical to look at where we have come from to see where we are going. Had we not made those tough decisions 5½ years ago when we first came, putting more people in the workplace today. We balanced our budget. We do not spend out more money than we take in. We have sent more education dollars home. We stopped the raid on the Social Security surplus and on the Medicare surplus.

We have cut our committee staff by a third. We have given tax relief. We paid down our public debt, because we have done all of these things. Now we are in a position over the next 8 years to 10 years that we are talking about massive surpluses. No longer are people talking about deficit spending any longer.

We are talking about massive surpluses, and over the next 10 years, we really have an opportunity to do some wonderful things to secure the future of America. Just think, just imagine, over the next 10 years, because of decisions we made early on, we have surpluses that we can find a cure for cancer. We can find a cure for sickle cell anemia and diabetes and Alzheimer's. This is within our reach.

Mr. Speaker, consider an America that we had paid off our debt. I mean, that is within our reach. Consider an America that every child in America gets up every day and they went to a venue of learning that was safe, that taught them how to read and write, do the arithmetic, have the computer skills necessary to compete in the global marketplace, imagine that kind of an America. Imagine an America that was safe from foreign enemies, because our military was strong and people's retirement security was safe.

They could retire at their retirement age with security. This is within our reach, thanks to, in large part, by what we have done and all the names we went through, what we were called and all the things that we had to go through to get here, but we are here, and now if we will manage it properly, not go on some wild goose chase of government spending, these things really are within our grasp over the next 8 years to 10 years.

Finding the cure for these many illnesses out there, the many diseases that plagues the greatest Nation in all the world. I said it time and time again, as I close, this place that we all call home and the rest of the world calls America, it is a pretty fascinating place.

Mr. GUTKNECHT. That is right.

Mr. WATTS of Oklahoma. I appreciate what the gentleman from Georgia (Mr. KINGSTON) said, and we should be about being our best, not our worst, giving our most, not our least, understanding the importance of who we are.

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Again, I am delighted in some very, very, very small way that folks in the fourth district of Oklahoma that they have given me an opportunity to be a part of what we have seen happen as Members of Congress over the last 5½ years.

Mr. KINGSTON. One thing that he has done a lot for, that I think that it is important to talk about in terms of getting everybody at the table, because when we were passing welfare reform we were accused of pushing children out in the street, pushing women out in the street. The President vetoed the bill twice, and then as soon as it turned out to be a success, 40 percent of the people on welfare got jobs and liked those jobs, then the President went around saying it was his bill, which is fine. If that is the way the system works, let us do another bill like that.

What I think the gentleman has been good at is getting everybody in on it, pushing for an education system where no child is left behind and saying, as the gentleman has pointed out, America's prosperity is the envy of the world, but there are people in the world who are not sharing in that prosperity. We are saying we want to invite them to the table, and we are going to show them a pathway to the table, and we are going to help them get to the table so that they too can enjoy this great land and negotiate for a better America. I think that is something that we do not talk about.

The gentleman has reached out to the children who are at risk, and I think that that is something that we need to always keep in mind for the next generation.

Mr. WATTS of Oklahoma. George Bush calls it prosperity with a purpose. We are experiencing unprecedented prosperity in America. The Dow is going through the roof. NASDAQ is doing very, very well. These days if one is older than 30, they are too old to be a billionaire in America.

It is fascinating the wealth that we see, and I think that if our objective is just to make money, that is a bad purpose. Prosperity with a purpose says that, yes, I want to take the wealth that we have in America and make sure that those who are left behind, that in spite of what skin color they are, in spite of what party they are in, we can go to them and say these are my values, these are my principles, how can we help accomplish what they want to accomplish in life?

This prosperity that we are experiencing, we have an opportunity to do wonderful things for the United States of America, but I think we have to be disciplined enough, composed enough, that we do not get dollar signs in our eyes and say let us spend, spend, spend, spend, spend. Let us grow, grow, grow, grow, grow. We have to have a purpose, I believe, in the wealth that we have created in America and in the surpluses that we have that we are experiencing today.

I think we have to have purpose in our surpluses. If we do, boy, we will surely create that shining city on a hill.

I thank the gentleman from Minnesota (Mr. GUTKNECHT) very much for letting me participate this evening.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. WATTS) because I think in many respects he has done the best job of communicating what it was we were trying to do. As the gentleman from Georgia (Mr. KINGSTON) mentioned, welfare reform was not about saving money. I think to a large degree that was miscommunicated by so many people.

Welfare reform was not about saving money. It was about saving people, because we all knew that there were too many people that were being trapped in an endless cycle of dependency and despair, and because of our welfare reforms we allowed States and governors and legislatures to decide what it was that they wanted for their people and how it was that they could use the instruments of government to encourage work, to encourage personal responsibility, to encourage families to stay together, and that is what welfare reform was all about.

The great news is, since we passed that bill, gave that authority back to the States, we have seen the welfare roles in the United States drop by 50 percent. That is a great story, not in terms of how much money it will save but most importantly how many people it saves.

One of the stories that I love to tell, and many of us do visits to our local schools, I was at one of my local schools a couple of years ago, about a year after we passed the welfare reform, and we were talking to the teachers after school.

One of the teachers said, Of all of the things that have been done since you went to Washington, GIL, I think the best thing is this welfare reform.

I said, Really? Tell me about that.

She said, Well, let me talk about one of my students and let us call him Johnny. All of a sudden Johnny started to behave better. He was a better student. He was a better kid. He carried himself better. Everything about Johnny was better.

So finally one day the teacher said to Johnny, Johnny, is there something different at your house?

Johnny said, Yeah. My dad got a job.

We sometimes forget that a job is more than the way one earns their living. A job helps to define their very life, and when the breadwinner of a family is unemployed and on a government welfare program, it not only affects the attitude of the breadwinner, it affects the attitudes of everyone in that family.

Mr. KINGSTON. I think that as we talk about welfare reform, and as the gentleman said it is about people and giving people opportunities, it is not about taxes, it is not about saving dollars but there are really three legs to the stool. One is for those who are able and capable, able-bodied to work. The other one is the single mother with transportation needs, health care needs, day care needs, education needs, housing needs. The third leg, though, is something very important and the gentleman just touched on it when he talked about little Johnny, and that is Dad.

Our welfare system for years has been geared under the premise that if Dad is around, then one does not qualify for public housing; they do not qualify for the health care benefits for their children. What we are doing now under the leadership of the gentlewoman from Connecticut (Mrs. JOHNSON) is a great Fatherhood Project, saying to the kids, in some sectors of society it is as high as 70 percent of the children who are born without fathers at home, we are saying we want to bring their dad back because if we bring their dad back, the teenage dropout rate will go down; the drug usage rate will go down; the grades at school will go up and the teen pregnancy will go down.

I think that is the kind of common sense legislation that we need to do, not just say, okay, we did welfare reform, now we are through; but to go back and say, now look the father has to be in the picture. When 70 percent of the kids are born without dads at home, they end up on welfare. Dad has to be brought back. I think that that is one of the keys.

Mr. GUTKNECHT. In many respects what we have done since 1994 was to reverse sort of the unwritten rule of Washington, which had become almost an epidemic; and the unwritten rule was that no good deed goes unpunished. If families stayed together, as the gentleman said, they got punished. If people worked, they got punished. If they invested, they got punished. If they saved, they got punished. If they created jobs, they got punished.

If one thinks about that, that was a perverse incentive. It should be no surprise that the welfare system particularly was destroying the work ethic, was destroying families, was encouraging dads to leave the household. It was the most perverse thing.

The good news is we have begun to reverse those perverse incentives. As a result, I think we are not only going to save, quote, money we are going to save families; we are going to save children from one more generation of dependency and despair.

Mr. KINGSTON. Getting back to this in just a second because the bill of the gentlewoman from Connecticut (Mrs. JOHNSON), which will be passed by this

House, it has already been passed and we have another version we are going to consider, I hope, next week; but I have been involved with the Georgia Fatherhood Project with the director named Robert Johnson, and then locally Robby Richardson, whose wife, Annette, works with us, he is the Savannah coordinator of it, they invited me to one of their meetings to talk to the men who are 23, 24 years old who have said when I was 19 years old, I was irresponsible and then the system kept pushing me out and pushing me further out the door. I made a mistake or two, but I could not get back in because society kept shutting the door on me.

Now through this fatherhood project I can come back in and get my high school diploma, maybe get some college credits, get some vocational learning, learn a skill, get my job; and it is not necessarily the job I want, but it is the entry level job and then to get to the next level of the ladder.

These guys are talking about I went four years without seeing my little girl, and now I am seeing her again, and I am part of her life; I do not have to hide from the Government to do this. Mom is in on it, too. It is win/win for society; win/win for the mom; win/win for the dad. But, more importantly, it is a win/win for that little girl.

SENIOR CITIZENS SHOULD BE ABLE TO BUY THEIR PRESCRIPTION DRUGS FROM OTHER COUNTRIES

Mr. KINGSTON. The gentleman has been a leader in something that I want to talk about in terms of why not the best and in terms of common sense legislation, and that is the fact that our Food and Drug Administration has prohibited our senior citizens from buying drugs, prescription drugs, medicine, in Canada, which is sold at a lower price than it is in America.

I have a chart with some of these price differences on it, but I thought the gentleman might want to explain that because I think it is so important to our seniors and to the family members.

Mr. GUTKNECHT. I thank the gentleman for allowing us to talk about this tonight. Actually, it all started several years ago at a meeting with some senior citizens at one of my townhall meetings, and they started talking about the differences between what prescription drugs sold for in the United States compared to what they sell for in Canada, in Mexico, in other countries in the world. So I began to do some research and began to do some work, and I came to the realization that they were in fact telling the truth; that there was a huge difference.

What the gentleman has next to him there is a chart based on some information that we got from the Life Extension Foundation. These actually compare some of the prices of drugs between what the average price is in the United States. As a matter of fact, I might say that those prices on that chart are probably about a year old now. They are actually probably worse today in terms of the actual prices, but I want to pick out a couple of them there that are important to my family.

The first one is Synthroid.

Mr. KINGSTON. Let me look at Synthroid here. Synthroid, why does the gentleman maybe tell us what it is used for. In America, our American citizens have to pay $13.84. In Canada they can get it for $2.95.

Mr. GUTKNECHT. Let me clarify that. It is actually in Europe. Those are all European prices. Now the price in Canada, I believe, is about half what it is in the United States. The point is, it is even cheaper in Europe.

Now, Synthroid is a drug that my wife takes because she has a goiter, an enlargement of her goiter, and many Americans have to take that drug. As long as she takes her drug, she has no medical complications because of that. So it is a wonderful drug, and we are certainly appreciative of that drug and that it is available.

We can afford the $13.85 or whatever the price is here in the United States. That does not really break us, but it does begin to bother when it has to be taken all the time. Literally, she has to take that drug probably for the rest of her life.

When one looks at the differences between what the Europeans pay for exactly the same drug, made in exactly the same plant, under exactly the same FDA approval, one begins to ask the question, why is it the world's best customers, the Americans, pay the world's highest prices?

Mr. KINGSTON. Let us look at Prozac. Prozac is $36.13 in America. In Europe, it is $18.50, and I would suppose in Canada maybe it is $25.

Mr. GUTKNECHT. Somewhere in there.

Mr. KINGSTON. People can go to Canada and buy it if they live in Maine or Michigan; it is ready access. It will not really help us much in Georgia, but the fact they could get it, and they should under the North American Free Trade Agreement. Free trade means free trade for anything that is a legal product, and yet they cannot get it.

Now, the legislation of the gentleman which was passed by the Republican Congress 2 weeks ago stops this practice, does it not?

Mr. GUTKNECHT. Well, it begins to open the door. It is not a complete solution.

Mr. KINGSTON. It stops the practice of not being able to buy the same drug for a cheaper price in Canada?

Mr. GUTKNECHT. We begin to open the door. What happens right now, to try and explain what happens, for example, and let me take another drug on that list, Cumadin, that is a drug that my 82-year-old father takes. The average price in the United States is over $30. The price in Europe for the same drug is $2.85. What happens sometimes is people are traveling, and they happen to have their prescription along with them; they are traveling perhaps in Italy and they realize they are running short on their Cumadin. It is a blood thinner. It is very commonly prescribed. They go into a pharmacy and they buy it; and when they convert the lira to dollars, they realize that it was less than $3.00. That is 10 percent of what they pay back in the United States.

So when it is time to renew that prescription, some people have said, I have the phone number of the pharmacy there in Rome. Maybe what I could do is just give them a call, and see if I could get my prescription refilled and have them ship it to me.

What happens is, and the gentleman has it behind him there, there is another chart, what our FDA does when that drug comes into the United States, even though it clearly is the same drug, made by the same company in the same plant, what our own FDA does is they send a threatening letter to that senior citizen or to any citizen, as a matter of fact, who happens to be importing drugs, and this letter is one of the most threatening letters.

It says, "It appears that you are violating drug importation laws and that you are importing a drug that is illegal in the United States," even though it says clearly on the carton that this is Cumadin or this is Prozac or this is Premarin or whatever the drug happens to be.

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So it is clear to everyone what that drug is. As a matter of fact, the FDA has the right to actually test that drug.

But beyond that, it strikes me that it is outrageous because the burden of proof right now is on the individual to prove, in fact, that it is a legal drug. So what my amendment does is it reverses the burden of proof so that the FDA must now prove that that is, in fact, an illegal drug.

Now, in doing so, what it does is it changes everything. It begins to reverse the process so that it will be virtually impossible for the FDA to send these threatening letters to consumers who are abiding by the law, have a legal prescription, and are importing legal drugs into the United States. And when that happens, markets work. We have a world market price for oil, we have a world market price for wheat, we have a world market price for automobiles. And we should not allow our own FDA to stand between American consumers and especially American seniors.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, it is common sense, if the gentleman will yield, 86 percent of our seniors take at least one prescription a year, and the average senior consumes about 18 prescriptions each year. The average cost for the drugs is around $1,000 annually, or about $80 a month. Mr. Speaker, 44 percent of those seniors that are having to take or buy their own drugs have an income of less than $10,000 a year. So one of the things that we have done, not just pass the "Gutknecht Law" in terms of allowing free commerce between two nations who do have free commerce and are trading back and forth, but we have also passed a prescription drug benefit for Medicare.

The important thing is that it reduces the average cost of prescription drugs by about 39 percent, it gives seniors still the option to buy it where they want, it does not endanger Medicare, and it does not come between the doctor-patient relationship, and that is something very important.

Mr. Speaker, one difference that we have between the Republican plan and the President's plan is, we are saying this affects about 30 percent of the seniors on Medicare. They do not have prescription drug coverage. The other ones, about two-thirds do, either from their Federal retirement program or from the program that they were in in the private sector. But what we are saying is, because of that, we do not want to pick up Ross Perot's prescription drug charges. That is common sense.

Now, the President wants it universal, which has a great ring to it, but when we do that, we buy prescription drugs for people who do not need that benefit. That is not quite the American way to subsidize somebody who does not need subsidizing.

So we are trying to work this out with the White House, but I say to my colleague, I want the best plan to prevail. Prescription drugs is not a partisan issue. I want the best of the Democrat ideas in the House, the best Democrat and Republican ideas in the Senate, the best ideas from the White House, and let us put grandmother's prescription drug issue first and not politics.

Mr. GUTKNECHT. Mr. Speaker, without being overly political, though, I do have to say this: This administration has had 8 years to deal with this issue and what they have given senior citizens most are these threatening letters. I mean, hundreds of thousands of seniors have received these threatening letters from our own FDA. That is not the way to deal with this issue.

And let me also point out, if we could put the other chart up, so we can talk a little bit about this, what we have said, what I have said and I know the gentleman has joined me on this both on the agriculture appropriations bill and some others, what we have said is, if we do not deal with this price problem, because the real problem for seniors is price, when we have drugs like Prilosec, for example, that sells for over $100 here in the United States, sells for about $56 in Canada, the same drug sells in Mexico for about $17.50, the average price in Europe for the same drug is about $39.25, the problem is that over the last 4 years, prescription drug prices have gone up by about 60 percent.

When we look into the eyes of some of the seniors at our town hall meetings and they say, I can afford the price of prescription drugs today, now; it is not easy, but when we look at how much they are going up every year, I do not know if I will be able to afford them in another 2 years. The problem is, if we do not deal with the price side of that equation, we will never be able to catch up just by pouring more Federal taxpayers' money at this problem.

As one person put it, I think, very accurately, if we think prescription drugs are expensive today, just wait until the Federal Government provides them for free.

So we have said that we have to deal with this problem from both sides. We have to open up markets so that Americans have access to market prices for drugs, world market prices for drugs; and secondly, we have to provide a prescription drug benefit as part of Medicare as an option, if people choose it, so that it is affordable, available, and that people have choices. That is the plan that we are working on.

I think if we attack the problem from both sides of that equation, we can make certain that every senior has access to the drugs that they need at affordable prices that will not bankrupt them now or in the future. I think that is the right prescription drug plan. Frankly, I am prepared to debate that with anybody in front of any audience, anywhere in the United States, because I think once people have the facts before them, they will see that the plan that we are trying to put together is superior to what the President is talking about.

SAVING SOCIAL SECURITY AND RESPONSIBLE SPENDING

Mr. KINGSTON. Mr. Speaker, I appreciate the gentleman saying that. The other thing along this line in terms of a safe retirement is Social Security. The gentleman mentioned it earlier, but to think that this House, for 40 years, routinely would take any surplus in the Social Security Trust Fund and spend it on roads and bridges is just outrageous to think about.

In 1999, in January, during the President's State of the Union address, standing right behind the podium where I am right now, he made the statement, let us save 60 percent of the Social Security surplus; i.e., let us spend 40 percent. And we on this side of the aisle said, no, Mr. President, we are not going to do it. We are going to protect and preserve 100 percent of grandmother's pension plan, because there is no business in the world that can mix operating expenses and a pension plan. At the time, everybody said yes, you all are talking a good game, but you are not going to do it. Well, we did do it. Not only did we do it for 1999, but we did it for the year 2000, and we will do it for the year 2001. The reason why that is important is once we have set the precedent, we have that firewall.

In addition to that, I believe we could go another step and say, let us put it in a lockbox. Just putting the money aside is not good enough, let us put a lock on it so that in order to break that sacred implied promise, that sacred practice, let us say we have to vote. That would make it really impossible for people to frivolously spend this hard-fought-for Social Security surplus.

Now, one reason why we know we need to do all of these things is because Americans are working their tails off. They are working harder than ever, and we need to protect their money and spend it like we spend our own money.

Mr. Speaker, back in Savannah, Georgia and Glennville, Georgia and Hinesville, Georgia and Brunswick, Georgia, what my constituents do is, if gas is $1.47 at one pump and it is $1.42 down the street, they will drive that extra block to get the $1.42 and pump it themselves, even if they are wearing a coat and tie. If they need a new suit, they wait for the sales when suits are marked down, and if we need to wait until the fall to buy the spring outfit or the spring to buy the winter outfit, that is what they are going to do. If they are buying a pair of jogging shoes, they will wait until they are on sale with a discontinued brand. If they buy some Kellogs Cornflakes, they wait until they have the 50 cents off coupon. That is how American consumers spend their money, and that is how we should spend their money. We should follow that example in everything we do.

Mr. GUTKNECHT. Mr. Speaker, talking about coupons, sometimes we need to be reminded of this here in Washington, that every Sunday, families sit around their coffee tables and their kitchen tables and they clip over 80 million coupons out of the Sunday paper, worth an average of 53 cents, and that is how they balance their budgets every single week. They watch their pennies.

Now, we still have an awful lot of waste in the Federal Government. I will not be one to say that we do not have waste. But we have much more accountability, and I think we have less waste today than we have had in the last 10 years.

Mr. KINGSTON. Mr. Speaker, I want to say this. My wife has one of the most important jobs in America. She is raising John, Betsy, Ann and Jim Kingston, who are all at home and we are glad to have them there, but she clips those coupons every Sunday and she goes through the two for ones and the 30 cents off and the good until next month, and she reminds me every now and then, last month I saved $13.33 in coupons, or this month I am up to $27. She asks me if she needs to report that every now and then jokingly, and I am afraid that if Uncle Sam knows that if we are so thrifty, that he will require it.

SIMPLIFYING THE TAX CODE

Mr. KINGSTON. That is another reason why, in this Republican Congress, we have passed a Taxpayers' Bill of Rights, so that if the IRS comes to your door, you are no longer guilty until you prove yourself innocent through your lawyers and your accountants and 7 years of records; you are presumed innocent.

A question that I ask people in coastal Georgia on occasion is all right, now, look, you leave here today and let us say you leave the Rotary Club today and you walk out and you remember for some reason you pulled your wallet out of the car and you put it on the hood, or your purses, and you meant to pick it up, but in the flurry of locking the car and picking up your papers, your briefcase and all that and getting to your meeting on time, you forgot. You walk out and you realize, I left my wallet on the car and it is gone. All your credit cards, all your cash, everything else. That is choice number one, losing the wallet. Choice number two is you do not lose your wallet at all, you just come home and you are going through your mail at the end of the day and under that letter from Aunt Gladys and from the Visa to pay your bill is a little friendly calling card from the IRS that says, we have chosen you randomly to be audited.

Now, you are a hard-working, taxpaying American. What do you want, to lose your wallet with all of your credit cards or to be audited by the IRS? Most people, regardless of how conscientious they have been paying their taxes, filling out the forms, getting an accountant to do it, maybe, they would rather lose their wallet than be audited.

Mr. GUTKNECHT. Mr. Speaker, it is an incredible tragedy in America today that the IRS knows more about one's personal finances many times than one's spouse.

Which leads me to the next point. I hope we have made some progress in terms of simplifying this Tax Code. But it is very small progress. I would hope that in the next Congress, with perhaps a different leadership at the other end of Pennsylvania Avenue, we can get very serious about simplifying and making this Tax Code much fairer. There are several things we could do. But it really is amazing that Americans even allow this system to survive.

When we think about what Americans did back at the beginning of this country, we started throwing tea in Boston harbor because the king wanted to put a penny per pound tax on tea. I mean that outraged the American people. Today, we allow an IRS to continue to look into every nook and cranny of our personal lives, and if we make a mistake, even to the tune of $1, it puts a tremendous burden on the American people, and it is simply wrong.

Mr. KINGSTON. Mr. Speaker, did the gentleman know that the Tax Code contains 5.7 million words. Now, that is eight times as many words as the Bible. One thing they do have in common is the Tax Code gives lots of instructions, but the Tax Code gives very little inspiration and zero forgiveness. In terms of the IRS laws, there is 101,200 pages of IRS laws and regulations. Just to comply with this Tax Code, our American taxpayers spend about $250 billion each year paying the H&R Blocks, paying the accountant down the street, the local folks, paying the lawyers or whatever, businesses, $250 million. To give my colleagues an idea, for our Commerce, State and Justice bill that has a lot of our drug enforcement money, we spend about $35 billion on that. So we have $250 billion to comply with taxes, not to pay taxes, but to comply, and yet to fight drugs, $35 billion. It is absurd.

Mr. Speaker, in terms of the amount that we take, Americans today spend about 9 percent of their income on food, about 4 percent on clothing, unless one has teenagers, then it spikes well into about 20 percent. My daughter told me, she said, "You are a horrible dresser."

I said, "You are right, but I was not this way until you were born and particularly since you turned 13." I tell her, I said, "You know, I still dress better than my dad does." She does not give me any credit for that, but he is recovering from raising four kids himself.

Now, on housing, we spend about 16 percent, on transportation, about 7 percent, and yet, on taxes, the two-income family, 39 percent of our income goes to taxes.

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We struck a blow for that here in the last couple of weeks, another example of the "No good deed goes unpunished."

Most people were unaware until just a few years ago that literally hundreds of thousands, if not millions of American couples, paid extra taxes, in fact, pay extra taxes, simply because they are married. In my congressional district alone, we have a study that says that there are 70,000 couples that pay extra taxes just because they are married. There is the marriage penalty.

It works out, the amazing thing is, it works out to something like $1,400 per couple that they pay in extra taxes. That is just not bad tax policy, that is bad family policy, and if we think about it, it is fundamentally immoral.

A couple of years ago at one of my town hall meetings I had an older couple come up to me after the meeting. They said, you have to do something about this marriage penalty thing. I said, really? Tell me about that. They said, we are thinking about getting married, but we have figured it out with our accountants and we would be penalized to the tune of over $1,300 a year just because we were married.

After they explained that to me, I said to myself, the Federal government should not discourage marriage. We all know that marriage and strong families are the glue that holds this society together. Yet, we have a system right now where hundreds of thousands of couples around the United States that are married pay extra taxes simply because they have a wedding certificate. That is simply wrong. This Congress is sending a very clear message to the administration and to the American people that we intend to change that.

Mr. KINGSTON. About the marriage tax penalty, I have found in my district that the Democrats and Republicans are united on that. There are 25 million people paying absurd taxes. People are in favor of it.

Another tax decrease this House has passed is the Spanish American War tax. It is interesting, because I say with great pride, General Wheeler, who led our troops over there, and the Rough Riders with Theodore Roosevelt, actually one of his descendents lives in Savannah, Spencer Wheeler.

General Wheeler was a Member of Congress, and the President actually called him out of Congress to lead our troops in Cuba. What is interesting, I have talked to Spencer Wheeler, a doctor in Savannah, about it. I said, there is a tax that is still around that helped finance the Spanish American War, and it is a little tax on our telephone bills; not a huge tax, but it was earmarked or it was implemented for a certain purpose, it was earmarked for that purpose. But according to my history, we have been finished with the Spanish American War a long time. Yet, only in Washington do these things live on and on forever.

We have passed that bill. I think the Senate is going to pass it. I hope the President will sign it. Again, it is common sense, kill the Spanish American War tax. We are finished with it.

Mr. GUTKNECHT. On the tax side, it all fits with the total budget plan. I only wish that he were here tonight. I remember so many nights doing special orders with Congressman Mark Neumann of Wisconsin. He has left us now, he decided to run for the other body, and now he is back in the private sector and doing quite well.

I remember doing special orders and talking about, if we could get Congress to limit the growth in Federal spending to roughly the inflation rate, he had these models, he was a former math teacher, and he showed us with charts what would happen, how we could balance the budget, pay down debt, make certain that every penny of social security and Medicare went only for social security and Medicare, and we could provide real tax relief to the American people.

In fact, what he said is if we did those things, if we could limit the growth in Federal spending to roughly the inflation rate, that we could pay off the national debt in 20 years.

Americans have always loved big dreams. In fact, Ronald Reagan said, "America is the place where we love to dream heroic dreams." That has been the history of this country. What a great dream. What a great dream, to say that we are going to leave this country to our kids debt-free. The truth is, it can be done. We are on the path to do that today.

Part of the reason is when we first came here, when I first came here, Federal spending was growing between 6 percent and 8 percent. In fact, years before that Federal spending was actually increasing by more like 10 percent and 12 percent per year. Now we have reduced the rate of growth in Federal spending so this year, if we can abide by the spending agreement that we have with the Senate, we will limit the growth in total Federal spending to only about 2.8 percent. That is at a time when we are estimating the inflation rate will be something like 2.9 percent.

If we can do that, and that is going to be tough in the next several weeks because all of these groups are descending on Washington and they want more money for this and that program, and it is going to be tough to limit that growth in spending. But if we do that, we can balance the budget, pay down the debt, strengthen social security, but most importantly, we can allow families to keep more of what they earn.

The interesting thing is, when we allow families to keep more of what they earn, they spend it a whole lot smarter than we spend it on their behalf here in Washington. They get more value for that money, and they help grow the economy. A growing economy makes everything easier.

Mr. KINGSTON. Another part of that is not only passing the money on in our Nation from one generation to the next generation, but from family to family. The death taxes that rob so many of our families, our farmers, is a factor.

I live in a growth area, and it is not unusual for me at all to see a widow who has bought the family property on Whitmarsh Island on the Intercoastal Waterway, bought it in the 1960s for $30,000, and after 20 years paid it off. Her husband is dead, she is on a fixed income, and now that property is worth $700,000, $800,000, maybe $1 million, but she is still on a fixed income and does not want to sell, does not want to move, and does not want to develop. Yet, our property taxes are pushing her out, and then our estate taxes are. If she wants to pass that on to the next generation, the next generation is going to incur a big tax on it.

Here is a woman who is really independent, not on public assistance, who has money in the bank or an asset that if she needs emergency long-term care, if she has a catastrophe in her family, she has something. We are saying to her, you have to sell that cushion, because if you die your children are going to have to pay a whopping tax on it. We run off family farms because of that, and we make it impossible for small businesses to go from generation to generation.

One of the things that is real important now is women own small businesses in unprecedented numbers. As they find out, hey, I have worked for the last 20 years to build up this company and it is worth a little money now, $1 million, $2 million net worth of a business, and I want to pass it on to my daughter, but guess what, Uncle Sam is saying they cannot do it.

We have passed the end of that death tax penalty. There again, we have passed a version, the Republicans have, but we are willing to work with the President on it. If the President does not want to have too many wealthy people, I think wealth is something that in Arkansas, at least his school taught him that that was evil, that people who have been successful are not the people who have enjoyed the American dream but people who seem to be destroying the American dream.

There seems to be this constant class warfare. The idea that you work hard all your life, you build up an estate, you build up wealth, you want to pass it on to your kids, I think is part of being an American. So we have passed estate tax relief.

Again, we are willing to compromise with the President. We want to do what is best for America.

Mr. GUTKNECHT. Let us not be too willing. The truth of the matter is, no family should have to visit the undertaker and the IRS in the same week. I do not think most Americans realize that very quickly, and it does not take much of a farm in my part of the world to quickly be worth $2 million, perhaps $3 million, that has been the family farm perhaps for a couple of generations, all of a sudden the patriarch dies, and in a very short period of time the family could have to cough up upwards of 55 percent. So I hope we are not too willing to compromise.

I agree with the gentleman, we have to be willing to meet the President halfway. Frankly, I do not want to meet the President halfway going in the wrong direction. Frankly, I think it is time for us to say, this is not the government's money.

At some point, I think every one of these estates, every one of these businesses, we have to be honest, they have been paying taxes all through the years. They have paid sales taxes, they have paid income taxes. As the gentleman mentioned, they have paid property taxes.

For the Federal government to step right in and say, oh, by the way, we want upwards of 55 percent of the value of that estate, I am willing to compromise and I think we are willing to meet the President halfway on this, but I think the principle that families should not have to meet the undertaker and the IRS in the same week is a very important principle.

As we were told this morning at a breakfast meeting we were at, that is not the Statue of Fairness, that is a Statue of Liberty. The people who came here came here for liberty and freedom and opportunity. I hope we will always remain a society that understands that the three magic words are hope, growth, and opportunity.

We cannot make things completely fair. People came to this country so they could create their own fortunes, so they could take their chance at life, so they could use their God-given skills and create wealth for themselves, for their families, and in many cases, for hundreds, perhaps even thousands of other people. That is the magic of America, where ordinary people are allowed to do extraordinary things.

We have to make certain that we have a government that respects the fact that people have a right and an opportunity in America to make the most of it.

Mr. KINGSTON. I think the gentleman is right. That is also one reason that we are investing in fighting the drug war, because our children need to be safe from drug pushers at their school, and we need to pass this legacy on to the next generation.

It is odd, as much money as a company like Nike or Coca-Cola spend advertising, that with drug dealers, there is no advertising plan, no business cards, you cannot tell everybody who you work for, no pension plan, no corporate logo. Yet as I go to the school districts in the 18 First District of Georgia counties and I ask in schools, private or public, rural or city, "How many of you kids can get drugs in the high schools by the end of the day if you wanted to," in just about every school, 50 percent of the hands go up.

That is too many. We have got to stop it. I would like to ask that question one day and see zero hands go up. But that is one reason why we are pushing for drug interdiction, keeping the stuff from even coming to our counties; drug enforcement, that if you are caught selling this deadly poison to our children, you are going to go to jail; and drug treatment. To that kid, that user, who says, I made a mistake, now I am addicted, I need some help, we want to give them a lifeline.

Mr. GUTKNECHT. We are just about at the end of our time for this special order, but I am really happy we have had the opportunity, and I was delighted our colleague, the gentleman from Oklahoma, could join us.

Because really, in many respects, this country is a much better place than it was 6 years ago. Instead of a future of debt, dependency, and despair, I really think we are giving to our kids a future of hope, growth, and opportunity. Instead of having huge deficits piling up bigger and bigger every year, we are now talking about surpluses. We are not talking about leaving them a legacy of debt, but perhaps actually paying off all of the debt held by the general public.

We have welfare reform so we encourage work and personal responsibility. We want to allow families to keep more of what they earn, because we know at the end of the day the magic of America is not here in Washington, D.C. It really is back there in places like Savannah, Georgia, and Rochester, Minnesota, in Kasson, Minnesota, where real people, ordinary people, are allowed to do extraordinary things.

That is the magic of America. That is the magic we cannot afford to lose, because if we continued down the path we were on 6 years ago of higher taxes and bigger debts, more government regulation, and even more government interference in the activities of business, we were absolutely guaranteed that we were on a downhill spiral, not only for the economy but for our society.

The good news is we are moving up now, we are headed in the right direction. Taxes should be coming down. The deficit is coming down. Spending is under control. We are encouraging work and personal responsibility. I think that is the future that we want to leave to our kids. That is a legacy that I think we can all be proud of.

I want to thank the gentleman for joining us tonight. If the gentleman from Georgia (Mr. KINGSTON) has any closing words, I yield to the gentleman.

Mr. KINGSTON. Mr. Speaker, I do want to say this. We lost a great United States Senator this week. It is tragic for all parties.

In discussing him, I learned a lot from Senator PAUL COVERDELL. One thing I learned, although he was a Republican and was a great, key member of the Republican team, he always showed us by instruction, never put politics over policy.

What we are about here is good policy. Our hands are open to the White House, to the Senate, to the Democrats, to Republicans of different philosophies, to let us all put our policies first for the good of America.

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MEDICARE PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight, I would like to start our 1 hour Special Order on the Democratic side by talking about the need for a Medicare prescription drug plan. This is an issue that I have taken to the floor many times to discuss. It is the highest priority for the Democratic Party and those Democrats in the Congress both in the House and the Senate.

I noticed that my colleagues on the other side who spoke before me mentioned the issue of drug prices and how drug prices have increased significantly and the disparity between drug prices here in the United States versus Canada or Mexico or other countries.

But I have to be somewhat critical of the Republican leadership because the fact of the matter is that, on many occasions over the last few weeks, Democrats have tried to bring a Medicare prescription drug bill to the floor to adopt and have the Congress adopt a comprehensive package that would include prescription drugs under Medicare for seniors and the disabled.

On every occasion when we have tried to do that, and there have been at least two so far in the last few weeks, the Republicans have stopped the effort, and, instead, put forward a plan that seeks to basically give some money to seniors to go out and try and see if they can get an insurance company to sell them a policy that would cover prescription drugs, not under the rubric of Medicare, in a fashion that the insurance companies have already indicated that they would not sell such policies, such drug-only policies.

As a result, I have been very critical of the fact that the Republican leadership really does not want a Medicare prescription drug plan; they do not want seniors seriously to see enacted into law by the President a plan that will actually provide seniors with prescription drugs.

Instead of just talking about this sham insurance policy where one goes out and sees if one can buy an insurance policy, which people can try to do that anyway today and find that they will be largely unsuccessful because the private market is not interested in offering drug only insurance policies.

So I want to talk a little bit about the prescription drug issue tonight. I want to also point out that, even though my Republican colleagues talked about prices and the rising prices of prescription drugs, that their legislation, their prescription drug legislation does not address the issue of price, whereas the Democrats have tried to do that.

They have tried to point out that, in the same way that there is a huge disparity between the price of prescription drugs here in the United States versus Canada, for example, there is also a huge disparity between the cost of the price that seniors who are in HMOs or employer pension plans, seniors that are part of an existing prescription drug plan through their HMO or in some other way where they are collectively able to negotiate for a cheaper price tend to be paying significantly less than seniors who do not have a prescription drug plan because they are not in an HMO or they are not covered in some way and have to go to the drug store on their own and just buy the prescription.

There is a huge price disparity here in the United States between what seniors pay who do not have coverage as opposed to seniors who happen to be part of a larger group through their HMO or in some other way where they can bargain for a better price.

The Democrats in our Medicare prescription drug plan, which we have tried to bring up, which the Republicans will not let us bring up, we address the issue of price discrimination by basically allowing Medicare and the Medicare program, HCFA, which is the agency that administers the Medicare program, to actually be a bargaining agent through regional benefit providers to go out and get a cheaper price for seniors so that the disparity, the price discrimination would no longer exist in this country, and we would not have this problem where many seniors pay a lot higher prices than a few select seniors.

I also wanted to mention that this evening I am going to be joined by the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. RODRIGUEZ), both who have been leaders on health care issues in general, and who are going to talk about mental health issues and children's mental health in the context of the special order that we are going to have for the next hour or so.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ) briefly. I know he was very concerned about this price discrimination issue.

Mr. RODRIGUEZ. Mr. Speaker, let me, first of all, thank the gentleman from New Jersey for allowing me to say a few words.

I was very pleased to see that, at least from the Republican perspective, our fellow colleagues before were talking about the price disparities that exist between this country and other countries on the same prescriptions.

That same disparity exists in this country when it comes to the price that that senior citizen pays here in the United States and what that HMO individual pays on that same prescription. So that disparity not only exists in this country to other countries, but within our own country itself.

So the real problem is that the pharmaceutical companies have chosen to play a game with us. We have taken them on, and we have said we are not going to deal with it anymore. They have actually come back, contributed to a lot of the politicians up here, and are contributing heavily and expending a lot of money, as my colleagues well know, on advertisement that brings out the senior citizen by the name of Flo that talks about that she does not want government involved.

Well, the reason she does not want government involved is because she wants to make sure that the pharmaceutical companies continue to do what they have been doing, and that is price fixing as far as I am concerned.

One of the things that we have in this country is, as my colleagues well know, is that senior citizens on Medicare who might be receiving the only pension, might be Social Security, having to pay higher prices than someone that is under an insurance HMO. We should not tolerate that.

The other thing that I think we recognize as Americans is that health care and prescription coverage go hand in hand. When we established Medicare, the prescription coverage aspect of it was not considered at that point in time. Yet, for Medicaid, for indigent individuals, we provide prescription coverage. It is only fair that we take into consideration our senior citizens and that we provide for them, especially those that are on a fixed income.

I think they recognize the disparity, but they lost track of who we need to go after, and that is our pharmaceutical companies that we need to make sure that they are fair about the prices.

One of the proposals that they had, I was looking at it, and it sounds great, but one of the main fights that we have in this country is the war on drugs. I represent the border. We have packages that come in that Customs has to check. Can my colleagues imagine having to check foreign prescriptions and foreign drugs that come in and to determine whether they are legal or not legal? As it is, we have heroin that is mailed into this country. We have pot that is mailed in. We have other types of pharmaceutical, illegal pharmaceutical things that are mailed in under the black market. How are we going to distinguish that?

So I think the best thing to do is to look in terms of that cost now in this country and make sure that they provide an affordable cost and do everything we can to help our senior citizens have access to prescription coverage. I think that is the only thing that makes sense. It is something that they have been unwilling to do in the last two Congresses here; I am hoping that we can make it happen.

Again, I just want to thank the gentleman from New Jersey (Mr. PALLONE) for his efforts in this area because I think it is a key area that needs to be dealt with.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ) for pointing out the two problems that we have right now with prescription drugs for seniors. One is there is no benefit; there is no guaranteed benefit under Medicare right now. The second is the price discrimination. If I could, I just will very quickly talk about both of those points.

We are not really trying to reinvent the wheel as Democrats, but we are saying, and I know the gentleman from Texas said, that Medicare is a good program. It has been on the books now for over 30 years.

One has part A to get one one's hospitalization. One has part B where one pays a certain amount per month, 40-something dollars a month on average, and one gets one's doctors care paid for. One has a certain co-payment, one gets one's doctors bill paid for.

So what we are saying is we have this existing program which is a good program, very low administrative cost. We know that when Medicare started 30 years ago, prescription drugs really were not much of an issue because people did not buy many of them, but now it is.

From a preventive point of view, we want to make sure that people have prescription drug coverage. So we are going to establish another part C or part D, if you will, under Medicare. Just like part B for one's doctor bills, one will pay $40 a month, whatever it is a month; and one will get a significant portion of one's prescription drugs paid for, starting with the first prescription, in the same way that one's doctor bills are paid for.

It is a guaranteed benefit. In other words, if one decides to participate and pay the money per month, if one cannot afford it, just like part B, the Government will pay for it; but if one can afford it, one has to pay a certain premium, and then one is guaranteed all medically necessary drugs.

In other words, the doctor decides that, if one needs a particular prescription, it is covered. It is not like where the HMO is going to say, well, maybe one cannot have this or one cannot have that. So whatever is medically necessary.

Now, the Republicans instead, because of the drug companies, the drug companies lobbied them and said no, no, no, we do not want that because they are concerned, once this comes under the rubric of Medicare, there is going to be some government control over it.

So what they do is they tell the Republicans, why do you not forget about the Medicare example that has been so successful, and you just give some money to seniors, I do not know how much, whatever you think you can afford with this surplus that we have; and you see if the seniors can go out and see if an insurance company will sell them a policy.

Well, that is not Medicare. That is not building on the existing program. Every one of the insurance company representatives that came before the House committee, my Committee on Commerce, Committee on Ways and Means, said they will not sell those Republican drug-only policies because it is a benefit. It is not a risk.

When one is selling insurance, one wants to make sure some people do not use the benefit and others do, and that is how one makes money. Well, insurance companies are not going to sell a policy where everybody needs a drug benefit, which 90 percent-plus seniors do.

Now, the other thing the Democrats are saying is that, once this Medicare prescription drug program is established under Medicare, now HCFA can basically, in each region of the country, establish what we call a benefit provider.

I do not want to be too bureaucratic, but this is some agency that will go out and negotiate a price because now there are going to be 40 million people, seniors who are Medicare beneficiaries that the Government can bargain for the best price, just like the HMOs do. That drives the cost down. That eliminates the price discrimination that one is talking about.

The Republicans do not have anything like that. They do not even address the issue. So our colleagues over there, and I am not trying to say they are badly intentioned here, but they are talking about the price of prescription drugs; but they are not addressing it in their bill.

They will not even let us bring our bill up. We tried to do it in Committee on Rules when they brought up their prescription drug plan. They said, no, we cannot do that. Then last week, when we had the marriage penalty, the President came out and said, look, I will even agree to the Republican marriage penalty provision, even though it is not really helping the average person the way they have set it up; but you have got to add our prescription drug benefit to it. They said no, we are not going to do that.

Mr. RODRIGUEZ. Mr. Speaker, I know. One of the things I think that the gentleman from New Jersey (Mr. PALLONE) mentioned, because the insurance companies are unwilling to come in and take care of our senior citizens, and they do it for good reasons, is because they know that, when one becomes a senior, that is when one is going to need the service.

If I can be as cynical to say that, during the time of LBJ and when we established both Medicaid and went forth with Medicare, there was an understanding with the insurance companies that, number one, it was okay to have Medicare because that is when one becomes a senior citizen, and that is when one was not cost effective for the insurance companies to take one on.

So that was okay for government to get involved with that. It was okay for us to have Medicaid because, after all, with Medicaid, one had no money to buy insurance so then it is okay. They wanted to take care of those that were healthy and young during that period.

So that is one of the reasons why they would be unwilling to go and get involved in providing prescription coverage when we know full well that the average citizen is expending over $1,000, more than the majority are spending, over $1,000 a year on just prescription coverage. So it is not to their advantage. They are not going to make the profits that they would like to.

The ones that are making the huge profits are our pharmaceutical companies, which they ought to be embarrassed; and they ought to be embarrassed in terms of the amount of millions of dollars they are out there expending on the waivers and coming out on TV talking about the fact that we should not want government involved. The ones who are doing a number on us are the pharmaceutical companies, the private sector. I think it is time we put a stop to that.

Mr. PALLONE. Mr. Speaker, I agree.

Mr. Speaker, just briefly, I am not an ideological type. I want to do what is practical and what works. The bottom line is one can call Medicare a government program. Sure it is, but I do not think it is bad because it is a government program. It works. The administrative costs of Medicare are, like, 3 percent. I would defy anybody on the Republican side to tell me that their typical constituent does not like Medicare.

Plus it is voluntary. We are not saying that one has to participate in this. It is just like part B. If one does not want it, one does not participate.

So if one looks at this practically speaking, the Republicans are talking about this drug-only insurance policy that is not going to work. Nobody is going to sell it. We are talking about expanding the existing Medicare program to cover prescription drugs which has worked for the last 35 years.

I have to say that I was amazed, because I mentioned this before, too, that in Nevada a few months ago, they passed a plan very similar to the Republican plan where they are going to basically give people money to go out and see if they can buy these insurance-only policies. Not one insurance company stepped up to the plate and said they wanted to buy the policy.

□ 2045

So even though the legislature passed the bill and the governor signed the bill, just like the Republican bill here in the House of Representatives, there is nobody benefiting from the program because no insurance company will sell the policy. So what good is it? It does not make any sense.

Mr. Speaker, I yield to the gentlewoman from Texas, and again I want to thank her for all her work on these health care issues. I know tonight she wants to highlight the mental health issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding to me, and before I turn to that I certainly cannot not acknowledge the crisis that we are in as it relates to our senior citizens and their desperate need for a benefit.

And if I can draw from the gentleman from Texas and the fine leadership of the gentleman from New Jersey on these issues dealing with prescription drugs, let me just tell my colleagues how I define it. I define the effort that we are undergoing here as a Democratic caucus to provide a benefit as contrasted to a promise; an opportunity to dial the telephone. Some of our seniors, of course, as the gentleman well knows, still have those dial phones and not push-button phones because they have lived frugally all their life, and they have now the right to dial the telephone to an insurance company and hear them either get a dial tone or a hang-up sound, which means they do not have the money to pay for the opportunity for an insurance company to consider whether or not they would cover them.

In my own county alone we have had at least two HMOs pull up stakes. And this is why we are talking about mental health this evening, because in some of those instances the HMOs do not even cover mental health services. But we find that they are pulling up stakes. Senior citizens are left holding the bag.

I can remember when I was first elected and we were talking about saving Medicare and I would go around to my seniors, guess who would beat me to the punch? HMOs, who were signing up senior citizens on the Medicare program. I would have senior citizens coming to me and asking which one they should choose. Of course, I could not advise them on personal decisions, but I could advise them on our determination to save Medicare.

But those same HMOs now have flown the coop and left senior citizens with the opportunity simply to dial a telephone number. I believe it will be a tragedy if we allow this to occur, the same way it will be a tragedy to allow the fact that people who are suffering with mental illness, as we will be talking about in just a moment, will not be able to have coverage.

I want to show this little chart, which indicates that in the Republican bill that they are trying to push through the beneficiary pays $1744, minimally speaking. Now, we know today that there are some senior citizens who cannot buy food or pay rent. They do not have the money to take care of themselves and the high cost of prescription drugs, along with providing for their other needs to provide for a quality of life that we want them to have.

I understand there was some jolly celebrations pooh-poohing the fact that we have a surplus. All right, we have a surplus. Now then is the time to respond to those whose hard work have helped us gain this prosperity, our senior citizens and many that are coming after them, to give them this prescription benefit through the Medicare structure and make it a real benefit.

Mr. PALLONE. I want to thank the gentlewoman, and just before we turn to the mental health issue, I just wanted to say that she was right on point when she talked about these HMOs.

I do not have a problem with HMOs. Let us face it, in our Democratic bill, in our Democratic Medicare prescription drug bill, we actually provide the HMOs with the majority of the cost of the prescription drugs. So sometimes Republicans say, well, they want choice; and if they go out and try to buy this insurance policy, they are going to have choice.

Well, seniors are going to have more choice with us because we guarantee the benefit under Medicare. If they want to stay in the HMO, they can. We give the HMO more than 50 percent of the cost of providing the prescription drugs, so they can stay in their HMO. And the HMOs actually will be encouraged to offer more benefits because we will give them the majority of the money to pay for the prescription drug benefit.

But as the gentlewoman from Texas said, the problem is now that so many of these HMOs are strictly just canceling coverage. As of July 3, when they had the latest round where they had to announce if they were going to pull out of the Medicare market, over 700,000 people are likely to lose their HMO benefits, and most likely their prescription drug benefits, because the HMOs are pulling out. They had to announce by July 3 if they want to pull out by January 2001.

So, again, the HMOs are not the answer to prescription drugs, because they are not providing it or they are getting out of the market. The answer is to provide the guaranteed benefit under Medicare.

What I would like to do now, Mr. Speaker, if I could, is to yield the balance of the hour to the gentlewoman from Texas to address the mental health issues and the children's mental health issues that she has been such a champion for.

The SPEAKER pro tempore (Mr. SHERWOOD). Under the designation of the minority leader, the balance of the hour is allocated to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman very much, and as I indicated, I thank the gentleman from New Jersey (Mr. PALLONE) for being persistent in his commitment to ensuring that we as a Nation face the question of viable health care and viable health benefits, which include prescription drugs.

And now this evening, Mr. Speaker, I believe that we will also see where Americans are crying out, sometimes in complete silence, in complete isolation for America to address the question of mental health needs. Notice, Mr. Speaker, that I do not define it as mental illness. I define it as mental health needs. And I am going to try to speak about the children that need these services as special needs children.

It is important that we highlight the fact that it is so very important that we eliminate what is such a devastating impact of mental health issues, and that is the stigma attached to it. I am not reading from Webster's dictionary as to the definition of stigma, so my colleagues will have to forgive me, but even the sound of the word sounds negative. And in my own attempt to define it, it seems to me to be allowing or encouraging or suggesting that we must live in silence about the mental health needs of our family.

I remember growing up and there were certain illnesses that people would not talk about. And as I was in a meeting with mental health providers, they related that we have now overcome the stigma of cancer. People get up and proudly say that they are cancer survivors; that they have survived and are fighting and their family is working with them. As I am told, years ago that was not something people talked about. We did not know. It was an unknown.

Today, I believe that mental health needs are equated to that era. And as we are now in the 21st century, people are living lonely lives. I work a lot with the veterans hospital. I work a lot with veterans, and with homeless veterans. It is well documented that large numbers of veterans from the Vietnam War, who I give great homage and great respect to, who many times they are sensitive to these statistics, are amongst our homeless veterans. They suffer from a number of conditions, some of them of substance abuse, but a lot deal with mental health needs. They are homeless because there is a disturbance that has not been treated. Their families did not know how to handle it.

When we look at the numbers dealing with children, some 13.7 million children suffer from diagnostical mental health disorders and only 20 percent receive the mental health services they need.

It is interesting that when we were funding Labor HHS, and I know we are about to address that issue again, I attempted to offer an amendment to the national mental health community, mental health clinics and services, that we got a mere $86 million. I was trying to push it up to the President's request. In actuality, the children's mental health services serves approximately 34,000 children, Mr. Speaker, and we are a Nation of 200 million plus, an increasingly younger nation with children who suffer from depression.

I would imagine if we passed a playground and saw one or two children fall off the monkey bars or the slide or the seesaw, maybe they do not call them those names anymore, but we saw that they could not move their arm, we would rush to their aid, call the teachers' aide or the teacher and say two or three children have fallen and it looks as if they have broken their arm or broken their leg. We would rush them to the hospital, and before long they would come back with their badge of honor, their arm in a sling or a cast, and soon they would be well. But what would we do if there was a little child on the playground that seemed isolated, that seemed distraught and frustrated, that seemed disturbed? Maybe we would send them to the principal's office because they were misbehaving, but many times we would not help them.

So this evening I am going to share with a number of my colleagues, and I am delighted to see the gentleman from Texas (Mr. RODRIGUEZ), the gentlewoman from Indiana (Ms. CARSON), and the gentlewoman from California (Ms. LEE). I want them to join me. I am so honored that they have come to talk about this stigma.

I would be happy to yield to the gentleman from Texas, who as a State legislator was not afraid of tackling those issues that others would not speak about. I believe mental health is an issue that people do not speak about. They are our neighbors. We need more funding. And the people who are fighting this alone, whose relatives are hospitalized because they cannot get home care, need our help.

I yield to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. First I want to thank the gentlewoman for yielding to me, and I want to congratulate her because I know she has had legislation to address this problem.

The gentlewoman mentioned some startling statistics, about 13.7 million youngsters in this country that suffer from mental health problems. One of the other statistics that she mentioned that was also very interesting was that only 20 percent of those receive service. That means two out of every ten that get diagnosed actually get service.

I want to share with my colleagues that by profession I am a social worker. I worked 3 years with adult heroin addicts, I worked about 4 years with adolescent substance abusers, and approximately a couple of years in community mental health. While I was working with adolescents in the entire Bexar County area, back then it was called the mental health and mental retardation center, we had two people that worked with adolescent substance abuse, two people for a county over a million. And one of the things I recall is that they used to call us asking for help and the first thing we had to ask is, has your son or your daughter been incarcerated? And when they said no, they have not gotten into trouble, but we need help. I would have to say, well, I am sorry, we cannot help you until you get into the judicial system.

So it is unfortunate that we could not reach out to these families and provide assistance when those individuals were in school having difficulties and having problems. And I want to congratulate the gentlewoman for pushing forward in this area.

When we talk about mental health, I want to share with my colleagues, and I know the gentlewoman from Texas is aware of this, that suicide is the eighth leading cause of death in the United States, accounting for more than 1 percent of all deaths. In addition to that, when we look at persons under the age of 25, it accounts for 15 percent of suicides in 1997. Between 1980 and 1997, suicide rates for 15- to 19-year-olds increased 11 percent. So we have had this real problem in terms of increases in suicide.

□ 2100

It is unfortunate that it has gotten to the point that we have very little service. The other reality that we really need to be very conscious about is the suicides. Let me just give you one more figure. Twelve young people between the ages of 15 to 24 die every day. Today, 12 young people on the average committed suicide. African Americans is growing, in terms of the young African Americans who are committing suicide. Latino women are also suffering from depression. So it is an issue that we need to come to and revisit.

I know that your piece of legislation helps to begin to address this problem and sometimes we do not realize the connection between what is happening out there, the consequences in terms of our schools and the danger that is occurring there.

Ms. JACKSON-LEE of Texas. I think the gentleman made an important point. Many people believe that for some reason or another, Members of the United States Congress, and I hope the gentlewoman from Indiana will maybe mention her background a little bit, sort of drop out of the sky and come into the United States Congress.

As a lawyer, I practiced what we call probate law in Texas, the mental health commitments under the probate courts. So I got a chance to go into all kind of halfway houses and facilities to see people. Some of them were not as I would have wanted. They were tragic circumstances in terms of anyone getting any good treatment. But we had to in essence put someone somewhere. I felt the pain of families. I think you should repeat again, you were a social worker. You wanted to help people, but you could not help a young person unless they were put in the detention or the juvenile crime system.

Mr. RODRIGUEZ. Unless they had already broken the law, we could not help them. That was the way it was structured in terms of how it was funded. So individuals out there that are having difficulties, parents, a multitude of parents with adolescents, we could not reach out to them at all. Those services are lacking throughout this country. There is a real need for us to revisit that. There are a lot of issues in mental health. I think that this is one of the areas that we are looking forward to. I was real pleased to see Tipper Gore reach out and do the conference here in Washington on mental health and the importance and the testimony that she provided on her firsthand experiences with depression and how difficult that is and the need for us to have a better understanding of what that can cause and the problems that that can bring.

As a country, we need to recognize that a lot of people are falling through the cracks. If you look at the incident, the shooting that occurred here with that individual that had a mental health problem, that individual had been under treatment and had dropped out of that treatment. One of the few ways that we can prevent those kinds of atrocities is by providing mental health services. I think it is important that we take and work with those youngsters.

If I can add one other thing that I am real concerned about, not enough studies and research have been done with the use of Ritalin and prescription coverage with youngsters. Ritalin and some of those prescriptions were made for adults. All of a sudden we started to provide those prescriptions for our youngsters. We do not know what the long-term effects are going to be. And I think we have gone overboard on the use of some of those prescription items with our youngsters. So we really need to be very cautious. There is a need for research to occur in this area. I am hoping that your piece of legislation will be funded and that we can reach out to those youngsters throughout this country that are suffering from depression and a variety of different other disorders.

Ms. JACKSON-LEE of Texas. I thank the gentleman for his expertise and his leadership on this issue. We are going to work together.

As I introduce the gentlewoman from Indiana, let me cite for you a statement of needs of mentally ill children in the juvenile justice system in a position paper done by the Mental Health and Mental Retardation Authority of Harris County, Joy Cunningham, executive director. She used the term mental illness or mentally ill children. I said that I was going to focus it on special needs children, but mentally ill children, as this paper cites, are more vulnerable to drug and alcohol problems and are at high risk for suicide and for committing nonrational violent acts. While we cannot completely divert these children from the juvenile justice system because their condition is manifested in serious behavioral problems, for the majority of these children an improvement in their condition equals an improvement in their behavior.

This is a fait accompli. This is what is going on now. Would it not be great if we could get these children before it resulted in violent behavior? The gentlewoman has worked to try and curb the use of handguns or guns getting in the hands of children. Part of that, of course, is accidental. But part of it is guns mixing with children who are disturbed. She has been working on the antiviolence, and I believe they are all interwoven. We thank her for her leadership and sharing this time with us to talk about the needs of people who are suffering from mental needs or mental health needs and as well our children.

I yield to the distinguished gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I would like first and foremost to give honor to whom honor is due, and that is to the distinguished gentlewoman and my friend from Texas (Ms. JACKSON-LEE) and certainly to the honorable gentleman from Texas (Mr. RODRIGUEZ).

Mental health is an issue that has historically been kept quiet. It was sort of like a quiet storm within various households across this country and across this world. People were not inclined to talk about mental illness. They would pretend when they had a family member with mental health challenges to have been gone away on a visit or be in some place other than hospitalized because of their mental health challenges. That is not something that I have learned by reading a book; it is something that I have learned firsthand through my neighbors and through my churches. Prior to coming to the United States Congress, I was elected to township trustee. The reason I wanted to do that is because I wanted to buy a building which has since been named the Julia Carson Government Center in Indianapolis because it is set in a very nice neighborhood. But it had the highest number of homeless children in the whole of Marion County. It was the Mapleton-Fall Creek area as it is known. The kids were laying on the steps all night and all day. These were young children. They were 7 and 8 years of age. They were classified as delinquent sometimes or homeless sometimes; and their basic underlying needs were left ignored or unmet, the kind of mental health challenges that are often referred to in terms of a description of what really faced those very vulnerable children.

I am pleased that the honorable gentlewoman from Texas (Ms. Jackson-Lee) allowed me to become a cosponsor of the bill that she inspired and authored, H.R. 3455. I commend her for her outstanding foresight and insight and activism on behalf of our children who are diagnosed with mental health disorders. The gentlewoman's bill provides mental health services to children, adolescents, their families, schools and communities. This issue reminds me in the academic sense of the mathematical axiom that the whole equals the sum of its parts. While we talk about mental health challenges and mental health disorders among young people and trying to access them to proper medical services and coverage, we have to further recognize that there are other axioms out here that perpetuate that whole challenge of mental illness, and that is the kind of environment in which kids grow up.

Kids live in old neighborhoods, in old houses. They still have lead-based paint in the houses which has been known to perpetuate violence, delinquency and mental health disorders. We have a food stamp program that covers food for children, but it does not allow good nutritional kinds of support for children. For example, food stamps do not cover vitamins. It specifically denies purchase of vitamins with food stamps, which to me is a very vital component of anybody's well-being, nutrition, et cetera. I think those are areas that we need to further expand upon as we try to deal with the mental health disorders that this bill addresses.

The gentlewoman's bill authorizes the Substance Abuse and Mental Health Services Administration to work with the Department of Education to increase the level of available resources for localities, to identify emotional and behavioral problems in children and adolescents and provide service through school and community-based clinics.

I do not want to get into another kind of discussion here, but while we deny the majority of America's children who are in public education access to quality education and all of the tools that are attendant to quality education such as mental health services, counselors, nurses, professional people within a school setting who are adept in identifying potential problems, I think we do this country a disservice while we wade off into areas that really do not benefit the majority of America's children.

Her bill provides mental health services to children and adolescents, their families and their schools and communities. That is so vital if we are really going to get a grip on this issue. Everybody may not know that an estimated 20 percent of American children and adolescents, 11 million in all, have serious diagnosable emotional or behavioral health disorders which range from attention deficit disorder and depression to bipolar disorder and schizophrenia. That is a lot of people, 11 million in all, of our children.

Ms. JACKSON-LEE of Texas. That is a very good point. That is a large number. That is documented. We do not know what are the other numbers. The reason why I wanted to have this discussion on the floor of the House is because I have encountered a number of custodians of children, those who have custodial care, whether they are grandparents or aunts and uncles, single parents and families who are suffering alone with children who need mental health care.

But one of the major problems is as we all know, the work of children is going to school. We get up every morning and we head out for our work as an adult. I am told that that work for children is when they go to school. The issue is, this is where they live a good portion of their life. And knowing children, working with children, having, I know, some wonderful grandchildren, are children apt to just pop up one day and say, my emotions don't feel well?

This is the problem that we are facing. How do you get help for children who are children and do not know how to express that they are depressed or something is wrong other than when they act it out? And then that parent is left just aghast as to what happened.

Have you seen that, particularly with those homeless children, you do not know, you are able to house them maybe, but were there resources there to help them with their state of mind?

Ms. CARSON. There were not resources available. As the gentleman from Texas (Mr. RODRIGUEZ) pointed out his experience, unless a child gets into the juvenile justice system, they are sort of just out there with no kind of support, no emotional support, nobody to talk to, nobody who understands. Their home conditions are such that they really cannot get the kind of help they need through the home. We have an inordinate number of children who are born with substance abuses because their parents were substance abusers and so we have all these little babies being born now who are addicted from the time that they are flushed into the world, if you will. There are not enough services, not enough identification, not enough early prevention and care for those children before they become problems, if you will, for society. That is indeed a problem, and that is why it is imperative for this Congress to recognize the importance of passing the measure that you have introduced.

Between 9 percent and 13 percent of children ages 9 to 17 have serious mental and emotional disturbances that substantially interfere with or limit their ability to function in a family, school and community. Evidence that was compiled by the World Health Organization indicates by the year 2020, internationally, childhood neuropsychiatric disorders will rise proportionately by over 50 percent to increase one of the five most common causes of morbidity, mortality and disability among children. And, of course, the Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. Within every 1 hour and 57 minutes, a person under the age of 25 years of age commits suicide.

□ 2115

I think this Congress has an obligation if we stand here day and night and talk about family values, then we need to move forward not just in word but in deed in terms of providing some help for all of these people out here who are dependent on the Sheila Jackson-Lees and the Barbara Lees of the country to step forward and provide meaningful opportunities to redress this very serious problem in our communities, in our individual communities and in our country.

I would say to the gentlewoman from Texas (Ms. JACKSON-LEE) that I have a great deal of gratitude, and I want to thank her for the opportunity to stand here and speak on a problem that was not a popular subject matter; but she certainly has done a yeoman's job in bringing it to the fore of the American people.

Mr. Speaker, I am a cosponsor in support of Congresswoman JACKSON-LEE's bill H.R. 3455 and commend my colleague for her outstanding activism on behalf of children diagnosed with mental health disorders.

This bill would provide mental health services to children, adolescents and their families, schools and communities.

This legislation would authorize the Substance Abuse and Mental Health Services Administration to work with the Department of Education to increase the level of available resources for localities to identify emotional and behavioral problems in children and adolescents and would provide service through school and community based health clinics.

Mental health care needs among our children are on the rise.

An estimated 20% of American children and adolescents, 11 million in all, have serious diagnosable emotional or behavioral health disorders, which range from attention deficit disorder and depression to bipolar disorder and schizophrenia.

Between 9% and 13% of children ages 9 to 17 have serious mental or emotional disturbances that substantially interfere with or limit their ability to function in the family, school, and community.

Recent evidence compiled by the World Health Organization indicates by the year 2020, internationally, childhood neuropsychiatric disorders will rise proportionally by over 50% to become one of the five most common causes of morbidity, mortality, and disability among children.

The National Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. Within every 1 hour and 57 minutes, a person under the age of 25 commits suicide.

Furthermore, the U.S. Surgeon General reports that suicide among African-American youth has increased 100% in the last decade.

Too many children suffering from a mental or emotional disorder go unserved. An estimated two-thirds of all young people are not getting the mental health treatment they need.

Effective treatments for children's psychiatric disorders typically require not only direct interventions such as psychotherapy or medication, but also a range of other actions, including interventions with parents and school personnel.

The Children's Defense Fund reports that when children's mental health services are unavailable, affordable, or inappropriate, young people often end up caught in the child protection or juvenile justice systems. Furthermore, parents may even be forced to give up custody of the children to secure appropriate treatment.

The rise in youth violence across this nation has created a climate of fear in our schools and communities and has therefore, contributed to the increase in children having mental or emotional disorders.

The serious consequences of untreated mental health problems among children result in school drop-out, rise in juvenile delinquency, alcohol and drug abuse, and even suicide.

We need to advocate for initiatives that promote healthy mental and physical growth among our youth by providing prevention efforts, community-based mental health services, and ensuring quality mental health care services.

Implementing early-intervention services will ultimately decrease the likelihood of more severe emotional or behavioral problems.

Representative JACKSON-LEE's bill would not only expand resources for communities but would also allow communities to expand existing school-based anti-violence prevention programs that provide crisis intervention, emergency services, school safety, and behavior management.

Therefore, I ask my other colleagues to support this important and needed legislation and help our children receive the quality mental health services that they deserve.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from Indiana (Ms. CARSON). I can assure her that she has done a great service to those who are suffering in isolation by coming to the floor tonight and saying to those who are suffering with mental health needs that they are not alone.

It is interesting, as the gentlewoman from California (Ms. LEE) worked so hard on the floor last week to challenge this Congress and ask the very simple question, can we not provide for the poor of the world. And I thank the gentlewoman from Indiana (Ms. CARSON) very much for her commitment and support of the legislation that we are trying to pass to provide $100 million in funding for mental health needs.

The gentlewoman from California (Ms. LEE) fought just last week when unfortunately we were told we had no money; we come just a few days later and we are hearing of the booming surplus that is coming about. Of course, there is a lot of debate about tax cuts to people and people wonder why, many of us, particularly Democrats, have a different perspective. Because I realize that out of information that we have gotten from the National Mental Health Association, and we applaud their work, and the White House conference with Tipper Gore, that people in the United States, what a tragedy, we can only serve 34,000 children, when I have pages of gun violence incidents that suggest that we have troubled children in our midst and we cannot find a way to provide an extra $100 million for school nurses, for counselors, for training teachers to be able to detect whether a child is troubled. I believe the fight of the gentlewoman was a very important fight, dealing with debt relief, but dealing with HIV/AIDS around the world.

I believe this is an important fight for the children of America, and I am delighted with the leadership of the gentlewoman from California (Ms. LEE) and would like to yield to the distinguished gentlewoman from California (Ms. LEE), who is aware that human needs must be paramount.

Ms. LEE. Mr. Speaker, I would like to thank my esteemed colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), for really organizing the opportunity to discuss a crucial national issue, the mental health of our children. Let me just say I am a proud social worker. I actually studied psychology during my undergraduate term at Mills College in California and then I went on to receive my masters in social work, a degree at the University of California.

Ms. JACKSON-LEE of Texas. If the gentlewoman would yield, it is wonderful that as we debate this that the American people understand that we did not just come here; that we bring experiences.

Ms. LEE. I studied Maslow and Freud and Jung and all of the great psychiatrists and behavioral scientists of our time, and I studied psychology because I wanted to try to understand human behavior more. I went into community mental health, psychiatric social work, because I learned very quickly that the environment and the social context in which a child or a human being lives really that context impacts their life, their behavior and their mental health.

So mental health is a question of just that; it is a question of health. For too long it has been stigmatized, and it has been neglected.

In the early 1970s, when I was in graduate school, I actually founded a community mental health center; and it was called Change, Incorporated, and it was in Berkeley, California. I founded that center so that we could destigmatize and remove the artificial barriers about mental health for primarily low-income African American residents of that community.

That mental health center survived for 10 years, but this was in the early 1970s, and we had a hard time raising money then for resources to provide the intervention and the counseling. What we saw, though, during those 10 years was the psychologists, social workers, counselors, made an enormous difference in the lives of children and families through intervention, through quality mental health services.

Now, as I said, this was in the early 1970s. Here we are now in the year 2000 and we are still talking about the fact that mental health is not a critical component of our national health policy, and we are struggling to raise resources and to provide new resources for mental health counselors. We can help our children and we can offer alternatives to desperate young people, averting some of the terrible schoolyard tragedies which we have seen that really dominate our nightly news.

Substance abuse, violence, school dropouts, suicide all of these are manifestations of a young child's acting out, yearning to be heard, wanting us as adults to do something to help. They are calling out for help. Suicide rates among African American youth have increased 100 percent in the last 10 years, 100 percent. This is really a silent epidemic that is taking our young people one by one, and I know that with some form of intervention most of these lives would have been saved.

So we do need community programs, and we do need to offer mental health services in our schools. We need school counselors. In my own State of California we have one counselor to 1,100 children. Can one imagine? Teachers need to be freed up to teach.

Some children come to school hungry. They cannot concentrate. Consequently they act out. A teacher has to deal with that. If there were a counselor available, the teacher could refer that child to a counselor; and the counselor could develop a case management plan to help that child rather than allowing that child to be suspended or to fall out or to drop out of school.

So I am very proud to be with the gentlewoman tonight. I thank her for this. I am in full support of her bill, which is such an important bill, The Give a Kid a Chance Omnibus Mental Health Services Act for Children. I think that is a great title for the bill.

It will really forge a critical link in our health network. It also will boost badly needed resources for communities to develop community mental health programs for children and adults, the same thing that we tried to do in Berkeley, California, in the early 1970s.

So here we are again. We need mental health professionals in every school. We need our families and children to know that it is okay to seek a counselor and to seek a mental health professional, and we need to give our kids a chance.

Ms. JACKSON-LEE of Texas. The gentlewoman has highlighted so many important points I do not know where to start, but having just finished the fight to assist the world in its fight for HIV/AIDS, does the gentlewoman not think that if we discover that we have a surplus that was unexpected that it would not be fiscally irresponsible to be able to look at mental health parity in our HMO coverage? The gentlewoman being a psychiatric social worker has seen the pain of people suffering from mental illness and mental health needs, as I have called it. What I have seen is people who are isolated and do not know where to go.

Let me cite these numbers for a moment. It is estimated between 118,700 and 186,600 youth were involved in the juvenile justice system, I call it the juvenile crime justice system, have at least one mental disorder. So they really needed other kinds of help.

According to a 1994 OJJDP study of juveniles' response to health screening conducted at the Mission of Juvenile Facilities, 73 percent of juveniles reported having mental health problems and 57 percent reported having prior mental health treatment. Of the 100,000 teenagers in juvenile detention, estimates indicate that 60 percent have behavioral, mental, or emotional problems.

Is it important that we try to find the funding to be able to help not only these children but these families? And I know social workers are not paid what they should be paid.

Ms. LEE. Or psychiatrists or psychologists.

Ms. JACKSON-LEE of Texas. Or child psychiatrists.

Ms. LEE. Mental health professionals need to be paid what they deserve to be paid, and based on their workload they need to be paid twice as much.

Let me just say that one has to believe that the mind and the body are equally important. I think all of us believe that, but we have not put our money where our mouth is.

Mental health parity is critical if one believes that one's spirit, one's mind is just as important as the physical body. Psychosis, schizophrenia, depression, all of these mental issues, and I will not call it mental illness either because we still do not have a clear definition of mental illness, but all of these behavioral difficulties can be cured in many instances.

So why do we not elevate the mind and the body on an equal basis, because certainly one cannot be treated without treating the other? So additional resources making mental health policy as part of our national health policy should really be a national priority, and we should use some of our surplus to do just that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE) very much. I thank her for her work before coming to Congress, her work now. Let us commit ourselves, first of all, to the reality that this Nation is suffering from inadequate mental health services.

Yes, they are there in spotty places throughout the Nation, but even the community mental health services or the community mental health centers are only in about 37 of our States. The funding does not allow for complete use in all 50 States.

More teenagers die from suicide, Mr. Speaker, than from cancer, heart disease, AIDS, birth defects, strokes, influenza and chronic lung disease combined.

The U.S. Surgeon General stresses that mental health needs should be a central part of this Nation's health policy debate because mental health is indispensable to personal well-being, family interpersonal relationships, and contribution to community and society. I think when we talk about our children, families know about anorexia nervosa, we know about that. We have heard about anxiety disorders, but are we aware that our children suffer greatly from depression?

If I might share as I close this evening, depression is one of the most treatable mental illnesses as it is said here on the National Mental Health Association fact sheet, but early diagnosis and treatment are essential to depressed children and can help them lead to better long-term good health.

Mr. Speaker, the real question is, how many of us would run to aid a fallen child with that broken arm or that bruised knee or bruised finger, and the tears coming to their eyes? But how many of us have come to this floor to demand parity for mental health treatment for all Americans in their HMOs and health plans?

I want to applaud some of the great works of some Members of our Congress, both Republicans and Democrats, but we need to finish the job. The job means that we have to find good resources for children so that they can grow up to be healthy adults.

Let me acknowledge Dr. James Comer, who is here with the Yale University Child Study Center, been a leading force on children's mental health; Dr. Koplewicz, from the New York University Child Study Center who has also been working, but they need us in the United States Congress to fund legislation. I hope that H.R. 3455, give a kid a chance legislation, that asks for just $100 million to be able to put school counselors and nurses in schools, to be able to help our children find their way and to help their parents, would be considered in this Congress.

I do hope that those who feel isolated with the impact of mental illness in their families will find a way to believe in the United States Congress that we are moving toward addressing this question and not leaving them to suffer alone, Mr. Speaker.

NEEDS OF MENTALLY ILL CHILDREN IN THE JUVENILE JUSTICE SYSTEM POSITION PAPER

MENTAL HEALTH MENTAL RETARDATION AUTHORITY OF HARRIS COUNTY

Joy Cunningham Exec. Dir.

Over the years, the MHMRA Child and Adolescent Services Division, operating with limited resources, has been able to serve the needs of a variety of juvenile offenders through their outpatient clinics, school-based programs and day treatment services. However, it is apparent that there is a growing number of juveniles who are dually diagnosed whose needs cannot be met in our current county institutions.

Data collected by the Forensic unit on juvenile offenders indicate 17% of these youth (one of every five) suffer from a severe mental condition characterized by disturbed thinking, mood disorder, or impulse control disorder. When we include children who are diagnosed with Conduct Disorder, this percentage increases to 33% (two out of every five). Yet, the juvenile justice system does not have a single facility for mentally ill offenders. At present time, the Juvenile Probation Department sends children with severe mental health problems to private placement. This has resulted in the unprecedented amount of money spent in private placement. Within the last year, the collaboration between MHMRA and the juvenile probation department has resulted in the provision of some psychiatric services at juvenile probation facilities. However, this does not begin to address the needs of mentally ill children.

Mentally ill children are more vulnerable to drug and alcohol problems, and are at high risk for suicide and for committing nonrational violent acts. While we can not completely divert these children from the juvenile justice system because their condition is manifested in serious behavioral problems, for the majority of these children, an improvement in their condition equals an improvement in their behavior.

In order to address the needs of these mentally ill children, we need specialized programs that emphasize psychological/psychiatric intervention and that are manned by professionals with training in dealing with these children. These specialized services should be available in a continuum of care that addresses all levels of severity, and can either be contracted out or provided through MHMRA and Juvenile Probation with additional funding. Some of these specialized services/needs are described below.

Because of the severity of behavior problems, many of the most seriously mentally ill children are held in the detention center either awaiting court or awaiting placement. This is particularly detrimental for these children because of their limited cognitive and emotional resources. Consequently, their behavior is prone to deterioration often resulting in them becoming a danger to themselves or others. The needs of these children can be best addressed in a short-term inpatient setting where they can have access to medication, and where monitoring for self-injurious behavior is an integral part of the program.

Chronically mentally ill children who are adjudicated delinquent and who, as a result of their condition, are prone to aggressive outbursts and whose behavior is so impaired that they represent a substantial risk to themselves or others, will necessitate a long term Residential Treatment Placement. The focus of this placement will be to provide regular psychiatric/psychological interventions in the form of individual, group, and family counseling, as well as medication interventions. It will also be important to incorporate an aftercare program that includes a transition to a less restricted facility prior to return to home placement.

No one agency should be responsible for providing services for these children. The needs of these children are complex and, as a result, need the efforts of all local agencies including Juvenile Probation Department, MHMRA, Child Protective Services, and the local school district.

Recommendations: It is imperative that Harris County have a centralized data bank, so that all the different agencies have immediate access to information regarding performance and participation in school program, history of mental illness/condition, history of referrals to the Juvenile Probation Department, and information regarding physical or sexual abuse or foster placement. The lack of this information makes it difficult to recognize the needs of children and offer appropriate alternatives.

Need for Research: It is imperative to have research driven treatment alternatives. To this end a centralized data source would be helpful. In Harris county, this would involve having a data system that includes the HCJS, MHMRA, CPS, and HISD, so that children can be easily identified, and to allow for continuation of services.

Training of Practitioners: Government should sponsor internship/resident programs with local universities or institutions of higher learning to allow for a rotation with these mentally ill children. This would serve the purpose of educating professionals who will be going into positions of responsibility with regards to these children, and/or to provide a larger pool of professionals with training with this specialized population.

Training of Juvenile Court Staff: It is imperative that all levels of court personnel (judges, district attorney, juvenile attorneys) and Juvenile Probation staff have an understanding of how mental illness or level of functioning can be a factor in criminal activity. Training in the complex issues of competency should be mandatory.

Legal System: Courts must continue to be involved because these children do have severe behavioral problems that put the public at risk, but also because in many instances it is the threat of legal action that motivates families and youth to participate in many of these programs. Therefore, they should have ultimate authority to remove these children from participation in these specialized programs should there be no indication that they are making an impact on the youth and/or the family. In making these decisions it will be important that those more closely involved with the implementation of these programs should receive education regarding mental illness so that they can make better decisions regarding the alternatives for these children.

Federal Funding: There is no doubt that implementation of the above recommendations is a costly endeavor. Support at the federal level in the way of legislation that provides line item funding for these services is recommended.

Mr. Speaker, children's mental health needs to be a national priority in this country today!

In this nation, we have taken great strides to address spend 10 times the amount on research into childhood cancer, than on children's mental health, yet one of five children is affected by some sort of mental illness.

Even more devastating is the fact that although one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

This heartbreaking story of Kip Kinkle, the fifteen year-old student of Springfield, Oregon, who shot his parents and went to school to kill several other students is tragic, yet illuminating.

For three years before this horrendous event, Kip suffered from psychosis and heard voices, yet no one did anything to address this situation. No teacher sent him to the nurse and no one asked his parents to take him to a doctor to find out what was wrong.

This is why I stand before you today to encourage my Colleagues to address the inadequate funding for comprehensive children's mental health services. We need to reach these 75 to 80 percent of children suffering from mental illness and not allow any more days to go by, otherwise we are waiting for another school tragedy like Kip Kinkle to occur.

The recent Surgeon General's Report on Children's Mental Health specifically states that "most children in need of mental health services do not get them . . ." Hence, when children's mental health needs are not met, young people often get caught in child protective services or the juvenile justice system. As a result, we see that almost 60 percent of teenagers in juvenile detention have behavioral, mental or emotional disorders.

Although children's mental health services were funded at the President's request under H.R. 4577, this funding was still below the requested funding by National Mental health Association and the Federation of Families for Children's Mental Health Services. In order to adequately fund children's mental health services, we would need to fund this program with at least $93 million and not the $86 million allocated in the poorly funded bill H.R. 4577.

Currently, the Children's Mental Health Services Program only serves approximately 34,000 children. Additional funding would enable more states to provide more mental health services on the community level.

This is why I attempted to offer an amendment to H.R. 4577 to increase the funding for the Substance Abuse and Mental Health Services Administration by $10 million dollars. The intent of this Amendment was to increase the funding for the Children's Mental Health Services Program under SAMSHA.

Both the National Mental Health Association and the Federation of Families for Children's Mental Health Services support increased funding for children's mental health and agree that we need to focus this nation's attention on intervention measures so that we can prevent tragedies like Columbine in Littleton, Colorado, Heath High School in Paducah, Kentucky, and Westside Middle School in Jonesboro, Arkansas.

The grant programs funded under the comprehensive community mental health services program are critical to insure that children with mental health problems and their families have access to a full array of quality and appropriate care in their communities. To date, there have not been sufficient funds to award grants to communities in all the states.

It is also crucial that we emphasize the fact that mental health disorders often lead to teen suicide with a person under the age of 25 committing suicide every 1 hour and 57 minutes! The fact that 8 out of 10 suicidal persons give some sign of their intentions also begs the question, why do we not make children's mental health a national priority.

We know that more teenagers died from suicide than from cancer, heart disease, AIDS, birth defects, strokes, influenza and chronic lung disease combined.

Because childhood depression is so very prevalent, we must recognize the dire need for increased services to treat our youth.

One of the unfortunate realities of the lack of mental health services is the fact that many juveniles convicted in the criminal justice system are in the system because they need mental health services. Recently, the Human Rights Watch released its year 2000 report entitled, "Punishment and Prejudice: Racial Disparities in the War on Drugs." This report detailing the discrepancies between criminal sentencing of African-American and Hispanic drug offenders versus White drug offenders in the juvenile justice system. This report also makes reference to the failure of minority youth to be provided adequate mental health services or appropriately sentenced according to their mental health needs.

Additionally, the New York Times released a study this past March that was conducted on 100 rampage killings. This Report indicated that mental health services could help prevent future outbreaks of violence among our youth and save students and their parents from the torture of another school shooting.

This is further support for the belief that all children need access to mental health services. Whether these services are provided in a private therapy session or in a group setting in community health clinics, private sessions or through the schools, we need to make these services available. That is why this Congress should support legislation that will help remedy the lack of mental health services in the school system.

The National Mental Health Association recommends initiatives to promote the "healthy physical and mental development for America's youth." They support initiatives like increased mental health services in the school system and the surrounding community so that children have access to help when they need it. Recommended also are community based programs that promote good emotional development in children and adolescents.

Furthermore, the Substance Abuse and Mental Health Services Administration (SAMHSA) states that it advocates "legislation that would provide support to communities to integrate mental health principles, services and supports into existing early childhood programs . . ."

This is why I introduced my bill, H.R. 3455, "Give a Kid a Chance, Omnibus Mental Health Services Act for Children of 1999," which would provide mental health services to children, adolescents and their families in the schools and in our communities. Already, this bill is supported by 58 members of Congress and numerous organizations including the National Mental Health Association, the National Association of School Psychologists and the Federation of Families for Children's Mental Health.

By making mental health services more readily available, we can spot mental health issues in children early before we have escalated incidents of violence. My bill, H.R. 3455, would authorize the Substance Abuse and Mental Health Services Administration (SAMHSA) to work with the Department of Education (DOE) to increase the level of available resources for localities to identify emotional and behavioral problems in children and adolescents and to provide service through the schools and community based health clinics.

Unlike other limited legislative remedies, my bill would require local entities to implement "comprehensive community-based programs that provide public health interventions and promote good emotional development in children and adolescents. These programs would provide early intervention services when mental health problems occur and would reach children who may be at-risk for a serious emotional or behavioral disorder (SED) and/or substance abuse.

One of the significant points of my legislation is that in order for a student to access the services of any of the mental health professionals, he/she would not have to have a "medically diagnosed" mental health disorder. Thus, any student in need of someone to talk to about their emotional problems or simply in need of a "friend" would have access.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 4810, MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000

Mr. ARMEY (during the special order of Ms. JACKSON-LEE of Texas), submitted the following conference report and statement on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

CONFERENCE REPORT (H. REPT. 106–765)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4810), to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the "Marriage Tax Relief Reconciliation Act of 2000".

(b) Section 15 Not To Apply.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) In General.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking "$5,000" in subparagraph (A) and inserting "200 percent of the dollar amount in effect under subparagraph (C) for the taxable year",

(2) by adding "or" at the end of subparagraph (B),

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case.", and

(4) by striking subparagraph (D).

(b) Technical Amendments.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking "(other than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.

(a) In General.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(8) Phaseout of marriage penalty in 15-percent bracket.—

"(A) In general.—With respect to taxable years beginning after December 31, 1999, in prescribing the tables under paragraph (1)—

"(i) the maximum taxable income in the lowest rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be the applicable percentage of the maximum taxable income in the lowest rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

"(B) Applicable percentage.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	***The applicable percentage is—***
2000	*170*
2001	*173*
2002	*178*
2003	*183*
2004 and thereafter	*200.*

"(C) Rounding.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(b) Technical Amendments.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting "except as provided in paragraph (8)," before "by increasing".

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting "Phaseout of Marriage Penalty in 15-Percent Bracket;" before "Adjustments".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) In General.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking "Amounts.—The earned" and inserting "Amounts.—

"(A) In general.—Subject to subparagraph (B), the earned", and

(2) by adding at the end the following new subparagraph:

"(B) Joint returns.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,000.".

(b) Inflation Adjustment.—Paragraph (1)(B) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

"(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) of section 1(f)(3), and

"(ii) in the case of the $2,000 amount in subsection (b)(2)(B), by substituting 'calendar year 1999' for 'calendar year 1992' in subparagraph (B) of section 1(f)(3).".

(c) Rounding.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking "subsection (b)(2)" and inserting "subparagraph (A) of subsection (b)(2) (after being increased under subparagraph (B) thereof)".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 5. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

"(a) Limitation Based on Amount of Tax.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

"(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

"(2) the tax imposed for the taxable year by section 55(a).".

(b) Conforming Amendments.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 6. ESTIMATED TAX.

The amendments made by this Act shall not be taken into account under section 6654 of the Internal Revenue Code of 1986 (relating to failure to pay estimated tax) in determining the amount of any installment required to be paid before October 1, 2000.

SEC. 7. COMPLIANCE WITH BUDGET ACT.

(a) In General.—Except as provided in subsection (b), all amendments made by this Act which are in effect on September 30, 2005, shall cease to apply as of the close of September 30, 2005.

(b) Sunset for Certain Provisions Absent Subsequent Legislation.—The amendments made by sections 2, 3, 4, and 5 of this Act shall not apply to any taxable year beginning after December 31, 2004.

And the Senate agree to the same.

BILL ARCHER,
DICK ARMEY,
Managers on the Part of the House.

BILL ROTH,
TRENT LOTT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4810), to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

I. EXPLANATION OF THE BILL

A. STANDARD DEDUCTION TAX RELIEF (SEC. 2 OF THE HOUSE BILL, SEC. 2 OF THE SENATE AMENDMENT, AND SEC. 63 OF THE CODE)

PRESENT LAW

Marriage penalty

A married couple generally is treated as one tax unit that must pay tax on the couple's total taxable income. Although married couples may elect to file separate returns, the rate schedules and other provisions are structured so that filing separate returns usually results in a higher tax than filing a joint return. Other rate schedules apply to single individuals and to single heads of households.

A "marriage penalty" exists when the combined tax liability of a married couple filing a joint return is greater than the sum of the tax liabilities of each individual computed as if they were not married. A "marriage bonus" exists when the combined tax liability of a married couple filing a joint return is less than the sum of the tax liabilities of each individual computed as if they were not married.

While the size of any marriage penalty or bonus under present law depends upon the individuals' incomes, number of dependents, and itemized deductions, as a general rule married couples whose incomes are split more evenly than 70-30 suffer a marriage penalty. Married couples whose incomes are largely attributable to one spouse generally receive a marriage bonus.

Under present law, the amount of the standard deduction and the tax bracket breakpoints follow certain customary ratios across filing statuses. The standard deduction and tax bracket breakpoints for single individuals are roughly 60 percent of those for married couples filing joint returns.[1] Thus, the sum of the standard deductions for two single individuals exceeds the standard deduction for a married couple filing a joint return.

Basic standard deduction

Taxpayers who do not itemize deductions may choose the basic standard deduction (and additional standard deductions, if applicable),[2] which is subtracted from adjusted gross income ("AGI") in arriving at taxable income. The amount of the basic standard deduction varies according to filing status and is indexed for inflation. For 2000, the amount of the basic standard deduction for each filing status is shown in the following table:

Table 1.—Basic standard deduction amounts

Filing status	*Basic standard deduction*
Married, joint return	$7,350
Head of household return	6,450
Single return	4,400
Married, separate return	3,675

For 2000, the basic standard deduction for joint returns is 1.67 times the basic standard deduction for single returns.

HOUSE BILL

The House bill increases the basic standard deduction for a married couple filing a joint return to twice the basic standard deduction for a single individual. The basic standard deduction for a married taxpayer filing a separate return will continue to equal one-half of the basic standard deduction for a married couple filing a joint return.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment, with the modification that the provision is effective for taxable years beginning after December 31, 1999. The agreement further provides that the provision cannot be taken into account for estimated tax purposes prior to October 1, 2000.

B. EXPANSION OF THE 15-PERCENT AND 28-PERCENT RATE BRACKETS (SEC. 3(a) OF THE HOUSE BILL, SEC. 3(a) OF THE SENATE AMENDMENT, AND SEC. 1 OF THE CODE)

PRESENT LAW

Rate brackets

To determine regular income tax liability, a taxpayer generally must apply the tax rate schedules (or the tax tables) to his or her taxable income. The rate schedules are broken into several ranges of income, known as income brackets, and the marginal tax rate increases as a taxpayer's income increases. The income bracket amounts are indexed for inflation. Separate rate schedules apply based on an individual's filing status. In order to limit multiple uses of a graduated rate schedule within a family, the net unearned income of a child under age 14 may be taxed as if it were the parent's income. For 2000, the individual regular income tax rate schedules are shown below. These rates apply to ordinary income; separate rates apply to capital gains.

Table 2.—Federal individual income tax rates for 2000

If taxable income is:	*Then income tax equals:*
	Single individuals
$0-$26,250	15 percent of taxable income.
$26,250-$63,550	$3,937.50, plus 28% of the amount over $26,250.
$63,550-$132,600	$14,381.50 plus 31% of the amount over $63,550.
$132,600-$288,350	$35,787 plus 36% of the amount over $132,600.
Over $288,350	$91,857 plus 39.6% of the amount over $288,350.
	Heads of households
$0-$35,150	15 percent of taxable income.
$35,150-$90,800	$5,272.50 plus 28% of the amount over $35,150.
$90,800-$147,050	$20,854.50 plus 31% of the amount over $90,800.
$147,050-$288,350	$38,292 plus 36% of the amount over $147,050.
Over $288,350	$89,160 plus 39.6% of the amount over $288,350.
	Married individuals filing joint returns[1]
$0-$43,850	15 percent of taxable income.
$43,850-$105,950	$6,577.50 plus 28% of the amount over $43,850.
$105,950-$161,450	$23,965.50 plus 31% of the amount over $105,950.
$161,450-$288,350	$41,170.40 plus 36% of the amount over $161,450.
Over $288,350	$86,854.50 plus 39% of the amount over $288,350.

[1] Married individuals filing separate returns must apply a separate rate structure with tax rate brackets one-half the width of those for married individuals filing joint returns.

HOUSE BILL

The House bill increases the size of the 15-percent regular income tax rate bracket for a married couple filing a joint return to twice the size of the corresponding rate bracket for a single individual. This increase is phased in over six years as shown in the following table. Therefore, this provision is fully effective (i.e., the size of the 15-percent regular income tax rate bracket for a married couple filing a joint return will be twice the size of the 15-percent regular income tax rate bracket for a single individual) for taxable years beginning after December 31, 2007.

Taxable year	*Joint return 15-percent rate bracket as a percentage of single return 15-percent rate bracket*
2003	170.3
2004	173.8
2005	183.5
2006	184.3
2007	187.9
2008 and thereafter	200.0

Effective date.—The provision is effective for taxable years beginning after December 31, 2002.

SENATE AMENDMENT

The Senate amendment increases the size of the 15-percent and 28-percent regular income tax rate brackets for a married couple filing a joint return to twice the size of the corresponding rate brackets for a single individual. This increase is phased in over six years as shown in the following table. The Senate amendment is fully effective (i.e., the size of the 15-percent and 28-percent regular income tax rate brackets for a married couple filing a joint return is twice the size of the corresponding regular income tax rate brackets for a single individual) for taxable years beginning after December 31, 2006.

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[1] The beginning point of the 39.6 percent rate bracket is the same for all taxpayers regardless of filing status.

[2] Additional standard deductions are allowed with respect to any individual who is elderly (age 65 or over) or blind.

Taxable year	Joint return 15-percent and 28-percent rate bracket as a percentage of single return 15- and 28-percent rate bracket
2002	170.3
2003	173.8
2004	180.0
2005	183.2
2006	185.0
2007 and thereafter	200.0

Effective date.—The provision is effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, but with a different phase-in, as described in the following table:

Taxable year	Joint return 15-percent rate bracket as a percentage of single return 15-percent rate bracket
2000	170.0
2001	173.0
2002	178.0
2003	183.0
2004 and thereafter	200.0

The agreement further provides that the provision cannot be taken into account for estimated tax purposes prior to October 1, 2000.

Effective date.—The provision is effective for taxable years beginning after December 31, 1999.

C. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY (SEC. 3(b) OF THE HOUSE BILL, SEC. 5 OF THE SENATE AMENDMENT, AND SECS. 24, 26, AND 32 OF THE CODE)

PRESENT LAW

Allow nonrefundable personal credits to offset both the regular tax and the alternative minimum tax

Present law provides for certain nonrefundable personal tax credits (i.e., the dependent care credit, the credit for the elderly and disabled, the adoption credit, the child credit, the credit for interest on certain home mortgages, the HOPE Scholarship and Lifetime Learning credits, and the D.C. homebuyer's credit). Except for taxable years beginning during 1998–2001, these credits are allowed only to the extent that the individual's regular income tax liability exceeds the individual's tentative minimum tax, determined without regard to the minimum tax foreign tax credit. For taxable years beginning during 1998 and 1999, these credits are allowed to the extent of the full amount of the individual's regular tax (without regard to the tentative minimum tax). For taxable years beginning during 2000 and 2001, the nonrefundable personal credits may offset both the regular tax and the minimum tax.[3]

An individual's tentative minimum tax is an amount equal to (1) 26 percent of the first $175,000 ($87,500 in the case of a married individual filing a separate return) of alternative minimum taxable income ("AMTI") in excess of a phased-out exemption amount plus (2) 28 percent of the remaining AMTI, if any. The maximum tax rates on net capital gain used in computing the tentative minimum tax are the same as under the regular tax. AMTI is the individual's taxable income adjusted to take account of specified preferences and adjustments. The exemption amounts are: (1) $45,000 in the case of married individuals filing a joint return and surviving spouses; (2) $33,750 in the case of other individuals; and (3) $22,500 in the case of married individuals filing a separate return, estates and trusts. The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation.

Reduction of refundable credits by alternative minimum tax

Refundable credits may offset tax liability determined under present-law tax rates and allow refunds to an individual in excess of income tax liability. However, the refundable child credit (beginning in taxable years beginning after December 31, 2001) and the earned income credit are reduced by the amount of the individual's alternative minimum tax.

HOUSE BILL

Allow nonrefundable personal credits to offset both the regular tax and the alternative minimum tax

No provision.

Reduction of refundable credits by alternative minimum tax

The House bill repeals the provisions that reduce the refundable child credit and the earned income credit by the amount of the individual's alternative minimum tax.

Effective date.—The provision is effective for taxable years beginning after December 31, 2001.

SENATE AMENDMENT

Allow nonrefundable personal credits to offset both the regular tax and the alternative minimum tax

The Senate amendment permanently extends the present-law temporary provision that allows the nonrefundable personal credits to offset both the regular tax and the minimum tax.[4]

Reduction of refundable credits by alternative minimum tax

The Senate amendment is the same as the House bill.

Effective date

The provisions are effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

Allow nonrefundable personal credits to offset both the regular tax and the alternative minimum tax

The conference agreement follows the Senate amendment.

Reduction of refundable credits by alternative minimum tax

The conference agreement follows the House bill and the Senate amendment.

D. MARRIAGE TAX RELIEF RELATING TO THE EARNED INCOME CREDIT (SEC. 4 OF THE HOUSE BILL, SEC. 4 OF THE SENATE AMENDMENT, AND SEC. 32 OF THE CODE)

PRESENT LAW

Certain eligible low-income workers are entitled to claim a refundable earned income credit ("EIC") on their income tax returns.[5] The amount of the EIC an eligible individual may claim depends upon whether the individual has one, more than one, or no qualifying children, and is determined by multiplying the applicable credit rate by the individual's earned income up to an earned income amount. The maximum amount of the credit is the product of the credit rate and the earned income amount. The credit is phased out above certain income levels. For individuals with earned income (or modified AGI, if greater) in excess of the beginning of the phase-out range, the maximum credit amount is reduced by the phase-out rate multiplied by earned income (or modified AGI, if greater) in excess of the beginning of the phase-out range. For individuals with earned income (or modified AGI, if greater) in excess of the end of the phase-out range, no credit is allowed. In the case of a married individual who files a joint return, income for purposes of these tests is the combined income of the couple.

The parameters of the EIC for 2000 are provided in the following table:

TABLE 3.—EARNED INCOME CREDIT PARAMETERS (2000)

	Two or more qualifying children	One qualifying child	No qualifying children
Credit rate (percent)	40.00	34.00	7.65
Earned income amount	$9,720	$6,920	$4,610
Maximum credit	$3,888	$2,353	$353
Phase-out begins	$12,690	$12,690	$5,770
Phase-out rate (percent)	21.06	15.98	7.65
Phase-out ends	$31,152	$27,413	$10,380

HOUSE BILL

The House bill increases the beginning point of the phase-out range of the EIC for married couples filing a joint return by $2,000. Because the rate of the phase-out range is not changed by the House bill, the endpoint of the phase-out range is also increased by $2,000. The effect of the increase in the beginning of the phase-out range is to increase the EIC for taxpayers in the phase-out range by an amount up to $2,000 times the phase-out rate. For example, for couples with two or more qualifying children, the maximum increase in the EIC as a result of the provision will be $2,000 multiplied by 21.06 percent, or $421.20. The House bill also expands the number of married couples eligible for the EIC. Specifically, the $2,000 increase in the end of the phase-out range will make married couples with earnings up to $2,000 beyond the present-law phase-out range eligible for the credit. The beginning and ending points of the phase-out range of the EIC (including the $2,000 increase for joint returns) will continue to be indexed for inflation, as under present law.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the House bill except that the Senate amendment increases the beginning and ending income levels of the phase-out of the EIC for married couples filing a joint return by $2,500 rather than by $2,000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the modification that the provision is effective for taxable years beginning after December 31, 1999. The agreement further provides that the provision cannot be taken into account for estimated tax purposes prior to October 1, 2000.

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[3] The foreign tax credit is allowed before the personal credits in computing the regular tax for these years.

[4] The foreign tax credit will continue to be allowed before the personal credits in computing the regular tax.

[5] A refundable credit is a credit that not only reduces an individual's tax liability but also allows refunds to the individual of amounts in excess of income tax liability.

E. COMPLIANCE WITH CONGRESSIONAL BUDGET ACT (SEC. 6 OF THE SENATE AMENDMENT)

PRESENT LAW

Reconciliation is a procedure under the Congressional Budget Act of 1974 ("the Budget Act") by which Congress implements spending and tax policies contained in a budget resolution. The Budget Act contains rules defining the scope of items permitted to be considered under the budget reconciliation process. One such rule, the so-called "Byrd rule," was incorporated into the Budget Act in 1990. The Byrd rule, named after its principal sponsor, Senator Robert C. Byrd, is contained in section 313 of the Budget Act. The Byrd rule is generally interpreted to permit Members to make a motion to strike extraneous provisions (those which are unrelated to the deficit reduction goals of the reconciliation process) from either a budget reconciliation bill or a conference report on such a bill.

Under the Byrd rule, a provision is considered to be extraneous if it falls under one or more of the following six definitions:

(1) it does not produce a change in outlays or revenues;

(2) it produces an outlay increase or revenue decrease when the instructed committee is not in compliance with its instructions;

(3) it is outside of the jurisdiction of the committee that submitted the title or provision for inclusion in the reconciliation measure;

(4) it produces a change in outlays or revenues which is merely incidental to the nonbudgetary components of the provision;

(5) it would increase the deficit for a fiscal year beyond those covered by the reconciliation measure; and

(6) it recommends changes in Social Security.

HOUSE BILL

No provision.

SENATE AMENDMENT

To ensure compliance with the Budget Act, the provision provides that all provisions of, and amendments made by, the Senate amendment shall cease to apply for taxable years beginning after December 31, 2004.

Effective date.—The provision is effective on date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

II. COMPLEXITY ANALYSIS

The following tax complexity analysis is provided pursuant to section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998, which requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service ("IRS") and the Treasury Department) to provide a complexity analysis of tax legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or a Conference Report containing tax provisions. The complexity analysis is required to report on the complexity and administrative issues raised by provisions that directly or indirectly amend the Internal Revenue Code and that have widespread applicability to individuals or small businesses. For each such provision identified by the staff of the Joint Committee on Taxation, a summary description of the provision is provided, along with an estimate of the number and the type of affected taxpayers, and a discussion regarding the relevant complexity and administrative issues. Time constraints prevented the staff of the Joint Committee on Taxation from consulting with the IRS regarding the provisions in the conference agreement that has widespread applicability.

1. Standard deduction tax relief (sec. 2 of the conference agreement)

Summary description of provision

For taxable years beginning after December 31, 1999, the bill phases in an increase in the basic standard deduction for a married couple filing a joint return until it is twice the basic standard deduction for a single individual.

Number of affected taxpayers

It is estimated that the provision will affect approximately 25 million individual tax returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to this provision. The higher basic standard deduction should not result in an increase in disputes with the IRS, nor will regulatory guidance be necessary to implement this provision. In addition, the provision should not increase individual's tax preparation costs.

Some taxpayers who currently itemize deductions may respond to the provision by claiming the increased standard deduction in lieu of itemizing. According to estimates by the staff of the Joint Committee on Taxation, approximately three million individual tax returns will realize greater tax savings from the increased standard deduction than from itemizing their deductions. In addition to the tax savings, such taxpayers will no longer have to file Schedule A to Form 1040 or need to engage in the record keeping inherent in itemizing below-the-line deductions. Moreover, by claiming the standard deduction, such taxpayers may qualify to use simpler versions of the Form 1040 (i.e., Form 1040EZ or Form 1040A) that are not available to individuals who itemize their deductions. These forms simplify the return preparation process by eliminating from the Form 1040 those items that do not apply to a particular taxpayer.

This reduction in complexity and record keeping may also result in a decline in the number of individuals using a tax preparation service (or a decline in the cost of using such a service). Furthermore, if the provision results in a taxpayer qualifying to use one of the simpler versions of the Form 1040, the taxpayer may be eligible to file a paperless Federal tax return by telephone. The provision also should reduce the number of disputes between taxpayers and the IRS regarding substantiation of itemized deductions.

2. Expansion of the 15-percent rate bracket for married couples filing a joint return (sec. 3 of the conference agreement)

Summary description of provision

The provision increases the size of the 15-percent regular income tax rate bracket for married couples filing a joint return to twice the size of the corresponding rate brackets for a single individual. This increase is phased in over five years beginning for taxable years beginning after December 31, 1999. It is fully effective for taxable years beginning after December 31, 2003.

Number of affected taxpayers

It is estimated that the provision will affect approximately 21 million individual tax returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to this provision. The increased size of the 15-percent regular income tax rate bracket for married couples filing joint returns should not result in an increase in disputes with the IRS, nor will regulatory guidance be necessary to implement this provision.

3. Interactive effect of the alternative minimum tax rules

Both provisions (i.e., the standard deduction tax relief and the expanded 15-percent rate bracket) are affected by the alternative minimum tax ("AMT") rules. Specifically, because neither provision makes corresponding changes to the alternative minimum tax regime other than the allowance of the nonrefundable personal credits against the AMT, additional individual taxpayers will need to make the necessary calculations to determine the applicability of the alternative minimum tax rules. It is estimated that for the year 2005, less than two million additional individual income tax returns with a benefit from the provisions will be required to include a calculation of the tentative minimum tax and file the appropriate alternative minimum tax forms. By the year 2009, this number is expected to rise to over seven million additional individual income tax returns. At the same time, however, by 2009, there will be approximately two million individual income tax returns that will be relieved of the burden of the AMT calculations by virtue of the extension of the nonrefundable personal credits against the AMT.

For taxpayers who have to calculate the tentative minimum tax and file the appropriate alternative minimum tax forms, it could be expected that the interaction of the provisions with the alternative minimum tax rules would result in an increase in tax preparation costs and in the number of individuals using a tax preparation service.

4. Sunset (sec. 7 of the conference agreement)

Summary description of provision

The provision sunsets the provisions and amendments made by the bill for taxable years beginning after December 31, 2004.

Number of affected taxpayers

It is estimated that the provision would affect almost all individuals affected by the other provisions of the bill.

Discussion

The provision would reverse any simplification achieved under the other provisions of the bill. Specifically, two categories of individuals would have additional record keeping and tax return filing complexity. First, individuals who, because of the bill changes, switch from itemizing deductions to using the increased standard deduction would likely revert to itemizing deductions when the increased standard deduction sunsets. Second, individuals who are relieved of the AMT calculations under the bill would be required to make such AMT calculations after the sunset. The sunset provision also can be expected to result in an increase in the tax preparation cost of individuals using a tax preparation service. In addition, the provision may require the IRS to issue guidance regarding the termination of the tax benefits as a result of the sunset.

ESTIMATED REVENUE EFFECTS OF THE CONFERENCE AGREEMENT FOR H.R. 4810, THE "MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000"

[Fiscal years 2001–2010[1] in millions of dollars]

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001–05	2001–10
1. Standard deduction set at 2 times single for married filing jointly (sunset 12/31/04).	tyba 12/31/99	−9,873	−6,003	−6,383	−6,523	−1,959	....	....	....	....	....	−30,741	−30,741
2. 15% rate bracket set at 2 times single for married filing jointly; 5-year phasein (sunset 12/31/04).	tyba 12/31/99	−4,146	−6,361	−9,718	−17,680	−6,277	....	....	....	....	....	−44,182	−44,182
3. Extension of AMT treatment of refundable and nonrefundable personal credit (sunset 12/31/04).	typa 12/31/01	....	−343	−1,876	−2,875	−3,460	....	....	....	....	....	−8,554	−8,554
4. $2,000 increase to the beginning and ending income levels for the EIC phaseout for married filing jointly (sunset 12/31/04)[2].	tyba 12/31/99	−1,250	−1,281	−1,255	−1,268	−1,287	....	....	....	....	....	−6,341	−6,341
Net Total	....	−15,269	−13,988	−19,232	−28,346	−12,983	....	....	....	....	....	−89,818	−89,818

[1] The provisions of the bill generally are effective to taxable years beginning after 12/31/99. The bill provides that these provisions can not be taken into account for estimated tax purposes before 10/1/00. Accordingly, the provisions result in little to no effect on receipts in fiscal year 2000.

[2] Estimate includes the following effects on fiscal year outlays: 2001—1,073; 2002—1,109; 2003—1,078; 2004—1,082; 2005—1,097; 2006—....; 2007—....; 2008—....; 2009—....; 2010—....; 2001–05—5,439; 2001–10—5,439.

Legend for "Effective" column: tyba=taxable years beginning after.

Note.—Details may not add to totals due to rounding.
Source: Joint Committee on Taxation.

BILL ARCHER,
DICK ARMEY,
Managers on the Part of the House.
BILL ROTH,
TRENT LOTT,
Managers on the Part of the Senate.

TRIBUTE TO THE LATE ABILIO BACA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I ask that the Congress reflect on the memory of my brother, Abilio Baca, of Barstow, California, who passed away this morning July 19, 2000, after a heart attack.

They say a man is measured by the lives he touches. Through the grace of God, Abilio touched many lives.

Born in Las Neutras, New Mexico, Abilio served family and country with distinction. Although circumstances didn't permit him to complete school, he made an ever-lasting impact and contribution to his family and community.

He served as an E–7 Staff Sergeant in the Army, where he fought in the Korean War; served twenty years with the National Guard; worked as an Army recruiter; and concluded his career as a Rigger Foreman for the Marine Corps Logistics Base.

Albilio was widely admired by family, friends and colleagues. He was hard working, dedicated, committed, disciplined, loving and supporting. He was everything one would want in a brother, son, father, husband, grandfather and great grandfather.

Abilio was like a father, coach and mentor to me. He was my oldest brother, my friend. He was the father I had after my dad passed away.

He started me in little league and bought me my first baseball shoes. He attended many of my games, and even would bring my parents. I played softball at the age of 14, for a team he coached, that was called the "gophers", which won many championships. This was an adult team but he had trust and faith in me that I could do it. We won many softball league championships in Barstow.

He coached and ran a semi-pro baseball team, that I played for, the Knights of Columbus, that played in San Bernardino and Riverside counties.

We are a semi-pro baseball team in the "Sunset League", that won numerous championships and he was named coach of the year.

I was fortunate to play basketball in the City League under this coaching.

He coached me as a child, in my teenage years, and as an adult in semi-pro baseball. I developed as an athlete under his leadership and guidance.

Abilio was a devoted Catholic and active at St. Joseph's Catholic Church and a member of the Knights of Columbus. He helped raise money for the church through Bingo.

He helped me on my campaigns locally, Assembly, Senate and the Congress.

His hobbies were jogging and he competed in 5 and 10 K's.

From Las Neutras, New Mexico, to Barstow, California, Abilio's life was dedicated to family, friends and community. His memory lives on in our thoughts and prayers. We say "goodbye. God bless you, we love you, we miss you."

Abilio is survived by his wife, Barbara Baca; his children, Sabra Baca, Mary Arreola, Richard Baca, Patsy Baca, Ronnie Baca, and Brenda Guerrero; brothers and sisters, Annie Saiz, Florenio Baca, Lupe Baca, Morris Baca, Tanny Baca, Raymond Baca, Joe Baca, and Theresa Perez, grandchildren, Mark Nickerson, Paul Arreola, Alex Chavira, Ryan Baca, Christina Arreola, Anthony Chavira, Michael Arreola; Daniel Guerrero, Brittney Baca, Mathews Baca, Marissa Guerrero, Andrew Baca, and Joshua Baca, a great-grandchild, Jocelyn Leigh Nickerson; and by a large extended family, who share in the loss.

Mr. Speaker, I have additional family remembrances I would request be printed in the CONGRESSIONAL RECORD:

Dad, I remember when you used to come home after work. I was very little. I would wait until you came through the door, and I would run into your arms and you would form your hands like a swing. You would swing me back and forth, making a funny sound while doing this. I really looked forward to that moment.

After you washed up, Mom always had dinner ready. We would eat as a family and whenever Rick or Tonnie would come to the table with a hat on, all you had to do was look at them. You would say nothing and off came those hats. As we were eating you would always tear a piece of Mom's tortilla to the dogs waiting under you.

And now when I got my new house, you would bring my mail and always look for the apple you know I had waiting for you in our fruit basket.

And the early morning phone calls.

Dad these are memorable days that I will cherish forever. I love you. Your baby daughter, Brenda Guerrero. P.S. Dad, I will still leave that apple there for you.

As a young child I remember me running to the door so I could see what was in his lunch pail. At the end of his workday, I remember sitting in his lap as a child.

He taught me how important it was to always go to work on time. Work hard and not to take "no" from anyone. He showed me how important family is. He loved us all unconditionally and I will always have the utmost respect for my dad. I love my dad so much and he will truly be missed.—Patsy.

I remember as a small child growing up. My dad always did his best to give us the things in life that he did not have growing up; he would always put my mom and us kids first, in front of all of his needs. At one time I could remember he had three jobs to make sure we had enough.

I also remember sitting at the dinner table and seeing a stranger's face at the table. So I would quietly ask my mom, "who is this person?" She would say that my dad had met this person and he was down on his luck so my dad offered him to come and eat with us. My dad always showed his love not only to us but also to complete strangers, too.

As a teenager growing up, I decided to play an instrument. I remember seeing my dad and mom at every concert and parade I was in, how he would travel so many miles to show me his support and love.

When I was in high school, my dad said he wanted me to graduate and get a good education so I wouldn't have to work as hard as he worked. No matter what I set my goals at, he would always support me to achieve those dreams.

As an adult getting married and starting a family, my dad was there for every child my wife gave birth to, and how proud he was to find out it was a "boy."

I also remember helping my dad at different church functions, how my dad loved to serve the Lord and how people said "God Bless you Mr. Baca."

After all his services that he has done, I know my dad is finally getting all those "Blessings." I loved my dad as a teenager and I will always love and miss my dad. I love you.—Ronnie.

What I could recall as if it occurred yesterday as a small child growing up in an environment filled with an abundance of love, honesty, and respect for humanity, this was all bestowed by my mentor and father, Abilio G. Baca.

One particular incident occurred when I was disciplined for getting out of line with my Dad's father. His last words were "if you don't ever get anything out of life remember this: never stop showing respect and love for those people who you say are dear and close to you."

Dad always wanted us kids to get an education, because he wasn't given that opportunity, so we all did. This meant the world to him, when they announced our names as we graduated in High School and college.

My father was a very giving individual, and never hesitated to apply "mi casa es su casa"—my home is your home, and we always had room for our friends to sit at the table and eat.

When he coached baseball he had team players that mom would make a sack lunch and take time to manage to do some mending on fifteen to twenty baseball uniforms.

Last but not least there was always room for honesty, integrity and putting 110% at your place of employment.

I will truly miss my father's presence but he still remains in spirit. His wisdom will be carried from generation to generation.

Dad, from the bottom of my heart, thank you for being the best father you could be doing all you have done for us and having a vision for all humanity, without reservation.—Sabra Baca

What I remembered the most about my Dad, he was a good father to us. He was really strict when we were growing up but now that I am a mother, I know why he did it.

When we were growing up, he loved family time. We would always eat together as a family, and at night he would make all of us kids kneel down around the bed to pray the Rosary. No matter how tired he was he always would make us pray the Rosary as a family. My dad loved the Lord and served him!

He would get up every morning and call me and say "Feliz"—that was his nickname for me—"what are you doing today?" He never failed, he would call each one of us kids. No matter how busy he was he took the time every morning to call us every single day and sometimes two or three times a day. I will miss that special call from my dad. Dad, I love you very much and will miss you. I know you are looking down on us but when I get that special call, I know I will be up there with you. Love you, your daughter.—Ruppie Arreola.

My dad—the things that I remember as a youth about my Pop was he would get up to breakfast. Mom would make eggs, beans, chili, every morning.

He then would go to work, an eight hour job as a forklift operator, while I went to school.

I'd come home from school and do my homework, then my chores, wait till Pop came home from work. He would kiss Mom, put his lunch pail down, go wash his hands.

Then we would all be sitting at the supper table. Food smelled so good, chile, pappas, beans, noodles, meat loaf. Oh yea, tortillas, Kool-Aid to drink. Dad would bless the food. Head right for the green chile and tortillas. Then we would start passing around the food.

Right after dinner, no TV. He and I and Mom, sometimes Ronnie, would shag baseballs. I would pitch to him, then he would hit me a ton of ground balls, then he would pitch batting practice, if we had enough daylight to run bases. Wow I was happy. I had this black mitt that he bought me, I ate, sleep with it. Then we would call it a day. He would rest for a while then go pump gas at a service station called Far-go till 10:00 p.m. My pop. Wow.—Ricky Baca

□ 2130

MENTAL ILLNESS AWARENESS

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I am pleased to associate myself with the remarks of the gentlewoman from Texas (Ms. JACKSON-LEE), and I thank her for organizing this Special Order this evening to talk about an issue that is not getting enough attention, the issue of mental health. It is an issue that needs so much attention, because, as the speakers tonight have pointed out, we have a lot of work to do.

We talk about health care a great deal here, but there is an aspect of health care that does not get much talk. Many of us can remember a day when we could not talk about cancer or about AIDS, how many people suffered; people who did not come forward for treatment because of those stigmas. Mental illness is really the last great health stigma. We need to continue this fight, to fight the ignorance, first of all, to fight the ignorance with information. All of us can think of Americans who have struggled with mental illness, whether it was Abraham Lincoln or William Styron or countless others.

Mr. Speaker, the fact is, we do not need to look that far. All of us, every one of us knows someone who has had a mental health problem. In fact, 50 million Americans will experience a mental health problem at some point in their lives. Those Americans deserve our respect, our help, and our understanding. But because of the stigma associated with mental illness, the job is harder. We not only have to work to pass protections for those who suffer from mental illness, protections like a strong Patients' Bill of Rights, parity in insurance coverage for serious mental illness, guidelines for the use of restraints in mental health facilities; in addition, we have to educate people. We have to educate them about the misperceptions that are associated with mental illness, Mr. Speaker, to assure everyone that Americans can and should get the mental help they need to lead productive lives, whether they are suffering from depression, bipolar illness, or schizophrenia, because only 20 percent of people seek treatment for mental health conditions, and it is a tragedy. We must create a climate to change that. We need to help stress that early intervention, continued research at NIH, and the National Institutes of Mental Health will help lead to better treatment and a cure for mental illness.

Mr. Speaker, we talk about the violence in schools, and, of course, there are many aspects to that. There are many facets to the violence that we have seen. It raises questions about our parenting, about our teaching, about our school administering, about our policing. It raises questions about almost every aspect of our society. But one thing that it clearly cries out for is more attention to the mental health of our children in school. School counselors are not just those who advise students on college admission. We should have counselors in ample supply in all of the schools to deal with the tough growing up problems, including mental health problems that our students experience. Most of all, we need to remind people that mental illness affects people and it affects families.

So I am proud to join tonight with the gentlewoman from Texas (Ms. JACKSON-LEE) to continue to call attention to this important subject. I am pleased to join the gentlewoman in recognizing the courage of those who are living productive lives with mental illness.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield.

Mr. HOLT. Mr. Speaker, I am pleased to yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman, first of all, for his leadership and adding to the discussion on the floor, which really is adding to the national debate that people are not living alone with mental illness or mental health needs, nor are their children. I thank the distinguished gentleman for all that he is doing, and I think that we can collectively do this in a bipartisan way to take the stigma, the harshness out of people who truly need help.

Mr. HOLT. Mr. Speaker, the gentlewoman is very eloquent and has been very eloquent on the subject this evening, as she always is on every subject.

NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I am back for a nightside chat. I have three subjects which I would like to cover tonight. The first one is a sad situation that has occurred out in the State of Colorado, a very tragic situation.

The second that I think is very important for us to discuss, a subject which I addressed just a couple of days ago but, which subsequent to my discussions, I have heard some comments on this House Floor that are, in my opinion, discouraging, comments that I think are off base, comments that I think are not based on reality, reality beyond the Potomac River, reality beyond this large city of government out here in the East. I want to address the death tax, once again.

The third subject which I would like to address this evening based on the time that we have left is, of course, Social Security. Regarding the death tax and the Social Security issues, I hope that many of my colleagues will go out, when they go to their districts and talk, especially to their young constituents, because the Social Security challenge in this country is a challenge based on: can we deliver for the young people of this country. The question about death taxes is, when we have something from a generation, can a generation legitimately expect to work in their lifetime and be able to pass something on to the young generation behind them. So tonight's comments are really directed to the younger people of this country.

IN MEMORY OF FRED BITTERMAN

Mr. Speaker, first of all, let me cover a subject of which I stand forward with a very hurt heart. A friend of mine, a friend of the community of Glenwood Springs, Colorado, an officer of the Colorado State Patrol, a friend and a strong supporter and a leader of law enforcement in the State of Colorado, was tragically killed Tuesday. Captain Fred Bitterman, who was the commander of the Glenwood Springs Unit of the Colorado Springs State Patrol Unit, lost his life in a tragic accident. This was a man who was a good cop.

Mr. Speaker, I used to be a police officer. I got to serve with the Colorado State Patrol. I was not a Colorado State patrolman, I was a city police officer, but I worked alongside the Colorado State Patrol. These guys and gals are professionals. They bring a great pride to our State, and the Colorado State Patrol in Colorado is seen as a very elite unit. Of course, to be seen and respected by the people and the citizens of Colorado as an elite unit, it means they have had good leadership, and at the very front of that good and strong leadership was this gentleman named Fred Bitterman.

Mr. Speaker, Fred was 59 years old. He leaves behind six children and a number of grandchildren, and his wife, Kathy. I want my colleagues to know that these are the kind of people that make this country great. So it is with a great deal of sympathy that I acknowledge the fine service and the fine gentleman that this captain was.

I also want to share with my colleagues that he not only enjoyed an excellent reputation in his profession of law enforcement, but he was known throughout our community as a good neighbor. Mr. Speaker, one can hardly beat a good neighbor. But probably more important than the professionalism in the field of law enforcement, probably more important than the recognition as a good neighbor, was the fact that he was a very strong family man, and each of those six children and those grandchildren and all of the family that he had and all of the friends that he knew and all of the people throughout these many, many years of service in the Colorado State Patrol that he helped at the scene of an accident or at the scene of a disturbance, or all the people that he comforted during their particular times of tragedy, this man will be sorely missed. It is that reputation which comes to the top. He was the cream that rose to the top.

Captain, we are going to miss you.

THE DEATH TAX

Mr. Speaker, I want to move to another subject now concerning the death tax. I have a few quotes here. Let me step back to two nights ago. Two nights ago, I had an opportunity to speak to my colleagues about the death tax and the impact that the death tax has on the communities across this country.

Now, we should remember that Washington, D.C. is a very unique community. Washington, D.C. is the only city in this Nation where really, most of the city is dependent upon money coming from the outside into the government in Washington so that the city can thrive. This is a city that thrives on big government. This is a city that thrives on taxes. So understandably, the people, a lot of the people in Washington, D.C., in my opinion, enjoy the fact that these taxes head in their direction. A lot of people are dependent, their lifestyles, they know nothing but government, that is all they know. But Washington, D.C. is a unique community, and as I stressed in my comments the other day, there are a lot of communities outside of Washington, D.C. where the transfer of money from their community to the government city of Washington, D.C. works great pain on their communities. It is a sacrifice on those communities.

By the way, we know that the money that comes to Washington, D.C. is not the money of the government of Washington, D.C.; it is the money of the people of whom this government represents in Washington, D.C. it is the people's money. And we have a fiduciary responsibility, colleagues, as elected official, as representatives, to make sure that we always understand those dollars belong to the people of this country. They do not belong to the bureaucracy in Washington, D.C.

Now, why do I make these comments? What leads me to this?

Mr. Speaker, what leads me to this is simply a statement that was made after I gave my comments the other day, and I quote from a Democrat, and I will get on this in a minute, but let me quote from an individual who happens to be a Democrat: "Some say we ought to pass these massive tax cuts because this is the people's money." Well, that is exactly why we ought to have tax cuts back here, because we have now reached record surpluses. It is the people's money.

□ 2145

We ought to keep that in mind. Now clearly, we have to have enough money to operate. The speech before me given by some Democrats about mental health, it has some legitimate points in it: our education, our military, our interstate commerce, our highways. Of course it costs taxpayer dollars.

But do we have a right on any basis whatsoever to keep the excess money, or do we have an obligation to work with tax credits and tax refunds?

Mr. Speaker, I would address the gentleman from Georgia (Mr. LINDER) for just one moment.

Mr. Speaker, I understand that the gentleman, too, lost a good friend from the State of Georgia. I want the gentleman to know that the people of the State of Colorado send their greatest sympathies. I know that the Senator was a fine friend of the gentleman's, and I want the gentleman to know that those of us in the West feel the gentleman's pain and pass on their sympathies.

I yield to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, that is a gracious and kind statement from the gentleman. I thank him very much.

Mr. McINNIS. Mr. Speaker, my comments were directed at the death tax, and how that impacts the community. What is the death tax? We all know that the Federal government decided some time ago that there were wealthy families in this country, the Rockefellers, the Ford's, the Carnegies, and people like that.

Back then there was kind of a rage, kind of a class warfare type of situation. We see it today. We see people in a country that, by the way, has as its model an opportunity for free enterprise, an opportunity to make something of oneself, if one wants, or an opportunity to enjoy the fruits of one's labor.

Yet, when an individual, especially back at the beginning of this death tax, at that time, made something and had an opportunity to enjoy the fruits of their labor, there were people in our society who were jealous; who said, we ought to do something to punish people that have money. We ought to go after those Carnegies and those Fords and Kennedys, people like that. Let us go after them.

So they came up with this concept called the death tax. It is a tax that is placed upon the family on the event of a death. It is interesting, back here in Washington, D.C., they look for any opportunity they can, any event that they can to call it a taxable event. Many years ago they said, hey, why not when someone dies? After all, they will not be around to object anymore. That will be a good opportunity to take a little money from somebody who worked and transfer it to a bureaucracy that did not, so let us go ahead and tax the death of an individual.

I am going to go again into my comments about what it does to a community. I will give some firsthand examples, Mr. Speaker, of how it has impacted some small people; not the Carnegies, not the wealthiest people of this country, but some people out there, people that own a bulldozer and a backhoe and are trying to make it, a farmer, a rancher.

What disturbed me after I made my comments the other night was the following night I heard these kinds of comments. Let me say, in this House, as Members know, 65 Democrats joined with the Republicans and we passed a bill to eliminate that death tax. Why? Because it is the most unjustified tax that we have in our system. The tax is simply there to punish, nothing more, simply there to punish. We cannot justify it. When we look at the basis of our tax system, there is no way that one can defend it other than, of course, saying that one wants to attack the wealthy.

Do Members know what, we had 65 Democrats who agreed with the Republicans, so it was a bipartisan bill. But there are still two teams in this House Chamber. Members know that, we have two teams in this Chamber. One team, as far as I can recall from the vote, all of the Republicans and 65 of the Democrats, that team said that the death tax is inherently unfair. That team says there is no justification for the death tax. That is the team to get rid of the death tax. Then we have a team on the other side, and let us face it, it is the Democrats; not all of them. But the team, the second team is comprised of the Democrats who say, hey, wait a minute, we ought to have a death tax.

In fact, that team is led by the President and the Vice President, who not only disagree with doing away with the death tax and have threatened to veto the bill which would eliminate the death tax, but they have the audacity, the administration, our president and our Vice President have the audacity this year in their budget to increase or propose an increase, an increase in the death tax of $9.5 billion.

That is a lot of money. That is going to hurt a lot of people. But that is $9.5 billion more, $9.5 billion, not million but billion more that is going to come from all of the communities across the United States and be funneled right into Washington, D.C. simply as a result of a death, simply as a result of the death of these individuals.

I do not think we ought to increase it. I do not think it ought to exist. Tonight my comments are primarily directed at that second team, that second team that thinks the death tax is justified.

That second team made some comments. Let me repeat a couple of others. "Oh, this death tax, eliminating it, it goes to the wealthiest families in America." Well, I have news for them. I want them on the second team, why do they not take a little time to get beyond the Potomac River and to come out. I will take them out to some farms, some ranches.

I will show them in Colorado some small contractors, a contractor that has a bulldozer, a dump truck, a backhoe, and all of a sudden they fall into the classification of wealthy. I will show the Members people that just own simply homes in Colorado.

For example, my district, which is the Third Congressional District, has seen strong economic growth. Our property values have gone up. I can show Members people who have a small business, maybe a little bookstore, and they own their home, and all of a sudden, to the second team they fall in that classification of wealthy. They fall in that classification that they think they are justified on taxing them simply because there has been a tragedy or death in their family.

These people are not wealthy. Even if they were wealthy, what justification do they have to go out and tax the family simply because there has been a death? By the way, let us make it very clear, this property that is being taxed simply because there was a death in the family is property that has already been taxed. In some cases, it has been taxed and taxed and taxed.

We do not have citizens out there who are being assessed the death tax because they did not pay taxes on the property that they left. This is property that has already been taxed. At a minimum, at a minimum, it is double taxation. Yet, the second team still has the gumption to stand up, it almost sounds like a positive word, so I still have to go back to my other word, the audacity to stand up and say, yes, but it is still justified. It is a good way to punish the wealthy. Besides, it only hurts the wealthy. We will talk about that in a moment, about what it does to a community. "You know, we need the money in Washington." That is the next one.

These are quotes from the CONGRESSIONAL RECORD: "I think Democrats feel that we do not have to give Bill Gates and Ted Turner and Steve Forbes a massive multi-billion dollar tax cut to protect the family farmer in Texas or Gatesville or some small businessman in Texas."

I have news for them, the second team, they can be assured that the Gateses and the Kennedys and the Turners and the Forbes and the wealthiest families in this country have got some of the finest lawyers in this country making sure that through the use of foundations and limited partnerships and other items, that they are not going to pay this tax.

This is not about the Forbes, the Carnegies or the Fords or the Kennedys, this is about the families in America who have a small farm, or the families in America who have a small business, or the contractors who simply have, and this is all it takes, a backhoe, a bulldozer, and a dump truck, and all of a sudden this is the guy or gal we are talking about.

These are not these big wealthy people, these are everyday people in communities outside of Washington, D.C. that they are about to continue to devastate if they meet an untimely death, or if they do not have the money to hire the legal counsel to go out there and protect their assets from their own government, who has already taxed them throughout their lives on this property, to protect them from their own government coming in and taking that property because a taxable event called a death took place.

Let me make another quote, another quote given after I made my remarks the other night by, again, this second team. Remember, the first team has 65 Democrats and all the Republicans on it. They say, get rid of the death tax. The second team has, unfortunately, all Democrats who want to keep the death tax in place.

Let me quote from that team: "So, this business about being a farmer-driven issue, this being a small business-driven issue, that is fiction. That is bait and switch. They will hold out the farmer, they will hold out the small business owner. Believe me, repeal of the death tax is not about them at all."

The heck it is not about them. Where do they come off that we stand up here and say we ought to get rid of it because it does impact farms in this country and ranches, yet they seem to say up here, hey, it is not about that at all. That is exactly what it is about. They need to leave the fine halls of this Capitol and go out to small-time America and look at the ranches, the farms, the small businesses.

More than that, they need to look at the communities where this money is circulating. Look at the communities where these families are helping that community thrive economically, and look what happens when we tax upon a death. We do not tax the families in these communities and then keep the money in the local community.

For example, if we have a death of an individual, let us say a contractor who owns a bulldozer, a backhoe, and a dump truck, and therefore is subject to the estate tax, and especially if we throw their home in there and if they own their own office.

Let us say that contractor is in Denver, Colorado, and the contractor meets an untimely death, so the government swoops in to tax it. Do Members think the death tax that is imposed upon that estate, that that money, when it goes to the government, is kept in the community of Denver, Colorado? Of course, it is not.

It is money taken out of Denver, Colorado, and transferred to the government in Washington, D.C.

Do Members think for one moment that the government in Washington, D.C. says, Gosh, here is some money on property we have already taxed coming from Denver, Colorado; let us go ahead and send that money back to Denver, Colorado, so they can have better parks, light rail, or some other type of improvement to their community, because after all, these dollars came from that community? Of course, they do not say that in Washington, D.C.

I go on: "The first question we want to address is, are the Republican tax bills fiscally responsible?" There are two key bills in front of us right now, two key bills that are going down to the President that will reduce taxes. Both of those bills are not justified in our tax system. One of them is called the marriage penalty. The second one is called the death tax.

The second team over here that says, hey, they take a look at this and they say, are these tax bills reducing the tax, getting rid of the marriage penalty and getting rid of the death tax? Forget the question whether they are justified or not, but is it fiscally responsible to get rid of them?

Guess what, second team, do they know what percentage of the surplus these two combined take up, what it will cost us of the surplus? That is right, 2 percent, 2 percent of our surplus. We are saying, team number one, again, which was 65 Democrats and the entire Republican body, we are saying that 2 percent of that surplus ought to go back to the taxpayers in the communities from whence it came because it got to us through a marriage penalty, after all, in a country which encourages marriage, a country which says, look, we not only encourage it, we think it is your responsibility to be married. We think it is a basic part of families.

The death tax, here it is, taxing property that has already been taxed. Neither one of these are justified. But do Members think it is fiscally irresponsible because we take 2 percent, 2 percent of that surplus and we send it back to the taxpayers by saying to them, from now on, when you get married, you are not going to be penalized for it; and number two, your death is no longer classified as a taxable event.

I go on, here. Again, I want to repeat the one statement that was said the other night: "Some say," and that (some) is me, by the way, team number one, so let us just put the word, although the quote is "some," let us put the word "team number one" in there.

□ 2200

Team number one says we ought to pass these massive tax cuts because this is the people's money. Again, they are darn right it is the people's money. It is not their money. It is not my money. We simply manage the money. We have a responsibility to manage this money in a fiscal way, but not only just fiscally responsible, we have a moral obligation to say, is it justified to penalize somebody because they are married, is it justified to tax somebody because of the event of a death.

Now, let me talk about something else, and, again, going back to this quote and this business about being farmer driven, small business driven, that is bait and switch. What a song and dance. That is simply a song and dance.

Let us take a look at what happens in the community. I am actually going to give my colleagues some true examples of how it has impacted these communities. By the way, these examples are not going to come from the Carnegies or the Fords or the Kennedys or the wealthiest people of this country. These are going to come from Main Street America. These will be from Main Street America.

Let us for a moment, before we go into these true-life stories, let us talk about something else. Number one, remember what I said. Here is Washington, D.C. Washington, D.C., as I said earlier, when one takes a look at the map, one will notice there is Florida that comes over like that. We better centralize Washington a little more. But when we look at Washington, D.C., remember what I said earlier, Washington, D.C. is the only city in the country which, the larger the government becomes, the more prosperous Washington, D.C. becomes.

Washington, D.C. has the largest percentage of any city in the country of people who work for the government. In Washington, D.C., many people's task, their job in Washington is to reach out with their fingers and gather as many tax dollars as possible and bring them to this city, bring it in from every direction in the country, bring that money to Washington, D.C. so Washington, D.C. turns around and can redistribute it on their terms, on their terms.

Well, let us do not talk about what goes on in Washington, D.C. Let us talk about what goes on in this community out in Utah or this community down in Louisiana or this community up in Montana or this community over in Wyoming or Idaho or Oregon or Washington or California. Let us for a moment talk about community.

Here is our community. Let us take two examples in our community. One of a very wealthy person. Let us go ahead and let us hit that nail on the head. Let us talk about an individual who, through the American dream, through the American free enterprise system, worked hard and became wealthy.

Let us say, for example, it was a person that developed a better mouse trap or maybe they are the ones that invented the seat belt, and every car needs it, so they are very wealthy. Here is that very wealthy person.

Now, team number two says that one ought to go after this wealthy person simply because of the fact that they are wealthy, no other reason, go after them on their death because they died with money in their hands. They say take that money and send it to Washington.

Well, let us take a look at where that money is in our community, this is our community, before it is sucked out of our community and sent east to Washington, D.C.

That money in that community, and there is one exception, if this very wealthy individual in that community takes that money and goes out in on his backyard or her backyard and digs a hole and buries it in the ground where it does not circulate in the community, then one has no benefit of that money being in the community. But in every other case, and, by the way, I know of no one who does that, but in every other case, that money in the community provides jobs. That money in the community goes to, not national, but community charities, maybe the local church, maybe help out the local school. That money in that community goes to the local bank; and that bank in turn loans out money to small business people or other people. Maybe they want to improve their house. Maybe they want a student loan. Maybe they want a new car. In other words, this money that this wealthy person has circulates in our community. But it circulates in our community.

What happens when X up here, when he or she dies, and the Federal Government decides to impose a death tax? What happens is the Federal Government comes in and takes this money used for jobs, this money used for local charity, this money used as a tax basis or otherwise for schools, this money deposited in the local bank, and it takes that money, and it moves from here to Washington, D.C. Then the people in Washington, D.C. get to use it in their community or get to redisburse it as they see fit. Example number one.

Now, let us talk about example number two in our community. In our community, we have somebody who is not wealthy, and I will give my colleagues a good example, a ranching family. Now, I come back to this quote given by team number two. So this business about being a farmer driven issue, as if it is not a farmer driven issue, about being a small business driven issue, as if it is not a small business driven issue, that is fiction. It is bait and switch.

This is no bait and switch. Lock, stock and barrel, it is about small business. Lock, stock and barrel, it is about small farms. Lock, stock and barrel, it is about small ranches. Lock, stock and barrel, it is about our young people. It is about the American dream.

As I said the other night with my comments, my wife and I, one of our goals in life, and we have sacrificed, we would like to have a boat. We really would like to have a boat at Lake Powell. We just bought a car the other day. We bought a used car. We would like to buy a new car. But do my colleagues know why? We are not a hardship case. I am not asking for that kind of sympathy. But we have made a conscious decision to try and put something aside for the next generation behind us so that they know they will have a college education, so that our grandchildren, we do not have grandchildren yet, but we hope to have grandchildren, that they will be able to have a college education. Maybe they will have enough money for a down payment on a home. Is that not the American dream? Is that not what it is about?

The previous speaker to me who spoke prior to my speech spoke about the youth of America. Now, her topic was a little different, but, nonetheless, one can look at most of the speeches given on this House floor, and they talk about the young people. They talk about the hope of this great country and how the hope is fundamentally based on the young people. Why not give them an opportunity? Why not give them a head start?

So it is about small business. It is about the dream and helping the next generation. It is not about the wealthiest people necessarily.

One may have an, and the reason I keep coming back to this contractor, because, as cited in the Wall Street Journal, if one is a contractor who owns a bulldozer, a dump truck, and a backhoe, they are now subject to the estate taxation in this country because team number two considers them wealthy.

So when one goes into a small community, and here is one's contractor, he has got the dump truck, he has got the backhoe, and he has got the bulldozer.

Here is Joe Rancher over there. Now, Joe Rancher has some land. Let us say the land went from one family to the next. I can tell my colleagues my in-laws are ranchers in Meeker, Colorado. They take great pride in the fact that the land has been in the family, the same ranch, since the 1880s, 120 years that ranch.

But this is the generation whereupon the biggest test will come because they do not have the money to pay off the people in Washington, D.C., the government, in the event of an untimely death in that family. So it is about that ranching family.

So what happens? By the way, anybody that cares about the environment, this is also about the environment, because in our example here of the ranch, with property, do my colleagues know what happens to that family upon the untimely death? Now, remember, again, if they are very wealthy, they have got estate planning. They can probably protect it. But the middle class rancher, and I would venture to say most of the ranching communities and most of the agriculture-based communities and most of the small business people in this country are not wealthy enough to go out and hire an entire regime of attorneys and CPAs to help them avoid this tax.

Take a look at what happens from an environmental point of view on this ranch. Do my colleagues know what is going to happen if there is a death there and they are subject to that estate tax? They are not going to be able to carry on the ranching operation. The only option they have, especially if they are in Colorado or Wyoming or one of these boom States like Utah or Arizona, their response is to go out there and divide this thing up into housing units, put the acres in there and put in housing subdivisions. That is what the government is forcing them to do, and this open space, not to say the least about the tradition of the ranch, goes up in a puff of tax.

Now look at this small business person that has that contractor. That contractor needs his bulldozer or she needs her bulldozer. They need their backhoe, and they need their dump truck. So we have a death. They are subject to the death tax. What happens, they have to sell the dump truck. Do my colleagues think this business can operate now with a backhoe and a bulldozer, but no dump truck? Or let us say they sold the bulldozer. Do my colleagues think they can operate just with a backhoe and a dump truck after paying its penalty to the government?

I am saying to team number two, this makes a difference.

Let me move to a few, as I said, examples. I apologize to my colleagues here for reading. Most of my comments are not from written script at all, but these are written, and I want to be sure that I read them correctly. These are letters that we have gotten or statements we have taken. This is not fiction, by the way. This is not, as the second team calls it, bait and switch. This is about real-life America. This is about the people that live outside the Beltway of Washington, D.C.

Let me begin with a story about Ray. Ray is deceased. He died earlier this year. He owned a service station on the corner. Ray had this service station for 27 years. For 27 years, other service stations were built on the other three corners. The intersection became busy. The roads forming that intersection were expanded to four lanes. So it was a good place for Ray's business. He had two service bays plus a car wash. He had some old pumps and old equipment. He cleared $70,000 a year, not wealthy, but he made a good living through his years and years of hard work. His wife she did the bookkeeping for the business. His grown son worked there. Eventually, the son and his family were going to take over the business.

When Ray died, he had a $50,000 term insurance policy, $60,000 in municipal bonds, $174,000 in his retirement plan, and of course the service station. A few months after he died, unfortunately Ray's wife passed away.

Upon the death of his parents, the son who was going to take over the business discovered that the land upon which the service station sat had appreciated over the years and was now worth $1.7 million. The service station and the equipment was worth about $158,000. He also learned that his father's retirement plan was funded on a before-tax basis. So not only would he have to pay the death taxes, but income taxes would be due on the retirement.

The son was now in a situation that was very dismal, and he began looking for a way to pay the taxes on this estate. The son's conclusion was, if I can run this as well as my father or even better, I can make, maybe, $70,000 a year, but I am going to have to pay somebody to keep the books, because his mom kept the books before. Now he is going to have to pay somebody, so it is going to be a little tighter.

He did not have a proven record so the only thing he could do was to borrow against the land and the equipment to pay the death taxes. However, when one looked at the revenue that came off the service station, it was not enough to service the interest on the loan that he had to take to pay off the government on property that had already been taxed. He has no choice but to sell the business.

Here is a letter from Derek Roberts. "My family has ranched in Northern Colorado for 125 years." 125 years, Mr. Speaker. Think of how many generations in 125 years were on this farm. "My sons are the sixth generation to work this land. We want to continue, but the" Internal Revenue Service "is forcing almost all ranchers and many farmers out of business. The problem is" the death tax.

"The demand for our land is very high and 35-acre ranchettes are selling in this area for as high as" several thousand dollars "per acre. We want to keep it open space, but the U.S. government is making it impossible because we will have to pay 55 percent tax", 55 percent, 55 cents on every dollar "when my parents pass on."

□ 2215

"Ranchers are barely scraping by these days anyway, but since we want to save the ranch, we are in trouble. The family has been able to scrape up the estate taxes as each generation dies up to this point in time. This time, however, I think we're done for. Our only other option is to give the ranch to a nonprofit organization, and they all want that, but they won't guarantee they won't develop it.

"My dad's 90 years old, and we don't have much time to decide what to do. We are one of only two or three ranchers left around here. Most of the ranches have been subdivided. One of the last to go was a family that had been here as long as our family. When the old folks died, the kids borrowed money to pay the taxes. Pretty soon they had to start selling the cattle to pay the interest on the money that they borrowed to pay the taxes. When they ran out of cattle, their 18,000 acre ranch was foreclosed on, and now it's being developed. That family, by the way, now lives in a trailer near town, and the father is a highway foreman.

"If you want to stop sprawl, if you want to preserve ranching, you better ask the government to get off the backs of family farms and ranches."

This letter is from Ron Edwards. "Dear Representative, I'm writing to bring your attention to an issue of the utmost importance to me, my family, my employees and businesses: Elimination of the death tax. I urge you to support and pass death tax repeal legislation this year."

Mr. Speaker, I would like Ron to know that we passed it out of the House, and the good news is that we passed it out of the Senate. Unfortunately, the President and the Vice President have vowed to veto that legislation. And, unfortunately, I have to report that in this House, while 65 Democrats and the Republicans supported the repeal of it, there is a team, team number two, that wants not only to keep it, but the administration is asking to increase it.

"We are celebrating 66 years in business." Sixty-six years in the same business. "My grandfather Vic started with a fruit and vegetable stand in 1933 at our current location east of Fort Morgan, Colorado. The business grew into a grocery store and a lawn and garden center. My father Vic, Vic Junior, is 80 years old and, unfortunately, in poor health.

"No business can remain competitive in a tax regime that imposes rates as high as 55 percent upon the next generation that wants to take that business. Our tax laws should encourage," and this is probably the most important sentence that I have read in any letter, in any letter that has come to me about the death tax. This sentence written by Ron Edwards out of Fort Morgan, Colorado, is probably the most important, the most pertinent sentence to the death tax that I have, and let me read it. "Our tax laws should encourage rather than discourage the continuation of these businesses."

Let me repeat that. Our tax laws should encourage rather than discourage the continuation of these businesses. It is the American Dream to be able to pass from one generation to the next generation our mechanic shops or our ranches or our bulldozers or the family farm. And this gentleman right here, he is not a lawyer, he is not a politician, he is not a bureaucrat in Washington, D.C., he is not a C.P.A. he simply says I am confused; should it not be the policy of the United States Government to encourage rather than discourage the continuation of these businesses.

"While being a member of the House Ways and Means Committee, I'm sure you already know the urgency for estate tax repeal is supported by the Joint Economic Committee study Economics of the Estate Tax. Family-owned businesses and their employees will continue to suffer until this unfair, unprotective and uneconomic tax is abolished. My wife Vicki and I are active in the party and look forward to working with you and your staff to enact some common sense legislation to preserve and promote our Nation's family-owned enterprises."

Now, let me read some testimony. First of all, colleagues, let me say that I fully intend to address Social Security next week, but tonight it is so important to talk about this death tax, especially after hearing the comments made subsequent to my comments the other evening. So I will continue on, and let me briefly talk about an article out of the Aspen Times, Aspen, Colorado.

"There are a lot of tales to be told about the conversion of former ranches into luxury homes or golf courses throughout this valley. Sometimes it was a simple financial decision, a choice to take advantage of soaring development values in the face of plummeting cattle prices. But for other families, the passing of a parent meant the passing of a way of life." The passing of a parent meant the passing of a way of life.

"We've been around a long time," says this ranch owner Dwight. "The family roots are dug deep along Capitol Creek Road in old Snowmass, and for nearly a century heritage and hard work," heritage and hard work, "were enough to sustain those who lived on this ranch. But that all changed in 1976.

"Until Dwight's father's death, each generation presided over a working cattle ranch that was both the lifeblood and the livelihood of this clan. His later years were lean times, but the fate of the ranch was not at risk until the Internal Revenue Service and the government of the United States came to tax us because he died.

"The tax bill came to $750,000, and what it took to pay this bill was one-half of the ranch and the ability to take our cattle to migrate in the winter months and 10 years to pay the last installment." Just to pay those taxes on property that had already been taxed.

"What those taxes took was also something very vital, the ability of the next generation to support the family by working the land that had been in the family for so long. Dwight now works as a mechanic for the Roaring Fork School District, and then at night when he gets home he gets to work on what's left of the ranch. He doesn't mind the long hours he has to put in. What does get under his skin, however, is the memory of how an IRS agent overseeing his father's taxes either didn't recognize the devastation that was about to occur or didn't care. It was just pay us or we will seize everything. If anything's left over, you can keep it, but if you can't make ends meet on what's left, then you can hit the streets.

"Our family has no intention of selling the remaining acres, but we really don't know if our daughters are going to be able to continue to keep what is left intact. With only half the land to graze and the tough prices in the ranching community, the ranch itself is only making enough to cover the annual property taxes and our operating expenses. It is the day job at the school district as a mechanic that pays the doctor bills, the car insurance, the grocery bills and everything else.

"There's always hope that things will change before my daughters need to make any decisions about the ranch, but I wonder if people really think about the permanent changes that will occur when the ranch is sold, dividing it up, chopping up a ranch that will never again in the history of this country become a ranch. It will become a housing subdivision.

"There are some movements with hope in the right direction, trying to eliminate the death tax. But are they moving quickly enough?"

That's the thought of mainstream America out there. Let me read another quote, and I will just take a couple of key areas here. This was a statement given on the record.

"I have been a member of small business for more than 10 years. My family lives in the central part of Idaho. Our family's cattle ranch is outside of Mackay, Idaho. The ranch consists of 2,600 deeded acres. My youngest brother lives and manages the ranch with my brother. We all grew up alongside my father, mother and grandfather. We worked weekends, we worked holidays, we worked summers branding, moving, and riding the range, fixing fences. We didn't have a lot of material things, but we had our family and the land and the life-style that we loved.

"On October 5, 1993, my father was accidentally killed when his clothing got caught in the farm machinery. He was 71 and he was healthy. He worked dawn until dusk, and he loved the land and he loved his family. We were always a very close-knit family and the hub of our family was my father and the ranch. Even though my brother, my sister, and I don't live there anymore, we all go home, along with the grandchildren, to help with the seasonal work. We take as much time off as we can to go up and help the ranch.

"My father's death was the most devastating event that any of us have ever gone through. The second most devastating event was sitting down with our estate attorney after my father's death. I will never forget his words. 'There is no way you can keep this place. Absolutely no way.' Still in shock from the accident, I said, how can this be? We own the land. We have no debt. We just lost our father and now we're going to lose the ranch?

"Our attorney proceeded to pencil out the death taxes that would be due after my mother's death and we all sat in total shock. It had taken my grandfather and his father their entire lifetimes to build up this ranch. And now we cannot continue on and the grandchildren will not have the land and the rich heritage that it provided.

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"It has been 3½ years since my dad's accident, and we still don't know what we are going to do. We only know that we will not be able to keep the ranch unless something is done with the estate tax law now.

"The estimated estate tax on our family ranching assets is $3.3 million. We gross, not net, approximately $350,000 per year from the cattle. Without the land being paid for and tight operating costs, we would not be able to make money from the business. Currently what we are trying to do is sell off one of our spring ranges in order to buy a million-dollar life insurance policy for our mother." So they are going to have to sell a part of the ranch to buy a life insurance policy on their mother so that perhaps it can allow them to pay off one-third of the estate taxes and avoid a fire sale.

"My mother does not have a husband anymore. She worked hard all her life and gave up a lot of material things to make this ranch operate. Now unless this estate tax law is changed or abolished, she will have to leave her home, the home she loves and our family will not have a base from which to carry on.

"This same scenario is happening to a lot of ranchers in our valley." It is not just happening to the Fords and the Carnegies and the wealthiest people of this country. It is happening to a lot of people in this country. It is happening and impacting heritage. It is impacting a lot of small businesses and it is impacting the American dream to be able to do something for the next generation.

Remember the statement that I made earlier? Why is it that this government discourages instead of encourages the continuation of these type of ranches or businesses? This letter goes on. Let me conclude the statement.

"I urge you to ask yourselves why does this tax exist? Is it worth the great harm it caused to my family and many others? If it is not worth the harm, then shouldn't the tax be eliminated? I hope you will remember our family when you consider this."

Let me say in conclusion of these remarks this evening, do not think as you hear from team number two that is encouraging the continuation of the death tax, do not pay heed to the President and the Vice President's policy that says we should increase the estate tax, the death tax. What you should pay attention to are the 65 Democrats and the entire Republican body that says, This death tax is not fair. It is not justified. It is on property that has already been taxed. And it is devastating some of our communities for the simple reason that a death occurred. We are only taking 2 percent of the surplus to eliminate the marriage penalty and to eliminate the death tax.

I urge every one of my colleagues, and I am telling you, 65 of the Democrats have already joined team number one. The Republicans are on team number one. I urge the balance of my colleagues, stand up and say no to this death tax. If you think, for example, it only happens to the wealthy, go home this weekend, go out to the small businesses and the farms and ask them.

Just one final concluding remark, and, that is, remember the sentence in the letter I just read, and, that is, Mr. Speaker, should we not be encouraging rather than discouraging the continuation of these ranches and these small businesses? Of course we should. We have an obligation to do so.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4810, MARRIAGE TAX PENALTY ELIMINATION RECONCILIATION ACT OF 2000

Mr. LINDER (during the special order of Mr. McINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106–766) on the resolution (H. Res. 559) waiving points of order against the conference report to accompany the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4871, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

Mr. LINDER (during the special order of Mr. McINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 106–767) on the resolution (H. Res. 560) providing for consideration of the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. BOSWELL (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. ROEMER (at the request of Mr. GEPHARDT) for today after 6:55 p.m. and the balance of the week on account of family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at the request of Mr. DEMINT) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, July 20.

Mr. JONES of North Carolina, for 5 minutes, July 20.

(The following Member (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BACA, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOLT, for 5 minutes, today.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, pursuant to House Resolution 558, I move that the House do now adjourn in memory of the late Hon. PAUL COVERDELL.

The motion was agreed to; accordingly (at 10 o'clock and 31 minutes p.m.), pursuant to House Resolution 558, the House adjourned until tomorrow, Thursday, July 20, 2000, at 10 a.m., in memory of the late Hon. PAUL COVERDELL of Georgia.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8908. A letter from the Administrator, FSA, Deaprtment of Agirculture, transmitting the Department's final rule—Lamb Meat Adjustment Assistance Program (RIN: 0560–AG17) received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8909. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Avocados Grown in South Florida; Increased Assessment Rate [Docket No. FV00–915–2 FR] received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8910. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State and Zone Designations [Docket No. 00–055–1] received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8911. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Bovine Parts from Argentina [Docket No. 00–038–1] received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8912. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Report Regarding Interhandler Transfers of Walnuts [Docket No. FV00–984–1 FR] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8913. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Release of the Reserve Established for the 1999–2000 Crop Year [Docket No. FV00–981–1 FIR] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8914. A letter from the Associate Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate [Docket No. FV00–931–1 IFR] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8915. A letter from the Associate Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in all Counties in Oregon, except Malheur County; Suspension of Handling, Reporting, and Assessment Collection Regulations [Docket No. FV00–947–1 IFR] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8916. A letter from the Associate Administrator, AMS, Department of Agriculture, transmitting the Department's final rule -Cranberries Grown in States of Massachusetts, Rhode Isalnd, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Establishment of Marketable Quantity and Allotment Percentage and Other Modifications Under the Cranberry Marketing Order [Docket No. FV00–929–2 FR] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8917. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of the Republic of Korea Because of Rinderpest and Foot-and-Mouth Disease [Docket No. 00–033–2] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8918. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Japan Because of Rinderpest and Foot-and-Mouth Disease [Docket No. 00–031–2] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8919. A letter from the Administrator & Executive VP, CCC, Department of Agriculture, transmitting the Department's final rule—Commodity Credit Corporation (RIN: 0560–AF51) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8920. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Health and Human Services, transmitting the Department's final rule—Scrapie Pilot Projects [Docket No. 99–067–2] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8921. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP–301008; FRL–6590–1] (RIN: 2070–AB78) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8922. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Extension of Tolerance for Emergency Exemption [OPP–301007; FRL–6590–3] (RIN: 2070–AB) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8923. A letter from the Architect of the Capitol, transmitting the report of all expenditures during the period October 1, 1999 through March 31, 2000, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

8924. A letter from the Director, Research and Engineering, Department of Defense, transmitting certification that the budget does not jeopardize the stability of the defense technology base or increase the risk of failure to maintain technological superiority in future weapons systems; to the Committee on Armed Services.

8925. A letter from the Chief, General and International Law, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Putting Customers First in the Title XI Program [Docket No. MARAD–98–3468] (RIN: 2133–AB32) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8926. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list of General John A. Gordon, United States Air Force; to the Committee on Armed Services.

8927. A letter from the Assistant General Counsel for Regulation, Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Housing Choice Voucher Program; Expansion of Payment Standard Protection [Docket No. FR–4586–I–01] (RIN: 2577–AC18) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8928. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban transmitting the Department's final rule—Pet Ownership in Public Housing [Docket No. FR–4437–F–02] (RIN: 2577–AB94) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8929. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban transmitting the Department's final rule—Direct Funding of Public Housing Resident Management Corporations [Docket No. FR–4501–F–02] (RIN: 2577–AC12) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8930. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Determinations on Export-Import Bank Financing in Support of Sale of Helicopters to Colombia; to the Committee on Banking and Financial Services.

8931. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Colombia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8932. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Philippines, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8933. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Taiwan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8934. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7313] received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8935. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Department's final rule—National Flood Insurance Program (NFIP); Assistance to Private Sector Property Isurances (RIN: 3067–AD11) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8936. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Second Annual Report to Congress on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking and Financial Services.

8937. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Privacy of Consumer Financial Information—received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8938. A letter from the Administrator of National Banks, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Other Equity Investments [Docket No. 00-14] (RIN: 1557-AB86) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8939. A letter from the Acting Commissioner for Education Statistics, Department of Education, transmitting the annual statistical report of the National Center for Educational Statistics (NCES), "The Condition of Education," pursuant to 20 U.S.C. 1221e-1(d)(1); to the Committee on Education and the Workforce.

8940. A letter from the Assistant Secretary for Educational Research and Improvements, Department of Education, transmitting Notice of Final Priority—Jacob K. Javits Gifted and Talented Education Program: National Research and Development Center; to the Committee on Education and the Workforce.

8941. A letter from the Assistant General Counsel for Regulatory Services, Office of Management, Department of Education, transmitting the Department's final rule—Family Educational Rights and Privacy—received June 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8942. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received June 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8943. A letter from the Secretary of Transportation, transmitting the Department's Twenty-fourth Annual Report to Congress entitled "Automotive Fuel Economy Program," pursuant to 49 U.S.C. 32916; to the Committee on Commerce.

8944. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Supplementary Guidance and Design Experience for the Fusion Safety Standards DOE-STD-6002-96 and DOE-STD-6003-96 [DOE-HDBK-6004-99] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8945. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Writer's Guide for Technical Procedures [DOE-STD-1029-92, Change Notice No. 1] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8946. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Handbook; Radiological Worker Training [DOE-HDBK-1130-98] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8947. A letter from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting the Department's final rule—Standardization of Chemical Protective Equipment for Protective Forces and Special Agents [DOE N 473.3] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8948. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Safety of Magnetic Fusion Facilities: Requirements [DOE-STD-6002-96] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8949. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Extension of DOE O 430.2, In-house Energy Management [DOE N 430.2] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8950. A letter from the Assistant General Counsel for Regulatory Law, Office of Chief Financial Officer, Department of Energy, transmitting the Department's final rule—Official Foreign Travel [DOE O 551.1] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8951. A letter from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting the Department's final rule—Security Area Vouching and Piggybacking [DOE N 473.5] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8952. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Guide to Good Practices for Lockouts and Tagouts [DOE-STD-1030-96] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8953. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard; Specification for HEPA Filters Used by DOE Contractors [DOE-STD-3020-97] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8954. A letter from the Director, Regulations Policy and Management, FDA, Department of Health and Human Service, transmitting the Department's final rule—Medical Devices; Anesthesiology Devices; Classification of Devices to Relieve Upper Airway Obstruction [Docket No. 00P-1117] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8955. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Technical Amendment [Docket No. 99F-1421] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8956. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Technical Amendment [Docket No. 99F-1421] received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8957. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket Nos. 94F-0185 and 95F-0111] received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8958. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Over-the-Counter Human Drugs; Labeling Requirements; Partial Extension of Compliance Dates [Docket Nos. 98N-0337, 96N-0420, 95N-0259, and 90P-0201] (RIN: 0910-AA79) received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8959. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Organobromines Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Final Rule and Correcting Amendments [FRL-6711-4] received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8960. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6730-8] received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8961. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Delaware: Final Authorization of State Hazardous Waste Management Program Revision [FRL 6732-8] received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8962. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—A Required State Implementation Plan for Carbon Monoxide; Anchorage, Alaska [FRL-6729-7] received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8963. A letter from the Attorney Advisor, Common Carrier Bureau, Federal Communication Commission, transmitting the Commission's final rule— Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas [CC Docket No. 96-45] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8964. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Cheyenne, Wyoming and Grover, Colorado) [MM Docket No. 96-242; RM-8940; RM-9243] received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8965. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Moncks Corner, Kiawah Island, and Sampit, South Carolina) [MM Docket No. 94-70; RM-8474; RM-8706] received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8966. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of A llotments; FM Broadcast Stations, (Santa Anna, Texas) [MM Docket No. 99-337; RM-9524] received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8967. A letter from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Rulemaking to Amend parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Reallocate the 29.5–30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services [CC Docket No. 92-297] received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8968. A letter from the Deputy General Counsel, Office of General Counsel, Federal Communications Commission, transmitting the Commission's final rule— In the Matter of Establishing a Government-to-Government Relationship with Indian Tribes [FCC 00-207] received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8969. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00-40), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8970. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 033-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8971. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 045-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8972. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany, Italy, Russia and Kazakhstan [Transmittal No. DTC 046-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8973. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 048-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8974. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Federation of Bosnia and Herzegovina [Transmittal No. DTC 30-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8975. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8976. A letter from the Acting, Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule— Reporting and Procedures Regulations; Foreign Narcotics Kingpin Sanctions Regulations—received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8977. A letter from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Easing of Export Restrictions on North Korea [Docket No. 000605165-0165-01] (RIN: 0694-AC10) June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8978. A letter from the Vice President, Governmental Affairs & Public Affairs, Legal Services Cooperation, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8979. A letter from the Secretary of Agriculture, transmitting the semiannual Management Report for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8980. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8981. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Addition—received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8982. A letter from the Chairman, Consumer Products Safety Commission, transmitting the report from the Acting Inspector General covering the activities of his office for the period of October 1, 1999—March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8983. A letter from the Inspector General, Corporation for National Service, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8984. A letter from the Board of Governors, Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8985. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Part 525 Rewrite, Payment Information, And Clarification of Provisions and Clauses Applicable to Contract Actions Under the Javitts-Wagner-O'Day Act (RIN: 3090-AH22) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8986. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8987. A letter from the General Counsel, Cost Accounting Standards Board, Office of Management and Budget, transmitting the Office's final rule—Cost Accounting Standards Board; Changes in Cost Accounting Practices—Recevied July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8988. A letter from the General Counsel, Cost Accounting Standards Board, Office of Management and Budget, transmitting the Office's final rule—Cost Accounting Standards; Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage—received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8989. A letter from the Director, Office of the General Counsel, Office of Personnel Management, transmitting the Office's final rule—Procedures for Settling Claims (RIN: 3206-AJ13) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8990. A letter from the Office of Special Counsel, transmitting the Annual Report of the Office of the Special Counsel (OSC) for Fiscal Year (FY) 1999, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

8991. A letter from the Secretary of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2000, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8992. A letter from the Secretary of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8993. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Inspector General for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8994. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8995. A letter from the Secretary of the Interior, transmitting a detailed boundary map for the 59-mile segment of the Missouri National Recreational River, extending from the Gavins Point Dam in South Dakota to Ponca State Park, Iowa, pursuant to 16 U.S.C. 1274; to the Committee on Resources.

8996. A letter from the Deputy Assistant Administrator, NOAA, Department of Commerce, transmitting the Department's final rule—Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program [Docket No. 000522149–0149–01] (RIN: 0648–ZA87) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8997. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Catch in the Bering Sea and Aleutian Islands [Docket No. 000623193–0193–01; I.D. 060800D] received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8998. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule— Fisheries of the Exclusive Economic Zone Off Alaska; Open Access Sector Fishing Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea [Docket No. 000211040–0040–01; I.D. 070300A] received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8999. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule— Atlantic Highly Migratory Species (HMS) Fisheries; Prohibited Shark Species; Large Coastal Shark Species; Commercial Fishery Closure Change [I.D. 052500B] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9000. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Bycatch Rate Standards for the Second Half of 2000 [I.D. 121399A] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9001. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine [Docket No. 000119014–0137–02; I.D. 061900G] received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9002. A letter from the Secretary of the Interior, transmitting a proposed plan under the Indian Tribal Judgement Funds Act, 25 U.S.C. 1401et seq., for the use and distribution of the settlement funds that are being held in trust in the United States Treasury for the Menominee Indian Tribe of Wisconsin (Tribe); to the Committee on Resources.

9003. A letter from the Commissioner, Financial Management Service, Department of the Treasury, transmitting notification that Title VI of H.R. 3425, enacted as an appendix to Public Law 106–113, directs the Secretary of the Treasury to pay the survivor, or collectively the survivors, of each of the 14 members of the United States Armed Forces and one United States civilian Federal employee who were mistakenly shot down over Iraq on April 14, 1994; to the Committee on the Judiciary.

9004. A letter from the Chairman, National Transportation Safety Board, Department of Transportation, transmitting the Department's 1999 annual report on the recommendations received from the National Transportation Board regarding transportation safety, pursuant to 49 U.S.C. 1135(d); to the Committee on Transportation and Infrastructure.

9005. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: OPSAIL 2000 Fireworks Displays and Search and Rescue Demonstrations, Port of New York/New Jersey [CGD01–00–009] (RIN: 2115–AA97) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9006. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, New York Harbor, Ellis Island [CGD01–00–137] (RIN: 2115–AA97) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9007. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ocean View Beach Park, Chesapeake Bay, VA [CGD05–00–018] (RIN: 2115–AA97) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9008. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Pine River (Charlevoix), Michigan [CGD09–00–001] (RIN: 2115–AE47) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9009. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Coast Guard Activities New York Annual Fireworks Displays [CGD01–00–005] (RIN: 2115–AA97) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9010. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1084.6, Miami, FL [CGD07–00–053] (RIN: 2115–AE47) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9011. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Navigable Waters within the First Coast Guard District [CGD01–98–151] (RIN: 2115–AE84) received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9012. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30089; Amdt. No. 1998] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9013. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Minneapolis, Flying Cloud Airport, MN [Airspace Docket No. 00–AGL–08] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9014. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Minneapolis, Anoka County-Blaine Airport, MN [Airspace Docket No. 00–AGL–09] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9015. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30088; Amdt. No. 1997] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9016. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S–76A Helicopters [Docket No. 99–SW–37–AD; Amendment 39–11787; AD 2000–12–09] (RIN: 2120–AA64) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9017. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–330–AD; Amendment 39–11797; AD 2000–12–19] (RIN: 2120–AA64) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9018. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2000–NM–77–AD; Amendment 39–11798; AD 2000–12–20] (RIN: 2120–AA64) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9019. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A300, A300–600, and A310 Series Airplanes [Docket No. 99–NM–240–AD; Amendment 39–11790; AD 200–12–12] (RIN: 2120–AA64) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9020. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes Equipped with Pratt & Whitney PW4000 Series Engines [Docket No. 99–NM–66–AD; Amendment 39–11799; AD 2000–12–21] (RIN: 2120–AA64) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9021. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC 135 Helicopters [Docket No. 98–SW–74–AD; Amendment 39–11807; AD 2000–13–08] (RIN: 2120–AA64) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9022. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney

JT9D Series Turbofan Engines [Docket No. 94–ANE–54 AD; Amendment 39–11180; AD 99–11–09] (RIN: 2120–AA64) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9023. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 99–NM–121–AD; Amendment 39–11199; AD 99–12–52] (RIN: 2120–AA64) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9024. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pratt, KS [Airspace Docket No. 00–ACE–14] received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9025. A letter from the FHWA Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Motor Carrier Safety Assistance Program [Docket No. FMCSA–98–4878 (formerly FHWA Docket No. FHWA–98–4878)] (RIN: 2126–AA40 (formerly RIN: 2125–AE46)) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9026. A letter from the FHWA Regulation Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Indian Reservation Road Bridge Program [FHWA Docket No. FHWA–98–4743] (RIN: 2125–AE57) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9027. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; SMITHville, TN [Airspace Docket No. 00–ASO–18] received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9028. A letter from the FHWA Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Emergency Relief Program [FHWA Docket No. 97–3105] (RIN: 2125–AE27) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9029. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Series Airplanes; and Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 2000–NM–06–AD; Amendment 39–11778; AD 2000–11–29] (RIN: 2120–AA64) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9030. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 99–NM–95–AD; Amendment 39–11782; AD 2000–12–04] (RIN: 2120–AA64) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9031. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 99–NM–182–AD; Amendment 39–11795; AD 2000–12–17] (RIN: 2120–AA64) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9032. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–78–AD; Amendment 39–11794; AD 2000–12–16] (RIN: 2120–AA64) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9033. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2000–NM–25–AD; Amendment 39–11792; AD 2000–12–14] (RIN: 2120–AA64) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9034. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 Series Airplanes [Docket No. 98–NM–164–AD; Amendment 39–11789; AD 2000–12–11] (RIN: 2120–AA64) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 99–NM–351–AD; Amendment 39–11791; AD 2000–12–13] (RIN: 2120–AA64) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9036. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule— Passenger Equipment Safety Standards [FRA Docket No. PCSS–1, Notice No. 6] (RIN: 2130–AA95) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9037. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Estuary Program FY 2000 Budget and Funding—Requirements for Grants—received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9038. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation [FRL–6733–2] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9039. A letter from the Associate Administrator and Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Packaging, Handling, and Transportation—received June 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9040. A letter from the Associate Administrator and Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Risk Management—received June 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9041. A letter from the the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 106—269); to the Committee on Standards of Official Conduct and ordered to be printed.

9042. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—The Veterans Millennium Health Care and Benefits Act (RIN: 2900–AK04) received July 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9043. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of Treasury, transmitting the Department's final rule—Guidelines for the Imposition and Mitigation of Penalties for Violations of 19 U.S.C. 1592 [T.D. 00–41] (RIN: 1515–AC08) received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9044. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Rev. Rul. 2000–30] received June 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9045. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous; Tax Forms and Instructions [Rev. Proc. 2000–31] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9046. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes—May 2000 [Rev. Rul. 2000–34] received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9047. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous Earnings Calculation for Returned or Recharacterized IRA Contributions [Notice 2000–39] received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9048. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Sevice's final rule—April-June 2000 BOND Factor Amounts [Revenue Ruling 2000–31] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9049. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Targeted Jobs Tax Credit Settlement Announcement—received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9050. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Administrative Procedure for Imposing Penalties for False or Misleading Statements (RIN: 0960–AF20) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9051. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Reduction of Title II Benefits Under the Family Maximum Provisions in Cases of Dual Entitlement (RIN: 0960–AE85) received June 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9052. A letter from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting draft legislation, "To authorize the Use and Distributions of the Quinault Indian Nation Judgement Funds in Docket Nos. 772–71, 773–71, 774–71 and 775–71"; jointly to the Committees on Resources and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–761). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3919. A bill to provide assistance for the conservation of coral reefs, to coordinate Federal coral reef conservation activities, and for other purposes; with an amendment (Rept. 106–762). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3182. A bill to provide for a land conveyance to the city of Craig, Alaska, and for other purposes (Rept. 106–763). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2958. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes (Rept. 106–764). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee of Conference. Conference report on H.R. 4810. A bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001 (Rept. 106–765). Ordered to be printed.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 559. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001 (Rept. 106–766). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 560. Resolution providing for consideration of the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–767). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG (for himself, Mr. UPTON, Mr. HOEKSTRA, Mr. EHLERS, Mr. CAMP, Mr. SMITH of Michigan, Mr. LEVIN, Mr. DINGELL, Mr. KILDEE, Mr. BARCIA, Ms. KILPATRICK, Mr. STUPAK, Ms. STABENOW, Mr. BONIOR, Mr. CONYERS, and Ms. RIVERS):

H.R. 4884. A bill to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building"; to the Committee on Government Reform.

By Mr. BOEHNER (for himself, Mr. BARRETT of Nebraska, Mr. COOKSEY, Mr. EWING, Mr. GUTKNECHT, Mr. LAHOOD, Mr. LATHAM, Mr. LUCAS of Oklahoma, Mr. NETHERCUTT, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. SCHAFFER, Mr. SIMPSON, Mr. THUNE, and Mr. WALDEN of Oregon):

H.R. 4885. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Rules, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 4886. A bill to amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 to require warning labels for tobacco products; to the Committee on Commerce.

By Mr. OWENS:

H.R. 4887. A bill to amend the Immigration and Nationality Act to provide for legal permanent resident status for certain undocumented or nonimmigrant aliens; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN:

H.R. 4888. A bill to protect innocent children; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 4889. A bill to direct the Secretary of Agriculture to release the reversionary interest of the United States in certain land located in Sumter County, South Carolina, to facilitate a land exchange involving that land and to provide for the conveyance to the mineral interests of the United States in that land; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. TALENT, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. MOORE, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. UDALL of Colorado, and Ms. BERKLEY):

H.R. 4890. A bill to require Federal agencies to follow certain procedures with respect to the bundling of procurement contract requirements; to the Committee on Small Business, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Mr. KIND):

H.R. 4891. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that services for students are coordinated; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. STARK, Ms. LEE, Ms. MCKINNEY, Mr. NADLER, Ms. VELÁZQUEZ, and Mr. LEWIS of Georgia):

H.R. 4892. A bill to repeal the Federal charter of the Boy Scouts of America; to the Committee on the Judiciary.

By Mr. BARRETT of Wisconsin (for himself, Mr. GUTIERREZ, Mr. COYNE, Ms. BALDWIN, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. LIPINSKI, Mr. RUSH, Mr. HINCHEY, Mr. DOYLE, Mr. BONIOR, Mr. BLAGOJEVICH, Mr. OWENS, Mrs. MEEK of Florida, Mr. FILNER, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Ms. STABENOW, Mr. CAPUANO, Mr. SANDERS, Mrs. JONES of Ohio, Ms. NORTON, Mr. TOWNS, and Mr. CONYERS):

H.R. 4893. A bill to enhance the availability of capital and credit for all citizens and communities, to ensure that community reinvestment keeps pace as banks, securities firms, and other financial service providers become affiliates as a result of the enactment of the GRAMM–Leach-Bliley Act, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself and Mr. BERRY):

H.R. 4894. A bill to amend the Food Security Act of 1985 to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year; to the Committee on Agriculture.

By Mrs. EMERSON (for herself and Mr. BERRY):

H.R. 4895. A bill to amend the Food Security Act of 1985 to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during each of crop years 2000, 2001, and 2002; to the Committee on Agriculture.

By Mr. MALONEY of Connecticut:

H.R. 4896. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit to $2,000 per child; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mrs. KELLY, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. MOORE, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. UDALL of Colorado, and Ms. BERKLEY):

H.R. 4897. A bill to amend the Small Business Act to establish a program to provide Federal contracting assistance to small business concerns owned and controlled by women; to the Committee on Small Business.

By Ms. KAPTUR:

H. Con. Res. 377. Concurrent resolution expressing the sense of Congress that the Supreme Court misinterpreted the First Amendment to the Constitution in the case of Buckley v. Valeo; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H. Res. 558. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Paul COVERDELL, a Senator from the State of Georgia; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. HERGER and Mr. SHERWOOD.

H.R. 515: Mr. DEUTSCH.

H.R. 531: Mr. ROHRABACHER and Mr. BUYER.

H.R. 534: Mr. DUNCAN and Mrs. CAPPS.

H.R. 632: Mr. GOODLATTE.

H.R. 762: Mr. GORDON, Mr. REYNOLDS, and Mr. FRANKS of New Jersey.

H.R. 783: Mr. MORAN of Kansas.

H.R. 804: Mr. HOLDEN.

H.R. 827: Mr. REYES and Ms. KAPTUR.

H.R. 870: Mr. ORTIZ and Mr. BONILLA.

H.R. 969: Mr. PETRI.

H.R. 979: Mr. SISISKY.

H.R. 1001: Mr. REYNOLDS.

H.R. 1102: Mr. DREIER, Mr. DEUTSCH, and Mr. CHABOT.

H.R. 1168: Mr. TALENT.

H.R. 1440: Mr. PETRI.

H.R. 1590: Mr. MEEKS of New York.

H.R. 1621: Mrs. MYRICK, Mr. BURR of North Carolina, and Mr. SAWYER.

H.R. 2273: Mrs. BIGGERT.

H.R. 2340: Mr. RILEY, Ms. MILLENDER-McDONALD, and Ms. PELOSI.

H.R. 2512: Mr. QUINN.

H.R. 2553: Mr. DOYLE.

H.R. 2620: Mr. GANSKE.

H.R. 2696: Mr. SISISKY.

H.R. 2710: Mr. EHRLICH.

H.R. 2870: Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. FLETCHER, Mr. KANJORSKI, Mrs. McCARTHY of New York, Mr. MOORE, Mr. MURTHA, Mr. SHERWOOD, Mrs. THURMAN, Mr. WU, Mr. WISE, Mr. DeFAZIO, Mr. ROTHMAN, Mr. SWEENEY, and Mr. MORAN of Virginia.

H.R. 2892: Mr. GILCHREST and Mr. JENKINS.

H.R. 2929: Mr. MEEHAN.

H.R. 3032: Mr. QUINN.

H.R. 3083: Mr. BONIOR and Mr. WEXLER.

H.R. 3100: Mr. WAMP and Mr. CRAMER.

H.R. 3188: Mr. EHLERS and Mr. UDALL of Colorado.

H.R. 3193: Mr. LoBIONDO.

H.R. 3218: Ms. SLAUGHTER.

H.R. 3235: Mr. GONZALEZ and Mr. SCOTT.

H.R. 3256: Mr. FRELINGHUYSEN, Mr. HOLDEN, Mr. SAXTON, Mr. CRAMER, Mr. HALL of Texas, and Mr. REYES.

H.R. 3263: Mr. BONIOR, Mr. HILLIARD, Mr. CALLAHAN, Mr. CRAMER, and Mr. DEAL of Georgia.

H.R. 3275: Ms. DeLAURO.

H.R. 3518: Mr. CALVERT.

H.R. 3590: Mr. PACKARD.

H.R. 3710: Mrs. LOWEY and Mr. CROWLEY.

H.R. 3766: Mrs. TAUSCHER, Mr. CLAY, Mr. SHERMAN, and Mr. LEACH.

H.R. 3825: Mr. FATTAH.

H.R. 3901: Mr. DAVIS of Illinois.

H.R. 4082: Mr. TIAHRT and Mr. BATEMAN.

H.R. 4215: Mr. WICKER.

H.R. 4242: Mr. DEAL of Georgia.

H.R. 4260: Mr. GOODLING.

H.R. 4271: Mr. STENHOLM, Mr. HOLDEN, Mr. ALLEN, Mr. HOBSON, and Mr. COBURN.

H.R. 4272: Mr. STENHOLM, Mr. HOLDEN, Mr. ALLEN, Mr. HOBSON, and Mr. COBURN.

H.R. 4273: Mr. STENHOLM, Mr. HOLDEN, Mr. ALLEN, Mr. HOBSON, and Mr. COBURN.

H.R. 4277: Mr. SISISKY, Mr. BOUCHER, Mr. MOORE, and Mr. HOEFFEL.

H.R. 4282: Mr. PACKARD.

H.R. 4289: Mr. BAIRD, Ms. BALDWIN, and Mr. BERRY.

H.R. 4292: Mrs. EMERSON and Mr. BLUNT.

H.R. 4393: Mr. HUTCHINSON.

H.R. 4424: Mr. COMBEST, Mrs. FOWLER, and Mr. BRADY of Texas.

H.R. 4465: Mr. NORWOOD, Mr. BURR of North Carolina, Mr. COBLE, and Mr. JONES of North Carolina.

H.R. 4467: Mr. LaHOOD.

H.R. 4469: Mrs. ROUKEMA.

H.R. 4539: Mr. SHERMAN.

H.R. 4598: Mr. McCOLLUM, Mr. BOYD, Mr. INSLEE, Mrs. FOWLER, Mr. PASTOR, and Mr. CALLAHAN.

H.R. 4624: Mr. QUINN.

H.R. 4633: Mr. RAMSTAD, Mr. HERGER, Mr. WAXMAN, Mr. GOODLATTE, and Mr. ANDREWS.

H.R. 4640: Mr. BACHUS.

H.R. 4649: Mr. HUNTER, Ms. PELOSI, Mr. FORBES, Mr. SHOWS, Mr. HILLEARY, Mr. BORSKI, Mr. PHELPS, Mr. McGOVERN, Mr. WHITFIELD, Ms. KILPATRICK, Mr. FROST, Mr. STARK, MR. EVANS, Mr. SANDERS, Mrs. THURMAN, Ms. BROWN of Florida, Mr. LaTOURETTE, Mr. HOLDEN, Mr. BARCIA, Mr. CONYERS, Mr. WYNN, Mr. PALLONE, Mr. LANTOS, Mr. RODRIGUEZ, Mr. DINGELL, Mr. MASCARA, Mr. HASTINGS of Florida, Mr. FILNER, Mr. PASTOR, Mr. LIPINSKI, Mr. HINCHEY, Mr. MOLLOHAN, Mr. McINTYRE, Mr. NEY, Mr. McHUGH, Mr. STUPAK, Mr. DEAL of Georgia, Mr. TIERNEY, and Ms. WOOLSEY.

H.R. 4652: Mr. WICKER.

H.R. 4678: Mrs. ROUKEMA.

H.R. 4710: Mr. DICKEY, Mr. BARTLETT of Maryland, Mrs. CUBIN, Mr. CAMP, Mr. RYUN of Kansas, Mr. SOUDER, Mr. GOODE, Mrs. CHENOWETH-HAGE, Mr. TIAHRT, Mr. WELDON of Florida, Mr. CHABOT, Mr. COBURN, Mr. DOOLITTLE, Mr. GILLMOR, Mr. HALL of Texas, Mr. WAMP, and Mr. TANCREDO.

H.R. 4727: Mr. CAPUANO, Mr. GOODE, Ms. KAPTUR, Mr. THOMPSON of Mississippi, Mr. PAUL, Mr. GREEN of Texas, Mrs. MINK of Hawaii, Mr. HINOJOSA, Mr. NEAL of Massachusetts, Mr. DOYLE, and Mr. GONZALEZ.

H.R. 4740: Mr. BROWN of Ohio.

H.R. 4750: Mr. McHUGH, Mr. WAMP, and Mr. GORDON.

H.R. 4807: Mr. LoBIONDO, Mr. GILLMOR, Mr. GILMAN, Mr. NEAL of Massachusetts, Mr. GILCHREST, Mrs. WILSON, Mrs. MYRICK, Mr. SMITH of New Jersey, Mr. TANCREDO, Mrs. CHRISTENSEN, Mr. FARR of California, Mr. TOWNS, Mr. SMITH of Washington, Mr. LaHOOD, Mrs. JOHNSON of Connecticut, Mr. CASTLE, Mr. CUNNINGHAM, Mr. PACKARD, Ms. WATERS, Mr. ENGEL, Mr. CARDIN, Mrs. THURMAN, Mr. GEJDENSON, Mr. REYNOLDS, Mr. LEWIS of California, Mr. CONYERS, Mr. FORD, Mr. FORBES, Mr. BLUMENAUER, and Mr. UDALL of New Mexico.

H.R. 4817: Mr. LaFALCE.

H.R. 4841: Mr. BOUCHER.

H.R. 4844: Ms. BERKLEY, Mr. EVANS, Mr. BILBRAY, Mr. HINCHEY, Mr. LEWIS of Kentucky, Mr. SISISKY, Mr. BARTON of Texas, Mr. DINGELL, Mr. BAKER, Mr. HOLT, Mr. BASS, Mr. HOEFFEL, Mr. GOODLATTE, Mr. SAWYER, Mr. TIAHRT, Mr. BLUMENAUER, Mr. LATHAM, Mr. BONIOR, Mr. WATKINS, Mr. BENTSEN, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONILLA, Mr. VISCLOSKY, Mr. DIAZ-BALART, Mr. GEPHARDT, Mr. ROMERO-BARCELO, Mrs. MEEK of Florida, Mr. BECERRA, Mr. PASTOR, Mr. SPRATT, and Ms. HOOLEY of Oregon.

H.R. 4848: Ms. KAPTUR, Ms. SANCHEZ, Ms. RIVERS, Ms. DeLAURO, Mr. KIND, Mr. BROWN of Ohio, Ms. ESHOO, Ms. LOFGREN, Ms. VELÁZQUEZ, Ms. DANNER, Mr. RANGEL, and Mr. CAPUANO.

H.R. 4850: Mr. RODRIGUEZ and Mr. LaHOOD.

H.R. 4857: Mr. PORTMAN, Mr. STARK, Mr. TANNER, and Mr. RANGEL.

H.R. 4858: Mr. OBERSTAR.

H.R. 4862: Mr. FRANK of Massachusetts and Mr. BLUNT.

H.R. 4864: Mr. McHUGH, Mr. HOUGHTON, Mr. TIAHRT, Mr. WHITFIELD, Mr. OSE, Mrs. CLAYTON, Mr. RAHALL, Mr. BARCIA, Mr. McCOLLUM, Mr. BATEMAN, Mr. LaHOOD, Mr. GREEN of Texas, Mr. MASCARA, Mr. HALL of Texas, Mr. KILDEE, Mr. SUNUNU, Mr. BALDACCI, Mr. ROMERO-BARCELO, Mr. MURTHA, Mr. STUPAK, Mr. TIERNEY, Mr. FRELINGHUYSEN, Mrs. MORELLA, Mr. GONZALEZ, Mr. WAXMAN, Mr. SAWYER, Mr. CLEMENT, Mr. KOLBE, and Mr. BUYER.

H.J. Res. 64: Mr. BLILEY.

H. Con. Res. 58: Mr. KUCINICH, Mr. BLAGOJEVICH, and Ms. CARSON.

H. Con. Res. 252: Mr. MINGE.

H. Con. Res. 256: Ms. KAPTUR.

H. Con. Res. 286: Mr. TALENT.

H. Con. Res. 297: Mr. DEUTSCH.

H. Con. Res. 308: Ms. KAPTUR.

H. Con. Res. 323: Mr. ENGEL, Ms. DeLAURO, Mr. YOUNG of Alaska, Mr. BOEHLERT, Mr. BERMAN, Mr. KUCINICH, Ms. BROWN of Florida, Mr. BROWN of Ohio, and Mr. BLAGOJEVICH.

H. Con. Res. 341: Mr. GONZALEZ.

H. Con. Res. 370: Ms. LEE, and Mr. BILBRAY.

H. Con. Res. 372: Mr. BAIRD, Mr. OLVER, Mr. GEJDENSON, Mr. YOUNG of Alaska, Mr. McHUGH, and Mr. ORTIZ.

H. Res. 544: Mr. McDERMOTT, Mr. WICKER, Mr. UNDERWOOD, Mr. FILNER, Mr. BERMAN, Mr. FARR of California, Ms. PELOSI, and Mr. KOLBE.

H. Res. 549: Mr. SISISKY, Mr. STEARNS, Ms. DANNER, Mr. ROGAN, Mr. EWING, Mr. RYUN of Kansas, Mr. GEKAS, Mr. HUTCHINSON, and Mr. FROST.

H. Res. 551: Mr. SHIMKUS, Mr. RAHALL, and Mr. BARTLETT of Maryland.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4871

OFFERED BY: MR. FRELINGHUYSEN

AMENDMENT NO. 6: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC.   . None of the funds made available in this Act may be used for use of a Federal Internet site to collect information about an individual as a consequence of the individual's use of the site.

H.R. 4871

OFFERED BY: MR. FRELINGHUYSEN

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC.   . None of the funds made available in this Act may be used for any computer software code, program, or function or other means to collect user identifiable information about any user of a Federal Internet site.

H.R. 4871

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 8: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC.   . None of the funds made available in this Act may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

H.R. 4871

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 9: Page 112, after line 13, insert the following new section:

SEC. 644. The Office of Personnel Management shall conduct a study to develop one or more alternative means for providing Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child (apart from any other paid leave). Not later than September 30, 2001, the Office shall submit to Congress a report containing its findings and recommendations under this section, including projected utilization rates, and views as to whether this benefit can be expected to—

(1) curtail the rate at which Federal employees are being lost to the private sector;

(2) help the Government in its recruitment and retention efforts generally;

(3) reduce turnover and replacement costs; and

(4) contribute to parental involvement during a child's formative years.

H.R. 4871

OFFERED BY: MR. MORAN OF KANSAS

AMENDMENT NO. 10: At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of medicine, food, or agricultural product to a foreign country (other than a sanction imposed pursuant to agreement with one or more other countries).

H.R. 4871

OFFERED BY: MR. MORAN OF KANSAS

AMENDMENT NO. 11: At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used to implement subsection (h) of section 102 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

H.R. 4871

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 12: Page 112, after line 13, insert the following new section:

SEC. 644. (a)(1) Title 5, United States Code, is amended by inserting after section 5372a the following:

"§ 5372b. Administrative appeals judges

"(a) For the purpose of this section—

"(1) the term 'administrative appeals judge position' means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and

"(2) the term 'agency' means an Executive agency, as defined by section 105, but does not include the General Accounting Office.

"(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS–15 pursuant to section 5108.

"(c) A rate of basic pay fixed under this section shall be—

"(1) not less than the minimum rate of basic pay for level AL–3 under section 5372; and

"(2) not greater than the maximum rate of basic pay for level AL–3 under section 5372.".

(2) Section 7323(b)(2)(B)(ii) of title 5, United States Code, is amended by striking "or 5372a" and inserting "5372a, or 5372b".

(3) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5372a the following:

"5372b. Administrative appeals judges.".

(b) The amendment made by subsection (a)(1) shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

(1) the 120th day after the date of enactment of this Act; or

(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.

H.R. 4871

OFFERED BY: MR. SANDERS

AMENDMENT NO. 13: Page 112, after line 13, insert the following:

SEC. 644. None of the funds appropriated by this Act may be used by the Internal Revenue Service for any activity that is in contravention of section 411(b)(1)(H)(i) or section 411(d)(6) of the Internal Revenue Code of 1986, section 204(b)(1)(G) or 204(b)(1)(H)(i) of the Employee Retirement Income Security Act of 1974, or section 4(i)(1)(A) of the Age Discrimination in Employment Act.

H.R. 4871

OFFERED BY: MR. SANFORD

AMENDMENT NO. 14: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

H.R. 4871

OFFERED BY: MR. SANFORD

AMENDMENT NO. 15: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC.   . None of the funds made available in this Act may be used for travel on a trip with the President by more than 120 individuals employed in the Executive Office of the President, excluding Secret Service personnel.

H.R. 4871

OFFERED BY: MR. VITTER

AMENDMENT NO. 16: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . (a) REVISIONS TO AMOUNTS.—The amounts otherwise provided by this Act are revised by reducing the aggregate dollar amount made available for "INTERNAL REVENUE SERVICE–PROCESSING, ASSISTANCE, AND MANAGEMENT", and by increasing the aggregate dollar amount made available for "FEDERAL DRUG CONTROL PROGRAMS–HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM", by $25,000,000.

(b) LIMITATION.—None of the funds provided in this section may be used for High Intensity Drug Trafficking Areas designated after September 30, 2000.

SENATE—*Wednesday, July 19, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we need You. Our hearts are filled with grief over the death of Senator PAUL COVERDELL. The Senate has lost a great friend, fellow leader, distinguished American, and outstanding legislator. We praise You for his intelligence, his integrity, and his intentionality. No one worked harder, longer, with greater commitment than this truly good man. He spelled love l-o-y-a-l-t-y and gained the respect, admiration, and esteem of Senators and staff alike. Lord, we'll miss the Senator's smile, his warmth, his caring concern. You have enriched our lives through this kind and gracious Georgian. Bless his wife Nancy. Comfort her and give her courage this morning. Tenderly watch over his dear mother and family. Uplift the Senator's staff whose faithfulness and admiration he was given with such enthusiasm.

Now Father, we reaffirm our conviction that death is not an ending, but a transition in eternal life, and only a small part of the whole of eternity. So help us to live our lives more fully, more selflessly for the cause of democracy, and more completely in trust in You. In You we live and move and have our being—forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will resume debate on the Agriculture appropriations bill, with amendments in order. Senators who have amendments are encouraged to work with the bill managers on a time to come to the floor to offer and debate their amendments.

Also, during today's session, Senators are welcome to come to the floor to share their thoughts and memories of our former friend and colleague, Senator PAUL COVERDELL.

For the information of all Senators, funeral services are being arranged, and Senators will be notified with the specifics as soon as they become available.

I thank my colleagues for their attention.

MEASURE PLACED ON THE CALENDAR—S. 2886

Mr. ALLARD. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 2886) to provide for retail competition for the sale of electric power, to authorize States to recover transition costs, and for other purposes.

Mr. ALLARD. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

The Senator from Nevada.

REMEMBERING SENATOR PAUL COVERDELL

Mr. REID. Mr. President, I learned shortly before Senator LOTT came to the floor last night that Senator COVERDELL had passed away. I felt it was in my best interest to leave at that time and not be present on the floor, as I usually am.

It was unique, in that I am in the minority—Senator COVERDELL was in the majority—that I got to know him as well as I did. I always knew that things were moving along and that we were going to get legislation completed when I would look over and Senator COVERDELL had been called into the Chamber by Senator LOTT to help move legislation.

As I look back, I remember the bankruptcy legislation. We started out with a little over 300 amendments on that legislation. Everyone thought it was futile to even try to pass it, but, of course, Senator COVERDELL came in and worked with me and the Senators on his side and my side, and we were able to get that legislation cleared and basically completed. That was the story for many, many different pieces of legislation.

I got to know him. He was very calm and deliberate and extremely courteous and polite—a real gentleman. I think it speaks volumes to recognize that Senator LOTT's No. 1 person he called on when there was trouble on the floor was PAUL COVERDELL. I think it speaks volumes to indicate that Governor Bush's No. 1 person in the Senate was PAUL COVERDELL.

He was someone that the people of Georgia will miss, this country will miss, the Senate will miss. I personally will miss him.

I have the honor of working on the minority side to help move legislation along. I personally will miss him. He was very, very good at being a legislator, in addition, obviously, to being such a good friend to everyone.

I express my sympathy to Nancy and his staff. Speaking for the entire minority, we will miss a great legislator.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4461, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR PAUL COVERDELL

Mr. BENNETT. Mr. President, when my constituents ask me, what is the nicest thing about being a Senator, what do you enjoy the most, I have a ready answer: It is the people, the people we get to meet, the opportunities we have to interact with some of the most extraordinary individuals throughout the world.

When I say that, my constituents immediately think of the great names:

Presidents of the United States, Presidents of other countries, famous Prime Ministers. Schoolchildren look at me and say: Have you ever met President Clinton? They are always a little in awe when I say yes. Then others, when I tell them of having met President Gorbachev, President Mubarak, or Chairman Arafat or some of the other names they read about all the time, say: Well, we can understand why you think that the people you get to meet is the fun part of the job and the most extraordinary benefit that comes from being a Senator. And that is true—meeting these famous people is something of a trip and a great opportunity.

I always explain to them that the great privilege is not only meeting the famous names. It is meeting my fellow Senators. This is an extraordinary body, filled with extraordinary individuals, many of whose names never get into the headlines beyond their own States or outside of the circle of the beltway, but who bring to this body an incredible background of wisdom, experience, humor, perspective, balance, and understanding that makes it a great privilege and blessing for the rest of us to be with them.

PAUL COVERDELL and I came in the same class. We were sworn in on the same day. We went through the experience of being freshman Senators who didn't quite know our way around.

We would get together on a weekly basis, those in that class, and swap stories about how we had foolishly gone to the wrong room, or lost our way in a corridor, or found ourselves buried in the unexpected tide of work, mail, phone calls, and requests. We went through all that together as friends. We decided, in taking advantage of our situation as freshmen and serving in the minority, we would use the time that comes with that condition—time which more senior and majority Senators don't have—to educate ourselves and prepare ourselves for the service on which we were embarking.

PAUL arranged a trip to Kennebunkport to see his good friends, George and Barbara. The rest of us didn't call them George and Barbara. It was Mr. President and Mrs. Bush. PAUL knew them well enough, went back long enough with them, that he arranged for the freshmen class of Republicans to go up to Maine and spend a day with the Bushes. It was about 3 or 4 months after President Bush had lost the election. He was full of stories, reflections, and philosophic observations. It was a wonderful time. We also went together, under the sponsorship of Senator Dole, to New Jersey to have a similar day with President Nixon. PAUL was one of those who would use that, and any other occasion, to learn as much as he could soak up, to prepare himself as much as he could for whatever might come. That was one of the delightful things about it. He was enormously curious, always searching, and always anxious to find out how he could be of greater help.

We finally stopped meeting every week as we got busier ourselves and as we got a little more experienced in the way the Senate works, so that we didn't need to commiserate quite so much about our earlier blunders. But our class remained close. We gathered together when KAY BAILEY HUTCHISON was under fire in Texas and gave a little party for her before she left for her trial. We told her we would keep things straight until she could come back fully exonerated, which, of course, she has done. PAUL was a moving force in putting together that bit of solidarity among the members of our class.

PAUL is the one who moved on to a leadership position in our class. We were all proud of him, all happy to support him. It goes without saying that we will miss him terribly. But it is my conviction, Mr. President, that as we mourn, we do not mourn for PAUL. I don't know the details of what goes on, but I think it is not out of the question to think that John Chafee may be showing PAUL the ropes now, suggesting to him that "it will work a little better if you go this way," or, "Yes, I tried that when I first got here. PAUL, let me show you the ropes." That may not be happening, but I don't think it is beyond the realm of possibility.

We do not mourn for PAUL; we mourn for ourselves, for the loss we have sustained, not for the problems he faces. The problems he faced are behind him now, as far as this life is concerned. And, knowing PAUL, he will be learning, inquiring, asking questions, trying to find out and progressing still further, as he always did as a Member of the Senate. It is our loss that moves us to tears—the fact that we will no longer have his companionship and his wisdom and his friendship. But just as I suggest John Chafee may be greeting PAUL, we can be confident that whenever the time might be for the rest of us, PAUL will be there to greet us, and that helps lift some of the gloom and sorrow we feel on this occasion.

I extend to Nancy and other members of PAUL's family my deepest sympathy and condolences at this time. And I express gratitude, once again, for the experiences I have had as a Senator of knowing great people, meeting extraordinary individuals, and partaking of their wisdom and guidance. I count PAUL COVERDELL in the first ranks of that group.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Arizona is recognized.

Mr. KYL. Mr. President, except for those who knew PAUL COVERDELL and his constituents in Georgia, I suspect it is very hard for others who may be watching here today or who hear other tributes to PAUL COVERDELL to appreciate the depth of sadness that all of us in this Senate family feel by the loss of Senator PAUL COVERDELL.

PAUL COVERDELL was a special man. He was so active in nearly everything going on in the Senate that it is impossible to believe he is gone. The images of PAUL smiling, gesturing, counseling, are still so fresh. If there was an indispensable Senator, PAUL COVERDELL was it.

PAUL was a doer, as we all know. He was successful not because of his energy alone—though that was considerable—but because he was trusted by all and he sought no recognition for himself. His judgment was sound, his intelligence keen. He was always kind and cheerful, never critical. The word "helpful" does not even begin to describe the aid and assistance he was always so ready to provide.

I have lost a real friend and a confidant. Georgia and America have lost a great leader. PAUL's family's loss is incalculable, especially for Nancy and his mother. Our sense of grief is tempered only by the faith that the Lord has His own purposes. We take comfort in the wisdom of Abraham Lincoln who said:

> Surely God would not have created such a being as man, with an ability to grasp the infinite, to exist only for a day. No, no, man was made for immortality.

Godspeed, Senator PAUL COVERDELL.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, as the American Revolution drew to a close in 1782, a Philadelphian turned to his friend, Dr. Benjamin Rush, and remarked, "It looks as if the battle for independence has been won."

Dr. Rush replied, "Sir, you are mistaken. The Revolutionary War may be over, but the battle of independence has just begun."

On the day before he died, as I had the opportunity to spend time with PAUL COVERDELL and his family, I thought about these words, and they have stayed in my mind over the last 48 hours because that idea—that only constant vigilance can keep the flame of freedom from being extinguished—is one that perhaps no one believed in more, at least since I have been in the Senate, or acted upon more decisively than PAUL COVERDELL. With his passing, America has lost one of its most principled leaders and freedom, one of its staunchest friends.

There will be a number of comments made today by people who have known Paul well, who have observed his commitment, his discipline, and his willingness to do jobs that most people leave to others, jobs he did in a way that was humble, gentle, and gave others the credit. We will hear again and again today because they were the hallmark of PAUL COVERDELL's work in this wonderful institution called the Senate.

As a Senator from the neighboring State of Tennessee, I had the opportunity to work side by side with PAUL COVERDELL as we addressed issues important to both our States. But if there is one idea, one word, that best summarizes PAUL COVERDELL, his commitment to public service, to family and community, the word is "freedom." PAUL COVERDELL was a relentless, tireless champion of freedom.

I first met PAUL 6 years ago when I was still BILL FRIST, the physician who wanted to be a United States Senator. PAUL sat down, and talked to me about freedom. He came to help me with a campaign event in Chattanooga, TN, and his whole talk—while saying, "Yes, people, come out and support this new guy on the block, BILL FRIST"—was about freedom.

And since I have been in the Senate, he continually fought for freedom. He fought for the rights of individuals to raise, educate and provide for their families free of government intervention and excessive taxation. He fought to protect the privacy of individual tax returns. He fought to free local education from too much federal control. Believing freedom to be under genuine attack from the corrupting influence of drugs, he fought to increase funding for law enforcement, especially along our borders, and created a program to coordinate resistance to drugs among parents, teachers and communities that became a model for the nation. Understanding, as Jefferson did, that a well-educated citizenry is the surest foundation for freedom and happiness, PAUL COVERDELL fought to ensure that all children, regardless of income, receive the very best education from kindergarten to college.

Perhaps it was his service with the U.S. Army in Okinawa that fanned the flames of freedom that never seemed to diminish in his heart. Perhaps it was his parents' ability—and I got to know his mom over the last 48 hours—to turn a small family business into a successful nationwide enterprise that strengthened his belief in the power of the individual to achieve the American Dream. Perhaps it was his experience with emerging democracies as President Bush's Director of the Peace Corp that deepened his resolve to ensure that freedom, once planted, has everything it needs to survive. President Bush and I spoke about that shortly after PAUL was admitted to the hospital. Or perhaps it was his beloved wife, Nancy, who is going through such a difficult time right now, who helped him realize that love and freedom are the great gifts God has planted in the human heart, and so we must do all we can to preserve them.

Whatever the reasons, PAUL COVERDELL believed in freedom, and he believed in America—the greatest expression of freedom next to man himself. He fought for both America and freedom because he understood, as Justice Brandeis once wrote, that "liberty is the secret of happiness, and courage, the secret of liberty."

Over the past few years, I had the honor and the privilege of seeing PAUL COVERDELL's courage up close—in the Senate Republican Working Group on Medicare, where his commitment to our seniors was very apparent; in the Foreign Relations Committee, where he specialized in areas of the world not addressed by others; a commitment that obviously grew out of his work with the Peace Corps; in Republican strategy sessions, where his expert guidance helped us ensure that the American people, as well as our colleagues, understood the importance of the issues before us. It was a quiet courage, characterized not by bluster, but by humility and respect for others.

PAUL COVERDELL knew what was right, and every day on this floor and in strategy sessions behind the scenes, he worked for what was right with all his might. Through men like him, the American Revolution is constantly reborn, the reservoir of freedom continually replenished, and all that is best America preserved for those who will follow.

He was a wonderful husband, a great citizen of Georgia and the United States, an outstanding Senator—as reflected by his position of leadership—and a great patriot. He will be sorely missed by all Members of this body.

May the Lord God who loves us all, shine His perpetual light upon our colleague, and comfort Nancy, his mother, and Nancy's parents in the days ahead.

Mr. President, I thank the chair and yield the floor.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise to say a few words regarding the death of Senator PAUL COVERDELL.

Winding its way to the sea, the Savannah River forms a natural boundary between South Carolina and the State of Georgia. Yet the river is not a barrier dividing these two states. Rather, its lakes, tributaries, and bridges bring the people of these two states together as neighbors and friends. As neighbors, we share many fine attributes of southern living and culture, agriculture, and the values that Americans hold dear. As friends, we work and play together, raising our families and supporting our communities.

Today, I rise to pay tribute and respect to my neighbor and friend from Georgia, Senator PAUL COVERDELL. Senator COVERDELL was my neighbor. He was more than just a colleague from a neighboring state. For the past eight years we have walked together and worked in the same corridor of the Russell Senate Office Building.

Senator COVERDELL was also my friend. Everyday, each of us looked forward to his warm smile, kind words, and expressions of care and concern. As I worked with him on regional issues, in the Senate Republican Leadership circle, where he served as Republican Conference Secretary, or in more general circumstances, Senator COVERDELL always was thoughtful and considerate of others.

Senator COVERDELL leaves a great legacy. His life was dedicated to serving others and his Nation. After serving in the U.S. Army, he returned to Georgia and built the family business into a successful nationwide company. Elected to the Georgia State Senate, he was chosen by his peers to serve as Senate Minority Leader, a post he held for 15 years. In 1989, President Bush named him as Director of the United States Peace Corps, where he redefined the agency's mission to serve the emerging democracies of Eastern Europe.

Since his election in 1992, Senator COVERDELL has worked hard in the Senate as a defender of freedom. He led the fight against international narcotics and terrorism. Understanding that freedom is nurtured by a well-educated citizenry, he introduced education reforms, and served as Chairman of the Senate Republican Task Force on Education. Senator COVERDELL fought to protect the individual economic and political liberty of individuals and families.

We mourn the loss of PAUL COVERDELL. We shall miss his companionship, but we will not forget the bond we had with him. Though his voice is silenced, we shall not forget the encouraging words he had for others. Though he now rests in peace, the impact of his good deeds will be felt for years to come.

Shortly before his death, our former colleague Senator Everett Dirksen, responded to the question which each person faces. It is found in the Bible, in the book of Job: "If a man die, shall he live again?" (Job 14:14.) I quote Senator Dirksen's words published in U.S. News & World Report, November 8, 1965, p. 124:

> What mortal being, standing on the threshold of infinity, has not pondered what lies beyond the veil which separates the seen from the unseen? What mortal being, responding to that mystical instinct that earthly dissolution is at hand, has not contemplated what lies beyond the grave? What mortal being, upon whom has descended that strange and serene resignation that life's journey is about at an end, has not thought about that eternal destination and what might be there?
>
> If there be a design in this universe and in this world in which we live, there must be a Designer. Who can behold the inexplicable mysteries of the universe without believing that there is a design for all mankind and also a Designer? . . . "If a man die, shall he live again?" Surely he shall, as surely as day follows night, as surely as the stars follow their courses, as surely as the crest of every wave brings its trough.

William Wordsworth, the revered poet, captured in verse a glimpse of this glorious plan and entitled his classic "Ode to Immortality":

> Our birth is but a sleep and a forgetting:
> The Soul that rises with us, our life's Star,
> Hath had elsewhere its setting,
> And cometh from afar:
> Not in entire forgetfulness,
> And not in utter nakedness,
> But trailing clouds of glory do we come
> From God, who is our home:
> Heaven lies about us in our infancy!

PAUL COVERDELL was a bright star in this world. Though it is now out of view, it is not dimmed. We take comfort that he has returned home, to his eternal destination. This day, my thoughts and prayers are with his wife Nancy, his family, his staff, and his constituents. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

Mr. KOHL. Last night, as we began consideration of the Agricultural appropriations bill, we were informed of the death of Senator COVERDELL. The bill officially is still on the floor this morning for Senators who wish to speak on the bill but more appropriately for Senators who wish to speak about Senator COVERDELL, who we all remember as an outstanding Senator, a good, a kind, and a decent man, a great patriot, and a great American.

We will be officially in session on the bill but more appropriately here to listen to remarks by fellow Senators in his behalf.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLELAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Mr. President, it has been my honor, and a privilege, to know our distinguished friend and colleague, PAUL COVERDELL, for a long time. I have had, overnight, the opportunity to think about his life and about his death.

When a man dies, especially a friend, we are inevitably struck by the frailty of life, the speed of death, and the very painful void that is left behind. With the passing of our friend and colleague, PAUL COVERDELL, we are also struck by the promise of a truly brilliant future left unfulfilled.

Alphonse de Lamartine once said:

> Sometimes, when one person is absent, the whole world seems less.

Today, that is exactly how I feel. The world seems less today.

PAUL and I worked together for many years. We were sworn into the Georgia State Senate on the same day, in January of 1971. In Georgia, we sit not as partisans, across the aisle, but we sit by numbers of our State senate districts. Fate had it that Senator PAUL COVERDELL sat right in front of me. So even though he was of one party and I another, we shared space on the floor of the State senate. We worked together in harmony for 4 years. It was a joyous time. It was a marvelous time to get to know this young talent.

When I came to the U.S. Senate, PAUL had preceded me. PAUL stood on the floor of the Senate here with my parents watching from the balcony as I was sworn in. After that day, he helped me, he guided me, tutored me in the same way we had worked together so beautifully in the early 1970s in the Georgia senate. From time to time in this body, on different sides of the aisle, we were on different sides of the issues. But he helped me learn. He helped me because he was a good man and a great friend, because he knew it was good for Georgia and for the country.

I watched him work, incredulous—putting in 12- and 14- and 16-hour days. In Georgia, we have a saying: You are either a workhorse or a show horse. He was certainly a work horse. He fought hard for our State, for our farmers and businesses and the average taxpaying citizen. He used his deep breadth of knowledge in international affairs, which he had gained as Director of the Peace Corps, to fight what he called the most serious threat to America's freedom today—the war on drugs.

Our colleague, Senator MOYNIHAN, yesterday called PAUL COVERDELL a man of peace. I will reiterate that observation. From his time in the Georgia senate to his post as head of the Peace Corps under President Bush, to his quiet and wonderful leadership in the Senate, PAUL had a peaceful and resolute efficiency about his work that I think we could all try to emulate. He worked hard. He achieved results. And he didn't care who got the credit. To lose a leader of this quality in this body in this day of "gotcha" politics, and one-upmanship, is a loss for this body and for our country and for Georgia.

PAUL was a leader. He led in his own quiet, positive way. I never heard him speak an ill thought or an ill phrase or a mean-tempered comment about anyone. He was a great legislator and a dear personal friend.

I extend my deepest sympathies to his wife Nancy, whom I have known for almost 30 years. I knew them when they first got married.

Proverbs tell us:

> Good men must die, but death cannot kill their names.

I think we can all take great comfort in that. Nothing will lessen the impact that PAUL COVERDELL and his legacy have had on the State of Georgia and on this country. It is not the time for political thoughts or words but only words to remember one of the best U.S. Senators this body has ever known. PAUL COVERDELL, United States Senator from Georgia, a peach of a guy.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, cheerful, fun, accessible, down to earth, loyal, friend—those are the words you think of immediately when describing PAUL COVERDELL. I am not going to make a long statement today because I know there will be a time set aside for our memorials to PAUL COVERDELL. I have seen some of our friends today—PAUL's friends, my friends—and many of them do not feel capable of talking about him right now. It is not that he wasn't one of our greatest friends. They are not here because they can't talk about him yet.

This is a man who served our country in so many ways, all the things a good citizen should do: He served in the Army; he was the head of the Peace Corps; he was a wonderful Senator, one of our leaders in the majority—the fourth highest ranking among us.

I do want to say more about him later, but for now I think our majority leader said it very well last night. All of our hearts are broken for the loss of this wonderful man who will have every tribute that we can give him in the future weeks.

I yield the floor.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, this is a sad day for all of us. It is a sad time in the Senate. PAUL COVERDELL was, first of all, our friend. He was someone who, if we took a secret poll in this Senate, I think many Members would say, was their best friend. That tells us something about this man.

He was a kind, he was a gentle, he was a sweet man. This Senate will not be the same without PAUL. It will not be the same because of that kindness, because of that spirit, because of that unbelievable energy he brought to any task he took on, and did he take on the task. Whatever it was, PAUL would do it and do it effectively. He was one of the key people in making this Senate run. Candidly, he was that person not because of his leadership position, which was significant, but the leadership position he obtained was a result of the fact that he was one of the key players in the Senate and he got things done.

That effectiveness came because of his energy, because of his drive, because of his determination, but it also came because he could get along with people on both sides of the aisle. He knew people, he understood them, he liked people and people liked him back, and that made him effective.

He was effective because he did not have a big ego. We all have big egos in the Senate, but PAUL did not seem to have one. He did not seem to care if he got credit; another rarity, I suppose, among politicians. He just got the job done. He was always seeking some way to get it done. He did not seek the limelight. He did not worry about who got the credit.

Each one of us brings different stories or remembers different things about PAUL COVERDELL. I worked with him on Central American issues, Caribbean issues, and Latin American issues. PAUL COVERDELL is from Georgia. It was not necessarily logical that he had to concentrate on this hemisphere or worry about this hemisphere, but he did. He did because he understood it affected the people of Georgia and it affected the people of this country. He brought his passion to deal with the drug problem to that concentration and work on this hemisphere.

I worked with PAUL when we worked on the Caribbean initiative, when we worked on the initial drug bill we passed several years ago on drug interdiction in this hemisphere, and I worked with him when we were able to pass the Colombia aid bill.

I remember on both bills going to PAUL at different times and saying: PAUL, this is not going very well. What do we do?

Not only did the leadership responsibility go to PAUL COVERDELL to get things done, but people who are not in leadership went to PAUL to get things done. I remember PAUL would look at you, as only PAUL could, and say: Well, let's do this. And he would tick off three or four things. Basically then I had the plan. We got it done. That is what we are going to miss in this Senate.

The last time I talked with PAUL was as we were leaving for the weekend. I said: I am worried about what is going on in Colombia. Why don't you and I go down there.

He said: Let's do it. So we were talking about a trip sometime in the next few months to Colombia to look firsthand at the problem.

I know all of us at a later date will have more formal comments to make, but I wanted to pause here for a moment with my colleagues to say thank you for the life of PAUL COVERDELL. He is someone who made a difference every single day he was in the Senate. We will miss him very deeply.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I want to speak about my colleague, Senator COVERDELL. I know other Senators have. I absolutely have nothing rehearsed. There are many Senators who will speak about Senator COVERDELL probably in a more profound and moving way than I can.

There is one moment I want to remember about Senator COVERDELL because this small story tells a large story. We had had a major debate about the Colombia aid package. Senator COVERDELL and I were in a debate. We did not agree. It was a pretty good debate back and forth. I know from time to time during the debate I would reach over and touch his hand and say something to the effect: I just cannot believe you said this; this is wrong—something like that.

At the end of the debate, I said, because I believed it and believe it: Senator COVERDELL is a really good Senator.

He smiled and touched my hand and said: Senator WELLSTONE is a really good Senator.

I do not know if the latter part is true, but the point is that is the way he was. That is the kind of Senator he was. We talk about civility. He was just a beautiful person. I really enjoyed him. We need a lot of Senators like Senator COVERDELL: PAUL, you are wrong on the issues but you are a really good person.

The Senate has lost a wonderful person and a wonderful Senator, and the United States of America has lost a wonderful person and a wonderful Senator.

As a Senator from Minnesota, I send my love to PAUL's family.

I will not forget PAUL COVERDELL.

I yield the floor.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, we are all stunned and saddened by the sudden death of our friend and colleague. Our hearts and prayers are with Senator COVERDELL's wife Nancy, with his parents, with his family members, his many friends, and, I may say, particularly our colleagues on the other side of the aisle who have lost not only a close friend but a gifted leader.

The great English poet Alfred Tennyson wrote of a dear friend who died suddenly: "God's finger touched him, and he slept."

Yesterday, God's hand touched our friend. Now he sleeps. And now we mourn.

PAUL COVERDELL's life was too short in years, but it was long in accomplishment: A husband, a son, a friend, a loyal ally, an honorable opponent, an Army veteran, a business owner, a State senator, a Peace Corps director, and a U.S. Senator.

In his 61 years, PAUL COVERDELL filled all of those roles—and more—with dignity.

He spent half his life, and nearly all his adult life, in public service. He and I didn't see eye to eye on a lot of matters. To be honest, I can't think of too many times we found ourselves on the same side of the debate. But I can't think of a single time that he was not fair, that he was not decent, and that he was not honest.

PAUL COVERDELL, above and beyond anything else, was a gentleman. He was a reminder to us that we can all disagree without being disagreeable. He is also a reminder, sadly, that none of us knows how long we will be here; how many more opportunities we will have in this life to right a wrong or to advance a peace or to make a difference.

Last night, I was reading an interview Senator COVERDELL gave a year or so ago. He was asked why he worked so hard on so many tasks, usually with very little public recognition. He replied, characteristically: "If you have been given a moment here, you shouldn't let the dust grow under you."

PAUL COVERDELL felt that in the marrow of his bones. He worked hard every day—to advance the causes he believed in and to serve the Nation he loved—until God's finger touched him.

Now he sleeps the sleep of the just. We have lost a good and honorable friend. I will miss him.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mr. GRAMM. Mr. President, at this time of shock and loss we tend to focus on PAUL's death, but it seems to me that it is really a time that we should focus on his life. As we weigh how our lives and the life of our Nation has been diminished by the loss of PAUL COVERDELL, I think it is important that we also reflect on how our lives have been enriched.

I first—I first met PAUL COVERDELL when I went to Georgia. He was campaigning for the Senate. And he was doing an event in this dingy old steel mill about industrial renewal. I had talked to him on the phone, I was—I was chairman of the Senatorial Committee, but I had not seen him in action. So I got up and spoke, and then PAUL got up and spoke in that squeaky voice, and he sort of had a way of jumping up and down when he was speaking and waving his hands, so I tried to delicately whisper to him, quit jumping up and down, be still, but little did I know at that moment that with all of his outward appearance and the squeaky voice, that this man had the heart of a lion.

He went on and won in that campaign. As chairman of the Senatorial

Committee I was involved in 67 Senate campaigns. And he won the toughest race, defeated an incumbent, was in a runoff after the general election when everybody else would have sat down, given up, gotten tired.

PAUL COVERDELL did not sit down and give up or get tired. He came to the Senate and we were immediately involved in the Clinton health care debate, and he and JOHN MCCAIN and I traveled all over America. We did 147 events in this crusade to defeat the Clinton health care bill. And in all those events and all that travel—you all know PAUL COVERDELL—he never got tired or never let on he was tired or got irritable.

In the Senate where we all want glory, we all want to be out front, we all want to see our picture in the paper, PAUL was one of those remarkable people who simply wanted to get things done. There was no job too small for PAUL COVERDELL. And there is no job too big for PAUL COVERDELL. PAUL COVERDELL managed in eight short years to become absolutely indispensable to the United States Senate.

And I am very happy today about one thing—not much I am happy about today, but I am happy about one thing. We often feel something about people—we often love people, but, but we don't often tell them that. It's especially hard for men to tell other men that they love them. But what I am happy about—I can't quite get to it—is the following point. I realized over a year ago that PAUL COVERDELL had become an indispensable member of the Senate, that he was the greatest Senator from Georgia since Richard Russell. And so I always went to great lengths to say it. Here, in Georgia, and everywhere I got the opportunity to say it.

This is a hard time for the Senate, and I just would like to conclude on the two points I tried to open up with but didn't quite get said. In these terrible moments when we are shocked and hurt we tend to think about how someone died. But at these moments it is critical that we focus on how they lived. We tend to look at how our lives and the life of our nation have been diminished, but it is important that we focus on how our lives were enriched by PAUL COVERDELL. My grandmother used to say that as long as anyone remembers you, that you're not dead. As long as I live, PAUL COVERDELL will be remembered.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The distinguished Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, yesterday this body lost one of its finest Members. I greet this day with a very heavy heart.

PAUL COVERDELL was not only a good Senator, he was a good and decent man. I found him to be a very nice man. I worked with him closely as an original cosponsor of his Education Savings and School Excellence Act. I found him very dedicated and very easy to work with. I found him to be above political correctness; he strived to do what he believed would work and would help people.

We shared a common interest. We worked together on many antinarcotics efforts. We debated together on certification. I was his Democratic cosponsor of the Foreign Narcotics Kingpin Designation Act. We talked together about what was happening. We tried to plan together. I found him to have a deep and abiding knowledge about Mexico, Central America, and Latin America.

He had a kind of energy, enthusiasm, and dedication well known on both sides of the aisle here in the Senate. He was never one to seek the spotlight, but all of us here know how hard he worked. He wasn't the proverbial "show horse"—he was a workhorse.

He was a man who served the people of Georgia and this Nation with great distinction. He worked all of his adult life in public service. Simply put, PAUL COVERDELL made this body a better place and a more collegial place. All one really had to do was spend time alone with him in an office and listen to him and his thoughts as he sought to frame and advance an issue.

Senator HARKIN was in the elevator as I came up this morning. He said: "It's so hard because on Friday he was alive and well in the Senate and today he simply is not here."

There is a passage from the Book of Ecclesiastes—Chapter 5, verse 12—I will leave with the Senate: "The sleep of a laboring man is sweet."

PAUL COVERDELL, you have labored hard. Your sleep will be sweet.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, it is with profound sadness and the heaviest of hearts that I come to the floor today to pay tribute to the memory of a friend, a colleague, and a man who brought honor upon the State of Georgia, our country, and the institution of the Senate—PAUL COVERDELL. My deepest sympathies go out to his wife Nancy, PAUL's family, friends and his staff at this most difficult of times.

It is tragedies like this that remind us that, beyond the policy and the politics and the tremendous gravity of the issues we deliberate—beyond the grandeur of this Chamber and the history we write on a daily basis—we are at heart an institution of individuals—of people. And when one of our own is lost to us forever, all of us are diminished by that loss.

I first met PAUL when I was a member of the House Foreign Affairs Committee and he came before us as President Bush's Director of the Peace Corps. I recall being struck not only by his obvious qualifications for the job, but by his warmth and his obvious esteem for the mission he was chosen to fulfill. To help foster the ideals of freedom and democracy for people throughout the world was for PAUL a high and noble calling. And it was one he answered with typical energy and enthusiasm, optimism and hope.

Indeed, when I think about all that PAUL was—all that he symbolized, all that he meant to those who cared about him and the people he served—the single word that comes to my mind is, "decency". PAUL COVERDELL was many things: a devoted husband, a talented legislator, a strong and principled leader—but above all else, PAUL was simply one of the most decent human beings one could ever hope to know. And any of us should be so fortunate to be remembered as that.

I well remember when I first came to the Senate from the House in 1995, PAUL had of course been here for 2 years, and he knew how difficult it was to get started, to get your feet firmly planted on the ground in these foreign surroundings.

And so he helped us freshmen—and woman—to find our way around, to set up offices, to figure out the basics of how things work around here. While it is perhaps true that none of us have ever really figured out that secret, PAUL and is staff certainly did their best to give advice and lend a helping hand. But then, knowing PAUL as I do now, that really comes as no big surprise.

PAUL was always helping people, always contributing to the world around him. From his service in the U.S. Army to the state legislature to Director of the Peace Corps to United States Senator, PAUL believed that to serve others was a privilege, not a burden. He truly believed that he could made a difference in people's lives. And he was right.

What a a lesson his life can teach an often cynical world. We ask ourselves, what can one person do? What kind of a positive impact can government truly have on the lives of others? What happened to the idea of public service as a noble calling?

To those questions there is one simple answer—people like PAUL COVERDELL exist in the world: Good, honorable, trustworthy people who call us to our better nature, who exemplify what the framers of this Nation had in mind when they created what they hoped would one day be the greatest deliberative body on earth.

He personified another virtue that often seems in short supply in a world where the volume of one's indignation is all too frequently the sole measure of one's passion—and that virtue is civility. PAUL let the weight of his arguments speak for themselves, and where there were disagreements he respected those who disagreed with him. Perhaps that is why he engendered such deep respect in return.

It is little wonder, then, that PAUL rose so rapidly through the ranks of leadership. He had a keen grasp of policy and detail, and nobody worked harder on behalf of his constituents and his party.

He was truly a "legislator's legislator"—not only creative in developing solutions, but always focused on moving the ball forward, on producing results for the people of Georgia and America whether in the areas of education, keeping drugs out of the hands of our children, or allowing hard-working Americans to keep more of their hard-earned money.

In fact, I remember at one point my staff commented to me that it seemed like everything we were considering in the Senate seemed to have PAUL's stamp on it. But that was typical of PAUL. He never stood still—and he never forgot the sacred trust that must exist between elected officials and those they are obliged to serve.

Just as important, PAUL was a man for whom his pledge was his bond—and that only counts for everything in this institution. His words had credibility, his ideas merit, and is actions sincerity. He made me proud to be a member of the United States Senate. He made us all proud.

Once again, my heart goes out to PAUL's wife Nancy, his family, friends and all of his staff—whom I know are heartbroken as we all are—and to the people of the State of Georgia, who have lost a great leader and true friend. He will surely be missed by all of us who were fortunate to have known him, but his legacy will just as surely live on in all those whose lives he has touched.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, after watching my colleagues and the depth of concern and personal passion they have at the loss of PAUL COVERDELL, I want to tell them of an experience I had last night. Something came to me when I was at a dinner and we had just heard the news. It was the seventh Beatitude:

> Blessed are the peacemakers: for they shall be called the sons of God.

It occurred to me that this was really PAUL COVERDELL; he was the ultimate peacemaker. It was impossible for PAUL to walk into a roomful of people, whether Democrats, Republicans, liberals, conservatives—hostility, anxiety, it all subsided when PAUL came in.

I remember when I was first elected from the House into the Senate in 1994. PAUL had just arrived here. He didn't give the first impression as being a dynamic person, even an articulate person. You had to know him and know him well. But after you did, he was unlike anyone else we have been exposed to here in this body.

I thought last night about all the things we deal with here in the Senate. It was articulated in Matthew 9, starting with verse 35. It says:

> Jesus went through all the towns and villages, teaching in their synagogues, preaching the good news of the kingdom and healing every disease and sickness. When he saw the crowds, he had compassion on them, because they were harassed and helpless, like sheep without a shepherd.

This is kind of the way we are. We are dealing with the problems of poverty, the problems of crime—a multitude of problems. So somebody has to be the one to take on those responsibilities.

I read the following verse:

> Then he [Jesus] said to his disciples, "The harvest is plentiful, but the laborers are few. Ask the Lord of the harvest, therefore, to send out laborers into his harvest field."

When I, last night, thought of that verse, I thought, really, PAUL COVERDELL is the laborer who was sent, was raised up to deal with these problems, and all the problems we deal with on a daily basis, in his own unique way. So I would just say our prayer for PAUL COVERDELL right now is the last verse of the 23d Psalm:

> Surely goodness and mercy shall follow me all the rest of my days; and I shall dwell in the house of the Lord for ever.

Amen.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I come to the floor to express my sadness at the passing of a very kind colleague. I want to say to his family and to his close friends, in Georgia and here in the Senate, who really loved him and who worked with him every day, I send you my strength and my prayers.

PAUL COVERDELL was never afraid to disagree because he came here with beliefs. But he never, ever was disagreeable. I went back through the RECORD this morning because I remember actually several occasions where he and I were on different sides on issues, tough issues. Gun control, for example, was one of them, where we disagreed on a particular piece of legislation; Education, where we disagreed on a particular piece of legislation. We were yielding time back and forth, and every single time it was "my friend from Georgia," "my friend from California." The disagreement was deep on the issue, but it was always collegial; it was a model for what should happen here in the Senate where we definitely have deep, heartfelt disagreements but we can disagree in a way that shows respect for one another and caring for one another. And he did that.

I wanted to come to the floor to say that because it is perhaps a quality we do not see enough of, and all of us ought to think about that.

I do not want to repeat what has been said about his contributions to this country. The record shows they were powerful and strong—from the Peace Corps, to serving in the Senate, to helping his party, to helping Governor Bush. He was his key person, as I understand it, in the Senate. People trusted him with these responsibilities.

I wanted to say as a Member from the other side of the aisle that I am stunned and saddened, and I see my colleagues are very impacted by this. I feel for everyone who feels this loss in a very personal way. I feel it in a way of someone on the other side of the aisle who really did respect this man and enjoyed the colloquies and debates we had because it never was with animus. It was always done with great respect. He will be missed. Again, I send my sympathy to his family and his friends. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is a heavy cloud hanging over the Senate Chamber today. A bouquet of flowers with a black tapestry is on the desk of our departed colleague, Senator PAUL COVERDELL, whose presence will be greatly missed.

There is a saying that in Washington, in Congress, in the Government, a great deal could be accomplished if there was less concern—perhaps no concern—for who gets the credit. PAUL COVERDELL epitomized that concept.

He was always in the thick of the action. He was always prepared to help. He did it with conciliation, with good will and accommodation, and in the spirit of compromise; self-effacing and never interested in the credit, not interested in the news reports or the television acclaim or any of what is customarily associated with the politics, the public relations of the Congress in Washington, DC. That kind of effective, quiet Senator behind the scenes is a relative rarity here.

He had a very distinguished career in the Georgia Legislature, in the Georgia State Senate, going back to 1970. He was the Republican leader. Just this morning I talked with people who knew him in Georgia. It was the same PAUL COVERDELL 30 years ago whom we saw in Washington heading up the Peace Corps, a nonglamorous but a very important undertaking to project America around the world with young people, and then in his election to the Senate in 1992 and the immediate recognition of his colleagues who knew him well, even though he was not so well known with the television cameras but very well known by his colleagues, and elected to a leadership position, No. 4, in the Republican caucus.

He was the point man for the Republican caucus on education. He brought to that very important subject, a subject of priority second to none in America today and in the world today, again his quiet effectiveness.

I had the opportunity to work with him on the appropriations bills on the subcommittee which I chair which covers, among other Departments, the Department of Education. For the last 2 years, we had a list of a couple hundred amendments, and in the flurry of floor action, PAUL COVERDELL was enormously effective in talking to Senators about their amendments, saying which ones could be accepted, which ones could be accommodated without coming to the floor even for a voice vote, and then narrowing the frame of reference as to which ones had to be debated with time agreements and which ones had to be voted upon.

The management of a Senate appropriations bill is a complicated matter, especially when you have a $100 billion-plus budget and you have to worry about Head Start, drug-free schools, the National Institutes of Health, worker safety, and the myriad problems. PAUL COVERDELL was an effective man to get that job done.

Senator BILL FRIST—Dr. BILL FRIST—gave us all a report on the medical aspects of what happened to Senator COVERDELL: that it was not painful, an extraordinary medical incident with problems which simply could not be contained or controlled.

I know every Senator sends sympathies to the Coverdell family, to his wife Nancy. He will be sorely missed for the great contribution which he has made.

There are tough days in the Senate. Last year, in October, we had the passing of our dear friend, John Chafee, and now the passing of PAUL COVERDELL. While we intend to focus on matters of Government and high finance, international affairs and war and peace, nothing is more sobering than to see what is really important with the loss of a very special friend and a really great Senator.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we celebrate today the life of our friend and colleague, PAUL COVERDELL. On behalf of my wife Elaine, who succeeded Paul in the job as director of the Peace Corps, and myself, I extend to Nancy and all of PAUL's friends our sincerest condolences.

I first met PAUL in 1988. I was traveling around the South during the Republican Presidential primaries. I was a supporter of then-Vice-President George Bush. I happened to find myself in Georgia, and ran into a State senator in Georgia named PAUL COVERDELL, who was also active in that campaign. PAUL, as he often did, made an immediate good impression. I recall the people in the Georgia meeting were all quite deferential to him. It was clear he had achieved a level of respect at that point in his career. Having served in the State senate in Georgia for 18 years, having been the leader of a rather small group of Republicans in that body, he had nevertheless achieved a level of respect at that point.

As we all know, Vice President Bush became President Bush, and the next time I met PAUL COVERDELL, he had been nominated to be director of the Peace Corps. As many Senators have said, he did an extraordinary job running that well-known agency.

Sometime in 1991, PAUL came into my office and said: I am thinking of running for the Senate. I am going to be running against an incumbent Democrat in the South. I know that is rather difficult to do.

We talked about the experience I had running against an incumbent Democrat in the South. We struck up the beginnings of a real friendship during which we talked off and on during his extraordinary quest for the Senate.

It was indeed an extraordinary quest. Because of the peculiarities of Georgia law, PAUL COVERDELL is surely in the Guinness Book of Records because he won four elections in 1 year. I am not certain what the law of Georgia is today. I think it is still the same with regard to primaries. In order to be the nominee of a party in Georgia, you have to get 50.1 percent of the vote. PAUL had a very contested primary for the nomination. He did not get 50.1 percent of the votes, so he was in a runoff in order to achieve the nomination. So it took our good friend two elections to get the nomination.

Then Georgia had—I believe they have since changed this law—a requirement that in the general election, in order to become a U.S. Senator, you had to get 50.1 percent of the vote.

Election day came and went, and neither PAUL nor his opponent, the incumbent, had achieved 50.1 percent of the vote. So there was a runoff for the general election—a hotly contested, spirited contest—in which PAUL came out on top, I believe, in early December of 1992.

So he had won four elections in 1 year in order to find his way to this body. PAUL was indeed tested right from the beginning in his quest to become a Senator.

I remember in the early stages of that campaign, people did not take PAUL very seriously. As I watched his growth and development, almost from the beginning it seemed he was consistently underestimated. But in his extraordinarily effective and friendly manner, he managed to make himself a force in the Senate very quickly, to the point, as many have said already, that he was elected as one of our leaders in his first term.

One of his staffers lives in my neighborhood. I noticed on the back of the car the Coverdell bumper sticker, which says: "Coverdell Works." There may have been another bumper sticker somewhere in America that said: "Someone Works," but I can't think of a bumper sticker or, for that matter, a better way to sum up our friend and colleague PAUL COVERDELL than "Coverdell Works."

He was ubiquitous. He was everywhere. As all of us who work in the Senate know, in order to make anything happen, you have to develop little groups to work in an area to try to advance the ball in the middle of these 100 substantial egos, each of which has its own goals and aspirations. PAUL was literally ubiquitous, all over the place, in a group here, in a group there, always advancing the cause. He did it in a friendly, effective, and intelligent manner.

No one is irreplaceable. The Senate continues to function. We are functioning today, although probably not very effectively. But if I have ever met somebody about whom I could say he was almost irreplaceable in the Senate, it was PAUL COVERDELL.

So it is with extraordinary sadness, not only personally but in terms of the loss in this institution, that we say goodbye to our good friend, PAUL COVERDELL.

I yield the floor.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to recognize and celebrate the life of PAUL COVERDELL, as many of my colleagues have today, a beautiful, warmhearted, deep-souled man who was constantly encouraging and engaging people. I know he is hearing these comments. I wish I would have said them to him physically as well, but we know he is here, as we celebrate a life well lived.

It is a very sad day for us in the Senate. I caught the comments of Senator GRAMM earlier wherein he said that instead of staring at the death, we should stare at the life; instead of staring at our loss, we should stare at our gain from having known PAUL COVERDELL. That is a very appropriate way for us to look at and think about it.

PAUL touched so many of us in the Senate in many wonderful ways. One of the things he did for my family that I most remember was sending us a book by a Georgian author. The title of the book was "Lights Along the Way." It was a collection of vignettes of people of faith, acts they had performed—

many of them very obscure, some of them well known—to help people along the way. For example, one person had adopted 10 children, and the light this person had been along the way; some of the things Abraham Lincoln had done, a clear light along the way. My daughter and I would frequently read one, maybe two of these stories at night before going to bed. They were uplifting, happy, light, joyous stories of lives well lived, of somebody being a light along the way.

That is exactly what PAUL COVERDELL was, a light along the way. If you saw him during the day, it was never a confrontational meeting. It was always a happy meeting. Even though you may disagree about something, he was always trying to be helpful. He was a peacemaker. As you would pass through your day, he was one of those lights along the way. That is why our grief is so great. When you lose part of that light, it makes it very difficult. He clearly was that. He was one of those people who talked about the scripture of God working through an individual and that it was God working in him to be that light along the way.

I think PAUL was truly that, a beautiful, deeply-caring man. He cared for his country, cared for his friends. He cared for people who were not his friends. I never saw him give a harsh or a cross word to anybody. I never saw him hardly give a frown to anybody, let alone a harsh word. It is those sorts of vignettes of PAUL's life that I remember, that stick out in my mind, his being such a light along the way.

I hope he is a light we don't forget. I hope he is a light we learn from. Light cleanses. Light shows us the way. Light points to where we ought to be and where we ought to go. Many times, it is a point of light in the distance that we seek, towards which we aim, whether it is a lighthouse or a distant shining light.

That is what PAUL is to us now, one of those lights we seek and aim towards, hoping that in some way, at some time in our life, we will be able to draw closer, move towards it, be purer, be a greater light; that when we enter a room, people will react as they did when PAUL entered a room. You can enter a room and there are shadows that come out, frowns, or you can enter a room and people start to smile and be happy, even though they are not exactly sure why you are there. PAUL was one of those where the room started to light up rather than get darker when he entered.

I hope his is a light we will always remember. As we mourn today, we celebrate that light among us, a light for us to aim towards. He was a great man.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I want to spend a few minutes today to join in paying tribute to our former colleague, PAUL COVERDELL. Memories of PAUL consistently paint a picture of a hard-working, even-tempered consensus-builder. He sought results, not headlines. He was not one who basked in a national spotlight, but his quiet influence within this body has made a profound impact on public policy affecting all Americans.

My last opportunity to work with PAUL was during consideration of the Educational Opportunities Act this spring. It is fitting that our final work together addressed the subject of education, as this is an area where we had many dealings over the years. We did not always agree on the specifics, but the one thing about which we wholeheartedly agreed is the importance of education.

During the S. 2 debate, PAUL made a compelling case for the need to assure a good education for all of our citizens. He said:

> From our very founding, we have understood that a core component of maintaining a free society is that the population is educated. To the extent that any among us who are citizens do not have the fundamental skills, the basic education, they are truly not free. They cannot enjoy the full benefits of American citizenship because they are denied the ability to think for themselves, for their families, for their communities, for the Nation.

In all my work with PAUL, I found him to be fair and accommodating. He was always one to search for the areas of consensus, and he was enormously successful in finding ways to reach accommodation to move things forward. His persistence and his commitment to making things happen—no matter how many obstacles were placed in the path—earned him the respect of all who had the privilege to work with him.

I join in extending my deepest sympathy to his wife Nancy. I also offer my condolences to members of his staff, who have lost not just an employer but an inspiring example of the work and rewards of a life devoted to public service.

We will miss PAUL, but his inspiration to me and to all the others of this body will continue until we are gone from here also. I join all my colleagues in the deep sympathy that we feel at this moment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I rise today to join my colleagues in expressing our condolences to PAUL COVERDELL's wife Nancy and all the members of his family.

I think that anybody who has watched the expressions and condolences that have already been offered would recognize immediately the extent to which Senator COVERDELL touched all of us in the Senate and the extent to which he was a beloved colleague and friend.

PAUL's life achievement, in so many different ways, obviously deserves the tributes we are paying today. I wish to comment on some of those achievements. First, PAUL COVERDELL was one of the really remarkable leaders of our time. He began his political career in the Georgia Legislature and rose up to the leadership position in the Republican Party in the Georgia State Senate. He then came to Washington and made his mark as the Director of the Peace Corps. He was very instrumental in expanding and successfully helping the Peace Corps to transition into a new era.

PAUL was a leader in his party. He served as chairman of the Georgia Republican Party at a time when there weren't a lot of Republicans in Georgia. But thanks to him, the party grew in strength. That is when I actually first became acquainted with him, because I chaired the Republican Party in Michigan at that time and we met in the context of national party meetings. Then, of course, PAUL was elected to this body in 1992. I think everybody here is aware of how effective and how competent and able he was. He moved into the leadership of this Chamber fairly quickly—in, I think, his first term in the Senate. That doesn't happen too often in a place where seniority counts so much. But his observable abilities, talents, and incredible work ethic brought him to the attention of all of our colleagues on both sides of the aisle. On our side of the aisle, it resulted in him being put in a leadership role early in his career.

More than being an effective leader, PAUL was a tremendous colleague when it came time to needing some assistance on a project. I can't think of one important piece of legislation that I have worked on in the time I have been in the Senate when PAUL COVERDELL wasn't helping me in some fashion to get it through. I remember coming here in my very first couple of legislative efforts, on amendments and bills, as a freshman Member who did not know how this place worked and looking to him, who was a slightly more senior Member, for guidance and help; he was always there. He has been there for all of us. That is why I think today is such a tough day. It would not really matter what the issue was, he was somebody who would try to help you. His staff was built by him to be of similar assistance.

Of course, for all of us, probably the principal thing we would acknowledge in terms of PAUL's attributes was the tremendous friendship he offered to all of us who were his friends. I had a unique relationship with him in the sense that he served as a mentor and friend to me in my first couple of years. When he sought a leadership position, I was proud of the fact that he asked me to place his name in nomination for that. I did so on the second occasion he sought to be in the leadership of our party. When you are asked to nominate somebody for one of these jobs, it obviously means a lot to you and tells you that you are well regarded by that person. I have to say it means an unbelievable amount to me to think that Senator PAUL COVERDELL thought of me as someone who he would want to play that role in his political career.

As I said earlier, the reaction of his colleagues today demonstrates that others share my high opinion of PAUL. So many have given statements already, and I know more will follow that will move us all. We have seen people express themselves in ways we never thought we would see. People who are known to come to the Senate floor and wage verbal debates back and forth on serious topics have already come here today and demonstrated, in the most human way, that they were so close to and touched by PAUL COVERDELL, and that all of the partisanship and the political debate is really second to them in importance to describing the friendship he provided all of us.

So as I close we pray for the best for PAUL's wife and family. We give thanks for having been able to share his friendship. On a personal level, I say: Goodbye, PAUL, we will never forget you. You were a key part of all we have done here, and you will continue to play a role as our memories of you continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, many years ago William Wordsworth wrote a wonderful poem entitled "Ode On Intimations of Immortality," in which he said:

> Our birth is but a sleep and a forgetting;
> The Soul that rises with us, our life's Star,
> Hath had elsewhere its setting,
> And cometh from afar;
> Not in entire forgetfulness,
> And not in utter nakedness,
> But trailing clouds of glory do we come
> From God, who is our home. . . .

I feel particularly bereft today because of the loss of PAUL COVERDELL.

I have served here for 24 years and I have seen great people come and go. There are people in this body who are just as great as the Founding Fathers were. There may not be many, but there are people here who by any measure qualify as great leaders.

These great people, who are able to cross party lines and bring people together, make this body the greatest legislative body in the world. PAUL was one of those people.

He was kind, he was considerate, a good listener; he was wise and he was a person with whom you would want to counsel if you had any concerns.

But PAUL was more than that. He was politically astute. He knew when to get tough about matters and stand up for what he believed. But there was also a kindness, a softness, a decency about him that is going to live long after today.

I know that "our birth is but a sleep and a forgetting," and that we came "from God, who is our home."

I know that PAUL was one of God's chosen people. He was given the privilege of coming here to be with us in the Senate. We had the privilege of knowing him.

William Cullen Bryant once said:

> So live that when thy summons comes to join
> The innumerable caravan that moves
> To that mysterious realm, where each shall take
> His chamber in the silent halls of death,
> Thou go not, like a quarry-slave at night,
> Scourged to his dungeon, but, sustained and soothed
> By an unfaltering trust, approach thy grave
> Like on who wraps the drapery of his couch
> About him, and lies down to pleasant dreams.

PAUL was like that. We are all going to miss him. The fact that he died such a quick and unfathomable death has made a mournful impression on all of us.

PAUL was one of those people who could move mountains because of his personality, because of his intelligence, because of his background, because of his experience, because of his kindness, because of his love, because of his fairness, and because of his leadership.

I could go through all of his leadership qualities, all of the things he was working on and the accomplishments he made. Right now, I am thinking more of the mourning and the sense of loss we feel in losing PAUL COVERDELL.

Tennyson wrote this wonderful poem called "Crossing the Bar."

> Sunset and evening star,
> And one clear call for me,
> And may there be no moaning of the bar,
> When I put out to sea.
>
> But such a tide as moving seems asleep,
> Too full for sound and foam,
> When that which drew from out the boundless deep
> Turns again home.
>
> Twilight and evening bell,
> And after that the dark!
> And may there be no sadness of farewell,
> When I embark,
>
> For tho' from out our bourne of time and place
> The flood may bear me far,
> I hope to see my Pilot face to face
> When I have crossed the bar.

I have no doubt that PAUL is going to see his pilot face to face. I have no doubt that he doesn't want any moaning of the bar as he put out to sea. I know he doesn't want any sadness or farewell now that he has embarked on this next phase of eternity.

Let us today concentrate on all the good that PAUL stood for on all his amazing accomplishments, not only as a Senator, but also as a man.

We all know about PAUL's love for education—he led our caucus on that issue—and all the work he did as chairman of the Senate Republican Task Force on Education to encourage learning opportunities for America's schoolchildren.

PAUL worked hard to make sure that every parent, every child, and every teacher could devote enough time throughout each year to educational matters. He made encouraging a love of reading his special priority for students, pupils, and teachers alike. He was a leader in formulating "A+" tax free accounts for education. His landmark Safe and Affordable Schools Act has been widely regarded as a model program to improve our country's education policies. PAUL authored bills to make sure we appreciate the hard work of our Nation's teachers, something we tend to forget so easily when formulating education policy.

PAUL must also be memorialized for his steadfast work to lower taxes and make our tax policies more fair. Many times PAUL reminded us of his belief that the freedom and means to raise, educate and care for our families are threatened by a government that takes more than 50 percent of an average family's income in taxes and cost of government. PAUL was very proud of his work on tax issues and in particular, of the law he authored to stop unscrupulous IRS workers from rummaging through the tax files of private citizens. It is many ways so ironic that the last vote he cast was on repealing the death tax, an important policy change he had worked so hard to advocate.

I worked closely with PAUL on his antidrug efforts, on his work to stop narcotics trafficking, and on his efforts to make the workplace drug free. All of these things PAUL did, and he did them well.

PAUL never forgot the needs of his home state, whether it were through his work as chairman of the Agriculture Subcommittee on Marketing, Inspection and Product Promotion, or through his work as a member of the Finance Committee and the Small Business Committee. His record is replete with accomplishments that benefited his constituents back home.

Of course, there were so many other legislative things I would like to mention, but let me leave it at that.

Another side of PAUL was his love for baseball. He was as excited as anybody

I have ever seen when Hank Aaron broke Babe Ruth's Major League home run record as a beloved Atlanta Brave.

I am deeply saddened by his passing. I am going to miss him very much.

One of my favorite poets is a poet named Sara Teasdale who wrote an interesting poem. Although this was surely a love poem, I think it applies to our memories of PAUL as this poem is called "The Beloved."

It is enough of honor for one lifetime
To have known you better than the rest have known,
The shadows and the colors of your voice,
Your will, immutable and still as stone.
The shy heart,

Which PAUL had—

so lonely and so gay,
The sad laughter and the pride of pride,
The tenderness, the depth of tenderness
Rich as the earth, and wide as heaven is wide.

I like that. Even though it was meant for someone else, I think it applies to a large degree to PAUL COVERDELL.

PAUL was a good man. He did the right things. He set a good example. He was a good colleague here. He was one of the most respected Senators in this body for all of these qualities, qualities that very few people can come close to matching.

I wish PAUL the best in his afterlife.

My sympathy and heartfelt feelings to Nancy, his wife, and to the rest of his family who are mourning him.

I thank God for the privilege of knowing PAUL, working with PAUL, accomplishing things with PAUL, laughing with PAUL.

I am grateful for our colleagues in this body on both sides of the floor. We do learn that these people are here for a very important reason. They have been selected by their respective constituents to do good things. I can say as one who has been here long enough to know that PAUL COVERDELL did good things while he was here and that his legacy will be that all of us need to do better in the things we have been and are doing. All of us need to follow and emulate his example so that we can hopefully be as good as he was.

My sympathy and my best to Nancy and other members of his family, and to my fellow colleagues who are mourning PAUL COVERDELL this day.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with all of my fellow Senators today to express our feeling and mourn the death of our colleague, Senator PAUL COVERDELL.

I always find these kinds of circumstances difficult to speak to, to find the appropriate words to reflect my emotions or to in some way express my love for a man such as PAUL COVERDELL and the way he worked for all of us and for his country.

I grew up in a ranching environment in the State of Idaho. Oftentimes I think back to those experiences when I am caught in emotion or when I cause myself to sit down and contemplate how to deal with an issue or a situation. My experience with PAUL was largely a part of our time in the Senate, a leadership time.

I was one of four Senators elected by the Republican majority to lead them in the 106th Congress; PAUL COVERDELL was a part of that leadership team. He was secretary of what we call our Republican conference, or all Members on the Republican side. It was through that relationship that I grew to know PAUL and to appreciate the tremendous talents that he had. We all know he was an activist on the floor on many occasions, in pursuit of what the leadership team and ultimately the Republican conference decided was a direction we ought to head in or an issue we ought to debate. He did it with phenomenal energy and talent.

When I think of that relationship, I can only come to this analysis; I think it so well fits PAUL: A team approach, as in a western ranching environment. We all remember the great cattle drives that used to come out of the Southwest into the plains of the West to graze, thousands of head of renegade cattle moving all in one direction. The reason they were moving in one direction was because there was a trail boss who headed up this drive. There were a group of wranglers on horseback who were out there working day to day to keep that drive shaped and headed in the direction in which the trail boss wanted them to head.

There is no question that in the Senate TRENT LOTT is our trail boss. He decides the direction with the consent of the herd, if you will, and head Members. There is a group who are the wranglers, who work with that herd, to help shape it and keep it moving. PAUL COVERDELL was one of those wranglers and probably the best among us. He was constantly out there from daylight until dark and, if it were on the range, we would say in all kinds of weather because he was doing what he was asked to do but more importantly because he believed in what he was doing and he was very passionate about it.

All of us are here for a reason; some of us for larger reasons than others. Clearly, to be here with the kind of passion and energy that PAUL COVERDELL from the State of Georgia came here with is unique. As a result, he was selected to be one of those wranglers, to follow the leadership, to follow the directions of the trail boss, to make sure that we all stayed headed in the right direction.

I will miss him. I will miss his talents as a wrangler. He was a great American and history will record that. He has made his mark. But never once in the business of making that mark, or leading, shaping the herd, or wrangling the herd, did he ever do it for PAUL. He did it for his country and for what he believed was the right cause and the right belief.

PAUL, I think God has called you to a different trail herd. He obviously needed a hell of a good wrangler, and He's got one. We will miss you. We love you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I join my colleagues in rising to offer my sympathies and condolences to Nancy and the Coverdell family.

Today, we all grieve PAUL's passing, but we also celebrate his life. What a life it was; a life of achievement, a life of incredible service and accomplishment.

I did not know PAUL COVERDELL until I came to the Senate in 1996. I followed his career, as many Americans did. I followed with interest and admiration his campaign for the Senate and his election to the Senate from Georgia. It was only when I arrived at this institution that I got to know PAUL COVERDELL, the man.

Much has already been said this morning and yesterday and has been said well. He was ubiquitous. It seemed PAUL was everywhere. The breadth and number of issues he was involved in takes your breath away. It was amazing how much he knew and how much he was willing to invest his time and energy. He was incredibly hard working and willing to do what others didn't want to do, didn't have time to do. He made time and he was willing to take on the nonglamorous jobs. He didn't seek glory and he didn't seek adulation. He gave credit away freely because he didn't seek it for himself. He was a consensus builder; he was a doer. If you wanted it accomplished, you gave the task to PAUL COVERDELL.

One quality which I as a junior Member of the Senate especially appreciated and admired was his deep respect for his fellow man and his deep respect for his colleagues, regardless of their rank or status. I served on the education task force with PAUL. We had a lot of strategy meetings. We had meetings in Senator LOTT's office in which we would talk over the education issue and discuss not only how we would communicate our message but how we would pass legislation. There were a lot of senior Members on the task force. They were always quick and bold to speak out and give their opinion. What I noticed about PAUL COVERDELL was that he was always observing who had spoken and who hadn't, who had expressed their opinion and who hadn't. At every meeting he said: TIM, you haven't said anything yet. What are your thoughts? Do you have an opinion?

Or he would see SUSAN COLLINS and say: SUSAN, how do you feel about this issue?

He always included junior Members. He included everyone because he respected not only their opinion, but he respected them as human beings.

He epitomized what service is all about. I think that PAUL COVERDELL provides the lasting role model of what a U.S. Senator should be, what a public servant should be.

Many of my colleagues have struggled to find words and to find scripture and verses to express what they felt about PAUL COVERDELL. I have found a verse that I think applies most appropriately to PAUL. It is Mark 10:31. Jesus said:

> But many that are first shall be last; and the last first.

PAUL was a leader. But he was a leader among us because he was servant of all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today to join my colleagues in paying tribute to the life and legacy of a man I considered a friend first, a Senator second, and a great American above all.

Senator COVERDELL was everything that those of us who were blessed to serve with him strive to be:

> effective, committed, compassionate, and tenacious when it meant doing right by the people of Georgia and the American taxpayers he revered.

PAUL was a voice for families, for children, for the nation's workers, and every individual seeking to build a better life for themselves, their family, and generations to come.

Of all my colleagues, I think I spent more of my working hours with PAUL COVERDELL, in meetings, strategy sessions, and casual conversations.

I considered him to be the "sparkplug of the Senate" because of the life and energy he brought to this body.

As others have said, very little went on here that PAUL wasn't somehow involved in, and he was the man I went to when I needed a friendly ear. I didn't always hear what I wanted to hear, or get the sympathy I thought I needed, of course, but I always received the counsel of a man who spoke from the heart.

He leaves behind a remarkable legacy of service, and not just here in the Senate. Other colleagues have spoken of his leadership of the Peace Corps, his 16 years in the Georgia State Senate, his military service, his real-world experience in business.

In this Chamber, he will be especially remembered for his unyielding dedication to working Americans, whether through his work on education, and in particular his education savings accounts, leading the fight against illegal drugs, promoting volunteerism, and lifting up America's farmers.

I think, though, that PAUL will be remembered foremost as an ardent defender of freedom.

The highest tribute one can pay to a colleague is to say that, day in and day out, they got the job done. Senator PAUL COVERDELL got the job done, with humility, with enthusiasm, and always with good humor.

With PAUL's passing, the State of Georgia has lost a leader, the Senate has lost its sparkplug, many of us have lost our best friend, and the Coverdell family has lost a truly exceptional man. My prayers, and the prayers of our colleagues and our staffs, are with Nancy and her entire family during this difficult, difficult time.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I join my many colleagues here in the Senate today expressing my sympathies to the Coverdell family and telling them our thoughts and prayers are with them during this difficult time. A poet once said:

> There is no joy life gives like that it takes away.

I expect the Coverdell family and all who loved PAUL and understand the hurt and anguish at his passing, today know well what that verse means.

This is an unusual place, this Senate. There are 100 of us, men and women from all parts of the country. We have days where we have pretty aggressive debates and fights about public policy. PAUL COVERDELL was in the middle of many of those. I never heard PAUL COVERDELL say a mean word to anyone in the Senate. I told him one day at the end of a rather lengthy debate in which I was on the other side and the vote was called and we were standing in the well:

> You and I don't agree on this issue, but you are a very good Senator.

We served in different political parties. We, in many cases, believed differently about issues. But PAUL COVERDELL was a very good Senator and served this country well.

The important part about PAUL was, though he felt great passion about public policy and the issues he brought to the floor of the Senate, again, he never uttered a mean word about anyone in debate. You can always disagree in this country without being disagreeable. PAUL COVERDELL demonstrated that every day in his pursuit of the public policy he believed was important for this country.

We are so busy and our schedules have us on our way here and there and everywhere all week, and then often to our respective homes in the 50 States on weekends, so it is hard to get to know each other very well. But each day, as we move around in this Capitol, all of us in the Senate exchange greetings and words, occasionally a story or two. Last week, I was in the elevator with Senator COVERDELL. We laughed a bit about his being compared, from time to time, in his presentation, to George Bush. I always used to kid him about that, that sometimes he had a cadence that reminded me of the ex-President.

He sort of kidded me and said someone told him he was doing Dana Carvey who was doing George Bush, so he was two steps away from the impression. We laughed about that.

Last Friday, as we were having a long series of votes, towards the end of the votes I visited with Senator COVERDELL because Georgia has been a State hardest hit by drought. I told him we had been hit so severely with respect to floods. On behalf of our farmers, I was trying to see if we could put together a piece of legislation that would deal with crops that had been flooded out, destroyed by flood, and crops in Georgia and elsewhere that were being destroyed by drought. On Friday morning, PAUL indicated he wanted to join me in an amendment to this bill, the Agriculture appropriations bill that is being considered in the Senate, to provide some assistance for family farmers who were victims of the drought that was occurring in his State and throughout the South.

He was always available to talk about public policy and what was happening; always especially available and concerned to talk about the people of his State of Georgia. I wanted to come today to say the Senate will miss PAUL COVERDELL. He was not only a good Senator, but he served this country very well. He was a friend to all of us. My thoughts and prayers go to his wife and his family. We say thank you to his memory.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in the 211-year history of the Senate, the State of Georgia has one of the richest and most storied legacies. Since the formation of the Senate, and that was in 1789, Georgia has sent to the Senate 62 individuals as Senators. I have had the distinct privilege of serving with 6 of them, including our beloved PAUL COVERDELL. When the people of Georgia elected PAUL COVERDELL to represent them here in the Senate 8 years ago, they sent to Washington a unique, especially talented, and gracious gentleman; a gentleman of the South, I say to those of us who are privileged to come from that region.

PAUL began his service to the Nation nearly 30 years ago when he served his Nation in the U.S. Army, stationed in Okinawa, Taiwan, and Korea, and he never stopped in his quest to serve the people. He was truly a public servant.

He gave almost half his life to serving the Nation and the State of Georgia. It is no overstatement to say that his presence in public life has made this Nation more prosperous and more secure. He was a leader in the fight against drugs and the fight for better education and the struggle to keep this Nation strong, both economically and militarily.

We have a saying around the Senate: There are show horses and workhorses. We know for sure PAUL was no show horse; He was a workhorse. He worked hard and often he worked behind the scenes. He did not seek the headlines. PAUL COVERDELL did not seek the headlines. He would seek results—he wanted to get the job done, let others take the credit—and always results that were in the best interests of our Nation. That was his guide; that was his compass.

All of us here, before we cast the first vote, before we discharge the first responsibility, take the oath of office. We solemnly commit "to support and defend the Constitution against all enemies." We commit "to bear true faith and allegiance." We undertake "to faithfully discharge" our duties.

PAUL COVERDELL fulfilled each of those constitutional obligations under the oath of office. He was a man of his word and he has lived his life in the Senate true to his principles and true to that oath.

He was a quiet man. His office was right across the hall from mine in the old Russell Building. How often we would meet walking to and from the votes. Those are the moments when Senators do not have staffs around them, constituents are waiting somewhere, and you share those private thoughts, comments, and ideas. How often I shared them with this giant of a Senator.

The Nation lost a true patriot, a true gentleman, a true statesman. But his memory and his legacy will remain with us forever.

May God bless his family. God blessed America with this man's service.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I join my colleagues on both sides of the aisle who have come today to express sorrow and deep regret over the loss of a treasured friend and colleague. I have watched many of the tributes that have been made to PAUL COVERDELL this morning. There is very little I can say to add to some of the wonderful comments that have been made about this truly remarkable American.

I want to talk for a minute about my personal relationship with PAUL COVERDELL.

When he was running for the Senate for the first time, he was running against an incumbent Senator who was popular in his State. I came to the State of Georgia and campaigned for him. Before I arrived, I thought I was doing what a lot of us in politics do, and that is doing what is necessary for a losing cause. But after spending a few days with PAUL COVERDELL, I could see this man was going to win his election because he was a man of integrity; he was a man who knew the issues, a man who was dedicated to the concept and belief of public service, a man who had served his country in other capacities and had prepared himself over many years of public life to serve the Nation as a Senator from the State of Georgia.

As we all know, he won a very close race, perhaps one of the closest races in the history of certainly the State of Georgia, if not the entire Senate, which required a runoff election. Then he was reelected rather handily.

Again I went down to Georgia to help him in his reelection, and I saw that during his first term, PAUL COVERDELL had established a unique relationship with his constituents. Everyplace I went with him, they recognized him, they showed their appreciation for him, and whether they were Republican or Democrat, they respected him for his strongly held values and views.

As I talked to his citizenry around the State of Georgia, it was clear, whether they were going to support his candidacy for reelection or not, they held him in the highest regard because they knew, as we who have had the privilege and honor of working with him and serving with him in the Senate know, that he was a man who worked incredibly hard, a man of firmly established values and ideals, and one who believed and acted in the public interest.

As all of us experience deep emotion and sorrow over the loss of a dear friend, I am sometimes reminded that we should also celebrate the fact that we were blessed to have the opportunity to know and appreciate a man of such enormous and wonderful qualities, and the people of his State and the people of this Nation, including my own State of Arizona, were honored to be in the presence of and have the service of this dedicated, wonderful American.

As our best wishes and condolences go out to the Coverdell family and friends, we also offer our hardiest celebration for a life well lived and one which is written in the pages of America's history, in the history of the Senate, bright pages filled with the Coverdell name in the State of Georgia with glory.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, as I enter the Chamber and look to the rear to the seat occupied by our dear friend, the late Senator PAUL COVERDELL, it reminds me of the reality of the fragility of the lives we lead. The message is one of taking stock of what our real priorities are. Life is so short, so fragile, and our period on Earth is so temporary.

At this time we join together in grieving with the family of our beloved colleague who passed away Tuesday evening. Our thoughts and prayers are certainly with his wife Nancy and the family during their time of extraordinary grief.

We all share in the reality that this was a tragic and unexpected loss. We all feel it in this Chamber, in the halls of the Senate office buildings and, of course, in PAUL's beloved State of Georgia. But we cannot be blinded by grief to the point that we fail to recognize and celebrate the life of this outstanding public servant.

He was an extraordinary public servant. I listened to some of the comments made last night after we learned of his passing. The Senator from New York said he was a man of peace. Reflecting on PAUL's public service, he served his country in the Army, with deployments in Okinawa, Korea, and the Republic of China, came home to Georgia, joined the family business, helped it thrive and grow and then, beginning in 1970, served his State in the legislature, serving as minority leader for a period of 15 years. In 1989, he continued his commitment to peace as Director of the Peace Corps. In this capacity, PAUL saw the fall of the Berlin Wall, the end of the Cold War. He seized the opportunity to place Peace Corps volunteers in former Eastern Bloc nations in an effort to speed their transition to democracy and peace.

The wise people of Georgia, in 1992, elected PAUL to the U.S. Senate. I vividly recall that this genuine, quiet man made an immediate impression upon all of us. As we got to know PAUL, we found him to be deeply thoughtful, hard-working, and utterly unconcerned about the limelight. His Republican colleagues recognized his efforts and selected him to the leadership post of Republican Conference Secretary.

As a U.S. Senator, PAUL did superb work in the issues of education, food safety, protecting our children from drugs, promoting volunteerism, lowering the tax burden on working families and small business, and protecting the rights of citizens in their dealings with the Internal Revenue Service.

We were all privileged to know PAUL. He enriched our lives. My prayers and thoughts are with PAUL's family, especially his wife Nancy. The Senate will miss his work ethic and thoughtfulness. The Nation will miss his ideas and his example.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I rise, as have some of our colleagues today, to express my deepest sympathy to Senator PAUL COVERDELL's friends, family, and to his wife Nancy, as others throughout the State of Georgia as well as throughout this country mourn the passing of one of our colleagues who, indeed, was a very special person.

I think when we reflect on the times we had and the opportunity we had to spend with PAUL COVERDELL, we will certainly remember him as a Senator's Senator; by that I mean a person who was really interested not so much in the message of the day but, rather, in actually working together to bring to this floor and to the American people legislative products that were appropriate to get the job done.

I think all of us, when we see our legislative branches becoming more and more partisan and more and more separated by imaginary aisles that separate us, can think back and remember PAUL COVERDELL as a person who was willing to work with anyone who was willing to work with him in order to accomplish legislation that was in the interest of this whole country.

I had the opportunity, as so many of our colleagues did, to work with him on education. I think his approach to that major legislative effort was one from which we can all learn a great deal—how he handled the product he was trying to get passed into law.

What I mean by that was he was willing to sit and talk with Democrats as well as his Republican colleagues to try to fashion a compromise that could accomplish the reform of our legislative system. Far too often, that is sort of unique and different in the way things are done—both in this body and in the other body across the Capitol.

I think as we remember the experiences and good times we had with him, we can take with us the admiration and respect all of us have expressed of him, but also, at the same time, the lesson he taught us by his actions. That lesson, in my mind, was how we work together to accomplish good things for the American people. He did that. We can remember and we can learn from his actions. That is how I want to remember the good times I had and the privilege of experiencing it with him during the legislative process.

He will be missed, of course, by his family and close friends back home. He will be missed by the people of Georgia. He will, indeed, be missed by the people of America—those Americans who think that the function of this body and our Congress in general is to do whatever we can, working together, to make lives better for all American citizens. That is what PAUL COVERDELL attempted to do as he was able to accomplish so many things in that fashion.

He will be particularly missed by this institution and by everyone who wants to make government work better for the American people. PAUL COVERDELL represented that type of Senator. He, indeed, was a Senator's Senator. He will be sorely missed but very fondly remembered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, as have so many of my colleagues, I rise today to pay tribute to a friend, PAUL COVERDELL.

It is very difficult to look at those flowers, which are silent. As my colleagues do, I find it difficult to deal with. It is something that is very hard for all of us to understand.

We are here to pay tribute to PAUL COVERDELL and to express our sincerest condolences to Nancy and his entire family.

They say true friends are there when you need them most. We know PAUL COVERDELL was there when we needed counsel. I remember about a year ago I went through some rather difficult times on the floor of the Senate. PAUL was there to counsel me and to give me a lot of advice through all that—for which I will always be grateful—in a political world often poisoned by partisanship. PAUL was always there for counsel and friendship. He was there for all. He was not a partisan person. He could be partisan when he had to be. There is a difference between being partisan and being mean.

The Atlanta Journal Constitution said it best when they said: There is a lot of meanness in politics. But he wasn't one of the mean people. I don't think it can be said much better than that. He was a fierce partisan on the battlefield of ideas but not among friends. We are 100 people here who are friends. Even though we have our partisan differences from time to time, we don't take it off the floor. PAUL was certainly a stalwart in leading the way in that. He knew what friendship was and what it meant. Friendship to PAUL couldn't be obscured by any party label or disagreement or an argument.

That is why so many of our colleagues have been here today to make tributes. It is also one of the reasons why history will record PAUL COVERDELL as a great Senator. I remember vividly the first time I came to the well and signed the book, being joined with a very distinguished few individuals, a little over 2,000 people throughout the course of our country who have become U.S. Senators. Senator ROBERT BYRD came over to me and said: Don't ever forget that. That is something that they can never take away from you.

When you think through the years of all those people, PAUL will be remembered in that way as one of the best in terms of friendship, in terms of his own issues he felt so passionately about—drugs, what drugs were doing to our society, especially to our young people, and education for which he fought so hard.

He was a passionate man, a caring man. I don't believe anyone who has ever served here who wasn't compassionate and didn't care could ever be considered an outstanding Senator. PAUL was the best when it came to that.

He had the disarming personality, the humor, the quick mind. He had rock solid philosophical groundings. These are traits that made for a great and potent legislator. Most importantly, if he gave you his word, that was it. You could trust his judgment. You could trust his instincts. Most of all, you could trust his motivations were right. They were heart felt; they were sincere; they were honorable. I think that is the most important.

There is a campaign slogan that Senator COVERDELL had: COVERDELL works. Those who worked with him every day knew he was tireless. He was working on the day that he was stricken. He was a hard worker. He worked hard for his State and he worked hard for his country and the people in whom he believed.

In 1732, when the colonists came to PAUL's great State of Georgia, they came on shore, touched the shore, they kneeled down and said: Our end in leaving our native country is not to gain riches and honor but singlely this—to live in the glory of God.

I think PAUL COVERDELL has lived up to that about as well as any human being could, certainly as well as any Georgian could. You can certainly be proud of this Georgian.

Abraham Lincoln, on the passing of Henry Clay, said about the ardent patriot and profound statesman: He had a quality possessed by few of the gifted on Earth. His eloquence has not been surpassed in the effective power to move the heart of man. PAUL COVERDELL was without an equal. I think I agree with Abraham Lincoln on that.

We all have vivid memories of the last time we spoke to PAUL COVERDELL. I remember on the Senate floor, with all the confusion of the votes on Friday, all the things going on, and although I can't recall a specific conversation, you can always remember PAUL engaging somebody in a conversation.

The worst part for me, when I reflect on a sudden death, is if I had the chance to say goodbye, what would I have said? I also find myself wishing I had known so I could take the time to say goodbye. I didn't get that opportunity to say goodbye to a friend that I loved and respected, but if I had the chance, I would have thanked him for his friendship because it means more than anything else here. I would have said: Thanks, PAUL, for being there for me.

In his letter to Mrs. Fairbanks, Mark Twain wrote about friendship:

> . . . I remember you and recall you without effort, without exercise of will; that is, by natural impulse, undictated by a sense of duty or of obligation. And that, I take it, is the only sort of remembering worth having. When we think of friends, and call their faces out of the shadows, and their voices out of the echoes that faint along the corridors of memory, and do it without knowing why save that we love to do it, we can content ourselves that that friendship is a Reality, and not a Fancy, that it is built upon a rock and not upon the sands that dissolve away with the ebbing tides and carry their monuments with them.

That is how I feel about PAUL COVERDELL today.

The second thing I would have thanked PAUL for, if I had had the chance to say goodbye, was his sense of humor. He had a great sense of humor. Lord knows, one needs a sense of humor serving in this place. It gets intense from time to time. I remember two cases, one recent and one a long time ago, which I will recall. I will take the long time ago first.

Some of my colleagues will remember PAUL had a very interesting election. Georgia, at that time, had a law that candidates had to get 50 percent of the vote to win. PAUL got a little less than that. His opponent got a little bit more than PAUL but less than 50 percent. So PAUL was here and he was talking to Members, saying: I want to join you guys, but I need a little help, a few contributions. We need to have another election and I have to face this guy again with the third guy out.

I said: I will help you, but I am not sure that law is right. Maybe the other guy should have won; he got more votes than you the first time.

PAUL said: Well, it is all right to change but not yet.

I remember that. PAUL said that in his gregarious way, not meaning anything malicious.

The second memory I have of his humor was more recent, about 2 or 3 weeks ago. PAUL, who is the conference secretary, came out with this little card. He held the card up proudly. He wanted people to have this for the Fourth of July recess. It proudly boasted "The Republican Priorities for the Surplus," and he want down through the list. We all looked at them and after he finished, Senator after Senator stood up and said: I don't know where you got that, that is not my priority. Who gave you this. And on and on and on for 10 minutes. PAUL took it well.

After it was over, I walked up to him and I said: Do you regret you printed the card?

He said: Were those guys drinking something; what was going on here?

It was a fond memory, but so typical. There was no animosity, no anger, just rolling with the punches.

He said: Next time, I will check with a few people before I print the card.

If I had the chance to say goodbye, I would have thanked PAUL for that.

Let me close by referring to comments that were made several years ago on this floor by our distinguished colleague, ROBERT BYRD, who was talking about the death of William Fulbright. He quoted Longfellow. In quoting Longfellow, Senator BYRD said:

> There is no death! What seems so is transition;
> The life of mortal breath
> Is but a suburb of the life Elysian,
> Whose portal we call death.

Then he went on to say about William Fulbright the same thing I would say right now about PAUL COVERDELL:

> Life is only a narrow isthmus between the boundless oceans of two eternities. All of us who travel that narrow isthmus today, must one day board our little frail barque and hoist its white sails for the journey on that vast unknown sea where we shall sail alone into the boundless ocean of eternity, there to meet our Creator face to face in a land where the rose never withers and the rainbow never fades. To that bourne, from which no traveler ever returns, [PAUL COVERDELL] has now gone to be reunited with others who once trod these marble halls, and whose voices once rang in this Chamber—voices in this earthly life that have now been stilled forever. Peace be to his ashes!

PAUL COVERDELL loved his God; he loved his country; he loved his native Georgia; he loved Nancy and his family. He served them all, and he did it well. I am proud to be called a friend of Senator PAUL COVERDELL.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, often the most difficult moments we have on this floor are not when we're trying to advocate a political philosophy, or debate a legislative initiative, but when we pause to remember friends and colleagues who have left us. Words, which come easily on most occasions, seem suddenly inadequate to express the feelings we have stirring in our hearts—the fond recollections, the abiding respect, and the sudden, overwhelming feelings of loss.

PAUL COVERDELL was a friend to each of us, a leader with a spirit that was as buoyant as it was inspiring. His vision and ability to get things done elevated him quickly into increasingly more important roles in this distinguished body. As a leader, he was unwavering in this dedication to freedom, his support for the bedrock of liberty—family, community, education, and personal responsibility.

I fondly remember the many occasions we worked together, the discussions we had, and the ever-increasing sentiment that in PAUL I had found something of a kindred political spirit. In fact, I was in Atlanta on Monday, at an event he sponsored on my behalf. As always, it was tremendously successful, indicative of how well PAUL is regarded by those he serves.

It is easy to understand why. From efforts to make education more affordable, to reforming the Internal Revenue Service, to working to roll back the tax burden, PAUL has been a leader, as articulate and convincing as he was constant and unwavering.

He intuitively understood the values that bless America. His background and upbringing groomed him to understand the importance of family, the concerns of small business owners, the value of learning, and the ability of government to promote an environment that supports these areas. Just as important, PAUL understood the necessity of service and the blessings that come through service.

Not only was he a distinguished soldier, but after the Army—as PAUL succeeded in business—he gave back through his service in the Georgia State Senate, where he served for many years as the minority leader. His service continued as he led the Peace Corps under President Bush and focused that important organization on building and sustaining the fundamentals of freedom in the emerging democracies of Central and Eastern Europe.

Because of his service, PAUL was well prepared when he came to the Senate in 1993. He knew what he would do here, and I can think of no one with whom I have served who accomplished more than he did in the time he spent among us. His work will remain his legacy. His memory will continue to inspire. And the successes he achieved here will bless the lives and brighten the futures of families and children for years to come.

At this time I express my appreciation for PAUL and his leadership, and I want to express my condolences to Nancy and the family, along with my gratitude for their willingness to share a great man with all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to join my colleagues in paying tribute to our departed friend and colleague, PAUL COVERDELL.

The Senate today is a very sad place, it is a shaken place, because of the suddenness of PAUL's death. It is also a day on which I think we, by this tragic event, are reminded that underneath the headlines and the great debates and the partisan divides and all the rest of the sound and the fury, ultimately this institution, as so many others across America, is 100 people coming to work every day, trying to get a job done. It is the hundreds and hundreds of others who work with us here, our staffs and support personnel, who constitute what to me has always seemed to be a small town.

Today we are saddened and we are shaken by the loss of one of the prominent people in this small town of ours on Capitol Hill, Washington, DC, United States of America, Senator PAUL COVERDELL.

My wife said to me once: Remember that being a Senator is just your job; it's not you. It's a great job. It's an honor to hold it. It is an extraordinary opportunity. But ultimately there is a "you" there.

That personal side of all of us comes home today as we confront, and try to absorb and deal with, the death of our friend, our colleague, our coworker, PAUL COVERDELL.

It reminds us, of course, of the limits of human understanding and human capacities. As great as we are as a species, as high as we have gone, as exciting as the reaches of technology are today, ultimately we reach a point of human limitation. It is the point where we meet up with faith in God that, hopefully, transcends those limits, capacities, and doubts and moves us forward.

Thinking about PAUL COVERDELL's death and his life, there are two quite disparate thoughts that came to my mind—but both of them, I think, fit him. I remember when I first came to Washington—this is an old expression—somebody said to me: Remember that there is no limit to what you can accomplish in Washington if you are not looking for credit. In so many ways that have been testified to here on the Senate floor today, that wisdom fits the career of PAUL COVERDELL. He was a quiet and gentlemanly person, not looking for headlines but committed and anxious to be part of making this place work.

The second sentiment is something I heard from my own beloved mother, and I will bet everybody heard it from their mother, which is, when I was growing up, she always said to my sisters and me: You know, it never hurts to be kind to people. You gain nothing by being harsh.

That, too, is a very apt description of PAUL COVERDELL: a very fine human being, a very kind human being. In the normal interactions of this extraordinary place where we work together trying to get things done, PAUL always had a smile, always a kind word. Even in the partisan moments we all are involved in on the floor, they never seemed to become personal with him. That, in both senses, is the way it should be.

It is, of course, sad but always true: We tend to appreciate people more when they are gone and speak more openly of them when they are gone. I think that is the case of this quiet, strong, decent, productive man. I have a sense, in listening to the comments made, of the critical role he played in this Chamber within the Republican caucus, to transcend the divisions that exist in any group of people, particularly any group of political people, and the critical role he played helping the Senate majority leader in trying to keep the place moving and getting some things done.

I can testify, of course, to the fact that PAUL was clearly a proud Republican loyal to his party. He was not hesitant to reach across party lines to look for support for something in which he believed or to offer support to someone on our side of the aisle for something in which he believed and felt was right and necessary.

I had the greatest opportunity to work side by side with PAUL COVERDELL as a cosponsor of the pioneering, progressive, very important education savings account proposal he made which would have taken the basic idea of higher education savings accounts and expanded them to cover K-12 education to help parents support the improvement of their children's education. There is nothing we can do in this Chamber that is much more important than facilitating a better education for all of our children.

It was easy to work with PAUL. He was obviously very bright, he was understanding, and he was energetic and steadfast. It is an idea I hope those of us on both sides who support it will carry on because it is a good idea, but it is also a tribute to him.

I was thinking, earlier this year on a proposal that became associated with the Clinton administration; namely, the aid package to Colombia to deter and diminish the problem of drugs coming in from that country, PAUL stepped forward and gave sturdy, steadfast, effective support which ultimately resulted in its adoption with bipartisan backing of a problem that is obviously complex and indeed cannot but help us as we go forward.

We all think of Nancy today and PAUL's family. We extend to them our condolences, and we hope, of course, that they are strengthened and, in some measure, comforted at this difficult time by good personal memories of their time too short with PAUL, and I am sure they are strengthened and comforted by the pride they should feel and the extraordinary record of public service that was PAUL COVERDELL's life, and hopefully given ultimate strength by their faith in God. The Lord giveth and the Lord taketh. Blessed be the name of the Lord. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the State of Georgia and the United States of America lost a great, decent leader yesterday. PAUL COVERDELL was one of the quiet heroes of this Senate Chamber. He was not showy; he was not proud; he was not here for the credit or the prestige or the power. He was a gentle man in every sense of the word and in every aspect of his being.

He was here because he loved his State and loved his Nation. He was here because he wanted to improve education. It was a profound concern of his. He was here because he wanted to end drug abuse and the scourge of drugs among young people. He was here because he wanted to protect our national security and secure our children's future and open America's promise to all of those he served. He fought for all these things with a humble dignity and a quiet passion that touched each one of us.

In a way, PAUL was the Senate peacemaker. We get a lot of contentious issues around here. We are all human beings. Tempers flare. Voices rise. It seems as if you are never going to get together with people again across the aisles. PAUL COVERDELL could step in and work his way back and forth and calm things down.

Recently, we had the Labor, Health and Human Services, Education bill up. I am the ranking member on that subcommittee. The chairman is Senator SPECTER from Pennsylvania. It seems that every year when that bill comes up the debate gets hotter. The decibel level goes up a little bit. We seemed to be locked in a week-long struggle on that bill, and I had a chance, once again, to watch PAUL COVERDELL at work in soothing the tensions on both sides, of reaching across to Democrats and his own Republicans to find that common ground and just calm things down. He was really good at that. I watched him work. I said once to Senator SPECTER: I am sure glad we have PAUL COVERDELL around here because he was able to keep things calm.

He helped us reach the compromises, as we must do around here, and to find a common ground between people.

I also served with PAUL on the Agriculture Committee. We shared a common love of farmers and rural people. Again, in his own quiet way, I saw the determination and the grit of PAUL COVERDELL in fighting for his farmers in Georgia during many deliberations on the Ag Committee and especially in the passage of the last farm bill.

A lot of people do not know this—but PAUL and I talked about it often—he was born in Des Moines, IA, not more than 10 miles from where I was born and raised.

It is an honor that I represent a State that produced someone as good and as decent as PAUL COVERDELL. He was one of the finest leaders this body has ever seen.

Standing here and looking over at his desk and looking at the black cloth and the flowers on the desk cannot help but remind each of us of the transitory nature of human life. Just last week—it seems like yesterday—I was on the floor talking with PAUL COVERDELL about an issue, asking for some help and seeing if he could work some things out. He was as alive and as vibrant and as engaged and committed to the smooth functioning of this institution as anyone else. Four days later, he passed on.

Looking at his desk, and thinking about seeing him just a few days ago, being alive and vibrant and full of health, and looking forward, not only makes us think about the transitory nature of human life but it also should serve to remind us we should make every day count—make every day count in emulating the kindness and the gentleness and the caring nature of a PAUL COVERDELL.

One of my political heroes, Hubert Humphrey, once said: "To be a leader means a willingness to risk—and a willingness to love. One must ask: Has the leader given you something from the heart?"

PAUL COVERDELL had the guts and the courage to take risks. He had a great will to love. And to that question by Hubert Humphrey, I can say yes about PAUL COVERDELL. He gave us all something from that wonderful heart of his.

So I join with my friends and colleagues in extending to Nancy and to his family our profound sorrow. We share your sorrow. But we hope you take comfort, as we do, in knowing that the kind and gentle and caring life of PAUL COVERDELL is now rewarded by the kind and gentle and caring hand of Almighty God.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I, like most of my colleagues today, have listened carefully to the remarks made about our colleague, PAUL COVERDELL. What it has been is a weaving together of a magnificent tapestry representing the life of a unique and complete human being—PAUL COVERDELL.

PAUL COVERDELL was a complete human being. We are all judged by many facets of our lives. In the end, what is really most important is: Did you leave the world better than you found it? That question has been answered rather assuredly today in the case of our friend PAUL COVERDELL.

I found part of a speech that President Ronald Reagan gave. As a matter of fact, it was his last speech that he gave before the United Nations in September of 1988, before he left office. I think it captures, rather well, PAUL COVERDELL—a man who served his country in uniform, a man who served his country as head of the Peace Corps, who truly touched the world and made the world better, who served his country as a Senator, who helped all of us as a friend, and who was a faithful and wonderful and loving husband.

These words—that I would like to recite in closing my remarks about PAUL COVERDELL—truly capture the essence of this remarkable colleague and friend of ours. As President Reagan ended his speech to the United Nations on September 26, 1988, he said—and we hear the echo of PAUL COVERDELL in these words—

> . . . when we grow weary of the world and its troubles, when our faith in humanity falters, it is then that we must seek comfort and refreshment of spirit, in a deeper source of wisdom, one greater than ourselves.
>
> And so if future generations do say of us that, in our time, peace came closer, that we did bring about new seasons of truth and justice, it will be cause for great pride. But it shall be a cause of greater pride still, if it is also said that we were wise enough to know the deliberations of great leaders and great bodies are but overture; that the truly majestic music—the music of freedom, of justice, of peace—is the music made in forgetting self and seeking in silence the will of Him who made us.
>
> Thank you for your hospitality over the years. I bid you now farewell. And God bless you.

We bid farewell to PAUL COVERDELL. And God bless PAUL COVERDELL.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, none of us knows precisely when the hereafter begins, when the life of one of the Lord's servants ends. I myself have lost an unusually large number of good friends during the past few weeks. But I find it helpful to imagine that I can visualize each of them sitting on some sort of Cloud Nine up there, listening to those of us who are mourning the loss of good friends.

Yes, I do have a hunch that PAUL COVERDELL is up there, cheerfully and busily lending a hand to Saint Peter. For me, it serves the purpose of reassuring that PAUL is all right—in fact, better off than he has ever been before.

We all remember a hundred different personal vignettes at times like this. In PAUL's case, my first acquaintance with him was very early in the morning the day after he was first elected to the Senate in 1992.

I had gone quietly into the den of our Raleigh home and turned on the television set—the volume very low, so as not to awaken Mrs. Helms. I wanted to catch up on the late returns from the election the day before.

I heard a voice; and I was intrigued and impressed by that voice. Then I looked carefully. I did not recognize the young man who was speaking. It was PAUL COVERDELL. I saw the picture of him that appeared on the screen. It was a live interview. PAUL had not yet gone to bed. He had been up for about 36 or 40 hours.

There he was fielding questions politely, intelligently, and with that inevitable smile on his face.

That was the moment my respect and admiration—and affection—for Senator COVERDELL began.

Now fast forward: Like most, if not all, other Senators, I realize today that I will forever have special memories of PAUL COVERDELL. He was a good man, an honorable man, a dedicated man with whom I shared a great affection for today's young people—the responsible ones, the ones who understand their good fortune of living in this country—those who, as PAUL COVERDELL once put it, understand that the strength and the goodness and the very future of America will shortly be in their hands.

I have sat and listened to other who have spoken so eloquently today of the Senator's rapid rise in the leadership of the Republican Party in the Senate. That happened because PAUL believed in the Senate. He believed in the meaning of the U.S. Senate, and he believed that we have a duty to endeavor to achieve a spirit of cooperation and understanding—including the realization that we have the duty to make the tripartite system work.

So, PAUL, if that's you whom I think I'm looking at on Cloud Nine, you know that we are missing you and that we are so dearly grateful for the years that we enjoyed working with you. I have a notion that the Lord will be blessing you for being His good and faithful servant while you were amongst us.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator HELMS. He asked if he could speak before me. I said, of course, and that permitted me to hear what he had to say. It was beautiful, and I was privileged to hear it.

Most of us are privileged to believe in a hereafter. Frankly, it is difficult for me to conceive of an adult human being with a mind and a heart, difficult for me to see how they do not all believe there is a hereafter. But there is no doubt in my mind that what I believe by faith is true, and there is no doubt in my mind that PAUL COVERDELL is in the hereafter.

I didn't come to the floor today to speak about matters of great depth or of religion or faith or hope. I came to talk about the PAUL COVERDELL I knew day by day.

Let me first say, it is very difficult to put the flowers and the cloth where they actually belong, because PAUL COVERDELL is not known as much for being at that desk as he is being in this aisle and taking somebody's place in this chair. For most of his time in the Senate, he was either putting together a group of Senators to address an issue or he was trying to get the Senate's work done, because he was asked either by a chairman or by the leader to do it. The more difficult the task, the more it was given to him.

When you had an education bill with 200 amendments or a Labor-Health and Human Services appropriations bill with, at one point, 270 amendments, somebody quietly asked that one of our Senators help. It was almost always PAUL COVERDELL who was asked. He was so good at it and so friendly and could bring people together so well that the chairman willingly accepted his help. I can see the last time he pulled up his coat and was given, after he accepted the assignment, a list with hundreds of amendments on it. The task was: Narrow them down. By the end of the day, they were talking optimistically about finishing. And by the next day, PAUL COVERDELL, not at that desk but walking these aisles and sitting with Senators everywhere, was getting the work done, always being considerate, kind, and understanding.

Sometimes we herald Senators because they have been here a long time. I suggest that PAUL COVERDELL and his wife Nancy and those who knew him, those who elected him, and those who supported him must know by now that he was a wonderful Senator. That was not measured by his having four or five terms as Senator, as I have been lucky to do, or my friend, THAD COCHRAN, who sits here, from the State of Mississippi. But he, in a few years, captured all of our hearts and all of our hopes for success. We would transplant them over to him.

I came with no speech but with a letter. Two days, 3 days before he died, I arrived at my desk and found a letter. My staff had taken it out of the mail and put it on my desk. Frankly, I left it there not knowing he would die. I was going to read it in due course. Surely, the day that he died, I sat down at my desk and read his letter.

The letter is not profound. The letter is PAUL COVERDELL. It is the PAUL COVERDELL who is so considerate that after coming to my office and spending an hour and a half of his time with a staffer of his and two of mine, where he had asked me if I would be of help, he willingly said: I will come to your office. We talked with a couple of my staff who were assigned to him. He did a job for the Republicans in preparing something we needed, and then he wrote a letter on top of all that where he was doing the labor, the work. He wrote this letter:

> DEAR PETE: Thanks again for meeting to discuss our recess communication efforts. As always, your insight has been quite helpful in determining how to craft a credible short term message on the surplus. Bill Hoagland and Jim Capretta of your staff were of invaluable assistance to us as well. Thanks again.
>
> Sincerely,
>
> PAUL D. COVERDELL.

I submit there are not too many of us who would be so considerate that when we wrote a Senator to say it was good to be with you, would mention the staff people who really got the work done because they knew more about it than we did. But here is PAUL COVERDELL, the last sentence of his letter, thanking Bill Hoagland and Jim Capretta by name. He puts it in here. How many Senators are that considerate as to what the names of staffers are who they meet in another Senator's office? Some of us are not considerate enough to say: Would you please repeat your name because I would actually like to know your name.

I believe this is typical of PAUL COVERDELL. I surmise that for his whole life, certainly while he was in the Peace Corps, and the public service part of his life, he was always considerate.

Let me suggest that being considerate does not mean being weak. Being considerate does not mean you don't get something done. Being considerate does not mean you cave in. Being considerate is being like PAUL COVERDELL.

As I indicated, I will never remember him in that seat that we honor him by today because that is his assigned seat. I will remember him as more the epitome of a Senator who worked on the floor of the Senate. That is a very special kind of Senator. First of all, most of us don't know how to do it. Secondly, most of us are not asked to do it. He was asked. He knew how to do it in terms of helping people bring difficult matters to a head, to solutions, and helping his party with great insights on strategy.

Mr. President, I say to his wife Nancy and his beloved: We don't know how to explain this to any of you. We are incapable of doing that. But, clearly, if you don't know it now, in very short order you will understand that he lived a very great life as a Senator, and the respect and admiration that has been shown, and will be shown, is probably an indication that he was as close to all of us as any Senator around.

With that, I say good-bye, PAUL; God bless you and your family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, our colleagues have spoken so well about PAUL COVERDELL as a gentleman, as a person who was thoughtful and persuasive. As Senator DOMENICI said, he worked the aisles indefatigably with the ideals that he held.

First of all, it is fundamental that PAUL COVERDELL was elected to the Senate. It was a very difficult contest—one not decided on election day, the day of his first election. He was an extraordinarily experienced politician and statesman in the State of Georgia, with remarkable legislative experience as a leader throughout much of his tenure. But those from our party in Georgia have a very difficult time with that, and that was the case for PAUL. It was a very close contest. He won graciously, came to the Senate, and had a difficult reelection contest for which he began to prepare early and in which he asked many of us to participate. But he did it all so gracefully, so thoughtfully, so constructively, that we rarely think of PAUL COVERDELL as a very tough political competitor and someone who was in a difficult arena. It took great courage to make those races to begin with and remarkable tenacity to follow through to success.

My own first impressions of PAUL COVERDELL came during the often commented period in which he served as head of the Peace Corps. PAUL COVERDELL was in Latin America and various other places where some of us tried to work for democracy in those days. They were remarkable days—the 1980s—in which all of the countries of our hemisphere finally landed on their feet with democratic institutions. That was true of countries in Asia and countries elsewhere around the world. PAUL COVERDELL's tenure in the Peace Corps is distinguished by the fact that the Peace Corps had matured, literally.

Many members of the Corps were now very mature individuals, not young persons out of college, or in some type of transition before they went into another professional career. As a matter of fact, under PAUL's tenure, the Peace Corps evolved into a group of teachers, environmentalists, and farm experts, in addition to, still, a very strong component of young idealistic people. It was this combination of people that gave sustenance to democracy, helped the economy, helped the pushing forward of intellectual pursuits, and likewise forged an increasing friendship and reverence for the United States and for our traditions.

Therefore, it was with great excitement that I welcomed PAUL COVERDELL to the Foreign Relations Committee. That is a committee on which he belonged. He made huge contributions on that committee. We focused frequently on Latin America, Central America, South America, and the Caribbean—areas with which he was well acquainted from previous times when he had really been there in the beginning of the evolution of many democratic propositions. I sat next to him in the committee through the markups, through the hearings. He was always cheerful. He was always thoughtful in exchanging views in a very forthright way. I admired and I listened to PAUL. He made a very strong contribution day by day in the work of the committee.

But my close association with PAUL came in the Agriculture Committee. I will mention that PAUL was chairman of the Senate Agriculture Committee, Subcommittee on Marketing, Inspection, and Product Promotion. He did a great job. We have just four subcommittees in the Agriculture Committee. These are committees that have opportunities to hold hearings independently, or to contribute to the body as a whole as they may wish. PAUL COVERDELL had a broad philosophical view of agriculture that included freedom—freedom for the farmers whom he represented to make decisions with regard to management of their land and their crops and their livestock, and the prospects for their communities. He championed that idea without apology. But he also was very much in tune with the very specific problems of Georgia farmers.

They included an interest in peanuts. PAUL and I had disagreements about the peanut program. In fact, it has either been my fate or privilege for many years to suggest reform. PAUL always feared that those reforms would come during his time, and he tried to dissuade me and, having failed in that respect, to at least bring me up to date on what the actual problems of peanut farmers were, how they could be helped, and how the legislation I was suggesting could be brought before the committee and modified, and ways to be helpful to the overall policy and to the constituents whom he saw very much in need of his support.

Mr. President, he prevailed in that area. We made reforms. But I think they were reforms that were very heavily influenced by the hand of PAUL COVERDELL. Due to the fact that he did his homework, he was persuasive, and he knew the farmers. He spoke for them.

In addition to the peanut situation, which was always with him, in recent years, severe drought—and this is one of those years in Georgia—occupied much of PAUL COVERDELL's time, working with specific landowners and communities, with much of his State in the throes of a very difficult predicament. As I looked at the weather map just last week, I saw how the drought problem has shifted just in a very few weeks in our country from patches that covered much of the area of the United States to very isolated situations. Unfortunately, Georgia is one of those situations. It is especially cruel because the rains have come to the Midwest and to many of the plains States with isolated problems still—in some parts of Nebraska, Iowa, and the Dakotas.

But PAUL, in his own way, always made certain we knew about Georgia and the very specific problems there. So when we had the large debates that we were privileged to have on the floor, dealing with risk management, dealing with payments to farmers to supplement their income in a very difficult year, and with specific emergencies, PAUL was very active in that debate. He was successful in that debate.

As Senator DOMENICI pointed out in his beautiful statement, PAUL COVERDELL was always one who thanked everybody involved and made certain that they knew of his care and attention and appreciation. It was my privilege to receive one of those notes after the debate which we had here. It is very difficult to try to think about the representation of that State without thinking of PAUL COVERDELL. He was so good, so faithful and, really, so effective and articulate. He was such a good friend. We will miss him. Our thoughts are with him and with Nancy.

I yield the floor.

Mr. STEVENS. Mr. President, I join my colleagues today in expressing my sadness over the loss of a valued colleague. I think we have lost a great friend.

I was looking over some of the correspondence I had with Senator COVERDELL. He sent me some Vidalia onions and told me they had a punch. He had a way of writing that was very interesting, in fact.

I think Senator COVERDELL grew in stature every year he was here.

I remember so well when he came to us. We had known him as part of the Peace Corps group. I believe his wife was a Delta stewardess at the time. He came around to visit each one of us. He came around to visit me and told me a little bit about some of his background. I knew then that we had a person who was going to be outgoing because not many Senators do that. He took time to visit with each one of us as he came to the Senate.

I think the skills he developed as a mediator will be missed in this Senate. I remember some of the bills he worked on even just this year—the Health and Human Services bill, for instance—bills with so many amendments, and it took committed work on the floor of the Senate.

PAUL COVERDELL was a volunteer. He volunteered himself for the task; he worked with Senator REID from Nevada. I think he assisted members of our committee on an enormous number of disputes. Without his help and without his skills, I think we would still be involved in some of those bills.

He also came to us with some educational background from his life in Georgia. He brought us some educational concepts that are going to last, I hope, for years to come. His education savings account program, for instance, is one.

He also helped us in the field of general education because of his approach. He prodded us, I think Senator SPECTER would agree, to not only meet but to exceed the President's request this year on educational funding.

He was a very interesting and complex man. He was an advocate for keeping drugs out of the hands of children. He saw the appropriations process—as Senator COCHRAN and others who work with me on appropriations know—as a means to try to solve problems through the proper use of public funds.

As chairman of the Defense Subcommittee of our Appropriations Committee, I met with him often on problems of military families in his State. I know of no person who was a more vigorous advocate for production from a State than PAUL COVERDELL. When it came to the C-130 aircraft, he was a workhorse and not a show horse. I don't remember seeing PAUL COVERDELL's name in the paper in terms of some who sought publicity, but I saw in him a great deal as a man who sought results.

I say to the Senate that we lost a great friend and a valued colleague. I join in expressing my sadness over his loss.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President. I would like to join my colleagues in expressing my sadness and my condolences in behalf of the family of PAUL COVERDELL.

In the more than 3 years that I have had the privilege of serving in the Senate, he was someone who was respected for his work, for his effort, and for his sincere commitment to ensuring that all the viewpoints were heard, and that we moved forward and acted for the people of this country.

He was particularly protective, obviously, of his State of Georgia and his constituents because he felt deeply for their needs. He worked hard to achieve benefits for his constituents. He had talent, personality, and character. You could disagree with him, but he was not a disagreeable person. He was a consummate gentleman. He was polite. He was civil. He was approachable. He had those personal qualities that endeared him to all who serve in this body. He was someone respected by all of us. We all admired him.

Other colleagues have talked about his many efforts in educational policy, such as his efforts to ensure appropriate response for our military posture around the world.

I had the occasion just briefly in the last debate about Colombia to work with him and speak with him. He was committed to ensuring that our policy in that part of the world was not only consistent with our ideals as a democratic nation but also helped decisively stem the tide of drugs that has weakened this country. He did it in his typical fashion—quietly, diligently, without a lot of fanfare but with great success and great results.

We shall miss his temperament. We shall miss his commitment to this process. We shall miss his character and his contribution to the country.

To his family I offer my sincerest condolences.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise with my colleagues to express my deepest sympathy for Nancy and PAUL's family.

I had the great good fortune to come to the Senate with PAUL COVERDELL, as did the Senator from North Dakota, who I see sitting across the aisle.

PAUL was a special individual. He brought to this Senate an infectious enthusiasm and gracious energy which dominated the institution and those of us who worked with him. He always had a smile. He always had an idea. He always had a purpose. The purpose was tied to making this country a better place to live—for all of us and for our children.

He used to wander around this institution with a styrofoam cup that had "Waffle House" on it. That was one of the great mysteries to me in this institution—how PAUL COVERDELL managed to get Waffle House coffee sent all the way from Georgia.

It was a great promotor of Georgia. He never missed an opportunity to promote Georgia. That was only one of the minor ways he did it.

He was a great friend, also. I had lots of discussions with him. We worked on lots of issues—our concerns about the original health care proposal put forward by this administration, to when we set up the first aggressive, active task force that I got involved in and that he was also involved in. Even at the time we were both new to this institution, he had an incredible amount of ideas and initiatives on ways to address the issues. He was always tactically two or three steps ahead of the rest of us. He understood the way the institution worked long before some of us—I put myself in that category—who didn't fully understand the institution. He had an intuitive sense about the Senate—a feel for it and a love of it. He knew how to work an issue, to address an issue in order to produce better policy and better government for our country. I worked with him on that.

It seemed almost all of the time we were working on an answer with PAUL COVERDELL because he was involved in about every issue that came through the institution that had significance. The last major issue I worked with him on, of course, was education. We had a task force on our side to put forward what I thought was an extremely positive educational agenda, much of which came from his thought processes, which I was proud to support.

We worked a lot, of course, on Governor Bush's campaign. I had a discussion last Friday with him about that. He was working hard on an issue having to do with that campaign, and we was very hopeful that Governor Bush would become the next President.

He also had, as I mentioned, a deep regard for this body.

I think one of the discussions I will remember fondly occurred last week when we were sitting in my office. Some of the offices in the Russell Building have unique marble fireplaces. Many offices have unique desks. He was very concerned that we didn't really have a historical database of where these desks came from, who had these desks, and we didn't have a historical database of where the marble, for example, of the fireplaces came from; We had not, as a Senate, done our job of maintaining our own traditions and our own history as well we might. We got to talking about that and the history of the Senate. His love of the institution was exuberant.

What a huge impact he had in such a short time. We only came 8 years ago—the two of us. At that time, I think there were 11 after the class finally got settled in. He took a while to get here because he confronted a number of races, but with his perseverance he was totally committed and won them all. In that time, he left a huge mark.

One of the true strengths of our democracy is that it totally exceeds any individual. This institution includes Daniel Webster, Calhoun, Clay; people in our century who had a huge impact, including Taft, Bob Dole. When they leave, the institution goes on; it functions. It functions extraordinarily well for a democratic body—as well as a democratic body can function. It produces governance for our people which is fair and honest and committed to a better life.

Recognizing that the institution goes on, there are still people who leave a mark. There are still people whose memory will be there, and will be there for a considerable amount of time. PAUL certainly falls in that category. It will be hard for me to turn and look at that door and not see PAUL standing by it, working on some issue. That is where he usually worked from, the pillar back there, addressing some concern, planning some initiative, all of which was directed at one single purpose: Preserving and keeping our democracy.

We will miss him.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life and legacy of Senator PAUL COVERDELL. His passing has shocked and saddened us all. It has left a void in the Senate and in our nation.

For Senator COVERDELL, public service was his profession and his passion. After serving in the Army, he began his public life as a member of the Georgia State Senate where he served as Minority Leader. After working in the private sector, he was appointed Director of the Peace Corps. In this important position he worked to spread American values around the world. This experience helped him when he later served on the Senate Foreign Relations Committee, where he was a leader in our international effort to strengthen our anti-drug efforts.

In the Senate, Senator COVERDELL was known as a hard worker who often reached across the aisle to build coalitions. Senator COVERDELL fought hard for his principles. We didn't always agree on policy—but he always treated those on the other side with dignity and respect. He knew that despite our different views, we all shared a common goal. We all want to do what's best for our constituents and our nation. He understood that we can get more done with civility than with contention.

Senator COVERDELL will be greatly missed. My thoughts and prayers are with his family.

Mr. CAMPBELL. Mr. President, I would like to address the terrible loss the Senate suffered yesterday, when PAUL COVERDELL left this Earth. I was truly shocked by the news. Just last week, PAUL was on the floor of the Senate, working in his quiet and non-assuming way. Yesterday, I was writing him a get-well card. Today, he is gone.

PAUL was a dedicated public servant. He served the state of Georgia and this nation in the Army, the legislature, as a businessman, as the head of the Peace Corps and in the U.S. Senate. The respect he had earned from his colleagues here is evident in his appointment to numerous task forces and his election to a leadership position. His passing is a major loss to this body and this great country.

Since I am also from a state where agriculture is an important part of the economy, PAUL was a valuable ally in ensuring the family farms do not disappear. I also admired his work to keep our children safe from drugs and crime, a priority he and I shared. PAUL represented the best of America: a belief that people flourish when they have the freedom to work and make their own decisions.

PAUL will truly be missed. He stood out in the Senate for the simple reason that he never drew attention to himself. In a business where egos can run rampant, PAUL did not display one. He preferred to get things done.

My thoughts and prayers are with his wife, Nancy, and their family. They have some tough days ahead of them. I hope they can look back, as I do, at the impressive record of PAUL's work with a sense of pride. I am thankful for the chance to know such a man.

Mr. CONRAD. Mr. President, I rise today to join my colleagues in mourning the sudden and untimely death of our colleague from Georgia, PAUL COVERDELL.

Senator COVERDELL had a long and distinguished career of public service, capped by his dedicated service in the United States Senate. Senator COVERDELL served his country in the United States Army in Japan, Taiwan and Korea. In 1970, he embarked on a career in politics in his native Georgia, serving as a state Senator and chairman of the state Republican party. In 1989 he was selected by President Bush to lead the Peace Corps.

We here in the Senate, though, knew PAUL COVERDELL as a friend and as a real gentleman. We did not always agree on the issues, but PAUL COVERDELL never took policy disagreements personally and never let them affect his relationships with other Senators. Senator COVERDELL was always very positive, very upbeat. On every issue, even when we disagreed, I found PAUL to be fair, decent, and, above all, honest.

In this body, some Senators are known as "work horses." Others are known as "show horses." There is no question that PAUL COVERDELL was a work horse. He was not flashy. He did not seek the media spotlight. PAUL COVERDELL worked tirelessly with the leadership on his side of the aisle on some of the toughest issues facing the Senate. He was interested in getting results, not credit. His focus, his determination, and his willingness to bring other Senators together to get things done served the Senate well, served Georgia well, and served our country well. His spirit and energy will be sorely missed in this body.

Put simply, I liked and respected PAUL COVERDELL. We will miss him. My thoughts and prayers go out to his wife, Nancy, his family and friends, and his staff.

Mr. SESSIONS. Mr. President, I join all of my colleagues, the staff of the Senate, the people of Georgia, citizens across America and around the world in morning the death of PAUL COVERDELL.

A thoroughly decent human being, he worked long and hard for what he thought was right. His career reflected the combination of principle and effective leadership that were characteristic of the way he did business. In his quite way, he managed to navigate some very difficult waters, keeping his equanimity and dignity intact, while gaining not only his goal, but the respect of all who associated with him.

Many in the Senate can claim friendships with him that extend to several decades. I met him only after he was elected to the Senate in 1992, but from the first, I was impressed by the same things his friends loved and admired in him—his kindness, his sense of humor, and his work ethic. A skilled legislator, he was often asked by the leadership to help move matters along. He did this in concert with colleagues on both sides of the aisle, always managing to "disagree without being disagreeable." He was a public servant of the highest order.

His family, friends, staff, constituents, and colleagues certainly know what has been lost for we know what he was and what he did with his life. He will be missed in so many circles, but his influence and his good works will continue.

Mrs. MURRAY. Mr. President, I want to join with my colleagues in expressing my deep sorrow at the loss of our friend and colleague, PAUL COVERDELL. During this difficult time, I want to extend my thoughts and prayers to Nancy and all of his family.

PAUL and I both came to Washington, D.C. in January of 1993. In the years that I've know PAUL, I've always been impressed by his thoughtfulness and his work ethic.

I always had the upmost respect for him because of his quiet demeanor. He did not seek headlines, and he did not seek credit. Whether it was fighting illegal drugs or working on education or tax policy, he simply did his work with a quiet determination, an open heart, and a kind word for anyone who crossed his path.

My predecessor in the Senate, Warren Magnuson, had a phrase for someone like that— "a workhorse not a showhorse."

PAUL COVERDELL was a workhorse in the finest sense.

PAUL earned the respect of everyone here because he treated everyone else with respect and dignity.

PAUL's work here in the United States Senate was really just an extension of a lifetime of service. Whether it was serving his country in the U.S. Army, serving the people of Georgia as a state senator, or helping people around the world through his work as director of the United States Peace Corps, PAUL brought his generous spirit and his determination to everything he undertook.

Mr. President, the people of Georgia are fortunate to have been served by a person of PAUL's character and skills.

Those of us who worked with him here in the U.S. Senate were fortunate to have him as a friend and colleague. His passing is a loss to our Senate, to Georgia and to the Nation. I will miss him as a friend and colleague.

Mr. SARBANES. Mr. President, I rise today to join my colleagues in honoring a distinguished public servant and a valued Member of the United States Senate, Senator PAUL COVERDELL, who died Tuesday evening at the Piedmont Hospital in Atlanta, Georgia.

Senator COVERDELL was elected to the United States Senate in 1992 and served as the Republican Conference Secretary since December, 1996. He was a member of the Senate Finance, Foreign Relations, and Small Business Committees and chaired the Agriculture Committee's Subcommittee on Marketing, Inspection and Product Promotion.

Before entering public life, Senator COVERDELL served in the U.S. Army in Okinawa, Taiwan and Korea. He earned a Bachelor's degree in journalism from the University of Missouri before returning to Georgia to work in his family's business.

PAUL COVERDELL's political career began in 1970 when he was elected to the Georgia State Senate serving as Minority Leader for 14 years. In 1989, he accepted President Bush's appointment as Director of the Peace Corps, where he refined the agency's mission to serve the emerging democracies of Eastern Europe.

While Senator COVERDELL and I rarely agreed on the many issues that came before the Senate for consideration, I greatly respected his hard work and his unfailing courtesy and civility. He was a modest man who valued results more than he valued headlines. Indeed, PAUL COVERDELL was well-respected by every member of this body, engendering the affection of all those with whom he served.

Senator COVERDELL served the citizens of Georgia and the Nation well and we are all deeply saddened by his untimely death. I would like to take this opportunity to pay tribute to him and to extend my deepest and heartfelt sympathies to his family.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3925

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I thank Senators for their eloquent words about the passing of PAUL COVERDELL. I see no one else seeking recognition for that purpose, so at this time I move back to the bill. If there is anything PAUL COVERDELL disliked, it was quorum calls and delaying the process. We worked together on the education bill, and I know he was proud when it moved expeditiously and the debate was lively.

In that spirit, I think we must return to the business before the Senate.

Therefore, I call up amendment 3925.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. WELLSTONE, Mr. DORGAN, Ms. SNOWE, Mr. GORTON, Mr. JOHNSON, Mr. LEVIN, and Mr. BRYAN, proposes an amendment numbered 3925.

Mr. JEFFORDS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Federal Food, Drug, and Cosmetic Act to allow importation of covered products)

At the end of title VII, add the following:

SEC. ___. AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) SHORT TITLE.—This section may be cited as the “Medicine Equity and Drug Safety Act of 2000”.

(b) FINDINGS.—Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting “and section 804” after “paragraph (2)”; and

(2) by adding at the end the following:

“SEC. 804. IMPORTATION OF COVERED PRODUCTS.

“(a) REGULATIONS.—

“(1) IN GENERAL.—Notwithstanding sections 301(d), 301(t), and 801(a), the Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting importation into the United States of covered products.

“(2) LIMITATION.—Regulations promulgated under paragraph (1) shall—

“(A) require that safeguards are in place that provide a reasonable assurance to the Secretary that each covered product that is imported is safe and effective for its intended use;

“(B) require that the pharmacist or wholesaler importing a covered product complies with the provisions of subsection (b); and

“(C) contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States.

“(3) RECORDS.—Regulations promulgated under paragraph (1) shall require that records regarding such importation described in subsection (b) be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

“(b) IMPORTATION.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations permitting a pharmacist or wholesaler to import into the United States a covered product.

“(2) REGULATIONS.—Regulations promulgated under paragraph (1) shall require such pharmacist or wholesaler to provide information and records to the Secretary, including—

“(A) the name and amount of the active ingredient of the product and description of the dosage form;

“(B) the date that such product is shipped and the quantity of such product that is shipped, points of origin and destination for such product, the price paid for such product, and the resale price for such product;

“(C) documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received;

“(D) the manufacturer's lot or control number of the product imported;

“(E) the name, address, and telephone number of the importer, including the professional license number of the importer, if the importer is a pharmacist or pharmaceutical wholesaler;

“(F) for a product that is—

“(i) coming from the first foreign recipient of the product who received such product from the manufacturer—

“(I) documentation demonstrating that such product came from such recipient and was received by such recipient from such manufacturer;

“(II) documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by such recipient;

“(III) documentation that each lot of the initial imported shipment was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product;

“(IV) documentation demonstrating that a statistically valid sample of all subsequent shipments from such recipient was tested at an appropriate United States laboratory for authenticity and degradation by the importer or manufacturer of such product; and

“(V) certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act; and

“(ii) not coming from the first foreign recipient of the product, documentation that each lot in all shipments offered for importation into the United States was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product, and meets all labeling requirements under this Act;

“(G) laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards; and

“(H) any other information that the Secretary determines is necessary to ensure the protection of the public health of patients in the United States.

“(c) TESTING.—Testing referred to in subparagraphs (F) and (G) of subsection (b)(2) shall be done by the pharmacist or wholesaler importing such product, or the manufacturer of the product. If such tests are conducted by the pharmacist or wholesaler, information needed to authenticate the product being tested and confirm that the labeling of such product complies with labeling requirements under this Act shall be supplied by the manufacturer of such product to the pharmacist or wholesaler, and as a condition of maintaining approval by the Food and Drug Administration of the product, such information shall be kept in strict confidence and used only for purposes of testing under this Act.

“(d) STUDY AND REPORT.—

“(1) STUDY.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted under this section, taking into consideration the information received under subsections (a) and (b). In conducting such study, the Secretary or entity shall—

“(A) evaluate importers' compliance with regulations, and the number of shipments, if any, permitted under this section that have been determined to be counterfeit, misbranded, or adulterated; and

“(B) consult with the United States Trade Representative and United States Patent and Trademark Office to evaluate the effect of importations permitted under this Act on trade and patent rights under Federal law.

“(2) REPORT.—Not later than 5 years after the effective date of final regulations issued pursuant to this section, the Secretary shall prepare and submit to Congress a report containing the study described in paragraph (1).

“(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to importation of covered products, other than the importation described in subsections (a) and (b).

“(f) DEFINITIONS.—In this section:

“(1) COVERED PRODUCT.—The term ‘covered product’ means a prescription drug under section 503(b)(1) that meets the applicable requirements of section 505, and is approved by the Food and Drug Administration and manufactured in a facility identified in the approved application and is not adulterated under section 501 or misbranded under section 502.

“(2) PHARMACIST.—The term ‘pharmacist’ means a person licensed by a State to practice pharmacy in the United States, including the dispensing and selling of prescription drugs.

“(3) WHOLESALER.—The term ‘wholesaler’ means a person licensed as a wholesaler or distributor of prescription drugs in the United States.”.

Mr. JEFFORDS. Mr. President, I also ask unanimous consent that Senator BRYAN be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I will now discuss a problem we have relative to the cost of prescription drugs.

I am joining several of my colleagues from both sides of the aisle in offering an amendment that will take a giant step toward providing access to affordable prescription drugs for Vermonters, and all Americans.

Our amendment will allow pharmacists and wholesalers to import safe, U.S.-made, FDA-approved lower-cost prescription drugs from other countries. We maintain the gold standard of safety in this country, but hope to rein in the platinum standard we have for prices.

Prescription drugs have revolutionized the treatment of certain diseases, but they are only effective if patients have access to the medicines that their doctors prescribe. The best medicines in the world will not help a person who can not afford them.

Americans pay by far the highest prices in the world for prescription drugs, and for many the price is just too high.

What's worse is that those Americans who can least afford it are the ones paying the highest prices. Americans who don't have health insurance that covers drugs are forced to pay the "sticker price" off the pharmacist's shelf.

In short, the practice of price discrimination hits the uninsured and low-income Medicare beneficiaries the hardest.

It is sad that during a time when the United States is experiencing unprecedented economic growth, it is not uncommon to hear of patients, like we heard in my committee's hearing yesterday, who cut pills in half, or skip dosages in order to make prescriptions last longer, because they can't afford the refill.

The question that we must ask is, can we put politics aside and work in a bipartisan manner to deal with this national crisis? I say we must. And I am hopeful that today we can.

This bipartisan amendment I am offering is based on legislation I introduced, S. 2520, the Medicine Equity and Drug Safety Act, or the MEDS Act. Joining me in introducing that legislation were Senators WELLSTONE, SNOWE, and COLLINS and joining as cosponsors are Senators DORGAN and GORTON. The hearing I held yesterday allowed all of the parties to fully examine and articulate their views on this legislation.

Our bill, which we have revised and are offering as an amendment, gives pharmacists and wholesalers the ability to negotiate more favorable prices with manufacturers. They can do so because they will have the ability to purchase in other countries—this is important—where exactly the same drugs are sold for far less. These are areas that have been approved by the FDA. There is no question about that aspect.

The drug industry has argued that this amendment compromises safety. As chairman of the Committee on Health, Education, Labor, and Pensions, safety is my first concern. That is why these imports will be limited to FDA-approved drugs that are made in the United States or FDA inspected facilities. And that is why this amendment reflects weeks of discussions with the people who enforce our drug safety laws.

The amendment before us is a revision of the MEDS Act based on input from government experts who raised issues of public health and safety. Specifically, I asked FDA for technical assistance on this bill, and addressed each safety concern that the agency raised.

I also point out to my colleagues that this amendment specifically authorizes FDA to incorporate any other safeguard that it believes is necessary to ensure the protection of the public health of patients in the United States.

This amendment is about free trade. Why should Americans pay the highest prices in the world for prescription drugs? All this amendment does is allow international competition to bring rational pricing practices to the prescription drug industry. It introduces competition which is the hallmark of our success in this Nation.

I point out this bipartisan amendment also drops a provision in our original bill that would have allowed personal imports, which I would have liked to retain because I think it is important.

We dropped the personal use provision in order to answer concerns that some raised about safety. I was willing to compromise on that point at this time in order to get a bill that raises no safety concerns at all.

I want the record to clearly reflect that I still feel strongly that Vermonters should not be in violation of federal law if they go a few miles across the border into Canada to get deep discounts on prescriptions. We do nothing in here to indicate they should not be allowed to do so.

This amendment will provide equitable treatment of Americans, particularly those who do not have insurance, or access to big discounts for large purchases like HMOs. As I said before, this is not the only solution. I strongly believe we need a prescription drug benefit in the Medicare system for those people who are eligible for Medicare. But it is a commonsense measure that we can enact now to ease the burden of expensive prescription drugs on our people, for those on the borders, and all Americans. I ask for the support of my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3927 TO AMENDMENT NO. 3925

Mr. COCHRAN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, proposes an amendment numbered 3927.

At the end of the amendment insert the following:

"(g) This section shall become effective only if the Secretary of the Department of Health and Human Services certifies to the Congress that the implementation of this section will: (1) pose no risk to the public's health and safety; and (2) result in a significant reduction in the cost of covered products to the American consumer."

Mr. COCHRAN. Mr. President, the purpose of this second-degree amendment is to try to help ensure the result of the change in this law, in the authority for importing drugs into the country or selling drugs to American consumers from Canada, which I think this amendment the Senator has offered is targeted to address, will not result in any new dangers to the consuming public, and would require the Secretary to certify that that would be the case for any new regulatory regime implementing the amendment if it is adopted.

One problem we need to bring to the attention of the Senate in connection with this amendment is the added cost that is going to result from this, in terms of added appropriations for the Food and Drug Administration. It is estimated by that agency that $92 million would have to be appropriated to provide the funding necessary to implement and carry out the obligations of that agency in connection with supervising this amendment.

The distinguished Senator is chairman, as Senators know, of the legislative committee that has jurisdiction over this overall subject area in the law. I regret this is an issue being brought to the Senate as an amendment to the Agriculture Department's appropriations bill. It would be more appropriate, in my view, for the legislative committee which the Senator chairs to deal with this, to report out legislation, and in the usual way of managing changes in the law, have the Senate address it on a freestanding bill. The body is put at a disadvantage to try to understand all the nuances, the implications of the legislation, what the practical results will be. It has become very controversial. I think the Senator from North Dakota, in opening remarks as we brought this legislation up yesterday or the day before, talked about the advertising that was being run in the newspapers by the pharmaceutical industry. I think that is on this subject. It is related to this subject.

So there is a great deal of attention being focused on this highly controversial issue. All the States along the northern tier that border on Canada have a great interest in this. It has become a hot button political subject for debate in senatorial campaigns and, I guess, all the congressional elections and the Presidential campaign. So this is a big political item here we are called upon to understand, to sort through, and then to make sure we legislate in a fashion that serves the public interest—not somebody's private political interest, not somebody's private financial interest, but the broad public interests of the United States. That is our responsibility.

So what I am seeking to do with this second-degree amendment is ensure that is the result; that we are not putting in jeopardy, by changing this law, if this survives the process here in the Senate and conference with the House—we are not putting in jeopardy the well-being of American consumers and we also prepare to add to the funding requirements of the Food and Drug Administration to enable them to carry out their obligations under the law.

With those words of explanation as to where I see this and how I see this playing out, I am not going to prolong the debate.

Let me point out one other thing. Some might say this is legislation on an appropriations bill; Why don't you just raise the issue in that way? Make a point of order under rule XVI.

The point is the House has included language in its Agriculture appropriations bill and this amendment, as it is drafted—as I am advised by the Parliamentarian—is not subject to a rule XVI point of order but, rather, it is germane and would not fall if a point of order is made. That may be tested by somebody if they want to argue with the Parliamentarian about it, but that is what my staff advises me.

With that information about this situation I am prepared to let others talk about it. Let me say, before I yield the floor, just as a matter of general information now that we are on the bill, Senator KOHL is the cosponsor of this second-degree amendment. I have offered the amendment with him.

Also, as we began consideration of the appropriations bill, he did not have an opportunity to make his opening remarks. At some point this afternoon, we will give him that opportunity or he can take that opportunity when he gains recognition from the Chair.

I hope this will not be a long, drawn-out debate. It is not necessary. We have heard a lot of speeches about this. We have had a lot of information sent to our offices on this issue of reimportation and selling drugs and pharmaceutical products across the borders, importing from manufacturers, the rights of pharmacists—all the other related issues. It is a serious matter. But we do not need to have a long, drawn-out filibuster of it in my view. We need to vote on it. If the votes are here to adopt this amendment, so be it. We will take it to conference and try to resolve the issue in the way we always do, give and take, trying to understand what is best for the country.

Also in connection with the broader picture of the bill itself, we do not have a lot of troublesome issues in this bill, in my view. I have not heard from Senators. We have asked Senators to let us know if they have amendments, to bring them to the floor and offer them, and let's dispose of them and complete action on this bill. I was heartened today by conversation, as we were getting started, from the Senator from Nevada, the assistant Democratic leader, Mr. REID, who suggested we could finish this bill today. He saw no reason why we could not. I see no reason why we could not finish it today.

I hope as we proceed we will keep that goal in mind. Let's finish this bill today. I hope we can have third reading at about 6 o'clock. I do not see any reason why we cannot.

There are some Senators who want to offer amendments. We want to hear them. We want to consider them and consider them fully and fairly, but it should not take an unnecessarily long amount of time to do that. So I encourage the Senate to act with dispatch, deliberation, but all deliberate speed. That is a Supreme Court phrase that has been used from time to time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I respectfully disagree with my distinguished chairman and also the ranking member on the amendment they have proposed. This amendment is worded in such a way as to prevent the proposal from ever taking effect because they know it will be impossible, certainly so difficult as to be unworkable, to prove prospectively that all savings will be passed on to the patients. There is no way that can happen. This is just in there to clean this bill up. I strongly oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the legislation offered by the Senator from Vermont. But before I speak on that let me just mention to the Senator from Mississippi and the Senator from Wisconsin who have brought this bill to the floor, I am a member of their subcommittee on appropriations. I certainly respect the work they have done. They do an outstanding job, they and their staffs, putting together the Agriculture appropriations bill. It is not an easy bill to construct and to bring to the floor.

One amendment that I will offer at a later time will deal with the disaster now facing farmers who have flooded lands and especially those farmers whose crops are burning up day after day in the deep South.

Last Friday morning, as we were taking a series of votes, I talked with Senator COVERDELL. He and I were prepared to offer an amendment to assist farmers dealing with flooded lands in my part of the country and drought-stricken lands in Georgia. Georgia is the hardest hit State with drought problems, and family farmers there are suffering substantially. Senator COVERDELL intended to join me in offering an amendment offering them some emergency assistance. I will want to address this issue on this legislation. I will certainly talk with the chairman and the ranking member to do so in a way that relates to the needs of the Senate, but especially in a way that meets the needs of those family farmers who, through no fault of theirs but through natural disasters, have seen their crops disappear and are suffering some very significant problems.

I will save further discussion of this problem for a later time in this debate.

With regard to the amendment offered by the Senator from Vermont, I strongly support this amendment. Several bills have been introduced in Congress on this subject. I introduced a piece of similar legislation along with Senator WELLSTONE and Senator SNOWE. I am also pleased to join as a cosponsor of the legislation authored by the Senator from Vermont.

All of these bills relate to the same issue. That issue is very important and one we should address. The reason it is being addressed here and now is that the House of Representatives has already addressed it on its Agriculture appropriations bill, and it is important that the Senate also weigh in on this issue. The Senator from Vermont certainly has a right, and is protected with respect to germaneness, to offer this amendment to this bill.

Let me describe the issue before us in terms that people can better understand, using a couple of different medicines as examples.

I ask unanimous consent that I be allowed to use these medicine bottles in my presentation.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DORGAN. I have here bottles of 3 different prescription drugs that are ranked among the top 20 in the United States in the number of prescriptions filled and sales volume. All of these drugs, incidentally, are approved by the U.S. Food and Drug Administration.

I have here the actual bottles for these medicines. This one happens to be Zoloft, which is used to treat depression. The company that produces these pills and puts them in different size bottles then sells them all around the world. It is exactly the same medicine produced by the same company, sold in different places. Buy it, for example, in Emerson, Canada, and you will pay $1.28 for a pill. Buy it 5 miles south of there in Pembina, ND, and you will not pay $1.28 for the same pill. Instead you will pay $2.34. It is the same pill in the same bottle, made by the same company in the same manufacturing plant. The only thing different is the price. The pill costs $1.28 in Canada, and $2.34 for an American consumer.

Or what about Zocor? Zocor is a very popular prescription drug. Pick up any Newsweek or Time magazine and see the multipage ads for this drug. I have here two bottles of Zocor made by the same company, with the identical manufacturing process. One bottle is sent to Canada where it costs $1.82 per tablet; the other is sent to a U.S. consumer who is charged $3.82: $1.82 for someone living in Winnipeg, $3.82 for someone living in Montpelier.

Norvasc is a prescription drug that is used to lower blood pressure. The bottles are almost identical—again, both bottles are by the same manufacturer, and contain the same pill. Norvasc costs the Canadian consumer 90 cents. It costs the U.S. consumer $1.25 per pill.

Or to look at this price disparity another way, the cost of a 1-month supply of Zocor—the same pill, by the same company, in the same bottle—is $54 when it is sent to a Canadian. When it is sent to an American, it costs $114.

Or Zoloft—again the same pill, by the same company, made in the same manufacturing plant—costs the Canadian $38 for a 1-month supply; the American pays $70.

Norvasc costs Canadians $27 for a one month supply and the same quantity costs Americans $37. I can show you medicine where the price inequity is 10 to 1.

The question our constituents in the States of Vermont, North Dakota, Minnesota, and Washington ask is: How can this be justified? This is the same product. If this is a global economy, why must I go to Canada to try to buy a prescription drug that was manufactured in the United States in the first place in order to buy it for half the price? That is what Americans all across this country are asking.

The companies that produce these medicines are able to access all of the ingredients they need to produce prescription drugs from all around the world in order to get the lowest prices. If the pharmaceutical manufacturers are able to benefit from the global economy, why then can the consumer not also access that same drug made in a plant approved by the FDA when it is being sold in Winnipeg for half the price?

What is the answer to that? Many of us believe American consumers should be able to also benefit from the global economy. My colleague from the State of Washington, Mr. GORTON, has sponsored his own legislation to address this issue and he is also a cosponsor of this amendment. All of us have to respond to our constituents.

This is not just a Canada-United States issue. Americans pay higher prices than anywhere else in the world. How much more do we pay? If Americans pay an average of $1 for a pharmaceutical product, that same product has a much lower average cost in every other industrialized nation. We pay $1; the Canadians pay 64 cents. We pay $1; the English pay 65 cents. We pay $1; the Swedes pay 68 cents. We pay $1; the Italians pay 51 cents. We are charged the highest prices for prescription drugs of any country in the world. The American people ask the question: Why?

Senior citizens are 12 percent of our population, but they consume one-third of the prescription drugs in America. I come from a State with a lot of senior citizens. They have reached the years of their lives where, in most cases, they are no longer working and are living on a fixed income. Last year, they saw, as all Americans did, prescription drug spending in this country go up 16 percent in 1 year. Part of that is price inflation, part is driven by increased utilization. Nonetheless, older Americans saw a 16-percent increase in prescription drug spending in this country in 1 year.

Those of us who have held hearings on this issue and who have heard from senior citizens know what they say. They tell us they are forced to go to the back of the grocery store first, where the pharmacy is, to buy their prescription medicines because only then will they know how much money they have left to pay for food. Only then will they know whether they are going to get to eat after they have purchased their prescription drugs.

This is an issue for all Americans, not just senior citizens, but it is an especially acute problem for senior citizens.

In January on one cold, snowy day, I traveled with a group of North Dakota senior citizens to Emerson, Canada.

First we visited the doctor's office—because it is required in Canada—where the North Dakotans who wanted to buy prescription drugs in the Canadian pharmacy showed the doctor their prescription from a U.S. doctor, and the Canadian doctor wrote a prescription for them. Then we went to a very small, one-room pharmacy just off the main street of Emerson, Canada, a tiny little town of not more than 300 or 400 people. Emerson is 5 miles north of the North Dakota border.

I stood in that pharmacy and I watched the North Dakota senior citizens purchase their prescription drugs, and I saw how much money they were saving on the prescription drugs they were buying.

As is often the case, senior citizens will take 2, 3, 4, or 8 different prescription drugs. It is not at all unusual to see that.

I watched these North Dakotans compare what they were paying in the United States to what they were paying at this little one-room pharmacy in Emerson, Canada. It was staggering.

They asked me the question: Why do we have to come to Canada to do this? Why can't our pharmacists come up here and access this same supply of drugs and pass the savings along to us?

The answer is that there is a Federal law in this country that says that only the manufacturer can import prescription drugs into the United States.

The amendment we are considering, offered by the Senator from Vermont, proposes to change that. He does not propose to do so in any way that would jeopardize the safety of medicines that are available in this country. He does not propose to in any way suggest that we should not maintain the chain of custody needed to assure a safe supply of prescription drugs.

But he does propose that we amend that law and replace it with a system that assures the safety of the medicine supply, while allowing pharmacists and drug wholesalers to go to Canada and go to other countries and access that same prescription drug, provided that it was produced in a plant that was approved by the FDA. This amendment assures not only the safety of the manufacturing process but also the chain of custody of the supply. In this way we will allow U.S. consumers the full flow and benefit of the global economy.

Why can't American pharmacists and drug wholesalers shop globally for prescription drugs, provided it is the same pill, put in the same bottle, manufactured by the same company in a plant that is approved by the FDA?

The answer is that they ought to be able to do that. There is no excuse any longer for preventing them from doing that.

Zocor, Prilosec, Zoloft, Vasotec, Norvasc, Cardizem—you can go right on down the list of the medicines most frequently used by senior citizens and compare what they cost here with what they cost in Canada and Mexico. Then ask the question: Why? Why are we in America charged so much more for the identical prescription drug?

The answer is simple: It is because the big drug companies can do it here. The pharmaceutical industry charges what the market will bear in the United States. The U.S. consumers are prevented from being a global consumer.

Let me say this about the pharmaceutical industry. I want them to do well. I support them on a range of things. I want them to be profitable, and I want them to be able to do substantial research. I do not wish them ill. I applaud them and thank them for the research they do to create lifesaving, miracle drugs. They only do part of the research, of course. A substantial part is also done through the National Institutes of Health, through publicly funded research. And we are dramatically increasing our investment in NIH.

But some will say to the Senator from Vermont: What you are doing will dramatically reduce research and development by the drug companies. These prices are what support research and development.

Hogwash. Nonsense. The fact is, a larger percentage of the research and development is done by the drug companies in Europe than is done in the United States. Let me say that again. More research and development is done in Europe than in the United States. And that comes from the pharmaceutical industry's own figures.

Take a look at the billions and billions of dollars the drug industry spends on promotion and compare that to what they spend on research and development.

In fact, if you pick up a weekly magazine, such as Newsweek, you will see the multipage ads for prescription medicine. They are spending billions of dollars on direct-to-consumer advertising. They are going directly to the consumer and saying: We want you to go to your doctor to demand that he or she write a prescription for this medication for you.

That just started a few years ago. It is now rampant. Doctors will tell you that patients come to their offices, saying: I read about this medicine in an ad in Newsweek. I want you to prescribe that. That is what is happening.

Billions of dollars are spent to try to induce consumers to demand medicine that can only be given to them by a doctor who believes it is necessary.

While all of this is going on, the Senator from Vermont offers a piece of legislation that I fully support. If I were writing the legislation offered by the Senator from Vermont, I would prefer that it not leave out the provision that allows personal use importation. I hope at some point we can allow for that.

But I just say this. I know that literally $60 or $70 million has been spent by the pharmaceutical industry because it is scared stiff that we are going to pass this legislation.

In fact, in the Washington Post the pharmaceutical industry has been running a full-page ad for the last several days. I do not know what a full-page ad costs in the Washington Post, but I know it is not cheap. How many citizens, who support our bill, have the ability to go to the Washington Post and buy a full-page ad?

This full-page ad is just totally bogus. It says: One of these pills is a counterfeit. Can you guess which one? Congress is about to permit wholesale importation of drugs from Mexico and Canada. The personal health of American consumers is unquestionably at risk. Counterfeit prescription drugs will inevitably make their way across our borders and into our medicine cabinets. Counterfeit prescription drugs can kill. Counterfeit prescription drugs have killed.

This is from the pharmaceutical industry, which wants to scare people into believing the legislation that we are now debating is somehow bad for our country's consumers. That is totally bogus. We are proposing an amendment that assures the safety of the drug supply but finally assures the American consumer that they can access drugs that are priced reasonably.

If someone in another country is paying half the price or a third or a tenth of the price being charged the American consumer for the same drug that is produced in a manufacturing plant approved by the FDA, why can't the American consumer have access to those drugs in a global economy?

The answer is: They ought to be able to do it.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield for a question.

Mr. JOHNSON. I commend the Senator for his work and commend Senator JEFFORDS for his work on this issue. In relation to the advertisement in the Washington Post, I wonder if the Senator from North Dakota would share with us the sponsor of that advertisement as it appears on the ad?

Mr. DORGAN. Yes. The sponsor is Pharmaceutical Research and Manufacturers of America. The drug industry obviously wants to keep things as they are.

Let me just make one additional point. It is not my intention to have the American people go to another country for their prescription drugs. It is my intention to force the pharmaceutical industry to reprice their drugs here in the United States. If our pharmacists and our drug wholesalers are able to access the same drugs at a much lesser price in Canada or England or elsewhere, and bring them back and sell them at a savings to our consumers, it will force the industry to reprice their drugs in this country.

That is my goal. It is not my goal to put people in minivans and send them outside this country to access prescription drugs. I want pressures brought through the global economy to equalize prescription drug prices in this country vis-a-vis what they are being sold at in other countries.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, let's paint a picture, or set the stage, for this debate.

Most of the research and development and manufacture of prescription drugs goes on here in the United States, in a highly constructive fashion. Drug companies, and their research and development staffs, here in this country experiment and work, literally for years, to develop new and effective prescription drugs.

They are magnificently successful in that quest. And at least one of the reasons we are debating this issue today is that they are so successful that every year the share of our health care dollar that goes to prescription drugs increases because we now have conditions that can be treated by prescriptions that previously required hospitalization, if indeed they could be treated at all.

The process of taking an idea through its basic and applied research, its testing and its development to licensing by the Food and Drug Administration is long and arduous and is aimed both at safety and effectiveness. During that period of time, these companies spend a great deal of money with no return. It is clear, both to the proponents and opponents of both the first- and second-degree amendments, that these companies are entitled to recoup those long and large costs of research and development. They are not only allowed, properly, to recoup the costs of those drugs that are actually brought to market, but the cost of all of the dead-end streets they run into with some of this research and development. To that point, there is agreement.

We are also dealing with a business, as any other in the United States, that spends a good deal of its time and effort in developing new products. Even at the early stage, there are some factors that favor the pharmaceutical industry because of its importance to the United States. It, as other companies, is entitled to a research and development tax credit, but it, unlike most other industries, also benefits hugely from research conducted by the National Institutes of Health, as the primary sponsor of this amendment well knows. So approximately half of all of these research and development costs are already underwritten by the taxpayers of the United States, either through tax credits or through our direct appropriations to the National Institutes of Health.

It is at this point that the wonderful line from "Alice in Wonderland" comes to mind, and the situation becomes "curiouser and curiouser." At the point at which these pharmaceutical products have been licensed, the actual manufacturing cost for that pill is, generally speaking, not very high. And so much of the price structure is to cover the research and development, the very large advertising costs to which the Senator from North Dakota referred, other marketing costs, the lobbying those companies do in the Congress, and a reasonable and, I may say, in most cases generous profit. But these U.S.-based, often U.S.-owned, pharmaceutical manufacturing companies consistently charge their American customers—not the individual patient in this case but the huge regional drugstore chains as well as individual pharmacies—far higher prices than they charge for the identical product overseas or across our northern and southern borders.

One would think in a normal market that prices would be nondiscriminatory or, if anything, the manufacturers would be grateful enough for the tremendous aid and assistance they receive from the taxpayers of the United States perhaps to give at least a small price break to American purchasers. But, no, as has been pointed out, they charge Americans pretty close to twice as much as they charge anyone else. These wholesale prices, obviously, are reflected in retail prices for the drugs.

My experience in the State of Washington is very much similar to that outlined both by the Senator from Vermont and the Senator from North Dakota. We ran a little test; we went up to Canada, priced identical drugs in the State of Washington and in British Columbia, and found a 62-percent difference. In other words, it was way less expensive to buy them in Canada. So busloads of Americans go from Seattle and other parts of the State of Washington across the border to buy drugs and bring them back.

Why, one asks oneself, would American companies do this? Why would they discriminate against Americans?

They say: There is a simple answer to that. The Canadian Government, the Mexican Government, the Government of the United Kingdom, fix the prices of drugs. They want their citizens to get these pharmaceutical products less expensively than Americans do. So they, by government fiat, set the prices. And so we sell them, the drugs, for a lower price for a simple reason: We have already manufactured and sold lots of them in the United States. And when you go from the ten-millionth pill to the twenty-millionth pill, it doesn't cost you very much to manufacture those new pills, so we can still make a profit, even though we are selling them at half price in other countries.

Gee, isn't that unfair? Yes, I guess so, but that is the way the world is.

Now, that particular argument that price-fixing countries do much better for their consumers than a free market does in the United States is really a two-edged sword. It is one heck of an argument for price fixing in the United States. The junior Senator from Minnesota, a couple weeks ago, put up a proposal that would do exactly that, fix the price of drugs in the United States. This is a point at which I agree with the drug companies. They say: You fix prices and you will dry up research and development. I am not sure how far down we look for the validity of that argument, given the great excess of advertising costs over research and development costs, but let us assume that it is totally and completely valid as an argument. Then under those circumstances, we shouldn't be fixing prices here in the United States. But that doesn't mean we should continue to allow Americans to suffer the immense discrimination that goes on consistently year after year, product after product in this country.

When I discovered the extent of this problem, basically out of a cover story in Time magazine—I believe it was last November—it seemed to me, as a former State attorney general who for an extended period of time was in charge of consumer protection, fine, you just tell them by law to stop discriminating. Don't charge Americans any more than you are willing to charge Canadians or Italians or citizens of the United Kingdom.

That is price fixing, the companies say. That is a terrible thing.

Well, it is not price fixing to say you don't discriminate. If you can't make a profit at a given price, you don't have to sell the drug in Canada or in any other place.

But they have a lot of money to spend trying to sell that bill of goods to people. So we discovered—again, I think this was as a result of my history as a State attorney general—that we have a statute in the United States that prevents price discrimination. It is called the Robinson-Patman Act. It was passed in 1936. It was a sweeping antidiscrimination bill. It prevents price discrimination in the sale of any commodity in interstate commerce, with certain exceptions for actual cost savings from quantity sales and the like. So we said, fine, and the bill we introduced just said interstate and foreign commerce, with respect to prescription drugs.

It is interesting; the drug companies paid no attention to that distinction at all, and they still use these millions of dollars to say it is price fixing. Well, if so, then we have fixed the price of every commodity in the United States for 64 years, which I think surprises most people who believe in and have benefited from the truly free economy in the United States.

The argument that this is price fixing is fraudulent—purely and totally fraudulent. But I am not wedded or married to one solution to this problem of excessive prices imposed on American consumers for their prescription drugs because while we ban importation by law—by custom at least—we have permitted for an extended period of time American citizens to cross our borders—northern or southern or, for that matter, across the ocean to Europe—and to return to the United States with a 3-month supply of any prescription drug they are using, without being bothered by any of the governmental agencies of the United States. Both of my other Senate colleagues in this regard have pointed out that that happens in their State, and I have already pointed out that it happens in mine.

So the Senator from Vermont and the Senator from North Dakota came up with the idea that if an individual can do it for himself or herself, why not let our pharmacists do it and bring these prescription drugs back to the United States, which are often manufactured in the United States and then shipped north or south of the border—bring them back and offer them for sale, presumably at a lower price.

I am sure the Senator from Vermont doesn't mind my saying, in a sense, this solution is truly bizarre—that somehow or another it should be less expensive for a pharmacist to buy from a middleman than it should be from a manufacturer in the first place, and then have to ship the product across a national border twice in order to get the lower price. But the bizarre nature of the proposal is a simple and direct result of the outrageous discrimination that is practiced in the first place, and nothing else.

So the Senator from Vermont has written a bill and proposed an amendment to allow the retail seller, or the wholesaler, to engage in this reimportation. But concerned as he and the FDA are about making sure you get the real thing, most of the words in his amendment have to do with the safety of the product, of making certain you are getting what it is that you thought you purchased. In fact, it doesn't allow this reimportation unless the Secretary of Health and Human Services promulgates regulations permitting that reimportation that meet necessary safeguards.

OK, that is where we are at this point. And then, instead of simply opposing the proposal, my good friend from Mississippi puts up a second-degree amendment that says the Secretary has to certify to Congress that it would pose no risk to public health and safety and will result in a significant reduction in the cost. It is either absolutely unnecessary, because we are talking about something the Secretary has already done, and the price part of it is unnecessary because if there isn't a significant savings in the price, nobody is going to go up and buy them in the first place or it is an attempt—and I regret to say this—to kill the amendment of the Senator from Vermont in its entirety and see to it that it doesn't happen. The drug companies and their sponsors are not really wanting to justify the situation that exists in the United States today because it can't be justified, so they use an argument for safety that is already far more adequately covered by the amendment proposed by the Senator from Vermont in any event.

Now we are able to deal with this issue as part of this appropriations bill, of course, because the House of Representatives did. So it is properly before us. But the other matter that I find extraordinarily odd with respect to the second-degree amendment is just this: The distinguished chairman of the subcommittee, the manager of the bill, knows perfectly well that individuals can go across our borders and come back with a 3-month supply of prescription drugs. If he and the Senator from Wisconsin are so concerned about safety that they have to pile on with a second-degree amendment, why aren't they banning totally and completely personal reimportation? The Senator from Vermont isn't even touching that subject in his amendment. I wish he did. The House of Representatives did. He is setting up a way for reimportation to take place at the wholesale level, where safety is far more protected than it is with respect to these individual purchases.

But the individual purchases have not created a great problem. If they had, people would stop engaging in those policies. Whatever else we may say about Canadians, they are not in the business of poisoning their own citizens.

This reimportation can take place with perfect safety under the amendment as proposed by the Senator from Vermont, and anything added to it is simply an attempt to kill it and to maintain the status quo.

Let me go back to the stage I have set and simply say this: The status quo is American manufacturers using American taxpayers' money to produce products in the United States of America, which they then sell at prices that discriminate outrageously against American purchasers. That is really all there is on the stage today—discrimination by American companies against American purchasers, in spite of the support of American taxpayers.

The first-degree amendment takes at least a modest step toward curing that situation. The second-degree amendment is designed to keep it in place forever.

I have one final point, Mr. President. I agree with each of the Senators who have previously spoken on the desirability and the importance of a Medicare drug benefit. There is some debate over to whom it should apply, how much it should cost. But Medicare covers about 40 million Americans. We have 250 million Americans altogether. None of the rest of them will be helped at all by even the most generous Medicare drug benefit. All of them will be helped by this amendment, to the extent that it is actually effective, because it will in fact end up lowering the price of prescription drugs in the United States of America. That is why the first-degree amendment should be adopted and the second-degree amendment that attempts to gut it should be rejected.

Mr. COCHRAN. Mr. President, I am pleased to announce to the Senate that we have been able to secure an agreement on a unanimous consent request to limit debate on the pending Cochran amendment and the underlying Jeffords amendment. I understand it has been cleared.

I ask unanimous consent that the Senate proceed to vote in relation to the pending Cochran amendment, No. 3927, at 5 o'clock p.m., and the time between now and then be equally divided in the usual form. I further ask unanimous consent that following that vote, the Senate proceed to vote immediately in relation to amendment No. 3925, as amended, if amended, the Jeffords amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair. I remind Senators that this doesn't mean we have to use all the time between now and 5. I encourage Members to make brief statements. We can vote before 5 and then move on to another subject.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator GREGG be added as cosponsor to amendment No. 3925.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Vermont be good enough to yield 12 minutes?

Mr. JEFFORDS. Mr. President, I yield 12 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 12 minutes.

Mr. KENNEDY. Mr. President, I support this amendment and I commend the sponsors for their efforts to address the high cost of prescription drugs.

I support this amendment, and I commend its sponsors for their efforts to address the high cost of prescription drugs. The American public wants affordable medicines, and I believe we should do all we can to reduce the financial burden imposed on our citizens by high drug costs.

It is worth emphasizing that imports of prescription drugs from other countries must be accompanied by strict precautions to protect the public. Federal standards require that all prescriptions sold in the United States must be safe and effective. The public health protections guaranteed by the Food, Drug, and Cosmetic Act do not end at the gates of the manufacturer's plant but extend all the way to the doorstep of the consumer. Congress has promised the American people that the medications they use will be effective and be free of contaminants.

In 1988, President Reagan signed into law the Prescription Drug Marketing Act to protect Americans from counterfeit, contaminated, and other unsafe medications. Today counterfeit drugs continue to plague the citizens of many countries, including our own. In 2000, at least 30 people in Cambodia died from fake malaria medications. 60,000 people in Niger were vaccinated against a deadly epidemic of meningitis with counterfeit vaccines, and received water injections instead of real medicines. This past year the United Kingdom broke up a smuggling ring to import counterfeit drugs into the U.K. from India. According to a DEA official, 25% of the prescription drugs brought by consumers into the U.S. from Mexico are fake. From 1989 to 1994 a counterfeit antibiotic from China was sold in the U.S. through legal distribution channels resulting in almost 2,000 adverse events, including 49 deaths. In spite of an Import Alert issued by the FDA in September 1999, the fake medication may still be entering the U.S.

I raise these problems to emphasize that without adequate protections, legalizing importation by pharmacists and wholesalers will increase the risks already posed by fake and contaminated drugs. This amendment deals with these safety concerns primarily by placing the responsibility for assuring the quality of imported products on the importer, subject to FDA oversight—and it gives FDA broad authority to impose additional requirements necessary to protect public health.

The FDA needs adequate tools to combat counterfeit or adulterated drugs. Adequate funding for the FDA is essential to ensure the safety of imported prescription drugs. FDA currently inspects less than 1% of all drug shipments from other countries. Clearly, additional resources will be necessary to implement this amendment.

As we all know, the real issue is providing an effective and affordable prescription drug benefit to senior citizens and the disabled under Medicare.

That is the basic and fundamental issue. We wouldn't be having this debate if we were providing an effective prescription drug program to the seniors under the Medicare program. It wouldn't be necessary. We wouldn't have to be taking these additional risks. This is not a substitute for the Senate taking action on that important measure.

The President has reiterated the fact that he would be glad in working with our Republican friends to sign their marriage penalty legislation if it included a prescription drug program. It is absolutely essential. This legislation is no substitute for it.

The cost of the drugs these patients needed far exceeded their ability to pay, even if the cost was deeply discounted. A patient with high blood pressure, irregular heartbeat, and an enlarged prostate would pay $3,100 annually for drugs.

This particular chart indicates the general patient profile for some of the most common kinds of concerns, particularly for the elderly. They are the ones who have the highest utilization of the prescription drugs. They are the ones who need the protections under Medicare. They are the ones who, hopefully, we are going to take action on in this Congress to protect.

We are talking about osteoporosis, or heart trouble with a typical cost of $2,412—that is 20 percent of the pretax income; high blood pressure, irregular heartbeat, enlarged prostate, $3,100, 26 percent of pretax income; severe arthritis, ulcers, gastric reflux, depression, $3,696, 31 percent; ulcers, high blood pressure, heart disease, asthma, $4,800, 40 percent.

This basically shows not only the access but the enormous costs of the prescription drugs to address these particular items.

A patient with heart disease and severe anemia, $26,500, and 22 percent.

If we look at this chart, most senior citizens have very moderate incomes. Look at this. Fifty-seven percent are under $15,000; 21 percent are under $24,000. We have virtually 80 percent below $24,000.

We are talking about a handful of senior citizens in the upper areas. Eighty percent of our seniors are people of extremely modest means. The cost of these drugs are going absolutely out of sight.

That is why we have to have a program that is going to provide coverage, and that is going to be universally affordable for our seniors and for the Federal Government as well.

This is a drug crisis for our seniors. The coverage is going down, and the costs are going up.

I will take just a moment of the Senate's time to point out what is happening to our senior citizens.

Twelve million—effectively a third—of our seniors have no coverage whatsoever. Eleven million of them have employer-sponsored coverage. We are going to show a chart in just a moment that shows employer-sponsored drug coverage is collapsing.

Some three million have Medicare-HMO, and we will find what is happening in the HMOs where they are putting limitations of what they are going to be prepared to reimburse under prescription drugs.

The next is Medigap costs which are going right up through the ceiling and becoming less and less affordable.

The only group of Americans who have dependable, reliable, affordable prescription drugs are the 4 million Americans under Medicaid.

It is a national disgrace when we know the commitment that was made here in the Congress in 1964 and in 1956 that said to our senior citizens, work hard, we will pass Medicare, and you will not have to worry about your health care needs in your golden years. We didn't include a prescription drug program because the private sector didn't have it then. Only 3 cents out of every dollar was expended on prescription drugs. Now it is up 20 cents, and in some places even 30 cents, in terms of the costs of the health care dollars. Health benefits have dropped by 25 percent. That is between 1994 and 1997. This arrow is continuing to go right down.

The other chart showed where you have 11 million seniors getting covered by employer-based programs. This chart indicates that they are rapidly losing coverage at the present time.

We have 11 million who do not have any coverage, and 12 million who have employer-sponsored coverage. But that is going down.

This shows what is happening if they get Medicare HMO drug coverage. We see 75 percent will limit coverage to less than $1,000. They are putting limitations on what they will pay for. The chart shows the five major illnesses affecting and impacting our senior citizens cost vastly higher than $1,000. Therefore, our seniors, even if they have coverage under an HMO, are still paying an unaffordable amount of money if $1.000 is the limitation. Mr. President, 32 percent have imposed caps of less than $500. We are seeing the collapse of coverage that is out there for our senior citizens.

This chart shows what is happening in the medigap coverage—which is effectively becoming unaffordable—in the sample premium for a 75-year-old person in various States. This is virtually unaffordable.

This chart shows the costs of drugs compared to the Consumer Price Index over recent years, 1995, 1996, 1997, 1998, and 1999. In 1995, 2.5 percent; in 1996, 3.3 percent; in 1997, 1.7 percent; in 1999, 2.7.

The top of the chart shows the actual drug costs in terms of the expenditures being made by seniors to get the drugs they need. We see a very modest increase in the Consumer Price Index. Yet for senior citizens who use three times the amount of drugs as the rest of the population, we find out this is continuing to increase, placing extraordinary pressure on seniors. In many instances, they are completely unaffordable.

As mentioned earlier in the debate, the Pharmaceutical Research Manufacturers say:

> Private drug insurance lowers the prices 30 percent to 39 percent.

That says it all. It is saying you could go ahead and have a reduction in the costs of these prescription drugs anywhere from 30 percent to 39 percent, and they can still make an adequate and generous profit. This is from the industry itself. The seniors are hearing this and living it, as pointed out by the Senator from North Dakota and my friend, the Senator from Vermont. They are seeing this. They know this has happened. They have to go abroad in order to try to get these vital prescription drugs.

The unanswered question is, If we can go across and buy them, why can't we do this in a way that is going to be more accessible and available not only to those able to go over but also to our friends and neighbors and fellow senior citizens?

It is out of that enormous frustration and these facts that this amendment comes to the floor. That is why I believe it should be supported. I think it is essential, but it is not going to address the fundamental issue, which is the Medicare program that will cover all of our senior citizens and effectively do it in a way that will see a significant reduction of costs.

I thank the Senator from Vermont.

Mr. COCHRAN. Mr. President, I yield 10 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Louisiana is recognized for 10 minutes.

Mr. BREAUX. Mr. President, I thank the Senator from Mississippi for yielding.

I was thinking about the argument that we had on the Senate floor about importing medical supplies in terms of prescription drugs from foreign countries into the United States because they might be cheaper. I could get open-heart surgery in Mexico for a lot cheaper than at Oschners in New Orleans or at the Mayo Clinic or at Johns Hopkins or any other fine institution in the United States. It would be half as expensive. I doubt many Americans want to put their lives in the hands of people they know are not regulated.

I could buy many items in countries around the world, and many Third World countries, which would be a lot cheaper. I remember one time going to Hong Kong. I saw some of the Lacoste shirts with the little alligator. My wife and I were shopping in Hong Kong and they had all these Lacoste shirts. They were $5. I said: That is incredible, a heck of a deal. I will buy a Lacoste alligator shirt for everyone I know for gifts for Christmas. We bought one after another. I bought one or two myself. We came home and the first time I washed the shirt, the alligator fell off. The alligator fell off because it was a counterfeit shirt. The shirt nearly dissolved after the first washing and the alligator drowned in the washer. The product was totally worthless. It was a counterfeit product.

It is one thing when you are buying a knit shirt. When someone is sending me drugs that have been either manufactured in a foreign country or even manufactured here and sent to a Third World country and stored in a warehouse, God knows where, under conditions that may be totally contrary to the safety of that drug, who knows who deals with those products in that country in the privacy of that warehouse. Who knows how many times somebody might go into that warehouse and take the product, and instead of saying we will have 100 pills, if I cut it in half, I could have 200 pills. If I could cut it into fourths and end up not with 100 pills but 400 pills, look how much money I can make if I do it that way.

If I can take that type of quality control, which is nonexistent in a foreign country, and say that is how I will make my money, what kind of products will we be giving to the American consumer? This is not a Lacoste shirt that an alligator might fall off of. This is medicine that is important to the safety and the life of our constituents.

Why do we have a ban on the importation of foreign drugs passed by Congress in 1987? In order to protect U.S. consumers, to make sure that the drugs were not improperly stored, or improperly handled, or improperly shipped, or perhaps made to be like my Lacoste shirt, totally, absolutely counterfeit.

How many Federal bureaucrats are we going to put in 150 countries around the world to ensure those products in those countries are safely stored, safely handled, and not diluted? And how many more bureaucracies are we going to create to make sure those problems don't develop?

We can get a lot of things cheaper in a lot of other countries. How about buying cheaper wheat from China? They have a controlled economy where the Government runs everything and sets the prices. Could we not buy a lot of wheat from China and give it to our constituents a lot cheaper? We don't do that because it is not a level playing field. In that sense, we are competing with a micromanaged economy overseas that the Government participates in and helps their farmers. Our people can't compete against that. It is not a good idea.

This is the bottom line—actually two things. No. 1, there is no guarantee we are not going to create a boondoggle with this for all the wholesalers. There is no guarantee, without the Cochran amendment, that anybody who is a consumer is going to have any of the benefit of any of what we are trying to do by importing cheap Third World drugs into this country. Nobody has a guarantee the savings would be passed on to the consumer. I can see a wholesaler who wants to get the drug for $20 selling it for $40 over here and making one heck of a profit. There is no guarantee without the Cochran amendment.

The final point is that this is not the answer to the problem. The answer to the problem is to find a way to guarantee to Medicare beneficiaries that they get the best deal, that we have some ability to provide them with the coverage they need at the price they can afford. That is the real answer.

People say we do not want price controls in this country; that is anti-American. But we are going to buy the price controls from other countries around the world. We will let them impose price controls, and then we will buy from them. Why don't we just put on price controls in this country and call it what it is? We are saying essentially we don't like price controls but we like other countries' price controls and so we will buy it from them with absolutely no ability to guarantee the product coming over here is the product that left this country.

Here is the problem. If a Medicare beneficiary walks into the drugstore and has no insurance because Medicare doesn't cover him, the pharmacist tells him: It is $100 for your prescription. That Medicare beneficiary has to take it out of his pocket or gets his children to pay for it, or, if they are very destitute and poor, Medicare pays for it and they pay $100. If you don't have any coverage, you pay $100 for the prescription.

If, however, you work for the Federal Government, if you are a Senator or one of the staff people here who happens to have the Federal Employees Health Benefits Plan, and you go into the drugstore and buy the same prescription, you don't pay $100, No. 1, because there is volume purchasing because they are purchasing for all the FEHBP people who are covered by FEHBP. The discount by volume purchasers for the insurers gets it down to about $70, a 25-plus-percent discount. That is the average by volume purchasing. But none of us or our staff even pays the $70. We will probably pay a coinsurance of about $35, for some plans even a copayment which could be $15 or $20.

So that is the answer to the problem. The answer is not to import Third World countries' price controls. Talking about Canada is one thing. I guarantee if this passes, we are not going to be importing a lot from Canada. We are going to be buying from countries whose handling of these drugs we have no ability to control. If it were coming from Canada, it would not be a bad deal. We know how they operate. But this amendment is not limited to Canada. Any Third World country will be able to handle the drugs, dilute them, do anything they want, store them where they want, and we will not be able to guarantee the validity of that drug.

This is the answer to the problem: Not importing from other countries, but to try to ensure that all Medicare beneficiaries have some type of coverage that allows them to get the benefits of volume purchasing and also to have some type of insurance where the Federal Government assumes part of the responsibility, part of the risk, and the providers compete and also assume some of the risk to get the price to the Medicare beneficiary down to half or less. That is what we should be working on.

This is a Band-Aid type approach. Really, it is worse than a Band-Aid approach because Band-Aids help; this doesn't help. It puts the American consumer at risk. We passed this law to prevent all the things that are likely to happen if this amendment passes. We should not go back to our constituents and say: We are letting you get cheap drugs from foreign countries because they have price controls. It is the wrong approach, and we should recognize it as such.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 15 minutes to the distinguished Senator from Tennessee, Mr. FRIST.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in opposition to the underlying amendment to allow reimportation of prescription drugs. I have been following the debate for the last couple of hours. I want to bring up a new issue, an issue which I believe is a fundamental issue but which has not been discussed, to the best of my knowledge, at all over the last 2 hours—and that is safety.

The problem has been very clearly identified; and that is, cost. The situation of prescription drugs costing too much in this country, causing people to drive to Mexico and Canada, is a real problem. It has been vividly described. It has been described accurately by almost everybody who has talked today, holding up the bottles and the descriptions on the charts. Today a senior who goes into a drugstore must pay full retail price for a drug because Medicare does not include prescription drug coverage, versus traveling on a bus to Canada, and buying it there for much less.

The answer—and this is absolutely critical—is not reimportation. The answer is not, to my mind, price controls. Price controls get cloaked in all sorts of ways in policy and in various proposals. But the answer is, I believe, not in the amendment we are talking about today but through improved access by offering coverage and utilizing the large purchasing power to provide affordable prescription drugs.

The issue that most bothers me is that fundamentally I believe the underlying amendment puts at risk the safety of these drugs. I say "puts at risk" because clearly the authors of this bill have tried to construct a bill that has safety first and foremost. But let me just say, having read the bill and having a pretty good understanding of the capability of the Food and Drug Administration today, they simply cannot police the world in making absolutely sure these are not counterfeit drugs coming back in and because of this, I find it very hard to support the underlying bill.

If you take a look at the history of reimportation, from 1985 to 1987 in the U.S. Congress, there were a series of nine hearings and three investigative reports regarding this whole concept of reimportation of pharmaceuticals. It is interesting, if you go back and look at what happened and also at what the findings were. As a result of these hearings and investigations, in 1987 the Prescription Drug Marketing Act passed. It was designed to specifically protect Americans' health and safety against the risk of adulterated or counterfeit drugs from being imported into the U.S. Let me quote one of the conclusions from the committee report:

> Reimported pharmaceuticals threaten the American public health in two ways. First, foreign counterfeits, falsely described as reimported U.S.-produced drugs, have entered the distribution system.
>
> Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by U.S. law once the drugs have left the boundaries of the United States.

I believe, we are obligated to go back and address these two critical concerns, because we are talking about the potential for counterfeit or adulterated drugs. We are talking about life-or-death issues. We are talking about the ability to thin one's blood to prevent a heart attack or a stroke, and if that drug has been altered, if it is counterfeit, it means life or death to the people who are listening to me today.

What they have tried to fashion in this bill is to have the Food and Drug Administration oversee and be responsible for these laboratories which are not in the United States of America. Remember, this is a Food and Drug Administration that, right now, admits they are unable to even inspect the food coming into this country. I argue, whether it is tomatoes or lettuce coming in, the inspection of drugs coming in is much more important to the health of Americans. It is partly because I am a physician, so I deal with patients and I know for the most part patients believe it is much more important as well.

Is the Food and Drug Administration equipped? If you ask the people who have run the FDA you will find the following. Dr. David Kessler, former head of the Food and Drug Administration, in a letter to Representative DINGELL this past year, stated the following when we talk about reimportation. I quote Dr. David Kessler:

> In my view, the dangers of allowing re-importation of prescription drugs may be even greater today than they were in 1986. For example, with the rise of Internet pharmacies, the opportunities of illicit distribution of adulterated and counterfeit products have grown well beyond those available in prior years. Repealing the prohibition on re-importation of drugs would remove one of the principal statutory tools for dealing with this growing issue.

We know the cost of prescription drugs is a problem. But ultimately you don't want to do anything that jeopardizes the safety of these drugs and ultimately the health and welfare of patients.

Let's turn to Dr. Jane Henney, who is the current Commissioner of the Food and Drug Administration. In front of the Senate appropriations committee March 7 of this year, she said, in expressing severe reservations regarding the importation of drugs:

> The trackability of a drug is more than in question. Where did the bulk product come from? How is it manufactured? You're just putting yourself at increased risk when you don't know all of these things.

Her words—"increased risk."

It is the risk of this legislation that bothers me in terms of safety for our seniors. The question is whether the FDA is equipped to implement the safety precautions necessary? Right now we are hearing from the leaders they cannot be responsible for the safety and efficacy of reimported pharmaceuticals. Let me point out what is going on today in terms of how effective their inspections are.

Of the 6,030 foreign manufacturers shipping bulk drugs to the United States since 1988, approximately 4,600 were never inspected. When we see people holding up these two bottles and one bottle was reimported from overseas and you are depending on the FDA—which clearly does not have the capability to guarantee the safety of these pills—and then you put that pill in your mouth, I believe, based on at least the leaders at the Food and Drug Administration today and in the past, that pill could very well be unsafe and not only cause severe illness, but even death.

I mentioned the food issue, but as you recall, the Food and Drug Administration is responsible for overseeing the safety of food in this country. In our hearing at the Health, Education, Labor and Pensions Committee last month, some said: We can safely import lettuce from other countries, so why can't we do the same for medicines?

The analogy of lettuce versus medicine is, as a physician, very hard for me. Last year, I joined Senator COLLINS in introducing the Imported Food Safety Improvement Act because of all of the outbreaks of illness associated with imported food products.

We introduced the food safety bill predominantly because of the FDA's own admission—just like I believe the FDA is admitting today in terms of reimportation of drugs—that they cannot insure the complete safety of food coming into this country. If we cannot insure the safety of food coming into this country, as a physician, as someone who has that doctor-patient relationship, who has taken an oath of doing no harm—I cannot promise my patients that the prescription medicines they may be taking are guaranteed to be safe and effective, especially when I have the leadership of the FDA telling me they are ill-equipped and cannot guarantee the drugs have not been altered.

Again, the authors of this legislation basically said it is going to be safe because the FDA can do it. I will take it one step forward and say based on current evidence, I do not believe the FDA can do it.

Former Carter FDA Commissioner Dr. Jere Goyan said it best:

> I respect the motivation of the members of Congress who support this legislation. They are reading, as am I, stories about the high prescription drug prices and people which are unable to pay for the drugs they need. But the solution to this problem lies in better insurance coverage for people who need prescription drugs, not in threatening the quality of medicines for us all.

The underlying amendment, although well-intended, is inadequate in assuring the safety of potential recipients, beneficiaries, and patients who receive pharmaceuticals that have been reimported. Therefore, I will not vote to repeal the important consumer safety legislation that we put in place over 10 years ago without much further investigation to answer that critical question of safety.

Medicines today are affordable when there is coverage for them. I believe we have to do something to help those unfortunate seniors across the country who do not have good prescription drug coverage today.

Senator BREAUX and I have worked aggressively to develop a bipartisan prescription drug coverage plan and have introduced such a plan.

This plan is above politics and it is above partisanship. It is time to take the very best minds, the very best doctors, the very best health care experts, and elected representatives and bring them together to deal with these challenges facing Medicare in offering affordable prescription drug coverage.

The Breaux-Frist 2000 plan, known as the Medicare Prescription Drug and Modernization Act of 2000, takes the necessary first steps to provide universal outpatient prescription drug coverage and strengthen and improve the Medicare program overall. First, it restructures the 1965 model of Medicare by establishing a competitive Medicare agency to oversee competition under Medicare+Choice and the addition of a new drug benefit.

It establishes voluntary universal outpatient prescription drug coverage which I believe is the answer to the cost issue.

It provides comprehensive prescription drug benefits.

It guarantees catastrophic protections so a senior is protected from paying high drug costs out of their own pocket beyond $6,000.

It guarantees price discounts off prescription drugs so seniors never pay retail prices for prescription medicines again.

It guarantees affordable drug coverage by offering all beneficiaries a 25-percent subsidy off their premiums.

It protects low-income beneficiaries by providing beneficiaries with incomes below 150 percent of poverty subsidies for premiums and copayments for prescription drug benefits.

Finally, it improves benefits and health care delivery under Medicare by stabilizing the Medicare+Choice program and introducing much needed reforms.

The Breaux-Frist 2000 bill addresses the cost issue. Reimportation of drugs does not. I urge my colleagues, for the safety of health care and health care delivery today, to defeat the underlying amendment on reimportation of drugs.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. How much time is remaining on this side of the issue?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. COCHRAN. I yield 10 minutes to the distinguished Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this is a very important amendment. There is a lot of sincerity behind it.

I rise today to offer some concerns about the Jeffords-Dorgan Amendment to the Agriculture Appropriations bill and to support the Cochran amendment.

I have many questions about the Jeffords-Dorgan amendment.

Let me make something perfectly clear from the start—I do not question the good intentions of this amendment. I know that my colleague, Senator JEFFORDS, is sincerely seeking to address this difficult matter of high prices for pharmaceuticals in the United States.

As I traveled across my state and around our country this election year, I found that many Utahns and many Americans, particularly our senior citizens, are having difficulty in affording prescription medicines. Some are going across the borders to Canada and Mexico. We have all seen the news broadcasts of those cross-border bus trips to buy the cheaper foreign drugs. And, it may seem obvious, particularly to two Senators who represent States on the Canadian border, that the solution is simply to allow the importation of prescription drugs into our country.

There is something of a cruel dilemma at play here: right at the moment when scientists seem poised to invent an unbelievable new array of diagnostics, therapeutics, and vaccines, many Americans are encountering difficulties in affording these new and sometimes costly medications.

There are many issues at play in this debate.

One issue that policymakers face is to see whether a balance can be constructed whereby we retain the necessary investment to produce the promised wonder cures while at the same time maintain our ability to deliver these new products to the patients at affordable prices.

This is part of what is shaping the debate over the fashioning of a prescription drug benefit for the Medicare program.

This balance between new drugs and affordable drugs is what shaped the debate 16 years ago when the Congress passed the Drug Price Competition and Patent Term Restoration Act of 1984. I am proud to have played a leadership role in this law that helps, according to CBO, consumers save $8 billion to $10 billion annually through the purchase of generic drugs.

But, in our understandable and highly populist zeal to make drugs more accessible, we must not kill the goose that lays the golden eggs. That is to say, we must be able to continue to attract the private sector investment into the biomedical research establishment that has made the American drug development pipeline so promising.

While it is true enough that, at this time, the drug industry is the most profitable sector of the economy, I do not think that success should be a license for us to over-regulate this industry. Sometimes well-intentioned, but ill-advised, governmental policies have hastened the decline of American business to the detriment of American workers and consumers alike.

But, another consideration with respect to the advisability of this amendment is the premium that we place on our citizens receiving safe and effective products, free from adulteration and misbranding.

Dating from the 1906 Pure Food and Drugs Act, through the 1938 Federal Food, Drug and Cosmetic Act, the 1962 efficacy amendments, and the 1988 Prescription Drug Marketing Act, our Nation has devised a more or less closed regulatory system that ensures that drug products will be carefully controlled from the manufacturer to the patient's bedside.

If we are to open up our borders to a new plethora of drug reimports—I am talking about reimports—we need to be absolutely certain that we have not undermined the integrity of this regulatory system by admitting products improperly manufactured, transported, or stored. A pill may look like the real item but not contain the active ingredient in the right concentration, or it may simply not contain the medication at all.

Similarly, we must not allow the American public to fall prey to counterfeit so-called "gray market" products. These are products which could be made to look exactly like the real thing and may comply with, or attempt to comply with, the requirements of the actual approved product, but do not comply with the legal requirement of a license from the patent holder—in short, a pirated product.

While there is a clear and obvious health danger in an adulterated, nonconforming pirated product, there is also great detriment to the American public if the unscrupulous are allowed to reimport America's inventions back into America without compensating the inventor. Few will be willing to invest the upfront capital—hundreds of millions of dollars—to develop a drug if another party can make and sell the drug while it is under patent protection.

It takes an average of 15 years and a half a billion dollars to create one of the blockbuster drugs. So we have to be careful. Keep in mind, too, as chairman of the Senate Judiciary Committee, I have a special obligation with respect to our intellectual property laws that we not go down any path that can be seen as inviting the development of a gray market for prescription drugs.

After all, a fake Rolex may be right twice a day, but a bad copy of a good drug can kill you. This is something we have to be more concerned about around here. We can't just do what appears to be good but, in essence, could kill people.

As we move further into the information age, protection of American intellectual property becomes more and more vital to our national interest. For example, if the latest computer software can be taken without proper licensing arrangements, our national leadership in high technology will be threatened.

Where is the pharmaceutical industry in Canada? They have price controls, and nobody is going to invest the money into developing these lifesaving and cost-saving drugs over the long run in those countries with price controls.

We have had many debates over price controls. I remember those days when Senator Pryor and I were on this floor arguing back and forth about price controls. Fortunately, the Senate, in its wisdom, decided not to go for price controls. This is another step toward price controls that will stultify one of the most important industries in America at a time when we just mapped the human genome, and we are at the point where we can actually create more lifesaving drugs—perhaps at even a greater cost but nevertheless at a greater health care cost savings than ever before.

So that is why intellectual property protections are so necessary.

In fact, one of the great accomplishments of the 1995 GATT Treaty was to put intellectual property protection front and center in our trade relationships with the developing world. Many countries are notorious for the lax policing of patent and copyright violations by their citizens.

When the value of American inventions is expropriated, it is American inventors and American consumers who suffer. The United States cannot and should not allow free riders around the world essentially to force the American public to underwrite a disproportionate amount of the research and development that results in a next generation breakthrough product.

One has only to read a collection of the section 301 reports the Office of the United States Trade Representative to get a feel of just how prevalent such intellectual property theft is worldwide.

I took the time to present this background because I think the Jeffords-Dorgan amendment requires such analysis.

And I will be the first one to admit that the amendment, at first blush, seems quite simple and appealing. What could be the matter with a rule that essentially says drugs obtained from outside the United States at prices lower than U.S. prices can be resold in the U.S., presumably in a manner that places pressure to lower prevailing U.S. prices? Yet, I recall H.L. Mencken's sage observation, "There is always an easy solution to every human problem neat—plausible, and wrong."

I, too, join many of my constituents in Utah and others across the country, in questioning why our citizens are paying higher drug prices than those who live in other countries.

And while I recognize that there are complex economic, political, and social factors at play that partially explain why a drug company would charge less for a drug in a destitute region in sub-Saharan Africa, it is more difficult to understand why drug costs less in Tijuana, Mexico, or Alberta, Canada than in San Diego, California. This is a policy I cannot totally defend. And I do think the pharmaceutical companies need to address this more.

But I can say that where nations impose price controls, a flawed economic theory which we have proven does not work in the U.S., there are negative consequences which among other hazards could imperil the flourishing research and development we count on to bring us miracle cures.

I am very apprehensive about government price controls, particularly on our most cutting-edge technologies like pharmaceuticals. Price controls function in an economic environment the way a lid works on a boiling pot. Price controls may temporarily keep prices down, but they are certainly no long term solution to the problem. As soon as the lid comes off, the pot boils over.

And, why not just keep the lid on indefinitely? Because price controls also have a stifling effect on the incentives to conduct research. Without the prospect of recouping a substantial, multimillion dollar investment, there is little reason for pharmaceutical companies to undertake such research on the next breakthrough drugs. It would not take long for our nation's pharmaceutical industry to atrophy.

How can we guarantee that foreign government price controllers will not set an artificially low price on some new Alzheimer's drug? And can we be sure that this won't have the unintended, but real, ripple effect of convincing company officials to forgo research on this new class of drugs for fear that, in conjunction with the new liberal re-import policy, they will not be able to recoup their investment?

I support those who wish to instruct the United States Trade Representative to be even more aggressive in promoting and protecting intellectual property rights in all of our bilateral and multilateral trade negotiations.

It seems to me that rather than importing the effects of foreign price controls back into the U.S., a strong case can be made that we should be using our Trade Representative to attack the foreign price controls that many countries have enacted so that a better balance between U.S. research costs and foreign borne research costs might be achieved. Let's stop the free riders and cheap riders overseas while American citizens are paying the full freight of R&D.

I have to confess that one part of me likes the feature of this amendment that creates the challenge to the entrepreneur of bringing goods sold cheaper abroad back to the United States at presumable savings to U.S. citizens. Yet, the amendment provides no guarantee that those wholesalers and pharmacists importing the products would pass their savings on to the consumer. And so, we could be trading public safety for middleman profits, an outcome not contemplated by proponents of the amendment.

Mr. HATCH. I have debated the issue, as I say, of price controls many times, so I will not spend any more time on the issue of price controls. But it does not make sense. That is what we are headed towards.

The greatest industry in our country, that has the greatest potential to do the greatest amount of good to bring health care costs down in the end—even though it is tremendously expensive to develop these drugs—is going to be flattened by this type of legislation which is well meaning, well intentioned, and absolutely destructive to our innovative industries in this particular country.

We have to find a way around this drug price problem in this country without creating a gray market in these particular goods and services. There has not been 1 day of hearings on this particular language. How can we guarantee that foreign government price controllers will not set an artificially low price on some new Alzheimer's drug? And can we be sure this will not have the unintended but real, ripple effect of convincing company officials to forgo research——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I ask unanimous consent to take 1 additional minute, with an additional minute given to the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Can we be sure this will not have the unintended, but real, ripple effect of convincing company officials to forego research on this new class of drugs for fear that, in conjunction with the new liberal reimport policy, they will not be able to recoup their investment?

Let us hope that the future does not come down to a choice between two lousy alternatives, what economists call a Hobson's Choice: great drugs that are not widely affordable or potentially great drugs abandoned due to minimal projected revenues.

And I can tell you given my work in the area of the AIDS epidemic, as between expensive drugs and no drugs, expensive drugs is a better problem to have.

My conservative instincts are always against government price controls, and I don't think that this principle should be limited to U.S. government price controls if a by-product of this well-intentioned re-import bill is to import some other government's price controls into U.S. market dynamics.

Frankly, this does not seem the type of far reaching legislation that we should rush into without pausing to try to think through all of its ramifications.

It just seems to me that if there are areas where governments world-wide must tread carefully in enacting legislation, if indeed they must tread at all, it is in areas like biotechnology.

It is clear from absolutely stunning developments like the early completion of the mapping of the human genome that there is an incredible synergy taking place between information technology and biotechnology. The high-speed sequencing machines that mapped the genetic code and almost instantaneously made this information available on the Internet represent this confluence of technology.

In our valid and justified quest to help make drugs more affordable to the American public, we should be mindful not to unwittingly retard the development of the next generation of innovation.

Having described the general angst I feel in relation to the possible effect that this legislation may have on the pace of and investment in pharmaceutical research and development as well as challenges it will create in terms of respect for intellectual property rights, I want to focus next on the important concerns that I have about the public safety aspects of the amendment.

I want to commend Senators JEFFORDS and DORGAN for perfecting some of the gaps and shortcomings related to drug safety contained in the House-passed legislation.

But let me say that, as Chairman of the Committee with jurisdiction over the Controlled Substances Act, I am not convinced that the American public is adequately protected by this amendment.

Now, I know that drafting and redrafting is an unglamourous part of the legislative process and that you and your staffs, and if the reports are correct many in the Administration, have been working hard to refine this amendment.

But let's be fair, legislating on an appropriations bill is not the optimum way to change some central provisions of the Food, Drug and Cosmetic Act.

I was involved in redrafting the Import and Export Chapter of the Food, Drug and Cosmetic Act both in 1986 and in 1996.

While I recognize the HELP Committee had a hearing yesterday, I think that everyone would agree with me that it is helpful to have a legislative hearing on legislation when the ink is at least dry.

I would like to see what the FDA, the DEA, General McCaffrey and the Patent and Trademark Office have to say about the bill when they have had time to give thoughtful consideration to a sufficiently finalized draft.

While it is true that the bill is drafted generally to the FDC Act, it will be particularly important to see how this liberalized re-import may affect controlled substances. Can't we take the time to hear from the Drug Enforcement Administration?

Also, I don't know if this is the case, but I have heard second hand reports that the White House has more or less limited FDA to a "let's make the best of this" role and is not encouraging the agency to look at this bill more globally.

Also, I cannot help but note that in the latest draft that I have seen, the language covers only drug products and not biologics, which are in the vast majority of cases perceived and used by consumers as drugs in the non-legalistic definition.

And since it is also the case that many times it is precisely these new generation biologics that are the most costly on the market, the question must be asked why Americans should not get the advantage of lower priced biologics as well as drugs?

Frankly, it is evident that each successive draft attempts to address the many shortcomings with respect to assuring the American public that the imported drugs are the safe and effective and unadulterated.

Clearly, this drafting would be better served if it were down in the public forum of a mark-up.

I just don't think that we know enough about this language to be reasonably certain that we could be sowing the seeds of a future tragedy but I certainly don't want to take that chance. I worry that a day will come when either a under-potent or over-potent batch of imported drugs will leave a trail of avoidable carnage.

Yes, we can have certifications and regulations and foreign inspections and every other thing you can think of, but the fact remains we are opening a door that Congress carefully closed in 1988 when it enacted the Prescription Drug Marketing Act. The history of this bill is that it was enacted after a series of serious adverse events due to improperly stored, handled, and transported imported drugs. It also addressed the issue of the import of counterfeit and unapproved drugs such as the presence of counterfeit antibiotics and contraceptives.

These were serious threats to public health and safety. These incidents were the subject of extensive hearings of the House Energy and Commerce Committee. These incidents were the impetus of the 1988 legislation that this amendment would unravel.

Look, I know that there is a certain attractiveness to accept this amendment and that some members may be inclined to vote for this measure with the expectation that the language, which is still in flux, will be cleaned up in Conference.

But I am concerned that opening up this import loophole is either fixable or will do more good than harm.

As interested parties study this measure, objections are beginning to be registered. And they are not only from the big drug companies who are the true, and, to some extent, justified target of this provision.

I am mindful that a similar provision passed the House by a wide margin. But one vote that this legislation did not get was of that the Dean of the House, Representative JOHN DINGELL of Michigan.

Now you would think that if ever there was a group that stood to benefit from legislation it would be the wholesale druggists because they are the natural middlemen in the new, liberalized import system. Instead they call the amendment "unworkable" because "(w)wholesalers do not have the expertise, equipment or personnel to undertake such complicated tasks".

I will say in public right now that I fully expect that the DEA, FBI, and other components of DOJ will weigh in when this correspondence is answered.

I am particularly interested in learning from the DEA and FBI to what extent importation of counterfeit and adulterated controlled substances is a current problem and to what extent, if any, this legislation, would likely affect the current state of affairs?

But before my colleagues vote on this measure I would ask each of you to review the Dingell correspondence together with any response from the administration. Here are some of the questions that were included in Congressman DINGELL's letter to FDA:

1. Please provide a detailed analysis on how (H.R. 4461 and H.R. 3240) would affect FDA's present operations regarding efforts to prevent misbranded or potentially dangerous drugs from entering the U.S. Specifically, please provide: (a) a description of how the present system now used by FDA works; (b) what the present system is intended to accomplish; and (c) what changes would be required (and the potential effects of those changes) if this legislation passes in its present form.

Please include a discussion of how these amendments would affect the activities of other agencies, such as the U.S. Customs Service, with responsibilities for assuring the safety of imported prescription drugs.

2. Please determine if either of these amendments would have any effect on FDA's ability to enforce good manufacturing practices (GMPs) in any foreign firms that ship drugs to the U.S. If so, please explain any potential effect on consumer health and safety.

3. Please provide a full description regarding what a "warning letter" is and how it is typically used by the FDA. Please compare this with correspondence that is sent by Customs.

4. It appears that these amendments would directly affect the ability of FDA to send warning letters to consumers that purchase drugs over the Internet. As you know, some web sites appear to be covertly linked to foreign drug suppliers. When a consumer orders from such a site, it is not always obvious that they are dealing with an offshore supplier, and thus a potentially non-FDA approved facility. Often, warning letters may be the only indication that the Internet-ordered drugs originated from a foreign (and potentially dubious) source. Please indicate how this legislation could affect FDA's ability to protect consumers who purchased drugs in this way.

5. Please detail any other potential effects this legislation could have on FDA's ability to protect consumers from potentially dangerous drugs that originate aboard.

6. Finally, please provide technical assistance in the form of specific suggestions for legislative or regulatory changes that would be needed in order to facilitate the safe importation of prescription drugs by individuals, wholesalers, or retailers.

Only if you are convinced that FDA has the resources and international presence to enforce the myriad of new regulations and procedures required by the amendment should you vote for this measure.

Ask yourself how confident you are that more word-smithing during a closed conference committee meeting is likely to prevent one or more of your constituents from being seriously injured down the road by unsafe drug products brought into the U.S. as a result of this amendment?

Do we really want to turn back the clock and essentially re-open a dangerous door that was closed by the Prescription Drug Marketing Act of 1988?

Why the rush to open a potential Pandora's box of public health problems?

I hope that this well-intentioned amendment, offered by two highly-respected co-sponsors, does not place Congress and the public in the position of the old adage, those who do not understand the past are doomed to repeat it.

I respect the men and good intentions behind this amendment.

We all want to increase access to pharmaceuticals for all Americans. I do not think that the benefits of the Jeffords-Dorgan amendment outweigh its downsides, and that is why I am supportive of the alternative offered by the Senator from Mississippi.

I have to say, when this debate happened in the House, my dear friend, Congressman JOHN DINGELL, who has played a tremendous role in health care all these years I have been in the Congress, stood up and argued against this. He lost in the House, but he should have won.

During the House debate, Congressman DINGELL said the following, "We now find ourselves in the regrettable position of confronting the possibility that the easing of the law with regard to food and drug and cosmetics, which is going to be done here under this legislation, will in fact reduce the safety of the American consuming public."

Mr. DINGELL was Chairman of the House Energy and Commerce Committee when the PDMA passed in 1988. He was a key mover and shaker behind the bill. As the bill was being developed the Energy and Commerce Committee issued a report that concluded that "the very existence of a market for reimported goods provides the perfect cover for foreign counterfeits."

Mr. President, I ask unanimous consent that his letter be printed in the RECORD, as well as the National Wholesale Druggists' Association letter, where they beg us not to pass this type of legislation because of the harm it could cause to the American public and to the American consumer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 14, 2000.

Hon. JANE E. HENNEY, M.D.,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. HENNEY: Recently, the House of Representatives adopted two amendments, one by Rep. Crowley (D-NY) and one by Rep. Coburn (R-OK), to the Agricultural Appropriations bill which could have a profound effect on how the Food and Drug Administration (FDA) protects consumers from imported prescription drugs of uncertain safety and effectiveness. I am concerned that these amendments could seriously undermine the Prescription Drug Marketing Act (PDMA), and thus adversely affect public health.

During the 1980's, the House Energy and Commerce Committee conducted a lengthy investigation into the foreign drug market that ultimately led to enactment of the PDMA. That investigation discovered a potentially dangerous diversion market that prevented effective control over the true sources of merchandise in a significant number of cases. The integrity of the distribution system was found to be insufficient to prevent the introduction and eventual retail sale of substandard, ineffective, or even counterfeit pharmaceuticals. As the resulting Committee report stated, "pharmaceuticals which have been mislabeled, misbranded, improperly stored or shipped, have exceeded their expiration dates, or are bald counterfeits, are injected into the national distribution system for ultimate sale to consumers."

The PDMA was designed to restore the integrity and control over the pharmaceutical market necessary to eliminate both the actual and potential health and safety problems before injury to the consumer could occur. Again, the Committee report was clear on why the PDMA was needed: "[R]eimported pharmaceuticals threaten the public health in two ways. First, foreign counterfeits, falsely described as reimported U.S. produced drugs, have entered the distribution system. Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by U.S. law once the drugs have left the boundaries of the United States."

Alarmingly, I find little now that suggests that the problem with misbranded, adulterated, or even counterfeit foreign drugs has been solved. I reiterated these concerns with respect to the Crowley and Coburn amendments (see enclosed remarks). In fact, the evidence suggests the problem is getting worse. I am concerned that in our haste to find a way to bring cheaper drugs to seniors and other needy Americans—a clearly important and laudable goal—we risk making changes to key health and safety laws we may later regret. I am thus requesting that you quickly provide me with the following information:

(1) Please provide a detailed analysis on how (H.R. 4461 and H.R. 3240) would affect FDA's present operations regarding efforts to prevent misbranded or potentially dangerous drugs from entering the U.S. Specially, please provide: (a) a description of how the present system now used by FDA works; (b) what the present system is intended to accomplish; and (c) what changes would be required (and the potential effects of those changes) if this legislation passes in its present form.

Please include a discussion of how these amendments would affects take activities of other agencies, such as the U.S. Customs Service, with responsibilities for assuring the safety of imported prescription drugs.

(2) Please determine if either of these amendments would have any effect on FDA's ability to enforce good manufacturing practices (GMPs) in any foreign firms that ship drugs to the U.S. If so, please explain any potential effect on consumer health and safety.

(3) Please provide a full description regarding what a "warning letter" is and how it is typically used by the FDA. Please compare this with correspondence that is sent by Customs.

(4) It appears that these amendments would directly affect the ability of FDA to send warning letters to consumers that purchase drugs over the Internet. As you know, some web sites appear to be covertly linked to foreign drug suppliers. When a consumer orders from such a site, it is not always obvious that they are dealing with an offshore supplier, and thus a potentially non-FDA approved facility. Often, warning letters may be the only indication that the Internet-ordered drugs originated from a foreign (and potentially dubious) source. Please indicate how this legislation could affect FDA's ability to protect consumers who purchased drugs in this way.

(5) Please detail any other potential effects this legislation could have on FDA's ability to protect consumers from potentially dangerous drugs that originate abroad.

(6) Finally, please provide technical assistance in the form of specific suggestions for legislative or regulatory changes that would be needed in order to facilitate the safe importation of prescription drugs by individuals, wholesalers, or retailers.

I would appreciate a full response to this letter by Friday, July 28, 2000. Please do not delay.

Sincerely,

JOHN D. DINGELL,
Ranking Member.

NATIONAL WHOLESALE
DRUGGISTS' ASSOCIATION,
Reston, VA, July 18, 2000.

DEAR SENATOR: I am writing on behalf of the National Wholesale Druggists' Association (NWDA) to request that you oppose the pharmaceutical importation amendment Senator Jeffords is expected to offer to the Fiscal Year 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill.

NWDA is the national trade association representing distributors of pharmaceuticals and health care products. NWDA active members operate over 200 distribution centers throughout the country, distributing over $77 billion in these products to every state, the District of Columbia and U.S. territories.

From NWDA's perspective, the Jeffords' amendment is unworkable. It would require wholesalers to statistically sample the products, test them for authenticity, develop extensive record keeping and documentation and relabel products from the country of origin to U.S./FDA approved labels. In their new role, wholesalers would also now likely have to also prepare professional package inserts to accompany each bottle or vial. These new requirements may reclassify "wholesalers" as "relabelers" and/or "repackagers," which, under FDA regulations, would trigger different and significant additional regulatory requirements. I am not aware of any wholesalers who have these capabilities and I strongly doubt that they would undertake them due to the considerable expense.

Wholesalers do not have the experience, equipment or personnel to undertake such complicated tasks. Our expertise is in distributing pharmaceuticals in an efficient, timely and cost-effective manner on a daily basis. An "average" NWDA-wholesaler purchases product from over 900 different manufacturers, stores over 25,000 different health care items at any one time and distributes them to its hundreds of customers, including independent pharmacies, chain drug stores, hospitals, HMO's, integrated health systems, clinics, home health providers, physicians and government sites.

The measure also imposes numerous new reporting requirements on wholesalers. While it is questionable if these reports actually will help to ensure the health and safety of Americans, they will be very burdensome and costly for the wholesalers who must compile and maintain them. Furthermore, as a result of the testing and reporting requirements, lability exposure for the wholesaler is increased dramatically. All of these new requirements and liabilities will, in our opinion, add significant costs to imported products.

NWDA-wholesaler members have a razor thin net profit margin of just 0.62%. Operating in a highly competitive marketplace, wholesale drug distributors have passed these savings from lower operating costs through to our customers. All of these additional responsibilities, regulatory burdens and liability exposure will, in our opinion, ultimately be passed along to consumers. Wholesalers simply do not have the margins to absorb these types of added costs. Indeed, the financial viability of some wholesalers could be jeopardized if the Jeffords measure were to be enacted.

In closing, NWDA, as indicated in previous communications, is concerned about the potential threat to the public health posed by the importation of products that have been produced, stored and/or handled in a manner that is inconsistent with U.S. quality standards. Notwithstanding the language in the amendment relating to documentation, the Jeffords amendment does not ensure the safety and integrity of imported prescription drugs. However, NWDA stands ready to work with Senator Jeffords and others to devise an approach that will ensure the safety and integrity of pharmaceutical products as well as provide access to them for all Americans.

If you have any questions, please do not hesitate to contact me or have your staff contract Robert Falb, NWDA Director of

Congressional Affairs, at 703-787-0020 or rfalb@nwda.org.

Sincerely,

RONALD J. STRECK,
President & CEO.

Mr. HATCH. Given the reported White House activity on this bill, I would not be surprised that FDA will quickly respond to and brush aside the questions this letter raises.

Mr. President, in sum, we are in danger of losing a tremendously innovative and effective and productive industry that has made the American Nation the leader in health care throughout the world.

I think this type of an amendment will undermine everything we have decided to do all these years, that has really benefited the whole world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I point out, we held a hearing on this yesterday. I wanted to correct my good chairman on that.

I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I very much appreciate the courtesy of my friend from Vermont because I rise to support the views of my friend from Utah, who spoke so carefully about the matter of price controls.

Sir, I do not expect to have any considerable influence on what we do today. But I would like, in a very short order, to try to put what we are doing in a perspective.

This began, for me, during the period of the Finance Committee hearings on the health care legislation submitted to us by the administration in 1993.

At one hearing, a professor, Charles Fahey, of Fordham University, speaking for the Catholic Health Association, said: What we are witnessing in the country is the commodification of medicine.

And down the table, the head of the UCLA hospital said: Can I give you an example? In Southern California, we now have a spot market for bone marrow transplants.

This thought stayed with me, that market forces were beginning to shape decisions in health matters as they had not done before.

It was particularly poignant that the first institutions that would have trouble in this new situation would be the medical schools and the teaching hospitals, which, as economists say, are public goods. Everybody benefits from public goods so no one has an incentive to pay for it—and we are seeing this all over the country in a short 6 years.

Now, today, we are seeing another phenomenon of a market that comes into being as railroads did, as oil refineries did, oil producers, as has been going on through the history of free markets and free enterprise, which is price controls. There is something about our political systems in the West that responds to the creation of new markets and the seeming rise in prices in those markets—when, in fact, quality rises—that says perhaps we could control this by controlling the price.

It always fails, Mr. President. It is the one thing you can say with a large degree of confidence that in the 20th century this effort always fails. Sometimes it fails by producing black markets where the laws are not obeyed; others by simply depressing the quality of the products in the market. That is what we have to watch for here in the main.

We are dealing with thoroughly responsible organizations. The Pfizer Corporation, from my city of New York, began work in Brooklyn in 1849, developed the first treatment for parasitic worms in the mid-19th century when that was a rampant endemic disease. It has since gone on to do other extraordinary things. It was the first major producer of penicillin in the United States, which was a drug of such enormous consequence in the Second World War, the first time we were able to destroy one cell in a body without destroying others.

Today Pfizer has 12,000 researchers with a budget of $4.7 billion, larger than the budget of the National Science Foundation. I say, sir, impose price controls, which always seems like a good idea at the time, and in a short order there will be no such budget. A period of enormous innovation, very recent in the history of medicine, will come to a close.

I see my time has come to a close. I ask unanimous consent to print in the RECORD the paper I gave at the 42nd annual Cartwright Lecture as reprinted in "Academic Medicine," the journal of the Association of American Medical Colleges.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Reprinted from Academic Medicine, 1998 by the Association of American Medical Colleges]

ON THE COMMODIFICATION OF MEDICINE

(By Daniel Patrick Moynihan)

ABSTRACT

The author reviews key themes of medicine and medical education in the 20th century, such as the revolution in therapies and the consequent and continuing changes in the economies of health care; workforce issues, including the controversy over the optimum number of residency slots; and the impact of managed care on teaching hospitals and medical schools. This impact is part of "the commodification of health care," in which health care is beginning to be bought and sold in a market, where prices determine outcomes, and where the not-for-profit, service orientation of health care providers is threatened.

He discusses in detail the pressures this new health care environment places on medical schools and teaching hospitals, and recounts the first Senate Finance Committee hearing in April 1994 on the subject of academic health centers under health care reform. Soon after, the Committee approved legislation to create the Graduate Medical Education and Academic Health Center Trust Fund, to be financed by a 1.5% tax on private health care premiums in addition to Medicare Graduate Medical Education payments. The provision was later dropped from a similar bill that came before the full Senate, but has since been introduced as the Medical Education Trust Fund Act of 1997.

The author concludes by cautioning that matters will grow more difficult in the near future, since the threats to academic medicine's institutions have not yet become part of the national political agenda.

Acad. Med. 1998; 73:453—459.

I must begin by expressing great gratitude to the Dean's Advisory Committee on Honors and Awards for inviting me to be the recipient of the 1997 Cartwright Prize. I will not, however, dissemble my anxiety at being, evidently, the first lay person to receive this prize in its 116-year history. I take comfort in one respect only, which is that I propose to address the same subject, the condition of our medical schools, that Abraham Flexner addressed in 1910, and whilst a historic figure of the first order, Flexner, too, was a layman!

He was, of course, concerned with quality. Yet the text of his celebrated Report to the Carnegie Foundation for the Advancement of Teaching is filled with financial details and economic terms:

"In the entire United States there is already on the average one doctor for every 568 persons . . . in our large cities there is frequently one doctor for every 400 or less.

"Over-production is stamped on the face of these facts.

"A century of reckless over-production of cheap doctors has resulted in general overcrowding."

Flexner's view was that there were then too many inadequate medical schools producing too many inadequate doctors. He would raise quality by reducing the number of institutions and increasing the quality of the graduates. He had his way.

In 1910, the year of his report, there were 155 medical schools in the United States. By 1932, there were 76, with but a single addition by 1950. In 1910, there were 4,400 medical graduates in a population of 92.2 million, or 4.8 graduates for every 100,000 people. In 1996, there were 15,907 medical graduates in a population of 268.6 million, or 5.9 graduates for every 100,000 people.

I risk speaking beyond my knowledge, but it appears to me that we can see in all this a combination of disinterested behavior not without a trace of self-protection. At the time, all manner of folk were becoming "professional." Lawyers and accountants and engineers, and, heaven forbid, professors of government. Gatekeepers were put in place and access was restricted. The public got the benefits of quality; the professions of, well oligopoly.

It is striking how echoes of this early debate could be heard in the course of the debate over President Clinton's 1993 health care proposal, an exchange which, of course, continues.

The new administration had announced its intention to send Congress a bill that would establish universal health care. The work of drafting the legislation was assigned to a group of some 500 persons. By the time the first session of the 103rd Congress was coming to a close, we still had not received a bill. On November 23, the day before we "went out," as our phrase has it, I finally was able as chairman of the Senate Finance Committee to introduce, "on request," a 1,362 page bill. I suspected it was not quite complete—it was not—but it saved the honor of the task force to have got its work done in one year.

Not incidentally, introducing the bill finally focused my mind. It was time surely that I got some rudimentary education on this subject. Accordingly, I asked Paul A. Marks of Memorial Sloan—Kettering if he would put on a seminar for me. Just basics. We met in their lovely Laurance S. Rockefeller Board Room at 10 a.m. on the morning of Wednesday, January 19, 1994. At about 10:20 a.m. my education commenced. One of my tutors—a dean of great distinction—remarked that the University of Minnesota might have to close its medical school.

Hold it! Minnesota is where all the Scandinavians went. They don't close medical schools in Minnesota; they open medical schools in Minnesota. This is true, surely, of our whole northern tier of states. It happens I take some pride in having demonstrated in 1992 that while the correlation between per-pupil expenditure on education and average score on the national eighth-grade math exam was a derisory .203, the strongest correlation, a negative .522, was the distance of a state capital from the Canadian border. In the place of all the nostrums being bandied about concerning national education policy, I proposed a simple one-step program: move states closer to Canada. I would tend to assume that some similar relationship obtains as regards health care, and so was the more shocked at the idea of a medical school being closed in Minnesota.

On further enquiry, one learned that, being progressive folk, Minnesotans had been joining health maintenance organizations. HMOs, as we would learn to call them. Paul Ellwood had been trying to tell us this. Being cost-conscious, HMOs do not readily send patients to teaching hospitals; lacking patients, teaching hospitals falter; lacking teaching hospitals, medical schools close.

Clearly, we were in a new age of medicine that had come upon us suddenly. In a wonderful brief essay written in 1984, Lewis Thomas described "medicine's second revolution." The first revolution began with 2nd century A.D. Galen, a Greek physician practicing in Rome who introduced bleeding and blistering, mercury and the like. Also anatomy.

This first revolution persisted—witness the passing of our first president—into the early 19th century, when "serious questions were raised about this kind of therapy." Slowly, but successfully, doctors learned Hippocrates' injunction, primum non nocere. Thomas described a celebrated Victorian painting, The Doctor:

"The picture . . . illustrates what used to be the popular conception of medicine and is, to this day, a romantic version of the way the profession likes to view itself. The scene is a Victorian living room where a young child, stricken by an unspecified mortal illness, lies in a makeshift bed; at her side sits the elderly doctor in an attitude combining, all at once, concern, compassion, intelligence, understanding, and command. He is the painting's centerpiece. The child's parents are in the background, the father looking at the doctor with an expression of total trust.

"The doctor in the painting is engaged in what was, for that period in medicine, the only course available at this stage of serious illness: He is monitoring the patient. He has already, presumably, arrived at the diagnosis. He knows the name of the child's illness, he has a solid working knowledge of the pathology, and from his lifetime of professional experience he is able to predict how the disease will run its course and what will happen at the end. He has explained all this to the parents in language that they can understand, and now, at the moment of the picture, he is engaged in the ancient art of medicine. This means, at its essence, that he is there contributing his presence, providing whatever he can in the way of hope and understanding.

"The illusion of the scene is that he is in control of the situation. He is not, of course. Beyond taking the pulse, examining the tongue, listening to the chest, palpating the abdomen, and making sure that what was then regarded as good nursing care is available, there is nothing whatever that he can do to alter the course of the illness or affect its outcome."

Thomas records that "this was the kind of medicine I was taught in Boston 50 years ago, which would have been 1934. (When, come to think, we were treating our president for poliomyelitis by seating him in what Gibbon called "medicinal waters," writing of the therapies of Rome in the Age of Caracalla.) He recalls that the terms medical science and medical research were not much used and the term bio-medical, implying that "medicine and biology were all of a piece," was not yet invented. Then this: "As I recall, 50 years ago we believed that medicine had just about come its full distance.

Before that decade of the 1930s wound out, antibiotics made their appearance in medical practice and everything changed. Changed utterly. To cite Thomas a last time, "The news that infectious bacteria could be killed off without harm to the cells of the host came as an astonishment to physicians everywhere. American medicine took off.

The transformation of medical science brought profound changes in the economics of medicine. We would associate this with Say's law, the work of the early-19th-century French economist who reached "a conclusion that may at first sight seem paradoxical, namely, that it is production which opens a demand for products." Supply creates its own demand. Say's law began to take hold in medicine. As the supply of efficacious treatments grew, demand grew. In 1929, real per-capita national health expenditures (1996 dollars) were below $300. By 1989, they exceeded $3,000—a ten-fold increase. In 1940, 4.0% of the Gross Domestic Product went to the health care sector. In 1960, 5.1%. But now the trend took hold. The proportion had more than doubled by 1991, when Richard Darman, Director of the Office of Management and Budget, presented this testimony before the Senate Committee on Finance:

"Total public and private health spending is on a growth path that would take over the Gross National Product—if that were not a practical impossibility. Total health spending has grown from less than 6% of GNP three decades ago to about 12% today. It is currently projected to reach 17% by the year 2000 and 37% of GNP by 2030. [Emphasis in original.]"

In Washington, where health care costs were now assuming an ever-larger portion of the federal budget owing to programs such as Medicare and Medicaid, begun in 1965, the issue was increasingly seen in budgetary terms. This was a profound shift. I was a witness to and something of a participant in the development of the Medicare and Medicaid legislation. Money was the least of our concerns. We had the money. Health care was what we cared about. The venerable Robert J. Myers, who was actuary to the House Committee on Ways and Means at that time, has recently reviewed our subsequent experience. In 1965, it was estimated that the outgo for the hospital insurance (HI) portion of Medicare by 1990 would be $9 billion. As it turned out, the actual figure was $66.9 billion. Thus, he writes, "the actual HI experience was 639% above the estimate." Myers notes that in the interval the program was continually expanded in one way or another such that the comparison is not entirely valid. No matter, the issue succumbed to a fair amount of alarm given what, in Myers's words, "at first glance . . . seems to be a horrendous variation." Political attention turned to the issue of demand.

This was a central theme of President Clinton's 1993 health care proposal. One issue identified was what economist Alain Enthoven had earlier called the question of "physician oversupply." Writing in the Journal of the American Medical Association in 1994, Richard A. Cooper of the Medical College of Wisconsin would state that a "consensus" had developed that there needed to be a "better balance" in the proportion of primary care physicians to specialists. He was careful, however, to note that where the one was determined by demography, "the driving force behind much of specialty medicine was science."

This was not a matter of concern to the Clinton task force. Working in secret, an abomination where science is concerned and no less an offense to democratic governance, the task force came up with this formulation:

"Problem: An increasingly overabundant number of medical graduates are entering specialty fields instead of primary care fields (family practice, general pediatrics, general internal medicine).

"Provide [by Federal law] that at least 50 percent of residency graduates enter primary care practice.

"*Limit Federal funding for first-year residency positions to no more than 110 percent of the size of the graduating class of U.S. medical schools. This would further support the action to limit specialty residency positions.* [Emphasis in original.]"

As I have described elsewhere, a dissenting paper dated April 26, 1993, by "Workgroup 12" of "Tollgate 5," [sic] written by a physician in the Veterans' Administration, began:

"FOR OFFICIAL USE ONLY

"Subject: Proposal to cap the total number of graduate physician (resident) entry (PGY-1) training positions in the U.S.A. To 110 percent of the annual number of graduates of U.S. medical schools.

"Issue: Although this proposal has been presented in toll-gate documents as the position of Group 12, it is not supported by the majority of the members of Group 12 (listed below).

"REASONS NOT TO CAP THE TOTAL NUMBER OF U.S. RESIDENCY TRAINING POSITIONS FOR PHYSICIAN GRADUATES.

"1. This proposal has been advanced by several Commissions within the last two years as a measure to control the costs of health care. While ostensibly advanced as a man-power policy, its rationale lies in economic policy. Its advocates believe that each physician in America represents a cost center. he not only receives a high personal salary, but is able to generate health care costs by ordering tests, admitting patients to hospitals and performing technical procedures.

This thesis may be summarized as: TO CONTROL COSTS. CONTROL THE NUMBER OF PHYSICIANS."

It went on the state that the proposal would require "a vast regulatory apparatus." Then this:

"13. To end on a philosophic note, when the proposal to cap training slots was presented to the presidents of the major U.S. universities last weekend, they were incredulous that the U.S. government would advance as sound social policy a proposal to limit access to one of the three learned professions with its millennial history of achieving social good. They further recognized that in America open access to careers in these professions has been a traditional path for immigrant social mobility."

Leaving aside the politically correct last sentence—No White Protestants Need Apply—this was surely an honorable response. The university presidents were right to have been incredulous at this proposal. It was, in the words of Walter Reich, a proposal for the "deliberate dumbing down of medicine." And yet, it was all kept too much in the family. The administration hardly drew attention to it. A 136-page White House publication on the health care plan had 11 lines on the subject of "Doctors in the United States: An Unhealthy Mix." The press scarcely mentioned the matter, even here in New York where the 110% limit on residencies would have nearly eliminated foreign medical graduates in our hospitals, with the real possibility of many having to close. (The number of residency slots has for some years now been at about 135% of the number of graduates of American medical schools. Imposing a 110% cap would have resulted in a reduction of almost a fifth in the number of residencies nationwide. In that almost half the medical residents in New York City are graduates of foreign medical schools, it would have been very difficult to staff the city's hospitals if such a supply constraint had become law.)

Nor did the workforce issue emerge in the House and Senate hearings on the health care legislation. However, early on the Finance Committee began to sense that the notion of uncontrollable costs was open to question. Indeed, the interval between 1993, when the administration health care plan was proposed, and 1994, when it failed in the Congress, was something of a break point. Average health insurance costs for large employers, including government, declined from $4,117 in 1993 to $4,040 in 1994. (They have since more or less stabilized.) Something was going on, and in the Finance Committee, at least, we began to sense what could only be described as market forces. This sense, at least for this Senator, was of a sudden brought into focus on April 26, 1994, when Monsignor Charles J. Fahey of Fordham University, testifying on behalf of the Catholic Health Association of the United States, said that what we were seeing was the "commodification of health care." Which is to say that health care was beginning to be bought and sold in a market, where prices would determine outcomes. This was not a development Fahey found altogether congenial.

"We want to alert the committee that the not-for-profit mission in health care is being seriously threatened by the increasing commercial environment in which we find ourselves operating; a real commodification of health care, if you will."

Still, as we pursued the matter, it became ever more clear that something such was happening.

Again, Paul Ellwood did his best to tell us this. At a March 1, 1994, hearing in the Finance Committee, he was asked about projections that health care spending would reach 20% of GDP by the year 2000.

"Dr. ELLWOOD. The problem with building these models that project costs is, if you are going to go with a model, the more compulsory, the more intrusive the system of determining what the numbers are in there, supposedly the more accurate they are.

"What we are having to do here is speculate about how consumers will behave if they are faced with lower-cost health plans versus how providers will behave if there is a ceiling on it.

"My feeling is—I may come to regret saying things like this—we are never going to hit 20%.

"Senator PACKWOOD. That we are going to get what?

"Dr. ELLWOOD. We are never going to hit 20% of the GDP.

"The CHAIRMAN. Write that down. Everybody take notes."

What Mr. Darman had described—37% of GNP by the year 2030—was an unsustainable trend. It is years now since Herbert Stein, Chairman of the Council of Economic Advisers under President Nixon, offered the epiphanic observation that "an unsustainable trend cannot be sustained." We should have known, and began to sense.

Here are the numbers. In 1993, health care absorbed 13.6% of GDP. The administration projected that without reform, the proportion would rise to 18.9% by the year 2000. (Pretty much along the Darman trend line.) With reform—1,362 pages of it—we could hope for 17.3% of GDP by said year 2000. For what it is worth, the Congressional Budget Office now projects that by the year 2000 health care costs will be 14.3%. As they would say in the age of Thomist medicine, the crisis has passed.

But another crisis awaited. That of medical schools and teaching hospitals. Slowly, beginning with Fahey's testimony, the connection emerged. And it has been all over the press ever since, if one reads the headlines with this in mind. Here is a sample from the superb reporting of Milt Freudenheim in The New York Times:

"HOSPITALS ARE TEMPTED BUT WARY AS FOR-PROFIT CHAINS WOO THEM

"Richard Scott has made deals to take over 137 hospitals in the last year, and he wants more. Now, his Columbia—HCA Healthcare Corporation has its eye on some Catholic hospitals in Chicago.

"Stay away, says Joseph Cardinal Bernardin of Chicago, one of the most powerful clerics in the nation. The Roman Catholic Church has an obligation to poor people and to the Catholic way of health care, the Cardinal recently warned the 20 hospitals in his archdiocese, and selling to a for-profit chain would be a betrayal. He reminded them that the archdiocese could withdraw its recognition of any hospital defying him."

For Catholics, of course, read Jewish, Presbyterian, Methodist, what you will. Hospitals once were charities.

"BIG HOSPITAL CHAIN MAKES A BID TO BUY BLUE CROSS OF OHIO

"The nation's largest for-profit hospital chain agreed yesterday to buy the main business of Blue Cross and Blue Shield of Ohio, raising concerns among consumers, employers and providers of health care about the enormous influence that such a combination could exert.

"The $229.5 million purchase by the Columbia—HCA Healthcare Corporation would be the first acquisition of a Blue Cross company by a for-profit hospital chain. If approved by state regulators and the national Blue Cross and Blue Shield association, the takeover could open the door for similar deals by a number of nonprofit Blue Cross plans that are struggling to stay in business."

Recall that Blue Cross began as a not-for-profit cooperative, an idea much associated with resisting market forces.

A recent lead story of the Business Day section of The Times, by David J. Morrow, began:

"WARNER—LAMBERT SHARES PLUNGE ON GLAXO MOVE

"Shares of the Warner-Lambert Company plunged 18.5% yesterday after Glaxo Wellcome P.L.C. halted British sales of Warner-Lambert's diabetes drug, troglitazone [trade name Rezulin]. . . .

"By day's end, Warner-Lambert's shares had dropped $25.875 each, to $114, with 9.9 million shares traded, the second most active of the day on the New York Stock Exchange. The setback shaved $7 billion off the Morris Plains, N.J., company's market value, prompting analysts at Bear, Stearns & Company to adjust their earnings estimates and Morgan Stanley to lower its rating of Warner-Lambert before noon. At one point, Warner-Lambert's stock tumbled to $112, its lowest point since June 20. . . .

Developed by the Sankyo Company Ltd. in Japan, Rezulin was initially heralded as a wonder drug for type-2 diabetes, a chronic disease that affects about 135 million people world-wide. According to Warner-Lambert data, Rezulin reduces or eliminates the daily use of insulin, which has been the predominant treatment for diabetes. Unlike insulin, administered by injection, Rezulin is taken in tablets."

There was a time, surely, when the advent of a new "wonder drug" would have been approached in terms of health care. Now it becomes an affair of share prices.

But now to our main story. This, once again, by Mr. Freudenheim of The Times, on May 20, 1997:

"TEACHING HOSPITALS UNDER THE KNIFE; LONGTIME MISSIONS PRESSED BY H.M.O.'S

"It began as a charity supported by Paul Revere that sent out doctors to the poor. It evolved into the New England Medical Center at Tufts University, a research powerhouse that ranks among the leaders in New England in liver transplants, breast-cancer research and complex heart procedures.

"But now, the biggest health maintenance organization in Boston threatens to starve New England Medical by refusing to pay for its patients to go there, even though the costs are as low or lower than at other Boston teaching hospitals. . . .

"The squeeze on academic medical centers like New England Medical is particularly brutal in Boston, which has seven prestigious teaching and research hospitals and far too many hospital beds, and where costs per patient are among the nation's highest. But dozens of teaching hospitals across the country face similar challenges, and they are responding by reaching out for business partners.

"Some, like the George Washington University Hospital in Washington, D.C., and state university hospitals in California, Oklahoma and South Carolina, are being sold to for-profit chains; others, like New England Medical, Columbia University's Presbyterian Hospital and the University of Minnesota Academic Medical Center, have merged with stronger, nonprofit local institutions; still others, like Beth Israel and St.

Luke's/Roosevelt in New York, are merging into holding companies that will run their finances."

In April 1994, the Senate Committee on Finance held hearings on the subject of "Academic Health Centers Under Health Care Reform." It would appear that these were the first ever on that subject. The testimony was powerful and dispositive. In response to a question from Senators Bob Packwood, our ranking member, Paul Marks described the situation at Sloan-Kettering:

"I think that a price-driven environment is one in which we will have unintended consequences in terms of rationing and quality. You cannot get something for nothing out of the system. And while we can reduce costs substantially, and I think all of us have tremendous pressures to reduce costs, even in high-cost centers, such as the cancer centers, we know right now from our experience because we are being approached by insurance companies, health plans, managed care, and they say how much does a bone marrow transplant cost. And we will say it is $100,000. Well, we will give you all our marrow transplants for $60,000.

"There are two things. Number one, we cannot survive as a quality provider of care doing bone marrow transplantations alone. Even if we got $100,000, we would not want to do it. And at $60,000 we cannot really provide a quality care program in bone marrow transplantation.

"So I would say that at least in our environment there has to be some kind of legislation which takes into account that a price-driven system today will compromise the quality of health care and will be associated with rationing. I do not think there is any question in my mind about that because they cannot compete in any other way if you are going to drive down just price."

It would be fair, I believe, to state that the theme of our hearings was, and here I quote from my opening statement, that "health insurance is important, but health is more important. It comes out of discovery, and we are in a great age of discovery." We were up against the problem of how to provide for what economists call public goods. These are readily described. For most goods and services, if the consumer chooses not to pay, he does not receive the benefit. If he does not buy a ticket, he is excluded from the ballpark. By contrast, consumers are not easily excluded from the benefits of a public good, say national defense or cancer research, because everyone benefits whether or not they pay. As Richard A. Musgrave noted in his classic 1959 text, The Theory of Public Finance, the existence of public goods provides a rationale for the government to intervene on markets and either directly provide the public good—as it does with national defense—or support the provision of the public good through indirect payments.

The Finance Committee resolved to do just this for medical schools and teaching hospitals. The chairman's mark, as is our term, of June 29, 1994, provided for a Graduate Medical Education and Academic Health Center Trust Fund to be financed by a 1.5% tax on all private health care premiums. An additional .25% levy, proposed to us by Senator Mark Hatfield, provided for medical research. In all, this made for an average annual revenue to the Trust Fund of $17 billion over five years. To may knowledge, this was the first such proposal of its kind. It did not go unnoticed in our Committee; a motion to strike the 1.75% premium tax failed by 13 votes to seven.

It would be pleasing to report that there was at least some response to the bipartisan approval by the Senate's tax-writing committee of a trust fund for this purpose. But there was none. The Committee finished its work on Saturday, and there was a long front-page report in The Times. The tone was cool. Our assignment had been to provide universal health care; we had only provided for 95% coverage by 2002. That a bipartisan majority had approved a very considerable measure meant nothing to those who had vowed never to compromise. These included a fair number of journalists, whose disappointment, even distaste, was made plain. In the end, of course, no bill was brought to a vote in either chamber. The Congressional elections that followed were widely understood to mark a repudiation of the whole enterprise, and indeed, the subject has receded, in Congress at least, while health maintenance organizations continue their seeming predestined course.

The one exception is this matter of medical schools and teaching hospitals. In the 104th Congress, four bills were introduced. This time the Senate Finance Committee rejected the trust fund on a tie vote, ten to ten. (Tie votes fail.) By contrast, on the House side, in the Committee on Ways and Means, the new chairman, Representative Bill Archer of Texas, proposed and carried a Teaching Hospital and Graduate Medical Education fund that would receive, among other revenues, $13.5 billion in appropriated general funds over a six-year period. This measure became part of the Balanced Budget Act of 1995. It passed both House and Senate, but was vetoed by President Clinton over other matters. In the current, 105th Congress, I have reintroduced S. 21, the "Medical Education Trust Fund Act of 1997." This was a "first day" bill, and accorded some prestige, as the first 20 numbers are reserved for the Majority and Minority leaders. For all that, at the end of the year there are no cosponsors and few prospects. The subject has not made its way onto the national political agenda as a singular public good that has been placed in jeopardy by what Columbia's great seer, Robert K. Merton, described back in 1936 as the "unintended consequences" of actions arising in other contexts.

Expect matters to grow more difficult in the near future. There will be all manner of proposals to regulate managed care, much as a century ago we commenced to regulate the railroads and such like commercial activities. This can be helpful; it can be hurtful. James F. Blumstein of the Health Policy Center at Vanderbilt University suggests that the current federal investigation into various health care providers "is taking its cues from past task forces on the Mafia." Or desert warfare, for that matter, given the formal title, "Operation Restore Trust." Again, expect more. But be of good cheer. Some things take a long time, as Lewis Thomas attested. Most importantly, may a layman urge that you physicians be importunate. You are too precious to let your collective well-being be taken for granted. I close with the words with which Dominic P. Purpura, dean of the Albert Einstein College of Medicine here in New York, on October 5th opened the new Jerome and Dawn Greene Medical Arts Pavilion at Montefiore Hospital in the Bronx:

"We are gathered here for several reasons. Most importantly to bear witness to the felicitous marriage of high-spirited philanthropy and good works, now consummated in this . . . Medical Arts Pavilion. We are here for another purpose as well. To dispel the septic rumor oozing from some health policy think tanks to the effect that academic medical centers such as ours are dinosaurs doomed to extinction by the impact of the asteroid of managed care. Look skyward! On this day of noble purpose the sun shines brightly. No ashen clouds obscure the values that have made American medicine a crowning achievement of Western Civilization. And what are these core values? Simply stated: Faith in evidence-based medicine and trust that our superbly trained physicians will translate the basic science of medicine into the art and science of patient care."

The author thanks Dr. David Podoff, minority chief economist for the Senate Committee on Finance, for assistance with this article.

Mr. JEFFORDS. Mr. President, I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am very pleased to be involved in working on this legislation with the Senator from Vermont and other legislation with Senator DORGAN.

To my colleague from Utah, if we read the amendment carefully—all colleagues who are going to vote—we are very clear on protections. If safeguards are not in place, the drugs cannot be reimported. That is clear language.

These are some of the protections: strict FDA oversight; proof of FDA approval of imported medicines; only licensed pharmacists and wholesalers can import medicines for retail sale; importers will have to meet requirements for handling as strict as those already in place for manufacturers; lab testing to screen out counterfeits; lab testing to ensure purity, potency, and safety of medications. It is all clear.

I have a letter from the National Community Pharmacists which is in favor of this exact concept of our pharmacists and wholesalers being able to reimport these drugs so our consumers can afford it.

The only protection we don't have in this amendment is protection for the pharmaceutical industry to continue to make excessive profits. I quote from Fortune magazine:

> Whether you gauge profitability by median return on revenues, assets, or equity, pharmaceuticals had a Viagra kind of year.

We are talking about an industry making enormous profits, profits as a percentage of revenue up around 18.6 percent. We have all the protection for consumers. We just don't want to protect the pharmaceutical company from being able to gouge consumers. People in Minnesota and in Alabama and in Vermont and in North Dakota are saying: Why can't we have the trade? Why can't we have the competition? Why can't our pharmacists and wholesalers reimport these drugs back to us so we can get the drugs we need for ourselves and our families at a price we can afford?

This is a real simple amendment. You are on the side of consumers, you are on the side of real competition, or you are on the side of the pharmaceutical industry. On this one, Senators have to be on the side of consumers.

I am glad we finally have the chance to bring up legislation that corrects the injustice that finds American consumers the least likely of any in the industrialized world to be able to afford drugs manufactured by the American pharmaceutical industry because of the unconscionable prices the industry charges only here in the United States.

When I return to Minnesota which I do frequently, I meet with many constituents, but none with more compelling stories than senior citizens struggling to make ends meet because of the high cost of prescription drugs—lifesaving drugs that are not covered under the Medicare program. Ten or twenty years ago these same senior citizens were going to work everyday—in the stores, and factories, and mines in Minnesota—earning an honest paycheck, and paying their taxes without protest. Now they wonder, how can this government—their government—stand by, when the medicines they need are out of reach.

But it is not just that medicare does not cover these drugs. The unfairness which Minnesotans feel is exacerbated of course by the high cost of prescription drugs here in the United States—the same drugs that can be purchased for frequently half the price in Canada or Mexico or Europe. These are the exact same drugs, manufactured in the exact same facilities with the exact same safety precautions. A year ago, most Americans did not know that the exact same drugs are for sale at half the price in Canada. Today, you can bet the pharmaceutical industry wishes no one knew it. But the cat is out of the bag—and it is time for Congress to right these inequities.

All the legislators speaking today have heard the first-hand stories from our constituents—in Minnesota, Vermont, North Dakota, South Dakota, Washington state—constituents who are justifiably frustrated and discouraged when they can't afford to buy prescription drugs that are made in the United States—unless they go across the border to Canada where those same drugs, manufactured in the same facilities are available for about half the price.

Senior citizens have lost their patience in waiting for answers—and so have I.

Driving to Canada every few months to buy prescription drugs at affordable prices isn't the solution; it is a symptom of how broken parts of our health care system are. Americans regardless of party have a fundamental belief in fairness—and know a rip-off when they see one. It is time to end that rip-off. While we can be proud of both American scientific research that produces new miracle cures and the high standards of safety and efficacy that we expect to be followed at the FDA, it is shameful that America's most vulnerable citizens—the chronically ill and the elderly—are being asked to pay the highest prices in the world here in the U.S. for the exact same medications manufactured here but sold more cheaply overseas.

That is why I introduced with Senator DORGAN the International Prescription Drug Parity Act, and with Senator JEFFORDS the Medicine Equity and Drug Safety Act, two bills which will amend the Food, Drug, and Cosmetic Act to allow American pharmacists and distributors to import prescription drugs into the United States as long as the drugs meet FDA's strict safety standards. Pharmacists and distributors will be able to purchase these drugs—often manufactured right here in the U.S.—at lower prices overseas and then pass the huge savings along to American consumers.

What these bills do is to address the absurd situation by which American consumers are paying substantially higher prices for their prescription drugs than are the citizens of Canada, and the rest of the industrialized world. These bills do not create any new federal programs. Instead they use principles frequently cited in both Houses of the Congress—principles of free trade and competition—to help make it possible for American consumers to purchase the prescription drugs they need. Now we have the chance to adopt an amendment that includes the best of both those bills.

And the need is clear. A recent informal survey by the Minnesota Senior Federation on the price of six commonly used prescription medications showed that Minnesota consumers pay, on average, nearly double (196%) that paid by their Canadian counterparts. These excessive prices apply to drugs manufactured by U.S. pharmaceutical firms, the same drugs that are sold for just a fraction of the U.S. price in Canada and Europe.

Pharmacists could sell prescription drugs for less here in the United States, if they could buy and import these same drugs from Canada or Europe at lower prices than the pharmaceutical companies charge here at home.

Now, however, Federal law allows only the manufacturer of a drug to import it into the U.S. Thus American pharmacists and wholesalers must pay the exorbitant prices charged by the pharmaceutical industry in the U.S. market and pass along those high prices to consumers. It is time to stop protecting the pharmaceutical industry's outrageous profits—and they are outrageous.

Where the average Fortune 500 industry returned 3.8 percent profits as a percentage of their assets, the pharmaceutical industry returned 16.5 percent.

Where the average Fortune 500 industry returned 15 percent profits as a percentage of shareholders equity, the pharmaceutical industry returned 36 percent.

Those record profits are no surprise to America's senior citizens because they know where those profits come from—they come from their own pocketbooks. It is time to end the price gouging.

We need legislation that can assure our Senior Citizens and all Americans that safe and affordable prescription medications at last will be as available in the United States of America as they are in all the other countries of the industrialized world. This amendment which I am introducing along with Senators JEFFORDS and DORGAN accomplishes that end.

And contrary to the campaign of false information being promoted by the pharmaceutical industry, the Amendment includes all the safety precautions needed to protect the American public. This amendment includes the specific protections—which were not included in the House-passed amendments—to make sure we are not sacrificing safety for price.

The only things that are not protected in this amendment are the excessive profits of the pharmaceutical industry. My job as a United States Senator is not to protect those profits but to protect the people. Colleagues, please join in and support this thoughtful and necessary amendment that will help make prescription drugs affordable to the American people.

Mr. JEFFORDS. Mr. President, I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend Senator JEFFORDS and Senator DORGAN for this amendment. There is no reason why American consumers should not have access to lower-priced medicines, while assuring the safety of those medicines that are imported.

I quote from an editorial from the Detroit News. This is an editorial department which is very outspokenly conservative, avowedly conservative in its editorial policy. It says:

> . . . Congress should remove the prohibition because the federal government ought not to restrict the purchasing options of Americans.

It goes on to say:

> . . . using government coercion to prevent Americans from purchasing drugs from abroad is not the way to go.

That is what this issue is all about. This is whether or not we are going to use the free market. This has nothing to do with setting prices. This has to do with using a free market to allow the reimportation of something manufactured in the United States after it has been certified by the FDA that it is safe to do so.

It is incredibly galling as well as incredibly expensive for my constituents in Michigan to go across the border to Canada in order to buy drugs at about half the price of what they are charged for those same drugs in Michigan. Again, these are drugs manufactured in the United States and exported to Canada. All this amendment says is that it ought to be possible for our wholesalers and our pharmacists to import something back into the United States manufactured in the United States and having been approved by a process of the FDA to make sure that it is safe.

We have done a survey in my home State. We have compared the prices of these drugs. They are quite extraordinary. We have many people who cannot afford these drugs. These are often lifesaving drugs, life-extending drugs. These are drugs which reduce pain, which make it possible for people to be more mobile than they otherwise would be.

We looked at seven of these most popular drugs because there were three on which we could not make a comparison because they were over-the-counter drugs in Canada or otherwise unavailable to get prices, but seven of the most popular drugs. Premarin is an estrogen tablet taken by menopausal women. It costs $23 in Michigan, $10 in Ontario. Synthroid—this replaces a hormone which is normally produced by the thyroid gland—costs over $13 in Michigan, under $8 in Ontario. We could go through the next five drugs on this list, and I have done this already in the RECORD in previous remarks I made on the Senate floor.

We cannot afford to be subsidizing the consumers in other countries. We ought to use the free market that we are all so proud of to allow the import of something which is, by the way, manufactured in the United States and, by the way, in some cases had previously received financial support from the taxpayers of the United States through either the Tax Code on research and development or, in some cases, direct grants from the National Institutes of Health to the scientists who developed these drugs.

It is really an intolerable situation when we have people in our States who can't afford these critically important drugs and are simply prohibited from having a wholesaler or a pharmacist import that drug from another country. Since the amendment provides for safety through a process which has to be approved by the FDA, it seems to me this is a sensible thing to do.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there is nothing worse than losing an argument you are not having. We had four or five opponents talk about this legislation, and they were making arguments about a bill that doesn't exist. So they win. What is the argument? Listen carefully and you will hear the scare tactics, suggesting that somehow in an old garage with a dirt floor on a dusty street somewhere in Haiti, someone is going to produce a counterfeit drug and ship it to the U.S. We should not do that, they say. Well, I agree. But that has nothing to do with this legislation. They are winning an argument we are not having.

This legislation establishes very strict controls and pertains only to prescription drugs that are produced in manufacturing plants approved by the FDA, with strict FDA oversight and proof of FDA approval on all imported medicines. Only licensed pharmacists and wholesalers can import the medicine for resale, and there is lab testing to screen out counterfeits. That is what this is about. Risk? This isn't about risk.

One of our colleagues said what we need is more insurance coverage for prescription drugs. Well, I agree that we need to add a prescription drug benefit to Medicare to help our senior citizens pay for their medications.

But we also need lower prices for prescription drugs. There is a famous football coach who is on television just about every night in an advertisement for a drug called Zocor. He is one of America's better professional football coaches and, I gather, a wonderful man. He says that Zocor reduces his cholesterol. I am sure it does; it is a wonderful drug. Zocor is advertised widely on television. If you buy it in the United States it is $3.82 per tablet. If you buy it in Canada—the same pill by the same company—it is $1.82 per tablet.

I ask anybody who spoke today in opposition to this amendment, how does one justify that? Do you support it? Do you think it is right? Do you want to tell the American consumer we have a global economy for everyone except for them? The compounds and chemicals used in this pill can be accessed globally by the companies that produce it, and that is fine. But the global economy isn't for you, American consumers. The drug companies can price their products any way they want here in the United States, and the American consumer has no business accessing them at a lower price anywhere outside the United States.

I ask all those who oppose this, do you support this pricing strategy—$1.82 for the person in Winnipeg, Canada, and $3.82 for the U.S. consumer?

The Senator from Vermont offers a very simple piece of legislation. The amendment allows for the importation only of products approved for sale in the United States by the FDA and manufactured in FDA-approved plants.

At a hearing before the HELP committee earlier this year, Dr. Christopher Rhodes, a professor of applied pharmaceutical sciences at the University of Rhode Island, who has 30 years of experience on the development and evaluation of drug products, said this:

> It is my considered professional opinion that the process of using re-imported prescription drugs in the United States need not place the American public at any increased risk of ineffective or dangerous products.

I understand what is at work here. The pharmaceutical industry wants to protect what they have. They have a pretty good deal. They can price their products at whatever price they want. But this is about fair prices for American consumers. I heard a colleague say: If we don't price products like this in the U.S., there won't be research and development for new drugs.

Oh, really? Every European country receives lower prices for the same drugs. Yet a larger percentage of research and development on prescription drugs takes place in Europe than in the United States. Explain that.

This is a good piece of legislation. I hope my colleagues will see it for what it is. It doesn't pose any risk. It says to the American consumers that they have rights as well.

Mr. COCHRAN. Mr. President, I yield the remainder of the time on our side to the distinguished Senator from North Carolina, Mr. HELMS.

Mr. HELMS. Mr. President, I ask unanimous consent that I may deliver my remarks while seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I don't question the sincerity of those who advocate this amendment which is intended to repeal the law that prohibits the wholesale reimportation of potentially unsafe drugs from Canada or Mexico. While they may scoff at the opposition, I predict that one day, somewhere down the line, they will regret sincerely their support of this proposal which is fatally flawed.

Most Americans never doubt the safety of the drugs in our pharmacies and hospitals. That is because they understand that no drug can be sold in America without manufacturers first making enormous investments in research and development, the compound passing rigorous testing and review by the FDA, and then being distributed through a supply system that ensures that drugs must pass through a reliable and verifiable chain of custody.

No country in the world does as much to ensure the safety and efficacy of drugs used by its citizens.

FDA Commissioner, Dr. Jane Henney, recently warned that the United States demand for Canadian drugs could cause Canada to "be used as a front for counterfeit or contaminated products becoming available."

Some Senators have said: Forget that; it is not going to happen. Well, I predict that it is going to happen. Commissioner Henney went on to emphasize: "One has to be concerned about a safety issue here."

Echoing Commissioner Henney's concerns, the former FDA Commissioner and current Dean of the Yale Medical School, Dr. David Kessler, warned last year: "with the rise of Internet pharmacies, the opportunities for illicit distribution of adulterated and counterfeit products have grown . . . Repealing the prohibition on reimportation of drugs would remove one of the principal statutory tools for dealing with this growing issue."

Mr. President, current law has protected American consumers from the importation of substandard, impotent, adulterated, contaminated, and counterfeit pharmaceuticals—problems that have plagued many other countries. There is simply no good reason to undermine the integrity of our pharmaceutical supply system and to expose American consumers to corrupt middlemen and counterfeiters.

Foregoing the benefits of free markets and innovation for the false promise of cheaper, price-controlled drugs will lead not to improved health care but rather to a proliferation of unsafe and counterfeit drugs, a reduction in incentives and investment to develop new life-saving and life-improving medications; and ultimately, if this proposal passes, disastrous and fatal consequences for countless Americans.

Mr. President, I yield the floor.

Mr. JOHNSON. Mr. President, I rise to join Senators DORGAN and JEFFORDS in support of the prescription drug amendment being offered to the Agriculture Appropriations bill currently pending before this body. I commend my colleagues for their steadfast commitment to addressing this critically important issue. Like all of my colleagues, I deplore conditions that lead to Americans choosing between buying food for their family or medicine for their illnesses which is a choice that millions of consumers in this country are forced to make every day. This is a travesty and one that I am committed to put an end to.

The discussion of prescription drug pricing, accessibility, affordability, and safety has been elevated to new heights in the last year as we in Congress work to develop a practical and cost-effective approach to providing relief to combat escalating prescription drug prices for consumers throughout the United States.

Numerous studies have been conducted that highlight the price differentials existing between the United States, our neighbors to the North and South, and countries in the European Union. Several reports confirm that pharmaceutical prices are substantially higher in the United States than other countries.

Consider how drug prices charged to Americans differ from the drug prices paid by people living in other areas of the world as reported from a study done by the PRIME Institute at the University of Minnesota.

The study found that if Americans pay an average of $1.00 for a pharmaceutical product, that exact same product with the exact same dosage would have a much lower average cost in other industrialized nations. On average, that $1.00 product in the United States would cost .64 cents in Canada, .68 cents in Sweden, .65 cents in England, .71 cents in Germany, .57 cents in France, and .51 cents in Italy.

This amounts to price-gouging of Americans. It's wrong, and it has to stop.

So you ask, why don't Americans just buy it over the border and bring it back to the U.S.? Well, some individuals are being forced to take such drastic measures. South Dakota, though it does not share a border with another country, has an increasing number of individuals willing to make the drive to either Mexico or Canada, knowing full well that the savings are great enough to more than offset any expenses occurred in the process.

Presently, anecdotal evidence suggests that thousands of Americans cross the border to see a doctor and get their prescriptions filled for 25–50% less in cost for many popular prescription drugs. Here are a couple stories that have been shared with me over the last year:

A 72 year-old woman in Arlington, SD who spends $243 a month on prescription drugs wrote to me and said, "The meds are so high in South Dakota. I try to get as much of them in Mexico as I can. I don't understand why there has to be such a difference in price."

A 41-year-old man suffering from a disease that requires daily medication at a cost of more than $400 per month wrote to me and said, "I want you to know that while I recognize that seniors are particularly hurt by unfair prescription pricing due to their fixed incomes, other Americans also feel the pinch. The same medication that I take is available in Mexico at less than half the price that it costs me in the U.S. Unfortunately, I can not afford to travel to Mexico periodically to obtain my prescription."

Under current federal law, however, pharmaceutical companies are the only ones allowed to import drugs approved by the U.S. Food and Drug Administration into this country. Yet, if an American pharmacist or distributor wants to purchase these FDA-approved drugs at the lower prices available in other countries and pass the savings along to their customers, they are prohibited by law from doing so.

On July 10, the House of Representatives overwhelmingly passed two amendments to the Agriculture Appropriations bill that would allow widespread importation of prescription drugs without any FDA oversight. The overwhelming bipartisan support for these amendments clearly shows that Congress no longer wants to deny American consumers access to FDA approved medications that are available in other countries at much lower prices. I support that position and, in fact, have sponsored legislation introduced by my colleagues Senators DORGAN and JEFFORDS regarding international pricing disparities.

While I agree with the intent of the House action, I have concerns that the House provisions do not include the safety mechanisms necessary to ensure that only safe and effective FDA approved medications cross our borders. Perhaps the number one concern mentioned in regard to the reimportation of prescription drugs is the safety of the consumer. As with any product that passes through multiple distribution channels, it is important that a baseline be established to ensure proper handling and storage. This is particularly crucial in maintaining the therapeutic equivalence of prescription drugs.

The amendment we are offering today, which would amend federal law to allow pharmacists, distributors and licensed wholesalers to legally import U.S. FDA approved prescription drugs, addresses this concern by implementing assurances that any prescription drug reimported under this proposal be manufactured, packaged, and labelled according to FDA standards. It includes the essential safety provisions that will allow American consumers to benefit from international price competition for prescription drugs in the safest manner possible.

Many pro-consumer groups such as Families USA, Public Citizen and the National Community Pharmacists Association endorse this amendment saying it is a positive step towards leveling the playing field for prescription drug prices and would save U.S. consumers billions of dollars by allowing the safe reimportation of American-made, FDA-approved prescription drugs.

Of course, the pharmaceutical industry presents many economic and proprietary rationales for price disparities. From price controls to R&D to currency exchange rates, arguments are made that the prices garnered by some pharmaceutical companies are justified in a world where price is a measure of willingness to pay and price elasticity, not compassion or empathy.

Industry representatives have stated it would be profoundly fatal to allow for the reimportation of pharmaceutical drugs from other countries who purchase them at a much lower cost than our nation's senior population as this will create instability in the world's pharmaceutical markets. Personally, I can think of nothing more tragic than charging Americans prices for prescription medications that cost far more than the majority of Americans are able to pay without sacrificing one or more basic needs in their lives.

In my home state of South Dakota, I am conducting prescription drug meetings where constituents are able to communicate their concerns regarding prescription drug prices and express their ability, or perhaps inability, to pay for therapeutic regiments prescribed by their physician. Many of them ask, "Why are citizens of other countries able to purchase their prescriptions at such lower prices?" After all the arguments I have heard from the industry on why this is the case, I have yet to hear an acceptable response that I could give.

Perhaps the most disturbing argument that I have heard in the past year came from an industry representative during an Alliance for Health Reform briefing last year. Our colleague, Senator ROCKEFELLER, read a question from the crowd that asked why this individual's brother-in-law got the same medication from the same U.S. manufacturer for a considerable amount less. What I heard in response was shocking. The following quote is taken verbatim from the transcript of that briefing:

> Price discrimination is an economic concept that merely means different people in different markets are charged different things. In this particular case, price discrimination exists between the Canadian market and American market, for lots of reasons: differences in medical practice, how much of the product is sold, difference in exchange rates, different kinds of patent protections, the length and cost in time of distributing drugs and the marketing of drugs, and differences in living standards.
>
> [You] could have used Mexico as your example and would have found that it is less than a third of the price potentially and that's in large part because the standard of living is substantially lower and they can afford so much less. Beyond that, and the other income differences, there is the difference in willingness to pay.

The idea that Americans are charged what they are because they are willing to pay for it, is perhaps the most insensitive of all arguments. Can you imagine measuring the value of someone's life by whether or not they are willing to fill their prescription to control their cholesterol level or pay their rent? As well, the standard of living that exists for most elderly in the United States is precisely the reason why we are having this hearing today. The simple fact is many seniors are not able to meet all of their basic needs and adhere to their prescription regiment. The number of South Dakotans who, due to their standard of living, can not afford their prescription drugs suggests that the pricing of pharmaceutical goes far beyond reasons based on standard of living and willingness to pay otherwise South Dakotans would have no problem affording their prescription drugs.

Mr. President, I am reminded of a popular fast food chain motto some years back that proclaimed, "Make a run for the border." Who would have ever thought that we would be applying this same motto to the citizens of our country with regard to their prescription drug needs.

The amendment before us is an appropriate response to the discriminatory pricing practices engaged in by much of the pharmaceutical industry. The pharmaceutical industry, year after year, sits at the top of the Fortune Magazine list of most profitable industries in the country. The latest report covering 1999 showed the industry maintained top rankings from previous years: No. 1 in return on revenues, No. 1 in return on assets, No. 1 in return on equity. And the prices they charge to the uninsured in America remain the highest in the world.

For years, Americans have paid the price in more ways than just at the pharmacy counter for the cost of their prescription drugs. Improper prescription drug usage results in thousands of deaths a year though the exact number of seniors included in this number may never be known. How many seniors skip a day's pill or cut them in half in order to stretch their prescription just one more day? I would argue that even one is too many.

We are all working to address the concerns of not only our constituents in our respective home states but for citizens across this nation that rely on prescription drugs for their health care needs. I believe that every Senator here today is deeply concerned about the rising out-of-pocket costs for prescription drugs and hopefully we can address many of these concerns here today with passage of this amendment.

I am pleased to join Senators DORGAN and JEFFORDS in cosponsoring this crucial amendment and urge all of my colleagues to support its immediate passage.

Mrs. MURRAY. Mr. President, I applaud the efforts of the sponsors of this amendment.

As a Senator from a border State, I recognize the frustrations that have brought us to this point.

American consumers must have access to safe, affordable prescription drugs.

Mr. President, I intend to vote for this amendment because I believe we must move this debate forward.

I know that many Americans are facing serious problems because of the cost of prescription drugs.

I hope this amendment will have some impact on the market forces and that we will see some savings as a result.

But, Mr. President, while I will support this amendment, I do have two serious concerns.

First, we must be careful that we don't weaken the high safety standards for drugs in this country.

And second, we should not think for a moment that passing this amendment will mean we have helped senior citizens get access to the drugs they need.

We still must pass a Medicare prescription drug benefit.

I'm concerned that this amendment could draw attention away from the much larger issue of providing a prescription drug benefit through Medicare.

Mr. President, I've spent a lot of time working on this issue.

In fact, back in 1997—as a member of the Senate Health, Education, Labor and Pensions Committee—I examined the drug approval process so that we could enact a responsible and balanced FDA reform bill.

The one lesson I took away from that process is that, while some of the rules for drug approval in this country can be lengthy, they have been successful in ensuring that America's prescription drugs are safe and effective.

We've worked hard to ensure we have safe pharmaceuticals in this country, and I don't know any American who would accept anything less than the safety we have today.

Unfortunately, this amendment does not guarantee that those standards will remain as strong as they must be. That's because other countries have lower standards.

In fact, a recent hearing in the House Commerce Committee clearly illustrated a number of lapses in safety inspection at facilities outside the United States.

I'm concerned that even with "importation restrictions" we can't be as confident as we should be of the manufacturing standards used abroad.

This amendment gives us no assurance about the conditions under which the products were packaged, stored, handled, or shipped.

Consumers have no way to determine the potency of the individual units.

We know there are these types of problems with imported drugs today, and I'm concerned that unless this amendment is implemented very carefully, we could magnify those problems.

While I am pleased that the sponsors have made significant improvements from the House-passed amendment on drug reimportation, I'm still concerned that implementation could undermine our faith in the safety of all prescription drugs.

Mr. President, I'm also concerned that there is no guarantee that consumers would reap the benefits that are being suggested.

There is no requirement that the wholesaler or distributor pass the savings on to consumers.

Today, each consumer today often pays a different price for a prescription drug depending upon whether or not they have insurance coverage.

This amendment could simply enrich drug wholesalers at the expense of consumers.

In fact, back in 1999 David Kessler, the former FDA Commissioner, made this point regarding the effect on the consumer when he said:

> . . . prices to ultimate consumers are generally not lowered. . . . Rather, the profits go to the various middlemen, here and abroad, while consumers bear the risk.

Mr. President, the bottom line is that drug re-importation does not guarantee any savings for the consumer.

Mr. President, I have heard many of my colleagues talk about the need for a prescription drug benefit for seniors to ensure affordable access to prescription drugs.

If any of my colleagues think this amendment will meet this objective, they will be disappointed.

This amendment will simply not provide affordable, continuous, comprehensive access to prescription drugs for Medicare beneficiaries.

A prescription drug benefit is not just something to be "tacked-on" to Medicare. It has to be a fundamental change in how we provide health care to seniors and the disabled.

Today, prescription drugs are the doctor's office visits of 20 years ago and that must be considered as we work on adding a prescription drug benefit.

Mr. President, I do plan on supporting this amendment with the reservations I've mentioned.

I am hopeful that the regulatory process can address some of these risks, and I believe this amendment will—at the least—address some of the issues of fairness that have been raised.

I just hope that America's seniors are not fooled by this amendment.

No one should claim that—with this amendment—we have addressed the issue of prescription drug costs for seniors.

It is still a job we must undertake, and I hope that this amendment strengthens—rather than weakens—the resolve of the Senate to provide a prescription drug benefit through Medicare.

Mr. JEFFORDS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. JEFFORDS. Mr. President, we have heard long arguments today about the bill. I think there is general agreement, however, that if it is safe and possible, we should allow our people in this country to be able to take advantage of international competition to bring the cost of pharmaceuticals down to a reasonable rate and to that which other people in this world are able to receive.

Keep in mind, that is what the goal is. Right now, the bill requires the FDA to "contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States."

I would like to pose a question to the chairman on his amendment. The amendment requires that the section may not operate unless it poses "no risk." Am I correct in assuming that the author's intent is that there be "no risk" above that which prevails today?

Mr. COCHRAN. Mr. President, to respond to the question of the distinguished Senator, I answer in the affirmative. Yes.

Mr. JEFFORDS. Mr. President, I accept the amendment.

Mr. COCHRAN. Mr. President, time has been used on this side.

Does the Senator yield back his time?

Mr. JEFFORDS. I yield the remainder of my time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the Cochran amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3927. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from South Carolina (Mr. HOLLINGS) is absent due to a death in the family.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Biden
Hollings
Torricelli

The amendment (No. 3927) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the first-degree amendment.

Mr. JEFFORDS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent I have 20 seconds to explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. The Jeffords amendment, as modified by the COCHRAN amendment——

Mr. WELLSTONE. Mr. President, may we have order in the Chamber.

Mr. BYRD. Mr. President, may we have order in the Chamber.

The PRESIDING OFFICER. There will be order in the Chamber.

The Senator from Vermont.

Mr. BYRD. Mr. President, may we have order in the Chamber.

The PRESIDING OFFICER. The Senate will suspend until there is order in the Chamber.

The Senator from Vermont.

Mr. JEFFORDS. The Jeffords amendment, as modified by the Cochran amendment, now states the bill requires the Food and Drug Administration——

Mr. BYRD. Mr. President, we still do not have order. May the Senate be in order. May we have order.

The PRESIDING OFFICER. The Senate will be order.

The Senator from Vermont.

Mr. BYRD. Mr. President, I insist that there be order in the Senate before the Senator from Vermont proceeds.

I hope Senators will listen to the Chair. The Chair is entitled to that respect, and so is the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, on the critical provision, the bill now requires that the Food and Drug Administration's regulation contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States so that it creates no risk above that which prevails today.

I ask for a yes vote and I urge the question.

Mr. BREAUX. Mr. President, is there any time in opposition to the amendment?

The PRESIDING OFFICER. There is none.

Mr. NICKLES. Mr. President, I ask unanimous consent the Senator from Louisiana be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Thank you very much.

I just make the point, we have a Food and Drug Administration and Health and Human Services Department that already is overburdened. The amendment as is currently pending is going to require them to set up a program in 150 countries around the world to ensure that every warehouse, every manufacturer, every person who handles every drug in their country that is coming to this country be certified as healthy. They cannot do that. That is an impossible burden.

This should not be passed. I think we should vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3925, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. LOTT) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from South Carolina (Mr. HOLLINGS) is absent due to death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 74, nays 21, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—74

Abraham
Akaka
Allard
Ashcroft
Baucus
Bingaman
Boxer
Brownback
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wellstone
Wyden

NAYS—21

Bayh
Bennett
Bond
Breaux
Bunning
Cochran
Enzi
Frist
Gramm
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Mack
McConnell
Nickles
Santorum
Thompson
Voinovich

NOT VOTING—4

Biden
Hollings
Lott
Torricelli

The amendment (No. 3925), as amended, was agreed to.

Mr. JEFFORDS. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTICE OF INTENT TO MOVE TO SUSPEND PARAGRAPH 4 OF RULE XVI

Mr. ASHCROFT. Mr. President, in accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of considering title IV of H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, as amended on July 18, 2000, by unanimous consent. (The UC is as follows: That all after the enacting clause of H.R. 4461 be stricken and the text of S. 2536 with a modified division B be inserted in lieu thereof, and that the new text be treated as original text for the purpose of further amendment, and that no point of order be waived.)

At the request of the Senator from Nevada (Mr. REID) the following statement was ordered to be printed in the RECORD.

● Mr. BIDEN. Mr. President, because of the sudden death of the former mayor of Wilmington, Delaware, who was a close friend of mine, I had to return to Delaware today directly after the funeral for Senator Pastore. Consequently, I was necessarily absent for the roll-call votes on Senate amendments No. 3925 and No. 3927 to the Agriculture Appropriations bill. Had I been present, I would have voted yes on both amendments.

The high cost of pharmaceuticals in this country relative to the cost of the same drugs in nearby countries, such as Canada and Mexico, is a major irritant to many seniors struggling to make ends meet in the face of fixed incomes and high expenses for medications. Reimportation of drugs from foreign countries, although it may lower prescription drug costs for Americans, should not be permitted if it will jeopardize the health of this country's citizens. The potential effect of these provisions to reduce pharmaceutical research and development in the U.S. is an unknown but important factor. The controversy over these provisions serves to emphasize once again the need to expand Medicare to provide prescription drug insurance coverage for seniors and the disabled.●

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR PAUL COVERDELL

Mr. SHELBY. Mr. President, I rise today to join some of my fellow Senators in remembering the extraordinary life and service of our friend and colleague, PAUL COVERDELL.

It is a somber day in the Senate Chamber, as we deal with this loss. PAUL COVERDELL served the people of Georgia with distinction for over 30 years. His passing leaves a significant mark on the many lives he has touched over his lifetime. On behalf of myself and my wife Annette, I offer my condolences to PAUL'S wife Nancy and his family.

Anyone who dealt with PAUL COVERDELL over the years came to respect him. He was honest, loyal, and dedicated to public service. It was these characteristics that PAUL brought to the table every day in his life. PAUL'S vision as a legislator and commitment to the principles and values for which he truly believed were demonstrated time after time in this Chamber. His commitment to improving education in the U.S. sets a high standard for all public officials. His hard work in the Republican leadership and his vision of a prosperous future for all Americans deserves tremendous praise.

Personally, it was truly my privilege to know and work with PAUL over the years. We sat next to each other recently in the Senate, as can be seen.

He will be remembered as a dedicated American who gave much of his life in service to his Nation. I offer my thoughts and prayers to those close to PAUL in this difficult time, especially to his family.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Mr. President, I rise today to deliver some remarks upon the death of our beloved colleague, PAUL COVERDELL.

It is no exaggeration to say that the whole Senate is in a state of shock that we no longer have PAUL with us. Just last week, Senator COVERDELL was among us on the Senate floor debating legislation, visiting with us in the Cloakroom, speaking up in our weekly Republican conference. And now, only a short period later, he is no longer with us. To my knowledge, PAUL never seemed to have had any health problems. He certainly seemed fine last week.

My last remembrance of him is just how happy he was when we adjourned on Friday afternoon after we passed that landmark legislation repealing the death tax. I guess the fact that PAUL is no longer with us reminds us all that we need to keep life in perspective.

I first met Senator COVERDELL when I was first campaigning for the Senate 2 or 3 years ago. From that first time I met him, I came away with a very powerful impression that he was a most sincere and decent and friendly person. In all my dealings with him in my year and a half in the Senate, that impression never changed. PAUL was always in a good, cheerful mood. He was always positive and upbeat. I never once saw him raise his voice or get angry at anybody. He was unfailingly polite and courteous at all times and to everyone. He was the quintessential southern gentleman and a delight to know.

In the Senate, we debate issues of great moment to our country: war and peace, the economy, education policy. I guess it is sometimes the little, personal, seemingly inconsequential gestures of friendship that one remembers. I used to sit next to Senator COVERDELL every week in our Wednesday Republican luncheons. I got to know PAUL that way, not only as a colleague but as a person. Every week PAUL would gently rib me for eating my main course before I ate my salad. Week after week he would comment on that. I think finally he just concluded that that was a peculiar habit of midwesterners.

I will always remember the smile and the twinkle in PAUL COVERDELL's eyes, and I won't easily forget him or my friendship with him.

PAUL, I am proud to have served with you. I am going to miss you. We are all going to miss you. You enriched this Senate, the State of Georgia, and the whole country by your service. Our thoughts and prayers are with you and your wonderful wife Nancy and your family. May God bless you and keep you.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I join my colleague from Illinois in paying tribute to our fallen colleague, Senator PAUL COVERDELL.

I have been in the Senate for 4 years and have worked with many colleagues on both sides of the aisle. I agree completely with Senator FITZGERALD: Senator COVERDELL brought to this floor a certain dignity and demeanor to which we all aspire. He was a person of good humor. I think it may be difficult for many people who follow the debates in the Senate to believe that a Democrat who believes very strongly in his party and a Republican who believes very strongly can be engaged in a hot debate on the floor of the Senate and then, as soon as the debate is over, meet each other in the corridor or the well or at another time and be friends. That was the case with PAUL COVERDELL.

We disagreed on many issues, but I never found him to be lacking a smile and always looking for some common ground where we might come together. The last conversation I had with him several weeks ago, he walked all the way across the floor to the Democratic side of the aisle and came right up to me. I was wondering what this could be.

He said: I need your help.

I said: What is it, PAUL?

He said: I want to try to secure a gold medal for Ronald and Nancy Reagan; will you help me?

I know he was from Illinois. I said: Of course, I will.

I signed onto it. That is the kind of person he was. As different as we might be politically, he was always trying to reach out and find some common ground. I think when we get caught up so much in the political debate and the furor here, we forget many times how important it is to have a person such as PAUL COVERDELL here to remind us time and again that after the debates are finished, we are all basically human beings trying to do our very best in the Senate.

I agree with my colleague from Illinois: It is hard to imagine that only a few days ago he was standing in the well and smiling and walking around as he always did as a member of the Republican leadership team and then stricken on Sunday, operated on on Monday and passed away. It is a sad day for the Senate.

I have noted, interestingly enough, today, as many of my colleagues on both sides of the aisle have come to the microphone, some have known PAUL COVERDELL for a long time. Some have known him in many different roles in life, some for a very short time. Everyone from both sides has a very positive take on what PAUL COVERDELL meant to each of us and meant to this institution.

It is a great loss, not only for the Senate but for the State of Georgia and for the Nation which he served in so many different ways so well.

I extend my sympathies to his wife Nancy and all his family and friends in this moment of grief. The Senate has lost a fine Senator. I am honored to have called him a friend.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I join with my colleagues to pay tribute to PAUL COVERDELL. I have listened to a lot of tributes today. There have been so many themes, including cheerfulness, optimism, a welcome hand, no rancor, no bitterness. We all know that to be PAUL COVERDELL. I want that to mention one incident which, for me, encapsulates it all. It is going to be the incident that is defining for me. Whenever I think of PAUL, I will always think of this incident, and I always will.

This outfit—the Senate—tends to be a little partisan. Over the years, it has become too partisan, almost as two armed camps, one over there and one over here. It is regrettable, but that is something that has occurred and evolved up here in the Senate.

Not too many years ago, I was in Atlanta, GA, speaking at an event. I neglected, as is a common courtesy, to tell Senator COVERDELL I was there. Sam Nunn was a Senator at the time. I didn't tell PAUL I was having an event in Georgia, his home State. I felt kind of bad about it. But like a lot of us, I kind of pushed it to the side and rationalized that it was not that important.

Lo and behold, at that same hotel, PAUL was speaking about three or four rooms away, and I heard about it. I said to myself: Oh, my gosh, MAX, how stupid you are; why didn't you tell him? How guilty I felt. Oh, my gosh, here I am in PAUL'S home State and he doesn't even know I am here. I am in his State and he is just down the hall. I thought: You blew it, MAX.

When I finished, I was walking out in the hall and PAUL happened to be coming up. He bounced up to me and said, "Hey, MAX, how are you? Welcome to Georgia. I hope you're having a good time."

That was PAUL—positive, upbeat, cheerful, with a smile and a good attitude and a gleam in his eye. That made me feel even smaller and more guilty, but it made me feel even better about PAUL. That is the PAUL COVERDELL I will always remember.

Mr. President, Wanda and I send our deepest sympathies to Nancy and the family. Life is fickle, unpredictable. There but for the grace of God go any of us. People with the personal qualities of PAUL COVERDELL are the ones we will treasure here. I know the people of Georgia will treasure the same qualities in PAUL COVERDELL. He was a great man.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I join with all of my colleagues today in praising the life and celebrating the life and grieving the loss of PAUL COVERDELL. He was a friend and someone whom I trusted. I think we all trust each other here because we are family. But I had a special fondness and a special trust for PAUL COVERDELL. He was a man of tremendous integrity, directness, and modesty.

There are many instances over our time period together that come to mind. But one in particular is perhaps the most recent one. I had a matter that was of great personal concern to me. It was an issue where he and I differed philosophically but where I needed his help in order to get my position heard. He agreed it should be heard, even though he disagreed with it. I went to him and asked him whether or not he might assist me in that process, and he said, "CARL, I don't agree with you on this issue, but this is a matter of great import for this country and your views clearly should be considered by the decisionmaker here. I am going to do everything I can to make sure that in fact those views are considered."

That said a lot about this man and about this place. Although we disagreed on an issue, he believed that the principle of having both sides heard was more important than the specifics of the issue. His integrity was indisputable and undoubted. We came to rely on him in so many ways. His background made him particularly able to make a special contribution to this Senate. He had great skills as a legislative craftsman and tactician. He, of course, had a wonderful background in the Peace Corps, and there were so many other ways he was able to contribute as a very special force in the deliberations on this floor.

PAUL COVERDELL rose to leadership in a very short period of time, which reflected the deep respect and regard that he had among his Republican colleagues. That special affection and regard was matched on this side of the aisle. The death of this very fine and gentle man is a terrible loss to the people of Georgia. I consider it to be a great loss to the people of Michigan and all of America, and a great personal loss to me as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I appreciate the comments by my friend and colleague from Michigan regarding the death of our friend and colleague, PAUL COVERDELL.

Yesterday was a very, very sad day for the Senate. I was at this desk when the majority leader announced that PAUL COVERDELL passed away at 6:10 yesterday. Majority Leader TRENT LOTT was a very close friend of PAUL, as was I and many other Senators. This is a tough, trying time because we lost a very good friend and an outstanding Senator. It is sad to see the vacant chair right behind me that PAUL COVERDELL sat in. It demonstrates an enormous void his death leaves behind here in our body.

I had the pleasure of getting to know PAUL COVERDELL for the last 8 years. He did an outstanding job. PAUL COVERDELL was the type of Senator who would do any work assigned, and often times, work not assigned. He was the type of Senator who could enlighten the room, the type who could work with all Members and make things happen. He was the type of person who would be willing to take on tough tasks and always say yes, and take them across the finish line. He was the kind of person you would want to have on your team at all times.

PAUL was the kind of person who really added a lot to this institution. It makes me proud to say he was my colleague. He contributed so much in so many ways. His death is an almost unspeakable loss for us, for the State of Georgia, and for the country.

He showed great leadership on a lot of issues, with a hallmark brand of analysis and execution that identified a challenge for our conference, pulled out all the views among our colleagues, and built consensus and success to the betterment of not just our party, but our country. For example, take primary and secondary education—something overlooked for many years. He focused on that in the last few years, and headed up a task force that cut across committee lines, seniority lines, and philosophical lines, to bring us together. He wanted us to do positive things to improve education across the nation. He successfully blended our different viewpoints together, and together we painted a vision on education that not only do many Americans support, but holds out real hope for change and improvement when it comes to educating our kids for the challenges of the 21st century. Further, many elements of his efforts brought along our colleagues across the aisle.

Or, take our war on drugs. Senator COVERDELL has worked hard with colleagues to address this challenge, here in the United States, and with the House and the administration to carry the fight overseas. In waging those battles, we came to realize that he was intense, he was serious, dedicated, and sincere. He was also successful, and many families today and in the future should be gratified in his success.

And these are just a few examples of the many areas where PAUL placed his tremendous energies. He was so involved in so many different issues, I even teased him last year. I said, "We are enacting all Coverdell legislation, all the time" because he had his name and fingerprints all over so many things were doing, because he was so proactive in trying to come up with positive solutions to challenging problems in education, or fighting the war on drugs here and overseas, or spending the country's money wisely, or returning the tax surplus to the people.

PAUL also didn't hesitate to join us in standing up on behalf of the Constitution, our system of checks and balances, of keeping the order we stand to defend. From the beginning to the end of his time in the Senate, rarely a day went by when he did not cast a thoughtful eye on the activism and activities of the executive, cognizant of the vision of our Founders who believed in a limited central government.

When you got to know him, you would discover that he had a real intensity, a keen curiosity to learn, understand, grapple with issues great and small. And he had such a great, congenial working spirit that made all of us better, that built us all up. His personality was infectious, his energy was admirable, his thoughtfulness was considerable, and his friendship was valuable.

We want to let PAUL's wife Nancy know that she is very much in our thoughts and prayers. We are comforted by the fact and have great confidence in the fact that PAUL COVERDELL now resides in a wonderful mansion, eternally. Our sympathies and prayers go with Nancy, and to the Coverdell family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Oklahoma for his comments. We celebrate the wonderful life of PAUL COVERDELL. I have a heavy heart, and I miss him. He was a great Senator. He contributed to this Nation in extraordinary ways.

He was a good friend to me, and a good friend to many others.

Yes, he was modest, self-effacing, encouraging, positive, and unifying—all of those things. But he was a courageous and positive leader for values that this Nation holds dear. He advocated them with such a winsome and effective way. We will miss him. I will miss him.

I say to the family and to Nancy particularly how sorry we are, and I express my sympathy. Maybe next week I will be better able to express my admiration and feelings for PAUL COVERDELL. I feel his loss deeply. So many of us do. I wanted to share those thoughts at this time.

I thank the Chair. I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

Mr. REID. Mr. President, what is the legislative business now before the Senate?

The PRESIDING OFFICER. H.R. 4461, the Agriculture appropriations bill.

Mr. REID. Is there an amendment pending?

The PRESIDING OFFICER. There is none.

AMENDMENT NO. 3938

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HARKIN, proposes an amendment numbered 3938.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of appropriated funds to label, mark, stamp, or tag as "inspected and passed" meat, meat products, poultry, or poultry products that do not meet microbiological performance standards established by the Secretary of Agriculture)

On page 25, line 11, before the period, insert the following: ": *Provided further*, That none of the funds made available under this heading may be used by the Secretary of Agriculture to label, mark, stamp, or tag as "inspected and passed" meat, meat products, poultry, or poultry products, under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) or the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), that do not meet microbiological performance standards established by the Secretary".

Mr. REID. Mr. President, this amendment clarifies USDA's authority to enforce standards for pathogens in meat and poultry products. These standards are essential to ensuring continued progress in producing safer products by reducing these pathogen levels in meat and poultry products. They are an important part of the new meat and poultry inspection system adopted in 1996.

This amendment only clarifies USDA's authority to enforce pathogen standards. It will not codify existing salmonella performance standards.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX RELIEF FOR MARRIED COUPLES

Mr. NICKLES. Mr. President, yesterday the Senate passed legislation providing tax relief for married couples. We passed a bill that basically eliminates the marriage penalty tax for most married couples. The cost of the bill was $55.6 billion over 5 years and over ten years. The cost of the bill was incorrectly reported in several newspapers despite the fact that on the floor of the Senate and in a press conference later, we stated clearly that the bill that we passed was a 5-year bill, and the cost of the bill was estimated by the Joint Committee on Taxation to be $56 billion. You wouldn't know that if you read the New York Times.

In today's paper: "Senate Approves Tax Cut To Help Married Couples. Clinton Threatens Veto." That much is correct, but the next line says, "$248 billion measure would aid even those who do not pay marriage penalty." I dispute that claim, because it is absolutely false. The $248 billion cost they attribute to our bill is false. It is not correct.

In the article, the second paragraph says the vote was 61–38; eight Democrats joined Republicans to approve the measure which would reduce income taxes for nearly all married couples by a total of $248 billion over 10 years.

The facts are, the bill that we passed was $56 billion over the next 5 years and the next 10 years. Maybe some people didn't know that. Maybe if some Senators knew that they would have voted differently. I don't know. I want accuracy. I want people to know the facts.

The Washington Post had an article as well, and it had a chart that bothers me. The Washington Post headline said the "Senate Votes "Marriage Penalty' Relief." That statement is true. Then it says, GOP continues tax cutting drive and the President threatens to veto it. It talks of the bill being $248 billion and included a chart from the Citizens for Tax Justice. The chart asks the question: Who would benefit? It says the benefit for couples who make between $50,000 and $75,000 is $344. That is not correct.

The Citizens for Tax Justice has a reputation of being quite a liberal group. Regardless, they are entitled to their own opinion, but they are not entitled to their own facts. I want my colleagues and the American people to know what the facts are. Under the Senate-passed bill, people who have taxable incomes from zero to $43,000 could get a maximum tax benefit from earned income credit changes of $527, and a maximum tax benefit from the standard deduction adjustment of $218, for a total maximum tax cut of $745. For couples with taxable income between $43,000 and $52,500, they also have a standard deduction tax cut worth $218, and because of changes to the 15 percent income tax bracket they could also get a maximum tax cut of $1,125, for total maximum tax relief for married couples earning up to $52,500 of $1,342. These are facts about the bill we passed.

The Washington Post chart says people who make $40,000 to $50,000 have tax relief of $148. I believe the facts are that it could be as much as $1,342. There is a big difference.

Citizens for Tax Justice happens to be wrong. I don't know if they are using some unreasonable type of income classification that greatly inflates income so that everyone seems rich. That's what the Clinton administration does when it wants to attack our tax cuts. I don't know what they are doing. It bothers me. Maybe it shouldn't. Maybe I am a stickler for facts. We should stick to the facts.

We passed a tax bill yesterday that I believe will become law. If the President will sign it, married couples with taxable income of $52,500 will get $1,342 worth of tax relief. That is a fairly significant tax cut. For the local paper the next day to say that couples making between $40,000 and $50,000 get $148 is wrong, way wrong. It is $1,000 off.

The Washington Post tries to imply that the real benefits of this tax cut go to people making $200,000 or more. That is not the case, either. I will have printed in the RECORD a table for the information of our colleagues and the information of the press, if they happen to be interested in what we passed. This table shows the maximum tax benefit that anyone would receive under our bill by provision and by taxable income. A couple with taxable income of approximately $127,000 gets the maximum benefit, which is $2,165. People who made over $127,000 get less, and that amount would be $1,759.

One might say, why? The difference is because they lose the standard deduction. Under the law that passed in 1990, they lost a standard deduction after their income is above a certain level. We didn't change that. Maybe we should have, but we didn't.

Citizens for Tax Justice says, and the Washington Post says, people making over $200,000 get a much bigger benefit. They missed it by a mile. They imply that those over $200,000 get more of a benefit than those with income between $75,000 and $100,000. They missed it again. They are wrong. Factually incorrect. They ought to know better. If they are going to put this information in one of the largest newspapers in the country, they ought to do a better job and let the American people know what we voted on. Then maybe they can make the appropriate judgment: Was this a good bill or a bad bill?

I happen to think it is a good bill. I am delighted we had 61 votes. I wish we would have had 99 votes. Unfortunately, we didn't. I hope the President will sign this bill. He should sign this bill. I will predict he will sign the bill.

We are working in conference and we will come out with a bill that will be between the House bill and the Senate bill. The House passed permanent marriage tax relief that cost $180 billion over 10 years. The Senate bill was sunset at 5 years, and cost $56 billion over 5 years and 10 years. We are very close to working out a compromise somewhere between the House and the Senate. We will make that announcement probably at some point tomorrow.

I urge the President: Do not just issue veto threats; provide tax relief for American families. The President can help eliminate the marriage penalty by signing this bill. He should sign this bill. This bill will provide tax relief in the neighborhood of $1,300 for married couples making up to $52,000. He should sign that bill and give them tax relief.

I also urge the media to look at their reports. They are distorted. In the case of the chart in the Washington Post, it is totally, factually incorrect.

When we announce our conference agreement tomorrow, I hope people take another look at it and see that it is fair tax relief that should become law. My prediction is it will become law. My prediction is the President will sign it. If not, I hope there will be an overwhelming vote in the House and the Senate to override his veto.

I believe in accuracy. We should have accuracy in reporting. We, in the Senate, should be accurate when we present our case. I don't think it is necessary to embellish one's case by using inaccurate statements or inaccurate figures.

I ask unanimous consent to have printed in the RECORD a copy of the chart included in the Washington Post, a table of the revenue impact of the Senate bill, and also a table that I have assembled showing the maximum tax benefit under the Senate bill by taxable income.

If the Washington Post wants some help, maybe they should take a look at this information. It might be more informative for their readers.

I ask unanimous consent to have all three printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAXIMUM MARRIAGE PENALTY BENEFIT POSSIBLE BY PROVISION AND BY TAXABLE INCOME GROUP

Taxable Income	Maximum benefit possible by provision				Total [1]
	EIC	Standard deduction adjustment [1]	15% bracket adjustment	28% bracket adjustment	
$0 to $43,850	527	218	0	0	745
$43,850 to $52,500	0	218	1,125	0	1,342
$52,500 to $127,200	0	406	1,125	635	2,165
$127,200 to $161,450	0	0	1,125	635	1,759
$161,450 to $288,350	0	0	1,125	635	1,759
$288,350 and over	0	0	1,125	635	1,759

[1] Taxpayers who itemize deductions, and those taxpayers above the deduction phase-out threshold would receive no benefit from the standard deduction adjustment.

Note: Staff estimates based on year 2000 tax parameters—Provided by Senator Don Nickles, 07/19/2000.

ESTIMATED REVENUE EFFECTS OF A MODIFICATION TO THE CHAIRMAN'S MARK OF THE "MARRIAGE TAX RELIEF ACT OF 2000"—SCHEDULED FOR MARKUP BY THE COMMITTEE ON FINANCE ON MARCH 30, 2000

[Fiscal years 2001–2010, by billions of dollars]

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001–05	2001–10
1. $2,500 increase to the beginning and ending income levels for the EIC phase-out for married filing jointly [1].	tyba 12/31/00	[2]	−1.6	−1.5	−1.6	−1.6	−1.6	−1.6	−1.6	−1.6	−1.6	−6.3	−14.4
2. Standard deduction set at 2 times single for married filing jointly	tyba 12/31/00	−4.1	−6.0	−6.4	−6.5	−6.8	−7.0	−7.1	−7.3	−7.5	−7.6	−29.8	−66.2
3. 15% and 28% rate bracket set at 2 times single for married filing jointly, phased in over 6 years.	tyba 12/31/01		−1.7	−4.4	−8.5	−11.4	−12.9	−19.5	−22.0	−21.6	−20.7	−26.0	−122.7
4. Permanent extension of AMT treatment of refundable and nonrefundable personal credits.	tyba 12/31/01		−0.3	−1.6	−2.3	−3.5	−4.7	−5.6	−7.5	−8.8	−10.0	−7.7	−44.5
Net Total		−4.1	−9.6	−13.9	−18.9	−23.3	−26.2	−34.0	−38.4	−39.5	−39.9	−69.8	−247.8
Legend for "Effective" column: tyba = taxable years beginning after—		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001–05	2001–10
[1] Estimate includes the following effects on fiscal year outlays		[3]	−1.3	−1.3	−1.3	−1.3	−1.4	−1.4	−1.4	−1.4	−1.3	−5.3	−12.1

[2] Loss of less than $50 million.
[3] Less than $50 milln.

Note: From the Joint Committee on Taxation, 3–30–2000—Details may not add to totals due to rounding.

WHO WOULD BENEFIT

How much married couples would benefit on average if the Senate "marriage penalty tax" bill were phased in fully:

Average tax cut for married couples, by income group:

Less than $10,000	$14
$10,000–20,000	128
$20,000–30,000	220
$30,000–40,000	172
$40,000–50,000	148
$50,000–75,000	344
$75,000–100,000	1,006
$100,000–200,000	1,118
$200,000 and more	1,342

Those who make $50,000 a year or more would receive most of the tax cut. However, they also pay the most in income taxes.

Income group	Percent of tax cut	Share of total individual income taxes
$0 to 20,000	3%	−2%
$20,000 to 30,000	5%	1%
$30,000 to 50,000	7%	7%
$50,000 to 75,000	17%	16%
$75,000 to 200,000	68%	79%

Note: Tax cut percentiles refer to joint returns, income tax percentages refer to family income. They are not exact comparisons.

Sources: Citizens for Tax Justice, Congressional Budget Office.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I just listened carefully to my colleague from Oklahoma correcting the press, and of course I would join him on many days in that effort. As a public figure, I am often quoted enough and read things that I think are a little bit different than what I believe are the facts. I would say in this instance perhaps his characterization of the information presented by the Washington Post at least deserves to be discussed for a moment. He made reference to the Citizens for Tax Justice, a group with which I have worked. He referred to them as, I believe, a left wing or left leaning group. His characterization is his own and he is entitled to it. But I suggest to the Senator from Oklahoma and to anyone who is following this matter, when we assess how much it will cost for the so-called marriage penalty tax relief, we usually make assessments on a 10-year basis. Though the bill may say 5 years, it really strains credulity to suggest at the end of 5 years we are going to reimpose the tax once we have taken it off.

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. I will be happy to yield.

Mr. NICKLES. I just inform my colleague from Illinois, I had printed in the RECORD the joint tax statement that had the 5-year cost at $56 billion and had the 10-year cost at $56 billion, my point being we ought to be accurate. For some people to imply the bill we passed was $248 is factually incorrect.

Mr. DURBIN. I thank the Senator from Oklahoma. I want to show a chart to the Senator from Oklahoma, and anyone else following this, that was not prepared by Citizens for Tax Justice. It was prepared by the Joint Committee on Taxation which is an official body that works for the U.S. Congress. It is bipartisan, as I understand it. They were asked to try to determine how much tax relief of the marriage penalty tax relief bill proposed by the Republicans would be going to certain income groups in America. It is starkly different than what the Senator from Oklahoma has said.

If he will take a look at the comparison between the Democratic plan in yellow and the Republican plan in red, he will see different income categories. There is a substantial difference in the tax relief available. In the lower income categories, we find substantial relief available for those making $20,000 a year—under the Democratic plan about $2,000; under the Republican plan about $500. At $30,000, it is substantial help—about $4,000 under the Democratic plan; about $800 under the Republican; At $50,000 a year in income, $1,900 in tax relief on the Democrat plan, $240 on the Republican.

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. When I finish, I will be happy to.

Mr. NICKLES. I don't have all day. I need to run, but I would like to make a comment. I don't know where the Senator got his chart, but I am telling him that factually any couple that made $52,000 under the bill we passed yesterday, the Republican bill, with 8 or 9 Democrats who voted with you, would get tax relief exactly—exactly as I announced on the floor or I will eat the paper. It is $1,125, plus $212, and that is 1,300 and some odd dollars, not $300. So the Senator's chart is factually incorrect.

Mr. DURBIN. I thank the Senator for his comments. I thanked him before leaving. I don't want him to take this paper with him for this dinner hour, but I will stand by the comments of the Joint Committee on Taxation. This is not a political group, not a partisan group. It is a group authorized by Congress to make these evaluations. The Senator from Oklahoma is entitled to his opinion. I am going to stick with the facts given to me by an organization we rely on all the time.

If I can finish the presentation, though, you note when we get to the highest income categories, the Democratic bill does not provide relief under the so-called marriage penalty tax relief, and the Republican plan does, about $1,000 of tax relief for people making $250,000 a year.

The important thing to keep in mind, too, in putting this in perspective, is not too many years ago we were laboring with a national deficit and worries about how we were going to pay it off and balance our books. Some suggested we needed a constitutional amendment, a dramatic revision in the budgetary policy here in Congress.

There are many of us who believe there is another way to do it, with sound fiscal policy and leadership, not only in the White House but also in Congress. With the leadership of President Clinton and Vice President GORE, we now find ourselves talking about spending surpluses.

I would like to speak for a moment about the tax bills we have considered over the last 2 weeks, but before I do that, I would like to yield to my colleague from the State of Nevada.

Mr. REID. I appreciate that very much. I am sorry my friend from Oklahoma is not here. I have here from the Joint Committee on Taxation, "Estimated Revenue Effects of Modification to the Chairman's Mark of the Marriage Tax Relief Act of 2000." This we received from the Joint Committee. It says the net total impact of this tax over a 10-year period is $247.8 billion.

Is that what the Senator from Illinois was saying as I walked into the Chamber?

Mr. DURBIN. That is exactly my point. Before he rushed off for dinner, the Senator from Oklahoma suggested if that was the case, he would eat the paper. I suggest my friend from Nevada save that. Perhaps we can send it along for lunch tomorrow for my colleague because I stand by that estimate. I have no reason to believe it is not true. For him to suggest the cost of this program is $56 billion whether it is 5 years in length or 10 years in length really does not square with my understanding.

It certainly is going to cost us taxpayers more over a 10-year period of time than it did over a 5-year period of time. I believe that is what the Joint Committee on Taxation is telling us.

Mr. REID. If I could ask my friend one more question, this is not a question of the Democrats being opposed to the marriage penalty tax relief; is that true?

Mr. DURBIN. That is true. In fact, what we have done is present a proposal that says if you are in a situation where two wage earners get married and their joint income raises them to a higher tax rate, we protect them. Basically, we voted, if I am not mistaken, to say to those taxpayers: Take your pick. You can file a joint return. You can file a single return. We have a proposal that will protect you from being penalized for your marriage. The Republicans, unfortunately, go one step beyond solving the problem and create a problem. They create a problem because they not only remove what they consider to be the marriage penalty, although their approach is only half hearted—they provide a marriage bonus. In other words, those couples who get married and don't pay higher taxes because of combined joint income receive a tax break under the Republican plan. So it goes far beyond solving the additional problem that was identified. It creates a new problem because it creates a new expense, a new drain on the Treasury, a new expenditure of our surplus.

Mr. REID. I say to my friend, also in the form of a question, I hope that he has the opportunity to finish his description here of what the difference is between the two approaches. I also say to my friend, this issue is not over. People can yell and scream and declare victory, but in our Government, I think the Senator would agree, we have something called the Constitution. This tiny little document here establishes three separate but equal branches of Government. One of those branches of Government is called the executive branch. He is going to veto this and then it is going to come back. Then the legislative branch is going to sustain that veto.

Then they will have an opportunity, if they in good faith want to do something to help remove this marriage penalty tax, to work with the administration and the Democrats and come up with a compromise that would give true marriage penalty tax relief. In fact, what it would do is, instead of taking away three of the references where there is a penalty in our Tax Code, it would take care of all 67. Am I right, I say to my friend from Illinois?

Mr. DURBIN. The Senator from Nevada is correct. What the Republicans suggest is they end the marriage penalty. We know there are somewhere between 62 and 67 provisions in the Tax Code that penalize a couple when they are married and have a higher joint income. We on the Democratic side address every single one of those penalties and remove them for those who are truly penalized. The Republicans, unfortunately, only addressed three of them. They leave all the other taxes on this married couple. So they not only don't solve the problem, they create a new problem by taking the surplus away for people who are not being prejudiced by being married, and they don't address it in a comprehensive way.

President Clinton should veto this bill, and in vetoing it send it back to Congress and say if it is your goal to eliminate the marriage penalty, do it in an honest way; do it in a complete way. What we had before us yesterday was very incomplete and, I am afraid, not a very direct way of dealing with this problem.

Take a look, if you will, at the impact of the Republican marriage penalty tax cut by income because I am going to return to this theme in just a moment. If you take a look at who will benefit from the Republican tax relief plan, you will find that, as usual, those who are in the richest fifth, top 20 percent of wage earners in America, receive 78.3 percent of all benefits under this Republican tax relief. In fact, the top 5 percent of wage earners receive 25.7 percent of all of this tax relief. This, unfortunately, has become a recurring theme when the issue of tax relief comes before the Republican-controlled Senate. Time and again they believe the people who are best off in this country, the people who are doing well, are the ones who need a helping hand.

Many of us come from States and communities where the folks who are making a lot of money are doing very well. They are very comfortable. They have had a very profitable time for the last 7 or 8 years of the Clinton administration. We have seen dramatic increases in the Dow Jones, the NASDAQ. When President Clinton was sworn into office as President, the Dow Jones was about 3,000 or 3,300. Today it is over 10,000. The value of those stocks has more than tripled. In the same period of time, the NASDAQ indicators went up from about 800 when the President was sworn in to around 5,000 today.

There is a suggestion there for everyone that if you happen to be invested with savings accounts and retirement accounts in the stock market, you have had a pretty good time of it over the last 7 or 8 years. I am glad that has happened, and I am happy for all the families who profited and businesses and retirement funds that have seen better times because of this improvement.

It strikes me as strange, if not odd, that when we talk about tax relief then, the Republicans seem to want to focus on the people who have really done the very best in income and net worth over the last 10 years.

Take a look at this chart of Republican tax breaks under both the estate tax reform and the marriage tax penalty reform, and you will find again a dramatic difference in the money that is available. For those in the lowest 20 percent—these are people making the minimum wage or slightly more—the Republican idea of tax relief turns out to be $24 a year in reduced taxes, about $2 a month.

Now go up to the top 1 percent, people making over $300,000 a year, and the Republican idea of tax relief is $23,000, almost $2,000 a month. I suggest that anyone making $300,000—which, if my quick calculations are correct, comes out to about $25,000 a month in income—may not notice $2,000 a month. I guarantee the people at the lowest end who are struggling at minimum wage jobs are not going to notice $2 a month.

It is far more important for us, when we talk about real tax relief, to keep our eyes on those in the lower- and middle-income groups who are struggling mightily to do well in this economy. They have had some help. The economy is doing well, but they could use some tax relief, and if we are going to take the surplus of the United States and give it to families across America, should we start at the top? Should we start with the wealthiest or should we start basically with the lower- and middle-income families who really need it?

Take a look at this chart, too. This chart summarizes it. It shows the Republican tax plans we have debated over the last 2 weeks, and the impact it has, as I described on previous charts. The top 1 percent of people making over $319,000 a year, people with an average income of $915,000, receive a $23,000 tax break, which represents 43 percent of all of the tax relief that was included in those bills. We are taking the surplus generated in our economy for tax relief and 43 percent of it goes to people who have an average income of $915,000 a year.

There is a better way to do it. I hope the President vetoes the estate tax bill and the marriage tax penalty bill suggested by the Republicans because these bills are fundamentally unfair. That we would give tax breaks to the wealthiest among us and ignore families who work hard every single day is not fair.

If we are going to start a line of people most deserving of assistance in America, I hardly believe we should start that line with Donald Trump and Bill Gates and folks who are making millions and millions of dollars. Better yet, let us try to bring to the front of that line those who are struggling every single day with the basic challenges that American families face.

Tax cuts should be directed. First and foremost, we need a prescription drug benefit. We just had an interesting debate. Pharmaceutical companies cannot be too happy with this debate because we said on a bipartisan basis that we are so upset with drug pricing in America that we are now going to allow companies, pharmacists, and distributors to import drugs from overseas at lower prices so they can sell them to Americans. These are drugs that are basically made and inspected in America, sent to foreign countries, and sold at a fraction of the price.

It happens in Canada. It happens in Europe. It happens in Mexico. We all know the story. People are getting in buses in some States and driving across the border to Canada to buy American drugs at a fraction of the cost.

The Senate said there has to be a better way. Absent addressing this problem of pricing drugs head on, we are going to allow the reimportation of these American drugs that have been made in inspected laboratories into the United States so that they can be sold to Americans at a reduced cost. I guess it is obvious from this vote that we know families are suffering because of drug prices, and yet before we have enacted any kind of a prescription drug benefit under Medicare, the Republicans have insisted we spend half of our anticipated surplus in tax breaks for the wealthiest in America.

It makes more sense to me to create a prescription drug benefit under Medicare, a universal guaranteed drug benefit accessible to every American who chooses to be part of it, one that allows a doctor to prescribe a drug that a person needs to stay strong and healthy in their home for as long as they want to be and be able to pay for the drug.

I have seen cases in Illinois and certainly in hearings across the country and in this city have heard from people who are struggling to pay for prescription drugs. That is the highest priority we should deal with, and we should do it before we break for the August conventions so that both parties can go to their conventions and say: We did something for the families across America. For those who are concerned about the elderly and disabled who are stuck with high drug prices, we did something for fathers and grandfathers, mothers and grandmothers, who really cannot afford the drugs their doctors prescribe.

We did not do that. Instead, we decided people with an average income of $915,000 a year need an additional $23,000 in tax breaks from the Republicans. I will bet a nickel there is not a person making $915,000 a year who cannot afford prescription drugs. These people know how to pay for virtually everything if they are making that much money, and we gave them more money.

Before we directed our attention to those who were struggling to get by on fixed incomes—people on Social Security taking home a check of $800 or $1,200 a month looking at drug bills of $200, $500, $600—we learned from a public hearing in Chicago of a woman who had gone through a double lung transplant. It was a miracle she stood there before us and looked very healthy.

Years after that transplant, she still worried because she needed to take immunosuppressant drugs that cost over $2,000 a month. There was no way on her fixed income she could afford it.

Frankly, if she stopped taking them, she could have irreversible lung damage. She faced that prospect, she made that decision, she stopped taking the drugs for a period of months because she could not afford them, and did face irreversible lung damage. She got back on the welfare rolls long enough to resume prescriptions and living month to month trying to afford the drug she needed to stay alive. That is a real story of a person whose income is little more than $12,000 a year who literally worries from month to month as to whether or not they will be able to buy the drugs to keep them alive.

Did we remember that lady when we talked about tax relief here? No. We focused 43 percent of our attention and 43 percent of our surplus on people making over $300,000 a year, people making $915,000 average income. For those in the category above them, $130,000 to $319,000, we gave them another 14 percent of the surplus as well.

There is another group we forget, and when we had an opportunity to vote for an amendment, unfortunately, we could not muster a majority to support them: families who are paying for college education expenses for their kids.

We believe—the Clinton administration and Democrats believe—that families who want to put their kids through school should be able to deduct their college education expenses up to $12,000. It means a helping hand from the Government in the range of $3,000 a year. Most families would welcome that so they could pay the tuition expenses and the room and board for the kids who finally are accepted at good colleges and universities. It is a strain for a lot of families, and a lot of kids go deeply into debt to pay for college.

We believe tax relief should be directed to those families so they can send their kids to college. We brought it up for a vote, and it was rejected by the Republican side. That is not their idea of tax relief. Their idea of tax relief is $23,000 a year in tax breaks for people making over $900,000 a year.

We wanted to address another problem. What about day care? So many working families worry about where their kids are going to be during the course of a day—whether they will be in a place that is safe, clean, and healthy, someplace where a child might have a chance to learn—and they struggle to find that place they can afford. Day care is a real human, family problem. We came up with a proposal to increase the credit that a family can claim for the cost of day care.

The PRESIDING OFFICER. The Senator has spoken for 20 minutes.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, that was rejected as well. The idea of helping families through the Tax Code to pay for day care was rejected.

I can tell you with no doubt in my mind, with an absolute degree of certainty, that if you are making $915,000 a year, you probably do not worry too much about the weekly day care costs, but that is the group the Republican majority decided needed help, not the working family, struggling to find a safe, clean, affordable day-care center for their kids. No.

The group making over $900,000 a year will get $23,000 in tax breaks from the proposals on the Republican side of the aisle.

This list includes an effort by the Democratic side to provide tax credits to businesses offering health insurance to their employees. You know as well as I do that 40 million Americans do not have health insurance. We believe the best way to help them afford health insurance is to help the small business employers provide that benefit. Of course, that insurance is more expensive. Those who buy it in smaller groups, such as the small businesses, have to pay more for the health insurance premiums and their employees are in lower income categories.

So I proposed an amendment that said we would give a tax credit to businesses, a tax credit for those who would offer health insurance not only to the owners of the businesses but also to those who work there. That was rejected by the Republican side of the aisle. That is the kind of tax relief they just do not think is necessary.

I can tell you, you will not find a single person working for a small business in America making over $900,000 a year—the people we were trying to help with that amendment.

I can guarantee you, as well, that people making over $900,000 a year probably don't lose a single moment's sleep each night worrying about whether there will be health insurance.

So it comes down to this. The President has proposed he is going to veto these proposals by the Republicans because, once again, as they have done historically, the tax cuts proposed on the Republican side of the aisle have gone overwhelmingly to the wealthy. It happened in August of 1999; again, in May of 2000 under George W. Bush's plan; it happened with the House action recently in March of this year; and it happened again on this estate tax repeal that the Republicans support.

Time and time again, the vast majority of relief goes to the wealthiest people in America. When will this Congress and this Senate listen to the 98 percent of the families in America who are hoping that we share their concerns about their future and their kids' future? Whether it is college education expenses, prescription drugs for their parents, prescription drugs for the disabled and their families, an effort to pay for child care, an effort to make certain they have health insurance on the job, when will this Congress put that as a high priority?

The Republican leadership said: Those people can go to the back of the line. We will wait for some other day, if ever, to discuss their needs. First we have to take care of the wealthiest. First we have to make sure that those making over $900,000 a year get about $2,000 more a month so they can be a little more comfortable in their lifestyle.

I think that is wrong. The President's veto is right. Let us provide tax relief and target it for the people who really need it. If there is a surplus in America, let working families, 98 percent of whom were ignored by the Republican tax cut plan, be first in line.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I enjoyed the speech of my good friend from Illinois. But I also want to footnote it by saying it is pretty tough to give tax cuts to folks who don't pay taxes. So it is a little on the rough side to do that.

REMEMBERING SENATOR PAUL COVERDELL

Mr. BURNS. Mr. President, I rise this evening, along with my colleagues, as we talk about and remember and celebrate the life of PAUL COVERDELL. He was born in Des Moines, IA. He was a graduate of the University of Missouri. That is where I went to school. PAUL COVERDELL was a person who came to the Senate with a history of being a doer. He was a workhorse in this Senate.

Early on, he demonstrated that he could be relied upon to take on the essential but unspectacular tasks for the good of the Senate and this Nation. He was rewarded for that when he was elected by his fellow Senators to be the Secretary of the Senate Republican Conference. I know something about that because he beat me. I could not have lost to a better man.

He had his little mannerisms. He could put you in a box, put a cap on you, do a lot of things. But his quiet demeanor and lack of fuss in tackling whatever tasks were assigned to him belied his effectiveness.

He served President Bush as Director of the Peace Corps. He was a man of peace. He served as leader of the Republican Party in the Georgia Senate for 15 years, from 1974 to 1989, skillfully guiding that body through some difficult but rewarding years.

His leadership really surfaced when he came to the Senate. We have talked about him being a stalwart on national defense and on taxes, but I think he had his best vision and his best grasp of this business in reforming public education because he always referred back to his vision for the next generation. The next generation was always on his mind. As a proponent of equal educational opportunities, he introduced sweeping education and tax reform bills. The list of his achievements in the Senate is substantial, indeed.

PAUL COVERDELL holds a special place in our hearts as we say goodbye to a brother, a Member of this body, who has shown us the way in the tradition of the Senate. We are all better just for having known him.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FY 2001 DEFENSE APPROPRIATIONS ACT

Mr. ALLARD. Mr. President, today I rise in strong support of the FY 2001 Defense Appropriations Act Conference Report. This bill provides the much needed funding for our deserving men and women in the military. After years of declining military budgets, this Defense Appropriations bill does the right thing by putting more of our resources toward our Armed Forces.

While I strongly support the overall bill, I would like to make note of one serious omission—the cut in funding for the Discoverer II or DII program. I know that Senator STEVENS and the Defense Appropriations staff fought hard for the DII program, but that they ran up against an entrenched opposition from the other side.

Discoverer II is a key element in assessing the utility, feasibility, and affordability of Space Based Radar (SBR). SBR will provide all weather, 24 hour, 7-day a week global surveillance coverage. The Department of Defense has stated that SBR will satisfy many unfilled requirements, such as Long Range Endurance Reconnaissance, Surveillance and Target Acquisition, Improved Ground Moving Target Indicator Tasking, Processing, Exploitation and Dissemination Interoperability, and provide simultaneous access to multiple theaters worldwide.

The program not only had the wide support of many Members of Congress, but also from the Secretary of the Air Force, the Director of the National Reconnaissance Office, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the CINC of US Space Command, the CINC of US Central Command, and the Chief of Staff of the Air Force.

While I cannot understand the reasoning for such opposition, I do want to thank Senator STEVENS and his staff for fighting for this program and only hope that we can revive this important program in the future. The capabilities it will provide are too important to let it go quietly in the night. As the Chairman of the Strategic Subcommittee on the Armed Service Committee, as a member of the Senate Intelligence Committee, and as a member of the Commission on the National Reconnaissance Office, I have heard from our military and intelligence leaders that this capability is needed and that we must demonstrate the space based radar. That is why I will continue to fight for this defense capability.

Again, Mr. President, I want to thank Senator STEVENS for all his hard work and for producing such a strong bill for our military men and women.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

JULY 19

Steven Anderson, 38, Tulsa, OK; Eric Cummings, 24, Minneapolis, MN; Linda Dunn, 42, Detroit, MI; Betty Dreyfuss, 79, Daly City, CA; Tomas Hernandez, 27, Houston, TX; William Minis, 28, Dallas, TX; Ivan Powell, 32, Tulsa, OK; Percy Wright, 25, Baltimore, MD.

SENATOR JOHN O. PASTORE

Mr. L. CHAFEE. Mr. President. I rise today to speak of a man who, during 42 years of public service, left an indelible mark on generations of Rhode Islanders. Like thousands across the Ocean State, I am saddened by the passing of that great American statesman, John Orlando Pastore. Senator Pastore's life and career was one of diligence, accomplishment, integrity and distinction. Senator Pastore set a high standard for all who have followed him in the United States Senate, and while he will be missed, his contributions to our state and country will not be forgotten. My heartfelt condolences are extended to his family and friends in this difficult time.

The Nation's first Italian-American governor, and then U.S. Senator, John O. Pastore was rightfully proud of his heritage and humble roots—and all of Rhode Island was proud of him. Not only did he embody the contributions made by Italian-Americans to our state and nation, his life and career were a source of pride and hope for immigrants from all nations.

A child when his father died, leaving his mother and siblings impoverished, the future Senator and Governor struggled to overcome the many daunting obstacles that life had laid in his path. Indeed, the true meaning of Senator Pastore's later personal and political achievements can only be understood when highlighted against the background of his own poignant memories of his childhood, which I would like to quote.

> We lived in the ghetto of Federal Hill. We had no running water, no hot water. I used to get up in the mornings and have to crank the stove, to go out in the back yard and sift out the ashes and come back with the coal that I could recoup. I had to chisel with the ice pick the ice in the sink so that I could wash up in the mornings. And that was everybody in the family. That wasn't me alone. That was my wife's family, that was everybody's family.

A man who never forgot these humble beginnings, Senator Pastore captured the hearts and minds of Rhode Islanders in his conviction that if one worked hard enough and long enough, one's dreams would come true. As one who lived the American Dream, had risen from poverty to political prominence, Senator Pastore strived to extend those same opportunities to all in this country.

While Senator Pastore was a gentleman in everything he did, his convictions were equally strong. Whether he was standing up for the rights of the underprivileged, or warning of the dangers of nuclear proliferation, Senator Pastore was not afraid of a political fight. This was a man who, if asked an honest question, always provided an honest answer.

Perhaps for his family there is some comfort in knowing that Senator Pastore's career in public service has made the world a better place. He helped guide our state and nation through some of our most tumultuous times—from his pivotal role in the struggle for civil rights legislation to his efforts to protect mankind from the threat of nuclear weapons. Indeed, many in our nation may have marvelled at how a state so small could produce a man so great.

As the floor manager for the 1964 Civil Rights Act, Senator Pastore demonstrated his deep devotion for maintaining and promoting the rights of all people, regardless of their race, color or background. As a key player in the negotiation and ratification of the Nuclear Proliferation Treaty and the Nuclear Test Ban Treaty, Senator Pastore helped significantly reduce the dangers of thermonuclear war. On issues as diverse as civil rights and nuclear proliferation, Senator Pastore worked successfully to tighten the sinews of peace against a background of conflict.

On a personal note, my father, John Chafee, who followed John Pastore to the Senate in 1976, held his predecessor in the highest esteem. Their relationship consisted of mutual respect, admiration, and a never-ending series of personal kindnesses, great and small.

Upon his retirement in 1976, Senator Pastore addressed the Senate one final time. He expressed his love for this great institution and laid out the philosophy that had guided his career.

> Whatever you do, keep that torch of opportunity lighted. Protect that flag. Maintain our institutions. Debate your differences if you have them. But always realize what that insignia says, "E pluribus unum"—from the many there are one.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 18, 2000, the Federal debt stood at $5,680,376,489,658.94 (Five trillion, six hundred eighty billion, three hundred seventy-six million, four hundred eighty-nine thousand, six hundred fifty-eight dollars and ninety-four cents).

Five years ago, July 18, 1995, the Federal debt stood at $4,929,786,000,000 (Four trillion, nine hundred twenty-nine billion, seven hundred eighty-six million).

Ten years ago, July 18, 1990, the Federal debt stood at $3,160,432,000,000 (Three trillion, one hundred sixty billion, four hundred thirty-two million).

Fifteen years ago, July 18, 1985, the Federal debt stood at $1,796,027,000,000 (One trillion, seven hundred ninety-six billion, twenty-seven million).

Twenty-five years ago, July 18, 1975, the Federal debt stood at $533,511,000,000 (Five hundred thirty-three billion, five hundred eleven million) which reflects a debt increase of more than $5 trillion—$5,146,865,489,658.94 (Five trillion, one hundred forty-six billion, eight hundred sixty-five million, four hundred eighty-nine thousand, six hundred fifty-eight dollars and ninety-four cents) during the past 25 years.

ADDITIONAL STATEMENTS

THE JAPAN-AMERICA STUDENT CONFERENCE

• **Mr. INOUYE.** Mr. President, today I would like to offer a special tribute to the oldest university student exchange forum between Japan and the United States, the Japan-America Student Conference (JASC). Founded sixty-six years ago at the initiative of a group of Japanese students who were concerned about deteriorating U.S.-Japan relations, the month-long Conference has since convened on fifty-two annual occasions, alternating between the two countries.

This year, the Conference will open on July 21st at Tokai University's Honolulu campus, then move on to the University of North Carolina, Washington, DC, and New York City, and will conclude at the Reischauser Institute for Japanese Studies at Harvard University on August 21st. The sixty-two delegates, half from each country and, representing some thirty-four university campuses, will address such topics as: business practices, environmental issues, philosophy and religion, historical perspectives, and third world policies, against the thematic backdrop of "Developing New Approaches to Promote Social Change."

JASC is completely designed and implemented by students. Delegates elect Japanese and American Executive Committees at the conclusion of each Conference who manage, plan, and select delegates for the next year's event. Many alumni of the conference have gone on to distinguish themselves in the business, academic, and governmental arenas of their respective societies. Most notable among them is Kiichi Miyazawa, former Prime Minister and current Finance Minister of Japan, who participated in the 1939 and 1940 Conferences, and Henry Kissinger, former U.S. Secretary of State, who participated in the 1951 Conference. A common denominator among the highly diverse delegate community is a deep interest in knowing more about the U.S. and Japan, which can lead to careers relevant to the bilateral relationship.

Thirty intense days of travel and dialogue with each other foster better understanding and trust between the cultures, and, more importantly, friendships that endure for decades. As one delegate observed, "JASC is not a destination; it is a journey that does not conclude."•

ON THE 100TH ANNIVERSARY OF THE CROMWELL CHILDREN'S HOME

• **Mr. DODD.** Mr. President, for 100 years the Cromwell Children's Home in Cromwell, Connecticut has provided a nurturing and supportive environment for children. Although the Home has evolved from its initial origins as an orphanage, its dedication and devotion to helping children in need has not wavered. I am proud to rise today to recognize this praiseworthy institution and, on behalf of the people of Connecticut, extend a heartfelt thank you on its centennial anniversary.

On any one day in Connecticut, there can be over 5,000 children in need of the services so selflessly provided by institutions like the Children's Home. Those children staying at the Children's Home benefit from a positive environment created by the dedicated and skilled staff. From my experience of working on children's issues in the United States Senate, I know how important it is to provide a constructive and therapeutic atmosphere for children.

The Children's Home is special because it is a comprehensive residential treatment center that can help many children who are emotionally disturbed, behaviorally challenged or socially maladjusted. Through the residential component of the treatment regiment, children develop social skills and learn to positively interact with others. Children also benefit from the educational opportunities provided by the Learning Center because every student's educational experience is designed to personally suit his or her needs and to complement his or her learning style. The extensive outdoor learning opportunities, coupled with access to computers, help to provide balanced, quality learning. In addition, family therapy is a prominent feature at the Home because it is crucial to facilitate effective interaction between children and their families.

All of these wonderful features contribute to the successful completion of the Children's Home goal of "returning each child to his or her community with a more positive attitude." For 100 years, the Children's Home has succeeded in its endeavor and has positively contributed to the lives of its residents.

One such former resident who symbolized the success of the Children's Home was John Russell Bergendahl. Known to his friends as Russ or "Red," John Bergendahl honored the Cromwell Children's Home, the state of Connecticut and our nation by his service in World War II. An only child whose parents died when he was a boy, Russ became a resident of the Cromwell Children's Home in 1932. The supportive environment at the Home enabled him to overcome his tragedy and live with a positive attitude. Russ quickly developed an outgoing personality that was complimented by his physical and mental discipline. As Russ matured, he became a model resident of the home, owing much to the caring environment and dedicated staff.

During high school, Russ excelled in athletics at Middletown High School and even played on the Cromwell town baseball team. Upon graduating from Middletown High School, he enlisted in the military to fight for his country in World War II. John entered military training and was assigned to the 504th Parachute Infantry Unit (PIR) of the 82nd Airborne Division. His unit fought courageously throughout Northern Africa and Italy during the early years of the War. The 504th's ranks were so depleted from these battles that they were retained as a reserve unit and did not participate in the D-Day invasion.

However, John was one of only 50 volunteers of the 504th to serve as pathfinders on D-Day . His 50-man unit courageously preceded the main airborne divisions behind enemy lines to protect the vulnerable beach landings and to prevent an enemy counterattack. John did not survive this hazardous mission and died serving his country on June 6, 1944. His death was undoubtedly heroic although the exact circumstances can not be verified. He is buried alongside his fellow pathfinders at the United States Military Cemetery at Omaha Beach.

On this, the 100th anniversary of the Cromwell Children's Home, it is only right that we recognize this special institution. As the story of John Russell Bergendahl demonstrates, the Cromwell Children's Home has nurtured a number of remarkable Americans, many of whom have served with distinction in the U.S. Armed Forces. But whether its residents go on to become heros or just good neighbors and positive members of the Community, the Cromwell Children's Home is making an important difference. I hope the case of John Russell Bergendahl serves as an inspiration to the past and future residents of the Cromwell Children's Home and that they understand that their lives and their potential are limitless. Once again, I congratulate the Cromwell Children's Home on this 100th anniversary and I encourage them to carry forward the good work for another 100 years.•

IN RECOGNITION OF REVEREND NICK HALL, JR.

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a remarkable person from my home state of Michigan, Reverend Nick Hall Jr. On July 23, Rev. Hall will retire after 48 years of service to the Bethesda Baptist Church in Saginaw.

Reverend Hall's history of pubic service is truly deserving of recognition. After serving his country in the Navy during World War II, he received his Bachelor of Theology from the Chicago Baptist Institute in 1950. He then moved to Saginaw, Michigan and organized the Bethesda Baptist Church in 1952, where he has ministered there for nearly five decades. In 1990, he furthered his studies in Theology by earning his Doctor of Divinity from Urban Bible College in Detroit. In addition to his career in the ministry, Rev. Hall has dedicated himself to civic leadership through his work with many community organizations. From civil rights activist to County Commissioner, he has won many hats in his long public career, but all of them have shown a true dedication to his community. For the last 48 years, Rev. Hall has served with integrity and compassion.

Rev. Hall's departure from Bethesda Baptist Church will certainly mark a new chapter in his life. I can only hope it is as successful as this previous one. Though I am sure he will remain active in his many church and community activities, I hope that he will be able to spend more time with his wife, Marie, and their children and grandchildren. I am pleased to join his family, congregation, and friends in offering my thanks for all he has done.

Mr. President, Reverend Nick Hall, Jr. can take pride in his long and honorable career to Bethesda Baptist Church. I hope my colleagues will join me in saluting Rev. Hall's commitment to his community and religion, and in wishing him well in his retirement.•

OUTSTANDING COMMUNITY LEADERSHIP IN FRANKLIN COUNTY, VERMONT

• Mr. LEAHY. Mr. President, I rise today to extend my congratulations to Franklin County, Vermont, one of five counties recently honored with the 2000 Community of Excellence Award from the organization Communities Can!

Franklin County is a small, sparsely populated area in northwestern Vermont. This county's close proximity to Lake Champlain and its rolling hills make it ideal for agriculture. In fact, the county has long been known as a state leader in dairy and maple syrup production. As with many rural areas, Franklin County has limited resources, but with the innovation and sense of community responsibility that has characterized Vermonters for centuries, leaders in the community have established a comprehensive network of educators, health care providers, and mental health workers to coordinate vital services for area children.

Communities Can! is a network of communities committed to ensuring that all children and families, including those with disabilities and special needs, have the services and support they need. Franklin County has been a part of this exemplary collaboration since its inception. Each year the organization recognizes five counties from across the country with the Community of Excellence Award. In order to be eligible for this prestigious award, a county must show that it identifies young children and families in need of services; provides affordable, convenient assistance; and includes family members in all levels of decision making. Receiving this award is a significant achievement.

It takes strong teamwork to bring all of these essential human services together to improve the lives of children and their families in a community. Thanks to the work of Mark Sustic, Coordinator of Early Childhood Programs; Peggy Durgin, Early Intervention/Team Coordinator; Paula Irish, Mental Health and Disabilities Coordinator for Head Start; Pam McCarthy, Director of the Family Center; and, Tracey Wagner, Chair of the Regional Interagency Coordinating Council, children and families in Franklin County receive the support and services they need to develop and flourish. I had the pleasure of meeting these remarkable community leaders this spring when they came to Washington to receive their award. These dedicated Vermonters make the most of the limited resources in their rural county by coordinating a comprehensive set of services including pre-kindergarten education, health care, parent education, special needs services, day care, and prenatal care.

I am proud of the people of Franklin County for their creativity and ingenuity in meeting the needs of families and children. They serve as an inspiring example to other communities in Vermont, and indeed, the entire country.•

MESSAGES FROM THE HOUSE

At 3:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1264. An act to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee.

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes.

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the care of certain non-immigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3113. An act to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail.

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building."

H.R. 4430. An act to redesignate the facility of the United States Postal Service located at 8926 Baltimore Street in Savage, Maryland, as the "Alfred Rascon Post Office Building."

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building."

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building."

H.R. 4866. An act to provide for reconciliation pursuant to section 103(b)(1) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

The message also announced that the House agrees to the report of the Committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001; and appoints Mr. ARCHER, Mr. ARMEY, and Mr. RANGEL, as the managers of the conference on the part of the House.

At 5:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 558. Resolution relative to the death of the Honorable PAUL COVERDELL, a Senator from the State of Georgia.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes; to the Committee on the Judiciary.

H.R. 3113. An act to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; to the Committee on Commerce, Science, and Transportation.

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4430. An act to redesignate the facility of the United States Postal Service located at 8926 Baltimore Street in Savage, Maryland, as the "Alfred Rascon Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, Hew Hampshire, as the "Alan B. Shepard, Jr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4866. An act to provide for reconciliation pursuant to section 103(b)(1) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second time by unanimous consent, and placed on the calendar:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9793. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report regarding the fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–9794. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 65 FR 35587" received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9795. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changed in Flood Elevation Determinations 65 FR 36069" received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9796. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination 65 FR 36072" received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9797. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 36068" received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9798. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Debarment, Suspension, and Limited Denial of Participation; Clarification of Procedures" (RIN2501–AC61 (FR–4505–F01)) received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9799. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section Management Assessment Program (SEMAP); Lifting of Stay of Certain Regulatory Sections" (RIN2577–AB60 (FR–3986–N–03)) received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9800. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 36070" (Docket No. FEMA–7324) received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9801. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Office of Finance; Authority of the Federal Home Loan Banks to Issue Consolidated Obligations" (RIN 3069–AA88) received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9802. A communication from the Fiscal Assistant Secretary of the Department of the Treasury, transmitting, pursuant to law, the report concerning the government securities brokers and dealers for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–9803. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to exports to the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC–9804. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy of Consumer Financial Information (Regulation S–P)" (RIN3235–AH90) received on June 23, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9805. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repurchases of Stock by Recently Converted Saving Associations, Mutual Holding Company Dividend Waivers, Gramm-Leach-Bliley Act Changes" (RIN1550–AB24) received on June 26 , 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9806. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report regarding exports to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–9807. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 716, Privacy of Consumer Financial Information" received on June 29, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9808. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations: Implementation of the Wassenaar Arrangement List of Dual Use Items: Revisions to Categories 1, 2, 3, 4, 5, 6 and 9 of the Commerce Control List" (RIN0694–AC19) received on June 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9809. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report relative of the Securities Investor Protection Corporation for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–9810. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report addressing the challenges of international bribery and fair competition; to the Committee on Banking, Housing, and Urban Affairs.

EC-9811. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the 1999 management reports of the twelve Federal Home Loan Banks and the Financing Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-9812. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Pet Ownership in Public Housing" (RIN2577-AB94 (FR-4437-F-02)) received on July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9813. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Direct Funding of Public Housing Resident Management Corporations" (RIN2577-AC12 (FR-4501-F-02)) received on July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9814. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Housing Choice Voucher Program: Expansion of Payment Standard Protection" (RIN2577-AC18 (FR-4586-I-01)) received on July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9815. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 65 FR 38429" received July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9816. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP) Inspection of Insured Structures by Communities 65 FR 39726" (RIN3067-AC70) received July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9817. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of four issues of the Quarterly Journal (the annual report for 1999); to the Committee on Banking, Housing, and Urban Affairs.

EC-9818. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-9819. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Parties to a Transaction and their Responsibilities, Routed Export Transactions, Shipper's Export Declarations, the Automated Export System (AES), and Export Clearance" (RIN0694-AB88) received on June 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9820. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers 65 FR 36633" (RIN3067-AD11) received on June 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9821. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 36634" (Docket No. FEMA-7313) received on June 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9822. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Bank, transmitting, pursuant to law, a report of the final rule entitled "Other Equity Investments" received on July 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9823. A communication from the President of the United States, transmitting, pursuant to law, the report of the notice of the continuation of emergency with respect to the Taliban; to the Committee on Banking, Housing, and Urban Affairs.

EC-9824. A communication from the Secretary of the Department of Agriculture, transmitting, a draft of proposed legislation to amend the Housing Act of 1949 to increase the guarantee fee on guaranteed loans; to the Committee on Banking, Housing, and Urban Affairs.

EC-9825. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility 65 FR 30545" (Docket No. FEMA-7735) received on July 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9826. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Coastal Ocean Program Supplemental Notice of Funds Availability for the Southeast Bering Sea Carrying Capacity (SEBSCC) Project" (RIN0648-ZA86) received on May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9827. A communication from the Chairman of the Interagency Coordination Committee on Oil Pollution Research, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report relative to oil spill pollution research; to the Committee on Commerce, Science, and Transportation.

EC-9828. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Temporary Closure For the Shore-based Sector" received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9829. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector" received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9830. A communication from the Acting Assistant Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Rebuilding Overfished Fisheries" (RIN0648-AM29) received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9831. A communication from the Chief of the Marine Mammal Conservation Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing the Taking and Importing of Marine Mammal; Endangered and Threatened Fish and Wildlife; Cook Inlet Beluga Whales" (RIN0648-XA53) received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9832. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Administrative Revisions to the NASA FAR Supplement" received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9833. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket No. 99-NM-351 [6-19/6-22]" (RIN2120-AA64 (2000-0340)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-599. A resolution adopted by the Legislature of the State of Alaska relative to the Exxon Mobil Corporation; to the Committee on the Judiciary.

POM-600. A resolution adopted by the Legislature of the State of Alaska relative to fair trade between the United States and Canada; to the Committee on the Judiciary.

POM-601. A petition from the Native Hawaiian Convention concerning the reestablishment of a Native Hawaiian Nation; to the Committee on the Judiciary.

POM-602. A resolution adopted by the House of the Legislature of the State of Illinois relative to industrial hemp; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 553

Whereas, Industrial hemp refers to varieties of the cannabis plant that have a low content of tetrahydrocannabinol (THC) and that are cultivated for fiber and oil; and

Whereas, Industrial hemp should not be confused with varieties of cannabis that have high content of tetrahydrocannabinol (THC) and that are commonly referred to as marijuana; and

Whereas, The commercial production and cultivation of industrial hemp is now permitted in Canada, under licenses and authorizations issued by Health Canada; and

Whereas, Health Canada controls, through rules, all activities relating to the importation, exportation, possession, production, sale, provision, transportation, sending, delivering, and offering for sale of industrial hemp; and

Whereas, Industrial hemp is grown legally throughout Europe and Asia; and

Whereas, Many farmers facing uncertain times in the agricultural marketplace view the reintroduction of industrial hemp as another potentially alternative crop that will have long-term economic benefits to the farmers who produce hemp and the persons who use hemp in the production of textiles, paper products, concrete reinforcement, automobile parts, plastic, cosmetics, organic foods, and natural body products; and

Whereas, Congress never originally intended to prohibit the production of industrial hemp when restricting the production, possession, and use of marijuana; therefore be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That we urge the United States Congress to acknowledge the difference between the hallucinogenic drug know as marijuana and the agricultural crop known as industrial hemp; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and to assist United States' producers by clearly authorizing the commercial production of industrial hemp and by being the leading advocate for the industrial hemp industry; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the chairmen of the Agriculture Committees of the United States Senate and House of Representatives, the United States Secretary of Agriculture, and each member of the Illinois congressional delegation.

POM-603. A resolution adopted by the House of the Legislature of the State of Louisiana relative to the preservation of liberty; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 33

Whereas, the Preamble to the Constitution of the United States of America, which became effective on March 4, 1789, declares that the people of the United States have established that constitution with the stated purposes of forming a more perfect union, establishing justice, insuring domestic tranquility, providing for the common defense, promoting the general welfare, and securing the blessings of liberty; and

Whereas, the Fourth Amendment to the Constitution of the United States of America, which became effective on December 15, 1791, provides, in part, that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ."; and

Whereas, on November 19, 1863, in his Address of Gettysburg, President Abaham Lincoln noted that our nation was conceived in liberty and spoke of the need for those who heard his words to resolve ". . . that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth"; and

Whereas, these noble and lofty ideals, upon which our nation was founded and preserved, of liberty and government for the people, appear to be in danger as the echoes of the increasing raids against the citizens of our country, the latest of which was in Miami, reverberate across our land; and

Whereas, our nation must always be prepared to do the things which are necessary to preserve our liberty, but in preserving the liberty of the nation, the rights of the individuals must also be preserved; and

Whereas, certain actions by certain agents of our federal government have risen to an unhealthy fear of our government among the citizens of our nation; and

Whereas, the United States Congress should take the lead in preserving the liberties of our nation as a whole and the liberties of the individual citizens of our nation: Therefore, be it

Resolved, That the Louisiana House of Representatives does hereby memorialize the United States Congress to take such steps as are necessary to preserve the liberties of our nation as a whole and the liberties of the individual citizens of our nation; be it further

Resolved, That copies of this Resolution shall be transmitted to the presiding officer of each house of the United States Congress and to each member of the Louisiana delegation of the United States Congress.

POM-604. A resolution adopted by the General Assembly of the State of New Jersey relative to the Voting Rights Act of 1965; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 90

Whereas, On August 6, 1965, United States President Lyndon B. Johnson signed the federal Voting Rights Act (VRA) into law; and

Whereas, The purpose of this landmark legislation was to ensure that the voting rights of African-American citizens, as guaranteed by the Fourteenth and Fifteenth amendments, to the United States Constitution, are preserved and strongly enforced; and

Whereas, Prior to the passage of the VRA, many areas of the United States were in the grip of oppressive state laws that purposely hindered and abridged the right of African-Americans to register and vote by imposing demeaning tests and devices that kept them away from the polls on election day and permitted white voters to have control over the electoral process and the candidates for elective office; and

Whereas, For example, before the passage of the VRA, only 29 percent of African-Americans were registered to vote in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Virginia compared over 73.4 percent of whites, and within two years after the passage of the law, more than 52 percent of African Americans were registered to vote in those states; and

Whereas, When the VRA was adopted, Section 4 of the law abolished literacy tests and all other similar devices used to discriminate against minority voters; and

Whereas, Section 5 of the law was designed to ensure that minority voters would have the opportunity to register to vote and fully participate in this county's electoral process free of discrimination; and

Whereas, Section 5 mandated that any change in election law in states that had a history of electoral discrimination—including something as small as moving a polling place—must be precleared, either through the federal Department of Justice or through the federal district court in the District of Columbia, to ensure that the change did not abridge minority voting rights; and

Whereas, In the wake of the passage of the VRA, the federal Department of Justice has used it to stop or remove a large number of the discriminatory practices that diluted the voting strength of African-Americans or prevented them from achieving electoral victories; and

Whereas, These practice include racial gerrymandering—drawing Congressional or legislative district boundaries with race as the primary consideration—and the use of at-large elections in counties and municipalities, whereby representatives are elected from the political subdivision as a whole, instead of from districts within it, so that a majority of white voters always defeat African-Americans candidates; and

Whereas, New Jersey has long had an interest in ensuring that African-Americans are permitted to exercise their constitutionally-guaranteed right to vote, as evidenced by the honor given to Thomas Mundy Peterson of Perth Amboy, the first African-American to vote in the United States after the passage of the Fifteenth Amendment to the United States Constitution in March 1870; and

Whereas, Given that the civil rights community believes that the VRA has allowed African-Americans in this country to fully exercise their right to vote and have an important role in this country's democratic process, it is fitting and proper for this State to acknowledge the year 2000 as the 35th anniversary of the VRA; now, therefore be it

Resolved by the General Assembly of the State of New Jersey:

1. This House acknowledges the year 2000 as the 35th anniversary of the passage of the Voting Rights Act of 1965.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to every presiding officer of the Congress of the United States, every member thereof elected from this State and to the executive officers of the largest civil rights organizations in the United States and this State.

POM-605. A resolution adopted by the General Assembly of the State of New Jersey relative to the proposed "Justice for Holocaust Survivors Act"; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 58

Whereas, During the tragic events we now call the Holocaust, in which the Nazi dictatorship in Germany illegally expropriated private property and murdered six million Jews as part of a systematic program of genocide; and

Whereas, Five million others were also murdered by the Nazis; and

Whereas, There are thousands of Holocaust survivors living in the United States who are being denied restitution for their pain and suffering during the Holocaust; and

Whereas, This situation affects many survivors who have come to the United States during the last 50 years, as well as thousands of survivors from the former Union of Soviet Socialist Republics who have arrived here during the last decade and who have experienced a disproportionate refusal rate by the Conference on Jewish Material Claims Against Germany; and

Whereas, Many Holocaust survivors are indigent and in need of financial assistance; and

Whereas, Current United States law precludes lawsuits against sovereign governments such as the Federal Republic of Germany; and

Whereas, H.R. 271 of 1999, the Justice for Holocaust Survivors Act, would amend the federal Foreign Sovereigns Immunity Act to permit U.S. citizens who are victims of the Holocaust, whether or not they were citizens of the United States during World War II, to sue the Federal Republic of Germany for compensation in U.S. courts; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The President and the Congress of the United States are respectfully memorialized

to enact H.R. 271 of 1999, the Justice for Holocaust Survivors Act, which would permit U.S. citizens who are victims of the Holocaust, whether or not they were U.S. citizens during World War II, to sue the Federal Republic of Germany for compensation in U.S. courts of law.

2. A copy of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and every member of Congress elected from this State.

POM-606. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to voluntary school prayer; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 71

Whereas, the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection with the First Amendment of the Constitution of the United States; and

Whereas, statements of belief in a Supreme Power and the virtue of seeking strength and protection from that Power are prevalent throughout our national history; and

Whereas, today there are numerous signs of harmonious church/state coexistence, including organized prayer at every Congressional session, the use of the Bible while administering the oath of office, and the imprinting of "In God we trust" on the national currency; and

Whereas, prayer in public schools existed for nearly 200 years before the United States Supreme Court ruled in *Engel* v. *Vitale* that a government-composed nondenominational "Regents" prayer recited by students was unconstitutional as a violation of the establishment of the religion clause of the First Amendment; and

Whereas, this decision has severely constrained the exercise of religious freedom guaranteed by the First Amendment; and

Whereas, in the aftermath of the recent tragic events at Columbine High School in Littleton, Colorado and Westside Middle School in Jonesboro, Arkansas, many believe that providing for school prayer would help to prevent these incomprehensible acts of violence from recurring at other schools; and

Whereas, several resolutions have been introduced during the 106th Congress, proposing an amendment to the Constitution of the United States to allow for individual or group prayer in public schools and other public institutions; and

Whereas, the proposed amendments would not prescribe the content of the prayer, endorse one religion over another, or require any person to participate in prayer; and

Whereas, voluntary prayer is a beneficial practice that provides the opportunity for free expression of religion and rebuilding a moral emphasis needed in a country troubled by outbreaks of unprecedented school violence; now, therefore, be it

Resolved by the House of delegates, the Senate concurring, That the Congress of the United States be urged to propose an amendment to the Constitution of the United States to allow for voluntary school prayer; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1912: A bill to facilitate the growth of electronic commerce and enable the electronic commerce market to continue its current growth rate and realize its full potential, to signal strong support of the electronic commerce market by promoting its use within Federal government agencies and small and medium-sized businesses, and for other purposes (Rept. No. 106-349).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 2888. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Finance.

By Mr. DURBIN:

S. 2889. A bill to amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 to require warning labels for tobacco products; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. L. CHAFEE):

S. 2890. A bill to provide States with funds to support State, regional, and local school construction; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 2891. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science , and Transportation.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2892. A bill to designate the Federal building located at 158-15 Liberty Avenue in Jamaica, Queens, New York, as the "Floyd H. Flake Federal Building"; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2893. A bill to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office"; to the Committee on Governmental Affairs.

By Mr. LUGAR (for himself, Mr. ROBERTS, Mr. BURNS, and Mr. SANTORUM):

S. 2894. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 2888. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Finance.

HEALTH SECURITY FOR ALL AMERICANS ACT

Mr. WELLSTONE. Mr. President, today I want to talk about an issue that is of the utmost importance: Health Security.

First I want to talk about the problem: Health insecurity. Then I want to talk about the solution: The Health Security for All Americans Act. And finally I want people around the country to hear what they can do to wake up Congress and make Health Security for All Americans a reality.

This year has been a hard one for me. Two months ago, we buried one of my dear friends, Mike Epstein. Mike's sons came to be with him for the last few weeks of his struggle with cancer. Devoted sons, they spoke glowingly about their father at a memorial service for him in the Capitol. As any of you who has sat with a dying parent knows, emotions overflow, coping is difficult, and the grief is profound. The last thing a son or daughter, a parent or spouse, needs is to have the additional burden of wondering where will the next dollar for ever mounting health care bills come from; to worry about going into debt; to worry about going bankrupt because of a loved ones health care needs. Mike's sons did not have to worry about that because Mike had health care coverage as good as Congress gets.

The wife of my health policy advisor, John Gilman, battled cancer for two and a half years before succumbing one month ago. She had required innumerable sessions of radiation therapy, plus chemotherapy and surgery. John had his hands full with work plus taking care of his wife, both physically and emotionally. It is draining, but can you imagine how much worse it would be if John and his wife, June, had no health insurance. John didn't have to worry about how to pay for the next medical bill because John and his wife had health care coverage as good as Congress gets.

People do get ill. As hard as we try and as much as we pray, we can't always cure them. But we certainly can make sure they all have access to high quality, affordable care with dignity. There is no reason why all Americans can't have health insurance as good as everyone of us who serves in the United States Senate.

The idea of procuring health security for all Americans is not a new one. Franklin Delano Roosevelt recognized the need for universal health care in the 1930s when we were in the depths of the depression; Harry Truman fought for it in the 1940s when the troops came home from World War II; John Kennedy envisioned it in the midst of the cold war; Richard Nixon had it high on his agenda before events overtook his Presidency.

What these 20th century Presidents all understood is that there is a basic human drive for good health, and the good health of the American people is what drives this country and its economy. By 1992 it was far past due for us to recognize that all Americans should have a basic right to quality affordable health care. We had the opportunity in 1993 and 1994 to confer that right on to all of our people—and we lost it, because of differences and failures to compromise, and obstructionists and nay sayers, and failing to keep our eye on the ball: Universal, quality, affordable health care for every American.

I began introducing bills to provide universal health care in this country shortly after I arrived in the Senate in 1991. Back then people were aware of the problems of the uninsured—it wasn't being swept under the rug. Do you remember back in 1992, we were coming out of a recession, unemployment was at 7.5 percent, the national debt was increasing each year and 36 million Americans were uninsured, and everyone was talking about some form of health insurance for all.

Eight years later, we're told the economy's humming along, unemployment is the lowest its been in 30 years, and there is a budgetary surplus. But despite the fact that there are 45 million Americans without health insurance—10 million more than there were 10 years ago—nobody in Washington is talking seriously about doing anything about it. Incremental change may keep some people from losing their insurance, and may insure some people who would otherwise be uninsured, but incrementalism has not stopped the steady rise in the number of uninsured in America which will soar to 55 million people by 2008.

We need to change that. I don't think the fact that 140 million Americans own stocks today should make us forget that 45 million Americans don't have health insurance. And that millions more can't make ends meet because their health insurance is simply too expensive.

Make no mistake about it: Not having health insurance has its consequences. And I know some of you know it personally too well. There are some myths out there about not having health insurance that need to be debunked:

The first myth is that the uninsured can easily get the care they need. But the fact is: Uninsured Americans needlessly suffer because they don't have access to the care they need. For example, the uninsured are four times more likely to go without needed medical care and to delay seeking care; and are up to four times more likely to experience an avoidable hospitalization and emergency hospital care. The uninsured are more likely to be in fair or poor health and have a higher probability of in-hospital death than the privately insured.

The second myth is that the lack of health insurance is usually a temporary condition and that most people get their coverage back quickly. But the fact is otherwise: Nearly 60 percent of people who are uninsured have been uninsured for at least two years. Or put another way: 6 out of 10 people who lose their health insurance this month will still be uninsured in July 2002!

Employers used to do more to help assure their workers of coverage. In 1985, nearly two-thirds of businesses with 100 or more workers paid the full cost of health coverage. Last year only one-fourth of businesses did. In 1988, employers asked workers to pay on average 20 percent of the cost through payroll deductions. By 1998, they had raised the average worker's share to 27 percent. Three-fourths of the working uninsured are not offered or eligible for any coverage through their workplace.

The third myth is that most people don't have health insurance because they are not working. But the fact is: 75 percent of uninsured Americans hold down full-time jobs or are the dependents of someone who does, and nine out of ten come from working families. What's also a fact is that low wage workers frequently aren't offered insurance at all through their employment or if they are, it is at an unaffordable price.

The fourth myth is that most people who don't have insurance could afford it but just choose not to buy it. But the fact is: The high cost of health insurance premiums is the main reason that half the uninsured don't have health insurance. Only 3 percent of people without insurance say the most important reason is because they don't think they need it.

Going without health insurance means living in poorer health. Most uninsured adults have no regular source of health care. Most postpone getting care. Three in ten go without needed medical care. A quarter forego getting the medicine they need because they cannot afford to fill their medical prescriptions. Uninsured children are 30 percent more likely to fall behind on well-child care and 80 percent more likely to never have routine care at all.

The uninsured are three to four times more likely to have problems getting the health care they feel the need. Uninsured children are at least 70 percent more likely not to get medical care for common conditions—like asthma—that if left untreated can lead to more serious health problems.

Uninsured Americans are more likely to end up hospitalized for conditions—like uncontrolled diabetes—that they could have avoided with better health care. In the end, uninsured patients are more likely to die while hospitalized than privately insured patients with the same health problems.

Partly because they are less likely to get regular mammograms, uninsured women are nearly 50 percent more likely to die of breast cancer. Our system takes its toll in senseless, random pain and suffering.

Without insurance, the medical bills mount quickly. More than one in three uninsured adults have problems paying their medical bills. The uninsured are three times more likely to have problems with their medical bills than the insured. Eight out of ten uninsured people receive absolutely no reduced charge or free health services. The crushing weight of bankruptcy looms on the horizon. One out of four people filing for bankruptcy identified an illness or injury as a major reason for filing; 1 out of 3 had substantial medical bills; and almost 50 percent had both.

Even with insurance, low- and middle-income families frequently find themselves in a financial straight jacket. Families with annual incomes of $30,000 or less are spending an inordinate, unaffordable share of their income on health care expenses. And the average family with an income under $10,000 is paying well over 20 percent of its annual income on health care costs. These families can least afford to make that kind of payment.

For families with annual incomes of $30,000 or more, the average amount of that income spent on premiums, deductibles and co-pays drops to below 5 percent on average. But these are just averages: many families at every income level spend more than 10 percent of their family income on health care, especially if someone in the family has a serious illness. That is not affordable. That is not fair.

Since coming to the Senate, my number one priority has been achieving universal, affordable, comprehensive, quality care for all Americans. That is why I am proud to be introducing today the Health Security for All Americans Act.

Let me digress and tell you how I arrived at this legislation.

When I was first elected to the Senate and Bill Clinton was elected president two years later, I believed the political winds and tides were aligned for a decade of progressive change for America. I thought I had been elected at just the right time to be a part of this change. When President Clinton, in his State of the Union speech, announced he would veto any health care legislation that did not provide universal coverage, that every citizen must be covered, I jumped to my feet and cheered. This was why I came to Washington, to make this kind of change, and this was a fight I thought we could win.

But I had some quick learning to do. When I spoke about my interest in a "single-payer" health care plan, similar to the Canadian system where doctors and hospitals remain in the private sector, but where there is just one insurer or payer, I was told by a senior colleague that my plan might be the best proposal. "But it does not have a chance. The insurance industry hates it and it will go nowhere. It is just not realistic."

I was completely disillusioned. I could not accept then, and I do not accept now, the proposition that even before the American people have the opportunity to be informed or included, a good proposal is "dead on arrival" because the insurance industry opposes it. That isn't supposed to happen in a representative democracy!

In spite of the advice, I did introduce the single payer plan with Jim McDermott, a congressman and physician from the state of Washington. I thought first you start with the most desirable, and later on in the process you'll find out what is politically feasible. I refused to admit defeat before we had even begun to fight. And I was hoping that our legislation would pull the debate in a more progressive direction.

What happened was just the opposite. The trillion dollar health care industry, led by the insurance companies, went on the attack, not against our plan which "wasn't realistic" but against the President's plan which "was". "Harry and Louise" ads cried out against the horrors of "government medicine." Intensive and expensive lobbying efforts expounded on the same theme.

Media coverage, which should have been about the nuts and bolts of different proposals shifted now to focus on strategy rather than substance and head counts rather than hard information. So ordinary citizens no longer had a source of knowledge to form opinions and inform their elected leaders.

But the problems were not limited to the insurance lobby and the media. The only way we could have beaten the health care industry would have been with dramatic and effective citizen politics. It never happened. Progressives didn't organize a constituency to fight for health care reform, and the Administration didn't have the political will to stand up to powerful interests and therefore never asked the American people to take on this fight. They tried to win with "inside politics," cutting deals and making compromises with different economic interests.

With each accommodation to private power, the President's plan became hopelessly complicated. As a constituent told me at the time, "How can you be for something you don't understand?" What started as a noble effort by the President to fill a crucial national need became instead an object of derision.

Over the years, as I traveled around the country talking about the need for Universal Health Care and the Single Payer model, I found people turning off—not to the need for health insurance for all, but to the specific mechanism I favored. They wanted universal health care, but they didn't want a national single payer system or they didn't think one was possible here, so they stopped listening.

The mood of the country has changed since the early 1990s. In 1990, there were 34 million uninsured. Ten years later, today, there are 45 million, and the number is growing by 100,000 people per month. Numerous polls show that the large majority of Americans want universal affordable comprehensive health care coverage and that they are willing to pay higher taxes for everyone to be covered.

The people and the States are ahead of the Federal politicians on this issue. The people want a big change; not an incremental change. In Massachusetts and Washington state, people are pushing for ballot referendums in the fall on universal coverage. Massachusetts and Maryland have already received commissioned cost studies of alternative universal coverage plans. California this past fall legislated a task force to investigate options for universal coverage.

Governor Howard Dean (D) of VT (also a physician), whose state presently covers 93.5 percent of its citizens, says it well: "It is my view that health insurance ought to be universal, the right of every citizen in Vermont." And there is bipartisan support in Vermont. "Health care is not a partisan issue in Vermont," state Sen. John Bloomer (R) said, adding that "it's a bipartisan goal to expand health care access and affordability."

The Health Security for All Americans Act is a plan for a big change. It builds on the momentum going on in the states of this great Nation.

So I decided that rather than trying to tell people how I thought the system should work, what I needed to do was first, to set out what I have found are the common goals of the American people: universal affordable comprehensive health coverage; and second to provide federal matching funds for each state to reach those goals in the way that best fits the needs of that state.

So, let me tell you about the Health Security for All Americans Act.

First, it is based on the premise that every American—not just everyone in this chamber, but every American—is entitled to have health care coverage as good as the Congress gets. Every Federal employee has that right. Why shouldn't every other American?

Second, it is based on the premise that good health care must be affordable. Americans should not go broke trying to keep their bodies fixed. From my experience traveling around the country, Americans all across the income spectrum are willing to be responsible for an affordable fair share of the cost of coverage and care, and a growing number of polls show that a majority of Americans are willing to pay higher taxes so that all Americans will have health coverage. Under the Health Security for All Americans Act, a family's financial responsibilities for health care is based on a percentage of family income. At the lowest end of the income scale, families would be responsible for no more than one-half of 1 percent of family income, so they can have quality health care, and a roof over their head, and 3 square meals a day. While at the higher end of the income scale, families would be responsible for no more than 5 percent or 7 percent of family income. For example, under the Health Security for All Americans Act, a family of four with an annual income of $25,000 would be responsible for no more than $11 a month in total health care costs, while a family of four with $50,000 in annual income would have the security of knowing that its total out-of-pocket health care spending (premiums and cost sharing) could not exceed 5 percent of family income or $2500 per year.

Third, it's based on the premise that you have to have access to care when you or your family needs it. That is why the Health Security for All Americans Act includes the Norwood-Dingell Patient Bill of Rights that has been endorsed by over 300 health care organizations.

Fourth, it's based on the premise that good health care delivery doesn't just happen. It depends on a well trained, well compensated health care workforce that doesn't have to constantly worry about where the next dollar is coming from. And I am referring to doctors and nurses and orderlies and home health workers, and nursing home workers—all health care workers. If we are going to deliver humane dignified health care to everyone in this country, we need to start by treating the health care workforce with dignity and respect and that starts with affordable health care for all workers. That is why the Health Security for All Americans Act includes health care quality, patient safety, and workforce standards.

My experience has taught me that Americans agree with these premises. They want high quality, affordable health care as good as Congress gets, but they are not sure the best way to get there. That is why the Health Security for All Americans Act is a federal state partnership that says here is what Americans want; you—the states—design the plan you want to get your state there; and we the federal government will provide the majority of the funds you need to reach that goal in the manner you chose.

States that submit plans early and achieve universal coverage are rewarded with increased federal dollars for their efforts. But all states must have plans in force within four years and coverage for all their residents within five years. States could reach these goals in a variety of ways: with an employer mandate, with a combination of public and private initiatives, with single payer, or some other method. I think this is a good approach because it allows the states flexibility, but it clearly sets out a fair and just goal: Universal coverage; comprehensive benefits as good as Congress gets; quality care guaranteed with patient protections; real income protections; and honoring of health care workers. I am proud today to be introducing the Health Security for All Americans Act and I am proud that this legislation has the backing and support of the Service Employees International Union, America's largest health care union.

To my colleagues I say, together we can put universal health care back on the front burner where it belongs.

We all know that in 1994, the effort to bring health care coverage to all Americans failed. All of us have heard the reasons why. But what we haven't answered is why did we give up when we knew this was the right thing to do? Why have we become so timid? Why have we only been willing to take half steps?

We must not shrink from the task at hand! America's doctors and nurses know how to cure disease better than anywhere else in the world. Well, now it is time to treat America's worst malady—45 million uninsured Americans, and millions more underinsured Americans who are spending far too much of their monthly pay check on health care costs.

Martin Luther King, Jr. rightly said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." All the doctors and all the nurses and all the other health care providers in America cannot solve this problem nor right this injustice, but we in the Congress can.

This is a problem that isn't going away on its own, but there is a solution. So to my colleagues, I say, "Join me in sponsoring the Health Security for All Americans Act." And to members of the American public who are listening, I ask you to join thousands of your fellow citizens who have already written to Members of Congress, and call and write your Senators and Representatives and ask them to join in bringing quality, affordable health care coverage to all Americans.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Security for All Americans Act".

(b) TABLE OF CONTENTS.—The table of contents of the Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—HEALTH SECURITY FOR ALL AMERICANS—EXPANSION PHASE (PHASE I)

Sec. 101. Expansion phase (phase I) voluntary State universal health insurance coverage plans.

"TITLE XXII—HEALTH SECURITY FOR ALL AMERICANS

"PART A—EXPANSION PHASE (PHASE I) PLANS

"Sec. 2201. Purpose; voluntary State plans.
"Sec. 2202. Plan requirements.
"Sec. 2203. Coverage requirements for expansion phase (phase I) plans.
"Sec. 2204. Allotments.
"Sec. 2205. Administration.
"Sec. 2206. Definitions.".

TITLE II—HEALTH SECURITY FOR ALL AMERICANS—UNIVERSAL PHASE (PHASE II)

Sec. 201. Universal phase (phase II) State universal health insurance coverage plans.

"PART B—UNIVERSAL PHASE (PHASE II) PLANS

"Sec. 2211. Purpose; mandatory State plans.
"Sec. 2212. Plan requirements.
"Sec. 2213. Coverage requirements for universal phase (phase II) plans.
"Sec. 2214. Requirements for employers regarding the provision of benefits.
"Sec. 2215. Allotments.
"Sec. 2216. Administration; definitions.".

Sec. 202. Consumer protections.

"PART C—CONSUMER PROTECTIONS

"Sec. 2221. Home care standards.
"Sec. 2222. Consumer protection in the event of termination or suspension of services.
"Sec. 2223. Consumer protection through disclosure of information.".
"Sec. 2224. Consumer protection through notice of changes in health care delivery.".

TITLE III—PATIENT PROTECTIONS

Sec. 301. Incorporation of certain protections.

TITLE IV—HEALTH CARE QUALITY, PATIENT SAFETY, AND WORKFORCE STANDARDS

Sec. 401. Health Care Quality, Patient Safety, and Workforce Standards Institute.
Sec. 402. Health Care Quality, Patient Safety, and Workforce Standards Advisory Committee.

TITLE V—IMPROVING MEDICARE BENEFITS

Sec. 501. Full mental health and substance abuse treatment benefits parity.
Sec. 502. Study and report regarding addition of prescription drug benefit.

TITLE VI—LONG-TERM AND HOME HEALTH CARE

Sec. 601. Studies and demonstration projects to identify model programs.

TITLE VII—MISCELLANEOUS

Sec. 701. Nonapplication of ERISA.
Sec. 702. Sense of Congress regarding offsets.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The health of the American people is the foundation of American strength, productivity, and wealth.

(2) The guarantee of health care coverage and access to quality medical care to all Americans is a fundamental right and is essential to the general welfare.

(3) 45,000,000 Americans, more than 11,000,000 of whom are children, have no health insurance, and that number will grow to more than 54,000,000 by 2007 even if the economy remains strong.

(4) Health insurance coverage is unstable; less than ½ of all adults have been in their current health plan for 3 years.

(5) The average American will hold at least 7 jobs during their life, risking lack of health coverage every time they change or are between jobs.

(6) In 1998, annual health care expenditures in the United States totaled $1,150,000,000,000, or $4,094 per person. National health expenditures are projected to total $2,200,000,000,000 by 2008.

(7) In 1998, health care expenditures represented 13.5 percent of the gross domestic product in the United States and grew at the rate of 5.6 percent while the gross domestic product grew only at the rate of 4.9 percent. By 2008, health care expenditures are projected to reach 16.2 percent of gross domestic product. Growth in health spending is projected to average 1.8 percentage points above the growth rate of the gross domestic product for the period beginning with 1998 and ending with 2008.

(8) Although the United States spends considerably more in health care per person than any other nation, it ranks only fifteenth among countries worldwide on an overall index designed to measure a range of health goals according to the World Health Organization.

(9) One of 4 adults, about 40,000,000 people, say they have gone without needed medical care because they couldn't afford it.

(10) Nearly 31,000,000 Americans face collection agencies annually because they owe money for medical bills.

(11) The average American worker is paying 3 times more for family coverage than 10 years ago, and more than 4 times more for employee-only coverage.

(12) Because many individuals do not have health insurance coverage, they may incur health care costs which they do not fully reimburse, resulting in cost-shifting to others.

(13) As a consequence of the piecemeal health care system in the United States, administrative overhead costs approximately $1,000 per person annually, while other Western industrialized nations with universal health care systems spend approximately $200 per person annually for administrative overhead.

(14) The United States should adopt national goals of universal, affordable, comprehensive health insurance coverage and should provide generous matching grants to the States to achieve those goals within 5 years of the date of enactment of this Act.

TITLE I—HEALTH SECURITY FOR ALL AMERICANS—EXPANSION PHASE (PHASE I)

SEC. 101. EXPANSION PHASE (PHASE I) VOLUNTARY STATE UNIVERSAL HEALTH INSURANCE COVERAGE PLANS.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

"TITLE XXII—HEALTH SECURITY FOR ALL AMERICANS

"PART A—EXPANSION PHASE (PHASE I) PLANS

"SEC. 2201. PURPOSE; VOLUNTARY STATE PLANS.

"(a) PURPOSE.—The purpose of this part is to provide funds to participating States to enable those States to ensure universal health insurance coverage by establishing State administered systems.

"(b) Expansion Phase (Phase I) Plan Required.—A State is not eligible for a payment under section 2205(a) unless the State has submitted to the Secretary a plan that—

"(1) sets forth how the State intends to use the funds provided under this part to ensure universal, affordable, and comprehensive health insurance coverage to eligible residents of the State consistent with the provisions of this part; and

"(2) has been approved under section 2202(d).

"SEC. 2202. PLAN REQUIREMENTS.

"(a) In General.—Every expansion phase (phase I) plan shall include provisions for the following:

"(1) Information on the level of health insurance coverage.—

"(A) The level of health insurance coverage within the State as determined under subsection (b).

"(B) The base coverage gap for the year involved as determined under subsection (b)(4).

"(C) State efforts to provide or obtain health insurance coverage for uncovered residents of the State, including the steps the State is taking to identify and enroll all uncovered residents of the State who are eligible to participate in public or private health insurance programs.

"(2) Details of, and timelines for, expansion phase (phase I) plan.—

"(A) Use of funds; coordination.—The activities that the State intends to carry out using funds received under this part, including how the State will coordinate efforts under this part with existing State efforts to increase the health insurance coverage of individuals.

"(B) Timelines.—Consistent with subsection (c), the manner in which the State will reduce the base coverage gap for the year involved, including a timetable with specified targets for reducing the base coverage gap by—

"(i) 50 percent within 2 years after the date of approval of the expansion phase (phase I) plan; and

"(ii) 100 percent within 4 years after such date.

"(3) Maintenance of effort.—The manner in which the State will ensure that—

"(A) employers within the State will continue to provide not less than the level of financial support toward the health insurance premiums required for coverage of their employees as such employers provided as of the date of enactment of this title; and

"(B) the State will continue to provide not less than the level of State expenditures incurred for State-funded health programs as of such date.

"(4) State outreach programs; access.—The manner in which, and a timetable for when, the State will—

"(A) institute outreach programs; and

"(B) ensure that all eligible residents of the State have access to the health insurance coverage provided under this part.

"(5) Assurance of coverage of essential services.—An assurance that the State program established under this part will comply with the requirements of section 1867 (commonly referred to as the 'Emergency Medical Treatment and Active Labor Act').

"(6) Representation on boards and commissions.—The manner in which the State will ensure that all Boards and Commissions that the State establishes to administer the plan will include, among others, representatives of providers, consumers, employers, and health worker unions.

"(7) Disclosure of information to the public.—The manner in which the State will ensure that, with respect to entities and individuals that provide services for which reimbursement is provided under this part—

"(A) financial arrangements between insurers and providers and between providers and medical equipment suppliers are disclosed to the public; and

"(B) ownership interests and health care worker qualifications and credentials are disclosed to the public.

"(8) Consumer protections.—The manner in which the State will ensure compliance with sections 2221, 2222, 2223, and 2224.

"(9) Public review.—The manner in which the State will provide for the public review of institutional changes in services provided, markets and regions covered, withdrawal or movement of services, closures or downsizing, and other actions that affect the provision of health insurance under the plan.

"(10) Services in rural and underserved areas; cultural competency.—The manner in which the State will ensure—

"(A) coverage in rural and underserved areas; and

"(B) that the needs of culturally diverse populations are met.

"(11) Purchasing pools.—The manner in which the State will encourage the formation of State purchasing pools that provide choice of health plans, control costs, and reduce adverse risk selection.

"(12) Limitation on administrative expenditures.—The manner in which the State will ensure that all qualified plans in the State expend at least 90 percent (or, during the first 2 years of the plan, 85 percent) of total income received from premiums on the provision of covered health care benefits (excluding all costs for marketing, advertising, health plan administration, profits, or capital accumulation) to individuals.

"(13) Self-employed and multi-employed.—The manner in which the State will address self-employed individuals and multiwage earner families.

"(14) Medicaid wraparound coverage.—The manner in which the State will ensure that individuals who are eligible for medical assistance under title XIX and who receive benefits under the expansion phase (phase I) plan shall receive any items or services that are not available under the expansion phase (phase I) plan but that are available under the State medicaid program under title XIX through 'wraparound coverage' under such program.

"(15) Other matters.—Any other matter determined appropriate by the Secretary.

"(b) Current Level of Coverage.—

"(1) In general.—The Secretary shall develop a survey approach that provides timely and up-to-date data to determine the percentage of the population of each State that is currently covered by a health insurance plan or program that provides coverage that meets the requirements of section 2203(a).

"(2) Biannual survey.—The Secretary shall provide for the conduct of the survey developed under paragraph (1) not less than biannually to make coverage determinations for purposes of paragraph (1).

"(3) Use of alternative system.—The Secretary shall permit a State to utilize an alternative population-based monitoring system to make determinations with respect to coverage in the State for purposes of paragraph (1) if the Secretary determines that such system meets or exceeds the methodological standards utilized in the survey developed under paragraph (1).

"(4) Base coverage gap.—For purposes of subsection (a)(1)(A), the base coverage gap for a State shall be equal to 100 percent of the eligible individuals and families in the State for the year involved, less the current level of coverage for those individuals and families for such year as determined under paragraph (1) or (3).

"(c) Reducing the Level of Uninsured Individuals.—

"(1) In general.—To be eligible to receive funds under this part, a State shall agree to administer an expansion phase (phase I) plan with a goal of providing health insurance coverage for 100 percent of the eligible residents of the State by not later than 4 years after the date of approval of the State's expansion phase (phase I) plan.

"(2) Permissible activities.—A State may use amounts provided under this part for any activities consistent with this part that are appropriate to enroll individuals in health plans and health programs to meet the targets contained in the State plan under subsection (a)(2)(B), including through the use of direct payments to health plans or, in the case of a single State plan, directly to providers of services.

"(d) Process for Submission, Approval, and Amendment of Expansion Phase (Phase I) Plan.—The provisions of section 2106 apply to an expansion phase (phase I) plan under this part in the same manner as they apply to a State plan under title XXI, except that no expansion phase (phase I) plan may be effective earlier than January 1, 2001, and all expansion phase (phase I) plans must be submitted for approval by not later than December 31, 2002.

"SEC. 2203. COVERAGE REQUIREMENTS FOR EXPANSION PHASE (PHASE I) PLANS.

"(a) Required Scope of Health Insurance Coverage.—Health insurance coverage provided under this part shall consist of at least the benefits provided under the Federal Employees Health Benefits Program standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of part 5, United States Code, including mental health and substance abuse treatment benefits parity.

"(b) Limitations on Premiums and Cost-Sharing.—

"(1) Description; general conditions.—An expansion phase (phase I) plan shall include a description, consistent with this subsection, of the amount (if any) of premiums, cost-sharing, or other similar charges imposed. Any such charges shall be imposed pursuant to a public schedule.

"(2) Limitations on premiums and cost-sharing.—

"(A) Individuals and families with income below 150 percent of poverty line.—In the case of an individual or family whose income is at or below 150 percent of the poverty line—

"(i) the State plan may not impose a premium; and

"(ii) the total annual aggregate amount of cost-sharing imposed by a State with respect to all individuals in a family may not exceed 0.5 percent of the family's income for the year involved.

"(B) Individuals and families with income between 150 and 300 percent of poverty line.—In the case of an individual or family whose income exceeds 150 percent but does not exceed 300 percent of the poverty line—

"(i) the State plan may not impose a premium that exceeds an amount that is equal to—

"(I) 20 percent of the average cost of providing benefits to an individual (or a family) under this part in the year involved; or

"(II) 3 percent of the family's income for the year involved; and

"(ii) the total annual aggregate amount of premiums and cost-sharing (combined) imposed by a State with respect to all individuals in a family may not exceed 5 percent of the family's income for the year involved.

"(C) INDIVIDUALS AND FAMILIES WITH INCOME ABOVE 300 PERCENT OF POVERTY LINE.—In the case of an individual or family whose income exceeds 300 percent of the poverty line—

"(i) the State plan may not impose a premium that exceeds 20 percent of the average cost of providing benefits to an individual (or a family of the size involved) under this part in the year involved; and

"(ii) the total annual aggregate amount of premiums and cost-sharing (combined) imposed by a State with respect to all individuals in a family may not exceed 7 percent of the family's income for the year involved.

"(D) SELF-EMPLOYED INDIVIDUALS.—The State shall establish rules for self-employed individuals based on individual and family income.

"(3) COLLECTION.—The State shall establish procedures for collecting any premiums, cost-sharing, or other similar charges imposed under this part. Such procedures shall provide for annual reconciliations and adjustments.

"(c) APPLICATION OF CERTAIN REQUIREMENTS.—

"(1) RESTRICTION ON APPLICATION OF PREEXISTING CONDITION EXCLUSIONS.—The expansion phase (phase I) plan shall not permit the imposition of any preexisting condition exclusion for covered benefits under the plan.

"(2) CHOICE OF PLANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the expansion phase (phase I) plan shall offer eligible individuals and families a choice of qualified plans from which to receive benefits under this part. At least 1 plan shall be a preferred provider option plan.

"(B) WAIVER.—The Secretary—

"(i) may waive the requirement under subparagraph (A) if determined appropriate; and

"(ii) shall waive such requirement in the case of a State that establishes a single State plan.

"SEC. 2204. ALLOTMENTS.

"(a) STATE ALLOTMENTS.—

"(1) IN GENERAL.—With respect to a fiscal year, the Secretary shall allot to each State with an expansion phase (phase I) plan approved under this part the amount determined under paragraph (2) for such State for such fiscal year.

"(2) DETERMINATION OF COST OF COVERAGE.—The amount determined under this paragraph is the amount equal to—

"(A) the product of—

"(i) the Federal participation rate for the State as determined under subsection (b) or, if applicable, the enhanced Federal participation rate for the State, as determined under subsection (c);

"(ii) the estimated cost for the minimum benefits package required to comply under section 2203, not to exceed the sum of—

"(I) the total annual Government and employee contributions required for individual or self and family health benefits coverage under the Federal Employees Health Benefits Program standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of title 5, United States Code (adjusted for age, as the Secretary determines appropriate); and

"(II) the estimated average cost-sharing expense for an individual or family; and

"(iii) the estimated number of residents to be enrolled in the expansion phase (phase I) plan; less

"(B) the sum of—

"(i) the individual or family health insurance contribution and cost-sharing payments to be made in accordance with section 2203(b); and

"(ii) any applicable employer contribution to such payments.

"(b) FEDERAL PARTICIPATION RATE.—For purposes of subsection (a)(2)(A)(i), the Federal participation rate for a State shall be equal to the enhanced FMAP determined for the State under section 2105(b).

"(c) ENHANCED FEDERAL PARTICIPATION RATE.—

"(1) IN GENERAL.—For purposes of subsection (a)(2)(A)(i), the enhanced Federal participation rate for a State shall be equal to the Federal participation rate for such State under subsection (b), as adjusted by the Secretary based on the decrease in the base coverage gap in the State.

"(2) AMOUNT OF ADJUSTMENT AND APPLICATION.—

"(A) AMOUNT OF ADJUSTMENT.—The Federal participation rate under subsection (b) with respect to a State shall be increased by—

"(i) 1 percentage point if the base coverage gap of the State has decreased by at least 50 percent within 2 years after the date of approval of the expansion phase (phase I) plan, as determined by the Secretary; and

"(ii) 3 percentage points if the base coverage gap of the State has decreased by 100 percent within 4 years after the date of approval of the expansion phase (phase I) plan, as determined by the Secretary.

"(B) APPLICATION.—The increase described in—

"(i) subparagraph (A)(i) shall only apply to a State for the period beginning with the month of the determination under such subparagraph and ending with the month preceding the month of the determination under subparagraph (A)(ii) (if any), but in no event for more than 24 months; and

"(ii) subparagraph (A)(ii) shall apply to a State for any year (or portion thereof) beginning with the month of the determination under such subparagraph.

"(3) FULL COVERAGE.—For purposes of this part, a State shall be deemed to have decreased its base coverage gap by 100 percent if the Secretary determines that—

"(A) 98 percent of all eligible residents of the State are provided health insurance coverage under the expansion phase (phase I) plan; and

"(B) the remaining 2 percent of such residents are served by alternative health care delivery systems as demonstrated by the State.

"(d) GRANTS TO INDIAN TRIBES, NATIVE HAWAIIAN ORGANIZATIONS, AND ALASKA NATIVE ORGANIZATIONS.—

"(1) IN GENERAL.—Out of funds appropriated under subsection (e), the Secretary shall reserve an amount, not to exceed 1 percent of the total allotments determined under subsection (a) for a fiscal year, to make grants to Indian tribes, Native Hawaiian organizations, and Alaska Native organizations for development and implementation of universal health insurance coverage plans for members of such tribes and organizations.

"(2) PLAN.—To be eligible to receive a grant under paragraph (1), an Indian tribe, Native Hawaiian organization, or Alaska Native organization shall submit a universal health insurance coverage plan to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

"(3) REGULATIONS.—The Secretary shall issue regulations specifying the requirements of this part that apply to Indian tribes, Native Hawaiian organizations, and Alaska Native organizations receiving grants under paragraph (1).

"(e) APPROPRIATION.—

"(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this title such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter.

"(2) BUDGET AUTHORITY.—Paragraph (1) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide States, Indian tribes, Native Hawaiian organizations, and Alaska Native organizations with the allotments determined under this section and the grants for administrative and outreach activities under section 2205.

"SEC. 2205. ADMINISTRATION.

"(a) PAYMENTS.—

"(1) IN GENERAL.—

"(A) QUARTERLY.—Subject to subparagraph (B) and subsection (b), the Secretary shall make quarterly payments to each State with an expansion phase (phase I) plan approved under this part, from its allotment under section 2204.

"(B) FUNDING FOR ADMINISTRATION AND OUTREACH.—

"(i) AUTHORITY TO MAKE GRANTS.—In addition to the allotments determined under section 2204, the Secretary may make grants to States, Indian tribes, Native Hawaiian organizations, and Alaska Native organizations for expenditures for administrative and outreach activities.

"(ii) AMOUNTS.—

"(I) IN GENERAL.—A grant awarded under this subparagraph shall not exceed the applicable percentage (as determined under subclause (II)) of the total amount allotted to the State, Indian tribe, Native Hawaiian organization, or Alaska Native organization under section 2204.

"(II) APPLICABLE PERCENTAGE.—For purposes of subclause (I), the applicable percentage is—

"(aa) 14 percent during the first 2 years an expansion phase (phase I) plan is in effect and complies with the requirements of this title;

"(bb) 12 percent during the third, fourth, and fifth years that such plan, or a universal phase (phase II) plan added by an addendum to an expansion phase (phase I) plan, is in effect and complies with the requirements of this title; and

"(cc) 10 percent during any year thereafter such plan (or universal phase (phase II) plan added by an addendum to such plan) is in effect and complies with the requirements of this title.

"(2) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary may make payments under this part for each quarter on the basis of advance estimates by the State and such other investigation as the Secretary may find necessary, and may reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

"(3) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this subsection shall be construed as preventing a State from claiming as expenditures in the quarter expenditures that were incurred in a previous quarter.

"(b) AUTHORITY FOR BLENDED RATE FOR HEALTH SECURITY, MEDICAID, AND SCHIP FUNDS.—The Secretary shall establish procedures for blending the payments that a State is entitled to receive under this title, title XIX, and title XXI into 1 payment rate if—

"(1) the State requests such a blended payment; and

"(2) the Secretary finds that the State meets maintenance of effort requirements established by the Secretary.

"(c) Limitations on Federal Payments Based on Cost Containment.—

"(1) Determination of baseline.—Each year (beginning with 2001), the Secretary shall establish a baseline projection for the national rate of growth in private health insurance premiums for such year.

"(2) Requirement.—Beginning with fiscal year 2002 and each fiscal year thereafter, any payment made to a State under section 2204 shall not exceed the amount paid to the State under such section for the preceding fiscal year, adjusted for changes in enrollment and a premium inflation adjustment that is 0.5 percent below the baseline projection determined under paragraph (1) for the year.

"(d) Other Limitations On Use of Funds.—

"(1) In general.—A State participating under part A, and, effective January 1, 2005, all States under part B, shall ensure that any payments received by the State under section 2205 or 2116(a) are not used by any individual or entity, including providers or health plans that contract to provide services herein, to finance directly or indirectly, or to otherwise facilitate expenditures to influence health care workers of such individual or entity with respect to issues related to unionization.

"(2) Construction.—Nothing in this subsection shall be construed to limit expenditures made for the purpose of good faith collective bargaining or pursuant to the terms of a bona fide collective bargaining agreement.

"(e) Waiver of Federal Requirements.—A State may request (and the Secretary may grant) a waiver of any provision of Federal law that the State determines is necessary in order to carry out an approved expansion phase (phase I) plan under this part.

"(f) Report.—Not later than January 1, 2002, and each January 1 thereafter, the Secretary, in consultation with the General Accounting Office and the Congressional Budget Office, shall prepare and submit to the appropriate committees of Congress a report on the number of States receiving payments under this part for the year for which the report is being prepared as well as the level of insurance coverage attained by each such State.

"SEC. 2206. DEFINITIONS.

"In this title:

"(1) Cost-sharing.—The term 'cost-sharing' has the meaning given such term under the Federal Employees Health Benefits Program standard Blue Cross/Blue Shield preferred provider option service benefit plan described in and offered under section 8903(1) of part 5, United States Code, and includes deductibles, copayments, coinsurance, as such terms are defined for purposes of such plan.

"(2) Eligible residents of a State.—

"(A) In general.—The term 'eligible residents of a State' means an individual or family who—

"(i) is (or consists of) a resident of the State involved;

"(ii) except as provided in subparagraph (B), has a family income that does not exceed 300 percent of the poverty line;

"(iii) is (or consists of) a citizen of the United States, a legal resident alien, or an individual otherwise residing in the United States under the authority of Federal law; and

"(iv) in the case of an individual, is not eligible for benefits under the medicare program under title XVIII or for medical assistance under the medicaid program under title XIX (other than under the application of section 1902(a)(10)(A)(ii)(XIV)).

"(B) Option to provide coverage for individuals and families with higher income.—If approved by the Secretary, a State may increase the percentage described in subparagraph (A)(ii), or eliminate all income eligibility criteria in order to provide coverage under this part to more individuals and families.

"(3) Expansion phase (phase I) plan.—The term 'expansion phase (phase I) plan' means the State universal health insurance coverage plan submitted under section 2201(b).

"(4) Health care services.—The term 'health care services' includes medical, surgical, mental health, and substance abuse services, whether provided on an in-patient or outpatient basis.

"(5) Health care worker.—The term 'health care worker' means an individual employed by an employer that provides—

"(A) health care services; or

"(B) necessary related services, including administrative, food service, janitorial, or maintenance service to an entity that provides such health care services.

"(6) Health plan.—The term 'health plan' includes health insurance coverage, as defined in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(1)) and group health plans, as defined in section 2791(a) of such Act (42 U.S.C. 300gg91(b)(1)).

"(7) Mental health and substance abuse treatment benefits parity.—

"(A) In general.—The term 'mental health and substance abuse treatment benefits parity' means the same level of parity for such benefits as is required under the Federal Employees Health Benefits Program standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of part 5, United States Code, as of January 1, 2001.

"(B) Exception.—Notwithstanding subparagraph (A), there shall be no limit on parity benefits for patients who do not substantially follow their treatment plans unless such limits also are imposed on all medical and surgical benefits.

"(8) Poverty line.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

"(9) Premium.—The term 'premium' includes any enrollment fees and other similar charges.

"(10) Qualified plan.—The term 'qualified plan' means a health plan that satisfies the coverage requirements described under section 2203 and participates in an expansion phase (phase I) plan.".

TITLE II—HEALTH SECURITY FOR ALL AMERICANS—UNIVERSAL PHASE (PHASE II)

SEC. 201. UNIVERSAL PHASE (PHASE II) STATE UNIVERSAL HEALTH INSURANCE COVERAGE PLANS.

Title XXII of the Social Security Act, as added by section 101, is amended by adding at the end the following:

"PART B—UNIVERSAL PHASE (PHASE II) PLANS

"SEC. 2211. PURPOSE; MANDATORY STATE PLANS.

"(a) Purpose.—The purposes of this part are to—

"(1) require States to establish and implement State-administered systems to ensure universal health insurance coverage; and

"(2) provide funds to States for the establishment and implementation of such systems.

"(b) Universal Phase (Phase II) Plan Required.—

"(1) In general.—Except as provided in paragraph (2), not later than January 1, 2004, a State shall submit to the Secretary a plan that sets forth how the State intends to use the funds provided under this part to ensure universal, affordable, and comprehensive health insurance coverage to eligible residents of the State consistent with the provisions of this part.

"(2) States with phase I plans.—

"(A) In general.—Not later than January 1, 2004, a State with a phase I State plan shall submit an addendum to such plan that provides assurances to the Secretary that such plan conforms to the requirements of this part.

"(B) Conversion to universal phase (phase II) plan.—If an addendum to an expansion phase (phase I) plan is approved by the Secretary—

"(i) the plan shall be automatically converted to a universal phase (phase II) plan; and

"(ii) section 2214 and any provision of part A that is inconsistent with this part shall not apply to the plan.

"(3) Failure to submit plan or addendum.—If a State fails to submit a plan as required in paragraph (1) (or an addendum as required in paragraph (2)), or fails to have such plan or addendum approved by the Secretary, such State shall be in violation of this part; and any residents of such a State may bring a cause of action against the State in Federal district court to require the State to comply with the provisions of this part.

"SEC. 2212. PLAN REQUIREMENTS.

"(a) In General.—A universal phase (phase II) plan shall include a description, consistent with the requirements of this part, of the following:

"(1) Details of the universal phase (phase II) plan.—The activities that the State intends to carry out using funds received under this part to ensure that all eligible residents of the State have access to the coverage provided under this part, including how the State will coordinate efforts under the program under this part with existing State efforts to increase to 100 percent the health insurance coverage of eligible residents of the State by January 1, 2006.

"(2) Requirements for employers.—The manner in which the State will ensure that employers within the State will comply with the requirements of section 2214.

"(3) Part A provisions.—The following provisions apply to a universal phase (phase II) plan under this part in the same manner as such provisions apply to an expansion phase (phase I) plan under part A:

"(A) State outreach programs; access.—Section 2202(a)(4).

"(B) Assurance of coverage of essential services.—Section 2202(a)(5).

"(C) Representation on boards and commissions.—Section 2202(a)(6).

"(D) Disclosure of information to the public.—Section 2202(a)(7).

"(E) Consumer protections and workforce standards.—Section 2202(a)(8).

"(F) Public review.—Section 2202(a)(9).

"(G) Services in rural and underserved areas; cultural competency.—Section 2202(a)(10).

"(H) Purchasing pools.—Section 2202(a)(11).

"(I) Limitation on administrative expenditures.—Section 2202(a)(12).

"(J) Self-employed and multi-employed.—Section 2202(a)(13).

"(K) Medicaid wraparound coverage.—Section 2202(a)(14).

"(4) Other matters.—Any other matter determined appropriate by the Secretary.

"(b) Permissible Activities.—A State may use amounts provided under this part for any activities consistent with this part that are appropriate to enroll individuals in health plans to ensure that all eligible residents of the State are provided coverage under this part, including through the use of direct payments to health plans or providers of services.

"(c) Cost Containment; Competitive Bidding.—Notwithstanding subsection (b), State purchasing pools shall solicit bids from health plans at least annually.

"(d) Process for Submission, Approval, and Amendment of Universal Phase (Phase II) Plan.—Section 2106 applies to a universal phase (phase II) plan under this part in the same manner as such section applies to a State plan under title XXI, except that no universal phase (phase II) plan may be effective earlier than January 1, 2005, and all such plans must be submitted for approval by not later than January 1, 2004.

"SEC. 2213. COVERAGE REQUIREMENTS FOR UNIVERSAL PHASE (PHASE II) PLANS.

"(a) Required Scope of Health Insurance Coverage.—Section 2203(a) applies to a universal phase (phase II) plan under this part.

"(b) Universal Coverage.—All States shall ensure that by January 1, 2006, 100 percent of eligible residents of the State have health insurance coverage that meets the requirements of section 2203(a).

"(c) Limitations on Premiums and Cost-Sharing.—Section 2203(b) applies to a universal phase (phase II) plan under this part.

"(d) Application of Certain Requirements.—Section 2203(c) applies to a universal phase (phase II) plan under this part.

"SEC. 2214. REQUIREMENTS FOR EMPLOYERS REGARDING THE PROVISION OF BENEFITS.

"(a) Requirements.—Subject to subsection (c)(2)(B), an employer in a State shall comply with the following requirements:

"(1) Employers with less than 500 employees.—

"(A) In general.—An employer with less than 500 employees shall enroll each employee in a State-designated purchasing pool.

"(B) Contributions.—

"(i) In general.—Notwithstanding subparagraph (A) and subject to clause (ii), the employer shall make a contribution on behalf of each employee for health insurance coverage that is equal to at least 80 percent of the total premiums for such coverage for employees and their families if the employee elects dependent coverage.

"(ii) Limitation.—An employer shall not be liable under subparagraph (B) for more than 10 percent of each employee's annual wages.

"(2) Employers with at least 500 employees.—

"(A) In general.—An employer with at least 500 employees, a majority of whose wages fall below an amount equal to 300 percent of the poverty line applicable to a family of the size involved, shall comply with the requirements applicable to an employer under paragraph (1).

"(B) Other employers.—

"(i) In general.—An employer with at least 500 employees that is not described in subparagraph (A) shall, at the option of the employer, either—

"(I) comply with the requirements applicable to an employer under paragraph (1); or

"(II) provide health insurance coverage to all employees and their families (if the employee elects dependent coverage) that meets the requirements of section 2213 and the employer contribution required under paragraph (1)(B).

"(ii) Additional employer contribution.—An employer that elects to comply with clause (i)(I) shall contribute an additional 1 percent of payroll into the State-designated purchasing pool in which it participates.

"(3) Rule of construction.—Nothing in this title shall be construed as prohibiting a labor organization from collectively bargaining for an employer contribution that is greater than the contribution that is required under paragraph (1)(B) or, as applicable, for health insurance benefits that are greater than the coverage required under paragraph section 2203(a).

"(4) Part-time employees.—An employer shall be responsible for meeting the requirements under this subsection for all employees of the employer.

"(5) Multiemployer families.—In the case of a family with more than 1 employer, the employers of individuals within the family shall apportion their contributions in accordance with rules established by the State.

"(b) Nonapplicability.—This section shall not apply—

"(1) to any State that establishes a single payor system; or

"(2) to any State that established a universal phase (phase II) plan through an approved addendum to an expansion phase (phase I) plan.

"(c) Private Cause of Action.—

"(1) Liability.—An employer that fails to comply with the requirements of subsection (a) or otherwise takes adverse action against an employee for the purpose of interfering with the attainment of any right to which the employee may be entitled to under this title, shall be liable to the employee affected.

"(2) Amount.—The amount of the liability described in paragraph (1) shall be an amount equal to—

"(A) the contributions that otherwise would have been made by the employer on behalf of the employee under this section;

"(B) an additional amount as liquidated damages; and

"(C) consequential damages for reasonably foreseeable injuries resulting from such action.

"(3) Jurisdiction; equitable relief.—

"(A) Jurisdiction.—An action under this subsection may be maintained against any employer in any Federal or State court of competent jurisdiction by any 1 or more employees.

"(B) Equitable relief.—In addition to the damages described in paragraph (2), a court may enjoin any act or practice that violates this title.

"(4) Attorney's fees.—If a plaintiff or plaintiffs prevail in an action brought under this subsection, the court shall, in addition to any judgment awarded to the plaintiff or plaintiffs, award the reasonable attorney's fees and costs associated with the bringing of the action.

"SEC. 2215. ALLOTMENTS.

"(a) State Allotments.—Subsections (a) and (b) of section 2204 apply to a universal phase (phase II) plan under this part in the same manner as such subsections apply to an expansion phase (phase I) plan under part A.

"(b) Special Rule for Expansion Phase (Phase I) Plans.—A State that operated an expansion phase (phase I) plan and converted such plan to a universal phase (phase II) plan pursuant to section 2211(b)(2)(B) shall continue to be eligible for the enhanced Federal participation rate determined under section 2204(c).

"(c) Grants to Indian Tribes, Native Hawaiian Organizations, and Alaska Native Organizations.—Section 2204(d) applies to a universal phase (phase II) plan under this part.

"(d) Appropriation.—

"(1) In general.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this title such sums as may be necessary for fiscal year 2005 and each fiscal year thereafter.

"(2) Budget authority.—Paragraph (1) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide States, Indian tribes, Native Hawaiian organizations, and Alaska Native organizations with the allotments determined under this section and the grants for administrative and outreach activities under section 2205(a)(1)(B) (as applied to this part under section 2216(a)).

"SEC. 2216. ADMINISTRATION; DEFINITIONS.

"(a) Administration.—The provisions of section 2205 (other than subsection (c) of such section) apply to a universal phase (phase II) plan under this part in the same manner as such provisions apply to an expansion phase (phase I) plan under part A.

"(b) Definitions.—

"(1) Application of section 2206.—The definitions set forth in section 2206 apply to a universal phase (phase II) plan under this part in the same manner as such provisions apply to an expansion phase (phase I) plan under part A except that for purposes of this part, the definition of 'eligible residents of a State' set forth in section 2206(2) shall be applied without regard to subparagraphs (A)(ii) and (B).

"(2) Universal phase (phase II) plan.—In this title, the term 'universal phase (phase II) plan' means the State universal health insurance coverage plan submitted under section 2211(b).".

SEC. 202. CONSUMER PROTECTIONS.

Title XXII of the Social Security Act, as amended by section 201, is amended by adding at the end the following:

"PART C—CONSUMER PROTECTIONS

"SEC. 2221. HOME CARE STANDARDS.

"In order to ensure that home care services are provided in a consumer-directed manner, a State participating under part A, and, effective January 1, 2005, all States under part B, shall satisfy the Secretary that any health plan that provides home care services under this title creates, or contracts with, a viable entity other than the consumer or individual provider to provide effective billing, payments for services, tax withholding, unemployment insurance, and workers compensation coverage, and to serve as the statutory employer of the home care provider. Recipients of such services shall retain the right to independently select, hire, terminate, and direct the work of the home care provider.

"SEC. 2222. CONSUMER PROTECTION IN THE EVENT OF TERMINATION OR SUSPENSION OF SERVICES.

"A State participating under part A, and, effective January 1, 2005, all States under part B, shall satisfy the Secretary that any health plan providing services under this title shall ensure that enrollees will receive continued health services in the event that the plan's health care services are terminated or suspended, including as the result of the plan filing for bankruptcy relief under title 11, United States Code, or the failure of the plan to provide payments to providers, lockouts, work stoppages, or other labor management problems.

"SEC. 2223. CONSUMER PROTECTION THROUGH DISCLOSURE OF INFORMATION.

"(a) IN GENERAL.—A State participating under part A, and, effective January 1, 2005, all States under part B, shall satisfy the Secretary that any health care provider that provides services to individuals under this title shall provide to the State information regarding the identity, employment location, and qualifications of health care workers providing services under—

"(1) the licensure of the provider; or

"(2) a contract between the provider and a health plan or the State.

"(b) AVAILABILITY TO PUBLIC.—A health care provider shall make the information described in subsection (a) available to the public.".

"SEC. 2224. CONSUMER PROTECTION THROUGH NOTICE OF CHANGES IN HEALTH CARE DELIVERY.

"A State participating under part A, and, effective January 1, 2005, all States under part B, shall describe how the State will provide, at a minimum, the following protections:

"(1) Adequate advance notice to the public, the affected health care workers, and labor organizations representing such workers, of a pending—

"(A) facility or operating unit closure;

"(B) sale, merger, or consolidation of a facility or operating unit;

"(C) transfer of work from 1 facility or entity to another facility or entity; or

"(D) reduction of services.

"(2) A right of first refusal for similar vacant positions with—

"(A) the resulting entity, in the case of a health care worker whose position was eliminated following a merger of the worker's original employer with a new entity; or

"(B) the contractor, in the case of a health care worker whose position was eliminated following the contracting out of the work the worker formerly performed.".

TITLE III—PATIENT PROTECTIONS

SEC. 301. INCORPORATION OF CERTAIN PROTECTIONS.

(a) INCORPORATION.—The provisions of the following bills are hereby enacted into law:

(1) H.R. 2723 of the 106th Congress (other than section 135(b)), as introduced on August 5, 1999.

(2) H.R. 137 of the 106th Congress, as introduced on January 6, 1999.

(b) PUBLICATION.—In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

TITLE IV—HEALTH CARE QUALITY, PATIENT SAFETY, AND WORKFORCE STANDARDS

SEC. 401. HEALTH CARE QUALITY, PATIENT SAFETY, AND WORKFORCE STANDARDS INSTITUTE.

(a) ESTABLISHMENT.—

(1) INSTITUTE.—There is established within the Agency for Healthcare Research and Quality, an institute to be known as the Health Care Quality, Patient Safety, and Workforce Standards Institute (in this section referred to as the "Institute").

(2) DIRECTOR.—The Secretary of Health and Human Services shall appoint a director of the Institute. The director shall administer the Institute and carry out the duties of the director under this section subject to the authority, direction, and control of the Secretary.

(b) MISSION.—The mission of the Institute is to—

(1) demonstrate how patient safety issues and workplace conditions are linked to quality patient care and the reduction of the incidence of medical errors; and

(2) reduce the incidence of medical errors and improve patient safety and quality of care.

(c) DUTIES.—In carrying out the mission of the Institute, the director of the Institute shall—

(1) work closely with the director of the Agency for Healthcare Research and Quality to ensure that issues related to workplace conditions are reflected in the activities conducted by such agency in order to reduce the incidence of medical errors and improve patient safety and quality of care, including—

(A) the establishment of national goals;

(B) the development and implementation of a research agenda;

(C) the development and promotion of best practices;

(D) the development of performance and staffing standards in consultation with the Health Care Financing Administration and other Federal agencies, as appropriate; and

(E) the development and dissemination of information, educational and training materials, and other criteria as it relates to the delivery of quality care;

(2) provide recommendations to the Secretary of Health and Human Services and other Federal agencies with responsibility for health care quality and the development of standards that impact on the delivery of quality patient care on standards related to workplace conditions and patient safety;

(3) support the activities of the Health Care Financing Administration related to the development of new or revised conditions of participation under the medicare and medicaid programs and subsequent rulemaking on issues related to workplace conditions, medical errors, and patient safety and quality of care; and

(4) conduct other activities determined appropriate by the director of the Institute.

(d) WORKPLACE CONDITIONS.—For purposes of this section, the term "workplace conditions" shall include issues related to—

(1) health care worker staffing;

(2) hours of work;

(3) confidentiality and whistleblower protections;

(4) employee participation in decision-making roles that contribute to improved quality of care and the reduction of the incidence of medical errors;

(5) workforce training; and

(6) the impact of health care delivery restructuring on communities and health care workers.

(e) DEFINITION OF HEALTH CARE WORKER.—

(1) IN GENERAL.—In this section, the term "health care worker" means an individual employed by an employer that provides—

(A) health care services; or

(B) necessary related services, including administrative, food service, janitorial, or maintenance service to an entity that provides such health care services.

(2) HEALTH CARE SERVICES.—In paragraph (1), the term "health care services" includes medical, surgical, mental health, and substance abuse services, whether provided on an in-patient or outpatient basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Institute such sums as may be necessary to carry out the purposes of this section.

SEC. 402. HEALTH CARE QUALITY, PATIENT SAFETY, AND WORKFORCE STANDARDS ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—There is established a Health Care Quality, Patient Safety, and Workforce Standards Committee (in this section referred to as the "Committee").

(b) FUNCTIONS OF COMMITTEE.—

(1) ADVICE TO INSTITUTE.—The Committee shall provide advice to the Director of the Health Care Quality, Patient Safety, and Workforce Standards Institute established under section 401 on issues related to the duties of the Director.

(2) INITIAL REPORT.—Not later than December 31, 2001, the Committee shall submit an initial report to the Secretary that contains—

(A) recommendations regarding minimal workforce standards that are critical for improved health care quality and patient safety; and

(B) recommendations regarding additional ways to reduce the incidence of medical errors and to improve patient safety and quality of care.

(3) FINAL REPORT.—Not later than December 31, 2002, the Committee shall submit a final report to the Secretary of Health and Human Services regarding the recommendations contained in the initial report required under paragraph (2), including any modifications of such recommendations.

(c) STRUCTURE AND MEMBERSHIP OF THE COMMITTEE.—

(1) STRUCTURE.—The Committee shall be composed of the Director of the Health Care Quality, Patient Safety, and Workforce Standards Institute established under section 401 and 15 additional members who shall be appointed by the Secretary of Health and Human Services.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Committee.

(B) SPECIFIC MEMBERS.—In making appointments under paragraph (1), the Secretary of Health and Human Services shall ensure that the following groups are represented:

(i) Health care providers and health care workers, including labor unions representing health care workers.

(ii) Consumer organizations.

(iii) Health care institutions.

(iv) Health education organizations.

(d) CHAIRMAN.—The Director of the Health Care Quality, Patient Safety, and Workforce Standards Institute established under section 401 shall chair the Committee.

TITLE V—IMPROVING MEDICARE BENEFITS

SEC. 501. FULL MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT BENEFITS PARITY.

Notwithstanding any provision of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), beginning January 1, 2001, each individual who is entitled to benefits under part A or enrolled under part B of the medicare program, including an individual enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program, shall be provided full mental health and substance abuse treatment parity under the medicare program established under such title of such Act consistent with title XXII of the Social Security Act (as added by this Act).

SEC. 502. STUDY AND REPORT REGARDING ADDITION OF PRESCRIPTION DRUG BENEFIT.

Not later than January 1, 2003, the Director of the Institute of Medicine shall study and report to Congress and the President legislative recommendations for adding a comprehensive, accessible, and affordable prescription drug benefit to the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

TITLE VI—LONG-TERM AND HOME HEALTH CARE

SEC. 601. STUDIES AND DEMONSTRATION PROJECTS TO IDENTIFY MODEL PROGRAMS.

The Secretary of Health of Human Services shall—

(1) conduct studies and demonstration projects, through grant, contract, or interagency agreement, that are designed to identify model programs for the provision of long-term and home health care services;

(2) report regularly to Congress on the results of such studies and demonstration projects; and

(3) include in such report any recommendations for legislation to expand or continue such studies and projects.

TITLE VII—MISCELLANEOUS

SEC. 701. NONAPPLICATION OF ERISA.

The provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) shall not apply with respect to health benefits provided under a group health plan (as defined in section 733(a) of that Act (29 U.S.C. 1191b(a))) qualified to offer such benefits under an expansion phase (phase I) plan under title XXII of the Social Security Act (as added by this Act) or under a universal phase (phase II) plan under such title.

SEC. 702. SENSE OF CONGRESS REGARDING OFFSETS.

It is the sense of Congress that any sums necessary for the implementation of this Act, and the amendments made by this Act, should be offset by—

(1) general revenues available as a result of an on-budget surplus for a fiscal year;

(2) direct savings in health care expenditures resulting from the implementation of this Act; and

(3) reductions in unnecessary Federal tax benefits available only to individuals and large corporations that are in the maximum tax brackets.

GROWTH IN THE NUMBER OF UNINSURED AMERICANS: 1988–98

[Millions of nonelderly uninsured]

Year	
1988	33.6
1989	34.3
1990	35.6
1991	36.3
1992	38.3
1993	39.3
1994	39.4
1995	40.3
1996	41.4
1997	43.1
1998	43.9
1999	[1] 45.0
2000	[2] 55.0

[1] Approximate.
[2] Projected.

Source: Employee Benefits Institute, 2000.

Data: Current Population Surveys (March) 1989–1999 Health Insurance Association of America (HIAA).

MOST IMPORTANT REASONS FOR NOT HAVING HEALTH INSURANCE, 2000

	Percent
It is too expensive	47
Your job doesn't offer coverage	15
You are between jobs or unemployed	15
You can't get coverage or were refused	5
You don't think you need it	3
Other	15

Source: The NewsHour with Jim Lehrer/Kaiser Family Foundation National Survey on the Uninsured, 2000.

By Mr. DURBIN:

S. 2889. A bill to amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 to require warning labels for tobacco products; to the Committee on Commerce, Science, and Transportation.

THE STRONGER TOBACCO WARNING LABELS TO SAVE LIVES ACT

• Mr. DURBIN. Mr. President, today I am introducing the Stronger Tobacco Warning Label to Save Lives Act. This legislation would replace the current cigarette warning label on tobacco products with larger, more direct messages that will have an impact on current smokers and potential smokers who are usually children. The Stronger Tobacco Warning Label to Save Lives Act will require a new series of warning labels modeled after new, more effective warning labels in Canada.

On January 19, 2000, Canadian Health Minister Allan Rock unveiled new and larger health warning labels for tobacco products which include color graphics and images that illustrate the damage that cigarettes do to the health of smokers and those around them. These warning labels will cover 50% of the front and back panels of tobacco products—one side in English and the other in French—and provide more information on the harmful ingredients in tobacco products. These new warning labels apply to all tobacco products. They will take effect on January 1, 2001.

After the U.S. Surgeon General publicly announced the dangers of tobacco use in 1965, the U.S. became the first country to impose mandatory health warning labels on all cigarette packs. In 1984, the U.S. replaced that label with a system of four rotating warning labels. Since then, the U.S. cigarette warning labels have become stale and ineffective. Many smokers have memorized all of the current warning labels. Others never notice the warnings because they are placed inconspicuously the side of the pack.

Other countries have since taken the lead and required stronger health warning labels. These labels have been effective in reducing smoking rates. For example, in South Africa, tobacco consumption decreased by 15% between 1994 and 1997 due to a combination of radio advertising campaigns, increased excise taxes on cigarettes, and new health warning labels. Fifty-eight percent of smokers said that the cigarette warning labels made them want to quit, cut down on smoking, or at least change to a lighter cigarette. Among non-smokers, 38% said that the warnings made them glad they had never started smoking.

The tobacco industry's massive expenditures on tobacco product promotion and public relations have ensured that, over time, Americans have seen more positive than negative imagery surrounding tobacco. The Stronger Tobacco Warning Label to Save Lives Act will ensure that every time someone lights up, the first thing that comes to mind is the health consequences—not the alluring lifestyle images associated with tobacco industry marketing. Too many young people smoke because they are led to believe it's cool and glamorous, when the truth is that tobacco kills.

Because tobacco products are highly addictive for many users, and because most users start using tobacco at a very young age, the standard of warning for tobacco must be much higher than for other products. The warning labels should at least be as prominent in selling the health message as the industry's design is effective in promoting the product. This is not about banning or regulating a legal product, this is about providing the consumer with the appropriate information so they can make an informed decision.

Mr. President, I urge my colleagues to join me in cosponsoring this important legislation to ensure that every time someone lights up, the first thing that comes to mind are the health consequences—not the alluring lifestyle images associated with tobacco industry marketing. I ask unanimous consent that a copy of the legislation be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stronger Tobacco Warning Labels to Save Lives Act".

SEC. 2. AMENDMENT TO FEDERAL CIGARETTE AND LABELING ADVERTISING ACT.

(a) AMENDMENT.—The Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) is amended by striking section 4 and inserting the following:

"SEC. 4. LABELING.

"(a) LABEL.—

"(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the

United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, a warning label.

"(2) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations describing the warning label required by paragraph (1).

"(3) CONTENT OF LABEL.—The regulations promulgated under paragraph (2) shall ensure that the text of each warning label addresses one of the following:

"(A) Diseases or fatal health conditions caused by cigarette smoking.

"(B) Any physical addiction that results from cigarette smoking.

"(C) The influence that cigarette smoking by adults has on young children and teenagers and the consequences of such use.

"(D) The health hazards of secondhand smoke from cigarettes.

"(4) GRAPHICS.—

"(A) IN GENERAL.—The regulations promulgated under paragraph (2) shall ensure that each warning label contains a color graphic or picture that illustrates or emphasizes to the greatest practicable extent the message of the text of the corresponding warning label.

"(B) CONTENTS.—The graphics described in subparagraph (A) shall enhance the message of the text of the warning label and may include a color picture of one of the following:

"(i) A diseased lung, heart, or mouth.

"(ii) An individual suffering from addiction.

"(iii) Children watching an adult smoke a cigarette.

"(iv) An individual adversely affected by secondhand smoke from a cigarette, including pregnant women or infants.

"(b) ADVERTISING.—It shall be unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the warning label statements required by subsection (a).

"(c) REQUIREMENTS FOR LABELING.—

"(1) LOCATION.—Each label statement required by subsection (a) shall be located on the upper portion of the front panel of the cigarette package (or carton) and occupy not less than 50 percent of such front panel.

"(2) TYPE AND COLOR.—Each label statement required by subsection (a) shall be printed in at least 17 point type with adjustments as determined appropriate by the Secretary. All the letters in the label shall appear in conspicuous and legible type, in contrast by typography, layout, or color with all other printed material on the package, and be printed in a black-on-white or white-on-black format as determined appropriate by the Secretary.

"(d) REQUIREMENTS FOR ADVERTISING.—

"(1) LOCATION.—Each label statement required by subsection (b) shall occupy not less than 50 percent of the area of the advertisement involved.

"(2) TYPE AND COLOR.—

"(A) TYPE.—Each label statement required by subsection (b) shall be printed in a point type that is not less than the following types:

"(i) With respect to whole page advertisements on broadsheet newspaper—45 point type.

"(ii) With respect to half page advertisements on broadsheet newspaper—39 point type.

"(iii) With respect to whole page advertisements on tabloid newspaper—39 point type.

"(iv) With respect to half page advertisements on tabloid newspaper—27 point type.

"(v) With respect to DPS magazine advertisements—31.5 point type.

"(vi) With respect to whole page magazine advertisements—31.5 point type.

"(vii) With respect to 28cm x 3 column advertisements—22.5 point type.

"(viii) With respect to 20cm x 2 column advertisements—15 point type.

The Secretary may revise the required type sizes as the Secretary determines appropriate within the 50 percent requirement.

"(B) COLOR.—All the letters in the label under this paragraph shall appear in conspicuous and legible type, in contrast by typography, layout, or color with all other printed material and be printed in an alternating black-on-white and white-on-black format as determined appropriate by the Secretary.

"(e) ROTATION OF LABEL STATEMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the label statements specified in subsections (a) and (b) shall be rotated by each manufacturer or importer of cigarettes quarterly in alternating sequence on packages of each brand of cigarettes manufactured by the manufacturer or importer and in the advertisements for each such brand of cigarettes in accordance with a plan submitted by the manufacturer or importer and approved by the Federal Trade Commission. The Federal Trade Commission shall approve a plan submitted by a manufacturer or importer of cigarettes which will provide the rotation required by this subsection and which assures that all of the labels required by subsections (a) and (b) will be displayed by the manufacturer or importer at the same time.

"(2) APPLICATION OF OTHER ROTATION REQUIREMENTS.—

"(A) IN GENERAL.—A manufacturer or importer of cigarettes may apply to the Federal Trade Commission to have the label rotation described in subparagraph (C) apply with respect to a brand style of cigarettes manufactured or imported by such manufacturer or importer if—

"(i) the number of cigarettes of such brand style sold in the fiscal year by the manufacturer or importer preceding the submission of the application is less than ¼ of 1 percent of all the cigarettes sold in the United States in such year; and

"(ii) more than ½ of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which meet the requirements of clause (i).

If an application is approved by the Commission, the label rotation described in subparagraph (C) shall apply with respect to the applicant during the 1-year period beginning on the date of the application approval.

"(B) PLAN.—An applicant under subparagraph (A) shall include in its application a plan under which the label statements specified in subsection (a) will be rotated by the applicant manufacturer or importer in accordance with the label rotation described in subparagraph (C).

"(C) OTHER ROTATION REQUIREMENTS.—Under the label rotation which the manufacturer or importer with an approved application may put into effect, each of the labels specified in subsection (a) shall appear on the packages of each brand style of cigarettes with respect to which the application was approved an equal number of times within the 12-month period beginning on the date of the approval by the Commission of the application.

"(f) APPLICATION OF REQUIREMENT.—Subsection (a) does not apply to a distributor or a retailer of cigarettes who does not manufacture, package, or import cigarettes for sale or distribution within the United States.

"(g) CIGARS; PIPE TOBACCO.—

"(1) IN GENERAL.—The Secretary shall promulgate such regulations as may be necessary to establish warning labels for cigars and pipe tobacco. Such regulations shall require content-specific messages regarding health hazards posed by cigars and pipe tobacco, include graphic illustrations of such content messages, as is required under subsection (a), and be formatted in a clear and unambiguous manner, as is required under subsection (a).

"(2) DEFINITIONS.—In this subsection:

"(A) CIGAR.—The term 'cigar' means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco that is a cigarette or cigarillo).

"(B) PIPE TOBACCO.—The term 'pipe tobacco' means any loose tobacco that, because of the appearance, type, packaging or labeling of such tobacco, is likely to be offered to, or purchased by, consumers as a tobacco to be smoked in a pipe."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this section.

SEC. 3. AMENDMENT TO THE COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986.

(a) AMENDMENT.—The Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401 et seq.) is amended by striking section 3 and inserting the following:

"SEC. 3. SMOKELESS TOBACCO WARNING.

"(a) GENERAL RULE.—

"(1) LABEL ON PACKAGE.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this section, a warning label.

"(2) LABEL IN ADVERTISEMENTS.—It shall be unlawful for any manufacturer, packager, or importer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless the advertising bears, in accordance with the requirements of this Act, one of the labels required by paragraph (1).

"(b) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations describing the warning labels required under subsection (a).

"(c) CONTENT OF LABEL.—The regulations promulgated under subsection (b) shall ensure that the text of each warning label addresses one of the following:

"(1) Diseases resulting from use of smokeless tobacco products.

"(2) Any physical addiction that results from using smokeless tobacco products.

"(3) The influence that use of smokeless tobacco products by adults has on young children and teenagers and the consequences of such use.

"(d) NUMBER OF LABELS.—The regulations promulgated under subsection (b) shall ensure that not less than 2 warning labels are created for each subject matter described in paragraphs (1), (2), and (3) of subsection (c). Such regulations shall also require that each package of smokeless tobacco bear 1 warning label that shall be rotated in accordance with subsection (g).

"(e) GRAPHICS.—

"(1) IN GENERAL.—The regulations promulgated under subsection (b) shall ensure that each warning label required by subsection (a) contains a color graphic or picture that illustrates or emphasizes to the greatest practicable extent the message of the text of the corresponding warning label.

"(2) CONTENTS.—The graphics described in paragraph (1) shall enhance the message of the text of the warning label and may include a color picture of one of the following:

"(A) A diseased mouth or other physical effect of using smokeless tobacco products.

"(B) An individual using a smokeless tobacco product.

"(C) Children watching an adult use a smokeless tobacco product.

"(f) FORMAT.—

"(1) LOCATION.—Each label statement required by subsection (a)(1) shall be located on the principal display panel of the product and occupy not less than 50 percent of such panel.

"(2) TYPE AND COLOR.—Each label statement required by subsection (a)(1) shall be printed in 17 point type with adjustments as determined appropriate by the Secretary to reflect the length of the required statement. All the letters in the label shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the package and be printed in an alternating black on white and white on black format as determined appropriate by the Secretary.

"(g) ADVERTISING AND ROTATION.—The provisions of sections (d) and (e)(1) of the Federal Cigarette Labeling and Advertising Act (as amended by the Stronger Tobacco Warning Labels to Save Lives Act) shall apply to advertisements for smokeless tobacco products required under subsection (a)(2) and the rotation of the label statements required under subsection (a)(1) on such products.

"(h) APPLICATION OF REQUIREMENT.—Subsection (a) does not apply to a distributor or a retailer of smokeless tobacco products who does not manufacture, package, or import such products for sale or distribution within the United States.

"(i) TELEVISION AND RADIO ADVERTISING.—It shall be unlawful to advertise smokeless tobacco or cigars on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this section.•

By Ms. SNOWE (for herself and Mr. L. CHAFEE):

S. 2890. A bill to provide States with funds to support State, regional, and local school construction; to the Committee on Health, Education, Labor, and Pensions.

BUILDING, RENOVATING, IMPROVING, AND CONSTRUCTING KIDS' SCHOOLS ACT

Ms. SNOWE. Mr. President, I rise today with my friend and colleague, Senator CHAFEE, to introduce a revised version of the "Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act"—legislation that would address our nation's burgeoning need for K–12 school construction, renovation, and repair.

The legislation—which is endorsed by the National Education Association (NEA) and National PTA, and the National Association of State Boards of Education (NASBE)—would accomplish this in a fiscally-responsible manner while seeking to find the middle ground between those who support a very direct, active federal role in school construction, and those who are concerned about an expanded federal role in what has been—and remains—a state and local responsibility.

Mr. President, the condition of many of our nation's existing public schools is abysmal even as the need for additional schools and classroom space grows. Specifically, according to reports issued by the General Accounting Office (GAO) in 1995 and 1996, fully one-third of all public schools needing extensive repair or replacement.

As further evidence of this problem, an issue brief prepared by the National Center for Education Statistics (NCES) in 1999 stated that the average public school in America is 42 years old, with school buildings beginning rapid deterioration after 40 years. In addition, the NCES brief found that 29 percent of all public schools are in the "oldest condition," which means that they were built prior to 1970 and have either never been renovated or were renovated prior to 1980.

Not only are our nation's schools in need of repair and renovation, but there is a growing demand for additional schools and classrooms due to an ongoing surge in student enrollment. Specifically, according to the NCES, at least 2,400 new public schools will need to be built by the year 2003 to accommodate our nation's burgeoning school rolls, which will grow from a record 52.7 million children today to 54.3 million by 2008.

Needless to say, the cost of addressing our nation's need for school renovations and construction is enormous. In fact, according to the General Accounting Office (GAO), it will cost $112 billion just to bring our nation's schools into good overall condition, and a recent report by the NEA identified $332 billion in unmet school modernization needs. Nowhere is this cost better understood than in my home state of Maine, where a 1996 study by the Maine Department of Education and the State Board of Education determined that the cost of addressing the state's school building and construction needs stood at $637 million.

Mr. President, we simply cannot allow our nation's schools to fall into utter disrepair and obsolescence with children sitting in classrooms that have leaky ceiling or rotting walls. We cannot ignore the need for new schools as the record number of children enrolled in K–12 schools continues to grow.

Accordingly, because the cost of repairing and building these facilities may prove to be more than many state and local governments can bear in a short period of time, I believe the federal government can and should assist Maine and other state and local governments in addressing this growing national crisis.

Admittedly, not all members support strong federal intervention in what has been historically a state and local responsibility. In fact, many argue with merit that the best form of federal assistance for school construction or other local educational needs would be for the federal government to fulfill its commitment to fund 40 percent of the cost of special education. This long-standing commitment was made when the Individuals with Disabilities Education (IDEA) Act was signed into law more than 20 years ago, but the federal government has fallen woefully short in upholding its end of the bargain, only recently increasing its share above 10 percent.

Needless to say, I strongly agree with those who argue that the federal government's failure to fulfill this mandate represents nothing less than a raid on the pocketbook of every state and local government. Accordingly, I am pleased that recent efforts in the Congress have increased federal funding for IDEA by nearly $2.5 billion over the past four years, and I support ongoing efforts to achieve the 40 percent federal commitment in the near future.

Yet, even as we work to fulfill this long-standing commitment and thereby free-up local resources to address local needs, I believe the federal government can do more to assist state and local governments in addressing their school construction needs without infringing on local control.

Mr. President, the legislation we are offering today—the "BRICKS Act"—will do just. Specifically, it addresses our nation's school construction needs in a responsible fiscal manner while bridging the gap between those who advocate a more activist federal role in school construction and those who do not.

First, our legislation will provide $20 billion in federal loans to support school construction, renovation, and repair at the local level. By designating that at least one-half of these loan monies must be used to pay the interest owed to bondholders on new school construction bonds that are issued through the year 2003, the federal government will leverage the issuing of new bonds by states and localities that would not otherwise be made. In addition, by providing that up to one-half of the monies may be used for state-wide school construction initiatives, the bill provides needed flexibility to ensure that unique state and local approaches to school construction will also be supported, such as revolving loan funds.

Of importance, these loan monies—which will be distributed on an annual basis using the Title I distribution formula—will become available to each state at the request of a Governor. While the federal loans can only be used to support bond issues that will supplement, and not supplant, the amount of school construction that would have occurred in the absence of the loans, there will be no requirement that states engage in a lengthy application process that does not even assure them of their rightful share of the $20 billion pot.

Second, our bill ensures that these loans are made by the federal government in a fiscally responsible manner that does not cut into the Social Security surplus or claim a portion of non-Social Security surpluses that may prove ephemeral in the future.

Specifically, our bill would make these loans to states from the Exchange Stabilization Fund (ESF)—a fund that was created through the Gold Reserve Act of 1934 and has grown to hold more than $40 billion in assets. The principal activity of the fund—which is controlled solely by the Secretary of the Treasury—is foreign exchange intervention that is intended to limit fluctuations in exchange rates. However, the fund has also been used to provide stabilization loans to foreign countries, including a $20 billion line of credit to Mexico in 1995 to support the peso.

In light of the controversial manner in which the ESF has been used, some have argued that additional constraints should be placed on the fund. Still others—including former Federal Reserve Board Governor Lawrence B. Lindsey—have stated that, for various reasons, the fund should be liquidated.

Regardless of how one feels about exercising greater constraint over he ESF or liquidating it, I believe that if this $40 billion fund can be used to bail-out foreign currencies, it certainly can be used to help America's schools.

Accordingly, I believe it is appropriate that the $20 billion in loans provided by my legislation will be made from the ESF—an amount identical to the line of credit that was extended to Mexico by the Secretary of the Treasury in 1995. Of importance, these loans will be made from the ESF on a progressive, annual basis—not in a sudden or immediate manner. Furthermore, these monies will be repaid to the fund to ensure that the ESF is compensated for the loans it makes.

Although the ESF will recoup all of the monies it lends, it should also be noted that my proposal ensures that states and local governments will not be forced to pay excessive interest, or that they will be forced to repay over an unreasonable period of time. In fact, if the federal government fails to substantially increase its share of IDEA funding, states will incur no interest at all!

Specifically, to encourage the federal government to meet its funding commitment for IDEA—and to compensate states for the fact that every dollar in foregone IDEA funding is a dollar less that they have for school construction or other local needs—our bill would impose no interest on BRICKS loans during the first five years provided the 40 percent funding commitment is not met.

Thereafter, the interest rate is pegged to the federal share of IDEA: zero in any year that the federal government fails to fund at least 20 percent of the cost of IDEA; 2.5 percent—the long-term projected inflation rate—in years that the federal share falls between 20 and 30 percent; 3.5 percent in years the federal share is 30 to 40 percent; and 4.5 percent in years the full 40 percent share is achieved.

Combined, these provisions will minimize the cost of these loans to the states, and maximize the utilization of these loans for school construction, renovation, and repair.

Mr. President, by providing low-interest loans to states and local governments to support school construction, I believe that our bill represents a fiscally-responsible, centrist solution to a national problem.

For those who support a direct, active federal role in school construction, our bill provides substantial federal assistance by dedicating $20 billion to leverage a significant amount of new school construction bonds. For those who are concerned about the federal government becoming overly-engaged in an historically state and local responsibility—and thereby stepping on local control—my bill directs that the monies provided to states will be repaid, and that no onerous applications or demands are placed on states to receive their share of these monies.

Mr. President, I urge that my colleagues support the "BRICKS Act"—legislation that is intended to bridge the gap between competing philosophies on the federal role in school construction. Ultimately, if we work together, we can make a tangible difference in the condition of America's schools without turning it into a partisan or ideological battle that is better suited to sound bites than actual solutions.

Thank you, Mr. President. I ask unanimous consent that the letters of support from the NEA, PTA, NASBE, and Jim Rier, the Chairman of the Maine State Board of Education, be inserted in the RECORD following my statement.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, July 13, 2000.

Senator OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the National Education Association's (NEA) 2.5 million members, we would like to thank you for your leadership in introducing a revised version of the Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act.

As you know, our nation's schools are in desperate need of repair and renovation. Too many students attend classes in overcrowded buildings with leaky roofs, faulty wiring, and outdated plumbing. A recently-released NEA study documents more than $300 billion in unmet infrastructure and technology needs, nearly three times the level estimated in previous research by the General Accounting Office.

NEA believes the revised BRICKS Act offers a meaningful avenue for assisting schools. The bill would make available $20 billion in guaranteed funding over 15 years to provide low-interest—and in many cases zero interest—school modernization loans to states and schools. According to a preliminary Department of Education analysis, the BRICKS Act would provide schools with a benefit of $465 for each $1,000 in bonds.

We are pleased that the BRICKS Act would allow up to 50 percent of federal funds to be used for payment of actual construction costs or the principal portion of loans, as well as the interest costs. We also appreciate the provision allowing those states with laws that prohibit borrowing to pay the interest costs on school bonds to use 100 percent of their BRICKS loans for state revolving loan funds or other state administered school modernization programs.

NEA believes it is essential to enact meaningful school modernization assistance this year. We thank you for your leadership in this area and look forward to continuing to work with you toward passage of bipartisan school modernization legislation.

Sincerely,
MARY ELIZABETH TEASLEY,
Director of Government Relations.

NATIONAL PTA,
Chicago, IL, July 7, 2000.

Hon. LINCOLN D. CHAFEE,
Hon. OLYMPIA J. SNOWE,
United States Senate, Washington, DC.

DEAR SENATORS CHAFEE AND SNOWE: On behalf of the 6.5 million parents, teachers, students, and other child advocates who are members of the National PTA, I am writing to support the Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act, which you plan to introduce next week.

We thank you for your leadership in proposing this initiative, which acknowledges the federal government's responsibility to help schools repair and renovate their facilities. As you are aware, the U.S. General Accounting Office has estimated that the cost of fixing the structural problems in schools across the nation will cost more than $112 billion. If new schools are built to accommodate overcrowding, and if schools' technology, wiring, and infrastructure needs are added in, this estimate would exceed $200 billion dollars.

This is a problem schools cannot address without a partnership with the federal government, and National PTA supports a variety of approaches to address this growing crisis. In addition to endorsing the BRICKS bill, National PTA is supporting the Public School Repair and Renovation Act, which would provide tax credits to pay the interest on school modernization bonds and create a grant and loan program for emergency repairs in high-need districts; and also the America's Better Classrooms Act, which would provide $22 billion over two years in zero interest school construction and modernization bonds.

Under BRICKS, nearly $20 billion would be available over 15 years to provide low interest, and in many cases zero interest, loans to States for interest payments on their school modernization bonds. We are pleased that the proposal will allow increased flexibility in using the federal funds for interest payments, as well as for other state-administered programs that assist state entities or local governments pay for the construction or repair of schools.

National PTA is committed to helping enact a federal school modernization proposal this Congress. We believe the BRICKS Act should be promoted as one of the ways the federal government can assist schools, and we thank you for your leadership in this area. We look forward to continuing to work with you toward formulation and passage of bipartisan school modernization legislation.

Sincerely,

VICKI RAFEL,
Vice President for Legislation.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, July 18, 2000.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: The National Association of State Boards of Education (NASBE) is a private nonprofit association representing state and territorial boards of education. Our principal objectives are to strengthen state leadership in education policy-making, promote excellence in the education of all students, advocate equality of access to educational opportunity, and assure responsible governance of public education.

We are writing to applaud your efforts to provide federal assistance to states for school construction. The deterioration of America's school infrastructure has reached crisis proportions. At least one-third of all U.S. schools are in need of extensive repairs or replacement and 60% have at least one major building deficiency such as cracked foundations, leaky roofs, or crumbling walls. We cannot expect our children to learn much less excel in such decrepit and unsafe environments.

The more than $112 billion needed to renovate and/or repair existing school facilities has simply overwhelmed state and local resources. This national problem demands federal attention and we are encouraged that your office is attempting to address this need by proposing a $20 billion federal loan program.

Your legislation, the Building, Renovating, Improving, and Construction Kids' Schools Act (BRICKS), will leverage new school construction expenditures at the state and local levels and provides flexibility to integrate this assistance with the variety of solutions states have already undertaken, such as revolving funds, to enhance the financing of school construction.

We appreciate your efforts and attention to address this critical situation. NASBE is encouraged by your actions and we look forward to working with your office to foster a partnership between federal, state and local entities to improve the learning conditions of American children.

Sincerely,

BRENDA LILIENTHAL WELBURN,
Executive Director.

STATE BOARD OF EDUCATION,
Augusta, ME, April 29, 2000.

Senator OLYMPIA J. SNOWE,
United States Senate,
Washington, DC.

DEAR SENATOR SNOWE: The age and condition of our nation's public schools are an expanding crisis and should be of great concern to all. Decades of neglect, unfunded maintenance programs, constrained state and municipal budgets, shifting populations, technology requirements, and programmatic changes have combined to weaken the infrastructure of public education. As you are well aware, a 1995 GAO report estimated that just repairing existing school facilities would cost $112 billion. In addition, building new facilities to met the demands of program and increased enrollments could cost another $73 billion. We have allowed the condition of our schools to deteriorate to a point that there are now critical implications for the health and safety of our students and staff who occupy those buildings. A number of states have launched major efforts to address their school facilities needs. The task is huge and beyond the ability of most local and even state resources.

Unfortunately, Maine mirrors the nation. A Facilities Inventory Study, conducted in 1996 by the Department of Education and the University of Maine's Center for Research and Evaluation, identified approximately $650 million in needed facility improvements. Of particular concern was the need for over $60 million in serious health and safety related improvements as well as an additional $150 million in other renovation and upgrades required.

In response to Maine's survey of over 700 buildings, Governor King appointed a Commission to develop a plan to address the needs identified. Their report was delivered to the Maine Legislature in February 1998, and the recommendations were enacted in April 1998. Maine has responded to address the identified needs with significant state and local resources. However, even as we develop policy and resources to aggressively address those needs, our concern grows.

Progressing from the condition survey to a detailed engineering and environmental analysis of the conditions causes even greater alarm. Roofs that were reported as leaking in the survey are found to have serious structural integrity problems with greater safety risks for occupants as well as more complex and costly solutions. Indoor air quality problems in the survey grow from increased air exchange solutions to more complex ones due to mold and microbial growth in the interior walls. Again, this poses increased health risk for students and staff. As we learn more about the problems, our concerns grow and the necessary resources increase. The critical health and safety needs from the 1996 survey ($60 million) have grown to over $86 million in our latest project estimates. Many more projects are yet to be identified.

Applications for Major Capital Construction projects were received in August of 1999 from over 100 buildings throughout Maine. Even with a major new commitment of over $200 million from this Session of the Maine Legislature we will only be able to address approximately 20 of those projects over the next two years. More will be applying in the next two-year cycle that begins in July 2001.

Although school construction and modernization is and should remain primarily a state and local responsibility, states and school districts cannot meet the current urgent needs alone. Federal assistance in the form of reduced or low interest loans as you have included in S1992, the BRICKS ACT, responds to the urgent need and could provide a critical component to a comprehensive but flexible approach to address Maine's, as well as the nation's, school facilities needs. As currently proposed, your legislation would allow the flexibility to address the renovation and upgrade of existing facilities as well as provide relief for overcrowding and insufficient program space where major capital construction is required. It creates an effective local/state/federal partnership, while leaving decisions about which schools to build or repair up to states and local school units. In Maine, that would allow us to strengthen our Revolving Renovation Fund (created to aid local units in the upgrade and renovation of existing buildings), and it would enhance our bonding capacity for long term debt commitment to major capital construction projects.

Structurally unfit, environmentally deficient, or overcrowded classrooms impair student achievement, diminish student discipline, and compromise student safety. Although not cited often, the learning environment does affect the quality of education and our ability to help students achieve high standards.

The National Association of State Boards of Education has identified school construction as one of its priority issues. I serve as Vice-Chair of their Governmental Affairs Committee and would be happy to enlist their help in focusing the nation's attention on the poor condition of our schools and the need for comprehensive federal assistance. If you have questions or need information from NASBE please contact David Griffith, Director of Governmental Affairs at 703-684-4000. As Chairman of the Maine State Board of Education and the governor's School Facilities Commission I am available and would be pleased to participate in any way you think appropriate to outline Maine's innovative and comprehensive school facilities program, and to elaborate on how federal assistance could best complement state and local efforts to address our school construction needs.

It was an honor to meet you in March during NASBE's Legislative Conference. I look forward to working with you in support of a federal partnership with state and local school units to provide a safe, healthy, and effective learning environment for all.

Sincerely,

JAMES E. RIER, Jr.,
Chair.

Mr. L. CHAFEE. Mr. President, I am pleased to join my colleague from Maine, Senator SNOWE, in introducing a revised version of BRICKS—the Building, Renovating, Improving, and Constructing Kids' Schools Act. This legislation represents a fresh approach to addressing the infrastructure problems in our nation's elementary and secondary schools.

Many thanks to Senator SNOWE for her commitment to this issue and for her leadership; to the National PTA and the NEA, both of whom have endorsed the proposal; and special thanks to the Rhode Island Department of Education and Commissioner Peter McWalters for offering suggestions which I believe helped to improve this proposal.

As some of you may know, Senator SNOWE first introduced the BRICKS proposal at the end of the last session. In January, I joined as a cosponsor. We had hoped to offer this revised version as an amendment to S. 2 but were unable to do so. As a result, we are introducing the revised version of BRICKS today in a form we hope many of our colleagues will be enthusiastic about cosponsoring.

The BRICKS Act would permit the federal government to provide low, or no, interest loans to states to address their serious school infrastructure problems. The National Center for Education Statistics reports that three quarters of our nation's public schools need to build, renovate, improve or modernize their facilities. In some cases the need arises from increased school-age population. In other cases, school facilities are simply old and in need of repair. Today's estimated cost of modernizing and improving school facilities throughout the United States is $127 billion. There is no argument about whether a serious problem exists. There are differences on how best to solve this terribly serious problem.

BRICKS recognizes that our nation faces a grave problem. We worry about whether our children are learning enough to compete in the international marketplace, yet we send our children to school in overcrowded classrooms. We tell them to do their best without adequate air conditioning, heating and plumbing. We expect them to learn in buildings with leaky roofs and crumbling walls, or we house them in "temporary" classrooms in trailers on school parking lots.

In Rhode Island, our schools are old: twenty five percent were built before 1930; another thirty-six percent were built in the 1940s and 1950s; twenty-three percent were built in the 1960s; and thirteen percent were built in the recent 1980s. Between 1986 and 1990, our small State spent about $400 million on school construction projects, averaging about 11 projects per year, and there is much more to be done. My State isn't asking the federal government to step in and take over its school facilities responsibilities or the responsibilities of local communities. Rather, help is being sought at the federal level to meet a critical and immediate need.

The legislation which Senator SNOWE and I are introducing today, addresses that need by providing twenty billion dollars in federal loans to the states. Each state receives funds, based on the Elementary and Secondary Education Act's Title I distribution formula, at the request of the Governor. States have until 2003 to request the loans. Fifty percent of the loans must be used to repay the interest on school construction bonds. The other fifty percent may be used to support existing state-administered school construction programs. Decisions about the use of these federal dollars are made by the Governor in consultation with the director of the state education agency. I am very pleased that the revised legislation encourages the loans to go to those school districts with the greatest need, but the final decisions are made by those closest to the problems.

As a former mayor, the person at the local level signing the checks to pay for my community's education needs, I am very familiar with educational priorities at the local level. I am deeply committed to ensuring that the federal government meets its overdue goal of paying up to forty percent of the cost of educating children with special needs. Since coming to the Senate, I have made fully-funding IDEA—the Individuals with Disabilities Education Act—a top priority. This bill links the interest states and localities will be required to pay to the federal level of IDEA funding.

Until 2006, there will be zero interest on BRICKS loans. After that, interest will be determined by the federal funding level for IDEA. If federal IDEA funding remains, as it is today, below twenty percent, the loans will remain at zero interest. If the federal spending on IDEA is between twenty and thirty percent, interest will be 2.5 percent. If federal spending on IDEA rises to between thirty and forty percent, interest rises to 3.5 percent. Finally, if the federal government meets its forty percent goal, interest peaks at 4.5 percent. Taking into account federal funding of IDEA seems completely appropriate to me. I hope this linkage of IDEA and spending on school facilities is another step which encourages Congress to meet the goal of fully funding IDEA.

Our proposal does not ask the federal government to assume responsibility for building, improving and maintaining school facilities. States and local school districts already have accepted that responsibility by spending more than ever before on facilities. According to the most recent study by the General Accounting Office on school facilities, issued in March 2000, spending on school infrastructure increased by 39 percent from 1990 to 1997. But they cannot do it alone. The federal government can and should help by providing BRICKS loans.

I hope that Senators who care about this issue will put aside partisan differences and look carefully at the plan Senator SNOWE and I are proposing. We believe that BRICKS addresses an immediate problem in a responsible manner that does not usurp the authority or responsibility of states and school districts. I urge my colleagues to join as cosponsors of BRICKS.

By Mr. REID:

S. 2891. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science, and Transportation.

AIR TRAVELERS FAIR TREATMENT ACT OF 2000

Mr. REID. Mr. President, I rise to introduce the Air Travelers' Fair Treatment Act of 2000.

Air travel is an increasingly unpleasant and stressful experience. Anyone who flies much at all knows that airports are crowded, flights too often delayed or canceled without explanation, ticket prices are unpredictable and hard to figure out, passengers are more unruly and occasionally violent.

Monday's edition of the Washington Post included a front-page story reporting that delays and cancellations are at an all-time high. According to Time Magazine, the number of air-rage incidents reported by flight crews from 66 in 1997, to 534 last year. It doesn't take a great leap of faith to see a relationship between the two.

Last year, Congress passed my "air rage" bill that increased penalties on passengers who commit acts that threaten the health or safety of other passengers or jeopardize the safety of the flight. That was a good bill, that I think will help passengers and airlines alike to reduce the amount of stress associated with flying.

But punishing unruly passengers is only half of the solution, because unruly passengers are not the only source of stress in air travel. Air rage is not only a cause, but a symptom, of stress.

The airlines have cut corners in recent years in ways that make traveling by air more and more difficult and unpleasant for customers.

A few weeks ago, the Inspector General of the Department of Transportation released a study on the performance of the airline industry. According to the study:

Through the first four months of this year, the number of passenger complaints to the Department has increased a whopping 74 percent compared to last year.

Complaints about delays, cancellations, and missed connections were up 115 percent since last year—in other words, they have more than doubled in only one year.

And even these numbers may be low, because the Inspector General estimates that the airlines receive anywhere from 100 to 400 complaints for every one that is filed with the government.

Last fall, the airlines announced that they would voluntarily implement their own reforms. They made a great show of implementing their "12 Commandments for Customer Service" last fall.

But this study reveals that things have become worse, not better. The study cites numerous instances where the airlines have violated their own so-called "Commandments."

For example, one of these so-called Commandments is to notify customers about delays and cancellations. The Transportation Department's report indicated that airlines were, in fact, making an effort to communicate delays and cancellations—but that the information communicated was, to quote the Inspector General, "frequently inaccurate, incomplete or unreliable."

Airlines are often poorly equipped to handle in-flight emergencies—some carriers have virtually no first-air or medical equipment on their flights, and the amount of first-aid training that flight crews received varies widely from carrier to carrier.

And airlines ticket prices are still confusing and arbitrary. Some carriers have enacted rules that prohibit customers from combining legs of different tickets to get the best prices.

Now, there are some explanations for the decline in service and the increase in the number of complaints. Last year, the airlines carried a total of 635 million passengers, a record number, double the number of passengers 20 years ago. The average load factor—which refers to the percentage of passengers compared to available seats—is 71 percent, also a record.

But crowded airports are no excuse for airlines to violate their own so-called Commandments for Customer Service.

It's no excuse for providing misleading or inaccurate explanations of delays or cancellations to air travelers. People make plans around posted flight schedules, important personal or business plans. If a flight is canceled or delayed, they should be able to find out what's going on, so that they can make alternative plans if they need to.

The bill I am introducing today will address some of these concerns.

The bill has seven provisions.

(1) Pricing Policies: Due to the complex way that airlines price their tickets, in some cases, a trip will be cheaper if a passenger purchases a ticket to a different destination and gets off during the layover, leaving the second leg of the ticket unused, rather than buying a ticket directly to his/her intended destination. Similarly, a passenger may save money by combining portions of different tickets. To prevent this and to force passengers to pay the higher prices, airlines have begun canceling the return ticket if the passenger does not use the entire ticket, and penalizing travel agents who allow customers to combine ticket portions this way. The bill would allow passengers to use all, part or none of a purchased ticket without penalty by the airline, enabling passengers and travel agents to freely mix-and-match tickets to get the best price.

(2) Flight Delays: The bill requires air carriers to provide travelers with accurate and timely explanations of the reasons for a flight cancellation, delay or diversion from a ticketed itinerary, by classifying the failure to do so as an unfair business practice.

(3) Right to Exit Aircraft: Where a plane has remained at the gate for more than 1 hour past its scheduled departure time and the captain has not been informed that the aircraft can be cleared for departure within 15 minutes, passengers would have the right to exit the plane into the terminal to make alternative travel plans, or simply to stretch their legs, get something to eat, etc. I believe this provision will help prevent "air rage" incidents when passengers are forced to sit in parked planes for long periods of time.

(4) Right to In-flight Medical Care: Currently, each airline has its own policy regarding what kind of medical and first-aid equipment and training is provided on their flights, so that the available equipment varies widely, particularly with more expensive equipment like defibrillators. This bill would direct the Secretary of Transportation to issue uniform minimum regulations for all carriers regarding the type of medical equipment each flight must carry, and the kind of medical training each flight crew should receive.

(5) Access to State Laws: The Federal Courts have split on whether the Airline Deregulation Act of 1978 pre-empts state consumer protection and personal injury laws as applied to airlines. The Ninth Circuit Court of Appeals has held that passengers may sue airlines in state court for violations of state tort and consumer laws; in contrast, the Fourth Circuit has held that airlines are immune from state laws. The Supreme Court has not acted on the issue. The bill would add a provision making clear that the 1978 Act does not preempt state tort and consumer protection laws.

(6) Termination of Ticket Agents: Travel agencies provide a valuable service to customers looking for the best prices. Yet airlines have enormous leverage over what kind of information they can and cannot provide to customers, because they can withdraw their accounts without notice from any travel agency for any reason—even if the only reason is that the travel agency is giving the customer the best rates. The bill requires carriers to provide written 90-day advance statement of reasons before canceling a travel agency's account with the airline, and to give them 60 days to correct the identified deficiencies.

(7) Independent Commission: Finally, the bill would establish an independent Commission to study the airlines' pricing practices and their effects on customer choice, on the number of routes available, and on the quality of service provided by the airlines.

The stress associated with air travel has increased considerably, and much of that stress is caused by things that airlines do to save money and maximize profit that hurt customers. I believe that we must look at unfair and deceptive practices of the airlines that contribute to the stress of air travel, in a specific, targeted and reasonable manner. This bill will do that.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2892. A bill to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the "Floyd H. Flake Federal Building"; to the Committee on Environment and Public Works.

DESIGNATING A FEDERAL BUILDING AS THE "FLOYD H. FLAKE FEDERAL BUILDING"

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2893. A bill to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office"; to the Committee on Government Affairs.

DESIGNATING A UNITED STATES POSTAL FACILITY AS THE "MATTHEW F. MCHUGH POST OFFICE"

Mr. SCHUMER. Mr. President, I had the honor and privilege of working with former Representative Floyd H. Flake during my tenure in the House and it gives me great pleasure to join Senator MOYNIHAN and my House colleague Congressman GREG MEEKS in introducing a bill to name a Federal building in Jamaica, Queens, New York, after the man who served that district with the utmost honor and dedication.

Floyd was elected to the House of Representatives in 1986 to serve the 6th Congressional District of New York. He served his constituents admirably for 11 years until his retirement in 1997. He is most remembered for his service on the Banking and Financial Services Committee, a committee we served on together.

In the House, Floyd distinguished himself as a leader in the fight for the revitalization of urban communities. He worked tirelessly to pass the Community Development Financial Institutions Act of 1993 and to ensure passage of the Community Reinvestment Act. These two acts, along with Floyd's countless other efforts to help urban communities, illustrates his commitment as a true public servant.

Since his retirement, Floyd has continued his service to the public. He is currently the Pastor of the Allen A.M.E. Church in Queens and has led a movement to increase church-based non-profit activity in communities. He has dedicated his life to helping New York City residents work their way towards a better life through innovative employment programs, community improvement projects and renewal of spiritual faith.

Floyd has distinguished himself as a true leader who was able to combine high morals with government. I can think of no one more deserving of this honor than Reverend Flake.

By Mr. LUGAR (for himself, Mr. ROBERTS, Mr. BURNS, and Mr. SANTORUM):

S. 2894. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Finance.

THE RURAL AMERICA PROSPERITY ACT OF 2000

Mr. LUGAR. Mr. President, I rise today to introduce the Rural America Prosperity Act of 2000. I am pleased that Senator ROBERTS, Senator SANTORUM, and Senator BURNS have joined as cosponsors of this bill.

A Republican controlled Congress in 1996 produced a sweeping reform of farm programs. Farmers were no longer told by the government what crops they had to plant. Farmers were no longer forced by the government to idle part of their land. That farm bill disentangled farmers from government controls and enabled them to make production decisions based on market signals.

Freeing farmers from excessive, and often counterproductive, government controls is an important step, but we should do more to give farmers the tools they need to succeed. Specifically, we need to work to open foreign markets for our agricultural commodities and products, ease the tax and regulatory burden, and provide new risk management tools for farmers.

There are three tax provisions in this legislation that I have long advocated as crucial to the financial health of farmers. First is the repeal of the estate tax. A repeal of this tax, which has prevented some farms from being passed from one generation to the next, is essential. We are proposing the same 10-year phase-out of the estate tax which Congress just passed, and the President has promised to veto. Excluding capital gains from the sale of farmland would put production agriculture on the same footing as homeowners who benefit from a capital gains exclusion for their home. The deduction of health care insurance costs is needed for farmers and others who are self-employed.

Recently Congress provided over $8 billion to improve the federal crop insurance program. While crop insurance is an important risk management tool, today we offer two other risk management tools for farmers—income averaging and FARRM accounts. Two years ago Congress made income averaging a permanent risk management tool for farmers when calculating taxes. Unfortunately, the interaction between income averaging and the alternative minimum tax has prevented many farmers from receiving the benefit of income averaging. This bill fixes that problem. Under this bill, farmers will be able to contribute up to 20 percent of annual farm income into a FAARM account and deduct this amount from their taxes. This is an excellent tool for managing financial volatility associated with farming.

We also address regulatory reform in our bill. We are seeking a review of existing and proposed regulations to determine the cost of compliance for farmers, ranchers and foresters. We want to determine if there are more cost-effective ways for farmers, ranchers and foresters to achieve the objectives of these regulations.

Finally, we must do more to help develop new markets abroad for our farm commodities and agricultural products. Opportunity lies in developing countries where growing wealth allows for increased demand for meat and processed commodities. Authorizing fast-track authority for the President to negotiate international trade agreements may be the single most important thing we can do to facilitate exports.

We also need to address sanctions. Sanctions that prohibit the export of U.S. agricultural products into the sanctioned country are often morally indefensible because they deny necessities to people, not the offending government. Such sanctions also deny markets for U.S. agricultural products which are then captured by our competitors.

This legislation represents what I believe is necessary to further the historic reforms initiated in the farm bill 4 years ago. I urge my colleagues to cosponsor this bill. I will continue to encourage my colleagues and the Administration to work to enact these proposals.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 499

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 499, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1140, a bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1191

At the request of Mr. DORGAN, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1191, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes.

S. 1239

At the request of Mr. GRAHAM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1472

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1555

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1555, a bill to provide sufficient funds for the research necessary to enable an effective public health approach to the problems of youth suicide and violence, and to develop ways to intervene early and effectively with children and adolescents who suffer depression or other mental illness, so as to avoid the tragedy of suicide, violence, and longterm illness and disability.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1919

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BAUCUS) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1919, a bill to permit travel to or from Cuba by United States citizens and lawful resident aliens of the United States.

S. 1941

At the request of Mr. DODD, the names of the Senator from Montana

(Mr. BAUCUS) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2033

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2033, a bill to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

S. 2387

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2387, a bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Hawaii (Mr. AKAKA), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2585

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2615

At the request of Mr. KENNEDY, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2615, a bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes.

S. 2639

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2696

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. GRAHAM), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2733

At the request of Mr. SANTORUM, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from New York (Mr. SCHUMER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. LAUTENBERG, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2779

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2779, a bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alabama (Mr. SHELBY), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2857

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2857, a bill to amend title 11, United States Code, to exclude personally identifiable information from the assets of a debtor in bankruptcy.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2868

At the request of Mr. FRIST, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED), the Senator from Oregon (Mr. WYDEN), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. J. RES. 48

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Virginia (Mr. WARNER), the Senator from Ohio (Mr. DEWINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nebraska (Mr. HAGEL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. COLLINS), the Senator from Colorado (Mr. ALLARD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. GRAMS), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 133

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 133, a resolution supporting religious tolerance toward Muslims.

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as "National Relatives as Parents Day."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 329

At the request of Mr. L. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 329, a resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

AMENDMENT NO. 3702

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3702 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3811

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 3811 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

McCAIN (AND OTHERS) AMENDMENT NO. 3917

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Mr. GREGG, and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . SUGAR PROGRAM.—None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272).

CAMPBELL (AND OTHERS) AMENDMENT NO. 3918

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Mr. DORGAN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra, as follows:

On page 50, line 22, before the period, insert the following: "*Provided further*, That, of the funds made available under this heading, (1) $7,300,000 shall be used to purchase bison for the Food Distribution Program on Indian Reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) and to provide a mechanism for the purchases from Native American producers and cooperative organizations, and (2) $1,700,000 shall be used for the construction and installation of refrigeration facilities".

WELLSTONE AMENDMENTS NOS. 3919–3924

(Ordered to lie on the table.)

Mr. WELLSTONE submitted six amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3919

On page 48, strike lines 12 through 16 and insert the following:

"(7 U.S.C. 612c): *Provided*, That, of the funds made available under this heading, $1,500,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: *Provided further*, That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate: *Provided further*, That of the funds made available under this heading, up to $6,000,000 shall be for".

AMENDMENT NO. 3920

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PAYMENT RATES.—

(1) IN GENERAL.—Section 13(b)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)(B)) is amended—

(A) in clause (i), by striking "$1.97" and inserting "$2.41";

(B) in clause (ii), by striking "$1.13" and inserting "$1.34"; and

(C) in clause (iii), by striking "46 cents" and inserting "63 cents".

(2) ADJUSTMENTS.—Section 13(b)(1)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)(C)) is amended by striking "1997" and inserting "2001".

(b) STARTUP AND EXPANSION COSTS.—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended by inserting after subsection (h) the following:

"(i) STARTUP AND EXPANSION COSTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of subsection (a).

"(B) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by this section.

"(2) FUNDING.—

"(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary for fiscal year 2001 and each fiscal year thereafter $1,500,000 to make payments under this subsection.

"(B) ENTITLEMENT.—The Secretary shall be entitled to receive the funds and shall accept the funds.

"(3) USE.—The Secretary shall use the funds to make payments on a competitive basis and in the following order of priority (subject to other provisions of this subsection), to State educational agencies in a substantial number of States for distribution to service institutions to assist the service institutions with nonrecurring expenses incurred in—

"(A) initiating a summer food service program for children; or

"(B) expanding a summer food service program for children.

"(4) ADDITIONAL FUNDING.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under other provisions of this section and section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)).

"(5) ELIGIBILITY.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to initiate or expand summer food service programs for children conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to service institutions in the State to initiate or expand the programs.

"(6) PAYMENTS.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

"(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under this Act; or

"(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

"(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

"(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

"(7) UNUSED AMOUNTS.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary) to carry out this subsection.

"(8) APPLICATION.—The Secretary shall allow a State to apply on an annual basis for assistance under this subsection.

"(9) PRIORITY.—In allocating funds within a State under this subsection, each State agency and State shall give preference for assistance under this subsection to service institutions that demonstrate the greatest need for a summer food service program for children.

"(10) NO REDUCTION OF EXPENDITURES.—Expenditures of funds from State and local sources for the maintenance of the summer food service program for children shall not be diminished as a result of payments received under this subsection.".

AMENDMENT NO. 3921

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . ANALYSES INVOLVING NET FARM INCOMES.—None of the funds appropriated by this Act shall be used to conduct analyses involving net farm incomes that do not—

(1) segregate the classifications of nonfamily farm entities (as defined by the Secretary of Agriculture); and

(2) separately categorize family farms with gross sales of $1,000,000 or more.

AMENDMENT NO. 3922

On page 9, line 6, strike "$67,038,000" and insert "$63,088,000, of which not less than $12,195,000 shall be used for food assistance program studies and evaluations".

On page 23, line 21, strike "$27,269,000: *Provided*," and insert "$31,219,000: *Provided*, That not less than $3,950,000 shall be used for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examination of the competitive structure of the poultry industry, civil rights activities, and information staff: *Provided further*,".

AMENDMENT NO. 3923

On page 47, strike "$27,000,000" on line 5 and all that follows through "areas," on line 8 and insert "$32,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas, of which $5,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses, for which transfers the Director of the Office of Management and Budget, not later than 30 days after the date of enactment of this Act, shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing, by account, of the amount of the transfer made from each such account, of which not more than $5,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and".

AMENDMENT NO. 3924

On page 36, line 9, strike "$749,284,000" and insert "$754,284,000".

On page 36, strike lines 15 through 17 and insert the following:

"$66,699,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of that Act (7 U.S.C. 2009d(d)(3)) (of which $13,000,000 shall be for rural business opportunity grants under section 306(a)(11)(A) of that Act (7 U.S.C. 1926(a)(11)(A))): *Provided*, That of the amounts made available under this heading, $5,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses, for which transfers the Director of the Office of Management and Budget, not later than 30 days after the date of enactment of this Act, shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing, by account, of the amount of the transfer made from each such account: *Provided further*, That of the total".

JEFFORDS (AND OTHERS) AMENDMENT NO. 3925

Mr. JEFFORDS (for himself, Mr. WELLSTONE, Mr. DORGAN, Ms. SNOWE, Mr. GORTON, Mr. JOHNSON, Mr. LEVIN, Mr. BRYAN, Mr. GREGG, and Mr. FEINGOLD) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the end of title VII, add the following:

SEC. . AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) SHORT TITLE.—This section may be cited as the "Medicine Equity and Drug Safety Act of 2000".

(b) FINDINGS.—Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting "and section 804" after "paragraph (2)"; and

(2) by adding at the end the following:

"SEC. 804. IMPORTATION OF COVERED PRODUCTS.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Notwithstanding sections 301(d), 301(t), and 801(a), the Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting importation into the United States of covered products.

"(2) LIMITATION.—Regulations promulgated under paragraph (1) shall—

"(A) require that safeguards are in place that provide a reasonable assurance to the Secretary that each covered product that is imported is safe and effective for its intended use;

"(B) require that the pharmacist or wholesaler importing a covered product complies with the provisions of subsection (b); and

"(C) contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States.

"(3) RECORDS.—Regulations promulgated under paragraph (1) shall require that records regarding such importation described in subsection (b) be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

"(b) IMPORTATION.—

"(1) IN GENERAL.—The Secretary shall promulgate regulations permitting a pharmacist or wholesaler to import into the United States a covered product.

"(2) REGULATIONS.—Regulations promulgated under paragraph (1) shall require such pharmacist or wholesaler to provide information and records to the Secretary, including—

"(A) the name and amount of the active ingredient of the product and description of the dosage form;

"(B) the date that such product is shipped and the quantity of such product that is shipped, points of origin and destination for such product, the price paid for such product, and the resale price for such product;

"(C) documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received;

"(D) the manufacturer's lot or control number of the product imported;

"(E) the name, address, and telephone number of the importer, including the professional license number of the importer, if the importer is a pharmacist or pharmaceutical wholesaler;

"(F) for a product that is—

"(i) coming from the first foreign recipient of the product who received such product from the manufacturer—

"(I) documentation demonstrating that such product came from such recipient and was received by such recipient from such manufacturer;

"(II) documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by such recipient;

"(III) documentation that each lot of the initial imported shipment was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product;

"(IV) documentation demonstrating that a statistically valid sample of all subsequent shipments from such recipient was tested at an appropriate United States laboratory for authenticity and degradation by the importer or manufacturer of such product; and

"(V) certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act; and

"(ii) not coming from the first foreign recipient of the product, documentation that each lot in all shipments offered for importation into the United States was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product, and meets all labeling requirements under this Act;

"(G) laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards; and

"(H) any other information that the Secretary determines is necessary to ensure the protection of the public health of patients in the United States.

"(c) TESTING.—Testing referred to in subparagraphs (F) and (G) of subsection (b)(2) shall be done by the pharmacist or wholesaler importing such product, or the manufacturer of the product. If such tests are conducted by the pharmacist or wholesaler, information needed to authenticate the product being tested and confirm that the labeling of such product complies with labeling requirements under this Act shall be supplied by the manufacturer of such product to the pharmacist or wholesaler, and as a condition of maintaining approval by the Food and Drug Administration of the product, such information shall be kept in strict confidence and used only for purposes of testing under this Act.

"(d) STUDY AND REPORT.—

"(1) STUDY.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted under this section, taking into consideration the information received under subsections (a) and (b). In conducting such study, the Secretary or entity shall—

"(A) evaluate importers' compliance with regulations, and the number of shipments, if any, permitted under this section that have been determined to be counterfeit, misbranded, or adulterated; and

"(B) consult with the United States Trade Representative and United States Patent and Trademark Office to evaluate the effect of importations permitted under this Act on trade and patent rights under Federal law.

"(2) REPORT.—Not later than 5 years after the effective date of final regulations issued pursuant to this section, the Secretary shall prepare and submit to Congress a report containing the study described in paragraph (1).

"(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to importation of covered products, other than the importation described in subsections (a) and (b).

"(f) DEFINITIONS.—In this section:

"(1) COVERED PRODUCT.—The term 'covered product' means a prescription drug under section 503(b)(1) that meets the applicable requirements of section 505, and is approved by the Food and Drug Administration and manufactured in a facility identified in the approved application and is not adulterated under section 501 or misbranded under section 502.

"(2) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy in the United States, including the dispensing and selling of prescription drugs.

"(3) WHOLESALER.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States.".

BAUCUS AMENDMENT NO. 3926

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra, as follows:

On page 161, between lines 14 and 15, insert the following new title:

TITLE —BEEF INDUSTRY COMPENSATION TRUST FUND

SEC. 01. SHORT TITLE.

This title may be cited as the "Trade Injury Compensation Act of 2000".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) United States goods and services compete in global markets and it is necessary for trade agreements to promote such competition.

(2) The current dispute resolution mechanism of the World Trade Organization is designed to resolve disputes in a manner that brings stability and predictability to world trade.

(3) When foreign countries refuse to comply with a panel or Appellate Body report of the World Trade Organization and violate any of the Uruguay Round Agreements, it has a deleterious effect on the United States economy.

(4) A WTO member can retaliate against a country that refuses to implement a panel or Appellate Body report by imposing additional duties of up to 100 percent on goods imported from the noncomplying country.

(5) The World Trade Organization Dispute Settlement Body found in favor of the United States regarding the European Union's ban on United States beef produced with hormones and authorized retaliation subsequent to the European Union's failure to implement that decision.

(6) The United States beef industry has suffered by the European Union's continued noncompliance with the World Trade Organization ruling and should be remedied through the establishment of a Beef Industry Compensation Trust Fund until compliance is achieved.

(7) In cases where additional duties are imposed such as the United States beef and the European Union dispute, the additional duties should be used to provide relief to the United States beef industry that has been insured by noncompliance.

SEC. 03. DEFINITIONS.

In this title:

(1) URUGUAY ROUND AGREEMENTS.— The term "Uruguay Round Agreements" has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7).

(2) WORLD TRADE ORGANIZATION.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(3) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(4) WTO AND WTO MEMBER.—The terms "WTO" and "WTO member" have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(5) INJURED PRODUCER.—The term "injured producer" means a domestic producer of a product (including an agricultural product) with respect to which a dispute resolution proceeding has been brought before the World Trade Organization, if the dispute resolution is resolved in favor of the producer, and the foreign country against which the proceeding has been brought has failed to comply with the report of the panel or Appellate Body of the WTO.

(6) BEEF RETALIATION LIST.—The term "beef retaliation list" means the list of products of European Union countries with respect to which the United States Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States as a result of the European Union's ban on the importation of United States beef produced with hormones .

SEC. 04. BEEF INDUSTRY COMPENSATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Beef Industry Compensation Trust Fund" (referred to in this title as the "Fund") consisting of such amounts as may be appropriated or credited to the Fund under subsection (b) and any interest earned on investment of amounts in the Fund under subsection (c)(2).

(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN DUTIES.—

(1) IN GENERAL.—There are hereby appropriated and transferred to the Fund an amount equal to the amount received in the Treasury as a result of the imposition of additional duties imposed on the products on a United States beef retaliation list.

(2) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) INVESTMENT OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) DISTRIBUTIONS FROM FUND.—Amounts in the Fund shall be available as provided in appropriations Acts, for making distributions in accordance with subsections (e) and (f).

(e) AVAILABILITY OF AMOUNTS FROM FUND.—From amounts available in the Fund (including any amounts not obligated in previous fiscal years), the Secretary of Agriculture is authorized to provide grants to a nationally recognized beef promotion and research board established for the education and market promotion of the United States beef industry for the following purposes:

(1) To provide assistance to United States beef producers to improve the quality of beef produced in the United States.

(2) To provide assistance to United States beef producers in market development, consumer education, and promotion of the beef industry in overseas markets.

(f) TERMINATION OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall cease the transfer of amounts equivalent to the duties on the beef retaliation list when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market and additional duties are no longer imposed on products listed on the beef retaliation list.

(2) DISTRIBUTION OF UNUSED FUNDS.—The Secretary of Agriculture shall distribute any unused funds in a manner that benefits the domestic beef industry.

(g) REPORT TO CONGRESS.—The Secretary of the Treasury shall, after consultation with the Secretaries of Agriculture, Commerce, and Labor, report to the Congress each year on the financial condition and the results of the operations of the Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year.

SEC. 05. PROHIBITION ON REDUCING SERVICES OR FUNDS.

No payment made to an injured producer under this title shall result in the reduction or denial of any service or assistance with respect to which the injured producer would otherwise be entitled.

COCHRAN (AND KOHL) AMENDMENT NO. 3927

Mr. COCHRAN (for himself and Mr. KOHL) proposed an amendment to amendment No. 3925 proposed by Mr. JEFFORDS to the bill, H.R. 4461, supra; as follows:

At the end of the amendment insert the following:

"(g) This section shall become effective only if the Secretary of the Department of Health and Human Services certifies to the Congress that the implementation of this section will: (1) pose no risk to the public's health and safety; and (2) result in a significant reduction in the cost of covered products to the American consumer."

REED (AND LIEBERMAN) AMENDMENT NO. 3928

(Ordered to lie on the table.)

Mr. REED (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

On page 117, line 12, before the period, insert the following: ", of which not less than $100,000 shall be available for the Connecticut and Rhode Island Sea Grant Programs for conducting a cooperative study of lobster shell disease in Long Island Sound, Rhode Island Sound, and Narragansett Bay".

REED AMENDMENTS NOS. 3929-3931

(Ordered to lie on the table.)

Mr. REED submitted three amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3929

On page 34, line 23, before the period at the end, insert the following: ": *Provided further*, That of the funds available for emergency watershed protection activities, $1,200,000 shall be available for the Natural Resources Conservation Service, in cooperation with the town of North Kingstown, Rhode Island, to develop alternative ground water sources to alleviate severe streamflow depletion in the Hunt River watershed, Rhode Island".

AMENDMENT NO. 3930

On page 33, line 13, before the period at the end, insert the following: ": *Provided further*, That of the funds made available for watershed surveys and planning activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island".

AMENDMENT NO. 3931

On page 33, line 13, before the period at the end, insert the following: ": *Provided further*, That of the funds made available for watershed surveys and planning activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island".

ABRAHAM AMENDMENT NO. 3932

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

On page 15, line 3, after the semicolon insert the following: "and for Michigan State University to study the economic impact of an extension of the Andean Trade Preference Act on Peruvian asparagus imports, $50,000;".

ABRAHAM (AND SCHUMER) AMENDMENT NO. 3933

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by them to amendment No. 3457 previously submitted by Mr. LEVIN to the companion measure, S. 2536, to the bill, H.R. 4461, supra; as follows:

On page 2, lines 16 through 23, strike all after "(b)" and insert,

"QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster."

JOHNSON AMENDMENTS NOS. 3934-3936

(Ordered to lie on the table.)

Mr. JOHNSON submitted three amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3934

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

"(1) ISSUES COVERED.—

"(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

"(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

"(i) Wetlands determinations.

"(ii) Compliance with farm programs, including conservation programs.

"(iii) Agricultural credit.

"(iv) Rural water loan programs.

"(v) Grazing on National Forest System land.

"(vi) Pesticides.

"(vii) Such other issues as the Secretary considers appropriate.

"(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

"(A) agricultural producers;

"(B) creditors of producers (as applicable); and

"(C) persons directly affected by actions of the Department of Agriculture."; and

(2) by adding at the end the following:

"(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

"(1) the intake and scheduling of cases;

"(2) the provision of background and selected information regarding the mediation process;

"(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

"(4) the mediation session.".

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking "Each" and inserting the following:

"(1) IN GENERAL.—Each"; and

(2) by adding at the end the following:

"(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

"(A) salaries;

"(B) reasonable fees and costs of mediators;

"(C) office rent and expenses, such as utilities and equipment rental;

"(D) office supplies;

"(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

"(F) education and training;

"(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

"(H) costs associated with publicity and promotion of the mediation program;

"(I) preparation of the parties for mediation; and

"(J) financial advisory and counseling services for parties requesting mediation.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2000" and inserting "2005".

AMENDMENT NO. 3935

On page 89, after line 29, add the following:

SEC. 1111. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.—(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

"(f) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

"(1) a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

"(A) own, feed, or control livestock; and

"(B) provide the livestock to the cooperative for slaughter; or

"(2) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or"; and

(3) in subsection (h) (as so redesignated), by striking "or (e)" and inserting "(e), or (f)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

AMENDMENT NO. 3936

On page 75, before line 17, insert the following:

SEC. 740. USE OF FUNDS TO GRADE CERTAIN IMPORTED AGRICULTURAL PRODUCTS.—The Secretary of Agriculture shall not use any funds made available to the Secretary under this Act, including funds generated from user fees, for the grading of beef, lamb, or mutton (including beef, lamb, and mutton products) imported into the United States.

AKAKA AMENDMENT NO. 3937

(Ordered to lie on the table.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

At the appropriate place add the following:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices. *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

HARKIN AMENDMENT NO. 3938

Mr. REID (for Mr. HARKIN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 25, line 11, before the period, insert the following: ": *Provided further*, That none of the funds made available under this heading may be used by the Secretary of Agriculture to label, mark, stamp, or tag as "inspected and passed" meat, meat products, poultry, or poultry products, under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) or the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), that do not meet microbiological performance standards established by the Secretary".

AMIA JEWISH COMMUNITY CENTER ATTACK

CHAFEE AMENDMENTS NOS. 3939–3940

Mr. BURNS (for Mr. L. CHAFEE) proposed two amendments to the resolution (S. Res. 329) urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina; as follows:

AMENDMENT NO. 3939

On page 3, line 7 and 8, strike "its promise to the Argentine people" and insert "other commitments".

AMENDMENT NO. 3940

In the fourth whereas clause, insert "at that time" after "forces".

In the seventh whereas clause, insert "has issued an arrest warrant against a leader of the Islamic Jihad but" after "Argentina".

After the eighth whereas clause, insert the following:

Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in this and other terrorist cases;

RELATIVE TO THE IRAQ'S VIOLATION OF INTERNATIONAL AGREEMENTS

SMITH OF NEW HAMPSHIRE AMENDMENTS NOS. 3941–3943

Mr. BURNS (for Mr. SMITH of New Hampshire) proposed three amendments to the concurrent resolution (S. Con. Res. 124) expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of the United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.

AMENDMENT NO. 3941

On page 3, between lines 3 and 4, insert the following:

(A) demands that the Government of Iraq immediately provide the fullest possible accounting for United States Navy Commander Michael Scott Speicher in compliance with United Nations Security Council Resolution 686 and other international law;

On page 3, line 4, strike "(A)" and insert "(B)".

On page 3, line 8, strike "(B)" and insert "(C)".

On page 4, line 3, strike "(C)" and insert "(D)".

On page 4, line 8, strike "(D)" and insert "(E)".

On page 4, between lines 14 and 15, insert the following:

(A) actively seek the fullest possible accounting for United States Navy Commander Michael Scott Speicher;

On page 4, line 15, strike "(A)" and insert "(B)".

On page 4, line 22, strike "(B)" and insert "(C)".

AMENDMENT NO. 3942

Insert immediately after the title the following:

Whereas the Government of Iraq has not provided the fullest possible accounting for United States Navy Commander Michael Scott Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm;".

AMENDMENT NO. 3943

Amend the title to read as follows: "Expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.".

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

BOND (AND KERRY) AMENDMENT NO. 3944

Mr. BURNS (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Innovation Research Program Reauthorization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Extension of SBIR program.
Sec. 4. Annual report.
Sec. 5. Third phase assistance.
Sec. 6. Policy directive modifications.
Sec. 7. Report on programs for annual performance plan.
Sec. 8. Output and outcome data.
Sec. 9. National Research Council report.
Sec. 10. Federal agency expenditures for the SBIR program.
Sec. 11. Federal and State Technology Partnership Program.
Sec. 12. Mentoring Networks.
Sec. 13. Simplified reporting requirements.
Sec. 14. Rural outreach program extension.

SEC. 2. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the "SBIR program") is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of this Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 3. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.".

SEC. 4. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and the Committee on Small Business of the House of Representatives" and inserting ", and to the Committee on Science and the Committee on Small Business of the House of Representatives,".

SEC. 5. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

SEC. 6. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

"(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

"(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

"(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

"(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

"(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

"(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

"(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).".

SEC. 7. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and".

SEC. 8. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 7 of this Act, is amended by adding at the end the following new paragraph:

"(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).".

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 4 of this Act, is amended by inserting before the period at the end ", including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)".

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

"(k) DATABASE.—

"(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

"(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

"(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

"(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

"(ii) the Federal agency making the award; and

"(iii) the date and amount of the award;

"(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

"(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

"(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

"(A) contains for each second phase award made by a Federal agency—

"(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

"(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

"(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

"(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

"(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

"(i) the name, size, and location, and an identifying number assigned by the Administration;

"(ii) an abstract of the project; and

"(iii) the Federal agency to which the application was made;

"(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

"(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

"(3) UPDATING INFORMATION FOR DATABASE.—

"(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

"(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

"(i) update information in the database concerning that award at the termination of the award period; and

"(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

"(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

"(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.".

SEC. 9. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 10. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking "(i) Each Federal" and inserting the following:

"(i) ANNUAL REPORTING.—

"(1) IN GENERAL.—Each Federal"; and

(2) by adding at the end the following:

"(2) CALCULATION OF EXTRAMURAL BUDGET.—

"(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

"(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).".

SEC. 11. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following new section:

"SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

"(a) DEFINITIONS.—In this section and section 35—

"(1) the term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section;

"(2) the term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program;

"(3) the term 'FAST program' means the Federal and State Technology Partnership Program established under this section;

"(4) the term 'mentor' means an individual described in section 35(c)(2);

"(5) the term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c);

"(6) the term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section;

"(7) the term 'SBIR program' has the same meaning as in section 9(e)(4);

"(8) the term 'State' means any of the 50 States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

"(9) the term 'STTR program' has the same meaning as in section 9(e)(6).

"(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

"(c) GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the

Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

“(A) technology research and development by small business concerns;

“(B) technology transfer from university research to technology-based small business concerns;

“(C) technology deployment and diffusion benefiting small business concerns;

“(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

“(i) State and local development agencies and entities;

“(ii) representatives of technology-based small business concerns;

“(iii) industries and emerging companies;

“(iv) universities; and

“(v) small business development centers; and

“(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

“(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

“(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

“(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

“(iv) to encourage the commercialization of technology developed through SBIR program funding.

“(2) Selection considerations.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

“(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

“(B) shall consider, at a minimum—

“(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

“(iii) whether the projected costs of the proposed activities are reasonable;

“(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

“(v) the manner in which the applicant will measure the results of the activities to be conducted.

“(3) Proposal limit.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

“(4) Process.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

“(d) Cooperation and Coordination.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

“(1) Federal agencies required by section 9 to have an SBIR program; and

“(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(A) State and local development agencies and entities;

“(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

“(C) State science and technology councils; and

“(D) representatives of technology-based small business concerns.

“(e) Administrative Requirements.—

“(1) Competitive basis.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

“(2) Matching requirements.—

“(A) In general.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

“(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

“(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

“(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

“(B) Low-income areas.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

“(C) Types of funding.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(D) Rankings.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

“(3) Duration.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

“(f) Reports.—

“(1) Initial report.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

“(A) a description of the structure and procedures of the program;

“(B) a management plan for the program; and

“(C) a description of the merit-based review process to be used in the program.

“(2) Annual reports.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

“(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

“(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

“(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(g) Reviews by Inspector General.—

“(1) In general.—The Inspector General of the Administration shall conduct a review of—

“(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

“(B) the overall management and effectiveness of the FAST program.

“(2) Report.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

“(h) Program Levels.—

“(1) In general.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

“(2) Mentoring database.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

"(i) TERMINATION.—The authorization to carry out the FAST program under this section shall terminate on September 30, 2005.".

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

"(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

"(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

"(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

"(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

"(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

"(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

"(F) the Institutional Development Award Program of the National Institutes of Health; and

"(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

"(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

"(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

"(i) a State that is eligible to participate in that program; or

"(ii) a State described in paragraph (3); or

"(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

"(i) a State that is eligible to participate in a technology development program; or

"(ii) a State described in paragraph (3).

"(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.".

SEC. 12. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 11(b)(2) of this Act, the following new section:

"SEC. 35. MENTORING NETWORKS.

"(a) FINDINGS.—Congress finds that—

"(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

"(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

"(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

"(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

"(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

"(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

"(2) identify volunteer mentors who—

"(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

"(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

"(i) proposal writing;

"(ii) marketing;

"(iii) Government accounting;

"(iv) Government audits;

"(v) project facilities and equipment;

"(vi) human resources;

"(vii) third phase partners;

"(viii) commercialization;

"(ix) venture capital networking; and

"(x) other matters relevant to the SBIR and STTR programs;

"(3) have experience working with small business concerns participating in the SBIR and STTR programs;

"(4) contribute information to the national database referred to in subsection (d); and

"(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

"(d) MENTORING DATABASE.—The Administrator shall—

"(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

"(2) work cooperatively with Mentoring Networks to maintain and update the database;

"(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

"(4) fulfill the requirements of this subsection either directly or by contract.".

SEC. 13. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following new subsection:

"(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.".

SEC. 14. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking "2001" and inserting "2005".

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking "for fiscal year 1998, 1999, 2000, or 2001" and inserting "for each of the fiscal years 2000 through 2005,".

TIMBISHA SHOSHONE HOMELAND ACT

INOUYE AMENDMENT NO. 3945

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 2102) to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes: as follows:

On page 22, line 20, strike "(C)" and insert "(C)(i)".

On page 23, between lines 2 and 3, insert the following:

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

On page 32, between lines 20 and 21, insert the following:

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

DISASTER MITIGATION AND COST REDUCTION ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3946

Mr. BURNS (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Mitigation Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

Sec. 201. Insurance.
Sec. 202. Management costs.
Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 204. Mitigation planning; hazard resistant construction standards.
Sec. 205. State administration of hazard mitigation grant program.
Sec. 206. Study regarding cost reduction.
Sec. 207. Fire management assistance.
Sec. 208. Public notice, comment, and consultation requirements.
Sec. 209. Community disaster loans.
Sec. 210. Temporary housing assistance.
Sec. 211. Individual and family grant program.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Public safety officer benefits for certain Federal and State employees.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Conforming amendment.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local communities from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical infrastructure and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards to existing and new construction at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of the critical infrastructure of communities;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing construction.

(b) PURPOSE.—The purpose of this Act is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical infrastructure and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

"(a) IN GENERAL.—The Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical infrastructure and facilities under the jurisdiction of the States or local governments.

"(b) APPROVAL BY DIRECTOR.—If the Director determines that a State or local government has identified all natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the Director, using amounts in the National Predisaster Mitigation Fund established under subsection (e) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (c).

"(c) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—Technical and financial assistance provided under subsection (b)—

"(1) shall be used by States and local governments principally to implement predisaster hazard mitigation measures described in proposals approved by the Director under this section; and

"(2) may be used—

"(A) to support effective public-private natural disaster hazard mitigation partnerships;

"(B) to ensure that new development and construction is resistant to natural disasters;

"(C) to improve the assessment of a community's vulnerability to natural hazards; or

"(D) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

"(d) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under subsection (a), the Director shall take into account—

"(1) the extent and nature of the hazards to be mitigated;

"(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

"(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance; and

"(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State as a condition of receipt of the annual emergency management performance grant awarded to the State by the Federal Emergency Management Agency.

"(e) NATIONAL PREDISASTER MITIGATION FUND.—

"(1) ESTABLISHMENT.—The Director may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

"(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

"(A) amounts appropriated to carry out this section, which shall remain available until expended; and

"(B) sums available from gifts, bequests, or donations of services or property received by the Director for the purpose of predisaster hazard mitigation.

"(3) EXPENDITURES FROM FUND.—Upon request by the Director, the Secretary of the Treasury shall transfer from the Fund to the Director such amounts as the Director determines are necessary to provide technical and financial assistance under this section.

"(4) INVESTMENT OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(E) TRANSFERS OF AMOUNTS.—

"(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(f) Maximum Total Federal Share.—Subject to subsection (g), the amount of financial assistance provided from the Fund shall not exceed an amount equal to 75 percent of the total costs of all hazard mitigation proposals approved by the Director under this section.

"(g) Limitation on Total Amount of Financial Assistance.—The Director shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

"(h) Termination of Authority.—The authority provided by this section terminates December 31, 2003.".

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102) is amended by adding at the end the following:

"SEC. 204. INTERAGENCY TASK FORCE.

"(a) In General.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

"(b) Chairperson.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

"(c) Membership.—The membership of the task force shall include representatives of State and local government organizations and the American Red Cross.".

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

SEC. 201. INSURANCE.

(a) In General.—Section 311(a)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154(a)(2)) is amended—

(1) by striking "In" and inserting the following:

"(A) In general.—In"; and

(2) by adding at the end the following:

"(B) Required insurance or self-insurance.—Not later than 1 year after the date of enactment of this subparagraph, the President shall promulgate regulations under which States, communities, and other applicants subject to paragraph (1) shall be required to protect property through adequate levels of insurance or self-insurance if—

"(i) the appropriate State insurance commissioner makes the certification described in subparagraph (A); and

"(ii) the President determines that the property is not adequately protected against natural or other disasters.

"(C) Regulations.—In promulgating any new regulation requiring public structures to be insured to be eligible for assistance, the President shall—

"(i) include in the regulation—

"(I) definitions relating to insurance that are expressed in known and generally accepted terms;

"(II) a definition of 'adequate insurance';

"(III) the specific criteria for a waiver of any insurance eligibility requirement under the regulation;

"(IV) a definition of 'self-insurance' that is sufficiently flexible to take into consideration alternative risk financing methods;

"(V) available market research used in determining the availability of insurance; and

"(VI) a cost-benefit analysis; and

"(ii) consider—

"(I) alternative risk-financing mechanisms, including risk sharing pools and self-insurance; and

"(II) the use of independent experts in insurance, disaster preparedness, risk management, and finance to assist in developing the proposed regulation.".

(b) Technical Amendments.—Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking "section 803 of the Public Works and Economic Development Act of 1965" each place it appears and inserting "sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149)".

SEC. 202. MANAGEMENT COSTS.

(a) In General.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 322. MANAGEMENT COSTS.

"(a) Definition of Management Cost.—In this section, the term 'management cost' includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

"(b) Management Cost Rates.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

"(c) Review.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

"(d) Regulations.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.".

(b) Applicability.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply as follows:

(1) In general.—Subsections (a), (b), and (d) of section 322 of that Act shall apply to each major disaster declared under that Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under subsection (b) of that section, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) shall be used for establishing the rates.

(2) Review.—Section 322(c) of that Act shall apply to each major disaster declared under that Act on or after the date on which the President establishes the management cost rates under section 322(b) of that Act.

(c) Conforming Amendments.—

(1) In general.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

(2) Effective date.—The amendment made by paragraph (1) takes effect on the date of publication in the Federal Register of the management cost rates established under section 322(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)).

SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) Contributions.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

"(a) Contributions.—

"(1) In general.—

"(A) Authority.—The President may make contributions—

"(i) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility that is damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

"(ii) subject to paragraph (2), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

"(B) Associated expenses.—For the purposes of this section, associated expenses shall include—

"(i) the costs of mobilizing and employing the National Guard for performance of eligible work;

"(ii) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging;

"(iii) base and overtime wages for employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster; and

"(iv) other expenses determined appropriated by the President.

"(2) Conditions for assistance for private nonprofit facilities.—The President may make contributions for a private nonprofit facility under paragraph (1)(B) only if—

"(A) the facility provides critical infrastructure in the event of a major disaster;

"(B) the person that owns or operates the facility—

"(i) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

"(ii) has been determined to be ineligible for such a loan; or

"(C) the person that owns or operates the facility has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

"(3) Notification to congress.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

"(A) the Committee on Environment and Public Works of the Senate;

"(B) the Committee on Appropriations of the Senate;

"(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(D) the Committee on Appropriations of the House of Representatives.".

(b) Federal Share.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

"(b) Federal Share.—

"(1) Minimum federal share.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

"(2) Reduced federal share.—The President shall promulgate regulations to reduce the Federal share of assistance under this section in the case of the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility—

"(A) that has previously been damaged, on more than 1 occasion, by the same type of event; and

"(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.".

(c) Large In-Lieu Contributions.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

"(c) Large In-Lieu Contributions.—

"(1) For public facilities.—

"(A) In general.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the cost of repairing, restoring, reconstructing, or replacing the facility and of management costs, as estimated by the President.

"(B) Use of funds.—

"(i) In general.—Subject to clause (ii), funds made available to a State or local government under this paragraph may be used to repair, restore, or expand other eligible public facilities, to construct new facilities, or to fund hazard mitigation measures, that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

"(ii) Limitations.—Funds made available to a State or local government under this paragraph may not be used for—

"(I) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

"(II) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

"(2) For private nonprofit facilities.—

"(A) In general.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the cost of repairing, restoring, reconstructing, or replacing the facility and of management costs, as estimated by the President.

"(B) Use of funds.—

"(i) In general.—Subject to clause (ii), funds made available to a person under this paragraph may be used to repair, restore, or expand other eligible private nonprofit facilities owned or operated by the person, to construct new private nonprofit facilities owned or operated by the person, or to fund hazard mitigation measures, that the person determines to be necessary to meet a need for services and functions in the area affected by the major disaster.

"(ii) Limitations.—Funds made available to a person under this paragraph may not be used for—

"(I) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

"(II) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).".

(d) Eligible Cost.—

(1) In general.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

"(e) Eligible Cost.—

"(1) Determination.—

"(A) In general.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

"(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

"(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

"(B) Cost estimation procedures.—

"(i) In general.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to determine the eligible cost under this subsection.

"(ii) Applicability.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

"(2) Modification of eligible cost.—

"(A) Actual cost greater than ceiling percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

"(B) Actual cost less than estimated cost.—

"(i) Greater than or equal to floor percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

"(ii) Less than floor percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

"(C) No effect on appeals process.—Nothing in this paragraph affects any right of appeal under section 423.

"(3) Expert panel.—

"(A) Establishment.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

"(B) Duties.—The expert panel shall develop recommendations concerning—

"(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

"(ii) the ceiling and floor percentages referred to in paragraph (2).

"(C) Regulations.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations to establish procedures and the ceiling and floor percentages referred to in paragraph (2).

"(D) Review by President.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

"(E) Report to congress.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 2 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

"(4) Special rule.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) shall take effect on the date on which the procedures developed under paragraph (3) of that section take effect.

(e) Definition of Critical Infrastructure.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

"(10) Critical infrastructure.—The term 'critical infrastructure' has the meaning given the term by the President, but includes, at a minimum, the provision of power, water (including water provided by a nongovernment entity), sewer, wastewater treatment, communications, and essential medical care.".

SEC. 204. MITIGATION PLANNING; HAZARD RESISTANT CONSTRUCTION STANDARDS.

(a) In General.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

"SEC. 323. MITIGATION PLANNING.

"(a) Requirement of Mitigation Plan.—As a condition of receipt of a disaster loan or grant under this Act, a State, local, or tribal government shall develop and submit for approval to the Director of the Federal Emergency Management Agency a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

"(b) Local and Tribal Plans.—Each mitigation plan developed by a local or tribal government shall—

"(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

"(2) establish a strategy to implement those actions.

"(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

"(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

"(2) support development of local mitigation plans;

"(3) provide for technical assistance to local and tribal governments for mitigation planning; and

"(4) identify and prioritize mitigation actions that the State will support, as resources become available.

"(d) FUNDING.—

"(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

"(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 5 percent of the amount of such contributions available to the government as of a date determined by the government.

"(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

"(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

"(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

"(A) eligibility criteria for property acquisition and other types of mitigation measures;

"(B) requirements for cost effectiveness that are related to the eligibility criteria;

"(C) a system of priorities that is related to the eligibility criteria;

"(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete; and

"(E) hazard resistant construction standards, as may be required under section 324.

"SEC. 324. HAZARD RESISTANT CONSTRUCTION STANDARDS.

"(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

"(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

"(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

"(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.".

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking "section 409" and inserting "section 323".

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(c) PROGRAM ADMINISTRATION BY STATES.—

"(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority.

"(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

"(A) the demonstrated ability of the State to manage the grant program under this section;

"(B) having in effect an approved mitigation plan under section 323; and

"(C) a demonstrated commitment to mitigation activities.

"(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

"(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

"(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.".

SEC. 206. STUDY REGARDING COST REDUCTION.

(a) STUDY.—The National Academy of Sciences shall conduct a study to estimate the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 207. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

"SEC. 420. FIRE MANAGEMENT ASSISTANCE.

"(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland with urban interface that threatens such destruction as would constitute a major disaster.

"(b) COORDINATION WITH STATE DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State departments of forestry.

"(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

"(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

SEC. 208. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 204) is amended by adding at the end the following:

"SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

"(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

"(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

"(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

"(B) could result in a significant reduction of assistance under the program.

"(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

"(b) CONSULTATION CONCERNING INTERIM POLICIES.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

"(1) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

"(2) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

"(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.

"(d) NO LEGAL RIGHT OF ACTION.—Nothing in this section confers a legal right of action on any party.".

SEC. 209. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking "(a) The President" and inserting the following:

"(a) IN GENERAL.—The President";

(2) by striking "The amount" and inserting the following:

"(b) AMOUNT.—The amount";

(3) by striking "Repayment" and inserting the following:

"(c) REPAYMENT.—

"(1) CANCELLATION.—Repayment";

(4) by striking "(b) Any loans" and inserting the following:

"(d) EFFECT ON OTHER ASSISTANCE.—Any loans";

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking "and shall" and inserting "shall"; and

(B) by inserting before the period at the end the following: ", and shall not exceed $5,000,000"; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

"(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.".

SEC. 210. TEMPORARY HOUSING ASSISTANCE.

Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) is amended—

(1) by striking "In lieu of" and inserting the following:

"(1) IN GENERAL.—In lieu of"; and

(2) by adding at the end the following:

"(2) LIMITATION ON ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided to a household under this subsection shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(B) ADDITIONAL ASSISTANCE.—The President may provide additional assistance to a household that is unable to secure temporary housing through insurance proceeds or loans or other financial assistance from the Small Business Administration or another Federal agency.".

SEC. 211. INDIVIDUAL AND FAMILY GRANT PROGRAM.

Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The President, in consultation and coordination with a State, may make a grant directly, or through the State, to an individual or a family that is adversely affected by a major disaster to assist the individual or family in meeting disaster-related necessary expenses or serious needs of the individual or family, if the individual or family is unable to meet the expenses or needs through—

"(1) assistance under other provisions of this Act; or

"(2) other means.";

(2) by striking subsection (d) and inserting the following:

"(d) ADMINISTRATIVE EXPENSES.—If a State determines that a grant to an individual or a family under this section shall be made through the State, the State shall pay, without reimbursement from any funds made available under this Act, the cost of all administrative expenses associated with the management of the grant by the State.";

(3) by striking subsection (e); and

(4) by redesignating subsection (f) as subsection (e).

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.".

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking "the Northern" and all that follows through "Pacific Islands" and inserting "and the Commonwealth of the Northern Mariana Islands";

(2) by striking paragraph (6) and inserting the following:

"(6) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

"(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

"(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State."; and

(3) in paragraph (9), by inserting "irrigation," after "utility,".

SEC. 303. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

"(7) 'public safety officer' means—

"(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

"(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

"(C) an employee of a State or local emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the head of the agency to be hazardous duties.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

"SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

"(a) STATUTE OF LIMITATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

"(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

"(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

"(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

"(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

"(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of the transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

"(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

"(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

"(1) the payment was authorized by an approved agreement specifying the costs;

"(2) the costs were reasonable; and

"(3) the purpose of the grant was accomplished.".

SEC. 305. CONFORMING AMENDMENT.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

"TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE".

TORRICELLI AMENDMENT NO. 3947

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 4461; supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

DASCHLE AMENDMENTS NOS. 3948-3951

(Ordered to lie on the table.)

Mr. DASCHLE submitted four amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3948

On page 89, after line 19, add the following:

SEC. 1111. RENEWABLE ENERGY RESERVE.—

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE COMMODITY.—The term "eligible commodity" means an agricultural commodity that can be used in the production of renewable energy, including corn, soybeans, and sugar.

(2) RESERVE.—The term "reserve" means the renewable energy reserve of eligible commodities established under section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a renewable energy reserve of eligible commodities, or any combination of eligible commodities, totaling, for each eligible commodity reserved, not more than the quantity of the eligible commodity in metric tons that is used in the United States in 1 year, as determined by the Secretary.

(c) REPLENISHMENT OF RESERVE.—

(1) IN GENERAL.—The Secretary may acquire an eligible commodity of equivalent value to an eligible commodity in the reserve—

(A) subject to paragraph (2), through purchases—

(i) from producers; or

(ii) in the market, if the Secretary determines that the purchases will not unduly disrupt the market; or

(B) by designation by the Secretary of stocks of the eligible commodity of the Commodity Credit Corporation.

(2) CONDITION ON PURCHASE.—The Secretary may purchase an eligible commodity for the reserve under paragraph (1)(A) only when the market price of the eligible commodity is less than 100 percent of the economic cost of production of that commodity.

(d) RELEASE OF ELIGIBLE COMMODITIES.—The Secretary may sell an eligible commodity from the reserve to a renewable energy producer if the Secretary determines that such a sale is necessary to maintain competitive renewable energy production.

(e) STORAGE.—

(1) IN GENERAL.—An eligible commodity in the reserve shall be stored on-farm.

(2) FIRST RIGHT OF ORIGINAL PRODUCER.—The Secretary first shall offer to the original producer of an eligible commodity the opportunity to store the quantity of the eligible commodity.

(3) EQUITABLE STORAGE SYSTEM.—If the original producer declines to store an eligible commodity under paragraph (2), the Secretary shall distribute the storage opportunity among other eligible producers, in accordance with an equitable storage system to be developed by the Secretary.

(4) RATES.—The rate for the storage of an eligible commodity under this subsection shall be at least equal to the local commercial rate for the storage of comparable commodities in effect on the date on which the storage begins.

(5) MAINTENANCE OF QUALITY.—A producer that stores an eligible commodity under this subsection shall maintain the quality of the eligible commodity in accordance with regulations promulgated under subsection (f)(1).

(f) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this section, including regulations that—

(1) specify requirements for maintenance of the quality of eligible commodities stored under subsection (e); and

(2) ensure, to the maximum extent practicable, that any eligible commodity released from the reserve is—

(A) used for its intended purpose; and

(B) not resold into 1 or more other markets.

AMENDMENT NO. 3949

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1235A (16 U.S.C. 3835a) the following:

"SEC. 1235B. GOOD FAITH RELIANCE.

"Notwithstanding any other provision of this subchapter, the Secretary may allow land that is enrolled in the conservation reserve under a contract entered into under this subchapter after January 1, 2000, and that is subsequently determined to be ineligible to be enrolled in the conservation reserve, to remain enrolled in, or be reenrolled into, the conservation reserve if, at the time at which the land was originally enrolled in the conservation reserve, the owner or operator of the land relied in good faith on a determination of the Secretary that the land was eligible to be enrolled in the conservation reserve.".

AMENDMENT NO. 3950

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1235A (16 U.S.C. 3835a) the following:

"SEC. 1235B. GOOD FAITH RELIANCE.

"(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this subchapter, to the extent the Secretary considers it desirable in order to provide fair and equitable treatment, the Secretary may provide equitable relief to an owner or operator that has entered into a contract under this subchapter, and that is subsequently determined to have violated the contract, if the owner or operator in attempting to comply with the terms of the contact took actions in good faith in reliance on the action or advice of an authorized representative of the Secretary.

"(b) TYPES OF RELIEF.—The Secretary may—

"(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator—

"(A) to retain payments received under the contract;

"(B) to continue to receive payments under the contract;

"(C) to keep all or part of the land covered by the contract enrolled in the conservation reserve; or

"(D) to reenroll all or part of the land covered by the contract in the conservation reserve; and

"(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

"(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

"(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).".

AMENDMENT NO. 3951

At the end of the bill, add the following:

TITLE V—FARMERS AND RANCHERS FAIR COMPETITION

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

This title may be cited as the "Farmers and Ranchers Fair Competition Act of 2000".

SEC. 5002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Congressional Joint Economic Committee data suggests that over the last 15 years, agribusiness profits have come almost exclusively out of producer income, rather than from increased retail prices. Given the lack of market power of producers, this data raises the question of whether the trend has been a natural market development or is instead a sign of market failure.

(2) Most economists agree that in the last 15 years the real market price for a market basket of food has increased by approximately 3 percent, while the farm value of that food has fallen by approximately 38 percent. Over that period, marketing costs have decreased by 15 percent, which should have narrowed rather than widened the gap.

(3) There is significant concern that increasingly vertically integrated multinational corporations, especially those that own broad biotechnology patents, may be able to exert unreasonable and excessive market power in the future by acquiring companies that own other broad biotechnology patents.

(4) The National Association of Attorneys General is very concerned with the high degree of economic concentration in the agricultural sector and the great potential for anticompetitive practices and behavior. They estimate the top 4 meat packing firms control over 80 percent of steer and heifer slaughter, over 55 percent of hog slaughter, and over 65 percent of sheep slaughter. Increased concentration in the dairy procurement and processing sector is also raising significant concerns.

(5) In the grain industry, United States Department of Agriculture reports that the top 4 firms controlled 56 percent of flour milling, 73 percent of wet corn milling, 71 percent of soybean milling, and 62 percent of cotton seed oil milling.

(6) Moreover, the figures in paragraphs (4) and (5) underestimate true levels of concentration and potential market power because they fail to reflect the web of unreported and difficult to trace joint ventures, strategic alliances, interlocking directorates, and other partial ownership arrangements that link many large corporations.

(7) Concentration of market power also has the effect of increasing the transfer of investment, capital, jobs, and necessary social services out of rural areas to business centers throughout the world. Many individuals representing a wide range of expertise have expressed concern with the potential implications of this trend for the greater public good.

(8) The recent increase in contracting for the production or sale of agricultural commodities, such as livestock and poultry, is a cause for concern because of the significant bargaining power the buyers of these products or services wield over individual farmers and ranchers.

(9) Transparent, freely accessible, and competitive markets are being supplanted by

transfer prices set within vertically integrated firms and by the increasing use of private contracts.

(10) Agribusiness firms are showing record profits at the same time that farmers and ranchers are struggling to survive an ongoing price collapse and erratic price trends.

(11) The efforts of farmers and ranchers to improve their market position is hampered by—

(A) extreme disparities in bargaining power between agribusiness firms and the hundreds of thousands of individual farmers and ranchers that sell products to them;

(B) the rapid increase in the use of private contracts that disrupt price discovery and can unfairly disadvantage producers;

(C) the extreme market power of agribusiness firms and alleged anticompetitive practices in the industry;

(D) shrinking opportunities for market access by producers; and

(E) the direct and indirect impact these factors have on the continuing viability of thousands of rural communities across the country.

(b) Purposes.—The purposes of this title are to—

(1) enhance fair and open competition in rural America, thereby fostering innovation and economic growth;

(2) permit the Secretary to take actions to enhance the bargaining position of family farmers and ranchers, and to promote the viability of rural communities nationwide;

(3) protect family farms and ranches from—

(A) unfair, unjustly discriminatory, or deceptive practices or devices;

(B) false or misleading statements;

(C) retaliation related to statements lawfully provided; and

(D) other unfair trade practices employed by processors and other agribusinesses; and

(4) permit the Secretary to take actions to enhance the viability of rural communities nationwide.

SEC. 5003. DEFINITIONS.

In this title:

(1) Agricultural commodity.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) Agricultural cooperative.—The term "agricultural cooperative" means an association of persons engaged in the production, marketing, or processing of an agricultural commodity that meets the requirements of the Act of February 18, 1922, "An Act to authorize association of producers of agricultural products" (7 U.S.C. 291 et seq.; 42 Stat. 388) (commonly known as the "Capper-Volstead Act").

(3) Broker.—The term "broker" means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, except that no person shall be considered a broker if the person's sales of such commodities are not in excess of $1,000,000 per year.

(4) Commission merchant.—The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another, except that no person shall be considered a commission merchant if the person's sales of such commodities are not in excess of $1,000,000 per year.

(5) Dealer.—The term "dealer" means—

(A) any person (except an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except—

(i) no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person shall be considered a dealer who buys, sells, or markets less than $1,000,000 per year of such commodities; and

(B) an agricultural cooperative which sells or markets agricultural commodities of its members' own production if such agricultural cooperative sells or markets more than $1,000,000 of its members' production per year of such commodities.

(6) Processor.—The term "processor" means—

(A) any person (except an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing in interstate or foreign commerce for human consumption except—

(i) no person shall be considered a processor with respect to the handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person who handles, prepares, or manufactures (including slaughtering) an agricultural commodity in an amount less than $1,000,000 per year shall be considered a processor; and

(B) an agricultural cooperative which processes agricultural commodities of its members' own production if such agricultural cooperative processes more than $1,000,000 of its members' production of such commodities per year.

(7) Secretary.—The term "Secretary" means the Secretary of Agriculture.

SEC. 5004. PROHIBITIONS AGAINST UNFAIR PRACTICES IN TRANSACTIONS INVOLVING AGRICULTURAL COMMODITIES.

(a) Prohibitions.—It shall be unlawful in, or in connection with, any transaction in interstate or foreign commerce for any dealer, processor, commission merchant, or broker—

(1) to engage in or use any unfair, unreasonable, unjustly discriminatory, or deceptive practice or device in the marketing, receiving, purchasing, sale, or contracting for the production of any agricultural commodity;

(2) to make or give any undue or unreasonable preference or advantage to any particular person or locality or subject any particular person or locality to any undue or unreasonable disadvantage in connection with any transaction involving any agricultural commodity;

(3) to make any false or misleading statement in connection with any transaction involving any agricultural commodity that is purchased or received in interstate or foreign commerce, or involving any production contract, or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction or production contract;

(4) to retaliate against or disadvantage, or to conspire to retaliate against or disadvantage, any person because of statements or information lawfully provided by such person to any person (including to the Secretary or to a law enforcement agency) regarding alleged improper actions or violations of law by such dealer, processor, commission merchant, or broker (unless such statements or information are determined to be libelous or slanderous under applicable State law);

(5) to include as part of any new or renewed agreement or contract a right of first refusal, or to make any sale or transaction contingent upon the granting of a right of first refusal, until 180 days after the General Accounting Office study under section 5008 is complete; or

(6) to offer different prices contemporaneously for agricultural commodities of like grade and quality (except commodities regulated by the Perishable Agricultural Commodities Act (7 U.S.C. 181 et seq.)) unless—

(A) the commodity is purchased in a public market through a competitive bidding process or under similar conditions which provide opportunities for multiple competitors to seek to acquire the commodity;

(B) the premium or discount reflects the actual cost of acquiring a commodity prior to processing; or

(C) the Secretary has determined that such types of offers do not have a discriminatory impact against small volume producers.

(b) Violations.—

(1) Complaints.—Whenever the Secretary has reason to believe that any dealer, processor, commission merchant, or broker has violated any provision of subsection (a), the Secretary shall cause a complaint in writing to be served on that person or persons, stating the charges in that respect, and requiring the dealer, processor, commission merchant, or broker to attend and testify at a hearing to be held not sooner than 30 days after the service of such complaint.

(2) Hearing.—

(A) In general.—The Secretary may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require the attendance and testimony of witnesses and the production of such accounts, records, and memoranda, as the Secretary deems necessary, for the determination of the existence of any violation of this subsection.

(B) Right to hearing.—A dealer, processor, commission merchant, or broker may request a hearing if the dealer, processor, commission merchant, or broker is subject to penalty for unfair conduct, under this subsection.

(C) Respondents rights.—During a hearing the dealer, processor, commission merchant, or broker shall be given, pursuant to regulations issued by the Secretary, the opportunity—

(i) to be informed of the evidence against such person;

(ii) to cross-examine witnesses; and

(iii) to present evidence.

(D) Hearing limitation.—The issues of any hearing held or requested under this section shall be limited in scope to matters directly related to the purpose for which such hearing was held or requested.

(3) Report of finding and penalties.—

(A) In general.—If, after a hearing, the Secretary finds that the dealer, processor, commission merchant, or broker has violated any provisions of subsection (a), the Secretary shall make a report in writing which states the findings of fact and includes an order requiring the dealer, processor, commission merchant, or broker to cease and desist from continuing such violation.

(B) Civil penalty.—The Secretary may assess a civil penalty not to exceed $100,000 for each such violation of subsection (a).

(4) Temporary injunction and finality and appealability of an order.—

(A) Temporary injunction.—At any time after a complaint is filed under paragraph (1), the court, on application of the Secretary, may issue a temporary injunction, restraining to the extent it deems proper, the dealer, processor, commission merchant, or broker and such person's officers, directors, agents, and employees from violating any of the provisions of subsection (a).

(B) Appealability of an order.—An order issued pursuant to this subsection shall be final and conclusive unless within 30 days after service of the order, the dealer, processor, commission merchant, or broker petitions to appeal the order to the court of appeals for the circuit in which such person resides or has its principal place of business or the District of Columbia Circuit Court of Appeals.

(C) Delivery of petition.—The clerk of the court shall immediately cause a copy of the petition filed under subparagraph (B) to be delivered to the Secretary and the Secretary shall thereupon file in the court the record of the proceedings under this subsection.

(D) Penalty for failure to obey an order.—Any dealer, processor, commission merchant, or broker which fails to obey any order of the Secretary issued under the provisions of this section after such order or such order as modified has been sustained by the court or has otherwise become final, shall be fined not less than $5,000 and not more than $100,000 for each offense. Each day during which such failure continues shall be deemed a separate offense.

(5) Records.—

(A) In general.—Every dealer, processor, commission merchant, and broker shall keep for a period of not less than 5 years such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) and fully and correctly disclose all transactions involved in the business of such person, including the true ownership of the business.

(B) Failure to keep records or allow the Secretary to inspect records.—Failure to keep, or allow the Secretary to inspect records as required by this paragraph shall constitute an unfair practice in violation of subsection (a)(1).

(C) Inspection of records.—The Secretary shall have the right to inspect such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) of any dealer, processor, commission merchant, and broker as may be material to the investigation of any alleged violation of this section or for the purpose of investigating the business conduct or practices of an organization with respect to such dealer, processor, commission merchant or broker.

(c) Compensation for Injury.—

(1) Establishment of the family farmer and rancher claims commission.—

(A) In general.—The Secretary shall appoint 3 individuals to a commission to be known as the "Family Farmer and Rancher Claims Commission" (in this subsection referred to as the "Commission") to review claims of family farmers and ranchers who have suffered financial damages as a result of any violation of this section as determined by the Secretary pursuant to subsection (b)(3).

(B) Term of service.—The member of the Commission shall serve 3-year terms which may be renewed. The initial members of the Commission may be appointed for a period of less than 3 years, as determined by the Secretary.

(2) Review of claims.—

(A) Submission of claims.—Family farmers and ranchers damaged as a result of a violation of this section as determined by the Secretary, pursuant to subsection (c)(3) may preserve the right to claim financial damages under this section by filing a claim pursuant to regulations promulgated by the Secretary.

(B) Determination.—Based on a review of such claims, the Commission shall determine the amount of damages to be paid, if any, as a result of the violation.

(C) Review.—The decisions of the Commission under this paragraph shall not be subject to judicial review except to determine that the amount of damages to be paid is consistent with the published regulations of the Secretary that establish the criteria for implementing this subsection.

(3) Funding.—

(A) In general.—Funds collected from civil penalties pursuant to this section shall be transferred to a special fund in the Treasury, shall be made available to the Secretary without further appropriation, and shall remain available until expended to pay the expenses of the Commission and the claims described in this subsection.

(B) Authorization of appropriation.—In addition to the funds described in subparagraph (A), there are authorized to be appropriated such sums as may be necessary to carry out this section.

(4) No preclusion of private claims.—By filing an action under this subsection, a family farmer or rancher is not precluded from bringing a cause of action against a dealer, processor, commission, merchant, or broker in any court of appropriate jurisdiction.

(d) Authority of the Secretary.—Not later than 180 days after the date of enactment of this section, the Secretary and the Attorney General shall develop and implement a plan to enable, where appropriate, the Secretary to file civil actions, including temporary injunctions, to enforce orders issued by the Secretary under this title.

SEC. 5005. REPORTS OF THE SECRETARY ON POTENTIAL UNFAIR PRACTICES.

(a) Filing Premerger Notices With the Secretary.—No dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules promulgated by the Secretary if—

(1) any voting securities or assets of the dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities or other agricultural related business with annual net sales or total assets of $10,000,000 or more are being acquired by a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business which has total assets or annual net sales of $100,000,000 or more; and

(2) any voting securities or assets of a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business with annual net sales or total assets of $100,000,000 or more are being acquired by any dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or agriculture related business with annual net sales or total assets of $10,000,000 or more and as a result of such acquisition, if the acquiring person would hold—

(A) 15 percent or more of the voting securities or assets of the acquired person; or

(B) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(b) Review of the Secretary.—

(1) In general.—Except as provided in paragraph (2), the Secretary may conduct a review of any merger or acquisition described in subsection (a).

(2) Exception.—The Secretary shall conduct a review of any merger or acquisition described in subsection (a) upon a request from a member of Congress.

(c) Access to Records.—The Secretary may request any information including any testimony, documentary material, or related information from a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business, pertaining to any merger or acquisition of any agriculture related business.

(d) Purpose of Review.—

(1) Findings.—The review described in subsection (a) shall make findings whether the merger or acquisition could—

(A) be significantly detrimental to the present or future viability of family farms or ranches or rural communities in the areas affected by the merger or acquisition, pursuant to standards established by the Secretary; or

(B) lead to a violation of section 5004(a) of this Act.

(2) Remedies.—The review may include a determination of possible remedies regarding how the parties of the merger or acquisition may take steps to modify their operations to address the findings described in paragraph (1).

(e) Report of Review.—

(1) Preliminary report.—After conducting the review described in this section, the Secretary shall issue a preliminary report to the parties of the merger or acquisition and the Attorney General or the Federal Trade Commission, as appropriate, which shall include findings and any remedies described in subsection (d)(2).

(2) Final report.—After affording the parties described in paragraph (1) an opportunity for a hearing regarding the findings and any proposed remedies in the preliminary report, the Secretary shall issue a final report to the President and Attorney General or the Federal Trade Commission, as appropriate, with respect to the merger or acquisition.

(f) Implementation of the Report.—Not later than 120 days after the issuance of a final report described in subsection (e), the parties of the merger or acquisition affected by such report shall make changes to their operations or structure to comply with the findings and implement any suggested remedy or any agreed upon alternative remedy and shall file a response demonstrating such compliance or implementation.

(g) Confidentiality of Information.—Information used by the Secretary to conduct the review pursuant to this section provided by a party of the merger or acquisition under review or by a government agency shall be treated by the Secretary as confidential information pursuant to section 1770 of the

Food Security Act of 1985 (7 U.S.C. 2276), except that the Secretary may share any information with the Attorney General, the Federal Trade Commission, and a party seeking a hearing pursuant to subsection (e)(2) with respect to information relating to such party. The report issued under subsection (e) shall be available to the public consistent with the confidentiality provisions of this subsection.

(h) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $300,000 for the failure of a person to comply with the requirements of subsections (a) and (f). Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of subsections (a) and (f), the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the additional civil penalty assessed under this paragraph.

SEC. 5006. PLAIN LANGUAGE AND DISCLOSURE REQUIREMENTS FOR CONTRACTS.

(a) IN GENERAL.—Any contract between a family farmer or rancher and a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall—

(1) be written in a clear and coherent manner using words with common and everyday meanings and shall be appropriately divided and captioned by various sections;

(2) disclose in a manner consistent with paragraph (1)—

(A) contract duration;

(B) contract termination;

(C) renegotiation standards;

(D) responsibility for environmental damage;

(E) factors to be used in determining performance payments;

(F) which parties shall be responsible for obtaining and complying with necessary local, State, and Federal government permits; and

(G) any other contract terms the Secretary determines is appropriate for disclosure; and

(3) not contain a confidentiality requirement barring a party of a contract from sharing terms of such contract (excluding trade secrets as applied in the Freedom of Information Act (5 U.S.C. 552 et seq.)) for the purposes of obtaining legal or financial advice or for the purpose of responding to a request from Federal or State agencies.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1), a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the amount of the additional civil penalty assessed under this paragraph.

(c) IMPLEMENTATION.—The requirements imposed by this section shall be applicable to contracts entered into or renewed 60 days or subsequently after the date of enactment of this Act.

SEC. 5007. REPORT ON CORPORATE STRUCTURE.

(a) IN GENERAL.—A dealer, processor, commission merchant, or broker with annual sales in excess of $100,000,000 shall annually file with the Secretary, a report which describes, with respect to both domestic and foreign activities; the strategic alliances; ownership in other agribusiness firms or agribusiness-related firms; joint ventures; subsidiaries; brand names; and interlocking boards of directors with other corporations, representatives, and agents that lobby Congress on behalf of such dealer, processor, commission merchant, or broker, as determined by the Secretary. This subsection shall not be construed to apply to contracts.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such a hearing shall be limited to the issue of the amount of the civil penalty

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the amount of the additional civil penalty assessed under this paragraph.

SEC. 5008. MANDATORY FUNDING FOR STAFF.

Out of the funds in the Treasury not otherwise appropriated, the Secretary of Treasury shall provide to the Secretary of Agriculture $7,000,000 in each of fiscal years 2002 through 2006, to hire, train, and provide for additional staff to carry out additional responsibilities under this title, including a Special Counsel on Fair Markets and Rural Opportunity, additional attorneys for the Office of General Counsel, investigators, economists, and support staff. Such sums shall be made available to the Secretary without further appropriation and shall be in addition to funds already made available to the Secretary for the purposes of this section.

SEC. 5009. GENERAL ACCOUNTING OFFICE STUDY.

The Comptroller General of the United States, in consultation with the Attorney General, the Secretary, the Federal Trade Commission, the National Association of Attorney's General, and others, shall—

(1) study competition in the domestic farm economy with a special focus on protecting family farms and ranches and rural communities and the potential for monopsonistic and oligopsonistic effects nationally and regionally; and

(2) provide a report to the appropriate committees of Congress not later than 1 year after the date of enactment of this Act on—

(A) the correlation between increases in the gap between retail consumer food prices and the prices paid to farmers and ranchers and any increases in concentration among processors, manufacturers, or other firms that buy from farmers and ranchers;

(B) the extent to which the use of formula pricing, marketing agreements, forward contracting, and production contracts tend to give processors, agribusinesses, and other buyers of agricultural commodities unreasonable market power over their producer/suppliers in the local markets;

(C) whether the granting of process patents relating to biotechnology research affecting agriculture during the past 20 years has tended to overly restrict related biotechnology research or has tended to overly limit competition in the biotechnology industries that affect agriculture in a manner that is contrary to the public interest, or could do either in the future;

(D) whether acquisitions of companies that own biotechnology patents and seed patents by multinational companies have the potential for reducing competition in the United States and unduly increasing the market power of such multinational companies;

(E) whether existing processors or agribusiness have disproportionate market power and if competition could be increased if such processors or agribusiness were required to divest assets to assure that they do not exert this disproportionate market power over local markets;

(F) the extent of increase in concentration in milk processing, procurement and handling, and the potential risks to the economic well-being of dairy farmers, and to the National School Lunch program, and other Federal nutrition programs of that increase in concentration;

(G) the impact of mergers, acquisitions, and joint ventures among dairy cooperatives on dairy farmers, including impacts on both members and nonmembers of the merging cooperatives;

(H) the impact of the significant increase in the use of stock as the primary means of effectuating mergers and acquisitions by large companies;

(I) the increase in the number and size of mergers or acquisitions in the United States and whether some of such mergers or acquisitions would have taken place if the merger or acquisition had to be consummated primarily with cash, other assets, or borrowing; and

(J) whether agricultural producers typically appear to derive any benefits (such as higher prices for their products or any other advantages) from right-of-first-refusal provisions contained in purchase contracts or other deals with agribusiness purchasers of such products.

SEC. 50010. AUTHORITY TO PROMULGATE REGULATIONS.

The Secretary of Agriculture shall have the authority to promulgate regulations to carry out the responsibilities of the Secretary under this title.

SANTORUM AMENDMENT NO. 3952

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds to be appropriated for the National Research Initiative, $2,000,000 is available for the National Robotics Engineering Consortium, in collaboration with other institutions renowned for nursery and landscape research, to address the development and economic evaluation of robotic and automated systems for the nursery industry.

ABRAHAM AMENDMENT NO. 3953

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

On page 87, between lines 11 and 12, insert the following:

SEC. . QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—The Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight, hail or other weather related disaster.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, July 25, 2000, at 10 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act.

Those wishing additional information may contact Committee staff at 202/224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 26, 2000, at 2:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on the S. 2526, to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact Committee staff at 202/224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that following the legislative hearing scheduled for Tuesday, July 25, 2000 at 2:30 p.m., the Subcommittee will convene the hearing to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River, which was previously scheduled for Wednesday, July 19, 2000 at 2:30 p.m.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1734, a bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; H.R. 3084, a bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; S. 2345, a bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes; S. 2638, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; H.R. 2541, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; and S. 2848, a bill to provide for a land exchange to benefit the Pecos National Historic Park in New Mexico.

The hearing will take place on Thursday, July 27, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Katherine Ostrum and Ben Wurtmann be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that fellows in my office, Dr. David Russell, Bruce Artim, and Meg Gerstenblith, be granted the privilege of the floor for the pendency of H.R. 4461, the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Dan Alpert of Senator JEFF BINGAMAN's office be given floor privileges during the consideration of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

On July 18, 2000, the Senate amended and passed H.R. 4578, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4578) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $689,133,000, of which not to exceed $125,900,000 shall be for workforce and organizational support and $16,586,000 shall be for Land and Resource Information Systems, to remain available until expended, of which $3,898,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $2,500,000 shall be available in fiscal year 2001 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $34,328,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $689,133,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $292,679,000, to remain available until expended, of which not to exceed $9,300,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $15,360,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $148,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $10,600,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $104,267,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structutes, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $758,442,000, to remain available until September 30, 2002, except as otherwise provided herein, of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: Provided further, That not to exceed $6,355,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

For an additional amount for salmon restoration and conservation efforts in the State of Maine, $5,000,000, to remain available until expended, which amount shall be made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in Maine to fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan, including projects to (1) assist in land acquisition and conservation easements to benefit Atlantic salmon; (2) develop irrigation and water use management measures to minimize any adverse effects on salmon habitat; and (3) develop and phase in enhanced aquaculture cages to minimize escape of Atlantic salmon:

Provided, That, of the amounts appropriated under this paragraph, $2,000,000 shall be made available to the Atlantic Salmon Commission for salmon restoration and conservation activities, including installing and upgrading weirs and fish collection facilities, conducting risk assessments, fish marking, and salmon genetics studies and testing, and developing and phasing in enhanced aquaculture cages to minimize escape of Atlantic salmon, and $500,000 shall be made available to the National Academy of Sciences to conduct a study of Atlantic salmon: Provided further, That the amounts appropriated under this paragraph shall not be subject to section 10(b)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(b)(1)): Provided further, That the National Fish and Wildlife Foundation shall give special consideration to proposals that include matching contributions (whether in currency, services, or property) made by private persons or organizations or by State or local government agencies, if such matching contributions are available: Provided further, That amounts made available under this paragraph shall be provided to the National Fish and Wildlife Foundation not later than 15 days after the date of enactment of this Act: Provided further, That the entire amount made available under this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $54,803,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $46,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,000,000 shall be used for acquisition of land around the Bon Secour National Wildlife Refuge, Alabama, and of which not more than $6,500,000 shall be used for acquisition management.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $26,925,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,000,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $16,500,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $797,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,500,000, to remain available until expended: Provided, That funds made available under this Act and Public Law 105–277 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 79 passenger motor vehicles, of which 72 are for replacement only (including 41 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,443,995,000, of which $200,000 shall be available for the conduct of a wilderness suitability study at Apostle Islands National Lakeshore, Wisconsin, and of which $9,227,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $63,249,000, of which $1,000,000 shall be for the Lewes Maritime Historic Park, of which not less than $730,000 shall be available for use by the Roosevelt Campobello International Park Commission, of which not less than $500,000 shall be used to develop a preservation plan for the Cane River National Heritage Area, Louisiana, of which $1,000,000 shall be available to carry out exhibitions at and acquire interior furnishings for the Rosa Parks Library and Museum, Alabama, of which $2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), of which $2,250,000 shall be used to construct and maintain the Four Corners Interpretive Center authorized by Public Law 106–143, and of which $250,000 shall be available to the National Center for Preservation Technology and Training for the development of a model for heritage education through distance learning.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $44,347,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2002, of which $7,177,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $204,450,000, of which not more than $511,000 shall be used for the preconstruction, engineering, and design of a heritage center for the Grand Portage National Monument in Minnesota, to remain available until expended: Provided, That $1,000,000 for the Great Falls Historic District, $650,000 for Lake Champlain National Historic Landmarks, and $365,000 for the U.S. Grant Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That not less than $2,350,000 shall be used for construction at Ponca State Park, Nebraska, including $1,500,000 to be used for the design and construction of educational and informational displays for the Missouri Recreation Rivers Research and Education Center, Nebraska.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2001 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $87,140,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $40,000,000 is for the State assistance program including $1,000,000 to administer the State assistance program, and of which $12,000,000 may be for State grants for land acquisition in the State of Florida: Provided, That the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire *lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.*

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 340 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 319 for police-type use, 12 buses, and 9 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $846,596,000, of which $62,879,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $1,525,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $32,322,000 shall be available until September 30, 2002 for the operation and maintenance of facilities and deferred maintenance; and of which $147,773,000 shall be available until September 30, 2002 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

For an additional amount for "SURVEYS, INVESTIGATIONS, AND RESEARCH", $1,800,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $134,010,000, of which $86,257,000, shall be available for royalty management activities; and an amount not to exceed $107,410,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $107,410,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $107,410,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2002: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $100,801,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2001 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $201,438,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,600,000 per State in fiscal year 2001: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That *the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: Provided further, That from the funds provided herein, in addition to the amount granted to the State of Kentucky under Sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act, an additional $1,000,000 shall be made available to the State of Kentucky to demonstrate reforestation techniques on abandoned coal mine sites.*

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,704,620,000, to remain available until September 30, 2002 except as otherwise provided herein, of which not to exceed $93,225,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $125,485,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2001, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $5,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $412,556,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2001, and shall remain available until September 30, 2002; and of which not to exceed $54,694,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program; and of which not to exceed $108,000 shall be for payment to the United Sioux Tribes of South Dakota Development Corporation for the purpose of providing employment assistance to Indian clients of the Corporation, including employment counseling, follow-up services, housing services, community services, day care services, and subsistence to help Indian clients become fully employed members of society: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2002, may be transferred during fiscal year 2003 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2003.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $341,004,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2001, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $35,276,000, to remain available until expended; of which $25,225,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $8,000,000 shall be available for Tribal compact administration, economic development and future water supplies facilities under Public Law 106–163; and of which $1,877,000 shall be available pursuant to Public Laws 99–264, 100–383, 100–580 and 103–402.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $488,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"). Not later than June 15, 2001, the

Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

DEPARTMENT OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $68,471,000, of which: (1) $64,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,395,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $64,019,000, of which not to exceed $8,500 may be for official reception and representation expenses and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $27,846,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $82,628,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2001, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For implementation of a program for consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands by direct expenditure or cooperative agreement, $10,000,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management of which not to exceed $500,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and the Act of July 27, 1990, as amended (16 U.S.C. 19jj et seq.), $5,403,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within thirty days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 114. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 115. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 116. A grazing permit or lease that expires (or is transferred) during fiscal year 2001 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 117. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 118. (a) Notwithstanding any other provision of law, with respect to amounts made available for tribal priority allocations in Alaska, such amounts shall only be provided to tribes the membership of which on June 1, 2000 is composed of at least 25 individuals who are Natives (as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act).

(b) Amounts that would have been made available for tribal priority allocations in Alaska but for the limitation contained in subsection (a) shall be provided to the respective Alaska Native regional nonprofit corporation (as listed in section 103(a)(2) of Public Law 104–193, 110 Stat. 2159) for the respective region in which a tribe subject to subsection (a) is located, notwithstanding any resolution authorized under federal law to the contrary.

SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin unless a plan for such a refuge is consistent with a partnership agreement between the Fish and Wildlife Service and the Army Corps of Engineers entered into on April 16, 1999 and is submitted to the House and Senate Committees on Appropriations thirty (30) days prior to the establishment of the refuge.

SEC. 120. (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term "Secretary" means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

SEC. 121. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 122. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act".

SEC. 123. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 124. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2001 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 125. On the date of enactment, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service shall continue consultation with the U.S. Army Corps of Engineers to develop a comprehensive plan to eliminate Caspian Tern nesting at Rice Island in the Columbia River Estuary. The agencies shall develop a report on the significance of tern predation in limiting salmon recovery and their roles and recommendations for the Rice Island colony relocation by March 31, 2001. This report shall address all available options for successfully completing the Rice Island colony relocation.

SEC. 126. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 127. Section 112 of Public Law 103–138 (107 Stat. 1399) is amended by striking "permit LP–GLBA005–93" and inserting "permit LP–GLBA005–93 and in connection with a corporate reorganization plan, the entity that, after the corporate reorganization, holds entry permit CP–GLBA004–00 each".

SEC. 128. Notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alaska, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(f)(1)).

SEC. 129. (a) The first section of Public Law 92–501 (86 Stat. 904) is amended by inserting after the first sentence "The park shall also include the land as generally depicted on the map entitled 'subdivision of a portion of U.S. Survey 407, Tract B, dated May 12, 2000' ".

(b) Section 3 of Public Law 92–501 is amended to read as follows: "There are authorized to be appropriated such sums as are necessary to carry out the terms of this Act.".

SEC. 130. (a) All proceeds of Oil and Gas Lease sale 991, held by the Bureau of Land Management on May 5, 1999, or subsequent lease sales in the National Petroleum Reserve—Alaska within the area subject to withdrawal for Kuukpik Corporation's selection under section 22(j)(2) of the Alaska Native Claims Settlement Act, Public Law 92–203 (85 Stat. 688), shall be held in an escrow account administered under the terms of section 1411 of the Alaska National Interest Lands Conservation Act, Public Law 96–487 (94 Stat. 2371), without regard to whether a withdrawal for selection has been made, and paid to Arctic Slope Regional Corporation and the State of Alaska in the amount of their entitlement under law when determined, together with interest at the rate provided in the aforementioned section 1411, from the date of receipt of the proceeds by the United States to the date of payment. There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(b) This section shall be effective as of May 5, 1999.

SEC. 131. Notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.

SEC. 132. CLARIFICATION OF TERMS OF CONVEYANCE TO NYE COUNTY, NEVADA. Section 132 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–165), is amended by striking paragraph (1) and inserting the following:

"(1) CONVEYANCE.—

"(A) IN GENERAL.—The Secretary shall convey to the county, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

"(B) PRICE.—The conveyance under paragraph (1) shall be made at a price determined to be appropriate for the conveyance of land for educational facilities under the Act of June 14, 1926 (commonly known as the 'Recreation and Public Purposes Act') (43 U.S.C. 869 et seq.).".

SEC. 133. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE. (a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the "Secretary"), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as "Dubuque"), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILD LIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) EXCHANGE.—Not later than 120 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting at the Mississippi River island, Tract JO–4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

SEC. 134. (a) FINDINGS.—The Senate makes the following findings—

(1) in 1990, pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the ISDEAA (Ramah Navajo Chapter v. Lujan, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling $76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of $82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund; and

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in Ramah resulted primarily from the nonpayment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) repayment of the Judgment Fund for the partial settlement in Ramah from the accounts of the Bureau of Indian Affairs and Indian Health Service would significantly reduce funds appropriated to benefit tribes and individual Native Americans; and

(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in Ramah within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $221,966,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $226,266,000, to remain available until expended, as authorized by law, of which not less than $750,000 shall be available to complete an updated study of the New York-New Jersey highlands under section 1244(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3547).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,231,824,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)), of which not less than an additional $500,000 shall be available for use for law enforcement purposes in the national forest that, during fiscal year 2000, had both the greatest number of methamphetamine dumps and the greatest number of methamphetamine laboratory law enforcement actions in the National Forest System, and of which not less than an additional $500,000 shall be available for law enforcement purposes on the Pisgah and Nantahala National Forests: Provided, That unobligated balances available at the start of fiscal year 2001 shall be displayed by extended budget line item in the fiscal year 2002 budget justification: Provided further, That of the amount available for vegetation and watershed management, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of funds available for Wildlife and Fish Habitat Management, $400,000 shall be provided to the State of Alaska for cooperative monitoring activities, and of the funds provided for Forest Products, $700,000 shall be provided to the State of Alaska for monitoring activities at Forest Service log transfer facilities, both in the form of an advance, direct lump sum payment.

For an additional amount for emergency expenses resulting from damage from windstorms, $7,249,000 to become available upon enactment of this Act, and to remain available until expended: Provided, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): Provided further, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

For an additional amount to cover necessary expenses for implementation of the Valles Caldera Preservation Act, $990,000, to remain available until expended, which shall be available to the Secretary for the management of the Valles Caldera National Preserve: Provided, That any remaining balances be provided to the Valles Caldera Trust upon its assumption of the management of the Preserve: Provided further, That the amount available in this Act to the Office of the Solicitor within the Department of the Interior shall not exceed $39,206,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $617,629,000, of which at least $6,947,000 shall be used for hazardous fuels reduction activities and expenses resulting from windstorm damage in the Superior National Forest in Minnesota, $3,000,000 of which shall not be available until September 30, 2001, to remain available until expended, and of which not less than $2,400,000 shall be made available for fuels reduction activities at Sequoia National Monument: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for post advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, up to $5,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $150,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $448,312,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $5,000,000 of the funds provided herein for roads shall be for the purposes of section 502(e) of Public Law 105–83: Provided further, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That any unobligated balances of amounts previously appropriated to the Forest Service "Reconstruction and Construction" account as well as any unobligated balances remaining in the "National Forest System" account for the facility maintenance and trail maintenance extended budget line items may be transferred to and merged with the "Capital Improvement and Maintenance" account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $76,320,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,000,000 shall be for the acquisition of lands on the Pisgah National Forest and not to exceed $1,000,000 shall be for Forest Inholdings: Provided, That notwithstanding any other provision of law, of the funds provided not less than $5,000,000 but not to exceed $10,000,000 shall be made available to Kake Tribal Corporation to implement the Kake Tribal Corporation Land Transfer Act upon its enactment into law: Provided further, That of the amounts appropriated and available, the Secretary of Agriculture shall transfer as a direct payment to the city of Craig at least $5,000,000 but not to exceed $10,000,000 in lieu of any claims or municipal entitlement to land within the outside boundaries of the Tongass National Forest pursuant to section 6(a) of Public Law 85–508, the Alaska Statehood Act, as amended: Provided further, That should the directive in the preceding proviso conflict with any provision of existing law the preceding proviso shall prevail and take precedence.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,068,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

SUBSISTENCE MANAGEMENT, FOREST SERVICE

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,500,000, to remain available until expended: Provided, That $750,000 shall be transferred to the State of Alaska Department of Fish and Game as a direct payment for administrative and policy coordination and an additional $250,000 shall be transferred to United Fishermen of Alaska as a direct payment.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which 13 will be used primarily for law enforcement purposes and of which 129 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed six for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 192 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as "indirect expenditures"), from funds available to the Forest Service, unless otherwise prohibited by law: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by *the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided, That during fiscal year 2001 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.*

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $750,000.

The Secretary of Agriculture shall pay $4,449 from available funds to Joyce Liverca as reimbursement for various expenses incurred as a Federal employee in connection with certain high priority duties performed for the Forest Service.

The Forest Service shall submit a report to the House and Senate Committees on Appropriations by March 1, 2001 indicating the anticipated timber offer level in fiscal year 2001 with the funds provided in this Act: Provided, That if the anticipated offer level is less than 3.6 billion board feet, the agency shall submit a reprogramming request to attain this offer level by the close of fiscal year 2001.

Of the funds available to the Forest Service, $150,000 shall be made available in the form of an advanced, direct lump sum payment to the Society of American Foresters to support conservation education purposes in collaboration with the Forest Service.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $67,000,000 shall not be available until October 1, 2001: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon $413,338,000, to remain available until expended, of which $12,000,000 for oil technology research shall be derived by transfer from funds appropriated in prior years under the heading "Strategic Petroleum Reserve, SPR Petroleum Account": Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this heading, $1,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the amounts previously appropriated under this heading, $7,000,000 are rescinded: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2001 and any fiscal year thereafter: Provided further, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2001 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities, $763,937,000, to remain available until expended, of which $2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account and $2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses: Provided, That $174,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $140,000,000 for weatherization assistance grants and $34,000,000 for State energy conservation grants: Provided further, That notwithstanding any other provision of law, the Secretary of Energy may waive the matching requirement for weatherization assistance provided for by Public Law 106–113 in whole or in part for a State which he finds to be experiencing fiscal hardship or major changes in energy markets or suppliers or other temporary limitations on its ability to provide matching funds, provided that the State is demonstrably engaged in continuing activities to secure nonfederal resources and that such waiver is limited to one fiscal year and that no state may be granted such waiver more than twice: Provided further, That Indian tribal grantees of weatherization assistance shall not be required to provide matching funds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $165,000,000, to remain available until expended, of which $3,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading "Strategic Petroleum Reserves Petroleum Account", and of which $1,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading "NAVAL PETROLEUM AND OIL SHALE RESERVES", and of which $4,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $74,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,184,421,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $426,756,000 for contract medical care shall remain available for obligation until September 30, 2002: Provided further, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2002: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $243,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2001, of which not to exceed $10,000,000 may be used for such costs associated with new and expanded contracts, grants, self-governance compacts or annual funding agreements: Provided further, That amounts appropriated to the Indian Health Service shall not be used to pay for contract health services in excess of the established Medicare and Medicaid rate for similar services: Provided further, That Indian tribes and tribal organizations that operate health care programs under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act of 1975, Public Law 93–638, as amended, may access prime vendor rates for the cost of pharmaceutical products on the same basis and for the same purposes as the Indian Health Service may access such products: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $349,350,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That notwithstanding any provision of law governing Federal construction, $240,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2001, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2001, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, *the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.*

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $387,755,000, of which not to exceed $47,088,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $57,600,000, to remain available until expended, of which $7,600,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $4,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $64,781,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $10,871,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,310,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $105,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $104,604,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,656,000, to remain available until expended, of which

$11,656,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,907,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,078,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,189,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,500,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $34,439,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,400,000 shall be available to the Presidio Trust, to remain available until expended. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $10,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2000.

SEC. 308. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 309. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 310. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 311. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2001, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 312. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, and 106–113 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 313. Notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 314. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 315. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 316. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 317. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 318. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 319. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 320. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2001; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 322. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 323. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 324. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 325. Amounts deposited during fiscal year 2000 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2001, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 326. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to and used to fund personnel, training, or other administrative activities of the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 327. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 328. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 329. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the

Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 330. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2001 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 331. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 332. Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii)) is amended by striking "$750,000" and inserting "$10,000,000".

SEC. 333. From the funds appropriated in Title V of Public Law 105–83 for the purposes of section 502(e) of that Act, the following amounts are hereby rescinded: $1,000,000 for snow removal and pavement preservation and $4,000,000 for pavement rehabilitation.

SEC. 334. In section 315(f) of Title III of Section 101(c) of Public Law 104–134 (16 U.S.C. 460l–6a note), as amended, strike "September 30, 2001" and insert "September 30, 2002", and strike "September 30, 2004" and insert "September 30, 2005".

SEC. 335. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): Provided, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 336. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with Section 347 of Title III of Section 101(e) of Division A of Public Law 105–825 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 337. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 338. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

"(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

"(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.".

SEC. 339. None of the funds made available in this or any other Act may be used by the Bureau of Land Management or the U.S. Forest Service to assess, appraise, determine, proceed to determine, or collect rents for right-of-way uses for federal lands except as such rents have been or may be determined in accordance with the linear fee schedule published on July 8, 1997 ([43 CFR 2803.1–2(c)(1)(i)]).

SEC. 340. Notwithstanding any other provision of law, for fiscal year 2001, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Sequoia National Monument.

SEC. 341. The Chief of the Forest Service, in consultation with the Administrator of the Small Business Administration, shall prepare a regulatory flexibility analysis, in accordance with chapter 6 of part I of title 5, United States Code, of the impact of the White River National Forest Plan on communities that are within the boundaries of the White River National Forest.

SEC. 342. None of the funds appropriated or otherwise made available by this Act may be used to finalize or implement the published roadless area conservation rule of the Forest Service published on May 10, 2000 (36 Fed. Reg. 30276, 30288), or any similar rule, in any inventoried roadless area in the White Mountain National Forest.

SEC. 343. From funds previously appropriated in Public Law 105–277, under the heading "Department of Energy, Fossil Energy Research and Development", the Secretary of Energy shall make available within 30 days after enactment of this Act $750,000 for the purpose of executing proposal #FT40770.

SEC. 344. (a) In addition to any amounts otherwise made available under this Act to carry out the Tribally Controlled College or University Assistance Act of 1978, $1,891,000 is appropriated to carry out such Act for fiscal year 2001.

(b) Notwithstanding any other provision of this Act, the amount of funds provided to a Federal agency that receives appropriations under this Act in an amount greater than $20,000,000 shall be reduced, on a pro rata basis, by an amount equal to the percentage necessary to achieve an aggregate reduction of $1,891,000 in funds provided to all such agencies under this Act. Each head of a Federal agency that is subject to a reduction under this subsection shall ensure that the reduction in funding to the agency resulting from this subsection is offset by a reduction in travel expenditures of the agency.

(c) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (b) of this section.

SEC. 345. From funds previously appropriated under the heading "DEPARTMENT OF ENERGY, FOSSIL ENERGY RESEARCH AND DEVELOPMENT", $4,000,000 is immediately available from unobligated balances for computational services at the National Energy Technology Laboratory.

SEC. 346. None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations.

SEC. 347. Of the funds appropriated in title I of this Act, the Secretary shall provide $300,000 in the form of a grant to the Alaska Pacific University's Institute of the North for the development of a curriculum on the Alaska National Interest Lands Conservation Act (ANILCA). At a minimum this ANILCA curriculum should contain components which explain the law, its legislative history, the subsequent amendments, and the principal case studies on issues that have risen during 20 years of implementation of the Act; examine challenges faced by conservation system managers in implementing the Act; and link ANILCA to other significant land and resource laws governing Alaska's lands and resources. In addition, within the funds provided, Alaska Pacific University's Institute of the North shall gather the oral histories of key Members of Congress in 1980 and before to demonstrate the intent of Congress in fashioning ANILCA, as well as members of President Carter's and Alaska Governor Hammond's Administrations, congressional staff and stakeholders who were involved in the creation of the Act.

SEC. 348. BACKCOUNTRY LANDING STRIP ACCESS. (a) IN GENERAL.—None of the funds made available by this Act shall be used to take any action to close permanently an aircraft landing strip described in subsection (b).

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land administered by the Secretary of the Interior or the Secretary of Agriculture that is commonly known and has been or is consistently used for aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

SEC. 349. PROHIBITION ON USE OF FUNDS FOR APPLICATION OF UNAPPROVED PESTICIDES IN

CERTAIN AREAS THAT MAY BE USED BY CHILDREN. (a) DEFINITION OF PESTICIDE.—In this section, the term "pesticide" has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated under this Act may be used for the application of a pesticide that is not approved for use by the Environmental Protection Agency in any area owned or managed by the Department of the Interior that may be used by children, including any national park.

(c) COORDINATION.—The Secretary of the Interior shall coordinate with the Administrator of the Environmental Protection Agency to ensure that the methods of pest control used by the Department of the Interior do not lead to unacceptable exposure of children to pesticides.

TITLE IV—HAZARDOUS FUELS REDUCTION

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management" to remove hazardous material to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of the Interior, $120,300,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management" to remove hazardous material to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of Agriculture, $120,000,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress: Provided further, That:

(1) In expending the funds provided in any Act with respect to any fiscal year for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may hereafter conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries. Notwithstanding Federal Government procurement and contracting laws, the Secretaries may hereafter conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may hereafter, at their sole discretion, limit competition for any contracts, with respect to any fiscal year, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships with State, local, and nonprofit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts.

(2) Prior to September 30, 2000, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands that are at risk from wildfire. This list shall include—

(A) an identification of communities around which hazardous fuel reduction treatments are ongoing; and

(B) an identification of communities around which the Secretaries are preparing to begin treatments in calendar year 2000.

(3) Prior to May 1, 2001, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands and at risk from wildfire that are included in the list published pursuant to paragraph (2) but that are not included in paragraphs (2)(A) and (2)(B), along with an identification of reasons, not limited to lack of available funds, why there are no treatments ongoing or being prepared for these communities.

(4) Within 30 days after enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems, and an explanation of any differences between the Cohesive Strategy and other related ongoing policymaking activities including: Proposed regulations revising the National Forest System transportation policy; proposed roadless area protection regulations; the Interior Columbia Basin Draft Supplemental Environmental Impact Statement; and the Sierra Nevada Framework/Sierra Nevada Forest Plan Draft Environmental Impact Statement. The Secretary shall also provide 30 days for public comment on the Cohesive Strategy and the accompanying explanation.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2001".

Mr. BURNS. Mr. President, seeing no one else seeking recognition, I assume we are ready to wrap up.

PUNISHING THE ATTACKERS OF THE AMIA JEWISH COMMUNITY CENTER IN ARGENTINA

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 644, S. Res. 329.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 329) urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. L. CHAFEE. Mr. President, today the Senate is considering and will likely pass Senate Resolution 329, which urges the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina. On June 28th, Senator HELMS joined me in introducing this resolution, which was reported out of the Foreign Relations Committee that same day.

Six years ago, a car bomb ripped through the AMIA Jewish Community Center in Buenos Aires, Argentina, killing 86 people and wounding 300 more. Two years before that, a similar attack had devastated the Israeli Embassy in Buenos Aires, killing 29 people and wounding over 200. These heinous terrorist attacks have reverberated loudly in Argentina, home to the largest Jewish community in Latin America. These cowardly acts also reminded us, as Americans, that terrorism can strike anywhere at any moment.

I applaud President Fernando de la Rua's stated resolve to bring to justice those responsible for these atrocious crimes. However, the Government of Argentina has not, to this date, succeeded in completing its prosecution of this important case. In addition, investigative findings in Buenos Aires have implicated local authorities—including security officials—as party responsible for the attacks.

Senate Resolution 329 is a reiteration of the U.S. condemnation of this terrorist act, as well as a call for justice in Argentina. This resolution not only urges Argentina to punish those responsible for the AMIA bombing, but it also calls on the U.S. Government and the Organization of American States to lend support to this prosecution.

Our commitment to assist our neighbors to the south must embody the very principles that have guided our Nation in implementing democratic governance and the rule of law. In that regard, the United States must continue to speak out about the blatant massacre of innocent people, and the subsequent difficulty in bringing to justice those responsible for this crime.

I appreciate the cooperation of all of my colleagues in having this important resolution considered and passed by the Senate.

Mr. BURNS. Mr. President, I ask unanimous consent that an amendment at the desk to the resolution be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3939) was agreed to, as follows:

(Purpose: To make a technical amendment)

On page 3, line 7 and 8, strike "its promise to the Argentine people" and insert "other commitments".

Mr. BURNS. Mr. President, I ask unanimous consent that an amendment to the preamble which is at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3940) was agreed to, as follows:

(Purpose: Technical amendments to the preamble)

In the fourth whereas clause, insert "at that time" after "forces".

In the seventh whereas clause, insert "has issued an arrest warrant against a leader of the Islamic Jihad but" after "Argentina".

After the eighth whereas clause, insert the following:

"Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in this and other terrorist cases;".

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 329), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

NADIA DABBAGH TO RETURN HOME

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 645, S. Res. 239.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 239) expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 239

Whereas Mr. Mohamad Hisham Dabbagh and Mrs. Maureen Dabbagh had a daughter, Nadia Dabbagh, in 1990;

Whereas Maureen Dabbagh and Mohamad Hisham Dabbagh were divorced in February 1992;

Whereas in 1993, Nadia was abducted by her father;

Whereas Mohamad Hisham fled the United States with Nadia;

Whereas the Governments of Syria and the United States have granted child custody to Maureen Dabbagh and both have issued arrest warrants for Mohamad Dabbagh;

Whereas Mohamad Dabbagh originally escaped to Saudi Arabia;

Whereas the Department of State believed that Nadia was residing in Syria until late 1998;

Whereas the Senate passed S. Res. 293 for Nadia Dabbagh on October 21, 1998, asking Syria to aid in the return of Nadia to her mother in the United States;

Whereas in 1999, Syria invited Maureen Dabbagh to Syria to meet with her daughter;

Whereas the Department of State believes that in 1999 Nadia was moved to Saudi Arabia and is residing with Mohamad Dabbagh;

Whereas although Nadia is in Saudi Arabia, neither she nor Mohamad Dabbagh are Saudi Arabian citizens;

Whereas Maureen Dabbagh, with the assistance of missing children organizations, has been unable to reunite with her daughter;

Whereas the Department of State, the Federal Bureau of Investigation, and Interpol have been unsuccessful in their attempts to bring Nadia back to the United States;

Whereas Maureen Dabbagh has not seen her daughter in more than six years; and

Whereas it will take the continued effort and pressure on the part of the Saudi Arabian officials to bring this case to a successful conclusion: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Governments of the United States and Saudi Arabia immediately locate Nadia and deliver her safely to her mother.

CONDITIONS IN LAOS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 646, S. Res. 309.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 309) expressing the sense of the Senate regarding conditions in Laos.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 309) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 309

Whereas Laos was devastated by civil war from 1955 to 1974;

Whereas the people of Laos have lived under the authoritarian, one-party government of the Lao People's Revolutionary Party since the overthrow of the existing Royal Lao government in 1975;

Whereas the communist government of the Lao People's Democratic Republic sharply curtails basic human rights, including freedom of speech, assembly, association, and religion;

Whereas political dissent is not allowed in Laos and those who express their political will are severely punished;

Whereas the Lao constitution protects freedom of religion but the Government of Laos in practice restricts this right;

Whereas Laos is not a signatory of the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights;

Whereas Laos is a party to international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

Whereas the 1999 State Department Report on Human Rights Practices in Laos finds that "societal discrimination against women and minorities persist";

Whereas the State Department's report also finds that the Lao government "discriminates in its treatment of prisoners" and uses "degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners";

Whereas two American citizens, Houa Ly and Michael Vang, were last seen on the border between Laos and Thailand in April 1999 and may be in Laos; and

Whereas many Americans of Hmong and Lao descent are deeply troubled by the conditions in Laos: Now, therefore, be it

Resolved, That the Senate calls on the Government of the Lao People's Democratic Republic to—

(1) respect the basic human rights of all of its citizens, including freedom of speech, assembly, association, and religion;

(2) ratify the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(3) fulfill its obligations under the international human rights treaties to which it is a party, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

(4) take demonstrable steps to ensure that Hmong and other ethnic minorities who have been returned to Laos from Thailand and elsewhere in Southeast Asia are—

(A) accepted into Lao society on an equal par with other Lao citizens;

(B) allowed to practice freely their ethnic and religious traditions and to preserve their language and culture without threat of fear or intimidation; and

(C) afforded the same educational, economic, and professional opportunities as other residents of Laos;

(5) allow international humanitarian organizations, including the International Red Cross, to gain unrestricted access to areas in which Hmong and other ethnic minorities have been resettled;

(6) allow independent monitoring of prison conditions;

(7) release from prison those who have been arbitrarily arrested on the basis of their political or religious beliefs; and

(8) cooperate fully with the United States Government in the ongoing investigation into the whereabouts of Houa Ly and Michael Vang, two United States citizens who were last seen near the border between Laos and Thailand in April 1999.

EMANCIPATION OF IRANIAN BAHA'I COMMUNITY

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 647, S. Con. Res. 57.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) concerning the emancipation of the Iranian Baha'i community.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Foreign Relations, with an amendment to the preamble to omit the part in black brackets and insert the part printed in italic, as follows:

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 4 Baha'is remain on death row in Iran, 2 on charges on apostasy, and [12] *11* others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment to the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 57) was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 57

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 4 Baha'is remain on death row in Iran, 2 on charges on apostasy, and 11 others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion;

(4) urges the Government of Iran to permit Baha'i students to attend Iranian universities and Baha'i faculty to teach at Iranian universities, to return the property confiscated from the Baha'i Open University, to free the imprisoned faculty members of the Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Baha'i community made by the United Nations Special Rapporteur on Religious Intolerance, Professor Abdelfattah Amor, in his report of March 1996 to the United Nations Commission of Human Rights;

(6) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(7) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(C) to emphasize the need for the United Nations Special Representative for Human Rights to be granted permission to enter Iran;

(D) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(E) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

ANNIVERSARY OF U.S. NONRECOGNITION POLICY OF SOVIET TAKEOVER IN BALTIC REGION

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 648, S. Con. Res. 122.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 122) recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 122) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 122

Whereas in June 1940, the Soviet Union occupied the Baltic countries of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Union of Soviet Socialist Republics;

Whereas throughout the occupation, the United States maintained that the acquisition of Baltic territory by force was not permissible under international law and refused to recognize Soviet sovereignty over these lands;

Whereas on July 15, 1940, President Franklin D. Roosevelt issued Executive Order No. 8484, which froze Baltic assets in the United States to prevent them from falling into Soviet hands;

Whereas on July 23, 1940, Acting Secretary of State Sumner Welles issued the first public statement of United States policy of nonrecognition of the Soviet takeover of the Baltic countries, condemning that act in the strongest terms;

Whereas the United States took steps to allow the diplomatic representatives of Estonia, Latvia, and Lithuania in Washington to continue to represent their nations throughout the Soviet occupation;

Whereas Congress on a bipartisan basis strongly and consistently supported the policy of nonrecognition of the Soviet takeover of the Baltic countries during the 50 years of occupation;

Whereas in 1959, Congress designated the third week in July as "Captive Nations Week", and authorized the President to issue a proclamation declaring June 14 as "Baltic Freedom Day";

Whereas in December 1975, the House of Representatives and the Senate adopted resolutions declaring that the Final Act of the Commission for Security and Cooperation in Europe, which accepted the inviolability or borders in Europe, did not alter the United States nonrecognition policy;

Whereas during the struggle of the Baltic countries for the restoration of their independence in 1990 and 1991, Congress passed a number of resolutions that underscored its continued support for the nonrecognition policy and for Baltic self-determination;

Whereas since then the Baltic states have successfully built democracy, ensured the rule of law, developed free market economies, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization;

Whereas the Russian Federation has extended formal recognition to Estonia, Latvia, and Lithuania as independent and sovereign states; and

Whereas the United States, the European Union, and the countries of Northern Europe have supported regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of the Baltic states and the contribution that policy made in supporting the aspirations of the people of Estonia, Latvia, and Lithuania to reassert their freedom and independence;

(2) commends Estonia, Latvia, and Lithuania for the reestablishment of their independence and the role they played in the disintegration of the former Soviet Union in 1990 and 1991;

(3) commends Estonia, Latvia, and Lithuania for their success in implementing political and economic reforms, which may further speed the process of their entry into European and Western institutions; and

(4) supports regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation and calls for further cooperation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development, and similar efforts that promote a peaceful, democratic, prosperous, and secure future for Europe, Russia and the Nordic-Baltic region.

CROSS-BORDER COOPERATION AND ENVIRONMENTAL SAFETY IN NORTHERN EUROPE ACT OF 2000

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 649, H.R. 4249.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4249) to foster cross-border cooperation and environmental cleanup in Northern Europe.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4249) was read the third time and passed.

RECOGNITION OF ANNIVERSARY OF FREE AND FAIR ELECTIONS IN BURMA

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to immediate consideration of Calendar No. 656, S. Con. Res. 113.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 113) expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Foreign Relations, with an amendment to insert the part printed in italic.

S. CON. RES. 113

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas, despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the

NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are "involved in the drug business or are paid to allow the drug business to be conducted by others", conditions which pose a direct threat to United States national security interests; and

Whereas, despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethnic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma, *and seek multilateral support for those sanctions,* as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment to the resolution be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. BURNS. I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 113), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble, reads as follows:

S. CON. RES. 113

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas, despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are "involved in the drug business or are paid to allow the drug business to be conducted by others", conditions which pose a direct threat to United States national security interests; and

Whereas, despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethnic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma, and seek multilateral support for those sanctions, as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

SUPPORT FREE AND FAIR ELECTIONS IN HAITI

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 657, S. Con. Res. 126.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 126) expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 126) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 126

Whereas the legacy of fiat and abuse of the Duvalier dictatorship led the framers of the 1987 Haitian constitution to provide for clear separation of powers;

Whereas the 1987 Haitian constitution permanently vests all legislative authority in an independent National Assembly;

Whereas national and local elections were held in Haiti on May 21, 2000, which were intended to restore the independent legislature which was dismissed by Haiti's President, Rene Preval Garcia, in January 1999;

Whereas the Haitian people are to be congratulated for patiently and peacefully voting in large numbers on May 21, 2000, despite an unfavorable electoral environment;

Whereas the legitimacy of the May 21, 2000, elections has been compromised by organizational flaws, political murders, the involvement of the Haitian National Police in the arrest and intimidation of opposition figures, manipulation of the independent Provisional Electoral Council by the Government of Haiti and the ruling Fanmi Lavalas party, and the publication of fraudulent results;

Whereas the Provisional Electoral Council has been compromised by Fanmi Lavalas partisans operating within the Council and inappropriate pressure and threats made against members of the Council from the highest levels of the Haitian government to induce the Council to issue fraudulent results;

Whereas Leon Manus, President of the Provisional Electoral Council, was forced to flee Haiti in fear for his life and in a statement released June 21, 2000 noted that the opposition had made "legitimate" challenges to the credibility of the electoral process and that the Council "was often plagued with traps and attacks" and fought "slanders and threats" that came "most often from state actors" and received "from the highest level of the government, unequivocal messages on the consequences that would follow if [he] refused to publish supposed final results";

Whereas the Provisional Electoral Council is no longer viewed as credible or independent by a broad spectrum of political parties and civil society groups in Haiti;

Whereas Haitian organizations, including the Chamber of Commerce, political parties, the Association of Haitian Industrialists, the Roman Catholic Bishops Conference, and the Protestant Federation have strongly protested the publication of election results that do not correspond to the provisions of Haiti's electoral law and generally accepted norms and which have also been contested by the president of the Provisional Electoral Council;

Whereas the international community, including the United States, Canada, France, the United Nations, and the Organization of American States, has condemned attempts to manipulate the May 21, 2000, electoral process in Haiti; and

Whereas the absence of free and fair elections and the resultant failure to constitute a duly elected legislative body in Haiti constitutes a major setback for the Haitian people's aspirations for peace and democracy, could result in instability in Haiti, and directly jeopardizes United States anti-narcotics objectives in Haiti and the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the electoral fraud being perpetrated against the Haitian people and the continuing interruption of democratic institutions in Haiti;

(2) calls on the Government of Haiti forthwith to end its manipulation of the electoral process and take immediate steps to reverse the fraudulent results announced by the remaining members of the Provisional Electoral Council;

(3) calls on the Government of Haiti to immediately engage in a thorough and verifiable process involving the National Observation Council (CNO), all concerned Haitian political parties, as well as private sector and other civil society organizations, to review all reported irregularities and allegations of fraud and authenticate the true results of the election so that a legitimate, democratically-elected National Assembly and local councils can be seated;

(4) urges the Organization of American States (OAS) to consider joint actions by its members states to bring about a return to democracy in Haiti; and

(5) calls on the President of the United States to—

(A) terminate United States assistance to the discredited Provisional Electoral Council;

(B) review and modify as appropriate United States political, economic, and law enforcement relations with Haiti, if Haitian authorities persist in their current path; and

(C) work with other democracies in the Western Hemisphere and elsewhere toward a restoration of democracy in Haiti.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

IRAQ'S FAILURE TO RELEASE POWS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 658, S. Con. Res. 124.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 124) expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of the international agreements.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENTS NOS. 3941, 3942, AND 3943, EN BLOC

Mr. BURNS. Mr. President, I send a group of amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. SMITH, proposes amendments numbered 3941, 3942 and 3943, en bloc.

The amendments are as follows:

AMENDMENT NO. 3941

On page 3, between lines 3 and 4, insert the following:

(A) demands that the Government of Iraq immediately provide the fullest possible accounting for United States Navy Commander Michael Scott Speicher in compliance with United Nations Security Council Resolution 686 and other applicable international law;

On page 3, line 4, strike "(A)" and insert "(B)".

On page 3, line 8, strike "(B)" and insert "(C)".

On page 4, line 3, strike "(C)" and insert "(D)".

On page 4, line 8, strike "(D)" and insert "(E)".

On page 4, between lines 14 and 15, insert the following:

(A) actively seek the fullest possible accounting for United States Navy Commander Michael Scott Speicher;

On page 4, line 15, strike "(A)" and insert "(B)".

On page 4, line 22, strike "(B)" and insert "(C)".

AMENDMENT NO. 3942

Insert immediately after the title the following:

"Whereas the Government of Iraq has not provided the fullest possible accounting for United States Navy Commander Michael Scott Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm;"

AMENDMENT NO. 3943

Amend the title to read as follows: "Expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.".

Mr. BURNS. Mr. President, I ask unanimous consent that the amendments be agreed to, that the resolution be agreed to, as amended, the preamble be agreed to, as amended, the title, as amended, be agreed to, the motion to reconsider be laid upon the table, and the statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3941, 3942 and 3943) were agreed to.

The concurrent resolution (S. Con. Res. 124), as amended, was agreed to.

The preamble, as amended, was agreed to.

The title was amended.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 124

Whereas the Government of Iraq has not provided the fullest possible accounting for

United States Navy Commander Michael Scott Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm;

Whereas in 1990 and 1991, thousands of Kuwaitis were randomly arrested on the streets of Kuwait during the Iraqi occupation;

Whereas in February 1993, the Government of Kuwait compiled evidence documenting the existence of 605 prisoners of war and submitted its files to the International Committee of the Red Cross (ICRC), which passed those files on to Iraq, the United Nations, and the Arab League;

Whereas numerous testimonials exist from family members who witnessed the arrest and forcible removal of their relatives by Iraqi armed forces during the occupation;

Whereas eyewitness reports from released prisoners of war indicate that many of those who are still missing were seen and contacted in Iraqi prisons;

Whereas official Iraqi documents left behind in Kuwait chronicle in detail the arrest, imprisonment, and transfer of significant numbers of Kuwaitis, including those who are still missing;

Whereas in 1991, the United Nations Security Council overwhelmingly passed Security Council Resolutions 686 and 687 that were part of the broad cease-fire agreement accepted by the Iraqi regime;

Whereas United Nations Security Council Resolution 686 calls upon Iraq to arrange for immediate access to and release of all prisoners of war under the auspices of the ICRC and to return the remains of the deceased personnel of the forces of Kuwait and the Member States cooperating with Kuwait;

Whereas United Nations Security Resolution 687 calls upon Iraq to cooperate with the ICRC in the repatriation of all Kuwaiti and third-country nationals, to provide the ICRC with access to the prisoners wherever they are located or detained, and to facilitate the ICRC search for those unaccounted for;

Whereas the Government of Kuwait, in accordance with United Nations Security Council Resolution 686, immediately released all Iraqi prisoners of war as required by the terms of the Geneva Convention;

Whereas immediately following the cease-fire in March 1991, Iraq repatriated 5,722 Kuwaiti prisoners of war under the aegis of the ICRC and freed 500 Kuwaitis held by rebels in southern Iraq;

Whereas Iraq has hindered and blocked efforts of the Tripartite Commission, the eight-country commission chaired by the ICRC and responsible for locating and securing the release of the remaining prisoners of war;

Whereas Iraq has denied the ICRC access to Iraqi prisons in violation of Article 126 of the Third Geneva Convention, to which Iraq is a signatory; and

Whereas Iraq—under the direction and control of Saddam Hussein—has failed to locate and secure the return of all prisoners of war being held in Iraq, including prisoners from Kuwait and nine other nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress—

(A) demands that the Government of Iraq immediately provide the fullest possible accounting for United States Navy Commander Michael Scott Speicher in compliance with United Nations Security Council Resolution 686 and other applicable international law;

(B) acknowledges that there remain 605 prisoners of war unaccounted for in Iraq, although Kuwait was liberated from Iraq's brutal invasion and occupation on February 26, 1991;

(C) condemns and denounces the Iraqi Government's refusal to comply with international human rights instruments to which it is a party;

(D) urges Iraq immediately to disclose the names and whereabouts of those who are still alive among the Kuwaiti prisoners of war and other nations to bring relief to their families; and

(E) insists that Iraq immediately allow humanitarian organizations such as the International Committee of the Red Cross to visit the living prisoners and to recover the remains of those who have died while in captivity; and

(2) it is the sense of the Congress that the United States Government should—

(A) actively seek the fullest possible accounting for United States Navy Commander Michael Scott Speicher;

(B) actively and urgently work with the international community and the Government of Kuwait, in accordance with United Nations Security Council Resolutions 686 and 687, to secure the release of Kuwaiti prisoners of war and other prisoners of war who are still missing nine years after the end of the Gulf War; and

(C) exert pressure, as a permanent member of the United Nations Security Council, on Iraq to bring this issue to a close, to release all remaining prisoners of the Iraqi occupation of Kuwait, and to rejoin the community of nations with a humane gesture of good will and decency.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 541, H.R. 2392.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Innovation Research Program Reauthorization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Extension of SBIR program.
Sec. 4. Third phase assistance.
Sec. 5. Rights to data.
Sec. 6. Report on programs for annual performance plan.
Sec. 7. Collection, reporting, and maintenance of information.
Sec. 8. Federal agency expenditures for the SBIR program.
Sec. 9. Federal and State technology partnership program.
Sec. 10. Mentoring Networks.

SEC. 2. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (referred to in this section as "SBIR" or the "SBIR program"), is highly successful in involving small business concerns in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small business concerns of this Nation available to Federal departments and agencies;

(3) the innovative goods and services developed by small business concerns that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, electronics, information technology, materials, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, the attraction of private investment, and the continued excellence of the high-technology industries of this Nation; and

(5) the continuation of the SBIR program will—

(A) provide expanded opportunities for one of the vital resources of the Nation, its small business concerns;

(B) foster invention, research, and technology;

(C) create jobs; and

(D) increase economic growth and the competitiveness of this Nation in international markets.

SEC. 3. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2010.".

SEC. 4. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

SEC. 5. RIGHTS TO DATA.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued under this subsection to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards, including—

"(A) the first phase (as described in subsection (e)(4)(A));

"(B) the second phase (as described in subsection (e)(4)(B)); and

"(C) the third phase (as described in subsection (e)(4)(C)).".

SEC. 6. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(o)(8) of the Small Business Act (15 U.S.C. 638(o)(8)) is amended—

(1) by striking "its STTR program" and inserting "the SBIR and STTR programs of the agency"; and

(2) by inserting before the semicolon ", and to the Administrator".

SEC. 7. COLLECTION, REPORTING, AND MAINTENANCE OF INFORMATION.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) collect, and maintain in a common format, such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).".

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by inserting before the period at the end the following: ", including the information collected under subsections (g)(9) and (o)(9) and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)".

(c) PUBLIC DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

"(k) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

"(1) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

"(2) a description of each first phase or second phase SBIR award received by that small business concern, including—

"(A) an abstract of the project funded by the award;

"(B) the Federal agency making the award; and

"(C) the date and amount of the award;

"(3) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

"(4) information regarding mentors and Mentoring Networks, as required by section 35(e).".

SEC. 8. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking "(i) Each Federal" and inserting the following:

"(i) ANNUAL REPORTING.—

"(1) IN GENERAL.—Each Federal"; and

(2) by adding at the end the following:

"(2) CALCULATION OF EXTRAMURAL BUDGET.—

"(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the comptroller of that Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency (as defined in subsection (e)(1)).

"(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).".

SEC. 9. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the Small Business Innovation Research Program (referred to in this section as "SBIR" or the "SBIR program"), are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following:

"SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section;

"(2) the terms 'business advice and counseling', 'mentor', and 'Mentoring Network' have the same meanings as in section 35(b);

"(3) the term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section;

"(4) the term 'SBIR program' has the same meaning as in section 9(e)(4);

"(5) the term 'State' means any of the 50 States of the United States, the District of Columbia, and Puerto Rico; and

"(6) the term 'STTR program' has the same meaning as in section 9(e)(6).

"(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program (referred to in this section as 'FAST'), the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

"(c) GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

"(A) technology research and development by small business concerns;

"(B) technology transfer from university research to technology-based small business concerns;

"(C) technology deployment and diffusion benefiting small business concerns;

"(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

"(i) State and local development agencies and entities;

"(ii) representatives of technology-based small business concerns;

"(iii) industries and emerging companies;

"(iv) universities; and

"(v) small business development centers; and

"(E) outreach, financial support, and technical assistance to technology-based small business concerns interested in participating in the SBIR program, including initiatives—

"(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

"(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

"(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

"(iv) to encourage the commercialization of technology developed through SBIR program funding.

"(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

"(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

"(B) shall consider, at a minimum—

"(i) whether—

"(I) the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community; and

"(II) it is important to use Federal funding for the proposed activities;

"(ii) whether the applicant has demonstrated that a need exists to increase the number and success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

"(iii) whether the projected costs of the proposed activities are reasonable;

"(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

"(v) the manner in which the applicant will measure the results of the activities to be conducted.

"(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any fiscal year.

"(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

"(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

"(1) Federal agencies required by section 9 to have an SBIR program; and

"(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

"(A) State and local development agencies and entities;

"(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g)), to the extent that such committees exist in the States;

"(C) State science and technology councils, to the extent that such councils exist in the States; and

"(D) representatives of technology-based small business concerns.

"(e) ADMINISTRATIVE REQUIREMENTS.—

"(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be *made or entered into, as applicable, on a competitive basis.*

"(2) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

"(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

"(ii) 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

"(iii) 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

"(B) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

"(C) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

"(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 3 years in total.

"(f) REPORTS.—

"(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committees on Small Business of the Senate and the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks (as defined in section 35)—

"(A) a description of the structure and procedures of the program;

"(B) a management plan for the program; and

"(C) a description of the merit-based review process to be used in the program.

"(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committees on Small Business of the Senate and the House of Representatives regarding—

"(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

"(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

"(C) the Mentoring Networks and the mentoring data base, as provided for under section 35, including—

"(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

"(ii) the status of the implementation and description of the usage of the Mentoring Networks (as defined in section 35).

"(g) REVIEWS BY INSPECTOR GENERAL.—

"(1) IN GENERAL.—The Office of the Inspector General of the Administration shall conduct a review of—

"(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

"(B) the overall management and effectiveness of the FAST program.

"(2) REPORT.—During the first quarter of fiscal year 2004, the Office of the Inspector General of the Administration shall submit a report to the Committees on Small Business of the Senate and the House of Representatives on the review conducted under paragraph (1).

"(h) PROGRAM LEVELS.—

"(1) IN GENERAL.—Subject to an appropriations Act, there is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

"(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(e).

"(i) TERMINATION.—The authorization to carry out the FAST program under this section shall terminate on September 30, 2005.".

(d) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

"(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

"(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

"(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

"(C) the Experimental Program to Stimulate Competitive Technology of the Department of Commerce;

"(D) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

"(E) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

"(F) the Experimental Program to Stimulate Competitive Research of the National Air and Space Administration;

"(G) the Institutional Development Award Program of the National Institutes of Health; and

"(H) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

"(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program shall, in each fiscal year—

"(A) review for funding under that technology development program—

"(i) any proposal from an entity, organization, or individual located in a State that is eligible to participate in that program to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal; or

"(ii) any proposal for the first phase of the SBIR program from a small business concern located in a State that is eligible to participate in a technology development program if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints; and

"(B) consider proposals described in subparagraph (A) to be eligible for funding, as described in subparagraph (A), if the applicant is located in a State that is an eligible State.

"(3) DEFINITION OF 'ELIGIBLE STATE'.—In this subsection, the term 'eligible State' means a State in which the total value of contracts awarded to small business concerns under the SBIR program is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.".

SEC. 10. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting before section 36, as redesignated by this Act, the following:

"SEC. 35. MENTORING NETWORKS.

"(a) FINDINGS.—Congress finds that—

"(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

"(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

"(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

"(b) DEFINITIONS.—In this section—

"(1) the term 'business advice and counseling' means providing advice and assistance on matters described in subsection (d)(2)(B) to small business concerns to guide them through the SBIR and STTR program processes, from application to award and successful completion of each phase of the program;

"(2) the term 'mentor' means an individual described in subsection (d)(2); and

"(3) the term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (d).

"(c) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

"(d) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

"(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

"(2) identify volunteer mentors who—

"(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

"(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

"(i) proposal writing;

"(ii) marketing;

"(iii) Government accounting;

"(iv) Government audits;

"(v) project facilities and equipment;

"(vi) human resources;

"(vii) phase III partners;

"(viii) commercialization;

"(ix) venture capital networking; and

"(x) other matters relevant to the SBIR and STTR programs;

"(3) have experience working with small business concerns participating in the SBIR and STTR programs;

"(4) contribute information to the national database referred to in subsection (e); and

"(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

"(e) MENTORING DATABASE.—The Administrator shall—

"(1) include in the database required by section 9(k), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

"(2) work cooperatively with Mentoring Networks to maintain and update the database;

"(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

"(4) fulfill the requirements of this subsection either directly or by contract.".

Mr. BOND. Mr. President, the Small Business Innovation Research Program Reauthorization Act of 2000 (H.R. 2392) was introduced on June 30, 1999, and referred to the House Committees on Small Business and Science. Both Committees held hearings and the House Committee on Small Business reported H.R. 2392 on September 23, 1999 (H. Rept. 106–329). In the interest of moving the bill to the floor of the House of Representatives promptly, the Committee on Science agreed not to exercise its right to report the legislation, provided that the House Committee on Small Business agreed to add the selected portions of the Science Committee version of the legislation, as Sections 8 through 11 of the House floor text of H.R. 2392. H.R. 2392 passed the House without further amendment on September 27. The Science Committee provisions were explained in floor statements by Congressmen SENSENBRENNER, MORELLA, and MARK UDALL.

On March 21, 2000, the Senate Committee marked up H.R. 2392 and on May 10, 2000, reported the bill (S. Rept. 106–289). The Senate Committee struck several of the sections originating from the House Committee on Science and added sections not in the House-passed legislation, including a requirement that Federal agencies with Small Business Innovation Research (SBIR) programs report their methodology for calculating their SBIR budgets to the Small Business Administration (SBA) and a program to assist states in the development of small high-technology businesses. Negotiations then began among the leadership of the Senate and House Committees on Small Business and the House Committee on Science (hereinafter referred to as the three committees). The resultant compromise text contains all major House and Senate provisions, some of which have been amended to reflect a compromise position. A section-by-section explanation of the revised text follows. For purposes of this statement, the bill passed by the House of Representatives is referred to as the "House version" and the bill reported by the Senate Committee on Small Business is referred to as the "Senate version."

Section 1. Short Title; Table of Contents. The compromise text uses the Senate short title: "Small Business Innovation Research Program Reauthorization Act of 2000." The table of contents lists the sections in the compromise text.

Section 2. Findings. The House and Senate versions of the findings are very similar. The compromise text uses the House version of the findings.

Section 3. Extension of the SBIR Program. The House version extends the SBIR program for seven years through September 30, 2007. The Senate version extends the program for ten years through September 30, 2010. The compromise text extends the program for eight years through September 30, 2008.

Section 4. Annual Report. The House version provides for the annual report on the SBIR program prepared by the SBA to be sent to the Committee on Science, as well as to the House and Senate Committees on Small Business that currently receive it. The Senate version did not include this section. The compromise text adopts the House language.

Section 5. Third Phase Activities. The compromise text of this technical amendment is identical to both the House and Senate versions.

Section 6. Policy Directive Modifications. The House version includes policy directive modifications in Section 9 and the requirement of a second phase commercial plan in Section 10. The Senate version includes policy directive modifications in Section 6. The Senate version and now the compromise text require the Administrator to make modifications to SBA's policy directives 120 days after the date of enactment rather than the 30 days contained in the House version. The compromise text drops the House policy directive dealing with awards exceeding statutory dollar amounts and time limits because this flexibility is already being provided administratively. Addressed below is a description of the policy directive modifications contained in the compromise text that were not included in both the Senate version and the House version.

Section 10 of the House version requires the SBA to modify its policy directives to require that small businesses provide a commercial plan with each application for a second-phase award. The Senate version does not contain a similar provision. The compromise text requires the SBA to modify its policy directives to require that a small businesses provide a "succinct commercialization plan for each second phase award moving towards commercialization." The three committees acknowledge that commercialization is a current element of the SBIR program. The statutory definition of SBIR, which is not amended by H.R. 2392, includes "a second phase, to further develop proposals which meet particular program needs, in which awards shall be made based on the scientific and technical merit and feasibility of the proposals, as evidenced by the first phase, considering among other things the proposal's commercial potential", and lists evidence of commercial potential as the small business's commercialization record, private sector funding commitments, SBIR Phase III commitments, and the presence of other indicators of the commercial potential. The three committees do not intend that the addition of a commercialization plan either increase or decrease the emphasis an agency places on the commercialization when reviewing second-phase proposals. Rather, the commercialization plan will give SBIR agencies a means of determining the seriousness with which individual applicants approach commercialization.

The commercialization plan, while concise, should show that the business has thought through both the steps it must take to prepare for the fruits of the SBIR award to enter the commercial marketplace or government procurement and the steps to build business expertise as needed during the SBIR second phase time period. The three committees intend that agencies take into consideration the stage of development of the product or process in deciding whether an appropriate commercialization plan has been submitted. In those instances when at the time of the SBIR Phase II proposal, the grantee cannot identify either a product or process with the potential eventually to enter either the commercial or the government marketplace, no commercialization plan is required.

The compromise text also adds new provisions that were not contained in either the Senate version or the House version. Current law (Section 9(j)(3)(C) of the Small Business Act) requires that the Administrator put in place procedures to ensure, to the extent practicable, that an agency which intends to pursue research, development or production of a technology developed by a small business concern under an SBIR program enter into follow-on, non-SBIR funding agreements with the small business concern for such research, development, or production. The three committees are concerned that agencies sometimes provide these follow-on activities to large companies who are in incumbent positions or through contract bundling without written justification or without the statutorily required documentation of the impracticability of using the small business for the work. So that the SBA and the Congress can track the extent of this problem, the compromise text requires agencies to record and report each such occurrence and to describe in writing why it is impractical to provide the research project to the original SBIR company. Additionally, the compromise text directs the SBA to develop policy directives to implement the new subsection (v), Simplified Reporting Requirements. This subsection requires that the directives regarding collection of data be designed to minimize the burden on small businesses; to permit the updating the database by electronic means; and to use standardized procedures for the collection and reporting of data.

Section 103(a)(2) of P.L. 102–564, which reauthorized the SBIR program in 1992, added language to the description of a third phase award which made it clear that the third phase is intended to be a logical conclusion of research projects selected through competitive procedures in phases one and two. The Report of the House Committee on Small Business (H. Rept. 102–554, Pt. I) provides that the purpose of that clarification was to indicate the Committee's intent that an agency which wishes to fund an SBIR project in phase three (with non-SBIR monies) or enter into a follow-on procurement contract with an SBIR company, need not conduct another competition in order to satisfy the Federal Competition in Contracting Act (CICA). Rather, by phase three the project has survived two competitions and thus has already satisfied the requirements of CICA, set forth in section 2302(2)(E) of that Act, as they apply to the SBIR program. As there has been confusion among SBIR agencies regarding the intent of this change, the three committees reemphasize the intent initially set forth in H. Rept. 102–554, Pt. 1, including the clarification that follow-on phase three procurement contracts with an SBIR company may include procurement of products, services, research, or any combination intended for use by the Federal government.

Section 7. Report on Programs for Annual Performance Plan. This section requires each agency that participates in the SBIR program to submit to Congress a performance plan consistent with the Government Performance and Results Act. The House and Senate versions have the same intent. The compromise text uses the House version.

Section 8. Output and Outcome Data. Both the House and Senate versions contain sections enabling the collection and maintenance of information from awardees as is necessary to assess the SBIR program. Both the Senate and House versions require the SBA to maintain a public database at SBA containing information on awardees from all SBIR agencies. The Senate version adds paragraphs to the public database section dealing with database identification of businesses or subsidiaries established for the commercial application of SBIR products or services and the inclusion of information regarding mentors and mentoring networks. The House version further requires the SBA to establish and maintain a government database, which is exempt from the Freedom of Information Act and is to be used solely for program evaluation. Outside individuals must sign a non-disclosure agreement before gaining access to the database. The compromise text contains each of these provisions, with certain modifications and clarifications, which are addressed below.

With respect to the public database, the compromise text makes clear that proprietary information, so identified by a small business concern, will not be included in the public database. With respect to the government database, the compromise text clarifies that the inclusion of information in the government database is not to be considered publication for purposes of patent law. The compromise text further permits the SBA to include in the government database any information received in connection with an SBIR award the SBA Administrator, in conjunction with the SBIR agency program managers, consider to be relevant and appropriate or that the Federal agency considers to be useful to SBIR program evaluation.

With respect to small business reporting for the government database, the compromise text directs that when a small business applies for a second phase award it is required to update information in the government database. If an applicant for a second phase award receives the award, it shall update information in the database concerning the award at the termination of the award period and will be requested to voluntarily update the information annually for an additional period of five years. This reporting procedure is similar to current Department of defense requirements for the reporting of such information. When sales or additional investment information is related to more than one second phase award is involved, the compromise text permits a small business to apportion the information among the awards in any way it chooses, provided the apportionment is noted on all awards so apportioned.

The three committees understand that receiving complete commercialization data on the SBIR program is difficult, regardless of any reasonable time frame that could be established for the reporting of such data. Commercialization may occur many years following the receipt of a research grant and research from an award, while not directly resulting in a marketable product, may set the groundwork for additional research that leads to such a product. Nevertheless, the three committees believe that the government database will provide useful information for program evaluation.

Section 9. National Research Council Reports. The House version requires the four largest SBIR program agencies to enter into an agreement with the National Research Council (NRC) to conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs and to make recommendations on potential improvements to the program. The Senate version contains no similar provision. The study was designed to answer questions remaining from the House Committees' reviews of these programs and to make sure that a current evaluation of the program is available when the program next comes up for reauthorization.

The compromise text makes several changes to the House text. The compromise text adds the National Science Foundation to the agencies entering the agreement with the NRC and requires the agencies to consult with the SBA in entering such agreement. It also expands on the House version, which requires a review of the quality of SBIR research, to require a comparison of the value of projects conducted under SBIR with those funded by other Federal research and development expenditures. The compromise text further broadens the House versions' review of the economic rate of return of the SBIR program to require an evaluation of the economic benefits of the SBIR program, including economic rate of return, and a comparison of the economic benefits of the SBIR program with that of other Federal research and development expenditures. The compromise text allows the NRC to choose an appropriate time-frame for such analysis that results in a fair comparison.

The three committees believe that a comprehensive report on the SBIR program and its relation to other Federal research expenditures will be useful in program oversight and will provide Congress with an understanding of the effects of extramural Federal research and development funding provided to large and small businesses and universities. The three committees understand, however, that measuring the direct benefits to the nation's economy from the SBIR program and other Federal research expenditures may be difficult to calculate and may not provide a complete portrayal of the benefits achieved by the SBIR program. Accordingly, the legislation requires the NRC also to review the non-economic benefits of the SBIR program, which may include, among other matters, the increase in scientific knowledge that has resulted from the program. The paragraph in the compromise text calling for recommendations remains the same as the House version, except that the bill now asks the NRC to make recommendations, should there be any.

While the study is to be carried out within National Research Council study guidelines and procedures, the compromise text requires the NRC to take the steps necessary to ensure that individuals from the small business community with expertise in the SBIR program are well represented in the panel established for performing the study and among the peer reviewers of the study. The NRC is to consult with the consider the views of the SBA's Office of Technology and the SBA's Office of Advocacy and to conduct the study in an open manner that makes sure that the views and experiences of small business involved in the program are carefully considered in the design and execution of the study. Extension of the SBIR program for eight years rather than the five being contemplated when the House study provision was initially written has necessitated some adjustments in the study. The report is now required three years rather than four years after the date of enactment of the Act and the NRC is to update the report within six years of enactment. The update is intended to bring current, any information from the study relevant to the reauthorization of the SBIR program. It is not intended to be a second full-fledged study. In addition, semiannual progress reports by NRC to the three committees are required.

Section 10. Federal Agency Expenditures for the SBIR Program. The Senate version requires each Federal agency with an SBIR program to provide the SBA with report describing its methodology for calculating its extramural budget for purposes of SBIR program set-aside and requires the Administrator of the SBA to include an analysis of the methodology from each agency in its annual report to the Congress. The House version has no similar provision. The compromise text follows the Senate text except that it specifies that each agency, rather than the agency's comptroller, shall submit the agency's report to the Administrator. The three committees intend that each agency's methodology include an itemization of each research program that is excluded from the calculation of its extramural budget for SBIR purposes as well as a brief explanation of why the agency feels each excluded program meets a particular exemption.

Section 11. Federal and State Technology Partnership Program. This section establishes the FAST program from the Senate version, which is a competitive matching grant program to encourage states to assist in the development of high-technology businesses. The House version does not contain a similar provision. The most significant changes from the Senate version in the compromise text are an extension of the maximum duration of awards from three years to five and the lowering of the matching requirement for funds assisting businesses in low income areas to 50 cents per federal dollar, as advocated by Ranking Member Velazquez of the House Small Business Committee. The compromise text combines the definitions found in the Senate version of this section and the mentoring networks section.

Section 12. Mentoring Networks. The Senate version sets forth criteria for mentoring networks that organizations are encouraged to establish with matching funds from the FAST program and creates a database of small businesses willing to act as mentors. The compromise text, except for relocating the program definitions to Section 11, is the same as the Senate text. The House version did not contain a similar provision.

Section 13. Simplified Reporting Requirements. This section is not in either the House or the Senate versions. It requires the SBA Administrator to work with SBIR program agencies on standardizing SBIR reporting requirements with the ultimate goal of making the SBA's SBIR database more user friendly. This provision requires the SBA to consider the needs of each agency when establishing and maintaining the database. Additionally, it requires the SBA to take measures to reduce the administrative burden on SBIR program participants whenever possible including, for example, permitting updating by electronic means.

Section 14. Rural Outreach Program Extension. This provision, which was not in either the House or the Senate versions, extends the life and authorization for appropriations for the Rural Outreach Program of the Small Business Administration for four additional years through fiscal year 2005. It is the intent of the three committees that this program be evaluated on the same schedule and in the same manner as the FAST program. Among other things, the evaluation should examine the extent to which the programs complement or duplicate each other. The evaluation should also include recommendations for improvements to the program, if any.

Mr. KERRY. Mr. President, today I ask my colleagues to join me in voting for H.R. 2392, the Small Business Innovation Research Program Reauthorization Act of 2000. The Small Business Innovation Research (SBIR) program is a great example of how government and business can work together to advance the cause of science, the diverse missions of the government, and a healthy economy. The results have been dramatic for small, high-technology companies participating in the program. Since 1983 when the program was started, some 16,000 small, high-technology firms have received more than 46,000 SBIR research awards through 1997, totaling $7.5 billion.

Technological advancement is a key element of economic growth. According to a Congressional Research Service Report, Small, High Tech Companies and Their Role in the Economy: Issues in the Reauthorization of the Small Business Innovation (SBIR) Program, "technical progress is responsible for up to one-half the growth of the U.S. economy and is one of the principal driving forces for increases in our standard of living."

Mr. President, this bill, and the accompanying managers' amendment, are the products of months and months of work between Democrats and Republicans, House and Senate, SBIR companies and SBIR advocates, the ten Federal agencies that participate in the SBIR program, and the Small Business Administration's Office of Technology and the Office of Advocacy.

I want to thank Senator BOND and Senator LEVIN, and the members of the House Committees on Small Business and Science, and their staffs, for their hard work on this bill. Many of us had very different concerns regarding reauthorization of the SBIR program, and I greatly appreciate everyone's willingness to find common ground where possible and compromise.

We wrestled with tough questions. How long to reauthorize the program? I wanted to make it permanent; it has a long and successful track record. In fact, in 1998, the Senate Committee on Small Business voted to do just that, but that legislation never passed the House. This year the Committee agreed to reauthorize the program for ten years, giving the agencies and innovative small businesses a good measure of security to plan SBIR projects for the longer term. However, the House Science Committee felt strongly that it should only be reauthorized for seven years. In the end, as reflected in this bill, we compromised on eight, reauthorizing the bill through September 30, 2008.

How to improve the quality and collection of data without overburdening small businesses? GAO reports have found that the SBIR program works well, but that the records are sometimes incomplete, making it harder to evaluate the program and track awards. I fully support the goal of collecting the best information possible to evaluate the program, but I don't want small businesses owners to spend more time filling out paper work than absolutely necessary for that purpose. They are capable of developing cutting-edge research and meeting national R&D needs and should spend the majority of their efforts on that. As Ranking Member of the Small Business Committee and a Senator from the state whose small, hi-tech companies win the second largest amount of SBIR awards, I heard many, many complaints and concerns about the possibility of excessive and burdensome reporting requirements. I also heard complaints that the same level of reporting is not required of universities and big business that get Federal R&D dollars. There were real fears that Congress would require SBIR award winners to continue reporting to the SBA on SBIR research for years after a contract ended and that tracking commercialization out of context would be used against the program and against individual SBIR firms. Just knowing the ratio of awards to commercialization is not an indicator of success. By its very nature, R&D has a low probability of getting a product to market in relation to the investment in research. It is the ratio of commercialization in the SBIR program compared to that of big business, universities and the private sector that may be one indicator of the program's value to the government and to the nation. For example, one study shows that small businesses have 24 times as many innovations per R&D dollar as large businesses. In the end, we agreed to collect basic, but useful, information about sales and additional investment on Phase II awards. According to the Department of Defense that currently requires similar information, it generally takes less than 15 minutes to provide the information, and companies are only required to give the information during the life of the contract.

Probably the biggest question we dealt with was how to increase the participation in the SBIR program in states, and areas of states, that receive few or no awards. Though the number of awards given to a state has been proportionate to the number of proposals submitted, according to a GAO study, one-third of the states receive 85 percent of all SBIR awards. And the states that submit the most proposals generally have the right mix of small high-tech companies, an active venture capital community, and universities that understand the benefits of technology transfer, attract academic research funds and graduate a highly qualified workforce. While Massachusetts does extremely well in this program, for years I have recognized that the SBIR awards have been concentrated in less than half the states. The problem has been how to create a solution that helps small businesses in states that don't have the necessary infrastructure without changing the program's reliance on competition. Merit is the only way to maintain the integrity of the research because the highly competitive nature of SBIR awards (only one in seven or eight Phase I proposals is awarded) is one of the main reasons the program has been so popular and successful.

This bill takes two innovative approaches to increasing nationwide participation in the program. First, it establishes a peer volunteer mentoring network, which Senator LEVIN and I originally introduced as S. 1435 in 1999. Modeled after SBA's successful Service Corps of Retired Executives or SCORE program, this mentoring program would reimburse experienced SBIR companies that volunteer to assist one or more newcomers to the program. They can help in a variety of ways, whether it's writing proposals, understanding the Federal procurement process or a particular agency, tapping into venture capital, or commercializing their technologies. The bill also directs the SBA to create a database with the names and profiles of successful SBIR companies interested in mentoring struggling or prospective SBIR companies. This will be used by the states to link companies to mentors based on their needs.

Second, it creates the Federal and State Technology Partnership (FAST) program. This program is a competitive matching-grant program to encourage and help states cultivate high-tech small businesses and a build a support infrastructure in the state. I feel strongly, as does Senator LEVIN, and am very pleased, that all states, even the ones that currently win the most SBIR awards, are eligible to compete for a FAST matching grant so that they can help develop small, hi-tech companies in areas of their states that don't have SBIR activity. For example, in Massachusetts, most of our awards are in the Boston area. But with these grants, working with one of the economic development arms of our local government, we could coordinate and foster SBIR activity in the Western part of the state close to Amherst and Northampton. Those companies could create high-quality, high-wage jobs where the cost structure for companies is less expensive but where we have numerous universities and highly-skilled workers.

Given the strength of these initiatives, I do have some concerns about mentoring getting lost in the states' FAST initiatives. For the record, I ask that the SBA, the program managers of participating SBIR agencies, and FAST entities promote this cost-effective tool. Take advantage of the substantial pool of good-will and willingness to share experiences of those who have been successful in the SBIR program. Let SBIR companies know that they will be reimbursed for relevant out-of-pocket expenses if they choose to become a volunteer mentor. It gives them another stake in this program, and will strengthen the program on many levels. And, SBA and SBIR agencies should let prospective or struggling SBIR companies know that veteran SBIR companies are out there willing to help them understand the world of SBIR and federal procurement.

Mr. President, these research and development awards not only provide dollars to small hi-tech companies that create quality jobs, but they also help agencies meet their R&D needs. As one example, an Army SBIR award played a role in the development of the B-2 Bomber. Specifically, the research led to the development of a "pilot alert" system which warns the pilot if the plane is about to produce a trail of condensation that could be detected by enemy radar. Sales to date, to both the Air Force and commercial customers, exceed $27 million. And what about NASA? As the world watched the space shuttle Discovery in 1998, the feature elements of two of the shuttle's payloads were developed with SBIR funds.

In Woburn, Massachusetts, NZ-Applied Technologies used its SBIR award to help develop photonic components for optical telecommunications applications. The company is so successful that Corning recently bought it for $150 million. Further, the company was named as one of the top 50 fastest growing companies in New England and top 500 fastest growing companies in the country.

I want to thank my colleagues for their support of the SBIR program over the years. As always, I am pleased that we can work in a bipartisan fashion.

Mr. LEVIN. Mr. President, I am pleased to be an original cosponsor of the Small Business Innovation Research program (SBIR) reauthorization bill (H.R. 2392) that will reauthorize the SBIR program for eight more years. An eight year reauthorization will allow participating agencies to continue to do long term planning for their research and development (R&D) needs. I'm especially pleased that this legislation includes my bill to establish a volunteer mentoring program.

The SBIR program, originally established in 1982 and reauthorized and expanded in 1992, expires this year. This highly competitive program has a well-deserved reputation for success and has enjoyed bipartisan support over the years. It improves upon what is already a successful program that gives small high technology companies access to federal research and development dollars and the federal government access to some of the world's best innovation. I am pleased the full Senate is considering this legislation today and I hope House consideration will swiftly follow so that contracting agencies can be assured funding will be available in this contract cycle.

I am a long time supporter of the SBIR program. The SBIR program creates jobs, increases our capacity for technological innovation and boosts our international competitiveness. According to a recent GAO study, about 50 percent of all SBIR research is commercialized or receives additional research funding. That's a pretty good success rate. It's also a great example of federal agencies working together with small businesses to develop technologies to solve specific problems and fill government procurement needs in a cost effective way.

The SBIR program is a highly successful program and we can make it even more successful by establishing an outreach and volunteer mentoring program to bring more high technology small businesses into the program and help them successfully compete for awards. Many states believe they can do better regarding the number of SBIR awards their small businesses win. Since the SBIR program is a highly competitive and merit-based program, I believe the best way to increase participation is through outreach and mentoring. The SBIR reauthorization bill before the Senate today creates programs to do both.

The Federal and States Technology Partnership Program (FAST) included in this bill establishes an outreach program through a technology economic development program that aims to build more support for science and technology research in states.

A natural complement to reaching out to new companies to tell them about the SBIR program is the establishment of a "mentoring network" to increase their odds for success in that program. Many SBIR company officials have benefitted from this R&D program, are committed to its success and have told me they want to give something back by way of mentoring small companies new to the SBIR program. Many attribute their SBIR contracts with federal agencies as the main reason they have been able to successfully commercialize their research, make a "real" product, and expand employment in their companies. Through my proposal, mentoring networks will be established to match volunteer mentors with new applicant high technology small businesses to help increase their chances for success in the SBIR program, and, ultimately, the commercialization of their research. A small business's failure to obtain a phase I or phase II SBIR award may have nothing to do with the capability of its technology but rather is often a result of a lack of understanding the government procurement process and procedures. Mentoring will address this concern by matching the new company with one that already knows the ropes of the SBIR program and federal procurement process.

This is a cost effective program. Modeled after the successful SCORE program, the mentoring networks' volunteer mentors would be reimbursed only for their out-of-pocket expenses. Their time, energy and know-how would be donated free-of-charge. Specifically, the bill provides for the establishment of mentoring networks that are eligible for matching grants within the FAST program in each state. The mentoring network (an association, organization, coalition or other entity) will provide business advice and counseling and assist small business concerns that have been identified as good candidates for the SBIR program. Volunteer mentors are people associated with small businesses that have successfully competed one or more SBIR funding agreement and have agreed to guide small business concerns through all stages of the SBIR program process.

The mentoring networks program also establishes an important publicly accessible national database housed at SBA to compile information on mentoring networks and volunteer mentors. This database will provide an important tool to increase small business' access to mentors. I urge SBA to devote its full attention to getting it up and running upon enactment of this legislation.

H.R. 2392 also expands the collection, reporting and maintenance of information for an SBA database regarding SBIR awards. It fixes a problem identified by GAO by requiring a uniform definition of "extramural R&D budget," the formula used by each participating agency to determine the level of funds dedicated to the SBIR program. It establishes a five year competitive matching grant pilot program administered by the SBA for an organization or consortia to perform outreach and technology economic development within states, including establishing or operating a mentoring network to provide advice and counseling to SBIR applicants.

I urge my colleagues to support the reauthorization of this important high technology small business procurement program and the improvements to it that H.R. 2392 provides.

AMENDMENT NO. 3944

Mr. BURNS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. BOND, for himself, and Mr. KERRY, proposes an amendment numbered 3944.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BOND. Mr. President, the bill before us reauthorizes and improves upon one of the most successful small business programs we have in the Federal government—the Small Business Innovation Research (SBIR) program. The Small Business Committee has spent close to nine months deliberating and negotiating this important bill. My colleagues on the Committee, and in particular, Senators KERRY, BURNS, LEVIN, SNOWE and ENZI, have all been very cooperative and provided valuable assistance in preparing this important piece of legislation. The product that has resulted from the Committee's consideration is a bi-partisan bill that should provide small businesses with confidence in the Congress' strong support for this program.

Mr. President, this Managers' Amendment is the result of negotiations conducted among my Committee and the Small Business and Science Committees of the House of Representatives. The SBIR reauthorization bill that originally passed the House contained certain provisions that were not included in the bill reported by the Senate Committee on Small Business. These provisions had been interpreted by many in the small business community to place requirements on small businesses receiving Federal research and development funds that are not placed on other businesses or on universities that are also recipients of such dollars. My Committee negotiated with the representatives of the House Science Committee, which drafted these provisions, to come up with language that would provide information to Congress that is necessary for its oversight of this program, while ensuring that small businesses are not subject to government mandates that would affect their ability to perform high-quality research and development for the Federal government. The House Science Committee has been very cooperative to ensure that their provisions did not cause these unintended consequences.

This bill, with the Managers' amendment will ensure that this program, which has been proven successful over a long period of time, can continue to be so. Seventeen years ago, President Reagan signed into law the Small Business Innovation Development Act, which required Federal agencies with extramural research and development budgets of $100 million or more to set aside not less than 2/10th of one percent of that amount for the first SBIR program. In 1992, the program was reauthorized and Congress dictated that the program grow to 2.5 percent of the extramural research and development budgets. Thousands of small firms have received research grants under the programs since 1982, and more than $1 billion was awarded to small businesses in Fiscal Year 1998 alone.

The original drafters of the SBIR program acknowledged that small businesses are the primary source of our nation's innovations. Accordingly, the SBIR program was created to stimulate technological development by leveraging the capabilities of these small firms. The goals of the program are threefold. First, the program assists the government with its research and development needs. Second, the program provides a catalyst to groundbreaking research and development. Third, the program strengthens our economy by promoting the commercialization of technologies developed through Federal research. The commercialization of these technologies by small firms increases the competitiveness of our country in the world economy and expands employment opportunities.

A good example of the benefits that the SBIR program provides to small businesses is the experience of Cutting Edge Optronics, a 49 employee firm in St. Charles, Missouri. Cutting Edge Optronics has received several phase one and phase two SBIR awards with NASA and the Air Force to develop high-output lasers with both military and commercial applications.

The SBIR program has made the difference between Cutting Edge Optronics growing its business and merely staying in business. The SBIR program has allowed Cutting Edge to engage in state-of-the-art research in a very competitive climate, which it otherwise would not have been able to do. Moreover, if the Air Force research develops successfully, Cutting Edge Optronics expects that the commercial applications of the technology will spur astronomical growth of the company.

Mr. President, small businesses are the greatest job creators in our economy. During the last seven years of economic growth, small businesses have accounted for the vast majority of all the net new jobs created. It is only rational that the Federal government distribute its research funds in a way that will contribute to this job growth by creating incentives to the private sector to market the technologies developed. As the example of Cutting Edge Optronics demonstrates, the SBIR program does just that.

There is abundant evidence that the SBIR program has been a success both in assisting the government with its research and development needs and in turning that research into new products and services. Numerous studies have been conducted over the last several years that bear this out. A 1989 General Accounting Office (GAO) study reported that scientists and engineers at Federal agencies indicated that the overall quality of the research performed under SBIR awards equaled, and in some cases, exceeded the quality of other agency research they monitored. As the program has grown in recent years, it does not appear this conclusion has changed. A 1995 GAO study concluded that the quality of SBIR research proposals has kept pace with the program's expansion.

Morever, the small businesses that have received SBIR awards, have had significant success in commercializing technology. This is especially important considering that these firms are engaging in cutting-edge research that will not always have a commercial application. A 1997 internal Department of Defense study found that the average phase-two SBIR award of $400,000 generated $760,000 in sales and attracted approximately $600,000 in additional non-SBIR funding. Additionally, the GAO has reported that the commercialization rate on SBIR projects is close to 40 percent. There is no question that this program's record of success easily justifies a long reauthorization.

While there is general agreement that the SBIR program is successful, there have also been some concerns that this legislation is intended to resolve. First, the GAO released a report in June 1998, indicating that different agencies are using different interpretations of the term "extramural budget." The use of different interpretations may lead to inaccurate calculations of the amount of funds that should be allocated to each agency's SBIR program. To remedy this situation, the bill requires each SBIR program agency to provide the Small Business Administration (SBA) and Congress with a description of its methodology for calculating the amount of the extramural budget for that agency. It is our hope that by closely analyzing how the agencies are calculating their extramural budgets, we can be assured that each agency will adopt a uniform definition of extramural budget that is consistent with the statutory language and Congress' intent.

Second, the Committee on Small Business, which I chair, has received from the GAO disturbing information regarding the SBA's collection and maintenance of data on the SBIR program. Specifically, my Committee learned that the GAO, in preparing its two most recent reports on the SBIR program, spent substantial resources correcting and updating information in the SBA's SBIR database. When the Federal government is providing funds to third parties, whether in the private sector or to a state or local government entity, the most basic rule of program oversight is to monitor who has received those funds and what they have done with the funds. Accordingly, this legislation establishes a statutory duty on the SBIR program agencies to provide the SBA with data on each SBIR award winner in a timely manner. Moreover, it requires the SBA to maintain a comprehensive and public database of the small firms that receive SBIR awards and the activities supported by SBIR funds.

Finally, the GAO recently issued a report raising questions about the geographic concentration of SBIR awards. From fiscal year 1993 through 1996, companies in one-third of the states received 85 percent of the SBIR awards. Companies on the east and west coast received a vast majority of these awards, while companies in the South, Midwest and Rocky Mountain states generally received very few awards. For example, the GAO reported that in fiscal year 1997, companies in Massachusetts and California received 202 and 326 phase-two awards, respectively, out of approximately 1,400 awards nationally. Thus, they received almost 38 percent of the awards.

Mr. President, if the SBIR program is going to continue to be successful, it is incumbent on us to do more to reach out and provide opportunities to firms in the South, the Midwest and the Rocky Mountain states that can provide high-quality research and development and provide them with the information and assistance they need so that they may seize the opportunity to participate in the SBIR program. The SBIR program was never intended to serve a limited group of small businesses, and we must do all we can to increase the participation of as many small businesses as possible.

Therefore, this legislation establishes a comprehensive program to assist states in the development of high-technology businesses that could participate in the SBIR program. Specifically, the bill creates a matching-grant program for organizations at the state or local level attempting to enhance or develop technology research and development by small business concerns. This legislation acknowledges that states that do not aggressively support the development of high-technology firms are at a competitive disadvantage in establishing a business climate conducive to technology development. More importantly, however, building stronger support for high-technology firms will expand economic opportunities for our country generally and will increase our competitiveness in the world market.

The Small Business Innovation Research Program Reauthorization Act of 2000 is a necessary step to ensure that the Federal Government continues to utilize the vast capabilities of high-technology small businesses to meet its research and development goals. Moreover, it ensures that these research funds are leveraged to strengthen our Nation's economy and its position as the lead innovator in the world.

The bill in front of us, with the Managers' amendment, is a reasonable compromise that will provide an effective structure for this program for the next eight years. Given the hard work that has gone into this compromise legislation, I trust that the House will act quickly on this bill, so that small businesses involved in the SBIR program will have confidence that the program will continue without interruption.

A bi-partisan statement has been drafted by the Senate Committee on Small Business and the Committees on Science and Small Business of the House of Representatives to explain provisions in the Managers' amendment that are not addressed in either the Senate or House Committee reports on H.R. 2392. I ask unanimous consent that, immediately following my remarks, this Explanatory Statement of H.R. 2392 be included in the RECORD.

Thank you Mr. President and I ask for immediate consideration of the bill and its approval.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be considered read the third time and passed, as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3944) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 2392), as amended, was read the third time and passed.

TIMBISHA SHOSHONE HOMELAND ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 661, S. 2102.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2102) to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike out all after the enacting clause and insert the part printed in italic:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Timbisha Shoshone Homeland Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4498), the purposes of this Act are—

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

SEC. 4. DEFINITIONS.

In this Act:

(1) PARK.—The term "Park" means Death Valley National Park, including any additions to that Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the designee of the Secretary.

(3) TRIBAL.—The term "tribal" means of or pertaining to the Tribe.

(4) TRIBE.—The term "Tribe" means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) TRUST LANDS.—The term "trust lands" means those lands taken into trust pursuant to this Act.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) IN GENERAL.—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED.—

(1) IN GENERAL.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled "Death Valley Junction, California", numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled "Centennial, California", numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(D) Scotty's Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled "Scotty's Junction, Nevada", numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled "Lida, Nevada, Community Parcel", numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT.—

(A) DEVELOPMENT.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) ADDITIONAL TRUST RESOURCES.—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled "Indian Rancheria Site, California" numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled "Lida Ranch" numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) SPECIAL USE AREAS.—

(1) IN GENERAL.—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE.—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) RESOURCE USE BY THE TRIBE.—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) SPECIFIC AREAS.—The following areas are designated special use areas pursuant to paragraph (1):

(A) MESQUITE USE AREA.—The area generally depicted on the map entitled "Mesquite Use Area" numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) BUFFER AREA.—An area of approximately 1,500 acres, as generally depicted on the map entitled "Buffer Area" numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA.—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled "Timbisha Shoshone Natural and Cultural Preservation Area" numbered Map #9 and dated April 12, 2000.

(5) ADDITIONAL PROVISIONS.—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95-341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) ACCESS AND USE.—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) ADMINISTRATION.—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) STANDARDS.—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) TRIBAL EMPLOYMENT.—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) INITIAL RESERVATION.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(d) TRIBAL JURISDICTION OVER TRUST LANDS.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

AMENDMENT NO. 3945

Mr. BURNS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. INOUYE, proposes an amendment numbered 3945.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 20, strike "(C)" and insert "(C)(i)".

On page 23, between lines 2 and 3, insert the following:

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

On page 32, between lines 20 and 21, insert the following:

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3945) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 2102), as amended, was read the third time and passed.

S. 2102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Timbisha Shoshone Homeland Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103-433; 108 Stat. 4498), the purposes of this Act are—

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed

by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

SEC. 4. DEFINITIONS.

In this Act:

(1) Park.—The term "Park" means Death Valley National Park, including any additions to that Park.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior or the designee of the Secretary.

(3) Tribal.—The term "tribal" means of or pertaining to the Tribe.

(4) Tribe.—The term "Tribe" means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) Trust lands.—The term "trust lands" means those lands taken into trust pursuant to this Act.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) In General.—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) Park Lands and Bureau of Land Management Lands Described.—

(1) In general.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled "Death Valley Junction, California", numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled "Centennial, California", numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty's Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled "Scotty's Junction, Nevada", numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled "Lida, Nevada, Community Parcel", numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) Water rights.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) Limitations on furnace creek area development.—

(A) Development.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) Exception.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) Right-of-way.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) Limitations on impact on mining claims.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) Legal Descriptions.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) Additional Trust Resources.—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled "Indian Rancheria Site, California" numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled "Lida Ranch" numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) Special Use Areas.—

(1) In general.—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) Recognition of the history and culture of the tribe.—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) Resource use by the tribe.—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) Specific areas.—The following areas are designated special use areas pursuant to paragraph (1):

(A) Mesquite use area.—The area generally depicted on the map entitled "Mesquite Use Area" numbered Map #8 and dated

April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) Buffer area.—An area of approximately 1,500 acres, as generally depicted on the map entitled "Buffer Area" numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) Timbisha Shoshone natural and cultural preservation area.—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled "Timbisha Shoshone Natural and Cultural Preservation Area" numbered Map #9 and dated April 12, 2000.

(5) Additional provisions.—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95–341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) Access and Use.—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) Administration.—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS.

(a) Government-to-Government Agreements.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) Standards.—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

(c) Water Monitoring.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) Tribal Employment.—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) Gaming.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) Initial Reservation.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(d) Tribal Jurisdiction Over Trust Lands.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

REPORTS CONSOLIDATION ACT OF 2000

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 672, S. 2712.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2712) to amend chapter 35 of title 31, United States Code, to authorize consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2712) was read the third time and passed as follows:

S. 2712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reports Consolidation Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) existing law imposes numerous financial and performance management reporting requirements on agencies;

(2) these separate requirements can cause duplication of effort on the part of agencies and result in uncoordinated reports containing information in a form that is not completely useful to Congress; and

(3) pilot projects conducted by agencies under the direction of the Office of Management and Budget demonstrate that single consolidated reports providing an analysis of verifiable financial and performance management information produce more useful reports with greater efficiency.

(b) Purposes.—The purposes of this Act are—

(1) to authorize and encourage the consolidation of financial and performance management reports;

(2) to provide financial and performance management information in a more meaningful and useful format for Congress, the President, and the public;

(3) to improve the quality of agency financial and performance management information; and

(4) to enhance coordination and efficiency on the part of agencies in reporting financial and performance management information.

SEC. 3. CONSOLIDATED REPORTS.

(a) In General.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

"§ 3516. Reports consolidation

"(a)(1) With the concurrence of the Director of the Office of Management and Budget, the head of an executive agency may adjust the frequency and due dates of, and consolidate into an annual report to the President, the Director of the Office of Management and Budget, and Congress any statutorily required reports described in paragraph (2). Such a consolidated report shall be submitted to the President, the Director of the

Office of Management and Budget, and to appropriate committees and subcommittees of Congress not later than 150 days after the end of the agency's fiscal year.

"(2) The following reports may be consolidated into the report referred to in paragraph (1):

"(A) Any report by an agency to Congress, the Office of Management and Budget, or the President under section 1116, this chapter, and chapters 9, 33, 37, 75, and 91.

"(B) The following agency-specific reports:

"(i) The biennial financial management improvement plan by the Secretary of Defense under section 2222 of title 10.

"(ii) The annual report of the Attorney General under section 522 of title 28.

"(C) Any other statutorily required report pertaining to an agency's financial or performance management if the head of the agency—

"(i) determines that inclusion of that report will enhance the usefulness of the reported information to decision makers; and

"(ii) consults in advance of inclusion of that report with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and any other committee of Congress having jurisdiction with respect to the report proposed for inclusion.

"(b) A report under subsection (a) that incorporates the agency's program performance report under section 1116 shall be referred to as a performance and accountability report.

"(c) A report under subsection (a) that does not incorporate the agency's program performance report under section 1116 shall contain a summary of the most significant portions of the agency's program performance report, including the agency's success in achieving key performance goals for the applicable year.

"(d) A report under subsection (a) shall include a statement prepared by the agency's inspector general that summarizes what the inspector general considers to be the most serious management and performance challenges facing the agency and briefly assesses the agency's progress in addressing those challenges. The inspector general shall provide such statement to the agency head at least 30 days before the due date of the report under subsection (a). The agency head may comment on the inspector general's statement, but may not modify the statement.

"(e) A report under subsection (a) shall include a transmittal letter from the agency head containing, in addition to any other content, an assessment by the agency head of the completeness and reliability of the performance and financial data used in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the data, and the actions the agency can take and is taking to resolve such inadequacies.".

(b) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding paragraph (1) of section 3516(a) of title 31, United States Code (as added by subsection (a) of this section), the head of an executive agency may submit a consolidated report under such paragraph not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3515 the following:

"3516. Reports consolidation.".

SEC. 4. AMENDMENTS RELATING TO AUDITED FINANCIAL STATEMENTS.

(a) FINANCIAL STATEMENTS.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a), by inserting "Congress and the" before "Director"; and

(2) by striking subsections (e) through (h).

(b) ELIMINATION OF REPORT.—Section 3521(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "subsections (a) and (f)" and inserting "subsection (a)"; and

(B) by striking "(1)"; and

(2) by striking paragraph (2).

SEC. 5. AMENDMENTS RELATING TO PROGRAM PERFORMANCE REPORTS.

(a) REPORT DUE DATE.—

(1) IN GENERAL.—Section 1116(a) of title 31, United States Code, is amended by striking "No later than March 31, 2000, and no later than March 31 of each year thereafter," and inserting "Not later than 150 days after the end of an agency's fiscal year,".

(2) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding subsection (a) of section 1116 of title 31, United States Code (as amended by paragraph (1) of this subsection), an agency head may submit a report under such subsection not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(b) INCLUSION OF INFORMATION IN FINANCIAL STATEMENT.—Section 1116(e) of title 31, United States Code, is amended to read as follows:

"(e)(1) Except as provided in paragraph (2), each program performance report shall contain an assessment by the agency head of the completeness and reliability of the performance data included in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the performance data, and the actions the agency can take and is taking to resolve such inadequacies.

"(2) If a program performance report is incorporated into a report submitted under section 3516, the requirements of section 3516(e) shall apply in lieu of paragraph (1).".

PENALTIES FOR HARMING ANIMALS USED IN FEDERAL LAW ENFORCEMENT

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1791, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1791) to amend title 18, United States Code, to provide for penalties for harming animals used in Federal law enforcement.

There being no objection, the Senate proceeded to consider the bill.

Mr. KYL. Mr. President, I am proud to support H.R. 1791, the Federal Law Enforcement Animal Protection Act, a bill by Representative WELLER which would make it a federal crime to willfully and maliciously harm an animal used by a Federal agency for the principal purpose of investigating crimes, enforcing laws, or apprehending criminals.

I would first like to thank Senator HATCH for his help in discharging this important bill from Committee. I would also like to thank the advocacy groups and agencies, most notably, the Humane Society of the U.S., U.S. Police Canine Association, U.S. Customs Service, U.S. Border Patrol, and our very own Capital Police, for helping to publicize the need for legislation to protect federal law enforcement animals.

I was pleased when Representative WELLER called me and asked for my support of H.R. 1791. Under current law, a person who willfully injures a federal law enforcement animal can only be punished under the statute that makes it a crime to damage federal property.

Unfortunately, many of these animals have a monetary value of less than a $1,000, even though their training can cost up to $20,000, so the act of willfully harming them can only be prosecuted as a misdemeanor. H.R. 1791 will address this problem and punish willful and malicious harm done to these animals more severely than an act of damage to an inanimate object.

This bill is important for law enforcement. These animals play an integral role in protecting our borders, airports and our own capital grounds. In fiscal year 1999, U.S. Customs Canine Enforcement Teams were involved in over 11,000 narcotic or currency seizures. The street value of the narcotics uncovered by the canines exceeded several billion dollars. The dogs detected approximately 631,909 pounds of marijuana, 50,748 pounds of cocaine, 358 pounds of heroin, and $25.5 million in currency. H.R. 1791 would put federal law enforcement animals on equal ground with local law enforcement animals that are protected in 27 states, including my own state of Arizona.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1791) was read the third time and passed.

DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 551, H.R. 707.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs for disaster assistance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3946

Mr. BURNS. Mr. President, Senator SMITH of New Hampshire has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. SMITH of New Hampshire, proposes an amendment numbered 3946.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. INHOFE. Mr. President, I am pleased to speak today in favor of passage of the Disaster Mitigation Act of 1999. As the chairman of the Senate Subcommittee with jurisdiction over FEMA, I have been working on this legislation for the last couple of years. Senator GRAHAM and I introduced this legislation last fall and have been working diligently on it ever since. We can both attest to this process being long and arduous, with many unforeseen pitfalls. However, the final result has been a piece of legislation that while changing the scope of disaster assistance, continues to assure that FEMA will have the resources and the capability to deliver disaster assistance when called upon.

As we all know, the Federal government, through FEMA, has been there to help people and their communities deal with the aftermath of disasters for over a generation. As chairman of it's oversight Subcommittee, I want to ensure that FEMA will continue to respond and help people in need for generations to come.

Unfortunately, this goal is becoming increasingly difficult since the costs of disaster recovery have spiraled out of control. For every major disaster Congress is forced to appropriate additional funds through Supplemental Emergency Spending Bills, another of which we will be discussing at some point later this year. This not only plays havoc with the budget and forces us to spend funds which would have gone to other pressing needs, but sets up unrealistic expectations of what the federal government can and should do after a disaster.

For instance, following the Oklahoma City tornadoes on May 3, 1999, there was an estimated $900 million in damage, with a large portion of that in federal disaster assistance. In the aftermath of hurricane Floyd in North Carolina, estimates of $1 billion or more in damage have been discussed. This problem is not just isolated to Oklahoma City or North Carolina. In the period between fiscal years 1994 and 1998, FEMA disaster assistance and relief costs grew from $8.7 billion to $19 billion. That marks a $10.3 billion increase in disaster assistance in just five years. To finance these expenditures, we have been forced to find over $12 billion in rescissions.

The Bill we are passing today will address this problem from two different directions. First, it authorizes a Predisaster Hazard Mitigation Program, which assists people in preparing for disaster before they happen. Second, it provides a number of cost-saving measures to help control the costs of disaster assistance.

In our bill, we are authorizing Project Impact, FEMA's natural disaster mitigation program. Project Impact authorizes the use of small grants to local communities to give them funds and technical assistance to mitigate against disasters before they occur; but this is not just a federal give-away program. Local communities are required to have a demonstrated public-private partnership before they can become a Project Impact community.

Too often, we think of disaster assistance only after a disaster has occurred. For the very first time, we are authorizing a program to think about preventing disaster-related damage prior to the disaster. We believe that by spending these small amounts in advance of a disaster, we will save the federal government money in the long-term. However, it is important to note that we are not authorizing this program in perpetuity. The program, as adopted, is set to expire in 2003. If Project Impact is successful, we will have the appropriate opportunity to review its work and make a determination on whether to continue the program.

This forward thinking approach is revolutionary in terms of the way the federal government responds to a disaster. We all know it is more cost effective to prevent damage than to respond after the fact. I should note that in my state of Oklahoma, which has recently been hit by severe flooding, one of the affected communities, my home town of Tulsa, was a Project Impact community. While the community suffered some damage, the effects could have been much more severe had the community not undertaken preventative mitigation measures.

In passing this bill, we are also allowing states to keep a larger percentage of their federal disaster funds for state mitigation projects. Under current law, states can only retain up to 15 percent of their post disaster assistance funds for state-wide mitigation programs. We are now increasing that percentage to 20 percent. Too often states have run into the program of too many mitigation projects, with too little resources.

For example, in Oklahoma, the state used its share of disaster funds to provide a tax rebate to the victims of the May 1999 tornadoes who, when rebuilding their homes, build a "safe room" into their home. Because of limited funding, this assistance is only available to those who were unfortunate enough to lose everything they owned. The "safe room" program in Oklahoma is a prime example of giving states more flexibility in determining their own mitigation priorities and giving them the financial assistance to follow through with their plans.

An additional problem we remedy with the increase is the lack of comprehensive state-wide mitigation plans. Under current law, states are required to submit mitigation plans to FEMA, at which time they are routinely approved. However, as a condition of receipt of increased funding, states are going to have to do a better job at bridging the gap between state and local mitigation plans by developing comprehensive mitigation plans so that in the aftermath of a disaster, states know what their most vulnerable areas are and can take appropriate preventative measures.

While we are attempting to re-define the way in which we respond to natural disaster, we must also look to curb the rising cost of post-disaster related assistance. The intent of the original Stafford Act was to provide federal assistance after States and local communities had exhausted all their existing resources. As I said earlier, we have lost sight of this intent.

To meet our cost saving goal, we are making significant changes to FEMA's Public Assistance (PA) Program. One of the most significant changes in the PA Program focuses on the use of insurance. FEMA is currently developing an insurance rule to require States and local government to maintain private or self-insurance in order to qualify for the PA Program. We applaud their efforts and are providing them with with some parameters we expect them to follow in developing any insurance rule.

While FEMA's progress in this area is commendable, it has come at the considerable opposition from States and local governments who fear the impact of any new insurance regulation. Instead of ignoring the concerns of the stakeholders, we have sought to work with them and bring their views to the table early in the regulatory process. As FEMA continues its work towards an insurance regulation, States and local governments are now assured that the final rule will encompass their concerns.

Second, we are providing FEMA with the ability to estimate the cost of repairing or rebuilding projects. Under current law, FEMA is required to stay in the field and monitor the rebuilding of public structures. By requiring FEMA to stay afield for years after the disaster, we run up the administrative cost of projects. Allowing them to estimate the cost of repairs and close out the project will bring immediate assistance to the State or local community and save the Federal government money.

In all, the Congressional Budget Office (CBO) projects our bill to save approximately $238 million over five years. I personally feel this is an underestimate. CBO, because of budget rules, is unable to take into account any savings that occur outside the initial five-year window. Yet, CBO says in its analysis that long-term savings are likely as a result of the predisaster mitigation measures included in the bill. CBO also says it cannot quantify the savings associated with the implementation of any future insurance rule. Yet, common sense tells us that if public buildings have some level of private insurance, federal spending under the Public Assistance Program will be reduced.

Mr. President, we have spent months working closely with other Senators, FEMA, the States, local communities, and other stakeholders to produce a bill that gives FEMA the increased ability to respond to disasters, while assuring States and local communities that the federal government will continue to meet its commitments. Our bill has the endorsement of the National League of Cities, the National Emergency Managers Association , and FEMA.

In closing, I want to thank Senators GRAHAM, SMITH, and BAUCUS for their help and the leadership they have taken on this important issue. I would also like to thank Senators VOINOVICH, GRASSLEY, DEWINE, and BOND for their support of this legislation. Without their help, input, and insight this legislation would be little more than an idea. I look forward to continuing to work with them as this bill moves to conference to make this legislation a reality.

Mr. SMITH of New Hampshire. Mr. President, I rise in support of the amendments to the Stafford Act in the form of H.R. 707. I would like to thank Senators INHOFE and GRAHAM and their staff for all their hard work in developing a good bipartisan bill. I am proud the committee I chair was able to report a bill to the floor with strong bipartisan support. I am also very pleased the version the Senate passed will save the taxpayer money both in the short and long term.

This bill makes great strides to enhance FEMA's ability to better serve the public in times of disaster. It will also help local communities to better prepare and mitigate potential problems prior to a disaster. The mitigation focus in this bill will ensure better protection of life and property as well as providing savings to the taxpayer.

The substitute H.R. 707 that has been agreed to by the Senate is identical language to that in S. 1691 as amended by the Committee on Environment and Public Works with the additional Technical and Managers' amendments that were filed. Those who wish to research the legislative history of H.R. 707, as passed by the Senate, should refer to the legislative history of S. 1691 and the report, number 106–295, filed by the Committee on Environment and Public Works on S. 1691.

Mr. GRAHAM. Mr. President, I rise to join my distinguished colleague from Oklahoma, Senator INHOFE, upon the passage of our legislation to reauthorize the Federal Emergency Management Agency (FEMA) and to create public and private incentives to reduce the cost of future disasters.

On June 1st, we will face the beginning of the 2000 Hurricane season, the National Weather Service has predicted that the United States will face at least three intense hurricanes during the next six months.

Coming just eight years after Hurricane Andrew damaged 128,000 homes, left approximately 160,000 people homeless, and caused nearly $30 billion in damage, this forecast reminds us of the inevitability and destructive power of Mother Nature. We must prepare for natural disasters now in order to minimize their devastating effects.

It is impossible to prevent violent weather. Our experiences since Hurricane Andrew—including the Northridge Earthquake, the Upper Midwest Floods, and Hurricanes Fran and Floyd—clearly demonstrate the overwhelming losses associated with major weather events.

However, Congress can reduce these losses by legislating a comprehensive, nationwide mitigation strategy. Senator INOFE and I have worked closely with our colleagues in the Senate, FEMA, the National Emergency Management Association, the National League of Cities, the American Red Cross, and numerous other groups to construct a comprehensive proposal that will make mitigation—not response and recovery—the primary focus of emergency management. In addition, I would like to recognize the efforts of Senator BOND, Chairman of FEMA's appropriations subcommittee, in working closely with us to pass this legislation.

This legislation amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act by:

Authorizing programs for pre-disaster emergency preparedness;

Streamlining the administration of disaster relief;

Controlling the Federal costs of disaster assistance; and

Providing real incentives for the development of community-sponsored disaster mitigation projects.

Mr. President, history has demonstrated that no community in the United States is safe from disasters. From tropical weather along the Atlantic Coast to devastating floods in the Upper Midwest to earthquakes in the Pacific Rim, all Americans have suffered as a result of Mother Nature's fury.

She will strike again. But we can avoid some of the excessive human and financial costs of the past by applying both what we have learned about disaster preparedness and by implementing new technologies that are available to mitigate against loss.

Florida has been a leader in incorporating the principles and practice of hazard mitigation into the mainstream of community preparedness. We have developed and implemented mitigation projects using funding from the Hazard Mitigation Grant Program, the Flood Mitigation Assistance Program, FEMA's Project Impact, and many other public-private partnerships.

All Americans play a role in reducing the risks associated with natural and technological hazards. Engineers, hospital administrators, business leaders, regional planners, emergency managers and volunteers each contribute to community-wide mitigation efforts.

A successful mitigation project may be as basic as the Miami Wind Shutter program. The installation of shutters is a cost-effective mitigation measure that has proven effective in protecting buildings from hurricane force winds, and in the process, minimizing direct and indirect losses to vulnerable facilities. These shutters significantly increase strength and provide increased protection of life and property.

For example, Hurricane Andrew did $17 million worth of damage to three hospitals in Miami. These facilities included Baptist, Miami South, and Mercy Hospitals. Through the Hazard Mitigation Grant Program, these hospitals were retrofitted with wind shutters. Six years after Hurricane Georges brushed against South Florida, this mitigation project paid real dividends. Mercy Hospital estimated that the $2 million investment in their shutters protected their $230 million medical complex. In addition, the track of this storm motivated evacuees to leave more vulnerable areas of South Florida to seek shelter. The protective shutters allowed this hospital to be used as a safe haven for 200 pregnant mothers, prevented the need to evacuate critical patients, and helped the staff's families to secure shelter during the response effort.

In July of 1994, Tropical Storm Alberto's impact on the Florida Panhandle triggered more than $500 million in federal disaster assistance. State and local officials concluded that the most direct solution to the problem of repetitive flooding was to remove or demolish the structures at risk. A Community Development Block Grant of $27.5 million was used to assist local governments in acquiring 388 extremely vulnerable properties.

The success of this effort was evident when the same area experienced flooding again in the spring of 1998. Although both floods were of comparable severity, the damages from the second disaster were significantly lower in the communities that acquired the flood prone properties. In summary, this mitigation project reduced the communities' vulnerability to loss.

Today, we will reinforce the working partnership between the federal government, the states, local communities and the private sector. In mitigating the devastating effects of natural disasters, it is also imperative that we control the cost of disaster relief. Our legislation will help both of these efforts. I thank my colleagues for their support of this initiative.

Mr. EDWARDS. Mr. President, I rise today to express my support for the Disaster Mitigation and Cost Reduction Act, and more importantly—the Federal Emergency Management Agency.

When I was elected to the Senate more than a year ago, I didn't think I would be faced with such an enormous challenge my first year in office—helping my state rebuild from the one of the worst hurricanes in our history. On September 16, Hurricane Floyd pounded eastern North Carolina. Sixty-six counties, more than 70 percent of the state—were declared federal disaster areas. Fifty-seven people were killed, and more than 60,000 homes were affected.

I've come to the floor many times and praised the courage and the strength of eastern North Carolinians. Through this disaster, I have met some of the most spirited and strong people. And I have also met some of the most knowledgeable and caring federal workers—the men and women of the Federal Emergency Management Agency. Whether it was Director James Lee Witt, who visited my office many times to keep me up-to-date on the federal response, or any of the field representatives who explained the programs available to the victims, FEMA helped North Carolina begin the long recovery process. And today, ten months after the storm hit, FEMA is still helping us coordinate the federal and state recovery efforts. It's been said before—and I now know first-hand—that Director Witt turned FEMA from a disaster of an agency into a disaster response team.

The measure we pass today will help make simple changes to ensure this agency continues to offer first-rate response. Most importantly, the bill before us would increase the Hazard Mitigation Grant Program cap from 15 percent to 20 percent. We can't stop a hurricane, tornado or earthquake, but we can take concrete steps to mitigate damage. Increasing the amount States are allowed to spend on mitigation will give those governments the necessary resources to move those people out of harm's way. That means less future damage and less costly disasters.

H.R. 707 also authorizes Project Impact. New Hanover County, in my state, was one of the first seven pilot Project Impact communities. Project Impact is FEMA's predisaster mitigation program that works directly with communities across the country to help them become more disaster-resistant. In New Hanover County, residents are determined to build better, stronger and smarter in order to prevent damage from the inevitable late-summer hurricanes. The University of North Carolina at Wilmington is also involved in the effort to mitigate disasters. That's the great thing about the Project Impact communities—they are using all available agencies and organizations to ensure safe and smart development. We should officially recognize these communities efforts and encourage the same work in other disaster prone areas.

Finally, in my State we know how the Federal government's disaster response programs work—and sometimes don't work—together. This bill takes steps to streamline the programs and to better coordinate between different agencies. Portions of this bill would make life a bit simpler for our outstanding emergency management agency in North Carolina. Whether it's streamlining management costs or making infrastructure repairs simpler, this bill makes much-needed improvements in the system.

Mr. President, there is no area of the country untouched by natural disasters. Whether it's my state battered by hurricanes; California plagued by earthquakes; the Midwest hit by floods; or the states in "tornado alley;" we all know the sudden devastation Mother Nature can bring. And we all know we can count on FEMA at a time when the states we represent are most vulnerable, when our people hurt the most. Now its time for Congress to support this bill and to ensure FEMA can continue the first-rate response we so depend on.

Mr. CRAPO. Mr. President, I rise to engage the distinguished Subcommittee Chairman in a colloquy.

Mr. INHOFE. I yield to the Senator.

Mr. CRAPO. I want to express my appreciation for the Senator's efforts, and those of the Committee Chairman, Senator SMITH, and Subcommittee Ranking Member Senator GRAHAM in working with Senator BAUCUS and me to reaffirm the eligibility of Private Non-Profit (PNP) irrigation companies for FEMA reimbursement of their facilities in the aftermath of disasters. As he knows, a pending FEMA policy would unfairly single out irrigators among PNPs as ineligible for FEMA assistance. Language in the legislation would ensure that PNP irrigators receive the same treatment as other PNPs in the event of a disaster.

This matter is of critical importance to PNP irrigation companies throughout the West. Generally taking on the responsibilities of water utilities elsewhere, irrigation companies provide a valuable service to westerners, including the provision of drinking water, irrigation support, and other critical facilities. Without these services, life in the West could not exist as we know it today.

At this time, I would ask that we yield to the distinguished Ranking Member of the full Committee, Senator BAUCUS. Senator BAUCUS?

Mr. BAUCUS. I thank the Senator. I want to echo his comments about the importance of this provision. PNP irrigators provide a valuable service to communities in many western states and their continued fair treatment under FEMA policies is the right thing to do. I extend my thanks to Chairman INHOFE, Chairman SMITH, and Senator GRAHAM in working to address this matter, both in Committee and here today.

As this measure makes its way through the legislative process, I hope we can count on the Senator's continued assistance in protecting the interests of PNP irrigators. I thank the Senator.

Mr. INHOFE. I appreciate the Senator bringing this matter to the Committee's attention and working with us to come up with a clear policy on PNP irrigators. As he knows, during the mark-up in February, the Committee adopted the Crapo/Baucus/Bennett amendment to solve this situation. However, as we later learned, the amendment was insufficient in the eyes of FEMA to resolve this issue. I think that the language contained in the legislation unequivocally addresses the issue and there can be no ambiguity in the wishes of the Senate concerning FEMA's policy affecting private nonproit irrigators in the states. Therefore, I reiterate my commitment to enacting legislation that creates equity for PNP irrigators in the implementation of FEMA policies.

Mr. CRAPO. I thank the Senator. I yield back the floor.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3946) was agreed to.

The bill (H.R. 707), as amended, was passed.

ORDERS FOR THURSDAY, JULY 20, 2000

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 on Thursday, July 20. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Agriculture appropriations bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BURNS. When the Senate convenes at 9:45 a.m., the Senate will immediately resume debate on the Harkin amendment No. 3938 to the agricultural appropriations bill. A vote could occur shortly thereafter in relation to the amendment.

Also, Senators are to be notified that the leadership expects to complete action on this appropriations bill in the early afternoon. Therefore, votes can be expected throughout the day on Thursday.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Thursday, July 20, 2000, at 9:45 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO VETA HALFHIDE

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, today is a special day for the Halfhide-Malloy family. Veta Halfhide of Dalton Gardens, Idaho, was born on this day in 1920. Today she celebrates her birthday with her four children, Marian, Gary, Dorothy and Chuck and with her new husband, Bob Halfhide.

Mr. Speaker, this feisty woman has lived through the Depression, World War II, the Cold War, the dawn of the information age and the beginning of a new Millennium. She nursed her husband Charles Malloy through a stroke and other illnesses. Widowed at a young age, Veta supported herself by selling Avon products and was legendary for her outstanding sales record and satisfied customers.

Now she is eighty, and a newlywed again, and living her life with the same characteristic vigor. She and her husband will travel to Alaska this summer and hope to continue traveling together for many happy years. On behalf of my colleagues, I would like to wish Veta a happy birthday and many happy returns of the day.

REMEMBERING MR. BOB KNOUS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I now rise to honor the life and memory of an outstanding person, former Colorado Lieutenant Governor Mr. Bob Knous. Sadly, Bob passed away May 15, 2000. As family and friends mourn his passing, I would like to pay tribute to this beloved husband, father to his children, and friend to all. He will be missed by many. Even so, his life was a remarkable one that is most deserving of both the recognition and praise of this body.

Much of Bob's life was spent creating a political legacy in Colorado for the better half of two decades. He leaves a record that is essentially impossible to break today; he had the admirable notoriety of being elected as lieutenant Governor under both a Republican and a Democratic Governor. His son Bob Jr. once said that his dad "exuded what Colorado is all about, we never left the state on vacation as kids because we were always campaigning. We went from Julesburg to Cortez to Rangley. I never went out of state until I was 18". Bob was born in Ouray, Colorado, graduating from Montrose High School, active in many sports including basketball and baseball. He received both his bachelors and law degrees from the University of Colorado at Boulder. Bob has exemplified outstanding service in other areas as well. He served as a naval flight instructor in World War II completing in excess of 3,500 hours of flight time. Bob has served many prestigious positions during his tenure, he served as a state senator in 1952 before he successfully served as lieutenant governor under two administrations. Former Colorado Governor John Love remembered their campaigns as "always proper we were never enemies and we have stayed good friends ever since."

His spirit and magnetism have been instrumental in his successes, Bob's brother recalled him as "gritty even when he was sick, he'd get up and walk out of the hospital". His dedication to others and to Colorado was unprecedented. He worked tirelessly for the people of Colorado for over two decades later retiring from politics in the early 70's. Mr. Knous leaves us all too soon. But his memory will live on in all those he has touched. I am confident, Mr. Speaker, that in the face of this profound loss, the family, friends, and the Colorado community can take comfort in the knowledge that each is a better person for having known him.

CONGRATULATING GAIL HANHART McINTYRE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Madera County Supervisor Gail Hanhart McIntyre for being selected as the recipient of the Rose Ann Vuich Ethical Leadership Award for the year 2000.

The award, sponsored by the the Fresno Bee and the Fresno Business Council, honors Senator Vuich, who consistently maintained high ethical standards and earned bipartisan respect throughout her career in the State legislature. It also recognizes elected leaders who symbolize integrity, strength of character, and exemplary ethical behavior.

Gail Hanhart McIntyre is the first woman to serve on the Board of Supervisors in Madera County, California. As a member of the Board of Supervisors, she represents the City of Madera and has built consensus among city council members over the years. Ms. McIntyre promotes job growth, protects the agricultural concerns of the area and is working to create a better quality of life for the city of Madera.

Currently, Ms. McIntyre is serving her third term as Board Chairman. She has also served on numerous other committees, including: the Private Industry Council, the Mental Health Advisory Board, the San Joaquin Valley Unified Air Pollution Control District, and the Fresno Madera Agency on Aging.

Mr. Speaker, I want to congratulate Gail Hanhart McIntyre for being selected as the recipient of the Rose Ann Vuich Ethical Leadership Award for the year 2000. I urge my colleagues to join me in wishing her many more years of continued success.

HONORING SOUTHERN CONNECTICUT STATE UNIVERSITY'S MEN'S SOCCER TEAM

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to recognize the outstanding accomplishments of Southern Connecticut State University's Men's Soccer team. With two consecutive NCAA Division II Championships in 1998 and 1999, for a total of six over the past thirteen years, the young men who have participated in this program have met tremendous challenges with unparalleled dedication and hard work.

Over the past decade, the athletic department at Southern Connecticut State University has dedicated itself to instilling a revitalized spirit and interest in the game of soccer. With his experience and true passion for the game, Armand Dikranian, founder and former head coach of Southern's soccer program, has led this effort. Under his leadership, the Owls won their first national championship in 1987. In his years at Southern, Mr. Dikranian has developed the soccer program into one of the nation's finest. Now serving as a consultant to the Owls' men's and women's squads and the Director of Intramural and Club Sports, he continues in his efforts to nurture and develop the natural talent of Southern's athletes.

While it is important to recognize individual achievements, it is the team effort that makes these young people true winners. Current Head Coach Tom Lang as well as the assistant coaches and staff are all alumni of Southern's soccer program—teaching the current team members the same lessons that have led the Owls to success time and again: hard work and team work. Southern's 1999 Men's Soccer team, a combination of past and present, demonstrated a unique commitment, not only to themselves, but to each other. They are role models for us all.

Collegiate sports provide invaluable lessons to our young people—team work, discipline, comradery and commitment to excellence. These are skills that will serve them well as they begin to make a difference in the world. I am honored to rise today to extend my sincere congratulations to every member of Southern Connecticut State University's Men's Soccer Team as this year's NCAA Division II National Champions—an accomplishment for which they should all be very proud.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO SISTER SHEILA MARIE WALSH, RSM

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. QUINN. Mr. Speaker, I am honored to rise today to pay tribute to Sister Sheila Marie Walsh, RSM, whose tremendous commitment to our Western New York community, leadership, and service to God have had a strong impact on my Congressional District.

Sister Sheila Marie's "missionary spirit" has been most evident in her work in the health care arena. She earned her degree in hospital administration, and boasts several years of real experience in hospital management.

For sixteen years, Sister Sheila Marie served as Administrator and Chief Executive Officer of Mercy Hospital in South Buffalo. Her advocacy, leadership, professionalism, and integrity as CEO both strengthened the hospital and its role in our community.

In addition to that outstanding commitment to Mercy Hospital, Sister Sheila Marie currently serves as president of the Leadership Conference of Women Religious in the Diocese of Buffalo. She is also a member on the Board of Directors for Mercy Flight, the Lotus Link Foundation, and Christ the King Seminary in East Aurora. For the past eight years, she has been on the leadership team of the Sisters of Mercy of the Americas, Regional Community of Buffalo.

Next month, Sister Sheila will bring that Faith and Commitment to God to a small, hospital in Georgetown, Guyana, South America. Located in a country with few resources, this is a small facility sponsored by the Dallas, Pennsylvania Sisters of Mercy.

I know that Sister Sheila will meet this new challenge with the same dedication, care, and integrity that she has always demonstrated, and that her tenure in Guyana will be a great success. I also know that we in Buffalo will miss her while she is away.

Mr. Speaker, today I would like to join the Sisters of Mercy of the Americas and indeed, all of Western New York in tribute to Sister Sheila Marie Walsh. Best wishes to her as she embarks on this important new mission in Guyana. She will remain in our prayers.

TRIBUTE TO ONONDAGA COUNTY EMPLOYEE DEBORAH LIDDIARD

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. WALSH. Mr. Speaker, according to a recent audit by the Office of the Inspector General, jail and prison inmates across the United States illegally collected nearly $20 million in Social Security and Supplemental Income payments in 1997. Not only are such payments to inmates unnecessary, they are illegal; and the Social Security Administration has been asking jail administrators across the nation to help alert its personnel of new prisoners in an efficient and effective manner in order to halt such payments.

In the County of Onondaga, New York, one employee of the County's Information Technology Department, Ms. Deborah Liddiard, developed and wrote a computer program that allows the Social Security Administration access to the names of prisoners in the County's facilities in a form that is immediately comparable to the Administration's existing records. Ms. Liddiard's program is so efficient and precise that the Social Security Administration has honored her and is using her work as a model for jail administrators across the nation.

I use this opportunity to commend Ms. Liddiard for her work on behalf of all United States taxpayers who have benefitted from her expertise and dedication. May all municipalities with jail and prison facilities expedite their compliance with this request, using Ms. Liddiard's work as a model in order to significantly reduce these inappropriate payments.

Twenty million dollars in savings is quite significant. Congratulations and thank you, Ms. Liddiard.

HONORING JOHN HENRY (IKE) INGRAHAM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mrs. LOWEY. Mr. Speaker, I commend an individual from the great state of New York, who was born and raised in the town of Canandaigua, in the state's beautiful Finger Lakes region. This individual is John Henry (Ike) Ingraham. Ike left the bucolic vistas of upstate New York to attend the New York State Maritime College, now part of the State University of New York. The Maritime College, founded in 1874, is an institution of higher learning which prepares young men and women for careers in the maritime industry, which helped make our State the center for trade and commerce in the new world.

Ike spent the majority of his working career in the marine insurance industry while simultaneously maintaining membership and participating in the Active United States Navy Reserve, achieving the high rank of captain. During the Navy portion of his career he commanded various Military Sealift Command Reserve Units and received a commendation from the Commander, Military Sealift Command for initiating weekend watchstanding at the various MSC command unit locations. It was also interesting to me to learn of one of Ike's last assignments in the Navy here at the Navy Annex in Arlington, Virginia, where he had an office next to another outstanding New Yorker, the late John Cardinal O'Connor, who was the Chief of Navy Chaplains at the time.

Ike is a member of the Class of 1952 of the Maritime College, and will be honored by his classmates at their year 2000 Class Reunion, here in Washington, D.C. this September for being the "glue" that has held the class together for the past 48 years. He accomplished this by spearheading the organization and execution of many of the class reunions, faithfully maintaining an ever changing mailing address and e-mail address list, and publishing a class newsletter two or three times a year.

I would like at this time, along with all the members of his Class, to commend Ike for his diligence and unselfish commitment to his fellow classmates during the ensuing years and wish Ike "fair winds and following seas" and continued success in the future. By his exceptional professional ability, personal initiative, and total dedication to duty, Ike reflected great credit upon himself, and upheld the highest traditions of the United States Navy Reserve and the Maritime Service.

HONORING THE LATE RICHARD CRILEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. FARR of California. Mr. Speaker, today I honor a national hero who has helped shape civil and human rights for the past five decades. Richard Criley, a native of Carmel Highlands, was an active member of the American Civil Liberties Union and a fighter for all members of the human race. He influenced countless people to work, as he had, for the betterment of humanity and society, and his effect on our nation will be felt for many years to come. Mr. Criley passed away on Sunday, June 18, 2000 at the age of 88.

Born on October 20th, 1911 in Paris, Richard Criley moved to California with his parents in 1914. After graduating from Monterey High School in 1929, he attended Stanford University and later UC Berkeley. He received his bachelor's degree in history and began working on his doctorate when he started to get caught up in the bitter labor struggle that was taking place on the San Francisco waterfront. He eventually stopped school altogether to join the International Longshoremen and Warehouseman's Union. With this change came the beginning of an inspiring lifetime of activism.

After being drafted into the Army and serving in Europe during the Second World War, Mr. Criley returned to Chicago, where he joined his wife in organizing labor unions. For the next 30 years, Mr. Criley was involved in, among other things, the abolition of the Chicago Police Department's "red squad" and the House Un-American Activities Committee. He was called before that committee on five separate occasions, each time refusing to testify.

In 1976, he returned to Carmel Highlands where he was raised, and remained active in both local and national human and civil rights causes up until his death. Among the awards he has received are the Stephen E. Ross Award, presented by the Monterey Peninsula chapter of the National Association for the Advancement of Colored People in 1998; the Francis Heisler Award, presented by the Monterey County chapter of the ACLU in 1984; the Earl Warren Award of the Northern California ACLU in 1985 and the Baha'i Human Rights Award in 1993.

Mr. Criley was a thoughtful, intelligent and dedicated man who will be sorely missed by his wife, Jan Penney, along with his three step-daughters, Ann Edgerton of Carmel Highlands, Beth Penney of Pacific Grove and

Jeanne Mileti of Cachagua; his step-son John Penney of Los Angeles; and his sister, Cynthia Williams of Carmel Highlands.

REMEMBERING MR. C. WAYNE KEITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements of one of Colorado's leading public servants, former Chief of the Colorado State Patrol, C. Wayne Keith. Sadly, Mr. Keith recently passed away. As family, friends, students and colleagues mourn his passing, I would like to honor this great American.

For the better half of a decade Mr. Keith served well and faithfully in the Colorado State Patrol as Chief until his retirement. As a member of the State Patrol, his sense of humor was apparent. His daughter remembered that "He always wanted to razz people just to make life more fun, he always wanted to help everyone and just make people laugh". Even after his retirement Mr. Keith remained active in several organizations including the International Association for Chiefs of Police, the American Lung Association and Easter Seals. Even when Mr. Keith was ailing his spirit did not fail. His sister commented that "the pranks did not stop just because he was sick." She said that "they had these wires across the roof and he would tie strings to them and attach fake spiders, then when nurses would come in he would dangle it in front of them. They would get so scared and the pills would go flying. He thought it was fun".

Full of life, with so much to give, Mr. Keith was taken all too soon. But his memory will live on in all those he has touched. I am confident, Mr. Speaker, that in the face of this profound loss, the family, friends, and the Colorado community can take comfort in the knowledge that each is a better person for having known him.

The people of the state of Colorado have lost a dedicated public servant and an outstanding citizen. He was a model of American ideals, embodying patriotism and service throughout his lifetime. For the life of service that he led will benefit Colorado for many generations to come.

INTRODUCTION OF THE FEDERAL LAW ENFORCEMENT PAY EQUITY ACT OF 2000

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mrs. MORELLA. Mr. Speaker, today, I am introducing the Federal Law Enforcement Pay Equity Act of 2000. The purpose of this legislation is to correct the serious recruitment and retention problem facing the United States Park Police and the United States Secret Service Uniformed Division.

The United States Park Police is America's oldest federal uniformed law enforcement agency with origins dating to the establishment of the seat of government in the District of Columbia. In 1791, President George Washington called for "Park Watchmen" to be provided by the United States Government for services in and around the public squares and reservations in the new Federal city. They were given the same powers and duties as the Metropolitan Police in the District of Columbia in 1882. In 1919, Congress renamed the Park Watchmen "the United States Park Police." The Park Police also provide law enforcement and ensure public safety in various localities in the National Park system.

Safeguarding our national treasures here in DC and elsewhere, and providing support to the Metropolitan Police, the men and women of the Park Police put themselves on the line every day. They conduct investigations into crimes committed in their jurisdiction and put officers on the beat. They secure such national landmarks as the Washington Monument from terrorist threats. They provide air support for law enforcement and search and rescue in DC and in surrounding areas. They even escort Marine Corps I and provide air support for Presidential protection.

However, authorized to operate with 806 officers, the Park Police are short more than 165 people from a full compliment. A recent Booz-Allen report indicates that this shortage poses a severe security threat at national monuments and also creates an unsafe working environment for the members of the Park Police. This shortage worsens monthly, and every year, more officers leave than the Park Police are able to recruit. The number one reason given by officers for their departure is pay.

The United States Secret Service Uniformed Division faces a similar situation. Established as the White House Police in 1922, they operate under the oversight of the Secret Service, protecting the White House grounds and the immediate vicinity and provide protection to foreign diplomatic missions in the Washington metropolitan area. They currently employ 1038 officers, but they too have suffered a drastic loss of personnel in recent years. As it currently stands, roughly 56% of the officers of the Uniformed Division have less than 7 years experience on the job. As is the case with the Park Police, the drastic reduction in available personnel has created a situation of forced overtimes and low morale among the officers.

The Federal Law Enforcement Pay Equity Act will rectify this situation. This legislation equalizes and simplifies the pay scales and benefits structures of the Park Police and the Uniformed Division of the Secret Service and increases the salaries for the rank and file officers significantly, making their salaries competitive with local jurisdictions. Additionally, this legislation was crafted to include a bonus for longevity built into the pay scale. This bill also increases the pay of officers engaged in technical duties. Bolstered with competitive salaries and benefits, these two agencies will be able to more effectively recruit and retain diverse and capable officers. This legislation is urgently needed to rectify the inequity in the current system.

RECOGNIZING TANTASQUA REGIONAL JUNIOR HIGH SCHOOL NATIONAL SERVICE-LEARNING LEADER SCHOOL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the achievement of Tantasqua Regional Junior High School. This school in my district was one of sixty-six schools to be named a National Service-Learning Leader School, and was honored by this Presidential award this past June.

I want to congratulate Tantasqua Junior High School for being recognized on such a national level. Their programs concerning service-learning have not only had a positive affect on the students of the school, but the community as well.

Service-learning is a way of teaching that involves a combination of academics and community service, and is based on a joint effort from both teachers and students to improve the learning process. This style of education is on the rise in the United States and is increasingly being incorporated into both the standard and core courses taught in our nation's schools. This allows schools like Tantasqua Junior High to infuse standard courses with a sense of responsibility to community service, which in turn strengthens and bonds our communities by instilling in these teenagers a sense of commitment to giving to the community through volunteer work.

Tantasqua Regional Junior High School is one of only three schools recognized in the State of Massachusetts and its faculty, students and principal, Daniel Durgin, have every right to be proud of this momentous achievement. The school's faculty was invited to Washington on June 15 for a reception attended by congressmen and congresswomen where they received even further training in service-learning techniques. These schools were acknowledged and recognized as models for other schools. The intent is that these selected institutions will lead other schools in their area towards a better education for our children.

As recipients of this award, the students and faculty of Tantasqua Regional Junior High School should again be applauded and congratulated. Their efforts have produced a school of which both the state and country can be proud.

NORTH KOREA NONPROLIFERATION ACT OF 2000

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. GILMAN. Mr. Speaker, I am pleased to introduce H.R. 4860, the "North Korea Nonproliferation Act of 2000".

I am offering this bipartisan legislation in response to North Korea's ongoing proliferation of missile and other dangerous weapons technologies to terrorist and other rogue states. The United States and our allies have worked hard to rein in North Korea's dangerous missile program. There have, from time to time, been signs of progress. But a recent headline in New York Times accurately summarizes North Korea's current policy: "North Korea Vows to Continue Missile Program".

This New York Times story described North Korea's reaction to the latest round of diplomacy between the United States and North Korea in which the North Koreans were asked once again to stop proliferating missile technolgy to rogue states. North Korea deigned to participate in this latest round of diplomacy with the United States following the Clinton Administration's termination of the 50-year old U.S. embargo of North Korea on June 19, 2000.

The process leading up to the Clinton Administration's termination of the embargo on June 19th is worth recounting, because it speaks volumes about North Korea's ability to wear down and outflank U.S. negotiators.

For years it was the Clinton Adminstration's policy that it would end the U.S. embargo of North Korea only in connection with a binding agreement in which North Korea promised to end missile prolieration. The prospect of ending the embargo was the principal inducement that the U.S. negotiators had to offer the North Koreans for such a deal.

But on August 31, 1998, North Korea test fired a three-stage long range Taepo Dong missile across Japan, and the Japanese became very angry. So angry, in fact that they threatened to end their financial support of the Agreed Framework with North Korea—the 1994 agreement in which the Clinton Adminstration promised to give North Korea two advanced nuclear reactors worth approximately $5 billion in exchange for a "freeze" of North Korea's nuclear program.

The Clinton Administration became so alarmed about the risk of Japanese withdrawal from the Agreed Framework that it made the prevention of any more missile tests by North Korea its highest priority. Over the next year, the Administration negotiated diligently, and on September 12, 1999, it announced that North Korea had agreed to a temporary moratorium on further missile tests. In exchange for the moratorium, the Clinton Administration pledged that it would end the U.S. embargo of North Korea.

The Administration had, in other words, given away its leverage on the issue of missile proliferation for a temporary deal on missile testing. The U.S. negotiators charged with getting an agreement ending North Korean proliferation were left with no meaningful inducements to offer the North Koreans.

The Clinton Administration did not immediately end the embargo. For nine months, it held off doing so in the hope that a promised "high level visitor" from North Korea would come to the United States to formalize the moratorium on missile testing. No such visitor ever materialized, and the moratorium was never formalized, but on June 19, 2000, the Administration relented and ended the embargo anyway. In exchange, the North Koreans agreed to participate in another round of talks about missile proliferation.

The U.S. negotiators went to the talks with no meaningful inducements to offer, so the North Koreans boldly requested one: they offered to stop missile proliferation in exchange for $1 billion per year in cash from the United States.

The U.S. negotiators rejected this offer out of hand, but the North Korean request illustrates a broader truth: now that the Clinton Administration has effectively normalized economic relations with North Korea, it will have to come up with some other massive bribe in order to make progress on missile proliferation. Such a bribe can only help shore up the North Korean regime and strengthen its grip on power.

The North Korea Nonproliferation Act tries to overcome this dilemma by restoring the linkage between normalized economic relations with the United States and good behavior by North Korea with regard to proliferation. The bill does not reverse the Administration's decision to end the embargo, but it would require reimposition of the embargo in two circumstances: (1) if North Korea violates the missile testing moratorium, or (2) if it proliferates to a state sponsor of terrorism or a country that has tested long range missiles built with North Korean goods or technology.

The legislation provides the President a national interest waiver that he may exercise to promptly terminate the embargo of North Korea if it is reimposed pursuant to this legislation.

The effect of the legislation, therefore, is to underscore to the North Koreans that they cannot continue to proliferate dangerous weapons technologies to the world's most odious governments without paying a price in their relationship with the United States.

I am pleased to be joined in offering this legislation by some of the leaders within the Congress on the issue of proliferation: Congressman ED MARKEY (D-MA), co-chair of the House Nonproliferation Task Force, Congressman JOE KNOLLENBERG (R-MI), and Congressman FRANK PALLONE (D-NJ).

SUMMARY OF H.R. 4860

NORTH KOREA NONPROLIFERATION ACT OF 2000

1. Reports to Congress.—The President shall submit a report to Congress every six months identifying all instances in which there is credible information that North Korea has—

(a) taken an action inconsistent with North Korea's obligations under—

(1) the agreement with the United States of September 12, 1999, to suspend launches of long range missiles, or

(2) any future international agreement in which North Korea agreed to limits on its testing, deployment, or proliferation of missiles or missile technology; and

(b) transferred to a foreign country, on or after the date of enactment, goods, services, or technology listed on a nonproliferation control list (i.e., NSG, MTCR, Australia Group, CWC, and Wassenaar control lists).

2. Discretionary Reimposition of Sanctions.—The President is authorized to reimpose any or all of the restrictions on commerce with North Korea that were in place under the Trading With the Enemy Act, the Defense Production Act, and the Department of Commerce's Export Administration Regulations prior to September 12, 1999, if a semiannual report to Congress under this Act indicates that there is credible information that, on or after the date of enactment, North Korea transferred to a foreign country goods, services, or technology listed on a nonproliferation control list (i.e., NSG, MTCR, Australia Group, CWC, and Wassenaar control lists).

3. Mandatory Reimposition of Sanctions.—In addition, the president shall reimpose all of the restrictions on commerce with North Kroea that were in place under the Trading With the Enemy Act, the Defense Production Act, and the Department of Commerce's Export Administration Regulations prior to September 12, 1999, within 10 days of submitting a semiannual report to Congress under this Act indicating that there is credible information that North Korea has—

(a) taken an action inconsistent with North Korea's obligations under—

(1) the agreement with the United States of September 12, 1999, to suspend launches of long range missiles, or

(2) any future international agreement in which North Korea agreed to limits on its testing, deployment, or proliferation of missiles or missile technology; or

(b) transferred, on or after the date of enactment, goods, services, or technology listed on a nonproliferation control list (i.e., NSG, MTCR, Australia Group, CWC, and Wassenaar control lists) to—

(1) any country listed on the U.S. list of state sponsors of terrorism, or

(2) any country that has tested a long-range missile incorporating goods or technology knowingly transferred to such government by North Korea.

4. Determination that North Korea Did Not Knowingly Act.—In the case of any action by North Korea that otherwise would require the President to reimpose restrictions on commerce with North Korea, that requirement shall cease to apply if the President determines and reports to Congress that there is substantial doubt that North Korea knowingly took that action.

5. National Interest Waiver.—In any instance in which the President was required by this Act to reimpose restrictions on commerce with North Korea, he may, not less than 30 days after reimposing such restrictions, and following consultation with Congress, waive the continued imposition of such restrictions if he determines and reports to Congress that such waiver is important to U.S. national security interests of the United States.

6. Authorities of the President if North Korea Enters A Binding International Agreement Regarding Missile Proliferation.—If North Korea enters a binding international agreement that satisfies United States concerns regarding the transfer by North Korea to other countries of missiles and missile technology, the President is authorized to—

(a) support the commercial launch in the United States or other countries of satellites for North Korea; and

(b) waive sanctions that are in place against North Korea pursuant to U.S. missile technology and other nonproliferation legislation.

TRIBUTE TO DR. PATRICIA GABOW ON RECEIVING THE 2000 DR. NATHAN DAVIS AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. McINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to Patricia A. Gabow, MD, for receiving the 2000 Dr. Nathan Davis Award presented by the American Medical Association. Dr. Gabow's work as CEO and Medical Director of Denver Health has earned her recognition as one of our nation's most committed proponents for the medically underserved and deserves the praise and recognition of this body.

If ever there were a person who embodied the spirit and service of the medical profession, it is Dr. Gabow. Dr. Gabow received her medical degree for the University of Pennsylvania School of Medicine. She began her medical career in Denver in 1973, when she joined the staff of Denver Health and Hospitals as Chief of the Renal Division. Throughout her medical career, Dr. Gabow has received worldwide recognition as an authority on renal disease, however it is her leadership in developing health care programs for Colorado's underserved that have made her worthy of this eminent award.

Perhaps one of her most prestigious accomplishments was when Dr. Gabow assisted the Denver Health Medical Center overcome a $36 million deficit to expand their services to Medicaid patients, namely the underserved children of the community. This triumph nearly doubled the amount of Medicaid recipients served at a time when other health care facilities were struggling to assist other patients. Not only has Dr. Gabow helped foster strong care giving facilities, but she has also been influential in community health programs, AIDS prevention and treatment, and infectious disease control, just to name a few.

As Dr. Gabow celebrates her award, Mr. Speaker, I salute her dedication to public service. My thanks to her on a job well done. Congratulations!

MEMORIAL DAY SPEECH BY MIKE CARONE, KOREAN WAR VETERAN

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. MANZULLO. Mr. Speaker, on Memorial Day 2000, a constituent and Korean war veteran, Mr. Mike Carone, gave the following speech during ceremonies in McHenry, Illinois:

> On June 25 of this year, it will be 50 years since Truman's police action—the Korean War—began. It lasted three years, until July 27, 1953, when an armistice was affected by President Eisenhower.
>
> It was a United Nations action that included 20 countries. We were a major participant with seven Army divisions, four Army regiments and one Marine division on the ground with participation from both Navy and Air Force. One-and-a-half million Americans served in Korea during the three years of the war, and 200,000 of them engaged in combat during that period.
>
> It signaled the beginning of the end of communist expansion in Asia and the end of the Cold War because we actively resisted and stood our ground. The United Nations, including the South Korean Army, lost one-quarter million lives. Thirty-six thousand American lives were lost in combat, of which over 4,000 were Marines. Total United Nations wounded totaled over one million. Over 100,000 Americans were wounded in action, of which 24,000 were Marines.
>
> Today, there are still 8,100 Americans missing in action.
>
> Hardly a police action.
>
> I dare say there is hardly a page or even a paragraph written about the Korean War in the history books our children read.
>
> I was getting out of Marine boot camp at Parris Island when it started and remember the drill instructors trying to find out where Korea was at. Korea was called the "Forgotten War" because it started five years after the Second World War and our country was in a peacetime mode. World War 11 vets came home, got a job, got married, bought a house and car and had babies. But the Russian and Korean communists, with approval of the Chinese communists, were not in a peacetime but an aggressive expansionist mode and invaded South Korea.
>
> Our country at that time was war-weary and, after the Korean War started, wanted it to end quickly so they (we) could forget it. That wasn't the communist plan, and the Chinese entered the war with infinite human resources. Over 1,000,000 communist forces lost their lives, and they failed to expand communism in Asia.
>
> I was a machine gunner in ACO 1st Battalion 5th Regiment of the 1st Marine Division from January 1951 to January 1952 and earned four Battle Stars. Many Marines were killed and wounded during that year. It was and is Marine Corps tradition that our dead and wounded are never left behind—sometimes at the cost of the living.
>
> I remember when our battalion would be relieved for a few days rest, sometimes every one-and-a-half to three months. We would assemble in formation, and the names of those killed-in-action during the previous engagement would be read. Sometimes it took 10 minutes, and other times it would take 45 minutes to read the list. Then the bugler would sound taps to honor the dead as we will do later today.
>
> I, like many Korean War veterans, eventually returned to civilian life, got a job, got married, went to college, bought a house, had kids and tried to put the war experiences behind us but could never forget our buddies who were killed or later died of their wounds.
>
> Thirty years after the Korean War, I could no longer suppress those memories and became active in veteran organizations and attempted to find those Marines that I served with in the Korean War. I have found some of them, we talked about those war experiences we shared and tried to put to rest those memories.
>
> Today, 49 years after the Korean War, those war experiences have dimmed, but I shall never forget those I knew who gave their lives in many of the battles in that faraway land so long ago.
>
> In conclusion, let us never forget those who gave their lives in that forgotten war who were never forgotten by their families and buddies, and that they be remembered by us along with all the American veterans who gave their lives in all the wars our country fought in defense of our freedom.

INTERNET GAMBLING PROHIBITION ACT OF 2000

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Mr. PAUL. Mr. Speaker, I rise in opposition to the Internet Gambling Prohibition Act of 2000 for several reasons. The bill threatens Internet privacy, invites Federal Government regulation of the Internet and tramples States' rights.

H.R. 3125 establishes a precedent for Federal content regulation of the Internet. By opening this Pandora's box, supporters of the bill ignore the unintended consequences. The principle will be clearly established that the Federal Government should intervene in Internet expression. This principle could be argued in favor of restrictions on freedom of expression and association. Disapprove of gambling? Let the government step in and ban it on the Internet! Minority rights are obviously threatened by majority whims.

The bill calls for Federal law enforcement agencies, such as the Federal Bureau of Investigation, to expand surveillance in order to enforce the proposed law. In order to enforce this bill (should it become law), law enforcement would have to obtain access to an individual's computer to know if one is gambling online. Perhaps Internet Service Providers can be enlisted as law enforcement agents in the same way that bank tellers are forced to spy on their customers under the Bank Secrecy Act? It was this sort of intrusion that caused such a popular backlash against the "Know Your Customer" proposal.

Several States have already addressed the issue, and Congress should recognize States' rights. The definition of "gambling" in the bill appears narrow but could be "reinterpreted" to include online auctions or even day trading (a different sort of gambling). Those individuals who seek out such thrills will likely soon find a good substitute which will justify the next round of federal Internet regulation.

AN ETHICAL QUESTION FOR HOSPITALS AND MEDICAL CORPORATIONS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. KUCINICH. Mr. Speaker, today I speak about the question: should hospitals and medical corporations be held to a higher standard of ethics and social responsibility than other corporations? To answer this important question I refer to the Constitution of the United States. In the Preamble we read that the basis of this great country rests in part in the words "promote the general Welfare." This is the essence of what we are about and what should be considered in all moral and ethical arguments concerning public policy. I will use this premise in my answer to the question: Should hospitals and medical corporations be held to a higher standard of ethics and social responsibility than other corporations?

From the earliest written history the role of the "healer"—or medical doctor in our modern terms had a special role. The Code of Hammurabi, which was practiced in Sumeria and Babylonia, clearly stipulated the physical penalties to be inflicted on the "healer" in cases of failed surgery. For example the Code states, "If a doctor operates on the eye of a gentleman, who loses his eye as a consequence, the hands [of the doctor] shall be cut off." This is a clear statement of medical responsibility and its consequences.

This is indicative of the value of human life and special responsibility of physicians. The Hippocratic Oath, taken by medical doctors at the end of their medical studies, states existence of a special relationship between the patient and the physician. In previous times, the physician was held in great respect, not because of the economic status, but because of the respect for the learned arts that the physician was trained in. This is the basis of the unique relationship between the patient and the "healer."

I am greatly concerned that in recent times this special relationship between the patient and the physician has radically changed. For example, I cite the concept of a distributive ethic which is widely promoted and used by health maintenance organizations. The distributive ethic may be stated as the principle to provide the greatest good for the greatest number of patients within the allotted budget. The problem is that it is not possible to simultaneously provide optimal care for an individual patient and for the entire group of patients at the same time. This is an example of the change in the relationship between the patient and the physician that has occurred with the development of our new business models to deliver health care; i.e. HMO's.

An example of the business practices of HMO's that are in conflict with the former respectful, sacred relationship between the patient and the healer is the use of a fixed sum of money for the annual care of a group of patients. If the physician can reduce the referrals to specialists, which would rapidly deplete the fund allocated by the HMO for the patient pool, then the physicians can take the remaining funds for themselves. How can anyone consider that this current business practice is in the interest of the patient?

Another area of current medical business practice is the financial involvement of the physician in the pharmaceutical industry. How can a clinical study be considered unbiased when the principle investigator is a share holder in the corporation that is financing the clinical study?

Can a corporation that owns a series of clinics and hospitals in a neighborhood decide to close one or more of them on the grounds that this will decrease competition? Is a hospital to be viewed in the same ethical way as any other corporation? As a extension of the patient-physician relationship and it special and sacred relationship that has existed from ancient time, it follows that the corporation that owns a hospital has a moral obligation to promote the general welfare.

In summary, current business models and practices are not consistent with the ideal "to promote the general Welfare." Hospitals and HMO's have a unique role in our society, and with that unique role come unique responsibility. I believe that the only conclusion that reasonable people can hold is that hospitals and medical corporations must be held to a higher standard of ethics and social responsibility than other corporations.

NATIONAL AGRICULTURAL COMMUNICATORS OF TOMORROW CELEBRATES 30 YEARS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. COMBEST. Mr. Speaker, I rise today to recognize the National Agricultural Communicator of Tomorrow for celebrating 30 years. This organization, comprised of college students from across the nation, plays an important role in developing skills students need to excel in the communications field. ACT provides students with the opportunity to network with ag communications professionals and attend seminars and meetings to learn more about possible career choices. Individuals with an agricultural communications degree have the task of educating and informing the public about agriculture. As Chairman of the House Committee on Agriculture, I know firsthand the value of having such advocates and voices promoting American agriculture, and ACT gives students a chance to expand upon these abilities.

Twenty-three students from seven universities formed ACT in July 1970 at Cornell University in Ithaca, New York. Currently, ACT has grown to include 21 chapters with over 351 members nationwide, including a chapter in Puerto Rico.

Many professional communication organizations support ACT. These "parent organizations" provide guidance, act as mentors, and serve as a resource for students to utilize when looking for employment. The National ACT organization holds a national convention each year in conjunction with one of its parent organizations and is participating in the U.S. Agricultural Communicators Congress occurring in Washington, DC July 23–26. At the convention, students are given the opportunity to compete in contest categories such as black and white photography, feature story writing, page layout and design, video editing, and present a public relations campaign. These contests allow students the opportunity not only to compete, but to showcase their work to future employers.

ACT has been instrumental in preparing our students for the future. As the population continues to grow and fewer people are involved with production agriculture, it is imperative that organizations like ACT play a prominent role in educating consumers. ACT members have the ability to inform the public about the value, diversity, and importance of American agricultural products in today's society.

I want to recognize the National Agricultural Communicators of Tomorrow on their 30th birthday, applaud them for their outstanding achievements, and wish them continued success in all of their activities.

INTRODUCTION OF H.R. 4857

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. MATSUI. Mr. Speaker, I am pleased today to join with Congressman SHAW to introduce bipartisan legislation to help restrict the use of individuals' Social Security Numbers by both the public sector and the private sector. Our legislation builds upon a number of bills introduced by House Democrats earlier this session. I'd like to thank Congressmen ED MARKEY, GERRY KLECZKA, and BOB WISE for their contributions on the privacy protection issue and for introducing exemplary legislation on the topic this Congress.

The Social Security number is almost as old as the program itself. Created in 1936 to keep track of workers' earning records, the uses of the Social Security number have since extended far beyond its original intent, to the point where it is now commonly used as a personal identifier.

Indeed, the Social Security number is increasingly used as the key to unlocking some of people's most vital—and most private—financial information. Its prevalence in today's society helps facilitate the host of private and public transactions in which people engage every day. That same prevalence, however, leaves people exceptionally vulnerable when their SSN's fall into the hands of those who wish to exploit that information for their own gain.

While we should be aware of the contributions that the use of the SSN makes to program administration and to business efficiency, we must be careful that we do not allow some of our most fundamental rights—the right to privacy and the right to control our personal information—to be abridged in the name of expediency. Our legislation strikes the correct balance.

Our bill would prohibit Federal, State, or local government entities from selling lists of people's SSN's and would prohibit government entities from displaying SSN's to the general public—for example, on drivers' licenses or on government checks.

Just as importantly, our bill would restrict private businesses' use of the SSN. Just as the Clinton Administration proposed earlier this year, our bill would authorize the Federal Trade Commission to ban the inappropriate sale or purchase of Social Security numbers.

Our bill also prohibits businesses from requiring that you disclose your Social Security number in order to do business with them.

Just as our bill enhances privacy protections, it also provides new protections for Social Security beneficiaries who rely on representative payees to manage their finances.

Social Security beneficiaries who rely on representative payees to receive their benefits and to complete financial transactions on their behalf represent some of the most vulnerable members of our society. They are the very young, the very sick, and the very old. They are individuals who live in nursing homes and in State mental hospitals.

Thus, when representative payees misuse the funds that have been entrusted to their care, they are not simply defrauding the Social Security Trust Funds—they are harming the very people that Social Security was designed to help.

Our bill would help prevent the misuse of beneficiaries' funds and would make it easier for beneficiaries to be compensated in the event that their funds are misappropriated. Our bill would require SSA to re-issue benefit payments to beneficiaries in all cases in which "fee-for-service" representative payees have misused the funds entrusted to their care; strengthen the requirements fee-for-service organizations must meet in order to act as a representative payee; prohibit organizations from receiving fees for serving as a representative payee for any month in which that organization is found to have misused beneficiaries' funds; and finally, treat any misused benefits as an overpayment to the representative payee and, therefore, allow SSA to use the collection tools at its disposal to recover such overpayments.

I want to thank my colleagues again for this bipartisan effort and I urge my colleagues to join us as cosponsors of this important legislation.

A TRIBUTE IN THE MEMORY OF MARSHA CORPREW OF OAKLAND, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Ms. LEE. Mr. Speaker, I rise with a great sense of loss as I pay tribute to Ms. Marsha Corprew, a prominent Oaklander and educational leader, who left us on July 3, 2000 at the age of 51.

Ms. Corprew was a resident of the West Oakland community for all her life. After graduating from Oakland public schools, Ms. Corprew attended Merritt Community College and California State University, Hayward. She completed her class work at the University of Hawaii and the University of California, Berkeley. After her years of education, Ms. Corprew returned to the community and through the course of her life, she donated a generous amount of time and energy to keeping her community alive.

After her education, Ms. Corprew went on to teach and counsel youth at McClymonds High School, Elmhurst Junior High School, and in a number of Oakland's public school programs. In addition to her educational efforts, she served as a volunteer to a number of community organizations concerning Oakland's educational and political life.

For 22 years, Ms. Corprew served as a volunteer on the Oakland Parks and Recreation Commission. During that time, she was also an officer for the Oakland Education Association, the National Association for the Advancement of Colored People, Black Political Action Committee, Friends of Parks and Recreation, and the Alameda County Education Association.

Through the course of the last two decades, Ms. Corprew's contributions have been honored. She won the Peralta College Chancellor's Award in 1987 and College Bounders Award in 1983 for her volunteer work.

She will be missed by her family, friends, colleagues and the community. At Ms. Corprew's request no funeral was planned, but a "Celebration of Life" in her honor will be held on July 19, 2000, at the Lakeside Park Garden Center.

THE SCIENTIFICALLY-BASED EDUCATION RESEARCH, EVALUATION, STATISTICS AND INFORMATION ACT OF 2000

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. CASTLE. Mr. Speaker, today I am pleased to introduce legislation that I believe will vastly improve the quality, relevance, and objectivity of education research, program evaluations and statistical analyses supported through federal funds.

Educators and policymakers must have unbiased, reliable and responsive information to prepare our Nation's children for the challenges of this new century. Unfortunately, the federal government does not have a system in place to ensure that education research and other information is available to those that need it most—our teachers. At the same time, our states and school districts are adopting new accountability measures designed to hold teachers and students to new, higher standards of academic achievement, For these reasons, the need to know what works and what does not has never been greater.

Unfortunately, educators and policymakers have grown wary of education programs and practices that claim to be the "silver bullet" to improve student academic achievement until they fall out of favor with the community and a new fad comes along. As a result, schools find themselves blindly following a path they hope will lead to increased academic achievement without knowing if these programs are based on actual scientific research or just a hunch. Unfortunately, these fads not only fail to improve student academic achievement—they can actually be harmful to student learning.

To date, the federal government has done little to lessen this confusion and, in many cases, it has actually made things worse. Just last year, an "expert panel" convened by the U.S. Department of Education endorsed ten K–12 math programs as "promising or exemplary." Subsequently, two hundred mathematicians and scientists from leading universities sent a letter of protest to the department because of what they felt were "serious mathematical shortcomings" in the endorsed programs.

In fact, these experts were so concerned, they placed full-page advertisements in the nation's leading newspapers. In their collective expert opinion, mathematics instruction would be severely "dumbed down" if these particular programs were implemented in our Nation's schools. Despite their concerns, the programs—which lack rigorous scientific examination to validate their claims—continue to be widely disseminated to schools across the country by the Department of Education.

Not surprisingly, the dissemination of unproven or ineffective programs is not a new problem. From 1967 to 1976, the federal government managed the largest education experiment ever conducted in the United States—comparing more than twenty different teacher approaches on more than 70,000 students in more than 180 schools. At the end of the study, all of the programs, those that were successful and those that failed, were recommended for distribution to school districts. In fact, some of these programs, even those that were considered a failure in the study, were rated as "exemplary and effective."

While the wide dissemination of programs that have not been validated through scientific research is one problem—the lack of quality in research is also a major concern.

Recently, Congress established a National Reading Panel to evaluate existing research on the most effective approaches for teaching children to read. The panel examined more than 100,000 federally funded studies on reading—some written as far back as 1966. After an exhaustive review, the panel concluded that, of the 100,000 studies, only 10,000 met their standards for academic and scientific rigor.

Simply put, we can no longer tolerate flawed research that fails our children. For this reason, my legislation seeks to ensure the quality and integrity of the federal government's research, evaluation, and statistical activities. Specifically, the "The Scientifically-Based Education Research, Evaluation, Statistics and Information Act of 2000" provides clear standards and definitions for the extent of rigor that must be undertaken when conducting education research, evaluation and statistics with federal funds.

Under this Act, the Office of Educational Research and Improvement (currently located within the Department of Education) would be eliminated and replaced with a new national academy that provides the infrastructure for the undertaking of coordinated and high quality educational research, statistics gathering, program evaluation, and information dissemination. The academy would be separate from the Department of Education or any other federal agency as a means of ensuring its activities are carried out with the greatest degree of independence and integrity.

This academy would house three main centers, the National Center for Education Research, the National Center for Program Evaluation and Development, and the National Center for Education Statistics, as well as the National Education Library and Clearinghouse Office.

The National Center for Education Research, which would replace the five existing education institutes, would focus on a limited number of research priorities designed to address educational issues of national importance. Of course, all research funded by the center would be required to meet the rigorous requirements of "scientifically valid research" as defined in the legislation.

Next, the National Center for Program Evaluation and Development would provide truly independent program evaluations designed specifically to determine what works and what does not. Currently, the Department of Education is charged with evaluating its own programs and it does not have the incentive to dedicate the resources necessary to conduct high quality evaluations that are able to demonstrate whether programs are actually working.

Finally, the legislation places the existing National Center for Educational Statistics under the academy and outside of the Department of Education. The bill also makes slight changes to the National Assessment Governing Board (NAGB), which would be given full authority to develop the policy and carry out the National Assessment of Educational Progress (NAEP).

As I mentioned earlier, the academy would also house the National Education Library and Clearinghouse Office, which would be responsible for collecting, archiving and disseminating all research, statistics and evaluations undertaken within the agency as well as other education-related materials from other federal agencies and research institutions. This would replace the current maze of federal education clearinghouses that span the Office of Educational Research Improvement and the Department of Education.

In addition to the activities carried out under the new academy, the Department of Education would house an Office of Planning, Performance Measurement, and Technical Assistance, combining the existing functions of several different offices within the department. In addition to short-term evaluations, the office would oversee the implementation of a performance measurement system to measure the quality of education programs.

The office would also oversee a regionally-based grant program which combines funds currently directed to Regional Educational Laboratories, Comprehensive Centers, Regional Technology Centers, and a portion of the funds under the Eisenhower Math and Science Consortium currently used for technical assistance. Each region of the country, as designated by the director of the office, would convene a governing board to determine its unique priorities and to develop a plan for disseminating educational research, providing technical assistance, and carrying out applied research projects. Finally, the office would oversee a state-based grant program to provide high-need schools the opportunity to select their own providers of high quality technical assistance.

Mr. Speaker, by holding education research, evaluations and statistics to new standards of rigor, improving the focus of these activities so they are relevant to the needs of educators and policymakers, and laying the framework for the dissemination of high quality, scientifically valid information—we will improve the education of our nation's children. I hope Members will join me in support of this important initiative and the historic shift that it represents.

IN MEMORY OF MELVIN LEE THOMAS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. STARK. Mr. Speaker, I would like to take a moment to remember a dear friend of the Oakland, California community who has recently passed on.

Melvin Lee Thomas, a great friend, father, and grandfather, was a remarkable member of the Oakland community. A veteran of the United States Marine Corp, he served his country with tremendous loyalty.

Melvin attended several schools in the Oakland area, including John Muir School in Alameda, Clawson Elementary School, Golden Gate Junior High School, and Oakland Technical High School.

Mel, as he was fondly called, served with distinction in the United States Marine Corp from 1958 to 1964. He served with a marine assault battalion in Guantanamo Bay in Cuba during the Cuban Missile Crisis. His family and friends were never so proud or relieved when he returned home unscathed from his service to our nation.

Mr. Thomas was a lover of nature, the outdoors, and the sea. Some of his favorite pastimes were spent on the ocean enjoying its wonders. He loved watching beautiful sunsets from the ocean. Mel enjoyed listening to good music and Jazz was his favorite. He also was an avid reader. He enjoyed the exploration of the world of the mind.

Mel is survived by his only daughter, Nerissa Thomas; his granddaughter, Jordan Mykaela Bess; his three brothers James Keith, Andrew Rodgers, and Anthony Rodgers; and his uncle, John Elsie Byrd.

I ask my fellow colleagues to join me in paying tribute to this great man. Mr. Thomas will truly be missed by all members of the Oakland community. His dedication to his country, family, and friends will not soon be forgotten.

HONORING THE DISTINGUISHED CAREER OF ROBERT "BUD" RALSTON UPON HIS RETIREMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Bud Ralston has spent his life serving the people. He was born in McConnelsville on March 30th, 1926 and came to Caldwell in 1936 when his father purchased a drugstore which his mother continued to operate after his father's death later that same year.

At the age of 17, Bud joined the U.S. Marine Corp. He served in the 77th Special Infantry Company from 1950 to 1964 and attained the rank of Platoon Sergeant.

In 1948, he returned to Caldwell to help his mother run the drugstore. After his mother's death in 1962, Bud continued to operate the business until 1986. In 1957, he purchased Wehr's Clothing Store, which came to be known as "Bud's Clothing."

Bud served as Commander of the Veterans of Foreign Wars and was the first WWII Commander of the 5th District in the State of Ohio.

His community involvement continued as a member of the Caldwell Volunteer Fire Department from 1948–1990, serving as Fire Chief for 18 years. He is a member of the Masonic Lodge, Scottish Rite and Shrine and the United Methodist Church. Bud has also been active with the Board of Directors of the Noble County Chamber of Commerce, of which he served as President, as well as the Caldwell Athletic Boosters.

Since 1992, Bud has served as the mayor of Caldwell. During this time, he has upgraded the sewer and water plants, built the water tower and lines to the state prison and was instrumental in obtaining the Noble Correctional Institution. Additionally, Bud has overseen the pavement of many streets and alleys, planted over 250 trees, installed new water lines to surrounding areas and helped the village become a showplace in the Revitalization Project.

Mr. Speaker, I ask that my colleagues join me in honoring the career of Bud Ralston. His lifelong service and commitment to the region is to be commended. I am proud to call him a constituent and a friend.

ETHICAL CONCERNS WITH THE HUMAN GENOME PROJECT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. KUCINICH. Mr. Speaker, today I speak about some ethical concerns with the human genome project. The recent announcement of the rough draft of the human genome presents another milestone in the recent human enterprise that we call science. The question before us today is the societal consequences of this new development. The role of government is to promote the public good, and to this end it is necessary to address the public concerns related to the human genome project. These concerns may be divided into the following topics: (1) reverence for life, (2) privacy concerns, (3) intellectual property concerns, (4) modification of the genetic code of individuals, and (5) the public's access to data derived from a publicly funded project.

The propensity for people to use science and technology to pursue their ideology is well documented in the eugenics and sterilization movements that occurred in both the United States and in Nazi Germany. Shall the data from the human genome project be used to terminate the birth of individuals who may express genes for childhood diseases?

Government laws that address the concern of individual privacy must be modified to include protection of both the individual's genetic code as well as other types of privacy. The President issued an Executive Order to protect an individual's privacy in both hiring and promotion in the civilian federal work force. These actions are to be applauded. Individual protections should be much broader;

all countries should agree to an international law on human genetic privacy.

The United States Patent and Trademark Office must strike a balance between its Constitutional mandate to promote science and the useful arts, and its role in protecting the general public good. Under the current system, it is possible to patent a gene without a knowledge of the gene's function. This may not be in the public good since it will tend to hinder private sector research to cure diseases.

There are great ethical concerns about the use of the technology to modify an individual's genetic code. We are familiar with the abuse of medical intervention, specifically injections of human growth hormone to alter a child's stature. Parents choose this intervention because they perceive that taller children would be at an advantage. Will some parents similarly choose to modify their genetic code in order that their prodigy will be similarly "advantaged." Will we modify the genetic code of parents to produce a new "master race"?

Another important public concern whether or not the public will have access to the data derived from a publicly funded project. It would be consistent with the promotion of the public good that everyone have access to the results of the human genome project.

Finally, we recognize that humankind is more than its genetic code. While science can inform us what is, and what can be, the humanities, religion, and ethics informs us how we shall be and what we shall be. Government oversight has an important responsibility to insure and safeguard the public good. While I applaud the human achievement, a truly international enterprise, in the "reading" of the human genome, I urge everyone to address with deep thought and human compassion the important societal consequences that I have enumerated.

TRIBUTE TO TEXAS BOYS RANCH OF LUBBOCK

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. COMBEST. Mr. Speaker, I rise today to recognize Texas Boys Ranch of Lubbock in celebration of their 25th Anniversary Telethon on August 26th, 2000. Texas Boys Ranch provides adolescent boys of the South Plains an opportunity to realize their dreams and reach their goals.

The Texas Boys Ranch began in 1975 as a way for community leaders to minister to the lives of troubled youth. For 25 years, Texas Boys Ranch has served over 400 boys and young men from all walks of life. Texas Boys Ranch is a working ranch with cattle, hogs, horses, and ponies. In addition to their full academic schedules, the boys live on the ranch and are required to preform chores in their cottages and on the ranch. Texas Boys Ranch also offers a unique program to young men age 17 or older. The Independent Living Program allows these men to live at the Ranch's Cottage III, where they are given the responsibility to make choices regarding their day to day lives.

For the past 25 years, the Texas Boys Ranch has provided boys and young men of the South Plains with a stable environment in which to grow and develop. Generous contributions from individuals, churches, businesses, and foundations, as well as reimbursement by the Texas Department of Protective and Regulatory Services, provide the funding for Texas Boys Ranch. A recent capital campaign led to a much needed renovation project of cottages, Dinning facilities and infrastructure at the Ranch. The Silver Anniversary Telethon is yet another opportunity for the community to help the Texas Boys Ranch in influencing the lives of young men.

At a time in our nation when young people have more obstacles and challenges growing up, and fewer quality role models, Texas Boys Ranch serves as a positive and stabilizing force in the lives in many young men. The success story of Texas Boys Ranch demonstrates how communities can come together and reach out to the needs of our young boys.

SERVICE 1ST CREDIT UNION CELEBRATES 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the members and employees of the Service 1st Federal Credit Union in Danville, Pennsylvania, on the occasion of the credit union's upcoming 25th anniversary.

Service 1st was originally known as Geisinger Federal Credit Union when it was founded in August, 1975, by several employees of Geisinger Medical Center who saw the need to provide a financial services alternative to their fellow workers. The name change was made to reflect the expanded field of membership and the credit union's commitment to all of its members.

Over the years, the credit union has grown into a full-service financial institution with membership expanded well beyond the employees of the Geisinger Health System. With branches in Wilkes-Barre, Lewisburg and Selinsgrove, Service 1st now provides service to more than 150 employee groups, including workers at Bucknell University, Susquehanna University, and Tri-County Farm and Home Supply.

Service 1st also has a unique program, headed by Kathy Linn, chair of the board, that allows students at Danville Area High School to join and work in a branch that is based right in the high school.

Service 1st has come a long way since its founding 25 years ago and is now a well-established credit union with more than 13,000 members and more than 450 million in assets. In June, Service 1st opened its new headquarters in Danville at 1027 Bloom St., complete with a drive-up ATM and drive-through teller service as well as expanded business hours inside the lobby.

Mr. Speaker, Service 1st and its strong commitment to its members serve as a good example of why I and others in the Congress worked to enact the Credit Union Membership Access Act that President Clinton signed into law in 1998. Credit unions serve an important purpose as a non-profit provider of financial services to millions of Americans.

Pennsylvania in particular has the highest proportion of credit union membership of any state in the nation, with one out of every four Pennsylvanians belonging to a credit union.

I send my best wishes to the members and employees of the Service 1st Federal Credit Union on their 25th anniversary and my wishes for continued success.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Monday, July 17, 2000, and as a result, missed rollcall votes 401 through 404. Had I been present, I would have voted Yes on rollcall vote 401, Yes on rollcall vote 402, Yes on rollcall vote 403, and No on rollcall vote 404.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Ms. GRANGER. Mr. Speaker, due to a travel delay in returning from my district, I was not present for rollcall votes last evening.

Had I been present, I would have voted "yea" on rollcalls 401, 402, 403, and 404.

TRIBUTE TO GOLDY S. LEWIS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I celebrate the achievements of Goldy S. Lewis, of Rancho Cucamonga, California.

Mrs. Lewis has been active in the real estate and home building industry in Southern California for 45 years. She is the co-founder of Lewis Homes, a company distinguished for its commitment to qualify housing. Since 1955, she has served as their Director and Executive Vice President, and she currently holds the position of Managing Partner. Mrs. Lewis has also been actively involved with Lewis Construction Company, Inc., Lewis Building Company, Inc. Las Vegas, Republic Sales Company, Inc., Kimmel Enterprises, Inc., Foothill Investment Company, and the Republic Management Company.

As a result of her leadership, insight, and vision, the Lewis Operating Corporation has built 56,773 homes, 7,000 apartments, 3,000,000 square feet of retail, office and industrial space, and developed 15,000 acres of land. Their quality work has netted numerous awards including a 1st Award of Distinction from American Builder Magazine and the Builder of the Year Award from Professional Builder Magazine.

Mrs. Lewis has also been honored for her contributions to her community. She is the recipient of the West End YMCA Homer Briggs Service to Youth Award, the City of Hope Spirit of Life Award, the National Housing Conference "Housing Person of the Year Award," and the California 25th Senate District Woman of the Year Award.

Mrs. Lewis recently celebrated her 79th birthday, and she remains an active and energetic business leader. In fact, she still attends to her responsibilities in the office every day.

Goldy S. Lewis has long been admired and respected by home builders throughout Southern California and she is deserving of the accolades of this Congress.

HONORING DENVER'S NATIONAL JEWISH MEDICAL AND RESEARCH CENTER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. SCHAFFER. Mr. Speaker, today I honor Denver's National Jewish Medical and Research Center. For the third straight year, U.S. News & World Report has rated National Jewish as the top hospital in the United States for treatment of respiratory disorders.

Denver's National Jewish Medical and Research Center, one of the preeminent health care institutions in the world, has also proven itself to be a global leader in the research and treatment of lung, allergy and immune diseases. Recently, National Jewish completed its centennial celebration, ushering in a second century of providing health care, comfort, education and hope to both children and adults suffering from asthma, emphysema, tuberculosis, severe allergies and autoimmune diseases, such as lupus.

The U.S. News & World Report ranking is part of the 2000 "America's Best Hospitals" guide published by the weekly newsmagazine. Based on surveys of 150 board-certified respiratory specialists, National Jewish received the best reputational score of any of the 50 hospitals listed for respiratory disease treatment.

Mr. Speaker, I congratulate Denver's National Jewish Medical and Research Center for their outstanding rating and their dedicated and sustained service to those in need.

FOREIGN OPERATION, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. KUCINICH. Mr. Chairman, I rise in reluctant opposition to the amendment offered by the gentlewoman from California. She has been a champion of justice in the developing world. She had been an advocate of American responsibility in the developing world. I know that she offers her amendment with those noble intentions.

While I strongly agree with the intentions, I must oppose the means. Unless debt relief is de-linked from a requirement of countries to follow IMF economic policies, the main beneficiary of Congressional funding for debt relief is the IMF. That is because the IMF will receive control of hundreds of millions of taxpayer dollars, while poor countries will have to follow IMF dictates about government spending, health and education policy, monetary policy, and privatization.

The IMF deserves much of the blame for the poverty, environmental degradation, and unemployment of heavily indebted poor countries, since it has been telling them what they could and could not do for decades. If the U.S. gives a real gift to the world's poorest countries, it should be freedom from the IMF's structural adjustment programs.

Indeed, that is what civic leaders from developing countries are asking for Lidy B. Nacpil of Jubilee South, a coalition of Jubilee 2000 campaigns from Africa, Asia-Pacific, Latin America, and the Caribbean sent a letter to the Appropriations Committee. In the letter, Congress was asked to "oppose authorization of any funding mechanism that would empower the International Monetary Fund and World Bank to condition debt relief on adherence to macroeconomics and related structural adjustment programs. The effective imposition of these policies on our countries by the IMF, the World Bank and the other international financial institutions has had a devastating impact on large segments of our population, on our natural environments, as well as on our productive and reproductive capacities of our societies * * * It is the adjustment policies themselves, as the cause of our social, economic, and financial crises, which must be addressed."

Appropriations for the IMF and World Bank should be conditional. The IMF and World Bank should no longer be able to impose structural adjustment programs over the economic choices and options of developing world countries. Otherwise, we are deceiving ourselves that our good intentions will lead to good results. Indeed, the only time Congress can promote reform at the IMF and World Bank is when those institutions have a request for funds before us. As multilateral institutions, they are not directly subject to wishes of Congress. Instead, the U.S. has a representative at each institution who works, according to Treasury, at developing consensus among the other nations' representatives. The only moment when the IMF and World Bank are susceptible to the unmediated wishes of Congress is when they come to Congress for funds. Then Congress is able to condition release of such funds on changes in IMF and World Bank practices.

Unfortunately, this amendment, however well-intended, places no new conditions on the IMF and World Bank. In fact, there is no requirement that the IMF and World Bank actually give any debt relief. Congress cannot take for granted that the funds we appropriate for debt relief will make a difference for the world's poorest citizens we hope to help. Congress has appropriated or authorized hundreds of millions of dollars to the IMF and World Bank in the past for debt relief, but almost none of it has been passed through to the poor countries as relief.

Again, Congress is being asked to give hundreds of millions of dollars to an IMF and World Bank administered account. That is the only certain thing Congress is being asked to do. For the amount, let us set aside the obvious question of the IMF's and World Bank's sincerity. If Congress sends the IMF and World Bank funds for the goal of relieving the foreign debt burden, we should ask what the IMF and World Bank require of poor countries to qualify for the debt relief.

According to the IMF and World Bank, it is not simply enough that a country be poor to qualify for debt relief. On the contrary, to qualify, countries must impose all sorts of harsh economic medicine to their countries. They must privatize national businesses. They must deregulate their banking industry; they must impose fees on social services—making the poor residents of poor countries pay for basic education and health services. They must be willing to allow the largest corporations in the world to take over ownership of their economies. They must open up their forests and minerals to large multinational corporations. They even sometimes have to oppose increases in their minimum wages. The IMF and World Bank then evaluate the countries' compliance with these painful prescriptions, and wait several years to see if the countries are repressive enough to make these policies stick.

If the IMF and World Bank wanted to relieve the debts of the world's poorest countries, they could do so immediately and without any additional funds from Congress. The General Accounting Office has simply reported to Congress about the adequacy of IMF accounts. The cause of debt cancellation does not require further Congressional funds. The IMF and World Bank clearly do not want to cancel the debt of poor countries.

Unlike the IMF and World Bank, I am in favor of immediate, 100 percent debt cancellation for the world's poor countries. If Congress is to make a real difference in the lives of the world's poorest, it must put a stop to IMF and World Bank structural adjustment programs when these institutions ask for funds from Congress.

DON'T FORCE A BAD DEAL AT CAMP DAVID

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. DELAY. Mr. Speaker, securing a just and enduring peace in the Middle East is a paramount goal of the United States and vital to our national interests. I sincerely hope that the day will come when the region is a stable, peaceful home of emerging democracies and U.S. allies.

The ongoing dialogue about the future relationship between Israel and its neighbors in this volatile region is essential if a true peace is ever to be realized. The current talks may be a meaningful step toward achieving our common goal.

However, I am concerned that the pressure to reach a deal—any deal—will outweigh that of securing a good one. A deal for deal's sake is not in the interest of Israel or the United States, nor is it in the interest of long-term peace and stability in the Middle East. In this volatile region, a flawed agreement that produces greater instability would be worse than the status quo.

Accordingly, American leaders must not abuse our unique relationship with Israel to force acceptance of destabilizing strategic concessions. True peace can only be obtained if both sides are confident that they are negotiating freely and in the interest of their people—free from outside pressures. I was quite alarmed to hear the Administration's spokesman stating that there is tension between the two sides due to the President's pressure on negotiators to come up with an agreement. Clearly, Israel should not be forced to negotiate away what's in its best interests to accommodate the political interest of any group.

Israel has been a longtime ally of the United States. The struggle of the Israeli people to maintain their sovereignty and security from hostile neighbors has been long and valiant. As Americans, we recognize their struggle is also our own—that beyond our strong ties of kinship, a strong and secure Israel is undoubtedly in America's best interest. An Israel with secure boundaries, free from threats or acts of war, is essential to long-term peace and stability in the region.

Over the last 50 years, Israel has shown its willingness to work with its neighbors to find peace, sometimes successfully—sometimes not—but in all cases the outcome was contingent on the determination of both sides to truly secure peace.

At this time, it is unclear to me that this is the case in these negotiations. In fact, the threat of the Palestinians to unilaterally declare statehood on September 13, regardless of the status of negotiations, call to question their commitment to peace and respect of Israel's autonomy and security. Any attempt by the Palestinians to unilaterally declare an independent state would have severe consequences to the relationship between the U.S. and the Palestinians. Make no mistake, this Congressman will not support such a unilateral declaration, particularly outside the confines of an agreement with Israel.

The U.S. Congress has a responsibility to ensure that any agreement the American people may be asked to embrace will truly protect Israeli and American interests, enjoys the support of the Israeli and Palestinian people alike, and brings a lasting and durable peace to the region. Accordingly, any final agreement must carry a real chance for meaningful peace before committing U.S. support.

No one should assume that the Congress will simply sign off on committing enormous American resources to a deal that contains compromises which would seriously undermine Israeli or U.S. security. Before a financial commitment is made by the U.S., the Israeli people must have their referendum, and we must have had an opportunity to examine the proposed agreement on its merits from an American perspective—both for the security of Israel and the security of the United States.

Finally, I remain gravely concerned that the Administration has yet to adequately consult the Congress on the status of the negotiations. The prospect that an agreement will contain an ongoing American commitment requires that the Administration work closely with Members of Congress on both sides of the aisle to build a broad consensus in support of the deal.

We must be certain that the final agreement carries a legitimate chance for an enduring peace before we commit the vast American resources routinely mentioned as part of a settlement. Any meaningful peace agreement must be attractive to both parties independent of financial incentives. Further the U.S. must not force an untenable deal that delivers today's headlines at the expense of lasting peace.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 4811, the FY 2001 foreign operations appropriations bill. This bill is more than $300 million below current funding levels and almost $2 billion less than the Administration's request.

The allocation of resources in this bill will not enable our nation to carry out an effective foreign policy to meet our vital national security needs. The low levels of funding in key areas of this bill will hinder our ability to respond to and confront ongoing development around the world. Many countries around the world are undergoing rapid change; our nation now has an unique and unprecedented opportunity—and indeed, a responsibility—to provide global stability through the spread of democracy and the promise of economic growth.

Mr. Chairman, in addition to failing our vital foreign policy and national security objectives, this bill fails in responsibly allocating resources towards other critical priorities. While the overall request has been reduced by 10 percent, the amounts requested to address the problems of infectious disease, poverty alleviation, access to family planning, and debt relief in the world's poorest countries have been cut in a disproportionate manner:

The bill underfunds, by $390 million, our commitment to provide debt relief to the world's poorest countries. The Jubilee 2000 campaign for debt relief, which received bipartisan support throughout the United States and with a broad spectrum of religious leaders and organizations.

The bill also reduces, by $42 million, funds to combat worldwide HIV/AIDS.

The bill hinders developing nations' ability to grow by drastically cutting funds for the International Development Association, the African Development Bank and Fund and the Asian Development Fund by 32 percent.

This bill also cuts nonproliferation, anti-terrorism, de-mining, and related programs by 32 percent.

Finally, this bill cuts, by $385 million, international family planning programs; and imposes restrictions on foreign organizations which are contrary to our long-held constitutional principles of free speech.

There are, however, provisions in this bill that I strongly support. This bill includes increases for the Child Survival and Disease account and the Peace Corps, for example. The most important priority that this bill funds well, however, is the maintenance of our commitment to the state of Israel and the peace process in the Middle East.

Mr. Chairman, foreign aid should not be immune from scrutiny and budget cuts; however, it should not be the victim of skewed priorities. Indeed, robust and well-directed foreign assistance programs are essential for our national security. The process of building stability around the globe my combating infectious disease and poverty, working for conflict resolution, enhancing democratization,and fostering the conditions for economic growth ultimately benefits us all.

Unfortunately, the allocation of resources in this bill fails to recognize this fundamental fact, shortchanges our foreign policy goals, and undermines our national security. I will vote against this misguided bill today and urge my colleagues to do the same.

PERSONAL EXPLANATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. PORTER. Mr. Speaker, I inadvertently was not present on the floor for a vote yesterday, July 17th, 2000.

If I had been present for rollcall No. 402 I would have voted "yes," and I extend my congratulations to the Republic of Latvia on its 10th anniversary.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to H.R. 4811, the FY 2001 Foreign Operations Appropriations bill. I am deeply dismayed at the lack of funding for such critical, life-saving programs as debt relief, HIV/AIDS prevention and treatment, and international family planning.

At a time when many developing countries are consuming 30 to 40% of their annual budgets on debt repayment, they are simultaneously depleting monies that would be better spent on health care, education, and economic development. The Foreign Operations Appropriations bill for FY 2000 established clear and specific crtieria which developing nations must meet in order to qualify for debt relief. These conditions include performing satisfactorily under an economic reform program, promoting civil society participation, implementing anti-corruption measures and transparent policy making, adopting strategies for poverty reduction, and strengthening private sector growth, trade, and investment. New governments in nations such as Bolivia and Mozambique are succeeding in their concentrated efforts to democratize and stablize their respective countries, and have met the qualifying standards for debt relief. It is unjust to continue to punish the poorest civilians for debts incurred and for promises unfulfilled by former dictators.

Nearly four decades of economic development, particularly on the continent of Africa, are currently unraveling before our eyes. The proposed funding level in H.R. 4811 of $202 million—$42 million less than the President's request—is simply not sufficient to effectively combat the HIV/AIDS pandemic at its current growth rate. The global AIDS crisis is a threat of unprecedented magnitude, and it has been unsparing in its attack on the world's children. UNAID reports that more than 3.8 million children under 15 have already perished as a result of AIDS. An additional 1700 children per day are newly infected with HIV and join the 1.3 million who are currently living with the disease. The U.S. Census estimates that the life expectancy in many Sub-Saharan African countries will fall to age 30 within the next 10 years.

This indiscriminate plague gravely affects even children fortunate enough not to have contracted the disease themselves, by rendering them orphans—13.2 million to date. The United States Agency for International Development (USAID) has estimated that by the year 2010, there will be 42 million AIDS-related orphans, many of whom will be susceptible to abuse or recruitment into gangs or militia.

In addition to the horrific and exponential increase in suffering and loss of human life, HIV/AIDS inevitably will have an enormous and devastating impact on future economic development, political stability, trade and commerce, and international security. Since effective medical research and counseling intervention have been proven to drastically reduce the mother-to-child transmission rate of HIV around the globe, from the United States to Thailand, there is absolutely no excuse not to help fund these vital programs.

As world experts meet this week in Durban, South Africa for the 13th International HIV/AIDS Conference, we must do our part in this country and in this bill to alleviate the unimaginable suffering that HIV/AIDS is causing in the developing world.

A crucial element of reducing the prevalence of HIV/AIDS is adequate access to family planning resources and information. Pregnancy, childbirth, and unsafe abortions claim the lives of 600,000 women annually, primarily due to early and frequent childbearing and poor access to health care and contraception. Family planning helps prevent high-risk and unwanted pregnancies and reduces the spread of sexually transmitted diseases and life-threatening infections such as HIV/AIDS. The Administration's request for a $169 million increase to USAID population assistance would likely result in 1.5 million fewer unintended births; 2.2 million fewer abortions; 15,000 fewer maternal deaths; and 92,000 fewer infant deaths.

I oppose this bill because it does not provide assistance to the women and families that most need our help. H.R. 4811 hinders the dissemination of accurate and complete reproductive information for women in developing countries by limiting which family planning options foreign NGOs may discuss with their clients. Under this bill, even organizations that use their own funds to engage in pro-choice lobbying efforts to provide abortions, or to even discuss this reproductive option will not be eligible for U.S. funding. I cannot morally support a measure such as this, that would not withstand constitutional scrutiny within our own country.

With the understanding that "an ounce of prevention is worth a pound of cure", I would encourage my colleagues to seriously consider the moral, social, and economic ramifications of not providing aid when we, as a nation, are clearly in a position to do so.

For these reasons, I urge my colleagues to oppose the Foreign Operations bill. We can and must do better.

INDIA IS A VALUABLE PARTNER FOR THE UNITED STATES

SPEECH OF

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. BLAGOJEVICH. Mr. Chairman, I rise in opposition to the Burton Amendment to Restrict aid to India.

Each time that this amendment has been offered in previous years, the House has resoundingly voted it down. I expect that it will meet with a similar fate this time.

Strengthening our partnership with India needs to be a fundamental part of America's strategy in Asia. This amendment would damage U.S.-India relations at a time when our countries are cooperating on a number of issues of interest to us both.

Earlier this year, President Clinton traveled to India, in affirmation of the ties that bind our nations together. India is on the front lines of the battle against terrorism. In light of this, the Government of India committed to the President during his visit that India would work closely with the United States to combat terrorism. The joint U.S/India working group on terrorism established during the President's visit can help both our nations counter this threat. Cutting assistance to India would put this cooperation at risk just as it is getting off the ground.

Furthermore, India has acted responsibly to deal with conflict with her neighbors, showing restraint when provoked during the Kargil crisis and later when terrorists seized an Indian airlines flight and hijacked it to Afghanistan. The conduct of the Indian Government when faced with these immediate threats demonstrates that India is a reliable strategic partner.

But the U.S./India relationship goes deeper than just strategic need. India is the world's largest democracy, a natural partner for the world's oldest democracy, the United States. India provides an example for the rest of Asia of how democracy and free market economic growth can go hand in hand.

And contrary to what some may contend, India has a long tradition of harmony among people of different backgrounds and faiths. India is the original melting pot, and like our own nation, derives strength from its diversity.

We have witnessed the strength of these values through the Indian-Americans who have come to settle in this country. My hometown of Chicago is home to a vibrant Indian-American community. Indian-Americans in Chicago add to the richness of our neighborhoods, and community leaders such as Dr. Bharat Barai, Mr. Bhagu Patel, Dr. Vijay Dave and Mr. Niranjan Shah have shown their neighbors that the values of tolerance and respect they brought with them from India are the same values we cherish here in the United States.

Cutting off the meager, amount of assistance to India in this bill would not save the United States a great deal of money. It would, however, hinder our ability to reduce poverty and build lasting cultural and economic relationships with the people of India.

It would also send a dangerous message to the world about America's commitment to democracy abroad. If we, as Americans, want democracy to flourish around the globe, then we must support democracies when we have the chance. I urge my colleagues to reject this amendment, and support our partnership with India.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. ABERCROMBIE. Mr. Speaker, yesterday, July 18, 2000, I was granted a leave of absence for official business which I was undertaking in my district in Hawaii.

Four recorded votes were taken yesterday. Had I been present, I would have voted as follows: rollcall 401, H. Res. 534, Security at Los Alamos, "yes"; rollcall 402, H. Con. Res. 319, Latvia 10th Independence Anniversary, "yes"; rollcall 403, H. Res. 531, Condemn 1994 Bombing of Jewish Community Center in Buenos Aires, "yes"; rollcall 404, H.R. 3125, Internet Gambling Prohibition Act, "no."

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. NEY. Mr. Speaker, on July 12, 2000, I was unavoidably detained and as a result missed Rollcall vote No. 395. If I were present, I would have voted "Aye."

MORE DOCUMENTATION OF EXCESSIVE RX PRICES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2000

Mr. STARK. Mr. Speaker, prescription drug prices are too high for the uninsured and the average retail customer who has to buy prescriptions on their own.

How much too high?

For generics at least 57 percent too high. For single source brand name drugs, about 32 percent too high, and for multi-source drugs, about 39 percent too high.

Says who?

A new Medicare survey of what hospitals actually pay for drugs compared to what the so-called Average Wholesale Price is. HCFA is issuing a new regulation on how to pay hospitals under the Hospital Outpatient Department (HOPD) prospective payment system. As part of that new regulation, they had to figure out what the beneficiaries' 20 percent co-payment should be. Instead of foolishly taking the Average Wholesale Price as a gauge of what to apply the 20 percent co-pay against, HCFA wisely sampled what the actual acquisition cost of drugs are, then developed an average formula to calculate the 20 percent the seniors and disabled would owe. Following is the discussion from the Federal Register of April 7th. This is all more proof that the uninsured and those who are buying drugs at retail need help getting the purchasing power of large groups. The Democratic Prescription drug bill, H.R. 4770, would help seniors get the kind of discounts we know that hospitals are getting. The savings to seniors will be phenomenal!

> A one-time exception to the general methodology described above pertains to current drugs and biologicals that will be eligible for transitional pass-throughs when the PPS is implemented. For this final rule, we revised many APC groups by removing, to the extent possible, many of these drugs and radiopharmaceuticals. Therefore, the payment rates for the APC groups with which these drugs are associated exclude the costs of these drugs and the total amount paid to hospitals for the drugs will be 95 percent of the applicable AWP. In order to be able to determine a coinsurance amount for these drugs, we needed to estimate what portion of this payment would have been included as part of the APC payment amount associated with these drugs and what portion would be the pass-through amount. Using an external survey of hospitals' drug acquisition costs, we determined the APC payment amount for many of these drugs as their average acquisition cost adjusted to year 2000 dollars. Where valid cost data were not available for individual drugs, we applied the following average ratios of acquisition cost to AWP calculated from the survey to determine the fee schedule amount: .68 for drugs with one manufacturer, .61 for multi-source drugs, and .43 multi-source drugs with generic competitors. In either case, the coinsurance amounts were determined as 20 percent of these fee schedule amounts. It is important to note that these estimates do not affect the total payment to hospitals for these drugs (95 percent of AWP).

THE ATTACK ON THE U.S.S. "STARK" AND IMPLICATIONS FOR ELECTRONIC WARFARE IN THE NAVY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. REYNOLDS. Mr. Speaker, on May 17, 1987, the guided missile frigate U.S.S. *Stark* was on routine patrol in the Persian Gulf to protect neutral shipping during the Iran-Iraq war. At about 8:00 a.m., a long-range U.S. electronic warning and control aircraft picked up an F–1 Mirage, positively identified it as an Iraqi aircraft, and passed the notification on to U.S. Naval units operating in the Gulf. A little after 9:00 that morning, the aircraft was picked up as an unknown on the *Stark's* radar, at a range of about 70 miles.

Once the Mirage had closed to within less than 70 miles of the *Stark*, the ship's Tactical Operations Officer was tracking it continuously. When the aircraft closed to 13 miles, the *Stark* identified itself by radio, and requested identification from the aircraft, but received none. A second inquiry at a range of 11 miles also brought no response. At about 9:11, the operator of electronic intercept equipment aboard the *Stark* reported that it had been locked onto by the aircraft's fire control radar.

When the TAO discovered the lock-on by the Mirage's radar, he immediately started to bring the ship's Phalanx close-in weapons system up. He also requested a lock by the ship's air defense radar. However, the attack was coming in over the port bow, and the primary radar was blocked by the superstructure. At 9:12, the TAO ordered a secondary radar brought up, but before it could be activated an Exocet missile launched by the Mirage hit the ship. A second missile impacted shortly thereafter. The ship had neither taken evasive maneuvers nor brought its defensive weapons systems to bear.

The missile attacks and a large fire they ignited in the aluminum superstructure claimed the lives of 37 U.S. sailors. Only the heroic action of the crew' saved the ship.

Mr. Speaker, today the only remaining sign of this tragic event is the memorial engraving mounted in the midships' passageway, which lists the names of those who perished. However, we in Congress must always remember the 37 shipmates who gave their lives that day and their sacrifice must not have been in vain.

Subsequent to the U.S. Navy's own inquiry, the Staff Report of the Committee on Armed Services concluded that although the Rules of Engagement allowed for a more aggressive defensive posture, the real world was more difficult. At the time, Iraq was considered a near-ally against Iran, and had never attacked a U.S. ship despite several opportunities.

In all probability, the incident was caused by complementary errors of interpretation and the Iraqi attack was probably inadvertent. In the era of electronic warfare, the fear that he who hesitates is almost certainly lost leads to a policy of attacking immediately almost anything the radar engages. In contrast, the *Stark* regarded the closing of the Mirage as a puzzle rather than a threat, and did not take action to unmask its defensive systems in time for them to engage.

Whether intentional or not, the end results of this attack were the same. Thirty-seven brave sailors lost their lives. This tragedy demonstrates the vital importance in Congress exercising its oversight powers to prevent any reoccurrence of this incident.

It is for precisely this reason that I requested the House Appropriations Subcommittee on Defense include report language directing the Navy to assess the tactical viability of its primary shipboard electronic warfare system, the AN/SLQ–32(V). I am happy to report that the conference report to the defense appropriations bill, which passed the House today, included this important language.

This language will benefit electronic warfare in the Navy. More importantly, however, it is an important first step toward assuring that we in Congress fulfill our responsibility to guarantee the best protection possible to our sailors and aircrews who go into harms way in the defense of freedom every day of their lives.

THE COMMUNITY REINVESTMENT MODERNIZATION ACT OF 2000

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, and my distinguished colleagues, I am pleased to introduce today, in partnership with my colleague, Representative LUIS GUTIERREZ, the Community Reinvestment Modernization Act of 2000. This legislation seeks to ensure that the Community Reinvestment Act (CRA) will remain an effective fair lending tool in today's rapidly changing financial services marketplace.

CRA has played a key role in helping creditworthy Americans gain access to credit and banking services. And it has helped banks and thrifts discover new markets and profit opportunities they otherwise may have overlooked.

Since 1997, CRA has encouraged banks and thrifts to commit more than $1 trillion in private reinvestment dollars for mortgages, small business loans and community development loans for traditionally underserved communities. In the Milwaukee area alone, CRA has channeled over $200 million in lending to low- and moderate-income citizens and neighborhoods.

Unfortunately, CRA will become less effective if it is not updated to keep pace with the rapid changes that are occurring in the financial services marketplace as a result of the Gramm-Leach-Bliley Financial Modernization Act of 1999. While this new law allows banks to merge with securities and insurance firms in a new "holding company;", it does not require that all of a holding company's banking and lending products and services be covered by CRA. Essentially, the law creates a two-tiered banking and lending industry, with one part being covered by CRA and the other part not.

Insurance and securities affiliates of banks are increasingly conducting lending and selling bank-like products. And this trend will likely continue to spiral as a result of the new financial modernization law. As more and more assets and banking products are shifted out of banks and into holding company affiliates that are not covered by CRA, the reach of CRA will be reduced to a small portion of the Nation's lending activities.

The bill we are introducing today will update CRA to match the increased market powers the Financial Modernization Act creates. In addition to extending CRA to all lending affiliates of financial holding companies, the CRA Modernization Act will:

(1) make insurance more available, affordable and accessible to minorities and low-income citizens;

(2) improve data collection for small business and farm loans;

(3) require a notice and public comment period for mergers between banks, insurance and investment companies;

(4) require that HMDA data also include information on loan pricing and terms, including interest rates, discount points, origination fees, financing of lump sum insurance payment premiums, balloon payments, and prepayment penalties;

(5) prohibit insurance companies that violate fair housing court consent decrees from affiliating with banks, and;

(6) penalize a financial institution and its affiliates through reduced CRA ratings if the institutions have engaged in predatory lending.

CRA modernization is not only the right thing to do, it is the profitable thing to do. According to a Federal Reserve Board report issued on Monday, 91 percent of home lending and 82 percent of small business lending under CRA is profitable. This is comparable to any other type of lending.

The bill is endorsed by the National Community Reinvestment Coalition, the U.S. Conference of Mayors, the National League of Cities, and the Association of Community Organizations for Reform NOW (ACORN). In my hometown of Milwaukee, it is supported by the mayor of Milwaukee, the Fair Lending Coalition, Interfaith Conference of Greater Milwaukee, Hope Offered through Shared Ecumenical Action (HOSEA), the Local Initiatives Support Corporation (LISC), the Neighborhood Housing Services of Greater Milwaukee, Milwaukee Innercity Congregations, Allied for Hope (MICAH), the Metropolitan Milwaukee Fair Housing Council, the National Association for the Advancement of Colored People (NAACP), Select Milwaukee and the Legacy Bank.

CRA is paramount to continuing the progress this country has made towards eradicating discrimination in the financial services marketplace. And it is imperative that we modernize this important law now. The bottom line is that CRA is good for business. It not only levels the playing field to make sure that all creditworthy Americans have access to capital and credit, it makes good business sense.

We hope you and all of our colleagues in the House will consider supporting the Community Reinvestment Modernization Act of 2000.

INTRODUCTION OF LEGISLATION TO RENAME THE POST OFFICE IN ROYAL OAK, MI, AFTER THE HONORABLE WILLIAM S. BROOMFIELD

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. KNOLLENBERG. Mr. Speaker, today I pay a much deserved tribute to former Congressman William S. "Bill" Broomfield, who ably served the people of the State of Michigan for over forty years.

I am introducing legislation to name the post office building at 200 West Second Street in Royal Oak, Michigan, in honor of my friend and predecessor. I am pleased to report to the House that the entire Michigan House delegation has signed on as original cosponsors of the measure. Mr. Speaker, Bill Broomfield is so well respected by his colleagues on both sides of the aisle that both Republicans and Democrats stand together to honor this fine man.

Bill Broomfield was born in Royal Oak, Michigan, in 1922 and graduated from then-Michigan State College (now Michigan State University) in East Lansing before serving ably in the Michigan legislature. He was first elected to the U.S. Congress in 1956, the same time as the second Eisenhower Administration and he did not stop serving his constituents until his retirement from this body in 1992, a span of thirty-six years.

Bill Broomfield is Royal Oak's favorite son and a true man of the people. He is so endearing and personable that he was known to his constituents simply as "Bill". He loves the people he served for and they have love, admiration, and respect for him.

During his tenure, Bill Broomfield was the hallmark of bipartisanship and a self-defined "consensus builder". He served as a member of the International Relations, later renamed the Foreign Affairs Committee, where he helped craft America's foreign policy during the critical Cold War Era. He served as Ranking Member of this committee from 1975 until his retirement in 1993.

He also was the point-person in Congress for many of the initiatives championed by Presidents Reagan and Bush. From Nicaragua to the Persian Gulf to Eastern Europe to North Korea, he led the charge in Congress for the foreign policy that ultimately won the Cold War. For this effort, Michiganders and Americans everywhere owe him a tremendous debt of gratitude. The history books may credit Reagan and Bush with bringing down communism, but make no mistake, they should also mention Bill Broomfield in the same breath for his outstanding contribution to the effort that ended communism.

Mr. Broomfield was also a careful keeper of Congress' prerogatives in foreign policy. He made sure that the legislative branch of government fulfilled its constitutional duty and that the president consulted with lawmakers. For example, Broomfield ensured that President Bush consulted with Congress when the chief executive ordered a massive troop buildup in Kuwait in 1990 in response to Iraq's aggression. When President Bush did come to Congress, Broomfield supported his efforts. He said, "We must give the president the power he needs to convince Saddam that he has no other alternative . . ."

Think about all of the changes in America he had the privilege of witnessing first-hand during his thirty-six year tenure. He has seen the rise and fall of Soviet totalitarianism. He has seen man reach the moon and Jim Crow fall. He helped move the U.S. Post-War era economy to the brink of the technological revolution. As we move into the 21st Century, we shouldn't forget the legacy of those who helped us get here and Bill Broomfield was at the forefront of that crusade.

Just because he retired from elected office didn't mean that he stopped serving the public. In fact, he started a foundation that supports many causes and charities throughout southeast Michigan, including the Salvation Army and efforts for fighting cancer, Alzheimer's, and spina bifida.

From the middle of the Eisenhower era to the beginning of the Clinton administration, Broomfield was a gentleman in every sense of the word, and an example of everything that is good and decent in public service and this institution. Naming the post office in his hometown of Royal Oak is just one way we can pay tribute to this fine man and I urge support for the bill.

HONORING THE 100TH ANNIVERSARY OF ST. CLEMENT HEALTH SERVICES

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of St. Clement Health Services.

A little more than 100 years ago, the idea of a facility to care for the sick in Red Bud, Illinois was born. Although the original plan only intended for a house to care for ill sisters from the Adorers of the Blood in Christ convent in Ruma, Illinois, the needs and wants of the community created St. Clement's Hospital.

In the 1890's, several sisters had been experiencing serious health problems. Mother Clementine of the ASC order visualized an infirmary facility with extra rooms set aside for sisters who would be passing on their way to Ruma. Land for the house was purchased in 1898. During the summer and the fall of that year, the 3.9 acre tract for the facility was cleared. Construction began on the building in 1899 and continued through 1900. The building was dedicated on August 5, 1900 under the title of St. Clement's Hospital. The facility, built with 8 rooms on the first floor, served not only as a hospital, but also as a place where the aged and infirm could spend their last days in a Catholic setting. It could accommodate as many as 20 patients.

To help support the hospital, the sisters of ASC cultivated a large garden and raised both pigs and cows. Handwork and needlework were also sold. Water was pumped by hand with a hose to the third floor for the bathrooms. Having no electricity, the ice box had to be stocked with ample supplies of ice.

As the hospital grew, an addition was built for the hospital in 1946 with 70 beds, 15 bassinets and 20 beds for the aged and infirm sisters. St. Clement quickly outgrew this addition. In 1966, survey results pointed to the lack of extended care facilities for the anticipated growth for the hospital service area. On May 24, 1969, ground was broken for a new $4.5 million St. Clement Hospital.

In the 100 years since St. Clement's has been open, the hospital has experienced significant growth. In the first year of operation, they performed their first surgery. Throughout the 50's and 60's the hospital was averaging 300 surgeries a year. Today, an average of 1,600 surgeries are performed. The first birth didn't occur until 1925. Throughout the 30's no more than 40 births were recorded. In 1943, there were 169 births while over the next ten years the hospital averaged 420 births a year. Today, the hospital welcomes 130 new babies a year.

One hundred years later, the original hospital may be gone, but you may still find St. Clement Hospital available to take care of the sick and reaching out to the community it serves. Today, St. Clement Health Services is a member of Unity Health. They encompass the resources and personnel of St. John's Mercy Medical Hospital, St. John's Mercy Medical Center and St. Luke's Hospital.

Mr. Speaker, I ask my colleagues to join me in honoring St. Clement's Health Services on the occasion of the 100th anniversary of their founding and to recognize the administration and staff both past and present for the quality service that they have been providing to the people of our area for the past 100 years.

TRIBUTE TO BILL G. MASTERS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. LAMPSON. Mr. Speaker, today I rise to recognize the outstanding career of Mr. Bill G. Masters, who is retiring this year after 35 years of distinguished service with the Port of Beaumont. Stretching over 4 decades, Mr. Masters' entire career has had a wide-ranging impact across a broad spectrum of important local concerns as well as vital national interests.

Before contributing his valuable assets to the Port of Beaumont, Mr. Masters served our Nation proudly in the Marine Corps and then achieved a degree in accounting. Soon after, Mr. Masters worked for 6 years in the Golden Triangle on waterfront jobs. Joining the port in 1965, Mr. Masters secured his first job as an assistant dock superintendent. He began to prove himself as a great asset to the port and rapidly ascended the ranks of the port administration. In 1986, Mr. Masters was enthusiastically appointed by his peers to the position of port director.

Mr. Masters has led the Port of Beaumont into years of unprecedented growth. This vast expansion includes a steep growth in the amount of cargo handled, doubling the size of both revenue cargo and total cargo handled by the port. In addition, under Mr. Masters' direction, the port has widened its cargo base to include a countless number of new commodities. The port has also grown in space, with the addition of 27 acres since Mr. Masters' appointment.

Mr. Masters' ability to achieve his innovative ideas has greatly benefited the Port of Beaumont. Its newly completed rail-to-ship transfer has propelled the Port of Beaumont into one of our Nation's most vital ports.

Quickly after becoming the director of the Port of Beaumont, Mr. Masters began garnering national recognition of his achievements. Mr. Masters was elected president of both the Gulf Ports Association and the Texas Ports Association in 1991. Currently, Mr. Masters serves on the American Association of Port Authorities as a member of their National Defense Committee.

Mr. Speaker, Mr. Bill G. Masters' career is ripe with countless examples of selfless hard work and extraordinary accomplishment in service to our great Nation. His contributions to Southeast Texas are immeasurable. I ask my colleagues to join me in wishing Bill G. Masters and his family a pleasurable and well-deserved retirement.

Congratulations, Mr. Masters, on a job well done.

COMMENDING THE CEDARTOWN, GEORGIA LITTLE LEAGUE, HOSTS TO THE 2000 SOUTHERN REGION JUNIOR LEAGUE CHAMPIONSHIP TOURNAMENT, AUGUST 4–11, 2000

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. BARR of Georgia. Mr. Speaker, Little League Baseball is an American institution, yet many American don't realize it wasn't founded in 1939, in Williamsport, PA by Carl Stotz. At that time, a $30 donation was sufficient to sponsor the first three teams. Since that time, Little League Baseball has experienced phenomenal growth that has imbedded it deeply into American culture.

In 1953, the Little League World Series was televised for the first time by CBS: Howard Cosell announced the play-by-play action for ABC radio. In 1955, Cy Young made his last visit to the Little League World Series before his death in September. By that time Little League Baseball was played in all 48 states. In 1959, a National Little League Week was proclaimed for the second week of June by President Dwight D. Eisenhower to honor this portion of America's past time, and in 1964, Little League Baseball was granted a Charter of Federal Incorporation by the United States Congress. Paying tribute to the young athletes, and for his love of the game, former Little League and Harvard baseball player, Vice President George Bush threw out the first pitch of the 1981 Little League World Series.

Though America's past time, baseball is far from America's exclusive sport. In 1951, the first Little League was formed outside the United States, in British Columbia, and since then, Little League has spread throughout Mexico, Europe, and Asia. In 1982, the game was even able to break through the "iron curtain" to provide Poland, a then Eastern Bloc Country, certificates of Charter.

This year, from August 4 through August 11, 2000, the Cedartown, Georgia Little League Organization, including members of the teams, coaches, and parents, will, with great pride, host the 2000 Southern Region Junior League Championship Tournament. Teams will be competing for the opportunity to advance to the Little League World Series Tournament in Taylor, Michigan, beginning August 14th. There are 13 states in the Southern Region. Little League teams (which consist of 12 to 14 players and three coaches) from each State will be playing their very best, in hopes of securing a trip to Michigan. ESPN will be on hand to cover all the scheduled games.

Little League activities and tournaments are designed to be 100% funded through corporate, business, and individual contributions. Just a few of the Little League Corporate sponsors are Bubblicious Gum, DNA Insurance, American Honda, MUSCO Sport Lighting, MYTEAM.COM, New Era, RC Cola, Realtime Memories.com, Russell Corporation, Sport Supply Group, TV Guide, Welch's Foods, and Wilson Sporting Goods Company.

Approximately three million children in countries all around the globe enjoy playing Little League baseball. The program is supported on the local level by adult volunteers from within the community. These volunteers give freely of their time to provide a wholesome, family oriented activity for the children in their community.

I want to take this opportunity to salute the families, sponsors, and community leaders who will welcome these young people, their coaches, and their families to Cedartown, Georgia; and who will join with them in enthusiastic participation in this important, and positive American institution for the children of their community. The local teams, their coaches, and members of the community, have been busy with fund-raisers, requests for corporate donations, in order to secure funds to pay for food and lodging for the 13 guest teams and their coaches. Whether in Cedartown, Georgia, Warsaw, Poland, or Williamsport, Pennsylvania, Little League Baseball provides children of all backgrounds, from the local to the global level the opportunity to compete fairly and proudly for their community, their state, and their country.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. WEINER. Mr. Chairman, I rise today in opposition to the Burton amendment.

In these times of budget surpluses, and when we are working so hard to encourage emerging democracies, why are we debating an amendment today that proposes to cut aid to the largest democracy in the world? India is a nation with a great potential and tremendous opportunities, but with over 500 million people living at or below the World Bank's poverty line, India remains a nation with tremendous human needs. United States bilateral aid programs in India make a modest, yet important, contribution to the welfare of India's citizens.

Cutting this assistance would be a deliberate attempt to not only torpedo our help for human welfare, but also to stigmatize India just as relations between the world's two great democracies are on the cusp of attaining a new and positive relationship. The Burton amendment, in effect, will undo all the progress that has been made in building a warm and productive relationship with India.

India is the world's largest democracy. The Indian press corps is among the most active in the world and frequently investigates human rights abuses. India has a fiercely independent Human Rights Commission which has instituted a process to receive complaints, initiate investigations of all claims, and the country has passed laws and taken action against those officials and members of security forces who commit human rights abuses.

Prime Minister Vajpayee has been outspoken in his condemnation of ethnic and religious violence in India. He has declared that his government "is resolved that perpetrators of violence should be dealt with firmly and that exemplary punishments should be awarded to them." And in a recent visit to Vatican and meeting with the Pope, the Prime Minister reiterated his commitment to "protect all minority communities and ensure an atmosphere of communal harmony."

The best response to human rights violations in India is for us to help India promote democracy and encourage India to improve its human rights records. This cannot be achieve by cutting off aid, but it can be accomplished by engaging India in a positive and constructive dialogue.

As the locus of international terrorism shifts from the Middle East to South Asia, India has become a critical democratic ally to the United States and has helped to protect our interests in the region. It would be wrong for us to turn our back on our ally, especially on a staunch democracy such as India.

Mr. Chairman, President Clinton's historic visit to India last March established a new understanding between India and the United States, and has allowed the relationship between our two democracies to flourish. The Burton amendment will go great damage to the historic progress that was made in bilateral relations between our two nations.

I urge my colleagues to vote "no" on the Burton amendment.

IN RECOGNITION OF ENRIQUE "HENRY" MARTINEZ

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. BARCIA. Mr. Speaker, there are those that stand on the sidelines of life, letting others take on the difficult tasks that make communities stronger. Mr. Speaker, today I pay tribute to a gentleman, Mr. Enrique Martinez, who has refused to be an observer, but rather has passionately given of his time and talents. Henry, as he is known to his many friends, has dedicated many hours throughout his lifetime for the betterment of our community, building our quality of life, and making a difference in peoples lives.

The son of Jessie and Maria Martinez, Henry was born in 1943 in San Antonio, TX. One of eight children, Henry learned the strength of family and how by working together great things could be accomplished. Working in the farm fields of our great Nation during his youth, Henry came to appreciate the value of hard work and discipline to accomplish goals. These attributes would serve him well as a golden glove boxer and later when he served as a member of our military in the U.S. Army in Germany.

In 1966, Henry married the former Teresa Pineda. Lovers of life, and childhood friends, Teresa and Henry would make a home with their two children Sylvia and Jessie and achieve the American dream. Many would be content, but Henry believes idle hands do not build communities.

Henry's patriotism and community spirit can be witnessed in the many dedicated hours every week he spends in support of the American G.I. Forum. This national organization that advocates on behalf of the Veterans and Latino community has worked tirelessly to combat injustice, increase educational opportunities, and build the quality of life of our communities. Henry has served as State Commander of the American G.I. Forum for the last 2 years and has held office in the past as State Treasurer and Commander of the Bay City Chapter. He also served on the board that was instrumental in bringing the traveling Vietnam Wall to my hometown of Bay City, MI, bringing great credit to the American G.I. Forum and paying great tribute to his late brother Tomas V. Martinez who died in the service of his country.

Henry also has an impressive record of achievement of service to his community in other areas. He serves on the UAW/GM Committee of Civil Rights advocating for social justice and the elimination of discriminatory employment practices. He has served as a Board Member of the Bay Area Runners Club, Tri-City SER Board, Cinco De Mayo Parade Committee, Community Center Recreation Board, and Migrant Outreach Center advocate. He has shown his commitment to our youth coaching YMCA flag football, Boys and Girls Club Soccer, recreational softball teams, and always willing to give a hand to any program in need. Henry also translates medical prescription instructions.

Mr. Speaker, on this the occasion of Henry's retirement after more than 32 years working for General Motors Powertrain in Bay City, I ask you and all our colleagues to join me in paying tribute to Enrique "Henry" Martinez. With his years of hard work for his family, for our veterans, for our youth, and for our whole community he has certainly earned the fruits of a well deserved retirement. He has set an example for all who follow in his footsteps and he embodies the true meaning of community spirit. May his life be blessed just as his efforts have blessed our community.

WELCOMING GENERAL ROSSO JOSE SERRANO OF THE COLOMBIAN NATIONAL POLICE TO OUR COUNTRY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, he has become a regular fixture at our International Relations and Government Reform hearings and briefings on the illegal drug trade in the hemisphere. Gen. Rosso Jose Serrano is at home in the Halls of the U.S. Congress. I commend him on his selection of my congressional district in South Florida as the place he and his family will now call home.

For several years, General Serrano has been an invaluable source of information on the intricacies of the Colombian drug trafficking network. He has been sought out by the Congress DEA, and the Drug Czar to share his insight and experience in these matters.

In the 1990's, General Serrano commanded the antinarcotics police of the DANTI. He worked hand in hand with our DEA in fighting the drug lords in Colombia. Together they destroyed the Medellin Cartel and brought its leader, Pablo Escobar to justice in December 1993. This outstanding victory could not have happened without the actions of this self acclaimed "ordinary man from the farmlands of northeast Colombia."

After more than 40 years in law enforcement, General Serrano retired from the Colombian National Police. Today, I join my colleagues in welcoming him to the United States and thank him for all that he has done for his country and for ours.

MEMORIAL DAY SPEECH BY MIKE CARONE, KOREAN WAR VETERAN

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. MANZULLO. Mr. Speaker, on Memorial Day 2000, a constituent and Korean war veteran, Mr. Mike Carone, gave the following speech during ceremonies in McHenry, IL:

"On June 25 of this year, it will be 50 years since Truman's police action—the Korean War—began. It lasted three years, until July 27, 1953, when an armistice was affected by President Eisenhower.

It was a United Nations action that included 20 countries. We were a major participant with seven Army divisions, four Army regiments and one Marine division on the ground with participation from both Navy and Air Force. One-and-a-half million Americans served in Korea during the three years of the war, and 200,000 of them engaged in combat during that period.

It signaled the beginning of the end of communist expansion in Asia and the end of the Cold War because we actively resisted and stood our ground. The United Nations, including the South Korean Army, lost one-quarter million lives. Thirty-six thousand American lives were lost in combat, of which over 4,000 were Marines. Total United Nations wounded totaled over one million. Over 100,000 Americans were wounded in action, of which 24,000 were Marines.

Today, there are still 8,100 Americans missing in action.

Hardly a police action.

I dare say there is hardly a page or even a paragraph written about the Korean War in the history books our children read.

I was getting out of Marine boot camp at Parris Island when it started and remember the drill instructors trying to find out where Korea was at. Korea was called the "Forgotten War" because it started five years after the Second World War and our country was in a peacetime mode. World War II vets came home, got a job, got married, bought a house and car and had babies. But the Russian and Korean communists, with approval of the Chinese communists, were not in

Our country at that time was war-weary and, after the Korean War started, wanted it to end quickly so they (we) could forget it. That wasn't the communist plan, and the Chinese entered the war with infinite human resources. Over 1,000,000 communist forces lost their lives, and they failed to expand communism in Asia.

I was a machine gunner in ACO 1st Battalion 5th Regiment of the 1st Marine Division from January 1951 to January 1952 and earned four Battle Stars. Many Marines were killed and wounded during that year. It was and is Marine Corps tradition that our dead and wounded are never left behind—sometimes at the cost of the living.

I remember when our battalion would be relieved for a few days rest, sometime every one-and-a half to three months. We would assemble in formation, and the names of those killed-in-action during the previous engagement would be read. Sometimes it took 10 minutes, and other times it would take 45 minutes to read the list. Then the bugler would sound taps to honor the dead as we will do late today.

I, like many Korean War veterans, eventually returned to civilian life, got a job, got married, went to college, bought a house, had kids and tried to put the war experiences behind us but could never forget our buddies who were killed or later died of their wounds.

Thirty years after the Korean War, I could not longer suppress those memories and became active in veteran organizations and attempted to find those Marines that I served with in the Korean War. I have found some of them, we talked about those war experiences we shared and tried to put to rest those memories.

Today, 49 years after the Korean War, those war experiences have dimmed, but I shall never forget those I knew who gave their lives in many of the battles in that far-away land so long ago.

In conclusion, let us never forget those who gave their lives in that forgotten war who were never forgotten by their families and buddies, and that they be remembered by us along with all the American veterans who gave their lives in all the wars our country fought in defense of our freedom."

A TRIBUTE TO H. LYNN CUNDIFF, PH.D., PRESIDENT OF FLOYD COLLEGE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. BARR of Georgia. Mr. Speaker, today I honor a personal friend and a friend to the people of the seventh district of Georgia, Dr. H. Lynn Cundiff, president of Floyd College, a 2-year unit of the University System of Georgia. Floyd College serves students who commute from throughout a large portion of northwest Georgia and northeast Alabama. Dr. Cundiff is leaving his post of president to assume the presidency of Salt Lake Community College. Georgia's loss is Utah's gain.

Dr. Cundiff came to Floyd College in 1992, as only its second president, from the position of executive vice chancellor of the Alabama College System. Dr. Cundiff received a bachelor of arts degree from William Jewell College in physical education and mathematics, a master of arts degree from Northeast Missouri State University in educational administration, and a Ph.D. from Southern Illinois University in educational leadership. He attended the Harvard Leadership Institute, and attended Oxford University along with 45 community college leaders from around the world in August, 1998. He has authored several scholarly publications and has presented a number of papers at national, professional conferences.

Since coming to Floyd College, Dr. Cundiff has been actively involved in the community, having served on the board of the Greater Rome Chamber of Commerce, chaired the 1995 Rome/Floyd County United Way Campaign, chaired the 1996 Race to the Olympics Commission for the Rome area, and is a member of the Rotary Club of Rome. Dr. Cundiff and his wife, Glenda, are very active in the North Rome Church of God, where they have been involved in providing pre-marriage and family counseling.

Under Dr. Cundiff's guidance and leadership, Floyd College, which was founded in 1970 to provide educational opportunities for the physical, intellectual, and cultural development of a diverse population in seven northwest Georgia counties, has grown to become an institute offering a large and varied community-education program. It operates extension centers in Cartersville, Haralson County, and Acworth. The college pioneered the development of cooperative programs with Coosa Valley Technical Institute as early as 1972, and now also offers joint programs with North Metro Technical Institute in Acworth, GA as well. With the advent of distance learning technologies, speciality programs, off-campus centers, collaborative arrangements, and cooperative degree programs with technical institutes, the college has expanded its scope of influence far beyond the institution's original geographical area.

Under Dr. Cundiff's leadership, the philosophy of the college is expressed in the beliefs that education is essential to the intellectual, physical, economic, social, emotional, cultural, and environmental well-being of individuals and society; and that education should be geographically and physically accessible and affordable. In support of this philosophy, the college maintains a teaching/learning environment which promotes inclusiveness and provides educational opportunities, programs, and services of excellence in response to documented needs.

Dr. Cundiff will be leaving Floyd College, effective July 31st, to assume the presidency of Salt Lake Community College in Utah. However, the results of his personal commitment of excellence in education will forever remain in the minds and spirit of the citizens of the hills of northwest Georgia and northeast Alabama. We are forever grateful for the years he has given to us, and we wish him much success in his new endeavors.

RENEWAL FUNDING FOR HOMELESS RENTAL ASSISTANCE GRANTS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. LAFALCE. Mr. Speaker, just recently, the President signed into law the Military Construction Appropriations conference report. This bill includes critically needed funding to renew rental housing assistance for very low income disabled, veterans, mentally ill, and other families and individuals at risk of homelessness.

Late last year, some 40 projects nationwide did not receive renewal of expiring grants under either the Shelter Plus Care or SHP Permanent housing programs as part of the McKinney Act homeless program funding awards for fiscal year 1999. As a result, thousands of families—including 180 in Erie County in the area I represent—were at risk of having their entail subsidies expire at some time this year.

In response, in February of this year, I introduced H.R. 3613, legislation to provide emergency one-year funding for these expired and unrenewed projects out of the Section 8 Housing Certificate account. This legislation was later offered as an amendment by the Ranking Member of the VA-HUD Appropriations Subcommittee to the House Supplemental Appropriations bill, and the amendment was adopted.

The good news is that the MilCon conference report provides funding to renew all these projects for one year, as proposed in my legislation. The bad news is that the Senate rejected the House approach of funding renewals from the Section 8 account, instead requiring that funding be taken from the fiscal year 2000 homeless program account.

This means that $5 million less in critically needed homeless funds will be available later this year under the FY 2000 grant competition.

It also means that at least for now, we continue the year-to-year uncertainty families and grant applicants face with regard to renewals. As a result, we continue a policy that is incomprehensible: Automatically renewing rental assistance subsidies nationwide for all low-income families—with the sole exception being the most vulnerable, poorest families who receive rental assistance under the Shelter Plus Care and SHP Permanent housing homeless programs.

This fall, in the VA-HUD conference report, we will have a chance to get it right—that is, to renew Shelter Plus Care and SHP permanent housing renewals automatically out of the Section 8 account for both fiscal year 2000 and fiscal year 2001, and to launch us down the path of doing this on a permanent basis in subsequent years.

Through both the supplemental spending bill and the recently passed fiscal year 2001 VA-HUD bill, he House has affirmed its support for renewing these grants through the Section 8 account. I urge the Senate to accede to this very reasonable approach.

In any event, I am pleased that this bill gives-at-risk families assurance of assistance for another year, while we work out this issue.

BIG BAND SOCIETY CELEBRATES 30TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to call to the attention of the House of Representatives the efforts of the Big Band Society of Northeastern Pennsylvania, which is celebrating its 30th anniversary this week.

The names of landmark recording artists such as Glenn Miller, Benny Goodman, the Dorsey Brothers and Duke Ellington, may not meet with instant recognition with those Americans who grew up with MTV. But for millions of music lovers, those artists represent the beloved sounds of their generation.

The Big Band Society of Northeastern Pennsylvania is to be commended for keeping this musical tradition alive. One way they do this is by holding their annual gala dance each summer at the Irem Temple Country Club in Dallas, Pennsylvania.

Under the leadership of dedicated people like Pat Perillo, its president, and Charlie Aten, its treasurer, this organization, with its devoted members, has drummed along tirelessly to promote the tunes and the personalities of the Big Band era and to bring that original sound and enduring spirit to younger audiences.

Mr. Speaker, for many Americans, the Big Band sound its much more than a style of music—it is uniquely American and evokes moving memories for a generation filled with patriotism, pride and love of country.

I am pleased to honor the Big Band Society for their part in keeping alive this important tradition of our nation's culture. I send my best wishes to the members of the Society on their 30th anniversary as well as my wishes for continued success.

TRIBUTE TO THE PUERTO RICAN PARADE AND CULTURAL ORGANIZATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my pleasure to honor the activities of the Puerto Rican Parade and Cultural Organization of Northwest Indiana. On Sunday, July 16, 2000, I had the privilege of attending this year's kick-off of the organization's festivities, at the Puerto Rican Dia Del Camp Kickoff Picnic in East Chicago, Indiana. On Thursday, July 20, 2000, the organization will be hosting its 18th Annual Dignitary Banquet at Hijos de Borinquen in East Chicago, Indiana. The annual celebration for Northwest Indiana's Puerto Rican community will culminate on July 22, 2000, with the traditional festival at East Chicago's Block Stadium, and the community parade on July 23, 2000.

I especially would like to congratulate Ms. Betty Paine, President of the Puerto Rican Parade and Cultural Organization of Northwest Indiana, as well as all other members for their time-honored dedication to the preservation of their Puerto Rican heritage. Joining the celebration at the Dignitary Banquet will be Mayor Luis Oliver, of Lares, Puerto Rico, and Jose Luis Gonzalez, Director of the Tourism Board in Lares.

The history of Puerto Rico is one of great pride and honor. In 1493 Columbus found the island of Borinquen (the Amerindian name for Puerto Rico) to be inhabited by Taino Indians, a subgroup of the Arawak thought to have arrived on the island 1,000 years before from South America. The Taino Indians who greeted Columbus showed him gold nuggets in the river and told him to take all he wanted. The town founded near this river was named Puerto Rico, or "rich port," with the island being named "San Juan Bautista," for St. John the Baptist. It was not until later that the two names were switched.

The rich culture of the people of Puerto Rico evolved progressively over the centuries. Immigrants brought influences from Europe, Africa, Asia, and other Caribbean islands to Puerto Rico, and blended them to create a unique society found nowhere else. Today, more than 2 million Puerto Ricans have migrated to the United States. The values and traditions that were brought with them have strengthened American society, and our country has been enriched with the infusion of Puerto Rican culture, folklore, hospitality, and way of life.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the Puerto Rican Parade and Cultural Organization of Northwest Indiana for its commitment to remembering Puerto Rican heritage, as well as its commitment to improving the quality of life for all residents of Indiana's First Congressional District. May this year's cultural celebration be a joyous one.

CONGRATULATIONS TO NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS FOR ITS OUTSTANDING FUNDRAISING CAMPAIGN FOR WORLD WAR II MEMORIAL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Ms. KAPTUR. Mr. Speaker, I rise today to congratulate the National Association of Federal Credit Unions for deciding to take a leadership role in helping to raise funds for the National World War II Memorial.

At its annual Defense Credit Union Summit, NAFCU President Fred Becker announced that association members will be encouraged to make a personal donation, or by encouraging their credit union members to support the memorial through a NAFCU/World War II Memorial pledge card. Members will also be able to use the pledge card to submit names for the Registry of Remembrances for the Memorial.

I believe that all veterans and all families of veterans will appreciate this special campaign by the National Association of Federal Credit Unions. I encourage all of our colleagues to read the press release from NAFCU that I am submitting and to promote the program within their own Congressional Districts for the benefit of all World War II veterans.

NAFCU JOINS FUNDRAISING CAMPAIGN FOR NATIONAL WWII MEMORIAL

HONOLULU, HI.—The National Association of Federal Credit Unions (NAFCU) announced today at its annual Defense Credit Union Summit that it will take a leadership role in helping to raise funds for the National World War II Memorial.

NAFCU President Fred Becker made the announcement at a gathering of defense credit union officials, just miles from Pearl Harbor where the war began for America in December 1941. The Defense Summit is a one-day, defense credit union meeting that precedes NAFCU's Annual Conference and Exhibition, held this year at the Hawaii Convention Center, July 19–22.

President Clinton signed legislation authorizing the establishment of a National World War II Memorial in 1993, and a fundraising campaign spearheaded by Senator Bob Dole and FedEx Corporation CEO Fred Smith has now raised more than $92 million of the estimated $100 million required to design, construct and maintain a memorial. The NAFCU Board voted last month to lend NAFCU's support to the campaign and to encourage its members to promote the effort as well.

"I think it is appropriate that we announce our participation in the campaign here, in Honolulu, where the battleship Missouri and the Pearl Harbor Memorial serve as solemn reminders of America's involvement in the last world war," Becker said. He noted that 16 million Americans served in uniform during the war, and more than 400,000 died. "World War II was the most significant event in the last century," he said. "Without the sacrifice of that generation, we would not enjoy the freedoms and opportunities we have today."

"The World War II Memorial Campaign sincerely appreciates the efforts of the National Association of Federal Credit Unions and the support of the nation's federal credit unions and their members in helping to make this memorial possible," said Senator Dole.

NAFCU members will be able to participate in the campaign in two ways: either by making a personal donation, or by encouraging their credit union members to support the memorial through a NAFCU/World War II Memorial pledge card that can be obtained from the NAFCU website (or by diskette) and distributed as a statement stuffer.

The NAFCU/WWII Memorial pledge card also will allow credit union members to submit names for the World War II Registry of Remembrances, which will include the names of veterans and individuals on the home front who contributed to the war effort. The registry will be kept on permanent display at the National World War II Memorial.

"The memorial and its registry will be a fitting tribute to those who served," said NAFCU Chair Ron Keeler. "I know that many NAFCU credit union leaders and their members either supported or served in World War II. This is a unique opportunity to create a lasting legacy commemorating their efforts." Keeler said that America is losing its WWII veterans at the rate of 1,000 a day, adding a sense of urgency to the campaign. "Of the 16 million Americans who served, fewer than six million are alive today," he said.

The artwork for the NAFCU/World War II Memorial pledge card will be available on NAFCU's website at www.nafcunet.org. Copies of the artwork can also be obtained by calling Joelle Hahn in NAFCU's Marketing Division at 1-800-336-4644, ext. 227.

NAFCU is the only national organization of credit unions that focuses exclusively on federal issues affecting credit unions, representing its members before the federal government and the public.

HARRIET TUBMAN DAVIS VETERAN STATUS PROPOSAL TO THE HOUSE FLOOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. TOWNS. Mr. Speaker, I rise to introduce legislation to grant Harriet Tubman veteran status for her service in the Union Army from 1863 to 1865.

With a letter from governor John Andrews of Massachusetts Harriet Tubman reported to General David Hunter at Hilton Head, South Carolina in 1863 where she worked as a nurse, scout, spy and cook for the Union Army.

In the spring of 1865 she worked briefly at a freedman's hospital in Fortress Monroe, Virginia.

Harriet Tubman recruited Union Army soldiers in the South. On March 6, 1863 the Secretary of War was informed that seven hundred and fifty blacks who were waiting for an opportunity to join the Union Army had been rescued from slavery under the leadership of Harriet Tubman.

After the Civil War Mrs. Tubman married Nelson Davis, a private in the US Colored Infantry Volunteers. He died in 1888 and Mrs. Tubman received a pension as his widow. Mrs. Tubman applied for an increase in her pension. H.R. 4982, of the 55th Congress, was never enacted but it proposed that Mrs. Tubman be given a pension as a veteran of the Civil War at her request. Senator William H. Seward of New York, the Secretary of the State under Lincoln during the time of the Civil War and knew Mrs. Tubman personally. Mr. Seward advocated Mrs. Tubman's placement on the pension roll, for her service in the war as a nurse in the United States Army.

Mrs. Tubman lived the remainder of her life after the Civil War in Auburn, New York. She is buried in Fort Hill Cemetery in Auburn with military honors.

Prior to 1863, Harriet Tubman was a conductor on "The Underground Railroad." After escaping from slavery in 1849, she returned to the South repeatedly freeing other slaves before joining the war effort in 1863. She is reported to have personally brought over 300 slaves to freedom including her brothers, sisters, and elderly parents.

In 1913 Harriet Tubman died of pneumonia without being formally recognized as a veteran of the Civil War. I propose that Harriet Tubman be awarded veteran status through this bill posthumously.

VANISHING WILDLIFE STAMP ACT OF 2000—H.R. 4872

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 4872, the Vanishing Wildlife Stamp Act of 2000. This important legislation calls upon the U.S. Postal Service to issue a commemorative wildlife semi-postal stamp.

Such a stamp would have broad appeal to the public, would supplement the modest appropriations for U.S. Government recovery programs, and would assist the U.S. Fish and Wildlife Service in filing the gap between congressional authorization and appropriations.

By providing this convenient vehicle for members of the public to "vote with their pocketbooks" for a federal program that they support, the vanishing wildlife stamp will help relieve pressure and complete reliance on federal appropriations and shift wildlife conservation away from big government solutions and toward a first-hand example of public-private cooperation to achieve a common goal.

I urge my colleagues to co-sponsor this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 20, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 21

9:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the President to review approximately 40 million acres of national forest for increased protection.

SD–366

JULY 25

9:30 a.m.
Armed Services
To hold hearings to examine the National Missile Defense Program.
SH-216

Energy and Natural Resources
To hold oversight hearings on Natural Gas Supply.
SD-366

Health, Education, Labor, and Pensions
To hold hearings on Public Safety Officers' collective bargaining.
SD-430

Environment and Public Works
To hold hearings on the disposal of low activity radioactive waste.
SD-406

Foreign Relations
To hold hearings on environmental protection in an era of dramatic economic growth in Latin America.
SD-419

10 a.m.
Indian Affairs
To hold oversight hearings on the Native American Graves Protection and Repatriation Act.
SR-485

Appropriations
Transportation Subcommittee
To hold oversight hearings on aviation consumer service and delays.
SD-124

Finance
Taxation and IRS Oversight Subcommittee
To hold hearings on federal income tax issues relating to proposals to encourage the creation of public open spaces in urban areas and the preservation of farm and other rural lands for conservation purposes.
SD-215

United States Senate Caucus on International Narcotics Control
To hold hearings to examine the threats the drug ecstasy causes.
SD-628

2 p.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings to examine the importance of non-custodial fathers in the lives of their children.
SD-215

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.
SD-366

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2877, to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; S. 2881, to update an existing Bureau of Reclamation program by amending the Small Reclamation Projects Act of 1956, to establish a partnership program in the Bureau of Reclamation for small reclamation projects; and S. 2882, to authorize Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California.
SD-366

3 p.m.
Foreign Relations
To hold hearings on the nomination of Richard A. Boucher, of Maryland, to be an Assistant Secretary of State (Public Affairs).
SD-419

JULY 26

9 a.m.
Small Business
Business meeting to markup S. 1594, to amend the Small Business Act and Small Business Investment Act of 1958.
SR-428A

Agriculture, Nutrition, and Forestry
To hold hearings to review the federal sugar program.
SR-328A

9:30 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on bridging the gap between health disparities.
SD-430

10 a.m.
Governmental Affairs
To hold hearings on S. 1801, to provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States.
SD-342

11 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD-419

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the Americans with Disabilities Act.
SH-216

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.
SD-366

Indian Affairs
To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.
SR-485

JULY 27

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review proposals to establish an international school lunch program.
SR-328A

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

SENATE—*Thursday, July 20, 2000*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Great is the Lord, and greatly to be praised and His greatness is unsearchable. I will meditate on the glorious splendor of Your majesty.—Psalm 145:3,5.

Let us pray:

We come humbly and gratefully to draw from Your divine intelligence what we need for today's deliberations and decisions. We thank You for the women and men of this Senate and their staffs who support their work. Help them humbly to ask for Your perspective on perplexities and then receive Your direction. Give them new vision, innovative solutions, and fresh enthusiasm. We commit this day to love and serve You with our minds. Today, when votes are counted on crucial decisions, help them neither to relish victory nor nurse discouragement in defeat but do everything to maintain the bond of unity in the midst of differences and then move forward. This we pray in the Name of the Prince of Peace who called us to be peacemakers. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Today the Senate will resume debate on the Agriculture appropriations bill. The Harkin amendment regarding beef is the pending amendment, and it is expected that a vote in relation to that amendment will occur during this morning's session. Senators should also be aware that it is the intention of the bill managers to complete action on this important bill by this afternoon. Therefore, votes can be expected throughout the day.

The Senate may also begin consideration of the conference report to accompany the Department of Defense appropriations bill during this evening's session.

I thank my colleagues for their attention.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 4461, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and other purposes.

Pending:

> Reid (for Harkin) amendment No. 3938, to prohibit the use of appropriated funds to label, mark, stamp, or tag as "inspected and passed" meat, meat products, poultry, or poultry products that do not meet microbiological performance standards established by the Secretary of Agriculture.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3938

Mr. HARKIN. Parliamentary inquiry: Before I start and the clock starts ticking on me, where are we and what time are we operating under right now?

The PRESIDING OFFICER. The pending business is the Harkin amendment No. 3938. There is no time limitation.

Mr. HARKIN. There is no time limit?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, I am sorry; I was under the mistaken impression that there was a time limit. I stand corrected. I want to talk for a few minutes about the pending amendment.

In some conversations I had last night and earlier this morning previous to coming to the floor, I found that there may be some misconceptions about my amendment and what it seeks to do. So I would like to take the time to try to clarify it.

I did not think there would be opposition to it. It was merely to clarify a situation that has arisen in a court case in Texas. So in the next few minutes I will try, as best I can, to try to outline it and clarify exactly what this amendment is and what it intends to do.

Everyone in the food chain, from the farm on through to the table, has a vital stake in the USDA food safety and inspection system for meat and poultry products. This goes back many years. As the years have evolved, and as our processes for growing, slaughtering, processing, packaging, transporting, and the selling of meat and meat products and poultry products has changed, we have changed the way we do things.

As Secretary Glickman once I think so adroitly explained, the days of poke and sniff have to be over. We need new inspection standards because of the rapidity of the lines, the tremendous increase in the production of meat and meat products, which are good sources of protein for our people and for export. We need the change. So that is what we have done.

But the linchpin in all of this is consumer confidence. Our food safety system must adequately protect consumers. It must assure consumers that their food is safe. If consumers lack confidence in the safety of meat and poultry products, they will not be good customers. That means less demand and lower prices and income for livestock and poultry producers, as well as for our packers and processors.

On May 25, a huge cloud of uncertainty was cast over USDA's meat and poultry inspection system when the Federal district court for the Northern District of Texas held that USDA does not have the statutory authority to enforce its pathogen reduction standards for salmonella in ground beef.

The pathogen reduction standards are a critical part of the new food safety system which was adopted by the USDA in 1996 in the hazard analysis critical control point and pathogen reduction rule. It is otherwise known by its acronym HACCP, something that many of us in the Senate and the House have worked on for many years to bring about.

That system was designed to protect human health by reducing the levels of bacteria contamination in meat and poultry products. I might add that the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HACCP rule was broadly supported by consumer groups, by packers, by processors, by the meat and poultry industry, as being a step in the right direction from the kind of inspection procedures that we had before.

The HACCP and the pathogen reduction rule established a modern inspection system based on two fundamental principles.

First, the meat and poultry industry has the primary responsibility and the flexibility to design plans for producing safe products and then to follow those food safety plans. So the industry has the primary responsibility. And they should have the flexibility to design plans for producing safe products and then to follow those plans. That is the first principle.

The second principle is that the public health is best served by reducing the level of pathogens on meat and poultry products nationwide—a very commonsense principle. To accomplish this, USDA developed pathogen reduction standards using salmonella as the indicator bacteria. These standards set targets that plants have to meet for reducing microbial pathogen levels. If a plant repeatedly fails to meet salmonella targets, USDA may refuse to inspect the plant's products, thereby effectively shutting the plant down until the plant implements a corrective action plan to meet the pathogen reduction standard.

What happened was the district court in Texas held that USDA does not have the statutory authority to enforce its food safety standards designed to reduce pathogen levels in ground beef.

The court stated, in its June 13 final judgment, that the salmonella reduction standard "is hereby declared to be outside the statutory authority of the United States Secretary of Agriculture and the United States Department of Agriculture to the extent that it allows the Secretary and/or USDA to withdraw or suspend inspection services or withhold the mark of inspection on the basis of an alleged failure to comply with the Salmonella performance standard for ground beef. . . ."

That is the quote from the finding of the district court.

Keep in mind, if USDA cannot withdraw or suspend inspection, it is powerless to enforce the pathogen reduction standards. Refusing inspection is USDA's only enforcement tool. Again, the Texas decision was based on an interpretation of USDA's statutory authority to enforce the salmonella reduction standard.

I am aware there has been a lot of discussion about the legitimacy of the salmonella standard. Is it science based? Does it rationally relate to food safety? Those are legitimate questions to raise. But the court did not even get to those questions. It just ruled that the USDA did not have the statutory authority to enforce its standard designed to reduce pathogenic bacteria.

I believe the American public would be shocked to be told that the U.S. Department of Agriculture does not have the authority, under our meat and poultry inspection laws, to require reductions in microbial contamination of meat and poultry.

If USDA lacks the authority to enforce pathogen reduction standards, then, surely, we stand at the edge of a food safety debacle, a chasm. I am going to repeat that. The American public would be shocked to find the USDA does not have the authority, under our existing meat and poultry inspection laws, to require reductions in microbial contamination of meat and poultry. Think about that.

Frankly, I have my doubts about the reasoning of the court in the Texas case. But the court has held that the USDA lacks this authority to enforce the pathogen reduction standards.

That decision has created an intolerable degree of uncertainty about USDA's authority to ensure the safety of meat and poultry products, not only in Texas but anywhere in the entire United States.

Plainly and simply, all my pending amendment does is to clarify that the USDA has the legal statutory authority to require reductions in pathogenic bacteria in meat and poultry products.

Let me explain why it is so critically important that we clarify this and that USDA has that authority. I have some charts to show that. This chart has some very sobering statistics.

In the United States, according to the Centers for Disease Control and Prevention, foodborne pathogens are responsible for 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths every year.

That is an estimate by the Centers for Disease Control and Prevention.

The economic impact of foodborne illness for the United States is estimated to be $6.6 to $37.1 billion per year. Just to clarify, these statistics include all foods—not just meat and poultry but all foods. Meat and poultry are certainly a substantial portion of the cases; I don't want to mislead anyone. This covers lettuce, tomatoes, fruits, vegetables, and everything else. Again, these are not just illnesses, hospitalizations, and deaths that result simply from the failure to reduce pathogens in the processing and packaging stream. This could come about from mishandling of food at the consumer level, at the purchasing level, storage, miscooking, and inapplicable storage of partially cooked food.

I want to illustrate the dimensions of foodborne pathogens in our country. Again, I am not condemning the meat and poultry industry. I am not trying to frighten consumers. Yet there is no denying that we have much more foodborne illness than we should. Consumers are paying attention. Consumers are concerned about the safety of their food. Again, I come back to the matter of consumer confidence. What industry can build markets if it fails to build confidence in its customers? If you support the meat and poultry industries, as I do, then you also have to support a food safety and inspection system that effectively assures the safety and quality of meat and poultry products.

The second chart shows some of the progress we have made since we established the new pathogen reduction standards which the USDA has been implementing. Salmonella levels on meat and poultry products have fallen. Salmonella rates in ground beef have dropped 43 percent for some of our small plants, 23 percent for large plants. In fact, in the entire United States, only three plants have failed to meet the standard. I think this is strong evidence that the standard works and that it is reasonable. Yet the court in Texas says USDA does not have the legal authority to do what it has been doing to reach these dropping rates in salmonella levels. It says USDA does not have the authority to continue to do that.

The next chart indicates the success of the USDA new food safety system for meat and poultry. This chart shows the rate of foodborne illnesses has fallen from 51.2 per 100,000 people in 1996, when the HACCP rule was implemented, to 40.7 per 100,000 people in 1999. That is a 20.5-percent decrease in total foodborne illnesses in the last 4 to 5 years. That is a major success story in food safety. But now the Texas court's decision has rejected USDA's authority to reduce pathogens on meat and poultry products which led us to this tremendous reduction.

The salmonella standard is not perfect, from what I am told by scientists and others. That is why I have carefully crafted my amendment so it does not codify or lock into place the existing salmonella standard. My amendment would do nothing to prevent changing, improving, or even challenging a pathogen reduction standard. I want to continue to work with producers, the meat and poultry industries, consumers, and the USDA to see that we have science-based, workable performance standards that protect the public health. Again, what my amendment does, and all it does, is to make certain that USDA has the legal, statutory authority to enforce pathogen reduction standards that are critically important to assuring food safety.

I am willing to engage in any colloquies about this amendment. Keep in mind, this court decision was only 2 months ago. Quite frankly, if we don't act soon, I think there is going to be great concern among consumers, customers in the export markets, about our commitment to reducing pathogens, reducing bacteria in our meat, livestock, and poultry products.

We are not trying to lock in a standard. As I said in my opening statement, times change, conditions change. We have to be able to do that. But the authority to do that, as it has been going back probably almost 70 years—80 years almost—the authority for meat and poultry inspection has been with the U.S. Department of Agriculture. To be sure, during most of that time, they were not involved in the reduction of pathogens and bacteria. But with the new changes in how we do inspections, with HACCP, we decided, and the processors and the consumers decided, that we needed to do everything possible to reduce bacteria contamination on our meat and poultry products.

As I said, we have done a great job in that. We have reduced it. We are on our way. Most of the plants in America have met these requirements. They have used HACCP. They have been responsible. Only three plants in the entire United States failed to meet the standard. I think if the court had gotten beyond the statutory problem and gotten to the essence, the substance of it, the court, on the weight of the evidence, would have had to decide that the reduction standard is reasonable. Obviously, if all the plants in the country are doing it and only three have not met it, a reasonable person—and I believe the court is reasonable—would say, obviously, it has to be a pretty decent standard. But the court didn't even get there. They just said, sorry, you don't have the authority, which really has opened up a chasm.

That is why it is so critically important for us to address this issue this year. The only vehicle we have that I can see right now is to do it on the Agriculture appropriations bill, which is a good bill and which I hope will make its way through and be signed by the President. I think it is critically important to give them that authority. That is all my amendment does right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment, on its face, looks as though the Senate is being asked to vote in favor of supporting the Department of Agriculture's standards for meat inspection that include the power to shut down a plant if it is found that the product being produced contains a contaminant. In the case in Dallas, TX, the Senator cites, it was salmonella.

The plant operated by Supreme Beef in that area was shut down by the Department of Agriculture and, according to testimony in the case in Texas, it was shut down solely on the basis of the fact that the product being produced contained a prohibitive level of salmonella, or some salmonella.

What the court said was that the Department of Agriculture wasn't given that kind of power by the Congress to impose regulations of that kind, and that to shut down a plant there had to be some connection between the operation of the plant and the presence of the salmonella in the product. In other words, if the plant was totally sanitary, obeyed every rule of law or regulation of the Department of Agriculture for safe and sanitary operation, just because of the test, the Department was without the power under the law to shut down the plant.

This amendment—if we adopt it—as suggested by the Senator from Iowa, would impose a new legal authority that is not now present, which would give the Department of Agriculture more power than it has, more power than it has asked for, and, I suggest, more power than we ought to give on an appropriations bill, without more careful review; that is, the power to arbitrarily shut down a plant, whether it is being operated correctly and in a sanitary manner, with all due regard for the product that is being produced, the safety of that product for human consumption.

Because of this court case that puts in question the Department's authority that it exercised in this one case, we are being asked now to say that these standards, which are regulations in effect, ought to be codified; they ought to be put in the form of a law.

Now, that is a step that we, in my view, ought not to take—not on this bill, not as an amendment to an appropriations bill, not on the basis of one district's court's finding in the State of Texas, which doesn't have application and is not being honored by the Department's regulators anywhere else in the United States except in that Federal court jurisdiction.

The Department of Agriculture has not asked for this amendment. I am advised that the Department of Agriculture doesn't support this amendment. The Department of Agriculture has not yet decided whether to appeal this decision of the district court. It may decide to modify its regulations because of this district court decision. So we would be acting prematurely and, in response to the suggestion in this amendment, we would be exceeding even the decision being made now in the Department of Agriculture, or the Department of Justice, which has to prosecute the appeal. So the Department of Justice hasn't decided, I am told, whether to appeal this decision to the court of appeals. The Department hasn't decided that yet. Yet we are being asked to reverse, in effect, by legislation, the decision of that district court.

We are not an appellate court. I suggest that the Senate should not act today favorably on this amendment as if we are reviewing the legal intricacies involved in this case and are making some careful, thoughtful determination about whether or not that case ought to stand or whether it ought to be reversed. I am going to suggest to the Senate that what we ought to do is look at the implications through hearings in the Agriculture Committee or in the committee that has jurisdiction over other food safety concerns. Our Appropriations Subcommittee could conduct hearings—and that might be the appropriate thing to do—and hear from the Department of Agriculture and hear from others who have views on this subject. And then we could make a recommendation to the Senate.

But this is a brand new decision, as the Senator said; it was made, I think, in May. It is a recent decision. We ought to let the legal process work its way to a conclusion with the Department of Agriculture, the Department of Justice, and the packing company involved in this case. They must have had some persuasive evidence to present to the court as to why the Department of Agriculture acted arbitrarily and improperly, or without the sanction of law, to shut down this plant as they did. And here we are going to substitute our judgment collectively for the judgment of the district court judge who heard all the evidence, who saw the witnesses, including Department of Agriculture officials who described what they did and why they did it.

The Senate needs to know that there is a committee that is available to the Department of Agriculture that is called the Advisory Committee on Microbiological Criteria. The Department of Agriculture and the Secretary look to this committee normally for advice and consult on issues of this kind. No consultation, as I understand it, has taken place with this special committee of experts who are brought together for the purpose of providing scientifically based opinions to the Secretary of Agriculture on the question of adulteration and sanitation issues of meat and poultry packing and processing plants.

So let's not pretend that we know as much as this advisory committee. Let's not pretend that we have a better reason for making a decision in this case than the district court did, which found just the opposite of what the Senator is asking this Senate to find. So I am suggesting that this is premature. It is inappropriate for us to legislate in this fashion on an appropriations bill, without the benefit of facts and expert opinions and views on the subject.

So it is my intention, without cutting it off anyone's right to speak, to move to table the Senator's amendment and to ask for the yeas and nays on that vote. But I do not want to make that motion right now without notice to my friend and colleague from Iowa or any other Senator who wants to be heard. We had told all Senators they could expect a vote on an amendment on this bill at or about 10:30. I hope we can keep that commitment to the Senate.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I appreciate the chairman not moving to table right now. I listened as closely as I could, while conversing with my staff, to the comments made by my friend. I hope we can engage in a colloquy on this. We are talking past each other.

Obviously, the chairman had to leave the floor, but I hope we can engage in a colloquy on this because this is a very serious matter. I don't want there to be misperceptions out there.

The Senator from Mississippi just got through saying, more than once, that what we are being asked to do is codify a regulation. I would like the Senator from Mississippi to show where in my amendment it codifies a regulation. It is not there. I challenge my friend from Mississippi to show that. It is not there. I said explicitly in my statement that my amendment does not codify any regulation. It is not there. So if the Senator from Mississippi says that my amendment codifies a regulation, I challenge him to show where and how. I think that is a misperception.

Secondly, again, let's be clear on what we are talking about here. Is it reasonable, I ask, for the U.S. Department of Agriculture, which has the statutory power to inspect meat and poultry products, which it has for many years, is it reasonable for the USDA to also inspect and set some standards for the reductions of packaging bacteria that is on our meat and poultry products?

If the answer to that is no, it is not reasonable, then I guess you could vote to table my amendment because that is where we will be. We will be at a point where what we would be saying is that the U.S. Department of Agriculture should not have any authority to establish pathogen reduction standards nor any authority to enforce them. I suppose they could test them. But they could never enforce them. I think that is what we have to ask ourselves: Is it reasonable for the U.S. Department of Agriculture to set pathogen reduction standards and then to be able to enforce them?

I said in my opening statement, and I say again to my friend from Mississippi, my amendment does not codify any regulation. Yet, if I am not mistaken, I heard my friend from Mississippi state in his comments that we are being asked to codify a regulation. I carefully drafted the amendment not to do that.

If the Senator from Mississippi can show how we codify our regulation, we would be glad to change the amendment. It is not there. That is a misperception. All this amendment says is that the USDA has the statutory authority to both set a pathogen reduction standard and then to enforce it. That does not mean a packer or a processor couldn't challenge those standards as being unreasonable or not applicable. That still can be challenged. Any rule or regulation can be challenged in court.

Let's take the Supreme Beef case, I say to my friend from Mississippi, where the Supreme Beef packing plant had failed the salmonella standard reduction three times. They had failed it three times before the USDA stepped in and withdrew its inspection, thereby basically shutting the plant down.

Again, keep in mind that the plant did not go to court to challenge the standard. They went to court and said USDA doesn't have the statutory authority to set the standard or to enforce it. The court found that USDA did not have that statutory authority. Here is a plant that failed three times to meet the salmonella reduction standard. They had been warned. They knew it.

Keep in mind that a lot of this ground beef from Supreme Beef goes into our School Lunch Program. Go out and tell the parents of America they can send their kids to school and they can eat ground beef in school but we are not going to enforce any bacteria reduction standards such as salmonella in our packing plants. Supreme Beef failed it three times. Now they can fail it four or five times. They will have no standards whatsoever—none, zero, zip—because the USDA will not be able to enforce its salmonella reduction standards.

I think what Supreme Beef should have done was challenge, if they wanted to, the reasonableness of that standard. They could go to court and get a stay to keep operating and then show the court that the standard that was imposed on them by USDA and by which USDA is shutting down their plant by refusing inspection is unreasonable, unwarranted, and inapplicable. Fair enough; let them do that. But they cannot even get there because they said USDA doesn't have the authority to do it.

That is where we are. If we take no action, that is where we are. Supreme Beef can go ahead and keep right on operating. They don't have to worry about any salmonella reduction. They can keep pumping that food right into the School Lunch Program.

The chairman indicated that there is a USDA scientific advisory committee that may review this standard this fall. I welcome that. Nothing in my amendment would prevent changes based on those recommendations. Nothing in this amendment would do that.

Again, one has to ask oneself, should the USDA have the authority under the HACCP program to issue pathogen reduction standards and then to be able to enforce those?

Again, I go back to my chart. Since the pathogen reduction standard for salmonella went into effect in 1996—it is so prevalent and makes people pretty sick—rates in ground beef dropped 43 percent in our smaller packing plants and 23 percent in our larger plants.

That is success. That is why plants all over America have not challenged this in court. They seem to be doing quite well with it. Only three plants in the entire United States have failed to meet this standard—three—Supreme Beef, of course, being one of them.

As I said, since the HACCP rule was implemented in 1996, 51.2 foodborne illnesses per 100,000 people went down to 40.7. It is working. Yet because of one plant in Texas that decided to thumb its nose at the salmonella reduction standard—obviously, they had a good attorney—they went to court and said USDA does not have the authority either to set the standard or to enforce it. The court said: You are right, they don't, because Congress never gave them that authority.

I want to clear up one other thing. I am told the USDA is not opposed to this amendment. They are not taking a position because of pending litigation because they are in the courts right now because of this pending litigation.

The USDA has a charge to ensure lower bacteria counts. Again, it is not the power to arbitrarily shut down a plant because of the appropriateness of a specific USDA standard. The standard is still subject to review by a court. I want to make that as clear as I can.

No. 1, I challenge my friend from Mississippi to show me how my amendment codifies the regulation. I challenge my friend to show that. He has said that. I have carefully drafted it so that it does not codify any regulation. The regulations can change. The advisory committee can meet. Maybe they want to change these standards—I am speaking here regarding this amendment—but I don't know why they would want to change a standard that has been so successful, by which every packing plant in America today is abiding, except three, one of them being Supreme Beef that brought this case.

It is not that technical. All we are doing is asking, through this amendment, to give USDA the authority to set the standard and enforce it—not what standard. This amendment does not give the USDA the authority to set a standard that I specify and to enforce that standard. It says to set pathogen reduction standards and to enforce them. Obviously, if they set a standard that is unreasonable, inappropriate, and inapplicable, that can be challenged in court. They can be challenged in the rulemaking process. That is the way it is done.

But if we continue as we are right now, there is no reason for any plant in America to abide by these salmonella reduction standards because USDA has no authority to enforce them. They could go into a plant and say: Gee, you know, you are right above salmonella; that is above our standard. The plant can say: So what. Get out of here. We don't have. I don't think that is what the American people want or the American consumers want. I don't believe it is what the vast majority of packers and processors in America want. They want the public to have the highest level of confidence that their meat and poultry and meat products and poultry products are wholesome and without bacterial contamination.

It is too bad because of one bad actor—one plant in Texas that failed three times to meet the standard, and on the fourth time, after having clear warnings, the USDA came in and withdrew the inspection, which effectively shuts down the plant—we have to throw the whole system out and say the USDA does not have the authority. That can open the floodgates for plants all over America.

I say to my friend from Mississippi, there is no codification of any regulation, none whatever. It is only giving the USDA the authority under which it has been operating for 4 years, which has been successful. Only three plants in America have failed to meet standards. I think that is a good success story. I don't think we ought to not give the authority to the USDA to continue on this pathway simply because of one bad actor in Texas and because of the fact that we failed in our statutory deliberations and in our statutory approach to give the USDA this authority. I am not pointing the finger at anybody.

We should have at some point statutorily given the USDA this authority. We did not do so. That is what this amendment seeks to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi

Mr. COCHRAN. I move to table the Harkin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to a motion to table amendment No. 3938. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—49

Allard
Ashcroft
Bennett
Bond
Brownback
Campbell
Chafee, L.
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kyl
Lincoln
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—49

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Grassley
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Bunning

The motion was rejected.

Mr. COCHRAN. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the amendment?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3995 TO AMENDMENT NO. 3938

Mr. COCHRAN. Mr. President, I send an amendment to the amendment to the desk and ask it be reported.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 3955 to amendment No. 3938.

On page 2 of the amendment: Strike "established by the Secretary" and insert in lieu thereof: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods and that are shown to be adulterated".

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment states that the microbiological standards imposed by the Secretary of Agriculture, in situations involving those described by the amendment of the Senator from Iowa, must be imposed pursuant to the Administrative Procedures Act and be subject to notice and comment procedures under that act.

It additionally requires the Secretary, in instances involving contamination of meat and poultry products that are subject to inspection and plant inspection by the Secretary, to seek the advice of the National Advisory Committee on Microbiological Criteria for Foods. This is a panel of scientists, with members appointed by the Secretary of Agriculture. The purpose of the panel is to provide advice and counsel on matters of this kind from experts to the Secretary of Agriculture.

We understand that this panel has not had an opportunity to make recommendations or observations about the standards that are the subject of these USDA regulations that were litigated in this court case because the Department of Agriculture decides when they meet, and it is my understanding that the next meeting is scheduled for the fall. There has not been a special meeting called. And the issue has not been placed on the agenda.

If my amendment is adopted, the Senate would suggest to the Secretary that this issue ought to be presented to this panel of expert witnesses and the advice of that panel sought in this situation.

The Department of Agriculture has indicated that it does not support the Harkin amendment. The Senator said that it has decided to take no position on the amendment because it involves a case that is subject to judicial proceedings at this time.

To remind Senators, this is a court case the Senator is asking be reversed by the Senate. The time for appeal has not yet expired. The Department has not decided whether to appeal. The Department of Justice has not made a recommendation, as I understand it, whether it thinks an appeal should be prosecuted or not. They may decide this court was right and then come to the Congress to ask for additional authority, and the Congress may very well decide to give the Department additional authority.

But the adoption of this amendment, without suggesting the Department needs to consult first on modifying its standards with an expert panel, that was created for the purpose of providing information, would be premature also.

So we hope the Senate will adopt this modification to the Harkin amendment. The vote on the motion to table was a tie vote, and therefore the motion failed. We could let the Senate vote on the amendment of the Senator from Iowa without any further amendment. And if there is another tie vote, the amendment would fall.

But in order to try to resolve the issue, for the moment, my suggestion is that the Senate should adopt this amendment, putting in the extra provision of consultation with the National Advisory Committee on Microbiological Criteria for Foods, and suggest that, if this standard is given the force and effect of law, there must be some connection between the contaminated product and unsanitary conditions or the way in which the processing plant was being operated in order to justify the Department withdrawing its inspectors and therefore closing the plant.

We want to continue to ensure—and this ought to be clear—that our Nation's food supply is safe; that it is processed in the most sanitary conditions possible; that it is inspected to ensure that the food is safe for human consumption, all of that will continue to be reflected in the adoption of this amendment.

What we add is that scientific advice and counsel be sought by the Department of Agriculture on this subject with respect to this standard that has been thrown out by a court. If it can be modified to ensure that we continue to see the force and effect of the standards enforced by the courts, then that is what we would like to see happen. We would like it to be done in a process that gives respect for the power of a court and the judicial process that is in place but also the prerogatives of the Congress. The Congress has not empowered the Department of Agriculture to issue a standard of the kind the court said it could not enforce. That is a point to remember, too. The adoption of the Harkin amendment would give that power legislatively, give that power to the Secretary of Agriculture without a careful review of the implications of that new power by the Congress.

I am hopeful that this will resolve the issue for the time being, for today. The legislative committee has a right to look at it, to have hearings, to propose changes in the authorities the Department has in situations such as this. That would be the appropriate way to resolve the issue for the long term. But for today, I am hopeful the Senate will agree to this amendment, maybe on a voice vote, and then we can adopt the amendment of the Senator on a voice vote and proceed to other issues.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

REMEMBERING SENATOR PAUL COVERDELL

Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Paul Coverdell, our friend and colleague. Paul was an extraordinary human being who really cared. He looked at his opportunity to serve in the Senate as a way to make a difference in the lives of his fellow man.

I will never forget Paul Coverdell. He was one of the first people who reached out to me when I first came to this body, greeting me with a warm welcome and caring advice. Although he was in leadership and had many demands on his time, he always had time for me and truly listened to what I had to say. He had common sense and a common touch. I have truly enjoyed working with him on several legislative initiatives, particularly education and the Ed-Flex bill we passed last year.

Paul had a wonderful knack for being able to work with people and to get things done. He led by example. He understood that to be a leader one had to serve. There was no job so small that he would not take it. His commitment and ability always made you want to be on his team. His enthusiasm was contagious. He made you feel good just being around him.

My regret is that because of my short tenure in the Senate, I did not get to know Paul or spend as much time with him as many of my colleagues.

He gave witness to his Christian faith every day. He will continue to be my role model in the Senate. Paul Coverdell will be missed by all of us, but my faith tells me that he is eternally happy with our Father in Heaven. I pray that thought will give comfort to his wife Nancy and the members of his family.

Mr. LEAHY. Mr. President, as have so many of my colleagues, I speak with a sense of loss and sadness about the passing of our friend, Paul Coverdell. Over the years serving in the Senate, I have seen too often the flowers on a Senator's desk and known, by that unique tradition of our body, the reflection that we have lost somebody in an untimely fashion—no one more untimely than the Senator from Georgia.

I have had the honor to serve with many Senators during the time the people of Vermont have been kind enough to let me be here. Each of these Senators has brought special qualities. It might be a knack for fiery oration or professorial intelligence. But Paul Coverdell brought a special formula of kindness and quiet persistence.

I first knew Paul when he was director of the Peace Corps. I was chairman of the Foreign Operations Subcommittee which handled his budget. I recall times when there would be an issue that would come up of some contention. I remember President Bush calling and saying: Pat, sit down with Paul. I assure you you can work it out.

We would sit quietly in my office. We would go over the issues, and we would work it out. We would work it out because I knew that Paul Coverdell would keep his word; he knew I would mine. I also knew that neither of us would read about the intricacies of our agreements in the paper the next day. We would keep each other's confidence.

When he came to the Senate, he was first and foremost a tireless champion for the interests of the people of Georgia. We all remember his relentless advocacy for some of the military bases in his home State and how proud he was to represent the State that hosted the Olympic games in 1996. In that regard he entered the sometimes messy realm of appropriations to bring full Federal support to that gigantic effort.

In many ways, these efforts were an embodiment of the people of Georgia, possessing a boundless energy, ambition, and generosity.

What I remember most, though, about Paul Coverdell—and so many of our colleagues have said the same thing—is how he worked on everything with a paradoxically quiet energy. He was not one to seek the cameras and head to the floor to yell about every disagreement. If he had a disagreement, he would call you. He would go and work with you face to face. He was often convincing. I know he changed my mind on issues.

I think one of the reasons he was so convincing is that he was always openminded and attentive. I don't think there is any case more obvious about that than the Senate's recent consideration of the supplemental appropriation for antidrug assistance in Colombia.

There were many disagreements on this aid package. But everybody, whether they were on his side or on the opposite side, admired the strength of his conviction and the depth of the knowledge of the region.

I was privileged to work closely with him on a resolution on a recent presidential election in Peru. Senator Coverdell and I believed strongly that it was important for the United States to send a strong message throughout the hemisphere in support of democracy and to condemn the blatant subversion of democracy by the Fujimori government. Again, it was the strength of Paul's convictions and willingness to stand for the most important principles this country stands for. That is why the resolution was there.

Our mutual concern for international human rights extended to the effort to establish a global ban of antipersonnel landmines. I was so pleased to work with Paul on this issue. He would always consider my proposals thoughtfully and thoroughly. He brought a very special perspective. For him, banning landmines was about protecting Peace Corps volunteers and the communities they served. He had this unique way of looking at an issue that went way beyond warring parties. He was concerned about innocent civilians.

Paul took part in these debates and he worked behind the scenes with a big-hearted kindness. He was one of the kindest people to grace this floor, and there was a certain peacefulness about him that was always pleasantly contagious. In a sometimes very divisive

Senate, that peacefulness was so respected.

That is why when I look at the flowers, like many of us who have served here a long time, I think we have seen those flowers too often. But it is hard to think of a time when both Republicans and Democrats have felt the pain more than on this occasion. Paul, we will all miss you.

I yield the floor.

Mr. KENNEDY. Mr. President, all of use are saddened by the death in our Senate family. I join Senators on both sides of the aisle in mourning the loss of our colleague and friend, Paul Coverdell, and I extend my deepest condolences to the members of his family.

Senator Coverdell and I differed on many of the major issues of the day. But it was obvious to all of us who served with him that he was a leader of genuine conviction, deep principle, great ability, and high purpose.

His commitment to public service was extraordinary. It was always a privilege to work with him.

I especially admired his dedication to seeking common ground—to exploring every aspect of every issue, and to learn as much as possible about it—to going the extra mile to achieve worthwhile compromise instead of confrontation—and above all to finding practical answers to the many serious challenges we face together in the Senate.

He was deeply committed to enhancing the qualify of life for all Americans. We both shared a strong commitment to improving education in all of the Nation's schools. I'm saddened that he will no longer be with us as the Senate turns again in coming days to the important debate on support for elementary and secondary education in schools and communities across the country.

I also particularly admired Paul Coverdell's leadership role as Director of the Peace Corps in the Bush administration from 1989 to 1991, before he came to the Senate.

Over the years, the Peace Corps has had special meaning for all of us in the Kennedy family, because it is one of the finest legacies of President Kennedy. I know that my brother would have been proud of Paul Coverdell's commitment to the Peace Corps and its ideals and its service to peoples in need in many different lands.

In a very real sense, the campaign slogan that Paul Coverdell used so effectively in his successful Senate reelection campaign in Georgia 2 years ago sums up his extraordinary career, and tells why he had so much respect and friendship from all of us. That slogan consisted of two simple words—"Coverdall Works." And it was true, in every sense of the word. Paul Coverdell served the Senate well, the Nation well, and the people of Georgia well, and we will miss him very much.

Mr. MOYNIHAN. Mr. President, Howell Raines, Editorial Page Editor of The New York Times has written a warm and wonderful tribute to Paul Coverdell, recalling his career in the Georgia State Senate in the 1970s. It is part of his life story that is not widely known here in Washington—certainly not by me—and helps to account for the great affection and respect in which he was held here in the United States Senate.

Withal this adds a touch to our mourning, we are much indeed indebted to Mr. Raines memoir.

I ask unanimous consent that the "Editorial Notebook" from this morning's New York Times be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 20, 2000]

A QUIET MAN IN A NOISY TRADE

(By Howell Raines)

PAUL COVERDELL'S LEAP TO THE SENATE MARKED A SHIFT IN SOUTHERN POLITICS

Senator Paul Coverdell of Georgia was a mild-mannered Republican seasoned in political obscurity. As minority leader of the Georgia State Senate in the 1970's, he was part of a legislative bloc so small and impotent that it was ignored, steamrolled and sometimes openly ridiculed by the Democrats who controlled the legislature as if by birthright. None of us covering the Georgia Capitol in those days would have picked Mr. Coverdell, who died Tuesday at age 61, as a future United States senator. Now, in retrospect, we can see him as part of the second of two transforming waves that swept Georgia politics in the last third of the 20th century.

The first wave of change was driven by law. The Voting Rights Act of 1965 brought hundreds of black Democrats into office. The second wave of change was demographic, as exemplified by fast-growing Atlanta. Georgia's progressive Democrats had long dreamed of the day when Atlanta would be big enough to outvote the state's rural conservatives. What they had not foreseen was that thousands of the newcomers flooding into the Atlanta suburbs would be out-of-state Republicans who rejected both the Democratic power structure and the Goldwater Republicans then in control of the Southern G.O.P.

They created a ready-made constituency for Mr. Coverdell, a classic mainstream Republican who was fiscally conservative yet moderate on social issues. "That was what made the Republican Party attractive to these people who came in," said Bill Shipp, a veteran political commentator from Atlanta. "Until Coverdell and Johnny Isakson [another Atlanta moderate] came along, Georgia Republicans were disgruntled segregationist Democrats."

Unlike the sprinkling of ultraconservative Republicans elected during the Goldwater boom, Mr. Coverdell was not hostile to black aspirations. Indeed, by the time he left the Georgia Senate in 1989, he had gained enough influence to make his mark as a reliable legislative advocate for Atlanta's black mayors. He was known as a policy wonk and a nice guy, traits that would mark his service as director of the Peace Corps under President George Bush. He worked hard in that position to promote a program that is unpopular with many Republicans because of its identification with President John F. Kennedy.

A similar earnestness would mark Mr. Coverdell's career in the United States Senate, but he did not get there by wearing a halo or emphasizing his credentials as a moderate. He won his seat from Wyche Fowler, a Democrat popular with liberals, by running to the right, especially on the abortion issue.

It is, of course, always tricky to define political moderation among Southern Republicans. By any measure, Mr. Coverdell, a big booster of tax cuts and school vouchers, was plenty conservative. Lately he had grown close to Trent Lott, the Senate's tough-guy majority leader. But his primary alliances were with less hard-edged types like President Bush and his son George W. Bush, the Texas governor. He helped plan the coming Republican Convention. In the event of a Republican victory, according to Senator Max Cleland of Georgia, a Democrat, Mr. Coverdell, "would have played a big role in a Bush administration, in the cabinet or as a special adviser." But in a region that still tends to celebrate pols who are loud and flashy, Mr. Coverdell will be remembered for his general decency, his serious interest in good government and his unlikely leap from the back benches of the Georgia Capitol.

Mr. HOLLINGS. Mr. President, I rise today to remember our friend Paul Coverdell. The state of Georgia and the United States have lost a talented and dedicated statesman.

Senator Coverdell's workmanlike approach to government was a breath of fresh air in today's atmosphere of glamour politics. He didn't aspire to be in the spotlight, but he fought tirelessly to spotlight the issues in which he believed. Whether you agreed with his position on those issues or not, you admired his style—his lack of pretense, willingness to complete tedious, but important tasks, and pleasant demeanor during a tough debate.

His office was one floor above mine in the Russell Building and we often rode the subway together over to the Capitol. His easygoing nature always struck me as particularly Southern. We shared a love for that slow, gracious lifestyle of our home states and enjoyed working together when it served the similar needs of our constituents.

Paul had a deep appreciation for the office of U.S. Senator having persevered in his quest for a Senate seat in 1992 despite a highly-competitive race that featured two runoffs. For the next eight years, he never took the privilege of serving the people of Georgia or the nation lightly. We can all learn something from his example.

Service was an evolving theme in Paul Coverdell's life, beginning with an overseas stint in the U.S. Army, later followed by almost two decades in the Georgia state Senate and a post in President Bush's administration as Director of the U.S. Peace Corps. He was well-prepared when he arrived in the Senate chamber and used his experience to advance an aggressive legislative agenda. It was a pleasure to serve in the U.S. Senate with Paul Coverdell. He fought fairly, was gracious in victory and honorable in defeat.

My sympathy goes out to his wife, Nancy, and other family members and to the people of Georgia.

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the senior Senator from Georgia, Paul Coverdell, who passed away Tuesday in Atlanta.

While Senator Coverdell and I came from different political parties and ideologies, we shared several things in common. We both served our country in the U.S. Army, and after our service we both returned home to run successful businesses.

With our military and business background we decided to turn our attention to serving the public, and Senator Coverdell had an impressive record of public service.

Senator Coverdell served in the Georgia State Senate—rising to the position of minority leader. He then served as Director of the Peace Corps under President Bush, focusing on the critical task of serving the emerging democracies of post-Soviet Eastern Europe. In 1992, he was elected to serve in the United States Senate.

Although we failed to agree on many issues before this body, Senator Coverdell always demonstrated honor and dignity in this Chamber. He argued seriously for the positions he believed in. When he pushed legislation to fight illegal drugs or promote volunteerism, it was obvious that his heart was always in it. And his motivation was sincere and simple—to help the people of Georgia and the Nation.

I send my deepest sympathies to his wife Nancy, his parents, and the entire Coverdell family. I also extend my sympathy to the people of Georgia.

We will all miss Senator Paul Coverdell of Georgia.

Mr. L. CHAFEE. Mr. President, I rise today to express my sympathy to the Coverdell family and my own sorrow at the death of Senator Paul Coverdell. May his family find solace in their memory of Paul's many contributions to a better Georgia, a better United States, and a better world. I followed Paul onto the Foreign Relations Committee and also into his chair of the Western Hemisphere Subcommittee. I will do my best to carry on your good work there, Paul.

As many people have said, Paul Coverdell was a gifted communicator. To every organization those skills are valuable and especially here in Congress. Perhaps Paul learned those skills at the prestigious Missouri School of Journalism from which he graduated. But I suspect, despite having known him only a short time, that Paul's easy manner and obvious kindness were inherent traits. He was a natural communicator and we mourn his loss.

Once again, my heartfelt sympathy to Nancy and all of Paul Coverdell's family and friends.

Rest in peace.

Ms. COLLINS. Senator Paul Coverdell was a rare and wonderful man—and a spectacular Senator. Anyone who had the good fortune to work with him left more hopeful, more committed, more convinced we could all make a difference.

Much is being said about his extraordinary ability to get things done; I would like to talk about how he was able to accomplish so much. Senator Coverdell had many talents, but perhaps the secret to his success was high ability to bring people together. In times of friction, fractiousness, and pressure, he was always the one who remained focused and calm in the eye of the legislative storm.

It was a common for him to hold meetings in his office where conservatives and moderates, strategists and ideologues, listened to each other, shared ideas and figured out not just ways of accomplishing diverse goals, but also what those goals really should be. And his energy and willingness to take on the most difficult task with little public recognition or thanks was legendary.

Senator Coverdell was a man who listened. He listened to Senators and staff and policy experts. He listened to those he agreed with and those he didn't—and merged it all into a comprehensive, concise and workable plan. He respected all individuals with an honesty and sincerity that set the tone for working together.

Most of all, and through it all, Senator Coverdell was kind and gracious in his dealings with everyone. The country, his state, and all of us who have been privileged to know him will miss him terribly. We join in praying for his family as they suffer his loss. We have all lost a very good friend.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending Cochran amendment be laid aside.

Mr. REID. Objection.

Mr. COCHRAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN. Mr. President, at the appropriate time I intend to propose an amendment. I will be glad to discuss it at this time. Perhaps the Senator from Nevada could clarify for me when it might be appropriate.

Mr. REID. Mr. President, when Senators VOINOVICH and LEAHY took the floor, the purpose was to allow them to speak about our dearly departed friend. At the time the quorum was called for, we were trying to resolve this issue that was on the floor—the Harkin amendment and the second degree by the manager of the bill. We are almost ready to do that. I was asked by the Senator from Iowa to hold things up until that was resolved. That is why I offered the objection. We should be in a position soon to move forward, but I think the Senator should go ahead and speak.

Mr. McCAIN. Mr. President, is it the desire of the distinguished manager, the Senator from Mississippi, that I go ahead and discuss the amendment or wait until a resolution of the pending Harkin and Cochran amendments?

Mr. COCHRAN. Mr. President, I have no objection to the Senator proceeding. I think it would expedite the proceedings of the Senate if he would discuss his amendment.

Mr. McCAIN. I thank the Senator.

Mr. President, I am prepared to enter into a time agreement on this amendment. Whatever is agreeable to the Senator from Mississippi and the Senator from Wisconsin would be fine.

I will be proposing an amendment, joined by Senators GREGG and SCHUMER, that will stop the Federal Government from wasting taxpayers' dollars on an unnecessary and outdated sugar program that costs consumers as much as $2 billion in inflated sugar prices.

I ask unanimous consent to have Senator LUGAR added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. The amendment is simple. It withholds funding for the costly Federal sugar program for fiscal year 2001.

Mr. President, my colleagues and I are here today to say enough is enough. The American taxpayers have subsidized the sugar industry, with price support loans and strict import quotas in various forms, since 1934. Each year American taxpayers pay close to $2 billion in artificially high sugar prices and this year paid an additional $60 million to bail out sugar producers facing massive loan defaults.

We're not here today to dispute the choice of sugar as a consumer product. Most Americans buy some type of sugar product on a daily basis—a can of soda or a candy bar—and most Americans buy various types of sugar products every time they shop in a supermarket. What we object to, as consumers purchase these products, is that the federal government is unfairly overcharging them.

The sugar program has outlived other agricultural commodity subsidies that have since been phased out through past farm bills. However, the retention of this flawed program has not been dictated by common sense or sound economics, but political influence.

Originally, the sugar program was intended to prop up sugar prices to ensure a profit for sugar farmers. Unfortunately, the higher prices result in the usual "trickle-down" effect. Food companies have to pay the higher price for sugar, which is then passed on in the form of higher prices for sugar products. The average consumer ends up paying the cost of sugar subsidies in the grocery store.

Let me take a few moments to explain why federal assistance for the sugar program should end.

First of all, it is unfair to American consumers. A recent GAO report confirms what we have known all along, that American consumers pay close to $2 billion each year in inflated sugar prices. Mandatory price quotas are imposed on American-grown sugar at roughly 22–24 cents a pound compared to 6 cents a pound for sugar grown in other parts of the world.

This past year, in 1999, U.S. sugar prices were four times higher than the world price.

The benefits of the sugar program are hopelessly lopsided. Approximately 42 percent of all sugar program benefits go to 1 percent of growers. These are not small family farmers, but big sugar tycoons who obtained millions through this federal subsidy. Four sugar cane companies in Florida received more than $20 million. One grower receives close to $65 million annually from this subsidy. About 30 sugar growers were also able to collect one million each from this subsidy. That is not small business; that is not a small farmer.

Mr. President, these sugar growers—and I will be naming them and identifying them—have been incredibly generous politically. They have been heavily involved in contributing to both parties in very large amounts of money.

Second, the federal sugar program is anti-free market and anti-free trade. The sugar program severely limits imports of lower-priced foreign sugar into the American market so farmers can make a profit through higher prices.

The end result, unfortunately, is that this overpricing has caused an overproduction of sugar. This excess supply of sugar drives prices below the guaranteed price level. This type of policy is absurd and has damaged our credibility in the world market.

Large-scale sugar growers in Florida contribute directly to the devastation of the Everglades wetlands through increasing sugar cane production. Again, high sugar prices lead to overproduction of sugar. Florida's sugarcane industry is situated near one of America's most pristine freshwater lakes. The direct conversion of sensitive wetlands to sugarcane production and the accompanying agricultural runoff flowing into the Everglades have a direct impact in the decimation of one of America's most treasured ecosystems.

For years, sugar cane producers were able to resist and avoid any responsibility for cleanup. The small portion they are now required to pay for cleanup hardly makes a dent into the billions estimated for restoration of the Everglades.

Who makes up the difference in these costs? Again, the taxpayers make up the difference by paying nearly a third of the restoration costs.

I have spent a fair amount of time in the State of Florida. There is a growing, deep, and very legitimate concern about the Everglades. There is no doubt that the flow of pesticides into the Everglades is directly related to sugarcane growing and has had a direct impact on the ecology of that very fragile ecosystem which is an American treasure, not just a Florida treasure. We should at best not subsidize people who engage in the growing of sugarcane which causes direct damage to one of the most beautiful spots in all the world.

Finally, American taxpayers had to pay for a multi-million bail out for sugar processors who did not meet their loan obligations. Earlier this year, the administration spent $60 million to purchase more than 150,000 tons of surplus sugar to prevent mass forfeitures.

Why are taxpayers bearing the brunt of these defaulted loans? Because a fundamental flaw in the federal sugar policy allows sugar producers to forfeit their crops to USDA if the market price falls below the loan rate. Sugar producers turn over excess sugar to USDA, keep their loan money and the federal government has to absorb the loss. In other words, if sugar producers are unable to sell their sugar, the federal government promises to buy all the sugar they produce.

Often, forfeited sugar is sold at a substantial loss to the federal government. The federal government has no options under the existing sugar program—if the government does not spend millions buying excess sugar, it loses out anyway as sugar processors default on their loans and are not required to pay back to the federal government. With a surplus of sugar in the world market, the federal government will not be able to sell this excess unwanted sugar. It's a double-whammy.

Mr. President, these forfeitures are a direct cost to the American taxpayers.

And, even worse, this may be only a foreshadowing of a tidal wave yet to come. The federal government may be forced to spend millions more in purchasing additional sugar if the sugar industry has their way. The big sugar lobby is already pressuring USDA to purchase more sugar at a cost of $100 to $500 million on further sugar bail-outs before the end of this year.

How is this absurdity allowed to continue?

Mr. President, the answer is clear. The sugar program is alive because of well-financed sugar interests, or the "Iron Triangle" of the commodity world. Sugar interest represent one of the highest soft money contributors nationwide.

Between 1995 to 1999, the sugar industry contributed more than $7 million in soft-money contributions, more than any other commodity group. In 1999 alone, the sugar industry contributed $1.5 million in soft-money contributions to both sides of the aisle. The famous Fanjul family of Flo-Sun sugar industries, known as the "First Family of Corporate Welfare," are among the most generous benefactors in soft money contributions. Sugar interests are cashing in at the register at the expense of consumers, and turning that profit into political influence to keep their stronghold on this federal subsidy.

Before I conclude, I want to highlight several commentaries about the sugar program in a few prominent media programs and articles.

Fallacies of the sugar program earned special coverage as part of a "Fleecing of America" segment on NBC's "Nightly News with Tom Brokaw." During this segment, Art Jaeger from the Consumer Federation of America claims, "the program gives too little money to the farmers who need the help, too much money to farmers who don't need the help."

ABC World News Tonight highlighted sugar subsidies as part of its "Its Your Money" segments, telling all Americans that maintaining the sugar program is a way "to guarantee that even more farmers will take advantage of this sweet deal, producing even more sugar, meaning more taxpayer bailouts."

The Center for Responsive Politics touts the sugar program as "white gold" for sugar producers and characterizes it as the "Energizer Bunny of U.S. government policy," It keeps going and going with no end in sight.

The Center for International Economics stated that the "U.S. Sugar Program does not sit comfortably as part of U.S. trade policy. High sugar protection harms the credibility of U.S. initiatives for freer trade." The World trade Organization has pointed out its inefficiencies. The World Bank has dedicated consideration attention to the high costs of U.S. sugar policies.

The National Center for Public Policy Research concluded that the sugar program was "one of the federal government's most ridiculous programs" and should be ended.

In a recent USA Today editorial, advice was offered to politicians—"Repeal this sweetheart deal before another crop of unneeded sugar gets planted."

The Coalition for Sugar Reform also supports elimination of this costly program. The Coalition represents such groups as Citizens Against Government Waste, Everglades Trust, Consumers for World Trade, and the United States Cane Sugar Refiners' Association.

In a letter of support for ending the program, the Coalition states the amendment we are offering today "will finally compel change in a program that can no longer be sustained or justified."

What more evidence do we need to end this lop-sided sugar policy? Why should the federal government and American taxpayers be expected to continue support for this program that is running rampantly out of control and clearly violates free market and free trade principles?

Mr. President, I want to make clear once again—today's vote is important to protect American consumers and taxpayers.

The recent million-dollar sugar bailout is the final straw that will break the camel's back for this failed program.

I would like to quote from the New York Times editorial of July 14, 1997.

> A combination of import restrictions, guaranteed prices and subsidized loans keeps sugar prices artificially high, roughly twice the level in other countries, and thus transfers about $1.5 billion a year from consumers to a handful of large sugar growers. Almost half of the benefits from the sugar program go to little more than 1 percent of growers. The high prices act like a tax on food, hitting hardest at poor families who typically spend a large fraction of their budget on food and other necessities. If the Schumer-Miller proposal passes, sugar prices could fall 20 cents for a five-pound bag.
>
> The sugar growers justify their subsidies as needed to counter foreign-subsidized imports and to protect the jobs of domestic workers. Neither argument withstands scrutiny. There are ample rules to prevent foreign countries from "dumping" government-subsidized sugar in United States markets. Also, by propping up raw sugar prices, the program has driven half the United States sugar refiners out of business or out of the country, taking jobs with them.
>
> There is a second, powerful reason to eliminate sugar subsidies. They breed excessive production of sugar cane in environmentally sensitive areas. In the Florida Everglades, about a half-million acres of wetlands have been converted to sugar cane production. Excessive sugar cane production has interrupted water flows and contaminated the Everglades with polluted agricultural run-off.

Mr. President, I ask unanimous consent that the New York Times editorial and the Wall Street Journal article of April 27, 2000, be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, April 27, 2000]

BIG SUGAR SEEKS BAILOUT, GIVES MONEY TO HELP GET WAY

(By Bruce Ingersoll)

WASHINGTON.—Never have old hands at the Agriculture Department seen such a turnout: 11 U.S. senators trooping into Secretary Dan Glickman's office to lobby for a big sugar-industry bailout.

"When you have 11 senators showing up," says Florida sugar-company executive Robert Buker, "that's horse-power"—enough power, he believes, to push an ambivalent Clinton administration into an unprecedented market intervention to bail out distressed U.S. sugar producers.

The producers are floundering beneath a market-depressing glut of sugar. Comes October, they face another problem: a ten-fold jump in Mexican sugar imports. The federal sugar-loan program, which has cosseted them for nearly two decades is suddenly in danger of imploding.

So, to shore up the domestic market, sugar lobbyists are imploring administration officials to authorize a bold sugar-buying spree. Only by spending $100 million now to buy sugar and boost market prices, they contend, can the government hope to head off a much costlier wave of sugar-loan forfeitures later this summer, in the midst of an election campaign.

Fighting the sugar lobby at every turn is a well-financed alliance of consumer groups, candy makers, confectioners and other major users of sweeteners. Their vision of the sweet hereafter is a deregulated sugar industry, and they want the administration to let the market sink. Says Jeff Nedelman, spokesman for the Coalition for Sugar Reform: "The whole house of cards is starting to collapse."

The government has long managed to keep U.S. sugar prices far above the world price, largely by curtailing imports of lower-cost sugar. That benefits producers, obviously, though it also means consumers get stuck with a price-support tab—estimated at more than $1 billion a year—in the form of higher sugar, candy and soft-drink prices.

But in recent months, due to rising sugar plantings and improving yields, prices have fallen below the guaranteed price-support levels of 18 cents a pound for raw cane sugar and 22.9 cents for refined beet sugar. Lately, price are up a little in anticipation of a bailout. Under the loan program, sugar processors who put up sugar as collateral are entitled to forfeit their crop, keep the loan money and let the government eat the loss.

Processors are threatening to forfeit as much as 1.4 million tons of sugar valued at an estimated $550 million. The sugar lobby's pitch to Mr. Glickman and White House officials is that buying 300,000 to 350,000 tons immediately will give the market enough lift to avert massive forfeitures at the end of August and September. Sugar prices are at a 20-year low," says Sen. Larry Crag, an Idaho Republican. "The potential for loan forfeitures . . . is very real."

The senators visiting Mr. Glickman on March 26—all but one from major sugar-producing states—told the agriculture secretary that "he needed to get on the stick," says Mr. Buker, senior vice president of United States Sugar Corp., the nation's largest processor. On April 6, a dozen sugar-state lawmakers met with White House Chief of Staff John Podesta. They and the industry fear costly forfeitures would be a public-relations debacle, sparking moves in Congress to scrap the shaky program.

Administration officials wouldn't be so hesitant about buying heaps of sugar if they knew what to do with it. One option is to sell excess sugar on the world market at cut-rate prices, but that would-be just as controversial as Europe's oft-deplored dumping practices. Another is to donate it overseas as humanitarian aid, but so far no country has shown any interest in empty calories.

Limited amounts could possibly be used for school lunches and other feeding programs. The only other viable option is to use it as feedback for ethanol plants, but it would have to be dirt-cheap to compete with corn, which sells for a nickel a pound.

Diverting sugar into ethanol, a fuel additive, would displace corn, costing farmers $100 million a year, the National Corn Growers Association argues. They shouldn't have to "shoulder the burden" of bailing out sugar producers, the association says.

Adding to the difficulty of a bailout is the opposition from politicians who represent more sugar consumers than producers. Splurging on sugar would be a "quick fix" of "dubious legality," 15 House members asserted in a bipartisan letter. It would bestow a "bonanza" on processors, without preventing forfeitures in the end, Senate Agriculture Committee Chairman Richard Lugar cautioned last week. The Indiana Republican also warned that "dumping" sugar overseas would infuriate trading partners.

Ultimately, though, such considerations may not offset the political leverage of Big Sugar, which gave Democrats and Republicans $7.2 million between 1995 and 1999, more than any other commodity group in Washington. The fact that the meeting with Mr. Glickman was attended by New Jersey Sen. Robert Torricelli, who hails from a state with no sugar growers but is chairman of the Democratic Senatorial Campaign Committee, highlights sugar's importance in an election year.

At least three sugar states—Michigan, Ohio and Florida—are seen as being in play in the presidential race. Earlier this year, Florida Crystals Inc., owned by the Cuban-born Fanjul family, gave Sen. Torricelli's committee $50,000. Last July, Alfson Fanjul hosted a $25,000-a-couple dinner, attended by President Clinton, raising more than $1 million for the Florida Democratic Party. Mr. Fanjul is renowned for calling up the president to discuss sugar-related issues.

Particularly desperate are three big Hawaiian sugar-cane producers, Gay & Robinson Sugar Co., an Alexander & Baldwin Inc. subsidiary and Amfac/JMB-Hawaii; Inc., whose first shipload of the season is due to reach the mainland next week. Unlike their counterparts, they are "price-takers," says the lobbyist, Dalton Yancey. Under an exclusive contract with a refinery on San Francisco Bay, they are obligated to base the price of arriving shiploads on the going New York price, no matter how far it falls below the guaranteed price-support level. The contract doesn't allow putting sugar under loan or forfeiting it.

Adding to the industry's problems is a looming surge of Mexican imports. In October, under, terms of the North American Free Trade Agreement, Mexico will be free to ship 250,000 metric tons of low-duty sugar into the U.S.

Despite more than a 20% drop in prices since 1996, sugar production is still much more profitable than raising grain or cotton. The result is that the nation's 10,000 cans and beet growers are shifting more land into sugar. Their lobbyists portray them as suffering from agriculture's woes, including crop failures and lost markets, when in fact most fare better than nonsugar producers.

All told, the sugar problem threatens to haunt the White House and Vice President Al Gore's presidential bid. It could complicate the coming visit of Mexico's president to Washington, and could further hamstring U.S. efforts to open up overseas markets for meat, corn sweetener and other foodstuffs.

Ironically, the administration could have avoided the whole sticky mess. But Messrs.

Glickman and Podesta, under intense industry pressure, went along with an administrative decision last fall to reinstate the guaranteed minimum price, even though under a 1996 change in the loan program it shouldn't have been offered to processors.

Now, the industry is arguing that "sugar is in crisis," in the words of Jack Roney, economist for the American Sugar Alliance.

[From the New York Times, July 14, 1997]

END SUGAR'S SWEET DEAL

The House will vote again soon on whether to eliminate loan subsidies that keep sugar prices high while fostering destruction of the Florida Everglades. A bipartisan proposal sponsored by Charles Schumer, Democrat of New York, and Dan Miller, Republican of Florida, to phase out sugar subsidies barely lost last year. It may come up for another vote this week in the form of an amendment to an appropriations bill. That will give the House a second chance to put the interests of consumers and the environment over those of a small crowd of politically powerful sugar growers.

A combination of import restrictions, guaranteed prices and subsidized loans keep sugar prices artificially high, roughly twice the level in other countries, and thus transfers about $1.5 billion a year from consumers to a handful of large sugar growers. Almost half of the benefits from the sugar program go to little more than 1 percent of growers. The high prices act like a tax on food, hitting hardest at poor families who typically spend a large fraction of their budget on food and other necessities. If the Schumer-Miller proposal passes, sugar prices could fall 20 cents for a five-pound bag.

The sugar growers justify their subsidies as needed to counter foreign-subsidized imports and to protect the jobs of domestic workers. Neither argument withstands scrutiny. There are ample rules to prevent foreign countries. from "dumping" government-subsized sugar in United States markets. Also, by propping up raw sugar prices, the program has driven half the United States sugar refiners out of business or out of the country, taking jobs with them.

There is a second, powerful reason to eliminate sugar subsidies. They breed excessive production of sugar cane in environmentally sensitive areas. In the Florida Everglades, about a half-million acres of wetlands have been converted to sugar cane production. Excessive sugar cane production has interrupted water flows and contaminated the Everglades with polluted agricultural run-off.

When the Schumer-Miller bill comes up for a vote, representatives who claim to defend the interests of ordinary consumers ought to vote yes. The bill lost narrowly last year in part because some urban representatives—including Gary Ackerman, Jose Serrano and Thomas Manton of New York—voted no. They harmed their own constituents but can make amends this week.

Mr. McCAIN. Mr. President, I now quote from the April 27, 2000, article from the Wall Street Journal entitled "Big Sugar Seeks Bailout."

Never have old hands at the Agriculture Department seen such a turnout: 11 U.S. senators trooping into Secretary Dan Glickman's office to lobby for a big sugar-industry bailout.

"When you have 11 senators showing up," says Florida sugar-company executive Robert Buker, "that's horsepower"—enough power, he believes, to push an ambivalent Clinton administration into an unprecedented market intervention to bail out distressed U.S. sugar producers.

The producers are floundering beneath a market-depressing glut of sugar. Come October, they face another problem: a tenfold jump in Mexican sugar imports. The federal sugar-loan program, which has cosseted them for nearly two decades, is suddenly in danger of imploding.

So, to shore up the domestic market, sugar lobbyists are imploring administration officials to authorize a bold sugar-buying spree. Only by spending $100 million now to buy sugar and boost market prices, they contend, can the government hope to head off a much costlier wave of sugar-loan forfeitures later this summer, in the midst of an election campaign.

Mr. President, the article is very revealing in that it describes the top contributors in the year 1999 and the amounts of money that have been distributed. It is quite remarkable in its entirety.

I quote from an article in Time magazine, November 1998, entitled: "Sweet Deal, Why Are These Men Smiling? The Reason is in Your Sugar Bowl."

Occupying a breathtaking spot on the southeast coast of the Dominican Republic, Casa de Campo is one of the Caribbean's most storied resorts . . . and that's truth in advertising. The place has 14 swimming pools, a world-class shooting ground, PGA-quality golf courses and $1,000-a-night villas.

A thousand miles to the northwest, in the Florida Everglades, the vista is much different. Chemical runoff from the corporate cultivation of sugar cane imperils vegetation and wildlife. Polluted water spills out of the glades into Florida Bay, forming a slimy, greenish brown stain where fishing once thrived.

Both sites are the by-product of corporate welfare.

In this case the beneficiaries are the Fanjul family of Palm Beach, Fla. The name means nothing to most Americans, but the Fanjuls might be considered the First Family of Corporate Welfare. They own Flo-Sun Inc., one of the nation's largest producers of raw sugar. As such, they benefit from federal policies that compel American consumers to pay artificially high prices for sugar.

Since the Fanjuls control about one-third of Florida's sugar-cane production, that means they collect at least $60 million a year in subsidies, according to an analysis of General Accounting Office calculations. It's the sweetest of deals, and it's made the family, the proprietors of Casa de Campo, one of America's richest.

The subsidy has had one other consequence: it has helped create an environmental catastrophe in the Everglades. Depending on whom you talk to, it will cost anywhere from $3 billion to $8 billion to repair the Everglades by building new dikes, rerouting canals and digging new lakes.

Growers are committed to pay up to $240 million over 20 years for the cleanup. Which means the industry that created much of the problem will have to pay only a fraction of the cost to correct it. Government will pay the rest. As for the Fanjuls, a spokesman says they are committed to pay about $4.5 million a year.

Do a little arithmetic. We got $60 million in Federal subsidies, of which they will pay $4.5 million for the Everglades. Not a bad deal.

How did this disaster happen? With your tax dollars. How will it be fixed? With your tax dollars.

It is not news that sugar is richly subsidized, or that the Fanjuls have profited so handsomely. Even as recently as 1995, when Congress passed legislation to phase out price supports for a cornucopia of agricultural products, raw sugar was spared. Through a combination of loan guarantees and tariffs on imported sugar, domestic farmers like the Fanjuls are shielded from real-world prices. So in the U.S., raw sugar sells for about twenty-two cents a pound, more than double the prices most of the world pays. The cost to Americans: at least $1.4 billion in the form of higher prices for candy, soda and other sweet things of life. A GAO study, moreover, has estimated that nearly half the subsidy goes to large sugar producers like the Fanjuls.

A spokesman for Flo-Sun, Jorge Dominicis, said the company disagrees with the GAO's estimate on the profits the Fanjuls and other growers derive from the program.

"That is supposed to imply somehow that our companies receive $60 million in guaranteed profits," he said, "and that is flat-out not true. Our companies don't make anywhere near that kind of profit."

Dominicis, like other proponents of the sugar program, contends that it doesn't cost taxpayers a penny and is not unlike government protection of other American industries. "If our [sugar policy] is corporate welfare, which I don't believe it is, then all trade policy is corporate welfare," he says.

Flo-Sun is run by four Fanjul brothers, Alfonso ("Alfie"), Jose ("Pepe"), Andres and Alexander. Their family dominated Cuba's sugar industry for decades, and they came to this country with their parents in 1959, after Fidel Castro seized power. The Fanjuls arrived just as a U.S. Army Corps of Engineers project to control the flow of water in the Florida Everglades made large-scale development possible. The total acreage planted in sugar cane there soared—from 50,000 acres in 1960 to more than 420,000 today.

Within that swampy paradise lies yet another subsidy. Each year, according to a 1997 estimate, the Army Corps of Engineers spends $63 million to control water flow in central and south Florida. This enables growers to obtain water when they need it or restrain the flow during heavy rains. Of the $63 million, the Corps estimates $52 million is spent on agriculture, mainly sugar-cane farmers, in the Everglades.

The article further states:

Though by no means the largest special interest in Washington, the sugar lobby is one of the most well-heeled. And among growers, the Fanjuls are big givers. And among growers, the Fanjuls are big givers. Family members and corporate executives have contributed nearly $1 million so far in this decade, dividing the money fairly evenly between political parties.

This knack for covering for political bases carries all the way to the top of the Fanjul empire. Alfonso Fanjul served as co-chairman of Bill Clinton's Florida campaign in 1992. His brother Pepe was national vice chairman of finance for Bob Dole's presidential campaign in 1996 and was host to a $1,000-a-head fund raiser for Dole at his Palm Beach mansion. After Clinton's 1992 victory, Alfie was a member of the select group invited by the Clinton camp to attend the President-elect's "economic summit" in Little Rock, Ark.

Careful readers of Kenneth Starr's impeachment report to Congress will note that

> on Feb. 19, 1996. . . . The two spoke for 22 minutes. The topic: a proposed tax on sugar farmers to pay for the Everglades cleanup. Fanjul reportedly told the President he and other growers opposed such a step, since it would cost them millions. Such a tax has never been passed.

That is access.

I will be glad to continue this debate, and I will be glad to again enter into a time agreement on this amendment when it is appropriate for me to have it considered by the full Senate.

I ask unanimous consent to add Senator BROWNBACK and Senator FITZGERALD as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask my colleague from Mississippi—I know he has the right to the floor—could I make a request to my colleagues? I have been on the floor for several hours waiting to introduce an amendment. I ask unanimous consent that after the McCain amendment I be allowed to introduce an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. I understand we have been able to reach an agreement on the list of amendments remaining in order to be offered to this bill. I am prepared, now, to make that unanimous consent request.

Mr. REID. Will the Senator withhold?

Mr. COCHRAN. I am happy to withhold and happy to yield to the Senator from Nevada.

Mr. REID. One moment.

Mr. COCHRAN. Mr. President, I understand not all of the agreement can be agreed to at this point, but I will recite that which can be agreed to if there is no objection. We will see if there is.

I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to the pending Agriculture appropriations bill, that they be subject to relevant second-degree amendments, and no points of order be considered waived by this agreement.

I will submit a list of amendments rather than reading them.

The list follows:

Jeffords: Drug importation.
Burns: Crop Insurance Program.
B. Smith: Wildlife services.
B. Smith: Relevant to list.
B. Smith: Relevant.
B. Smith: Relevant.
B. Smith: Relevant.
B. Smith: RU486.
B. Smith: Sanctions.
B. Smith: Sanctions.
B. Smith: Sanctions.
B. Smith: Sanctions.
Abraham:Prescription drugs.
Ashcroft: Relevant.
Ashcroft: Relevant.
Chafee: Sanctions.
Warner: Relevant.
Warner: Relevant.
G. Smith: Goose related crop depredation.
Santorum: National robotics consortium.
Santorum: African farming.
Collins:Relevant.
Abraham:Relevant.
Abraham:Asparagus.
Gramm: Relevant to list.
Gramm: Relevant.
McCain: Relevant.
McCain: Relevant.
McCain: Relevant.
Cochran:Relevant.
Cochran:Relevant.
Cochran:Relevant.
Cochran:Relevant.
Nickles:Relevant.
Campbell: Bison meat.
Grams: Finpack.
Grams: Ratites.
Lott: Relevant to list.
Lott: Relevant to list.
Stevens:Relevant.
Stevens:Relevant.
Jeffords: Dairy exports.
Hutchinson: Relevant.
McConnell: Sulfites in wine.
Sessions: Emergency feed operations.
Sessions: Emergency feed operations.
Sessions: Satsuma orange frost research.
Specter:Amtrack.
Thurmond: Relevant.
Akaka: Agriculture product.
Baucus: Oregon inlet (point of order).
Baucus: Beef industry compensation.
Baucus: Food Stamp Montana.
Baucus: Northern plains.
Baucus: Montana sheep industry.
Baucus: Oregon inlet.
Boxer: Citrus imports.
Boxer: Organic wine.
Boxer: Relevant.
Byrd: Relevant.
Byrd: Relevant.
Cleland:Emergency loans, poultry producers.
Conrad: Motion to instruct conferees.
Conrad: Relevant.
Conrad: Relevant.
Daschle:Relevant.
Daschle:Relevant.
Daschle:Relevant.
Daschle:Relevant to any amendment on the list.
Daschle:Relevant to any amendment on the list.
Daschle:Strategic Energy Reserves.
Daschle:Agricultural competition.
Daschle:CRP contract integrity.
Daschle:Wetlands pilot.
Dodd: Oysters.
Dodd: Relevant.
Dorgan: Relevant.
Dorgan: Relevant.
Dorgan: Disaster aid.
Dorgan: Bison meat.
Dorgan: Food aid.
Dorgan: Drug importation (with Jeffords).
Durbin: Point of order/motion to strike re: hard rock mining.
Edwards: USDA community facilities.
Edwards: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feinstein: Citrus.
Feinstein: Rice.
Feinstein: Relevant.
Feinstein: Relevant.
Graham: Cuba sanctions.
Graham: Citrus canker.
Graham: Nursery crops.
Graham: Relevant.
Harkin: Emergency watershed.
Harkin: GIPSA.
Harkin: GIPSA emergency.
Harkin: Meat and poultry inspection.
Harkin: Agrability.
Harkin: Renewable fuels.
Harkin: Renewable fuels.
Harkin: Methamphetamine.
Harkin: FDA.
Harkin: Relevant.
Harkin: Relevant.
Harkin: Relevant.
Harkin: Relevant.
Inouye: Commodity Credit Corp (CCC).
Inouye: Relevant.
Johnson: Relevant.
Johnson: Relevant.
Johnson: Relevant.
Johnson: Relevant.
Kennedy: Food safety.
Kennedy: Prescription drugs.
Kohl: Relevant.
Kohl: Relevant.
Kohl: Relevant.
Kohl: Manager's amendment.
Landrieu: Agricultural research.
Leahy: Relevant.
Leahy: Relevant.
Levin: Relevant.
Levin: Relevant.
Levin: Relevant.
Lieberman: Relevant.
Lincoln: Relevant.
Lincoln: Relevant.
Reed: Lobster shell disease.
Reed: Hunt River watershed (ground water source).
Reed: Pocasset River plug (flood plain management).
Reed: Pocasset River plug (flood plain management).
Reed: Relevant.
Reed: Relevant.
Reid: Relevant.
Reid: Relevant to any amendment on the list.
Robb: Tobacco research.
Torricelli: Speciality crops.
Torricelli: Domestic violence.
Torricelli: Lead.
Torricelli: SOS domestic violence.
Torricelli: Relevant.
Torricelli: Relevant.
Wellstone: GIPSA funding.
Wellstone: Calculation of farm income.
Wellstone: Food Stamp study.
Wellstone: Summer Food Program.
Wellstone: Telework Amendment No. 1.
Wellstone: Telework Amendment No. 2.
Wyden: Relevant.
Wyden: Relevant.

Mr. COCHRAN. I further ask consent that following the disposition of the above-listed amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I also ask the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, those being the entire subcommittee plus Senators STEVENS and BYRD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi still has the floor.

Mr. COCHRAN. I am happy to yield to my friend from Nevada.

Mr. REID. Mr. President, I say to my friend, the manager of the bill, and also the Senator from Arizona, we will withdraw our objection now. We will allow Senator McCain to proceed to offer his amendment, if that is appropriate.

Mr. COCHRAN. The objection, not to the last part of the agreement?

Mr. REID. I stated no objection to the agreement. The last part is out.

Mr. COCHRAN. The Senator is suggesting it is okay for Senator McCain to proceed and complete action on his amendment?

Mr. REID. What the Senator read is appropriate. There is provision in there, a little short paragraph at the end that you did not read. We do not agree with that. So the unanimous consent agreement——

Mr. COCHRAN. As stated, you have no objection.

Mr. REID. In the first two paragraphs, that is correct. I said that. I also state we have no objection to setting the Harkin amendment aside so the Senator from Arizona can now offer his amendment.

I ask unanimous consent the Harkin amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 3917

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCain], for himself, Mr. Gregg, Mr. Schumer, Mr. Lugar, Mr. Brownback, and Mr. Fitzgerald, proposes an amendment numbered 3917.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of appropriated funds for the sugar program)

On page 75, between lines 16 and 17, insert the following:

Sec. 7 . Sugar Program.—None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272).

Mr. McCAIN. Mr. President, I could spend more time. I ask unanimous consent an article from the Savannah Morning News entitled "Two Sides of the American Dream" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Savannah Morning News, August 3, 1997]

Two Sides of the American Dream

(By Bob Sechler)

By some accounts, Alfonso and Jose Fanjul personify the American Dream—Cuban-born immigrants who arrived in the United States almost 40 years ago, emerging as millionaire sugar growers through pluck and hard work.

But others say the brothers are better symbols of what ails the country. Their ostentatious lifestyles, complete with Palm Beach, Fla., mansions, yachts and chauffeured limousines, are the spoils of a corporate welfare system that rewards wheeler-dealers willing to ante up for political influence, critics say.

"They know how to play the game, and they know who to hire to play the game," said Joe Garcia, a representative of Save the Everglades in Florida, an environmental group that has tangled repeatedly with the Fanjuls (pronounced Fahn-hool) and their Flo-Sun sugar empire.

Regardless of which Fanjul family portrait proves most accurate, Savannahians likely will get to know the brothers well.

The Fanjuls and Flo-Sun will hold a controlling interest in Savannah Foods and Industries—a major local employer and an 80-year corporate fixture in Chatham County—if a proposed merger with a Flo-Sun subsidiary is approved by Savannah Foods' stockholders in October.

"One thing you can say about them is they know sugar," said Tom Hammer of the Sweetener Users Association.

Hammer's group, which represents candy manufacturers and other industrial sugar users, has lined up against the Fanjuls—and lost—in political battles over the federal sugar program, which provides huge benefits to growers such as Flo-Sun.

Still, Hammer voices a grudging respect for the family and its sugar success.

"They are formidable opponents in terms of knowing what is the best system for them and being willing to stand up for it," he said. "That is the political system at work."

FROM CUBA TO FLORIDA

The Fanjuls' roots in sugar date to pre-revolutionary Cuba, where their family had dominated the industry since the 19th century.

But the family fled Cuba when Fidel Castro came to power, buying 4,000 acres in Florida in 1960 and beginning Flo-Sun.

The company's success since then has been phenomenal, ballooning to 180,000 acres of cane fields and accounting for 40 percent of the sugar grown in Florida. The worth of the private sugar empire has been estimated at $500 million, not including extensive outside holdings by the family elsewhere in the United States and in the Dominican Republic.

But the success of Flo-Sun, and of the Fanjul brothers who now run it, is attributable as much to acknowledge of the sugar industry as it is to a knack for American-style politics.

The Fanjuls—Alfonso, 59, Jose, 53, and other family members—have been active at all levels of government when their interests are at stake, and they've always been willing to back up their positions with their checkbooks.

They helped fight off a proposed Florida measure last year that would have assessed a penny-a-pound tax on raw sugar to fund Everglades restoration. Flo-Sun and other Florida sugar growers combined on a $22.7 million campaign aimed at defeating the plan, compared to $13 million spent by Florida environmentalists and other proponents of it.

Neither brother is a U.S. citizen, but Alfonso co-chaired President Clinton's 1992 Florida campaign and Jose served on the campaign finance committee of 1996 GOP contender Bob Dole. The two Fanjuls recently applied for U.S. citizenship.

Flo-Sun and its subsidiaries donated $224,500 to the national Democratic Party from 1995–1996 and $319,000 to the Republicans. The amounts don't include contributions to individual candidates.

"The Fanjul brothers play interesting, both-sides-of-the-street politics here in Washington," said Burton Eller, who has faced off against Flo-Sun as chairman of the Coalition for Sugar Reform, a group bent on dismantling the federal program that benefits sugar growers such as Flo-Sun.

Some observers say the goal of the brothers' two-pronged politicking has been to preserve the status quo—which includes a lucrative federal system of price supports and import quotas that benefit domestic sugar growers.

Others dismiss the criticism as the whining of losers.

"Their efforts to be involved in government are commendable," said U.S. Rep. Mark Foley, a Florida Republican who represents the Fanjuls' south Florida home base.

"When has that become a crime?" asked Foley, who collected $4,000 in contributions from the brothers and Flo-Sun last year. "They live here. They pay taxes. They employ people, and they live within the boundaries of the system."

Flo-Sun received up to $64 million in benefits in one year alone under the federal sugar program, according to an estimate by the government's General Accounting Office.

The Fanjuls and other sugar growers won a heated political battle last year to maintain the program. The federal price supports and import quotas that benefit sugar growers are preserved in the 1996 federal Farm Bill, which outlines farm policy through 2002, even though subsidies for many other farm products are being phased out.

EXPENSIVE VICTORY

But the win in the Farm Bill fight cost the Fanjuls more than money. It came at a time of increased scrutiny on campaign finance and when consumer advocacy groups were blasting the federal sugar program as nothing more than a handout to big sugar growers.

The timing brought unwanted focus on the Fanjuls—known for being intensely private—and resulted in them being dubbed "poster boys for corporate welfare," among other things, in unflattering profiles in several national publications.

Photographs of their sports cars and mansions and descriptions of a jet-setting lifestyle fueled the fire.

Flo-Sun spokesman Jorge Dominicis said the Fanjuls couldn't comment this week because of a mandated Securities and Exchange Commission "quite time" leading up to all mergers involving public companies, such as Savannah Foods. Representatives of Savannah Foods have declined comment for the same reason.

But Foley said much of the focus on the Fanjuls' lifestyle and political activity has been unfair.

"Some of it is born out of, I don't want to say prejudice, but they are Cubans and they've come here and they've been very successful," he said.

"They came from a land where all their property was taken (by Castro), and they've emerged very successful. It's been called corporate welfare, but they play on the same playing field as everyone else."

Luther Markwart, chairman of the U.S. Sugar Beet Growers Association, an ally of cane growers such as Flo-Sun, also said the criticism of the Fanjuls is baseless.

"They're very smart businessmen and their family has been in sugar for six generations,". Markwart said. "The people that are calling them the names, are the big industrial users (of sugar) and some of the environmentalists down there" in Florida.

None of the public criticisms of the Fanjuls has questioned their business acumen.

Still, Savananah Foods stock has plummeted since the announcement several weeks ago of the proposed merger with a Flo-Sun subsidiary. Stock in Savannah Foods has dropped from nearly $19 a share prior to the announcement to $14.12 a share now.

The slide is being attributed largely to a sense that Savannah Foods isn't reaping full value for its assets in the proposed merger.

Under the terms of the deal, the Fanjuls and Flo-Sun will control 83 percent of shareholder voting strength in the merged company despite owning only 58 percent of the shares.

"It's basically a question of a public company that is going to be in the hands of private people, for the most part," said Victor Zabavsky, an analyst with Value Line Publishing in New York who follows Savannah Foods.

But if the merger goes through, Foley said average Savannahians who look to Savannah Foods as a major employer and a good corporate citizen have nothing to fear.

"A lot of the media spotlight on (the Fanjuls) has been negative," Foley said. "But that's not the Fanjuls—they want to be good corporate citizens. They're certainly going to be very concerned with the community and the employment base of Savannah Foods.

"Its not just political coffers they pour money into," he said. "They help virtually every charity that asks. They are very philanthropic."

TOP STORIES

Alfonso Fanjul, 59

A native of Cuba who received a bachelor's in business administration from Fordham University in New York City.

Chairman and chief executive officer of Flo-Sun. He also will serve in the same capacity in a new company formed through the merger of Flo-Sun subsidiary Florida Crystals and Savannah Foods and Industries.

A prominent Democrat who co-chaired President Clinton's 1992 Florida campaign.

Among other endeavors, he is a trustee of the University of Miami, the Intracoastal Health Foundation and the Good Samaritan/St. Mary's Hospital.

Jose "Pepe" Fanjul, 53

A native of Cuba who received a bachelor's in economics from Villanova University and a master's in business administration from New York University.

President and chief operating officer of Flo-Sun. He'll serve in the same capacity in a new company formed through the merger of Flo-Sun subsidiary Florida Crystals and Savannah Foods and Industries.

A prominent Republican who served on the campaign finance committee of 1996 GOP presidential contender Bob Dole. He also is vice chairman the national Republican Party's finance committee.

Among other endeavors, he is a trustee of the intracoastal Health Foundation, the Good Samaritan/St. Mary's Hospital and the American Friends of the Game Conservancy. He also is a director of the Knights of Malta, the Americas Society, the Spanish Institute and the New Hope Foundation.

Fanjuls' news clippings

Sugar growers such as Flo-Sun successfully defended their lucrative system of federal price supports and import quotas in a heated political battle over the 1996 Farm Bill. But last year's Farm Bill fight, along with renewed calls for campaign finance reform, have focused national media attention on Flo-Sun's Fanjul family and its practice of lavish political contributions. Here is a breakdown of what some publications and organizations have had to say about Flo-Sun and the Fanjuls.

Center of Responsive Politics: "With their wealth conservatively estimated at several hundred million dollars, the Fanjuls can afford to spread around lots of political money. And they do. . . . The Florida sugar cane industry's campaign contributions may have helped preserve the federal price-support system for sugar."

George magazine: "Though Cuban citizens, the Fanjul brothers had proved quick students of American-style wheeling and dealing and before long were living much as they had in their pre-Castro homeland—only protected by even more wealth, power and Teflon."

Mother Jones magazine: "The Fanjuls' total (political) giving has been consistently underreported because they give through an array of family members, companies, executives and PACs. During the 1995–96 election cycle, members of the Fanjul family contributed $774,500 to federal campaigns. . . . It's an excellent investment. In return, a grateful Congress maintains a sugar price support program worth approximately $65 million annually to the Fanjuls."

U.S. Sugar Corp.

U.S. Sugar Corp., another large Florida sugar grower, also is a major beneficiary of the federal sugar program. U.S. Sugar donated a combined $230,000 to the national Democratic and Republican parties in 1995–96, not including contributions to individual candidates.

National Enquirer: "It's the sweetest deal on earth. Every time you buy a pound of sugar grown by the Fanjuls and other U.S. sugar growers, you pay more than a nickel extra—and the money goes right into their pockets."

New York Times: "The support program (for sugar) has kept some marginal producers in business while producing big profits for more efficient companies. The most conspicuous example of the latter is Flo-Sun, a huge operation north of the Everglades controlled by two brothers, Alfonso and Jose Fanjul . . . Given their obvious interest in keeping the subsidy program alive, the Fanjuls are lavish contributors to politicians in both parties—giving as much as $3 million since 1979, by one estimate."

Mr. MCCAIN. There was an Associated Press article of May 12 entitled "Sugar Growers Get Bailout: Purchase of Surplus Will Cost Taxpayers About $60 Million." I ask unanimous consent that be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUGAR GROWERS GET BAILOUT—PURCHASE OF SURPLUS WILL COST TAXPAYERS ABOUT $60 MILLION

(By Philip Brasher)

WASHINGTON, May 12—The government plans to buy and store 150,000 tons of surplus sugar to bail out farmers who have produced so much of the stuff that prices have dropped 25 percent over the past year.

The Agriculture Department put off the decision about what to do with the sugar, which will cost taxpayers about $60 million. The department has considered donating it overseas or else selling it at a steep discount for refining into ethanol, a fuel additive normally made from corn.

Growers have been threatening to forfeit to the government as much as $550 million worth of sugar pledged as collateral on federal marketing loans.

FEND OFF LOAN FORFEITURES

"We are acting to help address dramatically low sugar prices," Agriculture Secretary Dan Glickman said in announcing the planned purchase. "By buying U.S. sugar now, we expect to save as much as $6 million in administrative costs that the government might otherwise incur from expected loan forfeitures later this summer."

A coalition of candy- and food-makers, consumer advocates and environmental groups that opposes the sugar program had urged the administration to let prices fall.

"Obviously, the administration has no plan for disposing of the sugar," Jeff Nedelman, a spokesman for the group, said today.

"They cannot dump it overseas for fear of igniting a trade war. They cannot give it away for humanitarian aid, because no country wants it, and they cannot refine it into ethanol without fear of depressing corn prices. They have a crisis of their own making and no good answer."

FURTHER ACTION A POSSIBILITY

The department did not rule out buying more sugar. Farmers expect the Clinton administration "will take further action, as needed, to avoid forfeiture of sugar under loan to the government," said Ray VanDriessche, president of the American Sugarbeet Growers Association.

Glickman's decision came on the eve of a visit by President Clinton to Minnesota, a major sugar-growing state. Clinton and Glickman were to visit a farm outside of the Minneapolis-St. Paul area today to appeal for Congress to approve permanent trade relations with Cuba.

The government guarantees farmers a minimum price for domestic sugar through the loan program and quotas on imports, but increases in domestic production are making it difficult for USDA to control domestic prices.

Growers who put their sugar up as collateral for a federal loan have the right to forfeit the crop to the government if prices fall below the guaranteed price.

SURGERY NEEDED, NOT BAND-AIDS

"The sugar program does not need Band-Aids, it needs major surgery," groups opposed to the program said in a letter last month to Glickman.

Glickman urged sugar growers to cut back on plantings by idling land in the government's Conservation Reserve Program, which pays farmers to take acreage out of production.

"We expect the sugar industry to rapidly develop conservation and production options that can form the basis of a sustainable sugar policy," Glickman said. "Simply relying on continued government purchases over

> the longer term is neither feasible nor realistic."

Mr. McCAIN. Mr. President, I quote:

> The Agriculture Department put off the decision about what to do with the sugar, which will cost taxpayers about $60 million. The department has considered donating it overseas or else selling it at a steep discount for refining into ethanol, a fuel additive normally made from corn.
>
> "The sugar program does not need Band-Aids, it needs major surgery," groups opposed to the program said in a letter last month to Glickman.
>
> Glickman urged sugar growers to cut back on plantings by idling land in the government's Conservation Reserve Program, which pays farmers to take acreage out of production.

Obviously, that has not happened.

I want to quote from an interesting one on June 16. Brian Williams of NBC Nightly News:

> Now time for "The Fleecing of America." We have told you here before about price supports for sugar producers in this country, consumers paying what amounts to a hidden tax. Now, according to a new report from the General Accounting Office, what some already consider an outrageous fleecing of America is about to get even worse. Here's NBC's Lisa Myers.
>
> LISA MYERS, reporter. For sugar beet farmers like Craig Halfmann, what critics claim already is a sweet deal is getting even sweeter. The government is using seventy million of your tax dollars to buy a hundred fifty thousand tons of sugar from farmers like Halfmann, enough sugar to lay five-pound bags end-to-end from New York to Los Angeles three times. Why? To prop up sugar prices by reducing supply.
>
> CRAIG HALFMANN, sugar beet farmer. We're in a crisis situation and we're just asking the USA to help us out as farmers.
>
> MYERS. But critics say it's ridiculous and a windfall, especially for big sugar producers, people who make millions. But we'll get to them in a moment. You see, those seventy million taxpayer dollars are in addition to the inflated prices you already pay for sugar and don't even know it.
>
> SENATOR RICHARD LUGAR. This is one of the most serious outrages in the agriculture side consumers have never understood, that they are paying a tax every time they get a pound of sugar.
>
> MYERS. And a candy bar, and cereal, even canned ham. It's all because of the sugar program, and here's how it works. The government uses import restrictions and price supports to keep the sugar supply down and drive prices up. Today the world price of sugar is about eight cents a pound. But US growers get more than twice that much, about twenty cents. And it all shows up right here, in what you pay. Experts estimate the average family of four spends an extra twenty-six dollars a year for sugar because of the program. This government report says that that works out to almost two billion dollars straight from your pockets to sugar producers. Supporters of the program insist it doesn't cost that much, and say struggling farmers need even more help this year, since bumper sugar crops drove down prices.
>
> UNIDENTIFIED MAN. All the government has done is to come in and buy some of the surplus sugar. The government is holding that sugar. They will sell it eventually, possibly even at a profit.
>
> MYERS. The Agriculture Department claims that buying excess sugar now may save taxpayer money.
>
> KEITH COLLINS, USDA Chief Economist. Well, who benefits from the purchase, I think, is the taxpayer. We think that actually saves us some money and at the same time supports prices a little bit now.
>
> MYERS. Not so, say consumer advocates.
>
> ART JAEGER, Consumer Federation of America. The program gives too little money to the farmers who need the help, too much money to farmers who don't need the help.
>
> MYERS. In fact, the biggest winners of all, critics say, are the biggest sugar growers, like Pepe and Alfonso Fonhoul (sp?) of Palm Beach, Florida. They've earned as much as sixty-five million dollars a year from the program.
>
> JAEGER. Anytime you ask consumers to pay one-point-five to two billion dollars a year more for food and the beneficiaries are largely wealthy sugar cane growers in south Florida, I think that's a fleecing of America.

Mr. President, I am sure I will hear from the opponents of eliminating this subsidy that this is simply a program for small farmers, for small growers. The facts do not bear that out. I want to repeat, the majority of this sugar subsidy money goes to the large sugar farmers who also, coincidentally, happen to be major political donors in the American political process.

I do not quite understand how my free-enterprise, free-market, less-government-intervention, less-government-regulation colleagues will come here to the floor and argue that somehow this program is good for American citizens. It is not. Clearly, the facts state that it is a subsidy paid to a privileged few and it costs American taxpayers and American families a great deal of additional money.

I know there are a lot of abuses. I know there are a lot of programs that favor a privileged few in American government. But this one is perhaps one of the most egregious, and we should stop it.

I say to my friends who will oppose this amendment: No. 1, I will be glad to means-test this amendment; No. 2, I will be glad to have a phaseout of the sugar subsidies as well. If you agree to neither, you are basically saying let's let the Fanjul brothers continue to get $65 million a year in subsidies and let's let the American family pay it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Idaho.

Mr. SCHUMER. Mr. President, today I join my colleague, Senator McCAIN, to offer an amendment that phases out the Federal sugar program.

The current sugar program is one of the last vestiges of a centralized, subsidized U.S. farm sector which has mostly gone by the wayside. This is a special interest program that benefits a handful of sugar barons at the expense of every man, woman and child in America.

Several years ago, the GAO estimated that consumers paid $1.4 billion more at the cash register because of the sugar price support. Today, because the world price for sugar is lower and the price paid in the U.S. is higher, the cost to consumers could be twice as high.

And, and let's not forget that the sugar support system has already cost America thousands of refinery jobs. Why? Because the sugar program is such a bitter deal, refiners cannot get enough raw cane sugar to remain open. In Brooklyn and in Yonkers, we have lost one-third of our refinery jobs in the last decade. And it has already cost the Everglades hundreds of acres of pristine wilderness.

Four years ago, when we came within five votes in the House of terminating the sugar program, the world market price for sugar was about ten cents and the U.S. price about 20 cents. Today the world price is less than a nickel and the U.S. price is almost a quarter. In other words, the gulf between the free market and the sugar program is getting wider.

Under any reasonable and rational measure the sugar program should be repealed. If the issue is jobs, the environment or the consumer—then we have no choice but to repeal. Standing with me are liberal, moderate and conservative members of Congress. Standing with us are liberal, moderate and conservative public interest organizations. At all ends of the political spectrum the answer is the same—it's time to repeal the sugar program.

Mr. CRAIG. Mr. President, I rise in opposition to the McCain amendment today. I certainly will not rise to the challenge the Senator from Arizona has placed. I never rise to the challenge of the editorial board of the New York Times or the tabloid test of NBC's "Fleecing of America." I did that once with the "Fleecing of America." I did because they were wrong. They had misused their facts, as they are misusing them now, and the Senator from Arizona has brought in those facts.

The reality is, I stand on the floor today to defend about 1,000 farmers in my State of Idaho, and I think you will hear from others today who defend American agriculture and its productive power and its ability to sustain itself within a world market and our willingness to put up reasonable safeguards to assure that sustainability at the local level. In my case, in Idaho, with nearly 1,000 sugar beet farmers, it is necessary and appropriate. I stand, not to apologize whatsoever, but to strongly support what I think is a necessary and appropriate program.

As with other commodities, those of us from agricultural States know that many in agriculture today are in crisis. They are at or below break even by a substantial amount. There is no difference between the potato farmer of

Idaho or the sugar beet farmer of Idaho or the corn farmer of Iowa today.

In the case of sugar, prices this year compared to last summer are down by about 26 percent, and as a result of that, the Government has responded aggressively and appropriately to the crisis in rural America, making approximately $70 billion of total expenditures since 1966 to America's agricultural producers.

I am not going to apologize for that, and here is why: Banks are not going under; farms are not going under; America's food supply on the shelf is more abundant, safer, and of a higher quality than ever, at a lower price. The American consumer today spends less of his or her consumer dollar for American food, including sugar, than any other consumer in the world.

Should we apologize for that? I think not. What we have tried to do—and I think we have been reasonably successful—is balance out a domestic program with foreign competition while consistently working to open up foreign markets and clearly to liberalize the whole of the agricultural programs of this country.

USDA recently did purchase sugar. The Senator from Arizona has spoken to that. The reason they did was to try to stabilize the market and stabilize the price. There is no question that thousands of jobs in rural America depend on that action. I defended that action and I do now with no apology.

Sugar policy has run at largely no cost to the U.S. Government since 1985. I say that because what the Senator from Arizona failed to talk about was the amount of money directly contributed by the industry itself. In fact, it has been a revenue raiser. Since 1991, $279 million have been placed in the Treasury by a special marketing tax paid directly by the sugar producers. Did the Senator from Arizona mention that? Oops, I guess the Wall Street Journal did not mention it, nor did the New York Times mention it, nor did the "Fleecing of America" mention it. Of course, if they did not mention it, it "ain't" worth mentioning.

The probable net cost of the announced purchase and removal of sugar has been more than covered by the revenues of the sugar policy. As I helped other Members of this Senate design that policy, that is exactly what we tried to do: to balance it out so the industry itself was self-financing.

Mr. McCAIN. Will the Senator yield for a question?

Mr. CRAIG. I will not at this time. Let me finish my statement.

Mr. McCAIN. The Senator mentioned a very important marketing assessment, which had been taken out in last year's omnibus bill.

Mr. CRAIG. Since 1991, the marketing assessment has raised $279 million. That was my quote. That is a fact the Senator cannot dispute. This 132,000-ton purchase is a step toward preventing the forfeiture of a much larger amount of sugar. USDA has estimated that 600,000 tons could be forfeited at a much higher cost to the Government—the Senator from Arizona is correct—based on current programs and current forfeitures. Pulling that sugar from the market now costs substantially less. The purchase saves the Government money and promotes the stopping of this kind of effort based on forfeiture, and that does save the American taxpayer money.

The purchase would not have been necessary and there would be no threat of forfeiture if sugar producers were not required, under the WTO and the North American Free Trade Agreement, to import about 15 percent of our consumption. I happen to have voted against the North American Free Trade Agreement because I felt this was a loophole that would potentially cost the producers of the State of Idaho their crops and maybe their farms. Now, of course, reality begins to bear itself out.

Further compounding the problem has been extensive import quota circumvention by a term that is now well known by those of us who are interested in agriculture. It is known as stuffed molasses. Low prices for other crops driving producers to beet and cane sugar production and extremely favorable weather conditions for the last 2 years have all contributed to the oversupply of sugar and the need for Government intervention.

Stuffed molasses, as my colleagues know, is a way of circumventing the law by loading up molasses with sugar, moving it through import into this country, then pulling it in and refining the sugar out of it. It is kind of like covering up, violating the law, if you will, in a legal way. It certainly violates the spirit of the trade agreement.

Allowing sugar prices to continue to fall will put more sugar farmers out of business, but it will not help consumers one bit. There is a general assumption on the part of those who oppose the sugar program that once you drop the price of sugar to the world price, all of a sudden candy bars get cheaper, soda pop gets cheaper, confectionery foods get cheaper, and we know that is not the fact. It has never been the fact. We might transfer a little profitability from the sugar farmer to the candy maker or to the soft drink producer, or to those who generally supply confectionery goods to the consumers of this country.

Does it translate through to the farmer? No, it does not, and it never has.

While the price food manufacturers and makers of candy—cereal, ice cream, cookies, and cakes—pay for sugar—they will always pay that amount. That is the character of the way the industry works. They simply either make a little more or make a little less, based on the margins in which they buy.

The truth of the matter is that in the U.S., the sugar program has saved the consumer money by stabilizing the price across the board and, therefore, consistency. I remember long before I served in the Senate, without this sugar program, there were dramatic fluctuations in the marketplace. People were going in and out of business. Confectionery producers and soft drink suppliers were arguing at one point that sugar was so dramatically high that they had to raise their prices, and then sugar fell dramatically, but those prices did not come down. U.S. consumers pay about 20 percent less for sugar than does a consumer in other developed countries of the world.

It is strange that I could use that figure—and it is a figure of fact, well established in the marketplace. Why don't other developed countries' consumers pay what we do? They buy on the world market. They buy, as the Senator from Arizona suggests, at a much cheaper price. The reason is the stability we have offered and, therefore, the averages that are very important to look at when you are looking at an overall price of the issue.

Do I support the program? Yes, I do. Am I apologetic for it? No, I am not. The reason is very simple. Over the years, we have worked to craft a program that balances itself out and, in large part, has paid for itself. As we work to create a more open market and phase these kinds of programs out, I will support those efforts, too.

It is very important for the whole of this country that I think we create that kind of stability. I hope we can do so.

At the appropriate time, I, or the chairman of the subcommittee, will move to table the amendment of the Senator from Arizona for the simple reason that we think it would destabilize the markets of this country. It certainly would have a dramatic impact on my State and the 1,000-plus farmers who make up the sugar portion of Idaho's agriculture production.

With that, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise, as well, in defense of this program. I rise in defense because I represent a State that is one of the most agricultural States in the Nation. The fact is, this program has helped stabilize an otherwise disastrous situation.

This chart shows what has happened to sugar prices since the most recent farm bill. This is what has happened to refined beet sugar prices. On this chart it looks like a cliff because it is. Prices have collapsed. If we did not have something to counter the cycle, we would see mass bankruptcy in rural America. That is a fact.

The Senator from Arizona comes out and he reads clippings from various news articles. Unfortunately, those people know virtually nothing about what they are writing about. They say, over and over, that the world price of sugar is 8 cents a pound. Absolute nonsense. The world price of sugar is not 8 cents a pound. The vast majority of sugar in the world moves under long-term contract at much higher prices than the 8 cents a pound. About 18 cents a pound—that is what most sugar in the world sells for. What the Senator from Arizona is talking about is what is reported in the popular press—repeatedly—which is flat wrong.

The price they are talking about is not the world price; the price they are talking about is the world dump price for sugar. It is what sugar sells for that is not under contract that is hard to sell. That is a dump price. It is far below the cost of production. It does not represent what sugar sells for in the world. It is an absolute fiction.

Every time we have ended the program, what has happened to prices? Let's ask that question. Because the suggestion from the Senator from Arizona is, if you would end this program—you phase it out—prices to consumers would go down.

Let's have a reality check.

What has happened in the times we have ended the program? Did prices go down or did prices go up? You know what happened? Prices skyrocketed. That is what happened when the program ended. The fact is, this is a program that stabilizes prices. And that is critical to the survival of thousands of family farmers.

The Senator from Arizona talks about one large interest as though that represents the totality of producers. Let me say to the Senator from Arizona, and to those who write these articles that attack the program and talk about one small group with large economic resources, what they are not doing is telling the whole story and telling the American people that literally thousands and thousands of family farmers are dependent on the stabilization this program provides. That is a fact.

Come to my State. Go farm to farm. Meet these families. They are not wealthy people. They are people trying to make it in an environment in which the prices of the products that they make have plunged. Without this program to stabilize prices, there would be financial ruination all across the heartland of America. Is that what the Senator from Arizona advocates? Is that what he wants to have happen? Because assuredly that would be the case.

One of the things that gets missed in this debate is this notion that somehow the United States is an island unto itself and that we do not have to worry about what the rest of the world is doing. If one would pay a little attention to what the rest of the world is doing, what one would find is that the United States is giving support to its producers at a level much lower than our major competitors.

This chart shows what our major competitors are doing in terms of support for their producers—$324 an acre. Here is the support we are giving our producers—$34 an acre. By the way, these are not KENT CONRAD's numbers. These are numbers from the Organization for Economic Cooperation and Development.

Our major competitors are outgunning us 10-1. I would suggest the Senator from Arizona is recommending unilateral disarmament for our agricultural producers in what is, in effect, a trade war. He would never do it in a military confrontation—never. If the other side had 50,000 tanks, and we had 10,000 tanks, would the Senator from Arizona be out here recommending we cut the number of our tanks in half? Would that be the first move? I do not think so.

Mr. McCAIN. Will the Senator allow me to answer his question?

Mr. CONRAD. After I complete my thought and presentation, I will be happy to.

Mr. McCAIN. It is too bad the Senator will not yield.

Mr. CONRAD. No. I will be happy to after I complete my statement, as I allowed the Senator to complete his. I ask for the same courtesy from the Senator from Arizona as I extended to him.

We are outgunned 10-1. If our opposition had 50,000 tanks and we had 10,000, would the Senator from Arizona advocate cutting our number of tanks in half? That is exactly what we did in the last farm bill. They were supporting their producers at $50 billion a year. We were providing on average of $10 billion of support. And we cut our support in half.

I would be happy to yield to the Senator from Arizona.

Mr. McCAIN. I say to the Senator from North Dakota, it is a frivolous statement. It has no connection to the estimated $1.5 billion. The Senator from North Dakota said that I have been quoting from newspaper articles, et cetera. The Senator from North Dakota usually relies on the GAO.

I have heard him quote from the GAO quite often. What the GAO is saying is the sugar program cost domestic sweetener users about $1.5 billion in 1996 and $1.9 billion in 1998.

If a foreign government was subsidizing anything—as they are Airbus; and the United States with Boeing—of course, I would take my complaint to the World Trade Organization and we would see about the outcome. I would not build further protectionist barriers for a private manufacturer of any product whether they be tanks or not.

The Senator from North Dakota recently espoused fervently that we means test the estate taxes, the so-called death taxes. There was great lamenting on the other side of the aisle about the fact that wealthy people would get off scot-free, and that we should not let them be completely absolved from estate taxes.

Will the Senator from North Dakota agree to a means testing on the amount of money so that the Fanjul brothers will not get $65 million a year of Arizona taxpayers' and North Dakota taxpayers' dollars? At least you could agree to a means testing of this, rather than 42 percent of all these subsidies going to 1 percent of the sugar growers in America.

So my answer to the question from the Senator from North Dakota: No, I would never agree to what he is saying. I would agree, however, to take the proper measures to remove protectionism on both sides of the Atlantic and all over the world. That is why I am a supporter of free trade.

Mr. CONRAD. I just say that the Senator from Arizona says he would not do something, but that is precisely what he is doing on the floor of the Senate—precisely what he is doing—engaging in unilateral disarmament on behalf of our producers, when they are already being outspent 10-1 by our major competitors, the Europeans.

What the Senator from Arizona says is: Let's just abandon our folks. We are going to play by a different set of rules. We are going to be purists on this side of the Atlantic. On the other side of the Atlantic, they get to take these markets the old-fashioned way. They get to go out and buy them. The result will be exactly what is happening, I say to the Senator from Arizona, whom I respect and admire.

I disagree firmly with him on this point. I respect and admire the Senator from Arizona; I make that clear. We have a spirited debate and discussion going here, and that is in the best tradition of the Senate. This has no personal feeling attached to it.

I want the Senator from Arizona to know, I think this is precisely wrong. The fundamental reason it is wrong is because this is not the way world agriculture is working. What is happening in world agriculture today is our major competitors are going out and buying these markets. If we don't give some assistance to our producers, what will happen is the other side will take market share, as they are. The USDA now projects that this year for the first year the Europeans are going to surpass us in world market share. Why? Because they are going out in a very concentrated, calculated way and buying market after market from us. If we are going to throw in the sugar market, as we have thrown in the wheat market, as we have thrown in the barley market, pretty soon we will find an America that is second rate with respect to agriculture production. That would be a tragedy. It would be a mistake.

The Senator references the GAO report. GAO is not perfect. If we look at this report and study it objectively, USDA put a team together and looked at this report. They concluded the validity of the results are suspect and should not be quoted authoritatively. Here is a sampling of some of the words USDA career analysts used in describing the GAO report: naive, arbitrary, in error, inconsistent, inadequate, a puzzlement, inflammatory and unprofessional, not well documented, incomplete, unrealistic. In a nutshell, the instant experts at GAO compared the U.S. price—the same thing the Senator from Arizona has done, the 8 cents he quotes—to a world dump market price that is a fraction of the cost of producing sugar and assumed that if grocery chains and food manufacturers could have access to that dump market sugar, they would pass 100 percent of their savings along to consumers.

I have seen this over and over and over. It is an easy mistake to understand because people are writing about this industry who know nothing about it. They say over and over, the world price of sugar is 8 cents. That is absolute nonsense. It is not true. It is not accurate. That is the dump price for world sugar. It would be the same as talking about the world steel price and failing to look at all of the steel that sells to the automobile industry around the world under contract, instead to look at the dump market where just a fraction of world steel and world sugar sells.

It is economic know-nothingism, frankly, to make that reference. It is not reality.

We have very difficult issues to deal with in world agriculture. In our country, the No. 1 issue is right here. Are we going to let our producers get swamped by a flood of European money, by tough competitors who have made a determination that what they want to do is dominate world agriculture and they are going to do it the old-fashioned way. They are going to go out and buy these markets from us. That is what they are doing—$324 an acre of support on average versus our $34. If we want to continue to engage in unilateral disarmament and let American agriculture go right down the tubes, this is a good place to start, right here, today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to talk on this issue. It is an important issue to this country; it is an important issue to my State.

I suspect much of what I state may have perhaps already been said. Nevertheless, I think it is important that we take a continuing look at the facts of the issue. We have heard a lot of emotional discussion with respect to it. The fact is, we have been through this before. About every year we seem to go through the same discussion.

It does impact many people. It is not something where just a few rich people are involved. It provides 420,000 jobs in 40 States. Many agriculture communities are dependent on sugar production, as are some in my State. Frankly, it is one of the few products that is processed on to retail use. It comes out of the State ready to put on the grocery store shelf. Seldom does that happen in my State.

It provides a $26 billion annual economic activity and is a very high quality product, one that is changing. We talked about the candy and so on. Most of that comes from corn sweeteners. Nevertheless, it is very important. It is a very efficient industry; by world standards, we have the 18th lowest cost of production out of 96 producing countries, despite the fact that we have high-cost environmental standards and those kinds of costs.

As the Senator from North Dakota made quite clear, we keep talking about the "world" price. It isn't the world price. It is the dump price. Almost all the countries are subsidized. After they raise more than the subsidy applies to, it is dumped on the market. That needs to be understood.

We need to understand that consumers have benefited from this program. Retail sugar prices are virtually unchanged since 1990 and are 20 percent below the developed country average. It is about the most affordable in the entire world, as a matter of fact.

We have talked about taxpayer benefits. Until this year, the sugar program has been a zero cost program for 15 years, since 1985. It generated $279 million in revenue since 1991 that was paid by the industry into the Government. It is WTO, NAFTA compliant. Prices have been very low for the producers, very low in the industry.

Unfortunately, there has not been a passthrough. What we find is the grocery stores have not lowered their price. The price of sweetened products is up 7 to 9 percent. At the same time, the grower price has been down approximately 20 percent. We find a great deal of activity there.

We have heard several times about the GAO report. The Senator talked about that. Certainly, the findings of USDA were such that they confused the world market with the dump price, as was pointed out. They also assumed that the lower costs were being passed on 100 percent through the retail market. That is not the case. Even though I am a great supporter of GAO, that study was not one that has been particularly useful.

The wholesale price for refined sugar has been down, is down, 25.9 percent in the last 3½ years. At the same time, the price for refined retail sugar is about the same. Ice cream is up. Candy is up. Cookies are up. Cereal is up. We haven't seen that pass through to the product.

I will not continue to go through this. I think we have covered many of the facts. This is a very important industry in my State. Our sugar beet production is one of the most efficient in the world. We have three refineries. It is very important to us. We have been through this whole discussion before. I think we agreed, then, this is an important matter to the country, to agriculture. I rise in opposition to the amendment of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank all of our colleagues who have engaged in the debate so far.

It is summertime in Washington so I guess that means it is sugar amendment time. The Senate essentially voted on this once before. It seems we do it every July and August, during the summer months. The exact same amendment was voted on last August 4. The Senate rejected the amendment by a vote of 66–33, a 2-to-1 margin. I think the reason it was rejected by such a large margin is that Members are finally beginning to understand the sugar program and what it really involves and why it has worked for so many years as a benefit both to producers and also to the consumers of sugar and sugar products. It is not a perfect program, but it is one that has improved over the years. I will make a couple of comments about it.

Before that, I want to mention the fact that not too far back, this Congress was really involved in the crisis involving the increase in gasoline prices. We talked about gasoline prices going up 25 cents a gallon, 30 cents a gallon, 50 cents a gallon, and everybody being in an uproar about it.

The sugar program has been at a loan rate of 18 cents since 1985. It hasn't gone up one-half cent since 1985. What I want to do is take a moment to try to explain, as briefly as I can, how the program works. We have had talk on the floor this afternoon about these "huge" subsidies being given to some wealthy family, I heard, somewhere in Florida. I have almost 700 sugar cane farms in Louisiana and the growers would be very surprised to learn there is a big subsidy program out there, because the sugar program is not a direct subsidy from the taxpayer by any stretch of the imagination.

What sugar farmers get is a loan, as other commodities also get, such as rice, cotton, and other farm products. The loan is 18 cents per pound for sugar. It is a non-recourse loan. What that means, simply, to people not in the agriculture business, is it gives farmers the option of putting their crop under loan at harvest time. They have the option to either pay back the loan in dollars or, if the market price falls so low they cannot do that, they can forfeit their sugar to the Government as payment for the loan.

The interesting thing is that, since 1985, there has not been one single forfeiture under the loan program. Not one. Farmers have put their crop under loan and they have paid back the loan when the loan was due to the Federal Government. That is how the program works. There is no direct subsidy to make up the difference in a price, where taxpayers have to dip into their pockets to give to a sugar farmer. It is a non-recourse loan, which means they can either pay it back in dollars or forfeit the amount of sugar that they have put under loan.

Some would say, well, the sugar program protects domestic sugar by preventing sugar imports from coming into this country. That is not true. In fact, the sugar we are importing varies between 15 and 20 percent. It comes from 40 countries around the world. It is GATT legal. It comes into this country, under the program, from 40 different countries around the world.

Here is the thing that I think is really interesting, because I guess in addition to saying it is a huge subsidy program—which it is not; it is simply a loan program—is that somehow consumers are being harmed by this program. This chart, I think, is consistent with what Senator CONRAD from North Dakota was pointing out. We have a bar chart; I think he had a graph. It is essentially the same thing. This is data from the Department of Agriculture. It is not from the sugar industry; it is from the USDA. It indicates that it has been 3½ years since the start of the 1996 farm program when we put the new and improved program into effect.

The chart from USDA indicates that the prices for producers have fallen, and the consumer prices for sugar and sweetened products have risen. This shows sugarcane farmers in Florida, Louisiana, Texas, Hawaii, which produce the bulk of the sugarcane used for sugar. Since 1996, when we put the program into place, the price of sugarcane to the producer, to the farmer, has fallen 14.6 percent. These are USDA numbers. The prices for wholesale refined sugar, beet sugar, USDA tells us, have fallen 31.9 percent. These are USDA numbers. They show prices falling to the producers, the farmers of cane sugar, and prices falling to the producers of sugar from sugar beets.

You would think that if the price to the farmer is falling by 31.9 percent, in one case, and 14.6 percent for sugarcane farmers, my goodness, that must be great for consumers, right? Everything that uses sugar should have a corresponding fall in its price, right? Wrong.

Look at what happened to the price of sugar on the shelf. The price of sugar on the shelf has risen a very small amount, while the price for the people producing sugar cane and sugar beets has been drastically falling. But the price of sugar on the shelf has been on the increase when you would expect that it would be going down. Look at what happened. Here is where the complainers were. How many Members of Congress have gotten letters from people saying gas prices are too high? Probably quite a few of us. "Do something, Senator. Gas prices are too high." How many people have gotten a letter from a housewife, or somebody running a home, saying, "You know, my biggest problem is that I went to buy 5 pounds of sugar and it is so high I have to choose between clothes and shoes and sugar." Nobody is writing about that and complaining about the price for 5 pounds of sugar going through the roof. Do you know why? Because it is not.

Here is what has been happening. The people who use it—the large manufacturers who make candy—and I can name them, but I will spare them the embarrassment—have had their prices go up 6.4 percent, while a main ingredient, sugar, has been plummeting over here. Not the price of candy. A main ingredient's price has been going down, but the price of their product has been going up.

Cookies and cakes are big users of sugar. The most important thing in these products is probably sugar. Their prices have gone up 6.6 percent, according to the USDA, while the price of sugar, a main ingredient, has plummeted. Cereal? Big users. There are a lot of sugar-coated flakes for kids. Cereal prices have gone up 8.3 percent. The price of sugar to the farmer has plummeted.

The last one is ice cream. I love it. I would buy it no matter what it costs. It has gone up 9.8 percent. There is a lot of sugar in ice cream. What they are paying for the sugar is a lot lower than it used to be. Boy, their product price doesn't reflect that. If there are problems here, they are candy, cookies, cereal, and ice cream. It used to be the soft drink industry, but they got out and quit using sugar. Today the price of their product is more than it was when they were using sugar. And then look at the cans of artificially sweetened soft drink products and the cans of the naturally sweetened soft drinks; the price of an artificially sweetened soft drink is no less than the price of the one that is using the natural sweetener. Try to explain that when they say the real problem is sugar prices.

These are USDA figures, not mine and not sugar producers. Their prices have plummeted under the program. There is no direct Government subsidy. It is a loan. Sugar farmers have never forfeited one single loan since 1985. They have paid it back, and paid it back in dollars, and it has been the same loan rate since 1985. It has been 18 cents. That program, designed to help everybody, has seemingly not helped the farmer very much. But it is the only thing we have. Like every other product and commodity that we try to help in a balanced fashion, it has done that.

I will conclude by saying that this is the same vote we had last August. The Senate spoke very clearly then, 66–33. I hope that we will do the same thing today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I guess I have been around this old business of agriculture about as long as anybody. We have seen high commodity prices and we have seen low commodity prices. Years ago, when we would get a high surplus of any type of commodity, the price went down and so did the price in the grocery store. We had to eat our way out of this thing, so to speak. It happened in livestock, pork and beef and chicken products. But that is not the case anymore.

I was interested in his chart showing how, even though the price of sugar has gone down, the prices of candy, cookies, other baked goods, cereal, and ice cream has continued to go up. I don't want anybody fiddling with my ice cream. I like it like it is. If it goes up a little bit, that is OK. But don't come back and say if all of the support is taken away from sugar, the prices will go down in the store. It doesn't work with this product. It was about a year and a half ago that live hogs hit an all-time low and got down to around 10 cents a pound. Yet, when I went to my grocery stores out here in Springfield, VA, and back in Billings, MT, guess what? Boned out, double-cut pork chops were still around $5 to $6 a pound.

Folks, I don't know how sharp your pencil is. But that "don't pencil." That just "don't pencil."

We are looking at a program that has cost the taxpayer virtually nothing. Yet it sustains many small farmers. Sure, there are a couple of big ones down in Florida. But there are a couple of big ones in everything. For the most part, this is support for farmers in the Big Horn Basin of Wyoming and the Yellowstone Valley between Billings and Sidney. It keeps them in business.

I ask the American people, when it comes to farm programs or insurance, do you insure your car? Yes. You do. Do you insure your house? Yes. You insure your house. Do you insure your life? Yes. We do that. I look upon this as just a little insurance policy. It doesn't cost us very much money, but it ensures that your grocery stores will be full of the most nutritious and safe food of any grocery store in the world and priced less than the percentage of the disposable income of any other place in the world. That is a pretty good insurance policy. We don't have to garden. We don't have to plant, or seed, or weed, harvest, or process. We can continue to do what we want to do in our profession. It is guaranteed that you are going to have that supply in any amount and fixed in any way and processed in any way.

We already talked about the numbers. But we are basically looking at people who have a great deal on the line. They risk a lot. They are subject to the elements. They have no control over that. They have no control over the retail end of the product—none whatsoever. If we are going to keep this very efficient food machine alive, this is the insurance policy that we all have. It serves this country very well.

I suggest that you not support the amendment offered by the Senator from Arizona. It is well intentioned. As the Senator from Louisiana said, it is indeed July.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see my friend from North Dakota on the floor. Of course our entire relationship is characterized by respect. Obviously he makes a strong case for his point of view. I not only respect but I appreciate and enjoy the verbal exchanges we have from time to time. He is a worthy adversary. I will not take very long.

It was alleged that marketing assessments are large amounts of money. That is true. I believe it is $272 million or something such as that. But I think it is appropriate to mention that those marketing assessments in last year's omnibus bill were done away with. The sugar producers do nothing to address the budget deficit. I think an argument can be made that this Senator from Arizona may not be the most expert on agricultural issues. I plead guilty to that. I believe there are other issues in which I am better informed.

A cosponsor of this amendment is the chairman of the Committee on Agriculture, Senator LUGAR. Senator LUGAR is in support of this amendment. I am honored that the chairman of the committee is in support of this amendment. I think his viewpoint should also be taken into consideration, particularly with more gravity than mine.

There was a study conducted by the Center for International Economics. It was prepared as part of the trade agenda and conference on the 1st and 2nd of October 1999 in Geneva. I will read the beginning of this study:

> If ever there was a case for multilateral trade liberalisation, and if ever there was a liberalisation from which the global economy stood to gain, it is sugar. The world sugar market contains some of the largest and most blatant forms of trade protection. Many of these have a 300 year history. The worst of the worst are in developed countries. They greatly distort trade and prices. Although the world economy, consumers and efficient sugar producers stand to gain substantially from liberalisation, some producers, especially those in developed countries, stand to lose. And herein lies a political challenge—there are large vested interests that are likely to oppose sugar trade liberalisation. In the Uruguay Round these vested interests won hands down. Should they win again, they are likely to further undermine developed country credibility in the WTO and the WTO itself. Ultimately countries unilaterally liberalise trade. The best that multilateral forums can do is to assist that process. The biggest gains in trade liberalisation come form reducing the biggest distortions first. Giving prominence to sugar and other highly protected products in the WTO millennium round makes economic sense. Such prominence is also needed to help counter the vested interests opposed to reform.

They go on to say:

> This taxation of consumers and protection of producers is highest in Japan, Western Europe and the United States.

We are the leading proponent of free and open trade. The United States has an enviable record, whether it be the North American Free Trade Agreement. Whether it be expansion of economic trade relations with China through Democrat and Republican administrations, we have been in pursuit of free trade. Clearly, we lose credibility when we stand as one of the highest protectionists for our sugar industry.

I say again with respect to my friend from North Dakota and the opponents of this amendment that I will be glad to work with them at least to means test this subsidy. Why in the world should one family get $65 million in subsidies? That is remarkable when you think about it. Adding to that, they are harming the Everglades. Every objective study indicates that the runoff from pesticides and other pollutants in the Everglades is dramatically damaging the Everglades. Yes. The sugar companies are paying some money, but in comparison to the overall cost, the estimated cost of fixing the Everglades is minuscule.

I am not without sympathy for the farmers in North Dakota. I am not without sympathy for the farmers in Montana, Louisiana, and Idaho. But when they are encouraged to grow a crop which they would not grow if it were not for the subsidies, and in addition in some parts of America they are doing damage to our environment, then it is time we said enough.

Again, I strongly support a proposal to means test and to phase out these sugar subsidies. We phased out a large number of subsidies when we passed the Freedom to Farm Act. I would agree that the Freedom to Farm Act has had very mixed results. In fact, there are questions raised by many.

We eliminated and phased out wool, butter, cheese, powdered milk, and other dairies. We capped cotton and reduced peanuts, wheat, and others. But we retain two quite remarkable products; that is, sugar and tobacco. I promise not to bore my colleagues with a tirade about tobacco. But the fact is that the sugar subsidy is one which needs to be eliminated. I think we all know that.

It is my understanding that the Senator from North Dakota, Senator DORGAN, after his remarks, will make a motion to table. I am certainly in agreement with that, or if there are other speakers, I would be glad to join into a time agreement, whatever is agreeable, with the Senator from Mississippi and the Senator from Wisconsin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am happy to oblige the Senator from Arizona and set up a unanimous consent agreement to limit time, if there are other Senators who want to speak.

I see the Senator from North Dakota on his feet. I assume he wants to speak on the amendment. I know of no other Senators who wish to speak who have not already spoken.

Senator CRAIG indicated an interest in making a motion to table the McCain amendment. We are about at that point where we are ready for a motion to table the amendment.

I will yield the floor if anyone wants to speak on the amendment.

Mr. MCCAIN. Mr. President, I ask the indulgence of my friend for a unanimous consent agreement that has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object.

Mr. MCCAIN. This allows the Commerce Committee to meet off the floor for the purposes of approving the nomination of Mr. Norman Mineta to be the Secretary of Commerce.

Mr. COCHRAN. No objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCAIN. I ask consent, notwithstanding any rule or other order, it be in order for the Commerce Committee to meet in executive session for the purpose only of reporting nominations to the Executive Calendar. Among those nominations is that of Mr. Norman Mineta, former Congressman and nominee to be Secretary of Commerce, immediately following the next rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. In the spirit of the unanimous consent agreement, let me try this: I ask unanimous consent the Senate vote on or in relation to the McCain amendment at 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I come to the floor to oppose the amendment offered by my colleague and friend from Arizona, Senator MCCAIN. I want to talk about a number of things that have been discussed about sugar, the sugar program, in this amendment.

First, let me talk about "free trade." There is not free trade in sugar around the world. It is not the case that the price that is described as the world price for sugar represents a free trade price. It is a fact that most sugar that is bought and sold around the world is bought and sold on contracts between countries. The quantity of sugar that is produced above that is sold on the dump market for dump market prices, but most sugar is traded or sold between countries on contract. So the price that is quoted as the world price for sugar is not the world price for sugar at all. That is a myth. That is No. 1.

No. 2, the issue of who is getting a subsidy; is someone getting a large subsidy? There aren't any subsidies. This is not a program that has a subsidy. This is not a program in which the taxpayer is taxed and money comes to the Federal Government and money is given to a producer. There are no payments to producers. There are no subsidies. That is the second point.

There are forces that have wanted to abolish the sugar program for some long while. The sugar program is not a program that gives a payment to a producer. It does create a circumstance of balance between production and imports in order to achieve a domestic price that provides stability for consumers and stability for producers. Some don't like that. Who are they? Well, they call themselves the Coalition for Sugar Reform. Who or what is the Coalition for Sugar Reform? Anyone can guess that. The American Bakers Association, the National Confectioners Association, the Biscuit and Cracker Manufacturers Association, the Chocolate Manufacturers Association, the Independent Bakers Association.

Let's look at these groups. The price of sugar has dropped 30 percent since last summer, to a 22-year low. The price of sugar has dropped by a third. Anyone who listens to me should ask themselves, have I purchased a candy bar lately? If so, did I see a reduction in the cost of the candy bar? Did I buy a can of soda? If so, was it cheaper than it used to be? The answer, clearly, is no. Sugar prices have dropped by 30 percent. Chocolate and candy prices are up by 6 percent. Cookies, cakes, and other bakery products are up by 7 to 8 percent. Cereal and ice cream prices are up by 9 percent. Buy just a bag of sugar at the store and see whether it costs 30 percent less.

Let's figure out where sugar comes from. It comes from a family farm in the Red River Valley of North Dakota. This family raises sugar beets. They buy a tractor, they buy other equipment with which to plant the seeds; then they buy fuel, they buy fertilizer, they get up in the mornings and gas up the tractor and go break the ground. They do the things farmers do. They take all the risks. They do all the work. And then they hope. They hope something doesn't happen to the crop. They hope it doesn't get burned out, flooded out, or have disease. If all of those hopes are realized, maybe at the end of the year they get a crop—maybe.

After risking all their money and working all year, if they get a crop, then maybe they get a crop that has a price above the cost of production. But maybe not.

Some say: It doesn't matter who is producing these things; we really don't care—talking about the organizations, the Coalition for Sugar Reform—we don't care where it comes from; we just want to get the world price for sugar, the dump price for sugar.

What is the result of that? The result means devastation of family farms in many parts of this country—those families who are out there trying to earn a living as best they can, whose fortune, whose future is based on events around the globe over which they have no control and whom these organizations would like to link to the world dump price for sugar. They can't make it. They wouldn't make it.

We have to ask the question, Is it reasonable for us in this country to decide we want to do a couple of things at once? One, provide stable prices for sugar for the American consumer. We have done that. U.S. retail prices for sugar are virtually unchanged for more than a decade. How many prices exist on the grocery store shelf where we can say that price is largely unchanged for an entire decade? Not very many. Sugar, we can.

Why is it we have price stability for consumers? It has not always been that way. We have seen times when the price of sugar has spiked up, up, way up. The sugar program has provided stability of price for the consumer. At the same time, it has tried to provide some basic stability of price for the producer that takes the risk of producing. Some don't like that. They say producers don't matter much here. They do matter. They are part of the economic backbone of this country. They are the salt of the Earth. The folks who are out there trying to make a living on America's family farmers—and yes, I say to those questions, yes, they are family farmers. If you doubt it, come with me and I will take you to a few. We will drive in the yard, see the equipment, talk to the family. These are family farmers producing sugar beets.

On another point about how well they do, the cost of production for sugar in this country is well below the cost of production in the world average. In fact, we have the lowest cost of beet sugar producers in the world. Yet they couldn't compete against dumped sugar at dump sugar prices. Should they have to compete in a global economy against dump sugar prices? The answer is no, of course not.

We ought to be willing to stand up for this country's producers. I am not at all embarrassed, and I will never be embarrassed, for standing up for the economic interests of America's producers, to say to them, you deserve an opportunity to have a fair return. That is what this program is all about. In my judgment, this amendment ought to be tabled by this Senate. I believe it will be tabled. I have a series of charts, but I think my colleague from North Dakota, Senator CONRAD, and Senator BREAUX and Senator CRAIG and others have used the charts. They show prices. They show what has happened to our producers—a devastating price collapse.

Let me make one other parenthetical point. It seems to me, if you are going to start dealing with farm issues, the last thing you would want to do is go to one part of the farm program that historically has worked pretty well. We have had some problems with it in recent months for a number of reasons. Historically, this program has been the one part of the farm program that has worked. It seems to me you would not go to that one and take that apart. Make the rest of them work as well. But I think it is interesting that the same people who are the Coalition for Sugar Reform, they have one common ingredient in the things they produce—grains, oilseed, dairy and sugar. In every circumstance, the return for these commodities to the people who produce them—the people who get up in the morning, do all the work, do the chores, spend the day in the field, harvest the crops, and take all the risks—in every circumstance, we have seen a substantial decline: Wheat, corn, soybean prices less than half what they were 4 years ago; milk prices a little more than half what they were a year ago; sugar prices down by a third.

That is not, in my judgment, what this Congress, what this Senate ought to be expecting to have happen for our producers. I hope we will decide today, by an overwhelming margin, to table this amendment.

Let me end as I began. I have great respect for the Senator from Arizona and others who may feel the way he does. I do not in any way suggest what he is doing is something he does not believe passionately about. But I believe very strongly this amendment ought to be tabled. This Congress ought to be about the business of strengthening the sugar program and making that sugar program work as it has worked for so many years, not taking it apart. This is not a circumstance where our farmers are competing in free trade. There is not free trade in sugar. It is not a circumstance where farmers are getting a subsidy. There is no subsidy paid to sugar producers. It is a circumstance where this is a program that deserves the support of the Senate this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, it is my understanding we have a unanimous consent agreement to hold a vote on or about the McCain amendment at 2 o'clock, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. With that in mind, Mr. President, I move to table the McCain amendment. I ask for the yeas and nays.

Mr. CONRAD. Will the Senator withhold? I would like to have another chance to speak.

The PRESIDING OFFICER. The vote is not to occur until 2 o'clock.

Mr. CRAIG. Can I not register that at this time, with the intent that it occur at 2 o'clock? That is my intent, not to shut off debate but simply to register a motion to table at this time.

I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DORGAN. Mr. President, does that allow debate to continue?

The PRESIDING OFFICER. It does.

Mr. CRAIG. It would allow debate to continue.

Mr. DORGAN. I was intending to offer the motion to table. I understood the Senator from North Dakota wished to speak. I think, if the Senator from Idaho is offering the motion to table, as long as there is debate time remaining, I support that.

Mr. CRAIG. There is time remaining for this or other amendments.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. ENZI. Mr. President, I rise today in opposition to the amendment introduced by the Senator from Arizona, Senator JOHN MCCAIN, to strike funding for the sugar program. I cannot stress enough how important this program is to the sugar beet growers in my state of Wyoming and agricultural communities throughout the nation.

The sugarbeet farmers in Wyoming are already facing hard times. Almost one sixth of the sugar acreage in my State was just ravaged by a hailstorm and some fields are facing a complete loss. Since last summer, there has been a 30 percent drop in sugar prices to approximately $0.19 per pound—a 22 year low. And this October, Mexico is scheduled to increase its sugar exports to the American market tenfold, to 250,000 metric tons. And now we are considering dropping the sugar program. This amendment simply kicks these farmers while they are down, taking away what little price stability there is in their business.

I would like to share with you a letter I just received from Wade Steiger, a sugar beet farmer in Frannie, Wyoming. Mr. Steiger writes "Dear Senator, I am currently in the sugar production business in the state of Wyoming and am wondering if I should remain in the business. What I need from you is your best assessment of the current mood in the body politic as to the direction of U.S. sugar policy * * * With the deck stacked against me like this, it would seem foolish to remain in the sugar business."

Frankly, I'm not sure what to tell him. I know what I would like to tell him. I would like to tell him that we in Congress are committed to making sure that he will be able to get a fair price for his product and that we understand the cyclical nature of his business and that there is a need for a progrma—a no-cost program—that offers a little stability to sugar prices. If this amendment passes, I will have to tell him otherwise.

The sugar program has operated at no cost to the federal government since 1996 and the sugar purchase is not an outright payment to producers. This program covers the cost of purchasing surplus sugar which the government can then turn around and sell at a later date to recoup what is sometimes a large part of the up-front cost. Moreover, the sugar industry has already more than covered the cost of these purchases, with over $279 million paid into the U.S. Treasury during the 1990's in a special sugar marketing tax.

Without this program, year-to-year supply changes caused by natural factors will lead to such price fluctuation that the profitability of sugar production would be too volatile for most farmers to stay in business. I believe that the government has a role to play in stabilizing commodity prices, especially when the program operates at no net cost to the taxpayers, as is the case with this program.

The U.S. produces beet sugar more efficiently and at a lower cost than any other country in the world, but currently these producers are at a disadvantage on the artificial world market. If every government around the world stayed out of the sugar production business, we wouldn't need a program to keep our farmers competitive. But the fact is that world sugar production is heavily subsidized, and it simply does not make sense for us to send U.S. jobs overseas by destroying our own sugar program.

I have the utmost faith in my farmers back in Wyoming, that in a truly free market they could grow sugar more efficiently and profitably than anyone else in the world. But because of subsidies paid to protect less efficient farmers in the European Union, Brazil and other countries, the world dump market prices have averaged only about half of the price it would be in the absence of subsidies.

The E.U. remains committed to pouring money into a sugar support program that holds its prices at approximately $.31 per pound.

Brazil's sugar production exploded in the past twenty years in the wake of its subsidy to produce ethanol from cane sugar. As Brazil has cut back its ethanol subsidy, the cane has been used to produce sugar and since the mid-1990's, it sugar production has doubled and its exports have tripled—all through its generous subsidies.

In their race to produce subsidized sugar, Brazilian farmers have also had the benefit of far lower labor and environmental standards than American sugar farmers. Brazil's cane industry turned valuable forest land into farmland and continues to employ tens of thousands of children in the dangerous work of cutting cane.

I believe the time has come to draw the line in this constant attack on rural America. This is not about farm welfare. This is not about protectionism. This is about giving our family farmers like Mr. Steiger a fair shake. I urge my colleagues to support a no-cost program that benefits these farmers and oppose this amendment.

I ask unanimous consent that Mr. Steiger's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WADE STEIGER,
Frannie, WY, July 3, 2000.

DEAR SENATOR: I am currently in the sugar production business in the state of Wyoming and am wondering if I should remain in the business. What I need from you is your best assessment of the current mood in the body politic as to the direction of U.S. sugar policy. As I read the current policy, the Mexicans will have free access to the U.S. market in the near future, and the Mexicans have just signed a NAFTA-like deal with the E.U. Under this arrangement the E.U. will have access to a U.S. taxpayer supported U.S. sugar market and would therefore effectively be getting a subsidy from both their own government as well as ours. With the deck stacked against me like this, it would seem foolish to remain in the sugar business.

My read on the political mood is that the sugar industry has been laid on the altar of free trade and, if politically expedient, will be sacrificed. I need to know if you or any of your colleagues intend to do anything to change the current situation before I decide whether or not to continue in this business. I understand that giving a straight answer to this question is politically risky, but I would appreciate an answer with a minimum of political "cover your ass". I am willing to take an answer in a non-recordable fashion, but I prefer that you take a clear stand on the issue.

Sincerely,

WADE STEIGER.

Mr. AKAKA. Mr. President, we are again debating the amendment by the Senator from Arizona. My colleagues may recall that this body rejected an identical amendment last year by a vote of 66–33.

As I mentioned on the floor last August, the sugar program remains a great bargain for the American consumer. It's also one of the least expensive food items you will find in an American kitchen. Sugar is probably the best bargain you can find at the grocery store today. American sugar farmers and the U.S. sugar program help make sugar affordable.

Consumers elsewhere around the globe do not enjoy the low prices we have in America. If you visit a grocery store in other industrialized nations you will get "sticker shock" when you pass the sugar display. Thanks to a farm program that assures stable supplies at reasonable prices, sugar is a remarkable value for American consumers. U.S. consumers pay an average of 17 cents less per pound of sugar than their counterparts in other industrialized nations. Low U.S. prices save consumers more than a billion dollars annually. That's why I say that the sugar program is a great deal for American consumers. Thanks to the sugar program, U.S. consumers enjoy a plentiful supply of sugar at bargain prices.

I urge my colleagues to reject this amendment. If Congress terminates the sugar program, not only will a dynamic part of the economy disappear from many rural areas, but consumers will also lose a reliable supply of high-quality, low-price sugar.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will go back to some of the things that were said here so the RECORD is crystal clear. When the Senator from Arizona says there are massive subsidies being paid to sugar producers, it is just wrong. That is not the way the sugar program works. There is not one nickel of payment made by the Federal Government to sugar producers—not one, not a penny. It is not a subsidy program here. That is not the way it works.

That is part of the problem we have. We have people who do not know the program—really do not know the economics of world agriculture, really know nothing about the sugar industry and the sugar program—out here trying to pass laws that would have draconian, dramatic effects. They really are ill-informed. I don't know a nicer way to say it.

When they say the world price of sugar is 8 cents, it is an absurdity. It costs 16 cents to 18 cents to produce sugar. How could the world price of sugar be 8 cents? It is not the world price of sugar, as has been said on the floor. The vast majority of sugar in the world sells under contract and those contract prices are not part of the calculation of what the Senator from Arizona calls the world price of sugar. That is excluded from those calculations. So when they talk about a world price of sugar, that is not the world price; it is a dump price. It is that sugar which is left over which is a small part of the world sugar supply that sells that was not part of a contract. It is not a world price. That is a misnomer. It is factually incorrect.

Now let's go to the underlying assumption. The underlying assumption is that somehow the rest of the world is engaged in free market economics with respect to agriculture production. False. That is not even close to being right. Our major competitors, the Europeans, are spending about $50 billion a year to support their producers—$50 billion. Here are the comparisons. This is from the Organization for Economic Cooperation and Development. They are the ones who are in charge of keeping score on the question of who supports their producers at what level. Here is the European Union, our major competitor. They are supporting their producers on average $324 an acre. Here we are: $34 an acre. They are outgunning us 10 to 1.

What the Senator from Arizona says to us is we ought to cut this some more. We ought to cut our level of support even further. Let's engage in total unilateral disarmament in this world battle over agriculture markets.

What sense does that make? We tried that in the last farm bill. In the last farm bill, we cut our support for producers on average from $10 billion to $5 billion. We cut it in half on the theory that was going to be a good example for the Europeans and they would similarly reduce their support.

What happened? They did not cut their support by a nickel. Instead, they stayed steady on course, buying up world market after world market. The USDA tells us they are going to surpass the United States in world market share for the first time in anyone's memory. That is where we are headed. We are headed for a circumstance in which America, which has dominated world agricultural trade, is headed for the No. 2 position. And the Europeans believe, as they have told me, we are so prosperous that we will not fight back and, in fact, we will give up these markets.

I say to the Senator from Arizona, he would never engage in unilateral disarmament in a military confrontation. Why is he insisting on it in an agricultural market confrontation? It makes no sense. Here we are, outgunned 10 to 1, and he wants to make it an even greater disparity; to say to our producers: We abandon you. We wave the white flag of surrender; we want the Europeans to take over these world agricultural markets that have long been ours.

We have to quit being naive on what is going on in world trade. It is not free market. It is not free trade. It is managed trade; it is managed markets; it is a heavily subsidized battle over world market share. That is what is going on. We can choose to give up and run to the sidelines and give in or we can fight back. I hope the United States decides to fight back. I hope we decide we are not going to abandon our producers and allow our major competitors, the Europeans, to dominate world agricultural trade. In the long term, that would be an economic disaster for this country and certainly for the tens of thousands of farmers all across America who are dependent on the wisdom of this body to recognize what is happening, and to stand by their side and be ready to fight because I can assure you, that is what the Europeans are doing. They are fighting for world market share.

As one of the top Europeans described to me: Senator, we believe we are in an agriculture trade war with the United States. We believe that at some point there will be a cease-fire in this trade war, and we believe that whoever occupies the high ground will be the winner.

The high ground is world market share. They have told me at some point they think there is going to be a cease-fire, and whoever occupies the high ground will be the winner, and the high ground is world market share. That is what this is all about. The Europeans are aggressively spending to gain world market share to be in a position of world dominance in agriculture, and that strategy and that plan is working.

If one looks at the trend lines over the last 20 years, one will find the Europeans have gone from being the major importing region in the world to the major exporting region today. They have done it in 20 years. They have done it by discipline. They have done it by a plan. They have done it by a strategy. They are counting on us not to be paying attention. They are counting on us to give up. They are counting on us to give in. They are counting on us to wave the white flag of surrender.

I pray this body does not go any further down this road of unilateral surrender in world agriculture because we have already given up too much. The Europeans support their producers $324 an acre. The United States supports its producers $34 an acre.

The Senator from Arizona said: Let's make this disparity even greater. That is a disaster. That is a disaster, and we have the chance to stop it by this vote at 2 o'clock. I hope we take the opportunity.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of

Senator WELLSTONE offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

AMENDMENT NO. 3922

Mr. WELLSTONE. Mr. President, I call up amendment No. 3922.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. HARKIN, Mr. DASCHLE, and Mr. FEINGOLD, proposes an amendment numbered 3922.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide increased funding for the Grain Inspection, Packers and Stockyards Administration for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examinations of the competitive structure of the poultry industry, civil rights activities, and information staff, with an offset)

On page 9, line 6, strike "$67,038,000" and insert "$63,088,000, of which not less than $12,195,000 shall be used for food assistance program studies and evaluations".

On page 23, line 21, strike "$27,269,000: *Provided*," and insert "$31,219,000: *Provided*, That not less than $3,950,000 shall be used for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examination of the competitive structure of the poultry industry, civil rights activities, and information staff: *Provided further*,".

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senators HARKIN, DASCHLE, and FEINGOLD be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, before proceeding, I say to the Senator from Nevada, the Democratic whip, if we have a vote at 2, I believe I can finish with my presentation on this amendment and I will be pleased to go to another amendment right after the vote if my colleague wants me to move this along.

Mr. REID. Mr. President, I say to my friend from Minnesota —Senator COCHRAN is not here—we have been alternating back and forth. We appreciate the cooperation.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I will do this amendment and if there is a Republican amendment next, I will then follow that next Republican amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise to offer this amendment, again, with Senators HARKIN, DASCHLE, and FEINGOLD, about competitive markets. I am hoping there will be a strong, if you will, free enterprise, pro-competition vote for this amendment, especially when it comes to looking out for the interests of our producers, in particular our Nation's livestock producers.

This amendment will fully fund the President's budget request for the Grain Inspection, Packers, and Stockyard Administration, called GIPSA, funding they need to look at market concentration.

What we see right now—and it is a disturbing trend in our economy and certainly a disturbing trend in the food industry—is an increasing concentration of power. We see inadequate price information both for producers and consumers. We see lack of competition. We see anticompetitive practices. Consequently, GIPSA has been asked to assume a more prominent role, as they should, in ensuring competitiveness—that is all this amendment is about—and fairness in the livestock industry. GIPSA is conducting a growing number of investigations on market concentration in agriculture, and they should be doing just this work. The point is, they should be adequately funded to do the job.

What this amendment does is ensure GIPSA has the resources to meet these additional responsibilities, and it increases funding for GIPSA—I say to Senators and staff, Democrats and Republicans, who are listening—by a total of $3.95 million to fund these essential programs. I am going to list these programs in a moment.

I recall a gathering I attended in Iowa. Senator HARKIN I believe was there. Senator GRASSLEY was there. At this gathering, we had one family farmer after another basically saying: Where is the Packers and Stockyard Administration? Why are they not involved in representing us? Where are they as we see more and more of these conglomerates taking over more and more of the market and we do not have the opportunity to compete? They should be doing their job.

What we heard in return from Mike Dunn was: We will do the job, but we need the resources.

That is what this amendment is about: making sure they have the resources to do the job they are supposed to do by virtue of the law of the land.

What will the amendment do? It will add $1.2 million for anticompetitive behavior investigations. This is to look at what is going on in the industry and aggressively pursue especially investigations into anticompetitive activity in the livestock industry.

There will be $1.3 million for rapid response teams. This will enhance GIPSA's effectiveness in addressing major investigative issues of immediate concern when it comes to anticompetitive practices or trade practice issues.

It will allow for $200,000 for the hog contract library. This will be used to comply with section 22 of the fiscal year 2000 Ag appropriations bill. This is the mandatory price reporting.

There will be $800,000 to examine the competitive structure of the poultry industry which will permit GIPSA to expand its activity in the poultry market to take a close look at characteristics of markets for poultry grower services.

There will be $100,000 for civil rights activities which will allow GIPSA to resolve its backlog of EEO complaints and to increase emphasis on proactive efforts to maintain EEO goals and objectives. All of us are familiar with the grievances and the just cause of many African American farmers in our country.

There will be $350,000 for information staff at GIPSA that will enable them to develop new educational programs which will be targeted to small and socially disadvantaged farmers and improve relations with producers.

This is a modest amendment. There should be strong support for this amendment. It is all about putting some free enterprise back into the free enterprise system. It is all about being on the side of our producers.

It simply says: Let's get the funding up to the administration's request. I think we should be doing much more than this, and I hope that by the end of this Congress—in fact, I do not hope, it absolutely has to happen—we will pass the Farmers and Ranchers Fair Competition Act which has been introduced by Senators DASCHLE and LEAHY, and a number of others of us who have worked on this as well. Really, what we ought to be talking about is some legislation that makes antitrust action a reality in this country. In the food industry we need it.

When I travel in the countryside—and I do quite often—the one issue on which farm organizations agree—they don't agree on many—the one issue that brings farmers and rural people together is that we need to have more competition. We need to have some antitrust action. These conglomerates have muscled their way to the dinner table, and they are forcing us out.

I do not know why we are so slow to take up this cause.

Let me give this amendment a little bit of context.

In the past decade and a half, we have seen an explosion of mergers and acquisitions and anticompetitive practices with record concentration in American agriculture.

The top four pork packers have increased their market share from 36 percent to 57 percent.

The top four beef packers have expanded their market share from 32 percent to 80 percent.

The top four flour millers have increased their market share from 40 percent to 62 percent.

The market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

Forty-nine percent of all chicken broilers are now slaughtered by the largest four firms.

The list goes on and on.

The four largest grain buyers control nearly 40 percent of the elevator facilities in the country.

The result of this is that you have had this surge of concentration. You have these conglomerates which have a tremendous amount of power, you have GIPSA which does not have the resources to do the job, and you have the Senate that has not passed a strong piece of legislation that calls for antitrust action. As a result of that, the farmers, everywhere they turn, don't get a fair shake. When they look to whom they buy from, it is a few large firms that dominate the market. When they look to whom they sell to, it is a few large firms that dominate the market.

Everybody in this Chamber knows that if you are at an auction, you are more likely to get a good price when there are a lot of bidders. I think all of us are for competition. We need to have more competition, but we need to have a level playing field for our producers.

I want to report on both the horizontal concentration, that was reflected in the statistics I mentioned, but also the ways in which we have the vertical integration.

Take the pork industry. Pork packers are buying up what is called captive supply—hogs that they own or have contracted under marketing agreements. If this trend continues, you are going to see grain, soybean production—it will be basically from the very beginning, from the very point level of production, all the way to the supermarket.

The problem with this kind of vertical concentration is it destroys competitive markets. Potential competitors often don't know the sale price for the goods at any point in the process. There is no price discovery—essentially no effective competition. If it continues at the current pace, we are going to basically have all the industry dominated this way.

Moreover, the vertical integration stacks the deck against the farmers.

In April 1999, there was a report from the Minnesota Land Stewardship Project that found: Packers' practice of acquiring captive supplies through contracts and direct ownership is reducing the number of opportunities for small- and medium-sized farmers to sell their hogs. With fewer buyers, and more captive supply, there is less competition for our independent producers.

I want to make sure we can at least get this additional $3.95 million to GIPSA so they can do the job of being there on the side of producers, so they can do the job of investigating potential or real anticompetitive practices.

It is a modest amendment, but it is hugely important to family farmers.

Leland Swensen, president of the National Farmers Union, recently testified—he is right—

> The increasing level of market concentration, with the resulting lack of competition in the marketplace, is one of the top concerns of [American] farmers and ranchers. At most farm and ranch meetings, market concentration ranks as either the first or second in priority of issues of concern. Farmers and ranchers believe that lack of competition is a key factor in the low commodity prices they are receiving.

Some of these big packers are raking in record profits while our livestock producers are facing extinction. The farm/retail spread, as every Senator from every agriculture State knows, is growing wider and wider and wider, between what our producers get paid for what they produce and what consumers pay. There is a whole lot of money and a whole lot of profit that is made in the middle. I do not mind that, but I would like to see the livestock producers and our other producers in our farm States get a fair shake.

If there is one thing farmers ask for more than anything else, it is a level playing field. If there is one thing they are worried about, it is this increasing concentration. We ought to be able to get this additional money to GIPSA.

The vote on this amendment is all about whether or not we are willing to be there on the side of these family farmers, whether we are on the side of making sure we deal with anticompetitive practices, and whether we take their concerns seriously.

One of the reasons I bring this amendment to the floor—yes, the administration asked for this additional $3.95 million. I remember the meeting in Iowa with Senator GRASSLEY and Senator HARKIN. And I remember Mike Dunn saying: Give us the money to do the job. That is true.

As I have said, these conglomerates have muscled their way to the dinner table, and they have pushed our producers out. We have too few firms that dominate too much of the market, and we do not have enough competition. That is what this is about. I have said that.

But I also want all Senators to understand that this amendment is also offered in the context of the record low prices and the record low income. To tell you the truth, the AMTA payments are the only reason some of our producers are able to continue, although those payments all too often amount to a subsidy in an inverse relationship to need, and farmers are still demanding a decent price.

But the whole issue of price, the whole issue of producers getting a fair price, is highly correlated to whether or not there is going to be some competition. It is highly correlated to whether or not we are going to take antitrust action seriously.

There is a reason we passed the Sherman Act in the late 1800s. There is a reason we passed the Clayton Act in the early 1900s. The reason is, to be there on the side of our producers.

This amendment is a small amendment. It is a modest amendment. But I think it puts Senators on record as to whether or not we are serious about antitrust action.

The health and the vitality of rural America, our communities—I say to the Presiding Officer, who knows quite a bit about agriculture, coming from the State of Illinois—is not based upon the number of acres of land that someone farms; it is not based upon the number of animals someone owns. The health and the vitality of rural America is based upon the number of family farmers who live in the community, because when family farmers live in a community, somebody is going to own the land; no question about it.

We will always have an agriculture industry. We are always going to have a food industry. What is a more precious commodity than food? It is more precious than oil. The question is, How many farmers are going to live in the community that supports the schools, that supports the churches, that supports the synagogues, that supports small businesses? The farm dollar, if you are talking about a family farm, multiplies in the community where people live, where they buy—a community they care about. When you move to these conglomerates basically being in control and absentee investment, absentee ownership, when they make a profit, they don't invest it back into the community.

John Crabtree of the Center for Rural Affairs sums it up this way:

> Replacing mid-size farms with big farms reduces middle-class entrepreneurial opportunities in farm communities, at best replacing them with wage labor.

He goes on to say:

> A system of economically viable, owner-operated family farms contributed more to communities than systems characterized by inequality and large numbers of farm laborers with below-average incomes and little ownership or control of productive assets.

Can't we get at least a little additional funding to GIPSA so they can do the job, so they can be there on the side of our producers, so they can investigate whether or not we have monopoly practices, so they can investigate whether or not family farmers are getting a decent price, so they can investigate whether or not we have a few packers who are in collusion, who are involved in anticompetitive practices? I think we can.

To provide a little more context, we are living in a time of merger mania. Joel Klein, who is doing a great job, head of the Justice Department's antitrust division, has pointed out that the value of last year's mergers equaled the combined value of all mergers from 1990 to 1996.

I heard Senator McCAIN make part of his argument. I am not sure I agreed with all of his argument, but one of the things Senator McCAIN focuses on, which is fair enough, is the whole issue of money and politics. I would argue that here we have a perfect example. Pick your industry. In agriculture, I am talking about the way in which these conglomerates have controlled the market. How about the airline industry? In my State of Minnesota, we are reading every other day that Northwest might merge with American Airlines. We have already heard about U.S. Air and United. We only have about six airlines now. We might get down to three megacompanies. The question is, What is the impact on consumers and what is the impact on the employees? What is the impact on the State?

I could talk about banking. I could talk about energy. I could talk about health insurance. I could talk about any number of sectors of the economy. I could talk about telecommunications. Look at what has happened since we passed that bill. Where is the protection for consumers? And with all due respect, when we talk about a key issue, the flow of information in a democracy, we don't want to have a few media conglomerates controlling almost all of the flow of information in a democracy.

I am speaking about the food industry, this very modest amendment. We make policy choices. We paved the way for family farming with the Homestead Act. It was a good thing to do. We enacted parity legislation which was all about better prices, fair prices for family farmers in the 1940s. It was a good thing to do. Then we cut loan rates in the 1950s and 1960s. We passed the "freedom to fail" bill—I call it the "freedom to fail" bill—a few short years ago. It dramatically reduced prices farmers got in the marketplace. I don't think it was a very wise thing to do. Above and beyond all of that, today, what I am saying is, let's at least vote for this modest amendment.

Going back to Lee Swenson's testimony, of the National Farmers Union:

> The remaining firms are increasing market share and political power to the point of controlling the governments that once regulated the firms. Some of the biggest corporations have gotten tax breaks or other government incentives. . . . Corporate interests have also called on the government to weaken environmental standards and immigrant labor protections in order to allow them to reduce production costs.

The bigger these agribusinesses get, the more influence they have over our policy choices. The bigger they get, the more money they can spend on political campaigns. The bigger they get, the more lobbyists they can hire. The bigger they get, the more likely they are to be named special U.S. trade representatives, as is the case with the CEO of Monsanto. The bigger they get, the more likely public officials will be to confuse their interests with the public interest, even if they don't already do that. And the bigger they get, the more weight they will pull in the media. It is a vicious cycle. These conglomerates have entirely too much political power. Their overwhelming size makes it too easy for them to dictate policies and to get even bigger.

There is something we can do in the short term. That is what this amendment is about. We can provide GIPSA with adequate funding to conduct on-the-ground investigations of market concentration.

This is a modest amendment. We ought to have 100 votes for this amendment. Over the longer term, we ought to do more. We ought to focus on how we can enhance the bargaining power of our producers. We ought to figure out how we can be there on the side of producers, on the side of farmers, on the side of ranchers, on the side of rural America, and on the side of consumers. I look forward to bringing a significant piece of antitrust legislation that Senator DASCHLE has introduced to the floor of the Senate and having a major debate about what kind of antitrust action makes sense.

Referring to the minimum wage, in many ways that is what family farmers are saying, too. We have families in the country who are saying: We want to be able to make enough of a wage that we can support our families. We have family farmers who are saying: We want to be able to get at least a decent price so that we can afford to support our families.

We should be sensitive to that concern. We should do no less than to at least pass this very modest amendment. This amendment would increase the fund for GIPSA by $3.95 billion to fund essential programs. The offset comes out of ERS.

I think this vote is a vote that is critically important in farm country. It is also a critically important vote for Senators who are on the side of consumers. I hope we will have strong support for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, to my understanding, the Senator from Mississippi, the manager of the bill, wishes to make a motion to table. If that is the case, I would like to enter into a unanimous consent request that the vote occur following the vote on the motion to table on the sugar amendment.

Mr. COCHRAN. Mr. President, if the Senator will yield, it was my intention to move to table the Wellstone amendment, but I understand there may be other Senators who want to speak on that amendment. I do not want to cut off anybody. I do not intend to move to table at this time.

Mr. WELLSTONE. I thank my colleague for his courtesy.

Mr. COCHRAN. Mr. President, I am hopeful that the Senate will seriously consider the proposal the Senator from Minnesota made. Senator WELLSTONE offered an amendment to actually cut the Economic Research Service funding provided in this bill and add the money to the Grain Inspection, Packers, and Stockyards Administration for some investigations. He lists the investigations that ought to be undertaken, which would be funded by this additional money. The fact is, any amount of money could be spent investigating these subjects. He lists these: investigations of anticompetitive behavior; rapid response teams; the hog contract library; examinations of the competitive structure of the poultry industry, civil rights activities, and informational staff.

What I am saying is that I would hate for the Senate to be put into a position of having to analyze this and trying to figure out if we have enough money for the Grain Inspection, Packers, and Stockyards Administration and all of the responsibilities they have. We have tried to go through the President's budget request, analyze it carefully, and then present to the Senate an allocation of limited funds, and suggest that this is appropriate for the Senate to pass. We think the Economic Research Service, to be cut as proposed by Senator WELLSTONE, would be put in a difficult position of trying to provide accurate, reliable information that is helpful to farmers who are in the business of producing crops and commodities, who make their living at this, and who depend upon the Government agency that will be cut by this amendment. We think the funds are needed. We have checked with that agency to see what the impact of this offset would be on them, and they—maybe predictably—suggest that it would work a real hardship.

We have had a difficult time making available funds for some of these agencies to accommodate pay increases, staffing requirements, and all of the other items of expense in the operation of the Department of Agriculture that would support important economic activities in our country. And so rather than try to figure out what to try to do with this amendment and how to resolve it, I really think the best thing to do is to move to table it and ask the Senate to support the committee's judgment.

I have a lot of regard for the Senator from Minnesota and his enthusiasm for these subjects. I sympathize with his concerns. He has made a good speech. He has made a persuasive appeal to the Senate. In spite of that, I really think we need to stick with the committee's judgment on this. This bill has been developed on a bipartisan basis, with the full participation of Senators on the Democratic side. We have listened to suggestions from all Senators on both sides. So my hope is that the Senate will trust the committee. That is what the committee structure is about when it comes to questions such as this. There is no way for each individual Senator to look at this amendment and figure out all the practical consequences of it, consider the offset suggested, and then make a decision.

Do you support the amendment offered by the Senator from Minnesota or do you support the committee? That is the issue. I hope the Senate will support the committee's judgment on this issue.

I know now, after inquiry, that there are no other Senators who have asked to speak on this amendment. I move to table the Wellstone amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the vote on the Wellstone amendment occur immediately following the vote on the motion to table the McCain amendment, which is going to take place at 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that no second-degree amendments be in order to the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3917

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I know we are getting ready to vote in a few minutes. I wanted to thank my distinguished colleagues from Mississippi and Iowa for managing an important appropriations bill. It is so important to my State of Louisiana and to many States and communities in this Nation.

I want to take 2 minutes, though, to address the sugar issue that was earlier debated on the floor and to submit some things for the RECORD. I listened to the debate this morning, and I know the sugar program, every year, seems to conjure up all sorts of images that the opponents of this cost-effective program try to use: "It is a sweet deal." "It is a candy-coated program." "It leaves a sour taste in people's mouths." Don't let these quick sound bites fool you. All the sugar farmers and sugar beet farmers and producers in Louisiana and other communities who support these farmers and producers want is fairness.

Mr. President, there is nothing sweet about fatigue. That is what many of our farmers in this Nation are experiencing this year—fatigue. They are tired. They are stressed. Prices are low. There is drought in many areas of our Nation. Farmers have been through a tough time, and sugar farmers are no exception.

This is a program that works. This is a program to which the taxpayers provide very little money. This is a loan program. Actually, as has been said in the RECORD over and over again, the sugar policy that we now have supported overwhelmingly—good support year after year—doesn't cost the Government anything. It has been a revenue raiser of nearly $300 million during the decade of the nineties. All of the 300 to 400 sugar farmers in Louisiana, their suppliers, and the communities that support them want is fairness. They would be shocked to know that the program that we understand as a loan program is termed by some as a "giveaway" program because they believe they are giving back. They believe they are paying taxes, and they are. They believe they are supporting communities in Louisiana and others around the Nation. It is not just Louisiana; it is Florida, Texas, California, Wyoming, and Montana, as I can see and share from the map in front of me.

This is an important industry in our Nation, and I think the underlying amendment would be devastating, obviously, to eliminate this program at a time when there is such a great need and at a time when it is actually a revenue raiser.

Let me also make a point that the opponents of the sugar program argue that we are trying to kill all imports. Nothing could be further from the truth. Nearly 20 percent of all of our sugar needs are met from imports from 40 different nations. This program works. It is a loan program. It is an issue of fairness. It is a time of difficulty. It is not time to eliminate this program now.

I urge my colleagues on both sides of the aisle to vote against the underlying amendment that would eliminate this program, which has been helpful not only to Louisiana but to many States and many communities around the Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the McCain amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "aye."

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?-

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The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—65

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Bryan
Burns
Campbell
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Graham
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McConnell
Moynihan
Murkowski
Murray
Reid
Robb
Roberts
Sessions
Shelby
Smith (OR)
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—32

Biden
Brownback
Byrd
Chafee, L.
Collins
DeWine
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Gregg
Hutchinson
Kennedy
Kerry
Kohl
Kyl
Lugar
McCain
Mikulski
Nickles
Reed
Roth
Santorum
Sarbanes
Schumer
Smith (NH)
Snowe
Specter
Thompson
Voinovich

NOT VOTING—2

Bunning
Rockefeller

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3922

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3922. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—51

Allard
Bennett
Biden
Breaux
Brownback
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kohl
Kyl
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bingaman
Bond
Boxer
Bryan

Burns
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (OR)
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—1

Bunning

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the motion to table was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROCKEFELLER. Mr. President, could I just offer a unanimous consent request?

Mr. HATCH. Mr. President, I yield without losing my right to the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

EXPLANATION FOR NOT VOTING

Mr. ROCKEFELLER. Mr. President, on rollcall vote No. 219 I was unavoidably detained and missed the vote. Had I been present, I would have voted for the motion to table the McCain amendment. I ask unanimous consent that I be so recorded.

The PRESIDING OFFICER. The RECORD will reflect the Senator's decision.

The Senator from Utah.

Mr. HATCH. Mr. President, Senator DURBIN and I wanted to take this opportunity to urge support for our amendment which is intended to speed up generic drug reviews at the Food and Drug Administration. We are pleased to announce that the Hatch-Durbin amendment is cosponsored by Senators DEWINE, LEAHY, WYDEN, FEINSTEIN, GRAHAM of Florida and VOINOVICH.

Specifically, our amendment increases funding for FDA's Center for Drug Evaluation and Review by $2.0 million over the Committee-recommended amount.

We intend these funds to be used to provide much-needed additional resources, that is, appropriately-equipped staff, to the Office of Generic Drugs. This will help them reduce review times for generic alternatives to brand-name pharmaceuticals, a considerable benefit to the consumer.

One way they can do this is by establishing an additional chemistry division which will allow OGD to increase its efficiency thus permitting applications for new generic drugs to be considered and approved much more rapidly, giving patients access to these products much more quickly.

Mr. President, when I travel throughout my home state of Utah, I am besieged by constituents who raise very valid complaints about the need to improve drug coverage for the elderly and others who cannot afford needed medicines. I am very sympathetic to those concerns, and have made this a high legislative priority.

But while we are in the midst of devising a program to improve Medicare coverage of pharmaceuticals, it is important to remember that generic drugs offer a less-costly, safe alternative to brand-name medicines for seniors and others who cannot always afford prescription drugs.

Our amendment will help offer those who are struggling to make ends meet a viable alternative. It will help get less expensive and more affordable prescription drugs on the market more quickly so that seniors will have additional choice when it comes to purchasing their medications.

None of us wants these vulnerable citizens to be faced with the Hobson's choice of whether to purchase food or needed medications. The American public, especially our seniors, can only benefit from having more generic drug products available to them.

The problem we face is that the level of FDA resources devoted toward the review and approval of generic drugs can be termed "modest" at best.

The Office of Generic Drugs is currently funded at $37.8 million and was flat-lined in the Administration's FY 2001 budget request.

In contrast to this relatively modest sum available for generic drug review, I would point out that the overall budget for human drug review at the FDA Center for Drug Evaluation and Research is $308 million. This represents a total of 2,554 full time equivalents.

So the amount devoted to generic drug barely exceeds 10 per cent of the human drug review budget.

Hiring additional professional review personnel, together with the necessary computer equipment, at OGD would cost about $100,000 per reviewer. So our amendment will translate into about 20 additional staff members and the computer equipment they need which would certainly be adequate to fund a new chemistry division.

The FDA generic drug program currently utilizes about 370 staff members. This amendment, coupled with the $1.2 million, already in the Senate bill will give the generic drug unit at FDA a needed shot in the arm.

As a principal author of the Drug Price Competition and Patent Term Restoration Act of 1984, I have long been interested in how we can provide better access to pharmaceuticals, which can do so much to improve the health of the American public. Our nation needs both innovative new drugs and affordable generic drugs.

I am particularly pleased that today about 40 percent of all U.S. prescriptions are written for generic products—most of which were made available for generic competition under the 1984 law.

These generic drugs save consumers about $8 billion to $10 billion each year. And that's according to a CBO estimate based on 1994 data, so it seems reasonable to project that today's savings must be even higher than the old $8 billion to $10 billion annual savings estimate.

Many of us have been pleased to learn that, since 1994, generic drug approval times have generally decreased: the median approval time was 26.9 months in 1994; 27.0 months in 1995; 23 months in 1996; 19.3 months in 1997; and, 18 months in 1998.

Unfortunately, this five year downward trend was reversed in 1999. The approval time rose to 18.6 months. This was in a year when the number of products approved actually fell from 225 drugs to 186 drugs. So the time per completed review grew for the first time in 5 years and it is now growing at a time when many important drug products will be coming off patent.

We cannot afford to let this continue.

The data on the monthly averages rending applications are also troublesome. Under the law, FDA has 180 days to act on a generic drug application.

Let's look at what is happening with the number of generic drug applications that are overdue—that is at FDA for more than 6 months. In 1995 the monthly average of backlogged generic drug applications was 46 applications.

This number increased to 59 in 1996.

It jumped to 109 in 1997.

In 1998, it rose to 127 overdue applications.

And last year, the average monthly number of overdue generic applications rose again to 147 overdue applications.

So the number of overdue generic drug applications has grown by more than 300 percent since 1995.

Clearly, this trend needs to be reversed.

It seems obvious to me that we want FDA to have sufficient resources to efficiently evaluate generic drug applications. The funds the Hatch-Durbin amendment provides would be sufficient to fund about 20 full-time equivalents (or "FTEs") in the Office of Generic Drugs.

Given the fact that so many important medications are about to lose their patent status, it is imperative that FDA has the necessary skilled personnel and computer equipment to do the job of assuring the American public that generic drug products come on the market as soon as possible.

We need to make sure that FDA's Office of Generic Drugs has sufficient resources to conduct timely reviews of generic drug applications. That's what this amendment accomplishes, and that is why Senator DURBIN and I have joined together in a bi-partisan manner to work to see that the promise of more affordable generic drug products reach the American public.

Mr. President, this is an important amendment. I am pleased that the managers are willing to put it into the bill. I think it is something that will benefit everybody in this country. Hopefully, we can resolve some of these conflicts with regard to generic drugs and help bring the price of drugs down, as the Hatch-Waxman bill has done for the last 16 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join my colleague, the Senator from Utah, Mr. HATCH, in offering this amendment for consideration by the Senate.

This is an amendment which will provide $2 million more for the processing of approvals of generic drugs.

We are all familiar with the issue of prescription drug prices. We certainly understand that Congress should do as much as possible to help reduce the high cost of these prescription drugs, particularly for the elderly and disabled.

One of the things we are doing with this bipartisan amendment is providing more money to the Food and Drug Administration for generic drug approvals. The high prices of drugs can be significantly reduced by putting more generic drugs on the market. Generic drugs typically enter the market 25 to 30 percent below the cost of brand name drugs and within 2 years are 60 to 70 percent cheaper than brand name drugs. Increasing the development of safe and effective generic drugs, is good for American consumers.

Key to increasing access to such drugs, is making sure that the approval process is as efficient as possible. This chart illustrates the number of applications pending more than 180 days before the Food and Drug Administration for generic drugs. As we can see, the numbers have continued to increase. This is because the numbers that the Food and Drug Administration is being asked to approve has increased over the past few years.

In fact, the median approval time for generics has steadily decreased from 19.6 months in 1997 to a little over 18 months in 1998 and 17.3 months in 1999. But under the present budget, according to the Food and Drug Administration, they are estimated to go up again in 2000 and 2001, and we are going to see a slowdown in the approval of generics.

Senator HATCH and I have offered this amendment to provide $2 million to the Office of Generic Drugs. It is on top of the increase which the bill already puts in place of $1.2 million. This money will allow them to hire the professional people to approve the drugs, to put the computers and technology in place so that they can move forward with new ways to assess the drugs on a more timely basis, and to make certain that these drugs are available for American consumers as quickly as possible.

Very soon some of the blockbuster patent drugs are going to come off patent. Let me give some examples: Mevacor for high cholesterol, Vasotec and Zestril for high blood pressure, Glucophage for diabetics, Accutane for cystic acne, Lovenox to prevent blood clotting and Prilosec for those with stomach acid, heartburn or ulcers. These brand name drugs have sales of billions of dollars. Prilosec alone has sales of over $2.8 billion annually. Together, these drugs represented over $8 billion in sales in 1997. This year, their sales are certainly far more than this.

If we want to make certain these drugs move from brand name to generic so consumers across America can afford them, then the investment in the Food and Drug Administration which Senator HATCH and I propose is money well spent. I am happy to join Senator HATCH in this effort. I hope the Senate will approve this amendment and make it part of this appropriation bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, may I ask exactly how we are proceeding here?

Mr. REID. Mr. President, I think what the manager of the bill wanted to do was to have the Harkin amendment disposed of at this stage.

Mr. COCHRAN. Mr. President, if the Senator will yield, the pending business is the Cochran amendment to the Harkin amendment. It would be helpful, just as a coherent way of proceeding with the bill, if we would proceed in regular order.

Mr. REID. Senator HARKIN is here.

Mr. COCHRAN. It is my hope we could proceed to dispose of that amendment.

Mr. REID. Momentarily, we should.

Mr. COCHRAN. As I suggested earlier, if the Senator will yield further, it would suit me if we adopted both the Cochran amendment and the Harkin amendment on a voice vote to try to resolve the issue in conference with the House. I made that suggestion earlier.

Mr. REID. I suggested that to Senator HARKIN and when I spoke to him earlier today, he was not willing to do that.

Mr. WELLSTONE. Mr. President, I ask both Senators, the Senator from Mississippi or the Senator from Nevada, after we make a decision as to how we will proceed with the Harkin amendment and the Cochran amendment, am I in order next or do we go to an amendment on the other side? Just so I know whether I should need to be here. I am trying to move things forward.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate that spirit of cooperation very much. I hope we can move on and complete action on the bill sometime this afternoon. To do that, we are going to have to act on the amendments we have that are going to be offered. It doesn't matter, in my view, who goes next. I don't really care. I am anxious that we proceed and move along and make good progress on the bill. Some Senators have already indicated that the list of amendments we have in order to be offered to the bill will not all be offered. That is good news. We have had some Senators suggest that they are willing to forgo offering their amendments.

Mr. REID. Mr. President, if I may reclaim the floor, the two leaders have instructed the managers of the bill, as I understand it, that they want to finish this bill today. Is that the manager's understanding?

Mr. COCHRAN. It is.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that as soon as we make a decision on the Harkin amendment, I be allowed to offer an amendment.

Mr. REID. I think there is already a unanimous consent agreement that following the amendment by the majority, the Senator from Minnesota will be next in line.

Mr. WELLSTONE. I thank the Senator.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3938

Mr. HARKIN. Mr. President, parliamentary inquiry. What is the regular order right now?

The PRESIDING OFFICER. The pending question is on the Cochran amendment.

Mr. HARKIN. Thank you.

Mr. President, let's go back to where we were a few hours ago when I first offered an amendment this morning. That amendment would state clearly that the Department of Agriculture—the Secretary of Agriculture—had the authority to set standards for pathogen reduction in meat and poultry inspection. Again, the amendment was carefully drafted not to set the standard. That should not be our business.

The reason for the amendment was precipitated by a court case in Texas in May in which a Federal district court judge found that the Department of Agriculture—the Secretary of Agriculture—lacked the statutory authority to set and enforce pathogen reductions in meat and poultry inspection.

When the Department established its new inspection rules in 1996, the USDA adopted a new food safety system based on hazard analysis, critical control points, and pathogen reduction standards, otherwise known now as HACCP. The system was designed to protect human health by reducing the levels of bacteria contamination in meat and poultry products. It has been in existence now for 4 years.

What then happened was we had this plant in Texas, Supreme Beef. Three times they were warned by the inspectors that they were not meeting the salmonella reduction standards. Three times they failed. It is not that they weren't warned adequately; they were. On the third time when they failed it, the USDA did the only thing they could do under the authority they have, and that was to withdraw inspection from the plant, and, in effect, by withdrawing inspection from the plant, the plant had to shut down.

The plant hired attorneys and took the case to district court and got an injunction. They got an injunction against the USDA so that they could keep operating, and they did. Then the judge decided, after a hearing, that the USDA lacked the legislative and statutory authority to both implement the rule and to enforce it. That is why we are here today with this amendment.

We have worked long and hard on this. This is not something new. During the 1980s and 1990s, both the House and the Senate Agriculture Committees had numerous hearings. The Department of Agriculture, under both Republican and Democratic Presidents, had numerous field hearings and rulemaking procedures. They eventually came up with this new program that blended the old inspection program with new flexibility for industry and new standards for pathogen reduction.

Why was this necessary? Because we have bigger plants now, faster assembly lines, meat and poultry go through the system faster; and we also found increases, according to the Centers for Disease Control, in a number of foodborne illnesses that we had not seen before in our country. So we wanted to have a system whereby we could assure consumers of the highest level of confidence that once that meat left the slaughterhouse, once it left the processor, it would be as safe as possible.

Here again are CDC's statistics on foodborne illness. I had this chart this morning. It indicates that there are 76 million illnesses every year because of foodborne pathogens, 325,000 hospitalizations, and 5,000 deaths.

Now, since we established the rule in 1996, salmonella rates in ground beef have dropped 43 percent for small plants and 23 percent for large plants.

Since these performance standards were issued in 1996, we have had this big drop in salmonella in ground beef. The standard is working. But now a district court has said USDA lacks the statutory authority to enforce that standard. That was why I offered my amendment this morning. Not to set a standard but only to say USDA has the statutory authority to enforce a standard once it has been set. Adoption of my amendment doesn't mean that a packing plant or a processing plant couldn't still go to court and say: Your rule is arbitrary or it is onerous or it is inapplicable. But we never got to that in the Supreme Beef case. The Court just said they lacked the authority to set the rule.

So they have thrown overboard years and years of work by the Senate Committee on Agriculture, the House Committee on Agriculture, and the Department of Agriculture under both Republicans and Democrats, and Republican and Democratic Secretaries of Agriculture to make progress in improving food safety.

This morning, I tried to give statutory authority to the Secretary of Agriculture because without authority to enforce food safety standards, consumers are left exposed in this country. All we are trying to do is give them that authority.

There was a motion to table the amendment made by the Senator from Mississippi. The motion to table lost on a tie vote. The Senator from Mississippi then put a second-degree amendment on my amendment. We were taking a look at it trying to figure out exactly what it did. It only changes a few words in my amendment. My amendment says at the end, standards "established by the Secretary"—not our standard but standards set by the Secretary. The amendment by the Senator from Mississippi strikes that "established by the Secretary" and says "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods." The key part of his amendment is "and that are shown to be adulterated."

What do those words mean?

First of all, when they say "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods," the committee was were there when they first came up with the standards. They had input on the standards when they were established in 1996. There may be debate about the extent of consultation, but they were consulted. But the key words of the amendment by the Senator from Mississippi are these: "that are shown to be adulterated."

What does that mean? If the amendment of the Senator from Mississippi is adopted, it will mean that the Department of Agriculture will have to go all the way back and again go through rulemaking to develop new performance standards. We, under the amendment of the Senator from Mississippi, are codifying a standard.

The Senator from Mississippi, this morning, was saying the amendment that I offered was codifying the standard. I challenged him to show where that was so. It is not so. We do not codify a standard. Yet the amendment of the Senator from Mississippi codifies a standard. What is that standard shown to be? Adulteration; that is the standard.

What does that mean? It means that USDA now can't just go into a plant and test for pathogen reduction and for salmonella and say they are not meeting the standard on salmonella—that they are failing to reduce pathogens. They now have to show that the meat is adulterated. That is what we have been doing for 70 years. A USDA inspector in a plant has had that authority for all of my lifetime, and for all of the lifetime of the Presiding Officer. They have the authority to go into a plant and withdraw inspection on the basis of adulteration. That is the old standard.

The Senator from Mississippi would turn the clock back to where we were before 1996. No longer will we be able to say to parents: Your kids can have school lunches and not worry about pathogens because we have a pathogen reduction standard that is being enforced. No, we will have a gaping hole there because USDA will now have to show that the food is adulterated. It will have to show that the plant is unsanitary. That is what we tried to get beyond in 1996.

The key part of the amendment by the Senator from Mississippi is that it codifies the adulteration standard as the essential element of pathogen reduction standards. Yet the Senator from Mississippi went after this Senator, just this morning, claiming that I was trying to codify a standard, which I wasn't. The judge in the Supreme Beef case said that for the USDA to take action, it had to show adulteration. That was the key part of the case. The judge said under the statutory law that exists, the only way the USDA can shut down an inspection line is if they show that it is adulterated—not that they didn't meet a salmonella reduction standard, not that they had pathogens in their food. They have to show that it is adulterated, that there are unsanitary conditions in the plant.

Based on that holding, the judge said the USDA lacked the authority to enforce the existing salmonella standards. This amendment takes the holding in the Supreme Beef case, and makes it the law of the land. It makes the standard "adulteration". This amendment would make it the law of the land—not just in Texas but all over the country. Why would we want to do that? If we have to go back to "promulgate with the advice," we will be another 2, 3, or 4 years waiting for pathogen reduction standards.

What do we tell our consumers in the meantime? There is no standard. We go right back to where we were before. What do we tell the 325,000 Americans hospitalized every year because of foodborne illnesses? What do we tell the parents of kids eating school lunches? This amendment by the Senator from Mississippi would throw all of our meat inspection into a huge morass. It would basically say we are back now where we were 30 years—poke and sniff and have to prove that it is adulterated, or have to prove it is unsanitary.

What does that mean? Salmonella can enter meat, for example, anywhere. It can enter it in the livestock yards, slaughterhouses, transportation, processing facilities. The point is not to lay blame on anyone. It is not to have the processor say: Our plant is clean, it is sanitary, and if there is salmonella there, we are not to blame, go blame somebody else.

I don't care who is to blame. I want to stop it. We want to stop it. We want to make sure that there is a system in place so that if there are pathogens in meat and poultry, we find out where they are coming from and stop them. That is what HACCP is all about. But under the amendment by the Senator from Mississippi, USDA could go right back to Supreme Beef, and they could say: Guess what. You are not meeting the salmonella pathogen reduction standard we set, you have failed too many tests. Supreme Beef could say: We don't care what you think because you don't have the authority to do anything about it. Is that the kind of message we want to send to our consumers?

I don't have any letters in my office, but someone told me there are some papers circulating that the American Meat Institute is opposed to my amendment and supporting the amendment by the Senator from Mississippi. I have worked many years for the American Meat Institute. I have a high regard for them. I have a lot of livestock production in my home State. I have slaughtering facilities and processing facilities in my home State. If it is true the American Meat Institute is taking the position that the USDA can only have a pathogen reduction standard based on adulteration, they are doing a disservice to my livestock providers, they are doing a disservice to my packers, and they are doing a disservice to my processors.

Why? Because the word will be out on the street, and it will be in every consumer report. It will be in every newsletter that goes out that you can't trust the meat and poultry products that are coming from our processors and our packers because we no longer have a pathogen reduction standard.

Let me be very clear. If the Cochran amendment is adopted, new rulemaking will be mandatory. It will take at least 2 or 3 years to set the rules because they will have to have hearings and public comment. They went through all that less than 6 years ago. The Cochran amendment means they have to go through it again.

What happens during the next 2 to 3 years while the rulemaking is in effect? There will be no standards in effect, no pathogen reduction standards in effect. I hope Senators who are here, who are listening in their offices, and staffs who are listening, understand this. The Cochran amendment will necessitate new rulemaking. It will take a long time, and during that period of time, there will be no pathogen reduction standards enforceable by the USDA.

If the Senator wanted to amend his amendment and just say that would be issued "with the advice of the National Advisory Committee on Microbiological Criteria for Foods, period," that would be acceptable.

Mr. COCHRAN. Will the Senator yield?

Mr. HARKIN. I am happy to yield to the Senator.

AMENDMENT NO. 3955, AS MODIFIED

Mr. COCHRAN. I ask unanimous consent that my amendment to the Harkin amendment be modified as suggested by the Senator; that the last phrase be stricken—"and that are shown to be a adulterated"—so the amendment to the amendment reads:

> Strike "established by the Secretary" and insert in lieu thereof: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment, as modified, is as follows:

> On page 2 of the amendment: Strike "established by the Secretary" and insert in lieu thereof: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

Mr. HARKIN. Mr. President, I ask the Senator from Mississippi if I can engage in a colloquy.

The Senator's amendment now reads "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

Mr. COCHRAN. That is correct. I have modified my amendment according to what the Senator has just said would be accepted. I assume the Senator will accept the amendment and we can adopt it.

Mr. HARKIN. I think we may have an agreement.

If I could ask the Senator from Mississippi, is it the Senator's intention to leave the existing standards in effect during the period of time that the committee would make recommendations?

My problem is "promulgated." I had two issues with the Senator's language. One, my problem with "adulterated", has been taken care of; the other, what does "promulgated," mean remains. If USDA promulgates new standards and in the meantime can't enforce the existing standards, we are going to have a 2- or 3-year period of time where we have no enforceable pathogen reduction standards.

I ask the Senator, Is it your intention that during this period of time we would leave the existing standards in effect?

Mr. COCHRAN. Mr. President, if my amendment is accepted by the Senator, my amendment would amend your amendment only in one respect; that is, on page 2 of the amendment we would strike the words "established by the Secretary" and insert the language that I quoted: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

That is the only respect in which my amendment would modify or change the amendment of the Senator from Iowa. In all other respects, the Senator's amendment remains as he offered it.

Mr. HARKIN. Again, I understand that. But I am concerned about the words "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods." I don't mind that. They were involved with the standards established in 1996.

If it is the Senator's intention that the Department of Agriculture should go ahead, go back and take a look at whether or not they should revise those rules and those standards, I don't have any problem with that. That is what rulemaking is all about.

I am worried that we will have a gap of time where we will have no enforceable standards. That is why I want to make sure that at least during the period of time when they may be revising those standards the existing standards remain enforceable.

My concern, again, is if someone were to raise a question about the extent at which the existing standard was set with the advice of the committee, I want to make sure that would not bar enforcement. If we had a colloquy to clear that up, that standards would stay in place pending any changes in rulemaking, that would be fine.

I ask if that is the Senator's intention.

Mr. COCHRAN. Mr. President, if the Senator will yield again, I think my amendment speaks for itself. If it is unclear, then the legislative history and trying to determine the intent of Congress in the use of the words is relevant. If the language is clear on its face and the meaning is clear on its face, then legislative history and intent and our conversation is never considered by a court.

My view is that this is about as clear as we can say anything. That is, that any regulations promulgated under the authority of this act to which the Senator's amendment applies must be done with the advice of the National Advisory Committee on Microbiological Criteria for Foods. That is all my amendment seeks to do. That is all that is intended by my amendment. There is no intent to speak on any other subject, to affect the decisions of the Department of Agriculture in promulgating standards, promulgating regulations. My amendment is limited strictly to seeking the advice in the process of promulgating standards of the National Advisory Committee on Microbiological Criteria for Foods. I don't know how I can say it, how it can be said any clearer than the language of the amendment says it. So the Senator can ask me whether I intend anything else and I can assure him I don't intend anything else, other than the clear and precise meaning of the words that are used in the amendment.

Mr. HARKIN. As the Senator and I were talking earlier, lawyers can argue about words and what they mean. Still, the words that are used in the Senator's amendment seem to indicate to me we have to go through rulemaking. Again, I am concerned, if that is how it is interpreted, then we are going to have a period of time that we may not have any enforceable standards. That is what I want to clarify.

That is why I wanted to engage in the colloquy. I do not believe it is clear, on its face, exactly what it means.

If it means that the standards we have now were promulgated with sufficient advice that we would not need new rulemaking, then that is okay. That is why we need some legislative history on this. That is why I was trying to engage in a colloquy.

I ask the Senator from Mississippi: Does his language mean USDA will have to go through rulemaking again? Does this leave a gap in the standards? That is all I am trying to get to. Maybe if we can talk about it a little more, we will get to this thing. I don't know. Sometimes it is hard.

Mr. COCHRAN. If the Senator will yield, I will be happy to assure him that my intent in offering the amendment is to involve the National Advisory Committee on Microbiological Criteria for Foods in the process by which the Secretary promulgates regulations or standards with respect to this act to which his amendment relates.

Mr. HARKIN. I have no problem with that. If that is the intent, to say—I will repeat to make sure I do not misunderstand—that the Senator's intent by using the word "promulgate" is to say that any future rulemaking—I want to make sure the Senator hears my words, to make sure I am OK on this—that any future rulemaking done by the Secretary of Agriculture has to be done with the advice of the National Advisory Committee on Microbiological Criteria for Foods, and that during any rulemaking when they are seeking that advice, the present standards will stay in place and be enforceable, that is fine.

Mr. COCHRAN. Mr. President, if the Senator will yield, my amendment does not address the present standards and the effect of the decision of the court in Texas. The amendment of the Senator deals with that. I am only trying to address one small aspect of this, and that is the involvement of this national advisory committee so the Secretary would have the benefit of scientific advice and evidence and information.

Mr. HARKIN. As I said, I——

Mr. COCHRAN. I don't think I can satisfy the Senator's curiosity about the legal effect of his amendment as amended by my amendment.

Mr. HARKIN. All I want to be satisfied about is that there will be enforceable standards in effect.

From what I hear, I like it. I want the committee to be involved in advising the Secretary. If the Senator tells me that the present rules that have been promulgated are still enforceable during the pendency of that consultation, then I have no problem. But the language says USDA can only enforce a standard if it is "promulgated with advice". I am wondering what this means for the standards we have right now. I want to clear this up.

Can the rules we have now be enforced? Or can only rules that are promulgated in the future be enforced with the advice of the committee? That is where we are hung up over these words. Words do have meaning.

I will say again, if the interpretation is that the standards that are now in effect remain enforceable, and that any future rules adopted by the Secretary have to be done with the advice and consultation of the committee, I have no problem with that. Then we don't have a gap. And I hope that is the meaning.

Mr. COCHRAN. Mr. President, if the Senator will yield for an observation, I accommodated the Senator's interest—I tried to—by modifying my amendment in a way that he said would make it acceptable.

Mr. HARKIN. Yes.

Mr. COCHRAN. I struck the language that he suggested bothered him. He read that language to be "that is shown to be adulterated."

He was worried about connecting proof of contaminated food with the ability of the Department of Agriculture to shut down a plant. And he thought with the addition of those words I was adding something new, a new hurdle that had to be crossed by the Department of Agriculture in implementing the standards. So I modified the amendment to remove the troublesome words, to assure him the crux of the amendment was to get the advice and the input of the experts, the scientific experts. And I modified it. And that is not enough. Now the Senator wants me to interpret the legal status of these regulations as they are affected by this district court decision in Texas.

This morning I tried to put that all in context. I know I am taking much too much time. I discussed the reasons for my motion to table the Harkin amendment. I have just about gotten worn out with explaining why I wanted to table the Harkin amendment, why I thought it was an amendment that ought not be put on this Agriculture appropriations bill. I have said it over and over again. The Senate voted on that, and the motion to table was not agreed to. The vote was tied, 49–49.

I could have let the amendment then be voted on by the Senate without any further amendment but, frankly, I thought it would be helpful to the Senate to clarify the rule problem I had with the amendment, and that was why we added the language as an amendment. I proposed at that time that amendment, the Cochran amendment to the Harkin amendment, be adopted by a voice vote and then the Harkin amendment be adopted by a voice vote.

Think about that. We had just had a tie vote on the whole issue. Yet we offered to let the amendment of the Senator that almost was tabled, lacking one vote to be tabled, be agreed to and go on to considering other issues. That was not good enough either.

We took up other business because the Senator was not prepared to proceed to consider the bill further. He wanted to do something else. We finally, now after having taken up several other amendments, get back to the Harkin amendment.

He complained and pointed out what was troubling him. We tried to modify it. I have done everything I can think up to satisfy the Senator and to give him the right to have his arguments on the floor of the Senate, to have this issue fully considered, and to have the Senate act on it.

I have gone about as far as one can go. I am hopeful the Senator will agree that the Cochran amendment can be adopted on a voice vote—if he wants to have a record vote, be my guest—and adopt the Harkin amendment on a voice vote, as amended by the Cochran amendment.

Otherwise, maybe I will try to renew the motion to table. Maybe Senators have heard enough now so they know what the facts are about this amendment and that it is an attempt to reverse a decision of a district court in Texas that can be appealed to the court of appeals if the Department of Agriculture wants to appeal it and if the Department of Justice wants to prosecute the appeal for them. That is up to the Department and the lawyers at the Department of Justice. I am being asked to interpret and sort through this and give a definitive answer about the effects when lawyers argued their case in Texas probably for a long and full time before a court there. They made a decision.

What I am saying is, I would like to satisfy the Senator, but I do not think there is any way to do it. We should just move on, and let's vote and see how the votes turn out.

Mr. HARKIN. Mr. President, I reclaim the floor. I was hoping there might be a reasonable outcome. As I said, the RECORD will show earlier I said there were two problems with the amendment. One was with adulteration, which the Senator took care of. The other was the word "promulgated."

If the Senator will further modify his amendment to say that future rules must be promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods, that would settle the issue once and for all.

That means any future rulemaking done by USDA would have to be done with the advice of this committee, but that the existing rules meanwhile will stay in effect and be enforceable. If the Senator will do that, we are done.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. HARKIN. I yield.

AMENDMENT NO. 3955, AS MODIFIED, WITHDRAWN

Mr. COCHRAN. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

VOTE ON AMENDMENT NO. 3938

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938. The yeas and nays have been ordered.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays on the amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—48

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Grassley
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NAYS—49

Allard
Ashcroft
Bennett
Bond
Brownback
Campbell
Chafee, L.
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kyl
Lincoln
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Bunning
Murray

The amendment (No. 3938) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3919

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3919.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the use of certain funds transferred to the Economic Research Service to conduct a study of reasons for the decline in participation in the food stamp program and any problems that households with eligible children have experienced in obtaining food stamps)

On page 48, strike lines 12 through 16 and insert the following:

"(7 U.S.C. 612c): *Provided*, That, of the funds made available under this heading, $1,500,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: *Provided further*, That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate: *Provided further*, That of the funds made available under this heading, up to $6,000,000 shall be for".

Mr. WELLSTONE. Mr. President, I want to say to Senators at the beginning of my remarks, and I say to my colleague from Mississippi, I am going to try to be brief; I don't intend to speak for a long period of time. I want to summarize this amendment for Members of the Senate, and I want to talk about why I think this is one of the most important amendments I have ever brought up and why I would like to have a vote on it or a commitment that this stays in conference committee.

This amendment would provide a little additional funding, $500,000, to the Food and Nutrition Service. This is all from within ERS. These are some good people. I am calling for the Food and Nutrition Service to be out in the field and to do some important policy evaluation for us about why it is that in the last half decade or so we have seen about a 30-percent decline in food stamp participation. There is not a 30-percent decline in poverty.

As a matter of fact, I am sad to say on the floor of the Senate that there has actually been an increase in the poverty of the poorest children in homes which have poverty-level income. They can evaluate why it is that one out of every ten households is "food insecure," some 36 million, 37 million, and 40 percent of them children. And with a major safety net program for children, we can make sure that children are not malnourished and don't go hungry. We have seen a dramatic decline in participation.

What is going on? We are the decisionmakers. We are the policymakers. Let's have an honest evaluation because the background to this program goes something like this: In the mid and late sixties—I remember I was a student at the University of North Carolina when these studies first came out. There were a series of studies and exposes. There was a CBS documentary—Hunger U.S.A., I think—in 1968. We saw children with distended bellies. We read about and heard about children who were suffering with scurvy and rickets. We could not believe that in America we had widespread malnutrition and hunger. We don't talk about this enough on the floor of the Senate.

Senator COCHRAN from Mississippi—I am not trying to ingratiate myself to him—actually is one of the Members in the Senate who has been most focused on food and nutrition programs. It was Richard Nixon, a Republican President, who said we have to make some changes on this issue, and whether or not we are going to have some kind of safety net. It won't be Heaven on Earth. It won't be perfect. But we will at least make sure that we try to get some help to these families. We are going to make sure this is a Federal program. Do you want to know something, colleagues? This is public policy that has worked because we dramatically reduced, up until recently, the extent of malnutrition and hunger in the country.

What is happening now with this program? The Food and Nutrition Service would go out in the field. They would study the barriers faced by families with limited access to the Food Stamp Program. What are the reasons for the dramatic decline in participation in the Food Stamp Program? On-site review out in the field completed within 180 days a report and sent it to us.

The food stamp rolls have plummeted over the last several years. Since April of 1996, nearly 8.6 million people have dropped off the food stamp rolls and more than 1 million last year alone.

If this was because of a reduction in poverty, I wouldn't worry about it. But that is not what it is.

Of the 36 million people living in food-insecure households —I hate that language. They live in homes where they are either going hungry or they are malnourished. Of 14.5 million Americans, 40 percent are children.

A study by Second Harvest, the Nation's largest domestic hunger relief organization, found that more than one out of every three persons served by food banks are children.

By the way, in almost 40 percent of the households that rely on emergency food assistance, there was at least one adult who was employed.

You have a lot of people in our country who are working poor people. They are eligible for this assistance. It makes a real difference to them and their children. But we have seen this dramatic decline in participation. I think we need to know why.

A report by the U.S. Conference of Mayors shows similar results. It shows there has been a dramatic increase—can you believe it—in the demand for emergency food assistance in major cities across the United States in the last 15 years.

Can I make that clear? We have a booming economy. We are talking about all of this affluence. There are people who spend $10,000 or $15,000 on one vacation, and the Conference of Mayors says we are seeing a dramatic demand in the need for emergency food assistance.

Catholic Charities, the Nation's largest private human service, reported providing emergency food services to more than 5.6 million, more than 1 million of whom were children.

When we are talking about food pantries, when we are talking about Catholic Charities, when we are talking about Second Harvest, when we are talking about all of these relief organizations saying there has been this increase in demand and saying that many of the citizens they help are children, something is wrong. Something is wrong with our priorities. No citizen in America should be hungry today. No child should be hungry.

I don't have the statistics. But I am guessing. It is just intuition. It is what I have seen with my own eyes. There are also significant numbers of elderly people who are malnourished.

The Food Research and Action Center, which I believe has done the very best work in this area, reports that more than 1.2 million people left the food stamp rolls between October 1998 and October 1999. Again, 8.6 million people have left the Food Stamp Program since April of 1996.

Senators, here is the statistic that is jarring. According to the USDA, more than one-third of those who are eligible for the Food Stamp Program are not receiving benefits. We had a dramatic decline of about a 30-percent drop over the last 4 years, and USDA itself comes out and says that one-third of those who are eligible are not receiving any benefits at all.

A report released by the National Campaign for Jobs and Income Supports, another really good organization and good coalition, found that the number of poor people receiving food stamps has declined by 37 percent—more than 10 million people since 1994—although the number of people living in poverty has not declined anywhere close to the same rate.

In 1995, for every 100 poor people in the country, 71 were using food stamps. In 1998, for every 100 poor people, only 54 were using food stamps.

A General Accounting Office report recently released found that "food stamp participation has dropped faster than related economic indicators would predict." An Urban Institute report found that "about two-thirds of the families who left the Food Stamp Program were still eligible for food stamps."

A July 1999 report prepared for the U.S. Department of Agriculture by Mathematica Policy Research, Incorporated, identified lack of client information as a barrier to participation.

In other words, people are not being told that they are eligible. They are not being told that they can help their children by participating in this food nutrition program.

Food stamps can mean the difference between whether or not the child has an adequate diet. Food stamps can make a difference between whether or not a child goes hungry. Food stamps can make a difference as to whether or not little children ages 1, 2 and 3 get adequate nutrition for the development of their brain. Food stamps can make a difference in terms of whether or not a child goes to school with an empty stomach and not able to learn. Food stamps can make a difference as to whether or not a child can do well in school and, therefore, well in life.

I am speaking with some indignation. I know that we don't have a lot of debate on these issues. But this amendment is relevant to this bill. Food stamps can determine whether or not a child is able to concentrate and able to bond with other children, and whether a child can do well on these standardized tests that we are giving.

We are given all these standardized tests the kids have to pass—if they fail, they are held back as young as age 8—but we have not made sure that children who could benefit from food nutrition programs so they do not go hungry, so they are not malnourished, are able to benefit.

I just can't believe that during a thriving stock market, with record economic performance, with record affluence, with record wealth, with record surpluses, we have seen over the last half a decade a 33-percent or more decline in food stamp participation, and we have today in the United States of America 37 million Americans who are "food insecure," 40 percent of them children.

I told my friend, Senator COCHRAN, I would be relatively brief. I could go on and on. About a year ago, I brought this amendment to the floor. The Senator from Mississippi, who cares about these issues, accepted the amendment. It was knocked out in conference committee. It makes me furious. What in the world is the matter with the Congress that we are not even willing to let the Food and Nutrition Service make a policy evaluation? Why it is, with the most important safety net program for children in America to make sure they are not malnourished and make sure they do not go hungry, we are not even willing to support that?

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I hope there will be a strong vote for this amendment. I hope and I pray that we can keep this in conference because we should do this evaluation; we should get a report; we should know what is going on. This is important. This is all about whether our citizens, people in the country, are malnourished or not, whether they go hungry or not, whether children have a chance or not, whether we provide the help that elderly people need. We are not doing a good job. Something is wrong.

I think if we get the study done—I don't know why we can't—then we will no longer be in a position of not knowing or not wanting to know and we will take some action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate very much the remarks of the Senator from Minnesota and bringing this issue to the attention of the Senate, frankly. More and more in the last few years, unemployment rates have been coming down. The economy is strong. Everybody knows that.

And I kept asking, why aren't the participation rates in food stamps and other nutrition programs coming down? For a little while, they were going up, too. We had the number of people wanting work, finding work, going up. Incomes were going up. In my State of Mississippi, we saw income levels reaching new highs, but the food stamp participation was still going up.

Pretty soon, though, that began to change and the food stamp participation rates began coming down. I thought this was an indication that people did not need as much nutrition assistance from these Federal programs as they did in the past. We hadn't changed in the last few years any of the eligibility or participation in the program. We did so back in the welfare reform days, and we all remember that process. There was a big push to do away with the Food Stamp Program. Some in the Senate pushed very hard to turn the program over to the States. Others resisted it. As it came out, it was preserved as a Federal program. It would be administered by the States, as in the past. By and large, it continued to exist without too many changes.

The Senator is suggesting that because there continue to be dropoffs, reductions in the participation, something is wrong and we need to find out what it is. If there is something wrong, we need to be aware of it. I agree with the Senator. If the program is being administered in a way that denies those who are eligible under the law for benefits, we need to know about it. We need to try to make sure that those who need assistance and who are eligible for assistance get the assistance to which they are entitled and that there are funds here that will make those program benefits available to every eligible person in our country. That is our goal. That is my goal. That is my attitude. That is my view about this subject.

I support the Senator's effort to have a study, and I will work in conference to see that funds are made available to do that study. I know the Food and Nutrition Service has been working on that issue. He is suggesting, as I understand the amendment, the Economic Research Service use some of the funds available to it to conduct a study, as well.

I am prepared to take the matter to conference and to do as well as we can in conference with the House on this issue and the language the Senator has. I am told by my staff there are some suggested improvements—and I hope the Senator will agree they are improvements in the language of the amendment—that will strengthen the amendment in conference, and, if so, that the Senator will understand and be supportive of our efforts to see that the study achieves the goals the Senator intends.

One aside: When the Senator made the point about amendments adopted here that are not accepted in conference, and it makes him furious, I was reminded of a story.

Mr. WELLSTONE. Before my colleague goes further, I was referring to this specific topic.

Mr. COCHRAN. I see.

I am reminded of a story my colleague from Mississippi, with whom I served in the body for 10 years before he retired—Senator John Stennis—told about a conference; I have forgotten which committee, but it was appropriations. He was chairman of the full Committee on Appropriations at the time he retired from the Senate.

An amendment had been adopted in the Senate, and it was dropped in conference. The Senator who was managing the conference was explaining the provisions of the bill and what had been agreed to by the House and what had been rejected by the House. The author of an amendment got up and asked: Why wasn't my amendment accepted by the House? The manager said: We discussed it fully, and there was a lot of discussion, but it was not accepted by the House. He said: I want to know why; what did they say? The manager said: They didn't say.

It is an indication that sometimes the House rejects an amendment. They don't feel obliged to tell you why they rejected it. They just say: We are not going to accept it. I have seen that happen. I have seen the chairman of the full committee on the Senate Appropriations Committee have to personally go to a conference and almost beg the conferees on the part of the House to accommodate an interest in his State that he thought deserved the support of the conference.

It was almost a humiliating experience. I will never forget it. But it was an illustration of the fact that the other body takes their prerogatives very seriously, particularly on appropriations. I am reminded every year how difficult it is to get our way in conference in negotiations with the House. It is a tough challenge. Ultimately it gets the work out, but in the process there are Senate provisions that are dropped in conference, that are not agreed to by the House, in spite of the very best efforts that are made by the Senate to have their way in those negotiations.

All I can say in respect to the Senator's insistence that this amendment be kept in conference is, we will do our best.

Mr. KENNEDY. Mr. President, I strongly support Senator WELLSTONE's amendment. We need to do all we can to understand why food stamp participation has declined so sharply. We know that poverty among working families is growing, not declining, even in this time of prosperity, and we need to find better answers to this problem.

The Conference Board is a global business membership organization that has enabled senior executives to exchange ideas on business policy and practices for nearly a century. The most recent Conference Board study is entitled "Does a Rising Tide Lift All Boats? America's Full-Time Working Poor Reap Limited Gains in the New Economy." The conclusions of this probusiness group are surprising. The Conference Board found that the number of full-time workers classified as poor increased between 1997 and 1998, the last year for which data is available. And despite the strongest economic growth in three decades, the poverty rate among full-time workers is higher now than it was during the last recession.

The Congressional General Accounting Office also studied this issue of declining food stamp participation, and it found that food stamp participation is declining much more rapidly than poverty.

The obvious result is that millions more Americans, including children and working families, are going without adequate nutrition today than before the welfare reform law was enacted.

In Massachusetts, Project Bread operates a statewide hunger hotline, where operators respond to 2,300 requests for referrals each month. Last month, a mother from Worcester called. She had just been released from the hospital after the birth of her fifth baby. Doctors had ordered her to stop working 3 months ago, due to complications with her pregnancy. Her husband drives a bus, and their single salary was barely enough for the family to get by. When she called the hotline, there was no money and no food in the house, and hotline workers characterized her situation as desperate.

In many other communities, the nation's mayors have been distressed by the sudden sharp increases in requests for emergency food from working families. Too many of those in need are being turned away, because the resources are so inadequate. We clearly need a better understanding of why this alarming level of hunger persists in our record-breaking economy.

We need this additional information as soon as possible. We must accurately determine why food stamp participation has declined. I look forward to working with my colleagues to deal more effectively with this tragic problem of hunger.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3919, AS MODIFIED

Mr. WELLSTONE. Mr. President, first of all, I ask unanimous consent I may send a technical correction to the desk. A sentence was written on the wrong line. I ask unanimous consent I modify the amendment. This is technical.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 9, line 7, strike "$1,000,000" and insert $1,500,000".

On line 10 after "tions" insert: "*Provided further*, That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate".

Mr. WELLSTONE. Mr. President, I say to my colleague from Mississippi that I accept what he said in very good faith about the conference committee, and if he can, in his wisdom and experience, strengthen this amendment, I am all for that. When he tells me he will do everything he can to advocate for this amendment, I accept his word. There is no question about it.

The second point I wish to make is just to clarify, or make the RECORD clear, that my indignation is not so much that "my" amendment was taken out in conference committee. I don't really care about it being my amendment. What bothers me, what troubles me, I say to Senator COCHRAN, is that—and I cited about seven or eight different studies, good studies done by good people—we do have before us a very important challenge.

We have seen this dramatic decline. We know how important this program can be. We are getting reports that there are a lot of families eligible who are not participating. We are getting the reports from all the religious communities that the use of the food shelves are going up. We are getting reports from teachers in schools telling us kids are coming to school malnourished.

So I am saying I find it a little hard to understand how in conference last year certain folks, whoever they were, just took this out. They were not interested in knowing. I think we ought to care about this. I insist we do. I know the Senator from Mississippi does.

I think we will get a strong vote in the Senate and that will be good. The Senate will be strongly on record and I hope we can carry this in conference. I thank the Senator for his support. I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3919, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—6

Helms
Sessions
Smith (NH)
Thomas
Thompson
Voinovich

NOT VOTING—3

Bunning
Kerry
Murray

The amendment (No. 3919), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, parliamentary inquiry: Is the status of the RECORD appropriate for the calling of another amendment?

The PRESIDING OFFICER. It is appropriate.

AMENDMENT NO. 3958

Mr. SPECTER. Mr. President, I call up amendment No. 3958 on behalf of Senator KOHL, Senator SANTORUM, Senator MOYNIHAN, Senator KERRY of Massachusetts, Senator BIDEN, Senator HUTCHISON of Texas, Senator LAUTENBERG, Senator SCHUMER, Senator WARNER, and myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows.

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. KOHL, Mr. MOYNIHAN, Mr. SANTORUM, Mr. KERRY, Mr. BIDEN, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. WARNER, proposes an amendment numbered 3958.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To correct an unintended termination of the authority of Amtrak to lease motor vehicles from the General Services Administration that results from previously enacted legislation)

At the end of chapter 6 of title II of division B, add the following:

SEC. 2607. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

Mr. SPECTER. Mr. President, this amendment would restore Amtrak's eligibility to continue leasing vehicles from the General Services Administration's Interagency Fleet Management System.

The Amtrak Reform and Accountability Act of 1997 inadvertently removed this eligibility. By way of further explanation, in the Amtrak Reform and Accountability Act of 1997, Amtrak was removed from the list of "mixed ownership and government corporations."

An inadvertent and unintended consequence of this change was brought to Amtrak's attention earlier this spring. The Federal Railroad Administration questioned Amtrak's eligibility to continue leasing automobiles from the General Services Administration's Interagency Fleet Management System. The Federal Railroad Administration and General Services Administration agreed that Amtrak was no longer eligible.

As a result of this inadvertent change, there is a fleet of some 1,650 vehicles for which Amtrak currently pays $10 million to lease through the General Services Administration. If Amtrak is forced to lease its vehicles privately, it will cost a total of $25 million annually.

The Amtrak Reform and Accountability Act was intended to allow Amtrak to transition to operating self-sufficiency.

This legislation was not intended to put new financial burdens on the corporation, which is in a transition to operating self-sufficiency. This problem was called to my attention yesterday by Governor Tommy Thompson, who is Chairman of the Amtrak Board of Directors. The operation for Amtrak has been in high gear to operate like a business in its goal to achieve operational self-sufficiency by fiscal year 2003. The strategy that Governor Thompson and others have articulated, as provided to me, involves, one, developing high-speed rail corridors; two, building a market-based rail network; three, forging partnerships with State and local authorities and large commercial clients; and four, offering a new service guarantee, which is unparalleled in the transportation industry.

These strategies are already producing very considerable results. Amtrak's annual revenues reached a record of $1.84 billion in fiscal year 1999. Just over 21 million passengers traveled on Amtrak last year, for a third consecutive year of ridership growth. Overall ridership in the last 5 months is up 8 percent over the same period of last year. Ridership on the high-speed regional service corridor is up nearly 40 percent over the trains that were replaced.

Further information provided to me is that the development of more commercial partnerships has boosted mail and express revenue by 35 percent in this calendar year. Amtrak's net worth growth strategy, introduced in February, will expand passenger rail service to 21 States, based on a comprehensive economic analysis of the national rail system and potential market opportunities. The national growth strategy is expected to add as much as $229 million of revenue by the year 2003. New partnerships have been forged with Motorola, Dobbs, and Hertz Corporation, among others. Amtrak's new web site for ticketing has been named one of the 100 most popular bookmark sites on the Internet. For fiscal year 2000, sales are up 113 percent over the same period last year.

Since Amtrak's announcement of its service guarantee, it has recorded a satisfactory rate of 99.97 percent. These results point to the successful turnabout Amtrak is making in its efforts to achieve operational self-sufficiency. A goal has been set for Amtrak, and Amtrak is taking the proper steps to achieve that self-sufficiency. My suggestion to the Senate is that we not undermine the corporation by forcing it to swallow some $15 million in unintended costs, while losing its GSA eligibility for the remainder of the glidepath.

The General Services Administration, Federal Railroad Administration, and Amtrak agreed that the legislation referred to contained an unintended consequence and should be rectified. Amtrak must return all 1,650 vehicles by October 1 of this year, under the existing law. This provision puts an undue and unwarranted burden upon the General Services Administration, which does not want many of these specialized vehicles back in their inventory because they have nobody else who would lease them, so it would be a loss to GSA, as well.

This amendment would restore Amtrak's eligibility to continue leasing vehicles from the General Services Administration's Interagency Management Fleet. I am advised by staff, who have consulted with the staff of the General Services Administration, that both GSA and the Federal Railroad Administration, as well as Amtrak, support this amendment.

Mr. President, it would be preferable, candidly, not to put this amendment on the Agriculture appropriations bill. I have consulted with the Parliamentarian, and there is a defense of germaneness, which is an answer to a challenge on grounds that this is legislation on an appropriations bill. The provisions of H.R. 4461 that we are currently considering, on page 5, line 9, provides the following under "Payments, Including Transfers of Funds":

> For payment of space rental and related costs pursuant to Public law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of the General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $150,343,000, to remain available until expended.

As I say, I am advised by the Parliamentarian that this language is sufficient to establish germaneness, and germaneness is a defense for challenging this amendment as legislation on an appropriations bill.

There is an obvious concern raised here about whether Amtrak should be able to have the benefit of this leasing arrangement because Amtrak is supposed to be self-sufficient, some might say. The reality is that Amtrak is under a transition period to attain self-sufficiency. We are looking at an additional 2-year window here. I suggest that the savings of $15 million to Amtrak really would not be at the expense of the Federal Government. These are savings which, if the leasing were not possible, and the GSA has nobody to lease it to, is actually a net gain for the Federal Government. While Amtrak would have to pay $25 million annually instead of $10 million to GSA, if GSA doesn't have anybody to lease these vehicles to, which is what has been represented to me, it ends up that the Federal Government loses $10 million, which it would get from these leases. So it is a win-win situation for the Federal Government to have the $10 million in lease payments, and it saves Amtrak some $15 million.

What we really need to do is, obviously, put Amtrak back on its feet. In the course of just a few minutes today, I was able to find 10 cosponsors of this legislation. If we had more time to survey the Senate, I think we would find many more Senators. I don't think this is necessary as a disclosure of interest, but I have an interest in Amtrak, besides being a Senator, in wanting Amtrak to succeed. I ride Amtrak every day. It is really an enviable position to be in, whereas some of my colleagues have to fight airplane schedules. Some of us can ride the metroliner, which leaves on the hour. I can tell you that the metroliner is good service, and the other service is excellent as well. Those trains are filled and they are money-makers. The new Acela train is about to be established, which will get from Washington to Philadelphia even faster.

Amtrak has come out with a new guarantee and it is moving ahead. There is no reason, it seems to me, to let this technicality stand, which would cost Amtrak $15 million and probably cost GSA $10 million if, as expected, it is unable to lease out all of these vehicles, which would be returned on October 1 of this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise in objection to the amendment. Bismarck said there are two things you never want to see made, and that is laws and sausages. This really is another one of these wonderful sausages.

If a government student from a college or high school or university from around the country came here and was sitting in the galleries observing this, and someone told them we are now addressing the agricultural appropriations bill, one would then assume that it has to do with agriculture and farmers, the agricultural section of this country, and that it would probably have some very worthy aspects of it.

Then this student observes the Senator from Pennsylvania stand up and say: We are going to get the GSA to lease automobiles for Amtrak. Excuse me? That is a railroad.

For the benefit of those students who observe these things, I would like to tell you how we got here.

Amtrak first came to my committee—which happens to be, although it is routinely ignored lately, the authorizing committee particularly as we go through the appropriations process. They came to the Commerce, Science, and Transportation Committee and said: We would like to have this done—although interestingly stated by the Senator from Pennsylvania—because basically they do not want to have to pay to lease automobiles to have their operations go forward. They wanted us to put it in as part of the National Transportation Safety Board reauthorization.

After examining their proposal, and knowing that the whole object of the reform of Amtrak was to make them independent of the Federal Government, and now they want to take advantage of a situation that only governmental organizations can take care of —that is, General Services Administration leasing—we said no.

They have some pretty highly paid lobbyists around town. They are pretty influential. They went to the government oversight committee, to Senator THOMPSON, and to his staff. They tried to float it by them because Senator THOMPSON's Committee on Governmental Affairs has oversight of the General Services Administration.

Senator THOMPSON, his staff, and his committee rejected it out of hand—again because a nongovernment organization should not have access to the facilities and capabilities that a governmental organization does. That was rejected.

The Amtrak lobbyists were flailing around town. Senator THOMPSON honored me with a phone call. He said: How do you explain the fact that the whole effort of the Amtrak Reform Accountability Act, Public Law 104-34, was intended to make Amtrak independent of the Federal Government—which, by the way, is not too important, to revisit history.

In 1971, Amtrak was formed for only 2 years, I say to my colleagues, and then to be completely independent. Of course, after being at the Government trough since 1971, we finally decided that they had just about enough when we enacted the Amtrak Reform Accountability Act.

They finally found a willing servant and messenger in the Senator from Pennsylvania, and I congratulate him. So here we are with an amendment on the Agriculture appropriations bill that has to do with Amtrak, which, as the Senator from Pennsylvania alluded to, he rides regularly. I am sure he is an avid supporter of it. But this is $15 million. Actually, they came to us the first time and said it was a $4 million deal. It has increased somehow magically in the last 6 weeks or so to $15 million. I guess that dramatized the gravity of their situation.

I say to my government student who is observing this, I can tell you that the way we ended up with this particular sausage is that the Amtrak lobbyists with all of their influence could not get what they wanted through the committee of oversight. They couldn't get what we wanted through another committee of oversight; staff and those who had jurisdiction rejected this idiotic proposal out of hand. So now we have an amendment on the Agriculture appropriations bill.

The supporters of this amendment allege its purpose is to correct an unintended—in the words of the Senator from Pennsylvania, unintended and unintentional—consequence of legislation enacted in 1997, the Amtrak Reform Accountability Act. Not so. Not so. The whole purpose of the Amtrak Reform and Accountability Act of 1997, of which I was a part, was to divorce Amtrak from the Federal Government and the largess and the perks and other good deals that can be had being a part of the Federal Government.

Have no doubt, my friends, coming from a Senator who was intimately involved in the act, there was no unintended consequence. There was no inadvertency associated with it. This is simply an attempt on the part of Amtrak to save themselves $4 million, or $15 million, whatever it is.

One of the main purposes of the act is to direct Amtrak to run more as a real for-profit business. There are other organizations, such as Fannie Mae, that are in exactly the same status as Amtrak. Fannie Mae doesn't get GSA leasing of their cars. Freddie Mac doesn't get GSA leasing of their cars. But we are going to do it for Amtrak.

I guarantee you, my friends, we are going to have a hearing in September, I say to my colleagues, on this great reform, and all of this success which the Senator from Pennsylvania just trumpeted, you are going to find out it is not true. As far as I know, Amtrak is going to be feeding from the public trough for as long as any Member of this body is alive.

We just had a Member of the advisory committee resign in disgust and anger over what has transpired since this act was passed in 1997.

I don't expect to win. I don't expect to win this amendment. But I am going to make the American people aware of this bizarre situation where we have a railroad formed in 1971, and the commitment at that time was that railroad would be Government supported for 2 years. Count them: One, two. Since 1971, in the intervening 29 years, the billions and billions and billions of taxpayer dollars that have been expended on Amtrak stagger the imagination. Someday, somebody will write a very interesting treatise. In fact, several have already been written.

In regard to the arguments of "unintended consequences," let me assure my colleagues we have experienced a slew of unintended consequences since the reform law was enacted—a slew of unintended consequences. Let me mention a couple.

When we all agreed to remove the former board of directors so Amtrak would have a clean slate with new leadership and fresh ideas, we never thought the board members serving at the time of enactment would then be appointed to the new reform board. But that is what happened.

When we called for the creation of an 11-member Amtrak reform council and were specific about membership criteria and eligibility, we never expected the one representative of the rail industry to be a sitting mayor not affiliated with the industry at all. But that is what occurred, my friends—laws and sausages.

When we authorized substantial capital and operating funds for the duration of the 5-year bill, we never expected the administration to request only about half of the authorized funding. But that is what occurred, despite the nonstop rhetoric about the administration's support for Amtrak.

When we were all convinced that Amtrak would utilize the $2.2 billion "tax refund"—one of the more interesting sausages that were fashioned here in the Senate; there was a $2.2 billion tax refund on taxes that was never paid, one of the more interesting ones I have seen here—we were all convinced that Amtrak would utilize the $2.2 billion "tax refund" released by enactment of the reform legislation for high return capital investments—the commitment of the $2.2 billion for high return capital investments. We didn't expect Amtrak to use that money to pay for gym membership, movie tickets, and for some of its labor force. But that is what occurred.

I can understand Amtrak's desire to undo parts of the 1997 law it no longer likes. I am certain a number of Members would like to change certain things about the law here and there, particularly as we are getting closer to the operational self-sufficiency deadline in 2 years.

By the way, there is no outside expert who believes we will reach that operational self-sufficiency deadline, which we will carefully examine as the committee of oversight, as the committee that is responsible for the authorizing—not the Agriculture Appropriations Subcommittee. We will examine it. But I believe an agreement is an agreement. And this bill was adopted unanimously.

I think Amtrak should be relieved we are not instead requiring it to repay the Treasury for the money it saved by participating illegally in the program for nearly 3 years. Amtrak has been participating in this program, as judged by outside observers, illegally. It should have been halted.

It is true not all Members share the same perspective concerning the obligation imposed upon the American taxpayers to fund Amtrak for its 29 years of subsidization, even though Amtrak was to have been free of all Federal assistance 2 years after it was established in 1971. However, we did work together and support enactment of reform legislation with the intent to give Amtrak the tools it said it needed to become operationally self-sufficient.

I have not acted to alter the agreement reached as part of the reform legislation, and I find it a breech of that agreement that Amtrak and others are routinely seeking changes through the appropriations process to allow it to do things not approved by the authorizing committee of jurisdiction. Be assured, I say to my colleagues now, we have a little dust up here. But when Amtrak tries to obtain a $10 billion funding scheme, there is going to be a big fight about that one, my friends. I know it is coming. It hasn't fulfilled the first and quite substantial statutory obligation to operate free of taxpayer expense.

Amtrak asked for legislation that allowed it to operate more as a private business, and we enacted such legislation. As other former Government-controlled agencies have moved toward privatization, they didn't enjoy the freedom to pick and choose what governmental support programs they could use to their advantage. When Congress set up other corporations such as Freddie Mac, COMSAT, and Fannie Mae, they did not and do not participate in GSA leasing. The fact is, nongovernmental entities do not participate in the GSA vehicle leasing program. Amtrak can't have it both ways, although they probably will.

Finally, I find it very strange that since this issue was brought to my attention in March, Amtrak has said the GSA leasing eligibility saves $4 million annually—probably a lot of money to a company that lost more than $900 million last year; $900 million was all they lost last year. Yet now that an amendment is being offered on the floor, Amtrak has raised the bar and this week Amtrak is telling me the provision would save some $15 million annually. Which of Amtrak's numbers should we believe? At a minimum, the authorizing committee should have an opportunity to explore this new figure before we are asked to adopt any changes in existing law.

As I said, we will be having a hearing on Amtrak, as is our responsibility as the authorizing committee, in early September to carefully explore this and many other critical issues. Until this issue has been looked at by the committee of jurisdiction, I urge my colleagues to defeat the amendment.

We find ourselves, a week before leaving, with an amendment that was first sought to be addressed by the committee of authorization, the Committee on Commerce, Science, and Transportation. We refused to do so because it was clearly not in keeping with the law. Then they went to another committee of authorization. They wouldn't do it. So now what does the Senator from Pennsylvania do? Something to do with Amtrak, a train, is on the Agriculture appropriations bill.

Another example of laws and sausages. To all those students of government who may be watching and observing this bizarre process, my friends, it is an argument for reform of the way we do business in this body. The authorizing committees are becoming more and more irrelevant as each legislative day goes by. I am close to the point where we either do away with the Appropriations Committee or we do away with the authorizing committees. To come on this floor and have a clear legislative change, even though it may not meet the exact parameters of germaneness in rule XVI, and make a clear elective change on a bill that has nothing to do, first of all as an appropriations bill, and second of all has no relation to Amtrak, I find offensive.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to support the Specter amendment. I hope it will prevail for reasons that I don't think have been discussed thus far.

One thing that we are not talking about is whether or not, since legislation was passed some time ago that might be more restrictive to Amtrak, the conditions have changed. One need not be a transportation engineer to know you can't get off the ground at airports. I waited the other day 5 hours for a flight to go to New Jersey from here. We were on the ground 5 hours.

There are almost no airports of any size that aren't constantly late. There aren't places that one can travel by car or by bus that you can get where you want to be in a reliable period of time. We saw the front page news on the Washington Post 2 days ago about the disappearance of mountaintops, surrounded by smog, because the country is being overwhelmed by transportation and environmental problems. Conditions have changed.

When we want to make comparisons between Amtrak and private businesses, we have to recognize there is no place in this world, no place, where there isn't a subsidy provided for rail service so people can travel from place to place—such as the subsidy we offer when we build airports and we provide and charge the passengers a tax to ride in an airplane. We have a passenger facility charge. Or that if one wants to buy gas at a gas station, we have a Federal tax; we have State taxes. Amtrak doesn't have that ability. Amtrak is the poor stepchild. It offers a service to lots and lots of people who can't find any alternative that is satisfactory or available to them.

I don't like spending money. I happen to come from a strong business background. I know the difference between business and government. Amtrak is not a business like other businesses. It requires help. What we said in the commitment that was made for Amtrak was that we would not require that they meet operating needs out of the fare box. That is what we said would happen. Capital costs—and those are the things we are talking about—are part of the operating budget. We are forced at times to use operating funds for capital costs. The thing is all backwards. We are similiar to a Third World country in a process that has us asking passenger railroads to do things that no other country does.

Germany has advanced their transportation systems, investing $10 billion a year in developing rapid rail transportation. In France, you can travel from Brussels to Paris in an hour and 25 minutes; the distance is 200 miles. That is what we ought to be talking about.

Take the pressure out of the skies. There is no more room for airplanes in the skies. There is no latitude. We can build more airplanes but you still won't be able to fly the planes. We have broken the rules. We expanded the number of slots at Reagan National because of requests from some of the people here, Senators who wanted to have particular access. Break the rules. Give us access. What do we care about the rules, about the number of flights that can come in and go, from whatever distances. Break the rules.

We are not talking about breaking the rules. We are talking about extending an opportunity for many in the American public to be able to travel and get to their destinations on time with a degree of comfort that permits them to arrive at their destination and be able to conduct their business or see their families or get to school or whatever else they have to do.

It is a fairly simple equation. I hope we will support the Specter amendment.

I think what it does do is it says to people who need passageway, who need an opportunity to get from place to place that is not otherwise ordinarily available, and that is to permit these leases to be supported by GSA. To save Amtrak? No, not to save Amtrak; to save the passengers, to save the rail riders $15 million a year. That is what we are talking about saving.

Amtrak is not the issue. The issue is whether or not we can transport the people who inhabit this country in a way that is reasonable without continuing to foul the air or delay them interminably.

I hope we can conclude this vote and get the issue resolved. I do not like disagreeing with the chairman of the Commerce Committee. They have jurisdiction. But in this case I happen to think the perspective is wrong; that there is not recognition of what our country's needs are. They have changed so radically in the past few years. Look at airline passenger traffic. See how much it has grown. See how much more the highways are used now than only a few short years ago. The situation has changed. Are we going to continue to take an attitude that it doesn't matter what we are doing to the environment; it doesn't matter how late the airplanes are; it doesn't matter how costly rides are; regardless of that, we are not going to permit it to happen?

I hope we will extend this extra opportunity for Amtrak and for its passengers to continue to operate and get us to the point, when we get high-speed rail in there, we can meet our operating costs and we can provide the kinds of service one would expect in a country such as ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in strong support of the amendment which I am cosponsoring with my colleague from Pennsylvania. As you know, this amendment will allow Amtrak to continue leasing vehicles from GSA through 2003. We are all eager to see Amtrak continue progressing toward self-sufficiency. Without this amendment, we will be jeopardizing their ability to achieve that goal.

In my own State, half a million people from Wisconsin ride Amtrak every year. It is very important not only to Wisconsin but to every State that Amtrak continue its progress toward viability. We must continue to allow Amtrak to transition to self-sufficiency by 2003.

This amendment is very crucial to that effort. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I welcome an opportunity to present these issues to students. Anyone in the balcony observing this debate, students, and as the Senator from Arizona alludes to students, perhaps a more elite audience, wanting to know the theory, the philosophy, the approach, the ethics of the proposition, I welcome addressing students on this subject as I spend a good bit of my time addressing high schools, colleges, junior high schools, and even grade schools taking the message to the students about what government ought to be doing.

It is a fairly common reference—not too humorous anymore—to analogize making sausage to the making of legislation. But the making of legislation is a very complicated matter. It has to take into account the accommodation of 260 million Americans and many contrary issues and many contrary differences.

When the argument is raised about this is a matter turned down by the authorizing committee, the Commerce Committee, and turned down by the Governmental Affairs Committee—they are not the last word. The chairman of the Commerce Committee does not have the last word. He may have it as the Commerce Committee is organized, directed, and run. And the chairman of the Governmental Affairs Committee may have the last word as to how that committee is run. But the Senate has the last word.

There are 100 of us and each Senator has rights under the rules of the Senate. When this Senator offers an amendment, this Senator is offering an amendment within his rights. Even if the full Commerce Committee backs the chairman, or even if the full Governmental Affairs Committee backs the chairman, those committees are not the last word. The last word is the Senate, the 100 Members who constitute the Senate.

In offering this amendment, this Senator is functioning within the rules. When the Senator from Arizona says that this amendment has nothing to do with agriculture and he finds the amendment offensive, I take a little offense at that. I set forth the germaneness, which entitles this amendment to be offered on this bill.

It is not an unusual occurrence in the Senate to offer legislation on an appropriations bill. That rule has been breached so often that it is hardly referenced anymore. We are trying to come back to a standard of not legislating on an appropriations bill, but the rules of the Senate govern that, and I cited the provisions of the bill we are considering from the House of Representatives which makes this germane.

That is the advice I received from the Parliamentarian. That is not my own peculiar, personal opinion. If someone wants to challenge the amendment, there are ways to do so if someone says this violates the rules. But I do not think it does, and the Parliamentarian does not think it does.

When there are references to illegal activities by Amtrak, if there are illegal activities, let's refer it to the Department of Justice. Some might say a reference to the Department of Justice doesn't do much good in the United States of America today, and I would not want to argue that point too vociferously, but let's give them a chance. Has it been referred to the Department of Justice?

I attended a hearing of the Appropriations Subcommittee on Transportation where Governor Thompson appeared last year. But we met yesterday on another matter. He called this issue to my attention.

This is not exactly my purview, to take up this issue. It doesn't come within any of my committee responsibilities. But no high-priced lobbyist came to me to talk about this issue, a high-priced lobbyist who might be fundraising for me. Nobody came to talk to me about it. In fact, not even a low-priced lobbyist came to me to talk about it. But Governor Thompson, a very distinguished American and very distinguished public servant, did. I told him I was concerned about it. Before the afternoon, I had a flood of telephone calls from Amtrak, asking me to look into it, to check it out.

This morning I called Senator KOHL who had been working on the matter. Then I started to canvas a few Senators and got 10 cosponsors very promptly. Senator JEFFORDS—I ask unanimous consent he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. There is a reference here to "idiotic." I take more than umbrage at that, and would cite rule XIX which says:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

I can't represent whether I was called an idiot, or whether I was said to have offered an idiotic amendment. But either way, offering an idiotic amendment is not becoming conduct for a Senator. And I consulted with the Parliamentarian. The rule is that a Senator may challenge another Senator who violates rule XIX by standing and saying: I call the Senator to order.

I choose not to do that. I don't want to make a Federal case of it. But, also, I choose not to ignore it, and I think it is unbecoming conduct for a Senator to offer an idiotic amendment. But I don't think this amendment is idiotic. But I will let the body decide that on a vote, either on a challenge on procedural grounds or on a vote on the merits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, if there has been any offense taken by the Senator from Pennsylvania, it was not intended, and I would hope he would accept my apologies if he took offense. I think this amendment is wrong.

It is inappropriate, and it is dead wrong, and the facts, as I stated as to how this amendment got on an Agriculture appropriations bill, are accurate. It first went to the Commerce Committee where they tried to get us to do it, and we would not because we do not believe it is in keeping with the law.

Then they went to the Governmental Affairs Committee and now it has ended up being put as an amendment on the Agriculture appropriations bill. That is wrong. I did not challenge the parliamentary right of the Senator from Pennsylvania to do so. We had the same parliamentary reading that the Senator from Pennsylvania did.

I think this amendment is a violation of the agreement that was made in 1997 in the form of the Amtrak Reform and Accountability Act, P.L. 105–134.

Again, if the Senator from Pennsylvania took offense at something I said personally, then he has my apologies. That does not change the fact that this amendment is the wrong thing to do. I strongly oppose it, and I believe if we continue, as I said in the conclusion of my remarks previously, if we continue to authorize and legislate on appropriations bills, this practice will continue the breakdown of the procedures that are intended and established by the Senate.

I stand by those words, and I again say, even though it may not be in violation of the strict parliamentary rules, it is wrong to put an amendment concerning Amtrak on Agriculture appropriations bills. I believe I have that right to believe that is an inappropriate way, and the Commerce Committee or the Governmental Affairs Committee should have reviewed this and did review it and should be allowed the jurisdiction.

Nor did I at any time tell the Senator, or in my remarks to the body, that every Senator does not have their right to a proposed amendment on whatever issue they wish. That is why we have a Parliamentarian. Never at any time—certainly not this Senator—would I say that an individual Senator should be deprived of his or her rights since I exercise those with some frequency.

I hope that clarifies the intent of my remarks which are that this amendment is not in keeping with the Amtrak Reform and Accountability Act, and I do not believe—and as a Senator I have the right to the view—that it is not appropriate to be placed on an Agriculture appropriations bill.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Colorado.

Mr. ALLARD. Mr. President, I also rise in opposition to this amendment and join my colleague from Arizona in his opposition. We just held a number of hearings in the Housing and Transportation Subcommittee of the Banking Committee. I chair this subcommittee. We found that we even have the Federal Transit Administration subsidizing Amtrak. Clearly, in my mind, when I look at the 1997 accountability act, Congress intended to move Amtrak to self-sufficiency.

Amtrak claims to be a private corporation, and, plainly and simply, private corporations are not eligible to lease Government vehicles.

I have grown increasingly skeptical about what is going on with Amtrak. It seems they found a way of picking up Government subsidies all over the place.

Several years ago, the FTA required—I want to get back to some other issues that may either be directly or indirectly related to this amendment, but several years ago, The Federal Transit Authority required the Massachusetts Bay Transportation Authority to bid out contracts for their commuter rail services. Four companies bid. Amtrak had the highest cost bid and lowest quality.

This will cost taxpayers $75 million above the low bid. This is a $75 million, 3-year subsidy on top of the nearly $600 million annual subsidy Congress grants Amtrak. Now they want the subsidy of leasing Government vehicles. I ask my colleagues: When are we really going to require Amtrak to be self-sufficient?

For that reason, I oppose this amendment with my colleague from Arizona and urge a "no" vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of brief response to the argument by the Senator from Colorado, I agree with him that Amtrak needs to be self-sufficient, and that is the purpose of the legislation. The question is, How fast is that going to occur? They are looking for self-sufficiency under the existing legislation by the year 2003. What they are asking for here is an extension from October 1, 2000, to October 1, 2002. I went into some detail on the information provided by Governor Thompson, who is chairman of the Board of Amtrak, as to the progress which they are making.

When the Senator from Arizona says there is no mistake here, he may be right about that. Maybe this is not an unintended consequence, but where you have a provision which reaches the extent of leasing under these circumstances, I doubt that anybody thought about that when the legislation was drafted. Maybe it is not an unintended consequence, but I doubt very much that it is an intended consequence. It is something that happened that nobody had thought about. Perhaps if nobody had thought about it, it is genuinely an unintended consequence.

Considering the issues we face in this body, when you are talking about $15 million, although not unsubstantial, we seldom take a protracted period of time as we wrestle with the budget of $1.850 trillion. I have not calculated the percent, but it is a mighty tiny fraction. This is symbolic as to what we are trying to do to get Amtrak on its feet.

When the Senator from Arizona says it is wrong to put this amendment on this bill, I have to categorically disagree with that as a matter of fact because if the rules allow this amendment to go on this bill, it is not wrong to put this amendment on this bill. It may be an unwise amendment, it may be against public policy, but it is not a wrongful act to put this amendment on this bill when the advice that the Senator from Arizona got was the same as the advice this Senator got: that as a matter of parliamentary procedure, it is an appropriate matter.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3958. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—72

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Byrd
Chafee, L.
Cleland
Cochran
Collins
Conrad
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone

NAYS—24

Allard
Ashcroft
Bond
Brownback
Campbell
Craig
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Gregg
Hagel
Inhofe
Kyl
Mack
McCain
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Wyden

NOT VOTING—3

Bunning
Kerry
Murray

The amendment (No. 3958) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the amendment I will be sending to the desk is on behalf of myself and Senators CONRAD, WELLSTONE, GRAMS of Minnesota, TORRICELLI, SCHUMER, LEVIN, LEAHY, KENNEDY, REED, SARBANES, DODD, LIEBERMAN, MIKULSKI, HOLLINGS, BAUCUS, and BREAUX.

The amendment would provide some emergency financial assistance for family farmers that have incurred disaster losses.

AMENDMENT NO. 3963

(Purpose: To make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster and to producers of specialty crops that incurred losses during the 1999 crop year due to a disaster)

Mr. DORGAN. Mr. President, I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. CONRAD, Mr. WELLSTONE, Mr. GRAMS, Mr. TORRICELLI, Mr. SCHUMER, Mr. LEVIN, Mr. LEAHY, Mr. KENNEDY, Mr. REED, Mr. SARBANES, Mr. DODD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. HOLLINGS, Mr. BAUCUS, and Mr. BREAUX, proposes an amendment numbered 3963.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. McCAIN. I object.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $900,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am reluctant to say this, but I have to sooner or later. How many items are we going to keep adding and calling them "emergencies"? We have already passed a lot of emergencies for agriculture. I believe there are emergencies in this bill. I just wonder how many more we can come to the floor with. Everybody should know that when you come here and designate it as an emergency under the Budget Act resolution, it means it doesn't count against anything. If we want to, we can be down here the rest of this evening adding additional items and saying they are emergencies.

I don't know enough about this amendment. It is difficult to understand, even though it has been read. But we do know one thing: It costs $900 million.

Obviously, there are some who do not want anybody interfering with people's ability to come down here and add money. But I frankly think what we ought to do is test this one out. I don't believe it is the right amendment to adopt as an emergency. I think maybe we will discuss it. Some will decide what it looks like and understand it. I don't know. But I am going to make a point of order that this amendment contains an emergency designation in violation of section 205 of H. Con. Res. 290, the fiscal year 2001 budget resolution.

I am perfectly willing to have a debate. We have the statute in front of us. If the Senator wants to make a case for the Senate that in fact he has a brand new emergency, it wasn't available to the committee. It wasn't available the last two times we had an agriculture supplemental—a number of which were emergencies for which we paid billions of dollars. I can recall a couple that were $7 billion. One was $6 billion. Then there are lesser ones now that are all supplementals for emergencies for agriculture. I have been told there is no limit so don't bother. There is no limit to those things that will pass as emergencies in the agricultural area.

It is kind of difficult when it is an agricultural issue to get up here and say this because there are some in my State; there are some in other States. I am sure when we are through understanding this amendment, they will try to convince us that everybody should vote for it because it affects them. Frankly, even if it does affect them, it doesn't mean we have to determine that it doesn't count. It should count.

I have a statute in front of me. I will yield the floor for a moment. Perhaps the Senator from Texas would like to read the statute.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to the Senator from New Mexico and also to the Senators from Texas and Arizona that it is my intention, having offered this amendment, to ask unanimous consent to withdraw the amendment after I have had a chance to discuss exactly what the Senator from New Mexico just described—new events that have occurred that have been quite disastrous in my State and some others that are now occurring in a significant region of the country dealing with drought.

My point is to say this about this amendment—and some of my colleagues will want to reinforce it. We have an agricultural disaster, not with respect to the collapse of commodity prices but with respect to floods and drought that have destroyed a significant number of crops in various parts of our country.

If I might, with my colleagues' consent, show a picture of a fellow standing in front of about 300 acres of soybeans. As you can see, it is of course nothing but water. These soybeans are gone. It is the result of a June 12 and June 13 deluge of rain that fell in the

Red River Valley, somewhere in the neighborhood of 16 to 19 inches of rain in a period of about 36 hours.

Let me say that again.

In the Red River Valley, on dead flat land, 16 to 19 inches of rain fell in some areas in about 36 hours. Then on June 19, in Cass County, and in Richland County, and several other areas of the State, in a 6-hour period a group of thunderstorms came together and dumped 8 to 9 inches of rain in a very short period of time. The result was fields as far as the eye could see that looked exactly like this, with crops planted that are devastated and destroyed. In fact, in the Red River Valley area, both in the northern and the southern part of the valley, about 1.7 million acres of crops were lost or significantly damaged as a result of those two devastating events.

We also have a significant drought that is occurring right now in the southern part of our country. As you know, crops are burning up at an accelerated pace. We have a disaster occurring for farmers in other parts of the country.

Let me again say it is my intention to seek consent to withdraw the amendment. I offered the amendment for the purpose of saying to the Congress that, yes, in fact, new events have occurred beginning on June 12 and 13 in our State when 18 to 19 inches of rain fell in about 36 hours, devastating a million and three-quarters acres of crop land. New events are occurring this week, and occurred last week, and I assume in the weeks ahead, with respect to the crops in the southern region of the United States.

I think we will have to address this issue. I think somehow we have to find a way to provide some assistance to those family farmers whose crops have been destroyed by a natural disaster.

Some will say perhaps there was some money provided earlier in the year in an agriculture bill for family farmers. That of course is true, and it dealt with the issue of collapsed grain prices. That reimbursement had to do with the collapse of market prices for commodities. There is, however, a circumstance in our country today, given the new laws in recent years, in which we don't have a disaster program available to try to provide some assistance when these disasters occur.

I offered the amendment for the purpose of discussing it, as will my colleague.

At this point, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3963) was withdrawn.

Mr. COCHRAN. Mr. President, on behalf of the managers of the bill, I send a package of amendments to the desk, the agriculture emergency assistance package, and ask that they be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, on behalf of other Senators, proposes en bloc amendments beginning with No. 3964.

Mr. COCHRAN. I ask unanimous consent that the reading of the amendments be dispensed with.

Mr. McCAIN. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. Is the amendment divisible?

The PRESIDING OFFICER. The Senator sent up a group of amendments that require consent to be considered en bloc.

Mr. GRAMM. I object to them being considered en bloc.

AMENDMENT NO. 3964

The PRESIDING OFFICER. The clerk will report the first amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HARKIN, proposes an amendment numbered 3964.

Mr. COCHRAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I object.

Mr. COCHRAN. Mr. President, let me make a point of order and say that it is the intention of the manager to read a description of each of the amendments in the order in which they have been submitted to the Chair so that all Senators will be advised of the nature of the amendment.

I renew my request to ask that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. SESSIONS). Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide the use of funds for the Emergency Watershed Program for emergency expenses for floodplain operations identified as of July 18, 2000)

On page 76, after line 18, of Division B, as modified, insert:

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

"For an additional amount for 'Watershed and Flood Prevention Operations,' to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $70,000,000, to remain available until expended: *Provided*, That funds shall be used for activities identified by July 18, 2000: *Provided further*, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. COCHRAN. For the information of Senators and the edification of all Senators who have asked that amendments be put before the Senate, under a section of the bill entitled "Agriculture Emergency Assistance Package," I will read the list that the managers recommend be considered now by the Senate:

Amendment No. 1, for Senator HARKIN, to provide additional funding for emergency watershed and flood prevention operations;

No. 2, an amendment for Senators LEVIN and COLLINS to provide emergency assistance to apple and potato producers;

No. 3, an amendment on behalf of Senators GRAHAM and MACK——

Mr. DOMENICI. Could the Senator state the dollar number when he reads it? You gave us a description. Can you tell us how much?

Mr. COCHRAN. I was going to give you a total dollar number.

Mr. DOMENICI. Do you know each amount? It is your bill.

Mr. GRAMM. We have one amendment before the Senate, the HARKIN amendment.

Mr. COCHRAN. The Harkin amendment is $70 million. The Levin-Collins amendment is $115 million; the Graham-Mack amendment to compensate for nursery stock losses does not score.

No. 4, an amendment on behalf of Senators LOTT, COCHRAN, and KOHL to extend the wetlands reserve program; it is estimated to cost $117 million;

No. 5, an amendment on behalf of Senators LEAHY and JEFFORDS, compensation for livestock losses, is estimated to cost $4 million;

No. 6, an amendment on behalf of Senators HARKIN and BOND, for green biotechnology evaluation, estimated to cost $600,000;

No. 7, an amendment on behalf of Senators ABRAHAM, SCHUMER, and LEVIN, for potatoes and apples quality losses, estimated to cost $45 million;

No. 8, on behalf of Senators GRAHAM and MACK on compensation for citrus canker losses, estimated to cost $40 million;

No. 9, on behalf of Senator COCHRAN, on emergency APHIS funding, estimated to cost $59.4 million;

An amendment on behalf of Senators THURMOND and HOLLINGS on grain indemnity assistance, estimated to cost $2.5 million;

An amendment on behalf of Senator COCHRAN on conservation assistance, no score on budget authority, $6 million in budget outlays;

No. 12, on behalf of Senator SESSIONS on livestock assistance, no score is available, and is estimated to have no cost;

No. 13, on behalf of Senator EDWARDS on community facilities, estimated to cost $50 million;

No. 14, on behalf of Senator DORGAN, natural disaster assistance, the amendment described, $450 million;

No. 15, Senators INOUYE and AKAKA, an amendment on commodity transportation assistance, estimated to cost $7.2 million.

That is the entire list, for the information of Senators. It has been reviewed by the managers and recommended to the Senate by the offering of the amendment as eligible for agriculture emergency assistance in the amounts identified as stated.

Mr. DOMENICI. What was the total?

Mr. COCHRAN. The total amount of all of these amendments amounts to about $900 million. The bill contained $1.116 billion in emergency-designated programs and activities as reported by the committee. So the total emergency designated items and programs included in the bill, if this package is agreed to, would amount to $2.1 billion based on preliminary scoring made available to the committee by the Congressional Budget Office.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I first clarify that the $450 million that the Senator from Mississippi referenced is not for North Dakota. It is a national program to deal with disasters that have occurred in this most recent period of time. Some States have been hit by drought. Some States have been hit by flooding.

In reference to the question of the Senator from New Mexico, whether these are emergencies that could not have been dealt with in the normal process of the committee's work, the answer is affirmatively yes, they could not have been dealt with in the normal work of the committee. They could not have been dealt with in the previous supplemental because the disaster had not yet occurred—at least with respect to North Dakota.

Senator DORGAN indicated we had the most remarkable weather event since we saw the 500-year flood in 1997. In mid-June, our State got 20 inches of rain in 36 hours. This is the headline from the biggest paper in the State: "Swamped." This was a week after the rain that I just referenced.

The rain that I just referenced occurred a week before this one. We have been hit by the most remarkable series of floods since the 1997 flood, which was a 500-year event.

On June 12, in North Dakota, we had rains that were up to 20 inches in a wide band in northeastern North Dakota. Seven days later we got hit with this rainstorm—8 inches in 6 hours. The devastation is stunning.

On the State university, this is the reference, NDSU, $50 million at the State university.

At the dome that is the large center, the activity center for the city: $10 million of damage. In surrounding farm areas as a result of these two floods: 1.7 million acres devastated.

The catastrophe in our State cannot be overstated: 1.7 million acres of land devastated, hundreds of millions of dollars of damage in the largest city in our State. This is an emergency by any definition. Unfortunately, it had not occurred when we dealt with the supplementals. It had not occurred when the committee did its work. It is only now that we know the full extent of the damage. That is why we are here asking our colleagues not for a new program but to reinstate the program we had last year to deal with crop loss disasters.

Last year, we put in place a program that cost about $2 billion to deal with natural disasters. This year we are asking for $900 million not just for North Dakota but for the other States that have been hit as well. We know the devastation in North Dakota is stunning, but we are not alone. In other areas of the country disasters have ruined crops as well: 216 counties in Georgia, South Carolina, and Florida were declared disaster areas on July 14.

I might say to my colleagues, I spoke on this matter last Friday with Senator Coverdell, Senator Coverdell who was tragically lost to us earlier this week. Senator Coverdell had indicated that he would join in an amendment because Georgia has been devastated. South Carolina and Florida were declared agricultural disaster areas as well on that same day, July 14.

USDA has also declared agricultural disasters in parts of Alabama, Nebraska, New Mexico, Arizona, Mississippi, New York, Texas, Washington, and perhaps other States. These are the States that I know of that have had disasters declared.

The hard reality is these things have happened. The earlier package we dealt with was designed for economic disasters. That has been passed. That has been signed into law. This is to give back the program that was available last year for areas hit by drought or severe flooding. We are asking for $900 million. I can tell you, it is desperately needed, desperately needed. It is without question an emergency.

This series of events, at least in our State, had not occurred at the time of the supplemental appropriations bills, nor had it occurred so the full extent of the damage was known for the committee deliberations. That is the reality.

This responds also to the needs of producers in the Northeastern United States who have been hit, and the needs of producers hit by disasters in the South.

I ask my colleagues to very carefully consider their response to this request. We have always tried to be a United States of America in response to disasters, listening to the needs of every State in every condition. I regret very much that I am here asking again. We have had nine Presidential disaster declarations in the last 8 years in my State. I never remember something like this in my life. There is some extraordinary weather pattern affecting my State.

As many of you know, we have a lake that has risen 25 vertical feet in the last 6 years, a lake that is the size of the District of Columbia, a lake that is devouring surrounding communities, roads, farms—that is another disaster. That lake missed having this extraordinary rainfall by 70 miles. If that lake would have been hit by this 20 inches of rain in 2 days, we would have been here dealing with a calamity of stunning proportion.

So I say to my colleagues, I know none of us like these surprise requests, but we could not have made the request until the disaster occurred. We could not have quantified the need, unfortunately, until FEMA and USDA had a chance to go in and do a review of the level of disaster. Again, the $450 million requested is not for North Dakota. It is a national response to all the States that have been affected to repeat the program we passed and put in place last year. I hope my colleagues' hearts will not turn cold simply because we have had to face disasters year after year. I can tell you, the people of my State need help. Mr. President, 1.7 million acres devastated, that is one-fifth, 20 percent of the crop base of my State, and the biggest city of my State, as the headline in the biggest newspaper in my State says: "Swamped."

This is from the Grand Forks Herald, one of the four largest cities in the State, 80 miles to the north of Fargo: "Area Flooding Continues." Here are additional reports, "Weather Service Official Says Storm Worst He's Ever Seen."

It is hard to describe an event of this proportion—20 inches of rain in 36 hours. It is Biblical. I don't know any other way to say it to my colleagues.

This is from the Fargo Forum, again the biggest newspaper in our State, with officials there saying: "It's the worst rain flood we've ever had"—in the history of our State.

Finally, this story kind of tells it all, again from the biggest newspaper in our State: "Floods Finish Off Crops Hurt By Drought."

I just conclude by saying to my colleagues: It is perverse but it has happened. Hundreds of millions of dollars of damage in my State alone, with other States similarly affected. We ought to put in place the program we had last year to help those who deserve assistance. That is my plea to my colleagues tonight.

The PRESIDING OFFICER. The Senator from Minnesota.

Several Senators addressed the Chair.

Mr. WELLSTONE. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has been recognized.

Mr. WELLSTONE. Mr. President, I say to my colleague from Texas, I think I will take about 3 or 4 minutes; that's all. I want to associate myself with the remarks of my colleagues from North Dakota.

I simply want to put it in personal terms because I think that is the way most Senators understand things. About 2 weeks ago, I was visiting with friends. When I drove up, there were pickup trucks as far as you could see. The farmers were there because of flooding, again, for the seventh year in a row. In my State, 350,000 acres of farmland have been destroyed. You could just look at the faces of people and see the pain. This happened in June when we were dealing with the MILCON bill. We were not able to assess the damage yet.

Look, whatever the vehicle is and however we do this, I thank Senator COCHRAN for understanding what we are trying to do, and I hope—this amendment has been withdrawn, but I hope we do come together as Senators to support this. This is not just about North Dakota or Minnesota; it also is about a lot of States in the South. There, it is the opposite problem; it is drought.

I have only been here—I guess it is a long time—9 years. That is not as long as some of my colleagues. The way I feel about the Senate is we do become a community. Maybe we will do it a different way, but we are a community in the sense that it is, there but for the grace of God go I. Whenever Senators come to the floor and say: My God, it's been tornadoes, it's been hurricanes, its floods, its droughts and people are hurting and people need help, I do not hesitate to vote for other Senators and other people in other States. That is what this is about.

This amendment has been withdrawn, but the question before us will continue to be a question before us. I certainly hope that, working with Senators, Democrats and Republicans alike, we will be able to get the support.

I will finish this way: This is not like how do you come to the floor of the Senate and sneak something through or there is something that you are doing that is some flagrant special interest favor. The only special interests here are a whole bunch of good people, who are going through a living hell, who need some help. What we are trying to do is get that help for those people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, if we were beginning to write a farm budget this year, these arguments might resonate. The problem is we have already spent $9.6 billion that required budget waivers so far this year: Spending some of it in the year 2000, and spending some of it in the year 2001, but all of it where we made a commitment to spend this year.

What is really happening is we are in the process of simply throwing the budget out the window. We are in the process of letting this budget surplus literally burn a hole in our pockets. The level of scratching and clawing to get into the pockets of the Federal Government is at a level I have never experienced in the 22 years I have served in Congress.

It seems to me if this provision were meritorious in a bill that is providing $14.85 billion of discretionary assistance to farmers and ranchers, it would have found a place. In fact, this bill, in addition to the $1.4 billion of crop insurance, $1.6 billion in emergency assistance, the $5.5 billion of loss assistance, the $1.1 billion this bill has for emergencies—if we adopt this amendment, we are saying that a full $10.5 billion of emergency spending in agriculture will be expended this year when the entire nonemergency part of the bill is $14.85 billion. In other words, we have about a 66-percent increase in spending, all in the name of emergency.

I have to say I believe this has gone too far. We are all interested in helping farmers and ranchers. We all know there are problems, but every year the President proposes a level of assistance, Republicans raise it, Democrats raise it more, and then our Democrat colleagues raise it again. Is there no limit to the amount of money we are willing to spend because we have this surplus?

Obviously, I cannot address every issue raised by every Senator, but one has to ask the question: When 50 cents out of every dollar going to farmers in America is coming from the Government, what is going on in America today?

It is very interesting to me, and I just put these figures out here and pose a question: If we are having a complete agricultural disaster, if farmers are going broke left and right, if we should be spending almost 70 percent of our ag budget in emergency add-on spending, what would you expect to be happening to farm debt? Given that we have a 70-percent cost over-run to "help the farmer," what would you think is happening to farm debt? What would you think is happening to the level of farm assets? What would you think is happening to the debt-to-asset ratio?—in other words, the amount of debt farmers have relative to their assets.

When we have allowed emergency spending to reach levels unprecedented in the history of this country, when we have made emergency appropriations in agriculture the norm, when we have had a bidding war to buy votes in rural America such as this country has never seen in its history because of all of these losses, what would you think is happening to farm debt?

Let me just give you the figures: Farm debt in 1998 was $172.9 billion. In 1999, it was $172.8 billion. This year, it is projected to be $172.5 billion.

With all of this economic disaster, with this destruction such as we have not seen since Steinbeck novels, somehow, remarkably, farm debt is going down and not up. Yet we cannot spend money fast enough. There is just not enough money in the world to meet the demand we have for it.

What would you think is happening to farm assets? Farmers going broke left and right, leaving the farm, disaster, the trails, the trucks going to California, the desertion, the disaster in rural America—what do you think is happening to farm assets? They must be plummeting. They must be in a complete free-fall. Oddly enough, not only are they not plummeting, they are going up. They were $1.0643 trillion in 1998, $1.0672 trillion in 1999, and they are projected to be $1.0728 trillion this year.

If there is such absolute calamity in agriculture in America today, why are assets going up, and not down?

Finally, with all of this burgeoning debt—farmers drowning in debt; the mortgage collector at the door; the mean, cold-hearted banker beating on the farm door, foreclosing mortgages; widows being put out on the lawn on our farms—what do you think has happened to the debt-to-asset ratio in agriculture? It was $16.2 billion in 1998, $16.2 billion in 1999, and $16.1 billion today.

What is wrong with this picture? We are saying that the world is collapsing in rural America, and we are spending at rates unprecedented in the history of this country to deal with a calamity; and yet farm debt is going down, farm assets are going up, and the debt-to-asset ratio in agricultural America is actually going down.

Now look, something is wrong here.

What is wrong with this picture? I will tell you what is wrong with this picture. The obscene actions that have been taken in this Congress. There seems to be no limit to what we are willing to spend in the name of agriculture. I think it has to stop. I can't judge the merits of this case, this $70 million, that $115 million, the next $117 million, $4 million, $600,000——

The PRESIDING OFFICER. Will the Senator suspend.

The Senate will be in order.

Mr. GRAMM. The $45 million, $40 million, $59.4 million, $2.5 million, $6 million, $50 million, $450 million, $7.2 million—these are all emergencies that, when we funded the three previous emergencies, did not make it into the stack. When this bill was written, in a committee that is not known for turning a cold, dead eye to suffering farmers and ranchers, this $900 million never made it into the stack.

But here we are, on a Thursday afternoon, at 7:20 p.m., and we are talking about $900 million—$900 million of spending that was not in the budget, that was not in the appropriations bill, that requires a waiver of the Budget Act, and that requires the designation of an emergency.

I am saying, in $10 billion of emergency spending and $14.85 billion of ordinary spending—out of $25 billion that we are spending—how come there was not room for this $900 million? How come we are suddenly dealing with it at 7:25 p.m. tonight?

I think the answer is as clear as the answer can be. The answer is, we are determined we are going to spend every penny we can spend. We are turning our budget process into an absolute laughing stock. We are proving that all somebody has to do is walk down to the floor on Thursday evening and offer an amendment, spending millions of dollars, and it is great.

We are asked: Have you lost compassion? Look, I have plenty of compassion. But how much compassion is enough? How much do we have to spend on these programs? This year, we have already spent almost $10 billion in agricultural programs that required a budget waiver. We are already to the point where half of all net farm income is coming from a check from Washington, DC. Where does it end?

Final point—I have talked too long—but today, when we had Alan Greenspan before the Banking Committee, he was asked whether or not he was concerned about the fact that if you take the appropriation growth we had this year and project it for 10 years, it is over $1 trillion in new spending. We are realistically debating a new entitlement that, when fully implemented for 10 years, would cost about $750 billion. He said he was very concerned about it, that he thought it represented a potential threat to the economy.

So I am not saying that all of these things are without merit. I am just saying: When does it end? When does it stop? How much is enough? Is $10 billion of emergency spending—almost 70 percent above the normal level of spending—is that not enough?

I think these are real questions that need to be answered. I think it is important that we stop these amendments. And they may be adopted. Look, I understand the votes may be here to adopt them. But they are going to be adopted individually. And they are going to be subject to a point of order. We are going to begin to resist. This has to end somewhere. It seems to me that this is the place where we need to begin to talk about it ending.

I, quite frankly, was willing to accept all of these so-called emergencies already in the bill, but this just goes beyond the limits of endurance, in my opinion.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will be brief.

I am very pleased that the distinguished chairman of the Budget Committee is going to raise a point of order, very shortly, on the first amendment, the Harkin amendment. I do not pretend to have the budget knowledge and expertise of the distinguished chairman of the Budget Committee, but I do know that when he becomes exercised about what is taking place, at an ever-increasing crescendo of additional spending, about which Members really have no information or knowledge, we have to bring this to a halt at some point.

I say to my colleagues now, I will make every effort to prevent us from going out of session without the appropriations process being resolved. No more should we all go home while four or five Members of Congress decide on omnibus appropriations bills and then we are called back to vote "yea" or "nay" on a bill that none of us has had a chance to know or read.

Every year, for the last 3 years, we have been assured that this will not happen again. Well, my friends, I will do everything in my power not to have it happen again.

But let me point out, the Harkin amendment, which we just saw—this amendment which was about to be adopted by voice vote in the package of amendments totaling $960 million, which none of us had seen—let me just describe it to you.

It says:

> For an additional amount for "Watershed and Flood Prevention Operations," to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $70,000,000, to remain available until expended: Provided, That funds shall be used for activities identified by July 18, 2000 . . . .

Let me repeat that:

> . . . That funds shall be used for activities identified by July 18, 2000. . . .

That was 2 days ago. What activities? Identified by whom? The Department of Reclamation? The Department of Agriculture? Senator GRAMM? Senator HARKIN? What activities that were identified by July 18? And where is the record of July 18 of these activities that were identified to spend $70 million on?

What is going on? We are going to spend $70 million for "Watershed and Flood Prevention Operations," for "activities identified by July 18, 2000"? Is there any Member of this body, including the sponsor of the bill, who knows what activities have been identified?

Mr. COCHRAN. If the Senator will yield, I will be happy to give him the answer.

Mr. McCAIN. I will be happy to hear the answer.

Mr. COCHRAN. The date of July 18 was chosen because it was on that date that the National Resources Conservation Service provided a list to the committee, at our request, of unfunded needs that were considered emergency watershed projects throughout the United States.

It was this list from which we chose to estimate the funding needs that ought to be included in this bill as true emergencies. The total amount of the unfunded projected needs is $157,111,000. We have suggested the $70 million figure for emergencies. Of those projected needs, spring floods accounted for $30 million, hurricanes and tornadoes for $50 million, and fires for $10 million. These are either erosions or destruction of watershed protection facilities or the requirement for obtaining floodplain easements in those areas. That is generally across the United States. It is not State specific.

Then there are 23 States where the amounts are specifically identified as totaling $67,111,000. These are the States: Alaska, Arizona, Arkansas, California, Colorado, Georgia, Indiana, Illinois, Iowa, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Utah, and Wisconsin. They vary in each State from, for example, Alaska, which is a small number, $237,000, to a large number, California, $12 million; another large number, Illinois, $7.5 million; and Iowa, which was the subject of Senator HARKIN's request, $7.5 million, to which the managers added all the other States so it wouldn't be just relief for one State but all States that were similarly situated would be included in this amendment because they all had similar needs.

Mr. McCAIN. I thank the Senator from Mississippi. That is very illuminating. I guess my next question to the distinguished manager is, we already have $1.1 billion worth of spending designated "emergency" in the bill. What occurred in the intervening time that necessitated an additional nearly billion dollars and next week will there be another billion dollars? I believe only a week has elapsed since the bill was brought to the floor.

Mr. COCHRAN. Mr. President, if the Senator will yield, these are figures that were provided to the committee by the Natural Resources Conservation Service. That service administers the Emergency Watershed Protection Program. These are the projected needs through fiscal year 2000. They were provided to the committee on July 18 at our request.

This program was out of money as of sometime last fall because of the cutbacks in funding that we have been seeing in this bill, along with others as well. To try to achieve consistency with the budget resolution targets and our allocation under section 302(b), we were not able to fund programs to the full amount of the request from the administration for projected needs.

These are given to us as certified emergency needs from this agency that has the responsibility of administering the program.

Mr. McCAIN. Mr. President, I thank the Senator for that information.

The Senator from Mississippi has added a great deal to the store of knowledge of this body. I think it is very helpful. I still don't quite understand why at the end of an appropriations bill there should be, en bloc, 15 or whatever it is amendments worth over $900 million, which we didn't even get a copy of until we demanded it at the time, after the amendments were proposed. I don't think that is the way we should do business around here, particularly when we are talking about hundreds and millions and billions of dollars. I think it would have been appropriate—although I won't continue with the floor—as to what happened to the $8 billion or so that we already spent. What about those emergencies and what happened to that money?

I thank the Senator from Mississippi for his information and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will try to be very brief.

I want to make an observation. I honestly believe that we would be better off if instead of continually adding emergencies for agriculture or anything else, if we were to add more money straight up to the appropriations process. I believe we ought to just ask the chairman and ranking member at the end of this year to add more money. But we ought not to, by the week, add emergencies.

I know there are a number of bills—who knows where we will come out on them—that are taking care of problems by adding emergency provisions. I believe the chairman understands, the chairman of the Appropriations Committee understands our problem. I believe Senator BYRD understands our problem. The solution is not to add an emergency by the week, have a bill and then everybody comes running and we say: There is no room for it. Well, call it an emergency and then there will be room because it doesn't count against anything.

I want to make another observation about the agricultural community. I probably have the best support or at least as good support as any Senator here from the agricultural community of my State. But I am not impressed with the year-in-year-out emergency requests of the agricultural community of this country. It is approaching the ridiculous. They ask the Budget Committee, put more money in for agriculture.

We were pretty skimpy on other things, but we were not very skimpy on agriculture. We provided, and the committee held on to this in the appropriations, a $5.5 billion reserve fund for market losses. As soon as they funded it, the reserve fund was released, and they had $5.5 billion. Market losses are emergencies in the broad sense for agriculture, I guess. I understand that to be the case. People are getting checks because the market didn't work. They didn't get money.

We put in a new crop insurance allowance for which everybody thanked us. It was passed, but it was passed even bigger than we thought. And that was all right. That amounted to $3 billion. It is heralded as a fantastic success by people such as Senator PAT ROBERTS of Kansas. We finally did it. Now crop insurance is emergency money. It is a rational way to take care of annual losses by crop insurance, a sharing of the burden by a lot of people. When a crop fails, you have something to help them with.

Well, that wasn't quite enough and we knew it. And we heard: Don't hold your breath; there will be more agricultural emergencies.

I hope and pray the bill finishes tonight. I wish it would have finished a week ago. Sooner or later, we have to stop adding emergencies to a bill in the agricultural area. I am not sure that every one of these are agricultural subsidy enhancers. The bill has a lot of jurisdiction. It could be other things. The distinguished senior Senator from Mississippi manages the bill beautifully. He knows what he is doing.

I noted also, when he sent these amendments to the desk, he said: I send them on behalf of the Senators that have asked for them. He did not say the chairman of the Agriculture Committee submits these and asks for all of them. I believe he really thought somebody would challenge some of them but he would offer them because he had worked on them to narrow down a request that was even bigger than this.

I suggest that we try this on tonight, that we decide that if we need more money and we are going to put it in bills, that we ask the chairman to spend more money. I will not agree with my friend from Texas. It is not the appropriations bills that are going to break this budget. It is not the appropriations bills that are going to cause us to run out of the surplus that is being generated. You can count on that. The increases in appropriations will be wiped out by one entitlement bill. Whatever you expect to be added to appropriations the next decade will be wiped out by the first major entitlement bill that comes along. It will take from the same pot of surplus as appropriations. It is not appropriations that is breaking the bank.

I compliment Senator GRAMM for trying to keep us from going wild, but the truth is, it is not appropriations. We don't have any control over it, if in fact instead of asking for the money to be added to the budget and vote on that as grown-up Senators, we added money, and do you want it or not. You will have a shot at that when we add it because we are going to add money. The chairman is going to have to ask us for more money to get the appropriations bill, substantially more. But it will be a heads up add-on. It won't be coming along the way we are here. So when it is appropriate, after asking a parliamentary inquiry, I will make a point of order. What is pending before the Senate right now?

The PRESIDING OFFICER. The pending question is the amendment No. 3964 offered by Senator COCHRAN for Senator HARKIN.

Mr. DOMENICI. Is it appropriate to make a point of order under the Budget Act regarding the emergency quality of that?

The PRESIDING OFFICER. That would be appropriate.

Mr. DOMENICI. Mr. President, I make a point of order that the amendment contains an emergency designation in violation of section 205 of H. Con. Res 290, and the fiscal year 2001 budget resolution.

Mr. COCHRAN. Mr. President, I move to waive the point of order pursuant to section 205(c) of H. Con. Res 290 with respect to all emergency designations in this bill and to all the amendments to this bill filed at this time, and I ask for the yeas and nays.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The first issue is to determine if there is a sufficient second. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3977—MOTION TO WAIVE

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 3977:

Strike all after the first word, and insert the following:

"I move to waive section 205 of the budget resolution for consideration of the Harkin amendment."

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3978 TO AMENDMENT NO. 3977

Mr. COCHRAN. Mr. President, I move to strike the word "waive" in the pending amendment and insert the following: "Section 205(c) of H. Con. Res. 290 with respect to all emergency designations in this bill and all amendments filed at the desk at this time to this bill other than amendment No. 3918."

I send the motion to the desk. I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. Cochran] proposes an amendment numbered 3978 to amendment No. 3977.

Mr. GRAMM. Parliamentary inquiry. Is this a strike-and-insert amendment?

The PRESIDING OFFICER. The regular order is for the clerk to finish reporting the amendment.

For the information of the Senator, the amendment does strike a word and add other language.

Mr. GRAMM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Under the regular order, the amendment should be read or its reading terminated by regular order.

Without objection, it is so ordered.

The amendment is as follows:

Strike the word waive in the pending amendment and insert the following:

"Section 205(c) of H. Con. Res. 290 with respect to all emergency designations in this bill and all amendments filed at the desk at this time to this bill other than amendment No. 3918."

Mr. COCHRAN. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3978 TO AMENDMENT NO. 3977, WITHDRAWN

Mr. COCHRAN. Mr. President, on behalf of the leader and at his request, I ask consent that the pending motion to waive and any amendments thereto be withdrawn, and that the point of order be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3457, 3933 TO 3457, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, AND 3976, EN BLOC

Mr. COCHRAN. I further ask consent that the Harkin amendment No. 3964 and the other emergency designation amendments now pending at the desk be considered en bloc and agreed to en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3964) was agreed to.

The amendments, en bloc, were agreed to as follows:

AMENDMENT NO. 3457

(Purpose: To provide market and quality loss assistance for certain commodities)

On page 75, between lines 16 and 17, insert the following:

Sec. 7 . Apple Market Loss Assistance and Quality Loss Payments for Apples and Potatoes.—(a) Apple Market Loss Assistance.—

(1) In general.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) Payment quantity.—

(A) In general.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) Maximum quantity.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) Quality Loss Payments for Apples and Potatoes.—In addition to the assistance provided under subsection (a), the Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 crop of potatoes and apples, respectively, due to, or related to, a 1999 hurricane or other weather-related disaster.

(c) Nonduplication of Payments.—A producer shall be ineligible for payments under this section with respect to a market or quality loss for apples or potatoes to the extent that the producer is eligible for compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) Emergency Requirement.—

(1) In general.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(2) Designation.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. LEVIN. Mr. President, I have an amendment which would assist apple growers who suffered losses from fire blight and other weather related and economic damage. The amendment is cosponsored by Senators Collins, Schumer, Gorton, Murray, Snowe, Leahy, Jeffords, Moynihan, Durbin, Rockefeller, Robb, Abraham, and Lieberman. This spring, apple growers in Michigan suffered huge crop losses and damage due to several hail storms which caused thousands of acres of apple trees to be infected with fire blight. Fire blight is a bacterium that has destroyed thousands of acres of fruit trees in Michigan. Experts at Michigan State University anticipate that ¼ of all MI apple farmers have trees that are afflicted by fire blight. As a result of this weather related disaster, many of Michigan's best apple producers face diminished production this fall, and decreased revenues for many years to come. My amendment provides essential assistance for apple and potato producers that have suffered quantity losses due to fire blight or other weather related disasters. These hardships could not come at a worse time for our nation's apple farmers who, according to USDA, have lost nearly $1 billion over the past three years due to a variety of factors including diseases, such as fire blight. This legislation also includes assistance for apple and potato farmers who have incurred quality losses due to weather-related disasters.

The Agricultural Risk Protection Act, which President Clinton signed into law, included some emergency assistance for our nation's farmers. However, much remains to be done to address the myriad of problems facing out nation's apple farmers. That is why with 13 cosponsors I have introduced amendment No. 3457 that would provide $100 million in assistance this year for quantitative losses of our nation's apple farmers. A second degree amendment that would provide $60 million for qualitative losses, suffered by apple and potato farmers, was attached to my amendment by Senators Abraham and Schumer. Articles from a number of Michigan papers show the plight of apple farmers, and mentions the need for direct assistance, in the form of this amendment, to our apple farmers. I ask unanimous consent that these articles be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Herald-Palladium, June 22, 2000]

BAD APPLES: FIRE BLIGHT IS TAKING BITE OUT OF AREA CROPS

FARMERS SEEK FEDERAL FINANCIAL ASSISTANCE FOR ACRES OF DYING TREES

(By Michael Eliasohn)

WATERVLIET—The name of Rodney Winkel's farm is Grandview Orchards, but the view these days is far from grand.

A building on Winkel's Bainbridge Township farm Wednesday morning was the location for a meeting of about 80 Southwest Michigan farmers who have the same view—brown dead leaves on dying apple trees.

The cause is fire blight, a bacterial infection that shrivels the apples and can kill the trees. Alan Jones, Michigan State University's fire blight expert, said it's the worst outbreak ever in Michigan.

John Sarno, U.S. Farm Service Agency Southwest Michigan regional director, said his office has received preliminary reports of fire blight damage in Berrien, Van Buren, Cass and Kalamazoo counties. He expects to receive a similar report soon from Allegan County and believes there may be damage in Ottawa and Kent counties.

Prior to the meeting, Michigan Farm Bureau (MFB) conducted a tour of four fire blighted orchards in Van Buren County for aides to several Michigan members of Congress, plus staff from the MSU College of Agriculture, the Farm Service Agency, Michigan Department of Agriculture and others.

Winkel described the problem facing the farmers. He and his son-in-law Mark Epple grow about 300 acres of apples. "I conservatively estimate we'll take out 60 to 70 acres of trees," he said. "These are huge dollars we're talking about and the cookie jar is dry."

"A number of years ago, agriculture could handle a disaster like this," but not any more, said MFB President Jack Laurie, who chaired the meeting. "The (profit) margin has been reduced, so farmers can't stand a big loss."

Unlike a spring freeze that wipes out that year's crop, the fire blight damage goes far beyond one year.

Coloma area grower Jerry Jollay said during the meeting he and his son, Jay, expect to lose about half of their 55 acres of apple trees.

He later told The Herald-Palladium if trees are removed and new trees planted, it takes 5-6 years until they start producing a good crop and it isn't until the eighth year they get a full crop.

He estimated it costs from $4,000 to $10,000 per acre to replant trees and to maintain them until they start producing, depending on the number planted per acre. The figure does not include the value of lost production.

Growers may be able to remove diseased limbs and save some trees, according to Jones of MSU, but that could mean 2–3 years of reduced crops until it gets back to full production.

"But if you don't get it all," said Mike Hildebrand, "it will flare up next year or the year after." Hildebrand and his father, Ernie, grow about 70 acres of apples near Berrien Springs.

Jones said if an infected limb is missed, the fire blight will spread to the roots and kill the tree.

And if one tree is infected, the fire blight can spread to the rest of the trees in the orchard.

Sarno told the growers there is no existing program to compensate them for fire blight damages, that Congress has to approve one and the funds for it. "We have to start over," he said. "We have to look at what we have today (in damage) and that's what we're doing today."

Sarno later told The Herald-Palladium there are three potential programs Congress could approve, one involving low-interest loans to partially compensate them for their production losses and tree losses.

The other two programs would give them grants, either to help cover production losses or pay for removing diseased trees and planting new ones.

Farmers with crop insurance may be covered for lost crops this year.

Sarno said county agricultural emergency boards must first compile loss data, which they forward to the state emergency board.

If the state board decided the loss is significant enough, it asks Gov. John Engler to ask U.S. Secretary of Agriculture Dan Glickman to declare the affected counties agricultural disaster areas, thus qualifying growers for aid, if Congress OKs it.

Sarno said the last time there was such an emergency, in Kent County in 1998 when winds blew down trees and spread fire blight, ti took about a year before growers received their government checks. "We hope to expedite this (for fire blight damage)," he said.

Winkel said he could lose 30,000–35,000 bushels of apples this year, and for the next several years, until replacement trees start producing apples, his loss could be 50,000 bushels a year.

The value of apples varies widely, depending on the variety, when they are sold and their use, but at $6 per bushel—the 1999 average from two area packing houses for Jonathans—Winkel's annual loss would be $300,000 a year.

He said Idared, Jonathon, Rome, Gala, Paulared and Golden Delicious are the varieties being affected most by fire flight.

For some growers, fire blight isn't their only problem. Jollay said spring frosts and freezes reduced his tart cherry crop by probably half, apples by 20 percent and peaches by 50 percent.

Then hail on May 18 caused more damage, followed by the fire blight. He guessed he will have only about a fourth of his normal crop of apples.

In his 35 years in agriculture, Jollay said, he has suffered losses from freezes, hail and fire blight, but not all in one year. "This is absolutely the worst I've ever seen." He said he and his son hope to get through this year with income from pumpkins, their other significant crop, and their pick-your-own "family fun" operations in the fall.

As for possible federal aid, he said: "Hopefully this will help alleviate part of the problem."

Coloma area grower Paul Friday, whose 140 acres of peaches suffered major hail damage on May 18, asked that hail-caused damage to fruit and young trees not yet bearing fruit be included in any assistance program.

[From the Kalamazoo Gazette, June 22, 2000]

APPLE GROWERS GETTING BURNED—EPIDEMIC OF FIRE BLIGHT DEVASTATES LOCAL CROP

(By Ed Finnerty)

HARTFORD—The Golden Delicious apple trees on Kevin Winkel's family farm are anything but golden or delicious.

Their leaves are more brown than green. Their fruit resembles rotting grapes more than edible apples.

To Winkel and scores of besieged farmers in the apple country of Van Buren and Berrien counties, a killer epidemic of fire blight that has overtaken their orchards and threatens their livelihoods is a disaster by any reasonable standard.

"It got my entire crop," lamented Winkel, a second-generation grower working the land he took over from his father 16 years ago.

"There will be zero income from this year's crop and at least half of the expenses are already in it," said Winkel, a married father of two who isn't sure the business will survive the loss.

Apple farmers in Van Buren and Berrien counties in southwestern Michigan are hoping to persuade the Federal Government to declare their farms disaster areas, entitling them to aid farm officials say may be a last lifeline for some growers.

"The problem here is devastating," said Al Almy, Michigan Farm Bureau's director of public policy and commodities. "It could put some of the very best growers right out of business."

Fire blight is a bacterial disease affecting primarily apple and pear trees that is spread by insects and often enters blooms or leaves damaged by wind or hail. It destroys tissue it infects, killing blossoms and shoots, sometimes progressing into the tree and its roots. Badly infected trees look like they have been burned.

Strains of fire blight that have become resistant to antibiotic sprays have slowly spread in area orchards, but a May 18 storm that produced hail and high winds is blamed with sparking the huge outbreak.

Mark Longstroth, district horticulture and marketing agent with the MSU Extension, estimates some 300 to 400 growers and 27,000 acres of apples will be affected by the blight. The major damage is in Van Buren and Berrien counties, but fire blight has appeared in Allegan, Cass and Kalamazoo counties too, officials say.

Officials are still evaluating losses but say they may reach about $10 million in the two counties. This year's losses will be multiplied in future years with the loss of production from trees that are killed.

"This is one of the worst epidemics we have ever seen," said Alan Jones, a professor of plant pathology at Michigan State University. Jones, a fire blight expert with MSU for 30 years, said this outbreak dwarfs the worst epidemic he had seen previously, in 1991.

The Michigan Farm Bureau on Wednesday invited media and representatives from the area's congressional delegation to tour orchards from Lawrence in Van Buren County to Watervliet in Berrien County. The caravan stopped at some orchards to inspect the damages, but in most cases a drive by acre after acre of brown orchards was all that was needed to see the devastation.

At an orchard near Watervliet, dozens of apple growers waited to meet with representatives from the Farm Bureau, USDA, Michigan Department of Agriculture, MSU Extension and other agencies. It was partly a show for the invited media, including crews from several newspapers and television stations, and a show of force to representatives of the Congressional delegations.

Staffers for U.S. Sen. Carl Levin and Reps. Fred Upton, Nick Smith, Vernon Ehlers, and Peter Hoekstra were on hand Wednesday, and Michigan Farm Bureau President Jack Laurie urged growers to push them for disaster assistance.

"Levin's office is the one we've got to lean on, this guy here," one grower said to others, as they waited for another farmer to finish bending the ear of Levin's staffer.

If a disaster is declared, farmers will be eligible for low-interest loans to cover losses and replace trees. Federal assistance to replace weather-damaged trees doesn't cover fire blight, but officials from the Farm Bureau and other assembled agencies said political pressure should be applied to get that coverage.

A state emergency board will be convened to evaluate losses in the affected counties, then ask Gov. John Engler to request federal disaster relief from the U.S. Department of Agriculture.

"I think we have seen enough to know this is very widespread, this is very dramatic," said John Sarno, district director for USDA Farm Services Agency, who took his camera along on Wednesday's tour. "There are going to be great losses."

Any help would be welcomed by Winkel, who says he may have to find a second job and whose wife may have to go from working as a part-time nurse to working full time. His 100 acres of trees, which last year produced about 73,000 bushels of apples and $300,000 in revenue, will yield nothing this year.

"The whole future of the southwest Michigan fruit industry is at stake here," said Tom Butler, head of the Michigan Processing Apple Growers. "A lot of growers are not going to be able to stay in business until some serious help comes along."

The fire blight will have no discernible impact on consumers because of a strong supply of apples nationwide, Butler said

Mr. LEVIN. I am particularly grateful to Senator SUSAN COLLINS whose support has been essential. I am also pleased with the many bipartisan cosponsors who have supported this legislation.

This amendment is similar to legislation which recently passed the other body as part of the FY2001 Agriculture Appropriations bill.

Ms. COLLINS. Mr. President, I rise today to join my good friend Senator LEVIN in offering an amendment to provide much needed relief for apple and potato producers across America. Senator LEVIN and I share a deep concern for these farmers, who have endured such unexpected hardship over the past year. I am grateful for having the opportunity to work with my friend from Michigan on this critical matter.

Over the past three years, America's apple growers have lost more than $760 million according to U.S. Department of Agriculture statistics. Market conditions, beyond the control of our farmers, and unfair trade practices have contributed significantly to these loses. There has been a reduction in demand for U.S. apples in much of the world because of poor economic conditions in foreign markets. The domestic demand for apples has been affected by conditions abroad as well. With dimished demand oversees, we have seen an increase in the foreign supply of apples in our domestic markets. The U.S. Department of Commerce and the International Trade Commission recently found that our producers have been victimized by unfairly priced imports of Chinese apple juice concentrate.

Unusual weather also has hurt our potato and apple producers. The Maine Pomological Society, a group that primarily represents apple producers in my State, reports that a summer-long drought, coupled with the heavy winds and rains of Hurricane Floyd in the fall, had a disastrous impact on the quality of apples produced in Maine last year. On average, only 49% of Maine's 1999 apple crop could be sold at the "fancy grade" quality. To provide my colleagues with a sense of what this means, I would note that in 1998, 78% of the apples produced in Maine were labeled as fancy grade.

Maine potato farmers also found themselves victims of weather-related disasters in 1999. In Maine, some potato farmers found their fields covered in as much as 15 inches of water following the drenching that accompanied Hurricane Floyd last fall. Because many of Maine's farmers leave their crop in storage over the winter, we did not realize the full extent of the damage caused by Floyd's rains until this spring. Mr. President, potato farmers pour their hearts and souls into their fields. It is profoundly disheartening to hear from a farmer who has lost an entire crop that took many months of hard work to cultivate.

The amendment Senator LEVIN and I offer today provides much-needed assistance to both potato and apple producers. Under our proposal, the Secretary of Agriculture would allocate $100 million in market loss assistance payments to our nation's apple producers. The market loss payments authorized by our amendment will help thousands of apple growers from Washington State to Michigan to Maine survive the losses they have endured due to conditions beyond their control. This amendment directs a modest amount of funds to producers who have received very little of the nearly $15 billion in emergency agriculture spending that we have passed this fiscal year.

Our amendment also directs the Secretary of Agriculture to provide $15 million in quality loss payments to apple and potato producers who suffered losses as a result of a hurricane or other weather-related disaster. This assistance will be important to those farmers who were unable to produce their finest product because of adverse weather conditions.

Mr. President, the provisions of our amendment are similar to language in the House-passed version of the FY 2001 Agriculture Appropriations bill. The provisions recognize that potato and apple producers, like other farmers across the country, are subject to the vagaries of international markets and the weather. I ask my colleagues to join us in providing assistance to our apple and potato producers in their time of need.

If anyone questions the emergency nature of this request, I would refer them to a news story that ran on the evening news in Maine this past Tuesday. The segment focused on a longtime apple grower from Alfred, Maine. The grower, with much regret, has come to the conclusion that after thirty-five years this will have to be his family's last crop. The dwindling profits are not enough incentive for the next generation of the family to contend with the government regulations and uncertainty that comes with running an apple orchard. I encourage my colleagues who missed this broadcast from Maine to read the story in Tuesday's New York Times about the hardships being endured by apple growers in New York who watched hail storms this spring wipe out much of their crops. This amendment and the aid it represents is certainly an emergency to these producers.

Mr. President, the federal government must be a partner in our farmer's efforts to feed America and much of the world. The Levin-Collins amendment ensures that our apple and potato producers get the help they need to overcome the difficulties of the past year and continue to produce a quality product. I urge my colleagues to support our amendment, and I yield the floor.

AMENDMENT NO. 3933

(Purpose: To provide relief for apple growers whose crops have suffered extensive crop damage as a result of fireblight)

On page 2, lines 16 through 23, strike all after "(b)" and insert,

"QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster.

AMENDMENT NO. 3965

(Purpose: To ensure that nursery stock producers receive emergency financial assistance for nursery stock losses caused by Hurricane Irene)

At the apropriate place, insert the following:

SEC. .—In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78), or under the matter under the heading "CROP LOSS ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION FUND" of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, Senator MACK and I offer this amendment that will correct an injustice being done to nursery growers in south Florida impacted by Hurricane Irene in October of 1999.

On October 15, Florida was hit with Hurricane Irene.

Following closely on the heels of Hurricane Floyd, a storm that caused a disaster declaration in 13 states, Hurricane Irene dropped over nine inches of rainfall on average across Palm Beach, Broward, and Miami-Dade Counties.

Three-day rainfall totals at specific measuring sites throughout this area ranged between 10.88 and 17.47 inches.

Nineteen Florida counties received a major disaster declaration.

At the height of the storm, more than 1 million people lost power.

Agriculture losses from Hurricane Irene totaled over $438 million.

In total, seven deaths were attributed to Irene's visit to the Florida coastline.

Last year, Congress specifically provided $186 million in "additional resources for damage caused by hurricanes and other natural disasters in Florida and other states" under Title I—Emergency Supplemental Appropriations of the FY 2000 Omnibus Appropriations Act.

This crop loss assistance was provided in addition to the $1.2 billion previously allocated under the Crop Disaster Program to respond to farmers who suffered losses due to "adverse weather and related conditions."

In executing this program, the Farm Service Agency (FSA) has made the determination that nursery, unlike other Florida crops damaged by Hurricane Irene, will not be eligible for Crop Disaster Program assistance.

FSA indicates that nursery is ineligible because the program is limited to losses in the 1999 crop year, and the hurricane damage occurred after the FSA-set 2000 crop year had begun.

The hurricane damage occurred on October 16–17, 1999, and the 2000 nursery crop year, according to FSA, began on October 1, 1999.

By all accounts, the FSA's crop year determination was made on an arbitrary basis as nursery does not have a traditional crop year and crops are grown on a year-round basis.

By contrast, the Risk Management Agency had a similar problem and made a special dispensation for the nursery crop year to provide eligibility for hurricane losses under the federal crop insurance program.

The Florida delegation has made a concerted attempt to work closely with the Department since the hurricane damage occurred.

On December 9, 1999 FSA representatives briefed the Florida delegation on disaster assistance available to Florida farmers, and we were informed that Crop Disaster Program assistance would be available to respond to hurricane-related farm losses in Florida.

Today, it is still not available.

The amendment we offer today will ensure that nursery stock losses due to Hurricane Irene will be eligible for relief under the Crop Disaster Program.

Mr. President, the intent of Congress was clear—that losses in Florida due to natural disasters should be covered by the Crop Disaster Program.

I hope that my colleagues will support our amendment that will provide clear direction to the U.S. Department of Agriculture and ensure that its actions meet the intent of Congress.

I urge its adoption.

AMENDMENT NO. 3966

(Purpose: To permit the enrollment of an additional 100,000 acres in the wetlands reserve program)

On page 85, after line 8, of Division B, as modified, add the following:

SEC. . Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the wetlands reserve program: *Provided*, That not withstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section. *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3967

On page 85, after line 8 of Division B, as modified, add:

SEC. . In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate or otherwise seek to make whole from funds of the Commodity Credit Corporation, not to exceed $4,000,000, the owners of all sheep destroyed from flocks under the Secretary's declarations of July 14, 2000 for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3968

(Purpose: To provide emergency funding for the Grain Inspection, Packers, and Stockyards Administration for completion of a biotechnology reference facility)

On page 76, after lines 18, of Division B, as modified, insert the following:

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for the Grain Inspection, Packers and Stockyards Administration, $600,000 for completion of a biotechnology reference facility: *Provided*, That the entire amount shall be available only to the extent an official budget request for $600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement in accordance with section 251(b)(2)(A) of that Act.

AMENDMENT NO. 3969

(Purpose: To ensure that growers who experienced crop losses due to citrus canker receive appropriate compensation)

On page 83, line 5, strike the following: "; and (e) compensate commercial producers for losses due to citrus canker".

On page 85, after line 8, insert the following:

SEC. . (a) Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act) the Secretary of agriculture shall use not more than $40,000,000 of Commodity Credit Corporation funds for a cooperative program with the state of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, members of the Senate, I rise before you today with my colleague, Senator MACK, to offer an amendment to the Agriculture Appropriations bill on behalf of the Florida citrus industry.

Mr. President, if ever there was an industry in crisis, this is it.

Since last year, the Florida citrus industry has been besieged by the ravages of citrus canker.

Citrus canker is a disease that spreads rapidly through the air to infect grove after grove after grove.

There is no cure.

Once a tree becomes infected, it must be burned to the ground to prevent further spreading.

As part of an ongoing effort to eradicate citrus canker, the Animal Plant and Health Inspection Service (APHIS) issued a regulation requiring the destruction of all trees within a 1,900 foot radius of an infected tree.

The result is that hundreds of healthy trees are burned to the ground.

This government regulation is critical to eradication of citrus canker, but it increases the number of trees that are destroyed.

To date, over 1,500 acres of limes and oranges, have been burned.

In response, both the Governor and the Secretary of Agriculture declared a state of emergency in Florida due to the citrus canker outbreak.

Once destroyed, it takes between three and four years for a citrus tree to reach maturity and produce its maximum capacity of fruit.

The growers whose healthy trees are destroyed by the federal government are robbed of income today and income for the next three to four years.

I believe that the destruction of the healthy trees in accordance with federal regulation is in effect, a "federal taking" of private property for which Florida citrus producers should be compensated.

The Appropriations bill we are considering today provides the Secretary with authority to spend funds on compensation for growers who experience losses due to citrus canker.

Our amendment would modify this language to mirror language in the House-passed Agriculture Appropriations bill which provides up to $40 million for compensation of growers for citrus canker losses.

Our amendment ensures that Florida citrus growers whose trees are destroyed as a result of federal regulation are able to receive appropriate compensation.

I hope that my colleagues will join me in providing much needed assistance to an industry besieged by disease and severely impacted by a federal regulation which, while well-intentioned and important to the eradication of this disease, robs citrus growers of income from healthy trees for a three to four year period.

AMENDMENT NO. 3970

On page 76, strike lines 6 through 18 and insert in lieu thereof:

"For an additional amount for "Salaries and Expenses", $59,400,000 to be available until September 30, 2001: *Provided*, That this amount shall be used for the Boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That the entire amount shall be available only to the extent on official budget request for $59,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. COCHRAN. Mr. President, during year 2000, the National Boll Weevil Eradication Program (BWEP) will have approximately 6.8 million acres under active eradication and treatments will be initiated on an additional 832,000 acres, bringing the total acreage in active eradication to 7.65 million acres. The states participating in treatments currently are: Arkansas, Louisiana, Mississippi, Tennessee, New Mexico, Oklahoma, and Texas.

By 2001 another 2 million acres will begin eradication, and at the same time, eradication will be completed on about 1 million acres. Thus the total acreage in active eradication in 2001 will increase to 8.8 million acres. The peak year for the high costs to the participants of the eradication program will be in 2001.

Initially the BWEP operated on a 70/30 cost-share basis with the growers providing 70 percent through a pre-acre self-assessment approved by referendum and 30 percent provided through annual federal appropriations. Programs in Virginia, North Carolina, South Carolina, Georgia, Arizona and portions of Alabama and Florida were completed with a 70/30 cost-share. As participating acreage rapidly expanded across the cotton belt, the federal cost-share declined from 30 percent to about 4 percent in fiscal year 2000.

With the problems American agriculture is still facing with low commodity prices, droughts, and flooding, the burden of this program at a cost-share rate of 96/4 is jeopardizing the participation in the Boll Weevil Eradication Program nationwide.

This amendment, which I am offering today to the Fiscal Year 2001 Agricultural Appropriations bill, increases the Animal, Plant and Health Inspection Service's salaries and expenses by $59,400,000. This amendment includes an emergency declaration which requires the President to request the full amount before the monies are appropriated.

This additional appropriation will enable APHIS to increase federal funding for is to increase the Boll Weevil Eradication Program by $59,400,000 for 2000. This amount is needed to provide a thirty percent cost-share to farmers participating in the program. With this appropriation, farmers will be able to fully participate in the eradication program without putting another financial strain on their farm income.

AMENDMENT NO. 3971

(Purpose: To provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund)

At the appropriate place in chapter 1 of title I of Division B, insert the following:

For an additional amount for the Secretary of Agriculture to provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund, $2,500,000: *Provided*, That, these funds shall only be available if the State of South Carolina provides an equal amount to the South Carolina Grain Dealers Guaranty Fund: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3972

(Purpose: To restrict the use of funds to provide certain conservation assistance and authorize a transfer of funds for the Wildlife Habitat Incentive Program)

On page 85, after line 8, of Division B, as modified, add the following:

SEC. (a). None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) unless—

(1) the Secretary permits funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 to be used to provide financial or technical assistance to farmers and ranchers for the purposes described in section 211(b) of that Act; and

(2) notwithstanding section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a(c)), the Secretary permits funds made available under section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) to be used to provide additional funding for the Wildlife Habitat Incentive Program established under that section 387 in such sums as the Secretary considers necessary to carry out that Program.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3973

(Purpose: To provide for assistance for emergency haying and feed operations in the State of Alabama)

In section 1107, after the first proviso insert "*Provided further*, That of the $450,000,000 amount, the Secretary shall use not less than $5,000,000 to provide assistance for emergency haying and feed operations in the State of Alabama:".

AMENDMENT NO. 3974

(Purpose: To provide emergency funding to the Department of Agriculture's Rural Community Facilities program)

On page 40, line 17, after the period, insert the following:

“For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926(a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) *Provided further*, That the $50,000,000 is designated by Congress as an emergency requirement under section 251 (b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3975

(Purpose: To make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster and to producers of specialty crops that incurred losses during the 1999 crop year due to a disaster)

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $450,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3976

On page 85 after line 8 of Division B, as modified, insert:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments, (Nos. 3457, 3933, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, and 3976), en bloc, were agreed to.

Mr. COCHRAN. I further ask consent that it not be in order in the Senate, for the remainder of the 106th Congress, to consider any bill or amendment that raises the level of emergency spending for agriculture above the level contained in this Agriculture appropriations bill as of the adoption of the above described amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, I thank Senator STEVENS for agreeing to this amendment. I realize that there are legitimate emergencies, but I remind my colleagues that in the last 2 years we have had $16.6 billion of agricultural emergencies. This amendment does not guarantee that we are not going to have more. But it certainly strengthens the ability of those who want to draw the line and say that enough is enough.

So I support this agreement. I thank Senator STEVENS and Senator COCHRAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator STEVENS as well. I thank Senator COCHRAN and others who helped craft this agreement—Senator KOHL. Because the fact is, there are real disasters and real emergencies. In my State where, on June 12, 20 inches of rain fell in 36 hours, 1 week later 8 inches of rain fell in 6 hours. It gave us this headline in the biggest paper in our State: “Swamped.” It says it all. A disaster of stunning proportions costing hundreds of millions of dollars in the major city of our State—1.7 million acres of land, of cropland, devastated. This is an emergency. It is a disaster. It must be addressed.

Through this amendment we will begin the process of healing. I thank all those who participated in this agreement.

I do want to answer the Senator from Texas when he says we have had $14 billion of emergencies in the last 2 years. The underlying reason is a failure——

Mr. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator will suspend.

The Senator from North Dakota.

Mr. CONRAD. I thank the Chair, and I thank very much my colleague from West Virginia.

The reason we have had to have substantial emergency spending is because of the failure of the last farm bill. The last farm bill represents unilateral disarmament. While our major competitors, the Europeans, are spending $50 billion a year to support their producers, we, on average, were spending $10 billion under the previous farm bill. We cut it in half on the notion that the Europeans would follow our good example.

What a foolish tactic. We would never do that in a military confrontation, engage in unilateral disarmament. But it is precisely what we did with respect to a trade confrontation.

Agriculture has been in deep trouble and we have responded. Congress, the administration, and we thank our colleagues, for that response. But now we have been hit by unprecedented natural disasters.

The PRESIDING OFFICER. The Senator will suspend. I want to get the Senate back to order.

I ask colleagues take conversations off the floor and take them to the Cloakroom. Please take your conversations to the Cloakroom.

The Senator from North Dakota is recognized.

Mr. CONRAD. Again, I thank the courtesy of the Chair.

We have been hit by unprecedented natural disasters. This body has been generous in responding, whether it was in North Dakota or New Mexico. I just hope we do not ever lose that generosity of spirit in this country because none of us can predict who might be hit next.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator GRAMM for working on this with me and the distinguished chairman of the Agriculture Committee and all those who helped put an agreement together, including TED STEVENS, Senator STEVENS, and those who helped him. I really believe the discussion tonight was a very good one. Whether or not it means anything in the weeks and months to come, who knows? But, frankly, I am fully aware in that list there are some items that are really natural disasters, or disasters of one sort or another that we would compensate for. I just believe that at some point or another in the field of agriculture, and on the agricultural bill, at some point in time adding emergencies has to kind of end. I submit there would be more than this if it would be 2 weeks from now when the agricultural bill came up.

That is my point. I really have a lot of faith and confidence in THAD COCHRAN and his minority ranking member. But I frankly believe sooner or later we ought to just face up and add to the budget and not continue to add emergencies when they are not emergencies. And certainly many of them were. I did not have a chance to look at it thoroughly.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I regret to tell my friend from Texas—I have told him informally, but I will tell him formally now—we have a staggering disaster going on in Alaska right now. It is the total collapse of the fish runs in the Yukon and Kuskokwim Rivers that sustain a substantial number of our native villages. If this is not in this bill now, it might come in in conference, but it is going to come up sometime before this year is out. I just want to put the Senate on notice. I was talking here about the agriculture items that are in this bill now. But I do not feel bound not to represent my State later, in terms of trying to protect these people who live in rural Alaska.

I talked today to James Lee Witt who is the Federal Emergency Management Agency Director. He told me the President had asked him to work with all existing agencies to try to find out what could be done under existing law and with existing funds to deal with a disaster that is taking place as we speak. We will not know, probably, until we come back in September, what will be required. But we do expect to have some substantial problems with this disaster within the coming 5 or 6 weeks.

I hope my friend understands what I am saying to him. In this agreement we just made, that, to me, does not include the fisheries disaster that is going on now in Alaska.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I want to thank Senators COCHRAN and KOHL for staying with this issue for those of us who represent States with true disasters, true emergencies, that were not represented in the bill as it came to the Senate. We have had the worst outbreak of fire blight in our apple industry in the history of the State of Michigan. Our Governor has requested that Secretary of Agriculture Glickman grant a disaster designation for seven counties in Michigan that have been afflicted by fire blight.

I ask unanimous consent that this request be printed in the RECORD along with two newspaper articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 30, 2000.

GOVERNOR REQUESTS DISASTER DESIGNATION FOR FRUIT GROWERS IN SOUTH AND SOUTHWEST MICHIGAN

Governor John Engler announced today that he has requested a United States Department of Agriculture Disaster Designation for fruit growers in South and Southeast Michigan.

Fruit trees in that region suffered from a very severe storm that brought hail, high winds and heavy rain on May 18.

That severe weather caused small wounds and scars on the leaves, limbs, and fruit of apple, cherry, apricot, plum, pear and peach trees. In the case of apples and pears, these wounds allowed the bacteria known as fire blight to enter the tree. This bacteria quickly infects the limbs, killing the leaves and fruit, eventually making its way into the roots, killing the entire tree.

It is estimated that over 2,000 acres of apple trees in the counties of Allegan, Berrien, Branch, Cass, Hillsdale, Kalamazoo and Van Buren are dead or dying, with another 5,400 acres showing severe symptoms of this insidious disease. This is the area to be covered by Governor Engler's disaster designation request.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 29, 2000.

Hon. DAN GLICKMAN,
Secretary of Agriculture, Administration Building, Washington, DC.

DEAR SECRETARY GLICKMAN: A natural disaster has occurred in Michigan that will result in production and physical losses in fruit crops and fruit trees for the year 2000. Consistent with USDA policy, I am hereby alerting you within the required 90 day time period that such a condition exists.

The month of May was wet and humid throughout Southwest Michigan. More than five inches of rain fell in May alone and 15 days in May saw relative humidity above 80%. On top of this weather, a severe thunderstorm hit the area on May 18, 2000, bringing high winds very heavy rain, and hail. This storm caused severe damage to fruit trees and the fruit crop in the region. This damage was exacerbated when a bacterium, fire blight, took hold in apple and pear trees. This fire blight infection was directly related to the May 18, 2000, storm inasmuch as the hard rain and hail scarred and wounded the leaves, limbs and fruit of apple and pear trees, creating an avenue for the fire blight disease to enter the trees.

The following counties were affected: Allegan, Berrien, Branch, Cass, Hillsdale, Kalamzaoo, Van Buren.

This disaster affected apples, sweet and tart cherries, apricots, plums, pears and peaches. Only apples and pears were affected by the resulting fire blight.

Damage assessment information will be forwarded to your office by the Michigan Farm Service Agency as soon as it available. Thank you for your attention to this matter.

Sincerely,

JOHN ENGLER,
Governor.

Mr. LEVIN. We are always the No. 2 or No. 3 state in terms of apple production. Every year we vie with New York for who comes in second after the State of Washington. But our apple industry has suffered major devastation in southwestern Michigan. We have had the largest problem with fire blight in the history of our State. It is a true disaster. It seems to me some people just look at the whole and ignore the parts. They also have a responsibility of looking at the parts. Our part was a disaster which we addressed in the form of an amendment providing relief on June 19. Senator COLLINS and 12 bipartisan cosponsors joined this amendment. I thank them very much for their assistance. We cover potatoes as well as apples because there has been an honest to goodness disaster emergency amongst potato growers as well.

I once again, thank the managers of this bill. I know how difficult this is. Those of us who represent States that had emergencies that were not reflected in the bill, as it came to the Senate, counted on the managers and our colleagues to do justice for our emergencies in the same way this bill, as it came to the Senate, addressed emergencies in other States.

We are deeply grateful to the managers. We thank Senator STEVENS and others who were able to work out this agreement so our true disaster could be taken care of.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Mississippi and the Senator from Wisconsin, and others, including the Senator from Alaska and my colleagues who have agreed to a compromise.

The history of disaster aid in this Congress is well over a century old. This is not a new issue. For well over a century, Congress has dealt with the issue of disasters that have occurred in some parts of this country.

I am proud of supporting disaster aid for areas of this country that suffer earthquakes, hurricanes, fires, floods, and tornadoes. In the case of the fires that recently ravaged and injured so many people and their property in New Mexico, I am proud to say that I wanted us to help them, and we did. I am proud to say I helped the folks in Los Angeles who were flattened by earthquakes, and the folks in Texas who have been injured by drought.

It is one of those areas of public spending where I say it is the best this country has to offer. When a region of this country, when its people are flat on their backs from causes that they could not control, this Congress extends its hand and says to them: You are not alone. We want to help you. We have a long tradition of doing that, and I am proud of that tradition.

In North Dakota, as my colleague indicated, late one night in June, several thunderstorms converged together and then did not move. In a State that gets 17 inches of rainfall in a year, in one spot they received 18 to 20 inches in 36 hours. Think of that. About a week and a half later, the Red River Valley, land that is dead flat, flat as a table top, received 8 inches of rain in 6 hours. They were flooded. Up to 1.7 million acres of farmland that people planted in the spring with the sweat of their brow and risked their money to plant were either destroyed or severely damaged.

We ask Congress to recognize that this, too, is a natural disaster for those producers and people who live in those areas. That is what this is about. None of us in this Chamber should ever be bashful about saying there are people in need in this country, and when that need exists because of causes they did not control or could not control—fires, hurricanes, earthquakes, floods—then we should respond.

It represents the very best impulse, in my judgment, of this body. That is what this debate is about. From our standpoint, it is especially about family farmers. As I said earlier today, they are some of the best in this country. They risk their money. They hope for a good crop. So many things are beyond their control. Then they discover that late one night a hailstorm comes through, and the crops are devastated; or a flood inundates their crops; or a drought dries them up; or the insects come and eat them out; or disease comes and their crop is gone. That is what this is about.

Mr. President, those tonight who worked for a solution to add some emergency funding to this piece of legislation have done those in need in this country a service. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are getting to a point where we are winding down on this bill. We have several more amendments, probably less than five. Some of those will be disposed of with the managers' good work. I think we should take a few minutes to see where we are. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

AMENDMENT NO. 3980

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mrs. BOXER, and Mr. HARKIN, proposes an amendment numbered 3980.

The PRESIDING OFFICER. Is there objection to the consideration of this amendment, which is not on the unanimous consent——

Mr. LOTT. Reserving the right to object, and I will not object, I know a lot of Senators on both sides are wondering about the proceedings at this time. I understand there are at least a couple of amendments that may take a few minutes. And then, of course, we are not sure at this point whether they would require a recorded vote or not, and then final passage.

We still hope to get an agreement that would allow us to go to the marriage penalty tonight, and have an hour of debate on that, and then continue on that tomorrow. And beyond that, we will have to get an agreement worked out.

I urge my colleagues to, if they will, agree to time limits and cooperate with the managers as much as they can. We need to finish this bill in the next 30 minutes, if we can, and get an agreement on how we proceed for the rest of tonight, tomorrow, and Monday.

So I withdraw my reservation. And I thank Senator DURBIN for allowing me to do that at this point.

The PRESIDING OFFICER. Without objection, the amendment is in order.

The amendment is as follows:

(Purpose: To clarify the effect of the provision prohibiting amendment of part 3809 of title 43, Code of Federal Regulations)

In section 3102, after the first sentence insert the following: "This section does not limit the authority of the Secretary to promulgate final rules, or to revise or amend subpart 3809 of title 43, Code of Federal Regulations, so as to require full financial assurance of reclamation of mining sites to protect the taxpayers from the actions of hardrock mining operations that cause damage to or destruction of public land; to prevent environmental destruction that unduly threatens fish or wildlife habitat; and to prevent pollution that threatens public health or the environment.".

Mr. DURBIN. Mr. President, section 3102 of the Agriculture appropriations bill does not address the production of food and fiber in America. It does not address any jurisdiction of the Department of Agriculture. It is a provision which has been added to this bill which relates directly to hard rock mining in the United States, which is under the jurisdiction of the Department of the Interior.

I might say, parenthetically, I found it very interesting listening to this debate on the Ag appropriations bill, and considering some of the comments that have been made on the Senate floor in the past year about limiting the subject matter of amendments and the substance of legislation.

If we can consider an Amtrak amendment on the Ag appropriations bill, and if we can consider an amendment on hard rock mining on the Ag appropriations bill, then those who come before us and say we have to have purity in the amendments we are offering and considering on the bill should remember this particular debate.

I was surprised to find that a point of order on a motion to strike, based on that point of order, would not stand because of what I consider to be a very thin connection to some language in the House appropriations bill. But the Parliamentarian advised me of that. I understand that is going to be the rule of the day around here. I suppose that is what we will play by. I am sure each side will find an advantage and disadvantage associated with that interpretation.

Allow me to address the amendment before us, and to try to do it in a very concise way, knowing that everyone has waited a long time. I have waited for 8½ hours to offer this amendment.

Let me say at the outset, we are dealing with the hard rock mining industry. An effort is being made, with the language in this Agriculture appropriations bill, to stop the Department of the Interior from issuing new regulations to make sure that this industry follows the best practices to protect the taxpayers of this country and the environment.

To put it in perspective, just this May the Environmental Protection Agency released its Toxics Release Inventory report. It identified the hard rock mining industry in the United States as our Nation's largest toxic polluter.

The mining industry released 3.5 billion pounds of toxic pollution in 1998. I will repeat that. The mining industry released 3.5 billion pounds of toxic pollution in 1998. Almost half of all of the toxic pollution in America comes from this industry, which is being protected by this amendment in the Agriculture appropriations bill.

The U.S. Bureau of Mines has identified 12,000 miles of American streams and 180,000 acres of American lakes polluted by mining. The EPA has listed 27 hard rock mines as Superfund sites. It is time for us to update the 19-year-old regulations that protect public lands managed by the BLM from the environmental impact of hard rock mining.

These regulations, commonly referred to as 3809 regulations, help the BLM comply with Federal land policy. They direct the Secretary of the Interior to "take any action necessary to prevent unnecessary or undue degradation on the federal lands."

Since these regulations were first promulgated in 1981, the whole hard rock mining industry has changed in America. New technologies have allowed the industry to expand tenfold. New exploration techniques have resulted in capabilities unknown 20 years go. Larger excavation equipment allows ores to be mined from larger and deeper pits and has made open-pit mining feasible in areas where it would not have been feasible before.

Just as the mining industry has modernized, so too should the regulations that protect the environment and the taxpayers. Those who would put this amendment in this bill are stopping the modernization of those regulations designed to protect public lands, the environment, and the taxpayers.

As I explain one aspect of this, you will understand that the provision in this particular section of the Ag bill will result in literally hundreds of millions of dollars, if not billions of dollars, of liability to the taxpayers of today and tomorrow.

The need to update these regulations has been recognized a long time. The BLM established a task force in 1989 to look them over. President Bush expected it to be done in short order, and it still has not happened.

There has been a steady stream of reports. This is, as best we can tell—this rider introduced by Senators MURKOWSKI and CRAIG—the fifth attempt in 4 years to block the Department of the Interior from implementing stronger environmental regulations on hard rock mining.

Last year, there was a compromise. The compromise said we are not just going to give this assignment to the Department of Interior. We are going to give it to a group, the National Research Council, that is associated with the National Academy of Sciences and ask them to come up with recommendations for new regulations on this industry to protect the environment. In fact, what this particular rider does, this environmental rider on this Ag bill, is to stop the implementation of most of the recommendations that came forward from the National Research Council.

Let me tell the Senate why we need stronger regulations. First, any group that starts to mine on these public lands usually has to post a bond. It is a financial assurance that their activities on these lands will not in any way destroy the environment, and that ultimately the land will be reclaimed and the stabilization and vegetation of the land will be restored. Sadly, in many instances, these hard rock mining companies will post bonds that are literally worthless, corporate bonds, for example, and when the company goes bankrupt, they are of no value or little value at all. I will give a few examples a little later on of where these bonds have failed us and we have found the taxpayers holding the bag.

Reclamation bonds are meant to ensure that companies do not declare bankruptcy and leave taxpayers responsible for the cleanup bill. The current bonding requirements don't work. In example after example, in Idaho, in Montana, in South Dakota, we find that these companies have gone bankrupt, the bonds don't cover the expenses, and the taxpayers end up holding the bag. The recommendation from the National Research Council, which I hold here, was that we change that assurance, that financial assurance to protect the taxpayers. This environmental rider stops that reform. It makes certain that the taxpayers don't have that protection.

A recent study by the National Wildlife Federation and the Center for Science and Public Participation found that American taxpayers are facing as much as $1.1 billion in liability for restoring hard rock mines in the Western U.S. because current reclamation bonding regulations are inadequate. In Nevada alone, as of 1999, 13 mines have gone bankrupt. As of May 2000, at least 29 mines are bankrupt. Most of these mines were bonded by corporate guarantees. Just one single mine, the Yerington mine, could cost American taxpayers up to $40 to $80 million to clean up. The effort to put real bonding requirements in the law to protect the taxpayers and the environment will be stopped by this environmental rider.

Also, there is a question of environmental performance standards. These standards have to be adjusted to reflect modern mining practices. Let me give an example. One technique that is now being used, heap leaching, is increasingly common. Millions of tons of ore are extracted and piled in heaps on lined pads often hundreds of feet high. This post illustrates what I am discussing. To give Senators an idea of what we are talking about, this is a hard rock mining site. To put it in perspective, we can barely see this tiny dot down here, a large over-the-road truck, to give an idea of the heaps of ore. Under the heap leaching process, a cyanide solution for gold or silver or sulfuric acid for copper is sprayed in open air over the pile so that ultimately it will leach the mineral from the ore. As I said earlier, it is this use of cyanide and sulfuric acid that has led to hard rock mining being the No. 1 toxic polluter in the United States of America.

The mining industry has released 3.5 billion pounds of toxic pollution in 1998. In addition, we have to say that many of these agencies, like BLM and the Forest Service, need to have the right to deny mining in highly sensitive areas, particularly areas that are adjacent to national forests, national parks, and populated areas where they can cause great damage.

Let me tell my colleagues about one particular mine as an example, the Zortman-Landusky mine in Montana. The Zortman-Landusky mine is located in the Little Rocky Mountains of north central Montana. ZL is an open-pit mine, one of the world's first large-scale cyanide heap leach gold mines and the largest gold mine in Montana when operations began in 1979. Lack of standards on pad construction allowed the company to overload its leach pads leading to cyanide releases in the nearby streams and potential health problems for the local communities. The Canadian Pacific company, Pegasus Gold, Incorporated, that owned the mine, went bankrupt in 1998. It left a bond to protect the damage it had created in the amount of $61.9 million. The actual cleanup cost for this site is estimated at approximately $70 million, leaving nearly $8.6 million to be picked up by the taxpayers.

I would like to read for you for a moment a comment not from an environmental group, not from some eastern group of tree huggers, if you will, but from the Daily Missoulian. This is an editorial, Sunday, August 29, 1999, Missoula, MT. Referring to this particular mine, in their editorial entitled "Miners Offer Regulators Some Hard Lessons from Montana"—my friends, the Western States where these mines are located:

> Pegasus' bankruptcy has been an eye-opening experience for State regulators. Among the lessons learned:
>
> It's a mistake to assume the companies that develop mines will stay around—or even exist—when it comes time to clean the mines up.
>
> Reclamation plans that presume miners will reclaim their own mines understate the actual cost when miners go out of business or skip out. Everything becomes more expensive when the state has to hire contractors for the work.

The third lesson directly impacts the environmental rider which we are considering on this bill:

> Reclamation bonds required to insure cleanup may not be worth as much as expected. At least some of the insurance companies that issue reclamation bonds would rather fight than pay, forcing the state to rack up legal expenses or accept lesser settlements.

It goes on to say:

> Look hard around the state [of Montana], and you won't find a single example of a large-scale hard-rock mine successfully reclaimed.
>
> Taxpayers and the environment aren't the only losers when the reclamation plants go awry. Miners haven't done their industry any favors, either. Mining is controversial enough, even when people focus on jobs and profits. Leaving citizens in the State with big messes and big bills to pay after the mines play out is a good way to wear out your welcome.

Incidentally, in this same Missoula, MT, editorial, they go on to praise the coal mining in the State which has modernized its practices and is considered more responsible by these editorial writers.

Because the hour is late, I will not go through the five or six examples that I have of mines in Idaho, in South Dakota, which have literally been abandoned because of bankruptcy, leaving the taxpayers holding the bag for millions, almost $1 billion in liability.

This environmental rider stops the Department from coming up with meaningful bonds. Quite honestly, it means that those who exploit public lands and leave an environmental mess behind and threats to the public health frankly make a fool out of Uncle Sam and American taxpayers. That is what this environmental rider does.

I say to my colleagues in the Senate, as I close, what I am offering in this amendment is as follows: We should give the Bureau of Land Management and the Department of the Interior the authority to promulgate rules which will require full financial assurance of reclamation of mining sites. I state specifically the goals that we are seeking: To protect the taxpayers from the actions of hard rock mining operations that cause damage to or destruction of public lands, to prevent environmental destruction that unduly threatens fish or wildlife habitat, and to prevent toxic pollution that threatens public health or the environment.

Mr. JOHNSON. Will the Senator respond to a question?

Mr. DURBIN. I am happy to respond.

Mr. JOHNSON. I represent a western gold mining State. I have just returned recently from examining the Brohm site in the beautiful Black Hills of South Dakota where the Brohm Mining Company has gone bankrupt with approximately a $5 million bond. That site has now been declared a Superfund site. It is now going to cost the Federal taxpayers approximately $27 million because of the inadequacy of the bond at this site. It is going to cost the taxpayers of the State of South Dakota in perpetuity tens of millions of dollars to monitor the streams and the environment around that bankrupt site.

Is the Senator telling us that without the amendment he is offering here, we will continue to see these inadequate bonds and these costs being shifted to the taxpayers to pick up the cost of mining companies—oftentimes foreign mining companies—that have spoiled our land and then walk on?

Mr. DURBIN. The Senator from South Dakota is absolutely correct. I think it is important that a Senator from a State where this mining is taking place has come to share this story. This is not just testimony presented by environmental groups. These are the real-life circumstances of people in Western States, where the mining is taking place, who are left with a mess when the mines go bankrupt.

This environmental rider stops us from revising and reforming the financial assurance language and requiring bonds of companies that literally will protect the communities and the taxpayers and families around these mining sites. That is what it is all about. That is the bottom line.

Mr. President, I thank my colleagues in the Senate. I have waited for a long time to offer this. I will not belabor it. I hope they will join me in passing this amendment, which will establish standards which I think are reasonable to make sure this industry can continue but only in a responsible way.

I yield the floor.

Mr. KERRY. Mr. President, I support the amendment offered by Mr. DURBIN to amend Section 3102 of the Agriculture Appropriation bill.

Section 3102 is the latest edition in a series of riders that have prevented the Clinton Administration from reforming hardrock mining on public lands by putting in place sound environmental and fiscal protections. In past debates, proponents of these riders have argued that the hardrock mining industry has reformed its ways. They acknowledge that mining companies have made mistakes in the past. How could they not? The facts are overwhelming: More than 300,000 acres of federal lands have not been reclaimed. There are more than 2,000 abandoned mines in national parks. There are 59 Superfund sites at former mines across the country. The Mineral Policy Center estimates that the cleanup costs for abandoned mines on public and private lands may reach $72 billion. But after acknowledging this legacy of environmental damage, the proponents of these riders argue it is the result of decisions made 50 or 60 years ago—before we knew better—before we understood that there a limits to what the environment can withstand. They tells us that a new environmental consciousness, sensitivity and awareness have taken root in the industry, and today's mines are safe because they utilize modern technology and practices.

This is an important point, Mr. President. It deserves a response. I'm not out to punish the mining industry for mistakes of the past. I recognize that the mining industry has made improvements and that not all mining operations result in environmental disaster. The March 2000 National Geographic has an excellent article on the hardrock mining industry. It discusses the history of the mining in the West, its cultural heritage, its economic contribution, and its unfortunate legacy of environmental ruin. It also talks about some of the new efforts underway to lessen mining's impact on the environment. It describes Homestake Mining Company's McLaughlin gold mine near Lower Lake, California as a safe mine. The McLaughlin operation recycles and contains all processed water, the 600-acre tailings pond will eventually be converted into wetlands, and a monitoring system watches for contamination of ground water. Sierra Club and the Mineral Policy Center—two groups sharply and appropriately critical of mining operations—have praised this operation. Homestake's environmental manager at the site told National Geographic that, "When you look at the total environmental cost, it's roughly 2 percent of our capital costs for the whole project. We want to protect the our stockholders' investment. Creating an environmental liability doesn't serve their interests or ours."

I am confident that McLaughlin is not the only operation that is working and caring for the land, but it's just not true to say that the entire industry is reformed. There are bad actors and mistakes happen, and that is why we need tougher standards.

I urge my colleagues to look at the record of the Hecla Mining Company's Grouse Creek Mine in the Salmon-Challis National Forest in Idaho. The Grouse Creek Mine opened in 1994 with great expectations. It was precisely the kind of operation we've heard about on the Senate floor: a new mine operated under a new environmental ethic, and presumably an example of why we don't need tougher protections. In August 1995, Mr. Michael White, the Vice President and General Counsel of the Hecla Mining Company, testified before the Senate that, "The Grouse Creek Mine is a state-of-the-art facility and has been constructed not only to meet, but to exceed, existing environmental requirements." Mr. White continued, "For example, road improvements that included sediment catch basins actually reduced sediment impact to Jordan Creek compared to preexisting conditions." Let me be clear: Mr. White promised us a state-of-the-art facility that would exceed existing environmental requirements, and he went even further to promise that the Grouse Creek Mine would actually improve the environment by reducing the sediment runoff into Jordan Creek. Hecla's chairman, Arthur Brown, said in 1995 of Grouse Creek that, "Minimizing the environmental impact is a strong focus of Hecla." A Hecla company spokeswoman said in 1995, "We believe that we need to take care of the land we are using; it's just good stewardship." The former Governor of Idaho, Cecil Andrus added his praise, saying "Hecla has met every requirement we've asked of them. I can show you a thousand sins of the past that we need to clean up but modern mining is a plus." And the accolades continued: The Idaho Department of Lands nominated the mine for an award, and Hecla employees were honored by the US Department of Agriculture for their environmental work.

It is now only 6 years latter, and Grouse Creek is an environmental disaster. In 1996—only two years after the mine opened— the Environmental Protection Agency fined Hecla $85,000 for violating its wastewater permit. EPA found cyanide and mercury discharges that exceeded their limits by more than five times the allowed levels for over a year, and the mine was cited for excessive sediment discharge into Jordan Creek. In April 1999, Idaho officials found cyanide leaking into a stream that is habitat for the endangered chinook salmon, steelhead trout and bull trout. The cyanide levels were more than 12 times the concentrations at which chronic exposure harms fish. The environmental legacy of the now-closed mine is a tailings impoundment holding 450 million gallons of cyanide-laced water and 4.3 million tons of heavy metals. Can you imagine? The General Counsel of Hecla, Michael Smith, actually testified before the Senate in 1995 that the mine would actually improve the environmental quality of Jordan Creek. Within less than five years the operation was cited for loading Jordan Creek with excessive sediments and cyanide. The fiscal legacy is just as bad. A May editorial in the Idaho Falls Post Register reports that Hecla may walk away from the environmental mess it has created if the cost of cleanup exceeds $28 million. Before opening the mine, Hecla was only required to put up a bond of $7 million, and the company reported $120 million in losses before closing the mine. Maybe Hecla will reclaim the land, maybe it won't—it's too early to judge that issue—but clearly a system that allows part of a national forest to be turned into a toxic waste site, and leaves us negotiating cleanup, is in need of reform. And, Mr. President, more importantly, this didn't happen 50 years ago or 60 years ago. It happen 6 years ago.

Grouse Creek isn't the only unfortunate example of the "modern" mining industry's environmental troubles. The Phelps Dodge Mining Corporation's Chino copper mine near Santa Rita, New Mexico has dumped more than 180 million gallons of contaminated wastewater into Whitewater Creek since 1987. In 1990, rainwater flushed 324,000 gallons of wastewater out of the Ray Complex mine site and into the Gila River in Arizona. Shortly after opening in 1986 the Summitville gold mine in southern Colorado began leaking cyanide, acid and heavy metals into 17 miles of the Alamosa River. Its owner is now bankrupt, the mine closed and the land has been declared a Superfund site.

We need reform. Today's debate is not about sins of the past or punishing the mining industry. It is about ending a system that sells public land for as little as $2.50 per acre. A system that has allowed more than $240 billion worth of minerals to be excavated from public lands and does not collect a cent in royalties. A system that, despite all the excuses and promises, continues to allow the land to be damaged. We should not have to depend on the goodwill of the mining industry to protect public land—the rules should be clear, they should be strong and they should be enforced. American citizens should not carry the burden of fiscal and environmental irresponsibility.

I thank Senator DURBIN for moving to amend the hardrock mining rider. I urge other my colleagues to support the amendment.

Mr. GRAMM. Mr. President, under rule XVI of the Senate, this is legislation on an appropriations bill. I raise a point of order against it.

Mr. DURBIN. Mr. President, I raise the defense of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Chair submits to the Senate the question, Is the amendment germane?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 56, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—36

Akaka
Bayh
Biden
Chafee, L.
Cleland
Collins
Dodd
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Gregg
Harkin
Jeffords
Johnson
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Reed
Robb
Rockefeller
Roth
Sarbanes
Schumer
Snowe
Specter
Torricelli
Voinovich
Wellstone
Wyden

NAYS—56

Abraham
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reid
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—7

Boxer
Bunning
Inouye
Kennedy
Kerrey
Kerry
Murray

The PRESIDING OFFICER. On this vote the ayes are 36, the nays are 56. The judgment of the Senate is that the amendment is not germane. The amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have two amendments.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAUCUS. Mr. President, I have two amendments, one of which I am not going to offer.

I have an amendment which establishes the Trade Injury Compensation Act of 2000. This measure is identical to my bill, S. 2709, which enjoys wide bipartisan support by my fellow members of Senate Beef Caucus and has already been referred to the Senate Agriculture Committee.

The Trade Injury Compensation Act establishes a Beef Industry Compensation Trust Fund to help the United States cattle industry withstand the European Union's illegal ban on beef treated with hormones.

Over a year ago, the World Trade Organization endorsed retaliation when the EU refused to open to American beef. Since that time, the EU has continued to stall in its compliance which is frankly, outrageous. For over a decade we've fought the beef battle. Now its time to try something new to help producers who continue to be injured by the ban.

The Trade Injury Compensation Act establishes a mechanism for using the tariffs imposed on the EU to directly aid U.S. beef producers. Normally, the additional tariff revenues received from retaliation go to the Treasury. This bill establishes a trust fund so that the affected industry will receive those revenues as compensation for its injury.

Mr. President, my amendment creates a fund which provides assistance to United States beef producers to improve the quality of beef produced in the United States; and provides assistance to United States beef producers in market development, consumer education, and promotion of the beef industry in overseas markets.

The Secretary of the Treasury shall cease the transfer of funds equivalent to the duties on the beef retaliation list only when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market.

In a perfect world we would not need this amendment because the European Union would abide by its international trade commitments. And it is still my hope that the European Union simply comply with the WTO Dispute Settlement rulings and allow our beef to enter its borders.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow.

We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it. We must bring credibility and compliance to the system. The Trade Injury Compensation Act will give some relief to our producers as we strive toward this endeavor.

Mr. President, I realize that we still have work to do in perfecting this amendment. That is why I appreciate my colleague Senator LUGAR's commitment to allow an Agriculture Subcommittee hearing on this bill in September.

In light of that impending hearing, I will not offer the amendment at this time.

Time is of the essence for our producers who have been injured by the European Union. I look forward to this hearing and further expeditious action in this matter.

AMENDMENT NO. 3981

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3981.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of the Army to conduct a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, to evaluate alternatives to the authorized inlet stabilization project at Oregon Inlet)

Strike section 3104 and insert the following:

SEC. 3104. STUDY OF OREGON INLET, NORTH CAROLINA, NAVIGATION PROJECT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army, shall have conducted, and submited to Congress, a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to evaluate all reasonable alternatives, including nonstructural alternatives, to the authorized inlet stabilization project at Oregon Inlet.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary of the Army shall—

(1) take into account the views of affected interests; and

(2)(A) take into account objectives in addition to navigation, including—

(i) complying with the policies of the State of North Carolina regarding construction of structural measures along State shores; and

(ii) avoiding or minimizing adverse impacts to, or benefiting, the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge; and

(B) develop options that meet those objectives.

Mr. BAUCUS. Mr. President, this amendment has been agreed to by my good friend, the ever gracious senior Senator from North Carolina.

The amendment strikes the provision in the bill that transfers portions of the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge from the Department of the Interior to the Army Corps of Engineers. It also requires the Army Corps to conduct a study within 180 days of alternatives, including nonstructural alternatives, to the currently authorized inlet stabilization project at Oregon Inlet. This study would have to take into account objectives in addition to navigation, such as the policies of the State of North Carolina regarding construction of structural measures along the coast and minimizing adverse impacts to the national seashore and the wildlife refuge. Most importantly, the study would have to develop recommendations to meet those objectives. I hope this study will provide a sound basis on which Congress can resolve this issue.

I believe this amendment will be fair to the people of North Carolina and also to the American taxpayers.

The senior Senator from North Carolina has been very helpful in working out this amendment. I appreciate his efforts.

Mr. President, to reiterate, my amendment would replace section 3104 of the bill, which transfers land from the Interior Department of the Corps of Engineers in order to circumvent environmental rules and promote the construction of a system of jetties at Oregon Inlet in North Carolina.

Some background about the Oregon Inlet project.

At the outset, let me acknowledge the obvious. I'm no expert about Oregon Inlet.

Senator HELMS is. He has been working on this issue for at least 30 years.

I am simply trying to react to an appropriations rider by mustering the facts as well as I can.

Oregon Inlet is on the Outer Banks of North Carolina, near Roanoke Island. It is the only inlet between Cape Henry, Virginia, 45 miles to the north and Cape Hatteras, 85 miles to the south.

Like much of the Outer Banks, the Inlet is a dynamic ecosystem, with high waves, swift currents, and a rapidly shifting sandbar at the mouth of the Inlet.

Make no mistake. It is treacherous water. Between 1965 and 1995, more than 20 ships sank or ran aground, with the loss of 22 lives.

I should not, though, that all but one of the deaths occurred before the early 1980s, when the Corps began a dredging program.

In 1970, at the urging of Senator HELMS, Congress enacted legislation authorizing the Corps of Engineers to construct a jetty system at Oregon Inlet.

Specifically, the Corps was directed to deepen the navigation channel through the Inlet from 14 feet to 20 feet and to maintain that channel with two jetties.

It gets more complicated. And much has changed since 1970.

The jetties would prevent the natural flow of sand from north to south. That flow is what replenishes Pea Island, a national wildlife refuge which otherwise would erode.

To counteract this effect, the system includes a system of pipes and pumps that will transport 2 million cubic feet of sand each year.

All told the project will cost American taxpayers $108 million to construct and about $6 million a year to maintain. We all know it will cost more than that.

The project would be built on: The northern part, on the Cape Hatteras National Seashore; and the southern part on the Pea Island Wildlife Refuge.

Therefore, before the Corps can build the project, it must get permits from the Interior Department, confirming that the project will be compatible with the Seashore and the Refuge.

The provision that has been included in the Agriculture appropriations bill, as section 3104, effectively eliminates this permit requirement. It transfers the land from the Interior Department to the Corps, so that permits no longer are necessary.

Those are the basic facts.

Now, some of you listening may be scratching your head, wondering what's going on here. After all, the project was authorized in 1970. Thirty years later, it still hasn't been built. That, you might be thinking, is unacceptable. It's probably because of Government red tape.

Maybe it's high time we cut through all the red tape and move this project along, as the bill would do.

An understandable reaction, if you just look at this on the surface. But, as is often the case, if you dig a little deeper, and get past the surface, it's not that simple.

The principal reason that the project has not been built is that the project is very questionable and very controversial. Many have argued that the project will cause great environmental harm and waste more than one hundred million dollars of taxpayers' money.

Time after time, Interior Secretaries have refused to grant the necessary permits. Including I should note, President Reagan's Interior Secretary, James Watt.

The only exception was when Secretary Lujan granted a permit towards the end of the Bush Administration. Soon after taking office, Secretary Babbitt reversed the decision.

Also time after time, the environmental impact statements developed by the Corps have been found to be inadequate, and the Corps has been sent back to the drawing board.

As we speak, the process continues. The Corps has been asked to revise its latest Environmental Impact Statement, to address what the National Marine Fisheries Service called "significant errors and inadequacies."

As I understand it, the revised EIS will be submitted to Corps headquarters around the end of this month and issued in August.

After that, the Corps can move ahead and again seek permits from the Interior Department. If there is a dispute, it will be resolved by the White House.

Section 3104 of the bill circumvents this process by transferring the land and therefore eliminating the need for any permits.

Mr. President, I am sympathetic to the concerns of Senator **Helms** and others who support this project. I know that they're frustrated that this project has drawn on too long.

But I believe that the approach taken in the bill has four main faults.

The first goes to process. The provision in the bill is, simply put, a rider. It is authorizing legislation, properly within the jurisdiction of the Environment and Public Works Committee.

This is a controversial issue; it has been debated, back and forth, for thirty years. It should be resolved on the merits, with input from the committee of jurisdiction. It should not be resolved as a rider on an unrelated appropriations bill.

The second fault is that the bill may cause serious environmental harm.

This is, again, a dynamic ecosystem. Always shifting. Always changing.

As this chart shows, there have been major changes in the geography of Oregon Inlet over the years. The Inlet itself has shifted south by about 80 feet a year, which amounts to more than two miles since the Inlet opened in 1848.

In the middle of this dynamic, shifting system, the project would construct a pair of rock jetties that are a total of more than 3 miles long.

That poses two big risks.

In the first place, we'll be altering the natural system by which the ocean erodes and then replenishes the barrier islands along the coast.

As it now stands, each year, tons of sand shift, mostly from north to south, replenishing Pea Island. The jetties will block most of that sand from shifting naturally. To compensate, the Corps plans to pump about 2 million cubic feet of sand each year, that will be trapped above the north jetty, through a large pipeline, and unload it below the south jetty.

Maybe it will work. But what if it doesn't?

Consider what happened on Assateague Island. 60 years ago, we constructed a jetty. It blocked the sand from replenishing the southern part of the island. Since then, the coastline has eroded about one-half mile.

Another thing. We'll alter the natural flow of water through what is now a broad, relatively shallow inlet leading to Albermarle and Pamlico Sounds. The Sounds contain important and productive habitats for several species of fish, including Spanish mackerel, Atlantic croaker, and gray trout.

These fish spawn at sea. The larval fish then migrate into the calm waters of the sounds where they grow until they're strong enough to return to the ocean.

It is not at all clear that these fish will be able to make it through the jetties. The fishery biologists just aren't sure.

So we are taking major environmental risks.

The third major fault is that the economics don't add up.

True, the Corps projects an economic benefit, of about $37 million over a 50 year period.

However, as we all know, the Corps' economic analysis has come under heavy criticism lately.

In any event, many people have questioned the Corps' estimate of the cost and benefits of this project

I am not talking about environmental groups, which, it might be argued, have their own agenda.

I am talking about Taxpayers for Common Sense, and several distinguished economists who have studied the project.

For example, Professor Richard Seldon, who I understand is a distinguished professor emiritus at the University of Virginia, said this:

> My extremely conservative analysis of the Corps' data found that rather than the almost $37 million of net benefits claimed for the project by the Corps . . . this project will have negative benefits of [more than $4 million]. In fact, I believe the project is very likely to have a much worse return on investment based on many costs thus far not accounted for by the Corps.

In a letter sent to Senator **Helms** a few days ago, Professor Emeritus Seldon said.

> I am convinced that these jetties should not be built—not for environmental reasons but simply because the benefits claimed by the Corps are nowhere near as large as the likely cost to taxpayers. This is a bad economic deal, even if we forget about the environment.

The fourth fault is that I believe there's a better way.

Let me say again that I understand the frustration that Senator **Helms** and others in North Carolina feel about this project.

They have serious concerns. One is safety. Again, these are treacherous waters.

Another is economic development. As I understand it, this is an area that could use the economic boost that increased fish landings might provide.

I'm not going to stand here and say that environmental concerns should prevail over safety and economic development. Not a all.

I don't buy that, whether we're talking about Montana, North Carolina, or anyplace else. We have to strike a balance.

But here is the rub. There may be a better way.

We may be able to achieve all the benefits that would be achieved by constructing the jetties, and do it much more cheaply and without the environmental risks.

Here is how. By dredging a better channel.

We could direct the Corps to dredge the Inlet deeper and more often.

But there is a problem. In the most recent EIs the Corps has studied only one non-structural alternative. One that would have more than doubled this width of the channel. It's no surprise that the costs out-weighed the benefits. So, for at least 30 years, we haven't fully considered whether there's a better alternative to the jetty system.

In addition there are many more factors to consider—environmental, recreational, and so forth—then there were in 1970.

That brings me to my amendment.

It deletes the provision in the bill that transfers the land, thereby circumventing the permitting process.

Instead, the amendment requires that, within 180 days the Corps, must evaluate alternatives to the jetty project, including dredging.

In doing so, the Corps must consider the views of affected interests, must consider how various alternatives accord with North Carolina's shoreline protection laws, and must minimize adverse environmental effects.

Mr. President, pulling this all together, we need to do more to improve safety at Oregon Inlet.

But the jetty system that we authorized in 1970 is an idea whose time has probably gone.

We do not need 3 miles of granite rock jetties. We don't need 2 miles of pipeline, to pump 2 million cubic feet of sand every year.

We do not need huge environmental risks.

We don't need to ask taxpayers to fork over $108 million.

Instead, we should step back, take stock, and see whether we can solve the problems at Oregon Inlet in a way that avoids big environmental risks and saves taxpayers' money.

Therefore, I urge colleagues to support my amendment.

I ask unanimous consent a statement of administration policy by the Executive Office of the President, Office of Management and Budget listing the Administration's strong objection to the underlying provision in the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 2536—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2001—(SPONSOR: STEVENS (R) AK)

This Statement of Administration Policy provides the Administration's views on the FY 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, as reported by the Senate Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The President's FY 2001 budget is based on a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. An essential element of this approach is ensuring adequate funding for discretionary programs. To this end, the President has proposed discretionary spending limits at levels that we believe are necessary to serve the American people.

Unfortunately, the FY 2001 congressional budget resolution provides inadequate resources for discretionary investments. We need realistic levels of funding for critical government functions that the American people expect their government to perform well, including education, national security, law enforcement, environmental protection, preservation of our global leadership, air safety, food safety, economic assistance for the less fortunate, research and technology, and the administration of Social Security and Medicare. Based on the inadequate budget resolution, this bill fails to address critical needs of the American people.

The bill includes inadequate funding for food safety, conservation and environmental programs, farm loans, bioterrorism, agricultural research through competitive grants and other important programs. In addition, there are a number of objectionable language provisions in the Committee bill.

It is our understanding that a substitute will be offered to the supplemental title of the bill that will include a number of highly objectionable environmental and other riders, including a provision to facilitate construction of the Oregon Inlet jetties prior to completion of a pending environmental impact statement, restrictions that would attempt to weaken pending hardrock mining regulations, and other objectionable provisions. The Administration opposes the bill in its current form. If such riders are included in the bill, the President's senior advisers would recommend that he veto the bill.

FY 2000 SUPPLEMENTAL APPROPRIATIONS CONTAINED IN THIS BILL

Objectionable Legislative Riders—The Administration opposes the environmental and other authorization provisions contained in the bill, which are inappropriate for inclusion in an appropriations act. Such riders rarely receive the level of congressional and public review required of authorization language, and they often override existing environmental protections or impose unjustified micro-management restrictions on agency activities.

More detailed views will be provided when the text of the substitute is made available. Therefore, the views expressed here are necessarily preliminary.

Oregon Inlet (NC) Jetties.—The Administration strongly opposes the provision to remove lands from the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge, prior to completion of a pending environmental impact statement (EIS) on proposals to maintain navigation through Oregon Inlet, N.C. This rider would undermine the EIS process by selecting one option—the construction of a dual jetty and sand transfer system—before a decision on alternatives can be made. There remain significant questions about the long-term environmental impacts and the economic justifications of the dual jetty option, and those questions need to be answered before considering any legislation to remove land from a national park and a national wildlife refuge.

Restrictions on Hardrock Mining Regulations.—The Administration strongly objects to the bill's attempt to weaken pending final regulations on the management of hardrock mining on public lands. These overdue regulations are needed to address the major changes in technology and mining industry practices since the regulations were last updated in 1980. The proposed rider would also attempt to reopen an agreement reached in negotiations on the FY 2000 Interior and Related Agencies Appropriations bill to allow the final rule to go forward, as long as it was "not inconsistent" with the recommendations of a recent National Research Council (NRC) report. The rider would now attempt to limit the rule to only a specific subset of the NRC report's recommendations. By doing so, the rider could hinder the effective regulation of industry practices (such as large-scale cyanide leaching for gold on public lands) that have become increasingly prevalent over the past 20 years.

Community Builders, Sec. 2602.—The Administration urges deletion of the highly objectionable, micro-management language in Section 2602, which would prohibit the Department of Housing and Urban Development from hiring replacement staff for 350 community builder positions.

* * * * *

Mr. BAUCUS. In addition, I ask that a letter from the organization Taxpayers For Common Sense be printed in the RECORD. It is very much opposed to the underlying provision and in favor of this amendment, as well as a statement by Dr. Seldon, a very respected economist who studied this issue extensively.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 20, 2000.

Re Baucus substitute amendment on Oregon Inlet

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: Taxpayers for Common Sense Action thank you for your leadership in opposing the anti-taxpayer Oregon Inlet rider that Senator HELMS added to the Agriculture Appropriations bill. TCS Action strongly supports your substitute amendment to provide for an expedited Corps of Engineers/Interior Department study of cheaper alternatives. In addition, TCS supports commitment of a few million dollars for improved interim dredging. TCS Action will likely score the vote on this Baucus amendment on TCS Action's annual Common Sense Taxpayer Scorecard.

As you know, the Oregon Inlet rider would transfer federally-protected land from the Department of Interior to the Corps of Engineers, thereby removing one of he last remaining obstacles to construction of twin mile-long stone jetties at a cost of $108 million. Anyone who has ever been to the Cape Hatteras National Seashore on North Carolina's famed Outer Banks understands intuitively that the Oregon Inlet project would be a massive waste of taxpayer money. Moreover, six major newspapers in North Carolina have editorialized against the project. Typically, the Raleigh (NC) News and Observer editorialized May 12:

"Decisions on the jetties properly have to be made on the merits of arguments for and against them, not because lawmakers have been intimidated by a tactic such as the one Helms is attempting. And on those merits, despite supporter' good intentions, the jetties shape up as an extraordinary boondoggle."

The anti-taxpayer rider is strongly opposed by a broad coalition. Meanwhile, a 1999 independent review of the Corps' benefit-cost analysis by Dr. Richard Selden of the University of Virginia on behalf of the U.S. Fish and Wildlife Service demonstrated the project's benefits do not outweigh the costs. The project will provide a $500,000 federal subsidy for each of 215 charter or commercial fishing boats that will purportedly benefit. Instead, routine channel dredging has worked for the last 30 years. Surely, it is reasonable to study all alternatives to the Oregon Inlet project before giving the green light to this massive waste of taxpayer money opposed by the last five administrations.

Thank you again for your leadership to propose a reasonable compromise solution on this issue.

Sincerely,

RALPH DEGENNARO,
President & CEO.

JULY 16, 2000.

Hon. JESSE HELMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: I write you as a staunch Republican and a conservative economist who got his Ph.D. under Milton Friedman at the University of Chicago. I am definitely not a "tree hugger." I have never belonged to the Sierra Club or any other activist environmental group.

I am writing because I'm concerned about your support for the Corps of Engineers' proposal to build jetties at Oregon Inlet. I know you have declared yourself in favor of this project on many occasions, extending over many years, and I can see the practical difficulty of withdrawing your support at this juncture. Nevertheless, I am convinced that these jetties should not be built—not for environmental reasons but simply because the benefits claimed by the Corps are nowhere near as large as the likely cost to taxpayers. This is a bad economic deal, even if we forget about the environment.

You may wonder whether there is a valid basis for my strong negative opinion of the Corps' proposal. Last summer I did a benefit/cost analysis of the proposal as a private consultant hired by the U.S. Fish and Wildlife Service. (You may wonder about the objectivity of a study that was commissioned by an agency that opposes the jetties. All I can say is that I examined a ton of material on the proposal, and I tried to apply accepted economic analysis to *all* of it, regardless of the source.) My findings were clearcut and unambiguous: there is no way these jetties can pass a standard benefit/cost test.

You may also wonder whether my conclusions would be accepted by most other fair-minded economists. I would be glad to have my work scrutinized by a neutral panel (assuming one could be found!). But I can assure you with complete confidence that the benefit/cost analysis provided by the Corps is full of flaws and would be accepted as valid by few if any professional economists. This simply is not an appropriate basis for committing over $100 million of taxpayer money! At the very least the Corps should be required to submit its analysis to some outside panel for a thorough critique before they get a green light on this one.

By US Postal Service I am mailing you a copy of my August 1999 report, and I will welcome reactions from you or your staff.

Sincerely,

RICHARD T. SELDEN, Ph.D.

Mr. BAUCUS. Finally, I underline my appreciation for the hard work of both Senators from North Carolina, Mr. HELMS, as well as Mr. EDWARDS. This has been a very contentious issue. But as a consequence of the mutual hard work, this amendment can be accepted by voice vote.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to deliver my remarks in a seated position.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am grateful for the willingness of the Senator from Montana to work with us, to make certain the stabilization of Oregon Inlet is once more a priority of Congress and of the U.S. Corps of Engineers—in the next 180 days.

I confess some unease at the prospect of yet another study of the Oregon Inlet, inasmuch as there already have been almost 100 such studies previously. If one more study is what is required to save the livelihoods of the good people of Oregon Inlet who make their livings as commercial fishermen, then so be it. But let there be no mistake. This is the last study that will be conducted before action is taken. That is agreed to by the Senator from Montana and me—to help those good people, because enough, Mr. President, is enough.

I will work in good faith with the Senator from Montana and others to make certain that swift action will follow this latest, and I hope last, study to be undertaken.

Mr. President, for nearly three decades—nearly 28 years, to be exact—I have been urging the enactment of legislation to restore security and safety to the remarkable people who live and work on North Carolinas Outer Banks.

And for those almost three decades, those fine people have been short-circuited by a federal bureaucracy more intent in imposing its own will than following through on a much-needed project authorized by Congress in 1970: That is, to begin the process of creating two hard-rock jetties to stabilize and secure Oregon Inlet, the only deep-sea access along the East Coast for a distance of 220 miles between Cape Henry, Virginia, and Morehead City, N.C.

The purpose of the provision being challenged here tonight is to first, protect the lives of literally thousands of both commercial and recreational fishermen who live and work in the Outer Banks, and second, to protect the livelihoods of those fishermen, their boats and their cargo, which is so vital to their making a living.

So let's be clear about what's at stake in this debate. We're talking about saving lives and saving a way of life for many of thousands of fine decent people trying to make a living providing fine, fresh seafood.

Wayne Gray, a Coast Guard officer stationed at the base there told me, "Oregon Inlet is a nightmare. In my 32 years in the Coast Guard, it's the most dangerous place I've ever seen."

The Coast Guard station there receives on average a distress call every other day. In this fiscal year alone, the Oregon Inlet Coast Guard has responded to nearly 100 call for help by distressed seamen. There will be many more this summer, I'll promise you: There always are.

Over the years, more than 20 lives have been lost because of the deadly situation in the Inlet. In fact, I recently received a letter from a man named Robbie Maharaj who recounted an incident which happened about 4 years ago.

In November of 1996 a friend and I were fishing on the northern side of the ocean bar at Oregon Inlet. It was a fairly rough day at the bar.

We had caught out limit of striped bass and were pulling in our lines when I heard on the radio that some of my friends had gone down. I immediately finished pulling up my lines and went to help.

As I pulled up to the boat, I was able to get one man aboard. We laid him on the deck. He was so cold from being in the water that he looked pale, and almost dead. As we got him on deck, water began to break over the stern of my boat. I had to leave the scene to avoid going down myself.

All in all, four of the five men in the water made it. I was able to get two in my boat. Other fishermen pulled out the two other survivors. the Coast Guard got the one man that didn't make it.

People ask me all the time whether I would do it again. There's no question that I would try and pull men out of the water if I were faced with the same situation again. It's sort of a buddy system out there. You hear cries for help and you can't leave them there. You've got to try to help. This is especially true when the people yelling for help are friends. Who knows, the next time it could be me yelling to be saved.

Thanks to the events of 1996, I know just how dangerous Oregon Inlet can be. Senator, thank you for trying to get the stabilization effort moving. We really need it.

The provision in question merely transfers the land relevant to the project from the Department of the Interior to the Army Corps of Engineers, so that the wheels of the inlet stabilization project can finally begin. This project is sound. Almost one hundred separate studies have been made on the project; therefore, we can reasonably say that just about every possible issue relevant to the project has been thoroughly considered and resolved.

On an economic scale, the project has a cost/benefit ratio of 1.0/1.6, meaning for every $1 spent on the project, $1.60 in benefits are returned.

As for the environmental concerns that have been raised, the Corps has made numerous compromises and alterations to the jetties in order to alleviate every single negative impact upon the local habitat and wildlife.

How many more lives will be lost before Congress makes good on the commitment made 30 years ago. That time has finally come.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to announce to all Senators we are only 2 or 3 minutes away from getting a managers' package of amendments to wrap up the final consideration of this bill. We also have some colloquies and statements that Senators have presented to us during the final stages of the consideration of the bill we are now reviewing and processing. I expect to be able to present for unanimous consent agreement, for inclusion in the RECORD, these statements and colloquies.

We know of no other amendments that are to be offered.

May I ask the Chair, what is the pending business?

Mr. HARKIN. Mr. President, can we have a vote on the amendment, please?

The PRESIDING OFFICER. The amendment of the Senator from Montana has not yet been disposed of.

Mr. HARKIN. I thank the Chair.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3981) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators, we have been awaiting word from the minority staff of the subcommittee to clear the managers' package. We have cleared the managers' package on this side of the aisle. We have statements and colloquies relating to the managers' package, and I will momentarily send up all of the amendments and the statements and colloquies related thereto.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. COCHRAN. I will be happy to yield to the Senator.

Mr. BYRD. Mr. President, I wonder if we can have a voice vote on final passage.

Mr. COCHRAN. Mr. President, I have no objection to passing the bill on a voice vote.

AMENDMENTS NOS. 3982 THROUGH 4014, EN BLOC

Mr. President, I now have an indication that the managers' package has been cleared. I send the managers' package of amendments to the desk and ask that they be reported en bloc and considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, proposes amendments numbered 3982 through 4014, en bloc.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3982

(Purpose: To provide for a Animal and Plant Health Services wildlife services methods development study)

On page 20, line 8, strike the "." and insert in lieu thereof the following:

": *Provided further*, That not less than $1 million of the funds available under this heading made available for wildlife services methods development, the Secretary of Agriculture shall conduct pilot projects in no less than four states representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: *Provided further*, That the General Accounting Office shall report to the Committee on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.".

Mr. SMITH of New Hampshire. Mr. President, I am pleased that the Smith-Boxer amendment on Wildlife Services was accepted to the Agriculture appropriations bill.

Our amendment will create a pilot study in four States that will examine the effectiveness of nonlethal predation control methods under Wildlife Services. Our amendment is reasonable and fair.

Let me briefly talk about the lethal predator control program administered under the Wildlife Service program.

With our scarce tax dollars, Wildlife Services personnel kill more than 80,000 mammalian predators a year, mainly coyotes, but also black bears, mountain lions, foxes, and bobcats.

They conduct this killing by engaging in aerial gunning, poisoning, and trapping.

Since 1993, there have been 18 aerial gunning crashes. In addition, the aerial gunning program has caused the deaths of seven individuals, both Federal and contract employees.

Banned in 89 nations because it is so inhumane, leghold traps catch any animal unlucky enough to trigger the device. Animals caught in traps languish and suffer for days, sometimes resorting to twisting off or chewing off a leg to escape its vice grip.

I am not standing before you today saying that every program that Wildlife Services executes is harmful or a waste of taxpayer money.

There are some valuable programs dealing with property protection, human health and safety, crop protection, natural resources, forest and range protection, and aquiculture which are not affected by this amendment.

However, Wildlife Services spends more than $10 million a year on lethal predator control programs.

But does the lethal predator control program really work? It does not seem to be controlling the coyote population, it has tripled in number and increased in range because the surviving coyotes will breed more often and produce larger litters.

In fact, according to a recent article in the Washington Times, coyotes have now spread to Virginia and Maryland.

In addition, this program has been under scrutiny for decades. Several presidential commissions, including commissions in the Kennedy, Johnson, and Carter administrations have criticized the program's needless reliance on lethal predator control.

In 1995, the General Accounting Office came to the same conclusion, stating the Animal Damage Control had failed to opt for non-lethal programs.

I am well aware that ranchers need to protect their livestock, their investment. During the last 2 decades, there have been a variety of practical and effective nonlethal husbandry techniques developed and put into practical use: The use of guard animals, such as dogs, donkeys, or llamas; the use of electronic sound and light devices; predator exclusion fencing; shed lambing; and night penning, et cetera.

By deploying these techniques, ranchers can minimize the need for lethal responses to predators, which are indiscriminant and cruel to animals.

In closing I would like to read you a quote from the Tulsa World newspaper, which says it all:

> Despite steady increases in the Wildlife Services annual budget, and an 8 percent increase in the coyote kill in the past decade, livestock losses to predators have not declined. The statistics show that in every state where predator control was practiced, the agency spent more money on control than the value of livestock lost. It would be cheaper simply to compensate ranchers for their losses.

I will repeat that last sentence: "It would be cheaper simply to compensate ranchers for their losses."

In short, the lethal predator control program doesn't work, it is dangerous for humans, cruel to animals, and a waste of taxpayer dollars.

I thank the managers of the bill for including this pilot study of nonlethal predator control methods in the Agriculture appropriations bill.

Mrs. BOXER. Mr. President, I thank the managers for their assistance in adding an amendment to the Agriculture Appropriations bill that requires the U.S. Department of Agriculture's Wildlife Services Research Center to design and implement on-the-ground demonstration projects to test the application of non-lethal mammalian predator control techniques.

The purpose of this amendment is to generate data that can be used in determining the effectiveness of non-lethal methods for protecting livestock from predators. These nonlethal methods include: the use of guard animals such as dogs, donkeys, and llamas; the use of predator-proof electric fencing;

special light and sound deterrents; and promotion of sound animal husbandry techniques such as carcass removal, night penning, and shed lambing to protect pregnant animals and their newborns when they are most vulnerable.

Lethal predator control measures, such as shooting, poisoning, or trapping, should not be employed in these projects. In order to produce useful outcomes, the pilot projects should involve ranchers whose circumstances are representative of the types of livestock/predator conflicts that other ranchers experience around the country.

The General Accounting Office has been tasked with reporting on these pilot projects and providing an assessment of the effectiveness of these nonlethal mammalian predator control measures. I look forward to working with the Department, along with Senator SMITH and my other colleagues, to ensure that this program gets underway quickly and smoothly to begin demonstrating the value of these nonlethal predator control methods.

AMENDMENT NO. 3983

(Purpose: To amend the Organic Foods Production Act of 1990)

At the appropriate place in the bill, insert the following:

“SEC. . Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended by adding after sulfites, ‘except in the production of wine,’.”.

AMENDMENT NO. 3984

(Purpose: To prohibit the use of appropriated funds to require offices of the Farm Services Agency to discontinue use of FINPACK for financial planning and credit analysis)

On page 75, after line 16 insert the following:

“SEC. . None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act.”

AMENDMENT NO. 3985

(Purpose: Expands eligibility for Rural Development Community Facilities program)

On page 93 of division B, as modified, after line 21, insert the following:

“SEC. . Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.”.

AMENDMENT NO. 3986

(Purpose: To provide funds for a study on flood plain management for the Pocasset River, Rhode Island)

On page 34, line 23, before the period at the end, insert the following: “: *Provided further*, That of the funds made available for watershed and flood prevention activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island”.

AMENDMENT NO. 3987

(Purpose: To allocate funding made available by this Act for loans and grants to federally recognized Indian tribes under the rural community advance program under the Consolidated Farm and Rural Development Act)

On page 36, lines 20 through 25, Strike “including grants for drinking and waste disposal systems pursuant to Section 306C of such Act: *Provided further*, That the Federally Recognized Native American Tribes are not eligible for any other rural utilities program set aside under the Rural Community Advancement Program:” and insert “of which (1) $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)), (2) $5,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)19)), (3) $15,000,000 shall be available for grants for drinking water and waste disposal systems under section 306C of that Act (7 U.S.C. 1926c) to federally recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program, and (4) $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)):”.

AMENDMENT NO. 3988

(Purpose: To provide for a pasture recovery program)

On page 84, line 23, after “section”, insert the following: “: *Provided further*, That of the funds made available by this section, up to $40,000,000 may be used to carry out the Pasture Recovery Program: *Provided further*, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding”.

AMENDMENT NO. 3989

(Purpose: To prohibit the use of any funding to recover payments erroneously made to oyster fishermen in the State of Connecticut)

On page 95, after line 22, add the following new section:

SEC. . None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), and the regulations issued pursuant to such section 1102(b).

AMENDMENT NO. 3990

(Purpose: To provide support for creative anti-hunger initiatives in the USDA ranked number one hunger state)

On page 17, line 1 strike “; and” and insert “; and for the Oregon State University Agriculture Extension Service, $176,000 for the Food Electronically and Effectively Distributed (FEED) website demonstration project; and”; line 8, strike “$12,107,000” and insert “$12,283,000” and strike “$426,505,000” and insert “$426,680,000”; on line 19, strike “$43,541,000” and insert “$43,365,000”; on line 25, strike “6,000,000” and insert “$5,824,000”.

Mr. WYDEN. Mr. President, I thank Senator COCHRAN and Senator KOHL for accepting this important amendment to S. 2536, the Agriculture appropriations bill for fiscal year 2001.

According to the USDA, Oregon ranks first in hunger and seventh in food insecurity in the nation. This amendment will fund, at $176,000, a demonstration project pairing technology and teamwork: The Food Electronically and Effectively Distributed FEED Website Demonstration Project.

As the only state in the nation with a statewide food bank system in place, the Oregon Food Bank, as well as an organized and active agricultural community, Oregon is prepared to develop and use the FEED website to provide a national model for other states interested in pursuing an organized statewide anti-hunger campaign.

Developed and used in conjunction with Oregon food producers, processors, distributors, transporters, and anti-hunger agents, as well as the UDA and state agriculture extension agents the FEED website will transform the current anti-hunger food distribution network by using the power of Internet technology to support and facilitate real-time communication links between those with food, those who need food and those who can transport food.

The FEED website will also provide a forum for sharing information about innovative anti-hunger efforts, both legislative and organizational, as well as links to other existing government, non-profit, and anti-hunger web sites to increase information sharing between active organizations and people in need.

AMENDMENT NO. 3991

(Purpose: To increase the Section 502 Guaranteed Rural Housing income limits)

At the appropriate place in the bill, insert the following:

“SEC. . Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).

AMENDMENT NO. 3992

In Division B, strike section 1106 and insert the following new section:

SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106-78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average and on the base production of the producer used to make a payment under section

805 of Public Law 106–78: *Provided*, That these funds shall be available until September 30, 2001: *Provided further*, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as, the payments to dairy producers under section 805 of Public Law 106–78: *Provided further*, That the Secretary shall make provisions for making payments, in addition, to new producers: *Provided further*, That for any producers, including new producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106–78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the twelve months preceding the enactment of this section or the producer's base production under the program operated under section 805 of Public Law 106–78 subject to such limitations as apply to other producers: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

AMENDMENT NO. 3993

(Purpose: To authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters)

At the appropriate place in the bill, insert the following:

SEC. .—Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

"(3) LOANS TO POULTRY FARMERS.—

"(A) INABILITY TO OBTAIN INSURANCE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

"(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

"(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

"(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

"(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

"(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

"(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

"(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) the farmer meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

"(I) the amount of the hazard insurance obtained by the farmer; and

"(II) the cost of rebuilding the chicken house in accordance with current industry standards.".

AMENDMENT NO. 3994

(Purpose: To express the sense of the Senate regarding preference for assistance for victims of domestic violence)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

AMENDMENT NO. 3995

(Purpose: To allocate appropriated funds for early detection and treatment concerning childhood lead poisoning at sites participating in the special supplemental nutrition program for women, infants, and children)

On page 50, line 6, before the period, insert the following: ": *Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to—

"(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program;

AMENDMENT NO. 3996

(Purpose: To increase funding for the Office of Generic Drugs in order to accelerate the review of generic drug applications)

On page 56, line 9, strike "$313,143,000" and insert "$315,143,000".

On page 57, line 2, strike "$78,589,000" and insert "$76,589,000".

AMENDMENT NO. 3997

(Purpose: To provide funds for the cleanup of methamphetamine labs by State and local law enforcement)

On page 96 the modified division B after line 2, insert the following:

DRUG ENFORCEMENT ADMINISTRATION
(DOMESTIC ENHANCEMENTS)

METHAMPHETAMINE LAB CLEANUP ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT

For an additional amount for drug enforcement administration, $5,000,000 for the Drug Enforcement Agency to assist in State and local methamphetamine lab cleanup (including reimbursement for costs incurred by State and local governments for lab cleanup since March 2000):*Provided*, That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 3998

On page 4, line 12, before the period at the end of the line, insert ": *Provided*, That the Chief Financial Officer shall actively market cross-serving activities of the National Finance Center".

AMENDMENT NO. 3999

(Purpose: To fund biomass-based energy research)

On page 13, line 13, strike "$62,207,000" and insert in lieu thereof "$63,157,000".

On page 13, line 16, strike "$121,350,000" and insert in lieu thereof "$120,400,000".

Mr. NICKLES. Mr. President, I wish to thank Senators COCHRAN and HARKIN for their assistance in getting this proposal included in the Agriculture Appropriations bill for FY 2001. The biomass program is a collaborative effort between Oklahoma State University and Mississippi State University.

We are now 56 percent dependent on foreign oil. It is projected that by 2020 we will be more than 65 percent dependent on oil from foreign nations. Such dependency is a major threat to our national security. We need to make every effort possible to reduce and curb this dependency. This program will aid us in this effort.

The effort between these two universities will focus on the continued development of a unique gasification-bioconversion process at OSU that utilizes biomass including crop residues, underutilized grasses, and plant byproducts.

Those conducting the research consist of a senior team of nationally recognized experts in biomass production, feedstock harvesting and processing of technologies, environmental impact assessment, and biochemical process.

I ask my colleagues for their support of this unique opportunity for Oklahoma, Mississippi and for the nation.

AMENDMENT NO. 4000

(Purpose: To provide fiscal year 2000 supplemental contingent emergency funding to the Department of the Treasury for the Customs Service Automated Commercial System)

On page 93 of division B, as modified, after line 21, insert the following:

"GENERAL PROVISION—THIS TITLE

"SEC. . In addition to amounts appropriated or otherwise made available in Public Law 106–58 to the Department of the Treasury, Department-wide Systems and Capital Investments Programs, $123,000,000, to remain available until September 30, 2001, for maintaining and operating the current Customs Service Automated Commercial System: *Provided*, That the funds shall not be obligated until the Customs Service has submitted to the Committees on Appropriations an expenditure plan which has been approved by the Treasury Investment Review Board, the Department of the Treasury, and the Office of Management and Budget: *Provided further*, That none of the funds may be obligated to change the functionality of the Automated Commercial System itself: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $123,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.".

Mr. CAMPBELL. Mr. President, I appreciate the Chairman and the Committee including $123,000,000 in emergency funding for the Customs Service Automated Commercial System, or ACS. The current legacy computer system of the Customs Service is in dire need of this emergency funding. This 16 year old system regularly experiences what is called "brownouts" or systemwide outages. When this system goes down, believe it or not, the Customs Service must process all entries by hand. These outages are only becoming more frequent and they are lasting longer and longer. You can imagine the delays at the border that this situation causes. For example, in an outage in March at the Buffalo port, a five-hour delay generated so much paper that the entry documents were piled so high Customs could not see their customers on the other side of the counter. Not only do these outages create long lines at the ports, but after the system is back up and running, Customs employees must then work overtime trying to enter all of the paper entries generated during the outage. Therefore, Mr. President, I am pleased that the Committee has included this funding to address this very serious issue.

AMENDMENT NO. 4001

(Purpose: To fully fund the Food and Drug Administration's food safety initiative activities)

On page 57, line 2, strike "$78,589,000" and insert "$72,589,000".

On page 57, line 10, insert before the period the following: ": *Provided further*, That in addition to amounts otherwise appropriated under this heading to the Food and Drug Administration, an additional $6,000,000 shall be made available of which $5,000,000 shall be made available for the Centers for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, and $1,000,000 shall be made available to the National Center for Toxicological Research".

Mr. KENNEDY. The American food supply is one of the safest in the world—but it is not safe enough. Over 75 million Americans a year are stricken by disease caused by contaminated food they eat. Each year, 9,000 people—mostly the very young and the very old—die as a result. The costs of medical treatment and losses in productivity for these illnesses are as high as $37 billion annually.

The emergence of highly virulent strains of bacteria, and the increase in the number of organisms resistant to antibiotics, are compounding these problems and making foodborne illnesses an increasingly serious public health challenge.

Americans deserve to know that the foods they eat are safe, regardless of their source. Yet too many citizens today are at unnecessary risk of foodborne disease. This Congress can make a difference. The FDA requested a budget increase of $30 million in 2001 for its Food Safety Initiative activities. With these additional funds, the FDA can improve its inspection of high-risk food establishments and strengthen its laboratory capabilities. Without this funding, the agency will conduct 700 fewer inspections next year. The Senate Appropriations Committee recognized the importance of protecting our food supply by granting the FDA the majority of its requested increase for food safety. The amendment I propose will give the FDA the additional $6 million it needs for these efforts.

In response to improved surveillance and increased sampling and testing, illnesses from the most common bacterial foodborne pathogens decreased by 21% from 1997 to 1999. As a result, 855,000 fewer Americans each year suffer from foodborne diseases. But contaminated food still remains a significant public health problem.

Recently, a new strain of an organism contaminated oysters in Texas, and caused an epidemic of diarrhea. This year, the FDA recalled several smoked fish products manufactured in New York because of outbreaks of disease. In March, 500 college students in Massachusetts became ill with Norwalk-like virus. Each year there are also at least 4700 cases of Salmonella in Massachusetts. We must do more to protect our citizens from foodborne diseases.

Imported foods are a significant part of the problem and often pose especially serious health risks. Americans are consuming foods from other countries at increasing rates. Since 1992, the number of food imports has tripled. At that time, the FDA was able to inspect only 8% of these imports. Since then the rate of FDA inspections of imported food has dropped to less than 1%, because resources did not increase for monitoring these imports.

Other countries have often not implemented food safety protections comparable to those in the United States, and general sanitary conditions are often poor. As a consequence, foods from such countries are more likely to be contaminated with disease-producing organisms. In 1995, 242 people contracted Salmonella from alfalfa sprouts imported from the Netherlands. In 1996, over 1,400 people became ill from contaminated raspberries from Guatemala. Just this year, infected shrimp from Vietnam caused Salmonella and E. coli outbreaks.

In earlier decades, diseases such as tuberculosis and cholera were the focus of food safety concerns. Today diseases caused by dangerous new strains of E. coli have become primary causes of foodborne illness. These new organisms necessitate increased investment in research, technology, and surveillance to protect the safety of our food supply.

Food safety are also especially important to protect the growing number of individuals in vulnerable populations, such as young children, the elderly, those with lowered immunity from HIV, and those with inadequate access to health care.

By providing the FDA with the necessary resources to combat foodborne diseases, we can protect tens of millions of our fellow citizens across the country each year. Investment in food safety is an investment in the health of every American. Congress should give the FDA the resources it needs in order to ensure the safety of the food we eat. The amendment I am proposing is a major step to meet this challenge, and I urge the Senate to approve it.

AMENDMENT NO. 4002

On page 71, line 3, strike the comma and insert the following: "prior to July 1, 2001,".

Mr. NICKLES. Mr. President, I rise to report on an agreement reached today between Senator INOUYE and myself regarding the Fort Reno Agriculture Research Station at El Reno, Oklahoma.

Our agreement delays any decision on the ARS until the next Administration. It also preserves the right of Congress to play a role in the future of the ARS. Our agreement ensures that any decision made about the research station will be made based on the merits of the work performed there rather than a decision based on November political considerations.

The agreement should not be read to mean that the research station will be eliminated, nor that the lands at Fort Reno should or will be returned to the Cheyenne-Arapaho tribe of Oklahoma.

I do not want the status of the Agriculture Research Station to be influenced by presidential politics, which has been the case in the past. This agreement will help prevent the future of the research station from becoming an election-year tool and better protect both the tribe and the research station from pressures surrounding the November election.

Mr. INOUYE. Mr. President, I agree with Senator NICKLES that Congress should have oversight of this issue and that decisions made about the research station should be made based on the merits of the work performed there rather than political considerations.

If one day Fort Reno is declared surplus or excess property by USDA, I hope that the Cheyenne and Arapaho's interest in the land will be considered. I believe they have a legitimate case in their pursuit of that land, and I look forward to working further with Senator NICKLES on this issue.

AMENDMENT NO. 4003

(Purpose: To prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. NATURAL CHEESE STANDARD.—(a) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking "Whenever" and inserting "(a) Whenever"; and

(2) by adding at the end the following:

"(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk or casein in the definition of the term 'milk' or 'nonfat milk', as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling).".

(b) IMPORTATION STUDY.—Not later than days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

(A) the quantity of ultra-filtered milk that is imported annually into the United States; and

(B) the end use of that imported milk; and

(2) submit to Congress a report that describes the results of the study.

AMENDMENT NO. 4004

On page 13, line 13, strike "62,207,000" and insert "62,707,000".

On page 13, line 16, strike "121,350,000" and insert in lieu thereof "120,850,000".

Mr. SESSIONS. Mr. President, this amendment will provide $500,000, for Satsuma Orange research at Auburn University in Alabama. These funds will be used to conduct research on developing technologies that reduce freeze damage, necessary for consistent production and industry expansion for the Satsuma Orange in the United States.

These funds will be used specifically for studies to reduce damage by fall and winter freezes suffered by the Satsuma Orange trees; studies evaluating micro sprinkler irrigation systems as a means of protecting the crop against freezes; evaluations for cold hardiness, cropping, harvest time, and fruit quality; and studies to determine critical temperatures that kill the crop and the factors that affect cold hardiness.

AMENDMENT NO. 4005

At the appropriate place in title VII insert the following: "None of the funds appropriated by this act to the U.S. Department of Agriculture may be used to implement or administer the final rule issued in Docket Number 97–110, at 65 Federal Register 37608–37669 until such time as USDA completes an independent peer review of the rule and the risk assessment underlying the rule.".

AMENDMENT NO. 4006

(Purpose: To require that any award entered into under the dairy export incentive program that is canceled or voided is made available for reassignment under the program)

On page 75, between lines 16 and 17, insert the following:

SEC. . DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5)(A) any award entered into under the program that is canceled or voided after June 30, 1995, is made available for reassignment under the program as long as a World Trade Organization violation is not incurred; and

"(B) any reassignment under subparagraph (A) is not reported as a new award when reporting the use of the reassigned tonnage to the World Trade Organization.";

On page 36, line 9, strike "749,284,000" and insert in lieu thereof "759,284,000"; on page 36, line 12, strike "634,360,000" and insert in lieu thereof "644,360,000".

AMENDMENT NO. 4007

(Purpose: To require the use of a certain amount of appropriated funds to carry out the Food Distribution on Indian Reservations)

On page 50, line 22, before the period, insert the following: ": *Provided further*, That, of funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b), (1) an additional amount not to exceed $7,300,000 shall be used to purchase bison for the FDPIR and to provide a mechanism for the purchases from Native American producers and cooperative organizations".

AMENDMENT NO. 4008

On page 13, line 13, strike "$62,207,000" and insert "$62,707,000".

On page 13, line 16, strike "$121,350,000" and insert * * *

Mr. WARNER. Mr. President, the emerging field of bioinformatics uses information technology to analyze the billions of bits of data that create a human or plant genome. The research efforts at Virginia Tech will complement and support efforts by the Department to develop new bioinformatic tools, biological data bases, and other information management tools, which hold the promise of reinvigorating our rural communities through high-technology jobs in agri-biotechnology. This amendment provides $500,000 to support Virginia Polytechnic Institute's (VPI) Bioinformatics initiative.

AMENDMENT NO. 4009

(Purpose: To set aside funding for the distance learning and telemedicine program to promote employment of rural residents through teleworking)

On page 47, line 8, after "areas,", insert the following: "of which not more than $3,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and".

AMENDMENT NO. 4010

(Purpose: To extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

"(1) ISSUES COVERED.—

"(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

"(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

"(i) Wetlands determinations.

"(ii) Compliance with farm programs, including conservation programs.

"(iii) Agricultural credit.

"(iv) Rural water loan programs.

"(v) Grazing on National Forest System land.

"(vi) Pesticides.

"(vii) Such other issues as the Secretary considers appropriate.

"(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

"(A) agricultural producers;

"(B) creditors of producers (as applicable); and

"(C) persons directly affected by actions of the Department of Agriculture."; and

(2) by adding at the end the following:

"(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

"(1) the intake and scheduling of cases;

"(2) the provision of background and selected information regarding the mediation process;

"(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

"(4) the mediation session.".

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking "Each" and inserting the following:

"(1) IN GENERAL.—Each"; and

(2) by adding at the end the following:

"(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

"(A) salaries;

"(B) reasonable fees and costs of mediators;

"(C) office rent and expenses, such as utilities and equipment rental;

"(D) office supplies;

"(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

"(F) education and training;

"(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

"(H) costs associated with publicity and promotion of the mediation program;

"(I) preparation of the parties for mediation; and

"(J) financial advisory and counseling services for parties requesting mediation.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2000" and inserting "2005".

AMENDMENT NO. 4011

(Purpose: To provide increased funding for the Extension farm safety program, including funding at a level of $3,055,000 for the AgrAbility project)

On page 13, line 16, strike $121,350,000 and insert "$120,650,000".

On page 15, line 2, strike $494,744,000 and insert "$494,044,000".

On page 16, line 6, strike $3,400,000 and insert "$4,100,000".

On page 17, line 8, strike $426,504,000 and insert "$427,204,000".

AMENDMENT NO. 4012

(Purpose: To authorize the Secretary of Agriculture to provide equitable relief to an owner or operator that has entered into and violated a contract under the environmental conservation acreage reserve program if the owner or operator took actions in good faith reliance on the action or advice of an authorized representative of the Secretary)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

"SEC. 1230A. GOOD FAITH RELIANCE.

"(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contact and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

"(b) TYPES OF RELIEF.—The Secretary shall—

"(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

"(A) to retain payments received under the contract;

"(B) to continue to receive payments under the contract;

"(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

"(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; or

"(E) or any other equitable relief the Secretary deems appropriate; and

"(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

"(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

"(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).".

"(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for all subsequent contracts.".

AMENDMENT NO. 4013

(Purpose: To require the publication of data collected on imported herbs)

On page 89, after line 19, add the following:

SEC. 1111. AVAILABILITY OF DATA ON IMPORTED HERBS.—The Secretary of Agriculture and the Secretary of the Treasury, shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

AMENDMENT NO. 4014

(Purpose: To adjust the limitation to carry out research related to tobacco)

On page 15, line 6, before the period, insert: ": *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco".

Mr. COCHRAN. Mr. President, I am prepared to be guided by the interest of the Senate. I have a list of the amendments which I am prepared to read if Senators would like. I can send the list to the desk and have it printed in the RECORD. I asked my staff if we read the list last year, and they said we did not. Maybe considering the mood of the Senate, I should not read the list.

Mr. McCAIN. Will the Senator yield?

Mr. COCHRAN. Yes.

Mr. McCAIN. Mr. President, can the Senator estimate how much total spending is in those amendments?

Mr. COCHRAN. I do not have an estimate. They are within the budget allocation of the committee. None of them will require a waiver. There are two amendments that are attached to this bill that are not within the jurisdiction of this subcommittee. One is related to methamphetamine laboratory cleanup which comes under Commerce-Justice, and another is related to Customs Service computer systems which comes under the Treasury, Postal Service, and General Government Subcommittee's jurisdiction.

Mr. McCAIN. I thank the Senator.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the managers' package be agreed to en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3982 through 4014), en bloc, were agreed to.

ARS RESEARCH PROJECT IN EAST LANSING, MI

Mr. LEVIN. Mr. President, we have before the Senate S. 2536, the Fiscal Year 2001 Appropriations Act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I am concerned that this bill omits an appropriation included in the House version of this bill (H.R. 4461).

H.R. 4461 appropriates $309,600 for the Agriculture Research Service (ARS) to fund research addressing Postharvest Handling and Mechanization to Minimize Damage for Fruits. This research is vital, not only for Michigan, but for all fruit producing states.

This research has the potential to allow fruit growers to realize greater profits by better ensuring fruit quality. Given the significant potential of this program to assist fruit producers in my home state, I am troubled by its exclusion in S. 2536.

Mr. COCHRAN. I thank the Senator from Michigan for his comments. He is correct in stating that the House Appropriations Act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for Fiscal Year 2001 funds research regarding Postharvest Handling and Mechanization to Minimize Damage for Fruits while the Senate counterpart does not.

Mr. LEVIN. I would appreciate the Senate conferees giving full consideration to the House position on this matter.

Mr. COCHRAN. I assure the Senator from Michigan that this specific request will be carefully considered in conference as I can understand how important this matter is.

FDA'S ADVERSE EVENT REPORTS

Mr. HATCH. Mr. Chairman, I strongly support an increase to the Food and Drug Administration's Adverse Event Monitoring System regarding dietary supplements. This would be administered by the FDA's Center for Food Safety and Applied Nutrition (CFSAN). This increase in FDA's Adverse Event Monitoring System for dietary supplements is an important component in the overall effort to implement fully the Dietary Supplement Health and Education Act.

Mr. HARKIN. I am proud to join my distinguished colleague, the Senior Senator from Utah, in supporting this endeavor. This proposed increase in FDA's Adverse Event Monitoring System for dietary supplements is an important component in the overall effort to implement fully the Dietary Supplement Health and Education Act. It also continues our mutual efforts to promote better public health and consumer safety. The FDA monitors adverse events related to dietary supplements. The dietary supplement sales have doubled in the past five years. In fact, surveys indicate that nearly half of all Americans use some type of dietary supplement, spending over $12 billion annually for these products. FDA estimates that the industry markets approximately 29,000 of these products, which are sold under 75,000 distinct labels.

Mr. HATCH. Despite this phenomenal growth in the supplement industry, the FDA currently does not have the resources to process adverse event reports in a timely manner and with comprehensive information. As a result, a substantial backlog currently exists in reviewing adverse event reports in the dietary supplement area. However, we must assure that these funds for AERs are effectively spent. Accordingly, Mr. Chairman, I respectfully request that you work with Senator HARKIN and myself on this issue. More specifically, we request that the FDA be directed to assign additional personnel to maintain the timeliness and accuracy of the AER system for dietary supplements. In addition, Congress needs to be assured that all published reports are accompanied by the results of a scientific evaluation of the link between the product and the adverse event and evidence of timely prior notification of any manufacturer or distributor mentioned in the report.

Mr. COCHRAN. I appreciate your bringing this issue to the attention of the Committee, and I will carefully consider this issue affecting the FDA's Adverse Event Monitoring System regarding dietary supplements. I thank the Senator for raising this matter to my attention.

USDA-ARS NEW ENGLAND PLANT, SOIL AND WATER RESEARCH LABORATORY

Ms. SNOWE. Mr. President, I thank the chairman for his continuing support for the New England, Plant, Soil, and Water Research Laboratory in Orono, Maine. Quite frankly, with his help and the support of his Subcommittee, we have literally snatched this USDA-Agricultural Research Service potato research laboratory—so important to the Maine potato industry—from the jaws of defeat ever since the Administration called for its closing in 1995. Not only have we kept the doors open, but with his support, the research facility on the University of Maine campus in Orono now has not only Dr. Wayne Honeycutt as its very capable lead scientist, but has added two plant pathologists, a research chemist, and a soon to be added research agronomist because of his support last year. I want to once again reemphasize just how critical the lab's survival is to the state of Maine, its potato growers, and its economy.

Ninety-five percent of the potato acreage in the six states in the New England region are in Maine, and the lab has the benefit of being in close proximity to the grower's fields. There has been a long and productive history of collaborative potato research involving the state, the university research program, and private agricultural interests.

The laboratory's last need is for a soil physicist to complete its scientific staff and not for a soil pathologist as originally requested and for which $300,000 is provided for as stated on page 31 of the Report Language for S. 2536. I request that this technical correction be made for a soil physicist.

Mr. COCHRAN. I thank the Senior Senator from Maine for her tireless efforts over these past five years to not only keep the ARS laboratory open but to assure that the facility is staffed with skilled scientists and support staff that continue to be of great service to the agriculture community in Maine. This research facility has my support and the appropriate technical change will be made for a soil physicist.

Ms. SNOWE. Once again, I thank the chairman for his support of agriculture throughout my State, and I praise him for your fine leadership as Chair of the Subcommittee.

QUALITY AND SHELF LIFE OF AGRICULTURAL COMMODITIES

Mr. CRAIG. Mr. President. I want to thank the Senator from Mississippi, for drafting an excellent FY2001 Agriculture Appropriations bill that will help meet the needs of our nation's farmers and agricultural communities. I especially want to thank him for working closely with me to ensure that issues affecting the Idaho agriculture are addressed in the bill.

I know that the Senator from Mississippi works hard with limited resources to fund worthwhile and fiscally responsible agricultural research programs. One important area of agriculture research involves increasing the shelf life of our food, while maintaining its quality, and one of the most promising methods is irradiation. In Idaho, Idaho State University is home to the Idaho Accelerator Center (IAC) which is proposing a research program to investigate the effects of small amounts of irradiation—as compared to conventional food irradiation—on the behavior of potatoes. IAC and several Idaho-based partners have been studying the positive effects of low doses of x-ray and electron beam irradiation on the storage properties and shelf life of potatoes. Significant improvement in shelf life has been demonstrated over the entire range of standard storage conditions, with virtually no decline in quality. The results indicate that long term storage losses can be reduced to very low levels and that shelf life during transport, storage by vendors and by consumers is extended indefinitely. It is believed that these findings will also hold true for other commodities such as onions, sugar beets, etc. These results are achieved without chemicals, radioactive materials or other environmentally harmful processes. The irradiation is provided by the electron beams produced from compact, portable high-energy electron-linear accelerators.

While I know that the project is not funded in the Senate bill, I want to ask the Chairman to consider the IAC proposal during Conference on the bill. This is a worthy project and one that I am confident will lead to real results that will benefit our farmers and consumers.

Mr. COCHRAN. Mr. President, I want to thank the Senator from Idaho for his kind remarks. We have tried hard to accommodate every worthwhile request but, as we all know, we are constrained by our budget allocation. I want to assure him, however, that I will thoroughly review the request made by the Idaho Accelerator Center at Idaho State University and will give it appropriate consideration during Conference.

Mr. CRAIG. Mr. President. I want to thank the Chairman for his willingness to look at this, and for all he does for American agriculture and a safe, secure, food supply.

MONTANA FOOD STAMP STANDARD UTILITY WAIVER

Mr. BAUCUS. Mr. President, I rise today to discuss an amendment that Senator BURNS and I were working with the Committee on in this Agriculture Appropriations bill that would help Montana's senior citizens and low-income citizens. In particular, this measure would provide an additional $500,000 to enable the State of Montana continue its food stamp program standard utility allowance ("SUA") waiver. Montana is currently operating under an agreement with the U.S. Department of Agriculture to continue extending the waiver.

Montana has approximately 25,000 households using food stamps. Of this number, over 19,000 would be tragically affected by the loss of this waiver. For example, many elderly food stamp recipients who live on fixed incomes and/or reside in public housing would be hard hit be the loss of the Standard Utility Allowance waiver. In many such cases, records from the Montana Department of Public Health and Human Services indicate that the loss could be higher than fifty percent of the benefit.

Second, the state of Montana is currently serving 952 "able-bodied adults without dependents." Many of these are either homeless or at risk of losing their housing. Decreasing their current food stamp benefit would only exacerbate their difficult situations.

Finally, many of these food stamp recipients live in Montana's 634 group homes for the disabled. The loss of the Standard Utility Allowance would decrease food stamps for these individuals with disabilities creating further hardship for group homes which already operate with very little budget flexibility.

The entire Montana delegation has worked hard over the past two years in conjunction with our Montana Department of Public Health and Human Service, the U.S. Department of Agriculture and the Office of Management and Budget to maintain this critical program. I am pleased that Senator COCHRAN is willing to work with Senator BURNS and myself to address this issue within the context of this Agriculture Appropriations bill.

Mr. BURNS. I whole-heartedly support this amendment which is so critical to so many Montana families. The SUA waiver is of particular concern because long winters and high utility costs are something all Montanans face, regardless of income. This waiver allows a credit to a household's income when determining eligibility and amount of food stamp benefits. Because of the unique set of challenges facing Montanans in terms of extreme weather conditions, termination of the Standard Utility Allowance could very well put many needy households at risk of experiencing hunger.

The current SUA waiver is scheduled to expire on September 30, 2000. However, the USDA Food Nutrition Service has conditionally approved the extension of the Montana SUA waiver for an additional year to September 30, 2001. A primary condition to that approval is congressional approval of adequate funding.

To date, this waiver has been very successful in its goals to provide nutritional assistance to low-income citizens. I strongly support funding this program at $500,000 and will work with my colleagues to make that happen by the end of conference.

Mr. COCHRAN. I thank the Senators from Montana for working with the Agriculture Appropriations Committee to bring to our attention the need for funding of this important measure.

Mr. BAUCUS. Thank you, Senator COCHRAN, for your support. Montana's hungry families appreciate your efforts.

BIOINFORMATICS INSTITUTE FOR MODEL PLANT SPECIES

Mr. DOMENICI. Mr. President, I wish to engage in a colloquy with the Chairman of the Subcommittee, the Senator from Iowa, and the Senator from New Mexico regarding the establishment of a Bioinformatics Institute for Model Plant Species as a collaborative effort between the USDA Agriculture Research Service, New Mexico State University, and Iowa State University.

Mr. COCHRAN. I will be pleased to speak with my colleagues regarding this issue. I understand that this is a cooperative approach to enhance the accessibility and utility of genomic information for plant genetic research, and Senator DOMENICI championed the authorization for this institute in the recently enacted Agricultural Risk Protection Act.

Mr. DOMENICI. The chairman is correct that this cooperatively operated institute would reduce duplication of effort as research institutions across the country find the need to develop bioinformatics systems to validate and disseminate results from plant genomic studies. Three model plant species have been identified by the National Science Foundation, and this institute would incorporate software platforms that will enable the integration of these model plant bioinformatic resources with crop plant bioinformatic resources.

Mr. HARKIN. Over the past several months, my staff and I have had the pleasure of discussing this collaboration between Iowa State University, New Mexico State University, and the Agriculture Research Service with representatives of the National Center for Genome Resources, and want to express my support for establishing this institute. It would bring research scientists from the State Agriculture Experiment Stations and ARS together with the expertise in bioinformatics and software platforms developed by NCGR and its work on the Human Genome Project. Through this combination of expertise, the institute would greatly reduce the chances of having to "reinvent the wheel," so to speak, as genomic research continues to expand into greater numbers of agricultural plant species.

Mr. BINGAMAN. I concur with my colleagues' assessment that this institute would provide a valuable addition in the research area of plant genomics. It would let us avoid redundant genomics research in crop species and leverage information for crop improvement. Funding for this institute would augment existing skills and resources, rather than building new bioinformatics infrastructure.

Mr. DOMENICI. Funding from the Agricultural Research Service will be needed to establish this institute. I understand that with the funding provided for ARS in this bill, that may not be possible. I ask the Chairman if he would assist us in the upcoming Conference Committee to ensure that ARS funding is adequate to accommodate this important project?

Mr. COCHRAN. I want to thank my colleagues for bringing this issue to the attention of the Senate. I appreciate the significance of establishing this institute, and I will make every effort to accommodate their request in the Conference.

Mr. HARKIN. I want to thank the Chairman of the Subcommittee, and look forward to working with him in the Conference.

Mr. BINGAMAN. I, too, thank the Chairman for his assurance.

Mr. DOMENICI. I thank the Chairman of the Subcommittee.

STUDY TO IMPROVE AFRICAN AGRICULTURAL PRACTICES

Mr. SANTORUM. Mr. President, I rise to engage in a colloquy with the distinguished Chairman of the Agriculture Appropriations Subcommittee regarding a study to improve farming practices in Africa.

As the chairman knows, the Trade and Development Act of 2000 was signed into law in May. This Act authorized a study on ways to improve African agricultural practices. This study will be conducted by the U.S. Department of Agriculture in consultation with a land grant university and a not-for-profit organization that has firsthand knowledge of African farming.

While a two year study is authorized, it is my understanding that ample data and research exists supporting the need to establish a more formal relationship to improve farming practices in Africa.

To that end, I ask the Chairman if he would work with me to ensure that the USDA takes up this study in a timely fashion and incorporates the existing data so that we can formally implement these recommendations.

Mr. COCHRAN. I want to thank the Senator from Pennsylvania, and appreciate him bringing this issue to my attention.

As move forward, I will work with him to ensure that the USDA takes into consideration the existing data and research, and completes the study within a reasonable timeframe.

Mr. SANTORUM. I thank the Chairman for his commitment, and appreciate his willingness to work with me on this important initiative.

BOVINE TUBERCULOSIS

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for Agriculture, Rural Development, and Related Agencies (S. 2536). Included in this bill is funding which will, among other things, assist our nation's farmers, aid rural development, preserve delicate ecosystems and provide food assistance to our nation's most needy individuals. I support these measures, but I also realize that there are urgent agricultural emergencies which cannot be covered by the scope of the annual appropriations process.

Mr. COCHRAN. The Senator from Michigan is correct in stating that frequently there exist many agricultural emergencies which are best addressed by the action of the Secretary of Agriculture.

Mr. LEVIN. I thank the Senator from Mississippi. One agricultural emergency that currently affects my home state of Michigan, and which threatens livestock in the Upper Midwest is bovine tuberculosis (TB). Due to a host of factors, Michigan is the only state in the Union where bovine TB has actually been transferred from livestock into the wild. Most frequently, this disease has been transferred from cattle to members of the Cervid family, such as whitetail deer. Deer then are able to transfer TB to herds of cattle, wild animals or humans. As a result of this disease, neighboring states have restricted the entry of Michigan cattle, farmers have been required to test their cattle for this disease and some livestock producers have had to eradicate their herds. I would ask the Senator from Wisconsin, if he believes that the matter of bovine TB constitutes an emergency.

Mr. KOHL. I agree with the Senator from Michigan that bovine TB constitutes an agricultural emergency.

Mr. LEVIN. I thank the Senator from Wisconsin. I would hope that the Secretary of Agriculture would declare an emergency regarding bovine TB. Doing so would assist areas where this disease is present and prevent the further spread of bovine TB.

RED RIVER TRADE COUNCIL

Mr. DORGAN. Mr. President, I rise to discuss the Agriculture Diversity Project, which is administered by the Red River Trade Council through the Cooperative State Research, Education, and Extension Service. The Agriculture Appropriations Subcommittee has funded this program in the past, and I want to thank the Chairman and the Ranking Minority of the Agriculture Appropriations Committee for their support.

As my colleagues know, one of the areas of economy that has not shared in the current economic boom is agriculture. The farmers and those who live and operate businesses in rural America are struggling financially to maintain not only a reasonable standard of living, but also the preservation of a rural lifestyle. They are desperate to find ways that will allow them to stay and to make a living in rural America.

The Agriculture Diversification Project now underway seeks to add value to existing crop production, establish high value crop alternatives to those crops traditionally grown in the region, develop processing facilities, and create markets for both new crops and the value added products. One added dimension to the program in Fiscal Year 2001 will be an Internet-based information resource for farmers and other rural residents intended for those who are interested in a sustainable rural economy through entrepreneurship, product development, and marketing. This new aspect of the project will demand additional resources above what the Subcommittee provided in this bill. I hope that we might be able to provide at least $500,000 for this project—which is the level of funding that the House provided in its bill.

Mr. DASCHLE. I am grateful that the Committee has recognized the need for this project in the past and also in the legislation being considered today. However, with the expansion of this project beyond the original states of North Dakota, South Dakota, and Minnesota to also include Iowa, and Nebraska, and to establish the Internet resource a higher level of funding for this project is necessary.

Does the Subcommittee Chairman, the senior Senator form Mississippi, agree that the House level of $500,000 would be a more appropriate funding level for this program?

Mr. COCHRAN. I understand that this project is a priority for the Minority Leader and the Senator from North Dakota. I will work in conference to consider $500,000 for the Red River Trade Council's Agricultural Diversity Project in the final version of the Agriculture Appropriations bill.

LAND-GRANT UNIVERSITY SYSTEM

Mrs. LANDRIEU. Mr. President, the Nation's Land-Grant University system is very fortunate to have historically black land-grant colleges and universities like Southern University of my home State of Louisiana, Tuskegee University of Alabama and Alcorn State of Mississippi, to name just three of them. These universities were granted Land-Grant status under the Evans-Allen law enacted by Congress in 1890. An amendment accepted in House of Representatives during debate on the Agricultural Appropriations bill for Fiscal Year 2001 increases formula funds for research and extension science performed at these universities in a total amount of $6.8 million. There are 18 such historically black universities in America which are part of the entire national land-grant university system.

The historically black land-grant universities play a very special and unique role in our nation. Since 1988, the base formula funding provided to our nation's historically black colleges has eroded. Funding provided to these institutions through this mechanism has remained flat from the previous fiscal year. Investing in the 1890s Land-Grant institutions is a wise investment indeed. Together, our historically black land-grant universities comprise a unique asset with the multi-cultural depth to enrich the research, extension and education capacity of the nation. Strengthening minority serving institutions and making them equal partners in the Land-Grant System are key elements toward improving minority access to USDA programs. Our universities need a significant boost in infrastructure investment to fully participate and compete for research, extension and education funding. The amendment passed by the House of Representatives would increase base (formula) funding and as a result would be a significant step in that direction. I appreciate Senator COCHRAN's recognizing the importance of this funding and hope you will give strong consideration during conference to acceding to the amendment passed by the House of Representatives. $6.8 million divided among the 18 historically black institutions is not much, but it does mean a great deal to these institutions and the people they serve through their research and extension programs.

Mr. COCHRAN. I recognize the need to provide adequate support for the 1890 institutions. The Senator will be pleased to know that this bill provides increases above the fiscal year 2000 level for the 1890 institution's capacity building grants program and the facilities grants program. I share the Senator's interest in these institutions and will keep her comments in mind as we work to enhance funding for these programs in conference.

Mrs. LANDRIEU. I thank the Senator.

CARBON DIOXIDE EMISSIONS TRADING CREDIT MODELS

Mr. CRAIG. Mr. President, I want to ask the Chairman about a small provision in report language, under the Natural Resources Conservation Service. The report encourages the agency to interface with a consortium of universities on developing carbon dioxide emissions trading credit models. I am just seeking clarification on the academic nature of the efforts described and the intent of the Committee.

In numerous appropriations bills and reports, the Committee and the Senate have reiterated the position, consistent with the unanimously-passed Byrd-Hagel resolution, that the Kyoto Protocol on global climate change and control of greenhouse gases has not been approved by the Senate and must not be implemented by the Administration through the regulatory backdoor. Every year, language to this effect has been included in a growing number of appropriations laws, including the Agriculture Appropriations Act for fiscal year 2000.

My question arises because emissions trading is inextricably, and most visibly, linked to the limits envisioned in the Kyoto Protocol. I assume there is no intention in the report language to be inconsistent with our longstanding position on Kyoto and no implied endorsement of emissions trading. I would read the report as simply encouraging the agency in giving technical assistance to an academic research project relevant to agriculture.

Mr. COCHRAN. The Senator has correctly characterized the Committee's intent.

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment to the Agriculture Appropriations Bill now before the Senate. The amendment identifies vital funding for Indian Country in four programs under the Rural Community Advancement Program. The cosponsors of the amendment are Senators CAMPBELL, INOUYE, DOMENICI, LEAHY, DASCHLE, DORGAN, FEINSTEIN, BENNETT, MURRAY, JOHNSON, HATCH, SNOWE, and CONRAD.

First, I want to thank Chairman COCHRAN and Senator KOHL for their work on this Agriculture Appropriations Bill. This bill provides funding for a number of programs that are vital to my state of New Mexico and to the nation.

The rural development programs funded in this bill are especially important for a rural state like New Mexico. Through a variety of grant and loan programs, rural development is helping to make sure that our smaller communities are not being left behind in basic infrastructure, in quality of housing, in economical utilities, in community facilities, or in business development. Rural development is making tremendous progress in improving the quality of life of our smaller communities and in Indian Country. The basic health and well being of rural people in New Mexico, as well as their economic future, are much brighter as a result of the rural development programs.

This amendment is straight forward. The bill already provides $24 million for tribal programs, and I thank the Chairman and Ranking Member for providing this important set aside. The amendment simply sets the priorities for how the existing tribal funding in the bill should be divided among the various Rural Development Programs. Under our amendment, $1 million is set aside for rural business opportunity grants, $5 million for community facilities for tribal colleges, $15 million for grants for drinking water and waste disposal systems, and $3 million for rural business enterprise grants. These priorities have the support of the National Congress of American Indians and the American Indian Higher Education Consortium.

I ask unanimous consent that letters from the NCAI and AIHEC supporting our amendment be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. The $15 million in water and wastewater grants in this amendment include a special provision that allows the department to provide up to 100 percent of the cost of a project for the most economically disadvantaged tribes that can't otherwise qualify for a loan as normally required. A similar grant program was first established by Congress last year to address the urgent needs in Indian Country for basic water and waste water systems. I am pleased that the Rural Utilities Service has moved quickly this year to implement this new program and we are seeing immediate results. To date, 26 grants have been awarded to tribes in 14 states—from Maine to California. The average grant is a little more than $400,000. The RUS already has in hand requests for many millions of dollars in important projects for next year. This amendment will provide the funding to address these urgent needs.

In addition, the amendment provides $5 million in much needed funding for facilities construction and maintenance at our 33 tribal colleges that comprise the American Indian Higher Education Consortium, AIHEC. Many of these institutions are operating in donated, abandoned, and in some cases, even condemned structures. Hazards include leaking roofs, asbestos insulation, exposed and substandard wiring, and crumbling foundations. Tribal colleges receive little or no funding from the states. These institutions are located on federal trust land and are a federal responsibility. The $5 million provided in this amendment will begin to address the backlog in facility requirements for tribal colleges.

The development of new businesses in Indian Country is one key to self sufficiency for Native American communities. The amendment provides $3 million in rural business enterprise grants to support the development of small and emerging tribal business enterprises. These funds can be used to develop land, construct buildings and factories, purchase equipment, provide road access and parking areas, extend basic utilities, or provide technical assistance, startup and operating costs, or working capital for new business.

Finally, the amendment provides a $1 million set aside for tribal rural business opportunity grants. Tribes may use these funds to analyze business opportunities that will make use of the existing economic and human resources in Indian Country. Funding can also be used to train tribal entrepreneurs and to establish business support centers. Unemployment rates in Indian Country are the highest in the nation, sometimes topping 50 percent. Development of new business opportunities on tribal lands is one of the keys to improving the standard of living in Native American communities.

Congress established the rural development programs to assist in the economic development of rural areas of the nation with the highest percentage of low-income residents. Today, some of the most economically disadvantaged communities in America are in Indian Country. The $24 million set aside in this bill for tribal programs represents only a tiny percentage of the total funding available for Rural Community Advancement Programs. This funding will begin to address the needs of some of America's poorest communities.

Again, I want to thank Chairman COCHRAN and Senator KOHL for their support for the tribal funding in this bill. These are important programs to help deal with the critical needs of our tribes. I hope the Senate will support our amendment.

EXHIBIT 1

NATIONAL CONGRESS OF
AMERICAN INDIANS,
Washington, DC, May 24, 2000.

Re Support for Bingaman Tribal Amendment

DEAR SENATOR:The National Congress of American Indians (NCAI), the oldest and most representatives Indian advocacy organization, respectfully request your support for an amendment to be offered by Senator Jeff Bingaman to S. 2536, the FY2001 Agriculture Appropriations bill during full Senate consideration. This amendment would designate the $24 million currently proposed for water and wastewater loans and grants in the Indian Rural Utilities Service (RUS) programs into four grant programs: 1) Rural Business Opportunity Grants; 2) Community Facilities Grants for Tribal College Improvements; 3) Drinking Water and Waste Disposal Systems for Economically Disadvantaged Tribes; and 4) Rural Business Enterprise Grants.

NCAI supports this amendment because it designates the funds for grant programs that are targeted to the specific rural development needs of tribes and tribal colleges, rather than for the general purpose of benefiting federally recognized Native American tribes.

In FY2000, Senator Bingaman was instrumental in securing the original set aside of $12 million for the Indian RUS program. To date, 19 Indian projects have been funded, with five requests on hand, and an additional four that are or forthcoming.

NCAI respectfully request your support of the Bingaman Tribal amendment when it is offered for full Senate consideration. If you have any questions in regards to this amendment, please contact me or Victoria Wright, NCAI Legislative Associate at (202) 466–7767.

Sincerely,

JOANN K. CHASE,
Executive Director.

AMERICAN INDIAN HIGHER
EDUCATION CONSORTIUM,
Alexandria, VA, July 2000.

DEAR SENATOR: The 33 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium (AIHEC) respectfully request your support of the Bingaman amendment to be offered during Senate consideration of the FY01 Agriculture Appropriations bill (S. 2536/H.R. 4461). This amendment would simply allocate the proposed $24 million available for loans and grants to federally recognized American Indian tribes through the Rural Community Advancement Program into four grant programs: 1) Rural Business Opportunity Grants; 2) Community Facilities Grants for Tribal College Improvements; 3) Drinking Water and Water Disposal Systems for Economically Disadvantaged Tribes; and 4) Rural Business Enterprise Grants.

Tribal Colleges serve as community centers, providing libraries, tribal archives, child care centers, nutrition and substance abuse counseling and a broad range of other vitally needed facilities to their rural communities. Yet, many of our colleges are still operating in trailers, renovated gymnasiums, reclaimed abandoned BIA facilities with leaking roofs, exposed and substandard wiring and crumbling foundations. The Federal government has never funded authorized facilities programs for the Tribal Colleges. The Rural Community Programs were created to assist in the development of essential community facilities located in rural areas with a high concentration of low-income residents. This is by definition of the reservation communities served by the Tribal Colleges.

Our 33 colleges, 26,000 students and the 250 tribal nations we serve are extremely grateful to Senator Bingaman for championing this effort and for your support. The inclusion of the amendment will be a first step in bringing the Tribal Colleges much needed resources to address critical facilities needs.

Respectfully,

VERONICA N. GONZALES,
Executive Director.

Mr. McCAIN. Mr. President, the agricultural appropriations bill is very important bill—it provides federal assistance to our nation's farming communities, funds social service programs for women and children, and addresses natural resource management needs across the country.

I commend Chairman COCHRAN and other members of the Agriculture Appropriations subcommittee for their hard work to complete this year's bill. So, it is with regret that I had to vote against passage of this bill.

Mr. President, approval of the annual budget is among our most serious responsibilities. We are the trustees of billions of taxpayer dollars, and we should evaluate every spending decision with great deliberation and without prejudice.

Unfortunately, each year, we find new ways to violate budget policy. Appropriators have employed every sidestepping method in the book to circumvent Senate rules and common budget principles that are supposed to strictly guide the appropriations process. The excessive fodder and trickery have never been greater, resulting in the shameless waste of millions of taxpayer dollars. Included in this bill is more than $243 million in pork-barrel spending and additional "emergency spending" at the cost of $2 billion.

Traditional earmarks run rampant in this bill and its accompanying report for unrequested and low-priority spending. Other sly methods are also utilized to secure funding for parochial projects. If a direct amount is not earmarked, then the committee has covertly directed the USDA to grant special consideration to certain projects that would otherwise be subject to a competitive grant review. Appropriations bills are also popular targets to attach policy riders which clearly have no place in budget bills.

Another $2 billion in designated "emergency" spending was also added to this bill for various crop and disaster related assistance. This "emergency" spending is in addition to billions already spent in the past few years for farm relief spending, as well as other supplemental appropriations included in the military conference report for fiscal year 2000, and several billion more included in the recently passed crop insurance reform bill.

I rise today to tell my colleagues that I object.

I object to the $243 million in directed earmarks for special interest projects in this bill. I object to sidestepping the legislative process by attaching erroneous riders to an appropriations bill. I object to speeding through appropriations bills without adequate review by all members. I object to budget gimmickry practiced by attaching non-germane and non-priority items to appropriations bills and designating them as "emergencies" to avoid exceeding budget allocations.

It is no surprise that many of these earmarks are included for political glamour rather than practical purposes. Members can go back to their districts to ride in public parades and garner votes at the expense of average citizens who are struggling to maintain minimum wage jobs.

Again, some of these items are not particularly objectionable on an individual basis. However, I am merely objecting to the way these projects have been selectively identified and prioritized for earmarks when so many other needs around our country go unaddressed. Other items clearly do not belong in this particular bill and, therefore, could be subject to budget points-of-order.

Numerous earmarks are included that are of questionable relation or priority to the purposes of this bill. A few examples are:

$20 million for construction of a Los Angeles replacement laboratory and office space project in California;

$3.5 million for the Delta Teachers Academy;

$5 million for demonstration housing grants for agriculture, aquaculture, and seafood processing works in Mississippi and Alaska;

$500,000 for cooperative efforts with the Claude E. Phillips Herbarium in Delaware;

$87,000 for North American Studies in Texas;

$436,000 for a clean air PM–10 study in Washington;

$2,150,000 for a rural health program in Mississippi to train health care workers to serve in rural areas; and,

An additional $520,000 for seven additional inspectors at the U.S.-Mexico Border at the San Diego ports of entry.

Again, Mr. President, these projects may be meritorious and helpful to the designated communities, but they do not appear appropriate to tag onto this year's agriculture spending bill. This appropriations measure is intended to address farmers, women, children and rural communities with the greatest need. Yet, by diverting millions to non-agricultural needs, we fail in this responsibility, forcing Congress to pass ad-hoc emergency spending bills with billions in farm relief and bail-outs for producers who cannot pay back their federal loans.

I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this agriculture bill. Had we more responsibility allocated funding in these appropriations bills, we certainly could have avoided this type of egregious pork-barrel and emergency ad hoc spending which cuts deep into the budget surplus.

Mr. President, I have compiled a list of objectionable provisions in this bill and its accompanying report. However, the list is too lengthy to include in the RECORD, but will be available from my Senate office.

Mr. KENNEDY. Mr. President, the American food supply is one of the safest in the world—but it is not safe enough. Over 75 million Americans a year are stricken by disease caused by contaminated food they eat. Each year, 9,000 people—mostly the very young and the very old—die as a result. The costs of medical treatment and losses in productivity from these illnesses are as high as $37 billion annually.

The emergency of highly virulent strains of bacteria, and the increase in the number of organisms resistant to antibiotics, are compounding these problems and making foodborne illnesses an increasingly serious public health challenge.

Americans deserve to know that the foods they eat are safe, regardless of their source. Yet too many citizens today are at unnecessary risk of foodborne diseases. This Congress can make a difference. The FDA requested a budget increase of $30 million in 2001 for its Food Safety Initiative activities. With these additional funds, the FDA can improve its inspection of high-risk food establishments and strengthen its laboratory capabilities. Without this funding, the agency will conduct 700 fewer inspections next year. The Senate Appropriations Committee recognized the importance of protecting our food supply by granting the FDA the majority of its requested increase for food safety. The amendment I propose will give the FDA the additional $6 million it needs for these efforts.

In response to improved surveillance and increased sampling and testing, illnesses from the most common bacterial foodborne pathogens decreased by 21 percent from 1997 to 1999. As a result, 855,000 fewer Americans each year suffer from foodborne diseases. But contaminated food still remains a significant public health problem.

Recently, a new strain of an organism contaminated oysters in Texas, and caused an epidemic of diarrhea. This year, the FDA recalled several smoked fish products manufactured in New York because of outbreaks of disease. In March, 500 college students in Massachusetts became ill with Norwalk-like virus. Each year there are also at least 4700 cases of Salmonella in Massachusetts. We must do more to protect our citizens from foodborne diseases.

Imported foods are a significant part of the problem and often pose especially serious health risks. Americans are consuming foods from other countries at increasing rates. Since 1992, the number of food imports has tripled. At that time, the FDA was able to inspect only 8 percent of these imports. Since then the rate of FDA inspections of imported food has dropped to less than 1 percent, because resources did not increase for monitoring these imports.

Other countries have often not implemented food safety protections comparable to those in the United States, and general sanitary conditions are often poor. As a consequence, foods from such countries are more likely to be contaminated with disease-producing organisms. In 1995, 242 people contracted Salmonella from alfalfa sprouts imported from the Netherlands. In 1996, over 1,400 people became ill from contaminated raspberries from Guatemala. Just this year, infected shrimp from Vietnam caused Salmonella and E. coli outbreaks.

In earlier decades, diseases such as tuberculosis and cholera were the focus of food safety concerns. Today diseases caused by dangerous new strains of E. coli have become primary causes of foodborne illness. These new organisms necessitate increased investment in research, technology, and surveillance to protect the safety of our food supply.

Food safety efforts are also especially important to protect the growing number of individuals in vulnerable populations, such as young children, the elderly, those with lowered immunity from HIV, and those with inadequate access to health care.

By providing the FDA with the necessary resources to combat foodborne diseases, we can protect tens of millions of our fellow citizens across the country each year. Investment in food safety is an investment in the health of every American. Congress should give the FDA the resources it needs in order to ensure the safety of the food we eat. The amendment I am proposing is a major step to meet this challenge, and I urge the Senate to approve it.

Mr. LEAHY. Mr. President, I rise today to express my support for and cosponsorship of the Hatch-Durbin amendment to the Agriculture Appropriations bill to increase funding for the Office of Generic Drugs (OGD) at the Food and Drug Administration (FDA) by $2 million.

As we all know, the high costs of prescription drugs are on the minds of Americans because having access to affordable prescription drugs is essential for people of all ages. Over the next 5 years, the patents of name brand drugs with approximately $22 billion in sales will expire. Consumers will save millions of dollars from generic prescription drug alternatives. This will help to alleviate cost pressures facing some of our most vulnerable citizens—seniors and the chronically ill.

The FDA will be able to help make drugs more affordable only if it has adequate resources to review and approve generic drug applications in a timely manner. In recent years, I have worked with Senators SPECTER, HARKIN, and other cosponsors of this amendment to urge our colleagues to increase funds for the Office of Generic Drugs. These efforts have paid off in a reduction in the backlog of generic drug applications. Unfortunately, the President did not request an increase for the Office of Generic Drugs for the 2001 fiscal year. However, the workload for the office continues to increase and for the first time in several years, the backlog of applications has increased rather than continue to decline.

An increase of $2 million for the Office of Generic Drugs will be used for training and the upgrade of information technology systems that will allow for the electronic submission and review of generic drug applications.

I urge my colleagues to support this important amendment. This amendment will put the review record of the Office of Generic Drugs back on course.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Agriculture and Related Agencies Appropriations bill for fiscal year 2001.

The Senate-reported bill provides $75.1 billion in new budget authority (BA) and $39.4 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies. All of the discretionary funding in this bill is nondefense spending.

When outlays from prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals $64.2 billion in BA and $46.7 billion in outlays for FY 2001. Including mandatory savings, the subcommittee is at its 302(b) allocation in both BA and outlays.

The Senate Agriculture Appropriations Subcommittee 302(b) allocation totals $64.4 billion in BA and $46.7 billion in outlays. Within this amount, $14.9 billion in BA and $15.0 billion in outlays is for nondefense discretionary spending.

For discretionary spending in the bill, and counting (scoring) all the mandatory savings in the bill, the Senate-reported bill is $315 million in BA and $6 million in outlays below the subcommittee's 302(b) allocation. It is $75 million in BA below and $131 million in outlays above the 2000 level for discretionary spending, and $630 million in BA and $77 million in outlays below the President's request for these programs.

I recognize the difficulty of bringing this bill to the floor at its 302(b) allocation. I appreciate the committee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep this bill within its budget allocation.

I urge adoption of the bill.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be inserted in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 2536, AGRICULTURE APPROPRIATIONS, 2001 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2001 in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	14,539	49,616	64,155
Outlays	14,961	31,775	46,736
Senate 302(b) allocation:			
Budget authority	14,584	49,616	64,470
Outlays	14,967	31,775	46,742
2000 level:			
Budget authority	14,614	50,295	64,909
Outlays	14,830	33,088	47,918
President's request			
Budget authority	15,169	49,616	64,785
Outlays	15,038	31,775	46,813
SENATE-REPORTED BILL COMPARED TO			
Senate 302(b) allocation:			
Budget authority	−315	....	−315
Outlays	−6	....	−6
2000 level:			
Budget authority	−75	−679	−754
Outlays	131	−1,313	−1,182
President's request			
Budget authority	−630	....	−630
Outlays	−77	....	−77

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. ROBERTS. Mr. President, I rise today in strong support of H.R. 4461, the FY2001 Agriculture appropriations bill. I commend Senator COCHRAN for bringing forward what I believe is a solid bill to fund those programs of greatest importance to production agriculture and rural America. The task to complete this legislation is never easy, but the Senator from Mississippi has again worked to craft a bill that serves the states of all members of the Senate.

In this era of tight budget caps, crafting this legislation becomes more difficult each year. Despite these difficulties, the chairman has still found a way to provide increases in funding for several vital programs, including:

Farm Service Agency Staffing +$20 million from FY00; Conservation Programs +$63.4 million; Food Safety Inspection Service +$29 million; and Agricultural Research +60.4 million.

Mr. President, I know that many Senators and our constituents are often upset to see increases in funding for federal staffing. But, I must tell you that this increase in funding for FSA staffing is essential.

The Farm Service Agency is responsible for distributing all AMTA, LDP, and market loss payments and programs to our producers. With the low prices of the past two years, these staff have faced a tremendous workload.

These programs are essential to our producers and without proper staffing the delivery of these programs will be delayed. This is funding that will benefit our producers.

The productivity of today's U.S. agricultural machine is a modern day miracle that is a model for the rest of the world. We grow more food, for more people, on less land each year. Much of this productivity is a direct result of the commitment Congress has provided to agricultural research in the past. Additional research and productivity will be essential, as the world's population continues to grow in the next fifty years. The U.S. must be a leader in this area, and I thank the chairman for his commitment to research funding in this legislation.

In addition, I want to thank the chairman for the additional funding provided for the Food Safety Inspection Service (FSIS). Kansas is the largest beef packing state in the country and beef accounts for nearly ½ the farm income in my state each year. We have many small plants and lockers located throughout the state, and we have the "Big 4" packers located within a 100-mile radius of each other in the southwestern part of the state. These plants have experienced inspector shortages at several points during the past year. These shortages result in reduced production chain speeds, which results in lost income for the processors, and fewer cattle being slaughtered which directly affects the pocketbooks of my cowboys and cattle ranchers, I am hopeful FSIS will use this money to hire inspectors and locate them in those areas where they are most needed.

I think it is also important to point out the significantly larger amount of funding for USDA agricultural export programs in the Senate bill compared to the House Agricultural Appropriations bill. We need full funding of these programs if our producers are to continue gaining additional world market shares, and I am hopeful the Senate position will prevail in conference with the House.

Finally, I thank the chairman for the funding he has provided for continued wheat and grain sorghum research in the State of Kansas through the Agricultural Research Service and Kansas State University. Kansas is the No. 1 producer of both wheat and grain sorghum in the U.S. Thus, the two crops play a vital role in our state's agricultural economy. This funding will allow us to continue research that allows us to combat emerging diseases in these crops and to find better ways to market them as well.

Again, I thank the Chairman for his efforts on this legislation. As always, he and staff—Rebecca Davies, Martha Scott Poindexter, Les Spivey, and Hunt Shipman—have taken very difficult budget numbers and have gone out of their way to address the needs of the constituents of all members of the Senate. They should be applauded for their work, and I urge my colleagues to support quick passage of this important piece of legislation.

Mr. WARNER. Mr. President, during consideration of the 1990 Farm Bill, a provision was inserted granting the USDA Graduate School the ability to enter non-competitive, interagency agreements for the provision of training services to other agencies. The Graduate School pursues and enters into these side agreements with other Federal agencies on a non-competitive basis. The private sector is shut out, unable to bid on these contracts.

Section 1669 enables the United States Department of Agriculture Graduate School (Graduate School) to accept non-competitive agreements from federal agencies to provide training and other human resource services. The provision limits—and even discourages—competition in contracting, the cornerstone of fair and equitable pricing in the award of government contracts.

Despite its name and 80-year history, the Graduate School is not a part of the federal government. The Comptroller General of the United States ruled that the Graduate School is a "Non-Appropriated Fund Instrumentality" (NAFI). NAFIs do not receive budget authority or appropriations from Congress and are supported entirely by fees or prices for their services. Like other NAFIs the Graduate School is not subject to the Federal Acquisition Regulations, the Freedom of Information Act, or other laws and regulations governing the operations of federal agencies. The Comptroller General ruled that the Graduate School, as a NAFI, is not a proper recipient of interagency order from Government agencies for training services. And under law, these orders are only permissible if a commercial enterprise can't provide the goods or services as conveniently or cheaply.

Various federal laws do indeed provide preferential treatment for economically disadvantaged firms in the award of government contracts. Under these programs administered and monitored by federal agencies, such as the Small Business Administration, Department of Labor, and Department of Commerce, many small businesses, minority-owned enterprises, and firms in labor surplus areas qualify by meeting established regulatory standards.

The Graduate School, however is not economically disadvantaged. The Graduate School earned net profits exceeding $13 million over the past five years. Effective on the close of its 1998 fiscal year on September 30, its net worth was $18.5 million; its aggregate retained earnings (1993–1998) were $13.3 million, and its current asset/liability ratio was 2.01. In spite of this financially advantageous position, the Graduate School pays "bargain rate" nonprofit postage, receives donated space and services from federal agencies, and pays no federal income tax.

Only the Graduate School benefits from the preferential treatment afforded by Section 1669.

The Graduate School has government subsidized facilities in Washington, D.C., Chicago, Philadelphia, Honolulu, Atlanta, Dallas, and San Francisco. It offers a range of business, finance and management courses that could be offered by hundreds of local community colleges or private training firms.

The Graduate School benefits at the expense of small and large tax-paying businesses and is not selling any commodity they could not provide. Indeed, many large and small-business training enterprises are ready, willing, and able to compete for the Graduate School's share of agency training budgets.

Mr. President, competition requires a level playing field. Without it, American taxpayers take the hit. And agencies and taxpayers are not receiving the benefits for quality and pricing that competition provides. In Section 1669 restrictive, narrowly based, preferential legislation undermines proven forces of the market economy to determine fair and equitable prices. Section 1669 of the 1990 Agriculture Act (PL 101-624) must be repealed.

Mr. DORGAN. Mr. President, yesterday the Senate passed by a margin of 74–21 the Jeffords-Dorgan amendment to allow for importation of FDA-approved prescription medicines by licensed pharmacists and drug wholesalers. This amendment addresses a very important issue for American consumers, especially for senior citizens who must pay for their medicines out of their own pockets. The same medications sold in the United States are also sold in Canada and other countries, often at substantially lower prices. This amendment has the potential to save American consumers millions of dollars by giving them access to their medicines at these lower prices at their local pharmacies.

I am pleased that this amendment has the support of the National Community Pharmacists Association, and I ask unanimous consent that a letter of support from the NCPA be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COMMUNITY
PHARMACISTS ASSOCIATION,
July 17, 2000.

Re H.R. 4461—Ag Appropriations Jeffords/Dorgan/Wellstone et al., amendment.

DEAR SENATOR: On behalf of the independent pharmacists in your state, I would like to express the National Community Pharmacists Associations' endorsement of the strongly bipartisan cited amendment that safely allows American consumers to benefit from international price competition for prescription medicines.

The Jeffords/Dorgan/Wellstone amendment is designed to permit the importation of prescription drugs by American pharmacies so long as the drugs meet Food and Drug Administration standards, including compliance with current good manufacturing practices. Such FDA-approved drugs are sold in Canada, the United Kingdom, EU countries, and other countries for prices considerable lower than the best prices available to retailers in this country. We agree with its sponsors that it "is a fair commonsense, free-market approach to lowering drug prices for constituents while benefiting small businesses" and that "it's outrageous that Americans should have to resort to crossing borders to purchase their prescriptions. We should be able to buy our medications at reasonable prices from pharmacies in our neighborhoods."

This amendment encourages and supports the role of pharmacists in our health care system and strengthens their ability to continue to provide affordable, critical products and services. It also will likely encourage more employers to continue and even initiate prescription drug coverage for their employees.

The objectives of this amendment are fully compatible with the 1988, Prescription Drug Marketing Act [PL 100–293] authored by your former colleague Spark Matsunaga and the dean of the House of Representatives, Representative John Dingell. This law in an effort to prevent the importation of counterfeit or adulterated prescription drugs banned reimportation of all prescription drugs, except by manufacturers. The proposed amendment would authorize importation including reimportation by legitimate pharmacists, pharmacists buying groups and wholesalers. Under the amendment, pharmacies and wholesalers importing drugs would still have to meet the *same* standards set by FDA, which allowed $12.8 billion worth of Rx drugs to be imported into the U.S. by manufacturers in 1997.

Obviously, imports by legitimate businesses including the independent pharmacies will not increase counterfeit drugs and will not put the health of American consumers at risk. To claim otherwise would at best be deceptive.

According to the United States International Trade Commission staff, more than 16% of the prescription drugs consumed by American patients were in fact imported. Typical, would be a nasal inhaler for asthma patients whose labeling reads "Assembled in Great Britain from products manufactured in Great Britain, Sweden, and Finland and manufactured for Astra USA, Inc. Westborough, MA."

Further, the amendment provides for a paper trail to assure that the drugs are properly transported and stored; and to prevent the importation of counterfeit, adulterated or other inappropriate prescription drugs. It also allows for testing of imported drugs when appropriate.

It is noteworthy that both the FDA and the PMA (now PhRMA) testified against and otherwise opposed the 1988 reimportation provision. Now the drug maker organization has done a 180, claiming that limiting reimports to them protects the public and disingenuously claiming that community retail pharmacy is not a competitive marketplace and that, consequently, any lower acquisition cost available to community pharmacies would benefit consumers only if pharmacies were forced through price controls to pass on savings to patients.

The truth is that the community pharmacy marketplace has virtually all of the characteristics of a healthy competitive marketplace. It has a significant number of widely dispersed, diversely owned businesses that are readily available to consumers. These competitive businesses predictably have modest gross margins or markups and low profits. What these businesses do not have is access to fairly priced branded Rxs based on economies of scale. Drugmakers, through discriminatory pricing practices, are responsible for this unhealthy characteristic of the community pharmacy marketplace.

In addition to the strong and growing number of bipartisan cosponsors, Congress has already taken key steps in support of the Jeffords/Dorgan/Wellstone approach. On April 6, 2000, the Senate approved the Gorton/Jeffords Sense of the Senate resolution that the "cost disparity between identical prescription drugs sold in the United States, Canada and Mexico should be reduced or eliminated." On Monday, July 10, 2000, two relevant and significant amendments were approved by the House of Representatives on the Agriculture Appropriation bill, H.R. 4461. The first amendment was approved 363 to 12. It forbids the FDA from enforcing the ban on reimportation. The second amendment was approved 370 to 12. It prevents any FDA action regarding prescription drugs manufactured in FDA approved facilities in the US, Canada and Mexico. Notably, the House Commerce Committee Chairman and its five subcommittee chairs voted for both of these amendments.

A recent survey by the Senior Citizens League found that 88% of seniors favor the Jeffords/Dorgan/Wellstone amendment to allow safe prescription drugs to be imported from Canada and other countries.

The small businesses, independent health care professionals we represent are the preferred choice of American consumers. Our members function in the market in a variety of forms. They do business as single stores ranging from apothecaries to full line high volume pharmacies; as independent chains (e.g. 100 pharmacies) and as franchises (e.g. Medicine Shoppe, 1200 pharmacies). Whatever the form of business entity, however, independent pharmacists are the decision makers for this wide variety of NCPA member companies.

The most in depth consumer survey to date conducted by *Consumer Reports*, involving 15,000 consumers, published last fall, found that consumers preferred independently owned pharmacies for several reasons: Independents provided more personal attention; Independents provided more useful information about both prescription and non-prescription drugs; Independent druggists were seen as more professional, more sensitive to families' needs, and easier to talk to; Independents kept consumers waiting less time for drugs, had prescriptions ready for pickup more often, and provided out-of-stock medicine faster

Our 1200 plus independently owned members in the Medicine Shoppes franchise were ranked second; the supermarket drugstores were third, the mass merchandisers were fourth; and the worst stores overall were the big corporate run chains. No preference was expressed for mail order.

The community pharmacist of today is simultaneously a health care professional and a small businessperson. As owners, managers, and employees of independent pharmacies, our member's 30,000 pharmacies and our 75,000 are committed to provide legislative and regulatory initiatives, which are designed to protect the public; to provide them a level playing field and a fair chance to compete; and to provide quality pharmacists services to your constituents. The Jeffords/Dorgan/Wellstone et. al. amendments with its safe, but free trade approach, meets each of these criteria.

We urge you to vote for the Jeffords/Dorgan/Wellstone amendment to H.R. 4461. It will unleash market forces to help reduce the cost of safe prescription drugs for all of your constituents, including seniors.

Warm Regards,

JOHN M. RECTOR,
Senior Vice President,
Government Affairs and General Counsel.

Mr. KOHL. Mr. President, I congratulate Senator COCHRAN, my chairman, and his fine staff for the efficient completion of S. 2536. My friend from Mississippi has conducted this debate—as he always does—in a balanced, fair, and non partisan manner. He is a gentleman and a friend, and it is an honor and a pleasure to work with him.

The bill we just passed includes funding for a wide variety of programs important to the American people. This is especially true now due to economic conditions in rural America which have not kept pace with the general prosperity enjoyed by most Americans.

The bill also responds quickly and adequately to the very real crisis that has hit the dairy industry across this nation. Last December, milk prices dropped unexpectedly and dramatically. Today, the base price farmers receive for their milk is $9.46. The average base price for 1998 was $14.21, and the average for 1999 was $12.43.

Those cold numbers cannot express the hard damage that has been done to dairy farmers and their families throughout my State, and throughout the nation. They add up to families that have stopped milking after generations, and rural towns that are collapsing as farms disappear. America's dairyland is in real danger of becoming a wasteland.

And today with this bill, the Senate has responded with emergency payments to the small farmers hardest hit by this disaster. I am proud of this institution for putting aside regional differences and interests, and for seeing this provision as—not just helping Wisconsin farmers, or Vermont farmers, or Pennsylvanian farmers—but as helping American families.

I also thank the Senator from West Virginia, the distinguished ranking member of the Appropriations Committee, for his vital assistance in securing these emergency dairy payments. At the end of last year, when we spent a great deal of the Senate's time on dairy issues, he listened to me and to the unique struggles of Wisconsin dairy farmers. He said then he would do whatever he could to help. And he has. He is a man who speaks some of the most inspiring and powerful words spoken on the Senate floor—and he is a man of those words. It is an honor to serve with him.

This is a good bill and, again, we should all congratulate Senator COCHRAN for his fine leadership of our subcommittee. I also want to thank the members of my staff who have helped make this process run as smoothly as it has this year: Paul Bock, my chief of staff, and Ben Miller, who is new on my staff this year, have done a fine job. Special thanks goes to the subcommittee's minority clerk, Galen Fountain, without whom I do not believe there could be an Agriculture bill in the Senate. His knowledge of the subject, his patience, his loyalty, and his work ethic are legendary around here, and deservedly so.

I look forward to moving this bill through conference quickly, and having a solid Agriculture budget in place well before October 1st.

I yield the floor.

Mr. COCHRAN. Mr. President, there are no more amendments. I appreciate very much the cooperation of all Senators. We are ready to go to third reading.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Did we just pass the bill?

The PRESIDING OFFICER. The Chair has not yet announced the final passage of the bill.

Mr. SMITH of New Hampshire. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. KERREY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 13, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—79

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Fitzgerald
Frist
Gorton
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—13

Allard
Enzi
Feingold
Graham
Gramm
Kyl
Lieberman
Mack
McCain
Nickles
Smith (NH)
Torricelli
Voinovich

NOT VOTING—7

Boxer
Bunning
Inouye
Kennedy
Kerrey
Kerry
Murray

The bill (H.R. 4461), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate insists on its amendments and requests a conference with the House, and the Chair appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I want to express my deepest appreciation for the excellent cooperation of our professional staff members of the Appropriations Committee. Our subcommittee staff, in particular, led by our chief clerk, Rebecca Davies, and other staff members, including Martha Scott Poindexter; Hunt Shipman; Les Spivey; and Coy Neal; the minority professional staff, Galen Fountain and Carole Geagley; the full committee staff member, Jay Kimmitt; Senator KOHL's personal staff members, Ben Miller and Paul Bock. They were all enormously helpful in the handling of this legislation and the passage of this legislation tonight in the Senate. For all of their assistance, I am deeply grateful.

I also have to thank Senator HERB KOHL, the distinguished ranking member of the Democratic side of the aisle on this subcommittee.

I appreciate the able assistance we received during the final, crucial stages of the handling of this bill from Senator LOTT, the majority leader; Senator STEVENS, chairman of the full Committee on Appropriations; and Senator REID of Nevada, who provided assistance all during the handling of the bill on the floor of the Senate today. We appreciate all of the good work they did. We also thank all Senators for permitting us to pass this legislation tonight.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I thank the manager of the Agriculture appropriations bill for allowing me to begin this unanimous consent request and for his patience in working through this long series of amendments. Again, I thank HARRY REID and Senator DASCHLE for their work with us. We have a unanimous consent request so Senators will know how to proceed tonight.

Mr. President, I ask unanimous consent that the Senate proceed to the reconciliation/marriage tax relief conference report to H.R. 4810, and there be up to 90 minutes for debate this evening, to be equally divided between the two managers.

I further ask unanimous consent that when the Senate reconvenes at 9 a.m. on Friday, there be 30 minutes of debate on the marriage tax penalty conference report, to be equally divided between the two managers, and following the use or yielding back of time, the Senate proceed to the vote on adoption of the reconciliation/marriage tax relief conference report, without any intervening action, motion, or debate.

I further ask consent that following the disposition of the marriage tax relief conference report on Friday, the Senate immediately proceed to executive session in order to consider the following nominations, that they be considered en bloc, confirmed en bloc, the motions to reconsider be laid upon the table, the President be notified, and the Senate return to legislative session. Those nominations are:

Johnnie Rawlinson, to be a Ninth Circuit Judge; Dennis Cavanaugh, to be a district judge; John E. Steele, to be a district judge; Gregory Presnell, to be a district judge; and James Moody, to be a district judge.

If we can get an agreement, Senator DASCHLE and I are prepared to go forward with the Department of Defense appropriations bill. We don't have that yet, but we will try to clear that on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE, Senator REID, and Senator COCHRAN for their help in this matter.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the Senator from New York, Mr. MOYNIHAN, the ranking member of the Finance Committee, has been here. He checked with the minority and there is nobody on the minority side who wishes to speak tonight. The Senator will be here in the morning to lead the debate for the minority on the marriage tax issue. I wanted the RECORD to be clear because my friend, Senator ROTH, indicated that the ranking member would be here. He was here and he checked to see if anybody on our side wished to speak and nobody did. So he has departed from the Chamber.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—CONFERENCE REPORT

Mr. ROTH. Mr. President, I submit a report of the committee of conference on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 4810 have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD, of July 19, 2000.)

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Delaware is recognized.

Mr. ROTH. Madam President, tomorrow this Senate will approve the Marriage Tax Relief Reconciliation Act of 2000. This is a great victory for the American family—all of America's families. It is not one that has been won for America's families, as much as it has been earned by America's families.

This bill is the centerpiece of our efforts to reduce the tax overpayment by American taxpayers. It is fair, it is responsible, it is the right thing to do for American families. And it is long overdue that they receive it.

The provisions in this bill will help 45 million families. That is substantially every family in the U.S. Some of my colleagues have argued that almost half of those families—21 million families located in every state in this country—do not deserve any tax relief. I reject that. I reject it because in my home state of Delaware it would mean leaving over 30,000 families that contributed to our ever-growing budget surplus out of family tax relief.

Why should the family in which one spouse stays home to raise the children and keep the house not receive a tax break? Does that spouse not work? Do you imagine that spouse doesn't work just because she or he does not get paid? Does that family not count? They do in Delaware, they do in this country, and they do in this bill.

All of these American families have contributed to the record surplus that we have in Washington. They deserve to get some of it back. I believed that three months ago when I first unveiled this package. And I believe it even more so now in light of estimates recently released by the Congressional Budget Office.

Today's bill amounts to less than 5 percent of the total budget surplus over the next 5 years. That is less than a nickel on the dollar of our total budget surplus. It amounts to just 9 percent of the total non-Social Security surplus over the next five years. That is less than a dime on the dollar of the non-Social Security surplus. A nickel and a dime. By any comparison or estimation, this marriage tax relief is fiscally responsible. Those who dispute that are themselves seeking to "nickel-and-dime" America's families out of tax relief.

I would ask those who oppose this family tax relief: just how big will America's budget surplus have to get before America's families deserve to receive some of their tax dollars back? If not now, when? If just 5 percent of the budget surplus and just 9 percent of the tax overpayment is too big a refund, how little should it be? How long do they have to wait? How hard do they have to work? How large an overpayment do they have to make? How large a budget surplus do we need to have?

This bill is fair. We have addressed the three largest sources of marriage tax penalties in the tax code—the standard deduction, the rate brackets, and the earned income credit. And we have done so in a way that does not create any new penalties—any new disincentives in the tax code. We have ensured that a family with one stay-at-home parent is not treated worse for tax purposes than a family where both parents work outside the home. This is an important principle because these are important families.

Let's take a look at what all these families will receive under our bill—and just as importantly, let's look at when they will get it. First, our bill increases the standard deduction for married couples filing a joint return to twice the deduction for singles.

This benefit, which would reduce a couple's taxable income by $1,450, is effective for this taxable year. That's right—for the year 2000. That means when a couple files their tax returns this coming April, they will be able to see and feel the results of our work. This provision will benefit about 25 million taxpayers. As a result, I believe that we should call this bill the ASAP tax relief bill for America's taxpayers—tax relief for America's families now.

Now, I know that those who search for excuses to oppose tax relief will question the immediacy of this tax cut. Before they do, I would remind those people: it was not a problem for them to raise taxes retroactively seven years ago. And of course, when you are raising taxes retroactively, it is a big problem because people have already made their financial commitments. In contrast, giving people an immediate tax cut is only a problem if you object to letting people keep their money.

Second, our bill increases the 15 percent rate bracket for married couples so that it is twice the size of the corresponding rate bracket for singles. While we phase in this doubling, we begin the increase immediately. Taxpayers will receive a portion of the benefit as soon as possible—as soon as they file their year 2000 tax returns. And they will see the entire benefit—a total of over $1,100 per family—in the year 2004. This provision will help about 21 million taxpayers.

Third, our bill helps married couples who are receiving the earned income credit. We increase the beginning and ending points of the credit's income phase-out for these couples by $2,000. Just like the other provisions in the bill, we deliver this relief immediately—for the tax year 2000. The hard working families who receive the EIC will see the benefit as soon as they file their year 2000 tax returns. This provision helps almost four million families, including an expansion of the EIC to one million families who were previously ineligible for the credit because of their combined income.

Finally, our bill ensures that families will continue to receive their family tax credits. Congress has delivered a variety of tax credits to American families—credits like the child credit, the HOPE credit, the Lifetime Learning credit, the dependent care credit, and the adoption credit. This bill extends a temporary provision that carves out these credits from the ever-reaching grasp of the alternative minimum tax. Millions of families will also see this benefit. For them, this tax relief won't be an empty promise.

In any House-Senate conference, both sides are forced to make compromises. This one was no exception. I would like to have included the doubling of the 28 percent bracket as we did in the Senate and as 61 Senators supported. I think that these families deserve their full tax break as well. Even the Democratic alternative offered in the Senate accounted for these families by not completely phasing-out their relief until $150,000. I fought hard, but our colleagues in the House did not agree and they refused to budge. I also would have liked to keep our earned income credit provision at $2,500. Once again, the House disagreed. But this is still a good bill and it still delivers the tax relief families have earned and deserve.

Despite the red flags thrown up by those who want to stand in the way of marriage tax relief, this bill actually makes the tax code more progressive. Families with incomes under $100,000 receive a tax cut under our bill that is proportionally higher than the amount of taxes they currently pay. In other words, their tax burden will fall.

Let's look at a few examples prepared by the Joint Committee on Taxation. First, let's take a married couple with two children earning $30,000. When this bill is fully effective, that couple would see a reduction in its taxes of over 143 percent. On the other hand, a two-child couple earning $100,000 would see its taxes drop by 11 percent, and a couple earning $200,000 would see its taxes drop by less than 4 percent.

This same dynamic holds true for a couple with no children. Under our bill, a couple earning $20,000 would see its taxes reduced by 28 percent; a couple earning $75,000 would have its taxes reduced by 16 percent, and a couple earning $100,000 would have its taxes reduced by 9.5 percent.

There is no honest way people can claim that this bill is tilted towards the rich. I believe that the real complaint of those who oppose this bill is not that it is tilted towards the rich—because it is not—but because it is tilted away from Washington. As a result, some of America's tax overpayment will flow back to America's families.

And while I would rather have seen the 28 percent bracket doubling included in the bill, its absence does do one thing. Its absence removes any excuse for the President not to sign this bill. If President Clinton does not sign this bill, then there is only one explanation. No matter how much the amount of surplus, no matter how much the size of the tax overpayment, no matter how high the overall tax burden, and no matter how much families deserve tax relief, it is all less important than the fact that Washington wants the money more. They are saying to America: those in the White House need your money more than the people in your house do.

With the passage of this bill, Congress has met every test that the President has set for tax relief. He wanted it to go to deserving people. Who could be more deserving than America's families? He wanted it to be fiscally responsible. What could be more fiscally responsible than using just a nickel on America's budget surplus dollar and a dime on its tax overpayment? He wanted it to be one provision and not part of a large package. How could it be smaller than the single proposal of family tax relief included here?

Every test, no matter how illusory, has been met. With this bill, President Clinton has run out of excuses for not giving American families tax relief. No more if's, and's, or buts. No more excuses. No more obstacles and no more conditions, this Senate will go on record tomorrow: Family tax relief now.

Madam President, the time for excuses has passed, the time for family tax relief has come. While President Clinton has been focused on international affairs, families across America have been waiting for us to make good on our promise. For President Clinton to make good on his promise. They have been patient. They are waiting for us to return some of this record surplus to them.

There is no reason, none whatsoever, that this bill, the ASAP tax relief bill for America's family taxpayers, should not be immediately signed. Let's approve the Marriage Tax Relief Reconciliation Act of 2000 and let's divorce the marriage tax penalty from the tax code once and for all.

Mr. REID. Madam President, I yield back the time of the minority tonight, leaving the equally divided half hour in the morning.

Mr. ROTH. Madam President, I will yield back whatever time is not used by the distinguished Senator from Kansas, who wishes to speak.

Mr. BROWNBACK. Madam President, I will need somewhere around 10 minutes to discuss the conference report. May I proceed at this time?

Mr. ROTH. I yield 10 minutes to the Senator from Kansas, and I will yield back the remainder of our time tonight.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I thank the chairman of the Finance Committee for putting forward this legislation. This is the marriage penalty tax. It has been before this body. We passed it with 61 votes in favor of it, and 9 Democrats voted in favor of this bill. Almost the entire Republican side voted for this bill. Now we have a conference report in front of us.

I hope people will look at this and look at what is in the conference report. That is why I wanted to take some time to go through it. It is a 5-year package, $89 billion. I don't want people saying it is $250 billion or anything; it is an $89 billion package. It only hits the 15-percent tax bracket. There has been concern about the 28-percent bracket being hit. It doesn't include the 28-percent bracket. The House side has a 15-percent bracket in dealing with the marriage penalty but not the 28-percent bracket. So we went with the House side and said: OK, we will pull out the 28-percent bracket. So it is just that 15-percent bracket. It is phased in faster than the Senate bill that passed. It does continue to contain the earned-income tax provisions within it so that married couples who are currently being hit by a marriage penalty associated with the earned-income tax credit are no longer impacted by that.

This is an overall excellent bill that meets virtually everybody's suggestions that they were making about this bill. I hope we can get 100 percent support within the Senate for this bill.

It eliminates the marriage penalty built into the standard deduction effective back to the beginning of this year. It backs it up to the beginning of the year 2000. It widens the 15-percent bracket gradually so that joint filing is two times that of singles. It starts at the beginning of this year, and is fully effective by the year 2004.

In other words, we are taking that 15-percent bracket for two-wage earners, or spouses with combined incomes, or even only one spouse, and we are doubling the standard deduction. We are doing it up until 2004.

It increases the top phaseout amount of the earned-income tax credit—the provision I was talking about earlier—for joint filers by $2,000 effective to the beginning of this year; again, the beginning of the year 2000. It sunsets the tax relief provisions in accordance with the Byrd rule at the end of 2004. I want to make sure to point out that provision to people as well. This is a 5-year marriage penalty elimination for the 15-percent tax bracket and earned-income tax credit.

That is basically what the package is. I think it should contain more. I think we ought to have the 28-percent bracket as well on combined incomes. We couldn't get agreement to that in the House. We did on the 15-percent bracket.

I direct most of my statement tonight to the administration. This is going to pass. It is going to pass strong. We have had a lot of calls and contacts in our office from people saying: Of course you shouldn't tax marriage. Let's do away with this penalty. That is what we are simply pleading to the President.

After tomorrow morning when this passes with at least 61 votes, this will be on the administration's desk. It is up to the President and Vice President to determine whether they are going to sign this tax cut. Are we going to sign this tax correction and send to the American people, or are we going to veto it?

The President has been saying: OK. Send me prescription drugs and I will sign the marriage penalty. In the State of the Union Message, he said: Let's deal with the marriage penalty tax, and let's eliminate it. He didn't say then that you have to send this to me at the same time. He asked for a hundred things in the State of the Union Message. He didn't say they have to be linked together. I think he is hiding behind that issue rather than saying whether he is for or against eliminating the marriage penalty within the Tax Code.

I call on the President to sign this for the American people. After tomorrow morning, the President and the Vice President and this administration are all that stands in the way of the American people being able to receive this correction within the Tax Code so people who are married don't pay more taxes than people who are single.

It simply makes equitable a situation for most people impacted by the marriage penalty; not all. It would be better if it dealt with everybody. It is a simple statement that we should not be taxing marriage. We have said that repeatedly. For most people impacted by the marriage penalty, this bill will deal with that situation. We will not be taxing people just for being married. Plus, I think it is just the right message to send across to the American public saying we think marriage is a valuable institution; it shouldn't be taxed. We think it is at the center of family values. Let's all say we are for it and that we shouldn't be taxing it.

Also, it gets around that iron rule in government that if you want less of something, tax it; if you want more of something, subsidize it. I don't think we want to tell the American public we want less marriage, and therefore we are taxing them.

This is the time for us to accomplish this.

I say in conclusion that this is going to pass, and it will pass large tomorrow morning. At least nine Democrats voted for it the last time. The only thing that stands in the way of this tax relief—this tax sanity, that we shouldn't be taxing marriage and the American public—is the President of the United States. Please, Mr. President, sign this bill.

This is good tax policy. This Congress is doing a number of things. We are getting them to the President. It is up to the President whether he will sign them into law.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, the Marriage Tax Relief Act that passed in the Senate previously and that has now come back to us from conference is a piece of legislation of historic importance. I would like to share a few thoughts with this body concerning why I think it is so important.

Not long ago a Harvard president wrote a book about the beginning of our Republic—the first 150 years. He said every piece of legislation that was considered and passed was debated on the principle of whether or not it would make the American people better as individual people, as human beings. It would encourage their self-reliance, their discipline, and their work ethic. It would encourage them to educate themselves and their families. It would make them more law abiding.

We know that public policy does, indeed, affect social policy and that actions have consequences. We know that a tax is a penalty. A tax is a detriment. When you tax something, you get less of it. In fact, that is why we tax cigarettes and beer more than we do food and medicine. We believe you can reduce certain activities to some degree by a tax. We now know if you subsidize an event, you get more of it.

Those are principles that I think are undisputed. How much I don't know. How much it affects any one single event in the life of a nation I don't know. But when you have over 200 million people making thousands and thousands and hundreds of thousands of decisions every day, every week, and every month of the year, penalties on one type of decisionmaking and a subsidy on another type of decisionmaking can affect what happens.

We are in the position that this great Nation through inadvertence, I suppose, has created a system that actually penalizes marriage. It, indeed, can be said to subsidize divorce.

I know a friend who got a divorce in January. I was told had they divorced in December it would have saved them $1,600 in tax dollars; the Federal Government would be prepared to subsidize that divorce. But had they married in December, it would have cost them on their tax return an additional $1,600; $1,600 is a lot of money.

The average family who pays this marriage tax penalty according to the best estimates pays around $1,400 more per year in taxes. That is $100 a month. That is real money for American families.

I want to say how excited I am that I believe we are on the verge of passing and sending to the President a bill that I trust he will feel quite comfortable signing—a bill to eliminate this bizarre penalty.

How much has it impacted marriage and families in America? I don't know. But we know this: Marriage and family is a good institution. It strengthens America through families. Traditions, stability, and education are ways of getting along in the world and transmitted partnerships occur. People live longer who are married, for the most part. It is a good institution. It is the institution that raises our next generation, trains them, and prepares them for the world.

It is such a delight and a thrill to know that we will, tomorrow, I am quite confident, vote to eliminate this penalty on one of America's most valuable institutions, the family. What a good day that is going to be. I look forward to it. I am going to celebrate it when it is signed, as I am confident the President will do. We will have made a major step in this body to strengthening one of America's greatest institutions, and that is the family.

HONORABLE NANCY EKSTRUM, MAYOR OF PHILIP

Mr. DASCHLE. Mr. President, on July 10, 2000, one of South Dakota's finest mayors stepped down after two decades of public service. Nancy Ekstrum, former city council member and mayor of the town of Philip for 12 years, provided thoughtful and decisive leadership for her community during a time of considerable change.

The first woman to lead Philip, Mayor Ekstrum began her service as mayor facing difficult issues that would be familiar to anyone who lives in a rural community. Poor quality water supplies made treatment expensive and difficult. An aging sewer system needed repair and road projects awaited completion. Meeting these challenges with a shrinking tax base and during a time of hardship for area ranchers required a sense of vision and tenacity. Most of all, it required a mayor who was willing to roll up her sleeves and put her heart and soul into finding creative solutions to difficult problems.

Nancy Ekstrum was just that kind of mayor. Under her leadership, the city built long-needed roads and made great strides toward providing its citizens with clean, healthy drinking water. When it became clear that the Mni Wiconi Rural Water System was still several years from reaching the community, Mayor Ekstrum rallied area residents to work with the congressional delegation to find an affordable interim solution to the city's water crisis. It is my hope that this project will be funded this year so that clean water will be Mayor Ekstrum's lasting legacy to the city.

On a more personal level, I will miss working with Mayor Ekstrum. Her advice on issues facing western South Dakota is always thoughtful and on target. I suspect that I will continue to turn to her long into the future for her thoughts and input as South Dakota faces the challenges of adapting a rural state to a global economy. I look forward to maintaining our strong friendship.

In conclusion, I simply would like to extend my congratulations to Mayor Ekstrum on her 23 years of service to her community. I am delighted that she plans to stay involved in education and will continue to make a difference for the youth of Philip. I wish her the best as she enters this new phase of her life.

LEAVE OF ABSENCE

Mr. REID. Mr. President, I ask unanimous consent that Senator MURRAY be granted leave from the business of the Senate from on today, July 20, and Friday, July 21. She is attending a funeral in Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNILATERAL ECONOMIC SANCTIONS: LESSONS LEARNED

Mr. LUGAR. Mr. President, the role of unilateral economic sanctions in the conduct of American foreign policy has been part of our debate in the Congress and in the executive branch for the past three years. Attempts to modify or reform the way the United States utilizes unilateral economic sanctions in the conduct of our foreign policy have consumed the attention of several committees, spawned numerous sanctions reform bills—including my own efforts—resolutions and amendments, generated a number of floor debates, stimulated countless discussions within this body and with the administration and prompted many press conferences and news releases. It even moved the distinguished Majority Leader to appoint an ad hoc bipartisan Senate task force to sort through the issue in the hopes of finding a policy path or sanctions that best promotes our national interest.

Outside the United States Government, virtually every think tank, university, trade association, and foreign policy association has invested time and resources to studying, analyzing and making recommendations on the subject of unilateral economic sanctions. This is as it should be. The subject is integral to our approach on foreign policy, national security and international trade.

I have been pleased that our debate and the large volume of literature have led to considerable re-thinking about the efficacy of unilateral economic sanctions. I have noted that the frequent resort to use of unilateral sanctions to achieve foreign policy goals has declined and that our sophistication about the inter-relationship between unilateral economic sanctions and policy has grown dramatically. One of the most important players in our debate over the past few years has been the unique coalition of some 675 export-oriented companies in the United States called USA*ENGAGE. They have been critical in helping to shape the debate on unilateral economic sanctions, a debate which continues virtually as I speak.

I recently read a short speech by Mr. William Lane who serves as the Chairman of the USA*ENGAGE trade association and the Washington Director of Caterpillar corporation titled "USA*ENGAGE: Lessons Learned: The Cost of Conducting Foreign Policy on the Cheap." The remarks were offered at the French Institute on International Relations last month.

I believe my colleagues will find Mr. Lane's remarks insightful and informed so I ask unanimous consent that the full speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF WILLIAM LANE: USA*ENGAGE: LESSONS LEARNED

THE COST OF CONDUCTING FOREIGN POLICY ON THE CHEAP

I very much appreciate the opportunity to discuss the issue of economic sanctions before such an influential audience. For the past four years I've been closely associated with the public policy effort known as USA*ENGAGE. Today, I'd like to talk about that effort—with specific focus on the lessons we've learned during what has turned into a rather remarkable campaign.

USA*ENGAGE was organized in reaction to a disturbing development: for much of this decade the United States has embraced an outdated policy tool—unilateral sanctions—to influence foreign governments. In fact, the U.S. has imposed sanctions with such vigor that by 1997 over half the world's population was the target of some form of economic punishment at the hands of the United States.

Recognizing that such sanction policies rarely work, are often counterproductive and almost always costly to other national objectives, U.S. business and agriculture felt compelled to challenge the wisdom of a sanctions-based foreign policy. Organized as USA*ENGAGE, the four-year-old effort has had a definite impact on how America's policymakers now view sanctions.

To appreciate the lessons learned, it is best to recall the scope of the problem. Put bluntly, with the end of the Cold War, many U.S. policymakers embraced the simplistic view that sanctions were the perfect compromise between doing nothing and taking military action.

So the United States sanctioned. It sanctioned South Korea and Saudi Arabia over labor rights; India and Pakistan for nuclear testing; Colombia for narcotics; and China for human rights abuses and environmental concerns. Citizens of Canada and Israel were sanctioned for doing business in Cuba. Egypt and Germany were threatened with sanctions because of concerns about religious persecution, as were companies in Russia, Malaysia and France for investing in Iran's petroleum sector.

How many sanctions were imposed? In 1997, the President's Export Council found that the U.S. was targeting unilateral sanctions against 73 countries, while the Congressional Research Service cited 125 measures authorizing unilateral sanctions.

Did the sanctions work? The Institute for International Economic concluded that less than one in five unilateral sanctions resulted in anything close to the desired result. However, the one thing unilateral sanctions have clearly done is to hurt U.S. interest—annually costing as many as 250,000 high-paying American jobs and reducing U.S. exports by about $19 billion.

From our perspective, sanctions also ran counter to the reality that in many developing countries American business represents one of the most progressive elements of society. By encouraging trade and investment abroad. America not only helps create jobs and higher living standards; if also promotes values that encourage political freedom, the rule of law, and respect for human rights. From better schools and health care to improved infrastructure and housing, commercial engagement can make a positive difference in the lives of millions.

At the same time, the positive contribution made by the many non-governmental organizations (NGOs) cannot be underestimated. While we recognize there are no guarantees in foreign policy, we've learned that for engagement to work, it needs to be pursued at many levels—political, diplomatic, economic, charitable, religious, educational, and cultural. Rather than view each other as adversaries, business and the NGO communities would be well served to be supportive of common objectives.

So, the strategy of USA*ENGAGE was to engage friend and foe alike in the sanctions debate. Our original hope was that 100 companies would join us. Clearly, this was an issue of great concern for the business community, as our membership quickly swelled to 675 companies.

Moreover, we engaged the academic community and think tanks. We engaged non-traditional business allies ranging from religious and humanitarian organizations to human rights groups. We engaged the Congress and Clinton Administration. We worked with the media and aggressively used the Internet to engage the public—building a web outreach program that was receiving 140,000 hits per month at its peak. With our encouragement, the sanctions issue even became the national college-debating topic.

To be frank, our message evolved with time. Initially we stressed what our experience told us was true:

(1) Unilateral sanctions don't work and can be costly;

(2) Engagement—when pursued at all levels—can be a strong force for positive change;

(3) Isolating a country from positive values and means of influence rarely gets results;

(4) Multilateral actions are almost always more effective than unilateral ones.

As the public debate continued, our views coalesced around one overriding theme: the United States cannot conduct an effective foreign policy on the cheap. Unilateral sanctions are not only the lazy man's foreign policy, but a symptom of a larger problem: a lack of recognition of the broad array of foreign policy tools—ranging from carrots to sticks—that are available.

Sanctions—even unilateral ones—at times may be necessary, but other foreign policy tools must be part of the equation. These include the Foreign Service. USAID, military and intelligence agencies, as well as multilateral institutions like the UN, World Bank, IMF and WTO. But for these tools to work, U.S. leadership, commitment, and funding is essential.

The problem with unilateral sanctions is that they often cut off American influence and hurt the very people the U.S. is trying to help. We don't think it is an accident that the countries the United States has attempted to isolate the most—Cuba and North Korea—have changed the least over the past 40 years.

The efforts of USA*ENGAGE have prompted a reexamination of many U.S. sanction policies. Sanctions have been lifted against Colombia, Vietnam, and both South and North Korea. The U.S. has rejected sanctions against Mexico, Indonesia, Russia, Malaysia and France and waived sanctions against

India and Pakistan. Earlier this week, the U.S. Supreme Court, in a rare unanimous vote, ruled that state and local sanctions are unconstitutional. There has even been movement toward engaging Cuba, with legislation now moving in the Congress that would open the door to U.S. shipments of food and medicine.

While a few new sanctions—Burma and Sudan—have been imposed in recent years, it is clear that policymakers view unilateral sanctions in a more critical light. It is important to note that last year, and so far this year, the United States has not imposed any unilateral sanctions of note. This is a far cry from 1996, when USA*ENGAGE was organized. In that year alone, according to the National Association of Manufacturers, the U.S. imposed 23 unilateral sanctions, including two measures—the Helms-Burton Act and the Iran-Libya Sanctions Act—that were unusually onerous in that extraterritorial sanctions were authorized.

For our part, business now sees value in supporting issues that it previously ignored—such as encouraging America to pay its UN arrears and ensuring that the IMF and Foreign Service are adequately funded.

Under the leadership of foreign policy and trade experts like Senators LUGAR, KERREY and HAGEL and Representatives CRANE, DOOLEY and MANZULLO, there is a serious effort in Congress to enact legislation that would put in place a more deliberate process to use when the U.S. considers new unilateral sanction proposals. Known as The Sanctions Process Reform Act, this common sense legislation is a good bill and should be enacted.

While this legislation is important, it won't be new laws that stop policymakers from adopting new unilateral sanctions rather than pursuing more effective multilateral actions. Nor will new laws ensure that our leaders recognize the full power of engagement and the risks associated with isolation. That is why we must continue to be vigilant and keep U.S. foreign policymakers on a path that included multilateral solutions to international problems.

What will ultimately change America's sanctions-base foreign policy will be Americans who—armed with the facts—demand a more effective foreign policy. To that end, the ultimate success of USA*ENGAGE will depend on whether the lessons learned are reinforced by a commitment from our leaders to refrain from conducting foreign policy on the cheap.

As a conclusion, I'd like you to note that perhaps the most telling event to illustrate the evolution of U.S. sanctions policy took place earlier this week. The decision this week by President Clinton to drop many of the U.S. sanctions that have been in place against North Korea for nearly a half a century was indeed profound. What better way to mark the 50th anniversary of the Korean War than to finally make significant progress towards ending the Cold War on the Korean Peninsula?

The United States should now further follow the lead of South Korea, as we too face an opportunity to ease tensions with a hostile neighbor. America can learn from the Koreans by opening a dialogue with the government of Cuba. Engagement is working throughout the world—it can work in our backyard too. Perhaps that will be the greatest lesson we have yet to learn.

Thank you.

BANKRUPTCY REFORM

Mr. HATCH. Mr. President, I want to take a brief moment to speak on bankruptcy reform legislation, which in my view, our Nation desperately needs. We have a balanced bankruptcy reform bill. The administration is on record as saying they support it. If the President really wants a bill, and if my colleagues in the Senate really want a bill, then they should let us move to a formal conference. Furthermore, they should tell us why the clinic violence provision is even necessary.

Current law already prevents perpetrators of clinic violence, as well as other types of violence, from discharging the judgments against them in bankruptcy. Given this, it is clear that the overbroad abortion clinic violence amendment serves no substantive purpose. No one has brought forth a single case in which current law has been used to discharge debts from clinic violence. I raised this issue in a letter to Senator SCHUMER last week, and am still awaiting a response.

Let's move forward with a bankruptcy conference—we have waited long enough.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 13, 2000.

Hon. CHARLES SCHUMER
Hart Senate Office Building, Washington, DC.

DEAR CHUCK: I am writing you regarding your clinic violence amendment to the bankruptcy reform legislation. This amendment appears to be one of the final remaining issues holding up the overdue reform our bankruptcy laws truly need to both stop the abuse of the system by those who are able to pay back a portion of their debts and to implement new consumer protections such as enhanced credit card disclosures, which you played a major role in drafting.

I respect your views and the general objective of your amendment to prevent criminals from paying their debts to society or to others by using our bankruptcy laws. Furthermore, I am committed to addressing any legitimate abuse of our bankruptcy laws. However, I am concerned that some who oppose the broadly supported proposed reforms have capitalized on the issue of abortion clinic violence and have spread some misconceptions regarding this issue. Such misconceptions, unfortunately, appear to be jeopardizing passage of the important bankruptcy reform legislation.

For example, in a document circulated by one of our colleagues, it was represented that "[t]he Schumer amendment prevents a documented abuse of the bankruptcy system. . . ." and the compromise language that is in the conference report "would continue to allow many perpetrators of clinic violence to seek shelter in the nation's bankruptcy courts."

There has not been a single case reported or presented where the current bankruptcy laws were held to allow a perpetrator of clinic violence to "seek shelter in the nation's bankruptcy courts," nor is this a "documented abuse" of the system. On the contrary, when those who have committed violence have tried to hide behind the bankruptcy laws, they have found their debts were non-dischargeable under current bankruptcy law. Given this, I do not think that the amendment you offer is necessary.

Indeed, the abortion rights group NARAL recognized in a 1999 publication that "[c]oncluding that clinic violence-associated debts are non-dischargeable under section 523(a)(6) is consistent with the Supreme court's interpretation of [current bankruptcy law's] "willful and malicious injury." Therefore such true debts are non-dischargeable.

Even given such interpretation of current law, and though the House-passed bill had no abortion-related provision, the current reform legislation goes further and incorporates compromise language that would expand current law and further make debts arising from willful and malicious threats also non-dischargeable. This is done in a politically neutral manner and protects debts from all threats of injury irrespective of the political message of the protestors. In addition, knowing that one of your biggest concerns regarding this subject is the ability of perpetrators to avoid debts arising from settlement or contempt orders, the compromise language specifically covers debts from settlement orders and violations of other orders of the court.

I appreciate your consideration of these points and would welcome any response you might have.

Sincerely,

ORRIN G. HATCH,
Chairman.

CHANGES TO H. CON. RES. 290 PURSUANT TO SECTION 213

Mr. DOMENICI. Mr. President, section 213 of H. Con. Res. 290 (the FY2001 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the revenue aggregate, the reconciliation instructions, and the Senate pay-as-you-go scorecard, provided certain condition are met.

Pursuant to section 213, I hereby submit the following revisions to H. Con. Res. 290:

Current Revenue Aggregate: (sec. 101(1)(A))—FY 2001 Recommended Level of Federal Revenues	$1,503,200,000,000
Adjustment: Additional reduction in revenues	−5,000,000,000
Revised Revenue Aggregate: FY 2001 Recommended Level of Federal Revenues	1,498,000,000,000
Current Reconciliation Instruction: (sec. 104(2))—Reduce revenues by no more than	11,600,000,000 in 2001. 150,000,000,000 in 2001-05
Adjustment: Additional reduction in revenues	5,000,000,000 in 2001
Revised Reconciliation Instruction: Reduce revenues by no more than	16,600,000,000 in 2001 150,000,000,000 in 2001-05
Current Senate Pay-as-you-go Scorecard: FY 2001 beginning balance	26,509,000,000
Adjustment: Additional balance added to scorecard	5,000,000,000
Revised Senate Pay-as-you-go Scorecard: FY 2001 beginning balance	31,500,000,000

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 20: Earl Lee Bannister, 23, Washington, DC; Charles L. Barre, 33, New Orleans, LA; Chastity Calhoun, 2, New Orleans, LA; Kevin Calhoun, 27, New Orleans, LA; James Fien, 41, Rochester, NY; Derrick Ginn, 25, New Orleans, LA; Carl Hamilton, 24, Baltimore, MD; Michael Harrell, 48, Dallas, TX; Anthony Hudson, Detroit, MI; Darryl Newhouse, 40, Oakland, CA; Damian Nix, 23, Pittsburgh, PA; Jacqueaz H. Solomon, 22, Chicago, IL.

TAKE CONCRETE ACTION ON CHECHNYA AT THE G-8 SUMMIT

Mr. WELLSTONE. Mr. President, I rise today to once again draw attention to the continuing war in Chechnya. This war has raged for too long. The war in Chechnya from 1994–1996 left over 80,000 civilians dead, and the Foreign Relations Committee has received credible evidence that the current war has again resulted in the death of thousands of innocent civilians and the displacement of well over 250,000 others. The committee also received credible evidence of widespread looting, summary executions, detentions, denial of safe passage to fleeing civilians, torture and rape, committed by Russian soldiers. Colleagues, regardless of the politics of this war, this kind of behavior is unacceptable. War has rules, and the evidence and testimony the Foreign Relations Committee received raises serious doubts as to whether or not the Russian Federation is playing by those rules. Much of the evidence we received showed clear violations of international humanitarian law, including the well-established Geneva Convention.

Tomorrow is the official opening of Group of Eight Summit in Japan. The President must use this opportunity to relay our serious concerns with the actions of the Russian Government in Chechnya. Let's remember, what was the Group of Seven and became the G-8 with the inclusion of the Russian Federation, is an association of democratic societies with advanced economies. Although Russia is not yet a liberal democracy or an advanced economy, it was invited to take part in this group to encourage its democratic evolution. Today as I watch Russia refuse to initiate a political dialogue with the Chechen people, and continue to deny international humanitarian aid organizations and international human rights monitors access to Chechnya, I must question that evolution.

I am disappointed that the Group of Eight will not include the situation in Chechnya on is formal agenda, but I am hopeful that the President will voice our serious concerns about Russia's conduct in Chechnya and take concrete action to demonstrate our concern, during bilateral talks with President Putin.

The United States should demand that the Russian Federation push for a negotiated, just settlement to this conflict. The conflict will not be resolved by military means and the Russian Federation should initiate immediately a political dialogue with a cross-section of representatives of the Chechen people, including representatives of the democratically elected Chechen authorities. The United States should remind the Russian Federation of the requests the Council of Europe for an immediate cease-fire and initiation of political dialogue, and of Russia's obligation to that institution and the Organization for Security and Cooperation in Europe.

And colleagues, the President must also remind the Russian Federation government of its accountability to the international community and take steps to demonstrate that its conduct will effect its standing in the world community. This body and the U.N. Human Rights Commission has spoken out demanding the Russian government allow into Chechnya humanitarian agencies and international human rights monitors, including U.N. Special Rapporteur, yet the Russian government has not done so. This body and the international community has also demanded that the Russian Federation undertake systematic, credible, transparent and exhaustive investigations into allegations of violations of human rights and international humanitarian law in Chechnya, and to initiate, where appropriate, prosecutions against those accused. But again, the Russian Federation has not done so.

During his meeting with President Putin, the President is expected to discuss economic reform in Russia and regional stability issues. President Clinton must relay to the Russian President that Russia's conduct in Chechnya is not only in violation of international humanitarian law, but that it threatens Russia's ability for economic reform and creates instability in the region. And President Clinton must make clear to President Putin that while the United States fully supports the territorial integrity of the Russian Federation, and is fully aware of the evidence of grave human right violations committed by soldiers on both sides of the conflict, we strongly condemn Russia's conduct of the war in Chechnya and will continue to publicly voice our opposition to it. President Clinton should tell President Putin that the United States will take into consideration Russian conduct in Chechnya in any request for further rescheduling of Russia's international debt and U.S. assistance, until it allows full and unimpeded access into Chechnya humanitarian agencies and international human rights monitors, in accordance with international law.

Colleagues, the war in Chechnya has caused enormous suffering for both the Chechen and Russian people, and the reports of the grave human rights violations committed there, on both sides of the conflict, continue daily. We must raise our concerns about the war in Chechnya at every chance and in every forum possible, including the G-8 Summit. I remind you again that the Group of Eight is an association of democratic societies with advanced economies—the Group of Seven invited the Russian Federation to encourage its democratic evolution. It is not yet a liberal democracy or an advanced economy. By not taking concrete steps during this Summit to demonstrate to the Russian Federation that its conduct is unacceptable for a democratic nation, is to condone it. I fear we have already put given human rights a back seat to economic issues by not placing Russian conduct in Chechnya on the formal agenda of the G-8 Summit. I hope that will not be the outcome of our bilateral talks with Russia in Japan.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 19, 2000, the Federal debt stood at $5,678,196,782,955.74 (Five trillion, six hundred seventy-eight billion, one hundred ninety-six million, seven hundred eighty-two thousand, nine hundred fifty-five dollars and seventy-four cents).

One year ago, July 19, 1999, the Federal debt stood at $5,628,493,000,000 (Five trillion, six hundred twenty-eight billion, four hundred ninety-three million).

Five years ago, July 19, 1995, the Federal debt stood at $4,932,430,000,000 (Four trillion, nine hundred thirty-two billion, four hundred thirty million).

Ten years ago, July 19, 1990, the Federal debt stood at $3,163,599,000,000 (Three trillion, one hundred sixty-three billion, five hundred ninety-nine million).

Fifteen years ago, July 19, 1985, the Federal debt stood at $1,796,183,000,000 (One trillion, seven hundred ninety-six billion, one hundred eighty-three million) which reflects a debt increase of almost $4 trillion—$3,882,013,782,955.74 (Three trillion, eight hundred eighty-two billion, thirteen million, seven hundred eighty-two thousand, nine hundred fifty-five dollars and seventy-four cents) during the past 15 years.

ADDITIONAL STATEMENTS

MR. SPARKY ANDERSON INDUCTED INTO BASEBALL HALL OF FAME

• Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. George Lee "Sparky" Anderson, who will be inducted into the National Baseball Hall of Fame Museum in Cooperstown, New York on July 23, 2000. Mr. Anderson spent 26 seasons as a manager in the Major Leagues, 17 of these with the Detroit Tigers. During this time, he was recognized not only as one of the best managers in the game of baseball, but also as one of the best ambassadors for the game of baseball.

Mr. Anderson was born on February 22, 1934, in Bridgewater, South Dakota. Upon graduation from high school, he signed with the Brooklyn Dodgers. He spent six years in the minor leagues before being called up to the major leagues by the Philadelphia Phillies in 1959. He was the regular second baseman for the Phillies that year, and was recognized as an intelligent, hustling player. He had a batting average of .218, 0 home runs and 34 runs batted in. He earned the nickname "manos de oro" from his teammates: "the man with the golden hands."

As it turned out, 1959 was the only year Mr. Anderson spent in the major leagues as a player. He never left the game of baseball, though, and in 1964 he became the manager of a minor league team in Toronto. In 1969, he accepted a coaching position with the San Diego Padres, and prior to the 1970 season the Cincinnati Reds named him as their manager.

It quickly became apparent that managing suited Mr. Anderson well. Not only did it provide him with the opportunity to utilize his immense knowledge of the game of baseball, it also highlighted his ability to relate to and motivate players. Hall of Famer Joe Morgan, a member of the Reds during Mr. Anderson's years there and now a wonderful and respected baseball commentator, once said, "Sparky had a way of making everybody look in the mirror at themselves. As far as I'm concerned, that's the key to being a good manager."

Under Mr. Anderson's guidance, the Reds became the dominant team of the 1970's. The team became known as The Big Red Machine for its ability to produce runs, led by such great offensive players as Morgan, Pete Rose, Johnny Bench, Tony Perez and Ken Griffey, Sr. Mr. Anderson earned the nickname "Captain Hook" for his innovative employment of relief pitchers, which was not the common practice of the time. This combination of offense and strategic wizardry proved to be lethal for opponents. In his first year with the team, the Reds won 102 games and the National League Pennant. From 1972–76, the Reds averaged more than one hundred wins per season, won three more National League pennants, and won back-to-back World Series Championships in 1975 and 1976.

After nine years in Cincinnati, Mr. Anderson came to the Detroit Tigers in 1979. The Tigers were struggling at the time, but possessed a core of young, talented players, including Jack Morris, Lou Whitaker, Alan Trammell and Lance Parrish. Mr. Anderson molded this group of unique personalities into a team of champions. In 1984, just five years after his arrival, the team started 35–5—still the best 40-game start in the history of Major League Baseball—and never stopped their winning ways, ultimately bringing the Detroit Tigers their first World Series Championship since 1968. Very few people in the City of Detroit have forgotten Kirk Gibson's home run off the San Diego Padres' Goose Gossage in the eighth inning of Game 5, the hit which sewed up the series for the Tigers.

Mr. Anderson retired from managing the Tigers in 1995, having led the team to one more pennant win in 1987. Ultimately, in his 26 seasons as a Major League manager, nine with the Reds and 17 with the Tigers, his teams won 2,194 games, placing him third all-time, behind just Connie Mack and John McGraw. He was named Manager of the Year three times, twice in the National League and once in the American League. He is the only manager in the history of the game to win a World Series in both the American and National Leagues; he is the only manager to win 100 games in one season in both leagues; and he is the only manager to have over six hundred career victories in each league. His 34–21 mark in the postseason remains the best winning percentage for a manager in Major League history.

During his seventeen years in Detroit, Mr. Anderson became an important member of the community, and not because his position as Manager of the Detroit Tigers. His involvement with many charitable organizations led him to found his own in 1987. The organization is called CATCH, Caring Athletes Team for Children's & Henry Ford Hospitals, but is better known as "Sparky Anderson's Charity for Children." The mission of CATCH is to improve the quality of life of pediatric patients at Children's & Henry Ford Hospitals in the State of Michigan. Since its inception, CATCH has issued grants to Children's Hospital of Michigan and Henry Ford Hospital of Detroit for approximately $1.4 million. In addition, the charitable organization has built an endowment of $4.5 million. When he founded CATCH, Mr. Anderson said "there is nothing in this world that you will ever do that's better than helping a child." The growth of this endowment will allow "Sparky Anderson's Charity for Children" to continue helping children long into the future.

I thank Mr. Anderson for all that he has done for the City of Detroit and the State of Michigan. He spent his life in baseball quite simply because he loved the game, and he has never stopped believing that he is indebted to the game for the doors it opened for him, and the life it afforded him. Perhaps his greatest accomplishment, then, is having successfully given back to the game of baseball more than it gave to him, because he certainly has done this. He stands out as one of the best ambassadors for baseball in the history of the game, a sports figure who managed to give as much to his community as he did to his team. I know that he is loved and revered in the State of Michigan not only because of the World Series championship he helped bring to the City of Detroit in 1984, but also because of the manner in which he handled himself over the course of his seventeen years there. He became an important part of the Detroit community—his place there transcended wins and losses.

I am sure that Mr. Anderson will enjoy this special occasion with his wife, Carol, who has been with him through the entire journey, and their family. On behalf of the entire United States Senate, I congratulate Mr. Sparky Anderson on his induction into the National Baseball Hall of Fame this weekend. Though he will enter the Hall wearing a Cincinnati Reds uniform, I know that the Detroit Tigers, the City of Detroit and the State of Michigan will always hold a special place in his heart, just as Sparky continues to hold a special place in the hearts of millions of Michiganians.•

26TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

• Mr. REED. Mr. President, I rise today to acknowledge the 26th anniversary of the Turkish invasion and occupation of Cyprus. Twenty-six years ago today, Turkey seized on a period of political unrest in predominantly Greek Cyprus and invaded its shores. Landing on the north coast of Cyprus with 6,000 troops and 40 tanks, nearly 40 percent of the island was in Turkish control in less than a month, displacing 200,000 Greek Cypriots from their homes. Today, there are still more than 1,600 Greek Cypriots who remain unaccounted for, serving as silent reminders of the unlawful invasion. Turkey continues to defy the international community and United Nations' Resolutions with its policy towards Cyprus, keeping more than 30,000 troops in the north of the island.

I believe that if we want to see future progress in resolving the injustices of a divided Cyprus, the United States, European and international organizations must put further pressure on the government in Ankara. It is Turkey's military and financial backing that provides the leverage for the Turkish Cypriot leadership and its unwillingness to make any compromises. Late last year, the European Union accepted Turkey as a candidate for admission into the 15-nation economic bloc. The EU has indicated that resolution on the Cyprus matter is a key condition to Turkey's membership, and it has outlined specific economic and humanitarian standards that must be accomplished. One such condition is an end to restrictions on the human rights of Greek Cypriots living in the occupied northen region. I was pleased to cosponsor my colleague Senator SNOWE's Concurrent Resolution 9 to bring attention to this issue.

Greece and Turkey are critical members of the NATO alliance and have both been key allies to the United States, supporting our operations in the Balkans and no-fly zones over Iraq. We know the two nations can work together in times of crisis. Last fall, following a massive earthquake in Turkey, Greece was among the first to send aid. Greek rescue teams helped pull Turkish victims from the rubble. Then Greece endured its own deadly quake and Turkey was quick to respond, saving many Greek lives. These examples of bilateral cooperation should also be employed by Greek and Turkish Cypriot leaders to demilitarize the island and establish a unified Cyprus with constitutional guarantees for all Cypriots regardless of ethnicity.

A new round of proximity talks began on July 5, 2000 between Greek and Turkish Cypriot leaders in Geneva, Switzerland. These talks recessed on July 12 but will resume again in early August. Little information has been available due to the mutual observance of a press blackout. However, I hope that these talks will initiate commitments by both sides to come to an agreement.

In the past few years we have seen remarkable progress on seemingly intractable international conflicts. Northern Ireland is closer to peace than any time in history and whatever the outcome of the current Middle East Summit, just the fact that Prime Minister Barak and Palestinian leader Yasser Arafat have been talking for nine days is of great historic significance. I believe the people of Cyprus want and deserve the same opportunity. This year, the Senate version of the FY01 Foreign Operations Bill again appropriates $15 million to reduce tensions, promote peace and cooperation between the two communities. However, I think we can do more. It is my hope that my colleagues and the Administration will commit to actively assisting the parties in resolving the situation in Cyprus. Then we can commemorate the reunification rather then the division of this Nation.●

SPECIAL OLYMPICS ANNIVERSARY

● Mr. GRAMS. Mr. President, I rise today to pay tribute to Special Olympics on the anniversary of their first games, held in Chicago on July 20, 1968. With the motto "Let me win, but if I cannot win let me be brave in the attempt," Special Olympics has for more than 20 years been providing challenges and opportunities for individuals with mental retardation.

I want to take this opportunity to commend the numerous ways Special Olympics helps not only the athletes who participate, but also their families and friends and the many volunteers who have made the program such a success.

Special Olympics plays an important role in the lives of many of the mentally challenged throughout the world, including my home state of Minnesota. Since the start of Special Olympics, the organization has grown to include more than 1.7 million athletes worldwide, with 3,300 in Minnesota.

Special Olympians compete in a variety of events at all skill levels. Competitions in events such as basketball, golf, figure skating, and gymnastics enhance the lives of all participants and the families who root for them from the stands. These athletes start training as early as age six, with some participants in Minnesota competing into their sixties. Special Olympics athletes can compete in as many events as they choose.

Not only does Special Olympics hold annual competitions, but the organization helps participants train year round for their events. This encourages Special Olympic participants to develop physical fitness and generally helps improve their quality of life.

The Special Olympics would not be possible without the devoted volunteers who lend their time and effort to this worthwhile cause. There are over 1,700 volunteers in Minnesota who serve as coaches, officials, teachers, and in other capacities. I want to thank all who take time out of their schedule to volunteer through Special Olympics.

Mr. President, it is an honor to be able to recognize the accomplishments of the Minnesotans involved in Special Olympics. This organization deserves recognition for all they do and the positive impact they have on the lives of our Special Olympians.●

BREAST CANCER RESEARCH STAMP

● Mrs. FEINSTEIN. Mr. President, I wish to submit for the RECORD letters from two young children in support of the Breast Cancer Research Stamp. These children, Brendon Fisher, age 6 and a half, and Paige Fisher, age 8 and a half, are the nephew and niece of Betsy Mullen, Chairperson of the Women's Information Network—Against Breast Cancer. These letters eloquently state why it is so important to continue this program.

The letters follow.

JULY 16, 2000.

Dear Congress, I think it's very important to keep the stamp because if we don't every girl is going to worry about it or maybe get breast cancer. But if we keep it we will get money to cure to stop it. My Aunt Betsey risked her life on it and I'm proud of her. If you think about it no one likes it because you can die from it. I think, and a lot of other people agree with me, that it would be best to keep the stamp and then things will go perfect. Hope my letter makes a difference because not just me is counting on this.

By Paige Fisher, 8½ years old.

Dear Congress, girls and boys can get breast cancer and I don't want girls and boys and the president and his wife, cat and dog to get sick. Keep the stamp going.

From Brendon Fisher.●

THE DEATH OF TOM MALONEY

● Mr. ROTH. Mr. President, I rise today to mark the passing of Tom Maloney.

Tom was the former mayor of Wilmington—Delaware's largest city.

I am deeply saddened by the death of my friend, Tom. I talked to Tom just last week. During his long battle with cancer, his spirit remained unbroken. To the very end, Tom was full of life and bullish on the future.

Tom was a loving husband and father, as well as a committed public servant. His care and concern for the residents of his city of Wilmington, and for the people of Delaware, were unmatched. As mayor, Tom led the effort to bring more people, more jobs, and more development to Wilmington. In many ways, Tom was the originator of the downtown renaissance that continues today.

Tom was my opponent in the 1976 race for the U.S. Senate. He was a worthy adversary, but an even better friend. In that unique Delaware tradition of Return Day, Tom and I "buried the hatchet" and forged a friendship that flourished for the next 25 years. Tom and I continued to work together on projects and issues important to Wilmington and to all Delawareans. The people of the First State owe Tom Maloney a debt of thanks for all he has done.

My thoughts and prayers are with his wife, Linda, and the rest of the Maloney family.●

NECESSARILY ABSENT

● Mr. KERRY. Mr. President, due to important family obligations, I was necessarily absent this evening during votes on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation bill for fiscal year 2001.

Mr. President, were I present, I would have voted for Senator WELLSTONE's amendment, number 3919.

Further, were I present, I would have voted for Senator SPECTER's amendment, number 3958. I am a cosponsor of the amendment. It corrects an inadvertent error in the 1997 Amtrak Reform and Accountability Act of 1997 that prevents Amtrak from leasing automobiles from the General Services Administration. The amendment will enable Amtrak to continue leasing such vehicles until 2003.

Further, were I present, I would have voted to find Senator DURBIN's amendment, number 3980, germane. I am a cosponsor of the amendment. The Agriculture Appropriation bill includes a rider that would block efforts to reform the hardrock mining industry, which has caused and continues to cause substantial environmental damage to public lands. Senator DURBIN's amendment would have allowed needed reforms to proceed. I have submitted an additional statement on this issue into the RECORD.

Finally, were I present, I would have voted for final passage of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation bill for fiscal year 2001.•

• Mrs. MURRAY. Mr. President, I want to thank Senator REID for requesting a leave of absence for me for the duration of this week. I am traveling home today to attend and speak at tomorrow's memorial service for Mr. Bernie Whitebear, of Seattle, Washington, who passed away at the age of 62 on Sunday, July 16, 2000.

Earlier in the week, I did have a statement for the CONGRESSIONAL RECORD about Bernie Whitebear and his many contributions to Washington state. He was a special man to my constituents. He was a special man to me. Bernie helped me understand Native American cultures from the inside as a participant not as someone sitting on the sidelines. On many occasions, Bernie exposed me to the sense of community and respect that he was always so proud of. Washington state will miss this great man and clearly, it is appropriate for me to be with my constituents tomorrow to celebrate Bernie Whitebear.

I thank my colleagues for their consideration and courtesies and I will have a longer statement next week to discuss Senate floor votes.•

HONORING JOSEPH M. GATT

• Mr. REID. Mr. President, I rise today to recognize a distinguished citizen of Nevada, Joseph M. Gatt. Mr. Gatt's vision and innovation paved the way for millions of Americans to be able to secure a comfortable retirement. Nearly twenty-five years ago, he was instrumental in developing the prototype that was used for what ultimately became the 401(k) pension program.

Mr. Gatt has been a resident of Las Vegas, Nevada for almost forty years and was a pioneer in the field of financial planning. He worked as the Las Vegas agent for the Hartford Insurance Company when he initiated the new pension program for the benefits of the employees of the then MGM Grand Hotel in Las Vegas. The key to the program was the utilization of an existing IRA program on a joint funding basis; that is, with contributions from both the employer and the employees, which had never been done before. The incentive to the employee to contribute to the program was, of course, that the contribution was tax deductible. The Hartford program was so unique that it was necessary for the Internal Revenue Service (IRS) to approve it. On August 25, 1976, the IRS gave final approval for the Hartford program, and it went into effect immediately. Features of this pension plan included portability, 100 percent vesting whether or not the employees remained at MGM Grand, and generous company contibutions. Indeed, Mr. Gatt and the MGM Grand were ahead of their time.

The Las Vegas resorts of Caesar's Place and Circus Circus Hotels soon followed suit. Today, 401(k) plans are an almost standard part of benefit packages for employees. According to Cerrulli & Associaties, a marketing and research firm, there were 330,000 401(k) plans in the United States during the last quarter of 1999 in which $2.7 trillion were invested. The creation of this now universally accepted and acclaimed program is a considerable credit to the State of Nevada, the gaming industry for being the first employer participants, and Joe Gatt for his insight and vision. On behalf of the citizens of Nevada and all Americans, I congratulate Mr. Gatt on this achievement and wish him continued success.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 2001 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT—PM 121

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 202(c) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2001 Budget Request Act.

The proposed FY 2001 Budget reflects the major programmatic objectives of the Mayor, the Council of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority. For FY 2001, the District estimates revenue of $5.718 billion and total expenditures of $5.714 billion, resulting in a budget surplus of $4.128 million.

My transmittal of the District of Columbia's budget, as required by law, does not represent an endorsement of its contents.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 20, 2000.*

MESSAGES FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1102. An act to provide for pension reform, and for other purposes.

H.R. 4118. An act to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PORTER, Mr. YOUNG of Florida, Mr. BONILLA, Mr. ISTOOK, Mr. MILLER of Florida, Mr. DICKEY, Mr. WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Mr. OBEY, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, and Mr. JACKSON of Illinois, as the managers of the conference on the part of the House.

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated.

H.R. 4118. An act to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operation at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9834. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model 300–600 Series Airplanes; docket no. 98–NM–164 [6–19/6–22]" (RIN2120–AA64 (2000–0341)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9835. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SAAB Model SAAB SF340A and 340B Series Airplanes; docket no. 2000–NM–25 [6–19/6–22]" (RIN2120–AA64 (2000–0342)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9836. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 2000–NM–78 [6–19/6–22]" (RIN2120–AA64 (2000–0343)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9837. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 99–NM–182 [6–19/6–22]" (RIN2120–AA64 (2000–0344)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9838. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Falcon 2000 Mystere-Falcon 900 Falcon 900EX Fan Jet Falcon Mystere series Airplanes; docket no. 2000–NM–56 [6–15/6–22]" (RIN2120–AA64 (2000–0336)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9839. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SAAB SF340A and 340B Series Airplanes; docket no. 99–NM–51 [6–15/6–22]" (RIN2120–AA64 (2000–0337)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9840. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 2000–NM–64 [6–15/6–22]" (RIN2120–AA64 (2000–0338)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9841. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: P & W PW4000 Series Turbofan Engines; docket no. 98–ANE–66 [6–15/6–22]" (RIN2120–AA64 (2000–0339)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9842. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Pier 54, Hudson River New York (CGD01–00–145)" (RIN2115–AA97 (2000–0032)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9843. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Arrival of Sailing Vessel AMISTAD, New Haven Harbor, Connecticut (CGD01–00–166)" (RIN2115–AA97 (2000–0033)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9844. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chickahominy River, VA (CGD05–00–016)" (RIN2115–AA97 (2000–0034)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9845. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; LAKE ERIE, Ottawa River, Washington Township, Ohio (CGD09–00–014)" (RIN2115–AA97 (2000–0035)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9846. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations SAIL BOSTON 2000, Port of Boston, MA (CGD01–99–191)" (RIN2115–AA97 (2000–0036)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9847. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; York River, VA (CGD05–00–019)" (RIN2115–AA97 (2000–0037)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9848. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Atlantic Ocean, Virginia Beach, VA (CGD05–00–015)" (RIN2115–AA97 (2000–0038)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9849. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; OPSAIL 2000, Port of New London, Connecticut (CGD01–99–203)" (RIN2115–AA98 (2000–0005)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9850. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Wappoo Creek (ICW), Charleston, SC (CGDS07–00–054)" (RIN2115–AE47 (2000–0034)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9851. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Maryland Swim for Life, Chester River, Chestertown, MD (CGD05–00–022)" (RIN2115–AE46 (2000–0005)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9852. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Columbia River, OR (CGD13–00–008)" (RIN2115–AE47 (2000–0032)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9853. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Acushnet River, Annisqualm River, Fore River and Taunton River , MA (CGD01–00–135)" (RIN2115–AE47 (2000–0033)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9854. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Response Plans For Marine Transportation-Related Facilities Handling Non-Petroleum Oils (USCG–1999–5149)" (RIN2115–AF79 (2000–0001)) received on June 22, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–9855. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Act of 1990 Phase-out Requirements for Single Hull Tank Vessels (USCG–1999–6164)" (RIN2115–AF86 (2000–0001)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9856. A communication from the Special Assistant to the Bureau Chief , Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(B), Table of Allotments, FM Broadcast Stations (Winslow, Camp Verde, Mayer and Sun City West, Arizona)" (MMDocket No. 99–246; RM–9593; RM–9770) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9857. A communication from the Special Assistant to the Bureau Chief , Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(B), Table of FM Allotments, FM Broadcast Stations Ebro, Florida" (MMDocket No. 00–43) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9858. A communication from the Chief of the General and International Law Division, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Appeal Procedures for Determinations Concerning Compliance with Service Obligations, Deferments, and Waivers" (RIN2133–AB41) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9859. A communication from the Deputy Archivist of the United States , National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "36 CFR Part 1253—Location of NARA Facilities and Hours of Use" (RIN3095–AA98) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9860. A communication from the Acting Director of the Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine" received on June 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9861. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of Exclusive Economic Zone Off Alaska—Modification of a Closure for Rockfish and Pacific Ocean Perch in the Central and Eastern Regulatory Area of the Gulf of Alaska" received on June 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9862. A communication from the Deputy Assistant Administrator for Fisheries, National Marines Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework 13 to the Atlantic Sea Scallop Fishery Management Plan and Framework 34 to the Northeast Multispecies Fishery Management Plan" (RIN0648–AN49) received on June 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9863. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report under the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce, Science, and Transportation.

EC–9864. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations LaBelle, Estero and Key West, Florida" (MM Docket No. 97–116) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9865. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Saratoga, Green River, Big Piney and LaBarge, Wyoming)" (MM Docket No. 98–130, 99–56; RM–9297, RM–9655, RM–9459) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9866. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Douglas, Guernsey, Wyoming)" (MM Docket No. 98–151; RM–9320, RM–9653) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9867. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Arnoldsburg, West Virginia)" (MM Docket No. 98–216) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9868. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, Whitefield and Northumberland, NH" (MM Docket No. 99–42, RM–9467, RM–9618) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9869. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (North Tunica, Friars Point, Mississippi, Kennett, Missouri, Munford, Tennessee, Marianna, Arkansas)" (MM Docket Nos. 99–140, 99–146; RM–9723, RM–9724, RM–9725, RM–9490) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9870. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Camp Wood and Rocksprings, TX" (MM Docket No. 99–214) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9871. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Greeley and Broomfield, Colorado)" (MM Docket No. 99–279; RM–9716) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9872. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations Carney, Michigan" (MM Docket No. 99–334) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9873. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Gwinn, Michigan" (MM Docket No. 99–341) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9874. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Eldorado, Beeville, Colorado City, Cotulla, Cuero, Kerrville, Mason, McQueeney and San Angelo, Texas)" (MM Docket No. 99–357) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9875. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the Second Half of 2000" received on June 29, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9876. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rules to Implement the American Fisheries Act; Extension of Expiration Dates" (RIN0648–AM83) received on June 29, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9877. A communication from the Deputy Administrator of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report entitled "Update on the Status of Splash and Spray Suppression Technology for Large Trucks"; to the Committee on Commerce, Science, and Transportation.

EC–9878. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report relative to export vessels for calendar year 1999; to the Committee on Commerce, Science, and Transportation.

EC–9879. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GmbH Model EC 135 Helicopters; docket no. 98–SW–74 [7/5–7/6]" (RIN2120–AA64 (2000–0354) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9880. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400 Series Airplanes Equipped with P&W PW 4000 Engines; docket no. 99-NM-66 [6-23/7-6]" (RIN2120-AA64 (2000-0355) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9881. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 Series Airplanes; docket no. 2000-NM-77 [6-23/-7-6]" (RIN2120-AA64 (2000-0356) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9882. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 99-NM-330 [6-23/7-6]" (RIN2120-AA64 (2000-0357) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9883. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Industrie Model A300, A400-600, and A310 Series Airplanes; docket no. 99-NM-240 [6-23/7-6]" (RIN2120-AA64 (2000-0358) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9884. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corporation Model S-76A Helicopters; docket no. 99-SW-37 [6-23/7-6]" (RIN2120-AA64 (2000-0359) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9885. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes; request for comments; docket no. 99-NM-121" (RIN2120-AA64 (2000-0361) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9886. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney JT9D Series Turbofan; docket no. 94-ANE-54 [5-46-99/7-6-00]" (RIN2120-AA64 (2000-0362) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9887. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures: Miscellaneous Amendments (49); Amdt. No. 1997 [6-28/7-6]" (RIN2120-AA65 (2000-0035) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9888. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures: Miscellaneous Amendments (45); Amdt. No. 1999 [6-28/7-6]" (RIN2120-AA65 (2000-0036) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9889. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Minneapolis, Flying Cloud Airport, MN; docket no. 00-AGL-08 [6-28/7-6]" (RIN2120-AA66 (2000-0154) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9890. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Minneapolis, Anoka County-Blaine Airport, MN; docket no. 00-AGL-09 [6-28/7-6]" (RIN2120-AA66 (2000-0156) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9891. A communication from the Chief of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Putting Customers First in the Title XI Program: Ship Financing Guarantees" (RIN 2133-AB32) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9892. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Joint Statement of Safety Policy for Shared Use of General Railroad System Trackage by Conventional Railroad and Rail Transit Trains" (RIN2130-AB33) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9893. A communication from the Chief of the Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation" (RIN2133-AB38) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9894. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FRA Statement of Safety Policy for Shared Use of General Railroad System Trackage by Conventional Railroad and Rail Transit Trains" (RIN2130-AB33 (2000-0002)) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9895. A communication from the Secretary of the Federal Trade Commission, transmitting, a report relative to tar, nicotine, and carbon monoxide for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC-9896. A communication from the Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Mackerel Catch Specifications for the South Atlantic Region under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region" (RIN0648-AN07) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9897. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments" received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9898. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Adjustment of the ending date of the annual closure of the shrimp fishery in the EEZ off Texas" received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9899. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Northwestern Hawaiian Islands Lobster Fishery; Closure of the Year 2000 Fishery" (RIN0648-A006) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9900. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid" received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9901. A communication from the Deputy Assistant Administrator of the National Oceanic And Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program" received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9902. A communication from the Senior Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Regulations Governing Railroad Rehabilitation and Improvement Financing" (RIN2130-AB26) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9903. A communication from the Attorney Advisor of the Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Federal-State Joint Board on Universal Service: Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas; Petitions for Designation as an Eligible Telecommunications Carrier and for Related Waivers to Provide Universal Service, CC Docket No. 96-45, 12th Report and Order Memorandum Opinion and Order" (FCC00-208, CC Doc. 96-45) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9904. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model AAB SF340A and 340B Series Airplanes; docket no. 2000–NM–25 [6–19/6–26]" (RIN2120–AA64 (2000–0348)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9905. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 2000–NM–78 [6–19/6–26]" (RIN2120–AA64 (2000–0349)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9906. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 99–NM–182 [6–19–26]" (RIN2120–AA64 (2000–0350)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9907. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket no. 99–NM–25 [6–14/6–26]" (RIN2120–AA64 (2000–0351)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9908. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Foker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Series Airplanes and Model F28 Mark 0070, 0100, 2000, 3000, and 4000 Series Airplanes; docket no. 2000–NM–06 [6–14/6–26]" (RIN2120–AA64 (2000–0352)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9909. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Dunlap, IN; docket no. 00–ASO–14 [6–19/6–26]" (RIN2120–AA66 (2000–0142)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9910. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Livingston, TN; docket no. 00–ASO–11 [6–19/6–26]" (RIN2120–AA66 (2000–0143)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9911. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Copperhill, TN; docket no. 00–ASO–13 [6–16/6–21]" (RIN2120–AA66 (2000–0144)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9912. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Holland, MI; docket no. 00–AGL–06 [6–16/6–26]" (RIN2120–AA66 (2000–0145)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9913. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Sheldon, IA; docket no. 00–ACE–08 [6–22/6–26]" (RIN2120–AA66 (2000–0146)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9914. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Pratt, KS; docket no. 00–ACE–14 [6–22/6–26]" (RIN2120–AA66 (2000–0147)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9915. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fort Payne, AL; docket no. 00–ASO–17 [6–23/6–29]" (RIN2120–AA66 (2000–0149)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9916. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Jasper, TN; docket no. 00–ASO–16 [6–23/6–29]" (RIN2120–AA66 (2000–0150)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9917. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Scottsboro, AL; Docket No 00–ASO–15 [6–23/6–29]" (RIN2120–AA66 (2000–0151)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9918. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Smithville, TN; Docket No. 00–ASO–18 [6–23/6–29]" (RIN2120–AA66 (2000–0152)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9919. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment and establishment of VOR Federal Airways; DY and TN; docket no. 97–ASO–18 [7–5/7–10]" (RIN2120–AA66 (2000–0164)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9920. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Jet Route; TX; docket no. 99–ASW–33 [7–5/7–10]" (RIN2120–AA66 (2000–0165)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9921. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wadena, MN; docket no. 00–AGL–07; [6–26/7–10]" (RIN2120–AA66 (2000–0155)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9922. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marquette, MI; revocation of Class E Airspace; Swayer, MI, and K .I., Sawyer, MI; docket no. 99–AGL–42 [6–28/7–10]" (RIN2120–AA66 (2000–0157)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9923. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airways; docket no. 99–AGL–57 [7/6–6/10]" (RIN2120–AA66 (2000–0158)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9924. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D and Class E5 Airspace; Greenwood, MS; docket no. 00–ASO–9 [6–23/7–10]" (RIN2120–AA66 (2000–0159)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9925. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Stuart, FL; docket no. 00–ASO–12 [6–30/7–10]" (RIN2120–AA66 (2000–0160)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9926. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Minneapolis, Crystal Airport, MN; docket no. 00–AGL–10 [6–28/7–10]" (RIN2120–AA66 (2000–0161)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9927. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Tullahoma, TN; docket no. 00–ASO–19; [6–23/7–10]" (RIN2120–AA66 (2000–0162)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9928. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777–200 and –300 Series Airplanes; docket no. 2000–NM–108; [6–28/7–10]" (RIN2120–AA66 (2000–0363)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9929. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica Model EMB–135 and –145 Series Airplanes: docket no. 2000–NM–208 [6–27/7–10]" (RIN2120–AA66 (2000–0364)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9930. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–8 Series Airplanes: docket no. 2000–NM–49 [6–27/7–10]"

(RIN2120-AA66 (2000-0365)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9931. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Ltd, Dart 511, 511-E, 514-7, 528, 528-7E, 529-7E, 532-7, 532-7L , 532-7N, 532-7R, 551-R, and 552-7R Turboprop Engines; docket no. 99-NE-50 [6-23/7-10]" (RIN2120-AA66 (2000-0366)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9932. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Passenger Equipment Safety Standards—Final Rule; Response to Petitions for Reconsideration" (RIN2130-AA95 (2000-0001)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9933. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Directed Pacific Ocean Perch Fishing in the Western Regulatory Area of the Gulf of Alaska" received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9934. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Catch in the Bering Sea and Aleutian Islands" received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9935. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pollock Open Access Sector for Inshore Processing in the Bering Sea and Aleutian Islands Management Area" received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9936. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Prohibited Shark Species; Large Coastal Shark Species; Commercial Fishery Closure Change" (I.D. 052500B) received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Report No. 106-350).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2901: An original bill to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes (Rept. No. 106-351).

By Mr. SHELBY, from the Select Committee on Intelligence, with amendments:

S. 2089: A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes (Rept. No. 106-352).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 133: A resolution supporting religious tolerance toward Muslims.

By Mr. SHELBY, from the Select Committee on Intelligence, with amendments:

S. 1902: A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2516: A bill tc fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2812: A bill to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 2900: An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Order of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 48: A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 53: A concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

Frank Henry Cruz, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006. (Reappointment)

Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Debbie D. Branson, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years. (New Position)

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006. (Reappointment)

Francisco J. Sanchez, of Florida, to be an Assistant Secretary of Transportation.

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

Norman Y. Mineta, of California, to be Secretary of Commerce.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably a nomination list which was printed in the RECORD of the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Elizabeth A. Ashburn, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on July 18, 2000.

By Mr. HATCH for the Committee on the Judiciary.

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Johnnie B. Rawlinson, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Daniel Marcus, of Maryland, to be Associate Attorney General.

Dennis M. Cavanaugh, of New Jersey, to be United States District Judge for the District of New Jersey.

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

John E. Steele, of Florida, to be United States District Judge for the Middle District of Florida.

Gregory A. Presnell, of Florida, to be United States District Judge for the Middle District of Florida.

James S. Moody, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERREY (for himself and Mr. HAGEL):

S. 2895. A bill to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office", to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mrs. MURRAY, and Mr. ROBERTS):

S. 2896. A bill to normalize trade relations with Cuba, and for other purposes; to the Committee on Finance.

By Mr. ROBB (for himself, Mr. BREAUX, Ms. LANDRIEU, Ms. SNOWE, and Mr. WARNER):

S. 2897. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mr. SCHUMER:

S. 2898. A bill to amend title 18, United States Code, to provide for the disclosure of electronic monitoring of employee communications and computer usage in the workplace; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2899. A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 2900. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes; placed on the calendar.

By Mr. HELMS:

S. 2901. An original bill to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes; placed on the calendar.

By Mr. BROWNBACK:

S. 2902. A bill to revise the definition of advanced service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, and Mrs. MURRAY):

S. 2896. A bill to normalize trade relations with Cuba, and for other purposes.

THE UNITED STATES–CUBA TRADE ACT OF 2000

Mr. BAUCUS. Mr. President, I rise today to speak about the outdated U.S. embargo on Cuba.

Last weekend I traveled to Havana along with my distinguished colleagues Senator ROBERTS and Senator AKAKA. It was a brief trip. But it gave U.S. an opportunity to meet with a wide range of people and to assess Cuba first-hand. We met with Cuban cabinet ministers and dissidents, with the head of the largest NGO in Cuba, with foreign ambassadors and with Fidel Castro.

I left those meetings more convinced than ever that it is time to finally end our Cold War with Cuba policy. We should have normal trade relations with Cuba. Let me explain why.

First, this is a unilateral sanctions policy. Nobody else in the world supports it. Not even our closest allies. I have long opposed unilateral economic sanctions, unless our national security is at stake. Forty years ago Cuba threatened our national security. The Soviet Union planted nuclear missiles in Cuba and aimed them at the United States. Twenty years ago, Cuba was still acting as a force to destabilize Central America.

Those days are gone. The missiles are gone. The Soviet Union is gone. Cuban military and guerilla forces are gone from Central America. The security threat is gone. But the embargo remains.

My reason for my opposing unilateral sanctions is entirely pragmatic. They don't work. They never worked in the past and they will not work in the future. Whenever we stop our farmers and business people from exporting, our Japanese, European, and Canadian competitors rush in to fill the gap. Unilateral sanctions are a hopelessly ineffective tool, except that they hurt Americans.

The second reason for ending the embargo is that the U.S. embargo actually helps Castro.

How does it help Castro? I saw it for myself in Havana. The Cuban economy is in shambles. The people's rights are repressed. Fidel Castro uses the embargo as the scapegoat for Cuba's misery.

As absurd as it sounds, Castro blames the United States for his failed economic policies. Without the embargo, he would have no one to blame except himself.

Mr. President, for the past ten years I have worked towards normalizing our trade with China. My operating guideline has been "Engagement Without Illusions." Trade rules don't automatically and instantly yield trade results. We have to push hard every day to see that countries follow the rules. That's certainly the case with China.

I have the same attitude towards Cuba. Yes, we should lift the embargo. We should do it without preconditions and without demanding any quid pro quo from Cuba. We should engage them economically. But we should do so without illusions. Once we lift the embargo, Cuba will not become a major buyer of our farm goods or manufactured products overnight.

We need to be realistic. With Cuba's failed economy and low income, ending the embargo won't cause a huge surge of U.S. products to Cuba. Instead, it will start sales of some goods, such as food, medicine, some manufactures, and some telecom and Internet services. Right now, Cuba's imports are primarily from Europe and Asia. With the embargo lifted, U.S. products and agriculture will replace some of those sales. U.S. exporters will have the advantage of lower transportation costs and easier logistics. It will be a start.

In addition, ending the embargo will increase Cuban exposure to the United States. It will result in more travel by tourists, businessmen, students, and scholars. It will bring U.S. into closer contact with those who will be part of the post-Castro Cuba. It will spur more investment in Cuba's tourist infrastructure, helping, even if only a little, to further develop a private sector in the economy.

Mr. President, in May of this year, I introduced bipartisan legislation that would repeal all of the Cuba-specific statutes that create the embargo. That includes the 1992 Cuban Democracy Act and the 1996 Helms–Burton Act.

Today I am introducing further legislation to eliminate impediments to a normal trade relationship with Cuba. I am joined in this effort by my colleagues, Senators LINCOLN and MURRAY. My great friend, Congressman CHARLIE RANGEL, has introduced a companion bill in the House.

This bill, the U.S.-Cuba Trade Act of 2000, would do two things. First, it would remove Cuba from coverage under the Jackson-Vanik amendment. This is the part of the 1974 Trade Act which was enacted to address Jewish emigration from the Soviet Union. Today, it the legal provision which causes an annual review of normal trade relations with countries such as China. It is a Cold War law which is no longer relevant to our 21st century world.

In addition, the U.S.-Cuba Trade Act would eliminate a technical provision that prevents Cuba from obtaining normal WTO tariff rates.

Mr. President, the world has changed since the United States started this embargo forty years ago. Our policy has to change with it. I encourage all of my colleagues to support this effort to put in place a responsible economic policy toward Cuba.

By Mr. ROBB (for himself, Mr. BREAUX, Ms. LANDRIEU, Ms. SNOWE, and Mr. WARNER):

S. 2897. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

COMPLETED SHIP DELIVERY METHOD OF ACCOUNTING

• Mr. ROBB. Mr. President, I am pleased to introduce this legislation today with Senators BREAUX, LANDRIEU, SNOWE, and WARNER. This legislation is an important step towards supporting and maintaining a 300 ship Navy to defend our Nation's shores and waters. By allowing military ship builders to go back to the Completed Ship Delivery Method of accounting, more resources will be available for research and development which will ultimately lead to better naval vessels made more inexpensively. Ultimately, this is a win-win situation.

Prior to 1982, ship builders calculated and paid their tax liabilities when they had completed building the vessel. Due to concerns over abuses, this accounting method was changed and military ship builders were required to pay taxes each year based on an approximation of what eventual profits might be. Military ships can take from three to seven years to build. During this period there can be wide fluctuations in various cost factors such as supplies and labor. Accordingly, it is very hard to predict what the eventual profits will be until the last rivet has been put in place. On the flip side, because even the most protracted ship building project will be completed in no more than seven years, the ability to game the system is limited. To minimize the ability of anyone to abuse this provision, this legislation requires that only ships that take at least two years to build are eligible for this treatment.

It is time to correct this unfair tax treatment. By allowing military ship builders to use the Completed Ship Delivery Method of accounting, the ship builders will continue to pay the same amount of tax and receive the same treatment as non-military ship builders. The only difference is that they will be allowed to pay it when they have an accurate idea of the actual profits on that specific vessel. I look forward to working with my colleagues on this matter.●

By Mr. SCHUMER:

S. 2898. A bill to amend title 18, United States Code, to provide for the disclosure of electronic monitoring of employee communications and computer usage in the workplace; to the Committee on the Judiciary.

NOTICE OF ELECTRONIC MONITORING ACT

Mr. SCHUMER. Mr. President, I rise today to introduce the Notice of Electronic Monitoring Act ("NEMA"), which will end the practice of unjustified secret electronic monitoring of workers by their employers. Companion legislation is also being introduced in the House of Representatives by Representatives CANADY and BARR.

With the revolutionary changes that technology and the Internet are bringing to society, come new threats to individual privacy. One of those is electronic employee monitoring. A lot of people don't know this yet, but, for all intents and purposes, the computer you use at work can watch your every move.

Over the course of the past year, new software has been developed that makes it easy and cheap for employers to automatically record an employees' e-mail, web activities, even an employees' every key stroke.

For example, one software product claims that it reviews more than 50,000 e-mail messages per hour, silently, discretely, and continuously auditing e-mail content moving in and out of a company. This product can be run from any workstation, and can be set up and running in minutes. After a free 30-day trial of the software, an employer can buy it for a mere $400.

My point is not that such software products are per se bad. Indeed, electronic monitoring can sometimes be helpful in protecting corporate trade secrets or preventing employee harassment. My point is that new technologies that allow any employer to monitor employees without their knowledge is becoming ubiquitous, cheap, and simple to install and use.

And it is becoming a problem. The number of employers who monitor employee e-mail has doubled in the last two years. A recent survey indicates that as of last year, nearly three quarters of large American companies actively record and review either e-mail, Internet usage, computer files, or phone usage.

NEMA puts a check on business that is reasonable and fair. It gives employees the right to know whether, when, and how their employer is watching. We would never stand for it if an employer steamed open an employees' mail, read it, and put it back without her knowledge. It should be the same with email.

Employees are going to occasionally write personal emails like a message to a spouse about a financial problem, or use the Internet to do a personal search for a medical question they have. All employees should know before doing a search or sending an email, whether they have privacy or not.

NEMA requires employers to notify their employees of any monitoring of communications or computer usage. It covers reading or scanning of employee e-mail, keystroke monitoring, or programs that monitor employee web use, as well as monitoring of telephone conversations.

Importantly, NEMA does not prohibit any monitoring techniques, it merely requires employers to give clear and conspicuous notice annually and whenever policies change. And if the employer has good reason to believe that an employee is causing significant harm to the employer or any other person, the employer can monitor that person without any notice at all.

If an employer secretly monitors in violation of the Act, they are subject to suit by the employee for at most $20,000 in damages. However, I believe that such lawsuits will be few and far between because employers will simply abide by the modest terms of the Act and give annual notice.

New technology has made it cheap and easy for employers to secretly monitor everything an employee does on line. This legislation provides workers a first line of defense against a practice that can sometimes amount to nothing more than a blatant invasion of privacy. NEMA is a moderate and fair step that addresses an important threat to employee privacy that is quietly but quickly spreading to most workplaces.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2899. A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes; to the Committee on Indian Affairs.

UNITED STATES' RELATIONSHIP WITH NATIVE HAWAIIANS

Mr. AKAKA. Mr. President, I stand before you today to introduce a bill on behalf of myself and my dear friend and colleague, Senator INOUYE, that is of great significance to the indigenous peoples of Hawaii—the Native Hawaiians. This measure clarifies the political relationship between Native Hawaiians and the United States. For years, Congress has legislated on behalf of Native Hawaiians as the aboriginal, indigenous, native peoples of Hawaii. This measure clarifies that political relationship and provides a process for Native Hawaiians to form a Native Hawaiian governing body to engage in a government-to-government relationship with the United States.

The United States has declared a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians. This relationship has been acknowledged by the United States since the inception of Hawaii's status as a territory. This relationship was most explicitly affirmed by the enactment of the Hawaiian Homes Commission Act of 1920, which set aside 200,000 acres of land in Hawaii for homesteading by Native Hawaiians. Legislative history clearly shows that in addressing this situation, Congress based this action and subsequent legislation on the constitutional precedent in programs enacted for the benefit of American Indians.

Since Hawaii's admission into the Union, Congress has continued to legislate on behalf of Native Hawaiians as indigenous peoples. Native Hawaiians have been included as Native Americans in a number of federal statutes which have addressed the conditions of Native Hawaiians. This political relationship has been discussed within the Native Hawaiian community for many, many years. A large portion of the discussion has centered around the history of Hawaii's indigenous peoples and the United States' role in that history.

In 1993, Congress passed P.L. 103–150, the Apology Resolution, which extended an apology on behalf of the United States to the Native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii. The Apology Resolution also expressed the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians. The process of reconciliation is ongoing.

Mr. President, this legislation is important not only to Native Hawaiians, but also to all people in Hawaii. This measure provides the process to begin resolving many longstanding issues facing Hawaii's indigenous peoples and the State of Hawaii. In addressing these issues, we have begun a process of healing, a process of reconciliation not only with the United States but within the State of Hawaii. The essence of Hawaii is characterized not by the beauty of its islands, but by the beauty of its people. The State of Hawaii has recognized, acknowledged and acted upon the need to preserve the culture, tradition, language and heritage of Hawaii's indigenous peoples. This measure furthers these actions.

Mr. President, the clarification of the political relationship between Native Hawaiians and the United States is one that has been long in coming and is well-deserved. The history and the timing of Hawaii's admission to the United States, unfortunately, did not provide the appropriate structure for a government-to-government relationship between Hawaii's indigenous native peoples and the United States. The time has come to correct this injustice.

Mr. President, I request unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the ordered to be printed in the RECORD, as follows:

S. 2899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the State of Hawaii are indigenous, native people of the United States;

(3) the United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty-making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii, Native Hawaiians;

(6) by setting aside 200,000 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land;

(8) the Hawaiian Home Lands continue to provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and Native Hawaiians have maintained other distinctly native areas in Hawaii;

(9) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(10) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;

(11) the Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution;

(12) despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs;

(13) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(14) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(15) the Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs;

(16) this Act responds to the desire of the Native Hawaiian people for enhanced self-determination by establishing a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian governing body for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(17) the United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the federal trust responsibility to the State of Hawaii;

(18) the United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(19) the United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States;

(2) ADULT MEMBERS.—The term "adult members" means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the initial roll in the Federal Register, as provided in section 7(a)(4) of this Act.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103–150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term "Commission" means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (6)(A).

(5) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(6) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian governing body under the authority of section 7(d) of this Act, the term "Native Hawaiian" means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, as evidenced by (but not limited to)—

(i) genealogical records;

(ii) Native Hawaiian kupuna (elders) verification or affidavits;

(iii) church or census records; or

(iv) government birth or death certificates or other vital statistics records;

(B) Following the recognition by the United States of the Native Hawaiian governing body under section 7(d) of this Act, the term "Native Hawaiian" shall have the meaning given to such term in the organic governing documents of the Native Hawaiian governing body.

(7) NATIVE HAWAIIAN GOVERNING BODY.—The term "Native Hawaiian governing body" means the adult members of the governing body of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d) of this Act.

(8) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term "Native Hawaiian Interim Governing Council" means the interim governing council that is authorized to exercise the powers and authorities recognized in section 7(b) of this Act.

(9) ROLL.—The term "roll" means the roll that is developed under the authority of section 7(a) of this Act.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

(11) TASK FORCE.—The term "Task Force" means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY.

The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance; and

(C) the right to reorganize a Native Hawaiian governing body; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

SEC. 4. ESTABLISHMENT OF THE OFFICE OF SPECIAL TRUSTEE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary of the Department of the Interior the Office of Special Trustee for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The Office of Special Trustee for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian governing body by the United States as provided for in section 7(d) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian governing body and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian governing body as provided for in section 7(d) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing body by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian governing body and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian governing body by the United States as provided for in section 7(d) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian governing body; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(b) of this Act, and the reorganization of the Native Hawaiian governing body as provided for in section 7(c) of this Act.

SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the Office of the Special Trustee for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political and legal relationship with the United States, and upon the recognition of the Native Hawaiian governing body as provided for in section 7(d) of this Act, in the implementation and protection of the rights of the Native Hawaiian governing body and its political and legal relationship with the United States.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the "Native Hawaiian Interagency Task Force".

(b) COMPOSITION.—The Task Force shall be composed of officials, to be appointed by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the Office of the Special Trustee for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the Office of Special Trustee for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as cochairs of the Task Force.

(e) DUTIES.—The primary responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian governing body by the United States as provided in section 7(d) of this Act, consultation with the Native Hawaiian governing body; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNING BODY, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING BODY.

(a) ROLL.—

(1) PREPARATION OF ROLL.—The adult members of the Native Hawaiian community who

wish to participate in the reorganization of a Native Hawaiian governing body shall prepare a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of—

(A) the adult members of the Native Hawaiian community who wish to become members of a Native Hawaiian governing body and who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, as evidenced by (but not limited to)—

(i) genealogical records;

(ii) Native Hawaiian kupuna (elders) verification or affidavits;

(iii) church or census records; or

(iv) government birth or death certificates or other vital statistics records; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act. The members of the Commission shall have expertise in the certification of Native Hawaiian ancestry.

(B) CERTIFICATION.—The Commission shall certify to the Secretary that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(6)(A) of this Act, and shall submit such roll to the Secretary.

(3) NOTIFICATION.—The Commission shall promptly provide notice to the Secretary if any of the individuals listed on the roll should be removed from the roll on account of death.

(4) PUBLICATION.—Within 45 days of the receipt by the Secretary of the roll developed under the authority of this subsection and certified by the Commission under the authority of paragraph (2), the Secretary shall certify that the roll is consistent with applicable Federal law by publishing the roll in the Federal Register.

(5) EFFECT OF PUBLICATION.—The publication of the roll developed under the authority of this subsection shall be for the purpose of providing any member of the public with an opportunity to—

(A) petition the Secretary to add to the roll the name of an individual who meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act, and who is not listed on the roll; or

(B) petition the Secretary to remove from the roll the name of an individual who does not meet such definition.

(6) DEADLINE FOR PETITIONS.—Any petition described in paragraph (5) shall be filed with the Secretary within 90 days of the date of the publication of the roll in the Federal Register, as authorized under paragraph (4).

(7) CERTIFICATION OF ADDITIONAL NATIVE HAWAIIANS FOR INCLUSION ON THE ROLL.—

(A) SUBMISSION.—Within 30 days of receiving a petition to add the name of an individual to the roll, the Secretary shall submit the name of each individual who is the subject of a petition to add his or her name to the roll to the Commission for certification that the individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act.

(B) CERTIFICATION.—Within 30 days of receiving a petition from the Secretary to have a name added to or removed from the roll, the Commission shall certify to the Secretary that—

(i) the individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act; or

(ii) the individual does not meet the definition of Native Hawaiian, as so defined.

Upon such certification, the Secretary shall add or remove the name of the individual on the roll, as appropriate.

(8) HEARING.—

(A) IN GENERAL.—The Secretary shall conduct a hearing on the record within 45 days of the receipt by the Secretary of—

(i) a certification by the Commission that an individual does not meet the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act; or

(ii) a petition to remove the name of any individual listed on the roll submitted to the Secretary by the Commission.

(B) TESTIMONY.—At the hearing conducted in accordance with this paragraph, the Secretary may receive testimony from the petitioner, a representative of the Commission, the individual whose name is the subject of the petition, and any other individuals who may have the necessary expertise to provide the Secretary with relevant information regarding whether the individual whose name is the subject of a petition meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act.

(C) FINAL DETERMINATION.—Within 30 days of the date of the conclusion of the hearing conducted in accordance with this paragraph, the Secretary shall make a determination regarding whether the individual whose name is the subject of a petition meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act. Such a determination shall be a final determination for purposes of judicial review.

(9) JUDICIAL REVIEW.—

(A) FINAL JUDGMENT.—The United States District Court for the District of Hawaii shall have jurisdiction to review the record of the decision developed by the Secretary and the Secretary's final determination under paragraph (8) and shall make a final judgment regarding such determination.

(B) NOTICE.—If the district court determines that an individual's name should be added to the roll because that individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act, or that an individual's name should be removed from the roll because that individual does not meet such definition, the district court shall so advise the Secretary and the Secretary shall add or remove the individual's name from the roll, consistent with the instructions of the district court.

(10) PUBLICATION OF FINAL ROLL.—Except for those petitions which remain the subject of judicial review under the authority of paragraph (9), the Secretary shall—

(A) publish a final roll in the Federal Register within 290 days of the receipt by the Secretary of the roll prepared under the authority of paragraph (1); and

(B) subsequently publish in the Federal Register the names of any individuals that the district court directs be added or removed from the roll.

(11) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council.

(b) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(1) ORGANIZATION.—

(A) DATE OF GENERAL MEETING.—Within 90 days of the date of the publication of the final roll in the Federal Register, the Secretary shall announce the date of a general meeting of the adult members of those listed on the roll to nominate candidates from among the adult members listed on the roll for election to the Native Hawaiian Interim Governing Council. The criteria for candidates to serve on the Native Hawaiian Interim Governing Council shall be developed by the adult members listed on the roll at the general meeting. The general meeting may consist of meetings on each island or at such sites as to secure the maximum participation of the adult members listed on the roll. Such general meeting (or meetings) shall be held within 30 days of the Secretary's announcement.

(B) ELECTION.—Within 45 days of the general meeting (or meetings), the Secretary shall assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council from among the nominees submitted to the Secretary from the general meeting. The ballots shall provide for write-in votes.

(C) APPROVAL.—The Secretary shall approve the Native Hawaiian Interim Governing Council elected pursuant to this subsection if the requirements of this section relating to the nominating and election process have been met.

(2) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council shall represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time which the duly elected officers of the Native Hawaiian governing body take office.

(3) DUTIES.—

(A) REFERENDUM.—The Native Hawaiian Interim Governing Council shall conduct a referendum of the adult members listed on the roll for the purpose of determining (but not limited to) the following:

(i) The proposed elements of the organic governing documents of a Native Hawaiian governing body.

(ii) The proposed powers and authorities to be exercised by a Native Hawaiian governing body, as well as the proposed privileges and immunities of a Native Hawaiian governing body.

(iii) The proposed civil rights and protection of such rights of the members of a Native Hawaiian governing body and all persons subject to the authority of a Native Hawaiian governing body.

(B) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum authorized in subparagraph (A), the Native Hawaiian Interim Governing Council shall develop proposed organic governing documents for a Native Hawaiian governing body.

(C) DISTRIBUTION.—The Council shall distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(D) CONSULTATION.—The Native Hawaiian Interim Governing Council shall freely consult with those listed on the roll concerning the text and description of the proposed organic governing documents.

(4) Elections.—

(A) In general.—Upon the request of the Native Hawaiian Interim Governing Council, the Secretary shall hold an election for the purpose of ratifying the proposed organic governing documents. If the Secretary fails to act within 45 days of the request by the Council, the Council is authorized to conduct the election.

(B) Failure to adopt governing documents.—If the proposed organic governing documents are not adopted by a majority vote of the adult members listed on the roll, the Native Hawaiian Interim Governing Council shall consult with the adult members listed on the roll to determine which elements of the proposed organic governing documents were found to be unacceptable, and based upon such consultation, the Council shall propose changes to the proposed organic governing documents.

(C) Election.—Upon the request of the Native Hawaiian Interim Governing Council, the Secretary shall hold a second election for the purpose of ratifying the proposed organic governing documents. If the Secretary fails to act within 45 days of the request by the Council, the Council is authorized to conduct the second election.

(c) Organization of the Native Hawaiian Governing Body.—

(1) Recognition of rights.—The right of the Native Hawaiian governing body of the indigenous, native people of Hawaii to organize for its common welfare, and to adopt appropriate organic governing documents is hereby recognized by the United States.

(2) Ratification.—The organic governing documents of the Native Hawaiian governing body shall become effective when ratified by a majority vote of the adult members listed on the roll, and approved by the Secretary upon the Secretary's determination that the organic governing documents are consistent with applicable Federal law and the special trust relationship between the United States and its native people. If the Secretary fails to make such a determination within 45 days of the ratification of the organic governing documents by the adult members listed on the roll, the organic governing documents shall be deemed to have been approved by the Secretary.

(3) Election of governing officers.—Within 45 days after the Secretary has approved the organic governing documents or the organic governing documents are deemed approved, the Secretary shall assist the Native Hawaiian Interim Governing Council in holding an election by secret ballot for the purpose of determining the individuals who will serve as governing body officers as provided in the organic governing documents.

(4) Voting eligibility.—For the purpose of this initial election and notwithstanding any provision in the organic governing documents to the contrary, absentee balloting shall be permitted and all adult members of the Native Hawaiian governing body shall be entitled to vote in the election.

(5) Future elections.—All further elections of governing body officers shall be conducted as provided for in the organic governing documents and ordinances adopted in accordance with this Act.

(6) Revocation; ratification of amendments.—When ratified by a majority vote of the adult members of those listed on the roll, the organic governing documents shall be revocable by an election open to the adult members of the Native Hawaiian governing body, and amendments to the organic governing documents may be ratified by the same process.

(7) Additional rights and powers.—In addition to all powers vested in the Native Hawaiian governing body by the duly ratified organic governing documents, the organic governing documents shall also vest in the Native Hawaiian governing body the rights and powers to—

(A) exercise those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(B) provide for the protection of the civil rights of the members of the Native Hawaiian governing body and all persons subject to the authority of the Native Hawaiian governing body, and to assure that the Native Hawaiian governing body exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(C) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing body without the consent of the Native Hawaiian governing body;

(D) determine the membership in the Native Hawaiian governing body; and

(E) negotiate with Federal, State, and local governments, and other entities.

(d) Federal Recognition.—

(1) Recognition.—Notwithstanding any other provision of law, upon the approval by the Secretary of the organic governing documents of the Native Hawaiian governing body and the election of officers of the Native Hawaiian governing body, Federal recognition is hereby extended to the Native Hawaiian governing body as the representative governing body of the Native Hawaiian people.

(2) No diminishment of rights or privileges.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

(e) Incorporation of the Native Hawaiian Governing Body.—

(1) Charter of incorporation.—Upon petition of the Native Hawaiian governing body, the Secretary may issue a charter of incorporation to the Native Hawaiian governing body. Upon the issuance of such charter of incorporation, the Native Hawaiian governing body shall have the same status under Federal law when acting in its corporate capacity as the status of Indian tribes that have been issued a charter of incorporation under the authority of section 17 of the Indian Reorganization Act (25 U.S.C. 477).

(2) Enumerated powers.—Such charter may authorize the incorporated Native Hawaiian governing body to exercise the power to purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase lands and to issue an exchange of interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, and that are not inconsistent with law.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in sections 4, 6, and 7 of this Act.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) Reaffirmation.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby reaffirmed.

(b) Negotiations.—Upon the Federal recognition of the Native Hawaiian governing body pursuant to section 7(d) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian governing body regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian governing body.

SEC. 10. DISCLAIMER.

Nothing in this Act is intended to serve as a settlement of any claims against the United States.

SEC. 11. REGULATIONS.

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

SEC. 12. SEVERABILITY.

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

Mr. INOUYE. Mr. President, I rise today to support and cosponsor a bill, introduced by my dear friend and colleague Senator Daniel Akaka, which formally expresses the policy of the United States with regard to its relationship with Native Hawaiians.

Mr. President, I have had the honor of serving as the Senator from Hawai'i since 1962. And for twenty of those years I have been privileged to sit on the Committee on Indian Affairs where I have been a staunch supporter of rights for American Indians, Alaska Natives, and Native Hawaiians. The bill reaffirms that the United States has not only a legal and political relationship with the native people of Hawai'i, but a special trust relationship to promote the welfare of the Native Hawaiian people.

The Constitution empowers the Congress to direct the United States' relationship with American Indians as aboriginal, indigenous, native people. As territory was added to the United States, it came to be understood that Congress also has the authority to address the conditions of the native people of those areas that have become part of the United States, namely Alaska Natives and Native Hawaiians. Although the three groups of native people are ethnically and culturally unique and distinct from one another, the United States recognizes that it has a special trust relationship with each group. This special relationship allows Congress to treat native people differently than its other citizens.

Over the course of the last 80 years, the Congress has enacted over 150 public laws that recognize and affect Native Hawaiians as native people. And most recently, the United States filed an amicus curiae brief in the United States Supreme Court that clearly established that the United States has a political and legal relationship with Native Hawaiians. The United States, through the actions of its legislative and executive branches, has viewed and treated Native Hawaiians as aboriginal, indigenous, native people.

This bill clarifies that the United States has a legal and political relationship with Native Hawaiians as the aboriginal, indigenous, native people of Hawai'i and reaffirms the Constitutional authority of the Congress to address the conditions of Native Hawaiians through legislation. The bill also reaffirms the policy of the United States that Native Hawaiians have the inherent right to self-determination, self-governance, and the right to autonomy in their internal affairs. Most importantly this bill establishes a process by which Native Hawaiians can reorganize their governing body.

Mr. President, since I have served in the Congress, the United States' policy toward its native people has been one of self-determination. We now deal with American Indian Tribes and Alaska Natives Villages on a sovereign-to-sovereign basis. I think that this is the appropriate policy. Unfortunately, Native Hawaiians have not had the opportunity to fully enjoy this self-determination policy because we have failed to establish the framework for a government-to-government relationship. This bill would provide that framework. This bill is just, right, and long overdue.

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. McCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 512

At the request of Mr. GORTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 1064

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1064, a bill to provide for the location of the National Museum of the United States Army.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1898

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2476

At the request of Mr. BURNS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2645

At the request of Mr. THOMPSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2729

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2729, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes.

At the request of Mr. SMITH of Oregon, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Texas (Mr. GRAMM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. FRIST), the Senator from Florida (Mr. MACK), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2729, supra.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2781

At the request of Mr. BENNETT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2825

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2825, a bill to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work.

S. 2868

At the request of Mr. FRIST, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. CON. RES. 130

At the request of Mr. ABRAHAM, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 133

At the request of Mr. ABRAHAM, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 133, a resolution supporting religious tolerance toward Muslims.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3917

At the request of Mr. MCCAIN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 3917 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3922

At the request of Mr. WELLSTONE, the names of the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3922 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

EDWARDS AMENDMENT NO. 3954

(Ordered to lie on the Table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 40, line 17, after the period, insert the following:

"For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926 (a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5125 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) *Provided further*, That the $50,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A))."

COCHRAN AMENDMENT NO. 3955

Mr. COCHRAN proposed an amendment to amendment No. 3938 proposed by Mr. HARKIN to the bill, H.R. 4461, supra; as follows:

On page 2 of the amendment: Strike "established by the Secretary" and insert in lieu thereof: "Promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods and that are shown to be adulterated".

TORRICELLI (AND REED) AMENDMENT NO. 3956

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. REED) submitted an amendment intended to proposed by him to the bill, H.R. 4461, supra; as follows:

On page 50, line 6, before the period, insert the following: ": *Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to—

"(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program.

HATCH (AND OTHERS) AMENDMENT NO. 3957

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. DEWINE, Mr. LEAHY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. VOINOVICH) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

On page 56, line 9, strike "$313,143,000" and insert "$315,143,000".

On page 57, line 2, strike "$78,589,000" and insert "$76,589,000".

SPECTER (AND OTHERS) AMENDMENT NO. 3958

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. KOHL, Mr. MOYNIHAN, Mr. SANTORUM, Mr. KERRY, Mr. BIDEN, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. WARNER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

At the end of chapter 6 of title II of division B, add the following:

SEC. 2607. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without

Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

DASCHLE AMENDMENTS NOS. 3959–3960

(Ordered to lie on the table.)

Mr. DASCHLE submitted two amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

Amendment No. 3959

On page 75, between lines 16 and 17, insert the following:

Sec. 740. Good Faith Reliance.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

"SEC. 1230A. GOOD FAITH RELIANCE.

"(a) In General.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contact and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

"(b) Types of Relief.—The Secretary shall—

"(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator—

"(A) to retain payments received under the contract;

"(B) to continue to receive payments under the contract;

"(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter; or

"(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; and

"(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

"(c) Relation to Other Law.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

"(d) Exception.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).".

Amendment No. 3960

On page 13, line 13, strike "$62,207,000" and insert "$62,457,000".

On page 13, line 16, strike "$121,350,000" and insert "$121,100,000".

LEVIN AMENDMENTS NOS. 3961–3962

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

Amendment No. 3961

On page 89, after line 19, add the following:

Sec. 1111. Tree Assistance Program.—The Secretary of Agriculture may use $9,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers to replace or rehabilitate trees (other than trees used for pulp or timber) and vineyards damaged by natural disasters or fireblight during the 2000 calendar year: *Provided*, That the Secretary shall promulgate regulations to implement this section without regard to the provisions described in the second sentence of section 263(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224): *Provided further*, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

Amendment No. 3962

On page 75, between lines 16 and 17, insert the following:

Sec. 7 . Bovine Tuberculosis.—It is the sense of the Senate that the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, should—

(1) declare an emergency regarding bovine tuberculosis; and

(2) make available funds of the Commodity Credit Corporation for eradication of bovine tuberculosis.

DORGAN (AND OTHERS) AMENDMENT NO. 3963

Mr. DORGAN (for himself, Mr. Torricelli, Mr. Conrad, Mr. Wellstone, Mr. Schumer, Mr. Levin, Mr. Leahy, Mr. Grams, Mr. Kennedy, Mr. Reed, Mr. Sarbanes, Mr. Dodd, Mr. Lieberman, Ms. Mikulski, Mr. Hollings, Mr. Baucus, and Mr. Breaux proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the end of chapter 1 of title I of division B, add the following:

Sec. 1108. Crop Loss Assistance.—(a) In General.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $900,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) Qualifying Losses.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) Crops Covered.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) Crop Insurance.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) Livestock Indemnity Payments.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for of livestock losses due to a disaster, as determined by the Secretary.

(g) Hay Losses.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) Emergency Requirement.—

(1) In general.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) Designation.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Sec. 1109. Specialty Crops.—(a) In General.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) Qualifying Losses.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) Eligibility.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) Crop Insurance.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) Emergency Requirement.—

(1) In general.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) Designation.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

HARKIN AMENDMENT NO. 3964

Mr. COCHRAN (for Mr. HARKIN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 76, after line 18, of Division B, as modified, insert:

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

"For an additional amount for "Watershed and Flood Prevention Operations," to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $70,000,000, to remain available until expended: *Provided*, That funds shall be used for activities identified by July 18, 2000: *Provided further*, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

GRAHAM (AND MACK) AMENDMENT NO. 3965

Mr. COCHRAN (for Mr. GRAHAM (for himself and Mr. MACK) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 85, after line 8, insert the following:

SEC. .—In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78), or under the matter under the heading "CROP LOSS ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION FUND" of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

LOTT (AND OTHERS) AMENDMENT NO. 3966

Mr. COCHRAN (for Mr. LOTT (for himself, Mr. COCHRAN, and Mr. KOHL)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 85, after line 8 of Division B, as modified, add the following:

Sec. Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,00 acres in the wetlands reserve program: *Provided*, That notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall be provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by an agency of the Department of Agriculture in carrying out this section: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

LEAHY (AND JEFFORDS) AMENDMENT NO. 3967

Mr. COCHRAN (for Mr. LEAHY (for himself, and Mr. JEFFORDS)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 25, after line 8 of Division B as modified, insert:

SEC. . In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate or otherwise seek to make whole, from funds of the Commodity Credit Corporation, not to exceed $4,000,000, the owners of all sheep destroyed from flocks under the Secretary's declarations of July 14, 2000 for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

HARKIN (AND BOND) AMENDMENT NO. 3968

Mr. COCHRAN (for Mr. HARKIN (for himself, and Mr. BOND)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 76, after line 18, of Division B, as modified, insert the following:

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for the Grain Inspection, Packers and Stockyards Administration, $600,000 for completion of a biotechnology reference facility: *Provided*, That the entire amount shall be available only to the extent an official budget request for $600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement in accordance with section 251(b)(2)(A) of that Act.

GRAHAM (AND MACK) AMENDMENT NO. 3969

Mr. COCHRAN. (for Mr. GRAHAM (for himself and Mr. MACK)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 83, line 5, strike the following: "; and (e) compensate commercial producers for losses due to citrus canker".

On page 85, after line 8, insert the following:

SEC. . (a) Nothwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act) the Secretary of Agriculture shall use not more than $40,000,000 of Commodity Credit Corporation funds for a cooperative program with the state of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

COCHRAN AMENDMENT NO. 3970

Mr. COCHRAN proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 76, strike lines 6 through 18 and insert in lieu thereof:

"For an additional amount for "Salaries and Expenses", $59,400,000 to be available until September 30, 2001: *Provided*, That this amount shall be used for the Boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That the entire amount shall be available only to the extent an official budget request for $59,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

THURMOND (AND HOLLINGS) AMENDMENT NO. 3971

Mr. COCHRAN (for Mr. THURMOND (for himself and Mr. HOLLINGS)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in chapter 1 of title I of division B, insert the following:

For an additional amount for the Secretary of Agriculture to provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund, $2,500,000: *Provided*, That these funds shall only be available if the State of South Carolina provides an equal amount to the South Carolina Grain Dealers

Guaranty Fund: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COCHRAN AMENDMENT NO. 3972

Mr. COCHRAN proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 85, after line 8, of Division B, as modified, add the following:

SEC. (a). None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106-224) unless—

(1) the Secretary permits funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 to be used to provide financial or technical assistance to farmers and ranchers for the purposes described in section 211(b) of that Act; and

(2) notwithstanding section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a(c)), the Secretary permits funds made available under section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106-224) to be used to provide additional funding for the Wildlife Habitat Incentive Program established under that section 387 in such sums as the Secretary considers necessary to carry out that Program.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SESSIONS AMENDMENT NO. 3973

Mr. COCHRAN (for Mr. SESSIONS) proposed an amendment to the bill, H.R. 4461, supra; as follows:

In section 1107, after the first proviso insert "*Provided further*, That of the $450,000,000 amount, the Secretary shall use not less than $5,000,000 to provide assistance for emergency haying and feed operations in the State of Alabama:".

EDWARDS AMENDMENT NO. 3974

Mr. COCHRAN (for Mr. EDWARDS) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 40, line 17, after the period, insert the following:

"For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926(a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) *Provided further*, That the $50,000,000 is designated by Congress as an emergency requirement under section 251 (b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 (b)(2)(A)).

DORGAN (AND OTHERS) AMENDMENT NO. 3975

Mr. COCHRAN (for Mr. DORGAN (for himself, Mr. TORRICELLI, Mr. CONRAD, Mr. WELLSTONE, Mr. SCHUMER, Mr. LEVIN, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Mr. REED, Mr. SARBANES, Mr. DODD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. HOLLINGS, Mr. BAUCUS, and Mr. BREAUX)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $900,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105-277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for of livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

INOUYE AMENDMENT NO. 3976

Mr. COCHRAN (for Mr. INOUYE) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 85 after line 8 of Division B, as modified, insert:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices.

GRAMM AMENDMENT NO. 3977

Mr. GRAMM proposed an amendment to the Cochran motion to waive the Congressional Budget Act relative to the bill, H.R. 4461, supra; as follows:

Strike all after the first word, and insert the following:

"I move to waive section 205 of the budget resolution for consideration of the Harkin Amendment."

COCHRAN AMENDMENT NO. 3978

Mr. COCHRAN proposed an amendment to amendment No. 3977 proposed by Mr. GRAMM to the motion to waive the Congressional Budget Act relative to the bill, H.R. 4461, supra; as follows:

Strike the word "waive" in the pending amendment and insert the following:

Section 205(c) of H. Con. Res. 290 with respect to all emergency designations in this bill and all amendments filed at the desk at this time to this bill other than Amendment No. 3918.

SMITH OF OREGON (AND WYDEN) AMENDMENT NO. 3979

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. . ASSISTANCE TO FARMERS IN THE PACIFIC NORTHWEST SUFFERING FROM DUSKY CANADA GOOSE DEPREDATION.—(a) IN GENERAL.—Notwithstanding any other provision of this Act, of the funds made available by this Act, $250,000 shall be available to the Wildlife Services division of the Animal and Plant Health Inspection Service for use in assisting farmers in the Pacific Northwest that are suffering losses due to dusky Canada Goose depredation.

(b) OFFSET.—The amount made available under subsection (a) shall be derived by transfer of a proportionate amount from each other account from which this Act makes funds available for travel, supplies, and printing expenses.

DURBIN (AND OTHERS) AMENDMENT NO. 3980

Mr. COCHRAN (for Mr. DURBIN (for himself, Mrs. BOXER, and Mr. HARKIN)) proposed an amendment to the bill, H.R. 4461, as follows:

In section 3102, after the first sentence insert the following: "This section does not limit the authority of the Secretary to promulgate final rules or to revise or amend subpart 3809 of title 43, Code of Federal Regulations, so as to require full financial assurance of reclamation of mining sites to protect the taxpayers from the actions of hardrock mining operations that cause damage to or destruction of public land; to prevent environmental destruction that unduly threatens fish or wildlife habitat; and to prevent toxic pollution that threatens public health or the environment.".

BAUCUS AMENDMENT NO. 3981

Mr. BAUCUS proposed an amendment to the bill, H.R. 4461, supra; as follows:

Strike section 3104 and insert the following:

SEC. 3104. STUDY OF OREGON INLET, NORTH CAROLINA, NAVIGATION PROJECT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army, shall have conducted, and submited to Congress, a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to evaluate all reasonable alternatives, including nonstructural alternatives, to the authorized inlet stabilization project at Oregon Inlet.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary of the Army, shall—

(1) take into account the views of affected interests; and

(2)(A) take into account objectives in addition to navigation, including—

(i) complying with the policies of the State of North Carolina regarding construction of structural measures along State shores; and

(ii) avoiding or minimizing adverse impacts to, or benefiting, the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge; and

(B) develop options that meet those objectives.

SMITH OF NEW HAMPSHIRE (AND BOXER) AMENDMENT NO. 3982

Mr. COCHRAN (for Mr. SMITH of New Hampshire (for himself and Mrs. BOXER)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 20, line 8, strike the "." and insert in lieu thereof the following: ": *Provided further*, That no less than $1 million of the funds available under this heading made available for wildlife services methods development, the Secretary of Agriculture shall conduct pilot projects in no less than four states representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: *Provided further*, That the General Accounting Office shall report to the Committee on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.".

BOXER (AND McCONNELL) AMENDMENT NO. 3983

Mr. KOHL (for Mrs. BOXER (for herself and Mr. MCCONNELL)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in the bill, insert the following:

"SEC. . Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C.. 651(a)(3)) is amended by adding after sulfites, 'except in the production of wine,'.".

GRAMS AMENDMENT NO. 3984

Mr. COCHRAN (for Mr. GRAMS) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, after line 16 insert the following, "SEC. . None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act."

HOLLINGS (AND THURMOND) AMENDMENT NO. 3985

Mr. KOHL (for Mr. HOLLINGS (for himself and Mr. THURMOND)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 93 of division B, as modified, after line 21, insert the following:

"SEC. . Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.".

REED (AND CHAFEE) AMENDMENT NO. 3986

Mr. KOHL (for Mr. REED (for himself, and Mr. L. CHAFEE)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 34, line 23, before the period at the end, insert the following: ": *Provided further*, That of the funds made available for watershed and flood prevention activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island".

BINGAMAN (AND LEAHY) AMENDMENT NO. 3987

Mr. KOHL (for Mr. BINGAMAN (for himself and Mr. LEAHY)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 36, lines 20 through 25, strike "including grants for drinking and waste disposal systems pursuant to Section 306C of such Act: *Provided further*, That the Federally Recognized Native American Tribes are not eligible for any other rural utilities program set aside under Rural Community Advancement Program:" and insert "of which (1) $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)), (2) $5,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)), (3) $15,000,000 shall be available for grants for drinking water and waste disposal systems under section 306C of that Act (7 U.S.C. 1926c) to federally recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program, and (4) $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)):".

BYRD AMENDMENT NO. 3988

Mr. KOHL (for Mr. BYRD) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 84, line 23 after "section", insert ": *Provided further*, That of the funds made available by this section, up to $40,000,000 may be used to carry out the Pasture Recovery Program: *Provided further*, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding".

DODD (AND LIEBERMAN) AMENDMENT NO. 3989

Mr. KOHL (for Mr. DODD (for himself and Mr. LIEBERMAN)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 95, after line 22, add the following new section:

SEC. . None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), and the regulations issued pursuant to such section 1102(b).

WYDEN AMENDMENT NO. 3990

Mr. KOHL (for Mr. WYDEN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 17, line 1 strike "; and" and insert "; and for the Oregon State University Agriculture Extension Service, $176,000 for the Food Electronically and Effectively Distributed (FEED) website demonstration project; and"; line 8, strike "$12,107,000" and insert "$12,283,000" and strike "$426,504,000" and insert "$426,680,000"; on line 19, strike "$43,541,000" and insert "$43,365,000"; on line 25, strike "6,000,000" and insert "$5,824,000".

BYRD (AND COCHRAN) AMENDMENT NO. 3991

Mr. KOHL (for Mr. BYRD (for himself and Mr. COCHRAN)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in the bill, insert the following:

"SEC. . Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).

KOHL AMENDMENT NO. 3992

Mr. KOHL proposed an amendment to the bill, H.R. 4461, supra; as follows:

In Division B, strike section 1106 and insert the following new section:

"SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106-78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106-78: *Provided*, That these funds shall be available until September 30, 2001: *Provided further*, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as, the payments to dairy producers under section 805 of Public Law 106-78: *Provided further*, That the Secretary shall make provisions for making payments, in addition, to new producers: *Provided further*, That for any producers, including new producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106-78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the twelve months preceding the enactment of this section or the producer's base production under the program operated under section 805 of Public Law 106-78 subject to such limitations as apply to other producers: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

HUTCHINSON (AND OTHERS) AMENDMENT NO. 3993

Mr. COCHRAN (for Mr. HUTCHINSON (for himself, Mr. CLELAND, and Mrs. LINCOLN)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. —Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

"(3) LOANS TO POULTRY FARMERS.—

"(A) INABILITY TO OBTAIN INSURANCE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

"(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

"(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

"(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

"(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

"(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

"(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

"(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) the farmer meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

"(I) the amount of the hazard insurance obtained by the farmer; and

"(II) the cost of rebuilding the chicken house in accordance with current industry standards.".

TORRICELLI AMENDMENT NO. 3994

Mr. KOHL (for Mr. TORRICELLI) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

TORRICELLI (AND REED) AMENDMENT NO. 3995

Mr. KOHL (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 50, line 6, before the period, insert the following: ": *Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to—

"(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program.

HATCH (AND OTHERS) AMENDMENT NO. 3996

Mr. COCHRAN (for Mr. HATCH (for himself, Mr. DEWINE, Mr. LEAHY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. VOINOVICH, and Mr. DURBIN)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 56, line 9, strike "$313,143,000" and insert "$315,143,000".

On page 57, line 2, strike "$78,589,000" and insert "$76,589,000".

HARKIN (AND OTHERS) AMENDMENT NO. 3997

Mr. KOHL (for Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. HUTCHINSON, and Mr. NICKLES)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 96 of the modified division B, after line 2, insert the following:

DRUG ENFORCEMENT ADMINISTRATION
(DOMESTIC ENHANCEMENTS)

METHAMPHETAMINE LAB CLEANUP ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT

For an additional amount for drug enforcement administration, $5,000,000 for the Drug Enforcement Agency to assist in State and local methamphetamine lab cleanup (including reimbursement for costs incurred by State and local governments for lab cleanup since March 2000): *Provided*, That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LANDRIEU AMENDMENT NO. 3998

Mr. KOHL (for Ms. LANDRIEU) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 4, line 12, before the period at the end of the line, insert ": *Provided*, that the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center".

NICKLES AMENDMENT NO. 3999

Mr. COCHRAN (for Mr. NICKLES) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 13, line 13, strike "$62,207,000" and insert in lieu thereof "$63,157,000".

On page 13, line 16, strike "$121,350,000" and insert in lieu thereof "$120,400,000".

CAMPBELL AMENDMENT NO. 4000

Mr. COCHRAN (for Mr. CAMPBELL) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 93 of division-B, as modified, after line 21 insert the following:

"GENERAL PROVISION—THIS TITLE

"SEC. . In addition to amounts appropriated or otherwise made available in Public Law 106-58 to the Department of the Treasury, Department-wide Systems and Capital Investments Programs, $123,000,000, to remain available until September 30, 2001, for maintaining and operating the current Customs Service Automated Commercial System: *Provided*, That the funds shall not be obligated until the Customs Service has submitted to the Committees on Appropriations an expenditure plan which has been approved by the Treasury Investment Review Board, the Department of the Treasury, and the Office of Management and Budget: *Provided further*, That none of the funds may be obligated to change the functionality of the Automated Commercial System itself: *Provided further*, That the entire amount shall be available only to the extend that an official budget request for $123,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.".

KENNEDY AMENDMENT NO. 4001

Mr. KOHL (for Mr. KENNEDY) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 57, line 2, strike "$78,589,000" and insert "$72,589,000".

On page 57, line 10, insert before the period the following: ": *Provided further*, That in addition to amounts otherwise appropriated under this heading to the Food and Drug Administration, an additional $6,000,000 shall be made available of which $5,000,000 shall be made available for the Centers for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, and $1,000,000 shall be made available to the National Center for Toxicological Research".

NICKLES (AND INOUYE) AMENDMENT NO. 4002

Mr. COCHRAN (for Mr. NICKLES (for himself and Mr. INOUYE)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 71, line 3, strike the comma and insert the following: "prior to July 1, 2001,".

FEINGOLD (AND JEFFORDS) AMENDMENT NO. 4003

Mr. KOHL (for Mr. FEINGOLD (for himself and Mr. JEFFORDS)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 740. NATURAL CHEESE STANDARD.—(a) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking "Whenever" and inserting "(a) Whenever"; and

(2) by adding at the end the following:

"(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk or casein in the definition of the term 'milk' or 'nonfat milk', as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling).".

(b) IMPORTATION STUDY.—Not later than days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

(A) the quantity of ultra-filtered milk that is imported annually into the United States; and

(B) the end use of that imported milk; and

(2) submit to Congress a report that describes the results of the study.

SESSIONS AMENDMENT NO. 4004

Mr. COCHRAN (for Mr. SESSIONS) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 13, line 13, strike "62,207,000" and insert "62,707,000".

On page 13, line 16, strike "121,350,000" and insert in lieu thereof "120,850,000".

BOXER AMENDMENT NO. 4005

Mr. KOHL (for Mrs. BOXER) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in Title VII, insert the following: "None of the funds appropriated by this act to the U.S. Department of Agriculture may be used to implement or administer the final rule issued in Docket number 97-110, at 65 Federal Register 37608-37669 until such time as USDA completes an independent peer review of the rule and the risk assessment underlying the rule."

LEAHY (AND OTHERS) AMENDMENT NO. 4006

Mr. KOHL (for Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. KOHL)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. . DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a-14(c)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5)(A) any award entered into under the program that is canceled or voided after June 30, 1995, is made available for reassignment under the program as long as a World Trade Organization violation is not incurred; and

"(B) any reassignment under subparagraph (A) is not reported as a new award when reporting the use of the reassigned tonnage to the World Trade Organization."

On page 36, line 9, strike "749,284,000" and insert in lieu thereof "759,284,000"; on page 36, line 12 strike "634,360,000" and insert in lieu thereof "644,360,000".

CAMPBELL (AND OTHERS) AMENDMENT NO. 4007

Mr. COCHRAN (for Mr. CAMPBELL (for himself, Mr. DORGAN, Mr. CONRAD, and Mr. DOMENICI)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 50, line 22, before the period, insert the following: "*Provided further*, That, of funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b), (1) an additional amount not to exceed $7,300,000 shall be used to purchase bison for the FDPIR and to provide a mechanism for the purchases from Native American producers and cooperative organizations".

WARNER AMENDMENT NO. 4008

Mr. COCHRAN (for Mr. WARNER) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 13, line 13, strike "$62,207,000" and insert "$62,707,000".

On page 13, line 16, strike "$121,350,000" and insert * * *.

WELLSTONE AMENDMENT NO. 4009

Mr. KOHL (for Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 47, line 8, after "areas,", insert the following: "of which not more than $3,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and".

JOHNSON AMENDMENT NO. 4010

Mr. KOHL (for Mr. JOHNSON) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

"(1) ISSUES COVERED.—

"(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

"(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

"(i) Wetlands determinations.

"(ii) Compliance with farm programs, including conservation programs.

"(iii) Agricultural credit.

"(iv) Rural water loan programs.

"(v) Grazing on National Forest System land.

"(vi) Pesticides.

"(vii) Such other issues as the Secretary considers appropriate.

"(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

"(A) agricultural producers;

"(B) creditors of producers (as applicable); and

"(C) persons directly affected by actions of the Department of Agriculture."; and

(2) by adding at the end the following:

"(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

"(1) the intake and scheduling of cases;

"(2) the provision of background and selected information regarding the mediation process;

"(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

"(4) the mediation session.".

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking "Each" and inserting the following:

"(1) IN GENERAL.—Each"; and

(2) by adding at the end the following:

"(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

"(A) salaries;

"(B) reasonable fees and costs of mediators;

"(C) office rent and expenses, such as utilities and equipment rental;

"(D) office supplies;

"(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

"(F) education and training;

"(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

"(H) costs associated with publicity and promotion of the mediation program;

"(I) preparation of the parties for mediation; and

"(J) financial advisory and counseling services for parties requesting mediation.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2000" and inserting "2005".

HARKIN AMENDMENT NO. 4011

Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 13, line 16, strike $121,350,000" and insert "$120,650,000".

On page 15, line 2, strike "$494,744,000" and insert "$494,044,000".

On page 17, line 8, strike "$426,504,000" and insert "$427,204,000".

DASCHLE AMENDMENT NO. 4012

Mr. KOHL (for Mr. DASCHLE) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

"SEC. 1230A. GOOD FAITH RELIANCE.

"(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contact and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

"(b) TYPES OF RELIEF.—The Secretary shall—

"(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

"(A) to retain payments received under the contract;

"(B) to continue to receive payments under the contract;

"(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

"(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter;

"(E) or any other eq2uitable relief the Secretary deems appropriate; and

"(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

"(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

"(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).".

"(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for a subsequent contracts.".

FEINGOLD AMENDMENT NO. 4013

Mr. KOHL (for Mr. FEINGOLD) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 89, after line 19, add the following:

SEC. 1111. AVAILABILITY OF DATA ON IMPORTED HERBS.—The Secretary of Agriculture and the Secretary of the Treasury, shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

ROBB AMENDMENT NO. 4014

Mr. KOHL (for Mr. ROBB) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 15, line 6, before the period, insert: ": *Provided*, That this paragraph should not apply to research on the medical, biotechnological, food, and industrial uses of tobacco".

WARNER AMENDMENT NO. 4015

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . COMPETITION IN CONTRACTING FOR TRAINING SERVICES.—(a) IN GENERAL.—Section 1669 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5922) is repealed.

(b) TRANSITION PROVISION.—Any order or agreement entered into under that section shall continue in effect until the date of termination of the order or agreement but may not be renewed.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing originally scheduled for Thursday, July 20, 2000, at 9:30 a.m., before the Committee on Energy and Natural Resources, has been rescheduled. The purpose of this hearing is to receive testimony from representatives of the U.S. General Accounting Office on their investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

The hearing will take place on Thursday, July 27, 2000, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON FORESTS AND PUBLIC MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing scheduled for July 21, 2000, at 9:30 a.m., to receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection, has been postponed until Wednesday, July 26, 2000, at 2:30 pm. The hearing will take place in lieu of the previously scheduled hearing to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations. The hearing will take place in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224-6170.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to a member of my staff, Jay Smith, during the pendency of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to James Dunn of my staff during the pendency of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Bruce Artim, a fellow in my office, be granted the privilege of the floor for this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 624, Norman Y. Mineta, to be Secretary of Commerce.

I further ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF COMMERCE

Norman Y. Mineta, of California, to be Secretary of Commerce.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, JULY 21, 2000

Mr. SESSIONS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, July 21. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of a conference report to accompany H.R. 4810, the reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Madam President, when the Senate convenes at 9 a.m., the Senate will immediately resume debate on the reconciliation conference report. Under the order, there are 30 minutes of debate remaining, with a vote to occur at approximately 9:30 a.m. The leader has announced that the 9:30 a.m. vote will be the only vote of the day.

Following the vote, the Senate will begin consideration of the energy and water appropriations bill. Amendments will be in order, and those Senators who intend to offer amendments to the bill should contact the bill managers as soon as possible. Any votes ordered with respect to the energy and water appropriations bill will be stacked to occur at a time to be determined Monday.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:24 p.m., adjourned until Friday, July 21, 2000, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 2000:

THE JUDICIARY

ANDREW FOIS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE EUGENE N. HAMILTON, TERM EXPIRING.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MIGUEL D. LAUSELL, OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2000, VICE JOHN CHRYSTAL.

MIGUEL D. LAUSELL, OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2003. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 3036:

To be lieutenant general

MAJ. GEN. ROBERT B. FLOWERS, 0549

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL L. DODSON, 5712

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DANIEL J. PETROSKY, 1004

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. JAMES B. PEAKE, 1525

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES S. MAHAN, JR., 5401

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH K. KELLOGG, JR., 7304

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. STEVEN BLUM, 9926

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

MICHAEL R. MAROHN, 9349

CONFIRMATION

Executive nomination confirmed by the Senate July 20, 2000:

DEPARTMENT OF COMMERCE

NORMAN Y. MINETA, OF CALIFORNIA, TO BE SECRETARY OF COMMERCE.

HOUSE OF REPRESENTATIVES—*Thursday, July 20, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God, our Refuge and our Strength, there are people who suffer today amidst the blessings of this Nation. There are suffering people everywhere known to You alone. Help us to come to an understanding of suffering, the wisdom it brings, and the power it has to transform human lives.

There are those who suffer the consequences of their own wrongdoing and faulty judgment. There are those who suffer at the hands of those they love and others in the hands of unjust oppressors, victims of war, abuse, illness, neglect and the death of a loved one.

There are those who suffer routinely and endure criticism daily just for being good and working for what is right and just.

But there are also those who, by Your Spirit, embrace suffering out of dedication to their country, their profession or their family. There are even those who embrace suffering out of love for You and You alone.

May hope and forgiveness sustain those weakened by pain and may love and justice transform human suffering into joy.

You are our Strength now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. LANTOS) come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 707. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

H.R. 2392. An act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland and for other purposes.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. Con. Res. 57. Concurrent resolution concerning the emancipation of the Iranian Baha'i community.

S. Con. Res. 113. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

S. Con. Res. 122. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

S. Con. Res. 124. Concurrent resolution expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.

S. Con. Res. 126. Concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minute speeches on each side.

HILLARY CLINTON MIRED IN ANOTHER CONTROVERSY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, candidate Hillary Clinton is mired in another controversy. She has been accused of using an obscene ethnic slur when her husband lost a race for Congress in the 1970s. More than one person says they heard it, and now it is out in the open.

It has been said that the character of a person can sometimes best be seen in how they carry themselves when they lose. Ethnic slurs or throwing things are not generally regarded as marks of strong character.

Ms. Clinton, of course, denies that it ever happened. It sort of depends though on what the meaning of "it" is. Does it not?

Her husband says it did not happen, or at least not quite the way the other witnesses claimed it happened. He says something like it may have happened, because he says, and I quote, she has never been "pure on profanity." Not much of a defense there.

There are three witnesses who claim she did, and two, she and her husband, who claim she did not.

I just want to ask one question. Can anyone imagine Barbara Bush being accused of this or Nancy Reagan or Rosalyn Carter or Betty Ford or Pat Nixon or Lady Bird Johnson? There is definitely a stature gap here.

PERSECUTION AND HARASSMENT OF FREE PRESS IN RUSSIA MUST END

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as President Clinton makes his way to the G–8 Summit in Japan, there is no more important item on the agenda than to tell Mr. Putin, the President of Russia, that the persecution and the harassment of the free press in Russia must come to an end.

I have called to my colleagues' attention in the last few weeks the systematic harassment and persecution of the one remaining free media network in Russia. Yesterday this persecution was escalated to a new level when the Government authorities took steps to seize the personal property of Vladimir Gusinsky, the head of Media-Most which owns NTV Television Network, Echo of Moscow Radio, and other independent media ventures.

Mr. Putin must understand that there is no room for Russia in the community of free and democratic nations, if he and his thugs are determined to destroy a free press. This harassment must come to an end, or relations between the free democracies of the world and the new totalitarian Russia will take a serious turn for the worse.

WORKING ON BEHALF OF THE AMERICAN PEOPLE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Napoleon Bonaparte once said "if you wish to be a success in the world, promise everything, deliver nothing." Promise everything, deliver nothing. That also happens to be the mantra of our Democratic leadership on the other side.

We all know, however, how Napoleon's plans turned out. Thankfully, this Republican-led Congress realized the importance of promises it made to the American people, and this Republican Congress is keeping those promises.

We passed a responsible, affordable, and voluntary Medicare prescription drug plan. We passed a Commerce, Justice, State Department Appropriations Act, which provides the resources necessary to fight crime and enforce our laws.

We passed a Defense appropriations bill which boosts funding for critical military readiness and gives our servicemen and women a much-deserved pay raise. Instead of just touting useless rhetoric and making empty promises, this Republican Congress has and will continue to take action in addressing the problems facing the American people.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, the issue of international child abduction is one of the most important to me, and to the parents of the 10,000 American children who have been abducted to foreign countries. These children have lost years of time with their parents, and their parents have missed watching them grow up. It is outrageous that American children are being held hostage in other countries by unlawful noncustodial parents and unresponsive foreign justice systems.

In February of 1998, Aryssa Torabi was abducted by her father to Tehran, Iran. Aryssa's father was able to leave the country with fraudulent custody papers. A Federal warrant was issued for his arrest and the FBI has become involved in the case.

In May of this year, Aryssa's mother found her through the work of a private investigator who was able to speak with the family, with the abductor's family, and get some pictures of her. The reports from the family are that Aryssa is extremely unhappy.

Children like Aryssa and her mother should not be kept apart, we must continue to do all that we can to take action on this issue.

Mr. Speaker, we must bring our children home.

FOOD STAMP PROGRAM

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Food Stamp Program is designed to help indigent families feed their children. This is a noble goal.

Unfortunately, widespread abuses in the food stamp program cost American taxpayers an estimated $1.4 billion in 1998 due to improper payments.

That is money denied to thousands of poor American children throughout the Nation. In fact, food stamp reforms such as the electronic benefits system, the EBT, which has replaced food stamps in 29 States, have actually generated more welfare fraud.

In one instance, two people in Beaumont, Texas, were convicted of trafficking in EBT food stamp benefits in exchange for crack cocaine. And in another, the owner of a meat and seafood market redeemed more than 331,000 in EBT food stamp benefits, even though virtually no food was purchased.

We cannot let this continue. For the sake of our children and for the sake of the taxpayer, we must do a better job of eliminating waste, fraud, and abuse.

DISASTER WAITING TO HAPPEN ON U.S. BORDERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a study finally admits, and I quote, "America's borders are so wide open, terrorists could easily smuggle a nuclear bomb across both our borders." Think about it, 3 million illegal immigrants, heroin and cocaine by the tons, and now a report that further says it is so bad in some areas orange cones are used like scarecrows with no border patrol presence at all.

Unbelievable. We have soldiers vaccinating dogs in Haiti, while terrorists can bring nukes across our border. Beam me up here. Who master-minded this policy? The Proctologist Association of North America?

Mr. Speaker, I yield back a disaster waiting to happen on the borders of the United States of America with a Congress sleeping at the switch.

GAS PRICES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, throughout our summer gas crisis, the Clinton-Gore administration has played possum with the American people. They have claimed that the gas crisis was not caused by a supply issue and blamed oil companies for price gouging. But a recently released internal memorandum obtained from the Department of Energy by the gentleman from Wisconsin (Mr. RYAN) tells a different story.

The Energy Department memo dated June 5 indicates that "high consumer demand and low inventories have caused higher prices for all gasoline types." The memo also indicates that recently implemented gasoline standards may increase costs. But not 10 days after this memo was drafted, Secretary Browner told more than 30 Midwestern Members of Congress that the gas price hike was inexplicable.

The Clinton-Gore administration has lost e-mails, lost important files and lost nuclear secrets. Now, we can add the true reason for the energy crisis to the lost list.

TRIBUTE TO LUTHER ROSS WILSON

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise today to honor Ross Wilson, former manager of the Southwestern Peanut Growers' Association. Widely regarded as the Nation's most knowledgeable person on the subject of the U.S. peanut industry, Ross has retired after spending the last 44 years of his life working for the betterment of the American farmer.

Ross is a native of Brownwood, Texas and a graduate of Daniel Baker College and Southwest Texas State University. He began his career as a teacher and a coach in Gorman, Texas where he eventually served as principal and superintendent.

In 1956, Ross was hired as the manager of the Southwestern Peanut Growers' Association where he oversaw the administration of the peanut program in the Southwest. In addition to serving on numerous boards and committees, he chaired the National Peanut Council Board of Directors, the Peanut Administrative Committee, and the Southwest Peanut Research and Education Advisory Committee.

In 1973, the Texas Agricultural Agents Association gave him their Man of the Year in Agriculture award, and in 1974, the Progressive Farmer magazine named him Man of the Year in Texas agriculture.

Ross has been active in civic affairs, helping to organize the Gorman Chamber of Commerce and serving as Gorman's mayor.

□ 1015

He also served as chairman of the Upper Leon River Municipal Water District.

GENETIC DISCRIMINATION

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I rise today to join my colleague, the gentlewoman from New York (Mrs. SLAUGHTER), in support of H.R. 2457, the Genetic Nondiscrimination in Health Insurance and Employment Act.

Mr. Speaker, this bill would protect the fundamental civil right of all Americans against genetic discrimination. Genetic discrimination is an issue whose time has come. As most of us are aware, on June 26 of this year it was announced that the first draft of the human genomic map has been completed. A decade ago, scanning genes for disease-linked mutations seemed unimaginable. In the past 5 years alone, over 50 new genetic tests have been identified to make detection of genetic conditions, and it is now possible to find the genetic mutations associated with such malignancies as breast cancer, colon cancer, Huntington's disease, heart disease, Alzheimer's disease just to name a few.

Unfortunately, as a consequence, we not only hear stories of successful treatment for some of these diseases, but we are hearing stories of lives being destroyed because of denial of health insurance or loss of jobs.

We must end this terrible practice of genetic discrimination. We should do it now.

MEDICAL RECORDS PRIVACY

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, Americans are growing increasingly aware that the most intimate information they possess about themselves, their health information, is not only unprotected, but freely shared among corporate and other interests.

I am particularly concerned about the security of genetic information. With the recent completion of the rough draft of the human genome, increasing numbers of people will consider taking genetic tests to learn more about their future health. But unless we protect the privacy of this information, people will refuse to take the genetic tests or even to participate in the research. We then risk having billions of dollars spent on genetic research go to waste and the enormous promise of this research to go unfulfilled.

Right now, the Senate Health, Education, Labor and Pensions Committee is holding a hearing on genetic discrimination in employment. Shamefully, the House of Representatives has never held a single hearing on genetic discrimination, and we cannot afford to waste any more time.

I urge my colleagues to cosponsor H.R. 2457, the Genetic Nondiscrimination in Health Insurance and Employment Act, and please sign discharge petition No. 11 to bring this bill to the House floor for a vote immediately.

REPUBLICAN INITIATIVES BENEFIT THE AMERICAN PEOPLE

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, Republicans want to preserve and protect social security and the Medicare trust fund, and we have. We have set aside 100 percent of the trust fund revenues for social security and for Medicare. We have ended the process that existed in the past before the Republicans became the majority of borrowing out of those trust funds.

In addition, we have given workers the right to invest their money in the retirement plan of their choice, because yesterday we passed the IRA and the 401(k) expansion plan, we increased the contribution limits now to IRAs from $2,000 to $5,000 a year, and the 401(k) salary contribution to $15,000.

This is going to help our economy. This is going to help job creation. We have paid down close to $300 billion in public debt, and under our budget, we will pay off the $3.5 trillion public debt even while eliminating penalties on the American people, like the marriage tax, and bringing more dollars to the classroom for our children's education. We increase that education budget by 10 percent.

Mr. Speaker, this Republican Congress has taken the initiative on securing America's future, and should be proud of what it has accomplished.

URGING MEMBERS TO ASK THAT THE PRESIDENT PASS MARRIAGE TAX PENALTY RELIEF LEGISLATION

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, in just a few hours the House and Senate will agree on the marriage tax penalty repeal bill and send it over to the President. He says he will veto it. That would be unfortunate. I just ran into a high school student, Matt Heaton, from New Jersey, who told me he understands this issue.

When the Federal government taxes people for getting married, he says, it is betraying the faith of the American people. We should be rewarding couples who get married, not punishing them. It is insulting to our people to punish them for entering the sacred union of marriage. When young people clearly express American values by expressing their love for one another through marriage, it would be the height of infidelity to punish them for it.

Yet, the President now threatens to veto this pro-family bill. The marriage tax is hurting those who need money the most. It robs middle class families of resources that could be used for such things as child health care or education, maybe even a college education.

I urge my friends on both sides of the aisle to press the President to join us in repealing the marriage tax penalty. It is the sensible thing to do. It is the American thing to do. It is the right thing to do in our efforts to honor American families.

A TRIBUTE TO THE UPLAND PUBLIC HOUSING AUTHORITY AND AN APPEAL TO REDUCE SECTION 8 PROGRAM BUREAUCRACY AND RED TAPE

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, I rise today to give praise to the city of Upland Public Housing Authority, its executive director, Sammie Szabo, and her staff for their hard work and accomplishments administering the Section 8 public housing program.

At this time many authorities are having a very difficult time utilizing allocated funds that come to them under the Section 8 housing program, but Upland has maintained a lease rate of 98 to 102 percent, a very commendable effort on their part.

How do we reward them? We make them work extra time and put in extra effort filling out meaningless paperwork for HUD to send to some bureaucrat in Washington, D.C., and they have to do this on their own time without compensation. This is ridiculous. We need to move forward with a great effort to eliminate much of this paperwork the bureaucracy here in Washington, D.C. requires of local officials, and allow them to do the good job they are trying to do.

IN STRONG SUPPORT OF PROTECTING GENETIC INFORMATION

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise today to strongly urge the Republican leadership to expedite consideration of two bills which will provide vital consumer protections for medical and genetic information.

The first bill, H.R. 4585, medical privacy legislation, was recently approved by the House Committee on Banking and Financial Services. During consideration of the bill, it would essentially offer an amendment which would for the first time provide real consumer protection for genetic information.

I also urge the House leadership to bring to the floor H.R. 2457, sponsored by our colleague, the gentlewoman from New York (Ms. SLAUGHTER), that would prohibit discrimination based upon genetic information.

With the recent announcement of the completion of the detailed map of the 24 pairs of the human chromosomes of the human genome project, it is vitally important that the Congress act now to protect genetic information.

As a representative of the Texas Medical Center, including the Baylor College of Medicine, where much of this breakthrough work is being done, I believe there is great promise in knowing this information. However, without sufficient protections, we risk that Americans will not agree to participate in gene therapy treatments to cure disease.

The real danger will be the potential to discriminate against individuals in their health insurance, their employment, and in their financial products. I urge the House to act on these important measures today.

MEDICARE-PLUS CHOICE PLANS DROPPED IN MANY PARTS OF RURAL AMERICA

(Mr. SHERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERWOOD. Mr. Speaker, I rise today to direct the attention of the House to an alarming trend, denying benefit options to Medicare beneficiaries on the basis of where they live.

The Medicare-plus choice program passed by Congress was intended to offer real health care options under Medicare. However, Americans in rural and smaller urban areas are being dropped from plans at an alarming rate. Many beneficiaries in my district have been notified they no longer have the option of enrolling in the Medicare HMO. It is an outrage that many of the disabled Americans and seniors can no longer enroll in a Medicare HMO because of discriminatory payment rates.

How can HCFA justify a monthly payment rate in my area of $400, and yet in larger cities of $700 to $800? This discrepancy is not justifiable, it offends my basic sense of fairness, and we must work, Congress and the administration must work together to reverse this trend, and restore the availability of the Medicare-plus choice payment program to all beneficiaries.

CONFERENCE REPORT ON H.R. 4810, MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 559

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. House Resolution 556 is laid on the table.

The SPEAKER pro tempore (Mr. BARR of Georgia). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, my friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 559 provides for the consideration of the conference report on H.R. 4810, the Marriage Tax Penalty Elimination Reconciliation Act of 2000. The rule waives all points of order against the conference report and its consideration, and it provides that the conference report shall be considered as read.

Mr. Speaker, we have certainly heard a lot of debate about the marriage penalty over the past week. Actually, the Republican majority has been working to address this inequity in our Tax Code for the past couple of years, and today's vote marks the fifth time that the House will vote to provide marriage penalty relief during the 106th Congress.

Let us hope that this oft-repeated debate has resonated at the other end of Pennsylvania Avenue, because it is time once again to put the ball in the President's court. Today's vote will send a stand-alone marriage tax penalty elimination bill to the President's desk for his signature.

We have heard some excuses as to why the President cannot sign this bill. Some argue that this tax relief favors only the rich, but that is just not true. The fact is that this bill helps anyone who is married, regardless of income, and the people who suffer most under the marriage penalty tax are the middle class.

That is right, the adverse effects of the marriage penalty are concentrated on families with income between $20,000 and $75,000. I am sure these folks would be surprised to learn that they are considered as rich. So let us get past the tired old "tax cuts for the rich" rhetoric. Let us do something novel and focus on the policy of the marriage penalty and debate its merits.

The marriage tax penalty is pretty simple to understand. It forces married individuals to pay more in taxes than they would have to pay if they stayed single. So we should ask ourselves, is there any merit to taxing marriage? Is there an acceptable rationale to increasing taxes on individuals based solely on their marital status? Do we want the government to send a message that "You will pay a steep fee to get married, but you can avoid this financial burden if you just stay single and live with that significant other?"

If the answer to these questions is no, then why the resistance to elimination of this punitive tax? And if we can agree that the policy has no merit, then how can we give relief to only some married people and not to others? Is it possible to be too fair?

In my mind, if it is wrong to increase taxes on one couple because they are married, then we should not apply a tax penalty to any couple based on their marital status. Mr. Speaker, it seems to me that our only option in the face of this perverse discriminatory tax is to eliminate it entirely.

There are other arguments against passing this legislation. Some of my colleagues claim that the Republicans do not have their priorities straight because we are putting tax cuts above all else. But again, these accusations ignore the facts. I am pleased to remind my colleagues, Congress has already, already passed legislation to wall off both the social security and Medicare trust funds, already provided affordable, voluntary prescription drug coverage to seniors through Medicare, and already has paid down the national debt. We have also passed appropriation bills that invest more in education, biomedical research, veterans' health care, among many other priority programs.

In fact, while we would never know it from listening to some of the rhetoric, spending on discretionary programs will actually be increased this year. So it is just not true to say that tax cuts are gobbling up resources or stealing funds from needed programs.

The problem is that most of my Democratic colleagues just cannot stand the thought of loosening their grip on Americans' money. I do not know how big the surplus has to be for all of us to feel that it is safe to give some of it back to the American people.

Let me put what we are doing into context. The Clinton administration has been making great hay in the last week about "the Republicans' reckless attempts to provide relief from the marriage penalty and death tax."

□ 1030

Earlier this week, the Congressional Budget Office announced that next year's surplus will be $268 billion. Of this $268 billion, only 2 percent will be used to correct the marriage penalty and the death tax, only 2 percent, while 83 percent will be devoted to debt reduction under the Republican proposal. Is it really so reckless to give 2 percent of the surplus back to the people who earned it?

Mr. Speaker, marriage is a sacred fundamental institution in our society that teaches our children about love, family, commitment, and honor. It should not be used as another cheap excuse to nickel and dime the American people.

Today we have an opportunity to set a wrong right and eliminate the marriage tax penalty. I urge my colleagues to do the right thing, support this rule and the conference report so we can give 25 million American families a little bit of their financial freedom back.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary time; and I yield myself such time as I may consume.

Mr. Speaker, my Republican colleagues are at it again. They have taken a perfectly good idea to cut marriage taxes and twisted it into another convoluted program to help the rich and do very little for the rest.

This conference report, Mr. Speaker, could have made a real difference in the lives of millions and millions of working Americans, especially working Americans with children. But this conference report could have also included Democratic proposals to cut their taxes by enough to help them in their struggle to raise their children. But, Mr. Speaker, it did not.

This conference report includes the Republican version of the marriage relief. The Republican version does a lot more for the rich people than it does for everyone else, and all one has to do is really look at the bill to discover that.

Some of these richest people who will get the benefits in this bill do not even pay a marriage penalty in the first place. As has become the norm, the Republican bills and now the Republican conference report do far more for those in the upper classes in our economy than they do for anyone else, and all in order to have something to talk about in Philadelphia at the Republican convention.

Mr. Speaker, this issue affects millions of Americans and should be decided carefully, should be decided deliberately, not rushed to a vote in order to be finished in time so they can parade it out in the Republican convention.

Furthermore, Mr. Speaker, it is a fiscal disaster. My Republican colleagues may say this bill is less expensive than before, but that is not true. By moving the effective date of the 15 percent bracket change, this conference report is dramatically more expensive. It will cost $89 billion over 5 years; and unless my Republican colleagues plan to end the tax cuts by the year 2004, it will cost $250 billion over the next 10 years.

This enormous cost, Mr. Speaker, to benefit primarily rich families, will be born on the backs of the baby boomers while hoping that Medicare and Social Security will not fall apart just when they need it.

To make matters worse, Mr. Speaker, this bill does a great disservice to working families who make up to $30,000 a year. Those people, despite all their hard work, will not see much of a change in their EITC benefits because the Republican leadership decided against it.

This conference report is irresponsible. This conference report is shortsighted. It is very politically motivated. It could have given help to a lot of people, a lot of people who really need it. But it did not do so.

Mr. Speaker, this conference report does nearly nothing to help the middle- and lower-income working families to take care of their children. It is yet another expensive Republican scheme to help the richest American families. Mr. Speaker, it really should be in the trash can and not on the stage at the Republican convention.

This process is a sham. The report is a sham. The American people deserve better. I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 5 minutes to the distinguished gentleman from Illinois (Mr. WELLER), who has worked so hard to champion the cause to bring this legislation to fruition.

Mr. WELLER. Mr. Speaker, I rise in strong support of this rule and in strong support of our efforts to eliminate the marriage tax penalty. Many of us over the last several years have asked a very basic, fundamental question, that is, is it right, is it fair that, under our Tax Code, a married working couple, where both a husband and wife are in the workforce, that they pay higher taxes just because they are married? Is it right that 25 million married working couples, 50 million taxpayers pay on average $1,400 more in higher taxes just because they are married?

We call that $1,400 the marriage tax penalty. It affects married couples who, because they have two incomes, they are forced to file jointly, they are pushed into a higher tax bracket, and they pay higher taxes. It is a marriage tax penalty, and it is wrong.

Let me introduce to the House some constituents of mine, Michelle and Shad Hallihan, two public school teachers from a community of Manhattan, just south of Joliet, Illinois. Shad is a teacher at Joliet High School, Michelle at Manhattan Junior High. Their combined income is about $62,000. They are middle-class teachers. They are homeowners. Of course, since they were married, they have since had a child, little Ben. Remember their family. Someone new in their lives, and they are so proud of little Ben here who is growing very quickly.

Their marriage tax penalty is about $1,000 a year that they pay just because they are married. I think it is a fair question, is it right, is it fair that Shad and Michelle Hallihan, two public school teachers who work very hard every day, have a new little boy in their lives, have to pay higher taxes, send money to Washington just because they are married?

I am proud to say this conference report before it eliminates the marriage tax penalty that good people, hardworking middle-class people like Shad and Michelle Hallihan, pay every year because they are married.

Under our conference report, we help those who itemize their taxes as well as those who do not.

Now, my friends on the other side of the aisle say that, if one is middle class and one itemizes one's taxes usually because one is a homeowner or one gives money to one's institutions of faith or church or synagogue or charity, one is rich and one does not deserve marriage tax relief.

Well, Republicans and, fortunately, 48 Democrats believe we should help the middle-class homeowners who give money to charity. They are not rich; they work hard. Shad and Michelle Hallihan make $62,000 a year. They itemize their taxes.

Now, we help those who do not itemize their taxes in this conference by doubling the standard deduction. That is used by those who do not itemize their taxes. We double that for joint filers to twice that as singles.

For those who are itemizers, like Michelle and Shad Hallihan and little Ben who are homeowners, so they are forced to itemize, we widen the 15 percent bracket. That is the basic tax bracket that affects everybody. We widen that so joint filers, married couples like Shad and Michelle with two incomes can earn twice as much as a single filer and be in the same tax bracket, the same 15 percent tax bracket.

What I think is most exciting about this bill, not only do we help middle-class families who are homeowners and give money to church and charity who itemize those taxes as well as those who do not is that it is effective this year.

When we pass this legislation and put it on the President's desk today, the President will have an opportunity if he signs it into law to help married couples, 25 million married working couples this year. Because I would point out that doubling the standard deduction, which helps those who do not itemize, and widening the 15 percent tax bracket, which helps those who do itemize, such as homeowners and those that give money to church and charity, that they will receive marriage tax relief this year, because this legislation is effective January 1 of 2000.

Think about that when my friends on the other side of the aisle and Bill Clinton and AL GORE raised taxes in 1993. They made their tax increase retroactive, which meant they went back in the tax year and took one's money. Well, this year we have an opportunity to give marriage tax relief this year, which means we go back to January 1 of this year.

If one is married, one of 25 million married working couples who suffer the marriage tax penalty, one is going to see marriage tax relief this year in tax year 2000. That is a great opportunity. If one believes in fairness in the Tax Code as we do, it is time to make the Tax Code more fair and more simple. We want to eliminate the marriage tax penalty.

Now, my friends on the other side of the aisle have been making lots of excuses. They really do not want to eliminate the marriage tax penalty, because they would much rather spend Shad and Michelle's money. They believe it is better spent here in Washington than Shad and Michelle Hallihan can spend it back in Joliet, Illinois.

Think about it. The average marriage tax penalty for good, hard-working middle-class married couples like Shad and Michelle Hallihan, $1,400. $1,400 is 1 year's tuition at Joliet Community College, our local community college. It is 3 months of day care for little Ben at a local child care center in Joliet, Illinois. It is a washer and dryer for their home. It is 3,000 diapers for little Ben.

The marriage tax penalty of $1,400 is really money for real people. Let us do the right thing. Let us pass this rule. Let us pass this legislation. Let us wipe out the marriage tax penalty for 25 million married working couples.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like a wallet-sized picture of Shad and Michelle and Ben, because I am going to miss them on my August vacation.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we will miss Shad and Michelle. But, Mr. Speaker, this is a customary rule for the consideration of a conference report, and I hope my colleagues will support it.

The conference report on the Marriage Tax Penalty Elimination Act has been crafted in the true spirit of compromise, not just between the House and Senate negotiators, but also in an effort to accommodate the President's views.

We have heard the White House's message. They want a smaller tax cut. So we have pared back this legislation. What Republicans hope is that the White House now hears our message and that of the American people who are clamoring for a fair, simpler Tax Code.

The inequities and illogical provisions in our Tax Code are too numerous to count. But today we have a chance to provide some fairness by eliminating one of its most egregious provisions. We can do it in a fiscally responsible manner. There is no excuse why at this time of peace, prosperity, and budget surpluses that we cannot give a little bit back to the American people who are doing the work to keep this economy going and feeding the Government's coffers with their own hard-earned cash.

We in Washington love to take credit for the booming economy and the budget surplus, but the kudos should go to the American people who are driving the success. It is time to temper the Government's greed, and what better place to start than by supporting America's families. Let us end the marriage tax.

I urge a yes vote on the resolution and the conference report.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I just want to thank the distinguished gentlewoman for yielding me this time, because this is a very important subject; and I want to give a perspective that comes from my district in beautiful upstate New York.

Shortly, on August 4, a young man that I am very familiar with, Jake Smith, who just graduated from Syracuse University's School of Architecture, fulfilled his dream and got a degree and will be getting married. He is marrying a young lady, Kristin Elmer, who is a teacher. The two of them have fallen in love, are getting married. One of the things they did not want to factor in was the possibility that their tax obligation would increase simply because they are getting married.

This is designed to correct and eliminate that inequity. That story is replicated thousands of times over, not just in my home county of Oneida, but in my 23rd Congressional District of New York where there are 55,000 people who are in similar situations.

Then one multiplies that by 435 and go across the country, and one can see this really has a significant impact. We are talking about providing meaningful tax relief to 25 million Americans. More than that, it expands those who are eligible for the lowest rate of taxation, the 15 percent bracket. I think that is very important.

□ 1045

So I am, for all the right reasons, very enthusiastic in my support of this bill. It does the right thing for the right reasons. In America we should be encouraging those who decide to take the vows and not providing disincentives for getting married.

So as I extend greetings to young Mr. Smith and young Miss Elmer upon their impending wedding, I will be able to do so and to tell them in very meaningful terms that we are cognizant of their needs and we are trying to address them.

With that, Mr. Speaker, I thank once again the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time, and I thank my distinguished colleague, the gentleman from Massachusetts (Mr. MOAKLEY), a Boston Red Sox fan, for his indulgence to this New York Yankee fan. This is very special.

Mr. MOAKLEY: Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARR of Georgia). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 279, nays 140, not voting 15, as follows:

[Roll No. 417]

YEAS—279

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Carson
Castle

Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—140

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berry
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capuano
Cardin
Clay
Conyers
Crowley
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—15

Baca
Barton
Burton
Campbell
Cooksey
Coyne
Davis (IL)
DeGette
Kilpatrick
Matsui
Radanovich
Roemer
Smith (WA)
Vento
Weldon (PA)

□ 1110

Messrs. DEUTSCH, CROWLEY, ETHERIDGE, LARSON and MORAN of Virginia changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 417, had I been present, I would have voted "yea."

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 559, I call up the conference report on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARR of Georgia). Pursuant to House Resolution 559, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 19, 2000 at page H6582.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

PARLIAMENTARY INQUIRY

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will State his inquiry.

Mr. RANGEL. My parliamentary inquiry, Mr. Speaker, is, when you have a conference report reported to the House, is it necessary to have a conference?

The SPEAKER pro tempore. The Chair is aware that the conference report was signed by a majority of the managers. That makes it appropriate to bring the conference report forward.

Mr. RANGEL. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, if a Member of the House of Representatives was appointed by the Speaker as a conferee, is it necessary that that conferee be invited to the conference?

The SPEAKER pro tempore. All conferees are certainly invited to participate in the deliberations of the conference. All points of order have been waived, and it is now appropriate at this time to proceed with the conference.

Mr. RANGEL. Further parliamentary inquiry, Mr. Speaker.

When a Member of the House of Representatives is appointed by the Speaker to a conference, is it necessary that that conferee be notified where and when the conference is being held?

The SPEAKER pro tempore. All persons appointed to the conference committee are entitled to attend. It is not within the power of the Chair to order anybody to attend or not attend or be invited to a particular meeting or not to be invited to a particular meeting.

Mr. RANGEL. Mr. Speaker, I do not think I framed my question correctly. I will try again.

The SPEAKER pro tempore. Does the gentleman have further parliamentary inquiry?

Mr. RANGEL. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman shall state it.

Mr. RANGEL. Mr. Speaker, when the Speaker of the House of Representatives appoints a Member of the House of Representatives to attend a conference between the Members of the House and the Senate, is it necessary or should it be that that Member that is appointed be notified as to the time and place of the conference in which the Speaker appointed him?

□ 1115

The SPEAKER pro tempore (Mr. BARR of Georgia). That Member would be entitled to be notified.

Mr. RANGEL. Now, further parliamentary inquiry.

If a bill is being reported out of a conference and a Member appointed to that conference had not received any notice at all of the conference, and, therefore, had no opportunity to discuss the differences between the House and the Senate bill and certainly no opportunity to sign the conference report and did not even know there was a conference being held, can you have a report being made to the House floor under those circumstances?

The SPEAKER pro tempore. At this point the Chair cannot look beyond the signatures themselves which were on the conference report. A majority of the signatures of the conferees were on the report. The Chair cannot look beyond that. Furthermore, all points of order have been waived against consideration.

Mr. RANGEL. Mr. Speaker, I have no further inquiries.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report on H.R. 4810.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Today, we take the final step toward ending the marriage penalty for 25 million married couples. That is 50 million Americans. Once again, this can-do Congress is sending common sense legislation to the President so we can help America's working families make ends meet. And once again, this Congress is bringing fairness to the Tax Code.

I am proud to say that this marriage penalty relief bill is very close to the version the House passed with strong bipartisan support twice this year. In fact, it is better because we have accelerated the tax relief to married couples so that they can begin to realize a benefit this year, the year 2000, rather than having to wait under the original House bill until the year 2003.

The doubling of the standard deduction, the first step in doubling the 15 percent income tax bracket, and the expansion of the earned income credit limits will all be effective retroactive to January 1 of this year. That means that when President Clinton signs this bill, millions of couples will be helped this year when they file their estimated taxes and next year during tax time when they report their tax return for this year. I honestly hope President Clinton will sign this bill because it meets what he has signaled are his primary concerns.

First, it is fiscally responsible. The bill's tax relief of $89 billion is less than one-half of 1 percent of the $2.2 trillion non-Social Security surplus. Less than one-half of 1 percent. Is that too much to create fairness for families? And it is 64 percent, almost two-thirds, less than the amount of marriage penalty relief he said he could support.

Second, it gives the most help to those middle- and lower-income Americans who are hit hardest by the marriage tax penalty. By doubling the 15 percent bracket and the EIC income thresholds, we erase the marriage tax penalty for millions of lower- and middle-income workers. This is especially important to working women whose incomes are often taxed at extremely high marginal rates, some as high as 50 percent, by this penalty.

Finally, this bill is part of an overall budget framework that protects Social Security and Medicare, pays down the debt by 2013 or sooner, and maintains fiscal discipline and our balanced budget.

Because of these actions, the President should see he now has every reason to sign this bill. If only for a brief moment, I hope he can and will put politics aside and place the needs of 25 million married couples above the needs of politicians and political campaigns. This is a kitchen table issue for families trying to make ends meet. The American people overwhelmingly support this bill, and we can do this right now. There no longer can be any delay in the other body. This is a conference report. It is an up or down vote. I hope every Member will vote "aye" overwhelmingly.

In his January State of the Union, President Clinton stood in this Chamber and asked Congress to work with him to fix the marriage tax penalty. There were no preconditions. There was no quid pro quo, no wink, no nod, no demand for a trade; and I believe the American people do not want to see a Congress operate where if you scratch my back, I will scratch yours whether it is right or wrong. There should be no linkage or trade on an issue this important to the families in this country. It stands alone. In fact, there was only boisterous applause and cheers from both sides of the aisle when the President spoke in this Chamber and said he wanted to fix the marriage penalty. So today we fulfill our responsibility and we finish the job, and we ask that he fulfill his. Indeed, 25 million married couples should not be punished any longer just because they got married.

I urge strong support for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to this conference report. I am for doing something about the marriage penalty, and I very much want us in this Congress to get rid of the marriage penalty. The problem with this conference report is that it does a lot of other things that do not attack the marriage penalty and in its overall it spends too much revenue that could be needed and is needed for other priorities like a Medicare prescription drug program or shoring up Medicare and Social Security.

I want to say first that this conference bill is larger than either the House version of this bill or the Senate version and that, worse than that, it is as unfair as these earlier measures were. And we believe, because we cannot get the official estimates, that it is as much as $280 billion over 10 years. This bill is poorly targeted. It is tilted in favor of wealthier couples, and it neglects those Americans who need marriage tax penalty relief the most.

Under this bill, about two-thirds of the tax cuts go to couples in the top 30 percent of the income scale while the vast majority of couples, about 70 percent, would receive only one-third of the total tax cuts. This bill gives half of the tax cut to couples who do not even suffer from a marriage penalty. Let me say it again. Half the benefit of this tax cut goes to couples who do not even suffer from a marriage penalty. Now, that is a serious flaw. It is mislabeling. It is misbranding what we are doing.

I think this bill is symptomatic, though, of a larger flaw in all of the tax cuts that are being brought through the Congress. I have here a chart, a chart that shows clearly the contrast between the Republican distribution of tax cuts and the alternative proposals that have been offered by Democrats. The contrast between the two plans is stark. If all of the Republican cuts were to become law, Americans in the middle-income range, those making an average of $31,000 a year, would get an average tax cut of $131, because of all the tax cuts that you want to pass. For the top 1 percent, they would get a tax cut of about $23,000. So somebody making $31,000, they get $131 in total tax cuts. Somebody at the top, the top 1 percent, they would get $23,000. Now, if you take our tax cuts and put them together, that person making $31,000 would get $371 and the person in the top 1 percent would get $133. We think we ought to have these tax cuts going to the people who really need them.

Now, I have said on all these debates, we still have a chance in this Congress to reach a compromise, a consensus, on not only the tax cuts that we can do but on the other issues that exist within this budget. What are we going to do about a Medicare prescription medicine program? What are we going to do about shoring up Medicare and Social Security so that they have longer life out into the future? What are we going to do about education, trying to make sure that every child in this country gets a strong education and training so they can be productive, law-abiding citizens?

The President sent a budget when we did the reestimates. He put about $50 billion aside to be decided by the next

Congress and the Congress after that. He put aside a substantial amount for targeted tax cuts, $263 billion. If you agree to that budget, and I am not saying you do, but if we come to an agreement on a budget, the question becomes, where does this piece, the marriage penalty piece, fit into that overall budget? We are proceeding with the pieces of the budget rather than coming to a consensus on the overall budget. And I say to you at the end of the day, I believe all of these tax cut measures are going to be vetoed, because we do not have that consensus.

And then at the end of the day, the taxpayer, the citizen out in the field, in the country, is going to say, what has this Congress done for me? Where is my marriage penalty relief? Where is my estate tax relief? Where is my education incentive? Where is my long-term care incentive? Where is my child care incentive? These are the issues that people will ask. It is not enough for us to do a weekly tax bill. It is not enough for us to do two tax bills a week. What matters is not what we pass here. It is what the President will sign that can actually be experienced in the lives of America's families.

I plead with my friends in the Republican Party, I respect your views of what you want to do in this budget. I do not know that all of my views are right. But let us sit down in the name of common sense, let us figure out a budget, let us get some of these things done this year. If you are having a marriage tax penalty problem, you want a solution this year. A veto does you no good. So I ask Members to vote down this conference report, let us sit down at a table with everybody at the table, let us work out a budget, let us work out tax cuts that are fair and equitable and make sense in terms of not only the budget but make sense in terms of Medicare, Social Security, a Medicare prescription medicine program, and yes, ending the marriage penalty for America's taxpayers.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume. As I listen to the presentation by those from the other side of the aisle, it is always the same siren song. There is always a higher priority than helping families, giving families tax relief, so that they will have more in their pockets to take care of their immediate needs. And there are always priorities that are ahead of creating fairness in the Tax Code. They have not met a tax relief bill to let working Americans keep more in their pockets that they liked. They always have some reason to be against it over and over and over again.

□ 1130

They shout out the President will veto this. We heard that in our last debate. We heard it over and over again from their side. The President will veto this bill; therefore, we cannot embrace it. That was on the pension, retirement security bill. There were 25 votes against that bill.

Are we to believe it is credible when they say the President is going to veto these bills? I do not think so. That should not be an argument. We should do the right thing, and that is what we are doing today.

Mr. Speaker, in the distribution tables, those charts were based on the Treasury's distribution tables as to who gets the benefit and who does not. They have been totally discredited, the whole basis on which they make their determinations has been discredited over and over again.

The nonpartisan Joint Tax Committee, that serves both Houses of this Congress and both Democrats and Republicans, does not support that distribution table. The American people are smart enough to know that when we double the standard deduction, we help those people at the lower-income end. When we double the 15 percent bracket, we help the lower-income people, not doubling 28 percent, 31 percent, 36 percent, 39.6 percent brackets. Their arguments are so shallow that surely the American people can see through them.

Finally, they say but wait a minute, they give part of their tax relief to those who get a marriage bonus. Look at their own proposal, half of their tax relief goes to people who are enjoying the marriage bonus. They do not talk about that. This is a good bill. It provides for the needs of American families and lets them keep more of what they work for and creates fairness in the code.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it just seems to me if we really want to give relief that we have to recognize that there is no Republican or Democratic party way to do this. The only way that we can give tax relief in an effective way is to be working together and not to test the President as to what he would veto, but to work with him.

The partisanship just drips in the rhetoric, and we hear a lot of it today. We find that the U.S. Treasury figures are not credible, and they represent Democrats, Republicans, our citizens. They are being challenged.

The statistical data that supports that this is targeted for wealthy people, instead of coming from a nonpartisan government agency, it comes from the Joint Taxation Committee, where the Republicans appoints every employee that works for the Joint Tax Committee. But even worse than that, it just seems to me that when we start adding up all of the tax cuts that the Republican leadership has advocated on a weekly basis on the way to the Philadelphia convention, if we include the Federal debt, it comes close to a trillion dollars.

In a sense, the Republicans are depending on a veto in order to come up with their next tax cut, because the figures just do not add up. They do not mean what they are saying. They are depending on a veto for some of these things, and to constantly talk about a surplus at a time when the Nation has a national debt of close to $6 trillion, and we include a mandate that that be reduced and that we do have affordable prescription drugs and to put together a package that the President would sign, I do not see how we can say that is scratching somebody's back.

That is protecting our old folks' back to be able to say that if we have access to health care, we should be at least able to buy the prescriptions that the doctor has prescribed for us.

I think it is courageous for the President to say that if we are so concerned about rewarding our constituents that are wealthy, we do it, but do not forget those people that need some political power in order to get an affordable prescription drug out of this House.

I conclude by saying, too, we have to find some way to start being able to work together in a civil way. I have been in this House close to 30 years; and I have been privileged, absolutely privileged, to be appointed to many conferences to try to work out differences between the House and the Senate. I think it goes beyond bad manners.

I think it goes to a question of testing the rules of this House when those people in the majority can have the arrogance to have a conference and not to have the minority represented. It is not a threat to me. I am not a lonely guy, but it is a threat to what this institution stands for, no matter what party has the majority.

It is a question of equity and fair play. It is a question of the minority having an opportunity to express its views. It is a question as to whether or not a conference between the House and the Senate just means a conference between Republican leadership and excluding those of us who are not.

I hope that no matter what happens in the next election, that my party, if it is in the majority, will never stoop as low as to exclude those people, just because they differ from the majority party, from attending a conference so that the people, yes, indeed the people, which the House is supposed to represent, can work its will and bring a conference here.

Mr. Speaker, I reserve the balance of the time.

The SPEAKER pro tempore (Mr. BARR of Georgia). Does the gentleman from Georgia (Mr. COLLINS) claim the time of the gentleman from Texas (Mr. ARCHER)?

Mr. COLLINS. Mr. Speaker, yes, I do.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia (Mr. COLLINS) will control the time of the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), one of the members of the Committee on Ways and Means

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia (Mr. COLLINS) for yielding me the time, and I would be remiss at the outset, Mr. Speaker, if I did not acknowledge someone who will follow me in this well in just a few minutes, the gentleman from Illinois (Mr. WELLER), my good friend and seat mate who worked so hard on this legislation, along with the gentleman from Indiana on achieving marriage penalty relief for hard-working Americans.

It is sad, but I guess not totally unexpected, that our friends on the left again would be involved in political speeches that really, sadly have more to do with ego than results. It is also curious to see this almost Orwellian definition of bipartisanship.

In Arizona, and indeed, Mr. Speaker, the rest of America, bipartisanship means understanding that there are sometimes are philosophical differences but focusing on results, and the most profound results, Mr. Speaker, the most profound results, my colleagues, is making sure that American couples get to keep in their pockets up to 1,200 a year.

I would suggest to all my friends, Mr. Speaker, that that is real money, and with a compromised solution, stepping back bipartisan in nature, we are inviting not only our colleagues on the left, but, indeed, Mr. Speaker, the President of the United States to join us in truly a civil, bipartisan approach to help that married couple in Payson, Arizona making $36,000 a year penalized because they are married.

We are saying to that couple, whether the couple lives in Payson, Arizona or Peoria, Illinois or in Harlem in New York City that they can keep that money in their pocket; that they will not be penalized for being married. That is what we are focusing on today.

Friends, bipartisanship, Mr. Speaker, bipartisanship is not the majority party twisting and bending its good name and ideas to the will of the minority. It is working together. So in that sense, Mr. Speaker, I ask our colleagues on the left to join with us in providing true marriage penalty relief.

Mr. RANGEL. Mr. Speaker I yield 4 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), a Member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I support a reduction in the marriage tax, and we Democrats voted for that. But under this bill of the Republicans, half of the cuts, as the minority leader said, would go to those who pay no marriage penalty at all.

I want to say a bit about the distribution. I am sorry that the gentleman from Texas (Mr. ARCHER) is not here. Look, take the chart my colleague distributed from the so-called bipartisan Joint Tax Committee. Here is what it says. What it says is that those earning over $200,000, in terms of the billions of tax cuts, would receive as much as all taxpayers who have income $50,000 and less. That is fair?

Those who are earning $75,000 to $200,000 would have a reduction in their effective tax rate between seven or eight-tenths of 1 percent while everybody under $50,000 would have no reduction in their effective tax rate or at the most two-tenths of 1 percent. Take your own figures. That is fair?

Let me emphasize a critical point. When this bill is in full effect, and forget about the sunset which will never go away, if this bill is passed, it would cost $280 billion over 10 years.

The total tax cuts embraced by the Republican majority in the House and Senate come to $874 billion over 10 years. And my Republican colleagues could not sell the $792 billion, the public said no, they want fiscal responsibility. The Republican majority leaves no room for prescription drugs. They leave no room for long-term care.

In the Democratic alternative, we have embraced a targeted marriage penalty relief proposal and targeted estate tax relief. It is fiscally responsible. Theirs is irresponsible. It is not conservative. It is reckless. It is not compassionate. It is callous.

Their fiscal irresponsibility is bad policy. I think once again it is going to prove to be bad politics. The bill penalizes, in the name of removing this penalty on marriage, it penalizes fiscal responsibility. There is no plan. They come here willy nilly. All they have is a political plot for Philadelphia. We can do better, if we will sit down, not in a so-called conference without any Democrats and without the administration, and seriously talk about a fiscally responsible tax-cut package. We can have it.

Mr. Speaker, as long as the Republican majority goes this way, we are going to get vetoes, and we are going to get deadlock. They think they will have a political issue. It did not work before, and it will not work now.

Mr. COLLINS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. WELLER), who has been responsible for bringing this very important piece of legislation to the Congress.

Mr. WELLER. Mr. Speaker, over the last several years, we have asked a pretty fundamental question and that is, is it right, is it fair under our Tax Code a married working couple, where both the husband and wife are both in the workforce, a married working couple with a two-income household pay higher taxes under our Tax Code than an identical couple with identical income who choose to live together outside of marriage? Is it right? Is it fair? Is it fair that under our Tax Code that 25 million married working couples pay on average 1,400 more in higher taxes just because they are married? Of course not.

The goal of this legislation, I am proud to say, is to wipe out the marriage tax penalty almost entirely for 25 million married working couples. I think it is pretty fiscally responsible to take one-half of 1 percent of a $2.2 trillion surplus to eliminate the marriage tax penalty. To listen to my friends on the other side of the aisle, you think we would be breaking their piggy bank to take one-half of 1 percent of a $2.2 trillion surplus to help 25 million married working couples who pay higher taxes jut because they are married.

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I, for one, and I am pleased to say that 222 Republicans and we were joined by 48 Democrats who broke with their leadership, who believe it is time to eliminate the marriage tax penalty, that this House has voted to send to the Senate today, we are voting on the agreement between the House and the Senate. We hope the President will join with us to eliminate the marriage tax penalty.

Let me introduce a couple of constituents from the south suburbs of Chicago which I represent, Shad and Michelle Hallihan. They are public school teachers. Shad is at Joliet High School and Michelle is at Manhattan Junior High School. Their combined incomes are about $62,000. They pay just around $1,000 in marriage tax penalty just because they are married under our Tax Code.

Now this photo was taken when they were married. It was about the time we introduced our legislation about 2 years ago. Since then Shad and Michelle have had a little boy, little Ben; and little Ben, of course, is this little guy. We hope some day he does not have to pay the marriage tax penalty. Our hope is for his parents we can eliminate it this year.

I would point out under this legislation we provide middle-class tax relief for middle-class couples like Shad and Michelle Hallihan this year because our legislation is effective January 1 of 2000. So if the President would join with us to eliminate the marriage tax penalty for 25 million married working couples, Shad and Michelle Hallihan would see their marriage tax penalty eliminated this year.

Now under our legislation, we do several things. We double the standard deduction for those who do not itemize to $8,800, twice that for single filers. We also widen the 15 percent bracket to help those who do itemize. Shad and Michelle Hallihan are also homeowners and because they are homeowners they itemize their taxes; and the only way to help people, middle-class families who own a home or give to church or charity or their synagogue, is to widen the 15 percent bracket so that they too can receive marriage tax relief.

Under our proposal, we eliminate the marriage tax penalty suffered by Shad and Michelle Hallihan. Think about it. In Joliet, Illinois, the marriage tax penalty of $1,400, the average marriage tax penalty, is one year's tuition at our local community college. It is 3 months of day care for little Ben at a local child care center in Joliet. It is 3,000 diapers for little Ben. But it is also, if we also think about it, if Shad and Michelle had that money that they currently pay in the marriage tax penalty, were able to set it aside in an education savings account for little Ben, by the time Ben is 18 they would have been able to set aside almost $20,000 that they currently send to Uncle Sam, they could put in little Ben's college fund. That is what marriage tax relief means for the Hallihans.

Now, Mr. Speaker, we have heard a lot of excuses from our good friends on the other side: let us do just a little bit so we can say we have done something; we have other priorities we want to spend it on, but think about this. One half of 1 percent of a $2.2 trillion surplus is being given back to middle-class working married couples like Shad and Michelle Hallihan so they can take that marriage tax penalty that currently goes to Washington, gets spent on other things, and use it to take care of their families' needs, little Ben in particular.

So, Mr. Speaker, let us do the fiscally responsible thing. Let us help middle-class working married couples who suffer the marriage tax penalty. There are 25 million of them. That is almost 50 million taxpayers who pay higher taxes just because they made the choice of getting married.

My hope is the President will join with us and sign this legislation. The President joined with us when he changed his mind on IRS reform. He was opposed to it, decided to support it. He was opposed to balancing the budget. Now he takes credit for it. He was opposed to welfare reform. Now he takes credit for it. My hope is the President will join with us and sign the elimination of the marriage tax penalty, the legislation we are going to hopefully pass today. We will certainly share the credit with him because it is the right thing to do.

So again, Mr. Speaker, I urge a "yes" vote. I invite every Democrat to join with Republicans. Let us vote to eliminate the marriage tax penalty. I ask for an "aye" vote.

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me first thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, let me point out to my friends on both sides of the aisle, I think some good points have been made here. I think there are some facts that we should at least get on the table as to where we are.

There is a marriage penalty. Married couples pay some more taxes than they would if they were not married. That is wrong and we should correct it.

Fact number two, the conference report that is before us will spend a lot of money that will not go to people who are presently paying a penalty for being married. Let us acknowledge that. The Joint Committee on Taxation has scored the conference report before us. It spends $292 billion over the next 10 years. Half of that relief, $145 billion, goes to taxpayers who presently pay less taxes because they are married rather than more taxes.

Fact number three, when $292 billion is added to the other tax bills that have been passed by this body, we are now up to $874 billion in tax bills that we have passed.

Now let us put that to the economic conditions in a budget that we are trying to deal with. We have projected surpluses. We have not realized those surpluses yet. We had demographic changes in this country that are going to put real pressure on our Social Security and Medicare system. We all understand that. So passing an $874 billion tax bill is reckless. It is wrong. It jeopardizes the economic progress that everybody is proud of in this body. Democrats and Republicans are proud of the progress that we have made in strengthening our economy, but our top priority should be to pay down the national debt, to make sure that we can meet our obligations in Social Security and in Medicare. That should be our top priority, but instead we are passing tax bill after tax bill that in total is irresponsible.

The sad tragedy of the bill before us is that we acknowledge there is a problem that we should deal with, but we could deal with it for one half the cost of what we are spending in this bill. We are spending $150 billion more than we need to spend. That $150 billion, if we could use that we could have a prescription drug plan in Medicare that really makes some sense, that will really help our seniors deal with the high cost of medicines. $150 billion will help us reduce the deficit faster, which pays off big dividends to everyone.

The national debt is a tax on all of us, every one of our constituents, whether they are married or not married, whether they have a marriage penalty, do not have a marriage penalty. Yes, those that pay a penalty want relief, but all taxpayers want to see our national debt retired. All of our citizens want to make sure that we live up to our obligations in Social Security and Medicare.

I have heard both Democrats and Republicans talk about strengthening Medicare with a prescription drug benefit. So let us have a budget. Let us follow regular order. Let us have a budget that makes sense. Yes, it should provide tax relief, but it should make sure that we are going to pay down the debt. It should make sure that we can comply with the other obligations, and it should target the relief that deals with the people that really have a marriage penalty. This bill does not do it.

We can do better. We can work in a true bipartisan way so that we can get relief to those who need it this year. There is still time that remains. I urge my colleagues to reject this conference report and work in a bipartisan way to produce a bill that will help those who pay the penalty.

Mr. COLLINS. Mr. Speaker, it is now my pleasure to yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means, a very responsible Member.

Mr. PORTMAN. Mr. Speaker, I thank my friend, the gentleman from Georgia (Mr. COLLINS), for yielding me this time; and I appreciate the opportunity to speak on the legislation today.

Mr. Speaker, our Tax Code has gotten so complex and so Byzantine, so difficult to figure out, that it rewards and penalizes behavior in very unusual ways. For example, at a time when I think this Congress, I think everyone in this Congress, is concerned about promoting family values, strengthening families, our Tax Code actually penalizes people just because they choose to get married. That is what we are trying to address here today. That is what the debate is all about.

The penalty is really a quirk in the tax law. It affects 25 million couples nationally. In my own district I represent in Ohio it affects 62,000 couples. They pay more just because they are married. Nationally, the average is $1,400. Now that may not seem like much by Washington standards; but that $1,400 could go to a 401(k) contribution, an IRA contribution, help for retirement security, help for education. Regardless of what someone might do with it, the principle here is that the Federal Government should not be keeping that $1,400 just because people choose to get married.

At a time when our country is suffering high divorce rates, Congress should be doing just the opposite. We should be encouraging marriage, not slapping a penalty on it; and, of course, our tax laws should never be written in a way to discourage people from playing by the rules. That is what this debate is about today.

Now, we have heard some discussion about how one might address the marriage penalty. I like the approach we have before us today. I like it for two reasons. One, it is simple. It is very simple because what it does is double the standard deduction. It doubles the 15 percent income tax bracket, and it expands the earned income tax credit. All of these are relatively simple as compared to a more complicated approach one could take to avoid any possibility that somebody who was not now penalized was getting some tax relief.

What would one have to do? They would probably have to have the taxpayer make three calculations in terms of their income tax liability.

Now, again, my friends on the other side who have expressed concern that some stay-at-home moms may get some tax relief from this, and we can talk about whether or not that is appropriate or not, but I would just ask them to look at how complicated it would be. We already talked about the complexity of our Tax Code. If there was not some spill-over to help some of those folks who may be stay-at-home moms who do not get a tax penalty now.

I would also make the obvious point that the Democrat alternative also provides tax relief to some people who do not have a marriage penalty. I would love to hear a response to that.

The other reason I like this legislation is because by doubling the 15 percent bracket and expanding EITC, it is going to help, despite what we have heard today and the charts we have seen about the overall so-called Republican tax proposals, and I am not sure what proposals are included or not and I am not sure what analysis it is, but because it doubles the bracket and because it expands the EITC, it will provide relief to millions of low-income and middle-income Americans.

So my hope today is that all of us who are opposed to the marriage penalty will come together, will vote for this legislation, send a message down to the White House, get the President to sign it, and provide this year relief to those millions of couples in this country who currently bear the burden of an unfair penalty.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, what we are hearing from my Republican colleagues today is true, because what they are talking about is resolving the marriage penalty, and so half the bill does that. What my Republican colleagues are not telling us about is the other half of the bill. Fifty percent of the cost of this bill goes to the people that were referred to before, Shad and his family from Illinois; and that is the part that all of us agree with. If the bill before us did that and solely did that, 435 Members of Congress would vote yes today; and the President would sign the bill this evening.

What they fail to tell us about is the other half of the bill, which has nothing to do with marriage penalty. Mr. Speaker, understand that 50 percent of the benefits of this bill go to couples who do not pay a marriage penalty at all. So let's not call it a marriage penalty relief bill if they are getting it and they are not paying it. Call it a tax relief bill for the upper income, because if we look at the cost of the bill, almost 80 percent goes to the highest income wage earners in this country.

□ 1200

I have no problem with them doing it that way, but then call it that and sell it that way. But do we know why they do not? Because that bill would not garner support of even Members on their side of the aisle, because at that point, what we would do, Mr. Speaker, is put that proposal here, weigh it against resolving and reducing the Federal debt; if we looked at the two, we would say, no, the debt is more important, get it off the backs of our children and our grandchildren. Then we would put in the next column a drug benefit for those seniors in our country who cannot afford it, so we would weigh a drug benefit or a tax break for the wealthiest, and it would fail on that score. So that is why they have tucked it into this bill and called it marriage penalty relief.

My friends, this is only half true. The other half has nothing to do with marriage penalty.

Why did they not invite the gentleman from New York (Mr. RANGEL) to the conference? Because he might make that point and they would have to think about it. Why did they not involve the President and this administration in those negotiations? Because they might have eked out a deal that the President would buy and a bill he would sign. But that would totally destroy the reason we are here today.

Mr. Speaker, we are here today, the number one reason: pass this bill to the President, he will veto it within the next 10 days, and they are going to use this as a prop at their Republican convention in Philadelphia. If the bill would be signed through negotiation and inclusion of the minority party, that prop would be gone. There would be a gaping hole in George Bush's acceptance speech.

So know what we are doing here? Yes, they are half right, but like Paul Harvey says, let us tell the rest of the story.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. MCCRERY), a responsible member of the Committee on Ways and Means.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me this time.

In response to the previous speaker, let me just say that those on this side of the aisle are aware that a great deal of the benefits of this tax bill, this tax cut go to married couples that do not incur the marriage penalty. We think that is swell. We think that married couples with kids that are trying to make it need a tax cut. We think married couples without kids that are struggling to get a new car or get enough toward a down payment on a house need a tax cut.

Look, we have passed several tax cuts since the Republicans have been in the majority in this House, since January of 1995. The President has signed those, even with all of those tax cuts that we have passed and the President has signed, the American people are still paying more in taxes to the Federal Government as a percent of our national income than they ever have. Our total tax burden in this country is as high as it has ever been. We would like to reduce that, my colleagues on the other side are right, not only for couples that are incurring a marriage penalty, which we all admit is wrong in the Tax Code, but yes, even for those married couples that are not incurring the marriage penalty. I do not make any apology for that.

Let us talk about this marriage penalty. Let me just explain it real quickly so everybody knows what it is in the Tax Code. A marriage tax penalty occurs when a married couple pays more taxes by filing jointly than they would if each spouse could file as a single person. In other words, they pay more in taxes as a married couple than they would if they were not married and just living together. Now, is that the kind of social policy we should encourage through the Tax Code? Surely, we do not think so.

The most common marriage tax penalty happens because the standard deduction for couples is $1,450, less than double the standard deduction for singles. For example, an individual earning $25,500 would be taxed at 15 percent, while a married couple with incomes of $25,500 each are taxed at 28 percent on a portion of their income. That is wrong, and this bill fixes that.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from northern California (Mr. HERGER), another responsible member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, it is projected that the Federal Government will take in more than $2 trillion in taxpayer overpayments over the next decade, excluding Social Security dollars. Should we not use a small part of this surplus to correct one of the most onerous provisions of the U.S. Tax Code, the totally unfair marriage penalty?

The bill we are considering today will provide real tax relief for 25 million married couples, 47,000 of which are in my district in northern California. This legislation will save taxpayers almost $90 billion over the next 5 years. It is important to remember that these are dollars that married taxpayers currently pay to the government for no other reason except that they are married.

The Clinton-Gore administration claims that we cannot afford to give back to the taxpayers a small portion of their tax overpayment. Mr. Speaker, if we cannot afford to give the taxpayers back some of their own money when we have record budget surpluses, when will we be able to? When a couple stands at an altar and says, "I do," they are not agreeing to higher taxes.

Mr. Speaker, I urge my colleagues to support this bill, and I hope that the President and the Vice President, AL GORE, would drop their opposition and sign this much-needed measure into law.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), another responsible member of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

I obviously rise in support of this conference report. I think once again, this Congress is sending common sense legislation to the President that will help America's working families make ends meet.

This Congress is doing its work and bringing fairness to the Tax Code and helping families.

This marriage penalty relief bill is very close to the version that the House passed twice this year with strong bipartisan support. In fact, it is even better than the version we had earlier, because we have accelerated the tax relief to married couples so that they can get tax relief from the marriage penalty burden in the year 2000 this year. The doubling of the standard deduction and the doubling of the 15 percent income tax bracket, the expansion of the earned income tax credit limits, those will all be effective retroactive to January of this year. That means if President Clinton signs this bill, millions of couples will be helped next year during tax time.

Mr. Speaker, I think this bill is fiscally responsible, because it is less than one-half of 1 percent of the $2.2 trillion non-Social Security surplus, less than one-half of 1 percent. Second, it gives the most help to those middle- and lower-income Americans who are hit hardest by the marriage tax penalty, by doubling the 15 percent bracket and the IC income thresholds.

Finally, this bill is part of an overall budget framework. For the first time, this Congress this year passed a budget that would totally eliminate the national debt by the year 2013, and this is part of that budget framework that not only eliminates the debt, but also protects Social Security and Medicare. So this maintains fiscal discipline and balances our budget.

Because of these actions, I am hopeful the President will now see that he has every reason to sign this bill. I hope that we can put politics aside and help the needs of the 25 million couples, married couples that would get relief under this bill. I urge support of this conference report.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

This is a great day. This is a great day when we have an opportunity to vote on marriage penalty relief. Finally, 25 million couples in this country that have been penalized simply for the fact that they have been married will see some tax relief. This is a great day in this country, that this Congress is sending a message to Americans that we think you, as couples, know how to spend your money better than we know how to spend it here in Washington, D.C. That is a great day, that is a great thing. I fully anticipate that we will see a very significant bipartisan vote on this bill later this afternoon, as soon as we finish the debate on this measure. I look forward to that, to joining with my colleagues on both sides of the aisle in passing this marriage penalty relief bill today.

Mr. Speaker, there is really more good news, and it has been trumpeted in Washington here quite a bit, and that is the fact that the CBO has announced that the projected surplus, non-Social Security surplus is going crazy. They first anticipated a $15 billion surplus, non-Social Security surplus. This Republican Congress has pledged not to touch the Social Security surplus, so we are talking about everything else, non-Social Security surplus is now going to be not $15 billion but $128 billion in the year 2001 alone.

So we hear a lot of complaints from Members on the other side of the aisle that this tax bill spends too much money. Now, I have to step back just for a second and just remind myself that it is only in Washington that we talk about giving taxpayers their money back as spending money, as if that money really belongs to Washington and not to the American taxpayers. But do not forget, the money is yours. It does not belong to us, it does not belong to Democrats or Republicans, it does not belong to the House or to the Senate. It belongs to you. You worked long and hard to earn that money, and then you send it to Washington, D.C. and now you are sending so much we do not need it all. We want to send it back to you in the form of marriage penalty relief.

Mr. Speaker, I am here today to support the actions of this committee and this Congress, and I urge all of my colleagues to join with me in sending tax relief to 25 million married couples in this country.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we conclude this discussion, we do it in an atmosphere of partisanship, which is shameful. It is such an important issue to the American people, and especially to married people. Had I been invited to the conference, that is after the Speaker appointed me, I would have been able to bring to that conference a message from the President of the United States. Because I was authorized to say that even though the President thought that there was a better way to target the relief for married couples, he recognized that those in the majority had this overwhelming compulsion to reward those people that God has already rewarded with additional wealth. But he had authorized me to tell the conferees, had I been told where the meeting was, that he was willing to go along in the spirit of bipartisanship with the Republican majority marriage penalty bill if only they would consider and attach to that some relief for the older folks that cannot afford to purchase their prescription drugs.

The Chairman said, that is wrong, that we should not participate in "you-scratch-my-back-and-I-scratch-yours." Well, we are politicians, and if my Republican colleagues have such an overwhelming concern for the taxpayers that they are talking about giving back close to $1 trillion, let us be honest with the taxpayers.

The Republican majority is not giving them back anything, not 1 red cent. What they are doing, and they should be doing with us, is revising the tax system to give them some relief. They are not sending Americans a refundable tax check, as every one of the speakers implied, they are just reducing their tax burdens, and we would want to join in that effort.

We cannot have bipartisan bills by closing up the conference and having it from room to room so that the minority cannot participate. We cannot have bipartisan legislation, unless my Republican colleagues reach out and ask the White House, what can be accommodated; unless they talk with the Democratic members on the committee and the leadership, and then reach an agreement. That is the beautiful thing about this great country and what used to be this great House of Representatives, is that no one comes here with all of the answers. Just being in the majority does not mean that they are brighter than the rest of us.

□ 1215

Just being elected does not mean they have all of the answers. It means that they reach out, they discuss the problems together, and they come up with not what is best for their convention in Philadelphia but what is best for the people of the United States of America.

It is no great genius if they can count that they have 218 votes and that they have some Democrats that will vote with them from time to time to pass bills. They have passed any number of bills knowing that they are not going to become law.

How does that make them a better legislator? How do they go to a convention and say, "I passed it and they did not support it?" Where they really have leadership is if they are able to say, "I had some great ideas. I was able to persuade the House and the President of the United States to buy these ideas, and together, yes, together, we did not just pass bills but we made law."

We want to do it with them. There is not an issue that they brought up that we do not want to cooperate with them, but they just cannot give us slivers of tax relief and forget that we have a responsibility not only to relieve the tax burden of the taxpayers, but also to make certain that the social security system is there when they are eligible for it.

We have a responsibility not just to give access to health care under Medicare, but to make certain that an older person can afford to get their prescriptions when the doctors say they need it. We have to reduce the tax burden on our people, but we also have a responsibility to pay down the Federal debt. That is $6 trillion. That means that every year we are paying billions of dollars in interest. We ought to relieve the next generation of that burden.

What I am saying is, it is no profile in courage to come here and pass bills, especially when they have been promised a veto. What is courageous is to be able to say, "I want to sit down with these Democrats."

There are enough differences between our parties to fight about in November, but tax relief for the married couples, tax relief for estates, tax relief for couples with minimum wage, relief to be able to get affordable drugs, protection of social security and protection of Medicare, they are not Democratic issues, these are American issues.

We cannot tackle these problems and we cannot bring solutions to those problems by going to Democratic caucuses or going off to our conventions saying, "We fought off those people," and the other side cannot go to Philadelphia and talk about all the bills that they have passed unless they can tell the voters that they have given them relief because they have worked it out with Democrats and with the President.

So, Mr. Speaker, here we are once again. I suspect there will be other bills on their way to Philadelphia, where they will be there trying to say, if one is appointed to a conference, would they be kind enough, gentle enough, courteous enough to allow the Democrats to attend the conference? It is a part of the House rules.

Are they so afraid of a different opinion? Are they so afraid to engage? Are they so committed not to do anything to provide decent legislation that the President may sign? Are they so embedded with the concept that they do not want to touch prescription drugs that even when the President sends a national message, they want their bill: "Take care of American old folks, take care of our sick," and to make certain that when we leave here, that we can go to California, we can go to Philadelphia, we can go to our conventions and say that we differ, and that is what makes America great, that is what makes this Congress great?

But do not hold the older folks hostage giving them slivers of proposed tax give-backs, when they know that they are not talking about anything that they intend to become law.

It is not too late for us to work together. We have had enough of the fighting. Why can we not go to Philadelphia and say that we do not need a mandate from the Speaker to meet, we do not need a mandate from the leader to meet, we do not need a mandate from our candidates to meet. We have been elected to enact law, to get it signed into law.

Why do we not start today and say that from now on we will be working together, not as Democrats, not as Republicans, but Members and proud Members of this great House of Representatives, and collectively we will be in the Rose Garden seeing that these bills in a bipartisan way are signed into law?

Mr. COLLINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is pleasing to hear Member after Member, no matter which side of the aisle they are from, standing and saying that we do need to give tax relief to the American taxpayer.

There has been a lot of mention about Philadelphia and what the Republicans will do on their way to Philadelphia, upon arrival in Philadelphia. But I believe both sides of the aisle do have a convention coming up very shortly. I would request that the Democrat side of the aisle join us over here, and many will. They can also go to their convention and talk about how they did give tax relief to the American taxpayer.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding time to me.

In America we have rewarded dependency, subsidized illegitimacy, and bragged about being family-friendly, but basically, we tax the institution of marriage.

I think this is ridiculous. This bill has been moderated some after it has come out of the Senate. This is a good bill. The American people deserve this bill. I stand very strongly in support of the passage of this bill, and urge the Congress to once again incentivize marriage, to reward marriage, reward family life, reward those that pay the bills to get a tax break.

Mr. Speaker, I would like to close by commending the gentleman in his fight, and also commending the Democrats who will join forces and pass this bill.

Mr. COLLINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of 144,000 married people in the Third District of Georgia, I am very pleased that we are finally coming to a conclusion on this bill. I am also very pleased that the conference members decided to make the effective date this taxable year so that we can give immediate relief, rather than waiting for the next taxable year, because families needs need to be met. The more that we take from that family budget through taxation, the less they have to meet those needs.

Also, there are many families who would like, as the gentleman from Ohio (Mr. PORTMAN) said, put funds away for future years for family needs.

There has been a lot said about, "Is this fair?" Mr. Speaker, is it fair to give the same deductions, the same standard deduction, to every eligible taxpayer in this country? I think so. Is it fair to increase the 15 percent bracket for every eligible taxpayer in this country? I say yes. Is it fair to ensure that those who have the opportunity can take advantage of the tax credits that this Congress has passed and the President has signed earlier, such as the child tax credit or the tuition tax credit? When it comes to the alternative minimum tax that they still will be eligible for, I say yes. Is it fair to expand the area of income for the EITC? Yes.

What makes it fair, Mr. Speaker? Because there are other provisions of the Tax Code to take up the slack when it comes to those who say this is only going to the wealthy. Those are progressive tax rates. Thanks, too, to the 103rd Congress, when the majority then was from the other side of the aisle, there was an additional tax bracket added that takes into account the income from those in higher income brackets. Also, many of those in the higher income level lose their itemized deductions, which increases their tax contributions or tax liabilities. It is responsible that we do this bill.

Another area of responsibility is in the area of the budget. By putting a 5-year sunset on this provision, on this measure, it will then revert back and hold down the actual reduction in the cash flow of the general funds.

Personal responsibility is at play here. Mr. Speaker, as a Member of Congress, when I am interested in a committee or a conference or any activity of the Congress, I feel it is my personal responsibility to inquire when those committees are meeting. Those who complain about not knowing, maybe they did not fulfill their responsibilities.

I urge the Members of this House to pass this measure. I feel very confident that the President will sign it.

Mr. CRANE. Mr. Speaker, the issue before us today is a simple one. It is simply unconscionable that the federal government of the United States would impose a tax penalty on the holy state of matrimony. Of the many outrages contained in our federal tax system, and there are a great many such outrages, none is greater than that of imposing an extra tax burden on a man and a woman simply because they live together as man and wife.

In my own 8th District outside of Chicago, over 70,000 families face the marriage tax penalty. Over 70,000 families could enact their very own tax relief by getting a divorce. Our tax code should at the least be neutral with respect to marriage and the marriage penalty relief bill before us would move us at least part way in that direction.

And so I strongly support the conference agreement which will eliminate the marriage penalty for millions of American families and reduce it for millions more. Many of my colleagues may not know this, but a little over 20 years ago, I rose before the American people to decry the tax penalty on marriage when I ran for the highest office in the land. Then, in 1981, we addressed the marriage penalty in part through the Economic Recovery and Tax Act by slashing tax rates and by including in the tax law a provision reducing the taxable income of the second earner in a two-earner family.

Over the past 20 years, however, the severity of the marriage penalty has intensified as the Congress raised tax rates and introduced new complexities in the law such as refundable tax credits. And so it is now critical that we pass this bill and give American families some relief from the marriage tax penalty.

I understand President Clinton may oppose this bill, as do some Members of the House, on the grounds that it reduces taxes too far. This is very disappointing because Republicans have tried to meet the President halfway on this issue, to compromise, to pare back our hopes for more significant marriage penalty relief.

To be honest, I thought the original bill was too conservative. Especially when projections of the federal budget surplus grow by a trillion dollars in just a few months, there can be no better way to apply some of these surpluses than by eliminating an unfair tax penalty on one of America's bedrock institutions—marriage. But, in the interest of compromise, I am willing to support this bill as it has come out of conference.

I understand some of my Democratic colleagues oppose this bill on tax distribution grounds. Apparently, they believe it is appropriate for some families to continue to face a marriage tax penalty. I strongly disagree. No American family, irrespective of their level of income, should face a tax penalty for being married. This is a matter of principle, and on this matter I come down on the side of American families. The one shortcoming of this bill is that it still leaves millions of American families paying thousands of dollars a year in marriage tax penalty.

I would also point out to opponents of this bill that the federal income tax is today heavily skewed to taxing upper-income families. If this bill somehow finds favor in the President's eyes and becomes law, the federal income tax will still be heavily skewed to taxing upper-income families. Opposition on distributional grounds compels me to ask my colleagues if there is any level of progressivity in our tax system that they deem to be too steep.

Finally, I would like to address an argument opponents have made against this bill, and against other tax cuts Republicans have advanced in recent weeks. Opponents of the Republican tax cut initiatives like to point out that the sum of the total relief provided through bi-partisan pension reform, bi-partisan marriage penalty relief, cutting the excessive tax burden on Social Security benefits, the bi-partisan repeal of the death tax, and other measures rises to a very large figure. They accuse Republicans of being fiscally irresponsible in proposing so much tax relief. They also like to point out, however, that the President has threatened to veto each and every one of these bills. Their claim of fiscal irresponsibility is, therefore, an empty one. Republicans are looking, and will continue, to look for ways to provide tax relief to the overtaxed American people that can escape President Clinton's veto pen. If the President changes his mind and begins to sign some of these bills, perhaps then we can consider whether the amount of cumulative tax relief is something to be concerned about.

And so I urge my colleagues, and I urge the President, when put to the question of whether you support comprehensive marriage penalty relief—just say, I do!

Mr. BEREUTER. Mr. Speaker, because of the current discussion of the conference report for H.R. 4810, the Marriage Tax Penalty Relief Reconciliation Act of 2000, this Member encourages his colleagues to read the following editorial, which he highly commends, from the July 19, 2000, edition of the Norfolk Daily News. This editorial highlights why the House of Representatives should pass the H.R. 4810 conference report. In particular, this editorial correctly addresses the following weak arguments of those who oppose the H.R. 4810 conference report: the lopsided percentage of relief for one-income couples; the benefits of this tax cut would go to couples who are already well-off; and the projected surplus may not materialize.

Marriage Penalty Needs To Be Axed: Tax-and-Spend Proponents Have Weak Arguments To Oppose GOP Legislation

(Daily News, July 19, 2000)

The left-of-center, tax-and-spend folks are aghast that the Republican majority in the U.S. Senate has passed legislation to eliminate the so-called marriage penalty. But being largely bereft of solid arguments for their position, they have taken to leaning on shallow arguments.

Some Democrats, for example, have pointed to an editorial in the Washington Post that said it is no penalty at all if two people with jobs get married and suddenly find themselves paying a higher tax. Of course, neither the editorial nor the Democrats explain why this isn't a penalty; they just say it isn't and point out that two incomes considered as one income make for a higher income and higher taxes under a graduated system.

That's nothing new. The point is that it is, in effect, a penalty to make people pay more when they wed—and it is wrong, especially considering the embattled condition of the crucial institution of marriage today.

But the tax-and-spend proponents aren't through. They note that the Republican legislation would also lower the taxes of a spouse who provides the only income or a lopsided percentage of the income and who already has a tax advantage over a single person.

The legislation does indeed accomplish this, and anyone who has followed this issue knows why. When past bills aimed to eradicate the marriage penalty were considered, opponents inevitably pointed out that two-income families would then have a tax advantage over one-income families. Such an inequity was taken by many as sufficient grounds to keep the penalty intact until, finally, the tax cutters figured out they could kill the penalty and have a degree of equity in different marital situations, too. All that was needed was to simultaneously reduce taxes for one-income couples.

The tax-and-spend folks don't much like it, either, that the benefits of the tax cut would go to people "already quite well off"—a position that should make everyone groan. The fact is that it's people who are "already quite well off" who pay most of the income tax in this country. To oppose giving them a break is to oppose giving any income tax reductions at all, and to make reductions sound unjust is roughly akin to saying that it is unfair to relieve pain in only those who happen to be experiencing it.

A final argument against reducing the penalty does have some validity—namely, that projected budget surpluses may never materialize and are largely spoken for by endangered entitlement programs. The problem is that, in the absence of tax cuts, the money could well be spent on new programs that encroach further on American lives. History shows that while Congress will seldom do away with programs, it is not nearly so reluctant to raise taxes as needed. Given that, the marriage penalty needs to be eliminated.

The SPEAKER pro tempore (Mr. LaHood). All time for debate on the conference report has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 271, nays 156, not voting 8, as follows:

[Roll No. 418]

YEAS—271

Abercrombie
Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—156

Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—8

Baca
Barton
Campbell
Cooksey
Kilpatrick
Roemer
Smith (WA)
Vento

□ 1253

Ms. CARSON and Messrs. FARR of California, GEJDENSON, DICKS, THOMPSON of California and MINGE changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1339

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LaTourette) at 1 o'clock and 39 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4871, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 560 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 560

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 62, line 17, through page 63, line 2. During the consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. Linder) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. Hall), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 560 is an open rule providing for the consideration of H.R. 4871, the Treasury and General Government Appropriations Bill for fiscal year 2001.

The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority Member of the Committee on Appropriations.

The rule also waives clause 2 of rule XXI, which prohibits unauthorized appropriations and legislation on an appropriations bills, with regard to the bill.

Additionally, this rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This encourages Members to take advantage of the option to facilitate consideration of amendments and to inform Members of the details of pending amendments.

The rule also provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the votes immediately follow another recorded vote, and that the voting time on the first in a series of votes is not less than 15 minutes.

House Resolution 560 also provides for one motion to recommit, with or without instructions, as is the right of minority Members of the House.

Mr. Speaker, H.R. 560 is an open rule, similar to those considered for other appropriations bills. It will afford a fair and complete debate on the issues surrounding the underlying legislation.

H.R. 4871 continues the trend of this Congress by funding our national priorities while ensuring fiscal responsibility and a balanced budget. The bill increases funding for $678 million over last year's appropriation, placing a priority on enhancing law enforcement priorities such as school violence prevention, international child pornography trafficking, and strict enforcement of our existing gun laws.

The bill also continues our commitment to the war on drugs by maintaining spending for drug technology transfers to our allies in the fight against narcotraffickers; ensuring ongoing efforts to partner with local law enforcement and providing an additional $12.5 million to attack drug smuggling across our borders.

Mr. Speaker, H.R. 4871 funds 40 percent of the law enforcement activities of the Federal Government, and it successfully maximizes the impact of America's investment in those worthy initiatives.

Mr. Speaker, I congratulate the gentleman from Arizona (Mr. KOLBE) for his hard work on this legislation. I urge my colleagues to support this fair, open rule and the underlying bill.

Mr. Speaker, I yield such time as he might consume to the gentleman from Kentucky (Mr. FLETCHER) for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FLETCHER. Mr. Speaker, if the previous question on the rule is defeated, would it be in order for a Member to offer an amendment to the rule?

The SPEAKER pro tempore. The Chair would recognize the Member who led the opposition to ordering the previous question for the purposes of offering an amendment to the resolution, if the previous question were not ordered.

Mr. FLETCHER. Mr. Speaker, as I continue, I plan on leading the fight against the previous question. I want to inform my colleagues that I intend to oppose the previous question and encourage them to do so. If it is defeated, I intend to offer an amendment to rescind the Member COLA.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, this is an open rule which will allow for the consideration of H.R. 4871. As my colleague from Georgia has explained, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority Member on the Committee on Appropriations.

This allows germane amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments that do not violate the rules for appropriations bills.

□ 1345

Mr. Speaker, this is an important bill. It is one that funds executive branch agencies important to the ongoing activities of the Government and through the Treasury Department funds are provided to bureaus and offices that make our money, that pay our debts and collect our taxes.

I am disappointed that overall the bill provides for $2.1 billion below the administration's request. There are significant funding shortfalls in a number of important areas, including our government's counterterrorism programs and the Internal Revenue Service's restructuring efforts.

However, there are a number of significant provisions in this bill. The measure provides for $76 million to expand the Youth Crime Gun Interdiction Initiative and to assist State and local governments in tracing firearms. It provides $185 million to the National Youth Antidrug Media Campaign, which has been a proven campaign to prevent drug abuse among our Nation's young people, and it provides an increase in funds for the National Center for Missing and Exploited Children.

In addition, Mr. Speaker, this bill contains an immensely important provision that I have worked on for some time with my colleague, the gentleman from Virginia (Mr. WOLF). The Wolf amendment addresses the widespread problem of conflict diamonds in Africa.

The language prohibits the U.S. Customs Service from using any funds in the bill to allow diamonds from certain conflict regions in Africa from entering the stream of U.S. commerce.

Mr. Speaker, this provision was not protected against a point of order by the Committee on Rules due to jurisdictional concerns raised by my colleagues on the Committee on Ways and Means. I have received assurances, as the gentleman from Virginia (Mr. WOLF) has, too, however, that the Committee on Ways and Means will hold a hearing on this subject prior to final enactment of the treasury postal appropriations bill.

Based on these good-faith assurances and a commitment by my colleague, the gentleman from Illinois (Mr. CRANE), I did not offer a motion to the rule last night to waive points of order against the Wolf provision. I appreciate my colleagues' cooperation in holding a hearing, and I urge them to schedule it without delay.

This is important because rebel groups, particularly those in Sierra Leone, are killing and maiming their own people in a battle to control the diamond mines, and these groups are becoming rich overnight by trading illegally seized diamonds for arms and then brutalizing their people. In Sierra Leone, these rebels transformed themselves from a ragtag group of people of 400 to a force of 25,000 soldiers that has made hundreds of millions of dollars from these diamonds, and they have killed more than 70,000 people.

Mr. Speaker, I visited Sierra Leone last year where I personally witnessed the atrocities committed by rebels. I met with victims who had their arms and hands cut off because they supported democracy; children who were drugged and forced to kill their parents and others; girls who were routinely raped. Atrocities like these are funded through illegal diamond smuggling, and by allowing the importation of these conflict diamonds from Sierra Leone and other countries who are involved in diamond smuggling, we are turning a blind eye to a situation most law-abiding citizens would abhor.

American consumers buy diamonds as tokens of love and commitment and not as parties to atrocities. Last year my colleague, the gentleman from Virginia (Mr. WOLF), and I introduced legislation to require the disclosure of a diamond's country of origin. The measure was intended to provide American consumers, who buy 70 percent of all the diamonds in the world, the information they need and want in order to buy legitimate diamonds.

Two weeks ago the United States voted for a U.N. resolution calling for an embargo on conflict diamonds from Sierra Leone and the language in the bill before us today implements that policy by barring these black market diamonds from entering our country. It is a bold step, of course, and one that I support.

Again, I would emphasize the importance of congressional hearings on conflict diamonds by the Committee on Ways and Means. Mr. Speaker, we cannot allow jurisdictional issues in the House to supersede the fact that innocent people are losing their lives in Sierra Leone and other African countries.

Mr. Speaker, the rule was approved by voice vote in the Committee on Rules last night.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I rise to express my opposition to the rule on the Treasury Postal appropriations bill because it does not make in order an amendment to disallow the cost of living adjustment for Members of Congress. It is my intention to ask my colleagues to defeat the previous question on this rule so that we will have an opportunity to amend the rule and make this amendment in order.

The pay raise, I believe, is inappropriate at this time and unnecessary. A 2.7 percent pay increase would increase the salaries of Members by almost $4,000. The total price tag to American taxpayers is $2.1 million.

Now where I come from, the average salary for a family in my district is about $25,000, and this $2.1 million in the pay increase that would occur here is a lot of money to the folks back in Kentucky.

Now we have come a long way in Washington over the last few years, balancing the budget, preserving Social Security and Medicare and reducing the debt; and yet I believe there is still a lot more that can be done.

With a balanced budget and surpluses as far as the eye can see, I believe we must focus on strengthening America, paying down the debt, and giving more money back to the American worker.

I've worked closely with the folks in the 6th District to accomplish a great deal these past two short years. That's because I came to Washington to fight for their needs, concerns, and issues, not for another pay raise.

I find it very disturbing when we just had a vote on eliminating the marriage penalty tax, when I see 155 Democrat Members who voted against giving families, married couples, a $1,400 average tax reduction a year and yet those same individuals will probably vote to increase the COLA and give themselves a $4,000-a-year increase in pay. I find that very disturbing.

That is the reason I am rising, Mr. Speaker, to oppose the previous question; would ask my colleagues to vote against the previous question, and I want them to understand that a vote against the previous question is a vote to rescind the COLA and to allow an amendment to be in order.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise today to speak about the Members' annual cost of living allowance, not to oppose it but to talk about the procedure we are using to consider it.

During my time in Congress, we have addressed this issue several times. In 1997, I opposed the increase because the Federal budget was in deficit, and we were proposing massive cuts to programs that everyday people rely upon. I was also concerned about the process the House employed in considering the COLA. I was unhappy that there was little public debate on the issue and only a procedural rather than a straight yes or no vote.

In 1999, the procedure was the same. Again, I was uncomfortable; and as I did with the 1996 COLA, I did not accept the increase and returned the net amount to the Treasury.

Now, many Members argue that COLA is not a raise per se and that the statute automatically authorizes implementation without requirement of debate or vote. Several point out that COLAs for other workers operate in just this fashion. This is true. It is absolutely correct. However, we are not like other workers. One hundred percent of our costs, both for employment and office expenses, are borne by the taxpayers. We also set our own salaries, and we have no direct employer or supervisor, except the public in the collective.

Few workers in this country enjoy such circumstances. We have the luxury through our own action, or in this case inaction, to alter the amount of money we earn. Given that, I believe a substantive vote on the COLA is the appropriate way to handle the annual increases. Nevertheless, it does not appear that my views are likely to prevail on this issue, although I will continue to promote a direct vote.

Mr. Speaker, I am not opposed to the COLA itself. I believe that Members can justify a 2.7 percent increase in their wages, but I also believe that the taxpayers who pay our salaries have a right to ask for that justification. In order to do so, however, they must be able to understand the House's action relative to its compensation.

I am not here to criticize or demean the hard work of the good people with whom I serve in this body. Nor do I wish to disparage the views of those who disagree with me. I have a personal sense of propriety that we should be doing this publicly. I am making it clear to my constituents that we are indeed voting to raise our salary.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, I rise today to join with others to protest the process that we are using here with regard to the issue of the pay raise, so I intend to vote no on the previous question. I also intend to vote no on the rule.

I oppose the rule because it is in the process of making the rule that we were denied the opportunity of whether or not we would be able to vote on this pay raise or not. Those who are opposed to the pay raise would probably then want to vote no on the previous question, which I intend to do as well. This really is not a debate about whether we should get a pay raise or not. In fact, I think one could make a case for why we ought to have a pay raise.

This has been a very, very productive Congress, particularly this year. We have balanced the budget I think the third year in a row. We have reformed welfare. We have extended the life of Social Security and Medicare. We passed a prescription drug benefit, several tax reduction bills. We passed the appropriation bills in record time and the budget as well, but the real issue here is whether or not we ought to vote every year on whether we get this pay raise or we do not.

I think the point here is that there are very few Americans who get an automatic pay raise, and there are even fewer Americans who get to decide whether or not their pay is going to go up or it is going to go down. The rule did not make in order an opportunity for us to vote on this.

Now, when I was an employee, I never went to my employer and said, I did not do a good job but I want a pay raise. No, I went to them and said, I think I have been doing a good job. I think I have earned it, and I think I deserve a pay raise.

I never, as an employer, had an employee come to me and say, I want a pay raise but I do not think I earned it. If they did, I do not think I would have granted them a pay raise.

No, we have an obligation to convince the person who controls our pay that we deserve it, and we ought to do that with our constituents. We ought to go back to our constituents and say, look, I think I have earned a pay raise, and justify it to the people who hired us, the people who elect us to be here. So I think it is wrong for us to avoid the opportunity to vote on whether or not we ought to have a pay raise or not, and so I intend to vote against the previous question.

I also intend to vote against the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to urge Members to support both the previous question and the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLETCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 173, not voting 12, as follows:

[Roll No. 419]

YEAS—250

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bass
Bateman
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Clayton
Clement
Condit
Conyers
Cox
Coyne
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Engel
Eshoo
Everett
Ewing
Farr
Fattah
Foley
Fowler
Frank (MA)
Frost
Ganske
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Houghton
Hoyer
Hunter
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy
King (NY)
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Markey
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Pickett
Pombo
Porter
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Shaw
Shays
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stenholm
Stupak
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Towns
Traficant
Turner
Upton
Walsh
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—173

Aderholt
Allen
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bartlett
Becerra
Berkley
Berry
Bishop
Boswell
Brady (TX)
Bryant
Buyer
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Costello
Cramer
Crowley
Danner
Deal
DeFazio
DeMint
Deutsch
Duncan
Edwards
Emerson
English
Etheridge
Evans
Filner
Fletcher
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gibbons
Goode
Gordon
Green (WI)
Hall (TX)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoeffel
Holt
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Inslee
Jenkins
Johnson (CT)
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
Kingston
Kleczka
Kucinich
LaHood
Largent
Lazio
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McIntosh
McIntyre
McKinney
Metcalf
Mica
Minge
Moore
Moran (KS)
Napolitano
Nethercutt
Northup
Ose
Pascrell
Paul
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Radanovich
Ramstad
Reyes
Reynolds
Riley
Rivers
Rogan
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Sherman
Sherwood
Shimkus
Shows
Snyder
Spratt
Stabenow
Stearns
Strickland
Stump
Talent
Tanner
Taylor (MS)
Terry
Thune
Thurman
Tiahrt
Tierney
Toomey
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Vitter
Walden
Wamp
Waters
Watts (OK)
Weller
Weygand
Whitfield
Wilson
Wise
Wu

NOT VOTING—12

Baca
Barton
Campbell
Clay
Clyburn
Cooksey
Ehrlich
Kilpatrick
Mollohan
Roemer
Smith (WA)
Vento

□ 1420

Mrs. NORTHUP, Ms. DANNER, Ms. VELÁZQUEZ, and Messrs. DEUTSCH, PETERSON of Pennsylvania, BAKER, KINGSTON, SHERMAN, THUNE, DEAL of Georgia, and HORN changed their vote from "yea" to "nay."

Mrs. CUBIN, Ms. SLAUGHTER, and Messrs. FARR of California, CAMP, CONYERS, and ROHRABACHER changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHRLICH. Mr. Speaker, on rollcall No. 419, I was away from the floor and neither the bell system nor my beeper notified me of the vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HILL of Montana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 141, not voting 11, as follows:

[Roll No. 420]

AYES—282

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chenoweth-Hage
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cox
Coyne
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emerson
Engel
Eshoo
Etheridge
Ewing
Farr
Fattah
Foley
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt

Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kelly
Kennedy
King (NY)
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stark
Stenholm
Stump
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wolf
Wynn
Young (AK)
Young (FL)
Oberstar
Obey
Owens
Pascrell
Pastor
Paul
Petri
Phelps
Pomeroy
Ramstad
Reyes
Riley
Rivers
Rogan
Rothman
Roukema
Royce
Rush
Sanders
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Shadegg
Sherwood
Shimkus
Shows
Slaughter
Snyder
Stabenow
Stearns
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Wamp
Weygand
Whitfield
Wilson
Wise
Wu

NOT VOTING—11

Baca
Barton
Campbell
Clay
Cooksey
Ehrlich
Kilpatrick
Roemer
Smith (WA)
Vento
Woolsey

NOES—141

Aderholt
Baird
Baker
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berry
Bono
Boswell
Brown (OH)
Bryant
Capps
Carson
Chabot
Chambliss
Coble
Coburn
Collins
Cook
Costello
Cramer
Crowley
Danner
Davis (IL)
Deal
DeFazio
DeGette
Deutsch
Duncan
Edwards
English
Evans
Everett
Filner
Fletcher
Forbes
Ford
Fossella
Gejdenson
Gekas
Gibbons
Gonzalez
Goode
Gordon
Green (TX)
Hall (TX)
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hoeffel
Holt
Hooley
Hostettler
Hulshof
Inslee
Jackson (IL)
Jenkins
Jones (NC)
Kaptur
Kasich
Kildee
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Largent
Lewis (KY)
LoBiondo
Lucas (KY)
Luther
Maloney (CT)
McGovern
McIntosh
McIntyre
McKinney
Meehan
Metcalf
Minge
Moore
Moran (KS)
Napolitano

□ 1439

Mr. MORAN of Kansas and Mr. BROWN of Ohio changed their vote from "aye" to "no."

Ms. DELAURO changed her vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHRLICH. Mr. Speaker, on rollcall No. 420, I was away from the floor and neither the bell system nor my beeper notified me of the vote. Had I been present, I would have voted "aye."

CONGRATULATIONS TO TIM AND SALLY ROEMER ON THE BIRTH OF GRACE ELIZABETH

(Mr. DOOLEY of California asked and was given permission to address the House for 1 minute.)

Mr. DOOLEY of California. Mr. Speaker, I rise just to announce to my colleagues that the gentleman from Indiana (Mr. ROEMER), our good friend, and his wife, Sally, had a baby this morning, a little girl.

I think it is important, when we have spent some time talking about marriage today, that we talk about a product of a very great marriage, and that is TIM and Sally ROEMER, who, this morning, at 3:30, had their fourth child, a girl, Grace Elizabeth, who is 7 pounds 11 ounces. I just want to announce this to my colleagues, and we all join them in wishing them the best.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on consideration of H.R. 4871 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Arizona?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 560 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4871.

□ 1440

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased today to present H.R. 4871, the Treasury and General Government Appropriations Act for Fiscal Year 2001. As reported to the floor, this bill contains $14.4 billion in discretionary budget authority for the Department of Treasury, the Executive Office of the President, the Postal Service, and other independent agencies. This represents an increase of $678 million above the current year levels. That is about 5 percent.

Mr. Chairman, in a few moments, I suspect we will hear from some of our colleagues that this bill fails to meet its critical responsibilities for agencies under this subcommittee's jurisdiction. I do not disagree with that. I disagree, however, that we are not meeting our priorities, because we do meet the priorities in this bill.

We do not fund everything, but we meet the priorities. Do we fund everything that was requested by the President? No. But being below the President's request by $2.1 billion does not make this bill or this subcommittee irresponsible. It means we have somewhat different priorities.

Do we provide $225 million to hire an additional 2,835 IRS employees? No. Do we fund seven new courthouses for a cost of $488 million? No, we do not.

The bottom line is this, in putting together this bill, choices had to be made.

Some of my colleagues on the other side of the aisle have called this bill half empty. I, on the other hand, believe the bill presented here today is more than half full.

Mr. Chairman, the bill before us today provides $4.9 billion for Federal law enforcement, and that supports 30 percent of all Federal law enforcement. This includes funds for the U.S. Customs Service to protect our borders from drugs and other contraband as well as to protect our burgeoning trade; funds for the Secret Service to protect, not only our Nation's dignitaries, but also our currency and our children through their school violence program; and funds for the Bureau of Alcohol, Tobacco and Firearms to enforce our gun laws.

As my colleagues are aware, one of the greatest challenges with this bill is keeping it free of controversial legislative riders. We seem to have a great talent for attracting controversy for a whole host of reasons.

It is unfortunate that so much time gets spent debating not appropriations matters on this bill. From my perspective, it is even more unfortunate the passage of this measure has nothing to do with the programs and activities that are funded here but rather with legislative items that either are attached or perhaps not attached.

□ 1445

And what gets lost in the debate is the good things that are accomplished by this bill.

For those who may in the end decide to vote against this measure, let me tell them what they are opposing. They would be opposed to $185 million for ONDCP, the Office of National Drug Control Policy, for that youth media campaign that keeps kids off drugs and helps parents learn how to teach children just to say no.

They would be opposed to $30 million for Drug Free Community Grants, partnerships between community coalitions and the Federal Government for the purpose of reducing drug use.

They would be opposed to $192 million for High Intensity Drug Trafficking Programs, providing assistance to State and local law enforcement in areas most adversely affected by drug trafficking.

They would be opposed to $13 million to keep children out of gangs through the GREAT program that is administered through the Bureau of Alcohol, Tobacco and Firearms.

They would be opposed to $76 million for the Youth Crime Gun Interdiction Initiative, called YCGII, to take guns out of the hands of our Nation's youth.

They would be opposed to $3.6 million for the National Center for Missing and Exploited Children, reuniting children with their families and supporting the child exploitation unit.

They would be opposed to $1.7 million for a new program for the Secret Service's National Threat Assessment Center, a project designed to prevent targeted violence from occurring in schools by helping schoolteachers and administrators identify problems in advance.

And, yes, $4 million for the Customs Cybersmuggling Center to target international child pornography trafficking and child exploitation via the Internet.

The list I have just shared with my colleagues is a small sampling of what is included in this bill. I could continue. I could tell my colleagues about the $233 million that is in here for Customs Automation, including $105 million for the much-awaited and even more needed Customs information technology modernization program that is known as ACE, and I know that many of my colleagues have a strong interest in this program.

I could also stand here and inform Members about the reporting requirements that we have included regarding the First Lady's use of government aircraft for the Senate campaign, and funding for the National Archives to improve veterans recordkeeping and accessibility or the reforms for the Federal Elections Commission that will help ensure accurate and timely disclosure during the current election cycle or advise my colleagues about improvements in Treasury's ability to collect Federal debts. But, Mr. Chairman, in the interest of time, I will not list all of the many fiscally responsible or the good government provisions that are included in this bill.

My point is simply this: Does the bill do everything that everyone wants? No. But it is strong on law enforcement, it is tough on drugs, it is supportive of efforts to modernize the Customs Service, provides law enforcement with the resources it needs to enforce our current gun laws and is a good government bill. It is a people's bill. And all this is accomplished in a fiscally responsible manner.

Mr. Chairman, before I conclude my remarks in this general debate, I want to take just a moment to say thank you to the other hard-working members of this subcommittee and to all the others who have worked to help make this, I believe, a better bill.

In particular, I want to extend my appreciation to the ranking member, the gentleman from Maryland (Mr. HOYER), and to his staff, Scott Nance and Pat Schlueter; the subcommittee staff on our side who are surrounding us here, Michelle Mrdeza, Jeff Ashford, Kurt Dodd, Tammy Hughes, and Doug Burke; and my personal staff, who has worked so hard on this bill, Kevin Messner. Without their work, Mr. Chairman, the bill that we would have here today would be far more imperfect than it is.

Without the work and the cooperation of the distinguished ranking member, the gentleman from Maryland (Mr. HOYER), I do not believe we would have a bill here. While it is not acceptable to him, and I understand that, it is a bill that we have at least been able to work together on to try to move through this process and get it to where we are. I am very grateful to the gentleman from Maryland for the cooperation that he has shown and for his hard work on this bill, as I have just said.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 8 minutes.

First, Mr. Chairman, let me start by thanking the chairman, the gentleman from Arizona (Mr. KOLBE), for not only his comments but, more importantly, for his chairmanship of this committee, which he chairs in a very responsible and fair manner. Unfortunately, I think too often, Mr. Chairman, the American public gets the impression that all we do is come here and yell and scream at one another and try to make political points. Clearly, while that happens, and it happens perhaps too frequently, we do have the opportunity of working together constructively, and it is a great privilege for me to work with the gentleman from Arizona, constructively on fashioning this bill. The chairman has had to make some tough decisions within the allocations for this year; and he has done, I think, a good job with insufficient funds.

I would also like to mention the outstanding job that the Chairman's staff director Michelle Mrdeza does, along with her staff of Jeff Ashford, Kurt Dodd, Doug Burke, Kevin Messner and others on the committee.

Mr. Chairman, the 302(b) allocation for this bill is $2.1 billion below the requested level. That is in a bill that has $14 billion of discretionary spending. So it is 17 percent below what the administration believed was necessary to carry out the functions of the agencies in this bill.

By comparison, Mr. Chairman, last year at this time the 302(b) was less than $.5 billion below the President's request. The chairman has decided to fund law enforcement functions at the expense of other general government responsibilities this subcommittee has. Very frankly, I am not sure he had any alternative. For example, Treasury's law enforcement bureaus are funded at or near the administration's request.

That is relevant because it was not a conclusion that the administration's requests were unreasonable, because we have essentially funded them in the law enforcement area. This law enforcement funding includes ATF agents, enough agents to enforce our gun laws; funding to begin development of the U.S. Customs Service Automated Commercial System, while maintaining their current system; and funding to continue the Secret Service workload balancing initiative.

However, the allocation for this bill is not adequate to fund several priorities that are critical to the American people. The chairman knows this, reiterated it today, and reiterated it in our report. As a matter of fact, quoting the bill's report on pages 4 and 5, it says, "The committee acknowledges that IRS, GSA, and the National Archives have borne the brunt of the restraint on spending found in the bill, requiring denial of requested increases for the upcoming year."

This is not the only bill, Mr. Chairman, which is short. Several other appropriation bills are already facing veto threats from the President because of spending amounts that are inadequate to carry out the responsibilities assigned by this Congress.

Republicans, very frankly, are using this strategy in order to push their tax cut agenda, from our perspective, one that will cost $175 billion over 5 years and a whopping $1 trillion over 10 years. It has been segmented, and we are considering those individually, but, nevertheless, their overall impact is the same as it would have been last year. It will put a hole in our ability to bring down the debt; put a hole in our ability to make sure that Medicare and Social Security are secure; put a hole in our ability to fund prescription drugs; and, obviously, as this bill reflects, puts a significant hole in our ability to invest in the responsibilities that we have to the American people.

I might add that I, along with most of my colleagues on this side of the House, supported a tax relief plan for middle-income families that is fiscally responsible. As a matter of fact, I supported the Blue Dog's budget, which would have provided for 25 percent of the surplus for investments, 25 percent for tax cuts, and 50 percent of the surplus applied to budget deficit reduction.

This bill does not do that, however. It underfunds the Internal Revenue Service by $466 million. This level would not even cover mandatory inflation, resulting in a loss of almost 5,000 FTEs all together and the resultant decline in taxpayer service. The bill jeopardizes implementation of the IRS Reform and Restructuring Act, for which all of us voted, and the report of which said that if we were for IRS reform we had to be at the time of budget writing and tax writing.

It also puts at risk successful completion of the 2001 filing season. Customer service would be reduced. And one of the principal items we said in the restructuring act was that we wanted IRS to be customer friendly. Mr. Rossotti, the Director of the IRS, a nonpartisan director, a manager, and a businessman, has said that he cannot do the job we expect given the funds we are providing.

Audit coverage, and this ought to be of concern to every one of us, would decline to all-time record low levels, reducing revenue to the government by up to $2 billion. It would provide for less than a quarter of a percent of audits being applied for returns filed. The modernization of IRS, its computer systems and business practices would be threatened.

No funding, Mr. Chairman, is provided for construction projects requested by the administration. We have a serious crisis going on across the country in terms of our Federal Courthouses. We have spent billions of dollars over the last 10 or 15 years on the war against drugs and crime, resulting in a hefty increase to the judiciary's caseload. To handle these changes, we cannot ignore the need to provide adequate courthouses.

The administration's request to continue the Food and Drug Administration's consolidation project is zeroed out, costing us dollars, time, and effectiveness. This project makes sense fiscally and was supported by the Reagan-Bush and Clinton administrations.

The administration's request for a new Alcohol, Tobacco, and Firearms headquarters is zeroed out. Not funding this project will prolong the serious security risk for the 1,100 ATF employees working at the current location. All told, GSA estimates failure to fund the administration's request for construction projects under its jurisdiction will cost the taxpayers almost an additional $100 million.

The administration's request to fund the renovation of our National Archives building is zeroed out. None of these things, I think, the chairman wanted to do. First and foremost, the threat of fire in the Archives building is high. Delaying this project will put the lives of visitors and staff at risk and endanger irreplaceable archival records. Delaying this project will also cost the taxpayers millions of dollars in added cost.

Excluding funding for the drug czar's office, the requested increases by the President totaled $20.9 million, of which only $6.4 million is included in the bill, resulting in a 69 percent cut from the requested increase for the executive office accounts. Included in these cuts is $2.5 million for Puerto Rico to hold a referendum to determine the Island's status.

Mr. Chairman, I have other concerns about this bill, including the denial of funding for Treasury's financial management services for computer security and accounting modernization; lack of funding for presidential transition, which is not included at all in this bill, and we know that is going to happen; a 32 percent cut in funding for repairs of Federal buildings. If we do not maintain our buildings, frankly, they will become more expensive. I am concerned as well about the denial of the President's critical infrastructure protection initiative in the General Services Administration and the Office of Personnel Management; and the lack of additional funding necessary for the Merit Systems Protection Board to carry out its congressionally mandated requirements.

Mr. Chairman, this bill is a good bill as far as it goes. It does not go far enough and, therefore, in this form, I cannot support it.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

□ 1500

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, I stand in support of the bill as it is currently drawn. It certainly has some shortcomings; but it has got I think some great dividends for the Federal workers, for the Federal complex at Lorton, which will soon be returned back to the Commonwealth of Virginia, several million dollars there for environmental cleanup of that site.

But particularly, I want to address the rollback in the Federal retirement contributions. This was something that was put into operation at the time of the Balanced Budget Act. Federal employees were asked to give up one-half of one percent of their salaries to help the Federal deficit.

We thought at that time it would take several years to balance the Federal budget, and these rollbacks were to come out of effect into the year 2003. As we have seen, the budget has been balanced earlier than it was originally forecast.

As a result of this, we think the Federal employees ought to have their money returned to them in a more timely manner. And this legislation does that. It mirrors legislation that I have introduced and have over a hundred cosponsors in the House. It was introduced by my friend, the gentleman from Maryland (Mr. HOYER), in committee.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to congratulate my friend, the gentleman from Virginia (Mr. DAVIS), for his leadership on this issue and his effective articulation of the equity of this act that we have taken. I appreciate working with him. He has been very effective, and his leadership has been very important.

Mr. DAVIS of Virginia. Mr. Chairman, this has been a good team effort. I see the gentleman from Virginia (Mr. MORAN) is here, as well and the gentleman from Virginia (Mr. WOLF), who has also been very active in this.

Some Members oppose this because they think this is going to costs the

Treasury $1.2 billion over 3 years. But I would remind my colleagues that this money is not the Government's money. It really belongs to Federal employees who worked and earned this money under a contract with the Government and then gave it up to help us balance the budget.

We are simply returning to them their own money to allow them to spend it, the same thing that we are doing to American citizens when we give them tax cuts. This was promised to them to be restored at the time that we balanced the budget, and now we have done that.

As I said before, this was originally slated to expire in 2003 because that was the year it was assumed that the Federal budget would be balanced. But our goals we have arrived at 3 years early. So let us return this money to the people from whom it was taken.

Federal employees sacrificed over $180 billion in benefits to get us to our goal of a balanced Federal budget. Now it is time that we return to them what we roll back from them. This is our first opportunity to do that. This will help us recruit and retain the best and the brightest for Federal service. This is very important for the Federal Government to fulfill their mission.

I appreciate the efforts of everyone who has been involved with this, and I urge support for the bill.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished ranking member of the Subcommittee on the Treasury, Postal Service and General Government for yielding me the time.

Mr. Speaker, I want to follow up on the comments that my colleague, the gentleman from Virginia (Mr. DAVIS), just expressed with regard to the equity included in this bill for Federal employees.

Back when the Balanced Budget Act of 1997 was implemented, we felt that one provision that would save money and that Federal employees would be willing to do, and in fact they did not have a lot to say about it, was to require them, basically, to contribute another half percent on their Federal retirement contribution.

Now, as a result of this and several other measures that were designed to balance the Federal budget, Federal employees have paid in about $800 million towards the objective of balancing the budget.

When this was done, the projected deficit was almost $100 billion. Today we have a surplus of over $200 billion, a $300 billion turnaround.

So I agree with the Subcommittee on Appropriations and the full Committee on Appropriations that it is time to undo this provision, because this is Federal employees' money. When we are in a surplus environment, we want to act as fair and balanced as possible. That is why we lift this burden on Federal employees.

As of next January 1, the retirement contributions required by Federal employees will be reduced by half a percent.

I appreciate the gentleman from Maryland (Mr. HOYER) adding this to the bill. I appreciate the support on the part of the gentleman from Arizona (Chairman KOLBE). This is the right thing to do. I appreciate the fact that we have as many cosponsors as we do to ensure that this stays in the bill.

There are 1.8 million Federal employees. They work very hard. They deserve this equity provision. I trust it will stay in the bill and be enacted.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from Missouri (Mrs. EMERSON), who happens to be a very hardworking member on the subcommittee who has contributed tremendously to this bill.

Mrs. EMERSON. Mr. Chairman, I want to rise today in support of the Treasury, Postal Service and General Government appropriations bill.

I really want to congratulate the chairman and ranking member, the gentleman from Maryland (Mr. HOYER), and their staffs for the incredibly hard work they have done on getting this bill to the House floor today in not the most easy of circumstances, but they have really shown what teamwork is like and working together across the aisle to try to achieve the best results with resources that are scarce.

I want to also say that this bill goes a long way towards tightening our borders, making our streets safer, and fighting the war on drugs. It takes important steps towards these goals by increasing the budgets of the Customs Service, the Secret Service, and High Intensity Drug Trafficking Areas.

I think the legislation continues to show Congress's strong commitment toward winning the war on drugs. Through the funding of HIDTAs and the Office of National Drug Control Policy, we are making a strong statement that we will not give up on this fight and that we will take any and all steps necessary to make sure that our children and our Nation are drug free.

I just want to say that, coming from a very rural area in southern Missouri, I know firsthand the problems that drugs and specifically methamphetamine can cause for families for a region and for a State. We are currently in the midst of a methamphetamine epidemic, Mr. Speaker. It endangers our children both from its use and from the violence associated with it by endangering our youth; then meth endangers the very future of Missouri and of our very Nation.

I must say that our local law enforcement officials have their hands full and are looking for any additional resources to assist them in stopping the spread of this awful drug.

With 1.1 million acres of the Mark Twain National Forest, I can tell my colleague it is a haven for methamphetamine production. Anything we can do to put funds toward more law enforcement to monitor this area would be very, very helpful.

I really do think the HIDTA program has been a key factor in assisting our law enforcement officials to get this problem under control. I think that this is one of the most important programs that we fund in the Treasury-Postal bill. I would hope that if any additional resources come our way that we could revisit the HIDTA appropriation at some time. And I am hopeful that that will be done.

I again want to thank the chairman for his hard work and the gentleman from Maryland (Mr. HOYER) for his hard work, and I look forward to working with both of them through the process.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to congratulate the gentlewoman for her comments and say, as she knows, I support her. I think the HIDTA program is one of the best programs in our bill, and I look forward to working with her and the chairman and the administration to properly fund it.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the gentleman from Maryland (Mr. HOYER) has already indicated some of the reasons for concern on this bill. This bill falls far short of the administration's request in meeting basic community needs for courthouses and the rest.

I also am concerned, as the committee knows, with the nongermane provision which was added to this bill in committee with respect to retirement. That is water over the dam, and I am not going to milk that one any longer. But I would like to raise the same issue I raised in full committee.

We have seen a tremendous drive to privatize virtually everything in this society in the last 20 years, and in some places that is appropriate. But I would like to describe what I see happening in a number of middle-sized towns all over this country where we have a lot of Federal offices that have become fragmented.

In my hometown, for instance, we have a wide variety of Federal offices. We have military recruitment offices. We have Labor Department offices, wage-and-hour division. We have Social

Security. We have the Justice Department. You name it.

The problem is that they used to all be located in the same place; and so if you were a constituent not exactly fully attuned to the niceties of the Government's organizational tables, you could still walk into the Federal building and know that somebody could point you to the right floor, the right office and you could get the job done without having to go all over town.

Today, in my hometown and in many others across the country, all of those services are fragmented; and so what happens is, and this does not just happen in Wausau, Wisconsin, it happens all over the country. You can send a senior citizen who may see the VA in one place, they may see the Social Security people in another place, they may see the Labor Department in another place. They have got to crisscross town half a dozen times before they have figured out who is the lead agency and how you deal with the problem.

We have had a great deal of talk when we deal with the Labor-Health bill about one-stop service for people who are in need of job training, for instance. I think we ought to try to create a situation where you have one-stop service for everybody who is trying to walk into a government office to try to get some help on a problem they have.

I do not believe we are going to have that unless this Congress forces a reevaluation of the way we provide service to people in this country. It just seems to me that the Congress ought to ask the administration and GSA to review what options are available so that we can begin to pull Government services, at least Federal services, together again in any one place so that people feel a little bit better about their Government tomorrow than they do today because they have a little bit better idea of where they can go to get some help when they need it.

This is nothing that is very sexy politically; and so it is one of those things that just does not get focused on. But, in my view, if we want to improve the reputation of government at the local level, one of the most important things would be to give people the opportunity to stop in at one place and get their questions answered and get their problems addressed.

So I would simply ask the committee, by the time this bill is produced next year, to work with me and others who are interested in it so that we can begin to get some alternatives for dealing with this fragmentation problem, which leaves people with a more and more sour taste in their mouths each day.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume to make an announcement.

For all those Members on the floor or those who may be listening and staff people who may be listening, we are trying very diligently to complete consideration of this bill in a timely fashion. It would be helpful if Members would advise us if there are amendments that they have not yet filed, if they would bring them here to either the ranking minority member or myself so that we could perhaps consider whether or not a unanimous consent agreement on time limitations might be in order at some point during this afternoon's debate.

So I would ask all Members that may have amendments that we are not aware of if they would like to alert us to that so that we can begin to consider whether or not time limitations when we get to considering amendments might be possible.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF), the second-ranking member of the subcommittee and a very hard working member.

□ 1515

Mr. WOLF. Mr. Chairman, I rise in very strong support of the bill and want to commend the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) and also the staffs. I want to thank the staffs for the courtesy and the help and support that we have had on a number of these issues. I appreciate it very much. Having been a staff person years ago, I know how hard they work. So I just want them to know that I appreciate it.

When the 1997 balanced budget agreement was reached, a provision in it mandated that Federal and postal employees contribute a higher proportion of their salaries to the retirement contribution plans in order to do their part to help increase Federal revenues to balance the budget. Originally this provision was to remain in effect until the year 2003, a time when many thought we would still be in an era of deficits. Fortunately, we are running surpluses earlier than anyone anticipated, and it is time to roll back the specific deficit reduction provision on Federal and postal employees. They have paid their share, and it is time to roll it back.

The second issue is on the issue of diamonds which will come up later. I thank the gentleman for his cooperation in helping us. I also want to thank the gentleman from Maryland (Mr. HOYER) for his help and support, and also I want to thank the gentleman from California (Mr. DREIER), who is in the chair, for his help and support on this issue with regard to conflict diamonds that are resulting in young people in Sierra Leone losing their arms. For all three gentlemen, I personally appreciate their help very much.

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds. I want to say before the gentleman leaves the floor, the gentleman from Virginia (Mr. WOLF) continues to be one of our ranks who I think is most focused on human rights throughout this world. He takes an extraordinary amount of his own time to visit, to learn and returns to the United States as one of the most powerful and effective voices on behalf of those who are being visited with atrocities and savagery on a regular basis. His voice is one of the strongest in the international community on behalf of protecting individuals and human rights. I congratulate him and am proud to be his colleague.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding time. I would also like to say that as a member of the Subcommittee on Treasury, Postal Service and General Government, I am very proud of the leadership of this subcommittee. I do not think that you will find any two better leaders in the Congress than the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER). So it is not that we have not had good guidance on this subcommittee. We have been cut short in the resources which are available to our subcommittee.

I do not think many Members of Congress understand how important this committee is, certainly maybe not the leadership has not really understood that the Subcommittee on Treasury, Postal Service and General Government holds at its very function general government, and being sure that our government is run well and efficiently, and in doing so, that will certainly leverage the amount of money that is given to this subcommittee to work with. With these inadequate resources, they have been well handled, there are a lot of good things about this bill; and there are several weaknesses about the bill. What we try to do in this subcommittee is to take what we have and do the very best we can.

One of my criticisms of the bill is that we have been very strong on law enforcement; and, of course, I do support law enforcement. I certainly look very strongly to see that we do have an adequate amount of enforcement of the law, that we have very strong customs services and that we protect our borders. That is very crucial to us on the subcommittee.

On the other side of that, I also would like to see our government function more efficiently and with more efficacy when it comes to general government functions, such as a Medicare program, such as Social Security. Think of it, Mr. Chairman. If these functions were not done very well, it would be chaotic to the people we serve. So this subcommittee does need adequate money for administration of these things, not only in personnel but in bricks and mortar as well.

I want the Congress to be more aware of the things that this subcommittee works with. It is not always what happens with the money in this country, but it is the administration of what happens in this committee. We look over the educational administration; we look over all the key government functions. So it is very important. Think of the national security of this country. It is also addressed by this subcommittee.

My plea is that when we begin to divide and give our 302 funds out, we need to think perhaps more strongly of what this committee does and the function it does to keep government going, because if you want to be criticized back in your district, please note that if the Internal Revenue Service is not functioning effectively, the administration of it is skewed and is not doing well, you will get the criticism for it. If Social Security is not administered effectively, you get the criticism. That is the nuts and bolts of this subcommittee.

The Internal Revenue Service could have gotten a better allotment. I just think we have gotten too inadequate funding in terms of the IRS. That is the place where we need to have it funded and to be sure that the President's budget request which has been strongly gleaned and looked at by the administration and by OMB is more thoroughly looked at.

And, of course, in the area I come from, I am very concerned about fighting drugs and being sure that there is no terrorism. We need more moneys in those particular categories. The committee was not able to fund that as well as I would have liked to see it done. The drug kingpins are still running this country in places that we do not want them to be. We should really enhance the work of the Treasury Department in doing this. I do not think we have done enough of a job to be able to deter this kind of terrorism. We all look at television all the time, Mr. Chairman; and we see what happens in some of these places where we have allowed terrorism to reign instead of being able to administer these funds correctly.

Last but not least, I want to say that this committee could have been stronger on general government funding and perhaps kept the law enforcement but being sure that general government funds are done much better. Last, I would like to say we need these courthouses which are in the budget. They are not in the budget, but they have been in and out of the budget for the last 2 or 3 years. The judicial caseload of these courthouses will need to be met. We no longer can overlook that by saying we do not have adequate funds, because the administration of justice is based on a good climate for the judiciary to conduct itself.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, today I rise in strong support of this legislation. The measure includes much-needed funding to modernize the outdated Customs computer system. The current system is so susceptible to failure that when this flow of $2.2 trillion worth of goods is stopped, it costs us about $6 billion a day worth of cargo coming across our borders. $6 billion a day. Many assembly lines slow down or shut down, and retailers and consumers all end up paying the price.

In today's "just in time" business environment, a company's warehouse is often a 40-foot container that is carried on a ship or on the back of a truck with trailers. Deliveries to factories and consumers is delayed when that box does not move when it is supposed to. This is how U.S. companies are keeping their inventory costs down to stay competitive. Businesses are using the Internet and information technology to make virtually every aspect of business more efficient. Indeed, the typical business supply chain, ranging from manufacturing parts and components to finished goods, is just hours long in many cases. Only a few years ago, this supply chain may have extended days or even weeks. But today that is a different story and a failure in the Customs computer system now has crippling consequences. Let me give my colleagues two real-life examples:

The first is General Motors. They literally will shut down a plant and send people home if parts are delayed as much as 3 or 4 hours at a U.S.-Canadian border crossing point. Another one is Caterpillar, one of the country's largest exporters. They are forced to shut down a production line at their plants in Peoria if they cannot get parts in a timely fashion from an overseas distribution point.

Consumers bear the burden when the shelves at Wal-Mart are empty due to a computer failure that occurred thousands of miles away. What will mothers and fathers tell their kids when it is time for back-to-school supplies and clothing to be there, but the shelves are empty because container boxes were not passing through a port on time because of Customs brownouts? Many of these products are time sensitive now, some are even perishable and must reach retail outlets in a specific time period.

There are also national defense consequences to this computer system. It helps us protect ourselves from the importing of counterfeit or dangerous products. It helps us with the war on drugs by helping tell us where to search for them in the flow of products coming through. It is an integral part of the defense system. You can see when it is going to block bad material, counterfeit material, or drugs.

In my specific district, one-third, one-third of all the trade travels through the Los Angeles region that this Nation does. The combination of the Port of Los Angeles and Los Angeles International Airport make my district one of the most dynamic in the country in terms of Customs activities. Manufacturers throughout the country rely on the goods that move through the Port of Los Angeles and Long Beach. Every shipper, broker, trucker, longshoreman, importer and exporter relies on smoothly operating ports to make their paycheck. A failure in this system, in this region, will disrupt movement of goods throughout the entire Nation.

Modernizing the United States Customs computer system must remain a high priority. It has national defense consequences. It has economic consequences far beyond the reach of that computer system in and of itself. We must continue our efforts to ensure that a potential disaster is averted because this equipment gets modernized in a timely fashion and the flow of goods and services is maintained. I am pleased that funds were designated in the bill for this Customs modernization and much more is needed to be done. I urge my colleagues to support the legislation.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD), a member of the subcommittee.

Ms. ROYBAL-ALLARD. Mr. Chairman, I regrettably rise in opposition to H.R. 4871. I would have liked to have supported this bill, because I believe the distinguished gentleman from Arizona (Mr. KOLBE) crafted the best bill possible under the tight funding constraints that he was given. The bill does, for example, fully fund most of the key law enforcement activities of the bill. However, this bill falls woefully short in other critical areas. As the gentleman from Arizona himself has stated, this bill is $175 million short of what is needed to maintain the current level of services and activities provided for under our subcommittee's jurisdiction.

For example, the underfunding of the IRS by $466 million completely jeopardizes the ability of the IRS to make the changes necessary to improve services and to protect the rights of American taxpayers as required by law. Another glaring deficiency in the bill is the total lack of funding for the construction of critically needed Federal courthouses. The Federal war on crime and drugs has increased to the breaking point the workload of our Federal courts, resulting in the need for more judges and court employees. Yet our court facilities have not come close to keeping pace with this growth.

As a Member who represents the Los Angeles Federal Court district, the largest in the Nation, covering seven counties and over 17 million people, I know firsthand the severity of this problem. The Los Angeles court, which is at the top of the GSA and Judiciary's priority list, continues to operate out of the original courthouse built in 1938. The lack of adequate space has forced the court to split its operations between the original facility and one several blocks away, causing long delays, inefficiencies, and mass confusion to the public. More importantly, the current situation causes security to be insufficient to protect workers and the public.

□ 1530

Prisoners facing trial, for example, must be transported between the two court facilities by using public corridors and public elevators. In fact, the U.S. Marshals Service documented critical security concerns with the current facilities in Los Angeles, including life-threatening security deficiencies.

These conditions are simply unacceptable. Congress must act to correct these serious security deficiencies before they result in a terrible tragedy.

Finally, from a fiscal perspective, it is irresponsible not to fund these badly needed new courthouses. According to GSA, the delaying funding for new courthouse projects increases costs by an average of 3 percent to 4 percent a year, meaning that the Federal Government will have to pay significantly more for the same projects in years to come.

These are just some of several reasons I cannot support this bill. I sincerely hope that as we move through the process, additional funding will be added to this bill to ensure that our core government functions are adequately funded. Until that time, however, I must regrettably oppose this bill.

Mr. KOLBE. I include the following table for the RECORD as follows:

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 (H.R. 4871)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	134,034	161,006	149,437	+15,403	-11,569
Contingent emergency supplemental	24,900			-24,900	
Department-wide systems and capital investments programs	43,448	99,279	41,787	-1,661	-57,492
Office of Inspector General	30,599	33,608	31,940	+1,341	-1,668
Inspector General for Tax Administration	111,781	118,427	116,427	+4,646	-2,000
Treasury Building and Annex Repair and Restoration	22,700	31,000	31,000	+8,300	
Expanded Access to Financial Services		30,000	2,000	+2,000	-28,000
Money Laundering Strategy		15,000			-15,000
Financial Crimes Enforcement Network	27,818	34,694	34,694	+6,876	
Counterterrorism Fund (emergency funding)		55,000			-55,000
Violent Crime Reduction Programs	130,081			-130,081	
Federal Law Enforcement Training Center:					
Salaries and Expenses	84,027	93,483	93,483	+9,456	
Acquisition, Construction, Improvements, & Related Expenses	21,175	17,331	17,331	-3,844	
Total	105,202	110,814	110,814	+5,612	
Interagency Law Enforcement: Interagency crime and drug enforcement	60,502	103,476	103,476	+42,974	
Financial Management Service	200,555	202,851	198,736	-1,819	-4,115
Bureau of Alcohol, Tobacco and Firearms: Salaries and Expenses	564,773	760,051	731,325	+166,552	-28,726
United States Customs Service:					
Salaries and Expenses	1,698,227	1,887,866	1,821,415	+123,188	-66,451
Harbor Maintenance Fee Collection	3,000	3,000	3,000		
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	108,688	156,875	125,778	+17,090	-31,097
Automation modernization:					
Automated Commercial System		123,000	123,000	+123,000	
International Trade Data System		5,400	5,400	+5,400	
Automated Commercial Environment		210,000	105,000	+105,000	-105,000
Subtotal		338,400	233,400	+233,400	-105,000
Customs Services at Small Airports (to be derived from fees collected)	2,000	2,000	2,000		
Offsetting receipts	-2,000	-2,000	-2,000		
Total	1,809,915	2,386,141	2,183,593	+373,678	-202,548
Bureau of the Public Debt	177,143	182,901	182,901	+5,758	
Payment of government losses in shipment	. 1,000	1,000	1,000		
Internal Revenue Service:					
Processing, Assistance, and Management	3,280,250	3,699,499	3,512,232	+231,982	-187,267
Tax Law Enforcement	3,336,838	3,443,859	3,332,676	-4,162	-111,183
Earned Income Tax Credit Compliance Initiative	144,000	145,000	145,000	+1,000	
Information Systems	1,455,401	1,583,565	1,488,090	+32,689	-95,475
Information technology investments		71,751			-71,751
Advance appropriation, FY 2002		422,249			-422,249
Total, FY 2001	8,216,489	8,943,674	8,477,998	+261,509	-465,676
Advance appropriation, FY 2002		422,249			-422,249
United States Secret Service:					
Salaries and Expenses	667,312	824,500	823,800	+156,488	-700
Title II general provisions (P.L. 106-113)	10,000			-10,000	
(By transfer)	(21,000)			(-21,000)	
Contingent emergency supplemental	10,000			-10,000	
Acquisition, Construction, Improvements, & Related Expenses	4,185	5,021	5,021	+836	
Total	691,497	829,521	828,821	+137,324	-700
Total, title I, Department of the Treasury	12,352,437	14,520,692	13,225,949	+873,512	-1,294,743
Current year, FY 2001	12,352,437	14,098,443	13,225,949	+873,512	-872,494
Appropriations	(12,352,437)	(14,043,443)	(13,225,949)	(+873,512)	(-817,494)
Emergency funding		(55,000)			(-55,000)
Rescissions					
Advance appropriations, FY 2002		422,249			-422,249
TITLE II - POSTAL SERVICE					
Payment to the Postal Service Fund	28,620	29,000	29,000	+380	
Advance appropriation, FY 2002	64,436	67,093	67,093	+2,657	
Total	93,056	96,093	96,093	+3,037	
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	250	390	390	+140	
Salaries and Expenses	52,243	53,288	52,135	-108	-1,153
Executive Residence at the White House:					
Operating Expenses	9,225	10,900	10,286	+1,061	-614
White House Repair and Restoration	808	5,510	658	-150	-4,852
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,609	3,673	3,664	+55	-9
Operating expenses	330	354	354	+24	

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 (H.R. 4871)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Council of Economic Advisers	3,825	4,110	3,997	+172	-113
Office of Policy Development	4,017	4,032	4,030	+13	-2
National Security Council	6,970	7,165	7,148	+178	-17
Office of Administration	39,050	43,737	41,185	+2,135	-2,552
Contingent emergency supplemental	8,400			-8,400	
Office of Management and Budget	63,256	68,786	67,143	+3,887	-1,643
Office of National Drug Control Policy:					
Salaries and expenses	22,823	25,400	24,759	+1,936	-641
Title II general provisions (P.L. 106-113)	3,000			-3,000	
Counterdrug Technology Assessment Center	29,052	20,400	29,750	+698	+9,350
Total	54,875	45,800	54,509	-366	+8,709
Federal Drug Control Programs:					
High Intensity Drug Trafficking Areas Program	191,271	192,000	192,000	+729	
Special forfeiture fund	215,297	259,000	219,000	+3,703	-40,000
Unanticipated Needs	996	1,000		-996	-1,000
Elections Commission of the Commonwealth of Puerto Rico		2,500			-2,500
Total, title III, Executive Office of the President and Funds Appropriated to the President	654,422	702,245	656,499	+2,077	-45,746
TITLE IV - INDEPENDENT AGENCIES					
Committee for Purchase from People Who Are Blind or Severely Disabled	2,664	4,158	4,158	+1,494	
Federal Election Commission	38,008	40,500	40,240	+2,232	-260
Federal Labor Relations Authority	23,737	25,058	25,058	+1,321	
General Services Administration:					
Federal Buildings Fund:					
Appropriations	-20,022	681,871		+20,022	-681,871
Advance appropriation, FY 2002-2004		477,484			-477,484
Limitations on availability of revenue:					
Construction and acquisition of facilities	(74,979)	(779,788)		(-74,979)	(-779,788)
Rescission of funds in P.L. 104-208	(-20,782)			(+20,782)	
Repairs and alterations	(598,674)	(721,193)	(490,592)	(-108,082)	(-230,601)
Installment acquisition payments	(205,668)	(185,369)	(185,369)	(-20,299)	
Rental of space	(2,782,186)	(2,944,905)	(2,944,905)	(+162,719)	
Building Operations	(1,580,909)	(1,624,771)	(1,580,909)		(-43,862)
Repayment of Debt	(100,000)	(70,595)	(70,595)	(-29,405)	
Total, Federal Buildings Fund, FY 2001	-20,022	681,871		+20,022	-681,871
(Limitations)	(5,342,416)	(6,326,621)	(5,272,370)	(-70,046)	(-1,054,251)
(Rescission of limitations)	(-20,782)			(+20,782)	
Policy and Operations	116,223	136,980	115,434	-789	-21,546
Contingent emergency supplemental	3,300			-3,300	
Disposal of property		8,000			-8,000
Office of Inspector General	33,317	34,520	34,520	+1,203	
Allowances and Office Staff for Former Presidents	2,241	2,517	2,517	+276	
General provision (P.L. 106-113, Title II)	2,000			-2,000	
Expenses, Presidential transition		7,100			-7,100
Total, General Services Administration, FY 2001	137,059	870,988	152,471	+15,412	-718,517
Advance appropriations, FY 2002-2004		477,484			-477,484
Merit Systems Protection Board:					
Salaries and Expenses	27,481	29,437	28,857	+1,376	-580
Limitation on administrative expenses	2,430	2,430	2,430		
Federal payment to Morris K. Udall scholarship and excellence in national environmental policy foundation	1,992	3,000	2,000	+8	-1,000
Environmental Dispute Resolution Fund	1,245	1,250	1,250	+5	
National Archives and Records Administration:					
Operating expenses	179,674	209,393	195,119	+15,445	-14,274
Reduction of debt	-5,598	-5,598	-5,598		
Repairs and Restoration	22,296	99,560	5,650	-16,646	-93,910
Records Center Revolving Fund	22,000			-22,000	
National Historical Publications and Records Commission: Grants program	6,250	6,000	6,000	-250	
Rescission	-2,000			+2,000	
Total	222,622	309,355	201,171	21,451	-108,184
Office of Government Ethics	9,080	9,684	9,684	+604	
Office of Personnel Management:					
Salaries and Expenses	90,240	100,558	93,471	+3,231	-7,087
Limitation on administrative expenses	95,124	101,986	101,986	+6,862	
Office of Inspector General	956	1,360	1,360	+404	
Limitation on administrative expenses	9,608	9,745	9,745	+137	
Government Payment for Annuitants, Employees Health Benefits	5,105,395	5,427,166	5,427,166	+321,771	
Government Payment for Annuitants, Employee Life Insurance	36,200	35,000	35,000	-1,200	
Payment to Civil Service Retirement and Disability Fund	9,120,558	8,940,051	8,940,051	-180,507	
Total, Office of Personnel Management	14,458,081	14,615,866	14,608,779	+150,698	-7,087

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 (H.R. 4871)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Special Counsel	9,703	11,147	10,319	+616	-828
United States Tax Court	35,045	37,439	37,305	+2,260	-134
Total, title IV, Independent Agencies	14,969,147	16,437,796	15,123,722	+154,575	-1,314,074
Current year, FY 2001	14,969,147	15,960,312	15,123,722	+154,575	-836,590
Appropriations	(14,971,147)	(15,960,312)	(15,123,722)	(+152,575)	(-836,590)
Rescissions	(-2,000)	....	....	(+2,000)	....
Advance appropriations, FY 2002-2004	....	477,484	....	....	-477,484
Grand total	28,069,062	31,756,826	29,102,263	+1,033,201	-2,654,563
Current year, FY 2001	28,004,626	30,790,000	29,035,170	+1,030,544	-1,754,830
Appropriations	(28,006,626)	(30,735,000)	(29,035,170)	(+1,028,544)	(-1,699,830)
Emergency funding	....	(55,000)	....	....	(-55,000)
Rescissions	(-2,000)	....	....	(+2,000)	....
Advance appropriations, FY 2002-2004	64,436	966,826	67,093	+2,657	-899,733
(Limitations)	(5,342,416)	(6,326,621)	(5,272,370)	(-70,046)	(-1,054,251)
(Rescission of limitations)	(-20,782)	....	....	(+20,782)	....
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	142,000	145,000	145,000	+3,000	....
Federal Reserve Bank reimbursement fund	128,000	131,000	131,000	+3,000	....
Limitation on admin expenses adjustment to BA	-1,561	....	....	+1,561	....
US Mint revolving fund	11,000	14,000	14,000	+3,000	....
Sallie Mae	1,000	1,000	1,000	....	....
Federal buildings fund	-119,366	63,000	-309,000	-189,634	-372,000
Advance appropriations:					
Postal service, FY 2000/2001	71,195	64,436	64,436	-6,759	....
Postal service, FY 2001/2002	-64,436	-67,093	-67,093	-2,657	....
IRS, FY 2002	....	-422,249	....	....	+422,249
GSA, FY 2002-2004	....	-477,484	....	....	+477,484
Conveyance of land to the Columbia Hospital for Women (sec. 410)	-8,000	....	....	+8,000	....
NOAA retirement provision (sec. 654), FY 1999	5,650	....	....	-5,650	....
Government-wide early buyout (sec. 651)	30,000	....	....	-30,000	....
GSA early buyout (sec. 411)	-1,000	....	....	+1,000	....
FY 1999 supplemental (sec. 654)	-5,650	....	....	+5,650	....
Across the board cut (0.38%)	-73,000	....	....	+73,000	....
OMB/CBO adjustment	72,153	....	....	-72,153	....
OMB/CBO adjustment (mandatory to discretionary)	(-408)	....	....	(+408)	....
Total, scorekeeping adjustments	187,985	-548,390	-20,657	-208,642	+527,733
Total mandatory and discretionary	28,257,047	31,208,436	29,081,606	+824,559	-2,126,830
Mandatory	14,532,995	14,679,607	14,679,607	+146,612	....
Discretionary	13,724,052	16,528,829	14,401,999	+677,947	-2,126,830

Mr. DAVIS of Virginia. Mr. Chairman, I would like to join my colleague, the distinguished Chairman of the Treasury, Postal and General Government Subcommittee, in supporting funding for an Automated U.S. Customs Environment or ACE. The points in favor of prompt, and sufficient, funding for a modern Customs processing system are numerous:

The Customs Service's existing computer system is nearly two decades old and operating at more than 95% capacity. The system can no longer handle either the volume of trade coming through the borders, nor can it adequately collect the $22 billion in tariffs and user fees generated by the record volume of trade we are experiencing.

Despite its critical functions, Customs' present system has been experiencing crashes or "Brown Outs" for several years, the most recent occurring only a few weeks ago. These failures put our nation and our economy at risk.

On a typical day, Customs processes over $8.8 billion in exports and imports, 1.3 million passengers and nearly 350,000 vehicles at U.S. ports of entries. Delays in processing this volume of traffic costs the nation untold billions of dollars in lost revenues as just-in-time delivery systems at manufacturing plants across this country are stalled.

Customs has prepared to modernize its old systems for several years, and is now ready to move forward expeditiously. Customs has met all the General Accounting Office's requirements for proceeding with a major information technology procurement. And today, the leading IT companies in the world are poised to help the government transform these old systems and processes, providing needed improvements for the way we bill companies for trade and tariffs and detect illegal contraband.

The business community is clamoring for our support. The presidents of the U.S. Chamber of Commerce, the National Association of Manufacturers, the International Mass Retailers Association, and the Coalition for Customs Automation Funding wrote all of Congress in urging funding of ACE:

"Trade volume is expected to double over the next six years. This will place further pressures on the current system. When you consider the benefits derived by both industry and the government from this system, there is no question that we must fund the development of a 21st century automated customs system."

The investment will be hefty—approximately $1.5 to $2 billion to fully complete modernization. But that investment will more than repay itself. Failure to modernize could result in untold consequences. I agree with Chairman KOLBE—this investment is vital to protecting our nation's borders. It is vital to ensuring the smooth processing of trade. We need ACE now—not next year.

Chairman KOLBE, I salute your commitment to modernizing our U.S. Customs Environment. As a nation, we must have both the will and the commitment to ensure that this vital government function does not break down.

Mrs. KELLY. Mr. Chairman, I rise today in support of this legislation, which offers $96.1 million for the U.S. Postal Service as part of the Treasury-Postal Appropriations Act, but I do want to mention one area of real concern to the American people. As we consider this, I want to make my colleagues aware of a priority project the Postal Service must undertake—the correction of its ZIP Code to Representative database.

This database is currently relied upon by Members of Congress, their staffs, businesses and thousands of Americans each day as a method of matching districts to Members. Unfortunately, most users are unaware that this product is massively flawed.

A brief inspection of the database revealed errors that affect more than half of the Congressional Districts in the United States. Included in these mistakes, which include ZIP Codes incorrectly split between Members and the complete omission of ZIP Codes in certain districts, are more than 75 errors that defy geography by being shared by two or more Members whose districts are not contiguous. I have found more than 10 errors in my district alone and have urged my colleagues to take a closer look at their jurisdictions and report what they have found. The response has been overwhelming, and the scope of these difficulties is appalling.

On a daily basis, this erroneous product misdirects mail, creates confusion and allows for the accidental violation of federal franking law. Each day citizens wishing to find their Member of Congress are referred to the wrong district, delaying the commencement of casework for those requiring help with a federal agency. Vendors who use the database or products based on the database perpetuate the mistake in the materials they distribute, and Members creating mass mailings inadvertently include addresses that are not in their actual district, violating Congressional Franking Regulations.

In an era of accuracy and responsibility, the correction of this defective product should be made a priority by the United States Postal Service. I ask my colleagues to join me in working to ensure that the Postal Service begin the new fiscal year by making the development of an accurate database a priority and reality.

Ms. STABENOW. Mr. Chairman, I rise today to declare my intention to vote against the Treasury-Postal Appropriations bill for Fiscal Year 2001. I will do so despite supporting the funding levels for gun crime enforcement in the bill. However, I have consistently voted against cost of living increases (COLAs) for Members of Congress and will do so again today. All of us spend a great deal of time working on issues of particular importance to senior citizens. I am especially active on the topic of providing affordable prescription medicines to the elderly, and am committed to protecting and strengthening Social Security and Medicare. In recent years, despite the thriving U.S. economy, the COLA that seniors receive for their Social Security benefits has been too small, as low as 1.3 percent. By comparison, we are preparing to give ourselves a 2.7 percent increase, and I do not think this is appropriate on fair, especially in light of the enormous budget surpluses that are projected over the next decade. Let us take care of our seniors before we take care of ourselves.

Mr. Chairman, I have no further speakers on this side.

Mr. HOYER. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that on page 1, line 2, after the comma, the following be inserted: "That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, namely:"

Mr. Chairman, this vital section was simply left out in preparing the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $3,813,000, to remain available until September 30, 2002, for information technology modernization requirements; not to exceed $150.000 for official reception and representation expenses; not to exceed $258.000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $149,437,000: *Provided*, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $41,787,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $31,940,000.

INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $116,427,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $31,000,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For a demonstration project to expand access to financial services for low-income individuals, $2,000,000, to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Departments offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $34,694,000, of which not to exceed $2,800,000 shall remain available until September 30, 2003; and of which $2,275,000 shall remain available until September 30, 2002: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $93,483,000, of which up to $17,043,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2003: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $17,331,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $103,476,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $198,736,000, of which not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $731,325,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2001: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,821,415,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $125,778,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2001 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $233,400,000, to remain available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $105,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the House Committee on Appropriations a final plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that final expenditure plan has been approved by the House Committee on Appropriations.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,301,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at $182,901,000, and in addition, $23,600 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; providing an independent taxpayer advocate within the Service; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,512,232,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; providing top quality service to tax exempt customers; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,332,676,000 of which not to exceed $1,000,000 shall remain available until September 30, 2003, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $145,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,488,090,000 which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 844 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $823,800,000, of which $3,633,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $5,021,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. Section 5547(c) of title 5, United States Code is amended by adding the following paragraph:

"(3) Notwithstanding the provisions of paragraph (2), premium pay for protective services authorized by section 3056(a) of title 18, United States Code, may be paid without regard to the biweekly limitation on premium pay except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to pay authorized by sections 5542, 5545 (a), (b), and (c), and 5546 (a) and (b) of this title. Pay authorized by section 5545a of this title will be treated as basic pay for the purpose of this paragraph to the extent that it does not cause an employee's biweekly pay to exceed the limitation in paragraph (2). Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.".

SEC. 119. The Secretary of the Treasury may transfer funds from "Salaries and Expenses," Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 120. Notwithstanding any other provision of law, no reorganization of the field operations of the U.S. Customs Service Office of Field Operations shall result in a reduction in service to the area served by the Port of Racine, Wisconsin, below the level of service provided in fiscal year 2000.

SEC. 121. Notwithstanding any other provision of law, the Bureau of Alcohol, Tobacco and Firearms shall reimburse the subcontractor that provided services in 1993 and 1994 pursuant to Bureau of Alcohol, Tobacco and Firearms contract number TATF 93-3 from amounts appropriated for fiscal year 2001 or unobligated balances from prior fiscal years, and such reimbursement shall cover the cost of all professional services rendered, plus interest calculated in accordance with the Contract Dispute Act of 1978 (41 U.S.C. 601 et seq.)

SEC. 122. (a) No funds appropriated to the Department of the Treasury in this or any Act for the establishment and operation of a new law enforcement training facility may be obligated or expended until an assessment of the need for, and cost-effectiveness of, such facility has been carried out by the Comptroller General of the U.S. General Accounting Office, submitted to the Committees on Appropriations, and the establishment of said facility has been approved by the House and Senate Appropriations Committees.

(b) This assessment shall include, but not be limited to:

(1) An analysis of the Department of the Treasury's master plan for the proposed facility;

(2) Projected law enforcement training workloads at the new facility and existing Treasury facilities;

(3) Training requirements for the U.S. Customs Service and other law enforcement agencies;

(4) Federal law enforcement training facility assets currently available and proposed in the Federal Law Enforcement Training Center (FLETC) master plan;

(5) The total estimated cost associated with the design, construction, and establishment of the proposed facility;

(6) Projected annual operating costs for the proposed facility;

(7) Projected costs associated with establishment of a new law enforcement training center, including environmental impact statements, environmental remediation, utilities and other infrastructure; and

(8) Cost savings and benefits of in-service training at the proposed facility compared to using existing or modified facilities.

This title may be cited as the "Treasury Department Appropriations Act, 2001".

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there amendments to title I?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from New York (Ms.

VELÁZQUEZ) for the purpose of entering into a colloquy before the amendment is offered.

Ms. VELÁZQUEZ. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Arizona (Chairman KOLBE) and the gentleman from Maryland (Mr. HOYER), the ranking member.

First of all, I would like to thank the gentleman from Arizona (Chairman KOLBE) and the gentleman from Maryland (Mr. HOYER), the ranking member, for the increased funding included in this bill for the State and local money laundering grant program. Although it is a small increase, we are headed in the right direction.

I would like to ask the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) if they will make a commitment to me to seek as much funding as possible for this program in conference, and, should there be a reallocation of funds during conference, that they will work to increase funding for this program.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding to me and the gentlewoman from New York (Ms. VELÁZQUEZ) for her remarks. I would concur with her, this is an important and a useful program. I would be happy to work with the gentleman from Maryland (Mr. HOYER), the ranking minority member, and the Senate to seek funding for this effort in the conference.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I say to the gentlewoman from New York (Ms. VELÁZQUEZ), I understand the importance of county money laundering efforts at the State and local level, and the role the grant program plays in those efforts.

As the gentlewoman knows, I supported her amendment on the House floor last year that provided the initial funding for this program, and she has, and will have, my continued support.

I share her concerns about this particular report language, and I will work with her to make sure it gets corrected in the conference report.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, second, I want to express my concern over language included in the report accompanying the Treasury-Postal appropriations bill. On page 12 of the report, in the section explaining the committee's recommendations for funding the grant program, the committee has included language about the National Money Laundering Strategy and the grant program that I find troubling.

The committee's concerns about adequate program oversight are laudable; however, some of the language used in the report mischaracterizes the intent of the national strategy, the grant program and the authorizing legislation.

Some of the language in this section of the report could be interpreted as calling into question the appropriateness of the grant program for State and local law enforcement officials to combat money laundering. The committee expresses concern that the strategy will focus the fight against money laundering solely in local geographic areas.

I want to respond to that concern and explain the intent of my 1998 legislation and the grant program. Currently, counter-money laundering funding is concentrated at the Federal level. The intent of the authorizing legislation in question, the Money Laundering and Financial Crimes Strategy Act of 1998, is to foster cooperation between State, local, and Federal law enforcement officials.

The purpose of the national strategy required by the law is to focus on corporation and information sharing between the Federal, State, and local law enforcement agencies. This cooperation and sharing of information is an integral part of tracing the funds from illegal activities back to the source; that is why, in order for a State and local law enforcement agency to receive a grant under the program, they must demonstrate how they will enter into a working relationship with both Federal law enforcement agencies and other State and locals to combat money laundering and drug trafficking.

Quite the opposite of focusing money solely at the local level, the intent of this legislation is to make small grants available to State and local law enforcement agencies who have a demonstrated need and an acceptable plan.

Federal law enforcement agents cannot fight money laundering and drug trafficking without the cooperation of the State and local law enforcement officials who are on the streets and know the local players. By the same token, the State and local law enforcement officials can benefit greatly from resources and experience of the Federal agents.

By seeming to encourage a focus only on the Federal level, the language in the report represents their way of thinking about counter-money laundering activities. Mr. Chairman, if the conference committee does not address this issue, we may be taking a giant step backwards in our fight against money laundering and drug trafficking.

Furthermore, I would like a commitment from the gentleman from Arizona (Chairman KOLBE) and the gentleman from Maryland (Mr. HOYER), the ranking member, that they will work with me and my staff to draft language that addresses the committee's concerns about the program's oversight without mischaracterizing the intent of the national strategy and the State and local grant program.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Maryland for yielding to me, and I thank the gentlewoman from New York (Ms. VELÁZQUEZ) for raising these, again, very important issues. It certainly was not the intention of the subcommittee to question the usefulness or the importance of State and local grants that help to combat money laundering.

We recognize that money laundering is a significant problem and that State and local officials are critical in our efforts to combat this problem.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(On request of Mr. KOLBE, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. I am committed to working with the gentlewoman from New York (Ms. VELÁZQUEZ) to make sure that this program is adequately funded and receives the necessary oversight.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I will assure the gentlewoman that I will work with her as well and with the gentleman from Arizona (Chairman KOLBE) on this issue and want to congratulate her for her leadership and continued careful attention so that this program is carried out as effectively as it possibly can be. I thank the gentlewoman for her contribution.

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KUCINICH:

In the item relating to "DEPARTMENT OF THE TREASURY—DEPARTMENTAL OFFICES—SALARIES AND EXPENSES", insert before the period at the end the following: ": *Provided*, That of the amounts made available under this heading, $500,000 shall be for preparing a report to the Congress on the contents of agreements between the International Monetary Fund and debtor countries and the World Bank and debtor countries: *Provided further*, That in preparing such report, the Secretary of the Treasury shall report all provisions of those agreements that require countries to privatize state-owned enterprises and public services; lower barriers to imports, including basic food products; privatize their public pension or social security systems; raise bank interest rates; eliminate regulations on the environment and natural resources; and reform their labor laws and regulations, including legal minimum wages, benefits, and the right to strike".

Mr. KUCINICH. Mr. Chairman, I offer an amendment to direct the Department of Treasury to report to Congress on the IMF and World Bank's international advocacy of privatization, deregulation, and trade liberalization. Policies such as privatizing government services, reforming bank laws, and reforming labor standards are debated here in the United States, in Congress, and in State legislatures. There is no consensus on whether and in what measure these policies are good for the U.S. economy. Good arguments can be made on both sides.

I believe that the evidence shows that rapid privatization, deregulation, and trade liberalization when applied to poor countries, have worsened short-term poverty, aggravate economic instability and increased indebtedness. At the appropriate time, I would like to submit for the RECORD reports by the Development Group for Alternative Policies, Friends of the Earth and the Preamble Center which make this point.

Mr. Chairman, but one does not have to agree with me to want the report that I propose. There is no question that the IMF and World Bank are important institutions that have considerable influence, particularly among developing countries.

When those countries seek loans or relief from payment on their debts, they enter into agreements with the IMF and the World Bank in which they pledge to make changes in their economies that the IMF and the World Bank desires.

Every Member of Congress would appreciate knowing the extent to which the IMF and World Bank use that influence, that leverage, to push debtor countries towards privatization, deregulation and trade liberalization.

One way of obtaining this information is through the agreements and documents exchanged between the debtor countries and the IMF and the World Bank. My amendment would direct the Secretary of Treasury to produce a report to Congress on the contents of agreements and documents between the IMF and the debtor countries and the World Bank and the debtor countries. In preparing the report, the Secretary would report all provisions of those agreements and documents that require countries to privatize State-owned enterprises and public services; lower barriers to imports including basic food products; privatize their public pension or Social Security systems; raise bank interest rates; reform regulations on the environment and national resources; and reform their labor laws and regulations, including legal minimum wages, benefits and the right to strike.

While the objection could be raised that information sought in this request is available in thousands of pages of documents on the Web and elsewhere, there is no easy, centralized location where this information can be found. The government routinely compiles information so that citizenry and Congress can get a better grasp.

All sides of the many debates we have had in this House regarding trade and economic policy would benefit from having an accurate and centralized accounting of such requirements.

Mr. Chairman, I would be pleased to withdraw this amendment and would hope to work with the gentleman from Arizona (Chairman KOLBE) to obtain a report from the Secretary of the Treasury.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, listening to the remarks of the gentleman from Ohio (Mr. KUCINICH), I would just say that I think that the information that the gentleman seeks from Treasury about these loans would be useful information to Congress. And if the gentleman does agree to withdraw his amendment, I will certainly work with him to find language that is mutually acceptable to us, that we could include in the conference report requiring such a study to get this information.

Mr. KUCINICH. Reclaiming my time, Mr. Chairman, I want to express my appreciation to the gentleman from Arizona (Chairman KOLBE), and I certainly will, at the appropriate time, withdraw the amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his comments and his intensive observations. I agree with the gentleman from Arizona (Chairman KOLBE), and I certainly look forward to working with the gentleman from Ohio (Mr. KUCINICH) who has been, I think, one of the most tenacious and thoughtful voices on issues like this, and I certainly want to make sure that we do have information that is accurate and full so that we can understand exactly what is going on.

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Quite obviously, as the gentleman knows, there have been issues raised and we will work with him and with the administration to see if they can be resolved.

Mr. Chairman, I would include for the RECORD a Survey of the Impacts of IMF Structural Adjustment in Africa.

A Survey of the Impacts of IMF Structural Adjustment in Africa: Growth, Social Spending, and Debt Relief—April 1999

(By Robert Naiman and Neil Watkins)

EXECUTIVE SUMMARY

The role of the International Monetary Fund (IMF) in managing the economies of developing countries has come under increasing criticism in the last two years, especially since the Asian financial crisis.

Presently, increasing calls for international debt cancellation and debates over United States economic policy in Africa have focused attention on the IMF's policies in Africa, home of many of the world's poorest and most indebted countries. Several initiatives currently being considered by Congress would have the effect of reducing the role of the IMF in Africa, while others would continue and even increase its role.

This paper relies largely on the IMF's own data to consider the results of the IMF's intervention in the economies of sub-Saharan Africa. We examine the record of countries that have participated in the IMF's Enhanced Structural Adjustment Facility (ESAF), the IMF's concessional lending facility for the least developed countries.

Among this report's main findings:

Developing countries worldwide implementing ESAF programs have experienced lower economic growth than those who have been outside of these programs. African countries subject to ESAF programs have fared even worse than other countries pursuing ESAF programs; countries in Africa subject to ESAF programs have actually seen their per capita incomes decline. It will be years before these populations recover the per capita incomes that they had prior to structural adjustment.

While African countries urgently need to increase spending on health care, education, and sanitation, IMF structural adjustment programs have forced these countries to reduce such spending. In African countries with ESAF programs, the average amount of government spending on education actually declined between 1986 and 1996.

Neither IMF-mandated macroeconomic policies nor debt relief under the IMF-sponsored HIPC (Heavily Indebted Poor Countries) Initiative have reduced these countries' debt burdens. Total external debt as a share of GNP for ESAF countries increased from 71.1% to 87.8% between 1985–1995. For sub-Saharan Africa debt rose as a share of GDP from 58% in 1988 to 70% in 1996. IMF debt relief has not significantly reduced the debt service burden of Uganda or Mozambique, two of the three African HIPC countries that have proceeded furthest under the HIPC initiative. Poor countries continue to divert resources from expenditures on health care and education in order to serve external debt.

In light of this track record, it appears that efforts to increases economic growth, increase access to health care and education, and reduce the burden of debt repayment are likely to fail so long as the IMF remains in control of the economic policies of countries in sub-Saharan Africa. Efforts to reduce Africa's debt burden should be coupled with efforts to reduce the role of the IMF. Debt cancellation or relief should not be conditioned on compliance with the IMF's structural adjustment programs or policies.

COUNTRY EXPERIENCES WITH IMF STRUCTURAL ADJUSTMENT

The External Review examined the experiences of five African countries under IMF adjustment. Below, we take a closer look at three of these countries—Zimbabwe, Cote d'Ivoire, and Uganda. We also briefly consider the experience of Mozambique—a country not examined in the External Review—under the IMF/World Bank HIPC Initiative.

1. Zimbabwe

During the 1980s, Zimbabwe's economy grew briskly: real growth averaged about 4%

per year. During the early and mid-part of the decade, Zimbabwe's exports were diversified and became increasingly oriented toward manufacturing; debts were regularly repaid without the need for rescheduling; a reasonable degree of food security was attained; and the provision of educational and health services was dramatically expanded (due to major increases in government spending on social services). As a result of increased government spending on health care provision in particular, health indicators showed dramatic improvement during the 1980s: the infant mortality rate declined from 100 per 1,000 live births to 50 between 1980 and 1988; life expectancy increased from 56 to 64 years (External Review, p. 179). Primary school enrollment doubled over the decade.

The External Review team summarized the achievements of the 1980s: "The core of the government's redistributive agenda was through (sic) increased public expenditures on education, health, and public sector employment. During the 1980s, much was achieved both in terms of an expansion of these expenditures and in terms of measurable indicators of performance" (p. 172).

Though it had entered agreements with the World Bank in the late 1980s, Zimbabwe began structural adjustment in earnest in 1991 when it signed a stand-by arrangement with the IMF in exchange for a $484 million loan. Unlike many of the countries that undertake IMF adjustment programs, Zimbabwe did not institute structural adjustment in response to a "crisis," but rather in an effort to "jump start economic growth."

Among the policy changes required by the IMF in exchange for the loan were cuts in Zimbabwe's fiscal deficit, tax rate reductions, and the deregulation of financial markets. The arrangement also required Zimbabwe to dismantle protections for the manufacturing sector and "deregulate" the labor market, lowering the minimum wage and eliminating certain guarantees of employment security (External Review, p. 173–176).

Impact on the economy

IMF policies which mandated the removal of protections for the manufacturing sector, trade liberalization, and reduced government spending combined with the effects of a severe drought on agricultural production to send the Zimbabwe economy into recession in 1992—real GDP fell by nearly 8% that year. In Zimbabwe, economic crisis actually followed rather than preceded the implementation of structural adjustment.

Among the indicators of economic performance that declined over the period of adjustment:

Between 1991-96, manufacturing output contracted 14%;

Real GDP per capita declined by 5.8% from 1991–1996;

Real GDP fell by about 1% between 1991 and 1995. (A January 1992 IMF staff report predicted 18% GDP growth over the same period);

Nominal and real interest rates were high and volatile throughout the period, with nominal rates often exceeding 40%. The result of high real interest rates was to reduce private domestic investment.

Total private investment declined by 9% in real terms between 1991-96 (External Review, p. 172–175).

Furthermore, private per capita consumption fell by 37% between 1991–1996. As the External Review concluded, "This alone transformed the group of those who lost from the reforms from a minority to a majority" (p. 177).

The combination of reduced protection of the manufacturing sector, the reduction in public spending, and labor market deregulation led to higher unemployment and lower real wages. Between 1991-96, formal sector employment in manufacturing fell 9% and real wages declined by 26%. Meanwhile, food prices rose much faster than other consumer prices; this disproportionately affected the rural poor, who spend a larger share of their income on food (External Review, p. 180, 182).

Impact on health and education spending

In order to meet the IMF's fiscal targets in the 1991 ESAF program, the government had to reduce non-interest expenditures by 46%. The External Review describes this requirement as a "draconian reduction" and found it unsurprising that Zimbabwe never met the fiscal target. Though Zimbabwe never met the IMF target, between 1990/91–1995/96, spending on health care declined as a share of the budget from 6.4% to 4.3%, and as a share of GDP from 3.1% to 2.1% (External Review, p. 178). The IMF's prescriptions for fiscal adjustment included reductions in the real wages of public health sector workers. As a result of the wage cuts, many doctors moved to the private health sector, and the quality of public health care dropped. As health care became less a public service and more a function of the private sector, health services became less accessible to the poor. Because non-wage health spending fell dramatically as well, shortages of prescription drugs became commonplace (External Review, p. 178).

Compared to the previous era in which health care services were made more widely available to all Zimbabweans through increased government spending, the era of IMF adjustment was characterized by decreased access to health services. This trend was reflected in the deterioration of health indicators. For example, between 1988 and 1994, wasting (a phenomenon linked to AIDS) in children quadrupled and maternal mortality rates appear to have increased. And after many years of decline, the number of cases of tuberculosis began to rise in 1986 and by 1995 had quadrupled (External Review, p. 178–179).

The decline in government health care spending occurred during a period of increasing need by the population for more access to health care. AIDS was spreading rapidly in Zimbabwe. Given the present cost of treating AIDS patients, the World Bank predicted that the total cost of treating Zimbabwean citizens already infected with AIDS was four times the entire 1996 government health budget. The IMF's fiscal targets meant that the government was unable to respond to growing health needs of the population effectively. The External Review concluded that access to health care fell under adjustment, compared to the pre-IMF era: "There is no doubt that the previous trend of improving health outcomes was reversed during the period of the reform program" (p. 179).

Expenditure on education also fell sharply under IMF adjustment. Real per capita expenditure on primary and secondary education declined by 36% and 25% respectively between 1990/91 and 1993/94. As in the health sector, wages for teachers and educational staff fell by between 26% and 43% between 1990 and 1993.

Impact on external indebtedness

The External review team analyzed Zimbabwe's external viability (i.e., their debt burden). The results show that on the basis of nearly every generally accepted indicator of a country's debt burden, Zimbabwe became significantly more indebted during the period of adjustment. But Zimbabwe still does not qualify for the IMF/World Bank HIPC initiative.

On April 11, 1999, the Associated Press reported that Zimbabwe had "severed ties with the International Monetary Fund and the World Bank," saying that they had "made 'unrealistic demands'" as a requirement for releasing funds. A day later the Zimbabwean Finance Ministry denied the report, "in a bid to reassure markets." The Wall Street Journal noted that "Other donors have indicated they would take their cue from the IMF on whether to release additional financial support," again indicating the tremendous power which the IMF wields as a result of the fact that other creditors and donors follow its lead.

2. Cote d'Ivoire

Cote d'Ivoire experienced a long period of growth following its independence in 1960, with much of its growth attributable to agricultural exports. Economic decline ensued in the early 1980s as world prices for coffee and cocoa, two of Cote d'Ivoire's main exports, fell. After a brief restoration in growth by 1985, the economic decline resumed in the late 1980s (External Review, 95).

The IMF became involved in Cote d'Ivoire in November 1989, when it reached a stand-by arrangement with the government, which was followed by another agreement in 1991. Following the initial stand-by arrangements with the IMF, there were six World Bank Structural Adjustment Loans from 1989–1993. Then, beginning in 1994, Cote d'Ivoire entered into an ESAF program with the IMF.

Over the first period of adjustment, from 1989–1993, IMF fiscal adjustment requirements were introduced in an effort to reduce the government budget deficit. These included substantial reductions in current government expenditures (−30%) and capital expenditures (−15%), in addition to tax increases. Structural reforms also began during this period, including privatizations and some financial reforms.

The objectives of the next phase (from 1994–1997), under the ESAF program, were threefold:

To generate a primary budget surplus of 3% of GDP, "in order to finance debt service" (External review, p. 97);

To attain GDP growth of 5% by 1995; and

To "protect the most vulnerable during adjustment."

In order to reach the budget surplus target, the IMF required labor market deregulation, price decontrol, trade reform, reductions in civil service employment, and faster privatization (External review, p. 97). The IMF also advocated devaluation of Cote d'Ivoire's currency, the Franc CFA, which occurred in January 1994.

Impact on the economy

From 1989–1993, per capita GDP fell by 15%, pushed along by the overvaluation of the exchange rate and deterioration in the terms of trade (External Review, p. 95-96). The social impact of IMF structural adjustment on Cote d'Ivoire was severe. Between 1988–1995, the incidence and intensity of poverty doubled, with the number of people making under $1/day increasing from 17.8% of the population to 36.8%. In Abidjan, the rate of urban poverty rose from 5% to 20% between 1993 and 1995 (External Review, p. 101).

Impact on Health and Education Spending

Between 1990 and 1995, real per capita spending on health care fell slightly and education spending fell dramatically (External

Review, p. 101, 105). During the period of IMF structural adjustment (1990–1995), real per capita public spending on education declined by more than 35 percent. Moreover, reductions in the wages of civil servants required by the IMF also led to a reduction in teachers salaries (external review, p. 103). The Review points out that lower wages probably lowered teachers' motivation, and educational quality may have suffered as a result. Despite an improvement in gross enrollment in primary schools over the period 1986–1995, educational indicators overall showed poor results. By 1995, only 45% of girls from the poorest quintile of households were receiving primary education. At the secondary level, the gross enrollment rate declined from 34% to 31% between 1986–1995 (External Review, p. 104).

As part of the policy reforms required by the Fund, user fees were introduced into the public health care system in 1991. The devaluation of the franc CFA made it especially difficult for the urban poor to pay for health care services, and as a result there was a shift towards traditional medicine. Many health problems worsened. For example, the incidence of stunted growth in children increased from 20% in 1988 to 35% in 1995. As access became more expensive, health issues became a more pressing concern. A survey by UNICEF and the Government of Cote d'Ivoire found that when women were asked to identify their problems, health ranked first (External Review, p.103).

The team of external reviewers concluded that in Cote d'Ivoire, "The required reductions in public expenditures were imposed on a system which was already failing to meet basic social needs."

Debt burden

In the first two years of adjustment alone (from the end of 1989 to the end of 1991), Cote d'Ivoire's external debt burden grew by $3.7 billion (or from 141% to 175% of GDP). In its analysis of external viability, the External Review found that Cote d'Ivoire's external debt burden increased from 132.4% to 210.8% of GDP. Before ESAF, its debt stock to export ratio was 452.8%; following ESAF, it had risen to 545.4% (External Review, p. 190).

Although Cote d'Ivoire has completed the required three consecutive years of structural adjustment to reach its "decision point" for eligibility under the IMF/WorldBani HIPC Initiative, it will not reach the "completion point" (of actually receiving debt relief) until March 2001, assuming it does not go off track from the adjustment program. Although the country has an urgent need for increased government spending on health care and education, it is unlikely that this could happen under the terms of structural adjustment.

3. Uganda

When President Yoweri Museveni came to power in Uganda in 1986, his government faced the challenge of rebuilding an economy devastated by the dictatorships of Idi Amin and Milton Obote. Between 1971 and 1986, the Ugandan economy had deteriorated in per capita terms. But in the ten years that followed (between 1986–1996), per capita GDP grew by roughly 40%.

The IMF first became involved in Uganda in 1987, with a loan through its Structural Adjustment Facility (SAF), and it later extended its mission under the ESAF program from 1989–1992 and again from 1992–1997. Real per capita GDP growth averaged 4.2% in Uganda between 1992-1997, and as a result, the IMF often presents Uganda as an example of the success of its structural adjustment policies.

As noted in the External Review, part of this rapid growth can be explained by the terrible decline of preceding years. But it is also worth looking at how various sectors of the population fared under the growth that coincided with structural adjustment in Uganda

Two principal reforms mandated by the IMF arrangements were trade liberalization and the progressive reduction of export taxation. But as the external review points out, "Liberalization of cash crops had only limited beneficiaries." This was the case because only a small number of rural households grow coffee. Liberalization had little impact on rural incomes over the period of adjustment—rural per capita private incomes increased just 4% over the period from 1988/89 to 1994/95.

The IMF also mandated the privatization of state-owned industries, a process that has met particularly criticism in Uganda. The Structural Adjustment Participatory Review International Network (SAPRIN), which was launched jointly with the World Bank, national governments, and Northern and Southern NGOs in 1997, has reported that the privatization process in Uganda has gone too fast and has been flawed from the start. A report by Ugandan NGOs who participated in SAPRIN found that "The privatization process in Uganda has benefitted the government and corporate interests more than the Ugandan people . . . The privatization process was rushed, and as a result, workers suffered. Some 350,000 people were retrenched and, with the private sector not expanding fast enough, unemployment sharply increased. Those laid off were not prepared for life in the private sector, with no training being provided."

During the period of IMF structural adjustment, public spending on health care increased as government spending rose overall. However, health care spending did not rise as a share of the recurrent budget, and its share was slightly lower in 1994 than it had been in 1989. Government spending grew over the period but from a very low stating level at the beginning of Museveni's term: in 1986, government expenditure represented just 9% of GDP. At the same time prices of health care services rose much faster than inflation. This was caused in part by the large depreciation of the exchange rate from 1988–1991, which raised the cost of imported inputs in the health sector. As a result, a given level of public health spending bought fewer health services. Real per capita output in health care was lower in each of the years from 1992–1994 than it had been in 1989. (External Review, p. 139–141).

The SAPRIN review of Uganda's experience with adjustment found that "cost-sharing," where patients are expected to pay for a portion of their health care or education, has led to less access for the poor to health care and public education. The policy of cost-sharing was introduced by the Ugandan government in response to IMF fiscal requirements and high debt service payments, which have made it difficult for the government to channel funds into payments for health care and public education. The NGOs in SAPRIN report that:

"It [higher costs] has made hospitals and institutes of higher education too costly for the poor. People testified that those who cannot pay for critical health care simply die. Cost-sharing is also poorly administered in the hospitals, and it was pointed out that in areas where people have been unable to pay, the local hospital has simply been closed down. Citizen representatives reported that in villages where the people themselves decide on how much to pay, access to care is much better, so it is best to scrap cost-sharing, which does not benefit the poor."

Despite some limited progress in the area of health service provision during the era of adjustment, general health indicators have not improved. In particular, the proportion of children who are malnourished has not declined. As the external review observes, "This is consistent with the evidence on rural incomes which, as we have seen, suggests little change" (p. 139). Since rural incomes did not rise in tandem with increasing health care costs, the rural poor have not been able to share in increased access to health service provision.

Moreover, a declining share of the recurrent budget has been spent on education over the adjustment period, and this led to an overall reduction (over the period 1987 to 1996) in the provision of educational services per capita. (External Review, p. 140–141).

Debt burden

The IMF and World Bank often present Uganda as an example of the success of its HIPC (Heavily Indebted Poor Country) debt initiative. Uganda was the first country to receive debt relief under the IMF/World Bank HIPC Initiative in April 1998, when roughly $650 million of its multilateral debt stock was forgiven.

However, the process has, first of all, been plagued by several delays. Uganda was originally scheduled to receive debt relief in April 1997, but this was pushed back one year. This delay occurred despite the fact that Uganda had been following structural adjustment programs for nearly a decade. According to Ugandan government projections, the cost of the one year delay was $193 million in lost relief. This amount is more than double the projected spending on education or six times total government spending on health in that year. With the delay, public funds were diverted from priority health care services into debt repayments.

Moreover, less than one year after receiving relief, Uganda's debt burden has once again become unsustainable according to HIPC criteria. This is mainly because of an overestimation by the World Bank/IMF of revenues Uganda would receive from coffee exports and from trade with the former Zaire, whose economy has recently gone into decline. The United Kingdom's Secretary of State for International Development, Clare Short, confirmed this is a statement before the British House of Commons, noting that, "the review of Uganda, which has just received debt relief, was very disappointing. As a result of the fall in world coffee prices, it is just as badly off as it was in the first place." Uganda's return to an unsustainable debt service burden illustrates the problem with IMF and World Bank projections of export earnings that do not materialize, even over a period of less than a year. It also shows that the debt burdens set by HIPC as "sustainable" are much too high, and that much deeper debt relief—preferably cancellation—will be necessary to set these countries on a sustainable growth path.

CASE STUDY: MOZAMBIQUE AND DEBT RELIEF

Unlike the other countries examined in this study, Mozambique's experience with the IMF's structural adjustment was not examined in the External Review of the impact of ESAF programs. But Mozambique is one of just three African countries (the others are Uganda and Cote d'Ivoire) that have reached the final stage under the World Bank/IMF Highly Indebted Poor Countries (HIPC) Initiative. It is therefore worth examining how Mozambique has fared under this initiative, including the required conditions of structural adjustment.

Mozambique is one of the poorest countries in the world, if not the poorest. According to the United Nations Development Program (UNDP) and UNICEF, only 37% of the population has access to clean water; 39% has access to health services; and just 23% of women can read and write.

Following a decade of war supported by external powers, Mozambique began a modified form of World Bank structural adjustment in 1987, and in 1990 it entered into an IMF directed "stabilization program" under ESAF. Two of the main components of the IMF stabilization program were fiscal adjustment (cuts in government spending) and cuts in credit to the economy (through policies such as higher interest rates). As part of the fiscal adjustment process, government salaries fell. For example, a doctor on the government payroll earned $350/month in 1991, $175/month in 1993, and by 1996, took in less than $100/month. For nurses and teachers, monthly salaries fell from $110/month to $60 or $40—levels at which it is impossible to support a family.

The IMF's primary aim in Mozambique was to contain inflation; the Fund argued that broad post-war reconstruction efforts should be scaled back on the grounds that such actions could be inflationary. While the IMF focused on stabilization policies, World Bank adjustment simultaneously mandated privatization as well as trade and investment liberalization.

Mozambique and the HIPC initiative

In a press release issued on April 7, 1998, the IMF announced that, along with other creditors, it had agreed to "provide exceptional support amounting to nearly US$3 billion in nominal terms in debt-service relief for Mozambique," claiming that this would "reduce the external debt burden, free budgetary resources and allow Mozambique to broaden the scope of its development effort."

While $3 billion may seem like substantial debt relief for a country as poor as Mozambique, it does not necessarily make a significant dent in the country's debt service burden. Since countries like Mozambique owe far more in external debt than they have the capacity to pay, it is quite possible to reduce their outstanding debt stock considerably, without any commensurate reduction in the net drain of resources out of the country. This happens when creditors cancel that part of the debt that was not being serviced previously. Therefore, in order to know whether poor countries—and poor people in those countries—actually benefit from IMF/World Bank debt relief, it is necessary to know what the impact of this debt reliefs is on the actual debt service paid by these countries.

In response to criticism from non-governmental organizations, in May the IMF released estimates for these numbers. According to the IMF's own projections, the actual debt service paid by Mozambique will be as high or higher in each of the years from 2000–2003 as it was in 1997. Even after IMF debt relief, the government will be paying roughly as much in debt service as it is spending on health care and education.

Speaking at a conference on the issue, World Bank representative James Coates noted that more than half of all money allocated to HIPC countries went to cancel Mozambique's debt, and that more debt could not be canceled because the funds allocated under HIPC constituted the maximum that creditors could afford. But the $100 million that Mozambique pays in debt service each year represents barely one-tenth of one percent of the increase in resources which the IMF alone received last year from member governments. This indicates that the lack of meaningful debt relief so far is not the result of scarce resources, but a lack of commitment to significantly reducing the debt service burden of these highly indebted and very poor countries.

Human impact of the IMF's policies

The importance of debt relief can be illustrated by estimates of the results, in terms of human welfare, that could be achieved if some of the resources now spent on debt service were reallocated to spending on vital needs. In 1997, the United Nations Development Program estimated that, relieved of their debt payments, severely indebted countries in Africa could have saved the lives of 21 million people and provided 90 million girls and women with access to basic education by the year 2000. In the case of Mozambique, Oxfam estimated that debt relief could save the lives of 600,000 children over seven years. Other advocates of debt relief have made similar estimates: based on United Nations Development Program estimates of the impact of increased health and education spending, Jubilee 2000 estimated that if Mozambique were allowed to spend half the money on health care and education which it is now spending on debt service, it would save the lives of 115,000 children every year and 6,000 mothers giving birth.

HAS AFRICA 'TURNED THE CORNER' IN RECENT YEARS?

In 1998, the IMF released a series of publications and public statements claiming credit for an "African economic renaissance" and "a turnaround in growth performance." The claim from the IMF and World Bank is that structural adjustment is beginning to pay off, at least in macroeconomic terms. But examining just-released growth projections by the World Bank, one discovers that the "growth turnaround" has been short-lived. According to the World Bank, real GDP per capita grew by 1.4% in 1996, but by 1997, growth slowed to 0.4% and in 1998, per capita incomes fell by 0.8%. The World Bank projects a further decline of −0.4% in 1999. In short, if there was an "economic renaissance" for Africa, it appears to be over.

Why has there been a sudden downturn in growth? The UN Economic Commission for Africa (ECA) reports that Africa's economic performance in 1997 showed "the fragility of the recovery and underscored the predominance of exogenous factors" in the determining African economic outcomes. Africa's growth prospects are inexorably linked to world prices for its exports. IMF and World Bank structural reforms had actively promoted this strategy, known as export-led growth. The ECA also emphasized this fact: "The major thrust of economic policy making on the continent has been informed for the last decade or so by the core policy content of adjustment programs (of the type supported by the IMF and the World Bank) * * *"

In addition to slower growth in 1997 and 1998, recently released data indicate that the relationship between the IMF and sub-Saharan Africa has taken a turn for the worse during these years.

FIGURE 6. IMF RELATIONSHIP WITH SUB SAHARAN AFRICA 1991–1998

[Millions of U.S. dollars]

	1991	1992	1993	1994	1995	1996	1997	1998
IMF purchases	579	527	1146	918	2994	652	524	837
IMF repurchases	614	530	455	467	2372	596	1065	1139
IMF charges	228	186	138	170	559	124	101	88
Balance	−263	−189	553	281	63	−68	−642	−390

[1] Preliminary.

The Balance shows the net transfer of funds from the IMF to Sub-Saharan Africa; the negative sign indicate a net transfer from the countries to the Fund. IMF Purchases represent new resources (loans) taken out from the IMF. IMF Repurchases represent repayments of the principal of IMF loans. IMF Charges represent repayments of the interest on IMF loans.

Source: World Bank, Global Development Finance 1999, in Jubilee 2000 coalition, "IMF takes $1 billion in two years from Africa," April 1999.

As Figure 6 shows, repayments by African governments to the IMF outpaced new resources in the past two years, resulting in a net transfer from Africa to the IMF of more than $1 billion in 1997 and 1998. Meanwhile, despite increasing repayments to the IMF, total African debt continued to rise: between 1997 and 1998, Africa's debt increased by 3% to $226 billion. This occurred even as African countries paid back $3.5 billion more than they borrowed in 1998.

CONCLUSION

The data reviewed in this study suggest that the International Monetary Fund has failed in Africa, in terms of its own stated objectives and according to its own data. Increasing debt burdens, poor growth performance, and the failure of the majority of the population to improve their access to education, health care, or other basic needs has been the general pattern in countries subject to IMF programs.

The core elements of IMF structural adjustment programs have remained remarkably consistent since the early 1980s. Although there has been mounting criticism and calls for reform over the last year and a half—as a result of the Fund's intervention in the Asian and Russian financial crises—no reforms of the IMF or its policies have been forthcoming. And there are as yet no indications from the Fund itself that it sees any need for reform. In fact, IMF Managing Director Michel Camdessus has repeatedly referred to the Asian economic collapse as "a blessing in disguise."

In the absence of any reform at the IMF for the foreseeable future, the need for debt cancellation for Africa is all the more urgent. This enormous debt burden consumed 4.3% of sub-Saharan Africa's GNP in 1997. If these resources had been devoted to investment, the region could have increased its economic growth by nearly a full percentage point—sadly this is more than twice its per capita growth for that year. But the debt burden exacts another price, which may be even higher than the drain of resources out of the country: it provides the means by which the IMF is able to impose the conditions of its structural adjustment programs on these desperately poor countries.

Any debt relief that is tied to structural adjustment, or other conditionality imposed by the IMF—as it is in the HIPC initiative—could very well cause more economic harm than good to the recipients. Debt relief should be granted outside the reach of this institution, preferably without conditions. Moreover, the role of the Fund in Africa and developing countries generally, and especially its control over major economic decisions, should be drastically reduced. Any efforts to provide additional funding or authority to the IMF, before the institution has been fundamentally reformed, would be counter-productive.

ON THE WRONG TRACK:

A SUMMARY ASSESSMENT OF IMF INTERVENTIONS IN SELECTED COUNTRIES

January 1998.

OVERVIEW

As Asian economies continue to unravel, investors have looked to the International Monetary Fund for guidance on whether prospective economic performance warrants their continued participation in the economies of those countries. With a war chest of funds and a staff of neoliberal economists at its disposal and the power and influence of Northern governments and financial markets behind it, the IMF not only sets the standards for such performance, but it forces compliance with the carrot of emergency funding and the stick of discouraging the flow of private-sector and other public-sector financing. When the going gets rough under IMF tutelage, the refrain is always the same: deepen the reforms with more of the same medicine.

But how good has IMF advice been, and how accurate a guide has the Fund's stamp of approval been for investors? To start, investments in IMF-touted emerging-market countries over the past five years have performed no better than much safer investments at home, and the Fund failed to warn of the two big crashes of the decade—Mexico and East Asia. In fact, right up to the currency and stock-market collapses, the IMF was praising these countries as models of economic success and rationality. Perhaps blinded by its own prescriptions (and the interests of investors) to open these—and other—economies before the necessary institutional, financial and social infrastructure was in place, the Fund has consistently failed to recognize, or at least publicly acknowledge, the underlying weaknesses in these economies and its own contribution to the debacles.

Friends of the Earth and The Development GAP, with the support of the Charles Stewart Mott Foundation, have engaged partners in six countries to assess, through short case studies, IMF performance in a representative cross-section of economies. Drafts of four of the studies—Mexico, Senegal, Tanzania and Hungary—have been completed, and summaries are attached, the profiles of the Philippines and Nicaragua are still in progress. These cases paint a consistent picture of an institution bent on fully opening economies to foreign investors on advantageous terms at almost any cost—the destruction of domestic productive capacity and local demand, growing poverty and inequality, the deterioration of education and health-care systems, and, as has been seen, a dangerously expanding vulnerability of these economies themselves to external forces beyond their governments' control.

What is clear from these studies, and from IMF intervention across the board, is that the Fund's economic conditions—which have gone beyond tight monetary and fiscal policies and other stabilization measures to include the liberalization of trade, direct investment and financial capital flows, as well as the dismantling of labor protections and economic infrastructure that supports small producers—have been imposed without linkage to a long-term development strategy aimed at sustainable and equitable growth and economic competitiveness.

In Mexico, a program of rapid trade liberalization, economic and financial-sector deregulation and large-scale privatization, accompanied by policies that undercut local demand and production, had created a growing current-account deficit well before the December 1994 collapse of the peso. The increasing dependency on foreign capital inflows required to finance the deficit eventually led to massive capital flight and the crisis. Subsequent IMF conditions attached to the bailout of foreign investors, which in essence deepened the reform program while ignoring its underlying weaknesses, caused an economic depression, pushing millions of farmers out of agriculture, bankrupting thousands of small businesses, and drastically slashing jobs and wages. Likewise, in Nicaragua, financial-sector deregulation, narrowly focused and without adequate prior institutional reform, has directed capital toward short-term, high-interest deposits and away from productive investment, particularly the activities of small-scale producers in both the agricultural and manufacturing sectors.

In Africa, the IMF record has been even worse. Tanzania, forced to adopt a program of trade liberalization, devaluation, tight monetary policy and the dismantling of state financing and marketing mechanisms for small farmers, has experienced expanding rural poverty, income inequality and environmental degradation amidst growing agricultural export trade. Food security, housing conditions and primary-school enrollment has fallen while malnutrition and infant mortality have been on the rise. The country, under Fund supervision, is today more dependent than ever on foreign aid. Across the continent, Senegal, an IMF pupil for 18 years, has experienced declining quality in its education and health-care systems and a growth in maternal mortality, unemployment and the use and abuse of child labor. Official IMF statistics underestimate the real inflation rate faced by most of the population, while economic growth has not effectively reached the poor. As women constitute the vast majority of the poor and depend more on social services, experience lower education and literacy rates, and are least likely to receive support for their agricultural (food-crop) activities than are men, they have suffered disproportionately under the adjustment program.

With the IMF as its guide, Hungary has led the reform process in Eastern Europe, similarly liberalizing its trade regime, tightening its money supply and selling off assets (on questionable terms) to foreign interests with little concern for the productive contributions of workers and domestic producers in the "real" economy. As a result, an increasing portion of resources are being directed away from investment in human capital and infrastructure formation toward unemployment benefits and payments to wealthy bondholders. A more fragmented and troubled society has emerged in which other big losers include: the elderly, who often cannot afford the cost of medicines or home heating, pensioners, whose stipends will further decrease, gypsies, who are losing access to jobs and public housing, youth, who face decreased access to education and employment, particularly in rural areas, and children, who, for the first time, are experiencing malnutrition as poverty expands in Hungary.

The IMF claims that it is not a development assistance agency and its track record proves its point. Yet, while destroying the basis for sustainable, equitable and stable development around the globe with the imposition of both stabilization and adjustment measures, the Fund has also greatly increased the economic vulnerability of nation after nation. By opening the door prematurely to fickle and unregulated foreign capital flows, liberalizing trade and investment regimes and pushing up interest rates to attract bondholders without adequate support for local production, developing cheap production bases for foreigners and export at the expense of underpaid and undereducated work forces, domestic demand and the natural environment, and rewarding speculators instead of financing critical social investments and equilibrium, the IMF has demonstrated both its biases and its ignorance of local conditions. It should be neither a guide for the market nor a dictator of national development programs. At this point in history, the less influence, the less money, the less power it has, the better.

APRIL 1999.

CONDITIONING DEBT RELIEF ON ADJUSTMENT: CREATING THE CONDITIONS FOR MORE INDEBTEDNESS

(By The Development Group for Alternative Policies)

Over the past year there has been growing public recognition, even within official circles, that foreign-debt burdens, particularly those of the least-developed countries, are unsustainable and constitute severe constraints on those countries' future development. The dire situations in Honduras and Nicaragua after Hurricane Mitch serve to highlight the impossibility of those countries garnering sufficient resources to rebuild their devastated infrastructures while foreign-debt payments continue to absorb much of their governments' and export earnings.

Various proposals have been developed for the cancellation of bilateral and multilateral debt. Most prominent among these proposals is the Heavily Indebted Poor Countries (HIPC) initiative. The stated intention of this program, which is administered by the International Monetary Fund (IMF) and the World Bank, is to enable highly indebted poor countries to achieve sustainable debt levels within six years. After three years of implementation of structural adjustment programs (SAPs), countries reach a "decision point", at which time some debt rescheduling may be granted and the level of additional debt reduction needed is calculated. That reduction, however, is typically available only after another three years of adjustment. It could take even longer than six years for a country to receive any debt relief, as the "clock" stops if a country fails to fully adhere to the adjustment program and restarts only when the

IMF has certified that it is in compliance once again. In fact, given the long time frame for debt cancellation, it appears that a central goal of the HIPC initiative is to keep countries locked into adjustment programs, with debt reduction now used—as has been both access to finance and debt itself—as leverage toward that end.

While the recognition that debt levels must be reduced is a step in the right direction, the requirement that countries continue to implement SAPs in order to qualify for and receive that relief greatly diminishes or even negates the benefits that might accrue from debt cancellation. Not only have adjustment programs devastated national economies across the South and caused misery for hundreds of millions of people, evidence shows that, in the large majority of countries implementing those policies at the insistence of the international financial institutions (IFIs), debt levels have increased.

In fact, a study carried out by two researchers affiliated with The Development GAP demonstrates that there is a positive linear relationship between the number of years that countries implement adjustment programs and increases in debt levels. Rather than leading countries out of situations of unpayable debt levels, the HIPC program and others conditioned on the implementation of SAPs would likely push participating countries further into a tragic circle of debt, adjustment, a weakened domestic economy, heightened vulnerability, and greater debt.

METHODOLOGY

The Development GAP study covers 71 economies of the South with a history of at least three years operating under World Bank-supported structural and sectoral adjustment programs during the period 1980–1995. Many of these countries have also implemented IMF adjustment programs. On average, the countries included in the study had implemented SAPs for 7.8 years. Some 42 African and Middle Eastern countries were included and comprised 59.2 percent of the sample. Eleven Asian countries, or 15.5 percent of the total, and 18 Latin American countries, comprising 25.4 percent of the cases, were also included in the study. A list of the countries included in he study, along with data related to SAPs and debt, is provided in the Annex.

The independent variable used in the study analysis was the number of years a country had been implementing a structural adjustment program. The dependent variable was the change in the ratio of debt to GNP. The total debt level used was the sum total of debt and the debt and interest cancelled during the period (so that official debt-reduction plans do not skew the results). Changes in the ratio of debt to GNP were derived by calculating percentage changes in the ratio from the first to last year of a country's SAP. In the cases in which the program was still ongoing, 1995 was used as the final year for calculation due to the unavailability of data on debt after that date. All figures are based on official World Bank information.

RESULTS

Of the countries included in the study, a full two-thirds saw their debt burdens increase during the adjustment period. Furthermore, as cited above and contrary to assertions by the IFIs that "sound economic policy" is the best road out of debt, statistical analysis of the data demonstrates a positive relationship between the number of years under adjustment and increases in debt levels. The longer these countries implemented the neoliberal programs, the worse their debt burdens typically became.

It is striking that none of the countries currently being considered for debt relief under the HIPC initiative has experienced a drop in the debt-to-GNP ratio under their respective adjustment programs. In some countries, the inverse relationship was especially strong. Guyana and Cote d'Ivoire, two countries that are scheduled to receive such debt relief, have experienced phenomenal increases in the debt/GNP ratio. In the former, the ratio grew by 147 percent after 13 years of adjustment, and, in the latter, 13 years of SAPs produced a 120-percent increase in debt to GNP. Of the 35 countries listed by the World Bank as HIPCs, only three experienced decreases in debt-to-GNP levels under adjustment. All others experienced increases, ranging from an 11-percent rise in Mauritania to a 670-percent increase in Nigeria.

The average, or mean, increase in debt for all of the countries in the sample was 49.2 percent. The median, or most frequent, increase was 28.2 percent. The top 25 percent of the countries showed a 75-percent increase in foreign debt.

TRAGIC CIRCLES OF DEBT AND ADJUSTMENT

There are a number of reasons for the rise in debt levels. In some countries, the trade liberalization required under adjustment programs leads to a flood of imports and, consequently, higher trade and current-account deficits. Those deficits need to be compensated for by higher foreign investment, foreign assistance or foreign borrowing. In many countries, such as Brazil, the maintenance of high real interest rates, as often mandated by the IFIs, in order to appease nervous foreign investors, is increasing the cost of domestic debt, thus adding to the government's budget deficit, raising the specter of further devaluation, and, consequently, creating greater difficulty in servicing the foreign debt.

One of the central objectives of structural adjustment programs is to reorient economic activity away from production for domestic consumption and toward production for export. In making this shift, nations become exceeding vulnerable to the vagaries of the global economy. Countries export more and more as commodity prices continue to fall. Governments deregulate economic activity, "flexibilize" labor markets and raise interest rates in increasingly desperate efforts to attract and maintain fickle foreign investment. The recent crises in Mexico, East Asia, Russia and Brazil demonstrate the hazards of countries betting their future well-being on the erratic global financial market. Indeed, those countries receiving IMF-orchestrated "bailouts" could very likely constitute the next group of debt-crisis countries, as the adjustment conditions attached to these packages include the requirement that governments guarantee payments to private international banks, thus making private debt a public obligation.

High foreign-debt levels are both a result and a symptom of the extreme risk that governments take in tying their economies too closely to the global market. The causes of that debt are flawed economic policies that fail to develop domestic productive capabilities or raise local income levels so as to reduce the need for external financing. For this reason alone, the requirement that governments adhere to the structural adjustment programs designed by the international financial institutions is pure folly. Instead, governments should be encouraged to develop national economic plans designed democratically to expand the domestic financial resource base, incomes and markets and, consequently, reduce their extreme dependence on foreign debt. Otherwise, we can expect the tragic circle of debt and adjustment to continue into the foreseeable future—debt-relief programs not withstanding.

Prepared by Karen Hansen-Kuhn and Doug Hellinger based on research and analysis by Matt Marek and Nan Dawkins.

ANNEX: COUNTRIES INCLUDED IN THE STUDY

Africa and Middle East	Years under SAP	Percent increase in debt/GNP
Algeria	5	72.05
Benin	6	17.74
Burkina Faso	4	65.98
Burundi	9	155.96
Cameroon	6	156.96
Central African Rep.	7	110.76
Chad	66	81.43
Comoros	4	30.30
Congo	7	75.59
Cote d'Ivoire	13	119.53
Egypt	3	−22.89
Equatorial Guinea	4	23.10
Ethiopia	3	28.25
Gabon	7	62.58
The Gambia	5	−25.88
Ghana	12	148.31
Guinea	8	10.92
Guinea-Bissau	10	64.57
Jordan	5	−29.72
Kenya	15	120.50
Madagascar	9	87.87
Malawi	4	142.92
Mali	7	29.06
Mauritania	9	10.55
Mauritius	8	−15.91
Morocco	10	−28.19
Mozambique	7	30.92
Niger	9	63.92
Nigeria	11	669.66
Rwanda	4	106.65
Sao Tome and Principe	8	287.91
Senegal	14	56.66
Sierra Leone	3	−9.77
Somalia	6	37.75
Sudan	7	−25.54
Tanzania	14	361.07
Togo	12	14.43
Tunisia	8	−22.69
Uganda	13	33.19
Zambia	11	61.19
Zimbabwe	11	121.14

Asia	Years under SAP	Percent increase in Debt/GNP
Bangladesh	15	75.76
China	3	15.94
India	3	−16.32
Indonesia	5	−9.32
Lao PDR	5	−33.23
Nepal	6	57.68
Pakistan	4	30.61
Papua New Guinea	5	−35.86
Philippines	14	7.57
Sri Lanka	5	−12.38
Thailand	3	6.72

Latin America and Caribbean	Years under SAP	Percent increase in Debt/GNP
Argentina	9	−11.85
Bolivia	15	51.43
Brazil	9	−8.99
Chile	3	−19.99
Colombia	10	−33.56
Costa Rica	12	−56.61
Dominica	4	−19.22
Ecuador	9	13.80
El Salvador	4	−20.69
Guatemala	3	−13.86
Guyana	13	147.32
Honduras	6	38.97
Jamaica	14	75.13
Mexico	11	30.83
Nicaragua[1]	13	726.07
Panama	11	8.87
Peru	3	8.42
Trinidad and Tobago	3	−5.10
Uruguay	9	−55.72
Venezuela	5	−3.71

[1] Nicaragua was excluded from the analysis because of the unorthodox nature of its debt and because adjustment was implemented sporadically during the period (and at times without support from the international financial institutions), making it difficult to identify beginning and end years for the program.

Environmental Consequences of the IMF's Lending Policies

(By Friends of the Earth)

Environmentalists around the world have long been concerned about the impact of International Monetary Fund (IMF) structural adjustment policies on the global environment. While economic instability is a threat to the environment, the IMF's approach to economic reform generally induces a blatant disregard for environmental impacts, even when the economic goals go hand in hand with environmental goals.

The result: too many economic policies that promote environmental degradation and too few policies that could promote positive environmental gains.

PRESSURE TO EXPORT

Structural Adjustment Programs (SAPs) treat natural resources as commodities, exported as cheap products to over-consuming markets in the Northern rich countries. Exports of natural resources have increased at astonishing rates in many IMF adjusting countries, with no consideration of the sustainability of this approach. For example, Benin, under SAPs since 1993, had sawnwood exports increase four fold between 1992 and 1998. (1)

Furthermore, it is often raw resource exports, whose prices are notoriously volatile, that are being promoted, rather than finished products, which would capture more value-added, employ more people in different enterprises, help diversify the economy, and disseminate more know-how.

BUDGET CUTS AND WEAKENED LAWS

Structural adjustment's goal of balancing the government budget can also hurt the environment. In the effort to shrink budget deficits, cuts in government programs weaken the ability to enforce environmental laws and diminish efforts to promote conservation. Budget cuts in Brazil, Russia, Indonesia and Nicaragua have greatly reduced these governments' ability to protect the environment. Governments may also relax environmental regulation to meet SAP objectives for increased foreign investment.

WORLD BANK IS NO EXAMPLE

The IMF explains that it relies on the World Bank to assess the environmental implications of its adjustment lending. Yet the World Bank has proven to be no help. A recent review found that fewer than 20% of World Bank adjustment loans included any environmental assessment. (2)

Another consequence of the IMF's narrow approach to economic reform is that economic policies that could help promote environmental sustainability are being ignored. Tax promote environmental sustainability are being ignored. Tax policy, for example, could emphasize green taxes in order to generate revenue and discourage excessive resource use. In the IMF's effort to build countries' accounting systems and statistics capabilities, full cost accounting could be pursued to help both countries and international financial institutions realize the value of natural resources and would therefore encourage countries to use them prudently. Immediate steps must be taken to make sure that environmental protection is considered as a core component of economic policy reform.

FORESTRY

Many countries under the IMF's Structural Adjustment Programs are rich in forest resources. SAP's economic incentives for increasing exports of forest products can lead to more foreign exchange earnings, but when uncontrolled can result in unsustainable forestry management and high deforestation rates.

In Cameroon, IMF-recommended export tax cuts, accompanied by the January 1995 devaluation of the currency, provided great economic incentives to export timber. As a result, the number of logging enterprises increased from 194 in 1994 to 351 in 1995 (3) and lumber exports grew by 49.6% between 1995/96 and 1996/97 (4), threatening the country's rainforests and natural habitat (see inset). In a recent report the IMF finally acknowledged the precarious nature of Cameroon's export strategy and encouraged a strengthening of the government's institutional capacity to promote the rational use of forest resources.

Between 1990 and 1995, forest loss for the 41 Heavily Indebted Poor Countries (HIPC) greatly exceeded the rate of forest loss for the world. For example, the two Central American HIPC countries, Nicaragua and Honduras, lost almost 12% of their forest, which is 7.5 times greater than the world rate. Approximately 75% of these HIPC countries had an IMF SAP at some point during this time period. (5)

FOREST LOSS, 1990–1995

[In percent]

Region	HIPCs	Non-HIPCs	World
Tropical Africa	3.65	2.60	1.6
Tropical Asia	8.33	4.60	1.6
Central America	11.6	5.12	1.6
America	4.2	2.60	1.6

FAO, 1997

MINING

Like forestry, mineral resources are seen as a quick source of export earnings and a locus for foreign investment. Mining is one of the most environmentally destructive activities, contaminating ground water through acid mine drainage, threatening fish, animal and bird life, and destroying wildlife habitats. SAP policies have promoted the exploitation of mineral resources, and done so without regard to disruption to local communities and indigenous peoples and requirements for land rehabilitation. (6)

Under SAP guidance since the mid 1980s, Guyana implemented policies to increase large-scale, foreign-owned mining ventures. This has led to river pollution, the decline of fish populations, and deforestation (see inset). There are now 32 foreign mining companies active in Guyana and large scale mining permits now cover an estimated 10% of the country. (7) The IMF is encouraging Guyana's government to transform mining and petroleum into one of the country's critical economic sectors by the year 2000. (8)

Under IMF guidance, Cote d'Ivoire has targeted mineral resources for export intensification and is stepping up exploration efforts. The results are new surface mining projects, three new gold mining companies since 1994, and 80 permits issued for mineral exploration to 27 international mining companies in 1995. (9)

AGRICULTURE

Agriculture is another sector SAPs target for export growth. In order to increase yields, farmers must either increase land intensity through fertilizer and pesticide use, or clear new land for more crops. Large-scale agriculture often involves monocropping, resulting in erosion, loss of soil fertility and increased industrial inputs.

SAPs led Cote d'Ivoire to devalue its currency and eliminate export taxes creating incentives for increased agricultural output. From 1992 to 1996 cocoa production dramatically increased by 44%. The environmental implications included soil degradation, deforestation and loss of biodiversity. (11)

SAP programs in Tanzania resulted in rising input costs for the agricultural sector. Consequently, the need for production increases has led to land clearing at the rate of 400,000 ha per year. Between 1980 and 1993, one quarter of the country's forest area was lost, 1993, one quarter of the country's forest area was lost, forty percent for cultivation. (12)

WEAKENED ENVIRONMENTAL SAFEGUARDS—BUDGET CUTS REPRESENT A TYPICAL RESPONSE TO IMF POLICY MANDATES

In Brazil, government spending on environmental programs was cut by two-thirds in order to meet the fiscal targets set by the IMF. (13)

In Russia the budget for protected areas was cut by 40%. (14)

In Indonesia, budget cuts have forced officials in Jakarta, one of the world's most polluted cities, to suspend environmental programs. (15)

In Nicaragua, the budget of the Ministry of the Environment and Natural Resources was cut by 36% in order to adhere to IMF budget targets.

CHANGES IN LAWS AND POLICIES

Many countries have changed their laws and regulations to attract foreign investment. In the mining sector, for example, many countries under IMF policy reforms have relaxed regulations for investment and exploration. Some countries still try to assess the environmental impacts of mining, but it is yet to be seen whether concerns for environment will be overshadowed by economics in these cash strapped economies.

Guyana changed its mining policies, giving large mining companies the majority stake in large operations. (16)

Benin and Guinea both revised their mining codes to promote mining and increase exploration.

The Central African Republic established new mining codes citing that mineral resources were "insufficiently exploited."

Mali established a new mining code in 1999 to encourage development, also including plans to consider environmental impact.

Mauritania established a new mining code to increase development and will also formulate policies to assess the environmental impact.

RECOMMENDATIONS

The IMF needs to take immediate steps to reverse the negative ecological impact of structural adjustment. Natural resources are finite, and need to be recognized for their full ecological, social, and economic values. The current model of economic development that is being pursued by the IMF and World Bank is fundamentally unsustainable as it seeks growth at all costs, without regard to ecological limits.

The IMF and WB should take the following steps to integrate environmental concerns into economic development, including:

Conduct environmental and social assessments of SAPs,

Encourage the protection of environmental programs by publishing environmental spending figures,

Refrain from cutting environmental spending or weakening conservation laws,

Publish changes in environmental laws that are the result of structural adjustment discussions,

Include environmental ministers in negotiations on IMF programs.

Pursue environmental accounting as part of IMF technical assistance and data gathering, and

Implement green taxes that could generate revenue and discourage excessive resource use.

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Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VITTER:

In the item relating to "INTERNAL REVENUE SERVICE–PROCESSING, ASSISTANCE, AND MANAGEMENT", insert after the first dollar amount the following: "(reduced by $25,000,000)".

In the item relating to "FEDERAL DRUG CONTROL PROGRAMS–HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM", insert after the first dollar amount the following: "(increased by $25,000,000)".

Mr. VITTER. Mr. Chairman, my amendment is very simple. It increases funding for high intensity drug trafficking areas, known as HIDTAs, by $25 million and reduces the IRS administration account by a like amount, $25 million. So it clearly is budget neutral.

Mr. Chairman, the Antidrug Abuse Act of 1988 authorized the director of the Office of National Drug Control Policy to designate areas within the U.S. which exhibit serious drug trafficking problems as high intensity drug trafficking areas, HIDTAs. That designation does a few different things. Mainly, it provides additional Federal funds to facilitate cooperation between Federal, State, and local law enforcement officials to really go after in a very geared-up, coordinated way production, manufacture, transportation, distribution, and chronic use of illegal drugs.

Since 1990, 31 areas in 40 States have been designated HIDTAs, and I really want to underscore this point for Members because the great majority of Members are directly impacted by this very successful HIDTA effort. Most Members are directly impacted by a HIDTA in their area.

As I said, HIDTAs have been very successful, enormously successful, because they coordinate Federal, local, State law enforcement. They are an amazingly important clearinghouse. Let me give an example from my area, the Gulf Coast HIDTA. It is located in my district, and in many other districts along the Gulf Coast, last year targeted 65 drug trafficking and money laundering organizations and successfully dismantled, really dismantled, 47. Some of these include long-standing organizations which have long been the targets of local law enforcement.

What does that mean? It means a lot for my city, my State. New Orleans reports an average decrease in crime of about 15 percent. Five of our other six major cities show a decrease in the total crime index of 1 to 14 percent. Murder rates in five other cities have declined 5 to 24 percent. National averages are 4 to 9 percent respectively.

Now, the Gulf Coast HIDTA is not the only reason. We have been doing other things locally, but it is one important reason, because of the coordination, it provides for Federal, State, and local law enforcement.

HIDTAs around the country continue to face new challenges, and we need to fund them properly and to keep up with the challenge. That is why I am afraid this budget is really inadequate. The President did not provide additional money over last year for HIDTAs, nor did this bill. I know the chairman and the ranking member want to continue to work on HIDTAs in the conference process, but I really think we really need to vote a bill out of the House that provides additional funding. So that is what my amendment would do, $25 million.

The offset is the IRS administrative account. If we look at the IRS budget overall, the increase in this budget this year for the IRS is $231 million. So still after my amendment there would be a very significant increase in the IRS account, and we are talking about a total account of $7 billion. So certainly this is not going to do any damage to that account.

When we look at IRS activity and their track record lately, certainly we are trying to make improvements with positive reform efforts; but certainly in the last full GAO report, which is 1999, there were some very glaring problems in the IRS. In one case it took 18 months for the IRS to correct an input error, and that resulted in a wrong assessment of $160,000 against a taxpayer who was really due a refund; 4,800 employees hired to process taxes before the proper fingerprinting and other checks were made; on and on and on, some clear problems, abuses in the IRS.

There are really two frames of mind about how to deal with that. Some people look at these gross problems and errors and want to throw more money at it. Personally, I look at these dramatic problems and say we need to show the IRS we mean business and penalize bad behavior, not reward it. But certainly in any case, even after my amendment, the IRS administrative account would get a very significant increase of $200 million, a total budget of $7 billion. Certainly, I think in that context this shifting of $25 million from the IRS administration account to the HIDTAs, which is not getting any increase this year, which is very much on the front line of the war on drugs, is fully justified.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Louisiana (Mr. VITTER) has made a very good case for the HIDTAs, a case which I concur with entirely. I happen to be a strong supporter of HIDTAs. In fact, one of the first original HIDTAs, that is High Intensity Drug Trafficking Areas, was designated in Arizona. I work very closely with the law enforcement officials who manage that HIDTA in Arizona. I know the value that this HIDTA provides along the southwest border in helping us to interdict drugs in that area.

There is a need for increased funding, in my view, for the HIDTAs. The problem that I have at this moment, and the reason we do not have additional amounts, is that we have asked the Office of National Drug Control Policy, the drug czar, who has the responsibility for these funds for managing this and making the grants to the HIDTAs, to come up with some criteria for us by which we can judge HIDTAs, the need for them, new ones being created, the ones that exist, whether they need additional funding or whether the problem has shifted and there may be some HIDTAs that actually require a reduction in funding. We do not have that criteria. We do not have a set of criteria that we can use to consider in a rational way how much additional funding is needed.

The gentleman suggested $25 million. As he describes the problem, and it is enormous, $25 million may not be adequate. What is adequate?

The other side of this amendment, of course, is taking the money out of the Internal Revenue Service. Now, the gentleman said it is huge, it is big, it is a big account; and it is. The dollar amount that he is taking out of here is also substantial. The responsibilities of the IRS that we have given them under the Reorganization Act that this Congress passed by an overwhelming majority a few years ago, the responsibilities we have given them to transform themselves and become more customer friendly, to focus more on filers and customer relations, those responsibilities are tremendous; and they have a reorganization requirement.

They have two things. One, they need money for reorganization, and they need money for their technology modernization. This comes particularly out of the account for management processing, assistance, and management. This is where we have told them to become more customer friendly. We have already made a significant reduction in the last several years in the size of the IRS. I think it is justified, and I think the IRS needs to streamline its activities. We need to streamline the Tax Code to make it easier to file, but this would be a reduction of approximately 500 additional employees. That would mean people would wait longer for customer assistance. It would mean they would wait longer to get their refunds, to get questions answered about their filings of their tax returns.

Is it legitimate that we should say it is more important to fight drugs than to do this? I do not have a simple answer to that. This bill attempts to address all of the requirements that we have within it in a way that meets the priorities in the best possible fashion. I said at the outset that we lacked funds to do everything that we would like in this legislation, but I think particularly at this time it would be inappropriate to take the money from this account, where Congress has acted, where Congress has said make this reorganization, where Congress has said meet these specific missions, IRS, to take the money from this account and put it into the High Intensity Drug Trafficking Areas, as valuable as they are, without knowing exactly how that money should be allocated, what criteria we are going to use for the drug czar to reallocate that money.

So I think it would be inappropriate for us to do that, and for that reason I must oppose the gentleman's amendment, as valuable though I think the idea of increasing HIDTA funding would be.

Mr. VITTER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Louisiana.

Mr. VITTER. Mr. Chairman, I certainly respect the perspective and thoughts of the gentleman about the IRS. I just want to clarify. Even under the amendment, we would increase the IRS budget over last year over $200 million, and I presume we are not going to give them 200 million more dollars and be laying off people.

Mr. KOLBE. Reclaiming my time, yes, actually we are. We are making a reduction because of the need for meeting current services, that is, the pay increases that all Federal employees will get and so forth. There actually is a reduction under our legislation, the number of people.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we had a very lively debate in the committee on this subject on HIDTA, and I want to commend the gentleman from Louisiana (Mr. VITTER) for his amendment. I think there is a problem here. I think we have the same problem out in the State of Washington. We have a crisis in my district with these meth labs, and this is a phenomena that I know that the chairman is well aware of in California where there is the same problem. It is a phenomena that is moving kind of from the West Coast to the East Coast.

I am deeply concerned about it. In fact, the governor of the State of Washington, myself, and the prosecuting attorney of Pierce County, Washington, held a conference in our State and brought together all the law enforcement people, including the HIDTA people, and I personally talked to General McCaffrey about this because I am deeply concerned. These meth labs are a tremendous problem. Not only is this a devastating drug that has a terrible impact on the individuals but it also creates tremendous environmental problems, and the cleanup of these meth labs is a tremendous problem for the local communities.

I believe that the budget this year for HIDTA at $192 million or thereabouts is inadequate. Now I understand that the chairman and the ranking member have a problem with the allocation here, and they probably would like to do more in this area, because I think we in the Congress think that HIDTA is a pretty decent program; and yet we are caught with this problem of the allocation. I would just urge the chairman and the ranking member, based on the debate we had in the committee, to please take a look at this as we go to conference, as we go through this process. If we get some additional money for this particular bill, I would certainly hope that HIDTA would be one of the areas that we would look at.

I can certainly say that this has been a very successful program in Washington State, in the Northwest, and it is a program that needs some additional funding. I realize the administration did not request additional funding for it; but in my view, based on what I have seen out there with this crisis with these meth labs, and it is going all over the Northwest, we have to do more to deal with this problem. Again, I understand the amendment of the gentleman from Louisiana (Mr. VITTER) here, and I realize that taking the money out of the IRS is a difficult problem; but somehow in the process, before it is over, we have to do something to increase funding for HIDTA.

□ 1600

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Louisiana. I want to congratulate him for his work in this and recognize an extraordinary problem that methamphetamine presents, not just to Louisiana and Arkansas, but really to the entire country and is expanding in the depth of its problems.

In response to the gentleman from Arizona, and I appreciate his work on the committee, because he raises a couple of questions. The first thing that he raised is that there is not sufficient criteria for the development of a HIDTA, and who would be allocated a HIDTA. The gentleman from Washington indicated that the HIDTA is working very well in the State of Washington. My State, Arkansas, does not have a HIDTA program. We have applied for a HIDTA the right way, in my judgment, which is through the channels of General McCaffrey and the Drug Czar's office. I have met with him; we have met the criteria.

Mr. Chairman, we have an extraordinary meth lab explosion in Arkansas; and we would like to be designated a HIDTA. They are reviewing that at the present time, because they have criteria. They have criteria that we have to meet. The difficulty is that whenever this goes to conference, we are going to have some people from various States saying, we want to legislatively write in the fact that this State, blank State, will be designated a HIDTA. So Congress will override the criteria that the Drug Czar has imposed. I would do that if I was in that meeting, probably, for Arkansas. I would like to have that prerogative. But we are trying to apply based upon that prerogative and that criteria that has been set.

So this amendment is very important. Because if we get granted this HIDTA designation, the next thing they are going to say is, well, you have been designated, but there are not funds in order to assist Arkansas. So this amendment of the gentleman from Louisiana will assure that there is at least a larger pool of money, a very modest, greater pool of money that the States can use in their existing HIDTA programs as well as a new one like Arkansas that might be so designated.

Just to give my colleagues an idea of the scope of the problem which many are already aware of, I serve on the Subcommittee on Crime. We have had hearings across this country: in California, we are going to have one in Kansas, we have had one in Arkansas. In Arkansas, we have an explosion of meth labs. But despite our explosion of meth labs, our law enforcement people say that 50 percent of our meth in Arkansas comes from California. So I am delighted that we give more money to California, to Washington and places that have this enormous overabundance of meth that is coming into States like Arkansas.

Secondly is the enormous danger of this. We have had two law enforcement officials in my district shot when they were executing a search warrant on a meth lab. What is the reason for that? An addict testified as to the danger of meth and he said that using heroin, using heroin is like smoking a cigarette compared to the dangers and the effects of methamphetamines. An extraordinary statement, because it increases one's paranoia, it heightens one's senses, one's violence propensity, and that is why it is such an enormous danger to our young people and to our law enforcement.

Mr. Chairman, this is money that is well invested. It is a very modest amount of money. I do agree with the gentleman that the IRS is doing an extraordinary job and they are working hard at their reorganization. But this is a small amount of money to a huge budget to the IRS versus a small amount of money that can make a significant difference to the HIDTA program.

So I ask my colleagues to support the amendment of the gentleman from Louisiana. Again, I thank him for his work on this issue.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have worked on HIDTA since we created the HIDTAs back in the 1980s. I am a very enthusiastic supporter of HIDTAs. For those of my colleagues who may not be specifically knowledgeable of HIDTA, HIDTA is a High Intensity Drug Trafficking Area. We adopted the premise of HIDTAs in the drug reform bill in which we adopted the Office of National Drug Control Policy and the director, who is affectionately referred to as the Drug Czar. We did so in an effort to ensure that we had coordination not only among Federal agencies in fighting the drug problem and securing our communities from the scourge of drugs, but we did so for the purposes of ensuring that we had coordination of our assets that are deployed by the Federal, State and local governments. In fact, in my opinion, the biggest benefit in HIDTA is not the money, although the money is important, and it funds the intelligence effort that all levels can access so in that respect, it is critically important. But its greatest contribution, in my opinion, is the coordination between Federal, State and local law enforcement that it has brought.

Mr. Chairman, it needs more money. Very frankly, I could support a sum greater than the gentleman from Louisiana offers in his amendment for adding to HIDTA.

The fact of the matter is, however, we deal in a world of alternatives. Once one votes for a budget that, in my opinion, underfunds our ability to respond to the needs of our country, one is constricted in terms of what one can spend. Now, the fact of the matter is, in this bill, the chairman has funded the law enforcement component of this bill almost exactly at the President's request. He has done so with the recognition that we need to support law enforcement efforts to make sure our communities are safe.

Now, I have not looked at the HIDTA problems in Louisiana, and I have been to Washington State with the gentleman from Washington (Mr. DICKS) and with Mr. BRIAN BAIRD. I have talked with his law enforcement officials, have talked to them about the success of their existing HIDTA and the need to expand HIDTAs along the Route 5 corridor, U.S. Route 5 from Canada down to San Diego, which is obviously a major population area, and a major area of meth labs and other illegal drug activity.

So the gentleman from Washington State (Mr. DICKS) is absolutely correct, Mr. BAIRD is correct, and the gentleman from Louisiana (Mr. VITTER) is correct. We need more resources.

Now, having said that, it is not enough to say we need more resources. We need to say, where do we get those resources? I think we have sufficient resources, but if we combine the tax cuts and therefore adopt a budget substantially under the President's request, we have to squeeze somewhere. So where did the chairman squeeze? He squeezed, because he was required to, very hard on IRS.

Now, it is very easy to say, well, we will cut IRS. Who here thinks IRS is a popular agency? Well, nobody raised their hand, got up and screamed and who will, so I presume the answer is really nobody. The fact of the matter is, though, we will not fund one HIDTA without the IRS. We will not fund one member of the Armed Forces without IRS. We will not fund an FBI agent without the IRS. That is to say, it is the agency that we have charged with the responsibility of collecting sums from all of us to fund services that we authorize and appropriate for.

The gentleman is correct, as the chairman has pointed out. The IRS has a large sum of money, because it is a large agency. I will tell my friend, though, from Louisiana, he has come relatively recently to the Congress, that the IRS is 17,000 people less than it was 6 years ago. At the same time, we have enacted the Reform and Restructuring Act which said that the IRS needed to do more services and be more friendly to our customers. That was the right thing for us to do. We want the telephone answered more quickly, we want taxpayers' questions answered accurately; and when they have problems, we want them served appropriately. All of us support those objectives.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, in order to accomplish that objective, we have to have personnel to accomplish that. The IRS budget is 70 percent personnel. So that while a $25 million cut in a $8.3 billion budget seems like a small amount, relatively speaking, it is a significant amount when we understand that we have already cut $466 million from the request. A request that Mr. Rossotti who, by the way, is a Republican, so this is not a partisan issue, is a manager hired to manage, says this will undercut his ability to carry out the Reform and Restructuring Act.

So I suggest to my friend from Louisiana that the solution here is, because we all agree that HIDTAs need more money, is not to take dollars out of the IRS and underfund it further and make it unable to perform the functions we expect of it, but to add additional sums so that we can reach the levels that the gentleman suggested, and indeed exceed those, so that we can take care of the needs of Louisiana, and take care of the needs of Washington State. Therefore, I would hope that we would not support the gentleman's amendment and reject it, but not reject the idea.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VITTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. VITTER) will be postponed.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. KLINK

Mr. KLINK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLINK:

Page 4, line 14, after the dollar amount, insert the following: "(reduced by $950,000)".

Page 12, line 5, after the dollar amount, insert the following: "(increased by $950,000)".

Mr. KLINK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KLINK. Mr. Chairman, this amendment would take $950,000 from the Treasury Inspector General's account for tax administration and would move that sum over to the Customs Service to provide the Customs Service with funding to monitor the radioactivity in scrap metal that is being imported into the United States. This is a problem that has just recently come to our attention during field hearings with the steel industry in Pittsburgh, Pennsylvania, and we would like to take some action on that.

Currently, the United States has no standard to control the free release of radioactive contaminated scrap metal. Those metals are being recycled into consumer and industrial products and then are being sold on open commerce. Nor is there an international standard that tells us if there is a safe level of radioactivity in these metals that are recycled.

There is tremendous public opposition to any radioactive metal being included in consumer products like the silverware that we eat with or the pots and pans that we cook with or the cans that our food may come in or baby carriage handles or braces on one's teeth, or belt buckles. The steel industry does not want any radioactive scrap metal in its blast furnaces because it could contaminate the entire steel mill and the cleanup could cost $15 million to $20 million if that occurs. We are asking for a relatively modest sum to be able to monitor this amount of money.

As we decommission more and more of our nuclear weapons facilities around the world and our nuclear power plants around the world, there are literally hundreds of millions of tons of contaminated scrap metal that will have to be dealt with. The Nuclear Regulatory Commission is in the process of seeing if a standard can be established.

While this is underway, the Department of Energy has put a moratorium on the release of any contaminated metal. DOE is studying whether it is economical to have a dedicated steel facility that produces goods for the complex that will use this metal. I fully support those steps.

However, in the meantime, there have been at least 50 incidents of undetected contaminated metals coming into this country from overseas. Currently, Customs agents at truck ports wear radiation detectors around their belts like a pager. These detectors are only sophisticated enough to detect the really hot items of 10 millirems or higher. The funds we are asking for today would allow for the purchase of portal monitors that trucks can drive through which can detect radiation levels as low as 1 millirem.

Mr. Chairman, this program will not stop shipments of scrap metal from going to the recipients. It will, however, identify those shipments that are contaminated and will also provide the information necessary to determine whether importation of radioactive metals is a problem that deserves further attention.

After one year, I will ask the Customs Service to provide a report to the Congress on the results of this radioactive test monitoring.

Mr. Chairman, the American public, the American steel industry, and those who work in that steel industry deserve the same protections, regardless of the source of the metal that is going into these products. This amendment would provide the funds to make that happen, and I ask the chairman and the ranking member for their support of this amendment. It is a nonpartisan amendment, and it is one that is intended to protect the public and the workers in the steel industry.

□ 1615

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take 5 minutes. I have mixed views about this. I understand what the gentleman is trying to do. I would just point out that this comes out of the Inspector General's account. This is the account that we regard as the one we expect to do the oversight for the IRS and all the other functions in Treasury.

Now, in an account that has over $100 million, maybe losing $1 million of that is not that significant. But we do not really know exactly what the impact of this will be in terms of their oversight functions.

I am also a little unclear as to exactly, and I know the gentleman has talked about it being a demonstration project, but I am a little unclear as to exactly how this would work, what the $950,000 is going to be used for.

There have not been any hearings, as I understand it, in front of the Committee on Commerce. There has been no work done by the authorizing committee on this. I think this needs more information and more discussion before we would proceed with it.

For that reason, I would just say that I think this amendment may be an inappropriate amendment at this point.

Mr. KLINK. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. KLINK. Mr. Chairman, I appreciate the gentleman's concerns. To address them, we have been working in the Committee on Commerce, and while we have not had hearings, we have been working on this in a bipartisan fashion trying to address this issue.

We have a piece of legislation separate from this that is a bipartisan piece of legislation, the bipartisan Steel Caucus is in support of it, called the Scrap Act. We are trying to move that forward at this time.

The figure we came up with is not one that was pulled out of the air, it is one that they tell us, for the two main ports that we have to address where we are most concerned, and these concerns are throughout the government, we are most concerned that this scrap would be coming in from Mexico and South America and the Far East. We can take care of those two main ports.

The reason we chose this account, and I understand, I do not like to cut the Inspector General either, but this account was plussed up by $7 million. We do not think that taking $950,000 from that account would be a problem. It is $7 million higher in 2001 than in 2000. I thank the gentleman for his courtesy.

Mr. KOLBE. Reclaiming my time, Mr. Chairman, I would just note that in full committee, the gentleman may not be aware of this, but this account already was reduced by $2 million over the amount that was planned for. This is another $1 million out of that.

In terms of meeting current services and paying the pay increases for the people that are already there doing the jobs of oversight, it will have an effect on that, there is no question about it. But I just raise these questions.

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman's amendment raises an important issue which I come to the floor today to discuss. That is the overall issue of metals recycling in this country.

I certainly support the gentleman on steel issues and these import questions, and think the intent of his amendment is worthwhile. But I want to come today and express some frustration.

Being a representative of one of the major components of the Manhattan Project in this country, Oak Ridge, Tennessee, where we won the Cold War and broke the back of communism with a nuclear buildup, we now have this challenge, as the gentleman from Pennsylvania well stated, of what to do with this nuclear legacy and how to turn this environmental liability around, and what to do with these assets.

We have to reindustrialize these assets at some point, in some way. My frustration is that the Department of Energy announced a sweeping plan to tear down these buildings and melt the metals, and where science and the best intelligence that we can find shows that the levels of radiation are below any reasonable standard, then we could put that recycled metal back into the marketplace.

That is where I thought we were when they began this reindustrialization effort and announced what they called a win-win-win situation for the American taxpayer. We could actually recycle the metal and help pay for the clean-up, because these buildings, these huge assets, cannot just sit there in a mothballed state. The maintenance cost is too high. We need to turn them around and put the land and buildings back into some kind of productive use.

We have buildings in Oak Ridge, Tennessee, that are acres and acres and acres under one roof from the Manhattan Project that need to be turned over. We cannot just maintain them at this high cost. So there is a shared national interest in trying to clean up this environmental legacy.

I just want to make sure that science and common sense drives this train, and that hysteria or some special interest groups do not end up winning the day on these issues.

I want to say I am frustrated. I am frustrated because the Department of Energy on July 7 officially retreated from their own program, the one that Secretary Richardson rolled out as a win-win-win, and now they have retreated. They have said no recycling pending the study that may not take place for 2 years.

I am all for the study, but all the studies that I have seen show that we get more radiation from salt substitute than we get from any of these things. Radiation is natural in our environment. Radiation we get from flying on airplanes. We get radiation from a variety of things.

Radiation is not the issue, the level of radiation is the issue. If it is very, very, very low level radiation that is not anywhere near what we would get going to the dentist, it is ridiculous to halt it.

What has happened in East Tennessee by halting it is people are now sent home with no pay pending all these studies, pending the outcomes in a program that DOE initiated.

I would ask the administration to get its act together, to be consistent, at least to follow through on what they say, and do not just send workers, good and decent people in my region now, hundreds of them that are going to be sent home or they have been sent home indefinitely to just wait, and wait on what, I do not know.

I called the Secretary today and he said he would meet me about it next week. I am asking for some answers. I am asking for consistency. I am asking for some solutions for the folks of East Tennessee and the Oak Ridge reservation that have been called on to turn these buildings around, because they are now left hanging because this administration cannot figure out exactly what it wants.

Mr. KLINK. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Pennsylvania.

Mr. KLINK. Mr. Chairman, I would look forward to working with my friend, the gentleman from Tennessee, because he brings to light a very real situation that we are faced with today. We are all in favor of getting these buildings cleaned up. The question is, the Federal government has not set a level, and we think a level should be set for those things that are volumetrically contaminated.

We would work with the gentleman. I know he is very serious on this. We have worked together on other issues before. This amendment does not get to the gentleman's point. This is about those things that are imported from China, from Russia, from South America, that we do not know, and as the gentleman knows, 60 percent of steel that is produced today is recycled.

They could be doing things over there that we do not know about. We want to catch it at our ports. It has nothing to do with the domestic content.

Mr. WAMP. Reclaiming my time, I am in total agreement with that. I understand that. I am in support of that. I just use this opportunity to say, please, Administration, give us clear direction. Let our workers know, are we going to clean this up or not? If they do not want us to clean it up, what are we going to do with it, because we need a policy that says, let us clean up the Cold War legacy, let us put people to work and keep them to work until the job is done. Let us not pull the rug out from under them. They are left in limbo. Even over this very weekend that is in front of us, workers in East Tennessee do not know if they are supposed to go back to work or not.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I share the chairman's concern, as I expressed in the last amendment, about the offset. However, this is much less of an offset of a relatively modest number. I was trying to glean carefully what the chairman was saying. I am not going to oppose this amendment. I think the gentleman's amendment is a worthwhile objective.

Again, I am hopeful that we will get the requisite number of dollars so we can, in addition to the dollars the gentleman is seeking, which are relatively modest for this objective, we can add back into the Inspector General so we do not underfund that, because the chairman is absolutely correct, we cannot further decrease this account.

Mr. MASCARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Klink amendment. The funds in this amendment will be used to purchase monitoring equipment by the Customs Service to ensure that contaminated metal products do not enter the United States.

Currently, Customs agents use radiation detectors to monitor possible contamination of products entering our country. However, the current equipment used by Customs agents is grossly inadequate. The current equipment employed cannot consistently detect radiation levels that are dangerous to human health. Consumers should not have to worry if their cars or their kitchen utensils are radioactive.

Mr. Chairman, this is a commonsense, nonpartisan amendment that my colleague, the gentleman from Pennsylvania, has offered. This is an issue of public health and consumer safety. We can all agree that American consumers should be confident that the products they buy are safe.

By giving the Customs Service the tools to better do their jobs, we can be sure that products entering the country are safe and free from contamination.

Therefore, I urge my colleagues to vote yes on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KLINK).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the most powerful tool the Federal government has to make our communities more livable is not necessarily a rule, regulation, or a mandate placed upon the public, but simply to play by the same rules as the rest of America, to have Federal agencies like the United States Post Office obey the same rules and regulations that we require homeowners and businesses to follow.

There are over 40,000 post offices across America. They are both the symbols of how we connect to one another and of a very real part of each and every community. Time and time again we find that the post office on Main Street anchors the business opportunity. It is a source of pride for people in local communities. Often it is an historic structure.

Each of these post offices is an opportunity for the Federal government to promote livability by being a more constructive partner. While there are many legitimate efforts and real progress by the postal service in some areas, I see too many examples where the post office has fallen short of the mark.

A good example is to be found in my own hometown of Portland, Oregon, where land use planning has been a hallmark for a generation. There is perhaps no American community that has worked harder to manage growth. Most recently, our community has finished a 20–40 growth plan to prepare for growth over the next 40 years. It involved over 17,000 citizens, businesses, and all the local governmments for 5 years.

Yet, the postal service, with over 500 facilities in a fast-growing region, acknowledging that it is playing serious catch-up, made no attempt to coordinate its facilities with the planning of the rest of the community.

Knowing where growth would be concentrated in the years ahead would have enabled the postal service to make strategic facilities decisions in a way that would take advantage of change, rather than trying to continue to play catch-up. The Federal government cannot afford to pursue independent strategies on its own. Opportunities in this case were lost for coordinated planning to avoid mistakes and save money, time, and effort.

Too often the postal service uses its exemption from local land use laws to avoid making investments that would be prudent not just for the community but for its own customers. Again, in my own community, I had a post office under construction where the city received a communication from the postal service that they would not cooperate with us because they were immune from all local laws.

Despite the fact that any other business or the city itself would have been required to, for instance, put in pedestrian sidewalks, the postal service decided they would not even accede to this modest requirement. We got them to put in half the sidewalks only by threatening to block the entrance to their facility.

To assist the post office in partnering with communities, I have introduced the Community Partnership Act, which would require the postal service to obey local land use laws and planning laws and environmental regulations and to work with local citizens before they make decisions that could have a wrenching effect on communities.

It is ironic that our postal service gives the public more input into what version of the Elvis stamp we are going to print than on decisions that could be literally life or death for small town America.

I am pleased that our legislation, H.R. 670, has a Senate companion bill by Senators BAUCUS and JEFFORDS, and that they have attracted a broad coalition of supporters, including Governors, mayors, cities and counties, a host of preservation action groups, and I believe is the only environmental priority of both the National Association of Homebuilders and the Sierra Club.

With its 240 bipartisan sponsors, this bill would easily pass if it were brought to the floor for a vote. I will continue to work with the bill's supporters on and off the Hill, and hope that we can achieve floor action.

But in the meantime, I would hope that the leadership of this Chamber and the conferees on the Postal-Treasury bill would at least include language that would encourage the postal service to, at a minimum, make public their capital plans for communities as a result of their 5-year capital investment plan.

☐ 1630

In Blackshear, Georgia, last year, the public was notified that their post office might be moved in less than a month. The service management delivered the verdict that it would be closed, a new one would be built, and a new site was chosen on a highway away from town.

Now a great fight has ensued with the Rotary Club, the chamber of commerce, the American Legion, their local historical society, both the Republicans and the Democrats joining with over 1,000 postal patrons in opposing the move.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(By unanimous consent, Mr. BLUMENAUER was allowed to proceed for 10 additional seconds.)

Mr. BLUMENAUER. Mr. Chairman, this type of pitched battle does not have to occur if the postal service would start working with our communities earlier. I would hope that this committee would bring its good offices together to encourage that common sense approach.

The CHAIRMAN. Are there further amendments to title I?

Mr. HOYER. Mr. Chairman, I move to strike the last word simply to say to the gentleman from Oregon (Mr. BLUMENAUER), who focuses on the quality of life in our communities more than any other Member of this House and who raises a very important issue. We have also discussed this in our committee. Obviously, there is discussion between ourselves and the authorizing committees. But I want to assure the gentleman that I intend to give this very great attention.

I look forward to working with the chairman on this issue to see if we can come up with language which will encourage, maybe will not go further than that, a better performance with respect to the post office cooperation with local communities to ensure the objectives the gentleman spoke of.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $96,093,000, of which $67,093,000 shall not be available for obligation until October 1, 2001: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2001.

Mr. BILBRAY. Mr. Chairman, I move to strike the last word. I would like to engage in a colloquy with the gentleman from Arizona (Chairman KOLBE).

Mr. Chairman, I rise today to commend the chairman and the ranking member for increasing funding that they have included in this bill for firearm-related issues, specifically: $62.2 million to expand the Integrated Violence Reduction Strategy; 76.4 million to expand the Youth Crime Gun Interdiction Initiative, which will expand to 12 more cities, a total of 50 now, which includes the rapid gun tracing analysis to allow State and local law enforcement and new ATF agents to work in a task force operation with local law enforcement for illegal arms investigation; $26.4 million to support ATF's Ballistic Identification System; and $25 million for a nationwide comprehensive gun tracing.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. Yes, I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from California (Mr. BILBRAY) for underscoring the fact that this bill is about making our laws work for the safety of all citizens and especially for our children.

All the laws of the world that we might pass are not going to make a difference if we do not put an effort behind them to enforce them, and that is one of the things that I think every Member of this House believes in and can support, regardless of what side of the aisle we are on and wherever we might stand on the issue of gun use and gun ownership.

Mr. BILBRAY. Mr. Chairman, I would like to also thank the gentleman from Arizona for showing the type of bipartisanship and the ability to set politics aside. I think the gentleman from Maryland (Mr. HOYER), ranking member, ought to be commended along with the gentleman from Arizona for working on the common goal of allocating additional funds to enforce existing laws in combatting gun violence.

As a supporter of moderate gun safety legislation measures in the past, and in fact the items that are being discussed by the Senate-House Conference Committee at this time, I think we all can agree that it is important that we allocate necessary funds to those agencies tasked with enforcing existing laws. It has been an important goal of mine and many of my colleagues that we focus on those laws that combat gun violence and provide additional funding to the Federal, local, and State agencies in charge of enforcement. The gentleman has seized this opportunity with this bill through this appropriation process to achieve this goal, and I commend the gentleman for it, and his committee and his ranking member.

Now, Mr. Chairman, as the gentleman is aware, I wrote a letter to the gentleman from Arizona regarding this issue last year, and I will submit the letter for the RECORD.

But I just want to stop a second and say to the chairmen and ranking members, during these appropriation processes, many Members will stand up on the floor and talk about provisions that were not included in the legislation or in the appropriations bill.

I just thought it was important for me as just one Member of this body to stand up and include a "thank you" for having this funding and this focus there. I look forward to working with the committee at reducing gun violence by implementing common sense gun safety laws, but more importantly in focusing on enforcing those laws and making them actually work.

Mr. Chairman, the letter I referred to is as follows:

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, April 7, 2000.

Hon. JIM KOLBE,
Chairman, Subcommittee on Treasury, Postal Service and General Government, Committee on Appropriations, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN KOLBE: I am requesting your support in the Fiscal Year 2001 Treasury, Postal Service and General Government Appropriations Act to increase funds for those programs designed to reduce youth gun violence, prosecute criminals who commit crimes using a firearm, and enforce existing gun laws.

While I support moderate gun safety measures being discussed in the Senate-House Conference Committee, such as requiring trigger locks on new guns and to close the loophole on background checks on individuals who purchase firearms at gun shows. I also believe it is essential that we focus on those existing laws that combat gun violence and provide additional funds to those federal, local and state agencies in charge of enforcing these laws.

I understand the difficult choices that need to be made in the current era of operating under a balanced budget, but it is my belief that a top priority during the upcoming appropriation process should be to allocate additional funding for the Department's of Justice and Treasury. Specific funds that will enable law enforcement agents to continue implementing and administering those laws that will enable law enforcement agents to continue implementing and administering those laws that will keep firearms out of the hands of felons and potential criminals. Additionally, increasing funds to hire new prosecutors and to expand intensive firearm prosecutions will aid in keeping these law breaking criminals off the streets.

As the Senate-House Conference Committee debate the issues surrounding gun control, it is important that this Congress work concurrently by allocating funds to enforce existing laws. This is a bipartisan issue that can lead to real results and I would like to assist in any way to bring these goals forward.

Mr. Chairman, please feel free to contact me for any additional information. Thank you for your consideration of this issue.

Sincerely,

BRIAN P. BILBRAY,
Member of Congress.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for his comments.

Mr. BASS. Mr. Chairman, I move to strike the last word for purposes in engaging in a colloquy with the distinguished gentleman from Arizona (Chairman KOLBE).

Mr. KOLBE. Mr. Chairman, if the gentleman will yield, I will be happy to engage in a colloquy.

Mr. BASS. Mr. Chairman, I first want to thank the gentleman from Arizona (Mr. KOLBE) for his committee's work in protecting many important priorities in this bill. I also want to express my gratitude for his generosity and patience regarding a matter of great importance to my district and the many districts that have point-of-entry border crossings into Canada.

I would like to ask the gentleman from Arizona if he would agree to protect the language on rural border staffing and hours of operation as this legislation moves forward and if he will agree to work with me to ensure that the hours of operation at the Pittsburgh-New Hampshire border station and all such rural crossings reflect the security concerns and the concerns of many citizens who depend on open and accessible borders.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BASS. I certainly yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to thank the gentleman from New Hampshire (Mr. BASS) for the issue that he has raised and the efforts that he has made to make my subcommittee and our staff aware of the problems that exist along his border.

I share his concerns, both about the security and about operational issues on the border, and I look forward to working with the gentleman as this bill moves forward through the conference.

Mr. BASS. Mr. Chairman, reclaiming my time, I thank the gentleman from Arizona for that commitment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Postal Service Appropriations Act, 2001".

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of title III is as follows:

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $390,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $52,135,000: *Provided*, That $9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $10,286,470 to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $658,000, to remain available until expanded, for projects for required maintenance, safety and health issues, Presidential transition, telecommunications infrastructure repair, and continued preventive maintenance.

Special Assistance to the President and the Official Residence of the Vice President

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,664,000.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $354,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,997,000.

Office of Policy Development

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,030,000.

National Security Council

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,148,000.

Office of Administration

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles $41,185,000, of which $8,893,000 shall remain available until September 30, 2002, for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $67,143,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

Office of National Drug Control Policy

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,759,000, of which $2,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of Division C of Public Law 105–277), $29,750,000, which shall remain available until expended, consisting of $16,000,000 for counternarcotics research and development projects, $13,050,000 for continued operation of the technology transfer program, and $700,000 for a grant to the United States Olympic Committee for its anti-doping program: *Provided*, That the $16,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

Federal Drug Control Programs

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $192,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2002, may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, $1,800,000 shall be used for auditing services.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105–277, $219,000,000, to remain available until expended: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the funds provided, $185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: *Provided further*, That of the funds provided, $30,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: *Provided further*, That of the funds provided, $1,000,000 shall be available to the Director for transfer as a grant to the National Drug Court Institute: *Provided further*, That of the funds provided, $3,000,000 shall be available for transfer to, or reimbursement of, other Federal departments and agencies to support the operations of the Counterdrug Intelligence Executive Secretariat.

This title may be cited as the "Executive Office Appropriations Act, 2001".

The CHAIRMAN. Are there amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28, $4,158,000.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the remainder of title IV is as follows:

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $40,240,000, of which no less than $4,689,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,058,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,272,370,000 of which (1) $490,592,000 shall remain available until expended for repairs and alterations which includes associated design and construction services, of which $290,000,000 shall be available for basic repairs and alterations: *Provided*, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (2) $185,369,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (3) $2,944,905,000 for rental of space which shall remain available until expended; and (4) $1,580,909,000 for building operations which shall remain available until expended, of which $500,000 shall be available to conduct a site selection analysis for a replacement facility for the National Center for Environmental Prediction of the National Oceanic and Atmospheric Administration: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2001, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,272,370,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $115,434,000, of which $14,659,000 shall remain available until expended: *Provided*, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: *Provided further*, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,520,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,517,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2001 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2002 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5–year construction plan: *Provided*, That the fiscal year 2002 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Section 411 of Public Law 106–58 is amended by striking "April 30, 2001" each place it appears and inserting "April 30, 2002".

Merit Systems Protection Board

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $28,857,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, to be available for the purposes of Public Law 102–252, $2,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,250,000, to remain available until expended.

National Archives and Records Administration

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $195,119,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $5,650,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,000,000, to remain available until expended.

Office of Government Ethics

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $9,684,000.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $93,471,000; and in addition $101,986,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $10,500,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2001, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,360,000; and in addition, not to exceed $9,745,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849) such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944 and the Act of August 19, 1950 (33 U.S.C. 771–775) may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $10,319,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2001".

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 5 OFFERED BY MR. QUINN

Mr. QUINN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. QUINN:

H.R. 4871

In the item relating to "GENERAL SERVICES ADMINISTRATION—FEDERAL BUILDINGS FUND—LIMITATIONS ON AVAILABILITY OF REVENUE"—

(1) after the first and last dollar amounts, insert "(increased by $3,600,000)";

(2) redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(3) before paragraph (2) (as so redesignated), insert the following:

(1) $3,600,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New York:

Buffalo, U.S. courthouse, $3,600,000;

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Arizona reserves a point of order.

Mr. QUINN. Mr. Chairman, today I rise to urge my colleagues to support funding for courthouse construction projects in the fiscal year 2001 Treasury, Postal and General Government Appropriations bill.

Specifically, I want to highlight a local concern of ours up in Buffalo, New York, and ask that we consider providing $3.6 million for site acquisition and design work on a Federal courthouse in my district in western New York.

The President's fiscal year 2001 budget resolution includes funding for eight Federal courthouse projects nationwide, totalling over $480 million. However, the bill before us today contains no funding for courthouse construction projects.

The Administrative Office of the United States Courts has ranked the project in Buffalo, New York, as seventh highest as a priority across the country, seventh highest; and yet it has not been included in the President's budget.

So I have actively lobbied colleagues of ours up in New York, the gentleman from New York (Mr. LAFALCE) and others, to assist us in making certain that people here in our Nation's capital know of the importance. Unfortunately, because of tight budget constraints, our pleas have not been answered.

So I would like to take this opportunity today to stress the importance of the project and to ask the gentleman from Arizona (Mr. KOLBE), the distinguished chairman, to agree to work with us on this project.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. QUINN. Certainly, I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman from New York yielding to me, and I appreciate the comments that he has made.

I share the concern that the gentleman has, first, that we are not able to do any of the courthouse funding and construction that we would like to do. We have a significant need for infrastructure in this country, and the longer we postpone building courthouses, the more difficult it gets. So I am concerned about that. I hope that perhaps an additional allocation of funds might make it possible for us to do some of the courthouse construction.

We also know that courthouse construction is a priority for a number of Members whose districts are affected by that. Buffalo, while it is number six on the priority list for the courts, was not included in one of the seven projects which the administration recommended be funded, a moot point, as I said, because we did not recommend funding any of these.

But I look forward very much to working with the gentleman from New York (Mr. QUINN) and with other Members of his delegation as we move forward on the construction to be sure that this priority that the courts have held for this is adhered to and that we are able to fund this in a timely fashion.

Mr. QUINN. Mr. Chairman, reclaiming my time, I thank the gentleman from Arizona (Mr. KOLBE). I only want to conclude by saying that I appreciate the tough, tough job that he has with these budget constraints, and everybody has these concerns. But I appreciate the time of the gentleman from Arizona and the efforts of the full committee.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the reason I do so is, I understand that the gentleman from Maryland (Mr. WYNN) is on his way. He is going to offer an amendment and withdraw it. But he wants to make the point similar to the gentleman from New York (Mr. QUINN) with reference to the FDA consolidation at White Oak, which is in his district.

The President included over $100 million for the FDA consolidation in his request. That is a consolidation which was supported by the Reagan administration, by the Bush administration, and now the Clinton administration to save very substantial dollars in terms of leases that exist all over the Washington metropolitan region with respect to the FDA.

Some of those leaseholds are very aged and very inefficient. The fact that FDA is spread over such a wide area leads to a lack of efficiency in the operations of its responsibilities.

I know the gentleman from Maryland (Mr. WYNN), when he gets here, will make it very clear that this is something that we think is supported in a bipartisan fashion.

This is an item that was not included in the budget, as was the Buffalo courthouse project that the gentleman from New York (Mr. QUINN) just referred to because of the fact that we had insufficient funds. However, I know that the administration will be looking very carefully at this bill as it moves through the process and is very supportive of adding the FDA money back in as it is in adding the courthouse money back in as well as I know the chairman is. So I am hopeful that we will have the requisite dollars to get there.

The facility in question, which, again, is in the district of the gentleman from Maryland (Mr. WYNN) is a facility which is vitally needed. It is a facility that has been in this administration's plans and certainly the Bush administration's in terms of planning.

To delay this, as I said in my opening comments, will cost millions of dollars because it will prolong the payment to leaseholds and leasehold expenses as we fail to consolidate and provide space at the White Oak site.

The particular project in question is a little over $100 million for lab space for FDA and additional office space as well. It will be a more efficient and effective use of space than currently exists.

□ 1645

So that I would hope that we could see that amount added to the bill at the appropriate time.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, since the gentleman from Maryland, I know, is trying very well to use up some time here while he is waiting for his colleague to arrive, I would just suggest we do have one Member here who does have a colloquy prepared, if he would like to yield back.

Mr. HOYER. Mr. Chairman, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word, and I rise to engage in a colloquy with the gentleman from Arizona.

Mr. Chairman, the underlying bill directs the U.S. Customs Service that it shall not, in the event of a reorganization of field operations, reduce the level of service to the area served by the port of Racine, Wisconsin, below the level of service provided in the year 2000.

As the gentleman from Arizona knows, earlier this year, the U.S. Customs Service issued a notice of proposed rulemaking announcing their intention to close down their operations in Racine, Wisconsin. Unfortunately, the U.S. Customs Service continues to disregard the Racine community and the negative impact this proposal would have on southeastern Wisconsin.

I thank the gentleman for recognizing the need for continued Customs Service in Racine and including this requirement in the underlying bill. I want to take this opportunity to clarify that Racine will receive no change in service under any proposal put forth by the U.S. Customs Service.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to compliment the gentleman from Wisconsin for his work in this area. In fact, I can say with absolute certainty, no issue in this bill has been raised more times by any Member in this body than this issue has by the gentleman from Wisconsin (Mr. RYAN). So his defense of the interests of Racine, Wisconsin have been tremendous.

I appreciate the comments that he has made and understand what he is talking about, and I am very pleased that we could include statutory language, which I believe addresses this issue for him.

Mr. RYAN of Wisconsin. Mr. Chairman, reclaiming my time, I thank the gentleman from Arizona for his support and his efforts to address this very important matter.

I would just like to say, I have discussed this matter several times on several occasions with the gentleman from Arizona and I really appreciate the professionalism and the courtesy that has been extended toward me in this matter, and I want to thank the gentleman from Arizona on behalf of the residents of Racine, Wisconsin. This is exciting for us and we really appreciate all of the gentleman's help.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN:

In title IV, add at the end (before the short title) the following section:

SEC. 6 . Of the amounts appropriated in title IV of this Act for the account "GENERAL SERVICES ADMINISTRATION—REAL PROPERTY ACTIVITIES—FEDERAL BUILDINGS FUND—LIMITATION ON AVAILABILITY OF REVENUE", $101,000,000 is transferred and made available for the design and construction of laboratory facilities for the Center for Drug Evaluation and Research, Food and Drug Administration.

Mr. WYNN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order.

The gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes in support of his amendment.

Mr. WYNN. Mr. Chairman, I begin by thanking my colleague from Maryland (Mr. HOYER) for holding the fort for me, as it were. This is a very important amendment to my district; very important to the entire State of Maryland. It deals with the consolidation of the Food and Drug Administration at a location in Montgomery County, Maryland, known as White Oak.

Currently, the FDA has approximately 39 different buildings in 21 different locations, housing 6,000 employees. The purpose of this project was to consolidate those buildings, employees and locations into one site, the former Naval Surface Warfare Center in White Oak in my district. Importantly, this amendment would allow for the construction and design of a 100,000-square-foot center for drug evaluation and research. This is a very important laboratory in the overall work of the Food and Drug Administration.

Equally important, or perhaps more importantly, the consolidation would result in significant savings. Specifically, we can save $200 million in lease costs over a 10-year period if we pass this amendment, which would allow for the construction of the Center for Drug Evaluation and Research Laboratory.

In addition to serving the purposes of the Food and Drug Administration, this project will also help fill a void left in my district with the closure of the Naval Surface Warfare Center. As my colleagues know, in the course of base closings some facilities were no longer needed. And in the process of determining which facilities were not needed, we also developed programs and processes which would basically say that while we are closing this facility, we are looking at other options. One of the options that was considered and, in fact, agreed upon, was to consolidate the Food and Drug Administration at this site. It is a very beautiful campus-like setting, a wooded facility that could easily house the Food and Drug Administration in an appropriate setting which concentrates and brings together all of their facilities.

We think this is a very important project, but we also understand that no construction projects were funded by the committee, and we are sensitive to the fact that we would not be given an inordinate preference in this case. I raise the amendment for purposes of increasing the profile of this particular issue in the hopes that the chairman would consider this project in the course of discussions in conference. I do not intend to press the amendment, but I believe this is an important project for the country in terms of consolidating the Food and Drug Administration, it is an important project for the community in Montgomery County and the Washington region in terms of having these facilities consolidated in an effective way and developing this new laboratory, and it is important for the taxpayers in terms of saving significant lease costs.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman yielding. Before he got to the floor here, the gentleman's colleague, the distinguished ranking member of this subcommittee, spoke eloquently about the project, and I concur.

This is a project that we have looked at very closely. There is no question that the consolidation of the Food and Drug Administration is badly needed, and we have actually started that process. To me, it is a great disappointment that our bill requires the interruption of that process of consolidation. This is a very long-term process.

We do hope that in conference, if funds are made available, that we would be able to move this project forward into the second phase, and certainly we do understand the importance of this consolidation. So I appreciate the gentleman's rising and making us very aware of this and bringing this again to our attention.

Mr. WYNN. Reclaiming my time, Mr. Chairman, I thank the chairman for his thoughts.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank my friend for yielding. My colleague, the gentleman from Maryland (Mr. WYNN), has worked tirelessly on this project and very effectively on this project. As the chairman of the subcommittee has indicated, there is no controversy with respect to doing this project, we just have to find the money to do it.

I appreciate the gentleman's raising this issue, and I assure him that I will be working closely with the chairman to see that before this process is over that, hopefully, we get the requisite funds so that this project can be fully funded.

Mr. WYNN. Reclaiming my time once again, Mr. Chairman, I certainly understand the considerations, and I thank the chairman and my colleague for their cooperation.

Mr. WYNN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is considered withdrawn.

There was no objection.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HERGER) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4871, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4871 in the Committee of the Whole pursuant to House Resolution 560, that no further amendment to the bill shall be in order except:

(1) Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

(2) The following additional amendment, which shall be debatable for 30 minutes:

Ms. DELAURO, regarding health services.

(3) The following additional amendments, which shall be debatable for 20 minutes each:

Mr. MORAN of Kansas, regarding sales to any foreign country;

Mr. RANGEL, regarding Cuba;

Mr. COBURN, regarding section 640;

Mr. DAVIS of Virginia, regarding Federal election contracts; and

The amendment printed in the CONGRESSIONAL RECORD and numbered 14.

(4) The following additional amendments, which shall be debatable for 10 minutes:

Mr. TRAFICANT, regarding Buy America Act;

Mr. INSLEE, regarding Inspector General reports;

Mr. GILMAN, regarding day care centers; and

The amendments printed in the CONGRESSIONAL RECORD and numbered 1, 4, 6, 8, 9, 12, 13 and 15.

Each additional amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, and shall be considered as read. Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore (Mr. HERGER). Is there objection to the request of the gentleman from Arizona?

Mr. HOYER. Reserving the right to object, Mr. Speaker, I want to simply say that we have tried to check with everybody on our side to make sure that those who had amendments were agreeable to this. We think that that is the case and, as a result, we will not object and hope this facilitates the handling of this bill tonight.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. HERGER). Pursuant to House Resolution 560 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4871.

□ 1657

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the amendment by the gentleman from Maryland (Mr. WYNN) had been withdrawn and title IV was open for amendment at any point.

Pursuant to the order of the House of today, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate, and the following additional amendments, which may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question:

The following additional amendment, which shall be debatable for 30 minutes:

(1) Ms. DELAURO, regarding health services.

(2) The following additional amendments, which shall be debatable for 20 minutes:

Mr. MORAN of Kansas, regarding sales to any foreign country;

Mr. RANGEL, regarding Cuba;

Mr. COBURN, regarding section 640;

Mr. DAVIS of Virginia, regarding Federal election contracts; and

The amendment printed in the CONGRESSIONAL RECORD and numbered 14.

□ 1700

(3) The following additional amendments, which shall be debatable for 10 minutes:

The gentleman from Ohio (Mr. TRAFICANT), regarding Buy America Act; the gentleman from Washington (Mr. INSLEE), regarding Inspector General reports; the gentleman from New York (Mr. GILMAN) regarding day-care centers; and the amendments printed in the CONGRESSIONAL RECORD and numbered 1, 4, 6, 8, 9, 12, 13, and 15.

Are there further amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2001 from appropriations made available for salaries and expenses for fiscal year 2001 in this Act, shall remain available through September 30, 2002, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. (a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Archivist of the United States shall transfer to the Gerald R. Ford Foundation, as trustee, all right, title, and interest of the United States in and to the approximately 2.3 acres of land located within Grand Rapids, Michigan, and further described in subsection (b), such grant to be in trust, with the beneficiary being the National Archives and Records Administration, for the purpose of supporting the facilities and programs of the Gerald R. Ford Museum in Grand Rapids, Michigan, and the Gerald R. Ford Library in Ann Arbor, Michigan, in accordance with a trust agreement to be agreed upon by the Archivist and the Gerald R. Ford Foundation.

(b) LAND DESCRIPTION.—The land to be transferred pursuant to subsection (a) is described as follows:

The following premises in the City of Grand Rapids, County of Kent, State of Michigan, described as:

That part of Block 2, Converse Plat, and that part of Block 2 of J.W. Converse Replatted Addition, and that part of Government Lot 1 of Section 25, T7N, R12W, City of Grand Rapids, Kent County, Michigan, described as: BEGINNING at the NE corner of Lot 1 of Block 2 of Converse Plat; thence East 245.0 feet along the South line of Bridge Street; thence South 230.0 feet along a line which is parallel with and 170 feet East from the East line of Front Avenue as originally platted; thence West 207.5 feet parallel with the South line of Bridge Street; thence South along the centerline of vacated Front Avenue 109 feet more or less to the extended centerline of vacated Douglas Street; thence West along the centerline of vacated Douglas Street 237.5 feet more or less to the East line of Scribner Avenue; thence North along the East line of Scribner Avenue 327 feet more or less to a point which is 7.0 feet South from the NW corner of Lot 8 of Block 2 of Converse Plat; thence Easterly 200 feet more or less to the place of beginning, also described as:

Parcel A—Lots 9 & 10, Block 2 of Converse Plat, being the subdivision of Government Lots 1 & 2, Section 25, T7N, R12W; also Lots 11–24, Block 2 of J.W. Converse Replatted Addition; also part of N ½ of Section 25, T7N, R12W commencing at SE corner Lot 24, Block 2 of J.W. Converse Replatted Addition, thence N to NE corner of Lot 9 of Converse Plat, thence E 16 feet, thence S to SW corner of Lot 23 of J.W. Converse Replatted Addition, thence W 16 feet to beginning.

Parcel B—Part of Section 25, T7N, R12W, commencing on S line of Bridge Street 50 feet E of E line of Front Avenue, thence S 107.85 feet, thence 77 feet, thence N to a point on S line of said street which is 80 feet E of beginning, thence W to beginning.

Parcel C—Part of Section 25, T7N, R12W, commencing at SE corner Bridge Street & Front Avenue, thence E 50 feet, thence S 107.85 feet to alley, thence W 50 feet to E line Front Avenue, thence N 106.81 feet to beginning.

Parcel D—Part of Government Lot 1, Section 25, T7N, R12W, commencing at a point on S line of Bridge Street (66′ wide) 170 feet E of E line of Front Avenue (75′ wide), thence S 230 feet parallel with Front Avenue, thence W 170 feet parallel with Bridge Street to E line of Front Avenue, thence N along said line to a point 106.81 feet S of intersection of said line with extension of N & S line of Bridge Street, thence E 127 feet, thence northerly to a point on S line of Bridge Street 130 feet E of E line of Front Avenue, thence E along S line of Bridge Street to beginning.

Parcel E—Lots 1 through 8 of Block 2 of Converse Plat, being the subdivision of Government Lots 1 and 2, Section 25, T7N, R12W.

Also part of N ½ of Section 25, T7N, R12W, commencing at NW corner of Lot 9, Block 2 of J.W. Converse Replatted Addition; thence N 15 feet to SW corner of Lot 8; thence E 200 feet to SE corner Lot 1; thence S 15 feet to NE corner of Lot 10; thence W 200 feet to beginning.

Together with any portion of vacated streets and alleys that have become part of the above property.

(c) Terms and Conditions.—

(1) Compensation.—The land transferred pursuant to subsection (a) shall be transferred without compensation to the United States.

(2) Appointment of successor trustee.—In the event that the Gerald R. Ford Foundation for any reason is unable or unwilling to continue to serve as trustee, the Archivist of the United States is authorized to appoint a successor trustee.

(3) Reversionary interest.—If the Archivist of the United States determines that the Gerald R. Ford Foundation (or a successor trustee appointed under paragraph (2)) has breached its fiduciary duty under the trust agreement entered into pursuant to this section, the land transferred pursuant to subsection (a) shall revert to the United States under the administrative jurisdiction of the Archivist.

Sec. 515. (a) In General.—The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

(b) Content of Guidelines.—The guidelines under subsection (a) shall—

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) require that each Federal agency to which the guidelines apply—

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director—

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency.

Sec. 516. None of the funds made available in this Act may be used to implement a preference for the acquisition of a firearm or ammunition based on whether the manufacturer or vendor of the firearm or ammunition is a party to an agreement with a department, agency, or instrumentality of the United States regarding codes of conduct, operating practices, or product design specifically related to the business of importing, manufacturing, or dealing in firearms or ammunition under chapter 44 of title 18, United States Code.

Sec. 517. None of the funds appropriated or otherwise made available in this Act may be used to allow the placement in interstate or foreign commerce of diamonds that have been mined in the Republic of Sierra Leone, the Republic of Liberia, Burkina Faso, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola, except for diamonds the country of origin of which has been certified as the Republic of Sierra Leone by government officials of that country who are recognized by the General Assembly of the United Nations.

Sec. 518. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided*, That the limitation established in this section shall not apply to any activity otherwise authorized by law.

Sec. 519. Within available funds, the Department of the Treasury and the General Services Administration are urged to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting their fuel needs.

Sec. 520. None of the funds made available in this Act may be used to pay the salary of any officer or employee of the Office of Management and Budget who makes apportionments under subchapter II of chapter 15 of title 31, United States Code, that prevent the expenditure or obligation by December 31, 2000, of at least 75 percent of the appropriations made for fiscal year 2001 to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), the Food for Progress Act of 1985 (7 U.S.C. 1736o), and section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)).

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title V be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there any points of order to title V?

POINT OF ORDER

Mr. CRANE. Mr. Chairman, I make a point of order against the provision entitled Sec. 517 in title V of the bill on Treasury Postal Appropriations on the grounds that it violates clause 2(b) of rule XXI of the Rules of the House.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. WOLF. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN. The gentleman from Virginia (Mr. Wolf) is recognized on the point of order.

Mr. WOLF. Mr. Chairman, the gentleman from Ohio (Mr. Hall) has taken the leadership on this issue with regard to Sierra Leone. We visited Sierra Leone in the month of December.

This picture is of a young girl that we saw who had her arms cut off because of conflict diamonds. In Sierra Leone, the rebels have taken over the areas and are pursuing the war. And this picture is another young little girl with her arms cut off. They are pursuing the war by the sale of what they call conflict or blood diamonds.

On behalf of the gentleman from Ohio (Mr. Hall), we offered an amendment, which was adopted unanimously by Republicans and Democrats in the subcommittee and not challenged in the full committee, to prohibit the importation of diamonds coming from certain countries, Sierra Leone and Liberia, where Charles Taylor in Liberia is doing terrible things, and Burkina Faso and other countries.

In the Congo, in the last 22 months, 1.6 to 1.7 million people have died. Thirty-five percent of these killed are under the age of 5.

So this amendment is here in order to stop conflict diamonds.

On this floor several weeks ago, this Congress voted not to send the money for U.S. peacekeeping. No one wants to send American soldiers. So there can be U.N. peacekeepers, at the minimum, which ought to prohibit the importation of what is called conflict or blood diamonds.

This is also in the best interests of the people of Sierra Leone but also the diamond merchants. Because if it ever gets out that every time a young woman or young man purchases a diamond, and 65 percent of the diamonds in the world are sold in our country, the American people do not want to buy blood diamonds, then I think the diamond market may very well be in trouble.

So, for this reason, we offer the amendment to stop this issue.

Keep in mind, too, the life expectancy in Sierra Leone is 25.6 years.

So I wanted to be heard. And I know my colleague, the gentleman from Ohio (Mr. Hall), wants to be heard on this issue and the distinguished chairman of the Subcommittee on African Affairs (Mr. Royce), who has been so good on this issue and has really focused on it, wants to be heard.

I do want to say that I understand the gentleman from Illinois (Mr. Crane) will be making an announcement that he is going to hold a hearing. I personally want to thank him for his willingness to do this, which will help us after the August break to focus on the issue. So I want to personally thank the gentleman very much for his willingness to do this.

Mr. Chairman, I want to thank the gentleman from California (Mr. DREIER) for his help on this issue. I appreciate it very much. I also appreciate the help of the gentleman from California (Mr. ROYCE) on this issue. He has provided great leadership.

Mr. Chairman, while I understand that the distinguished chairman is raising a point of order on this section because of jurisdiction claims, I wish that this section could remain in this bill because of the immediacy of the problem in Africa.

Millions of people have died in Africa because of the bloodshed surrounding conflict diamonds. Rebel groups and military forces in Sierra Leone, Angola, and the Democratic Republic of the Congo have committed horrible atrocities to gain control of and to profit from diamonds and diamond mines. At least $10 billion in diamonds have been smuggled from these countries over the past decade.

In the Congo, some 1.7 million people have died because of the fight to control Congo's natural resources. In Angola, the rebel movement UNITA pays for more weapons and kills more people because of its trafficking and control of Angola's diamonds. In Sierra Leone, an estimated 75,000 people have died because of the rebels' vicious campaign to control the country's diamonds.

Mr. HALL and I visited Sierra Leone and met and talked with hundreds of people who had their arms, legs, hands cut off by Sierra Leonian rebels—all to scare and intimidate the local population so the rebels could gain control of Sierra Leone's diamond producing region.

Many of the countries surrounding Sierra Leone have few to zero diamond mines. Yet countries such as Liberia, Burkina Faso, Togo, and the Ivory Coast have exported millions of carats of diamonds—Sierra Leone's diamonds—billions of dollars in value—to the diamond cutting centers in Antwerp, Israel, India, Holland, and New York.

Liberia and its president, Charles Taylor, supplied tons of weapons to the rebels in exchange for diamonds. Similar arms for weapons exchanges between governments and diamond stealing rebel groups has occurred in the case of Angola, the Congo, and other countries already named surrounding Sierra Leone.

This point of order would strike out of this bill language which prevents illicit conflict diamonds from entering the flow of U.S. commerce. This language would go a long way toward stunting the revenue—conflict diamonds—of many rebel groups in Africa. This language would save thousands and thousands of lives.

Because the Clinton Administration has been a complete failure on this issue, it is important for this House to speak out and take action and this language is a good start in that direction. The Administration has even gone out of its way to buddy up to the rebels in Sierra Leone and to Liberia's President, Charles Taylor. People have died as a result of this inexcusable negligence.

Because this problem is immediate, because the war and death fueled by the trafficking of conflict diamonds rage on unabated, this is a global crisis. Because the Administration has failed to address this issue, it is up to Congress to lead and that is why this language is so important.

I understand the reality of the legislative process though, and that this section of the bill is not protected.

I am grateful that Chairman CRANE has agreed to work with me and Mr. HALL on this issue and I look forward to the hearings his subcommittee will hold, hopefully as soon as we get back from August recess. I am hopeful that with Mr. CRANE's help, we can quickly draft legislation to prevent conflict diamonds from entering the U.S. and to help the people of Africa suffering at the hands of these rebel forces.

The CHAIRMAN. The gentleman form Ohio (Mr. HALL) is recognized on the point of order.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentleman from California (Mr. DREIER) for his not only recognizing me but for his work on this particular section of the bill concerning diamonds.

I just support everything that the gentleman from Virginia (Mr. WOLF) has said. He and I are partners on this issue and so many issues. We have traveled together often.

The last time we were together in Africa was in Sierra Leone. The reason why this is germane and relative to us in America, people might ask, What does this have to do with us? Well, we buy 65 to 70 percent of all the diamonds in the world; and a good percentage of those, at least somewhere between 5 and 10 percent of them, are what we call illicit diamonds, conflict diamonds, blood diamonds. They come out of areas like Sierra Leone and the Congo, Angola, Liberia, Burkina Faso, Guinea.

What happens is that these diamond areas are seized by rebels. For example, in Sierra Leone, a rag-tag group of young people, 400 rebel soldiers, increased their whole lot, their whole army to about 25 to 26,000 overnight because they seized the diamonds mines.

What they do is they not only seize the diamond mines, they use the diamonds to trade for guns, pretty sophisticated guns, and buy drugs. And at the same time, they bring a lot of young soldiers into the rebel army, and they inflict cuts on their arms and on their heads and they put these drugs into them to the point where they go in and they commit all the atrocities.

The gentleman from Virginia (Mr. WOLF) and I visited amputee camps. We visited refugee camps where children's arms were cut off. They play this hideous game that when they go into a village they not only rape most of the women there, but they say to most of the villagers, stick your hand in this bag and pull out a piece of paper. If the piece of paper says "hand," your hand gets chopped off. If the piece of paper says "foot," they chop it off with a hatchet. If the piece of paper says "ear" or "nose," they cut it off.

We have seen this over and over again. This is not just something that the gentleman from Virginia (Mr. WOLF) and I are talking about. This has been proven over and over and over again by many human rights groups, by the U.N.

There are a lot of boycotts on diamonds from Sierra Leone to Angola to these countries that we have mentioned.

I reluctantly agree to allow this and not offer in the Committee on Rules an amendment to protect this particular section because I understand in talking to the gentleman from Illinois (Mr. CRANE) that he is going to have a hearing; and, hopefully, we can get some justification, we can stop this hideous kind of killings that are going on in the world.

The reason why it is relevant to us is that we buy most of the diamonds in the world, and in some cases our people need to know that diamonds are not a girl's best friend. Sometimes they cause death, maiming, killing, all kinds of atrocities.

So with that, we are hopeful we can get some action this year. We are hopeful that the gentleman from Illinois (Mr. CRANE) and the Committee on Ways and Means will do something about this.

The CHAIRMAN. The gentleman from California (Mr. ROYCE) is recognized on the point of order.

Mr. ROYCE. Mr. Chairman, these Sierra Leone diamonds that we are talking about and the conflict that is raging there are only a small part of Africa's production. However, the American public increasingly associates the devastation and the mayhem occurring in Sierra Leone with the sale of legitimately produced diamonds.

That makes it very difficult for other countries in Africa, like Botswana and Namibia and South Africa, to use the proceeds from the sale of their diamonds in order to produce an education for their population, clean water and health care.

I think the United States Congress must help ensure that the legitimate diamond industries in these countries are not adversely affected by the justifiable outrage over the anarchy and atrocities linked with conflict diamonds. And it was the message that the Subcommittee on African Affairs received from the African government and human rights groups at our hearing on May 9 on this issue.

Now we have a special responsibility because Americans purchase more than 60 percent of these diamonds. I think my colleagues have heard the testimony from my colleagues about the mayhem that is occurring today in Sierra Leone. We must do all we can to bring an end to the tragic conflict in diamonds coming out of Sierra Leone and coming out of Liberia. Because, frankly, the proceeds from the sale of those diamonds are being used in order to arm the Revolutionary United Front, the RUF, which has decapitated or struck the limbs off some 20,000 women and children to date.

If my colleagues go into Freetown, they will see countless numbers of maimed children on the streets as a result of this campaign of terror. And if we ask how did Fodoy Sankoh receive the financing to do this, it is from the sale of these conflict diamonds, it is from the fact that these diamonds have also gone over the border into Liberia where his ally, Charles Taylor, has also used them in order to obtain the funds for this activity.

I think we must applaud the recent efforts of the international diamond industry to prevent rebel groups from using illicitly obtained diamonds to finance senseless wars. It has instituted new controls that will make it more difficult for conflict diamonds to be sold. But vigilance is necessary to prevent unscrupulous dealers from avoiding these new, tougher regulations.

I just want to thank the gentleman from Virginia (Mr. WOLF) and thank the gentleman from Ohio (Mr. HALL) for their efforts. I would hope that more Members of this body would join them in their efforts to ensure the vigilance of these regulations and to ensure that we can try to impose an embargo on Liberia and on Sierra Leone in order to prevent this senseless war from continuing.

Mr. CRANE. Mr. Chairman, clause 2(b) of rule XXI states that no provision changing existing law shall be reported in any general appropriation bill.

However, this provision would prevent the use of appropriated funds to allow the placement of diamonds from certain countries into foreign or domestic commerce.

Specifically, the provision imposes a new administrative burden on the U.S. Customs Service not authorized under existing law by requiring Customs to enforce a new certification requirement which would be based on the place of mining of the diamonds.

Under current law, no certification at all is required. In addition, Customs never examines the place of mining but makes origin determination based on cutting and polishing. This certification requirement places an extensive burden on Customs both in terms of procedural documentation requirements and substantive origin determination.

It clearly violates clause 2(b) of rule XXI, which prohibits legislating on an appropriations bill.

However, I would like to assure the gentlemen that have spoken this evening that I agree that the diamond trade in Africa is of grave concern to me. I plan to hold a hearing in the subcommittee of the Committee on Ways and Means in September to examine this issue. I hope to work with the gentlemen, as well as the administration, to find a viable means to deal with this issue.

I do not support the use of trade sanctions, but recent action by the United Nations affirming the use of multilateral trade sanctions makes this an issue well worth considering.

In the meantime, however, I must insist on my point of order, and I urge the Chair to sustain the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

The gentleman from Illinois (Mr. CRANE) makes a point of order that the provision beginning on line 62, line 17, and ending on page 63, line 2, changes existing law in violation of clause 2(b) of rule XXI.

The provision limits funds in the bill for the placement in interstate or foreign commerce of diamonds that have been mined in certain countries with an exception for those diamonds where the country of origin has been certified as the Republic of Sierra Leone by specified international officials.

Clause 2(b) of rule XXI provides that a provision changing existing law may not be reported in a general appropriation bill. The provision imposes new duties on executive officials by requiring the Customs Service to investigate and certify the country of origin of a diamond with regard to its place of mining. The Chair is not aware that there are currently any country of origin requirements in law with relation to the mining of diamonds.

As such, the provision changes existing law in violation clause 2(b) of rule XXI. Accordingly, the point of order is sustained and the provision is stricken.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:
Strike section 509.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

□ 1715

Ms. DELAURO. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I rise to offer a simple amendment to strike language in this bill that unfairly penalizes the hardworking people of the Federal Government. This language prohibits health plans that participate in the Federal employees health benefits program from covering abortion. By doing so, it denies access to complete reproductive health services to nearly 1.2 million women of childbearing age who depend on this health benefits program for their medical care.

Every employee in the country has the option to choose a health care plan that covers the full range of reproductive health services, including abortion. Every employee, that is, except Federal employees. Since November 1995, Federal employees have been unable to choose a health care plan which includes coverage of this legal medical procedure.

Let me make one point very clear. This amendment does not provide government or taxpayer subsidies for abortion. The health care benefit, like the salary, belongs to the employee. The employee is then free to choose from a wide range of health plans that best meet their needs and then purchase that health plan with their own money. Again, with their own money.

This amendment does not mandate that any plan provide coverage for abortion against its objection. It simply allows Federal employees to have the option to purchase for themselves or their families a plan that suits their individual needs. An individual who does not want that coverage would have the choice, again the choice, not to purchase such a health plan.

Unfortunately, under current law and language included in this bill, Federal employees are left with no choice if tragedy strikes. I have heard the stories of Federal employees who are faced with a crisis pregnancy. This decision to end the pregnancy was the hardest decision of their lives. When they believed that their health insurance companies would pay for this health procedure and later found out Congress had restricted this coverage, they were harassed by creditors and forced into a financial battle over one of the most personal and emotional decisions that they will ever have to make.

Mr. Chairman, abortion is a legal medical procedure. That is right. No matter how many times we come to this floor and debate this issue, it remains a constitutionally protected legal medical procedure. The court just reaffirmed that a few weeks ago. Our opponents can try to chip away access to this right for young women, poor women, imprisoned women, women in the military, and in this case women who work for the Federal Government. They can write legislation that limits every nuance of this procedure and the issues surrounding it. But they have not won. Abortion is still a legal choice for women.

Singling out abortion for exclusion from health care plans that cover other reproductive health care is harmful to women's health. The AMA has said that funding restrictions such as this one that delay or deter women from seeking early abortions make it more likely that women will continue a potentially health-threatening pregnancy to term. This is all the more true because the bill provides no exception for coverage of abortions when a woman's health or future fertility is at stake.

I urge my colleagues to give our public servants the right to choose the health care that is best for them. I ask them to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in opposition to the amendment and claim the 15 minutes.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong opposition to the DeLauro amendment. This amendment has been offered and defeated for the last 5 years, but our pro-choice colleagues are at it again. In effect, it would force taxpayers to fund abortion. The pro-life language which this would strike prevents taxpayer funds from paying for abortions in Federal employee health benefit plans except when the life of the mother is in danger or in cases of rape and incest.

In 1998, the Federal Government contributed on the average 72 percent of the money toward the purchase of health insurance for its employees. Because taxpayers are the employers of Federal workers, employers determine the benefits employees get. And a large majority of taxpayers do not want their tax dollars to be used to pay for abortion.

Mr. Chairman, should taxpayers be forced to underwrite the cost of abortions for Federal employees regardless of their income? According to a New York Times/CBS News poll, only 23 percent of those polled said that national health care plans should cover abortions, while 72 percent said those costs should be paid for directly by the women who have them.

When an ABC News/Washington Post poll asked Americans if they agree or disagree with the statement, "The Federal Government should pay for an abortion for any women who wants it and cannot afford to pay it," 69 percent disagreed.

The Center for Gender Equality has reported that 53 percent of women favor banning abortion except for rape, incest and life of the mother exceptions. The pro-life language in the bill that the gentlewoman from Connecticut (Ms. DELAURO) seeks to gut includes these exceptions. Obviously, if 53 percent of women favor banning abortion aside from these exceptions, then they would not want their tax dollars paying for abortion on demand as this amendment intends.

In a Gallup poll from May of last year, 71 percent of Americans supported some or total restrictions on abortion.

For these reasons, Mr. Chairman, I ask my colleagues to vote "no" on the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise to support my colleague's motion, because I believe that the approximately 1.2 million women of reproductive age who rely on FEHBP for their medical care should have the option of choosing a health plan which includes coverage for abortion.

I want to stress that women should have the option. In 1995, Federal employees had many options. Of the then 345 FEHBP plans, just about half, 178, covered abortion. If women wanted to participate in a plan that covered abortions, they could. If they found abortion objectionable, then they could opt for a plan that did not cover abortion. The choice was theirs, not mine, not yours, not this institution's.

That is why, although many of us are tired of constantly battling about this issue, I continue to speak about this because I believe that our approach should be to make terminating a pregnancy less necessary. If we agree, pro-choice, pro-life, that our goal should be less abortion, then our focus must be on what we can do to further that goal.

I am very pleased that this bill contains provisions that guarantee contraceptive equity for Federal employee families. We can do more to increase access to contraception and work harder to educate people about responsibility. That will help us make the difficult choice of abortion less necessary.

Making abortion inaccessible in my judgment is not the answer. Contraceptive methods may fail, pregnancies may go unexpectedly and tragically wrong. No matter how good the contraceptive technology and how much education we do, some women will need abortions and that should be their decision, not ours. Abortion must remain safe and legal. I oppose excluding abortion, among the most commonly surgeries for women, from health care coverage. I support allowing Federal employees to have the option of abortion coverage with their own money, their earned income, in these plans.

I ask my colleagues to join me in supporting the DeLauro motion to strike and let us work for a day when abortion is truly rare.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, just a few minutes ago on this House floor we heard about the sad plight of some children in Africa. We deal with many cases of child abuse and persecution and the violence against children. Many of us believe that human life begins at conception. In fact, most Americans do. When you look at the brutality of the abortion procedure, whether it is burning the skin off the babies, whether it is cutting them up, whether it is blowing them to pieces as they bring them out, or the partial-birth abortion where they kill them with a blunt instrument when all but the head is out, it is a brutal procedure.

But this is not a debate over whether abortion is legal because whether I like it or not, abortion is legal. This is a question over whether people like me and other Americans in Indiana and other States around the country have to be forced to pay for the killing of what we believe is innocent, defenseless little children.

The earliest speaker here, the distinguished gentlewoman from Connecticut, said that these were plans paid for by Federal employees. She neglected a teensy-weensy little fact, and, that is, our health care plans, including mine, are 28 percent roughly, depending on which plan you choose, paid by you and 72 percent by everybody else. This is whether or not we have to be forced to pay for other people's choices.

The Supreme Court has been clear. We do not have to pay for someone's abortion. They have a right to choose abortion, but they do not have a right to have me violate my beliefs, the majority of the people of Indiana who share that belief and other parts of the country who share that belief have to pay for a procedure that they find offensive.

Now, the truth is, many Americans are on the fence here. They find abortion abhorrent, but they believe other people should be allowed to choose. But it is clear, the majority of Americans do not want what they believe is the blood on their hands, and I do not believe that we should be forced to pay for other people's abortion by subsidizing as we do in Congress 75 percent of the procedure.

Ms. DELAURO. Mr. Chairman, I yield myself 10 seconds. This amendment does not provide government or taxpayer subsidies for abortion. The health care benefit, like the salary, belongs to the employee. The employee is free to choose from a health care plan that best meets their needs.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentlewoman for yielding me this time and also for her commitment and her consistent work in support of the rights of all women.

I rise in strong support today of the DeLauro amendment that strikes the prohibition of abortion coverage within the Federal Employees Health benefits Plans. Approximately 1.2 million women of reproductive age rely on the Federal employees health benefits program. Denying them access to health services is denying them the right to lead healthy lives as they so choose. Restricting this fundamental right is discriminating against women in the public sector. We are currently denying these women access to a legal health service.

The DeLauro amendment would allow government employees to choose a health care plan that would cover the full range of reproductive services, including abortion. It is wrong to impose personal ideology on compensation benefits to millions of women. This provision would not result in government subsidized abortions. Instead, it would allow women in the public sector the same fundamental reproductive health services as women in the private sector.

Why should a woman be denied access to care simply because she chooses to work for the Federal Government? This is so unfair and it is wrong. The current prohibition has made it more difficult and more dangerous for women working in the Government to exercise their constitutional guarantee of freedom of choice. We must begin to take the politics out of providing health care for Federal employees.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Let me just say in answer to the previous speaker, opposition to abortion funding has nothing whatsoever to do with politics. Such charge is insulting today, we seek, to the maximum extent possible, to safeguard human rights for unborn children who cannot defend themselves.

Let me also say that every time we deal with pro-life text including language that proscribes funding for abortion, the issue, we are told is never about abortion. When we deal with the D.C. approps bill, it is about home rule. When we deal with the Hyde amendment on the health and human services appropriations bill, it's rich versus poor, rather that subsidizing the extermination of poor children by abortion. Our opponents on the issue always try to muddy the water suggesting that the debate is about something other than abortion. And today we're told it is a matter of Federal employees benefit packages. Sorry—that argument just doesn't cut it. Abortion is not a health benefit—it's the killing of a baby. Regrettably, the gentlewoman is offering an amendment today that would strike current law, that is to say, law that has been in effect this year, last year, every year except 2 years since I first successfully offered this back in the early 1980s.

□ 1730

So let me emphasize my hope that Members will reject this misguided, anti child amendment.

Mr. Chairman, with violence so commonplace nowadays, with our sensibilities accosted and numbed almost every day of the week by yet another outrageous act of violence at home or abroad or both, perhaps it is any wonder why we, as a society, continue to live in denial, for some it is very deep denial, about the inherent violence of abortion.

Abortion, Mr. Chairman, is not some benign act designed to cure or to mitigate a disease. I will never forget, I read a paper some years ago by Dr. Cates from the Center for Disease Control Abortion Surveillance Unit, and it was entitled "Pregnancy, the second most prevalent sexually transmitted disease."

Mr. Chairman, that is sick. A pregnancy, a maturing, living unborn child is not a disease. He or she is not a wart or a cancerous tumor or something that should be excised. Every one of us once were unborn children.

We should look at birth as an event that happens to each and every one of us, it is not the beginning of life. Unborn children when they are sufficiently mature and developed move on to a new address. Life is a continuum; birth is not the beginning but an event along the way.

But here is the CDC abortion surveillance authority degrading everyone's early months calling pregnancy a sexually transmitted disease. I think that is as Orwellian and downright stupid as it gets.

Abortion, Mr. Chairman, is the antithesis of compassion and of nurturing. Abortion methods are acts of violence imposed on innocent boys and girls for whom the womb should be a place of refuge, hope, sanctuary—not an execution site.

Abortionists kill their human prey by either injecting poisons into their bodies directly or by putting high concentrated salt water into the amniotic fluid to snuff out the child's life.

High concentrated salt solutions injected into the baby's amniotic sac is barbaric—child abuse. The baby breathes in the caustic salty liquid, dies a slow, excruciatingly painful death. It usually take about 2 hours to kill the baby. The mother then goes into delivery and gives birth to a dead and very badly scalded body as a result of the corrosive effects of the salt.

These are commonplace abortions, and it would be paid for if the DeLauro amendment is approved.

Let me also remind Members that the most common method of child killing is dismemberment. A few minutes ago my good friend and colleague the gentleman from Virginia (Mr. WOLF) showed us this picture, of a 2-year-old victim of the revolutionary united front the RUF, who had her arm sheared off by thugs. This was a horrible deed by the RUF in Sierra Leone.

Abortionists do the same to children in the womb every day in America. Amazingly, there are a few lucky ones who survive. Not so long ago The New York Post featured this picture of Ana Rosa Rodriguez, almost 2 years old, with her arm sliced off. Although the abortionist tried hard he did not kill her, she survived. She is one of those fortunate ones who somehow evaded the abortionist's deadly scalpel. She is a survivor, sans an arm.

Of course, all of us are aware of what happens in a partial birth abortion, which is child abuse in the light of day. Yet, such brutality too could be paid for if the DeLauro amendment is successful.

Mr. Chairman, since 1973, over 40 million children have been slaughtered mostly by dismemberment or chemical poisoning in America. That is the equivalent, Mr. Chairman, to the entire populations of 22 States in America combined from Connecticut to Maine to New Hampshire to Oregon. If we want to look at the bigger more populus States 40 million abortions is the equivalent of the entire populations of Pennsylvania, Ohio, Michigan and New Jersey combined. Such staggering loss of children's lives should sound alarm bells—not foster denial or acquiescence. Clearly abortion has been sanitized. The cover up of abortion take the prize for "most euphemisms." It has been marketed with great skill, cleverness, and deceit by the abortion lobby. The result 40 million dead children in America. 40 million kids, Mr. Chairman, who have had every hope and dream, every aspiration, every possibility of living obliterated by abortion. Their mothers too have been very much wounded by abortion.

I have been working in the pro-life movement for 28 years. I work with crisis pregnancy centers. There has been an increase in healing outreaches, Project Rachel reaches out to women in distress, who have had abortions, who are in great need of healing and reconcilliation. Many of those women are the walking wounded. Abortion hurt them physically, emotionally and psychologically.

Since 1973, Mr. Chairman, 40 million kids killed by abortion will never know the thrill of a sunset, the simple joys of life, like eating and drinking or sleeping in on a Saturday morning, a snow day. They will never have that. They have been terminated. They will never know the joy of playing sports, soccer or baseball. They will never know what it is like to date or marry or raise kids or to give of oneself for others. They will never know the power of prayer, or power of faith in God to usher in his will on earth, as it is in heaven.

All of this and more has been denied these kids because of abortion. The so-called right to choose robs children of their birthright and a lifetime of meaning and challenges have been snuffed out as a result of abortion.

Mr. Chairman, the other day in Middlesex County, New Jersey, I attended a crisis pregnancy dinner. Two of the ladies got up to the microphone and thanked the director of that center who helped them avert abortion through love and genuine concern. Both women were going in to get abortions. But both of them had the child instead. They gave very strong and compelling comments on what it was like to be reached out to and to love. What I found to be unexpected was that just a few moments later, two young teenage girls stepped up to the microphone. They too thanked the director of that crisis pregnancy center and their moms who had just spoken, because their lives had been saved from certain death.

They were articulate. Both had dreams and hopes, all because they were alive. Abortion Mr. Chairman takes the life of a child. There are alternatives—crisis pregnancy centers, adoption—so let us help you. If we subsidize abortion and facilitate abortion girls like those two potential victims are less likely to survive and are more likely to be aborted.

I do believe, Mr. Chairman, that some day, researchers, sociologists and historians and others will marvel how the best and the brightest of our day, many of those in positions of power in government, our judiciary, the media, the medical profession, and academia, could have embraced the killing of 40 million children and demanded that it not only be sanctioned, and regarded as a woman's right, but paid for by the U.S. taxpayer. Just as we look at the pro-slavery crowd of yesteryear, and say "how could they" they too will be aghast at our moral obtuseness and callousness.

With the bill before us today, at least we can take a stand against funding the killing of unborn babies. The underlying language that the gentlewoman from Connecticut (Ms. DELAURO) would strike continues, as I said at the outset, current law that proscribes the Federal employees health benefits program from subsidizing most abortions.

I respect each Member on the other side of this issue but find it extremely disappointing and vexing that you fail to understand the terrible wrong you do to children and their mothers.

Vote no on DeLauro.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, may I inquire of the remaining time on both sides?

The CHAIRMAN. The gentlewoman from Connecticut (Ms. DELAURO) has 7¾ minutes remaining, and the gentleman from New Jersey (Mr. SMITH) has 1½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I rise to, first of all, thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding the time to me, and also for offering the amendment.

We in this House of Representatives, as well as Federal employees across this country, enjoy the rights of deciding a benefit given to them, along with their salary, that belongs to them to choose the health plan that suits them and their children.

I believe that we ought to allow these wonderful Federal women employees that right, a right to a procedure that is legal, a right to a procedure that everywhere else, except in Federal employees status cannot be selected, because this Congress, I might add, will not allow it.

I am wondering why this provision is not, as we hear so many times using authorizing on an appropriations bill, someone should rule it out of order. I believe this section 509 is authorizing on an appropriations bill and should stand on its own in proper legislation and in the proper committee of jurisdiction.

Why are we now taking a procedure that is legal for thousands of women, heads of households, I am a mother, I have never had to use abortion, praise the Lord, but some people may find in their lifetime they have to make that decision.

God has blessed women to bear children, and women ought to be allowed with their God and their husband or significant other to make that decision. I praise and applaud the woman from Connecticut (Ms. DELAURO) for offering the amendment. This amendment discriminates against women Federal employees. Who are we, 435 of the finest citizens in the most powerful government, to decide what God has decided that a woman must or must not do with her body? I think it is appalling.

I think section 509 is authorizing on an appropriations bill and ought to be ruled out of order.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that both sides have an additional 5 minutes each, 10 minutes equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Each side will be granted an additional 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman from New Jersey for yielding me the time, and I rise in very strong opposition to this amendment.

The gentlewoman offered this amendment last year and it was defeated by a vote of 188 to 230. The provision that the gentlewoman is offering seeks to strike language that has been included in this legislation for years.

The funding restriction in the bill addresses the same core issue as the Hyde amendment, should the Federal Government be in the business of funding abortions? Should taxpayers be forced to underwrite the cost of abortions for Federal employees?

This debate is not one involving the legality of abortion. It is about using taxpayer dollars for abortions.

The point is that the vast majority of Americans feel very strongly that taxpayer dollars should not be used to fund abortions in the United States of America.

Some people may try to claim that this is just another medical procedure. We all know that this is not just another medical procedure. It is a very unique procedure where one of the participants in the procedure ends up dead.

I have been a practicing internist for 20 years, and I would argue that the unborn baby in the womb is not a potential life. It meets all of the medical criteria for a life. The criteria that I used as a practicing physician to determine whether somebody is alive or dead, a beating heart, active brain waves; indeed, using modern ultrasound technology today, we can show as early as just a few weeks of life activity on the part of the developing fetus, moving arms and moving legs.

The Supreme Court, the Court that created legalized abortion in America, has actually ruled on this issue upholding the Hyde amendment language. The Court said, abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential life. They used the word potential there, I say it is a life.

Mr. Chairman, I reject this amendment and I would encourage all of my colleagues to vote against it.

Ms. DELAURO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA)

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding the time to me, but also for introducing this amendment, because I rise in strong support of it. It would simply prevent discrimination against Federal employees in their health care coverage.

It was 5 years ago when Congress voted to deny Federal employees abortion coverage that was already provided to most of the country's workforce through their private health insurance plans. This discriminatory decision was another attempt to diminish the benefits of Federal employees and their right to choose an insurance plan that best meets their health care needs.

I heard the term that this is being funded by the Federal Government. It is not. The government simply contributes to the premiums of Federal employees in order to allow them to purchase health insurance; this contribution is part of the employee benefit package, just like an employee's salary or retirement benefits.

Currently, if we look at the private sector, approximately two-thirds of private fee-for-service health insurance plans and 70 percent of HMOs provide abortion coverage.

When this ban was reinstated 5 years ago, 178 of the FEHBP plans out of 345 offered abortion coverages. Women could choose, they could decide whether to participate in a plan with or without this coverage. Thus, the employee could make that decision.

Quite frankly, it is insulting to our Federal employees that they are being told that part of their compensation package is not under their control.

Mr. Chairman, approximately 1.2 million women of reproductive age rely on FEHBP for their health coverage. What we are doing, unless we adopt this amendment, is denying 1.2 million women for making their own right to choose a health care plan.

□ 1745

I urge my colleagues to support the DeLauro amendment and ensure that Federal employees are once again provided their legal right to choose.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I do not want to offend anybody in this body, but I think we ought to really characterize what this debate is about, and that is whether or not we are going to use taxpayer dollars to allow a woman to kill her unborn baby. I mean, we can say that is not a politically correct statement; but that is what abortion is, is an unborn human being, a child, is being killed. Now, we can say, no, that is not it; it has no standing, but the fact is the Supreme Court recognizes that death in this country only occurs when there is an absence of brain waves and heartbeat.

At 19 days post-conception, infants, children in their mother's womb, meet that.

The other contention that I think we ought to talk about, very frankly, is whether or not killing an unborn child is health care. Who is that health care for, and should we ask the taxpayers of this country to subsidize the taking of unborn life? The fact is the vast majority of Americans today do not believe that abortion is the right thing to do, by far. It is growing every day as they see the truth about abortion.

The fact is that we do not consider the rights of the unborn child, except if the child is injured unintentionally in a car wreck or injured in some other way. Then it has standing. But if it has standing at those times, we are going to say the rest of the time it has no standing. Mark my words, our country will change this.

We can all disagree about whether or not this is a right or a wrong thing to do, but the fact that we should not subsidize it and the fact that the American people, by a large majority, do not want us subsidizing it, speaks very plainly to the fact that they know what the truth is: abortion is not health care. Abortion is taking the life of an unborn human being that is unique, has never been here before, never been created before, is totally unique, has the attributes of life, a beating heart, active brain waves.

We can deny that because it is convenient to rationalize our moral choice for an inadvertent sexual activity. This amendment would pretend that rape, incest and the life of the woman does not exist. They are excepted in this. So the fact is we are protecting the true health of the woman in recognizing the right under our constitution of this unborn child.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank my colleague, the gentlewoman from Connecticut (Ms. DELAURO), for yielding me this time.

Mr. Chairman, the gentlemen from whom we have heard tonight have every right to support their ideologies against abortion. That is their right. It is their personal ideology, and I cannot disapprove of their personal ideology; but I only ask them one thing. It is not their right to impose their personal beliefs to the Congress or to this country. If I had my way, there would be a lot of my personal beliefs that I would be able to impose on this Congress, but the Constitution of this country does not give me that right. It does not give any man in this country the right to choose a woman's right to choose. It is her right; and if she does not follow her religious and moral constraints, she has to pay for it. I do not have to pay for hers, but as an elected official I cannot say this because I agree or disagree with someone then they do not have a right to choose.

No matter how poignant the stories or the anecdotal information we have heard here tonight, it does not give anyone the right to choose. I support the DeLauro amendment. I believe in justice and fairness to women, as well as to men.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 45 seconds to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I would just like to say that I have the utmost respect for the gentlewoman from Florida (Mrs. MEEK), but the statement she just made ignores one person's rights, and that is the rights of the unborn. Read our Declaration of Independence. Read our Constitution. Regardless of what the law is, in the scheme of the long-term measure of us as a society, it is going to be said that we did the wrong thing.

Legally, we have the right to abortion in this country. We are not disputing that. That is the law. I would just state that the fact is the judgment in history on our society is not going to be whether or not we recognize the woman's right to choose. It is going to be whether we recognize the innocent's right to life.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, there are about 1.2 million women of reproductive age who depend on the Federal Employees Health Benefits Program for their health care, and our congressional staff makes up a large number of those women. So I ask Members to look at their female staff who work so hard for all of us, who serve our districts and ask how they can stand not to provide these young women with reproductive health services, health services that would allow their health plans to cover abortion services. How could they not allow them to be covered even if their health or future fertility were at stake?

As Members of Congress, we have an obligation to offer women in public service a full range of reproductive health options, including abortion services. I want all of us to vote for the DeLauro amendment to allow Federal plans to offer health services to cover abortions.

Mr. SMITH of New Jersey. Mr. Chairman, may I inquire how much time remains on both sides.

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) has 45 seconds remaining. The gentlewoman from Connecticut (Ms. DELAURO) has 6 minutes remaining.

Mr. SMITH of New Jersey. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise to support the DeLauro amendment to strike the provision which bans Federal health plans from offering abortion coverage. Approximately two-thirds of private fee-for-service plans and 70 percent of HMOs provide abortion coverage.

Until 1995, the Federal Government in its employee benefit plans likewise provided this coverage, but we have allowed the anti-choice forces in this House to substitute their judgment and their morality and their opinions to impose those opinions and judgments on the women in the workforce of the United States. This is shameful and unjust.

We should not allow the ideological bias of some Members to decide what more than a million employees of the

Federal Government can do with their own compensation.

By specifying what they can do with their own compensation, we are seriously intruding into their privacy and their control over their own salaries and benefits.

Mr. Chairman, a moment ago it was alluded to the fact or to the assertion that what will be remembered in the future is what we do with respect to the lives of innocents. Well, the fact is there is a difference of opinion as to when life begins, and we say that a woman must have the ability to make her own moral choices and not have the Government make that choice. The Supreme Court says that, too; but we are misusing the power of this House to say we cannot impose our will on the women of America in terms of whether they choose to have an abortion. We cannot substitute our judgments for theirs, but we can substitute our judgment for those who happen to work for the Federal Government because we can make sure that their insurance will not cover it. That is wrong. They have the right to make their own moral judgments. Every woman must make a moral judgment for herself and we should not substitute the judgments of the Members of this House for theirs. That is an arrogant form of moral imperialism, and we should not do it.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I join my colleague, the gentlewoman from Connecticut (Ms. DELAURO), and congratulate her for her leadership and support of a woman's right to choose and rise in strong support of her amendment.

This is the 151 vote on choice since the beginning of the 104th Congress; and once again, this Congress is attempting to deny women access to legal health services.

Mr. Chairman, it was only 5 years ago that I and millions of other women employed in Federal service received a notice in the mail that our health insurance coverage by law would no longer cover abortion. It was one small notice in the mail but one giant step backward for a woman's right to choose.

This amendment would simply give health care providers of Federal employees the option of providing a full range of reproductive health services, including abortion. This restriction is another attempt by anti-choice forces on the other side of the aisle to make abortion less accessible to women. Not only does it discriminate against women in public service, but it endangers their health. It is wrong and unfair, and that notice took us backward. We need to correct it with this amendment and take women forward once again.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the committee.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding me this time.

Mr. Chairman, this has been called an amendment on choice or life. I have argued this amendment repeatedly and have lost. This amendment is, I think, about whose money is it.

Now, I have propounded this argument before, and it has been rejected by the majority of this House. The gentleman from Pennsylvania (Mr. PITTS) said, and numerous other speakers have said about our money, that it is the taxpayers' money, the Federal Government's money. Now, a Federal employee is in a unique position in that 100 percent of their compensation package, salary, health benefits and retirement, are paid by the taxpayer. If one adopts the premise of the opponents of this amendment, then the Federal employee ought to be in the position of being told how to spend 100 percent of their money. That is the logical conclusion one must draw from the arguments being made today.

The Federal employee goes to work and is told we are going to pay X number of dollars, we are going to get health benefits and there is going to be a retirement system. That is their compensation package.

We take the position, apparently, that with respect to part of it, we are going to tell them how to spend it. We do not tell any other employees in the Nation how they can spend their package. We do not do it. So all of this is turned into a device to the same argument that deeply divides our Nation.

☐ 1800

Mr. HOYER. Mr. Chairman, we take this debate and convert it into a debate over an issue that deeply divides this Nation and is an excruciatingly difficult issue. That is unfortunate, because in my opinion, this ought not to be a difficult issue. Because it is about whether or not Federal employees are equal to all other employees in terms of spending their money. It is not the taxpayers' money; they earned it, and the taxpayer converted it to the Federal employee in return for the services they perform for the Federal Government. It is the Federal employees' money.

Now, yes, part of that compensation is, we pay 72 percent of the benefits, but they choose the policy, and they have a wide variety of policies, because we have an excellent program as part of their compensation package.

So, Mr. Chairman, I ask my colleagues to try to look at what the substance of this does. I tell my friend, and good friend from New Jersey, the issue that he argues passionately about I respect him for. It is not, however, the issue raised by this amendment, I would suggest to him.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the remainder of the time to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, very briefly, I think my position on this matter of choice is fairly well known. I have long supported a woman's right to choose. I find myself in a somewhat different position today here, as the chairman of the subcommittee.

What we have attempted to do as a subcommittee is to cut through this Gordian's knot by taking the position that this House has spoken about fairly clearly in the last couple of years. On the one hand, we do have the prohibition, which the gentlewoman from Connecticut (Ms. DELAURO) seeks to strike, that prevents health benefits for Federal employees from including any kind of abortion service. On the other hand, we do also have the provision in there which was debated and fought over this last year which allows for contraceptive services to be offered for those who have Federal employment health benefits.

While this is a difficult position and one that I may not completely support myself, I do believe the position of the committee and the position of the House is in this legislation and should be supported. For that reason, I oppose the amendment.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MODIFICATION TO ORDER OF THE HOUSE OF TODAY LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4871, TREASURY AND GENERAL GOVERNMENT APPROPRIATION ACT, 2001

Mr. KOLBE. Mr. Speaker, to correct apparently an error in propounding my earlier unanimous consent request, I now ask unanimous consent that during further consideration of H.R. 4871 in the Committee of the Whole, pursuant to House Resolution 560 and the order of the House of earlier today, the gentleman from Virginia (Mr. DAVIS) be permitted to offer an amendment regarding Federal contracts in lieu of an amendment regarding Federal election contracts.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Arizona?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 560 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4871.

□ 1804

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the demand for a recorded vote on the amendment by the gentlewoman from Connecticut (Ms. DELAURO) had been postponed and title V was open for amendment at any point.

Pursuant to the order of the House today, the previous order of the House shall be corrected to read, an amendment by "Mr. DAVIS of Virginia, regarding Federal contracts."

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Page 64, after line 8, insert the following new section:

SEC. 521. Not later than 90 days after the date of the enactment of this Act, the Inspector General of each agency funded under this Act shall submit to the Congress a report that discloses—

(1) any agency activity related to the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the agency; and

(2) any agency activity related to entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits to nongovernmental Internet sites.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a privacy amendment we are offering to assure ourselves that Congress is made aware of privacy violations or concerns that arise from agencies' review of citizens' actions on the Internet. What we have fashioned here is a relatively simple amendment that will require these agencies, under Treasury and others subject to these appropriations, to report to Congress of any monitoring activities that these agencies are involved in on our use of Internet sites.

Now, what has indicated that this is appropriate is both the proliferation of our use of the Internet and our citizens' use of the Internet, but also some legitimate concerns we have of some of the agencies' activity in monitoring citizens' actions on the Internet.

For instance, we have been told that the Office of National Drug Control Policy had placed cookies on sites that would essentially allow tracking of personal identifiable information and how people surf or travel through the Internet.

There are very legitimate privacy concerns that Congress ought to be aware of before those agency monitoring activities are allowed to continue. We know about the explosion of the Internet; we also are aware of the potential explosion in the violation of citizens' privacy if we do not ride herd on potentially problematic privacy violations. So what our amendment would seek to do is simply require the agencies to notify Congress of the nature of these activities by Federal agencies.

Our people are very concerned and increasingly concerned about privacy on the Internet and otherwise, and it is certainly appropriate that we in Congress as the elected officials know about those potential privacy violations by our own government. This amendment would, in fact, make sure that these agencies told the elected officials about those privacy violations if they were occurring, or at least allow us to determine what should be or should not be allowed in monitoring Internet access by our citizens.

Mr. Chairman, this is a basic, fundamental American right. Let us pass this amendment. I hope the chairman actually would allow it so that we can make sure in Congress that privacy rights of citizens are not being violated.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to

Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2001, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2000, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2001, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2001, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2001 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2001 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2000 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2000, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2000, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2000.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. (a) IN GENERAL.—For calendar year 2002, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) Guidelines.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) Peer Review.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Sec. 625. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

Sec. 626. Hereafter, the Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

Sec. 627. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

Sec. 628. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Sec. 629. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

Sec. 630. Section 638(h) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58) is amended by striking "at noon on January 20, 2001" and inserting "on May 1, 2001".

Sec. 631. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) Care Choices;

(C) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

Sec. 632. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

Sec. 633. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2001 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

Sec. 634. (a) In General.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) Affordability.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) Advances.—Notwithstanding 31 U.S. Code 3324, amounts paid to licensed or regulated child care providers may be paid in advance of services rendered, covering agreed upon periods, as appropriate.

(d) Definition.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) Notification.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

Sec. 635. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Sec. 636. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

Sec. 637. (a) Clarification of Election Cycle Reporting of Certain Expenditures.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)), as amended by section 641(a) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58), is amended—

(1) in paragraph (5)(A), by inserting after "calendar year" the following: "(or election cycle, in the case of an authorized committee of a candidate for Federal office)";

(2) in paragraph (6)(A), by striking "calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office)" and inserting "election cycle"; and

(3) in paragraphs (6)(B)(iii) and (6)(B)(v), by striking "(or election cycle, in the case of an authorized committee of a candidate for Federal office)" each place it appears.

(b) Clarification of Permissible Use of Facsimile Machines and Electronic Mail To File Reports.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d)(1) Any person who is required to file a report, designation, or statement under this Act, except those required to file electronically pursuant to subsection (a)(11)(A)(i), with respect to a contribution or expenditure not later than 24 hours after the contribution or expenditure is made or received may file the report, designation, or statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

"(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

"(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

(c) Treatment of Lines of Credit Obtained by Candidates as Commercially Reasonable Loans.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking "and" at the end of clause (xiii);

(2) by striking the period at the end of clause (xiv) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans in the normal course of the person's business.".

(d) Expediting Availability of Reports on Last Minute Funds.—

(1) Requiring reports for all contributions made within 20 days of election; requiring reports to be made within 24 hours.—Section 304(a)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)(A)) is amended—

(A) by striking "after the 20th day, but more than 48 hours before any election" and inserting "during the period which begins after the 20th day before an election and ends at the time the polls close for such election"; and

(B) in the second sentence, by striking "within 48 hours after the receipt of such contribution" and inserting the following: "not later than 24 hours after the receipt of such contribution or midnight of the day on which the contribution is deposited (whichever is earlier),".

(2) Requiring actual receipt of certain independent expenditure reports within 24 hours.—

(A) In general.—Section 304(c)(2) of such Act (2 U.S.C. 434(c)(2)) is amended in the matter following subparagraph (C)—

(i) by striking "shall be reported" and inserting "shall be filed"; and

(ii) by adding at the end the following new sentence: "Notwithstanding subsection (a)(5), the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.".

(B) Conforming amendment.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking "or (4)(A)(ii)" and inserting "or (4)(A)(ii), or the second sentence of subsection (c)(2)".

(e) Effective Date.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

Sec. 638. Retirement Provisions Relating to Certain Members of the Police Force of the Metropolitan Washington Airports Authority.—(a) Qualified MWAA Police Officer Defined.—For purposes of this section, the term "qualified MWAA police officer" means any individual who, as of the date of enactment of this Act—

(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority (hereinafter in this section referred to as an "MWAA police officer"); and

(2) is subject to the Civil Service Retirement System or the Federal Employees' Retirement System by virtue of section 49107(b) of title 49, United States Code.

(b) Eligibility To Be Treated as a Law Enforcement Officer for Retirement Purposes.—

(1) In general.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer (within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(2) Prior service described.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual's election under this section, as—

(A) an MWAA police officer; or

(B) a member of the police force of the Federal Aviation Administration (hereinafter in this section referred to as an "FAA police officer").

(c) Regulations.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective unless—

(1) it is made before the employee separates from service with the Metropolitan Washington Airports Authority, but in no event later than 1 year after the regulations under this subsection take effect; and

(2) it is accompanied by payment of an amount equal to, with respect to all prior service of such employee which is described in subsection (b)(2)—

(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, United States Code (as the case may be) if such election had then been in effect, minus

(B) the total employee deductions and contributions under such chapter 83 and 84 (as applicable) that were actually made for such service,

taking into account only amounts required to be credited to the Civil Service Retirement and Disability Fund. Any amount under paragraph (2) shall be computed with interest, in accordance with section 8334(e) of such title 5.

(d) Government Contributions.—Whenever a payment under subsection (c)(2) is made by an individual with respect to such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund any additional contributions for which it would have been liable, with respect to such service, if such individual's election under this section had then been in effect (and, to the extent of any prior FAA police officer service, as if it had then been the employing agency). Any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

(e) Certifications.—The Office of Personnel Management shall accept, for the purpose of this section, the certification of—

(1) the Metropolitan Washington Airports Authority (or its designee) concerning any service performed by an individual as an MWAA police officer; and

(2) the Federal Aviation Administration (or its designee) concerning any service performed by an individual as an FAA police officer.

(f) Reimbursement To Compensate for Unfunded Liability.—

(1) In general.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

(2) Payment method.—The Metropolitan Washington Airports Authority shall pay the amount so determined in 5 equal annual installments, with interest (which shall be computed at the rate used in the most recent valuation of the Federal Employees' Retirement System).

Sec. 639. (a) For purposes of this section—

(1) the term "comparability payment" refers to a locality-based comparability payment under section 5304 of title 5, United States Code;

(2) the term "President's pay agent" refers to the pay agent described in section 5302(4) of such title; and

(3) the term "pay locality" has the meaning given such term by section 5302(5) of such title.

(b) Notwithstanding any provision of section 5304 of title 5, United States Code, for purposes of determining appropriate pay localities and making comparability payment recommendations, the President's pay agent may, in accordance with succeeding provisions of this section, make comparisons of General Schedule pay and non-Federal pay within any of the metropolitan statistical areas described in subsection (d)(3), using—

(1) data from surveys of the Bureau of Labor Statistics;

(2) salary data sets obtained under subsection (c); or

(3) any combination thereof.

(c) To the extent necessary in order to carry out this section, the President's pay agent may obtain any salary data sets (referred to in subsection (b)) from any organization or entity that regularly compiles similar data for businesses in the private sector.

(d)(1)(A) This paragraph applies with respect to the 5 metropolitan statistical areas described in paragraph (3) which—

(i) have the highest levels of nonfarm employment (as determined based on data made available by the Bureau of Labor Statistics); and

(ii) as of the date of enactment of this Act, have not previously been surveyed by the Bureau of Labor Statistics (as discrete pay localities) for purposes of section 5304 of title 5, United States Code.

(B) The President's pay agent, based on such comparisons under subsection (b) as the pay agent considers appropriate, shall (i) determine whether any of the 5 areas under subparagraph (A) warrants designation as a discrete pay locality, and (ii) if so, make recommendations as to what level of comparability payments would be appropriate during 2002 for each area so determined.

(C)(i) Any recommendations under subparagraph (B)(ii) shall be included—

(I) in the pay agent's report under section 5304(d)(1) of title 5, United States Code, submitted for purposes of comparability payments scheduled to become payable in 2002; or

(II) if compliance with subclause (I) is impracticable, in a supplementary report which the pay agent shall submit to the President and the Congress no later than March 1, 2001.

(ii) In the event that the recommendations are completed in time to be included in the report described in clause (i)(I), a copy of those recommendations shall be transmitted by the pay agent to the Congress contemporaneous with their submission to the President.

(D) Each of the 5 areas under subparagraph (A) that so warrants, as determined by the

President's pay agent, shall be designated as a discrete pay locality under section 5304 of title 5, United States Code, in time for it to be treated as such for purposes of comparability payments becoming payable in 2002.

(2) The President's pay agent may, at any time after the 180th day following the submission of the report under subsection (f), make any initial or further determinations or recommendations under this section, based on any pay comparisons under subsection (b), with respect to any area described in paragraph (3).

(3) An area described in this paragraph is any metropolitan statistical-area within the continental United States that (as determined based on data made available by the Bureau of Labor Statistics and the Office of Personnel Management, respectively) has a high level of nonfarm employment and at least 2,500 General Schedule employees whose post of duty is within such area.

(e)(1) The authority under this section to make pay comparisons and to make any determinations or recommendations based on such comparisons shall be available to the President's pay agent only for purposes of comparability payments becoming payable on or after January 1, 2002, and before January 1, 2007, and only with respect to areas described in subsection (d)(3).

(2) Any comparisons and recommendations so made shall, if included in the pay agent's report under section 5304(d)(1) of title 5, United States Code, for any year (or the pay agent's supplementary report, in accordance with subsection (d)(1)(C)(i)(II)), be considered and acted on as the pay agent's comparisons and recommendations under such section 5304(d)(1) for the area and the year involved.

(f)(1) No later than March 1, 2001, the President's pay agent shall submit to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, a report on the use of pay comparison data, as described in subsection (b)(2) or (3) (as appropriate), for purposes of comparability payments.

(2) The report shall include the cost of obtaining such data, the rationale underlying the decisions reached based on such data, and the relative advantages and disadvantages of using such data (including whether the effort involved in analyzing and integrating such data is commensurate with the benefits derived from their use). The report may include specific recommendations regarding the continued use of such data.

(g)(1) No later than May 1, 2001, the President's pay agent shall prepare and submit to the committees specified in subsection (f)(1) a report relating to the ongoing efforts of the Office of Personnel Management, the Office of Management and Budget, and the Bureau of Labor Statistics to revise the methodology currently being used by the Bureau of Labor Statistics in performing its surveys under section 5304 of title 5, United States Code.

(2) The report shall include a detailed accounting of any concerns the pay agent may have regarding the current methodology, the specific projects the pay agent has directed any of those agencies to undertake in order to address those concerns, and a time line for the anticipated completion of those projects and for implementation of the revised methodology.

(3) The report shall also include recommendations as to how those ongoing efforts might be expedited, including any additional resources which, in the opinion of the pay agent, are needed in order to expedite completion of the activities described in the preceding provisions of this subsection, and the reasons why those additional resources are needed.

SEC. 640. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

"7.5	January 1, 2001, to December 31, 2002.
7	After December 31, 2002."

and inserting the following:

"7	After December 31, 2000.";

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

"8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.";

(3) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

"8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.";

(4) in the matter relating to a bankruptcy judge by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(5) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(6) in the matter relating to a United States magistrate by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(7) in the matter relating to a Court of Federal Claims judge by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(8) in the matter relating to a member of the Capitol Police by striking:

"8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.";

and

(9) in the matter relating to a nuclear materials courier by striking:

"8	January 1, 2001 to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) The applicable percentage under this paragraph for civilian service shall be as follows:

"Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	After December 31, 2000.
Congressional employee.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	8	January 1, 2001, to December 31, 2002.
	7.5	After December 31, 2002.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Nuclear materials courier.	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.".

(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(c) Central Intelligence Agency Retirement and Disability System.—

(1) In general.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(2) Military service.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(d) Foreign Service Retirement and Disability System.—

(1) In general.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(ii) in the matter after the colon, by striking all that follows "December 31, 2000."; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(ii) in the matter after the colon, by striking all that follows "December 31, 2000.".

(2) Conforming amendment.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

"January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002	7"

and inserting the following:

"After December 31, 2000	7".

(e) Foreign Service Pension System.—

(1) In general.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking all that follows "December 31, 2000." and inserting the following:

"7.5	After December 31, 2000.".

(2) Volunteer service.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(f) Civil Service Retirement System.—Notwithstanding section 8334 (a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge;

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) Central Intelligence Agency Retirement and Disability System.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) Foreign Service Retirement and Disability System.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System;

in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

Sec. 641. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as previously amended by this Act, is amended by adding at the end the following new subsection:

"(e)(1) In addition to any other information required to be reported under this section, the principal campaign committee of a candidate for the House of Representatives or for the Senate who uses any aircraft of the Federal government for any purpose which includes (in whole or in part) carrying out the candidate's campaign for election for Federal office (including using an aircraft of the Federal government for transportation to or from a campaign event), shall file with the Commission a statement containing the following information:

"(A) A description of the aircraft used, including the type or model.

"(B) The number of individuals who used the aircraft, including the candidate and those whose use of the aircraft was paid for (in whole or in part) by the committee.

"(C) The amount the candidate paid to reimburse the Federal government for the use of the aircraft, together with the methodology used to determine such amount, in accordance with section 106.3 of title 11, Code of Federal Regulations.

"(2) The statements required under this subsection shall be included with the reports filed by the principal campaign committee under subsection (a)(2), except that any statement with respect to the use of any aircraft after the 20th day, but more than 48 hours before the election shall be filed in accordance with subsection (a)(6).".

(b) The amendment made by subsection (a) shall apply with respect to elections occurring after December 31, 2000.

Sec. 642. (a) Section 5545b(d) of title 5, United States Code, is amended by inserting at the end the following new paragraph:

"(4) Notwithstanding section 8114(e)(1), overtime pay for a firefighter subject to this section for hours in a regular tour of duty shall be included in any computation of pay under section 8114.".

(b) The amendment in subsection (a) shall be effective as if it had been enacted as part of the Federal Firefighters Overtime Pay Reform Act of 1998 (112 Stat. 2681-519).

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 112, line 8, be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there amendments? If not, the Clerk will read the last section of the bill.

The Clerk read as follows:

Sec. 643. Section 6323(a) of title 5, United States Code, is amended by adding at the end the following:

"(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.".

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Gilman:

At the appropriate place in the bill, insert the following new section:

Sec. . Section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1988, as contained in the Act of December 22, 1987 (40 U.S.C. 490b), is amended by adding at the end the following:

"(e)(1) All existing and newly hired workers in any child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

"(2) For purposes of this subsection, the term 'executive facility' means a facility that is owned or leased by an office or entity within the executive branch of the Government (including one that is owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government).

"(3) Nothing in this subsection shall be considered to apply with respect to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. Gilman) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. Gilman).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is slightly changed from my original amendment, listed as Amendment No. 2 in the Congressional Record, and contains language clarifying the definition of an "executive facility."

Mr. Chairman, I rise today in support of the Gilman-Maloney-Morella amendment which seeks to close a loophole regarding the safety of child care in Federal facilities throughout our Nation. I would like to thank the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Maryland (Mrs. MORELLA) for their support of this issue and their dedication to improving the quality of child care for all children.

Congress passed the Crime Control Act in 1990, including a provision calling for mandatory background checks for employees hired by a Federal agency. However, some agencies have interpreted that law in such a way that many child care employees are not subjected to background checks.

Currently, Federal employees across the Nation undergo, at the bare minimum, a computer check of their background which includes FBI, INTERPOL and State police records. However, some child care workers who enter these same buildings on a daily basis do not. Federal employees who use federally provided child care should feel confident that these child care providers have backgrounds free of abusive and violent behavior that would prevent them from working with our children.

Moreover, this amendment helps to ensure the overall safety of our Federal buildings. Child care workers step into Federal buildings each day and look after children of Federal employees. Without performing background checks, the children in day care, as well as the employees in Federal facilities, are exposing themselves to possible violent acts in the workplace. A child care worker, with a history of violent criminal behavior, has the opportunity to create a terrorist situation, the likes of which have not been seen since the tragedy in Oklahoma City.

Child care providers working in Federal facilities throughout our Nation have somehow fallen through the cracks and have become exempt from undergoing a criminal history check. This amendment corrects that situation.

Mr. Chairman, I urge our colleagues to vote yes on the amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

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Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Gilman-Maloney-Morella amendment to provide criminal background checks for all Federal child care employees. I am very happy to join my colleagues, the gentleman from New York (Mr. GILMAN) and the gentlewoman from Maryland (Mrs. MORELLA), who have been consistent leaders on child care.

I am very pleased that last year a provision offered by the gentlewoman from Maryland has been extended that allows Federal agencies the option of assisting employees with child care expenses. I am very pleased to be a lead cosponsor of several bills introduced by the gentleman from New York (Mr. GILMAN) to expand affordable and available day care.

In 1990, Congress passed the Crime Control Act, which mandates that Federal employees undergo background checks. But because of a funding loophole, this provision does not apply to those who take care of our children in Federal day care facilities. Each day, millions of families around the country go to work and leave children in day care.

Everyone assumes that our children are safe. Everyone assumes that the child care workers have certain kinds of training and children will be protected. Everyone hopes for the best. But because of a current loophole in the law, the people who we trust with our children could be criminals. Child care workers in Federal facilities are contracted through Federal agencies, and therefore, not hired directly by a Federal agency.

This is a dangerous loophole, and we need to correct it. We should not have to worry about who is taking care of our children simply because agencies do not view their child care employees as government agents. Certainly those who care for our children should not be exempt from this law.

This bipartisan amendment makes it clear, criminals will be unable to work in Federal child care agencies. Programs involving children deserve to be 100 percent safe and secure. We must take precautions so that our children, the world's future, are being cared for by people we trust.

I urge my colleagues to support the Gilman-Maloney-Morella amendment. We need to know who is watching our children. It is important. I urge a yes vote.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for her supportive remarks, and I yield the balance of our time to the gentlewoman from Maryland (Mrs. MORELLA).

The CHAIRMAN. The gentlewoman from Maryland (Mrs. MORELLA) is recognized for 1 minute.

Mrs. MORELLA. Mr. Chairman, I rise to support strongly the Gilman-Maloney-Morella amendment. It is a commonsense proposal. It is one I think that everybody in this House can wholeheartedly endorse.

Currently, Federal employees across the country undergo at the bare minimum a computer check on their background, which includes FBI, Interpol, and police records. However, child care workers who enter these very same buildings on a daily basis do not. These individuals care for small children each day, and our Federal employees should be able to feel confident that they are leaving their children in a safe environment with qualified individuals.

Federal agencies have neglected to perform these background checks because these individuals are hired by the child care center, not the Federal government. But it only takes one missed background check to lead to a devastating situation.

We cannot afford to let that happen. I hope that Members will join me and the other authors of this amendment, the gentleman from New York (Mr. GILMAN) and the gentlewoman from New York (Mrs. MALONEY), in supporting this amendment to the Treasury-Postal appropriations bill and close this loophole.

The CHAIRMAN. Does any Member seek to claim the time in opposition?

The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEUTSCH: At the end of the bill, insert after the last section, preceding the short title, the following new section:

SEC. . None of the funds made available in this Act may be used to allow the importation into the United States of any product that is the growth, product, or manufacture of Iran.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Florida (Mr. DEUTSCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today there is an amendment in front of us which specifically deals with what is going on in Iran.

Right now there are forces in Iran which are really the most right-wing forces engaged in activities which have had detrimental effects to America's interests and concerns. The effect of the amendment will weaken those forces.

Mr. LAZIO. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I thank the gentleman for yielding to me. I want to thank him for his working to craft the amendment, along with the gentlewoman from New York (Mrs. LOWEY) and with the gentleman from California (Mr. SHERMAN).

This is an important amendment. Mr. Chairman, in 1911 a Russian Jew named Mendel Beilis was arrested by the czar's secret police. He was accused of a crime resurrected from the dusty, murky depths of medieval anti-semitism, the blood libel. That was an ancient myth that the ritual murder of a child was needed in order to make a Passover Matza. It was an utterly absurd assertion.

Mr. Chairman, we are witnessing an equally obscene perversion of justice today. Earlier this year, ten Jewish residents of the Iranian town of Shiraz were charged by the authorities of the Islamic Republic of Iraq of espionage for Israel.

Mr. Chairman, the analogies between these two cases are instructive. In both cases, there was not a shred of plausible evidence to support the prosecutors' case. In both cases, the government had clear political reasons to proceed with a groundless prosecution. In both of these cases, the scapegoats, who were sacrificed at the altar of political cynicism, were Jews.

Mr. Chairman, we have to support this amendment because it sends a very clear message that we will not tolerate injustice, we will not tolerate persecution, and we will not allow our laws to be used to help the Iranian government and the Iranian revolutionary court prosecute 10 Jews unjustly.

Mr. DEUTSCH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I urge my colleagues to support this amendment, which will send a strong message to the government of Iran and the world that the United States Congress will not tolerate Iran's blatant disregard for basic human rights.

We have heard about the so-called "moderation" of Iran, about the power struggle between the hard-line clerics and the reformists led by President Khatemi. I invite my colleagues to examine carefully the face of this moderation.

Ten Iranian Jews were recently sentenced on charges of spying for the United States and Israel. These 10 have been denied due process, were coerced into confessing on Iranian TV, and were prosecuted, judged, and sentenced by the same Revolutionary Court judge.

Since late May, over 20 newspapers and magazines associated with the reformists have been shut down by the Iranian government, silencing the voices of the independent press in that country.

And just recently, two prominent human rights lawyers in Iran were sent to prison, without trial, on charges of insulting public officials.

No reasonable person could call this "moderation."

My colleagues, Iran is not ready to join the community of nations. Each day, Iran produces more and more evidence that the terms of membership in this community—including respect for basic human rights, due process, and freedom, are not terms it can accept. Each day, Iran sends unmistakable messages to the world that it is not willing to embrace the mores of reasonable society. Each day, Iran continues to threaten its neighbors and pursue the development of weapons of mass destruction.

We have heard these messages loud and clear. And we should react accordingly. This is not the time to make concessions to Iran. This is not time to open up our markets to Iran, to allow the government to fill its coffers with dollars from the sale of Iranian goods to the United States. This is not the time to give Iran one iota of legitimacy in the international community. Legitimacy must be earned, and Iran has earned nothing.

I strongly urge my colleagues to support the Deutsch amendment, which would deny funding for the importation of Iranian products. We owe at least this much to the Iran 10, the independent journalists, the human rights lawyers, and all the people of Iran who are still not free.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, these remarks will be titled, No Justice, No Caviar.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida. We should not do business with Iran until they respect human rights. No justice, no caviar.

On July 1, ten of the 13 Jews held on espionage charges in the southern Iranian city of Shiraz were convicted and sentenced to jail terms from four to 13 years. The men had been arrested in March 1999 and the ten ultimately convicted had languished in prison since that time awaiting trial, which finally began last April. While the death penalty—a distinct possibility in Iran for "espionage"—was thankfully averted, the conservative Judiciary in Iran still felt it was necessary to take 89 years in total away from the lives of these innocent men.

And let there be no doubt that "the ten"—as well as the two Muslim accomplices—are innocent. The trial was a joke of the first order. The judge served not merely as a neutral arbiter of the law, but also as the prosecution. There was no jury; the judge/prosecutor, known affectionately by fellow conservatives as "the Butcher," also made the determination of guilt. The proceedings were held in private—no one except the Butcher, the defendants, and their lawyers know what happened in that courtroom. For varying reasons, none of them are talking. Every few days or so during the heat of the trial two more defendants would be paraded before waiting television cameras to "confess," but their confessions were virtually devoid of detail. Stalin at least would have gotten his defendants to confess to some details to back up the official state story.

Last March our government decided to relax its embargo on Iranian fruits, nuts, caviar and rugs. The rationale for this move was that there are "moderate" forces in Iran aligned with President Khatemi who need to be bolstered in their fight against the conservative mullahs.

History and recent experience with Iran strongly argue against this policy. The US needs to take the lead in using our political and economic clout to help win the release of these men. Only then can we rally other governments to make continued favorable business and investment arrangements contingent on this basic human rights issue. Only when Iran sees the impact to its bottom line will it understand the need to release these shopkeepers, clerks and religious men to go home to their families.

We should not accept Iranian goods until the Iranians respect human rights. I urge my colleagues to support the amendment and to support human rights in Iran.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Florida (Mr. DEUTSCH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS of Virginia:

At the end of the general provisions title, add the following new section:

SEC. . None of the funds appropriated in this Act may be used to carry out the amendments to the Federal Acquisition Regulation contained in the proposed rule published by the Federal Acquisition Regulatory Council (65 Fed. Reg. 40829) (2000), relating to responsibility considerations of Federal contractors and the allowability of certain contractor costs.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Virginia (Mr. DAVIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking my good friend and colleague, the gentleman from Virginia (Mr. MORAN), for offering this amendment with me today. This is the Davis-Moran amendment.

Last summer, the administration first proposed regulations that would significantly change our procurement process, jeopardizing the bipartisan procurement reforms of the past few years.

At that time, myself and really hundreds of Members of the private sector had concerns that we expressed at that point. We felt that the administration had drafted overly broad regulations that would violate due process rights of supportive contractors and substantially affect the Federal Government's ability to acquire goods and services at the best value.

We have tried through the years of this administration to work in a bipartisan manner on procurement reform. We have had several successes: The Federal Acquisition Reform Act, the

Federal Acquisition Streamlining Act, where we have worked in a bipartisan way together.

Unfortunately, some of the regulations that are currently presented I think are really miscast and take us backwards in terms of procurement reform.

On June 30, 2000, the administration reissued the proposed regulations, portraying them as a clarification of the non-responsibility criteria a contracting officer may use to disqualify a contractor from competing for a Federal contract. Specifically, their stated intention is to clarify what constitutes a satisfactory record of business ethics and integrity.

But the proposed regulations constitute a substantial change to procurement law. They run counter to the existing procurement standards. For that reason, we feel at this point, pending a GAO audit which will show exactly the depth of the problems the administration is trying to correct, pending that audit coming back here, we believe we should put these on hold. For that reason, we are offering this amendment.

For the first time under the proposed regulations, the contracting officers would be required to consider certain nonprocurement laws when reviewing bids without a minimum standard. This would signify when a contractor has met the existing requirement of a satisfactory record of integrity and business ethics.

In trying to clarify this, they are taking a number of nonjudicial decisions, decisions in some cases that have unilaterally come forward from the Federal government in terms of charges which the contractors had no opportunity to rebut. They have taken this, and could be debarred from that and a series of contracts with simply allegations.

Mr. Chairman, I would say that in many of these cases where we get allegations and charges coming from the government, many of these cases, over half of them, are dismissed later, not prosecuted because they are not well-founded. But under this procedure, contracting officers would have to pay attention to this.

This with respect to Federal contractors I think would seriously harm our ability to get the best value for goods and services. This amendment would stop these regulations from moving forward until we have an opportunity to review the GAO audit.

Mr. Chairman, let me begin by thanking my good friend and colleague from Virginia, Congressman Moran for offering this amendment with me today.

Last summer, the Administration first proposed regulations that would significantly change our procurement process, jeopardizing the bipartisan procurement reforms of the past few years. At that time, I had grave concerns that the Administration had drafted overly-broad regulations that would violate the due process rights of prospective contractors and substantially affect the Federal Government's ability to acquire goods and services at the best value. Last year, I worked through the comment process and met on a number of occasions with the Administration to express my concerns. I was hopeful that the Administration would carefully consider the numerous comments it received on this proposal from Members of Congress, including the bipartisan comments expressed by the Small Business Committee at its hearing in September 1999, and the over 1500 comment letters it received. Unfortunately, the Administration did not.

On June 30, 2000, the Administration reissued the proposed regulations, portraying them as a clarification of the nonresponsibility criteria a contracting officer may use to disqualify a contractor from competing for a Federal contract. Specifically, their stated intention is to clarify what constitutes a satisfactory record of business ethics and integrity.

However, the proposed regulations constitute a substantial change to Federal procurement law and run counter to existing procurement standards. While there is no question that the Federal Government has a responsibility to ensure that it does not do business with bad actors, the Administration has not been able to offer any evidence that there is a problem with Federal contracts being awarded to unscrupulous contractors, specifically because they have no mechanism for tracking that type of information.

For these reasons, I am offering—with Mr. Moran—this amendment which will not allow any funds available under the Treasury, Postal appropriations bill to be used to implement the regulations until the results of a GAO audit are available. The GAO audit was requested in June and will track the extent to which the Federal Government is contracting with those that are violating the standards put forth in the proposed regulations.

I believe there are a number of flaws with these regulations that run counter to the bipartisan procurement reform efforts that we have enacted since 1993. Although they are intended to clarify existing standards, they actually inject an extraordinary amount of uncertainty into the procurement process. As a result, they most certainly would constitute an arbitrary and capricious rulemaking.

For the first time, contracting officers will be required to consider non-procurement laws when reviewing bids without a common standard that would signify when a contractor has met the existing requirement that it have a satisfactory record of integrity and business ethics. This will create a high level of subjectivity in the review process. This means contractors will not know when violations, or alleged violations of the law, reach a degree of seriousness that will result in contract suspension or how that standard will apply from contract to contract and agency to agency. This regulation will only serve to further complicate the well-intentioned efforts of contracting officers to comply with existing Federal Acquisition Regulations. Moreover, contracting officers and their departmental counsels will now be expected to understand a significant body of law that is now under the jurisdiction of many different federal agencies.

I would also ask, if this regulation is supposed to clarify an existing standard shouldn't it be consistent with past applications of the standard? The proposed regulation must be considered substantial rulemaking because it is putting in place an entirely new standard of law without any direction from Congress on this issue. In fact, what makes up a record of good business ethics and integrity is currently contained in the FAR. There is a list of seven items that are automatically used by a contracting officer in making the responsibility determination currently required for every contract award. As well, suspension of a contract is already available to the Federal government if there are criminal violations or serious civil violations related to the honesty of statements made to the government.

This regulation also runs counter to the long-standing procurement case law and practices currently utilized by contracting officers. When a contracting officer makes a nonresponsibility determination, he or she will do so on the basis that there is a nexus between the contractor's past violation of the law and the contract on which they are bidding. This is clearly the case in the often-cited and misinterpreted bid challenge asserted by Standard Tank Cleaning Corporation on a United States Navy contract. The Navy contracting officer eliminated the bidder from consideration because the contractor had a number of state environmental citations that indicated an inability to effectively perform a contract for hazardous waste removal and disposal. It was found that the company lacked the integrity to perform the contract. None of us would disagree with this standard: an environmental polluter ought not work for the government to clean up the environment.

The regulation also has no due process provisions, contrary to Administration statements on this issue. A contractor may be suspended from receiving a contract based on "credible information" or "complaints, violations, or findings by Administrative Law Judges, or any federal agency, board, or commission." Neither of those standards mean that company has gone through a hearing process or had the decision adjudicated. They would largely be denied the opportunity to explain the circumstances related to a nonresponsibility determination.

Moreover, the "credible information" standard is nothing short of a mystery to me. I have yet to find an explanation of credible information that a contracting officer may use to guide them in making a nonresponsibility determination. Again, this clearly constitutes arbitrary and capricious rulemaking. Last year, the Administration included the terminology "alleged violation" in the original proposed regulations. After assuring me on a number of occasions that they understood the regulations were too vague on this point and violated due process, the Administration just switched words around and came up with "credible information." Who may offer a contracting officer credible information during the bid process: a competing contractor, a disgruntled employee, or an organization pursuing an independent agenda? This standard invites third party mischief into the procurement process. How does a responsible contractor defend himself against this type of misinformation campaign?

Especially important to note is the impact these changes will have on the technology sector, small businesses—many of whom are technology companies—and university research programs. These parties, in particular, will be unable to survive a subjective scrutiny that will result in a delayed federal procurement process, increased litigation, and the proliferation of bid protests. The length of the process alone will jeopardize the viability of many small businesses and our nation's research priorities. In turn, the Federal Government will undermine the benefits it realizes through technological innovation and university-sponsored federal research.

At this point, Mr. Chairman, I ask for unanimous consent that the Information Technology Industry Council letter in support of the Davis-Moran amendment and key vote notice, a letter from my distinguished colleague, Congressman TALENT, Chairman of the Small Business Committee, that lists the affect this regulation could have on small businesses, and a letter of support for the amendment from the American Council on Education that is signed by ten higher education organizations, all be inserted into the RECORD.

Mr. Chairman, this amendment is a reasonable response to flawed attempts to legislate through regulation. I urge all of my colleagues to support our bipartisan amendment.

Mr. Chairman, I include for the RECORD the following letters in support of the amendment:

NFIB,
THE VOICE OF SMALL BUSINESS,
July 19, 2000.

Hon. TOM DAVIS,
224 Cannon House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the 600,000 members of the National Federation of Independent Business, I am writing to support your amendment to the 2000 Treasury and Postal Appropriations bill to prohibit the Clinton Administration from enforcing its federal procurement "backlisting" regulation until the General Accounting Office has completed an audit of government contracting practices.

This regulation would effectively blacklist companies from eligibility to receive government contracts if they do not follow arbitrary standards, defined as "satisfactory compliance with federal laws including tax laws, labor, and employment laws, environmental laws, antitrust laws, and consumer protection laws." Satisfactory compliance will be determined subjectively, unfairly politicizing the contracting process.

Ninety-three percent of NFIB members believe that the federal government should not require small businesses to follow such biased rules to receive federally funded projects. Requiring small businesses to abide by subjective and arbitrary terms in order to receive federal contracts discourages competition and is counter to the principles of free enterprise. Further, the proposed regulation would discriminate against small businesses that may not be able to meet the subjective thresholds established under the regulations. For instance, large businesses and others may use small businesses' minor paperwork violations to prevent them from qualifying for federal contracts.

We will strongly urge Members to protect their small business constituents from unfair blacklisting regulations by voting for your amendment when it comes to the floor during consideration of the Treasury, Postal Appropriations bill.

Sincerely,

DAN DANNER,
Senior Vice President, Federal Public Policy.

SMALL BUSINESS
TECHNOLOGY COALITION,
July 18, 2000.

Hon. TOM DAVIS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DAVIS: I am writing you to thank you for your leadership in introducing the Davis-Moran Amendment to the Treasury and Postal Appropriations Bill and to communicate the support of the Small Business Technology Coalition for passage of this amendment. This amendment will postpone implementation of regulation being proposed by the administration, which would otherwise impose significant burdens on the Small Business community our coalition represents. The Davis-Moran amendment simply restricts funds from being spent on implementation of the administration's proposed guidelines on contractor responsibility until the GAO can determine that a problem exists. Until now, no credible evidence has been presented which establishes that a problem exists and it is my position that the proposed regulations will harm Small Businesses doing business with the government.

Respectfully,

RICHARD W. CARROLL,
Chairman.

JULY 18, 2000.

Hon. TOM DAVIS,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: I want to thank you for offering an amendment to the Treasury-Postal Appropriations bill, which would postpone a burdensome and ill-conceived regulation. National Small Business United (NSBU) strongly supports your amendment and urges all members of the House to vote for it.

These regulations on so-called contractor responsibility would unfairly "blacklist" many small businesses from competing for federal contracts, based on whether the business had ever paid any federal fines or penalties. As you know, many small businesses face unfair and unjustified penalties from government agencies, and frequently pay the fine rather than spend the enormous amounts of time and resources necessary to fight the penalty. Moreover, there has not yet been any substantial evidence presented that demonstrates that a serious problem exists on contractor responsibility. Your amendment would postpone these regulations until GAO can determine whether a problem actually exists.

Again, I want to thank you for offering this important amendment in support of small business contractors. NSBU urges its speedy adoption.

Yours truly,

TODD MCCRACKEN,
President.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, July 19, 2000.

Hon. THOMAS M. DAVIS,
Chairman, Subcommittee on the District of Columbia, Committee On Government Reform, Washington, DC.

DEAR CHAIRMAN DAVIS: On October 21, 1999, the Committee On Small Business held a hearing on the proposed changes to the contractor responsibility rules of the Federal Acquisition Regulations. At that hearing, the potential adverse impact of those proposed changes on small business were highlighted. Subsequent to that hearing, the ranking member, Ms. Velázquez, and I filed joint comments with the FAR Council again raising a number of potential barriers that the proposed rule could create in the ability of small businesses to obtain federal government contracts. We noted that the standards being utilized were vague, imbued contracting officers with excessive amounts of discretion, failed to provide contracting officers with adequate guidance on determining whether a prospective awardee has an adequate record of business ethics and integrity, ignored the implementation problems of the proposal on subcontractors, and requested that the FAR Council perform an adequate regulatory flexibility analysis.

I have examined the new proposed rule issued on June 29, 2000. That proposal fails to address most, if not all, of the concerns raised at the hearing and in the formal comments filed with the FAR Council. The new proposal still imposes new vague standards for contracting officers, does not provide contracting officers with guidance in making responsibility determinations, ignores the subcontracting issue in its entirety, and fails to perform an adequate regulatory flexibility analysis. In fact, the FAR Council continues to maintain, despite the evidence at the hearing, that the proposal will not have a significant economic impact on a substantial number of small entities. That simply is not the case and the FAR Council appears headed to finalize a rule that could substantially raise the bar over which small businesses will have to hurdle in order to get federal government contracts.

While I certainly do not want federal agencies contracting with businesses that have committed serious civil or criminal breaches of federal law, the new proposal still fails to address whether this is a serious problem or an isolated occurrence. It is my understanding that the General Accounting Office will be performing a study to determine whether a problem exists concerning the award of federal government contracts to businesses that have committed serious civil or criminal breaches of the law. I concur in your efforts to delay the implementation of any final rule on contractor responsibility pending the completion of the General Accounting Office study.

Thank you for your leadership on this issue and please feel free to contact me.

Sincerely,

JAMES M. TALENT,
Chairman.

AMERICAN COUNCIL ON EDUCATION
OFFICE OF THE PRESIDENT
July 20, 2000.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, I urge you to support the Tom Davis (R-VA) and Jim Moran (D-VA) amendment to H.R. 4871, the Treasury, Postal Service, and General Government Appropriations Bill, that is expected to be on the House floor this week. The Davis/Moran amendment would impose a moratorium on the implementation of the proposed amendments to the Federal Acquisition Regulations (FAR) as proposed by the Federal Acquisition Regulatory Council pending an outcome of a study by the Government Accounting Office (GAO). The Davis/Moran amendment presents a fair, balanced approach to this issue and provides Congress the opportunity to examine the extent to which the government is contracting with organizations that have unsatisfactory records of compliance with federal law, as well as evidence of contractor violations and their impact on contract performance.

The proposed amendments to the Federal Acquisitions Regulations (FAR) would bar employers, including colleges and universities, from eligibility for federal contracts based on preliminary determinations, unproven complaints, and actual transgressions of federal employment, labor and tax laws. Although portrayed as clarification of existing law, we believe the proposed regulations would, in effect, give new powers to federal contracting officers not granted by Congress.

American colleges and universities, which receive over $18 billion annually in federal grants and contracts, would be directly affected by these proposed regulations. The FAR revisions could have the result of creating a "blacklist" of contractors who would be penalized as ineligible to receive government contracts—and potentially debarred—for "unsatisfactory" labor and employment practices. Colleges and universities are progressive employers, offering generous benefits and innovative policies such as work-family initiatives and domestic partners benefits. They are also large, complex organizations that are subject to extensive federal regulations. Despite our best efforts, conflicts and disagreements do arise, some of which result in allegations that an institution has violated labor, environment, or other laws.

We believe the federal government should seek to investigate and resolve such allegations in the most constructive manner possible under the current law process within the respective agencies. Unfortunately, the proposed Federal Acquisition Regulations would move in the opposite direction, encouraging adversarial relationships. Under the proposal, violations, preliminary determinations, and unproven complaints of laws—such as the National Labor Relations Act, the Occupational Safety and Health Act, the Fair Labor Standards Act, and employment discrimination statutes such as Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act—could trigger a status akin to "blacklisting." The proposed regulations also would penalize contractors for violations of environmental, antitrust, tax, and consumer protection laws. Adverse determinations could lead to exclusion from preferred vendor lists and from eligibility for contracts and subcontracts.

The proposal would engender mistrust between colleges and universities and the various regulatory and contracting agencies. Moreover, it would invite and encourage persons or organizations who disagree with an institution about employment practices, land use, or various other matters to file formal complaints and thereby invoke the possibility of grave penalties contemplated in the proposed regulations as leverage. That would be an unfortunate distortion and certainly is not the intention of federal laws and other standards.

Under the proposals, federal agents would be empowered to decide what is or is not a "satisfactory" record of employee relations from colleges and universities of every size throughout the country. Federal contracting officers do not, by the very nature of their work, possess the expertise or experience in the enforcement of labor and employment laws and regulations, to say nothing of environmental, tax, and antitrust laws and workplace practices. The proposed changes would give them authority to make arbitrary determinations to the detriment of the entire procurement process and the fair enforcement of employment and other laws.

The strong and cooperative relationship between the federal government and the country's colleges and universities has reaped countless gains for each party and for the nation as a whole through the contracting process. In the interest of furthering that long-standing relationship, we urge your support of the Davis/Moran amendment to H.R. 4871.

Sincerely,

Stanley A. Ikenberry,
President.

On behalf of:

American Association of State Colleges and Universities, American Council on Education, Association of American Universities, College and University Professional Association for Human Resources, Council for Christian Colleges and Universities, Council of Independent Colleges, Mennonite Board of Education, National Association of College and University Business Officers, National Association of Colleges and Universities, National Association of Independent Colleges and Universities, and the National Association of State Universities and Land-Grant Colleges.

Information Technology
Industry Council,
Washington, DC, July 19, 2000.

Hon. Thomas M. Davis III,
Hon. James P. Moran,
House of Representatives,
Washington, DC.

Dear Gentlemen: The Information Technology Industry Council, ITI, wishes to express strong support for the bipartisan Davis/Moran amendment to H.R. 4871, the FY2001 Treasury/Postal Service appropriations bill. We urge Congress to support your amendment.

The Davis/Moran amendment would postpone promulgation of a new regulation on "contractor responsibility" determinations, pending the completion of a comprehensive study by the General Accounting Office on whether such a major regulation is needed. We believe such a postponement is necessary to avoid undermining IT modernization efforts by federal agencies. For this reason, we anticipate including your amendment as a key vote in our Year 2000 High Tech Voting Guide.

As you know, the High Tech Voting Guide is used by ITI and the media to measure Members of Congress' support for the IT industry and policies that ensure the success of the digital economy. ITI is the leading association of U.S. providers of information technology products and services. ITI members had world-wide revenue of more than $633 billion in 1999 and employ an estimated 1.3 million people in the United States.

ITI was a strong advocate of the landmark procurement reform legislation enacted by Congress and this Administration during the last decade. The reforms greatly enhanced the government's ability to acquire state-of-the-art information technology by eliminating many of the government-unique rules and procedures that made it too risky and expensive to compete in the federal marketplace. Unfortunately, the new regulation would roll back many of those hard-fought reforms by imposing on contractors certification requirements and recordkeeping burdens that have no corollary in the commercial sector. Ultimately, the regulation could hinder the government's ability to acquire IT products and services.

Clearly, the U.S. government should only do business with responsible, law-abiding contractors. We are unaware of any compelling evidence, however, that indicates the need for a major expansion of current laws and regulations, and in particular, one that leaves so many subjective judgments in the hands of those responsible for their interpretation. For these and other reasons, we urge Congress to order a statutory "time-out" in order to allow GAO to conduct a thorough, independent review of the regulation and its potential impact. Your amendment will accomplish that.

Thank you for your efforts. We commend you for your leadership on issues of critical importance to the IT industry.

Sincerely,

Rhett B. Dawson,
President.

Technology Coalition
for Responsible Procurement,
July 18, 2000.

Hon. Thomas M. Davis III,
Hon. James P. Moran,
House of Representatives, Washington, DC.

Dear Gentlemen: We are writing on behalf of the thousands of responsible information technology (IT) companies that we represent, to express strong support for your amendment to the FY 2001 Treasury and General Government Appropriation Act. As we understand it, the amendment would delay promulgation of the June 30, 2000 proposed rule (65 FR 40830) on "contractor responsibility" to allow the U.S. General Accounting Office (GAO) to conduct a comprehensive study of the issues involved. We strongly support this effort.

As an industry, we firmly support the policy that the federal government only does business with contractors that act responsibly and comply with federal statutes. We believe, however, that existing law and regulations already provide the government with sufficient authority and latitude to determine contractor responsibility. This is borne out by the relative lack of a body of evidence to the contrary.

The Federal Acquisition Regulation Council has described the proposed regulation as a clarification of current law. We do not share that view. If implemented, the new regulation would roll back many of the landmark procurement reforms enacted during the 1990s and create undue risk for IT companies that contract with the Federal Government. For example, the Clinger-Cohen Act (PL 104-106) called for the elimination of government-unique certification requirements that had no corollary in commercial practice. The proposed regulation ignores this mandate by creating a new certification requirement that could force companies to create and maintain expensive databases in order to avoid violations. Compounding the risk, the highly proprietary information that would be contained in such databases could be subject to unlimited discovery by the very parties who raised the initial allegations.

To the extent that there are shortcomings in applying or enforcing current rules, rather than creating new regulatory burdens, the Administration should work with Congress to resolve any problems through cooperative efforts or, if necessary, legislation. Another alternative would be to bolster training to ensure that contracting personnel have the necessary tools and skills to do their jobs.

The Federal contracting process already presents significant challenges for commercial IT companies. The additional burdens and risks outlined above may well convince contractors to forgo competing for government business, thereby depriving agencies of the technology that is essential to fulfilling their missions in an efficient and cost-effective manner. Are we willing to take that chance? The comprehensive GAO study currently being researched will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

Association for Competitive Technology, Computing Technology Industry Association, Electronic Industries Alliance, Information Technology Association of America, Information Technology Industry Association, Professional Services Council.

AMERICAN ELECTRONICS ASSOCIATION,
July 18, 2000.

Hon. TOM DAVIS,
226 House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: The American Electronics Association (AEA), the nation's largest high-tech trade association representing more than 3,500 of America's leading high-tech companies, is writing in support of your amendment to the Treasury/Postal Appropriations bill to prevent the blacklisting regulations from moving forward.

On June 30, the Civilian Agency Acquisition Council and the Defense Acquisition Council published a rule in the Federal Register to "clarify" federal contracting rules on what constitutes a "satisfactory record of integrity and business ethics." Under the so-called "blacklisting" proposal, a company could be barred from contract award without the due process currently provided under federal contracting rules if a Federal contract officer were to arbitrarily determine the contractor is irresponsible, AEA's 3,500 member companies are extremely concerned about this proposed regulation.

These proposed regulations will complicate the Federal procurement process and threaten to limit government access to the high-tech products and services produced by more than 5 million skilled U.S. workers. Current law already protects the Federal Government from bad actors, so additional regulations are not necessary. Further, these draft regulations will subject the current procurement process to inappropriate third-party influence without due process for contractor exclusion, suspension, and debarment. Moreover, the blacklisting regulation would result in more litigation, as contractors protest both awards and denial of contracts because of the blacklisting regulation.

The proposed blacklisting regulation is a solution in search of a problem. The Federal Government has not brought forth credible evidence that a large number of federal contracts are being awarded to bad actors. The Davis/Moran Amendment simply postpones implementation of the blacklisting regulation until the independent Government Accounting Office (GAO) can determine whether federal contracts are being awarded to companies that routinely violate federal law. Once this study is completed—in about a year—a determination can be made to the need for the blacklisting regulation.

AEA and its members believe the approach taken by your amendment is a reasoned and rational way of addressing the issue of business ethics and contractor responsibility in awarding federal contracts. AEA appreciates your efforts and looks forward to working with you on this important issue.

Sincerely,

WILLIAM T. ARCHEY,
President and C.E.O.

ELECTRONIC INDUSTRIES ALLIANCE,
Arlington, VA, July 18, 2000.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: When the House considers the Treasury, Postal Service and General Government Appropriations for Fiscal Year 2001, we understand that Representatives Tom Davis, Jim Moran and other Members are expected to offer an amendment that would prohibit implementation of proposed blacklisting regulations pending completion of a GAO study. On behalf of our more than 2,100 member companies, we urge you to support the Davis-Moran amendment. This vote is very important to our members.

Under the proposal, contracting officers would be allowed to deny federal contracts to companies on the basis of "relevant credible information" regarding alleged violations of federal law (labor and employment, environment, tax, antitrust or consumer protection). This would represent a significant and, we believe, an unwarranted change in the Federal Acquisition Regulations (FAR) which currently provide sufficient criteria for determining whether a potential contractor is responsible. Further, the proposal's introduction of a new, overly broad standard for eligibility—"satisfactory compliance" with such an extensive array of laws during the preceding three years—would provide contracting officers with almost unlimited discretion to make subjective judgments on matters unrelated to procurement and moreover, their area of expertise. Additionally, the proposal would by regulatory fiat vastly expand the penalties authorized by Congress under the aforementioned laws, e.g., environmental, tax and consumer protection. Thus, it is an attempt to circumvent the legislative process. Finally, none of this has any relevance to a potential contractor's ability to provide the required goods and/or services to the federal government.

For all these reasons, we are opposed to the proposed blacklisting regulations and believe that they are unwarranted and inconsistent with sound procurement policy. Accordingly, we respectfully urge your support of the Davis-Moran amendment to the Treasury, Postal Service and General Government Appropriations for FY '01. We find merit in awaiting the GAO's findings prior to implementation of any changes to the FAR; particularly those as overly broad as contemplated by the proposed blacklisting regulations.

Thank you for your consideration.

Sincerely,

DAVE MCCURDY,
President, Electronic Industries Alliance.
JOHN KELLY,
Executive Vice President, JEDEC: Solid State Technology Association.
DAN C. HEINEMEIER,
President, Government Electronics and Information Technology Association.
ROBERT WILLIS,
President, Electronic Components, Assemblies and Materials Association.

COMPTIA,
July 18, 2000.

Hon. THOMAS M. DAVIS III,
House of Representatives,
Washington, DC.
Hon. JAMES P. MORAN,
House of Representatives,
Washington, DC.

DEAR MR. DAVIS AND MR. MORAN: We are writing on behalf of the 8,000 member companies of the Computing Technology Industry Association (CompTIA) to endorse your amendment to the FY 2001 Treasury, Postal Service and General Government Appropriation Act. The amendment will delay promulgation of the June 30, 2000 proposed rule (65 FR 40830) on "contractor responsibility" to allow the U.S. General Accounting Office (GAO) to study of the issues involved. We strongly support such a delay.

CompTIA supports the Federal government's existing policy of doing business only with contractors that act responsibly and comply with federal statutes in the areas of employment, environmental, antitrust, tax, and consumer protection. We believe that existing law and regulations already provide the government with sufficient authority and latitude to determine contractor responsibility. For this reason new regulations are unnecessary.

The proposed regulation ignores the Clinger-Cohen Act (PL 104-106) mandate requiring the elimination of government-unique certification requirements that had no corollary in commercial practice by creating a new certification requirement that could force companies to create and maintain expensive databases in order to avoid violations. Most of our 8,000 member companies are small business, many of them very small. We estimate that 20% of them do business with the Federal Government. We believe that compliance costs would be substantial for smaller firms.

In addition a number of federal senior procurement policy and contracting executives have expressed concerns off the record that contracting personnel do not have the necessary tools and skills to carry out the requirements of the proposed regulation.

Finally, another potential unintended outcome of the proposed regulation is that some companies may seek to use the proposed regulation as a new bid protest mechanism, seeking to disqualify successful competitors who may have faced real or imagined charges. This could slow down the procurement of time-critical IT products and services.

A comprehensive GAO study will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

BRUCE N. HAHN,
CAE.

AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA,
Washington, DC, July 19, 2000.

Hon. THOMAS M. DAVIS III,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the member companies of the Aerospace Industries Association of America, I am writing to share our strong support for your amendment to the Fiscal 2001 Treasury-Postal Appropriations bill that would delay implementation of the proposed regulations on so-called contractor responsibility. There are a number of issues with the proposed regulations that require a delay until the General Accounting Office completes its study.

The regulations published on June 30, while improved with respect to earlier versions, raise a number of serious concerns that justify further more detailed study. Among our concerns, the regulations maintain very ambiguous standards regarding "relevant credible information" that a contracting officer may use in making a determination concerning a contractor's responsibility based upon integrity and business ethics. Contracting officers are not trained in the intricacies of tax, environmental, labor, and antitrust laws about which they would be required to make decisions based on this ambiguous standard. Moreover, the proposed regulations would effectively deprive contractors of existing due process rights under the suspension and debarment process.

The need for the proposed regulations has not been established. Our member companies support the existing mechanisms for ensuring contractor responsibility and compliance with federal law. These mechanisms have proven sound and have struck a balance between effectiveness and the preservation of adequate due process for all parties. No analysis has been undertaken to demonstrate a need for imposing the additional burdens on the federal acquisition process that would follow from the implementation of the proposed regulations.

At a minimum, there needs to be a delay in implementation sufficient to allow further study and resolution of these important issues. Such a delay will ensure that regulations of this nature will not undermine our shared goals of integrity, efficiency, and fairness in federal procurement.

Sincerely,

John W. Douglass,
President.

Professional Services Council,
Arlington, VA, July 18, 2000.

Hon. Thomas D. Davis III,
House of Representatives, Washington, DC.
Hon. James P. Moran,
House of Representatives, Washington, DC.

Dear Gentlemen: On behalf of the members of the Professional Services Council, I am writing to express our strong support of your amendment to the FY 2001 Treasury and General Government Appropriation Act which would delay the promulgation of the June 30, 2000 proposed rule on "Contractor responsibility." In summary, the proposed rule (65 FR 40830) is profoundly antagonistic to the spirit of acquisition reform. It represents the worst form of ill-conceived, overreaching and arbitrary regulatory design. Your amendment represents an appropriate and reasoned response to the proposed rule by requiring the U.S. General Accounting Office (GAO) to conduct a comprehensive study of the issues involved before the federal government proceeds.

As you know, PSC is the principal national trade association representing the professional and technical services industry. Our sector's products are ideas, problem-solving techniques, and system that enhance organizational performance. Primarily, these services are applications of professional, expert, and specialized knowledge in areas such as defense, space, environment, energy, education, health, international development, and others used to assist virtually every department and agency of the federal government, state and local governments, commercial, and international customers. Our members use research and development, information technology, program design, analysis and evaluation, and social science tools in assisting their clients. This sector performs more than $400 billion in services nationally including more than $100 billion annually in support of the federal government.

The proposed rule has been discussed and opposed by all responsible industry parties based on its inherent inapplicability and because it runs counter to the recent reforms of the Federal Acquisition Reform Act and the Federal Acquisition Streamlining Act, which were aimed at simplifying and commercializing federal government contracting. Further, the proposal is in direct conflict with the Administration's own National Performance Review, aimed at restructuring the management of federal agencies to make them more businesslike and less burdened by command control-type regulations. The acquisition reform process ought to engender openness, partnering, and fairness. The proposed rule creates the opposite environment and would represent one more onerous regulatory manifestation further discrediting the federal government in the public's eye.

It is important to recognize that all of the issues the proposed rule purports to protect are covered already in their own domains, through extensive labor relations statutes, equal employment statutes, and others. The parallel system that this proposed rule would create would have no benefits and would inevitably create redundant and conflicting regulatory activity.

This proposal will have a serious negative impact on contractors currently providing goods and services to the federal government and will inject another disincentive for firms the government seeks to attract into the federal market. Indeed, there is a very strong and growing sentiment among many of our nation's most respected and capable private sector companies that doing business with the federal government may not be work the regulation and social engineering arbitrarily being imposed on them. With commercial opportunities increasing dramatically, companies are under pressure form their stakeholders and shareholders to pursue these instead of potentially higher-risk and over-regulated federal government work.

The comprehensive GAO study that you are requesting in your amendment will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

Charles H. Cantus,
Acting President.

Contract Services Association
of America,
Washington, DC, July 19, 2000.

Hon. Tom Davis,
House of Representatives, Cannon House Office Building, Washington, DC.

Dear Representative Davis: On behalf of the members of the Contract Services Association of America (CSA), I would like to register my strong support for the amendment you will be offering with Representative Jim Moran to the Treasury-Postal Appropriations bill. Your amendment would place a much needed moratorium on implementation of the unwarranted "blacklisting" regulations until GAO has finished the report you've requested and Congress has had a chance to do some oversight.

Now in its 35th year, CSA represents over 350 government service contractors, and their hundreds of employees, that provide a wide array of services to the Federal government, as well as numerous state and local governments. Small businesses represent a large portion of our membership, and many of our members (of all sizes) are headquartered in Virginia. Attached is a list of our members, all of whom support your proposal.

As you well know, there are already stringent laws and regulations on the books that fully protect the Federal government's interest on labor, environment, tax and other matters, and effectively address the issues of irresponsible or unethical business practices. If implemented, these regulations would move us away from the significant acquisition streamlining measures supported by the Congress and the Administration that is intended to modernize the Government and move it toward using more commercial practices. And, it would discourage commercial companies, particularly high tech firms, from entering the Government marketplace.

I applaud your amendment. This is very necessary measure to restore fairness and balance to the Government contracting process.

Sincerely,

Gary Engebretson,
President.

CONTRACT SERVICES ASSOCIATION OF AMERICA MEMBER COMPANIES

AAI Engineering Support, Inc., A-Bear Janitorial Service, Inc., Ace Services, Akima Corporation, Akin, Gump, Strauss, Hauer & Feld, Alan A. Bradford, Inc., Alcaraz, Palanca & Pernites, Ltd., All Star Maintenance, Inc., All Risks, Ltd., All-Pro Electric, Inc., Allen Norton and Blue, Allstate Security and Investigative Services, Alltech, Inc.—A Parsons Brinckerhoff Co., Alutiiq Management Services, LLC, American Operations Corporation, American Service Contractors, L.P., AMERTAC, INC., Anderson Dragline, Inc., AON Risk Services, Inc., Applied Innovative Management, Arc Ventura County, Arctic Slope World Services, Inc., Aronson, Fetridge & Weigle, ASRC Communications, Atlantic Power Services, Inc., Baker Support Services, Inc., Bardes Services, Inc., Bay Span Construction, Inc., BDM Contracting Corporation, BDMS International, Beeman Plumbing & Mechanical, Inc., Belzon, Inc., Benefits Design, Inc., BeneTek Corporation, Blank, Rome, Comisky & McCauley, Blueprint Plumbing Corp., BMAR & Associates, Inc., BMT Services, Bob Holtz Services Inc., Bodenhamer, Inc., The Boon Group, BRB Contractors, Inc., Briarcliff Development Company, Brookwood Landscape, Inc., Brown & Root Services Corporation, BRPH Service Company, Burns and Roe Services Corporation, Business Plus Corporation, C & F Construction Co., Inc., C & T Associates, Inc., Career Smith, Carris, Jackowitz Associates, The Carroll Dickson Company, CC Distributors, Inc., CDS Inc., Centennial Contractors Enterprises, Inc., The Centers for Habitation, Chatham Technical Services, CH2M Hill, Inc. EES Business Group, Chesapeake Insurance Group, Inc., Chugach Alaska Corporation, Colossale Concrete, Inc., Complete Building Services, Con Rod Concrete Construction, Condor, Government Solutions Division, Congress Construction Company, Inc., Contracting Services, Inc., Craford Benefits Consultants, Crown Management Services, Inc., C.R. Snowden Co., The Cube Corporation, Cubie Worldwide Technical Services, Inc.,

C.W. Resources, Inc., Dale Rogers Training Center, Day & Zimmerman Services, Inc., DDD Company, De Leon Technical Services, Inc., DEL–JEN, INC., Deltek Systems, Inc., Denali Ventures, Inc., DGS Contract Services, DiRienzo Mechanical Contractors, Diverse Technologies Corporation, DLS Engineering Associates, Inc., Dominick Dan Alonzo, Inc., Double D Pipeline, Inc., DTSV, Inc., DUCOM, Inc., Dyer, Ellis & Joseph, Dynamic Science, Inc., Eastern Maintenance & Services, Inc., Eastland Construction, El-Co Contractors, Inc., Electronic Transport Corp., Elite Painting & Wallcovering, Inc., Enron Federal Solutions, Inc., Erection and Welding Contractors, LLC, Eurest Support Services/Compass Group, Fairfax Opportunities Unlimited, FCC O&M, Inc., February Enterprises, Inc., First Capital Insulation Inc., FlexForce, FOUR WINDS Services, Inc., General Landscape and Maintenance Co., G.E. McKim Civil Constructors, General Trades & Services, Inc., Global Associates, Goodwill Industries, Inc., Gosney Construction Company, Government Contracting Resources, Inc., Government Contractors Insurance Services, Gray Waste Management Corp., Griffin Services, Inc., Group Benefit Design, Harris Technical Services Corporation, Hathaway General Engineering Contractor,

Hawpe Construction, Inc., H.E. Julien and Associates, Inc., High Lite Construction, Hirota Painting Company, Inc., Holmes & Narver Services, Inc., Horton Dry Wall Company, Howrey & Simon, Gov't. Contracts Group, HWA, Inc., IP Worldwide Services, INNOLOG, InsurMark Group, Inc., Inter-Con UPSP Services Corporation, IT Corporation, ITT Systems, JAD Business Services, Inc., J & J Maintenance, Inc., J.A. Jones Management Services, Inc., Jacobs Engineering Group Inc., Jantec, Inc., J.C. Company and Associates, The J. Diamond Group, Inc., J.D. Steel Company, Inc., Johnson Controls World Services Inc., Jones Technologies, Inc., Jordan Fireproofing, Kenyon Building Maintenance, Inc., Kervin Plumbing, KIRA, Inc., Knight Protective Service, Inc., Knox Electric, Inc., K.W. Electrical Construction, Inc., KWG Associates, Lad Glass Company, Lakeview Concrete & Masonry, Inc., Lear Siegler Services, Inc., Lockheed Martin Technology Services Grp., Louise W. Eggleston Center, Inc., Maccarone Plumbing, Inc., Madison Services, Inc., Makro Janitorial Services, Inc., M & P Underground, Inc., Manuel Bros., Inc., MAR, INCORPORATED, Mark G. Jackson Attny. & Couns.-at-Law, Mark Diversified, Inc.,

MAX of D.C., Inc., McLaughlin Brothers Contractors, The McDonald Glenn Company, McKenna & Cunco, L.L.P., McManus, Schor, Asmar & Darden, The Mercer Group, Inc., Mike Garcia Merchant Security, Inc., Miranda's Landscaping, Inc., Modern Asphalt, Inc., Montvale Corporation, Morrison-Knudsen Corporation O&M Grp., Mr. Electric Service Co., Inc., N & N, Inc., National Association of Special Police, National General Supply, Inc., Native Landscape, Noack and Dean/Interwest Insur. Brokers, The Occupa. Training Cntr/Burlington Co., Ott & Purdy, P.A., Pacific Southwest Roofing Group, Inc., Pacific West General, Pacific 17, PAE Government Services, Inc., P & P Properties, Inc., Paug-Vik, Inc. Ltd., Pavetec Industries, Inc., PCL Civil Constructors, Inc., Permis Construction Corporation, Pestmaster Services, Inc., Phelps Program Management/L.L.C., Phoenix Management, Inc., Piliero, Mazza & Pargament, Piper Marbury Rudnick & Wolfe L.L.P., Pitman Electric Service, Inc., Pompan, Murray & Werfel, Precision Wall Tech, Inc., Premier Security, Pride Industries, Pro Con Concrete, Inc., Program Unlimited Plumbing & Heating, Proposal Technologies & Services, Inc, Protemp Staffing Services, Public-Private Partnerships Corp., Quantum Services, Inc., Raven Services Corporation,

Raytheon Technical Services Company, Real Escape, Inc., Recchi America, Inc., Red River Service Corporation, Rio Construction, RTL Ventures, Inc., Rural/Metro Corporation, Satellite Services, Inc., Schultz Contracting, Science Applications Int'l. Corporation, Science and Technology Corporation, SciTech Services, Inc., Seaward Services, Inc., SecTek, Inc., Securiguard, Inc., Security Concepts, Inc., Serco, Inc., Serveor, Inc., Seyfarth, Shaw, Fairweather & Geraldson, Shor-Form, Inc., Sidtron, Inc., SKE International, Inc., Society Contracting, LLC, South Coast Electric, Space Mark, Inc., Spartago Masonery, Inc., Spiess Construction Co., Inc., Standard Construction Corp., Stephen J. Johnson Law Office, Steve Lynch Masonry, Inc., Stout Construction, Inc., Stow Construction, Inc., Sun Construction, Inc., Suncoast Pipeline, Inc., Superior Services, Inc., SYMVIONICS, INC., Szerlip & Company, Inc., TAC Services Incorporated, Taritas Power Services, Ins., Ted L. Vance & Sons, Tetra Tech Technical Services, Inc., 3J Mechanical, Inc., TMI Services, TNT Painting and Contracting, Inc., Trandes Repair, Manuf. and Technology.

NATIONAL DEFENSE INDUSTRIAL
ASSOCIATION,
Arlington, VA, July 18, 2000.

Hon. THOMAS M. DAVIS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: NDIA strongly supports the Davis-Moran Amendment to the Fiscal Year 2001 Treasury-Postal Appropriations Bill that would impose a moratorium on the implementation of the proposed contractor labor relation regulations that were issued June 30th.

NDIA, the largest defense-related association, has nearly 900 corporate firm members and 25,000 individual members. As such, we represent the full spectrum of the technology and industrial base, firms of all sizes from the smallest to the mega-sized businesses, and the preponderance of the two million men and women in the defense sector.

We support the moratorium for the following reasons:

The requested General Accounting Office Study of the implications and impacts of the proposed regulations is just underway and will not be completed before the anticipated implementation of the final rule.

Congress should have the opportunity to conduct comprehensive oversight hearings on the proposed regulations before they take effect. With the compacted congressional schedule, it is unlikely that adequate hearings could be held before the targeted adjournment date.

The proposed regulations effectively amend critical areas of law involving consumer protection, environmental protection, anti-trust matters and taxes. Further, these changes would be made through administrative actions rather than through legislative actions.

Under the proposed regulations, a subsequent regulation would be issued dealing with contractor debarment. This provision should not be treated separately from the pending proposed regulations.

Contracting officers have not been properly prepared or trained to assume primary responsibility for making responsible contractor determinations based on the new criteria contained in the proposed regulations.

Clearly, the federal government system should be designed to ensure that only ethical businesses receive contracts. Current law and regulation provide for such protections. In our view, the proposed regulations are fatally flawed because they effectively undermine the progress made to date encouraging commercial high technology firms to do business with the Federal Government, and represent serious threats to small business to secure its fair share of the Federal Market.

Therefore, NDIA believes that the Davis-Moran Amendment represents a prudent balanced and equitable approach to resolve this matter and to afford Congress adequate time to consider the policy and procedural issues associated with the proposed regulations. There is no compelling requirement to rush to judgment on this matter. We sincerely urge your colleagues to support your amendment.

Sincerely,

LAWRENCE F. SKIBBIE,
President.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC, July 18, 2000.

Hon. THOMAS DAVIS II,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: On behalf of the National Association of Manufacturers' "18 million people who make things in America," I am writing to express the NAM's support for your amendment to the Treasury, Postal Service and General Government Appropriations bill which would defer implementation of the Administration's proposed responsibility-determination regulations pending completion of a requested GAO audit. The NAM represents 14,000 member companies, including more than 10,000 small and mid-sized manufacturers and 350 member associations serving manufacturers and employees in every industrial sector in all 50 States. Many of our members, both large and small, contract with the government.

The Administration's proposed regulation, published June 30, 2000, purports to provide guidance to contracting officers regarding responsibility determinations. In fact, the proposed rule will undermine sound procurement practices and set back the hard-won procurement reforms accomplished during the past two decades. Contracting officers will be empowered to decide, on an ad hoc basis, whether a contractor is "responsible", using factors wholly unrelated to a contractor's ability to perform. Furthermore, it is unclear that a regulation effecting such drastic procurement changes is actually needed. This is precisely why we need to wait until the GAO audit has assessed the situation.

As this issue potentially has a significant impact on our members the vote for this very important amendment will be considered for designation as a Key Manufacturing Vote in the NAM Voting Record for the 106th Congress.

Sincerely,

MICHAEL ELIAS BAROODY.

U.S. CHAMBER OF COMMERCE,
Washington, DC, July 18, 2000.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The House is expected to consider soon the Treasury, Postal Service, and General Government Appropriations Bill. On behalf of the U.S. Chamber of Commerce, I urge your support for an amendment sponsored by Representatives Davis (R–VA) and

Moran (D-VA) to prohibit implementation of proposed regulations which would effectively "blacklist" employers from receiving federal contracts until a study by the General Accounting Office is completed on the issue.

The proposed regulation would disqualify companies from eligibility to receive government contracts if they do not have "satisfactory compliance with federal laws including tax laws, labor and employment laws, environmental laws, antitrust laws, and consumer protection laws." (See *65 Fed. Reg. 40833*). This issue is of great concern to the business community for many reasons, but particularly because the regulation's standard for eligibility—"satisfactory compliance"—covering an enormously complex matrix of laws—is so broad and vague as to be meaningless, effectively empowering individual government agents with virtually unlimited arbitrary discretion to deem which contractor will, or will not be, favored with a government contract. Even unproven, pending allegations can be considered.

Further, even the best-intentioned employer can get caught in the vast maze of confusing and often conflicting agency rules and regulations. Regulations relating just to employment laws cover over 4,000 pages of fine print, environmental regulations cover over 14,000 pages and the complexity of tax and anti-trust laws is legendary. Even the federal government, with its legions of agencies and specialists with expertise in every nuance of the law, is confused by what is or is not required by the laws.

Finally, it should be emphasized that the proposed regulation is an attempt to circumvent the legislative process by adding, through regulation, a major, new draconian penalty—disqualification from government contracts—to employment, tax, environment, antitrust and other laws of the land. Any changes to these laws should receive full consideration by the Congress, rather than be adopted through the back door of the administrative agencies.

Because of the importance of this issue to American businesses, the U.S. Chamber will consider using votes on the Davis/Moran amendment in our annual "How They Voted" 2000 ratings.

Sincerely,

R. BRUCE JOSTEN.

ASSOCIATED BUILDERS
AND CONTRACTORS,
Rosslyn, VA, July 18, 2000.

The Honorable ,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: You will soon be voting on the Fiscal Year 2001 appropriations legislation for the Treasury Department, the U.S. Postal Service and related agencies. On behalf of Associated Builders and Contractors (ABC), and its more than 22,000 contractors, subcontractors, suppliers, and related firms from across the country, I urge you to support a bipartisan amendment to be offered by Representatives Tom Davis (R-VA) and Jim Moran (D-VA) which would prohibit implementation of proposed regulations which would effectively "blacklist" employers from receiving federal contracts until a study of the General Accounting Office is completed on the issue.

ABC strongly opposes the Administration's amended regulations because they will create a "blacklist" of contractors who are alleged to have "unsatisfactory" compliance with federal laws. For example, an allegation against a contractor for lack of compliance with tax, anti-trust, labor, employment, environmental, or consumer protection law may cause a prospective contractor to be denied a federal contract.

We are particularly concerned about the impact of the proposed regulations on small construction firms. As the nation's second largest employer, with 6 million workers, 94% of all construction companies are privately held and 1.3 million construction companies are not incorporated. Small firms would be particularly vulnerable to being "blacklisted" from federal contracts due to the vast maze of confusing and often conflicting agency rules and regulations. For example, regulations relating to employment laws cover over 4,000 pages of fine print, environment laws cover over 14,000 pages, and the complexity of tax and anti-trust laws are legendary.

Under the proposed regulations, government contracting officers would have the power to deny federal contracts to companies based on pending, unproven alleged violations of any of the above laws. A charge need only be filed before considered as part of an employer's record to be reviewed, including complaints pending with the NRLB, OSHA, IRS, and EPA. These types of charges—many of which are frivolous and without merit—are commonplace in the construction industry, and under the proposed regulations would all be considered, even before a final determination of guilt or innocence is made.

The federal government's role has always been to maintain a position of absolute neutrality in the awarding of federal contracts to protect against favoritism and abuses with tax dollars and this practice must continue. These regulations will insert an unacceptable level of subjectivity into the process.

ABC will use the Davis/Moran Amendment as a "Key Vote" for our "How They Voted" 2000 ratings.

Sincerely,

WILLIAM B. SPENCER,
Vice President, Government Affairs.

LPA,
July 19, 2000.

Representative TOM DAVIS,
Cannon House Office Building,
Washington, DC.
Representative JIM MORAN,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVES DAVIS AND MORAN: LPA is pleased to endorse your amendment to the Treasury-Postal Appropriations Bill for FY 2001, which will suspend the Administration's proposed blacklisting regulation.

As you know, LPA is a public policy advocacy organization representing senior human resource executives of more than 230 of the leading companies doing business in the United States. LPA member companies employ more than 12 million employees, or 12 percent of the private sector workforce.

The Administration's proposed rule would amend federal acquisition regulations (FAR) to make it easier for contracting officers to deny federal contracts to businesses by changing the criteria used to determine whether a potential contractor is deemed "responsible."

The proposed regulations would dramatically expand the scope of the threshold determination that contracting officers must make. First, the majority of the new criteria that contracting officers should consider are identical to those on which debarment procedures are based. However, there is virtually no due process or opportunity to respond to a contracting officer's not-responsible determination. Consequently, decisions that are now reached through an adversarial process, providing each side an opportunity to present evidence and cross-examine witnesses, will now be made unilaterally by contracting officers.

Secondly, under the new proposal, a not-responsible determination would be too easily triggered. Contracts could be denied based on "credible information" including mere allegations of wrongdoing. Likewise, the regulation requires contracting officers to give great weight to initial agency determinations such as charges or complaints by any federal agency or board, even though initial determinations are often overturned or the matter is later settled amicably.

In addition, contracting officers will be called on to make judgments about laws with which they have no experience. For example, a contracting officer at the Environmental Protection Agency may have to make a responsibility determination based on an unfair labor charge found by an administrative law judge at the National Labor Relations Board. Such a policy will obviously yield inconsistent results.

The proposal also adds new self-certification requirements, in direct conflict with acquisition reform enacted as part of the Defense Authorization Act in 1996. These provisions were designed to streamline the procurement process and eliminate unnecessary burdens that contractors faced in hopes of decreasing contract costs and making federal contracting more attractive to mainstream businesses. The Administration's proposal is clearly inconsistent with the law's prohibition against new self-certification provisions.

Finally, the Administration's proposal is not new. Less ambitious proposals have been introduced and defeated in Congress numerous times for over twenty years. The Administration should not now try to accomplish by regulation what the Congress has consistently defeated.

Thank you again for your leadership in offering this important amendment. Please do not hesitate to contact LPA if we can provide additional information on this matter.

Sincerely yours,

MICHAEL J. EASTMAN,
Director, Government Relations.

FOOD DISTRIBUTORS INTERNATIONAL,
Falls Church, VA, July 19, 2000.

DEAR REPRESENTATIVE: As the House considers the Treasury, Postal Service and General Government Appropriations bill this week. I urge you to support an amendment to prohibit implementation of proposed regulations to "blacklist" employers from receiving federal contracts until the completion of a study already underway by the General Accounting Office. The bipartisan amendment will be offered by Reps. Tom Davis (R-VA) and Jim Moran (D-VA).

Food Distributors International members supply and service independent grocers and foodservice operations throughout the United States, Canada and 19 other countries. The association, has 232 member companies that operate 819 distribution centers with a combined annual sales volume of $156 billion. Foodservice member firms annually sell nearly $45 billion in food and related products to restaurants, hospitals and other institutional foodservice operations including the military and other federal government facilities.

The proposed regulation would create a broad and irresponsibly vague standard of "satisfactory compliance" with federal laws ranging from labor and employment to tax and environmental laws. They would empower individual contracting officers to disqualify companies on an arbitrary basis, and even allows officers to consider pending and unproven allegations. Labor unions or other organizations could then use the regulations as a club by filing frivolous charges and threatening companies with the loss of their federal contracts.

The Federal Acquisition Regulations (FAR) already contain provisions requiring compliance, along with procedures to penalize companies for non-compliance. The new rules are a dramatic expansion of these provisions, and fail to provide adequate due process protections for employers who could be debarred for mere allegations of wrongdoing. Such a radical rewrite of the FAR has been repeatedly rejected by Congress and should not be done by executive fiat.

This is an issue of vital importance for food distributors. For that reason, Food Distributors International will include this vote in our congressional vote ratings.

I urge you to support the Davis/Moran amendment on blacklisting. These regulations are unnecessary and would simply result in additional costs for the federal government, which ultimately must be borne by the American taxpayer.

With best wishes,

KEVIN M. BURKE,
Vice President, Government Relations.

INTERNATIONAL PAPER,
Washington, DC, July 19, 2000.

Hon. ,
U.S. House of Representatives, Longworth House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE: I encourage your strong support for an amendment to be offered by Rep. Tom Davis and Jim Moran to prohibit implementation of the so-called blacklisting regulations being promulgated by the Office of Federal Procurement Policy. The amendment will likely to offered during debate on the Treasury-Postal Appropriations bill as early as Wednesday, July 19.

The defeat of these regulations has been a priority of International Paper since they were first proposed by Vice President Al Gore almost three and one-half years ago. IP's CEO, John Dillon, serves as Chairman of a task force at the Business Roundtable organized specifically to marshal opposition to this initiative.

While the arguments against the blacklisting rules are numerous, perhaps the principal reason to oppose them is because of the harm they will do to our nation's fair, open and competitive federal procurement process. If we allow political expediency to transform this system to one characterized by favoritism and third-party influence, we will have dealt a significant blow to years of effort to create a world class procurement system that is open to all responsible contracts.

The regulations are now on a fast track to implementation and could carry the force of law before the end of September. Please support the strong bipartisan effort to block implementation of these rules at least until the General Accounting Office has completed a review of their justification and impact. Your support will mean a great deal to our company.

Sincerely,

LYN M. WITHEY.

SOCIETY FOR HUMAN
RESOURCE MANAGEMENT,
Alexandria, VA, July 19, 2000.

Support Davis-Moran Blacklisting Amendment

DEAR REPRESENTATIVE: On behalf of the 140,000 members of the Society for Human Resource Management, I am writing to urge your support for an amendment to be offered by Congressmen Tom Davis (R-VA) and Jim Moran (D-VA) which would prohibit implementation of proposed regulations which would effectively "blacklist" employers from receiving federal contracts until a study by the General Accounting Office is completed on the issue. The amendment will be considered as part of the Treasury, Postal Service, and General Government Appropriations bill. The House is expected to take up the spending bill as early as tomorrow.

If finalized, the proposed regulation would disqualify companies from eligibility to receive government contracts if they are not in "satisfactory compliance with federal tax, labor and employment, environmental, antitrust, and consumer protection laws." (See 65 Fed. Reg. 40833). This issue is of great concern to the business community for many reasons, but particularly because the regulation's standard for eligibility—"satisfactory compliance")—covering an enormously complex matrix of laws—is so broad and vague as to be meaningless, effectively empowering government agents with unlimited discretion to deem which contractor will, or will not be, favored with a government contract.

Even the best-intentioned employer can get caught in the vast maze of confusing and often conflicting agency rules and regulations. Even the federal government itself, maintaining multiple agencies and specialists who have expertise in every nuance of the law, is confused by what is or is not required by the extensive matrix of federal laws.

Finally, it should be emphasized that the proposed regulation is an attempt to circumvent the legislative process. Changes to laws such as this should receive the full benefit of the legislative process rather than a back door adoption by the administrative agencies. I again urge you to support the Davis-Moran Amendment during floor consideration of the Treasury, Postal Service, and General Government Appropriations bill.

Sincerely,

SUSAN R. MEISINGER,
SPHR, Executive Vice President/COO.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 20, 2000.

DEAR COLLEAGUE: Please see the attached letters of support/key vote letters for the Davis-Moran Amendment to H.R. 4871, Treasury Postal Appropriations. This amendment is widely supported by small businesses, Universities and Colleges, and the technology industry. If you need more information on the Davis-Moran amendment, please feel free to contact Melissa Wojciak of Representative Tom Davis' office at X5-6751, or Melissa Koloszar of Representative Jim Moran's office at 5-4376.

National Federation of Independent Business.
Small Business Technology Council.
National Small Business United.
American Council for Education.
College University Professional Association for Human Resources.
American Association of State Colleges and Universities.
Association of American Universities.
Council for Christian Colleges and Universities.
Council of Independent Colleges.
Mennonite Board of Education.
National Association of College and University Business Officers.
National Association of Independent Colleges and Universities.
National Association of State Universities and Land-Grant Colleges.
Information Technology Industry Council.
American Electronics Association.
Electronics Industry Alliance.
Consumer Electronics Alliance.
Government Electronics and Information Technology Association.
Electronic Components, Assemblies, and Materials Association.
JEDEC: Solid State Technology Association.
CompTIA
Society for Human Resource Management.
Aerospace Industries Association.
Contract Services Association.
National Defense Industrial Association.
Professional Services Council.
Information Technology Association of America.
Telecommunications Industry Association.
U.S. Chamber of Commerce.
National Association of Manufacturers.
Association of General Contractors.
Associated Builders and Contractors.
Labor Policy Association.
Food Distributors International.
International Paper.

Sincerely,

TOM DAVIS,
Member of Congress.
JIM MORAN.
Member of Congress.

THE ASSOCIATED GENERAL
CONTRACTORS OF AMERICA,
July 18, 2000.

Hon. THOMAS M. (TOM) DAVIS III,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN DAVIS: The Associated General Contractors of America urges you to support the Davis-Moran Amendment to the Treasury/Postal Appropriations bill. This amendment will ensure that federal contractors maintain their right to due process and will prevent the Administration from inserting a new, unnecessary level of subjectivity into the procurement selection process.

On June 30, the Administration proposed an amendment to the Federal Acquisition Regulation (FAR) that would increase the subjectivity of contract award decisions made by contracting officers. Any change of a violation of federal law could subject a contractor to the loss of a federal contract. A contracting officer would be forced to judge a federal contractor who had not yet had his or her day in court before a federal contract could be awarded. These contracting officers are trained to determine a contractor's ability to perform the work required by the government, not to make technical judgements about alleged violations of environmental, tax, labor, or consumer protection laws.

Federal contractors should be judged based on their ability to perform the work or provide services the government requires. There are other forums in which to judge a contractors guilt or innocence on alleged charges. If these problems impact the ability of the contractor to perform work or the contractor is truly a "bad actor," then the government already has the ability to suspend or debar contractors. These two procedures allow a full investigation of the charges with both sides able to present their case to a federal attorney with a full understanding of the legal issues. The Administration's proposal short-circuits the federal debarment process.

The Davis/Moran Amendment preserves the due process rights of federal contractors. This amendment would prevent the Administration from undermining the integrity of the federal procurement system. There is no evidence that the federal government is contracting with so-called "bad actors." Until there is such evidence, this is a solution in search of a problem that could adversely impact the government's procurement process, economically harm innocent contractors and their employees, subcontractors and suppliers, and increase the administrative burden of federal contractors to an unmanageable level.

Sincerely,

LOREN E. SWEATT,
Director Congressional Relations Procurement and Environment.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 5 minutes to my friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support of this amendment offered by my friend, the gentleman from Virginia (Mr. DAVIS).

As the gentleman has stated, this amendment would simply prohibit funds from being expended to implement the administration's contractor responsibility rules until the General Accounting Office completes an ongoing study of them. We are not trying to kill the rules, we are just saying the GAO ought to look into the basis for them and make a determination as to what is the problem, and then suggest some remedy for that problem, if a problem exists.

Let me emphasize at the outset that the gentleman from Virginia (Mr. DAVIS), the gentlemen from California, Mr. OSE and Mr. DOOLEY, myself, and a number of Members from both sides of the aisle have been involved with this issue for almost a year.

When the rule was first proposed, we met with administration officials to express deep concerns about the rule's justification and about its potential impact on the industries and the workers in our districts. We questioned whether contracting officers are really equipped to apply a wide array of complex Federal laws to routine procurement decisions.

We are asking these contracting officers to be familiar with all of the Federal laws, to make some determination as to whether there is satisfactory compliance with all the Federal laws before they carry out their responsibilities as to who is eligible for bidding on a contract and who ought to get that contract.

Many of us were concerned that the rule runs completely contrary to the procurement reforms that I believe are a major achievement of the Clinton-Gore administration.

Unfortunately, very little has changed in the year in which we have been working with the administration. Our questions have not been fully resolved. The contractor responsibility rule remains a solution in search of a problem. At no point has the administration furnished us with an adequate justification for why this new rule is necessary, despite the fact that it could adversely affect thousands of American workers employed by high-tech companies, by small and large businesses, defense contractors, and institutions of higher education.

The rule would vastly expand the power of Federal contracting officers under existing procurement law. They could cite a single adverse finding by an administrative law judge, a complaint from a Federal agency, or an order or decision from an agency as a reason to disqualify a contractor from doing business with the Federal government.

Unlike existing law, there would be no requirement for a nexus between the alleged violation of Federal law and the contractor's ability to perform the contract. We are trying to get contracts awarded to people who can perform the contract, and these things can potentially be totally unrelated to the ability to perform the contract.

I do not believe we should put Federal contracting officers in that position. They should not have to determine whether a company's compliance with a wide range of Federal laws, unrelated to the performance of a contract, is sufficient to allow the company to do business with the Federal government. There is no way that they can have that kind of information.

The only guidance the rule provides in allowing contracting officers to make a nonresponsibility determination is the vague and potentially arbitrary standard of "credible information." What is "credible information?" It is entirely up to the contracting officer to determine what that means, "credible information." It can mean a complaint, it can mean a rumor, whatever they determine to be credible information.

Let me emphasize that the importance of this issue extends far beyond the many industries that are potentially affected by the rule. Consider, for example, the comments of Stanley Ikenberry, the President of the American Council on Education.

I quote: "American colleges and universities, which receive over $18 billion annually in Federal grants and contracts, would be directly affected by these proposed regulations." He said these "revisions could have the result of creating a 'blacklist' of contractors . . .", and this is his word, "a blacklist of contractors."

□ 1830

Mr. Ikenberry continues, "The strong and cooperative relationship between the Federal Government and the country's colleges and universities has reaped countless gains for each party and for the Nation as a whole through the contracting process. In the interest of furthering that relationship, we urge your support of the Davis/Moran amendment to H.R. 4871."

This is Dr. Ikenberry's letter. It was sent on behalf of the American Council on Education, the Association of American Universities, and a number of other groups that represent American Higher Education. American Higher Education is scared of this regulation. They strongly support this amendment. Mr. Chairman, it should be adopted.

Mr. Chairman, again, this amendment needs to be adopted. The blacklisting rule' makes Federal procurement much more complicated, not less so.

It is contrary to the procurement reforms that this administration has achieved. It confers excessive new authority on Federal contract officers without a justification. It could potentially stifle innovation and job growth for thousands of American workers.

This amendment needs to be adopted, and I strongly urge that the Congress do so. Again, I appreciate the gentleman from Virginia (Mr. DAVIS) for introducing this amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Virginia (Mr. DAVIS) has 1½ minutes remaining.

Does any Member seek to claim the time in opposition?

Mr. HOYER. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 10 minutes.

Mr. HOYER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to this amendment. The amendment is argued passionately for by the gentleman from Virginia. The Clinton administration's proposed contractor responsibility reforms simply clarifies and reinforces the long-standing rule that requires government to do business only with responsible contractors.

Now, Mr. Chairman, how often have we heard that a contractor was doing business for the Government, making a lot of money, and was a major polluter? How often have we heard that the contractor was a major violator of OSHA or other labor provisions? How often have we heard that and responded that, how do we do this?

Why do we do this? Should we not do business with people who comply with the rules, regulations, and laws of our country? Should not we advantage those contractors who seek to comply? The regulations that have been promulgated here I suggest to my colleagues are reasonable regulations, and we ought to allow them to go forward and reject this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, we have three additional speakers of 30 seconds each, but we only have 1½ minutes remaining.

Mr. HOYER. Mr. Chairman, let me use some time then.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, the previous speakers have greatly overstated their case. The overkill is amazing. To protect the Government's interest, laws have been on the books for decades requiring that the Government can only give Federal contracts to responsible contractors, that has been there all the time, those with a satisfactory record of financial and technical capability, performance, and business ethics and integrity.

The only thing that is happening now is that the administration has moved to clarify this and pinpoint more exactly what it means by responsible contractors. That is what is new. We do not need another study by the GAO. For decades, they have been observing and studying, and there is a whole body of experience that goes into the need to clarify what we mean by responsible contractor.

Last month, the administration issued a proposal to clarify the rules for determining who is a responsible contractor. The proposed regulations clarify that a relevant factor in deciding whether a contractor meets a responsibility test is its record of complying with the law. I mean, is that not easy enough to understand, a record of complying with the law, the tax law, labor and employment law, consumer protection laws, environmental law, and other Federal laws?

This is a modest common sense proposal that furthers the Government's interest in efficient, economical, and responsible contracting. It stands for and reinforces an important principle. Taxpayer-funded government contracts should go to responsible contractors with respect for the law.

All across the Nation, there are certain municipalities and towns and States that have laws which already go much further than this. One cannot get a contract in certain places unless one has complied with the law and one does not have a record of having violated the law. But this does not go that far. It does not blacklist anybody for having violated a law at once.

Opponents have attacked the proposal, saying it is a blacklist. These claims are unfounded. Nothing in the proposed clarifying rules will create a blacklist, nothing that prohibits contractors from bidding on future property. It is far too generous.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, quite frankly, I am in support of the Davis-Moran amendment. We fully agree, I think, on this floor that the Federal Government should do business with ethical and law-abiding companies, and that is why Congress, working with the Office of Federal Procurement Policy, has passed already a substantial body of statutes to which the Federal contractors must adhere. We do not need this blacklisting regulation. I, therefore, urge this body to support the Davis-Moran amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Virginia (Mr. DAVIS) and the gentleman from Virginia (Mr. MORAN). In opposing this amendment, to me, the issue is one of simple fairness.

Very simply, I see no reason we in the Congress should delay implementation of regulations which require contractors to be responsible, to be in compliance with the law, all laws, environmental laws, labor laws; nor is there any reason the taxpayers' dollars, the dollars of hard-working Americans, should be used to reimburse the attorney's fees of contractors even when those contractors have been found guilty of violating labor laws.

Finally, Mr. Chairman, I see no reason why taxpayer money should be used to reimburse contractors the cost of conducting anti-union campaigns.

Mr. Chairman, very simply, I believe the contractors doing business with the Federal Government must be responsible. The taxpayers' money must not be squandered. I call for the defeat of this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. DAVIS) has 1 minute remaining. The gentleman from Maryland (Mr. HOYER) has 6 minutes remaining.

Mr. DAVIS of Virginia. Mr. Chairman, I ask unanimous consent that each side be allotted 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I rise in support of the Davis-Moran amendment; and given that I have but a minute, I will be brief.

The issue here is not union/nonunion, open shop/closed shop. The issue here is procurement policy. Current regulations already in place protect the Federal Government from unscrupulous contractors.

I would cite for my colleagues the Federal acquisition regulations that exist today, in fact, include a phrase "the contractor is subject to a decision by the contracting officer that that organization or person have a satisfactory record of integrity and ethics."

This is not about open or closed shops. This is not about union or nonunion shops. This proposal by the administration in the form of these new regs is very dangerous, because today we have an administration of one party suggesting one thing. Six months from now, we may very well have a different administration of another party.

This Moran amendment makes sense. Support it.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, when the gentleman from Virginia (Mr. MORAN) first talked to me about this issue, I thought it sounded reasonable. I have been involved in a lot of disputes between labor and companies with the Defense Department.

I had some procurement officers come in to see me today, and they told me they need systematic guidance about how to deal with these contracts. Now, they believe that this kind of guidance that has been set up or proposed in these regulations is the type of regulation that they need in order to be able to consummate the contracts. In other words, if the person is not violating the law or a regulation, they go forward. If by some chance the contracting officer makes a mistake, they have a recourse; and the recourse, of course, is appeal, and damages can be awarded to that particular company.

So if they have a legitimate bid, and they are not awarded the contract, and yet they would be otherwise, and it is very clear that the reason that they were not given the contract was because they did not comply with other Federal regulations or the law, then they have the recourse of going to the appeal and getting damages.

So I think we make a serious mistake if we were to delay these regulations at this time. I know my colleagues have been working a long time. But my feeling from the procurement officers themselves, the people that deal with this, is that they need guidance which says they are a systematic violation of the law or regulations, and that is the kind of guidance which helps them make a decision on whether to accept a contract or do not accept it.

So I would urge the Members to defeat this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to this amendment.

The long-standing policy of the Federal Government has been to make a determination of responsibility. All the rules have attempted to do is to make more specific, to establish certain standards of performance that the people who are doing these deliberations can have some absolute objective guidance rather than subjective criteria.

I think it is very, very important to establish certain rules and regulations that these contract negotiators must follow. The taxpayers are involved in this. We have to make absolutely sure that the contractors who are being awarded these contracts are responsible, pay their taxes, follow the law, abide by the environmental requirements, OSHA requirements, and all of those other standards.

My State is full of Federal contracts, thanks to the gentleman from Pennsylvania and his generosity in coming and providing these contracts to our military bases. But it is very important that those contractors who come in abide by standards, otherwise the people of my State will be left paying the penalties.

Mr. Chairman, the amendment would prevent the Administration from adopting a rule that would reaffirm the principle that the Federal government should not award contracts to companies that chronically violate federal law.

The concept of the proposed rule is simple—if you are a persistent and serious violator of federal law, the federal government will take that into account in determining whether to grant you a contract.

The proposed rule simply clarifies the existing rule that the federal government should only contract with "responsible contractors." It specifies what "business ethics and integrity" means for federal contractors. The standard includes compliance with federal tax, labor and employment, environmental, antitrust and consumer protection laws.

This amendment would prevent that.

A 1995 GAO study identified the kids of serious workplace violations that Federal contractors have committed. According to the GAO, "for 88 percent of the 345 inspections, OSHA identified at least one violation that it classified as serious—posing a risk of death or serious physical harm to workers. For 69 percent, it found at least one violation that it classified as willful-situations in which the employer intentionally and knowingly committed a violation. At the work sites of 50 federal contractors, 35 fatalities and 85 injuries occurred." The Davis-Moran amendment would tell the Federal government to ignore these violations in deciding to award a Federal contract.

Another 1995 GAO report studied the labor records of Federal contractors. The report found that fifteen federal contractors had either "been ordered to reinstate or restore more than 20 individual workers each or had been issued a broad cease and desist order by the National Labor Relations Board."

The amendment is opposed by the Alliance of Mechanical, Electrical and Sheet Metal Contractors. The Alliance represents over 12,000 construction companies. It recognizes that an objective assessment of the past performance of federal contractors benefits the government and rewards contractors that obey the law. The private sector increasingly uses past contract and performance criteria including safety, training and workers compensation to assess contract compliance. So should the Federal government.

An economical and well functioning procurement system can only be based upon contracts with law-abiding citizens. Let's reject this ill-advised amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment because it does the wrong thing in the wrong way. Federal contract officers ought to have clear guidance when a contract competitor has engaged in a pattern and practice of disregard or violation of the law. People who engage in a pattern and practice of violation are bad risks, and they subject the taxpayers to the risk of poor performance or overpayment.

Moreover, this is done, I believe, in the wrong way. The administration has carefully looked at the policy issues involved in this, and I do not believe that a brief debate in the context of an appropriations bill is also a place to overturn that judgment.

With all due respect, the Committee on Education and the Workforce could and should take a look at this. I believe we will reach the same conclusion the administration did. It is bad business to do business with those who do that business badly.

Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. DAVIS) has 1 minute remaining. The gentleman from Maryland (Mr. HOYER) has 3 minutes remaining and the right to close.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, is it too much to expect that Congress wants our laws obeyed? Is it too much for citizens to expect that their taxes are protected from law breakers? Our society expects individuals to follow the law. When they do not, there are consequences.

When a company applies for a Federal contract to perform work paid for by the taxpayers, existing laws say it should be a law-abiding company. If it is not, regulations recently proposed would deny the law-breaking company eligibility to bid for a contract.

But this amendment prevents the Government from expecting that Federal contractors obey the law. This amendment would reward law breakers with taxpayer funds. This amendment would reward companies that break our environmental, labor, and consumer safety laws with lavish Federal contracts.

I regretfully must ask for a no vote on the Davis amendment.

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Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the administration's new rules would create a standard which is so broad and so vague that it would cripple employers in the high-technology industry, and both sides want to do something here. This is an opportunity for small businesses and college and university research, but the administrations' new rules would add cost and, I think, would negatively impact the taxpayers.

So I ask colleagues on both sides to support the Davis-Moran amendment, which has bipartisan support, and which merely postpones the implementation of these regulations until GAO has the time to adequately assess them.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Chairman, last October I wrote to the Office of Federal Procurement Policy requesting any data or information upon which a procurement policy decision was made. I asked specifically for any information with specific contractors that had failed to comply with the laws. I asked for any specific complaints received from contracting officers involving the inadequacy of the current Federal acquisition laws. I asked for examples of specific government contractors that had been unable to fulfill their contracts.

Guess what the answer was? "We do not keep any data that would give us an opportunity to answer your question." Well, then, where do they get any data to write these regulations?

Mr. Chairman, Congress needs to be responsible enough to get to the bottom of this proposed rule. If there is credible evidence showing a problem, then this is an issue we should address through the legislative process. But the Clinton administration needs to make a case that there is a problem.

The administration had the good sense to withdraw its first proposal. It should have the good sense to do the same with this revised proposal. Let me tell my colleagues, this proposed rule does not just implicate federal labor and employment laws. The regulation impact tax, environmental, antitrust, and consumer protection laws as well. Let me also point out that unless we pass the Davis-Moran Amendment, our colleges and universities may also lose important research contracts with the federal government under these proposed changes. The American Council on Education urges passage of this Amendment. I urge my colleagues to vote yes on the Davis-Moran Amendment.

Mr. Chairman, I submit for the RECORD letters relating to the subject matter of this amendment.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 5, 1999.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated October 5, 1959, regarding "Proposed Rulemaking/Federal Acquisition Regulations."

In your letter you asked me to respond to three questions concerning data about procurement problems. You asked about contractors who have failed to comply with laws and the resulting problems in the procurement process. You also asked for information on government contractors who have been unable to fulfill contracts with the government because of labor and employment law violations. Finally, you asked about complaints from contracting officers concerning suspension and debarment procedures.

Section 19 of the Office of Federal Procurement Policy Act (codified at 41 U.S.C. 417), entitled "Record Requirements" delineates the procurement files every executive agency must establish and maintain. These unclassified files, which are computerized, record individuals facts about each procurement greater than $25,000. Procurement facts concerning contracts below $25,000 are recorded in a summary fashion. These agency records are then entered into the Federal Procurement Data System (FPDS), as discussed in Subpart 4.6 of the Federal Acquisition Regulation (FAR). The FPDS is the authoritative source of Government-wide procurement information. Federal agencies do not keep, and hence the FPDS files do not reflect, data from which answers to your questions can be derived. (Enclosures 1 and 2 are hard copies of the forms used by the agencies.)

The files kept on individual contract actions (there are nearly 12 million actions each year) are also not helpful in answering your questions. With the exception of a certification (Enclosure 3), those files are not set up to reflect contractor failure to comply with the law. Rather, they reflect performance or nonperformance of the contract.

In answer to your question concerning suspension and debarment procedures, the procurement debarment and suspension process under FAR Subpart 9.4 appears to be working effectively. The Department of Labor also has the authority to debar and suspend for failure to follow certain labor requirements under their jurisdiction. I have no current information concerning these non-FAR procedures. All debarments and suspensions are consolidated on a master list used by contracting officers, grants officers, and, in some cases, Government loan officers.

The proposed change to the FAR, however, does not concern debarments or suspensions; it concerns responsibility determinations. Responsibility determinations are actions taken by contracting officers on individual contracts. In contrast, suspensions and debarments are actions taken by agency suspension and debarment officials, and are effective in regard to all contracts and grants for the entire Government. The proposal would change 9.104-1 of the FAR but would make no change to Subpart 9.4. While Subparts 9.1 and 9.4 are related, they have separate purposes and procedures. We believe the proposed change does not concern, and will have no impact on, suspensions and debarments.

Sincerely,

DEIDRE A. LEE,
Administrator.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES
Washington, DC, October 5, 1999.

Ms. DEIDRE A. LEE,
Administrator, Office of Federal Procurement Policy, Acting Deputy Director for Management, OMB, Old Executive Office Building, Washington, DC.

Re: Proposed Rulemaking/Federal Acquisition Regulations

DEAR MS. LEE: As you are aware from numerous correspondence between this Committee and the executive branch, I, and a growing number of other members of Congress, strongly believe the administration's proposed "blacklisting" regulations published in the Federal Register July 9, 1999, are unfair, unnecessary, and without technical merit.

Testimony heard before this Committee last year demonstrated—as will testimony before House and Senate Committees in the future no doubt further demonstrate—that these changes will grant procurement officers discretion over laws with which they are not expert; are unnecessary in light of the protections against "bad actors" found in current law; and are so vague with regard to the standard potential contractors must meet they raise serious due process concerns.

Equally disturbing is the administration's attempt to bypass the proper legislative role of Congress effectively to amend the penalty provisions of dozens of federal laws—including the labor and employment laws within this Committee's jurisdiction.

I am writing today to urge you again to reconsider this political effort to cheapen the federal procurement process. In addition, I request that you provide to this Committee by October 19, 1999, specific data upon which your Office and the administration relied in fashioning these proposals. Specifically, what contractors have failed to comply with what laws causing what problems in the procurement process? What specific complaints have you received from contracting officers regarding the inadequacy of the current FAR suspension and debarment procedures? Also, what specific government contractors have been unable to fulfill contracts with the federal government because of labor and employment law violations? Finally, I also request any other data or information upon which this policy decision was made.

I thank you in advance for your attention to this request. If you have any questions, please contact Peter Gunas of my Committee staff, at 202-225-7101.

Sincerely,

BILL GOODLING,
Chairman.

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, DC, July 20, 2000.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, I urge you to support the Tom Davis (R–VA) and Jim Moran (D–VA) amendment to H.R. 4871, the Treasury, Postal Service, and General Government Appropriations Bill, that is expected to be on the House floor this week. The Davis/Moran amendment would impose a moratorium on the implementation of the proposed amendments to the Federal Acquisition Regulations (FAR) as proposed by the Federal Acquisition Regulatory Council pending an outcome of a study by the General Accounting Office (GAO). The Davis/Moran amendment presents a fair, balanced approach to this issue and provides Congress the opportunity to examine the extent to which the government is contracting with organizations that have unsatisfactory records of compliance with federal law, as well as evidence of contractor violations and their impact on contract performance.

The proposed amendments to the Federal Acquisition Regulations (FAR) would bar employers, including colleges and universities, from eligibility for federal contracts based on preliminary determinations, unproven complaints, and actual transgressions of federal employment, labor and tax laws. Although portrayed as clarification of existing law, we believe the proposed regulations would, in effect, give new powers to federal contracting officers not granted by Congress.

American colleges and universities, which receive over $18 billion annually in federal grants and contracts, would be directly affected by these proposed regulations. The FAR revisions could have the result of creating a "blacklist" of contractors who would be penalized as ineligible to receive government contracts—and potentially debarred—for "unsatisfactory" labor and employment practices. Colleges and universities are progressive employers, offering generous benefits and innovative policies such as work-family initiatives and domestic partners benefits. They are also large, complex organizations that are subject to extensive federal regulations. Despite our best efforts, conflicts and disagreements do arise, some of which result in allegations that an institution has violated labor, environment, or other laws.

We believe the federal government should seek to investigate and resolve such allegations in the most constructive manner possible under the current law process within the respective agencies. Unfortunately, the proposed Federal Acquisition Regulations would move in the opposite direction, encouraging adversarial relationships. Under the proposal, violations, preliminary determinations, and unproven complaints of laws—such as the National Labor Relations Act, the Occupational Safety and Health Act, the Fair Labor Standards Act, and employment discrimination statutes such as Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act—could trigger a status akin to "blacklisting." The proposed regulations also would penalize contractors for violations of environmental, antitrust, tax, and consumer protection laws. Adverse determinations could lead to exclusion from preferred vendor lists and from eligibility for contracts and subcontracts.

The proposal would engender mistrust between colleges and universities and the various regulatory and contracting agencies. Moreover, it would invite and encourage persons or organizations who disagree with an institution about employment practices, land use, or various other matters to file formal complaints and thereby invoke the possibility of grave penalties contemplated in the proposed regulations as leverage. That would be an unfortunate distortion and certainly is not the intention of federal laws and other standards.

Under the proposals, federal agents would be empowered to decide what is or is not a "satisfactory" record of employee relations from colleges and universities of every size throughout the country. Federal contracting officers do not, by the very nature of their work, possess the expertise or experience in the enforcement of labor and employment laws and regulations, to say nothing of environmental, tax, and antitrust laws and workplace practices. The proposed changes would give them authority to make arbitrary determinations to the detriment of the entire procurement process and the fair enforcement of employment and other laws.

The strong and cooperative relationship between the federal government and the country's colleges and universities has reaped countless gains for each party and for the nation as a whole through the contracting process. In the interest of furthering that long-standing relationship, we urge your support of the Davis/Moran amendment to H.R. 4871.

Sincerely,

STANLEY O. IKENBERRY,
President.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Let us cut to the chase here as to what this amendment is about and why these regulations came about. My friend and colleague, the gentleman from California (Mr. OSE) mentioned the criteria here. "Responsible bidder: Necessary technical and financial capability, performance record, and business integrity and ethics."

There seems to be a fear that somebody will make a subjective judgment. Well, the fact is that is a very broad criteria that is difficult to define. So what has been proposed? The administration is proposing that we have some definition of what ethics and integrity is. They simply say that that test of responsibility is the contractor's record of complying with the law. Certainly, we want our contractors to do that, including environmental laws, consumer laws, labor and employment laws, and other Federal laws, so that it will not be simply a subjective judgment as to what ethics and integrity are, but it will have some specific criteria to direct officials in overseeing whether or not somebody is a responsible contractor.

Is that not a reasonable step to take to give direction to Federal decision makers, as opposed, ironically, because the sponsors of the amendment think the opposite is true, of giving this very broad latitude currently existing to make a determination of whether somebody is ethical or has integrity? That certainly is a very broad base. Somebody may have complied with all of the laws but be deemed by somebody as not ethical in its behavior.

My suggestion, my colleagues, is to reject this amendment because, in fact, I think it does the opposite of what its proponents want to do. Its proponents want to give some definition and preclude arbitrary and capricious action. In my opinion, the regulations do exactly that. We ought to sustain them and reject the amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to this amendment which seeks to prevent the administration from implementing its contractor responsibility proposal.

I want to put this in the simplest terms. The administration has proposed that when awarding a Federal contract, we should ensure that the company who receives the contract has satisfactorily complied with federal laws, including environmental laws, labor laws, and consumer protection laws.

This is a commonsense proposal. If a company is illegally polluting our communities, endangering consumers, violating workplace safety laws, and not paying taxes, we should not be awarding them federal contracts. Instead, we should award the contract to a law-abiding company.

It is also important to understand that this is simply a refinement of current law. Since 1984, federal contractors have had to have a "satisfactory record of integrity and business ethics" under federal procurement law. The pending proposal states that in examining this record, a federal grant officer should consider whether the company has demonstrated "satisfactory compliance with federal laws including tax laws, labor and employment laws, environmental laws, antitrust laws, and consumer protection laws."

Now, maybe some business lobbyists think we should reward lawbreaking companies with federal contracts, but I believe the American people want their tax dollars to support upstanding companies that comply with the law. In the words of the Sierra Club, "Companies that fail to comply with environmental laws do not deserve to be rewarded with taxpayer-funded contracts."

Mr. Chairman, I urge all Members to oppose this amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Virginia (Mr. DAVIS) will be postponed.

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Will the gentleman suspend?

Mr. KOLBE. Mr. Chairman, I believe the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the committee, was on his feet.

The CHAIRMAN pro tempore. The gentleman is correct. The Chair finds itself in the following position: I did not see the gentleman from New Jersey. We have just considered a Republican amendment and I was going to go to the most senior Democrat. But since the gentleman from New Jersey is a member of the committee and asks to be recognized, the gentleman from New Jersey will be recognized.

AMENDMENT NO. 6 OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment No. 6.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRELINGHUYSEN:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds made available in this Act may be used for use of a Federal Internet site to collect information about an individual as a consequence of the individual's use of the site.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the intent of my amendment is quite simple. Government Web sites exist to serve the public. They should not be used to collect personal information about people who use these sites, unless the public chooses to disclose personal information to the government.

Recent news reports reveal that some Federal agency Web sites are placing what are called "cookies" on the personal computers of people who view and access government Web sites. This cookie technology basically allows the operator of a Web site to follow users around as they visit the site, and has the potential to continue to follow that user around after they have left the site.

I think that the use of this cookie technology on government Web sites raises many serious questions. For instance, do we really want the Federal Government to keep information on a user that tells them what page on the National Institutes of Health site the user looked up; how many times the user looked at the site; what time the user visited the site; what information the user downloaded from the site; and where the user went on the Web after they left that particular site? More important, why are they collecting this information? What are they using it for? What could this information be used for? Could it be misused? And, most especially, under what force of law do these agencies have the right to collect this information?

In response to the public outcry about government Web sites using cookies, the Federal Office of Management and Budget did issue a policy directive on June 22 of this year. And while it is a step in the right direction, let me just quote from the directive, which states, "Under this new Federal policy, cookies should not be used at Federal Web sites unless in addition to clear and conspicuous notice the following conditions are met: A compelling need to collect data on the site, appropriate and publicly disclosed privacy safeguards, and personal approval by the head of the agency."

Mr. Chairman, one agency's idea of what they call a "compelling need" may very well be in violation of my constituents' privacy. I do not think we want to put these decisions in the hands of every agency head, nor do I think we want privacy protections that vary from agency to agency. We need this time out, or moratorium, where agencies are barred from using these technologies until we have a government-wide consistent policy under force of law that provides the necessary protections against the unintentional and involuntary collection of people's personal information.

Mr. Chairman, I know that this is a whole new arena for all of us in government as well as in the private sector, and we need the time to sort it through. I look forward to working with the chairman and others in Congress on this very important issue.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to commend the gentleman for the amendment he has offered. Members of this body have been working closely with the gentleman from New Jersey and his staff for some time on this.

I think the gentleman has raised an important issue and, as he suggests here, we really need to have a consistent government-wide policy on the use of gathering information about people who are on the Internet and who seek access to Internet sites, including government sites. So I commend him for what he is doing. We do have some concerns that we have talked to him about the way his amendment is drafted, but we think we can work those out.

Members will also note this is the second amendment on this topic that we have had here tonight. The gentleman from Washington offered one which proceeds from the presumption that Internet access is being looked at and he asked to study it. This one proceeds from the idea that cookies should not be used. I think that is the appropriate way to look at this for the moment.

So I commend the gentleman for offering this amendment and thank him for yielding.

Mr. FRELINGHUYSEN. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

The CHAIRMAN pro tempore. Does anyone claim the time in opposition?

If not, the question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RANGEL:

At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used by the Department of the Treasury to enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except those provisions that relate to the denial of foreign tax credits, or to the implementation of the harmonized tariff schedule of the United States.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. DIAZ-BALART. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) reserves a point of order.

The gentleman from New York (Mr. RANGEL) is recognized for 10 minutes on his amendment.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

It has been the policy of our country not to use food and medicine as a tool for foreign policy, and yet, as relates to the government of Cuba, we have been doing just that. We have allowed the people of the United States to believe that we have enacted the so-called Helms-Burton law in an effort to promote democracy in Cuba, but we have seen that sanctions really have not pushed democracy in Cuba.

The fact is that we have been using a different technique as it applies to communism in North Korea, in North Vietnam and in, more recently, China. It would seem to me that, if we really want to be consistent with our foreign policy, what is good in terms of trying to turn around these other Communist countries should be good for a Communist country that is only 90 miles from us.

In addition to this, so many American businesses are suffering unnecessarily because of this embargo. Our farmers are looking for new markets; the tourism industry; our bankers. There are just great opportunities. Not only that, but the same arguments relate to China; that other countries are ignoring this so-called embargo. They are doing business in Cuba at our expense. As a matter of fact, ironically, Cuban-Americans, who best know Cuba, are being denied the opportunity to do business in their homeland.

So what I am asking is that we just strike all of the funds that would be used to enforce this economic embargo against Cuba and allows us to have a consistent foreign policy and not to use food and medicine as a tool against them; not to deny people an opportunity to send money back home; not to deny people the opportunity, especially Americans, to go where they want to go, when they want to go, without fear of spending money or suffering sanctions from the United States Government.

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So I am asking for an aye vote on this so that America foreign policy and trade policy with Cuba would be in alignment with our overall universal policy.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Florida (Mr. DIAZ-BALART) insist on his point of order?

Mr. DIAZ-BALART. Mr. Chairman, I withdraw the point of order, and I rise in opposition to the amendment.

The CHAIRMAN. The point of order is withdrawn. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 10 minutes.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just a few years ago, the Cuban dictator shot down two unarmed civilian aircraft over international waters killing three United States citizens including a Vietnam war hero and a legal resident of the United States.

Castro publicly admitted that he ordered the murders. Time Magazine, March 11, 1996: "I personally ordered the shootdowns," he said.

In lieu of military action against Castro's Cuba, President Clinton agreed to sign the codification of our embargo against Castro's regime. Castro's act of terrorism against Americans was an unprecedented act of direct state terrorism. Not even Iraq or North Korea or Iran have done this, or Syria.

He did not pay or train terrorists to kill Americans. He did so with his own air force under his own orders. This was not 40 years ago. This was not during the Cold War. This was 4 years ago after as many of our colleagues say he no longer poses a threat to anyone.

Now, what has Castro done to merit the consideration and the courtesies that our colleagues seek to bestow upon him today? For us to send a signal saying, in effect, he can kill American citizens; do not worry about military action. And in 4 years we might want to make a buck from them?

What has he done except for his dinners and his banquets when he tries to charm visitors with his so-called wit during his 10-hour dinners? Increased repression. Thousands of political prisoners languish at this moment in his dungeons. And he continues to harbor U.S. fugitives from justice, including murderers of policemen.

I include for the RECORD, Mr. Chairman, the following letter received yesterday from the national president of the Fraternal Order of Police:

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC., July 19, 2000.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development and Related Agencies, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the more than 290,000 members of the Fraternal Order of Police to express our strong concern about amendments to various appropriations measures which would "normalize" trade and relations with the Communist dictator in Cuba.

It is well known that the Cuban government is harboring scores of criminals wanted in the United States. Perhaps the most notorious case involves Joanne Chesimard, who murdered New Jersey State Trooper Werner Foerster and severely wounded his partner, Trooper James Harper. She escaped a maximum security prison in 1979 and fled to Cuba, where she now lives under the protection of the Cuban government as an example of "political repression" in the United States.

Fidel Castro also plays host to at least two members of a group called the "Republic of New Africa," who murdered New Mexican State Trooper Robert Rosenbloom. And while some Members of Congress may see no problem normalizing relations with Cuba, the Fraternal Order of Police believes strongly that before any normal relations—trade or otherwise—are considered, Fidel Castro must return those wanted fugitives. We ought not to reward the Cuban policy of providing a safe haven for the murderers of Americans.

I realize that relationships with other governments are sensitive and complex, which require compromise and nuanced accommodation. However, the American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the fabric of our society to foreign dictators like Fidel Castro.

I ask that the Senate reject any and all amendments which would normalize relations between the United States and Cuba unless the issue of these murderous fugitives are resolved to our satisfaction. Trade bought with the blood of American law enforcement officers doing their job on American soil is too high a price to pay.

Please contact me if I can be of any further assistance on this or any other issue.

Sincerely,

GILBERT G. GALLEGOS,
National President.

After going through a number of State troopers, for example, State Trooper Werner Foerstar, murdered by someone who Castro has given "asylum" to and today is receiving his protection in Cuba; and State Trooper James Harper, who was maimed; State Trooper Robert Rosenbloom.

The Fraternal Order of Police writes yesterday: "The Fraternal Order of Police believes strongly that before any normal relations, trade or otherwise, are considered, Fidel Castro must return those wanted fugitives. We ought not to reward the Cuban policy of providing a safe haven for the murderers of Americans. Trade bought with the blood of American law enforcement officers doing their job on American soil is too high a price to pay."

This is the Fraternal Order of Police yesterday.

I reject the argument that we hear over and over again that the embargo has not worked. Number one, as leverage for a democratic transition after Castro is no longer on the scene, it is not supposed to work yet. Just like the European Union's demand of democracy for Franco's Spain or for Oliveira's Portugal did not work until they were gone from the scene, but it sure as heck worked when they were gone from the scene. And those countries are now part of the fully democratic European Union.

But with regard to other key aspects, the embargo has already worked. The embargo constitutes a red line to the kind of massive investments in credit and hard currency including, yes, through mass U.S. tourism that would give Castro an extraordinary economic boost if it were lifted.

Imagine the Cuban dictator with unlimited investments and credits with the kind of cash that he had when the Soviets were a superpower, with the kind of cash that he would have if the Rangel amendment were adopted, with the kind of cash that would be available if U.S. tourism were available.

It was just a few years ago, Mr. Chairman, just a few years ago that Castro had armies in Africa, surrogate armies throughout this hemisphere. Imagine Castro's support for international terrorists if he once again had the cash. Imagine the export arms industry that he would have developed, the chemical or biological weapons he would have manufactured if only he had the cash.

It certainly would not be like it is today. Because of our policy and because of Castro's brutality and his ineptness, his regime is a bankrupt tyranny condemned yearly by the United Nations Human Rights Commission with a radically diminished offensive capability, a radically diminished offensive capability that did not happen because of osmosis but that happened because of a wise bipartisan policy that this Congress and every administration has maintained because of the national security threat that his regime has signified.

U.S. sanctions, Mr. Chairman, have hurt the Cuban tyranny and denied the regime precious resources that Castro will use to work to overthrow elected governments, spread violence and terrorism, and work to defeat democracy throughout the hemisphere and indeed other hemispheres.

So I ask not that we stay on these pretexts; but rather, that we recognize, Mr. Chairman, there are three steps that U.S. law and policy call for for an end to all sanctions, for all American tourists to be able to go there, for all the billions that many seek to see and go to Cuba, go ahead and go there, only three steps that we call for in U.S. law: freedom for all the political prisoners, those languishing in prison today; legalization of political parties, labor unions and the press; and the scheduling of free elections.

We are the first to want to see an end to those sanctions, Mr. Chairman. Simply join us, we ask our colleagues, in demanding those three steps. And if not, just stop the pretext and admit that what is being sought is to bolster a regime that has oppressed our closest neighbors brutally for 41 years, that has killed Americans, and that continues to harbor fugitives from American justice, including murderers of U.S. policemen.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not prepared to argue against the arguments made by my distinguished colleague, the gentleman from Florida (Mr. DIAZ-BALART).

I just refuse to believe that those people who voted for permanent trade relations with China were supporting the government of China or North Korea or North Vietnam. It was just a considered thought of this body that the best way to try to disrupt these types of communist governments is sunshine and let the light shine on the economic progress that countries can make through trade.

And so it just seems to me that we should not have a double standard. And no one is trying to help President Castro. From what I see, it does not appear to me that he is in need of food or medicine. But what we are saying is that the Cuban people should not suffer while we have seen that this man, Castro, has outlived nine or 10 United States Presidents while we have been looking for change. And we should not use the denial of food and medicine and the denial of the rights of Americans to go where they want to go when they want to go just because we are concerned, and rightly so, about the conduct of this man in Cuba.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, first of all, I would like to thank the gentleman from New York (Mr. RANGEL), my brother, for being courageous enough to always bring up this issue.

The fact that we continue to bring this issue is to the celebration of the day and of the time because this issue is not going to go away. As I said before on this floor, time is running out.

Today we will see something that has not happened before today. We will see Republican amendments on this floor dealing with the Cuba issue and deal with the Cuba issue as we see it, as I see it, allowing travel, allowing exchanges, allowing commerce between the two countries.

Now, we can continue here to espouse all the points we want about what is wrong with Cuba, but the fact of life is that the relationship we want is with the Cuban people. No one here is supportive of the Cuban Government or Chinese Government or Vietnamese Government. We are supportive of people.

At this point in our relationship with the rest of the world, it makes no sense whatsoever to continue to say that we will not deal with Cuba because somehow they present a threat to us and to our security and to the rest of the world.

We present a threat to the people in Cuba. We present a threat to the children in Cuba. Every time we deny contact through travel, every time we deny food and medicine, every time we deny our culture, our behavior, our ideals, our way of being and of conducting business to be seen and heard up close in Cuba, we are hurting the Cuban people.

But we continue to believe that somehow, if we squeeze Cuba a little bit more, its government will fall apart and we keep hearing that.

Well, 6 months from now the Cuban Government will be on its 11th president, American President. The only reason they are not on their 13th president is because Reagan and Clinton were reelected.

So we better get used to the fact that the change has to come over here in terms of how we are going to behave with them. As long as we stand on this floor and we see support for China, Vietnam and Korea, there has got to be support for Cuba.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, this amendment seeks to provide funds to the oppressive Castro regime without current U.S. policy requirements and those requirements deal with human rights, civil liberties, and political freedoms.

Do the supporters of this amendment believe that it is a bad thing to require democracy and liberty for the Cuban people first and require that U.S. policy not prolong their suffering?

By propping up the regime that oppresses them, by providing hard currency to the Castro regime, this amendment postpones the inevitable. And that is what we want for Cuba is we want democracy and we want liberty.

But this amendment condones the murder of these children and all of the other victims killed by Fidel Castro.

In this instance, Fidel Castro's coast guard rammed their small tugboats and turned their power hoses on these children, drowning them in their cries of anguish. Six years later, the regime refuses to turn over their bodies to the relatives.

This amendment would allow the Cuban dictatorship to purchase even more weapons such as those shown in this poster for Castro's brand of calisthenics for children when they lift rifles above their heads.

This amendment would propagate the system of apartheid, which is established by the regime denying access to food, medicine, and hotels to the Cuban people in favor of the tourists.

This amendment would allow Castro officials to keep political prisoners and human rights dissidents, such as Dr. Oscar Elias Biscet, in isolation in a squalid jail cell denied of food and medical attention, denied even the Bible.

That is what the Rangel amendment will do.

Mr. RANGEL. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. Lee).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from New York (Mr. RANGEL) for offering this amendment and for really allowing us to come to the floor to debate this issue which is so, so important.

Opening the door for the sale of food and medicine to Cuba is really a step in the right direction for America and for Cuba.

More than a decade has passed since the end of the Cold War. Yet one of the most Draconian policies from that era still exists, the United States trade embargo against Cuba. This is outrageous.

Now, I have visited Cuba on several occasions, and I have seen firsthand the immoral and inhumane impact of food and medical sanctions. I have witnessed the suffering and fear of people on kidney dialysis machines which need American parts in order to function properly so that their lives can be saved.

The Cold War has been banished to the ash bins of history. But unfortunately, the trade embargo with Cuba lives on. It is time to lift this embargo, especially on food and medicine, against an island of about 10 or 11 million people, 90 miles away from the coast of Florida. Even our own Department of Defense said that it poses no national security threat to the United States of America.

I support real action on this issue like the Rangel amendment, not watered down compromises. I urge my colleagues to support this amendment and further implore the President of the United States to lift the economic sanctions against Cuba.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining. The gentleman from New York (Mr. RANGEL) has 2¾ minutes remaining, including the right to close.

Mr. DIAZ-BALART. Mr. Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. MENENDEZ).

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Mr. MENENDEZ. Mr. Chairman, I rise to oppose the gentleman from New York's amendment. And I regret that I do not hear the voices of my colleagues, for example, who spoke very passionately on China about human rights, about labor rights, about democracy issues and who voted as I did in that context to deny MFN status to China because we believed that those issues were so tantamount, so important, that that trade should not be granted to that country.

The fact of the matter is that what the gentleman from New York (Mr. RANGEL) seeks to do in his amendment would not actually change existing law. In other words, the embargo would remain, but the ability supposedly to administer and enforce it would be gone, and, of course, this would not only create confusion but it would create lawlessness. Because what it would say to U.S. citizens is, "Go ahead, break the law because the government can't catch you."

What is even more important for those who do not believe in our policy is that the Treasury Department would be prevented from continuing to issue legal licenses for certain travel and food and medicine sales as is now allowed under existing law and the Department would be prohibited from providing that humanitarian assistance to the people of Cuba. By the way, Mr. Chairman, it is the United States of America through nongovernmental organizations that is the greatest remitter of humanitarian assistance to the people of Cuba over the last 5 years. It has sent over $2 billion over the last 5 years to help the people of Cuba.

So what hurts my family that still lives in Cuba is not the embargo of the United States. What hurts my family that lives in Cuba is the dictatorship of Fidel Castro, his failed economic policies, his rationing of people. There is plenty of food for tourists, plenty of food for tourism. There are plenty of medicines for what they call health tourism. There are medicines to export to other parts of the world but they are not there for the people of Cuba.

Therefore, we should vote against the Rangel amendment and preserve our policy in order to ensure freedom and democracy.

Mr. RANGEL. Mr. Chairman, I yield myself the balance of my time.

I think all of us have compassion in trying to find some way to bring democracy in all parts of the world and certainly Cuba being so close to us, we would like to see that happen there.

When we talk about people voting against China and not giving them normal trade relationship, a lot of people did that. But an embargo is close to an act of war.

I have heard some of my colleagues say, "Well, didn't you support an embargo against South Africa? Why do you think it is so different from China?"

An embargo is not effective when it is a unilateral embargo. No one respects our embargo. They know it is a political thing. It has nothing to do with our foreign policy or with our trade policy. What we are doing is because there is a constituency, a constituency that wants to make certain that this deviates from our policy, and a good policy, and, that is, not to use food, not to use medicine in order to change the political composition of any government. We should not use it as a political tool. That is what we are doing here.

Anyone can tell you, anyone that served in any administration as Secretary of State or any Assistant Secretaries of State in charge of Latin affairs would tell you that the embargo is bad foreign policy for the United States of America. We should not get involved in this type of thing, and it is not working. But, my God, if you can see American businessmen over there, to see tourists over there, to see students over there, to see our doctors and our scientists exchanging information over there. The Cuban people are not stupid. When they see what Americans can do, how they think and the competitive nature of their business and see how democracy really works, that is how you get rid of Communist government. You do not deny people the opportunity to listen, to travel, to send money, to do trade, to have commerce. That is when you are ashamed of your government and you do not want them to see things. We want to have this thing wide open, so Americans can see what is going on in Cuba and Cuba can see what is going on in the United States.

Why should we be fearful in terms of our national defense of this small handful of people that are in Cuba? Why can we not make them our friends and a part of the Caribbean Basin Initiative? Why can we not bring all countries to trade with us? What country are we denying the opportunity that is this close to us that is in our hemisphere not to be a part of our trading partners? I ask you all to think about our farmers, think about our businesspeople, and support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

AMENDMENT NO. 12 OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. MORELLA:

Page 112, after line 13, insert the following new section:

SEC. 644. (a)(1) Title 5, United States Code, is amended by inserting after section 5372a the following:

"§ 5372b. Administrative appeals judges

"(a) For the purpose of this section—

"(1) the term 'administrative appeals judge position' means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and

"(2) the term 'agency' means an Executive agency, as defined by section 105, but does not include the General Accounting Office.

"(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS–15 pursuant to section 5108.

"(c) A rate of basic pay fixed under this section shall be—

"(1) not less than the minimum rate of basic pay for level AL–3 under section 5372; and

"(2) not greater than the maximum rate of basic pay for level AL–3 under section 5372.".

(2) Section 7323(b)(2)(B)(ii) of title 5, United States Code, is amended by striking "or 5372a" and inserting "5372a, or 5372b".

(3) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5372a the following:

"5372b. Administrative appeals judges.".

(b) The amendment made by subsection (a)(1) shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

(1) the 120th day after the date of enactment of this Act; or

(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from Maryland (Mrs. MORELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I yield myself such time as I may consume.

First and foremost, I just want to say that I am offering this amendment today to right a wrong that has gone unchanged for the last 10 years. The amendment I am offering is simply a matter of fairness. There currently are 20 administrative appeals judges who serve on the Appeals Council for the Social Security Administration. These judges review numerous decisions made by administrative law judges, and yet they are not even compensated at the very same level. Prior to the enactment of the Federal Employee Pay Comparability Act in 1990, both of those judges, the ALJs and the AAJs, were compensated at the GS–15 level. That FEPCA, the Comparability Act, elevated the pay of ALJs to a new level that is from 10 to 15 percent higher than the GS–15 level. Unfortunately, Congress did not include the administrative appeals judges in this new pay category. Therefore, it has resulted in the situation where the Appeals Council is now the only administrative appellate body in government whose members are paid less than the judges whose orders and decisions that they review. This amendment would remedy this inequity. It would ensure that administrative appeals judges are paid at the very same level as those judges whom they review, the administrative law judges.

Actually, I bring this before the body because frankly we are in terrible difficulty with regard to losing those administrative appeals judges, and we need them desperately. This is an equity matter. I will just simply ask that the RECORD include my full statement and ask the chairman of the committee for his consideration of this amendment.

First and foremost, I would just like to say that I am offering this amendment today to right a wrong that has gone unchanged for the last ten years. The amendment I am offering is simply a matter of fairness. There currently 20 Administrative Appeals Judges (AAJs) who serve on the Appeals Council (AC) for the Social Security Administration. These judges review numerous decisions made by Administrative Law Judges (ALJs), yet they are not compensated at the same level. Prior to the enactment of the Federal Employee Pay Comparability Act in 1990, both ALJs and AAJs were compensated at the GS–15 level. FEPCA elevated the pay of ALJs to a new level that is from 10 to 15 percent higher than the GS–15 level. Unfortunately, the Congress did not include AAJs in this new pay category, resulting in the situation where the Appeals Council (AC) is now the only administrative appellate body in government whose members are paid less than the judges whose orders and decisions they review. This amendment would remedy this inequality and ensure that Administrative Appeals Judges are paid at the same level as those judges whom they review, Administrative Law Judges.

1. The AAJ's when compared to other Appellate Board members, whose grades are set by statute at the Senior Level (SL) or SES, operate with equal responsibility and authority. The Appeals Council (AAJ's) decide on complex legal/medical issues which at the very least equal those members of other Appellate boards within government. The decisions of the Appeals Council constitute the final administrative rulings in the case, and are not referred to any higher authority for approval or rejection.

2. Prior to FEPCA, the AC was stable in membership and few of its members sought

appointments as Administrative Law Judges. Subsequent to FEPCA, 14 AAJ's have accepted appointments as Administrative Law Judges (and 16 of the present Administrative Appeals Judges are on the waiting list to become Administrative Law Judges). As a result, more than 50% of the Administrative Appeals Judges serving on the Appeals Council have less than two years experience. In addition, since FEPCA was introduced, only one Administrative Law Judge has applied for a vacancy. Consequently, the AC has suffered diminution of institutional memory and working experience.

3. And most importantly this amendment does not add any money to the Treasury/Postal Appropriations bill. The Social Security Administration will pay these salaries. We are simply asking OPM to authorize these changes and OPM is in support.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for yielding and for offering this amendment. I am prepared as chairman of the subcommittee to accept the amendment.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentlewoman for offering this amendment. I think it is a very positive addition to the bill. I join the chairman in support of the amendment.

Mrs. MORELLA. I thank both the chairman and the ranking member of the subcommittee for that. I want to point out to this body that it adds no money to the Treasury-Postal appropriations bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the gentlewoman's amendment?

If not, the question is on the amendment offered by the gentlewoman from Maryland (Mrs. MORELLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. No funds in this bill may be used in contravention of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; popularly known as the "Buy American Act").

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple, straightforward amendment. No funds in the bill may be used in contravention of the Buy American Act. There is a lot of money in the bill. If the IRS is going to buy computers, they should attempt wherever possible to buy American-made computers.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, this has been added to other bills. The gentleman from Ohio knows my particular views on this issue, but I think we are prepared to accept the amendment here.

Mr. TRAFICANT. Mr. Chairman, I ask for an "aye" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to speak in opposition to the gentleman from Ohio's amendment?

If not, the question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SANDERS:

Page 112, after line 13, insert the following:

SEC. 644. None of the funds appropriated by this Act may be used by the Internal Revenue Service for any activity that is in contravention of section 411(b)(1)(H)(i) or section 411(d)(6) of the Internal Revenue Code of 1986, section 204(b)(1)(G) or 204(b)(1)(H)(i) of the Employee Retirement Income Security Act of 1974, or section 4(i)(1)(A) of the Age Discrimination in Employment Act.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. MCHUGH), the gentleman from New York (Mr. HINCHEY), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. BARRETT). It is also supported by the AARP, the Pension Rights Center, the Communication Workers of America and many other unions.

This amendment is simple and straightforward. It simply would prohibit the Internal Revenue Service from using any funding for activities that violate current pension age discrimination laws, laws that have been on the books since 1986.

Mr. Chairman, if a company reduced pension benefits based on race or religion or gender, the Federal Government would be sure to take appropriate action against the company. We can do no less when it comes to age discrimination in pension plans. The truth is that with regard to cash balance plans, the Federal Government has been asleep at the wheel and it is time to give them a wake-up call. That is what this amendment does.

Let me quote from a letter I received from the AARP today:

"This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so-called cash balance plan formulas. Older workers face inequitable treatment under these plans, and AARP believes the cash balance plans violate current law prohibitions on age discrimination. Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS, in consultation with other government agencies, has begun a process of review of the age discrimination issues involved in cash balance conversions. All this amendment requires is that the IRS not take any action in contravention of current age discrimination law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination."

Mr. Chairman, this tri-partisan amendment is co-sponsored by Mr. GUTKNECHT, Mr. KUCINICH, Mr. MCHUGH, Mr. HINCHEY, Mr. CONYERS and Mr. BARRETT.

It is also supported by the AARP, the Pension Rights Center, the Communication Workers of America and many other unions.

This amendment is simple and straightforward. It simply would prohibit the Internal Revenue Service (IRS) from using any funding for activities that violate current pension age discrimination laws—laws that have been on the books since 1986.

Mr. Chairman, if a company reduced pension benefits based on race, or religion, or gender, the federal government would be sure to take appropriate action against the company. We can do no less when it comes to age discrimination in pension plans. The truth is that with regard to cash balance plans the federal government has been asleep at the wheel and it is time to give them a wake up call. And that's what this amendment does.

Mr. Chairman, let me quote from a letter that I received today from the AARP:

> This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so called "cash balance" plan formulas. Older workers face inequitable treatment under these plans, and AARP believes that cash balance plans violate current law prohibitions on age discrimination.

Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS (in consultation with other government agencies) has begun a process of review of the age discrimination issues involved in cash balance conversions. All this amendment requires is that the IRS not take any action in contravention of current age discrimination law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination.

A vote in support of this amendment is a vote to protect the pensions of older Americans and I urge all of my colleagues to vote for this amendment.

Why are we offering this amenmdent? Mr. Chairman, hundreds of profitable companies across the country, including IBM, AT&T, CBS and Bell Atlantic have converted their traditional defined benefit pension plan to a controversial cash balance plan. Cash balance schemes typically reduce the future pension benefits of older workers by as much as 50 percent. Not only is this immoral, it is also illegal because the reductions in benefits are directly tied to an employee's age.

What makes the conversions even more indefensible is the fact that many of these companies have pension fund surpluses in the billions of dollars. It is simply unacceptable that during a time of record breaking corporate profits, huge pension fund surpluses, massive compensation for CEOs (including very generous retirement benefits), that corporate America renege on the commitments that they have made to workers by slashing their pensions. Mr. Chairman, Congress must stand with older workers and insist that anti-age discrimination statutes are enforced.

Mr. Chairman, I have heard from hundreds of workers throughout the country who have expressed their anger, their disappointment and their feelings of betrayal by cash balance conversions. These employees had stuck with their company when times were tough, and there have been some tough times for American workers. Some of these people are salaried employees who worked 60 or 70 hours a week for their company with no additional compensation, and missed their kids' Little League games or family activities because they were determined to do their jobs well. These are employees who went to work for their company and stayed at their company precisely because of the pension program that the company offered.

And these are the same employees who woke up one day, to discover that all of the promises that their companies made to them were not worth the paper they were written on. Mr. Chairman, this is outrageous. We must provide protections for these workers that have been screaming out to Congress for help. We must pass this amendment.

Large, multinational companies with defined benefit pension plans receive $100 billion a year in tax breaks from private pension plans alone according to the Office of Management and Budget. Mr. Chairman, the IRS should not be giving tax breaks to companies that willfully violate the pension age discrimination statutes.

To do so, not only violates public law and policy, it also provides taxpayer subsidies for illegal pension conversions. Mr. Chairman, there should be no tax breaks for companies that discriminate on the basis of age.

The fact that cash balance plan conversions violate current pension age discrimination laws is clear. According to Edward Zelinsky, law professor at the Benjamin N. Cardozo School of Law,

> As a matter of law, the typical cash balance plan violates the statutory prohibition on age-based reductions in the rate at which participants accrue their benefits . . . There is no dispute about the underlying arithmetic: as cash balance participants age, the contributions made for them decline in value in annuity terms.

Mr. Chairman, if you are still wondering if cash balance schemes violate pension age discrimination laws, consider this:

Mr. Chairman, pension security is vital to the working men and women of America, and we must do all we can to ensure that employees of the most profitable companies in America do not lose their retirement benefits as a result of age discrimination. I urge my colleagues to stand up for American workers and vote for this amendment.

AARP,
Washington, DC, July 20, 2000.

Hon. BERNIE SANDERS,
Rayburn HOB, House of Representatives, Washington, DC.

Hon. GIL GUTKNECHT,
Cannon HOB, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES SANDERS AND GUTKNECHT: AARP supports your amendment to the Treasury-Postal Appropriations Act to ensure that the Internal Revenue Service does not use any funds in contravention of current law prohibitions on age discrimination in pension plans.

In 1986, on a bipartisan basis, Congress enacted a set of parallel amendments to the Age Discrimination in Employment Act (ADEA), the Internal Revenue Code (IRC), and the Employee Retirement Income Security Act (ERISA) to prohibit the reduction of an employee's benefit accrual because of age. These provisions highlight Congressional concern about fairness to older workers in the operations of pension plans. The overall objectives of the amendment were two-fold: to assure that employee pension benefit plans do not discriminate on the basis of age and to remove disincentives to older employees to remain in the workforce. Prior to these changes, many plans made older workers face a cruel choice—retire, or watch the value of their retirement benefits erode substantially.

Your amendment would not change current law, but would simply require that IRS not use any funds that violate these current law provisions.

This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so called "cash balance" plan formulas. Older workers face inequitable treatment under these plans, and AARP believes that cash balance plans violate current law prohibitions on age discrimination. Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS (in consultation with other government agencies) has begun a process of review of the age discrimination issues involved in cash balance conversions. However, IRS has yet to issue any definitive guidance in this area.

All this amendment requires is that IRS not take any action in contravention of current law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination in their pension plans.

If you have any further questions, feel free to call me, or have your staff call David Certner of our Federal Affairs Department at 202-434-3760.

Sincerely,

HORACE B. DEETS.

PENSION RIGHTS CENTER,
Washington, DC.

Hon. BERNARD SANDERS,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN SANDERS: The Pension Rights Center, the nation's only consumer organization working solely to protect the pension rights of workers, retires and their families, strongly supports your amendment to the Treasury-appropriations bill to prohibit the Internal Revenue Service (IRS) from using any funding for activities that violate current age discrimination laws. We believe that this amendment will help protect older Americans' pensions.

This amendment will ensure that the IRS does not approve cash balance conversions, a practice that clearly violates age discrimination laws. These cash balance conversions have received widespread attention because they significantly and irreparably reduce older workers' pension benefits. Loyal employees from some of the largest blue chip corporations—IBM, Bell Atlantic, Citibank and SBC—have been bewildered, angered and frustrated to learn that their companies have broken the long-standing pension promises that they counted on to make ends meet in retirement. Many of these employees have come to the Pension Rights Center asking us to help them protect their rights.

As you have noted, cash balance plans violate the age discrimination provisions of the Internal Revenue code, ERISA and the Age Discrimination Enforcement Act by reducing benefit accruals of people as they age. Many cash balance conversions also violate age discrimination rules by effectively freezing the benefits of older workers while providing new benefits only to younger workers through a controversial practice called, "wearaway."

The argument that the prohibition of cash balance plans will erode the defined benefit system is fallacious. The fact is, employers are switching to cash balance plans to save millions of dollars by reducing benefits of older workers. Employers know that if they were to terminate their overfunded defined benefit plans and set up a defined contribution plan, they would be required to pay a substantial excise tax. But by restructuring their plans into a cash balance arrangement, employers have been able to avoid paying taxes while essentially recapturing the "surplus" in their pension plans for corporate purposes. In face, recent articles in the Wall Street Journal, the New Times and Business Week have exposed how companies have used this practice to pump up the bottom line.

We have heard from thousands of employees who wonder how profitable corporations with overfunded pension plans have been able to unilaterally and unfairly break promises to them. If Members of Congress are concerned about the long-term viability of the private pension system, they should support your amendment to help restore faith in the nation's private pension system.

Unless the IRS stops cash balance conversions, taxpayers will rightly question why they are being asked to foot the bill for $80 billion in tax breaks to encourage pension plans if these plans are not serving their interest.

We look forward to working with you as you continue your efforts to champion legislation that fairly promotes the interests of employees and their families.

Sincerely,

KAREN W. FERGUSON,
Director.
KAREN FRIEDMAN,
Pension Fairness Project.

The CHAIRMAN. Does a Member rise in opposition to the amendment?

Mr. PORTMAN. Mr. Chairman, I do rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes in opposition to the amendment.

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume. This is a rather unusual amendment offered by the gentleman from Vermont. It is unusual because by its own terms it says the IRS shall not use the funds appropriated to it under this bill to violate specific provisions of the Internal Revenue Code, ERISA and the Age Discrimination in Employment Act. I hope this is unnecessary.

Under current law, the Internal Revenue Service is required to interpret and enforce the law and is prohibited from acting in contravention of the law. It is also unusual in that we are in the appropriation process and this addresses tax policy.

I do not see any particular harm in the amendment, I just think it is a little unusual.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. I am not going to oppose the amendment for the same reason that the gentleman mentioned. I have discussed with the gentleman from Vermont, but not the gentleman from Ohio yet. But I would hope that the amendment is not necessary because I believe that the IRS is following the law. I understand that that is the purpose of the amendment, however, and we are not going to oppose it.

Mr. PORTMAN. Reclaiming my time, I do want to take this opportunity to say that I have a bigger concern here which is whether the IRS has the resources available to it today to properly implement the laws that Congress is passing.

□ 1930

Let me talk specifically about the resources necessary to implement the historic restructuring reform act that this Congress passed only 2 years ago providing the most sweeping reforms of the IRS in 46 years.

My colleagues will recall that the Clinton administration initially opposed this effort but ultimately an overwhelming bipartisan majority of this House on both sides agreed that reform was needed. The RRA, Restructuring and Reform Act, required a number of major reforms, including a taxpayer friendly total reorganization of the entire Internal Revenue Service to improve customer service for every taxpayer.

We also directed the IRS to undertake a desperately needed computer modernization effort. Every Member of the House has heard horror stories from their constituents about erroneous computer notices received by constituents; where the left hand does not seem to know what the right hand is doing. The only way to get at this is by investing in improved IRS technology. This House made a commitment to do that.

Mr. Chairman, we need to protect our constituents from these very kinds of computer problems. The RRA also took steps to reduce IRS paperwork by moving toward taxpayer-friendly electronic filing, but there is an initial cost to that. We know there is a 22 percent error rate with paper returns, but only a 1 percent error rate with electronic filing. That is why we mandated that the IRS move to 80 percent electronic filing by 2007.

We are just beginning to see some improvements in the IRS, just beginning to see some progress. Yet, here, we are not funding the IRS at adequate levels. Earlier this year, the GAO reported that the processing time for tax returns on paper this year was 14 percent faster than last year. Electronic filings increased about 17 percent this year.

The IRS assistance lines are being answered at a higher rate, although not nearly at the private sector rate, and it is not nearly adequate. The point is that we are making some progress. There also have been some bumps along the road. Among other things, we desperately needed the IRS oversight board that the administration has dragged its feet on.

Although I agree that Commissioner Rossotti is doing a good job at trying to turn the agency around. He cannot do it without adequate resources. We need to continue funding the IRS at an adequate level to ensure that we do not jeopardize the very reforms that again so many Members of this House supported so enthusiastically just 2 years ago.

I hope, Mr. Chairman, as we move forward with this legislation that the House and Senate will be able to work together to find the needed funds to provide the taxpayers service improvements that we require in our IRS reform package.

Mr. Chairman, I commend the gentleman from Arizona (Chairman KOLBE) for his help with regard to the RRA; he was a big part of it. I commend the gentleman from Maryland (Mr. HOYER), the ranking member as well, for the difficult job both of them have done now in pulling together this legislation before us today and making sure it fits within the budget caps.

I know how committed both of them are to ensuring that the IRS modernization effort works for taxpayers. I would hope that the gentleman from Arizona (Chairman KOLBE) will work with the colleagues in the Senate to attempt to adequately fund the IRS restructuring and reform effort.

Again, I would say to the gentleman from Vermont (Mr. SANDERS), my friend, this amendment before us, I think, is probably unnecessary, but my bigger concern is whether the IRS has the resources to be able to follow the very requirements that we put in place through the IRS Restructuring and Reform Act.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I want to say to all colleagues in the House, I do not think there is anybody in the House who has spent more time on making sure that the Internal Revenue Service is an effective agency efficiently collecting the revenues that are due to the government that can be used for the benefit of the American public and to do so in a manner that is consistent with the best interests of the taxpayer and his focus on giving it the proper resources to do the job we expect of it I think has been untiring and unwavering, and I congratulate him for his efforts.

Mr. SANDERS. Mr. Chairman, I yield 1¼ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time.

I must say to my friend from Ohio (Mr. PORTMAN), this is not about more computers. It is not about more people. It is about the IRS doing its job. I have here the dictionary definition of vested, and it says, law, settled, fixed or absolute, being without contingency, as in a vested right.

What this is about, ladies and gentlemen, is forcing the IRS to finally offer us a ruling on whether or not the conversion of some of these pensions violate the age discrimination laws that we already have on the books. That does not require a new computer. That does not require more staff. It simply requires that they do what we expect them to do, and that is interpret the law the way I think most of us would say.

I would say to all of my friends on either side of the aisle, could we imagine what would happen if we started tinkering with Federal employees with their vested pension rights? I might to say to some of my friends in the military, what would happen here in this very Chamber if we began to tinker with the vested rights for some of our people who serve us in the Armed Services. But that is happening right now in violation, in my opinion, of age discrimination laws, and this IRS and this administration has refused to do anything about it.

This is a simple amendment. It is supported by the AARP, and, frankly, it will be supported by millions of Americans. I hope my colleagues will join me in supporting this amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I support the amendment, cash balance pension conversion completely reverses the incentive older workers now have. Under cash balance pensions, workers have hypothetical retirement accounts that grow by earning interest.

The longer a worker stays with the company the larger effect of this compound interest; therefore, an older worker with only 10 years left before retirement does not have as much time as a younger worker with 25 years before retirement in which to earn interest. So this older worker will retire with a smaller retirement than a younger worker will when he retires. That just is not fair.

This amendment would compel compliance with the laws saving many American workers from losing the pensions they work for and halting the illegal and unethical conversion of workers pension to cash balance plans.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this amendment is necessary. It is necessary, particularly in light of some of the omissions in the pension bill that passed the House yesterday. Among those omissions was the failure to deal with the increasing propensity of many major corporations across America to move from defined benefit pension plans to cash balance pension plans, and thereby, as a result of that move, reducing pension benefits for the more senior employees in the organization.

So this amendment is absolutely necessary. It draws attention to that omission, and, in fact, it draws attention of the IRS to the fact that its responsibilities with regard to pensions has to be observed, particularly, those responsibilities with regard to protecting older employees in their retirement.

This amendment is necessary. It should be passed.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to applaud my colleague from Vermont (Mr. SANDERS) for this excellent amendment.

This is an amendment that is necessary. The issue here is cash balance pensions, and what we have heard from many corporations is that they are doing this to help younger workers being more mobile. We do not need to do this to help the younger workers. We are hearing that it is being done to make it easier for people to understand what their balances are. We do not need to do it. What we do need is, we do need the IRS to make it clear that you cannot convert a pension plan and rip off workers, and that is why it is important that this amendment be added. It is important that the age discrimination laws in this country be followed by the IRS as well.

Mr. KUYKENDALL. Mr. Chairman, today we are considering an amendment offered by the gentleman from Vermont to restrict the use of funds by the Internal Revenue Service to take any action that would undermine the pension laws or age discrimination in employment act. The intent of the amendment is to retaliate against companies converting defined benefit plans to cash balance plans. Ultimately, the gentleman seeks to prohibit such conversions because they may be detrimental to the retirement benefits of long-term employees. Because defined benefit plans provide the greatest amount of value towards the end of the employees relationship with the company, the effect of these conversions may fall more harshly on older, long-term employees who have spent their entire careers with one employer.

I share the gentleman's concern about the impact of these conversions on long-term employees. In fact, the issue hits me personally as my wife is one of those employees in a defined benefit plan who is within a few years of retirement. While I believe that we should consider how to change our pension laws to protect these employees, this amendment does not accomplish that objective. I also strongly disagree with my colleague's assessment that cash balance plans should be prohibited.

The amendment says that the Internal Revenue Service cannot fund any action that violates relevant tax, pension or age discrimination laws. On its face, the amendment is targeting the wrong party. The amendment has to take this approach to be considered on the floor today. It is a classic example of why legislation is not permitted on appropriations bills—they simply are too clumsy to be effective policy-setting tools. On a more technical level, these laws say that accrued—or earned—benefits cannot be reduced on the basis of age. However, future accrual are not protected by these laws. Moreover, while long-term employees may bear a greater burden, they are not being singled out on the basis of age because the conversion affects everyone in the company. For this reason, there is genuine disagreement over whether the conversion violates age discrimination laws. Most observers assert that cash balance plans are not inherently flawed and, in fact, the problem is not with cash balance plans but how the transition from defined benefit to cash balance plan is implemented.

Finally, cash balance plans play an important role attracting workers in a period when labor markets are tight and the workforce increasingly mobile. Portability is not a characteristic that should be penalized in our zeal to protect older and/or less mobile employees. The solution must take a broader view of the conversion, requiring employers to provide other benefits to long-term employees facing the prospect of having their future benefits cut. This approach reflects the economic reality for most conversions while preventing examples like the IBM conversion that have generated most of the negative publicity.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COBURN:

Strike Section 640

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from Oklahoma (Mr. COBURN) will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, under agreement with the gentleman from Maryland (Mr. HOYER), the ranking member, and the gentleman from Arizona (Mr. KOLBE), the chairman of the committee, I have chosen to later withdraw this amendment during this discussion.

But I think it is very important that the American public know what we have done in this bill, and the reason I am offering it is to describe once again the tendency of us as a body, well-intentioned as we are, to think in the short term.

In 1995, we passed a budget out of this House that said we would change the contribution of Federal employees for their retirement. We did that again in 1996. The agreement with the President in 1997 was the same. In 1997, we had a 5-year moratorium to bring that up to 7.5 percent participation rate. What the committee did in trying to benefit Federal employees is to rescind the next few years of that agreement.

Although, I hold no malice towards our Federal employees, I think we ought to be very frank about what we are doing. We are spending $1.3 billion of Federal monies that we had previously agreed that we will not spend, so we reversed, once again, a commitment we made to the American public with the administration about how we would fix the finances of our country.

We do have a better revenue stream. There is no question about that, but our children do not have a better revenue stream. If we look at the unfunded obligations for Medicare and

Social Security, unless we think about the future, instead of about today, we are going to put them in a tremendous financial box.

We all know that; that is why we are all grappling with ways to fix Medicare and Social Security. But under the Federal pension benefit, we have an unfunded liability of three-quarters of a trillion dollars, a very high number equating close to one of these other two that I have mentioned.

Mr. Chairman, I want to make a case so that the American people know that if you compare to the top 800 corporations in this country defined benefits in terms of retirement, the Federal employees on average have 40 percent better benefits than the top 800 corporations for the same wages. They also have rising COLAs every year which those benefits they do not have in the private sector. They are going to be paying with this past the same level of contribution for a much expanded benefit as they paid in 1969, where those in the private sector have had significant increases in terms of 30 percent or 40 percent.

So although I hold no malice towards our Federal employees, I do hold malice on our judgment for going back on our long-term commitments to protect the future for our children and look honestly about what we need to be doing in terms of addressing this need. How are we going to pay for the retirement of the Federal employees?

Nobody has a plan out there. It is an unfunded liability of three-quarters of a trillion dollars, $763 billion today; this is going to add $1.3 billion to that and that we are going to take and assume.

I offer this amendment so that we can discuss this and understand what we are doing as we do this, and I have every intention of withdrawing it.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 6 minutes and I rise in opposition to the amendment. I realize the amendment is going to be withdrawn.

I appreciate the gentleman from Oklahoma (Mr. COBURN) raising this for purposes of discussing why we are doing this; that is appropriate. I am pleased to rise and explain why we are doing this. I think it will be less animated than I otherwise would have been because the gentleman is going to withdraw the amendment.

Let me say that, first of all, I appreciate the remarks of the gentleman with respect to looking long term and looking to the future, ensuring that we manage the finances of America responsibly.

I have been here for longer than the gentleman, serving here since 1981. I think we were incredibly fiscally irresponsible as a Nation. Everybody went into debt very deeply in America in the 1980s. When I say everybody, consumers went deeply into debt. Business went deeply into debt, and government went deeply into debt.

First of all, in 1990, we adopted a budget which started us on the road of fiscal responsibility. It was very controversial. Then President Bush signed the legislation and was severely criticized for doing so, but most economists say that that was the first step in reaching where we are today. The second step, was 1993 when we thought about the future. Some called it a piece of legislation that was going to drive us deeply into recession, explode unemployment and explode the debt. Mr. Gingrich said that, the gentleman from Ohio (Mr. KASICH) said that, the gentleman from Texas (Mr. ARMEY) said that, that numerous other leaders in this House said that. In point of fact, exactly the opposite happened.

We have the best economy that any of us have seen in our adult lifetimes. In 1997, in furtherance of the effort to ensure that we were going to have a balanced budget and would not be deficit financing, we said to Federal employees you are going to pay an additional half point on your retirement.

□ 1945

It is only for the purposes of solving our deficit problem; and, therefore, because the budget projections now show a deficit balance as of 2002, we will sunset it in 2002 and go back to what they were paying in 1997. We then thought that 2002 would be the time when we would balance the budget. Well, lo and behold not only because of the 1990 bill, the 1993 bill and the 1997 act, which was a bipartisan act, the economy, mostly because of a high-tech explosion that has occurred and the global success that we have had, we balanced the budget earlier than we thought; in 1999.

As a result, we are now saying to those Federal employees, because we asked for the extra half percent and took it out of their paycheck to contribute to solving the deficit problem, we have now solved that deficit, operating deficit, on an annual basis and as a result what we are now saying is we are going to give it back. We are now going to return them to where they were, as we said we would in 1997.

So I say to my friend, the gentleman from Oklahoma (Mr. COBURN), we are doing exactly what we said we would do. We said when the budget was projected to be in balance we will roll back this temporary increase. All we are saying today is we have had good fortune and because we have met the premise of that act, we will now do what we said we would do, and do it early. That is all we are doing.

Now, I tell my friend, I represent a lot of Federal employees, as the gentleman from Oklahoma (Mr. COBURN) knows. If the policies that were in place in 1981 had not been changed, Federal employees in those 19 years would have received over a quarter of a trillion dollars more in pay and in benefits. A quarter of a trillion dollars Federal employees have contributed to getting this deficit down, by reduced pay and reduced benefits; a quarter of a trillion dollars.

Now, I say further to my friend, who mentions those 800 corporations, no Federal employee gets a stock option. No Federal employee can cash in his stocks at the end of the day or at the end of his career. They do not get a windfall. He does not get a golden parachute. The fact of the matter is, the Federal employees, as my friend knows, under FEPCA, the Federal Employee Pay Comparability Act, consistently is concluded by every analyst, and now it may differ as to the amount but by every analyst, to be paid less than his private-sector counterpart. Therefore, this is the fair thing to do. It is the right thing to do, and I am pleased that we are doing it.

Again, I thank the gentleman for raising it, and I thank the gentleman for agreeing to withdraw it at the appropriate time. I think it was appropriate to have it aired, and I am pleased to do so.

Mr. Chairman, I reserve the balance of my time.

Mr. COBURN. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I would make some points. First of all, the American people should look at the national debt clock. We are doing so well that the debt is going to rise this year. So if we want to measure whether or not we are balanced and whether we are in surplus, just look at how much debt we are going to leave for our children because it is going to be higher at the end of this year than it was at the end of last year. That is number one.

Number two, in 1960, the Federal employee contributions provided 84.8 percent of the benefit outlets. In 1995, that went down to 12.5 percent, and in the next 10 years it is to be below 10 percent, so that the fact is for the benefits as they rise, the Federal employees' share are at a decreasing and decreasing amount.

What does that mean? That means that our grandchildren's level and share is at an increasing amount. The point is that we still have a marked differential.

Let the record show, there is a thrift savings plan that most employers do not offer to their employees that Federal employees have. The comparisons that he made in terms of employees are based on professional employees, not bureaucrats, not midlevel employees. It is based on professional. So although I think the gentleman is right in his position to defend those that are his constituents, I still stand with my position that we are not prudent for our grandchildren; we are not prudent for the investment of the future; we are not prudent for their standard of living because what we are going to do is leave them a legacy of debt.

Although we talk about retiring debt, we are talking about retiring publicly held debt. We are not retiring total debt. We still have the obligations, and the only thing it changes is our cash flow, not our actual amount of money costed in interest. So I understand the rhetoric in Washington about the debt and about the balanced budget, and I respect that that is the way it has been talked about; but in terms of an accounting standpoint, it is baloney. We are not in a budget surplus yet, even though we are calling it a surplus because we have a consolidated accounting that does not recognize our obligations.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, let me first of all thank my friend, the gentleman from Oklahoma (Mr. COBURN), who I disagree with on this issue but I think has shown an amazing amount of integrity as he deals with the budget deficit, really taking no prisoners or favorites as he goes out, trying to make sure that that budget becomes in balance. It has been a crusade with him since he joined the House; and as he leaves the House, I think he has left his mark on that. I respect and admire what he is trying to do.

On this particular amendment let me just tell the gentleman why I disagree with him. I represent 54,000 Federal employees, some of the hardest-working people we will find in America, but this money was taken from them to help balance the Federal budget. Their retirement system was actuarially sound. It was not in any jeopardy. They did not need to make a greater contribution to make it actuarially sound. The Civil Service Retirement System, the old system that is being paid out had problems, but these were people who came in under a contract; and we were trying to keep the contract with them, and yet they gave up a half of 1 percent of their salary to help balance the Federal budget.

They, in addition to that, gave up about $180 billion by last calculation of other benefits they were in line to receive to help reduce the deficit over the last decade and a half.

So it is not our money. It is their money. All we are doing in this particular case is restoring to them the benefits and the money that they had rightly owned and were willing to give up to help us balance the budget. Well, we have done that. We have done it 3 years early. Under the original act, this was going to be returned to them in 2003 when we thought the budget would meet the criteria that it is now meeting.

So I think it is fitting that we go ahead with this now. It is for that reason that I take exception to this amendment, but I appreciate what he is trying to accomplish and again his tenacity in pursuing a goal that I think we are all trying to get to.

Mr. COBURN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would state that anything that is backed by the Federal Government is actuarially sound even through we know Medicare is not, we know Social Security is not, and we know that the Federal Employee Retirement System is not as well.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NADLER:

H.R. 4871

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . Section 9101 of the Balanced Budget Act of 1997 (111 Stat. 670) is repealed.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order.

Pursuant to the order of the House earlier today, the gentleman from New York (Mr. NADLER) and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a rare event indeed that a 172-acre island just off the tip of Manhattan that includes beautiful historic buildings, its own infrastructure and vistas of open space becomes available.

Since the U.S. Coast Guard left Governor's Island, thousands of New Yorkers, never short on opinions, have weighed in with proposals for its use, ranging from relocating Yankee Stadium to building an education center, to keeping an open space.

The future of the island has attracted national attention as well. In an effort to balance the Federal budget in 1997, a provision was included in the Balanced Budget Act, despite the strong objections of the New York delegation, mandating that the island be sold by 2002 for not less than $500 million, a price which even in New York's thriving real estate market is absurdly out of the question.

I rise today to reiterate the call to strip the arbitrary sales price of $500 million from the Balanced Budget Act and to voice my strong support for transfer of the island to the State or City of New York at no cost.

The island was donated to the Federal Government by New York 200 years ago, for no cost, for use as a military base; and now that the military no longer needs it, it is only right that the Federal Government return it to New York with the same courtesy and graciousness with which it was donated in 1800.

The island was used inappropriately a few years ago as collateral to help balance the budget; but now that we have extraordinary surpluses, the proposed auction of this island must be canceled.

For several years I have been working with the gentlewoman from New York (Mrs. MALONEY) in trying to free Governor's Island from the chains of the Balanced Budget Act. In that vein, we were pleased to be joined recently by Mayor Giuliani and by Governor Pataki in putting forward a framework for a conceptual plan to redevelop the island.

Many of those interested in the return of the island to the public agree that this plan, if followed, is a promising first step in this process. The island would be mixed use, meaning a significant portion of it would be devoted to open space and educational facilities to teach and remember the history of the island, along with some limited commercial activities such as park concessions, a hotel and a convention center to be established in one of the existing buildings in order to pay for the island's upkeep.

With this limited development, it is hoped the island could sustain itself financially while providing an enjoyable and educational place for everyone who visits New York. While we still have some stumbling blocks to overcome in New York in the way of local issues, we have begun a dialogue. It is a dialogue that I believe will produce an outcome satisfactory to the governor, the mayor, local elected officials, local planning and civic organizations and, most importantly, to those in New York and throughout the United States who would want to enjoy this treasure in New York Harbor.

Unfortunately, Mr. Chairman, it is this body in which virtually no dialogue on this subject has taken place. When we were scrambling to balance the budget, Governor's Island was seen as an easy mark for a fictitious $500 million.

I would point out that this Congress is now scrambling to find new and creative ways to give the money back to Americans. I would say this is a perfect opportunity.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who rises in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I will not take the time in opposition, but I just want to continue to reserve my point of order, and will make it at the appropriate time.

Mr. NADLER. Mr. Chairman, I yield 1 minute and 45 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from New York (Mr. NADLER) for yielding me this time.

Mr. Chairman, I strongly and firmly support his amendment, as does the mayor and the governor, and really in a bipartisan spirit, the delegation of New York State. Along with the gentleman from California (Mr. HORN), we held a series of hearings on Governor's Island in New York, and basically this bill is a reality check. In no way is this island worth $500 million; and if this price tag is attached to it, then we will not be able to develop it for the public service purpose that the governor and the mayor and all of the citizens of New York State and indeed everyone who visits New York could benefit from the development of this island.

This island was given to the country for defense 200 years ago, and now we are celebrating really the anniversary of that time; and it is time for the Federal Government to return the island to New York with the same generosity that New Yorkers showed by returning it to us at no cost so that we can follow through with the governor's and mayor's plan for development of it in a cost-effective, balanced way with educational, cultural, and as a tourist attraction. It has many historic forts that would benefit really the country.

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It is an important opportunity for this Congress to really respond in a reasonable way and support the gentleman's amendment, and it is certainly in the best interests of New York State and, I would say, the country.

Mr. NADLER. Mr. Chairman, having taken this opportunity to air these issues on the floor of the House, and hoping that the House will see its way clear in the next year or so to deal with this issue properly, I will not cause the chairman to exercise his point of order.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 14 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SANFORD:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

The CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 10 minutes.

Does the gentlewoman from Florida (Ms. ROS-LEHTINEN) seek to control the time in opposition?

Ms. ROS-LEHTINEN. Yes I do, Mr. Chairman.

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would simply make it possible for an American to enjoy his constitutional right to travel; specifically, to travel to Cuba. I think that this is important, first of all, because if one wants to change the policy in Cuba, if we want to end Castro, I think that travel is inevitably a good part of that success.

We have tried 40 years of one program, and it has not worked. So I think by sending Americans as diplomats, in essence, for our American way of life and for the need to change, we could change the Castro regime.

Mr. Chairman, I say this as a conservative. It was, in fact, Ronald Reagan that used this exact strategy in Eastern Europe in working to bring down the Berlin wall. He allowed Americans to travel with backpacks throughout Eastern Europe and it was part of what brought down the Berlin wall. In fact, this is what the U.S. Information Agency paid for in apartheid South Africa. When the entire world had an embargo on South Africa, the U.S. Information Agency paid for exchanges for American students to go to South Africa and for South African students to come to America because we thought that that personal diplomacy was very important in changing things in apartheid South Africa.

Finally, I would say this is simply important because this is what I heard when I went to Cuba myself and talked to political dissidents. What they said is that if you want to send the Castro regime, if you want to send him packing, the key to that is these personal diplomats coming down and flooding Cuba with American ideas. I say this in particular as one who voted for Helms-Burton. Helms-Burton has not worked, the strategy has not worked. I thought it might at the time; it did not work, and I think we need to move on.

Mr. Chairman, I would say that this is a constitutional right that can be abridged I think only under the weightiest of national security reasons. In fact, the U.S. Defense Intelligence Agency came out with a report in 1998 that said Cuba is no longer a military threat to the United States. So right now, in place, there are only three places in the world one cannot travel to: Libya, Iraq, and Cuba. The State Department can legitimately make the claim that it is dangerous to travel to Libya or Iraq, and therefore, we cannot travel there, but they cannot make the claim with Cuba. That is why Treasury handles it, and that is why this amendment specifically goes after the funding with Treasury.

So we have a very odd policy right now. One can travel to Vietnam or Pakistan or Serbia or Afghanistan, North Korea, China, to Sierra Leone, and a host of other places, many of which have repressive regimes, but we cannot travel to Cuba, and I think that travel would be important in changing things down there.

Finally, I would just make the point that this is a gut-check vote on how consistent we are, particularly as Republicans, because many of us believed in the idea of PNTR, the idea of being engaged with China to bring about change in China. If we think it will work in China, I do not know how it does not work in a country but 60 miles off our coast.

I would say up front that I admire the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for the way that they are advocates for their congressional districts. But what we need to get away from in our current national policy is having three congressional districts drive our policy toward Cuba. I think that this proposal, this is not lifting the embargo, but specifically goes after just travel, is a modest amendment, and it is bipartisan, it is the Sanford-Rangel-Campbell-Serrano amendment. I would urge its adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 10 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

While there may be some merits to this issue and the debate is certainly one that this House should have, it does not belong on this appropriation bill. This appropriation bill has enough weight on it, and I would urge my colleagues not to add this amendment to this bill. I urge the rejection of this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment allows the continuation of an oppressive communist dictatorship who, according to the State Department Human Rights Reports has actually increased its persecution and harassment of human rights dissidents. It denies medical treatment and food to political prisoners; it imprisons anyone at any time for expressing political views and beliefs that run contrary to the communist dictatorship.

This amendment would give the Cuban dictatorship additional funds to host killers of U.S. police officers, cop killers such as Joanne Chesimard who gunned down in cold blood New Jersey State trooper Werner Foerster, or those who murdered New Mexico State trooper James Harper. It would help keep other fugitives of U.S. justice in the lap of luxury, fugitives who are wanted for murder and kidnapping and armed robbery, among other heinous crimes.

This amendment gives funds to a dictatorship that condones the silencing of the opposition in Cuba by a regime which is classified by the Special Rapporteur for Freedom of Expression in the Hemisphere as the worst violator of human rights in all the Western Hemisphere.

Mr. Chairman, this amendment would give funds to enable Castro's intelligence service to expand its espionage in and against the United States. After all, they suffered a severe blow in 1998 when one of their spy rings was discovered by the FBI for their penetration of U.S. military bases, an action which threatened U.S. national security.

Mr. Chairman, this amendment would help support a regime who has sent special agents to Vietnam to help torture American POWs.

The only ones who will benefit from this amendment are the Castro brothers and their band of thugs who use violence and terror to hold on to power. They trample on the human rights and civil liberties of its citizens.

This amendment tells the Castro regime that it is okay for the regime to hold hostage the children of constituents in my district such as Jose Cohen, a Cuban refugee who escaped from prison 5 years ago. It tells the Castro regime that the 9-year-old daughter of Milagros Cruz Cano, a blind human rights dissident who escaped from Castro's gulag last November, is the property of the regime and she will not be allowed to be reunited with her mother here in the United States.

This amendment would give money to this regime, and the supporters must understand, as the Fraternal Order of Police has stated, that attempts to normalize relations with Fidel Castro and, they say, the American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the very fabric of our society to foreign dictators like Fidel Castro.

Mr. Chairman, I reserve the balance of my time.

Mr. SANFORD. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, our policy prohibiting Americans from visiting Cuba is really a relic of the Cold War. Forty years ago, it might have been a great idea. Today it is not.

My colleagues are offering a great amendment, one that will open dialogue, break down the barriers, and foster understanding.

Mr. Chairman, after the collapse of the Soviet Union, Cuba lost much of its military strength. In 1998, the Defense Department said that Cuba was no longer a threat to national security. I would say to my colleagues, if the Defense Department does not think Cuba is a threat, why can American citizens not visit there? We allow American citizens to travel all over the world; we should certainly allow them to travel 90 miles away to Cuba.

In 1982, the South African government was engaging in the most hideous kind of apartheid, and U.S. citizens were allowed to travel there. In 1988, when communism still existed, the United States citizens were allowed to travel to Czechoslovakia, Hungary, Poland, Romania, the Soviet Union. Today, when terror still abounds, U.S. citizens are allowed to travel to Syria. Mr. Chairman, the only countries besides Cuba which American citizens are prohibited from traveling to are Iraq and Libya. I would submit, Mr. Chairman, that we have a lot more reasons to fear Saddam Hussein and Moammar Khadafi than we do Fidel Castro.

History has shown that communism crumbles when exposed to the light of American democracy. Mr. Chairman, let us put the light on Cuba.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, we may live in the land of the free but that's only if you don't want to visit the country 90 miles off the coast of Florida.

I rise in strong support of the Sanford amendment to allow U.S. citizens to travel to Cuba.

Mr. Chairman, our policy prohibiting Americans from visiting Cuba is left over from the cold war. Forty years ago it might have been a good idea, today it's not.

My colleagues are offering an excellent amendment, one that will open dialogue, break down barriers, and foster understanding.

Mr. Chairman, after the collapse of the Soviet Union, Cuba lost much of its military strength. In 1998, the Defense Department declared that Cuba was no longer a threat to national security.

I would say to my colleagues: If the Defense Department doesn't think Cuba is a threat, why can't Americans go there?

We allow American citizens to travel all over the world. We should certainly allow them to travel to Cuba.

The United States treats Cuba differently than any other country, Mr. Chairman. And some people say that is part of our foreign policy.

I would like to state, for the record, that prohibiting face-to-face diplomacy has never been a part of American Foreign Policy.

In 1972, when Nixon normalized relations with China, U.S. citizens were allowed to travel to China.

In 1977, only 2 years after the end of the Vietnam War, U.S. citizens were allowed to travel to Vietnam.

In 1982, when the South African Government was engaging in the most hideous kind of apartheid, U.S. citizens were allowed to travel to South Africa.

In 1988, when communism still existed, U.S. citizens were allowed to travel to Czechoslovakia, Hungary, Poland, Romania, and the Soviet Union.

Today, when terrorist threats still abound, U.S. citizens are allowed to travel to Syria.

Mr. Chairman, the only countries, besides Cuba, to which American citizens are prohibited from traveling, are Iraq, and Libya.

I would submit, Mr. Chairman, that we have a lot more reasons to fear Saddam Hussein, and Moammar Khadafi, than we do Fidel Castro.

Far too few Americans have visited a country that is far too close for us to ignore.

I believe we should lift the food and medicine embargo on Cuba, I believe Americans should be allowed to travel to Cuba, I believe American companies should be allowed to do business in Cuba.

We should send Cuba our food, our tourists, and our Reeboks and Gillette products.

American tourists will bring to Cuba American ideas of freedom. History has shown us that communism crumbles when exposed to the light of American democracy, Mr. Chairman, let us expose Cuba to the light.

I urge my colleagues to support this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I rise in strong opposition to this amendment. I do so because I have been listening to this debate, and I am rather appalled by the notion that we won the Cold War by allowing Americans to go visit, and I disagree with my friend from South Carolina. Ronald Reagan did not win the Cold War by engaging and appeasement. Ronald Reagan did the right thing by standing up and pointing to the Communist dictators that killed millions and millions of people, and called them what they are, the evil empire. Called them the evil empire. Fidel Castro is evil.

Now, it might be nice to send American citizens down as tourists to pad the pockets of Fidel Castro and fund his habit, but where is our compassion for the people of Cuba, the people, the thousands upon thousands of people in Cuba that have been maimed, killed, buried? Where is our compassion for the American citizens that Fidel Castro has killed in a murderous way?

This is a tiny island, this is not Eastern Europe, this is not the Soviet

Union, this is a tiny island with an evil dictator that is oppressing his citizens. Yes, it has not worked the way it should have worked, because we have not been turning the screws on him and screwing him down and putting pressure on him, so that his people will rise up and throw him out for what he is.

Let me just tell my colleagues something. We talk about apartheid. The tourist industry in Cuba is apartheid. The Cubans do not get to go to the tourist facilities except to work there, as long as they are very well screened and the right kind of people that will work with the tourists. There is no interchange here. You go down, you lay on the beach, a nice hotel, you get to go to all of these wonderful places. This is an evil empire on the island of Cuba, and we should not lift the embargoes, we should screw it down tighter.

Mr. SANFORD. Mr. Chairman, I would just make the point that while Ronald Reagan did indeed call Communist countries the evil empire, he nonetheless allowed Americans to travel to Eastern Europe, and it was part of bringing down the Berlin wall.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Well, Mr. Chairman, it finally happened, the last speaker let the cat out of the bag. Cuba is a small island, not a large European country. That is the problem. If it was a large European country or an Asian country, he would be lobbying, as he did, for free trade with Cuba, because he was the chief sponsor of lobbying on behalf of President Clinton for free trade with China.

But he said it. Cuba is a small island, and for 41 years, we have been saying, you are a small island, you are insignificant, you speak another language, we are going to step all over you. Well, the big news tonight is that it is no longer a Serrano amendment, it is a Sanford-Campbell-Serrano amendment, and even the chairman of the subcommittee, who I respect tremendously said, it does not belong in this bill, but he never said the amendment stinks, he said we should debate it.

Mr. Chairman, that is the change, that we want to begin to debate it, and it is a matter of time before this policy falls apart. Because it was improper, and it finally came out. It was never about what was right, it was about Cuba being a small little island, and China being a big country, and Russia being a big country.

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Well, Cuba will remain a small, little island, but the small children of Cuba should be able to greet and meet the children of America. Contact is the best way. Of all the things we have done to try to isolate Cuba, the travel ban is the most unconstitutional. It is unheard of. It is anti-American at its core to say people cannot travel, and this will have to end.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind my colleague that once upon a time he was always advocating on behalf of a free Cuba. It is a shame that now he is on the other side.

Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ), the esteemed minority whip.

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the Sanford amendment.

Mr. Chairman, I would tell the gentleman, I take offense to the gentleman's statement that in fact three congressional districts, that supposedly we are working on behalf of our congressional districts, three congressional districts driving policy.

That would be the equivalent of saying that Irish American Members of this House who promote peace and justice in northern Ireland are driving that policy, or that Jewish Members of this House are driving the policy on the Middle East, or that African-American Members of this House who believe very passionately about the need to invoke and engage in Africa are driving that policy.

I reject that view. I find it distasteful.

Let me say that I hope to hear from some of our colleagues about human rights, about democracy, about the hundreds of prisoners in Castro's jails. They are very eloquent in other parts of the world. They are silent as it relates to Cuba.

Twelve types of travel are now permitted under existing law. Thousands are going to Cuba for legitimate media, cultural exchanges, academic, and religious purposes. This provision would actually create a set of circumstances where Americans, because the law would not be changed, Americans would have to otherwise travel to Cuba who can travel to Cuba legally; under these licenses, they would now have to choose between traveling illegally or not going at all.

I do not believe that sunning one's buns on the beaches, I do not believe that sipping rum at the bar, I do not believe that smoking cigars or that the poor slave labor at the Hotel Nacional ultimately promotes freedom, democracy, and human rights. That is, in essence, what we are doing, throwing an economic lifeline to Castro.

Mr. SANFORD. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, what is clear is that the present policy towards Cuba has failed. What completely leaves us incapable of understanding is why we would ban American travel. Are we fearful that Americans would somehow be beguiled by Castro's political system, and they would go over?

It seems to me clear that our policy for 40 years has failed. If Members want to undermine Fidel Castro, get out of the way, let Americans of Cuban descent and every other national origin go there. The contrast will undermine Fidel Castro.

Somehow Members think that Americans would lose their faith in our political system, or Americans might go over to the other side. There is no physical harm or danger to Americans. It is clear the American embargo on Cuba has only isolated America.

The answer here is clear: Let us change the policy, and we will change Fidel Castro. Continue this policy and we only shore up Castro.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

I would remind our colleague that contracts were destroyed by Fidel Castro.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the gentleman from South Carolina (Mr. SANFORD) is a distinguished member of our Committee on International Relations for whom I have the highest regard. However, I find it necessary to oppose his amendment.

This Sanford amendment would make enforcement of travel restrictions to Cuba virtually impossible. The travel restrictions themselves would not be lifted. People who violated law would still be subject to criminal penalties.

Furthermore, this amendment would end the Treasury Department's ability to issue case-by-case licenses for travel to Cuba, as is now permitted under existing regulations. People who wanted to travel to Cuba legally for purposes that we all support would not be able to get licenses. In effect, the amendment would prevent law-abiding people from visiting Cuba.

The net effect of this amendment would be to encourage people to break the law. We must not send that kind of a message, particularly not to our Nation's young people.

This is particularly true when our fundamental quarrel with Fidel is that he refuses to allow the rule of law in Cuba. The Castro government refuses to take the steps that would permit us to lift the provisions of our embargo: freeing political prisoners, permitting opposition political parties, freeing labor unions to organize, and scheduling free, fair, internationally supervised elections.

With all due respect to my good friend, the gentleman from South Carolina, I urge our colleagues to oppose this amendment.

Mr. SANFORD. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, if the United States listened to the people of Cuba, to Cuba's religious leaders, and to the overwhelming majority of its human rights activists and dissidents, it would lift its embargo and begin to normalize relations with the island.

What we should be doing is learning from our own mistakes. Whether we brand a country Communist or not, evil is evil, bad is bad. But we should learn from our own mistakes, for surely in this country it just took to 1965 to where all Americans in this country had the right to vote in America, in a democracy.

We can look back, back in the 1950s, when we sent people like Paul Robeson, Junior, away from this country. We did not allow people to do various things and exercise human rights in this country.

So what we should do, we should take this opportunity to show what we have learned by our mistakes, that understanding that engaging with Cuba, when clearly for 40 years holding them at bay has not done anything, but by engaging with them, we could bring democracy.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I would point out to my colleagues, we have talked about apartheid and what existed in South Africa. One of the things we could do is ask every American who would travel to Cuba not to stay in a hotel that carries out apartheid.

Many of my colleagues have visited Cuba. Maybe they are not aware that literally no Cuban is literally even allowed into the lobby of the hotel legally under Cuban law; that when they meet with my colleagues, they actually have to get specific exemptions from that law to meet with my colleagues in those hotels.

That is the regime we are dealing with, a regime that, if we do this, we throw an economic lifeline to them. That is a mistake. Cuban workers who get paid 25 cents an hour do not get paid that. It goes to the Cuban government, and they get paid 10 cents an hour.

I urge the defeat of the amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield the balance of my time to my other colleague, the gentleman from South Florida (Mr. DIAZ-BALART) of the Committee on Rules, to close on our side.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 minute.

Mr. DIAZ-BALART. Mr. Chairman, I want to say to my distinguished friend, the gentleman from South Carolina, his measure, if passed, would constitute the most significant hard currency generator for the Cuban dictatorship that we could pass in this Congress.

Secondly, it would in that way contribute more than any other measure to the oppression by the repression machinery of the Cuban people by the dictatorship.

I would remind the gentleman from South Carolina when just a few years ago we were in Guantanamo we met with 35,000 refugees. For the first time in 35 years, they were able to elect a council. The council said, tighten sanctions, do not ease them.

Then I asked him here, right here where the gentleman from Maryland (Mr. BARTLETT) is right now, just a few weeks ago, is there any difference between the views of the people they met in Cuba and the people they met in Guantanamo? And the gentleman said no.

So with all respect, I do not understand the change in the gentleman from South Carolina. Do not agree to this amendment, defeat it. It would be the singular, the most significant way in which we could increase hard currency to the dictatorship. Defeat the Sanford amendment.

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say that we come at this with the same goal: ending Castro's regime in Cuba. I think we need to be careful about maligning the intentions of others. The gentleman from New York (Mr. SERRANO) may see a different way than the gentlewoman from Florida (Ms. ROS-LEHTINEN), but the end goal is the same, which is, how do we change things in Cuba?

The evidence, based on 40 years of our policy not working, comes out decidedly on the side of engagement. I say that from the standpoint of history. If we look at history, Members will recall, sanctions have never worked in the history of mankind. I do not know why there would be an exception with Cuba.

Two, I would say, based on personal experience, 50,000 people a year travel to Cuba basically illegally. I tried that myself. I went down on my own, under the radar screen, and stayed in a person's home. This is not about getting money to Castro. I paid $35 a night to stay in a person's home. We ate at their cousin's house. I paid money to eat at their house. This is about getting money in to the regular Cuban citizenry, which can then combat the Castro regime that I think we are all against.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on this measure will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. MALONEY of New York:

Page 112, after line 13, insert the following new section:

SEC. 644. The Office of Personnel Management shall conduct a study to develop one or more alternative means for providing Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child (apart from any other paid leave). Not later than September 30, 2001, the Office shall submit to Congress a report containing its findings and recommendations under this section, including projected utilization rates, and views as to whether this benefit can be expected to—

(1) curtail the rate at which Federal employees are being lost to the private sector;

(2) help the Government in its recruitment and retention efforts generally;

(3) reduce turnover and replacement costs; and

(4) contribute to parental involvement during a child's formative years.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Mrs. MALONEY) will control 5 minutes and a Member in opposition will control 5 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, last year when my chief of staff was expecting a baby I inquired what the Federal leave policy was, and I was surprised to learn that there is no paid leave for the birth or adoption of a child.

There have been many news articles talking about the difficulty of maintaining a talented staff for the Federal Government. In response, along with my colleagues, the gentleman from Virginia (Mr. DAVIS), the gentleman from Maryland (Mr. HOYER), the gentleman from New York (Mr. GILMAN), and the gentlewoman from Maryland (Mrs. MORELLA), we introduced the Federal Employees Paid Parental Leave Act, H.R. 4567.

This amendment will help us understand and quantify why this bill is so important. We are asking OPM to conduct a study to understand the impact of providing paid parental leave to Federal employees. We often hear that we need to run government more like a business. This study will lay the foundation for the Federal government to do just that.

Mr. Chairman, we are here today in support of families.

Everyone talks about supporting families, but when you look at the policies, they are not as supportive as they should be.

In a Federal Government that says it is family friendly, public employees should not lose pay for becoming parents.

Last year, when my District staff director was having a baby, I reviewed our office policy. I also wanted to consult the federal leave policy.

I was shocked to learn that the Federal Government does not provide its employees with any paid leave for the birth or adoption of a child!

In the Federal Government, unless you have stowed away all your vacation and sick days, there is no way to take off even one day without taking a cut in your paycheck.

Then, in May the Washington Post informed us that the Federal Government is suffering from a talent drain because it is not providing competitive pay or benefits as compared to private sector companies.

In response to these problems, I, along with Mr. DAVIS of Virginia, Mr. HOYER of Maryland, and Mr. GILMAN of New York, and Mrs. MORELLA of Maryland introduced H.R. 4567, the Federal Employees Paid Parental Leave Act.

This bipartisan bill would give Federal employees 6 weeks of paid parental leave for the birth or adoption of a child.

Since we introduced the bill in May, I have heard from men and women across the country who have relayed their stories to me about the great impact this legislation would have on their families.

Mary Bassett wrote to tell me her story.

When Mary was pregnant with her son in 1993, she was placed on bedrest for the last six weeks of her pregnancy.

She was forced to exhaust all of her sick and annual leave.

When her son was born, he was critically ill and was in Intensive Care for two weeks.

Since Mary had used up all of her sick leave and accrued vacation time, she was forced to return to work when her son was 7 weeks old.

Her family could not survive without her paycheck so May was forced to make a choice:

Stay home with her sick newborn, or put food on the table for her family.

I also heard from Dee Kerr. Dee works for NASA.

When her daughter was born, she had accrued a lot of leave and was able to take time off with pay.

Now, at 40, Dee would like to have another child but doesn't have any paid leave saved up.

She is now wondering if she and her husband can have a second child because they cannot afford to take time off without pay.

Dee has to make a choice:

Have a second child or put food on the table for her family.

Today, I join with Representative HOYER and Representative GILMAN in introducing an important bipartisan amendment.

This amendment will help us understand and quantify why H.R. 4567 is so important.

We are asking OPM to conduct a study to understand the impact of providing paid parental leave to Federal employees.

This study will likely reveal that the Federal Government will become more competitive with the private sector by offering paid parental leave.

This study will likely show that the government's recruitment efforts will be boosted and that the costs related to turnover and replacement will be greatly reduced.

Finally, this study will conclude that the Federal workforce can win back dedicated and qualified workers to the Government if we offer a benefit that is already being offered by the majority of private sector companies.

Everyone always says that the Federal Government should be run more like a business.

This study will lay the foundation for the Federal Government to do just that.

Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from New York (Mr. GILMAN), co-author of this amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I am pleased to support this amendment benefiting our Federal employees. I applaud my colleagues, the gentlewoman from New York (Mrs. MALONEY), the gentleman from Virginia (Mr. DAVIS), and the gentleman from Maryland (Mr. HOYER), for their leadership on this important issue calling for a study looking into offering paid parental leave for Federal employees, a benefit that many of their counterparts in the private sector now enjoy.

The time has finally arrived for the Federal government to become more competitive with the private sector to help gain and retain qualified employees. The private sector has been able to hire the best and brightest employees and offer competitive benefits and pay, while the Federal government has seen its top workers fleeing for higher-paying private sector jobs.

Employees will not be forced to choose between their new child and their jobs. Paid leave will afford Federal employees the opportunity to welcome their child into the world and adjust to their new life without worrying about whether or not they can pay next month's gas bill.

I am pleased to support the amendment, confident that this study will lead to extending 6 weeks of paid leave for Federal employees. Families will celebrate the arrival of a child with fewer worries, which will help create a more family-friend Federal Government. I urge support for the amendment.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), the chair of the Democratic Children's Caucus.

Ms. WOOLSEY. Mr. Chairman, it makes good sense to have the OPM study the best ways to give Federal employees paid leave following the birth or adoption of a child, and to study the effect paid leave will have on the Federal work force, because it then can be a model for the rest of the country.

Today if a child is fortunate enough to have two parents living with them, chances are that both parents work long hours and commute long distances. So then we have to ask the question, who is taking care of our children? Compared to 33 years ago, parents spend 52 fewer days a year with their children. That is almost one day a week.

□ 2030

We must do something to help parents bridge the gap between work and family, especially when they have a new baby. The Maloney-Gilman-Hoyer amendment is a good first step that will let American parents respond to the question, who is taking care of our children? Then we can have a simple answer. That answer can be we all are.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from New York for yielding to me. I thank her for introducing this amendment along with the gentleman from New York (Mr. GILMAN), the gentleman from Virginia (Mr. DAVIS), and the gentleman from Maryland (Mr. HOYER). I firmly and wholeheartedly support it.

The majority of private sector companies do provide paid leave to their employees, but the Federal Government does not. In fact, the Federal Government does not provide its workers with any paid leave for the birth or adoption of a child. That is why this study is really important.

I want to refer to the fact that Steve Barr, who writes for the Washington Post, recently wrote a series of articles showing that the Federal Government is suffering from a talent drain because it is not providing competitive pay or benefits as compared to private sector companies.

We do need to attract and retain the most qualified, dedicated workers to serve in our workforce; and these family-friendly policies that can be brought about and enhanced by virtue of this study are critically important.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I stand today, Mr. Chairman, to support this amendment to require OPM to conduct a study on alternative means to provide Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child.

I am an original cosponsor of H.R. 4567, which would provide that at least half of any leave taken by a Federal employee for the birth, adoption, or placement of a child be paid leave. Parenting is a key component to a child's development and eventual success in and contribution to a society.

In 1993, the President signed the Family Medical Leave Act providing Federal workers with up to 12 weeks of unpaid job-protected leave for childbirth or adoption, which has benefited more than 20 million Americans. However, parents need more support to help balance their family and work responsibilities.

A recent poll released by the National Parenting Association found that low-income parents and parents of very young children are the least likely to be able to take family leave due to the loss of income.

Therefore, Mr. Chairman, I support this amendment.

The CHAIRMAN. Is there a Member wishing to claim the time in opposition to the amendment of the gentlewoman from New York (Mrs. MALONEY)?

If not, the question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORAN of Kansas:

At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries.)

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will be recognized for 10 minutes.

For what purpose does the gentleman from New Jersey (Mr. MENENDEZ) rise?

Mr. MENENDEZ. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) will be recognized for 10 minutes.

POINT OF ORDER

Mr. DIAZ-BALART. Mr. Chairman, I make a point of order against the amendment of the gentleman from Kansas (Mr. MORAN).

The CHAIRMAN. The gentleman will state his point of order.

Mr. DIAZ-BALART. Mr. Chairman, the amendment of the gentleman from Kansas (Mr. MORAN), in my view, violates clause 2 of rule XXI of the House rules by, in effect, legislating on an appropriations bill.

The amendment would add significant new responsibilities and duties to the Treasury Department, for example, to determine whether there are agreements when it refers to in the last sentence of the amendment, "pursuant to agreement with one or more countries, the Treasury Department would have to determine whether there are agreements to whether such agreements could grant legal authority for the President to take legal action." What is meant by an agreement? Does it have to be a written agreement, a treaty, or is an action in concert sufficient?

I guess I would ask of the author of the amendment, is an action in concert sufficient? Is that what he seeks to mean by agreement?

Even U.N. multilateral embargoes, Mr. Chairman, for example, they require the U.N. Participation Act to grant the President the legal authority to impose any sanctions agreed upon by the United Nations.

So for those reasons, and I ask the question in the context of making the point of order, is action in concert sufficient, or is a written bilateral agreement necessary? Due to that, I believe, especially since it is unclear, that there is a significant possibility, and I believe it does constitute legislating on an appropriations bill.

The CHAIRMAN. Does the gentleman from Kansas (Mr. MORAN) desire to be heard on the point of order?

Mr. MORAN of Kansas. Mr. Chairman, I am happy to be heard on the point of order.

Mr. Chairman, I believe that current designations by OFAC designating which countries we have unilateral sanctions against is specified in the rules and regulations. They would easily and readily be able to determine the definition of the phrases included in the amendment.

Mr. DIAZ-BALART. Mr. Chairman, addressing the point of order, this applies as well to future agreements. So my point is, is action in concert sufficient to constitute a future agreement under this amendment, or is a written bilateral agreement necessary? This amendment, without any doubt, Mr. Chairman, applies to future agreements.

The CHAIRMAN. Does the gentleman from Kansas (Mr. MORAN) wish to be heard further on the point of order?

Mr. MORAN of Kansas. No, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Texas (Mr. STENHOLM) wish to be heard on the point of order?

Mr. STENHOLM. I certainly do, Mr. Chairman.

Mr. Chairman, I believe that, based on all precedents within the House concerning appropriations bills and limitation of spending thereon, the amendment of the gentleman from Kansas (Mr. MORAN) meets all of the criteria as established under due precedence of this House. It is not that complicated. It is simply saying that none of the funds may be made available under this act to implement any sanction imposed.

It is something that the Parliamentarian has upheld, the Speaker has upheld many times, and I would urge the upholding and the ruling against this particular appealing of the Chair or the rule.

The CHAIRMAN. Does the gentleman from Florida (Mr. DEUTSCH) wish to be heard on the point of order?

Mr. DEUTSCH. Yes, Mr. Chairman, on the point of order.

Again, I would hope that each of us has an opportunity to read the amendment specifically. I would say to the gentleman from Texas (Mr. STENHOLM) that this is much broader than a limiting amendment, and I would agree completely with the gentleman from Florida (Mr. DIAZ-BALART).

If we read the language, it specifically asks someone, without any legislation, to determine other than a sanction imposed pursuant to an agreement with one or more other countries.

It is not a limiting amendment. A limiting amendment talks specifically about limiting funds on a specific program in a specific way without creating this additional category which would take investigative power, which would, in fact, take expenditure of funds, which by definition a limiting amendment cannot expenditure funds, which is exactly what this does.

So I think it is a pretty black and white case that we are spending money. This is authorizing money effectively, because that is the only way to do what this amendment asks us to do is spend money.

So I urge the Chair to rule the amendment out of order.

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order?

Mr. DIAZ-BALART. Mr. Chairman, is a verbal agreement by the President with any other country sufficient to constitute an agreement? Or is a bilateral written agreement or multilateral written agreement necessary? That is my question.

The CHAIRMAN. The amendment is in the form of a limitation accompanied by an exception. The limitation confines itself to the funds in the instant bill and merely imposes a negative restriction on the availability of those funds for specified purposes, to wit: implementing certain international sanctions. The exception excludes sanctions "imposed pursuant to agreement with one or more other countries."

The Chair finds it appropriate to construe the word "agreement," as used in the context of international sanctions, as meaning accords between or among sovereigns. The Chair similarly finds it appropriate to engage a presumption of regularity in finding that officials of the United States who are charged with the implementation of international sanctions with a specific knowledge of unilateral sanctions are likewise charged with knowledge of the bases on which they proceed, including the "corporate" knowledge of their Executive agency concerning the provenance of a particular sanction.

On these premises, the Chair holds that neither the limitation nor the accompanying exception imposes new duties of discernment, occasions new burdens of investigation, or otherwise requires Executive action beyond the call of existing law.

The point of order is overruled.

PARLIAMENTARY INQUIRY

Mr. DEUTSCH. Mr. Chairman, I have a parliamentary inquiry of the Chair.

Mr. Chairman, I was given a copy of this amendment earlier this evening, and the amendment that is at the desk is a different amendment. I would inquire of the Chair if the unanimous consent agreement allowed for the gentleman from Kansas (Mr. MORAN) to change his amendment.

The CHAIRMAN. The unanimous consent agreement to which the House concurred simply specified an issue. Under the order of the House the gentleman from Kansas (Mr. MORAN) may offer an amendment regarding sales to any foreign country. It was not a numbered amendment. That was part of the order.

Mr. DEUTSCH. Mr. Chairman, that is not the amendment in front of us. The amendment in front of us specifically speaks to only one country; and, therefore, it is not in order based on the unanimous consent agreement of this House today.

The CHAIRMAN. The Chair will state again, the order of the House states that the amendment may regard sales to any foreign country, so one foreign country would obviously be included in that description.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would make clear that the amendment that I am offering this evening restricts the use of funds in this appropriations bill solely for food and medicine and solely related to the country of Cuba. It is different than any amendment offered previously today by other Members of the House.

Our embargo against sales to Cuba has done little to change the behavior of this island nation. In fact, it appears to me that the only thing that U.S. sanctions have done is to give Cuba, its government, an excuse to blame us for their failed policies.

This policy has been in place for 38 years, and a failed policy does not have to be permanent. We have debated this issue on this floor numerous times, and I think it is now time for the House to speak its will in regard to whether or not this sanction policy should be continued.

Why is this amendment in order appropriate to the Treasury-Postal appropriation? United States sanctions are enforced by the Office of Foreign Asset Control, a branch of the U.S. Treasury Department. This amendment, again, would prohibit the use of funds to implement those sanctions which are, in fact, unilateral on food and medicine to Cuba.

When the world acts together, and I might point out that, if our policy on sanctions toward Cuba was a good one, one would expect other countries, democracies, perhaps, who share our ideals, to join us in the effort of imposing sanctions against the country of Cuba.

That has not been the case. When the world acts together, we can perhaps achieve some success in influencing the behavior of another country or its government. However, in today's global economy, unilateral sanctions simply have been proven ineffective.

I encourage support of this amendment for several reasons that I would like to defer until my opportunity to close.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time, and I rise in strong support of the amendment of the gentleman from Kansas.

To those that have argued previously and will argue again that this is not the time and the place, I would agree. It would have been much better to have had this issue freely and openly debated on the floor of the House months ago. But having not done that, it would have been next better to have had it dealt with on the Agriculture appropriations bill; but it was not to be.

No way now do I, though, endorse the type of government that has existed in Cuba for 5 decades.

□ 2045

But it should be obvious to all that sanctions, unilaterally applied, do not work; cannot work.

And the reason they cannot work, or as a previous speaker said today, what we ought to be doing is tightening the screws down on Mr. Castro. That is impossible to do when we have unilateral sanctions. When we unilaterally deny the sale of food and medicine to the Cuban people from the United States and our "friends" from Canada, from Europe, from Asia, from all over the world sell to that market, who are we kidding when we say we are hurting anyone other than the people of Cuba, who still like Americans; and producers in America, who otherwise would have the opportunity to compete for those sales?

Sanctions do not work unilaterally applied. How many years is it going to take for this body to understand they cannot possibly work if they are unilaterally applied? If they are multilaterally applied, in which all countries of the world decide this is what we should do, whether it be to any country of the world, then we have a chance.

Tonight we have a clear shot, up and down, for every Member of this body to express themselves as to whether or not we should lift the sanctions on Cuba on food and medicine. That is what this vote is about.

Mr. MENENDEZ. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kansas, and I want to state something. This is not about lifting the sanctions on food and medicine, because the law still will exist. And any sales to Cuba, other than those that are licensed, will still be illegal. So we will not be achieving what the gentleman wishes to achieve.

Secondly, the amendment speaks of agricultural commodities and, as such, chemicals can be sold under that heading, including precursor chemicals, which I do not believe we want the Castro regime, which is still on our list of terrorist states and which harbors fugitives from the United States, to have access to. Voting for this amendment would prohibit the United States from enforcing the sale of precursor chemicals that can be used for weaponry, including bombs, biological and chemical weaponry.

Lastly, the fact of the matter is that we constantly hear that our sanctions are affecting the Cuban people, even though we are the greatest remitters of humanitarian assistance to the people of Cuba, $2 billion over the last 5 years, more than all the other countries of the world combined during the same time period. Yet it is Castro's failed economic system and his dictatorship that refuses to give the Cuban people what they deserve. He can buy from anyplace in the world. He has to have the money to do so. He does not have the money to do so.

And I would note that this amendment, if we believe that it is going to accomplish lifting it, which it does not, lifting the sale of food and medicine, it says nothing about credits and, in fact, can be interpreted to permit credits and can be interpreted to permit government subsidies. Now, the last thing I believe that this body would want is to use subsidies to sell to a dictatorship that uses food and rations as a form of control, which is exactly what Castro does. He uses rationing as a form of control over his people.

So this is not about selling to the average Cuban, which I probably would be for. This is about selling to the regime and then having the regime ration their own people, as they do today, as my family has to do, standing in line, because the regime does not give them the resources and opportunities in a free marketplace for them to purchase.

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

In response to the gentleman from New Jersey (Mr. MENENDEZ), this amendment deals strictly with an agricultural commodities; does not talk about agricultural chemicals. And the issue of credit remains with the administration, as it does today with our dealings with any other country. The President has the ability, and has used it in my tenure in Congress, to defeat the opportunity to sell agricultural commodities by refusing to extend credit.

So the amendment does not in any way increase or decrease the authority of the administration, of a President of the United States, in regard to credit.

Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment ensures U.S. Government financing to the Castro regime. Our U.S. taxpayers would be subsidizing a dictatorship. Our country was founded on the principles of freedom, of democracy, of human rights. As the leader of the international community, this amendment means that our principles are being sacrificed. It means that we are no longer upholding, defending and, indeed, demonstrating the moral guidelines which have directed U.S. policy of helping oppressed people.

This amendment would provide funds to a regime which violates human rights, which denies its citizens the right to participate in their religious beliefs. It tortures men and women for thinking differently and for voicing their dissenting opinions despite the threat to their personal safety.

The safeguards that this amendment seeks to remove are in place so that the Castro regime does not take U.S. food and medicine and then sells it to a third country so that it can further increase its war chest, a war chest which it uses to torture, to harass, to intimidate and to oppress the Cuban people.

This amendment would allow the unbridled, unrestricted trade with a brutal dictatorship using U.S. taxpayer funds, and it would only prolong the suffering of the Cuban people.

This amendment would send a message that this pariah state is now being forgiven for their practices, despite the cost in human life and the dignity of each individual who suffers under the dictatorship.

This amendment sends the signal that the United States will no longer serve as a moral compass for emerging democracies to emulate; that the United States' sense of right and wrong is succumbing to commercial interests.

The safeguards in place through the licensing process at the Department of Commerce and the Department of Treasury ensure that the food and medicine donated to the Cuban people actually reach the men, the women, and the children that they are intended for. These safeguards ensure that they will not be diverted by the Castro regime for the use of its officials and for foreigners. This amendment seeks to remove those safeguards and has U.S. taxpayer money going to the Castro regime.

Mr. MORAN of Kansas. Mr. Chairman, may I inquire as to the balance of the time?

The CHAIRMAN. The gentleman from Kansas (Mr. MORAN) has 4½ minutes remaining, and the gentleman from New Jersey (Mr. MENENDEZ) has 5½ minutes remaining.

Mr. MORAN of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in strong support of this amendment.

I would agree on one point that one of the opponents of this amendment made, and that is that none of us are apologists for the actions of Castro. Truly, he has infringed upon human rights, he has impeded religious freedoms, he has impeded the advancement of democracy. But where I absolutely disagree is what is the policy that this country can adopt that is going to advance democracy in Cuba? And it is a policy of engagement.

This simple amendment we are talking about today is one that we will allow for the sale of U.S.-produced agricultural products and medicines to Cuba. A policy of isolation has done nothing to advance democracy over the past 40 years. It is time for us to adopt a policy that will let us flood Cuba with U.S.-produced rice, with U.S.-produced wheat, with U.S.-produced beef products. That is going to do more to achieve our objectives.

I think it is somewhat ironic that Cuba today, per capita, is probably exporting more doctors throughout the world than any other country, yet the United States, the economic power, the leader in medicine technology, is refusing to sell medicinal products to Cuba. That is outrageous. That is not a policy that this country should be proud of.

If we truly are a country that respects democracy, that understands how we can best influence the actions of a country, then we should be embracing the policy of economic engagement which we adopted with China, that we should adopt in Vietnam, and which we should adopt in Cuba to make a difference in advancing the rights of the people of Cuba.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I can agree in a sense with the gentleman from California (Mr. DOOLEY), but I want to talk a bit about specifics.

I really plead with my colleagues to think about the specifics of what this amendment does. The specifics is really selling to the Castro government. It is not selling to Cuba. It is selling to the Castro government. It is selling to Castro. It is literally propping Castro up.

As my colleague from New Jersey said, I think all of us would be in agreement if there was a way that we could sell to NGOs and get food and medicine to Cuba, which we support, but that is not what this amendment does. And, in fact, the Cuban government has restricted, in fact has prevented the ability to even give food and medicine through NGOs to the Cuban people.

Cuba is not China in any sense, where the leadership has changed. Mao Tsetung does not exist in China today. Again, the specifics of this amendment would strengthen the Castro regime. I urge its defeat.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to this amendment. We are not talking about free trade, we are talking about pulling Castro's fat out of the fire right at the last minute.

We are not talking about anything that is going to promote freedom or prosperity or goodness for the Cuban people, we are talking about keeping in power a dictatorship; a country in which the jails are full and the newspapers are censored.

What is going to happen down there if we pass this? We are going to demoralize all the people in Cuba who long for freedom and democracy. We are going to cut the chances for freedom in that country in half, or cut them down to nothing if we pass this amendment.

The fact is we can trade with Cuba any time Castro permits us to. We can sell them anything that Castro will permit us to sell them. Only one stipulation: Castro has to have a free election.

What is standing in the way of trade with Cuba? One man, a dictatorship based on one personality, one guy who has thrown everybody who has ever opposed him or his system in the clink. We do not want to support that guy either. Oppose this amendment.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I think a better dialogue would be as to how both sides on this issue could come together.

I do not support the amendment. I wish we had a White House that would not walk softly and carry a big stick of candy, and that is either a Republican or a Democrat; that would force the policies that we want. I do not believe a stick of candy to Cuba is the right thing, without a State Department that will stand up for an agreement. And I think the same thing is true with China, and I supported PNTR.

We need an Intel apparatus that will let us know, because there is a national security threat with Cuba. I disagree with the gentleman that said there was not. They are a current threat, even to Guantanamo.

We need to take a look at the food and medicine distribution; make sure that someone like a Red Cross or an international group would distribute that instead of giving it to Castro and letting him sell it for money and power.

□ 2100

Those are the kind of things that could draw us together instead of just blasting each other on each side of this issue.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time.

I would like to start by saying I have no better friend in the House than my friend, the gentleman from Kansas (Mr. MORAN). But I think this amendment is ill conceived. It can produce unknown results. We do not change the law, but we do not provide any funds to enforce the law.

As the gentleman from California (Mr. MENENDEZ) pointed out earlier, the whole sanctioning process, the whole way to get an ability to work around the sanctions is not available if we cannot enforce the law. It confuses the question of whether or not U.S. credit can be available to Cuba if we cannot enforce the sanction law; does that mean Cuba has access to U.S. Government programs.

On our side of the aisle, we have had good-faith negotiations to try to come up with a position that we were comfortable with where both sides gave, where we would in fact deal with the fact that Cuba is handled differently in the law than other countries and clarify that in a way that helps American farmers but does not help Castro.

I think this amendment confuses that. I urge my colleagues to vote against it.

Mr. MENENDEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas (Mr. MORAN).

This amendment, like others being offered on this legislation, seeks to prohibit funds from being used to enforce U.S. law. This makes no sense. Congress makes our nation's laws and we appropriate funds so these laws may be enforced. We are a nation of laws. That is what makes our country different from Cuba. That is what makes us strong. Congress should not adopt measures that encourage people to break our laws. This is a wrong signal to send.

This amendment could open up the taxpayers pockets to underwrite the Castro regime. Federal Government financing for exports to Cuba could flow to a bankrupt regime that sponsors terrorism. Accordingly, I urge my colleagues to join in opposing the amendment offered by the gentleman from Kansas, Mr. MORAN.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume to simply say, why does Castro have enough food for all the tourists that come to Cuba but not enough food for the people of Cuba. Why is it he has medicines that he can export from Cuba, Meningitis B vaccines and others, but he does not have enough for the people of Cuba? And is the food for the tourists, or is it for the people of Cuba?

Mr. Chairman, I yield the balance of the time to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, to those who support the dictatorship, I am not addressing these words but, rather, to those who think that American business is being somehow left out of Cuba at this point by not dealing with the dictatorship.

The Cuban people, since this Congress 100 years ago, stood alone in the world after the Cubans had been fighting for 100 years for independence with the Cuban people, ever since then they have had great respect and admiration for the American people, including for American business.

Those who want to go in now and do business with the apartheid economic system and the dictatorship are, in effect, seeking to lose the good will that American business will have in the future in a democratic future if they now go in and become tainted like the Europeans and others who are participating in creating and helping to prop up the apartheid economy.

So for business sense, not for those who idealogically support the dictatorship, I am not talking to them. For those who think that American business is losing out, no, keep the good will, stand on the side of the Cuban people and against the oppressor of the Cuban people; and that will be, for those who are so interested in business, good business in the future.

Defeat this amendment. Defeat this amendment that is defeating the good will of the American people and would defeat the good will of the American business community in the future democratic Cuba.

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been a difficult amendment for me to offer. The opponents to my amendment feel very strongly in opposition to this amendment, and it raises emotional chords within them as well as all of us.

I would tell my colleagues that I feel very strongly about the importance of this amendment and would not be on the House floor today trying to stress to my colleagues why it matters.

I have been in this Congress for 4 years. Not one step of progress has been made toward sanction relief and reform that we have been promising our farmers in Kansas and across the country since I have been a Member of this Congress.

How long do we have to wait before we can determine the will of this body on the issue of sanctions in regard to Cuba and other countries?

Let me reiterate, this amendment deals only with Cuba. Let me reiterate, it is a different amendment than the gentleman from New York (Mr. RANGEL) offered, which opens all trading opportunities from the United States. This is limited solely to food and medicine, agricultural products.

It matters to agriculture, to farmers and ranchers, who are trying to eke out a living today in this country. But it is more than just about economics. It is about our ability to export our products, our ideas.

I am a firm believer, as I was in the debate on dealing with China, that personal freedom follows economic freedom; and when people around the world see our market system, the glimmer of hope for personal freedom is enhanced, not diminished.

It is time for us to end a failed policy that improves not only our own economic livelihoods but provides an opportunity for freedom to be increased, not diminished.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. MORAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Kansas (Mr. MORAN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds made available in this Act may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New York (Mrs. MCCARTHY) will each control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Treasury and specifically the Bureau of Alcohol, Tobacco and Firearms, or BATF, from using taxpayer dollars to enforce the provisions of a settlement agreement between Smith & Wesson, the Treasury Department and the Department of Housing and Urban Development.

Mr. Chairman, this is not a new amendment, but it is new circumstances in which I offer it given the fact that the agreement constitutes the 22 pages of legislation that was never considered in these Chambers nor passed by Congress and includes new duties for the BATF.

Now the BATF will no longer just enforce Federal laws; they will now enforced a private civil agreement. This greatly expands the BATF's scope of power without Congress's approval.

Failure to pass this amendment will allow the executive branch to continue to coerce legal industries, in this particular case the gun industry, to enter into these agreements whenever they feel they cannot get their agenda through Congress.

Mr. Chairman, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last month my colleague, the gentleman from Indiana (Mr. HOSTETTLER), attempted to turn back the clock on gun safety. He failed twice and the House bipartisanly rejected his amendments. Well, it is time to defeat this amendment again.

The bill has changed, but the amendment is the same. Instead of the Department of Justice or HUD, the gentleman from Indiana (Mr. HOSTETTLER) tries to prevent the Department of Treasury from spending any money related to the HUD-Smith & Wesson agreement.

More than 500 communities across the Nation from Los Angeles to Long Island, New York, have endorsed this agreement. Secretary Cuomo and more than 10 of the Nation's mayors successfully negotiated the agreement with gun manufacturer Smith & Wesson in March. This agreement is making our communities safer, and we should allow it to continue without congressional tampering.

Mr. Chairman, the Committee on Appropriations has agreed to hire 600 ATF agents and fund DNA ballistics technology that will assist law enforcement in arresting criminals. My ENFORCE bill authorizes the same programs.

The funding levels of this bill are a victory for gun enforcement. It is the first time gun safety and pro-gun Members have decided to give law enforcement the tools necessary to enforce existing gun laws. Now we all agree gun enforcement equals more ATF agents and funding for ballistic technology.

While the bill's funding level also increases gun enforcement, the Hostettler amendment cuts gun enforcement. It says that the ATF cannot enforce the Smith & Wesson agreement.

Here is a quote from the mayor of Bloomington, Indiana. Mayor John Fernandez calls these efforts a "direct attempt to preempt our ability," their ability, the mayors, "to build these kinds of successful efforts in partnership with the Federal Government, partnerships that will save lives in our cities and help make our communities safer."

Here is a quote from Police Chief Trevor Hampton of Flint, Michigan: "The gun manufacturers, like Smith & Wesson, can help police departments do their jobs by adjusting the guns they produce. For example, by putting a second hidden serial number in the inside of every gun they make."

This only helps our police officers track those guns.

We constantly hear that Congress should not meddle in the affairs of our cities and our counties. The Hostettler amendment is meddling. It says local communities cannot work with the Federal Government to reduce gun violence. This amendment says the Department of Treasury should not keep their word. It says it is trivial that 12 children are killed every day by gun violence.

The Department of Treasury reached an agreement with Smith & Wesson, and Congress should honor that agreement.

I urge all Members, Republicans and Democrats, to again defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, first I want to thank the gentleman from Indiana (Mr. HOSTETTLER) for his efforts on behalf of the second amendment. He has taken the time to analyze this 24-page Smith & Wesson agreement and to understand its ramifications.

Many may think this applies only to Smith & Wesson, the Department of Treasury, HUD, and the localities that signed it. Not so. This has a direct and significant impact on individuals.

For example, a widow living alone who wanted to buy a firearm to protect herself in her own home goes to a gun store and, under this agreement, can she get a firearm? No, she cannot, unless she has taken a government-approved course or passed a government-approved test.

What if she wanted to buy something besides a Smith & Wesson, a Colt, a Berenger, or some other brand? No, she cannot get it under this agreement.

I urge my colleagues to read this agreement. We want our second amendment right preserved. I ask my colleagues to stand up for their right to defend themselves, their right to own a firearm, and vote for the Hostettler amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, what the gentleman from Indiana (Mr. HOSTETTLER) has continued to do here in each and every appropriations bill is to undo a freely negotiated settlement between the Department of HUD and Smith & Wesson.

Smith & Wesson is synonymous with not only gun safety over the years but, just as importantly, an excellent reputation for community service. And also it is a major employer in my district.

What troubles me about this is that we always hear these complaints about the intrusive nature of the Federal Government. This agreement was not forced upon Smith & Wesson. They voluntarily entered into this agreement. Overwhelmingly, the American people agree with the negotiated settlement.

It is sensible and visionary public policy.

The continued effort here to resist this negotiated settlement is what is intrusive. This interference that has come now on three appropriations bills is what is intrusive. It is a mistake to proceed in this manner. We should allow this agreement to stand as it is, and we ought to honor it.

Mr. HOSTETTLER. Mr. Chairman, I yield myself 1½ minutes to respond to some of the comments made earlier.

Mr. Chairman, I once again want to reiterate the fact that the gentlewoman from New York (Mrs. MCCARTHY) said that this amendment is going to stop cities and Smith & Wesson from continuing in this agreement. This amendment does not.

This amendment merely stops the Federal Government from intruding in this situation from being a part of this agreement. So if Smith & Wesson and the cities and towns that are involved in this want to collude to compromise the safety of their men and women in uniform, they are free to do that.

Secondly, I would like to say that the gentleman said that this was an agreement that was freely entered into. It is not. This kind of Congress that makes the laws that the BATF is supposed to enforce never entered into this agreement. The people's House did not speak. This agreement was made between a private company, and the Congress said nothing.

□ 2115

But the gentleman from Massachusetts said now we are interfering. Now the Congress of the United States is interfering in legislation that was crafted by the executive branch and Smith & Wesson. Well, pardon us for interfering in the legislative process, but that is what we are here to do.

According to article 1, section 1 of the Constitution, all legislative power shall be vested in a Congress, not the lawyers at HUD, not the lawyers at Treasury and not the lawyers with Smith & Wesson. It is our prerogative to create policy as the Congress of the United States and not these entities that we have mentioned before.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, well, here they go again. Today, the gun lobby and their congressional friends are again trying to hijack the will of the American people.

Since the Smith & Wesson deal was announced, over 500 police departments and community leaders have pledged to buy only firearms that meet at least minimal safety standards, standards much like the ones included in this deal.

For some inexplicable reason, gun safety threatens some of my colleagues in this Chamber. Instead of obstructing responsible gun manufacturing as this amendment would do, we should be encouraging it. As parents and legislators, our job should be to promote responsibility, ensure safety and educate the American people when it comes to owning, selling and manufacturing firearms. It is certainly not our job to get in the way of responsible Americans who want responsible gun safety standards.

Mr. Chairman, it is time for children to once again feel safe in our schools and our neighborhoods. And it is time for this Congress to once again defeat this reckless amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the balance of my time.

In closing, I just want to remind my colleagues that this issue is not an issue about gun safety. You do not need a 24-page agreement crafted by lawyers at HUD, BATF and Smith & Wesson to create an agreement considering gun locks, trigger locks and new modes of creating pistols that make those handguns more safe.

This is an argument of gun control and our second amendment rights and should we allow the Federal Government to bypass the legislative process to create more gun control and deprive us of our second amendment rights.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong opposition to the amendment.

I am outraged at this attempt by Congressional Republicans to prohibit gun safety agreements . . . not gun control agreements but gun safety agreements.

The Republican leadership has done everything in its power to prevent common sense handgun reforms from becoming law.

They blocked attempts to pass child safety locks and close the gun show loophole.

They ignore efforts to pass consumer product regulations for handguns, licensing of gun owners and registration of firearms.

Now they come to the floor with this amendment that frustrates agreements reached voluntarily by the private sector.

This amendment is pure and simple evidence that the Republican leadership is against gun safety because this amendment is about gun safety, not gun control.

How can the party that so loudly praises smaller government and greater freedoms for the private sector . . . be afraid of an individual manufacturer deciding to apply smart gun technology and safety locks, and to stop straw purchases by shady gun dealers?

Instead of this Congress answering the call, we have forced the private sector to take up the cry of our children, our families and one million mothers.

We should be ashamed that it has come to this.

We should be ashamed of our own inability to pass legislation.

We should be ashamed that we have been incapacitated for two years on this issue.

But now that this Smith and Wesson agreement has been reached, the least this Congress can do is get out of the way.

I urge all my colleagues to vote for gun safety and defeat the Hostettler amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SANFORD:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ___. None of the funds made available in this Act may be used for travel on a trip with the President by more than 120 individuals employed in the Executive Office of the President, excluding Secret Service personnel.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

I would make the point that I plan to withdraw this amendment, but prior to doing so would simply mention to the chairman of the subcommittee that what this amendment would have gotten at is an issue of imperial travel.

I think that within the executive branch, we have moved to a whole different stage on travel. I think it needs to be addressed and much more closely looked at than is now the case.

I say that because Nixon's official trip to China consisted of 34 Members from the executive branch to China. If you look at Reagan's trip to Iceland with Gorbachev, it was 40 members of the executive branch. Forty-seven members on the G–7 summit in Italy.

In contrast, I see here these recent trips are just plain bizarre. There were 1,300 folks that went with the current President to Africa. There were 592 people to Chile. There were 510 people to China. I think that we really have moved on to a stage of imperial travel, and I would just ask the chairman of the subcommittee to closely look and monitor, whether it is George Bush or whether it is AL GORE that is President, that we begin to look and try to do something about the size and scale of executive branch travel.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 560, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment by the gentleman from Louisiana (Mr. VITTER); the amendment by the gentlewoman from Connecticut (Ms. DELAURO); the amendment by the gentleman from Virginia (Mr. DAVIS); the amendment by the gentleman from New York (Mr. RANGEL); amendment No. 14 by the gentleman from South Carolina (Mr. SANFORD); the amendment by the gentleman from Kansas (Mr. MORAN); amendment No. 8 by the gentleman from Indiana (Mr. HOSTETTLER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. VITTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 134, not voting 16, as follows:

[Roll No. 421]

AYES—284

Abercrombie
Ackerman
Aderholt
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Boehner
Bono
Boswell
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Chabot
Chambliss
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hoekstra
Holden
Holt
Hooley
Hostettler
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Kuykendall
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Mink
Moore
Moran (KS)
Napolitano
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Pallone
Pastor
Pease
Pelosi
Petri
Pickering
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wise
Wu
Young (AK)

NOES—134

Allen
Andrews
Archer
Baldacci
Baldwin
Barcia
Bateman
Becerra
Bilirakis
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clement
Clyburn
Conyers
Coyne
Davis (IL)
Davis (VA)
DeFazio
DeLauro
Deutsch
Dingell
Ehlers
English
Fattah
Frank (MA)
Frelinghuysen
Gilman
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hobson
Hoeffel
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Manzullo
Markey
Matsui
McCarthy (MO)
McGovern
Meek (FL)
Miller (FL)
Miller, George
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Owens
Packard
Pascrell
Paul
Payne
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Porter
Portman
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schakowsky
Sherman
Simpson
Sisisky
Skeen
Slaughter
Stark
Strickland
Stupak
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Visclosky
Waxman
Weldon (FL)
Wexler
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

☐ 2145

Messrs. GEORGE MILLER of California, WELDON of Florida, DAVIS of Virginia, KENNEDY of Rhode Island, ARCHER, and MANZULLO changed their vote from "aye" to "no."

Messrs. MCDERMOTT, GEJDENSON, MARTINEZ, TRAFICANT, LUTHER, HOLDEN, SHAW, SPRATT, MCNULTY, SNYDER, CUMMINGS, DIXON, GILCHREST, HOLT, WATT of North Carolina, LEWIS of California, PRICE of North Carolina, MEEKS of New York, Ms. BROWN of Florida, Ms. VELAZQUEZ, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mrs. EMERSON and Mrs. CLAYTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 2145

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 560, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. DE LAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 230, not voting 20, as follows:

[Roll No. 422]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci

Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kuykendall
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baca
Barton
Berman
Brown (OH)
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
Kaptur
Matsui
McInnis
McIntosh
Roemer
Rush
Sanchez
Smith (WA)
Vento
Weller

□ 2152

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 190, not voting 16, as follows:

[Roll No. 423]

AYES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel

Holden
Holt
Hooley
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Snyder
Stabenow
Stark
Strickland
Stupak
Sweeney
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

☐ 2200

Mr. CROWLEY changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 241, not voting 19, as follows:

[Roll No. 424]

AYES—174

Abercrombie
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berry
Biggert
Bishop
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Brown (OH)
Capps
Capuano
Carson
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Ganske
Gejdenson
Gonzalez
Hall (OH)
Hastings (FL)
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Ramstad
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sessions
Shays
Shimkus
Shows
Slaughter
Snyder
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wynn

NOES—241

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Borski
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cook
Cox
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—19

Baca
Barton
Berman
Brown (FL)
Burton
Campbell
Cannon
Clay
Cooksey
Delahunt
Hayworth
John
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

☐ 2207

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHN. Mr. Chairman, on rollcall No. 424, I was unavoidably detained and missed rollcall vote 424. Had I been present, I would have voted "aye."

Ms. BROWN of Florida. Mr. Chairman, I was unavoidably detained and missed rollcall vote No. 424 on the Rangel amendment.

Had I been here, I would have voted "aye."

AMENDMENT NO. 14 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 14 offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 186, not voting 17, as follows:

[Roll No. 425]

AYES—232

Abercrombie
Aderholt
Allen
Baird
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bishop
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Ford
Frank (MA)
Gallegly
Ganske
Gejdenson
Gilchrest
Gonzalez
Gordon
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Slaughter
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn

NOES—186

Ackerman
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Bateman
Berkley
Bilirakis
Blagojevich
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cook
Cox
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Emerson
Engel
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Hansen
Hastert
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hobson
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kennedy
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Lazio
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Martinez
McCollum
McCrery
McHugh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Murtha
Myrick
Nethercutt
Northup
Norwood
Ortiz
Ose
Packard
Pallone
Pascrell
Pease
Petri
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Rahall
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stabenow
Stearns
Stump
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Traficant
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Spence
Vento
Weller

□ 2215

Mrs. ROUKEMA and Mr. DICKEY changed their vote from "aye" to "no."

Mr. HILLEARY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2220

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 301, noes 116, answered "present" 2, not voting 16, as follows:

[Roll No. 426]

AYES—301

Abercrombie
Aderholt
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
DeMint
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Spratt
Stabenow

Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wilson
Wise
Woolsey
Wynn

NOES—116

Ackerman
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Berkley
Bilirakis
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Canady
Cannon
Chabot
Chenoweth-Hage
Cook
Cox
Crowley
Cunningham
Davis (VA)
DeLay
Deutsch
Diaz-Balart
Doolittle
Dreier
Engel
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gekas
Gephardt
Gilman
Goss
Graham
Granger
Green (TX)
Gutierrez
Hastert
Hastings (WA)
Hayes
Hobson
Hunter
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kennedy
King (NY)
Kingston
Knollenberg
Kolbe
Lazio
Lewis (CA)
Lipinski
Lucas (KY)
Martinez
McCollum
McKeon
Menendez
Metcalf
Miller (FL)
Miller, Gary
Nethercutt
Northup
Ortiz
Packard
Pallone
Pascrell
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Scarborough
Schaffer
Shadegg
Shaw
Shuster
Skeen
Smith (NJ)
Souder
Spence
Stearns
Tancredo
Tauzin
Taylor (NC)
Traficant
Vitter
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Boehner
Emerson

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

☐ 2223

Mr. GRAHAM changed his vote from "aye" to "no."

Mr. ADERHOLT changed his vote from "no" to "aye."

So the amendment was agreed to.

The result the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 8 offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 214, not voting 16, as follows:

[Roll No. 427]

AYES—204

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fowler
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOES—214

Abercrombie
Ackerman
Allen
Andrews
Archer
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

☐ 2231

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Treasury and General Government Appropriations Act, 2001".

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive

Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 560, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 202, not voting 17, as follows:

[Roll No. 428]

YEAS—216

Abercrombie
Archer
Armey
Bachus
Baird
Baldacci
Ballenger
Barrett (NE)
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hill (MT)
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McKeon
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Payne
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Salmon
Saxton
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stenholm
Stump
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—202

Ackerman
Aderholt
Allen
Andrews
Baker
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berkley
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chabot
Chenoweth-Hage
Clement
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dingell
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gekas
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Moakley
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Wise
Woolsey
Wu

NOT VOTING—17

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Waters
Weller

□ 2251

Messrs. Gary MILLER of California, CUNNINGHAM, PAYNE, COX, RILEY and EVERETT changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise to inquire of the gentleman from California (Mr. DREIER) the schedule for the remainder of the week and next week.

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER) the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my dear friend from Mt. Clemens for yielding to me.

Mr. Speaker, I am pleased to announce that the House has completed its legislative work for the week and am happy to report, and I know it comes as no surprise, that the House will not be in session tomorrow.

The House will next meet on Monday, July 24, at 12:30 p.m. for morning hour debates and 2 o'clock for legislative business. We will consider a number of measures included under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 p.m. On Tuesday, July 25, and the balance of the week, the House will consider the following measures subject to action by the Committee on Rules:

H.J. Res. 99, disapproving the extension of the waiver authority under the Trade Act of 1974 with respect to Vietnam;

District of Columbia Appropriations Act for Fiscal Year 2001; and

H.R. 4865, the Social Security Benefits Tax Relief Act.

We also expect, Mr. Speaker, several motions to go to conference on appropriations bills and plan to consider conference reports next week as they become available.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I might inquire of the distinguished gentleman a couple of questions.

On Monday are we only considering the suspension bills, or does the gentleman plan to move into other legislation?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, that is the plan right now. But it is possible that there could be a motion to go to conference on the Foreign Operations appropriation bill.

Mr. BONIOR. Mr. Speaker, may I ask the gentleman from California what day he expects the Social Security tax issue to come up?

Mr. DREIER. Mr. Speaker, it is our anticipation that on Wednesday or Thursday of next week we will most likely consider that.

Mr. BONIOR. Mr. Speaker, I ask the gentleman, how about late nights next week? I know there is the Congressional baseball game on Wednesday and the White House picnic on Thursday.

Mr. DREIER. Mr. Speaker, does the gentleman want me to speak for the full House or the Committee on Rules at this point?

Mr. BONIOR. Mr. Speaker, I ask the gentleman to speak for the Committee on Rules and we will take it as the full House today.

Mr. DREIER. Mr. Speaker, let me just say that we do not anticipate late nights other than a great celebration by Republicans on the victory which we are anticipating Wednesday evening for the baseball game. And, of course, Thursday is the White House picnic, and I know there is going to be a lot of celebrating at that point, as well.

Mr. BONIOR. Mr. Speaker, that leaves Tuesday and Monday. And we do not know on Monday yet.

Mr. DREIER. Mr. Speaker, we hope not to be too late with suspensions. It would simply be that motion to go to conference which we were discussing.

Mr. BONIOR. Mr. Speaker, and Friday, is that definite or might that be up in the air?

Mr. DREIER. Mr. Speaker, again, the issues of appropriation conference reports that we want to complete before the recess. And it is quite possible that the Labor-HHS conference report would be before us at the end of next week and/or the Legislative Branch appropriations conference report.

I know my friend joins us in wanting to get as much as we possibly can accomplished for this "can do" Congress of ours.

Mr. BONIOR. Mr. Speaker, I thank my friend from California for his comments.

APPOINTMENT OF CONFEREES ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. PASTOR

Mr. PASTOR. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. PASTOR moves that the managers on the part of the House at the Conference on the disagreeing votes of the two Houses on the bill H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001 be instructed to insist on the provisions of the Senate amendment with respect to providing $384.867,000 for the General Accounting Office.

The SPEAKER pro tempore. Under the rule, the gentleman from Arizona (Mr. PASTOR) and the gentleman from North Carolina (Mr. TAYLOR) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. PASTOR.)

Mr. PASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct instructs the conferees to fund the General Accounting Office, which is very important to the work of the Congress, at that amount. I would ask my colleagues to support this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion asks the conferees to go along with the Senate amendment on the appropriations level for the General Accounting Office. We have no objection to that and accept the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. PASTOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. PASTOR).

The motion was agreed to.

A motion to reconsider was laid on the table.

□ 2300

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following conferees: Messrs. TAYLOR of North Carolina, WAMP, LEWIS of California, Ms. GRANGER, and Messrs. PETERSON of Pennsylvania, YOUNG of Florida, PASTOR, MURTHA, HOYER, and OBEY.

There was no objection.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. SESSIONS. Mr. Speaker, a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules may meet next week to grant a rule for the consideration of the District of Columbia Appropriations Act for the fiscal year 2001.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor.

The Committee on Appropriations ordered the bill reported this afternoon and the Committee on Appropriations expects to file the report on the bill on Tuesday of next week. Copies of the bill as ordered reported can be obtained at the Office of Legislative Counsel and at the Committee on Appropriations office in Room H-218 of the Capitol.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, JULY 24, 2000

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISTRICT OF COLUMBIA'S FISCAL YEAR 2001 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-271)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with section 202(c) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2001 Budget Request Act.

The proposed FY 2001 Budget reflects the major programmatic objectives of the Mayor, the Council of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority. For FY 2001, the District estimates revenue of $5.718 billion and total expenditures of $5.714 billion, resulting in a budget surplus of $4.128 million.

My transmittal of the District of Columbia's budget, as required by law, does not represent an endorsement of its contents.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 20, 2000.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–729 to reflect $145,000,000 in additional new budget authority and $123,000,000 in additional outlays for the Earned Income Tax Credit. This will change the allocation to the House Committee on Appropriations to $601,353,000,000 in budget authority and $632,435,000,000 in outlays for fiscal year 2001. This will increase the aggregate total to $1,529,558,000,000 in budget authority and $1,501,656,000,000 in outlays for fiscal year 2001.

As reported to the House, H.R. 4871, the bill making fiscal year 2001 appropriations for the Department of the Treasury, the Postal Service, and General Government, includes $145,000,000 in budget authority and $123,000,000 in outlays for the Earned Income Tax Credit.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCINNIS (at the request of Mr. ARMEY) for today after 6:00 p.m. on account of attending the funeral of a Colorado State Patrolman.

Mr. WELLER (at the request of Mr. ARMEY) for today after 7:00 p.m. on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BROWN of Florida) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes; to the Committee on Resources.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes; to the Committee on Government Reform.

S. Con. Res. 57. Concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on International Relations.

S. Con. Res. 113. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; to the Committee on International Relations.

S. Con. Res. 122. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on International Relations.

S. Con. Res. 126. Concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti; to the Committee on International Relations.

ADJOURNMENT

Mr. SWEENEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, July 24, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9053. A letter from the Associate Administrator, Livestock and Seed Program, Agricultural Marketing Service, transmitting the Service's final rule—Pork Promotion, Research, and Consumer Information Program: Procedures for the Conduct of Referendum [No. LS–99–14] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9054. A letter from the Associate Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule—Final Rule for Dairy Forward Pricing Pilot Program [Docket No. DA–00–06] received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9055. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Desirable Carryout Used to Compute Trade Demand [Docket No. FV00–989–3 FR] received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9056. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Interstate Movement of Certain Land Tortoises [Docket No. 00–016–2] received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9057. A letter from the Associate Administrator, AMS, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Decreased Assessment Rate [Docket No. FV00–985–4 FIR] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9058. A letter from the Associate Administrator, AMS, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 1999–2000 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins [Docket No. FV00–989–4 FIR] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9059. A letter from the Associate Administrator, AMS, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1999–2000 Marketing Year [Docket No. FV00–982–1 FIR] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9060. A letter from the Associate Administrator, AMS, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Decreased Assessment Rate [Docket No. FV00–958–1 FR] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9061. A letter from the Director, Office of Regulatory Management and Information, Enviornmental Protection Agency, transmitting the Agency's final rule—Prallethrin [(RS)-2-methyl-4-oxo-3- (2- ropynyl) cyclopent-2-enyl (1RS)-cis, trans-chrysanthemate]; Pesticide Tolerance [OPP-300987; FRL–6499–5] (RIN: 2070–AB78) received June 21, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

9062. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerance [OPP-301018; FRL-6595-1] (RIN: 2070-AB78) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9063. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridaben; Pesticide Tolerance [OPP-301013; FRL-6593-1] (RIN: 2070-AB78) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9064. A letter from the Chief, General and International Law Division, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Appeal Procedures for Determinations Concerning Compliance With Service Obligations, Deferments, and Waivers [Docket No. MARAD-2000-7147] (RIN: 2133-AB41) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9065. A letter from the Secretary of Defense, transmitting a notice that the reports pursuant to Public Law 106-79 and Public Law 106-65 are forth coming; to the Committee on Armed Services.

9066. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Repurchases of Stock by Recently Convered Savings Associations, Mutual Holding Company Dividend Waivers, Gramm-Leach-Bliley Act Changes [No. 2000-56] (RIN: 1550-AB24) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9067. A letter from the Assistant General Counsel for Regulations, Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Management Assessment Program (SEMAP); Lifting of Stay of Certain Regualtory Sections [Docket No. FR-3986-N-03] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9068. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to HUD's Mortgagee Review Board and Civil Money Penalty Regulations [Docket No. FR-4308-F-02] (RIN: 2501-AC44) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9069. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Debarment, Suspension, and Limited Denial of Participation; Clarification of Procedures [Docket No. FR-4505-F-01] (RIN: 2501-AC61) received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9070. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7735] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9071. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Determinations [44 CFR Part 67] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9072. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9073. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9074. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determination—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9075. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9076. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7324] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9077. A letter from the Assistant Secretary of Labor, OSHA, Department of Labor, transmitting the Department's final rule—Longshoring, Marine Terminals, and Gear Certification [Docket No. S-025] (RIN: 1218-AA56) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9078. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule-DOE Standard: Design Criteria Standard For Electronic Records Management Software Applications [DOE-STD-4001-2000] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9079. A letter from the Assistant General Counsel for Regulatory Law, Office of Enviornment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard: Nuclear Explosive Safety Study Process [DOE-STD-3015-97] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9080. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Standards of Compliance for Abortion-Related Services in Family Planning Services Projects (RIN: 0940-AA00) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9081. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Code of Federal Regulations; Technical Amendments [Docket No. 00N-1361] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9082. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Court Decisions, ANDA Approvals, and 180-Day Exclusivity [Docket No. 85N-0214] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9083. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Effective Date of Requirement for Premarket Approval for a Class III Preamendments Obstetrical and Gynecological Device [Docket No. 95N-0084] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9084. A letter from the Director, Office of Regulatory Management and Information, Enviornmental Protection Agency, transmitting the Agency's final rule—Additional Flexibility Amendments to Vehicle Inspection Maintenance Program Requirements; Amendment to the Final Rule [FRL-6735-1] (RIN: 2060-AI61) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9085. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District and Kern County Air Pollution Control District [CA 083-0243; FRL-6733-7] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9086. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 184-0245a; FRL-6734-5] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of California [CA 026-CORR; FRL-6733-5] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Approval and Promulgation of Implementation Plans; Texas; Permitting of New and Modified Sources in Nonattainment Areas [TX-100-7390a; FRL-6735-3] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9089. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [Region 7 Tracking No. 107-1107; FRL-6720-8] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9090. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (RIN:

2050–AE01) received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9091. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Phosphoric Acid; Community Right-to-Know Toxic Chemical Release Reporting [OPPTS–400056B; FRL–6591–5] (RIN: 2070–AC00) received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9092. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Georgia Update to Materials Incorporated by Reference [GA200020; FRL–6720–4] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9093. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Preliminary Assessment Information Reporting; Addition of Certain Chemicals [OPPTS–82054; FRL–6589–1] (RIN: 2070–AB08) received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9094. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Public Notification Rule [FRL–6726–1] (RIN: 2040–AD06) received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [OPPTS–00265; FRL–6067–7] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Vinclozolin; Pesticide Tolerances [OPP–301015; FRL–6594–9] (RIN: 2070–AB78) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9097. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [IN105–1a; FRL–6720–2] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9098. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulation of Implementation Plans: Oregon [OR82–7297a; FRL–6714–7] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9099. A letter from the Director, Office of Regulatory Mangement and Information, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund, Section 311(b)(9)(A), CERCLA Section 311(b)(3) "Announcement of Competition for EPA's Brownfields Job Training and Development Demonstration Pilots" [FRL–6837–1] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9100. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crystal Falls and Republic, Michigan) [MM Docket No. 98–128, RM–9308, RM–9385] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9101. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sulphur Bluff, Texas) [MM Docket No. 99–287; RM–9712] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9102. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Holbrook, Arizonia) [MM Docket No. 99–351; RM–9785] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9103. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mojave, California) [MM Docket No. 99–353; RM–9787] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9104. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hemet, California) [MM Docket No. 99–349; RM–9766] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9105. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Tallulah, Louisiana) [MM Docket No. 99–348; RM–9765] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9106. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202 (b), Table of Allotments, FM Broadcast Stations. (Simmesport, Louisiana) [MM Docket No. 99–350; RM–9769] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9107. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations, (Reno, Nevada) [MM Docket No. 99–291; RM–9665] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9108. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, Digital Television Broadcast Stations (Las Vegas, Nevada) [MM Docket No. 99–252; RM–9648] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9109. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–1456] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9110. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to 50 U.S.C. 1541; (H. Doc. No. 106–270); to the Committee on International Relations and ordered to be printed.

9111. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Forces's Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 00–58), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9112. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–59), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9113. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9114. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 00–57), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9115. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–60), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9116. A letter from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations—received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9117. A letter from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers; Addition of Persons Blocked Pursuant to 31 CFR Part 538, 31 CFR Part 597, or Executive Order 13129 [31 CFR Chapter V] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9118. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Parties to a Transaction and their Responsibilities, Routed Export Transactions, Shipper's Export Declarations, the Automated Export System (AES), and Export Clearance [Docket No. 990709186–0128–02]

(RIN: 0694–AB88) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9119. A letter from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Expansion of License exception CIV Eligibility for "Microprocessors" Controlled by ECCN 3A001 and Graphics Accelerators Controlled by ECCN 4A003 [Docket No. 990701179–0167–03] (RIN: 0694–AB90) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9120. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations: Implementation of the Wassenaar Arrangement List of Dual-Use Items: Revisions to Categories 1, 2, 3, 4, 5, 6 and 9 of the Commerce Control List [Docket No. 000616178–0178–01] (RIN: 0694–AC19) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9121. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9122. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule—Foreign Trade Statistics Regulations: Amendment to Clarify Exporter (U.S. Principal Party in Interest) and Forwarding or Other Agent Responsibilities in Preparing the Shipper's Export Declaration or Filing Export Information Electronically Using the Automated Export System and Related Provisions [Docket No. 980716180–0030–03] (RIN: 0607–AA20) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9123. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Rules and Regulations for the Allocation of Fiduciary Responsibility, Federal Retirement Thrift Investment Board; (RIN: 1210–AA79) received July 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9124. A letter from the Deputy Archivist, Policy and Planning Staff, National Archives and Records and Administration, transmitting the Administration's final rule—John F. Kennedy Assassination Records Collection Rules (RIN: 3095–AB00) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9125. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Location of NARA Facilities and Hours of Use (RIN: 3095–AA98) received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9126. A letter from the Director, WCPS/OCA/SWSD, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Lebanon, PA, Nonappropriated Fund Wage Area (RIN: 3206–AJ01) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9127. A letter from the Director, WCPS/OCA/SWSD, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Franklin, PA, Nonappropriated Fund Wage Area (RIN: 3206–AJ00) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9128. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Payments During Evacuation (RIN: 3206–AI78) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9129. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Appointments of Persons with Psychiatric Disabilities (RIN: 3206–AI94) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9130. A letter from the Vice-Chairman, Federal Election Commission, transmitting the Commission's final rule—Election Cycle Reporting By Authorized Committees [Notice 2000–15] received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

9131. A letter from the Assistant Secretary for Fish and Wildlife Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Importation or Shipment of Injurious Wildlife: Zebra Mussel (Dreissena polymorpha) (RIN: 1018–AF88) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9132. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Alaska Native Veterans Allotments [WO–350–1410–00–24–1A] (RIN: 1004–AD34) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9133. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Administrative and Audit Requirements and Cost Principles for Assistance Programs (RIN: 1090–AA67) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9134. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure [I.D. 050500G] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9135. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications [Docket No. 000503121–0189–02; I.D. 030600A] (RIN: 0648–AN07) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9136. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rockfish and Pacific Ocean Perch in the Central and Eastern Regulatory Areas of the Gulf of Alaska [Docket No. 991228352–0012–02; I.D. 062100A] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9137. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 991223347–9347; I.D. 042600B] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9138. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid [Docket No. 991228354–0078–02; I.D. 062300C] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9139. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Northwestern Hawaiian Islands Lobster Fishery; Closure of the Year 2000 Fishery [Docket No. 000619185–0185–01; I.D. 042400H] (RIN: 0648–A006) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9140. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery, Framework Adjustment 13; Northeast Multispecies Fishery, Framework Adjustment 34 [Docket No. 000531162–0162–01; I.D. 042800B] (RIN: 0648–AN49) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9141. A letter from the Chief, Office of Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Regulations Governing the Taking and Importing of Marine Mammals; Endangered and Threatened Fish and Wildlife; Cook Inlet Beluga Whales [Docket No. 0006313174–0174–01; I.D. 032399A] (RIN: 0648–XA53) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9142. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Jurisdictional Change for the Los Angeles and San Francisco Asylum Offices [INS. No. 1949–98] (RIN: 1115–AF18) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9143. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Labor Certification and Petition Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Delegation of Authority to Adjudicate Petitions (RIN: 1205–AB23) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9144. A letter from the Surface Transportation Board, Department of Transportation, transmitting the Department's final rule—Modification of the Carload Waybill Sample and Public Use File Regulations [STB Ex Parte No. 385 (Sub-No. 4)], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9145. A letter from the FHWA Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—

Federal Motor Carrier Safety Regulations; Technical Amendments (RIN: 2126–AA45) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9146. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Freeport, TX [Airspace Docket No. 2000–ASW–11] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9147. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; McPherson, KS [Airspace Docket No. 00–ACE–17] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9148. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Walnut Ridge, AR [Airspace Docket No. 2000–ASW–14] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9149. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hugoton, KS [Airspace Docket No. 00–ACE–18] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9150. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Albion, NE [Airspace Docket No. 99–ACE–30] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9151. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oelwein, IA [Airspace Docket No. 00–ACE–12] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9152. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fairfield, IA [Airspace Docket No. 00–ACE–13] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9153. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Barrow, AK [Airspace Docket No. 00–AAL–1] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9154. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 99–NM–338–AD; Amendment 39–11809; AD 2000–09–01 R1] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9155. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 99–NM–368–AD; Amendment 39–11808; AD 2000–13–09] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9156. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99–NM–196–AD; Amendment 39–11806; AD 2000–13–07] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9157. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company, Inc. AE 3007A and AE 3007C Series Turbofan Engines [Docket No. 99–NE–15–AD; Amendment 39–11800; AD 2000–13–01] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9158. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company Models CF6–80C2A1/A2/A3/A5/A5F/A8/D1F Turbofan Engines [Docket No. 99–NE–45–AD; Amendment 39–11786; AD 2000–12–08] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9159. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc. RB211 Trent 768–60, Trent 772–60, and Trent 772B–60 Turbofan Engines [Docket No. 2000–NE–05–AD; Amendment 39–11804; AD 2000–13–05–AD] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9160. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech 17, 18, 19, 23, 24, 33, 35, 36/A36, A36TC/B36TC, 45, 50, 55, 56, 58, 58P, 58TC, 60, 65, 70, 76, 77, 80, 88, and 95 Series Airplanes [Docket No. 98–CE–61–AD; Amendment 39–11061; AD 99–05–13] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9161. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems [FRA Docket No. FRA–1999–5685, Notice No. 6] (RIN: 2130–AB33) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9162. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Statement of Agency Policy Concerning Jurisdiction over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment [FRA Docket No. FRA–1999–5685, Notice No. 7] (RIN: 2130–AB33) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9163. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, and –800 Series Airplanes [Docket No. 2000–NM–209–AD; Amendment 39–11811; AD 2000–14–02] (RIN: 2120–AA64) received July 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9164. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oakley, KS [Airspace Docket No. 00–ACE–20] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9165. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category (RIN: 2040–AB98) received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9166. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Security Requirements for Unclassified Information Technology Resources—received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9167. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Administrative Revisions to the NASA FAR Supplement—received June 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9168. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Export Certificates for Sugar-Containing Products Subject to Tariff-Rate Quota (RIN: 1515–AC55) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9169. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Country of Origin Marking Rules for Textiles and Textile Products Advanced in Value, Improved in Condition, or Assembled Abroad [T.D. 00–44] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9170. A letter from the Deputy Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Methodology for Determining Whether an Increase in a State or Territory's Child Poverty Rate is the Result of the TANF Program (RIN: 0970–AB65) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9171. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance on Section 403(b) Plans [Revenue Ruling 2000–35] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9172. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modification of Rev. Proc. 99–18 (Sections 1001 and 1275) [Revenue

Procedure 2000-29] received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Claims for Certain Income Tax Convention Benefits [TD 8889] (RIN: 1545-AV10) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Grantor [TD 8890] (RIN: 1545-AX25) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1999 Differential Earnings Rate [Rev. Rul. 2000-37] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—TeleFile Voice Signature Test [TD 8892] (RIN: 1545-AR97) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9177. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Retention of Income Tax Return Preparers' Signatures [TD 8893] (RIN: 1545-AW52) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9178. A letter from the Assistant U.S. Trade Representative for WTO and Multilaterial Affairs, Office of the United States Trade Representative, transmitting a Report to the Congress Under Section 282(c)(5) of the Uruguay Round Agreements Act, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9179. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Denial of Supplemental Security Income (SSI) Benefits for Fugitive Felons and Probation and Parole Violators (RIN: 0960-AE77) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. H.R. 4110. A bill to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005 (Rept. 106-768). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 4700. A bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact (Rept. 106-769). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 72. Resolution granting the consent of the Congress to the Red River Boundary Compact; with an amendment (Rept. 106-770). Referred to the House Calendar.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4419. A bill to prevent the use of certain bank instruments for Internet gambling, and for other purposes; with an amendment (Rept. 106-771 Pt. 1). Ordered to be printed.

Mr. BURTON: Committee on Government Reform. H.R. 4744. A bill to require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes (Rept. 106-772). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4585. A bill to strengthen consumers' control over the use and disclosure of their health information by financial institutions, and for other purposes; with an amendment (Rept. 106-773 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2580. A bill to encourage the creation, development, and enhancement of State response programs for contaminated sites, removing existing Federal barriers to the cleanup of brownfield sites, and cleaning up and returning contaminated sites to economically productive or other beneficial uses; with an amendment (Rept. 106-775 Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1954. A bill to regulate motor vehicle insurance activities to protect against retroactive regulatory and legal action and to create fairness in ultimate insurer laws and vicarious liability standards, with an amendment; referred to the Committee on Judiciary for a period ending not later than September 15, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 106-774 Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4419. Referral to the Committee on the Judiciary extended for a period ending not later than September 22, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than September 22, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS:

H.R. 4898. A bill to amend titles XVIII and XIX of the Social Security Act to require nursing facilities to be air conditioned to receive Medicare or Medicaid funding; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 4899. A bill to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes; to the Committee on International Relations.

By Mr. HANSEN:

H.R. 4900. A bill to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Michigan:

H.R. 4901. A bill to authorize appropriations for fiscal years 2001, 2002, and 2003 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Mrs. CHENOWETH-HAGE (for herself, Mr. DOOLITTLE, Mr. PAUL, and Mrs. EMERSON):

H.R. 4902. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. MARKEY):

H.R. 4903. A bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications entities by or to foreign governments; to the Committee on Commerce.

By Mr. ABERCROMBIE:

H.R. 4904. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 4905. A bill to amend the Real Estate Settlement Procedures Act of 1974 to authorize a homeowner to recover treble damages from the homeowner's mortgage escrow servicer for failure by the servicer to make timely payments from the escrow account for homeowners insurance, taxes, or other charges; to the Committee on Banking and Financial Services.

By Mr. BARCIA (for himself and Ms. RIVERS):

H.R. 4906. A bill to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration; to the Committee on Science.

By Mr. BATEMAN:

H.R. 4907. A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Mr. CANADY of Florida (for himself and Mr. BARR of Georgia):

H.R. 4908. A bill to amend title 18, United States Code, to provide for the disclosure of electronic monitoring of employee communications and computer usage in the workplace; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 4909. A bill to amend title 38, United States Code, to permit retired members of the Armed Forces who retired with over 20 years of service, were awarded the Purple Heart, and have a service-connected disability compensable by the Department of Veterans Affairs to receive compensation from the Department of Veterans Affairs concurrently with military retired pay, without reduction of either, and to provide for the preservation of certain benefits for surviving spouses of veterans and retired members of the Armed Forces; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 4910. A bill to amend title 39, United States Code, to make nonmailable any mail matter which bears on its face or on its envelope or outside cover or wrapper the Social Security account number of any individual; to the Committee on Government Reform.

By Mr. HAYWORTH:

H.R. 4911. A bill to amend title 5, United States Code, to provide competitive civil service status for National Guard technicians who are involuntarily separated other than for cause from National Guard service; to the Committee on Government Reform.

By Mr. HILL of Montana:

H.R. 4912. A bill to require the conveyance of certain real property under the jurisdiction of the Secretary of Veterans Affairs in Miles City, Montana; to the Committee on Veterans' Affairs.

By Mr. KIND:

H.R. 4913. A bill to establish a system for the reimbursement of fines levied and collected due to illegal practices engaged in by participants in the petroleum industry to injured consumers based on the consumers' distance from Eau Claire, Wisconsin; to the Committee on the Judiciary.

By Mr. KLINK:

H.R. 4914. A bill to extend the deadline for commencement of construction of a hydroelectric project in Pennsylvania; to the Committee on Commerce.

By Mr. MEEHAN (for himself, Mr. Abercrombie, Mr. Kennedy of Rhode Island, Mr. Lantos, Ms. Norton, Mr. Rangel, Ms. Schakowsky, Mr. Tierney, Mr. Wexler, and Mr. Wynn):

H.R. 4915. A bill to provide for the implementation of a system of licensing for purchasers of handguns and for a record of sale system for handguns, and for other purposes; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself and Mr. Matsui):

H.R. 4916. A bill to amend the Internal Revenue Code of 1986 to increase the aggregate cost of certain reusable pallets and containers and related property which may be expensed under section 179; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 4917. A bill to amend the Federal Water Pollution Control Act relating to marine sanitation devices; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL:

H. Con. Res. 378. Concurrent resolution expressing the sense of the Congress regarding the conviction of ten members of Iran's Jewish community; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. McCollum, Mr. Holden, Mr. Doyle, Mr. Borski, Mr. Barcia, Mr. Wamp, Mr. Bonior, Mr. Edwards, Mrs. McCarthy of New York, Mr. King, Mr. Pascrell, Mr. Crowley, Mr. Mollohan, Mr. Frost, Mr. Ramstad, Mr. Hoyer, Mr. Strickland, Mr. Oxley, Mr. Bishop, Mr. Baldacci, Mr. Farr of California, Mr. Cook, Mr. Barrett of Wisconsin, Mr. Delahunt, Mr. Markey, Mr. Costello, Mr. Weiner, Mr. Smith of Washington, Mr. Cramer, Mr. Visclosky, Mr. Wynn, Mrs. Capps, Mr. Luther, Ms. Rivers, Ms. Slaughter, Mr. John, Ms. Stabenow, Mr. Levin, Mr. Maloney of Connecticut, Mr. Gordon, Mr. Pallone, Mr. Green of Texas, Ms. Eshoo, Mr. Waxman, Mr. Deutsch, Mr. Gilman, Mr. Scott, Mr. Minge, Mr. Boucher, Mr. Calvert, Mr. Pomeroy, Mr. Brown of Ohio, Mr. Brady of Pennsylvania, Mr. Kanjorski, Mr. Klink, Mr. Camp, Mr. Hoeffel, Mr. Etheridge, Mr. Boehlert, Ms. Kaptur, Ms. Jackson-Lee of Texas, Mr. Hinchey, Mr. Reyes, Mr. Knollenberg, Mr. Wu, and Mr. Wexler):

H. Res. 561. A resolution expressing the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

416. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1020 memorializing the United States Congress and the President of the United States to significantly increase the amount of spending for the nation's armed forces; to the Committee on Armed Services.

417. Also, a memorial of the Senate of the State of Illinois, relative to Senate Joint Resolution No. 35 the Congress of the United States to appropriate such funds as are necessary to complete this vital program to insure that maps are accurate so that homeowners are not charged exorbitant rates based on outdated information; to the Committee on Banking and Financial Services.

418. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 24 memorializing the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline; to the Committee on Commerce.

419. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 00–031 memorializing the FCC not to preempt local government land use decision-making and state judicial processes, thus overriding local and state government authority; to the Committee on Commerce.

420. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 48 memorializing the Congress of the United States and the Clinton Administration to recognize state interests and enact legislation that would prohibit the federal Department of Health and Human Services from recouping the tobacco settlement funds as third-party recoveries under Medicaid Law; to the Committee on Commerce.

421. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1015 memorializing the United States Congress to consider fully funding the PILT program for fiscal year 2001 to more accurately compensate countries for the burden of maintaining tax-exempt federal lands; to the Committee on Commerce.

422. Also, a memorial of the Senate of the State of Colorado, relative to House Joint Resolution No. 00–1041 memorializing th United States government to invest at least $100 million in international tuberculosis control in fiscal year 2001 to jumpstart tuberculosis control programs in the highest impact countries around the world; to the Committee on International Relations.

423. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1023 requesting the citizens of the state of Colorado to endorse participants in "The People To People Ambassadorship Program" and to recommit this state to engaging in programs and activities that will continue to support ongoing efforts to make Colorado's students responsible American and world citizens; to the Committee on International Relations.

424. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1009 memorializing the President and the Congress of the United States to take whatever steps necessary to initiate talks with the Democratic People's Republic of Korea, the People's Republic of China, the Russian Federation, and the Socialist Republic of Vietnam for the purpose of obtaining the release of Americans being held against their will; to the Committee on International Relations.

425. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 39 urging the Bureau of the Census to conduct 2000 decennial census consistant with the United States Supreme Court ruling and consitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create or in any way adjust the count; opposing the use of P.L. 94–171 data for legislative redistricting; and demanding that the data received from P.L. 94–171 for legislative redistricting be identical to the census tabulation data; to the Committee on Government Reform.

426. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 12 memorializing Congress and urging the Coastal Wetlands Planning, Protection and Restoration Act Task Force to support favoring barrier island restoration projects in the selection of restoration projects under the Breaux Act; to the Committee on Resources.

427. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1049 memorializing the Congress to ensure that any and all land purchased, leased, or otherwise acquired pursuant to designation of the Sand Creek Massacre National Historic Site as a unit of the National Park Service be acquired solely from willing sellars or lessors that no comdemnation or control be exerted by the federal government upon any landowner who is not willing to enter into an agreement with the federal government for such purpose; and urging that the current landowners receive just and equitable compensation in any transaction to the Committee on Resources.

428. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1036 supporting all action necessary and possible in order for projects to proceed aggressively to control insect and disease epidemics around

Colorado; supporting analysis of roadless areas of the national forests and grasslands in Colorado through the existing forest planning process; supporting the full funding of forest plans for the national forests and national grasslands; and supporting an aggressive stategy to comprehensively reduce the catactrophic fire risk and improve the health of Colorado's forests; to the Committee on Resources.

429. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 20 memorilizing the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims; to the Committee on the Judiciary.

430. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 216 memorializing the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States Supreme Court or any inferior court of the United States to mandate any state or political subdivision of the state levy or increase taxes; to the Committee on the Judiciary.

431. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 40 memorializing the United States Congress to express its commitment to the Nation's waterways by making available additional financial and technical assistance to aid the State of Illinois in preserving and maintaining its importatant waterways and the critical locks and dams they contain; to the Committee on Transportation and Infrastructure.

432. Also, a memorial of the Senate of the State of Illinois, relative to Senate Joint Resolution No. 32 memorializing the Congress of the United States of America to ensure long-term financial viability of Social Security, as desribed above, and restore public confidence in the future of the program and to provide full benefit coverage for prescription medication under the federal Medicare program; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DELAHUNT introduced A bill (H.R. 4918) to authorize and request the President to award the Medal of Honor to James L. Cadigan of Hingham, Massachusetts; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Ms. Ros-Lehtinen.

H.R. 53: Mr. Radanovich.

H.R. 175: Mr. Largent.

H.R. 218: Mrs. Northup.

H.R. 303: Mr. Hostettler and Mr. Doolittle.

H.R. 353: Mr. Kuykendall, Mr. Fletcher, Mr. Sisisky, Mrs. Meek of Florida, and Mr. Hinojosa.

H.R. 390: Mr. Gutierrez, Mr. Evans, Mrs. Maloney of New York, and Mr. Engel.

H.R. 405: Mr. Bass.

H.R. 418: Mr. McNulty.

H.R. 423: Mr. Doolittle.

H.R. 531: Mr. Sensenbrenner, Mr. Coyne, and Mr. Bass.

H.R. 534: Mr. Bilirakis.

H.R. 555: Mr. Payne.

H.R. 583: Mr. Turner.

H.R. 797: Mr. Gibbons and Mr. Calvert.

H.R. 801: Mrs. Fowler.

H.R. 870: Mr. Green of Texas.

H.R. 1020: Mrs. Bono.

H.R. 1057: Mrs. McCarthy of New York.

H.R. 1122: Mr. Berman, Mr. Cox, Mr. Mollohan, and Mr. Blunt.

H.R. 1144: Mr. Green of Texas.

H.R. 1217: Mr. Upton.

H.R. 1228: Mr. Gonzalez, Mr. Crowley, Ms. Brown of Florida, and Mr. Levin.

H.R. 1303: Mr. Manzullo and Mrs. McCarthy of New York.

H.R. 1310: Mr. LoBiondo and Mr. Davis of Illinois.

H.R. 1594: Mr. Waxman and Mr. Blagojevich.

H.R. 1634: Ms. Velázquez and Mr. Hall of Texas.

H.R. 1636: Ms. Woolsey.

H.R. 1871: Mr. Barrett of Wisconsin and Mr. Brown of Ohio.

H.R. 1926: Mr. Boehlert.

H.R. 2138: Mr. Larson, Mr. McNulty, and Mr. Davis of Illinois.

H.R. 2308: Mrs. Johnson of Connecticut.

H.R. 2431: Mr. McInnis.

H.R. 2446: Ms. Rivers.

H.R. 2457: Mr. Moore and Mr. Gejdenson.

H.R. 2463: Mr. Dooley of California.

H.R. 2492: Mrs. McCarthy of New York.

H.R. 2624: Ms. Velázquez and Ms. Lofgren.

H.R. 2631: Mr. Upton.

H.R. 2710: Mr. Green of Texas.

H.R. 2720: Mr. Mica.

H.R. 2870: Mrs. Napolitano.

H.R. 3003: Ms. Woolsey.

H.R. 3004: Mr. Serrano, Ms. Kaptur, Mr. Skelton, and Mr. Sandlin.

H.R. 3219: Mrs. Northup.

H.R. 3249: Mr. Weldon of Pennsylvania, Mr. Blagojevich, and Mr. Jefferson.

H.R. 3266: Ms. Waters, Mr. DeFazio, Mr. Kucinich, and Mr. Nadler.

H.R. 3309: Mr. Nussle.

H.R. 3433: Mr. Hoeffel, Mr. Allen, Mr. Berman, and Mrs. Mink of Hawaii.

H.R. 3463: Mr. Berman, Mr. Schaffer, Mr. Davis of Illinois, Mr. Waxman, Mr. McNulty, Mr. Crane, Ms. Slaughter, and Mr. LaTourette.

H.R. 3466: Mr. Skelton.

H.R. 3575: Mr. DeMint.

H.R. 3580: Ms. Sanchez, Mr. Sisisky, Mr. Mica, Mr. Dooley of California, Mr. Sawyer, Mr. Goodlatte, and Mr. Scott.

H.R. 3610: Mr. Baldacci, Mr. Price of North Carolina, Mr. Matsui, Mr. Berman, Mr. Bonior, Mr. Evans, Mr. Fattah, Mr. Pastor, Mr. Faleomavaega, Mr. Larson, Mr. Kildee, Mrs. Jones of Ohio, Mr. Davis of Illinois, Ms. Kilpatrick, Mr. Kennedy of Rhode Island, and Ms. Brown of Florida.

H.R. 3674: Mr. Petri.

H.R. 3698: Mr. Crowley, Ms. Kaptur, Mr. Bereuter, Mr. McCollum, and Mr. Edwards.

H.R. 3700: Mr. Walsh, Ms. Eshoo, Ms. Lofgren, Mr. Davis of Illinois, Mr. Calvert, and Mr. Upton.

H.R. 3842: Mr. Meeks of New York, Mr. Hastings of Florida, Mr. Hall of Texas, Mr. Dicks, Mr. Bentsen, Ms. Berkley, Mr. Rush, and Mr. Weygand.

H.R. 4033: Mr. Weldon of Florida, Mr. Manzullo, and Mr. Shimkus.

H.R. 4113: Mr. Burton of Indiana and Mr. McIntosh.

H.R. 4136: Mr. Baca.

H.R. 4211: Mr. Farr of California and Mr. Pallone.

H.R. 4213: Mr. Miller of Florida and Mr. Hayworth.

H.R. 4215: Mr. Bateman, Mr. Collins, and Mr. Boyd.

H.R. 4239: Ms. Danner.

H.R. 4245: Mr. Clement.

H.R. 4277: Mr. Baird, Mr. Tancredo, and Mr. Kildee.

H.R. 4311: Mr. Jones of North Carolina, Mr. Meeks of New York, and Mr. Gutierrez.

H.R. 4334: Mrs. Mink of Hawaii.

H.R. 4366: Mr. McDermott, Mr. Gilman, and Ms. Slaughter.

H.R. 4434: Mr. LaFalce, Ms. Pryce of Ohio, and Mr. Holden.

H.R. 4492: Mr. Wexler and Mr. Cannon.

H.R. 4502: Mr. Baca, Mr. Bereuter, Mr. Kolbe, Mr. Cook, Mr. Nethercutt, Mr. Hall of Texas, Mr. Reynolds, and Mr. Brady of Texas.

H.R. 4507: Mr. Kucinich.

H.R. 4543: Mr. Oxley, Ms. Pryce of Ohio, Mr. Lipinski, Mr. Pombo, and Mr. Goode.

H.R. 4556: Mr. McCrery.

H.R. 4566: Mr. Rahall.

H.R. 4575: Mr. Hinojosa.

H.R. 4639: Mr. Pallone.

H.R. 4652: Mr. Boyd.

H.R. 4654: Mr. Terry, Mr. Buyer, Mr. Gibbons, Mr. Saxton, Mr. Chambliss, Mr. Deal of Georgia, Mr. Kolbe, and Mrs. Emerson.

H.R. 4659: Mr. Pallone and Mr. Bonior.

H.R. 4665: Mr. Gonzalez, Ms. Pelosi, Mr. Hall of Ohio, Ms. McKinney, Mr. Brady of Pennsylvania, Mr. Frost, Mr. Crowley, and Mr. Evans.

H.R. 4685: Mr. Calvert.

H.R. 4701: Mr. Cunningham, Mr. Bartlett of Maryland, Mr. Packard, Ms. Sanchez, and Mr. Sherman.

H.R. 4728: Mr. Goodlatte, Mr. Blagojevich, and Mr. McHugh.

H.R. 4740: Mr. Lipinski, Ms. McKinney, and Mr. Fattah.

H.R. 4745: Mr. Isakson, Mr. Gilman, and Mr. Houghton.

H.R. 4747: Mr. McKeon, Mr. Armey, Mr. Smith of Washington, Mr. Talent, and Ms. Dunn.

H.R. 4756: Mr. Coyne, Mrs. Clayton, and Mrs. Jones of Ohio.

H.R. 4759: Mr. Hayworth, Mr. Gilchrest, and Mr. Hinojosa.

H.R. 4760: Mr. Neal of Massachusetts, Mr. Rahall, and Mr. Romero-Barcelo.

H.R. 4765: Mr. LaHood.

H.R. 4770: Mr. Visclosky.

H.R. 4791: Mr. Hansen.

H.R. 4793: Mr. DeFazio.

H.R. 4798: Mr. Baca.

H.R. 4807: Mr. Kleczka, Mr. Bishop, Mr. Roemer, Ms. Kaptur, Mr. Turner, Mr. Lipinski, Mr. Hastings of Florida, Ms. Jackson-Lee of Texas, Mr. Fattah, Mr. Kucinich, Mr. McDermott, Ms. Hooley of Oregon, Mr. Pascrell, Mr. Andrews, Mr. Thompson of Mississippi, Mr. Romero-Barcelo, Mr. Holden, Mr. Kind, Ms. DeLauro, Mr. Holt, Mr. Reyes, Mr. Brady of Texas, Mr. Kildee, Mr. Payne, Mr. Allen, Mr. Sweeney, Mrs. Jones of Ohio, Mr. Bass, Mr. Cummings, Mr. Ortiz, Mr. Watkins, Ms. Eddie Bernice Johnson of Texas, Mrs. McCarthy of New York, Mr. Owens, Mr. Phelps, Mr. Sandlin, Mr. Udall of Colorado, Ms. Norton, Mr. Crowley, Ms. Dunn, Mr. Moran of Virginia, Mr. Gibbons, Ms. Carson, Mr. Bliley, Mr. Hoeffel, and Mr. Ose.

H.R. 4825: Mr. Cook, Ms. DeGette, Ms. DeLauro, Mr. Rogan, Mr. Hall of Texas, Mr. Oxley, and Mr. LaTourette.

H.R. 4827: Mr. Kuykendall and Mr. Holden.

H.R. 4844: Ms. Millender-McDonald, Ms. Ros-Lehtinen, Ms. Schakowsky, Mr.

LOBIONDO, Mr. WEINER, Mr. SHIMKUS, Mr. SCOTT, Mrs. BIGGERT, Mr. UDALL of Colorado, Mr. DOOLITTLE, Mr. CLYBURN, Mrs. EMERSON, Mr. MOORE, Mrs. MCCARTHY of New York, Mr. JOHN, Mr. BACA, Mr. ROTHMAN, Mr. WAXMAN, Mr. WATTS of Oklahoma, Mr. ENGLISH, Mr. NETHERCUTT, Mr. CASTLE, Mr. HILLIARD, Mr. FILNER, Mr. LUCAS of Kentucky, Mr. GEKAS, Mr. JACKSON of Illinois, Mr. WALSH, Mr. BARRETT of Nebraska, Ms. DEGETTE, Mr. ETHERIDGE, Mr. GUTIERREZ, Ms. RIVERS, Mr. LANTOS, Mr. PAYNE, Mr. ENGEL, Mrs. CLAYTON, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. WEXLER, Mr. PICKERING, Mr. YOUNG of Alaska, Mr. CALLAHAN, Mr. THOMPSON of Mississippi, Mr. DEFAZIO, Mr. HALL of Texas, Mr. UPTON, Mr. CALVERT, Mr. FALEOMAVAEGA, Mr. KLECZKA, Mr. LINDER, Mr. BALDACCI, Ms. DUNN, Mr. RODRIGUEZ, Mr. GANSKE, Mr. GREENWOOD, Mr. BRADY of Texas, Ms. GRANGER, Mr. SKEEN, Mr. HOBSON, Mr. GREEN of Wisconsin, Mr. MCHUGH, Mr. HASTINGS of Washington, Mr. WALDEN of Oregon, Mr. JONES of North Carolina, Mrs. CHENOWETH-HAGE, Mr. MOLLOHAN, and Mr. LAZIO.

H.R. 4850: Mr. BILIRAKIS, Mr. HAYWORTH, Mr. REYES, Mr. SNYDER, Ms. BERKLEY, Ms. CARSON, Mr. UDALL of New Mexico, Mr. GUTIERREZ, Ms. BROWN of Florida, and Mr. PETERSON of Minnesota.

H.R. 4857: Mr. CLEMENT and Mr. MOORE.

H.R. 4864: Mr. COMBEST, Mr. DIAZ-BALART, Mr. LOBIONDO, Mr. WAMP, Mr. HAYWORTH, Mr. POMEROY, Mr. HINCHEY, Mr. COSTELLO, Mr. ISAKSON, Mr. KLECZKA, Mr. SNYDER, Mr. GUTIERREZ, Mr. HILL of Indiana, and Mr. UPTON.

H.R. 4892: Ms. NORTON.

H.J. Res. 102: Mr. EVERETT.

H.J. Res. 105: Mr. BISHOP and Mr. JOHN.

H. Con. Res. 58: Ms. MCKINNEY, Mr. ENGEL, Mr. OWENS, Mrs. NORTHUP, Mr. RAHALL, and Mrs. MINK of Hawaii.

H. Con. Res. 298: Mr. ANDREWS.

H. Con Res. 327: Mr. STEARNS, Mr. LARGENT, Mr. MCCRERY, Mr. BURR of North Carolina, Mr. SCHAFFER, Mr. BOEHNER, Mr. MCINNIS, Mr. EHLERS, Mr. TANNER, Mr. GOODLING, Mr. ROHRABACHER, Mr. OSE, Mrs. BONO, Mr. CALVERT, Mr. LEWIS of California, Mr. MCKEON, Mr. HERGER, Mr. POMBO, Mr. RADANOVICH, Mr. DOOLITTLE, Mr. MCCOLLUM, Mr. GONZALEZ, Mr. LARSON, Mr. HOEFFEL, Mr. STUPAK, Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. HOLDEN, Mr. DOYLE, Mr. KLINK, Mr. MASCARA, and Mr. MURTHA.

H. Con. Res. 341: Mrs. MINK of Hawaii.

H. Con. Res. 363: Ms. JACKSON-LEE of Texas and Ms. CARSON.

H. Con. Res. 370: Mr. MCNULTY, Mrs. KELLY, Mr. PAYNE, and Mr. DIXON.

H. Con. Res. 376: Mr. TOWNS.

H. Res. 107: Mr. BENTSEN.

H. Res. 414: Mr. STARK, Mr. HOLT, Mr. BAIRD, and Ms. KILPATRICK,

H. Res. 437: Mr. KIND.

H. Res. 461: Mr. DEUTSCH, Mr. DAVIS, of Illinois, Mr. DOYLE, Mr. LAMPSON, Mr. HILLIARD, Mrs. KELLY, and Mr. LOFGREN.

H. Res. 537: Mr. CANADY of Florida, Ms. SLAUGHTER, and Mr. GONZALEZ.

H. Res. 543: Mr. BEREUTER.

H. Res. 551: Mr. DICKEY and Mr. TERRY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. SLAUGHTER on House Resolution 520: Edward J. Markey.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4871

OFFERED BY: MS. DELAURO

AMENDMENT NO. 17: Strike section 509.

H.R. 4871

OFFERED BY: MR. INSLEE

AMENDMENT NO. 18: Page 64, after line 8, insert the following new section:

SEC. 521. Not later than 90 days after the date of the enactment of this Act, the Inspector General of each agency funded under this Act shall submit to the Congress a report that discloses—

(1) any agency activity related to the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the agency; and

(2) any agency activity related to entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits to nongovernmental Internet sites.

H.R. 4871

OFFERED BY: MR. RANGEL

AMENDMENT NO. 19: At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used by the Department of the Treasury to enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104-114).

H.R. 4871

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 20: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. No funds in this bill may be used in contravention of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; popularly known as the "Buy American Act").

H.R. 4871

OFFERED BY: MR. VITTER

AMENDMENT NO. 21: In the item relating to "INTERNAL REVENUE SERVICE-PROCESSING, ASSISTANCE, AND MANAGEMENT", insert after the first dollar amount the following: "(reduced by $25,000,000)".

In the item relating to "FEDERAL DRUG CONTROL PROGRAMS-HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM", insert after the first dollar amount the following: "(increased by $25,000,000)".

SENATE—*Friday, July 21, 2000*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father of all the families of the earth, this coming Sunday we celebrate Parents' Day. We pray that this special day, established by Congress and signed into law by the President, will be a day to recall America to a new commitment to the family.

We ask You to bless parents as they live out their high calling. Help them to learn from the way You parent all of us as Your children. You have shown us Your faithfulness, righteousness, and truthfulness. You never leave nor forsake us; You respond to our wants with what is ultimately best for our real needs. You love us so much that You press us to become all that You intended.

As parents, we commit ourselves to moral purity, absolute honesty, and consistent integrity. Make us dependable people in whom children can experience tough love and tender acceptance along with a bracing challenge to excellence and responsibility. May our example of patriotism raise up a new generation of Americans who love You and their country.

Be with parents when they grow weary or become discouraged or feel they have failed. Be their comfort and courage. Remind them that they are partners with You in the launching of children into the adventure of living for Your glory and by Your grace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Delaware is recognized.

SCHEDULE

Mr. ROTH. Mr. President, today the Senate will resume debate on the conference report to accompany the marriage penalty reconciliation bill. There will be 30 minutes for closing remarks, with a vote to occur on adoption of the conference report at approximately 9:30 a.m. As previously announced, this will be the only vote today. Following the disposition of the marriage penalty conference report, the Senate is expected to begin consideration of the energy and water appropriations bill. Amendments are expected and Senators are encouraged to come to the floor to offer their amendments.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report to accompany H.R. 4810, which the clerk will report.

The legislative clerk read as follows:

> A conference report to accompany H.R. 4810, an act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The PRESIDING OFFICER. Under the previous order, there are now 30 minutes equally divided for debate.

Mr. ROTH. Mr. President, I yield myself 5 minutes.

Mr. President, the provisions in this bill will help 45 million families, and that is substantially every family in the U.S. Some of my colleagues have argued that almost half of those families do not deserve any tax relief. I reject that. I reject it because in my home state of Delaware it would mean leaving over 30,000 families that contributed to our ever-growing budget surplus out of family tax relief. They contributed to the surplus and they should benefit from the surplus.

Today's bill amounts to less than 5 percent of the total budget surplus over the next 5 years. That is less than a nickel on the dollar of our total budget surplus. It amounts to just 9 percent of the total non-Social Security surplus over the next 5 years. That is less than a dime on the dollar of the non-Social Security surplus. A nickel and a dime—by any comparison or estimation, this marriage tax relief is fiscally responsible. Those who dispute that are themselves seeking to "nickel-and-dime" America's families out of tax relief.

I ask those who oppose this family tax relief: just how big will America's budget surplus have to get before America's families deserve to receive some of their tax dollars back? If not now, when? If just 5 percent of the budget surplus and just 9 percent of the tax overpayment is too big a refund, how little should it be? How long do they have to wait? How hard do they have to work? How large an overpayment do they have to make?

This bill is fair. We have addressed the three largest sources of marriage tax penalties in the tax code—the standard deduction, the rate brackets, and the earned income credit. We have done so in a way that does not create any new penalties—any new disincentives in the tax code. We have ensured that a family with one stay-at-home parent is not treated worse for tax purposes than a family where both parents work outside the home. This is an important principle because these are important families.

Finally, we have made this tax relief immediate for the current year. That means when a couple files their tax return next April, they will be able to see and feel the results of our work. As a result, I believe that we should call this bill the ASAP tax relief bill for America's taxpayers—tax relief for America's families now.

Despite the red flags thrown up by those who want to stand in the way of marriage tax relief, this bill actually makes the tax code more progressive. As a result, families with incomes under $100,000 will receive a proportionally larger tax cut.

There is no honest way people can claim that this bill is tilted towards the rich. I believe that the real complaint of those who oppose this bill is not that it is tilted towards the rich—because it is not—but because it is tilted away from Washington.

While I would rather have seen the 28 percent bracket doubling included in the bill, its absence does do one thing. Its absence removes any excuse for the President not to sign this bill. If President Clinton does not sign this bill, then there is only one explanation. No matter how much the amount of surplus, no matter how much the size of the tax overpayment, no matter how high the overall tax burden, and no matter how much families deserve tax relief, it is all less important to him than the fact that Washington wants the money more.

Mr. President, the time for excuses has passed, the time for family tax relief has come. Yet some in the White

House still disagree. Yesterday I received a letter from Treasury Secretary Summers in which he tried to raise two new excuses that are as transparent as they are late.

First, he tried to over-estimate the cost of the tax relief passed by Congress this year. Despite his exaggerated figures, when Congress sends this bill to the President it, along with the other bills we have passed, comprise just $120 billion worth of tax relief over the next 5 years.

Second, there is only one bill before us today and there will be only one bill when it arrives on his desk: family tax relief. When we look at this bill, we need to look at its actual provisions—not some concocted estimate of what another Congress and another President will do. Congress' official estimator scores this bill at under $90 billion for both five and ten years. That is the accurate figure and that is the appropriate measure of the tax relief before us today.

Despite what the President's advisers may wish, the issue is whether he will or won't grant America's families the tax relief they have earned. Let's approve the Marriage Tax Relief Reconciliation Act of 2000 and let's divorce the marriage tax penalty from the tax code once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I first express my gratitude to our chairman who suggested that the 10 hours reserved for a conference committee report be reduced, in this case, to a half an hour in order that we might continue with the Senate's business on appropriations, the sooner to reach the issue of permanent normal trade relations with China, which is a wholly admirable purpose with which I agree and congratulate him.

Having said that, I cannot wholly recognize the legislation he describes. I cannot be entirely certain because, although I was a conferee, as appointed by the Senate, to the House-Senate conference on the bill, I was never notified of any meeting, and all I really know about this legislation is what I read in the newspapers.

I read this morning in the New York Times on the front page an article by Richard W. Stevenson, a well-respected journalist, with the headline: "An Effort to Soften a Tax Cut Only Hardens the Opposition":

> Hoping to make it harder for President Clinton to veto a measure they see as having tremendous political appeal, Republicans have unveiled a new version of their tax cut for married couples, but as the bill passed the House today, they promptly found themselves under fire for making the bill cost $44 billion more overnight.

Mr. President, $44 billion more overnight. The ways in which this happened are obscure, but the outcome is clear. The Senate originally passed a $248 billion measure. This now is $292 billion, almost a third of a trillion dollars.

In the Finance Committee and on the floor, the Democratic Members made the point that, yes, the marriage penalty needed to be addressed, and we had a measure, a device that was simplicity itself. We said in one sentence: A couple is free to file jointly or singly, period.

There are 65 marriage penalties in the Tax Code. The measure before us deals with one, half of another, and half of yet another, leaving, if you count, as you will, 62 or 63 untouched.

The most notorious and the most difficult, dealing directly with a palpable social problem, which is that of single parents, is the earned-income tax credit. In this morning's New York Times, also, there is an op-ed by David Riemer, who is the Milwaukee director of administration and who helped create Wisconsin's welfare replacement program, which has received very encouraging notices in recent years. It is entitled "The Marriage Tax on the Poor." He describes how this works.

The earned-income tax credit evolved in the aftermath of President Nixon's effort to establish a guaranteed national income, family assistance plan, and Congress rejected that. The House passed it. The Senate did not. The Senate thought at least we should do something equivalent for people who work; hence, the earned-income tax credit. It has been expanded over the years, and it is our most effective antipoverty program, period, if you describe poverty in terms of resources, of income.

I read one paragraph:

> The earned-income tax credit's marriage penalty can be huge. Imagine a young woman and the father of her two children, living together as one household, unmarried but hoping to wed. She earns $12,000 a year; he earns $20,000. Under the tax rules, her credit is the maximum, $3,888. If they marry, the mother's "family earnings" will rise from $12,000 to $32,000. Her credit will go from $3,888 to zero—a big loss of income for a couple of such modest earnings.

The bill before us does almost nothing about that, less than the bill that left the floor in the middle of this week.

Our alternative measure is simplicity, one line, which says to that couple, as to any other: By all means, get married and choose to file jointly or separately. Separately, you retain the mother's earned-income tax credit.

This is a great opportunity lost, part of a strategy to have lots of individual tax cuts which will cumulate into an enormous tax cut. The President has said he will veto it. He should. We can get back to this next year. Do the simple thing, the reasonable thing: Get rid of all marriage tax penalties, 65 in all, and particularly those on the poor deriving a significant benefit from the earned-income tax credit.

Mr. President, I ask unanimous consent that the op-ed, "The Marriage Tax on the Poor" by David Riemer, in today's New York Times, be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Friday, July 21, 2000]

THE MARRIAGE TAX ON THE POOR

(By David Riemer)

MILWAUKEE.—Congress has agreed on a plan to eliminate the "Marriage penalty" long embedded in our tax laws—the tax advantage that the Internal Revenue Code now confers on couples who choose to live together outside marriage, or who get divorced. The House has voted to double the standard deduction and the ceiling on the 15 percent tax bracket for married couples, and the Senate is expected to follow suit.

Though President Clinton has threatened to veto the bill because most of its benefits go to relatively well-off couples, in the end he may find it hard to resist signing a measure that is popular and is advertised as family-friendly.

But there's a big flaw in this supposed erasure of the marriage penalty: It doesn't erase the marriage penalty. Lawmakers have barely touched one of the tax law's biggest and most socially damaging taxes on matrimony—the penalty for people eligible for the earned-income tax credit.

This credit, which benefits the working poor, has done more to reduce poverty than almost any other federal program. But as workers' earnings rise, the tax code imposes a heavy fine on marriage for millions of low-income workers with children.

The earned-income tax credit pays workers a maximum of $2,353, or $3,888 if the worker has two or more children, but this payment is gradually reduced once earnings increase above $12,690, going down by 16 to 21 cents for each extra dollar earned. The credit phases out entirely at $27,432 in earnings, or $31,152 if there are two or more children.

The marriage penalty arises because the tax credit calculations use family earnings, not individual earnings. If a single mother lives with her boyfriend, his wages aren't included in figuring her tax credit, since he is not officially a part of her family. Should she marry him, their real joint income will stay the same, but her official family earnings will rise, and her tax credit will go down or disappear.

The earned-income tax credit's marriage penalty can be huge. Imagine a young woman and the father of her own children, living together as one household, unmarried but hoping to wed. She earns $12,000; he earns $20,000. Under the tax rules, her credit is the maximum: $3,888.

If they marry, the mother's "family earnings" will rise from $12,000 to $32,000. Her credit will go from $3,888 to zero—a big loss of income for a couple of such modest earnings.

If Congress is serious about eliminating the marriage penalty in the tax code, it must fix the earned-income tax credit as dramatically as it is fixing the standard deduction and the tax brackets. This low-income marriage disincentive probably turns away far more individuals from wedlock than are discouraged by the other disincentives. Low-income workers, who count every penny, are much more likely to avoid marriages that will cost them dearly than are the high-salaried live-ins that Congress has its eye on helping.

> The Senate and House have agreed to trim the earned-income tax credit's marriage penalty somewhat, for some couples, by increasing the income levels where it applies by $2,000. But most of the marriage penalty remains. The only real solution is to reduce significantly the rate at which the tax credit decreases as income goes up—in other words, to expand the upper limit of eligibility. Such a change would cost the Treasury more money, but it would make the distribution of benefits more equitable. Why thwart the marital aspirations of those who work for McDonald's and Walgreen's while rewarding the ties that bind the middle class and rich?

Mr. MOYNIHAN. Mr. President, I yield the floor. My friend from Massachusetts has 2 minutes.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this vote is about our priorities as a nation. The price tag on this tax giveaway is almost exactly what we need to provide a Medicare prescription drug benefit to millions of senior citizens who desperately need this help: $292 billion over the next decade.

In the past week or so, our Republican friends have passed tax breaks that total about a trillion dollars over the next ten years, benefiting the wealthiest Americans. We don't just look at it over 5 years, we ought to be looking at the consequences of this bill over a 10-year period, and even longer. And the record shows that the tax proposals are not what they are claimed to be.

This so-called marriage penalty tax break is a sham. Democrats strongly support eliminating the marriage penalty in the tax laws, and our Democratic alternative will do that. But less than half the tax breaks in the phony Republican bill are actually directed, as the Senator from New York pointed out, at the marriage penalty.

Once again, our Republican friends are using an attractive label like "marriage penalty" as a cover for unjustified tax breaks for the wealthy at the expense of urgently needed priorities, such as prescription drug coverage for our senior citizens.

The Republican trillion dollar tax breaks for the wealthy mean: No Medicare prescription drug benefit for the Nation's senior citizens; no new teachers for the Nation's schools; no increase in the minimum wage for the Nation's hard-working, low-wage workers; no protections for patients across the Nation facing abuses by HMOs; nothing to make the Nation's schools or our neighborhoods safer.

This tax break for the wealthy is a giant step in the wrong direction for America. President Clinton is right to veto it.

Never in the history of the Senate has so much been given to so few, with so little consideration for working families in America.

Mr. President, Republicans say that President Clinton himself called for marriage penalty relief in the State of the Union address that he delivered five months ago, so he should hurry and sign this bill. I wonder whether they heard the same speech that I heard last February. President Clinton certainly called for elimination of the marriage penalty, but he also urged action on other national priorities that are every bit as important—a Medicare prescription drug benefit, support for the nation's schools, and many other urgent national needs.

This is a do-nothing Republican Congress on all of these other priorities. The shamefully excessive single-minded focus has been on tax breaks for the wealthy, to the exclusion of all other major priorities. The GOP tax cuts already approved by this Congress will consume about a trillion dollars of the projected surplus over the next ten years. The bill that Republicans brought to the Senate today is a marriage penalty in name only.

It fails to eliminate 62 of the 65 marriage penalties in the tax code—while the Democrats' marriage penalty alternative eliminates every single one.

In the interest of all Americans, President Clinton offered to compromise and sign the Republican marriage penalty bill despite its shortcomings, but only if the Republican Congress made progress on at least one of the other urgent needs facing the nation—prescription drug coverage to end the unconscionable crisis that millions of senior citizens face every day—the high cost of the drugs they need to safeguard their health. The extraordinary promise of fuller and healthier lives offered by new discoveries in medicine is often beyond their reach. They need help to afford the life-saving, life-changing miracle drugs that are increasingly available.

Republicans in Congress have rejected this reasonable offer by the President and are still pursuing their irresponsible tax-cut agenda. Republicans have eyes only for tax breaks. They've attached tax breaks to the minimum wage bill in the House, more tax breaks to the bankruptcy bill in the Senate, and still more tax breaks to the Patients' Bill of Rights in the House. They have tried to pass tax breaks to subsidize private school. They even want to eliminate the estate tax, the ultimate tax break for the wealthy.

Earlier this week, the Republican leadership forced through the Senate a complete repeal of the estate tax which will cost over $50 billion a year when fully implemented. Over 90 percent of the benefits in that bill will go to the richest 1 percent of taxpayers. In total, Republicans in the House and Senate have already passed tax cuts that would consume almost a trillion dollars of the budget surplus over the next ten years, and far more than that in the next decade, because these GOP tax schemes are so backloaded to conceal their true cost to the nation's future.

Fortunately, the nation has a President who will not hesitate to stamp "veto" on all of these irresponsible GOP giveaways. But what if we had a President who would sign these monstrosities?

The American people have a basic choice to make in November. Do they want the record budget surplus to be used for strengthening Social Security and Medicare—for providing a prescription drug benefit under Medicare—and for improving our schools? Or do they want to give trillions of dollars to the wealthiest individuals and corporations in the nation?

These are the basic policy choices for what kind of America we want in the years ahead. Democrats do not oppose tax cuts, but we do insist that tax cuts must be reasonable in amount and must be fairly allocated to all Americans.

We also want action on other key priorities for the nation's future. Taking a trillion dollars out of the federal treasury for tax breaks clearly jeopardizes our ability to provide a prescription drug benefit for Medicare. It jeopardizes our ability to fix crumbling schools, reduce class sizes, and ensure that teachers are properly trained. It jeopardizes our ability to help the 4 million Americans who have no health insurance today because their employers won't provide it and they can't afford it on their own.

Just one of the Republican bills—the repeal of the estate tax—will give $250 billion to America's 400 wealthiest families over ten years. $250 billion will buy ten years of prescription drug coverage for eleven million senior citizens who have no coverage now. Yet, these astronomical tax giveaways are being rammed through Congress by a right wing Republican majority in Congress bent on rewarding the wealthy and ignoring the country's true priorities that have a far greater claim on these resources.

The prosperous economy is helping many Americans. But those who work day after day at the minimum wage are falling farther and farther behind. The number of families without health insurance is rising alarmingly.

A recent study by the pro-business Conference Board finds that the number of working poor is actually rising, in spite of the record prosperity. More and more working families are being forced to seek emergency help in soup kitchens and food pantries, and those charities are often unable to meet the increasing need. Yet Congress stands on the sidelines.

The result of the GOP tax break frenzy is to crowd out necessary spending on priorities that the American people care most about. These other priorities for all Americans are being ignored by the GOP Congress in this unseemly stampede to enact tax breaks so heavily skewed to the wealthiest Americans. Never in the entire history of the country has so much been given away so quickly to so few, with so little semblance of fairness or even thoughtful consideration.

If we are serious about ending the marriage penalty, instead of using it as a fig leaf for enormous tax breaks for the wealthy, we can easily do so at a reasonable cost that leaves ample room for other high priorities. I strongly support tax relief to end the marriage penalty. The marriage penalty is unfair, and it should be eliminated.

But I do not support the GOP proposal. That proposal is a trojan horse. Marriage penalty relief is not its real purpose. Only 42 percent of the tax benefits—less than half of the total—goes to persons subject to the marriage penalty. The rest of the tax breaks—58 percent—go to those who pay no marriage penalty at all, and many of them are actually receive what is called a marriage bonus under the law. Republicans who claim their bill is intended only to eliminate the marriage penalty either haven't read the bill, or they are violating the "Truth in Advertising" laws.

Most married couples today do not pay a marriage penalty. A larger percentage of couples actually receive a marriage bonus than pay a marriage penalty. The marriage penalty is paid by couples in which both spouses work and also have relatively equal incomes. They deserve relief from this penalty. They deserve it immediately, and we can provide it modest cost.

But the Republican bill does not target its tax cuts to those who actually pay a marriage penalty. The cost of their bill is highly inflated and heavily backloaded to make the cost in the early years seem low. The current bill will cost nearly fifty billion dollars more over the next ten years than the bill which the Senate passed earlier this week. In just three days, the price tag has risen from $248 billion to $293 billion. That's an inflation rate which should alarm every American.

As with all Republican tax breaks, the bill earmarks the overwhelming majority of its tax benefits for the wealthiest taxpayers. The final bill sandpapers one of the roughest edges by deleting a provision that would have solely benefitted taxpayers with six figure incomes. But the overall bill is still grossly unfair to middle and low income working families. More than two thirds of the total tax savings go to the wealthiest 20 percent of taxpayers.

An honest plan to eliminate the marriage penalty could easily be designed at much lower cost. House Democrats offered such a plan, and so did Senate Democrats. Our Democratic proposal would cost $11 billion a year less, when fully implemented, than the Republican plan, yet provide more marriage penalty tax relief to middle income families.

The problem is obvious. Republican colleagues insist on using marriage penalty relief as a cover for large tax breaks that have nothing to do with the marriage penalty and that are heavily weighted to the wealthiest individuals in the nation. The message to all Americans is clear and unmistakable—Beware of Republicans bearing tax cuts. They're not what they seem, and they're not fair to the vast vast majority of the American people.

This GOP Congress is a dream Congress for the very wealthy and their special interest friends, but it is a nightmare Congress for hard-working families all across America. Whether the Republican tax breaks arrive at the White House in smaller prices or in one big mess, their trillion-dollar tax breaks will eminently deserve the veto that President Clinton is about to give them.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I guess we are reading different bills here. The bill that we have is a 5-year bill. It sunsets in 5 years. It is scored at $89 billion. At the end of 5 years, it sunsets. We don't know what happens at the end of that. It is only on the 15-percent tax bracket. It doubles the standard deduction over a period of years from $26,250 per individual to $52,500. I hardly see how that is wealthy. It is 5 percent of the on-budget surplus, not Social Security. It does not steal money from other priority programs. I guess I am confused. I guess he is talking about a different bill than I will vote on this morning.

My final point is, this will pass with a large margin. It will pass with over 60 votes. Then it is up to the President of the United States and the Vice President—President Clinton and Vice President Gore—whether this tax cut will reach our working families across America. It will be up to them. I call on them to sign this bill and not penalize our people across this country for the simple act of being married.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I keep hearing the Democrats talk about tax breaks for the wealthy. I have talked to couples who make $30,000 apiece. I have asked them directly: Do you think that you are wealthy? Do you think that you do not send enough money to the Government? Do you think you are paying more than your fair share?

The answer is, they do not think they are wealthy. They do think they are doing their fair share. And they are trying to do something for their children that they will not be able to do if they send $1,400 more to Washington, DC, instead of being able to save it for their children's education or taking a family vacation or giving them extra computers or books or clothes that they would want to have for their own families.

A couple that earns $30,000 each is not wealthy. We must understand they are hard-working Americans. Many times the spouse who wants to stay home to help their children does not do so because they think they need to work to bring in the extra income. We are talking about tax relief for the hardest hit among us—people who make $25,000 a year, $30,000 a year, $40,000 a year. They are paying 28 percent in Federal income taxes. And they do not think they are wealthy. They earn this money, and they deserve to keep more of it.

We are talking about 50 million Americans who would benefit from the tax relief we are giving today. Twenty-five million couples will get relief from the marriage tax penalty.

Over 60 percent of the House of Representatives voted to pass this bill. Over 60 percent of the Senate will vote to pass this bill. Is the President going to fly in the face of the elected Representatives—in those numbers—who want to give relief to hard-working Americans?

If we were saying that this was going to take up all of the surplus, that we were not going to be able to pay down debt this year, that would be one thing. That is not the case. Instead, we are being good stewards of our taxpayer dollars. We are putting a fence around the Social Security surplus so that it stays in Social Security. We are going to pay down the debt by billions this year.

But we think it is time to return to the people who earn the money more of the money they earn to keep for the decisions in their families.

Mr. President, tear down this unfair tax. It is time to have a tax correction for the hard-working married couples in this country.

We are sending the bill to the President today to do just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 30 seconds to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as we say, "yea" today on this historic vote, Congress pays its respects to the venerable institution of marriage. It is as simple as that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield 5 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, this issue is really quite simple. It is unfortunate that it has been confused by lots of statements, which are somewhat true but not entirely true.

The goal here is to eliminate the marriage tax penalty. Remember, there is nothing in the code that we enacted to create the penalty. It was not an intentional act. It is just a consequence of the way the code has worked. It is a necessary consequence if we want to have progressive tax rates and also have the same taxation for American citizens with the same income.

We also have to remind ourselves that there is a bonus in the Tax Code; that is, certain people who get married get a bonus. In fact, there are more taxpayers receiving a bonus than there are taxpayers who receive a penalty. That is indisputable. That is a solid fact. But we are here to try to find a way to help eliminate the marriage tax penalty for those who get a penalty as a consequence of getting married.

There are two approaches here. One is the approach by the majority, and one is the approach by the Democratic side of the aisle. The majority eliminates only 3 of the 65 provisions in this code that create a penalty—only 3. The Democratic proposal eliminates them all, all 65. There is a big difference between the two.

In the Democratic alternative, taxpayers have the right to choose. They can choose which way to file their taxes so it benefits them. On the majority side, the taxpayer does not have a choice. That is just the way it is.

I might also say, if we say we are going to pass marriage tax penalty relief, we should pass marriage tax penalty relief. That is what the Democrats have tried to do. The Republicans are doing some of that—albeit only 3 out of the 65—but they are also giving a tax cut, irrespective of marriage, which widens the disparity between married couples and singles.

A lot of single people in this country, when they see what is passed by the majority party, are going to wonder what in the world is happening. Why are we giving the 60 percent of married people who don't even have a marriage penalty such a big tax break and not giving a tax break to them simply because they are single? That is not fair at all. Again, the Democratic proposal says, we will give a break, a true break for marriage, but not widen the discrepancy between marrieds and singles.

The long and short is, we have a conference report. The battle has been waged and the battle is over.

Mr. MOYNIHAN. Will the Senator yield?

Mr. BAUCUS. I yield.

Mr. MOYNIHAN. Has he seen the conference report?

Mr. BAUCUS. I say to my good friend from New York, no, I have not. I have heard there is one, but I have not seen one.

Mr. MOYNIHAN. Did the Senator hear there was a conference?

Mr. BAUCUS. I heard there was, but I don't know who was there.

Mr. MOYNIHAN. Well, I am a conferee, and, while I heard there was a conference, I wasn't told about any meetings.

Mr. BAUCUS. That sometimes happens. Conferees on our side of the aisle hear of a conference, but they are never asked to attend.

Mr. MOYNIHAN. This is one such instance.

Mr. BAUCUS. Unfortunately, this is not the first time that has happened under this Republican majority.

To sum it up, Mr. President, we on this side are definitely for tax cuts, very significant tax cuts. We are for eliminating entirely the marriage tax penalty. We want to reduce the Federal estate tax dramatically. But it is unfortunate that the conference report before us goes way too far. It is unbalanced. It is unfair. If the American people truly see all the components of it, compare it to all the other tax provisions going through here, I think they will say: Wait a minute, this is kind of a funny thing the Congress is doing. It is not what they say it is. Why don't they fess up and be honest and say what is really in the conference report.

That is sometimes the way this place operates. It is up to us on this side of the aisle to get the facts out, to allow more sun to shine on the conference report so that more married American people will know exactly what is in it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, will the Senator yield me 4 minutes?

Mr. ROTH. I yield the Senator 4 minutes.

The PRESIDING OFFICER. The Senator from Delaware has only 3 minutes.

Mr. NICKLES. Mr. President, I will take the 3 minutes then. I thank my colleague.

Mr. MOYNIHAN. Mr. President, I am happy to yield 1 minute from our side.

Mr. NICKLES. Mr. President, I think the world of my colleague from New York, and I am very grateful.

I want to make a couple comments. First, I compliment Senator ROTH. This is really his proposal. He is greatly responsible for making this happen. He introduced this in the Finance Committee, and it is going to pass today. I hope, and will even say I expect, it will become law. It will be a shame if it doesn't become law.

I also compliment Senator HUTCHISON for her leadership, Senator BROWNBACK, Senator ASHCROFT, Senator SANTORUM, and Senator ABRAHAM. They have been working tirelessly on this. They have been pushing in caucuses and conferences. They said: We need to pass marriage penalty relief. We have a chance to do that today. I thank the House leaders for doing it.

I heard some people saying they are against this. I heard my friends speak against it. They kept saying it is $290 billion. It is not. We are voting today on a $90 billion tax cut, period. Those are the facts. If it is to be extended—and I hope it will be—Congress is going to have to pass another bill, and it is going to have to be signed by a President, a different President. That is another action. That may happen 3 or 4 years from now. I hope it does. We will have to see what the circumstances are at that time. The bill we have before us is $90 billion.

I read the President's letter—at least it came from his Secretary of the Treasury—which said: We provided significant marriage penalty relief. In his bill, in his budget proposal, he has a $9 billion tax increase for next year—not a tax cut, a $9 billion tax increase. His marriage penalty relief over the next 5 years is $9 billion. It doesn't do it. It won't work. It won't happen. He has more tax increases in the first year than tax cuts. Over 5 years, he has a net tax cut of only $5 billion.

We are going to have a surplus of $1.8 trillion in the next 5 years, $4.5 trillion over the next 10. The only tax cut we are talking about right now is marriage penalty relief totaling $90 billion. That figure loses people.

Let's talk about what it means for families. Some people say this targets the wealthy. That is not true. People are entitled to their own opinions, but they are not entitled to their own facts. The fact is what we do is double the standard deduction, $4,400 for an individual, $8,800 for a couple. The fact is, people pay taxable income up to $26,000, an individual at 15 percent. That is $26,000. We say for couples, that should be $52,000. We double it for couples, whether both are working or not. We don't penalize stay-at-home spouses. The Democrat proposal provided no relief for stay-at-home spouses. We say the 15-percent bracket should be twice as much for couples, income adjusted, as it is for individuals. So we don't penalize people if they happen to stay at home.

We provide tax relief for millions of American families. How much? It is a couple hundred. By doubling the standard deduction, that is a couple hundred dollars for all married couples. Then by doubling the 15-percent rate, that equals the $1,125, if somebody makes up to $52,000. That is the maximum benefit. The maximum benefit is basically $1,125 if somebody makes up to $52,000. It is weighted towards the low-income people, middle-income people. There are millions of American families with one or two wage earners making $40,000, $50,000, $60,000, who will save

$1,300, $1,350, if this becomes law. The only reason it won't become law is if the President vetoes it.

I urge the President to sign this bill and provide marriage penalty relief as he said he would.

Mr. DURBIN. Will the Senator yield for a question?

Mr. NICKLES. My friend and colleague gave me a nice note. The other day I said if I am factually incorrect, I will eat this paper. He gave me a paper that was a March proposal; the proposal we passed in the Senate was $56 billion. The proposal we will pass today is $90 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Will the Senator yield for a question?

Mr. NICKLES. I am afraid my time has expired.

Mr. BIDEN. Mr. President, in the best economic and budget times in our country's history, I believe that we should provide American families with tax relief. That is why I supported this bill when it passed the Senate earlier this week, and that is why I will vote for it again today.

But I vote today knowing that this bill will be vetoed by the President. Everyone here knows that. I hope that passage here today will lead to the kind of eventual compromise between the President and Congress—maybe a grand compromise that will include a prescription drug benefit under Medicare—that we can all support.

If that kind of compromise is not reached, Mr. President, I will vote to sustain that veto.

Since we voted just a few days go, the cost of this bill has gone up over $40 billion—that is the wrong direction. I still prefer an alternative that would cost less and that would be better targeted at the marriage penalty and at those families with the greatest need, one that would give families more flexibility to deal with their own circumstances.

Passage of this bill today is the beginning of the debate on this issue, Mr. President, not the end.

Mr. FEINGOLD. Mr. President, this conference report is evidence of a missed opportunity. It is, in fact, yet another in what is becoming a series of missed opportunities. Today, the majority is missing the opportunity to enact marriage penalty relief.

The majority is missing that opportunity by insisting on its poorly-targeted, expensive tax breaks. It is missing that opportunity by rejecting the better-targeted, more responsible Democratic alternative. And it is missing that opportunity by rejecting President Clinton's offer to enact both marriage penalty relief and prescription drug benefits.

Everyone in this chamber wants marriage penalty relief. The question now is how we transform that wish into law.

By presenting the Senate with this conference report, the majority shows that it would rather have marriage penalty relief next year than this year. For now, they appear to prefer an old issue to a new law.

The majority continues today to pass poorly-targeted, expensive tax breaks. Earlier this week, the Treasury Department released a study that analyzed all the major tax cuts that the majority has passed in this Congress this year to date.

That study found that more than three-fourths of the benefits of the Republican tax bills would go to the best-off fifth of the population—those making more than $82,000.

The study found that those in the best-off fifth of the population would get an average tax cut of more than $2,000 a year, while those in the middle fifth would get less than $200. Republicans want to spend 10 times as much on the best-off than on middle-income families.

The study found that almost half of the benefits of the Republican tax bills would go to the best-off 5 percent, those with incomes over $150,000.

The study found that more than a quarter of the benefits of the Republican tax bills would go to the best-off one percent—those with incomes over $346,000—who would get an average tax cut of more than $15,000 a year.

And as an op-ed piece in this morning's New York Times by Milwaukee director of administration David Riemer points out, the conference report before us today fails to solve the marriage penalty for working families who get the Earned Income Tax Credit. Mr. President, I ask unanimous consent that this op-ed be printed in the RECORD at the conclusion of my remarks.

And yesterday, the Joint Committee on Taxation released distribution tables on the conference report before us today. Those tables indicate that in 2004, nearly four-fifths of this conference report's benefits would go to those with incomes over $75,000. The conference report's benefits are thus more skewed to the better off than the Senate bill we considered earlier this week. In the Senate bill, 68 percent of benefits in 2004 would have gone to the best-off, while in the conference report, 79 percent would.

And because the majority's bills are so poorly targeted, they cost more than they should. The conference report before us today would join the other bills passed to date, spending more than it should because it gives more to the very well-off than it should. According to the Joint Committee on Taxation, the conference report before us today would spend $34 billion more than the costly bill that the Senate considered earlier this week.

Wednesday, the White House estimated that the tax bills considered by the House and Senate this year to date have already sought to spend roughly $700 billion over the next 10 years, a price tag that would increase to $850 billion when one accounts for financing costs on the debt. Mr. President, I ask unanimous consent that a letter from the President's Chief of Staff on this subject be printed in the RECORD at the conclusion of my remarks.

The majority continues today to reject the better-targeted, more responsible Democratic alternative. The Democratic alternative would have focused its relief on those who actually endure a marriage penalty. That is, after all, how the majority chose to name the bill before us. The Democratic alternative would have held the majority to its word. It was a truth-in-advertising amendment.

The majority shows again today that they did not really want to cure the marriage penalty. That is not what most of this conference report does. Three-fifths of the benefits of this conference report go to people who do not experience marriage penalties. And that's another reason why this conference report costs more than it should.

The majority shows again today that it does not really want to enact a law to relieve the marriage penalty. By moving this conference report, the majority rejects President Clinton's offer to work out an agreement that would allow enactment of both marriage penalty relief and needed coverage for prescription drugs on the other. That's what the majority could have done if it really wanted to enact marriage penalty relief this year.

Sadly, by bringing this conference report before us today, the majority shows that what it really wants is something that the President will have to veto right before the Republican Convention. The enterprise upon which they have embarked has more of theater than of law about it.

The President will veto this bill, and he should. The majority should pass better-targeted marriage penalty relief, but apparently they'd rather not.

They miss another opportunity today. Mr. President, I hope they do not miss the next one.

Mr. President, I ask unanimous consent that an editorial and letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MARRIAGE TAX ON THE POOR

(By David Riemer)

Congress has agreed on a plan to eliminate the "marriage penalty" long embedded in our tax laws—the tax advantage that the Internal Revenue Code now confers on couples who choose to live together outside of marriage, or who get divorced. The House has voted to double the standard deduction and the ceiling on the 15 percent tax bracket for married couples, and the Senate is expected to follow suit.

Though President Clinton has threatened to veto the bill because most of its benefits go to relatively well-off couples, in the end he may find it hard to resist signing a measure that is popular and is advertised as family-friendly.

But there's a big flaw in this supposed erasure of the marriage penalty: It doesn't erase the marriage penalty. Lawmakers have barely touched one of the tax law's biggest and most socially damaging taxes on matrimony—the penalty for people eligible for the earned-income tax credit.

This credit, which benefits the working poor, has done more to reduce poverty than almost any other federal program. But as workers' earnings rise, the tax code imposes a heavy fine on marriage for millions of low-income workers with children.

The eared-income tax credit pays workers a maximum of $2,353, or $3,888 if the worker has two or more children, but this payment is gradually reduced once earnings increase above $12,690, going down by 16 to 21 cents for each extra dollar earned. The credit phases out entirely at $27,432 in earnings, or $31,152 if there are two or more children.

The marriage penalty arises because the tax credit calculations use family earnings, not individual earnings. If a single mother lives with her boyfriend, his wages aren't included in figuring her tax credit, since he is not officially a part of her family. Should she marry him, their real joint income will stay the same, but her official family earnings will rise, and her tax credit will go down or disappear.

The earned-income tax credit's marriage penalty can be huge. Imagine a young woman and the father of her two children, living together as one household, unmarried but hoping to wed. She earns $12,000; he earns $20,000. Under the tax rules, her credit is the maximum: $3,888.

If they marry, the mother's "family earnings" will rise from $12,000 to $32,000. Her credit will go from $3,888 to zero—a big loss of income for a couple of such modest earnings.

If Congress is serious about eliminating the marriage penalty in the tax code, it must fix the earned-income tax credit as dramatically as it is fixing the standard deduction and the tax brackets. This low-income marriage disincentive probably turns away far more individuals from wedlock than are discouraged by the other disincentives. Low-income workers, who count every penny, are much more likely to avoid marriages that will cost them dearly than are the high-salaried live-ins that Congress has its eye on helping.

The Senate and House have agreed to trim the earned-income tax credit's marriage penalty somewhat, for some couples, by increasing the income levels where it applies by $2,000. But most of the marriage penalty remains. The only real solution is to reduce significantly the rate at which the tax credit decreases as income goes up—in other words, to expand the upper limit of eligibility. Such a change would cost the Treasury more money, but it would make the distribution of benefits more equitable. Why thwart the marital aspirations of those who work for McDonald's and Walgreen's while rewarding the ties that bind the middle class and rich?

THE WHITE HOUSE,
Washington, DC, July 19, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: The President is increasingly concerned about the spending binge under way in Congress as we approach the summer recess. With the political conventions drawing near, both the House and the Senate are voting every day on bills that deplete the projected budget surplus at a rapid rate.

In the last few weeks, the House and Senate have already considered tax bills that spend roughly $700 billion of our surpluses over the next ten years, a price tag that will increase to $850 billion when we account for financing costs on the debt. Moreover, Republican leaders promise that these tax cuts are a mere a "down-payment" on massive, trillion-dollar tax breaks to come. At the same time, Congress has passed several spending bills that have exceeded the President's request.

It is time to answer some simple questions about this tax and spending frenzy: what does it all cost, and can we afford it? The President's budget team cannot, in good conscience, advise the President to sign various spending or tax bills until we have a fuller accounting of Congress's overall spending plans for the year. Let me be clear: Congress has embarked on a course to obliterate a surplus that is the hard-won product of nearly eight years of fiscal discipline. We cannot and will not let that happen.

Fiscal discipline has been critical to the prosperity we enjoy today, and prosperity in turn has created a brighter outlook for tomorrow's budget surpluses. But projections are simply that—projections. Now is not the time to abandon responsible budgeting by spending money before it even comes in the door. Congress should provide the American people with a more complete accounting of just how much it intends to spend this year.

We can cut taxes for the middle class, while maintaining fiscal discipline and making critical investments in our future. The President's budget does just that—strengthening Social Security and modernizing Medicare with a prescription drug benefit, while cutting taxes for education, retirement, and health care and paying off the debt by 2012. The right way to get things done is to work together within a balanced framework so that we honor our commitment to fiscal discipline.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. ASHCROFT. Mr. President, today, the Senate passed the Conference Report reflecting the agreement between the House and Senate to provide needed relief to American families from the onerous marriage tax penalty. I am pleased to support this agreement.

For too long, the current tax code has been at war with our values, penalizing the basic social institution: marriage. The American people know that this is unfair—they know it is not right that the code penalizes marriage.

25 million American couples pay an average of approximately $1,400 in marriage penalty annually as a result of the marriage penalty. Ending this penalty will give couples the freedom to make their own choices with their money.

The conference agreement between the House and the Senate will make the standard deduction for married couples double that of singles. This is especially important to families that do not itemize their tax returns. It will also make the 15 percent tax bracket double the size of that for single people and fix the marriage penalties associated with the Alternative Minimum Tax and the Earned Income Credit. Doubling the 15 percent tax bracket for married couples will benefit all married couples. It is just and fair that all couples benefit from this bill, whether one spouse works outside the home, or both do so. Most importantly, it will begin to provide this much-needed relief this year, so that the American people will see that their government recognizes and values the institution of marriage.

The President has indicated that he will veto this bill. That is unfortunate. If the President is truly for ending the marriage penalty, as he has said, he will sign this bipartisan bill, which passed with the support of 60 percent of the House of Representatives. The Senate has also voted on this bill in a bipartisan manner, approving the Conference Report by a vote of 60–34. I hope the President will change his mind and join us in bringing this historic tax relief to American families.

This bill will help 830,000 couples in Missouri, couples like Bruce and Kay Morton, from Camdenton, MO, who have written to me and asked for me to help bring an end to this unfair penalty. With this conference agreement, the House and Senate stand united in trying to help couples like the Mortons. I respectfully ask the President to join us.

This conference agreement demonstrates our support for an important principle: that families should not be taxed extra because they are married. Couples choosing marriage are making the right choice for society. It is in our interest to encourage them to make this choice.

Unfortunately, the marriage penalty discourages this choice. I believe that the government, in its policies, should uphold the basic values that give strength and vitality to our culture. Marriage is one of those values, and it is time for the government to stop punishing this value.

The marriage penalty has endured for too long and harmed too many couples. It is time to abolish the prejudice that charges higher taxes for being married. It is time to take the tax out of saying "I do."

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the conference report.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the

Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kohl
Kyl
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—34

Akaka
Baucus
Bayh
Bingaman
Breaux
Bryan
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Johnson
Kennedy
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Voinovich
Wellstone
Wyden

NOT VOTING—5

Boxer
Inouye
Kerrey
Kerry
Murray

The conference report was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, first of all, let me say this vote on the marriage penalty represents a great victory for working Americans. I think we can all take great satisfaction that, for the typical American, it will mean something like $1,300 to $1,500 in a tax cut.

I thank my friends and colleagues who supported this legislation. I think it is only fair, it is only right. I believe this has, indeed, been a great week for the working people of America.

Mr. President, it has been a busy two weeks for the Members of the Senate Finance Committee and our staff. I would like to take a moment to thank the staff who worked on this conference report and also H.R. 8, the Death Tax Elimination Act of 2000.

With respect to both bills, I thank John Duncan, my Administrative Assistant. On the Majority Staff, I thank Frank Polk, our Staff Director and Chief Counsel, J.T. Young, our Deputy Staff Director, and members of the tax staff, including Mark Prater, Brig Pari, Bill Sweetnam, Jeff Kupfer, Ed McClellan, and our newest tax counsel, Elizabeth Paris. I thank our Finance Committee press team of Ginny Flynn and Tara Bradshaw. I note that Connie Foster, Amber Williams, and Myrtle Agent also provided valuable assistance to the tax team.

I thank my friend and colleague, the distinguished ranking Democratic member of the Finance Committee, Senator PAT MOYNIHAN and his able staff. I refer to David Podoff, Russ Sullivan, Stan Fendley, Cary Pugh, Jerry Pannullo, Mitchell Kent, John Sparrow, and Lee Holtzman.

Republican Leadership staff also deserve thanks for helping to bring these bills together. I refer to Dave Hoppe, Sharon Soderstrom, Keith Hennessey, and Ginger Gregory of Senator LOTT's office and Hazen Marshall, Lee Morris, and Eric Ueland of Senator NICKLES' office.

Chuck Marr and Anita Horn of Senator DASCHLE's and Senator REID's staff also worked hard on this legislation.

The Budget Committee staff also deserve praise. I refer to Bill Hoagland, Beth Felder, and Cheri Reidy. I also thank Marty Morris and Bruce King of the minority staff.

None of this legislation would have been possible without the valuable work of the staff of the Joint Committee on Taxation, including Lindy Paull, Rick Grafmeyer, and the rest of the Joint Tax team.

A special thanks also is due to Jim Fransen, Mark Mathiesen, and Janell Bentz from Senate Legislative Counsel.

With respect to the marriage tax relief legislation, I also thank Senators KAY BAILEY HUTCHISON, SAM BROWNBACK, and JOHN ASHCROFT and their staffs, including Jim Hyland, Karen Knutson, and Brian Waidmann.

On the death tax repeal bill, a special note of thanks to Tim Glazewski of Senator JON KYL's staff.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, once again, I express my gratitude for the graciousness of our chairman and his generosity in these matters, I thank him for his diligence and his scrupulousness and his integrity, as always. I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session. Under the previous order, Calendar No. 613 through Calendar No. 617 are confirmed en bloc, the motions to reconsider are agreed to en bloc, and the President will be immediately notified of the Senate's action.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Johnnie B. Rawlinson, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Dennis M. Cavanaugh, of New Jersey, to be United States District Judge for the District of New Jersey.

John E. Steele, of Florida, to be United States District Judge for the Middle District of Florida.

Gregory A. Presnell, of Florida, to be United States District Judge for the Middle District of Florida.

James S. Moody, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

NOMINATION OF DENNIS CAVANAUGH

Mr. LAUTENBERG. Mr. President, I rise in strong support of the nomination of Dennis Cavanaugh to the United States District Court for New Jersey, and I am pleased that the Senate has confirmed him.

Dennis Cavanaugh has compiled an impressive record in both the public and private sectors. He has consistently demonstrated the efficiency, fairness and compassion that we have come to expect from our federal jurists. And he will be a tremendous asset as a district judge.

Since 1993, he has served as a magistrate judge. In that position, he has handled a number of difficult and complex cases. His current duties include managing all the civil cases assigned to two active district judges and half of the civil cases assigned to a senior district judge. That brings his total workload to more than 600 cases.

In fulfilling these duties, Magistrate Cavanaugh has shown the strong work ethic that is essential for judges who are called on to handle literally hundreds of cases at a time.

Magistrate Cavanaugh's legal career also includes several years of service as a public defender—from 1973 until 1977. After that, he entered private practice as a trial attorney handling civil litigation and some criminal cases. And he has been a partner with several distinguished firms in New Jersey.

His clients have included small businesses, educational institutions, insurance companies, public entities and police benevolent associations. And his experience with such a broad range of interests is one of the reasons he has performed so effectively as a magistrate judge.

Magistrate Cavanaugh has also done his part to help ease the caseloads overwhelming other judges. He volunteered for pro bono assignments at the Superior Court in Essex County, where there was a severe backlog of civil cases.

In addition to his judicial duties, Magistrate Cavanaugh also finds time to teach as an adjunct professor at his alma mater, Seton Hall University School of Law in Newark.

That is the kind of experience and energy that has made New Jersey's federal bench one of the most impressive in the country. Magistrate Cavanaugh's entire career reflects the integrity and dedication that we want to see in all our federal judges. And I know his service on the district court bench will be equally outstanding.

I am pleased that the Senate has confirmed Magistrate Cavanaugh's nomination. With his confirmation, there will be no vacancies on New Jersey's district court. I thank Chairman HATCH for moving this nomination so expeditiously, and I thank all of my colleagues for their support of Magistrate Cavanaugh.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Delaware.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

MARRIAGE TAX PENALTY RELIEF

Mrs. HUTCHISON. Mr. President, I commend the distinguished chairman of the Finance Committee for not giving up on marriage tax penalty relief for hard-working American families. He deserves praise because there is no doubt this has been a rugged road.

We passed marriage tax penalty relief last year and sent it to the President in a bill that had other tax relief measures. The President said: No, that is too much tax relief for the American people; send me smaller bills.

Under the leadership of Senator ROTH, and with the help of our distinguished assistant majority leader, DON NICKLES, SAM BROWNBACK, JOHN ASHCROFT, SPENCER ABRAHAM, ROD GRAMS, together as a team we said we were going to send the President a clean marriage tax penalty relief bill; we were going to make sure that hard-working American families who are paying a penalty for being married got relief this year. That is the result of what we have done today.

Sixty percent of the Senate today is sending this bill to the President. Over 60 percent of the House passed the same bill this week. We say to the President: You asked us to send you a smaller bill, and we are doing it.

Most of us wanted to give tax relief in a bigger way. We wanted to go all the way through the 28-percent bracket, but the President said no. We came back with 15 percent, doubling of the standard deduction through the 15-percent bracket. What that means is a couple earning between $43,000 and $52,000 combined will stay in the 15-percent bracket. If one person in a couple makes $25,000 a year and the other makes $35,000 a year, they will stay in the 15-percent bracket longer.

It means tax relief for every American couple. Every American couple who uses the standard deduction is going to get relief because that standard deduction is doubled. Fifty million people in our country will get tax relief if the President signs the bill.

We are increasing the amount of the earned-income tax credit because we believe married couples who have just come off welfare or who are the working poor deserve that earned-income tax credit so they know that working is better than being on welfare. We want them to have the incentive to do that. We want them to have the pride of going to work and contributing to their families every day because we know they think better of themselves when they do that.

I do not see how President Clinton can use an excuse to veto the bill we are sending him today. I do not see what excuse remains. We have taken all of the excuses off the table.

He said in his State of the Union Message to Congress and to the American people he favored marriage tax penalty relief. We sent him a bill last year; he vetoed it. He said there were too many other tax cuts in the bill. Today, we are sending him a plain, simple marriage tax penalty relief bill for hard-working Americans who earn in the $25,000 to $35,000 range of income. That is who will benefit.

I have heard people on the other side say that this is a tax cut for the rich. There is no way anyone who has visited in the home of a couple, each of whom make $25,000 a year, can say that those people are rich. We say they have earned this money and we want them to keep more of the money they earn. The fundamental difference is we believe the money that people earn belongs to them. We do not believe it belongs to the Federal Government.

We have a non-Social Security surplus. This is only letting them keep more of the money they earn rather than sending it to Washington because we are being good stewards of the taxpayers' dollars today. We are setting aside the Social Security surplus for Social Security only, we are paying down the debt, and we are giving back to the people part of the money they earned if the President will sign the bill.

This week has been a good week for hard-working Americans, for small business people, and for people who own farms and ranches because we have given relief from the death tax to small businesses and family-owned farms so their heirs will not have to sell that business and put people out of jobs, and we have given marriage tax penalty relief.

This is the right thing to do, and I urge the President of the United States to hear 60 percent of the Senate and 63 percent of the House of Representatives who said they believe in marriage tax penalty relief, and we urge the President of the United States to sign this bill and give relief to Americans today because this will take effect immediately.

I thank the Chair, and I yield the floor.

Mr. BROWNBACK. Mr. President, the Senate just passed the Marriage Penalty Tax Relief Reconciliation Act by 60 votes. Sixty percent of the Senate voted in favor of eliminating the marriage penalty tax. Now it is up to the President and the Vice President—President Clinton and AL GORE—whether or not we will continue to tax marriage in America. This relief is available now to more than 50 million Americans. The President and the Vice President decide whether this is going to become law. All that remains for this legislation to become law is the President's signature. He is the one who can decide. He is the one who will decide, along with the Vice President, whether or not the marriage penalty will be eliminated. It is on their desk. It is up to the President. He is the one who decides.

He said he is for it. He said it during the State of the Union message. Now he will have a chance to go ahead and act and sign the bill. I say to the President yet again: Sign this into law.

I congratulate the chairman of the Finance Committee, Senator ROTH, who has done wonderful work, yeoman work on getting this bill passed. I congratulate the Senator from Texas, Mrs. HUTCHISON, who has waged a crusade for several years, seeing this was wrong in the Tax Code, and has fought diligently to get this done. I thank the Senator from Missouri, Mr. ASHCROFT, for his work in pushing this over a period of time. Now we are close to getting it done. We are almost there. It is time to be able to do it. We have the wherewithal. It is time. The President and the Vice President will decide whether or not this becomes law.

I want to cite what is in the bill so that people know what is there. I know we have been through this a number of times, but just to make sure people are clear what we are doing, we are doubling the standard deduction; we eliminate the penalty there. The current standard deduction is $4,400 for singles. For couples it is $7,350. We just double it. We make it $8,800 for married couples. It seems only fair that for two people you should have a standard deduction that would be double what it is for one person.

In the 15-percent tax bracket, for a married couple filing, we double the income amount. Currently, a single taxpayer, hits the top of the 15-percent bracket when they make over $26,250. If it is a couple, they hit the top when they earn $43,850. We say that is not fair. If it is two people, it should be double what it is for one, so we move it up to $52,500.

Those are the two main features of this bill. That is the big end of the bill. It is taking a standard deduction from $4,400 for a single and that is now $7,350 for a married couple and saying we will make it $8,800. We are saying on the 15-percent bracket, which is the one we hit here, we are saying right now that if you are a couple, that you hit the top of that bracket at $43,850, even though it is $26,250 for a single person. We are saying if you are a married couple, we will move it up to $52,500. That is the guts of the bill.

Then on the earned-income tax credit, we increase the phaseout by $2,000 for a married couple so that low-income individuals don't hit that same marriage penalty.

Those are the three main features. That is what was passed. That is what 60 Senators and 63 percent of the House voted for. That is now what is in front of the President.

Some people say it costs too much—$89 billion. This is a 5-year tax bill. It sunsets after 5 years—$89 billion. It is 5 percent of the on-budget surplus. Setting the Social Security surplus aside, just leaving what is still the on-budget surplus, it is only 5 percent. That is all it is. Some people say we should be using it for debt reduction. This year, we will pay down the national debt—the debt, not the deficit—we will pay down the national debt about $200 billion. We will buy down the national debt this year by $200 billion, probably the most in the history of the United States. I haven't looked up the actual number, but it is probably the most in real terms, $200 billion of debt buy-down.

The simple point here is there are no excuses remaining for the President not to sign this into law. There is no excuse on debt reduction. There is no excuse that it is too expensive. There is no excuse that it is just for the wealthy. All of those are false statements. There is just no substance to them. There is no excuse for him to deny 25 million American families this tax cut. I wouldn't even call it a tax cut. I think the Senator from Texas has it right. It is a tax correction.

Should we tax marriage more than we are taxing single people, when we are having so much trouble with the family in the country? We ought to give them a bonus to encourage family values.

This is a big day for this body. This is a major piece of legislation. It has cleared Congress. It has cleared through the House; it has cleared through the Senate. It now sits on the desk of the President; for the President and Vice President of the United States to decide. They can be heroes. They can sign this bill into law or they can say, no, we are going to veto this piece of legislation.

I hope they will say, no, we don't want to send a signal to the married people of America that we think they ought to be taxed.

Democrats offered an alternative. It was a fine alternative, but it created a homemaker penalty that if you had one wage earner, but a second spouse who decided to stay home to take care of older parents and children, it actually taxed them more. So you had a homemaker penalty that was put into the Democratic alternative. It had a number of positive things about it, but the last thing we want to do is to say to people: Well, we really don't value somebody who stays at home to take care of family members, young or old, or other friends.

I think we ought to say this is a critical thing. We don't want to send the signal that we are going to tax in that situation. That is why we have worked out over the years all the problems in this bill.

I don't know what the President will come up with in vetoing it, but it has been a great bipartisan majority that has passed this bill; sixty votes, a number of our Democratic colleagues joining us on this bill that has now passed. It just awaits the signature of the person who sits in the Presidency of the United States. I hope he and Vice President AL GORE will decide: They have met most of the charges in the concerns we had and we are going to sign it into law.

The PRESIDING OFFICER. The Senator from Hawaii.

REMEMBERING SENATOR PAUL COVERDELL

Mr. AKAKA. Mr. President, I rise to join my colleagues in honoring the memory of our dear friend and colleague, Senator Paul Coverdell. My deepest condolences and prayers go out to Nancy, his family, staff, and the people of Georgia.

Paul Coverdell's career in public service as a state senator in Georgia, as Director of the United States Peace Corps, and as a U.S. Senator stand as an enduring tribute to his fine character, many talents, and boundless energy and commitment for his work. They also serve to remind us how one individual, working quietly and resourcefully, can accomplish so much in an all too brief period of time.

In his public life, Paul Coverdell was a vigorous and congenial advocate for initiatives and issues he cared deeply about and an effective leader in the Senate and for his party. While I did not have many opportunities to work closely with Senator Coverdell, we share a commitment to quality education for our Nation's young people and appreciation for the importance of agriculture to our respective States' economies. Peanut farmers and sugar growers are frequent allies when commodity issues came before the Senate, and Senator Coverdell was a strong voice for Georgia farmers and his State's agricultural interests. On educational initiatives, Paul Coverdell and I rarely agreed; but he was never disagreeable. I admired his passion and tenacity on education issues, and appreciated the courtesy and humanity that characterized his work here in the Senate.

Paul Coverdell has left a mark for the better in the lives of millions of people, in America and around the world. He served his country and constituents conscientiously, earning our respect, admiration, and affection. We grieve for his passing from this life. I am reassured that we will find comfort in his splendid legacy of public service and the knowledge that death is a transition to life eternal and he is now with God. As we bid our dear friend and colleague one last fond farewell, I am reminded of the passage from Scriptures, from Matthew, 25:23:

> His Master said unto him, "Well done, good and faithful servant; you have been good and faithful over a few things, I will make you ruler over many things. Now enter into the joy of your Master."

May God bless Nancy, the Coverdell family and staff.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the consideration of H.R. 4733, the energy and water development appropriations bill, Mr. Roger Cockrell, a detailee from the U.S. Corps of Engineers, serving with the Energy and Water Development Subcommittee, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Mr. BOND. Mr. President, I am delighted the acting minority leader has brought up the energy and water measure because I have just received some very disturbing news, that the minority leader has indicated we can't bring up the energy and water bill unless a provision that was in the bill signed last year, that was in the bill signed the year before, that was in the bill signed the year before that and the year before that—he now finds it objectionable, and he will not let this bill be brought up unless we strike it out.

This provision deals with the spring rise on the Missouri River that Fish and Wildlife thinks is a good idea. But all of the people downstream know it would cause flooding, hardship, damage, property loss, and loss of lives from floods.

This is a serious matter. It also threatens commerce and transportation, not just on the Missouri River but on the Mississippi River, because in dry years, 65 percent of the flow of the Mississippi at St. Louis comes from the Missouri River. If they have a spring rise, there isn't water to maintain river transportation during the summer and the fall.

I had understood, from the minority leader's staff, that he wanted a time agreement so he could move to strike it. I think this matter needs to be aired. We are willing to enter into a time agreement, so on Monday or Tuesday—whenever he wants—we can talk about the reason that this was included in the bill last year, the year before, the year before, and the year before that, because it is of vital importance to our State and to other States on both the Missouri and the Mississippi Rivers.

We have a way of doing business around here and that is, the committee acts and they report out a bill; the bill comes to the floor. If somebody does not like a provision in the bill, they have a right to move to strike it. That right is totally protected. We are trying to get appropriations bills passed.

Frankly, I do not want to be held hostage by an idea that the minority leader has, that all of a sudden we can't put a provision in this year's bill that was in last year's bill and the bill the year before that.

I call on the minority leader to follow through with the commitment to have a time agreement. If he wants to move to strike it, fine. We have a lot of good reasons, and we want to let our colleagues know why that provision needs to be kept.

I do not want to be held hostage by the minority leader saying, we are going to stop the appropriations process unless you take it out of the bill—a measure that is vitally important to the State of Missouri, to the States of Kansas, Nebraska, Iowa, Illinois, Arkansas, Tennessee, Kentucky, Mississippi, and Louisiana. I am ready to talk about and argue against the minority leader's motion to strike. But to say that we can't even bring up the bill with that provision in it is, I think, inappropriate, unwise, and unprecedented.

So I am here. I will be back here on Monday or Tuesday to do business. I just ask that the minority leader let us bring up the bill. This is an unbelievable effort to hold a bill hostage because of a particular interest he may have in that bill. He can deal with it by an amendment to strike, a motion to strike—whatever he wants. But let us bring the bill up because there is too much that is important in it to have it be held hostage by an effort to say what can be in the bill, approved by the committee, where somebody does not like something in the bill.

There is a remedy: A motion to strike or a motion to amend. We will be here to do business Monday, Tuesday—whenever the minority leader wants.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. REID. Mr. President, I say to the Senator from Kansas, if I could just have 2 minutes to respond to my friend, because I have a dual role as not only whip but also I am ranking member on the subcommittee, I say to my friend, I think the proposal the minority leader has made is eminently fair: This provision should be taken out, that there will not be an amendment offered on the floor, and whatever took place in conference he would be willing to live with.

I am not going to go through the merits of the case. I think there is significant merit on the side of the minority leader. Basically, sure, this provision has been in the appropriations bill before, but it has had no impact on the upper basin States. Now it does, because the Corps of Engineers is at a point where they want to change the manual to determine how the river is going to operate.

What this bill says is there can be no funds spent to change the manual. That is how the flow of the river is going to be impacted. We should leave this to bureaucrats. It should not be done, preventing money from going to change how the river is operated.

This is something that, as indicated by my friend from Missouri, we can debate at a subsequent time. But the bill will not be brought up until this provision is out of the bill.

We can, during the process of the bill, and before it gets to conference, decide what to do with it. This provision is unfair to the upper basin States. There should not be a provision preventing administrative agencies of this Government from spending money as to how that river system should be operated.

Mr. BOND. Mr. President, I ask my friend from Nevada, if we pass a bill out of committee, what is the precedent for saying, oh, we have to change it before you even bring the bill to the floor, the measure that is reported out of the committee?

We have a process around here. There are many things that come out of committees that we disagree with. We have the option to change it on the floor. We need to move forward. Energy and water is vitally important.

I appreciate the excellent work my colleague from Nevada does on this and other measures. But why, for Heaven's sake, are we supposed to hold an entire bill hostage because a single Senator wants to strike something out of a measure that has been adopted at the subcommittee and full committee level? I just do not understand why we can't do this in the normal course of business.

Mr. REID. I made my remarks very short because my friend from Kansas yielded to me. So I will make this response very short.

We are following what takes place in the Senate every week. A person has the right to stop a bill from going forward. The rules of this Senate have been in effect for many years. I will insert in the RECORD today why the provision in the bill is so unfair to the upper basin States.

I won't take the time of my friend from Kansas. There are many reasons this provision is unfair that will be inserted in the RECORD today.

I say to my friend from Missouri that the procedure that is being exercised by the minority in this instance—the minority leader and others who are affected; the minority leader is not the only one who is exercising his rights—are rights that are exercised every day in the Senate. The procedures of the Senate may seem burdensome and cumbersome, but they have always been here to make sure the minority's interests are protected.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. That is the order of business.

CHECHNYA

Mr. WELLSTONE. Mr. President, I rise today to once again draw attention to the continuing war in Chechnya. This war has raged for too long. The war in Chechnya from 1994–1996 left over 80,000 civilians dead, and the Foreign Relations Committee has received credible evidence that the current war has again resulted in the death of thousands of innocent civilians and the displacement of well over 250,000 others. The committee also received credible evidence of widespread looting, summary executions, detentions, denial of safe passage to fleeing civilians, torture and rape, committed by Russian soldiers. Colleagues, regardless of the politics of this war, this kind of behavior is unacceptable. War has rules, and the evidence and testimony the Foreign Relations Committee received raises serious doubts as to whether or not the Russian Federation is playing by those rules. Much of the evidence we received showed clear violations of international humanitarian law, including the well-established Geneva Convention.

The President must use this opportunity to relay our serious concerns with the actions of the Russian Government in Chechnya. Let's remember, what was the Group of Seven and became the G–8 with the inclusion of the Russian Federation, is an association of democratic societies with advanced economies. Although Russia is not yet a liberal democracy or an advanced economy, it was invited to take part in this group to encourage its democratic evolution. Today as I watch Russia refuse to initiate a political dialogue with the Chechen people, and continue to deny international humanitarian aid organizations and international human rights monitors access to Chechnya, I must question that evolution.

I am disappointed that the Group of Eight will not include the situation in Chechnya on its formal agenda, but I am hopeful that the President will voice our serious concerns about Russia's conduct in Chechnya and take concrete action to demonstrate our concern, during bilateral talks with President Putin.

The United States should demand that the Russian Federation push for a negotiated, just settlement to this conflict. The conflict will not be resolved by military means and the Russian Federation should initiate immediately a political dialogue with a cross-section of representatives of the Chechen people, including representatives of the democratically elected Chechen authorities. The United States should remind the Russian Federation of the requests the Council of Europe for an immediate cease-fire and initiation of political dialogue, and of Russia's obligation to that institution and the Organization for Security and Cooperation in Europe.

The President must also remind the Russian Federation government of its accountability to the international community and take steps to demonstrate that its conduct will effect its standing in the world community. This body and the U.N. Human Rights Commission has spoken out demanding the Russian government allow into Chechnya humanitarian agencies and international human rights monitors, including U.N. Special Rapporteur, yet the Russian government has not done so. This body and the international community has also demanded that the Russian Federation undertake systematic, credible, transparent and exhaustive investigations into allegations of violations of human rights and international humanitarian law in Chechnya, and to initiate, where appropriate, prosecutions against those accused. But again, the Russian Federation has not done so.

During his meeting with President Putin, the President is expected to discuss economic reform in Russia and regional stability issues. President Clinton must relay to the Russian President that Russia's conduct in Chechnya is not only a violation of international humanitarian law, but that it threatens Russia's ability for economic reform and creates instability in the region. And President Clinton must make clear to President Putin that while the United States fully supports the territorial integrity of the Russian Federation, and is fully aware of the evidence of grave human rights violations committed by soldiers on both sides of the conflict, we strongly condemn Russia's conduct of the war in Chechnya and will continue to publicly voice our opposition to it. President Clinton should tell President Putin that the United States will take into consideration Russian conduct in Chechnya in any request for further rescheduling of Russia's international debt and U.S. assistance, until it allows full and unimpeded access into Chechnya humanitarian agencies and international human rights monitors, in accordance with international law.

The war in Chechnya has caused enormous suffering for both the Chechen and Russian people, and the reports of the grave human rights violations committed there, on both sides of the conflict, continue daily. We must raise our concerns about the war in Chechnya at every chance and in every forum possible, including the G–8 Summit.

That is why I speak on the floor of the Senate today.

I fear we have already given human rights a back seat to economic issues by not placing Russia's conduct in Chechnya on the formal agenda of the G–8 summit, which is meeting right now. I hope that will not be the outcome of our bilateral talks with Russia in Japan.

I hope the President will be firm. I hope the President will be strong. I hope the U.S. Government is on the side of human rights. As a Senator from Minnesota, I want to communicate in the strongest possible language that I hope Russia will do well. My father fled persecution in Russia. My hope is that Russia will be able to build a democratic economy. That is my hope for the Russian people. But I also want to make it clear to the Russian Federation that the conduct in Chechnya is unacceptable, in violation of basic international law, and that we should be talking about and moving toward some kind of peaceful settlement; and, for certain, international humanitarian agencies and human rights agencies should have unimpeded access to Chechnya now. Otherwise, the murder, the rape, the torture, and the killing of innocent people will continue. We in the Senate should speak out on this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

JOHN O. PASTORE

Mr. BYRD. Mr. President, on Wednesday, the day before yesterday, I went with a delegation to the State of Rhode Island for the funeral of our former colleague, John O. Pastore. I was accompanied by Senators JACK REED and LINCOLN CHAFEE of Rhode Island, TED KENNEDY and JOHN KERRY of Massachusetts, PATRICK LEAHY of Vermont, and JOSEPH BIDEN of Delaware. Former Senators Claiborne Pell and Harris Wofford were also present.

The Catholic Mass at the Church of the Immaculate Conception was uplifting. John Pastore, Jr., and grandson, Gregory, spoke warmly of our former colleague. Senator TED KENNEDY was especially eloquent in his remembrance of Senator Pastore. It was obvious that this man was much beloved by his family and community.

Mr. President, I can recollect John Pastore's departing speech from the Senate. There he remarked that he had wanted to be a physician, but that his father had died when he was nine, and he had to help raise his four brothers and sisters and support his mother, who worked as a seamstress. How proud he must have been of his son, John, Jr., a Notre Dame graduate, a physician and cardiologist. So the son became what the father—John O. Pastore, the Senator—had wanted to be.

Instead of being a physician, Senator Pastore studied law at night at Boston's Northeastern University, eventually graduating with a Bachelor of Laws degree. This is an effort I can especially appreciate. At age 36, he became Governor of the State of Rhode Island, and was reelected twice before winning a Senate seat in 1950, where he served for 26 years.

Senator Pastore was a strong supporter of the National Defense establishment, with a great appreciation for the U.S. Navy—and especially the nuclear Navy. As the Chairman of the Joint Committee on Atomic Energy, he was equally mindful of the power, and the terror, of all matters nuclear, and worked hard for passage of the first nuclear test ban treaty, which barred nuclear tests in the atmosphere.

John Pastore and I served for some 18 years together in the Senate. John was an effective and fiery orator. My recollection is that not many members were willing to take him on in a debate, because of his quick mind and fierce demeanor. Sometimes he would finish his debating points, leaving his opponent's arguments in shreds, and stride off the floor. But, even then he maintained his self-deprecating sense of humor—sometimes remarking under his breath, "If I had been a foot taller, I would have been president."

Mr. President, I wonder why he would have wanted to be President. He was an extraordinary Senator. But he may well have become President had he wanted to do so.

He was the keynote speaker at the 1964 Democratic Convention. According to news reports, his 36-minute speech was interrupted by applause 36 times, and he enjoyed a brief consideration for the Vice-Presidential nomination that eventually went to Senator Hubert Humphrey.

John Pastore's priorities were love of, and dedicated service to, God, Country, and family—especially family. I am told that John had the desk in his office equipped with a special buzzer that rang out to alert him whenever Elena, his wife since 1941, would call. I am told that no matter how important a visitor he might have in his office even if it had been Admiral Rickover, if the buzzer went off John Pastore would interrupt his meeting to take the call from "Mama"—as he affectionately referred to his wife—for a list of groceries, perhaps, to pick up on the way home or some other domestic chore. After carefully writing down her instructions, he would turn to his visitor and resume the meeting.

John Pastore was the Chairman of the Communications Subcommittee of the Senate Commerce Committee. He was instrumental in the formation of legislation that created the Corporation for Public Broadcasting and the Public Broadcasting Service. John Pastore was opposed to violence on television and, especially, in children's programming. The deterioration of TV programming to what it is today must have been upsetting to him.

John Pastore's commitment to God, to competence, and to compassion, set a high standard. He used these commitments, I believe, to promote justice and peace. He was so very proud that his son John, Jr., who served as secretary of the Boston-based International Physicians for the Prevention of Nuclear War, was awarded the Nobel Peace Prize in 1985.

So on Wednesday, I took the opportunity along with my illustrious colleagues whom I have named, to extend, on behalf of the Senate, my sympathy and prayers to John's wife, Elena, his son, John, Jr., and his daughters, Francesca and Louise.

What a great outpouring that was on Wednesday—a huge church auditorium, and a great crowd. What a wonderful family.

I was so very impressed with Mrs. Pastore, by her grace and poise, and with the two daughters and with that son, John Jr., the physician, which John himself had wanted to be.

I close with words by John Donne:

Death Be Not Proud

Death, be not proud, though some have called thee
Mighty and dreadful, for thou art not so;
For those whom thou think'st thou dost overthrow,
Die not, poor Death; nor yet canst thou kill me,
From Rest and Sleep, which but they picture be,
Much pleasure, then from thee much more must flow;
And soonest our best men with thee do go—
Rest of their bones and souls' delivery!
Thou'rt slave to fate, chance, kings, and desperate men,
And dost with poison, war, and sickness dwell;
And poppy or charms can make us sleep as well
And better than thy stroke. Why swell'st thou then?
One short sleep past, we wake eternally,
And Death shall be no more: Death, thou shalt die!

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak in morning business for about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

SENATOR ROBERT C. BYRD

Mrs. FEINSTEIN. Mr. President, I wanted to thank the distinguished senior Senator from West Virginia for those very inspirational remarks.

He always amazes me, not only with his knowledge of history, but his knowledge of verse, his knowledge of literature, and, of course, his knowledge for the rules of the Senate.

I want to personally thank him for those very stirring words.

BOEHRINGER INGELHEIM OFFER OF FREE NEVIRAPINE

Mrs. FEINSTEIN. Mr. President, in May I stood on this floor and castigated the pharmaceutical industry for going behind the scenes and killing an amendment that Senator FEINGOLD and I had introduced, and which was part of the African trade bill. They killed this amendment in conference.

This amendment essentially would have allowed countries in the midst of a national HIV/AIDS emergency to use the cheapest possible drugs to fight that national health emergency by allowing the country to distribute the drugs through "parallel importing" and "compulsory licensing."

Fortunately, the President put forward an Executive order to carry out the intent of our amendment.

Since that time, some substantial things have happened.

Because I was so critical of the industry I feel it is only fitting that I always come to the floor and acknowledge those that have responded to the crisis.

When Senator FEINGOLD and I began this fight last fall, 6 months after the World Health Organization declared HIV/AIDS the most deadly infectious disease in the world, very few people were aware at the time of the scope of the devastation as a result of HIV/AIDS in sub-Saharan Africa.

Today, things have changed. Virtually not a day goes by without the media running a story about the HIV/AIDS crisis in sub-Saharan Africa. I will not recapitulate today all of the horrifying numbers behind this AIDS crisis. It suffices to say that more than 22 million people are infected with HIV/AIDS in sub-Saharan Africa, including over 30 percent of the adult population in many of the countries in the region. AIDS kills more than 2 million people a year in sub-Saharan Africa.

The media, the public, and governments from around the world are now increasingly aware of the catastrophe that is unfolding on this continent. Of course, the pharmaceutical community is also aware.

Today, I will discuss some of the positive steps the pharmaceutical industry is now taking to address this issue. I am very pleased and very grateful to see that the industry now recognizes its moral obligation and appears to be stepping up to the plate and taking the initiative to fight the HIV/AIDS pandemic in sub-Saharan Africa and other flashpoints throughout the developing world.

On July 7, Boehringer Ingelheim announced that Nevirapine will be offered free of charge for a period of 5 years for the prevention of mother-to-child transmission of HIV in developing countries. They actually said that any country that asks for the drug will obtain it for free. That is a huge step forward. Reducing mother-to-child transmission can literally save millions of lives and reduce the rate of increase of HIV/AIDS in the developing world. In South Africa alone, according to a study published in the Lancet on June 17, as many as 110,000 cases of HIV in infants could be prevented over the next 5 years if all pregnant women in South Africa take a short course of antiretroviral medication such as Nevirapine during labor.

Today, I believe there are literally millions of orphans in Africa, orphans whose mothers, fathers, and families have died of AIDS, orphans who are living without food, without water. It is a devastating situation. The initiative by Boehringer Ingelheim is part of the collaborative effort between the United Nations, the World Bank, and five pharmaceutical companies. I salute them today. Boehringer Ingelheim, Bristol-Myers Squibb, Glaxo-Wellcome, Merck, and Hoffman-La Roche are now trying, together, to expand access to HIV/AIDS treatment in the developing world. They deserve to be saluted by this body.

If efforts by the international community to address the HIV/AIDS crisis in sub-Saharan Africa and other regions of the developing world are to be successful, they must be part of a coordinated effort, and that effort has to include education, prevention, and adequate health care infrastructure. They must also include access to affordable medication. This is where participation by the pharmaceutical industry is so essential.

I am pleased to see that at long last pharmaceutical companies have recognized they have a profound social responsibility and moral obligation to meet the HIV/AIDS crisis, and that the lifesaving drugs they can provide are essential. We all know that AIDS drugs are extraordinarily costly. Therefore, access to low cost or generic drugs becomes critical.

It is important, however, to sound a note of caution and place the initiatives of these pharmaceutical companies in perspective. According to Doctors' Without Borders, for example, past experience with the proposed Pfizer fluconazole donation shows that these programs sometimes come with conditions for national health ministries that make them unsustainable over the long term. Many of these conditions are worthy. For example, it is worthy that the drug companies actually try to prevent the distribution of these drugs on the black market, and I understand the requirement that these drugs only be dispensed by a physician. If a country doesn't have an adequate physician corps, it makes the dispensation of these drugs extraordinarily difficult, if not impossible.

Because of these experiences, I believe it is critical that the United Nations and the national governments concerned work with the pharmaceutical companies to make sure that any future efforts, including Boehringer Ingelheim's offer on Nevirapine, do not include hidden conditions which may serve to undermine these important initiatives.

Nevirapine, given in tablet form, as I understand it, does not have a lot of side effects and can be given in a way that encourages pregnant women throughout the continent to use it, and thereby in 90 percent of the cases prevent the transmission of the HIV virus to the unborn child.

In addition, I believe alongside initiatives by the pharmaceutical industry, access to low cost and/or generic drugs embodied in the President's May 11 Executive Order is still very important. The few developing countries that have significant access to medicines for people with HIV/AIDS gained access by aggressively pursuing generic strategies. In Brazil, 80,000 people have been treated with generic drugs that have brought the cost of triple drug therapy down to approximately $1,000 a year. While in Uganda, where the Government was working with brand name drugs through a U.N. AIDS initiative, fewer than 1,000 people have been treated, due to cost constraints.

Bringing the HIV/AIDS pandemic under control in sub-Saharan Africa and preventing HIV/AIDS from becoming a pandemic in other regions of the developing world is one of the great moral tests of our time. If governments, nonprofits, and the pharmaceutical industry work together, I believe we can control what will otherwise be the greatest preventable humanitarian catastrophe in history.

Government and nonprofits are now beginning to take this crisis seriously. So are the pharmaceutical companies that produce drugs to treat HIV/AIDS. The offer by Boehringer Ingelheim to provide free Nevirapine to developing countries for 5 years to prevent mother-to-child transmission of HIV, and the creation of a coalition of five major manufacturers of HIV/AIDS drugs to work with the United Nations to deliver drugs to victims of this crisis, are major steps in the effort to control the HIV/AIDS pandemic.

I just want to say I am very grateful. I believe this Senate should also salute this action. I would like to encourage other pharmaceutical companies to follow the example these five companies are setting.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2905 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Wyoming.

TRIBUTE TO SENATOR PAUL COVERDELL

Mr. ENZI. Mr. President, it has been a difficult week working in the Senate. All of us have had a heavy heart, missing Paul Coverdell. My office is in the immediate vicinity of his, and I keep thinking he will pop out the door on my way to a vote or back.

In the Bible, there is a famous story about a man named Paul. God had a special mission for him. Though Paul was not aware of it, God made His presence known when He needed him and called him into service. That Paul had no choice. He answered the call and did as he was asked. God calls us all like that, though some of us never hear it. God called Paul Coverdell like that, too. When Paul heard the call, he listened and he answered.

First, He called him to work in the Peace Corps, as there was a need and someone had to fill it. During his service there, he made a difference in a lot of lives. God must have been very pleased with him because then He decided to put him in charge of greater things.

Those greater things led him to serve in the Senate. Again, there was a need and, again, Paul was there to answer the call. He was a remarkable force here, an incredible powerhouse of principles and ideas, and they were all in motion whenever he would speak. He had an infectious enthusiasm that seemed to emanate from every fiber of his being as he made his points. His gestures and his facial expressions always drew the listener in and caught their attention as he spoke with passion about his philosophy and his politics.

He was a great strategist because he could put himself in someone else's shoes and understand how someone else thought and felt about the issues that came up for debate and discussion. He could see many perspectives, and all at once he had an innate sense of how they would all interplay, how they would connect and collide. That was why he always seemed to have the answers. He knew what his opponents were thinking before they were even thinking it.

But the biggest reason for his successes in the Senate was his great devotion to the principles of common sense. He knew that the best answer was the one that made the most sense. All of his hard work and determined effort was aimed at one target: finding common ground, working with his colleagues, and creating a consensus that led to a solution to the problem.

When I arrived in the Senate, I found myself on the last rung of the seniority ladder, No. 100. I did not know how lucky I was. After the room selections were made, I got the office that was left, and it turned out to be a great office in disguise. My staff and I moved in, added a few touches to make it more like home, and then greeted our neighbors. Paul Coverdell was the neighbor, along with his staff. He was right next door, so we got to see him often. He and his staff were always walking by or on their way out, and I would see Paul as he left to go home. He was a regular and a welcome sight to all of us.

When the bells would ring for us to vote, we seemed to answer that call at the same time. We often came out of our doors at the same time and walked over together. We had a lot of interesting discussions about politics and legislative strategy. I lapped it all up. I was an eager and ready student, and he was a tremendous mentor.

Our staffs seemed to bond, too. We were all in this together, and the camaraderie that developed among us helped us take on some issues that needed to be addressed. It is a tradition I have adopted from him that I hope to continue through my years of service in the Senate.

Through the years, I remember the times we spent in difficult meetings with emotions running high and pressure coming down from all sides to get something done. That is when TRENT LOTT would say: "Let's let Mikey do it." I was always relieved to see that he was talking about Paul. I never knew Trent was making a reference to an old-time television commercial, but I knew he meant Paul and not me, which was a relief because Paul always got the job done.

Paul Coverdell had a lot of jobs to do in the Senate, and he took them all on eagerly and with enthusiasm because he loved legislating; he loved serving the people of Georgia, the people of this Nation, and his neighbors around the world because he cared so very deeply about each and every person.

I heard it said that there is no higher calling than public service. It must be true because it caught Paul Coverdell's attention. In all he did in his life, there is no question that he was a remarkable public servant by any standard.

Unfortunately, he will not get to a lot of the landmarks we cherish around here, like casting 10,000 votes, but every vote he did cast was with the greatest thought, consideration, and reflection, and that is the true mark of a legislator.

He lived every day with great enthusiasm, energy, focus, concern, and imagination. In fact, I think of him as an "imagineer." That is someone who can see a problem as a challenge and then use a great reservoir of talent, skill, and a little luck to solve it. That is the true mark of a great human being and great friend. Someday when we leave the Senate and return home to begin another adventure in each of our lives, I have no doubt we will take with us at least one or two special memories of Paul that we will cherish for a lifetime.

As mortals we cannot see the great plan of the Master's hand for the universe, so we cannot understand why He works the way He does. The word "why" does not even appear in the Bible, and there is good reason for that. It is not for us to know the why; it is for us to hear the word of our Lord and to answer the call when it comes.

At 6:10 p.m. on Tuesday, July 18, Paul Coverdell heard that call for the last time, and once again he answered it. The only understanding I have is that God must have needed somebody with special talents and abilities, and so He sent for Paul. Now heaven is richer for his having gone home, and we are all richer for having known him and been able to share his life. He will be deeply missed and fondly remembered by us all.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the Senior Senator from Georgia, Paul Coverdell, who passed away Tuesday in Atlanta.

Mr. President, while Senator Coverdell and I came from different political parties and ideologies, we shared several things in common. We both served our country in the U.S. Army, and after our service we both returned home to run successful businesses.

With our military and business background we decided to turn our attention to serving the public, and Senator Coverdell had a impressive record of public service.

Senator Coverdell served in the George State Senate—rising to the position of Minority Leader. He then served as Director of the Peace Corps under President Bush, focusing on the critical task of serving the emerging democracies of post-Soviet Eastern Europe. In 1992, he was elected to serve in the United States Senate.

Although we failed to agree on many issues before this body, Senator Coverdell always demonstrated honor and dignity in this chamber. He argued seriously for the positions he believed in. When he pushed legislation to fight illegal drugs or promote volunteerism, it was obvious that his heart was always in it. And his motivation was sincere and simple—to help the people of Georgia and the nation.

I send my deepest sympathies to his wife Nancy, his parents, and the entire Coverdell family. I also extend my sympathy to the people of Georgia.

We will all miss Senator Paul Coverdell of Georgia.

I yield the floor.

Mr. FEINGOLD. Mr. President, I was deeply saddened to hear of Paul Coverdell's untimely passing. Paul was a man of such energy and determination, it is difficult to imagine this body without him. Paul was a skilled legislator and one of the hardest working legislators among us. I had the highest admiration for the way he conducted himself here—how committed he was to the people of his state, and to his many duties here in the Senate.

We did not agree on a lot of policy matters, but that couldn't be less important as I stand here today, Mr. President. We've all lost a colleague and a friend, who was taken from this earth far too soon. At 61, Paul had served his country in more ways than most Americans can hope to in a lifetime. From his service in the Armed Forces to the Peace Corps to the Foreign Relations Committee, where we served together, Paul had a keen understanding of foreign affairs. He was also a natural leader, despite his soft-spoken personality and his habit of avoiding the limelight. He served as the minority leader in the Georgia State Senate from 1974 to 1989, attaining that post just four years after he was elected to the State Senate in 1970.

Paul and I were both first elected to the Senate in 1992, Mr. President. We arrived here at the same time, both former State Senators who had the honor of coming here and learning the ways of this Senate. And learn them Paul did. He quickly rose through the ranks to a top leadership post. And along the way he won the respect and admiration of all who knew him. The nation has lost a skilled leader, and all of us have lost an honorable colleague and friend. I join my colleagues in mourning his passing, and in paying tribute to his memory. To his wife Nancy, his family, his staff and his many friends, I offer my condolences and my deepest sympathies. Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I rise to share in the memory of one of this body's most esteemed colleagues, Senator Paul Coverdell. His untimely death Tuesday was a shock to us all. My prayers and condolences go out to his family at their time of mourning.

It so happens that Senator Coverdell was born in my home state of Iowa—in Des Moines. That made him an honorary constituent of mine. For that reason, he was always a special colleague to me.

We in this body knew of his background in the Peace Corps just before he was elected to the Senate. He very quickly began to show his outstanding leadership skills. He built a respect among his colleagues because of his hard work and his dedication to those issues most dear to him—especially education and the war on drugs.

Senator Coverdell did almost all of his work behind-the-scenes, work that the public never knew about. But we knew, because we worked with him. His interest was not the limelight. You rarely saw his name in the papers. Instead, it was rolling up his sleeves and working one-on-one with his colleagues in an effective way. No one among us had such energy, enthusiasm for public service, and organizing ability.

I worked closest with him on international narcotics issues, as chairman of the Senate Caucus on International Narcotics Control. He was chairman of the Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism. We worked very closely together on narcotics matters. We would hold joint hearings on fighting drug cartels in Colombia and other countries. No one felt stronger about stopping the scourge of drugs in this country than he did. He cared deeply about the debilitating effect drugs have had on the future of our country and our youth.

It was a real privilege to work with Paul Coverdell in the United States Senate. He was a statesman, a public servant in the true sense of the word. And he was a good friend, I join my colleagues in expressing how much we will miss his energy, enthusiasm and friendship. His presence will be greatly missed in the Senate. I wish all the best to his family, knowing of their profound grief at their loss.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I rise to express my thoughts and views about our good friend and colleague, Paul Coverdell. I commend my colleague from Wyoming for his very thoughtful and appropriate remarks about Paul Coverdell.

I do not have a long set of prepared remarks about my colleague, but I wanted to take a couple of minutes and express some feelings about this fine man from Georgia whom I got to know back in the Bush administration.

I was chairman of the Subcommittee on the Western Hemisphere. President Bush nominated Paul Coverdell to be the Director of the Peace Corps. Because I chaired the committee with jurisdiction over the Peace Corps and the fact I was a former Peace Corps volunteer—I think the only one in this body to have served in the Peace Corps—Paul and I developed a very quick and close relationship. I helped him through the confirmation process, and over the next number of years, as he served as Director and traveled the world expanding and enriching the Peace Corps as an institution, I developed a deep fondness for Paul Coverdell. I did not know in those days that I would be only a few years away from calling him a colleague.

In January of 1993, Paul arrived in the Senate, and quickly joined the Foreign Relations Committee, and quickly became, in those days, the ranking Republican on the Western Hemisphere Subcommittee with jurisdiction over the Peace Corps. What more appropriate place for Paul Coverdell, in that he had been the Director of the Peace Corps. He provided tremendous assistance, information, and support for this wonderful institution that was begun by President Kennedy back in the 1960s. It enjoyed remarkable support over the years. Every single administration backed and supported the Peace Corps. Even during difficult economic times in this country, there was a sense that this was a valuable institution. Paul Coverdell made it even more so because of his tenure as Director and then during his stewardship on the Senate Foreign Relations Committee with particular jurisdiction over this area.

I then became his ranking member, as my friends on the Republican side ended up in the majority, and Paul and I worked together. In fact, just recently, we were able to actually increase the funding for the Peace Corps. I do not think we would have won the decision here about whether or not to provide additional support to the Peace Corps and those additional funds would not have been forthcoming, had it not been for Paul Coverdell.

We also worked together on the narcotics issue. We had a passionate interest in trying to do something to stem the tide of narcotics, the use of drugs in this country, and worked tirelessly on that effort internationally, through the Western Hemisphere Subcommittee, to fashion a formula that would reduce the consumption of drugs in this country and reduce the production and the transmission of drugs and the money laundering that went on all over the world.

In fact, he came up with a very creative idea of trying to involve all of the countries that were involved in this issue, either as sources of production, transition, money laundering, or consumption—as is the case in the United States. I used to tease him a bit because I think I was a more public advocate of the Coverdell idea on narcotics than he was.

Paul Coverdell was one of the most self-effacing Members I have known in this body. George Marshall used to have a saying: There was no limit to what you could accomplish in Washington, DC, as long as you were willing to give someone else credit for it.

Paul Coverdell understood that, I think, as well as any Member who has served in this body. He came up with ideas, such as he did, in the area of drugs and narcotics, and then was more interested in the idea being advanced than he was having his name associated with it.

I wanted to mention those two particular areas: The Peace Corps and the drugs and narcotics effort. There were others he was involved in substantively: Education and the like. These were two areas where we worked most closely together.

Paul Coverdell was a partisan, a strong Republican, with strong views, strong convictions. But he also was a gentleman, thoroughly a Senate person. I say that because I do not think this institution functions terribly well without both of those elements.

People who come here with convictions and beliefs, who try to advance the causes that they think will strengthen our country, are in the position to make a contribution to this body and to the United States; but you also have to be a person who understands that you do not win every battle. This is a legislative body, a body where you must convince at least 50 other people of your ideas, and in some cases more than 60. If you just have strong convictions and strong beliefs, and are unable to work with this small body, then those ideas are nothing more than that—ideas.

Paul Coverdell had a wonderful ability to reach across this aisle—that is only a seat away from me—and build relationships on ideas he cared about. That, in my view, is the essence of what makes this institution work.

Usually it takes someone a longer period of time to get the rhythms, if you will, the sensibilities of this institution, that are not written in any rule book, that you are not going to find in any procedural volume. You need to know the rules—which he did—and understand the procedures. But the unwritten rules of how this institution functions are something that people take a time to acquire. What somewhat amazed me was that Paul Coverdell, in very short order, understood the rhythms of this room, understood the rhythms of this institution, and was able to build relationships and coalitions.

He could be your adversary one day—and a tough adversary he was; a tough, tough adversary—and, without any exaggeration, on the very next day he could be your strongest ally on an issue. Those are qualities that inherently and historically have made some moments in the Senate their greatest—when leaders have been able to achieve that ability of being strong in their convictions but also have the ability to reach across the aisle and develop those relationships that are essential if you are going to advance the ideas that improve the quality of life in this country.

I suspect he acquired some of those skills in his years with the Georgia Legislature. It has been said—and I can understand it—when he was the Republican leader in Georgia, there were not a lot of Republicans in Georgia. And even though we have our disagreements, there is a respect for those who help build something. It is not an exaggeration to say that Paul Coverdell, in no small way, was responsible for building the Republican Party in Georgia. I do not say that with any great glee, but it is a mark of his tenacity, his convictions, his ability to be responsible for building a strong two-party system in that State.

So from the perspective of this Connecticut Yankee, to the people of Georgia, we thank you for helping this man find a space in the political life of Georgia and for sending him here to the Senate on two occasions.

I send my deepest sympathies to his wife Nancy, to his friends, to his staff in Georgia and those here in Washington. Paul Coverdell will be missed. He was a fine Member of this institution. He was a good and decent human being. He will be missed deeply by all of us here. So my sympathies are extended to all whose lives he touched so deeply.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 4733

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4733, the energy and water appropriations bill. I further ask that the committee substitute be agreed to and the substitute be considered original text for the purpose of further amendment, with no points of order waived.

I further ask consent that if a motion to strike section 103 is offered, the motion to strike be limited to 3 hours to be equally divided in the usual form, and a vote occur on the motion to strike following the use or yielding back of time, without any intervening action, motion, or debate.

I further ask consent that any votes ordered with respect to this bill, either on amendments or final passage, be stacked to occur at 6 p.m. on Monday, July 24.

I observe that both managers of the appropriations bill for energy and water are present and ready to proceed, and therefore I submit that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, as has been stated here—and there has been a conversation between Senator BOND from Missouri and the Senator from Nevada—we are willing to move forward on this legislation. There is one provision in it that is offensive to a significant number of Senators. If that were taken out, and there were no amendment offered on the floor, we would be ready to move forward with that. I have spoken to Senator DOMENICI on many occasions. I think we could finish this bill quite rapidly.

Based on that, Mr. President, unless my friend from New Mexico has a statement, I object.

Mr. DOMENICI. Could I make a statement?

Mr. REID. I extend my reservation for the Senator from New Mexico to speak.

Mr. DOMENICI. Mr. President and fellow Senators, first, I thank the distinguished majority leader for the effort he has just made. This is a very good bill and very important to America. It contains all of the nuclear weapons funding, some very important money for the enhanced security apparatus for the National Laboratories that we have all been concerned about. It contains about $100 million to build some of our old, decrepit nuclear manufacturing facilities which are still being used for parts in other things and are held in abeyance in case they are needed.

We have a report saying they are in desperate shape. We have a report that some of the facilities we are trying to maintain in the State of Nevada—that are still there from the underground testing—need to be fixed up because they will not be in a position of readiness.

We have hundreds of water projects in this bill for Senators. And we wait to go to conference to even fill in some more.

Oh, let me talk about the Missouri conflict. I am not aware of the substance of it, but when the distinguished Senator from Nevada says there are quite a few Senators who are concerned on your side, let me suggest that there are more than quite a few Senators who are worried on the other side—and they are here, and they are there—as to who is being impacted.

I hope at some point they would let us fight that issue out. We would be willing to have a full debate on it, if the minority leader will let us. He is a wonderful and hard-working minority leader who tries to put things together. We all agree with that. But in this instance, these provisions have been in three previous bills that I have brought to the floor with my good friend, Senator REID. They have been in there and signed by the President of the United States.

To take a bill we worked on diligently, that contains all of these important issues I have just discussed, and say we can't get it done—I see the minority leader. I just said I have great respect for everything he does in the Senate. I just want to make sure that everybody understands, this is a very important bill. We ought to get it done and go to conference. We need some additional resources to get the job done on the water side and other aspects, but we will get a good bill completed. I hope we are not in a position where we will never get this bill.

If the Senator insists that it go his way, I think we won't get a bill. I hope at some point he will let us vote, I say to the minority leader. I have told him before and I confirm, I put the language in three times that is in this bill. The President signed it. I would very much like to move ahead. I am not trying to put any untoward pressure on anyone, just to state the problem that I see in not moving ahead.

Mr. LOTT. Mr. President, if the distinguished assistant minority leader will yield to me under his reservation, I will be brief. Then under his reservation or on his own, Senator DASCHLE may want to comment.

What I have asked is consent that we go to the energy and water bill, and I asked consent that if a motion to strike section 103 is offered, the motion to strike be limited to 3 hours to be equally divided in the usual form, and we would go to a vote.

Under Senator REID's reservation, if I could respond to two points: One, in addition to the very important energy aspects of this legislation that have been mentioned, I will focus on the water side. So much of America benefits from our water and our water projects, whether it is navigation or recreation, flood control. These are not just projects that individual Members want to get for their particular district for political benefit. They have a lot to do with the economy of this country, the creation of jobs and the lifestyle in America.

This is an important bill both on the energy and water side. I know both sides want to get it done. I have absolutely no doubt about that. I know the managers of this legislation, Senator DOMENICI and Senator REID, are probably two of the best we have in the Senate. It would probably look as though magic had been performed, how quickly this bill could be completed.

The issue we are talking about is a very difficult one with which to cope. It has been in the mill a long time. I know there are very strong beliefs on both sides of the issue, probably on both sides of the aisle. I hope we will continue to work to see if we can't find a way to deal with this issue in a way that is fair. My thinking is under an agreement to try to take it out with a time limit; that is fine, or an agreement to try to take it out and then put it back in with a time agreement; that is fine. We are looking for any possible solution. I hope we will find a solution in the next few minutes or next couple hours today.

If we can't, then I am already looking, I say to Senator DASCHLE, to see if we can get managers available and try to proceed to the Treasury-Postal Service appropriations bill Monday afternoon, see if we can make progress on that. I don't know of any big controversy on that one. Of course, it funds the Treasury. It also funds the Postal Service, and it funds White House operations. Hopefully, we could look to that as an alternative. I would rather do energy and water. I would like to do them both so we can get them into conference and so progress can be made next week and they will be hopefully ready to go to the President soon after that.

I thank Senator REID for allowing me to speak under his reservation. I will withhold if Senator DASCHLE wants to respond or comment under reservation, too.

Mr. DASCHLE. Mr. President, who has the floor?

The PRESIDING OFFICER. The majority leader has the floor. There has not been an objection filed yet.

Mr. LOTT. I have the floor and I propounded a unanimous consent request, if the Senator would like to respond under a reservation.

Mr. DASCHLE. Mr. President, reserving the right to object, let me respond to the distinguished majority leader. I thank my colleague, as I always must, the assistant Democratic leader, for being on the floor. I was not aware that a unanimous consent request was going to be propounded. I was downstairs. I am disappointed I was not able to be here at the time.

Let me very succinctly explain the circumstances. In the past, there has not been any real concern about revising the master manual. The master manual was written by the Corps of Engineers in 1960. It has been the law of the land with regard to the operation of the river since that time, now 40 years. There has been an effort underway in earnest over the course of this last year to look for ways that more accurately reflect how the Missouri River ought to be managed, taking into account, now, the extraordinary relevance of fish and wildlife issues.

Economically, the fish, wildlife and recreational benefits of the river now constitute over $80 million. Navigation constitutes $7 million. In economic wherewithal, that is what the reality is today: $7 million for navigation, over $80 million for fish, wildlife and recreation. Yet the master manual is written in a way that only recognizes the navigational issues because that is all there was in 1960 when this was written.

The Corps is now looking for a way to provide better balance. I think there is a compromise that more and more States are becoming more comfortable with. But what this provision in this bill says is they can't even consider it. Now that all this work and effort has gone into considering ways in which to accommodate all the States, the provision says we won't even consider it.

I have to use my prerogatives as a Senator to say that we must find a compromise on that language. We are not going to be able to do it with one vote on a Friday or a Monday afternoon, so I would like to work with the leader. I told him I would like to find a way to resolve this matter. He said, we are looking at, we will take any option. I suggested one to the leader: Let's go to conference on this provision. I am willing to live with whatever the conference decides. Of course, the administration is going to weigh in. They said it will be vetoed if this provision is in there. So if we are going to get this bill done, let's be realistic.

I want to get this bill done. I have as many things in this bill as I have in any appropriations bill. I want to get it done. I would like to get it done this afternoon, and I am willing to let the conference make its decision. But to say that the bill must have that provision or there is no bill, is just not fair to this side, to this Senator.

That is my reservation. If the Senator from Nevada has not objected, I will. I think it is important to resolve this matter. I am prepared to offer a compromise. Let's resolve this in conference. I say that in full recognition that I have no idea what would happen in conference. But if they want to finish this bill and move it to the next phase, I am ready to do it. I will do it this morning. I will do it this afternoon. I will do it on Monday. But we have to deal with that provision.

Having objected, I thank the majority leader for yielding.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. LOTT. Mr. President, let me say to the distinguished minority leader and to Senator DOMENICI and Senator REID, we will continue to work. I have learned from experience working on both sides of the aisle, if everybody just hunkers down and says no, this way or no way, you don't ever get anything. I will continue to probe and work with Senator DASCHLE, Senator REID, and Senator DOMENICI, to see if we can find a way to resolve this problem. I think perhaps we can. We will be talking further. I want to make sure we have on record that we are trying to get it done, and we will hopefully come back here in another hour or two and try again.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that after conclusion of the 6:00 p.m. vote or votes, if any, on Monday, the Senate proceed to the intelligence authorization bill, S. 2507, and following the reporting by the clerk, Senator THOMPSON be recognized to offer an amendment.

Mr. DASCHLE. Mr. President, reserving the right to object, can the majority leader give me his latest report with regard to the hearing in the Judiciary Committee on Tuesday?

Mr. LOTT. I have been in contact through senior staff, the top staff of Senator HATCH, with a suggestion of how we could proceed on that and get that information back to Senator DASCHLE. I did that, I guess, about an hour ago. I have not gotten a response back from them yet. But if I don't get one pretty quick, I will pursue another call to see if we can work that out.

Mr. DASCHLE. Mr. President, I will be constrained to object at this time, with the hope and expectation that we can get a much larger and more comprehensive unanimous consent agreement later in the afternoon. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, let me say again, of course, judicial nominations are important to the country on both sides of the aisle. I guess in the Senate everything is related to everything else. But who the hearings are on in Judiciary doesn't directly affect this bill. We need to get the intelligence authorization bill done.

Once again, this is important to the national security of our country. There had been some objections to it, but we have worked through those, and it took a lot of give and take and cooperation on both sides because there were objections on both sides of the aisle. We have cleared that.

Regarding the amendment I pointed out of Senator THOMPSON, I have been looking for any number of ways to have this very important matter of nuclear weapon proliferation by China reviewed. Senator THOMPSON has been very helpful and willing to withhold, or to consider any number of options as to how that would be considered. It seems to me that if we can get the intelligence authorization bill up, that would be an appropriate place for this issue to be considered, so that we can move to the PNTR for China issue on Wednesday. We are going to do that anyway. But I would like to have been able to deal with Senator THOMPSON's very meritorious amendment, either freestanding or as an amendment before we go to the China PNTR issue because I think he is going to be constrained to offer it as an amendment to the bill. That would be difficult because if it should be approved, of course, it would have to go on the bill and it would go back to conference and the House would have to consider it again. Perhaps, there will be enough votes to defeat it, but I, for one, do not feel constrained to vote against an issue of this significance. I think it is a legitimate argument that this is a national security and nuclear proliferation issue that should maybe be considered separate from the trade issue, but it is related to how we are going to deal with China in the future.

So, again, Senator DASCHLE objected with the recognition that we are working on another angle or issue. We will try to get that worked out, and then we will try again later this afternoon on this issue. Rather than me controlling the floor for the debate, I think it would be best at this point if perhaps I would yield the floor, and perhaps Senator THOMPSON and Senator HOLLINGS, who are very interested in this issue, could speak on their own time.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me say this to the majority leader before he leaves the floor. He and I have spent more time than we probably care to calculate over the last couple of days trying to work through what is obviously a very complicated and difficult period. I have appreciated his good nature as we have done this, his patience, his tolerance. He is smiling now, which is encouraging to me. I am going to keep smiling, too. I hope we can accommodate this unanimous consent request for the intelligence authorization. As Senator LOTT, I recognize that it is important, and I hope we can address it.

I also hope we can address the additional appropriations bills. There is no reason we can't. We can find a compromise if there is a will, and I am sure there is. But we also want to see the list of what we expect will probably be the final list of judicial nominees to be considered for hearings in the Judiciary Committee this year. I am anxious to talk with him and work with him on that issue. All of this is interrelated, as he said, and because of that, we take it slowly. So far, we have been able to take it successfully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

INTELLIGENCE AUTHORIZATION

Mr. THOMPSON. Mr. President, I thank the majority leader and the minority leader for trying to work out these complicated matters. There is, understandably, some interrelationship. I think it is well known that we are looking for a way to get a vote on the important issue of proliferation. It should not be considered to be a trade issue. It is an issue separate and apart. Many of us believe it is extremely timely because of the trade issue, and that while we need to extend our trade relationship with China, at the same time, we need to demonstrate to them and to the world that they must do something to improve their habits in terms of proliferation of weapons of mass destruction. Every day, we see in some media outlet a further indication that the Chinese are intent upon continuing their proliferation habits, as long as we support Taiwan and as long as we perceive a national defense system.

I hope the objection is not based upon the desire by the Democratic leader to prevent a vote from happening on the issue of China's proliferation. Just as the majority leader and the Democratic leader have been working together, so have the staffs been working together across the aisle to try to bridge some of the differences on this bill. We have made changes to the bill to accommodate some of the concerns. This bill will not affect agriculture; this bill will not affect business, except in those narrow circumstances when a business may be dealing directly with a known and determined foreign proliferator. At that point, it is not too high a price to ask our American businesses not to deal with those kinds of companies. That is what this is about.

So now that the majority leader has set a date for a vote on PNTR, I certainly hope we will be able to rapidly reach a date prior to that when we can vote on the important issue of proliferation of weapons of mass destruction. Although trade, being as important as it is, it pales in comparison with the national security of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

CHINA PROLIFERATION

Mr. HOLLINGS. Mr. President, I speak to the amendment of the Senator from Tennessee. There is no question that China proliferates. The very interesting feature to the entire picture here is that they object, of course, to us defending ourselves. As I see it, in essence, they are saying: Wait a minute. If you get a strategic defense initiative, if you get an antiballistic missile defense, that is going to deter or retard our proliferation, our sales to Pakistan, our sales to Iran.

A nation's defense should never be negotiable. It is totally out of the question. We should not be running around talking to the Europeans or those in the Pacific rim when it comes to what is necessary and fundamentally needed for the defense of the United States.

I support the Senator from Tennessee.

DEUTSCHE TELEKOM

Mr. HOLLINGS. Mr. President, two Saturdays ago, Mr. Peter S. Goodman reported in the Washington Post on the design of Deutsche Telekom, a German government company, which is designed to take over any and all U.S. telecommunications. In the final paragraph of that particular story, the head of Deutsche Telekom said, no, they were not interested in joint ventures. They were interested in total control.

This Senator from South Carolina participated in the 1996 Telecommunications Act, deregulating and decontrolling the American telecommunications industry. We certainly didn't take it out from under American control to put it under German government control.

I placed a call to the head of the Federal Communications Commission. We had a conversation.

I ask unanimous consent that my letter of June 28 denoting that conversation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 28, 2000.

Hon. WILLIAM KENNARD,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: When I called, I knew what your answer would be. Section 310 of the Communication Act of 1934 forbids a foreign government or any entity with 25% or more foreign government ownership or control from being granted a license by the FCC. I knew of the public interest waiver, but in the 66 years of the Act the FCC has never waived, in any significant fashion, the law for foreign government ownership. I knew, also, that the Global Telecommunication Agreement permitted the FCC to consider the public interest satisfied if the entity or government was a member of the WTO. However, this was permissive and not mandated. And other countries, members of the WTO—Italy, Spain, and Hong Kong—have prohibited foreign government ownership. I knew, also, that the Congress and the Commission have been all out for competition and that competition has cost domestic companies their profits and values, making our companies vulnerable to foreign takeover. And to my amazement, when I asked the FCC position on foreign government ownership you hedged. First, you said it "was complicated". You did mention the 310 statute, but then talked about the WTO requirement. I countered it was not a required and certainly not in the public interest. You continued telling me you wanted to come up to discuss it with me to learn my position. I kept telling you I was giving you my position by calling. I'm opposed to foreign government ownership. Yesterday, I introduced a bill tightening legal prohibitions against foreign government ownership. Thereupon, you said well, if US West was taken over by a foreign government the Western states would be in an uproar. I countered I was already in an uproar. Again, you wanted to come up and discuss to learn my position. I stated that no further discussion was necessary and I asked that when responding to any downtown lawyers inquiring to learn the position of the Commission, that you refer them to the law. You then said you weren't getting any calls, that your phone "wasn't ringing off the hook". I said I knew that the downtown lawyers were smart enough not to call directly, but to find out indirectly the position of the Commission. The call was then terminated without you stating your position, leaving me totally frustrated.

A treaty confirmed by a ⅔ vote in the Senate amends the law—not an agreement. And the global telecommunications agreement was never submitted to Congress. I can't emphasize enough that the WTO provision isn't absolute, only permissive. I can't imagine you taking the extreme position of foreign government ownership and concluding this was in the public interest—particularly after all the effort we have made with the 1996 Telecommunications Act to deregulate and afford competition. Now, to allow a foreign government, protected from competition, to pick up a domestic telecommunications company, bloodied by the competition, and control telecommunications in the United States is unthinkable.

With kindest regards, I am
Sincerely,
ERNEST F. HOLLINGS.

Mr. HOLLINGS. Mr. President, since the distinguished Chairman of the Federal Communications Commission was rather elusive in that conversation, I then prevailed on 29 other colleagues in the Senate in a letter of June 29—the next day—and again on July 12, since I had not received a response.

I ask unanimous consent to have printed in the RECORD those particular letters dated June 29 and July 12 to the Chairman of the Federal Communications Commission.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 29, 2000.

Hon. WILLIAM KENNARD,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: Recently, a foreign government owned telecommunications monopoly announced that it planned to purchase a controlling interest in a major U.S. telecommunications firm. This is contrary to U.S. law and is inconsistent with our policy to promote competition and maintain a secure communications system for our national security.

We would not be alone among WTO member countries in adopting this point of view. Italy, Spain and Hong Kong have prohibited similar transactions when the acquiring company was owned by a foreign government. U.S. regulators should be similarly skeptical of such acquisitions in this country.

Congress and the FCC have made tremendous progress with the passage of the 1996 Telecommunications Act in deregulating and forcing competition in our domestic communications market. This has promoted investment and the fruits of this competition have been a dramatic reduction in cost and more choice for American consumers. This competition and the strict enforcement of our anti-trust laws have also rendered these same domestic companies vulnerable to takeover by foreign firms which are still owned substantially by their governments.

To allow a foreign government owned corporation to purchase a U.S. telecommunications company would be putting domestic competitors at the mercy of a foreign government. No country should allow this.

We are not opposed to foreign investment in U.S. communications firms. Rather, as the U.S. law provides, we oppose the transfer of licenses to companies who are more than 25 percent foreign government owned. For example, there was no objection to vodaphone's purchase of Airtouch or France Telecom's holding a non-controlling (10 percent) interest in Sprint.

For these reasons, we would urge that you highly scrutinize any merger involving foreign government owned providers.

Sincerely,

ERNEST F. HOLLINGS and 29 other Senators.

U.S. SENATE,
Washington, DC, July 12, 2000.

Hon. WILLIAM KENNARD,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: Recent press reports indicate that foreign government owned telecommunications monopolies are interested in purchasing a variety of U.S. telecommunications assets. Such an action would be contrary to U.S. law, which is clear on this issue. I urge that you publicly address this issue and put to an end the speculation that such a transaction might be approved.

The World Trade Organization Global Basic Telecommunications Agreement does not address government owned providers. Moreover, U.S. statutory law is quite specific. Under 47 U.S.C. 310(a) governments or their representatives are barred outright from purchasing U.S. telecommunications entities. Deutsche Telekom or France Telecom, for example, fit this mold. Indeed, Business Week specifically notes this week that one third of Deutsche Telekom's employees are government workers who cannot be terminated. In 1995, Scott Blake Harris, then head of the FCC's International Bureau, testified before the Senate Commerce Committee that Section 310(a)'s outright ban on foreign government ownership of radio licenses should be retained. Subsequent to the 1996 Telecommunications Act, he wrote in the National Law Journal: "More problematic, however, are the restrictions placed by the Communications Act on ownership of wireless licenses by a foreign government or it's 'representative.' Section 310(a) flatly prohibits a foreign government or its representative from holding any wireless license, directly or indirectly. This limitation is not subject to being waived by the FCC." In that article, he specifically mentioned Deutsche Telekom and France Telecom relative to that ban.

Others argue that these transactions may come under Section 310(b) of the Communications Act. In 1995, U.S. Trade Representative Mickey Kantor wrote Senator Robert Byrd that Section 310(b) "is regarded by foreign companies as a major barrier to market access in the United States." He went on to indicate that legislative authority was needed to "remove this restraint through international negotiations." As you well know, after extensive debate and consideration of this issue in both the House and Senate, the 1996 Telecommunications Act did not provide such authority. Thus, it is not surprising that the European Union, in a 1999 trade report, identifies Section 310 as retaining force and effect, notwithstanding the Global Basic Telecommunications Agreement in 1997. As the European Union correctly recognizes, an executive agreement cannot override U.S. statutory text. As George Washington stated in his farewell address, "If the distribution or modification of the powers under the Constitution be in any particular wrong, let it be changed in the way the Constitution designates, for while usurpation in the one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

The law is clear. Moreover, public policy dictates that we not permit the anticompetitive acquisition of our domestic telecommunications companies by foreign government owned entities. It's unthinkable, for example, under present law that Bell South is forbidden from buying AT&T, but Deutsche Telekom, a monopoly owned by the German government with one third of their employees enjoying permanent employ, can buy AT&T. Bottom line: We did not deregulate U.S. telecommunications to permit the regulated foreign government owned telecommunications companies to take over the U.S. market.

Sincerely,

ERNEST F. HOLLINGS.

Mr. HOLLINGS. Mr. President, finally, on July 20, I received a letter from the Honorable William E. Kennard, Chairman of the Federal Communications Commission, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, July 20, 2000.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HOLLINGS: Thank you for your letter regarding the reported plans of foreign government-controlled companies to purchase a majority interest in U.S. telecommunications firms. As you know, there is presently no application of the type you describe before the Federal Communications Commission, and thus I can only address your concerns as a hypothetical matter. Nevertheless, I share your concern that purchase of a U.S. carrier by a foreign government-controlled company does present unique competition issues. Please be assured that I will carefully scrutinize any transaction in which a foreign government-controlled telecommunications carrier seeks to control a U.S. carrier.

Any such proposed transaction would come before the Commission as an application to exceed 25 percent foreign indirect ownership of a common carrier radio license. In that case, the applicant would have to meet both the statutory and regulatory requirements established by Congress and the Commission.

I wholeheartedly agree that we have made tremendous progress since the passage of the Telecommunications Act of 1996 in deregulating and prying open our domestic communications market and that we must remain vigilant in ensuring that our market stays open and robust. Moreover, I believe, as you do, that the Commission's approach must promote competition and maintain a secure telecommunications system for our national security. Thus, while it would be inappropriate for me to prejudge the outcome of a hypothetical transaction, I assure you that I would give close scrutiny to any merger involving foreign government-controlled providers to determine whether it would pose a very high risk to competition in the United States, compromise national security, and be consistent with the Communications Act, the FCC's rules and U.S. international obligations.

As always, I welcome the opportunity to work with you to further address any questions or concerns related to our scrutiny of such transactions.

Sincerely,

WILLIAM E. KENNARD,
Chairman.

Mr. HOLLINGS. Mr. President, sections 310(a) and 310(b) are very clear.

It could be noted historically—because there has been an ongoing intramural debate with respect to the turning over of our telecommunications to foreign governments by the White House, by this administration, by the U.S. Trade Representative, Ambassador Barshefsky, and its minions—that we have had to struggle with, and I included those documents.

I reference also that particular letter of July 12 because in there I cited the ongoing concern of then former Ambassador Mickey Kantor with respect to German government participation in America's telecommunications.

I also cited in there that the head of the international bureau, Mr. Scott Blake Harris, in 1995, testified before the Senate Commerce Committee that section 310(a)'s outright ban on foreign government ownership should be retained.

Of course, we had the act in February of 1996. Subsequent to that, later in 1996, the head of the FCC's former international bureau, just retired, included a very instructive article in the National Law Journal:

> More problematic, however, are the restrictions placed by the Communications Act on ownership of wireless licenses by a foreign government or its representative. Section 310(a) flatly prohibits a foreign government or its representative from holding any wireless license, directly or indirectly. This limitation is not subject to an FCC waiver.

Mr. President, there is no question that law has not been changed.

I know about the attempts made by Ambassador Barshefsky and the global telecommunications agreement in 1997—that if you are a Member of the WTO, then you automatically qualify under the public interest requirement of the telecommunications law to own U.S. telecommunications assets. They say it's in the public interest, that it promotes competition.

That has been the wag, or argument, that I have heard from time immemorial. But that is not the case at all. You take Deutsche Telekom, which recently had a bond issue. It was very successful—$14 billion. Mind you me, they wouldn't have collected some $14 billion if it were a private company. But this is "a government cannot fail" with one-third of the employees having permanent employment. You cannot fire them. That is Deutsche Telekom, and by the Chairman's own acknowledgment, with 58-percent German government ownership.

We are not talking about German entities. We are talking about the German government. You can't let foreign governmental ownership enter the free market here, a market that has been deregulated by the 1996 Telecommunications Act, and say: Oh, yes, we are ready to compete.

We have a strange situation whereby Deutsche Telekom under Ambassador Barshefsky and some in the White House—and perhaps some at the FCC—say: Yes. It is already in the public interest. They are competitive; we are promoting competition. But Deutsche Telekom can take over, let's say, AT&T, but under the law, categorically, Bell South cannot.

Let me mention why I emphasize the German government—because there was a letter by the distinguished chairman of our committee, the Senator from Arizona, Mr. McCAIN, in which he referred to "entities." He didn't refer to the government. Let's get right to entities and globalization.

There was a recent article that said, after all, Senator HOLLINGS was a veteran of World War II where he fought against the Germans. It suggested that Sen. HOLLINGS was anti-German and that he thought maybe the German government wouldn't be friendly. You know, coming from South Carolina, we are supposed to be dumb, and Senator HOLLINGS just didn't understand that we have moved into globalization, the world economy, and world competition.

I don't want to sound like Vice President Gore, but I am constrained to acknowledge that maybe I helped start globalization. As the Governor of South Carolina in 1960, I went to Europe in order to attract German industry investment in South Carolina. As I stand on the floor, I have 116 German industries in the State of South Carolina. I have the headquarters of British Bowater. I have the North American headquarters of Michelin. They have 11,600 employees. I have Hoffman-LaRoche from Switzerland.

You ought to come down there and join the smorgasbord of global competition.

That is not the case that concerns the Senator from South Carolina. What concerns me is "governmental." We certainly didn't deregulate American control to put it under German control. It is that clear. It does not require any careful review. The law is the law. We refuse to change it. The White House acts like it has been changed. Some on the FCC act like it has been changed. The law and the policy have not been changed.

Several things have occurred. We have a bill in with 15 cosponsors, with the distinguished majority and minority leaders as cosponsors. We have over on the House side Congressmen Dingell and Markey who introduced a similar bill. We put a rider on the Commerce-Justice-State appropriations bill, which is an appropriations bill that lasts for only one year, and no money is to be expended to give licenses to foreign governments under Section 310.

You would think that they would get it. The Dutch got it. It is very interesting that KPN tried to take over Telefonica d'Espana. They were rejected. Incidentally, Deutsche Telekom tried to take over Telecom Italia. Italy voted them out. Singapore Tel tried to take over Hong Kong Telephone. Hong Kong voted them out.

I ask unanimous consent to have this article dated July 19 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DUTCH STATE TO SLASH KPN STAKE

(By Kirstin Ridley and Matt Daily)

LONDON/THE HAGUE, July 19 (Reuters)—The Dutch government may slash its 43.5 percent stake in Dutch carrier KPN Telecom to just over 20 percent as part of a global share issue slated for the fourth quarter, an industry source said on Wednesday.

KPN is hoping to raise around 15 billion euros ($14 billion) from the issue, with about four billion slated for third generation mobile investments in Germany, the Netherlands and Belgium and 10 billion for the government, the source said.

The Dutch state had hoped to raise around nine billion euros from its current auction of UMTS licenses. But with only five major contenders for five licenses, analysts say earlier estimates look for too high, and some now believe the licenses might only fetch around three billion euros.

That shortfall for government coffers could now be made up with the KPN share issue.

The Dutch Finance Ministry, whose large KPN stake was blamed for prompting Madrid to help derail Dutch merger talks with Spanish carrier Telefonica in May, said only it would take part in the stock issue "in a big way".

"We can't say the percentage (of our stake that will be sold in the issue) * * * but we are going to participate in the offering because we have said in the long-term we would get rid of our stake," said Finance Ministry spokesman Stephan Schrover.

The Dutch government has said it will have sold its entire KPN stake by 2004. But it has so far given no timing details, and news of the share issue sent KPN's stock plunging.

It ended 7.3 percent lower at 42.87 euros, valuing the company at around 44.2 billion euros.

The industry source also noted that a listing of KPN Mobile, KPN's cellphone business which is 15 percent-owned by Japanese mobile phone giant NTT DoCoMo, was "pencilled in" for next February or March. It was delayed from an earlier proposed date of September, 2000, due to the planned KPN share issue.

KPN EYES BELGIUM BUY-OUT

Meanwhile KPN, which is seeking to buy the 50 percent it does not own in Belgian mobile phone group KPN Orange, is likely to offer its current joint venture partner France Telecom around one billion euros for its stake.

France Telecom has to resolve questions surrounding its 50 percent stake in KPN Orange, which it inherited from its takeover of British mobile phone company Orange, for regulatory reasons because it holds a competing Belgian cellphone operator.

KPN will raise the 15 billion initially through a short-term bridging loan, which it will pay back swiftly from the issue.

For bankers say KPN would risk compromising an implied mid investment grade credit rating if it sought to raise a long-term loan of that size. Any credit is strictly conditional on prompt pay-back through the share issue, they say.

The issue will be aimed at institutional investors around the world and at private investors in the Netherlands, Germany and the United States. ABN AMRO Rothschild, Goldman Sachs International and Schroder Salomon Smith Barney will act as joint global coordinators.

FRESH SPANISH TALKS?

News that the state is cutting its stake could pave the way for fresh merger talks with Spain's Telefonica.

KPN has said it remains open to any possible deal with Spain's former state-owned telecoms giant. But it has also noted that time is moving on.

Since May, it has signed up two new allies—Japanese cellphone giant NTT DoCoMo and Hong Kong conglomerate Hutchison Whampoa, making the accommodation of a Spanish deal increasingly complex.

Nevertheless the aborted Spanish merger talks were partly blamed on the fact that Telefonica's Chairman Juan Villalonga had fallen out with his former schoolmate, Spanish Prime Minister Jose Maria Aznar, as well as with key shareholders.

But Villalonga is now under mounting pressure from core investors to resign amid a stock market probe into allegations that he violated insider trading rules.

It remains uncertain whether any successor can be found with the ambition and experience to run a Spanish/Dutch venture.

(Additional reporting by Tessa Walsh.)

Mr. HOLLINGS. Mr. President:

> The Dutch Government may slash its 43.5 percent stake in Dutch carrier KPN Telecom to just over 20 percent as part of a global share issue slated for the fourth quarter, an industry source said on Wednesday.

If a foreign government owns more than 25 percent of the telephone company, they are not welcome. If they own less than 25 percent, they are welcome. We love the Germans. Tell them to come to America.

One addendum. This won't take but a couple of minutes because the distinguished chairman of the Budget Committee is on the floor. I hold the earlier announcement from a newspaper this week that the surplus forecast has doubled. We heard the distinguished Senator, Mr. ROTH of Delaware, the chairman of the Senate Finance Committee, putting through his budget. We had a vote this morning on the marriage penalty. Tax cut, tax cut, tax cut. To this Senator who lives in the real world, that is an increase in the debt.

When they announced this, I went to what they call the Budget and Economic Outlook of the Congressional

Budget Office. That is what the article quoted that said the surplus doubled. On page 17, we can see the debt, as reported by the CBO, goes from $5.617 trillion to $6.370 trillion, an increase of $753 billion.

It wasn't there that they found the surplus. I said, the President is always good at finding surpluses, so I went to his Mid-session Review, table 23 on page 49 in the back, and I see instead that the debt increased $1 trillion.

Then I called Treasury and I asked them. I have now the most recent report from this morning. It shows the public debt to the penny. It has increased $22 billion according to the U.S. Treasury.

I reiterate the Budget Committee's wonderful offer: If you want to become a millionaire—and I am sure the distinguished chairman can find that million in the surplus; I have heard him mention it, also—we will give $1 million to anyone who can find a real surplus that Congress and all the media are talking about.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if I might ask Senator HOLLINGS a question. I was listening to the remarks about telecommunications, and I was very impressed.

Am I to understand that we have a regulated, governmentally-owned company that wants to buy into a deregulated market which we have created?

Mr. HOLLINGS. The Senator's question concludes—as astute as our distinguished chairman is—the answer. It is that Deutsche Telekom is government regulated and controlled. That is the best answer. We were trying to continue the competition, but we cannot compete with the government coming in. If they are going to allow that, I vote under your budget and mine that we go over there and take over China's communications. If we can take over China's communications, we can cut the defense budget in half. They wouldn't know where to go or how to do it. We would be in charge over there in Beijing.

I thank the distinguished chairman.

Mr. DOMENICI. Senator, I don't agree on whether we have a surplus or not, and I listened attentively to that discussion, too, but I actually think you are raising a very good point in telecommunications. I voted for the telecommunications reform, but one of the big strengths, we were deregulating the industry.

Mr. HOLLINGS. That has caused part of the economic boom we are enjoying at this particular time. All this stirring of investment and expansion and services and competition is a wonderful dynamic that we all enjoy. Let's keep it going.

Mr. DOMENICI. It seems to me the question we have to ask is, Do we want a deregulated market that is working very, very well?

Mr. HOLLINGS. In this particular company, Deutsche Telekom, one-third of the employees have permanent employment. Wouldn't you and I love that—permanent employment?

Mr. DOMENICI. I have been here 28 years. It is almost that.

Mr. HOLLINGS. I have been here 34 years just about, and I am still the junior Senator. And Senator THURMOND said, "Get used to it."

Mr. DOMENICI. On this one subject, I have great respect for you and consider you a friend. I hope you are my friend.

Mr. HOLLINGS. You are my best friend.

TAXES

Mr. DOMENICI. Mr. President, I want to lay before the Senate two propositions. One, using a normal conventional budget approach, I want to share with the Senate the incredible amount of money we are taking from our taxpayers each year, and for the foreseeable future, that the current Government doesn't need. The question is, How much of that extra money we are getting from our taxpayers should we give back to them, and how much should we spend, and how much should we put on the debt?

That is a very important threesome, with everybody knowing one of the most significant things to do is to get the debt down. Pervasive in everybody's plan, whether it is a 10-year plan or whatever, is don't give it all back; put some on the debt.

Those who know they want to spend a portion of it have to answer the question, Do you not want to give some back to the taxpayer? And a further question: Don't you want to try to fix the Tax Code where it is unfair and where it unfairly taxes Americans?

I think the answer would be, if you have a very large surplus, that essentially belongs to the taxpayer—not the Government; it just happens we are putting in more taxes than we need. The question should be, Do you want to fix the marriage tax penalty?

I believe almost anyone looking at the American Tax Code and taking into account our culture, what we live by, what we say is powerful about America, has to say that we honor and respect married life along with families. We are not saying it has to be every family structure, but I think nobody should disagree, we surely want to stay there and move in that direction and cherish that concept.

If we do, then you have to answer a question: If that is the case, why would we leave a tax on the books that makes it more difficult for married couples to survive economically? We tax the working couple and the married couple more than we would tax two individuals who are not married, earning the same income.

That is the essence of the problem. Most married husbands and wives are not quite aware, if they run into two people with whom they have been friends a long time and they have similar jobs to theirs, and the two who have a family are struggling, their friends are paying significantly less in taxes because they are not married. That is what we are asked: Do we have enough resources accumulated in surpluses to do that?

Second, there is a very onerous tax called the death tax. Anybody looking at the Tax Code would have to say that deserves looking at, because at a point in time it is no longer considered to be very wealthy; or on an estate that has a lot of assets, citizens can wake up and find out that the Federal Government is going to take 55 percent of the accumulated worth that might have come over 40 years of work.

Say you have parents, a mother and father living together, struggling, both working, and they now own two filling stations—I use that as an example—and a very nice house. Today, filling stations are not the little filling stations with two pumps that were on Highway 66 when I grew up. If you were in the business, it was a pretty good enterprise, but you owned two of them because you worked at it. Both of them are in an airplane crash and die. They have five kids, three kids—whatever. What a shock when those two filling stations and the house are worth, just hypothetically, probably in today's market, $1.5 million to $2 million.

They are going to get whacked by the Federal Government on everything over $650,000. That is not fair. The Democrats can deny this and talk about all the rich people who are not going to pay, but most Americans say it is not fair to take it away. Believe it; I may get there myself. Things are happening so vibrantly in the American economy, maybe this person is looking at this and says: I might be rich enough for them to take away 55 percent of what I had left and accumulated in my life. So what the Republicans have done is they have said: Let's, over time, get rid of that. Let's take the marriage tax penalty and really take the ax and chop a bunch of it away.

There can be two reasons the President will veto these bills, and two reasons that most of the Democrats who have voted against them would use as their excuses. No. 1, they say it is too big a tax cut and therefore it uses up too much of the surplus. They even use the word "risky." What is risky, in essence, to fix the marriage tax penalty? There is nothing risky about that. What is risky about getting rid of the death tax? That cannot be risky per se.

So this is what happens. The answer is it is risky because it is giving too much back to the American taxpayer and we do not want to give that much because that is risky economics.

I want to make one simple point today and that is for anybody who is listening, wondering: Is there money left for Medicare if we want to do something, small or large, about it? Is there money left if we decide to move in a direction of more defense money each year? Is there money if we were to decide on a little more assistance for education? I will tell everyone you should understand we do not participate, out of the National Treasury, in helping with education to any significant degree. So we have our debates about education but we are talking about 8 percent of the funding for our public schools that comes out of Federal tax coffers. Maybe at one point it was 9, but it is now tottering between 7.5 and 8.5 percent. Maybe we want to change that and make it 2 percent higher.

I want to assure everyone, using conventional, acceptable budget analysis, if the President were to sign the Republican tax cuts which amount to $195 billion over 10 years—do you see this chart? You can hardly see the piece in red that the U.S. Government is giving back to the people. See the little sliver?

All of this is money set aside for the Social Security trust fund or, believe it or not, a huge amount of money over the decade that the taxpayer has sent us that does not belong to Social Security. Therefore we say: Is that too much? We are calling this the love and death tax cuts. I don't know who nicknamed it that on the floor, but I borrowed it here. Only 5 percent of the non-Social Security surplus will be used over the decade. Five percent will be used for those two taxes.

Frankly, I challenge anybody to say to the American people this is risky, giving back that much in tax cuts. All the rest of the money that we might need for anything—Social Security, Medicare—is all the rest of this surplus that is in white. Because that total is $3.15 trillion—trillion—of which we are giving back, under our cuts, $195 billion. You understand, the argument cannot be maintained that it is too big. The only argument that can be made is that we would like to use it for something else.

I would like somebody to come down and we can talk about President Clinton's marriage tax penalty relief. It is so small, in his tax package; it is 10 percent of what he would do in his various tax relief targeted measures—10 percent. I believe the marriage tax penalty has to be solved, and it cannot be 10 percent of the tax package that you put before the Congress. It has to take care of the marriage tax penalty significantly, substantially, almost all.

Then let's look at this. The Clinton-Gore budget that we got showed 10 years with new spending. Out of the $3.35 trillion, that plan would spend $1.35 trillion, leaving $1.99 trillion. I do not believe we are ever going to spend this much out of this surplus. But even if you gave them all that money, there is $1.99 trillion left, of which we are giving back $195 billion.

I truly believe when we really get down to this, in order to make sense to the American people, the President and those who oppose this are going to have to say we really don't believe that a significant portion of this money that is accumulating, that the taxpayer has paid to us, that is in excess of our Government needs—you have to be saying we are not going to give much of it back. I believe that is a terrible mistake. Unless you could say—and nobody could say this—we are not going to touch any of it; we are going to put it all against the national debt.

The next time I come to the floor I will tell you how much we are reducing the national debt already. It is the most significant reduction of the national debt, that will occur by the end of this year, for a 3-year period. And there is no comparable debt reduction period in American history; it is so big.

So the only answer could be: Wait around for our plan and we will not give the taxpayers back that much money; or they will come to the floor and say they want to give it all back to the poor taxpayer, the taxpayer who is middle income and poor. Before we are finished, that debate is going to be talked about, too.

What we have to do when we have a tax cut, we have to give it back to people who are paying taxes. One would not think that tax relief would mean giving it back, in some way, so the people paying taxes do not get any relief, and those who are not paying, or paying very little, they get some relief—even a check from the Federal Government. To say we think you are paying too much taxes, even if you are not paying any, so we give you back more money—that may be one of the propositions. We ought to debate that for the American people. You can then say the tax relief is going to the working poor. Frankly, you are not giving it to anybody who earns money enough to pay a tax. I thought this all was about tax reduction. I thought the overage was giving back Americans who paid it a little more, a little bit more than what is being talked about by the other side.

I close by saying some people think it is a mystery about all this new revenue we have, this surplus, part of which goes to Social Security and part of it is left over. There is no mystery about it. Cumulatively, all the taxpayers who are paying taxes, the American people, the combined amount has increased. Some will come up and say, "but the median income has not increased, this has not increased, and the tax on these people has not increased"—how does the tax take go up $3.35 trillion? Everybody out there combined is paying more taxes—and is it really more? Yes, it is. On average, America existed and existed beautifully with 18 percent of the gross domestic product coming into the Government as taxes.

We are now at 20.4 percent, 2.4 percent higher in terms of a tax take versus the gross domestic product of our Nation, a way to measure what we want to measure, and that is out of the total economy how much are we taking away and putting in our coffers. It is very high at 20.4 percent, and the economy is booming. The reason we have the surplus is because we are taking more from the taxpayers.

I believe if it can be understood and if we can get around ads that are confusing the issue and attack ads that have nothing to do with the real problems and issues, if we can boil it down to: Mr. and Mrs. America, if the surplus is this much, would it seem fair to you that we should give back 25 percent of it to the American people by way of tax relief? I think most people would probably end up saying: I guess that seems fair; maybe that is even a little low.

That would leave 75 percent of this surplus for the things everybody says we will take care of when we get a new Congress. I submit that we cannot forget the taxpayers as we think about new ways to spend this surplus. We ought to probably start with them, not stop with them at the end of the line. That is what we will be talking about, it seems to me, in the next few months, at least I hope so.

Then we can look at whose tax cuts are fair. We will see the other side stack up dollars and say the Republicans give it back to the rich people. The marriage tax penalty relief in this bill, in terms of to whom it goes—if the President of the United States would listen to us instead of listening to the technical advice of the Treasury Department—it is eminently fair; it is loaded at the bottom end of the earnings and yet gives people in the middle- and high-income categories something.

If you do not want that, what do you want? Stack up the dollar bills—rich versus the poor—all you want when it comes to the marriage tax penalty, which is a very big and fair tax cut and tax reform at the same time.

Obviously, I am on a subject on which I could talk for a long time, and I continue to have a lot of interest buildup in me. Sooner or later, people listening cannot pay attention, and I believe we are getting close to that.

I yield the floor and thank the Senate for giving me the privilege of speaking.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSERVATION AND REINVESTMENT ACT OF 2000

Ms. LANDRIEU. Mr. President, I wanted to come to the floor and spend a few minutes this afternoon talking about a very important bill that is moving through this Congress—it is the Conservation and Reinvestment Act of 2000—and to talk about some of the more important aspects of this legislation as it passed the House by an overwhelming bipartisan majority a couple of weeks ago. This bill is being considered as I speak in the Energy and Natural Resources Committee, which is ably chaired by my good friend from Alaska and the leadership of our friend from New Mexico, Senator BINGAMAN.

It is appropriate I follow with my remarks on the heels of our other Senator from New Mexico, Mr. DOMENICI, because as I appreciate his remarks, he was speaking about the obligation we have to make good and wise decisions about the surplus. He, of course, was arguing for as much of that money as possible to go to tax cuts, supported by many members of his party. Along that same line, we will be judged in this Congress by the discipline, restraint, and good judgment we show on this issue. Truly, these are happy days in Washington because we are talking about an extraordinarily historic surplus. A lot of that should be credited to the current administration and the President's policies regarding discipline in budgets, spending restraint, as well as a strategic investment for America's working families.

Nonetheless, it is much better when we can all agree to talk about allocating these surpluses than trying to fairly distribute sacrifices or fairly distributing cuts. It is a good time to be here so we can make good judgments on behalf of all the people whom we represent—of course, coming from the State of Louisiana, that is 4.5 million people—in the country and, frankly, the world as to our obligations to our neighbors around the world.

In this great discussion about how much should go for tax cuts and then when we set aside money for tax cuts, how should it be allocated, what families should receive those tax cuts, how can we help to strengthen and widen the circle of economic opportunity, that clearly has a role and, hopefully, we will have more discussions about that in the days ahead.

There will be, as the Senator from New Mexico pointed out, an opportunity to make some strategic investments. We should pay down our debt, and we should give a significant portion of tax breaks to working families in America, helping them with the things that are most important to them—sustaining the strength of their family, providing educational opportunities and economic opportunities for children and grandchildren. That is what every parent in America wants, to see the opportunities for their children greatly expanded.

The third thing we are going to be discussing is how to take some of this money, hard earned by the American people—not necessarily the Government's money, but the people's money—how should we allocate the people's money on their behalf for the good of their future.

That is part of our job as Members of Congress. I am very proud to be leading a great bipartisan effort by many Senators in this Chamber and House Members who are arguing that a small portion of this surplus, a small portion of the $2.2 trillion surplus—let me say our portion represents about 1 percent of this surplus; less than 1 percent actually—should be invested in the environmental resources of this Nation, along our coasts, in our interior portions of the Nation, for wildlife conservation, preservation of our coastlines, and investments in other types of environmental programs that have been underfunded and undernourished for decades. There have been promises made by Congresses in the past but promises not kept. It is time that we make strategic investments to fund those programs and to hold and keep our promises to our children and grandchildren.

I wanted to come to the floor to show you the front page of USA Today. I am going to include this entire, lengthy, and well-researched and well-written article in the RECORD. The headline is: "Growth Reshapes Coasts: A Wave of Development Overwhelms Our Shores."

I want to read a couple of the important highlights from this article for this debate and conversation this afternoon because the essence of the CARA bill is that now is the time to take a portion of offshore oil and gas revenues that are currently streaming right into the general fund, to intercept some of these funds and send them back to coastal counties and interior counties for investments, strategic investments in the environment, to help us have good growth, to make wise decisions, so that we can start this century by laying down some resources that will help us to grow and develop in the right ways in the years to come.

According to this article, again, the growth along the coasts is going to be explosive. Let me read a little bit from this article:

> A USA TODAY analysis has found that an estimated 41 million people—more than one in seven Americans—now reside in a county that abuts the eastern or southern seaboard. That number swells by several million when inland residents with second homes near the shore are included. . . .
>
> In making that choice, these coastal migrants are transforming seasonal resort towns that used to bustle for just a few summer months—

We are all used to communities such as this—

> into sprawling, year-round communities that are starting to look and feel like, well, everyplace else. Up and down the coast, development is spreading for miles inland. New residents attract new businesses to serve them, workers move in to fill the new jobs that are created, and new housing, schools, malls and hospitals spring up to serve the workers.

What are we doing today to prepare for this coming boom? It goes on to say:

> This shoreline strip is growing significantly faster than the rest of the country in population, employment and gross domestic product. In many cases, these counties have the fastest-growing economies in their states.

I think this is a very key point:

> Since 1993, the population of these hot 100 counties has grown nearly 50 percent faster than the entire USA. About 1,000 year-round settlers are arriving each day. Jobs have been created at a 30 percent greater clip, and GDP through 1997, the latest year for county breakdowns, grew 20 percent faster.

These counties are growing rapidly, as our more mobile, more affluent population seeks and chooses to live along the coasts.

In an interesting quote in the article by Cleveland State's Hill:

> It used to be that you moved to where the jobs are. Now, people are deciding where they want to live, and the jobs are following them.

Part of our goal in Congress is to be leaders, and part of the job of being a leader is to have enough vision to see past where you are today, to be able to see where we are going, so that we can lay down and make the strategic decisions that will benefit our children and our grandchildren.

I have a 3-year-old and an 8-year-old. Frank and I are doing our best to be good parents in raising them. I often think about the fact that what I do here I want to do so that when Mary Shannon is 40 or 50 or 60, and is finished raising her family and beginning to have grandchildren, that everyone in America will be better off. What will this country look like when she is that age or when Connor is in his 40s or 50s or 60s?

That is what this bill is actually about, because CARA mandates that we should take a small portion of our revenues to make important investments, which are shown by these projections that are listed here and in many articles and which are cited in many speeches, including those given by Governors and local officials. They are saying, look what is happening. Let's make plans now.

Quoting the article further:

> Urban planners say growth along the coast should be propelled for another 10 to 20 years by demographic, economic and social trends.

Additionally, it is clear—and the Senator from Florida was just speaking about this earlier in the week in committee—

> Until the 1990s, the destination of choice was Florida —

That one State has seen explosive and extraordinary growth in the last 20 years—

> with its perpetually balmy, one-season climate. But now the entire coast lures settlers. Up north, the shore in winter has higher temperatures and less snowfall. Farther south, [along the shores], the winters are moderate, and mild sea breezes offer relief from stifling heat.

People would flock to Florida in the 1980s and 1990s, but what these demographers are saying is that in the next 20 to 30 years, all the coast along the south and the eastern seaboard will experience similar growth.

My question to this Congress is, What are we doing today to prepare? One of the things we can do is to pass CARA and to reinvest at least $1 billion in our coastal resources to help our communities, our Governors, our county commissioners, and our mayors cope with this explosive growth, so we do have good development but that we preserve the precious beaches; that we allow for public spaces, so that all people, whether they are affluent enough to own a second home or whether they can just manage to get their kids in the car and spend a weekend on a beach at a moderately priced hotel, or whether they can just manage a day or two camping outside—we must preserve our coast and invest some of this money so that as this country grows over the next 20, 30, and 40 years, we can say we have done something.

I feel so passionately about these revenues. While they are general fund revenues, their source is from oil and gas, from the bounty that God has given to this country. Oil and gas in the Outer Continental Shelf is a depletable resource. One day, as those of us from Louisiana know, these wells will be dried up. There will be no more gas. There will be no more oil to be drawn. They will be depleted.

Hopefully, we will find other sources of fuel, some that are more environmentally friendly. I most certainly support that. Actually, natural gas is a very environmentally friendly fuel.

My question to my colleagues is: When these oil and gas wells are dried up, and we no longer receive the taxes that are currently being paid, what will we have to show for our money?

I would like to look up and say: We invested those revenues well; we have expanded through the interior of our Nation a great park system; we have expanded hunting and fishing areas to preserve them for our children and grandchildren, and, yes, we were smart enough to take taxes from resources from our coasts and invest them in coastlines all across the United States, so that we would have sand dunes and beaches, and our fisheries would be protected, as well as to provide for the proper development of our coastal areas.

It would be a great shame to leave this Congress without making a serious commitment to the environment of our Nation and to coastal communities everywhere, not just in the South, not just on the east coast, but in the Great Lakes region and along our precious western seaboard. This is the time to act.

I suggest to my colleague from New Mexico, in speaking about tax cuts, it is most appropriate to return some money from this great surplus to hardworking Americans and middle-class families throughout the Nation. There are many ways we can provide tax relief, and we should certainly do that. But it is also equally important that we make strategic investments, to lay down bills and initiatives and funding sources now that will help us, as our population in this Nation is expected to double from 260 million to over 500 million people in the next 100 years, much of that population moving to the coastal areas. As people will decide where they want to move, the jobs will follow. There is going to be a migration to our coasts.

Let us begin this new century by making a smart choice and a wise investment and invest in some of our coasts.

The Chair has been patient because, representing Nebraska, we have not figured out a way to get him a coastline yet, but we are working on it. He knows this bill takes care of interior States as well as coastal States by allowing all Governors and local officials to make some wise investments with these funds.

I came to the floor to share this article. I will submit it for the RECORD. I hope my colleagues will take an opportunity in the next couple of days to read it. I again thank Senator MURKOWSKI from Alaska and Senator BINGAMAN from New Mexico for their leadership and also acknowledge the support of Senator LOTT and Senator DASCHLE, as we have moved this bill through the process, and the President of the United States, for their commitment and support to this effort.

I look forward to debating this even further next week.

Mr. President, I ask unanimous consent the article to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, July 20, 2000]

GROWTH RESHAPES COASTS

(By Owen Ullmann, Paul Overberg and Rick Hampson)

A new American migration, one that rivals the exodus from the Frostbelt to the Sunbelt a generation ago, is transforming the Atlantic and Gulf shorelines.

From the rock-strewn shoreline of Maine to the sandy barrier islands hugging Texas, an unprecedented influx of residents is converting laid-back, seasonal resort towns into year-round communities with burgeoning economies.

Sixtysomething retirees and aging baby boomers, aided by fattened stock portfolios and flexible work arrangements, are settling on the coast full-time or snapping up vacation homes for retirement later. Al are drawn by a simple, alluring premise: The weather, the recreation, the scenery—it's better at the beach.

A USA TODAY analysis has found that an estimated 41 million people—more than one in seven Americans—now reside in a county that abuts the eastern or southern seaboard. That number swells by several million when inland residents with second homes near the shore are included.

"We're in the midst of an amenities movement," observes Edward Hill, a professor of urban studies at Cleveland State University in Ohio. "Improved technology, greater wealth and better transportation are giving people more choices about where to live. They're choosing the coast."

In making that choice, these coastal migrants are transforming seasonal resort towns that used to bustle for just a few summer months into sprawling, year-round communities that are starting to look and feel like, well, everyplace else. Up and down the coast, development is spreading for miles inland. New residents attract new businesses to serve them, workers move in to fill the new jobs that are created, and new housing, schools, malls and hospitals spring up to serve the workers.

To a large extent, this migration is being fed by the booming metropolitan centers along the East Coast: Boston, New York, Washington, Charlotte, N.C., and Atlanta. Many urban residents start out buying or renting a weekend home along the coast and eventually move permanently.

To determine the extent of this boom at the beach, USA TODAY examined development in the 100 counties along the Atlantic and Gulf coasts that are magnets for new settlers. The findings: This shoreline strip is growing significantly faster than the rest of the country in population, employment and gross domestic product (GDP). In many cases, these counties have the fastest-growing economies in their states.

Since 1993, the population of these hot 100 counties has grown nearly 50% faster than the entire USA. About 1,000 year-round settlers are arriving each day. Jobs have been created at a 30% greater clip, and GDP through 1997, the latest year for country breakdowns, grew 20% faster. Gross domestic product is the total value of goods and services produced.

"There's no question the growth along coastal areas is a national phenomenon," says Dennis Gale, a professor or urban and regional planning at Florida Atlantic University in Fort Lauderdale. "Harry and Jane Average are moving to the coast."

At least to the eastern and southern shorelines. The West Coast has not experienced the same recent mass migration. Its beaches and bluffs enjoy far stronger protection from development. There are no barrier islands to tempt development. And unlike the north-flowing Gulf Stream, which tempers surf temperatures along the East Coast, the south-flowing California Current chills even summer bathers.

The Atlantic Ocean's allure is hardly new. Americans have been flocking there since at least 1802, when the Philadelphia Aurora advertised beachfront tourist accommodations along the beautiful Cape May, N.J., shore. Back then few Americans had time for recreation. Most of the population lived near the ocean because the great cities grew up around shipping ports, the primary mode of commerce.

Then, as the USA entered the industrial age in the 19th century, the population began stretching inland, where factories needed raw materials and agricultural products to process.

Now the emergence of the information economy, which has spurred telecommuting, and the growing popularity of a recreational lifestyle have sparked a mass yearning to return to the coast.

COASTAL COUNTIES EXPLODING

How much is the boom at the beach transforming the coastline?

In Maine, the top five counties in employment and GDP growth are all along the coast. Their growth rates are double the state average.

In Massachusetts, the four counties with the fastest job creation include those covering Cape Cod, Nantucket Island and Martha's Vineyard.

In South Carolina, five of the seven counties with the fastest employment growth lie along the coast. Beaufort County, which includes Hilton Head, tops the list with a 46% increase in jobs since 1993, more than three times the state average.

In Alabama, only two of the state's 67 counties touch the coast. One of them, Baldwin County, which borders the Gulf and Mobile Bay, led the state in GDP growth: 51% vs. a statewide average of 24%.

"It used to be that you moved to where the jobs are," says Cleveland State's Hill. "Now, people are deciding where they want to live, and the jobs are following them."

Just look at what's taking in Maine. "Ten years ago, Knox County had one traffic light and the main industry was fishing," says Rutgers University political science professor Ross Baker, 62, who owns a vacation home near Rockland. "Now you have a big bank-processing center here, and downtown Rockland is filled with cappuccino bars and bayberry candle stores."

The same boom that is altering the rugged coast of Maine is taking place 1,200 miles south near the lush greens of Hilton Head, S.C. Along a 15-mile stretch of mainland, starting at the bridge from Hilton Head Island, unspoiled Low Country vistas have given way to mass development: golf-oriented retirement communities, shopping malls, banks, office buildings, new car showrooms, hospitals, even a new campus for the University of South Carolina.

"It just keeps growing and growing," says Carol Della Vecchia, 58, formerly of Massapequa, N.Y., who moved to the area in 1997 to escape the congestion of Long Island. "But in another five to 10 years, you're going to see another Sunrise Highway all over again," she says, referring to the commercial thoroughfare that runs through Long Island.

Urban planners say growth along the coast should be propelled for another 10 to 20 years by demographic, economic and social trends.

Foremost is the aging of the USA's 78 million baby boomers. They are entering their pre-retirement years (the oldest are 54) and looking for more pleasant surroundings to spend their post-working years. Developers in Hilton Head cite surveys that show a majority of boomers want to retire within 50 miles of the East or West coasts.

Millions of boomers, as well as people in their late 50s and 60s, are expected to have the financial resources to fulfill their retirement dreams. Barring a collapse on Wall Street, the boomers' 401(k)s and individual retirement accounts will keep growing. Plus, they will be on the receiving end of an estimated $10 trillion to $20 trillion of inherited wealth, the largest transfer of assets in history.

SEEKING A BETTER LIFE

Thanks to the technological revolution, workers don't have to wait until retirement to move to the coast; computers and cell phones make it possible to do their jobs long-distance. And for those who need to check in regularly at the office, improved roads and the vast growth of regional airports and commuter airlines put coastal destinations within a few hours of most Eastern cities.

"We're riding the crest of a new boomer craze," says Michael Lawrence, president of Sea Pines, the largest private development on Hilton Head. "First it was Nike sneakers, then oversized tennis rackets and BMWs. Now it's vacation and retirement homes."

The driving force behind this migration to the coast is the quest for a better life: less congestion, crime and pollution; better weather and scenery.

Until the 1990s, the destination of choice was Florida, with its perpetually balmy, one-season climate. But now the entire coast lures settlers. Up north, the shore in winter has higher temperatures and less snowfall. Farther south, the winters are moderate, and mild sea breezes offer relief from stifling summer heat.

These migrants are coming predominantly from aging suburban counties in the Northeast and Midwest that were hot destinations 30 or 40 years ago.

Consider Horry County, S.C., which includes Myrtle Beach and nearby towns known as the "Grand Strand." IRS data show that from 1997 to 1998, the county gained 2,000 households, most from more than 100 counties in the Northeast and mid-Atlantic.

Top feeder counties: suburban Washington's Fairfax, Va., and Montgomery and Prince George's, Md. (119 households); Long Island's Suffolk and Nassau (107); Allegheny, Pa., including Pittsburgh (42); and Franklin, Ohio, including Columbus (41). Other big sources: Syracuse, N.Y.; Philadelphia; Hartford, Conn.; northern New Jersey; and Hudson River valley; Cincinnati; Akron, Ohio; and Charleston, W.Va.

The housing industry has been a chief beneficiary of this coastal craze. The median household wealth of those living in counties that abut the Atlantic and Gulf coasts is 26% higher than the national median—$81,753 a year vs. $64,718. That means more money to buy houses. Developers along the coast say business is the best they have seen in over 30 years.

The fastest residential growth has been on barrier islands, those exposed bands of sand that lie just offshore. In 1998, more than 50,000 housing units were built on barrier islands from Maine to Texas, double the construction rate of 1992.

High-end homes seem most in demand. David Wilgus, a real estate agent in Bethany Beach, Del., says demand has never been higher for homes in the $1 million to $2 million price range, thanks to a tech boom in the nearby Washington area.

In Florida last year, during a six-hour "sale" of condo units averaging $1 million at a Naples project, 99 people plunked down $25,000 each for apartments that won't be built until at least 2002. "Staggering," says Michael Curtin, vice president of WCI, the development company.

And in Folly Beach, S.C., where modest bungalows lined the shore for decades, quarter-acre lots that sold for $50,000 just 10 years ago now fetch as much as $500,000.

Less-expensive properties also are in great demand. Sam Greenough, a contractor in North Carolina for 16 years, says he's building $200,000 homes along the Outer Banks faster than ever.

While the rush to the shore has been great for developers, it has cost many coastal communities the quaint characteristics that first attracted tourists.

COPING WITH A NEW CAPE

For decades, permanent Cape Cod residents have gathered on highway overpasses to wave goodbye—and good riddance—to hordes of summer visitors heading home in bumper-to-bumper Labor Day traffic. But those "bridge" parties might have to be scrapped because the tourists aren't leaving.

What was once a sparsely populated coastal retreat for 10 months of the year has turned into a suburbanized extension of metropolitan Boston.

"It's like living anywhere else—but nicer," says Jacquie Newson, 48, a radio station sales manager who has lived on the Cape for 20 years.

In just the past five years, the year-round population has increased 12% to 225,000. The Cape and the islands also have eight of the state's 12 fastest-growing school districts. Mashpee's enrollment has tripled the past 20 years.

Cape Code Hospital has 50% more doctors than in 1990, and the Cape Cod Mall has just increased its retail space by 25%. The number of radio stations on the Cape has risen from four in 1985 to 13. There is a fledgling high-tech industry, with hopeful talk of a "Silicon Sandbar." There are even the once unthinkable: wintertime traffic jams in Hyannis.

And with a third of the Cape's land still available for development, the boom is unlikely to slow anytime soon.

The Cape's development is the result of a self-perpetuating cycle: more people move to the area, so more businesses stay open year-round, so more tourists visit all year, so new businesses open, so more jobs are created, so more people live there.

Each day, on average, six new homes are built on the Cape. The number of residential building permits issued in 1998 was more than 40% higher than two years earlier. Cozy two-bedroom cottages by the water are being bought, torn down and replaced by 5,000-square-foot mansions. In Truro, a quaint outer-Cape town, the median sale price for an existing single-family home last year was $310,000.

To keep up with the affluent newcomers, the Cape Code Mall has brought in higher-end stores. Thirty years ago, almost all the non-anchor stores were locally owned. Today, there is only one, Holiday's Hallmark.

"Last year, we opened 27 new, national brand-name stores," says mall manager Leo Fein. "The people who are moving here have been exposed to upscale shopping in Boston, and they want it here." Hence, Ann Taylor, J. Crew, Abercrombie & Fitch.

Cape Cod Hospital in Hyannis is changing its marketing strategy as well, expanding cardiology and cancer services so patients won't have to go back to Boston. Emergency angioplasty is offered seven days a week, and the hospital it trying to start an open-heart surgery program. "In most of the country's mind, Cape Cod is still beaches," says hospital spokeswoman Deborah Doherty. "But we've been named one of the top 100 community hospitals in the country for the last three years."

Most people wouldn't think of the Cape as a tech hot spot, either. Yet several thousand high-tech jobs have been created in recent years, according to the Cape Cod Technology Council, which has 300 member businesses.

One result of the boom on the beach is what everyone described as the "changing character" of the Cape—the fading of a quaint, picturesque backwater that was virtually deserted most of the year. "New people move in and want it like it was back home," says Marilyn Fifield, a researcher at the Cape Cod Commission. "It's easy to wind up looking like everyplace else."

Provincetown, once the third-biggest whaling port in America, has become "one big condominium," grumbles George Bryant, 62, a longtime resident. "There are mornings when I feel it's the worst thing ever." But Bryant also remembers when there was never enough work to keep local people employed all winter, and when men used to "die like flies" whaling and deep-sea fishing.

Today, the biggest problem for natives isn't finding a job, but finding affordable housing. Rents and home prices have soared, and property-tax rates in some communities have doubled because new residents have demanded schools and services.

"What good is prosperity if our kids can't afford to stay here?" asks Marilyn Salisbury of Bourne. Her three adult children live and work on the mainland.

Clem Silva, 48, co-owner of Clem & Ursie's restaurant in Provincetown, says there is almost no affordable housing for restaurant workers. He and his sister/partner each have six seasonal workers from Eastern Europe living in their homes. They also have rented a third house for seasonal workers from Jamaica. "It's an amazing burden," he says. "It really takes the wind out of my sails."

Another problem is water pollution. One cause is an increase in incidents of well-water pollution from septic tanks, which serve 86% of the Cape's homes. Higher levels of contaminated water also are blamed on runoff from roads and parking lots.

Some shellfishing areas have been restricted. The Mashpee River, a tidal river, has gotten murkier and smellier because of algae buildup caused by increased run-off from septic systems. Shellfishing in Sulphur Springs, a bay in Chatham off Nantucket Sound, has been restricted because of high coliform counts.

The downside of development didn't deter Tom and Barbara Joyce from moving to West Barnstable in June after raising four children (the youngest is now 23) in a Boston suburb. Tom, 65, is a recently retired vice president of a textbook publisher, but Barbara still freelances in publishing and wants to be able to go to the city if and when she needs to.

Their four-bedroom home is near a golf course and a conservation area, it's an easy one-hour drive to Boston. "Cape Cod is a state of mind," Barbara says. "When you're here, you feel like you're on vacation, even if you're living here."

Nevertheless, the Joyces admit that life on the Cape has changed from 30 years ago, when they recall having had trouble finding a restaurant. This year, Barbara says, "we tried to go to dinner in Hyannis one Saturday night in February and we couldn't even get in, it was so crowded."

The truth is, Tom says, the Cape has become just another suburb. "The Cape is no longer the place to go for isolation. There's no escape now. There's very little open space that hasn't been developed or bought for development. I guess we've added to that."

BEAUFORT'S GROWING PAINS

Beaufort County, S.C., is another microcosm of the benefits and the detriments of explosive growth along the coast. Though it's a long distance from Cape Cod in geography and culture, the area has experienced many of the same problems as coastal New England.

"The growth has been astronomical," says Beaufort County Magistrate Charles "Bubba" Smith, 55. He says the county's rapid expansion has meant higher wages and job opportunities but also traffic jams, overcrowded schools, higher crime and a shortage of affordable housing.

The county had been largely unaffected by the golf-oriented vacation development that began 30 years ago on Hilton Head, the county's southernmost tip. But the county hasn't been the same since 1994, when Del Webb, which developed the Sun City retirement communities in the Southwest, started its first upscale project on the East Coast, 10 miles inland from the Hilton Head Island bridge.

So far, Sun City has built 1,600 homes, and it is adding 500 more each year. When the mammoth, 5,600-acre project is finished, Sun City will have 16,000 year-round residents.

Sun City has spawned other retirement communities, a half-dozen shopping malls, a Super Wal-Mart, a Target, several supermarkets, Lexus and Mercedes car dealerships, and other retail establishments along U.S. Route 278. At the same time, lawyers, accountants, financial planners and health care providers are flocking to offer their services. Route 278, once lined with Spanish oaks and lowland shrubs, is now flanked by retail developments and professional office buildings interspersed with occasional empty lots with signs that read, "Future home of . . ."

The area has attracted transplants from the East Coast, Midwest and Southeast, including New York, New Jersey, Pennsylvania, Ohio, Virginia, Georgia and Florida. And its residences appeal to people across the economic spectrum. Sun City homes start at $130,000, although the strongest demand has been for the top-of-the-line models, which sell for $750,000. As a result, the company is breaking ground on an upscale section eight years earlier than planned.

Del Webb officials say every house type, even the least expensive, includes a home office. Marketing studies have found that most buyers are still working or intend to work part-time during retirement.

Just down the road from Sun City, the exclusive Belfair development is quickly selling out its 770 lots for up to $2 million each. The corporate CEOs and other wealthy buyers also shell out $900,000, on average, to build custom homes on their lots.

Belfair's two championship-level golf courses are the ostensible draw, but developer John Reed says the real attraction is the sense of a small town that residents long for. "They're in their mid-50s and they've lived in four different cities, on average," he says. "They feel they have no roots and are searching for the close-knit community they remember from their youth. That's how they want to spend their final years."

The mass migration to the area has been great for developers and other businesses, but it has put enormous strains on the local government.

Since 1900, Beaufort County's population has grown 31%. That's three times the national average. The county has had to keep expanding its roads, and in just the past three years, it has built 13 schools, making it one of the fastest-growing school districts in the USA.

The boom has been especially traumatic for the little town of Bluffton (population 800), which finds itself suddenly surrounded by explosive growth.

Last year, the town had to hire its first full-time city manager to deal with development issues. And the town has annexed 30,000 acres over the past three years to exert more control over land use. That has expanded the town's size from 1 square mile to 50.

This year, the town is asking residents for permission to double its budget so it can add a planning department, increase existing departments and augment its tiny police force.

Although construction is bringing in new property tax revenue, the town laments that it has lost revenue from speeding tickets. Bluffton used to be a well-known speed trap, but the traffic is so bad now, it's hard to exceed the 25 mph posted limit.

"Bluffton has become the biggest little town in South Carolina," says Town Councilman Hank Johnston, 58, who claims that Johnny Mercer wrote the lyrics to Moon River while sitting on Johnston's porch, which overlooks the May River.

The town's transformation is upsetting to the locals, even those who profit from all the tour buses that roar through the town's historic center, disturbing the tranquility Bluffton had known for 100 years.

"People used to come Memorial Day and leave Labor Day. Now they're here to stay," sighs Babby Guscio, owner of a general store. "It's sad. It's the end of an era. Our small town is gone."

As the economic transformation along the shore continues, that refrain is being echoed up and down the coast. But there's no indication that the mass exodus to the beach will slow anytime soon. "People are seeking out a different lifestyle," says urban planner Hill of Cleveland State. "Quality of life matters."

"There's no stopping the trend," agrees Rutgers professor Baker. "It's like the primordial urge of sea turtles (to lay their eggs in the exact same spot). The instinct to live near the water is that strong."

Ms. LANDRIEU. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. LEAHY. Mr. President, I will try not to delay my good friend from Kansas too long. I know he, like others, wishes to leave.

I speak only because I am disappointed the Senate has not yet passed the Bulletproof Vest Partnership Grant Act of 2000 that is S. 2413. The Senate Judiciary Committee passed this bill unanimously on June 29. All Members, Republicans and

Democrats, voted for it. Since then, I have checked with the Democratic caucus. All 45 Democratic Senators support this bill. All 45 are perfectly agreeable to have it either come to an immediate vote or passed by unanimous consent.

But it still has not passed the full Senate. This is very disappointing to our nation's law enforcement officers who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully with the Chairman of the Judiciary Committee in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. Senator HATCH is an original cosponsor this year's bill to reauthorize this grant program. Senators SCHUMER, KOHL, THURMOND, REED, JEFFORDS, ROBB, REID, SARBANES, our late colleague, Senator Coverdell, BINGAMAN, ASHCROFT, EDWARDS, BUNNING, CLELAND, HUTCHISON, and ABRAHAM also cosponsored our bipartisan bill.

I mention this because I have been receiving calls from a number of people in the law enforcement community asking why it has not passed. I did not know the answer. As I said, I checked and found the 45 Democratic Senators all said they had no objection to it being passed by voice vote today, yesterday, whenever—but we have been told a Republican Senator has stopped this bill from passing. He has a hold on the bill, a bill that is intended to provide protection to our Nation's law enforcement officers.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

When we introduced the original Bulletproof Vest Partnership Grant Act of 1998, President Clinton invited Senator CAMPBELL and me down for the signing of it. Shortly after it was passed into law, we funded 92,000 new bulletproof vests for our Nation's police officers. You can now make application on web sites. The whole thing has worked extremely well.

To better protect our nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998 (Public Law 105–181).

The law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999–2001.

In its first year of operation, the Bulletproof Vest Partnership Grant Program funded 92,000 new bulletproof vests for our nation's police officers, including 361 vests for Vermont police officers. Applications are now available at the program's web site at http://vests.ojp.gov/ for this year's funds.

The entire process of submitting applications and obtaining federal funds is completed through this web site.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

The Bulletproof Vest Partnership Grant Act of 2000 will provide state and local law enforcement agencies with more of the assistance they need to protect their officers.

Our bipartisan legislation enjoys the endorsement of many law enforcement organizations, including the Fraternal Order of Police and the National Sheriffs' Association.

We need to recognize the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our nation's law enforcement officers put their lives at risk in the line of duty every day. No one knows when danger will appear.

Unfortunately, in today's violent world, even a traffic stop may not necessarily be "routine." Each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

I hope this mysterious "hold" on the other side of the aisle will soon disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000, S. 2413, to ensure that each and every law enforcement agency in Vermont and across the nation can afford basic protection for their officers.

I just want to speak a little bit personally about this. I spent the first 8 years of my public life in law enforcement. I have said many times on the floor of the Senate that it was in so many ways the most rewarding career I had. I got to know the men and women in law enforcement who are called upon to go out at 3 o'clock in the afternoon or 3 o'clock in the morning and put their lives on the line for us.

I thought this legislation was something that would help. I have received hundreds of letters and e-mails from police officers across the country who use the Campbell-Leahy law to get themselves bulletproof vests. I know Senator CAMPBELL has, too. We joke about it, but we call it the Campbell-Leahy, Colorado-Leahy, Campbell-Vermont law—police officers know what it is. It is the bulletproof vest law.

I was so glad to tell the leaders of law enforcement, the sheriffs, the police officers, and others that we had put together, once again, a bipartisan coalition and were moving through the reauthorization in what has proven to be one of the most successful pieces of law enforcement legislation we have had.

That is why when they started calling me and asking, "why hasn't it passed; if everybody supports it, why hasn't it passed," I had to tell them an anonymous Republican Senator has stopped it from passing. Whoever that Senator might be has a right to object to it going forward under our practices, if not under our rules.

I ask if that Senator might be willing to put first, and foremost, the needs of our law enforcement officers. If they do not like the bill, then let's bring it to a rollcall vote and they can vote against it. I suspect it will be a 98–1 vote on this. I know every Democrat is going to vote for it because they have told me they will. Every single Republican I have talked with said they will vote for it. I suspect the vast majority of the Senate will vote for it.

I call on that anonymous Senator to step forward and either allow us to pass it by a voice vote or let us bring it to a rollcall vote and vote it up or down. The President has assured me personally that he will sign this bill. He has no hesitation signing it. He wants to sign it.

Senator CAMPBELL and I will support it throughout the appropriations process to get the money. The most conservative, most liberal, and the moderate Senators in this body have all supported it. Let's do the right thing. Let's tell the same police officers we ask to go out at 3 o'clock in the morning to protect us that we will not do the closed-door withholding of the bulletproof vest legislation.

MINORITY JUDICIAL NOMINEES IN 106TH CONGRESS

Mr. LEAHY. Mr. President, I am glad to see the Senate confirming Judge Johnnie Rawlinson to the Ninth Circuit Court of Appeals today. She will be an outstanding member of that Circuit. I thank Senator REID for all of his hard work on this nomination. I also commend our Democratic Leader for getting Judge Rawlinson and the other nominations reported yesterday confirmed by unanimous consent today. No one has worked harder than Senator DASCHLE to try to get the Senate to act on President Clinton's judicial nominees and I thank him for his dedicated efforts.

On July 13, 2000, President Clinton spoke before the NAACP Convention in Baltimore and lamented the fact that the Senate has been slow to act on his judicial nominees who are women and minorities. He said: "The quality of justice suffers when highly-qualified women and minority candidates, fully vetted, fully supported by the American Bar Association, are denied the opportunity to serve for partisan political reasons." He went on to say: "The face of injustice is not compassion; it is indifference, or worse. For the integrity of the courts and the strength of our Constitution, I ask the Republicans to give these people a vote. Vote them down if you don't want them on." I wholeheartedly agree with the President.

I was encouraged to hear Senator LOTT recently and repeatedly say that he continues to urge the Judiciary Committee to make progress on judicial nominations. The Majority Leader said: "There are a number of nominations that have had hearings, nominations that are ready for a vote and other nominations that have been pending for quite some time and that should be considered." He went on to note that the groups of judges he expects us to report to the Senate will include "not only district judges but circuit judges."

The United States Senate is the scene where some 50 years ago, in October 1949, the Senate confirmed President Truman's nomination of William Henry Hastie to the Court of Appeals for the Third Circuit, the first Senate confirmation of an African American to our federal district courts and courts of appeal. This Senate is also where some 30 years ago the Senate confirmed President Johnson's nomination of Thurgood Marshall to the United States Supreme Court.

And this is where last October, the Senate wrongfully rejected President Clinton's nomination of Justice Ronnie White. That vote made me doubt seriously whether this Senate, serving at the end of a half century of progress, would have voted to confirm Judge Hastie or Justice Marshall.

On October 5, 1999, the Senate Republicans voted in lockstep to reject the nomination of Justice Ronnie White to the federal court in Missouri—a nomination that had been waiting 27 months for a vote. For the first time in almost 50 years a nominee to a federal district court was defeated by the United States Senate. There was no Senate debate that day on the nomination. There was no open discussion—just that which took place behind the closed doors of the Republican caucus lunch that led to the party-line vote.

It is unfortunate that the Republican Senate has on a number of occasions delayed consideration of too many women and minority nominees. The treatment of Judge Richard Paez and Marsha Berzon are examples from earlier this year. Both of these nominees were eventually confirmed this past March by wide margins.

I have been calling for the Senate to work to ensure that all nominees are given fair treatment, including a fair vote for the many minority and women candidates who remain pending.

The bipartisan Task Force on Judicial Selection of Citizens for Independent Courts has recommended that the Senate complete its consideration of judicial nominations within 60 days.

Governor Bush of Texas recently also proposed that presidential nominations be acted upon by the Senate within 60 days.

Of the 34 judicial nominations currently pending, 26 have already been pending for more than 60 days without Senate action. Already this Congress 83 nominees, including 56 eventually confirmed, have had to wait longer than 60 days for Senate action. I urge the Senate to do better.

The Senate should be moving forward to consider the nominations of Judge James Wynn, Jr. and Roger Gregory to the Fourth Circuit. When confirmed, Judge Wynn and Mr. Gregory will be the first African-Americans to serve on the Fourth Circuit and will each fill a judicial emergency vacancy. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit. The nomination of Judge James A. Beaty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit. President Clinton spoke powerfully about these matters last week. We should respond not be misunderstanding or mischaracterizing what he said, but by taking action on this well-qualified nominees.

In addition, the Senate should act favorably on the nominations of Judge Helene White and Kathleen McCree Lewis to the Sixth Circuit, Bonnie Campbell to the Eighth Circuit, and Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are well-qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, the lack of Senate action on pending nominations, and the overwhelming workload.

I am sorely disappointed that the Committee has not reported the nomination of Bonnie Campbell to the Eighth Circuit. She completed the nomination and hearing process two months ago and is strongly supported by Senator GRASSLEY and Senator HARKIN from her home state. She will make an outstanding judge.

Filling these vacancies with qualified nominees is the concern of all Americans. The Senate should treat minority and women and all nominees fairly and proceed to consider them.

To reiterate, I commend and congratulate Judge Johnnie Rawlinson from Nevada who was confirmed to the Ninth Circuit Court of Appeals. She is going to do an outstanding job on that circuit. Senator Harry REID of Nevada, who worked so hard, deserves special mention as, of course, does Senator Dick BRYAN for joining in support of her nomination.

I hope this is a mark that maybe we will do better in the Senate and start moving judges, similar to what a Democratic-controlled Senate did in the last year of President George Bush's term in office when we moved judicial nominations right through to practically the last day we were in session.

There has been a lot of talk about what should be done or should not be done, what is being held up or should not be held up. Whether it is an accident or otherwise, it is a fact that women and minorities take a disproportionate amount of time to go through the system. That does not look well for the Senate.

If I could make a recommendation, I would join an unusual ally in that. Gov. George W. Bush of Texas Presidential nominations should be acted upon by the Senate within 60 days. He said:

> The Constitution empowers the President to nominate officers of the United States, with the advice and consent of the Senate. That is clear-cut, straightforward language. It does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation. Yet somewhere along the way, that is what Senate confirmations became —lengthy, partisan, and unpleasant. It has done enough harm, injured too many good people, and it must not happen again.

Governor Bush is right. President Clinton has said virtually the same thing. I have said the same thing. The fact is, if you do not want somebody to be a judge, then vote them down, but do not do this limbo thing where sometimes they wait for years and years. Marsha Berzon waited 2½ years just to get a vote. They were not going to vote on this woman. When she finally came to a vote, she was confirmed overwhelmingly.

Richard Paez is a distinguished jurist, an outstanding Hispanic American. He waited not 1 year, not 2 years, not 3 years, but he waited 4 years for a vote, and then when his nomination was voted on, it was overwhelming.

Let us do better. Let's move on some of the names that are here, such as Kathleen McCree Lewis, Helene White, Bonnie Campbell, Enrique Moreno, and others who have been held up so long. Let's move on them. It can be done.

Mr. President, I thank my good friend from Kansas for his forbearance. He has now done enough penance for 1 day.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Mr. BYRD. Mr. President, last evening, the Senate completed action on the Fiscal Year 2001 appropriations bill for Agriculture, Rural Development, and Related Agencies. The bill was passed by a vote of 79 to 13. I commend Senator COCHRAN, Chairman of the Subcommittee, and Senator KOHL, the Ranking Member, for crafting this very important legislation.

This bill includes many ongoing programs that are vital to the American people. It also includes a number of items to deal directly with problems that our farmers and rural residents are facing this year as they struggle to recover from natural disasters last year, and are now faced with the reality of continuing drought.

Overall, in Division A, the bill provides a total of $75.6 billion in non-emergency spending for fiscal year 2001. Of that amount, a little more than $60 billion is for mandatory programs, such as Food Stamps and reimbursements to the Commodity Credit Corporation which funds a wide array of commodity, conservation, and international trade programs. The balance of the non-emergency appropriations in this bill, $14.8 billion, is directed toward discretionary programs and represents an increase of nearly $900 million above last year's level. In addition to the $75.6 billion in Division A of the bill, Division B, as passed by the Senate, contains approximately $2.2 billion in emergency agricultural disaster assistance for the nation's farmers and rural communities. I will discuss these vital programs in more detail later in these remarks.

America's farmers have made this nation the breadbasket of the world. Our ability to produce plentiful safe, wholesome, and nutritious food is one of the basic foundations of economic and national security. The term "food security" may be little more than a vague concept to most, unfortunately not all, Americans; but in much of the world, it is an everyday reminder of the struggle to survive. The prosperity and the fate of nations throughout the history of the world are closely tied to their agricultural production capabilities. When the fields of Carthage were sown with salt by the legions of Rome, that once-great nation of northern Africa soon disappeared into the sands of the Sahara.

This appropriations bill includes many of the tools American farmers need to sustain their historically high levels of production. Research, conservation, credit, and many more items important to agriculture receive much-needed funding in this bill. Programs to promote exports of U.S. agricultural products throughout the world are included in this bill. American producers, and consumers alike, benefit from the work of the Agriculture Appropriations Subcommittee, and we should all join in supporting their efforts.

Agriculture exists in every part of the nation, and every Senator knows the important contributions farmers make to his or her state. When one thinks of farming, instant images of broad, flat fields of wheat or corn, spreading from horizon to horizon, easily come to mind. Visions of combines combing the Great Plains and of massive grain elevators reaching to Midwestern skies are a solid part of our national consciousness. But farming does not only exist in the flat plains of Kansas or the rolling hills of Iowa or in many of the other states most familiar to Americans as "Farm Country." Agriculture exists in the tropics of Hawaii and the bogs of Maine. Agriculture exists in the orchards of the Pacific Northwest and in the groves of Florida. Agriculture even extends to the vegetable fields and reindeer herds of my Chairman's state, Alaska.

West Virginia is not famous as an agricultural state, but West Virginia agriculture is changing to meet the new demands of consumers. The future of agriculture includes diversification to meet the changing demands of consumers at home and abroad. Farmers in West Virginia, through the help of the Appalachian Farming Systems Research Center at Beaver, West Virginia, and the National Center for Cool and Cold Water Aquaculture at Leetown, West Virginia, are but two examples of the diversification of agriculture in my state and I am glad this bill provides increased funding for these two facilities.

In addition to the regular programs funded in this bill, I would also like to mention a few of the items included to address special problems farmers and rural residents have to face this year. Last year, Congress provided more than $8 billion in emergency funding to help farmers and rural areas respond to adverse weather and depressed commodity prices. This year, all indicators point to continuing drought conditions and prices for some commodities have fallen more than ever in history.

While it is important for Congress to respond to emergencies, it is equally, or perhaps more, important to prepare for them. Last year, many livestock producers in West Virginia suffered horrible losses from drought and, in many cases, had to liquidate their herds at depressed prices. Congress finally provided assistance to cover the costs of feed, but in many cases the assistance was too little and, more tragically, too late.

Accordingly, I met with USDA Secretary Dan Glickman this spring and outlined for him my plan to put in place a program that will help prevent a repeat of some of the losses suffered by West Virginia farmers and farmers all across America last year. The Secretary agreed that action now is proper to provide him the tools necessary to mitigate losses that are likely to occur this summer. While it is beyond the power of the Congress to overcome the awesome powers of nature, it is within our power, and our responsibility, to provide assistance to the American people in the most effective manner possible. Where the likelihood of drought is certain, where acts of prevention are possible, there lies our responsibility and I want to thank my colleagues for supporting an amendment I offered to put these preventive tools in place.

Pursuant to my amendment, this bill provides $450 million for livestock assistance this year in the event drought conditions continue to worsen. These funds will only be available in counties which receive an emergency designation by the President or the Secretary. In the event no emergencies are designated, none of these funds will be spent. On the other hand, the ounce of prevention we provide in this bill may easily outweigh the costs producers, and possibly taxpayers, will later realize unless we act now to help mitigate losses that are likely to occur.

Drought conditions not only affect production agriculture, they drain water resources necessary for basic community services in rural areas. Currently, drought conditions in part of the nation are so severe that rural water systems are at risk from depleted supplies, wells will not function, and the increased demand for water have compounded this problem to the point of crisis. I am pleased that my amendment also provides $50 million for rural communities that are at-risk due to natural emergencies or due to threats to public health or the environment. Similar to the livestock provision mentioned above, a portion of these funds would be limited to counties which have received an emergency designation by the President or the Secretary and for applications responding to the specific emergency.

In addition to addressing problems related to drought, my amendment, as contained in this bill includes a number of other provisions. Included is $443 million to help dairy farmers recover from the current collapse in market prices. Also, $58 million is provided for compensation to producers from losses due to pests and disease such as Plum Pox, the Mexican Fruit Fly, Pierce's Disease, and Citrus Canker.

During floor consideration of the bill, a manager's package of some fifteen amendments was adopted to provide additional emergency agricultural assistance to farmers across the nation. That package of manager's amendments total approximately $1 billion, the largest portion of which, $450 million, will provide emergency assistance to producers who have suffered losses from recent natural disasters. This assistance will help offset losses from the heavy rains that recently affected more than one million acres of farmland in North Dakota, as well as losses in other parts of the country affected by drought. Additionally, $175 million was included to assist apple producers who have suffered from a combination of both market and quality losses; $40 million was provided to help compensate for losses due to citrus canker; $70 million was provided to fund emergency watershed operations in a number of states; an additional $50 million was included for community facility needs associated with losses from Hurricane Floyd and related storms; and the balance of items in this package will assist producers and rural communities across the nation in a variety of ways.

Overall, this bill strikes a good balance for providing funds to meet regular, ongoing needs and to prepare for problems that we are likely to experience later this year. I especially thank Senator STEVENS and Senator COCHRAN, Chairmen of the Appropriations Committee and the Agriculture Appropriations Subcommittee, respectively, and all members of the Appropriations Committee for their support of provisions which I authored that will provide the Secretary of Agriculture the ability to meet the developing drought conditions this summer. By meeting this challenge head on, we will be helping producers avoid a repeat of some of the terrible losses incurred last year. I support this bill, and I urge all Senators to support this bill.

Mr. President, I yield the floor.

OYSTER INDUSTRY IN CONNECTICUT

Mr. LIEBERMAN. Mr. President, I rise today to describe a distressing situation that 23 Connecticut oyster farmers found themselves in earlier this summer, and to offer my thanks to Mr. COCHRAN and Mr. KOHL for helping Mr. DODD and myself correct an injustice to these hardworking individuals. In early June, the United States Department of Agriculture (USDA) informed twenty-three Connecticut oyster farmers by letter that they must repay approximately $1.5 million total in federal disaster aid payments that were granted due to a federal error. I am pleased to say that Mr. DODD's and my amendment to forgive that repayment was included in the Agriculture Appropriations bill.

The oyster industry is important to Connecticut's economy—prior to 1997, Connecticut's annual oyster crop was second only to Louisiana's. However, between 1997 and 1999, our oyster industry was devastated by a disease known as MSX, resulting in massive losses. The market value plummeted from a 1995 high of $60 million to just $10 million.

In the face of this severe loss to the oyster industry, the Connecticut Farm Service Agency (FSA) approved and distributed modest disaster payments to the oyster farmers in 1999. The payments were made pursuant to the 1998 Crop Loss Disaster Assistance Program (CLDAP), which is administered by the Noninsured Crop Disaster Assistance Program (NAP). With this critically needed assistance, the oyster farmers began to rebuild their livelihoods.

Earlier this year, long after the funds had been invested and for purely technical reasons, USDA determined that the payments were made in error because most Connecticut oyster farmers grow their oysters in open beds rather than controlled environments. On June 2, 2000, USDA sent each of the 23 farmers a letter stating that they must repay the disaster assistance that they received the previous year. The oyster farmers were understandably frustrated and distressed by the message. I note, Mr. President, that only a small portion of oyster farming nationwide is done within controlled environments, and that production in a controlled environment was not a prerequisite for disaster assistance following damage to Florida and Louisiana oyster farms by Hurricane Andrew.

USDA has acknowledged that it bears responsibility for the error in disaster aid payments. However, USDA strongly believes that it would have "no legislative authority to waive ineligible disaster aid payments" without specific Congressional direction. Consequently, the Connecticut delegation has worked closely with USDA legal counsel to draft legislation exempting the oyster farmers from repaying the ineligible disaster aid. Earlier this month, the House of Representatives included such an amendment in the House Agriculture Appropriations bill; the Congressional Budget Office scored the amendment as neutral.

Today, I am pleased that the Senate has also recognized the injustice of holding hardworking oyster farmers responsible for federal error by including an amendment to forgive these payments in the Senate Agriculture Appropriations bill. Again, I thank Mr. COCHRAN and Mr. KOHL and their staffs for assisting Mr. DODD, myself, and especially the Connecticut oyster farmers in correcting an unfortunate situation.

DISASTER ASSISTANCE

Mr. GRAMS. Mr. President, I want to today offer my support and cosponsorship of the Dorgan amendment providing additional disaster assistance to producers hit hard by floods, drought, and other severe storms that have resulted in crop destruction and disease. In Minnesota, floods in the northwest and southern portions of the state have devastated many farmers causing some crops to rot in the field.

This is yet another hit for the struggling Minnesota farm economy. Portions of my state have faced heavy rains and flooding for several years now, and things aren't getting any easier for these hardworking farmers also hit with low prices. In northwest Minnesota, FSA estimates that nearly 50 percent of the acreage has been affected by floods. In nine counties in Minnesota, there have been nearly 1.2 million acres affected. In Mahnomen county, 100 percent of the acreage has been impacted by floods.

FEMA funding and disaster assistance under the Small Business Administration and other programs do not provide these farmers the help they need. If we are willing to help farmers who are suffering from falling prices, as we have already done this year through supplemental spending, we should also come to the aid of those suffering from natural disaster, as we do on a routine basis each year as we experience such disasters.

I urge my colleagues to join me in supporting this important amendment.

EMERGENCY METH LAB CLEANUP FUNDS AMENDMENT

Mr. HARKIN. Mr. President, I wanted to thank the managers of the FY 2001 Agriculture Appropriations bill for their cooperation in including the amendment for emergency methamphetamine lab cleanup funds that Senator HUTCHINSON and I had offered as part of the bill's FY 2000 supplemental package.

This amendment, also cosponsored by Senator BINGAMAN, Senator BROWNBACK, Senator NICKLES and Senator THOMAS—provides $5 million in emergency lab cleanup funds for state and local law enforcement.

A similar provision I had offered was included in the emergency package from June but it was dropped before it was attached to the Military Construction Appropriations conference, which gained final passage with a voice vote. There was strong support for this provision from both Democrats and Republicans. And it was included in both the House and Senate supplemental packages.

So, it didn't make sense why it was suddenly dropped—especially when we're talking about dangerous chemical sites that are left exposed in our local communities.

Senator HUTCHINSON from Arkansas and I last week sent a letter to the Appropriations leadership that was signed by 30 Senators, calling for this emergency funding. Our states desperately need this money or they will be forced to take money out of their own tight law enforcement budgets to cover the high cost of meth lab cleanup.

Over the years, Iowa and many states in the Midwest, West and Southwest have been working hard to reduce the supply and demand of the methamphetamine epidemic. But meth has brought another unique problem to our states—highly toxic labs that are often abandoned and exposed to our communities.

The Drug Enforcement Agency has provided in recent years critical financial assistance to help clean up these dangerous sites, which can cost thousands of dollars each.

Unfortunately and to everyone's surprise, the DEA in March ran out of funds to provide methamphetamine lab cleanup assistance to state and local law enforcement. That's because last year, this funding was cut in half while the number of meth labs found and confiscated has been growing.

Last month, the Administration shifted $5 million in funds from other Department of Justice Accounts to pay for emergency meth lab cleanup. And I believe that will help reimburse these states for the costs they have incurred since the DEA ran out of money. My state of Iowa has already paid some $400,000 out of its own pocket in cleanup costs since March.

But, this is not enough to get our states through the rest of the fiscal year.

This $5 million provision will ensure that there will be enough money to pay for costly meth lab clean-up without forcing states to take money out of their other tight law enforcement budgets to cover these unexpected costs.

If we can find the money to fight drugs in Colombia, we should be able to find the money to fight drugs in our own backyard. We cannot risk exposing these dangerous meth labs to our communities.

Again, I appreciate the managers of this bill, Senator COCHRAN and Senator KOHL for their cooperation on this important provision and I look forward to working with them to making sure it is maintained in conference.

EMERGENCY SUGARCANE RELIEF

Mr. AKAKA. Mr. President, I rise today to express my gratitude to Chairman THAD COCHRAN, Ranking Member HERB KOHL, and Minority Whip HARRY REID for their efforts yesterday in passing Amendment 3976 to H.R. 4461, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill for Fiscal Year 2001. This amendment, which was offered by my colleague, the Senior Senator from Hawaii, Mr. INOUYE, and myself will provide emergency relief to the Hawaii sugarcane industry.

Since 1990, the Hawaii sugarcane industry has experienced a dramatic decline in its sugar production, from 55 sugarcane farms operating on approximately 162,000 acres to three sugarcane farms operating on 60,000 acres.

Compared to other sugarcane growers in the United States, Hawaii growers are at a disadvantage due to higher transportation costs incurred in shipping raw sugar to California for refining. In addition, Hawaii growers are precluded from participating in certain relief provisions of the 1996 Farm bill, such as the United States Department of Agriculture's sugar loan program, which are available to other U.S. sugar growers. Hawaii sugar growers have demonstrated a strong commitment to remain in sugar production.

They continue to be on the forefront of sugarcane production and are working to diversify its capabilities by venturing into other agricultural commodities such as fiberboard products, energy products, seed corn, and low caloric sweeteners. Without emergency funds to help Hawaii's sugar industry compensate for extraordinary low prices and high transportation costs, this distressed sector of Hawaii's agricultural industry will cease to exist.

This amendment will designate $7.2 million as emergency funding for a grant from the Commodity Credit Corporation to the State of Hawaii. It will provide the necessary relief to this distressed sector of Hawaii's agriculture industry. This provision will provide compensation for extraordinary low prices and high transportation costs incurred by this industry.

Again, I wish to thank my colleagues for their support of this important amendment.

BISON MEAT AND MORE NUTRITIOUS INDIAN RESERVATION FOOD SUPPLIES

Mr. CAMPBELL. Mr. President, last night the Senate passed the Fiscal Year 2001 appropriations bill for the U.S. Department of Agriculture and Related Agencies with my support. Today I would like to take this opportunity to thank the Manager of the bill, Senator COCHRAN, for his willingness to accept my amendment to require that funds available in the Food Stamp Program be used for the purchase of bison meat for use in the Food Distribution Program on Indian Reservations (FDPIR). This amendment was cosponsored by Senators DORGAN, CONRAD and DOMENICI.

The buffalo has always played an important role in Native American culture, religion and history, providing Indian people with clothing, tools, and food. Bison meat is extremely healthy, low fat, and high protein meat source that in the past was a staple of nutrition for Indian people. However, when our own government decided it was best for tribes to be placed on reservations, often far away from their traditional lands, tribes lost this nutritious food source and from this, we are seeing some severe and devastating effects on the health of our Native communities.

Today, Native Americans suffer from diabetes and heart disease at five times the rate of any other group in the United States. Diabetes is a killer and the cure for it is elusive. One of the things we can do is to encourage a better diet for Native people. This is awfully hard to do when the Food Distribution Program on Indian Reservations is the main source of food for nearly 125,000 Native Americans and most of the meat that they do receive is canned and high in fat and sodium.

Two years ago USDA purchase $2 million in bison, and then another $6 million in 1999 through a bonus buy purchase and had enormous success with it. My office has received numerous requests from Tribal Food Distribution Program Directors, tribal recipients and buffalo producers to help secure additional of bison. I sent a letter to Secretary Glickman requesting such purchases and his response is not encouraging.

Mr. President, the amendment I offered will direct USDA to use $7.3 million of the Food Stamp Program to purchase bison meat.

The Food Stamp Program, funded at around $21 billion, is expected to have a substantial surplus from lower participation given our healthy economy and low unemployment rate. It only seems reasonable that we could use a very small portion of those funds to help provide a healthier and culturally preferred choice of food for Native Americans.

I yield the floor.

EXPLANATION ON VOTES

Mr. BUNNING. Mr. President, I regret that I was ill and unable to vote on the Senate floor yesterday during consideration of H.R. 4461, the FY01 Agriculture Appropriations Act.

Had I been here yesterday, I would have voted in the following manner.

On Rollcall Vote Number 218, the Harkin Amendment, I would have vote "Aye" on the motion to table.

On Rollcall Vote Number 219, the McCain Amendment, I would have vote "Aye" on the motion to table.

On Rollcall Vote Number 220, the Wellstone Amendment, I would have vote "Aye" on the motion to table.

On Rollcall Vote Number 221, the Harkin Amendment, I would have vote "No" on the amendment.

On Rollcall Vote Number 222, the Wellstone Amendment, I would have vote "Aye" on the amendment.

On Rollcall Vote Number 223, the Specter Amendment, I would have vote "No" on the amendment.

On Rollcall Vote Number 224, on the question of germaneness of the Amendment, Number 3980, I would have voted "no".

On Rollcall Vote Number 225, final passage of the H.R. 4461, the FY01 Agriculture Appropriations Act, I would have voted "Aye".

I yield the floor.

TELEWORK

Mr. WELLSTONE. Mr. President, I rise today to offer an amendment that is designed to make information technology—IT—jobs a part of diverse, sustainable rural economies while helping IT employers find skilled workers. The goal of this bill is to link unemployed and underemployed individuals in rural areas and on Indian reservations with jobs in the IT industry through telework.

We are in the midst of an information revolution which has the potential to be every bit as significant to our society and economy as the industrial revolution two hundred years ago. But in recent months there has been much discussion of the "digital divide," the idea that one America is not able to take advantage of the promise of new technologies to change the way we learn, live, and work while the other America speeds forward into the 21st Century. As advanced telecommunications and information technology become the new engines of our economy, it is critical that no communities are left behind.

Many rural communities and Indian reservations are already facing severe unemployment, underemployment, and population loss due to a lack of economic opportunities. A study last year by the Center for Rural Affairs reports that widespread poverty exists in agriculturally based counties in a six-state region including Minnesota. Over one-third of households in farm counties have annual income less than $15,000 and, in every year from 1988 to 1997, earnings in farm counties significantly trailed other counties. Unemployment on many Indian reservations exceeds 50 percent and remote locations make traditional industries uncertain agents for economic development.

There are troubles ahead for the new economy as well: the information technology industry reports that it faces a dramatic shortage of skilled workers. The Minnesota Department of Economic Security projects that over the next decade, almost 8,800 workers will be needed each year to fill position openings in specific IT occupations. Approximately 1,000 students graduate each year from IT-related post-secondary programs in Minnesota, not anywhere near enough to fill the demand, according to this same state agency. This shortage is reflected nation wide, with industry projecting shortfalls of several hundred of thousand IT workers per year in coming years.

Rural workers need jobs. High tech employers need workers. This legislation would create models of how to bring these communities together to find a common solution to these separate challenges.

My amendment is very straightforward. It would simply add $3 million to the very popular and successful Distance Learning and Telemedicine Program operated by USDA's Rural Utility Service for the purpose of promoting employment of rural residents through telework.

Mr. President, telework is a new term that may be unfamiliar to colleagues so I want to take a moment to explain what it is. According to the International Telework Association and Council, telework is defined as using information and communications technologies to perform work away from the traditional work site typically used by the employer. For example, a person who works at home and transmits his or her work product back to the office via a modem is a teleworker, also known as a telecommuter; as is someone who works from a telework center, which is a place where many teleworkers work from—often for different companies.

The nature of IT jobs allow them to be performed away from a traditional work site. As long as workers have the required training, and a means of performing work activities over a distance—through the use of advanced telecommunications—there is no reason that skilled IT jobs cannot be filled from rural communities.

Because it essentially allows distance to be erased, telework is a promising tool for rural development and for making rural and reservation economies sustainable. Very soon, a firm located in another city, another state or even another country need not be viewed as a distant opportunity for rural residents, but as a potential employer only as far away as a home computer or telework center. Likewise, telework arrangements allow employers to draw from a national labor pool without the hassles and cost associated with relocation.

Many businesses and organizations are already using telework or telecommuting as a tool to reduce travel and commuting times and to accommodate the needs and schedules of employees. Many metropolitan communities with high concentrations of IT industries are already looking to telework as a means of addressing urban and suburban ills such as housing shortages, traffic congestion, and pollution.

However, the IT industry does not currently view rural America as a potential source of skilled employees. Nor do many rural communities know how to turn IT industries into a viable source of good jobs to revitalize local economies. Moreover, many rural community leaders fear that providing IT job skills to rural residents—when there are no opportunities for using those skills in the community—will lead to further population losses as retrained workers seek opportunities in metropolitan areas. At the same time, management of off-site employees requires new practices to be developed by employers and in some cases, dramatic paradigm shifts. Rural areas and Indian reservations are in danger of being left behind by a revolution which actually holds the most promise for those communities which are the most distant. IT employers risk missing a pool of potential employees with a strong work ethic.

Receiving one of the teleworking grants provided for by my amendment will give rural communities access to federal resources to implement a locally designed proposal to employ rural residents in IT jobs through telework relationships, linking prospective employers with rural residents. This amendment will allow these communities to create locally developed and implemented national models for how telework can be used as a tool for rural development.

The necessary vision to of how to make telework a reality already exists in some employers and in some rural communities. In Sebeka, Minnesota—a town with a population of little more than 600 people—a small firm called Cross Consulting was founded. That company employs over 20 people through a contract with Northwest Airlines to provide programming on Northwest's mainframe computers. These people are rural teleworkers. The new economy is not leaving Sebeka behind and we need to incubate that kind of innovation in rural areas and Indian reservations across this country.

On April 13 along with Senators BAUCUS and DASCHLE I introduced the Rural Telework Act of 2000. That legislation is a more comprehensive means to the same ends as this amendment I am offering today. I mention this legislation because it is broadly supported by private industry, rural communities, educational institutions and tribal governments.

For many jobs, in many industries, telework may be the future of work. It may also be the future of diverse, sustainable rural economies. This amendment offers an early opportunity to invest in local innovation to harness this potential and I urge its adoption.

RESALE OF ARMOR PIERCING BULLETS TO CIVILIANS

Mr. LEVIN. Mr. President, last week the Senate passed the Department of Defense Authorization Act for Fiscal Year 2001 which included an amendment I sponsored to outlaw the resale of military surplus armor piercing ammunition, including .50 caliber ammunition, to civilians.

This amendment requires the Department of Defense to ensure that military surplus armor-piercing ammunition is not sold or transferred to anyone except foreign militaries or law enforcement or other government agencies. Armor piercing ammunition is extremely lethal and is powerful enough to pierce an armored limousine or helicopter. It has no legitimate civilian use.

Last year, Congress approved legislation which instituted a one-year restriction on the civilian sale of military surplus armor piercing ammunition; the amendment approved by the Senate last week would put that temporary restriction into permanent law. Before the one-year restriction was enacted, under the Conventional Demilitarization Program, a contractor working with the Department of Defense was paid $1 per ton to take possession of its excess armor-piercing ammunition, which it was free to refurbish and resell to the general public.

The Department of Defense should not be a party to making this extraordinarily destructive ammunition available to the general public. Once available on the market, this powerful ammunition is subject to virtually no restriction, making it easier for someone to purchase armor piercing ammunition capable of piercing an armored car, than it is to buy a handgun. These loose restrictions make armor piercing ammunition highly popular among terrorists, drug traffickers and violent criminals.

An investigation by the General Accounting Office (GAO) found that armor piercing .50 caliber ammunition is "among the most destructive and powerful ammunition available in the United States" and the "widespread availability" of the bullets "poses a threat to public safety." In the year ending in March, 1999, more than 113,000 rounds of military surplus armor piercing .50 caliber ammunition were sold in the United States.

The amendment to prohibit the resale of military surplus armor piercing ammunition is a small but important step in keeping our streets safe.

COUNTERING THE THREAT TO MONTENEGRO

Mr. BIDEN. Mr. President, I rise today to discuss the threat to Montenegro, the sole remaining free part of the Yugoslav federation.

In the decade of the 1990s, there were four mornings on which my colleagues and I awoke to a recurring headline: new war in the former Yugoslavia, started by Slobodan Milosevic.

First, in Slovenia. Next, in Croatia. Then, in Bosnia and Herzegovina. Finally, in Kosovo.

I do not want to ever read that headline again. I never want to read the headline that says: Milosevic starts new war in Montenegro.

So let's say it loud and clear: hands off Montenegro, Mr. Milosevic!

What is going on today in the so-called Federal Republic of Yugoslavia, specifically, in the relationship between Serbia and Montenegro?

Why is it important for us to pay attention?

And what should be our stance toward developments there?

These are the questions I aim to answer in my remarks today.

Most of my colleagues are aware that "Yugoslavia" is an invented term. It was not the name with which that nation was born after the First World War. Rather, the Kingdom of the Serbs, Croats and Slovenes officially changed its name in 1929 to the "Kingdom of Yugoslavia," meaning the kingdom of the South Slavs.

That was the first Yugoslavia, the one which perished in the course of the Second World War. Out of the ashes of World War II, the second Yugoslavia arose. That was Tito's Yugoslavia. Tito had been dead for a less than a decade when his Yugoslavia began to unravel at the start of the 1990s. And now, today, all that remains of Yugoslavia is an increasingly quarrelsome couple: Serbia and Montenegro.

Once Yugoslavia was a state of 20 million inhabitants, with five constituent republics plus two semi-autonomous provinces. And today? Slovenia, gone. Croatia, gone. Bosnia and Herzegovina, gone. Macedonia, gone. Kosovo, for all intents and purposes, gone.

The two republics of Serbia and Montenegro are what is left of Yugoslavia, Mr. President. And the undeniable fact is that many people in Montenegro want no more to do with that Yugoslav federation with Serbia as it is today.

Will Montenegro someday split off to become an independent nation-state, like Slovenia, Croatia, Macedonia, and Bosnia and Herzegovina? Maybe.

Will Montenegro someday become a partner with Serbia in a revitalized and restructured Yugoslavia? Maybe.

Will Montenegro wind up as a Serbian puppet-state, ruled from Belgrade by the likes of Slobodan Milosevic or some other Serbian authoritarian jingoist? Not if I have anything to say about it, and I hope my colleagues and the U.S. Government agree with me.

We simply must not take our eye off the ball, Mr. President. There is still a very serious risk that Milosevic will undermine and then overthrow the elected government of the Republic of Montenegro.

What would be the result of such a development? At a minimum—Montenegrins executed or thrown in jail, others forced to flee abroad as refugees, Milosevic in charge of new borders with Croatia, Bosnia and Herzegovina, Albania, and Kosovo. At a maximum—war with a capital "W", in the Balkans, once again.

What is the seriousness of the threat today to Montenegro?

Earlier this month Milosevic made his latest move from Belgrade. He got the obedient legislature to approve changes to Yugoslavia's constitution.

The first major change was that henceforth the President of Yugoslavia will be directly elected. Guess who gets to run? Yes, Milosevic himself—who otherwise would have been obliged by the constitution to step down next year at his term's end. This means that Mr. Milosevic has, in effect, extended his legal "shelf-life" by as many as eight years.

The second major constitutional change was that the upper house of Yugoslavia's parliament henceforth will be elected proportionally. Mr. President, that's easy for us to understand. It means that, by comparison, in this Chamber, there would be a heck of a lot more Senators from California than from Delaware. In the case of Yugoslavia, it isn't hard to figure out the significance: Montenegro has 650,000 inhabitants; Serbia has 10 million.

This constitutional re-jiggering has fooled absolutely no one.

That it was immediately condemned, on July 8, both by Montenegrin President Milo Djukanovic and by the legislature of the Republic of Montenegro. The vote in the Montenegrin legislature was 36 to 18 in favor of a vigorous condemnation of the constitutional changes as "illegal and illegitimate."

The changes have also been condemned by the political opposition within Serbia.

The changes have even been condemned by the Russians, who joined in the recent G–8 communique statement condemning Milosevic's constitutional fiddling.

Milosevic and his cronies are clearly trying to topple the democratically elected government of President Djukanovic. These constitutional changes are but the latest gambit.

In contrast with Milosevic's hopelessly inept long-term strategies, most of his tactics are clever. If these constitutional changes were ultimately to be accepted by, or forced upon, the Montenegrins, they would facilitate his control of Montenegro through peaceful means. Given, however, that the Montenegrins have rejected the changes, Mr. Milosevic now can claim, spuriously, that the Montenegrins are acting "unconstitutionally" or "illegally" and that, therefore, Belgrade has some right to "intervene."

Mr. Milosevic also is trying to provoke the Montenegrin authorities into reacting out of anger and national pride, and going ahead with a referendum on independence.

Thankfully, the Montenegrin Government, including both President Djukanovic and the legislature, have not fallen for Milosevic's trap. On July 8, the same day that it so roundly condemned Milosevic's constitutional shenanigans, the Montenegrin legislature specifically rejected a proposal calling for an immediate referendum on independence.

The support for independence in Montenegro is not—at least not yet—sufficiently strong to justify holding a referendum. Look again at that vote—36 to 18. There clearly are pro-Milosevic politicians in Montenegro. Many Montenegrins, especially from the northern part of the country, either consider themselves Serbs or at least profess greater allegiance to Serbia and/or a Yugoslavia which Serbia dominates than to Montenegro.

Aside from ethnic self-identification, there are many Montenegrins who are not convinced that independence is a better outcome for such a small country than a democratically reformed federation with Serbia would be. For example, in recent municipal elections in Montenegro, the capital, Podgorica, went for Djukanovic, while another city, Herceg Novi, went for the pro-Serbian party.

The risk of holding a referendum on Montenegro's independence, in such a context, would be that the balloting might easily be followed by civil unrest and skirmishes—provoked by Milosevic's henchmen or spontaneous—which would be all the provocation that Milosevic would need in order to seize power in the name of preserving law and order through some combination of paramilitaries and Yugoslav Army units already stationed in Montenegro.

In fact, Reuters reported that the Yugoslav Army was poised to implement just such a plan if the Montenegrin legislature had reacted more radically to the changes in the Yugoslav constitution. Our State Department does not discount these reports as idle speculation.

What is our policy in response to Milosevic's constant provocations and threats against Montenegro? What have we been doing, what are we doing, what more can we do?

First of all, we are providing economic assistance to the Government of Montenegro.

In Fiscal Year 2000, we have already allocated $60.56 million. Secretary of State Albright announced on July 13 that the Administration plans to notify the Congress of its intention to reprogram an additional $16.5 million for democratization and economic reform in Montenegro.

Why does Montenegro need this money?

Much of it is for budget-support. As a key part of Milosevic's effort at destabilization, he has squeezed Montenegro's economy very hard through a series of measures.

He has had Yugoslavia's central bank print extra money, against the wishes of the Montenegrin representatives to the bank, and then spent it in Montenegro to cause inflation there.

Yugoslavia has refused to grant import and export licenses to Montenegrin companies.

Serbia has taken virtually all of the revenue from Yugoslavia's customs collections, leaving none of it for Montenegro.

Yugoslavia has stopped payment to Montenegrin pensioners from the federal pension fund.

Yugoslavia has denied overflight clearances for aircraft that would transport foreign tourists to Montenegro.

And, most significant, Belgrade has cut off Montenegrin purchasers from food and medicine produced in Serbia, the market which previously had provided 75 percent of Montenegro's purchases of such commodities. Think about this—the Milosevic regime, which complains about sanctions targeted at specific individuals and enterprises in Serbia, has placed sanctions on its "brother" republic of Montenegro. These are sanctions that hurt all Montenegrins.

It is in large part to combat this kind of economic sabotage that we are providing so much assistance to Montenegro.

That is merely the economic kind of sabotage.

As I just mentioned, the Milosevic regime has been preparing the Yugoslav Army to be able to move against the Djukanovic government. For several years, Milosevic has been sending special troops to join Yugoslav Army units in Montenegro, as well as commanders who would not hesitate to obey orders to attack their Montenegrin "brethren."

Ready to defend the legally elected government are the relatively well-armed police force and Interior Ministry troops of the Republic of Montenegro.

There have been stand-offs and provocations at border crossings, at Podgorica airport, and elsewhere.

So far cooler heads have prevailed, but no one should doubt that Milosevic has a plan to depose Djukanovic, the most prominent remaining democrat in Yugoslavia. Milosevic will undoubtedly wait for another target of opportunity. I have no inside line to Belgrade, but my guess is that he may act when we are preoccupied with the U.S. election campaign this fall and when he hopes that partisan political interest may make reaction to foreign aggression more difficult. More about that later.

In any event, it is abundantly clear that Montenegro urgently needs our assistance because it is threatened by the Serbia of Milosevic, through economic pressure and military intimidation.

Why, however, does Montenegro deserve our assistance?

The answer is simple. Because Montenegro, and President Djukanovic's government, want to do the right thing.

President Djukanovic, though still a young man, has traveled a long road. He has gone from being a Yugoslav Communist committed to the preservation of the status quo to being a Western-oriented democrat.

I have met with President Djukanovic on several occasions.

He is a realist. He knows that the only option for Montenegro is the Western model. That means market economy. That means fair elections and multi-ethnic inclusive politics. That means engagement with the outside world rather than sullen, sulking self-pity.

From the beginning, his government has been a coalition of Montenegrins, Slavic Muslims, and ethnic Albanians.

During the air campaign in Kosovo, President Djukanovic permitted refugees to enter Montenegro from Kosovo, and from Serbia as well. In fact, some members of the Serbian opposition were safer during that war in Montenegro than in Serbia.

Even while Yugoslav Army targets were being bombed in Montenegro, President Djukanovic kept his cool. He understood that what NATO was doing had to be done.

Recently, President Djukanovic did something that I think is extraordinary, and ought to be better known.

Earlier this summer, he offered an apology. Specifically, on behalf of Montenegro, he said to the Croatian people: I'm sorry for the role that some Montenegrins played in the infamous shelling of Dubrovnik back in 1991.

What is going on here? A Balkan leader actually apologizing for ethnic-cleansing and war-crimes?

The fact that President Djukanovic made that statement, and that it was accepted as an apology by President Mesic and the Government of Croatia, is highly significant.

That kind of statement and reaction represent the only way out of the morass of ethnic hatred that caused, and could still cause, death and destruction in the former Yugoslavia.

In terms of economic reform, the government of President Djukanovic has said that it would like to begin a major privatization of state assets sometime later this year. The United States, our allies, and the international financial institutions not only should support this, but should be involved in it. We have learned from hard experience throughout the former communist world, that if outside powers do not get involved, it is just too tempting for well-placed individuals to cream off the best for themselves, to the disadvantage of the populace as a whole.

Montenegro deserves our support, because its government wants to follow good models of governance, economics, and politics, despite the risk that its democratic and free-market policies could bring civil war, military coup, sudden exile, or even worse, assassination. Let us not forget that it was in Montenegro that Milosevic's hit-men shot and wounded Vuk Draskovic, the Serbian opposition leader. Standing up to Milosevic, when you live inside Yugoslavia, takes courage. Standing up to Milosevic in the name of a majority of your 650,000 countrymen, as President Djukanovic is doing, takes quite a bit of courage.

It seems clear to me that what we have on our hands in Montenegro is a case where we have American strategic interest combined with a moral imperative.

Let us not be caught flat-footed in Montenegro. Let us be vigilant and on guard.

First, I call upon our government to make clear to President Milosevic that the United States will not tolerate the overthrow of the legally elected government of Montenegro.

Second, I urge in the strongest terms that the United States immediately take the lead within NATO in drawing up detailed contingency plans for responding affirmatively to any request by the Djukanovic government for assistance in repelling aggression by the Yugoslav Army against Montenegro.

Third, in order that this not become a partisan issue in the fall election campaign, I urge the Administration to include representatives of both Vice President GORE and Governor Bush in all deliberations on the situation in Montenegro.

I hope that all members of Congress, and indeed all Americans, will agree that we owe it to ourselves, to our allies, and to our friends in Montenegro and in the Balkans, to be prepared. As somebody once observed, "summoning the will to win is one thing; the more important thing is summoning the will to prepare." Deterrence is much cheaper than war-fighting. Milosevic must be made to understand that he will not be allowed to get away with his fifth war of aggression in 10 years.

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM GRANT SMITH NEAL ON THE 56TH ANNIVERSARY OF THE AMERICAN LANDING ON GUAM

• Mr. KOHL. Mr. President, 56 years ago today, the United States Marine Corps landed on the island of Guam to liberate its people from Japanese occupation. One of the marines involved in that action was William Grant Smith Neal who subsequently received the Purple Heart for wounds sustained during action on that island the following day. William Neal died on July 9, 2000 and one more American veteran of World War II has been taken from us. To honor Mr. Neal, and all veterans who served during that war, I believe it is fitting to outline the life of this man as a tribute to his generation which offered every full measure to keep this country safe.

On January 22, 1923, in Utica, Kansas, was born the first child to Glenn and Bessie Neal. As evidence of close attachment with family (which has become a Neal trademark) Glenn and Bessie wanted to name their son William Grant Neal after his grandparents, William Neal and Grant Smith. In the excitement, the doctor became confused and the name affixed to the baby's birth certificate was William Grant Smith Neal. However, to family and friends, he became known simply as Bill.

In fact, it was not until Bill entered the Marine Corps 18 years later that a document search revealed the complete scope of Bill Neal's full name.

Bill's father was employed by the Missouri Pacific Railroad and his job relocated him and the entire Neal family in the late 1920's to Horace, Kansas, a community located nearly on the Colorado border and right in the middle of the coming Dust Bowl. As a child, Bill soon became familiar with athletics and was a member of the Horace Elementary Basketball Team during the 5th and 6th grade. While playing in a double elimination tournament, Bill's team won the final game, but with only three players remaining; all others had fouled out. Just like life in the West Kansas plains during the 1920's and 30's, playing basketball there was tough stuff, and Bill proved he had what it took: he was one of the final three.

By the mid-1930's, the Neal family was moving again, this time to Hoisington, Kansas, where firm roots were put down. At Hoisington High School, Bill again excelled in sports as the football quarterback and in basketball and track. Naturally, his little sisters were very proud of him and anytime they would see Bill in downtown Hoisington, they would rush to his side and try to engage him in conversation. Being the big brother, however, Bill's response to such attention was normally the command, "Go Home!"

Other girls were more successful. On one occasion, a girl in Bill's class appeared at the Neal home, knocked on the door, and asked for Bill. When Bill stepped outside, she quickly kissed him and ran away.

She wasn't taking the chance of being told to go home.

After High School, Bill pursued higher education at Wichita University, known today as Wichita State University, on a football scholarship. But world events were soon to disrupt Bill Neal's formal education for 4 years and, instead, provide him a role in one of the most important events of the 20th Century.

The December 7th attack on Pearl Harbor stirred the hearts of many young Americans intent on protecting our nation's shores and interests from evil forces then afoot in the world. Bill Neal was no exception.

Although not yet of age to enlist without parental consent, Bill immediately sought to join the U.S. Marine Corps and asked his father for approval. However, his father, himself a veteran of the First World War, was not eager to watch his young son march off to what he knew awaited on distant battlefields and, instead, sent him back to school in Wichita until such time that Bill would otherwise have to sign up for the draft. That time soon came and on July 11, 1942, Bill Neal entered the United States Marine Corps and set off from Kansas by rail to Marine boot camp in San Diego, California. Bill had never before stepped foot outside the state of Kansas, but now he was about to enter a far and dangerous world.

After boot camp, Bill was sent to New Zealand, which was then a staging area for hostile activities in the South Pacific. On his first Sunday there, Bill attended service at a local Methodist Church where he met the Craig family: Bob, his sons Bruce, Wallace, and Russell and Auntie Maggie. Following service, the Craigs invited Bill home for dinner and in a short time, he had become their "adopted son". Auntie Maggie taught him to drink tea in her kitchen and Wallace took him to rugby games.

The friendship which developed between Bill and the Craigs continued through the years and Bill and his wife Natalie recently made a trip to New Zealand to renew that friendship. Just last year, Russell Craig and his wife Iris made a trip to America where Bill and Natalie served as their guide from one coast all the way to the other.

But, the South Pacific in the 1940's was no vacation spot. Before long, Bill embarked from New Zealand for less hospitable receptions on Bouganville and Guadalcanal. The taste of Auntie Maggie's tea was soon replaced with the stench of hot, wet jungles.

On July 21, 1944, Bill Neal came ashore at Guam in the second wave landing on Asan Red Beach. One day later, July 22nd, Bill was in a foxhole with four other marines when the direct hit of a Japanese shell fell right on their location. Three of Bill's companions were killed instantly. Bill would oftentimes say that every day of his life after that foxhole was a gift. It was a gift, to him and to all of us.

The wounds Bill suffered on Guam placed him in a Honolulu hospital, and after recovering he went home to Hoisington for what was to be an extended leave. But meanwhile, the storming of Iwo Jima and its resulting high number of casualties forced the military to call available servicemen back into the theater of operations. So ended Bill's home leave and once again, he was kissing his mother goodby and boarding a train for the Pacific and a ship back to Guam where he was made pack-ready to invade Japan.

Bill was under no allusion. Everyone knew that an American invasion of the Japanese home islands would be very grim work and the chances of survival not promising. But that was exactly the breach into where Bill Neal was about to step when word came of the flight of the Enola Gay, the dropping of two Atomic Bombs, and the surrender of Japan. Bill often acknowledged that Harry Truman, in making the momentous decision to use atomic weapons, not only ended the war, but also saved his life.

With the war's end, Bill returned to the beloved homeland for which he had risked his life, and nearly paid the ultimate sacrifice. He readjusted to civilian life and was by 1946 enrolled at Manhattan, Kansas, in the Kansas State College, now Kansas State University, with a major in Agriculture Education and a membership in the Acacia Fraternity. He was heard to claim that he had returned to his native soil to "marry a little Kansas farm girl". He was soon to get his wish.

One September night in 1946, Bill and a group of his friends drove out into the Riley County countryside with the less-than-noble intention of appropriating some watermelons from a nearby farm. The car in which they were riding was not properly large enough for the task and Bill found that someone was going to have to sit on his lap. Not to his dismay, that someone was a little Kansas farm girl from near Elbing, who, though an accomplice in the affair, was probably far more innocent than anyone else involved. But watermelons aside, Bill Neal had met his "little Kansas farm girl" and it is doubtful if any other raid has been ever so successful.

Two days before Christmas of the following year, Natalie Baker's mother put her daughter on a bus in nearby Newton, Kansas, and within a number of hours, Natalie had arrived in Bill's hometown of Hoisington to meet the entire Neal family for the first time, visit the minister's house, and get married, all in one day. At the wedding there was only one guest, uninvited at that, by the name of Rex Archer who was one of Bill's fraternity brothers in Manhattan. After the ceremony, Bill's mother prepared a feast and sitting at the table, Rex demanded Natalie's attention and told her to take a good look at the man she had just married. "Just look at that," he told her, "just see what your kids are going to look like!" Bill's father thought that was pretty funny. To Natalie it may have been a little sobering, but it was too late to back out, not that she would have anyway.

Less than a year later, it was time to test the prediction. On September 29, 1948, Bill and Natalie Neal had their first child, Candi, born in Manhattan, Kansas. The following night, Bill's fraternity brothers gathered outside Natalie's room in the hospital to serenade her and her infant daughter with the Acacia Sweetheart Song.

By January of 1950, Bill had graduated from college, but jobs were hard to find and his first post-graduation employment was in the form of temporary jobs in eastern Colorado and Salina, Kansas. It was in Salina on August 19, 1950, that Bill and Natalie's second child, a son named Bill, Junior, was born, known to all of us now as Billy. The Neal family was now complete.

Not long afterward, Bill was offered a position as an instructor in Ellsworth, Kansas, teaching veterans skills related to agriculture. To Bill, this was a very rewarding experience and one which gave him many long lasting friendships with his students. However, another vocation was calling. In 1953, Bill was offered a job as claims adjuster with the Farm Bureau Insurance Company, which began a career that lasted more than 30 years. After a short training session in Great Bend, Bill was assigned to the Farm Bureau office in Garden City.

The early 1950's were particularly brutal in western Kansas where dry, hot, windy days would kick up dust storms from which it was nearly impossible to escape. One Spring day in 1955, Bill was on the phone to a Farm Bureau office in eastern Kansas talking about the possibility of him taking a position in that part of the state. Bill asked if the wind was blowing in eastern Kansas that day and was told no, the sun was shining, the sky was blue, and the birds were singing.

Bill looked out his window in Garden City, couldn't see across the street for all the dust, and at that moment the decision was made to move the Neal family across the state to settle in Altamont, which has remained the Neal home ever since.

Always quick to adopt the local community spirit, Bill for a time taught Sunday School at the Altamont Presbyterian Church to high school-age and young adults. He even held briefly the position there as Assistant Sunday School Superintendent. One Sunday both the Superintendent and the pianist were gone leaving Bill fully in charge.

He arranged for a substitute pianist and all seemed to be going well. When someone in the class suggested a particular hymn, Bill joined in with enthusiasm, but didn't notice that his hymnal was missing a page and he was singing a different song. Not long after that, Bill decided to pass on the role of Assistant Superintendent to another.

All of us, in our own way, have our own cherished memories and stories of Bill Neal. Some of the remembrances of his former coworkers and friends include those of Jim Cerne, who described Bill as simply, "his mentor". Also, Paul Schmidt, former Cherokee County Farm Bureau Agent, recalls the time his wife was concerned about his health and was pressing him to get a check-up at a clinic in Ft. Scott. Bill thought the best way to get Paul to see a doctor was to agree to see one as well. He told Paul, if you go, I will go along with you for the same treatment, and it worked. Although they were tempted to sidetrack their trip from Ft. Scott to a Missouri golf course, they did get the check-up. However, the results were a little unexpected.

Paul got a clear bill of health and Bill ended up getting gall bladder surgery.

Slick Norris, while the Altamont Grade School Principal, learned of Bill's former achievements in field and track and one day asked him to give a demonstration to the students on pole vaulting. Young Billy Neal was quite proud when his "old dad" was able to top 8 feet in prime form at the age of 39.

Bill's love of history was well known. Billy and others often noted how Bill always managed to land on "yellow" in Trivial Pursuit. But beyond that, Bill was a serious student of history and served well as the family genealogist. In fact, on a recent trip to Illinois and Indiana, he uncovered some interesting and long-forgotten tales of his mother's ancestors.

For others of us there are differing impressions. Grandchildren will be quick to remember their grandpa's booming voice and hearty laughter. And, it will be easy to imagine Bill still making the rounds at the Parsons Country Club.

Honesty was a standard Bill lived by every day of his life. On a recent tour of the New York Metropolitan Museum of Art, Bill promptly provided the full suggested donation price posted on a museum table, even after a local artist informed him it was just fine to offer only 50 cents.

Similarly, during a tour of a Mexican border town, Bill was walking down the street and came upon a young woman selling tablecloths on a display. He asked her the price and she said $7. When he asked her for a sack to put them in, she misunderstood and said, $6. Anyway, Bill was never one to dicker.

But, maybe, it was his never-failing optimism that was Bill Neal's greatest calling card. To him, every morning was a "glorious good morning" and every day brought his greeting of a most deliberate "rise and shine"!

Aside from family and friends, though, it was perhaps the U.S. Marine Corps and his experience during the war years that best shaped the qualities and character of Bill Neal. For many veterans, the horrible experiences of war are not the subject of comfortable conversation, and such was the case with Bill. Not until 1992 would Bill discuss many of his war experiences with even members of his immediate family.

In 1992, Bill and Natalie attended the 50th Anniversary of the founding of the 3rd Marine Division in San Diego. That event, coupled with his reunion of old friends and sojourners of harms way, served as an invitation for Bill to release many of the memories he had held for half a century. He began to open up and talk about those years and let us all share in the pride of what he and others did for his country and for us.

Nearly every year since then, Bill and Natalie attended these annual reunions where "Semper Fidelis" is demonstrated in a big way. In July 1994, Bill and Natalie participated in a charter flight where a large contingent of former fellow Marines, and their families, returned to Guam for the 50th Anniversary of the American landing on those shores.

As they approached the island, the pilot slowly circled the beaches below where in 1944, Bill and his comrades slogged ashore toward a hostile enemy and an uncertain fate. Its not hard to imagine the rush of emotions everyone aboard that plane experienced either remembering or imagining what it had been like. Once on the ground, the people of Guam came out to cheer the return of the liberators who marched onto their shores all those years ago and where every year since, July 21st is celebrated as "liberation day".

While the image of hero is real, it is not necessarily as a liberator, a warrior, or even as the recipient of the Purple Heart that we recall in the person of Bill Neal. Instead, it is of a loving husband and father. The relationship shared by Bill and Natalie for more than 50 years has been more than a model marriage. It is unlikely there has ever been another couple more dedicated to each other, more in tune with each other, and more deeply in love with each other than Bill and Natalie.

Bill and Natalie have given us two extremely intelligent and talented children, 8 grandchildren, and 2 great grandchildren, so far. Other surviors include two brother, Cecil Neal of Oregon, Wisconsin and Willis Neal of Overland Park, Kansas; five sisters, Glenna Schneider of Tribune, Kansas, Twyla Miller of Broken Arrow, Oklahoma, Sally Hager of Dighton, Kansas, Phyllis Luerman of Hoisington, Kansas, and Penny McClung of Attica, Kansas. Bill was preceded in death by a sister, Jessie Kasselman.

In many ways, Bill Neal lived the American dream. Rising from humble origins in the still untamed plains of western Kansas, he went on to accomplish a challenging career, marry a lovely and talented woman, and produce loving and dedicated children. He offered everything, including his very life, in the protection of those things most important. He met the challenge of his generation when foreign oppression threatened our very way of life. He came to adopt and live by the creed of his fellow Marines, the one which it is not now too difficult to imagine him using to salute those most dear to him.

Semper Fi!●

TRIBUTE TO COL. BRUCE BERWICK, COMMANDER, BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS

● Mr. SARBANES. Mr. President, I rise today to pay tribute to Colonel Bruce Berwick, Commander of the Baltimore District, U.S. Army Corps of Engineers. Col. Berwick is moving on to a new assignment at the Pentagon and I want to express my personal appreciation for the outstanding work that he has done.

The Baltimore District is one of the Corps' largest districts encompassing five States and the District of Columbia. It is responsible for twenty-three military installations, three major watersheds including the Chesapeake Bay and Potomac and Susquehanna Rivers, 14 dams and reservoirs, numerous navigation projects—large and small, and the public water supply for the Washington metropolitan area, as well as certain overseas activities. Managing the District's considerable and diverse workload presents a special challenge—a challenge that Col. Berwick met with great success. During his three-year tenure as Commander of the Baltimore District, Col. Berwick has distinguished himself as an exceptional District Engineer and a dedicated and tireless advocate for the mission of the U.S. Army Corps of Engineers. Under his leadership, numerous military construction and civil works projects were initiated or completed including the $1.1 billion Pentagon renovation project, the $147 million Walter Reed Army Institute for Research, phase one of the Poplar Island beneficial use of dredged material project and the storm damage restoration work at Ocean City and the north end of Assateague Island National Seashore, to name only a few. The Colonel worked to ensure that these projects remained on cost, on schedule and were built to the highest standards. Similarly, he directed and oversaw the successful completion of numerous environmental restoration projects including the fish passageway at the Little Falls Dam on the Potomac River, wetland restoration along the Anacostia River, the planning and design for the rewatering of the Chesapeake and Ohio Canal and the protection of Smith Island, as well as the Chesapeake Bay oyster recovery effort.

I have had the pleasure of working closely with Col. Berwick over the last three years on these and other initiatives throughout Maryland and the mid-Atlantic area. I know first hand the exceptional talent, ingenuity, and energy which he brought to the Baltimore District and to the Corps of Engineers. One of our most significant cooperative efforts and one which, in my view, underscores the exceptional leadership and commitment of Bruce Berwick was the repair of the Korean War Memorial. Just three years after the memorial was dedicated it was clear that it was not functioning as originally designed and was plagued by problems: the water in the fountain no longer flowed, the grove of Linden trees died and had to be removed, there were walkway and safety hazards and the lighting for the statues was failing. Col. Berwick made it a personal mission to fix these problems and ensure that the monument was repaired in time for the 50th Anniversary of the Korean War. As a result of his determined efforts, our Korean War Veterans now have a memorial for which they can be proud, one that is a fitting and lasting tribute to their service to our nation.

In recognition of his outstanding work in the Baltimore District and his other assignments throughout the world, Col. Berwick has been the recipient of numerous awards and decorations including the Legion of Merit, the Defense Meritorious Service Medal, and the Parachutist Badge. Perhaps more significantly however, his efforts and accomplishments have earned him the respect and admiration of his colleagues and others with whom he has worked. It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have the opportunity to serve their fellow citizens and country. Throughout his career Bruce Berwick has exemplified a steadfast commitment to meeting this demand.

I want to extend my personal congratulations and thanks for his hard work and dedication and to wish him and his family the best of luck in his new assignment.●

TRIBUTE TO DAVID MAHONEY

● Mr. MOYNIHAN. Mr. President, on the first of May of this year our nation lost a great friend. David Mahoney's meteoric rise in the world of advertising and business is well-chronicled.

But less known are the extraordinary contributions he made to the advancement of science—in particular, the vast field of research associated with the human brain.

After an astonishingly successful career at conglomerates such as Colgate-Palmolive and Norton Simon, David Mahoney spent the last ten years of his life devoted to the work of the Dana Alliance for Brain Initiatives. This group has brought together the world's foremost neuroscientists who work tirelessly to discover the scientific breakthroughs that will one day provide us with the capability to prevent and effectively treat such disorders as schizophrenia, Parkinson's disease, depression and Alzheimer's disease.

David Mahoney was an individual of remarkable accomplishment and dedication. Together with his family and enormous circle of friends, we shall miss him greatly. We are consoled in part to know that the work he did lives on.

The attached notice of David Mahoney's death appeared in the New York Times on Tuesday, May 2, 2000. Of particular interest is the moving tribute written by Dr. Max Cowan as published in the Dana Alliance newsletter. I ask that both articles be printed in the CONGRESSIONAL RECORD.

The articles follow:

[From Dana Alliance Member News, Apr./May 2000]

REMEMBERING DAVID

(By Max Cowan)

I first met David Mahoney at a week-end retreat for selected CEOs that Jim Watson had organized at the Banbury Conference Center at Cold Spring Harbor. Jim, with characteristic imagination, thought it would be interesting to expose business leaders to recent advances in biology and bio-medical research, and on this occasion focused the retreat on neuroscience. I was one of five or six neuroscientists who were invited to participate and as it happened I was asked to give the first talk on the structure of the brain. It occurred to me that most of the participants had probably never seen a real brain, so I brought a formalin-fixed human brain with me and, on the Friday evening, proceeded to demonstrate and dissect it. Unlike most of my students, who seemed rather blasé about seeing and even handling the brain, this group of distinguished businessmen was completely fascinated to learn about and, at one point, to actually touch the brain. As one of them later remarked, "this was one of the most moving experiences I have had."

I had quite forgotten about this event until one morning, just over ten years ago, I received a phone call from out of the blue by someone who introduced himself with the words: "Dr. Max, you probably don't remember me. I'm David Mahoney and I want you to know that you changed my life." I was so taken aback that the only thing I could say was, " I trust the change was for the better"! "Do you recall speaking at a retreat at Cold Spring Harbor almost two years ago"? David asked. "I was one of the participants and I can still remember vividly your dissecting a brain for us. That weekend had a profound effect on me. I went home afterwards and said to my wife, 'Hille, I think I should give up working and spend the rest of my time trying to do something to promote research on the brain and its disorders.' And that's what I've been doing over the past several months, and now I need your help."

It was not until Jim Watson organized yet another meeting at Cold Spring Harbor, this time to discuss "Funding the Decade of the Brain" that I had a chance to speak to David directly. At this meeting, which included several leading basic and clinical neuroscientists and representatives of a number of funding agencies—both federal and private—the topic of concern was: Why had the presidential proclamation that the 90s were to be the "Decade of the Brain" not led to additional support for brain science?

Like most such meetings, the first session, on Friday afternoon, was fairly unproductive. There was a good deal of breast-beating and anecdotes about worthwhile research projects that had gone unfunded, but no real suggestions as to what might be done. At dinner I found myself seated next to David. With that insight and forthrightness that I came to admire so much, David came straight to the point. "Max," he said, "these people seem more concerned about the support of their own work than for the suffering of people with neurological and psychiatric illnesses. I want you to begin this evening's session by proposing something concrete, something that can be done over the next nine years. And if you guys who are in the business can come up with something that seems worthwhile, it's possible that the Dana Foundation may be able to help to get it off the ground." Out of this conversation and the discussions that followed that evening and the next morning was the Dana Alliance for Brain Initiatives (DABI) born. In fact, before the Saturday morning session ended, an agenda that had been outlined, the scope of the organization sketched out, an executive committee selected, and the timetable for several specific activities set.

None of us who were present at the meeting could have guessed that within a year DABI would have established itself as the single most important new effort to promote awareness of the magnitude of the problems presented by such disorders as Alzheimer's disease, stroke, Parkinson's disease, depression, schizophrenia, blindness, serious hearing loss, and chronic pain. But then none of us had seen David in action, nor had we been closely associated with someone whose vision and imagination were so closely matched by his energy and determination.

Drawing on his experience of a lifetime in business, his wide range of contacts with leaders in so many fields—politics, the media, sports, and academia—David seemed tireless in his efforts to get across the message that brain disorders are among the most serious we have to address. In meeting after meeting, in schools, community centers, in TV studios and the halls of Congress, he kept reminding his audience, whether large or small, that sooner or later nearly all of us will be impacted, either directly or indirectly, by some disorder of the brain. How often he stressed the seriousness of these illnesses, not only for the patients themselves, but also for their families and communities; what an enormous burden they imposed in terms of human suffering, of lost employment, of misunderstanding and even shame and embarrassment. And, he repeatedly pointed out, with the aging of our population these disorders will soon strain to the breaking point our health care system and social services. Only David's family and closest associates were conscious of how he criss-crossed the country with this message; and no one was surprised when the opportunity presented itself, that he quickly extended his efforts across the Atlantic to meet the European DABI.

But for many of us, David will always be remembered not just for his energy, enthusiasm, and drive, but for his quite extraordinary capacity for friendship and his ability to encourage others to rise above themselves.

Some weeks ago I had occasion to speak at a memorial service for a colleague, Dr. Daniel Nathans, and was moved to quote some lines from the dedication of Tennyson's great poem, "Idylls of the King." These same lines have been running through my mind since hearing of David's death, and they bear repeating here:

The shadow of his loss drew eclipse,
Darkening the world, We have lost him: he is gone.
We know him now; all narrow jealousies
Are silent, and we see him as he moved,
How modest, kindly, all-accomplished, wise,
With what sublime repression of himself
And in what limits, and how tenderly
Not swaying to this faction, or to that;
Not making his high place the lawless perch
Of wing'd ambitions, nor vantage-ground
For pleasure; but through all tract of years
Wearing the white flower of a blameless life,
Before a thousand peering littlenesses.

[From the New York Times, May 2, 2000]

DAVID MAHONEY, A BUSINESS EXECUTIVE AND NEUROSCIENCE ADVOCATE, DIES AT 76

(By Eric Nagourney)

David Mahoney, a business leader who left behind the world of Good Humor, Canada Dry and Avis and threw himself behind a decidedly less conventional marketing campaign, promoting research into the brain, died yesterday at his home in Palm Beach, Fla. He was 76.

The cause was heart disease, friends said.

Mr. Mahoney, who believed that the study of the brain and its diseases had been short-changed for far too long, was sometimes described as the foremost lay advocate of neuroscience. As chief executive of the Charles A. Dana Foundation, a medical philanthropic organization based in Manhattan, he prodded brain researchers to join forces, shed their traditional caution and reclusivity and engage the public imagination.

To achieve his goals, he brought to bear the power of philanthropy, personal persuasion and the connections he had made at the top of the corporate world.

Using his skills as a marketing executive, he worked closely with some of the world's top neuroscientists to teach them how to sell government officials holding the purse strings, as well as the average voter, on the value of their research. He pressed them to make specific public commitments to find treatments for diseases like Alzheimer's, Parkinson's and depression, rather than conduct just "pure" research.

"People don't buy science solely," Mr. Mahoney said this year. "They buy the results of, and the hope of, science."

In 1992, aided by Dr. James D. Watson, who won the Nobel Prize as a co-discoverer of the structure of DNA, Mr. Mahoney founded the Dana Alliance for Brain Initiatives, a foundation organization of about 190 neuroscientists, including Dr. Watson and six other Nobel laureates, that works to educate the public about their field.

That same year, after taking over the 50-year-old Dana Foundation as chief executive, Mr. Mahoney began shifting it away from its traditional mission of supporting broader health and educational programs, and focused its grants almost exclusively on neuroscience. Since then, the foundation has given some $34 million to scientists working on brain research at more than 45 institutions.

Mr. Mahoney also dipped into his own fortune, giving millions of dollars to endow programs in neuroscience at Harvard and the University of Pennsylvania. Later this month, the Albert and Mary Lasker Foundation, which traditionally honors the most accomplished researchers, was to give him a newly created award for philanthropy.

"He put his money where his mouth was," said Dr. Kay Redfield Jamison, a professor of psychiatry at Johns Hopkins University.

Mr. Mahoney's journey from businessman to devotee of one of the most esoteric fields of health was as unusual as it was unexpected.

David Joseph Mahoney Jr. was born in the Bronx on May 17, 1923, the son of David J. Mahoney, a construction worker, and the former Loretta Cahill.

After serving as an infantry captain in the Pacific during World War II, he enrolled at the University of Pennsylvania's Wharton School. He studied at night, and during the day he worked 90 miles away in the mail room of a Manhattan advertising agency, Ruthrauff & Ryan. By the time he was 25, he had become a vice president of the agency—by some accounts, the youngest vice president on Madison Avenue at the time.

Then in 1951, in a move in keeping with the restlessness that characterized his business career, he left Ruthrauff & Ryan to form his own agency. Four years later, when his business was worth $2 million, he moved on again, selling it to run Good Humor, the ice-cream company that his small agency had managed to snare as a client.

Five years later, when Good Humor was sold, Mr. Mahoney became executive vice president of Colgate-Palmolive, then president of Canada Dry, and then, in 1969, president and chief operating officer of Norton Simon, formed from Canada Dry, Hunt Food and McCall's. Under Mr. Mahoney, Norton Simon grew into a $3 billion conglomerate that included Avis Rent A Car, Halston, Max Factor and the United Can Company.

Despite his charm, associates said, he had a short temper and an impatient manner that often sent subordinates packing. "I burn people out," he once said in an interview. "I'm intense, and I think that intensity is sometimes taken for anger."

The public knew him as one of the first chief executives to go in front of the camera to promote his product, in this case, in the early 1980's for Avis rental cars, which Norton Simon had acquired under his tenure.

By all accounts, including his own, Mr. Mahoney was living on top of the world. He was one of the nation's top-paid executives, receiving $1.85 million in compensation in 1982—a fact that did not always endear him to some Norton Simon shareholders, who filed lawsuits charging excessive compensation, given that his company's performance did not always keep pace with his raises.

Tall and trim, he moved among society's elite and was friends with Henry A. Kissinger, Vernon E. Jordan Jr. and Barbara Walters. He was reported to have advised Presidents Richard M. Nixon, Jimmy Carter and Ronald Reagan, and to have met with Mr. Carter at Camp David.

But his fortunes changes late in 1983. True to form, the restless Mr. Mahoney was seeking change, putting into motion a plan to take Norton Simon private. But this time, he stumbled: a rival suitor, the Esmark Corporation, bettered his offer and walked away with his company.

Mr. Mahoney was left a lot richer—as much as $40 million or so, by some accounts—but, for the first time in his life, he was out of a job and at loose ends. He described the period as a low point.

"You stop being on the 'A' list," he said some years later. "Your calls don't get returned. It's not just less fawning; people could care less about you in some cases. The king is dead. Long live the king."

It took some years for Mr. Mahoney to regain his focus. Gradually, he turned his attention to public health, in which he had already shown some interest. In the 1970's, he had been chairman of the board of Phoenix House, the residential drug-treatment program. By 1977, while still at Norton, he became chairman of the Dana Foundation, a largely advisory position.

Mr. Mahoney increasingly devoted his time to the foundation. In 1992, he also became its chief executive, and soon began shifting the organization's focus to the brain. In part, the reason came from his own experience. In an acceptance speech that he had prepared for the Lasker Award, he wrote of having seen firsthand the effects of stress and the mental health needs of people in the business world.

But associates recalled, and Mr. Mahoney seemed to say as much in his speech, that he appeared to have arrived at the brain much the way a marketing executive would think up a new product. "Some of the great minds in the world told me that this generation's greatest action would be in brain science—if only the public would invest the needed resources," he wrote.

In 1992, Mr. Mahoney and Dr. Watson gathered a group of neuroscientists at the Cold Spring Harbor Laboratory on Long Island. There, encouraged by Mr. Mahoney, the scientists agreed on 10 research objectives that might be reached by the end of the decade, among them finding the generic basis for manic-depression and identifying chemicals that can block the action of cocaine and other addictive substances.

"We've gotten somewhere on about four of them—but that's life," Dr. Watson said recently.

In recent years, Mr. Mahoney became convinced that a true understanding of the brain-body connection might also lead to cures for diseases in other parts of the body, like cancer and heart disease.

He believed that it would soon be commonplace for people to live to 100. For the quality of life to be high at that age, he believed, people would have to learn to take better care of their brains.

In 1998, along with Dr. Richard Restak, a neuropsychiatrist, Mr. Mahoney wrote "The Longevity Strategy: How to Live to 100: Using the Brain-Body Connection" (John Wiley & Sons).

Mr. Mahoney's first wife, Barbara Ann Moore, died in 1975. He is survived by his wife, the former Hildegarde Merrill, with whom he also had a home in Lausanne, Switzerland; a son, David, of Royal Palm Beach, Fla.; two stepsons, Arthur Merrill of Muttontown, N.Y., and Robert Merrill of Locust Valley, N.Y., and a brother, Robert, of Bridgehampton, N.Y.

Associates said Mr. Mahoney's temperament in his second career was not all that different from what it had been in his first. It was not uncommon, said Edward Rover, vice chairman of the Dana Foundation's board of trustees, for his phone to ring late at night, and for Mr. Mahoney to sail into a pointed critique of their latest endeavors.

One researcher spoke of his "kind of charge-up-San-Juan-Hill style." Dr. Jamison, of Johns Hopkins, called him "impatient in the best possible sense of the word."

As in his first career, Mr. Mahoney never lost the good salesman's unwavering belief in his product. "If you can't sell the brain," he told friends, "then you've got a real problem."●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4871. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 11:10 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center"; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1482: A bill to amend the National Marine Sanctuaries Act, and for other purposes (Rept. No. 106–353).

By Mr. GREGG, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4690: A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. JEFFORDS for the Committee on Health, Education, Labor, and Pensions.

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2003. (Reappointment)

Nina V. Fedoroff, of Pennsylvania, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Diana S. Natalicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006. (Reappointment)

John A. White, Jr., of Arkansas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006. (Reappointment)

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Robert B. Rogers, of Missouri, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2001.

Jane Lubchenco, of Oregon, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006. (Reappointment)

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006. (Reappointment)

Marc E. Leland, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Harriet M. Zimmerman, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003. (Reappointment)

Donald J. Sutherland, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2002. (Reappointment)

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Gordon S. Heddell, of Virginia, to be Inspector General, Department of Labor.

Carol W. Kinsley, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year. (New Position)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ABRAHAM:

S. 2903. A bill to amend the Internal Revenue Code of 1986 to expand the child tax credit; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BYRD, Mr. BAYH, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. JOHNSON):

S. 2904. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2905. A bill to amend title XVIII of the Social Security Act to make improvements to the Medicare+Choice program under part C of the medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 2906. A bill to authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. HUTCHINSON):

S. 2907. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, taxpayers recovery of costs, fees, and expenses, administrative settlement offers, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 339. A resolution designating November 18, 2000, as "National Survivors of Suicide Day"; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. EDWARDS, Mr. ABRAHAM, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. MURRAY, Mr. ROBB, Mr. SARBANES, and Mr. VOINOVICH):

S. Res. 340. A resolution designating December 10, 2000, as "National Children's Memorial Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM:

S. 2903. A bill to amend the Internal Revenue Code of 1986 to expand the child tax credit; to the Committee on Finance.

EXPANSION OF THE CHILD TAX CREDIT

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to provide a $1,000 per child tax credit for America's working families.

Mr. President, this legislation builds on the $500 per child tax credit passed in 1997. The passage of the $500 per child tax credit was the culmination of an effort that began in 1994 with a proposal contained in the "Contract with America." A child tax credit provision also was part of the Balanced Budget Act of 1995 which 104th Congress passed, but President Clinton vetoed.

Even with the $500 per child tax credit in place, today's total tax burden on families is still far too high. During this era of budget surpluses, we must remember that these surplus funds are tax overpayments that should be returned to the people who overpaid them, and not spent on wasteful government programs. American families will spend the money better.

The child tax credit will help hard working families who pay federal income tax and have children to support. Under this proposal, a working family with two children will receive $2,000 in the form of a tax credit to help pay their children's health, education and food expenses. Being a parent is not always easy. It becomes even more difficult if a family has trouble paying for necessities such as food, clothes, education, and health care for their children. This tax credit will help those families.

Mr. President, increasing the child tax credit to $1,000 is a statement by our government and our society that all our families and all of our children will not be left behind. Increasing the $500 per child tax credit to $1,000 would provide parents more than 38 million children, including roughly 1.5 million of my constituents in Michigan.

With that in mind, I urge my colleagues to join me in supporting American families by supporting this legislation.

Mr. President, I ask unanimous consent that the full text be printed in the RECORD and yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF CHILD TAX CREDIT.

(a) INCREASE IN AMOUNT ALLOWED.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended by striking "$500 ($400 in the case of taxable years beginning in 1998)" and inserting "$1,000".

(b) REPEAL OF PHASEOUT OF CREDIT.—Section 24 of such Code is amended by striking subsection (b) and redesignating subsections (c), (d), (e), and (f), as subsections (b), (c), (d), and (e), respectively.

(c) CONFORMING AMENDMENTS.—

(1) Section 32(n)(1)(B)(ii) of such Code is amended by striking "section 24(d)" and inserting "section 24(c)".

(2) Section 501(c)(26) of such Code is amended by striking "section 24(c)" and inserting "section 24(b)".

(3) Section 6213(g)(2)(I) of such Code is amended by striking "section 24(e)" and inserting "section 24(d)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BYRD, Mr. BAYH, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. JOHNSON):

S. 2904. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes; to the Committee on Finance

THE ENERGY SECURITY TAX AND POLICY ACT OF 2000

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill, on behalf of myself and Senators DASCHLE, BYRD, BAUCUS, BAYH, JOHNSON, LEVIN, and ROCKEFELLER, that offers a comprehensive approach to energy policy. This bill, the Energy Security Tax and Policy Act of 2000, incorporates many of the provisions of S. 1833, a comprehensive package of broad energy tax incentives introduced by Senator DASCHLE last year that I cosponsored along with a number of other Democratic Senators. We have updated and modified the bill after having worked closely with many stakeholders, from the auto manufacturers, to the oil and gas producers, to the energy efficiency community.

The Energy Security Tax and Policy Act of 2000 addresses a broad range of technologies and industries necessary to meet our energy needs. The bill includes incentives to ensure we maintain production of our domestic resources, but the overarching emphasis is on stimulating more efficient use of energy in its many forms. Specific incentives address:

Purchase of more efficient appliances, homes, and commercial buildings.

Greater use of distributed generation—fuel cells, microturbines, combined heat and power systems and renewables.

Purchase of hybrid and alternative fueled vehicles and development of the infrastructure to service those vehicles.

Investment in clean coal technologies and generation of electricity from biomass, including co-firing with coal.

Countercyclical tax incentives for production from domestic oil and gas marginal wells.

Provisions to ensure diverse sources of electric supply are developed in the U.S. and to continue our investment in demand side management.

In addition, the bill reauthorizes the President's emergency energy authorities, including establishing a northeastern heating oil reserve.

We have tried to take a balanced approach, both supply side and demand side. Many of the provisions in this bill have strong bipartisan support, and I believe would receive the support of the White House as part of a comprehensive package.

After my 17 years in the Senate and on the Energy Committee, I have to note that the same issues have been with us in varying degrees for years. Our current energy situation is the result of the policies and decisions of many Administrations, Congresses, companies and individuals, not to mention the vagaries of the marketplace.

Finding solutions will take serious bipartisan effort and long term commitment. While we have the attention of the Congress, the White House and the public, I hope we can work together in the remaining days of this Congress to enact as many of these measures as possible to protect our energy security and our economy.

By Mr. BINGAMAN:

S. 2905. A bill to amend title XVIII of the Social Security Act to make improvements to the Medicare+Choice program under part C of the Medicare Program; to the Committee on Finance.

THE MEDICARE+CHOICE PROGRAM IMPROVEMENT ACT OF 2000

Mr. BINGAMAN. Mr. President, I am pleased to introduce a bill today—the Medicare+Choice Improvement Act of 2000—that would correct several of the inequities in the complex formula that is used to determine payment rates for Medicare+Choice plans. As many of my colleagues know, the passage of the Balanced Budget Act of 1997 created a new optional Medicare+Choice managed care program for the aged and disabled beneficiaries of the Medicare program. This new program replaced the previous risk program and established a payment structure that was designed to reduce the variation across the country by increasing payments in areas with traditionally low payments. However, although payment variation has been somewhat reduced, substantial payment differentials remain nationwide. In New Mexico, for example, the Medicare+Choice plan payment for 2000 in Albuquerque is $430.44 monthly per beneficiary vs. $814.32 for NYC. Because these payments are so low in some places it has caused a devastating result—seniors are being dropped in large numbers.

The bill I am introducing today will correct inequities in the current formula that is used to develop payment rates for Medicare+Choice managed care plans and keep them as a viable alternative to traditional fee-for-service Medicare. Medicare+Choice plans are a popular alternative to traditional Medicare fee-for-service health care coverage for aged and disabled Americans because they help contain the beneficiary's out-of-pocket expenses, coordinate health care, and increase important benefits.

Mr. President, the sad reality is that Medicare+Choice plans are suffering financially under the new payment system and are no longer able to maintain enrollment of Medicare+Choice beneficiaries.

As you can see from this chart, New Mexico Medicare+Choice plans have announced plans to drop 15,700 beneficiaries from their rolls on January 1, 2001.

And, as you can see from this chart, nationally, the number of Medicare+Choice plan beneficiaries that will be dropped on January 1, 2001 are expected to be 711,000. Since 1999, 735,000 beneficiaries have been dropped. This would mean that as of January 1, 2001, 1,445,000 beneficiaries will have been dropped.

This is a terrible situation. Even though beneficiaries that are dropped from Medicare+Choice plans will revert to traditional Medicare and will be able to purchase Medicare supplemental health insurance plans, the high cost associated with the purchase of these plans will put an additional financial burden on these aged and disabled Americans living on fixed incomes. Additionally, they will not have the additional health care benefits available to them under Medicare+Choice plans, including routine physicals, vision care, and prescription drugs.

Because Medicare+Choice plans are offered by private managed care companies and because of their unique structure, these plans were able to limit out of pocket expenses, provide additional benefits to beneficiaries, and control health care costs to the Federal government.

As you can see from this chart, Medicare+Choice plans offer a host of important benefits and options over and above traditional Medicare. These include: prescription drugs, lower cost sharing with a catastrophic cap on expenditures, care coordination, routine physicals, health education, vision services and, hearing exams/aids.

Mr. President, the loss of this important health care coverage option for the aged and disabled will be devastating for some. This situation will probably cause many of those on marginal incomes to lose the ability to afford normal living expenses that may effectively require them to enroll in Medicaid and state financial assistance programs. If a beneficiary, who was dropped from a Medicare+Choice plan, has a fall and is admitted into the hospital they will be responsible for all deductible expenses and when they are discharged and sent home with a doctor's order for physical therapy, occupational therapy and visiting nurse service they would be responsible for all Medicare deductibles. This event could cost the beneficiary several thousand dollars. This acute episode could force a beneficiary living on a marginal income to be unable to pay for their deductibles, cease treatment prematurely, or even worse, avoid return visits to the doctor until they are in another emergency situation. Additionally, they would be forced to enroll on a state Medicaid program for the indigent.

Sadly, Mr. President, the formula that was developed for Medicare+Choice plans was intended to address geographic variation in the payment rates has gone too far in controlling costs and missed the boat with respect to geographic variability. Sure, the goal of managed care is to save money for the taxpayer and coordinate quality care for the beneficiary, but there is a point at which a health plan cannot afford financially to operate. This forces the beneficiary onto traditional Medicare with its higher costs for both the taxpayer and beneficiary.

Mr. President, this point has been reached in New Mexico and other areas of the country. We may not be able to have Medicare+Choice plans take back their dropped beneficiaries but, we can prevent more from being dropped by acting favorably on this bill. The bottom line is this: As a nation, we need to do all we can to provide a viable option to traditional fee-for-service Medicare that provides coordinated managed care at a savings to both the beneficiary and the Federal Government.

The bill that I am introducing has provisions to raise the minimum payment floor, move to a 50:50 blend rate between local and national rates in 2002, set a ten-year phase-in of risk adjustment and allow plans to negotiate a rate of payment with HCFA regardless of the county-specific rate, as long as the negotiated rate does not exceed the national average per-capita cost, and delay from July to November 2000 the deadline for offering and withdrawing Medicare+Choice plans for 2001.

I urge my colleagues to support this effort and to join me in taking an important step toward maintaining Medicare+Choice managed care plans as a positive alternative to traditional fee-for-service Medicare, and prevent more enrollees from being dropped while we try to reform Medicare. We owe it to our nation to take care of our elderly and aged citizens and not expose them to more hardship.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare+Choice Program Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Increase in national per capita Medicare+Choice growth percentage in 2001 and 2002.
Sec. 3. Increasing minimum payment amount.
Sec. 4. Allowing movement to 50:50 percent blend in 2002.
Sec. 5. Increased update for payment areas with only one or no Medicare+Choice contracts.
Sec. 6. Permitting higher negotiated rates in certain Medicare+Choice payment areas below national average.
Sec. 7. 10-year phase-in of risk adjustment based on data from all settings.
Sec. 8. Delay from July to October 2000 in deadline for offering and withdrawing Medicare+Choice plans for 2001.

SEC. 2. INCREASE IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE IN 2001 AND 2002.

Section 1853(c)(6)(B) of the Social Security Act (42 U.S.C. 1395w–23(c)(6)(B)) is amended—

(1) in clause (iii), by adding "and" at the end;

(2) by striking clauses (iv) and (v);

(3) by redesignating clause (vi) as clause (iv); and

(4) in clause (iv), as so redesignated, by striking "after 2002" and inserting "after 2000".

SEC. 3. INCREASING MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w-23(c)(1)(B)(ii)) is amended—

(1) by striking "(ii) For a succeeding year" and inserting "(ii)(I) Subject to subclause (II), for a succeeding year"; and

(2) by adding at the end the following new subclause:

"(II) For 2002 for any of the 50 States and the District of Columbia, $500.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to years beginning with 2002.

SEC. 4. ALLOWING MOVEMENT TO 50:50 PERCENT BLEND IN 2002.

Section 1853(c)(2) of the Social Security Act (42 U.S.C. 1395w–23(c)(2)) is amended—

(1) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(2) by adding at the end the following flush matter:

"except that a Medicare+Choice organization may elect to apply subparagraph (F) (rather than subparagraph (E)) for 2002.".

SEC. 5. INCREASED UPDATE FOR PAYMENT AREAS WITH ONLY ONE OR NO MEDICARE+CHOICE CONTRACTS.

(a) IN GENERAL.—Section 1853(c)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-23(c)(1)(C)(ii)) is amended—

(1) by striking "(ii) For a subsequent year" and inserting "(ii)(I) Subject to subclause (II), for a subsequent year"; and

(2) by adding at the end the following new subclause:

"(II) During 2002, 2003, 2004, and 2005, in the case of a Medicare+Choice payment area in which there is no more than one contract entered into under this part as of July 1 before the beginning of the year, 102.5 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.".

(b) CONSTRUCTION.—The amendments made by subsection (a) do not affect the payment of a first time bonus under section 1853(i) of the Social Security Act (42 U.S.C. 1395w-23(i)).

SEC. 6. PERMITTING HIGHER NEGOTIATED RATES IN CERTAIN MEDICARE+CHOICE PAYMENT AREAS BELOW NATIONAL AVERAGE.

Section 1853(c)(1) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or (C)" and inserting "(C), or (D)"; and

(2) by adding at the end the following new subparagraph:

"(D) PERMITTING HIGHER RATES THROUGH NEGOTIATION.—

"(i) IN GENERAL.—For each year beginning with 2001, in the case of a Medicare+Choice payment area for which the Medicare+Choice capitation rate under this paragraph would otherwise be less than the United States per capita cost (USPCC), as calculated by the Secretary, a Medicare+Choice organization may negotiate with the Secretary an annual per capita rate that—

"(I) reflects an annual rate of increase up to the rate of increase specified in clause (ii);

"(II) takes into account audited current data supplied by the organization on its adjusted community rate (as defined in section 1854(f)(3)); and

"(III) does not exceed the United States per capita cost, as projected by the Secretary for the year involved.

"(ii) MAXIMUM RATE DESCRIBED.—The rate of increase specified in this clause for a year is the rate of inflation in private health insurance for the year involved, as projected by the Secretary, and includes such adjustments as may be necessary—

"(I) to reflect the demographic characteristics in the population under this title; and

"(II) to eliminate the costs of prescription drugs.

"(iii) ADJUSTMENTS FOR OVER OR UNDER PROJECTIONS.—If this subparagraph is applied to an organization and payment area for a year, in applying this subparagraph for a subsequent year the provisions of paragraph (6)(C) shall apply in the same manner as such provisions apply under this paragraph.".

SEC. 7. 10-YEAR PHASE-IN OF RISK ADJUSTMENT BASED ON DATA FROM ALL SETTINGS.

Section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-23(c)(1)(C)(ii)) is amended—

(1) by striking the period at the end of subclause (II) and inserting a semicolon; and

(2) by adding at the end the following flush matter:

"and, beginning in 2004, insofar as such risk adjustment is based on data from all settings, the methodology shall be phased-in in equal increments over a 10-year period, beginning with 2004 or (if later) the first year in which such data is used.".

SEC. 8. DELAY FROM JULY TO NOVEMBER 2000 IN DEADLINE FOR OFFERING AND WITHDRAWING MEDICARE+CHOICE PLANS FOR 2001.

Notwithstanding any other provision of law, the deadline for a Medicare+Choice organization to withdraw the offering of a Medicare+Choice plan under part C of title XVIII of the Social Security Act (or otherwise to submit information required for the offering of such a plan) for 2001 is delayed from July 1, 2000, to November 1, 2000, and any such organization that provided notice of withdrawal of such a plan during 2000 before the date of enactment of this Act may rescind such withdrawal at any time before November 1, 2000.

By Mr. ALLARD:

S. 2906. A bill to authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

NORTHERN COLORADO WATER LEGISLATION

Mr. ALLARD. Mr. President, I am pleased to take a step in addressing the long-term water needs of the northern Colorado citizens whose water is provided by the City of Loveland, Colorado. The bill I am introducing today authorizes the Secretary of the Interior to enter into contracts with the City of Loveland to utilize federal facilities of the original Colorado-Big Thompson Project for various purposes such as the storage and transportation of non-federal water originating on the eastern slope of the Rocky Mountains and intended for domestic, municipal, industrial and other uses.

Water supplies for Colorado cities are extremely limited. Whenever possible, cities attempt to use their water storage and conveyance systems in the most efficient ways they can. The City of Loveland is trying to use excess capacity in the federally built Colorado-Big Thompson conveyance facilities to deliver water to an enlarged city reservoir, but current law does not allow the City to use excess capacity in an existing Federal water delivery canal for domestic purposes.

In this case, Loveland intends to convey up to 75 cubic feet per second of its native river water supply from the Big Thompson River to two city-owned facilities, Green Ridge Glade Reservoir and Chasteen Grove Water Treatment Plant. A contract with the Bureau of Reclamation and the Colorado-Big Thompson Project operator, Northern Colorado Water Conservancy District, will provide an economical and reliable means of delivering Loveland's native river water supplies. The City of Loveland simply desires to "wheel" some of its drinking water supply through excess capacity in a canal serving Colorado-Big Thompson Project, a water project built by the Bureau of Reclamation from 1938 to 1957. Loveland is prepared to pay appropriate charges for the use of this facility. In addition, any contract affecting the Colorado-Big Thompson Project would be conducted in full compliance with all applicable environmental requirements. In fact, the Final Environmental Assessment on use of C-BT facilities to convey City of Loveland Water Supplies to an expanded Green Ridge Glade Reservoir has already been completed, and permits have been issued by the Army Corps of Engineers.

Allowing Loveland to use the Colorado-Big Thompson Project should be a simple matter, but it is not. Legislation is required to allow the City to use the Federal water project for carriage of municipal and industrial water. Historically when a party has desired to use Reclamation project facilities for the storage or conveyance of non-project water, the authority cited was the Act of February 21, 1911, known as the Warren Act. The Warren Act provides for the utilization of excess capacity in Reclamation project facilities to store non-project, irrigation water. Based on the current interpretation of Reclamation law, the Warren Act does not provide authority to enter into long-term storage or conveyance contracts for non-irrigation, non-project water in Colorado-Big Thompson Project facilities.

Congress in recent years has expanded the scope of the Warren Act to apply to communities in California and Utah where there existed a need for more water management flexibility. The legislation I am introducing today is similar to other legislation introduced and passed in the recent Congresses. It will simply extend similar flexibility to the Colorado-Big Thompson Project and to the City of Loveland. Since there is precedent allowing the wheeling of non-federal water through federal facilities, this is a non-controversial piece of legislation. Therefore, I hope that Congress will move quickly to pass this legislation and I look forward to working closely with my colleagues on the Energy and Natural Resources Committee to move it quickly.

By Mr. FEINGOLD (for himself and Mr. HUTCHINSON):

S. 2907. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, taxpayers recovery of costs, fees, and expenses, administrative settlement offers, and for other purposes; to the Committee on the Judiciary.

EQUAL ACCESS TO JUSTICE REFORM LEGISLATION

Mr. FEINGOLD. Mr. President, I rise today to introduce the Equal Access to Justice Reform Amendments of 2000. This legislation contains adjustments to the Equal Access to Justice Act (EAJA) that will streamline and improve the process of awarding attorney's fees to private parties who prevail in litigation against the Federal government. This is the third Congress in which I have introduced this legislation. I believe these reforms are an important step in reducing the burden of defending government litigation for many individuals and small businesses.

I am very pleased to be joined in introducing this legislation this year by my friend from Arkansas, Sen. TIM HUTCHINSON. We hope that by working on a bipartisan basis on this important project we can improve the chances that it can become law.

Over the years, and certainly now in this election year, members of Congress often speak of "getting government off the backs of the American people." Sometimes we disagree about when government is a burden and when it is giving a helping hand. But all of us in the Senate want to reform government in ways that will improve the lives of people all across this nation. The legislation we are proposing today deals directly with a problem that affects everyday Americans who face legal battles with the federal government and prevail. Even if they win in court, they may still lose financially because of the expense of paying their attorneys.

At the outset, it is important to understand what the Equal Access to Justice Act is, and why it exists. The premise of this statute is very simple. EAJA places individuals and small businesses who face the United States Government in litigation on more equal footing with the government by establishing guidelines for the award of attorney's fees when the individual or small business prevails. Quite simply, EAJA acknowledges that the resources available to the federal government in a legal dispute far outweigh those available to most Americans. This disparity is lessened by requiring the government in certain instances to pay the attorneys' fees of successful private parties. By giving successful parties the right to seek attorneys' fees from the United States, EAJA seeks to prevent small business owners and individuals from having to risk their companies or their family savings in order to seek justice.

My interest in this issue predates my election to the Senate. It arises from my experience both as a private attorney and a Member of the state Senate in my home state of Wisconsin. While in private practice, I became aware of how the ability to recoup attorney's fees is a significant factor, and often one of the first considered, when deciding whether or not to seek redress in the courts or to defend a case. Upon entering the Wisconsin State Senate, I authored legislation modeled on the federal law, which had been championed by one of my predecessors in this body from Wisconsin, Senator Gaylord Nelson. Today, section 814.246 of the Wisconsin statutes contains provisions similar to the federal EAJA statute.

It seemed to me then, as it does now, that we should do all that we can to help ease the financial burdens on people who need to have their claims reviewed and decided by impartial decision makers. To this end, I have reviewed the existing federal statutes with an eye toward improving them and making them work better. The bill Senator HUTCHINSON and I are introducing today does a number of things to make EAJA more effective for individuals and small business men and women all across this country.

First and most important, this legislation eliminates the provision in current law that allows the government to avoid paying attorneys' fees when it loses a suit if it can show that its position was substantially justified. I believe that this high threshold for obtaining attorneys' fees is unfair. If an individual or small business battles the federal government in an adversarial proceeding and prevails, the government should simply pay the fees incurred. Imagine the scenario of a small business that spends time and money dueling with the government and wins, only to find out that it must now undertake the additional step of litigating the justification of government's litigation position. For the government, with its vast resources, this second litigation over fees poses little difficulty, but for the citizen or small business it may simply not be financially feasible.

Not only is this additional step a financial burden on the private litigant, but a 1992 study also reveals that it is unnecessary and a waste of government resources. University of Virginia Professor Harold Krent on behalf of the Administrative Conference of the United States found that only a small percentage of EAJA awards were denied because of the substantial justification defense. While it is impossible to determine the exact cost of litigating the issue of subtantial justification, it is Prof. Krent's opinion, based upon review of cases in 1989 and 1990, that while the substantial justification defense may save some money, it was not enough to justify the cost of the additional litigation. In short, eliminating this often burdensome second step is a cost effective step which will streamline recovery under EAJA and may very well save the government money in the long run.

The second part of this legislation that will streamline and improve EAJA is a provision designed to encourage settlement and avoid costly and protracted litigation. Under the bill, the government can make an offer of settlement after an application for fees and other expenses has been filed. If the government's offer is rejected and the prevailing party seeking recovery ultimately wins a smaller award, that party is not entitled to the attorneys' fees and costs incurred after the date of the government's offer. Again, this will encourage settlement, speed the claims process, and thereby reduce the time and expense of the litigation.

The final improvement to EAJA included in this legislation is the removal of the carve out of cases where the prevailing party is eligible to get attorneys fees under section 7430 of the Internal Revenue Code. Under current law, EAJA is inapplicable in cases where a taxpayer prevails against the government. I was an original cosponsor of a bill that suggested a similar reform introduced by Senator LEAHY of Vermont in the last Congress. This provision helps to level the playing field between the IRS and everyday citizens. There is no reason that taxpayers should be treated differently than any other party that prevails in a case against the government. They deserve to have their fees paid if they win.

We all know that the American small business owner has a difficult road to make ends meet and that unnecessary or overly burdensome government regulation can be a formidable obstacle to doing business. It can be the difference between success or failure. The Equal Access to Justice Act was conceived and implemented to help balance the formidable power of the federal government. It has already helped many Americans. The legislation we are offering today will make EAJA more effective for more Americans while at the same time helping to deter the government from acting in an indefensible and unwarranted manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EQUAL ACCESS TO JUSTICE REFORM.

(a) SHORT TITLE.—This Act may be cited as the "Equal Access to Justice Reform Amendments of 2000".

(b) AWARD OF COSTS AND FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(a)(2) of title 5, United States Code, is amended by inserting after "(2)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the adjudicative officer may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should such party prevail.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(1)(B) of title 28, United States Code, is amended by inserting after "(B)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the court may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should such party prevail.".

(c) PAYMENT FROM AGENCY APPROPRIATIONS.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(d) of title 5, United States Code, is amended by adding at the end the following: "Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(4) of title 28, United States Code, is amended by adding at the end the following: "Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.".

(d) TAXPAYERS' RECOVERY OF COSTS, FEES, AND EXPENSES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended by striking subsection (f).

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code, is amended by striking subsection (e).

(e) OFFERS OF SETTLEMENT.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code (as amended by subsection (d) of this section), is amended by adding at the end the following:

"(f)(1) At any time after the filing of an application for fees and other expenses under this section, an agency from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code (as amended by subsection (d) of this section), is amended by inserting after subsection (d) the following:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency of the United States from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(f) ELIMINATION OF SUBSTANTIAL JUSTIFICATION STANDARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1), by striking all beginning with ", unless the adjudicative officer" through "expenses are sought"; and

(B) in subsection (a)(2), by striking "The party shall also allege that the position of the agency was not substantially justified.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d) of title 28, United States Code, is amended—

(A) in paragraph (1)(A), by striking ", unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust";

(B) in paragraph (1)(B), by striking "The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought."; and

(C) in paragraph (3), by striking ", unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust".

(g) REPORTS TO CONGRESS.—

(1) ADMINISTRATIVE PROCEEDINGS.—Not later than 180 days after the date of the enactment of this Act, the Administrative Conference of the United States shall submit a report to Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal agencies under the provisions of section 504 of title 5, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal agencies and administrative proceedings.

(2) JUDICIAL PROCEEDINGS.—Not later than 180 days after the date of the enactment of this Act, the Department of Justice shall submit a report to Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal districts under the provisions of section 2412 of title 28, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal judicial proceedings.

(h) EFFECTIVE DATE.—The provisions of this Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to an administrative complaint filed with a Federal agency or a civil action filed in a United States court on or after such date.

Mr. HUTCHINSON. Mr. President, I rise today, with my colleague Senator FEINGOLD, to introduce the Equal Access to Justice, EAJA, Reform Amendments of 2000. I do so because I firmly believe that small business owners and individuals who prevail in court against the federal government should be automatically reimbursed for their legal expenses— fulfilling the true intent of EAJA when passed in 1980.

EAJA's initial premise was to reduce the vast disparity in resources and expertise which exists between small business owners or individuals and federal agencies and to encourage the government to ensure that the claims it pursues are worthy of its efforts. Twenty years ago, former Senator Gaylord Nelson, the author of the original, bipartisan EAJA bill, clearly explained EAJA's intent when he stated, "All I can say is the taxpayer is injured, and if the taxpayer was correct, and that is the finding, then we ought to make the taxpayer whole." I commend former Senator Nelson. His steadfast commitment to our nation's businesses as Chairman of the Senate Small Business Committee is worthy of admiration. As a result of a political compromise, however, the final version of EAJA does not provide for an automatic award of attorneys' fees. Rather, it provides for an award of attorneys' fees only when an agency or a court determines that the government's position was not "substantially justified" or that "special circumstances" exist which would make an award unjust.

Agencies and courts have strayed far from the original intent of EAJA by repeatedly using these provisions to avoid awarding attorneys' fees to small businesses and individuals who have successfully defended themselves. The bill that Senator FEINGOLD and I are introducing today, the Equal Access to Justice Reform Amendments of 2000, would amend EAJA to provide that a small business owner or individual prevailing against the government will be automatically entitled to recover their attorneys' fees and expenses incurred in their defense.

Unfortunately, EAJA is not making the taxpayers of this nation whole after they defend themselves against government action. Thus, I ask that my colleagues join Senator FEINGOLD and myself in our effort to make these American taxpayers whole by cosponsoring and supporting the Equal Access to Justice Reform Amendments of 2000.

ADDITIONAL COSPONSORS

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1140, a bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1880

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1880, a bill to amend the Public Health Service Act to improve the health of minority individuals.

S. 1898

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Nebraska (Mr. KERREY), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2615

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2615, a bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes.

S. 2676

At the request of Mr. HUTCHINSON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2676, a bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2723

At the request of Mr. INHOFE, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2723, a bill to amend the Clean Air Act to permit the Governor of a State to waive oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, to establish a program to phase out the use of methyl tertiary butyl ether, and for other purposes.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S.J. RES. 48

At the request of Mr. CAMPBELL, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 4011

At the request of Mr. HARKIN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of amendment No. 4011 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 339—DESIGNATING NOVEMBER 18, 2000, AS "NATIONAL SURVIVORS OF SUICIDE DAY"

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 339

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, hundreds of thousands of people become suicide survivors (people that have lost a loved one to suicide), and there are approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop suicide prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved, That the Senate—

(1)(A) designates November 18, 2000, as "National Survivors of Suicide Day"; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

Mr. REID. Mr. President, I rise today to submit a Senate resolution which would designate November 18, 2000 as "National Survivors of Suicide Day." The term "survivor" refers to anyone who has lost a loved one to suicide. As such, having lost my father to suicide in 1972, I am viewed as a survivor in the suicide prevention community. Nationally, more than 30,000 people take their own lives each year. Suicide is the eighth leading cause of death in the United States and the third major cause of death among people aged 15–19.

The suicide rate among young people has more than tripled in the last four decades. Today in our country, countless suicide survivors go on with their lives, many of them grieving in a very private way. This is because there still remains a stigma towards those who take their own life as well as those who are left behind to cope with the suicide of a loved one. I can't begin to tell you how many survivors have written me expressing the shame and guilt they feel about their loved one's suicide, many of whom are still unable to deal honestly with the tragic conditions which ultimately led to someone they love taking their own life.

I am pleased that this resolution passed the Senate by unanimous consent last year. Since then, there has been a fervor of activity and collaboration in both the federal and private sectors around suicide prevention. Most recently, the Senate Labor, Health and Human Services and Education Appropriations Subcommittee dedicated a hearing to suicide awareness and prevention. Among those who testified were Surgeon General Dr. David Satcher, National Institute of Mental Health Director Dr. Steve E. Hyman, psychologist and author Dr. Kay Redfield Jamison, and novelist Danielle Steele.

While we have taken some important first steps, we still have a long way to go in the area of suicide prevention and awareness. It is my intent to recognize the countless survivors who all are at various stages of healing in addressing the loss of their loved one to suicide. I ask you to support me in turning their grief into hope, a hope that with acceptance and understanding, can lead our nation in effectively addressing this very preventable public health challenge.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FOUNDATION
FOR SUICIDE PREVENTION,
New York, NY, July 20, 2000.

Senator HARRY REID,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: The American Foundation for Suicide Prevention supports the proposed Senate Resolution designating Saturday, November 18, 2000 as National Survivors of Suicide Day. We believe this resolution will build on the momentum started last year by Senate Resolution 99, which recognized for the first time the unique problems faced by survivors and their important contributions to suicide prevention.

Specifically, the proposed Survivors of Suicide Day Resolution will be instrumental in fostering the involvement of people who have lost a loved one to suicide in prevention activities. I will also encourage them to come forward, break the silence and join with other survivors as a way to promote their healing.

As you know, our Foundation is actively organizing survivor conferences across the country to be linked by satellite on November 18. Working together with other private organizations and public agencies, we will use this resolution to expand the number of local survivor conferences participating in National Survivors of Suicide Day.

We appreciate all you are doing to encourage and empower survivors, and are grateful for your willingness to introduce this important resolution. On behalf of millions of survivors who want to prevent others from experiencing a similar loss, as well as people throughout our country concerned about the risk of suicide, thank you.

Sincerely,

ROBERT GEBBIA,
Executive Director.

SENATE RESOLUTION 340—DESIGNATING DECEMBER 10, 2000, AS "NATIONAL CHILDREN'S MEMORIAL DAY"

Mr. REID (for himself, Mr. EDWARDS, Mr. ABRAHAM, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. MURRAY, Mr. ROBB, Mr. SARBANES, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 340

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 10, 2000, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Mr. REID. Mr. President, I rise today to submit a Senate resolution which would designate December 10, 2000 as "National Children's Memorial Day." I am pleased that Senators EDWARDS, ABRAHAM, AKAKA, BAUCUS, BAYH, BENNETT, BRYAN, CLELAND, COCHRAN, CRAIG, DODD, DORGAN, FEINSTEIN, HELMS, HOLLINGS, INHOFE, JOHNSON, KERREY, KOHL, LANDRIEU, LAUTENBERG, LINCOLN, MURRAY, ROBB, SARBANES, and VOINOVICH are joining me as original cosponsors. The resolution would set aside this day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

If passed, this will be the third consecutive year we will have designated the second Sunday in December as "National Children's Memorial Day." I have had many constituents share their heart-wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child.

The death of a child at any age is a shattering experience for a family. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in the positive resolution of their grief. It is important to families who have suffered such a loss to know that they are not alone. To commemorate the lives of these children with a special day would pay them an honor and would help to bring comfort to the hearts of their bereaved families.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding Natural Gas Supply previously scheduled before the Committee on Energy and Natural Resources for Tuesday, July 25 at 9:30 a.m. has been postponed until Wednesday, July 26 at 9:30 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Dan Kish at (202) 224–8276 or Jo Meuse at (202) 224–4756.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 26, 2000 at 1:30 p.m. in room 485 of the Russell Senate Building to mark up pending legislation to be followed by an oversight hearing on the Activities of the National Indian Gaming Commission; to be followed by a legislative hearing on S. 2526, to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact Committee staff at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 21, 2000, to conduct a hearing on the following nominations: Mr. Robert S. LaRussa to be Undersecretary for International Trade at the Department of Commerce; and Ms. Marjory E. Searing to be Assistant Secretary and Director General of the U.S. and Foreign Commercial Service (US&FCS) of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, July 21, 2000, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9 a.m. The purpose of this business meeting is to consider H.R. 701, the Conservation and Reinvestment Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session on Friday, July 21, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LANDS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, July 21, 2000, at 9:30 a.m. to conduct an oversight hearing. The subcommittee will receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTRIBUTIONS TO THRIFT SAVINGS PLAN ACCOUNTS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 682, H.R. 208.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with amendments; as follows:

(Omit the part in black brackets and insert the part printed in italic.)

H.R. 208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBLE ROLLOVER DISTRIBUTIONS.

(a) In General.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) For the purpose of this subsection—

"(A) the term 'eligible rollover distribution' has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

"(B) the term 'qualified trust' has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

"(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution [from a qualified trust.] *that a qualified trust could accept under the Internal Revenue Code of 1986.* A contribution made under this subsection shall be made in the form described in section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

"(3) The Executive Director shall prescribe regulations to carry out this subsection.".

[(b) Effective Date.—The amendment made by this section shall take effect on October 1, 2000, or such earlier date as the Executive Director (as defined by section 8401 of title 5, United States Code) may by regulation prescribe, but not before September 1, 2000.]

(b) Effective Date.—The amendment made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

SEC. 2. IMMEDIATE PARTICIPATION IN THE THRIFT SAVINGS PLAN.

(a) Elimination of Certain Waiting Periods for Purposes of Employee Contributions.—Paragraph (4) of section 8432(b) of title 5, United States Code, is amended to read as follows:

"(4) The Executive Director shall prescribe such regulations as may be necessary to carry out the following:

"(A) Notwithstanding subparagraph (A) of paragraph (2), an employee or Member described in such subparagraph shall be afforded a reasonable opportunity to first make an election under this subsection beginning on the date of commencing service or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(B) An employee or Member described in subparagraph (B) of paragraph (2) shall be afforded a reasonable opportunity to first make an election under this subsection (based on the appointment or election described in such subparagraph) beginning on the date of commencing service pursuant to such appointment or election or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(C) Notwithstanding the preceding provisions of this paragraph, contributions under paragraphs (1) and (2) of subsection (c) shall not be payable with respect to any pay period before the earliest pay period for which such contributions would otherwise be allowable under this subsection if this paragraph had not been enacted.

"(D) Sections 8351(a)(2), 8440a(a)(2), 8440b(a)(2), 8440c(a)(2), and 8440d(a)(2) shall be applied in a manner consistent with the purposes of subparagraphs (A) and (B), to the extent those subparagraphs can be applied with respect thereto.

"(E) Nothing in this paragraph shall affect paragraph (3).".

(b) Technical and Conforming Amendments.—(1) Section 8432(a) of title 5, United States Code, is amended—

(A) in the first sentence by striking "(b)(1)" and inserting "(b)"; and

(B) by amending the second sentence to read as follows: "Contributions under this subsection pursuant to such an election shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.".

(2) Section 8432(b)(1)(B) of title 5, United States Code, is amended by inserting "(or any election allowable by virtue of paragraph (4))" after "subparagraph (A)".

(3) Section 8432(b)(3) of title 5, United States Code, is amended by striking "Notwithstanding paragraph (2)(A), an" and inserting "An".

(4) Section 8439(a)(1) of title 5, United States Code, is amended by inserting "who makes contributions or" after "for each individual" and by striking "section 8432(c)(1)" and inserting "section 8432".

(5) Section 8439(c)(2) of title 5, United States Code, is amended by adding at the end the following: "Nothing in this paragraph shall be considered to limit the dissemination of information only to the times required under the preceding sentence.".

(6) Sections 8440a(a)(2) and 8440d(a)(2) of title 5, United States Code, are amended by striking all after "subject to" and inserting "this chapter.".

(c) Effective Date.—

[(1) In general.—The amendments made by this section shall take effect on October 1, 2000, or such earlier date as the Executive Director (as defined by section 8401 of title 5, United States Code) may by regulation prescribe, but not before September 1, 2000.]

(1) In general.—The amendments made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

(2) Savings provision.—Notwithstanding any other provision of this section, until the amendments made by this section take effect, title 5, United States Code, shall be applied as if this section had not been enacted.

[SEC. 3. ADDITIONAL GOVERNMENT CONTRIBUTIONS FOR RETIREMENT.

[(a) Federal Employees' Retirement System.—Section 8423(a) of title 5, United States Code, is amended by adding at the end the following:

["(5) Notwithstanding any other provision of this chapter, effective with respect to contributions for pay periods beginning on or after October 1, 2000, the normal-cost percentage used for purposes of any computation under this subsection shall be equal to—

["(A) the percentage that would otherwise apply if this paragraph had not been enacted, plus

["(B) .01 of 1 percentage point.".

[(b) Supplemental Liability.—For purposes of applying section 8423(b) of title 5, United States Code, and section 857(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071f(b)), all amounts shall be determined as if this section had never been enacted.

[(c) Limitation on Source of Additional Contributions.—Notwithstanding section 8423(a)(3) of title 5, United States Code, or any other provision of law, the additional Government contributions required to be made by reason of the amendment made by subsection (a) shall be made out of any amounts available to the employing agency involved, other than any appropriation, fund, or other amounts available for the payment of employee salaries or benefits.

[(d) Conforming Amendment.—Section 307 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 5 U.S.C. 8401 note) is amended by inserting ", including the additional amount required under section 8423(a)(5)(B) of such title 5," after "Federal Employees' Retirement System".]

SEC. 3. COURT ORDERS AFFECTING REFUNDS.

(a) Civil Service Retirement System.—Section 8342(j)(1) of title 5, United States Code, is amended to read as follows:

"(j)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

"(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information and documentation as the Office may require that—

"(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8341(h) or section 8345(j); or

"(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8341(h) or to any portion of an annuity under section 8345(j).".

(b) Federal Employees Retirement System.—Section 8424(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

"(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information or documentation as the Office may require that—

"(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8445 or 8467; or

"(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8445 or to any portion of an annuity under section 8467.".

Mr. BENNETT. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

Mr. BENNETT. I ask unanimous consent the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 208), as amended, was read the third time and passed.

AMENDMENT NO. 4008, AS MODIFIED—H.R. 4461

Mr. BENNETT. Mr. President, I ask unanimous consent that amendment No. 4008 to H.R. 4461, previously agreed to, be modified with the change that is now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4008), as modified, is as follows:

On page 13, line 13, strike "$62,207,000" and insert "$62,707,000".

On page 13, line 16, strike "$121,350,000" and insert "$120,850,000".

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 693, S. 2812.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2812) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2812) was read the third time and passed, as follows:

S. 2812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—The last sentence of section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended to read as follows: "The Attorney General may waive the taking of the oath if in the opinion of the Attorney General the applicant for naturalization is an individual with a disability, or a child, who is unable to understand or communicate an understanding of the meaning of the oath. If the Attorney General waives the oath for such an individual, the individual shall be considered to have met the requirements of section 316(a)(3) as to attachment to the Constitution and well disposition to the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who applied for naturalization before, on, or after the date of enactment of this Act.

ORDERS FOR MONDAY, JULY 24, 2000

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Monday, July 24. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes, with the following exceptions: Senator DURBIN, or his designee, from 12 to 1; Senator THOMAS, or his designee, from 1 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, when the Senate convenes at 12 noon, the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will turn to any available appropriations bill. Amendments are expected to be offered thereto, with any votes ordered to occur at 6 p.m. on Monday. I thank all Senators for their cooperation.

RECESS UNTIL MONDAY, JULY 24, 2000

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 2:12 p.m., recessed until Monday, July 24, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 21, 2000:

THE JUDICIARY

SUSAN RITCHIE BOLTON, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE ROBERT C. BROOMFIELD, RETIRED.

MARY H. MURGUIA, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE A NEW POSITION CREATED BY PUBLIC LAW 106-113, APPROVED NOVEMBER 29, 1999.

JAMES A. TEILBORG, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE A NEW POSITION CREATED BY PUBLIC LAW 106-113, APPROVED NOVEMBER 29, 1999.

POSTAL RATE COMMISSION

GEORGE A. OMAS, OF MISSISSIPPI, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2006. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate, July 21, 2000:

THE JUDICIARY

JOHNNIE B. RAWLINSON, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

DENNIS M. CAVANAUGH, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

JOHN E. STEELE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

GREGORY A. PRESNELL, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

JAMES S. MOODY, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

IN HONOR OF ST. JOHN WEST SHORE HOSPITAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the opening of the new Cardiac & Critical Care Pavilion and the Rainbow RapidCare Program at St. John West Shore Hospital in Westlake, Ohio.

The Cardiac & Critical Care Pavilion is a $9 million, two-story addition to the hospital's south side that will house all of the hospital's cardiac and critical care services. The Pavilion comprises not only 40,000 square feet of new space, but also 15,000 square feet of renovated existing space and 37 new beds. Providing a facility that will enhance convenience and accessibility for both patients and family members, the cardiac services will continue to meet the growing needs of Western Cuyahoga and Eastern Lorain Counties' residents. Under the medical direction of Drs. Dale Levy, MD; Muhammed Zarha, MD; Naim Farhat, MD and Timothy Taylor, DO, the Cardiac & Critical Care Pavilion will offer high quality service to patients in need of care.

The Rainbow RapidCare Program is also a facility that is growing to meet the needs of local families, and is committed to providing the best care possible for children and parents. Rainbow RapidCare is an urgent care center for children and adolescents with minor injuries and ailments, staffed by a team of physicians and nurses trained in Pediatrics and Emergency Medicine. Combining the resources of St. John West Shore Hospital and Rainbow Babies' and Children's Hospital, the program has been organized under the medical direction of Drs. John Bennet, MD and Emory Patrick, MD and under the nursing leadership of Katie Dixon, RN.

I commend all those involved in the establishment of these valuable medical facilities, and wish them every success for the future. Fellow Congressmen, please join with me in honoring the opening of these new and welcome additions to the St. John West Shore Hospital.

CONGRATULATIONS TO ARCHBISHOP REMBERT WEAKLAND ON RECEIVING THE VISION FOR MILWAUKEE AWARD

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KLECZKA. Mr. Speaker, today I honor the Reverend Rembert Weakland, Archbishop of Milwaukee's Catholic Archdiocese, who has been awarded the Milwaukee Ethnic Council's Vision for Milwaukee Award. Each year, this award is presented to an individual or organization for outstanding service to the community, and this year's recipient is certainly deserving of this prestigious honor.

The Archbishop began his Religious Life as a Benedictine monk at Solesmes Abbey in France, and was ordained to the Priesthood in 1951 at Subiaco, Italy. His lifelong love of music led him to pursue musical studies in Europe, as well as at the prestigious Julliard School of Music in New York, and Columbia University, where he just recently received a Ph.D. "with distinction" in Musicology from Columbia University.

First a music teacher at St. Vincent College, he went on to become Chancellor and Chairman of the Board of Directors. In 1967, he was elected Abbot Primate of the International Benedictine Confederation, and was appointed Chancellor of the International Benedictine College of Sant'Anselmo, Rome, Italy. On September 20th, 1977, Rembert Weakland was appointed Archbishop of Milwaukee by Pope Paul VI, and is the spiritual leader of nearly 700,000 Catholics in 10 Wisconsin counties.

Although "Strengthening bridges to harmony, respect and understanding" is actually the Milwaukee Ethnic Council's mission statement, it also very aptly describes Archbishop Weakland's life's work. For nearly 23 years, the Archbishop has served the people of this area with great integrity and humanity. He is one of our community's most respected leaders, by Catholics and non-Catholics alike.

Archbishop Weakland has worked hard to strengthen dialogue between area Catholics and members of other denominations. He has fostered an atmosphere of understanding and cooperation amongst the faith community in our area.

Always a strong advocate for social justice, the Archbishop has expanded the archdiocese's involvement in anti-poverty issues, providing assistance to inner city families in our area. One of his remaining goals in his final years before retirement is to get the Roman Catholic Church more involved in solving social problems in the central city. At a recent Jubilee-year gathering, Archbishop Weakland joined with other area Christian leaders in support of improved international debt relief for poor nations and increased assistance to the poor and disenfranchised in our own community.

It is, therefore, quite fitting that the Milwaukee Ethnic Council bestow the Vision for Milwaukee Award upon Archbishop Weakland, for he serves his Lord, his Church, and the people of Milwaukee with great vision and heart. Please join me in congratulating him on receiving this award, so richly deserved. May God's blessings continue to enrich his life and his ministry.

INTRODUCTION OF THE ENTERPRISE INTEGRATION ACT OF 2000

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. BARCIA. Mr. Speaker, I rise today to introduce the Enterprise Integration Act of 2000, a bill that is designed to help U.S. small manufacturers in nine key industries stay competitive in the electronic enterprise age. The legislation instructs the Director of National Institute of Standards and Technology (NIST), through various NIST labs, the Malcolm Baldrige Quality Program, and the Manufacturing Extension Program, to work with the auto, aerospace, furniture, ship-building, textile, apparel, electronics, home building and major construction industries on the establishment of an industry-led effort at enterprise integration. If an industry has not begun an effort, NIST would be asked to help convene companies and trade associations in the industry to develop a strategy for developing and implementing a unified vision for supply chain integration. If efforts are already underway, NIST is to support the ongoing efforts, helping in the development of the expertise necessary for the enterprise integration to take place. NIST is asked to look at the suite of standards now in place and to help fill the holes in areas such as compatibility of older standards with emerging Internet standards. The bill authorizes appropriations of $10 million for FY 2001 and $15 million for FY 2002, and such sums as are necessary in subsequent years.

As impressive as the growth of Internet companies has been, its impact pales in significance to the impact that the Internet is having on how businesses work together. A key example is use of the Internet for enterprise integration in the manufacturing sector that permits a manufacturer and its suppliers to function as one virtual company. Companies will be able to exchange information of all types with their suppliers at the speed of light. Design cycle times and inter-company costs of manufacturing complex products will shrink. Information on design flaws will be instantly transmitted from repair shops to manufacturers and their supply chains.

Enterprise integration is occurring now because of today's computers and communications capabilities and because the Internet provides a practical medium for exchanging large amounts of manufacturing information in real-time. These technological advances coincided with the establishment in 1994 of an international data exchange standard that begins the process of permitting companies to share designs and engineering and manufacturing data even if they are written in different computer languages. However, this will be possible in individual industries only after the development of thousands of pages of instructions on how to translate every nuance of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

every drawing and every instruction for a specific industry.

Some companies and their governments realized faster than others how the manufacturing world is changing. Daimler-Benz is the leader in the auto industry, and it has been supported by the European Community research organization ESPRIT in its efforts to bring enterprise integration to the European automobile industry. It will not be long before every one of the companies which do business with Daimler, ranging from the component makers, to the machine tool makers, to the tool and die makers, to the steel and aluminum suppliers will be able to exchange design and manufacturing information quickly and effortlessly. Airbus has also managed to jump to a major lead on its U.S. competitors in supply chain integration. The U.S. Department of Defense is trying to accelerate enterprise integration among the companies which manufacture defense-related products, and the National institute of Standards and Technology (NIST) has done standards work in this area for 20 years. Still, U.S. companies are struggling to catch up with their European counterparts and small businesses will need major help once the protocols are in place.

Enterprise integration has the potential to be the most important innovation in manufacturing since Henry Ford's assembly line. I hope we will have your support in enacting the Enterprise Integration Act because it will give U.S. industry the opportunity to be a leader in this much needed technology.

IN HONOR OF MR. WILLIAM GAMBATESE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of William J. Gambatese, a business representative for Sheet Metal Workers Local 33 for 12 years.

William Gambatese was the president of Sheet Metal Workers Local 65 before it merged with the Local 33. In his tenure as recording secretary for the Cleveland Building Trades Council, William Gambatese played an active role in project labor agreements and was also active in local government in Greater Cleveland.

Mr. Gambatese's commitment to his fellow citizens came out of a 35-year history as a sheet metal worker. Knowing first hand the metal workers' concerns and needs provided the necessary insight to oversee activism in union affairs, AFL–CIO committees, Labor Day parade activities, and political campaigns.

William Gambatese was totally immersed in his job and was a dedicated representative of all of the membership. Championing the rights of workers was only one among numerous other civic activities. Mr. Gambatese also chaired the Dollars Against Diabetes Society. Mr. Gambatese's life-work encompassed providing "quality" life to those most in need. Never losing sight of what was most important: his family and community. William Gambatese's humanitarianism will endure in his wife of 29 years, Linda; daughters Laurie and Jennifer; son, Michael, stepson Donald, three grandchildren; four brothers, and two sisters. Mr. Gambatese was 55 years old.

My fellow colleagues, please join with me in honoring William Gambatese for his lifelong commitment and dedication to workers' rights.

A TRIBUTE TO AMERICA'S LIBERTY SHIPS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. BARCIA. Mr. Speaker, between 1941 and 1944 over 2,700 Liberty ships were built under President Roosevelt's $350,000,000 shipbuilding program. These vessels were cargo ships designed to augment the enormous supply needs of the war effort. As the only remaining operational Liberty Ship and the last operational troopship of World War II, the S.S. *John W. Brown* is currently touring the northeastern coast and the Great Lakes to honor the troops and merchant marines who served in WWII.

During the war, the *John W. Brown* served as a standard cargo ship and, after conversion, as a limited capacity troop transport ship in the Mediterranean Theatre and in the invasions of Salerno and Southern France. After the war, the S.S. *John W. Brown* served in unique and critical roles. The ship was first used to move cargo across the North Atlantic to rebuild European cities and nations. Then, in December 1946, she was loaned by the Maritime Commission to the City of New York to serve as a high school. For the next 36 years she was cared for by students and teachers who operated the world's only nautical high school. Because of the ship's light use and regular maintenance by the school, the S.S. *John W. Brown* has remained in remarkable condition for a vessel of its age.

In 1988, the ship was acquired by Project Liberty Ship, a nonprofit foundation dedicated to preserving the memory of the Liberty Ships that were so critical to the success of the war. Project Liberty Ship, was established as a volunteer membership organization with the goal of restoring the S.S. *John W. Brown* to its original operating condition as a WWII Museum and Memorial.

Mr. Speaker, the S.S. *John W. Brown* is on a voyage this summer from Baltimore through the St. Lawrence Seaway and through Lakes Ontario and Erie. This celebration voyage is a fitting tribute to both our troops who gave their lives in the war and those who acted in support of them. I ask my colleagues to join me in paying tribute to our soldiers, our merchant marines and to the members of Project Liberty Ship, who have given their time and energy to preserve the memory of those brave American soldiers who died for our liberty.

IN HONOR OF STANLEY EUGENE TOLLIVER, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Stanley Eugene Tolliver, Sr., the recipeint of the N.A.A.C.P. Freedom Award, this organization's highest honor.

Mr. Tolliver, a Cleveland attorney, was born and raised in Cleveland, Ohio. As the only child of Eugene and Edna Tolliver, he excelled both academically and athletically. For example, he graduated from the East Technical High School in 1944, where he was the State champion in the 440 yard dash, and having been blessed with a velvet voice, he was the first place winner in the Ohio State Vocal Contest.

Mr. Tolliver continued his education at Baldwin Wallace College, by majoring in pre-law and minoring in music and speech. It is clear that from the start that Mr. Tolliver has been dedicated to tackling interracial issues. At Baldwin Wallace College, he founded the first interracial Greek-letter fraternity, Epsilon, which is now a national organization known as Pi Lambda Pi. Having this passion and love for law and civil justice, Mr. Tolliver knew that in order to make a contribution to society he would need to prepare and armor himself with a deeper understanding of the law. Thus, he continued his law studies and earned his Juris Doctorate from Cleveland Marshall School of Law in October 1969. In the midst of his studies, Mr. Tolliver was drafted into the armed services, where he served in the United States Army's Counter Intelligence Corps for two years. While still serving in active duty Tolliver passed his bar examination in March 1953 and has been engaged in the general practice of law ever since.

Mr. Tolliver's accolades and honors are never ending. His most notable honors include Life Member of N.A.A.C.P., member of the East Tech Athletic Hall of Fame, Outstanding Alumnus Award from Baldwin Wallace College, past president of the Cleveland Chapter National Conference of Black Lawyers, Regional Director of the Conference of Black Lawyers, and former legal counsel for Dr. Martin Luther King, Jr., and the Southern Christian Leadership Conference. Mr. Tolliver has also been elected to "Who's Who in Ohio" in 1961, the Cleveland Board of Education in 1981, 1985, 1987, 1989, and 1990.

Mr. Tolliver's efforts to advocate the causes of those who may be underrepresented reflects not only his fearless dedication to his life works, but also his unhesitating willingness to take the unpopular stand for justice. His commitment and devotion to upholding freedom, justice and equity is truly commendable.

My fellow distinguished colleagues, please join me in honoring Stanley Eugene Tolliver, Sr. for his N.A.A.C.P. Freedom Award and in recognizing his many accomplishments and contributions to the community.

A TRIBUTE TO THE RED ARROW CLUB

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KLECZKA. Mr. Speaker, I rise today to honor and pay tribute to the Red Arrow Club of Milwaukee. October 15th, 2000 marks the 60th anniversary of the U.S. Army's 32d Infantry Division's call to active duty prior to World War II, and also the 39th anniversary of the October 15th, 1961 call to active duty for the Berlin Crisis. This is a very important day for the club, for those who have worn the "Red Arrow" in war, as well as peacetime.

Comprised of troops from Michigan and Wisconsin, these soldiers were inducted into federal service at Lansing, Michigan on October 15th, 1940. The "Red Arrow" arrived in Australia on May 14, 1942 and participated in a number of heroic WWII campaigns, seeing action in Papua, New Guinea, Leyte, and Luzon, and later in Japan they often withstood bitter hand-to-hand combat, and fought bravely and honorably for their country. During their tour of duty in World War II, the members of the 32d Division laid their lives on the line for their country, asking nothing in return. And once again on October 15th, 1961 the "Red Arrow" answered the call of their country to protect our vital interests overseas, this time for the Berlin Crisis.

For their bravery, members of the 32d have received a total of ten Congressional Medals of Honor and fourteen Distinguished Unit Citations. In addition, the unit has received several decorations including the Presidential Unit Citation (Army) and the Philippine Presidential Unit Citation.

This special day serves to honor the many veterans who answered the call to duty to serve their country in this distinguished division, a number of whom made the ultimate scarifice and never returned home to family and friends. To the veterans, as well as those on active duty, my sincere congratulations on this very special milestone in the 32d Division's history. It is an honor that is well deserved.

SECRETARY OF AGRICULTURE DAN GLICKMAN PAYS TRIBUTE TO DEPARTMENT OF AGRICULTURE INSPECTORS TOM QUADROS, JEANNIE HILLERY AND BILL SHALINE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. LANTOS. Mr. Speaker, I rise today to offer my deepest condolences to the families of Tom Quadros, Jeannie Hillery, and Bill Shaline—the three United States Department of Agriculture inspectors who were brutally and senselessly murdered during an inspection visit to a sausage factory in Oakland, California, in June.

Mr. Speaker, I would like to condemn publicly their brutal murder. What has our nation come to, when unarmed USDA compliance officers are brutally shot while inspecting the food we eat? Anyone familiar with the novel the "The Jungle" by Upton Sinclair is aware of the potential for hazards that come with unsanitary meat packaging or processing plants. The USDA, with the help of loyal and diligent inspectors like Tom Quadros, Jeannie Hillery, and Bill Shaline, has worked hard to ensure that our nation's meat plants provide clean and sanitary food for the American public.

Mr. Speaker, these three individuals represent the finest example of public service. The men and women who serve their fellow Americans in government positions assure safe food, safe travel, public safety and security, and a better life for all of us. All Americans owe a huge debt of gratitude to the federal employees who serve us. Sometimes this service is performed at great personal risk, as was the case in this tragedy in Oakland. I urge my colleagues to join me in paying tribute to these fallen federal employees and to all federal employees who serve our nation.

Mr. Speaker, I would like to place in the RECORD the heartfelt words of condolence that Secretary of Agriculture Glickman delivered at the memorial service for Jean Hillery, Tom Quadros, and Bill Shaline on June 30th of this year in Oakland, California.

STATEMENT OF SECRETARY OF AGRICULTURE DAN GLICKMAN

On behalf of the entire U.S. Department of Agriculture, I want to offer my condolences to the families, friends and colleagues of Jean Hillery, Tom Quadros and Bill Shaline. USDA and the California Department of Food and Agriculture are better off for the time that they gave to us. Many people have come up to me and expressed their sadness at this loss. Just the other day, I received a letter from the members of the Safe Food Coalition asking that we pass along their condolences as well.

Food safety compliance officers perform one of the most important functions in public service, protecting the American people where they are largely powerless to protect themselves. Jean Hillery, Tom Quadros and Bill Shaline did the people's work. And over this holiday weekend, as we grill our steaks, chicken and burgers, I hope we'll all remember that it's the efforts of these three people and the thousands of others like them that ensures the safety of the food we serve to our families. And while their work is absolutely critical, rarely do we think of it as dangerous and life-threatening. Which makes last week's tragedy all the more shocking and unsettling. It's cruelly ironic that, in the process of protecting the lives of the American people, their own lives were taken from them violently and needlessly.

All of them led lives of purpose and dedication, not just at their jobs but within their families and their communities. Whether it was Jean Hillery going to college and beginning a new career after raising three daughters, or Tom Quadros' work with the Special Olympics, it's clear that these were more than distinguished public servants . . . they were extraordinary people as well. Yesterday, back at USDA headquarters, I gave a speech about civil rights at our Department. And although I talked some about programs and procedures, the message I really tried to convey was that civil rights and human rights begin with people simply treating each other with respect and common courtesy. This tragedy is not about race or civil rights in any way, but I think it can still teach a lesson about civility and decency, about open communication and the importance of resolving disputes peacefully and sensibly. Jean Hillery, Tom Quadros and Bill Shaline lived those values, but they died because some people still do not.

I want to close with a message to their children. Last December, I lost both of my parents, within just a few weeks of each other. They were old, and they were sick. But I'm immensely grateful that they lived into their 80's and that I was able to enjoy them for 55 years of my life. I can't imagine the pain you must feel at losing parents in the prime of their lives. But I hope that you measure their time in terms of quality rather than quantity . . . always remembering that their lives, though short, were ones of both accomplishment and integrity. Thank you.

IN HONOR OF KYM SELLERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Kym Sellers, a woman whose story is about everything that is good about America. Growing up as an athlete, Kym learned the value of hard work. Kym would participate in her high school's women's basketball team, shower, and then cheerlead for the men's team. Outside of sporting events, she would run with her father, practicing for the quarter-mile she would run for the track team. It is this incredible effort and persistence that has made Mrs. Sellers an example for all.

Unfortunately, the athlete in Kym can no longer play basketball, cheer, or run. At age 25, she was diagnosed with multiple sclerosis, and the impairing nervous system disease sidelined her from the athletic arena. However, with her determination of steel, and spirit of confidence, Kym has most certainly not been sidelined from experiencing her life.

Now 32, Mrs. Sellers is the mother of two young daughters, wife of a professional European basketball player, and works six days a week. She continues to exercise daily, but now she must also take care of her children, and run a radio show from Cleveland's urban contemporary radio station. As if these efforts wouldn't be exhausting enough, Kym continues to make a difference in her community by establishing the Kym Sellers Foundation, a non-profit organization to help African-Americans with multiple sclerosis.

With an overwhelming amount of responsibility and activity in her life, Kym continues to strive for excellence in everything she does. She has not allowed her condition to distract her from living life to the fullest.

I greatly respect the hardworking and devoted spirit of Kym Sellers. Her attitude is one to be admired by all. My fellow colleagues, please join me in honoring this dynamic woman.

KLECZKA HONORS HOME PARISH ON ITS 75TH ANNIVERSARY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KLECZKA. Mr. Speaker, today I honor St. Helen's Catholic Church in Milwaukee, Wisconsin, on the occasion of its 75th Anniversary.

St. Helen's was founded on April 6, 1925 by the Rev. Constantine Wasniewski and has been a fixture on Milwaukee's south side ever since. The church, which began with just 50 parishioners, now serves as the place of worship for more than 900 families.

The parish school, which opened in 1926 with just four Felician Sisters, teaching in four small rooms, currently boasts an enrollment of 130 students. As a 1957 graduate of St. Helen's, I can personally attest to its dedication to education, high moral standards, and the preparation of its students for the challenges that lie ahead.

Polish heritage has always been a cornerstone of the St. Helen's community. In fact, for years Polish language classes were a standard part of the school's curriculum. Through the work of current pastor, Rev. Michael Ignaszak, and many others at St. Helen's parish, that emphasis on our Polish culture and traditions continues to flourish.

St. Helen's is known throughout its neighborhood as not just a Catholic parish and parochial school, but as an outstanding member of the community. Since 1972 St. Helen's church festival has been a highly anticipated annual event. Its monthly fish fries, run entirely by volunteers, have become a Friday night tradition.

However, St. Helen's community involvement runs far deeper than fish fries and church festivals. It has been home to Boy Scout Pack 264 since 1949. Many clubs, such as the 55 & Over Club and the Christian Women's Group volunteer their time and efforts to numerous community causes. The Human Concerns Committee works closely with the Interfaith Caregiving Network to distribute holiday gifts to the elderly and home bound in the area.

And so it is with great pleasure that I join students and parishioners, past and present, in congratulating St. Helen's on the celebration of its first 75 years, with best wishes for the next 75, and beyond.

OSHA AWARD FOR NATIONAL ENZYME

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. BLUNT. Mr. Speaker, I rise today to publicly congratulate the administrative staff and employees of National Enzyme Company in Forsyth, Missouri for their outstanding vision, dedication and effort in attaining Merit Status in OSHA's Voluntary Protection Program. This honor is conferred on less than 1% of the six million companies overseen nationwide by the Occupational Safety and Health Administration.

The manufacturer of private label enzyme-based dietary supplements located in Missouri's Seventh Congressional District joins over 400 other businesses in our nation in participation in this program. They are only the seventh company in the state of Missouri to achieve this designation.

The award was granted after an intensive 9-month self-study by employees at all levels followed by a rigorous comprehensive review visit by OSHA inspectors who found the facility to be fully in compliance with all regulations.

According to OSHA this designation means that the health and safety practices and procedures developed by National Enzyme are models within their industry, and that the facility is preparing itself for even higher levels of health and safety compliance. In fact those inspectors noted that the program has "evolved into a comprehensive process that is an integral part of everyone's daily working procedures, which extends to all levels of the organization."

I would also point out that this outstanding achievement is the result of a cooperative effort between public and private entities rather than a unilateral regulatory effort on the part of a lone federal agency. To quote OSHA "This concept recognizes that compliance enforcement alone can never fully achieve the objectives of the Occupational Safety and Health Act. Good safety management programs that go beyond OSHA standards can protect workers more effectively than simple compliance."

National Enzyme's commitment to an ongoing program of employee safety is demonstrated by their first place award last year from the four-state Safety Council of the Ozarks for Most Effective Safety Committee.

I express my appreciation, and that of all my colleagues, to President Anthony Collier, and Manufacturing Manager Jerry Holvick for their leadership in bringing this national recognition to Forsyth, Missouri and the Seventh Congressional District.

TRANSFER OF VA FACILITY TO CUSTER COUNTY, MONTANA

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. HILL of Montana. Mr. Speaker, I am proud to introduce this legislation in the House. An identical version, S. 2637, has been introduced in the Senate by Senators BURNS and BAUCUS of Montana. The intent of the bill is quite simple: to transfer ownership of the Veterans Hospital from the VA to Custer County, Montana. For many years, this hospital operated at full capacity to serve Montana veterans. Then, it was downgraded to a clinic. The result of this change is that the VA only uses a small part of this very large facility. Still, the VA is in charge of upkeep and maintenance of the entire structure. Until recently, there were about 100 employees and only one doctor working for area veterans. The VA estimates that this situation is costing $500,000 per year which would be much better spent taking care of veterans rather than a building the VA no longer needs.

This situation is not unique to the VA in Miles City. It is estimated that the VA spends $1 million dollars every day on excess properties around this country. At a time when budgets are tight and when we are having a difficult time honoring the commitments this country made to our veterans, the current situation is simply unacceptable.

What is a liability to the Veterans Administration can be an asset to the town of Miles City and Custer County. In a town of some 8,000 people, the change in the VA mission has cost the economy 145 full-time quality jobs with a $7 million decline in payroll in just the last 6 years. For a town whose top two industries are agriculture and government jobs, that's a significant loss. The community could have, understandably, objected to the mission change. Instead, community leaders have banded together and devised a plan that works for the town, the VA and our veterans.

The community's main objective for the transfer is long-term economic development which includes: relocation of distance learning technology to a tech center site in the VA complex, development of a multi-purpose day care, work force training site, career development site, food bank distribution site, and potential office space to be rented for start-up business opportunities.

Community colleges traditionally have been recognized as key to sustainable economic development through the training opportunities they offer. MCC is located across the street from the VA hospital. Their curriculum will benefit greatly with steady access to this facility. MCC will train individuals for today's job market, including training for tech jobs that would be included in the tech center.

The $500,000 savings achieved annually through this transfer will be used for new outpatient clinics in rural Montana. That represents a significant benefit to our veterans who currently have to travel extraordinary distances to access the care promised them. In rural states like Montana, accessability to health care is a very real problem and another reason that this legislation makes so much sense.

The alternative to legislative action to transfer the property is a long, laborious bureaucratic process that involves several federal agencies and that can take years to complete. That process can cost several million dollars, not to mention the continuing expense of the VA maintaining the excess property. Our approach will expedite the process, saving the VA money for veterans and, at the same time, jump-starting economic development for a town in serious trouble.

HONORING MRS. ADRIANA G. FIGUEROA OF SAN GABRIEL, CALIFORNIA, CELEBRATING HER RETIREMENT FROM 37 YEARS OF TEACHING

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. MARTINEZ. Mr. Speaker, today I convey my heartfelt congratulations to Mrs. Adriana Figueroa on her retirement. Mrs Figueroa has dedicated the last 37 years of her life to our community as a public educator, and has exemplified the best in public service.

Mrs. Figueroa was bom on March 2, 1940 in Los Angeles, California, and was raised in East Los Angeles. She attended St. Alphonsus Elementary School in Los Angeles and Sacred Heart of Mary High School in Montebello. She graduated from California State University, Los Angeles with a Bachelor of Arts Degree in English and Social Sciences, and after graduation, completed course work for a General Secondary California State Teaching Credential. She received her Masters in Education from Azusa Pacific University.

Her admirable career began at Alhambra High School in 1963 as a classroom English teacher teaching ninth, tenth, and eleventh grade students. In 1974, she accepted a position as an Adult Basic Educator (ABE) with the Los Angeles Unified School District, teaching adults to read and write. That decision changed the direction of her career, and from that moment forward, she would make a difference by bringing literacy, high school diplomas, and vocational training to adults who were in need.

After receiving her administrative credential in 1979, Mrs. Figueroa was named the site Coordinator for the Mid City ABE center, a branch of Belmont Adult School in downtown Los Angeles.

In 1986, it was our good fortune that she was brought to Baldwin Park to impact the lives of adults and young people in the San Gabriel Valley. Mrs. Figueroa came to Baldwin Park Unified School District Adult and Community Education (BPACE) program as an Administrative Assistant. Today, she is retiring as the Assistant Director of Adult and Community Education and is responsible for administration of the BPACE program.

Mrs. Figueroa lives in San Gabriel with her husband Jim and has three children and three stepchildren. Her greatest joy is her grandchildren.

Mr. Speaker, Adriana Figueroa has had a remarkable career, one in which her enthusiasm and dedication to public education has made a difference in countless lives. Our community is extremely proud of her accomplishments. Let us send our sincerest appreciation for her fine work and recognize her for contributing to public education.

I commend her for her achievements and hope she enjoys her retirement.

TRIBUTE TO ELEANOR KIELISZEK

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. ROTHMAN. Mr. Speaker, I rise today to pay special tribute to a dear friend and a truly noteworthy and admirable community leader from the Township of Teaneck in my District. A few short weeks ago, Eleanor Kieliszek retired from her seat on the Township Council, thus ending an impressive political career which began in 1965.

Beginning with her appointment as the first female member of the Township's Planning Board in 1965, Eleanor Kieliszek has been a tireless crusader for the residents of Teaneck. In 1970, Eleanor Kieliszek entered a 17-way race for Township Council as the only woman candidate. She won, Mr. Speaker, due in large part to her tireless energy evidenced by her constant door-to-door campaigning. Twice, from 1974–1978 and 1990–1992, the voters elected her mayor as an expression of their confidence.

A student of politics, Eleanor Kieliszek is aware that compromise and hard work are integral and historic parts of the American political system. By working with her fellow Council members, Eleanor Kieliszek was able to help preside over a period of unbridled economic development in Teaneck while ensuring that a great deal of the municipality's open spaces would remain in that state for perpetuity. The 350 acre Overpeck Park, enjoyed by so many in their leisure time, is a fine testament to this legacy. Mr. Speaker, Eleanor Kieliszek was also able to bring Teaneck together in the face of great racial tension in 1990. Many credit the neighborhood meetings which she helped initiate in a time of great concern with fostering dialogue and diversity in the community.

Mr. Speaker, a representative democracy such as ours only thrives when those with strong wills and good hearts take time from their personal lives to give time to others around them. As the Township of Teaneck prepares to name a wonderfully large green area after Eleanor Kieliszek to honor her three decade's service to her home, I find it fitting for this House to rise and salute this outstanding local official. On the occasion of her retirement from elected life, we thank Eleanor Kieliszek and send her our heartiest best wishes for the future.

HONORING BERNARD ALAIN PORTELLI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Ms. ESHOO. Mr. Speaker, I rise to honor Bernard Alain Portelli, who today, July 20, 2000, will become a naturalized citizen of the United States of America.

Mr. Portelli came to the United States from France in 1984. Prior to coming to the United States, Mr. Portelli established himself among European royalty and within the fashion and entertainment industry as an exemplary businessman and artist. His talent, his hard work and his dedication quickly earned him a similar reputation in Washington, D.C. Based in Georgetown, Mr. Portelli has been featured on numerous television programs around the country and his talents are frequently sought out by the fashion and film industries. Today he is the proprietor of the highly regarded and highly successful OKYO Salon.

For over seven years I've been blessed to call him my friend. Mr. Speaker, I ask my colleagues to join me in congratulating Bernard Portelli on this great occasion in his life and the life of our nation.

THE PLIGHT OF THE GREAT APES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, last month, scientists from 12 nations sounded the warning alarm that the world's great apes—the chimpanzee, the gorilla, the bonobo, and the orangutan—are hurtling toward extinction at an alarming rate.

These animals are humankind's closest living relatives in the animal kingdom, yet they face the very real possibility of disappearing from the wild within the near future due to habitat destruction and illegal hunting. While many species are currently facing imminent declines due to these anthropogenic pressures, the great apes are especially susceptible because of their slow reproduction and demanding habitat requirements. If action is not taken immediately, these animals will most likely cease to exist within our children's lifetime. We cannot stand by and let this tragedy come to pass.

The threats to the great apes stem largely from increased commercial logging that facilitates both habitat loss and a growing and largely unregulated commercial trade in bushmeat. These factors are further exacerbated by civil war in many areas that are home to great ape populations.

In Indonesia, it is estimated that less than 2 percent of the orangutan's original forest habitat remains. The most recent population estimates of these apes in Borneo and Sumatra, the only two remaining areas that support orangutans in the wild, are less than 25,000 individuals. This figure represents a decline of 30 to 50 percent in the last decade and 10 to 20 percent annually. At this rate, if nothing is done, the orangutan will be extinct within 50 years.

Although rates of forest loss are lower in most parts of Africa than in Indonesia, the irrevocable conversion of forested ape habitat to farmland and plantations poses a similar threat to populations of chimpanzees, gorillas, and bonobos. In fact, Africa is the third largest timber exporter in the world. Experts predict that in Zaire, Equatorial Guinea, and Cameroon, forests could disappear within 70 years if current trends continue. When this is considered along with the large habitat requirements of great apes ana the need for protecting large enough populations to maintain long-term viability, the loss of tropical rainforest habitat poses a dire threat to global ape populations.

Another growing problem threatening ape populations, particularly in Africa, is the dramatic rise in bushmeat trade. Bushmeat, the term used to describe wildlife used for meat consumption, includes gorillas, chimpanzees, and a variety of other species. Once only used as a sustainable subsistence food source, the largely illegal commercial trade has skyrocketed in recent years with devastating impacts on ape populations. This dramatic rise has occurred for a number of reasons, but primarily because of increased hunting to feed local people who have been forced to rely on cash economies rather than traditional ways of life and the influx of commercial logging companies who use bushmeat to feed their employees.

In addition, as timber concessions continue to open up once remote forests with the construction of roads, logging trucks are hauling out hundreds, if not thousands, of pounds of bushmeat each week. Moreover, the increased prevalence of bushmeat has caused markets to move beyond local centers to urban areas and even international trade. According to the most recent reports, in the Congo Basin 4,500 gorillas per year and 3,000 chimps per year are killed solely for the bushmeat market. Even in the absence of habitat loss, the bushmeat trade in the Congo Basin is likely to lead to extinction of chimpanzees and gorillas there within the next century.

Perhaps most staggering are the results of a just-completed Harvard survey of great ape research sites. This survey found that great ape populations are known, or suspected, to be declining in 96% of protected areas. It is these sites where the prospect for ape survival is best. In these protected areas, great apes are increasingly threatened by hunting, logging, war, and increased human population pressure in surrounding communities.

We are only now beginning to understand and appreciate the complex role of great apes in maintaining the ecological health and biodiversity of tropical and subtropical forest habitats. Biologists fear that the loss of all great apes could irrevocably alter forest structure and the composition of species which could intensify other environmental threats caused by deforestation and agricultural development.

A broad range of actions is needed if there is to be any hope of saving great ape populations. Laws on logging and poaching must be enforced and developed to stem the unregulated and uncontrolled destruction of forest habitat and flow of bushmeat into the commercial marketplace. Long term support for protected areas, national parks, and buffer zones must be secured to protect habitat and wildlife. And, finally, conservation education and intervention programs must be expanded and funded, to involve more local people and scientists in the protection of great ape populations.

The challenges facing the conservation of great apes is immense. As a first step in the effort to address this problem I have introduced H.R. 4320, the Great Ape Conservation Act. The Act is modeled after the highly successful African and Asian Elephant and Rhino Conservation Acts, and would authorize the Secretary of the Interior to assist in the conservation and protection of great apes by providing grants to local wildlife management authorities and other organizations and individuals involved in the conservation, management, protection, and restoration of great ape populations and their habitats. The Great Ape Conservation Act will put money on the ground quickly, to start to halt the destruction of these animals.

At the CITES meeting I attended in April, delegates and NGOs from many of the African nations expressed great concern over the growing demand for bushmeat and how this demand is contributing to the rapid decline of wild animal populations. Support for an effort to halt the flow of bushmeat is coming from not only the U.S., but also from the range states and many other countries who want to see this problem addressed. Clearly, the time for action is now. Just as clear is the fact that mere urging on the part of the U.S. to save these species will not be enough, even with the support of other nations.

Whether its elephants or apes, rhinos or tigers, it's not enough to dictate to third world nations about the need to conserve their endangered biological diversity. We also must be willing to make the financial investment and provide them with the resources they will need to do the job. Only by incorporating the participation of the local residents will we be able to address the many social and economic factors preventing the long-term conservation and protection of great apes or any other species we think needs protection.

This was the goal of the African and Asian Elephant Conservation Acts as well as the Rhino, Tiger Conservation Act, and this is the goal of the Great Ape Protection Act. This bill will only be the first step, however, and we must quickly determine what more we can do.

It is critical that action be taken now, if we are to preserve the world's populations of great apes the chimpanzee, the gorilla, the bonobo, and the orangutan—for us and future generations.

The cost of delaying is too large to accept.

TRIBUTE TO GUS VELASCO

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mrs. NAPOLITANO. Mr. Speaker, today I praise Mr. Gustavo "Gus" Velasco, a distinguished public servant in my 34th Congressional District in California. He is retiring as Assistant City Manager for Community Services of Santa Fe Springs, California after an illustrious career of 39 years of service.

Gus Velasco's steadfast commitment to public service has made him a recognized leader and admirable member of the community. He is the recipient of numerous awards and commendations including the Whittier Area Schools Administrators Association Award.

Since receiving a degree from the California State University of Los Angeles, Gus Velasco has served and supported the community of Santa Fe Springs in many different capacities, including teaching at area schools, serving as President of the Santa Fe Springs Lions Club, and holding memberships on both the Salvation Army Transitional Living Center Advisory Council and the Santa Fe High School Educational Foundation. Also, Gus has been Director of Social Services at the Santa Fe Neighborhood Center where he worked for eleven years.

Gus Velasco's career with the City of Santa Fe Springs began in 1961 as the Director of Recreation. His outstanding service was recognized as he rose through the administrative ranks to take the helm as Assistant City Manager in which he has excelled for the past ten years. Gus' vision, tenacity, skill, and managerial excellence has fostered pride in the rich history and cultural heritage of the Santa Fe Springs community.

I have known Gus Velasco many years, since my own service as a City Council member and Mayor of the neighboring city of Norwalk, California which borders Santa Fe Springs to the south. I have greatly admired Gus Velasco's professionalism and unsurpassed level of personal commitment to the City of Santa Fe Springs, neighboring cities in Los Angeles County, the State of California, and to the profession of public service. Through selfless commitment and a relentless pursuit toward the betterment of his community, Gus has nurtured a strong sense of civic pride among the residents of Santa Fe Springs.

The citizens of Santa Fe Springs have greatly benefited from the outstanding work of Assistant City Manager Gus Velasco, and will undoubtedly benefit from his future endeavors on their behalf. To Gus, his wife of 40 years, Annie, his daughter, Renee, his three sons, Paul, Gus, and Jaime, and to his eight grandchildren, I extend our heartfelt thanks and appreciation for his exemplary service, and further extend best wishes for every continued happiness, great health, and success in the years ahead. It gives me great pleasure to pay tribute to a superb public servant and fine American citizen, Gus Velasco, on the floor of the House of Representatives in Washington. Thanks for everything, Gus.

THE JEWISH COMMUNITY

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. LAZIO. Mr. Speaker, six years ago, a building and a community's heart were both ripped apart by the blast of the same terrorist bomb. The building was the AMIA Jewish community center in Buenos Aires, Argentina. The 86 deaths, the scores of wounded, and the destruction of the center of Jewish culture in the Argentinean capital, were a terrible tragedy.

Yet, this act of terrorist violence did more. The bomb went on to strip the Jews of that country of their equilibrium, their confidence, and their sense of self. For years, the investigation of this crime dragged on with no apparent outcome. For years the Argentine authorities have dragged their feet and have exhibited incompetence in following up obvious leads that linked the Lebanese Hezbollah organization with homegrown Argentinean terrorists.

Yet, there is some good news to report. Years of constant pressure by Jewish organizations, Members of Congress, and other prominent leaders have finally forced the Argentine government to move. President Fernando de la Rua has committed its government to pursue vigorously the investigation of this terrorist outrage, regardless of where the inquiry might lead.

From this time and place, we should make our intentions crystal clear. We shall not waver in our determination to see the responsible parties for this terrorist outrage brought to real and meaningful justice.

We shall not shrink from the task of working to ensure that everyone implicated in this crime—Hezbollah terrorists, members of the Argentine security forces, or any others—will pay the price for their dastardly deed.

We shall not wither away. We shall not tire of the cause. We will persevere because it is the right thing to do. We will see justice done!

A TRIBUTE TO DAVID GILMORE, DIRECTOR OF DISTRICT OF COLUMBIA HOUSING AUTHORITY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. LEWIS of California. Mr. Speaker, our Nation's capital is a much better place in which to live because of the many contributions made by David Gilmore. Since he has become the Director of the District of Columbia Housing Authority, we have a better understanding of those qualities that make up a dedicated public servant.

Only a few years ago, our capital city was referred to as a "broken city." Its poor housing was seen as a primary reflection of that reality. The local authority was burdened with dilapidated public housing projects, residents wary of any intervention and federal investigations that threatened severe funding cuts or total elimination of the department. Enter Judge Steffen Graae who appointed David Gilmore as a receiver of the local authority. Almost overnight, things began to change. With an intense commitment to the residents being served, he rebuilt much of the District's public housing.

During the years I was privileged to chair the House Appropriations Subcommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies, I found I could always rely upon David Gilmore for his practical analysis of the challenges we face trying to improve those services that need to be provided in a public housing system. Because of his integrity, he rebuilt the trust and confidence of residents that the housing authority could provide quality service to those most in need.

David insists that the interests of residents come first. Residents are treated with respect and encouraged to participate in training programs such as developing computer skills. Families are encouraged to focus upon children in school and residents to participate in helping to manage the properties in which they live.

Mr. Speaker, if every major urban community had a housing director with the personal commitment and skills of David Gilmore, we would be much closer to solving the difficulties facing public housing. By showing that public housing can work, David Gilmore has done much to restore confidence in federal housing programs. David has made a major contribution to that effort to make our capital the "shining city on the hill."

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. CROWLEY. Mr. Speaker, I strongly support doing everything possible to strengthen retirement savings and help Americans achieve a secure retirement. The first task before us here in Congress is to ensure that Social Security will be solvent well into the future. My Democratic colleagues and I are working hard to achieve this goal. Our second task is to make it easier for the American people to save for their retirement.

Today there are over 35 million people over the age 65. By 2050, the number of people aged 65 and older is estimated to rise above 81 million. We must do everything possible to strengthen individual retirement savings that help Americans achieve a financially secure retirement. Additionally, we must help employers establish and maintain employee retirement plans. The Comprehensive Retirement Security and Pension Reform Act, of which I am a cosponsor, contains provisions to increase IRA's and help small employers offer pension plans, as well as other changes to make it easier for Americans to save.

Introduced by Representatives PORTMAN and CARDIN, H.R. 1102 increases the amount that individuals may contribute to traditional and Roth Individual Accounts (IRA's) from $2000 to $5000. Additionally, H.R. 1102 will encourage small employers to provide pension coverage by streamlining regulations and making it less expensive for small employers to set up pension plans and increasing their allowable contributions. H.R. 1102 will also enhance retirement security by reducing pension vesting requirements to three years; make retirement savings portable when workers change jobs; and allowing older workers to make catch up contributions to retirement savings plans. Additionally, it helps individuals with several employers by changing the regulation to eliminate the 100% of average compensation for the highest three-year provision under multi-employer pension plans.

I firmly believe that H.R. 1102 helps hard working middle class families plan for their retirement. This legislation received widespread, bipartisan support from Members of Congress and employer and employee organizations and unions.

I also supported the Neal substitute, as I believe it is important to ensure that lower income families receive the benefits of this legislation. However, I support final passage of the Portman-Cardin bill because I believe it will help many Americans earning below $50,000 a year by allowing them to put away up to $5000 a year in IRA and to increase the limits on their employer pensions.

Mr. Speaker, I urge passage of the Comprehensive Retirement Security and Pension Reform Act.

TRIBUTE TO PERI BAILEY—CANCER SURVIVOR

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. WISE. Mr. Speaker, I would like to take this opportunity to join with many friends in Charleston, West Virginia in offering congratulations and best wishes to Peri Bailey. As I deliver these remarks, a very special celebration is taking place on the second floor of Women & Children's Hospital in Charleston.

For the past year, Peri, who just celebrated her 3rd birthday, and her family have been battling cancer. Today the medical treatments will be supplemented with pop corn and snow cones to mark the occasion of her LAST chemotherapy treatment.

Peri, since I could not be with you today, I've asked my friend, Phil Luckeydoo, to be there on my behalf and he will bring along some balloons and a few magic tricks for you and your friends at Women's and Children's.

Peri, along with her family and friends, has demonstrated for us the true meaning of the words, courage, friendship, and faith. They have been a source of real inspiration to all West Virginians. And for that reason Mr. Speaker, I ask my fellow members of the House to join me in extending our congratulations and best wishes to Peri on this memorable day, July 20, 2000—the day she officially becomes a cancer survivor!

ASIAN PACIFIC CHARTER COMMISSION, H.R. 4899

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing H.R. 4899, legislation to establish a commission to promote a coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes.

Asia is a region vital to the future of our nation. Over the past 50 years, Asia has become a significant center of international economic and military power. Our nation has sacrificed the blood of our sons and daughters on Asian soil in defense of our national shores. America has fought three wars in Asia since 1941 and

American soldiers, sailors, airmen, and Marines are engaged in ensuring peace across the Pacific. Our basic interests in Asia have remained virtually the same for the past 200 years: fostering democracy, human rights and the rule of law.

Shortly after World War II, the reknowned American soldier and statesman George C. Marshall said that a safe and free America depends on a safe and free Europe. Marshall, of course, was emphasizing the importance of Europe to our nation at the time. Permit me to suggest that Marshall's paradigm has now changed. Today, he could have stated that a safe and free America depends on a safe, democratic, and free Asia.

Just as we could not take Europe for granted during the Cold War, we must not take Asia for granted as we enter the 21st century. It is incumbent upon us as a global leader to provide the leadership that will both protect our interests in this vital region of the world and, at the same time, keep the peace. However, our leadership role in Asia is being questioned. Some Asians perceive the American approach to foreign policy as marked by uncertainty, questioning our sincerity and commitment to the region. Militarily, they have watched as American troop strength declined from 135,000 in 1990 to 85,000 in 1996. They were concerned with the closing of our strategic bases in the Philippines in 1992. There has been a mixed message of sacrifice of security and human rights issues to commercial engagement.

The democratic election which brought an opposition leader peacefully to power in Taipei this spring was welcomed by democratic nations around the world. It is such an orderly, democratic change which the Asian Pacific Charter Commission is designed to nurture.

Asia is a region not only of great diversity—ethnic, religious, cultural, linguistic—but also of historic rivalries—ancient in their origins but no less severe today. Such rivalries can become serious threats to Asian stability. Potential flashpoints range from the 38th parallel on the Korean peninsula to the Taiwan Strait to the Spratly Islands in the South China Sea to Kashmir on the Indian subcontinent. Weapons proliferation and regional arms races that are fueled by territorial, maritime, and ethnic disputes only add to the possibility of a major conflagration.

U.S. leadership is continually being challenged to maintain and advance our national interests amid these relationships. Further challenges to U.S. interests include access to markets that are obstructed by trade barriers, violations of intellectual property rights, and other trade-related issues. Nor can we ignore the growth of transnational criminal activities that range from the threat to America's youth from narcotics produced in the Golden Triangle to the smuggling of illegal aliens onto our shores.

The most significant challenge to peace and prosperity in Asia is the rise of a regional hegemon. The People's Republic of China is the most likely candidate in that role. China is already an economic power and is seeking to become an Asian military power as well. In the absence of any countervailing presence, Asia could find itself within the Chinese sphere of influence in the not-too-distant future. Writing in the January 20th issue of The Weekly Standard, Robert Kagan, the Alexander Hamilton Fellow in History at the American University, states that "There is a Marxian foolishness to the argument that the transformation of China into a liberal democracy is historically inevitable." Kagan goes on to state that "The iron laws of modernization can be broken by a ruling elite that is ultimately more interested in power than modernization." The Chinese nation rightfully seeks a level of respect commensurate with its newly acquired economic might. The question is, what does the unelected government in Beijing seek? And are those goals commensurate with a region that is increasingly characterized by democratic societies with free-market economies, such as those we now see in much of Europe and Latin America?

Much of Asia is looking to the United States for answers to these and other important questions regarding the future of the region. If the answers do not come from Washington, be assured they will come from elsewhere, and they may not be to our liking. Resolving these challenges requires a continued and significant American presence in the region. The wind favors a ship whose course is marked. In the years following World War II, America was the indispensable leader and peacekeeper of the Pacific. But America's position is now being challenged. The political, economic, and security challenges which our nation faces require principled and consistent leadership from Washington. The wind favors our ship of state, but only if our course, or strategy, has been clearly set.

We need a new national policy toward Asia—one which addresses in a forthright manner both the opportunities and challenges presented by a continent in flux. The opportunities for a further commercial partnership with a continent which has made significant headway in recovering from economic crisis is obvious to all. Less clear, though, is how we can finesse such critical national security concerns as easing cross-strait tensions between China and Taiwan, monitoring developments on the still volatile Korean peninsula, and reducing the threat posed by nuclear proliferation on the Indian subcontinent. It is there that this Asian Pacific Charter Commission can play a constructive role.

In 1941, the United States and Great Britain laid down a set of principles of conduct. It was called the Atlantic Charter. Similarly, I propose that we establish an Asian Pacific Charter Commission that would assist our government in laying out the principles for our policies in Asia in the 21st century. Such an Asian Pacific Charter articulates America's long-term goals and objectives in the Pacific and link them with the means for implementation. It is a comprehensive model for our involvement in the region, supporting our national interests and assuring others of our intention to remain a Pacific power. Furthermore, it demonstrates that the United States is placing its relations with Asia in the 21st century on a par comparable to that which has formed our relations with Europe over the latter half of the 20th century.

The principles of an Asian Pacific Charter provides for effective security; prevention of regional hegemony by one nation; promotion of democracy and the rule of law; respect for human and religious rights; and expansion of trade on a reciprocal basis.

Such a charter would strengthen security arrangements by providing a basis for a long-term U.S. presence through basing and access agreements, for regional security agreements, and for an American presence following the reunification of the Korean peninsula. It could provide the basis for the continuation of a credible forward presence of U.S. forces to deter aggression, help resolve crises, and protect and defend our interests as well as those of our allies and trading partners.

Too often, we have viewed Russia as being part of Europe. Yet, with nearly 2,800 miles of coastline. Russia is very much a Pacific nation. After Canada and Mexico, it is our next-closest neighbor, just 68 miles across the Bering Strait from Alaska.

An Asian Pacific Charter would also provide a basis for Japan to participate more fully in regional security arrangements, as well as for exploring new cooperative approaches that foster security in the entire region. As Mike Mansfield, former U.S. Ambassador to Japan, has stated, the U.S.-Japan relationship is—in his words—the "single most important bilateral relationship, bar none." The security environment in Asia in the 21st century will be shaped largely by our relationship with Japan. Our relationship is strong today. We must make certain that it remains so.

Another great democracy of Asia that we have too long neglected is India, which, like many nations in the region, is undergoing a dramatic economic change as it embraces a market economy. Although located in the heart of an area largely characterized by national political institutions that are authoritarian or totalitarian, India adheres courageously to the same core values that we also hold so dear. The United States needs to reach out to India beyond our friendship and mutual respect and become close partners in a struggle that assures that Asia's security, economic growth, and market economies are protected by the rule of law and democratic institutions. An Asian Pacific Charter could provide a framework for advancing such ties.

Francine Frankel, Professor of Political Science and Director of the Center for the Advanced Study of India at the University of Pennsylvania, writing in the Autumn 1996 issue of The Washington Quarterly, states that the new global context gives reason for both countries to want better ties. U.S. and Indian policymakers have converging geopolitical interests in establishing a rough equilibrium in Asia, particularly as China's military modernization increasingly threatens neighboring countries, including those in Southeast Asia, in the coming century. India's democratic institutions, advanced educational system, and millions of highly educated citizens could form an important hub in a new Asia—an Asia that supports economic growth but allows for the rights of workers to be protected; an Asia that supports development but permits nongovernmental advocacy groups to speak out against exploitation of the environment; and an Asia that integrates traditional values with a deep regard for the rule of law and human and religious rights.

An Asian Pacific Charter could invigorate U.S. efforts to advance the Post-Summit dialogue between North and South Korea that would eventuate in unification and a final peace. Such a charter could also lay out U.S. policy with regard to weapons proliferation, narcotics trafficking, terrorism, environmental degradation, and other transnational issues. In short, by clearly enunciating U.S. policy toward Asia, a Asian Pacific Charter would establish a bright line clearly understood by all nations in the region. At the same time, it would provide a basis for sound long-term relations with China.

Most agree that China presents the greatest challenge to the United States in the Pacific, with the potential to be a major destabilizing force in the region. One reason that the United States has difficulties in its relations with China is because the latter is governed by a totalitarian regime. It is not a democracy. We do not have comparable problems with such other Asian democracies as Japan, India, Taiwan, Thailand, South Korea, or the Philippines. To some, it is obvious that the Beijing government is bent upon a policy of regional expansion and domination, and to eventually expelling the United States from the Western Pacific.

Those who espouse this view believe that any improvement of relations with Washington on the part of Beijing is purely tactical. They note that senior U.S. officials arriving in the Chinese capital for talks are almost invariably greeted by editorials in the government-controlled press denouncing American "hegemonism." Others believe that the Chinese government views America in such a light because of our occasional criticisms regarding what it views as "internal matters," such as its violations of internationally recognized human rights, its illegal occupation of Tibet; its repression of any dissent; or its transfer of nuclear weapons technology to rogue regimes such as Iran despite a commitment not to do so.

America's foreign policy toward the region is perceived by Asians as amounting to one issue: trade. There seems to be a belief that enhanced trade, even at a cost to the United States of a trade deficit approaching $70 billion a year, will bring economic prosperity to China; and that, in turn, will improve the prospects for democracy, the rule of law, and respect for human rights. Missing from that calculation, is an understanding that trade alone does not bring democracy and the rule of law, and that trade flourishes best under the umbrella of democracy's rule of law. An Asian Pacific Charter would emphasize the importance that the United States attaches to such principles as these. To paraphrase something His Holiness, the Dalai Lama of Tibet recently said, our concerns are not about the Chinese people or Chinese culture, but about the Chinese communist government. An Asian Pacific Charter could help to encourage China's participation as a fully responsible and constructive member of the international system.

America's interests in Asia and the Pacific are relatively simple and straightforward, including promotion of democracy and the rule of law; human and religious rights; market economies; and regional security for all. Many nations in the region look to the United States for continued leadership, but, despite any high-sounding rhetoric, we have too often been seen as myopic in placing short-term opportunities ahead of the longer-term pursuit of both regional stability and security.

The time has come to lay out an architecture of policy that will establish our intention to remain engaged in Asia and the terms of our continued long-term engagement. A Commission to establish an Asian Pacific Charter for the 21st century would provide the framework for such a sound U.S. policy. It would assure the entire region—allies and otherwise—of the continuation of a leadership that is consistent, coherent, and coordinated.

Accordingly, I invite my colleagues to support H.R. 4899, and I submit the full text of H.R. 4899 to be printed at this point in the RECORD.

H.R. 4899

A BILL To establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asian Pacific Charter Commission Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia;

(2) to support democratization, the rule of law, and human rights in the Pacific region of Asia;

(3) to advance free trade and open markets on a reciprocal basis in the Pacific region of Asia;

(4) to combat terrorism and the spread of illicit narcotics in the Pacific region of Asia; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Pacific region of Asia.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Asian Pacific Charter Commission (hereafter in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission shall establish and carry out, either directly or through nongovernmental and international organizations, programs, projects, and activities to achieve the purposes described in section 2 of this Act, including research and educational or legislative exchanges between the United States and countries in the Pacific region of Asia.

(b) ADVISORY COMMITTEES.—The Commission may establish such advisory committees as the Commission determines to be necessary to advise the Commission on policy matters relating to the Pacific region of Asia and to otherwise carry out this Act.

SEC. 5. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 7 members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Pacific region of Asia.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker of the House of Representatives, the Chairman of the Committee on International Relations of the House of Representatives, the Majority Leader of the Senate, and the Chairman of the Committee on Foreign Relations of the Senate: and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than 4 of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 4.

SEC. 6. POWERS OF COMMISSION.

(a) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 7. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by Commission after consultation with the Speaker of the House of Representatives and the Majority Leader of the Senate. The executive director shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(C) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this Act.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 8. REPORTS OF COMMISSION.

The Commission shall prepare and submit to Congress an annual report on the programs, projects, and activities on the Commission for the prior year.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $5,000,000 for each of the fiscal years 2001 and 2002.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

TRIBUTE TO THE WOMEN'S OVERSEAS SERVICE LEAGUE AND WOMEN WARTIME VOLUNTEERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. LANTOS. Mr. Speaker, today I rise to invite my colleagues to join me in recognizing the efforts of the Women's Overseas Service League (WOSL) and in honoring the many women who have selflessly volunteered to assist our armed forces during time of war. In World War I, more than 90,000 civilian women served as volunteers and nearly 350 women gave their lives in this effort. Women served in both World Wars, the Korean War, Vietnam, the Gulf, and in many other conflicts. As these women returned to the United States, however, they came home without the benefits that male soldiers received. Because these women were not considered "veterans," their contribution to the Armed Forces was, until recently, practically unnoticed.

Mr. Speaker, women played many important roles in the WOSL. Women ran recreation centers, created libraries for the military, taught in hospitals and schools, and worked as journalists. By participating in these humanitarian activities, these women risked their lives and their health. In recognition of the great services these women provided our Armed Services, a memorial freeway in California was named in their honor on May 29, 2000.

The Women's Overseas Service League honors and recognizes the women who have graciously volunteered for their country. Currently, the WOSL supports the Women's Memorial in Washington, D.C. and Freedoms Foundation Youth Leadership Seminars at Valley Forge. WOSL offers scholarships for young women pursuing military careers and has vigorously supported events such as the creation of the Civilian Women Volunteers All Wars Memorial Highway. The WOSL's dedication to women veterans and volunteers has made a large impact in keeping the memory of these individuals alive and ensuring strong support of women in the military for the future.

Mr. Speaker, groups such as the Women's Overseas Service League have started to spread awareness of women in the military. The Civilian Women Volunteers All Wars Memorial Freeway is the beginning in honoring women who have served our country. Nevertheless, it is only a beginning. The women who gave their time, their health and their lives deserve our recognition and our gratitude for their outstanding contribution to our Armed Forces and to our nation.

Mr. Speaker, I invite my colleagues to join me in paying tribute to the women volunteers who have served so valiantly.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KOLBE. Mr. Speaker, on rollcall No. 416, on Wednesday, July 19.

I was inadvertently detained. Had I been present, I would have voted "yes".

CELEBRATING THE 98TH BIRTHDAY OF MRS. MARGARET OWENS ON JULY 26, 2000

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. SWEENEY. Mr. Speaker, today I not only congratulate Margaret Owens as she turns ninety-eight years old on Wednesday, July 26, 2000, but also I celebrate the dedication and achievement that marks her place in the history of this great nation.

Born on July 26, 1902, Margaret Owens finished her high school education at Saint John's Academy in New Glasgow, Nova Scotia. She attended Mount Saint Bernard Ladies College for a year before pursuing training at Mount Saint Mary's Hospital School of Nursing in Niagara Falls, New York. Margaret received $100.00 per month as a private duty nurse from 1925 until September 1944, when she began serving the United States Army as a General Duty Nurse. After Basic Training, she was stationed in the United Kingdom where she petitioned English Prime Minister, Sir Winston Churchill, to allow American hospitals behind enemy lines in France and Germany. Though initially unsuccessful, she eventually gained permission to cross the English Channel and set up medical facilities. Margaret was transferred to the front line in December 1944 where she initiated, organized and supervised a one-hundred twenty-four bed surgical block in the 201st General Hospital in Verdum, France. In June 1945, she was transferred to Weisbaden, Germany, where she served valiantly with the 317th Station Hospital.

Mrs. Owens is a true American hero. Her persistence and selfless service provided emergency medical care and attention to thousands of men and women who served abroad during World War II. In recognition of this dedication, Mrs. Owens was awarded the European African Middle Eastern Theater Service Medal with one Bronze Star and the World War II Victory Medal.

Mr. Speaker, it is with great pride and enthusiasm that I congratulate Mrs. Owens on her life of service and achievement. Mrs. Owens truly has a cause for celebration and I hope my colleagues will join me in congratulating her. Mrs. Owens, as you celebrate ninety-eight wonderful years, we wish you a happy birthday and all the best in the years to come.

JOB CORPS EXPERIENCE PAYS OFF FOR OUR YOUNG PEOPLE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to call attention to the good work that is being done by the Job Corps program that is run by the Department of Labor. The Job Corps serves low-income young women and men, ages 16 through 24, who are in need of additional educational, vocational and social skills training, and other support services in order to gain meaningful employment, return to school or enter the Armed Forces.

I am proud that my district is home to the Keystone Job Corps Center of Drums, Pennsylvania. At a Job Corps advisory meeting in Pennsylvania earlier this year, a member of the Transportation Communications International Union, or TCU, which represents many Job Corps employees, presented me with an e-mail written by Dawn Day, a young woman from rural Maine. Ms. Day recently graduated from the Potomac Job Corps Center, and I think she provides an excellent example of the good results that this program produces. I would like to enter a portion of that e-mail into the RECORD.

Between my salary and my moving I should make over $50,000 this year. This is a way more money than I have ever dreamed of making.

My first knowledge of TCU was at a conference in Indianapolis, Indiana, where I met with students from other schools. From there I contacted the TCU to set up an interview. The interviewer, Tom Huster, told me about a student in Florida who was making $14.22 an hour and my jaw hit the ground. I told a friend "I'm going to have a job like that when I leave here," Little did I realize that one year later, I would have a job exactly like that in Jacksonville, Florida. Now, one more year later, I have a job paying about $45,000 to $50,000 per year in New York. I never could have imagined that TCU would open such great doors for me.

Before PJCC and TCU, I was working in a fish factory in a tiny town in Maine making $5.33/hour. When the opportunity was upon me to go to TCU in St. Louis, I thought of a zillion reasons why I shouldn't go. The small-town girl in a big city, you know, the usual excuses associated with change. But there was one thing that made me realize I had to go, I never wanted to look back and say "What if" and know I didn't even try. I knew I could always come home but I may not always have an opportunity to do anything like this ever again. So, I was soon on a plane and on my way to TCU.

The best advice to a student interested in TCU would have to be stay focused. There will be many mountains which you will have to climb in order to reach your goals. But I guarantee that after each mountain there will be a sunny day waiting for you on the other sides.

Mr. Speaker, I think Ms. Day's experience is a tremendous example of why we need to encourage other young people to participate in this program and other training programs through Job Corps.

I send my best wishes to the students, graduates and employees of the Job Corps and my wishes for continued success.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Ms. DELAURO. Mr. Speaker, I rise in support of the Democratic bill. While I will support the underlying legislation, and I intend to support it, I think we could build on this good bill and make it better. We should be doing more to provide a secure retirement for low and middle income workers.

The Democratic substitute helps low and middle income workers by establishing Retirement Savings Accounts. RSAs would provide a refundable tax credit to low and middle income workers of up to 50 percent of the annual contributions made to a traditional IRA, or an employer-sponsored pension plan, such as a 401(k) plan.

RSAs would make a real difference in the lives of workers who are struggling to build some retirement savings, but who too often find themselves falling behind. By providing a maximum credit of $1,000 for the lowest income working Americans, we can help ensure that each and every American can begin building a nest egg that will supplement their Social Security benefits in their retirement years.

These are families that are struggling day to day. They deserve a little extra help in building retirement security. One recent study by the Consumer Federation of America concluded that only 44 percent of households will accumulate adequate retirement savings. The current savings rate in America is only 3.8 percent. That is not a prescription for retirement security for all Americans.

The Retirement Security and Pension Reform Act takes an important step toward encouraging saving by increasing the limit on contributions to deductible IRAs from $2,000 to $5,000 by 2003. This applies for both traditional and Roth IRAs. When you consider that the original limit when we created IRAs in 1974 was $1,500, you can see why the limits need to be increased. This will make a real difference and help families build retirement savings.

But in and of itself, increasing the limit does not address the need of millions of Americans to save more. According to the Treasury Department, only seven percent of eligible taxpayers made any contribution to an IRA in 1995. Furthermore, only four percent of taxpayers who were eligible to make any contribution made the maximum one.

People are not failing contributing to IRA because the limits are too low. They are not contributing because they do not have the wherewithal to contribute. We should increase the limits, but we should also add an RSA provision to give low income workers the benefits of an IRA and allow them to build some retirement savings.

I urge my colleagues to support the Democratic substitute. I recognize the bipartisan work that has gone into developing the legislation before us today. This bill could be improved and we can do it in a bipartisan way. Support the Democratic substitute.

HONORING THE SELECTION OF A.J. BENSEN FOR THE JUNIOR OLYMPIC ARCHERY TEAM

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to commend a young man on an exemplary achievement. Allastair John Bensen, known to his friends and family as A.J., was selected as a member of the 2000 Junior Olympic Team for Archery. This honor comes after many years of practice and dedication.

A.J. began shooting for fun with his father, John, when he was five years old. As his skills improved, they began competing in the Capital Land Bowhunters 3–D Shoots as well as other archery competitions throughout the Capital Region, the Hudson Valley, the Adirondacks and the Catskills. Over the years, A.J. has won a number of trophies, medals and several plaques, including more than fifteen first place finishes. In 1999, A.J. and his father placed second in the father-son category of the DARE shoot, held in Middleburgh, NY. This spring A.J. participated in the Triple Crown, an event where participants compete in three separate shoots. Overall, A.J. placed higher than any other competitor and secured the Triple Crown Trophy. For A.J., placing first at the regions paramount archery event transformed a weekend hobby into an opportunity to compete on the national level.

A.J. was selected to compete in the United States Junior Olympics and National Association of Police Athletic League Youth Festival held in Detroit, Michigan from July 18–24, 2000. The regional team of archers is sponsored by the Albany Police Departments Police Athletic League program. Under the coaching and direction of Officer Jim Teller, the team has prepared rigorously for this nationally acclaimed event. There young people should be commended for their dedication and achievement.

A.J. and his parents, John and Jeanne Bensen, reside in Greenville, New York, within the 22nd Congressional District. In addition to his archery accomplishment, A.J. is a first class Boy Scout, a Black Belt in Budokai (traditional Japanese) Karate and an honor student at Greenville Central Middle School. A.J. is twelve years old and is an energetic and motivated young man whose efforts deserve recognition.

Mr. Speaker, it is with great pride that I congratulate A.J. Bensen on his selection to the Junior Olympic Archery Team. I hope my colleagues will join me as I commend this achievement and wish A.J. the very best of luck in all his future endeavors.

LOW-INCOME FAMILIES HURT BY U.S.-CANADA SOFTWOOD LUMBER AGREEMENT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. KOLBE. Mr. Speaker, on February 16, 2000, I introduced, along with my colleague Representative STENY HOYER, H. Con. Res. 252, calling for an end to the U.S./Canada Softwood Lumber Agreement when it expires in 2001. The resolution was introduced with 30 bipartisan original cosponsors. There are now 115 cosponsors from all regions of the country and the number is growing every day. The purpose of the resolution is to: (1) Ensure a competitive North American market for softwood lumber; (2) ensure free trade regarding softwood lumber between the U.S. and Canada; (3) ensure all stakeholders are included in discussions regarding trade of softwood lumber; and, (4) ensure that the Softwood Lumber Agreement is allowed to terminate when it expires in 2001. By taking these steps, the negative impact on U.S. consumers and housing affordability can be eliminated.

The Softwood Lumber Agreement imposes quotas on lumber shipped from Canada to the United States. These quotas have a dramatic impact on the price and volatility of lumber, which jeopardizes affordable housing in America and hurts American consumers. A recent study by Brink Lindsay and Mark Groombridge of the Cato Institute entitled "Nailing the Homeowner: the Economic Impact of Trade Protection of the Softwood Lumber Industry," confirms the detrimental impact this agreement has on the American consumer. The authors calculated that trade restrictions imposed upon the American consumer by the Softwood Lumber Agreement added an estimated $50 to $80 per thousand board feet to the price of lumber. The result is an addition of $800 to $1,300 to the cost of new home prices, thereby driving some 300,000 American families out of the housing market. Unfortunately, the bulk of these consumers are lower-income families.

The Softwood Lumber Agreement is the worst form of government market intervention, driving up consumer costs and distorting the free market. Fortunately, the agreement is set to expire on April 1, 2001. I hope that the Administration will seriously consider the impact of the Softwood Lumber Agreement on consumers within the United States and allow the agreement to expire with no extension or further quota agreement. If the administration wants to discuss softwood lumber and forestry matters with Canada, the President should include consumers in any discussion. I hope the Administration will notify interested members of the U.S. House of Representatives if such discussions are underway.

GEMS AND AFRICAN NATIONS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. WOLF. Mr. Speaker, today I pass along information about how the diamonds at the heart of several African wars could be transformed from a curse into a blessing for its people.

Representative TONY HALL of Ohio has worked for months on the problems of conflict diamonds, in large part because of what he saw in Sierra Leone last December. Hundreds of thousands of people have been driven from their homes by fighting, tens of thousands have died, and countless numbers have watched as rebels hacked off their loved ones' arms, legs, ears, or noses.

Mr. HALL of Ohio has spoken many times about this, and I urge our colleagues to look at the diamonds that are symbols of love and commitment to Americans a little differently—and look into the role they play in the war machines in several African countries. Not all diamonds are bloody, but the industry collects 30 percent of its profits from the ones that are.

Today, there is reason to hope that the legitimate diamond industry is going to help choke off this terrible trade. I hope they will do more and endorse the proposals Congressman HALL made this week. Those suggestions are described in a thoughtful and interesting article from the Dayton Daily News. Its author, Kay Semion, points out ways that "gems could transform African lives." I urge our colleagues to take a moment to read it and I am submitting it for the RECORD.

[Dayton Daily News, July 19, 2000]

GEMS COULD TRANSFORM AFRICAN LIVES

(By Kay Semion)

Diamonds are not always a girl's best friend, U.S. Rep. Tony Hall says—not when they finance warlords who terrorize the people of Sierra Leone, Angola and other diamond-producing nations. The Dayton Democrat returned Monday to Washington from Antwerp, Belgium, where he had pleaded with the leaders of the World Diamond Congress to cut off these warlords and to help the countries they are devastating.

On one plan, he will likely be successful. The diamond industry is responding to pressures from him and others to trace diamonds so profits do not go into the bloody hands of rebel hoodlums. These outlaws are so greedy that they drug children and train them to be brutal warriors, who can cut off arms and legs without a moment of rue.

On another plea, however, diamond executives were silent. Hall urged them to help repair those nations that diamond warlords have torn apart.

He gave them two options: Contribute 1 percent of their profits to nation-building programs such as UNICEF or Doctors Without Borders. And begin a foundation—The Sparkle Fund—to support a micro-enterprise system for certain African nations.

"You could have heard a pin drop," Hall said of the reaction to his quests for investing in Africa. "There were 500 to 600 in the hall, and it was real quiet."

No wonder. It's easier to say you're sorry and won't do it again than it is to help those who have been harmed—even inadvertently.

But Hall is right. And his proposed Sparkle Fund is most promising, based on the successful micro-enterprise system developed by Muhammad Yunus.

Yunus is a Bangladeshi economist who was educated in the United States and returned to his country to teach about 25 years ago. In walks he took during leisure hours, he noticed that the women in villages were in a poverty cycle—making products but not profits because they were always in debt to the village loan sharks.

His efforts to get banks or governments to help failed, so in 1976 he set up a system that became known as the Grameen Bank. The "bank" began with small loans from his pocket—$20 or $30—so the women could buy supplies for making chairs or pottery. Borrowers became bank officers who then approved other loans. The process not only ensured that loans would be repaid but also provided help for those starting small enterprise businesses. Today that bank has 35,000 branches, hundreds of millions in loans and a 96 percent repayment rate.

Hall is asking the World Diamond Congress to borrow this successful economic model.

This "is not a contribution to corrupt officials' pockets," Hall told the diamond executives. "It is an investment directly in the poor who make up the overwhelming number of these countries' citizens."

An investment in the mirco-enterprise system, he continued, would demonstrate "the stake you have in peace in Africa."

Here's Hall's idea: Market something like a "Hope" diamond—one of the gems that could easily have come from a diamond-rich country such as Sierra Leone. Use the profits from that sale to start the fund, then contribute, say, $50 million a year to that seed money for a decade.

Use the marketing skills gained in selling women on "eternity rings," Hall suggested.

Consider what has happened with the Grameen Bank and other micro-enterprise systems. The person who borrows money (usually a woman) not only gets the loan, but she gets supporting partners from the bank's committee. They teach her business rules she may have no other way of learning, and they offer technical assistance. In Bangladesh, the bank even has officers who wander about the country using cell phones to provide help.

Almost always, these systems build up a network of devoted people—the very ones who are approached and supportive when relief agencies seek help to stop the spread of diseases such as AIDS.

Hall simply wants the diamond industry to transform blood diamonds into sparkling gems. That's not too much to ask.

TRIBUTE TO CURTIS J. KNOWLES, RECIPIENT OF THE BOB LING MEMORIAL SERVICE AWARD

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. SMITH of Michigan. Mr. Speaker, on July 22, 2000 the Village of Athens will celebrate its heritage and the new millennium during Homecoming 2000 activities. As part of the celebration, the community will honor Curtis J. Knowles with the Bob Ling Memorial Service Award.

Born and raised in Hillsdale County, Michigan, Curt and I attended Addison High School and Pilgrim Fellowship at Somerset Congregational Church together. Curt attended Michigan State University and Hillsdale College, graduating in 1961. While in school, he and his father started the Knowles Excavating Company and did much work throughout southern Michigan. Curt moved with his family to Athens in 1966 where he began teaching and coaching. He served as the head boys' basketball coach until being named athletic director in 1975. In addition to boys' athletics, Curt coached Athens area girls softball from 1979 to 1994. He was elected president of the Athletic Boosters Club in 1978 and held that post until he retired from teaching in 1996.

Curt joined the Athens Improvement Association in 1974 and has worked tirelessly for the betterment of the community through numerous projects, including serving as the annual homecoming parade announcer for the past 23 years. Curt is well known for his upbeat attitude and wonderful sense of humor.

Regardless of the occasion, he always has a funny or interesting story to share. In his retirement, Curt has returned to his roots, rejoining the family excavating business in partnership with his son John.

The strength of communities like Athens lies in the many dedicated citizens who give selflessly of their time and talents to enhance the quality of life for those around them. Curt Knowles has always been one of these exemplary citizens.

I am proud to call Curt a lifelong friend and join with the citizens of Athens in thanking him for his many years of service to the community and congratulating his on this well deserved honor.

CENTRAL NEW JERSEY CELEBRATES THE 100TH ANNIVERSARY OF SOMERVILLE CARPENTERS' LOCAL UNION #455

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Somerville Carpenters' Local Union #455's 100th Anniversary. Over the last century, Carpenters' Local #455 has made significant contributions to our community by supplying skilled Craftsmen that have helped fuel the tremendous growth of Somerset and Hunterdon Counties.

Carpenters Local Union #455 was founded in Somerville on January 24, 1900 by Peter J. McGuire. Serving at the time as the Secretary Treasurer of the United Brotherhood of Carpenters, he understood what was necessary to train first-rate, professional carpenters and ensure that they produced a top-notch, reliable product. With this knowledge, the Carpenters' Local #455 was established to provide training to its workers that would allow them to produce the excellent craftsmanship vital to the development of our communities.

In the 100 years since its founding, the Carpenters' Local #455's trade and communities have experienced significant changes. Throughout these transitions, it has grown even stronger. It has remained firm in its commitment to providing the very best Craftsmen to build our communities and in its desire to ensure a fair wage for its hard working members.

I am pleased to say that it has been successful in its goals. Without the expertise and reliability of its Craftsmen, the tremendous growth that Somerset and Hunterdon Counties have achieved in the last century would not have been possible. Be it the homes we live in or the buildings we work in, the importance of excellent craftsmanship cannot be overlooked. Thanks to the efforts of Carpenters' Local #455, the foundation of Central New Jersey's development has been a firm and secure one.

The Somerville Carpenters Local Union #455 is a great asset to both Central New Jersey and our Nation. I urge all my colleagues to join me today in recognizing its dedication to Central New Jersey's development and workers.

OUTSTANDING HIGH SCHOOL SENIORS FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mrs. WILSON. Mr. Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2000

Albuquerque High School, Calesia Cole; Bernalillo High School, Sobeida M. Quintana; Del Norte High School, Adam Bill; Eldorado High School, Katrina Petney; Estancia High School, Lorenzo Maes; Evangel Christian Academy, Joy Henderson; Evening High School, Hope Castillo; Freedom High School, Crystal Torres; Hope Christian School, Nicholas Targhetta; La Cueva High School, Danielle Jung; Los Lunas High School, Kristian Shaffer; Menaul High School, Daniel Chapman; Moriarty High School, Stephen Joosten; Mountainair High School, Anna Luna; New Futures High School, Yadira Escalante; Rio Grande High School, Rebecca Pauline Baca; School on Wheels, Ralph J. Alires; Sandia High School, Bonnie Saul; Sandia High School, Francheska Bardacke; Sandia Preparatory School, Michelle Lee Milne; Sierra Alternative High School, Geoff Joslin; St. Pius X High School, Antonio Sandoval; Valley High School, Brenda Bustillos; West Mesa High School, Julia Hartmann; and West Mesa High School, Que Huong Dong.

IN RECOGNITION OF THE RETIREMENT OF REVEREND HOWARD STARK

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. RILEY. Mr. Speaker, today I congratulate Reverend Howard Stark on the occasion of his retirement as the Minister of Faith Temple in Alexander City, Alabama. The time of one's retirement is always a significant event as is the change in the ministry of a church. However, this is truly a significant event. Reverend Stark, at the age of 89, is retiring after over 60 years as the Minister of Faith Temple. To put this in perspective, he became the minister of this church before World War II began. It is said that the measure of one's worth is the effect one has had on the lives of others. It is impossible to imagine the number of lives Reverend Stark has touched during his ministry and what his ministry has meant to this church and this community. I want to join Reverend Stark's family and friends and his beloved church as they pay tribute to this most remarkable man and his wife, Wynema.

TRIBUTE TO M.T. PHELPS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. ETHERIDGE. Mr. Speaker, I'd like to take a moment to recognize one of my constituents, Mr. M.T. Phelps, who will be turning 100 years old next month. Born on August 9, 1900 in the hills of Columbus, Georgia, Mr. Phelps has lived exactly the sort of simple, yet exceptional life that most of us desire.

Mr. Phelps met his future wife, Allene Rickman, at church as a young man and soon married her on March 12, 1927. After working several years in the sunshine of Florida, Mr. Phelps moved to my district in 1933 when he came to Lillington to take a position as Superintendent of Rickman Brick. Mr. and Mrs. Phelps were soon blessed with the births of three lovely children, Mary Ann, Marion "Rick" and Emily Francis, whom they supported in all their academic and athletic endeavors. Throughout it all, Mr. Phelps not only successfully fulfilled his role as an outstanding husband and father, but also as a diligent and dedicated worker at the Rickman Brick company, Womble's General Store, and finally O'Quinn and O'Quinn's Funeral Home. In fact, Mr. Phelps remained at O'Quinn's until his much-deserved retirement at the ripe old age of 85.

In addition to his numerous responsibilities at home and in the workplace, Mr. Phelps has also discovered time for himself and his community. In an ideal example of civic-minded selflessness, Mr. Phelps for years has allowed the local Kiwanis organization to use his home as the site for their annual Halloween haunted house. Mr. Phelps has been a Mason since the 1930s and was a supporter of the old Lillington High School Booster Club. Finally, Mr. Phelps, as a conservationist, has always loved nature and enjoyed the simple pleasures associated with the land. His reputation as a hunter and a trainer of good hunting dogs has preceded him throughout our community.

Although we are marking the occasion of his 100th birthday tonight, this is a tribute we could provide Mr. Phelps on any day. I am truly privileged to represent people like M.T. Phelps in this United States Congress. M.T. Phelps is a good worker, a good husband, a good father, a good citizen, and, above all, a good man.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT

SPEECH OF

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. ARCHER. Mr. Speaker, I am submitting for the RECORD under general leave on H.R. 1102, the "Comprehensive Retirement Security and Pension Reform Act," the attached exchange of letters between myself and Chairman GOODLING.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 2000.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLING: Thank you for your letter regarding H.R. 1102, the "Comprehensive Retirement Security and Pension Reform Act" and H.R. 4843, the "Comprehensive Retirement Security and Pension Reform Act of 2000."

As you have noted, the Committee on Ways and Means has ordered favorably reported H.R. 4843, the "Comprehensive Retirement Security and Pension Reform Act of 2000." In order to expedite consideration of H.R. 1102, I appreciate your agreement that the text of H.R. 4843 be made in order as an Amendment in the Nature of a Substitute to H.R. 1102. This is based on the understanding that I would continue to work with you to include the agreed upon pension provisions within the jurisdiction of the Committee on Education and the Workforce in the final conference report on H.R. 1102 and that I would not object to your request for conferees with respect to matters within the jurisdiction of your Committee when a conference with the Senate is convened on this legislation.

Finally, I will include in the Record a copy of our exchange of letters on this matter during floor consideration. Thank you for your assistance and cooperation in expediting this matter.

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, July 17, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN ARCHER: I am writing to confirm our mutual understanding with respects to further consideration of H.R. 1102, the "Comprehensive Retirement Security and Pension Reform Act," which was referred to the Committee on Ways and Means, and in addition, to the Committee on Education and the Workforce and the Committee on Government Reform. I understand that the House will consider this bill in the near future. As you know, on July 14, 1999, the Committee on Education and the Workforce ordered favorably reported H.R. 1102, H. Rept. 106-331, Part I.

The Committee on Education and the Workforce has jurisdiction over pension provisions amending the Employee Retirement Income Security Act (ERISA), which are contained in Title VI, of H.R. 1102. With your agreement, several of these ERISA provisions were included in the Conference Report to H.R. 2488, the "Financial Freedom Act of 1999."

I understand that the Committee on Ways and Means has approved H.R. 4843, the "Comprehensive Retirement Security and Pension Reform Act of 2000." H.R. 4843 amends the Internal Revenue Code, but does not include any corresponding ERISA pension amendments. In order to expedite consideration of H.R. 1102, I do not object to the House of Representatives considering the text of H.R. 4843 as an Amendment in the Nature of a Substitute to the Education and the Workforce reported version of H.R. 1102. However, I appreciate your willingness to work with me to assure that the ERISA provisions contained in H.R. 1102, as reported by the Committee on Education and the Workforce, are added in any conference agreement. I also appreciate your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee when a conference with the Senate is convened on this legislation.

Thank you for agreeing to include this exchange of letters in the Congressional Record during the House debate on H.R. 1102. Again, I thank you for working with me in developing this legislation and I look forward to working with you on these issues in the future.

Sincerely,

BILL GOODLING,
Chairman.

IN HONOR OF MR. MICHAEL VIRGIL, SPECIAL AGENT IN CHARGE, CARIBBEAN FIELD DIVISION OF THE U.S. DRUG ENFORCEMENT ADMINISTRATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize Mr. Michael Virgil, Special Agent in Charge of the Caribbean Field Division of the U.S. Drug Enforcement Administration (DEA), for all of his achievements on behalf of the United States and to congratulate him on such a noteworthy and honorable career.

Since joining the DEA in 1973, Mr. Vigil has continuously put himself in harms way to protect this country. Through his numerous foreign and domestic assignments, Mr. Virgil has made a career of fighting drug traffickers and drug cartels both here and abroad.

As the Assistant Country Attaché in Mexico City, Mr. Virgil oversaw the intelligence and enforcement operations. He also led the efforts of the Northern Border Response Force, a multi-agency program responsible for the seizure of more than 140 metric tons of cocaine and more than 2,000 arrests in a five-year period.

In addition, Mr. Virgil spearheaded the development and implementation of Operation Triangle, Operation Unidos, Operation Unidos II, and Cobra. In each of these programs, Mr. Virgil sought to create relationships between Mexico and other Central American countries to seal of drug-trafficking activities in Mexico.

Throughout his twenty-seven year career with the DEA, Mr. Virgil's dedication and service have not gone unnoticed. Mr. Virgil has been the recipient of numerous performance and achievement awards, including the Administrator's Award for Exceptional Service.

Mr. Virgil graduated with honors from the New Mexico State University, with a Bachelor's degree in Police Science and Criminology.

For his almost thirty years of dedicated duty in fighting the threat that drugs pose to our society, I ask my colleagues to join me in thanking and honoring Michael Virgil.

INTRODUCTION OF "JAKE'S LAW"—THE JUSTICE THROUGH ASSURED KNOWLEDGE AND ENFORCEMENT (JAKE) ACT OF 2000

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to a little boy who, five months ago this Saturday, was tragically lost to his family. On February 22nd of this year, in Independence, Missouri, six year old Jake Robel was sitting in his mother's car when it was stolen. Jake got caught in the seat belt attempting to flee the car and was dragged to his death at speeds up to 80 miles per hour. The man accused of this horrific act had been released from jail that day, even though he had an outstanding warrant for his arrest. This senseless tragedy could have been avoided had a background check been made prior to the suspect's release from jail. In Jake's memory, I will introduce the Justice through Assured Knowledge and Enforcement Act of 2000, or "Jake's Law", which will require a comprehensive warrant check prior to release of prisoners.

The Greater Kansas City community has rallied around this effort. Concerned parents and citizens have joined together to urge that Jake's Law become a reality. In addition to the over one million signatures they have collected on petitions, they have also held town meetings, which my staff and I have attended, to make their concerns known. I am introducing this legislation today in order to make sure their voices are heard, and Jake is remembered.

Jake's Law will establish a nationwide prerelease records check system so that local law enforcement agencies will have immediate access to prisoners' records in jurisdictions throughout the United States. All law enforcement agencies will be required to integrate this mandatory warrant check into their standard prerelease procedure. Jake's Law does not federalize any crime or infringe upon state's rights. It simply ensures the cooperation and communication needed to safeguard people from individuals who should remain imprisoned.

Mr. Speaker, I urge the House to support this common sense legislation, and prevent another tragedy like Jake Robel.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Ms. SANCHEZ. Mr. Speaker, during rollcall vote number 421 I was unavoidably detained. Had I been present, I would have voted yes.

During rollcall vote number 422 I was unavoidably detained. Had I been present, I would have voted aye.

During rollcall vote number 423 I was unavoidably detained. Had I been present, I would have voted no.

During rollcall vote number 424 I was unavoidably detained. Had I been present, I would have voted yes.

During rollcall vote number 425 I was unavoidably detained. Had I been present, I would have voted yes.

During rollcall vote number 426 I was unavoidably detained. Had I been present, I would have voted yes.

During rollcall vote number 427 I was unavoidably detained. Had I been present, I would have voted no.

During rollcall vote number 428 I was unavoidably detained. Had I been present, I would have voted no.

SAN DIEGO'S NO. 1 PICK IN BASEBALL DRAFT: ADRIAN GONZALES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. FILNER. Mr. Speaker, I rise today to honor a young man who last month graduated from Eastlake High School in my congressional district and who has attained the highest success in his field—the baseball field. Adrian Gonzales led his league with 37 RBIs and finished the season just shy of a .600 batting average. But for Adrian, it gets even better. Earlier this month, he was selected as the Number One pick in the nation for the Major League Amateur Draft.

It is important to acknowledge that the Florida Marlins rewarded Adrian's drive, consistency, and talent, as well as his willingness to dedicate himself through practice and hard work, which led to his second-to-none selection.

Congratulations, Adrian!

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. BOSWELL. Mr. Speaker, because of illness in the family, I was necessarily absent on the following votes yesterday. Had I been present, I would have voted in the following manner:

Rollcall No. 410—"yea" on the Neal (MA) amendment;

Rollcall No. 411—"yea" on the motion to recommit;

Rollcall No. 412—"yea" on final passage of H.R. 1102;

Rollcall No. 413—"yea" on adoption of the conference report accompanying H.R. 4576;

Rollcall No. 414—"yea" on final passage of H.R. 4118;

Rollcall No. 415—"yea" on motion to instruct conferees to the bill H.R. 4577;

Rollcall No. 416—"yea" on final passage of H.R. 2634.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mr. BLUMENAUER. Mr. Chairman, today, I cosponsored an amendment to withdraw the global "gag" language from the Foreign Operations Appropriations bill. The language denies U.S. family planning funding to any overseas organization that uses its own non-U.S. funds to provide abortion services. The family planning dollars appropriated in this bill are critically important to the prevention maternal and child deaths and the continued spread of STDs. Congress should not make the allocation of this life saving funding contingent on how a foreign organization chooses to spend its own dollars.

CONTRACT OR REGULATIONS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. BONIOR. Mr. Speaker, this is the time of year when millions of homeowners take the plunge and hire a contractor to fix the roof or add a deck or make any one of dozens of important—but costly—home improvements.

Now, if you're like most people, before hiring a contractor you want to make sure that you're dealing with a reputable firm.

For instance, you wouldn't want to hire a company with a record for leaving trash in people's yards. You wouldn't want to hire a company known for breaking the law. That's just common sense.

Well, that's what the President's proposed contractor regulations are, too: common sense.

The regulations say that, before the federal government awards a contract, we ought to consider a company's record. It says we ought to look at how responsible a firm has been before they get one nickel in taxpayer money. It says America's government ought to be as careful spending money as America's families are.

Now, I call that being a smart consumer.

That's different from the way things are now.

As it stands today, if the government has to sue a contractor, taxpayers can be forced to pay the company's lawyer bill—even if the company loses.

And it doesn't stop there.

Under current law, it's okay for a contractor to charge Uncle Sam for the costs of fighting to keep their workers from organizing a union.

As incredible as it seems, that's something that actually happens today.

Should any contractor be worried about this measure?

Not the reputable ones who follow the law.

Today we can send a powerful message. The message is that, from here on in, when it comes to spending tax dollars, the United States government is going to be one tough customer.

LET'S REQUEST THE INTERNATIONAL TRADE COMMISSION TO STUDY HOW HIGH DRUG PRICES HURT THE U.S. ECONOMY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. STARK. Mr. Speaker, the Chairman of the Ways and Means Committee recently wrote to the U.S. International Trade Commission requesting a section 332 study relating to the pricing of prescription drugs by certain U.S. trading partners. The questions asked—if one reads between the lines—seem to be designed by the pharmaceutical lobby to study whether countries that control drug prices are being unfair to the drug companies; whether such price controls have caused U.S. prescription medication prices to be higher than they would otherwise have been. Implicit in the phrasing of the questions, is the assumption that other countries should be paying more.

Other sources of information suggest another approach. Perhaps Americans should be paying less.

The pharmaceutical industry is in an enviable financial position. Drug firms enjoy, on average, three times the profitability (28 percent) of the other 36 industry groups in the Fortune 500. While maintaining the present level of research and development, they were able to invest, last year, about $14 billion in direct-to-consumer advertising, public relations, lobbying and promotion to doctors. Taxpayers paid more than 30 percent of the costs of R&D through government grants, in addition to the millions in benefits from the government from R&D tax credits. The industry reaps huge benefits, while poor Americans choose between needed medications and paying the rent or for food; or they cut prescriptions in half to try and prolong their pharmaceutical supplies.

The U.S. spends far more than any other country on health care (14 percent of GDP) yet it ranks 37th in the world in the quality of health systems; we rank in the lowest 25 percent of industrialized nation's in life-expectancy and infant mortality. Our system is inefficient and wasteful. American health care has an over-emphasis on state-of-the-art cure instead of preventive care; relatively, we are overwhelmed by MRIs, CAT scanners and high priced drugs. Why have drug costs increased at more than twice the general inflation rate, leading to prescription drug spending growing at twice the rate of all other health expenditures, accounting for 10 percent of total health expenditures?

Perhaps, the chairman's requested study could be extended to include the increased productivity our economy might enjoy if drug prices were lower and the resources used instead on repairing the country's infrastructure, on education or even to lower taxes. How does the high cost of health care impact our trade balance? How much of the "extra" cost of an American car is attributable to the inflated cost of providing health care to workers, driven by such factors as rapidly rising pharmaceutical prices?

We may be able to coerce our trading partners into allowing prices to be raised for their citizens. However, I doubt that Americans will be overjoyed to discover that the efforts of the International Trade Commission resulted in poor Mexicans being deprived of their life-saving medications, to further enrich the pharmaceutical industry (which will not be passed on to American consumers, in any case). The answer is obvious, we should be concentrating not on forcing others to pay more, but on convincing the prescription drug manufacturers to be a little less aggressive in maximizing profits here at home.

CENTRAL NEW JERSEY CELEBRATES THE ACCOMPLISHMENTS OF THE FLEMINGTON AMERICAN LEGION AUXILIARY #159

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of the accomplishments of the Flemington American Legion auxiliary #159. This organization has continually made lasting contributions to its local communities through hard work and dedication to those in need.

For nearly fifteen years, its members have canvassed the Flemington Area for needy families during the holiday season. Last December, they raised enough money to shop for sixty families with over one hundred children. Four "Santas" personally presented each family with two large boxes of food, toys, games and clothing for the children.

This past January, the organization made another demonstration of its commitment to the community during times of crisis. On January 22, a gas explosion badly injured and burned a fire chief and police patrolman after they responded to a 911 call, resulting in their lengthy hospitalization. in response, the organization hosted a benefit spaghetti dinner. With a massive volunteer effort, members worked as cooks, dishwashers, and parking attendants. Contributing both time and money, the group served over 800 dinners, raising enough funds to present the two men checks of $5,000 each when they were finally discharged from the hospital.

As extraordinary as this effort was, it was just one of many times that the American Legion Auxiliary #159 has worked on behalf of those in need. Throughout the years, the American Legion Auxiliary #159 has donated money to Special Olympics, Childrens Miracle Network, Cancer Research, March of Dimes, Red Cross, Salvation Army and numerous other local charities. Working with its "Legion Family" that includes the American Legion and Sons of the American Legion Post #159, it has continually demonstrated its dedication to the community.

The American Legion Auxiliary #159 is a great asset to both Central New Jersey and our nation. I urge all my colleagues to join me today in recognizing its dedication to community service and Central New Jersey.

TRIBUTE TO MR. GEORGE DONALD O'QUINN

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. ETHERIDGE. Mr. Speaker, today I pay tribute to the life and career of Mr. George Donald O'Quinn. Two weeks ago, Mr. O'Quinn retired as Principal of Boone Trail Elementary School after 38 years of committed and dedicated service. Mr. O'Quinn has never asked for a medal or a monument; he has only hoped for the success of his students, his school, and his community. It is fitting then that today we honor the accomplishments of this humble public servant.

Mr. O'Quinn was born in 1937 and raised in the community he so proudly served. In fact, he attended the same school that he would later capably lead for so many years. After earning his Bachelors of Science degree in Agriculture from North Carolina State University in 1961, Mr. O'Quinn began teaching at Coats High School, in Dunn, NC. Over the next five years, he taught at Lillington High School and worked at Southern National Bank as that institution's vice president. Fortunately for the people of Lillington, Mr. O'Quinn returned to the classroom in 1972. After four years of teaching Vocational Education at Boone Trail, he was named Principal, a position he would hold for the next 27 years.

It is also important to note that Mr. O'Quinn was engaged in the affairs of his community. He served and held leadership positions in numerous organizations, including the Harnett County Community Development Association, the North Carolina Farm Bureau, the Boone Trail and National Ruritan Club, and the Lillington Jaycees. Mr. O'Quinn also served as a Deacon and Sunday School Teacher at Anitoch Baptist Church. On top of his community activities, he was also able to raise a beautiful family with the able assistance of his wife Elaine.

Mr. Speaker, Donald O'Quinn's love for his community, his school, the children he mentored, and his family is truly remarkable. Tonight I praise him for nurturing so many children, embodying the spirit of his community, and sharing his gifts with us all.

TRIBUTE TO DOUGLAS "JOCKO" HENDERSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Douglas "Jocko" Henderson, who passed away July 15, 2000. Douglas "Jocko" Henderson was an innovative radio pioneer whose contribution to the industry is legendary. One of the first African American disc jockeys in Philadelphia, "Jocko" was known for his smooth rhyming rap before rap had a name.

From 1952 to 1974, Jocko hosted his "Rocketship" music program on radio stations WHAT and WDAS. He played the popular records of the day but introduced them with his silver-voiced rhyming style that other disc jockeys began to imitate. For many years he hosted popular radio programs in Philadelphia and New York. He also produced sell-out rhythm and blues shows at theaters on the east coast, from Miami to Boston.

In 1993 he was honored with a plaque on the Philadelphia Music Alliance's Walk of Fame.

In later years he developed and marketed a series of educational audiotapes designed to help teach children to read by utilizing his rhyming style.

Douglas "Jocko" Henderson was an innovator and a man of great talent and dignity.

HONORING RETIRING CONNECTICUT STATE SENATOR ADELA "DELL" EADS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. LARSON. Mr. Speaker, I rise today to honor a former colleague in the Connecticut State Senate, who after many dedicated years of service to the people of Connecticut, the Senate and our political atmosphere as a whole, is stepping down.

Adela "Dell" Eads was born 80 years ago in Brooklyn, New York. She attended Sweet Briar College in Virginia as well as the Gibbs School in New York City. She began her political career in 1976 in the State House of Representatives where she served two terms. Dell was first elected to the Connecticut State Senate in 1980, and in her 20 years of service held numerous leadership positions in her party and the senate including Senate President Pro Tem and Minority Leader.

In a time where our political dialogue seems to be clouded by partisan bickering an grandstanding, Dell has always been the epitome of dignity and class. She is known today, as well as when I served with her in the state senate, as a bridge builder who always chose to do what she knew was best for her District and the State of Connecticut as a whole, rather than what was simply popular.

Even though we represent different political parties, I have nothing but sincere admiration for her as a former colleague and consummate public servant. The State of Connecticut and the Senate will surely miss her.

I ask the House of Representatives to recognize her career in public service as well as applaud the manner in which she has conducted herself during the last 24 years; with grace, understanding and most of all the willingness to work with others to accomplish what is right.

HONORING ED WATSON ON HIS 80TH BIRTHDAY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Ed Watson of Houston for his abiding commitment to public service as he celebrates his 80th birthday. Texas is fortunate to have a native son who has spent his life working on behalf of his community, contributing unselfishly to numerous causes while raising a fine family.

Ed was born in "Pole Cat Ridge," Wallisville, Texas, on July 20, 1920. He graduated from Anahuac High School in 1939 and joined the U.S. Navy in 1942. After his service in World War II, he attended the University of Houston until he went to work in 1946 at Shell Oil Refinery in Deer Park. Ed and his wife Jerry were married at the Lawndale Baptist Church more than 50 years ago, on May 7, 1948.

Shortly after, Ed was called back into service during the Korean Conflict in 1950 for 15 months. In 1954, having outgrown their home in Pasadena, the Watsons and their four children moved to Deer Park. In March 1955, his family became members of the First Baptist Church of Deer Park.

Ed has been involved in politics and community affairs since 1947. He has been a member of the Oil, Chemical, and Atomic Workers International Union for more than 50 years, and he was serving as President of Local 4–367 when elected in 1972 as a member of the Texas House of Representatives, a position in which he served for 8 terms. In the Texas Legislature, Ed was a leader on issues of law enforcement, education, environmental protection, and creating economic opportunity,and he served several terms as Chairman of the Harris County Delegation. Currently he is a Community Liaison on my congressional staff in Pasadena and Deer Park, Texas.

Ed is a charter member of the Deer Park Chamber of Commerce and a charter member of the Lions Club. He served fourteen years as a volunteer fireman and is now one of six honorary members. He has been actively involved in the Wheel House, a 30-day alcohol rehabilitation facility, since 1954 and serves on their board of directors. Ed visits daily, reaching out to the residents, solving problems when they arise, and fundraising.

Ed also serves on the board of directors of the Interfaith Helping Hands Ministry. He also volunteers his time at First Baptist Church, serving on the Benevolence Committee and reaching out to people not only in the church, but in the community as well. Because of his caring ways, Ed was named Dear Park Citizen of the Year in 1987. With Jerry, Ed also works with the Interfaith Helping Hands Ministry and she has served on the Bereavement Committee at First Baptist Church many times.

In all that he has done, Ed Watson has been a leader, organizer, and innovator. Known for his activism and leadership in both politics and public service, his legacy will be remembered by the community and to the many who have benefited from his good deeds.

Mr. Speaker, I am honored to recognize Ed Watson on the occasion of his 80th birthday and to commend him on a lifetime of achievement. I join Ed's family and friends and all those he has inspired in honoring him on this occasion. May the coming years bring good health, happiness, and time to enjoy his grandchildren and great grandchildren.

DEPARTMENT OF TRANSPORTATION RULEMAKING PROCESS NEEDS A JUMP START

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. OBERSTAR. Mr. Speaker, the Department of Transportation's Office of the Inspector General today released the results of a study, done at my request, of the Department's rulemaking process. The IG's report conforms what many of us involved in transportation policy have suspected, that the DOT is doing a poor job meeting rulemaking deadlines.

According to the report, DOT is taking, on average, twice as long to issue rules as it did just six years ago. The report compares the number of significant rules completed in 1999, and the average time it complete each process, with corresponding figures from 1993. The results are not encouraging. In 1993, the department issued 45 rules and took an average of 1.8 years to complete work on each; in 1999, the department issued 20 new rules after working an average of 3.8 years on each. In other words, DOT is taking twice as long to do half as much.

The study further shows that the Office of the Secretary is the slowest among the operating administrations in the department, taking an average of 6.6 years in 1999 to complete action on proposed rules. In 1993 the Secretary's office took an average of 4.4 years. The office issued the same number of rules—three—in 1993 and 1999.

The Federal Aviation Administration showed the most significant drop in rulemaking productivity in the study. In 1993, the FAA issued 17 significant rules and took an average of eight to nine months (0.7 years) to complete the process. In 1999, the FAA issued only three rules, and took an average of three years to finish work on each, four times as long to complete less than one-sixth the workload.

Only the Federal Railroad Administration and the Federal Transit Administration showed improvement in the average time to complete rulemaking between 1993 and 1999. However, the FRA issued only two rules in each of the two years studied, and FTA issued two rules in 1993 and one rule in 1999.

The report goes on to say that the department routinely misses statutory deadlines for issuing rules. The report shows that the DOT's record was poor in 1993 and has improved only marginally since then. In 1993, the department completed only 12 of 29 rules mandated by Congress (41.4 percent) and completed only four of the 29 by the mandated deadline (13.8 percent). In 1999, the department completed 21 of 43 such rules (48.8 percent) and met the deadline on 10 of them (23.2 percent). This is a dismal record.

The IG's report cites several reasons for these delays. In the case of Congressionally mandated rules, work is often delayed by a disagreement between Congress and the department over the content of the rule. The complexity of the rulemaking process also contributes to the problem. However, the report cites poor management by the modal administrators as a significant contributor to the lack of progress on new rules.

In its analysis of 54 completed rulemakings, the study that found rules languished an average of two years on the modal administrator's desk with no action taken. The report said in many cases the rulemaking process stalled because the administrator would not make a decision on whether a rule should advance or be terminated, did not consider the rule a priority, or waited for future events, such as the development of new technology, that would affect the rule.

When the modal administrator considers a rulemaking to be a priority, the process can move quickly. The National Highway Traffic Safety Administration took less than one year to produce a rule providing grants to states with a legal blood alcohol limit of 0.08. Yet, NHTSA still has not completed action on a rule on the flammability of materials on school buses after working on it for 11 years. The report states that NHTSA has wanted to terminate the rule, but the Federal Transit Administration and the Deputy Secretary opposed terminating it. Even though the Deputy Secretary charged NHTSA to work with FTA to work out their differences, NHTSA has not worked on the rule for the past three years.

These rules affect public safety—children on school buses, passengers in airplanes, ships at sea, motorists at rail crossings, neighborhoods near gas pipelines. We cannot allow bureaucratic gridlock to put people's lives at risk.

To its credit, the DOT, according to this report, has accepted the IG's findings and is taking steps to improve its management of the rulemaking process.

I have discussed this matter with Sec. Rodney Slater and urged him to use these remaining months to take significant action to reduce or eliminate this backlog of pending rules and provide a clean slate for the next administration.

I am very pleased with Sec. Slater's firm commitment to follow through and press the modal administrators to put the rule making process into high gear.

In doing so, the Secretary can show the American people that government can work efficiently, can be responsive to their concerns, and can adopt the same attitude of compliance that it demands of the private sector it regulates.

TRIBUTE TO DAUNE WEISS, BUERGERMEISTER FOR THE GAYLORD, MICHIGAN, ALPENFEST 2000

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. STUPAK. Mr. Speaker, I would like to call your attention to a unique celebration in Gaylord, a small city in my northern Michigan district. The event is called Alpenfest, and over its 35 year history it has come to serve many purposes in Gaylord. Alpenfest is the community's major celebration, providing a broad range of family entertainment. Alpenfest spotlights the unique architectural heritage of Gaylord, where strict zoning codes require downtown businesses to conform to an Alpine motif. Perhaps most important for my remarks today, Mr. Speaker, Alpenfest provides a annual setting to name a community Buergermeister, an honorary mayor.

Daune Weiss, a Gaylord businesswoman and a close, personal friend, has received this honor for the year 2000. The local paper, the Gaylord Herald Times, describes this honor as the equivalent of being named the Citizen of the Year for Gaylord and Otsego County, and I can think of no person in the community more worthy of this special recognition to begin the new millennium.

Daune, a native of Upper Michigan, left the area but later returned. It's perhaps typical of Daune's view of her own contributions that she feels her 14 years of commitment to the local community don't measure up against those who have spent their lives here. A brief review of her accomplishments, a detailed in the Gaylord Herald Times, makes clear, however, that Gaylord has found one of its greatest friends.

The owner of the local Holiday Inn, Daune established a Wish Tree, helping to fulfill about 300 wishes each year for local children. She created the Gaylord Wish Tree Foundation in 1987 and serves as its president.

She has served on the Board of Directors of the Otesgo County United Way since 1993 and has served on the Alpenfest Honors Luncheon Committee—the panel that honors local industry each year—since 1991.

With interests in several other hotels, Daune is active in local business and community promotion organizations, serving on the Gaylord Downtown Development Authority Board of Directors and the Gaylord Area Convention and Tourism Bureau. The dedicated community activist also serves or has served on the boards of directors of Northern Michigan University, the West Michigan Tourist Association, and the North County Bank and Trust.

When an opportunity arose this spring to bring business representatives from our district to take part in a workshop with Cabinet officers and other federal representatives, Daune Weiss was the first name that came to mind. I know she would be personally interested in the meetings, would offer excellent input on the interface of government and business, and would bring valuable information and insights back to her community.

Daune has received numerous other honors, Mr. Speaker, but I wanted to call attention to her being named as the 21st Buergermeister chosen by the Gaylord Herald Times, because the honor and the Alpenfest event so perfectly represent the enterprising spirit of the community. I hope my House colleagues will have an opportunity in the future to attend this colorful, unique family celebration. For today, however, I invite House members to join me in offering our congratulations to the paper for its excellent choice of Daune Weiss as Buergermeister for Alpenfest 2000.

SUPPORT OF THE AMERICAN DREAM OF HOMEOWNERSHIP

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. BONILLA. Mr. Speaker, America is the land of opportunity. More Americans have owned homes than any people in the history of man. However, the American dream is not a reality for far too many of our countrymen. For all too many Americans the dream of homeownership is just that, a dream, not a reality. Federal government actions have raised the cost of building materials leaving homes beyond the financial reach of many of our countrymen.

The Softwood Lumber Agreement (SLA) between our nation and Canada continues to deny Americans the benefits of homeownership. It violates the spirit of NAFTA by creating barriers to commerce instead of ripping them down. It denies American consumers the competition that leads to increased choice and lower prices. The American people have waited far too long for a free trade agreement in softwood lumber. An IMF economist has estimated that the SLA increases new home costs as much as $1300 per home, denying over 300,000 Americans the ability to purchase a home according to Census Bureau projections.

However, there is hope. We can have free trade in softwood lumber soon. The SLA is scheduled to expire on April 1, 2001 and we have the opportunity to share the benefits of free trade with home buyers. 113 Members of Congress have joined me as cosponsors of H. Con. Res. 252, calling for free softwood lumber trade between the U.S. and Canada.

The support for free trade is evident, but in order to make it a reality we need to negotiate a long term free trade agreement with Canada. Let's begin negotiations now to replace the SLA with a free trade agreement in softwood lumber and make housing affordable for more Americans. The American Dream should be a reality for all Americans.

INTRODUCTION OF A BILL TO EXPRESS THE POLICY OF THE UNITED STATES REGARDING THE UNITED STATES RELATIONSHIP WITH NATIVE HAWAIIANS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. ABERCROMBIE. Mr. Speaker, I rise today to introduce a bill to clarify the political relationship between Native Hawaiians and the United States. For years, Congress has legislated on behalf of Native Hawaiians as the aboriginal, indigenous, native peoples of Hawaii. This measure clarifies that political relationship and provides a process for Native Hawaiians to form a Native Hawaiian governing body to engage in a government-to-government relationship with the United States.

The United States has declared a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians. This relationship has been acknowledged by the United States since the inception of Hawaii's status as a territory. This relationship was most explicitly affirmed by the enactment of the Hawaiian Homes Commission Act of 1920, which set aside 200,000 acres of land in Hawaii for homesteading by Native Hawaiians. Legislative history clearly shows that in addressing this situation, Congress based this action and subsequent legislation on the constitutional precedent in programs enacted for the benefit of American Indians.

Since Hawaii's admission into the Union, Congress has continued to legislate on behalf of Native Hawaiians as indigenous peoples. Native Hawaiians have been included as Native Americans in a number of federal statutes which have addressed the conditions of Native Hawaiians. P.L. 103–150, the Apology Resolution, extended an apology on behalf of the United States to the Native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii. The Apology Resolution also expressed the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians.

The legislation I am introducing today is important not only to Native Hawaiians, but to all people in Hawaii. This measure provides the process to begin resolving many longstanding issues facing Hawaii's indigenous peoples and the State of Hawaii. In addressing these issues, we have begun a process of healing, a process of reconciliation not only with the United States but within the State of Hawaii. The essence of Hawaii is characterized not by the beauty of its islands, but by the beauty of its people. The State of Hawaii has recognized, acknowledged and acted upon the need to preserve the culture, tradition, language and heritage of Hawaii's indigenous peoples. This measure furthers these actions.

The clarification of the political relationship between Native Hawaiians and the United States is one that has been long in coming and is well-deserved. Unfortunately, the history and the timing of Hawaii's relationship to the United States has not provided the appropriate structure for a government-to-government relationship between Hawaii's indigenous native peoples and the United States. The time has come to correct this injustice.

PERSONAL EXPLANATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. WEYGAND. Mr. Speaker, during House consideration of H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act, I regret that I missed rollcall votes 410 and 411. I was unavoidably detained returning from the funeral of Senator John O. Pastore in Rhode Island.

Had I been here I would have voted "yea" on both votes. Rollcall vote No. 410, the Democratic substitute, offered by Representative NEAL, would have added provisions to H.R. 1102 that would have offered tax credits to small businesses to set up pension plans for their employees. The substitute would also have provided refundable tax credits for low and middle income workers to encourage them to save for their retirement. As a former small business owner, I understand both the importance of providing pensions to the employees of small businesses and the difficulties small businesses often face as they attempt to establish these plans. I believe that the provisions of the substitute would have made a good bill even better and I regret that the substitute was not agreed to.

I would also have voted "yea" on rollcall No. 411. This motion to recommit H.R. 1102 would have sent the bill back to Committee with instructions to include additional language requiring that there must be an on-budget surplus and prescription drug coverage for Medicare beneficiaries through the Medicare program before the tax and pension relief provisions of the bill could be enacted. Maintaining our hard-won surplus and providing prescription drug coverage to our senior citizens are critically important and must be given the highest of priorities. I regret that our colleagues on the other side of the aisle do not share our belief in keeping the federal budget in surplus and providing vital prescription drug coverage to our elderly.

SENATE—*Monday, July 24, 2000*

(Legislative day of Friday, July 21, 2000)

The Senate met at 12:01 p.m., on the expiration of the recess, when called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, You know us as we really are. You know the inner person behind highly polished exteriors. You know when we are tired and need Your strength. You know about our worries and anxieties and offer Your comfort. You understand our fears and frustrations and assure us of Your presence. You feel our hurts and infuse Your healing love. Flood our inner being with Your peace so that we can live with confidence and courage.

At 3:40 p.m. today, we will remember the sacrifice in the line of duty of Officer Jacob J. Chestnut and Detective John M. Gibson. Continue to bless their families. Help us to express our gratitude to the officers who serve in Congress with such faithfulness. Now we commit this day to You, for You are our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHARLES GRASSLEY, Senator from the State of Iowa, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. For the leader, I would like to announce today's program. The Senate will be in a period of morning business until 2 p.m., with Senators DURBIN and THOMAS in control of the time.

Following morning business, the Senate is expected to begin consideration of the Treasury-Postal appropriations bill with amendments in order to that bill. Those Senators who have amendments should work with the bill managers on a time to offer their amendments as soon as possible.

ORDER FOR MOMENT OF SILENCE

Mr. GRASSLEY. As a reminder to all Members, on this date 2 years ago, Officer Chestnut and Detective Gibson were killed in the line of duty while defending the Capitol against an intruder armed with a gun. In honor of this anniversary, I now ask unanimous consent that at 3:40 p.m. today, there be a moment of silence to honor these two officers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee, 12 to 1 p.m.; Senator THOMAS or his designee, 1 to 2 p.m.

The distinguished Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business, with the time to come from Senator THOMAS' time.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOCUS POCUS

Mr. GRASSLEY. Mr. President, I would like to note that there are some things happening around here of late that make me wonder if we are in an episode of the X-Files. I am troubled with the mysterious appearance and disappearance of funds within the conference report for Military Construction. In the effort to develop an emergency spending package, the House included money for meth lab clean-up. It voted on money. The Senate-passed bill had money for meth lab clean-up. Both Houses of Congress recognized that there was a real emergency. Both bodies recognized the need to provide emergency money to DEA to help pay for the costs of cleaning up the toxic waste dumps caused by illegal meth production.

I and other members of this body have been concerned for some time about this problem. We have written the President, the head of the Office of Management and Budget, the Attorney General, and the Majority Leader and members of the Committee on Appropriations. The Majority Whip of the Senate had an emergency meth spending item accepted as part of the bill passed by the Senate. But it seems we've had a case of alien abduction. All—all the meth money disappeared in conference and no one seems to know how or why. The House included money. The Senate included money. The conference to reconcile the differences, however, included no money. What this means is strange math in which one plus one equals zero.

Mr. President, I have participated in various conferences with the other body, and I know they can be complicated affairs. Strong disagreements can exist over how to phrase a section, or how much funding this particular project should receive. But there have always been some guidelines governing a conference. First, you are working toward a compromise. This means, by definition, you are not going to get everything you want. However, it also means you will get something that will work. Second, in a conference, you aren't starting from scratch. Each body has reviewed, debated, and passed a version of legislation—a starting point, if you will, for compromise.

These compromises, often difficult to arrive at, are worked out behind closed doors. Out of the watchful eye of the public. Legislating can be an ugly process, and often negotiations continue in a much more open and frank manner in private than under the media microscope. But compromise should not be the occasion for legislating afresh, for ignoring the expressed intent of majorities in both Houses.

Looking through the Military Construction Appropriations bill this last week, I was distressed at some of the items I found that seem to have magically appeared. 6 C–130Js and a new Gulf Stream 5 for the Coast Guard, for example. So far as I know, the Coast Guard did not ask for a Gulf Stream, and we did not vote for one. But there it is.

At the same time, it seems that needed funds to support the DEA's continued assistance to State and local law enforcement agencies to clean up methamphetamine labs have disappeared—and no one seems to know where it went.

Heading into the conference, it was clear what the situation was. The

House had provided $15 million in emergency funds for needed methamphetamine lab-cleanup. The Senate provided a total of $50 million for meth-related activities by the DEA—$10 million was added in Committee, and an additional $40 million was adopted on the floor for "initiatives to combat methamphetamine production and trafficking." So you would think—I certainly thought—that the conferees would return with some funding—most likely between $15 and $50 million—for meth lab clean-up.

But something happened in the conference. Someone waved a magic wand, and "Poof!" The money is gone. Where did it go? The conferees don't know. Why is it gone? The sponsors of the funds don't know. I don't know. Inquiries have left me feeling like Jimmy Stewart commenting on the evidence in his case in the 1959 movie classic, "Anatomy of a Murder," where he notes evidence appears and disappears in a ghostly fashion. But what I do know is that I have to explain this to my constituents—to the law enforcement agencies in Iowa who are dependent upon these funds to support their clean up efforts of these mini environmental catastrophes. I am not alone.

All of this funding hocus pocus I find to be very troubling. I hope we can solve the mystery and avoid its like in the future.

The PRESIDING OFFICER. The distinguished Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask to speak as if in morning business, and I believe my time is taken from the time controlled by Senator DURBIN.

The PRESIDING OFFICER. The Senator is correct.

THE CONFERENCE PROCESS

Mr. BAUCUS. Mr. President, I want to follow on with the comments of my good friend from Iowa, Senator GRASSLEY, and praise him for pointing out that the conference system is becoming bankrupt.

Way too often conferees put in measures and take out measures that have nothing to do with the underlying bill that goes to conference. It is becoming so bad that I think sometime—my hope is in the next Congress—the Senator from Iowa, myself, and others should meet with our leadership to prevent this from continually happening. It bankrupts the process. It also causes more Americans to become even more concerned about the political process. We, as Senators, cannot go home and say what is or is not happening. Rather, we have to go home and report just what the Senator from Iowa reported—that somehow, by magic or by mystery, things sort of appear and disappear. It does not make us feel good as Senators because we like to know what is occurring. It certainly doesn't help our constituents feel any better about the process because they hope we know what is happening. More than that, they hope we are fighting for their case. But if we don't know the contents of the conference process, we don't know how something gets put in or taken out, and we look foolish. It is a major abrogation of our responsibility as a Senate to the American people for whom we work. They are, after all, our employers. At times, the Senate is too secretive.

It reminds me of an incident I was involved in when I first came to the House more than 20-some years ago. At that time, I was a freshman House Member. I had a few free minutes one afternoon—about an hour or two. I thought that I would go to the conference on the tax bill; I might learn something. I thought I would go to the conference and learn a little about tax law and the conference process.

I called around to try to figure out where the conference was meeting. Nobody would tell me. At that time, Mike Mansfield from Montana was the majority leader of the Senate. I thought I could call Senator Mansfield's office; certainly they could tell me where the conference was meeting. They did. They told me. It was in the big hearing room over in the Longworth Building. There was a policeman standing at the door leading to the executive room. I knew what was going on. He challenged me. I said I was a Member. I intended to reply that I was a member of the conference, but, rationalizing, I said I was a Member of Congress, and he waved me in.

I walked back into the executive room. There were Senate Members in the hearing room on one side of the table with conferees, and Russell Long was at the table with House conferees. Russell Long was talking about when he was a kid in Louisiana. It was great listening to it. There was a sea of executive branch people. In the hearing room with Treasury Secretary Simon was a sea of Treasury employees.

I took an out-of-the-way spot. I found a chair over on the side, and I sat down out of the way to watch. After about 10 minutes, Congressman Jim Burke from Massachusetts shuffled over to me—an elderly man. He came to me and said: I am sorry. I have to ask you to leave. Leave? Why? He said it was just the rules. I said respectfully that I would like to know what rule was requiring me to leave. He said, well, it is the Senate rules. So I said, well, I appreciate that. As a House Member, I wanted to know which Senate rule it was that prohibited my attendance as a Member of Congress watching this conference. He said, well, it is just the Senate rule.

I thought for a while. I thought: That is wrong; it is not right. I am not going to make a big fuss about it right here; I will later. I am going to leave because he asked me to leave, but I will see what I can do about it. It is the rule.

For example, Congressman Bill Green couldn't be there either. Bill Green was then a Congressman and the member of the House Ways and Means Committee in the House who authored a provision to delete the depletion allowance that was in the House bill. Even he could not attend, the rule then being nobody could attend a conference except conferees—nobody else. But there were more people from the executive branch. They were there, along with Treasury Secretary Simon.

I came over to the House floor. I mentioned this to Congressman Mikva from Illinois. He said: MAX, you are entirely right. That is wrong. I have been fighting that rule for years.

A few of us stood up on the House floor that afternoon and explained how we thought it was wrong. In the next session of Congress, the rules were changed. Afterwards, all conferences were totally open to the public.

I know some Members of Congress don't like that. They do not like the sun shining in conferences. But that was the rule. We started it back then. I think it is in the public interest. It is a good rule.

It seems things have changed slowly; conferences should not be secret. They are bipartisan. Both political parties attend, but often the minority party is shut out. One wonders what is happening. The real danger is, if and when the Democrats are in the majority, the Democrats are going to be tempted to do the same thing. It is wrong. Neither side should do that. They should be much more open and much more closely should enforce that rule, and matters not pertaining to the conference should not be included in the conference report. It is something we have to stand up and enforce for the good of the Senate and for the good of the country; otherwise, there will be chaos, or anarchy, or a dictatorship—whatever it is.

Based upon the comments of my good friend, I am very inclined to work with him next year to see if we can do something about that. I think there are many others in the Senate who share the same view. It has gotten out of hand.

I thank the Senator from Iowa for the statement.

PERMANENT NORMAL TRADING RELATIONS WITH CHINA

Mr. BAUCUS. Mr. President, I would like to speak a few words on a matter that will be coming before this body, I hope, later this week; that is, beginning the process of the United States agreeing to extend permanent normal trading relations status with China.

I would like to step back for a few moments and reflect a bit on its significance and on its implications. The irony is that we are even talking about this today because I think the bill to grant China PNTR has the strong support of at least three-fourths of the Senate. It is deeply in our national interest. I wish it had been passed some time ago. Actually, we should have passed it months ago. Instead, we have had to struggle to find time to consider it in this chamber. We are now approaching the eleventh hour of this session of Congress with a week left this month and a few weeks in September.

I personally believe this issue should have been handled differently. We should have brought it up much earlier. But later is better than never. I am glad we are finally approaching the denouement.

For over two millennia, China was ruled by a series of imperial dynasties. The last Emperor was overthrown in 1912. Warlords, dictators, and the Japanese military then took over parts of the country at various times.

In 1949, the Chinese Communists took control of the entire Chinese mainland. Chiang Kai-shek and his supporters were forced to flee to Taiwan. Then followed three decades of absolute, totalitarian, Communist rule by Mao Zedong.

To oversimplify, in 1979, Deng Xiaoping signaled the beginning of the end of Marxist-Leninist-Maoist ideology as the underlying construct of the Chinese economy, polity, and society.

Another critical turning point was Deng's so-called "Southern Journey" in 1992. He visited Shenzhen, other parts of Guangdong Province, and Shanghai. On that journey, he advocated more economic openness, faster growth, and more rapid progress toward a market-based economy.

For the next two decades, we witnessed both progress and retreat in China's economic and political developments. Dramatic opening to foreign products and foreign investment. Yet a continuing government effort to maintain control over telecommunications.

The massacre of students at Tiananmen Square in 1989. Yet relatively unfettered access today by many Chinese to the Internet. Repeated violations of contract sanctity. Yet the development of domestic stock markets and Chinese companies placing issues on foreign stock exchanges.

The battle in China between the forces of reform and the forces of reaction continues. No one can predict how it will end, or when. But it is certainly in the vital interest of the United States to do everything we can to support those who favor reform over totalitarianism. Those who favor private enterprise over state-owned enterprises.

That means we must work to incorporate China into the international community. We need to engage China with the goal of promoting responsible behavior internally and externally. Encouraging them to play by international rules. Integrating the Chinese economy into the market-driven, middle-class, participatory economies of the West.

Economic reforms never have an easy time. And the forces in China that want to maintain the status quo are strong.

But, economic reform, moving to a market economy, transparency, direct foreign investment, listing of companies on overseas markets. Progress in all these areas is of vital importance to the United States as they relate to stability in China, accountability, and the development of a middle class. China's entry into the WTO will help anchor and sustain these economic reform efforts and empower economic reformers. China will not become a market-driven economy overnight. But it is in our interest that they move in this direction. And the WTO will help the process.

Around the world, we have seen that economic growth leads to the development of a large and strong middle class. Eventually, the middle class makes demands on political leaders for greater participation, accountability, and openness. It takes time. For example, eighty years ago, the Kuomintang, the KMT, was created by the same Soviet advisors who created the Chinese Communist Party. Fifty years ago, the KMT massacred Taiwanese citizens. Twenty years ago, the KMT still ruled Taiwan under martial law. Yet Taiwan just held its second truly democratic election.

There are many other examples. Look at Korea. A quarter of a century ago, the Korean government tried to murder the dissident Kim Dae Jung. Now, President Kim Dae Jung has begun to transform Korea's economic structure. He has traveled to Pyongyang in one of the most remarkable initiatives in modern world history. He is worried about being turned out of office in the next democratic election; such is the way of democracy.

The Philippines in 1986, Thailand in 1990, Indonesia in 1999. They all showed us the power of the development of a middle class. There is nothing fundamentally unique about China that makes a similar type of change impossible, or even improbable, over time.

Once China joins the WTO, China will be accountable for its behavior to the outside world, for perhaps the first time in history. The dispute settlement system at the WTO is far from perfect. Many members are working to open up dispute settlements and make it more available to the outside world. I have been among its most vociferous critics. But WTO dispute settlement will allow other countries to examine Chinese domestic economic practices.

It will force China to explain actions that other members believe violate global rules for the first time in world history. When a violation is found, it will put pressure on China to change and comply with the internationally accepted rules of the WTO. Not a perfect organization, but certainly better than none. This type of external scrutiny of China is virtually unprecedented. It has implications that may go far beyond trade, as China learns about the need to respect the rule of law among nations.

Let me turn to Taiwan for a moment. Taiwan will accede to the WTO very shortly after China does. What will happen when both enjoy full membership?

They will participate together, along with all other WTO members, in meetings ranging from detailed technical sessions to Ministerial level gatherings. There will be countless opportunities for interaction at many levels. Under the WTO's most-favored-nation rule, they will have to provide each other the same benefits that they grant to all other members. That is a very important principle. Taiwan's current policy limiting direct transportation, communication, and investment with the mainland will not stand up to WTO scrutiny. Each will be able to use the WTO dispute settlement mechanism against the other. They will have to meet directly and deal with economic differences in a peaceful way.

Presumably, either could take reservations, such as a national security exception, against the other in certain areas. That is a decision still to be made. But, no matter what, membership in the WTO and WTO-induced liberalization will increase and deepen ties between Taiwan and the PRC in trade, investment, technology, transportation, information, communications, and travel. And that has to contribute to the maintenance of peace across the Taiwan Strait.

China is emerging from one hundred and fifty years of national torpor. How we in America, and how the leadership in China, manage this relationship will set the stage for regional and global politics, security, and economics for decades to come.

We must make a profound choice. Do we bring China into the orbit of the global trading community with its rule of law? Or do we choose to isolate and contain China, creating a 21st century version of the cold war in Asia?

It is a truism in international relations that rising powers have proven to be the most dangerous. Germany at the end of the 1800s and the Soviet Union in the 1940s. But this is not 1900 or 1945. As the world has become smaller for us because of revolutions in information, transportation, and production, so for China has the world come closer.

China is not our enemy. China is not our friend. The issue for us is how to engage China, and this means engagement with no illusions. Engagement with a purpose. How do we steer China's energies into productive, peaceful and stable relationships within the region and globally? For just as we isolate China at our peril, we engage them to our advantage.

Incorporation of China into the WTO, and that includes granting them PNTR, is a national imperative for the United States.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

THE BELL TOLLS FOR THEE

Mr. BYRD. Mr. President, today, as the Senate recalls the tragic loss two years ago of two fine Capitol Police Officers, Officer Jacob J. Chestnut and Detective John M. Gibson, our hearts also bear fresh bruises from the loss of a Senator and a former Senator.

Mr. President, on Saturday I traveled with several other Senators to Atlanta, GA, to attend the funeral of our late Senate colleague, Paul Coverdell. Senator Coverdell's departure from this life had been sudden. It had come without warning. Paul was only 61 and he could look forward to many fruitful years of service to the Nation and to his people. But it was not to be. The Scriptures tell us:

> As for man, his days are as grass; as a flower of the field, So he flourishes. For the wind passes over it, and it is gone; and the place thereof shall know it no more.

On Wednesday of last week, I journeyed to Rhode Island with several other Senators to pay our last respects to a late departed former colleague, John O. Pastore, and to commiserate with his bereaved family and a great host of friends. We said the last goodbye to a man who had given much to the service of his country and who had retired from this body 26 years ago. A great throng paid homage to the remembrance of one whom they loved and who had served them so well, as was the case with our beloved late colleague, Paul Coverdell. There was a great throng, a large church filled to overflowing.

In both instances to which I have just referred, the choirs sang beautifully, the eulogies came forth from wounded hearts, the final farewells were spoken; then the crowds departed, and each person went on his or her own way to family hearth and home.

Over a long life of more than 80 years I have traveled this same journey many times. It is always the same. We travel the last mile with a departed friend and we come to the end of the way, when we can go no farther. That is as far as we can go. There we must part forever—insofar as this earthly life is concerned. From there, the loved one must go on alone, to "The undiscovered country," as Shakespeare said, "from whose bourne no traveler returns".

So it is, and so it has been since the very beginning of our race, and so it will be in all the years to come. We are here today, and gone tomorrow.

> The clock of life is wound but once,
> And no man has the power to know just when the clock will strike,
> At late or early hour.
> Now is the only time you have, so live, love, work with a will;
> Put no faith in tomorrow for the clock may then be still.

Mr. President, John Pastore lived to be the ripe old age of 93; for Paul Coverdell, the grim reaper beckoned earlier, and the end came at 61. For those of us who remain on this side of the vale of trials and tears, the message from both of these lives is clear: be ready, be ready to go. William Cullen Bryant said it for you and for me:

> All that breathes will share thy destiny. The gay will laugh when thou art gone, the solemn brood of care plod on, and each one as before will chase his favorite phantom; . . .

As one who has lived in this town of inflated egos for nearly half a century, I can testify that William Cullen Bryant had it right. I have seen the great, the near great, those who thought they were great, those who would never become great, and each incoming wave of life's sea surges forward on the sands of humanity's rocky coast, and then, just as quickly recedes into the vast emptiness of the past. But what cannot be washed away is the love and the memory of man's deeds and service to his fellowman.

So, each of us will carry within ourselves the memory of Senator Pastore's, Senator Coverdell's, Officer Chestnut's, and Detective Gibson's deeds and service to his fellow man. They have touched all of us, and we have been changed by them, because it was Tennyson who said, "I am part of all that I have met." And so, in this small way, they live on in our hearts and in our dedication to do good with the hours and days that remain to us. The poet John Donne expressed it well, how each man's life—and each man's death—touches ours:

> No man is an island, entire of itself;
> Every man is a piece of the continent,
> A part of the main;
> If a clod be washed away by the sea,
> [America] is the less,
> As well as if a promontory were,
> As well as if a manor of thy friend's
> Or of thine own were;
> Any man's death diminishes me,
> Because I am involved in mankind;
> And therefore
> Never send to know for whom the bell tolls:
> It tolls for thee.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I realize there are some 6 minutes left under the time agreement for the Democratic leadership to be able to have comments during the first hour; and then we will have an hour under the control of Senator THOMAS. But I will use my leader time now so we will not take the remaining 6 minutes of the Democratic time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LOTT. Mr. President, with regard to the week's schedule, we had hoped we would be making progress now on the energy and water appropriations bill. But a disagreement developed on Friday afternoon, and we are continuing to see if we can work through that. I have spoken to Senator DOMENICI, the chairman of the energy and water appropriations subcommittee, about trying to find a way to proceed.

It is very important legislation for our country. It does involve appropriations for the Energy Department, the very important nuclear weapons labs, as well as water projects all over this country in which Members and States and various groups are very interested. So I hope we can find a way to proceed on that.

It has been held up, basically, by a disagreement over how to handle the water levels on the Missouri River, affecting the States of North Dakota, South Dakota, Missouri, and perhaps others downstream. It is not easy to reconcile or to come to an agreement because there are very strong feelings about it, and it is very important to local areas. I know Senator DOMENICI is ready to proceed. He will be over later to make some comments about the importance of this legislation.

We also hope to take up the Treasury-Postal Service appropriations bill this week. It should not be that controversial. I understand there may be some amendments to it; It may take some time, but that is understandable. That is fine. We could do that and still conclude that legislation probably in a day or so.

We had hoped that during the pendency of the week we could also go to the Commerce-State-Justice appropriations bill. We had hoped to do all three of them, or at least two of the three, and make some progress on Commerce-State-Justice.

We also would like to proceed to the intelligence authorization bill. As is always the case, after the Armed Services Defense authorization bill for the year is done, we, in relatively short order, then go to the intelligence authorization. I do not need to talk about the importance of the intelligence authorization bill and what it means to the security of our country, but we have not been able to work out exactly how to proceed on that either.

Then on Wednesday, we had indicated we would go to the China PNTR issue. Indications had been that there would be resistance to moving forward on the motion to proceed, and I would have to file cloture on that, with that cloture motion then ripening on Friday. So we would go ahead and go to that and get over the first hurdle in being able to complete the China trade legislation when we come back in September.

We had hoped to go to the Executive Calendar and get some nominations completed this week and also consider some additional judges that might be reported from the Judiciary Committee during the week.

All of that right now is in abeyance. We have not been able to get an agreement on how to proceed at this time. I think that is unfortunate because we do have 4, 4½ days this week in which we need to make real progress on appropriations bills and other issues, as well as the China trade legislation.

If we cannot get an agreement here in the next couple of hours or so, then I will have to try to proceed to one of the appropriations bills and the intelligence authorization bill, and perhaps even file cloture on them. Both of those will then ripen on Wednesday. Of course, if cloture is obtained, then we will be on those bills, which will then get tangled up in the China permanent normal trade relations issue. So this is not a good way to proceed, but that may be our only alternative.

But I have talked to Senator DASCHLE this morning. I have talked to Senator HATCH. We will continue to work with Senators on both sides of the aisle to see if we can find a way to make some good progress this week, because this is the last week before the August recess, and it will have an effect on what we are able to do in September.

REMEMBERING SENATOR PAUL COVERDELL

Mr. LOTT. Mr. President, I rise at this time to talk about our beloved friend, Senator Paul Coverdell of Georgia. I had hoped to be able to make some further comments last week, after it fell my duty to come to the floor and announce his very untimely death, but I just could not do it because I was so emotionally disturbed and grieving over the loss of this good friend.

I guess maybe the week and the services in Georgia on Saturday have helped me come to peace with this very difficult loss and to say a fond farewell to my good friend from Georgia. But I wanted to speak now because I felt, even this morning, a void for this week; Paul will not be here. He will not be here saying, What can we do next? How can I help? He was willing to work with all of the Republicans and all of the Democrats, going over to the Democratic side of the aisle and seeking out Senator HARRY REID or Senator TORRICELLI, trying to find some way to make a bipartisan piece of legislation possible. So we will have a void this week.

But, as I was thinking about it a few moments ago, there will be a void forever in the Senate with the loss of Paul Coverdell because his was an unfinished symphony. A lot more beautiful sounds were going to come from that somewhat uncertain trumpet from Georgia.

Folks have talked about his flailing hands and his squeaky voice, but that is what really made Senator Coverdell all the more attractive. He was not always as smooth as some of us like to think we might be, but he was always effective. Maybe it was because of the way he presented his speeches and the way he came across in his daily relationships with all of us.

The Chaplain of the Senate, Lloyd Ogilvie, at the church services in memory of Paul Coverdell on Saturday, referred to him as a peacemaker. And maybe this is a good time of the year to be thinking about the beatitudes because I think it really did describe Paul. Even though he felt very strongly about the issues he believed in or that he was opposed to, he was always binding up everybody else's wounds. He would find a way to make peace and get results.

I thought the Chaplain's description of him as a peacemaker was apropos. When I did my Bible study this morning, I came to that particular passage, "Blessed is the peacemaker." Again I thought, that is just one more message about Paul and the great job he did in the Senate.

I met Paul years ago actually, way back in the 1970s when there was a very fledgling Republican Party in Georgia. We didn't have much of a Republican Party at that time in my State, but we were beginning to make progress. Maybe Georgia was even a little bit behind us. I remember going down to Atlanta and then having to go to Albany, GA, to attend events, then back into Atlanta. It was one of those occasions where a number of Congressmen and Senators came in for a fly around the State, and then we all came back in for the big dinner. It was logistically hard to orchestrate. Then I finally met the maestro; the maestro was Paul Coverdell.

Typically, I learned later, it was the way he would work. He had five or six of us come in. We went to five or six different places in the State like spokes on a wheel. We came back. We had dinner. It was a very effective evènt. Everything worked like clockwork. It worked like clockwork because Paul Coverdell was making it happen.

In those days, as I recall, he was in the State legislature, in the State senate. They had three Republicans. He was the minority leader. They had a minority whip and they had a whipee. There were three of them. That is the way he used to describe his powerful role in the senate, although, as I came to find out a lot later, he was a very effective member of the State senate, working as always both sides of the aisle, even though he only had three in his party in the State senate at that time.

Of course, he went on to work in the Bush administration in the Peace Corps. I wasn't quite sure what that meant, but I am sure he did a great job at the Peace Corps. I remember then supporting him when he actually ran for the Senate in 1992. I wasn't that intimately involved in the campaign but knew him to be a good man. I remember making a pitch for him both here and in Georgia.

When I really got to know him was when he came to the Senate. Almost immediately he started throwing himself into the fray, whatever was going on. I remember we had the Clinton health care plan. I think he made 147 appearances in one State or another, on one occasion or another, against the Government takeover of health care. He felt passionately about it. He took off on the trail with Senator PHIL GRAMM and Senator JOHN MCCAIN. They had a lot to do with the eventual, and in my opinion, appropriate demise of that legislation. I learned that he wouldn't just talk a good game or wouldn't just give direction; he would put his body on the line. He would go anywhere, anytime to see that the message was delivered.

Immediately he started saying: If we are going to do this in a positive way, if we are going to be fighting this legislation, how are we going to get our message out? He would be persistent about it. He would follow you around and keep wanting to talk about it. I remember he actually instigated meetings, at that time between the Speaker of the House and me, first as whip and then as majority leader, in which he would get the two of us together. He would have charts. Here he is from Georgia in probably his fourth year in the Senate, and he is using charts to explain the situation to the Speaker of the House and the majority leader. Only we listened because he had thought about it; he was organized. He had some ideas.

I remember one occasion he said: You have to come to Atlanta.

I said: I don't want to come to Atlanta.

He said: Just come for lunch; Newt and I want to sit and talk with you.

So I flew down. We had lunch. He had charts and he had a video this time. He talked about how we should be planning our strategy. Then we flew back. I thought about that many times, in a way, the temerity of that. But that was Paul. Nobody objected. Nobody took it as a threat. Nobody worried he was stepping on their turf. And thank goodness, somebody was thinking and planning. That was Paul.

Then after that, of course, he got involved as a member of the leadership team. I really liked that because I can remember very early on I realized that if there was a task that needed to be performed that nobody else would do, I could call on Paul; he would be glad to do it. I can remember going down the leadership line: Would you have the time to do this? Do you have the staff to do this? It would come down to the third person. He always sat at the other end of the leadership table. I would get to Paul, having had three turndowns, and Paul would say: Sure, I'll do it.

Very quickly I developed the moniker for Paul of "Mikey." I like to nickname Senators. Most of them wouldn't like for me to talk about it publicly. But Paul actually kind of liked being called Mikey. Mikey came from the television cereal commercial where the two kids are pushing a bowl of cereal back and forth saying: You eat it; no, you eat it. Finally, they push it to the third little boy and say: Give it to Mikey; he will try anything.

That was the way Paul was. When all the other great leaders of the Senate were not willing to take the time, not willing to do the dirty, difficult, time-consuming job, Mikey would do it. I remember every time I called him Mikey, he would break out in a big smile. Tricia, my wife, picked it up, too. We liked too talk to Nancy about how sorry we were to have kept him tied up a little extra, too, sometimes in the Senate. But Mikey had his work to do. So it was a very affectionate term I had for him, and it described him so perfectly.

He was not a funny, ha-ha sort of guy, but he was willing to laugh. He had a sense of humor. He was willing to laugh at himself, which really made him attractive. He was self-effacing. There was no grandeur there. He was, as PHIL GRAMM said in his remarks at the services Saturday—I believe it was PHIL—or as somebody said: An ordinary man with extraordinary talents. He was willing to work hard to make up for whatever he lacked in some other way. He surely was loyal. I never had to worry about anything I said or asked Paul to do being used in an inappropriate way against me or against anybody else. He would handle it properly. And he was sensitive. He was always sensitive: Did I do the right thing? Did this Senator react some uncertain way?

I remember asking him to come and help us on the floor on issues he cared about. He really cared about education. He wanted education savings accounts. He believed it would help parents with children in school. He believed it would help low-income parents have the ability to save just a little bit of their money, just a little bit to help their children with clothes or computers or tutoring. If we ever find a way to pass that legislation, instead of education savings accounts, it should be the Coverdell savings accounts. That would be an appropriate memorial and monument to Paul Coverdell. He believed in it. It wasn't a partisan political thing. It was something he thought would make a difference.

As for drugs, I remember him following me around in the well heckling me about the need to pay more attention to the drug running in the Gulf of Mexico area across the borders in the Southwest. The Senator from Arizona worked with him on that issue. I remember his commitment to trying to be helpful to the Government in Colombia to fight drug terrorism there. He was passionate about it because he felt it threatened our country, threatened our very sovereignty, and it threatened our children. Once again, as with education, he saw it in terms of what it was doing or could do to our children. Again, he was involved.

One of the last discussions I had with him was on the intelligence authorization bill. There is a provision in it which he didn't particularly like. He was determined to have a way to make his case on that. In his memory, we will make sure his case is made by Senator KYL, Senator FEINSTEIN, Senator DEWINE, perhaps others. He really would dig into issues and make a difference.

I also called on him at times when there really was nobody else who could take the time to do the job.

He worked with us for a solid week on the floor on the Labor, HHS, Education appropriations bill. I came in one day and found that we had over 200 amendments pending. Somebody had to take the time to work with both sides to begin to get those amendments reduced, accepted, eliminated, withdrawn, or whatever. To his credit, Senator SPECTER said: I would like to have Paul spend time helping me with this.

Other leadership members were involved in other issues. I could not be here. Senator NICKLES could not be here. We had other things we had to do. Within a short period of time, the 200 became 50. Before the week was out, it was done.

Senator REID will tell you that Paul really made the difference. He didn't just hang out on this side of the aisle; he was rummaging around on the other side trying to see if we could work through it. I remember at the end of the week he was a little pale and, obviously, a little stressed. He came to my office and said: Boy, do I understand a little bit better what your job entails.

Well, he was able to do it because nobody felt threatened by Paul. He wasn't getting in my hair, stepping on Senator NICKLES' turf, or inappropriately shoving amendments away. He was working with everybody involved. Nobody got mad. Nobody got even. It is sort of a unique thing for a Senator to be able to do that.

So I guess I will be trying to find another "Mikey." But I don't think there is one. And so as I thought about doing this speech, I tried to find some statement, some poem, something that would pay a final appropriate treatment to Senator Coverdell. I came across a passage from a poem, "The Comfort of Friends," by William Penn.

He said:

> They that love beyond the world
> Cannot be separated by it.
> Death cannot kill what never dies,
> Nor can spirits ever be divided
> That love and live in the same divine principle:
> [Because that is] the root and record of their friendship.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank the leader for his comments and his very strong feelings about friends, people with whom he has worked.

I had a little different experience, I guess, with Paul Coverdell in that he was here when I came. So I was not in this business of leadership with him. Indeed, he took time to spend time with those of us who were new and to say: How can I help you? How can we work together? This was the kind of man that Paul Coverdell was. Certainly, he was an image that each of us should seek to perpetuate—that of caring, that of really feeling strongly about issues, and then, of course, being willing to do something about it. So I want to share with the leader my sorrow and sadness in not having Paul Coverdell here with us. I extend our condolences to his family.

GOALS FOR THE FUTURE

Mr. THOMAS. Mr. President, I want to take some time today to talk about some of the things we are doing, some of the goals I hope we have, and the position we find ourselves in now as we come down to the last week prior to the August recess.

When we come back from the August recess, we will have, I suppose, about 20 working days to finish this 2-year session of Congress, the 106th session. We will have a great deal to do. As we go forward, as we take a look at the day-to-day tasks and activities that we have before us, I hope always that we look at where we want to go and what the goals are.

Sometimes I feel as if we get wrapped up in the day-to-day operations and the day-to-day problems and we lose sight of where it is we want to be. But overall, as a Member of the Senate, or as an American citizen who is interested in Government, and as a voter, it seems to me that we ought to look at where we want to be over a period of time. Many things are involved, of course, in that. I think we have to take a look at where we are with respect to the Constitution. Most of us believe this Constitution has given us the greatest country in the world. This Constitution has given us more freedom, more opportunity, and more privileges than anywhere else in the world. Are we continuing to support that Constitution? Where will we be in 50 years? Where will we be in 10 years?

With regard to the role of the Federal Government, where do we want to be? What is our goal in terms of the future? What is the role of the Federal Government with regard to individual freedoms? What is the role of the Federal Government with respect to local government—the States and counties? Do we want a Federal Government that dominates all the things that we do? I don't believe so. So as we do each of these steps, it seems to me that it is appropriate to try to evaluate a little what we are doing and how that contributes to where we want to go. I know it is difficult. I think it is a challenge for each of us as we go about what we are doing.

I am, frankly, proud of what we have been able to do in this session. I am pleased about the direction the majority in the Senate has taken with regard to many of the issues; with regard to the balanced budget; with regard to Social Security; with regard to spending as it reflects Social Security and the changes that we have made to stabilize Social Security, making it strong; what we have done in terms of education; where we are in terms of the military and the security of this country, which is probably the No. 1 responsibility of the Federal Government.

So I think we ought to look at where we are. We are close now to finishing up. We have a number of things to do. But our determination, I believe, should be to stay within the budget we established. We have a budget program in which early this year we established spending limitations that we wanted to live within. It is difficult to do that. Everyone has a good idea as to where we can spend money. There are thousands of opportunities to spend money.

Frankly, when you have a surplus, spending becomes easier; it becomes something that everybody sort of gets into doing. We a have balanced budget. We maintain Social Security without spending Social Security dollars. We have been working on strengthening Medicare and pharmaceuticals, and we must continue to do that. We need to set up the technique for paying down the debt that we ought to pay. We have an obligation to pay that so our children don't have to. We are dedicated to returning the surplus back to the taxpayers, the people who have paid in the dollars. The surplus, indeed, should go back to them.

So it seems to me that we have a principle in our party, in this majority of the Senate, and in the Senate generally, for fiscal responsibility, for preserving Social Security, tax relief, and education. I am very proud of what we have done.

With regard to balancing the budget, actually in the last several years—it is the first time since the Eisenhower administration in 1957 that we balanced the budget with funds outside of Social Security. As the money comes in, of course, it comes in a unified budget. Social Security money has been borrowed and spent on programs other than Social Security. In 1995, when the Republicans took control of Congress, for the first time in 42 years, we began to balance the budget. I am pretty proud of that. I hope that we continue to be.

In terms of Social Security, of course, the first obligation is to set aside those dollars so that they are not spent on something else. Under our system, all that we can do with Social Security dollars is to put them into the trust fund, a Federal investment, which yields a relatively low return. We are seeking to take a portion of the Social Security funds now and let that account belong to the individual, so that when young people take their first job and have 12.5 percent of their earnings set aside, a portion of that can be in an account that belongs to them, which can be invested in the private sector at their direction, which can return a much higher yield so that over time there will be benefits for young people, probably leaving the ones 55 and older not doing anything at all and making sure they stay as they are.

Young people years from now will not have a return unless they do something different. We could increase taxes. Nobody is much interested in that. We could reduce benefits. That is not an answer. But we can increase the return on the trust funds. We are doing that.

We are funding education at a higher level than before, at a higher level than the administration requested. But probably more important is the effort made to return the decisions made with regard to elementary and secondary education back to the schools—closer to the school districts and closer to the school boards, rather than having those decisions being made in Washington. I can tell you that the needs in Pine Bluffs, WY, are much different from those in Pittsburgh.

You have to have some flexibility. We have the Ed-Flex bill so that those kinds of decisions can be made. I am pretty proud of that. I am very pleased with that. As the leader said, Senator Coverdell was the leader in doing those kinds of things.

As for strengthening the military, we are finding ourselves, of course, at a time when we don't have the cold war, where the inclination is for the emphasis to be off the military. This is not a simple world. We find ourselves at times needing a strong defense. We have a voluntary military, which we should have. But you have to make it relatively attractive for people to go into the military and stay there. You bring people into the military and train them to be pilots and mechanics; then they leave. We have done something there. We have increased the appropriations. We have increased, hopefully, the pay. Of course, if you are going to have an up-to-date military, there has to be science moving forward in new weaponry. We have to have new weapons. It is most difficult to do that.

This weekend I visited the Warren Air Force Base in Cheyenne, WY, one of the major bases. It is really one of the stable portions of our defense. We have to support that, of course.

Health care, naturally, is one of the things that is most important. We have moved to improve some of the payments that were made. We made some reductions in the balanced budget amendment in 1996. However, the administration has made those even larger than was intended. We have to go back and reclaim some of those payments—particularly for outpatient care and hospitals.

These are the things the majority party has worked toward and continues to work on.

We find ourselves now in the appropriations process. There are 13 appropriations bills to be passed. Hopefully, we will get 11 of them passed by the time this week is over. But it is very difficult. We have to challenge the administration. If they don't get their way—if they don't get the money they want in a particular appropriations—they are going to veto it. The President has threatened to shut down the Government, as he did before, and blame the Congress, of course. We have to keep that from happening. Nobody wants to shut down the Federal Government. We have different points of view. We have a different philosophy.

That is what this is all about. We debate those philosophies. Some people think government ought to be involved in all of life's activities. Others think there is no end to the amount of abuses that can take place. Others believe there ought to be some limit on the rules of the Federal Government. After we strengthen Medicare and pay down the debt, we ought to return additional money to those people who have made the payments.

With regard to paying down the debt, I am hopeful we can consider the proposition of a plan to do that. Again, our goal is to pay off the national debt of

$6 trillion. It seems to me we ought to do it in an organized way—do it a little as a mortgage where you decide every year you are going to pay off some on the debt—and move toward doing that. If you keep saying, we will pay it down one of these days, it never happens. The interest on that debt becomes one of the largest items in the budget. We can fix that if we are willing to do it.

I am very proud of what we have accomplished in this Congress. I think we have established a philosophy and a direction of providing adequate programs for controlling the size and growth of expenditures of the Federal Government; doing those things that are necessary, yet moving many decisions back closer to the people and the local governments; taking care of the obligations we have, such as paying down the debt and returning those dollars.

One of the real controversies, of course, is going to be the tax relief that passed the Senate. The tax relief is in two areas that seem to be particularly appropriate—the marriage penalty tax, where two people who are working for *x* amount of dollars get married, continue to make the same amount of dollars, and then pay more taxes. It is a fairness issue. There is something wrong with that. We have changed that. The President has threatened to veto it.

The other one that needs to be changed, in my opinion—and the Presiding Officer has been a leader in this—is the death tax, the estate tax, the idea that when someone dies, up to 50 percent of their earnings throughout their life can be taken by the Federal Government.

The alternative, of course, is to not let death be a trigger for taxes but, rather, let those moneys be passed on to whomever they wish to pass them on to, and whenever things are disposed of and sold, there is a capital gains tax, of course, on the growth that has taken place. It seems to me that is a fairness issue.

That is where we are. Those are some of the exciting things that I think are happening, and things that fit in, I believe, with the goals most of us have in terms of moving forward with this Federal Government.

We now have a fairly short time to continue doing what has to be done. Appropriations have to be done. We need to continue with our tax reductions and continue with strengthening education. We need to continue in health care. We are on the road to doing that. I am very pleased with how we are doing it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

REMEMBERING SENATOR PAUL COVERDELL

Mr. KYL. Mr. President, I appreciate the opportunity to take a few moments to reflect on some things you said and also on what the majority leader said a little while ago.

After our colleague Paul Coverdell died, I made a very brief statement on the floor. I knew I should speak briefly because it would be difficult to talk very long about Paul without becoming too emotional.

I think at a time when politics generally and politicians specifically are the subject of a lot of humor—they are denigrated because of cynicism about the political process, and in fact in some cases the denigration of some politicians is probably warranted—it is important for the American people to be reassured that there are some extraordinarily fine public servants who toil very hard on their behalf and who are responsible for whatever good comes out of these institutions—the House and the Senate.

Paul Coverdell was such a man. All of us who have spoken about him have shared with our colleagues and with the American people the same general notion that it is amazing what you can do if you are willing to let others take the credit for it. That was Paul Coverdell—self-effacing, very hard working, totally trustworthy and honest. Everyone could rely upon him to do the things that had to be done without fear he would in any way attempt to take advantage of any situation. He was as solid as a rock and a very important part of this institution—someone who really helped to make it run, and run in a good way.

I am sure my constituents in Arizona for the most part are unaware of Senator Coverdell, but they and others all around this country need to know how sorely he will be missed—not only personally but professionally—and how important a contribution he made to this country. There are truly some wonderful public servants, and Paul Coverdell was one of the best.

CONCERNS OF ARIZONA CONSTITUENTS

Mr. KYL. Mr. President, when I was in Arizona this weekend, there were three things that seemed to come up frequently. One, of course, was the Vice Presidential selection of Governor Bush for the Republican nomination this fall. The other two subjects were the issues of tax relief, and I will briefly discuss that, and missile defense, which I will add to the mix, to share some of my constituents' concerns.

On the matter of Vice President, obviously, that is a subject of which Governor Bush will speak today or tomorrow, perhaps. Those on the Republican side will be, I am sure, very supportive. If it is former Defense Secretary Dick Cheney, I think we will be especially pleased. I can't think of anyone who could make a better contribution, not only to the ticket but also to a future Republican administration, than Dick Cheney. He is from the Presiding Officer's State of Wyoming. He represents the kind of values that both the Presiding Officer and others from that great State represent: Straightforwardness, plain-spokenness, honesty, directness, a good strong sense of values, a willingness to do the hard work without having to take a lot of the credit, traits we treasure in someone such as Senator Paul Coverdell, and which Dick Cheney would certainly bring to the job. His experience and the great respect which people not only in this country but around the world have for Dick Cheney would serve the ticket well. I am not attempting to influence Governor Bush in any way, but if his choice is Dick Cheney, there couldn't be a better choice.

Now the other two subjects my constituents raised this past weekend. I was astounded that these were the two things they wanted to talk about: The tax relief that the Republican Congress continues to pass, and pass on to the President; and, secondly, the matter of missile defense, which I will get to in a moment.

I was amused to hear the Democratic candidate for President talk about a do-nothing Congress. This is rather strange, considering the fact that we have passed over and over and over legislation to help the American people, particularly to relieve them of some of the tax burden which imposes upon them an extra burden that they need not bear and that is inhibitive of future economic growth.

I am surprised that a Congress which has been so active—and, indeed, President Clinton has criticized us for being so active in this regard—would be accused then of being "do-nothing." In truth, it is not the Congress that isn't willing to do these things; it is the Clinton-Gore administration that is unwilling to do these things.

Let me give some cases in point. We passed the estate tax relief about which the Presiding Officer talked. It passed overwhelmingly in both bodies, with bipartisan support. But the Clinton-Gore administration says it will veto this tax relief. We passed the marriage penalty, something that President Clinton said, in his State of the Union speech, was a top priority for him. He says he will veto that legislation. We can pass all of these things, but we can't get them into law unless the President signs them. We are doing our best in the Congress. It is now up to the President.

He did sign one thing that we passed this year. The Social Security earnings limitation was finally repealed. That was an important part of tax relief for an important part of my constituency, our senior citizens. There is more work to do there.

We want to also repeal the 1993 tax increase on Social Security which was imposed by the Clinton administration and the Democratic Congress when it controlled the House and the Senate, and Vice President GORE is always proud to remind everyone that he had to cast the deciding vote. This was the 1993 tax increase which, among other things, imposes a tax rate of up to 85 percent on the Social Security earnings of our senior citizens. This is wrong and it ought to be repealed. If and when we do it, I will call upon the President to sign that.

We will probably send to him a repeal of the Spanish-American War era telephone tax. I think we can safely do this. The war has been over now for some time. We don't need to fund the Spanish-American War anymore. Like many other taxes and programs in Washington, once they are instituted, it is very difficult to ever get rid of them.

We are finally going to take the step to do that, as we did with the marriage penalty, as we did with the estate tax, as we did with the Social Security earnings limit. We are going to repeal this tax, as well, and call upon the President to sign this.

We have not been doing nothing. We have been doing something, something very worthwhile for the American people. I ask the President to reconsider his threat to veto these important tax cuts. Now, his argument is, maybe we can't afford it; it is a lot of money—this after receiving news that our tax surplus is going to be in the trillions of dollars—not billions, not hundreds of billions, but trillions of dollars. This is not a budget surplus; this is a tax surplus. It is a tax surplus because the taxes we have imposed on the American people bring in far more money than we should or can spend. I say "can" because, of course, Congress has the capacity to spend an unlimited amount of money.

We have set some standards in the Republican-controlled Congress. We have said we are not going to touch a dime of the Social Security surplus. The Social Security surplus is much larger than the non-Social Security surplus. This is the money that comes in as a result of the payment of our FICA taxes. Those are far greater than the need to pay the benefits under the Social Security program right now. And we are applying every dime of the Social Security surplus to a reduction of our Federal debt. That is why our Federal debt is being reduced so dramatically now.

The question is, What should be done with the non-Social Security surplus? It does not seem too much to me to return a dime, a dime on a dollar of that surplus, in the form of the marriage penalty relief and the estate tax relief to the American people. Under the most liberal interpretation of how much that would cost—and it is not nearly as much as this figure would suggest—but under the most liberal interpretation, it would be 10 cents on the dollar of the surplus we have.

It seems to me, since we are collecting more in taxes than we need—even after huge increases in spending in virtually every program we have—it is not too much to return 10 percent of this tax surplus to the American people. That is the magnitude of the issue. When President Clinton says it costs too much, he is saying the Federal Government ought to spend that money, rather then allowing the American people to keep this 10 cents on the dollar. That is arrogance of the first magnitude. That was one of the concerns my constituents presented to me this week.

The other had to do with missile defense. My constituents understand the need to protect America. They understand that Secretary Cohen has said we have a threat from North Korea, from Iran. There will be a threat from Iran; certainly China has been rattling its sabers these days. They understand that there is no way we can prevent an attacking missile from landing on the United States today and that it will be at least 5 years before we can do that if we proceed as rapidly as we possibly can. They are anxious we get on with the job of getting a missile defense program in place to protect the American people and to prevent other countries from blackmailing the United States from being involved in issues around the world in which we know we need to be involved.

This last weekend, there was a successful test—it didn't get much publicity—of the Patriot missile against a cruise missile target. This is another important component of missile defense. The last national missile defense test was a failure. From that, many people have said they conclude that there can't possibly be a successful program and we ought to just pack up and go home, ignoring the fact that the threat exists; also, Mr. President, ignoring something else. There is a phrase that has found its way into our jargon these days: "It is not rocket science." Mr. President, this is rocket science, and it ain't easy. Sometimes it takes some failures in order to get to the successful conclusion of a program. There are over 20 tests in this particular program scheduled, most of them yet to be conducted. It is rocket science. It is hard. But we can do it. The people involved in the program are confident of that.

The failure in this last test, incidentally, was not a failure of any of the high technology. It was one of those quirks that can occur when something you have done hundreds of times before just did not happen to work on this particular occasion. But it was not a failure of the high-tech end of this missile defense program which we need to test to make sure it can work.

To my colleagues who may have been concerned as a result of the failure of this last test, I suggest to them we stay the course and continue the program as outlined by the Department of Defense, which I believe will be successful and will enable us to deploy a missile defense to protect the American people.

Final point. There are many who have urged the President to defer a decision, that he not make a decision. We have already made that decision when we passed the Missile Defense Act and President Clinton signed it into law. That decision was to deploy a national missile defense as soon as technologically feasible, and we believe it will be feasible. Therefore, we need to move forward with the program. That is why the President should not defer a decision. He should make a decision to go forward, but he should, of course, defer the specifics as to exactly what that program is for the next President to decide. That can be done, but there should be no backing away from going forward, and that is the decision the President should make.

Ultimately, of course, I think Governor Bush is correct. There will need to be not just one element of a system but, rather, the flexibility to deploy a multilayered defense for the American people which involves both land-based assets as well as sea-based assets and space-based assets. You need satellites to detect and track the trajectory of a missile. You can also be benefited by other assets in space. Certainly a missile defense would be augmented very well with sea-based capability, which could, under certain circumstances, even have a boost-phase intercept capability because of its proximity to the launching of the offensive missile.

All of this is well understood. I believe the Congress should stay the course and urge the administration to go forward with its decision. Of course, the details will be left to the next administration, but we should not signal we are not willing to protect the American people from missile attack.

Mr. President, you mentioned, in closing, we are hoping to take up the permanent trade relations with China toward the end of this week. I very strongly support the efforts by Senator THOMPSON to ensure that at the same time we are moving to open our trade with China, we make it clear to China that there are certain things which are inimical to peace around the world and certainly to our security. Included in that is China's proliferation of weapons of mass destruction and the missiles to deliver those weapons to other countries, countries of concern—the so-called rogue nations of Iran and Iraq and North Korea. It may also be proliferating to other countries that we would prefer not have large arsenals of these weapons.

The bottom line is that although we can and should move forward in developing closer and more robust trade with China, we cannot allow that kind of activity to suggest to China that we do not care about our own national security and about peace and stability and security in the world. That is why I think it is appropriate for us to also adopt the Thompson legislation which will make it clear that, for those who are involved in the proliferation, sanctions will result. I am hoping we can take that up at the end of this week.

Those are concerns that were expressed by my constituents this weekend. I told them I would share them with my colleagues. I have now done that and I appreciate the indulgence of the Presiding Officer, whose time I have been taking.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

VICE PRESIDENTIAL NOMINATION FOR DICK CHENEY

Mr. THOMAS. Mr. President, in the last part of our time here I want to follow up a little bit on your comments about the prospects for the Vice Presidential nomination for Dick Cheney. Partly, I guess, that is because it is a personal thing. As you mentioned, Dick Cheney is from Wyoming. Indeed, he is still a resident and now I understand he is voting in Wyoming. Certainly he is a friend. As a matter of fact, I took Dick Cheney's place in the House when he took the job as Secretary of Defense. I was more delighted about his promotion than anyone else, I suppose.

Aside from that, I guess I am really impressed with the opportunities that might bring about. Of course, it is up to the Governor, Governor Bush, to do whatever he chooses. He has not yet made an announcement. But it seems to me it is satisfying to think of someone being on that ticket who is just a basic person, who has demonstrated his ability to do so many things in government and outside of government. I think it is kind of unusual in today's political scene for it to be someone who just says it like it is, not the great spin.

I was thinking about that yesterday. I was hearing some things on the radio, trying to make one thing sound like another. That is not the way Dick Cheney does things. He just says it.

He has a great background in government. He worked in the White House, was Chief of Staff. By the way, I saw him at the airport in Denver. He seems to be doing well. Of course, he was in the House of Representatives, I think, for six terms—a number of terms, anyway. He rose to leadership there. He was selected then, as you know, to be Secretary of Defense. He did a super job in the gulf war and the activities there.

So it just seems to me he would bring to anyone's ticket this ideal of a strong, stable person, knowledgeable, ready to move in and do the kinds of things that are required of the leadership of this country.

I guess I am a cheerleader for Dick Cheney. Hopefully, we will have a chance to continue to do that over the next several months.

Mr. President, our time is nearly expired. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AUTHORIZING THE PRINTING OF CERTAIN MATERIALS IN HONOR OF PAUL COVERDELL

Mr. LOTT. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 341, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 341) authorizing the printing of certain materials in honor of Paul Coverdell.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Madam President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 341) was agreed to, as follows:

S. RES. 341

Resolved, That the eulogies and other related materials concerning the Honorable Paul Coverdell, late a Senator from the State of Georgia, be printed as a Senate Document.

Mr. LOTT. Madam President, I note, again, for all Senators, that this authorizes the printing of certain materials to honor Senator Paul Coverdell. We will designate a specific period of time later on this week so Senators who have not spoken will have an opportunity to do so. Of course, we will then pull together into a package all of the statements that have been made about Senator Coverdell for his widow, Nancy Coverdell.

ORDER OF BUSINESS

Mr. LOTT. Madam President, we have worked this morning, in some ways long distance because Senators who have been involved in these discussions are on their way back, and we have been trying to get agreements on how to proceed. We have not gotten it worked out yet. But in a full measure of precaution, because we want to make sure we are doing everything we can to complete our work this week, it is necessary for me to go ahead and move to call up an appropriations bill and the intelligence authorization bill and file cloture. They would then be ripened on Wednesday. We would be prepared to vote on cloture, if necessary, on Wednesday.

It is my hope that, through communications and meetings that will take place—perhaps later on this day or in the morning—we will be able to vitiate that because there is no need, really, to have to invoke cloture on the motions to proceed. But it is the only way I can begin the discussion and be assured that we get to the substance of these two bills some time this week.

UNANIMOUS CONSENT REQUEST—H.R. 4871

Mr. LOTT. So, Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4871, the Treasury-Postal Service and general government appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

ADJOURNMENT

Mr. LOTT. Madam President, I now move that the Senate stand in adjournment for 1 minute, and when the Senate reconvenes, the morning hour be deemed to have expired, no resolutions come over under the rule, the call of the calendar be dispensed with, and the time for the two leaders be reserved.

The motion was agreed to, and at 3:21 p.m., the Senate adjourned until 3:22 p.m. the same day.

The Senate met at 3:22 p.m. and was called to order by the Honorable SUSAN COLLINS, a Senator from the State of Maine.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Madam President, I note that we had hoped this week to complete action on some additional judicial nominations, to complete at least two appropriations bills and begin a third one, and have the first cloture vote on China PNTR. It is still our hope, but at this time, at least, there is objection from our colleagues on the Democratic side of the aisle to proceeding on appropriations bills. We have a lot we can do this week, and I certainly hope we will do that. Under this action we have just taken, we can have some discussion by the chairman of the Treasury, Postal Service appropriations subcommittee. I see the manager, the chairman of the subcommittee, is here. I am sure he will want to make some comments and outline what is included in the bill.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Madam President, I move to proceed to H.R. 4871, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar number 704, H.R. 4871, a Bill Making Appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 2001, and for other purposes:

> Trent Lott, Ben Nighthorse Campbell, Pat Roberts, Richard G. Lugar, Jesse Helms, Jeff Sessions, Larry E. Craig, Jon Kyl, Craig Thomas, Don Nickles, Strom Thurmond, Michael Crapo, Mitch McConnell, Fred Thompson, Judd Gregg, and Ted Stevens.

Mr. LOTT. Madam President, I repeat my hope that we will be able to work out an agreement on how to proceed and that a vote on the cloture motion will not be necessary on Wednesday morning. But until we can get that done, we need to get the proceedings started. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—MOTION TO PROCEED

Mr. LOTT. Madam President, we also need to get the intelligence authorization bill done this week. I don't think it will take that long to complete it, although I suspect there are at least a couple issues that will have to be debated and voted on. I had the impression maybe half a day or a night would be all that would be necessary to complete this. I am hoping maybe sometime even Thursday we might complete it, and before, if possible.

I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 654, S. 2507, the intelligence authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Madam President, I say to my friend, the majority leader, on the minority side we also want to move on. We think there is a lot of work that could be done and should be done. For example, on Friday, with the energy and water appropriations bill, there was a provision in there that is very objectionable to a number of people on this side of the aisle, not the least of whom is the minority leader. The minority leader said take that out; it can be dealt with in conference. We think that is the case.

That is my bill. It is a very important bill, almost $23 billion. All of this money is discretionary money. It is a very important appropriation bill on which Senator DOMENICI and I have worked. We wish we could move that forward. We think it should move forward.

I also say to my friend, the majority leader, I think it is unfortunate that we have been unable today to deal with Senator HATCH. I understand there is a big celebration in Utah, Pioneer Day, on July 24, and he is committed to be there. I hope this evening or tomorrow we can sit down and talk. For example, I believe the judge's name is White, a Michigan judge, who has been before the committee and has not had a hearing; the nomination had been sent to the committee almost 1,200 days ago. In meeting with Senator HATCH and learning what his problems are, we will try to be as understanding as we can of his problems. I hope he will be as understanding of our problems as we are of his.

Senator DASCHLE and I said this on Thursday: We appreciate very much the work the majority leader has done. As powerful as he is, he still cannot overrule all the committee chairmen. They are here by virtue of their seniority. It makes it very tough to do that. We want to work to move this along. We believe the energy and water bill could move in a day or a day and a half.

Treasury-Postal: We don't believe that is a difficult bill. There are a couple touchy issues on that, but we believe we could work with the majority and move that along. We don't want it to appear that we are trying to hold things up. I think we have a pretty good record the past month or so of working with the leader.

In short, we hope in the meeting with Senator HATCH, either tonight or tomorrow, we will be in a position where we can expedite the rest of the work this week and move on to other things.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, I want to note that I did not move to proceed to the energy and water appropriations bill. I did that on purpose. I did it out of respect for the Democratic leader and the objection he has made to a particular section and the fact that it is obviously something very important to him and the Senators from North Dakota and South Dakota and other States.

But there are Senators on both sides of the aisle who actually support section 103 because of the impact this might have on the Missouri downriver in States such as Missouri, Illinois, and perhaps even, most importantly, as far as my own State of Mississippi. I talked to Senator DOMENICI and Senator DASCHLE this morning. I still hope we can find a way to resolve that. If that one issue can be resolved, I think that bill might take a couple hours and could be completed. I still have that on our list as one of the three bills we really must do this week.

With regard to the judges, I have made a commitment to try to continue to move judges who have been reported by the Judiciary Committee. I continue to urge the chairman of the Judiciary Committee to act on those judges who could be reported out. They did report out five judges last week, including a circuit judge from the State of Nevada who will wind up being on the Ninth Circuit Court of Appeals in California, I guess, and so I think I have been keeping my word to try to move those.

I believe the Judiciary Committee is prepared to have a hearing or is having a hearing tomorrow and will move at least four more judges tomorrow. I think it would be unfortunate if those four got tangled up in these difficulties we are outlining now.

It is very hard for me to understand why these appropriations bills and this authorization bill, the intelligence authorization bill, would be held up over one circuit court judge or even two circuit court judges who may still be acted on or have hearings and be reported out. But the majority leader cannot just direct the Judiciary Committee or the chairman that he must report a specific judge. I think it is responsible for me to say: Report those judges where you can and that can be cleared and voted on. But I am not now in a position to guarantee that a specific one judge will be reported by the Judiciary Committee. We will keep working with the chairman of the committee, and hopefully some solution can be found. I think we can find it.

In the meantime, we are losing a day here. I hope we don't lose all day tomorrow. But that is our goal this week, to try to get some judges, try to do two or three appropriations bills, try to do intelligence authorization, and to begin debate on the China PNTR issue.

I guess there is no option for me at this time, though, but to move to proceed to the bill.

CLOTURE MOTION

Mr. LOTT. Madam President, I move to proceed to S. 2507, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar number 654, S. 2507, the Intelligence Authorization Act for Fiscal Year 2001:

> Trent Lott, Richard Shelby, Connie Mack, Ben Nighthorse Campbell, Michael D. Crapo, Rick Santorum, Wayne Allard, Judd Gregg, Christopher Bond, Conrad Burns, Craig Thomas, Larry E. Craig, Robert F. Bennett, Orrin Hatch, Pat Roberts, and Fred Thompson.

Mr. LOTT. Madam President, this cloture vote will occur on Wednesday, unless we are already in a post cloture situation on the Treasury-Postal Service appropriations bill, or unless, of course, we have done away with the procedure and found a way to go directly to the substance of the bill. And, again, I hope we can do that.

I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

Mr. LOTT. I yield the floor.

Mr. REID. Madam President, before the leader leaves the floor, I want to say very quickly—and we need not discuss the issue of judges—this Senate really did well last week. Around the country, there were a series of editorials that were supportive of what the Senate did regarding the appellate judge; they were all positive for the majority and minority. That was a good move.

One reason, as I indicated, is that one of the Senators is upset because his judge is taking some 1,200 days before a hearing. Also, we recognize that the number of judges approved, while we have done quite well in the last few weeks, is still way behind what it should be.

I wanted to direct a question to the majority leader. Are we still going to have a vote at 6 o'clock? We are getting telephone calls in both Cloakrooms.

Mr. LOTT. Madam President, we could manufacture a vote, as the Senator knows, and force that vote. But in light of all that is going on, I don't see that it would serve any purpose other than sort of a bed check vote. It had been my intent to have votes on amendments to the Treasury-Postal Service appropriations bill, but that is not possible. I think since we have had to take this action and file cloture, we should announce that there will not be a recorded vote or votes tonight at 6 o'clock.

The next opportunity to vote, I presume, will possibly be in the morning. I hope we can begin to make progress in some way during the day today, or early tomorrow, so votes can be held, if necessary, before the luncheon, or immediately thereafter.

Mr. REID. Madam President, I want the RECORD to reflect that during the past week, on Mondays—last Monday, we had lots and lots of votes. The preceding Friday, we had lots and lots of votes. If the public is looking at the number of votes cast, we are doing pretty well.

Mr. LOTT. Madam President, I don't know what the number was, but I think on Thursday, Friday, Monday, and Tuesday of last week and the previous week, we probably cast at least 20, 25 votes—maybe 30. So we certainly are turning out votes and getting our work done. We had a very good week last week and the week before. I hope we are going to have one yet this week. We are just not ready to make a lot of progress today.

MORNING BUSINESS

Mr. LOTT. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES TO THE BUDGETARY AGGREGATES APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for an earned income credit (EIC) compliance initiative.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget Authority	Outlays
Current Allocation:		
General purpose discretionary	$541,593,000,000	$554,214,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	869,380,000,000	895,988,000,000
Adjustments:		
General purpose discretionary	+145,000,000	+146,000,000
Highways		
Mass transit		
Mandatory		
Total	+145,000,000	+146,000,000
Revised Allocation:		
General purpose discretionary	541,738,000,000	554,360,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	869,525,000,000	896,134,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget Authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,467,698,000,000	$1,452,935,000,000	$50,265,000,000
Adjustments: EIC compliance initiative	+145,000,000	+146,000,000	-146,000,000
Revised Allocation: Budget Resolution	1,467,843,000,000	1,453,081,000,000	50,119,000,000

VICTIMS OF GUN VIOLENCE

Mr. AKAKA. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday, Sunday and today.

July 21: Benjamin Brown, 42, Gary, IN; Howard Brumskill, 23, Philadelphia, PA; Preston Butler, 18, Philadelphia, PA; Jennifer Casals, 57, Miami-Dade County, FL; Steven Cooks, 27, Memphis, TN; Shena Counts, 13, Baltimore, MD; Ronnie Loundon, 25, Nashville, TN; Calvin Maclin, 42, Detroit, MI; Kevin McCarthy, 29, Philadelphia, PA; Marc Mull, 19, Chicago, IL; Tavon Price, 21, Baltimore, MD; Jessica Roman, 56, Miami-Dade County, FL; Amanda Snow, 31, Houston, TX; Unidentified male, 15, Chicago, IL.

July 22: Chris Cantie, 26, Philadelphia, PA; Richard Johnson, 28, Chicago, IL; Ignacio Molina, 28, Houston, TX; Alfonse Roberts, 20, New Orleans, LA; Andrew Sandoval, Jr., 28, Denver, CO; Thomas Correll Walker, 22, Washington, DC; Howard Westly, 22, Philadelphia, PA; Michael R. Williamson, 50, New Orleans, LA; Peter Sao Xiong, 18, St. Paul, MN; Unidentified male, 16, Portland, OR.

July 23: Alva Anglin, 73, Memphis, TN; Jerome Cole, 25, Nashville, TN; Kewon Core, 22, Chicago, IL; Ronald Gates, 30, Chicago, IL; Marcos Guerra, 27, Houston, TX; Leon Hunter, 26, Detroit, MI; Luther Johnson, 21, Philadelphia, PA; Darroll Love, Washington, DC; Chelsea Martin, San Francisco, CA; Keila McDonald, 20, Oakland, CA; Khorosh Merrikh, 24, Houston, TX; Kimberly D. Price, 33, Oklahoma City, OK; Gerard Ouriel Robinson, 20, Washington, DC.

July 24: Tyrone Blackwell, 20, Baltimore, MD; Billy Gissendanner, 30, Detroit, MI; Lorena Gonzalez, 38, Fontana, CA; Raphael Gonzalez, 57, Miami-Dade County, FL; Tyrone Green, 24, Baltimore, MD; David Rivera, 15, El Paso, TX; Sammie Simpkins, 50, Washington, DC; Ernest White, 20, Knoxville, TN; Anthony Wilson, 29, Chicago, IL.

One of the victims of gun violence I mentioned was 38-year-old Lorena Gonzalez of Fontana, California. Lorena was shot and killed one year ago today in front of her 2-year-old son by a man who robbed her of a mere three dollars while she was waiting in a parking lot for her husband to return from a nearby store.

Another gun violence victim, 29-year-old Anthony Wilson, was shot and killed one year ago today in a drive-by shooting in front of his home on the south side of Chicago.

We cannot sit back and allow such senseless gun violence to continue. The time has come to enact sensible gun legislation. The deaths of Lorena and Anthony are a reminder to all of us that we need to act now.

CHIROPRACTIC BENEFIT FOR MEMBERS OF THE UNITED STATES ARMED FORCES

Mr. GRASSLEY. Mr. President, I rise today to express my support for a provision included in the House-passed Department of Defense (DOD) Authorization bill which provides a permanent chiropractic benefit to all active military personnel. Iowans have a long history of support for the chiropractic profession. In fact, the nation's oldest institution of higher chiropractic learning—Palmer College—is located in Davenport, Iowa.

I am pleased that both the House and Senate have included provisions in their respective DOD authorization bills which expand access to chiropractic services for members of the military. These provisions follow on the heels of a multi-year pilot program enacted in the National Defense Authorization Act for Fiscal Year 1995. The pilot program demonstrated that military personnel who received chiropractic care had higher levels of satisfaction with the care they received as compared to personnel who only received traditional medical care. Furthermore, the pilot project demonstrated that chiropractic care would reduce hospitalization, return injured patients to work more quickly, and would result in a net savings to the Department of Defense in excess of $25 million annually.

The Defense Authorization Act passed by the House of Representatives begins the process of fully integrating chiropractic care into the military health care system on a direct access basis. The Senate-passed bill, however, limits chiropractic care through a medical gatekeeper. Direct access to chiropractic care would expedite the delivery of chiropractic care to those patients most in need of services and would free up existing health care providers to concentrate their time and efforts in other areas requiring attention. Therefore, I join the chiropractic profession in asking the conferees of the DOD Authorization legislation to accept the House-passed provision and provide direct access to chiropractic services to all active military personnel.

TRIBUTE TO FORMER SENATOR EDWARD W. BROOKE

Mr. KERRY. Mr. President, I wish to pay tribute to a former member of this body, Senator Edward W. Brooke. Senator Brooke has served the Commonwealth of Massachusetts as both a Massachusetts Attorney General and United States Senator. Recently, I had the privilege of attending the dedication of the New Chardon Street Courthouse in Boston on June 20th, named in honor of Senator Brooke. Given the former Senator's prestigious record of service to both the citizens of Massachusetts and the Nation, it is fitting that this honor be bestowed upon him.

During his distinguished career which spanned the course of two decades, Senator Brooke earned the prominent distinction of being the first African-American directly elected to both a State Attorney General position and the United States Senate. While in each office, Senator Brooke spearheaded efforts to achieve civil rights and equality for women, minorities, and the poor.

Elected Massachusetts Attorney General in 1962, Senator Brooke earned his reputation as a crime-fighter through his extensive work with the newly created Massachusetts Crime Commission. He actively combated corruption in State government and singlehandedly organized and completed the extensive investigation of the infamous "Boston Strangler" homicides.

Only 4 years later, he became the first African-American Senator to serve since Reconstruction, and the first and only to be re-elected. During his two terms in Congress, Senator Brooke figured prominently into all aspects of the Senate. He vigorously opposed escalation of the Vietnam war and supported arms control treaties like the MIRV and ABM proposals that would eventually become the catalysts in establishing improved relations and recognizing the People's Republic of China. Senator Brooke was the first Republican Senator to call for President Nixon's resignation after the Watergate scandal. In addition, Senator Brooke was a tireless champion of the poor. He authored the "Brooke amendment," which provided that public housing tenants pay no more than one-fourth of their income for housing.

Mr. President, I now ask unanimous consent that the text of Senator Brooke's comments at the New Chardon Street Courthouse dedication ceremony be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

EDWARD W. BROOKE COURTHOUSE DEDICATION

I respectfully ask that you join me in a moment of silence in memory of a dear and cherished friend, Roger H. Woodworth, a former Massachusetts Assistant Attorney General, who served his country in war, and his fellow man all the days of his life.

I could not write nor can I speak words which adequately convey the appreciation of my wife, Anne, our daughters, son, grandchildren and all of our family for this splendid recognition. It is, of course, an honor for me, but, more importantly, the naming of this courthouse also recognizes the exemplary service of the men and women with whom I was privileged to work in the Boston Finance Commission, the Office of the Attorney General and in the United States Senate.

I am particularly grateful to Senator Brian Lees, Governor Paul Cellucci, Senate President Thomas Birmingham, House Speaker Thomas Finneran, the 200 members of the Great and General Court, and all of the people of the Commonwealth of Massachusetts for this honor.

I also want to thank Kallmann, McKinnell & Wood, for their architectural vision and creativity and the contractors O'Connor & Dimeo & O'Connor for building this magnificent structure.

Thanks also go to those who labor within, Chief Justice Barbara Dortch-Okara, the judges who dispense justice, clerks, administrators, and especially those who secure and maintain this courthouse and who bear the responsibility for present and future safety, cleanliness and decorum.

I extend my warmest appreciation to all who have organized and participated in this ceremony, the clergy, the officials, the speakers, the singers, the band, the color guard, the police, the Metropolitan District Commissioner David Balfour and the dedication committee, and to all of you who have come from Maine to California, from the Berkshires to the Cape and Islands, and from the Caribbean.

My association with Massachusetts began on Pearl Harbor Day, December 7, 1941, when I received a telegram from the United States Army ordering me to report to the 366th Infantry Combat Regiment at Fort Devens, in Ayer, Massachusetts. It was to be the first time for me to set foot on Massachusetts soil.

I could not possibly have foreseen that after the war I would have returned to Massachusetts to study law at the Boston University School of Law, to practice law in Roxbury and in Boston and to serve in public office. Nor could I have known that the people of Massachusetts were to give me the greatest opportunities and challenges of my life.

This building and its location have special meaning for me. In my law school days I lived a stone's throw away, at 98 Chamber Street in the West End of Boston before I moved to Roxbury to live with my old Army buddy Al Brothers and his wife, Edith. I attended classes at Boston University Law School at 11 Ashburton Place, a few blocks up the hill from here and studied contract and constitutional law on a bench in the Boston Commons just behind the Robert Gould Shaw Monument. I practically boarded at Durgin Park, over there, near Faneuil Hall, where the servings of pot roast, mashed potatoes and cornbread were generous and the price was right.

Later, after practicing law on Humbolt Avenue in Roxbury, I practiced law in Pemberton Square across the street from the old Boston Municipal Court just up the hill. It was during those days that I practiced in the same probate, land and juvenile, now the more civilly named family court, all now in this new building. And, at first, to make a living, I searched many a title in the musty volumes upstairs in the office of the old Suffolk County Registry of Deeds, Later, I worked in the offices of the Boston Finance Commission, just down the street from the Parker House, and still later, in the Office of the Attorney General in the old bullfinch State House, all within a short walking distance of this new building.

My relationship with Boston has now come full circle within the naming of this courthouse and my involvement in the restoration of another old Bullfinch Building built in 1804 at the corner of Beacon and Park Streets. It was also in Boston close by, where my fraternity, Alpha Phi Alpha, inducted a young Boston University Divinity School student named Martin Luther King.

In order to be on time for this ceremony, Anne and I came to Boston last Friday morning, which enabled me to lunch at the famous Doyle's Pub in Jamaica Plains with some of the retired newspapermen of yesteryears. Having been married 21 years, and still being young lovers and on Saturday Anne and I strolled hand-in-had Saturday through the historic Boston Commons, founded in 1634, and the beautiful Boston Gardens with its spectacular beds of flowers. We walked over the footbridge and looked down at the ducks and the swan boats. We later ate streamed mussels and broiled bluefish at Legal Seafoods just behind the Four Seasons Hotel. We continued our walk up Newbury and Boylston Streets, miraculously without incurring major debt, and at noon, sat in silence, prayed and listened to the beautiful rehearsal music of the choir of Trinity Church in old Copley Square where I worshipped years ago, heard the wonderful sermons of the rector, Dr. Theodore Ferris, and where my daughters were confirmed. I shall always remember election night 1966 when I received my first congratulatory telegram. It simply read: "Hallelujah" and was signed Ted Ferris.

It has been said that this may well be the first state courthouse named for an African-American and perhaps the only one in Massachusetts named for a living person. If true, both are sad commentaries. It would be shameful with all of the qualified and talented African-American men and women in this country, that it has taken 137 years since the Emancipation Proclamation to give such recognition. And as for the recognition of the living versus the dead, I, of course, vote for the living.

In fact, in the present case, the new name of this building was approved by the Massachusetts legislature on a budget bill to which it had been attached by Senate President Birmingham and Senate Minority Leader Lees, and signed into law by Governor Cellucci on November 22, 1999. The Governor is his wisdom, wanting to have an outdoor ceremony and being assured of perfect weather, set the date for this dedication ceremony for June 20th, 2000. Of course, politicians always claim credit for things with which they had nothing whatsoever to do. So with due respect, Governor Cellucci, I give credit for the beautiful weather to Richard Winkleman, a dear friend who goes to church every day of his life, and who has been praying continually for good weather for today. During the interim between the passage and the signing of the budget bill, when told that this might be the first for a living person, my response was, "Well, you'd better hurry up or your record may stay in tact."

Today is not one to dwell on criticism of the past no matter how valid that criticism may be. It is a day of joy, a day of celebration and a day of acknowledgement and appreciation for what has been accomplished. It is also a day for a commitment to accelerate our efforts for greater progress in the present and in the future. Massachusetts Governors Michael Dukakis, William Weld and Paul Cellucci are to be commended for having appointed many highly-qualified women, African-Americans, Jews and representatives of other minorities to the judiciary and elsewhere in their administrations. I trust that successor governors will continue that record including the appointment of Hispanics, Asians and Native Americans. Like justice, appointments and recognition should be racial and gender-blind, and I respectfully urge other states across the country to follow the example set by this Governor, this legislative body, and the citizens of Massachusetts.

As we look to the future and the generations to come who will avail themselves of equal justice under law in this gleaming symbol of civil society, let us all pledge to work for a nation in which barriers of race, religion and ethnic origin do not stand in the way of achievement or recognition, a nation that continues to strike down the barriers that make us weak and lives up to the noble principle that make us strong. In the strength of unity and purpose may we recall the words of that old hymn:

"God of justice save the people from the wars of race and creed, from the strife of class and friction make our nation free indeed.

"Keep her faith in simple manhood, stronger than when she began; till she finds her full fruition in the brotherhood of man."

For this high honor, thanks be to Almighty God and the people of Massachusetts.

BREAST AND CERVICAL CANCER TREATMENT ACT

Mr. KOHL. Mr. President, I rise today to express my strong support for the Breast and Cervical Cancer Treatment Act and urge that it be brought to the Senate floor for a vote.

Sadly, breast and cervical cancer will afflict nearly 200,000 women this year, and take the lives of more than 45,000. Women in every State and every community in the country are today facing the daunting challenge of overcoming these diseases. They are not strangers; they are our sisters, mothers, aunts, and grandmothers. They are people we love and care about.

The statistics are disturbing. The family stories are sobering. But let us find hope in the strides that we have made so far. In 1991, Congress created the Early Detection Program at the Centers for Disease Control and Prevention, which provided low-income, uninsured women with breast and cervical cancer screening services. It was a positive first step toward ensuring that every woman, regardless of her annual income and insurance situation, could request a screening for breast and cervical cancer. I wholeheartedly support the program, and I know many of my colleagues do as well.

However, just as critical as guaranteeing universal access to cancer screening is the need to provide treatment options following a diagnosis of cancer. While the CDC Early Detection Program supplies participating women with an evaluation, it offers nothing in the way of treatment should that evaluation reveal cancer. The very same women who are not expected to pay for a screening are somehow expected to finance their own treatment program. It simply does not make sense.

We must, therefore, draw a line from A to B, from screening to treatment. The Breast and Cervical Cancer Treatment Act, a bill I am pleased to cosponsor, does just that. It gives States the option of offering Medicaid coverage to women that participated in the CDC Early Detection Program and were diagnosed as having breast or cervical cancer. In so doing, it provides a much-needed complement to the Early Detection Program.

We have broad bipartisan support in the Senate to pass this bill. Nearly 80 Senators have cosponsored it. The program was included in the President's fiscal year 2001 budget. But we need a vote.

As time in this Congressional term wanes, we are increasingly forced to make difficult choices about which bills to address. But I believe this bill must be a top priority. It is unacceptable that women who are diagnosed with cancer often go without life-saving treatment simply because they cannot afford it. Congress has the responsibility to act quickly on this issue.

In the spirit of the CDC Early Detection program, which is approaching its 10th anniversary, I urge the leadership to bring S. 662 to the floor as soon as possible, and advance America's fight against breast and cervical cancer.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 21, 2000, the Federal debt stood at $5,667,708,257,883.47 (Five trillion, six hundred sixty-seven billion, seven hundred eight million, two hundred fifty-seven thousand, eight hundred eighty-three dollars and forty-seven cents).

One year ago, July 21, 1999, the Federal debt stood at $5,630,350,000,000 (Five trillion, six hundred thirty billion, three hundred fifty million).

Five years ago, July 21, 1995, the Federal debt stood at $4,936,736,000,000 (Four trillion, nine hundred thirty-six billion, seven hundred thirty-six million).

Twenty-five years ago, July 21, 1975, the Federal debt stood at $533,588,000,000 (Five hundred thirty-three billion, five hundred eighty-eight million) which reflects a debt increase of more than $5 trillion—$5,134,120,257,883.47 (Five trillion, one hundred thirty-four billion, one hundred twenty million, two hundred fifty-seven thousand, eight hundred eighty-three dollars and forty-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF EXPO 2000, A BUSINESS OPPORTUNITY MARKETPLACE

• Mrs. HUTCHISON. Mr. President, I rise to recognize the Houston Minority Business Council and the other groups and individuals who are now preparing for "EXPO 2000, a Business Opportunity Marketplace," to be held on August 31, 2000, in the George R. Brown Convention Center in Houston, Texas. This annual event is Texas' largest minority business trade fair and offers a meeting ground for corporations seeking to identify experienced minority entrepreneurs.

Over the last decade, the number of minority owned businesses grew in the U.S. by an impressive 168 percent. These businesses generate half a trillion dollars in revenue and employ nearly four million workers. This success has been in large measure due to the efforts of groups like the Houston Minority Business Council and the dedicated individuals throughout Texas and this nation who seek to expand economic opportunities for all Americans.

The EXPO has been an outstanding example of such efforts, and has opened the doors of the marketplace by successfully pairing minority business owners with representatives from more than 220 local and national companies. The event provides these minority entrepreneurs with direct marketing opportunities with corporations, government agencies and educational and financial institutions that need capable contractors to support their missions. The EXPO has produced real results, with two thirds of participants reporting having obtained contracts for as much as two million dollars within a year of the event.

I have worked hard in the U.S. Senate to build upon efforts like this to expand Federal contracting opportunities to small and disadvantaged business entrepreneurs. I have helped lead the efforts to defend programs such as the 8 (a) Federal business development program, worked to curb the "bundling" of Federal contracts that hurt small businesses, and I have served as a champion of Small Business Development Centers, which assist small businesses in getting the capital and assistance needed to get started and expand.

I again commend the organizers, supporters, and participants of EXPO 2000. These fine men and women represent the best of Texas' entrepreneurial, hard-working and neighborly spirit. I wish them all much future success, and I look forward to continuing to work with them to ensure that all Americans share in the fruits of our economic prosperity.•

A TRIBUTE TO BERNIE WHITEBEAR

• Mrs. MURRAY. Mr. President, it is with great admiration that I rise to pay tribute to Mr. Bernie Whitebear, of Seattle, Washington, who passed away at the age of 62 on Sunday, July 16, 2000.

A long-standing advocate and leader in the fight for tribal self-determination, Bernie Whitebear was an outstanding role-model for tribal and non-tribal people alike. Known for his vision, humor and commitment, he lives on in the minds and hearts of everyone who knew him.

Bernie Whitebear was born on September 27, 1937 on the Colville Indian Reservation in Eastern Washington. Born into a large family, Bernie grew up confronting many of the barriers facing reservation children, including poverty and discrimination.

As an adult, he moved to Seattle, attended the University of Washington and worked as an engineer for Boeing. He later joined the Army as a paratrooper in the 101st Airborne Division and served as a Green Beret.

During the activism of the late 1960's, Bernie Whitebear emerged as one of the central tribal leaders in the Pacific Northwest and was a tireless advocate for American Indian recognition and empowerment. We often remember his social action, seen through his leadership in the "invasion" of Fort Lawton in Seattle in 1970. Bernie and others occupied the Fort Lawton property after plans were announced to list the Fort as surplus property for the city to designate as a park. He felt local tribes had a historic right to the land, which could be better used as a central service base for Seattle's largely unserved urban Indian population.

The 3-month occupation, civil arrests and resulting media attention prompted Congress to order the city of Seattle to negotiate a settlement, which included a 99-year lease on a 20-acre parcel for Whitebear's group. The settlement provided space for construction of the Daybreak Star Art Center, which currently stands in Discovery Park.

I want to share with the Senate one of my favorite memories of Bernie Whitebear. Bernie had invited me to attend the Mini-Pow Wow in my state on February 7, 1998. He asked me to stop by to talk about the People's Lodge, to see the artwork, and to have a quick look at some of the traditional dances. I told Bernie I would stop by, but that I only had a short while because I had a lot of events I needed to attend that day.

I remember when I arrived at the University of Washington Bernie welcomed me with his big bright smile and an outstretched hand. We watched some of the traditional dances, and then I realized that if I didn't leave soon I would be late for my next event. It was one of those days when I was trying to meet as many people as possible. Well Bernie didn't let me just meet the people at the Mini-Pow Wow, he made me stay and understand them. He started by introducing me to everyone in the room.

Then Bernie leaned over to me and explained that it was customary for a visiting United States Senator to move to the front of the dancing group. You know, it was one of the many Native American traditions Bernie told me about that always sounded a little invented to me. Like another old tradition he told me about: That anytime a U.S. Senator stepped foot in Discovery Park he or she had to pay a visit to the Daybreak Star Center. Well there was Bernie asking me to move to the front, and who could say no to Bernie?

He had his arm around me. He was leading me to the front. Everyone was watching, and I went along. The next thing I knew, I was leading about 300 people in a tribal dance. Even though I was not born to be a dancer and I certainly didn't know that particular dance, Bernie made it easy. He had such an open, loving, and compassionate nature that you just couldn't help but feel a part of it. As I looked around, people were smiling, and there was a real sense of comradery and respect shared by everyone in the room. About two hours later, as the event was winding down, I said goodbye to Bernie, and I got into my car.

As I drove away, I realized what Bernie had really done for me that day. He helped me understand Native American cultures from the inside, not as someone sitting on the sidelines watching, but as someone in the middle of the festivities. I felt the sense of community and respect that Bernie was always so proud of. Anyone can talk about those qualities and traditions, but Bernie let me experience them, and he did it with a big grin on his face. I know I'm better off for that experience.

That day shows just how effective Bernie was at getting us to shed our expectations, to realize what we have in common, and to work together.

Throughout his life, Bernie used his own unique style and generous heart to accomplish many things. He founded the United Indians of All Tribes Foundation, which provides education and counseling resources for the estimated 25,000 American Indians in the Puget Sound area. Along with the Daybreak Center and the United Indians Foundation, he worked to sensitize Seattle police to urban Indian issues. Recognizing the persistent need for American Indian health services, he also helped create the Seattle Indian Health Board and later served as its first executive director.

For his many contributions, Bernie Whitebear was awarded numerous honors. In 1997, Governor Gary Locke named him a "Citizen of the Decade." He recently received Seattle's Distinguished Citizen Medal. In 1998, the University of Washington gave him the Distinguished Alumnus of the Year Award. Bernie was a remarkable man with spirit and a warmth that touched everyone he encountered. My thoughts and sympathies are with all of Bernie's family and friends.

Bernie Whitebear acted as a beacon for compassion, cultural understanding and tribal sovereignty in the Puget Sound Region. His legacy is left in all of us who have tremendous respect for the history and cultures of the tribes, a history Bernie would draw us into, by his passion, by his words and by his deeds. I will miss him.•

TRIBUTE TO CARDINAL HILL REHABILITATION HOSPITAL

• Mr. McCONNELL. Mr. President, I rise today to honor the directors and staff of Cardinal Hill Rehabilitation Hospital in recognition of providing physical rehabilitation services for the past fifty years to the people of Kentucky.

Cardinal Hill Hospital treats more than 6,000 patients every year from virtually every county in the state. The Hospital, beginning as a convalescent home for children with polio, has now developed into a leading physical rehabilitation center for Lexington and its region. This anniversary not only reaches a significant milestone, but marks a time for recognition and celebration.

Dedicated to treating children and adults, some of Cardinal Hill's patients have been treated for catastrophic accidents or disabling diseases like multiple sclerosis, spina bifida, or cerebral palsy. Two of the more publicized patients would include Missy Jenkins, survivor of the Paducah Heath High School Shooting and Palmer Harston, of Lexington, 2000 National Easter Seals Child Representative, that have been given care and treatment by Cardinal Hill Hospital. Cardinal Hill has provided for patients who have dealt with all kinds of tragedies, whether small or large.

Cardinal Hill Rehabilitation Hospital continues to display an unswerving commitment to the people of Kentucky and possesses the respect and gratitude of many in the community. The significant work accomplished at this hospital promises a successful future for the citizens of this state as they can be ensured that disabilities will be continued to be treated at Cardinal Hill.

I am certain that the legacy of dedication that Cardinal Hill Rehabilitation Hospital has left will carry on. Congratulations to the directors and staff of Cardinal Hill on 50 years of service to Kentucky. Best wishes for many more years of commitment, and know that your efforts to better the lives of those in the region will be felt for years to come. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.•

CITY KIDS WILDERNESS PROJECT

• Mr. BIDEN. Mr. President, "An ounce of prevention is worth a pound of cure." When our parents and grandparents told us that, they probably weren't talking about the problem of crime in America. But they might have been.

So many times in our debates, in the testimony given by experts from law-enforcement professionals to psychologists and social workers, the value of prevention—of keeping kids away from crime before they ever get into it—is clear and indisputable. And it is just as clear that one of the best ways to keep kids out of trouble is, simply, to give them something else to do.

Terrance Collier, a 13-year-old from Washington, DC, had something else to do this summer. In fact, he had a lot to do. Through a program called City Kids Wilderness Project, Terrance went to Wyoming, where he camped, cooked, helped with cleaning up, paddled a canoe, went rafting, made new friends and, in the process, learned about nature, himself, teamwork and responsibility.

Randy Luskey started City Kids Wilderness Project and continues to fund the program himself. A few years ago, Randy donated his Wyoming ranch to the kids. But, Randy is not just a blind donor. Randy leaves his own family in Colorado every year to actively participate with the kids in Jackson Hole.

Cathy Robillard takes time away from her home and family in Vermont every summer to work with the kids in Wyoming. She is the person that runs the nuts and bolts of the program and does so with a measure of care and discipline.

City Kids Wilderness Project is one of the best possible examples of time and money well spent. And it is an example that should be followed.

A lot of the participants get into City Kids Wilderness Project through Boys and Girls Clubs, the kind of partnership that gets the best out of both programs, the kind of partnership that has proven successful time and time again.

In debating funding for crime-prevention programs and public-private partnerships, we hear testimony from the experts and professionals, as we should, but we will never have a witness more important than 13-year-old Terrance Collier. Terrance found his time in Wyoming to be rewarding, it made a difference to him, he thought it was important and it kept him off the street.

Let's listen to that testimony, and let's thank the people like Randy Luskey and Cathy Robillard who are offering "an ounce of prevention" to kids like Terrance, brightening the promise of the future for all of us.•

TRIBUTE TO PAUL M. MONTRONE—NEW HAMPSHIRE BUSINESS IN THE ARTS LEADERSHIP AWARD WINNER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Paul Montrone upon his recognition as the 2000 New Hampshire "Business in the Arts-Leadership" award winner.

In order for arts programs to run smoothly and efficiently, there must be a strong leader behind the operation. Paul has been instrumental in the development of the arts in New Hampshire for many years. He has been a leading figure in enhancing corporate and individual financial support both regionally and nationally, and has a demonstrated interest in improving the operation and effectiveness of arts organizations.

Paul's strong leadership has proven to be an effective model for others to follow. He gives generously of his time by serving on the boards of many nonprofit organizations such as the Wang Center in Boston and the New England Conservatory, and also serves as the president and CEO of the Metropolitan Opera. He personally assists the Mayer Arts Center at Phillips Exeter Academy which attracts visiting artists to display their work on campus and establish residencies and workshops in the surrounding community. He also supports the scholarship program at Phillips Exeter Academy, designed to help support gifted students pursue their dreams in the arts. His early and consistent support of the Music Hall in Portsmouth is yet another testament of his vision and long-term commitment to the community.

Without the support of generous financial donations, arts programs would suffer tremendously. Paul has long patronized arts organizations and has convinced major corporations to do the same through "challenge" grants. These grants are made at significant points of the fund drive, thereby motivating other potential donors to donate. His keen business skills are evident in the large amounts of financial support he earns for particular programs.

It is citizens like Paul who exemplify the importance of civic responsibility. His work in making the arts more accessible to the community is commendable. Without the support of such dedicated people like Paul, the arts would not be able to thrive in New Hampshire. It is an honor to serve him in the United States Senate.•

TRIBUTE TO THE TOWN OF BEDFORD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Bedford on its 250th anniversary, an important and historic milestone in New Hampshire's history.

The town was incorporated on May 21, 1750. Once an unsettled wilderness located in the heart of New Hampshire, Bedford has grown into a booming residential and commercial community. Its close proximity to the center of Southern New Hampshire makes it very convenient for residents to commute to bigger cities like Manchester and Nashua. Bedford is a thriving small town with a strong commitment to family and community values, evidenced by a first-rate school system and active participation by many residents in civic groups such as the Rotary Club and the Lions Club.

The town has come together to celebrate its anniversary with year-long events, such as town picnics, exhibits and a parade marking the town's official birthday. A 250th anniversary ball is planned as the cumulation of the year's events. These celebrations strengthen town organizations' staying-power and provide an opportunity for residents to congregate and enjoy all the town has to offer. The overwhelming number of Bedford residents who attended these events is a testament to their commitment to town and civic affairs.

Slowly but surely, this quiet former farming town has seen tremendous commercial growth within the last 50 years. Bedford is now home to many small businesses and office parks, but has certainly not lost that small-town charm. With 16,500 citizens, it is easy to meet familiar faces in passing. Although the town may be steadily expanding its collection of businesses, the residents have not let them overwhelm their beautiful scenic community.

Once again, I want to congratulate the town of Bedford on its 250th anniversary. Stable and secure communities such as Bedford are essentially the backbone of this great nation. It is an honor to serve its citizens in the United States Senate.•

TRIBUTE TO TOM SCHWIEGER UPON HIS RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the outstanding leadership of Tom Schwieger, President and CEO of the Greater Manchester Chamber of Commerce. Tom's seventeen years of service have been marked by integrity, vision and dedication, earning him the respect and admiration of the people of New Hampshire.

During his tenure at the Manchester Chamber, Tom has initiated and overseen some of the most important revitalization projects of the last fifty years. He was the driving force behind the development of the Manchester Airport and the newly approved Civic Center. In 1998, as a testament to the success of Tom's efforts, Manchester was named the best small city in America in which to live.

When I speak with Tom, I am always left with the impression that he truly loves what he does. His energy and enthusiasm is contagious and Tom has assembled a very prestigious Board of Directors. As BJ Eckhardt of Business New Hampshire Magazine remarked, "people are honored to serve on the board; no one says 'no' to Tom."

In addition to his many professional achievements, Tom has served as a mentor and an inspiration to many members of the Chamber staff. Many current New Hampshire community leaders credit Tom with giving them their start and helping to shape their careers.

Walter Lippman once said, "The final test of a leader is that he leaves behind him in other men, the conviction and the will to carry on." In his seventeen years at the Chamber, Tom has given the organization direction, drive, and a sense of mission. He has served with spirit and devotion, and his legacy will serve as an example to his successors for years to come.

Tom, it has been an honor and a pleasure to serve you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.•

TRIBUTE TO SITESURFER PUBLISHING—NEW HAMPSHIRE "BUSINESS IN THE ARTS" AWARD WINNER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Sitesurfer Publishing upon its recognition as a 2000 New Hampshire "Business in the Arts" award winner in the microenterprise category.

Sitesurfer Publishing has proven that a little bit of time and energy is all it takes to make a significant impact in the arts. This company has allowed such organizations as the Capitol Center for the Arts in Concord to become more competitive in today's high-tech world of on-line business. Sitesurfer created a website for the Capitol Center which resulted in thousands of dollars worth of contributions and tickets sold. This type of competitive edge has attracted worldwide visitors and increased the appeal of corporate sponsorship packages, proving to be the sort of revenue needed to continue the Capitol Center's many programs.

Sitesurfer has gone a step further in assuring the future of the Capitol Center's newest technology by providing the necessary hands-on training for the Center's staff to maintain and update the website, while still making itself available for support and hands-on work when it is needed. Sitesurfer understands the importance of making the arts accessible to others by providing memberships and complimentary tickets to their employees and clients.

Without the support of dedicated businesses, the arts would not be able to flourish in the state. Despite its small size, Sitesurfer Publishing has demonstrated that even small businesses can take an active role in the community not only by donating money, but by investing time and hard work into civic causes. Sitesurfer truly signifies the deep personal commitment of small businesses across the state to supporting the causes that make New Hampshire the place to call home. It is an honor to represent them in the United States Senate.•

TRIBUTE TO LOU SISSON—WAKEFIELD CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Lou Sisson upon her recognition as the Wakefield Citizen of the Year by the Greater Wakefield Chamber of Commerce.

Lou's tireless efforts to better her community are truly inspirational in a time where civic duties are declining. Aside from her duties as owner of the Wakefield Inn, Lou has been an active member of the Lions Club, the Women's Club, the Heritage Commission and a founding member of the Wakefield Arts Club. Her long list of involvements are a testament to her strong dedication to the community and her commitment to making various events and programs available to all Wakefield citizens.

Lou's hard work on the Sidewalk Committee led to the construction of numerous sidewalks throughout downtown Wakefield, making the streets safer for pedestrians. She is also involved in a summer youth program which recently created a two-mile heritage trail that outlines information about the town's historic sites, providing educational and recreational opportunities for all town residents. Lou truly enjoys volunteering and cites the friendly, personable town atmosphere as the true motivation for her efforts.

It is citizens like Lou who make our communities stronger and exemplify what is good about America today. Lou's dedication to making her community a better place to live is commendable. It is truly an honor to serve her in the United States Senate.•

MESSAGES FROM THE HOUSE

At 12:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagreed to the amendments of the Senate to the bill (H.R. 4516) making appropriations for the legislative branch for the fiscal year ending September 30, 2001, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. TAYLOR of North Carolina, Mr. WAMP, Mr. LEWIS of California, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Florida, Mr. PASTOR, Mr. MURTHA, Mr. HOYER, and Mr. OBEY, as the managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9937. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic rollover of involuntary cash-out" (Rev. Rul. 2000-36) received on July 14, 2000; to the Committee on Finance.

EC-9938. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on section 403(b) plans" (Revenue Ruling 2000-35) received on July 14, 2000; to the Committee on Finance.

EC-9939. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Default rollover of involuntary cash-out" (Rev. Rul. 2000-36) received on July 17, 2000; to the Committee on Finance.

EC-9940. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Retention of Income Tax Return Preparers' Signatures" (RIN 1545-AW52) received on July 17, 2000; to the Committee on Finance.

EC-9941. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Telefile Voice Signature Test" (RIN 1545-AR97) received on July 17, 2000; to the Committee on Finance.

EC-9942. A communication from the Deputy Executive Secretary to the Department, Center for Health Plans and Providers, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Medicare and Choice" (RIN 0938-AI29) received on July 12, 2000; to the Committee on Finance.

EC-9943. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, -700, and -800 Series Airplanes; Docket No. 2000-NM-209" (RIN 2120-AA64 (2000-0376)) received on July 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9944. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Oakley, KS; Docket No. 00-ACE-20 [7-14/7-17]" (RIN 2120-AA66 (2000-0175)) received on July 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9945. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Crystal Falls and Republic, Michigan" (MM Docket No. 98-128, RM-9308, RM-9385) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9946. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Las Vegas, Nevada" (MM Docket No. 99-252, RM-9648) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9947. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Sulphur Bluff, Texas" (MM Docket No. 99-287, RM-9712) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9948. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Reno Nevada" (MM Docket No. 99-291, RM-9665) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9949. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tallulah, Louisiana)" (MM Docket No. 99-348; RM-9765) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9950. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Hemet, California)" (MM Docket No. 99-349; RM-9766) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9951. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Simmesport, Louisiana)" (MM Docket No. 99-350; RM-9769) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9952. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Holbrook, Arizona)" (MM Docket No. 99-351; RM-9785) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9953. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Mojave, California)" (MM Docket No. 99-353; RM-9787) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9954. A communication from the Associate Managing Director-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Assessment and Collection of Regulatory Fees for Fiscal Year 2000, Report and Order" (MD Docket No. 00-58. FCC 00-240) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9955. A communication from the Assistant Bureau Chief of Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order In the Matter of Redesignation of 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and Allocation of Additional Spectrum in 17.3-17.8 GHz and 24.75-25 .25 GHz Frequency Bands for Broadcast Satellite-Service Use" (RIN IB Docket No. 98-172, FCC 00-212) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9956. A communication from the Chief of the Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Extending Wireless Telecommunications Services to Tribal Lands" (Wt Docket No. 99-266, FCC 00-209) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9957. A communication from the Associate Chief of the Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS, Second Report and Order and Second Further Notice of Proposed Rule Making." (GEN Doc. 90-314, ET Doc. 92-100, PP Doc. 93-253, FCC 00-159) received on July 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9958. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report regarding the incidental capture of Sea Turtles in Commercial Shipping Operations; to the Committee on Commerce, Science, and Transportation.

EC-9959. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a notification relative to the termination of danger pay for Eritrea; to the Committee on Foreign Relations.

EC-9960. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of six rules entitled "Approval and Promulgation of Implementation Plans; Alabama-Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement; Correction" [FRL #6735-6], "Azoxystrobin or Methyl(E)-2-3-; Extension of Tolerance for Emergency Exemptions" [FRL #6594-1], "Butyl Acrylate-Vinyl Acetate-Acrylic Copolymer; Tolerance Exemption" [FRL #6593-9], "Humic Acid, Sodium Salt, Exemption Tolerance" [FRL #6595-9], "Pendimethalin; Re-establishment of Tolerance for Emergency Exemptions" [FRL #6596-5], "Tebuconazole; Extension of Tolerance for Emergency Exemptions" [FRL #6596-7] received on July 12, 2000; to the Committee on Environment and Public Works.

EC-9961. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 311(b)(9)(A), CERCLA Section 311(b)(3) "Announcement of Competition for EPA's Brownfields Job Training and Development Demonstration Pilots"" (FRL 6837-1), "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Approval of National Low Emission Vehicle Program" (FRL 6838-5), "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised 15% Plan for the Metropolitan Washington, DC Ozone Nonattainment Area" (FRL 6735-4), "Trifloxystrobin; Pesticide Tolerance" (FRL 6594-6), "Vincloolin; Pesticide Tolerances" (FRL 65948) received on July 13, 2000; to the Committee on Environment and Public Works.

EC-9962. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District and Kern County Air Pollution Control District" received on July 17, 2000; to the Committee on Environment and Public Works.

EC-9963. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas Permitting of New and Modified Sources in Nonattainment Areas," (FRL 6735-3) received on July 17, 2000; to the Committee on Environment and Public Works.

EC-9964. A communication from the General Counsel of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy in the position of the Inspector General, Department of Defense Inspector General; to the Committee on Governmental Affairs.

EC-9965. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-9966. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-379 entitled "Closing of a Public Alley in Square 236, S.O. 00-49, Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-9967. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the copies of D.C. Act 13-378 entitled "Closing of a Public Alley in Square 288, S.O. 98-163, Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-9968. A communication from the Director of the Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Progress Payments for Foreign Military Sales Contracts" (DFARS Case 2000-D009) received on July 12, 2000; to the Committee on Armed Services.

EC-9969. A communication from the Chief of Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, a notice relative to a cost comparison to reduce the cost of the Supply and Transportation function over a sixty month period at Anderson Air Force Base, Guam; to the Committee on Armed Services.

EC-9970. A communication from the Under Secretary of the Navy, transmitting, a notification relative to functions performed by military and civilian personnel; to the Committee on Armed Services.

EC-9971. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, the National Tropical Botanical Garden Annual Audit Report for calendar year 1999; to the Committee on Rules and Administration.

EC-9972. A communication from the Associate Administrator of the Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pork Promotion, Research, and Consumer Information Program: Procedures for the Conduct of Referendum" (Docket Number: LS-99-14) received on July 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9973. A communication from the Associate Administrator, Agricultural Marketing Service, Research and Promotion Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Blueberry Promotion, Research, and Information Order" (FV-99-701-FR) received on July 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9974. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2000-33 Automatic Enrollment in Section 457(b) plans" (Rev. Rul. 2000-33) received on July 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MACK, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 2101: A bill to promote international monetary stability and to share seigniorage with officially dollarized countries (Rept. No. 106-354).

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 2266: A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee (Rept. No. 106-355).

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2453: A bill to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity, and for other purposes (Rept. No. 106-356).

S. 2459: A bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation (Rept. No. 106-357).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1474: A bill providing conveyance of the Palmetto Bend project to the State of Texas (Rept. No. 106-358).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2425: A bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes (Rept. No. 106-359).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 2908. A bill to authorize funding for successful reentry of criminal offenders into local communities; to the Committee on the Judiciary.

By Mr. FITZGERALD:

S. 2909. A bill to permit landowners to assert otherwise-available state law defenses against property claims by Indian tribes; to the Committee on Indian Affairs.

By Mr. REID (for himself, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 2910. A bill to amend title XVIII of the Social Security Act to permit the expansion of medical residency training programs in geriatric medicine; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 341. A resolution authorizing the printing of certain materials in honor of Paul Coverdell.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN:

S. 2908. A bill to authorize funding for successful reentry of criminal offenders into local communities; to the Committee on the Judiciary.

THE OFFENDER REENTRY AND COMMUNITY SAFETY ACT OF 2000

Mr. BIDEN. Mr. President, today I am proud to introduce the Offender Reentry and Community Safety Act of 2000. I am introducing this legislation because all too often we have short-term solutions for long-term problems. All too often we think about today, but not tomorrow. It's time that we start looking forward. It's time that we face the dire situation of prisoners re-entering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing and deficient basic life skills.

According to the Department of Justice, 1.25 million offenders are now living in prisons and another 600,000 offenders are incarcerated in local jails. A record number of those inmates—approximately 585,400 will return to communities this year. Historically, two-thirds of returning prisoners have been rearrested for new crimes within three years.

The safety threat posed by this volume of prisoner returns has been exacerbated by the fact that states and communities can't possibly properly supervise all their returning offenders, parole systems have been abolished in thirteen states and policy shifts toward more determinate sentencing have reduced the courts' authority to impose supervisory conditions on offenders returning to their communities.

State systems have also reduced the numbers of transitional support programs aimed at facilitating the return to productive community life styles. Recent studies indicate that many returning prisoners receive no help in finding employment upon release and most offenders have low literacy and other basic educational skills that can impede successful reentry.

At least 55 percent of offenders are fathers of minor children, and therefore face a number of issues related to child support and other family responsibilities during incarceration and after release. Substance abuse and mental health problems also add to concerns over community safety. Approximately 70 percent of state prisoners and 57 percent of federal prisoners have a history of drug use or abuse. Research by Justice indicates that between 60 and 75 percent of inmates with heroin or cocaine problems return to drugs within three months when untreated. An estimated 187,000 state and federal prison inmates have self-reported mental health problems. Mentally ill inmates are more likely than other offenders to have committed a violent offense and be violent recidivists. Few states connect mental health treatment in prisons with treatment in the return community. Finally, offenders with contagious diseases such as HIV/AIDS and tuberculosis are released with no viable plan to continue their medical treatment so they present a significant danger to public health. And while the federal prison population and reentry system differs from the state prison population and reentry systems, there are nonetheless significant reentry challenges at the federal level.

We need to start thinking about what to do with these people. We need to start thinking in terms of helping these people make a transition to the community so that they don't go back to a life of crime and can be productive members of our society. We need to start thinking about the long-term impact of what we do after we send people to jail

My legislation creates demonstration reentry programs for federal, state and local prisoners. The programs are designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of reoffending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully reintegrate into society.

Innovative strategies and emerging technologies present new opportunities to improve reentry systems. This legislation creates federal and state demonstration projects that utilize these strategies and technologies. The projects share many core components, including a more seamless reentry system, reentry officials who are more directly involved with the offender and who can swiftly impose intermediate sanctions if the offender does not follow the designated reentry plan, and the combination of enhanced service delivery and enhanced monitoring. The different projects are targeted at different prisoner populations and each has some unique features. The promise of the legislation is to establish the demonstration projects and then to rigorously evaluate them to determine which measures and strategies most successfully reintegrate prisoners into the community as well as which measures and strategies can be promoted nationally to address the growing national problem of released prisoners.

There are currently 17 unfunded state pilot projects, including one in Delaware, which are being supported with technical assistance by the Department of Justice. My legislation will fund these pilot projects and will encourage states, territories, and Indian tribes to partner with units of local government and other non-profit organizations to establish adult offender reentry demonstration projects. The grants may be expended for implementing graduated sanctions and incentives, monitoring released prisoners, and providing, as appropriate, drug and alcohol abuse testing and treatment, mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services. My legislation also encourages state agencies, municipalities, public agencies, nonprofit organizations and tribes to make agreements with courts to establish "reentry courts" to monitor returning offenders, establish graduated sanctions and incentives, test and treat returning offenders for drug and alcohol abuse, and provide reentering offenders with mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services.

This legislation also re-authorizes the drug court program created by Congress in the 1994 Crime Law as a cost-effective, innovative way to deal with non-violent offenders in need of drug treatment. This is the same language as the Drug Court Reauthorization and Improvement Act that I introduced with Senator SPECTER last year.

Rather than just churning people through the revolving door of the criminal justice system, drug courts help these folks to get their acts together so they won't be back. When they graduate from drug court programs they are clean and sober and more prepared to participate in society. In order to graduate, they are required to finish high school or obtain a GED, hold down a job, and keep up with financial obligations including drug court fees and child support payments. They are also required to have a sponsor who will keep them on track.

This program works. And that is not just my opinion. Columbia University's National Center on Addiction and Substance Abuse (CASA) found that these courts are effective at taking offenders with little previous treatment history and keeping them in treatment; that they provide closer supervision than other community programs to which the offenders could be assigned; that they reduce crime; and that they are cost-effective.

According to the Department of Justice, drug courts save at least $5,000 per offender each year in prison costs alone. That says nothing of the cost savings associated with future crime prevention. Just as important, scarce prison beds are freed up for violent criminals.

I have saved what may be the most important statistic for last. Two-thirds of drug court participants are parents of young children. After getting sober through the coerced treatment mandated by the court, many of these individuals are able to be real parents again. More than 500 drug-free babies have been born to female drug court participants, a sizable victory for society and the budget alike.

This bill reauthorizes programs to provide for drug treatment in state and federal prisons. According to CASA, 80 percent of the men and women behind bars in the United States today are there because of alcohol or drugs. They were either drunk or high when they committed their crime, broke an alcohol or drug law, stole to support their habit, or have a history of drug or alcohol abuse. The need for drug and alcohol treatment in our nations prisons and jails is clear.

Providing treatment to criminal offenders is not "soft." It is a smart crime prevention policy. If we do not treat addicted offenders before they are released, they will be turned back onto our streets with the same addiction problem that got them in trouble in the first place and they will reoffend. Inmates who are addicted to drugs and alcohol are more likely to be incarcerated repeatedly than those without a substance abuse problem. This is not my opinion, it is fact. According to CASA, 81 percent of inmates with five or more prior convictions have been habitual drug users compared to 41 percent of first-time offenders. Reauthorizing prison-based treatment programs is a good investment and is an important crime prevention initiative.

This legislation is a first step. Someday, we will look back and wonder why we didn't think of this sooner. For now, we need to implement these pilot projects, help people make it in their communities and make our streets safer. I am certain that we will revel in the results.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Offender Reentry and Community Safety Act of 2000".

SEC. 2. FINDINGS.

Congress finds the following:

(1) There are now nearly 1,900,000 individuals in our country's prisons and jails, including over 140,000 individuals under the jurisdiction of the Federal Bureau of Prisons.

(2) Enforcement of offender violations of conditions of releases has sharply increased the number of offenders who return to prison—while revocations comprised 17 percent of State prison admissions in 1980, they rose to 36 percent in 1998.

(3) Although prisoners generally are serving longer sentences than they did a decade ago, most eventually reenter communities; for example, in 1999, approximately 538,000 State prisoners and over 50,000 Federal prisoners a record number were returned to American communities. Approximately 100,000 State offenders return to communities and received no supervision whatsoever.

(4) Historically, two-thirds of returning State prisoners have been rearrested for new crimes within three years, so these individuals pose a significant public safety risk and a continuing financial burden to society.

(5) A key element to effective post-incarceration supervision is an immediate, predetermined, and appropriate response to violations of the conditions of supervision.

(6) An estimated 187,000 State and Federal prison inmates have been diagnosed with mental health problems; about 70 percent of State prisoners and 57 percent of Federal prisoners have a history of drug use or abuse; and nearly 75 percent of released offenders with heroin or cocaine problems return to using drugs within three months if untreated; however, few States link prison mental health treatment programs with those in the return community.

(7) Between 1987 and 1997, the volume of juvenile adjudicated cases resulting in court-ordered residential placements rose 56 percent. In 1997 alone, there were a total of 163,200 juvenile court-ordered residential placements. The steady increase of youth exiting residential placement has strained the juvenile justice aftercare system, however, without adequate supervision and services, youth are likely to relapse, recidivate, and return to confinement at the public's expense.

(8) Emerging technologies and multidisciplinary community-based strategies present new opportunities to alleviate the public safety risk posed by released prisoners while helping offenders to reenter their communities successfully.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish demonstration projects in several Federal judicial districts, the District of Columbia, and in the Federal Bureau of Prisons, using new strategies and emerging technologies that alleviate the public safety risk posed by released prisoners by promoting their successful reintegration into the community;

(2) establish court-based programs to monitor the return of offenders into communities, using court sanctions to promote positive behavior;

(3) establish offender reentry demonstration projects in the states using government and community partnerships to coordinate cost efficient strategies that ensure public safety and enhance the successful reentry into communities of offenders who have completed their prison sentences;

(4) establish intensive aftercare demonstration projects that address public safety and ensure the special reentry needs of juvenile offenders by coordinating the resources of juvenile correctional agencies, juvenile courts, juvenile parole agencies, law enforcement agencies, social service providers, and local Workforce Investment Boards; and

(5) rigorously evaluate these reentry programs to determine their effectiveness in reducing recidivism and promoting successful offender reintegration.

TITLE I—FEDERAL REENTRY DEMONSTRATION PROJECTS

SEC. 101. FEDERAL REENTRY CENTER DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this Act, the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, shall establish the Federal Reentry Center Demonstration project. The project shall involve appropriate prisoners from the Federal prison population and shall utilize community corrections facilities, home confinement, and a coordinated response by Federal agencies to assist participating prisoners, under close monitoring and more seamless supervision, in preparing for and adjusting to reentry into the community.

(b) PROJECT ELEMENTS.—The project authorized by subsection (a) shall include—

(1) a Reentry Review Team for each prisoner, consisting of representatives from the Bureau of Prisons, the United States Probation System, and the relevant community corrections facility, who shall initially meet with the prisoner to develop a reentry plan tailored to the needs of the prisoner and incorporating victim impact information, and will thereafter meet regularly to monitor the prisoner's progress toward reentry and coordinate access to appropriate reentry measures and resources;

(2) regular drug testing, as appropriate;

(3) a system of graduated levels of supervision within the community corrections facility to promote community safety, provide incentives for prisoners to complete the reentry plan, including victim restitution, and provide a reasonable method for imposing immediate sanctions for a prisoner's minor or technical violation of the conditions of participation in the project;

(4) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed;

(5) to the extent practicable, the recruitment and utilization of local citizen volunteers, including volunteers from the faith-based and business communities, to serve as advisers and mentors to prisoners being released into the community;

(6) a description of the methodology and outcome measures that will be used to evaluate the program; and

(7) notification to victims on the status and nature of offenders' reentry plan.

(c) PROBATION OFFICERS.—From funds made available to carry out this Act, the Director of the Administrative Office of the United States Courts shall assign one or more probation officers from each participating judicial district to the Reentry Demonstration project. Such officers shall be assigned to and stationed at the community corrections facility and shall serve on the Reentry Review Teams.

(d) Project Duration.—The Reentry Center Demonstration project shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Attorney General may extend the project for a period of up to 6 months to enable participant prisoners to complete their involvement in the project.

(e) Selection of Districts.—The Attorney General, in consultation with the Judicial Conference of the United States, shall select an appropriate number of Federal judicial districts in which to carry out the Reentry Center Demonstration project.

(f) Coordination of Projects.—The Attorney General, may, if appropriate, include in the Reentry Center Demonstration project offenders who participated in the Enhanced In-Prison Vocational Assessment and Training Demonstration project established by section 105 of this Act.

SEC. 102. FEDERAL HIGH-RISK OFFENDER REENTRY DEMONSTRATION.

(a) Authority and Establishment of Demonstration Project.—From funds made available to carry out this Act, the Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, shall establish the Federal High-Risk Offender Reentry Demonstration project. The project shall involve Federal offenders under supervised release who have previously violated the terms of their release following a term of imprisonment and shall utilize, as appropriate and indicated, community corrections facilities, home confinement, appropriate monitoring technologies, and treatment and programming to promote more effective reentry into the community.

(b) Project Elements.—The project authorized by subsection (a) shall include—

(1) participation by Federal prisoners who have previously violated the terms of their release following a term of imprisonment;

(2) use of community corrections facilities and home confinement that, together with the technology referenced in paragraph (5), will be part of a system of graduated levels of supervision;

(3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, and other programming to promote effective reintegration into the community as appropriate;

(4) involvement of a victim advocate and the family of the prisoner, if it is safe for the victim(s), especially in domestic violence cases, to be involved;

(5) the use of monitoring technologies, as appropriate and indicated, to monitor and supervise participating offenders in the community;

(6) a description of the methodology and outcome measures that will be used to evaluate the program; and

(7) notification to victims on the status and nature of a prisoner's reentry plan.

(c) Mandatory Condition of Supervised Release.—In each of the judicial districts in which the demonstration project is in effect, appropriate offenders who are found to have violated a previously imposed term of supervised release and who will be subject to some additional term of supervised release, shall be designated to participate in the demonstration project. With respect to these offenders, the court shall impose additional mandatory conditions of supervised release that each offender shall, as directed by the probation officer, reside at a community corrections facility or participate in a program of home confinement, or both, and submit to appropriate monitoring, and otherwise participate in the project.

(d) Project Duration.—The Federal High-Risk Offender Reentry Demonstration shall begin not later than six months following the availability of funds to carry out this section, and shall last 3 years. The Director of the Administrative Office of the United States Courts may extend the project for a period of up to six months to enable participating prisoners to complete their involvement in the project.

(e) Selection of Districts.—The Judicial Conference of the United States, in consultation with the Attorney General, shall select an appropriate number of Federal judicial districts in which to carry out the Federal High-Risk Offender Reentry Demonstration project.

SEC. 103. DISTRICT OF COLUMBIA INTENSIVE SUPERVISION, TRACKING, AND REENTRY TRAINING (DC ISTART) DEMONSTRATION.

(a) Authority and Establishment of Demonstration Project.—From funds made available to carry out this Act, the Trustee of the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) shall establish the District of Columbia Intensive Supervision, Tracking and Reentry Training Demonstration (DC iSTART) project. The project shall involve high risk District of Columbia parolees who would otherwise be released into the community without a period of confinement in a community corrections facility and shall utilize intensive supervision, monitoring, and programming to promote such parolees' successful reentry into the community.

(b) Project Elements.—The project authorized by subsection (a) shall include—

(1) participation by appropriate high risk parolees;

(2) use of community corrections facilities and home confinement;

(3) a Reentry Review Team that includes a victim witness professional for each parolee which shall meet with the parolee—by video conference or other means as appropriate—before the parolee's release from the custody of the Federal Bureau of Prisons to develop a reentry plan that incorporates victim impact information and is tailored to the needs of the parolee and which will thereafter meet regularly to monitor the parolee's progress toward reentry and coordinate access to appropriate reentry measures and resources;

(4) regular drug testing, as appropriate;

(5) a system of graduated levels of supervision within the community corrections facility to promote community safety, encourage victim restitution, provide incentives for prisoners to complete the reentry plan, and provide a reasonable method for immediately sanctioning a prisoner's minor or technical violation of the conditions of participation in the project;

(6) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed and indicated;

(7) the use of monitoring technologies, as appropriate;

(8) to the extent practicable, the recruitment and utilization of local citizen volunteers, including volunteers from the faith-based communities, to serve as advisers and mentors to prisoners being released into the community; and

(9) notification to victims on the status and nature of a prisoner's reentry plan.

(c) Mandatory Condition of Parole.—For those offenders eligible to participate in the demonstration project, the United States Parole Commission shall impose additional mandatory conditions of parole such that the offender when on parole shall, as directed by the community supervision officer, reside at a community corrections facility or participate in a program of home confinement, or both, submit to electronic and other remote monitoring, and otherwise participate in the project.

(d) Program Duration.—The District of Columbia Intensive Supervision, Tracking and Reentry Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Trustee of the Court Services and Offender Supervision Agency of the District of Columbia may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

SEC. 104. FEDERAL INTENSIVE SUPERVISION, TRACKING, AND REENTRY TRAINING (FED iSTART) DEMONSTRATION.

(a) Authority and Establishment of Demonstration Project.—From funds made available to carry out this section, the Director of the Administrative Office of the United States Courts shall establish the Federal Intensive Supervision, Tracking and Reentry Training Demonstration (FED iSTART) project. The project shall involve appropriate high risk Federal offenders who are being released into the community without a period of confinement in a community corrections facility.

(b) Project Elements.—The project authorized by subsection (a) shall include—

(1) participation by appropriate high risk Federal offenders;

(2) significantly smaller caseloads for probation officers participating in the demonstration project;

(3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed; and

(4) notification to victims on the status and nature of a prisoner's reentry plan.

(c) Program Duration.—The Federal Intensive Supervision, Tracking and Reentry Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Director of the Administrative Office of the United States Courts may extend the project for a period of up to six months to enable participating prisoners to complete their involvement in the project.

(d) Selection of Districts.—The Judicial Conference of the United States, in consultation with the Attorney General, shall select an appropriate number of Federal judicial districts in which to carry out the Federal Intensive Supervision, Tracking and Reentry Training Demonstration project.

SEC. 105. FEDERAL ENHANCED IN-PRISON VOCATIONAL ASSESSMENT AND TRAINING AND DEMONSTRATION.

(a) Authority and Establishment of Demonstration Project.—From funds made available to carry out this section, the Attorney General shall establish the Federal Enhanced In-Prison Vocational Assessment and Training Demonstration project in selected institutions. The project shall provide in-prison assessments of prisoners' vocational needs and aptitudes, enhanced work skills development, enhanced release readiness programming, and other components as appropriate to prepare Federal prisoners for release and reentry into the community.

(b) Program Duration.—The Enhanced In-Prison Vocational Assessment and Training Demonstration shall begin not later than six months following the availability of funds to carry out this section, and shall last 3 years. The Attorney General may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

SEC. 106. RESEARCH AND REPORTS TO CONGRESS.

(a) Attorney General.—Not later than 2 years after the enactment of this Act, the Attorney General shall report to Congress on the progress of the demonstration projects authorized by sections 101 and 105 of this Act. Not later than 1 year after the end of the demonstration projects authorized by sections 101 and 105 of this Act, the Director of the Federal Bureau of Prisons shall report to Congress on the effectiveness of the reentry projects authorized by sections 101 and 105 of this Act on post-release outcomes and recidivism. The report shall address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate.

(b) Administrative Office of the United States Courts.—Not later than 2 years after the enactment of this Act, Director of the Administrative Office of the United States Courts shall report to Congress on the progress of the demonstration projects authorized by sections 102 and 104 of this Act. Not later than 180 days after the end of the demonstration projects authorized by sections 102 and 104 of this Act, the Director of the Administrative Office of the United States Courts shall report to Congress on the effectiveness of the reentry projects authorized by sections 102 and 104 of this Act on post-release outcomes and recidivism. The report should address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate.

(c) DC ISTART.—Not later than 2 years after the enactment of this Act, the Executive Director of the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105-33; 111 Stat. 712) shall report to Congress on the progress of the demonstration project authorized by section 6 of this Act. Not later than 1 year after the end of the demonstration project authorized by section 103 of this Act, the Executive Director of the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105–33; 111 Stat. 712) shall report to Congress on the effectiveness of the reentry project authorized by section 103 of this Act on post-release outcomes and recidivism. The report shall address post-release outcomes and recidivism for a period of three years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate. In the event that the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105–33; 111 Stat. 712) is not in operation 1 year after the enactment of this Act, the Director of National Institute of Justice shall prepare and submit the reports required by this section and may do so from funds made available to the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105–33; 111 Stat. 712) to carry out this Act.

SEC. 107. DEFINITIONS.

In this title:

(1) the term "appropriate prisoner" means a person who is considered by prison authorities—

(A) to pose a medium to high risk of committing a criminal act upon reentering the community, and

(B) to lack the skills and family support network that facilitate successful reintegration into the community; and

(2) the term "appropriate high risk parolees" means parolees considered by prison authorities—

(A) to pose a medium to high risk of committing a criminal act upon reentering the community; and

(B) to lack the skills and family support network that facilitate successful reintegration into the community.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act, there are authorized to be appropriated, to remain available until expended, the following amounts:

(1) To the Federal Bureau of Prisons—

(A) $1,375,000 for fiscal year 2001;

(B) $1,110,000 for fiscal year 2002;

(C) $1,130,000 for fiscal year 2003;

(D) $1,155,000 for fiscal year 2004; and

(E) $1,230,000 for fiscal year 2005.

(2) To the Federal Judiciary—

(A) $3,380,000 for fiscal year 2001;

(B) $3,540,000 for fiscal year 2002;

(C) $3,720,000 for fiscal year 2003;

(D) $3,910,000 for fiscal year 2004; and

(E) $4,100,000 for fiscal year 2005.

(3) To the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105-33; 111 Stat. 712)—

(A) $4,860,000 for fiscal year 2001;

(B) $4,510,000 for fiscal year 2002;

(C) $4,620,000 for fiscal year 2003;

(D) $4,740,000 for fiscal year 2004; and

(E) $4,860,000 for fiscal year 2005.

TITLE II—STATE REENTRY GRANT PROGRAMS

SEC. 201. AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) as amended, is amended—

(1) by redesignating part Z as part AA;

(2) by redesignating section 2601 as section 2701; and

(3) by inserting after part Y the following new part:

"PART Z OFFENDER REENTRY AND COMMUNITY SAFETY

"SEC. 2601. ADULT OFFENDER STATE AND LOCAL REENTRY PARTNERSHIPS.

"(a) Grant Authorization.—The Attorney General shall make grants of up to $1,000,000 to States, Territories, and Indian tribes, in partnership with units of local government and nonprofit organizations, for the purpose of establishing adult offender reentry demonstration projects. Funds may be expended by the projects for the following purposes:

"(1) oversight/monitoring of released offenders;

"(2) providing returning offenders with drug and alcohol testing and treatment and mental health assessment and services;

"(3) convening community impact panels, victim impact panels or victim impact educational classes;

"(4) providing and coordinating the delivery of other community services to offenders such as housing assistance, education, employment training, conflict resolution skills training, batterer intervention programs, and other social services as appropriate; and

"(5) establishing and implementing graduated sanctions and incentives.

"(b) Submission of Application.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

"(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

"(2) identify the governmental and community agencies that will be coordinated by this project;

"(3) certify that there has been appropriate consultation with all affected agencies and there will be appropriate coordination with all affected agencies in the implementation of the program, including existing community corrections and parole; and

"(4) describe the methodology and outcome measures that will be used in evaluating the program.

"(c) Applicants.—The applicants as designated under 2601(a)—

"(1) shall prepare the application as required under subsection 2601(b); and

"(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

"(d) Matching Funds.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

"(e) Reports.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

"(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

"(2) such other information as the Attorney General may require.

"(f) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this section $40,000,000 in fiscal years 2001 and 2002; and such sums as may be necessary for each of the fiscal years 2003, 2004, and 2005.

"(2) Limitations.—Of the amount made available to carry out this section in any fiscal year—

"(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

"(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

"SEC. 2602. STATE AND LOCAL REENTRY COURTS.

"(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to $500,000 to State and local courts or state agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a reentry court. Funds may be expended by the projects for the following purposes:

"(1) monitoring offenders returning to the community;

"(2) providing returning offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;

"(3) convening community impact panels, victim impact panels, or victim impact educational classes;

"(4) providing and coordinating the delivery of other community services to offenders, such as housing assistance, education, employment training, conflict resolution skills training, batterer intervention programs, and other social services as appropriate; and

"(5) establishing and implementing graduated sanctions and incentives.

"(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

"(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

"(2) identify the governmental and community agencies that will be coordinated by this project;

"(3) certify that there has been appropriate consultation with all affected agencies, including existing community corrections and parole, and there will be appropriate coordination with all affected agencies in the implementation of the program;

"(4) describe the methodology and outcome measures that will be used in evaluation the program.

"(c) APPLICANTS.—The applicants as designated under 2602(a)—

"(1) shall prepare the application as required under subsection 2602(b); and

"(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

"(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

"(e) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

"(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

"(2) such other information as the Attorney General may require.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 in fiscal years 2001 and 2002, and such sums as may be necessary for each of the fiscal years 2003, 2004, and 2005.

"(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

"(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

"(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

"SEC. 2603. JUVENILE OFFENDER STATE AND LOCAL REENTRY PROGRAMS.

"(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to $250,000 to States, in partnership with local units of governments or nonprofit organizations, for the purpose of establishing juvenile offender reentry programs. Funds may be expended by the projects for the following purposes:

"(1) providing returning juvenile offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;

"(2) convening victim impact panels, restorative justice panels, or victim impact educational classes for juvenile offenders;

"(3) oversight/monitoring of released juvenile offenders; and

"(4) providing for the planning of reentry services when the youth is initially incarcerated and coordinating the delivery of community-based services, such as education, conflict resolution skills training, batterer intervention programs, employment training and placement, efforts to identify suitable living arrangements, family involvement and support, and other services.

"(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

"(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

"(2) identify the governmental and community agencies that will be coordinated by this project;

"(3) certify that there has been appropriate consultation with all affected agencies and there will be appropriate coordination with all affected agencies, including existing community corrections and parole, in the implementation of the program;

"(4) describe the methodology and outcome measures that will be used in evaluating the program.

"(c) APPLICANTS.—The applicants as designated under 2603(a)—

"(1) shall prepare the application as required under subsection 2603(b); and

"(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

"(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

"(e) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

"(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

"(2) such other information as the Attorney General may require.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 in fiscal years 2001 and 2002, and such sums as are necessary for each of the fiscal years 2003, 2004, and 2005.

"(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

"(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

"(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

"SEC. 2604. STATE REENTRY PROGRAM RESEARCH, DEVELOPMENT, AND EVALUATION.

"(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to conduct research on a range of issues pertinent to reentry programs, the development and testing of new reentry components and approaches, selected evaluation of projects authorized in the preceding sections, and dissemination of information to the field.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 in fiscal years 2001 and 2002, and such sums as are necessary to carry out this section in fiscal years 2003, 2004, and 2005.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3711 et seq.), as amended, is amended by striking the matter relating to part Z and inserting the following:

"PART Z OFFENDER REENTRY AND COMMUNITY SAFETY ACT

"Sec. 2601. Adult Offender State and Local Reentry Partnerships.
"Sec. 2602. State and Local Reentry Courts.
"Sec. 2603. Juvenile Offender State and Local Reentry Programs.
"Sec. 2604. State Reentry Program Research and Evaluation.

"PART AA—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 2701. Continuation of rules, authorities, and proceedings.".

TITLE III—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS REAUTHORIZATION

SEC. 301. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS REAUTHORIZATION.

Section 3621(e)(4) of title 18, United States Code, is amended by striking subparagraph (E) and inserting the following:

"(E) $31,000,000 for fiscal year 2000; and

"(F) $38,000,000 for fiscal year 2001.".

TITLE IV—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS REAUTHORIZATION

SEC. 401. REAUTHORIZATION.

Paragraph (17) of section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(17)) is amended to read as follows:

"(17) There are authorized to be appropriated to carry out part S $100,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal years 2002 through 2006.".

SEC. 402. USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE FOR SERVICES DURING AND AFTER INCARCERATION.

Section 1901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is amended by adding at the end the following:

"(c) ADDITIONAL USE OF FUNDS.—States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this part for treatment and sanctions both during incarceration and after release.".

By Mr. FITZGERALD:

S. 2909. A bill to permit landowners to assert otherwise-available state law defenses against property claims by Indian tribes; to the Committee on Indian Affairs.

LANDOWNERS DEFENSES AGAINST PROPERTY CLAIMS BY INDIAN TRIBES LEGISLATION

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Subchapter 1 of Chapter 6 of Title 25 is amended by inserting as §210 the following:

SECTION 1. DEFENSES TO INDIAN CLAIMS.

Except as provided in Section 2, in any action, or claim by or on behalf of an Indian tribe to enforce a real-property right, or otherwise asserting a claim of Indian title or right, the defendant may assert any affirmative defense that would be available under state law to a defendant opposing an analogous action or claim that does not involve an Indian tribe.

SEC. 2. EXCEPTION FOR GOVERNMENTAL DEFENDANTS.

Section 1 shall not apply to any action or claim against a governmental entity with respect to land that is located within sovereign Indian country.

SEC. 3. RULES OF CONSTRUCTION.

(a) Excepts as provided in subsection (b), this Act shall be construed and applied without regard to the interpretive judicial canon that remaining ambiguities should be resolved in favor of the Indians when standard tools of statutory construction leave no indication as to the meaning of an Indian treaty or statute.

(b) EXCEPTION.—Subsection (a) shall not apply to judicial interpretation of an Indian treaty with respect to a determination of whether land was reserved or set aside by the federal government for the use of an Indian tribe as Indian land.

SEC. 4. DEFINITIONS.

(1) The term "Indian tribe," as used in this Act, means any tribe, band, nation, pueblo, village, or community that is recognized by the Secretary of the Interior pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. §479a).

(2) The term "sovereign Indian country" means land—

(A) that is rightfully owned by, or is held in trust by the federal government for, an Indian tribe;

(B) that was reserved or set aside for the use of the Indian tribe as Indian land by the federal government, and is either—

(i) outside the exterior geographical limits of any State; or

(ii) within the exterior geographical limits of a State that subsequently either—

(A) acknowledged Indian title to the land involved when the land was made a part of the State, if that State be one of the original 13 States to form the United States; or

(B) provided, either in the Act providing for the State's admission to the United States or in the State's first constitution, that all lands held by Indians within the State shall remain under the jurisdiction and control of the United States, in accordance with Article I, Section 8, clause 17 of the Constitution of the United States, if that State were admitted to the United States after 1790; and

(C) for which the Indian title has not been extinguished or the jurisdiction reservation revoked.

SEC. 5. ATTORNEYS FEES.

(a) Except as provided in subsection (b), in any action or proceeding that is subject to this Act, the court shall allow the prevailing party a reasonable attorney's fee with respect to a claim presented by the opposing party that was frivolous, unreasonable, or without foundation, or that the opposing party continued to litigate after it clearly became so.

(1) A claim shall be deemed legally frivolous, unreasonable, or without foundation only if it rests upon a legal theory that was clearly unavailable under existing case law.

(2) A claim shall be deemed factually frivolous, unreasonable, or without foundation only if its proponent knew or should have know of those facts that would require judgment for the opposing party as a matter of law.

(b) EXCEPTION.—No attorney's fee shall be assessed under subsection (a) against an Indian tribe seeking to enforce a right to an interest in land if the court determines that the land involved is located within sovereign Indian country.

SEC. 6. TIMING OF APPLICATION.

This Act shall apply to any action, claim, or right described in Section 1 that is pending, filed, or continuing on or after the date of the enactment of this Act, other than a final money-damages judgment to which no one has a right to raise a challenge by any available procedure.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 162

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 635

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 1086

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1227

At the request of Mr. L. CHAFEE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 2078

At the request of Mr. BUNNING, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2078, a bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Michigan (Mr. ABRAHAM), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Montana (Mr. BAUCUS), the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. MOYNIHAN), the Senator from Florida (Mr. GRAHAM), the Senator from Missouri (Mr. BOND), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2586

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2586, a bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes.

S. 2609

At the request of Mr. CRAIG, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2686

At the request of Mr. COCHRAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2764

At the request of Mr. KENNEDY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2764, supra.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2806

At the request of Mr. SARBANES, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2806, a bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees.

S. 2828

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2828, a bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs.

S. 2841

At the request of Mr. ROBB, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2843

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2843, a bill for the relief of Antonio Costa.

S. 2894

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2894, a bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets.

S. 2903

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2903, a bill to amend the Internal Revenue Code of 1986 to expand the child tax credit.

S. CON. RES. 130

At the request of Mr. BROWNBACK, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Maine (Ms. SNOWE), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

At the request of Mrs. LINCOLN, the name of the Senator from Washington

SEC. 402. USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE FOR SERVICES DURING AND AFTER INCARCERATION.

Section 1901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is amended by adding at the end the following:

"(c) ADDITIONAL USE OF FUNDS.—States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this part for treatment and sanctions both during incarceration and after release.".

By Mr. FITZGERALD:

S. 2909. A bill to permit landowners to assert otherwise-available state law defenses against property claims by Indian tribes; to the Committee on Indian Affairs.

LANDOWNERS DEFENSES AGAINST PROPERTY CLAIMS BY INDIAN TRIBES LEGISLATION

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Subchapter 1 of Chapter 6 of Title 25 is amended by inserting as §210 the following:

SECTION 1. DEFENSES TO INDIAN CLAIMS.

Except as provided in Section 2, in any action, or claim by or on behalf of an Indian tribe to enforce a real-property right, or otherwise asserting a claim of Indian title or right, the defendant may assert any affirmative defense that would be available under state law to a defendant opposing an analogous action or claim that does not involve an Indian tribe.

SEC. 2. EXCEPTION FOR GOVERNMENTAL DEFENDANTS.

Section 1 shall not apply to any action or claim against a governmental entity with respect to land that is located within sovereign Indian country.

SEC. 3. RULES OF CONSTRUCTION.

(a) Excepts as provided in subsection (b), this Act shall be construed and applied without regard to the interpretive judicial canon that remaining ambiguities should be resolved in favor of the Indians when standard tools of statutory construction leave no indication as to the meaning of an Indian treaty or statute.

(b) EXCEPTION.—Subsection (a) shall not apply to judicial interpretation of an Indian treaty with respect to a determination of whether land was reserved or set aside by the federal government for the use of an Indian tribe as Indian land.

SEC. 4. DEFINITIONS.

(1) The term "Indian tribe," as used in this Act, means any tribe, band, nation, pueblo, village, or community that is recognized by the Secretary of the Interior pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. §479a).

(2) The term "sovereign Indian country" means land—

(A) that is rightfully owned by, or is held in trust by the federal government for, an Indian tribe;

(B) that was reserved or set aside for the use of the Indian tribe as Indian land by the federal government, and is either—

(i) outside the exterior geographical limits of any State; or

(ii) within the exterior geographical limits of a State that subsequently either—

(A) acknowledged Indian title to the land involved when the land was made a part of the State, if that State be one of the original 13 States to form the United States; or

(B) provided, either in the Act providing for the State's admission to the United States or in the State's first constitution, that all lands held by Indians within the State shall remain under the jurisdiction and control of the United States, in accordance with Article I, Section 8, clause 17 of the Constitution of the United States, if that State were admitted to the United States after 1790; and

(C) for which the Indian title has not been extinguished or the jurisdiction reservation revoked.

SEC. 5. ATTORNEYS FEES.

(a) Except as provided in subsection (b), in any action or proceeding that is subject to this Act, the court shall allow the prevailing party a reasonable attorney's fee with respect to a claim presented by the opposing party that was frivolous, unreasonable, or without foundation, or that the opposing party continued to litigate after it clearly became so.

(1) A claim shall be deemed legally frivolous, unreasonable, or without foundation only if it rests upon a legal theory that was clearly unavailable under existing case law.

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(b) EXCEPTION.—No attorney's fee shall be assessed under subsection (a) against an Indian tribe seeking to enforce a right to an interest in land if the court determines that the land involved is located within sovereign Indian country.

SEC. 6. TIMING OF APPLICATION.

This Act shall apply to any action, claim, or right described in Section 1 that is pending, filed, or continuing on or after the date of the enactment of this Act, other than a final money-damages judgment to which no one has a right to raise a challenge by any available procedure.

* * *

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

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At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

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At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

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At the request of Mr. L. CHAFEE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

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At the request of Mr. BUNNING, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2078, a bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes.

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At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

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At the request of Mr. CRAIG, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2686

At the request of Mr. COCHRAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

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At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

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At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2764

At the request of Mr. KENNEDY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2764, supra.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2806

At the request of Mr. SARBANES, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2806, a bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees.

S. 2828

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2828, a bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs.

S. 2841

At the request of Mr. ROBB, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2843

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2843, a bill for the relief of Antonio Costa.

S. 2894

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2894, a bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets.

S. 2903

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2903, a bill to amend the Internal Revenue Code of 1986 to expand the child tax credit.

S. CON. RES. 130

At the request of Mr. BROWNBACK, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Maine (Ms. SNOWE), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

At the request of Mrs. LINCOLN, the name of the Senator from Washington

(Mr. GORTON) was added as a cosponsor of S. Con. Res. 130, supra.

S.J. RES. 48

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S.J. RES. 50

At the request of Mr. CRAPO, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Rhode Island (Mr. REED), the Senator from Kansas (Mr. ROBERTS), the Senator from Virginia (Mr. WARNER), the Senator from Wyoming (Mr. ENZI), the Senator from Washington (Mr. GORTON), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3987

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Dakota (Mr. DASCHLE), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Utah (Mr. BENNETT), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Utah (Mr. HATCH), the Senator from Maine (Ms. SNOWE), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 3987 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 341—AUTHORIZING THE PRINTING OF CERTAIN MATERIALS IN HONOR OF PAUL COVERDELL

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 341

Resolved, That the eulogies and other related materials concerning the Honorable Paul Coverdell, late a Senator from the State of Georgia, be printed as a Senate Document.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 26, 2000, in SH–216 at 8:30 a.m. The purpose of this hearing will be to review the Federal sugar program.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 27, 2000, in SH–216 at 9 a.m. The purpose of this hearing will be to review proposals to establish an international school lunch program.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, August 10, 2000, at 10:30 a.m. in the Alaska Native Brotherhood Hall; 320 Willoughby Ave, Juneau, Alaska 99801.

The purpose of this oversight hearing is to receive testimony to assist in establishing the value of the Brady Glacier mineral deposit within Glacier Bay National Park; and to examine implications of National Park Service restrictions on commercial fishing in Glacier Bay.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge (202) 224–6170

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of New Hampshire. Mr. President, I would like to announce for the information of the Senate and the public that the hearing to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River regarding the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations, which had been previously scheduled for Tuesday, July 25, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC has been indefinitely postponed.

For further information, please call Trici Heninger, staff assistant, or Colleen Deegan, counsel, at (202) 224–8115.

THE TREASURY AND GENERAL GOVERNMENT BILL

Mr. CAMPBELL. Madam President, I came to the floor to tell my colleagues my disappointment that we are not able to move forward with the Treasury and general government bill. It is certainly not a perfect bill, but it is a darn good bill. As chairman of the subcommittee, I can say that we worked very hard on that. I remind my friends that we only have about 28 working days left—not much to complete the whole appropriations process, which we are required to do by law. That gets us in trouble.

Two years ago, we didn't have the opportunity to complete the Treasury bill, and it ended up in what is commonly referred to as the omnibus bill. People in the Senate understand what that is, but to the millions of Americans who watch these proceedings, the omnibus bill is, in one word, a mess. It is that bill where we stick everything in at the end that we didn't have time to finish. We end up with a bill a foot thick and weighs 30 pounds, with 3,000 to 5,000 pages. Nobody in this body can read it all because we don't have the time before we have to vote on it. That is how we get in trouble. We vote to pass it through as a last-minute emergency. When we go home, people say: Why did you vote to give money to that frivolous thing on page 2,403? And we don't even know why we voted for it, which is why it is so important to get the bills through one by one.

Let me mention a little bit about the Treasury and general government bill as it is going to come to the floor, if we can get an agreement. I don't think there is anybody in this body who doesn't know that we have a sieve, not a border, between the U.S. and Canada and the U.S. and Mexico. Our customs people are severely understaffed and underfunded. If you want to stop drugs at the border, the money to do that is in this bill. We need to do that. The High Intensity Drug Trafficking Areas we started about 8 years ago expanded to about 44 States and many cities. That is the agency that coordinates reduction of drug use and trafficking among our local law enforcement, State law enforcement, and Federal law enforcement.

If you want to reduce drug trafficking, the money is in this bill. We also have upkeep and maintenance for Federal buildings. A number of them nationwide are in disrepair, as everybody knows. We have to put money into making sure the buildings are sound, safe, and fireproof. We are not doing that very well. The money to do that is in this bill, too. If you want to reduce drug violence, the money to do that is in this bill. We know this is a very important year for the Secret Service. They are being asked to do more in an election year, with limited resources. The money to do that is also in this bill.

In fact, as all of us know, there are many, many requests by individual Senators in all of these bills. I was going through the list on our bill. We have 13 pages of requests by individual Senators for money in this bill. It is rather surprising to me that some of the Senators who are opposing bringing this bill to the floor are the ones who asked for money to be put in the bill in the first place. It is similar to when we consider the so-called pay raise and people demagog it, the thing passes, and they quietly pocket the money and leave. We have the same situation with this bill. A lot of people have very important programs in this bill. Again, there are 13 pages of things Senators want in this bill.

Also, Mr. President, I would like to take a few minutes to talk about a program which I believe deserves the support of the Senate—the Gang Resistance Education and Training or GREAT Program. GREAT is administered by the Bureau of Alcohol, Tobacco and Firearms, in partnership with State and local law enforcement.

Unfortunately, gang activity has increased in our country in recent years. ATF has developed a program to give our children the tools they need to be able to resist the temptation to belong to a gang.

The GREAT program is eight years old, and has grown from a pilot program in Arizona to classrooms all over the United States—and in Puerto Rico, Canada, and overseas military bases. ATF estimates that about 2 million students have received GREAT training.

GREAT was designed to provide gang prevention and antiviolence instruction to children in a classroom setting. ATF trains local law enforcement officers to teach these classes, and provides grants to their offices to help pay for their time.

This program is having a positive effect on student activities and behaviors, and is deterring them from involvement in gangs. A side benefit is that the graduates seem to be doing a better job of communicating with their parents and teachers, and getting better grades.

For the third year in a row, the Administration is requesting only 10 million dollars for grants for the GREAT program. For the last two years, Congress felt that wasn't enough to fund the many requests for help from State and local law enforcement and provided 13 million dollars for GREAT grants. 10 million dollars still isn't enough. I urge my colleagues to support the effort of the Committee to again provide 13 million dollars for grants to State and local law enforcement for this worthwhile and effective program.

I hope my colleagues will reach some consensus and allow us to move forward. It is an extremely important bill, and I certainly urge our leadership to try to get this to the floor.

With that, I yield the floor.

MOMENT OF SILENCE HONORING SLAIN CAPITOL POLICE OFFICERS JACOB J. CHESTNUT AND JOHN M. GIBSON

The PRESIDING OFFICER. Under the previous order, the hour of 3:40 having arrived, the Senate will now observe a moment of silence in honor of Capitol Police Officer Jacob J. Chestnut and Detective John M. Gibson, who were killed in the line of duty in the Capitol two years ago today.

[Moment of silence]

The PRESIDING OFFICER. I thank the Senate for honoring the two dedicated police officers who paid the ultimate sacrifice.

Mr. CAMPBELL. Madam President, I have one further comment. Both of these officers put their lives on the line, as all of our Capitol Police officers do and, indeed, officers in law enforcement across the country. J.J. Chestnut and John Gibson were personal friends to many of us. I used to be a policeman years ago, as some of my colleagues know. I collect shoulder patches, which are pretty easy to get. Most police organizations will send them to you if you like to collect them. John had a collection and we used to trade shoulder patches. If he had two of a patch I didn't have, or if I had two of one he didn't have, we would trade back and forth.

When you talk about the Capitol Police, they are not just uniforms; these are real people with real lives and real families.

Both of them left a wife and children, as the Presiding Officer knows. It has been 2 years, but they are still fresh in my mind—and that is a tragedy.

Thank you, Madam President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I understand we are in morning business; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Is there a limitation on time?

The PRESIDING OFFICER. Under the order, Senators may speak for up to 10 minutes.

Mr. KENNEDY. I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

MINIMUM WAGE

Mr. KENNEDY. Madam President, we have recently witnessed another example of the indifference of Members of Congress to the needs of hard-working, low-wage American workers. While our minimum wage bill still languishes, Members of Congress are raising their own pay yet again. Congress has cut the taxes of the wealthiest Americans, but the Republican leadership still insists on doing nothing for those at the bottom of the economic ladder. It is an outrage that Congress would raise its own pay but not the minimum wage.

Over the past decade, in spite of the recent prosperity, the average inflation-adjusted income of the poorest fifth of Americans rose by only 1 percent, while the average inflation adjusted-income of the richest 5 percent rose by 27 percent.

The Republican Congress just passed an estate tax repeal that provides 100 percent of its benefits to the wealthiest 5 percent of Americans and 91 percent of its benefits to the wealthiest 1 percent. The Republican marriage tax penalty bill passed last week is also heavily tilted to benefit only the wealthy. Members of this Republican Congress are quick to find time to increase their own salaries and cut taxes for the wealthiest Americans, but they cannot find the time to pass an increase in the minimum wage to benefit those hard-working, low-wage Americans.

These low-income working families deserve a raise. Their pay has been frozen for 3 years, and our Democratic proposal will increase the minimum wage by 50 cents this year and another 50 cents next year. The Republican leadership is doing all it can to prevent this fair increase, but this issue will not go away, and we will continue to offer our minimum wage amendment to bills on the floor again and again at every opportunity until we pass it and send it to the President for his signature.

In recent months, a bipartisan House voted by a solid majority to increase the minimum wage by $1 over 2 years, and many of our Senate colleagues have also supported an increase: 50 cents now and 50 cents a year from now.

The American people agree that the minimum wage should be increased. The time is now to give America's hard-working families the raise they so desperately need and deserve. It is unconscionable for the Republican leadership to vote themselves a pay raise yet again, cut taxes for the wealthiest Americans, and then deny workers at the bottom of the economic ladder a fair pay increase. Our Democratic proposal offers workers the minimum wage raise they need and deserve: No tricks, no poison pills, no tax breaks for the wealthy, and we have bipartisan support for this increase.

The issue is a priority. The Senate should act on a fair minimum wage bill, and we should act as soon as possible. It is wrong for the Senate to continue to block this long overdue act of simple justice for working families.

This chart shows the real value of the minimum wage. It is from 1968 up to the year 2001. If we were to take the real value and use constant dollars, the minimum wage would be $7.66, if we were to have the same purchasing power as we had in 1968.

We have seen the minimum wage decline over these years, particularly in recent years. Without an increase, it will be valued at $4.90. If we were to have the increase of 50 cents and 50 cents, the purchasing power would only be $5.85, which is still below what it was for over 12 years. That is all we are asking: Let's bring it up by 50 cents this year and 50 cents next year. Even though that would be $6.15, it represents $5.85 of purchasing power in constant dollars.

What we are seeing is that it is almost $2 lower than what the minimum wage was in 1968. This is against the situation, if one looks over this particular chart, that working families are living in poverty. If one looks at what has happened, again in constant dollars, of where the minimum wage has been going in recent years in adjusted inflation dollars, then one sees where the poverty line has been going in recent years.

We are finding out now that since 1988, minimum wage workers are working, in many instances, longer, harder, more jobs, and are sinking deeper and deeper into poverty.

This is against the background of the last 10 days where we gave over $1.5 trillion—a huge amount in estate taxes, the majority of which goes to the highest income individuals, and $300 billion to the wealthiest individuals in marriage tax penalty relief. Then last week, the House of Representatives voted themselves a $3,800 pay increase. That represents what a minimum wage worker would make in 2 years. They voted themselves that in 1 year.

This is where we have seen America's poorest families are getting poorer. The bottom fifth of the families are right at the edge where they have been from 1979 to 1999, 20 years, working harder, working longer, and their benefit from the economic expansion is virtually nonexistent. The middle fifth has gone up 5 percent, and the top fifth of families has gone up 30 percent.

These are the men and women who are the backbone of the whole economic expansion. Yet they are the ones who are experiencing almost crumbs in advancing their quality of life and their lifestyle.

Last week, we saw all this happening in the House of Representatives. The House of Representatives increased their pay by $3,800 a year. As I mentioned, if our minimum wage amendment is passed, it works out to be less than $2000.

Even if we give the increase in the minimum wage, minimum wage workers in 2 years will make half of what the pay increase will be for Members of Congress.

That is not bad enough, but Congressman DELAY was asked by a columnist, Mark Shields:

> Can you and Dick Armey and others who voted for that pay raise or cost-of-living increase defend voting against an increase in the minimum wage?

Mr. DELAY said:

> Well, Mark, we don't work for minimum wage. . . .

How dismissive can one be? Evidently, Members of Congress, their children, and their lives are more important than workers who are working hard as children's aides in the Head Start Program, or working in nursing homes taking care of seniors.

These are men and women who have a great sense of dignity and pride in their work, working, in many instances, two or three jobs.

Mr. DELAY says:

> [W]e don't work for minimum wage. Members of Congress represent 250 million people. . . ."

How dismissive: We are more important.

I defy that. These are men and women who are working, and working hard, and who have a sense of dignity and a sense of pride in the work they do. They are teachers' aides. They are children's aides, working in child care programs. They work in nursing homes. They work in the buildings across this country in order to make the buildings clean for American industry.

This is basically a women's issue because the great majority of minimum wage workers are women. It is a children's issue because millions of the women who are working at the minimum wage have children, and their lives are all being affected by this. It is a civil rights issue because great numbers of the minimum wage workers are men and women of color. And most profoundly, it is a fairness issue, where we hear so many speeches here in the Senate saying: We honor work. We want Americans who want to work.

Here are men and women, who are working 40 hours a week, 52 weeks of the year, trying to make ends meet, trying to bring up children, trying to pay for rent because they don't have the income in order to purchase a house, trying to put food on the table, and trying to spend some time with their families.

It is an interesting fact, American workers now spend 22 hours less per week with their children. Why? Because they have to work at more jobs, and to work longer at their jobs. So it is a family issue.

Of all the times we listen to statements about family values and fairness in our society, we are crying crocodile tears, evidently, because we heard last week that people who have estates over $100 million should not be taxed twice. Even if you scored $100 million, we are still going to provide more tax breaks. We refuse to even permit a vote on an increase in the minimum wage here in the Senate, while we are going out and increasing our own salary, and doing it in a contemptuous way to these men and women. Shame on this body.

We are going to bring this up. We have heard a lot about: This is not relevant. Is it going to be fair to bring this up? We are going to be told that we do not set the agenda in the Senate.

I can just tell you, there are men and women who have struggled, and struggled mightily, and are struggling today. They deserve the increase. These arguments about inflation are out the window. Every economic indicator has demonstrated that the last two increases have had no impact in any way in terms of inflation. The idea that we are going to have lost jobs is absolutely preposterous. Every economic study has indicated the same. We have responded to those arguments.

This is a fairness issue. It is a decency issue. It is about our fellow citizens. It is about work. It is about families. It is about children. It is about women. It is about fairness in civil rights. We are going to continue to pursue this item. We are going to pursue it this week and the 4 weeks when we return in September. We are going to continue to pursue it until we have justice for these workers.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENERGY CRISIS IN OUR NATION

Mr. MURKOWSKI. Madam President, on several occasions I have risen before this body to address the crisis associated with energy in our Nation today. We have all experienced the high price of gasoline. We have seen a slight reduction of late, but I want to assure my colleagues that that situation is temporary, at best.

The rationale for that is understandable if one considers the fact that we are currently consuming just about an amount equal to the productive capacity of our industry to supply gasoline. There are many good reasons for this. One is that we haven't built a new refinery in this country for almost 10 years now. We have closed about 37 refineries in the United States in the last decade and, as a consequence of our increased dependence on imported oil, we have lost a good deal of our leverage because currently about 56 percent of the oil we consume in this country is imported. Most of that comes from the Mideast. As a consequence, we have become more dependent on imported oil from Saudi Arabia and Kuwait.

The fastest-growing supply of oil now coming into the United States is from Iraq. That is rather curious. A lot of people forget that in 1991 we fought a war over there. We lost 147 lives. We had nearly 427 wounded. We had a number taken prisoner. Yet Saddam Hussein is the one we are looking toward now.

I think the American public should be aware that it is pretty difficult to define just what the energy policy of the Clinton-Gore administration has been. We have seen their policy with regard to the nuclear industry, which provides about 20 percent of the power generated in this country, and they have said no to storing high-level nuclear waste. We are one vote short of a veto override on that matter. We have not been able to generate that last vote. So it is clear that the administration has said no to the nuclear industry, as far as expanding its contribution to energy in this country.

As we look to hydroelectric, we have seen a policy which suggests that perhaps some of the dams out West should be taken down, with no consideration for the realization that there is a tradeoff associated with that. If you take those dams down, you are taking the tonnage that is moved by barge and putting it on the highways. The implication of that is significant. It is estimated that as many as 700,000 trucks per year would have to go on the highways to replace the current cargo capacity of barges that would be lost.

If we take away nuclear and go to hydro, oil is certainly something we are looking toward other nations to provide, as opposed to developing the resources here in the continental United States, in the overthrust belt of Colorado, Wyoming, and other areas, and where there is oil in my State of Alaska, the Gulf of Mexico, Texas, and other States. It is my understanding that the administration has withdrawn about 64 percent of the public land in the overthrust belt, which is in the Rocky Mountain areas, excluding them from the development of energy resources. The potential for coal, of course, is significant. There are no new coal plants being built in this country. The cost of permitting is such that we find they are uneconomical. The emphasis seems to be on natural gas. But if we look to the last 6 months, we have seen natural gas prices go from about $2.16 to over $4 for delivery later this winter.

The crisis associated with our energy policy, or lack of an energy policy, is real in every field of energy resources. Emphasis is placed by the administration to some extent on renewables. While we all support renewables, it is fair to say that renewables only constitute about 40 percent of our energy consumption, even though we have spent about $70 billion in subsidies in this area. While they have a potential, surely they are not at the forefront nor are they capable at this time of relieving our dependence on conventional energy sources.

As we look at our policies today, I think there is confusion in the minds of Americans as they reflect on the statements of their political leaders and the policies they pursue. It is very easy to be confused.

I would like to share some examples with my colleagues.

If we go back to our Vice President, AL GORE, in his book "Earth in the Balance," AL GORE, the environmentalist, wrote that "higher taxes on fossil fuel . . . is one of the logical first steps in changing our policies in a manner consistent with a more responsible approach to the environment."

All of us are obviously concerned over the health of our environment. We want to have a responsible approach associated with the environment. Nevertheless, the idea that raising the price of gasoline is good for the American economy and good for the American people is pretty hard to sell to the American public at this time when gasoline prices, depending on where we are in the country, range anywhere from $1.75 to $1.95 or higher.

I think it is fair to say that perhaps the Vice President overlooks the reality that Americans live long distances from their jobs because they prefer to do so. We are a mobile society. As we are confronted with higher energy prices, obviously it not only affects our pocketbooks, but it affects inflation rates.

At about the same time that the Clinton/Gore administration was talking about conservation, the Vice President was casting a tie-breaking vote in the Senate to raise gasoline taxes—we all remember that—and the Environmental Protection Agency determined that more expensive "reformulated gasoline" needed to be sold in many areas of the country.

I am not arguing the merits of that—other than to report that before my committee on Energy and Natural Resources, one of the principals of the Environmental Protection Agency advised us that they are now required under the Clean Air Act to have nine different types of reformulated gasoline in this country.

That meant our refiners had to batch the gasoline additives, they had to transport it separately, they had to store it separately. Obviously, all of that has a significant cost for the taxpayer. According to a memorandum from the Department of Energy and the Congressional Research Service, EPA's gasoline requirements balkanized markets, strained supplies, and raised prices.

Since the policies of the administration were so effective in raising the prices, one might expect the Vice President to be pleased. But confronted with angry consumers on the campaign trail, the Vice President suggests that refiners and oil companies are to blame. A lot of finger-pointing is going on around here.

Let me refer to an article that appeared in the Washington Times of July 19. This is an editorial covering a memorandum that came from the Clinton Energy Department suggesting that the Department was indeed aware that the administration's own regulations pertaining to so-called "reformulated" gasoline, rather than the oil industry gouging, were primarily responsible for the increased price of motor fuels.

The reformulated gas—RFG—rule, which stipulated that refiners mix different types of gasoline for different localities, has made it impossible, or at least very difficult, to take advantage of the economies of scale in production and distribution that heretofore have helped keep U.S. energy prices stable and low.

Their memo, which was sent June 5—a full week before the administration began to blame the oil industry for raising fuel prices—states that the RFG reformulated gasoline rule was a major reason for the price spike, delaying claims made by the administration that they couldn't see any reason other than blind greed for the change in per-gallon gasoline prices.

I am not here to defend the industry, but I think it is fair to say that for the administration and the media to simply overlook what the cost of reformulated gasoline, applied regionally in this country with nine specific types of reformulated gasoline, has done to the price of gasoline speaks for itself.

It is kind of interesting. This article said something to the effect that the media and Dan Rather stated during the July 14 broadcast that, "Republicans today sided with the oil companies against the Clinton/Gore administration on the question of who and what is to blame for higher gasoline prices."

When you invoke this type of mandate on the first of June, you are certainly going to get a reaction from the American public when the price of reformulated gasoline goes up dramatically, particularly in the Midwest. That is what is known around here—and we are no strangers to it—as "dancing the sidestep."

Another example of the Clinton/Gore administration's attitude towards energy goes back a little further, when we needed Russia's support—or at least its acquiescence—in NATO's war in Kosovo. There is strong evidence that the administration sought to persuade OPEC to cut production and drive crude oil prices up some 18 months ago. It seems this was done to help Russia, an oil exporter generally badly in need of hard currency, in exchange for its acquiescence—which we got—in NATO's war in Kosovo.

Despite the fact that his own administration colluded with OPEC to manipulate prices, our Vice President has called on the Federal Trade Commission to investigate oil companies and refiners—for colluding to manipulate prices. I don't know how long that is going to take, but I suspect it is going to take some time for that investigation to be completed. In any event, I find that highly ironic.

Here is another example.

We have all heard that our Vice President says he wants to reduce our dependence on foreign sources of oil in the volatile Middle East. But his stated policy is to curtail Federal oil and gas leasing on the Outer Continental Shelf. We heard him make that statement in Louisiana, that, if elected, he would terminate leases and buy back others.

He would also defer any opening of public land in the Rocky Mountain Overthrust Belt in Montana, Wyoming, and Colorado. He also urged the President to veto a 1995 bill allowing a small sliver of the Alaska Coastal Plain to be opened for oil and gas exploration.

That area, I might add, in my State of Alaska, could have enough oil to replace imports of Saudi Arabian oil for the next 30 years. It is estimated the area might contain as much as 16 billion barrels. Of further note, the area known as ANWR has 19 million acres, most of which is already set aside in wilderness. The remaining acreage, 1.5 million acres, is left for Congress to make a determination on. The industry says that out of that 1.5 million acres, oil is in abundance. With the advancement of technology we have in building icy roads in the wilderness, the footprint will be less than 2,000 acres. Clearly, the Clinton-Gore administration will not give us an opportunity to make a determination whether domestically we can reduce our dependence on imported oil and develop this very important resource in my State of Alaska.

Over the past 8 years, domestic production in this country has plummeted 17 percent as demand for foreign oil has risen 14 percent. We now depend on foreign oil to supply 56 percent of our needs. The averages of the last few weeks are as much as 64 and 65 percent. However, during the disastrous 1973 Arab oil embargo, we were only 35-percent dependent. Some of my colleagues remember we had gasoline lines around the block. The public was mad. They were upset and blamed the Government. Their rhetoric and policy just doesn't match up. We are now in the year 2000 and we are on average in excess of 56 percent dependent on foreign imports.

Our Vice President also says we must increase our use of cleaner-burning natural gas to replace "dirty coal." But his policy is to put the most promising areas for the discovery and production of natural gas off limits to exploration. I refer to another quote he made October 22 at a campaign appearance in Rye, NH. Our Vice President said: I will do everything in my power to make sure there is no new drilling, even in areas of the OCS already leased by previous administrations.

This is yet another example of what folks find confusing. Our Vice President, in his book, "Earth in the Balance," wrote: Mining infflucnt must return to the Earth as pure as they came.

But did you know that the Vice President, with his family, certainly don't follow this practice, pocketing $20,000 a year in mining royalties from the zinc mine on his Carthage, TN, property. He has pocketed $500,000 over the past 25 years. Considering this zinc mine has contaminated the banks of the Caney Fork River with heavy metal—that is in this general area. This is the Caney Fork River. This is the area that is concentrated with pollutants from the leaching field. This is the actual area where the mines are. This is the leaching field. This is the Gore complex above. They have had violations of clean water standards from time to time. It is clear that the mine does not meet standards set forth in the Vice President's book. I am sure however, that the royalty checks got cashed.

This is a picture that appeared in the June 30 Wall Street Journal cover article of this particular mine and the activities associated with it. I ask unanimous consent the article from the Wall Street Journal of June 30 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, June 30, 2000]

Al Gore, Environmentalist and Zinc Miner

(By Micah Morrison)

"The lakes and rivers sustain us; they flow through the veins of the earth and into our own. But we must take care to let them flow back out as pure as they came, not poison and waste them without thought for the future."—Al Gore, "Earth in the Balance."

"He taught me how to plow a steep hillside with a team of mules. He taught me how to clear three acres of heavily-wooded forest with a double-bladed axe. . . . He taught me how to stop gullies before they got started. He taught me how to drive, how to shoot a rifle, how to fish, how to swim. We loved to swim together in the Caney Fork River off a big flat rock on the back side of his farm."—Al Gore on his father, Sen. Albert Gore Sr., from algore2000.com.

Carthage, Tenn.—On his most recent tax return, as he has the past 25 years, Vice President Al Gore lists a $20,000 mining royalty for the extraction of zinc from beneath his farm here in the bucolic hills of the Cumberland River Valley. In total, Mr. Gore has earned $500,000 from zinc royalties. His late father, the senator, introduced him not only to the double-bladed ax but also to Armand Hammer, chairman of Occidental Petroleum Corp., which sold the zinc-rich land to the Gore family in 1973.

It also seems that zinc from Mr. Gore's property ends up in the cool waters of the Caney Fork River, an oft-celebrated site in Gore lore. A major shaft and tailings pond of the Pasminco Zinc Mine sit practically in the backyard of the vice president's Tennessee homestead. Zinc and other metals from the Gore land move from underground tunnels through elaborate extraction processes. Waste material ends up in the tailings pond, from which water flows into adjacent Caney Fork, languidly rolling on to the great Cumberland.

MESSY BUSINESS

Mining is intrinsically a messy business, and Pasminco Zinc generally has a good environmental record. But not one that would pass muster with "Earth in the Balance," Mr. Gore's best-selling environmental book. As recently as May 16, the Tennessee Department of Environment and Conservation issued a "Notice of Violation." It informed Pasminco that it had infringed the Tennessee Water Quality Control act due to high levels of zinc in the river.

Those zinc levels exceeded standards established by the state and the federal Environmental Protection Agency. A "sample analysis found that total zinc was 1.480 mg/L [milligrams per liter], which is greater than the monthly average of .65 mg/L and the daily maximum of 1.30 mg/L." Pasminco "may be subject to enforcement action pursuant to The Tennessee Water Quality Control Act of 1977 for the aforementioned violation," the notice stated.

This was not the first time Mr. Gore's mining benefactor had run afoul of environmental regulations. In 1996, the mine twice failed biomonitoring tests designed to protect water quality in the Caney Fork for fish and wildlife. Mine discharge "failed two acute tests for toxicity to Ceriodaphnia dubia," a species of water flea, according to a mine permit analysis by Tennessee environmental authorities. "The discharge of industrial wastewater from Outfall #001 [the Caney Fork effluent] contains toxic metals (copper and zinc)," the analysis stated. "The combined effect of these pollutants may be detrimental to fish and aquatic life."

Tests for The Wall Street Journal by two independent Tennessee laboratories, showed trace amounts of zinc and other metals in the Caney Fork that were in compliance with federal standards. But soil tests revealed what one lab called problematic "large quantities" of heavy metals in the riverbank soil downstream of the Caney Fork effluent. In both sets of tests, samples of water and soil were provided to the labs by the Journal.

Soil samples drawn from the mine effluent and downstream "contained large quantities of Barium, Iron, and Zinc, as well as smaller amounts of arsenic, Chromium and Lead," Warner Laboratories found in September. "The soil from each of these sites seems to have some problems according to our findings. The levels of Barium, Iron and Zinc far exceed any report limit [a detection threshold within the testing system] and it should be noted that these results are extremely high compared to typical soil found in a populated neighborhood."

Tests conducted in June by the Environmental Science Corp. found similar traces of heavy metals in the water and soil. The report found the soil samples to contain relatively high levels of "Barium, Iron, Zinc, and several of the other metals, including Aluminum, Calcium and Magnesium." The ESC report also noted traces of cyanide in some water and soil samples.

Pasminco is not required to test soil along the banks of the Caney Fork. Both labs, while noting anomalies in the soil, believe the results do not warrant concern as environmental hazards. The water and soil clearly are not, however, "as pure as they came," as Mr. Gore demands in "Earth in the Balance."

A 1998 study by the Environmental Working Group, a Washington-based organization, criticized the zinc-mining operation for purchasing a toxic waste that included sulfuric acid and reselling it as fertilizer. The mine buys acid waste from steel plants, uses it as purification agent in zinc processing, and then sells the waste to fertilizer companies, according to a report in the Tennessean, a Nashville newspaper. Most soil scientists say the procedure is safe.

Tennessee environmentalists disagree. Clearly, when you spread those types of chemicals around on a farm or on the land, you're going to get a lot of runoff," Brian McGuire, executive director of Tennessee Citizens Action told the Tennessean. "So it's going to get into the water. We're poisoning ourselves."

A Pasminco official noted that the mine has had few violations and works to uphold a "very strict standard" of environmental quality. The Gore campaign did not respond to requests for comment. But some Tennessee residents say Mr. Gore becomes testy when questioned about the zinc mine. Tom Gniewek, a retired chemical engineer from Camden, Tenn., has studied zinc mine for years and tried to question Mr. Gore about it at town-hall meetings. "He gets real angry," Mr. Gniewek says. "Instead of answering the question, he attacked my motives and accused people like me of vandalizing the earth."

Mr. Gore's original purchase of the zinc-rich land is of some interest as well, shedding light on his long relationship with Mr. Hammer, the former Occidental Petroleum chief. A controversial influence peddler who trafficked in politicians of all stripes and parties. Mr. Hammer pleaded guilty in 1975 to providing hush money in the Watergate scandal.

Mr. Hammer cut a wide swath across Washington from the 1930s until his death in 1990 at 92. His controversial career was marked by decades of profitable business dealings with the Soviet Union, which were closely watched by the FBI. He leapt into the big time by acquiring Libyan oil rights for Occidental Petroleum through what biographer Edward Jay Epstein has characterized as a combination of shrewd business dealings and bribery. After his 1975 conviction, Mr. Hammer spent the rest of his life campaigning for a pardon, which President Bush granted in 1989.

Mr. Hammer cultivated close relationships with many politicians, but he was closest to Mr. Gore's father, a U.S. senator from 1953 until 1971. Mr. Hammer's Occidental Minerals snapped up the zinc-bearing property in 1972. The senior Mr. Gore's farm is on the opposite bank of the Caney Fork. Mr. Hammer paid $160,000, double the only other offer, according to the Washington Post, which first disclosed details of the arrangement during the 1992 presidential campaign.

According to deed documents in Carthage, a year later Mr. Hammer sold the land to the senior Mr. Gore for $160,000, adding the extremely generous $20,000 per year mineral royalty. Ten minutes after that sale, the former senator executed a deed selling the property, including the mineral rights, to his son, the future vice president, for $140,000. Albert Gore Sr. told the Post he kept the first $20,000 royalty for himself, evening up the father-son transaction.

The purpose of the sale appears to have been transferring the annual $20,000 payment from Mr. Hammer to the young Mr. Gore. The Post reported that the "$20,000 a year amounts to $227 an acre, much more than the $30 an acre Occidental Minerals, part of Hammer's oil company, paid the senior Gore and some neighbors a few years before the 1973 arrangement."

In 1992 then-Sen. Gore told the Post that although he had been working for "slave wages" as a newspaper reporter, he quickly came up with a $40,000 down payment from two previous real-estate investments. In 1974, the zinc mine began annual payments of $20,000 to Mr. Gore, an important source of income to the young politician for many years.

After the senior Mr. Gore lost his 1970 Senate re-election bid, Mr. Hammer named him chairman of Island Creek Coal, an Occidental subsidiary, and appointed him to the board of directors of Occidental Petroleum. The late Mr. Gore's estate is conservatively valued at $1.5 million, including a block of Occidental stock worth between $250,000 and $500,000. The vice president is executor and trustee of his father's estate, with "sole discretion" to manage a trust on his mother's behalf.

As Albert Gore Jr. rose through the political ranks, Mr. Hammer continued to assist him. The Hammer family and corporations made donations up to the legal maximum in all of Mr. Gore's campaigns, according to Mr. Hammer's former personal assistant, Neil Lyndon, writing in London's Daily Telegraph. Mr. Gore regularly dined with Mr. Hammer and Occidental lobbyists in Washington, Mr. Lyndon wrote. "Separately and together, the Gores sometimes used Hammer's luxurious private Boeing 727 for journeys and jaunts." The former Hammer aide noted that the "profound and prolonged involvement between Hammer and Gore has never been revealed or investigated."

Mr. Hammer was famous for his dealings with the Soviet Union, and received a humanitarian award in Moscow in 1987 from International Physicians Against Nuclear War. Mr. Gore, who had been elected to the Senate in 1984, delivered a speech to the same convention, saying conventional arms should be cut along with nuclear weapons. As vice president, Mr. Gore became the Clinton administration point man on relations with Russia.

MORE HYPOCRISY

Mr. Gore would be well served to get the facts out about his relationship with Mr. Hammer, beginning with the zinc bounty. The issue is bigger than whether there is a pollution problem in Tennessee. When Mr. Gore's zinc riches are at stake, he appears unwilling to live by the standards he sets out for others in "Earth in the Balance."

His record of uncompromising environmental rhetoric seems another instance of the kind of hypocrisy that has dogged his campaign for months. He's been accused of being a slumlord for providing substandard housing to a tenant on a rental unit adjoining his farm. A well-remembered 1996 speech to the Democratic National Convention, invoking his sister's death by lung cancer and attacking the tobacco industry, also contributed to his reputation for slippery sanctimony when his close ties to Tennessee tobacco were revealed. And of course Mr. Gore has been sharply criticized for posturing on campaign finance reform while under investigation for possible fund-raising crimes in the 1996 campaign.

No mention of the zinc mine appears in "Earth in the Balance," on Mr. Gore's campaign Web site or in his speeches. At this point the story of the Tennessee farm, the zinc mine, the politician and the influence peddler is largely one of cant and hypocrisy. This is not a hanging crime in the political world, but the vice president, among others, might note that Bill Clinton's problems also began with a murky land deal and a shady financier.

Mr. MURKOWSKI. Again, it is not my desire to criticize somebody because they own a mine or have a resource interest, but there is a certain criticism when one recognizes the reality that this mine is hardly a model for anyone, based on the number of violations that have been filed in Tennessee over an extended period of time on this particular mine.

We know the Vice President has been critical of some; namely George W. Bush, for his close ties to big oil. In fact, the Vice President's family has close historical ties to Occidental Petroleum and shares in that company which, in its public disclosure, is valued between $500,000 to $1 million. Occidental Petroleum plans to drill in the ancestral lands of over 5,000 U'wa Indians in the Colombia rain forest. They threatened suicide if Occidental goes forward with its plans.

I ask unanimous consent an article from the June 26 Washington Times that substantiates that allegation be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OCCIDENTAL DEAL BENEFITS GORES—SALE OF FEDERAL OIL FIELD BOOSTS FAMILY FORTUNE

(By Bill Sammon)

Vice President Al Gore's push to privatize a federal oil field added tens of thousands of dollars to the value of oil stock owned by the Gore family, which has been further enriched by skyrocketing gasoline prices.

Shares of Occidental Petroleum jumped 10 percent after the company purchased the Elk Hills oil field in California from the federal government in 1998. Mr. Gore, whose family owns at least $500,000 in Occidental stock, recommended the sale as part of his "reinventing government" reform package.

The sale, which constituted the largest privatization of federal land in U.S. history, transformed Occidental from a lackluster financial performer into a dynamic profit-spewing, oil giant. Having instantly tripled its U.S. oil reserves, the company began pumping out vast sums of crude at low cost.

As the months went by, Occidental was able to sell the oil, which ends up at gasoline retail outlets like Union 76, for more profit. Rising oil prices have significantly improved Occidental's bottom line, said analyst Christopher Stavros of Paine Webber.

This year, the company posted first quarter revenues of $2.5 billion, or 87 percent higher than a year earlier. That's a bigger increase than at nine of 10 other oil companies listed in a survey that Mr. Gore cited last week as evidence of price gouging.

The rise in Occidental oil prices, coupled with the acquisition of the Elk Hills field, has paid handsome dividends for the Gore family.

The vice president recently updated his financial disclosure form to put the value of this family's Occidental stock at between $500,000 and $1 million. Prior to the Elk Hills sale and gasoline price spike, Mr. Gore had listed the value of the stock at between $250,000 and $500,000.

Gore aides insist the vice president's push to sell Elk Hills does not constitute a conflict of interest. They point out the family's Occidental shares were originally owned by Mr. Gore's father, who died in 1998, leaving the stock in an estate for which the vice president serves as executor.

Although Mr. Gore continues to list the stock on his financial disclosure forms, aides said the shares are in a trust for the vice president's mother, Pauline.

"He doesn't own stock because he's trying to avoid conflicts of interest," said Gore spokesman Doug Hattaway. "He's the executor of the estate, but he's not the trustee of the trust. It's a separate thing."

Still, Mr. Gore's recommendation to privatize Elk Hills ended up enriching his mother, who is expected to eventually bequeath the stock to the vice president, her sole heir.

Last week, Mr. Gore began a concerted effort to blame skyrocketing gasoline prices not only on "big oil" but also on Texas Gov. George W. Bush. Gore aides have emphasized that Mr. Bush once ran several oil-exploration firms and has accepted more campaign contributions from oil companies than the vice president.

The Texas governor has dismissed the attacks as an attempt to divert attention away from Mr. Gore's energy and environmental policies, which have driven up gasoline prices. Political analysts say the spiraling gas prices could imperil Mr. Gore's presidential bid because they are highest in the Midwest, which he must carry in order to win the White House.

The political and financial fortunes of the Gore family were established largely with oil money from Occidental's founder, Armand Hammer. Part capitalist and part communist, Mr. Hammer became the elder Gore's patron more than half a century ago, showering him with riches and nurturing his political career through the House and Senate.

The elder Gore enthusiastically returned the favors. In the early 1960s, Sen. Gore took to the Senate floor to defend Mr. Hammer against FBI Director J. Edgar Hoover, who wanted to investigate Mr. Hammer's Soviet ties.

In 1965, the elder Gore helped Mr. Hammer obtain a visa to Libya, where he opened oil fields that turned Occidental into a multinational powerhouse.

When the elder Mr. Gore lost his re-election bid in 1970, Mr. Hammer installed him as head of an Occidental subsidiary and gave him a $500,000 annual salary. The man who had begun his career as a struggling schoolteacher in rural Tennessee ended it as a millionaire oil tycoon.

The younger Gore also benefited from Mr. Hammer's generosity. He was paid hundreds of thousands of dollars in annual payments of $20,000 for mineral rights to a parcel of land near the family's homestead in Tennessee that Occidental never bothered mining.

When the younger Gore first ran for president in 1988, Mr. Hammer promised former Sen. Paul Simon "any Cabinet spot I wanted" if he would withdraw from the primary, according to a 1989 book by the Illinois Democrat.

Mr. Gore and his wife, Tipper, once flew in Mr. Hammer's private jet across the Atlantic Ocean. They hosted Mr. Hammer, at several presidential inaugurations and remained close to the oilman until his death in 1990.

In 1992, when Arkansas Gov. Bill Clinton was considering Mr. Gore as his running mate, the elder Gore wrote a memo describing his son's ties to Mr. Hammer. The document was designed to provide Mr. Clinton with answers to possible questions from reporters.

Mr. Hammer's successor at Occidental, Ray Irani, has continued to funnel hundreds of thousands of dollars into the campaigns of Mr. Gore and the Democratic Party. For example, two days after spending the night in the Lincoln Bedroom in 1996, he cut a check for $100,000 to the Democratic Party.

Mr. MURKOWSKI. We have heard that the Vice President and the administration tried to stop drilling in Alaska with expressions of concern for the G'wichin Indians, some of which reside in Alaska, and others which reside in Canada.

But has he spoken out for the U'was in Colombia? Is there an inconsistency here? On the one hand, he allows, and evidently ignores, the drilling in the Colombia rain forest on leases owned by Occidental Petroleum, and he seems to have no objection. But in an area the G'wichin Indians in Alaska depend on for subsistence, a significant area which is in the purview of the Senate to make decisions for opening, he does not support oil and gas exploration. My point is, there is an inconsistency here.

The weight of their policy as it twists and reinvents itself is a mystery to me as I try to summon a clear vision of their intent. His beliefs are a confusing world of images and contradictions. I suspect it might be difficult for others, as well.

PROJECTS ON GOVERNMENT OVERSIGHT

Mr. MURKOWSKI. Madam President, I am also going to take the opportunity to address an issue that some time ago my Committee on Energy and Natural Resources asked the General Accounting Office to provide a detailee to conduct a preliminary inquiry into payments made by the Project On Government Oversight to two Federal officials. The Project On Government Oversight is known as "POGO." This report was received by the Committee on Energy and Natural Resources. It was prepared by Paul Thompson, the detailee from the General Accounting Office. It is dated July 2000.

There is no question in my mind after reviewing this that the inspector general of the Department of the Interior should be required to review this report and respond to our Committee. I think it is fitting that the Attorney General, Janet Reno, address and resolve some of the questions that are raised by the inquiry.

Let me share some of them. I read as follows from the report of the POGO on July 2000.

CONCLUSIONS

It appears that POGO paid the two Federal officials in connection with their activities to influence the Department toward taking actions and adopting policies that, among other things, (a) directly and indirectly assisted POGO in a project involving matters in which these two individuals were substantially involved as Federal employees and that led to POGO's filing of a lawsuit through which it and the two officials received substantial sums of money and stand to receive potentially millions of dollars more, and (b) benefited the professional and business interests of POGO's chairman and a client of his law firm. The circumstances associated with the payments raised the possibility that the Department of the Interior's development of the policy underlying the new oil royalty regulations may have been improperly influenced by expectations or understandings of the officials that they could personally benefit from using their positions as Federal employees to assist POGO and two of its principals. The officials were substantially involved in key stages of the Department's policy development process in ways that served the interests of the POGO's chairman and its executive director. Whether the payments and circumstances under which they were made could serve to erode confidence in the Department's administration of the royalty management program is a well grounded concern.

Madam President, the entire transcript of the committee report on POGO, prepared for the Committee on Energy and Natural Resources, is available from the committee's website at http://www.energy.senate.gov.

TECHNICAL CORRECTIONS TO H.R. 4461

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the following technical corrections at the desk to various amendments to the Agriculture appropriations bill be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The corrections are as follows:

Change the instruction on amendment #3970 to read: "On page 76, after line 5, insert:".

Change the instruction on amendment #3068 to read: "On page 76, after line 5, insert:".

Change the instruction on amendment #3457 to read: "On page 85, after line 8, insert:".

Change the instruction on amendment #3958 to read: "On page 100, after line 12, insert:".

Change the instruction on amendment #3985 to read: "On page 95, after line 22, insert:".

On page 55, line 22, strike "$1,216,796,000" and insert $1,210,796,000".

In amendment #4003, on page 2, line 9, insert "90".

ORDERS FOR TUESDAY, JULY 25, 2000

Mr. MURKOWSKI. Madam President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, July 25. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee, 9:30 to 10 a.m.; Senator THOMAS or his designee, 10 to 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. Madam President, when the Senate convenes at 9:30 a.m., the Senate will be in a period of morning business until 10:30 a.m. As a reminder to all Senators, cloture was filed on the motion to proceed to the Treasury-Postal appropriations bill and on the motion to proceed to the intelligence authorization bill earlier today. Therefore, under the rule, those votes will occur 1 hour after the Senate convenes on Wednesday.

ORDER FOR STATEMENTS IN MEMORY OF SENATOR COVERDELL

Mr. MURKOWSKI. Further, I ask unanimous consent that on Thursday, the time from 9:30 a.m. until 11 a.m. be designated for Senators to make statements in memory of our dear friend, the late Senator Paul Coverdell.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Under the provisions of S. Res. 341, statements made on Thursday or prior to Thursday in regard to our colleague's death will be bound and given to Mrs. Coverdell.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MURKOWSKI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:14 p.m., adjourned until Tuesday, July 25, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, July 24, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 24, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 208. An act to amend title 5, United States Code, to allow for the contributions of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4810) "An Act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.".

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2812. An act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Our God and Savior, at times we seem to be like sheep gone astray. Yet here we are now gathered together. Called by Your voice, make us attentive to Your word. Being restless in our world, grant us Your peace.

Gathered as representatives of the people in this Nation, we ask You to be present in our midst. We come here to serve Your purpose today.

We pledge ourselves to serve Your people that they may see themselves as one Nation held by You and guided by Your spirit. For You are the shepherd and guardian of our souls, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

On July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John W. Gibson of the United States Capitol Hill Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE SENATOR PAUL COVERDELL

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 558, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Paul Coverdell:

Mr. LEWIS, Georgia;
Mr. HASTERT, Illinois;
Mr. BISHOP, Georgia;
Mr. COLLINS, Georgia;
Mr. DEAL, Georgia;
Mr. KINGSTON, Georgia;
Mr. LINDER, Georgia;
Ms. MCKINNEY, Georgia;
Mr. BARR, Georgia;
Mr. CHAMBLISS, Georgia;
Mr. NORWOOD, Georgia;
Mr. ISAKSON, Georgia; and
Mr. GRAHAM, South Carolina.

PROTECTING SOCIAL SECURITY FOR ALL AMERICANS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, Social Security is a solemn promise from the United States to its citizens, a promise that this Republican-led Congress is dedicated to keeping.

For more than 30 years, the Social Security Trust Fund was used as a slush fund for government spending by the Democrats and their leadership. However, this Republican Congress stopped this dangerous practice by implementing a fiscally responsible budget; and we passed the Social Security Lockbox Act, which protects the Social Security Trust Fund permanently.

This Republican-led Congress is dedicated to ensuring that all Americans can rely on Social Security, now and in the future.

I call upon the administration to follow our lead and help assure all Americans, young and old, that Social Security will be there for them when they retire.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I yield back the administration's irresponsible tax-and-spend policies that only jeopardize the future of Social Security.

TIME TO STOP THE CASH COW FOR RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the CEO of the Bank of New York has admitted to laundering $7 billion; and bingo, surprise, surprise, $5 billion of it is expected to be Russian dollars that they got from the International Monetary Fund.

Now, if that is not enough to barf up your vodka, the investigators say, in addition to that, Russian politicians have secretly stolen $15 billion, diverted them to bank accounts all over the world, and most of the money came from Uncle Sam.

Unbelievable, Uncle Sam giving billions to Russia to dismantle their nukes. They do not dismantle their nukes. They sell their nukes to Iran and China. China then aims them at us. Russia comes back, asks us for more money, the White House gives more billions.

Beam me up. I say it is time to stop the cash cow for Russia.

Madam Speaker, I yield back all the cash the Russian politicians have been stealing from the American taxpayers.

UTAH PIONEER DAY CELEBRATION

(Mr. CANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANNON. Madam Speaker, I rise today to honor Utah's pioneer heritage. The State of Utah is celebrating the arrival of the first company of Mormon pioneers in the Salt Lake Valley today.

These pioneers and the many wagon and handcart companies that followed on the trek from Nauvoo, Illinois, believed that they could build a better way of life in the West. They were tough. They suffered blistering and freezing temperatures. Many succumbed to the limited food supplies. They walked more than a thousand miles from Illinois to Utah, and many died along the way.

Those that survived had the strength necessary to thrive in the desert and harsh climates of the West. Evidence of their toils surrounds us today. There is a ditch in Wayne County, Utah, that brought water 5 miles from a mountain lake to the farms in the valley.

The amazing thing about this simple irrigation ditch is that it was built by hand. More water would disappear into the sandy soil than could be used for the crops at the end of the ditch. But all their hard work, in the words of Isaiah, made "the desert blossom like a rose."

There are several dams in my district that need repairs. The discussions about those repairs are centered around the roads needed to be built to bring the equipment in. The dams had been built over 100 years ago by Mormon pioneers by hand. Hand repairs were not an option now because the builders "were much tougher back then."

These dams, as well as countless landmarks, buildings and cities stand today as evidence of the Mormon pioneers' strength and determination. They were central to the westward expansion, providing a place of rest and resupply for travelers heading to the gold fields of California and the Oregon territory.

Their strengths, self-sufficiency, and determination have become the cultural foundation of the West. I am proud to be the descendent of the Mormon pioneers and to live with the fruits of their labors. I am proud to join my fellow Utahans in honoring and celebrating our pioneer heritage. The desert truly has blossomed like a rose.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6:00 p.m. today.

☐ 1415

EXPRESSING SENSE OF CONGRESS CONCERNING SAFETY AND WELL-BEING OF UNITED STATES CITIZENS WHILE TRAVELING IN MEXICO

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 232) expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico, as amended.

The Clerk read as follows:

H. CON. RES. 232

Whereas hundreds of United States citizens travel by automobile to Mexico every day;

Whereas United States automobile insurance in not valid in Mexico and travellers may purchase additional insurance to cover potential liability or injury while in Mexico;

Whereas in cases where additional insurance is not purchased and a United States citizen is involved in an automobile accident, the American will be subject to a bond requirement before being permitted to return to the United States; and

Whereas in a recent incident, a United States citizen injured in an automobile accident in Mexico was not transferred to a United States hospital for 18 hours, even after medical personnel in Mexico recommended his immediate transfer to the United States for emergency treatment, until the family posted the bond set by Mexican authorities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that, in order to protect the safety and well-being of United States citizens travelling in Mexico, the President should continue to negotiate with the Government of Mexico to establish procedures, including a humanitarian exemption to Mexican bond requirements, to ensure the expedited return of United States citizens injured in Mexico to the United States for medical treatment, if necessary.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 232.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the Vice-Chairman of the Committee on International Relations, this Member rises in strong support of House Concurrent Resolution 232. This resolution, which expresses the sense of Congress regarding the safety and well-being of United States citizens who are traveling in Mexico, was introduced by our colleague, the distinguished gentleman from California (Mr. HUNTER). It is the result of a particularly unfortunate incident involving a California resident caught in a conflict between Mexican law and sound medical treatment provided to U.S. citizens as well as to other foreign citizens while traveling in Mexico.

Last August, California resident Donald Craft, his wife, and three children were vacationing in Baja, Mexico, when they were involved in a serious automobile incident. Mr. Craft broke his neck and was in critical condition when he was taken to a local Mexican hospital where doctors advised his family that he be immediately transported to a trauma center in San Diego for more intensive life-saving medical care.

There was, however, one problem. Under Mexican law, foreigners involved in traffic accidents being investigated for possible criminal action or who do not have Mexican automobile insurance cannot leave Mexico until a bond is posted. Mrs. Melody Craft, the victim's wife, was required to find and pay $7,000 before her critically injured husband would be allowed to leave the country. After what must have been a very confusing and unbelievably excruciating period of almost 18 hours, the bond was raised and Mr. Craft was released and sent back to the United States.

Regrettably, on September 6, 1999, Mr. Craft died of complications reportedly associated with that accident and the delay in providing him adequate medical attention. Sadly, this tragedy has been repeated on several additional occasions since Mr. Craft's death, including a case involving a Florida constituent of our distinguished colleague, the gentlewoman from Miami (Ms. ROS-LEHTINEN).

Madam Speaker, I would also like to indicate that in 1998, one of my constituents, Gregg Gahan, the adult son of Mr. and Mrs. Duane Gahan of Oakland, Nebraska, Mr. Gahan being the editor of the Oakland Independent, a newspaper serving that area, was also involved in a similar accident with also extraordinary things that happened that really defy a rational explanation and amount to an abuse of the legal or ethical process by Mexican officials.

Grave concerns arose as a result of the treatment of his son by law enforcement officials, health care officials, and the driver of the car who hit him. There are legitimate questions about the judicial process that was implemented, how culpability was determined, the punitive actions taken, and the damage settlement.

Madam Speaker, we know and appreciate the fact that Mexico has its own laws and procedures and that those should be known and respected by foreign visitors. However, in these kinds of very serious accident cases, flexibility and accommodation of the special circumstances ought to be in order.

Since the Craft incident, this Member has been told that the U.S. and Mexican Governments have initiated a dialogue on how to address this issue. This resolution is designed to support these efforts to seek a reasonable solution to a situation under Mexican law which places the health and well-being of Americans and other foreign visitors to Mexico in question.

The State Department has been consulted on this legislation and has no objection to it. The Subcommittee on the Western Hemisphere of the Committee on International Relations and, subsequently, the full committee, reported the legislation by voice vote.

Madam Speaker, this Member urges his colleagues to join him in supporting adoption of H. Con. Res. 232.

Madam Speaker, I reserve the balance of my time.

REQUEST TO BE ADDED AS COSPONSOR OF H. CON. RES. 232, S. CON. RES. 81, H.R. 4002, AND H.R. 4919

Mr. SHERMAN. Madam Speaker, I ask unanimous consent that I be added to H. Con. Res. 232 as a cosponsor, and also as a cosponsor of the three other pieces of legislation that will follow this, S. Con. Res. 81, H.R. 4002 and H.R. 4919, the Security Assistance Act.

The SPEAKER pro tempore. As to cosponsorship of House bills, the gentleman should talk to the primary sponsor of the bill. It is not done by unanimous consent. Only the sponsor may add cosponsors.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. This bill sends the right message. It is a bill brought to this House's attention by the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. BILBRAY), the gentleman from California (Mr. PACKARD) and the gentleman from California (Mr. CUNNINGHAM), who represent the portion of California that is immediately adjacent to Mexico.

This resolution puts Congress on record in favor of ensuring that U.S. citizens traveling in Mexico have access without delay to emergency medical services. This is of particular importance to all of us in California and along the U.S.-Mexico border. Our citizens travel to Mexico; and when they are involved in an automobile accident, they encounter the Mexican law that requires the posting of a bond, a bond which ordinary automobile insurance does not provide for.

Madam Speaker, I urge my colleagues to join in this resolution and to support the negotiation with Mexico of a system for at least dealing with those American motorists who are insured and need help on an emergency basis. I urge my colleagues to support H. Con. Res. 232.

Madam Speaker, I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume to reiterate my request that this be given strong support by my colleagues.

Mr. CUNNINGHAM. Madam Speaker, I rise today in support of the Hunter resolution expressing the sense of Congress that U.S. citizens who are injured while traveling in Mexico should have immediate access to medical treatment in the United States. We drafted this resolution in response to several instances where Americans were prevented by Mexican authorities from accessing U.S. hospitals after being injured while traveling in Mexico.

Specifically, this resolution calls upon President Clinton to continue negotiations with the Mexican government to establish a humanitarian exemption to bond requirements that prevent the release of American citizens involved in accidents. One tragic example of this problem happened on August 24, 1999. Donald Kraft of Southern California was involved in an automobile accident in Baja California, Mexico, in which he suffered a broken neck and other injuries. Despite needing quality medical care that was unavailable in Mexico, Mr. Kraft was forced to wait over 18 hours before authorities approved his return to the United States pending his family posting a bond to cover damages for the collision. Mr. Kraft died a few days later in San Diego.

This experience was repeated again in November 1999 when three men from Orange County were involved in an accident that killed the driver and left the two others injured. Family members were required to post an $11,000 bond before one of the victims was allowed to be transferred to San Diego where he was treated for multiple fractures, a ruptured spleen and a punctured lung. The remaining victim was required to stay in jail until family members convinced authorities that he should be transported to a Tijuana hospital.

Madam Speaker, when Americans travel abroad, they must not be denied access to medical treatment. The United States and Mexico need to agree on procedures to ensure that the horrible situations of the past never happen again. Our citizens need these protections. The Mexican government can and should make these concessions to our tourists in order to protect Americans in Mexico, and the Mexican tourism industry.

My colleagues, we need to pass this resolution, I urge you to vote yes.

Mr. GILMAN. Madam Speaker, I want to commend Representative DUNCAN HUNTER for introducing this resolution and bringing this matter to the floor of the House.

We will be proceeding with a resolution congratulating the Mexican people on their recent election on July 2nd. That election has ushered in a spirit of renewal both in Mexico and as regards our very important bilateral relations.

This resolution reminds us that our relationship with Mexico involves many matters that concern both nations.

H. Res. 232 urges the President to continue to negotiate with the Government of Mexico to establish procedures for the expedited return of U.S. citizens injured in Mexico.

There is good reason for the Congress to pass this resolution. U.S. citizens who do not purchase additional automobile insurance required by the Mexican government, and are then injured in an automobile accident, are subject to a bond requirement before they can return to the United States for medical treatment.

On August 24, 1999, Donald Kraft of Southern California was involved in an automobile accident in Baja California in which he suffered a broken neck and other injuries. Mr. Kraft was forced to wait 18 hours before authorities approved his return to the United States only after his family posted a bond to cover damages for the collision. Mr. Kraft died a few days later in San Diego.

The United States and Mexico should work together so we can avoid similar tragedies in the future.

I ask my colleagues to join me in supporting this resolution.

Ms. ROS-LEHTINEN. Madan Speaker, every year, thousands of people leave the port of Miami, located in my congressional district, on cruise ships that take them to foreign lands. Yet these tourists never consider what they would do if they found themselves in an emergency situation abroad.

What was supposed to be a peaceful vacation cruise to Mexico for a couple in my congressional district, turned out to be a nightmare that continues to haunt Michael and Lorraine Andrews today. Fifteen minutes before their ship departed from one of the ports, Michael and Lorraine's car went off the road and into a ravine, causing a tragic accident that would change their lives forever. With no passport, no money and no real means of identification, Lorraine Andrews had a difficult time in obtaining medical assistance for her husband who had lost sensation below his neck. It took approximately an hour and a half before an air ambulance arrived and even then, American dollars had to be exchanged for medical attention. Today, Michael is an incomplete quadriplegic and he and his wife are working to make a difference so that others do not experience similar difficulties.

H. Con. Res. 232, expressing the sense of Congress concerning the safety and well being of United States citizens injured while traveling in Mexico, is a step in the right direction to secure safety for our citizens and raise awareness on ways in which they can better protect themselves. The safety of our citizens must come first and our President must immediately begin negotiations with the Government of Mexico to establish a humanitarian exemption to Mexican bond requirements. No American's life should be endangered due to the existence of a Mexican law requiring an exhaustive investigation of an accident before emergency medical help in the United States is found. No American should be denied the right to emergency medical assistance because a release bond must be paid up front. Humanitarian considerations should be allowed to override any regulatory, so that emergencies like that of Michael and Lorraine Andrews will be prevented in the future. Mr. Speaker, I strongly support H. Con. Res. 232, and I ask my colleagues to vote for its passage.

Mr. BEREUTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 232, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS CONCERNING RELEASE OF RABIYA KADEER, HER SECRETARY AND SON BY GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 81) expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

The Clerk read as follows:

S. CON. RES. 81

Whereas Rabiya Kadeer, a prominent ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) of the People's Republic of China, her secretary, and her son were arrested on August 11, 1999, in the city of Urumqi;

Whereas Rabiya Kadeer's arrest occurred outside the Yindu Hotel in Urumqi as she was attempting to meet a group of congressional staff staying at the Yindu Hotel as part of an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rabiya Kadeer's husband Sidik Rouzi, who has lived in the United States since 1996 and works for Radio Free Asia, has been critical of the policies of the People's Republic of China toward Uighurs in Xinjiang;

Whereas Rabiya Kadeer was sentenced on March 10 to 8 years in prison "with deprivation of political rights for two years" for the crime of "illegally giving state information across the border";

Whereas the Urumqi Evening Paper of March 12 reported Rabiya Kadeer's case as follows: "The court investigated the following: The defendant Rabiya Kadeer, following the request of her husband, Sidik Haji, who has settled in America, indirectly bought a collection of the Kashgar Paper dated from 1995–1998, 27 months, and some copies of the Xinjiang Legal Paper and on 17 June 1999 sent them by post to Sidik Haji. These were found by the customs. During July and August 1999 defendant Rabiya Kadeer gave copies of the Ili Paper and Ili Evening Paper collected by others to Mohammed Hashem to keep. Defendant Rabiya Kadeer sent these to Sidik Haji. Some of these papers contained the speeches of leaders of different levels; speeches about the strength of rectification of public safety, news of political legal organisations striking against national separatists and terrorist activities etc. The papers sent were marked and folded at relevant articles. As well as this, on 11 August that year, defendant Rabiya Kadeer, following her husband's phone commands, took a previously prepared list of people who had been handled by judicial organisations, with her to Kumush Astana Hotel [Yingdu Hotel] where she was to meet a foreigner";

Whereas reports indicate that Ablikim Abdyirim was sent to a labor camp on November 26 for 2 years without trial for "supporting Uighur separatism," and Rabiya Kadeer's secretary was recently sentenced to 3 years in a labor camp;

Whereas Rabiya Kadeer has 5 children, 3 sisters, and a brother living in the United States, in addition to her husband, and Kadeer has expressed a desire to move to the United States;

Whereas the People's Republic of China stripped Rabiya Kadeer of her passport long before her arrest;

Whereas reports indicate that Kadeer's health may be at risk;

Whereas the People's Republic of China signed the International Covenant on Civil and Political Rights on October 5, 1998;

Whereas that Covenant requires signatory countries to guarantee their citizens the right to legal recourse when their rights have been violated, the right to liberty and freedom of movement, the right to presumption of innocence until guilt is proven, the right to appeal a conviction, freedom of thought, conscience, and religion, freedom of opinion and expression, and freedom of assembly and association;

Whereas that Covenant forbids torture, inhuman or degrading treatment, and arbitrary arrest and detention;

Whereas the first Optional Protocol to the International Covenant on Civil and Political Rights enables the Human Rights Committee, set up under that Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant; and

Whereas in signing that Covenant on behalf of the People's Republic of China, Ambassador Qin Huasun, Permanent Representative of the People's Republic of China to the United Nations, said the following: "To realize human rights is the aspiration of all humanity. It is also a goal that the Chinese Government has long been striving for. We believe that the universality of human rights should be respected . . . As a member state of the United Nations, China has always actively participated in the activities of the organization in the field of human rights. It attaches importance to its cooperation with agencies concerned in the U.N. system . . .": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress calls on the Government of the People's Republic of China—

(1) immediately to release Rabiya Kadeer, her secretary, and her son; and

(2) to permit Kadeer, her secretary, and her son to move to the United States, if they so desire.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 81.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this Member stands in strong support of Senate Concurrent Resolution 81, which was introduced by the senior senator from Delaware, Senator WILLIAM ROTH, and approved by the Senate on May 2.

On June 27, S. Con. Res. 81 was approved by the Subcommittee on Asia and the Pacific, which this Member chairs, and was subsequently approved unanimously by the Committee on International Relations on June 29.

The resolution expresses the sense of the Congress that the People's Republic of China, PRC, should immediately release Rabiya Kadeer, her secretary, and her son, and allow them to move to the United States if they so desire.

Rabiya Kadeer is a prominent ethnic Uigher from China, who was arrested as she was attempting to meet a congressional staff delegation visiting Urumqi as part of an official visit to China organized under the auspices of the Mutual Education and Cultural Exchange Program of the U.S. Information Agency.

Subsequently, on March 10 of this year, Rabiya Kadeer was sentenced to 8 years in prison for the crime of "illegally giving state information across the border." Previously, her son was sent to a labor camp for 2 years in November of 1999 for supporting Uighur separatism and her secretary was recently sentenced to 3 years in a labor camp. In Ms. Kadeer's case, the so-called "state information" appears to have consisted essentially of a collection of publicly available Chinese newspaper articles and speeches and a list of prisoners.

As the resolution notes, this case appears to constitute a clear violation of the International Covenant on Civil and Political Rights. The Chinese Government's action in this case has been reprehensible and must be reversed. This resolution makes clear the strong sense of the Congress that Ms. Kadeer should be immediately released and allowed to join her family in the United States.

Madam Speaker, approving S. Con. Res. 81 sends a strong message that while this body approves of improved trade relations, we are, nonetheless, mindful of the serious human rights problems that exist within the People's Republic of China.

This is an entirely appropriate message to send, for the United States cannot turn a blind eye to the abuses that continue to exist in the PRC.

Madam Speaker, this Member urges adoption of S. Con. Res. 81.

Madam Speaker, I reserve the balance of my time.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution and commend the chairman of the Committee on International Relations (Mr. GILMAN); the chairman of the Subcommittee on Asia and the Pacific, my colleague here, the gentleman from Nebraska (Mr. BEREUTER); and the ranking Democratic members, the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from California (Mr. LANTOS), for their strong support.

The subject of this resolution is Rabiya Kadeer, who is well-known as a Uighur businesswoman and known throughout China as "the millionaire woman of Xinjiang." She is also a philanthropist of many programs designed to improve the lives of Uighur women and children.

Her work led to her election as a member of a nationwide advisory body of the Chinese government from 1993 through 1997, and as a delegate to the United Nations Women's Conference in 1995. She has helped many Uighur women start businesses, and she has established English language classes for Uighur teenagers, several of whom she has sent to the United States for schooling.

Rabiya Kadeer's husband, who is of Uighur descent, fled to the United States in 1996, and she was stripped of her government position when she refused to criticize him. Kadeer was arrested last year on her way to meet with congressional staff members, charged with providing information to foreigners, and sentenced to 8 years in prison.

As my colleague from Nebraska pointed out, these charges were without merit. Unfortunately, it appears that Kadeer's real crime is that her husband now works for Radio Free Asia and he has been critical of the policies of the PRC toward Uighurs in Xinjiang. This situation is all the more troubling because Kadeer has five children and three sisters living in the United States in addition to her husband.

This resolution before the House today calls on the Chinese to release Rabiya Kadeer, as well as her son, and secretary, arrested at the same time, and allow them to come to the United States.

It is with regret that I note that this House passed a provision giving the People's Republic of China most favored nation status on a permanent basis, so the Chinese are free to ignore this resolution, without the slightest risk of losing a single penny of trade benefits with the United States, where they enjoy the largest trade surplus and one of the most lopsided trading relationships that one can imagine.

So although I doubt this resolution will have much effect, given the fact that we have cut ourselves off from any way of really pressuring the Chinese government, it is the least we could do.

Madam Speaker, I urge my colleagues to support Senate Concurrent Resolution 81.

Madam Speaker, I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I urge support for the resolution.

Mr. LANTOS. Madam Speaker, I rise today in strong support of S. Con. Res. 81, a resolution urging the Government of the People's Republic of China to release immediately and unconditionally the prominent Uighur businesswoman, Ms. Rebiya Kadeer.

Madam Speaker, as co-chair of the Congressional Human Rights Caucus I have repeatedly voiced my deepest concern regarding Ms. Kadeer to the Chinese Government. Ms. Kadeer was detained by Chinese security forces in Urumqi, Xinjiang Province on August 11, 1999. A particularly disturbing circumstance is the fact that shortly before her arrest, her husband, Mr. Sidick Rozi, had testified to Members of Congress before the Congressional Human Rights Caucus on July 15, 1999, regarding human rights violations in Western China.

As a prominent businesswoman, Ms. Kadeer is well known and respected in the United States. Her efforts to promote business enterprises by Uighur women have been recognized by Chinese authorities as contributing to the overall economic and social development of the Xinjiang Uighur Autonomous Region. Until 1998, she even served as an elected official in the Provincial People's Political Consultative Congress.

On September 2, 1999, however, according to press reports she was charged with the serious crime of "illegally offering state secrets across the border." Ms. Kadeer was detained on August 11, 1999, while on her way to meet with a U.S. congressional staff delegation, whom she intended to give information about political prisoners in Xinjiang. She was convicted under Article 111 of the Chinese Criminal Law. According to Radio Free Asia, neither Kadeer nor her lawyer were allowed to speak at her trial.

Chinese officials never produced evidence of criminal wrongdoing against Ms. Kadeer. She was nonetheless sentenced to 8 years in prison in a secret trial at the Urumqi City Intermediate People's Court in the capital of the Xinjiang Uighur Autonomous Region. In addition, according to information we have received, she is currently detained at Liudaowan jail, a jail notorious for mistreatment of prisoners.

In addition to Ms. Kadeer, her son, Ablikim Abyirim, and her secretary, Kahriman Abdukirim, were also detained in August and were administratively sentenced to 2- and 3-year terms, respectively, on November 26, 1999. They are currently being held at the Walabai Reeducation Through Labor School.

Madam Speaker, the trial and the totally fabricated charges brought against Ms. Kadeer, her son, and her secretary are blatant violations of international judicial standards. As the other body prepares to consider PNTR for the Peoples Republic of China, it is my hope that our colleagues keep these outrageous human rights violations in mind. The Economist reports that China executed three Uighurs as recently as the first week of July of this year, and the harassment and the crackdown against Tibetans, the Falun Gong, and political dissidents continues unabated.

Madam Speaker, it is high time to send the PRC a clear message. The resolution before the House sends a clear message. I urge my colleagues to support it.

Mr. PORTER. Madam Speaker, I rise today to support this resolution and join with my colleague in urging the Chinese authorities to release from Rebiya Kadeer, her secretary and her son, and permit them to move to the United States, if they desire.

Ms. Kadeer is a well respected businesswoman who was once officially touted as an inspiration to her fellow members of the Uighur ethnic group. On March 10th, 2000, Ms. Kadeer was sentenced to 8 years in jail for "giving information to separatists outside the country." Her efforts to business enterprises have been recognized by Chinese authorities as contributing to the overall economic and social development of the Xinjiang Uighur Autonomous Region, one of the poorest regions throughout China.

However, in 1997, Ms. Kadeer was stripped of her passport, and with it the right to freedom of movement as well as subjected to continual police harassments. These actions were clearly aimed at silencing her husband, Mr. Sidick Rozi, a former political prisoner who has been an outspoken critic of China's treatment of the Uighur minority in Western China. Mr. Rozi, now living in the United States, has made numerous statements on Radio Free Asia, Voice of America and testified last July before the Congressional Human Rights Caucus concerning the extremely harsh discriminations suffered by the Uighur minority. Ms. Kadeer was made a hostage in her own country, unable to join her husband and a number of her children in the United States, simply because of the political activities of her husband.

On August 11th, 1999 Rebiya Kadeer was arrested while she was on her way to meet with a group of congressional staff visiting China. She was charged in September with "providing secret information to foreigners." Ms. Kadeer does not have access to "state secrets," she is a businesswoman, not a political activist. After 7 months of detention and the arrest and subsequent arbitrary sentencing of her secretary and one son, Ms. Kadeer was given a 4-hour trial. During this trial, neither she nor her lawyer were able to speak, none of her children were allowed to attend and the 300 Uighurs who had gathered at the courthouse were dispersed by Chinese police.

If China wants to be a full partner in the international arena, it has to start abiding by international norms and living within the rule of law. Seven months of arbitrary detention and a trial where the defendant's lawyer is not allowed to speak is not an accepted practice within the international community and should not be an accepted practice in China.

Ms. Kadeer was traveling to meet with congressional staff, official representatives of the U.S. Government, when she was detained. This did not seem to matter to the Chinese and it appears to be one of the factors for the timing of her arrest. Clearly, the Chinese were sending a signal: Any citizen who meets with or talks to U.S. citizens is risking detention, arrest and a prison sentence.

Incidences such as this prove that now is not the time to ease the pressure on China. We in the United States, and around the world must never give up our ideals and belief in human freedom, and need to pressure dictators, oppressors and abusers around the world that lack the respect for the rule of law and for human life. Only if Ms. Kadeer's case is brought to the highest level of our administration and the Chinese Government is there any hope that Ms. Kadeer will not spend the next 8 years of her life in a Chinese prison—8 years she should be spending with her husband and 10 children—and for speaking up for the most basic human rights of her people, the Uighurs.

Mr. NETHERCUTT. Madam Speaker, I appreciate the work of the International Relations Committee, particularly the Subcommittee on International Operations and Human Rights and the Subcommittee on Asia and the Pacific, in moving this important resolution forward. Today we are considering the Senate version of the resolution I introduced, H. Con. Res. 249, which has 11 cosponsors.

As the chairman has noted, this resolution expresses the sense of Congress that the People's Republic of China should immediately release Rabiya Kadeer, her secretary and her son, and permit them to move to the United States.

Kadeer is a 53-year-old entrepreneur from China's Xingjiang Autonomous Region. As a member of the Uighur minority, she emerged as a symbol of how minorities could succeed in China. However, her relationship with the Chinese Government deteriorated after her husband's emigration to the United States in 1997. Sidik Rouzi has become a prominent critic of China's Xingjiang policies and testified last summer before the House Congressional Human Rights Caucus.

On August 11, 1999, Rabiya Kadeer, her secretary, and two of her sons were arrested in Urumqi, China and charged with "illegally providing intelligence for foreign organizations." She was apparently arrested en route to a previously scheduled meeting with U.S. congressional staff. A member of my staff was part of this official delegation, organized under the auspices of the Mutual Educational and Cultural Exchange Program of the U.S. Information Agency.

The arrest prior to a meeting with an official delegation was an affront to Congress. Members and staff should be allowed to travel internationally and conduct their official duties without fear that their visit will trigger retributive action by the host country. One purpose of this staff delegation was to encourage mutual understanding and cultural exchange—the arrest was clearly contrary to this purpose. Such intimidation should never accompany an official delegation visit.

Even more troubling, Kadeer was convicted and sentenced to 8 years in prison for merely mailing copies of local newspapers to her husband in the United States. Apparently, her high crime was to mark and fold the newspapers in such a way that she was illegally revealing state information.

In February, I received a letter from the Chinese Ambassador noting "Ethnic secessionism in Xingjiang and Tibet is a deep concern for us. I hope our American friends could put themselves in our shoes when approaching this issue." I do not believe that Chinese concerns about ethnic affairs merit a suspension of human rights.

Indeed, this resolution merely calls for the People's Republic of China to adhere to International Covenant on Civil and Political Rights, which guarantees citizens the right to legal recourse when their rights have been violated and forbids arbitrary arrest and detention. Even though a Chinese court dismissed this case last November for lack of evidence, Kadeer was tried again. The second trial lasted all of two hours, and according to Human Rights Watch, neither she nor her attorney were permitted to even speak. China signed this Covenant in 1998 and has an obligation to respect the civil and political rights of all Chinese citizens, irrespective of their ethnicity.

I urge my colleagues in the House to join the other body in passing this important resolution. China should immediately release Rabiya Kadeer, her secretary, and her son, and should allow them to move to the United States. Vote in support of this resolution and send a strong message to China that they must respect the political rights of all of their citizens.

Mr. GILMAN. Madam Speaker, I want to thank the chairmen and ranking minority members of the International Operations and Human Rights, and the Asia and Pacific Subcommittees for their work on this important resolution.

Ms. Rabiya Kadeer, her son and secretary were arrested in Chinese-occupied East Turkestan or the Xinjiang Uighur Autonomous Region on August 11, 1999, as they were attempting to meet with a group of congressional staff. Ms. Kadeer's husband works for Radio Free Asia and has been critical of the Chinese occupation of his homeland. After their arrest, the three individuals were eventually accused of illegally giving Mr. Kadeer various news clippings and public speeches concerning the struggle in East Turkestan.

Ms. Kadeer was sentenced to 8 years in prison, her son was sent to a labor camp for 2 years and her secretary to 3 years. The resolution calls on the Government of the People's Republic of China to immediately release them and permit them to move to the United States if so they desire. I urge my colleagues to support the resolution.

Mr. BEREUTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 81.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

□ 1430

FAMINE PREVENTION AND FREEDOM FROM HUNGER IMPROVEMENT ACT OF 2000

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger, as amended.

The Clerk read as follows:

H.R. 4002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Famine Prevention and Freedom From Hunger Improvement Act of 2000".

SEC. 2. GENERAL PROVISIONS.

(a) DECLARATIONS OF POLICY.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: "The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for (1) global research on problems affecting food, agriculture, forestry, and fisheries, (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences, (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets, and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.".

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

(A) in paragraph (1), by striking "in this country" and inserting "with and through the private sector in this country and to understanding processes of economic development";

(B) in paragraph (2), to read as follows:

"(2) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of the United States and other countries;";

(C) in paragraph (3), to read as follows:

"(3) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food are in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;";

(D) in paragraph (4), to read as follows:

"(4) that the engagement of United States universities in agricultural development in other countries strengthens the competitiveness of United States agriculture and other industries by training future foreign partners and by introducing global perspectives into United States curriculum, research, public information services, and other extension programs of the universities;";

(E) by striking paragraphs (5) and (7), redesignating paragraph (6) as paragraph (7), and inserting the following:

"(5) with expanding global markets and increasing imports into many countries, including the United States, that food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

"(6) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);";

(F) in paragraph (7) (as redesignated), by striking "in the United States" and inserting "and the broader economy of the United States"; and

(G) by adding at the end the following:

"(8) that there is a need to preserve and protect the world's natural resources for sustained productivity and health and to take steps to mitigate adverse aspects of climate change which confront agriculture and other natural resource-based industries with new scientific, technological, and management challenges; and

"(9) that universities and public and private partners of universities need a dependable source of Federal funding not requiring State matching funds, as well as Federal and State matched funding, and other financing, in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their effort to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.".

(b) ADDITIONAL DECLARATIONS OF POLICY.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

"(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

"(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

"(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

"(3) transformation of the benefits of global agricultural research and development into increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

"(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds by means which may include additional complementary funds restricted to the use of United States universities and public and private partners of universities;

"(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

"(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.".

(c) SENSE OF THE CONGRESS.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking "each component" and inserting "each of the program components described in paragraphs (1) through (6) of subsection (b)";

(2) in paragraph (2)—

(A) by inserting "and public and private partners of universities" after "for the universities"; and

(B) by striking "and" at the end;

(3) in paragraph (3)—

(A) by inserting "and public and private partners of universities" after "such universities";

(B) in subparagraph (A), by striking ", and" and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

"(C) multilateral banks and agencies receiving United States funds;

"(D) development agencies of other countries; and

"(E) United States Government foreign assistance and economic cooperation programs; and"; and

(4) by adding at the end the following:

"(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for United States communities and industries, and for the provident use of natural resources; and

"(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.".

(d) DEFINITION OF UNIVERSITIES.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after "sea-grant colleges;" the following: "Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);"; and

(2) in paragraph (1), by striking "extension" and inserting "extension (including outreach)".

(e) DEFINITION OF ADMINISTRATOR.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting "United States" before "Agency".

(f) DEFINITION OF PUBLIC AND PRIVATE PARTNERS OF UNIVERSITIES.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include university beneficiary groups, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.".

(g) Definition of Agriculture.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.".

(h) Definition of Agriculturists.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.".

SEC. 3. GENERAL AUTHORITY.

(a) Authorization of Assistance.—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

(1) in paragraph (1), to read as follows:

"(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;";

(2) in paragraph (3), to read as follows:

"(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;"; and

(3) in paragraph (4)—

(A) by inserting "United States" before "universities";

(B) by inserting "agricultural" before "research centers"; and

(C) by striking "and the institutions of agriculturally developing nations" and inserting "multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs".

(b) Requirements.—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "universities" and inserting "United States universities with public and private partners of universities"; and

(B) in subparagraph (C)—

(i) by inserting ", environment," before "and related"; and

(ii) by striking "farmers and farm families" and inserting "agriculturalists";

(2) in paragraph (2), by inserting ", including resources of the private sector," after "Federal or State resources"; and

(3) in paragraph (3), by striking "and the United States Department of Agriculture" and all that follows and inserting ", the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.".

(c) Further Requirements.—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

"(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and conservators of natural resources;"; and

(2) in paragraph (4), to read as follows:

"(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and".

(d) Special Programs.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.".

SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) Establishment.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended—

(1) in the first sentence, by inserting after "authorized by this title" the following: "and to provide United States Government followup to the World Food Summit of November 1996"; and

(2) in the third sentence, by inserting at the end before the period the following: "on a case-by-case basis".

(b) General Areas of Responsibility of the Board.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

"(b) The Board's general areas of responsibility shall include—

"(1) participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title; and

"(2) providing advice and assistance to the Inter-Agency Working Group on Food Security (IWG) on carrying out commitments made in the United States Country Paper for the November 1996 World Food Summit and on the Plan of Action agreed to at the Summit.".

(c) Duties of the Board.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "increase food production" and all that follows and inserting the following: "improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;"; and

(B) in subparagraph (B), by inserting before "sciences" the following: ", environmental, and related social";

(2) in paragraph (4), after "Administrator and universities" insert "and their partners";

(3) in paragraph (5), after "universities" insert "and public and private partners of universities";

(4) in paragraph (6), by striking "and" at the end;

(5) in paragraph (7), by striking "in the developing nations." and inserting "and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the amendments made by that Act;"; and

(6) by adding at the end the following:

"(8) providing advice to the United States Government on the development of a long-term action plan in support of the commitments made in the United States Country Paper and at the 1996 World Food Summit, including—

"(A) participating in the implementation of the action plan through meetings, workshops, and proper involvement; and

"(B) serving as an outreach vehicle to all nongovernmental sectors to achieve maximum involvement in action plan development and implementation;

"(9) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

"(10) investigating and resolving issues concerning implementation of this title as requested by universities; and

"(11) advising the Administrator on any and all issues as requested.".

(d) Subordinate Units.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking "Research" and insert "Policy";

(B) by striking "administration" and inserting "design"; and

(C) by striking "section 297(a)(3) of this title" and inserting "section 297"; and

(2) in paragraph (2)—

(A) by striking "Joint Committee on Country Programs" and inserting "Joint Operations Committee"; and

(B) by striking "which shall assist" and all that follows and inserting "which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.".

SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking "April 1" and inserting "September 1".

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as an original cosponsor of H.R. 4002, the Famine Prevention and Freedom From Hunger Act of 2000, this Member wants to commend the distinguished gentleman from Texas (Mr. BRADY) for taking the lead on this important issue and introducing this legislation.

This measure updates the content of the agricultural development in Title XII of the Foreign Assistance Act and expands the role of America's land grant universities in these efforts. It has certainly been a pleasure to work with the distinguished gentleman from Texas (Mr. BRADY) on this effort.

Since the Foreign Assistance Act was enacted in 1961, the scope of U.S. food aid and agriculture assistance has expanded to include forestry, fisheries, family and consumer sciences, horticulture, agribusiness, agricultural processing, marketing, distribution, trade, food safety, nutrition, agricultural policy, environmental protection, food science and engineering, veterinary medicine, agriculture economics, other social sciences and other sciences and practices related to food, fiber, and feed.

Indeed, H.R. 4002 updates current law and the U.S. foreign assistance policy to reflect these changes. This legislation also ensures the transformation of developments abroad into benefits to the United States. University research and extension services, especially those associated with America's land grant colleges and universities, such as my alma mater, the University of Nebraska at Lincoln, along with their public and private partners, are supported to help transform agricultural progress abroad and into benefits to American communities and businesses through trade.

The pending legislation also expands the definition of eligible universities to include those institutions engaged in agricultural teaching, research and outreach, as well as extension. This Member believes that this is an effective and responsible approach which utilizes America's land grant university expertise to help famine prevention and alleviate the suffering from hunger and malnutrition abroad.

Madam Speaker, the Famine Prevention and Freedom From Hunger Prevention Act of 2000 for the first time creates a direct link between development abroad and the interests of rural communities here at home in the United States. That is why this legislation is so important.

Again, this Member commends the hard work and leadership on this issue by the distinguished gentleman from Texas (Mr. BRADY). Clearly, H.R. 4002 deserves our strong support and this Member urges its adoption by his colleagues.

Madam Speaker, I reserve the balance of my time.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. I want to thank the gentleman from Florida (Mr. DAVIS), the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Texas (Mr. BRADY) for their hard work on this bill.

American farmers and agricultural institutions have long been the backbone of our foreign aid programs. The productivity of our farms have helped feed starving people around the world, and it was American research and technology developed in our land grant universities which fueled the green revolution that have helped a famine-prone India become self-sufficient in food.

Title XII of the Foreign Assistance Act, the Famine Prevention and Freedom From Hunger Act, was enacted in 1975 to increase world food production and identify solutions to food and nutrition problems in developing countries. However, the agricultural sectors have experienced growth and innovation since that law was enacted. H.R. 4002 addresses that problem by updating Title XII. These changes will result in better partnerships with the Agency for International Development, improved service to and assistance to poor countries, and greater trade and research benefits to the United States.

Specifically, this bill broadens the scope of agricultural assistance to reflect a more modern industry and expands the ability of participants to be eligible to participate in Title XII programs so that the valuable resources of our universities will be better utilized. This bill also encourages NGOs, that is to say nongovernmental organizations, to work with universities.

The legislation will also help our agriculture here in the United States. Title XII as currently written is designed to focus on agricultural research. H.R. 4002 is designed to enhance extension and other outreach activities of Title XII and help bring lessons learned through those agricultural programs in developing countries to farms here in the United States.

Finally, the bill helps American farmers and others of the agricultural community to increase their markets. Developing countries are the fastest growing markets for U.S. farm products and helping strengthen agriculture in developing countries will ultimately benefit U.S. farmers.

I urge my colleagues to support H.R. 4002.

Madam Speaker, at this point I include in the RECORD the remarks of the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Madam Speaker, I rise in strong support of this Bill.

The Famine Prevention and Freedom from Hunger Act updates and expands current American policies as they relate to the elimination of global hunger.

This is vital legislation.

One very important aspect of this Bill is that it not only makes low-income, food deficit, foreign countries beneficiaries of this program, but it also makes rural and urban communities in the United States beneficiaries.

In this era of global economies, nations are becoming more interconnected and interdependent on one another.

It is critical, therefore, that the economies of developing nations are not left behind.

It is critical that these nations have stable and efficient economies.

It is vitally important, therefore, that we assist in integrating Africa into the global economy.

Boosting economic development and self-sufficiency for Africa are keys so achieving this end.

It is for these reasons and others that I was pleased to vote for the Africa Trade and Development Act of 2000.

Generally, we only hear about Africa when issues of hunger, warfare, or natural disaster emerge.

And, it is true, that hunger estimates in Africa range in upwards of 215 million chronically undernourished persons.

And, yes, we need to be concerned and provide as much assistance as possible.

However, there is an old cliche that says, "Give a man a fish, and he'll eat for a day. Teach a man to fish, and he'll eat forever!"

At no other time is this cliche more appropriate for African countries.

As a nation, we have the resources, the capacity, and the capability to "teach" the tools needed to ensure that their economies grow in strength and prosperity.

One of the tools we can teach involves agribusiness.

Agriculture is a primary sector in the economies of many African nations.

It is here that we can provide the tools necessary to technologically upgrade agricultural methods and processes.

I have introduced legislation, "Farmers for Africa Act of 2000," which provides these tools.

Farmers from the United States can help!

Our farmers have the tools and skills to help.

They have the ability to train African farmers to use and adopt state-of-the-art farming techniques and agribusiness skills.

In African countries like Mozambique, farmers need our help.

Ravaging flood waters left the lands devastated and thousands homeless and hungry.

Their farmers need help.

Our farmers can help—We ought to help.

Farmers in Zimbabwe need our help.

In that country, thousands of presons have received parcels of land to farm, but do not have the agricultural skills or training to be successful.

These farmers too need our help!

Our farmers can help.

We ought to help!

In Ghana, one of the more stable and productive countries in Africa, farmers there too need our help!

American farmers, through their efficiency in using the most modern and technologically sound agricultural and agribusiness techniques, can help African farmers.

This will not only help boost African crop yields and efficiency to that these nations can produce enough goods to feed themselves, but will also improve the competitiveness of African farmers in the world market.

In addition, through the establishment of partnerships between African and American farmers, we can also create new avenues for delivering goods and services to African countries in need.

The legislation I introduced is designed to establish a bilateral exchange program between Africa and America—one that benefits both continents.

The bill before us, H.R. 4002 also redefines and updates the roles of American universities who can share information about new farming techniques with similar institutions in other countries.

I urge my colleagues to support this Bill.

Mr. SHERMAN. Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY). As I earlier indicated, this legislation is primarily the work of the distinguished gentleman from Texas (Mr. BRADY). He is an outstanding newer Member of the House Committee on International Relations. I would say that I visited the campus of his alma mater this Saturday. They are proud of him, and with this legislation they are going to be even more indebted to him and appreciate his outstanding work.

Mr. BRADY of Texas. Madam Speaker, I rise today in support of H.R. 4002, the Famine Prevention and Freedom From Hunger Improvement Act of 2000. Before I talk about the legislation, I want to thank the gentleman from Nebraska (Mr. BEREUTER) for his leadership in this effort. I want to thank the gentleman from Florida (Mr. DAVIS) for agreeing to be the lead Democrat on this bill and make this truly a bipartisan effort. I also appreciate and commend the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), their staffs working so well together to ensure this bipartisan legislation could be considered today.

Finally, most importantly, I want to thank one of my constituents, Dr. Ed Price from Texas A&M University, who came to me with the framework for this legislation after working on behalf of the Board of International Food and Agriculture Development, and the National Association of State Universities and Land Grant Colleges. Without the help of Dr. Price and Texas A&M University, it is unlikely we would be considering this legislation today.

Briefly, Title XII of the Foreign Assistance Act, which is known as the Famine Prevention and Freedom From Hunger Act, was enacted in 1975 to increase world food production and to identify solutions to food and nutrition problems in developing countries. According to USAID, the goal to increase world food production has been met. That is the good news. Unfortunately, USAID believes that we have not been as successful at solving the other goal, food and nutrition problems, in developing countries, poorer countries.

Specifically, under H.R. 4002, we address that problem. We broaden the scope of agriculture to reflect a more modern industry, and we expand the ability of participants to be eligible to participate in Title XII programs so that the valuable resources of our universities will be better utilized. We also encourage nongovernmental organizations to work with universities; and these changes, we believe, will result in better partnerships with the Agency for International Development, improved service to the assisted countries, and greater trade and research benefits to us here in America.

This legislation will also help America's agriculture. As Title XII is currently written, we focus on ag research, but this modernization is designed to make extension a more implicit part of Title XII. This will help bring the lessons we learn overseas to our farms, which is important because developing nation markets are the fastest growing markets for U.S. farm products and anything we can do to help speed along their development will help our farmers.

Improved agriculture is necessary to meet the objectives of U.S. foreign assistance, such as improved human health, child survival, democratization, and free enterprise. Furthermore, improving foods for health, flavor and productivity require the assistance of international programs such as those sponsored under Title XII.

Madam Speaker, as the ag industry and our Nation's international development efforts have changed over the past 25 years, the time has come to update this important section to again emphasize the vital role U.S. universities and others can have in our country's international ag development efforts. With over 800 million people worldwide still suffering from inadequate food supplies and associated malnutrition, this update is needed.

Mr. DAVIS of Florida. Madam Speaker, I want to commend the gentleman from Texas, Mr. BRADY, for his leadership and hard work on this important legislation. I, myself, am a strong co-sponsor of this legislation.

H.R. 4002, the Famine Prevention and Freedom from Hunger Improvement Act is long overdue. This bill would update Title XII of the Foreign Assistance Act of 1961, a title which is vitally important to our universities.

Title XII was enacted in 1975 with the goal of increasing world food production and identifying solutions to food and nutrition problems in developing countries. Although the goal to increase world food production has been met, we all know that food and nutrition problems continue to plague much of the developing world.

Since Title XII was enacted, both our agriculture industry and international development efforts have significantly changed. This bill addresses those changes by updating the language under Title XII to reflect a more modern industry and expands the ability of participants to be eligible to participate in Title XII programs, so that the valuable resources of our universities will be better utilized.

Specifically, by expanding the number of eligible participants in Title XII programs, our universities will be able to increase their number of partnerships and play a more significant role in our international agriculture efforts.

Madam Speaker, I would also like to mention that improved agricultural production is essential if the U.S. is to continue fostering democratization around the world, which is one of many important objectives of U.S. foreign assistance. I believe H.R. 4002 addresses this issue.

H.R. 4002 is a win-win for everyone. Internationally, these changes will result in better partnerships with the Agency for International Development (AID), which will improve service to developing countries. Domestically, our country will reap greater trade and research benefits. Moreover, lessons learned through agricultural programs in developing countries will benefit our own agriculture industry.

Madam Speaker, I look forward to seeing this bill become law. I urge my colleagues to support H.R. 4002.

Mr. GILMAN. Madam Speaker. I rise in support of H.R. 4002, a bill introduced by Mr. BRADY, the gentleman from Texas, and cosponsored by Mr. BEREUTER and Mr. DAVIS, all members of the Committee on International Relations. H.R. 4002 seeks to amend the Foreign Assistance Act of 1961, to authorize the President to establish programs in title XII of the act to encourage the formation of partnerships between land grant universities and nongovernmental to promote sustainable agricultural development projects in the world's poorest and neediest countries.

Madam Speaker, although significant strides have been made to increase world food production in recent years, it is clear that more needs to be done to modernize agricultural practices in the developing world and to ensure that sound environmental and conservation practices are applied in rural areas of the world's poorest countries.

As is the case in other development fields, it is sound policy to encourage the formation of partnerships among the public, private, and academic sectors. In the agricultural arena this makes particularly good sense as American technology produces the world's greatest grain yields and can, with the provision of state-of-the-art technical assistance, be applied in developing countries. Moreover, as an added bonus, the lessons learned from these experiences and projects can be brought back home and applied to strengthen our own country's agricultural production.

I commend the sponsors of H.R. 4002 for their efforts to encourage the formation of partnerships between the land-grant university community and non-governmental organizations engaged in agricultural extension work in developing countries and urge my colleagues to support this bill.

Mr. SHERMAN. Madam Speaker, I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4002, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEFENSE AND SECURITY ASSISTANCE ACT OF 2000

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Control Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

The Clerk read as follows:

H.R. 4919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense and Security Assistance Act of 2000".

TITLE I—SECURITY ASSISTANCE

SEC. 101. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

"(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $50,000,000 for fiscal year 2001.

"(B) Of the amount specified in subparagraph (A) for fiscal year 2001, not more than $50,000,000 may be made available for stockpiles in the Republic of Korea.".

SEC. 102. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) TRANSFERS TO ISRAEL.—

(1) AUTHORITY.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) ITEMS COVERED.—The items referred to in paragraph (1) are munitions, equipment, and material such as armor, artillery, automatic weapons ammunition, and missiles that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section 3 years after the date of enactment of this Act.

SEC. 103. EXCESS DEFENSE ARTICLES FOR MONGOLIA.

(a) USES FOR WHICH FUNDS ARE AVAILABLE.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2000 and 2001, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of that Act to Mongolia.

(b) CONTENT OF CONGRESSIONAL NOTIFICATION.—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect to a proposed transfer of a defense article described in subsection (a) shall include an estimate of the amount of funds to be expended under subsection (a) with respect to that transfer.

SEC. 104. SENSE OF CONGRESS RELATING TO MILITARY EQUIPMENT FOR THE PHILIPPINES.

(a) IN GENERAL.—It is the sense of Congress that the United States Government should work with the Government of the Republic of the Philippines to enable that Government to procure military equipment that can be used to upgrade the capabilities and to improve the quality of life of the armed forces of the Philippines.

(b) MILITARY EQUIPMENT.—Military equipment described in subsection (a) should include—

(1) naval vessels, including amphibious landing crafts, for patrol, search-and-rescue, and transport;

(2) F–5 aircraft and other aircraft that can assist with reconnaissance, search-and-rescue, and resupply;

(3) attack, transport, and search-and-rescue helicopters; and

(4) vehicles and other personnel equipment.

SEC. 105. ANNUAL MILITARY ASSISTANCE REPORT.

Section 655(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)(3)) is amended by inserting before the period at the end the following: ", including those defense articles that were exported".

SEC. 106. REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES.

(a) REQUIREMENTS OF EXEMPTION.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(j) REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES.—

"(1) REQUIREMENT FOR BILATERAL AGREEMENT.—

"(A) IN GENERAL.—The President may utilize the regulatory or other authority pursuant to this Act to exempt a foreign country from the licensing requirements of this Act with respect to exports of defense items only if the United States Government has concluded an agreement described in paragraph (2) with the foreign country that is legally-binding as a matter of domestic and international law on both the United States and that country.

"(B) EXCEPTION.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.

"(2) REQUIREMENTS OF BILATERAL AGREEMENT.—A bilateral agreement referred to paragraph (1)—

"(A) shall, at a minimum, require the foreign country, as necessary, to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish an export control regime that is at least comparable to United States law, regulation, and policy regarding—

"(i) handling of all United States-origin defense items exported to the foreign country, including prior written United States Government approval for any reexports to third countries;

"(ii) end-use and retransfer control commitments, including securing binding end-use and retransfer control commitments from all end-users, including such documentation as is needed in order to ensure compliance and enforcement with respect to such United States-origin defense items;

"(iii) establishment of a procedure comparable to a 'watchlist' (if such a watchlist does not exist) and full cooperation with United States Government law enforcement and intelligence agencies to allow for sharing of export and import documentation and background information on foreign businesses and individuals employed by or otherwise connected to those businesses; and

"(iv) establishment of a list of controlled defense items to ensure coverage of those items to be exported under the exemption; and

"(B) should, at a minimum, require the foreign country, as necessary, to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish an export control regime that is at least comparable to United States law, regulation, and policy regarding—

"(i) controls on the export of tangible or intangible technology, including via fax, phone, and electronic media;

"(ii) appropriate controls on unclassified information exported to foreign nationals;

"(iii) controls on arms trafficking and brokering; and

"(iv) violations and penalties of export control laws.

"(3) ADVANCE NOTIFICATION.—Not less than 30 days before authorizing an exemption for a foreign country from the licensing requirements of this Act for the export of defense items, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a notification that—

"(A) the United States has entered into a bilateral agreement with that foreign country satisfying all requirements set forth in paragraph (2);

"(B) the foreign country has promulgated or enacted all necessary modifications to its laws and regulations to comply with its obligations under the bilateral agreement with the United States; and

"(C) confirms that the appropriate congressional committees will continue to receive notifications pursuant to the authorities, procedures, and practices of section 36 of this Act for defense exports to a foreign country to which that section would apply and without regard to any form of defense export licensing exemption otherwise available for that country.

"(4) DEFINITIONS.—In this section:

"(A) DEFENSE ITEM.—The term 'defense item' means defense articles, defense services, and related technical data.

"(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(i) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(ii) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

(b) NOTIFICATION OF EXEMPTION.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end the following:

"(2) The President may not authorize an exemption for a foreign country from the licensing requirements of this Act for the export of defense items under subsection (j) or any other provision of this Act until 45 days after the date on which the President has transmitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a notification that includes—

"(A) a description of the scope of the exemption, including a detailed summary of the defense articles, defense services, and related technical data proposed to be exported under the exemption; and

"(B) a determination by the Attorney General that the bilateral agreement requires sufficient documentation relating to the export of United States defense articles, defense services, and related technical data under an exemption which will be compiled and maintained in order to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire sophisticated United States weaponry.".

(c) NOTIFICATION RELATING TO EXPORT OF COMMERCIAL COMMUNICATIONS SATELLITE.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended in the first sentence by inserting at the end before the period the following: ", except that a certification shall not be required in the case of an application for a license for export of a commercial communications satellite designated on the United States Munitions List for launch from, and by nationals of, the United States, or the territory of a member country of the North Atlantic Treaty Organization (NATO), the Russian Federation, Ukraine, Australia, Japan, or New Zealand".

SEC. 107. REPORT ON GOVERNMENT-TO-GOVERNMENT ARMS SALES END-USE MONITORING PROGRAM.

Not later than 90 days after the date of the enactment of this Act, the President shall prepare and transmit to the Committee on International Relations and the Committee on Foreign Relations of the Senate a report that contains a summary of the status of the efforts of the Defense Security Cooperation Agency to implement the End-Use Monitoring Enhancement Plan relating to government-to-government transfers of defense articles, defense services, and related technologies.

SEC. 108. WAIVER OF CERTAIN COSTS.

Notwithstanding any other provision of law, the President may waive the requirement to impose an appropriate charge for a proportionate amount of any nonrecurring costs of research, development, and production under section 21(e)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(B)) for the November 1999 sale of 5 UH–60L helicopters to the Republic of Colombia in support of counternarcotics activities.

TITLE II—TRANSFERS OF NAVAL VESSELS

SEC. 201. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) BRAZIL.—The President is authorized to transfer to the Government of Brazil the "THOMASTON" class dock landing ships ALAMO (LSD 33) and HERMITAGE (LSD 34) and the "GARCIA" class frigates BRADLEY (FF 1041), DAVIDSON (FF 1045), SAMPLE (FF 1048), and ALBERT DAVID (FF 1050). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) CHILE.—The President is authorized to transfer to the Government of the Chile the "OLIVER HAZARD PERRY" class guided missile frigates WADSWORTH (FFG 9) and ESTOCIN (FFG 15). Such transfers shall be on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796, 2761).

(c) GREECE.—The President is authorized to transfer to the Government of Greece the "KNOX" class frigates VREELAND (FF 1068) and TRIPPE (FF 1075). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) TURKEY.—The President is authorized to transfer to the Government of Turkey the 'OLIVER HAZARD PERRY' class guided missile frigates JOHN A MOORE (FFG 19) and FLATLEY (FFG 21). Such transfers shall be on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796, 2761).

SEC. 202. INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.

In the case of the transfer of a naval vessel authorized under section 201 of this Act to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the value of the vessel transferred shall not be included for purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

SEC. 203. COSTS OF TRANSFERS.

Any expense incurred by the United States in connection with a transfer authorized by this title shall be charged to the recipient.

SEC. 204. CONDITIONS RELATING TO COMBINED LEASE-SALE TRANSFERS.

A transfer of a vessel on a combined lease-sale basis authorized by section 201 shall be made in accordance with the following requirements:

(1) The President may initially transfer the vessel by lease, with lease payments suspended for the term of the lease, if the country entering into the lease for the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the vessel.

(2) The President may not deliver to the purchasing country title to the vessel until the purchase price of the vessel under such a foreign military sales agreement is paid in full.

(3) Upon payment of the purchase price in full under such a sales agreement and delivery of title to the recipient country, the President shall terminate the lease.

(4) If the purchasing country fails to make full payment of the purchase price in accordance with the sales agreement—

(A) the sales agreement shall be immediately terminated;

(B) the suspension of lease payments under the lease shall be vacated; and

(C) the United States shall be entitled to retain all funds received on or before the date of the termination under the sales agreement, up to the amount of lease payments due and payable under the lease and all other costs required by the lease to be paid to that date.

(5) If a sales agreement is terminated pursuant to paragraph (4), the United States shall not be required to pay any interest to the recipient country on any amount paid to the United States by the recipient country under the sales agreement and not retained by the United States under the lease.

SEC. 205. FUNDING OF CERTAIN COSTS OF TRANSFERS.

There is authorized to be appropriated to the Defense Vessels Transfer Program Account such funds as may be necessary to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale transfers authorized by section 201. Funds appropriated pursuant to the authorization of appropriations under preceding sentence for the purpose described in such sentence may not be available for any other purpose.

SEC. 206. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under section 201, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 207. SENSE OF CONGRESS REGARDING TRANSFER OF NAVAL VESSELS ON A GRANT BASIS.

It is the sense of Congress that naval vessels authorized under section 201 of this Act to be transferred to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) should be so transferred only if the United States receives appropriate benefits from such countries for transferring the vessel on a grant basis.

SEC. 208. EXPIRATION OF AUTHORITY.

The authority granted by section 201 of this Act shall expire 2 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4919.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this Member rises in support of H.R. 4919, the Defense and Security Assistance Act of 2000.

This legislation modifies authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act. It is authored by the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), who was unavoidably detained and could not be here today for this legislation.

Most of the provisions have been requested by the administration. Specifically, these provisions address the transfer of excess defense articles, notification requirements for arms sales and authorities to provide for the stockpiling of defense articles in foreign countries. The bill also includes an important bipartisan provision to address the administration's initiative regarding exemptions for defense export licenses to foreign countries.

This Member wishes to thank the ranking member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON), for his cooperation on these provisions, as well as the NGO community for their hard work.

In addition, this bill authorizes the transfer of two Naval vessels to Chile and provides authority to the President to convert existing leases for 10 ships which have already been transferred to Brazil, Greece, and Turkey.

This Member is pleased to note that this body has successfully enacted into law, over the past 4 years, each of our bills addressing security assistance matters. It is the hope of this Member that the legislative branch is able to continue this record with approval of this measure, H.R. 4919.

Madam Speaker, I reserve the balance of my time.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4919, in order to assist the committee. This bill is an annual authorization for certain activities related to the U.S. assistance for national defense of our friends and allies overseas. The bill authorizes the President to transfer obsolete U.S. ships to friendly countries either through grants or sale/lease arrangements to support their legitimate defense needs. These ships have reached or exceeded their service life and would cost considerable amount for the U.S. to refurbish them or scrap them.

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Transferring most of these ships will serve our foreign policy interests. The bill authorized transfer of obsolete U.S. defense equipment and other articles to the stockpiles of South Korea and Israel. These transfers directly support the U.S. plans for the defense of Korea as well as increasing the capacity and readiness of the South Korean and Israeli forces to defend themselves.

Madam Speaker, I believe the bill was quite well summarized by the gentleman from Nebraska. I should point out that I will personally have some concerns with title II of the bill, in particular subsection D of section 201 of the act, which as I may have mentioned is part of title II. But to facilitate the work of this House and of the committee, I stand in support of H.R. 4919.

Madam Speaker, seeing no requests for time, I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in closing I want to recognize the fact this legislation includes two important priorities of this Member as the chairman of the Subcommittee on Asia and the Pacific. The first is section 103 which relates to excess defense articles to be provided to Mongolia.

Additionally, there is a sense of the Congress expressed in section 104 related to our work with the Republic of the Philippines with respect to the procurement of military equipment, and I am pleased to see those provisions included.

Madam Speaker, I urge support of the resolution.

Mr. GILMAN. Madam Speaker, this bill modifies authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act. Most of the provisions have been requested by the administration. Specifically, these provisions address the transfer of excess defense articles, notification requirements for arms sales and authorities to provide for the stockpiling of defense articles in foreign countries. The bill also includes an important bipartisan provision to address the administration's initiative regarding exemptions for defense export licensing to foreign countries. I want to thank the ranking Democrat member for his cooperation on this provision as well as the NGO community for their hard work.

The provision in question here goes to the heart of our jurisdiction and role as an authorizing committee. For the past year and a half the administration fought internally to resolve the question of whether we should provide exemptions from licensing for defense exports to foreign countries. The State Department fought the exemption all the way up to the President. They opposed it at the deputies level. They opposed it at the principals level. They opposed it until the President sided with the Department of Defense and overruled them. Now the State Department is putting on its game face and saying the administration is all one big happy family. That's their story and they are sticking to it.

Now it is time for the Congress to have its say. As most of you know, I have not been an enthusiastic supporter of new International Traffic in Arm Regulations [ITAR] exemptions. I believe that the Arms Export Control Act [AECA] provides the appropriate structure under which the United States should continue to advance our foreign policy, national security and non-proliferation interests. Moreover, it is absolutely clear that State Department regulations and practice in implementing U.S. munitions laws, including the AECA, have long provided for individual, case-by-case licenses for defense exports.

Further, it is my view that any decision to extend exemptions should only be made when the recipient countries have in place an export control system comparable to that in the United States. This means that such exemptions shall only be provided if a country has provided assurances in a legally binding fashion that details how such a country will enact export control procedures that sufficiently conform to those of the United States and has drafted, promulgated and enacted necessary modifications to its laws and regulations.

I have applied this rationale in fashioning section 108 of this bill. We require a legally binding bilateral agreement. We list the overall requirements of what should be in the bilateral agreement but require only that certain of those requirements be certified. We then require a separate notification detailing the scope of the proposed exemption. This is a reasonable compromise on this issue. It allows the administration to proceed with exemptions but requires that it is done in a fashion that does not undercut our current practices and policies and preserves the rationale and logic of the AECA. Now the Department of Defense and some in the defense industry would tell you that real problems would emerge if this language is agreed to. They argue that no country will ever agree to modify their export control laws and practices to protect U.S. defense exports as we do in the United States.

That is not exactly correct. Let me explain. Everyone should understand that section 108 requires nothing more than what the Pentagon has already said it is willing to do. They agree there should be bilateral agreement. They agree it should be legally binding. The agree there should be end-use and retransfer assurances. They agree that there should be harmonization of export control lists and penalties for violations. They agree that this initiative should only be applied to countries that adopt and demonstrate export controls and technology security systems that are comparable in scope and effectiveness to those of the United States.

What they don't agree with is that we, the Congress, should codify the requirements. I disagree with that position and believe that this provision protects what is embodied in the AECA. The administration argues that the scope of this exemption should not be troubling. They argue that it applies only to unclassified exports. Let's consider that for a moment. Let's be sure that everyone understands this point.

Last year the Office of Defense Trade Controls processed over 45,000 licenses; 45,058 to be exact. Guess how many of those involved classified exports. 258. That's right. That means that 99.995 percent of the license amounting to over $25 billion were for unclassified exports.

Now let's consider what kind of weapons systems are deemed unclassified. One example is an armored personnel carrier [APC]. This is a good example because a couple of years ago Canada transferred United States-provided APCs to Iran. Guess how we provided them to Canada. Under an exemption. That's why, in part, the State Department yanked their exemption and Canada is still trying to get it back. Another example. F–16s. Unclassified except for the technology incorporated in the nose cone. And my personal favorite. Super cobra attack helicopters. Under the exemption that administration could transfer any of these weapons systems to a foreign country.

That is why we need countries to agree to control our defense exports like we do. We don't want defense items provided under an exemption to wind up in the hands of our enemies. I would also like to note that the Justice Department has raised its concerns about the effect of the exemption on its efforts to ensure that it will not impede the ability of the law enforcement community to detect, prevent and prosecute criminal violations of the AECA. Further they have concerns that the exemption may facilitate efforts on the part of countries and factions engaged in international terrorism to illicitly acquire sophisticated U.S. weaponry.

Accordingly, this provision requires a determination by the Attorney General that any bilateral agreement negotiated between the United States and a foreign country include sufficient documentation on defense items provided under the exemption so that our law enforcement agencies can ensure compliance and enforcement with our laws. In addition this bill authorizes the transfer of two naval vessels to Chile and provides authority to the President to convert existing leases for 10 ships which have already been transferred to Brazil, Greece, and Turkey. I am pleased to note that we have successfully enacted into law over the past 4 years each of our bills addressing security assistance matters. I hope we are able to continue our record with this measure.

Mr. BEREUTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4919.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEAS OF NATIONAL ALCOHOL AND DRUG RECOVERY MONTH

Mr. HORN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 371) supporting the goals and ideas of National Alcohol and Drug Recovery Month.

The Clerk read as follows:

H. CON. RES. 371

Whereas 26 million Americans currently suffer the ravages of drug or alcohol addiction;

Whereas 85 percent of all crimes are tied to drug or alcohol addiction;

Whereas American taxpayers incurred more than $150 billion in drug-related criminal and medical costs in 1997 alone—more than they spent on education, transportation, agriculture, energy, space, and foreign aid combined;

Whereas every dollar invested in drug and alcohol treatment yields seven dollars in savings in health care costs, criminal justice costs, and lost productivity costs from job absenteeism, injuries, and subpar work performance;

Whereas treatment for addiction is as effective as treatments for other chronic medical conditions, such as diabetes and high blood pressure;

Whereas adolescents who undergo addiction treatment report less use of marijuana, less heavy drinking, and less criminal involvement;

Whereas other benefits of adolescent addiction treatment include better psychological adjustment and improved school performance after treatment;

Whereas a number of organizations and individuals dedicated to fighting addiction and promoting treatment and recovery will recognize September 2000 as National Alcohol and Drug Addiction Recovery Month;

Whereas National Alcohol and Drug Addiction Recovery Month celebrates the tremendous strides taken by individuals who have undergone successful treatment and recognizes those in the treatment field who have dedicated their lives to helping people recover from addiction; and

Whereas the 2000 national campaign focuses on supporting adolescents in addiction treatment and recovery, embraces the theme of "Recovering Our Future: One Youth at a Time", and seeks to increase awareness about alcohol and drug addiction and to promote treatment and recovery for adolescents and adults: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideas of National Alcohol and Drug Recovery Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 371.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Madam Speaker, I thank the gentleman from California (Mr. HORN) for yielding me this time, and for his strong effective leadership in this area.

Madam Speaker, I stand before this body today as a personal testament to the fact that chemical dependency treatment works. As a grateful recovering alcoholic of 19 years, I know firsthand the value of treatment and the blessings of recovery. So with deep humility and much gratitude, I urge my colleagues to support this resolution commemorating National Alcohol and Drug Addiction Recovery Month.

For a number of years, several organizations and people dedicated to addiction treatment and recovery have recognized September as National Alcohol and Drug Addiction Recovery Month. This September, special attention will focus on adolescents, young people dealing with addiction, and the theme will be "Recovering Our Future: One Youth at a Time."

As a Nation, Madam Speaker, we must recover our future by addressing addiction. We must recover our youth one young person at a time.

The tragic reality is that today in America 26 million people are addicted to drugs and/or alcohol. Twenty-six million Americans suffer the ravages of addiction. This disease, Madam Speaker, is afflicting people of all ages. Among youth ages 12 to 17, an estimated 1.1 million; ages 12 to 17, 1.1 million young people are dependent on illicit drugs. Another 1 million young people ages 12 to 17, are addicted to alcohol.

Young people ages 16 and 17 have the second highest rate of drug use in the country today, second only to people ages 18 to 20. And by the time these young people reach 17 years of age, over one-half of all young people know a drug dealer. Madam Speaker, over one-half of all people by the time they reach 17 know some drug dealer in America.

In 1999, more than half of our Nation's 12th graders use drugs and more than one-quarter used a drug other than marijuana. In other words, a so-called hard drug. And although alcohol consumption is illegal in this country for those under 21, some 10.5 million juveniles between the ages of 12 and 20 are consumers of alcohol.

Madam Speaker, addiction is truly a crisis of epidemic proportions in America. Addiction is the number one health and crime problem facing our country. Alcohol and drug addiction, in economic terms alone, cost the American people last year $246 billion. That is billion with a "B." American taxpayers paid over $150 billion for drug-related criminal and medical costs alone; more than they spent on education, transportation, agriculture, energy, space, and foreign aid combined.

But, Madam Speaker, it does not have to be this way. The future of our children and the future of millions of other Americans can be saved, can be recovered. Like other diseases, addiction can be treated and all the empirical data done show that treatment for addiction works.

In 1956, the American Medical Association told the American people that chemical addiction is a disease and a fatal disease if not properly treated. In fact, leading physicians at that time found that chemical addiction conforms to the expectations for chronic illness and that relapse rates after treatment for addiction compare favorably with those for three other chronic diseases: adult on-set diabetes, hypertension, and adult asthma. The relapse rates for people treated for chemical addiction is essentially the same as those three diseases.

It is well documented that every dollar spent for treatment saves $7 in health care costs, criminal justice costs and lost productivity from job absenteeism, injuries and sub-par work performance.

A number of studies have shown that health care costs alone are 100 percent higher for untreated alcoholics and addicts than for people like me, recovering people who have received treatment.

Madam Speaker, the goal of this resolution is to increase awareness about alcohol and drug addiction and promote treatment and recovery for more people, more people who are suffering the ravages of alcohol and drug addiction. Increasing awareness about the ravages of addiction is absolutely critical. How can it be that among 12th graders in America, less than two-thirds find anything wrong with smoking marijuana?

Equally alarming, only 47 percent of adolescents between 12 and 17 believe that having five or more drinks once or twice a week is any risk at all. Only two-thirds believe that having four or five drinks every day is a problem. We must increase awareness as well as access to treatment for young people.

Despite the benefits of treatment, a significant gap in this country exists between the number of adolescents who need chemical dependency treatment and those who actually receive it. According to a study done in my home State of Minnesota, a State that has led the Nation in the treatment and prevention of addiction, only one-fourth of youths ages 14 to 17 who need treatment actually are able to access treatment.

Madam Speaker, let me close by saying that commemorating recovery month gives all of us an opportunity to recognize the tremendous strides taken by those who have undergone treatment and the professionals in the treatment field who have dedicated their lives to helping others. By celebrating recovery month, we celebrate the lives of the millions of people and their families in recovery today. I urge all of my colleagues to support this important resolution, House Concurrent Resolution 371.

Madam Speaker, I again thank the gentleman from California (Mr. HORN) for yielding me this time and for his strong, effective leadership in combating addiction and in recognizing and promoting treatment and prevention of addiction.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 371, which expresses the support of the goals and the ideas of the National Alcohol and Drug Recovery Month. As may be mentioned, September is National Alcohol and Drug Addiction Recovery Month, and it is certainly a powerful message to hear the gentleman from Minnesota (Mr. RAMSTAD) speak of his own recovery from addiction. I think we should join in commending him for the courage that he displays in sharing his message of recovery from addiction. It should give encouragement to all who fight to overcome addiction in a similar manner.

This powerful message which we hope to send today, that substance abuse treatment is effective and that recovery reclaims lives, is a very important message to send to the American people. Providing effective treatment to those who need it is critical to breaking the cycle of addiction, violence, despair and to helping addicted individuals become productive members of society.

This is an opportunity for all of us to recognize the tremendous strides taken by all individuals who have undergone successful treatment and to salute those who have worked with those individuals so tirelessly and have dedicated their lives to helping people with problems of addiction.

This month celebrates the work of policymakers, Federal, State, and local government entities, business leaders, substance abuse providers and the public. This is an opportunity for all of us to recommit ourselves to the task of substance abuse treatment and recovery.

Substance abuse does cost American businesses and industries millions of dollars every year, and it has a profound negative effect in the workplace. Contrary to popular opinion, most illegal substance abusers work on the job every day. In fact the Substance Abuse and Mental Health Services Administration has found that nearly 73 percent of all illegal drug users in this country are employed. Lost productivity, high employee turnover, low employee morale, mistakes and accidents, increased Workers' Compensation insurance and health insurance premiums are all the results of untreated substance abuse problems in the workplace.

September, designated as recovery month, also highlights the benefits to be gained from corporate and small business workplace substance abuse referral programs. H. Con. Res 371 makes us all aware that recovery from substance abuse is possible and that supporting treatment for addicted individuals increases productivity, improves morale, is important to success in business, and most importantly, preserves and protects the quality of life for the addicted individual and their families.

☐ 1500

I join with the author of this bill and with the gentleman from California (Chairman HORN) in support of this resolution to salute those who work with the addicted in this country.

Madam Speaker, I reserve the balance of my time.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Texas (Mr. TURNER) who has been immensely helpful in this and all the other resolutions that come out of the Subcommittee of Government Management, Information and Technology.

When one looks at the cost here of $150 billion a year in drug-related criminal and medical costs in 1997 alone, and that is more than we spent on education, transportation, agriculture, energy, space, and foreign aid combined; and when one thinks that we could fill a stadium on a Saturday afternoon for a football team, that number of people would be wiped out by drunk drivers.

This treatment is possible. We see the wonderful work that Alcoholics Anonymous does and the other treatment programs. It is so important. We need to discuss it in people's homes. We need to discuss it in the villages, the towns, the cities, because this is the type of thing that needs the human touch, where people say we care about you and something should be done to help you.

Generally that works, but often they fall off the wagon, as the saying goes, and then thousands of people are injured, hurt, die as a result of these victims.

The saddest, of course, is when one sees young people at their high school prom or something and then a fellow student rams into them and they never have a chance to graduate and they never have a chance to go and provide the opportunities for themselves in this world.

So let me urge my colleagues to support this important resolution. The resolution of H. Con. Res. 371 by the gentleman from Minnesota (Mr. RAMSTAD) hopefully will get a few people to be helpful in this area and maybe save many people.

Madam Speaker, I urge the adoption of this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. TURNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 371.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AUTHORIZATION

Mr. HORN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4110) to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005, as amended.

The Clerk read as follows:

H.R. 4110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

Section 2504(f)(1) of title 44, United States Code, is amended—

(1) in subparagraph (J), by striking "and";

(2) in subparagraph (K), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(L) $10,000,000 for fiscal year 2002;

"(M) $10,000,000 for fiscal year 2003;

"(N) $10,000,000 for fiscal year 2004; and

"(O) $10,000,000 for fiscal year 2005.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4110.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4110 would allow the National Historical Publications and Records Commission to continue its valuable work in helping to preserve the records of our Nation's history.

Since its formation in 1934, the commission, affiliated with the National Archives and Records Administration, has complemented National Archives' work in protecting vital American documents.

Unlike the National Archives, which maintains Federal records, the commission assists non-Federal historical societies, nonprofit organizations, universities, and State and local governments.

In 1964, the commission began funding independent archival projects through its grants program, which provide an invaluable service to the Nation through the maintenance of its historical records. These projects include family papers, manuscripts, and other electronic records. The commission has been instrumental in preserving the historical works of such great American leaders as George Washington, John Adams, Henry Clay, and Martin Luther King, Jr.

Last November, the commission awarded grants for 64 projects, totalling $3 million. In addition, it proposed funding a 3-year, $1.8 million initiative to help raise the level of archival expertise in the rapidly changing area of electronic record keeping.

The National Historical Publications and Records Commission is the only national grant-making organization in the Nation whose sole focus is the preservation and publication of America's documentary history. The 15-member commission supports the professional development of archivists, documentary editors, and record keepers through fellowships, institutes, conferences, workshops, and other programs.

In addition, the commission has undertaken a number of projects that focus on the records of underdocumented groups, such as Native Americans, African Americans, Asian Americans, Pacific Islanders, and other ethnic and interest groups, such as the large Hispanic population in the United States, and various other social and political movements.

H.R. 4110 would reauthorize the appropriation of $10 million, the same amount authorized for fiscal year 2001, for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

On April 4, 2000, the Subcommittee on Government Management, Information and Technology, on which the gentleman form Texas (Mr. TURNER) and I serve, held a legislative hearing on H.R. 4110. On April 5, 2000, the subcommittee marked up the bill by a voice vote and referred it to the full Committee on Government Reform. On May 18, 2000, the Committee on Government Reform, by voice vote, ordered the bill favorably reported to the House for its consideration.

I urge my colleagues to support this important measure.

Madam Speaker, I reserve the balance of my time.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 4110, the legislation to reauthorize the National Historical Publications and Records Commission. This commission is the grant-making arm of the National Archives. It is charged with a very important role of preserving non-Federal records.

Every year grants are made to State and local governments, universities, libraries, historical societies, and other nonprofit institutions for the purpose of preserving important historical documents for years to come.

The Congress created this commission in the 1930s because it understood and recognized the importance of preserving American history, not only within the Beltway, but all across this United States. Proper and accurate historical documentation is essential to recording the history of our great democracy.

This commission has had an important job, and I am pleased to join with the gentleman from California (Chairman HORN) in cosponsoring this legislation which will reauthorize this appropriation through the year 2005.

The papers, the manuscripts and other artifacts preserved by grants from this commission define who we are as a people and as a Nation.

I want to commend Governor John Carlin, our National Archivist, for his leadership in this area. The former Governor of Kansas has done an outstanding job leading at the National Archives, and this grant program is one of the most effective tools that we have to continue the fine tradition of those who have worked diligently at the National Archives over our many years of history to be sure that we, as a Nation, preserve those things that are important to our heritage.

It is a pleasure for me to join with the gentleman from California (Chairman HORN), and I urge the House to adopt H.R. 4110.

Madam Speaker, I yield back the balance of my time.

Mr. HORN. Madam Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

HORN) that the House suspend the rules and pass the bill, H.R. 4110, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEATH IN CUSTODY REPORTING ACT OF 2000

Mr. HUTCHINSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1800) to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General, as amended.

The Clerk read as follows:

H.R. 1800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Death in Custody Reporting Act of 2000".

SEC. 2. REPORTING OF INFORMATION.

Section 20104(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)"; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in paragraph (2), by striking "(2)" and inserting "(B)";

(3) in paragraph (3)—

(A) by striking "(3)" and inserting "(C)";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(C) by striking the period and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(2) such State has provided assurances that it will follow guidelines established by the Attorney General in reporting, on a quarterly basis, information regarding the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, or other local or State correctional facility (including any juvenile facility) that, at a minimum, includes—

"(A) the name, gender, race, ethnicity, and age of the deceased;

"(B) the date, time, and location of death; and

"(C) a brief description of the circumstances surrounding the death.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1800.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this important legislation, and I would like to thank the gentleman from Virginia (Mr. SCOTT) for his work on this bill. We have both been advocating this proposal for many years, and I am pleased that today we are one step closer to bringing a new level of accountability to our Nation's correctional institutions, our prisons, in those instances in which individuals pass away while they are in custody.

H.R. 1800 is called the Death in Custody Reporting Act of 2000. It ensures that States report the deaths of individuals who die in custody, whether it be State or local. The bill requires each State that receives Truth in Sentencing funding to report on a quarterly basis the number of and circumstances surrounding deaths that occur during arrest and incarceration.

An estimated 1,000 men and women die questionable deaths each year while in police custody or in jail. An investigative article in the Asbury Park Press of New Jersey reported that a number of deaths which occur in State and local jails are listed as suicides but that such conclusions are often tainted by inadequate record keeping, investigative incompetence, and physical evidence that suggest otherwise. In addition, the study found that many of the individuals listed as suicides have been arrested for relatively minor offenses, reducing the likelihood that they would take their own lives.

One teenage boy who was found dead by hanging in an Arkansas jail had been arrested for a failure to pay a fine for underage drinking. Another individual in an Arkansas jail was found suffocated by toilet paper stuffed down his throat. No records exist as to why he was in custody, according to the Asbury Park Press story.

In any other atmosphere, unnatural deaths under questionable circumstances would not only be reported but would raise serious concerns. State and local jails and lockups should be no different. This legislation will provide openness in government and will bolster public confidence and trust in our judicial system. In addition, I believe that it will serve as a deterrent to future misconduct by wrongdoers who will know that someone will be monitoring their actions.

Three years ago, the Commerce, Justice, State and Judiciary Appropriations Act directed the Office of Justice Programs of the Department of Justice to determine the feasibility of creating a single source for annual statistics on in-custody deaths, including Federal, State and local incidents.

In March of 1998, the Department of Justice reported that this goal is achievable. Currently, statistics are gathered on an annual and a voluntary basis for Federal and State deaths and on a 5-year voluntary basis for county and local jails.

This bill directs the Attorney General to develop guidelines for the reporting of deaths in custody; and it requires that, at a minimum, the report include the name of the deceased, the gender of the deceased, the race and ethnicity of the deceased, the age of the deceased, the date and time and location of the death, and a brief description of the circumstances surrounding the death.

The House Committee on Judiciary unanimously approved a similar provision as an amendment to H.R. 1659, the National Police Training Commission Act of 1999; but that bill has not been considered by the House.

Madam Speaker, I am offering a manager's amendment that makes some minor changes to the bill. The amendment has been cleared with the minority, and I am not aware of any opposition to the amendment.

The amendment simply changes the statutory cite to ensure this legislation amends the correct portion of the Code, and it adds process of arrest to the factors that must be reported about the deceased individual; and it includes a brief description surrounding the circumstances of death as part of the reporting requirement.

I strongly believe that the data gathered under this act will provide us with a better understanding about our Nation's correctional system, and I urge my colleagues to support the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to join the gentleman from Arkansas (Mr. HUTCHINSON) in commending H.R. 1800, the Death In Custody Act of 2000, to the Members of the House.

□ 1515

We have worked together in developing this issue for the past 5 years, and I even worked with Senator TIM HUTCHINSON from Arkansas on this issue when he was a Member of the House.

This bill simply requires that deaths in State and local police custody be reported to the attorney general. A similar measure was adopted by the House on a voice vote without opposition in the 1995 Crime Bill, but it was adjusted in conference to simply require this Department of Justice to study the feasibility of requiring localities to report deaths in custody. The Department has now said that reporting deaths in custody is feasible. Of course, I would hate to think that there are any jurisdictions with so many deaths in custody that it would not be feasible to report them.

Dating back to my experiences as a State legislator, I have always been concerned that there was no national system for accounting for deaths in law enforcement custody. As detailed in an exhaustive, year-long investigative report by the Asbury Press in New Jersey, about 1,000 such deaths occur each year. Many of these deaths occur under suspicious circumstances. While most are listed as "suicides," many, the Asbury Press reports, are "tainted with racial overtones, good-ole-boy conspiracies and coverups, or investigative incompetence." The problem is that, with no one looking at these deaths from a systematic point of view, we do not know whether there is any pattern or practice relating to such deaths nor whether there is any training needed amongst law enforcement officials which could limit such occurrences or anything else.

In fact, without such information, the debate on the issue is relegated to: "There's a problem; No, there isn't; Yes, there is," with both sides yelling at each other and little or no actual information being the basis of the discussion.

Regular reports of deaths in custody will allow us to get a handle on the nature and extent of what I believe to be a serious problem; we just do not know the extent. Let us hope that, at a minimum, the knowledge that a report is required to the Justice Department of all deaths in custody, and something brief about their circumstances, will discourage the misconduct, or questionable conduct, against those in custody by their custodians. And, furthermore, to the extent there may be common elements to these deaths, we will be in a much better position to prevent them in the future.

This is a modest proposal, and I urge Members of the House to support the bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 1800, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

Mr. HUTCHINSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4700) to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

The Clerk read as follows:

H.R. 4700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT TO COMPACT.

The Congress consents to the Kansas and Missouri Metropolitan Culture District Compact entered into between the State of Kansas and the State of Missouri. The compact reads substantially as follows:

"KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

"ARTICLE I. AGREEMENT AND PLEDGE

"The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the future planning and development of the metropolitan culture district, holding in high trust for the benefit of this people and of the nation, the special blessings and natural advantages thereof.

"ARTICLE II. POLICY AND PURPOSE

"The party states, desiring by common action to fully utilize and improve their cultural facilities, coordinate the services of their cultural organizations, enhance the cultural activities of their citizens, and achieve solid financial support for such cultural facilities, organizations and activities, declare that it is the policy of each state to realize such desires on a basis of cooperation with one another, thereby serving the best interests of their citizenry and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the creation of a metropolitan culture district as the means to implementation of the policy herein declared with the most beneficial and economical use of human and material resources.

"ARTICLE III. DEFINITIONS

"As used in this compact, unless the context clearly requires otherwise:

"(a) 'Metropolitan culture district' means a political subdivision of the states of Kansas and Missouri which is created under and pursuant to the provisions of this compact and which is composed of the counties in the states of Kansas and Missouri which act to create or to become a part of the district in accordance with the provisions of Article IV.

"(b) 'Commission' means the governing body of the metropolitan culture district.

"(c) 'Cultural activities' means sports or activities which contribute to or enhance the aesthetic, artistic, historical, intellectual or social development or appreciation of members of the general public.

"(d) 'Cultural organizations' means nonprofit and tax exempt social, civic or community organizations and associations which are dedicated to the development, provision, operation, supervision, promotion or support of cultural activities in which members of the general public may engage or participate.

"(e) 'Cultural facilities' means facilities operated or used for sports or participation or engagement in cultural activities by members of the general public.

"ARTICLE IV. THE DISTRICT

"(a) The counties in Kansas and Missouri eligible to create and initially compose the metropolitan culture district shall be those counties which meet one or more of the following criteria:

"(1) The county has a population in excess of 300,000, and is adjacent to the state line;

"(2) The county contains a part of a city with a population according to the most recent federal census of at least 400,000; or

"(3) The county is contiguous to any county described in provisions (1) or (2) of this subpart (a). The counties of Johnson in Kansas and Jackson in Missouri shall be sine qua non to the creation and initial composition of the district. Additional counties in Kansas and Missouri shall be eligible to become a part of the metropolitan culture district if such counties are contiguous to any one or more of the counties which compose the district and within 60 miles of the counties that are required by this article to establish the district;

"(b)(1) Whenever the governing body of any county which is eligible to create or become a part of the metropolitan culture district shall determine that creation of or participation in the district is in the best interests of the citizens of the county and that the levy of a tax to provide on a cooperative basis with another county or other counties for financial support of the district would be economically practical and cost beneficial to the citizens of the county, the governing body may adopt by majority vote a resolution authorizing the same.

"(2) Wherever a petition, signed by not less than the number of qualified electors of an eligible county equal to 5% of the number of ballots cast and counted at the last preceding gubernatorial election held in the county and requesting adoption of a resolution authorizing creation of or participation in the metropolitan culture district and the levy of a tax for the purpose of contributing to the financial support of the district, is filed with the governing body of the county, the governing body shall adopt such a resolution.

"(3) Implementation of a resolution adopted under this subpart (b) shall be conditioned upon approval of the resolution by a majority of the qualified electors of the county voting at an election conducted for such purpose.

"(c)(1) Upon adoption of a resolution pursuant to subpart (b)(1) or subpart (b)(2), the governing body of the county shall request, within 36 months after adoption of the resolution, the county election officer to submit to the qualified electors of the county the question of whether the governing body shall be authorized to implement the resolution. The resolution shall be printed on the ballot and in the notice of election. The question shall be submitted to the electors of the county at the primary or general election next following the date of the request filed with the county election officer. If a majority of the qualified electors are opposed to implementation of the resolution authorizing creation of, or participation in, the district and the levy of a tax for financial support thereof, the same shall not be implemented. The governing body of the county may review procedures for authorization to create or become a part of the district and to levy a tax for financial support thereof at any time following rejection of the question.

"(2) The ballot for the proposition in any county shall be in substantially the following form:

"Shall a retail sales tax of (insert amount, not to exceed ¼ cent) be levied and collected in Kansas and Missouri metropolitan culture district consisting of the county(ies) of (insert name of counties) for the support of cultural facilities and organizations within the district?

YES NO

The governing body of the county may place additional language on the ballot to describe the use or allocation of the funds.

"(d)(1) The metropolitan culture district shall be created when implementation of a resolution authorizing the creation of the district and the levy of a tax for contribution to the financial support thereof is approved by respective majorities of the qualified electors of at least Johnson County, Kansas, and Jackson County, Missouri.

"(2) When implementation of a resolution authorizing participation in the metropolitan culture district and the levy of a tax for contribution to the financial support thereof is approved by a majority of the qualified electors of any county eligible to become a part of the district, the governing body of the county shall proceed with the performance of all things necessary and incidental to participation in the district.

"(3) Any question for the levy of a tax submitted after July 1, 2000, may be submitted to the electors of the county at the primary or general election next following the date of the request filed with the county election officer; at a special election called and held as otherwise provided by law; at an election called and held on the first Tuesday after the first Monday in February, except in Presidential election years; at an election called and held on the first Tuesday after the first Monday in March, June, August, or November; or at an election called and held on the first Tuesday in April, except that no question for a tax levy may be submitted to the electors prior to January 1, 2002.

"(4) No question shall be submitted to the electors authorizing the levy of a tax the proceeds of which will be exclusively dedicated to sports or sports facilities.

"(e) Any of the counties composing the metropolitan culture district may withdraw from the district by adoption of a resolution and approval of the resolution by a majority of the qualified electors of the county, all in the same manner provided in this Article IV for creating or becoming a part of the metropolitan culture district. The governing body of a withdrawing county shall provide for the sending of formal written notice of withdrawal from the district to the governing body of the other county or each of the other counties comprising the district. Actual withdrawal shall not take effect until 90 days after notice has been sent. A withdrawing county shall not be relieved from any obligation which such county may have assumed or incurred by reason of being a part of the district, including, but not limited to, the retirement of any outstanding bonded indebtedness of the district.

"ARTICLE V. THE COMMISSION

"(a) The metropolitan culture district shall be governed by the metropolitan culture commission which shall be a body corporate and politic and which shall be composed of resident electors of the states of Kansas and Missouri, respectively, as follows:

"(1) A member of the governing body of each county which is a part of the district, who shall be appointed by majority vote of such governing body;

"(2) A member of the governing body of each city, with a population according to the most recent federal census of at least 50,000, located in whole or in part within each county which is a part of the district, who shall be appointed by majority vote of such governing body;

"(3) Two members of the governing body of a county with a consolidated or unified county government and city of the first class which is a part of the district, who shall be appointed by majority vote of such governing body;

"(4) A member of the arts commission of Kansas or the Kansas commission for the humanities, who shall be appointed by the governor of Kansas; and

"(5) A member of the arts commission of Missouri or the Missouri humanities council, who shall be appointed by the governor of Missouri.

To the extent possible, the gubernatorial appointees to the commission shall be residents of the district. The term of each commissioner initially appointed by a county governing body shall expire concurrently with such commissioner's tenure as a county officer or three years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner succeeding a commissioner initially appointed by a county governing body shall expire concurrently with such successor commissioner's tenure as a county officer or four years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner initially appointed by a city governing body shall expire concurrently with such commissioner's tenure as a city officer or two years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner succeeding a commissioner initially appointed by a city governing body shall expire concurrently with such successor commissioner's tenure as a city officer or four years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner appointed by the governor of Kansas or the governor of Missouri shall expire concurrently with the term of the appointing governor, the commissioner's tenure as a state officer, or four years after the date of appointment as a commissioner of the district, whichever occurs sooner. Any vacancy occurring in a commissioner position for reasons other than expiration of terms of office shall be filled for the unexpired term by appointment in the same manner that the original appointment was made. Any commissioner may be removed for cause by the appointing authority of the commissioner.

"(b) The commission shall select annually, from its membership, a chairperson, a vice chairperson, and a treasurer. The treasurer shall be bonded in such amounts as the commission may require.

"(c) The commission may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

"(d) The commission shall fix the time and place at which its meetings shall be held. Meetings shall be held within the district and shall be open to the public. Public notice shall be given of all meetings.

"(e) A majority of the commissioners from each state shall constitute, in the aggregate, a quorum for the transaction of business. No action of the commission shall be binding unless taken at a meeting at which at least a quorum is present, and unless a majority of the commissioners from each state, present at such meeting, shall vote in favor thereof. No action of the commission taken at a meeting thereof shall be binding unless the subject of such action is included in a written agenda for such meeting, the agenda and notice of meeting having been mailed to each commissioner by postage paid first-class mail at least 14 calendar days prior to the meeting.

"(f) The commissioners from each state shall be subject to the provisions of the laws of the states of Kansas and Missouri, respectively, which relate to conflicts of interest of public officers and employees. If any commissioner has a direct or indirect financial interest in any cultural facility, organization or activity supported by the district or commission or in any other business transaction of the district or commission, the commissioner shall disclose such interest in writing to the other commissioners and shall abstain from voting on any matter relating to such facility, organization or activity or to such business transaction.

"(g) If any action at law or equity, or other legal proceeding, shall be brought against any commissioner for any act or omission arising out of the performance of duties as a commissioner, the commissioner shall be indemnified in whole and held harmless by the commission for any judgment or decree entered against the commissioner and, further, shall be defended at the cost and expense of the commission in any such proceeding.

"ARTICLE VI. POWERS AND DUTIES OF THE COMMISSION

"(a) The commission shall adopt a seal and suitable bylaws governing its management and procedure.

"(b) The commission has the power to contract and to be contracted with, and to sue and to be sued.

"(c) The commission may receive for any of its purposes and functions any contributions or moneys appropriated by counties or cities and may solicit and receive any and all donations, and grants of money, equipment, supplies, materials and services from any state or the United States or any agency thereof, or from any institution, foundation, organization, person, firm or corporation, and may utilize and dispose of the same.

"(d) Upon receipt of recommendations from the advisory committee provided in subsection (g), the commission may provide donations, contributions and grants or other support, financial or otherwise, or in aid of cultural organizations, facilities or activities in counties which are part of the district. In determining whether to provide any such support the commission shall consider the following factors:

"(1) economic impact upon the district;

"(2) cultural benefit to citizens of the district and to the general public;

"(3) contribution to the quality of life and popular image of the district;

"(4) contribution to the geographical balance of cultural facilities and activities within and outside the district;

"(5) the breadth of popular appeal within and outside the district;

"(6) the needs of the community as identified in an objective cultural needs assessment study of the metropolitan area; and

"(7) any other factor deemed appropriate by the commission.

"(e) The commission may own and acquire by gift, purchase, lease or devise cultural facilities within the territory of the district. The commission may plan, construct, operate and maintain and contract for the operation and maintenance of cultural facilities within the territory of the district. The commission may sell, lease, or otherwise dispose of cultural facilities within the territory of the district.

"(f) At any time following five years from and after the creation of the metropolitan cultural district as provided in paragraph (1) of subsection (d) of article IV, the commission may borrow moneys for the planning, construction, equipping, operation, maintenance, repair, extension, expansion, or improvement of any cultural facility and, in that regard, the commission at such time may:

``(1) issue notes, bonds or other instruments in writing of the commission in evidence of the sum or sums to be borrowed. No notes, bonds or other instruments in writing shall be issued pursuant to this subsection until the issuance of such notes, bonds or instruments has been submitted to and approved by a majority of the qualified electors of the district voting at an election called and held thereon. Such election shall be called and held in the manner provided by law;

``(2) issue refunding notes, bonds or other instruments in writing for the purpose of refunding, extending or unifying the whole or any part of its outstanding indebtedness from time to time whether evidenced by notes, bonds or other instruments in writing. Such refunding notes, bonds or other instruments in writing shall not exceed in amount the principal of the outstanding indebtedness to be refunded and the accrued interest thereon to the date of such refunding;

``(3) provide that all notes, bonds and other instruments in writing issued hereunder shall or may be payable, both as to principal and interest, from sales tax revenues authorized under this compact and disbursed to the district by counties comprising the district, admissions and other revenues collected from the use of any cultural facility or facilities constructed hereunder, or from any other resources of the commission, and further may be secured by a mortgage or deed of trust upon any property interest of the commission; and

``(4) prescribe the details of all notes, bonds or other instruments in writing, and of the issuance and sale thereof. The commission shall have the power to enter into covenants with the holders of such notes, bonds or other instruments in writing, not inconsistent with the powers granted herein, without further legislative authority.

``(g) The commission shall appoint an advisory committee composed of members of the general public consisting of an equal number of persons from both the states of Kansas and Missouri who have demonstrated interest, expertise, knowledge or experience in cultural organizations or activities. The advisory committee shall make recommendations annually to the commission regarding donations, contributions and grants or other support, financial or otherwise, for or in aid of cultural organizations, facilities and activities in counties which are part of the district.

``(h) The commission may provide for actual and necessary expenses of commissioners and advisory committee members incurred in the performance of their official duties.

``(i) The commission shall cause to be prepared annually a report on the operations and transactions conducted by the commission during the preceding year. The report shall be submitted to the legislatures and governors of the compacting states, to the governing bodies of the counties comprising the district, and to the governing body of each city that appoints a commissioner. The commission shall publish the annual report in the official county newspaper of each of the counties comprising the district.

``(j) The commission has the power to apply to the congress of the United States for its consent and approval of the compact. In the absence of the consent of congress and until consent is secured, the compact is binding upon the states of Kansas and Missouri in all respects permitted by law for the two states, without the consent of congress, for the purposes enumerated and in the manner provided in the compact.

``(k) The commission has the power to perform all other necessary and incidental functions and duties and to exercise all other necessary and appropriate powers not inconsistent with the constitution or laws of the United States or of either of the states of Kansas or Missouri to effectuate the same.

``ARTICLE VII. FINANCE

``(a) The moneys necessary to finance the operation of the metropolitan culture district and the execution of the powers, duties and responsibilities of the commission shall be appropriated to the commission by the counties comprising the district. The moneys to be appropriated to the commission shall be raised by the governing bodies of the respective counties by the levy of taxes as authorized by the legislatures of the respective party states.

``(b) The commission shall not incur any indebtedness or obligation of any kind; nor shall the commission pledge the credit of either or any of the counties comprising the district or either of the states party to this compact, except as authorized in article VI. The budget of the district shall be prepared, adopted and published as provided by law for other political subdivisions of the party states. No budget shall be adopted by the commission until it has been submitted to and reviewed by the governing bodies of the counties comprising the district and the governing body of each city represented on the commission.

``(c) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

``(d) The accounts of the commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states, the counties comprising the district, the cities that appoint a commissioner, and other persons authorized by the commission.

``ARTICLE VIII. ENTRY INTO FORCE

``(a) This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri when it has been entered into law by the legislatures of the respective states.

``(b) Amendments to the compact shall become effective upon enactment by the legislatures of the respective states.

``ARTICLE IX. TERMINATION

``This compact shall continue in force and remain binding upon a party state until its legislature shall have enacted a statute repealing the same and providing for the sending of formal written notice of enactment of such statute to the legislature of the other party state. Upon enactment of such a statute by the legislature of either party state, the sending of notice thereof to the other party state, and payment of any obligations which the metropolitan culture district commission may have incurred prior to the effective date of such statute, including, but not limited to, the retirement of any outstanding bonded indebtedness of the district, the agreement of the party states embodied in the compact shall be deemed fully executed, the compact shall be null and void and of no further force or effect, the metropolitan culture district shall be dissolved, and the metropolitan culture district commission shall be abolished.

``ARTICLE X. CONSTRUCTION AND SEVERABILITY

``The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of either of the party states or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of either of the states party thereto, the compact shall thereby be nullified and voided and of no further force or effect.

``(a) The board of county commissioners of any county which has been authorized by a majority of the electors of the county to create or to become a part of the metropolitan culture district and to levy and collect a tax for the purpose of contributing to the financial support of the district shall adopt a resolution imposing a countywide retailers' sales tax and pledging the revenues received therefrom for such purpose. The rate of such tax shall be fixed in an amount of not more than .25%. Any county levying a retailers' sales tax under authority of this section is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide retailers' sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Upon receipt of a certified copy of a resolution authorizing the levy of a countywide retailers' sales tax pursuant to this section, the state director of taxation shall cause such tax to be collected within and outside the boundaries of such county at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to the metropolitan culture district retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any countywide retailers' sales tax collected pursuant to this section shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from retailers' sales tax revenue collected pursuant to this section. All countywide retailers' sales tax revenue collected within any county pursuant to this section shall be remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county.

``(b) All revenue received by any county treasurer from a countywide retailers' sales tax imposed pursuant to this section shall be appropriated by the county to the metropolitan culture district commission within 60 days of receipt of the funds by the county for expenditure by the commission pursuant to and in accordance with the provisions of the Kansas and Missouri metropolitan culture district compact. If any such revenue remains upon nullification and voidance of the Kansas and Missouri metropolitan culture district compact, the county treasurer shall deposit such revenue to the credit of the general fund of the county.

``(c) Any countywide retailers' sales tax imposed pursuant to this section shall expire upon the date of actual withdrawal of the county from the metropolitan culture district or at any time the Kansas and Missouri metropolitan culture district compact becomes null and void and of no further force or effect. If any moneys remain in the metropolitan culture district retailers' sales tax fund upon nullification and voidance of the Kansas and Missouri metropolitan culture district compact, the state treasurer shall transfer such moneys to the county and city retailers' sales tax fund to be apportioned and remitted at the same time and in the same manner as other countywide retailers' sales tax revenues are apportioned and remitted.''.

SEC. 2. RESERVATION OF RIGHTS.

The Congress expressly deserves the right to alter, amend, or repeal this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4700, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the gentleman from Pennsylvania (Mr. GEKAS), I would like to address this particular bill, H.R. 4700.

This bill grants the consent of Congress to the Kansas and Missouri Metropolitan Culture District to facilitate cultural development in the greater Kansas City metropolitan area.

The compact being considered is uniquely designed to encourage cross-state cultural and intellectual development. Like the original Kansas and Missouri Metropolitan Culture Compact, approved by Congress in 1994, the compact proposed by H.R. 4700 allows voters from both States to jointly support cultural activities benefiting the bistate region.

While nearly identical to the culture compact approved by Congress in 1994, the culture compact proposed by this bill expands the definition of cultural programs to cover sport activities and facilities. It also changes the composition of the culture commission to maintain balanced representation from both States.

Finally, like its predecessor, the Congressional Budget Office has estimated that implementation of the compact would have no fiscal impact on the U.S. Treasury, and I will include the letter from the CBO for the RECORD.

Passage of the 1994 Kansas and Missouri Culture Compact has brought cultural and aesthetic renewal to residents of the Kansas City metropolitan region, while obtaining a broad measure of bipartisanship in the member States and in the Congress. With our help, Kansas and Missouri will continue the cultural invigoration of the greater Kansas City area, and I urge support of the bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 20, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4700, a bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Keith.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen).

Enclosure.

H.R. 4700.—A bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact

H.R. 4700 would give Congressional consent to the Kansas and Missouri Metropolitan Culture District Compact entered into by Kansas and Missouri. A similar agreement was approved by the Congress in 1994 but that agreement will end in 2001. Enacting H.R. 4700 would enable certain counties in the two states to continue to apply a local sales tax to fund historical preservation activities within the district. Enacting the resolution would result in no cost to the federal government. Because enactment of H.R. 4700 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Lanette J. Keith. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT. Madam Speaker, I ask unanimous consent that the gentlewoman from Missouri (Ms. MCCARTHY), who has done so much work on this important issue affecting her district, be allowed to control the time on this side.

The SPEAKER pro tempore. Without objection, the gentlewoman from Missouri (Ms. MCCARTHY) is recognized for 20 minutes.

There was no objection.

Ms. MCCARTHY of Missouri. Madam Speaker, I yield myself such time as I may consume, and I thank the gentleman from Virginia (Mr. SCOTT) very much for that gracious introduction. I would also like to thank the gentleman from Arkansas (Mr. HUTCHINSON), who so eloquently described this very positive and special bill.

I would also like to take a moment, Madam Speaker, to thank the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE); and the ranking member, the gentleman from Michigan (Mr. CONYERS); as well as the chairman of the Subcommittee on Commercial and Administrative Law, the gentleman from Pennsylvania (Mr. GEKAS); and the subcommittee ranking member, the gentleman from New York (Mr. NADLER), for expediting this very important effort for my community.

Last Tuesday, the bill was heard in the subcommittee and marked up; last Wednesday in the full committee and marked up; and here we are on Monday, Madam Speaker, back to the floor for a vote by the full membership on consideration of the renewal of this important bistate compact.

In the 1980s, when I served in the Missouri legislature in the House and chaired the Ways and Means Committee there, I and others of like mind, who realized that the uniqueness of Kansas City, with its State line dividing both a Kansas community and a Missouri community with common interests, might require some creative taxing mechanism in order to restore and to secure the very beautiful landmarks that we have there, both in culture, the arts, and also in our heritage, and yet not any one community could do it alone, so we created this bistate cultural compact that needed the approval by the people of greater Kansas City, which is, of course, home to 1.7 million supporters.

We initially proposed this in the Kansas and Missouri legislatures, I happened to handle it in the Missouri House, and gained the approval of those two bodies in 1987, when we introduced it, and then again as we revised it. In 1994, when we finally agreed to it and passed it and it was signed into law by both governors, I came here as a State legislator to advocate for it before the Committee on the Judiciary and was very pleased for its passage in the House then.

It is being renewed now because it needs to have some changes made to it. We sunset it, quite appropriately then, to make sure it would work successfully, and it has. Now we want to take it back to the community with the changes that the gentleman from Arkansas described in order for the voters to approve its continuance.

The major success story of this effort, this rather unique effort, has been the restoration of our Union Station, a very important structure to both communities, located on the Missouri side. It is second in the Nation in size and history to Grand Central Station. It had fallen into great disrepair and deterioration, was looking for some current use, and this bistate cultural tax raised almost half the money needed to restore the building. It has been turned into a wonderful science center and museum and is a great gathering place for many, many cultural events in the community.

It has been such a great bringing together of people on both sides of the State line, rallying around the importance of maintaining this important structure, that we want to go back now and let the commission discuss future use that might include comprehensive projects to support the arts for school-aged children and renovation or rehabilitation of arts facilities on both sides of the State line. Youth athletic facilities projects are desperately needed and seriously contemplated by the commission. And of course maintenance on existing athletic facilities will be included under new language in the compact.

So I am very, very pleased today to be here in support of this effort, and I would like again to thank the members of the committee for their bipartisan effort in making this a priority and moving so expeditiously.

Madam Speaker, I am providing for the RECORD some letters of support from individuals and organizations involved in this back home in Kansas and Missouri.

GREATER KANSAS CITY
CHAMBER OF COMMERCE,
Kansas City, MO, July 17, 2000.

Hon. KAREN MCCARTHY,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MCCARTHY: The Greater Kansas City Chamber of Commerce has been a strong supporter of the Kansas and Missouri Metropolitan Culture District Compact since it was first proposed more than 10 years ago by a civic task force organized by Kansas City Consensus. From the very beginning, the concept of a multijurisdiction tax for common purposes in a bistate region like Greater Kansas City has had great appeal.

The Chamber was a principal player in the passage of the bistate tax to restore Kansas City's Union Station and establish Science City at the station. The success of that project has naturally led to speculation about other regional needs that might be met through this innovative approach.

Consequently, The Chamber was a leader in the effort to expand the eligible use of bistate tax revenues through legislation in Kansas and Missouri to include sports and sports facilities as well as the cultural arts.

The Chamber continues to be an enthusiastic supporters of the bistate tax concept and urges appropriate action by the Congress to facilitate the further use of this creative multijurisdictional initiative for regional purposes.

Sincerely,

PETER S. LEVI,
President.

KANSAS CITY
AREA DEVELOPMENT COUNCIL,
Kansas City, MO, July 17, 2000.

Hon. KAREN MCCARTHY,
U.S. Representative,
Kansas City, MO.

DEAR CONGRESSWOMAN MCCARTHY: I'm writing to let you know the support of the Kansas City Area Development Council (KCADC) for HR 4700 granting congressional approval for the bistate compact that would authorize the creation of the Metropolitan Cultural District in the Kansas City area.

KCADC, from its inception in 1976, has been a bistate organization. As you know, we serve 15 counties in both Kansas and Missouri. We approach business attraction and the growth of the economy from a bistate perspective because our community is truly one community that simply happens to be joined by a state line. Nothing could be more important to us than the approval of this legislation. The furtherance of regional cooperation and funding key cultural assets assuming voter approval is critical to the ongoing development of our community. The fact that the legislation has received support in the legislatures of both Kansas and Missouri and would only be enacted upon a vote of the people, provides both evidence of broad support and all necessary safeguards.

We are appreciative of your leadership in this effort and ask that you will do all that is possible to encourage the approval of this legislation initially by the House Judiciary Committee and then by the full House and Senate.

Best regards,

ROBERT J. MARCUSSE,
President and CEO.

MID-AMERICA REGIONAL COUNCIL,
Kansas City, MO, July 17, 2000.

Hon. KAREN MCCARTHY,
U.S. Representative,
Kansas City, MO.

DEAR CONGRESSWOMAN MCCARTHY: This letter is to convey the support of the Mid-America Regional Council for HR 4700 to grant congressional approval for the bistate compact authorizing creation of the Metropolitan Culture District in the Kansas City area.

As the council of governments and metropolitan planning group for Greater Kansas City, MARC has keen interest in seeing the continuance of this important mechanism to allow for voter-approved regional cooperation in funding key cultural assets. MARC has played an active role in supporting this initiative over the years, and we are eager to see this tool continue to serve our regional community. The proposed changes to the bistate compact enjoy broad public support and have already been approved by the legislatures of both Kansas and Missouri.

We appreciate your leadership in ensuring continuation of this issue so important to our metropolitan progress.

Sincerely,

DAVID A. WARM,
Executive Director.

OVERLAND PARK
CHAMBER OF COMMERCE,
Overland Park, KS, July 17, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Overland Park Chamber of Commerce and its 1,100 members, I want to thank you for granting a timely hearing on HR 4700.

The Overland Park business community wishes to declare its support for the passage of HR 4700. Its passage will complete a legislative process that provides increased flexibility and expanded options for the Kansas City metropolitan area in future bi-state efforts.

Citizens and businesses in both Kansas and Missouri, with the Union Station bi-state success, have demonstrated an ability to reach consensus and support for important projects. This bill, supported by both state legislatures, enhances that unique relationship.

We appreciate your support in addressing this important community issue.

Sincerely,

MARY BIRCH CCE,
President.

JANUARY 4, 2000.

To: Johnson County Commission.
From: Johnson County Chambers Presidents Council, Linda Leeper, Chairman.
Re: Bi-State Efforts.

As strong supporters of the bi-state initiative to renovate Union Station and construct Science City, the chambers of commerce in Johnson County wish to commend the voters of the four counties, the Bi-State Commission, the Union Station Assistance Corporation, the Union Station Project Council and civic leaders for a job well done. This phenomenal project will serve as an excellent first effort toward future partnerships that identify, pursue and support other bi-state efforts.

At this time, the Johnson County Chambers Presidents Council has discussed future bi-state efforts and would like to convey the following concepts to be considered as developments and ideas proceed.

We believe:

1. The current ⅛ cent bi-state sales tax for Union Station/Science City should sunset (end) as promised to the voters.

2. The bi-state tax should be used to enhance quality-of-life components that are not traditionally funded by government, such as the arts, and to preserve major community institutions.

3. The bi-state tax cannot and should not be seen or used as "the" solution for all the problems of the metro-plex.

4. If there is a second bi-state effort, it should include both the arts as was originally intended and consideration of efforts in Kansas. Serious consideration should be given to the renovation or construction of a building in Johnson County for an arts venue.

5. Also, consideration should be given to including sports facilities as a beneficiary of the next bi-state effort. There is no doubt that Kansas City's professional sports teams are a significant economic development component for the entire metropolitan area. The bi-state component, however, similar to Union Station, should be only one part of a larger multi-source funded effort.

LABOR-MANAGEMENT COUNCIL
OF GREATER KANSAS CITY,
Kansas City, MO, July 17, 2000.

Representative KAREN MCCARTHY,
E. 9th St., Suite 9350,
Kansas City, MO.

DEAR REP. MCCARTHY: The Labor-Management Council of Greater Kansas City urges support from the U.S. Congress for "Bi-State II" legislation. We supported passage of the revised bi-state approach in both the Missouri and Kansas legislatures, and we thank you for your support for the successful first bi-state project as well as for this effort.

As an organization comprised of more than 80 businesses, unions, nonprofits and governments from throughout the Kansas City area, the Labor-Management Council focuses on efforts that enhance the entire metropolitan community. Bi-State II will allow us the opportunity to explore and possibly implement public improvement projects that benefit citizens in both states.

The Labor-Management Council requires a unanimous vote of its Board of Directors to take a public issue position. Bi-State II's achievement of such unanimous support from our diverse leadership demonstrates its strong appeal to labor and to management, to Missourians and to Kansas, to Democrats and to Republicans, to urban and to suburban residents.

We are very pleased that Congress is appropriately considering this legislation to help address our community's needs that cross state, county and municipal lines. Passage of Bi-State II by Congress would allow us to continue our work to benefit the entire metropolitan community.

Please feel free to share our position with your colleagues, and to contact me with any questions.

Sincerely,

Bob Jacobi, Jr.,
Executive Director.

Jackson County Executive,
Kansas City, MO, July 17, 2000.

Hon. Karen McCarthy,
U.S. Representative,
Kansas City, MO.

Dear Congresswoman McCarthy: I am writing to express my support for HR 4700, which would grant congressional approval for the bi-state compact authorizing creation of the Metropolitan Culture District in the Kansas City area.

Jackson County is proud of its role in the development and implementation of the successful initiative at Kansas City's Liberty Memorial, and looks forward to the opportunity to extend a bi-state solution into other long term capital needs of the entire Kansas City metropolitan area.

We appreciate your efforts in ensuring the continuation and expansion of this cooperative effort among local governments across our region.

Sincerely,

Katheryn J. Shields,
County Executive.

State of Kansas,
Office of the Governor,
Topeka, KS.

Communications Office Fax

From: Don Brown, Communications Director.

Governor Graves made the following comments shortly before signing the Bi-State II legislation:

"I am extremely pleased with the success of our first Bi-State project. The Science City at Union Station, quite frankly, would not exist as we know it today without the funding from this arts and culture initiative. I am pleased to be able to sign the Bi-State II legislation into Kansas Law. This is just one step in the process, of course. I'm confident the government leaders and voters in the respective counties in and around Kansas City will make good choices as they explore another phase of this cooperative effort."

Carnahan Signs Bill To Expand Metropolitan Culture District

Gov. Mel Carnahan gave final approval today to a new law that expands the Kansas and Missouri Metropolitan Culture District to include sports facilities and events.

Carnahan signed the legislation (Senate Bill 719) at Union Station, which reopened last year after being restored through the efforts of the Culture District—a four-county area encompassing Kansas City.

"Bringing Union Station back to life is a testimony to the tremendous success the Culture District has experienced," Carnahan said. "This legislation will allow the district to build upon that success by including sports facilities and events."

The new legislation will allow sporting events and sports facilities to qualify as approved projects for the Culture District. This will enable voters in the district to approve funding for sports-related activities in addition to other cultural facilities and events.

The legislation also adds two members to the Culture District Commission, the district's governing body. That provision was necessary due to the consolidation of Kansas City, Kan., and Wyandotte County governments. The additional two members will ensure equal representation from Kansas and Missouri on the commission.

"Many Kansas Citians from both sides of the state line are proud of the accomplishments that have been achieved through the bistate Culture District," Carnahan said. "The work of the district and its commission is proof that great things can be done when the spirit of cooperation is a prominent force."

[From the Kansas City Star, Nov. 8, 1999]

Donors Praise Union Station

(By Brian Burnes)

Union Station's opening week continued Sunday as about 1,200 benefactors who had contributed $1,000 or more to the renovation project gathered for an early look at the landmark.

The reviews were good.

"I think it's wonderful. It's fabulous," said Betty Shouse of Kansas City as she stood in the old North Waiting Room, now Festival Plaza.

"I'm in awe of the ceiling," said Carson Ross, a Missouri state representative from Blue Springs, referring to the restored and repainted ceiling in the Grand Hall.

Shouse and Ross also offered praise for the bistate cooperation that led to $118 million in taxpayer contributions to the renovation from a one-eight-cent sales tax passed in Jackson, Johnson, Clay and Plate counties in 1996.

"I'm so glad that we were able to have that kind of cooperation among the various parts of Kansas City," Shouse said.

"Being, able to bring both states together for this was historic," Ross said. "I tell people from other states about this and they can't believe it."

As the late afternoon sun poured through the west windows, most visitors could be seen looking up at the ceiling or at the huge clock hanging from it.

"What's fun about this is that each person who comes through feels that they had a piece of the project, so it's exciting for them to see it all come together now," said Bill Musgrave, a vice president of the Kansas City Museum, which is developing Science City inside the station.

Renovation officials said Sunday's crowd—much smaller than the crowd of approximately 3,700 who jammed in Friday night—had its virtues.

"Friday night was elbow to elbow," said John Patrick Burnett, a member of the project's Bistate Commission, which oversaw the spending of taxpayer money. "But this was very nice today, and you could actually see some of the exhibits of Science City."

Within Science City, benefactors mingled with some of the approximately 25 "interactors," or costumed performers who will visit with Science City guests in front of some of the approximately 50 "environments."

Interspersed with the interactors were construction workers, some of whom continued working on the Festival Plaza fountain as the party went on around them. The stations opening week continues Tuesday with a preview for volunteers scheduled for 5 to 9 pm.

The grand opening of Science City at Union Station is scheduled for 10 a.m. Wednesday on the station's south plaza.

[From Preservation, November/December 1999]

Hope Rides on the $250 Million Makeover of Kansas City's Union Station

(By Steve Paul)

Kansas City, MO.—Kansas citizens have been waiting decades for life to return to the 1914 Union Station, once among the nation's busiest monuments to rail travel. Now the wait is over. Science City, a so-called edutainment complex appended to the newly restored station, has its grand opening on Nov. 10.

A private-public partnership partly funded by taxpayers in two states spurred the ambitious project with a price tag of $250 million, so there's an extraordinary amount of breath holding. Can the enormous building again become the city's premier gathering place? If revelers return to the station's cavernous spaces this New Year's Eve, the turn of the millennium may be less meaningful than the emotional reconnection to a cherished monument the public didn't know what to do with.

Preservation purists are hoping Science City's idiosyncrasies won't undermine the reception given to restoration of the decayed station itself, second in size only to Grand Central Terminal in Manhattan. Still, the ultimate test of success will be whether tourist dollars can underwrite local pride and any sense that such gathering place is needed.

Andy Scott, executive director of the Union Station Assistance Corp., the building's private, nonprofit owner since 1994, hopes the restoration will redefine downtown. Ever optimistic, Scott is already envisioning more redevelopment. A new pedestrian bridge, designed by Siah Armajani, has been proposed to link the station with the Crossroads district across the rail yards to the north. A lively renaissance of art galleries, restaurants, and residential lofts is under way in that neighborhood of converted warehouses and industrial buildings.

Scott's optimism also stems from the statute of the station itself, designed by Chicago architect Jarvis Hunt in a restrained Beaux-Arts style with well-proportioned columns, windows, and entablature. With all the personal interaction that took place within, Scott says, Union Station means a lot to people in the metropolitan area of 1.7 million. "This building," he says, "was built with such vision and care and love of beauty and architecture that it can inspire people."

Union Station was nearly comatose long before it closed more than a decade ago. In the '80s it suffered a kick in the architectural groin when an office building was crammed into a corner of its T-shaped plan.

That building remains, but the reflections in its mirror-glass reds and blues outlined by cream trim and gold-hued plaster foliage. It also suspends a trio of respected 3,000-pound chandeliers from ornate rosettes.

Science City, a project of the Kansas City Museum, will occupy a new glass-topped annex abutting the station's former North Waiting Room. Responding to focus groups who said they wanted to have fun, the museum made something akin to an amusement park involving science as adventure.

"It's not a museum, it's not a science center, it's not a themes park, it's not theater," says Science City President David A. Ucko. "The phrase I've been using is 'recreational learning.'"

The station's North Waiting Room, more than 100 yards long, serves as the entry to the multilevel maze of Science City. Visitors will be deposited into a series of environments—a hospital, a crime scene, a cave—with actors conducting learning experiences.

There will be a historical streetscape providing a memory lane of pop culture: old televisions showing period programs in an appliance-store window, for instance. A live stage will present science and historical shows. A large-screen Iwerks theater is being installed for science and nature films in 2-D and 3-D formats. And a planetarium will put a laser-show spin on sky gazing lessons.

Nighttime activities are crucial to the return of a constant flow of people—and their dollars—to the station. So the theaters will do double duty, showing Science City films by day and general-interest, date-inducing movies by night. The North Waiting Room, available for special events, can accommodate as many as 1,200 diners. Several restaurants are opening in and off the cavernous Grand Hall.

For the multitudes who passed through there, Union Station is something like a memory bank. Emotional departures and returns were plentiful for several generations before passenger-train traffic and the station itself began to began to decline after World War II. "In many ways," says Dave Boutras of the Western Historical Manuscript Collection in Kansas City, "it is about the only public place that represents the metro area."

The feeling of a shared history—and the vision of a shared future—helped persuade taxpayers in Johnson County, Kan., an affluent Kansas City suburb, to contribute to the project through a one-eighth-cent bistate sales tax. They joined voters in the three Missouri countries through which Kansas City sprawls to pony up $118 million in tax money. The rest of the construction funding came from more than $30 million in federal grants and $100 million in private donations. Significant participation ($20 million) came from Hallmark Cards, Inc., and the Hall Family Foundation. Hallmark's headquarters and Crown Center, a complex with two hotels, restaurants, a shopping mall, and an updated bus waiting area, will be linked to the station by an elevated, glass-enclosed walkway.

An important aspect of the redevelopment is Union Station's revival as a transportation center. Local buses, tourist trolleys, and planned commuter-rail line from Johnson County will stop there, as will a light-rail line in Kansas City, if it ever gets built. Amtrak service may return to the building after its long exile on the bottom level of an underground parking garage.

Long a prominent symbol of inner-city deterioration and dis-investment as it sat rotting, Union Station is ready to be embraced with the pride and excitement it was born to 85 years ago.

[From the New York Times, Nov. 12, 1999]

IN KANSAS CITY, FEW TRAINS, BUT NEW LIFE IN THE STATION

(By Shirley Christian)

KANSAS CITY, MO, Nov. 14—It required new laws in two states, sales-tax elections in five counties and an act of Congress, as well as a major corporate giving campaign, but Kansas City's monumental Union Station has finally been restored to the grandeur it once enjoyed as a centerpiece of the nation's passenger rail network.

Even as construction crews raced to finish the $250 million restoration and expansion of the station, the completed portions opened to the public last week after a spate of events toasting large donors and volunteers.

Very few passenger trains pass through Kansas City now, so the station's restored Grand Hall, with its 95-foot ceiling and three 3,000-pound chandeliers, is to serve as a public space, surrounded by new restaurants, shops and offices. The station, second in size in this country only to Grand Central Terminal in Manhattan, is envisioned as a vast indoor plaza, a gathering place intended to help draw people back to the center of the city.

The station opened in 1914 with nearly one million square feet of space. It has been expanded in this new incarnation with a 300,000-square-foot wing on the west side to house Science City, described by its creators as a place of "recreational learning." Science City is projected to draw a million paying visitors a year.

"We are creating an educational attraction for all ages," said David A. Ucko, president of Science City and the Kansas City Museum, which will manage it. "There will a high degree of emotional engagement, and everything will be contextual, nothing abstract. There will be a lot of humor. This won't be a deadly serious place."

Those who planned, argued and campaigned for years to put together the complicated financing package for Union Station are so pleased with the results that even before the reopening they were talking of returning to the voters and asking them to extend the culture sales tax, which made the restoration possible. The idea would be to use the tax to finance a wider array of cultural offerings. Supporters said the rebirth of the station, whose architectural features are similar to those of Grand Central and Union Station in Washington, has brought a new sense of metropolitan spirit on both sides of the Missouri-Kansas line, a border across which some of the vilest actions of the Civil War occurred.

Civil leaders are daring to dream of what else might be financed by extending the eighth-of-a-cent culture tax beyond 2002, when the station restoration will be paid off. Possibilities include creation of a publicly financed arts endowment, which could benefit museums like the Nelson-Atkins Museum of Art, performance groups like the Lyric Opera and the Kansas City Symphony, and smaller organizations.

Other noncultural possibilities include updating the stadiums in which the football Chiefs and baseball Royals play and improving the very limited public transportation system, which serves one of the most sprawled metropolitan areas in the country.

The new Arts Council of Metropolitan Kansas City was formed partly to look at how a culture tax or other public money might be sought for the arts.

"Kansas City is in the top quartile of cities for private funding of the arts," said Jan Kreamer, president of the Greater Kansas City Community Foundation and an organizer of the arts council. "But we are near the bottom of public funding."

Two regional neighbors, Denver and St. Louis, have adopted taxes for cultural purposes, she said. But she added that no specific proposals would be formulated here until public surveys on the issue are completed. Joan Israelite, president of the Arts Council, said its creation was part of a great expansion of arts and cultural activity. "We're on the verge of a cultural renaissance," she said.

The financing of the area's cultural and other needs has grown increasingly complicated as development has spread into the five counties in Kansas and Missouri that make up the metropolitan region, and into a second tier of surrounding counties in both states as well. More than 100 municipal and other governmental entities are involved, and the principal city, Kansas City, Mo., has become a smaller piece of the whole even though its population is growing slightly.

Unlike most other metropolitan areas that reach across state lines, this region's population of 1.7 million is fairly evenly divided between the two states, as are business and industry, and people here seem to view the state line as the de facto heart of the city. Booming Johnson County, Kan., with 20-some suburban cities, rivals Kansas City proper in size and economic clout. Kansas City, Kan., much smaller and poorer than Kansas City, Mo., or Johnson County, maintains a strong industrial base.

A century and a half ago civic leaders of the two Kansas Cities laid out their principal arteries within walking distance of the other state; Union Station was built just blocks east of the state line.

"The fact is that we function as an economic city-state," said Jack Holland, an investment banker who began working on the bistate financing concept 15 years ago.

He was part of a group called Kansas City Consensus, which formed in the early 1980's to look at how Kansas City could continue to pay for cultural and recreational offerings while much of the core city's economic power was being lost to the suburbs. From that group the idea of the bistate tax emerged in 1985.

The group recommended a sales tax instead of a property tax because a sales tax could be applied uniformly throughout the metropolitan area. By contrast, assessed valuation for a similar piece of property might vary from country to county and state to state.

Supporters of the bistate tax said they found many examples around the country of culture taxes and of metropolitan area taxes that crossed county lines, but no examples of a tax that crossed a state line.

After passage of the enabling legislation in Kansas and Missouri in 1993, representatives from each state decided what projects to propose to voters. Although arts and other culture groups had been the driving force behind passage of the legislation, they had trouble agreeing on a package of programs and institutions to support.

In the end everybody could agree only on raising money to restore Union Station. Its beauty, even in its abandoned and unmaintained state, and the emotional attachment felt by people across the area made the station "the perfect candidate for election," said Jack Craft, a lawyer who led the culture-tax campaign in Missouri. "It's handsome, and it doesn't talk."

Next, advocates of the tax had to deal with the almost legendary distrust that Kansans have of the politicians in Kansas City, Mo. "So a lot of safeguards were built into the Union Station operating agreement," said State Rose, a suburban newspaper publisher who ran the culture-tax campaign in Kansas.

A separate legal entity was created to own and operate the station, and an agreement was drawn up that, if the restoration project should fail at some point, ownership of Union Station would pass not to the city of

Kansas City, Mo., but to he community foundation headed by headed by Ms. Kreamer. Still nervous about the outcome of the voting, the advocates of the tax mounted what Mr. Craft said was the most expensive political campaign ever conducted in the Kansas City region, costing slightly more than $1 million. Some advertising and public relations concerns donated services.

On Nov. 5, 1996, the culture tax went before the voters in the five counties. It passed with more than 60 percent of the vote in four, losing only in Wyandotte County, site of Kansas City, Kan., the poorest county in the metropolitan area.

The tax is raising $118 million of the cost of restoring and expanding the station. An additional $100 million was raised from private contributors; the rest is coming from federal money.

Forty million dollars of the estimated $250 million price tag was set aside as an endowment whose income will pay part of the operating costs for Science City and Union Station. The rest of the $18 million operating budget is to come from paying visitors to Science City and from leasing the office and commercial space.

Mr. CONYERS. Madam Speaker, I am pleased to rise in support of H.R. 4700, to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact. This bipartisan legislation would allow the metropolitan area of Kansas City, Kansas, and Wyandotte County to continue the progress of successful arts and cultural initiatives.

Extending the present compact, which is set to expire in 2001, would include sports facilities in the cultural definition. It would also correct the inequity created by the consolidation of the governments of the City of Kansas City, Kansas and Wyandotte County, Kansas which gave Missouri and advantage of two votes over Kansas. Finally, the extension would give states the authority to continue local revenue stream of a .125% sales tax used to support cultural activities in the bi-state region.

I commend Representative McCARTHY from Missouri for her hard work and dedication to moving this legislation through the legislative process. This an excellent example of a bi-state, private-public, local-federal partnership which works well. The continuation of the compact will allow the metropolitan area to further this productive alignment for successful arts and cultural initiatives in the bi-state region and I strongly support the effort.

Mr. GEKAS. Madam Speaker, H.R. 4700 grants the consent of Congress to the Kansas and Missouri Metropolitan Culture District to facilitate cultural development in the greater Kansas City metropolitan area. The Compact being considered is uniquely designed to encourage cross-state cultural and intellectual development. Like the original Kansas-Missouri Metropolitan Culture Compact approved by Congress in 1994, the Compact proposed by H.R. 4700 allows voters from both states to jointly support cultural activities benefiting the bistate region.

While nearly identical to the Culture Compact approved by Congress in 1994, the Culture Compact proposed by H.R. 4700 expands the definition of cultural programs to cover sport activities and facilities. It also changes the composition of the Culture Commission to maintain balanced representation from both states. Finally, like its predecessor, the Congressional Budget Office has estimated that implementation of the Compact would have no fiscal impact on the U.S. Treasury.

Passage of the 1994 Kansas and Missouri Culture Compact has brought cultural and aesthetic renewal to residents of the Kansas City metropolitan region while obtaining a broad measure of bipartisanship in the member states and in the Congress. With our help, Kansas and Missouri will continue the cultural invigoration of the greater Kansas City area and I urge your support of the bill.

Mr. MOORE. Madam Speaker, I rise to share my support for H.R. 4700, which would grant the consent of Congress to the Kansas and Missouri Metropolitan Cultural District Compact. I like to start by thanking my friend and colleague, Congresswoman KAREN McCARTHY, for her leadership on this issue. Her tireless work for the Fifth District of Missouri and the people of the Kansas City metropolitan area should be commended.

Over the past four years, we have enjoyed the successes of the original bi-state compact that was passed by Congress in 1994, that continues to receive tremendous support from individuals and organizations on both sides of the state line. This agreement is essential to a unique city with a state line running through the middle of town. Many residents work on one side of state line and reside on the other. The economy and culture of the region are vitally important to all residents of the Kansas City metropolitan area.

This compact made possible the restoration of Union Station and the completion of Science City, now one of the Kansas City metropolitan area's most important cultural and education facilities. Union Station is a remarkable example of what can be accomplished when federal, state, and local governments work with private and public contributors to improve our communities.

As the existing compact is scheduled to conclude at the end of 2001, it is our responsibility to see to it that a new compact is approved to continue this successful venture. Furthermore, it is important to take this opportunity to correct the advantage of two votes that Missouri currently holds on the Bi-State Board, due to the consolidation of the governments of the Kansas City, Kansas, and Wyandotte County, Kansas, into the new Unified Government. This inequity should be resolved to preserve the balance and harmony of the Compact.

As we move into the twenty-first century, it is even more important to take steps to preserve our common history and strengthen our great community. The Bi-State Compact will enable us to take on cultural initiatives, improve education, develop transportation proposals, and improve the lives of those in the Kansas City metropolitan area.

I support this legislation, which I have cosponsored, because I believe the residents of the metropolitan area should be able to decide for themselves if they want to participate in this project. I can think of no better way to decide the issue than to give the authority directly to voters on both sides of the state line.

Madam Speaker, I urge my colleagues to support this legislation.

Mr. DREIER. Madam Speaker, I am pleased to rise in support of H.R. 4700, which gives Congressional approval to the Kansas and Missouri Metropolitan Cultural District Compact.

One of the hallmarks of this Republican Congress has been its commitment to empowering state and local governments to address local and regional challenges. This legislation is a great example of that commitment. H.R. 4700 imposes no federal mandates on the states of Kansas and Missouri, or on the local governments which have endorsed the compact. It does not call for the use of federal dollars. It does not require that the Compact be extended into the future. Instead, it simply gives the necessary Congressional approval to the Kansas and Missouri Metropolitan Cultural District Compact.

The Compact is a unique effort to provide a secure source of local funding for metropolitan cooperation across state lines to restore historic structures and cultural facilities. Since it was established a few years ago, local leaders have worked through the Compact to restore Kansas City's Union State, one of the Midwest's important historic landmarks. It has also led to the addition of the Kansas City Museum's Science City Project. When the Compact was initially created in 1994, sanctioning legislation sped through both the House and Senate by voice votes in just a few months.

As other advocates of H.R. 4700 have noted, the breadth of support for the Compact is overwhelming. It is supported by the legislatures of both Kansas and Missouri, the Governors of both states, and by both Republican and Democratic elected officials. I commend the gentlelady from Kansas City for bringing this measure forward, and I encourage all my colleagues to join me in voting for it.

Ms. McCARTHY of Missouri. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. GEKAS) is recognized to control the time of the gentleman from Arkansas (Mr. HUTCHINSON).

There was no objection.

Mr. GEKAS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4700.

The question was taken.

Mr. GEKAS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GRANTING CONSENT OF CONGRESS TO RED RIVER BOUNDARY COMPACT

Mr. GEKAS. Madam Speaker, I move to suspend the rules and agree to the joint resolution (H.J. Res. 72) granting the consent of the Congress to the Red River Boundary Compact, as amended.

The Clerk read as follows:

H.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

(a) IN GENERAL.—The consent of Congress is given to the Red River Compact entered into between the States of Texas and Oklahoma and the new boundary established by the compact.

(b) NEW COMPACT.—The compact referred to in subsection (a) sets the boundary between the States of Texas and Oklahoma as the vegetation line on the south bank of the Red River (except for the Texoma area where the boundary is established pursuant to procedures provided for in the compact) and is the compact—

(1) agreed to by the State of Texas in House Bill 1355 approved by the Governor of Texas on May 24, 1999; and

(2) agreed to by the State of Oklahoma in Senate Bill 175 approved by the Governor of Oklahoma on June 4, 1999.

(c) COMPACT.—The Acts referred to in subsection (b) are recognized by Congress as an interstate compact pursuant to section 10 of Article I of the United States Constitution.

(d) CONSTRUCTION.—The compact shall not in any manner alter—

(1) any present or future rights and interests of the Kiowa, Comanche, and Apache Tribes, the Chickasaw Nation, and the Choctaw Nation of Oklahoma and their members or Indian successors-in interest;

(2) any tribal trust lands;

(3) allotted lands that may be held in trust or lands subject to a Federal restriction against alienation;

(4) any boundaries of lands owned by the tribes and nations referred to in paragraph (1), including lands referred to in paragraphs (2) and (3), that exist now or that may be established in the future under Federal law; and

(5) the sovereign rights, jurisdiction, or other governmental interests of the Kiowa, Comanche, and Apache Tribes, the Chickasaw Nation, and the Choctaw Nation of Oklahoma and their members or Indian successors-in interest presently existing or which may be acknowledged by Federal and tribal law.

(e) EFFECTIVE DATE.—This Act shall take effect on August 31, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Speaker, I yield myself such time as I may consume.

As everyone knows by now, the Constitution requires that when any one State or more than one State wishes to enter into an agreement with one or another State, that agreement is subject to the consent of the Congress. That is why our committee, charged with the responsibility of overseeing those kinds of agreements, brings to the floor, just as we have now, this pending agreement, already reached between the States of Texas and Oklahoma with respect to the boundary line, that momentous boundary line that exists between the two States, namely the Red River.

It appears that over the years the Red River changes its contours from time to time and causes difficulty for everyone concerned in determining the actual dividing line between those two great States in the Southwest. Such continued argument about the boundary has resulted in a final resolution of it. Yet just as the final resolution was reached, it was also determined that the Indian tribes that abound in that area were themselves hurt, or they felt that they would be hurt by the final agreement. They determined that some of their interests, land interests and other, would be harmed if they were not consulted or made a part of the agreement, so that their concerns could be addressed.

Voila, then, we have this new compact before us which takes into account all the concerns that the Indian tribes have uttered over the years. And it was as a result of the dispatch by our committee of our chief counsel, Ray Smietanka, and minority counsel, Mr. Lachmann, to that area that lay the groundwork for the final resolution of this problem.

☐ 1530

But we are glad to report that here today we are ready to have the House vote on a complete finalization of the boundary line that the Red River constitutes.

Madam Speaker, I include for the RECORD the following letter and cost estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 20, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.J. Res. 72, granting the consent of the Congress to the Red River Boundary Compact.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(for Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 20, 2000

H.J. RES. 72—GRANTING THE CONSENT OF THE CONGRESS TO THE RED RIVER BOUNDARY COMPACT, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON THE JUDICIARY ON JULY 29, 2000

H.J. Res. 72 would give Congressional consent to the Red River Compact entered into by the states of Texas and Oklahoma concerning the new boundary between these states that would be established by the compact. Enacting the resolution would result in no cost to the federal government. Because enactment of H.J. Res. 72 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The resolution contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT. Madam Speaker, I ask unanimous consent that the gentleman from Texas (Mr. SANDLIN) whose district is affected by this compact, be allowed to control the time on this side.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SANDLIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to first thank the gentleman from Pennsylvania (Chairman GEKAS) and the gentleman from New York (Mr. NADLER), the ranking member of the House Subcommittee on Commercial and Administrative Law, as well as the committee staff, for working with all of the parties interested in this legislation so that we can bring a fair and well-crafted bill to the floor today.

Madam Speaker, House Joint Resolution 72 grants a consent of Congress to the River Boundary Compact entered into between the States of Oklahoma and Texas. This compact establishes a new practical boundary between the two States and ends over 200 years of jurisdictional uncertainty. The State legislatures of both Texas and Oklahoma have approved the compact with overwhelming support.

Madam Speaker, the Red River is 1,290 miles long. For about half of this distance, it serves as the Texas-Oklahoma border. To the great frustration of many of those trying to use the river as a jurisdictional marker, mature rivers like those of the American Midwest tend to meander a great deal.

The natural tendency of a river flowing across flat country is to meander and flow loose as it erodes the outer side of a bend and deposits sediment on the inner side. It is clear that several of the loops of the Red River have changed in this way.

As the Speaker undoubtedly knows, the State of Texas was an independent nation from the years 1836 to 1845. In 1841, engineers surveyed the border along the Red River between the Republic of Texas and the United States. The survey set the boundary between the two countries on the southern bank of the river. This definition was later refined by the Supreme Court of the United States as the gradient boundary line on the south bank.

The survey was carefully done, and the results of the survey as recorded in the engineers' report and monuments placed along the border were accepted by both governments as the true and legal boundary.

Unfortunately, however, the river paid no attention to the survey; and in the years since 1841, the Red River has left that border high and dry. As a result, the artificial boundary line long the Red River has caused general confusion in our States for many decades.

The States of Texas and Oklahoma recognize that there are actual and potential disputes, controversies, and criminal and civil litigation problems arising out of the location of the boundary line between these two States along the Red River. In particular, an inability to identify the boundary at a point in time is a significant problem for law enforcement personnel, taxing authorities, and citizens on both sides of the river.

It is in the interest of the party States to establish the boundary between the States through the use of a readily identifiable and natural landmark. This identifiable line is established in the Red River Boundary Compact. The Compact sets the boundary between the States of Texas and Oklahoma as the vegetation line on the south bank of the Red River, except for the Texoma area where the boundary is established pursuant to procedures provided for in the compact approved by both States.

The vegetation line, which includes trees, shrubs and grasses, is easily recognizable. More importantly, the use of the vegetation line as the boundary marker also maintains historical significance. Surveyors of the General Land Office and Bureau of Land Management have confirmed that the vegetation line is substantially the same as the gradient boundary line, with the important distinction of being identifiable without a survey.

Like the Red River itself, this compact is the culmination of years of work. It is not easy to settle a jurisdiction battle that dates back to the Louisiana Purchase.

The U.S. Supreme Court has tried twice to settle this dispute, which at one point brought the governor of Oklahoma to the border in a tank. However, true to the slogan "One Riot, One Ranger," the good governor of Oklahoma and his tank was held off by a lone Texas Ranger on his horse.

Madam Speaker, this is good legislation. A great deal of effort went into ensuring that the interest of all parties along the Red River are protected in the compact.

It is important to note that the terms of the Red River Boundary Compact will not affect private property ownership or boundaries. The compact is strictly political in nature and will in no way alter the property or the claims of individuals or federally recognized Indian tribes.

Finally, I want to take this opportunity before the House to recognize the tireless efforts of the chairman of the Red River Boundary Commission of the State of Texas, Mr. William Abney, from Marshall, Texas, a well-respected East Texas attorney, as well as the other members of both the Texas and Oklahoma commissions.

I would also like to offer special thanks to my colleague from Texas (Mr. THORNBERRY) who is here today for his work and for the work of his staff. I think both the gentleman from Texas (Mr. THORNBERRY) and I recognize that the true work of the House is done by the staff.

I urge Congress to pass House Joint Resolution 72.

Madam Speaker, I yield back the balance of my time.

Mr. GEKAS. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Speaker, this resolution deals with a special function entrusted to Congress under article I, section 10 of the Constitution.

I want to express my gratitude to the gentleman from Pennsylvania (Chairman GEKAS) and also the gentleman from New York (Mr. NADLER), the ranking member, for the serious, thoughtful way that they have met this responsibility and for their patience and persistence in making sure that we get every detail of this compact just right.

I also want to thank their staffs, especially Ray Smietanka and David Lachmann, for their work which brought this matter to a successful conclusion and, of course, the gentleman from Texas (Mr. SANDLIN) and the other cosponsors of this bill, the gentleman from Texas (Mr. HALL), the gentleman from Oklahoma (Mr. LUCAS), the gentleman from Oklahoma (Mr. WATKINS) and the gentleman from Oklahoma (Mr. WATTS), all of whom represent the border between Texas and Oklahoma.

Finally, I want to thank Trey Bahm of my staff for his work in making sure that we get it right.

As the gentleman from Texas (Mr. SANDLIN) said, Madam Speaker, this dispute goes back 200 years to the Louisiana Purchase. The boundary line between the Louisiana territory and Spain was not well defined at that time. But a treaty with Spain concluded in 1819 by Secretary of State John Quincy Adams helped to define the boundary somewhat more clearly. That boundary was reaffirmed by the U.S. and Mexico and the U.S. and the Republic of Texas.

Later the Supreme Court found that the proper boundary was the gradient boundary along the south bank of the Red River. The problem is that changes periodically, and so it is a difficult thing to measure. They have to have a survey crew go out there to decide where the boundary is every time the river changes. Obviously, that has not worked very well.

Over the years there have been disputes of various kinds. The incident that my colleague the gentleman from Texas (Mr. SANDLIN) referred to in the 1930s was one in which Oklahoma failed to follow a court ruling to close the border. One of the Rangers that was sent to deal with the Oklahoma National Guard and the tanks that they brought happened to be my wife's grandfather. And there was a picture of him in Life Magazine meeting the tank, proving that one tank and one Ranger was a pretty equal match.

More recently we have not had that kind of open warfare, but we have had difficulties in law enforcement taxation.

So having a clearly identifiable border, which this resolution sets out, which has been passed by both the State legislatures of Oklahoma and Texas I think makes sense. We guarantee private property rights. We guarantee the rights of the Indian tribes, as the gentleman from Pennsylvania (Chairman GEKAS) pointed out.

So this, I think at long last, after 200 years, brings to conclusion the disputes and the difficulties raised by this border. I hope that it will gain the unanimous approval of my colleagues.

MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB B. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore. Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob B. Chestnut and Detective John M. Gibson.

Members in the Chamber and the staff and those in the gallery may wish to rise for a moment of silence.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Speaker, we had mentioned the fact that the concerns of the Indian tribes in the area were a highlight of the agreement that was finally reached. As a matter of fact, we approved an amendment in full committee, which is now part of the bill, which takes into account those concerns.

Here we have a resolution issued by the Kiowa, Comanche & Apache Intertribal Land Use Committee, which, in effect, approves and supports the amendment, the language that is now in the bill that expresses our concern about the Indian tribe concerns. And it has been duly certified and rendered to our committee. I include for the RECORD that resolution:

KIOWA, COMANCHE AND APACHE INTERTRIBAL LAND USE COMMITTEE

RESOLUTION NO. 00–10

Whereas, the Kiowa, Comanche and Apache Tribes of Oklahoma are federally recognized Tribes with approved constitutions; and

Whereas, the Kiowa, Comanche and Apache Intertribal Land Use Committee (KCAILUC) is the duly authorized and delegated official body given the responsibility and authority by the three tribes to act on their behalf with respect to the care, maintenance and development of commonly owned tribal properties and resources; and

Whereas, it is the desire of the Kiowa, Comanche and Apache Intertribal Land Use Committee (KCAILUC) to accept the Amendment to H.J. Res. 72 Offered by Mr. Gekas as follows:

(d) CONSTRUCTION—The compact shall not in any manner alter—(1) any present or future rights and interests of the Kiowa, Comanche, and Apache Tribes, the Chickasaw Nation, and the Choctaw Nation of Oklahoma and their members or Indian successors-in-interest; (2) any tribal trust lands; (3) allotted lands that may be held in trust or lands subject to a Federal restriction against alienation; (4) any boundaries of lands owned by the tribes and nations referred to in paragraph (1), including lands referred to in paragraphs (2) and (3), that exist now or that may be established in the future under Federal law; and (5) the sovereign rights, jurisdiction, or other governmental interests of the Kiowa, Comanche, and Apache Tribes, the Chickasaw Nation, and the Choctaw Nation of Oklahoma and their members or Indian successors-in-interest presently existing or which may be acknowledged by Federal and tribal law.

Now Therefore Be It Resolved, that the Kiowa, Comanche and Apache Intertribal Land Use Committee (KCAILUC) hereby approve and support the Amendment to H.J. Res. 72 Offered by Mr. Gekas.

CERTIFICATION

The foregoing KCAILUC Resolution No. 00-10 was duly adopted at a Regular Monthly Meeting of the Kiowa, Comanche and Apache Intertribal Land Use Committee held at the KCA Administration Office on July 12, 2000, by a vote of 6 For 1 Against 0 Abstain. A quorum being present and at least two representatives from each tribe concurring in the vote.

BILLY EVANS HORSE,
Chairman.
MELVIN KERCHEE, Jr.,
Secretary.

Mr. CONYERS. Madam Speaker, I am pleased to rise in support of H.J. Res. 72, a Joint Resolution granting the consent of Congress to the Red River Boundary compact. This bipartisan legislation will re-enforce the eroding Red River south bank and establish a new boundary between the states of Texas and Oklahoma. The new boundary is a vegetation line that is not as susceptible to the forces of nature and is substantially the same as the gradient line used to originally determine the states' boundaries.

Initially, three tribal nations, the Kiowa, the Comanche, and the Apaches expressed concerns regarding this legislation's effect on the status of land from which the tribes derive oil and gas royalties. To remedy that issue, language, approved by officials from Texas, Oklahoma, the Indian Tribes, and the Bureau of Indian Affairs, was put into the legislation confirming that neither the rights of the Indian nations nor the boundaries of the Indians lands will be altered by the compact.

I commend my colleagues for working together in a bipartisan manner to resolve this important issue and I strongly support the effort.

Mr. WATTS of Oklahoma. Madam Speaker, I rise as a cosponsor of H.J. Res. 72, the Red River Boundary Compact, and urge my colleagues to support this important legislation. Today, with Congressional consent the border dispute between Oklahoma and Texas that has existed for more than 100 years will come to an end.

The official boundary is currently the south bank of the Red River. However, the Red River constantly runs dry, which makes determining the south bank difficult. There was an obvious need for a new, more definitive way to determine the border.

In 1996, Oklahoma and Texas agreed upon creating a Red River Boundary Commission tc solve this border dispute. In the last year, this commission released their findings and both Oklahoma and Texas state governments have agreed on this compromise. This agreement would clarify and affix the boundary between Oklahoma and Texas as the vegetation line on the south bank of the Red River. This agreement would mean that the Red River would be part of the State of Oklahoma, where it belongs.

Madam Speaker, I urge my colleagues to support this resolution. We need to put a stamp on this agreement which will end the Red River War, and I urge my colleagues to support H.J. Res. 72.

Mr. GEKAS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 72, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Thursday, July 20, 2000:

H.R. 1791, to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement;

H.R. 4249, to foster cross-border cooperation and environmental cleanup in northern Europe.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KUYKENDALL) at 5 o'clock and 30 minutes p.m.

SENSE OF CONGRESS REGARDING NATIONAL MOTTO FOR GOVERNMENT OF A RELIGIOUS PEOPLE

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 548) expressing the sense of Congress regarding the national motto for the government of a religious people, as amended.

The Clerk read as follows:

Whereas the national motto of the United States is "In God we trust";

Whereas the national motto was adopted in 1956 and is codified in the laws of the United States at section 302 of title 36, United States Code;

Whereas the national motto is a reference to the Nation's "religious heritage" (*Lynch v. Donnelly*, 465 U.S. 668, 676 (1984));

Whereas the national motto recognizes the religious beliefs and practices of the American people as an aspect of our national history and culture;

Whereas nearly every criminal law on the books can be traced to some religious principle or inspiration;

Whereas the national motto is deeply interwoven into the fabric of our civil polity;

Whereas the national motto recognizes the historical fact that our Nation was believed to have been founded "under God";

Whereas the content of the national motto is as old as the Republic itself and has always been as integral a part of the first amendment as the very words of that charter of religious liberty;

Whereas the display and teaching of the national motto to public school children has a valid secular purpose, such secular purpose being to foster patriotism, symbolize the historical role of religion in our society, express confidence in the future, inculcate hope, and instruct in humility;

Whereas there is a long tradition of government acknowledgment of religion in mottoes, oaths, and anthems;

Whereas the national motto serves "the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society" (*Lynch v. Donnelly*, 465 U.S. at 693 (O'Connor, J., concurring));

Whereas the national motto reflects the sentiment that "[w]e are a religious people whose institutions presuppose a Supreme Being" (*Zorach v. Clauson*, 343 U.S. 306, 313 (1952));

Whereas President George Washington, in his Farewell Address, stated, "[o]f all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports," and "[w]hatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle," and "let us with caution indulge the supposition that morality can prevail in exclusion of religious principle";

Whereas President John Adams wrote that "it is religion and morality alone which can establish the principles upon which freedom can securely stand";

Whereas the role of religion in public life is an important one which deserves the public's attention;

Whereas the signers of the Declaration of Independence appealed to the Supreme Judge of the World for the rectitude of their intentions, and avowed a firm reliance of the protection of Divine Providence;

Whereas President George Washington, in his First Inaugural Address, said that "it would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes";

Whereas the First Congress urged President George Washington to proclaim "a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many single favours of Almighty God";

Whereas the First Congress reenacted the Northwest Ordinance, which stated that "[r]eligion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged";

Whereas the Declaration of Independence demonstrates this Nation was founded on transcendent values which flow from a belief in a Supreme Being;

Whereas the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him, is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself;

Whereas religion has been closely identified with the history and Government of the United States;

Whereas our national life reflects a religious people who earnestly pray that the Supreme Lawgiver guide them in every measure which may be worthy of His blessing; and

Whereas the national motto is prominently engraved in the wall above the Speaker's dais in the Chamber of the House of Representatives, appears over the entrance to the Chamber of the Senate, and is depicted on all United States coins and currency: Now therefore, be it

Resolved, That the House of Representatives encourages the display of the national motto of the United States in public buildings throughout the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 548.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield the balance of my time to the gentleman from Colorado (Mr. SCHAFFER) and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask the House to review favorably and pass favorably H. Res. 548. This is a resolution that expresses the sense of Congress that the national motto "In God We Trust" should be posted and made public in all public buildings across the country.

This is an important resolution, one which is inspired for me by Members of the Colorado State Board of Education, who just a few weeks ago adopted a State resolution encouraging the public display of the national motto "In God We Trust" in public schools throughout the State of Colorado.

The State Board of Education in my State recognized the following, that during the Civil War, in response to a public desire for recognition of the Almighty God in some form on our coins, President Abraham Lincoln signed in law on April 22, 1864, a law which introduced the motto "In God We Trust" to our national coinage.

It was on July 30, 1956, that President Dwight Eisenhower signed a law stating that the national motto of the United States is hereby declared to be "In God We Trust." The Federal courts have repeatedly upheld the constitutionality of the national motto and its uses.

It is in the public interest that the State of Colorado's Board of Education affirmed to uphold, affirm and celebrate the national heritage and the traditions and values which have been the foundation and the sustenance of our Nation as well as the elements vital to its future preservation.

Our national motto is one of which we are all proud, Mr. Speaker. In fact, it is a motto that we will find posted in a number of sites right here in the United States Capitol Building.

Across from the Capitol above the doors of the opposite body we will find the motto "In God We Trust" emblazoned above the doors there. And here in this Chamber just a few feet above where the Speaker stands, we find those encouraging words in bronze and marble, which are front and center as Members of this body stand where I am and where my colleagues are on the House floor to make various presentations of all sorts every day that the United States Congress is in session.

This motto is one that in times of peril and in times of greatness Americans frequently resort to, both as a statement of thanks and also as a statement of reassurance that goes back to our early days, that goes back to our early days which our founders composed and to the Declaration of Independence, observing that all rights and liberties that Americans enjoy, those of life, liberty, and the pursuit of happiness and other rights, are not secured by government, they are not secured by a constitution, they are not secured by a king, not given by some government authority or power of any kind.

No, in the United States, according to our Declaration, all rights that are enjoyed by the American citizens are given to us by the Almighty himself.

It was to that proposition that our Founders appealed for the rectitude of their intentions in securing that declaration and launching a great and mighty Nation.

Mr. Speaker, we have been troubled for too long a period of time with a certain amount of moral destruction and decay in our country, which results in violence from Americans against Americans, among children, among minorities, among all people who are wishing to thrive and be free and be safe and secure throughout the country.

As we struggle here in this Congress with all kinds of solutions, whether they are to try to curb violence or try to promote responsible behavior or to set the appropriate laws in place to help make our Nation more safe and secure, it is fitting that we look to our national motto, which is the most fundamental statement, in my estimation, of where the answer lies. And so, this motto is one that all Americans embrace, one that we enjoy and celebrate routinely.

But, on this day, I hope that the House will join me and the others that have cosponsored this bipartisan legislation in passing this resolution, which suggests that the motto should be prominently displayed in public buildings throughout the Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the resolution, which encourages States and localities to promote "In God We Trust" I guess in public buildings.

Mr. Speaker, we have had no hearings on this resolution. In fact, the final version of the resolution that I received has a date stamp on it, July 24, 5:11 p.m., which was just a few minutes ago the final version that we are considering now was produced. It was not even introduced until 2 weeks ago, and now here we are considering it.

This is a complicated issue when we start talking about religious freedoms. And my colleagues can notice by some of the recent Supreme Court cases, many of them 5–4, some going one way and then in the next case going the other way. We have had recent Supreme Court decisions on religious freedom, just the Texas case where they threw out the school prayer on football games on a 6–3 vote. This is a complicated issue. There are no easy answers to this. And here we are at a very short notice trying to consider this.

Mr. Speaker, I feel very sensitive to this because I come from Virginia. Virginia led the Nation in religious freedom. The Virginia Statute for Religious Freedom was the basis for the First Amendment Bill of Rights. And so, I do not take this casually.

Mr. Speaker, a few days ago we assumed the role of the United States Supreme Court when we declared that the

Ohio statute, the Ohio motto which had religious implications, was constitutional. That was an interesting exercise in light of Marbury v. Madison, a case decided by the Supreme Court a couple of centuries ago which stated that it was the Supreme Court's responsibility to declare statutes constitutional or not constitutional, not Congress's.

But, in any case, with the emergency, no hearings, here we are on the floor. We are not trying to improve Medicare with prescription drugs. We are not trying to preserve Social Security. We are not doing anything about HMO reform or juvenile crime or background checks for firearm purchases. We are here with this emergency legislation, without any hearings here on the floor, no markup in committee so that these complicated Supreme Court decisions can be analyzed so that we will know what we are doing.

Mr. Speaker, this is not unusual for this Congress. We have shown a lot of disrespect for the Constitution. As a matter of fact, in the last 2 years or so, we have tried to amend the Constitution no less than nine separate times.

We had a prayer amendment that was given consideration, campaign finance, the flag amendment, balanced budget amendment, tax limitation amendment, term limits, electoral college, victims' rights. We even had a hearing on an amendment to make it easier to amend the Constitution.

The Constitution is a foundation of American law that we all have to live under. But, of course, some people seem so privileged that they do not have to live under the same laws and same Constitution as everybody else.

In fact, just this session, when we had a case where a bank lost a case filed by the Department of Labor, instead of being subjected to the law like everybody else, the Committee on Education and Workforce reported a bill to retroactively change the law to help that bank out.

A few years ago, we settled a complex child custody case with language found in a transportation appropriations conference report.

Mr. Speaker, the Committee on the Judiciary recently reported a bill to retroactively change the law so asbestos manufacturers will not have to pay the bills run up by victims of asbestos related lung disease.

Here we are, no hearing, 2 weeks after the introduction of the bill, pretending to give consideration to this complex issue involving our fundamental religious liberties.

I would hope, Mr. Speaker, that instead of this kind of drive-by consideration that we would show more respect for our Constitution and our religious liberties by voting no on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as to the complexity of this legislation, I would differ with the description of the gentleman from Virginia (Mr. SCOTT) that this is a complex matter. In fact, it is nothing close to that, unless we try to read items such as we just heard about asbestos and banking and Medicare and drug abuse and these kinds of things into that resolution.

None of these items appear here. This is strictly on the motto that we read in front of us here on the House floor and whether it is suitable for the Congress to suggest that it be displayed in public buildings around the country.

I think as far as whether individuals need hearings to understand the importance of whether "In God We Trust" is still a useful motto for the country, I would suggest that most Members probably have a firm opinion about that at the moment. But I will concede that the date that we find on the bottom of the bill suggests it might have been introduced just a few minutes ago.

Actually, the bill has been introduced a few weeks now. This version that is in front of us now and that was moved by the gentleman from Georgia (Mr. BARR) is a corrected version. There were some errors in the legal citations of the Supreme Court references, as well as a couple erroneous dates that were mentioned here. So the version in front of us has no substantive difference from the version which has been before the House now for more than a couple of weeks.

Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I appreciate my friend the gentleman from Colorado (Mr. SCHAFFER) yielding me the time to speak on the bill and on behalf of the bill.

It is not many times I get up here and talk on the opposite side of my friend, the gentleman from Virginia (Mr. SCOTT). But in this I believe.

"In God We Trust" is our motto. We can see it above the Speaker's head right here. And it should be engraved into our national conscience. The values we teach at home and church are universal and should not be left outside the schoolhouse door or outside of where we work and play every day.

I am not afraid to say "In God We Trust" whenever and wherever I want. All Americans should have that right. However, I have long been concerned about the decline of moral values and freedoms in our society.

Recently I introduced H. Res. 551, which encourages "In God We Trust" to be posted prominently in all public and government buildings, just like it is in my own office, right next to the Ten Commandments.

I wrote H. Res. 551 with the direct assistance of Reverend Donald Wildman of the American Family Association. It is a bipartisan measure with 23 cosponsors on the bill. However, today we have H. Res. 548, the bill on the floor today.

This is an issue too important to let partisan politics get in the way, so I have added my name as a cosponsor of this bill, H. Res. 548, as a gesture of unity and bipartisanship.

Mr. Speaker, I appreciate my colleagues making "In God We Trust" our priority in Congress. Let us adopt the "In God We Trust" resolution today for our families, for our Nation, and let us encourage a public display of "In God We Trust."

Mr. SCHAFFER. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make a comment about the complexity of this particular issue.

□ 1745

A simple question as to whether or not you can have a religious display during Christmas season. We have had 5–4 Supreme Court decisions saying in some cases you can, in some cases you cannot.

When and how you can pray in school. We have had cases that say sometimes you can, sometimes you cannot. The Department of Education in that case has published a pamphlet to show localities exactly what the state of the law is and how you can have certain prayers in schools, under what conditions, so that there is some guidance.

We are inviting localities and States into this quagmire without any guidance at all, just inviting lawsuits. That is why we should show more respect for our Constitution and the Bill of Rights by voting "no" on this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Right here on our American currency, we find the motto we are debating here today, "In God We Trust." There is nothing controversial about it. This is the motto that is on all American currency. It is something we live with routinely in the United States. In fact, it is one of the reasons I submit, the meaning of it, that we are the great and mighty Nation that we are today. This is not something to be afraid of or ashamed of. This is a motto we should be quite proud of and be proud to display it around the country.

As to whether the Supreme Court has come close to even ruling on "In God We Trust," the reality is they have considered the national motto and its relevance and its constitutionality, and that is the basis of many of the findings in the resolution itself. There are several cases that I would refer the gentleman to and other Members who are interested in the Supreme Court's record on the national motto.

There is Lynch v. Donnelly from 1984. There is also Engel v. Vitale, which is a more recent case. There is Abington v. Schempp; Gaylor v. The United States, a more recent Supreme Court decision about displaying and teaching of the motto to public school children has a valid secular purpose.

And so our Supreme Court has ruled on this question over and over and over again. It has no relationship whatsoever to the examples that my good friend and colleague had cited. This is our national motto, not a prayer, not promotion of some religion. This is a motto about the same God, the same sentiment, the same beliefs that our Founders incorporated in the Declaration of Independence, ultimately our Constitution, that is incorporated into the prayer that we open up the House Chamber with every day and the motto which we see right before us in bronze lettering embedded in the marble right here in front of us, "In God We Trust."

I concede that there may be some who do not, but as a Nation, as a whole, this is not a controversial statement of any kind. This is one of the key mottos, the key phrases and statements and motto that unites us as a people and has made us the greatest country on the planet. We should not run from it. We should endorse it and embrace it and suggest that the same motto that is on the currency we spend every day is one that we are greeted with in every public building across the country.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and agree to the resolution, House Resolution 548, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

WEKIVA WILD AND SCENIC RIVER ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2773) to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Rock Springs Run and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system, as amended.

The Clerk read as follows:

H.R. 2773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wekiva Wild and Scenic River Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Public Law 104-311 (110 Stat. 3818) amended section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) to require the study of the Wekiva River and its tributaries of Rock Springs Run and Seminole Creek for potential inclusion in the national wild and scenic rivers system.

(2) The study determined that the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek are eligible for inclusion in the national wild and scenic rivers system.

(3) The State of Florida has demonstrated its commitment to protecting these rivers and streams by the enactment of the Wekiva River Protection Act (Florida Statute chapter 369), by the establishment of a riparian wildlife protection zone and water quality protection zone by the St. Johns River Water Management District, and by the acquisition of lands adjacent to these rivers and streams for conservation purposes.

(4) The Florida counties of Lake, Seminole, and Orange have demonstrated their commitment to protect these rivers and streams in their comprehensive land use plans and land development regulations.

(5) The desire for designation of these rivers and streams as components of the national wild and scenic rivers system has been demonstrated through strong public support, State and local agency support, and the endorsement of designation by the Wekiva River Basin Ecosystem Working Group, which represents a broad cross section of State and local agencies, landowners, environmentalists, nonprofit organizations, and recreational users.

(6) The entire lengths of the Wekiva River, Rock Springs Run, and Black Water Creek are held in public ownership or conservation easements or are defined as waters of the State of Florida.

SEC. 3. DESIGNATION OF WEKIVA RIVER AND TRIBUTARIES, FLORIDA, AS COMPONENTS OF NATIONAL WILD AND SCENIC RIVERS SYSTEM.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(161) WEKIVA RIVER, WEKIWA SPRINGS RUN, ROCK SPRINGS RUN, AND BLACK WATER CREEK, FLORIDA.—The 41.6-mile segments referred to in this paragraph, to be administered by the Secretary of the Interior:

"(A) WEKIVA RIVER AND WEKIWA SPRINGS RUN.—The 14.9 miles of the Wekiva River, along Wekiwa Springs Run from its confluence with the St. Johns River to Wekiwa Springs, to be administered in the following classifications:

"(i) From the confluence with the St. Johns River to the southern boundary of the Lower Wekiva River State Preserve, approximately 4.4 miles, as a wild river.

"(ii) From the southern boundary of the Lower Wekiva River State Preserve to the northern boundary of Rock Springs State Reserve at the Wekiva River, approximately 3.4 miles, as a recreational river.

"(iii) From the northern boundary of Rock Springs State Reserve at the Wekiva River to the southern boundary of Rock Springs State Reserve at the Wekiva River, approximately 5.9 miles, as a wild river.

"(iv) From the southern boundary of Rock Springs State Reserve at the Wekiva River upstream along Wekiwa Springs Run to Wekiwa Springs, approximately 1.2 miles, as a recreational river.

"(B) ROCK SPRINGS RUN.—The 8.8 miles from the confluence of Rock Springs Run with the Wekiwa Springs Run forming the Wekiva River to its headwaters at Rock Springs, to be administered in the following classifications:

"(i) From the confluence with Wekiwa Springs Run to the western boundary of Rock Springs Run State Reserve at Rock Springs Run, approximately 6.9 miles, as a wild river.

"(ii) From the western boundary of Rock Springs Run State Reserve at Rock Springs Run to Rock Springs, approximately 1.9 miles, as a recreational river.

"(C) BLACK WATER CREEK.—The 17.9 miles from the confluence of Black Water Creek with the Wekiva River to outflow from Lake Norris, to be administered in the following classifications:

"(i) From the confluence with the Wekiva River to approximately .25 mile downstream of the Seminole State Forest road crossing, approximately 4.1 miles, as a wild river.

"(ii) From approximately .25 mile downstream of the Seminole State Forest road to approximately .25 mile upstream of the Seminole State Forest road crossing, approximately .5 mile, as a scenic river.

"(iii) From approximately .25 mile upstream of the Seminole State Forest road crossing to approximately .25 mile downstream of the old railroad grade crossing (approximately River Mile 9), approximately 4.4 miles, as a wild river.

"(iv) From approximately .25 mile downstream of the old railroad grade crossing (approximately River Mile 9), upstream to the boundary of Seminole State Forest (approximately River Mile 10.6), approximately 1.6 miles, as a scenic river.

"(v) From the boundary of Seminole State Forest (approximately River Mile 10.6) to approximately .25 mile downstream of the State Road 44 crossing, approximately .9 mile, as a wild river.

"(vi) From approximately .25 mile downstream of State Road 44 to approximately .25 mile upstream of the State Road 44A crossing, approximately .6 mile, as a recreational river.

"(vii) From approximately .25 mile upstream of the State Road 44A crossing to approximately .25 mile downstream of the Lake Norris Road crossing, approximately 4.7 miles, as a wild river.

"(viii) From approximately .25 mile downstream of the Lake Norris Road crossing to the outflow from Lake Norris, approximately 1.1 miles, as a recreational river.".

SEC. 4. SPECIAL REQUIREMENTS APPLICABLE TO WEKIVA RIVER AND TRIBUTARIES.

(a) DEFINITIONS.—In this section and section 5:

(1) WEKIVA RIVER SYSTEM.—The term "Wekiva River system" means the segments of the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida designated as components of the national wild and scenic rivers system by paragraph (161) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by this Act.

(2) COMMITTEE.—The term "Committee" means the Wekiva River System Advisory Management Committee established pursuant to section 5.

(3) COMPREHENSIVE MANAGEMENT PLAN.—The terms "comprehensive management plan" and "plan" mean the comprehensive management plan to be developed pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) COOPERATIVE AGREEMENTS.—

(1) USE AUTHORIZED.—In order to provide for the long-term protection, preservation,

and enhancement of the Wekiva River system, the Secretary shall offer to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Florida, appropriate local political jurisdictions of the State, namely the counties of Lake, Orange, and Seminole, and appropriate local planning and environmental organizations.

(2) EFFECT OF AGREEMENT.—Administration by the Secretary of the Wekiva River system through the use of cooperative agreements shall not constitute National Park Service administration of the Wekiva River system for purposes of section 10(c) of such Act (10 U.S.C. 1281(c)) and shall not cause the Wekiva River system to be considered as being a unit of the National Park System. Publicly owned lands within the boundaries of the Wekiva River system shall continue to be managed by the agency having jurisdiction over the lands, in accordance with the statutory authority and mission of the agency.

(c) COMPLIANCE REVIEW.—After completion of the comprehensive management plan, the Secretary shall biennially review compliance with the plan and shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate any deviation from the plan that could result in any diminution of the values for which the Wekiva River system was designated as a component of the national wild and scenic rivers system.

(d) TECHNICAL ASSISTANCE AND OTHER SUPPORT.—The Secretary may provide technical assistance, staff support, and funding to assist in the development and implementation of the comprehensive management plan.

(e) LIMITATION ON FEDERAL SUPPORT.—Nothing in this section shall be construed to authorize funding for land acquisition, facility development, or operations.

SEC. 5. WEKIVA RIVER SYSTEM ADVISORY MANAGEMENT COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, to be known as the Wekiva River System Advisory Management Committee, to assist in the development of the comprehensive management plan for the Wekiva River system.

(b) MEMBERSHIP.—The Committee shall be composed of a representative of each of the following agencies and organizations:

(1) The Department of the Interior, represented by the Director of the National Park Service or the Director's designee.

(2) The East Central Florida Regional Planning Council.

(3) The Florida Department of Environmental Protection, Division of Recreation and Parks.

(4) The Florida Department of Environmental Protection, Wekiva River Aquatic Preserve.

(5) The Florida Department of Agriculture and Consumer Services, Division of Forestry, Seminole State Forest.

(6) The Florida Audubon Society.

(7) The nonprofit organization known as the Friends of the Wekiva.

(8) The Lake County Water Authority.

(9) The Lake County Planning Department.

(10) The Orange County Parks and Recreation Department, Kelly Park.

(11) The Seminole County Planning Department.

(12) The St. Johns River Water Management District.

(13) The Florida Fish and Wildlife Conservation Commission.

(14) The City of Altamonte Springs.

(15) The City of Longwood.

(16) The City of Apopka.

(17) The Florida Farm Bureau Federation.

(18) The Florida Forestry Association.

(c) ADDITIONAL MEMBERS.—Other interested parties may be added to the Committee by request to the Secretary and unanimous consent of the existing members.

(d) APPOINTMENT.—Representatives and alternates to the Committee shall be appointed as follows:

(1) State agency representatives, by the head of the agency.

(2) County representatives, by the Boards of County Commissioners.

(3) Water management district, by the Governing Board.

(4) Department of the Interior representative, by the Southeast Regional Director, National Park Service.

(5) East Central Florida Regional Planning Council, by Governing Board.

(6) Other organizations, by the Southeast Regional Director, National Park Service.

(e) ROLE OF COMMITTEE.—The Committee shall assist in the development of the comprehensive management plan for the Wekiva River system and provide advice to the Secretary in carrying out the management responsibilities of the Secretary under this Act. The Committee shall have an advisory role only, it will not have regulatory or land acquisition authority.

(f) VOTING AND COMMITTEE PROCEDURES.—Each member agency, agency division, or organization referred to in subsection (b) shall have 1 vote and provide 1 member and 1 alternate. Committee decisions and actions will be made with consent of ¾ of all voting members. Additional necessary Committee procedures shall be developed as part of the comprehensive management plan.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and paragraph (161) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2773 adds the Wekiva River and many of its tributaries to the wild and scenic rivers system. The gentleman from Florida (Mr. MCCOLLUM) is to be commended for his bill, which is the product of extensive public involvement and has the endorsement of a variety of State, local, and Federal governments. H.R. 2773 sets apart over 40 miles of Florida rivers as wild and scenic and in doing so extends existing riparian and water protection zones.

In 1996, Mr. Speaker, Congress passed a law which directed the Secretary of the Interior to study the inclusion of these segments as wild and scenic rivers. The study has been completed and concluded that the river segments contained in this bill are eligible for inclusion into the wild and scenic rivers system. Administration of the river segments will be done by the Secretary of the Interior in cooperation with the State of Florida and Lake, Orange, and Seminole Counties. H.R. 2773 also establishes the Wekiva River System Advisory Committee, which will assist in the development of a comprehensive management plan.

Mr. Speaker, I urge my colleagues to support H.R. 2773, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2773 would amend the Wild and Scenic Rivers Act to make the Wekiva River in Central Florida, as well as several of its tributaries, components of the wild and scenic rivers system. Congress authorized a study of the river in 1996 to determine whether it met the criteria for addition to the wild and scenic rivers program. The study found that it did. There is a great deal of local support for conferring this status on the Wekiva; and in addition to this Federal designation, the Wekiva already benefits from important State and local protections.

During consideration of this measure by the Subcommittee on National Parks and Public Lands, an amendment in the nature of a substitute was adopted which made a number of technical changes to the bill, the majority of which are suggested by the National Park Service. With these changes, we support the legislation and urge our colleagues to approve H.R. 2773.

Mr. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 2773, the Wekiva Wild and Scenic River Act. This legislation designates the Wekiva River and its tributaries for inclusion in the National Wild and Scenic Rivers System.

Floridians are blessed with some of the most rich and engaging natural resources in the world. Every year thousands of people come to Florida to enjoy the ocean as well as our many lakes and rivers. Located in Central Florida, the Wekiva River Basin in a complex ecological system of rivers, springs, lakes, and streams with many indigenous varieties of vegetation and wildlife which are dependent on this water system. Included in this area are several distinct recreational, natural, historic and cultural resources that make the Wekiva River an excellent addition to the National Wild and Scenic Rivers System. So, it is with great pride that I bring this legislation to the floor for its consideration before the House of Representatives.

First, I would like to take a moment to thank Mr. David Sukkert who brought this issue to my attention years ago. He has been an asset to my staff; illuminating the significance of this beautiful river so that the nation can recognize the environmental treasure we have in Central Florida. I would also like to thank the Friends of the Wekiva, the St. Johns Water Management District, and the Florida Department of Environmental Protection who have been instrumental in this process; I truly appreciate their significant contribution to the Wekiva River.

Growing up, I spent many afternoons with my father canoeing and fishing on Florida's pristine waterways. As they were growing, I took my own sons to experience the same surroundings on the Wekiva River. In this beautiful and serene setting a multitude of species find their refuge. Avid bird watchers travel to the area to catch a glimpse of a few of the 213 different species of birds that are said to be native to the area. The Wekiva area is also home to our national bird, the bald eagle, with 4 active nests. Within the Wekiva River GEOPark, there are 6 threatened or endangered species, including the American Alligator. Not only is the Wekiva River and important wildlife refuge, it also has a deep historical importance. Scientists have found fragments of pottery dating back to the aboriginal period when the Seminole Indians lived in the area.

For more than 30 years, the National Wild and Scenic Rivers Act has safeguarded some of the nation's most precious rivers. In October of 1968, The Wild and Scenic Rivers Act pronounced that certain selected rivers of the nation that possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they shall be protected for the benefit and enjoyment of present and future generations. Designated rivers receive protection to preserve their-free-flowing condition, to protect the water quality and to fulfill other vital national conservation purposes.

In the 104th Congress, I introduced legislation which was signed into law to authorize a study of the Wekiva River by the Department of Interior to determine whether it would be eligible and suitable for inclusion in the National Wild and Scenic Rivers System. The National Parks Service completed this study and concluded that the Wekiva River system was an excellent candidate for receiving this designation.

This legislation would allow the Wekiva and its tributaries to join the Loxahatchee as Florida's second river to receive this designation. The Wekiva Wild and Scenic Rivers Act of 1999 provides Congressional designation of 41.6 miles of eligible and suitable portions of the Wekiva River, Rock Springs Run, Wekiwa Springs Run, and Black Water Creek with State management and the establishment of a coordinated Federal, State, and local management committee. As the report states, the Wekiva River area provides "outstandingly remarkable resources" which makes it eligible for this national designation.

Therefore, I thank Congressmen HANSEN and YOUNG for their efforts in bringing this measure to the floor. I enthusiastically support H.R. 2773, the Wekiva Wild and Scenic Rivers Act, and encourage my colleagues to vote in support of this important legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2773, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GRANTING CONSENT OF CONGRESS TO KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4700.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4700, on which the yeas and nays are ordered.

The de novo vote on H.R. 2773 is postponed until tomorrow.

The vote was taken by electronic device, and there were—yeas 376, nays 1, not voting 57, as follows:

[Roll No. 429]

YEAS—376

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Snyder
Souder
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker

Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Chenoweth-Hage

NOT VOTING—57

Armey
Baca
Barton
Bateman
Burton
Clay
Coburn
Cook
Cramer
Danner
Doolittle
Engel
Ewing
Fattah
Fowler
Franks (NJ)
Gilman
Granger
Hefley
Hilleary
Jenkins
Kennedy
Lampson
Lazio
Maloney (NY)
McCollum
McIntosh
Meeks (NY)
Menendez
Miller, Gary
Mollohan
Morella
Murtha
Norwood
Ose
Owens
Payne
Pombo
Porter
Rahall
Rogan
Salmon
Sessions
Slaughter
Smith (TX)
Smith (WA)
Spence
Stark
Stearns
Sweeney
Taylor (NC)
Tierney
Vento
Waters
Watkins
Wise
Young (FL)

□ 1828

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PORTER. Mr. Speaker, due to a public forum in my district today, I was absent for the vote on H.R. 4700, legislation to grant consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact. Had I been present, I would have voted in the affirmative for H.R. 4700.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1167. An act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

MAKING IN ORDER ON JULY 25, 2000, OR ANY DAY THEREAFTER, CONSIDERATION OF H.J. RES. 99, DISAPPROVING EXTENSION OF MOST FAVORED NATION TRADING STATUS TO VIETNAM

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time on July 25, 2000, or any day thereafter, to consider in the House the joint resolution (H.J. Res. 99) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974, with respect to Vietnam; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for one hour, equally divided and controlled by the chairman of the Committee on Ways and Means in opposition to the joint resolution and a Member in support of the joint resolution; that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder of the second session of the One Hundred Sixth Congress.

□ 1830

Mr. Speaker, let me say it is the intention of this unanimous consent request that the 1 hour of debate be yielded fairly between Members of the majority and minority parties on both sides of this issue.

The SPEAKER pro tempore (Mr. KUYKENDALL). Is there any objection to the request of the gentleman from California?

There was no objection.

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 562) providing for the concurrence by the House, with amendments, in the Senate amendment to H.R. 1167.

The Clerk read as follows:

H. RES. 562

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 1167) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes, and the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Page 14, line 12, strike "(or of such other agency)".

(2) Page 15, line 1, insert "so" after "functions".

(3) Page 19, line 4, insert "other provisions of law," after "section 106".

(4) Page 20, line 6, strike "305" and insert "505".

(5) Page 31, line 23, strike "may" and insert "is authorized to".

(6) Page 39, strike lines 7 through 14, and insert the following:

"(g) WAGES.—All laborers and mechanics employed by contractors and subcontractors (excluding tribes and tribal organizations) in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects funded by the United States under this Act shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494). With respect to construction alteration, or repair work to which the Act of March 3, 1931, is applicable under this section, the Secretary of Labor shall have the authority and functions set forth in the Reorganization Plan numbered 14, of 1950, and section 2 of the Act of June 13, 1934 (48 Stat. 948).

(7) Page 39, strike line 24 and all that follows through page 40, line 6, and insert the following:

"Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions of the Office of Federal Procurement and Policy Act (41 U.S.C. 401 et seq.) and Federal acquisition regulations in any funding agreement entered into under this part. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply.

(8) Page 41, line 1, insert a comma after "Executive orders".

(9) Page 49, strike lines 4 through 10.

(10) Page 56, beginning on line 21, strike "for fiscal years 2000 and 2001".

(11) Page 60, line 6, strike "(a) IN GENERAL.—".

(12) Page 60, strike lines 9 and 10.

(13) Page 60, strike line 16 and all that follows through page 65, line 16.

(14) Page 65, line 17, strike "**SEC. 13.**" and insert "**SEC. 12.**".

(15) Page 66, after line 7, insert the following:

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous materials, on H. Res. 562.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this legislation that we have been working on for 4 years. H.R. 1167, the proposed Tribal Self-Governance Amendments of 2000, creates a new title in the 1975 Indian Self-Determination Act, a statute which allows Indian tribes to contract for or take over the administration and operation of certain Federal programs which provide services to Indian tribes.

Subsequent amendments created title III in the 1975 act to provide for a self-governance demonstration project within the Indian Health Service which allows for large scale tribal self-governance compliance and funding agreements on a demonstration basis.

H.R. 1167 makes this demonstration contracting program permanent for certain programs contracted within the IHS if this legislation is enacted into law.

Indian and Alaskan native tribes will be able to contract for the operation, control and redesign of various IHS activities on a permanent basis. In short, what was a demonstration project would become a permanent IHS self-governance program. Tribes which have already contracted for IHS services under existing law will continue under the provisions of their contracts while an additional 50 new tribes would be selected each year to enter into contracts.

H.R. 1167 also allows for a feasibility study regarding the execution of tribal self-governance compacts and funding agreements of Indian-related programs outside the IHS but within the Department of Health and Human Services on a demonstration project basis.

H.R. 1167 is an important piece of legislation which is a result of extensive negotiations between the Committee on Resources, the Committee on Indian Affairs in the other body, the Indian Health Service, the Department of Justice, the Department of Labor, and a special task force representing the many Indian tribes around the Nation.

After negotiations and some minor changes, we have all reached agreement. It is my understanding that H. Res. 562, as it is now being considered by us today, incorporates H.R. 1167 as it has been agreed to by everybody working on the bill, including administration officials and tribal representatives.

I support this legislation as we have amended it and urge my colleagues to pass it today and send it back to the other body so that the other body will again have the opportunity to pass it in its final form and send it to the President.

Mr. Speaker, I submit the following exchange of letters for inclusion in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 5, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, Washington, DC.

DEAR MR. CHAIRMAN: On November 17, 1999, the House of Representatives passed H.R. 1167, a bill to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes. This noncontroversial bill had been referred solely to the Committee on Resources. On April 4, 2000, the Senate amended the bill and returned it to the House. Section 12 of the Senate amendments establishes the office of the Assistant Secretary for Indian Health in the Department of Health and Human Services. I believe this provision affects the jurisdiction of the Committee on Commerce, as demonstrated by the referral of H.R. 403, which accomplishes the same end, to the Committee on Resources and additionally to the Committee on Commerce.

I propose to concur in the Senate amendments to H.R. 1167 with an amendment which would strip out Section 12. I ask your coöperation in allowing this to occur when we return after the Memorial Day district work period. My understanding is that the Senate would then take up the amended version of H.R. 1167 and send it to the President for signature.

Of course, by allowing this to occur, the Committee on Commerce does not waive its jurisdiction over Section 12 or any other similar matter. If the Senate insists on its amendments and requests a conference, I would support the Committee on Commerce's request to be named to the conference. Finally, this action should not be seen as precedent for any other Senate amendments to Committee on Resources bills which affect the Committee on Commerce's jurisdiction. I would be pleased to place this letter and your response in the CONGRESSIONAL RECORD during consideration of the bill on the Floor to document this agreement.

I appreciate your cooperation in moving this bill, which is very important to the Native American community.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, June 6, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR DON: Thank you for your recent letter regarding H.R. 1167, a bill to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Commerce jurisdiction over public health and quarantine. Accordingly, you are correct in your conclusion that section 12 of H.R. 1167, as amended by the Senate, falls within the jurisdiction of the Committee on Commerce.

Because of the importance of this legislation and your commitment to strike those matters within the jurisdiction of the Committee on Commerce when the bill comes to the floor, I will not exercise the Committee's right to a sequential referral. I appreciate your acknowledgment that by agreeing to waive its consideration of the bill, the Committee on Commerce does not waive its prerogatives with respect to this legislation or similar legislation, including authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. Thank you for your commitment to support any request by the Commerce Committee for conferees on H.R. 1167 or similar legislation.

I request that you include this letter and your response as part of the RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the third time this important piece to the ongoing struggle for Indian tribes to provide governmental services to their membership has been before us. This bill provides a process through which tribes shall step into the shoes of the Federal Government and administer programs to their members previously run by the Indian Health Service.

Similar legislation passed the House in the 105th Congress and again just last November when we passed H.R. 1167. The bill has passed the Senate, and today we are here to agree to changes we have worked out with the Senate. This is one of, if not the most, important pieces of legislation this Congress will pass affecting American Indian tribes as it reaffirms our commitment to tribal self-governance.

The nature of self-governance is rooted in the inherent sovereignty of American Indian and Alaska Native tribes. From the founding of this Nation, Indian tribes and Alaska Native villages have been recognized as distinct, independent, political communities exercising powers of self-government, not by virtue of any delegation of powers from the Federal Government but rather by virtue of their innate sovereignty. The tribes' sovereignty predates the founding of the United States and its Constitution and forms the backdrop against which the United States has continually entered into a relationship with Indian tribes and Native villages.

We did not make any changes to the bill as it passed the Senate. We decided to delete a section of the bill relating to the application of the FLRA, which is further addressed in the more appropriate setting. Language included in the bill permits tribes to receive waivers from certain regulations to help tribes administer certain programs. We are all agreed, however, that this language does not alter the obligation of the Indian tribes to comply fully with the laws enacted by Congress.

I want to thank the gentleman from Alaska (Mr. YOUNG) and all the members of the committee and all of the Indian tribes who worked so hard on this legislation, the Indian Health Service, and our friends in the other body who labored long and hard to get us where we are today, and I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague and friend, the gentleman from California (Mr. GEORGE MILLER), for his leadership and support on this very important piece of legislation.

Mr. GIBBONS. Mr. Speaker, we have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and agree to the resolution, H. Res. 562.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WEKIVA WILD AND SCENIC RIVER ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2773, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2773, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.".

A motion to reconsider was laid on the table.

REMEMBERING OUR HEROES, JACOB J. CHESTNUT AND JOHN M. GIBSON

(Mr. DELAY asked and was given permission to address the House for 5 minutes.)

Mr. DELAY. Mr. Speaker, today is a time of remembrance and deep appreciation. It was 2 years ago that we lost our brave friends, J.J. Chestnut and John Gibson. As we recall their sacrifices, I wish to place the accomplishments of these two great heroes into a larger context.

The shock of tragedy we all felt at their loss has grown into the deeper pain of longing. We wonder how can it be that God chooses to allow tragedy to visit the homes of good people, people we honor, love and respect? This we cannot know.

Scripture teaches that God pursues his own purpose in his own time.

But there are questions we can answer. What did these men live for? What drove them to revere their work and to carry out their duty even in the face of terrible danger?

The simple truth is that they lived to defend freedom that is cherished and loved by us all. This passion for liberty is the foundation of our democracy. It is the sturdiest support upholding democracy across the globe.

These officers loved their jobs despite the risks because they embraced a broader commitment to a most noble purpose. In doing so, Detective Gibson and Officer Chestnut have taken their place in the continuum of freedom.

From the New England farmers who routed the British on the road to Saratoga to the volunteers who marched south to San Antonio, as the determined men who charged into destiny at Gettysburg, Americans have always answered freedom's summons. From the fearless defenders of Corregidor, to the besieged ranks of guarding the Chosin Reservoir, to the GIs in the heat of the Ia Drang Valley, the call has been answered.

From our sailors under the strange stars of distant oceans, to our pilots flying above the hostile lights of unfamiliar lands, the work of freedom goes on. From the Marine stationed at a tiny embassy in a strife-torn nation, to the officers on duty today under the dome of this Capitol, the tradition endures and America goes on.

It is a continuous line of Americans demanding the most from themselves, freedom for our Nation and the best for this world.

This unwavering commitment is the foundation of our democracy.

In Paul's letter to the Corinthians he states, "If any man builds on this foundation using gold, silver or costly stones, wood, hay or straw, his work will be shown for what it is because the day will bring it to light. It will be revealed with fire and the fire will test the quality of each man's work. If what he has built survives, he will receive his reward."

Mr. Speaker, these men were tested. They endured the flames. Their work still stands, and I know in my heart that having received their reward they are now enjoying a peace and joy beyond our worldly understanding.

God bless John Gibson and J.J. Chestnut and their families. Let us never forget their awesome sacrifice.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INDONESIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Speaker, I rise today to protest the widespread violence and killing of innocent people occurring daily in the Malukus, the Spice Islands and Ambon in Indonesia.

The mass killings in Ambon are deeply disturbing. There are members within the current Indonesia government and former government and the military who do not care how many innocent lives are stamped out. These people simply care about their ultimate goal of controlling Indonesian society and keeping their hold on power. It is deeply disturbing and offensive, Mr. Speaker, that these individuals would allow this. They are in the same league as those who ordered the deaths of innocent people in the concentration camps of World War II:

Horrifying reports and photos arrive each day in my office. I have photos of destroyed homes, businesses, churches, places of worship. I have photos of men, women, children, lying in streets with severed limbs, heads blown off, photos much too graphic to bring to the House floor.

Mr. Speaker, I traveled to Indonesia at the end of May, met with various leaders, including President Wahid and leaders from both the Christian and Muslim communities.

□ 1845

They long for peace to reign again. But it seems impossible because of numerous reports of behind-the-scenes maneuvers by Suharto, Habibie, their cronies, various military officers and others who want to destabilize the present government.

These former government leaders and military leaders are really people with no hearts. Why do I say that? Because only uncivilized people could coldly and callously calculate to cause the deaths of whole societies simply to maintain their power.

Mr. Speaker, the mass killings continue. Day after day, more and more people in these islands become refugees with no access to food, clothing, medicine or shelter.

Reports suggest that the tension in the Malukus is not simply an economic issue; it is a religious issue as well. Members of the more extremist Islamic community, including the current leader of the People's Consultative Assembly, Dr. Amien Rais, openly have supported calls for "jihad" or an Islamic holy war against the Christians and other religious minorities in Indonesia.

The influx of Laskar Jihad fighters into Maluku has only happened through complexity of members of the military who have allowed a mass influx of men and arms into the Ambonese communities.

Mr. Speaker, I would like to share a couple of excerpts from letters and reports that we have received:

"Before the military arrived, we were fine. There was no fighting. They came and the attacks came with them. When we were boarding the evacuation ship, the soldiers had stolen most of our things, including our rings, necklaces, et cetera, and sold them in front of us for almost nothing. A chain saw that costs several hundred dollars was sold for $10. If we carried two bags of clothes to bring, they threw one out. We took only part of what we had fled with. The clothes I have on are the only ones I now own. This shirt I wore during the attacks. I had no long pants."

"For the 3 days of the fighting, soldiers were shooting at us, many of them died. Two of our kids died. One was handicapped, and the soldiers hung him and burned him alive. These two had not died in the fighting; it was after when the soldiers rounded us up. The soldiers murdered these two."

"The attacks continued until the evening the 3rd of July in the village. The next day, the attack continued. When it was known that the mobs planned to burn down the university, the villagers again asked the military's help to stop the mobs. Again, the request was ignored with the excuse that there are villagers, civil security personnel, and the students regiment who could guard the university campus."

Here is an AP article from July 17: "The leaders of an armed Muslim militia have vowed to rid the islands of Christians. Most members come from Indonesia's central island of Java, and its leaders are Suharto supporters. In the television footage, many of the Muslim militants can be clearly heard speaking Javanese as they plan their attack on Christian parts of Ambon.

"In television footage shot over the weekend . . . Indonesian soldiers are seen fighting alongside hundreds of Muslim militants in Ambon. Many of the extremists were filmed carrying military-issue assault rifles."

Mr. Speaker, out of desperation, many community leaders from Ambon have urged the international community to help stop these continued killings by bringing in U.N. observers and peacekeepers and boycotting Indonesian businesses involved in supporting the destruction of the Malukus.

Mr. Speaker, we should not stand idly by and watch while the death count continues to rise. Our Nation should not do business with businesses supporting this bloodshed. We are starting our military assistance again. We should not lend our military expertise to military officers who approve of the killing of innocent women and children. We have laws that impose sanctions on Nations that allow persecution of ethnic and religious groups.

I call on Members to join me in sending a letter to President Wahid and President Clinton. I call on the Indonesian and U.S. Governments to act immediately to stop the killings and bring to justice the parties responsible for this reign of terror.

A TRIBUTE TO BENJAMIN FRANKLIN DILLINGHAM III

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to recognize and honor one of the most outstanding citizens of San Diego, California.

Benjamin Franklin Dillingham III, or Ben as he is known to his many friends in San Diego, will be honored this Sunday at a community tribute banquet in San Diego. A community leader and philanthropist; former chief of staff to our mayor, Maureen O'Connor; a captain in the United States Marine Corps; Ben is currently serving as chief financial officer for Patient Care Incorporated, reflecting his deep interest in providing quality health care for all.

Ben was born in Honolulu, a fourth generation islander. His father, Ben II, was the general manager of the Oahu Railway and Land Company. His mother, Frances Andrews, is the daughter of Vice Admiral and Mrs. Adolphus Andrews of Denison, Texas.

Ben received his B.A. degree cum laude and his master's in business administration both from Harvard University. Upon graduation from Harvard Business School with distinction, he was commissioned a second lieutenant in the Marine Corps; and while in Vietnam, he was promoted to first lieutenant.

When he returned to the United States, he began training recruits at Marine Corps Recruit Depot in San Diego and was promoted to captain while at MCRD. He was given orders to Advanced Armor School conducted by the United States Army at Fort Knox and graduated, typically, at the top of his class before returning to duty with the Marines. Ben finished his service as a division training officer and then drove across country to establish residence in San Diego, California.

Here in San Diego, he was recognized as a true community leader. Prior to his work as chief of staff for the mayor, he also worked for General Dynamics, Convair Division, and the Metropolitan Transit Development Board.

Mr. Speaker, his service to the community is broad and spans a number of organizations. He has served as a member of the Marine Corps Association, the United States Armor Association, the Navy League, the Hawaiian Mission Children's Society, the Center for Social Services, the Greater San Diego Business Association, the Metropolitan Community Church of San Diego, the United Way, the Diversity Committee, the San Diego Human Dignity Foundation, the San Diego Scholarship Foundation, and the County AIDS Service Advisory Panel.

He has been a board chair of the AIDS Foundation of San Diego and the County of San Diego AIDS Services Advisory Panel, and he has served as a board member of the Episcopal Community Services, L.I.F.E. Foundation, AIDS Project, and the San Diego Scholarship Foundation.

Aside from all of these memberships and board leaderships, he has numerous honors from across the city. His military awards include the Bronze Star Medal with Combat "V" for Vietnam Service and the Army Commendation Medal at the Armor Officer Advance Course at Fort Knox. His civilian recognition includes Man of the Year, the San Diego Lesbian/Gay Pride Festival; the Human Rights Campaign Fund Crystal Torch Award; the Log Cabin Club Pursuit of Happiness Award; the Brad Truax Presidential Award; the Stan Berry Award; and the Harvey Milk Memorial Award at the Nickys; the Harvey Milk Democratic Club Human Rights Award, and the San Diego AIDS Project Celebration of Life Award.

Mr. Speaker, I want to take this opportunity to thank Ben Dillingham III for his tenacity in the fight for progressive causes; his commitment to the struggle for human rights; his belief in the importance of access to government, education, and health care for every member of our society; his outstanding service to the City of San Diego; and his significant contribution to our community as a whole.

Mr. Speaker, I am truly proud to call Ben my friend.

CELEBRATING THE TENTH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, we are now celebrating the 10th year anniversary of the Americans with Disabilities Act. I rise this evening to not only celebrate this landmark occasion, but also to acknowledge my unwavering support of the Americans with Disabilities Act, known as ADA, and the future of this legislation.

Just a few days ago, I signed a pledge of support for the American Association of People With Disabilities, thereby affirming my belief that we need an America that lives up to the promise of liberty, opportunity, and justice for all.

The ADA advocates for our Nation's more than 43 million citizens with disabilities. In the Seventh District of Illinois, there are over 35,000 people with disabilities under the age of 65, and over 20,000 people with disabilities 65 years or older.

Mr. Speaker, I would like to share a few thoughts regarding the principles of the ADA and its successes over the last 10 years.

First of all, the ADA seeks to break down stereotypes and misconceptions about people with disabilities by including them in the progress and prosperity of our Nation. Equal opportunity, full participation in society, employment opportunities, independent living, and economic self-sufficiency are the guiding principles of the ADA.

Today, we are seeing a more inclusive and integrated society as a result of the ADA. People with disabilities are getting jobs that they want and for which they are well qualified. The Global Strategy Group Survey found in October of 1995 that 75 percent of companies with 51 to 200 employees are now hiring people with disabilities. From 1991 to 1994, 800,000 persons with severe disabilities joined the workforce. Public transportation changes and curb cuts are widespread. Accommodations in hotels, restaurants, and stores are becoming more and more accessible. Telecommunications for people who are deaf and hard of hearing is becoming a reality. People who are blind can receive information in a format they can use.

So successes from the ADA are visible today, and I hope that we continue to use these gains as a baseline for future work to liberate those who live in confining conditions and who want to be more integrated into society.

Mr. Speaker, along that line, I am pleased to note that I am the sponsor of the MiCASSA bill, which would bring our Nation's Medicaid system into accord with the principles set forth by the ADA. This bill will allow individuals with developmental and other disabilities to use Medicaid funding for home-based and community-based services, not just for confining medical institutions. I believe this will strengthen the existing infrastructure set forth by the ADA and the Developmental Disabilities Act.

Mr. Speaker, we are not yet where we want to be, but thank God we are not where we were 10 years ago. We still have much progress to make. However, I am pleased to be here today to offer my unwavering support for our people who live and work daily with disabilities. I am proud that as a result of the ADA, many people with disabilities are now thriving, productive members of society, and looking forward to the future with glee and anticipation.

HONORING LIEUTENANT COLONEL KAREN DIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to salute and congratulate a real American heroine, Lieutenant Colonel Karen Dixon, who hails from the Seventh Congressional District of Maryland. I was honored to attend a pinning and promotion ceremony for Lieutenant Colonel Dixon last Friday at the Women's Military Service Memorial at Arlington National Cemetery, Arlington Virginia. During this ceremony, Lieutenant Colonel Dixon was promoted from the rank of Major to Lieutenant Colonel.

Lieutenant Colonel Dixon is the ninth child of 11 children born to Alice and James Dixon. Of those 11 children, four have served in the military. She is an honors graduate of Catonsville High School and received several awards and served as a member of the All-State cross country team. She received a bachelor of arts degree in social work from Bennett College, where she was commissioned as a second lieutenant in the United States Army Signal Corps upon selection as a distinguished military graduate. In 1995, she received a master's of arts degree in management from Webster University.

Mr. Speaker, during her tenure in the Army, she has served in many capacities. She currently is assigned as a Department of the Army Systems Acquisition Management Coordinator, assigned to the Secretary of the Army's staff. Her next assignment is Chief of the Headquarters Branch, Joint Headquarters Regional Subcommand, NATO in Greece.

Lieutenant Colonel Dixon is an American soldier, a person of capability and ideals. She has dedicated her life to an American Army that always must remain true to its principles, an Army that must always conduct itself with fairness. She understands that our commitment to fairness and merit is our strength. She has served this Nation well. And in the process, she has learned that no one gives us our freedom; it must be earned. No one guarantees fairness that we ourselves are not willing to affirm, even if that requires some personal risk on our part.

Lieutenant Colonel Dixon understands that life is a struggle, but she is an American. She believes that when we persevere, fairness will ultimately prevail. The United States military is remarkable among the great fighting forces of the modern world.

□ 1900

More often than not, the young people who have defended us and, all too often, have made the ultimate sacrifice have done so as volunteers.

Last March, President Clinton applauded the service and achievements of all the women who have put on the uniform of the United States and fought for their country. As the President also recognized, however, obstacles to hard-earned recognition all too often remain, in the military and in civilian life.

Mr. Speaker, we must continue to build a military which is as diverse as this wonderful Nation. Never again should gender predetermine a person's opportunity to serve.

The ideals of American women and men, our commitment to freedom, to equality and fairness, have made this country the strongest in the world. We must never forget that. Fairness is the foundation of our freedom.

Today, we acknowledge Lieutenant Colonel Karen Dixon for her competence and her commitment to American ideals and for her tremendous service.

Lieutenant Colonel Dixon has demonstrated that merit will be recognized and fairness will prevail if we persevere. By her actions, she has shown that a commitment to fairness remains the foundation of America's strength. That is why I am so honored to represent Lieutenant Colonel Dixon in the Congress of the United States of America.

APPLAUDING LEADERSHIP IN ADVOCACY OF RIGHTS OF DISABLED PERSONS

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I, too, want to join my congratulations and recognize the Presidential Task Force on Employment of Adults with Disabilities and the American Association of People With Disabilities.

I rise today to applaud the leadership that has been shown in the advocacy for the rights of the disabled, the mentally and physically challenged.

I am delighted to be able to salute the spirit of the ADA torch relay which evidences that we all are created equal. I join my colleagues who have come to this floor to acknowledge that when this country speaks of equality and in its Declaration of Independence, when it offers to the American people the opportunity for equality and a good quality of life, they speak of everyone no matter what one's position in life and what one's ability.

The people who are physically challenged and mentally challenged have shown us that it is not limiting in their spirit or their ability to achieve. I am very gratified that they continue to press their point of equality and justice.

I believe it is important that we in the United States Congress support the Americans with Disabilities Act in its reauthorization and its implementation. It is important that the businesses of America recognize that they are advantaged by hiring individuals with disabilities.

I recall making a speech some few weeks ago, and I spoke about America's greatness and its diversity. I remember being reminded by someone who came to me in a wheelchair never to forget that diversity is also reflected in Americans with disabilities. Just a few weeks ago, that very same person came to the United States Congress along with 20 other representatives from the community of individuals who are disabled.

Unfortunately, this own Capitol, our own Capitol was very hard for them to access, but, nevertheless, they were not frustrated, they did not yield, and they persisted in getting into the United

States Capitol that belongs to all of the American people.

I think it is important that we allow people with disabilities to be independent, and that is why I supported legislation that would not diminish their benefits if they worked, for we all deserve that affirmation that we are able to support ourselves and to stand for ourselves.

I would hope that we, as the United States Congress and the American people, will continue to promote and enhance those who are physically challenged and who may be mentally challenged. People with disabilities are our friends, our brothers, our family members, our sisters, mothers and fathers and our children. They deserve our affirmation.

So today, Mr. Speaker, I rise and affirm them and congratulate them for persisting on the grounds of their own equality, and I seek to have this United States Congress and our legislative initiatives continue to affirm opportunities for them in providing opportunities for them to work and as well making sure that the resources that they earn still allow them to have good health care, good educational resources, good housing.

Again, I implore American businesses to find the talented among Americans with disabilities and for all of us to make sure that everywhere is accessible to all Americans.

H.R. 4921 AMENDING TITLE 38 TO ENSURE THAT ALL VETERANS EXPOSED TO IONIZING RADIATION ARE CONSIDERED IN FULL FOR THEIR DISABILITY CLAIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I am introducing a bill to enable veterans exposed to radiation to be considered for medical assistance without regard to their particular level of exposure. The bill, also, expands the definition of radiation-risk activity to include veterans exposed to residual contamination.

The destroyer U.S.S. *Brush* entered the waters of the Kwajalein Atoll in the Marshall Islands, an area contaminated with radiation from a large number of ships that had served as targets during two atmospheric nuclear tests. Crew members of the U.S.S. *Brush* ate fish and drank water distilled from the bay and crew members made trips to the target vessels to retrieve souvenirs. There was no dosimetry data collected on the U.S.S. *Brush* or at the Kwajalein Atoll to determine levels of exposure. No safety precautions were taken to prevent exposure and the crew was unaware of the dangers of ionizing radiation.

Veterans who served on the U.S.S. *Brush* now suffer from a number of diseases that can be linked to radiation exposure. However, their disability claims have repeatedly been denied because they were not onsite participants in an atmospheric nuclear test and they were exposed to low levels of ionizing radiation.

Congress has assisted veterans exposed to radiation in the past. In 1988 Congress passed the Radiation-Exposed Veterans Compensation Act (PL 100–321). This law covered veterans which participated in a radiation risk activity. The law has three definitions of radiation risk activity. They include: onsite participation in a nuclear detonation, occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945 and ending on July 1, 1946, and internment as a prisoner of war in Japan during WWII which resulted in the opportunity for exposure to ionizing radiation comparable to that of veterans occupying Hiroshima or Nagasaki. Clearly, this language does not cover those veterans exposed to radiation while in the service of their country.

VA claims that lab tests on these veterans show that levels of residual radiation are not sufficient to sustain their claims for disability. However, these dose levels were based on lab tests, not data collected on sight at the Kwajalein Atoll. This is important because Congress has previously concluded that determining the level of exposure, unless collected onsite, is a futile exercise. Disability claims must be considered without regard to whether any particular level of radiation was measured for that individual especially when exposure is not denied.

Congress must act to ensure that veterans exposed to ionizing radiation either on site or residually be considered for benefits. Without this legislation radiation exposed veterans do not have a realistic chance of proving their disability claim. I urge my colleagues to support our veterans by co-sponsoring this bill.

NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, first of all, I would like to go basically over what the comments that I am going to make this evening, but I guess it would be appropriate to make a couple comments about this weekend back in Colorado.

First of all, I would like to express deep appreciation for all the firemen and the firefighters that are so courageously fighting the forest fires that we have out there in Colorado.

As many of my colleagues know, my district is the Third Congressional District of the State of Colorado. That district geographically is larger than the State of Florida. It is essentially all the mountains of the State of Colorado. As one can guess, it is the highest district in the United States. So we have a lot of lightning strikes and so on.

We do have a major fire down at Mesa Verde National Park down at the Four Corners of Colorado. Right now it has consumed about 17,000 acres. The conditions are very tough to fight the fire. But we have got a lot of volunteer firefighters. We have a got a lot of volunteers from the community. We, of course, have our own fire fighting teams. We have got the bombers in there. We have got the helicopter pilots. We just have a lot of cooperation out there in Colorado. So I thank my colleagues for their expressions of support, and I do want to express my deep appreciation for all of the people out there in Colorado who are helping get an upper hand on the fires right there in their Third Congressional District.

Second thing I would like to mention to my colleagues before I go into my comments, and that is I had the privilege Friday of speaking at a service for a Colorado State patrolman, Captain Fred Bitterman. Captain Bitterman was a well-respected officer of the Colorado State Patrol.

I used to be a police officer. I used to know the captain. Of course, I was not on the State Patrol. I was a city police officer.

The service was a very moving service. He has a wonderful family. His commitment to the State of Colorado, his commitment to the Colorado State Patrol, his commitment to his friends, his commitment to the communities was all well represented at that service.

We are going to miss him. The captain did a good job. He was a very, very good man. I have entered into the CONGRESSIONAL RECORD a congressional tribute in honor of the service that he gave to us. He will be sorely missed.

Mr. Speaker, this evening I would like to address three fundamental subjects, and they are fundamental especially for the younger generations of this country. For the people that are, say, below 45, 45 and under. We hear a lot of discussions going on, but what is the real focus for the future?

There are three items that I would like to talk about that I think focus on the future that our young people that are under 45 years of age should take special interest in, because I think our generation over 45 years of age owes something to this generation, not owes in the way of a giveaway, but owes in the way that we have a responsibility to move this country forward in such a fashion that these three elements have some sense of protection or some sense of right direction for the generation that follows us.

The first topic that I am going to visit with tonight is this death tax. Then I am going to move from the death tax into the marriage penalty. Then from the marriage penalty, I would like to talk about Social Security. In all three of these areas, there is a distinct difference between what the administration, President Clinton and AL GORE, are advocating and what is being advocated by the Bush team. I think it is fair to reflect on those this evening when I have these discussions with my colleagues.

Let me first of all begin on the death tax. As my colleagues know, I have spoken several times on this House floor in regards to what that death tax does and how devastating it is in this community. What has been of interest is the people opposed to this, including the Clinton administration, and, by the way, I refer specifically to the administration's policies, because I want my colleagues to know here in the House of Representatives we actually had 65 Democrats who voted to eliminate the death tax. So here in the House we have had a bipartisan effort, both Democrats and Republicans, going out there and recognizing just how punitive, how punishing the death tax is.

Well, since the debate started taking place on this several weeks ago, I have noted a number of different comments in our national press. One thing that is of special interest, I think, or a counterpoint I guess one would make, my point being that the death tax is devastating for a community as a whole; and the counterpoint that is being put out there by some of the liberal media writers I guess one would say is, wait a minute, all this does is favors the wealthy in this country.

Well, I want to talk about what I call the trickle-down impact of what that death tax does, not only just in a community, but what it does to family farms and family ranches.

For example, right here, we will have a family ranch. Now, I can tell my colleagues that most working ranches, at least the ones I am familiar with, and I have been on a lot of ranches in my career, but most of the family ranches that I am familiar with in Colorado are what we call working ranches. What we mean by a working ranch is that the family actually has to make a living off the ranch. They do not own the ranch for the beauty or the esthetics of having a ranch. They own it because that is how they provide a living for their family.

One of the assumptions that is being made by some of the opponents of this, including the Clinton administration, who seems to think that if one owns a ranch in Colorado or a ranch in Wyoming or a farm in Georgia or a farm in Kansas, that one automatically should be classified as the wealthy people of this country and one should be punished upon the event of one's death.

In other words, the Clinton administration says that death is a taxable event. In fact, the Clinton administration feels so strongly that death should be a taxable event that this year in President Clinton's budget that he has sent to us, the administration's budget, they actually call for an increase in the death tax, an increase in the death tax.

We clearly, including the Republicans and 65 Democrats, have a fundamental difference with the administration Clinton-Gore in that we do not believe that death should be a taxable event.

Well, let us go back to that working family or working ranch out there in my district since that is where I am the most familiar. Some of these people are saying, well, you go out there and tell these people to buy life insurance, you know, go out, and that way, when they pass away, because the government, frankly, the administration has pushed this as a taxable event, why you will have the life insurance. Upon the death of the owner of the ranch, why it is no problem. The life insurance pays the government these taxes.

Well, do my colleagues know what? That is based on an assumption that these working family farms and ranches in Colorado and elsewhere in this country make enough money to pay the premiums to buy the life insurance. Do my colleagues know something? Most of the farmers and ranchers that I know in my district no more have the money which would be, by the way, several tens and tens of thousands of dollars at a minimum every year just for the premiums, they no more have that money than they do extra cash in the bank.

What happens when one keeps this death tax? Oh, sure, one may think that one is going after the Rockefellers or the Carnegies or the Kennedys or the people like that, the Forbes or the Gates in our country, but, in fact, those are the families who have their money and the resources to do estate planning. They have their foundations and so on. So one would be surprised at the minimal impact there is on those families.

Where the impact is is these families that have, for example, as one says, has land, and they work it as a ranch in Colorado, but when they die, the land all of a sudden which has appreciated in value, after all, the one family I am speaking of, they have had the family ranch for 125 years, there has been an appreciation in that 125 years.

Well, what happens? The only thing that can possibly happen is that that ranch is going to cease to exist. There is no choice. The death tax is devastating on family farms and family ranches in this country.

Is this country not in the business of encouraging family farms and family ranches from going from one generation to the next generation? Is that not what our policy should be? Should not we stand up and say, hey, in America, in America, we want these farms to go from one generation to the next?

But that is not what is happening in this great country. What is happening in this country is, as long as we have that death tax in existence, we are discouraging, not encouraging, we are discouraging the possibility that that family farm will pass to the next generation.

□ 1915

And is that really the policy that we want? Clearly, some of my colleagues over here, who have supported the Gore/Clinton policy, actually want an increase in the death tax. They support that budget. But 65 of the Democrats and all the Republicans have said, wait a minute, we should be, in this country, in the business of encouraging that this goes from one generation to the next generation.

The other thing that I want to bring up that is being widely ignored by the critics and the media, who are criticizing us because we are saying that death should not be a taxable event, the media that is criticizing us for saying that death should not be a taxable event are ignoring something. They keep coming out and saying this is for the wealthy. Well, take a look at what it does to a community.

For example, I know a small community in Colorado where there was a fairly wealthy individual, the person was a millionaire in that community, and upon his untimely death the Government came in and taxed his death. And what did they do with that money? Did they keep it in that small community? Of course the Government did not allow that money to stay in the community. It was not enough for the Government to take it away from someone they said was a wealthy person; and by the way, to qualify for that, if someone is a contractor, for instance, all they have to really do is own a bulldozer, a dump truck, and a backhoe and they have to worry about estate taxes.

Let us look closely at that logic. Citizen A is very wealthy. Let us follow the logic. Now, I do not agree with the logic, but let us follow the logic some of my colleagues have. Their logic is just simply because the person is wealthy, based on that fact alone, just because they are wealthy, we should tax them on their death. Well, if we follow that logic, then we should say, okay, tax the wealthy person, punish them, go after them simply because they are wealthy.

Then what is done with the money? As my colleagues know, this money does not stay here in the community. It does not stay in this community and continue to go to the local church, or charities or help provide jobs or create capital or create investment in that community. That money is sucked out of that small community; and it all goes east, to Washington, D.C., where the bureaucracy takes it and redistributes it, takes the money from the small communities, whether in Kansas or out in California or up in Wyoming or Montana or Idaho, takes the money from those death-taxed estates and takes it out of those communities and ships it to Washington, D.C., back here in the East, and then it is redistributed. And that has a very negative impact.

What these editorial writers who support the death tax, what they should put in their editorials is not what it does to the wealthy family, although in fairness they should say what it does to a small business owner or a rancher or a farmer; but they ought to be fair and talk about what happens to that next generation. They also ought to be fair to the rest of the community where that individual lives and talk about what happens to that community, especially a small community where that money is sucked out of the community and sent to the East. Obviously, it has a very negative impact.

I thought I would bring up a couple articles here and read them for my colleagues. I do not like to read verbatim, but I would just like to just speak to these because I think these are important.

Every June for the past 8 years Jeannie Mizell, owner and manager of Mizell Lumber & Hardware Company, has sent the Government a check for $19,000. She will have to continue to send that check for the next 7 years. This money is not income tax on profits; the money is because the company is profitable. It has been in business for 78 years, 78 years in that community and in her family. It is the price that she is being forced to pay by the Government because she inherited the hardware store from her father and her mother.

"It is not a very pleasant feeling to get that letter in the mail every May," says Mizell, speaking of the Federal death tax bill. "My father, who joined with his father in the family business in 1947, worked very hard, 6 days a week for 37 years, and he paid his taxes every year on time. He did not owe any past taxes and he should have been able to keep the money he accumulated and pass it on to the next generation so that our generation could have an opportunity to have the lumber company and the hardware company."

Instead, after her parents died, the Federal Government steps in and nails them with a death tax of over $300,000; with another $45,000 which had to be spent by Mrs. Mizell just to get the appraisal done of the lumber company so the Federal Government could figure out just exactly how much money they wanted out of that estate. That is what the death tax does.

By the way, this is not Home Depot we are talking about. This is a small family hardware and lumber business. This is what is being punished out there. If my colleagues think Home Depot is going to suffer as a result of the death of one of their founders, they are not. They have got the planning; they have the resources to plan for it. It is the small lumber companies, the small families in small-town America that is being punished by these death taxes.

Here is another one. "My name is Leanne Ferris. My family lives in the central part of Idaho. Our family's cattle ranch is 45 miles northeast of the Sun Valley area and the Lost River Valley. The ranch consists of 2,600 deeded acres and a cow-calf operation with 700 head of cattle.

"My youngest brother, Ross, lives with and manages the ranch with my mother. Although I'm still very involved in the ranch, my husband and I also operate a design business in Ketchum, Idaho. My brothers and sister and I all grew up working alongside my mother and my father and my grandfather. We worked weekends and holidays and summers branding and moving cattle, riding the range and fixing fences. We didn't have a lot of material things, but we had our family, we had the land, and we had the life-style.

"On October 5, 1993, my father was accidentally killed when his clothing got caught in a farm machine. He was 71 years old, and he was very healthy. He worked from dawn to dusk and he loved the land. He loved his family. We all worked as a team. We were always a very close-knit family and the hub of our family was my father and our ranch.

"Even though my brother Jack and my sister Cary and I do not live there anymore, we all go home, along with the grandchildren, to help with the seasonal work. My daughter and I take as much time off in the summer as we can so that we can work at the summer cow camp in Copper Basin moving the cattle. My mother puts on a lot of church and community picnics and barbecues down by the swimming hole. Every June our family enters the local parade with a float representing our ranch, and all our other ranchers and their families in the valley do the same. Last year, the theme for the parade was the Mackays Heritage Ranching Mining and Logging.

"My father's death was the most devastating event any of us had ever gone through. The second most devastating event was sitting down with our estate attorney after my father's death. And I will never forget what the attorney said. 'There is no way you can keep this ranch. Absolutely no way.' Still in shock from the accident, I asked, 'How can this be? It's our ranch. We own the land. We've paid the taxes. We have no debt. We just lost our father, and now we're going to lose the ranch, the very thing which was the centrifugal force of keeping our family together along with our father?' our attorney proceeded to pencil out the death taxes that would be due after my mother's death, and we all sat back in total shock. It had taken my grandfather and my father their entire lifetimes to build up this ranch."

Let me repeat that. "It had taken my grandfather and my father their entire lifetime to build up this ranch, and now we cannot continue on, and the grandchildren cannot enjoy the land and the rich life-style." Now, not rich in monetary terms, but rich in life-style, of going out and working hard in the fields. They do not get to have that any more. It provided a rich heritage. Rich, again meaning the character, the heritage that was there that is now going to be taken by the Government on taxes that have already been paid on this property.

"It has been three and a half years on my father's death, and we still don't know what we're going to do. We only know we're not going to be able to keep the ranch unless something can be done with the estate tax now. The estate tax on our family ranching assets is going to be estimated at $3.3 million. Without the land being paid for and tight operating costs, we will not be able to make money from the business. To spread that tax over 14 years at the 4 percent interest is of absolutely no value to us."

In other words, what she is saying, my colleagues, is do not come to us out in small-town America and our families in ranching operations and tell us that we are being done a great big favor because the Government is going to allow us to finance the death tax over a period of 14 years.

"All this means is that we're going to have to pay an amount of money which is virtually impossible. In order to try to buy a life insurance policy, we're going to have to sell one of the spring ranches now, and that might allow us to pay off one-third of the death tax and avoid a fire sale."

So what this family is saying is that they will sell part of the ranch now. They are going to sell part of the ranch, a third of the ranch right now, and by doing that what they hope to do is to be able to pay the Government enough money upon the death of their mother that they do not have to go through a fire sale on the rest of the ranch. They are still going to have to sell the rest of the ranch; but if they sell a third of it right now, then they do not have to go to a quick sale on the remaining two-thirds.

"The same scenario is happening to many of our ranchers in the valley. Eighty percent of the ranches have been owned by the same families one, two, and three generations.

"The value of the land has risen dramatically in the last 5 years. All of these ranchers live on very modest incomes and most of them can barely educate their children. I am certain that none of them will be able to pay this tax. The town is almost solely supported by the ranchers who buy feed, gas, food and clothing. The community will not be able to survive without them.

"What is happening is that these ranches are being bought by wealthy absentee owners who do not run cattle and who fly in once or twice a year to enjoy the amenities of the ranch. This has already happened to two neighboring ranches, both of those owners, both second generation ranchers were killed, unfortunately, in accidents. Their families could not pay the death tax and had to sell the ranches to wealthy Southern Californians.

"I have heard it said that the death tax exists to redistribute wealth; to take from the rich, presumably to benefit others less fortunate. Let me tell you, from where I stand now, that is a tax that accomplishes exactly the opposite. For my family, the tax means we will not be able to continue running the ranch that has been our heritage for over 60 years.

"The Congress says it is a pro-family Congress. However, I know from my personal experience that the death tax is antifamily. The death tax will force us to sell our ranch to a wealthy absentee owner who is unlikely to run cattle or keep the workers employed or contribute to the community. Surely if Congress does not provide relief from the death tax, many other families across this country will suffer a similar fate. Ultimately, I wonder whether towns like our small town, as we know it today, will continue to exist.

"I urge you to ask yourself why does this death tax exist? Is it worth the great harm it has caused to my family and to many others like us? If it is not worth the harm, then the death tax shouldn't exist, and I hope you will do everything in your power to eliminate the death tax."

What more can I say? This is a letter sent to our office. This is from their heart. This is not something some big fancy lobbying organization in Washington, D.C., sent to me. It was not sent to me by the Rockefellers or the Kennedys or the Mellons or the Gateses, or any of those kind of people. This letter was sent to our office by a small family not to make money on the ranching, simply trying to pass their ranch from one generation to the other, to pass the heritage from one generation to the other; simply to keep the money for their ranching and their ranching community alive in their small community.

And by the way, for those of my colleagues who voted no on the death tax, voted to keep it in place, in fact supported the President's budget to increase the death tax, if only they could take the time to really, really see, to go out and visit this family, my guess would be that those same individuals, those who voted to support the death tax, who stand in favor of the death tax, and who want to increase the death tax, after having taken the time to go out and visit with this family, I think they would come back a new man or a new woman; and I think they would be prepared to get rid of that death tax.

□ 1930

Now let me go on to the next subject because it is somewhat related.

Once again, here it is the Federal Government, the taxing entity of the United States, has decided that not only death is a taxable event, it is the Government that decided some time ago, and let us call it as it is, Democrats, it happened when you had it here for 40 years, it was determined during that period of time that marriage, being married, should be a taxable event.

Now, let me say at the onset, we had a vote on this, we had a couple votes on this; and I can say with a great deal of confidence with the Democrats here on the House floor, that 48 of the Democrats voted to get rid of that marriage tax. In fact, the President of the United States, standing right here in his State of the Union address, said we needed to get rid of the estate tax.

I have got an editorial here from the Grand Junction Daily Sentinel, an excellent newspaper, western Colorado, Grand Junction, Colorado. It was just last January that President Clinton, as a part of his State of the Union address urged Congress, urged all of us sitting down here listening to the speech being made right there, urged us to enact legislation to end the so-called marriage penalty.

What a reversal. Now the President's policy is he is going to veto it. And some people on this floor support that position.

I hope you have enough guts when you go back to your district to stand up to your constituents and look them in the eye and try and justify that. Number one, tell them how you voted, that you voted to support the marriage penalty, and do not give them some flimsy, run-around excuse for it. It was a straight up-or-down vote, do you support taxing marriages or do you not support it? If you support the marriage penalty, then you voted no on this bill to get rid of it and you ought to stand up.

I hope your constituents understand that it is a straight up-or-down vote. There were no side issues involved here. What we are sending down to the administration, to the President and the Vice President, we hope they sign but they have already promised to veto despite the fact the President stood up here and gave his State of the Union address and said we ought to get rid of the marriage penalty. So you talk about it on one end and then you end it on the other with a veto.

How can a country who is proud of the family foundation, who boasts to the rest of the world that our country has become the strongest country in the history of the world, in a large part due to the fact that we have strong families, that we encourage marriage, how can we look at other countries and say, by the way, this is the country in the world where we penalize you if you are married, we tax you, it is a taxable event, come to the United States and get married and it is taxable, the event is a taxable event, just like the death? How do you justify any one of those?

Both of those taxes. The marriage penalty, do you think that encourages our young people, the hope of our country, do you think it encourages them to get married? And how much of that money, by the way, for those of you who support taxing marriage, how much of that money do you think could have gone into these young people's education?

There are a lot of young married couples out there that like to have that extra $1,400 to pay for their college tuition or to go out and further their education. And some of you stand up and talk about how you advocate and you are pro-education, and by the way I have never found anybody that is antieducation, but you stand up and advocate how you are pro-education, but then you turn around and vote for a tax, a marriage penalty, that takes $1,400 away primarily from these young couples who are the very ones who need that money to further their education.

How can you justify it? How can you look at your constituents and say that you can justify taxing a married couple simply because of the fact that they are married?

And again, my colleagues, when you go out there into your districts, do not give any cock-and-bull story about why getting rid of the marriage penalty would cause this or cause that or as I heard the news report Saturday that the President said getting rid of the death tax and getting rid of the marriage penalty would put the surplus at risk.

What a bunch of hogwash. It is not going to put the surplus at risk, not at all. The question here is fundamental fairness. That is what you ought to look at. Is it fundamentally fair to consider death a taxable event? Is it fundamentally fair to go out there and consider a marriage a taxable event?

This Government is not in such dire straits that it has to go out and tax its own citizens when they die. This Government is not in such dire straits that it needs to go out to our young people and show up with a wedding gift of a tax bill.

And even if this country was in dire straits economically, can you justify the marriage penalty, can you justify the death tax based on that event? Of course you cannot. Of course you cannot.

Mr. Speaker, let me move from the death tax and from the marriage penalty. But before I do, let me point out one thing. Remember, the President stood up here, as I said earlier in my comments, he stood up here when he gave the State of the Union address and urged all of us to get rid of the marriage penalty. Let us see if he stands by his words this week and signs the bill, or let us see if he turns around and vetoes the bill.

The last I heard coming from the White House was they wanted to do a little bargain, a little tit for tat. Hey, give us this program and maybe we will give you the marriage tax penalty.

Quit the horse play. The marriage penalty is not justified. To many of us on the floor, we make a hundred and some thousand bucks a year. The marriage penalty, you can absorb it. Maybe it is not a big bother to you. But you ought to take a look at our kids. My kids are that age where they are of the age where they are getting married and things like that. Ask yourself, look at what kind of punishment it is on them.

So we will see this week. We will see if the President sticks by his words, his policy. His policy was to get rid of the marriage penalty.

Oh, how interesting it is a couple 3 or 4 months before a national election. Now we are going to see him veto it. I hope we all keep that in mind when we go back to our constituents and say somehow Washington, D.C. is able to justify death and marriage, both of them, as taxable events.

Well, while we are on the discussion that involves our younger generation, a generation, by the way, that has so many things going on for it. My gosh, the young people that come into my office. The excitement they have, the energy. As many of my colleagues know, they run circles around us they are so bright. They are capable, the computer world, that generation that follows us and the generation that follows that generation, these generations have a whole lot more going for them than they do going against them.

And we, I think, my colleagues serving on this House floor, I think we have a fiduciary responsibility to that generation and the generation behind that generation and all future generations to get the programs that this Government has in place in as good a shape as we can get them in.

Frankly, that is what I like about the Governor of Texas', George W. Bush, position on education. Every time I have talked to him, and I have talked to him on a number of different occasions, I cannot remember one conversation of any length that I have had with George W. Bush where he has not brought up education.

Why? Because the best thing we can do for this next generation is to make sure that we have an education system that works, that we have a health care system that works. And there is one other factor out there that we have got to do some work on. We have got to make sure that our Social Security system is in place.

And you know what? In those conversations that I have had with George W. Bush, that was in the conversation: Healthcare, education, and Social Security.

Now, look, our Social Security system from a cash basis, that means money in the bank today, is not in trouble. Social Security is not in trouble today on a cash basis, but on an actuarial basis.

In other words, Social Security today has this amount of money required for claims and it has this amount of money in the bank. But what happens over the next 30 years is these lines begin to intersect. So on a cash basis today, we have money in the bank, there is a surplus in there. It is a surplus.

But what happens is that as this begins to go out is that when you reach this point, you owe all of this money, and this actually, and then all of a sudden it goes up like that. And not even a slight increase. It is almost like a rocket. It goes up just like that.

Those are our obligations. And these obligations right here are not obligations 30 years out. It is actually 30 years out or so before they collect them. But the obligations had been incurred today. In other words, we owe the money today.

So when we look at the Social Security system, we should not look at the money we have in the bank today. That is one factor to look at the money we have in the bank today. But we also need to look at what obligations we have.

It is kind of like deciding when you get your paycheck on the first of the month, I am a rich person, you know, I have got a $2,000 or I have got a $1,500 paycheck here. Well, you cannot just look at how much you have in your hand. You have got to take a look at how much you owe. And when you take a look at Social Security on an actuarial basis, it is bankrupt. Today it is not. But 30 years from now when we pay what we owe, it is bankrupt.

Now, what is giving me some confidence about the debate that we have had on Social Security, what gave me the confidence when I talked to George W. Bush was the fact that we are for the first time in a long time looking out ahead. We do have some time if we really take it seriously.

What I liked about the Bush approach was that they are willing to take some risks. We have got to take some risks. We cannot let the Social Security system stay on status quo. If we stay with status quo, we are all going to be happy until that point right there. That is what status quo buys us. It buys us a plane in the air without a propeller at that point right there.

Now is the time to start thinking about how do we get this line, how do we adapt for this so that we come close so we still bring those two lines together but we do not have the obligations way exceeding it. What do we do?

Well, I think in order to figure out what we do, we have got to figure out historically what was gone wrong with the fund, where have we run into problems with Social Security.

Well, there are a couple key factors to keep in mind. Number one, when Social Security was first created, when Social Security first came about, there were 43 workers for every retired person. So for every one person that was retiring on Social Security we had 43 workers supporting the system. That is when Social Security first came into place.

Today do you know what that number is? Today we have three workers for every person, three workers in our working system for every person on retirement.

☐ 1945

That is a dramatic difference and that is a significant problem that has led us to the actuarial problem we have in Social Security.

What is the other problem that we have in Social Security? That one is actually pretty, hey, good news. It is our health care system in this country. When Social Security was first created, a man could expect to live to be 61 years old. But throughout time because of the advancements of Social Security, and this is good news for us, but because of the advances in Social Security, that man now can expect to live to be 73 years old. For the female, those numbers were 65, and now they are somewhere around 78 approximately. Those are good numbers.

But the problem is that we now have more people on the Social Security system, we have less workers supporting the Social Security system, and we have people living to a longer age. The couple that is drawing from Social Security today draws out about $118,000 more than they put into the system because of these factors. They are taking out $118,000 more than they put in. A system cannot operate like that. We have got to make some adjustments.

What kind of adjustments do we make and who is going to be impacted? The plan that Governor Bush of Texas has put out and the plan that I am advocating tonight, not because of the fact that I am absolutely convinced that there is only one plan out there, but it is because of the fact that I have looked at a number of different options; and I think the one that is the best is one that has some experience, and the one that has some experience is the one that the governor of Texas has proposed we adopt in these halls of Congress.

Why does it have some experience? Because we Members of Congress have our own retirement plan. We are on Social Security, by the way. But we have our own retirement plan here in Congress which allows us choice, not allowed under Social Security.

So what we need to do when we look at Social Security is, first of all, any kind of proposal, and the proposal put out by the governor of the State of Texas has one fundamental rule at the very beginning and that is, those who are currently on Social Security, so our current recipients, face no risk. Anybody on Social Security today does not have any threat to their Social Security retirement funds that they are receiving. That is fundamental and they are not at risk in any sense. So during this political season, do not let your constituents be hoodwinked into thinking that their Social Security pension that they are drawing today is at risk. It is not. What we are talking about is what can we do for the future generation? What can we do for my children and my children's children to help assure that when they get there, Social Security will be alive and well?

What the proposal is that has been put forth by the governor, I guess really the best way to do it, let me explain what happens if you are a Member of Congress or if you are a government employee, so it is not just Congress, it is Federal employees, so there are over 2 million Federal employees in this country, over 2 million. Here is the plan they have in effect. First of all, they do pay Social Security.

But here is the Government plan, the U.S. Government plan for its own people. It is called the Thrift Savings Plan. It really works in two ways. It has two sections to it. The first section we will call section A pulls an amount of money out of your paycheck every month and you have no say-so about where that is invested. It is the safety net. It is your safety net. So this amount of money is pulled out. You have no say-so; but as a result of that, after, say, so many years of service and a certain age, you are guaranteed a certain retirement check every month. No risk, not much return, but no risk.

Now, by the way, if you want to consider return, figure out that Social Security, if you were born, for example, in 1960, so that would make you 41 today, 40 years old, if you were 40 years old, your return on the current system, if we do not do anything with Social Security, your return is less than 1 percent. 1 percent. Less than 1 percent. That is what you are making on Social Security. We can do better. And the Government knows it can do better because it does it on its own program.

So the first part of the Government retirement program which covers all government employees has this pullout; it is an automatic pullout out of your check. It is for your retirement. I forget exactly what mine is every month. I have no choice. That is the safety net. The second section is what we call, we will just call it section B. That is not the formal name; but for our discussion tonight, B. What that allows you to do is it is optional. You do not have to do it. If you as a government employee do not want to participate in the second portion, you do not have to. But if you want to, you can designate, not all your retirement money but you can designate up to 10 percent. You can designate up to 10 percent of your salary every month to go into that retirement section.

What that allows you to do is it gives you three choices. The three choices really are an opportunity for you as an individual to invest your retirement money, to help plan for your own retirement. It gives you choice. Social Security today gives you no choice. It mandates you live with the 1 percent return. It mandates that. But this program here, the Government program for its own employees allows you, if you want to, totally optional, to participate in this program of choice.

What does it do? You contribute up to 10 percent of your check; then I think the Government matches the first 5 percent, then you get to make a choice. You can have that money invested in government savings where it is insured, it is guaranteed and, of course, when you have a guaranteed return with minimal risk, you are going to have a low return. The history of that shows that pays 3, 4 percent a year. The second option you have is you can go into the bond market. The third option you can go into is your highest risk, which offers your highest returns, but again has its highest risk and it is the stock market. But even if you took the stock market choice and you lost everything, you still had the safety net up here. That is how the Government program for 2.5 million people works.

By the way, I want you to know that the strongest opposition to George Bush's plan to bring out this Social Security, to help it for this next generation, the strongest opposition, of course, comes from the administration. But I can tell you that the Vice President voted for this government program many years ago when he was in Congress. So what is good enough for the goose ought to be good enough for the gander. If it is good enough for government employees, why is it not good enough for the citizens of America who want to participate in Social Security?

What the administration has advocated is to take the status quo. Look, we have got 30 years before this next generation gets up there and is going to make a call on the bank. So let's just ride the status quo, or let's have another committee, to study another committee for another committee study. That is not good enough. We have got to take some risk.

Some of you in here, you do not like risk; and I understand that. But I want you to know that the people who are currently on Social Security or are close to, they face no risk. We are not impairing their ability to draw down on Social Security the benefits that they are entitled to. But those of you who want to sit around and do not want to take risk, you better be prepared for this next generation to explain to them why frankly you sat on your duff and did not do anything to save this system.

We have got to have some leadership in Social Security. Somebody has got to take the ship out into the storm. The easiest thing to do is to dock your ship in the harbor and get out of it and get onto the land. But somebody has got to get through to the other side. That is exactly why I was pleased when I saw and sat down, was able actually to discuss only briefly, but discuss the governor of Texas' plan and a plan that most of us on the Republican side and I think frankly a lot of Democrats would support.

This is what the plan does. First of all, it is optional. You are not going to be required to do this, to participate in the choice aspect. Second of all, it has a safety net, so no matter what you want to do, there is going to be the majority of the money taken out of your paycheck for Social Security. The majority of it will be put into an account that you do not have any say over it. In other words, we do not want you losing that. We want to have a safety net, because not everybody is going to make money. Certainly on an average over a period of time, you are going to make a lot better than 1 percent, but some people may make bad decisions. It has been known to happen. Some people make bad decisions. We do not want 30 years out from now somebody saying, Look, I made bad decisions. I by choice invested all my money in really high-risk stuff and I lost. I thought I was going to win. I lost. Even for that person, we want to have at least a minimal safety net. That is what we do right here.

The second part is for those of you who want to under the Social Security system, just like the government thrift savings program, you are going to be allowed to take 2 percent of the money taken out for Social Security and you get to direct it, you get to choose how that money will be invested. We would run that program. The proposal for that program, to revise Social Security, so that this next generation, that our young people have something that they know is rock solid. What this allows you to do is to do the same as 2.5 million other government employees get to do, and, that is, with that 2 percent, you could invest it in a low risk. Low risk, of course, means low return. Or you could invest it in moderate risk, which means possibility of a moderate return. Or you can invest it in high risk, which means the possibility of high return. Of course high risk means that. High risk. You could lose it all. Moderate, you could lose it. This lower one, the first one, you would be guaranteed a return on your savings.

Now, what is wrong with that? Why is the administration opposing it? We, by the way, have a lot of Democrats, obviously from my comments I am a Republican, but we have a lot of Democrats who say this is a good idea. When you get beyond the Potomac out here, when you get out into the rest of America, you find out there are a lot of people out there that are not as partisan as you think. A lot of people out there would join together and say, Look, we have got to do something with Social Security.

I think most people in America, especially the younger generation, by the way, who are investing the maximum amount of money right now with the lowest possibility of return because of the pulling out of the funds, I think you would find that younger generation saying, hey, something has got to happen with the management. We need to take some different course with Social Security, because frankly, the young people are saying, we are paying into this system, why should we not be entitled to expect some kind of return out of the system?

Outside of Washington, D.C., people want Social Security to work. People do not want Washington, D.C., to bog down Social Security. They want a program that will move forward. Now, I know that the governor of Texas has come under some criticism because he has been bold enough to go out and say we have got to take this ship on a different course. And sure it looks like there is a storm ahead, but the only way we are going to get to the other side is we have got to sail. And somebody has got to have enough courage to stand up there and say, Look, let's try moving the ship. Not dramatically, not radically. We are not going through the eye of the storm to get torn up.

Under proper guidance and leadership, we can take this ship on a safe voyage. And when we get to the other end, this generation behind us and two generations behind us and the other generations that follow will have a Social Security system that the first thing you talk about is not how quickly it is going to fail. The first thing you should be able to talk about on Social Security is, it is a system that works. It is a system that works. And it allows you to have the choice.

Think about it. If you are confident today and for those of you who are standing and are opposed to any kind of change in Social Security, for those of you who are supporting the administration's policy, go out beyond the Potomac River and ask constituents of yours out there, If you've got a million dollars and you want to invest it, would you send it to the Social Security Administration or would you send it to the United States Congress to invest it on your behalf? Of course they are not going to say that. They have confidence that they can invest it better than we can back here in Washington, D.C.

Considering that the return for somebody born in 1960 is going to be less than 1 percent on their dollar in Social Security, I think they are right. I have got a lot more confidence in this younger generation than some of you might. I think they know, and I think they can wisely make decisions with a very small percentage of those Social Security payments. Remember, the people that are in the Social Security system, we are not allowing them to invest everything. We are not going to allow somebody to go in there and say, I want to take all my Social Security and put 100 percent of it in the stock market. We are taking 98 percent of it and saying, You don't have any choice on it. That is your safety net.

□ 2000

That no matter how bad a decision you make, you still are going to have a payment available to you for those of us born in 1960 in another 15 years or 20 years, but we are going to do something different. Some would call it a dramatic course of action.

I do not think it is dramatic in its results. I think it is dramatic, and it is finally about time that somebody stood at the helm of the ship and said let us change the course.

What we are doing is we are allowing them to take just a small percentage, that younger generation, and let us give them a little confidence for their capabilities of making decisions and saying to the younger generation we are going to allow you a choice. You get to help in that investment; it is, after all, your dollar. Many people in Washington D.C., get the idea that it is the money of the Government back here.

It is not the money of the Government. It is the money of the people, and they have sent it to us on a trustee basis, and I do not think it is so wrong to ask them to help join us in the decisions that should be made on the investments of their dollars. And that is what that Social Security plan calls for. That is why I hope when we reconvene with a new President in January of next year that on that agenda we have three items of which I consider very important: one, an opportunity to take Social Security and allow the people more input and allow the younger people of this country an opportunity to voice their decision and help make decisions on their own personal investments in that Social Security system. We can save Social Security. It does not need to be bankrupt in 30 years.

The second thing I hope we see when we have a new President in January, because I am afraid unfortunately that the President we have today is going to veto it, and that is elimination of the penalty for being married. As I said earlier, how can we possibly justify marriage as a taxable event? This President does. It is his policy.

The third thing I hope we have when we have a new President in January is the elimination of that death tax. Like with the marriage tax, how can we justify taxing somebody simply based on the fact that they died? What kind of government is this? Is this a socialistic type of government?

What does it do to the local communities? What does it do to the family farms and ranches? What does it do to the small contractor. Remember, a backhoe, a dump truck, and a bulldozer and you are in that bracket.

Mr. Speaker, I am in hopes in January we have a President that will do those three things: guide us with Social Security, give us some bold strong leadership, as the governor of Texas has suggested; number two, get rid of that marriage penalty. Let us do what we say we are doing. Let us really encourage our young people to get married. Let us encourage our young people to have a foundation of family without worrying about being taxed for it. Third of all, let us give the next generation on the family farm or the family ranch and the local farming community, let us give them an opportunity to keep those resources in the family, in the community, instead of penalizing the family, penalizing the community, in spending that money right out of there straight to Washington, D.C.

I am confident, colleagues, that we have a very positive future ahead of this country. I could not be more excited about the future of the United States of America. I could not be more excited about our young people, and that is why we have to keep education as a priority; that is why we have to look at these factors that I have discussed tonight.

We cannot continue on a positive course and improve it if we do not put a lot of effort into it. It is not going to come free, and it is not going to happen when we penalize marriage. It is not going to happen when we penalize death, when we call it a taxable event. It is not going to happen when we look at this next generation and say to them, well, to Social Security, here is your bankrupt system that you helped pay for. We can change all of that.

I hope my colleagues join with myself and our new President in January to make those kinds of changes, because that is what this country is all about, making a difference. And we, colleagues, can make that difference, and the people of our country deserve it.

INVESTING IN OUR FUTURE

The SPEAKER pro tempore (Mr. KUYKENDALL). Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr.

ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, I trust I will be joined by some of my colleagues before the evening is over with to talk on the issue, but as my colleague, the gentleman from Colorado (Mr. MCINNIS) was talking about a moment ago on Social Security, I would remind our colleagues and those who are listening this evening that Social Security has been with us now since the 1930s.

There have been those who have talked about its demise ever since and some who have tried to make sure it was not here, but I would remind them as we talk about all of the gimmicks, anytime we take money out of the system, if it is 2 percent or 3 percent or whatever the percent we take out, that is less money we have for those who are drawing. It means that we will meet that date of finality he was talking about, and it will run out of money sooner.

Mr. Speaker, I was home this weekend and had an occasion to see a movie. The gentleman from Colorado (Mr. MCINNIS) talked about the turmoil and all the tough times as if it were a turmoil, and that reminds me of a movie I saw called the Perfect Storm. When these fishermen went out to catch their final catch and they made the fatal decision to head into a storm without really having all the facts, if you have not seen the movie, the Perfect Storm, I will not give away all the plot.

I would say to my colleagues, just like dealing with Social Security, anything else, we better know where we are headed because the Perfect Storm was a total disaster, one of the worst in our history.

Mr. Speaker, this evening I want to talk about investing in our future. As the former chief of my State schools, I want to talk this evening about a critical issue facing our Nation, and that is the education of our children, and the buildings in which we put them as well, because it is about investing these dollars that Congress is talking about now that we have or we may have over the next 10 years.

Before we get too far along this road of making some decisions on tax relief, at a time when we better be investing in the next generation, there is no question that we can have targeted relief; but we better be making the investment in our young people.

Mr. Speaker, all too often in this town we hear politicians making speeches about how the schools are supposedly no good, how they ought to have competition, how it is really in the private sector that things are really happening, it is really not in the public sector.

I am here this evening to tell my colleagues that I am one of those who will defend the public schools as the best opportunity for excellence in education for all children, and we need to stand up and be counted and spread the good news about those quiet successes, those stories that are happening in communities all across this country that are not being told.

Too many times we like to talk about problems. It is easy to talk about negatives; people will listen. This morning I had the opportunity in my district to visit one of those success stories, and I would say that any Member serving in this body can find a success story in their district any time they want to find it. We can always find the glass half empty. The question is, do we really want to find it half full?

Education, and public education is that great leveler in society that helps people have an opportunity to move up. As I said, I visited one of those successes this morning; and I am honored to have an opportunity this evening to brag a little bit on those students, and those teachers, on those teachers' assistants, an outstanding principal, and an awful lot of people that contributed to the success of a bunch of children.

This morning I visited Harnett Primary School in Dunn, North Carolina, to participate in a teacher appreciation day that was put on by the local PTO and business people in that community.

I can say I was amazed at the success that principal Linda Turlington had with her wonderful faculty staff and students, but I probably would not be totally honest, because I know them. They are outstanding people and they work hard; but I think if they were here this evening talking with my colleagues and others, what they would say is they represent millions of teachers and staff who go in to an awful lot of nice schools, some not so nice schools, and some buildings that children ought not to even be in, because of the condition they are in; and they work hard every day and go home in the evenings and prepare for the next day to help children meet the challenges of the 21st century.

Let me talk for just a minute, if I may, about Principal Linda Turlington and about her wonderful staff and her faculty and all of those students. Just 4 years ago, 4 short years ago, they had a performance that they were not happy with. Only about 50 percent of her students, or their students, were performing at what is called grade level on the North Carolina end-of-grade test. They decided that was not acceptable; they could do a better job with their children if they worked together.

And I spoke to them about that this morning, because it is fine to have one outstanding teacher, one outstanding principal; but it is what we have to have as everyone working together as a team to make a difference. We can have a great athletic team, and we can have a superstar; but if all we have is one superstar, they may make a difference in some games. They will not win all the games. We have to be a team.

So they started to work. They started identifying students. They started making sure their curriculum was rich, it was strong, that they were helping every children achieve. So last year they went from 50 percent to raise that level or the year before last, last year, almost 80 percent of their children, 77.4 percent, had reached grade level.

This morning they were saying that is not good enough. They are working for all their children; that is real progress. It is the kind of improvement we ought to go about making in every community, in every county, in every State across the country; and we can do it. But we can only do it when we talk about the successes and help people achieve the best they can achieve.

We cannot do it when we always talk about all the problems that run people down. This did not happen by accident. It took dedication, hard work on the part of teachers implementing the best practices they could get, not only in their school, but in their system, pulling down the best ideas all across the State and across the country.

They practiced the things they learned, and they shared it on a collective basis; and they brought in some of the best minds to work with them. Everyone was committed and focused on achieving and sharing the goals of one thing, to improve student achievement.

Now, did this school achieve all of these great successes because they had the best students in the county system? The answer is no. They had outstanding students. Every school does. Remember, this is the same school that only had 50 percent 4 years before. What was different? It was certainly attitude on the part of the teachers, and everyone on that staff. And it was also the attitude on the part of parents and students who said we can do better, and we will do better.

I am so proud that this school has achieved the exemplary status for the people in Dunn and for Harnett Primary. But I say to my colleagues this evening that rather than bad-mouthing our public schools, like many politicians in this town do, Congress needs to support the sincere effort under way on the ground.

As we work to improve our schools for all of our children, every child, whether they come from a background of parents who have resources to help them, or whether they come from parents who want their children to do well but just do not have those resources, every parent in the 8 years I served as superintendent, I never met a parent who did not want or desire for their children to have a good education.

□ 2015

They may not have known how to get there, but they wanted it for them.

Mr. Speaker, we have that challenge today, we have it next week, and we will have it next year. Certainly Congress has no business, in my opinion, trying to be a national school board. That is not our charge nor our responsibility. It is a state-funded responsibility and local delivery of education, but there is no reason that Congress should not, cannot, and ought not to put resources in to help those young people in those schools and areas where they are not achieving, where they should be achieving.

We made that decision years ago, and the Federal funding for education has slipped since the 1960s. We went through a period where we saw it drop, and now it is coming back, and we need to continue that push. It is so important.

The 21st century, in my opinion, will be a century that will belong to tne educated. Let me repeat that again: The 21st century will belong to the educated. There was a time when you could get a job if you dropped out of school. Those days are fast disappearing.

We spend a lot of time in this town arguing back and forth about appropriations, budgets, et cetera, et cetera, but what gets lost too often in all the sound and fury of legislative debate is the central meaning of the choices we make.

The choices we make are about our priorities. They also say something about our character, what we care about. Where we put our resources, or our money, if you please, tells people what is important to us. If you go into a town and you see a nice school building where the parents and the community are invested and involved in, it says education is important in that town. I happen to believe if you go into a town with a rundown building, children recognize very quickly, that is not the most important priority on the part of the people in that town. If the businesses are in order, it says that business is important. I think you can have a partnership of all. The budget and spending choices we make here define what our priorities are. As I said earlier, they truly express our values.

I would say to you that many of my colleagues in the Democratic Caucus and I have been working all year to try to give greater priority to education in this budget process. Why education? As I said earlier, because education is the key to the future for every child, every child, no matter what their ethnic or economic background may happen to be. You deny a child an educational opportunity and you have denied a future family an opportunity to prepare and invest in the next generation. It is as simple as that.

Certainly we value education, and we value it because we know that lifetime learning is the key to the American dream and today it is that ultimate ticket to the middle class. Everyone wants to get there. Whether a child is born into poverty today, if they get an education, they can be in the middle class tomorrow. But if we deny them an educational opportunity, they are relegated to poverty and so are their future children.

We talk about the global economy and America's international competitiveness. Certainly we are in a global economy. What happens on the other side of the world, through telecommunications we know about it now almost instantaneously. But it also means that what happens on the other side of the globe economically impacts us, and we are going to have to deal with them educationally, and our ability to have a knowledge-based job economy is important.

That does not mean agriculture will not be important in the future. Certainly it will be. It will continue to be. I grew up on a farm in my home State. As I tell my colleagues from time to time, I grew up on what we call a small family farm. I knew what it was to get up at 3 o'clock in the morning and take out tobacco and prime tobacco all day.

But those jobs have changed. Those small farms are much larger today when we talk about family farms. Where I grew up on a 50–75 acre farm, now when you talk about a farm, the farmer is talking about hundreds of acres. It has changed. Technologically it has changed. The equipment you use is different.

It means that even the farmers have to be better educated to compete today. They have to know financing, they have to have computers. Their equipment is driven technologically. The combines, the tractors, all of those are the same thing, just like the factories, are computer driven. That is why children need to have technology in the classroom and teachers need to have it so they can teach it and integrate it in the curriculum.

So in this new economy of this information age, what people can earn will certainly depend on what they have learned. We see that each and every day. We see more young people today becoming millionaires on the dot-com, but, in the end, we have to make something. They are speeding up the process.

It comes back again to what I started talking about, Mr. Speaker. It is about education. It is about access so everyone has a chance at this table. I used to tell folks when I was superintendent, this thing we call public education in America is one of the great opportunities in the world. It is one of the few places in the world that I know of that every child, no matter what their ethnic or economic background may happen to be, they can step up to the great smörgasbord, and, if they are willing to work and learn, they can go as far as their ability will carry them.

We have opened that door of opportunity. We ought to keep it open, and we need to swing it open even wider, right on beyond high school, because today just having 12 years or 13 years is just not adequate. We are going to need 2 and even 4 or more years beyond high school as we move into this 21st century.

So we have been trying here in Congress to get this Congress to give higher priority to strengthen our neighborhood schools and demonstrate how much we value education for our children. Yes, it takes resources, yes, that is money. When you have children who have special needs, they will be contributing members of society if we give them an opportunity to get an education. Yes, those children who have been deprived early will do better if we open the doors and give them pre-kindergarten and special care early on. They will be contributing members and they can make a difference in society and be good students in school. But a child who starts school behind, I am here to tell you, will have a tough time, and many of them may never catch up. That is why Head Start is important for every child who needs it. There are those who would tell you, well, we cannot do it. We cannot afford it. Can we afford not to? Can we afford to have losers? I don't think so.

I think we are a big enough society, we are a big enough country, we have the resources to do all those things if we do it. But, unfortunately, the House Republican leadership has said that we need a lot of other things first. I happen to believe that we need targeted tax cuts. But everything I read lately tells me that what we decided, last year we had almost $800 billion. This time we are talking about doing it in pieces so we will have more and we want to starve them so they will not have the resources.

I grew up on a farm and one of the things I never forgot that my dad told me, he said, "Son, don't feed the seed corn. Use your best corn to replant it so next year you can have a good harvest." What this majority wants to do is eat the seed corn so that our next generation will not have the opportunities, and that is wrong.

We need to make the kind of educational investments so that we can make our schools world class, so we can have high quality curriculum for every child in every classroom. And, yes, we ought to hold them accountable. We ought to have high standards, because, just as I told you at the outset earlier today, the school in Dunn, North Carolina, Harnett Primary School, is holding their children accountable, holding their parents accountable, holding themselves accountable, setting high standards, and those students are reaching it.

I certainly oppose these misguided priorities. We ought to invest in education, we ought to hold the system accountable, and we ought to get it done.

I am pleased at this time to yield to the gentleman from New Jersey (Mr. Holt) to discuss more about our priorities in education. He certainly has been a leader in the whole area of education, but he has focused his attention on science education. He is one of the true scientists here in Congress and brings a lot to the table.

Mr. HOLT. Mr. Speaker, I am pleased to join with my colleague from North Carolina, who has been a leader throughout his career on education, and has brought that lifetime of experience here to the House of Representatives.

The number of school children is growing now at a record-setting pace. We are experiencing the echo, the baby-boom echo, where the children of the baby boom are in school. I can tell you in my congressional district, there are some school districts where the number of children in kindergarten outnumbers the number in the 12th grade. You do not need to have higher mathematics to understand the implications of that for school construction and the need to provide good classrooms for those teachers and students.

With more than 52 million students in schools today, an all-time high, we are experiencing real crowding in the classrooms. To alleviate the crowding, many of the schools in my district are using the temporary solution of temporary structures, long, narrow, trailer-like facilities that are really unsuited for classrooms. But many schools are forced to use that.

New Jersey communities, as in many other parts of the country, need assistance to help provide the space for the children to learn, for the teachers to teach, and we really cannot postpone that any longer. The civil engineers point to this as the number one infrastructure problem facing the country today. We are investing billions of dollars in new prisons, we are investing billions of dollars in military installations. We should be investing resources in our schools for the sake of our children. It is the seed corn that my colleague speaks of.

I visited more than 80 schools in this term that I have been in Congress, and everywhere I go I hear from parents and teachers and students who feel that there is a role for the Federal Government. We can help.

Together with my colleague, the gentleman from North Carolina, I am working to help these fast-growing school districts, such as he has in his district, such as I have in mine, helping them to afford new and modern schools with what I think is a very attractive concept, tax credit for the holders of school construction bonds, in effect using Federal tax credits so that the school districts are reduced from the pressure of having to pay the interest to raise the capital for the school construction. These interest-free capital bonds will leverage the amount of money available to the school districts. My colleague has been a leader in devising and advocating this really very creative and attractive way of funding school construction.

Mr. ETHERIDGE. Mr. Speaker, reclaiming my time on that point, for our colleagues I hope they remember that that is H.R. 996, and, so they do not misunderstand, as the gentleman has indicated, all this does is pay the interest through a tax credit. It would allow the States and local jurisdictions to build the schools, to issue the bonds, but they would pay the principal only and no interest.

It is a way to help the local units not only build the new buildings they need, and we have 53 million students coming into our public schools, the largest number in the history of America, but it will also allow them to renovate and provide for the technology that they so sorely need.

I thank the gentleman for being such a strong proponent of this and being one of the earliest signers on this legislation with me, and trust before this Congress adjourns, that the Republicans will agree to bring this out of the committee, put it on the floor and let us vote it and help the schools.

Mr. HOLT. Mr. Speaker, we certainly should have the opportunity to debate this and vote on it on the floor. It takes away no local authority. The local school authorities will determine what needs to be built and where it needs to be built and when it needs to be built, but I know in my district, many of the towns have difficulty justifying to the taxpayers the large increase in property taxes that would result from the necessary school construction.

Now, this is not a free lunch. Of course, what we are doing in effect is deferring Federal revenue, but in the case of the school districts in central New Jersey it would be a shift away from property taxes, which would allow school districts to get on with the school construction that they know, that we all know, that they need to do.

□ 2030

I think it is a very attractive concept. I only wish, as my colleague says, that we could get this to the floor to be debated as it should be.

The gentleman has been a real leader in advancing this idea and I think this will find favor all across the country.

One other thing I would like to comment on is technology education, science education, and the importance of teachers. I think one of the greatest disservices that we do to students and to teachers is sometimes when people will talk about a born teacher, so and so is a born teacher, there are no more teachers born than there are born lawyers, born doctors, born engineers.

When we talk about it that way, we lose sight of the fact of what hard work it is to be a teacher, and how a teacher must work to keep up with developments in their field and developments in learning, learning how children learn.

So that if we are going to invest in the children of this country and in their education, we must invest in the professional development of teachers.

In most businesses, it is customary to spend several percent, maybe 5 percent, maybe 10 or even 20 percent of salaries in the training and development of the employees. In the field of education, in schools, that is typically 1 percent or less that is invested in the professional development of teachers.

We must recognize that teaching requires continuous learning, continuous development, so that teachers can be the professionals that we want them to be.

In the area of technology, our cars now have more computing power than the Apollo spacecraft had. Computers can send billions of dollars of capital around the world at the touch of a key, and our economy is booming with growth in high-tech industries, and yet a recent survey published by the Department of Education tells us that only 20 percent of teachers feel qualified to use the technology that is now available to them. Not some future technology that is coming but what is available to them today.

That is why I am cosponsoring legislation to help teachers teach technology education. We must do more. In order for our country to continue growing and prospering in this century, we must ensure that our students receive a quality education in science and mathematics and technology. We must do what we can to help the teachers be prepared to teach those subjects.

Mr. ETHERIDGE. Mr. Speaker, I commend the gentleman for those important comments. I particularly agree with the gentleman on the issue of school construction that is so badly needed, not only in those growth areas but in a lot of our urban areas where children are going, as the gentleman said, trailers and substandard buildings that we would not operate a business out of.

I used to go to civic clubs, and still do, and say to the folks, if they really think rundown buildings are good then why do they not invite the next business who comes to town and wants to expand, take them down to the old warehouse front and ask them to put their business in there and just say to them it is the buildings; it does not make that much difference. It is the people that are put in there, and see if they come back and open their factory in their town. They will not come back.

I think the children deserve a quality place to go to school and teachers need a good place to learn.

Mr. HOLT. If I may comment on that point, nationally schools now have an average age of about 45 years. In New Jersey, it is a little closer to 50 years. The average school age in any other business that would be considered obsolete.

Mr. ETHERIDGE. That is correct.

Mr. HOLT. There is nothing that should lead us to believe that teaching techniques cannot advance just as business and manufacturing techniques advance.

We have learned a lot in the last 50 years, in the last 100 years, about how children learn. Some of that has implications for how we construct a classroom and how we run a class. We need modern facilities.

Mr. ETHERIDGE. The gentleman is absolutely correct. Architects are doing that, and I would say to our colleagues who have not been into a school lately, go into one. Talk with the teachers, spend some time other than visiting. They will find out that just because the buildings still may be square or are have corners, it is an entirely different place on the inside.

I happen to agree with the gentleman on this issue of technology. As the gentleman indicated earlier, as a former superintendent of my State schools I also know firsthand of a lot of amazing stories and a lot of good things happening in our schools.

For example, contrary to all the badmouthing our schools tend to get from partisan politicians, student mathematics achievement has improved. We need to do better. Between 1982 and 1996, students improved their achievement in mathematics as measured by the, as the gentleman well knows, National Assessment of Education Progress, one of the most respected testing services we have.

Students in my home State, as an example, have made gains that are three times the national average of gains on NAEP. Some of the greatest gains have come from our minority students, which is crucial because we do not have a single child to waste in the 21st Century. We must bring everyone along. Today when unemployment is low and we are searching for workers, we need everyone.

We have other good news as well, let me just say to the gentleman. Student science achievement is improving. The gentleman has been a leader in trying to make sure we get more dollars out there to improve it even more. SAT scores have increased every year since 1990. ACT scores are up. These are things people do not want to talk about when we are doing good things.

Students are taking more AP courses. As the gentleman well knows, AP is the advance placement courses. In high school, one takes college level courses that they can use their first year in college.

School violence is coming down, and that is important. Public school teachers are better educated than private school teachers.

Some would want to say that is not true. These are statistics from the Department of Education. I think they happen to be accurate.

More students are going on to higher education. We need even more to go in this 21st Century. More women are going on to graduate and to professional degrees. As I said, we have no one we can leave behind. It is making a difference.

We have a lot more examples, but if America is going to seize the opportunity of this new economy that the gentleman was talking about earlier, Congress must provide national leadership in this vital area of education. We cannot shirk our responsibility because across this country American people are calling for a greater effort in investment in education, not less.

Now the Republican leadership is proposing private school vouchers all over again, the same thing we have heard before. They want to take billions of dollars out of tax money and use it to finance private school vouchers. I happen to believe that is wrong. We do not have enough money in the public schools today. We should not be draining those resources away and leave our children behind to be condemned to a bleak future of failure. That is absolutely wrong, and my colleagues and I who have been working on this special order this evening we do have some ideas about how we can do better things.

Yes, we must invest in a national commitment on education. Yes, we must hold schools accountable. Yes, we must be accountable to the taxpayers. Yes, we must raise standards and every child must have an opportunity to learn, and we have to put the resources under them so they can get there.

Improving education in this country is about creating a classroom environment where children can learn and teachers can teach. We need to foster greater connection between students, teachers and parents, and the gentleman has worked on that. The gentleman has been a leader in it.

Mr. HOLT. The key is what the gentleman referred to just a moment ago, is every student. That is our national ideal, that we provide an excellent education for all students; not just science education for future scientists; not just smaller class sizes for those who can afford private schools; not just reading for those who are fortunate to have good pre-school access and exposure to books. No; for all children. That is the ideal that we should be upholding in everything we do here in the Congress, is that this general education, which is special to America, is what has made us so successful and what we must at every opportunity talk about and try to ensure in every school district across the country, that we are talking about education for all.

Mr. ETHERIDGE. I thank the gentleman for that. The gentleman is absolutely correct. When some people use the words they talk about students and children, they really are not talking about all children. They do not mean all children. The gentleman does. I do. I trust that is what we are talking about when we talk about public education.

I used to tell folks when I was superintendent, and I still do it as I talk, the difference between public school and any other school, than any other, is that when those yellow school buses show up in the front of that school, they do not ask those children have they had breakfast; they do not ask them if they came from a wealthy household with two parents; they do not ask them anything. They take all comers with all their opportunities, with all their challenges, and those teachers go in those classrooms every single day and work their heart out to make sure that every child does the best they can do.

It is a tough job being a teacher. I have a son who is a fourth grade teacher. It is a tough job. I admire him for it because I have been in and seen some of the challenges they face. My daughter was a high school teacher. She is now going to law school. I guess for whatever reason she wants to go into education law.

One of the best ways that we can improve education is one of the things the gentleman just talked about is providing smaller class sizes that are orderly, disciplined and where every child can get that additional attention that they so badly need. When we talk about private schools, or any other area, we really are talking about personalized attention, smaller class sizes, because when a child has a smaller class size, they can get more individualized attention. That is why this Congress is working with the President trying to get 100,000 new teachers, and we are not talking about block grant so the money can be used for a lot of other things.

I was a superintendent. I know what will happen when block grants are sent. I was at the State level when Congress decided we are going to send a block grant, and the next thing we are going to do we are going to cut that sucker because we decided less can be used in administration; so we will cut it. Then when they cut it, they will come back and say a good enough job was not done with the money we sent so we are just going to cut it out; teachers or staff cannot be hired in block grants.

People tend to want to have a career path if they come into education. They are not looking for a one-year job to move somewhere else, and I do not think Members of this Congress still understand that when teachers are hired, the money ought to be categorized that they can use for that. Children show up in the classroom as kindergartners. The last time I checked, and the gentleman has been a proponent of this, they tend to stay 13 years. They need to be taught for those 13 years.

Mr. HOLT. Smaller class sizes, particularly in the early years, are essential. It is when students learn how to learn. The educational literature is clear on this. Smaller class sizes help students, and the advantage lasts for years and years. In fact, it may last a lifetime.

Mr. ETHERIDGE. I agree.

Mr. HOLT. If we could get class sizes down to an average of 18 students in kindergarten through third grade, it would benefit not only those teachers and those students during those years, it would benefit those students when they get to high school.

The literature is clear on this, and that is what the President has been talking about in his effort to get 100,000 new teachers, particularly in the early years, so that we can have an average class size that appears to be optimum at about 18 students. That is what teachers tell me. One does not need to be smaller than that, but they should not be larger than that. It is a worthwhile goal.

As the gentleman knows, we are two years into this process now. We have appropriated funds for 30,000 new teachers around the country, but we still have more to do.

This would be in addition to hiring the teachers necessary to just keep up with retirement and attrition. This would be to actually reduce class sizes.

Mr. ETHERIDGE. The gentleman is absolutely correct. When we talk about the number of teachers we are going to need over the next 4 or 5 years that are retiring and the openings and the challenges this country faces in having teachers in front of those classes who are the best teachers we can get who are certified in their curriculum area and doing the things we need to really raise our standards, that probably is a special order for a whole other day, and I hope we can talk about that because I think it is important as we are looking at 53 million students this year and more coming next year and over the next 10 years we are going to see growth.

□ 2045

It is what we are calling the "baby boom echo." I used to tell folks we are growing so fast in North Carolina, we have low unemployment, a lot of folks moving in. We can always tell because school folks tend to want to project out how many teachers they are going to need, how many schools they are going to need. They can do a pretty good job based on live births; take the births in a community and go 5 years out and they can expect them to be coming to kindergarten. We have a lot of folks moving into our community coming from other places, who have a habit of bringing their children with them. That expands the opportunity, the need for more school buildings.

But I think that we need to provide more support for our teachers, because they do have a very difficult but a critical job that has to be done. Because if we do not have the best people in those classrooms and we do not support them with the resources they need, we do not give them the kind of environment to teach in with the tools to teach our children, we are going to pay a heavy price in years to come.

Mr. Speaker, there is nothing in, my opinion, outside of protecting our borders with our military and our national defense, the second most important thing we have is educating the next generation to be able to inherit the greatest country in the world. Because if we do not do that, we will rue the day that we did not do that.

Mr. HOLT. Mr. Speaker, there is no better investment for the future. The gentleman speaks about the need for more teachers, and the gentleman is right. This is a subject for an entire day's discussion, I think; but let me just point out, as the gentleman knows well, in the next 10 years we will need to hire 2.2 million new teachers just to stay even. Not for smaller class sizes, but just to keep up with the current needs as teachers retire, as teachers, for various reasons, leave the profession. 2.2 million teachers.

We have to make sure that we provide the training. As they enter the profession, that they are provided the mentoring in the early years and that we provide a climate of continuous improvement. That is what we talk about in industry; we should have the same thing in the teaching profession as we have in the medical profession and the legal profession.

Mr. Speaker, I am happy to yield back to the gentleman.

Mr. ETHERIDGE. Mr. Speaker, as the gentleman from New Jersey was speaking, I was thinking as we were going through that what the gentleman is talking about is 2.5 million. That does not include the growth numbers we are going to need for whatever that baby boom echo carries out for years. As we think about education, and the gentleman has been a real leader in this certainly in math and science education, but the gentleman has expanded to all education and I thank him for that, bringing his background to this hall of the people's house.

But we recognize that when we talk about hiring more teachers, even with the 100,000 that we are providing in resources, so that our colleagues understand and those who may be watching this evening, we really are talking about them being hired where they teach. They are not hired in Washington. In my case, when I was in Raleigh as State Superintendent, they were not hired at the State capitals. They were hired in the communities where the people are.

That is why it is important when we talk about categorical money, so that people understand, that is money sent down specifically for teachers. When we send a block grant, that is a money that can be pulled away. That is why we think it is important to send that string for teachers so when they hire an individual, if they hire them to teach, they have a job this year and that money is going to follow next year.

Mr. Speaker, when a person makes a commitment to a career in education, they know they are not going to get rich but they are going to be rich in rewards and responsibilities. My son reminds me that his groceries cost just as much when he gets his paycheck as a teacher as the groceries of the president of the largest bank. So we have to recognize if we are going to keep good teachers in the classroom and continue to attract the quality of people that we need to teach our children, we are going to have to make a decision.

Congress certainly cannot do that. It is a local-level and a State-level decision, but we ought not to be bad mouthing them. We ought to be raising them up and empowering them. And any way we can help, if we can fund 100,000 teachers, certainly we can do that. Can we help with school construction? Yes, we can help with that. Can we help with staff development at the university level? Absolutely, we can do that.

Mr. Speaker, rather than talk about these things that I think are irresponsible, and block grants and vouchers, we ought to be talking about how we can help and hold up and encourage.

Young people respond. I remember something in a book I read by Coach John Wooden of UCLA, one of the great basketball coaches of all time in his book entitled, They Call Me Coach. He had several great lines, only one of which I will share this evening. He said: You know, children need role models, not critics.

Mr. Speaker, I believe teachers need encouragement, not criticism from public officials and certainly not from this body, the body that people around this country and around the world look to for leadership from time to time. We ought to be their greatest cheerleaders saying to them, "We are here to support you and help you. We are going to do what we can to help make your life better." And, yes, we are going to send 100,000 teachers and, yes, we can afford to pay that interest to make sure that we have quality classrooms all across this country for children to go to and teachers to teach in.

People recognize in America education all of the sudden again is one of the most important things we have in every community and help our people. As the gentleman from New Jersey indicated earlier, it certainly will not go all the way to correct all the needs, but it will be a start. It will say it is a high priority with those of us in Washington. And, yes, it will have some impact on that local property tax. Mr. Speaker, I yield back to the gentleman.

Mr. HOLT. Mr. Speaker, I must say that we are fortunate to have the gentleman from North Carolina (Mr. ETHERIDGE) in the House of Representatives keeping us focused on these issues. There is no one in this body who has more experience, more knowledge, and more dedication to the providing of excellent education for all of America's children. I thank the gentleman, not just for tonight's special order, but for what the gentleman does day in and day out to keep the House of Representatives focused on the most important investment that we as a country make: The investment in the education of our children.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT), and I would say this evening is a very appropriate time as we do this order and talk about education simply because in some communities right now, school is getting ready to open. I went this morning to one where teachers were coming back and over the next several weeks, schools all across America will be opening up. There are some that are year-round schools that are going to be there all year, but there are those who will open up.

Mr. Speaker, 94 Members in this House have signed this bill to build new schools. The gentleman from New York (Mr. RANGEL) and the gentlewoman from Connecticut (Mrs. JOHNSON) have signed on this bipartisan bill. It enjoys the support of an awful lot of Members of this House, and if we can get it to the floor, I think it will pass. I trust that the Republican leadership will give us a chance to vote on it.

But when school opens for many places across America in the next few weeks, as I have already said, America will have more schoolchildren in our classrooms than at any time in the history of our Republic. More than even during the height of the baby boom. I guess one way to say it is that it is getting better; some might say it is getting worse. I happen to say it is getting better, because we have more children in our public schools.

Mr. Speaker, we are in the best financial condition and have the best opportunity in this country that I can remember. As the U.S. Department of Education has documented, this explosive growth will continue for the next decade, and we ought to use this time and use these resources and opportunities we have to invest in our future, and invest in our children.

It is wrong, it is absolutely wrong that we ask children to be in cramped closets, on stages, in leaky buildings, in trailers that we would not put a prisoner in, but we put our children in it and we tell teachers to teach there. They are hot in the summer and they are cold in the winter and that is wrong, absolutely wrong and unacceptable in a country that has the resources that we have.

We ought to be investing. It would not take a lot. It would only take just a few small pennies of what we have here to make a difference all across America. The baby boom echo presents an immediate crisis in many states. My home State happens to be one of those. It is one of the fastest growing States in America.

Mr. Speaker, this Congress must take action to build quality schools for our children. We not only have that responsibility, we have that obligation. As these 53 million-plus students head back to school this fall, they will know that we did not live up to our obligation last year. I trust we will not adjourn in October without meeting that obligation this year. We have that responsibility and that obligation. Too many of these children again this year will be stuck in trailers, shoved in closets, crammed into bathrooms that were converted to classrooms, and gyms and other substandard facilities and in some cases buildings that do not have glass in the windows. That is not acceptable.

Mr. Speaker, how do we tell a child that education is really important when they just rode by a new prison to go to an old rundown school building? That is not right. It is not right in America. It is not acceptable.

Our communities need help to build quality schools where good order and discipline fosters a positive learning environment for our children. Our teachers deserve it also.

Mr. Speaker, let me close this evening finally by saying there is another issue I want to touch on just briefly that my State has worked on, and I have introduced legislation in this Congress and trust that it will pass. That is on character education. We did a survey in my State of 25,000 students, teachers, parents and school employees and nearly one-third of them indicated that they did not treat their teachers with respect. This was in 1989–90, 10 years ago.

Mr. Speaker, we put in place character education. We started out with ethics education and turned it into character education. It is now part of the curriculum in our State and it is making a difference. It is integrated into the curriculum. It is not separate.

It teaches such thing as trustworthiness. Who can disagree with that? Respect. Who can disagree with that? Responsibility, caring, fairness, citizenship, perseverance, courage and self-discipline. We can all agree with that. Those are American traits. Every child should be taught that. It makes a difference in their life, they are better students as a result of it, and those classrooms and schools across North Carolina that have instituted it, they are seeing discipline problems go down and academics go up. All we need to do is look at what is happening in North Carolina. It is making a difference.

Mr. Speaker, as I close this evening, I would call on my colleagues to step up to the plate, as we say in baseball, and face up to the responsibility that we have an obligation to fund the 100,000 teachers so children can be taught in smaller classes and make sure that we have the classrooms children can learn in and teachers can teach in. So that parents once again will have the kind of respect they need to have because they feel we put the money where we ought to put it and invest it in the future and we ought to be putting the character opportunities to teach.

As the parent of two teachers, with a wife who teaches, and children who have gone through the public school, I will say this evening that our future is in the K–12 public schools in America where 90-plus percent of all of our children go. We cannot turn our backs on the opportunity for all of our children.

FEDERAL RESERVE MONETARY POLICY: IS GREENSPAN'S FED THE WORLD CENTRAL BANK?

The SPEAKER pro tempore (Mr. KUYKENDALL). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for 60 minutes.

Mr. METCALF. Mr. Speaker, some years ago, William McDonough of the Federal Reserve Bank of New York stated, "The most important asset a central bank possesses is public confidence." He went on in that speech to note that, "I am increasingly concerned that in a democracy, a central bank can maintain price stability over the intermediate and long term only when it has public support for necessary policies."

Public confidence here can only mean the confidence of the Members of Congress in our oversight capacity. Most of the American public to this very day have not the least interest in, awareness of, or knowledge of the Federal Reserve System, our central bank.

□ 2100

But most members feel that Allan Sproul, another former president of the New York Federal Reserve Bank, was quite correct in his letter, still quoted by Fed officials, that Fed independence "does not mean independence from the government but independence within the government. In performing its major task, the administration of monetary policy, the Federal Reserve System is an agency of the Congress set up in a special form to bear the responsibility for that particular task which constitutionally belongs to the Legislative Branch of the government."

Clearly that form of argument appeals to most Members today. The construct is a masterpiece, not just for being true, Congress did abdicate its enumerated powers, but for letting even those of us responsible for the oversight off the hook; the Treasury does not rule the Fed; the White House does not rule the Fed; and this Congress does not fulfill its supervisory responsibility either.

The current Fed Chairman, Alan Greenspan, will soon testify before this House, expressing his independence. As the journal Central Banking recently noted regarding the Fed, "It has acquired an air of sanctity, politicians hesitate to bait the Fed for fear of looking stupid." As a result, and still quoting from Central Banking, "the Feds accountability is less than it appears. The Fed is always accountable in the sense that Congress could bring it to heel if it really wanted to."

The Fed has not done too badly in some areas, as the economy demonstrates, most notably where inflation and interest rates today are resting. Whether they remain even close to where they are come a year or two from now may, indeed, be an altogether different story. Mr. Greenspan has been pretty clear about what is now important in Fed policy.

Let me quote from some past testimony. "The Federal Reserve believes that the main contribution it can make to enhancing the long-term health of the United States economy is to promote price stability over time. Our short-run policy adjustments, while necessarily undertaken against the background of the current condition of the U.S. economy, must be consistent with moving towards the long-range goal of price stability."

The reality is that monetary policy can never put the economy exactly where Greenspan might want it to be. He knows full well that supply shocks that drive up prices suddenly, like the two major oil shocks of the 1970s, are always going to be with us. More so than ever as the process of globalization continues to transform the world's economies.

The United States Federal Reserve is leading this global transformation. Some are quietly arguing, over lunch mostly, that Greenspan is in charge of what he may already believe to be the World Federal Reserve, the World Central Bank.

There is good reason to suggest this. As Robert Pringle noted some time ago in Central Banking, "Central banks rather than governments are laying down the rules of the game for the new international financial system. The Fed is in the lead."

Pringle went on to argue, and now I am quoting him again at length, "If the Fed's record during the debt crisis and in exchange rate management is mixed, most observers would give it full marks for the way it dealt with the stock market crash of 1987. It is not clear that the verdict of history will be as favorable. After being prodded into action, some central banks, notably those of Japan and England, went on madly pumping money into the system long after the danger was passed, creating an unsustainable boom and reigniting inflationary pressures."

I am still quoting, "Well, our Fed can hardly be blamed for that. The real problem was that Greenspan's action risked creating the expectation among investors that the Board of Governors would support U.S. stock markets in the future. Clearly, the action was prompted by the need to protect banks from the risks to which they were exposed to firms in the securities markets.

"Equally, this support signaled an extension of the central bank's safety net to an area of the financial system where investors are traditionally expected to bear the risks themselves. It is no accident that after 1987 the bull market really took off. It has never looked back."

I have quoted this section in the article by Robert Pringle that appeared in Central Banking because we are hearing much the same fears expressed today, though quietly over lunch, by phone, by rumor, by investors and money managers throughout the United States.

Not too long ago, former Fed Chairman Paul Volker strongly suggested that our current boom is driven almost exclusively by the major international firms in the high-tech industry and the 40 industrials. Clearly, this is due to the fact that these few giant monopolies dominate the world market. Therefore, this boom reflects less what is happening here in America than what is going on in the world to these few monopolies' financial benefits.

I am not entirely complaining, mind you. Where these few giant firms are concerned, some American workers do benefit. But more foreign workers benefit than American; more investors and owners benefit than workers; more very wealthy individuals benefit than the middle class bedrock.

My problem is that Greenspan's Fed seems to believe money does not matter. That we can create vast sums of cash and pump it into the financial markets at will, manipulate the adjusted monetary base to even greater heights, or plummet to the depths; all this done toward long-term price stability. Has Greenspan so rejected Milton's theory that to do so one guarantees inflationary pressures in the road ahead along with savage corrections when actions become necessary by, once again, the same Fed?

Can Greenspan seriously argue the Fed has not created the worst bubble in history, the worst speculation ever witnessed, with millions of day traders gambling their small fortunes, wishing to become, each of them, another Bill Gates? Clearly, Greenspan sent a signal once again to investors that the stock market bears no risk for the middle class citizen.

During 1995, it was Mexico's turn again. As Pringle pointed out, "the American administration panicked. Again, the Federal Reserve was there to help, even though there was less reason for central banks to get involved than in 1982, since there was less risk to the international banking system."

As Pringle goes on to State, "Again European central bankers were annoyed at the lack of consultation. You do not need to be a populist politician to suspect that Wall Street was calling the shots, especially with former senior partner of Goldman Sachs, Robert Rubin, as U.S. Treasury Secretary."

One of the most important arguments regarding Greenspan's Fed's ability to save the world was put forward in this journal Central Banking, and I quote, "The Fed's good record of achievement in controlling inflation over these years contrasts with its mixed record of market management. Its Achilles heel is moral hazard. It has not been so good at preventive medicine or in taking into account the long-term effects of its actions on the behavior of governments and market participants."

It is precisely the long-term effects of Fed monetary policy that should concern Congress. If that is not our oversight role, what is? It is precisely the long-term effects on market participants that should concern Congress. If that is not our oversight role, what is? What are the long-term effects of Fed monetary policy going to be on government?

Now, certainly Congress can get behind that question, if not in our oversight role on behalf of the American people generally, and the ill-informed market participants that are creating this speculation bubble in the mistaken belief that the stock market no longer bears any risk, if not in their behalf, then maybe in our own congressional self-interest.

We have witnessed some rather disturbing policy stratagems in just the last, say, 10 months or so. Greenspan's Fed began around August and September of last year, 1999, to expand the money supply, the adjusted monetary base, from around $500 billion to nearly $625 billion, a $70 billion run up, in anticipation of potential Y2K effects.

This enormous expansion flowed directly into the financial markets and helped create the enormous boom in stock prices prior to that year's end. The speculation was seen primarily in high-tech stocks.

Then comes the sudden and nearly precisely the same spike downward of the same Adjusted Monetary Base right after the year ends and 2000 begins. There were no problems with Y2K. This spike downward lasted until around April of the year 2000. That is this year.

We know the savage corrections the stock market displayed and that there were more losers than winners. All we ever hear about is the winners one sees, not the thousands or the millions of losers. Why do we hear so little about the losers in the media? Because, so the argument goes, the market returned to almost normal. The market bounced back, so the argument goes, certainly, as the Fed began once again to pump up the monetary base around April.

But, the losers remain losers, and lost homes, businesses and bankruptcies continue to reach all time highs. Personal debt, especially credit card debt, and equity finance debt have reached unheard of levels.

This is the speculation, no, let us call it what it really is, gambling, this is the gambling that is today our U.S. stock market.

One will not hear the White House complain. Only praise for Clinton's appointee shall be the sounding out, ringing out the bell in praise for White House management of the economy. One will not hear that from the very speculative bubble created during the last 6 months of 1999. One will not hear that from the quickest investor who took their profits before the inevitable downturn and before the downturn came and before the corrections that came.

Investors were paid handsomely for their gains in capital gains taxes levied. It is no surprise to Fed watchers that the taxes collected from capital gains nearly equaled the much hailed government surplus that Clinton soberly explained was due to his wise leadership of the economy.

If the surplus was really generated by wise leadership of the White House, why is not the government's debt going down? Do not confuse the government debt with some mythical balanced budget.

For a Federal central bank, the concentration of power at the top is very marked. True, although the Board of Governors sets the discount rate and reserve requirements, the execution of monetary policy on an ongoing basis is decided by the larger 12-member Federal Open Market Committee. But the FOMC brings only five voting Reserve Bank presidents, of which the New York bank is always one, leaving the Washington Governors in the majority. They run it. The influence of the chairman alone can sometimes be near to overwhelming.

As an historical note, and I taught history and government, so forgive me, Congress insisted on scattering 12 regional Federal Reserve Banks across the country when the system was devised so that the east could not restrict credit elsewhere. Interestingly, these Federal Reserves were chartered as private institutions in which local banks owned all the stock.

That is still true today with the outside directors on the board of a Reserve Bank, a mix of representatives from small and large member banks in the district, as well as representatives from industry, commerce and the public.

□ 2115

What was intended here was a sort of balancing; three bankers with six nonbankers on each Federal Reserve Board. Supposedly this would put the lenders at a disadvantage to the borrowing classes, which would outnumber the lenders six to three.

The boards choose the Reserve Bank presidents, always from the lending class, but do so only with the approval of the seven-member Federal Reserve Board in Washington. Thus, we can readily see that the bankers, the lenders, clearly dominate the Federal Reserve System itself. Even though at the regional Feds the distinction I just made is superficially valid, many of the nonbank directors are tied inextricably to banking itself or sit on separate boards of directors where bankers rest as well. Nor is the public sector category so clear. Many nonindustry participants on these boards have close ties to banking and banking's network of consultants, academics, and financial management roles clearly bank related.

Just how much power any one regional president has is still debated in inner circles. Previous efforts at restricting Reserve Bank presidents' powers have been dismissed on the grounds that their powers were a proper delegation of authority by Congress.

Allowing that the Federal Reserve is a quasi- government agency, it remains the only government agency in which private individuals, along with Government-appointed officials, together make government policy. Let me repeat that. The Federal Reserve is a quasi-government agency. It remains the only government agency in which private individuals, along with government-appointed individuals, together make government policy. It remains a solid fact that these regional bank presidents cast extremely important votes on public policies that in the present as well as the future affect the economic lives of every American. Yet, and this is the point to my digression, they lack the public accountability because they lack the public legitimacy to be making these decisions, especially these kinds of decisions, some of whose recent effects I have just pointed out.

No one can any longer deny that the Federal Reserve System dominates the U.S. economy; that its decisions, more than even so-called market forces, which is a sham notion under managed competition in any case, affect everybody's lives and well-being; that within the decision-making process delegated to the Federal Reserve, the Board of Governors clearly dominates the process; that within that Board of Governors the chairman, and this is not intended to single out Mr. Greenspan but to apply to all past and future chairmen, that the chairman dominates the Board.

This does not seem to concern this Congress, but history will record the result; and the people of America may not like that result. Our founders and our constitution carefully limited the power of the President and of the Congress, but now we have an unelected Board of Governors with power, for good or for mischief, immense power, over our national monetary policy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MENENDEZ (at the request of Mr. GEPHARDT) for today and July 25 on account of official business.

Mr. SMITH of Washington (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of travel delays.

Mr. JENKINS (at the request of Mr. ARMEY) for today and the balance of the week on account of the death of his mother.

Mr. POMBO (at the request of Mr. ARMEY) for today on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2812. An act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities; referred to the Committee on the Judiciary.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 25, 2000, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9180. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—General Policies, Types of Loans, Loan Requirement-Telecommunications Program (RIN: 0572–AB53) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9181. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Blueberry Promotion, Research, and Information Order [FV–99–701–FR] (RIN: 0581–AB78) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9182. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance [OPP–301014; FRL–6594–6] (RIN: 2070–AB78) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus subtillis Strain QST 713; Exemption from the Requirement of a Tolerance [OPP–300997; FRL–6555–3] (RIN: 2070–AB78) received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Methoxyfenozide; Benzoic Acid, 3-methoxy-2-methyl-2-(3,5-dimethylbenzoyl)-2- (1,1-dimethylethyl) hydrazide; Pesticide Tolerance [OPP–300983; FRL–6496–5] (RIN:2070–AB78) received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9185. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106—273); to the Committee on Appropriations and ordered to be printed.

9186. A letter from the Under Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Deparmtnet of the Navy (DON) for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9187. A letter from the Deputy Secretary, Department of Defense, transmitting the Annual Defense Report: Appendix L: Resources Allocated to Mission and Support Activities; to the Committee on Armed Services.

9188. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting the Annual Report for the Armed Services Retirement Home (AFRH) for Fiscal Year 1999; to the Committee on Armed Services.

9189. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report entitled, "Plan for Improved Demilitarization of Excess and Surplus Defense Property"; to the Committee on Armed Services.

9190. A letter from the Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting a report entitled, "Integrated Chemical and Biological Research, Development and Acquisition Plan for the Departments of Defense and Energy"; to the Committee on Armed Services.

9191. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting a report on portability of TRICARE Prime Benefits; to the Committee on Armed Services.

9192. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report on Completed DoD A–76 Competitions; to the Committee on Armed Services.

9193. A letter from the Secretary of the Navy, transmitting the approved retirement and advancement to the grade of Vice Admiral on the retired list of Vice Admiral Michael L. Bowman, United States Navy; to the Committee on Armed Services.

9194. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of Vice Admiral on the retired list of Vice Admiral Henry C. Giffin III, United States Navy; to the Committee on Armed Services.

9195. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General Richard A. Chilcoat, United States Army; to the Committee on Armed Services.

9196. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list of General Anthony C. Zinni, United States Marine Corps; to the Committee on Armed Services.

9197. A letter from the Secretary of Defense, transmitting a report on proposed obligations for the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

9198. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General Ronald R. Blanck, United States Army; to the Committee on Armed Services.

9199. A letter from the Comptroller of the Currency, transmitting the four issues of the Quarterly Journal that comprise the 1999 annual report to Congress of the Office of the Comptroller of the Currency; to the Committee on Banking and Financial Services.

9200. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting transactions involving exports to Chad and Cameroon, pursuant to 12 U.S.C. 635(b)(3)(ii); to the Committee on Banking and Financial Services.

9201. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received July 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9202. A letter from the Managing Director, Office of General Counsel, Federal Housing Finance Board, transmitting the Board's final rule—Election of Federal Home Loan Bank Directors (RIN: 3069–AB00) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9203. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Membership Regulation and Advances Regulation [No. 2000–30] (RIN: 3069–AA94) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9204. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Federal Home Loan Bank Advances, Eligible Collateral, New Business Activities and Related Matters [No. 2000–34] (RIN: 3069–AA97) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9205. A letter from the Director, Office of Management, transmitting the pay-as-you-go report, as required by the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

9206. A letter from the Deputy Secretary, Department of Education, transmitting a copy of additional technical amendments to the Higher Education Act of 1965 (HEA) that supplements the Administration's "Higher Education Technical Amendments Act of 2000," previously transmitted to Congress; to the Committee on Education and the Workforce.

9207. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the 1999 Uranium Industry Annual, pursuant to 42 U.S.C. 2297h—10; to the Committee on Commerce.

9208. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Format for Materials Being Incorporated by Reference; Approval of Recodification of the Virginia Administrative Code; Correction [VA084/101–5045a; FRL–6726–4] received June 28, 2000; to the Committee on Commerce.

9209. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt from Certification; Phaffia Yeast (RIN: 97C–0466) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9210. A letter from the Acting Administrator, NHTS, Department of Transportation, transmitting a report on Motor Vehicle Trunk Entrapment; to the Committee on Commerce.

9211. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised 15% Plan for the Metropolitan Washington, DC Ozone Nonattainment Area [SIPTRAX NO. MD097-3050a; FRL–6735–4] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9212. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Approval of National Low Emission Vehicle Program [DC 045–2020a; FRL–9838–5] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9213. A letter from the Director, Office fo Regulatory Manangement and Informaticn, Environmental Protection Agency, transmitting the Agency's final rule—National Primary and Secondary Drinking Water Regulations: Analyical Methods for Chemical and Microbiological Contaminants and Revisions to Laboratory Certification Requirements; Technical Correction [WH–FRL–6726–2] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers for the Primacy Rule Under the Paperwork Reduction Act and Clarification of OMB Approval for the Consumer Confidence Report Rule [FRL–6726–3] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9215. A letter from the Director, Office of Regulatory Manangement and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2000: Allocations for Metered—Dose Inhalers and the Space Shuttle and Titan Rockets [FRL–6726–5] (RIN: 2060–A173) received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9216. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule -National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List [FRL–6727–2] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9217. A letter from the Chairman, Federal Trade Commission, transmitting a report entitled, "Privacy Online: Fair Information Practices in the Electronic Marketplace: A Report to Congress (May 2000)"; to the Committee on Commerce.

9218. A letter from the Director, Regulations Policy and Management Staff, FDA, Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt from Certification; Haematoccus Algae Meal (RIN: 98C–0212) received 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9219. A letter from the Chairman, Securities and Exchange Commission, transmitting the 65th Annual Report Securities and Exchange Commission 1999, pursuant to 15 U.S.C. 78w(b); to the Committee on Commerce.

9220. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rule 17Ac2–2 and Form TA–2 (RIN: 3235–AH44) received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9221. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 1999, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Commerce.

9222. A letter from the Deputy Director, Defense Security Cooperation, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Denmark for defense articles and services (Transmittal No. 00–53), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9223. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to United Kingdom for defense articles and services (Transmittal No. 00–50), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9224. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 00–45), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9225. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 00–51), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9226. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to New Zealand for defense articles and services (Transmittal No. 00–46), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9227. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Portugal for defense articles and services (Transmittal No. 00–52), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9228. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Italy for defense articles and services (Transmittal No. 00–49), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9229. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 00–54), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9230. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Poland for defense articles and services (Transmittal No. 00–61), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9231. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Kourou, French Guiana [Transmittal No. DTC 073–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9232. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan and French Guiana [Transmittal No. DTC 061–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9233. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 071–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9234. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 041–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9235. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 054–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9236. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Singapore [Transmittal No. DTC 018–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9237. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract to Jordan [Transmittal No. DTC 069–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9238. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9239. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9240. A letter from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Export Administration Regulations Entity List: Revisions to the Entity List [Docket No. 981019261–0207–03] (RIN: 0694–AB73) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9241. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Passport Procedures—Amendment to Execution of Passport Application Regulation—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9242. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting the Fiscal Year 1999 performance report on the Army Corps of Engineers Civil Works; to the Committee on Government Reform.

9243. A letter from the Assistant Secretary for Policy, Management and Budget and Chief Financial Officer, Department of the Interior, transmitting the Annual Accountabilty Report for fiscal year 1999; to the Committee on Government Reform.

9244. A letter from the Deputy Director, Support Personal and Family Readiness Division, Department of Defense, transmitting the 1999 report of the Retirement Plan for Civilian Employees of the United States Marine Corps Personal and Family Readiness Division, and miscellaneous Nonappropriated Fund Instrumentalities are furnished as required by Public Law No. 95-595; to the Committee on Government Reform.

9245. A letter from the Director, Division and Program Development, Office of Federal Contract Compliance Programs, Department of Labor, transmitting the Department's final rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities; Separate Facility Waivers (RIN: 1215–AA84) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9246. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Chief Financial Officers Act Report for the Federal Deposit Insurance Corporation for 1999, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

9247. A letter from the Comptroller General, General Accounting Office, transmitting the Executive Summary Strategic Plan 2000–2005; to the Committee on Government Reform.

9248. A letter from the Executive Director, Japan U.S. Friendship Commission, transmitting a notice that the Commission did not engage in any activities that would be covered under the FAIR Act; to the Committee on Government Reform.

9249. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal, “To amend title 5 United States Code, to extend the Federal physicians comparability allowance authority, and for other purposes”; to the Committee on Government Reform.

9250. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in the Survey Cycle for the Orleans, LA, Nonappropriated Fund Wage Area (RIN: 3206–AJ05) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9251. A letter from the CFO & Plan Administrator, PCA Retirement Committee, Production Credit Association Retirement Plan, transmitting the annual pension plan report for the plan year ending December 31, 1999 and a copy of the audited financial statements, pursuant to 7 U.S.C. 12(h); to the Committee on Government Reform.

9252. A letter from the Secretary of Agriculture, transmitting a report on the systems of internal control and financial management for the fiscal year ending September 30, 1999; to the Committee on Government Reform.

9253. A letter from the Secretary of Energy, transmitting the Fiscal Year 1999 Program Performance Report, combining the Accountability Report for 1999 with the Program Performance Report; to the Committee on Government Reform.

9254. A letter from the Secretary of Transportation, transmitting the annual report for the period ending September 30, 1999 in accordance with the Inspector General Act Amendments of 1988, pursuant to 5 app.; to the Committee on Government Reform.

9255. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Fiscal Year 1999 Accountability Report; to the Committee on Government Reform.

9256. A letter from the the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2000, through June 30, 2000 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106—272); to the Committee on House Administration and ordered to be printed.

9257. A letter from the Assistant Secretary, Land and Minerals Management, Engineering and Operations Division, Department of the Interior, transmitting the Department's final rule—Producer-operated Outer Continental Shelf Pipelines that Cross Directly into State Waters (RIN: 1010–AC56) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9258. A letter from the Director, Office of RegulatoryManagement and Information, Environmental Protection Agency, transmitting the Agency's final rule—Change of Official EPA Mailing Address; Technical Amendments [FRL–6487–4] received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9259. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Halibut Bycatch Mortality Allowance in the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040–0040–01; I.D. 051100D] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9260. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Removal of Vessel Moratorium of the GOA and BSAI [Docket No. 000706201–0201–01; I.D. 060700A] (RIN: 0648–AO00) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9261. A letter from the Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 000511138–0138–01; I.D. 051100B] (RIN: 0648–A019) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9262. A letter from the Office Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 991207322–0107–03; I.D. 041300A] (RIN: 0648–AN30) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9263. A letter from the Office Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 991207322–0115–04; I.D. 042100B] (RIN: 0648–AN30) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9264. A letter from the Acting Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 071400D] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9265. A letter from the Assistant Administrator for Fisheries Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States Northeast Multispecies: Framework Adjustment 33 to the Northeast Multispecies Fishery Management Plan; Reporting Requirement [Docket No. 000407096–0196–02; I.D. 040300C] (RIN 0648–AN51) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9266. A letter from the Office Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl [Docket No. 005519147–0147–01; I.D. 051800C] (RIN: 0648–AO22), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9267. A letter from the Secretary of Health and Human Services, transmitting the thirty-second in a series of reports on refugee resettlement in the United States covering the period October 1, 1997 through September 30, 1998, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

9268. A letter from the Executive Director, American Chemical Society, transmitting the Society's annual report for the calendar year 1999 and the comprehensive report to the Board of Directors of the American Chemical Society on the examination of their books and records for the year ending December 31, 1999, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

9269. A letter from the Attorney General, Department of Justice, transmitting the annual report beginning May 1, 1998, on the status of the United States Parole Commission (USPC); to the Committee on the Judiciary.

9270. A letter from the Farm Credit Administration, transmitting the Administration's final rule—Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN: 3052–AC01) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9271. A letter from the Assistant Secretary to the Army, Civil Works, Department of Defense, transmitting a report pursuant to Section 237 of the Water Resource Development Act of 1996 entitled, “Hopper Dredges: Ready Reserve Status of the Hopper Dredge Wheeler”; to the Committee on Transportation and Infrastructure.

9272. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30107; Amdt. No. 1999] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9273. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30108; Amdt. No. 2000] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9274. A letter from the National Highway Safety Administration, Department of Transportation, transmitting the Department's final rule—Procedures for Transition to New National Driver Register [Docket No. NHTSA-00-7551] (RIN: 2127-AG68) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9275. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oakley, KS [Airspace Docket No. 00-ACE-20] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9276. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, MO [Airspace Docket No. 00-ACE-21] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9277. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Airspace Docket No. 2000-ASW-12] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9278. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Atwood, KS [Airspace Docket No. 00-ACE-19] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9279. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2000-NM-23-AD; Amendment 39-11812; AD 2000-14-03] (RIN: 2120-AA64) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9280. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes [Docket No. 2000-NM-209-AD; Amendment 39-11811; AD 2000-14-02] (RIN: 2120-AA64) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9281. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000-NM-206-AD; Amendment 39-11813; AD 2000-14-04] (RIN: 2120-AA64) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9282. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2000-NM-155-AD; Amendment 39-11814; AD 2000-14-05] (RIN: 2120-AA64) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9283. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 99-NM-75-AD; Amendment 39-11816; AD 2000-14-07] (RIN: 2120-AA64) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9284. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99-NM-192-AD; Amendment 39-11815; AD 2000-14-06] (RIN: 2120-AA64) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9285. A letter from the Administrator, Environmental Protection Agency, transmitting the National Water Quality Inventory 1998 Report to Congress; to the Committee on Transportation and Infrastructure.

9286. A letter from the Administrator, General Services Administration, transmitting informational copies of lease prospectuses for the Federal Bureau of Investigation, Las Vegas, NV, US General Services Administration, Philadelphia, PA, and Rough and Ready Island, Stockton, CA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

9287. A letter from the Secretary of Transportation, transmitting a report entitled, "Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance Report"; to the Committee on Transportation and Infrastructure.

9288. A letter from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's "Major" rule—Licensing of Private Land Remote-Sensing Space Systems [Docket No. 951031259-9279-03] (RIN: 0648-AC64) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9289. A letter from the Secretary of Veterans Affairs, transmitting a report covering the disposition of cases granted relief from administrative error, overpayment and forfeiture by the Administrator in 1999, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

9290. A letter from the Commissioner, Social Security Administration, transmitting the 2000 Annual Report Supplemental Security Income Program, pursuant to Public Law 104—193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

9291. A letter from the Regulations Branch Chief, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Forced or Indentured Child Labor (RIN: 1515-AC36) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9292. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Laundromat Industry—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9293. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2000-D001] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Select Comm Narcotics Abuse & Control.

9294. A letter from the Secretary of Defense, transmitting a notice to oblicate $425.9 million in FY 2000 to implement the Cooperative Threat Reduction (CTR) Program under the FY 2000 Department of Defense Appropriations Act, pursuant to Public Law 104—106, section 1206(a) (110 Stat. 471); jointly to the Committees on Armed Services and International Relations.

9295. A letter from the Secretary of Defense, transmitting a notice to obligate certain previously notified in FY 1998 funds of up to $46.0 million, pursuant to Public Law 104—106, section 1206(a) (110 Stat. 471); jointly to the Committees on Armed Services and International Relations.

9296. A letter from the Secretary of the Treasury, transmitting the reponse to the Report of the International Financial Institution Advisory Commission (the Commission); jointly to the Committees on Banking and Financial Services and Ways and Means.

9297. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, "To authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia."; jointly to the Committees on Intelligence (Permanent Select) and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Omitted from the Record of July 20, 2000)

Mr. McCOLLUM: Committee on the Judiciary. H.R. 4033. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; with an amendment (Rept. 106-776). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4844. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; with an amendment (Rept. 106-777 Pt. 1). Ordered to be printed.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3380. A bill to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes; with an amendment (Rept. 106-778 Pt. 1).

[Submitted July 21, 2000]

Mr. SPENCE: Committee on Armed Services. H.R. 4446. A bill to ensure that the Secretary of Energy may continue to exercise certain authorities under the Price-Anderson Act through the Assistant Secretary of Energy for Environment, Safety, and Health; with amendments (Rept. 106-694 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Armed Services. H.R. 3383. A bill to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions (Rept. 106–695 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 24, 2000]

Mr. BURTON: Committee on Government Reform. H.R. 2842. A bill to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage; with amendments (Rept. 106–779). Referred to the Committee of the Whole House of the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4865. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; with an amendment (Rept. 106–780). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterams' Affairs. H.R. 4864. A bill to amend the title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes; with an amendment (Rept. 106–781). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 1283. A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; with an amendment (Rept. 106–782). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterams' Affairs. H.R. 4850. A bill to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes (Rept. 106–783). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on July 20, 2000]

Pursuant to clause 5 of rule X the Committee on Armed Services discharged. H.R. 3380 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of July 20, 2000]

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 15, 2000.

H.R. 3380. Referral to the Committee on Armed Services extended for a period ending not later than July 20, 2000.

H.R. 4844. Referral to the Committee on Ways and Means extended for a period ending not later than July 27, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself and Mr. GEJDENSON):

H.R. 4919. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes; to the Committee on International Relations.

By Mr. LAZIO (for himself, Mr. HOYER, Mr. BLILEY, Mr. DINGELL, Mr. BILIRAKIS, and Mr. BROWN of Ohio):

H.R. 4920. A bill to improve service systems for individuals with developmental disabilities, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 4921. A bill to amend title 38, United States Code, to revise the eligibility criteria for presumption of service-connection of certain diseases and disabilities for veterans exposed to ionizing radiation during military service; to the Committee on Veterans' Affairs.

By Mr. STENHOLM (for himself, Mr. DICKEY, Mr. HOLDEN, Mr. HAYES, Mr. SANDLIN, Mr. BOEHLERT, Mr. SHOWS, Mr. COMBEST, Mr. BOYD, Mr. SHERWOOD, Mr. TURNER, Mr. GOODLATTE, Mr. BALDACCI, Mr. CHAMBLISS, Mr. BERRY, Mr. EWING, Mrs. CLAYTON, Mr. HUTCHINSON, Mr. PETERSON of Minnesota, and Mr. GREEN of Wisconsin):

H.R. 4922. A bill to ensure that certain controversial changes to the Environmental Protection Agency's total maximum daily load program and permit program be subjected to adequate public and congressional analysis and review.; to the Committee on Transportation and Infrastructure.

By Mr. WATTS of Oklahoma (for himself, Mr. TALENT, Mr. DAVIS of Illinois, Mr. ENGLISH, and Mr. PETERSON of Pennsylvania):

H.R. 4923. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Small Business, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. CONDIT, Mr. MCINTOSH, and Mr. TURNER):

H.R. 4924. A bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

By Mr. COOKSEY (for himself, Mr. ARMEY, Mr. EHRLICH, Mr. BRYANT, Mr. GOODE, Mr. CANNON, Mr. TRAFICANT, Mr. SHADEGG, Mr. ENGLISH, Mrs. MYRICK, Mr. FLETCHER, Mrs. FOWLER, Mr. DOOLITTLE, Mr. TAUZIN, Ms. GRANGER, Mr. JENKINS, Mr. JONES of North Carolina, Mrs. KELLY, Mr. LINDER, Mrs. CUBIN, and Mr. SESSIONS):

H.R. 4925. A bill to amend the Internal Revenue Code of 1986 to allow more equitable and direct tax relief for health insurance and medical care expenses, to give Americans more options for obtaining quality health care, and to expand insurance coverage to the uninsured; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 4926. A bill to provide for the award of a gold medal on behalf of the Congress to Tiger Woods, in recognition of his service to the Nation in promoting excellence and good sportsmanship, and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Banking and Financial Services.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. STARK, Mr. BERRY, Mr. GEPHARDT, Mr. ABERCROMBIE, Mr. ALLEN, Mr. ANDREWS, Mr. BALDACCI, Ms. BALDWIN, Mr. CROWLEY, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. DEUTSCH, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Ms. HOOLEY of Oregon, Ms. KILPATRICK, Mr. KLINK, Mr. MENENDEZ, Mr. MORAN of Virginia, Mr. MOORE, Mr. PALLONE, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. RAHALL, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mrs. LOWEY, and Mr. WEYGAND):

H.R. 4927. A bill to amend title XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Commerce.

By Mr. GIBBONS:

H.R. 4928. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 4929. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, for continued use as a cemetery; to the Committee on Resources.

By Mr. GREEN of Texas:

H.R. 4930. A bill to amend title XVIII of the Social Security Act to permit the expansion of medical residency training programs in geriatric medicine; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HORN (for himself and Mr. TURNER):

H.R. 4931. A bill to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes; to the Committee on Government Reform.

By Mr. KLINK:

H.R. 4932. A bill to amend titles XIX and XXI of the Social Security Act to expand access of children to health care; to the Committee on Commerce.

By Mr. KLINK (for himself and Mr. EVANS):

H.R. 4933. A bill to amend title 38, United States Code, to reauthorize the program for veterans readjustment appointments within the Federal Government; to the Committee on Veterans' Affairs.

By Ms. MILLENDER-McDONALD (for herself, Mr. LAMPSON, and Ms. McCARTHY of Missouri):

H.R. 4934. A bill to authorize the Consumer Product Safety Commission to issue a consumer product safety rule to prevent injuries to users of vending machines; to the Committee on Commerce.

By Mr. MINGE (for himself, Mr. EVANS, Mr. CONYERS, Mr. DOYLE, Mr. FILNER, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. OBERSTAR, and Mr. HOLDEN):

H.R. 4935. A bill to amend title 38, United States Code, to increase the size of the estate an incompetent veteran being furnished institutional care by the Department of Veterans Affairs may have without being subject to suspension of benefits; to the Committee on Veterans' Affairs.

By Mrs. MYRICK:

H.R. 4936. A bill to increase the penalty imposed on a sexually violent offender who fails to comply with requirements to register or report, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Washington:

H.R. 4937. A bill to amend title XVIII of the Social Security Act to provide relief to providers of services under the Medicare Program by correcting reductions in payment rates instituted under the Balanced Budget Act of 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. BROWN of Ohio, Mr. GEPHARDT, Mr. DINGELL, Mr. RANGEL, Mr. WEYGAND, Mr. MATSUI, Mr. ABERCROMBIE, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. FROST, Mr. OBERSTAR, Mr. GREEN of Texas, Ms. KILPATRICK, Mr. WEINER, Mr. LEWIS of Georgia, Mr. BRADY of Pennsylvania, Mr. MEEHAN, Mr. CROWLEY, Mr. McGOVERN, Mr. LEVIN, Mrs. MALONEY of New York, Ms. BERKLEY, Mr. DEUTSCH, Mr. ANDREWS, Mr. STUPAK, Ms. SLAUGHTER, Mr. BONIOR, Mr. RAHALL, Mr. LANTOS, Mr. PALLONE, Mr. SERRANO, Ms. MILLENDER-McDONALD, Mr. FILNER, Ms. KAPTUR, Mr. BORSKI, Mr. HINCHEY, Mr. CARDIN, Mr. SANDLIN, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Mr. TIERNEY, Mr. MENENDEZ, Mr. KANJORSKI, Mr. DEFAZIO, Mr. DOYLE, Mr. BARRETT of Wisconsin, Mr. THOMPSON of Mississippi, Mr. NADLER, Mr. WAXMAN, Mr. FARR of California, Mr. KLECZKA, Mr. CUMMINGS, and Mr. KUCINICH):

H.R. 4938. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provisions, to amend the Internal Revenue Code of 1986 to allow a credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 4939. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Commerce.

By Mr. WAMP (for himself, Mr. TANNER, Mr. FORD, Mr. BRYANT, Mr. HILLEARY, Mr. CLEMENT, Mr. GORDON, Mr. DUNCAN, and Mr. JENKINS):

H.R. 4940. A bill to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the "American Museum of Science and Energy", and for other purposes; to the Committee on Science.

By Mr. WYNN (for himself, Mr. SHADEGG, Mr. PALLONE, Mr. BILBRAY, and Ms. ESHOO):

H.R. 4941. A bill to amend the Federal Power Act to provide for the reliability of the electric power transmission system in the United States, and for other purposes; to the Committee on Commerce.

By Mr. GRAHAM:

H. Con. Res. 379. Concurrent resolution reaffirming the first amendment right to freely exercise religious beliefs without the fear of governmental condemnation; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself and Mr. YOUNG of Alaska):

H. Res. 562. A resolution providing for the concurrence by the House, with amendments, in the Senate amendment to H.R. 1167; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Mr. BACHUS.

H.R. 148: Mr. RUSH.

H.R. 488: Mr. CUMMINGS.

H.R. 531: Mr. NEAL of Massachusetts, Mr. BAKER, and Mr. ABERCROMBIE.

H.R. 534: Mr. UDALL of New Mexico, Mr. FORD, Mr. BERRY, and Mr. FILNER.

H.R. 797: Mr. DICKS.

H.R. 860: Ms. HOOLEY of Oregon.

H.R. 920: Mr. FILNER

H.R. 1227: Ms. MILLENDER-McDONALD.

H.R. 1399: Mrs. LOWEY.

H.R. 1606: Mr. TIERNEY

H.R. 1621: Mr. RANGEL, Ms. DEGETTE, Mr. UDALL of New Mexico, Mr. BARR of Georgia, Mr. WAXMAN, and Mr. HAYES.

H.R. 1731: Mr. DOOLEY of California.

H.R. 1850: Mr. NEY.

H.R. 1871: Ms. ROYBAL-ALLARD.

H.R. 1890: Mrs. LOWEY and Ms. WOOLSEY.

H.R. 1982: Mr. FILNER, Mr. EVANS, and Mr. UDALL of New Mexico.

H.R. 2121: Mr. SMITH of Michigan and Mr. DAVIS of Illinois.

H.R. 2562: Mr. PICKETT.

H.R. 2710: Mr. ENGLISH, Mr. HOLT, Mr. BEREUTER, and Mrs. McCARTHY of New York.

H.R. 2814: Mr. GEORGE MILLER of California.

H.R. 2870: Mr. FATTAH, Mr. POMEROY, and Mr. WEYGAND.

H.R. 2902: Mr. COSTELLO.

H.R. 3044: Mr. RUSH.

H.R. 3083: Mr. REYES, Mr. BENTSEN, and Mr. SMITH of Washington.

H.R. 3091: Mr. EDWARDS, Mr. McDERMOTT, Mr. CLEMENT, and Mr. GUTIERREZ.

H.R. 3105: Mr. HASTINGS of Florida.

H.R. 3170: Mr. PETERSON of Pennsylvania.

H.R. 3235: Ms. BALDWIN.

H.R. 3377: Mr. INSLEE.

H.R. 3463: Mr. CROWLEY and Mr. LIPINSKI.

H.R. 3571: Mr. PASCRELL.

H.R. 3806: Mr. PASCRELL.

H.R. 3825: Mr. RAHALL.

H.R. 3850: Mr. BOUCHER.

H.R. 3880: Mr. PETERSON of Pennsylvania.

H.R. 3907: Mr. PETERSON of Pennsylvania.

H.R. 3983: Mr. BLUMENAUER, Mr. CLEMENT, Ms. HOOLEY of Oregon, Mr. JEFFERSON, Mr. LARSON, Mr. LAMPSON, Mr. PRICE of North Carolina, Mr. SNYDER, Mr. STENHOLM, Mr. TANNER, Mr. THOMPSON of California, and Mr. REYES.

H.R. 3998: Mr. HINOJOSA.

H.R. 4001: Mr. THOMPSON of Mississippi and Ms. RIVERS.

H.R. 4030: Ms. DEGETTE.

H.R. 4178: Mr. SCOTT, Mr. BATEMAN, and Mr. COX.

H.R. 4213: Mr. BUYER and Mr. COOK.

H.R. 4215: Mr. DOOLEY of California.

H.R. 4236: Mrs. FOWLER.

H.R. 4239: Mr. CLYBURN and Mr. LAFALCE.

H.R. 4259: Mr. BEREUTER and Mr. BARRETT of Wisconsin.

H.R. 4271: Mr. HALL of Texas, Mr. MARTINEZ, Mr. FILNER, Mrs. MINK of Hawaii, Mr. ETHERIDGE, Mr. LANTOS, and Mr. RAMSTAD.

H.R. 4272: Mr. MARTINEZ, Mr. FILNER, Mrs. MINK of Hawaii, Mr. ETHERIDGE, Mr. LANTOS, and Mr. RAMSTAD.

H.R. 4273: Mr. MARTINEZ, Mr. FILNER, Mrs. MINK of Hawaii, Mr. ETHERIDGE, Mr. LANTOS, and Mr. RAMSTAD.

H.R. 4328: Mr. BATEMAN.

H.R. 4357: Ms. RIVERS.

H.R. 4395: Mr. GARY MILLER of California.

H.R. 4410: Mr. DEUTSCH.

H.R. 4492: Mr. BARRETT of Wisconsin.

H.R. 4543: Mr. BECERRA, Mr. KLECZKA, Mr. JEFFERSON, and Mr. THORNBERRY.

H.R. 4547: Mr. McINTOSH, Mr. BEREUTER, and Mr. COMBEST.

H.R. 4550: Mr. WICKER.

H.R. 4567: Ms. DEGETTE.

H.R. 4644: Ms. SLAUGHTER and Mr. LANTOS.

H.R. 4664: Mr. FROST and Mr. LATOURETTE.

H.R. 4673: Mr. ENGLISH, Mr. GEJDENSON, and Mr. LANTOS.

H.R. 4677: Mr. BEREUTER.

H.R. 4740: Mr. CONYERS.

H.R. 4746: Mr. UDALL of New Mexico.

H.R. 4756: Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, and Mrs. MEEK of Florida.

H.R. 4759: Mr. FRANK of Massachusetts, Mr. WHITFIELD, and Mr. NETHERCUTT.

H.R. 4807: Mr. MOORE, Mr. HALL of Ohio, Mrs. EMERSON, Mr. LAFALCE, Mr. ROTHMAN, Mr. MENENDEZ, Mr. SHAW, Mr. HILLIARD, Mr. PETERSON of Minnesota, Mr. QUINN, Ms. McKINNEY, Mr. UNDERWOOD, Mr. DAVIS of Virginia, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. SMITH of Texas, Mr. OLVER, Mr. HOYER, Mr. FRANKS of New Jersey, Mr. WEINER, Mr. MURTHA, Mr. KLINK, Mr. POMEROY, Mr. SAXTON, Mr. BOEHLERT, Mr. CLYBURN, Mr. CLEMENT, Mr. DAVIS of Florida, Mr. FRELINGHUYSEN, Mr. WELDON of Pennsylvania, Mr. TAUZIN, Mr. SKEEN, Mr. CAPUANO, Mr. DOOLEY of California, Mr. JACKSON of Illinois, Mr. MOAKLEY, Mr. MEEKS of New York, Mrs. CLAYTON, Mr. WU, Ms. DANNER, Mr. COYNE, Mr. LEVIN, Mr. STENHOLM, Mr. PASTOR, Mr. MARKEY, Mr. DOYLE, Mr. TRAFICANT, Mr. PICKERING, Mr. TIERNEY, Mr. SCOTT, Mr. SESSIONS, Mr. BOYD, Mr. KENNEDY of Rhode Island, and Mr. HINOJOSA.

H.R. 4825: Mr. BURR of North Carolina, Mr. STEARNS, Mr. SCOTT, Mr. BERMAN, and Mr. BLUNT.

H.R. 4827: Mr. Bereuter.

H.R. 4848: Mr. LaFalce, Mr. Barrett of Wisconsin, Mr. Weiner, Mr. Kildee, Mrs. McCarthy of New York, Ms. Waters, Mr. Tierney, Mrs. Capps, Mr. Owens, Mr. Meeks of New York, Mr. Matsui, Mr. Romero-Barcelo, Mr. Ose, Ms. Berkley, Mr. Ackerman, and Mr. Blagojevich.

H.R. 4850: Mr. Shimkus and Mr. Bonior.

H.R. 4856: Ms. Schakowsky.

H.R. 4864: Mr. DeMint, Mr. Metcalf, Mr. Rothman, Mr. Manzullo, Mr. Ney, Mr. Petri, Mrs. Emerson, Mr. Larson, Ms. DeLauro, Mr. Wolf, Mr. Sweeney, Mr. Shimkus, Mr. LaTourette, Mrs. Fowler, and Mr. Strickland.

H.R. 4888: Mr. Goode, Mr. Pitts, Mr. Hunter, Mr. Riley, Mr. Weldon of Florida, Mr. Istook, Mrs. Chenoweth-Hage, Mr. Tiahrt, Mr. Smith of New Jersey, Mr. McIntosh, Mr. Bachus, Mr. McCollum, Mr. Ryun of Kansas, Mr. Hilleary, Mr. Lipinski, Mr. Hutchinson, Mr. Cox, Mr. Largent, Mr. Diaz-Balart, Mr. Everett, Mr. Brady of Texas, and Mr. Gary Miller of California.

H.R. 4894: Mr. Phelps, Mr. LaHood, Mr. Whitfield, Mr. Dooley of California, Mr. Cooksey, Mr. Leach, and Mr. Shimkus.

H.R. 4895: Mr. Phelps, Mr. LaHood, Mr. Whitfield, Mr. Dooley of California, Mr. Cooksey, and Mr. Shimkus.

H.R. 4902: Mr. Tancredo.

H.R. 4907: Mr. Pickett and Mr. Goode.

H.J. Res. 102: Mr. Davis of Virginia.

H. Con. Res. 321: Mr. Wexler, Mr. Forbes, Mrs. Roukema, Mr. Cunningham, Ms. Slaughter, Mr. Rahall, Mr. Doyle, and Mr. Frank of Massachusetts.

H. Con. Res. 327: Mr. Crowley and Mr. Ortiz.

H. Con. Res. 341: Mr. Davis of Illinois.

H. Con. Res. 346: Mr. Nadler.

H. Con. Res. 357: Mr. Nadler.

H. Con. Res. 363: Mr. Nadler.

H. Con. Res. 368: Mr. Hoyer.

H. Con. Res. 370: Mr. Porter, Mr. Stark, Mr. Diaz-Balart, and Mr. Filner.

H. Con. Res. 372: Mr. Young of Florida, Mr. Buyer, Mr. Allen, and Mr. Baldacci.

H. Con. Res. 375: Mrs. Roukema.

H. Res. 543: Mr. Wexler.

H. Res. 544: Mr. Souder, Mr. Faleomavaega, and Mr. Dreier.

H. Res. 548: Mr. Stearns, Mr. Sam Johnson of Texas, and Mr. Largent.

H. Res. 549: Mr. Buyer, Mr. Conyers, Mr. Borski, Mr. Shimkus, Mr. McKeon, Mr. Sherman, Mr. Lazio, Mr. Scott, Mr. Kuykendall, Mr. Aderholt, and Mr. Etheridge.

H. Res. 561: Ms. Carson, Ms. DeGette, Mr. Largent, Ms. Lofgren, Mr. Petri, Mr. Filner, Mrs. Tauscher, Mr. McIntyre, and Mr. Sununu.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R.

(D.C. Appropriations, FY 2001)

Offered by: Mr. Tiahrt

Amendment No. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec.   . (a) No person may distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public housing project, public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity.

(b) Whoever violates subsection (a) shall be fined not more than $500 for each needle or syringe distributed in violation of such subsection.

(c) Notwithstanding any other provision of law, any amount collected by the District of Columbia pursuant to subsection (b) shall be deposited in a separate account of the General Fund of the District of Columbia and used exclusively to carry out (either directly or by contract) drug prevention or treatment programs. For purposes of this subsection, no program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug may be considered a drug prevention or treatment program.

EXTENSIONS OF REMARKS

IN HONOR OF FRED BITTERMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise at this time to recognize the remarkable life and significant achievements of a distinguished public servant and friend of mine, Captain Fred Bitterman. Tragically, Fred passed away Tuesday night in an accident at Glen Canyon National Recreation Area. Captain Bitterman, a dedicated law enforcement officer, father, grandfather and friend, will be deeply missed.

For over twenty five years Captain Bitterman served the people of the State of Colorado first as a State Patrolman, and later as a Troop Commander and Captain in the Colorado State Patrol. Captain Bitterman supervised a region that included the cities of Parachute, Vail, Eagle, New Castle, Carbondale, and of course our hometown of Glenwood Springs. As a law enforcement officer, his professionalism elevated him into a position of leadership. Captain Bitterman commanded a deep sense of admiration and respect from those officers who had the privilege of working alongside him, and also from those whom he worked so diligently to protect.

Captain Bitterman also put forth an immense effort to serving the public in his professional life. Captain Bitterman distinguished himself with his service to the Colorado State Patrol. Captain Bitterman enjoyed a well-deserved reputation of integrity not only within the ranks of the state patrol, but within the community as well.

Captain Bitterman was a strong family man, who took great pride in the family that he shared with his wife Cathy. In addition to Cathy, Captain Bitterman is survived by his six children, and many grandchildren. Captain Bitterman's passing is a severe loss not only to his family, but to our community as well.

Captain Bitterman was a very, very good man.

CONDEMNING 1994 ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 531, condemning the 1994 attack of the AMIA Jewish Community Center in Buenos Aires, Argentina. Six years have passed since this senseless, but very tragic act of violence.

The Jewish people of Argentina make up the largest Jewish community in Latin America. On July 18, 1994, the AMIA Jewish Community Center was bombed in Buenos Aires. As a result 86 people lost their lives and 300 were injured.

This resolution calls upon President Fernando de la Rua to continue the investigation of the bombing, an investigation in which no person primarily responsible for this crime has been brought to justice. Argentine officials have acknowledged that this investigation was filled with negligence, and led to the arrest of just a few people tied to the incident, but who were only charged with providing a stolen vehicle used in the attack.

Investigators for the South American government have stated that the evidence indicates the bombing was carried out by the Iranian sponsored terrorist group Hezbollah. They have also found that the bombing could not have been carried out absent the assistance of local Argentine security forces, which have been reported to be compassionate to anti-Semitic rhetoric.

The democratic leaders of the Western Hemisphere have denounced terrorism in all its forms and have pledged to jointly combat terrorist acts anywhere in the Americas. The United States is not immune to acts of terrorism and this resolution serves to reiterate the long-standing policy of our country to stand firm against terrorist attacks wherever and whenever they occur and to work with its allies to ensure that justice is given to the victims and that the perpetrators of such violence are prosecuted to the fullest extent of the law.

In order to fully live up to this policy we must lend our support to the government of Argentina. As I said previously, the evidence indicates that insiders played a major role in executing this violence. What security is available to the people of Argentina when the officers who pledged to uphold the law commit crimes against the people they are supposed to protect?

Terrorism effectively destroys the peaceful and civilized coexistence of all people. The United States cannot turn its back on such acts no matter where they take place. Failure to punish terrorists would be to reward them and to encourage the spread of violence in our homeland and abroad. This is not the impression the United States Government wants to give to the American people, nor to anyone around the world.

Terrorists ignore existing rules of law and endanger the stability of democratically elected constitutional governments. Terrorism is a serious form of organized and systematic violence, intended to generate chaos and fear among the people and results in death and destruction. Terrorist acts are acts of hate carried out on individuals because of the difference of their religion, the color of their skin or their political beliefs. When we ignore the acts of people that wreak havoc on others because of their differences, it is a negative reflection of the values of America as a whole. Terrorist acts are immoral and should never be condoned by the United States or any other government.

I urge my colleagues to take this opportunity to urge the Argentina government to fulfill its international obligations and its promise to the Argentine people by vigorously pursuing all persons involved in the bombing of the AMIA Jewish Community Center.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. BURTON of Indiana. Mr. Speaker, on July 29, 2000, due to a scheduling conflict, I was unable to be present on the House floor during the vote on H.R. 4871 and its amendments. Had I been here I would have voted in the following manner:

"No" on rollcall 428; "aye" on rollcall 427; "no" on rollcall 426; "no" on rollcall 425; "no" on rollcall 424; "aye" on rollcall 423; "no" on rollcall 422; and "aye" on rollcall 421.

CONFERENCE REPORT ON H.R. 4810, MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. SHAW. Mr. Speaker, as a father of young, working children, with working spouses, I am concerned that our tax system is penalizing them, and over 42,000 other working couples in my district, for making the sacrifices necessary to support their families.

Our tax system create penalties for being married in different ways. The tax laws do not allow married couples to earn twice as much taxable income as single taxpayers before higher tax rates take effect. The higher rates mean that spouses earn less after taxed than if they were single. The standard deduction for a single taxpayer is currently $4,300. But for married couple the standard deduction is not doubled to $8,600—it is only $7,200. Millions of middle class working families who don't itemize deductions wind up paying a penalty because they are married.

Whatever form it takes, the "marriage penalty" is a tax bias against the working spouse with lower earnings. This means it is disproportionately a tax bias against working women taxpayers. Is this tax fairness? Married working women see a higher tax bite than

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

their single counterparts because our tax laws fail to tax them on the same footing as single taxpayers. It's time to stop punishing working Americans. We encourage Americans to work, and we encourage single mothers and fathers to marry to benefit their children, and now we are fixing the tax system so that it makes marriage affordable. I urge you to pass this legislation.

PERSONAL EXPLANATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. McINNIS. Mr. Speaker, due to business in Colorado, I was unable to vote on the Hostettler amendment to H.R. 4871, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001 (Roll No. 427). Had I been able to vote, I would have voted "yea."

INTERNET GAMBLING PROHIBITION ACT OF 2000

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak on a topic that surrounds the dynamic questions raised by the extensive growth and reach of the internet. The information superhighway and the entire technological revolution have forced the Congress and industry officials to reexamine the regulation of internet gambling.

Under current federal law, it is unclear that using Internet to operate a gambling business is illegal. Gambling over the Internet only represents nefarious activity that we must only carefully examine, but such gambling also perpetuates the addictive nature of gambling.

It is well known that many gamblers are compulsive gamblers. In other words, they fell compelled to gamble, just as many smokers feel compelled to smoke cigarettes. Access fuels such additions, and by providing gambling sites over the Internet, illegal entities create access to anyone who owns a computer with a modem.

On-Line casino operators have created "virtual strip"—where gamblers who are tired of one casino can simply "walk" down the virtual Internet boardwalk into a different casino. Internet gambling sites offer everything from sports betting to blackjack. Many of these are operated from offshore locations. It is significant to note that H.R. 3125 would impose a mandate on Internet service providers by requiring them to offer their residential customers filtering software that would block access by children to gambling Internet sites. It is crucial that we protect our children from such activity.

Given the fact that the majority of our citizens have access to computers and the Internet, we must ensure that the Internet is used for the right reasons such as education and communication. We cannot forget that people utilize the Internet in a global marketplace of ideas.

This measure prohibits a person from knowingly using the Internet or any other interactive service to place, receive, or otherwise make a bet or wager with any other person. H.R. 3125, the Internet Gambling Prohibition Act of 2000, would prohibit persons engaged in a gambling business from using the Internet or any other interactive computer service place, receive, or otherwise make a bet or wager, or send, receive, or invite information assisting in the placing of a bet or wager.

More importantly, the bill addresses not only individual gamblers, but also gambling businesses. For those gambling businesses that choose to participate in Internet gambling, they face fines up to $20,000 or imprisonment (up to 4 years).

This bill would also require common carriers and Internet services to assist federal, state, and local enforcement agencies in shutting down illegal betting or wagering sites.

We must toe the line when we enforce this measure. We do not want to trample upon the privacy rights of individuals. However, as long as the enforcement of a "gambling business" defined the legislation is not expanded by law enforcement authorities, it will help protect many parties from destructive and illegal conduct.

We must adopt a model of enforcement that provides uniformity and specificity so that the Internet carriers and telephone companies can easily and efficiently remove gambling sites from the Internet. It is my expectation that this legislation, after reconciliation with S. 692, the Senate-version of this bill, will make a positive contribution to the regulation of gambling businesses.

INTRODUCTION OF THE MEDICARE EARLY ACCESS AND TAX CREDIT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. STARK. Mr. Speaker, more and more people in this country are losing access to health insurance. A new study by the Urban Institutes that the percentage of people under 65 without health insurance in 1998 grew to a stunning 18.4 percent. And, as the study's authors highlight, the strong national economy is masking what would otherwise be an even greater problem.

There are many approaches to solutions for decreasing the number of uninsured. As most of my colleagues are aware, I support the creation of a universal health care system in which each and every American would have health insurance coverage. That is the most fair, affordable, and sustainable solution to our national health care needs.

However, that won't be accomplished overnight. In the meantime, there are steps that Congress can and should be taking to develop immediate, if smaller, solutions to providing people affordable health insurance coverage options.

One such is to pass legislation that would provide certain groups of individuals the option of buying into Medicare. For two sessions of Congress, we have sponsored a bill endorsed by the President called the Medicare Early Access Act. The goal of this legislation is to expand access to Medicare's purchasing power to certain individuals below age 65.

The Medicare Early Access Act is self-financed, through enrollees' premiums; it is not a publicly financed program. It simply would enable eligible individuals to harness Medicare's clout in the marketplace to get much more affordable health coverage than they are able to purchase in the private sector market that currently exists.

The bill would provide a very vulnerable population (age 55–64) with three new options to obtain health insurance:

Individuals 62–65 years old with no access to health insurance could buy into Medicare by paying a base premium (about $326 a month) during those pre-Medicare eligibility years and a deferred premium during their post-65 Medicare enrollment (about $4 per month in 2005 for an individual who participated in the full 3 years of the new program). The deferred premium is designed to reimburse Medicare for the extra costs due to the fact that sicker than average people are likely to enroll in the program. The deferred premium would be payable out of the enrollee's Social Security check between the ages of 65–85.

Individuals 55–62 years old who have been laid off and have no access to health insurance, as well as their spouse, could buy into Medicare by paying a monthly premium (about $460 a month). There would be no deferred premium. Certain eligibility requirements would apply.

Retirees aged 55 or older whose employer-sponsored coverage is terminated could buy into their employee's health insurance for active workers at 125 percent of the group rate. This would be a COBRA expansion, with no relationship to Medicare.

Today, we are here to introduce a new, improved version of this legislation. As we are all aware, there are new projections of vast budget surpluses in our Nation's future. We want to take a small portion of those monies and finance a new component of the Medicare Early Access Act. Our new bill, the Medicare Early Access and Tax Credit Act of 2000 supplements our previous proposal by incorporating a new 25 percent tax credit that would be attached to each of the three programs. Thus, the actual cost to taxpayers would be 25 percent less than the cost under the proposals in the existing bill. I join today with more than 50 of my colleagues to reintroduce this new version of the legislation.

Affordability is a key component of expanding health insurance coverage. Adding a tax credit to the programs increases their affordability so that more people age 55 and older can take advantage of the program. The latest analysis from the Congressional Budget Office and the Joint Committee on Taxation, indicate that more than 500,000 currently uninsured people would gain health insurance coverage by enactment of the Medicare Early Access and Tax Credit Act.

The Medicare Early Access and Tax Credit Act isn't the total solution for people age 55–64 who lack access to health insurance coverage. However, if passed, it would make available health insurance options for these individuals at much less than the cost of what is available today. This is a meaningful step forward in expanding health insurance coverage to a segment of our population that is quickly losing coverage in the private sector. The Medicare Early Access and Tax Credit Act is legislation that we should be able to agree upon and to enact so that people aged 55–64 have a new, viable option for health insurance coverage.

I submit a more detailed summary of the Medicare Early Access and Tax Credit Act as follows:

MEDICARE EARLY ACCESS AND TAX CREDIT ACT

Title I: Help For People Aged 62 to 65

62–65 YEAR OLDS WITHOUT HEALTH INSURANCE MAY BUY INTO MEDICARE BY PAYING MONTHLY PREMIUMS AND REPAYING ANY EXTRA COSTS TO MEDICARE THROUGH DEFERRED PREMIUMS BETWEEN AGES 65 TO 85

Starting July, 2001, the full range of Medicare benefits (Part A & B and Medicare+Choice plans) may be bought by an individual between 62–65 who has earned enough quarters of coverage to be eligible for Medicare at age 65 and who has no health insurance under a public plan or a group plan. (The individual does not need to have exhausted any employer COBRA eligibility).

A person may continue to buy-into Medicare even if they subsequently become eligible for an employer group health plan or public plan. Individuals move into regular Medicare at age 65.

Financing: Enrollees must pay premiums. Premiums are divided into two parts:

(1) Base Premiums of about $326 a month payable during months of enrollment between 62 to 65, which will be adjusted for inflation and will vary a little by differences in the cost of health care in various geographic regions, and

(2) Deferred Premiums which will be payable between age 65–85, and which are estimated to be about $4 per month in 2005 for someone that participated for the full three years. The Deferred Premium will be paid like the current Part B premium, i.e., out of one's Social Security check.

Note, the Base Premium will be adjusted from year to year to reflect changing costs (and individuals will be told that number each year before they choose to enroll), but the 20 year Deferred Premium will not change from the dollar figure that the beneficiary is told when they first enroll between 62–65—they will be able to count on a specific dollar deferred payment figure.

The Base Premium equals the premium that would be necessary to cover all costs if all 62–65 year olds enrolled in the program. The Deferred Premium repays Medicare for the fact that not all will enroll, but that many sicker than average people are likely to voluntarily enroll. The Deferred Premiums ensure that the program is eventually fully financed over roughly 20 years. Savings from the anti-fraud proposals (introduced separately as HR 2229) finance the start-up of the program and protect the existing Medicare program against any loss (see Title IV).

Title II: Help For 55 to 62 Year Olds Who Lose Their Jobs

55–62 YEAR OLDS WHO ARE ELIGIBLE FOR UNEMPLOYMENT INSURANCE (AND THEIR UNINSURED SPOUSES) MAY BUY INTO MEDICARE THROUGH A PREMIUM

The full range of Medicare benefits may be bought by an individual between 55–62 who:

(1) has earned enough quarters of coverage to be eligible for Medicare at age 65,

(2) is eligible for unemployment insurance,

(3) before lay-off had a year-plus of employment-based health insurance, and

(4) because of the unemployment no longer has such coverage or eligibility for COBRA coverage.

A worker's spouse who meets the above conditions (except for UI eligibility) and is younger than 62 may also buy-in (even if younger than 55).

The worker and spouse must terminate buy-in if they become eligible for other types of insurance, but if the conditions listed above reoccur, they are eligible to buy-in again. At age 62 they must terminate and can convert to the Title I program. Non-payment of premiums is also cause for termination.

There is a single monthly premium roughly equal to $460 that will be adjusted for inflation. It must be paid during the time of buy-in; there is no Deferred Premium. This premium is set to recover base costs plus some of the costs created by the likely enrollment of sicker than average people. The rest of the costs to Medicare are repaid by the anti-fraud provisions (see Title IV).

Title III: Help for Workers 55+ Whose Retiree Benefits are Terminated

WORKERS AGE 55+ WHOSE RETIREMENT HEALTH INSURANCE IS TERMINATED BY THEIR EMPLOYER MAY BUY INTO THEIR EMPLOYER'S HEALTH INSURANCE FOR ACTIVE WORKERS AT 125% OF THE GROUP RATE (THIS IS AN EXTENSION OF COBRA HEALTH CONTINUATION COVERAGE—NOT A MEDICARE PROGRAM)

This Title is an expansion of the COBRA health continuation benefits program. If a worker and dependents have relied on a company retiree health benefit plan, and that protection is terminated or substantially slashed during his or her retirement, but the company continues a health plan for its active workers, then the retiree may buy-into the company's group health plan at 125% of cost. They can remain in that plan, paying 125% of the premium, until they are eligible for Medicare at age 65.

Title IV: Financing

Titles I & II of the Early Access to Medicare Act are totally financed. Title III is not a Medicare or public program.

The existing Medicare program is protected by placing these programs in their own trust fund. The Medicare Trustees will monitor the program to ensure that it is self-financing and does not in any way burden the existing Medicare program.

Most of the cost is paid by the enrollees' premiums.

Payment of start up costs: While the Deferred Premiums are being collected and for any costs not covered by premiums, a package of Medicare anti-fraud, waste, and abuse provisions has been introduced as a separate bill, the Medicare Fraud and Overpayment Act of 1999. This bill provides for a number of reforms, including:

(1) improvements in the Medicare Secondary Payment provisions,

(2) a reduction in Medicare's reimbursement for the drug EPO used with kidney dialysis so that Medicare is not paying much more than the dialysis centers are buying the drug for;

(3) Medicare payment for pharmaceuticals, biologicals, or parenteral nutrients on the basis of actual acquisition cost rather than the average wholesale price which is often far above the price at which the drug can really be purchased,

(4) setting quality standards for the partial hospitalization mental health benefit, so as to weed out unqualified, abusive providers, and

(5) allowing Medicare to get a volume discount by contracting with Centers of Excellence for high volumes of complex operations at hospitals which have better than average outcomes.

Title V: Tax Credits

Creates a new, federal tax credit equal to 25% of the amount paid by an individual for any of the three new programs described above.

THE FISCAL YEAR 2001 AGRICULTURE APPROPRIATIONS BILLS

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, my Colleagues, I rise in opposition to H.R. 4461, the fiscal year 2001 Agriculture Appropriations bill. The provisions of this bill reflect the wrong priorities. The measure's total funding is $524 million less than it was last year. These cuts not only gravely impact the health of our children, but they also harm our environment.

Most importantly, the bill rejects funding for the Food and Drug Administration's tobacco program. Congress must give the FDA the authority to regulate tobacco. I have worked hard to protect our children from the dangers of tobacco, and I cannot support a bill that contains such an ill conceived provision.

In addition, the Agriculture Appropriations bill underfunds a number of important programs for children and families, the environment, and consumers. The Women, Infants and Children (WIC) program is cut substantially below the President's request. This essential program saves our most vulnerable children from disease and starvation by providing infants and children with nutritious food to help them thrive during critical years of development. Additionally, funding for state water quality grant programs received less than half of the requested funding level. Another underfunded program is the Food Safety Initiative, which would minimize contamination and ensure consumer food safety.

My Colleagues, it is up to us to make sure that programs that are important to the health and safety of the children and families we represent are safeguarded. The Agriculture Appropriations legislation has its priorities reversed. For that reason, I could not support H.R. 4461, the Fiscal Year 2001 Agriculture Appropriations bill in its current form.

LT. COMMANDER CHARLES A. SCHUE III RETIRES

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. LoBIONDO. Mr. Speaker, thank you for allowing me the opportunity to recognize the achievements of a great man, who, through his impressive leadership skills and dedication to both his country and the United States Coast Guard, has forever raised the bar of excellence for those who must follow in his footsteps.

July 21, 2000 marks the retirement of Lieutenant Commander Charles A. Schue, III, United States Coast Guard, as well as the Change of Command at the Coast Guard Loran Support Unit (LSU) in Wildwood, New Jersey. On July 21, 2000, Lieutenant Commander Schue will relinquish command of the unit he has so ably commanded for the last three years. He will then retire after more than 26 years of honorable and meritorious service with the United States Coast Guard.

After attending Coast Guard Boot Camp in Cape May, New Jersey, Lieutenant Commander Schue quickly rose through the enlisted ranks to become a Commissioned Warrant Officer in just 10 years. His tours of duty with the Coast Guard took him across the nation and the world, from Southern New Jersey to Alaska, from Marcus Island, Japan, to Monterey, California, and then, appropriately, back to Southern New Jersey. While serving on Long Range Aids to Navigation (LORAN) transmitter and control stations, Lieutenant Commander Schue helped provide vital radionavigation services to the United States and Asia.

Despite isolated tours of duty and numerous changes of duty stations, Lieutenant Commander Schue continued his professional growth and easily gained entrance to the Coast Guard Officer Candidate School. Not content to merely assume the trappings of being an officer, Lieutenant Commander Schue continued his professional growth, earning both a Master of Science Degree in Electrical Engineering from Naval Postgraduate School and a Master of Science Degree in Engineering Management from Western New England College. Lieutenant Commander Schue's superior engineering and leadership skills were formally recognized when he was named the Coast Guard's Engineer of the Year for 1999.

As Commanding Officer of the LSU, Lieutenant Commander Schue expertly led and motivated a team of office, enlisted, and civilian, and contractor personnel, which consistently produced results of the highest quality, as was highlighted when LSU received the Secretary of Transportation's Team Award for the Loran Consolidated Control System. Setting the standard for responsiveness, and using innovative engineering solutions despite the scarcity of parts and funding, he was instrumental in keeping 1960's and 1970's vintage Loran electronics equipment operational well beyond its planned lifecycle. The LSU's superb support of the $65.4 M North American Loran-C system resulted in a near 100 percent availability for this safety-of-life navigation system during his tour as the Commanding Officer.

Upon his retirement, his award citation from the Commandant of the Coast Guard noted that "Lieutenant Commander Schue was the driving force behind the Loran Support Unit solidifying its position as the international leader in the Loran-C systems technology" and further stated that "Lieutenant Commander Schue's ability, diligence, and devotion to duty are most heartily commended and are in keeping with the highest traditions of the United States Coast Guard."

I wish to extend my appreciation to Lieutenant Commander Schue for his service to the United States of America and I wish him, his wife Lori and their two children, Ian and Tia a wonderful future.

ON THE INTRODUCTION OF THE GERIATRIC WORKFORCE RELIEF ACT OF 2000

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. GREEN of Texas. Mr. Speaker, the complex health problems of aging require specially-trained physicians in order to adequately care for frail older persons. Geriatrics is the medical specialty that promotes wellness and preventive care; these specialists are first board certified in family practice, internal medicine or psychiatry and then complete additional years of fellowship training in geriatrics. With an emphasis on care management and coordination, geriatricians help patients maintain functional independence, thus improving their overall quality of life. An emphasis on coordination also limits unnecessary and costly hospitalization or institutionalization.

Despite the increasing number of Americans over age 65, there are fewer than 9,000 geriatricians in the United States today. In Texas, there are only about 225 geriatricians—and we are one of the top ten states nationally. Texas has four geriatric training programs; Baylor College of medicine in Houston, the University of Texas at San Antoino, the University of Texas Medical Branch at Galveston (where, I am proud to say, my daughter is a third-year student) and the University of Texas Southwestern.

The Baylor program, in my Congressional District, has been operating for over 15 years. It trains six fellows now and is unable to increase this number because of a Congressionally-mandated Graduate Medical Education (GME) cap. I am told that there are plenty of applicants interested in geriatrics who are being turned away because our Medicare program will not allow them to be funded.

Why is there a cap on the number of new geriatricians? The Balanced Budget Act of 1997 established a hospital-specific cap based upon the number of residents in the hospital in the most recent cost reporting period ending on or before December 31, 1996. Under the cap, the number of residents for direct graduate medical education payment purposes is based upon a three-year rolling average, except for Fiscal Year 1998, when a two-year average was used.

The implementation of this cap has adversely impacted geriatric programs in Houston and elsewhere. As geriatrics is a relatively new specialty, the cap has resulted in either the elimination or reduction of geriatric programs. Because a lower number of geriatric residents existed prior to December 31, 1996, these programs are under-represented in the cap baseline. Thus, new geriatric training programs are severely limited and existing training programs tend not to increase funding, or even decrease funding, for geriatric slots.

There is a well-documented shortage of geriatricians nationwide. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry.

At the same time, the number of physicians needed to provide medical care for older persons has been estimated to be 2.5 to three time higher in 2030 compared to the mid-1980s, according to the federal Health Resources and Services Administration.

Unfortunately, the pace of training is not meeting this need. The actual number of certified geriatricians has declined, as approximately 50% of those who certified in 1988 did not recertify in 1998. This has occurred just as the baby boomers have started reaching the age of Medicare eligibility.

To correct this problem, I am introducing the Geriatric Workforce Relief Act of 2000 today to allow an increase in the number of person studying geriatrics at our medical schools. In order to be fiscally responsible, my legislation does not completely lift the cap. Instead, it allows hospitals to increase the cap by 30%. This will allow for a few more students at most programs. My legislation defines approved geriatric residency programs as those approved by the Accreditation Council of Graduate Medical Education.

My legislation, which will also be introduced in the Senate today by Senator REID, is modeled upon a similar provisions that was enacted last year for rural hospitals. It is a sensible and reasonable proposal and one that allows us to meet the needs of Medicare patients. I encourage my colleagues to support it.

HONORING ROBERT DOLSEN UPON HIS RETIREMENT AS THE EXECUTIVE DIRECTOR OF MICHIGAN'S REGION IV AREA AGENCY ON AGING

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. UPTON. Mr. Speaker, I rise today to honor my friend, Robert Dolsen, upon his retirement after 26 years of dedicated service as the Executive Director of the Region IV Area Agency on Aging. Over the years, Bob has made a tremendous difference in the lives of thousands of elderly and their families in St. Joseph/Benton Harbor and surrounding communities. He has been a great community leader.

Bob established the Region IV Area Agency on Aging in 1974 as a small operation with a staff of four. Today, the Agency operates with a staff of 60 and a budget of over $10 million. Through the Agency, over 5,000 families are receiving the support services they need to maintain their independence through life's transitions and changes.

Bob has long recognized that one of the greatest challenges facing our community and our nation is the aging of our population and the need for long-term care services. He is providing great leadership on this issue. We are growing old—fast. Today, those 65 and over comprise 12 percent of our population. In just 30 years, those 65 and over will comprise nearly 20 percent of our population. One in five Americans will be a senior citizen. Rising to this challenge, Bob established the first demonstration project for Michigan's home-based long-term care system. It was successful and led to the State's initiation of a Medicaid waiver for home-based services and to the statewide replication of care management through Area Agencies on Aging.

Bob is recognized state-wide and nationally for his knowledge of aging issues, and especially long-term care. He has testified before Congressional committees on 9 different occasions, he is a frequent speaker and trainer at statewide and national conferences, and he was the 1992 recipient of the Harry J. Kelley Award from the Michigan Society of Gerontology for outstanding service in the development of policy and programs for older persons. He is a founding member of the Great Lakes Alliance, an interstate corporation to facilitate cooperation and communication on age-related issues among six states, and he is a founding member of the Healthy Berrien Coalition, an initiative designed to mobilize key community resources to bring the health status of Berrien County's citizens up to or above national and state standards. Last year, it was my pleasure and honor to co-host a forum on Aging in America with the Coalition. Bob also serves on the Public Policy Committee of the National Association of Area Agencies on Aging and was on the Association's Board of Directors for 8 years. He is the past president and a current Board member for the Area Agencies on Aging Association of Michigan. In addition, Bob has served on the Board of the Michigan Society of Gerontology, the Statewide Health Coordinating Council, and the Governor's Long-term Care Task Force.

With all these responsibilities, Bob still finds the time and energy to serve on the United Way Allocation Committee, an advisory group recommending local United Way awards, and to actively participate in and be a benefactor of the St. Joseph-Benton Harbor Rotary Club.

Southwest Michigan is a much better place for all of its citizens, and especially for the elderly, because we have been blessed with Bob Dolsen. He has touched each of our lives in ways large and small, and always with a gentle grace. I know everyone in Southwest Michigan joins me in wishing Bob Dolsen well upon his retirement and in thanking him from our hearts for all he has done and is doing for our community.

TRIBUTE TO DR. FRANK PHILLIP HAWS OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor a friend and first-rate doctor, Dr. Frank Haws. As the friends, colleagues and family of Dr. Haws are gathering tonight to honor him, I fee that it is fitting that the United States Congress join them in paying homage to a man who has lent his knowledge, talents and skill to the medical community of North Alabama for over 36 years.

Originally from Washington County, Tennessee and educated at his birth state's institutions of East Tennessee State and the University of Tennessee at Memphis, Dr. Haws began his neurosurgery practice in Huntsville in 1964. He has spent the past 36 years dedicating himself to improving medical care for Huntsville and the surrounding areas. A superior surgeon, Dr. Haws shares his expertise with young doctors teaching at the medical schools of the University of Alabama at Huntsville, the University of Alabama at Birmingham and the University of Tennessee. He has also channeled his experience and skill into premier academic publications including the Southern Medical Journal.

In 1995, Huntsville Hospital recognized Dr. Haws with the naming of the Neurosurgery Progressive Care Unit in his honor. As both the Chief of Staff and Chief of Surgery at that hospital, he was instrumental in the expansion and improvement of its facilities especially the Neurosurgery Division which he helped create. On active staff at three local hospitals and on consulting staff at eight, Dr. Haws' proven excellence has been very much in demand.

To me, he symbolizes the model doctor: brilliant, talented, caring and dedicated. In addition to his demanding professional life, Dr. Haws has found time to get involved in his community and lends his leadership to the Boys and Girls Club of Huntsville and the Boy's Ranch of Alabama.

As he prepares to leave the North Alabama Neurological, P.A., I sincerely hope he will take the time to enjoy farming and fishing, two of his favorite hobbies. This is a richly deserved rest and I join his wife, Patsy, and his six children in congratulating him on a job well done. I wish him the best in his future years.

Having personally known Dr. Haws for many years, I am thankful for this opportunity to recognize his tremendous medical service and academic accomplishments as well as express my appreciation for his extraordinary contributions to the larger community of North Alabama.

A TRIBUTE TO DAVID A. YARGER, FORMER CITY ATTORNEY OF VERSAILLES, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. SKELTON. Mr. Speaker, let me take this means to share a few words with you regarding the career of David A. Yarger, of Versailles, Missouri, who recently retired from his post as City Attorney after serving more than 33 years.

Since December of 1966, Mr. Yarger has provided countless hours of legal guidance to the citizens of Versailles and served diligently as the Prosecuting Attorney for the City of Versailles. In addition to his service as City Attorney, David Yarger has worked to acquire new industries in his community, and he was instrumental in creating the Versailles Park Board. Mr. Yarger has also dedicated his time to the establishment of the Roy E. Otten Memorial Airport and has served as the chairman and secretary of the airport board.

David Yarger is a member and past president of the Versailles Lions Club. He has served on the Morgan County Fair Board and the Fair Cook Shack Committee. As a pilot, Mr. Yarger has frequently made available his time to fly city officials and other residents of the community to destinations throughout Missouri, and he is responsible for the outstanding aerial photographs taken during Versailles' annual and well-attended Old Tyme Apple Festival.

Mr. Speaker, David A. Yarger has established himself as a civic leader in Versailles and Morgan County. His career and dedication to his community show that he is a role model for all Americans. I am certain that the members of this body will join me in congratulating Mr. Yarger for a job well-done.

HOW FORGIVENESS CAN SHAPE OUR FUTURE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to a valued mentor, a key advisor, and dear friend who recently wrote an article which appeared in the Santa Barbara News-Press, entitled "How Forgiveness Can Shape Our Future."

In addition to being one of Santa Barbara's outstanding public citizens, Mr. Frank K. Kelly has been a journalist, a speech writer for President Truman, Assistant to the Senate Majority Leader, Vice President of the Center for the Study of Democratic Institutions, and Vice President of the Nuclear Age Peace Foundation.

Mr. Speaker, I commend the following article to my colleagues and ask them to join me in honoring the career and contributions of Mr. Frank K. Kelly.

HOW FORGIVENESS CAN SHAPE OUR FUTURE

Frank K. Kelly

Human beings have tremendous capacities to be creative and compassionate, cooperative and generous—and shocking abilities to inflict terrible pain upon one another.

Is it possible for us to face the monstrous atrocities in the human record and yet to participate in the process of reconciliation, to accept the awful truth about ourselves and others and still move into the future with strong hope?

In a heart-wrenching report recently published, the man who headed South Africa's

Truth and Reconciliation Commission wrestles with these questions and offers us reasons for continuing to believe in the possibilities of spiritual growth for the human family. Archbishop Desmond Tutu regards the transformation of South Africa from a state of oppression to a state of cooperation as an amazing example of human potentiality responding to a surge of God's grace.

In his new book, Tutu says: "South Africans managed an extraordinary, reasonably peaceful transition from the awfulness of oppression to the relative stability of democracy. They confounded everyone by their novel manner of dealing with a horrendous past."

Many people had expected a blood bath involving the deaths of thousands of human beings would occur when Nelson Mandela took office as the first black president of South Africa. But that had not happened.

"There was this remarkable Truth and Reconciliation Commission to which victims expressed their willingness to forgive and perpetrators told their stories of sordid atrocities while also asking for forgiveness from those they had wronged so grievously," Tutu declares. "The world could not quite believe what it was seeing."

Tutu was asked to speak in Ireland in 1998, to explain in a strife-torn country how South Africa had become a peaceful country without bursts of revengeful violence. The South African experience had indicated that "almost no situation could be said to be devoid of hope."

Describing what had happened in his country, Tutu urged the Irish not to become despondent over the obstacles which were preventing the implementation of the agreement reached by the competing factions.

"In South Africa it had often felt as if we were on a roller-coaster ride," Tutu said. "At one moment we would experience the most wonderful joy, euphoria even, at some new and crucial initiative. We would see the promised land of peace and justice around the corner. Then, just when we thought we had entered the last lap, something ghastly would happen—a massacre, a deadlock, brinkmanship of some kind—and we would be scraping the bottom of despair and despondency. I told them this was normal."

In addition to offering encouragement to the peacemakers in Ireland, Tutu has brought messages of hope to other areas of the world torn by violence. He has reminded people of what has to be done:

"At the end of their conflicts, the warring groups in Northern Ireland, the Balkans, the Middle East, Sri Lanka, Burma, Afghanistan, Angola, the Sudan, the two Congos, and elsewhere are going to have to sit down together to determine just how they will be able to live together amicably, how they might have a shared future devoid of strife, given the bloody past that they have recently lived through."

Based on the experience of South Africa, Tutu is convinced that forgiveness is a key element in creating a lasting peace and releasing the positive energy necessary to build a better future for humanity. He believes that true reconciliation of enemies is impossible without the new perspectives brought about by deep forgiveness.

"Forgiving and being reconciled are not about pretending that things are other than they are," Tutu acknowledges. "True reconciliation exposes the awfulness, the abuse, the pain, the degradation . . . It is a risky undertaking but in the end it is worthwhile, because in the end dealing with the real situation helps to bring real healing."

With the other members of the South African commission, Tutu was frequently astonished at "the extraordinary magnanimity that so many of the victims exhibited." There were some persons who admitted that they could not forgive the hardships inflicted on them, which demonstrated the fact that "forgiveness was neither cheap nor easy."

"In forgiving, people are not being asked to forget," Tutu declares. "On the contrary, it is important to remember, so that we should not let such atrocities happen again. Forgiveness does not mean condoning what has been done . . . It involves trying to understand the perpetrators and so have empathy, to try to stand in their shoes and appreciate the sort of pressures and influences that might have conditioned them."

Tutu points out, "In the act of forgiveness, we are declaring our faith in the future of a relationship and in the capacity of the wrongdoer to make a new beginning on a course that will be different from the one that caused us the wrong . . . It is an act of faith that the wrongdoer can change."

Tutu acknowledges that he and others in the commission were strongly affected by their religious faith. But he expresses the conviction that all human beings will "always need a process of forgiveness and reconciliation to deal with those unfortunate yet all too human breaches in human relationships. They are an inescapable characteristic of the human condition."

Archbishop Tutu sums up his conclusions in the title of his book—"No Future Without Forgiveness." Whether human beings like it or not, we will have to forgive one another in order to survive.

In my own life, I have found it extremely hard to forgive people who have treated me with cruelty or contempt. I have also found it hard to forgive myself for the severity with which I treated my sons when they were children. I convinced myself that I punished them for their own benefit, to make sure they followed the right path, but I later realized I had harmed them by my angry words and outbursts of rage. I had suffered often from the punishing behavior of my own father and it took me years to forgive him. My own sons have forgiven me more readily than I forgave him. The whole process has been painful but cleansing in the end.

When I wrote speeches for Harry Truman in the 1948 presidential campaign I used harsh words to describe the actions taken by the Republican leaders in the Congress. I was not ready to forgive them and I hoped that my fellow citizens would punish them in the election that year. I was exhilarated when Truman triumphed and the Republicans lost their majority in the Congress. It seemed to me I had taken part in a righteous cause—and I still believe that. Yet the hot words of that campaign produced bitter feelings among the losers and a hostile atmosphere which made it almost impossible for Mr. Truman to get his proposals enacted. He forgave nearly all of the leaders who had attacked him, but some of those leaders would not forgive him for the charges he had made against them.

In all of the election campaigns that have occurred since the United States was founded, injuries have been inflicted—injuries that might have been healed by a better understanding of the power of forgiveness. If we are going to solve the tremendous problems we face now and in the future, we must learn from the South African experience that facing the truth and engaging in continuous efforts for reconciliation are essential for all of us.

It is not easy to uncover the full truth about any situation. In the decades I have lived since I was born in 1914, I have been searching for the truth about many of the events which have affected my life—and I now realize that the process of seeking and discovering what really happened to me and millions of others in those crowded years may go on forever. I now try to base my comprehension on the French saying: "To understand all is to forgive all."

For many years I placed the blame for the two World Wars of the 20th century principally on the Germans—and I could not forgive them for the tremendous devastation I believed they had caused in the world. Under the Kaiser, they had been belligerent and savage; under Hitler, they had tortured and murdered millions of people. Perhaps God could forgive them for what they had done in that century. I couldn't.

Perhaps my enduring rage against the Germans was partly due to the disfiguring wounds that had been inflicted on my father in World War I. He came home from that war with a hole in his neck and a twisted face that frightened me. In my childhood I had to awaken him from nightmares in which he was fighting with Germans who were trying to kill him with trench knives and bayonets. He had engaged in hand-to-hand, face-to-face, combat in the trenches in France—and he never got over it. His screams will echo always in my mind. He had killed enemies with his own bayonet but they were always coming back at him in nights of horror.

While I can never condone the atrocities committed by some Germans under the Kaiser and under Hitler, I have learned enough about the history of Germany and the history of other nations to understand why those atrocities occurred. When I was a Nieman Fellow at Harvard, I heard a former chancellor of the German Democratic Republic, Heinrich Bruning, describe how Count von Papen and other German aristocrats tricked President Paul von Hindenburg into appointing Hitler as chancellor of Germany. Hitler had been defeated by Hindenburg in the German election of 1932, but he was placed in power later by plotters who thought they could control him. The monstrous rise of Nazism was due to the errors of arrogant men. Such errors have been crucial factors in the history of many nations.

My father participated voluntarily in World War I, answering Woodrow Wilson's call to serve in "a war to end a war" and "to make the world safe for democracy." But many of the Germans who fought in that bloody struggle believed that God was on their side and they were justified in what they did. In the light of history, I realized that many of their men who fought in the trenches suffered from ghastly nightmares similar to those which afflicted my father. War itself was an encompassing evil which brought evil effects to many generations of human beings.

Desmond Tutu's harrowing book, which links truth and reconciliation to the power of forgiveness, offers ways to enable future generations to end the savage cycles of war and revenge. Let us hope that people all over this bleeding world will read it and learn from it. It sheds a great light on what needs to be done.

HONORING LIEUTENANT COLONEL PETER J. ROWAN OF THE U.S. ARMY CORPS OF ENGINEERS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize and salute Lt. Col. Peter J. Rowan. Since July 1998, Lt. Col. Rowan has served as the U.S. Army Corps of Engineers' District Engineer for the Chicago District. His term in Chicago is nearly at its end, and he is scheduled to leave for his next posting in late July.

Over the course of the last two years, I have had the distinct pleasure of working with him as we partnered up on a number of projects. The Chicago Shoreline, TARP, Stoney Creek, and the Illinois and Michigan Canal. The list goes on and on and on. In every case and in every instance, he has done a wonderful job in working with my staff and me.

Lt. Col. Rowan began his career at the U.S. Military Academy at West Point, where he graduated in 1979. He continued his education and received a master's degree in civil engineering from the University of Illinois. He also undertook additional studies in the Engineer Officers Advanced Course and the Command and General Staff College.

He then used his advanced training to further Corps missions across the United States, from Colorado to Nebraska to Kansas and Texas. He also served combat-related assignments in Germany. For the 249th Engineer Battalion in Karlsruhe, he was a platoon leader, company executive officer, and assistant operations officer. He then went on to serve as assistant corps engineer with V Corps, part of the 130th Engineer Brigade in Heidelberg.

His hard work and professional accomplishments have not gone unnoticed. Lt. Col. Rowan is the recipient of a number of awards and decorations for his service, including the Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Humanitarian Service Medal, Parachutist Badge, and the Ranger Tab.

But his most heartwarming accomplishment may very well be that of his family. Lt. Col. Rowan is a devoted husband to his wife and a wonderful father to four children.

I know that I speak for my colleagues from Chicagoland when I say that Lt. Col. Rowan's professionalism, responsiveness, and leadership is an asset to the Corps and our nation. He has done so much for the Chicago District, and I know he will continue to do even more in his career. I salute Lt. Col. Rowan and wish him and his family all the best.

KINDNESS IS CONTAGIOUS IN CONGRESS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. MOORE. Mr. Speaker, I rise today to honor a successful anti-violence organization in my district. Founded in 1982 in Kansas City, the STOP Violence Coalition's mission is to promote non-violence through education, programming, and collaboration. The program serves 25,000 students, parents, educators, and inmates each year through kindness education, bullying prevention, and inmate rehabilitation. Its founder and one of my constituents, SuEllen Fried, is a well-known leader in the fields of child abuse and peer abuse prevention.

The STOP Violence Coalition has had success with many of its programs. The Reaching Out From Within™ program, directed toward inmate rehabilitation, has a 23% recidivism rate, compared to the national average of approximately 60%. The Coalition has also compiled the 12 Contributing Factors to Violence™, organized the Elder Rights Coalition™, and collaborated with area agencies to address issues related to violence prevention and organization. The Coalition has received the 1999 National American Community Award from the National Council on Crime and Delinquency.

One of the STOP Violence Coalition's most effective programs is the Kindness is Contagious™ program. Last week, at the request of another community leader, who is also of my constituents, Norman Polsky, I distributed Kindness is Contagious . . . Catch it! buttons to each of my colleagues in the House. The purpose of the buttons is to wear the Kindness button until someone is observed behaving kindly toward another, at which time the button is passed on. The recipient is asked to observe others for kind behavior and to pass on the button to someone else who deserves the recognition. Thus it become everyone's responsibility to continue the chain of kindness and giving.

Though the program is school-based, the message is not just for youth. Youth and grown-ups alike need to keep in mind that although we have strong feelings and will disagree about certain things, at the end of the day we should always treat people with the dignity they deserve.

Nearly 300,000 students in 400 Kansas City area schools have participated in Kindness is Contagious™, which promotes the passing of the Kindness button. Since June of this year, over 1,500 inquiries from concerned citizens throughout the country and world have contacted the STOP Violence Coalition to see how they can start the Kindness program in their own communities.

Mr. Speaker, this program is something that has made people around the nation stop and think about their personal behavior and how it affects others, something all of us—within and outside of Congress—should always keep in mind. I would like to thank SuEllen Fried and Normal Polsky for their leadership and vision with these programs and their many efforts throughout our community. I commend them for their tireless service and dedication.

I hope these buttons will change hands many times and encourage caring, consideration, and compassion. I will be wearing this button in an effort to promote kindness. I urge my colleagues to join me in this effort and spread this program to their districts.

TRIBUTE TO MS. DEBBIE RUMMEL: MIDWEST DISTRICT HIGH SCHOOL PHYSICAL EDUCATOR OF THE YEAR

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. MANZULLO. Mr. Speaker, I am proud to take this opportunity to officially recognize an outstanding educator from the 16th district of Illinois for her important contributions to advancing educational excellence in Illinois.

Ms. Debbie Rummel lives in Spring Grove and is a physical education teacher at Antioch Community High School in Antioch, IL. She exemplifies the innovation and encouragement that teachers can bring to education. Ms. Rummel has recently been recognized by the National Association for Sport and Physical Education (NASPE) for her outstanding teaching skills and her ability to influence students to continue to engage in physical activities throughout life.

Beyond receiving NASPE's Midwest District High School Physical Educator of the Year Award, Ms. Rummel has also been inducted into the University of Wisconsin-Platteville's Athletic Hall of Fame, granted a Nutrition Education Teaching Award from Illinois NET, and received a Governor's Award of Excellence in Physical Education and Fitness.

I am honored and pleased to have this opportunity to pay tribute to the hard work and dedication that characterizes Ms. Rummel's gift of teaching.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from the chamber on Monday, July 17 when rollcall votes numbered 401, 402, 403 and 404 were cast. Had I been present in the Chamber at the time these votes were cast, I would have voted "yes" on rollcall vote 401, "yes" on rollcall vote 402, "yes" on rollcall vote 403 and "no" on rollcall vote 404.

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. BACA. Mr. Speaker, last week I was granted leave of absence for July 19, 2000 and the balance of the week, on account of a death in the family.

Had I been present, I would have voted on the following rolls, as indicated:

No. 412—On Passage of H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act—"Yea";

No. 413—On Agreeing to the Conference Report for the Defense Appropriations Act for FY 2001, H.R. 4576—"Yea";

No. 415—Motion to Instruct Conferees on H.R. 4577, Making Appropriations for Labor, Health and Human Services for Fiscal Year 2001—"Yea"; and

No. 416—On Passage of H.R. 2634, the Drug Addiction Treatment Act—"Yea."

CONFERENCE REPORT ON H.R. 4810, MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

Mr. UDALL of Colorado. Mr. Speaker, when we considered this bill earlier, I voted for it, although I was very reluctant to do so. But I cannot vote for this conference report.

My support for the bill was reluctant because while I support ending the "marriage penalty," I thought the House bill was not the right way to achieve that goal. In some areas it did too little, and in others it did too much.

It did too little because it did not adjust the Alternative Minimum Tax. That means it would have left many middle-income families unprotected from having most of the promised benefits of the bill taken away. The Democratic substitute would have adjusted the Alternative Minimum Tax, which is one of the reasons I voted for that better bill.

The Republican leadership's bill did too much in another area. Because it was not carefully targeted, it did not just apply to people who pay a penalty because they are married. Instead, a large part of the total benefits under the bill would have gone to married people whose taxes already are lower than they would be if they were single. In other words, a primary result would not be to lessen marriage "penalties" but to increase marriage "bonuses."

And, by going beyond what's needed to end marriage "penalties" the House bill would have gone too far in reducting the surplus funds that will be needed to bolster Social Security and Medicare.

Those were the reasons for my reluctance to vote for this bill. They were strong reasons. In fact, as I said then, if voting for the bill would have meant that it immediately would have become law, I would have voted against it. But, I reluctantly voted for it because at that point the Senate still had a chance to improve it.

I was prepared to give the Republican leadership one last chance to correct the bill's deficiencies rather than simply to insist on sending it to the President for the promised veto. I hope that the Republican leadership would allow the bill to be improved to the point that it would merit becoming law—meaning that it would deserve the President's signature.

Unfortunately, they did not take advantage of that opportunity. Instead, today they are insisting on sending to the President a bill that falls short of being appropriate for signature into law. I cannot support that approach, and I cannot support this conference report.

The conference report is not identical to the House bill, but it is still very poorly targeted. Half of the tax relief would go to couples who are not affected by any marriage penalty at all—and overall the bill is still fatally flawed. It seems clear that the Republican leadership has decided to insist on trying to force the President to veto this bill, on a timetable based on their national nominating convention.

I greatly regret that the Republican leaders have decided to insist on confrontation with the President instead of seeking a workable compromise that would lead to a bill that the President could sign into law.

The President has said that he will veto this conference report, and I expect that to occur. I hope that after that veto members on both sides of the aisle will work to develop a bill that will appropriately address the real problem of the "marriage penalty" and that can be signed into law this year.

INTRODUCTION OF H.R. 4922, THE TMDL REGULATORY ACCOUNTABILITY ACT OF 2000

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. BOEHLERT. Mr. Speaker, I am very pleased to be an original cosponsor of H.R. 4922, The TMDL Regulatory Accountability Act of 2000.

TMDL stands for "Total Maximum Daily Loads." TMDLs are useful tools provided by the Clean Water Act to bring water bodies into compliance with water quality standards. I support the Clean Water Act's TMDL program. I am pleased that EPA, States, and Congress are finally turning their attention to this program and are providing more resources for States to move ahead and develop and implement TMDLs under existing regulations.

However, like many, I have concerns about EPA's proposed changes to the TMDL program. I have expressed my concerns about these proposed changes, and the process used by EPA to make these changes, at hearings, in letters and phone calls to EPA Administrator Browner and the Director of OMB, Jacob Lew, and in public statements.

I have not been alone in expressing concerns. Many Members of Congress, the National Governor's Association and individual governors, the Association of State and Interstate Water Pollution Control Administrators and individual state agencies, EarthJustice Legal Defense Fund, Friends of the Earth, the Conservation Law Foundation, California Association of Sewerage Agencies, the National Federation of Independent Business, the U.S. Chamber of Commerce, the American Forest and Paper Association, the American Farm Bureau Federation, PACE International Union, and the United Brotherhood of Carpenters and Joiners of America all have expressed serious concerns about EPA's proposals.

I find it significant that the National Governors' Association, the State Water Pollution Control Administrators, EarthJustice Legal Defense Fund, Friends of the Earth, and the Conservation Law Foundation all share the view that EPA's new TMDL regulations will actually hinder progress in improving water quality and will slow down implementation of the TMDL program.

These State organizations and environmental organizations have different reasons for holding this view.

On July 6, 2000, NGA wrote to President Clinton that—

"The TMDL rules have the potential to cause major financial burdens on our state environmental agencies and severe economic impacts on our states."

"The restrictive language of the regulation will virtually eliminate the flexibility of states to offer opportunities to reduce overall pollution between waterbodies."

"The 'one-size-fits-all' approach proposed by the regulations will inevitably fail, resulting in mountains of paperwork and no appreciable improvement in water quality."

The Association of State and Interstate Water Pollution Control Administrators wrote to Administrator Browner that—

"It is the view of the majority of the state water quality program managers responsible for the day to day implementation of the clean water programs, that this set of rules is technically, scientifically and fiscally unworkable."

On May 19, 2000, six environmental organizations wrote to Administrator Browner that—

"Due to the problems we outline below, we are asking you to withdraw the current version of the proposed rule, which is so fundamentally flawed that it would weaken the existing TMDL program. In addition, we are concerned that if the Administration attempts to finalize this rule, the overwhelming opposition it faces in Congress could result in a weakening of the Clean Water Act itself."

"Our organizations have many objections to the August 23 proposal, the most serious of which include the unjustifiably long timeline of up to 15 years to states to prepare TMDLs, the lack of requirements for EPA to step in and do the job if states fail to submit TMDLs or miss other regulatory deadlines, the omission of deadlines for meeting water quality standards, and the overall unenforceability of the new program."

Of the six groups that signed the May 19 letter, three (Friends of the Earth, EarthJustice Legal Defense Fund, and the Conservation Law Foundation) continue to oppose the TMDL rule.

The state organizations and environmental organizations I quoted from have very different views on how to improve the TMDL program. However, they all share the goal of improving the TMDL program so that it is a more effective tool for improving water quality. Given this shared goal, I believe that we should be able to develop program improvements that can be embraced by both the National Governors' Association and environmental groups. And, given the difficulties in addressing nonpoint source pollution, it is critical to have the support and cooperation of the nonpoint source community. Rushing a regulation through that threatens lawsuits and withholding funds to achieve compliance will not result in improved water quality. It will only undermine public support for Clean Water Act programs.

EPA has failed to demonstrate leadership on this issue. As a result, EPA's new TMDL regulations, signed by Administrator Browner on July 11, do not have public support. In fact, aside from some in the environmental community, EPA can point to only two or three states and one organization representing the regulated community—the Association of Metropolitan Sewerage Agencies—that support the final rule. And even with in AMSA there is not agreement. The California Association of Sewerage Agencies, representing 95 California municipal sewerage agencies, shares the view held by most organizations representing point sources—that "the administration's apparent decision to rush to publication of an important rule will only promote litigation and years of delays in responding to actual threats to our nation's lakes, rivers and coastal waters."

I am not suggesting that all persons must agree with regulations, but EPA has made no attempt to engage in the public discourse that must take place to unite stakeholders behind the common goal of improving water quality, despite numerous requests from stakeholders asking EPA to allow additional public comment and seeking additional information from EPA on the impacts of the new TMDL regulations.

Fortunately, EPA's new TMDL regulations will not become effective until fiscal year 2002 and we have the opportunity for additional comment and analysis that many stakeholders and many members of Congress had asked EPA to undertake before finalizing its new TMDL rule.

First, we need to engage the public on this issue. EPA dismissed the criticism of its new TMDL rule as "misunderstanding" of EPA's intent. The final rule and EPA's preamble explaining intent were published in the Federal Register on July 13, 2000.

H.R. 4922 requires EPA to solicit and respond to public comment on EPA's changes to the TMDL program.

Second, we need to understand the scope of the problem. In her July 11, 2000 press release announcing the signing of the new TMDL regulations, Administrator Browner states that "40 percent of America's waters are still too polluted." However, EPA's estimate of the costs of developing and implementing TMDLs is based on 20,000 impaired waterbodies—representing only 10 percent of the Nation's waters. What is the scope of the problem? 40 percent impairment or 10 percent? The General Accounting Office pointed out in a recent report that only 6 states have sufficient data to identify the scope of water quality impairments in the State. As a result, neither EPA nor the public knows the actual scope of the water quality problem.

H.R. 4922 requires EPA to come up with a plan to fill these data gaps, and create a budget for implementing that plan.

Third, we need an understanding of what methods should be used to address these matters. Too often, EPA's new TMDL regulations simply assume away difficult water quality problems. For example, the new regulations consider the sun a source of pollution—heat—but do not explain how to go about regulating the sun, stating that: "What needs to be done to mitigate heat load from solar input will be addressed by a State, Territory, or authorized Tribe when it establishes the TMDL." The final rule similarly has no answers for how to address pollution from atmospheric deposition, or legacy pollution.

H.R. 4922 includes a study by the National Academy of Sciences to improve our ability to identify sources of pollution and allocate loadings among them.

Fourth, we need an understanding of what kind of sacrifices the public must make to solve our remaining water quality problems, and the benefits that will be achieved if we dedicate resources to this effort. Again, EPA has failed to provide this information. EPA estimates that the total cost of the TMDL rule will be less than $23 million a year. EPA did not provide any estimate of the benefits of the rule. However, as the General Accounting Office pointed out in another recent report, EPA's cost estimate assumes that States already have all the data they need to develop TMDLs, an assumption that has no basis in reality. In addition, EPA fails to inform the public of the costs to the regulated community from implementation of the rule, including costs to small businesses and small farming or forestry operations. Instead, EPA would have the public believe that improving water quality is all gain and no pain. I am very concerned about a backlash against Clean Water Act programs when EPA tries to implement the new regulation and the cost is more than the public is prepared to pay.

H.R. 4922 requires EPA to conduct a complete analysis of the costs and benefits of its TMDL rule in a manner that addresses the Comptroller General's criticisms of the EPA's earlier cost estimate. In addition, H.R. 4922 requires EPA to quantify the effects of the rules on small entities, including small businesses small organizations, and small governmental organizations.

H.R 4922 does not affect EPA's existing TMDL program. I strongly encourage States to proceed with TMDL development and implementation under existing regulations as expeditiously as possible. Fortunately, the House-passed VAHUD appropriations bill provides significant new resources for States to do so.

H.R. 4922 also does not affect EPA's new TMDL regulations. However, after considering the additional public input and additional information developed under this legislation, I hope that EPA will conclude that its new TMDL regulations should be changed before they become effective in fiscal year 2002.

PAYING TRIBUTE TO THE ULSTER UNITED TRAVEL SOCCER CLUB

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. HINCHEY. Mr. Speaker, I rise today to recognize an exciting event between the Ulster County, New York United Travel Soccer Club and the Shrewsbury House Soccer Club of England.

On August 30th and 31st, the two Soccer Clubs will compete against each other in the Cantine Field Sports Complex in my hometown of Saugerties, New York. The matches will promote a greater understanding between the players and continue the great tradition of cooperation between the United States and England.

The players from England will be staying with families in Saugerties, which will serve as an educational experience for the players and citizens of Saugerties. Indeed, as our world becomes increasingly connected, it is critically important that we provide opportunities for our children to interact with different cultures. The athletic contests will help facilitate an exchange of ideas and I am pleased to welcome the Shrewsbury House Soccer Club to Ulster County.

The Ulster United Travel Soccer Club is an important resource for the young people of my district. Indeed, the club promotes teamwork, sportsmanship, positive thinking and physical fitness. In addition, the Club is a member of the Northern Catskill Youth Association (NCYA) and participates in tournaments throughout the Northeast. I applaud the Ulster United Travel Soccer Club for its steadfast commitment to our young people.

Mr. Speaker, I am delighted to salute the Ulster United Travel Soccer Club and the Shrewsbury House Soccer Club for arranging this unique international competition.

INTRODUCTION OF THE COMMUNITY RENEWAL AND NEW MARKETS ACT

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, across America, the signs of prosperity are brightly lit. The economic boom that is the hallmark of the '90's can be seen in towering construction cranes, packed shopping malls, and flourishing businesses in every region of the nation. As the 21st Century opens, America's free market principles are triumphant, and the world is captivated by the American economic success story.

Given this bountiful setting, it is valid to ask why JIM TALENT, DANNY DAVIS and I joined together last year to re-introduce something called "The American Community Renewal Act." In view of our booming national prosperity, the need for economic renewal may seem to many to be irrelevant at best, or needless at worst.

To answer that question, we might first look back to a dramatic moment from an earlier period of prolonged American prosperity.

The year was 1968 and, like today, Americans were building new homes, buying new products, creating new businesses, and generally enjoying an unprecedented prosperity. The national economic atmosphere was heady and exuberant.

But on May 21st of that year, millions of Americans sat before their television sets and were shocked by a report from the respected newsman Charles Kuralt entitled "Hunger in America." That program exposed an unseen hunger and malnutrition that marked the lives of millions of Americans. The nation was shocked into action, and ending hunger in America became a critical national goal.

One editorial writer at that time, commenting on the documentary, noted: "The contrast of a rich country harboring pockets of the most primitive want was its own editorial on the social contradiction of an affluent nation."

Now it is over thirty years later, and there is a new social contradiction—a new unseen hunger in the midst of a prosperous America. It is a hunger for opportunity and it comes from America's poorest communities. It comes from the aging, struggling communities which most Americans have never seen—neighborhoods that have been bypassed by the national economic success story.

These are the communities that cannot attract the businesses and industry which bring the jobs which bring the opportunities that lead to the American dream.

These are the neighborhoods where vacant properties become home to crack users who destroy the sense of safety and security that a community needs to grow and prosper.

These are the neighborhoods where a long and expensive public transit ride is the only way to get to the new jobs in prosperous suburbs.

These are the neighborhoods where venture capital just doesn't venture.

Despite the strongest economic growth in this nation's history, too many people living in America's poorest neighborhoods are still being left behind.

Today you can do something about that.

The Community Renewal and New Markets Act that we are introducing today is the product of five years of hard work and extensive travel to find out what works from the people on the ground who are working every day to revive these neighborhoods.

This legislation establishes a new model that merges new ideas about venture capital, regulatory reform, drug and alcohol rehabilitation, housing and homeownership, commercial revitalization and tax incentives.

Hopefully, our efforts will bring America's attention into the most forgotten corners of America. I am hopeful we can give these troubled communities the tools they need to recover and to prosper.

Though we cannot promise success to every man, woman and child in America, we should be able to promise each of them the opportunity for success. This country is too great and too wealthy to allow even one of our children to grow up without that opportunity.

This is the essence of the social contract that we, as Americans, hold with one another. We are working to achieve this goal—to make good on this social contract—through passage of this important legislation.

In 1968 America's "social contradiction" was an unseen hunger for food in a nation that feeds the world. In the year 2000 that "social contradiction" is an unseen hunger for opportunity in a nation that represents unbridled opportunity to the rest of the world.

It is time to end that contradiction and bring the nurturing promise of opportunity home to all Americans. The Community Renewal and new Markets Act is an important step in that direction.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 25, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 26

8:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the federal sugar program.
SH-216

9 a.m.
Small Business
Business meeting to markup S. 1594, to amend the Small Business Act and Small Business Investment Act of 1958.
SR-428A

Environment and Public Works
Business meeting to consider pending calendar business.
SD-406

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on broadband internet regulatory relief.
SR-253

Energy and Natural Resources
To hold oversight hearings on Natural Gas Supply.
SD-366

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on bridging the gap between health disparities.
SD-430

Armed Services
To hold hearings on the nomination of Donald Mancuso, of Virginia, to be Inspector General, Department of Defense; Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness; and James Edgar Baker, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces.
SR-222

10 a.m.
Governmental Affairs
To hold hearings on S. 1801, to provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States.
SD-342

Finance
To hold hearings on the nomination of Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade; the nomination of Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury; the nomination of Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury; and the nomination of Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.
SD-215

11 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD-419

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the Americans with Disabilities Act.
SH-216

2:30 p.m.
Indian Affairs
To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.
SR-485

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the President to review approximately 40 million acres of national forest for increased protection.
SD-366

JULY 27

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review proposals to establish an international school lunch program.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine antitrust issues in the airline industry, focusing on trends in the industry, the impact that a reduction of competitors might have on competition and concentration levels at hubs.
SR-253

Environment and Public Works
To hold oversight hearings on the use of comparative risk assessment in setting priorities and on the Science Advisory Board's Residual Risk Report.
SD-406

Commission on Security and Cooperation in Europe
To hold hearings to examine Yugoslav Presidnet Slobodan Milosevic's recent efforts to perpetuate his power by forcing through changes to the Yugoslav consitution and cracking down on opposition and independent forces in Serbia.
2255 Rayburn Building

Energy and Natural Resources
To hold oversight hearings on the United States General Accounting Office's investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.
SD-366

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
Business meeting to markup S. 2778, to amend the Sherman Act to make oil-producing and exporting cartels illegal.
SD-226

10 a.m.
Judiciary
Business meeting to markup S. 1898, to provide protection against the risks to the public that are inherent in the

interstate transportation of violent prisoners; S. 113, to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants; S. 783, to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies; and S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States.

SD–226

2 p.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings to examine security for executive branch officials.

SD–226

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1734, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; H.R. 3084, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; S. 2345, to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York; S. 2638, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; H.R. 2541, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; and S. 2848, to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico.

SD–366

3:30 p.m.
Intelligence
To hold closed hearings on the nomination of John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence.

SH–219

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

CANCELLATIONS

JULY 26

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

SD–366

SENATE—*Tuesday, July 25, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Minister Angela Williams, Shiloh Baptist Church, Washington, DC, a resident of South Carolina. We are pleased to have you with us.

PRAYER

The guest Chaplain, Minister Angela Williams, offered the following prayer:

Eternal God, our Sovereign Lord, we thank You for the many blessings You have bestowed upon our Nation. For You, O Lord, are our strength and our righteousness. We recognize that ours is a priceless inheritance—a country founded on the truth that all women and men are created equal and endowed by our Creator with the right to life, liberty, and the pursuit of happiness. We cannot forget these words, lest we fail as a Nation.

With Your everlasting arms, lift up the Members of the United States Senate, so that they may carry out their indispensable mission of conducting the Nation's business fully and fairly. Incline Your ear toward the United States of America, that You may hear the prayers of Your people. Let Your face continue to shine upon those of all races, nationalities, religions, and creeds—the rich and the poor, those with privileges and those who have been denied.

Now, more than ever before, we need Your peace. Families, schools, and communities too often seem besieged. But we know that in the midst of it all, You have only to say, "Peace, be to you." Lord, help us to walk with You in integrity and wisdom and do that which is always just in Your sight. Continue to bless those who work on Capitol Hill, as we give to You all glory, honor, and praise. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will be in a period for morning business until 10:30 a.m., with Senators DURBIN and THOMAS in control of the time.

Senators should be aware that cloture was filed on the motion to proceed to the Treasury-Postal appropriations bill and on the motion to proceed to the intelligence authorization bill. Under the provisions of rule XXII, those votes will occur on Wednesday, 1 hour after the Senate convenes. During Thursday morning's session, there will be a time set aside for those Members who have not had the opportunity to make their statements in memory of our former colleague, Paul Coverdell.

I thank my colleagues for their attention.

ORDER FOR RECESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 9:30 a.m. to 10 a.m., and Senator THOMAS, or his designee, from 10 a.m. to 10:30 a.m.

The PRESIDENT pro tempore. The able Senator from Massachusetts.

GUEST CHAPLAIN

Mr. KENNEDY. Mr. President, I commend the Senate's guest Chaplain today, Minister Angela Williams, for her eloquent prayer opening today's session of the Senate. Angela became a licensed minister in January of this year, and she is currently an associate minister at Shiloh Baptist Church in the District of Columbia. I had the privilege of attending her first sermon there last November. She is also currently a graduate student at Virginia Union University in Richmond, where she is pursuing the degree of master of divinity.

Angela's father, J.C. Williams, is also a minister. He served for 28 years with great distinction as a Navy chaplain. He retired in 1998, and is now an associate minister in Martinez, GA. Rev. J.C. Williams served as guest Chaplain for the Senate last September.

Our guest Chaplain today wears many hats. Angela Williams is also a talented lawyer, and is a graduate of the University of Texas Law School. As an Assistant United States Attorney in the Middle District of Florida, she was selected to serve on the National Church Arson Task Force, which was created by the Department of Justice to investigate, prosecute, and prevent the epidemic of church arsons that were afflicting many parts of the country. From 1996 to 1998, Angela Williams investigated and prosecuted approximately 25 percent of those Federal cases nationwide.

Angela is also well known to many of us in the Senate and the House of Representatives. For the past 2 years, in addition to her ministry, she has served as a member of my Senate staff on the Judiciary Committee.

All of us on both sides of the aisle and with the Clinton administration who have worked with Angela have great respect for her ability and dedication. Her principal responsibilities have been in the area of law enforcement issues, especially hate crimes, and she deserves great credit for her leadership on this important issue in our country today.

Angela will be leaving my staff at the end of this week. All of us who know Angela wish her well. We have been very impressed with her calling to the ministry and her dedication to it. It has been a privilege to work with her as a member of our Senate family, and we are grateful for her inspiring prayer as guest Chaplain today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the submission of S. Res. 342 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois.

REPUBLICAN AGENDA

Mr. DURBIN. Mr. President, this week will be the last week before we break for the party conventions—the Republicans in Philadelphia; the Democrats in Los Angeles. We have a full array of legislation that could be considered this week. I am not sure, being a member of the lowly minority, as to what issues we will actually address, but the American people should pay close attention to what has occurred in this Chamber in the last 2 weeks.

A little bit of history puts it in perspective. Not that many years ago, we were struggling with annual deficits. It was crippling the economy of the United States and certainly causing a shockwave across America as families had to step back and consider the impact of a huge national debt that we passed on to future generations. In fact, our national debt now is approaching $6 trillion, and we collect $1 billion in taxes every single day in America to pay interest on our old debt.

That $1 billion in taxes does not educate a child; it does not buy a tank or a gun; it does not provide health insurance for anyone; it does not improve Social Security or Medicare. It pays interest on old debt.

It is debt that was accumulated primarily during the period when Presidents Reagan and Bush were in office and some partially during the period when President Clinton first began, but we have turned the corner. People have come to understand a dramatic thing has occurred. We are now reaching a point where we are not talking about deficits and debt but about the possibility, the opportunity of a surplus. This is something which America's families and businesses have worked hard to earn: a surplus that reflects a strong economy with more and more people working, which reflects the fact we have had the greatest period of economic expansion in the history of the United States. In fact, I hope we do not become blase about this. This is something that was hard to achieve and American families and businesses working with our Government leaders reached this new point.

Having reached the point where we can look ahead and say we have a strong economy and a surplus coming, it is now up to the Congress to decide what to do with that surplus. There are two very different approaches as to what to do with the surplus.

During the last 2 weeks, the Republican Party has come to the floor of the Senate and suggested they know what to do with this surplus. They have suggested we take $1 trillion, approximately half of the projected surplus over the next 10 years or so, and dedicate it to tax cuts. Tax cuts are a popular proposal for politicians. Any of us would like to stand before a crowd in our States or hometowns and talk about cutting their taxes. But the honest question is, Is that the best thing for us to do at this moment in time?

On the Democratic side, we believe that there is a better approach. We believe our first obligation is to pay down the national debt, strengthening Social Security and Medicare and making certain that our children carry less of a burden in the future. The Republicans say give tax cuts, primarily to wealthy people, over $1 trillion worth. We say take that money and pay down the debt. We are not sure if that surplus is actually going to be there 2 years, 4 years, 6 years from now. Wouldn't every family and business in America agree it is more sensible to first retire this huge debt that looms over America and its future? That is the Democratic position.

Most people believe we should deal with the national debt. The Republican position, with notable exceptions, including the Presiding Officer, who has taken a more conservative approach when it comes to dealing with the surplus—is, no, we should cut taxes on a permanent basis and hope for the best. The tough part of it, too, is that this cutting of taxes is primarily going to those at the highest income levels.

I had a chart last week which showed that 43 percent of the estate tax cut proposed by the Republicans went to people making over $300,000 a year. For people with an average income of $900,000 a year—a show of hands is not necessary—the Republicans proposed a $23,000-a-year tax break. If one is making somewhere in the neighborhood of $75,000 a month, will another $2,000 a month really make a difference in their life? I find that hard to imagine. Yet when it comes right down to it, that is what we hear from the Republican side: Give the tax breaks to the wealthiest people in America.

On our side, we believe this surplus should be used to pay down the debt, strengthen Social Security and Medicare, and then find those targeted tax cuts that can make a real difference in a person's life.

Let me give a few examples of targeted tax cuts that cost far less than what the Republicans have suggested but would mean dramatic tax relief to working families. I start with middle-income families worried about paying for college education expenses, as well they should be. Between 1990 and 1998, average tuition and fees increased 79 percent at public universities, 56 percent at private 4-year institutions, compared to a 23-percent increase in the Consumer Price Index and a 41-percent increase in per capita disposable income. Families know this. When children are born, they think ahead: How are we going to pay for this kid's college education?

On the Democratic side, we believe if we are talking about changing tax policy, let us give to middle-income families the deduction of college education expenses, a helping hand so that if a son or daughter is accepted at a good university, they don't have to make the decision that they can't go because of money. That is our idea. We would have deduction for college education expenses.

The Republican idea is an estate tax cut that would give an average $23,000-a-year tax break to people making $900,000 a year. What is of more value to the future of America: Someone who gets $2,000 a month to put it in an investment or another vacation home or a family who takes a tax break offered on the Democratic side and helps their son or daughter go to the very best college or university into which they can be accepted?

Secondly, working families I know are struggling with the concept of day care, what to do with the children during the day so they have peace of mind in that the children are safe in a quality environment. Some working people choose day-care centers in their hometowns. They can be very expensive. I know my grandson is in day care, a very good one. I am happy he is there. Many families don't have that luxury. They can't turn to good day care because they can't afford it. What about the family who decides that instead of both parents working, one will stay home to care for the child? That is a good decision to make, if one can afford to make it.

On the Democratic side—this is another change in tax policy that is far better for America than to give tax breaks to wealthy people—Senator DODD of Connecticut came to the floor and said: Let's help families pay for day-care center expenses with a tax credit or offer a tax credit to mothers who will stay at home with children so they will get a helping hand, too. I think that is eminently sensible.

We know that children in the early stages of their life really are forming their minds and their values, and we want them to be in the very best environment. If they get off to a good start, many kids will do well in school and have a great future ahead of them. But on the other side of the coin, if children are being pushed and shoved from one incompetent and dangerous babysitter to the next, it is risky. It is something no family would want to face. On the Democratic side, instead of tax breaks for the wealthy, we want to target tax breaks for those who are struggling to find a way to keep a parent at home to watch a child or to pay for day care.

A third area we have worked on is the whole question of long-term care. Baby boomers understand this. Their parents and their grandparents are reaching an age where they need special attention, special help, special care. Much of it is expensive. Families are making sacrifices for their parents, the elderly, and their families. We think they deserve a helping hand. We understand people are living longer and have special needs. We have proposed a tax break that will help families who are concerned about long-term care and caring for their parents and elderly people.

These are the types of targeted tax breaks which the Democrats support: Deduction of college education expenses; help for day care, to keep parents at home so they can watch their children; help for long-term care, to take care of our aging parents. This is our concept of targeted tax relief. The Republican concept of tax relief is a $23,000 annual tax break for people making over $300,000 a year.

Frankly, I will take this issue anywhere in my home State of Illinois. I would like to argue this point as to whether we take a handful of people and give them the most exceedingly generous tax breaks or look at 98 percent of America's families who are struggling with the realities of life.

I am glad my colleague from Massachusetts is here. I will be happy to yield to him at any point. I want to make one point before I do.

There are many other issues which are languishing in this Congress which need to be addressed, issues to which the American people look to us for leadership. I will cite a few so one can understand the frustration, many times, of dealing with real-life problems at home and this Disneyland situation on Capitol Hill. The people need to be represented in this Chamber, not the powerful. The powerful have their lobbyists. The special interests have their political action committees. They have shown extraordinary strength when it comes to stopping issues about which people really care. Allow me to address a few.

A prescription drug benefit under Medicare: Is there another action we can take in America that is fairer or better for our seniors and disabled than to give them the opportunity to afford prescription drugs?

Is it not scandalous that senior citizens in many States get in buses and take 100-mile trips over the border to Canada to buy their prescription drugs? The same drugs manufactured in the United States, approved for sale in the United States, can be purchased in Canada for a fraction of the cost.

Is it not scandalous and disgraceful that senior citizens across America, when they receive the prescriptions from their doctor and are told, take this medicine; you will be strong and healthy and independent if you do, can't afford to fill the prescription, go to the store and find they have to choose between food and medicine, fill the prescription and take half of what they are supposed to because they can't afford it? That is a reality of life. It is something we should address.

The simple fact is, this Congress has failed to come up with a prescription drug benefit under Medicare. We have talked about it for a year and a half or longer. The President has called for it for years. The Republican Congress says no because the pharmaceutical companies, which are enjoying some of the greatest profits in their history, don't want to see this prescription drug benefit. They know that if we have the bargaining power under Medicare to keep prices under control, their profit margins might slip.

So, once again, the powerful and special interest groups are the ones that are prevailing. The Republican answer to this is, well, why don't we turn to the same insurance companies that offer HMOs and managed care and ask them if they would offer a prescription drug benefit. Excuse me if I am skeptical, but we know what these companies have done when it comes to life-and-death decisions on medical care. Too many times they say no when they should say yes. People are forced into court before judges to plead and beg and do their very best to get the basic care they need to survive.

Is that what we want to see when it comes to life-saving prescription drugs, another battle between America's families and these insurance companies?

We received a report recently about over a million people who have lost their HMO Medicare policies—cancelled—because the companies didn't think they were making enough money. The Republicans say that is the answer. We don't think so. It should be a universal, guaranteed program under Medicare, one that you are confident will allow your doctor to give you a prescription that you can fill and will allow you to be able to afford to fill it. That is another issue stopped in this Congress by the special interest groups.

The Patients' Bill of Rights would let the doctors make the decisions, not the insurance companies. We have lost that issue on the floor of the Senate. We raised that issue and the insurance companies prevailed. They would not let Senator KENNEDY's bill come forward to give people the peace of mind that they were getting the best medical care and that they would not have to fight with a clerk from an insurance company when it came to what they and the people they love might need.

As at Columbine High School, all of the press reports about shootings in schools and in other places shock America from one coast to the other. Can this Congress pass commonsense legislation for gun safety for a background check at gun shows, to make sure criminals and children don't get their hands on guns? Can we pass legislation to require a child safety device on every handgun so that kids don't rummage through the closet, find a handgun, and shoot themselves or a playmate? No. The answer is we can't because the powerful gun lobby stopped that legislation from being passed as well.

Prescription drug benefits, Patients' Bill of Rights, commonsense gun safety legislation, and an increase in the minimum wage—Senator KENNEDY has fought for that for years. The minimum wage is $5.15 an hour in this country. Imagine trying to live on that, on the $10,000 or $12,000 a year in income that it generates. That is next to impossible. We have tried to raise the minimum wage because we believe it is not only fair but it gives people who go to work every day a chance for a livable wage. The Republicans say, no, we can't afford a livable wage; we can't afford to increase the minimum wage, but we can afford to give a trillion dollar tax break to the wealthiest people in this country.

Does that make sense? Is it fair or just? I don't think so.

The issues of education and health care, compensation for working people, a Patients' Bill of Rights, prescription drug benefits, none of these have been addressed. The Republicans will be off to their convention in Philadelphia in a few days. They will take great pride in talking about what they have achieved in Washington. I hope the American people will take a look at the list of issues I have referred to and ask themselves how many of those issues are important to their families. I think many of them are. All of them are stalled because the people don't rule in this Chamber, the powerful do. Those powerful special interests have stopped our attempts to try to make sure we have sensible fiscal policy to keep this economy moving forward, to pay down our debt, strengthen Social Security and Medicare, and to make sure that tax cuts help the people who deserve them.

We have a big agenda in this town and very little of it has been addressed. I think it is a commentary on this Congress and its leadership that we have failed to respond to the issues that families in America care about.

Before yielding the floor to the Senator from Massachusetts, I ask unanimous consent that this editorial from the Chicago Tribune of Sunday, July 23, 2000, entitled "Budget Surplus Induces Frenzy," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET SURPLUS INDUCES FRENZY

Congressional Democrats have likened the Republicans' tax-cutting frenzy to a "legislative Wild West." But a growing number of Democrats, too, are hitching up their britches and joining the roundup, crossing the aisle to vote for tax cuts as well as their own spending increases. What is prompting all this activity is a federal budget surplus that seems to have taken on a magical life of its own.

Capitol Hill is awash in money. Why make hard choices when you can have it all? Blink and you just may have missed the latest incredibly rosy forecast of that gargantuan budget surplus. The economy is now approaching $10 trillion in size and more Americans are working than ever. That means federal tax receipts are soaring—the prime reason that the budget surplus keeps growing.

The latest revision by the Congressional Budget Office estimates the surplus at $232 billion for the fiscal year ending Sept. 30—$53 billion higher than the April estimate. Through 2010, the surplus is forecast to be $2.2 trillion. Include Social Security surpluses and it grows to $4.5 trillion. If your mind isn't boggled by these sums, you just aren't paying attention.

But before Congress proceeds to spend every last red cent of this money, here are a few cautionary red flags.

PAY DOWN THE DEBT

The national debt totals $5.6 billion. Reducing the publicly held portion of it—about $3.6 trillion—is akin to giving the whole nation a tax cut because it reduces future debt service. This must be the No. 1 priority.

GET REAL WITH SPENDING CAPS

They were imposed in 1997 when it looked like the only way for America to dig itself out of a swamp of red ink was to strictly limit discretionary spending. That's what gets spent on everything else after defense, debt service and entitlement programs like Social Security and Medicare are paid for. Well, the deficit swamp has been drained. The caps remain, but that doesn't mean Congress complies with them. The Republicans have been moving spending in or out of the current fiscal year or calling it an "emergency," allowing them to technically meet the caps but still spend lavishly.

This is worse than having no caps at all. It is time to be honest about these spending caps. Establish a new baseline cap; allow for minimal annual increase, then stick to it.

REMEMBER PROJECTIONS AREN'T REAL MONEY—YET

That doesn't mean the projected surplus won't become real money. But 10 years is a long time and a lot can change over a decade. If you don't believe that, just remember back to 1990 and the projected deficits that seemed to stretch endlessly into the future.

SOCIAL SECURITY AND MEDICARE STILL NEED WORK

Neither presidential candidate has addressed the core demographic problem that looms for these programs: the aging of the giant Baby Boom generation. The Concord Coalition refers to both their Social Security reform plans as "free lunch proposals." There is no free lunch. Expanding tax-free retirement accounts—as Al Gore proposes—or allowing market investment of some portion of Social Security taxes—as George Bush proposes—won't change the fact that the system will become actuarially unsound unless benefits are cut, taxes raised or the retirement age delayed.

Add to Medicare's shaky fiscal foundation some looming big ticket items—a prescription drug benefit and some provision for long-term care—that will have to be financed if, as seems increasingly likely, the nation decides they are essential to have.

LISTEN TO ALAN GREENSPAN

The spending and tax cut "debates" under way now have little to do with the soundness of overall fiscal policy. Is this a good thing to consider? Should we do this? These are not the questions being asked. There is an assumption that the money is there, so why bother with that debate? If they're politically popular—and what's not to like about a tax cut or higher spending—put 'em in the pot. The most recent example of this is the metamorphosis of the GOP drive to end the marriage tax penalty. This has now grown into a generous tax cut for all married people, with a total 10-year price tag of $292 billion.

No one can guarantee the economy will continue to prosper as robustly as it has. "A number of the potential programs, both expenditures and tax cuts in the pipeline, do give me some concern," said Federal Reserve Board Chairman Alan Greenspan, at his midyear economic review on Capitol Hill last week. "The growing surplus has kept the expansion stable. Tax cuts or spending increases that significantly slow the rise of surpluses would put the economy at risk."

Listen to the man.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time do we have remaining?

The PRESIDING OFFICER (Mr. SANTORUM). On the Democratic side, the time is until 10 o'clock.

THE SENATE'S CALENDAR OF BUSINESS

Mr. KENNEDY. Mr. President, I point out to our colleagues and friends the Calendar of Business for the Senate. This is the calendar of the business pending, the unfinished business, and a list of various pieces of legislation reported out of the committees.

The American people probably don't have this at their fingertips, but if you take the time to look at this when you visit the library, or you can write to Members of the Congress, you will find out that in the pending business the first order is a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965. Right next to it, it says May 1, 2000. That means that this has been the underlying and pending piece of legislation. Yet we are denied any opportunity to address what is going to be the Federal participation in working with States and local communities in the areas of education. We didn't address it in the rest of May. We received assurances by the Republican leadership that we were going to come back and address those issues and questions. We didn't do it in June, and we didn't do it in July, although we were told we would be able to address these issues in evening sessions and have a disposition of that legislation.

In the meantime, what have we done? As my friend from Illinois has pointed out, we have seen a tax cut of over $1 trillion. We had something else done, too. The House of Representatives have given themselves a pay increase of $3,800 a year. We didn't see the increase in the minimum wage. They didn't vote for that. In fact, when TOM DELAY was asked about the increase in the minimum wage, he said: That doesn't affect us. What he continued to say is we are not in the business; we are overseers of a $2 trillion economy. And he was quite dismissive of the problems and challenges that are affecting working families at the lower wrung of the economic ladder.

We have not done the American people's business. We are not addressing the questions of smaller class sizes. We are not addressing the issue of trying to train teachers to be better teachers. We are not addressing the issue of afterschool programs. We are not addressing the efforts to try to deal with the problems of the digital divide. We are not dealing with the greater kinds of accountability of the expenditures of funds in terms of education. That is off the agenda. As has been pointed out many times since the founding of the Republic, debates on the floor of the Senate are about priorities.

The majority leaders have effectively dismissed debate, discussion, and action on education in order to have a trillion dollar tax cut for the wealthiest individuals and a pay increase for themselves. No attention to prescription drugs. Thumbs down on that. Thumbs down on a Patients' Bill of Rights. We haven't got time to debate a Patients' Bill of Rights or a Medicare prescription drug program. We haven't got the time to debate a gun issue to try to make our schools safer. But we have the time to debate a trillion dollar tax cut and a pay increase of $3,800.

If you take the increase in the minimum wage for 2 years, we are talking about half of what the increase would be for a Member of Congress. We can't even debate it. We can't discuss it. We can't vote on it because that is not part of the agenda of our Republican leadership. That is what this is about. It is about priorities. That is what this election is going to be about, ultimately. No action in terms of the Patients' Bill of Rights, even though we are one vote short of being able to get action, to try to ensure that decisions affecting families are made by doctors and trained medical officials and not accountants for the HMOs. We are not going to have, evidently, action on the gun issues to try to make our schools safer and more secure, to try to limit the availability of guns to children in our society that results in more than 10 children every single day being killed. We are not able to do it. We want to indicate to the majority that we are going to take every step possible to make sure we are going to address those issues. We have been cut out and closed out to date. But we are not going to do it.

Here it is Tuesday morning. Quorum calls all day Monday. Quorum calls this morning. Failing to take action on these issues, it is basically an abdication of our responsibility. We are not going to go silently into the night. I understand the hour of 10 o'clock has arrived.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Since there are no Republican Senators on the floor seeking recognition, I ask unanimous consent to speak 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL INACTION

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts because I think he has made his case convincingly that there are many things we have failed to do in this Congress which mean a lot to the American people.

Take a look at the inaction of the Republican-controlled Congress on so many issues that are really life-and-death, day-to-day issues that families across America expect us to lead on, such as the issue of commonsense gun safety; 30,000 American lives were lost to gun violence in 1999. We lose 12 children every single day in America. As many children are dying in America because of gun violence every day as were lost at Columbine High School. It is a reminder that we have a situation with gun violence that is unprecedented in the history of the world. The obvious conclusion from the Republican leadership is, there is nothing we can do or want to do to change it.

We believe, on the Democratic side, that commonsense gun safety is something we should enact, and do it very quickly. We passed a bill here on the floor of the Senate. It had a tie vote of 49-49. Vice President Al Gore cast the deciding vote. We sent it over to the House of Representatives. In 2 or 3 weeks, the gun lobby tore it to pieces. They sent it to a conference committee. For over 1 solid year, that bill has been stuck in a conference committee because the Republican leadership is unwilling to bring forward any gun safety legislation. Yet we see these statistics where literally thousands of Americans are victims of gun violence.

In my State of Illinois, in the city of Chicago, there are now gathering together summit conferences of leaders from communities because of the unprecedented killings which are taking place—particularly of our children—with drive-by shootings. Children are being killed while lying in bed or sitting on the front porch with their parents. It is becoming too commonplace. The obvious attitude of the Republican leadership is, there is nothing they are willing to do to even try to address it.

We think if you buy a gun at a gun show, you should go through the same background check as a person who buys a gun from a gun dealer. We want to know if you have a history of violent mental illness. We want to know if you have committed a violent felony in the past. We want to know if you have a history of the kind of activity that has required an injunction to protect someone against domestic violence. We think it is only fair and just that we ask people who want to exercise their rights under the second amendment to accept the inconvenience of a few questions being asked. Yet the Republicans apparently disagree. They refuse to move any gun safety legislation.

As to the Patients' Bill of Rights, which Senator KENNEDY addresses, every day 14,000 Americans are denied their needed medicines; 10,000 are denied their needed tests and procedures. You know the stories. You know that in your hometown convenience store there is a little canister which says, can you leave your change for this little girl, who needs a certain medical treatment, which is even denied by her insurance company, for which she has no insurance. That is a reality for a lot of families who are struggling to pay for expensive medical care. It is the reality of many of these families who turn to these insurance companies. These companies say: No, it is not one of our recommended procedures; your doctor is just going to have to be told no. I have talked to those doctors who have said to mothers and fathers what their child needs, and then they turn around and find an insurance company overruling them.

We think patients in this country should come first, that quality medical care should be in the hands of professionals and not in the hands of insurance company clerks.

More than 11 million Americans have been denied an increase in the minimum wage for over 2 years. In Illinois, 350,000 people got up and went to work this morning for $5.15 an hour. These are not lazy people. These are hardworking people who are asking this Congress to keep them in mind as we give tax breaks to wealthy people, to keep them in mind as we approve congressional salaries for those of us who serve in the House and Senate. But no, the Republican leadership has told us we have no time to consider an increase in the minimum wage.

Of course, the prescription drug benefit under Medicare—13 million seniors in America have no prescription coverage.

I met a woman in Chicago who had a double lung transplant. Her medical bills are $2,500 a month for the drugs she needs so her body will not reject these lungs. She can't afford it. She has to turn to welfare and to Medicare. She lives in a basement with her children because, frankly, she has no income, no resources. She has had times when she didn't have the money to fill her prescription, and she has suffered irreversible lung damage every time that has happened. That is her life every single day.

That is what it means to be poor in America—or, even those with Social Security checks who do not think themselves to be poor and able to afford prescription drugs.

Yet when we propose a plan that offers guaranteed universal coverage under Medicare for prescription drugs, the Republican leadership says: No, we think we ought to turn to these same insurance companies that have treated us so well—I use that term advisedly—under our HMO and managed-care system and ask them to give prescription drug benefits, the same insurance companies that have been cutting people off when it comes to HMO supplemental policies under Medicare.

Over 1 million Americans have been cut off, many in my State of Illinois. I don't trust the insurance companies to provide, out of the kindness of their hearts, prescription drug benefits. I think there should be guaranteed universal coverage under the Medicare system.

Another bill stopped by the Republican Congress is school modernization.

We should debate a bill that will allow us to increase the limits of immigrants coming into this country to provide those immigrants to fill highly-skilled jobs and good-paying jobs in this country that can't be filled with American workers. I think it is a reality. It is the No. 1 complaint of businesses that can't find skilled workers.

Yesterday, as I got on the plane in Springfield, IL, a fellow from a local company, Garrett Aviation, said: Let me tell you that my biggest problem in business is I can't find workers to fill the jobs.

The industries come to Congress and say: Allow us to have more people immigrate to the United States who can fill these jobs. I think it is a real problem. If we don't allow this immigration, some of those jobs and companies will go overseas.

But let's look at it in the long term. What are we doing to improve the workforce in America to make sure we have people who are skilled enough to fill these jobs and make these good incomes? Are we dedicating our money in our schools and in training to make this happen? I don't think so.

In the 1950s, we were afraid of the Russians. When they launched Sputnik with their advances in science, we passed the National Defense Education Act. We said: We are going to help kids across America pay for their college education. We believed that these kids, once trained, would make America strong so we would not have to worry about this threat from Russia.

I know about that program. I was one of the beneficiaries. I borrowed money from this Government to go to college and law school. I hope many people think that was a good investment. Some may not think so. I paid the money back. Shouldn't we do the same thing again with a national security education act that says we want to train our workers for the future needs in America to make certain they can fill the jobs with Boeing Aircraft in St. Louis or Motorola in the Chicago area? We are not doing that.

This Congress won't address that. It won't address school modernization. It won't address the question of the deduction for college education expenses. It won't address the need to improve teacher skills. That is something we don't have time for on the agenda of this Congress.

Businesses across America look to us for leadership. Families across America expect us to create opportunities. Time and again, we have seen instead efforts by the Republicans in the Senate to give tax breaks to the wealthiest people in America and to ignore the realities facing our families. I think our agenda has to be an agenda closer to the real needs of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

APPROPRIATIONS

Mr. BOND. Mr. President, our colleague from Illinois and others have talked about the things we have not passed and that they would like to see passed in this session. But we have a big problem. We have a problem because the absolutely essential work that this body must do is being held up. The work on appropriations bills that fund the agencies of Government for the next year must be done before the end of the fiscal year—September 30.

Many of the things my colleague has talked about have already been passed and are in conference. But we can't get floor time to do it when we are dealing with filibusters. The Democratic plan has been to stall, delay, and block.

We will have an opportunity to vote on cloture on the Treasury-Postal bill. That means cutting off a filibuster. But that goes through the lengthy process of the 30 hours that are required for debate.

We are also ready to take up the energy and water appropriations bill. But the minority leader has raised objection to that.

Energy and water carries many important things. It carries funding for projects that are vitally important to South Dakota—to river States such as Missouri, to the Nation, the national laboratories in New Mexico, and others.

All of these vital appropriations are being held up because the minority leader is now objecting to a provision that was included in the bill this year but has been included in four previous bills Congress has sent to the President and which have been signed by the President. The state of affairs is, we are ready for a time agreement. If there are objections to particular items in a bill, we have a process called amendments. You can move to strike; you can move to amend. We are ready to do business.

Let there be no mistake. Let the American people understand. We are watching a series of Democratic stall, moves—delay, stall, and block. Sometimes we call them a filibuster. But filibusters don't need to be people talking on the floor. It can be refusal to allow a bill to come up. It can be filibustered by amendments. Basically, it is the Democratic side that is trying to keep the Senate from doing its work.

We have lots of important votes. They may win; we may win some. The Senate has its rules. It permits debate and amendment. We are willing to do so and debate a commonsense provision that happens to be in this bill to see what the will of the Senate is.

The provision in the bill as reported out of committee that has existed in four previous appropriations bills, previously signed by the President, is designed to prevent changes to Missouri River management which would increase the risk of spring flooding and bring many dire consequences. I intend to lay out some of the problems and a number of leaders in this country who oppose it.

The provision is very simple. It is also very important. The provision is designed to stop flooding. Out West we hear the Fish and Wildlife Service is now proposing to tear down dams. Here the Fish and Wildlife Service wants to take action on flow management to pretend that dams don't exist. They have gone out of their way to try to dictate the work of the Corps of Engineers. There are all kinds of procedures—there are public hearings, there are assessments, there are impact statements, and many other things—required before an agency can take action. The Fish and Wildlife Service wants to jump over all that and say: Corps of Engineers, you do our bidding. They sent a letter on July 12 which said: You must establish a plan to increase spring flooding on the Missouri River and to cut off the possibility of effective barge transportation, environmentally sound barge transportation in the summer and the fall, affecting not only the Missouri River but the Mississippi River as well.

The Fish and Wildlife Service wants to do to the communities, to the States along the Missouri River, what the National Park Service did to the community of Los Alamos when it tried a control burn. We don't need a controlled flood that the Fish and Wildlife Service has proposed.

While we have a lot to debate with our friends in the upper basin about the way the river is managed, I never expected they would ever support an action simply designed to increase downstream flooding. As far as I know in the debates—and they have been vigorous debates in the past—that was never their intent. I don't know what the intent now is of the minority leader. We have fought vigorously and honestly with our friends in the upper river States about their desire to keep fall water for their recreation industry. We want to work out ways to help them. We need that late year water to ensure we keep river transportation so our farmers have an economical and environmentally sound way of getting their products to the market. We also need flood control. We have never had them complain about flood control. Dams were built in the middle of the last century, principally to prevent flooding on the lower Mississippi and lower Missouri Rivers. Mr. President, 85 percent of the population in the Missouri River basin lives in the lower basin below Gavin's Point. That doesn't include the lower Mississippi River which gets that water from the Missouri.

As with the dams out West, the Fish and Wildlife Service has a theory that we should travel back in time and have rivers that "mimic the natural flow of the river." Dams were built to stop the natural flow because the natural flow was flooding many hundreds and thousands of acres. It was killing people and damaging billions of dollars of property. One third of our State's food production is in the floodplain of the Missouri River and the Mississippi River. In 1994, the Corps of Engineers proposed to change the river and have a spring rise.

On a bipartisan basis, we communicated our opposition to the President. Twenty-eight Senators representing States along the Missouri and Mississippi and Ohio Rivers signed this letter to the President. The Corps went back to the drawing board and began fresh to develop a consensus plan. Between then and early this year, a consensus among the States—with the exception of Missouri—was developed that included conservation measures but had no spring rise.

The Fish and Wildlife Service, at the table with the States for years, came to Washington, and the next thing we know they are insisting on a spring rise, the will of the States, the comments of the people, the overwhelming objection of State and local officials notwithstanding.

The Fish and Wildlife Service doesn't want public comments. They heard them. They know what the comments are. Don't flood us out. The Fish and Wildlife Service has no mandate to protect people from the dangers of flooding. I invite them out the next time we have a spring flood in Missouri to see the devastation, to comfort and console the families who have lost loved ones in floodwaters. We lost some this year in floods in Missouri. The public has gone on record strongly opposing this spring rise. In 1994, the public opposed it, from Nebraska to St. Louis to New Orleans to Memphis and beyond. To prevent the risk of downstream flooding in 1995, Congressman BEREUTER from Nebraska put a provision in the energy and water appropriations bill to block any change in river management that included a spring rise. The same provision was included again in 1996, 1998, 1999, and again by the Senate subcommittee. As I repeat, this provision has been adopted by voice vote in the House and has been included in four previous conference reports, signed by the President four times before.

Let me note two additional realities. According to our State Department of Natural Resources, not only is this plan experimental, but it could injure species. I quote from the assistant director for science and technology who said the plan calls for a significant drop in flow during the summer. This will allow predators to reach the islands upon which the terns and plovers—the endangered species—nest, giving them access to the young still in the nest. While the impacts on the pallid sturgeon are more difficult to determine because we know less about them, low flows during the hottest weather may pose a significant threat. In other words, there is a real danger to the environment and to the endangered species.

The U.S. Geological Survey is studying what can be done to encourage and protect the habitat for the pallid sturgeon. I visited them. They do not know—and they are the ones who have the most expertise; they have been studying—they do not know yet that anything like a spring rise would have any impact on the pallid sturgeon. They say the jury is still out. I can explain that better. They don't know if this would protect the pallid sturgeon. We do know that the spring rise will increase flood risk. It is totally experimental in terms of improving habitat. The Missouri Department of Natural Resources had a very good argument that it may make it more dangerous for the endangered species.

Finally, this proposal by the Fish and Wildlife Service ignores the hard and fast and undisputed reality that on the lower Missouri we already have a spring rise, courtesy of the Kansas River, the Osage River, the Platte River, the Blue River, the Grand River, the Tarkio River, the Gasconade River, and others.

Each flows into the Missouri, and when it rains, the Missouri lifts from the tributaries into its basins. We already have a spring rise. It floods Missouri regularly. We don't need another source of flooding to carry out some experiment that the Fish and Wildlife Service is trying to conduct at the peril of our citizens. We cannot stand the Fish and Wildlife Service sending an additional "pulse" of water downstream that will put it above our heads.

When they release water at the last dam in Nebraska, it takes 12 days to arrive in St. Louis. In those 12 days, we can experience thunderstorms and flash floods in the spring, and there is no way to get that water back once it is sent down the river. Unless the Fish and Wildlife Service can predict 12 days of weather, or 14 days of weather for Cape Girardeau, then they are betting on the safety of the hundreds of people whose lives may be put at danger if they put out a spring release as proposed.

As I said, I have worked with them and others. I worked with our upstate upper-river people. I have worked with Senator KERREY, Senator SMITH, Senator DOMENICI, and others to fund conservation efforts that do not imperil our citizens. These are the ones on which we ought to be focusing, these are the ones that would be tested, these are the ones that do not flood us.

This is not a partisan issue. It is a philosophical issue and it is a regional issue. Our Governor is a strong Democrat. He has sent me a letter, which I will ask be printed in the RECORD, which outlines very strongly his opposition. Governor Carnahan wrote:

> An analysis of the flooding that occurred along the Missouri River during the spring of 1995 showed that, had the spring rise proposed by the Fish and Wildlife Service been in effect, the level of flooding downstream would have been even greater. The Corps could not have recalled water already released hundreds of miles upstream. If the current plan is implemented and the state incurs heavy rains during the spring rise, there is a real risk that farms and communities along the lower Missouri River will suffer extensive flooding.
>
> In addition, a spring rise has a detrimental effect on Missouri agricultural land. Sustaining high river flow rates over several consecutive weeks will exacerbate the problem of poor drainage historically experienced by farmers along the river. The prolonged duration of an elevated water table will limit the productivity and accessibility of floodplain croplands. The combination of an increased risk of flooding and damage to some of the state's most productive farmland poses too much of a risk for the economy and the citizens of Missouri.

I ask unanimous consent to have printed in the RECORD the letter from the Governor and the statement by the Department of Natural Resources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MISSOURI,
OFFICE OF THE GOVERNOR,
Jefferson City, MO, July 24, 2000.

Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR KIT: I am writing regarding recent developments surrounding efforts to revise the Missouri River Master Manual. I am especially concerned about proposed plans by the Fish and Wildlife Service for a spring rise and request your continued assistance in averting these plans.

The proper management of the Missouri River is critical to the economic and environmental health of the state. As you know, the July 12, 2000, letter from the United States Fish and Wildlife Service of the Department of the Interior to the Corps of Engineers outlined plans for a spring rise of 17,500 cubic feet per second. I have consistently opposed a spring rise from Gavins Point Dam as detrimental to the state's interests and would again like to state my opposition to the current proposal. Implementation of a spring rise would result in an increased risk of flooding and would have a negative impact on Missouri farmland. The frequently-cited experimental releases on the Colorado River in no way compare to the situation in Iowa, Nebraska, Kansas and Missouri where so many working farms and river communities would be harmed by the spring rise.

An analysis of the flooding that occurred along the Missouri River during the spring of 1995 showed that, had the spring rise proposed by the Fish and Wildlife Service been in effect, the level of flooding downstream would have been even greater. The Corps could not have recalled water already released hundreds of miles upstream. If the current plan is implemented and the state incurs heavy rains during the spring rise, there is a real risk that farms and communities along the lower Missouri River will suffer extensive flooding.

In addition, a spring rise has a detrimental effect on Missouri agricultural land. Sustaining high river flow rates over several consecutive weeks will exacerbate the problem of poor drainage historically experienced by farmers along the river. The prolonged duration of an elevated water table will limit the productivity and accessibility of floodplain croplands. The combination of an increased risk of flooding and damage to some of the state's most productive farmland poses too much of a risk for the economy and the citizens of Missouri.

I support any efforts that would prevent the Corps from initiating the recent proposal to initiate a spring rise. Thank you for your continued support in this matter.

Very truly yours,

MEL CARNAHAN.

PROPOSED RIVER CHANGES WILL FURTHER ENDANGER SPECIES

The U.S. Army Corps of Engineers is currently considering changes to the way that it operates the dams along the Missouri River. These dams control the level of reservoirs and the flow of water in the river from South Dakota to St. Louis. The Corps has to take into account all the users of the river and its water and balance the agricultural, commercial, industrial, municipal and recreational needs of those living near the river. As part of this review, the U.S. Fish and Wildlife Service is examining the potential effect on three endangered species that may result from the proposed changes. The pallid sturgeon, least tern, and piping plover depend on the river and the areas along its banks for their survival.

There are three major problems with the operations plan proposed by the Fish and Wildlife Service that may actually harm the species rather than help them recover. The plan would increase the amount of water held behind the dams, thus reducing the amount of river between the big reservoirs by about 10 miles in an average year. The higher reservoir levels would also reduce the habitat for the terns and plovers that nest along the shorelines of the reservoirs. Finally, the plan calls for a significant drop in flow during the summer. This will allow predators to reach the islands upon which the terns and plovers nest giving them access to the young still in the nests. While the impacts on the pallid sturgeon are more difficult to determine because we know less about them, low flows during our hottest weather may pose a significant threat.

Some advocates of the proposed plan claim that this plan is a return to more natural flow conditions. However, the proposal would benefit artificial reservoirs at the expense of the river and create flow conditions that have never existed along the river in Iowa, Nebraska, Kansas and Missouri. Balancing the needs of all the river users is complicated. Predicting the loss of habitat and its impact on the terns and plovers should not be subject to disagreements.

The Fish and Wildlife Service and Corps of Engineers need to examine the implications of this proposal and recognize its failure to protect these species.

Dr. JOE ENGELN,
Assistant Director for Science and Technology, Missouri Department of Natural Resources.

Mr. BOND. Mr. President, our Department of Natural Resources representatives are as green and pro-environment as any group around. They believe it is a bad idea. Farm groups oppose it. The ports and river transportation and flood control people oppose the spring rise. The Southern Governors' Association opposes the spring rise.

There should be an important conservation element in any balanced plan, but balance is not in the Fish and Wildlife Service mandate nor in its plan. They want to manage a river solely for critters. We need to have it managed for people. We cannot have the next flood laid at the doorstep of the Congress that is now considering whether to experiment with the lives and property of millions of people who live along the river.

Some say the President may veto the bill, but he signed it four times before. If he were to do that, he could answer to the people from Omaha to Kansas City to Jefferson City to St. Louis to Cape Girardeau to Memphis down the delta to New Orleans.

I urge my colleagues to move forward on this bill. We can debate this provision, but I believe it is important for safety.

I ask unanimous consent to have printed in the RECORD letters of support for this position from the National Corn Growers Association, the American Farm Bureau Federation, the American Soybean Association, the Agricultural Retailers Association, the National Association of Wheat Growers, the National Council of Farmer Cooperatives, the National Grain and Feed Association, the Missouri-Arkansas River Basins Association.

I also ask a resolution from the Southern Governors' Association printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 24, 2000.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: We are writing concerning an important provision in the fiscal year 2001 Energy and Water Appropriations bill.

Section 103 of H.R. 4733 stipulates that changes in the management of the Missouri River cannot be made to allow for alteration in river flows during springtime. Removing this provision would not only affect farmers in Missouri, Nebraska, Iowa and Kansas by potentially flooding their land, but also affect barge traffic movements on the Missouri and Mississippi Rivers. Without proper management of river flows over the course of the year, transportation movements could be hampered by insufficient water levels on the Missouri River and the Mississippi River between Memphis, Tennessee and Baton Rouge, Louisiana.

If an amendment is offered to strike Section 103, we urge you to vote against it. Removing this provision would have significant impacts on productive agricultural lands as well as the movement of agricultural commodities and input supplies along the Missouri and Mississippi Rivers.

Sincerely,

American Soybean Association, Agricultural Retailers Association, Midwest Area River Coalition 2000 (MARC 2000), National Association of Wheat Growers, National Corn Growers Association, National Council of Farmer Cooperatives, National Grain and Feed Association.

MISSOURI RIVER FLOW MANAGEMENT RESOLUTION

SPONSORED BY GOVERNOR RONNIE MUSGROVE OF MISSISSIPPI & GOVERNOR MEL CARNAHAN OF MISSOURI, APPROVED MARCH 23, 2000

Whereas, the flow of commerce on the Mississippi River is essential to the economic welfare of the nation; and

Whereas, the United States Department of Agriculture reports that 70 percent of the nation's total grain exports were handled through Mississippi River port elevators; and

Whereas, more than one half of the nation's total grain exports move down the Mississippi River to Gulf ports; and

Whereas, free movement of water-borne commerce on the Inland Waterway System is critical to the delivery of goods to deepwater ports for international trade; and

Whereas, the reliability of adequate flows for navigation is a key requirement for fulfillment of delivery contracts, employment in ports and terminals, and energy efficiency; and

Whereas, delays and stoppages would threaten the successful implementation of international trade agreements under NAFTA and GATT; and

Whereas, the Missouri River contributes up to 65 percent of the Mississippi River flow at St. Louis during low water conditions; and

Whereas, reduction of Missouri River flows above St. Louis would result in more frequent and more costly impediments to the flow of commerce on the Mississippi River; and

Whereas, the reach of the Mississippi River between the mouth of the Missouri River at St. Louis and the mouth of the Ohio River at Cairo, Illinois is at higher risk for delays and stoppages of navigation because of low-water conditions; and

Whereas, the Northwestern Division of the U.S. Army Corps of Engineers (USACE) is considering several proposed alterations to the current edition of the Master Water Control Manual for the Missouri River that would reduce support of water-borne commerce by restricting the flow of the river during the summer and fall, low-water period at St. Louis;

Then let it be resolved that the Southern Governors' Association would strongly oppose any alterations that would have such an effect and would urge the Corps to consult with affected inland waterway states prior to endorsing any proposal that would alter the current edition of the manual.

ORDER OF PROCEDURE

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent I be allowed to speak as in morning business, to extend the morning business for at least 5 minutes so I would have about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I want to talk a little bit about taxes, as my Democratic colleagues have done already this morning. I want to go back over what the President said on Saturday in his weekly radio address to the Nation.

I also had the honor this week to respond to the President's radio address. But at the time I wrote up the speech, I had not had an opportunity to see exactly what the President was going to say. I assumed he was going to be talking about taxes this week because that is what the Senate concentrated on last week. But I have now had the opportunity to look through the President's speech. I want to comment on some of the things the President talked about, now that I have had the opportunity to see it.

I want to go back to Saturday morning, when the President gave his radio address. In his speech to the Nation he said:

> Now we have the chance to pass responsible tax cuts as we continue to pursue solid economic policy.

What the President is talking about is that he is willing to give some kind of tax relief to the American public but only the kind the President thinks you need; not what your family needs or not what you are looking at in your budget this month but what Washington, inside the beltway, has determined you should have and, by the way, what amounts you should have.

But these are targeted tax cuts. In other words, you only can receive these dollars back, or this tax relief, if you do what the President tells you to do. If you invest here or if you do this or you do that, then you can receive back or be able to keep some of your hard-earned money. But if you don't, Washington is going to take it. It is telling you what to do, how to spend your money.

Then he went on to say:

> Instead of following the sensible path that got us here, congressional Republicans are treating the surplus as if they had won the lottery.

We are talking about giving the money back to the people who earned it, and by the way, the "risky, budget-busting tax cuts" we are talking about—that is eliminating the death tax and marriage penalty, the unfair taxes—would be less than 10 percent of the projected budget surplus. It is less than a dime on the dollar, and this is what the President is saying is going to create complete chaos because somehow we are going to give back to the American taxpayer about 10 percent of the projected surplus. But he says we are acting as if we won it in the lottery. It is the President and my colleagues on the Democratic side of the aisle who think this is a lottery that they have won; that the surplus is there and they are somehow going to find the best way of spending it for you. They are going to determine the best way of spending it for you.

They say we think it is a lottery when our proposal is to give the money back to those who earned it, not spending it. Even Alan Greenspan—and again we had him before our Banking Committee last week where we went over the same thing: The surplus is here; what's the best thing we can do with the surplus? Mr. Greenspan says: Pay down the debt.

We are paying down the debt. A huge amount of these surplus dollars is targeted to reducing the debt, but also there is money left that can be and should be given back in the form of tax relief. But he said the worst thing we could do is what the President is advocating and my Democratic colleagues are advocating. The worst thing, Alan Greenspan said, that we could do is spend the money.

That is what they want to do. They want to find new ways to spend it—but, of course, to benefit you. But they want to determine how to spend it, so they are going to enlarge Government or fatten existing programs. But who is going to pay the bill? It is going to be taxpayers. If we do not get tax relief today and we allow these dollars to be spent to enlarge or fatten the Government, who is going to support that larger, fatter Government tomorrow? It is going to have to come from possibly even in an increase in taxes. So if we miss this opportunity during times of surplus to cut taxes now, you can almost bet we are going to be facing the possibility of tax increases in the near future.

We are talking about eliminating unfair taxes, and the majority of Americans agree with this. The marriage penalty and the death tax—even the President has called these unfair taxes.

The President said in his speech:

> Taken together, the tax cuts passed last year and this year by this Congress would completely erase the entire projected surplus over 10 years.

Of course, he is talking about the $800 billion tax cut package last year which he vetoed, that is dead and in the wastebasket, and combines it with the cuts we have this year, only 10 percent of the surplus. But he puts them together and says Republicans want to give it all back.

That is not all bad. It should be given back. We are talking about overcharges, surpluses. These are dollars over and above what the Government has projected to need to carry out all of its responsibilities.

We have $1.8-plus trillion earmarked to pay for programs the Government has said we need to do.

These dollars are over and above that. Taxpayers fund every agency, every program, every project, every bureaucrat in that $1.8 trillion budget. Taxpayers are the most used, abused, and underappreciated people in our society. In other words, if they can get more money from you by twisting you a little bit harder, they are going to do that.

One of my colleagues earlier this morning said if you make $75,000 a month and you receive through this tax cut another $2,000 a month, would that really make a difference? That is not for him to decide. These are dollars that somebody has worked for and earned.

By the way, they are not talking about how much in taxes this individual is already paying on that $75,000, but they are saying: $2,000, what difference would it make to them? In other words, Washington can use it and spend it better than they can, so it should be no problem that we take these tax dollars away from them, even if they are unfair.

Again, the majority of Americans agree, the death tax is unfair. You have paid all your taxes all your life to accumulate your estate, and the Government wants to come in after you die and take more than half of it again. It is the same with the marriage tax penalty. Because you are married, you are going to be taxed at a higher rate—on average, per couple, $1,400 per year—and somehow that is fair.

Think of it. If someone asked you, what is your projected income over the next 10 years, would you want to sign a contract committing you to spend every single penny of it right now? The President is distorting this whole story. We are talking about a surplus, the overcharge. We are not talking about the base wage which the Government is receiving in taxes, but he is talking about the surplus.

We should give the surplus back. I like to use a story about finding a wallet. Say this family is sitting around their kitchen table. They find a wallet, and it has $1,000 in it. They say: If we take our regular budget and now add this $1,000 to it, we can buy that big-screen TV we always wanted. They say: We have the money; we found it.

Congress has found this wallet with all these surplus tax dollars in it. I was taught—and I think most parents continue to teach their children today—that if you find a wallet with money in it, you should do your best to find the owner and give it back, not to run with it and say: Oh, we found this money; how can we better spend it? We can spend this money.

That is what is happening here. These are overcharges. Would you spend all your money now? All we are saying is we should give it back to the taxpayers so they can decide how to spend it best.

The President said:

> We should have tax cuts this year, but they should be the right ones.

We should have tax cuts, but they should be the right ones. The President 2 years ago in Buffalo, NY, said something to this effect, and I will paraphrase it: We could give back all of this surplus, but what if Americans do not spend it right?

That is the same thing he is doing here: We could have tax cuts, but they should be the right ones. In other words, if we give the taxes back to the American people, the overcharge, the surplus—we are not even talking tax cuts here. That is a misused term. We are not cutting taxes. What we are trying to decide is how much of the surplus should go back to you, the taxpayer, that you have been overcharged.

The President said: We could give it all back, but what if you don't spend it right? In other words, you are smart enough to go out and earn your money, but somehow you are too dumb to know how to spend your money, and Washington can do that for you and do it better and do it in these targeted programs that are going to help everybody. But it will not let you have the opportunity to spend the money the way that will best benefit your family.

Every family is a little different. Your needs are different from mine and your neighbors' or even your brothers' and sisters' in raising their families. You should have the opportunity to decide how this prosperity, these extra dollars, should be spent.

What the President is saying is, send them to Washington, or keep sending this surplus to Washington, and we will decide what is best for you and how best to spend it.

The President said: In good conscience, I cannot sign one expensive tax break—again, it is not a tax break; it is an overcharge—after another without coherent strategy. In other words, they want to control how these extra tax dollars are spent —not you, taking it out of your control. They want to determine exactly how these tax dollars should be spent.

The President also says he supports this marriage tax penalty we passed, but he said it should be a carefully targeted marriage tax penalty that will cost less. Why will it cost less? Because the President eliminates a great number of these couples who currently qualify for the marriage tax penalty. He is saying that if you make too much money, if you itemize, or do not itemize, somehow you will not qualify.

The President says "targeted." Again we hear that word "targeted." When we hear that, it means Washington believes it can best determine what you need or what program the Government can create or how the Government can spend your tax money.

I want to say one other thing before I close, and that is what the President said at the end of his speech. I agree with these last few lines:

> The surplus comes from the hard work and ingenuity of the American people. We owe it to them to make the best use of it, for all of them and for our children's future.

I agree with that statement. The only thing is we disagree on how to accomplish it. "The surplus comes from hard work and ingenuity of the American people. We owe it to them to make the best use of it. . . ." To me, the best use would be to give the surplus back.

We are not talking tax cuts at all. We are not talking about reducing the revenues Washington needs to run this Government and its programs. What we are talking about is the surplus. We owe it to them to make the best use of it. That will be in rebating, returning those dollars to you so you can then decide what is best for your family. Is it braces for one of your children, or dancing lessons? Is it to begin an educational fund for your child? He is 5 years old, and you want to prepare for his college. You will make that decision, and you will not have to worry or wait for a Government program and then stand there with a hand out asking: Do I qualify, and can I get some of my tax dollars back?

You will have to wait for somebody in Washington to say yes or no. That is not what should be happening. You should have control over your dollars. We all need to pay taxes. We know that. There are a lot of good things the Federal Government does. We know that. But Washington should not have the control of determining how to spend the additional dollars, the surplus.

I strongly urge the President to sign our two tax bills that we want to send him: the death tax repeal and the marriage tax penalty. I hope the President will consider them and, as he said in the last line of his speech—again I will read it—we owe it to them to make the best use of it for all of them. And my opinion is to give it in tax relief.

I thank the Chair.

EXTENSION OF MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the period for morning business be extended until 12:30 p.m., with the time equally divided in the usual form.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. GRAMS. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

THE PAST AND THE FUTURE

Mr. REID. Mr. President, in 1993, one of the most interesting times in my legislative career was when we in this Chamber voted on President Clinton's deficit reduction plan. It was a historic vote.

As the Presiding Officer will remember, the bill passed the House of Representatives by a single vote without a single Republican voting for the President's plan. It came to the Senate and ended up in a tie vote, and the Vice President of the United States, AL GORE, broke the tie. It was a very difficult vote for everyone. In the Senate, as in the House, not a single Republican voted for the budget plan.

There were people on the other side of the aisle who told of all the calamities that would take place in the country if that passed. Seven years ago, this is what we heard from the other side of the aisle, Senate Republicans, from then-Representative WAYNE ALLARD:

> In summary, the plan has a fatal flaw—it does not reduce the deficit.

Of course, it has reduced the deficit from some $300 billion a year to where we now have a surplus.

Senator CONRAD BURNS:

> So we are still going to pile up some more debt, but most of all, we are going to cost jobs in this country.

What the Senator from Montana said, in truth and in fact, was wrong. In fact, over 20 million new jobs have been created; over 60 percent of those jobs are high-wage jobs. Contrary to what the Senator from Montana said, we didn't pile up more debt. We have reduced the debt. We have not only cut down the annual yearly deficit, we have actually paid down the debt—not enough, in my estimation, but we have begun to pay down the debt.

Senator HATCH of Utah said:

> Make no mistake, these higher rates will cost jobs.

Again, not true.

Senator PHIL GRAMM of Texas on August 5, 1993, on the Senate floor:

> I want to predict here tonight that if we adopt this bill the American economy is going to get weaker and not stronger, the deficit four years from today will be higher than it is today and not lower. . . . When all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

Everything he predicted is the direct opposite. The economy didn't get weaker; it got stronger. The deficit isn't higher; it is lower. Americans aren't paying more taxes; they are paying less taxes. He said, "The economy will create fewer jobs." Of course, as I have indicated, it created more jobs. "Government will spend more money." The fact is, the Federal Government today has 300,000 fewer Federal employees than it had when this statement was made by Senator GRAMM. We have a Federal Government today that is smaller than when President Kennedy was President.

He went on to say in September of 1993:

> . . . [T]his program is going to make the economy weaker. . . . Hundreds of thousands of people are going to lose their jobs as a result of this program.

Wrong, absolutely wrong; not even close. The program the President asked us to vote for, and we did, made the economy stronger. We have had the lowest inflation, the lowest unemployment in more than 40 years. There had been economic growth as high in the past but never any higher than we have had. We hold the record for the longest period of economic growth in the history of this country.

PHIL GRAMM went on to state, on another occasion on the Senate floor:

> I believe that hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people.

Well, hundreds of thousands of people didn't lose their jobs; tens of millions of people got new jobs. And President Clinton was reelected. Again, my friend from Texas was wrong.

The Senator from Iowa, Mr. GRASSLEY:

> I really do not think it takes a rocket scientist to know this bill will cost jobs.

Well, my friend from Iowa was wrong, too. It didn't take a rocket scientist. It took people with courage to follow a leader who said: Do this and the economy is going to turn around. We did that. We are not rocket scientists, but common sense dictated if we did the things that were in that budget, it would make the economy better. It would set a new course in the United States for economic viability. We followed that lead, and here is where we now are.

My friend CONNIE MACK, with whom I came to Congress in 1982, said in 1993:

> This bill will cost America jobs, no doubt about it.

Senator WILLIAM ROTH, chairman of the Finance Committee now, said back then:

> It will flatten the economy.

Not true. Quite the contrary. My friend from Delaware went on to say:

> I am concerned about what this plan will do to our economy. I am concerned about what it will do to jobs. I am concerned about what it will do to our families, our communities, and to our children's future.

Well, he should not have been concerned. Or if he was concerned, I am sure he feels much better today because everything about which he was concerned has been to the good of the country. The economy is better. It has been better for families and communities and the future of our children.

Senator RICK SANTORUM of Pennsylvania:

> People know it's bad policy. . . . Let's do something . . . that creates jobs, that really will solve the deficit, not just feed this monster of government with more and more money for it to go out and spend more and more.

He was reading a different set of blueprints than everyone else because he was wrong.

Senator STROM THURMOND, longest serving Senator in this body, said in 1993:

> It contains no real spending cuts to reduce the deficit or improve the Nation's outlook.

Representative DICK ARMEY, majority leader in the House:

> The impact on job creation is going to be devastating.

DAN BURTON, Representative from Indiana of longstanding, said:

> The Democratic plan means higher deficits, a higher national debt, deficits running $350 billion a year.

He was only about $450 billion wrong about the deficit. In fact, it has turned around. We have a $100 billion surplus or more.

JOHN KASICH, with whom I came to Congress in 1982, a Representative from Ohio, said:

> This plan will not work. If it was to work, then I'd have to become a Democrat . . .

That is a direct quote. KASICH is retiring from the House this year. Maybe he is doing it so he can reregister. It is quite clear that if he is a man of his word, he should become a Democrat because he was wrong in his prediction.

It is good once in a while to revisit history, to talk about what people said will happen, to go back and see what the record is.

Let's look at the record not in 1993, and what has transpired that has turned this economy on fire, but let's talk about the future. We in the minority believe in the future. We don't believe in the past, even though once in a while it is important that you look at history. We believe in the future. We believe the future in this country has been hampered, hindered, slowed down by the majority in the Congress, the Republican House, the Republican Senate.

We believe we should be able to have up-or-down votes and have a full debate without any restrictions. I know we have people who come and say: Sure, you can debate the Elementary and Secondary Education Act, but we are going to limit debate. We want you to have five amendments, and we will have five amendments.

Let's do it the way we have always done it in the Senate. Let's bring out the elementary and secondary education bill, complete it, vote on it, and go on to something else.

One of the actions we should take when we finish the debate on the Elementary and Secondary Education Act is to provide money for modernizing our schools. We need new schools some places. We need to renovate schools in other places. This is important for our children.

We need to do something about the health care delivery system in this country. Forty-five million Americans have no health care. The greatest power in the history of the world, and we have 45 million people who can't go to the doctor when they are sick. That is an embarrassment. How can President Clinton go to the G–8 when we have 45 million people who have no health insurance? I, as a Member of the Senate, am not proud of that fact. That number is going up 1.5 million every year. Next year, it will be almost 47 million. We don't even talk about that anymore. We don't talk about the uninsured.

We are now talking about a small number of people who are insured. We are talking about the Patients' Bill of Rights. I am glad we are doing that. But we are ignoring the 45 million people. We need to pass a Patients' Bill of Rights so we have doctors again taking charge of patients, not a clerk in Baltimore determining whether or not someone can have an appendectomy or an MRI.

When I was a young man, my first elected job was to the board of trustees. I was elected to the board, and later I became chairman. I was a young man. This was for the largest hospital district in Nevada. It was called the Southern Nevada Memorial Hospital. When I came there, over 40 percent of the seniors who came into our hospital had no health insurance. In those days, when you came to the hospital, you had your mother, brother, neighbor, or somebody else who had to sign and be responsible for that bill. If they didn't pay the bill, just as all hospitals in America would do, we would go after you with a vengeance. We would go after your wages, your car, your house. We had a very aggressive collection agency that would go after bills of seniors who did not pay.

When I was on the board of trustees, Medicare came to be. Bob Dole voted against that, and he was proud of that. Dick Armey said it was a bad idea. Medicare is not a perfect program—far from it—but it has given dignity to senior citizens because they don't have to beg for health care. When it came into being, prescription drugs weren't a big deal. Prescriptions did not keep people alive. They did not make people live more comfortable lives. Today, the average senior citizen gets 18 prescriptions filled every year. We can't have a program for senior citizens in health care that doesn't include prescription drugs. That is part of the future in the Democratic vision. We want prescription drug benefits in Medicare. We want prescription drugs to be more affordable for everybody.

There is a stereotype out there that someone who gets minimum wage is a teenager flipping hamburgers at McDonald's. Over 60 percent of the people who draw minimum wage are women, and for over 40 percent of those women, that is the only money they get for their families—nothing else. Minimum wage is not just for people flipping hamburgers at McDonald's; it is for people earning a living, keeping people off welfare. I think it would be nice if we increased the minimum wage. I believe people need dignity with work. The minimum wage is one of those things that does just that.

I come from the West. I remember with fondness that on my 12th birthday my parents ordered me a 12-gauge shotgun out of the Sears and Roebuck catalog. I was 12 years old, and I had a 12-gauge shotgun. They paid $28 for it. I loved that gun. I still have it. I got the stock reworked. It was bolt action. I have been a police officer and I carried a gun. I have a lot of guns—a rifle, a shotgun, pistols. So I understand guns. But I still think it is not a bad idea if we have a law so that crazy people and felons can't buy guns.

What have we as Democrats been trying to do? We have been trying to close loopholes, saying that at pawnshops and gun shows where there are loopholes, where criminals and crazies buy these guns, we want to close those loopholes. We can't even vote on that. They keep stopping us. We don't have the opportunity to do that. As my friend from North Dakota, Senator DORGAN, has said—he uses these one-liners—I don't believe you need an assault weapon to go deer hunting. If you do, you should find another hobby. Some of these comments on the gun safety issues reflect, I think, what the American people really think.

I could talk more, but I think it is too bad that we are here in morning business, not able to address some of these very important issues.

One of the issues that tears into my heart every time I mention this is that we need to do a better job of helping kids to stay in school. I say to my friend from Minnesota, who was a college professor before he came here, at one of the very fine institutions of higher learning in America, Carleton College—and we have lots of them—I know the Senator from Minnesota got the best students. But there are a lot of the best students who didn't have the opportunity to come to his institution. A lot of them dropped out of school.

We have 3,000 children who drop out of high school every day in America and 500,000 a year. Every time a kid drops out of school, he or she is less than they could be. I have tried on the Senate floor, with my friend from New Mexico, Senator JEFF BINGAMAN, to pass legislation that would set up in the Department of Education a branch whose sole function in life would be to work on the dropout problems we have. The House passed it. Last year, it was defeated on a straight party line vote in this body.

I think we need to do something about that. I think we have the luxury of doing so. I think we should do something. I know my friend from Minnesota is an expert in this field. I talk about people having no health insurance and people who have health insurance treated poorly. What about the problems we have with mental health in this country? It is an ignored segment of our society. The Federal Government, I believe, has a role and obligation to do something about the many problems facing Americans today, not the least of which is 31,000 people who kill themselves every year. We have to better understand that. I wish we were debating some of these issues today.

I didn't want the day to go by, when we have time on the floor, without talking about some tough votes we have taken and how important it was that the 1993 Clinton Budget Deficit Reduction Act passed, how important it is to the history of this country, and how well we are doing as a result of that, and how much better we could do if we could vote on some of these issues I have outlined today.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Minnesota is recognized.

LET'S DO THE SENATE'S BUSINESS

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator REID from Nevada, for his really fine statement. One of the things I most appreciate about Senator REID is, his voice is a quiet voice, but it is a very firm and strong voice.

I come to the floor wondering why it is that on Tuesday morning at 11 o'clock we are in morning business, which means we can't really do the work of democracy. To me, the work of democracy is to focus on issues that are important to people's lives and to try to make a difference.

Mr. REID. If the Senator will yield, we have a very simple situation here. We in the minority believe we have the right to have a few judges approved by the Senate. Our dear friend from Michigan, Senator LEVIN, has had a judge pending for 1,200 days and he has not even had a hearing. We would like that person to have a hearing. Senator HARKIN from Iowa has had a judge pending who already had a hearing. We also believe we have some appropriations bills that need to move forward, and there are some strings on that. We want to work, but there are some things that we think, in fairness, we deserve. As a result of that, things have slowed down, which is too bad.

Mr. WELLSTONE. Unfortunately, I am well aware of the situation, and, again, I think we have reached a point where this is raw politics. People in the country this November can decide about what direction we should take. A calculation can be made that a Presidential race is coming up and we don't want to move any judges anymore, whether it is for the court of appeals or Federal district judges. But when there has been such a long wait, as a Democrat, I think it is important that Democrats draw the line and insist that some of these highly qualified men and women be able to serve in the judiciary.

I want to very briefly emphasize some of what was said this morning. I want to be out here on the floor of the Senate right now but not in morning business. I would like to be out here discussing a piece of legislation or with the ability to introduce an amendment to a piece of legislation that would make a positive difference in the lives of people in Minnesota and other people in the United States of America.

I was at a public hearing with Representative SHEILA JACKSON-LEE from Houston. It was in Houston in Harris County, which I think is about the fifth largest county in America. It was about the mental health of children. I will never forget the testimony of Matt, who directs the county correction system. He spoke within a law and order framework. He made it clear that he is a no-nonsense law and order person. But he also said people believe these kids who are locked up are locked up because they have done something bad. But the truth is—these are his statistics—about 40 percent of these kids are locked up because parents couldn't get mental help for them. There was nothing available.

I would like to be out on the floor of the Senate introducing legislation and passing legislation that would make it possible for these kids to get the help—so they wouldn't be locked up; so they could go on and live good lives.

There is a piece of legislation I have introduced with Senator DOMENICI called the Mental Health Equitable Treatment Act. I think it is shameful that there is for so many people who struggle with mental illness still such discrimination in coverage, and their illness is treated as if it is a moral failing when they don't get the coverage. When it comes to the stays in the hospital, physician visits, and what bills are covered, the coverage isn't there. They go without treatment. I would like to be on the floor of the Senate doing the business and work of democracy by trying to pass this legislation.

My colleague, Senator REID, said that a Patients' Bill of Rights is just but one step. I agree with him. I think it is important to people in the country to make sure that in this health care system they fit in; to make sure the providers fit in; and to make sure that the people who are denied access to care which they believe they need for themselves and their families have a right to appeal when there is some protection for them.

I would like to pass meaningful patient protection legislation. I would like the floor right now involved in that debate.

I introduced a bill for the Service Employees International Union. It is a great union. I was at a press conference with Andy Stearn, the president, and other members of the union. This is a union that knows how to organize workers. It is the fastest growing union in America. Probably 70 or 75 percent of the membership is women. Probably 70 or 75 percent of the membership is people of color. It is a piece of legislation that I think speaks to the No. 1 concern of people around the country; that is, health security for themselves and their families.

What we basically say in this legislation is, as a national community, here is what we can agree upon—that there should be health care benefits for the people we represent that is as good as we have in Congress. I am determined to introduce a resolution and have a vote on that proposition that the people we represent should have the same health security that we have.

In that legislation, we agree nationally, as a community, that health care coverage should be affordable; that when you have an income below $20,000, you pay 0.5 percent and no more of your annual income; between $25,000 and $50,000, you pay no more than 5 percent of your income per year; and over $50,000 a year, you would never pay more than 7 percent of your annual income.

Part of the problem with health care is not just the 44 million or 45 million who are uninsured, but all of the people when it comes to paying deductibles and fees just can't afford it any longer. Too many people are not old enough for Medicare. Even if they are, they can't afford prescription drug coverage. They are too poor for medical assistance. Even if they are, it is by no means comprehensive. They are not lucky enough to work for an employer that can provide them with affordable coverage.

We also say nationally that we, as a national community, we agree there should be good patient protection legislation.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield.

Mr. DURBIN. I thank the Senator for his leadership. I say to those listening to this debate that Senator WELLSTONE of Minnesota has been a consistent voice on the floor of the Senate on the issue of health care. Many of us visit that issue and believe it is important.

He has dedicated his life in Congress and the Senate to champion the cause of good health care for all Americans and is recognized nationally for his leadership on issues such as coverage of those who suffer from mental illness.

To put the agenda of the Senate in perspective for a moment, because the Senator raises an important question about 40 million Americans who have no health insurance, and many who are underinsured today, and the fact that this Congress refuses to even debate the issue or discuss the issue when we reach out for a good program that Senator KENNEDY, Senator WELLSTONE, and I supported to extend health insurance coverage to children of working families in many States, and reaching out in other areas, but we seem to be reluctant to address what most American families have to address every single day—the lack of security, and the lack of peace of mind when it comes to health insurance—I would like the Senator from Minnesota to comment on the fact that we are in possibly one of the greatest periods of prosperity in the history of the United States. We are talking about surpluses under the budget that may reach $2 trillion. The only suggestion from the Republican side of the aisle is that we should use $1 trillion of the surplus—almost half the surplus—to give tax breaks to the wealthiest people in America rather than addressing working families who are uninsured and people who are looking for the peace of mind by having some protection when it comes to basic health care.

Will the Senator from Minnesota reflect on what we have done on the floor of the Senate over the last 2 weeks in the context of what I consider the high priority he has raised?

Mr. WELLSTONE. I say to my colleague from Illinois that any time he wants to raise such a question, continue to do so. He got a little ahead of me. This is exactly where I want to go.

To finish this proposal on this legislation and what I like about it—then I will talk about this in a broader context—we are saying to States within this framework, go ahead and decide how you want to do this. Once we agree on universal coverage, once we have agreed it will be affordable with good benefits and patient protection for all citizens, then States decide how they want to do it—one insurer, the employer pays, pay or play, we decentralize. I think it makes all the sense in the world.

Then the question is, What is the cost? Over the first 4 years, as you phase it in, it would be $100 billion. If you are looking at the total cost over 10 years, it would be $700 billion a year. That is not even a third of the projected surplus. So the question becomes, What are our priorities?

I argue, based on conversations and meetings I have had with Minnesotans—some people do not agree with this point of view, but I say honestly that I do no damage to the truth on the floor of the Senate or any other time. I hope when we summarize all of the discussions from people about how to reduce poverty, how to have good welfare reform, how to have a stable middle class, how to make sure our country does well in the international economy, how to make sure our children have opportunities, how to make sure we can reduce the violence—over and over and over again, the focus is on a good education, good health care, and a good job. That is on what people are focused.

There are two questions. I don't want to monopolize the floor. But one of them has to do with priorities. I think what happened during the last couple of weeks is, frankly, that there has been a major ideological debate, not, in some ways, dissimilar to what happened in 1981. To the extent that you are now going to have new tax cuts disproportionately benefiting, by the way, people at the very top—I am not totally against some tax cuts. In fact, I think some tax, targeted tax cuts make a lot of sense, especially focused on working families and the priorities of our families in the country. But if you are going to basically erode the revenue base, and you are going to say over the next 10 years here is $800 billion or $900 billion, no longer from this floor any kind of investment in children, education health care, prescription drug benefits so people can afford those benefits, but instead it is going to be tax cuts disproportionately helping those people who are already the very top of the economic ladder, then you are doing two things.

No. 1, there is no standard of fairness in terms of who gets the tax relief and who gets the help. But even more importantly than that, you are eroding the revenue base, making it impossible for Government through public policy to make a positive difference in the lives of people.

If you believe when it comes to education—whether it be pre-K, whether it be affordable child care, whether it be what we can do K through 12, whether it would be higher education and spending for Pell grants, or when it comes to health care, or when it comes to a whole range of issues that affect people's lives in this way—if you believe that there is nothing the Government can or should do, fine. But that philosophy works well when you own your own large corporation and you are wealthy; it doesn't work for most people.

Talk to veterans about veterans' health care; talk to families about child care; talk to families about health care; talk to families about higher education; talk to families about affordable housing; talk to families about how they believe life can be better for themselves and their children. They don't believe for a moment that there is nothing we can or should do that would make a difference. Their discouragement is all too often that we don't seem to be on their side, and we don't seem to be speaking to them or including them.

We were in morning business at 11 o'clock this morning. The Republicans don't want to go forward with Federal judges. They don't want to have opportunities for amendments. They do not want to have opportunities for debate. They do not want to talk about minimum wage. They don't want to talk about affordable prescription drug costs. They don't want to talk about patient protections. They don't want to talk about health security for families or about a commitment to early childhood development. They don't want to talk about a lot of these issues. Therefore, I think the Senate is not doing the work for enough people.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield.

Mr. DURBIN. The Senator has come to this floor repeatedly and discussed concerns that I hear in Illinois and that the Senator from Minnesota hears in Minnesota from working families and middle-income families trying to do their business. They get up and go to work every morning. They think ahead for their children. They want to realize and live the American dream. The Senator in the parlance of politicians feels the pain of families and their anxieties about their future. It appears that the Senate in the last 2 weeks feels the pain of the wealthy people in America.

For those who think I overstate the case, this is an analysis of the tax cuts that have been proposed over the last 2 weeks in the Senate and the people who benefit from them.

The Republicans proposed that we take over $1 trillion—over half of the surplus for the next 10 years—and give it in tax cuts to the wealthiest of Americans. We analyzed their tax cut package. Democrats support tax cuts. The Senator from Minnesota talked about tax cuts so people can deduct the cost of college education; so people can deduct and have a credit for quality day care for their kids; for long-term care for their aging parents; for prescription drug benefits. The Republicans focused on the estate tax and a few other taxes.

I would like to ask the Senator from Minnesota to comment on this distribution chart because we analyzed the Republican tax cut. Who are the winners and who are the losers? The good news is that everybody gets a tax cut under the Republican plan.

But look at the tax cut. If you happen to make less than $13,000 a year—these are people of minimum wage—

the tax cut is worth $24 a year, or two bucks a month.

Move up to $12,400 in income. You are going to see $82 a year, or about seven bucks a month. Now you get up to people making $40,000 a year. We are up to about $11 a month, or $131 a year. If you are up to $65,000, these folks are going to see a tax cut of about $16 or $17 a month under the Republican plan.

Fast forward and jump with me, if you will, to the top 1 percent of wage earners in America. People making over $300,000 a year—people in the gallery don't have to raise their hands—folks who are making over $300,000 a year are going to see an annual tax cut from a Republican proposal of $23,000 a year. On average, these people make over $900,000 a year, $75,000 a month. And the Republicans have proposed giving them an additional $2,000 a month in disposable income. For what? For what?

I can tell Members what these working families would do with $2,000 a month. It is fairly predictable. They would be paying for the kids' college education. They would be buying health insurance to make sure they are covered. They would be paying for quality day care. They would be taking care of an aging parent. That is what working families would do with a tax break. That is what Democrats support.

The Republicans say no; give the biggest tax cut to those who are making the most money. The response? Well, Senator, you don't understand. These people are paying too much in taxes. People making under $50,000 a year can use some tax relief, too. They are paying payroll taxes and facing a lot of problems every month.

The Republicans, frankly, won't listen to this. I want the Senator from Minnesota to comment on this distribution chart on his proposals of what we could be doing to help working families across this country.

Mr. WELLSTONE. Mr. President, this brings into sharp focus yet another issue that should be our priority, that the majority party, the Republican Party, refuses to take up. That is campaign finance reform.

I am not making a one-to-one correlation between what any Senator says on the floor or how he or she votes or the position he or she takes on an issue. I am talking about the overall bias of big money and the way in which it dominates politics. When people see this chart and hear the distribution of who benefits and who does not, the benefits are in inverse relationship to need. It violates every standard of fairness people have. People are all for some tax relief, if it is for families, if it speaks to the concerns of working families.

This chart is, to most people, a little outrageous. This feeds into the skepticism that people have. Most people would say that is exactly what the majority party is all about. The folks they represent are the folks who can; they are the heavy hitters. They are the contributors, the players, the investors. They are the ones who have the clout. They are the ones who hire the lobbyists. They are the ones who know how, who march on Washington every day. The rest are left out.

By the way, all too often, people unfortunately have that perception of both parties. What we have seen over the last week or 2 weeks only reinforces the skepticism and cynicism people have about who gets represented in the Senate and who doesn't.

I say to my colleague from Illinois, there is another issue. The issue is, above and beyond not meeting any standard of fairness, and above and beyond huge benefits but in inverse relationship to need, there is another issue. I believe part of what the majority party is doing—and, by the way, every Republican has a first amendment right to believe this is the right thing to do for the country—is essentially eroding the revenue base, giving away $1 trillion in money so when it comes to health security for families, when it comes to long-term care for our parents or our grandparents or when it comes to how you can help a child so he or she by kindergarten can come ready to learn and does not fall behind and can do well in school, they don't believe there is anything the Government should be doing. I don't agree. I don't think most of the people in the country agree. I think in that sense that is clearly where the differences between the two parties make a difference.

I am a critic of the timidity of our own party quite often. The differences right now between Democrats and Republicans make a real difference in the lives of people in this country.

I conclude by mentioning another issue. I want to make sure I don't do this in a cheap shot, bashing way. I don't want to. There is a bitter irony because we will have an appropriations bill on the floor—maybe—this week where we will be raising our salaries and, by the way, what is tricky for me is our salaries are above the Federal employees, including support staff who work hard. I am not interested in bashing away at people. But we are not interested in raising the minimum wage. We don't want to raise the minimum wage for people. If there is one proposition that people in the country agree on, people ought to be able to make enough of a wage so they can support their families and give their children the care they know their children need and deserve.

We are now at the point where we want to have a minimum wage bill on the floor; we want to raise the minimum wage. I say to Senator DURBIN, 75 to 80 percent of the people in the country believe that is the right thing to do.

Disproportionately, it is women in the workforce out there every day, people who are working 40 hours a week, almost 52 weeks a year, still poor in America, and still can't support their families. We are going to have an appropriations bill out here where we are going to be raising our wages—and we don't do badly—but this Senate, this Republican majority, is not willing to even entertain a debate and let us vote on whether or not we think we should raise the minimum wage.

These are big issues because they crucially affect the quality or lack of quality of the lives of the people we represent.

Mr. DURBIN. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to yield.

Mr. DURBIN. This chart shows what is happening to families of three trying to survive on a minimum wage. There are lots of people trying to live while earning a minimum wage. It usually means multiple jobs. There are 350,000 in Illinois alone who get up and go to work for a minimum wage. They usually have a second job. One of my friends who works in the Watertower Place across the street from the hotel I stay in Chicago—she is a great friend of mine—is trying to take care of an aging mother. She has two jobs. She works in a parking garage as an attendant and then when she gets off that job she is a hostess in a restaurant. This lady works harder than most of us who think we are hard workers, and she is working for a little bit above the minimum wage.

What we see on this chart, I say to Senator WELLSTONE, is when we judge what the poverty line is in America, look what happened in about the year 1989. All of a sudden the minimum wage fell below the poverty line. Those of us who wanted to make sure people who get up and work hard every day get a decent paycheck and a chance to have a livable wage have asked to raise the minimum wage from $5.15 to $6.15 an hour over a 2-year period of time. I guarantee you will not live a life of luxury at $6.15 an hour, but you may be able to take care of some basic needs such as school uniforms for the kids, and shoes, maybe a decent place to live, a safer and cleaner place to live. Yet we cannot seem to get that issue before the Congress.

Republican leadership—in what has been a departure from the past where they said this is a bipartisan issue—has now said this is a partisan issue. Republicans oppose a minimum wage increase. The Democrats support it and the Republicans have stopped us.

I will give an example. If I'm not mistaken, Governor Bush from Texas, his position is States ought to be able to opt out of the minimum wage increase.

That is what he would do. So you would have certain pockets in the United States which would not have a minimum wage increase. That is cold comfort for people who get up and go to work and try to keep things together for their family. But the Senator from Minnesota is correct. The minimum wage has been plummeting in its buying power. Congress has the authority to take care of that issue. Congress has refused.

Instead of dealing with a minimum wage and giving people basically $1 an hour increase, which comes out to about $2,000 a year if my math is correct, here we decide to give $2,000 a month in tax breaks to people making over $300,000 a year. We cannot give $2,000 a year to people who work hard every single day, but we can give folks making over $300,000 a year under the Republican tax break plan, a $23,000-a-year tax cut—almost $2,000 a month. Those are the priorities. Those are the differences.

I think we try our best to feel the pain of working families. The Republicans feel the pain of the wealthy, the pain they must go through every day trying to decide what to do with another $2,000 when they have a paycheck coming in of $25,000 a month. What anguish, what pain, what frustration it must be to try to figure out another mutual fund or another vacation place.

How about the families worried about having a few bucks in the bank and paying for their kids' education?

Mr. WELLSTONE. I say to my colleague—and I am breaking my promise on last words, but on the whole issue of Governor Bush, talking about compassionate conservatism, I have no doubt he says it with sincerity. I am fond of this old Yiddish proverb—I think it is a Yiddish proverb—about how you cannot dance at two weddings at the same time. Frankly, you can talk about compassion. But the other problem is you cannot make a difference unless you are willing to, in fact, reach into your pocket and invest some resources.

My colleague mentioned minimum wage. It occurred to me that one of the truly awful things is there are two groups of citizens we say we care the most about—let's talk about compassion—the very young children and the elderly, the people who built the country with the strength of their backs, who now, toward the end of their lives, may be struggling because of illness. Think about it for a moment, I say to my colleague from Illinois. Let's talk wages and then let's talk investment. The men and women who take care of small children, who work in child care, or take care of elderly people—either home-based care or nursing homes—are the most miserably paid workers in our country. We devalue the work of adults who take care of small children. We devalue the work of adults who take care of the elderly and those people struggling toward the end of their lives. They have the lowest wages and the worst—among the worst—benefits.

Raising the minimum wage would help. It would make a difference. So would affordable health care coverage. We could make a difference, I say to my colleague from Illinois, and we should. But we do not.

Is there any wonder at the turnover in both of these fields? I know in child care there is a 40-percent turnover every year, because if you graduate from school, college, you probably are going to have a debt. If you want to work in the child care field, you are looking at a $9-an-hour job maybe with no health care benefits, or a $7-an-hour job. The same goes for home-based care or for nursing homes.

My final point. The problem with this chart is that you are talking about the top 1 percent getting the lion's share of all of these tax benefits. You are also talking about eroding the revenue base over the next decade to the point where, in certain decisive areas of life, we will not be able to make the investment. I want to shout this from the mountaintop on the floor of the Senate and finish with these words.

When it comes to child care, if you want to talk compassion and you talk so much about small children and you care so much that there is nurturing care and they are challenged and come to school ready to learn, this is not going to be done on the cheap. This is going to require real investment if we are serious.

When it comes to the elderly—I went through this with my parents. Now I will be critical of us for a moment. I am all for tax credits. It is fine. But both my mom and dad had Parkinson's. We moved them to Northfield. We actually lived here and we moved them to Northfield, MN, to try to keep them at home. We did. We kept them at home for a long time. It got to the point where we would spend the night with them, our children would, and then we were just exhausted.

I sent a note out. It was the best day I ever had teaching at Carelton. I was desperate. I sent a note out to students and I said: Here is the situation with my parents. My dad in particular, he was from Ukraine, then Russia, and speaks 10 languages fluently and I think you would enjoy him. But we need some help. Would anybody be interested in spending the night?

The next day I got 170 letters back from students saying they would be more than willing to help. It was wonderful. Then at the very end he fell and broke his hip and we no longer could keep them at home.

But my point is, home-based care, enabling people to stay at home as long as possible, live with dignity, it is not done on a tax credit of $3,000. It is a lot more expensive than that. But if we are serious about this, we are going to have to make some investment. I can think of a better use of $1 trillion over the next decade for our country, the United States of America, than tax cuts that disproportionately go to the top 1 percent of the wealthy. I think we can do better for people like my mom and dad, who are no longer alive today. And I know we can do better for these small children.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. DURBIN. I say to the Senator, he may recall we asked the Members of the Senate to take their choice, make a pick, make a decision. That is what we are sent here to do, cast a vote. Senator DODD stood up on day care and said: Shouldn't we help working families who are struggling to find a safe, quality place to leave their kids when they are off to work so they can have peace of mind and the children can grow in a positive learning environment, a safe environment?

He said: Instead of giving a tax break of $23,000 a year to the wealthiest 1 percent of Americans, why don't we talk about targeting tax cuts so families can have more of a tax credit to pay for day care? He took another step the Senator from Minnesota, I am sure, remembers. Senator DODD said: What about those families where the mother, for example, decides to stay home and raise the kids? Shouldn't we be encouraging that family? They are making an economic sacrifice for the good of their children. Shouldn't they have a tax break?

I agree with him. My wife stayed at home. I am glad she did. I guess we did not buy all the things we could have in life, but we sure ended up with three good kids, thanks to her hard work. She stayed home and helped raise those kids.

A lot of families make that decision, that economic sacrifice. Shouldn't our Tax Code help those mothers? Frankly, we are going to help you whatever your choice. Whether you go to work and need help with day care or stay home with your children, we are going to give you tax relief targeted to those families. The Republicans said: No, no, that is not a priority. Here is the priority. The priority is giving to people who make an average income of $900,000 a year about $2,000 more a month to figure out what they are going to do with it.

That is the difference. That is what the debate came down to.

The Senator from Minnesota, as he talks about long-term care, touches my heart, too. My mother passed away a few years ago. Thank goodness, she was able to stay independent for a long period of time, usually watching her son on C-SPAN and calling him in the evening to correct him on some of the things he said. I understand what families go through when they start making these decisions—and they are heartbreaking decisions—about their parents and grandparents. We believe tax breaks should be available to those families who want to take care of their parents and grandparents, who are willing to sacrifice. But not on the Republican side. They are more concerned about this estate tax which, as my colleague from Minnesota says, disproportionately helps the very wealthiest people in the United States.

Mr. WELLSTONE. Mr. President, I say to my colleague, I remember the amendment well because I offered it with Senator DODD. But there was one other important feature to it. It was a refundable tax credit. It was going to provide some help for those families who did not come under $30,000, which is critically important.

I say the same thing about higher education. If we want to do tax credits, make sure they are refundable. Again, think of our community college students. I have reached the conclusion that the nontraditional students have become the traditional students. I have reached the conclusion that the majority of students today in higher education are no longer 18 and 19 living in a dorm. The majority are 30, 35, 40, 45, 50, going back to school, many of them women, many of them with children. And, again, I can think of a better use of this money than a tax break for the top 1 percent of the population.

I far prefer to be out here on the floor passing legislation which will assure affordable higher education, affordable child care, and make a real investment in health care than some of these other areas.

Mr. DURBIN. If the Senator will yield before he yields the floor, most of us in the Chamber are well aware of Senator WELLSTONE's background. Having been involved in teaching in Minnesota and higher education in his professional career before his election, he understands, if not better than most of us, what higher education is about, what it offers, and also what it costs.

The Senator from Minnesota raises another point. We offered an alternative to this estate tax break which comes down to $23,000 a year for the wealthiest Americans. We said we are going to help for the very first time in America working middle-income families. We are going to allow them to deduct the cost of college education expenses from their income taxes. It is not a major deduction, but it helps. It said, for example, up to $12,000 a year could be deducted, and it would be treated in the 28-percent rate, which means a little over $3,000 a year.

The PRESIDING OFFICER (Mr. THOMAS). The time for the minority has expired.

Mr. DURBIN. Is anyone seeking recognition on the floor?

The PRESIDING OFFICER. Yes, there is. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the senior Senator from Wyoming. I thank him for all his efforts in organizing information to be shared with fellow Senators and with the American public.

BUSINESS OF THE SENATE

Mr. ENZI. Mr. President, I am compelled every once in a while to come to the floor to let people know what is happening. I know there are people watching the work of the Senate, and I know those people do not have, for the most part, a program or a scorecard. It is pretty hard to follow the rules of what is going on around here without that.

I make an attempt partly to explain to myself what is going on and take the opportunity to share it with other people who might be interested and might be listening.

Right now, we are in the closing days of a race for the U.S. President. It does not really have a lot to do with this body; it has a lot to do with our interaction with the administrative branch. Sometimes it is easier for rhetoric to invade the Chambers and to appear to be the most important thing we are doing.

What we ought to be doing is the appropriations bills for this Nation. We handle in excess of $1.8 trillion. That is how much we spend on behalf of the American public. We ought to be debating that. We are not. We cannot get unanimous consent to proceed to a debate on an appropriations bill. We cannot move forward to talk about the $1.8 trillion of appropriations for this country.

Instead, we have debate on things that we have debated, things that have been decided, for the most part, and, on some occasions, with some finality. Instead, we have people in this Chamber who would rather rehash votes we have already taken and retake them again. I guess the plot is to put fellow Members in a bad light in their constituency: They have already voted on these issues once, let's get them to vote again, and that will be progress for this country. You have to be kidding me.

The appropriations for this country are the important things that need to come before this body. They are the things about which we ought to be talking right now, and we ought to be talking about them in some detail. Pretty quickly we are going to run out of time. October 1 is the start of the new fiscal year for this country, and that is when we need to have the appropriations finished. That is when they start spending next year's money. That is when we hope and pray they will be spending it with the conciseness all of us envision.

When we are relegated to not being able to proceed on an appropriations bill because we cannot reach unanimous consent, we cannot debate in detail. Later, we are going to have to make massive decisions on this money, and in fact it is my belief the minority would prefer to have the President negotiating these things instead of the way our forefathers envisioned it: that Congress would come up with the mechanism and the plan and the votes to pass appropriations bills that the executive branch would administer.

That is not how it is working. The longer we push this process, the more it will be a nonvoted mediated expenditure without looking at the details. The amendments are the way the details get into this appropriations process, and it is not going to happen because we are shoving everything back through this process. We are keeping the appropriations of this Nation from being debated. We are not being allowed to proceed to the debate on important appropriations bills. Instead, we are hearing the rhetoric about how we should have minimum wage, Patients' Bill of Rights, education, and the other important things on which we have already worked, on which we have already voted that are in conference committee. Those conference committees should be finishing.

I will tell you what happened on the Patients' Bill of Rights. I am on the conference committee for the Patients' Bill of Rights. It is one of the toughest jobs I have had in my life. A number of us on the committee have spent from about 1 to 6 hours a day working on it, and it is largely nonscheduled time. When somebody discovers a place where there might be a negotiation breakthrough, we get together and talk about it. We work out words. We meet with the House folks, and we try to come to a conclusion.

We did that for months and months. Yet we hear on the floor of the delay in getting the Patients' Bill of Rights done. We were making major breakthroughs on the Patients' Bill of Rights. The Democrats in this Chamber bailed out of the process and said: Let's go back to the original House version. Sure, we have spent 3 or 4 months making important changes in this. I don't think they ever said that on the floor. But we had made 3 or 4 months of important changes in major areas. We had virtually wrapped up those areas as being much better than either the House or the Senate bill. That is what a conference committee is about. That is what a conference committee is supposed to do. We were in the process of doing that.

The only thing I can conclude from the Democrats going back to the original version of the Patients' Bill of Rights on the House side was that they could see we were making progress that the country would like, and they wanted to keep an issue instead. That is not how Government is supposed to be done. That is not the way we are supposed to do it.

We have debated these issues. We are working on these issues. But there is a desire to keep things as an issue instead of a solution, and I can't tell the Senate how much that dismays me.

There are a few other bills that could come up in this process, too. We are working on the elementary and secondary education authorization. It is done once every 5 years. The bill has come out of committee. It has been to the floor. We have debated it a few times. The amendments that are brought for that bill are not education amendments. It is all of these other ones that the Democrats would like to vote on and vote on and vote on again because that keeps them as an issue. What we need to do is get some finality to the education issue. We need to have some agreement between both sides that we will talk about education, that we will make education decisions, that we will make education in this country better for every student in elementary and secondary schools. We have to do that. That is our obligation. That is our assignment. That is what America is counting on.

We can't get that job done if we keep going back and making political statements about issues on which we have already voted. If there is a vote and you want to use it against somebody, you can put the spin on it and use it against them. You don't have to have five votes on the same issue to spin it that way. That isn't how elections ought to be working in this country, but it does say something about how elections do work in this country.

The voters are more discriminating than that. They are able to tell the rhetoric from their desires. As I travel Wyoming—and I am back there almost every weekend—our whole delegation usually goes out on Friday because we don't have votes here, and we travel the State. In Wyoming that means by car. I have traveled 300, 500 miles on a weekend. The average town in Wyoming is about 250 people. The exciting thing about visiting those towns is you get to talk to about 80 percent of the people. You get a pretty good feel for what your constituents think we ought to be doing. They do think we ought to be doing the appropriations process in detail and getting it wrapped up.

They also think that some of the votes we have taken lately are very important from a fairness standpoint. One of those issues is the death tax. Practically everybody in Wyoming understands that death is a terrible thing and when you accompany death with a tax bill, it is even worse. That doesn't affect everybody in Wyoming. Those people understand that the death tax does not affect everybody in Wyoming. But they see a basic fairness issue where it does affect other people, and it affects the businesses for which they work. If the small business they work for has to sell off part of it for death taxes and can no longer function and goes out of business, it is their job. They understand that. It is the same with the farms and ranches in Wyoming and the rest of the country. If you have to sell off a significant part of your ranch or farm to pay the death tax, you may not have an economic remainder left. When that happens, you don't have the same culture in this country, and you do not have the same jobs. People lose their jobs. So they see the basic fairness issue of making sure that death is not a taxable event.

The bill that is out there for the President to make his decision on doesn't say they avoid taxes forever. There is a capital gains tax in it. When there is a sale of the business or a sale of the land, when there is a taxable event, it gets taxed. That is how it ought to be. It should not be triggered by death and be a second tax on the same property.

I had a letter from a constituent who said, if we do the death taxes, isn't that going to increase the gap between the wealthy and the poor? That is a good question. The answer is, no. What we are working on is middle America, the workers, particularly the workers who have been building IRAs and 401(k)s and who have been participating in the growth of the stock market, taking their wage and investing a little bit of it. There are a lot of blue-collar workers across this country who are now millionaires. They took some of their wages and saved it. They aren't in some of the old exclusions we had on death taxes. They are saying: Wait a minute. I worked my lifetime to save this money. I took some risks to make this money. I didn't do it so I could have a great retirement with a lot of vacation places. I did it so my kids would have a better chance, so that my kids would have some advantages, so that my kids would start at a little different level in their job than I started in mine.

I want to make sure death taxes don't take it away. If we let middle America, which by the Democratic definition is anybody who pays taxes—no, that would be the rich. At any rate, if we let middle America keep their money instead of paying it in death taxes and move up into a little higher level, that is the way America has operated. That is why virtually all the people in Wyoming tell me: Eliminate the death taxes.

We did that. It is going to be heading down to the President to see if he agrees on it.

I hear a lot of the marriage penalty in Wyoming. Again, it is a fairness issue. They want the marriage penalty eliminated. The bill we sent down there was not the Senate bill. The Senate bill would have had a lot more marriage penalty elimination. We went with the House version for the most part. We increased it in the lower levels so the marriage penalty among those paying taxes but making the lower amounts would benefit from it and benefit the most. That is the way the bill is right now that is being sent to the President.

Again, we had a debate; we took the vote. That issue was resolved.

We hear a lot on taxes about the rich versus the poor and what we need to do with all the surplus. It is not surplus. It is excess taxes. It is tax money that got paid that is in excess of what we had anticipated and what we had planned to spend. There are a lot of exciting things we can do with excess. Everybody wishes they had some. The greatest thing would be to win a lottery. That is kind of an excess sort of thing, unanticipated money that you got, with just a couple of bucks for expenditure. If we just give these out on all the new ideas for spending programs, that is what we will be doing—holding a national lottery.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENZI. I think your side had time and I patiently listened while I was in the chair. Your questions turn into statements. I would like to finish making my statement, if I might.

What we are turning into is a country that recognizes that the Federal Government can give us everything and we forget about where the everything came from.

It is pretty exciting to get a windfall. I figured out—and this is mostly from talking to my Wyoming constituents—that when a new program around here is proposed, there are people across this country who benefit from it. Maybe they get $1,000. In fact, that turns out to be about the average a person in one of these programs gets—$1,000. Of course, it employs some different people because they administer the program, and they get more than $1,000 a year benefit out of it. They become the main lobbyists for the new program, and they get very excited about getting this new program in place and spending the money. You know, if a person gets $1,000 or more, it is worth a letter or two—more than that, maybe it is worth a trip to Washington.

So we hear a lot about the importance of the new programs and everything. What we don't hear about is the taxpayers saying: Whoa, that isn't a program I like or a program I want to fund; that isn't where I want to put my money.

Do you know why we don't hear as much from those people? First of all, they are busy earning the tax money that we spend; secondly, it is only costing them about a quarter for a new program. How many letters can you write for 25 cents? You can't. So what we wind up with is a huge lobby for new programs.

The President, when he did his State of the Union speech, laid out several billion dollars a minute in new programs—new programs—that he would like to see done. In fact, there were about $750 billion worth of expenditures listed there. Now, we have programs in this country that we are not funding adequately at the present time, programs that we have said are important, such as IDEA, that we bring up every once in a while to get additional funding. We don't do it, but we keep looking at new programs.

There are some things that need to be done in this country, and the best way is to get on with the appropriations process, to work through it in the kind of detail it deserves, and to quit throwing in peripheral things just because they can be brought up, which come with points of order and additional votes, each taking about an hour and using up the time of the Senate. It is time we got on with the business of appropriations and visited with constituents about the details of how they think this country ought to run.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, what is the present order of business?

The PRESIDING OFFICER. We are in morning business until 12:30.

THE LOOPHOLE IN COLLEGE GAMBLING

Mr. BROWNBACK. Mr. President, I want to make a few remarks on an issue very important to our young student athletes, as well as our colleges and universities. It is a piece of legislation that, if the appropriations continue to be held up on the other side of the aisle, I think we should consider. We should go to this piece of legislation.

The legislation is the Amateur Sports Integrity Act, which was passed out of the Commerce Committee by a 16–2 vote. There was strong bipartisan support for the legislation and introduction of the bill. Senator LEAHY and I introduced the bill. Basically, the legislation closes the one loophole on college gambling.

Presently, you cannot gamble legally in this country on college athletics. You can't bet on the Road to the Final Four, the NCAA basketball tournament, football and bowl games—except in one State in the country, and that is Nevada. That is what has led to a number of problems we have had of expanded sports gambling on amateur athletics and expanded cases where student athletes have fallen to the whims of people promising them some help if they will shave a point or two off the game. So we are trying to close that one loophole in Nevada so it is clear that it is illegal to bet on college sports in the United States.

This bipartisan legislation is in direct response to a recommendation made by the National Gambling Impact Study Commission, which last year concluded a 2-year study on the impact of legalized gambling on our country. The recommendation called for a ban on all legalized gambling on amateur sports and is supported by the NCAA, coaches, teachers, athletic directors, commissioners, university presidents, school principals, and family groups from across the country. Those groups are all strongly supportive of this legislation.

In my home State, Roy Williams, the basketball coach at the University of Kansas, considered taking the job at North Carolina but decided against it—happily, in my opinion. He is a strong proponent of this legislation. These are the people supporting this who know about the threat of gambling on amateur athletics. These are the people who are fighting the problem on the front lines 24 hours a day. These groups support our legislation which will prohibit all legalized gambling on high school and college sports, as well as the Summer and Winter Olympic Games.

The Nation's college and university system is one of our greatest assets. We offer the world the model for postsecondary education. But sports gambling has become a black eye on too many colleges and universities.

Gambling on the outcome of sporting events tarnishes the integrity of sports and diminishes the esteem in which we and the rest of the world hold U.S. postsecondary institutions. This amendment would deal with that problem. It would remove the ambiguity that surrounds gambling on college sports and make it clearly illegal in all 50 States in the United States.

We should not gamble with the integrity of our colleges or the future of our college athletes. Our young athletes deserve legal protection from the seedy influences of the gambling, and fans deserve to know that athletic competitions are honest and fair.

Gambling scandals involving student athletes have become all too common over the past 10 years. In fact, there have been more gambling scandals in our colleges and universities in the 1990s than in every other decade before it combined. These scandals are a direct result of an increase in gambling on amateur sports.

It was just 2 years ago, during the Final Four, that we learned of the point-shaving scandal at Northwestern University involving their men's basketball team. This scandal involved both legal and illegal gambling on several Northwestern games. Kevin Pendergast, a former Notre Dame place kicker who orchestrated the basketball point-shaving scandal at Northwestern University, has stated—and I think this is clear, and it points to where we have a problem and why this is a problem and something we should take care of. In other States, it is illegal. Here is what the guy who masterminded that point-shaving case at Northwestern said:

> My relationship with sports gambling continued off and on and ended with a $20,000 bet placed in a sports book in Las Vegas. This was part of three basketball games that have been mentioned by Senator Brownback in the Northwestern point-shaving incident. The majority of the monies wagered in these games were legally wagered in Nevada. And by legally wagered, I mean you walk up to the sports book and place a bet on one team or the other. Now it was obviously illegal because of what was going on behind the scenes, but like I said, the majority of the monies wagered in this situation were wagered in a legal manner in sports casinos in Nevada.

That was the big case that broke 2 years ago. He went to a number of college athletes and said, "We are not talking about losing the game. Don't lose the game. We just want you not to win it by as much as the margin."

That is what we are talking about—the point spread. We will be able to wager money on the game, and if you are ahead by five points and the margin says six on it, just don't score. We are learning, as we have gone through hearings, that you don't do this on offense; you do it on defense. If you want to shave points, it is not that you miss the free throw or the shot; you actually let your player get by you on an offensive move. It is less obvious to the other people watching that that is something that is going on. So actually people have thought this through quite a bit on how you allow shaving to take place.

That is what Kevin Pendergast said on this one particular case that broke 2 years ago.

In fact, the last two major point shaving scandals involved legalized gambling in Las Vegas sports books. The point-shaving scandal involving Arizona State University is believed to involve more money than any other sports gambling case in the history of intercollegiate athletics and involved legalized gambling and organized crime.

A study recently conducted by the University of Michigan found that 84 percent of college referees said they had participated in some form of gambling since beginning their careers as referees. Nearly 40 percent also admitted placing bets on sporting events and 20 percent said they gambled on the NCAA basketball tournament. Two referees said they were aware of the spread on a game and that it affected the way they officiated the contest. Some reported being asked to fix games they were officiating and others were aware of referees who "did not call a game fairly because of gambling reasons." Just a few months ago, newspaper articles from Las Vegas and Chicago detailed how illegal and legal gambling are sometime interconnected.

I get irritated sometimes at the referees in games. But if I thought there was anything going on where they were gambling on the games and that it was affecting their calls, imagine how poisonous this would be to them and to the integrity of the sport that is taking place.

The National Gambling Impact Study Commission Report recognized the potential harm of legalized gambling by stating that sports gambling "can serve as gateway behavior for adolescent gamblers, and can devastate individuals and careers." Some of its findings include:

More than 5 million Americans suffer from pathological gambling;

Another 15 million are "at risk" for it; and

About 1.1 million adolescents, ages 12 to 17, or 5 percent of America's 20 million teenagers engage in severe pathological gambling each year.

According to the American Psychiatric Association:

Pathological gambling is a chronic and progressive psychiatric disorder characterized by emotional dependence, loss of control and leads to adverse consequences at school and at home;

Teens are more than twice as vulnerable to gambling addictions than adults because they are prone to high-risk behaviors during adolescence; and

Ninety percent of the nation's compulsive gamblers start at an adolescent age;

According to the Minnesota Council on Compulsive Gambling, gambling on sporting events is a favorite preference of teenage gamblers.

We are talking about the gateway behavior, the pathological gambling, and 90 percent of it starts as teenagers. Where does it generally start? One of the favorite gateways is sports gambling.

Opponents of our legislation have tried to discredit our efforts by insisting that we should be focusing our efforts on curbing illegal gambling, not legal. I agree that we should be looking at ways to help law enforcement and institutions for higher education combat illegal gambling. The NCAA has undertaken numerous steps to combat gambling among student athletes and stated during the Commerce Committee hearing its intention to do even more.

I want to list some of the steps they proposed and are doing.

They are sponsoring educational programs for student athletes, including development of a sports wagering video; partnershiping with several professional organizations; assisting in bringing Federal and local enforcement officers to camps across the country; continuing to broadcast antisports gambling through public service announcements during NCAA championship games aired on CBS and CNN, most recently aired 18 times during the 2000 basketball championship games, and will continue to run during championship games this year.

They developed a "don't-bet-on-it booklet," created in partnership with the National Endowment for Financial Education to educate students about the dangers of sports gambling and to acquaint them with good financial management strategies.

They distributed these to at least 325,000 NCAA students.

The NCAA established policies that prohibit gambling on professional or college sports by college athletic personnel, student athletes, athletic conferences, and NCAA employees.

They prohibit student athletes from competing if they knowingly provide information to individuals concerning games.

They prohibit student athletes from competing if they solicit a bet on any intercollegiate game, or if they accept a bet on any intercollegiate team, or if they accept a bet on any team representing the institution, or participate in any gambling activity that involves an intercollegiate athlete through a book maker, or any other method employed by organized gambling.

They have instituted background checks on men and women basketball officials to try to deal with the study that I just mentioned by the University of Michigan about the number of referees who have been involved in gambling.

The NCAA has been working in partnership with the National Association of Student Personnel and Administrators on implementation of on-campus surveys aimed at obtaining data related to gambling behavior of college students. The goal is to enlist 50 institutions to participate in the project. I hope the results will be available later this year.

The NCAA is working with several of the largest athletic conferences to assist in the development of comprehensive research on student athletic gambling behavior. They have other programs they are working with as well.

My point in mentioning all of that is there were charges made at the hearing in the Commerce Committee that the NCAA isn't doing enough. I agree. They are not. They are not stepping up and doing more. That should not be an excuse for us not doing what is right here, which is to ban the gambling on student sports. We shouldn't be subjecting our student athletes to this type of pressure.

Opponents have claimed that this is a state issue, not a federal one. This argument doesn't hold water. Congress already determined this is a federal issue with the passage of Professional and Amateur Sports Protection Act (PASPA) in 1992. Ironically, while Nevada is the only state where legal gambling on collegiate and Olympic sporting events occurs, Nevada's own gaming regulations prohibit gambling on any of Nevada's teams because of the potential to jeopardize the integrity of those sporting events.

If it is good for the goose, it is good for the gander. This should be banned everywhere.

During a press conference on my legislation earlier this year I encouraged colleges and universities from across the country to ask the Nevada Gaming Control Board to prohibit any wagers from being "accepted or paid by any book" on their respective athletic teams in Nevada. Unfortunately, the board refused the NCAA's request, stating that "the same level of protection is already extended within each of these states." What they failed to mention was that no state, except for Nevada, allows betting on college teams from other states. The frequency of gambling scandals over the last decade is a clear indication of legal gambling of college sports stretching beyond the borders of Nevada, impacting the integrity of States' sporting events in other places.

I said to the Nevada Gaming Control Board: If you take UNLV off the books, allow a way for the University of Kansas and Kansas State University to get off the books. Let our board of regents petition the Nevada Gaming Board that if they don't want to be on the books, Kansas State University can be pulled off, the Governor can send a letter officially requesting, or the legislature can even pass a resolution saying the request be pulled off the books. Give us a way out to protect the integrity of our universities.

They denied the request. They said they would not do it because if we wanted out, there will be a whole bunch more who want out. Should that not tell us something right there, as well?

I am a strong advocate of States rights. However, States rights meet a State's authority to determine how best to govern within that State's own borders; they do not have a right to impact the integrity of Kansas sporting events. They do not have the authority to set laws allowing a State to impose its policies on every other State while exempting itself. Gambling on college sports, both legal and illegal, threatens the integrity of the game. That threat extends beyond any one State's borders.

I realize a ban on collegiate sports gambling will not eliminate all gambling on college sports. However, as Coach Calhoun stated in his testimony during the hearing: It is a starting point.

It is an important starting point. This is exactly what this legislation is about, a beginning. It will send a clear signal to our communities and, more importantly, a clear message to our kids: Gambling on student athletics is wrong and threatens the integrity of college athletes.

I believe it is important that every Senator voting on this legislation should ask him or herself this question: Is it unseemly and wrong to bet on kids? I think so. If enacted, there will be no ambiguity about whether it is legal or illegal to bet on college sports. As part of a broader strategy to resensitize the public to the problems associated with college sports gambling, this will make a difference. We should not wait for another point-shaving scandal in order to act. There will be another point-shaving case that will come down. Given the amount of money—over $1 billion bet each year on college sports—there will be another point-shaving case that will occur.

Mr. President, if the minority, if the Democrat side, chooses to continue to hold up legislation on appropriations bills, I think this would be a good time to go take up this bill. I think it would be appropriate. I think it would be a good time to take it up.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent I be given 10 minutes to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BIPARTISAN RESPONSE TO CHINESE PROLIFERATION

Mr. THOMPSON. Mr. President, today I want to talk about one of the most serious issues facing the United States—the proliferation of weapons of mass destruction and the means to deliver them. I also want to talk about the legislation that Senator TORRICELLI and I have introduced—the China Nonproliferation Act—to address this growing threat.

The world is a more dangerous place today because key supplier countries like the People's Republic of China [PRC] continue to proliferate weapons of mass destruction to rogue states like North Korea, Iran, and Libya.

China has sold nuclear components and missiles to Pakistan, missile parts to Libya, cruise missiles to Iran, and shared a wide variety of sensitive technologies with North Korea.

Russia has provided nuclear weapons assistance to Iran, and missile technologies to North Korea.

North Korea has provided missile technologies to a variety of countries in the Middle East and Africa, and openly acknowledges these sales are one of its main sources of hard currency.

Many of these technologies are being used by rogue states to develop weapons of mass destruction and the means to deliver them—capabilities which are prompting many policymakers and defense experts in this country to call for the immediate deployment of a multi-tiered national missile defense system.

Two years ago,a bipartisan commission headed by former defense secretary Don Rumsfeld challenged the administration by concluding that rogue states like North Korea and Iran could develop an ICBM within 5 years of deciding to do so. In fact, the Commission reported that:

> China also poses a threat to the U.S. as a significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies. It has carried out extensive transfers to Iran's solid-fueled ballistic missile program. It has supplied Pakistan with a design for a nuclear weapon and additional nuclear weapons assistance. . . . The behavior thus far of Russia and China makes it appear unlikely . . . that either government will soon effectively reduce its country's sizable transfers of critical technologies, experts, or expertise to the emerging missile powers.

Shortly thereafter, North Korea surprised our intelligence agencies by successfully launching a three-stage rocket—the Taepo Dong I—over Japan, demonstrating the technological know-how to hit the United States with a small warhead, and essentially confirming the Rumsfeld Commission's assertions.

In July 1999, the Deutch Commission, which was organized to assess the federal government's ability to address WMD proliferation, concluded that:

> The U.S. Government is not effectively organized to combat proliferation, despite the fact that "Weapons of mass destruction pose a grave threat to U.S. citizens and military forces, to our allies, and to our vital interests in many regions of the world." The report also confirmed that China "is both a source and transfer agent for passing knowledge, technology, sub-systems, and entire systems to dangerous state and sub-national actors.

Last September the intelligence community released a new National Intelligence Estimate of the ballistic missile threat. This report asserted that "during the next 15 years the United States most likely will face ICBM threats from Russia, China and North Korea, probably from Iran, and possibly from Iraq." North Korea could convert its Taepo Dong-1 space launch vehicle to deliver a light payload—sufficient for a biological or chemical—to the United States. And Iran's missile program is not far behind. In short, some rogue states may have ICBMs much sooner than previously thought, and those missiles will be more sophisticated and dangerous than previously estimated.

An unclassified CIA report provided to Congress earlier this year said that from January to June of last year "firms in China provided missile-related items, raw materials, and/or assistance to several countries of proliferation concern," including Iran, North Korea, and Pakistan.

The report also said that China has provided extensive support to Pakistan's nuclear and missile programs in the past, and that "some ballistic missile assistance continues."

Additionally, "North Korea obtained raw materials for its ballistic missile programs from various foreign sources, especially from firms in China."; and

"Russia and China continued to supply a considerable amount and a wide variety of ballistic missile-related goods and technology to Iran."

Iran has "manufactured and stockpiled chemical weapons, including blister, blood, and choking agents and the bombs and artillery shells for delivering them." The report adds that, during the first half of 1999, Iran sought production technology, expertise, and chemicals that could be used for chemical warfare "from entities in Russia and China."

"Throughout the first half of 1999, North Korea continued to export ballistic missile-related equipment and missile components, materials and technical expertise to countries in the Middle East and Africa." In February of this year, U.S. intelligence officials indirectly confirmed press reports that North Korea has delivered to Iran 12 engines that would be critical to Iran's efforts to build extended-range Shahab missiles.

The next report is due out any day now, and it isn't much different, I am told.

In a hearing before the Governmental Affairs subcommittee on International Security, Proliferation, and Federal Services earlier this year, Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs, testified that the threats to our Nation's security are real and increasing. He added that the major factors fueling this threat are continued proliferation and "increased trade and cooperation among countries that have been recipients of missile technologies." Many of the rogue states and other countries seeking these weapons of prestige, coercive diplomacy, and deterrence are working hard to develop an indigenous capability—which requires the acquisition of "dual use" items from the industrialized countries of the West.

The public press accounts are equally troubling:

New reports since 1997 have detailed how Russian entities have provided Iran's missile programs with speciality steels and alloys, tungsten coated graphite, wind tunnel testing facilities, gyroscopes and other guidance technology, rocket engine and fuel technology, laser equipment, machine tools, and maintenance manuals.

North Korea has provided missile technologies and assistance to Iran and Libya, and is supposedly building a missile factory in Sudan for Iraq.

All of these events lead to one bottom line: That dangers to the United States exist and are increasing; that the unfettered sale of "dual-use" and military-related technologies are abetting those threats; and that the problem is being fueled by a few key suppliers like China.

Let me give a brief summary of the revised China Nonproliferation Act.

The U.S. walks a delicate tightrope as it balances national security and trade with China. Free trade and open markets are essential, but the federal government's first responsibility is the protection of our national security. That's why Senator TORRICELLI and I have introduced the China Nonproliferation Act, which requires an annual review of proliferation, establishes clear standards, reasonable penalties, adequate presidential waivers, congressional oversight, and much-needed transparency.

The goal of this bill is to address the proliferation of key suppliers like China, while minimizing any negative impact on United States businesses or workers. We received a number of comments on the original draft of this bill, and we have made substantial changes in order to address concerns raised by the administration and others. I'd like to take a moment now to set the record straight on what our bill does and does not do.

The administration raised four concerns regarding the original draft of our bill, all of which have been addressed in the revisions.

First, in response to the concern that the bill singled out China, we have broadened the bill to apply to all key suppliers of weapons of mass destruction as identified by the Director of Central Intelligence. Rather than singling out certain suppliers, this bill applies equally to all countries based on their proliferation activities. Those determined to be key suppliers by the DCI will be subject to the act. This mechanism allows countries to be added or dropped from the list based on their behavior.

Second, in response to the concern that the original bill failed to provide adequate flexibility for the President, we have made the sanctions against supplier countries under the act discretionary, as opposed to the mandatory sanctions contained in the original bill.

Third, in response to a concern that individual companies could face mandatory sanctions based on insufficient evidence, we have raised the evidentiary standard for imposing mandatory sanctions on companies identified as proliferators to give the President complete discretion in making a determination as to whether a company has engaged in proliferation activities.

Finally, in response to a concern that the original bill captured legal transactions and legitimate efforts by countries to pursue their own defense needs, we have changed the language to make clear that only actions that contribute to proliferation of weapons of mass destruction will trigger penalties under the act.

Furthermore, the revised bill addresses additional concerns raised by the U.S. business community that U.S. firms and workers could be adversely impacted.

The bill now contains a blanket provision that protects the agricultural community from any adverse impact.

In addition, the bill's penalties apply only to companies of key supplier countries, not to U.S. companies and workers.

We have also made changes to the congressional review procedure to ensure that Congress exercises adequate oversight without overburdening the Congress. We have raised the bar with regard to the initiation of expedited congressional review procedures. We did this by requiring at least one-fifth of the Member of either House to sign onto a joint resolution. We have also exempted the President's exercise of national security waiver authority from this congressional review process.

In short, the key features of our bill are now consistent with current law and similar to the Iran Nonproliferation Act of 2000, which passed the Senate 98-0 in February. These two laws are structured in much the same way, with the difference being that our bill addresses the supplier of the weapons, and the Iran Act addressed a user. Under both bills, the President is required to supply a report, based on "credible information," on foreign entities transferring WMD and missile items. The activities covered in these reports are the same, except that the Iran Act covers transfers of these items into Iran and this bill covers transfers of these items out of key supplier countries—the international equivalent of going after the drug dealers to get to the root of a pervasive drug problem. Under both the Iran Act and our legislation, the President is authorized, but not required, to impose sanctions against countries violating the act. The principal difference between our bill and the Iran Act is that our bill requires sanctions against the individual, company, or government entity, identified as a proliferator, whereas the Iran Act made these sanctions discretionary; however, our bill requires a Presidential determination that the proliferation activities have occurred prior to triggering these sanctions, leaving the President with substantial discretion.

In response to the critics, we are confident that these changes will still fulfill our goal of halting proliferation from key suppliers like China and sending the right message abroad, while removing any unintended consequences. But despite our efforts, opponents of the bill continue to contend that current nonproliferation laws are sufficient and effective, that Chinese proliferation is under control, and that sanctions never work. They add that diplomacy and "engagement" will bring the world's key suppliers around. I ask these critics, where is your evidence?

All we need to do is look at the evidence to realize that existing legislation has clearly not been effective, because we continue to receive alarming reports of China's proliferation activities. In a report issued in July of 1998, the Rumsfeld Commission called China a "significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies." Recent reports indicate that Chinese proliferation behavior has worsened over the past year, and North Korean activities remain intolerable, demonstrating the inadequacy of our nonproliferation laws.

In the last several weeks, on the eve of the Senate's consideration of PNTR for China, and after the House had already voted, it was revealed that China was assisting Libyan experts with that country's missile program, illegally diverting United States supercomputers for use in the PRC's nuclear weapons program, and helping build a second M-11 missile plant in Pakistan. And just last week, Iran successfully test-fired its Shahab-3 missile, which is capable of striking Israel, American troops in Saudi Arabia, or American bases located within the borders of our NATO ally, Turkey. This missile was developed and built with significant assistance by the PRC.

The classified reports of Chinese proliferation are even more disturbing.

And all we need to do is look at the events of recent weeks to see that diplomacy alone will not resolve the serious threat to our national security posed by proliferation. In the last few weeks, three senior United States delegations traveled to Beijing to discuss these issues. Each was sent back to Washington empty-handed, under the explicit threat that if the United States continues to assist Taiwan with its defensive needs or proceed with our own National Missile Defense, the PRC will continue to proliferate offensive weapons and technologies to whomever it pleases.

Opponents also argue that we don't need more laws—current laws are sufficient and effective. If this is the case, then why is China's proliferation problem not improving? Moreover, why was it okay to pass the Iran Nonproliferation Act of 2000, by a vote of 98-0, less than 6 months ago, and it's not okay to do so now? That legislation was designed to address a serious problem: The development of a credible nuclear weapons and missile program thanks to the direct assistance of the Russians, Chinese, and North Koreans. Weren't there enough laws on the books then also? Or does the potential to make a buck off the Chinese make it all different?

Our bill recognizes the value of a multilateral approach to the problem and encourages the President to pursue a multilateral solution. But at the same time, we must act. Over the years, when the United States has been serious about implementing measures to signal our displeasure with a foreign government's action, these measures have had an effect. For example, United States economic pressure in the late 1980s and early 1990s led to China's accession to the Nuclear Nonproliferation Treaty in 1992. In June 1991, the Bush administration applied sanctions against the PRC for missile technology transfers to Pakistan. These measures led to China's commitment five months later to abide by the Missile Technology Control Regime [MTCR]. In August 1993, the Clinton administration imposed sanctions on the PRC for the sale of M-11 missile equipment to Pakistan in violation of the MTCR. Over a year later, Beijing backed down by agreeing not to export "ground to ground" missiles if sanctions were lifted, which occurred in November 1994.

Critics of our legislation also say that the problem is not with the laws, it is with the President's willingness—or unwillingness—to enforce them. On this point I would certainly agree. In the case of Chinese proliferation, the Clinton administration has too often put "good relations" and commerce before national security. Time and time again this administration has jumped through hoops to whitewash or make the problems with China go away. The President himself acknowledged that he has avoided complying with current laws. In April 1998, while speaking to a group of visitors, he complained about legislation that forces his administration to penalize other nations for behavior that falls short of our expectations. He went on to say that this creates pressure for the administration to "fudge the facts." I have no trouble believing this is true. A prime example is when the intelligence community discovered a shipment of Chinese M-11 missile canisters on a dock in Pakistan. The President failed to take action. His justification? He couldn't prove that there are missiles actually in the canisters. This of course only emboldened the PRC, as evidenced by their recent substantial assistance to the Pakistani missile program.

The Clinton administration has never made nonproliferation a policy priority. We've never acted aggressively in the face of these violations, and have never treated nonproliferation as a serious agenda item in our official dealings with the PRC.

It is not surprising, then, that the White House does not want to see any legislation considered by the Congress which might reflect negatively on its stewardship of the proliferation problem. But that is precisely why this legislation is needed. This legislation attempts to enhance congressional oversight by requiring reports from the President on proliferation activities and his response to those activities, and by creating expedited procedures for the Congress to consider a joint resolution of disapproval of the President's actions where that is warranted.

Opponents argue that the congressional review procedures in our bill are also unwarranted and infringe on the rights of the President. However, Congress has a responsibility here. We do not have the luxury of sitting back and avoiding a matter that involves our national security when we see that things are going in the wrong direction. Our goal is not to tie up the Senate with annual votes on China's proliferation activities, but it is to provide a procedure for Congress to exercise its oversight role when the President has truly failed to respond to these threats. In response to concerns raised by other Members that the original review procedure would allow individual Senators to disrupt the business of the Senate, we have raised the standard to initiate the expedited procedures to one-fifth of the Members of either House, more than that required to initiate a cloture petition in the Senate. And regardless of how the Senate votes, the President can still veto the measure. All this provision does is ensure that Congress' legitimate role in foreign policy is preserved, that we are made aware of the proliferation activities of key suppliers countries and what actions the President is taking to deal with this threat, and Members have the means to fulfill our constitutional duties to ensure that America's security is safeguarded.

Other critics of my bill have argued that we need to hold hearings and subject the bill to committee review. Over the past four years, the Governmental Affairs Committee alone has held 15 hearings on proliferation. Over 30 hearings have been held by my committee, the Armed Services Committee, and the Foreign Relations Committee. Furthermore, this legislation has the full support of the chairman of the committee of jurisdiction, the Foreign Relations Committee. The issue of proliferation has received a full hearing and it is time to act. In the past, the Senate has not hesitated to act in an expedited fashion where a serious threat to U.S. interests was involved.

I find it ironic that some of those members who so eagerly call for hearings are the same ones that voted last year for the Food and Medicine for the World Act—a sanctions relief bill which was offered to the Agriculture Appropriations bill without prior hearings, and was voted for by 70 Members of this body. This bill significantly affected our relations with several states, most notably Cuba and the other state sponsors of terrorism. This bill would have changed U.S. policy that had been in place for decades, through several administrations, and tightly bound the President's ability to initiate sanctions against a country. Moreover, the bill required congressional approval to implement sanctions, and did so through the same expedited procedures found in our original bill. Again, I ask what is different here?

Some have even raised the argument that the transparency provision in our bill is bad and will do great harm to our capital markets. Why is that transparency fine everywhere but in this bill. Whether it be within the government, campaign finance reform, you name, it, transparency is fine. But not when we want to let U.S. investors know when a foreign company that they have invested in, or are considering investing in, has been reported by the intelligence community as a proliferator of weapons of mass destruction and the means to deliver them. Is it so bad to let American investors know that their hard-earned dollars might be providing the capital to support a weapons proliferation program for North Korea or Libya that might one day threaten their hometown? We warn Americans that cigarette smoking might be hazardous to their health, that cholesterol might cause heart failure, and that driving without a seat belt on could result in serious injuries in an accident, but we're unwilling to tell them that their pension fund might be helping China ship chemical weapons to Iran? Do we think Americans aren't smart enough to make responsible decisions, or are we actually afraid that they might do just that?

This is not some stretch of the imagination. A few months ago, PetroChina attempted to raise $10 billion through an IPO to finance its operations in Sudan, a country that has been listed as a state-sponsor of terrorism. While this case raised the level of public attention on this issue, the problem started before PetroChina. The California Public Employees' Retirement System (or Calpers) has invested millions of dollars of employee pension funds in companies with close ties to the Chinese government and the Chinese People's Liberation Army. Calpers has invested in four companies linked to the Chinese military or Chinese espionage: Cosco Pacific, China Resources Enterprise, Citic Pacific, and Citic Ka Wah Bank. According to the Wall Street Journal, American workers own $430 billion worth of foreign equities through pension funds.

Congressionally mandated commissions studying the issue of proliferation have concluded both that the Chinese government is using the United States capital markets to fund its proliferation activities and that the United States needs to address this issue as part of a solution to proliferation. The Deutch Commission study of the threat posed by proliferation stated that "the Commission is concerned that known proliferators may be raising funds in the U.S. capital markets" and concluded, "It is clear that the United States is not making optimal use of its economic leverage in combating proliferators . . . Access to U.S. capital markets . . . [is] among the wide range of economic levers that could be used as carrots or sticks as part of an overall strategy to combat proliferation. Given the increasing tendency to turn to economic sanctions rather than military action in response to proliferation activity, it is essential that we begin to treat this economic warfare with the same level of sophistication and planning we devote to military options."

The Cox Commission review of United States national security concerns with China also concluded that "increasingly, the PRC is using United States capital markets as a source of central government funding for military and commercial development and as a means of cloaking technology acquisition by its front companies." The committee also concluded that most American investors don't know that they are contributing to the proliferation threat saying, "Because there is currently no national security-based review of entities seeking to gain access to our capital markets, investors are unlikely to know that they may be assisting in the proliferation of weapons of mass destruction by providing funds to known proliferators."

It is clear that China has been using United States capital to fiance its military and proliferation activities, and it seems that this activity will only increase in the future. At least 10 Chinese companies are currently listed on United States stock exchanges, and the PetroChina initial public offering was a test case designed to pave the way for additional offerings. China Unicom, the second largest telecommunications operator in China, was recently listed on the New York Stock Exchange, and has already raised approximately $5 billion in its initial public offering, and total proceeds of the IPO are expected to exceed $6.3 billion.

These problems have gone unaddressed for too long. That is why we have included a provision regarding capital market transparency in the China Nonproliferation Act. However, even in light of all of the above, the capital market response is optional. It is merely one of several responses available to the president if a foreign company is determined to be a persistent proliferator.

In conclusion, let me end by reiterating that our bill is not an attempt to derail the vote on permanent normal trade relations [PNTR] for China. I have long been a strong supporter of free trade. That is why we have asked for a vote separate from, but in the context of, the China-PNTR debate all along. We want Members to vote based on their conscience and the right solution to this serious national security issue, not based on parliamentary concerns or on how such a vote might affect the pending trade bill.

But it is essential to address this issue now. At a time of monumental change in our relationship with Beijing—when China is asking to become a member in good standing of the global trading community—is it asking too much for a fellow permanent member of the U.N. Security Council to obey international rules and norms with regard to the proliferation of weapons of mass destruction?

The United States cannot continue this charade of confronting Chinese proliferation by establishing more commissions, holding more hearings, passing more ineffective legislation, or seeking more empty promises from Beijing. We are confident that our bipartisan approach to this serious threat addresses the problem in a firm, responsible, and balanced manner. The United States must send the right message abroad, and as strong proponents of free trade, we believe that requires engaging and trading, while establishing a framework for appropriate United States response to China's actions that threaten this country.

We cannot take one approach without the other—not when our national security is at stake.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. THOMAS. Mr. President, it is my understanding we go in recess at 12:30.

The PRESIDING OFFICER. The Senator is correct.

DICK CHENEY AND NATIONAL GOVERNANCE

Mr. THOMAS. Mr. President, I wanted to take a minute today to react to the news that has been all over, of course, in the last few days about the selection of a Wyoming person to be on the ticket with Governor Bush. We are very excited, of course, and very proud of Dick Cheney. We think he is certainly a great addition to anyone's ticket for national governance. We think he is a great choice.

Mr. Cheney, of course, was most recently Secretary of Defense. He moved to Secretary of Defense from serving Wyoming for nearly 10 years in the Congress, in the House. I was fortunate enough to be able to replace Dick Cheney in the House, representing Wyoming, so I, of course, have followed his career closely. No one was more excited than I was when he left to go to Defense. In any event, not only that but of course he had worked in the White House. He had worked there as an administrative person, finally worked his way up to be Chief of Staff for President Ford.

So really there is no one who has had a broader and better experience in National Government than Dick Cheney. Perhaps even more important than that, this is a person who is a real person. I am sure all of us get a little exasperated from time to time in politics, where it seems almost everything is spinning the issue, particularly in election times. You hear things. Someone asks a question and the question is never answered because they spin off into something that is entirely different to be advantageous to themselves. Not Dick Cheney. Dick Cheney is a guy who is real. He is a guy just like the rest of us. He grew up in Caspar, WY; went to school there. So all of us, including the Presiding Officer here, from Wyoming, are very proud of Dick Cheney and very pleased that he will be a part of this campaign, hopefully of governance in this country.

Finally, for a couple of seconds I would like to say how disappointed I am that we are not moving forward, doing the business of the people of this country. We are down to where there are 4 days left this week, less than that, actually—a week when we had hoped to do, probably, three appropriations bills. We go out, then, in August for recess, come back in September, probably have less than 20 working days to accomplish the business of this country.

Whether you like it or not, one of the major features of the Government is the appropriations process. It is determining what money is spent for, what programs are given priorities. Of course, that is what the appropriations process is all about. We are talking about $1.8 trillion, almost $700 billion of that being in appropriated funds. So our responsibility is to do that. Now we find ourselves being held up from going forward. I understand there are differences of opinion. That is what this is all about. There are supposed to be differences of opinion. But there is also a way to deal with those without holding up the progress of the entire Congress and ignoring the things we are designed to do, often simply to make an issue.

We find ourselves, unfortunately, in Presidential years more interested in creating issues than we are in creating solutions. I think that is too bad. Obviously, issues are important. Obviously, differences of view are important. Obviously, there is generally a considerable amount of difference between the views on the other side of the aisle, the minority, and the majority. The minority, of course, is generally for spending more money, having more Government. They see the role of the Federal Government expanded greatly, where most of us on this side are more interested in holding down the size of government, moving government closer to the people and the States and in the counties and that sort of activity.

It is discouraging when they use that leverage of basically shutting down the things we must do. Unfortunately, there is a history of that. In 1998, in the second session, the minority held up the education savings account, the protection of private property rights, product liability reform, NATO expansion, the Human Cloning Prohibition Act, funding for the Treasury Department—all in the effort to use that leverage.

Last year, of course, we had the obstruction of the Social Security lockbox—six times. We would go back to the same six times to make an issue out of it. Ed-Flex, the idea of giving more flexibility to education and letting people on the ground, in the States and on the school boards, have more determination as to what was done there, and bankruptcy reform—still in limbo.

We had delay in such critical issues as the elementary-secondary education bill. That is something that ought to be moved. Marriage penalty tax relief—it took a very long time. You can make decisions on things, but to try to change it by avoiding moving forward is a very destructive kind of operation. That is where we find ourselves right now, unfortunately.

The Ed-Flex bill, as I said, had to have five votes before we could break that. The lockbox legislation to protect Social Security, we went over and over that.

Much of it is the idea somehow if we can put everything off until after the first of the year, there will perhaps be another opportunity to do something different.

I think it is time for us to adjourn. I yield the floor.

Mr. DORGAN. Parliamentary inquiry, Mr. President?

The PRESIDING OFFICER. The Senator will state it.

Mr. DORGAN. Mr. President, I am wondering, the Senate reconvenes at 2 o'clock by previous order today, is that correct?

The PRESIDING OFFICER. At the hour of 2:15.

Mr. DORGAN. Mr. President, I shall not ask to extend morning business. But I ask consent I be recognized at 2:15 for 20 minutes of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BROWNBACK).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Kansas, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate be in a period for morning business until the hour of 3 p.m., with the time equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, by previous order, I am recognized for the next 20 minutes. The Senator from Idaho wishes to deal with the 20 minutes following that; is that correct?

Mr. CRAIG. Yes. The Senator from Idaho asks unanimous consent that the unanimous consent request he just made become active immediately following the time of the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from North Dakota has the next 20 minutes. The Senator from North Dakota is recognized.

UNFINISHED BUSINESS ON SENATE AGENDA

Mr. DORGAN. Mr. President, I was listening to some of the discussion this morning before the Senate broke for the party lunches. I was especially interested in a couple of presentations about the progress some think the Senate has made in this Congress, and about why they believe the Senate is not making progress today or this week.

It reminds me of the story of the fly that landed on the nose of an ox. The ox, with the fly on its nose, went out for the entire day and plowed in the field. They came back to the village at night, and the villagers began applauding. The fly, still on the nose of the ox, took a deep bow and said to the villagers: We've been plowing.

That is sort of what I heard this morning—we've been plowing—when, in fact, this Senate, as all of us know, has not done the work we should have been doing for the American people.

I thought it would be interesting to describe what the agenda should have been and what we have done.

I will talk about some of the issues with which most Americans believe the Congress should be dealing: Common sense gun safety. For those who might be listening, I'm not talking about gun control; this is not in any way going to abridge people's Second Amendment right to own guns. This legislation will, however, close a loophole in the law that allows people to purchase guns at gun shows without having to get an instant check.

If you buy a gun in this country in a gun store, you must have your name run through an instant check system to find out whether you are a felon. That makes good sense. We should not sell guns to felons. The instant check system helps identify if someone trying to buy a gun at a gun store has been previously convicted of a felony and therefore should not be sold a weapon.

But guess what? Go to a gun show on a Saturday somewhere and you can buy a gun without an instant check being done. This does not make any sense. We want to close that loophole. We do not want to be selling guns at a gun show to a convicted felon. Yet we cannot get this common sense piece of legislation enacted in this Congress because it is considered radical or extreme by some. It is a very simple proposition: Close the gun show loophole to prevent felons from buying guns. We should get that done.

Or what about the Patients' Bill of Rights? Every day 14,000 patients are denied needed medicines; 10,000 are denied needed tests and procedures in this country. But we cannot pass a decent Patients' Bill of Rights because, in this Congress, we have people who stand with the big insurance companies rather than standing with patients.

I know it is inconvenient to some to hear about specific patients who have been denied needed care by their HMOs. I have talked about these patients at great length in the past because these folks are what the Patients' Bill of Rights is all about. It is about the woman who fell off a 40-foot cliff while she was hiking in the Shenandoah Mountains. She fell 40 feet, broke several bones and was hauled unconscious into a hospital emergency room on a gurney. After surviving her life-threatening injuries, she was told by her managed care organization that it would not cover her medical care in the emergency room because she didn't have prior approval to go to the emergency room. This is a woman who was hauled into the emergency room unconscious. That is the sort of thing people are confronting these days.

Senator REID and I had a hearing in Nevada on this subject. At that hearing, a woman stood up and talked about her son. Her son is dead now. He died last October at 16 years of age. He was battling cancer and needed a special kind of chemotherapy to give him a chance to save his life. Unfortunately, his insurance company denied him this care. He not only had to battle cancer, but he also had to battle the insurance company that wouldn't cover the care he needed. His mother held up a very large picture of her son at the hearing and, with tears in her eyes, she cried as she told us: As my son lay dying, he looked up at me and said, Mom, I just don't understand how they could do this to a kid.

Kids who are battling cancer ought not have to battle the insurance companies or HMOs. Yet that is what is happening too often in this country.

We propose to pass a Patients' Bill of Rights that is very simple. It says every patient in this country has a right to know all of his or her options for medical treatment, not just the cheapest option. It says that if you have an emergency and go to an emergency room, you have a right to care in that emergency room. It says that if you have cancer and your employer or your spouse's employer changes health plans, you have a right to continue seeing the oncologist who has been helping you to fight that cancer. But we can't get a Patients' Bill of Rights enacted because when it comes time to say who you stand with—the patients who ought to have certain rights or the big insurance companies that in too many cases have denied those rights—too many Senators say: We stand with the insurance companies.

The last time we debated this issue on the floor, about a month ago, my colleague from Oklahoma, Senator NICKLES, offered an amendment that he called a Patients' Bill of Rights. He accomplished his purpose, I suspect, because the next day the paper said the Senate passed a Patients' Bill of Rights. However, what the Senate really passed was a "patients' bill of goods," not a Patients' Bill of Rights.

I thought it interesting that Dr. GANSKE, a Republican Congressman, wrote this letter:

> Heaven forbid that any member of Congress would ever vote on a bill they haven't had time to read! Heaven really forbid that a member would vote on a bill that their staff hasn't seen!
>
> Yet, that is exactly what happened two weeks ago on the floor of the Senate when the Nickles HMO amendment was brought up for a vote.
>
> People are just now beginning to realize what was in that legislation. To help you understand the fundamental flaws of the Nickles bill, I am including a copy of an analysis of the Senate's patient's bill of rights that was added to the FY 2001 Labor/HHS legislation.
>
> This Senate legislation eliminates virtually any meaningful remedy for most working Americans and their families against death and injury caused by HMOs.

This is Dr. GANSKE, a Republican Congressman, making this reference to the Nickles bill. He then includes a rather lengthy analysis.

Mr. President, I ask unanimous consent to print Dr. GANSKE's letter and the analysis in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 13, 2000.

Hon. BYRON DORGAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DORGAN: Heaven forbid that any member of Congress would ever vote on a bill they haven't had time to read! Heaven really forbid that a member would vote on a bill that their staff hasn't seen!

Yet, that is exactly what happened two weeks ago on the floor of the Senate when the Nickles HMO amendment was brought up for a vote. The Norwood-Dingell-Ganske bipartisan Consensus Managed Care Reform Act of 1999 had been public for months before the House voted. Not so with the Nickles HMO bill.

People are just now beginning to realize what was in that legislation. To help you understand the fundamental flaws of the Nickles bill, I am enclosing a copy of an analysis of the Senate patient's bill of rights that was added to the FY 2001 Labor/HHS legislation.

This Senate legislation eliminates virtually any meaningful remedy for most working Americans and their families against death and injury caused by HMOs. Please read the analysis by Professors Rosenbaum, Frankford, and Rosenblatt as to why the Nickles bill is worse than the status quo!

Sincerely,

GREG GANSKE,
Member of Congress.

JULY 6, 2000.

HOUSE OF REPRESENTATIVES,
Rayburn House Office Building, Washington, DC.

DEAR SIR: At your request we have reviewed the Senate patients' bill of rights legislation that was inserted into the FY 2001 Labor/HHS legislation last week.

Rather than expanding individual protections, the measure would appear to undo state law remedies for medical injuries caused by managed care companies' treatment decisions and delays. In this regard, the bill runs directly contrary to United States Supreme Court's reasoning in its recent decision in *Pegram* v. *Herdrich*, which seems to reaffirm the authority of states to determine medical liability policy, and underscores the appropriateness of state courts as the forum for medical liability cases.

The displacement of state medical liability law in favor of a new federal medical liability remedy might have some policy validity, were the new law fair and just. But the remedy set forth in the Senate bill is compromised by an unprecedented range of limitations, exceptions, and defenses and appears to leave injured persons with no remedy at all.

In sum, in the name of patient protection, the Senate legislation appears to eliminate virtually any meaningful remedy for most working Americans and their families against death and injury caused by managed care companies.

CONCLUSION

The central purpose underlying the enactment of federal patient protection legislation is to expand protections for the vast majority of insured Americans whose health benefits are derived from private, non-governmental employment, and who thus come within the ambit of ERISA. Not only would the Senate measure not accomplish this goal, but worse, it appears to be little more than a vehicle for protecting managed care companies from various forms of legal liability * * *

* * * * *

By classifying medical treatment injuries as claims denials and coverage decisions governed by ERISA, the Senate bill insulates managed care companies from medical liability under state law.

Section 231 of the Senate bill amends ERISA §502 to create a new federal cause of action relating to a "denial of a claim for benefits" in the context of prior authorization. The bill defines the term "claim for benefits" as a "request * * * for benefits (including requests for benefits that are subject to authorization of coverage or utilization review) * * * or for payment in whole or in part for an item or service under a group health plan or health insurance coverage offered by a health insurance issuer in connection with a group health plan." ERISA §503B, as added. Thus, the bill would classify prior authorization denials as "claims for benefits" that are in turn covered by the new federal remedy. Federal remedies under ERISA §502 preempt all state law remedies.

This classification would have profound effects, particularly in light of the Supreme Court's recent decision in *Pegram* v. *Herdrich*. As drafted, the Senate bill arguably would preempt state medical liability law as applied to medical injuries caused by the wrongful or negligent withholding or necessary treatment by managed care companies. The bill thus would reverse the trend in state law, which has been to hold managed care companies accountable for the medical injuries they cause, just as would be the case for any other health provider.

In recent years courts that have considered the issue of managed care-related injuries have applied medical liability theory and law to managed care companies in a manner similar to the approach taken in the case of hospitals. Thus, like hospitals, managed care companies can be both directly and vicariously liabile for medical injuries attributable to their conduct. In a managed care context, the most common type of situation in which medical liability arises tends to involve injuries caused by the wrongful or negligent withholding of necessary medical treatment (i.e., denials of requests for care).

State legislatures also have begun to enact legislation to expressly permit medical liability actions against managed care companies. The best known of these laws is medical liability legislation enacted in 1997 by the state of Texas and recently upheld in relevant part against an ERISA challenge by the United States Court of Appeals for the Fifth Circuit.

In *Pegram* v. *Herdrich*, the Supreme Court implicitly addressed this question of whether managed care state liability law should cover companies for the medical injuries they cause. The Court decided that liability issues do not belong in federal courts and strongly indicated its view that in its current form ERISA does not preclude state law actions. It is this decision that the Senate bill would appear to overturn.

In Pegram, the Court set up a new classification system for the types of decisions made by managed care organizations contracting with ERISA plans. The first type of decision according to the Court is a "pure" eligibility decision that, in an ERISA context, constitutes an act of plan administration and thus represents an exercise of ERISA fiduciary responsibilities. Remedies for injuries caused by this type of determination would be addressed under ERISA §502 (which of course currently provides for no remedy other than the benefit itself).

The second type of decision is a "mixed" eligibility decision. While the Court's classification system contains a number of ambiguities, it appears that in the Court's view, this second class of decision effectively occurs any time that a managed care company, acting through its physicians, exercises medical judgment regarding the appropriateness of treatment. Such decisions, as medical decisions rather than pure eligibility decisions, are not part of the administration of an ERISA plan and thus not part of ERISA's remedial scheme because, according to the

Court, in enacting ERISA, Congress did not intend to displace state medical liability laws. The Court thus strongly indicated that these claims are not preempted by ERISA and may be brought in state court. In the Court's view, these mixed decisions represent a "great many, if not most" of the coverage decisions that managed care companies make.

The Senate bill would appear to reverse Pegram by effectively classifying all prior authorization determinations as §502 decisions, without any regard to whether they are "pure" or "mixed". As a result, state medical liability laws that arguably now reach mixed decisions apparently would be preempted, leaving individual physicians, hospitals, and other health providers as the sole defendants in state court. Under the complete preemption theory of §502, remedies against managed care virtually impossible standard to prove and particularly egregious in light of the fact that plaintiffs cannot even bring such an action unless they have gotten a reversal of the denial at the external review stage. Even where they have proven that a company wrongfully withheld treatment, plaintiffs can recover nothing for their injuries without taking the level of proof far beyond what is needed to win at the external review stage. Virtually all injuries would go uncompensated.

A plaintiff will be forced to show "substantial harm", defined in the law as loss of life, significant loss of limb or bodily function, significant disfigurement or severe and chronic pain. This definition arguably would exclude some of the most insidious injuries, such as degeneration in health and functional status, or loss of the possibility of improvement, that a patient could face as a result of delayed care, particularly a child with special health needs. In *Bedrick* v. *Travelers Insurance Co.*, the managed care company cut off almost all physical and speech therapy for a toddler with profound cerebral palsy. The Court of Appeals, in one of the most searing decisions ever entered in a managed care reversal case, found that the company had acted on the basis of no evidence and with what could only be described as outright prejudice against children with disabilities (the managed care company's medical director concluded that care for the baby never could be medically necessary because children with cerebral palsy had no chance of being normal).

The consequences of facing years without therapy were potentially profound for this child: the failure to develop mobility, the loss of the small amount of motion that the child might have had, and the enormous costs (both actual and emotional) suffered by the parents. Arguably, however, none of these injuries falls into any of the categories identified in the Senate bill as constituting "substantial harm."

The maximum award permitted is $350,000, and even this amount is subject to various types of reductions and offsets. This limitation on recovery will make securing representation extremely difficult.

No express provision is made for attorneys fees. Were the new right of action to be interpreted not to include attorneys fees this would be a radical change in the ERISA statute, and one that would create a massive barrier to use of the new purported ERISA remedy. To mount a case proving bad faith denial of treatment that caused substantial injury is an enormously expensive proposition. The limitations on is enormous. In *Humana* v. *Forsythe* the United States Supreme Court held RICO applicable to a managed care company that had systematically defrauded thousands of health plan members out of millions of dollars in benefits by systematically lying to members about the proportional cost of the treatment they were being required to bear (the policy was a typical 80/20 payment policy, but because of secret discounts that were not disclosed to members, group policy holders in many cases were paying for the majority of their care). This is racketeering, pure and simple, and thus represents a classic type of RICO claim. To use a patient protection bill potentially to insulate managed care companies against these types of practices is unwise at best.

CONCLUSION

The central purpose underlying the enactment of federal patient protection legislation is to expand protections for the vast majority of insured Americans whose health benefits are derived from private, nongovernmental employment, and who thus come within the ambit of ERISA. Not only would the Senate measure not accomplish this goal, but worse, it appears to be little more than a vehicle for protecting managed care companies from various forms of legal liability under current law. Viewed in this light, Congressional passage of the Senate bill would be far worse than were Congress to enact no measure at all.

Mr. DORGAN. We cannot get a real Patients' Bill of Rights passed. How about a Medicare prescription drug benefit? Well, we are not able to get that done either. We have been busy providing tax cuts, an estate tax repeal and a change in the marriage tax penalty. The head of OMB said yesterday that, under the recent tax proposals passed by the majority party, the top 1 percent of the income earners in this country will get more tax cuts than the bottom 80 percent combined.

This explains why the upper income folks, those with the largest estates and the highest incomes, rally around these tax cut proposals. There should really be no difference between the parties on the estate tax. Those of us in the minority believe we ought to repeal the estate tax for family farms and small businesses and allow a reasonable accumulation of wealth for a family. We said if you have up to $4 million, you should pay no estate tax. For a family farmer or small business, you can have assets up to $8 million and pay no estate tax at all. But that wasn't good enough for the majority. The majority party said, we must also fight to eliminate the tax burden on the estates of the Donald Trumps of America who will die with half a billion or a billion or several billion dollars. At what price? What else could we do with the money that the majority wants to use to relieve the tax burden on the wealthiest estates in America?

Perhaps we could use it to reduce the Federal debt. It seems to me that is probably a better priority than providing a tax cut for the estates of billionaires. Or we could use the money for a prescription drug benefit for Medicare, perhaps for school modernization, or to hire more teachers to lower class sizes. There are a whole series of proposals that might represent a better alternative than deciding we must use this revenue to relieve the tax burden on the largest estates in this country.

Is a prescription drug benefit in the Medicare program important? It is quite clear that if we were creating the Medicare program today, we would provide coverage for prescription drugs through Medicare. Senior citizens make up twelve percent of our population, but they consume one-third of all the prescription drugs used in this country. They reach a period in their life where they need to maintain their health, and miracle drugs that did not exist 30 years ago now exist to extend their lives. In the 20th century, we increased the life expectancy in America by 30 years. A part of the reason for that is better nutrition, better living conditions, better education about healthy living, but part of the reason is also miracle drugs.

It is not unusual for a senior citizen to be taking two, four, five, and in some cases, ten or twelve different prescription drugs to deal with their health challenges. Those prescription drugs are enormously costly. The price is increasing every year. Last year, spending on prescription drugs in America increased 16 percent in 1 year. The year before the increase was about the same. Many senior citizens just can't afford these expenses.

I have held hearings through the Democratic Policy Committee in five or six States on this subject. I have had senior citizen after senior citizen tell me that, when going shopping, they first must go to the pharmacy in the back of the grocery store to purchase their prescription drugs. Only after they have bought their medications do they know how much money they have left to purchase food. It is a common story all across the country. So should we add a prescription drug benefit to the Medicare program? Of course, we should. Will we? We won't do it unless we get some cooperation from a majority party that believes this is not a priority for the country.

We believe it is. We have a plan that will provide a prescription drug benefit to Medicare beneficiaries in a way that is cost-effective, in a way that will tend to push down the prices of prescription drugs and provide an opportunity for coverage for senior citizens who elect to have this benefit. That ought to be part of the agenda in this Congress, but we can't get it done.

Or what about school modernization? This country has had such a wonderful 20th century, especially the last half of the century following the Second World War. Those who fought for America's freedom in World War II came back to this country, and began careers, got married, had children. They built schools all over America 50 years ago. Many of those schools are now in disrepair. These schools need renovation or replacement.

Not only are many of these schools desperately in need of modernization and renovation, but there is also a need to reduce class sizes from 28 or more, in some classes, down to 18 kids or fewer.

We know the quality of education is better when there are smaller class sizes. We know it is better for kids' education when they are going through the door of a modern schoolroom that all of us can be proud of. As I have said many times—and if it is tiresome to people, it doesn't matter to me—it is hard to go to the Cannon Ball Elementary School in North Dakota and have a third grader such as Rosie Two Bears say: Mr. Senator, will you build us a new school? That school has 150 students, one water fountain, and two bathrooms. Some of the classrooms have to be evacuated periodically because of raw sewage seeping up through the floors. Part of the building is 90 years old and has largely been condemned.

Are we proud of sending that young girl through that classroom door? I don't think so. We can do better. Perhaps that is more important than providing relief from the estate tax burden of somebody who dies with $1 billion. Instead of being able to leave only $600 million to their heirs, they get to leave all of the $1 billion because the majority party says that is their priority. Their priority is to give tax cuts to the top 1 percent of the American income earners that are more than the tax cuts we are going to give to all of the bottom 80 percent. That is their priority. My point is that we ought to be focusing on other priorities.

So this morning when we had people shuffle over to the floor of the Senate and talk about what a wonderful job this Congress has done and how we are stalled now because the Democrats somehow don't want to do anything, I just had to come over here and correct the record. One of the things hanging up work today is that there are people who have been nominated as Federal judges whose nominations have been before the Senate for 3 years without having been brought to the floor for a vote. We would like that to happen. That is considered unreasonable.

I say to those who think this Congress has a wonderful record that this is a Congress of underachievers. We have a little time left. We have this week and September and the first week of October. This is what we have to do. We have a Patients' Bill of Rights that we ought to pass. We have gun safety legislation that we ought to pass. We ought to close the gun show loophole. We ought to pass an increase in the minimum wage. The fact is, those working at the bottom rung of the economic ladder in this country have lost ground. Everybody here is so worried about providing tax breaks to the top income earners. What about providing some help to those at the bottom of the economic scale? These people get up and get dressed and have breakfast in the morning and go out and work hard, and they are trying to raise a family on a minimum wage that has not kept pace with inflation. We ought to do something about that.

We ought to provide a Medicare drug benefit. We can do that to address the needs of our senior citizens who are now struggling with health problems and just to make ends meet, only to discover that, in their twilight years, the medicines they need to make life better are financially out of reach for them.

Last week, we passed a piece of legislation that says maybe we ought to be able to access the more reasonable prescription drug prices on exactly the same prescription drugs that exist in Canada and elsewhere. The same companies produce the same pill, put it in the same bottle, and they sell it for a third of the price up in Winnipeg, Canada, or, for that matter, in virtually any other country in which they sell these drugs.

Last week, I suggested that I would like to see just one Senator stand up—in fact, I renew the challenge to anybody who wants to come to the floor—on the floor of the Senate and say that it is fair for American consumers to pay significantly more for the same exact drug than consumers in other countries. I will give any Senator who wants to do this the pill bottles; I held up several last week. The bottle of the prescription drug sold in the U.S. costs $3.82 a pill and the same drug in the same bottle, made by the same company, in the same manufacturing plant, sold in Canada costs only $1.82 a pill. The U.S. consumer pays $3.82 and the Canadian consumer pays $1.82. I want to see a Senator, just one Senator, stand up and hold these bottles and say, yes, this is fair to my constituents and, yes, this price inequity is something we ought to support. Of course, no one will because nobody believes that is fair. That is another issue that we have to address. We were able to get some legislation through the Senate and, of course, the pharmaceutical industry has indicated that it fully intends to kill that in conference. We will see.

So there is a lot left for this Senate to do. We have, at the end of this week, a break for the two national conventions, and then in September and October we will see the end of the 106th Congress. All legislation introduced between January of last year and now will eventually die, unless it is passed by this Congress, and we will have to start over again next year. So the questions of whether this is an effective Congress and whether this Congress creates a record any of us can be proud of are going to be answered in the next few months. Are we able to address the issues that the American people care about? Will the majority party stop obstructing on these issues? Will they decide a Patients' Bill of Rights should be passed by Congress? If so, let's do it soon. Will we be able to address the issue of reasonable gun safety measures, increasing the minimum wage, adding a drug benefit for Medicare, and school modernization? Those and other issues, it seems to me, are central to an agenda that will strengthen and improve this country. We will see in the coming days exactly what the 106th Congress decides it wants to leave as its legacy.

One of the great things about this democracy of ours is that the majority rules. That is certainly true in the Senate. They control the schedule. That is why we are now in morning business in the afternoon. Only in the Senate can you be in morning business in the afternoon, I guess. But we are not debating an appropriations bill, and we should be. There aren't enough people wanting to bring judges to the floor for confirmation and so on.

The point is this: The majority party has a choice to decide which of these issues and how many of them they want this Congress to adopt. I hope it will decide very soon that it chooses to join us and say these are the issues that matter to the American people, and these are the issues the 106th Congress shall embrace in the final weeks of this Congress.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, for the last several weeks, I have listened as some of my colleagues have, with escalating invective, expressed repeatedly their dismay about the manner in which Senate Republicans have processed President Clinton's judicial nominees. That some would accuse the Senate majority of failing to act in good faith strikes me as ironic, given the recent reckless statements made by President Clinton and members of the all-Democratic Congressional Black Caucus. I already have made my views on their reckless statements known and will not repeat them again here.

Some of my colleagues like to talk about proceeding in good faith, but they ignore the fact that there is much legislation with broad, bi-partisan support that is at a standstill because they refuse to let this institution work its will. From bankruptcy reform to H-1B legislation to juvenile justice reform to religious liberty protection legislation, there are several legislative items where the blessings of good faith cooperation have not been bestowed. Consider, for example, the fact that a handful of members on the other side of the aisle have kept us from simply proceeding to a formal conference on the bankruptcy bill. Having poisoned the water themselves, they have no ground for complaining that the water is now poisoned.

The more substantive complaints lodged by some of our colleagues have taken various forms. Some complain that there is a vacancy crisis in the federal courts; that the Senate has not confirmed enough of President Clinton's judicial nominees; and that the confirmation record of the Republican Senate compares unfavorably to the Democrats' record when they controlled this body.

The claim that there is a vacancy crisis in the federal courts is simply wrong. Using the Clinton Administration's own standard, the federal judiciary currently is at virtual full employment. Presently there are 60 vacancies in the 852-member federal judiciary, yielding a vacancy rate of just seven percent. Of these 60 vacancies, the President has failed to make a nomination for 27 of them.

Think about that. Some of my colleagues are complaining about a so-called vacancy crisis when almost half of the current vacancies don't even have a nominee. It is too late to really send additional nominations up here because we are in the final few months of the Congress and there is no way to get through them with the work we have to do in processing judges.

In 1994, at the end of the Democrat-controlled 103d Congress, there were 63 judicial vacancies. That is when the Democrats controlled the Senate and President Clinton was President. There were 63 judicial vacancies, yielding a vacancy rate of 7.4 percent. At that time, on October 12, 1994, the Clinton administration argued in a Department of Justice press release that "[t]his is equivalent to 'full employment' in the 837-member Federal judiciary." If the Federal judiciary was fully employed in 1994, when there were 63 vacancies and a 7.4 percent vacancy rate, then it certainly is fully employed now when there are only 60 vacancies and a 7 percent vacancy rate, even though we have a significantly larger judiciary.

Democrats further complain that the Republican Senate has not confirmed enough of President Clinton's judicial nominees. So far this year, the Judiciary Committee has held seven hearings for 30 judicial nominees. In addition, the Committee is holding a hearing today for four additional nominees. This year the Senate has confirmed 35 nominees, including eight nominees for the U.S. Courts of Appeals.

With eight court of appeals nominees already confirmed this year, it is clear that the Senate and the Judiciary Committee have acted fairly with regard to appeals court nominees. In presidential election years, the confirmation of appellate court nominees historically has slowed. In 1988, the Democrat-controlled Senate confirmed only seven of President Reagan's appellate court nominees; in 1992, the Democrat-controlled Senate confirmed eleven of President Bush's appellate court nominees. This year, the Senate already has confirmed eight circuit court nominees—evidence that we are right on track with regard to circuit court nominees.

While some may complain that the Republican Senate has not confirmed enough of President Clinton's judicial nominees, conservatives criticize us for confirming too many. An editorial in today's Washington Times argues that the Republican Senate has confirmed far too many federal judges since gaining control of the Senate in 1995. This view is typical many reactionary conservatives who, like their counterparts on the extreme left, serve in some respects as a check on our political system. I plan to respond to this particular editorial in a more formal manner, but let me just say this—the notion that our Leader is not doing what he believes is best for our country's future is absurd.

The fact that the criticism comes from both sides leads me to believe that we probably are carrying out our advice and consent duties as most Americans would have us.

There are some on the political right who complain that we are not confirming conservative judges. They forget that we are in the midst of a liberal Presidency and that the President's power of nomination is more powerful than the Senate's power of advice and consent. I urge them to get on the ball and help elect a Republican President who will nominate judges that share our conservative judicial philosophy.

Finally, Democrats contend that things were much better when they controlled the Senate. Much better for them perhaps—it certainly was not better for many of the nominees of Presidents Reagan and Bush. At the end of the Bush administration, for example, the vacancy rate stood at nearly 12 percent. By contrast, as the Clinton administration draws to a close, the vacancy rate stands at just seven percent. The disparity between the vacancy rate at the end of the Bush Administration, as compared to the vacancy rate now, illustrates that the Republican Senate has, in fact, acted in good faith when it comes to President Clinton's nominees.

The Senate has carried out its advice and consent duties appropriately, in a manner that has been fair to all—to the President's nominees, to the federal judiciary, and to the American people. I stand ready to help Senators LOTT and DASCHLE undertake and complete work on the appropriations bills that are before us and on other legislation, much of which enjoys broad, bipartisan support and should be acted on this year.

I am getting sick and tired of my colleagues on the other side just stopping everything—even bills that they agree with—to try and make the Senate look bad for their own political gain, so that they can take control of the Senate after the next election. If I were in their shoes, I would want to take control of the Senate honorably, rather than dishonorably.

I repeat, I stand ready to help Senators LOTT and DASCHLE undertake and complete work on the appropriations bills before the Senate and on other legislation which enjoys broad bipartisan support and should be acted on this year.

It is my hope that the important legislative work of the Senate will not be impeded by political gamesmanship over judicial confirmations. I particularly resent people indicating that the Senate is not doing its duty on judicial confirmations, or that there is some ulterior purpose behind what goes on, or that this President isn't being treated fairly, because he has been treated fairly. I am getting sick and tired of it and will not put up with it anymore.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended to the hour of 4 p.m. with the time equally divided between the majority and minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

BETTING ON COLLEGE GAMES

Mr. REID. Mr. President, my good friend from the State of Kansas, Senator BROWNBACK, has come to the floor a number of times in recent weeks to talk about some legislation that he favors. He favors a ban on legal betting on college games in Nevada.

This legislation has received the following comments from respected publications from around the country. George F. Will:

> Congress now is contemplating a measure that sets some sort of indoor record for missing the point.

Sports Illustrated columnist Rick Reilly:

> In fact, passing the bill would be like trying to stop a statewide flood in Oklahoma by fixing a leaking faucet in Enid. Nevada handles only 1 percent of the action on college sports. Not that bookies and the mob wouldn't very much like to get their hands on that 1 percent.

A Chicago Sun Times editorial:

> A Nevada ban is more likely to push wagers underground or on to the Internet. A ban would do little to stop betting on college games.

Sporting News, a columnist by the name of Mike DeCourcy:

> The NCAA has put no thought whatsoever into this push. This is strictly a public relations move that offers no tangible benefit.

Business Week:

> Now the NCAA is looking to fix its image with a bill only a bookie would love.

USA Today, founder Al Neuharth:

> University and college presidents and coaches properly are concerned about the integrity of campus sports, but the solution to the problem is getting their own houses in order.

I understand the NCAA is based in Kansas City and they have some jobs there. I am sure this move ingratiates the NCAA to my friend from Kansas. The fact is, this issue does not come close to doing anything to solve the problem. No, Mr. President, I do not gamble. I live in the State of Nevada. I have been chairman of the Nevada Gaming Commission, the top regulator of gaming. I do not gamble. I do not gamble on games or anything else, but I know a little bit about gambling, having been the chief regulator in the State of Nevada for 4 years.

While my friend says this legislation has widespread support, I have only read a few of the editorial comments. This legislation is held up to ridicule. Of course, we get college coaches coming in saying they do not want their kids playing and having people bet on them.

The NCAA makes billions—I am not misspeaking—not millions but billions of dollars from NCAA football and basketball. If they are so sincere in stopping betting on these games, why don't they not allow these games to be telecast? Just do not have any college games on television—no football games, no NCAA Final Four, no Rose Bowl, just outlaw them.

The NCAA is all powerful. They could do that, they think. They have been such a dismal, total failure regulating amateur athletics that they think now they have something they can finally win. What they are going to do is outlaw college betting in Nevada, the only place in the country where you can do it legally, and as has been said, less than 2 percent of the betting on college games takes place in Nevada. Over 98 percent of gambling on college games takes place in Washington, DC, in the State of Idaho—all over the country. It is done illegally. If the NCAA is so concerned about betting on college games, let's do something about the illegal betting that takes place; let's not go after the legal betting.

Lindsey Graham, on Hardball, a few weeks ago said:

> You're not going to stop illegal betting by passing the bill.

Of course not. Originally, the NCAA, in all its wisdom, said if we take away the 1.5 percent of the legal betting and leave 98.5 percent and they do not allow the State of Nevada to post odds, it will stop all over the country. Everybody will stop running the lines on these games.

Again, of course, the NCAA, for lack of a better description, simply does not know what they are talking about. John Sturm, the president of the Newspaper Association of America said:

> If Congress prohibits gambling on college sports, the association believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, if not valuable, to newspaper readers who have no intention of betting on games.

I already established I do not bet on games, but I love to know what the point spread is on a game. It makes it more interesting. If UV is going to play in the Final Four and play Michigan State, Duke, or a team such as that, I want to know the point spread to see who is favored. That does not mean I am going to run down to the corner bookie and bet on the game or, if I am in Las Vegas, I will not go to the Hilton race book, MGM, or one of those places.

I would not know how to place a bet if you asked me to, but I do know the way they do it in Nevada is better than the way they do it in the service stations, bowling alleys, and bars because the illegal bookies base their game on credit, usually a week at a time. People place bets with their illegal bookie during the week. On Monday or Tuesday, they come around to collect that money. That is where the real trouble starts.

In Nevada, you could be Kirk Kirkorian, one of the richest men in the world—he owns the MGM and a number of other things around the world. As rich as he is, if he walked into his own race book, the rules are that he can get no credit. It has to be all cash. If he wants to bet on a ball game, he has to put up cash. There is no credit.

It goes without saying which is the better system. The better system is, in Nevada you can only bet what money you have in your pocket. No credit is allowed. For the illegal bookies around the country, credit is the name of the game. They do not break as many knuckles as they used to, but they sure put their loans out to people who ask to borrow the money. They pay exorbitant interest rates, and that is when people lose their homes, cars, and property.

When this bill comes up—and it will come up—this is not going to be a laydown. The merits are on the side of what is going on legally in the State of Nevada.

This issue is a sham, it is a farce, it is a diversion designed to deflect attention from an organization that while swimming in money itself, earned from the sweat of the college kids, is incapable, it seems, of doing anything positive.

My favorite—and it happened recently—is St. John's University. Their coach, who was almost hired by the local professional basketball team, is Mike Jarvis. He has a kid who had a used car. The kid trades in the used car for another used car. They suspended him from playing for three games.

That really helps the game a lot. A kid has a used car and trades it in on another used car, and they suspend him from playing. What the NCAA does is harass and intimidate people. We have an example in the State of Nevada, Jerry Tarkanian, one of the most successful coaches in the history of America. They eventually ran him out in the State of Nevada. He is now coaching at Fresno State. They harassed, did everything they could to embarrass him. He sued them. It took 8 or 9 years, but he won the lawsuit. They had to pay him money for what they did to him. By then he had already been run out of the State.

The NCAA recently signed a multibillion dollar broadcasting contract. That is not a bad deal for a nonprofit organization. Players, coaches, athletes recognize the unaccountable and often unquestionable power of this organization. They have been sued lately. They had to pay out millions of dollars to assistant coaches who they would only allow to receive—I forget what the ridiculous sum was—$12,000 a year, $8,000 a year. The coaches sued them and, of course, the NCAA lost. They had to pay that judgment. They lose all the time in court.

To avoid scrutiny on them, this is an effort to throw out a red herring, something maybe people will take after, rather than who they should take after, and that is them.

This legislation, supported by my friend from Kansas who comes here all the time and talks about it—I know Senator JOHN MCCAIN, the senior Senator from Arizona, also favors this legislation—does nothing to address the problem of illegal gambling on college sports. No one supports illegal gambling on college sports except illegal bookies. They will be the primary beneficiaries of the legislation. That is not me speaking. I read to the Senate a few excerpts from editorials around the country.

A friend of mine called me. I care a great deal about her. She has recently suffered the loss of her husband. She has some money as a result of that—not a lot but a little bit. Someone called her and said—I won't mention a name—if this legislation passes, talking about the Brownback legislation, if it passes, you give me $20,000. At the end of 1 year I will give you $200,000 because that is how much money I can make by taking illegal bets. I can't do it now because people who want to bet come from all over the country to bet legally in the State of Nevada.

Illegal bookies love this legislation. One who I heard from in the heartland of America told me—not in Kansas but very close to Kansas—this will be the best thing that Congress could ever do for his business.

I have spoken to law enforcement authorities. There is no question that one of the scandals—referring to Arizona State, where there was some illegal betting taking place on Arizona State—was discovered because Nevada reported it. They could tell something was wrong because of heavy betting on Arizona State. You can bet a little on Arizona State football, but their basketball team has never been much to bet on. They could tell because of the betting that took place at Arizona State that something was wrong. They notified authorities, and that is where the arrest took place. That is where they were able to make a case against the illegal betting taking place at Arizona State.

What we should do is look at a way to stop illegal betting on college campuses. College presidents are concerned about it, as well they should be. Remember, what is going on in Nevada is legal and involves less than 2 percent of gambling in our country. Eliminating gambling legally in the State of Nevada on college games will do nothing but help illegal gambling on college campuses. We don't need new laws. We need better enforcement.

John Sturm, whom I quoted earlier, President of the Newspapers Association of America, in a letter to the House Judiciary Committee, made clear, basically, if Congress prohibits gambling in Nevada on college sports, it is not going to stop anything that goes on in the rest of the country. Certainly it is not going to stop newspapers from publishing these lines.

President Sturm also dispels another myth perpetrated by the National Collegiate Athletic Association that people use the spreads to place illegal bets. In fact, a recent Harris poll found that 70 percent of those who look at point spreads do so only to obtain information, such as me, about a favorite college team, about information on upcoming college games.

Another myth paraded around by the proponents of banning legal wagering on college games is that this is done because of a unanimous vote by the members of the National Commission to Study Gambling. Wrong again. That vote was very close. One of the members of the committee was from Nevada. He abstained. He said if he had been called upon to vote, it would have been a 5-4 vote. That is far from unanimous. The reality is, this proposal was given little consideration by the commission. They had many other things to talk about. The proponents of the ban have the right to their opinion, but they are absolutely wrong. Their opinion in this case lacks substance.

We need to step back and take a look at this. We need to understand the legal business of America is not going to lay down and say, OK, run over us. There has been some criticism about not letting this bill go forward, not having a time agreement on it.

This is something we need to talk about. This involves not illegal gambling on college games—if they want to enforce the law that now prohibits illegal gambling or if they want to pass a new restriction on illegal gambling, I will stand beside them and do that—we are talking about less than 2 percent of the gambling that takes place on college games and it is done legally.

Danny Sheridan, one of the top oddsmakers in America, USA Today, sets the line. He came to Washington. He has talked to a number of Members of Congress. He said: I will talk to whomever you want to talk to. He said: I don't gamble but I set the line. I will continue to do it no matter what they do in Nevada.

We have had people parading on the floor—I shouldn't say "parading." We have had a couple people talk on several occasions about how bad what goes on in Nevada is. We are not going to go without offering a response to that. The time has come to offer that response.

The other thing that flabbergasts me about this is, we have people who have come to Congress who say their No. 1 issue is to make sure they protect States rights. States should be able to do what they want to be able to do. Well, we find a real problem with that sometimes. Take, for example, products liability legislation. I practice law. The State of Nevada had a different set of standards than did Utah, Arizona, California, other States in the country. They are not all the same. But we developed those standards over the years in the State of Nevada. It is not right that Congress comes in and says: We are going to change them. We are going to have one standard system for everybody.

Well, that is what States rights is all about. It is not what States rights is all about in this instance. The State of Nevada made a decision in 1932 that they were going to allow legal gambling. People should leave the State of Nevada alone. There are no scandals involved in college betting in Nevada. We do our best to protect the integrity of what goes on there with strict requirements. Obtaining a gambling license in the State of Nevada is not a right; it is a privilege. They are very hard to get. Very strict scrutiny goes to anybody who can run one of these sports books. I must say there is not much scrutiny given to the illegal bookings and charging of exorbitant fees, making all this money, and having all this underreported income. It seems that people should be happy with what Nevada has done on its own. It is a matter of States rights. Why don't they leave us alone?

NCAA President Cedric Dempsey was quoted last year as estimating that illegal wagers would be closer to $4 billion a year. In Nevada, they wager about $60 million a year. That is a small part of $4 billion. So I hope people of goodwill—Democrats and Republicans—will look at this legislation and try to understand how unfair it is and how it is going to only exacerbate a problem we have with people betting on college games illegally. It won't make it better; it will make it worse.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2912

Mr. REID. Mr. President, I understand S. 2912, introduced earlier today by Senator KENNEDY and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 2912) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request on behalf of the majority.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the following legislative day.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator should be advised all remaining time is under the control of the majority.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed as if in morning business.

Mr. REID. Until a Member on the majority side shows up.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. KENNEDY. Mr. President, earlier in the day, I was pointing out that the pending business is the Elementary and Secondary Education Act of 1965. We are in the process of reauthorization and had more than 22 hearing days on that legislation. We had an extensive markup on that legislation. We began debate in early May. Over the period of 6 days, we had 2 days when we were not permitted to offer any amendments, and we ended up with rollcalls on 7 amendments; 2 of those were virtually unanimous votes. On May 1, we had floor debate only. May 2, we had floor debate only. On May 3, we had a Gorton amendment, changes in Straight A's, 98–0. A Democratic alternative, which was a completely different approach, was the first major amendment. On May 8, a Collins amendment was a voice vote, and on May 9, a Gregg amendment on teachers, 97–0. There were 8 amendments. We had 6 days of debate. Two were debate only. We had only 7 rollcalls; 2 of those rollcalls were unanimously accepted.

I believe this is a matter of significant priority for the American people. On the bankruptcy legislation, we had 16 days of debate and considered 55 amendments. With all respect to the importance of that particular issue, it seems to me the issue of good quality education in K through 12, and the role we have on that issue, is of central importance.

I am mindful that the majority leader himself said he believed this was an important matter. He gave the assurances to the Senate going back to January 6, 1999:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

January 29th, 1999:

> But education is going to have a lot of attention, and it's not going to be just words.

Then on June 22, 1999:

> Education is number one on the agenda for Republicans in the Congress this year.

In Remarks to the U.S. Chamber of Commerce, February 1, 2000:

> We are going to work very hard on education. I have emphasized that every year I have been majority leader. . . . And Republicans are committed to doing that.

February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

April 20, 2000: The majority leader said his top priorities in May included agriculture sanctions, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

May 1, 2000:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

May 2, 2000: Senator LOTT was asked on ESEA: Have you scheduled a cloture vote on that?

> No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of American people all across this country and every State, including my own State. For us to have a good, healthy and even a protracted debate and amendments on education, I think, is the way to go.

That has been the end of it since May 2. Always something else has come up. Always something else came up in May. Always something else came up in June. Always something else came up in July.

It does seem, even with this week, we are now at 4 o'clock in the afternoon of a Tuesday. We could have had some debate on this on Monday or today.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GORTON). The hour of 4 o'clock having arrived, morning business is closed.

Mr. CRAPO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Presiding Officer, in his capacity as Senator from Washington, objects.

The legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4733

Mr. LOTT. Mr. President, I had hoped we could come up with some compromise agreement about how to proceed to the energy-water appropriations bill, with regard to one section that is very important to a lot of different Senators. We have not come to an understanding on that yet, but I have to take steps now to move toward the consideration of the energy and water appropriations substance.

So I ask unanimous consent that the Senate proceed to consideration of Calendar No. 688, H.R. 4733, the energy and water appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. There is objection?

Mr. KENNEDY. Reserving the right to object, Mr. President. Am I recognized, Mr. President? I object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, let me renew my request for that, and under a reservation of the right to object, I would be glad to respond.

If the Senator would prefer, I would be glad to——

Mr. KENNEDY. I have to get recognition by the Chair in order to be able to proceed. I felt I was denied that recognition.

I had every intention to exchange——

Mr. LOTT. I say to the Senator from Massachusetts, I think there is a misunderstanding. I again ask unanimous consent that the Senate proceed to the consideration of Calendar No. 688, H.R. 4733, the energy and water appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

Mr. KENNEDY. Objection.

The PRESIDING OFFICER. Objection is heard. The majority leader has the floor.

Mr. LOTT. Mr. President, I am disappointed there is an objection. It was my hope we could come to an agreement on how to proceed to this bill in a timely way. I hope we can at least proceed to the bill and begin the amendment process to resolve the differences that may be involved. The Democrats have mentioned section 103 involving the Missouri River is a problem. I understand that. I think once we get to the bill we can resolve that problem.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to the bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 688, H.R. 4733, the Energy and Water Development Appropriations Act, 2001:
>
> Trent Lott, Pete Domenici, Frank Murkowski, Pat Roberts, Jesse Helms, Larry Craig, Ted Stevens, Kit Bond, George Voinovich, Kay Bailey Hutchison, Chuck Grassley, Sam Brownback, Don Nickles, Mike Crapo, Slade Gorton and Orrin Hatch.

Mr. LOTT. Mr. President, this cloture vote will occur on Thursday unless we are in a postcloture situation on the Treasury-Postal Service appropriations bill, the intelligence authorization bill, or on the energy and water appropriations bill under some other agreement.

I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed. I believe I have that right.

The PRESIDING OFFICER. The Senator has that right.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business for 90 minutes, equally divided in the usual form.

Mr. DOMENICI. How much time?

Mr. LOTT. Ninety minutes. I believe Senator KENNEDY reserved the right to object.

Mr. KENNEDY. I will not object. Mr. President, I will not object to that. I want to gain recognition to explain my position.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. We are now in a period for morning business.

The PRESIDING OFFICER. We are in a period for morning business.

Mr. LOTT. I know Senator KENNEDY seeks recognition at this time to explain his position. I will stay in the Chamber and will be glad to respond to questions he wants to ask.

The PRESIDING OFFICER. The Senator from Massachusetts.

ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I thank the majority leader. I made the point earlier that we did have before the Senate the pending business, which is the Elementary and Secondary Education Act. It did seem, since it was the pending business, that under the rules generally, after the time expires under morning business, we would go back to that legislation.

I know the majority leader has attempted to work out a process with the minority leader to move forward the business of the Senate. The education bill has been the pending business since May of this year. That has taken us through May, through June, and through July.

I still think we can complete the ESEA prior to recessing this week. If we are unable to get agreement on these appropriations bills—I know they are important and generally, as the year goes on, they receive a higher priority, but it does seem to me that education has a high priority as well. I had thought we were going to have an opportunity to deal with the education legislation during the evenings of last week. We were unable to do so. We got caught up in the Agriculture appropriations bill.

I am wondering whether the majority leader can give us any indication whether he has an intention of getting back to the Elementary and Secondary Education Act and, if so, when that might be because with the successful motion the Senator has made and with the invoking of cloture, as I understand, the elementary and secondary education bill is returned to the calendar and will not be before the Senate as the pending business. With those actions, we are returning the elementary and secondary education bill uncompleted to the calendar. It does seem to me to be a priority. I am wondering what assurances the leader might be able to give us on the issue.

Mr. LOTT. Mr. President, if I can respond to the Senator's questions and comments, he knows a major effort was made last Thursday evening to come up with an agreement on how to proceed further on the Elementary and Secondary Education Act.

One of the problems we had then, and we continue to have, is Senators on both sides of the aisle have nongermane, noneducation issues they want to get into or, conversely, amendments they do not want to be offered. I know there had been some suggestion that maybe the NCAA gaming issue would be offered, and there was a feeling on the Democratic side that should not be included in the package of what we proceed to consider.

There is at least one Senator on this side who is interested in being able to offer an IDEA amendment which, in fact, relates to education, but there was resistance to that Senator being able to offer his amendment.

Then it got into immigration, and we were close to working out an agreement that connected, in a way, this bill with H-1B. In the end, we could not get the agreement. A lot of time was put in on that by Senators on both sides. Senator DASCHLE and I worked very hard on it. We were up the hill, down the hill.

We will keep trying to find a way to go back to this legislation this year and get it completed. I have another idea I am considering right now that will get us back on it in a way that will actually get it to completion. That is my goal. I am not interested in only going back to it and playing games with it and having nongermane, noneducation issues poured on this bill. I want to stick to education. I think we can have a good debate and a lot of amendments that are strictly related to elementary and secondary education. I realize the ingenuity of Senators can stretch the idea of related amendments to education.

That is the way I would like to proceed. Right now we are having trouble getting agreement to do appropriations bills and the intelligence authorization bill. I am even worried about being able to go forward with the commitment to begin the proceedings on the China PNTR tomorrow, which I still hope to be able to do, but it is going to take some concessions, again, as to how we proceed to get that done.

I will be glad to keep working with Senator KENNEDY, Senator DASCHLE, Senator REID, Senator GREGG, and Senator ASHCROFT. I like the bill. I would like to get it done. I would like to vote on it just as it is myself. I do not think we need to fix it up anymore. It does not need more bells and whistles. Let's just vote. I know others have amendments, and we will try to find agreement.

Mr. KENNEDY. If the Senator will yield for one more observation.

Mr. LOTT. Yes.

Mr. KENNEDY. We do know children start back to school in late August and early September. Time is moving along. There were allocations of resources in appropriations bills where there has been absolutely no authorization or statement of policy. It does seem to me that parents, school boards, and schoolteachers are entitled to a full debate and discussion on these issues and for the Senate to work its will.

I appreciate what the Senator has said. I hope he understands we are going to continue to raise this issue as we move along because I do think it is a top priority. The American families who have 58 million children in schools across this country are entitled to a response. I thank the majority leader.

Mr. LOTT. I thank Senator KENNEDY, and I thank Senator DOMENICI for allowing us to have an exchange. I know he is anxious to get his bill done. It is an important bill, the energy and water appropriations bill. It means a great deal to our country. I know he is trying to find a way to proceed.

At this point, this is the only option I have. I yield the floor so he may comment on that.

The PRESIDING OFFICER. The Senator from New Mexico.

ENERGY AND WATER APPROPRIATIONS

Mr. DOMENICI. Mr. President, I might suggest—and I do this in the presence of my good friend from Massachusetts; I wish the distinguished Senator from Nevada, Mr. HARRY REID, were here. I have an observation. Maybe I am 2 weeks ahead of time, but I believe the plan is that the Democrats are not going to let us do anything of significance, literally nothing, unless and until they get everything they want.

The truth is, for this little period in history—I have been here 28 years, and it is a small piece of that—the Republicans have controlled the Senate and the House. But the Democrats are bound and determined this year, in an election year, that we are not going to pass the regular appropriations bills, period. They call us "do nothing," but they are obstructionists of the highest order.

I will just talk about one bill, then I will talk about the appropriations bill on education. I am just going to talk on one appropriations bill. We have heard from the beginning platitudes about working together to get all the appropriations bills done. The distinguished occupant of the chair has heard they want to get the Interior bill finished; they want to get the Treasury bill finished. For the American people, these are the bills you have to pass every year in order to keep certain big parts of our Government open. It comes down to October 1st, and if they aren't passed, you get the President of the United States talking about who is closing down the Government.

I am going to refer to just the energy and water bill. I am going to beg the Senator, the minority leader from the other side, in the same way he pleads with us to get something done that is right. This energy and water bill was not drafted by Senator PETE DOMENICI; it was drafted by Senator PETE DOMENICI and Senator HARRY REID of Nevada, who spends a great deal of time on the floor of the Senate and, I might say, for one who worked with him for years before he got to spend all his time on the Senate floor, he has been a very solid performer. I praise him for his leadership on the floor. I believe he has been fair, and I believe he has been nonpartisan. But I believe what he is seeing he can't even speak about because right down deep in that Senator's mind and heart he knows it is wrong to hold up appropriations bills for the reasons being stated by his colleagues and his leader who compel him to do it.

This energy and water bill is being held up. We can't even bring it up because the minority leader wants a provision that is within it taken out. He wants assurance we won't vote on it in the Senate. Who has ever heard of that? Take a provision out of a bill that is in a bill that has been voted in by a committee. And if you want that bill to see the light of day in the Senate, you take out a provision and you don't vote on it in the Senate.

I am not familiar with the contents or substance of the amendment, except it has to do with a dispute between the upper Missouri River and the lower Missouri River. But it is most interesting, that the provision that the minority leader speaks of has been in the appropriations bills at least two times. The President has signed it, and it has gone out of the Senate. Maybe something dramatically changed in the meantime, but it has been in the bill. It has been signed. Some who know more than I say it has been in more than two times. I can tell the Senate, since I have been writing this bill, it has been in 2 years in a row.

All of a sudden, it isn't enough to have an up-or-down vote in the Senate. The only thing that will suffice is that we take it out and agree not to vote on it. That means if you don't want to do that, you don't get an energy and water bill for this fiscal year.

We are getting close because we still have to do this bill. It is different from the House bill. We need to get some new resources assigned to the committee on the House side. We might not be able to make it by the October deadline.

This little innocuous title, "energy and water," is a very misperceived title. Energy doesn't mean energy. Energy means all of the nuclear weapons programs in the nuclear laboratories in America. By a strange coincidence, they are in the energy part of this bill. We have been asked by the Department of Energy to put $100 million in new money in that bill to take care of production facilities in three cities, cities such as Kansas City, Missouri; Amarillo, Texas; Oak Ridge, Tennessee; and Aiken, South Carolina; where we have production facilities that are desperately in need of repair. We have cleanup in the State of the occupant of the chair that is ongoing because of our previous nuclear weapons reactor work. We have hundreds of millions of dollars in for that kind of cleanup.

We have all the water projects and dredging projects and flood protection programs in this country in this bill. We have all of the national laboratories and their special effort and all their employees' pay in this bill. I could go well beyond that.

Now I come to the conclusion: Why can't we take this bill up? Frankly, if ever there was an issue where there was something besides this bill that somebody has in mind, I have not heard of it. This has to be as bad as it is. What is it?

Is there some political issue we don't understand that has nothing to do with the fundamental needs this bill addresses in water, water safety, in dams, in diversions, in the dredging of harbors and, over on the nuclear side, all the safety programs for our nuclear weapons designs, for stockpile stewardship, which is an entire program aimed at making sure our nuclear bombs are safe and sound without us doing any underground testing? We can't turn that on and off and say, wait an extra month, close down the buildings, close down the people for a month or so because we have a little problem about the Missouri River that somebody doesn't even want to let you vote on. It is not a question of whether that provision is right or wrong, it is simply a question of whether you will vote on it.

I wonder, if we would have left it out and we would have brought it to the floor and this bill was rocking right along here on the floor and somebody offered an amendment to do just what the committee did because it had done it 2 years before, what would the response have been? Would it have been, you can't do the amendment and you can't move on with the bill? I assume that would be the case. I think we would have a chance of convincing Senators that is not right.

I understand there are some other appropriations bills that are being held up. I am not aware of the specific reasons why, so I won't make the same kind of argument or evidence the same kind of concern as I have about the energy and water bill.

The Senator from Massachusetts talked about getting our education programs funded. We are talking about two things. We are talking about an elementary and secondary education authorization bill which has gotten tied up in all kinds of problems from both sides of the aisle on amendments. When can we pass it? Can we get agreement?

But over there in those new offices beneath the Senate, that are called "SC"—those offices out there that are really nice to work in—there is a whole batch of House Members. I was in there. I made up a very large group of Senators working on the Labor-Health and Human Services appropriations bill. I just have a hunch, from the little bit I have participated, that the White House does not intend to sign that bill no matter what we do. We have already put in that bill resources amounting to $106 billion, the largest appropriations for those functions in the history of the Republic.

In fact, there is now in that bill, to be spent on education and other things, $12 billion more than the Budget Committee contemplated. While our numbers aren't binding, the Senator who occupies the Chair knows we reported out a budget resolution, and we assumed all these pieces would fit together. We assumed about $96 billion—$94 billion or $96 billion—for Labor, Health and Human Services. We have now gotten to the point where we have taken from others and we put $106 billion in.

From what I gather in that committee, there is little we can do to convince the Democrats to be for that bill. My guess is if it rocks along as it is, it is going to be a partisan bill, and then no matter what we try to do, the President is going to say, "I want more." and the President is going to say, "It is not a good enough bill"; and he will find some reasons to say it doesn't fund this enough or that enough. We are moving toward a real shipwreck. The issue is going to be, at some point, why are we where we are when we come to that shipwreck point?

I am going to start today, and I will watch everything I can, and I will come to the floor. But I am starting today taking just one bill and saying it would appear to me that on the energy and water bill, for some political reason, we can't take it up, and as time passes and moves on, whether or not we can get a bill and do all the things I have alluded to or not will be in the hands of the Democrats and the President, and then we will see who is to blame.

I want to suggest that to the extent we are called "a Senate that doesn't do anything," I believe we have to put another mantra on somebody else and we have to talk about the marvelous obstructionism that is going on by the other side of the aisle. It is being done with such dignity, such ease, with such platitudes about "we are all working together," and "we are trying to get there," and "we are not trying to delay things." It really is that, unless they get their way on everything, there will be nothing moving in the Senate.

Now I never saw it run quite like that, and I have never seen anyone ever win an argument on a claim that the other group wasn't doing anything. We will see how it comes out. In the meantime, we ought to try to work together one more time, and I beg the minority leader on this bill—it is $23 billion, not one of the biggest. I literally beg that he reconsider and let us vote and let us have our 2 days of debate. There are about five very serious problems in this bill that will be debated. But they will be debated and done with, just as the Missouri River issue will be debated and finished if they will let us do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, my mind has been reflecting on the fact that now would be the time Senator Coverdell would come in. When we would have a real problem, he would wander in and help bring everything together. As we know, that will not be the case. We attended Paul's funeral on Saturday, and he is not here to help with the problems we are having here.

Let me just say to my friend, Senator DOMENICI, for whom I have the greatest respect, he is someone in this body who has great power. He is chairman of the Budget Committee, one of the senior members of the Appropriations Committee. He is chairman of the Energy and Water Subcommittee, and he is someone with whom I have had the pleasure of working for my entire time here in the Senate—on a very close basis in recent years on Energy and Water. He has been chairman and I am the ranking member. It has been our bill. He is right. The chairman always has, as we know, a little more latitude, as he should have. But I have had input on the bill, and I feel very comfortable with the bill we have.

I say to my friend from New Mexico, for whom I have the greatest respect, we have a problem with this bill that could be resolved just like that. The fact of the matter is that no one is compelling me. We are all free agents in the Senate, and we have that right. We are elected in our home States, and while Senators are very persuasive in helping us and trying to get us to go along with what they want, no one compels us to do things, and they should not. In spite of the fact that this is a good bill, I think it could be made better. I will not go into detail, but I will explain the problems we have.

We have two leaders in the Senate, Senator LOTT and Senator DASCHLE. They both do tremendously good work under very difficult circumstances. An overused saying is that they both have a job of herding cats, trying to put jello in a bowl that doesn't have sides. They have a lot of problems, and we understand that. Very rarely in legislative matters do we have one of the leaders step forward.

The measure we have before us, the energy and water bill, is very important to this leader. There is a provision in it that is extremely bad for the upper Missouri basin States. One of those States, of course, is South Dakota. My friend from New Mexico stated—and rightfully so—that the provision is causing problems in the upper basin States not only to the minority leader, but it has been in the bill two times, on two different bills. Of course it has. But the fact is that it was meaningless in the bills initially because what this is all about is the Fish and Wildlife Service rewriting a manual, reissuing and having a new manual. It was first issued before World War II ended, in the early 1940s. They did a little revision in the 1970s—minor revisions. So for almost 60 years they have had the same manual. They have decided to rewrite it, and they are ready to publish this new manual. What this legislation does is prevent them from doing so.

Well, the fact of the matter is that is wrong; it is bad. The legislature should allow the administrative body to go forward and do their thing to control the Missouri River. The administrative agency is prevented from doing that. What Senator DASCHLE and others have said is: Take that provision out of the bill, and when that is taken out of the bill, we will move forward on the legislation. This is a bill involving $23 billion, a very important bill. But this provision is something that should not prevent this bill from going forward. It should be removed from the bill, and there are all kinds of different steps. We are going to have conferences on this bill. We are going to revisit it at that time.

Let me also say that the history of the Senate is such that the interest of the minority is always protected. We talk about this great country of ours and we brag about our country, and we should do so. It is an imperfect country, but the best set of rules ever devised to rule the affairs of men and women comes from the U.S. Constitution.

What is the Constitution all about? The Constitution is not about protecting the rights of the majority; it is about protecting the rights of the minority. Where are those rights protected in our constitutional framework more than any other place? It is in the Senate. That is why the small State of Nevada has as much right to do things in this Senate—Senators REID and BRYAN—as do Senators MOYNIHAN and SCHUMER from New York, or BOXER and FEINSTEIN from California, even though they have millions and millions more people than we have in the State of Nevada. That is what the Senate is all about. What Senator DASCHLE and others are trying to do with this bill is nothing that hasn't been done in centuries past, decades past.

So I say to my friend from New Mexico, take that out and we will move forward with this legislation and then deal with a few controversial issues. We don't have many controversial issues. This is a very good bill, and I think we can finish it in a day.

Let me also say this. We believe there should be certain rights protected. Also under this Constitution, we have a situation that was developed by our Founding Fathers in which Senators would give the executive branch—the President—recommendations for people to serve in the judiciary. Once these recommendations were given, the President would send the names back to the Senate and we would confirm or approve those names.

One of the problems we are having here is it is very difficult to get people approved, confirmed. We have one Senator from the State of Michigan, Mr. LEVIN, who for 1,300 days has been waiting to have a hearing for a very qualified, competent woman who wants to be confirmed and whose name has been sent to the White House by Senator LEVIN.

He wants a simple hearing before the Judiciary Committee. Senator HARKIN from Iowa is also waiting for a nominee to be reported out of the committee. We think that should be done. This has nothing to do with the energy and water bill. It does, however, have something to do with the other bills. We could have moved forward on the energy and water bill on Friday until this glitch came up.

There is lots and lots of work to do around here. We believe it would be extremely and vitally important to move the provision that allows the Fish and Wildlife Service to publish its manual, and not have a legislative roadblock for the management of the rivers in an appropriate fashion. The Fish and Wildlife Service is not for the upper basin States or against the lower basin States. They try to be an impartial ruler. That is what they are trying to do.

I say to my friend: Let the Fish and Wildlife Service go ahead and do what they need to do and get the energy and water bill brought before this body.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. REID. Mr. President, tomorrow the cloture motion on the motion to proceed to the Treasury-Postal bill will ripen 1 hour after we convene. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, during the 1 hour prior to the cloture vote, a motion to proceed to the China PNTR legislation is in order tomorrow morning. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, we look forward to the majority leader making that motion, and filing cloture, as he indicated he would. We will have to wait and see when that cloture vote occurs—either this week or when we get back after the break.

I apologize for taking so much time. The Senator from Nevada wishes to speak, but the Senator from New Mexico would like to be heard.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to respond. The Senator from Nevada does so well that I was almost going to come over and sit beside him and say he is right. The fact is, he is not right.

At this late stage—when he knows there is hardly a risk of our being able to get appropriations bills finished in a timely manner to keep the Government open—to tie appropriations bills up because a judge has not been appointed is not right. It might be that there is an argument about the judicial appointment, but is it right in the waning days of Congress, when we have about 25 working days left, for somebody to come along and say: Now it is my turn. I will not let any appropriations bills be approved by the Senate unless certain people are appointed to the judicial and judge positions in this country? I think it is not.

Second, this is not a partisan issue. I don't know if it is a minority versus majority party issue, because I think in the final analysis there are some people on that side of the aisle who would like to vote on their issue and who may not agree with the distinguished minority leader as to their interests for their respective States.

My last point is that we protect minority rights. But I wonder in this case, when it is obvious that Missouri River upper and lower groups are going to argue about this, if it is a question of protecting minority rights. It stands in the way of getting a vote on the issue. If it is important enough to the upper Missouri that they think it is very important but it is also similarly important to those on the lower Missouri, it would seem that the way to settle it is to let our colleagues understand the issue—that is what this Senate is all about—and let us vote. I don't quite understand why we can't vote. I wonder what is worrying people. The Senate expresses its views on many things. It resolves disputes such as this regularly.

But, in this case until some future date, who knows when we will not be permitted to express the collective Senate will by voting on this issue—which in 30 minutes could be known by all sides and all parties, and a good decision could be made by the Senate.

I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. BRYAN. I thank the distinguished occupant of the chair. Mr. President, I wish to change the focus of the discussion on the floor from the previous colloquy between the senior Senator from Nevada and the senior Senator from New Mexico.

ILLEGAL WAGERING ON COLLEGE SPORTS

Mr. BRYAN. Mr. President, earlier today, the Senator from Kansas, Mr. BROWNBACK, took to the floor and argued on behalf of a piece of legislation that would affect only my State and affect it in a very profound and negative way. The ostensible purpose of the legislation I think all of us can agree upon. I wish to put the discussion in context as I see it. We are talking about the illegal wagering on college sports, particularly wagering by underage college students, including student athletes. I think there is no disagreement that there is a serious problem and one that we recognize ought to be addressed in a very serious way.

The National Collegiate Athletic Association (NCAA) testified before the Commerce Committee, as they did before the National Gambling Impact Study Commission (NGISC), that there are illegal student bookies on virtually every college campus in the country, including some individuals with links to organized crime. I do not disagree with that assessment. The matter is so serious that some students have actually been threatened with bodily harm to collect gambling debts owed to illegal student bookies. I do not disagree with that assessment.

The NCAA has known at least since the three-part investigative series published by Sports Illustrated in 1995 that the illegal gambling problem on America's college campuses was widespread and growing. A recent University of Michigan survey found that nearly half of all male student-athletes nationwide—45 percent—gambled illegally on college and professional sports. A nationwide survey of NCAA Division I male basketball and football student-athletes conducted for the NCAA by a University of Cincinnati research team found that over one-fourth gambled in college sports. Sadly, a small number in each survey gambled on games in which they played. They were wrong.

Beyond the broader issue of the extent to which student-athletes, and students generally, gamble on sports illegally, there are the troubling cases of improper influence being exerted on student-athletes by those who seek financial gain from placing sports wagers on "fixed" games. This reprehensible conduct has reared its ugly head on occasion since at least the 1940s, particularly in the context of college basketball.

While the NCAA's recent rhetoric leaves the impression that such "point-shaving" or "fixing" of games is rampant, we can be thankful that the record belies the rhetoric. The two recent scandals of this type (those at Northwestern University and Arizona State University) took place over five years ago in the mid-1990s. The integrity of virtually all those who compete in college athletics is verified by the fact that there were a handful of such scandals in the 1990s out of the thousands of games played. While not a single sports bribery scandal should be tolerated, we need to know why they occur and by what means. The record is clear for those student-athletes who have violated the trust of their teammates and school by engaging in illegal sports wagering. As a result of their illegal wagering, they put themselves in debt to the point where they committed heinous acts of betrayal to pay off those debts to illegal bookies.

If merely passing laws prohibiting unregulated sports gambling were enough to stop it, the practice would not be so widespread today. Sports gambling has been illegal for decades in almost every state, and Congress acted in 1992 to prevent states from adding sports-based games to their state lotteries. The same statute, the Professional and Amateur Sports Protection Act, also prohibits persons from engaging in sports-based wagering schemes, contests, and sweepstakes.

Similarly, wagering on sports of any kind, college or professional, is already a violation of NCAA bylaw 10.3. A review of the NCAA's publicly available computer database of rules infractions cases indicates that, as of 1998 (the last year for which cases are posted), enforcement of bylaw 10.3 is infrequent and spotty at best.

The database reveals that the NCAA brought only 23 enforcement actions against student-athletes from 1996 to 1998, even though the University of Michigan and University of Cincinnati studies indicate that thousands of violations occurred. In some of the 23 cases, the violations centered on such routine practices as students wagering team jerseys with each other. In the face of organized student bookmaking operations with links to organized crime handling large sums of cash wagers, such an enforcement "strategy" is at best misplaced.

Against this backdrop of a serious national problem with illegal sports gambling, the legislation to which I referred, S. 2340, takes the very peculiar approach of targeting the only place in America where sports wagering is legal, regulated, policed, taxed, and confined to adults over age 21—the State of Nevada. Furthermore, the facts are that legal wagering in Nevada amounts to only about one percent of all sports gambling nationwide, 99 percent of which is already illegal. The NGISC estimated that illegal sports wagering in the United States ranged from $80 billion to $380 billion annually. In contrast, legal sports wagering in the State of Nevada last year totaled approximately $2.5 billion, with roughly a third of that amount bet on college sporting events.

The central question then, which supporters of the legislation fail to answer adequately, is how does preventing adult tourists and conventioneers from placing sports wagers in Nevada affect what happens on and off college campuses in the other 49 states. Each of the attempted answers to this central question is completely unpersuasive.

First, the central premise underlying this legislation is that eliminating the small amount of legal sports wagering in Nevada will cause newspapers across the country not to publish betting lines or point spreads, thereby curbing illegal gambling activity. This notion is further evidenced by the committee report accompanying S. 2340, the Amateur Sports Integrity Act, which states that ". . . point spreads are generated for no other reason than to facilitate betting on college sports." It is important to note that neither the Commerce Committee nor the NGISC took testimony from newspapers to determine if in fact they would cease publishing betting lines if sports gambling were made illegal in Nevada. Similarly, no testimony was taken to determine whether illegal sports wagering would be reduced even if newspapers ceased publishing this information. I made the point at the time of the hearing on S. 2340 that it's not too much to ask that such due diligence be conducted before a legal industry and its employees are legislated out of existence

Just recently the Newspaper Association of America broke their silence and shared their thoughts on this legislative proposal, and, not surprisingly, they completely refuted the primary argument put forth by the sponsors of this amendment. I'd like to share with my colleagues the content of their letter to the House Judiciary Committee.

This is a letter, dated June 7 of this year, addressed to the chairman and ranking member of the House Judiciary Committee. Let me read the operative provisions:

If Congress prohibits gambling on college sports, NAS believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, if not valuable, to newspaper readers who have no intention of betting on games.

That is a pretty clear statement that this association, representing America's newspapers, believes, notwithstanding any legislative prohibition, that newspapers in America will continue to publish these point spreads on games.

The letter goes on to point out:

According to a national Harris Poll survey of 1,024 respondents conducted during April 7–12, 70 percent of respondents who read or look at point spreads on college sports do so to obtain information about a favorite college team and to increase their knowledge about an upcoming sporting event. Only 11 percent of the respondents said that they read or look at point spreads on college sports to place a bet with a bookmaker. NAA believes that publication of point spreads provides useful information to millions of newspaper readers, of whom 96 percent are 21 and over (MRI Spring 2000 Study).

Second, pointing the spotlight on published point spreads in newspapers fails to acknowledge that an individual can obtain point spreads on college games through many different sources. These sources include sports talk shows on radio and television, magazines, toll-free telephone services and the Internet. Illegal bookies on college campuses and in the general population will continue to set the betting lines independent of any published point spread. Anyone who is intent on placing bets on games can and will obtain point spreads, even if they are not published in the newspaper.

Mr. President, I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEWSPAPER ASSOCIATION OF AMERICA,
Vienna, VA, June 7, 2000.

Hon. HENRY HYDE,
Chairman,
Hon. JOHN CONYERS,
Ranking Member,
Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE AND CONGRESSMAN CONYERS: The purpose of this letter is to respond to your request for comment on H.R. 3575, the Student Athlete Protection Act, which prohibits high school and college sports gambling in all States, including Nevada, where gambling on college sports is currently legal.

The Newspaper Association of America (NAA) is a nonprofit organization representing more than 2,000 newspapers in the U.S. and Canada. Most NAA members are daily newspapers, accounting for 87 percent of the U.S. daily circulation.

NAA understands the concern Congress has with respect to illegal sports gambling on college campuses, including the existence of illegal bookmaking operations that involve student-athletes as well as members of the general student population. Our comments on the proposed legislation are limited to an issue that has been raised concerning publication of point spreads on college sporting events, and whether a prohibition on gambling on college games will persuade newspapers not to publish point spreads on these games.

First, like all editorial decisions, the decision on whether to publish point spreads for college sporting events is made by each newspaper and the decision to publish or not publish will vary from newspaper to newspaper. If Congress prohibits gambling on college sports, NAA believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, it not valuable, to newspaper readers who have no intention of betting on games.

According to a national Harris Poll survey of 1,024 respondents conducted during April 7–12, 70 percent of respondents who read or look at point spreads on college sports do so to obtain information about a favorite college team and to increase their knowledge about an upcoming sporting event. Only 11 percent of the respondents said that they read or look at point spreads on college sports to place a bet with a bookmaker. NAA believes that publication of point spreads provides useful information to millions of newspaper readers, of whom 96 percent are 21 and over (MRI Spring 2000 Study).

Second, pointing the spotlight on published point spreads in newspapers fails to acknowledge that an individual can obtain point spreads on college games through many different sources. These sources include sports talk shows on radio and television, magazines, toll-free telephone services and the Internet. Illegal bookies on college campuses and in the general population will continue to set the betting lines independent of any published point spread. Anyone who is intent on placing bets on games can and will obtain point spreads, even if they are not published in the newspaper.

Finally, NAA applauds the sponsors of the legislation for resisting the temptation to impinge upon constitutionally protected freedoms of speech by proposing a prohibition on the publication or dissemination of point spreads on college games. Over the years, the Supreme Court consistently has recognized that a consumer's interest in the free flow of information "may be as keen, if not keener by far, than his interest in the day's most urgent political debate." *Virginia State Bd Of Pharmacy* v. *Virginia Citizens Consumer Council, Inc.*, 425 U.S. 763 (1976). We commend you and your colleagues for being particularly sensitive to maintaining the free flow of information, which citizens of this country have come to expect and enjoy.

NAA appreciates the opportunity to comment on this legislation before your committee.

Respectfully submitted,

JOHN F. STERN,
President and CEO.

Mr. BRYAN. Mr. President, the NCAA has threatened for years to deny NCAA-sponsored tournament press credentials to newspapers that publish lines, but they have never done so. These hollow threats are further evidence of the futility of this exercise.

Secondly, we have been told that this legislation, while admittedly no panacea, will "send a message" to students and others that sports gambling is illegal. Again, there is a complete absence of any empirical evidence or fact-based testimony that America's college students, or adults for that matter, will heed such a so-called "message." By this logic, we should reinstate Prohibition on serving alcohol to adults over the age of 21 to "send a message" to minors about drinking and to reduce binge drinking by underage students on college campuses. The absurdity of such an approach is self-evident, and it applies with equal force to this legislation.

The real message that this legislation will send is that shirking responsibility and pointing fingers at others is the appropriate manner in which to handle a serious national problem. Everyone should agree that a problem so pervasive on college campuses should be addressed comprehensively and with a serious commitment from the NCAA and its member institutions, including federal requirements enshrined in appropriate legislation.

While we heard considerable rhetoric at our Commerce Committee hearing concerning what the NCAA intends to do about illegal gambling on college campuses, there was very little testimony concerning what concrete steps at NCAA has taken to date. For example, the chairman of the NCAA's executive committee testified that during the ten years he has served as president of his university, he could not recall a single case of a student being expelled or otherwise disciplined for illegal gambling, even though he acknowledged there are illegal student bookies on his campus.

We are repeatedly told by the sponsors of this legislation that the NCAA has plans to set up its anti-gambling initiatives. The facts belie the accuracy of those assurances. For example, the NCAA's total operating revenue for 1998–99 was $283 million. Within the overall budget, there was a line item for "sports agents and gambling" that equaled $64,000. Similarly, the line item for 1999–2000 is $139,000 out of revenue of $303 million. Only three of nearly 300 NCAA employees are assigned to gambling issues, and those persons have other responsibilities in addition to illegal sports gambling.

The NCAA's own presentations to the NGISC and in other venues indicate that there are many other important steps that should be taken, beyond what this legislation would do, to address the problem of illegal gambling on college campuses. The NCAA and its members have failed to follow through on the very steps they recommended to the commission just one year ago. For example, much was made at our hearing about the NCAA's use of a new public service announcement during the telecast of the men's basketball tournament. There was little evidence that this PSA was shown either frequently or during times of maximum audience exposure. Furthermore, there is no indication that the NCAA followed the recommendation of the NGISC and specifics PSA commitments be written into the NCAA's television contracts. A $6 billion, 11-year deal for the television rights to the men's "March Madness" basketball tournament was signed by the NCAA with CBS Sports after the NGISC made this recommendation in its Final Report.

There is a serious need for a combination of enforcement, education, and counseling initiatives to address illegal gambling by high school and college students. Unfortunately, the Commerce Committee took no testimony from those individuals on campus, in our states, and at the Federal level who are charged with enforcing the laws that already make this activity illegal. Similarly, we heard very little from professionals whose job it is to educate students about the dangers of gambling abuse and to counsel those who suffer from such problems.

Finally, while this bill directly impacts Nevada, let me suggest to my colleagues we should be alarmed by the precedent that would be established if this bill becomes law. For over 200 years the Federal Government has deferred to the State to determine the scope and type of gaming that should be permitted within their borders. The Professional and Amateur Sports Protection Act preempted that authority as it relates to sports wagering, but only prospectively. If Congress sees fit to overturn Nevada's sports wagering statutes that have been on the books for many decades, it sets a dangerous precedent that should be cause for concern for the other 47 States with some form of legal gaming operations.

We all agree as to the serious nature of the problem. Unfortunately, the legislative proposal will do nothing to address that issue.

As I have said during my testimony before the Commerce Committee, this legislation is an illegal bookie's dream.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Arizona.

Mr. McCAIN. Mr. President, before my friend from Nevada leaves the floor, I intend to make a couple of comments on his statement. One of the most valued members of the committee is Senator BRYAN from Nevada.

Senator REID and I came to the House of Representatives together many years ago. I consider us to have a very warm and excellent relationship over many years.

I will miss Senator BRYAN very much as he leaves—not only the Senate but as a much valued member of our committee. Coincidentally, on the issue of sports, Senator BRYAN and I were able to work together on a couple of boxing issues that a lot of our Members did not care much about. But hopefully we were able to assist some people who come from the lowest economic rung of our society and prevent, at least to some degree, the exploitation to which many of them are subjected.

I preface my comments with a brief response to both Senators from Nevada. Again, I say that with respect and affection.

I did not invent this legislation, nor did it come from any Member of this body. It came as a result of the National Gaming Impact Study Commission, a commission that met for a long time and came up with this strong recommendation. Then the issue was picked up by the NCAA coaches. Some of the most respected men and women in America, obviously, are our college coaches, people of the level of Dean Smith, Joe Paterno, Jim Calhoun, and so many others who have made this a high visibility and important issue, at least to them, including the presidents of the colleges and universities across the country.

I will not rebut their comments or try to respond to all the comments made by Senator BRYAN, except to say I respect his view. But I do believe there is a compelling case that has been made, not by this Member but by the college coaches and the university presidents who say this is placing these young—as Coach Calhoun called them—kids in the path of temptation that is something that could be very unhealthy for them.

So I respect the views of my friends from Nevada. I hope we will have a vigorous debate on this issue, and hopefully we will be able to address it one way or another. But I do believe it is an issue of some importance, at least if you believe those who are closest to these young men and women, our college athletes.

Mr. BRYAN. Will the Senator yield for a moment?

Mr. McCAIN. I am happy to yield.

Mr. BRYAN. I will just acknowledge his very generous comments. I appreciate that.

Let me respond in turn. I have been privileged and honored to serve in that committee with him as chairman. We have worked on many, many issues, not only the athletic issues which we have addressed, but both of our respective jurisdictions are going to enjoy expanded air service as a result of his leadership, providing nonstop service to the Nation's Capital from our respective States. So I assure him my comments are in no way intended to be personal to him. It is a difference of opinion. The Senator from Arizona, who is a tenacious advocate and fearless defender of his own State, can understand the Senator from Nevada obviously has serious concerns. They are honest differences of opinion with the Senator from Arizona. I wanted to state that for the RECORD.

Again, I thank him for his very generous comments.

Mr. McCAIN. I thank Senator BRYAN. I will come to the floor sometime in September to chronicle his many accomplishments and the admiration and heartfelt affection I have for Senator BRYAN. But at the moment I say we will respectfully disagree. I think we will have both an interesting and, I hope, illuminating discussion of what has become, in the eyes of many, an important issue. I thank Senator BRYAN for his kind remarks. I will miss him, although I want to make it clear that he is not departing this Earth. In fact, he may be going to a much more rewarding and comfortable lifestyle.

THE SITUATION IN FIJI

Mr. McCAIN. Mr. President, let us imagine for a moment that a ragtag group of armed rebels in Australia was able to infiltrate the parliament in Canberra and put a gun to the head of the Australian Prime Minister. Let us imagine that these rebels, led by a failed indigenous businessman who claimed to speak for the native people and against those of European descent who had "colonized" the island, held the Prime Minister and members of his government hostage for several months in the Parliament building. Let us also imagine that, during this period, central government authority across Australia withered as armed gangs set up roadblocks, occupied police stations and military barracks, torched homes and businesses owned by those with different ancestry, seized tourist resorts, and generally terrorized innocents across the country.

What would America's response be to such a violent takeover of a democratic government and the abduction of its prime minister by race-baiters who proclaimed that under their "new order," there would be no place in government or, indeed, in society for those with different ethnic roots, and who reveled in the armed chaos they had inspired? At a minimum, I would expect the United States to impose tough sanctions on the illegitimate regime; mobilize our allies in Asia and at the U.N. Security Council to speak forcefully and with one voice against the coup; and join like-minded nations in resolutely affirming that the country in question would suffer lasting isolation and international condemnation until constitutional governance and the rule of law were restored.

Unfortunately, this scenario is playing out as we speak in Australia's neighbor Fiji, an island nation in the South Pacific that is home to some of the warmest, most gentle people I have had the pleasure of meeting. George Speight, an ethnic Fijian and failed businessman, led a coup on May 19 that toppled Fiji's democratically elected government and its first Indo-Fijian prime minister, Mahendra Chaudhry. Speight, whom the Economist calls a "classic demagogue," is utterly disdainful of democracy, law, and Fijians of Indian descent, who constitute 44 percent of their nation's population.

If Speight has his way, democratic rule, racial harmony, and basic justice in Fiji have no future, and nearly half of Fiji's people, disenfranchised by the coup, will have been relegated to the status of second-class citizens and unwitting hostages of a government that abhors them for the color of their skin. As Speight bluntly puts it:

> There will never be a government led by an Indian, ever, in Fiji. Constitutional democracy, the common-law version—that will never return.

The hostages, including the deposed Prime Minister, have been released, and Speight's forces have apparently cut a deal with Fiji's military and traditional leaders for the composition of a new government—a government led by an ailing figurehead controlled by the coup leader. The new cabinet will be comprised exclusively of ethnic Fijians, with the sole official of Indian descent relegated to a non-cabinet post as one of two assistant ministers for multi-ethnic affairs. The country's multi-racial constitution has been officially scrapped in favor of a document being prepared by the new government that "is almost certain to reduce Indo-Fijians to political footnotes," in the words of one observer. The economy, and the tourist industry that sustains it, are in shambles.

Democracy is dead in Fiji. Rule by law has succumbed to the law of the jungle and one man, in league with armed criminals, has personally destroyed a successful experiment in representative, multi-ethnic rule. The United States must stand firm in our absolute refusal to ratify the results of a coup that ended democratic governance in Fiji. We cannot and shall not condone the violent establishment of a government and a constitution predicated on racial exclusion. We should be prepared to suspend what little amount of assistance we provide to Fiji if the government remains intransigent. More importantly, we and our allies in Asia and Europe should make clear that Fiji will remain isolated until the interim government in Suva establishes a clear blueprint for a return to democratic rule by an administration that does not include George Speight and his criminal allies. We cannot compromise on the principle that the Indo-Fijians who constitute nearly half of their nation's population must once again have a voice in its affairs.

The haunting words of an ethnic Fijian social worker vividly capture the agony of a nation that many people believe to be as close to paradise as can be found on this Earth. He laments: "Fiji was such a nice place. We promoted it as 'the way the world should be.' Now it is the devil's country."

Let us use the resources at our disposal as a great and moral nation to oust this devil and return Fiji's government to all of its people.

I ask unanimous consent that the text of an editorial from the July 19th edition of the Wall Street Journal entitled "Goodbye to Fiji" be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCAIN. Mr. President, I have two additional comments.

There is a lot of unrest in Asia today. Indonesia is ridden with ethnic strife, a very important country that is the largest Moslem country in the world and one whose fortunes, economically and ethnically, have declined severely.

The Solomon Islands, an area where American blood was shed many years ago, has been mistreated by ethnic strife and armed gangs taking over and lawlessness and banditry being the order of the day there.

In Fiji, we see, again, ethnic unrest that is harmful not only to the country, but the people who are most affected first will be the poorest people in Fiji, many of them the ethnic Fijians whose livelihood is gained from the now disappearing tourist industry.

Finally, the United States has a special obligation as the world's leader. I think we as Americans are most proud that, following World War II, we began to redress some of the wrongs we had inflicted on some of our own fellow citizens. After a titanic civil rights struggle, we are at least on the path to assuring equality for all in this great Nation of ours. For us to sit by and watch an ethnic group be subjected to a constitution and rulers that place them in a permanent inferior status, flies in the face of everything the United States has stood for and, clearly, in our assertion that all men and women are created equal and endowed by our Creator with certain inalienable rights.

I hope the administration, the American people, and those of our allies, in Asia and all over the world, including at the United Nations, will do whatever they can to restore equality and equal opportunity in this very lovely island.

It is important for me to note that I visited this beautiful country on several occasions, which is one reason why I have a very special feeling for it and a special sense of sadness because it is a beautiful country filled with very gentle people.

I yield the floor.

EXHIBIT 1

GOODBYE TO FIJI

Say goodbye to Fiji, and say it soon. The country is going rapidly down the tubes.

Two months ago, Fiji wasn't such a bad place. It ambled along at a South Pacific pace. The locals were laid back and well fed, and prone to a languor induced by regular cups of kava, the narcotic beverage of preference in those parts. Tourists flocked in from Australia and New Zealand, attracted to resorts with names like Buca Bay, Rukuruku and Turtle Island, where "The Blue Lagoon"—an execrable film that launched the cinema career of Brooke Shields—was shot 20 years ago. In a nutshell, Fiji was so serene that even honeymooners from the American Midwest were not ruffled by the grueling journey it took to get there.

All that changed on May 19, when a man called George Speight barged into parliament with a throng of thugs and took Mahendra Chaudhry, the Prime Minister, hostage—along with most of the country's cabinet. They were released only last week, and have all been stripped of office.

Mr. Speight is an ethnic Fijian, of Melanesian stock, and Mr. Chaudhry is of Indian descent, as is 44 percent of the country's population. The former maintains that he was acting in the interests of the Melanesian majority, who constitute just over half of all Fijians. The Indians, he declares, are "the exploiters" and "the enemy." Unabashedly racial in his vision of Fiji, he insists on the permanent exclusion of Indians from government office. He calls also for curbs on the commercial mobility of Indians, who control a lion's share of the Fijian economy.

The Indians, cast as "outsiders" by Mr. Speight, are descended from indentured plantation workers who were brought to the archipelago by the colonial British administration a century ago. Most Indians are fourth-generation Fijians. From where we stand, that makes them no less entitled to all the rights of citizenship—whether political or commercial—than an ethnic Fijian might be.

Mr. Speight doesn't see things that way. Neither, alas, does Fiji's Great Council of Chiefs, a body of tribal elders that enjoys ill-defined, but very real, powers under the country's racially skewed customary law. To their discredit, the chiefs have given their imprimatur to Mr. Speight's objectives, as have sections of the armed forces.

The country's interim prime minister, appointed by the army chief while Mr. Chaudhry was hostage, last week unveiled a "Blueprint" for the "protection" of indigenous Fijians. The document comprises an ill-judged plan for commercial affirmative action, designed to "advance the interests of" the country's ethnic majority. Indians are to be excluded in areas where they are "overrepresented," and ethnic Fijians are to get preferential royalties, subsidies, tax breaks, rents and licenses.

The problem with this ethnic gravy train, of course, is that Fiji will soon run out of gravy. The sugar industry, manned by Indians, is in disarray. Tourism, which contributes $235 million per annum to the economy—and which is second only to sugar in Fiji's economic schema—has ground to a jarring halt. After the recent invasions of luxury resorts by knife wielding "traditional landowners," it's hard to see those Aussies, Kiwis and Midwestern honeymooners coming back. A flight of disenfranchised Indo-Fijians to Australia and New Zealand is under way. This will drain Fiji of its best technical and entrepreneurial stock.

Mr. Speight and his cohorts will learn swiftly that running an economy is a lot harder than storming a parliament. Theirs is no more than a blueprint for economic suicide.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank my colleague, the Senator from Arizona, for his remarks in regard to this challenge, especially as it relates to the South Pacific.

Today, we have received very troublesome information about parts of Indonesia where there is this kind of tension which is threatening the peace, well-being, and the capacity of individuals to exercise their own religious beliefs in ways they see fit. This troublesome disorder is to be noted and understood, and we should speak out on it. I thank the Senator from Arizona for his remarks.

THE MISSOURI RIVER SYSTEM

Mr. ASHCROFT. Mr. President, I rise today to talk about something closer to home for me. Perhaps one of the most important things that has ever been known or understood in the economy of Missouri is the Missouri River. It is part of the lifeblood of our State. It transports commerce from one part of the State to another and from our State down through the Mississippi to the Gulf of Mexico and around the world.

There are some troublesome issues regarding the flows in the Missouri River. They relate to the energy and water appropriations bill which includes specific measures relating to language in this year's bill that is identical to language found in previous bills.

Under normal Senate procedure once a committee acts and reports out a bill, the bill comes to the floor, and if a Senator does not like a certain provision in the bill, then that Senator has the right to move to strike that position. That is a guaranteed right.

However, it appears that one of the provisions, which is totally consistent with language that has been in previous bills regarding flows in the Missouri River system, is not to the liking of some individual Senators. In particular, the minority leader has indicated his opposition to Section 103. Senator DASCHLE has done what he could to prevent debate on this section, and has worked to make sure the bill does not come to the floor at all.

That is a harsh and inappropriate way for us to act. If any Senator does not like a provision, then that Senator can move to strike the provision, and the Senate can vote on such a motion. Unfortunately, this election to stall: to interrupt the progress and business of the Senate; to say we do not want to allow a bill to come to the floor as it was reported by the committee and as it has come year after year is a way to interrupt the business of the Senate, is inappropriate.

I was pleased that earlier this afternoon the majority leader filed a cloture motion on the energy and water appropriations measure, but it is unfortunate that he had to do so. I regret the majority leader had to take such action, but because the Democrats insisted on stalling the normal legislative process, such action was necessary.

The Missouri River and the Mississippi River are the two most valued treasures of Missouri citizens. They are essential for not only transportation in our State but about 40 percent of all the people in our State get their drinking water out of those rivers. They are important for irrigation and for cost-efficient transportation.

I have had the privilege through the decades of fighting to protect that resource, not only for human consumption but for transportation as well. As attorney general, I was involved in litigation that went all the way to the Supreme Court. I was pleased to be part of that, to be a moving factor in that litigation which protected our waterflows at that time in the river.

I watched as the Missouri River, when it had inadequate flows, paralyzed a community. I remember years ago when I was Governor, an ice bridge developed. This was a natural impairment of the flow north of Missouri in the river and north of the city of St. Joseph. Instead of the water flowing down, the ice jam backed up the water.

The river levels fell and a great city such as St. Joseph, MO, was without water. When I went to look at the water intake facility for St. Joseph, I noticed the water was a foot or two below the intake. We worked night and day to get a new pump and a new system of drawing water out of the river. Proper river flows are essential to the well-being of our State.

In the committee report of the energy and water appropriations bill, Section 103 prohibits the expenditure of resources to diminish the flow or to otherwise tamper with the flow of the river because the river flows are so essential to the well-being of our State. The Corps' plan for rewriting the way the river will be managed is known as the Missouri River Master Manual. It would send additional surges of water down in the spring, which would cause flooding, and withhold additional water in the fall, which would cause low levels in the river.

If you make the level of the river low in the fall, the crop which has been grown can't be shipped as efficiently when there is inadequate river flow for transportation. Of course, you may not have a crop to ship if in the spring you release so much water that you cause widespread flooding. This flooding potential concerns many of our communities. I have worked closely with the rest of the Missouri delegation in the Congress, the Missouri Farm Bureau, and the Mid-America Regional Council 2000. We uniformly oppose management of the river in a way that would cause flooding in the Spring, and then a restriction of the flow of the river in the fall which would make impossible the kind of transportation upon which our farm, agricultural, and other industries must rely.

The U.S. Fish and Wildlife Service has recently recommended to the Army Corps of Engineers a spring pulse or spring rise on the Missouri River. This recommendation is irresponsible and dangerous. The U.S. Fish and Wildlife Service wants to do this because it is interested in improving environmental conditions for certain species of fish and birds. We all are concerned about fish and birds, the shorebirds, the piping plover, and the shark-like pallid sturgeon fish. But this protection should not come at the expense of the lives of thousands of people living downstream.

Section 103 to H.R. 4733, forbids any funding in the bill from being used to revise the Missouri River Master Water Control Manual to allow for an increase in the springtime water release program during the spring heavy rainfall and snowmelt period in the States. This spring release, or spring rise, or spring pulse would be dangerous for all citizens living and working downstream from Gavins Point, located on the border of Nebraska and South Dakota.

It normally takes about 12 days for water to travel from Gavins Point to St. Louis. During the spring, weather in the Midwest is especially unpredictable. It is usually said if you don't like the weather, just wait a bit. If it is that unpredictable, especially in the spring, it is very difficult to correctly predict the weather for a 12-day period. And if you are going to send a big pulse of water down the river and then, as you are in the process of doing so, there is a substantial rainstorm or series of storms that develop, the very purpose of restricting flooding and providing a basis for reasonable flow in the river is defeated. If you are already sending a charge of water down the river that is closer to the capacity of the river, any additional rain from nature would create widespread flooding in the downstream communities.

The combination of a spring rise and a heavy rain during the 12-day period would increase greatly the chances for downstream flooding. The spring rise would come at a time of the year when downstream citizens are the most vulnerable to flooding. The Corps' plan provides less flood control and less navigability than the current plan, thus it should not be imposed.

I oppose the Corps' plan for rewriting the Missouri River Master Manual, and I call on the Corps to adopt a plan that better suits a balance among water uses. If the President decides, after we have passed the bill with this same provision in it that we have had in it for the last several years, to veto it, it is his prerogative. But what that tells the citizens of the lower Missouri basin is that the Clinton-Gore administration is willing to flood downstream midwestern communities. It is that simple. Section 103 provides the necessary protection for all citizens downstream from the Gavins Point Dam who live and work along the banks of the Missouri River.

In closing, each Senator is entitled to his or her opinion on any piece of legislation, but the Senator should understand that that opinion should be reflected in the legislative process with opportunities to strike. That opinion should not be expressed by keeping legislation reported by committees from coming to the floor. We simply want to debate section 103 and any motion with regard to this commonsense provision. We are willing to live by the will of the Senate in determining what should be the outcome. We believe the availability of this legislation should not be curtailed, especially since it includes identical language found in the last several years of this same energy and water appropriations. As a matter of fact, it is the will of the committee which has sent it to the floor.

With that in mind, I look forward to working to protect the interests of Missouri citizens, to protect them against flooding in the spring and to protect the output and available water resources for a flow which will support navigation in the fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

JUDICIAL NOMINEES

Mr. LEAHY. Mr. President, I am sorry I was not on the Senate floor to hear Chairman HATCH earlier this afternoon. I was attending an important confirmation hearing and chairing a meeting of the bipartisan Internet Caucus. I spoke to the issue of judicial nominations last Friday and say, again, with 60 current and longstanding vacancies within the federal judiciary, and seven more on the horizon, we cannot afford to stop or slow down the little progress we are making.

Our hearing today included three nominees moved forward to fill positions on the District Court of Arizona that have all been declared judicial emergencies. Each of the nominees was nominated last Friday. They are now having their hearing, they look forward to being voted out of committee on Thursday and approved by the Senate before the week is out—within one week of nomination. This demonstrates what we can do when we want to take action. All the talk about needing six months or more to process and review nominees is just that—talk. If all goes according to schedule, these nominees will be in and out of the Senate in less than one week.

We could do that with a number of nominees. Instead, this is a Senate that has kept highly-qualified nominees, such as Richard Paez and Marsha Berzon, waiting for years before they get a vote. There is just no reason to have a qualified nominee like Judge Helene White of Michigan held hostage for over 42 months without a hearing.

I am disappointed to have seen another hearing come and go without even one nominee to fill one of the many vacancies to the Courts of Appeals around the country. I was encouraged to hear Senator LOTT recently say that he continues to urge the Judiciary Committee to make progress on judicial nominations. The Majority Leader said: "There are a number of nominations that have had hearings, nominations that are ready for a vote and other nominations that have been pending for quite some time and that should be considered." He went on to note that the groups of judges he expects us to report to the Senate will include "not only district judges but circuit judges." Unfortunately, the Committee has not honored the Majority Leader's representations and was only willing to consider a few District Court nominees at today's hearing. Pending before the Committee are a dozen nominees to the Federal Courts of Appeals who are awaiting a hearing—12 nominees, not one of which the Republican Majority saw fit to include in this hearing. Left off the agenda are Judge Helene White of Michigan, who is now the longest pending judicial nomination at over 42 months without even a hearing; Barry Goode, whose nomination to the Ninth Circuit was the subject of Senator FEINSTEIN's statements at our Committee meeting last Thursday and who has been pending for over two years; as well as a number of qualified minority nominees whom I have been speaking about throughout the year, including Kathleen McCree Lewis of Michigan, Enrique Moreno of Texas and Roger Gregory of Virginia.

I noted for the Senate last Friday that there continue to be multiple vacancies on the Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 20 vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I know how fond our Chairman is of percentages, so I note that the vacancy rate for our Courts of Appeals is more than 11 percent nationwide. Of course that vacancy rate does not begin to take into account the additional judgeships requested by the Judicial Conference to handle their increased workloads. If we added the 11 additional appellate judges being requested, the vacancy rate would be 16 percent. By comparison, the vacancy rate at the end of the Bush Administration, even after a Democratic Majority had acted in 1990 to add 11 new judgeships for the Courts of Appeals, was only 11 percent. Even though the Congress has not approved a single new Circuit Court position within the federal judiciary since 1990, the Republican Senate has by design lost ground in filling vacancies on our appellate courts.

At our first Judiciary Committee meeting of the year, I noted the opportunity we had to make bipartisan strides toward easing the vacancy crisis in our nation's federal courts. I believed that a confirmation total of 65 by the end of the year was achievable if we made the effort, exhibited the commitment, and did the work that was needed to be done. I urged that we proceed promptly with confirmations of a number of outstanding nominations to the Court of Appeals, including qualified minority and women candidates.

Yet only five nominees to the appellate courts around the country have had nomination hearings this year and only three of those five have been reported by the Committee to the Senate and confirmed—only three all year. The Committee included no Court of Appeals nominees at the hearings on April 27 and July 12, and there are no Court of Appeals nominee at the hearing today. The Committee has yet to report the nomination of Allen Snyder to the District of Columbia Circuit, although his hearing was 11 weeks ago, or the nomination of Bonnie Campbell to the Eighth Circuit, although her hearing was eight weeks ago. The Republican candidate for President talks about final Senate action on nominations within 60 days and we cannot get the Committee to report some nominations within 60 days of their hearing.

There is no good reason to have a qualified nominee such as Judge Helene White of Michigan held hostage for over 42 months without a hearing—42 months, and she has not even gotten a hearing. We had two men who were nominated last Friday, and they had a hearing today. They will probably be confirmed this week. Helene White has been held hostage for over 42 months without a hearing. She is the record holder for judicial nominees who have had to wait for a hearing—and her wait continues. It is insulting to the people of Michigan, insulting to the court, and insulting to her. The people of Michigan deserve a vote up or down on this outstanding lawyer and Judge from Michigan.

Now why do I keep mentioning this? I keep mentioning it because, frankly, we are doing a poor job in confirming judges. I compare this to the last year of President Bush's term. We had a Democratic majority in the Senate. We confirmed twice as many judges then as this Senate is confirming now with a Republican majority and a Democratic President. Something was said the other day that, well, the Democrats are in the minority, and that is probably why they complain so. Well, heavens, I would be happy to have the complaints of the Republicans when they were in the minority. The Democrats moved twice as many judges for a Republican President as Republicans are moving for a Democratic President. It is a simple fact.

The soon-to-be presidential nominee of the Republican Party has said—and I agree with him—that this is wrong, the Senate ought to vote these people up or down in 60 days. Of course, we could do that. There is a concern that has been expressed—and rightly so—that so many nominees are held without any vote. Nobody votes against them, but nobody gets an opportunity to vote for them; they just sit there. And even though the criticism stings, the fact is that, on average, women and minorities take longer to go through this Senate than white males do. Some women, some minorities have gone through very quickly, but most have taken longer.

I said earlier that I do not see any sense of bias or sexism in our chairman. I have known him for over 20 years, and I have never heard him make a biased remark or a sexist remark during that whole time. But something is happening, somewhere they are being held up. It is wrong. One of the things that most Republicans and Democrats ought to be able to agree on is what Governor Bush said: Do it and vote them up or down in 60 days. Let's make a decision.

Some of these people got held up for 2 or 3 or 4 years. When they finally got a vote, they passed overwhelmingly. But for 2 or 3 or 4 years they were humiliated, caused to dangle, have their law practices fall apart, have people question what was going on. Why? Because one or two Senators thought they should be held up. Well, let those one or two Senators vote against them. We are paid to vote yes or no, not maybe. I do not know whether it is because they are women, because they are Hispanic, because they are too liberal, or too conservative, too active, not active enough, that people don't want them to be confirmed. Let them vote against them.

I argued, when we had a very distinguished African American justice of a State supreme court, that we ought to let him at least have a vote. We had a vote after 2 years and, on a party line vote, he was voted down. Every single Republican voted against him, and every single Democrat voted for him, even though he had the highest rating of the American Bar Association, even though he was a justice of his state's highest court, and even though he was one of the most outstanding nominees either of a Democratic or Republican President to come before the Senate. At least he had a vote. I think the vote was wrong; he should have been confirmed. But at least he had a vote.

I also worry about are all these people who are not even given a vote.

Senator HATCH compared this year's confirmation total against totals from other Presidential election years. The only year to which this can be favorably compared is 1996 when the Republican majority in the Senate refused to confirm even a single appellate court judge to the Federal bench. The total that year was zero. That is hardly a comparison in which to take pride. I say let us compare 1992, in which there was a Democratic majority in the Senate and a Republican President. We confirmed 11 court of appeals nominees during that Republican President's last year in office—11 court of appeals nominees, and 66 judges in all. In fact, we went out in October of that year. We were having hearings in September. We were having people confirmed in October.

So do not come here and say the Democrats are not well grounded in complaining about what is happening. We established the way nonpartisanship can work in confirming judges. We did it for Republican Presidents. Obviously, it is not being done for a Democratic President. What we did in 1992, between July 24 and October 8, was the Senate confirmed 32 judicial nominees. We ought to try to do the same here, basically, from now until about the time we go out. Again, the last time that happened at the end of a President's term, the Democrats helped get 32 judges through during that period of 10 weeks at the end of the Congress. Well, we ought to do the same here. The Republicans ought to be willing to do the same thing.

In fact, in 1992 the Committee held 15 hearings—twice as many as this Committee has found time to hold this year. Late that year, we met on July 29, August 4, August 11, and September 24, and all of the nominees who had hearings then were eventually confirmed before adjournment. We have a long way to go before we can think about resting on any laurels.

Having begun so slowly in the first half of this year, we have much more to do before the Senate takes its final action on judicial nominees this year. We cannot afford to follow the "Thurmond Rule" and stop acting on these nominees now in anticipation of the presidential election in November. We must use all the time until adjournment to remedy the vacancies that have been perpetuated on the courts to the detriment of the American people and the administration of justice. That should be a top priority for the Senate for the rest of this year. In the last 10 weeks of the 1992 session, between July 24 and October 8, 1992, the Senate confirmed 32 judicial nominations. I will work with the Republican Majority to try to match that record.

One of our most important constitutional responsibilities as United States Senators is to advise and consent on the scores of judicial nominations sent to us to fill the vacancies on the federal courts around the country. I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That these highly qualified nominees are being needlessly delayed is most regrettable. The President spoke to this situation earlier this month in his appearance before the NAACP. The Senate should join with the President to confirm these well-qualified, diverse and fair-minded nominees to fulfill the needs of the federal courts around the country.

The Arizona vacancies are each judicial emergency vacancies. Two were authorized in appropriations legislation last year when the Republicans Majority continued its refusal to consider a bill to meet the judicial Conference's recommendation for 72 additional judges around the country. All we were able to authorize were a few judgeships in Arizona, Florida and Nevada. That points out one of the reasons that the comparisons that Chairman HATCH is seeking to draw to the vacancy rates at the end of the Bush Administration are incorrect. During President Reagan's Administration and again during the Bush Administration, Congress added a significant number of new judgeships. The so-called vacancy rate that Senator HATCH is so fond of citing at the end of the Bush Administration is highly inflated by the addition of 85 new judgeships in 1990 and by the addition of 87 new judgeships in 1984, of which many where yet to be filled. By contrast the vacancies currently plaguing the federal courts are longstanding and in spite of Republican intransigence against authorizing additional judgeships requested by the Judicial Conference since 1996. If those additional judgeships were taken into account, the vacancy rate today would be over 13 percent with over 120 vacancies—hardly a comparison that the Republican majority would want to make, but that would be comparing comparable figures.

In addition, even running the gauntlet and getting a confirmation hearing does not automatically guarantee someone a vote before the current Judiciary Committee. Bonnie Campbell, nominated by the President on March 2, 2000, has completed the nomination and hearing process and is strongly supported by Senator GRASSLEY and Senator HARKIN from her home state. But her name continues to be left off the agenda at our executive meetings for the last several weeks. She is a former Iowa Attorney General and former high ranking Justice Department official who has worked extensively on domestic violence and crime victims matters. Allen Snyder is another well-respected and highly-qualified nominee who got a hearing but no Committee vote. He was nominated on September 22, 1999, received the highest rating from the ABA, enjoys the full support of his home state Senators, and had his hearing on May 10, 2000. There are and have been many others.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the federal courts around the country.

More than two years ago Chief Justice William Rehnquist warned that "vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary." The New York Times reported last year how the crushing workload in the federal appellate courts has led to what it calls a "two-tier system" for appeals, skipping oral arguments in more and more cases. Law clerks and attorney staff are being used more and more extensively in the determination of cases as backlogs grow. Bureaucratic imperatives seem to be replacing the judicial deliberation needed for the fair administration of justice. These are not the ways to continue the high quality of decision-making for which our federal courts are admired or to engender confidence in our justice system.

When the President and the Chief Justice spoke out, the Senate briefly got about its business of considering judicial nominations last year. Unfortunately, last year the Republican majority returned to the stalling tactics of 1996 and 1997 and judicial vacancies are again growing in both number and duration. Chief Justice Rehnquist wrote at the end of 1997: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down." The Senate is not defeating judicial nominations in up or down votes on their qualifications but refusing to consider them and killing them through inaction.

During Republican control it has taken two-year periods for the Senate to match the one-year total of 101 judges confirmed in 1994, when we were on course to end the vacancies gap. Nominees like Judge Helene White, Barry Goode, Judge Legrome Davis, and J. Rich Leonard, deserve to be treated with dignity and dispatch—not delayed for two and three years. We are still seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges. Nominees practicing law see their work put on hold while they await the outcome of their nominations. Their families cannot plan. They are left to twist in the wind. All of this despite the fact that, by all objective accounts and studies, the judges that President Clinton has appointed have been a moderate group, rendering moderate decisions, and certainly including far fewer ideologues than were nominated during the Reagan Administration.

Federal law enforcement relies on judges to hear criminal cases, and individuals and businesses pay taxes to exercise their right to resolve civil disputes in the federal courts. As workloads continue to grow and vacancies are perpetuated, the remaining judges are being overwhelmed and the work of the federal judiciary is suffering.

Our independent federal judiciary sets us apart from virtually all others in the world. Every nation that in this century has moved toward democracy has sent observers to the United States in their efforts to emulate our judiciary. Those fostering this slowdown of the confirmation process and other attacks on the judiciary are risking harm to institutions that protect our personal freedoms and independence.

What progress we started making two years ago has been lost and the Senate is again failing even to keep up with normal attrition. Far from closing the vacancies gap, the number of current vacancies has grown from 57, when Congress recessed last year, to 60. Since some like to speak in terms of percentage, I should note that the judicial vacancy rate now stands at over seven percent of the federal judiciary (60/852). If one considers the 63 additional judges recommended by the judicial conference, the vacancies rate would be over 13 percent (123/915).

What is most significant about the recent trend of judicial vacancies and vacancy rates is that the vacancies that existed in 1993 (after the creation of 85 new judgeships in 1990) had been cut almost in half in 1994, when the rate was reduced to 7.4% with 63 vacancies at the end of the 103rd Congress. We continued to make progress even into 1995. In fact, the vacancy rate was lowered to 5.8% after the 1995 session, and before the partisan attack on federal judges began in earnest in 1996 and 1997.

Progress in the reduction of judicial vacancies was reversed in 1996, when Congress adjourned leaving 64 vacancies, and in 1997, when Congress adjourned leaving 80 vacancies and a 9.5% rate. No one was happier than I that the Senate was able to make progress in 1998 toward reducing the vacancy rate. I praised Senator HATCH for his effort. Unfortunately, the vacancies are now growing again.

Let me also set the record straight, yet again, on the erroneous but oft-repeated argument that "the Clinton Administration is on record as having stated that a vacancy rate just over 7% is virtual full-employment of the judiciary." That is not true.

The statement can only be alluded to an October 1994 press release. That press release cannot be construed or even fairly misconstrued in this manner. That press release was pointing out at the end of the 103rd Congress that if the Senate proceeded to confirm the 14 nominees then on the Senate calendar, it would have reduced the judicial vacancy rate to 4.7%, which the press release then proceeded to compare to a favorable unemployment rate of under 5%.

This was not a statement of administration position or even a policy statement but a poorly designed press release that included an ill-conceived comment. Job vacancy rates and unemployment rates are not comparable. Unemployment rates are measures of people who do not have jobs not of federal offices vacant without an appointed office holder.

When I learned that some Republicans had for partisan purposes seized upon this press release, taken it out of context, ignored what the press release actually said and were manipulating it into a misstatement of Clinton administration policy, I asked the Attorney General, in 1997, whether there was any level or percentage of judicial vacancies that the administration considered acceptable or equal to "full employment."

The Department responded:

> There is no level or percentage of vacancies that justifies a slow down in the Senate on the confirmation of nominees for judicial positions. While the Department did once, in the fall of 1994, characterize a 4.7 percent vacancy rate in the federal judiciary as the equivalent of the Department of Labor 'full employment' standard, that characterization was intended simply to emphasize the hard work and productivity of the Administration and the Senate in reducing the extraordinary number of vacancies in the federal Article III judiciary in 1993 and 1994. Of course, there is a certain small vacancy rate, due to retirements and deaths and the time required by the appointment process, that will always exist. The current vacancy rate is 11.3 percent. It did reach 12 percent this past summer. The President and the Senate should continually be working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the federal bench.

At no time has the Clinton administration stated that it believes that 7 percent vacancies on the federal bench is acceptable or a virtually full federal bench. Only Republicans have expressed that opinion. As the Justice Department noted two years ago in response to an inquiry on this very questions, the Senate should be "working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the federal bench."

Indeed, I informed the Senate of these facts in a statement in the CONGRESSIONAL RECORD on July 7, 1998, so that there would be no future misunderstanding or misstatement of the record. Nonetheless, in spite of the facts and in spite of my July 1998 statement, these misleading statements continue to be repeated.

The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed with justification for too long. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility. It should not be shirked.

I am sorry that Senator HATCH feels that he is being attacked from all sides. I regret that some on his side of the aisle and other critics have sought to prevent him from doing his duty. I have gone out of my way to compliment the Chairman when praise was warranted and to keep my criticism from becoming personal.

With respect to the Senate's treatment of nominees who are women or minorities, I remain vigilant. I have said that I do not regard Senator HATCH as a biased person. I have also been outspoken in my concern about the manner in which we are failing to consider qualified minority and women nominees over the last four years. From Margaret Morrow and Margaret McKeown and Sonia Sotomayor, through Richard Paez and Marsha Berzon, and including Judge James Beatty, Judge James Wynn, Roger Gregory, Enrique Moreno and all the other qualified women and minority nominees who have been delayed and opposed over the last four years, I have spoken out. The Senate may never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice Ronnie White to be a Federal District Court Judge in Missouri.

The United States Senate is the scene where some 50 years ago, in October 1949, the Senate confirmed President Truman's nomination of William Henry Hastie to the Court of Appeals for the Third Circuit, the first Senate confirmation of an African American to our federal district courts and courts of appeal. This Senate is also where some 30 years ago the Senate confirmed President Johnson's nomination of Thurgood Marshall to the United States Supreme Court.

And this is where last October, the Senate wrongfully rejected President Clinton's nomination of Justice Ronnie White. That vote made me doubt seriously whether this Senate, serving at the end of a half century of progress, would have voted to confirm Judge Hastie or Justice Marshall.

On October 5, 1999, the Senate Republicans voted in lockstep to reject the nomination of Justice Ronnie White to the federal court in Missouri—a nomination that had been waiting 27 months for a vote. For the first time in almost 50 years a nominee to a federal district court was defeated by the United States Senate. There was no Senate debate that day on the nomination. There was no open discussion—just that which took place behind the closed doors of the Republican caucus lunch that led to the party-line vote.

It is unfortunate that the Republican Senate has on a number of occasions delayed consideration of too many women and minority nominees. The treatment of Judge Richard Paez and Marsha Berzon are examples from earlier this year. Both of these nominees were eventually confirmed this past March by wide margins.

I have been calling for the Senate to work to ensure that all nominees are given fair treatment, including a fair vote for the many minority and women candidates who remain pending. According to the report released last September by the Task Force on Judicial Selection of Citizens for Independent Courts, the time it has been taking for the Senate to consider nominees has grown significantly and during the 105th Congress, minorities and women nominees took significantly longer to gain Senate consideration than white male nominees: 60 days longer for non-whites, and 65 days longer for women than men. The study verified that the time to confirm female nominees was now significantly longer than that to confirm male nominees—a difference that has defied logical explanation. They recommend that "the responsible officials address this matter to assure that candidates for judgeships are not treated differently based on their gender."

On July 13, 2000, President Clinton spoke before the NAACP Convention in Baltimore and lamented the fact that the Senate has been slow to act on his judicial nominees who are women and minorities. He said: "The quality of justice suffers when highly-qualified women and minority candidates, fully vested, fully supported by the American Bar Association, are denied the opportunity to serve for partisan political reasons." He went on to say: "The face of injustice is not compassion; it is indifference, or worse. For the integrity of the courts and the strength of our Constitution, I ask the Republicans to give these people a vote. Vote them down if you don't want them on." I agree with the President.

The Senate should be moving forward to consider the nominations of Judge James Wynn, Jr. and Roger Gregory to the Fourth Circuit. When confirmed, Judge Wynn and Mr. Gregory will be the first African-Americans to serve on the Fourth Circuit and will each fill a judicial emergency vacancy. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit. The nomination of Judge James A. Beatty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit. President Clinton spoke powerfully about these matters last week. We should respond not by misunderstanding or mischaracterizing what he said, but by taking action on this well-qualified nominees.

In addition, the Senate should act favorably on the nominations of Judge Helene White and Kathleen McCree Lewis to the Sixth Circuit, Bonnie Campbell to the Eighth Circuit, and Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are well-qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, the lack of Senate action on pending nominations, and the overwhelming workload.

I am disappointed that the Committee has not reported the nomination of Bonnie Campbell to the Eighth Circuit. She completed the nomination and hearing process two months ago and is strongly supported by Senator GRASSLEY and Senator HARKIN from her home state. She will make an outstanding judge.

Filling these vacancies with qualified nominees is the concern of all Americans. The Senate should treat minority and women and all nominees fairly and proceed to consider them without delay.

I think it was unfortunate that the chairman tried to assign blame for the Senate's lack of progress on a number of legislative items. I disagree with that assessment. He knows, as I do, that the Democratic leader made a proposal that would have moved the H–1B legislation and allowed votes on the humanitarian immigration issues. The Republicans refused Senator DASCHLE's offer. We all know the Democrats have not opposed the religious liberty bill Senator KENNEDY helped develop. We all know we have been pressing for reauthorization of the Violence Against Women's Act for many months. It is not fair to suggest Democrats are holding that up.

I will give you one other example. I am getting calls from police organizations, and I see the distinguished assistant minority leader, the Senator from Nevada, who served as a police officer. He will understand this. I am getting calls from police organizations all over the country.

They ask me: Why hasn't the Campbell-Leahy bill to provide more bulletproof vests passed? Why hasn't it gone through the Senate? I tell my friend from Nevada what I told them. I said: My friend from Nevada, who is the Democratic whip, has checked, as I have, with every single Democrat, and every single Democrat is willing to pass it this minute by unanimous consent. We said that to the Republican leader.

We were told there was an objection on the Republican side. My goodness. Have we gotten so partisan that a bill sponsored by the distinguished Senator from Colorado, Mr. CAMPBELL, by myself and the distinguished chairman of the Senate Judiciary Committee, Mr. HATCH, a bill to provide bulletproof vests—cosponsored by the distinguished Senator from Nevada, Mr. REID, as well—that a bill to provide bulletproof vests for law enforcement officers is being stalled by Republican objections? That is wrong.

If that bill were allowed to come to the floor for a vote, I am willing to bet—in fact, I know because we have already checked—that every Democratic Senator would vote for it. But I am also willing to bet that virtually every Republican Senator would vote for it. This is not a Democrat or Republican bill. In fact, Senator CAMPBELL and I have specifically worked to make sure it is not a partisan bill.

So I tell my friends from law enforcement: Please call the other side of the aisle. I am convinced that a majority of Republicans support it, but somebody on the Republican side is holding it up. The Democrats are willing to pass it immediately.

The chairman of the Judiciary Committee knows we were working toward a bankruptcy bill until the Republicans decided to end bipartisan discussion and negotiate among themselves and not negotiate with the Democrats.

He knows we should have passed the Madrid Protocol Implementation Act weeks, if not months, ago. I tell the business community that continuously asks me that every single Democrat is willing to move forward with it. It has been stalled on the Republican side.

In fact, let me take a bill involving the two of us. The Hatch-Leahy juvenile crime bill passed the Senate in May of 1999. Again, I ask my friend from Nevada: As I recall, that passed with 73 votes, Democrats and Republicans, the majority of both parties. It passed the Senate with 73 votes.

My friend from Utah is the chair of the House-Senate conference. But we haven't convened in almost a year. It is a bill that should have been enacted last year. But we will not even have a conference. Seventy-three Senators voted for that bill—73. We can't get the conference to meet on it and the Senate controls the conference.

These are a lot of items, such as the H–1B legislation, the religious liberty bill, the Violence Against Women Act reauthorization, the bulletproof vest bill, the Madrid Protocol Implementation Act, the Hatch-Leahy juvenile crime bill, the bankruptcy bill. These are things that can move forward. But there seems to be no movement from the other side.

I will continue to try to find ways to work with the distinguished chairman, my friend from the Judiciary Committee, to make progress. I point out that we worked together on civil asset forfeiture reform, and it passed. We worked together on intellectual property and antitrust matters. Those measures pass with a majority of Republicans and Democrats joining us. But now we find legislation on the bulletproof vest bill, which most of us agree on, that we cannot get passed. We find nominations on which we cannot get a vote—even when the soon to be Republican nominee for the Presidency, Governor Bush, said we ought to vote them up or down within 60 days. We can't get votes on them. Some stay stalled for months and years by humiliating delay.

I have spoken about how humiliating it must be to somebody who is nominated for a judgeship—the pinnacle of their legal career. They get nominated. The American Bar and others looked at them, and said: This is an outstanding person, an outstanding lawyer, and they would be a terrific jurist. Usually we get inundated with letters from lawyers—Republicans and Democrats alike—who say they know this man or woman and he or she would make a superb judge. The FBI and others do the background check —as thorough as you can imagine, such that most people in private life would never be able to put up with it. Their privacy is just shredded. They come back and say: This is an outstanding person.

If they are in private practice, they are congratulated by their partners in their firm. They say how wonderful it is. They realize, of course, that the nominee can't take on any more new cases because no one wants conflicts of interest. They kind of suggest as soon as they have this party that the nominee can sort of move out so the rest of the law firm can go forward.

The nominees wait and wait and wait and wait. Nobody is against them, but they can't get a hearing. They can't get a vote. Then, if the public pressure grows enough, if they are in a high profile, they may get a hearing. Then if the pressure continues, they may get a Committee vote. And then, if the pressure really builds and the Democratic leader and the Democratic caucus insist, they may get a Senate vote on confirmation. When they get voted, they get confirmed—with the exception of Justice White—by 90 to 10, or 95 to 5, and many times unanimously. But their lives has been put on hold for 2 or 3 years. Their authority as a judge has been diminished because of that. It is humiliating to them.

Frankly, it is humiliating to the Senate. It is beneath this great body. I have served here for over 25 years. I can't think of any greater honor that could come to me than to have the people of Vermont allow me to serve here. I should put on my tombstone, other than husband and father, that I was a United States Senator.

I have always thought of this Senate as the conscience of the Nation. We are not handling the conscience of this Nation very well.

We have a responsibility to uphold the judiciary. If we allow it to be tattered, if we allow it to be shredded, if we allow it to be humiliated, how can a democracy of a quarter of a billion people uphold our laws? How can the country have respect both for the laws and the courts that administer them, if we in the Senate, the most powerful legislative body in this country, don't show that same respect? If we diminish that, it will be an example to be followed by the rest of the people in this country.

There are only 100 of us who have the privilege of serving here at any given time to represent a quarter of a billion Americans. Sometimes we should think more of that responsibility than partisan politics.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, before my friend from Vermont leaves, let me say a few things. In this body, we tend not to give the accolades to our fellow Senators that we should. I want the Senator from Vermont to know how the entire Democratic caucus supports and follows the lead of this man on matters related to the judiciary. He has done an outstanding job leading the Democratic conference through this wide-ranging jurisdictional authority of the Judiciary Committee.

We are very proud of the work that PAT LEAHY does. The people of Vermont should know that, first of all, he is always looking after the people of Vermont. I am from a State 3,000 miles away from Vermont, the State of Nevada. People in Nevada should, every day, be thankful for the work the Senator does, not only for the State of Vermont but for the country.

I want the RECORD to be spread with the fact that we in the minority are so grateful for the work the Senator from Vermont does for our country. The statement made today certainly outlines many of the problems we are having in the Senate, none of which are caused by the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my friend from Nevada. I must admit, in my 25 years, nobody has handled the job as whip the way the Senator has. In having the Senator as an ally on the floor, I come well armed, indeed.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

MARRIAGE PENALTY RELIEF

Mr. NICKLES. Mr. President, in all likelihood tomorrow we will be sending the President a bill to eliminate the marriage penalty for most Americans. I urge the President to sign this bill.

This bill will provide tax relief for millions of married couples. For individuals or for couples who have incomes of $52,000, they will see their take-home pay increase by a total of about $1,400. Some of my colleagues on the Democratic side have said that is a tax cut for the wealthy. It is not. I don't consider a married couple who have an income of $52,000 particularly wealthy. We want to eliminate the marriage penalty and allow them to keep more of their own money. They should not be taxed at a 28-percent rate.

That is what our bill does. Our bill says we should double the 15-percent rate on individuals for couples. Right now, people who have taxable incomes of $26,000 as individuals pay taxes at 15 percent. We are saying married couples should pay taxes at 15 percent at twice that amount, up to $52,000. That only makes sense. If you tax individuals at 15 percent up to $26,000, for couples it should be double that amount, $52,000, except that present law taxes couples at 28 percent beginning at $43,000.

So if couples have taxable income above $43,000, they start paying 28-percent income tax. If they happen to be self-employed on top of that, it is 28 percent plus 15.3 percent Social Security and Medicare tax. That is 43.3 percent. In most States, they have income tax rates of another 6 or 7 percent, State income tax. That is over 50 percent for a couple with taxable income of $44-$45-$50,000. That is too high.

Congress has passed a bill—both the House and the Senate, identical bills—that says let's double that 15-percent rate for couples, the individual rate for couples, so the taxable income will be 15 percent up to $52,000, 28 percent above that.

Again, I urge the President to sign it. It is not tax cuts for the wealthy; it is tax cuts for all married couples who have incomes of $43,000, $52,000, or $60,000. The amount of benefit, maximum benefit, is about $1,400.

I urge the President to sign that bill.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I now ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, will the Senator restate the unanimous consent request?

Mr. NICKLES. I asked unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACKNOWLEDGMENT OF SENATOR JIM BUNNING'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that another freshman has achieved the 100 hour mark as presiding officer. Senator JIM BUNNING is the latest recipient of the Senate's coveted Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator BUNNING and his diligent staff for their efforts and commitment to presiding duties during the 106th Congress.

ACKNOWLEDGMENT OF SENATOR GORDON SMITH'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator GORDON SMITH is the latest recipient of the Senate's Golden Gavel Award, marking his 100th hour of presiding over the U.S. Senate.

The Golden Gavel Award has long-served as a symbol of appreciation for the time that Senators contribute to presiding over the U.S. Senate—a privileged and important duty. Since the 1960's, senators who preside for 100 hours have been recognized with this coveted award.

On behalf of the Senate, I extend our sincere appreciation to Senator SMITH for presiding during the 106th Congress.

REMEMBERING SENATOR PAUL COVERDELL

Mr. JOHNSON. Mr. President, I rise today to add my condolences to that of my colleagues on the passing of our friend and colleague, Senator Paul Coverdell of Georgia.

Senator Coverdell was a model of proper conduct and decorum becoming of a Senator. He conducted himself in the quiet, deliberative manner that reflected his commitment to a thorough performance of his duties. He was a true leader, willing to do his best for all Americans.

Most recently, he and I worked together to keep our nation's promise to provide health care coverage to military retirees, when we introduced legislation together earlier this year. As my colleagues know, Senator Coverdell had extreme pride in this country. It was an honor to work with him on making good to those people who have served their nation and are now in the years of declining health. It was also an honor to work with Senator Coverdell every day, for he was truly interested in ensuring our democracy remained strong and pushed forward confidently into the Twenty-first Century.

Mr. President, I wish to extend my condolences to the Coverdell family, including his many friends and his staff. The entire Senate family has lost a friend and the nation has lost a leader. However, we are all enriched by having known such an honorable man. His service and commitment will have a definite and lasting legacy.

DEPARTMENT OF INTERIOR APPROPRIATIONS

INDIAN TRIBAL SELF-GOVERNANCE REGULATIONS

Mr. McCAIN. Mr. President, I rise to engage several of my colleagues in a colloquy about some regulations which the Department of the Interior is preparing to issue in final form. These regulations would govern the federal and tribal administration of the Tribal Self-Governance program. I understand there is strong opposition from American Indian and Alaska Native groups to a handful of the proposed provisions.

Mr. CAMPBELL. Mr. President, the Senator from Arizona is correct. The Committee on Indian Affairs has received a series of communications from Native American tribes and tribal organizations indicating their opposition to eight of the hundreds of proposed provisions. These eight "impasse" issues appear to involve particularly sensitive matters which the Indian tribes believe would seriously set back the advances these tribes have made in the field of tribal self-governance during the past decade.

Mr. McCAIN. I share the concerns raised by the Indian tribes, and would note that in 1994 when we enacted the Tribal Self-Governance Act, the Congress expressly authorized the tribal self-governance effort to go forward without regulations. At the same time, we required the Department to engage in a negotiated rulemaking with tribal government representatives to develop mutually acceptable rules. Now it appears that this effort has been largely successful. There are hundreds of provisions that have been developed and mutually accepted by the tribal and federal representatives. These should be permitted to go forward. But as to the eight or so provisions upon which there is a negotiation impasse, I believe it would be contrary to the intent of the 1994 Act and to the negotiated rulemaking process to impose objectionable provisions upon the Indian tribes.

Mr. INOUYE. I concur in the views of my colleagues, and add that the 1994 Act has been implemented without the benefit of any regulations for the past six years. Accordingly, I can imagine no undue hardship would come to the Department if the final regulations are silent as to eight of the hundreds of issues addressed in the draft regulations. As to these eight so-called "impasse" issues, I would encourage the Department to simply not issue any regulatory provisions that touch upon these objectionable issues. As I understand it, the ninety-five percent of the remaining regulations that deal with other issues are acceptable to the Indian tribes. The Department should publish those as final and withhold from publication of the eight provisions that are objectionable. I would inquire of the Chairman of the Committee on Indian Affairs as to the nature of the eight objectionable provisions.

Mr. CAMPBELL. The tribal representatives have provided the Committee with a list of eight issues. They have asked the Department to agree to not publish any regulatory provision which: limits the reallocation authority of a Self-Governance Tribe/consortium by requiring that reallocation of funds may only be between programs in annual funding agreements; limits the local decision-making of a Self-Governance Tribe/consortium by requiring that funds in an annual funding agreement shall only be spent on specific programs listed in such funding agreement; prohibits Tribal Base funding from including other recurring funding within Tribal Priority Allocations; requires renegotiation or rejection of a previously executed Self-Governance Compact or Funding Agreement or a provision therein; prohibits a Self-Governance Tribe/consortium from investing funds received under Self-Governance Compacts in a manner consistent with the "prudent investor" standard; requires any Self-Governance Tribe/consortium to adopt "conflict of interest" standards which differ from those previously adopted by its governing body; applies project-specific construction requirements to a tribal assumption of project design and other construction management services or of road construction activities involving more than one project; or fails to provide that "Inherent Federal functions" for purposes of the published regulations shall mean those Federal functions that cannot be legally transferred to a Self-Governance Tribe/consortium.

Mr. McCAIN. I want to inquire of the chairman on one of these eight impasse issues. Is it your understanding that the Department would have the regulatory authority, in one of the objectionable regulatory provisions, to delete unilaterally certain provisions in the various Compacts of Self-Governance that the Department has signed with various tribal governments and that have existed as long as nine years? I thought we expressly indicated in 1994 when we gave permanent authority to the Tribal Self-Governance Demonstration program that these Compacts and Annual Funding Agreements are to be bilateral agreements reached on a government-to-government basis that cannot be unilaterally amended by the Department?

Mr. CAMPBELL. The Senator is correct. In 1994, the Congress received a series of complaints from Indian tribes that the Department was attempting to unilaterally amend agreements it had previously reached with Indian tribes who were assuming functions previously carried out by Federal officials. The Congress had to remind the Department in 1994 that it must treat the agreements it reached with Indian tribes as bilateral accords that cannot be amended except by mutual consent. Now, the Department is insisting on a regulation that would permit it to unilaterally revise agreements it had previously reached on a bilateral basis with individual Indian tribes. The American Indian and Alaska Native organizations find these and the remaining seven regulatory provisions objectionable, and I agree with them.

Mr. McCAIN. I hope the Department will withdraw its proposals to regulate in each of these eight areas. The negotiated rulemaking process works best when it is based upon consensus, and in these eight instances the Department has failed to make its case for regulations.

Mr. INOUYE. I thank my colleagues. I share their concerns. I am hopeful that in bringing affected parties together we can resolve these differences.

Mr. CAMPBELL. I thank the Senator and will work with him on this issue in the days and weeks ahead.

FLEXIBLE TRADE POLICY TOWARD CUBA

Mr. AKAKA. Mr. President, I rise to discuss American relations with Cuba. Recently, I had the opportunity to travel to Havana with Senators BAUCUS and ROBERTS. We spent ten hours with Fidel Castro, in what has been characterized by the press as a marathon meeting. But more importantly, we had meetings with dissidents and Catholic Church representatives.

It was my first time in Cuba, and I went there with no pre-conceived notions although I did have the opportunity to be thoroughly briefed prior to our departure.

I returned from Cuba convinced that lifting the trade embargo and restrictions on travel, especially for educational exchanges, are extremely important steps in an effort to foster economic and political liberalization in Cuba. They are important steps but not for the reasons which are generally assumed.

As one Cuban told us, ending the American economic embargo on Cuba will not produce economic change. The Castro government has no interest in economic reform—even along the lines of that now seen in China or Vietnam. As the Minister of Economics and Planning explained, there is no program for privatization in the economy, insisting that capitalism does not work but "pure socialism" does. The government allows some private investments, mainly in farming, but the intent of the State is still to control the economy. Indeed, President Castro told us that he believed Cuba could not survive if it was a member of the International Monetary Fund and called the IMF the "world's most subversive organization."

While this was denied by the Foreign Minister, I came away convinced that the government does not want the American embargo on Cuba lifted because the lack of economic ties allows the government to blame the United States for its own economic failures. If the embargo was lifted, Cuba's leaders might find another excuse for their failed policies but it might make it harder for them to find widely acceptable excuses.

The Cuban people have voted already for change. Many have fled to the United States. One Cuban told us that social and economic differences are increasing. The population has declined over the last decade in part because people sadly see no future for their children. The average Cuban salary is said to be $11 per month. The Castro regime was described to us by those we spoke to in Havana as a dying dictatorship: aging, inefficient and corrupt.

In this environment we should not exaggerate America's influence. Castro will do everything to limit it. But we can start to build a basis for a future relationship with the Cuban people after Castro. The Congress can demonstrate our good will by a partial lifting of the trade embargo. We can demonstrate our good faith by allowing freer movement of Americans to Cuba and to do what we can to encourage Cubans, especially school children, to visit the United States on exchanges. The Congress should promote cultural ties and try to direct assistance to the Cuban people.

None of this will be easy. Nothing Castro said indicated to me that he was willing to permit, for example, Cuban school children to attend American elementary and secondary schools or colleges in significant numbers. Nothing Castro said indicated to me that he was willing to allow American aid, including medical supplies, to be given directly to the Cuban people.

But even if the hand of friendship is rejected, I believe we should still offer it. The future of Cuba is not Castro. President Castro said one clear truth: Cuba still suffers from an inherited history of four centuries of colonialism. Unfortunately, he does not understand that his form of paternal dictatorship perpetuates the same horrors he claims to abhor.

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

Clyde E. Frazier, 40, Chicago, IL; Ernest Jones, 57, Knoxville, TN; Jose Lopez, 29, Houston, TX; Elva V. Manjarrez, 35, Chicago, IL; Kimberly Meeks-Penniman, 39, Detroit, MI; Anthony L. Moore, 28, Memphis, TN; Donald Pinkney, 23, Baltimore, MD; James Riley, 26, New Orleans, LA; Void Sampson, 24, Philadelphia, PA; Michael A. Williams, 35, New Orleans, LA; and Unidentified male, 22, Newark, NJ.

One of the gun violence victims I mentioned, thirty-five-year-old Elva Manjarrez of Chicago, was shot and killed in a drive-by shooting while she was sitting in a parked car. No motive was ever established for her death.

We cannot sit back and allow such senseless gun violence to continue. The deaths of Elva and the others I named are a reminder to all of us that we need to enact sensible gun legislation now.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 24, 2000, the Federal debt stood at $5,668,098,197,951.86 (Five trillion, six hundred sixty-eight billion, ninety-eight million, one hundred ninety-seven thousand, nine hundred fifty-one dollars and eighty-six cents).

Five years ago, July 24, 1995, the Federal debt stood at $4,938,385,000,000 (Four trillion, nine hundred thirty-eight billion, three hundred eighty-five million).

Ten years ago, July 24, 1990, the Federal debt stood at $3,161,847,000,000 (Three trillion, one hundred sixty-one billion, eight hundred forty-seven million).

Fifteen years ago, July 24, 1985, the Federal debt stood at $1,796,347,000,000 (One trillion, seven hundred ninety-six billion, three hundred forty-seven million).

Twenty-five years ago, July 24, 1975, the Federal debt stood at $535,417,000,000 (Five hundred thirty-five billion, four hundred seventeen million) which reflects a debt increase of more than $5 trillion—$5,132,681,197,951.86 (Five trillion, one hundred thirty-two billion, six hundred eighty-one million, one hundred ninety-seven thousand, nine hundred fifty-one dollars and eighty-six cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO INTERNS

• Mr. HARKIN. Mr. President, today I extend my appreciation to my summer 2000 class of interns: Anna Gullickson, Kayla John, Sara Low, Charles Wishman, Tom Mann, Alyssa Rotschafer, MayRose Wegmann, Eric Bridges, Monica Parekh, Michelle Levar, Joe Plambeck, Ben Rogers, Robert Barron, Morgan Whitlatch, Veronica Hernandez, Cary Cascino, Daniel Myers, Linda Rosenbury, Ryan Howell, Jay Smith, SreyRam Kuy, and Jim Dunn. Each of them has been of tremendous assistance to me and to the people of Iowa over the past several months, and their efforts have not gone unnoticed.

Since I was first elected into the Senate in 1984, my office has offered internships to young Iowans and other interested students. Through their work in the Senate, our interns have not only seen the legislative process, but also personally contributed to our nation's democracy.

It is with much appreciation that I recognize Anna, Kayla, Sara, Charles, Tom, Alyssa, MayRose, Eric, Monica, Michelle, Joe, Ben, Robert, Morgan, Veronica, Cary, Daniel, Linda, Ryan, Jay, SreyRam, and Jim for their hard work this summer. It has been a delight to watch them take on their assignments with enthusiasm and hard work. I am very proud to have worked with each of them. I hope they take from their summer a sense of pride in what they've been able to accomplish and an increased interest in public service and our democratic system and process.●

IN RECOGNITION OF MR. DANIEL C. WALL

● Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. Daniel C. Wall, who will leave his elected position as Commander of The Sons of The American Legion, Detachment of Michigan, in August. For the last year, Mr. Wall has led the Michigan Detachment of the S.A.L. with wisdom and with grace, and has used his time in this position to aid the Veterans of the United States Armed Forces in an exemplary fashion.

Mr. Wall has served in the Sons of The American Legion for many years, and holds a Life Membership card from Robert A. Demars Sons of The American Legion Squadron 67 of Lincoln Park, Michigan. During his time as a member, he has held many offices within the S.A.L., including all offices at the Squadron level; District Commander, Adjutant, and others; State Commander, Adjutant, and Zone 1 Commander.

Mr. Wall was elected to serve as the State of Michigan Commander in 1999. During his time in the position, Mr. Wall focused much of his attention upon the education of his fellow members, so that they might know more about the purpose, programs, awards, officer duties and the benefits of their organization. He believed that this would not only help to recruit new members, but would also give current members a better appreciation for the many beneficial things that the S.A.L. does on a daily basis.

As Commander, Mr. Wall has also presided over the many efforts of the S.A.L. in the State of Michigan, including assisting local posts in their activities, initiating programs for Veterans, volunteering at V.A. homes and hospitals, and fundraising. In 1999, the S.A.L. raised over $514,000 for V.A. homes and hospitals, and over $181,000 for the American Legion Child Welfare Foundation. In addition, Mr. Wall has served as a member of national S.A.L. committees.

I applaud Mr. Daniel C. Wall on the job he has done as State of Michigan Commander of the Sons of the American Legion. He has dedicated much of his life to improving the lives of the Veterans of our great Nation, and for this he is to be commended. On behalf of the entire United States Senate, I thank Mr. Wall for his dedication, and wish him continued success in the future.●

A TRIBUTE TO "TALK OF VERMONT'S" JEFF KAUFMAN

● Mr. LEAHY. Mr. President, today I would like to mark the end of an era in Vermont. Jeff Kaufman, host of Vermont's award-winning program, "The Talk of Vermont," will hang up his headphones at the end of this week. After 5 years on the air in Middlebury, Jeff and his family are leaving the Green Mountain State for the arguably less green pastures of Southern California.

A fixture on Vermont morning radio and a catalyst for thoughtful and provocative discussion of the key issues facing our state and nation, Jeff has not only brought wit and wisdom to the airwaves, but he has consistently managed to recruit big-name guests—Lily Tomlin, Ted Williams, Supreme Court Chief Justice William Rehnquist—to our small-market corner of the world, while never neglecting lesser-known local voices. Above all else, Jeff does his homework—he is equally adept at understanding the intricacies of missile defense as he is the physics of baseball.

While living in Middlebury, Jeff did not just entertain his listeners on the radio, but he became a valued member of the community, whether it was raising money for flood victims or serving as a member of the Citizens of Middlebury.

I am certain that I speak for my colleagues in the Vermont Congressional delegation—each of us has had the pleasure of Jeff's unique brand of inquisition—when I say that he will be a tough act to follow. He has provided an extraordinary service to Vermonters who have benefitted from his professionalism, his insights and his curiosity. I would like to take this opportunity to congratulate Jeff for a job well done and to wish him and his family well in every future endeavor.

Mr. President, I ask to have printed in the RECORD a profile of Jeff from The Burlington Free Press, dated July 23, 2000.

The material follows:

[From the Burlington Free Press, July 23, 2000]

RADIO'S INVENTIVE "TALK OF VERMONT" IS ABOUT TO GROW SILENT

(By Chris Bohjalian)

It is an overcast weekday morning smack in the center of summer. It is hot and sticky, and there's absolutely nothing in the air that might be mistaken for a breeze.

I am leaning against the side of a gazebo in Middlebury during the town's annual celebration on the green, waiting for Jeff Kaufman, host of the WFAD radio show "The Talk of Vermont," to arrive. The show is about to broadcast live from the commons.

Abruptly, a slim guy with hair the color of sand just after the surf has receded coasts across the grass on a bicycle with a copy of one of my books under his arm. He says something I can't hear to the engineer, who is battling with miles of wires and the sort of microphone that I thought existed only in radio and television museums, and the engineer laughs. Then he turns to me and introduces himself.

This is Kaufman, and no more than 90 seconds later—still without breaking a sweat, despite the heat and his last-minute arrival—he has me seated in a folding metal chair, and we are on the air. It is clear within minutes that he not only has read my most recent novel, be has read the ones that preceded it. All of them. He has read the column I write for this newspaper. He has read a surprising number of the articles I have written for different magazines.

You have no idea how rare this is.

I have done easily a hundred-plus radio and television interviews in my life, and the vast majority of the time the very first question I am asked is this: "So, tell us about your new book." The reason? There is a not a soul in the studio other than me, including the person with whom I am speaking, who has the slightest idea what the book is about.

In truth, why should they? How could they? Think of the number of guests who pass through a radio or television talk show every week. It's huge, and it takes time to read a novel.

Almost every weekday morning for the better part of a decade, Kaufman has done his homework on his guests and then offered the state some of the very best radio in Vermont. Sometimes his show has been broadcast on five stations, and sometimes it has been on only one, but it has never affected the first-rate quality of the program.

It was three years ago that I met Kaufman on the commons in Middlebury, and I have come to discover that day in, day out he corralled terrific guests. Lily Tomlin one day, Ted Williams the next. One morning he might be moderating a live debate between U.S. Senate hopefuls Jan Backus and Ed Flanagan, and the next he might be chatting with Middlebury biographer, poet and novelist Jay Parini about—basketball.

On any given day, he was as likely to have an acrobat from the Big Apple Circus performing—literally—on the stool in his studio as he was to have an expert from Washington, D.C., on the proposed "Star Wars" missile defense system.

Now, alas, we are about to begin Kaufman's last week. He and his family are leaving for California in early August, and Kaufman will no longer be a fixture on Vermont radio. There is no question in my mind that this is a real loss—and not simply because Kaufman is a first-rate interviewer and radio personality. He was also a part of the community. He used his show to find food and clothes for those families that had to leave their homes after the summer flood of 1998, and to raise money to help build a new Lincoln Library.

Sometimes I wonder if Kaufman had the ratings he deserved, but regardless of whether he had 12 or 1,200 people tuned in, he never gave his audience a small-market effort.

Happy trails, my friend. We'll miss you.●

MS. LORIE FOOCE NAMED ACHIEVER OF THE MONTH

● Mr. ABRAHAM. Mr. President, in October of 1993, the State of Michigan Family Independence Agency commemorated the first anniversary of its landmark welfare reform initiative, "To Strengthen Michigan Families," by naming its first Achiever of the Month. In each month since, the award has been given to an individual who participates in the initiative and has shown outstanding progress toward self-sufficiency. I rise today to recognize Ms. Lorie Fooce, the recipient of the award for the month of July, 2000.

Ms. Fooce, a single mother, applied for assistance in August, 1994, in order to provide for her family. She was approved for ACD/FIP, food stamps, and Medicaid. At the time, Ms. Fooce lacked the necessary job skills and experience to maintain a steady, sufficient income. However, within that same month, she took the initiative to enroll in Certified Nurse's Aid (C.N.A.) training through Work First.

Ms. Fooce was able to complete the training and was subsequently hired by Gogebic Medical Care. With the help of Work First, which paid for the C.N.A. training, testing fees, transportation, and uniforms, she has become a valued employee at Gogebic.

Ms. Fooce's FIP case closed in May, 1999. In order to best care for her family, she currently receives food stamps, Medicaid, and day care assistance to supplement her earnings.

I applaud Ms. Lorie Fooce for being named Achiever of the Month for July of 2000. She has shown a sincere dedication to her job and to the goals of self-improvement and self-sufficiency, and the progress she has made shows both great effort and great determination. On behalf of the entire United States Senate, I congratulate Ms. Fooce, and wish her continued success in the future.•

RECOGNITION OF STATE SENATOR JACKIE VAUGHN III

• Mr. LEVIN. Mr. President, I want to pay tribute today to a remarkable person from my home state of Michigan, Senator Jackie Vaughn III. On July 30, Senator Vaughn, the Associate President Pro Tempore for the Michigan State Senate, will be honored for his tireless public service to Detroit and the entire state of Michigan.

Senator Vaughn's history of public service is truly deserving of recognition. For the past twenty-two years this "Man of Peace" has represented the Fourth Senatorial District of Michigan with a sense of justice and concern for all members of society. He has drafted wide-ranging legislation that has, among other things, sought to expand voting rights, promote peace and provide educational opportunities for all citizens.

Such a diverse array of interests and concerns should come as no surprise to those who know Jackie. Senator Vaughn is a renaissance man who has been educated at many of the world's finest institutions of higher learning. The recipient of a Fullbright Scholarship, Senator Vaughn has received the Oxon B. Litt from England's Oxford University, a Master's Degree from Oberlin College and a B.A. from Hillsdale College. In addition, has been awarded honorary doctorates from Highland Park College, Marygrove College, Shaw College and the Urban Bible Institute.

Senator Vaughn has sought to pass his love of learning on to subsequent generations through his teaching at the University of Detroit, Wayne State University and Hartford Memorial Church where he has led the Contemporary Issues Sunday School Class for twenty years.

Senator Vaughn can take pride in his long and honorable service in the Michigan State Senate. I hope my colleagues will join me in saluting Senator Jackie Vaughn for his commitment to Detroit, the State of Michigan and the entire Nation.•

IN RECOGNITION OF RABBI STEVEN WEIL

• Mr. ABRAHAM. Mr. President, I rise today to recognize Rabbi Steven Weil, who on August 20, 2000, will be honored for over six years of faithful service at Young Israel of Oak Park, the largest Orthodox synagogue in Michigan. Rabbi Weil will soon move to the Los Angeles area to pursue a large pulpit position in another Orthodox synagogue, and this occasion provides the Orthodox Jewish Community of Detroit with an opportunity not only to say good-bye to Rabbi Weil, but also to thank him for the wonderful work he has done during the past six years.

Under the guidance of Rabbi Weil, the congregation of Young Israel doubled in size, an accomplishment which can be directly attributed to his devotion to spreading the tenets of his faith. In addition to developing a lecture and discussion series within his own congregation, he and his wife, Yael, were frequent lecturers at the Agency for Jewish Education and at the Jewish Community Center. He also had an on-going cable television series on the topic of Jewish history.

Rabbi Weil had a vision of creating cohesiveness within the Jewish community and developing future Jewish leadership. He was able to achieve this goal by enacting several different programs, including a trip to Israel and Prague for young Jewish Orthodox, Conservative and Reform couples, as well as a March of the Living Youth Unity Mission. He also headed the Metropolitan Detroit Federation Young Leadership Cabinet, an organization which tutors the future leaders of the Detroit Jewish community.

Rabbi Weil served on the boards of Yad Ezra, the Detroit kosher food bank, the Jewish Apartments and Services and the Neighborhood project. He was one of eight rabbis in North America selected to be a L.E.A.D fellow, with the responsibility of leading Orthodox rabbis into the 21st century. He was also on the executive committee of the Council of Orthodox rabbis in Detroit and of the National Rabbinical Council of America.

I applaud Rabbi Steven Weil for his many contributions to the Jewish community of the State of Michigan. He is a man dedicated to his faith, his family and his community, and he will be dearly missed. On behalf of the entire United States Senate, I congratulate Rabbi Weil on the great success he had at Young Israel, and wish him continued success as he moves on to Los Angeles, California.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1167) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes, with amendments; in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following concurrent resolution:

S. Con. Res. 81. A concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1800. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2773. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

H.J. Res. 72. A joint resolution granting the consent of the Congress to the Red River Boundary Compact.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 232. A concurrent resolution expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico.

H. Con. Res. 371. A concurrent resolution supporting the goals and ideas of National Alcohol and Drug Recovery Month.

At 6:27, a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which its requests the concurrence of the Senate:

H.R. 1982. An act to name the Department of Veterans Affairs outpatient clinic located in Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic."

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 3817. An act to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the "Jaryd Atadero Legacy Trail."

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4850. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

H.R. 4864. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4888. An act to protect innocent children.

H.R. 4924. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

The message also announced that the House has passed the following bills:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 2237. An act to amend the Internal Revenue Code of 1986 to provide for the deductibility of premiums for any medigap insurance policy or Medicare+Choice plan which contains an outpatient prescription drug benefit, and to amend title XVIII of the Social Security Act to provide authority to expand existing medigap insurance policies.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 351. Concurrent resolution recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1800. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General; to the Committee on the Judiciary.

H.R. 1982. An act to name the Department of Veterans Affairs outpatient clinic located in Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; to the Committee on Energy and Natural Resources.

H.R. 3817. An act to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the "Jaryd Atadero Legacy Trail"; to the Committee on Energy and Natural Resources.

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on Foreign Relations.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005; to the Committee on Governmental Affairs.

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4850. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs compensation and life insurance benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4864. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 4924. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress an economically significant rules of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 232. A concurrent resolution expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico; to the Committee on Foreign Relations.

H. Con. Res. 351. A concurrent resolution recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor; to the Committee on Armed Services.

H. Con. Res. 371. A concurrent resolution supporting the goals and ideas of National Alcohol and Drug Recovery Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2773. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-607. A resolution adopted by the Legislature of the Commonwealth of Guam relative to the Visa Waiver Pilot Program; to the Committee on the Judiciary.

RESOLUTION NO. 357

Whereas, the Visa Waiver Pilot Program was initially enacted into law by the United States Congress in 1986; and

Whereas, as the Visa Waiver Pilot Program is considered only a "Pilot Program," Congress regularly extends the expiration date and has done so throughout the Pilot Programs existence; and

Whereas, the current Visa Waiver Pilot Program expired on the 30th day of April, 2000; and

Whereas, the Immigration and Naturalization Service of the United States Department of Justice on the 25th day of May, 2000, issued a circular notifying all carriers, who are participating in the Visa Waiver Pilot Program, of an interim plan to provide entry privileges to travelers who would have applied for admission under the Visa Waiver Pilot Program; and

Whereas, under the interim plan, the Immigration and Naturalization Service will parole for a period of ninety (90) days all eligible Visa Waiver Pilot Program country nationals who arrive for legitimate business or travel purposes, and who would have been admitted under the Visa Waiver Pilot Program prior to its expiration; and

Whereas, the circular further provides, that Nationals of the Visa Waiver Pilot Program countries will still be required to complete "Form I-94W"; however, neither an additional application nor an additional fee will be required when arriving at an airport; and

Whereas, the Immigration and Naturalization Service also noted that this interim plan would change if Congress either extends the Visa Waiver Pilot Program, or makes it permanent before the 30th day of June, 2000; and

Whereas, on the 1st day of March, 2000, Representative Lamar Smith introduced H.R. 3767 in the United States House of Representatives, that would amend the Immigration and Nationality Act to make improvements to and permanently authorize, the Visa Waiver Pilot Program under §217 of the Act; and

Whereas, H.R. 3767 was referred to the House Committee on the Judiciary wherein, H.R. 3767 was placed before the Committee for consideration and Mark-Up and was subsequently reported out by the Committee and placed on the Union Calendar, as Calendar Number 308; and

Whereas, on the 11th day of April, 2000, H.R. 3767 was presented to the House for adoption, wherein H.R. 3767 passed as amended and agreed by a voice vote of the House; and

Whereas, H.R. 3767 was transmitted by the House and received by the Senate on the 12th day of April, 2000; and

Whereas, H.R. 3767 was read twice in the Senate and placed on the Senate Legislative Calendar under General Orders, designated, Calendar Number 524; and

Whereas, as a result of the expiration of the Visa Waiver Pilot Program, tourists arriving on Guam now endure long lines and added transit time in order for the INS Office to process their travel documents; and

Whereas, this delay has caused an economic impact on tour companies that have had to absorb additional costs because of the delay in Immigration processing; and

Whereas, tourism is our number one industry and has only recently reflected positive signs of growth; however, with the inordinate amount of time it now takes to go through the immigration procedures, this could discourage potential visitors to our Island; and

Whereas, H.R. 3767 has received bipartisan support in the House; unanimously passed by the Subcommittee on Immigration and Claims and the Committee on the Judiciary; and has received strong support from the tourism and travel industry; and

Whereas, the implementation of the Visa Waiver Pilot Program has enabled Guam to promote its number one industry—Tourism; now therefore, be it

Resolved, That I MináBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request that the United States Senate expeditiously act upon H.R. 3767; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Albert Gore, Jr., President of the United States Senate; to the Honorable Trent Lott, Majority Leader of the United States Senate; to the Honorable Thomas Daschle, Minority Leader of the United States Senate; to the Honorable Lamar Smith, Member of Congress, U.S. House of Representatives; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Magálahen Guåhan.

POM–608. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to a single statewide reimbursement rate; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 60

Whereas, the Health Care Financing Administration provides health insurance for over 74 million senior Americans through Medicare; and

Whereas, providers of the Medicare managed care plans are decreasing in Louisiana and other states; and

Whereas, some providers of managed care plans have withdrawn from certain parishes and withdrawn from the state of Louisiana because of low reimbursement rates; and

Whereas, Medicare reimbursement rates drastically vary between urban and rural parishes; and

Whereas, the reimbursement rates for rural parishes are drastically lower than those rates for urban parishes; and

Whereas, the cost to treat these enrollees does not significantly differ from parish to parish. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to mandate that the Health Care Financing Administration revise the Medicare managed care plan rates so that the reimbursement rates do not vary significantly. Be it further

Resolved, That the Health Care Financing Administration institute a single statewide rate throughout the state to promote equal access for all citizens of the state of Louisiana. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–609. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to providing funds under the River and Harbor Act; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 40

Whereas, for well over twenty years the Congress of the United States has funded monies for the U.S. Army Corps of Engineers' Aquatic Plant Control Program; and

Whereas, the monies for this program have been used to assist the various states in the control and eradication of such evasive plant species as water hyacinth, hydrilla and salvinia; and

Whereas, beginning in 1997 the Clinton administration terminated funding for the spraying aspect of the Aquatic Plant Control Program, providing money only for research purposes; and

Whereas, the cessation of this funding has resulted in the elimination of the spraying program so necessary to control the spread of evasive plants such as water hyacinth, hydrilla and salvinia, and

Whereas, it has been estimated that salvinia alone will infest over forty-five thousand acres in Louisiana in the year 2000; and

Whereas, it has been further estimated that two and one-half million dollars will be necessary to control the further spread of salvinia alone; and

Whereas, control and the eventual removal of these evasive plants is absolutely necessary if Louisiana is to control and maintain its waterways; and

Whereas, without the assistance of federal funding it will become extremely difficult, if not impossible, to continue the spraying program so necessary for the control of these plants. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to provide the necessary funding under the River and Harbor Act for the U.S. Army Corps of Engineers; Aquatic Plant Control Program. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–610. A petition from a citizen of the State of Texas relative to border communities; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 2107: A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes (Rept. No. 106–360).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2911. A bill to strengthen the system for notifying parents of violent sexual offenders in their communities; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, and Mr. GRAHAM):

S. 2912. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status; read the first time.

By Mr. CONRAD:

S. 2913. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to use the export enhancement program to encourage the commercial sale of United States wheat in world markets at competitive prices whenever the importation of Canadian wheat into the United States reaches certain triggers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ALLARD (for himself and Mr. GRAMM):

S. 2914. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. TORRICELLI):

S. 2915. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 2916. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate subheadings for hair clippers used for animals; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. INOUYE):

S. 2917. A bill to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. HARKIN, Mr. SARBANES, and Mr. LAUTENBERG):

S. 2918. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and antifraud provisions, to amend the Internal Revenue Code of 1986 to allow a credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2919. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 2920. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. McCAIN (for himself and Mr. INOUYE):

S. 2921. A bill to provide for management and leadership training, the provision of assistance and resources for policy analysis, and other appropriate activities in the training of Native American and Alaska Native professionals in health care and public policy; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 342. A resolution designating the week beginning September 17, 2000, as "National Historically Black Colleges and Universities Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 2913. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to use the export enhancement program to encourage the commercial sale of United States wheat in world markets at competitive prices whenever the importation of Canadian wheat into the United States reaches certain triggers; to the Committee on Agriculture, Nutrition, and Forestry.

THE EXPORT ENHANCEMENT PROGRAM TRIGGER ACT OF 2000

Mr. CONRAD. Mr. President, today I am introducing legislation to help our farmers fight back against the unfair trade practices of state trading enterprises. As many of my colleagues know, state trading enterprises are government sanctioned monopolies that control commodity exports. Their unfair practices allow them to undercut prices of U.S. commodities, both in our market and in overseas markets where we compete for exports. My legislation, the Export Enhancement Program Trigger Act of 2000, would direct our government to fight back against these unfair practices.

I am introducing this legislation in response to the experience of farmers in North Dakota, who have been forced to compete not just with foreign farmers, but with foreign state trading enterprises. Ever since the U.S.-Canada Free Trade Agreement (CFTA) took effect, North Dakota farmers have been flooded with a rising tide of imports of Canadian grains.

These imports are coming into our country not because Canadian farmers are more competitive, but because of flaws in the CFTA and the unfair actions of the Canadian Wheat Board (CWB). As negotiated by then-USTR Clayton Yeutter, the CFTA allows the Canadian Wheat Board to sell into our market at less than the total cost of acquiring and selling its grain.

The fact is that the Canadian Wheat Board is a government created and government supported monopoly. Because Canadian farmers are required to sell their grain to the Wheat Board, the Wheat Board gets its wheat at below market prices and can then tell its customers in this country or overseas that it will undercut U.S. prices. These practices amount to de facto subsidies, but because the Wheat Board operates in secret, these unfair practices are not subjected to the normal rules of international trade.

This unfair competition caused imports of wheat from Canada to increase steadily until, in 1993–94, they reached a record 2.4 million tons of total wheat and 575,000 tons of durum. These levels of imports caused unacceptable damage to North Dakota farmers, so I convinced the Clinton Administration to impose limits on Canadian imports. Under the Memorandum of Understanding (MOU) negotiated with Canada, durum imports were limited to 300,000 tons and total wheat imports were limited to 1.5 million tons in 1994–95.

These limits worked. Imports of Canadian grain fell dramatically for several years. Unfortunately, however, the authority to impose these limits disappeared as a result of the Uruguay Round Agreements. As a result, our friends to the north are once again on the move, attacking our markets, using the monopoly power of the Canadian Wheat Board to undercut prices for our farmers.

Last year, imports from Canada again approached their 1993–94 peaks (2.2 million tons of total wheat and 560,000 tons of durum), and this year they are on track to stay far above the MOU level (2 million tons of total wheat and 480,000 tons of durum). This is unacceptable. It is far past time to send a clear and unmistakable message to our friends in Canada that the U.S. will not tolerate these practices any longer—that we will fight back.

The legislation I am introducing today will do exactly that. My legislation would require USDA to use the Export Enhancement Program—EEP—in either of two circumstances.

First, if imports of durum or wheat into the U.S. from Canada exceed the limits set in the MOU—300,000 tons for durum and 1,500,000 tons for total wheat imports—USDA would be required to use EEP to export wheat or durum into markets where we compete with Canada in a quantity equal to at least twice the total amount of Canadian imports into the U.S. for that year.

This will clearly tell Canada that it will lose far more in its overseas markets than it gains in our markets if it persists in exporting more than the MOU levels. As a result, I expect that Canada will again voluntarily comply with the MOU limits as it did in 1995–96 and 1996–97. Even if Canada does not comply, though, this legislation will ensure that U.S. farmers do not bear the costs of Canadian imports. By requiring the U.S. to export twice as much wheat as we are importing from Canada, this legislation will ensure that total supply will be reduced and prices will strengthen.

Second, if the Secretary of Agriculture determines that a state trading enterprise (STE) like the Canadian Wheat Board is using unfair trade practices to reduce our exports of any agricultural commodity to overseas markets, the Secretary is required to respond by using EEP in an amount sufficient to ensure that prices received by U.S. farmers are not reduced as a result of the STE's actions. Too often, we have heard from our industry and our USDA officials that Canada is arbitrarily undercutting U.S. prices in overseas markets. My proposal would require USDA to respond, to ensure that we do not give up our export markets without a fight.

Taken together, these two provisions will support the efforts of our trade negotiators to discipline STES as part of the World Trade Organization (WTO) negotiations on agriculture. Disciplining STEs is a top priority for our negotiators, and this legislation, by defining the marketing practices of STEs as unfair trade practices, will increase our negotiators' leverage to develop meaningful rules on STEs.

Moreover, I believe these provisions will support the efforts of North Dakota farmers, acting through the Wheat Commission, in bringing a trade case against Canada. I have always believed that, ultimately, Canadian agricultural trade issues will have to be resolved through negotiation. It is my hope that, in combination, this legislation and the trade case will provide short term relief for our farmers and help build sufficient pressure on Canada to negotiate a permanent resolution of Canadian grain issues.

I have no doubt that our friends to the north will not like this legislation. They do not like having a spotlight focused on their system, so they will complain about our use of EEP. I have a simple answer for them: If they do not want us to use EEP against them, they should stop dumping their grain into our market and stop using unfair trade practices in overseas markets.

I am pleased that this legislation has the support of every major farm group in North Dakota with an interest in these issues, including North Dakota Farmers Union, North Dakota Farm Bureau, North Dakota Wheat Commission, North Dakota Grain Growers, and the North Dakota Barley Council.

I hope that my colleagues will join me in supporting this important legislation.

By Mr. ALLARD (for himself and Mr. GRAMM):

S. 2914. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking, Housing, and Urban Affairs.

HOMEOWNERS REBATE ACT OF 2000

Mr. ALLARD. Mr. President, today I am introducing legislation to reduce the Federal Housing Administration (FHA) homeownership tax. I am joined in this effort by Senator GRAMM of Texas, the chairman of the Banking Committee. This legislation was introduced earlier in the month by Congressman RICK LAZIO of New York. Congressman LAZIO chairs the House Subcommittee on Housing and Community Opportunity.

This homeownership tax comes in the form of excess premiums paid by those who have FHA insured mortgages on their properties. The FHA Mutual Mortgage Insurance Fund (MMI fund) collects mortgage insurance premiums in order to cover any losses to the government that result from FHA-insured mortgage defaults and to fund the administrative costs of the FHA program.

FHA is an important program for first-time, low and moderate income, and minority homeowners. These families should not be overcharged in FHA premiums. Premiums in excess of an amount necessary to maintain an actuarially sound reserve ratio in the FHA Mutual Mortgage Insurance Fund can only be characterized as a tax on homeownership. The Congress has determined that a capital reserve ratio of 2 percent of the MMI fund's amortized insurance-in-force is necessary to ensure the safety and soundness of the MMI fund. According to the Department of Housing and Urban Development the FY 1999 capital reserve ratio is 3.66 percent and is estimated to rise to over 3.8 percent in FY 2000, nearly twice the reserve ratio mandated by Congress.

The FHA single family mortgage program was designed to operate as a mutual insurance program where homeowners were granted rebates of excess premiums. This rebate program was suspended at the direction of Congress in 1990 when the MMI fund was in the red—with the intent that the payment of distributive shares or rebates would resume when the Fund was again financially sound. Since 1990 a number of steps have been taken to strengthen the FHA program. The premiums were increased (Congress mandated the addition of a risk-based annual premium to the one-time, up front premium), downpayment requirements were improved, oversight by HUD and the Congress was strengthened, and Congress mandated the minimum 2 percent capital reserve ratio. With a capital reserve ratio nearly twice that mandated by the Congress it is time to resume rebates and return the MMI program to its prior status as a mutual insurance fund. This legislation restores the rebates for mortgages insured for 7 years or more and paid off subsequent to the 1990 rebate suspension.

The legislatively mandated improvements in the FHA program have certainly been partially responsible for the strength of the MMI fund. But another major reason for this strength is the fact that we have experienced a near perfect economy in recent years. I recognize that this will not always be the case. We should therefore proceed carefully when we propose to lower or rebate premiums. This legislation takes the cautious approach of providing for rebates only when the reserve ratio is in excess of 3 percent, or 150 percent of the reserve level mandated by Congress. If the capital reserve ratio drops below 3 percent, the rebates will be suspended. The legislation also requires that the General Accounting Office evaluate the adequacy of the 2 percent capital reserve ratio for ensuring the safety and soundness of the MMI fund and make a recommendation to Congress regarding the most appropriate reserve ratio at which to trigger future premium rebates.

I invite my colleagues to review this important legislation and join with me in reducing this tax on homeownership. By enacting this homeownership rebate we will continue to help make homeownership affordable for more and more Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeowners Rebate Act of 2000".

SEC. 2. PAYMENT OF DISTRIBUTIVE SHARES FROM MUTUAL MORTGAGE INSURANCE FUND RESERVES.

(a) In General.—Section 205(c) of the National Housing Act (12 U.S.C. 1711(c)) is amended to read as follows:

"(c) Distribution of Reserves.—Upon termination of an insurance obligation of the Mutual Mortgage Insurance Fund by payment of the mortgage insured thereunder, if the Secretary determines (in accordance with subsection (e)) that there is a surplus for distribution under this section to mortgagors, the Participating Reserve Account shall be subject to distribution as follows:

"(1) Required distribution.—In the case of a mortgage paid after November 5, 1990, and insured for 7 years or more before such termination, the Secretary shall distribute to the mortgagor a share of such Account in such manner and amount as the Secretary shall determine to be equitable and in accordance with sound actuarial and accounting practice, subject to paragraphs (3) and (4).

"(2) Discretionary distribution.—In the case of a mortgage not described in paragraph (1), the Secretary is authorized to distribute to the mortgagor a share of such Account in such manner and amount as the Secretary shall determine to be equitable and in accordance with sound actuarial and accounting practice, subject to paragraphs (3) and (4).

"(3) Limitation on amount.—In no event shall the amount any such distributable share exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

"(4) Application requirement.—The Secretary shall not distribute any share to an eligible mortgagor under this subsection beginning on the date which is 6 years after the date that the Secretary first transmitted written notification of eligibility to the last known address of the mortgagor, unless the mortgagor has applied in accordance with procedures prescribed by the Secretary for payment of the share within the 6-year period. The Secretary shall transfer from the Participating Reserve Account to the General Surplus Account any amounts that, pursuant to the preceding sentence, are no longer eligible for distribution.".

(b) Determination of Surplus.—

(1) In general.—Section 205(e) of the National Housing Act (12 U.S.C. 1711(e)) is amended by adding at the end the following: "Notwithstanding any other provision of this section, if, at the time of such a determination, the capital ratio (as defined in subsection (f)) for the Fund is 3.0 percent or greater, the Secretary shall determine that there is a surplus for distribution under this section to mortgagors.".

(2) GAO report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress that evaluates the adequacy of the capital ratio requirement under section 205(f)(2) of the National Housing Act (12

U.S.C. 1711(f)(2)) for ensuring the safety and soundness of the Mutual Mortgage Insurance Fund. Such report shall also evaluate the adequacy of the capital ratio level established under section 205(e)(1) of the National Housing Act, as amended by paragraph (1) of this section and shall include a recommendation of a capital ratio level that, if made effective under such section upon the expiration of the 2-year period beginning on the date of enactment of this Act, would provide for distributions of shares under section 205(c) of such Act in a manner adequate to ensure the safety and soundness of such Fund.

(c) RETROACTIVE PAYMENTS.—

(1) TIMING.—Not later than 3 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall determine the amount of each distributable share for each mortgage described in paragraph (2) to be paid and shall make payment of such share.

(2) MORTGAGES COVERED.—A mortgage described in this paragraph is a mortgage for which—

(A) the insurance obligation of the Mutual Mortgage Insurance Fund was terminated by payment of the mortgage before the date of enactment of this Act;

(B) a distributable share is required to be paid to the mortgagor under section 205(c)(1) of the National Housing Act (12 U.S.C. 1711(c)(1)), as amended by subsection (a) of this section; and

(C) no distributable share was paid pursuant to section 205(c) of the National Housing Act upon termination of the insurance obligation of such Fund.

By Mr. GRASSLEY: (for himself and Mr. TORRICELLI):

S. 2915. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, I am introducing a bill today entitled the "Federal Courts Improvement Act of 2000." Every few years, the Judicial Conference, the governing body of the federal courts, contacts Congress regarding changes to the law the Judicial Conference believes are necessary to improve the functions of the courts. As chairman of the Judiciary Subcommittee with jurisdiction over the courts, I have the responsibility to review the operation of the federal court process and procedures. In the past, I have also been in the forefront of advocating that the federal judicial system be administered in the most efficient and cost-effective manner possible while maintaining a high level of quality in the administration of justice. The bill I am introducing, along with Senator TORRICELLI, the Ranking Member of my subcommittee, is a consensus bill that includes many of the recommendations made by the Judicial Conference.

The Judicial Conference has noted a problem that continues to plague the Federal judicial system is the lack of up-to-date technologies that would reduce costs while at the same time improve the efficiency of its administration along with a wide range of judicial branch programs. The "Federal Courts Improvement Act of 2000" attempts to addresses this problem. In accordance with federal policy to defray the cost of providing services by assessing a fee for their use, sections of this bill provide the judiciary with the authority to set, collect, and retain fees to be used to acquire information technologies, such as electronic filing, video conferencing, and electronic evidence presentation devices. This section requires that the fees collected are to be deposited into the Judiciary Information Technology Fund and used for reinvestment in information technology. I feel that granting the judiciary the authority to collect and retain these fees will go a long way toward improving the efficiency of the judicial system while providing substantial savings for litigants and attorneys.

This bill addresses two areas in which I have taken a personal interest, over the years: reducing unnecessary expenses and improving the efficiency of the judicial system. This bill would help achieve both. Traditionally, the safeguards applicable to criminal defendants charged with more serious crimes have not been applicable to petty offense cases because the burdens were deemed undesirable and impractical in dealing with such minor offenses. Currently, U.S. Magistrate Judges may preside over petty offense cases charging a motor vehicle offense and infractions, without the consent of the defendant. This bill removes the consent requirement in all other petty cases—a position repeatedly supported by the Judicial Conference of the United States. Additionally, this bill authorizes magistrate judges to try misdemeanor cases involving juveniles currently tried in district court. Removing the consent requirement from these petty offense cases and authorizing magistrate judges to preside over all juvenile misdemeanors would free-up valuable district court resources that could be used to deal with more serious crimes and offenders while reducing the time and expense necessary in dealing with these offenses.

Another section of the bill also contains provisions that would free up district court resources and allow federal judges more time to deal with their civil and criminal dockets. These provisions raise the maximum compensation level paid to federal or community defenders representing defendants appearing before United States magistrates or the district courts before they must seek a waiver for payment in excess of the prescribed maximum. Payment in excess of the maximum currently requires the approval of both the judge who presided over the case and the chief judge of the circuit. This procedure in turn increases the amount of time judges must devote to non-judicial matters. The last increase was instituted fourteen years ago. During this time, the effects of inflation have significantly eroded the compensation paid to federal and community defenders.

The Judicial Conference has expressed to me their concern over a growing trend of "Criminal Justice Act" (CJA) panel attorneys being subject to unfounded suits by the defendants they previously represented and the financial damage these attorneys have to deal with when they must pay to defend themselves in these actions. These unfair costs have the potential of having a chilling effect on the willingness of attorneys to participate as panel attorneys and will only make it more difficult to obtain adequate representation for defendants. Currently, the CJA authorizes the Director of the Administrative Office of the United States Courts to provide representation and indemnify federal and community defender organizations for malpractice claims that arise as a result of furnishing representational services. Panel attorneys are the only component of the appointed counsel program who are not permitted to receive CJA-funded coverage for any costs associated with defending against a malpractice claim by a CJA client. Our bill rectifies this oversight in the CJA, and provides CJA panel attorneys the same protection as other federal defenders. Provisions in our bill authorize the judge who presides over a case, at his discretion, to reimburse panel attorneys for out-of-pocket expenses for civil claims arising for their CJA services. The judge would exercise his discretion limiting the amount of reimbursement available for a panel attorney as he views appropriate under the circumstances, as has been the practice with respect to malpractice claims against other federal defenders.

In addition, the "Federal Courts Improvement Act of 2000" also contains provisions designed to assist handicapped employees working for the federal judiciary. These provisions bring the federal judicial system in-line with the Executive Branch and other governmental bodies.

The bill also contains a number of other provisions that we believe are necessary to improve the Federal Courts' administration, judicial process and matters relating to public defenders, as well as other items that enhance the operation of the Federal judiciary. I urge my colleagues to join us and support these improvements to our Federal Court system.

By Mr. DODD:

S. 2916. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate subheadings for hair clippers used for animals; to the Committee on Finance.

TARIFF CLASSIFICATION CORRECTION FOR HAIR CLIPPERS

Mr. DODD. Mr. President, today I am introducing a bill that would amend the Harmonized Tariff Schedule to allow for a separate subheading for hair clippers used for animals.

As a result of the ongoing beef hormone dispute with the European Union (EU), the United States Trade Representative has released a list of products upon which retaliatory duties of 100 percent will be placed. The proposed list was issued pursuant to Section 407 of the Trade and Development Act of 2000. Furthermore, Section 407 explicitly states that the products on this list must be goods of industries that are affected by the EU's non-compliance in the beef hormone dispute.

Since beard trimmers used by humans and hair clippers for animals for use on the farm are both currently included under the same subheading within the Harmonized Tariff Schedule, human beard trimmers could potentially be subject to the retaliatory duties. However, the personal care industry, and specifically human beard trimmers, has no relationship with the beef hormone industry as is required by Section 407.

To address this problem, and to ensure that products are not inadvertently subjected to these retaliatory tariffs, I am introducing legislation that would provide a separate subheading to clippers used for animals. This legislation would prevent imposing duties on products that have no significant bearing or connection to the EU beef hormone case and would assist in the fair and equitable application of our trade laws. I urge my colleagues to support enactment of this simple clarification of our tariff schedule.

By Mr. DOMENICI (for himself and Mr. INOUYE):

S. 2917. A bill to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Indian Affairs.

SANTO DOMINGO PUEBLO CLAIMS SETTLEMENT ACT OF 2000

Mr. DOMENICI. Mr. President, Santo Domingo Pueblo is one of the largest Indian pueblos in New Mexico. It is located north of Albuquerque and South of Santa Fe, about midway between the two. For about 150 years, some 80,000 acres have been in dispute with neighboring Indian pueblos, Spanish land grants, and private land holders. Many of these disputes have been in court, but remain unsettled.

I am pleased to inform my colleagues that three years of negotiations have produced a settlement agreement. Our legislation would ratify that agreement, thus resolving a complex land ownership situation in New Mexico.

The initial Spanish land grant establishing the Santo Domingo Pueblo Grant was issued in 1689. When this Spanish grant was surveyed in the mid-19th century, approximately 24,000 acres of land to the east of the current reservation boundary were erroneously excluded. The excluded lands are now held in private deeds and public lands, but not by Santo Domingo Pueblo.

The Pueblo of Santo Domingo purchased the Diego Gallegos Spanish Land Grant to expand its reservation on the west end. That purchase excluded some privately held lands and overlapped with both the San Felipe and Cochiti Pueblos.

Forest Service and Bureau of Land Management (BLM) lands have also been claimed by Santo Domingo Pueblo.

The global settlement we are endorsing, resolves the complex set of title disputes between Santo Domingo, the Pueblos of San Felipe and Cochiti, the federal government, and private land holders.

In return for both money and land, the Santo Domingo Pueblo will waive their land claims and remove the clouded title for private land holders. This settlement envisions a monetary settlement of $23 million. Of that amount, $8 million would be payable from the Judgment Fund. The remaining $15 million would be from appropriated accounts over a three year period at $5 million per year, beginning in FY 2002.

Approximately 4500 acres of BLM land would be conveyed to Santo Domingo Pueblo, and the Pueblo would have an option to purchase 7000 acres of Forest Service land for the agreed upon price of $3.7 million.

Three lawsuits will be settled by this legislation. The first is Pueblo of Santo Domingo v. United States. This case is over 50 years old and was filed under the Indian Claims Commission Act (ICCA). In this action, the Pueblo asserts monetary claims against the United States for trespass, lost use, and breach of the ICCA's "fair and honorable dealings" provision by the United States. The Pueblo's claims, based on its Spanish land grants, involve more than 80,000 acres of land. Our legislation affirms the compromise award of $8 million for these claims and also includes the Pueblo's stipulated settlement of the ICCA case.

The second lawsuit is Pueblo of Santo Domingo v. Rael. This issue stems from the Pueblo's purchase of the Diego Gallegos Grant. The Pueblo sought possession of land from a private landowner in the same grant. The Federal District court for the District of New Mexico entered judgment for the Pueblo. On appeal, the Tenth Circuit ordered the Rael action held in abeyance until the Government intervened in Rael or judgment was entered in the overlapping ICCA case. To date, neither has occurred. The settlement legislation will resolve the issues in the Rael case.

The third lawsuit to be settled by this legislation is United States v. Thompson. In this case, the United States sought to enforce the Pueblo's title against third-party owners who trace their titles to overlapping land grants. In 1991, the Tenth Circuit held that the United States' claim for the Pueblo was time-barred. The Court of Appeals, however, found that the Pueblo Lands Board had ignored an express Congressional directive in its determination that the overlap lands were not the Pueblo's lands.

The Court of Appeals did not resolve the ownership question, again due to the time bar. These overlap lands are currently in the possession of non-Indians and in the Army Corps of Engineers. This global settlement will resolve the ownership questions in favor of the private landowners and the Army Corps of Engineers in the overlap area.

The global nature of this settlement will put all these issues to rest. Assuming the Congress agrees with our legislation, the next step would be entry of the stipulated settlement of the ICCA case and dismissal with prejudice of the Pueblo's existing quiet title action in Rael. The Pueblo of Santo Domingo would then receive both the money and the lands agreed to in this settlement agreement. In addition to waiving its ICCA claims and the Rael case, the Pueblo agrees to waive other existing land claims.

In this settlement agreement, the Congress would ratify and resolve the Pueblo's land claims with finality and do so in a principled way which serves the interests of all parties. The Pueblo of Santo Domingo boundaries have been in dispute since the mid-19th century. This settlement resolves the Pueblo of Santo Domingo claims once and for all, and clearly delineates the Pueblo's boundaries. I urge my colleagues to support this legislation.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. HARKIN, Mr. SARBANES, and Mr. LAUTENBERG):

S. 2918. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provisions, to amend the Internal Revenue Code of 1986 to allow a credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes; to the Committee on Finance.

MEDICARE EARLY ACCESS AND TAX CREDIT ACT OF 2000

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the text of the bill, the Medicare Early Access and Tax Credit Act of 2000, be printed in the RECORD.

S. 2918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Medicare Early Access and Tax Credit Act of 2000”.

(b) Table of Contents.—

Sec. 1. Short title; table of contents.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

Sec. 101. Access to Medicare benefits for individuals 62-to-65 years of age.

“Part D—Purchase of Medicare Benefits by Certain Individuals Age 62-to-65 Years of Age

“Sec. 1859. Program benefits; eligibility.
“Sec. 1859A. Enrollment process; coverage.
“Sec. 1859B. Premiums.
“Sec. 1859C. Payment of premiums.
“Sec. 1859D. Medicare Early Access Trust Fund.
“Sec. 1859E. Oversight and accountability.
“Sec. 1859F. Administration and miscellaneous.

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

Sec. 201. Access to Medicare benefits for displaced workers 55-to-62 years of age.

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

Sec. 301. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

Subtitle B—Amendments to the Public Health Service Act

Sec. 311. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

Subtitle C—Amendments to the Internal Revenue Code of 1986

Sec. 321. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

TITLE IV—FINANCING

Sec. 401. Reference to financing provisions.

TITLE V—CREDIT AGAINST INCOME TAX FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS

Sec. 501. Credit for medicare buy-in premiums and for certain COBRA continuation coverage premiums.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

SEC. 101. ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE.

(a) In General.—Title XVIII of the Social Security Act is amended—

(1) by redesignating section 1859 and part D as section 1858 and part E, respectively; and

(2) by inserting after such section the following new part:

“Part D—Purchase of Medicare Benefits by Certain Individuals Age 62-to-65 Years of Age

“SEC. 1859. PROGRAM BENEFITS; ELIGIBILITY.

“(a) Entitlement to Medicare Benefits for Enrolled Individuals.—

“(1) In general.—An individual enrolled under this part is entitled to the same benefits under this title as an individual entitled to benefits under part A and enrolled under part B.

“(2) Definitions.—For purposes of this part:

“(A) Federal or State COBRA continuation provision.—The term ‘Federal or State COBRA continuation provision’ has the meaning given the term ‘COBRA continuation provision’ in section 2791(d)(4) of the Public Health Service Act and includes a comparable State program, as determined by the Secretary.

“(B) Federal health insurance program defined.—The term ‘Federal health insurance program’ means any of the following:

“(i) Medicare.—Part A or part B of this title (other than by reason of this part).

“(ii) Medicaid.—A State plan under title XIX.

“(iii) FEHBP.—The Federal employees health benefit program under chapter 89 of title 5, United States Code.

“(iv) TRICARE.—The TRICARE program (as defined in section 1072(7) of title 10, United States Code).

“(v) Active duty military.—Health benefits under title 10, United States Code, to an individual as a member of the uniformed services of the United States.

“(C) Group health plan.—The term ‘group health plan’ has the meaning given such term in section 2791(a)(1) of the Public Health Service Act.

“(b) Eligibility of Individuals Age 62-to-65 Years of Age.—

“(1) In general.—Subject to paragraph (2), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

“(A) Age.—As of the last day of the month, the individual has attained 62 years of age, but has not attained 65 years of age.

“(B) Medicare eligibility (but for age).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

“(C) Not eligible for coverage under group health plans or Federal health insurance programs.—The individual is not eligible for benefits or coverage under a Federal health insurance program (as defined in subsection (a)(2)(B)) or under a group health plan (other than such eligibility merely through a Federal or State COBRA continuation provision) as of the last day of the month involved.

“(2) Limitation on eligibility if terminated enrollment.—If an individual described in paragraph (1) enrolls under this part and coverage of the individual is terminated under section 1859A(d) (other than because of age), the individual is not again eligible to enroll under this subsection unless the following requirements are met:

“(A) New coverage under group health plan or Federal health insurance program.—After the date of termination of coverage under such section, the individual obtains coverage under a group health plan or under a Federal health insurance program.

“(B) Subsequent loss of new coverage.—The individual subsequently loses eligibility for the coverage described in subparagraph (A) and exhausts any eligibility the individual may subsequently have for coverage under a Federal or State COBRA continuation provision.

“(3) Change in health plan eligibility does not affect coverage.—In the case of an individual who is eligible for and enrolls under this part under this subsection, the individual's continued entitlement to benefits under this part shall not be affected by the individual's subsequent eligibility for benefits or coverage described in paragraph (1)(C), or entitlement to such benefits or coverage.

“SEC. 1859A. ENROLLMENT PROCESS; COVERAGE.

“(a) In General.—An individual may enroll in the program established under this part only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

“(1) individuals eligible to enroll as of a month are permitted to pre-enroll during a prior month within an enrollment period described in subsection (b); and

“(2) each individual seeking to enroll under section 1859(b) is notified, before enrolling, of the deferred monthly premium amount the individual will be liable for under section 1859C(b) upon attaining 65 years of age as determined under section 1859B(c)(3).

“(b) Enrollment Periods.—

“(1) Individuals 62-to-65 years of age.—In the case of individuals eligible to enroll under this part under section 1859(b)—

“(A) Initial enrollment period.—If the individual is eligible to enroll under such section for January 2001, the enrollment period shall begin on November 1, 2000, and shall end on February 28, 2001. Any such enrollment before January 1, 2001, is conditioned upon compliance with the conditions of eligibility for January 2001.

“(B) Subsequent periods.—If the individual is eligible to enroll under such section for a month after January 2001, the enrollment period shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll and shall end four months later. Any such enrollment before the first day of the third month of such enrollment period is conditioned upon compliance with the conditions of eligibility for such third month.

“(2) Authority to correct for government errors.—The provisions of section 1837(h) apply with respect to enrollment under this part in the same manner as they apply to enrollment under part B.

“(c) Date Coverage Begins.—

“(1) In general.—The period during which an individual is entitled to benefits under this part shall begin as follows, but in no case earlier than January 1, 2001:

“(A) In the case of an individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under section 1859, the first day of such month of eligibility.

“(B) In the case of an individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such section, the first day of the following month.

“(2) Authority to provide for partial months of coverage.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

“(3) Limitation on payments.—No payments may be made under this title with respect to the expenses of an individual enrolled under this part unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

“(d) Termination of Coverage.—

"(1) In general.—An individual's coverage period under this part shall continue until the individual's enrollment has been terminated at the earliest of the following:

"(A) General provisions.—

"(i) Notice.—The individual files notice (in a form and manner prescribed by the Secretary) that the individual no longer wishes to participate in the insurance program under this part.

"(ii) Nonpayment of premiums.—The individual fails to make payment of premiums required for enrollment under this part.

"(iii) Medicare eligibility.—The individual becomes entitled to benefits under part A or enrolled under part B (other than by reason of this part).

"(B) Termination based on age.—The individual attains 65 years of age.

"(2) Effective date of termination.—

"(A) Notice.—The termination of a coverage period under paragraph (1)(A)(i) shall take effect at the close of the month following for which the notice is filed.

"(B) Nonpayment of premium.—The termination of a coverage period under paragraph (1)(A)(ii) shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 60 days; except that it may be extended for an additional 30 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 60-day period.

"(C) Age or Medicare eligibility.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B (other than by reason of this part).

"SEC. 1859B. PREMIUMS.

"(a) Amount of Monthly Premiums.—

"(1) Base monthly premiums.—The Secretary shall, during September of each year (beginning with 1998), determine the following premium rates which shall apply with respect to coverage provided under this title for any month in the succeeding year:

"(A) Base monthly premium for individuals 62 years of age or older.—A base monthly premium for individuals 62 years of age or older, equal to $\frac{1}{12}$ of the base annual premium rate computed under subsection (b) for each premium area.

"(2) Deferred monthly premiums for individuals 62 years of age or older.—The Secretary shall, during September of each year (beginning with 1998), determine under subsection (c) the amount of deferred monthly premiums that shall apply with respect to individuals who first obtain coverage under this part under section 1859(b) in the succeeding year.

"(3) Establishment of premium areas.—For purposes of this part, the term 'premium area' means such an area as the Secretary shall specify to carry out this part. The Secretary from time to time may change the boundaries of such premium areas. The Secretary shall seek to minimize the number of such areas specified under this paragraph.

"(b) Base Annual Premium for Individuals 62 Years of Age or Older.—

"(1) National, per capita average.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(b)(1)(A) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(2) Geographic adjustment.—The Secretary shall adjust the amount determined under paragraph (1) for each premium area (specified under subsection (a)(3)) in order to take into account such factors as the Secretary deems appropriate and shall limit the maximum premium under this paragraph in a premium area to assure participation in all areas throughout the United States.

"(3) Base annual premium.—The base annual premium under this subsection for months in a year for individuals 62 years of age or older residing in a premium area is equal to the average, annual per capita amount estimated under paragraph (1) for the year, adjusted for such area under paragraph (2).

"(c) Deferred Premium Rate for Individuals 62 Years of Age or Older.—The deferred premium rate for individuals with a group of individuals who obtain coverage under section 1859(b) in a year shall be computed by the Secretary as follows:

"(1) Estimation of national, per capita annual average expenditures for enrollment group.—The Secretary shall estimate the average, per capita annual amount that will be paid under this part for individuals in such group during the period of enrollment under section 1859(b). In making such estimate for coverage beginning in a year before 2004, the Secretary may base such estimate on the average, per capita amount that would be payable if the program had been in operation over a previous period of at least 4 years.

"(2) Difference between estimated expenditures and estimated premiums.—Based on the characteristics of individuals in such group, the Secretary shall estimate during the period of coverage of the group under this part under section 1859(b) the amount by which—

"(A) the amount estimated under paragraph (1); exceeds

"(B) the average, annual per capita amount of premiums that will be payable for months during the year under section 1859C(a) for individuals in such group (including premiums that would be payable if there were no terminations in enrollment under clause (i) or (ii) of section 1859A(d)(1)(A)).

"(3) Actuarial computation of deferred monthly premium rates.—The Secretary shall determine deferred monthly premium rates for individuals in such group in a manner so that—

"(A) the estimated actuarial value of such premiums payable under section 1859C(b), is equal to

"(B) the estimated actuarial present value of the differences described in paragraph (2). Such rate shall be computed for each individual in the group in a manner so that the rate is based on the number of months between the first month of coverage based on enrollment under section 1859(b) and the month in which the individual attains 65 years of age.

"(4) Determinants of actuarial present values.—The actuarial present values described in paragraph (3) shall reflect—

"(A) the estimated probabilities of survival at ages 62 through 84 for individuals enrolled during the year; and

"(B) the estimated effective average interest rates that would be earned on investments held in the trust funds under this title during the period in question.

"SEC. 1859C. PAYMENT OF PREMIUMS.

"(a) Payment of Base Monthly Premium.—

"(1) In general.—The Secretary shall provide for payment and collection of the base monthly premium, determined under section 1859B(a)(1) for the age (and age cohort, if applicable) of the individual involved and the premium area in which the individual principally resides, in the same manner as for payment of monthly premiums under section 1840, except that, for purposes of applying this section, any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

"(2) Period of payment.—In the case of an individual who participates in the program established by this title, the base monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

"(b) Payment of Deferred Premium for Individuals Covered After Attaining Age 62.—

"(1) Rate of payment.—

"(A) In general.—In the case of an individual who is covered under this part for a month pursuant to an enrollment under section 1859(b), subject to subparagraph (B), the individual is liable for payment of a deferred premium in each month during the period described in paragraph (2) in an amount equal to the full deferred monthly premium rate determined for the individual under section 1859B(c).

"(B) Special rules for those who disenroll early.—

"(i) In general.—If such an individual's enrollment under such section is terminated under clause (i) or (ii) of section 1859A(d)(1)(A), subject to clause (ii), the amount of the deferred premium otherwise established under this paragraph shall be pro-rated to reflect the number of months of coverage under this part under such enrollment compared to the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

"(ii) Rounding to 12-month minimum coverage periods.—In applying clause (i), the number of months of coverage (if not a multiple of 12) shall be rounded to the next highest multiple of 12 months, except that in no case shall this clause result in a number of months of coverage exceeding the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

"(2) Period of payment.—The period described in this paragraph for an individual is the period beginning with the first month in which the individual has attained 65 years of age and ending with the month before the month in which the individual attains 85 years of age.

"(3) Collection.—In the case of an individual who is liable for a premium under this subsection, the amount of the premium shall be collected in the same manner as the premium for enrollment under such part is collected under section 1840, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed to be a reference to the Medicare Early Access Trust Fund established under section 1859D.

"(c) Application of Certain Provisions.—The provisions of section 1840 (other than subsection (h)) shall apply to premiums collected under this section in the same manner as they apply to premiums collected under part B, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

"SEC. 1859D. MEDICARE EARLY ACCESS TRUST FUND.

"(a) ESTABLISHMENT OF TRUST FUND.—

"(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Medicare Early Access Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

"(2) PREMIUMS.—Premiums collected under section 1859B shall be transferred to the Trust Fund.

"(3) TRANSFER OF SAVINGS FROM NEW FRAUD AND ABUSE INITIATIVES.—

"(A) IN GENERAL.—There is hereby transferred to the Trust Fund from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund amounts equivalent to the amounts (specified under subparagraph (B)) of the reductions in expenditures under such respective trust fund as may be attributable to the enactment of the Medicare Fraud and Reimbursement Reform Act of 1999 (H.R. 2229).

"(B) USE OF CBO ESTIMATES.—For each fiscal year during the 10-fiscal-year period beginning with fiscal year 2001, the amounts under subparagraph (A) shall be the amounts described in such subparagraph as determined by the Congressional Budget Office at the time of, and in connection with, the enactment of the Medicare Early Access and Tax Credit Act of 2000. For subsequent fiscal years, the amounts under subparagraph (A) shall be the amount determined under this subparagraph for the previous fiscal year increased by the same percentage as the percentage increase in aggregate expenditures under this title from the second previous fiscal year to the previous fiscal year.

"(b) INCORPORATION OF PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), subsections (b) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

"(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

"(A) any reference in such section to 'this part' is construed to refer to this part D;

"(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this part; and

"(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this part.

"SEC. 1859E. OVERSIGHT AND ACCOUNTABILITY.

"(a) THROUGH ANNUAL REPORTS OF TRUSTEES.—The Board of Trustees of the Medicare Early Access Trust Fund under section 1859D(b)(1) shall report on an annual basis to Congress concerning the status of the Trust Fund and the need for adjustments in the program under this part to maintain financial solvency of the program under this part.

"(b) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the adequacy of the financing of coverage provided under this part. The Comptroller General shall include in such report such recommendations for adjustments in such financing and coverage as the Comptroller General deems appropriate in order to maintain financial solvency of the program under this part.

"SEC. 1859F. ADMINISTRATION AND MISCELLANEOUS.

"(a) TREATMENT FOR PURPOSES OF TITLE.—Except as otherwise provided in this part—

"(1) individuals enrolled under this part shall be treated for purposes of this title as though the individual were entitled to benefits under part A and enrolled under part B; and

"(2) benefits described in section 1859 shall be payable under this title to such individuals in the same manner as if such individuals were so entitled and enrolled.

"(b) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF MEDICAID PROGRAM.—For purposes of applying title XIX (including the provision of medicare cost-sharing assistance under such title), an individual who is enrolled under this part shall not be treated as being entitled to benefits under this title.

"(c) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF COBRA CONTINUATION PROVISIONS.—In applying a COBRA continuation provision (as defined in section 2791(d)(4) of the Public Health Service Act), any reference to an entitlement to benefits under this title shall not be construed to include entitlement to benefits under this title pursuant to the operation of this part.".

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking "or the Federal Supplementary Medical Insurance Trust Fund" and inserting "the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund".

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking "and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII" and inserting ", the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund established by title XVIII".

(3) Section 1820(i) of such Act (42 U.S.C. 1395i–4(i)) is amended by striking "part D" and inserting "part E".

(4) Part C of title XVIII of such Act is amended—

(A) in section 1851(a)(2)(B) (42 U.S.C. 1395w–21(a)(2)(B)), by striking "1859(b)(3)" and inserting "1858(b)(3)";

(B) in section 1851(a)(2)(C) (42 U.S.C. 1395w–21(a)(2)(C)), by striking "1859(b)(2)" and inserting "1858(b)(2)";

(C) in section 1852(a)(1) (42 U.S.C. 1395w–22(a)(1)), by striking "1859(b)(3)" and inserting "1858(b)(3)";

(D) in section 1852(a)(3)(B)(ii) (42 U.S.C. 1395w–22(a)(3)(B)(ii)), by striking "1859(b)(2)(B)" and inserting "1858(b)(2)(B)";

(E) in section 1853(a)(1)(A) (42 U.S.C. 1395w–23(a)(1)(A)), by striking "1859(e)(4)" and inserting "1858(e)(4)"; and

(F) in section 1853(a)(3)(D) (42 U.S.C. 1395w–23(a)(3)(D)), by striking "1859(e)(4)" and inserting "1858(e)(4)".

(5) Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(A) in paragraph (1), by striking "or (7)" and inserting ", (7), or (8)", and

(B) by adding at the end the following:

"(8) ADJUSTMENT FOR EARLY ACCESS.—In applying this subsection with respect to individuals entitled to benefits under part D, the Secretary shall provide for an appropriate adjustment in the Medicare+Choice capitation rate as may be appropriate to reflect differences between the population served under such part and the population under parts A and B.".

(c) OTHER CONFORMING AMENDMENTS.—

(1) Section 138(b)(4) of the Internal Revenue Code of 1986 is amended by striking "1859(b)(3)" and inserting "1858(b)(3)".

(2)(A) Section 602(2)(D)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)) is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

(B) Section 2202(2)(D)(ii) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(D)(ii)) is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

(C) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986 is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

SEC. 201. ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE.

(a) ELIGIBILITY.—Section 1859 of the Social Security Act, as inserted by section 101(a)(2), is amended by adding at the end the following new subsection:

"(c) DISPLACED WORKERS AND SPOUSES.—

"(1) DISPLACED WORKERS.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has attained 55 years of age, but has not attained 62 years of age.

"(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

"(C) LOSS OF EMPLOYMENT-BASED COVERAGE.—

"(i) ELIGIBLE FOR UNEMPLOYMENT COMPENSATION.—The individual meets the requirements relating to period of covered employment and conditions of separation from employment to be eligible for unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986), based on a separation from employment occurring on or after July 1, 2000. The previous sentence shall not be construed as requiring the individual to be receiving such unemployment compensation.

"(ii) LOSS OF EMPLOYMENT-BASED COVERAGE.—Immediately before the time of such separation of employment, the individual was covered under a group health plan on the basis of such employment, and, because of such loss, is no longer eligible for coverage under such plan (including such eligibility based on the application of a Federal or State COBRA continuation provision) as of the last day of the month involved.

"(iii) PREVIOUS CREDITABLE COVERAGE FOR AT LEAST 1 YEAR.—As of the date on which the individual loses coverage described in clause (ii), the aggregate of the periods of creditable coverage (as determined under section 2701(c) of the Public Health Service Act) is 12 months or longer.

"(D) EXHAUSTION OF AVAILABLE COBRA CONTINUATION BENEFITS.—

"(i) IN GENERAL.—In the case of an individual described in clause (ii) for a month described in clause (iii)—

"(I) the individual (or spouse) elected coverage described in clause (ii); and

"(II) the individual (or spouse) has continued such coverage for all months described in clause (iii) in which the individual (or spouse) is eligible for such coverage.

"(ii) INDIVIDUALS TO WHOM COBRA CONTINUATION COVERAGE MADE AVAILABLE.—An individual described in this clause is an individual—

"(I) who was offered coverage under a Federal or State COBRA continuation provision at the time of loss of coverage eligibility described in subparagraph (C)(ii); or

"(II) whose spouse was offered such coverage in a manner that permitted coverage of the individual at such time.

"(iii) MONTHS OF POSSIBLE COBRA CONTINUATION COVERAGE.—A month described in this clause is a month for which an individual described in clause (ii) could have had coverage described in such clause as of the last day of the month if the individual (or the spouse of the individual, as the case may be) had elected such coverage on a timely basis.

"(E) NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLANS.—The individual is not eligible for benefits or coverage under a Federal health insurance program or under a group health plan (whether on the basis of the individual's employment or employment of the individual's spouse) as of the last day of the month involved.

"(2) SPOUSE OF DISPLACED WORKER.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has not attained 62 years of age.

"(B) MARRIED TO DISPLACED WORKER.—The individual is the spouse of an individual at the time the individual enrolls under this part under paragraph (1) and loses coverage described in paragraph (1)(C)(ii) because the individual's spouse lost such coverage.

"(C) MEDICARE ELIGIBILITY (BUT FOR AGE); EXHAUSTION OF ANY COBRA CONTINUATION COVERAGE; AND NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLAN.—The individual meets the requirements of subparagraphs (B), (D), and (E) of paragraph (1).

"(3) CHANGE IN HEALTH PLAN ELIGIBILITY AFFECTS CONTINUED ELIGIBILITY.—For provision that terminates enrollment under this section in the case of an individual who becomes eligible for coverage under a group health plan or under a Federal health insurance program, see section 1859A(d)(1)(C).

"(4) REENROLLMENT PERMITTED.—Nothing in this subsection shall be construed as preventing an individual who, after enrolling under this subsection, terminates such enrollment from subsequently reenrolling under this subsection if the individual is eligible to enroll under this subsection at that time.".

(b) ENROLLMENT.—Section 1859A of such Act, as so inserted, is amended—

(1) in subsection (a), by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding at the end the following new paragraph:

"(3) individuals whose coverage under this part would terminate because of subsection (d)(1)(B)(ii) are provided notice and an opportunity to continue enrollment in accordance with section 1859E(c)(1).";

(2) in subsection (b), by inserting after Notwithstanding any other provision of law, (1) the following:

"(2) DISPLACED WORKERS AND SPOUSES.—In the case of individuals eligible to enroll under this part under section 1859(c), the following rules apply:

"(A) INITIAL ENROLLMENT PERIOD.—If the individual is first eligible to enroll under such section for January 2001, the enrollment period shall begin on November 1, 2000, and shall end on February 28, 2001. Any such enrollment before January 1, 2001, is conditioned upon compliance with the conditions of eligibility for January 2001.

"(B) SUBSEQUENT PERIODS.—If the individual is eligible to enroll under such section for a month after January 2001, the enrollment period based on such eligibility shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll (or reenroll) and shall end four months later.";

(3) in subsection (d)(1), by amending subparagraph (B) to read as follows:

"(B) TERMINATION BASED ON AGE.—

"(i) AT AGE 65.—Subject to clause (ii), the individual attains 65 years of age.

"(ii) AT AGE 62 FOR DISPLACED WORKERS AND SPOUSES.—In the case of an individual enrolled under this part pursuant to section 1859(c), subject to subsection (a)(1), the individual attains 62 years of age.";

(4) in subsection (d)(1), by adding at the end the following new subparagraph:

"(C) OBTAINING ACCESS TO EMPLOYMENT-BASED COVERAGE OR FEDERAL HEALTH INSURANCE PROGRAM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—In the case of an individual who has not attained 62 years of age, the individual is covered (or eligible for coverage) as a participant or beneficiary under a group health plan or under a Federal health insurance program.";

(5) in subsection (d)(2), by amending subparagraph (C) to read as follows:

"(C) AGE OR MEDICARE ELIGIBILITY.—

"(i) IN GENERAL.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B)(i) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B.

"(ii) DISPLACED WORKERS.—The termination of a coverage period under paragraph (1)(B)(ii) shall take effect as of the first day of the month in which the individual attains 62 years of age, unless the individual has enrolled under this part pursuant to section 1859(b) and section 1859E(c)(1)."; and

(6) in subsection (d)(2), by adding at the end the following new subparagraph:

"(D) ACCESS TO COVERAGE.—The termination of a coverage period under paragraph (1)(C) shall take effect on the date on which the individual is eligible to begin a period of creditable coverage (as defined in section 2701(c) of the Public Health Service Act) under a group health plan or under a Federal health insurance program.".

(c) PREMIUMS.—Section 1859B of such Act, as so inserted, is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(B) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—A base monthly premium for individuals under 62 years of age, equal to $^1/_{12}$ of the base annual premium rate computed under subsection (d)(3) for each premium area and age cohort."; and

(2) by adding at the end the following new subsection:

"(d) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—

"(1) NATIONAL, PER CAPITA AVERAGE FOR AGE GROUPS.—

"(A) ESTIMATE OF AMOUNT.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(c)(1)(A) within each of the age cohorts established under subparagraph (B) as if all such individuals within such cohort were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(B) AGE COHORTS.—For purposes of subparagraph (A), the Secretary shall establish separate age cohorts in 5 year age increments for individuals who have not attained 60 years of ages and a separate cohort for individuals who have attained 60 years of age.

"(2) GEOGRAPHIC ADJUSTMENT.—The Secretary shall adjust the amount determined under paragraph (1)(A) for each premium area (specified under subsection (a)(3)) in the same manner and to the same extent as the Secretary provides for adjustments under subsection (b)(2).

"(3) BASE ANNUAL PREMIUM.—The base annual premium under this subsection for months in a year for individuals in an age cohort under paragraph (1)(B) in a premium area is equal to 165 percent of the average, annual per capita amount estimated under paragraph (1) for the age cohort and year, adjusted for such area under paragraph (2).

"(4) PRO-RATION OF PREMIUMS TO REFLECT COVERAGE DURING A PART OF A MONTH.—If the Secretary provides for coverage of portions of a month under section 1859A(c)(2), the Secretary shall pro-rate the premiums attributable to such coverage under this section to reflect the portion of the month so covered.".

(d) ADMINISTRATIVE PROVISIONS.—Section 1859F of such Act, as so inserted, is amended by adding at the end the following:

"(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

"(1) PROCESS FOR CONTINUED ENROLLMENT OF DISPLACED WORKERS WHO ATTAIN 62 YEARS OF AGE.—The Secretary shall provide a process for the continuation of enrollment of individuals whose enrollment under section 1859(c) would be terminated upon attaining 62 years of age. Under such process such individuals shall be provided appropriate and timely notice before the date of such termination and of the requirement to enroll under this part pursuant to section 1859(b) in order to continue entitlement to benefits under this title after attaining 62 years of age.

"(2) ARRANGEMENTS WITH STATES FOR DETERMINATIONS RELATING TO UNEMPLOYMENT COMPENSATION ELIGIBILITY.—The Secretary may provide for appropriate arrangements with States for the determination of whether individuals in the State meet or would meet the requirements of section 1859(c)(1)(C)(i).".

(e) CONFORMING AMENDMENT TO HEADING TO PART.—The heading of part D of title XVIII of the Social Security Act, as so inserted, is amended by striking "62" and inserting "55".

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 301. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) is amended by inserting

after paragraph (6) the following new paragraph:

"(7) The termination or substantial reduction in benefits (as defined in section 607(7)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 607 of such Act (29 U.S.C. 1167) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in section 603(7), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(6) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in section 603(7), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(7) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2000), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 602(3).".

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 602(2)(A) of such Act (29 U.S.C. 1162(2)(A)) is amended—

(1) in clause (ii), by inserting "or 603(7)" after "603(6)";

(2) in clause (iv), by striking "or 603(6)" and inserting ", 603(6), or 603(7)";

(3) by redesignating clause (iv) as clause (vi);

(4) by redesignating clause (v) as clause (iv) and by moving such clause to immediately follow clause (iii); and

(5) by inserting after such clause (iv) the following new clause:

"(v) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in section 603(7), in the case of a qualified beneficiary described in section 607(3)(D) who is not the qualified retiree or spouse of such retiree, the later of—

"(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(II) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 602(1) of such Act (29 U.S.C. 1162(1)) is amended—

(1) by striking "The coverage" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the coverage"; and

(2) by adding at the end the following:

"(B) CERTAIN RETIREES.—In the case of a qualifying event described in section 603(7), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 602(3) of such Act (29 U.S.C. 1162(3)) is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in section 603(7), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.".

(e) NOTICE.—Section 606(a) of such Act (29 U.S.C. 1166) is amended—

(1) in paragraph (4)(A), by striking "or (6)" and inserting "(6), or (7)"; and

(2) by adding at the end the following:

"The notice under paragraph (4) in the case of a qualifying event described in section 603(7) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2000. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle B—Amendments to the Public Health Service Act

SEC. 311. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 2203 of the Public Health Service Act (42 U.S.C. 300bb–3) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The termination or substantial reduction in benefits (as defined in section 2208(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 2208 of such Act (42 U.S.C. 300bb–8) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in section 2203(6), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(5) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in section 2203(6), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(6) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2000), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 2202(3).".

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 2202(2)(A) of such Act (42 U.S.C. 300bb–2(2)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

"(iii) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in section 2203(6), in the case of a qualified beneficiary described in section 2208(3)(C) who is not the qualified retiree or spouse of such retiree, the later of—

"(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(II) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 2202(1) of such Act (42 U.S.C. 300bb–2(1)) is amended—

(1) by striking "The coverage" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the coverage"; and

(2) by adding at the end the following:

"(B) CERTAIN RETIREES.—In the case of a qualifying event described in section 2203(6), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 2202(3) of such Act (42 U.S.C. 300bb–2(3)) is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in section 2203(6), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.".

(e) NOTICE.—Section 2206(a) of such Act (42 U.S.C. 300bb–6(a)) is amended—

(1) in paragraph (4)(A), by striking "or (4)" and inserting "(4), or (6)"; and

(2) by adding at the end the following:

"The notice under paragraph (4) in the case of a qualifying event described in section 2203(6) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2000. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle C—Amendments to the Internal Revenue Code of 1986

SEC. 321. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 4980B(f)(3) of the Internal Revenue Code of 1986 is amended by inserting after subparagraph (F) the following new subparagraph:

"(G) The termination or substantial reduction in benefits (as defined in subsection (g)(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 4980B(g) of such Code is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in subsection (f)(3)(G), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(5) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in subsection (f)(3)(G), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(6) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2000), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of subsection (f)(2)(C).".

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 4980B(f)(2)(B)(i) of such Code is amended—

(1) in subclause (II), by inserting "or (3)(G)" after "(3)(F)";

(2) in subclause (IV), by striking "or (3)(F)" and inserting ", (3)(F), or (3)(G)";

(3) by redesignating subclause (IV) as subclause (VI);

(4) by redesignating subclause (V) as subclause (IV) and by moving such clause to immediately follow subclause (III); and

(5) by inserting after such subclause (IV) the following new subclause:

"(V) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in paragraph (3)(G), in the case of a qualified beneficiary described in subsection (g)(1)(E) who is not the qualified retiree or spouse of such retiree, the later of—

"(a) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(b) the date that is 36 months after the date of the qualifying event.".

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 4980B(f)(2)(A) of such Code is amended—

(1) by striking "The coverage" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), the coverage"; and

(2) by adding at the end the following:

"(ii) CERTAIN RETIREES.—In the case of a qualifying event described in paragraph (3)(G), in applying the first sentence of clause (i) and the fourth sentence of subparagraph (C), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 4980B(f)(2)(C) of such Code is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in paragraph (3)(G), any reference in clause (i) of this subparagraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in subparagraph (A)(ii)'.".

(e) NOTICE.—Section 4980B(f)(6) of such Code is amended—

(1) in subparagraph (D)(i), by striking "or (F)" and inserting "(F), or (G)"; and

(2) by adding at the end the following:

"The notice under subparagraph (D)(i) in the case of a qualifying event described in paragraph (3)(G) shall be provided at least 90 days before the date of the qualifying event.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2000. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

TITLE IV—FINANCING

SEC. 401. REFERENCE TO FINANCING PROVISIONS.

Any increase in payments under the medicare program under title XVIII of the Social Security Act that results from the enactment of this Act shall be offset by reductions in payments under such program pursuant to the anti-fraud and anti-abuse provisions enacted as part of the Medicare Fraud and Reimbursement Reform Act of 1999 (H.R. 2229).

TITLE V—CREDIT AGAINST INCOME TAX FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS

SEC. 501. CREDIT FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. MEDICARE BUY-IN PREMIUMS AND CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the amount paid during such year as—

"(1) qualified continuation health coverage premiums, and

"(2) medicare buy-in coverage premiums.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CONTINUATION HEALTH COVERAGE PREMIUMS.—The term 'qualified continuation health coverage premiums' means, for any period, premiums paid for continuation coverage (as defined in section 4980B(f)) under a group health plan for such period but only if failure to offer such coverage to the taxpayer for such period would constitute a failure by such health plan to meet the requirements of section 4980B(f) and only if the continuation coverage is provided because of a qualifying event described in section 4980B(f)(3)(G).

"(2) MEDICARE BUY-IN COVERAGE PREMIUMS.—The term 'medicare buy-in coverage premiums' means premiums paid under part D of title XVIII of the Social Security Act."

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Medicare buy-in premiums and certain COBRA continuation coverage premiums."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. KENNEDY. Mr. President, too many Americans nearing age 65 face a crisis in health care. They are too young for Medicare, and unable to obtain private coverage they can afford. Often, they are victims of corporate down-sizing, or of a company's decision to cancel its health insurance. These Americans have been left out and left behind through no fault of their own—often after decades of loyal work—and it is time for Congress to provide a helping hand.

Almost three and a half million Americans ages 55 to 64 have no health insurance today, including more than 60,000 in Massachusetts. Many of these Americans have serious health problems that threaten to destroy the savings of a lifetime and that prevent them from finding or keeping a job. Even those without significant health problems know that a serious illness could wipe out their savings.

Even those with good coverage today can't be certain it will be there tomorrow. No one nearing retirement can be confident that the health insurance they have now will protect them until they qualify for Medicare at 65.

The health and financial well-being of these near-elderly are often at risk because of the serious gaps in our health care system. Those without coverage are twice as likely to be in fair or poor health than persons with coverage. They are four times as likely not to receive a recommended medical test or treatment, and five times as likely to forego needed medical care when they are sick.

The bill that Senators ROCKEFELLER, DASCHLE, and I are introducing today is a lifeline for these Americans. It is a constructive step toward the day when every American will be guaranteed the fundamental right to health care. It will enable uninsured Americans ages 62 to 65 to buy into Medicare by paying monthly premiums. It will also enable those ages 55 to 61 who lose their jobs to buy in. In addition, it will help retirees ages 55 and older whose health insurance is terminated by their employers by extending COBRA.

Finally, tax credits equal to 25% of the premium will be available for enrollees in all three programs to help them afford to buy into the programs. The estimated cost of the tax credits is $8.4 billion over the next ten years.

In the past, opponents have used scare tactics to claim that these proposals pose a threat to Medicare. They are nothing of the kind. There is no additional burden of Medicare as a result of this legislation. The tax credits are paid for by general treasury funds. The Medicare costs are paid for through enrollee premiums. The existing Medicare Trust Fund is protected by placing the programs in their own trust fund. The Medicare Trustees will monitor the program to ensure that it is self-financing.

The number of near-elderly who are uninsured is growing every year. Relief of this kind was originally proposed by President Clinton, and it deserves broad bipartisan support. The health and financial consequences of the lack of insurance are significant—especially for the near-elderly. These Americans need and deserve the help that this bill provides. We intend to do all we can to see that this proposal is enacted as soon as possible.

By Mr. CAMPBELL:

S. 2919. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Energy and Natural Resources.

BLACK PATRIOTS FOUNDATION LEGISLATION

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking "2000" and inserting "2002".

By Mr. CAMPBELL:

S. 2920. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

INDIAN GAMING REGULATORY IMPROVEMENT ACT OF 2000

Mr. CAMPBELL. Mr. President today I am pleased to introduce the Indian Gaming Regulatory Improvement Act of 2000 to make specific and what I feel are needed changes to the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701, et seq. ("IGRA").

The IGRA was signed into law in 1988 with two broad goals in mind: First, to provide for the continued economic opportunities tribal gaming presents to Indian tribes, and second, to provide a regulatory framework for tribal gaming to ensure the integrity of such gaming for the benefit of tribes as well as customers of tribal gaming operations.

In 1988, tribal gaming was a relative new activity and in 12 years tribal gaming gross revenues have grown from $500 million to $8.26 billion. By statute these revenues are spent by tribal governments on physical infrastructure, general welfare and the betterment of Indian and surrounding non-Indian communities.

For the 198 tribes that now conduct some form of gaming the economic benefits for the tribes as well as surrounding communities cannot be ignored. For these communities collectively, unemployment has dropped and tribes who operate gaming have been able to provide for housing, health care and education for their members and to generate hundreds of thousands of jobs for Indians and non-Indians alike.

The legislation I am introducing today is not intended and should not be viewed as a comprehensive attempt to remedy all matters that have arisen in the past 12 years. Rather, this bill takes aim at very specific items.

1. With regard to gaming fees assessed against tribal operations, this bill will require the Federal National Indian Gaming Commission to levy fees that are reasonably related to the duties of and services provided by the Commission to tribes, and in certain instances to reduce the level of fees payable by those operations;

2. It establishes a Trust Fund for such fees that can only be tapped for the specific activities of the Commission mandated by the IGRA;

3. It provides statutory authority for the Commission to establish through a negotiated rule-making process, Minimum Standards for the conduct of tribal gaming, acknowledging that for class III gaming the standards are to be determined by the tribe and the state through negotiated gaming compacts;

4. It authorizes technical assistance to tribes for a number of purposes including strengthening tribal regulatory regimes; assessing the feasibility of non-gaming economic development activities on Indian lands; providing treatment services for problem gamblers; and for other purposes not inconsistent with the IGRA;

5. It launches a negotiated rulemaking to eventually clarify the current conflict between the IGRA and other Federal law with regard to the

classification of certain games conducted by tribes; and

6. Last, to bring the Commission in line with all other Federal agencies it specifically subjects the Commission to the reporting and other requirements of the Federal Government Performance and Results Act.

Mr. President, while there are other matters that Indian tribes and others wish to address that are not included in this bill, I am hopeful that people of good will find this legislation to be appropriate, reasonable and targeted to specific issues that he arisen in the part 12 years.

It is my hope that we can debate and discuss the bill in Committee to get the views of affected parties and iron out whatever differences there may be.

I ask unanimous consent that a copy of the legislation be printed in the Record. I thank the Chair and I yield the floor.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2920

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Gaming Regulatory Improvement Act of 2000".

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is amended—

(1) in section 7 (25 U.S.C. 2706)—

(A) in subsection (c)—

(i) in paragraph (3), by striking "and" at the end thereof;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3), the following:

"(4) performance plans created under subsection (d), including copies of such plans; and"; and

(B) by adding at the end the following:

"(d) Performance Plans.—The Commission shall be subject to the requirements of section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code (as added by the Government Performance and Results Act (Public Law 130-62)). Not later than 1 year after the date of enactment of the Indian Gaming Regulatory Improvement Act of 2000, the Commission shall prepare and submit the initial strategic plan required under such section 306 to the Director of the Office of Management and Budget.";

(2) in section 11(b)(2)(F)(i) (25 U.S.C. 2710(b)(2)(F)(i)), by striking "primary management" and all that follows through "such officials" and inserting "tribal gaming commissioners, tribal gaming commission employees, and primary management officials and key employees of the gaming enterprise and that oversight of primary management officials and key employees";

(3) by redesignating section 22 (25) U.S.C. 2721) as section 26; and

(4) by inserting after section 21 (25 U.S.C. 2720) the following:

"SEC. 22 FEE ASSESSMENTS.

"(a) Establishment of Schedule of Fees.—

"(1) In general.—Except as provided in this section, the Commission shall establish a schedule of fees to be paid annually to the Commission by each gaming operation that conducts a class II or class III gaming activity that is regulated by this Act.

"(2) Rates.—The rate of fees under the schedule established under paragraph (1) that are imposed on the gross revenues from each activity described in such paragraph shall be as follows:

"(A) A fee of not more than 2.5 percent shall be imposed on the first $1,500,000 of such gross revenues.

"(B) A fee of not more than 5 percent shall be imposed on amounts in excess of the first $1,500,000 of such gross revenues.

"(3) *Total amount.*—The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed $8,000,000.

"(b) Commission Authorization.—

"(1) In general.—By a vote of not less than 2 members of the Commission the Commission shall adopt the schedule of fees provided for under this section. Such fees shall be payable to the Commission on a quarterly basis.

"(2) Fees assessed for services.—The aggregate amount of fees assessed under this section shall be reasonably related to the costs of services provided by the Commission to Indian tribes under this Act (including the cost of issuing regulations necessary to carry out this Act). In assessing and collecting fees under this section, the Commission shall take into account the duties of, and services provided by, the Commission under this Act.

"(3) Factors for consideration.—In making a determination of the amount of fees to be assessed for any class II or class III gaming activity under the schedule of fees under this section, the Commission may provide for a reduction in the amount of fees that otherwise would be collected on the basis of the following factors:

"(A) The extent of the regulation of the gaming activity involved by a State or Indian tribe (or both).

"(B) The extent of self-regulating activities, as defined by this Act, conducted by the Indian tribe.

"(C) Other factors determined by the Commission, including

"(i) the unique nature of tribal gaming as compared to commercial gaming, other governmental gaming, and charitable gaming;

"(ii) the broad variations in the nature, scale, and size of tribal gaming activity;

"(iii) the inherent sovereign rights of Indian tribes with respect to regulating the affairs of Indian tribes;

"(iv) the findings and purposes under sections 2 and 3; and

"(v) any other matter that is consistent with the purposes under section 3.

"(4) Consultation.—In establishing a schedule of fees under this section, the Commission shall consult with Indian tribes.

"(c) Trust Fund.—

"(1) Establishment.—There is established in the Treasury of the United States a fund to be known as the Indian Gaming Trust Fund (referred to in this subsection as the 'Trust Fund'), consisting of such amounts as are—

"(A) transferred to the Trust Fund under paragraph (2)(A);

"(B) appropriated to the Trust Fund; and

"(C) any interest earned on the investment of amounts in the Trust Fund under subsection (d).

"(2) Transfer of amounts equivalent to fees.—

"(A) In general.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the aggregate amount of fees collected under this section.

"(B) Transfers based on estimates.—The amounts required to be transferred to the Trust Fund under subparagraph (A) shall be transferred not less frequently than quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(d) Investments.—

"(1) In general.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. The Secretary of the Treasury shall invest the amounts deposited under subsection (c) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(2) Sale of obligations.—Any obligation acquired by the Trust Fund, except special obligations issued exclusively to the Trust Fund, may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(3) Credits to trust fund.—The interest on, and proceeds from, the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

"(e) Expenditures from Trust Fund.—

"(1) In general.—Amounts in the Trust Fund shall be available to the Commission, as provided for in appropriations Acts, for carrying out the duties of the Commission under this Act.

"(2) Withdrawal and transfer of funds.—Upon request of the Commission, the Secretary of the Treasury shall withdraw amounts from the Trust Fund and transfer such amounts to the Commission for use in accordance with paragraph (1).

"(f) Limitation on Transfers and Withdrawals.—Except as provided in subsection (e)(2), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (c).

"SEC. 23. MINIMUM STANDARDS.

"(a) Class I Gaming.—Notwithstanding any other provision of law, class I gaming on Indiana lands shall be within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.

"(b) Class II Gaming.—Effective on the date of enactment of this section, an Indian tribe shall retain the rights of that Indian tribe, with respect to class II gaming and in a manner that meets or exceeds the minimum Federal standards established under section 11, to—

"(1) monitor and regulate that gaming;

"(2) conduct background investigations; and

"(3) establish and regulate internal control systems.

"(c) Class III Gaming Under a Compact.—With respect to class III gaming that is conducted under a compact entered into under this Act, an Indian tribe or a State (or both), as provided for in such a compact or a related tribal ordinance or resolution shall, in a manner that meets or exceeds the minimum Federal standards established by the Commission under section 11—

"(1) monitor and regulate that gaming;

"(2) conduct background investigations; and

"(3) establish and regulate internal control systems.

"(d) RULEMAKING.—The Commission may promulgate such regulations as may be necessary to carry out this section.

"SEC. 24. USE OF NATIONAL INDIAN GAMING COMMISSION CIVIL FINES.

"(a) USE OF FUNDS.—The Secretary may provide grants and technical assistance to Indian tribes from any funds secured by the Commission pursuant to section 14, which funds shall be made available only for the following purposes:

"(1) To provide technical training and other assistance to Indian tribes to strengthen the regulatory integrity of Indian gaming.

"(2) To provide assistance to Indian tribes to assess the feasibility of non-gaming economic development activities on Indian lands.

"(3) To provide assistance to Indian tribes to devise and implement programs and treatment services for individuals diagnosed as problem gamblers.

"(4) To provide other forms of assistance to Indian tribes not inconsistent with the Indian Gaming Regulatory Act.

"(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with Indian tribes and any other appropriate tribal or Federal officials.

"(c) REGULATIONS.—The Secretary may promulgate such regulations as may be necessary to carry out this section.

"SEC. 25. REGULATIONS.

"(a) IN GENERAL.—

"(1) PROMULGATION.—Not later than 90 days after the date of enactment of the Indian Gaming Regulatory Improvement Act of 2000, the Secretary shall develop procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate regulations relating to the classification of games conducted by Indian tribes pursuant to this Act.

"(2) PUBLICATION OF PROPOSED REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Gaming Regulatory Improvement Act of 2000, the Secretary shall publish in the Federal Register proposed regulations to implement the amendments made by such Act.

"(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall be composed only of Federal and Indian tribal government representatives, a majority of whom shall be nominated by and be representative of Indian tribes that conduct gaming pursuant to this Act.".

SEC. 3. APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.

Section 306(f) of title 5, United States Code, is amended by inserting "and includes the National Indian Gaming Commission," after "section 105,".

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 2921. A bill to provide for management and leadership training, the provision of assistance and resources for policy analysis, and other appropriate activities in the training of Native American and Alaska Native professionals in health care and public policy; to the Committee on Environment and Public Works.

LEGISLATION EXPANDING THE UDALL FOUNDATION MISSION

Mr. MCCAIN. Mr. President, I rise to introduce legislation that will amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native America Public Policy Act of 1992 to expand opportunities for the Morris K. Udall Foundation to assist tribal governments with leadership and management training. I am pleased that Senator INOUYE is an original cosponsor of this legislation.

This legislation is mostly technical in nature. It extends the authority of the Udall Foundation, located at the University of Arizona in Tucson, to implement a leadership and management training program, to be called the "Native Nations Institute for Leadership, Management and Policy."

The 1992 Act which created the Udall Foundation is already authorized to implement programs to assist tribal governments with training for Native American and Alaska Native professionals in public policy. This legislation simply authorizes the Udall Foundation to carry out another step in its mission.

The Native Nations Institute will provide practical leadership and management training as well as policy analysis, in a variety of fields, for native people and communities to further the goals of tribal self-governance. The Native Nations Institute will facilitate this training through a unique partnership between the University of Arizona, the Udall Foundation and the Harvard Project on American Indian Economic Development.

Mr. President, the Native Nations Institute will enable tribal leaders and decision-makers to access professional leadership and management training to prepare current and future tribal leaders to tackle the socioeconomic, educational and other fundamental challenges facing tribal communities.

Companion legislation has been introduced in the House with bipartisan support. In the short time remaining in this Congressional session, I hope that we can proceed with prompt passage of this legislation.

I ask unanimous consent to include the text of the legislation in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

(a) AUTHORITY.—Section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)) is amended by inserting before the semicolon at the end the following: ", by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.".

(b) ADMINISTRATIVE PROVISIONS.—Section 12(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608(b)) is amended by inserting before the period at the end the following: "and to the activities of the Foundation under section 6(7)".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by adding at the end the following:

"(c) TRAINING OF PROFESSIONALS IN HEALTH CARE AND PUBLIC POLICY.—There is authorized to be appropriated to carry out section 6(7) $12,300,000 for the 5-year period beginning with the first fiscal year that begins after the date of enactment of this subsection.".

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 1016

At the request of Mr. DEWINE, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2340

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2340, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. DEWINE), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2610

At the request of Mr. HARKIN, the names of the Senator from Minnesota

(Mr. GRAMS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2610, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 2644

At the request of Mr. GORTON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2714

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2714, a bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income.

S. 2726

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2726, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2800

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. 2872

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2872, a bill to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2878

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2878, a bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. CON. RES. 117

At the request of Mr. ROTH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 117, a concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes.

S. CON. RES. 130

At the request of Mrs. LINCOLN, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Wisconsin (Mr. KOHL), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. CON. RES. 131

At the request of Mr. ROTH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 131, a concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnose, and for other purposes.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 278

At the request of Mr. KERREY, the names of the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. MOYNIHAN), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. CLELAND), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 278, a resolution commending Ernest Burgess, M.D., for his service to the Nation and international community.

S. RES. 301

At the request of Mr. THURMOND, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Nevada (Mr. BRYAN), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 334

At the request of Mr. INOUYE, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. CONRAD), the Senator from Georgia (Mr. CLELAND), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Res. 334, a resolution expressing appreciation to the people of Okinawa for hosting United States defense facilities, commending the Government of Japan for choosing Okinawa as the site for hosting the summit meeting of the G–8 countries, and for other purposes.

AMENDMENT NO. 3459

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin

(Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 3459 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE RESOLUTION 342—A RESOLUTION DESIGNATING THE WEEK BEGINNING SEPTEMBER 17, 2000, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 342

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 17, 2000, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities.

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a Senate resolution which authorizes and requests the President to designate the week beginning September 17, 2000, as "National Historically Black Colleges and Universities Week."

It is my privilege to sponsor this legislation for the 15th time honoring the historically black colleges of our country.

Eight of the 105 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State University, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of young people with the opportunity to obtain a college education.

Mr. President, these institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer our citizens a variety of curricula and programs through which young people develop skills and talents, thereby expanding opportunities for a lifetime of achievement.

Mr. President, through passage of this Senate resolution, Congress can reaffirm its support for historically black colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 25, 2000, at 9:30 a.m., in open session to receive testimony on the National Missile Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet Tuesday, July 25, 2000, at 2:15 p.m., on pilot shortage.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 25, 2000, at 9:30 a.m., on S. 1941—Fire Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 25, for purposes of conducting a full committee business meeting which is scheduled to begin at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 25, at 9:30 a.m., hearing room (SD-406), to receive testimony on the disposal of low activity radioactive waste.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 25, 2000, at 9:30 a.m., and 3 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on public safety officers' collective bargaining during the session of the Senate on Tuesday, July 25, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 25, 2000 at 10:00 a.m., in room 485 of the Russell Senate Building to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, July 25, 2000, at 2 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 25, 2000, for a public hearing on fatherhood initiatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 25, 2000, for a public hearing on Federal income tax issues relating to proposals to encourage the creation of public open spaces in urban areas and the preservation of farm and other rural lands for conservation purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the remainder of today to the following interns in Senator JOHNSON's office: Terry Garcia, Brad Mollet, Leif Oveson, Anna Turner, and Katy Ziegler.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

On July 20, 2000, the Senate amended and passed H.R. 4461, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4461) entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $27,914,000, of which, $25,000,000, to remain available until expended, shall be available only for the development and implementation of a common computing environment: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That the funds made available for the development and implementation of a common computing environment shall only be available upon prior notice to the Committee on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,462,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $12,421,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,765,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $10,046,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $5,171,000: Provided, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $629,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $182,747,000, to remain available until expended: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601, et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq., $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $36,840,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,568,000: Provided, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,202,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,873,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $66,867,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $31,080,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $556,000.

ECONOMIC RESEARCH SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and *other laws, $67,038,000: Provided, That $1,500,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: Provided further, That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).*

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $100,615,000, of which up to $15,000,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $871,593,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2001, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $56,330,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $30,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; $64,157,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $13,721,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $118,700,000 for competitive research grants (7 U.S.C. 450i(b)); $5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); $750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $650,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $1,000,000 for the 1994 research program (7 U.S.C. 301 note), to remain available until expended; $3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $3,500,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $3,000,000 for a program of noncompetitive grants, to be awarded on an equal basis, to Alaska Native-serving and Native Hawaiian-serving Institutions to carry out higher education programs (7 U.S.C. 3242); $1,000,000 for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $9,500,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,500,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $16,402,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $494,044,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American institutions endowment fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000: Provided, That hereafter, any distribution of the adjusted income from the Native American institutions endowment fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,500,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $4,100,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $12,400,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,000,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $2,500,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,000,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $26,843,000, of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; and for the Oregon State University Agriculture Extension Service, $176,000 for the Food Electronically and Effectively Distributed (FEED) *website demonstration project; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $12,283,000; in all, $427,380,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.*

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, $43,365,000, as follows: payments for the water quality program, $13,000,000; payments for the food safety program, $15,000,000; payments for the national agriculture pesticide impact assessment program, $4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $5,824,000; payments for crops affected by the Food Quality Protection Act implementation, $2,000,000; and payments for the methyl bromide transition program, $3,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration, $635,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $458,149,000, of which $4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That not less than $1,000,000 of the funds available under this heading made available for wildlife services methods development, the Secretary of Agriculture shall conduct pilot projects in no less than four States representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: Provided further, That the General Accounting Office shall report to the Committee on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.

In fiscal year 2001, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2001, $87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $9,870,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $64,696,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That $639,000 may be transferred to the Expenses and Refunds, Inspection and Grading of Farm Products fund account for the cost of the National Organic Production Program and that such funds shall remain available until expended.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committee on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $13,438,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $27,269,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committee on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $460,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $678,011,000, of which no less than $578,544,000 shall be available for Federal food inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): Provided further, That this appropriation shall be available *for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.*

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $589,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $828,385,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $559,373,000, of which $431,373,000 shall be for guaranteed loans; operating loans, $2,397,842,000, of which $1,697,842,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,028,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $15,986,000, of which $2,200,000 shall be for guaranteed loans; operating loans, $84,680,000, of which $23,260,000 shall be for unsubsidized guaranteed loans and $16,320,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $166,000; and for emergency insured loans, $6,133,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $269,454,000, of which $265,315,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committee on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $65,597,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2001, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $711,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $714,116,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,990,000 is for snow survey and water forecasting and not less than $9,975,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,705,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: Provided further, That of the funds available for Emergency Watershed Protection activities, $4,000,000 shall be available for Mississippi and Wisconsin for financial and technical assistance for pilot rehabilitation projects of small, upstream dams built under the Watershed and Flood Prevention Act (16 U.S.C. 1001 et seq., section 13 of the Act of December 22, 1994; Public Law 78–534; 58 Stat. 905), and the pilot watershed program authorized under the heading "FLOOD PREVENTION" of the Department of Agriculture Appropriation Act, 1954 (Public Law 83–156; 67 Stat. 214): Provided further, That of the funds made available for watershed and flood prevention activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $36,265,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $605,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $759,284,000, to remain available until expended, of which $53,225,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $644,360,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $61,699,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, of which (1) $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)), (2) $5,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)), (3) $15,000,000 shall be available for grants for drinking water and waste disposal systems under section 306C of that Act (7 U.S.C. 1926c) to Federally Recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program, and (4) $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)): Provided further, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low-income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to Mississippi Delta Region counties: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination; not to exceed $16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $42,574,650 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which $8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of administering Rural Development programs as authorized by the Rural Electrification Act of 1936; the Consolidated Farm and Rural Development Act; title V of the Housing Act of 1949; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926 for activities related to marketing aspects of cooperatives, including economic research findings, authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements: $130,371,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,200,000,000 shall be for unsubsidized guaranteed loans; $32,396,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $114,321,000 for section 515 rental housing; $5,152,000 for section 524 site loans; $7,503,000 for credit sales of acquired property, of which up to $1,250,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $215,060,000, of which $38,400,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $11,481,000; section 538 multi-family housing guaranteed loans, $1,520,000; section 515 rental housing, $56,326,000; multi-family credit sales of acquired property, $613,000; and section 523 self-help housing land development loans, $279,000: Provided, That of the total amount appropriated in this paragraph, $13,832,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $409,233,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $680,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2001 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $44,000,000, to remain available until expended: Provided, That of the total amount appropriated, $5,000,000 shall be for a housing demonstration program for agriculture, aquaculture, and seafood processor workers: Provided further, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $28,750,000, to remain available until expended for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $19,476,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $2,036,000 shall be for Federally Recognized Native American Tribes; and of which $4,072,000 shall be for the Mississippi Delta Region Counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,256,000: Provided further, That of the total amount appropriated, $3,216,000 shall be available through June 30, 2001, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,640,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,911,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2001, as authorized by section 313 of the Rural Electrification Act of 1936, $3,911,000 shall not be obligated and $3,911,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $6,000,000, of which $1,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $1,700,000,000 and rural telecommunications, $120,000,000; and $500,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, $19,871,000; and cost of municipal rate loans, $20,503,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $34,716,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2001 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,590,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $27,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas, of which not more than $3,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and of which $2,000,000 may be available for a pilot program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" contained in section 203(b) of the Rural Electrification Act (7 U.S.C. 924(b)): Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $570,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,541,539,000, to remain available through September 30, 2002, of which $4,413,960,000 is hereby appropriated and $5,127,579,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That, except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, up to $6,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: Provided further, That of the funds made available under this heading, $500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: Provided further, That up to $4,511,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,052,000,000, to remain available through September 30, 2002: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate $15,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, up to $14,000,000 shall be available for the purposes specified in section

17(h)(10)(B), no less than $6,000,000 of which shall be used for the development of electronic benefit transfer systems: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $21,221,293,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That, of funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), an additional amount not to exceed $7,300,000 shall be used to purchase bison for the FDPIR and to provide a mechanism for the purchases from Native American producers and cooperative organizations.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); and the Emergency Food Assistance Act of 1983, $140,300,000, to remain available through September 30, 2002: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $141,081,000, to remain available through September 30, 2002.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $116,807,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $4,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $113,424,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food For Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $114,186,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $1,850,000, of which $1,035,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $815,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $20,322,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: Provided, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committee on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLES II AND III GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $837,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,210,796,000, of which not to exceed $149,273,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2001 shall be subject to the fiscal year 2001 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $292,934,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $315,143,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $12,534,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $141,368,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $59,349,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $164,762,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $35,842,000 shall be for the National Center for Toxicological Research; (7) $25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) $104,954,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $70,589,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committee on Appropriations of both Houses of Congress: Provided further, That in addition to amounts otherwise appropriated *under this heading to the Food and Drug Administration, an additional $6,000,000 shall be made available of which $5,000,000 shall be made available for the Centers for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, and $1,000,000 shall be made available to the National Center for Toxicological Research.*

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $31,350,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $67,100,000, including not to exceed $1,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $36,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2001 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 389 passenger motor vehicles, of which 385 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: Provided, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, boll weevil program, up to 10 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)) and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2001 shall remain available until expended to cover obligations made in fiscal year 2001 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or Cooperator to carry out agricultural marketing programs, to carry out programs to protect the Nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the Nation's food supply.

SEC. 714. Notwithstanding any other provision of law, the Secretary of Agriculture may enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives.

SEC. 715. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 716. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants: Provided, That interagency funding is authorized to carry out the purposes of the National Drought Policy Commission.

SEC. 717. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 718. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 720. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any *other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committee on Appropriations of both Houses of Congress.*

SEC. 721. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 722. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under section 793 of Public Law 104–127 (7 U.S.C. 2204f).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $174,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 727. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri.

SEC. 728. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 729. Hereafter, none of the funds appropriated by this Act or any other Act may be used to:

(1) carry out the proviso under 7 U.S.C. 1622(f); or

(2) carry out 7 U.S.C. 1622(h) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: Provided, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 730. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105–185.

SEC. 733. None of the funds appropriated or otherwise made available by this Act may be used to declare excess or surplus all or part of the lands and facilities owned by the Federal Government and administered by the Secretary of Agriculture at Fort Reno, Oklahoma, or to transfer or convey such lands or facilities prior to July 1, 2001, without the specific authorization of Congress.

SEC. 734. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used for the implementation of a Support Services Bureau or similar organization.

SEC. 735. Notwithstanding any other provision of law, for any fiscal year, in the case of a high cost, isolated rural area of the State of Alaska that is not connected to a road system—

(1) in the case of assistance provided by the Rural Housing Service for single family housing under title V of the Housing Act of 1949 (7 U.S.C. 1471 et seq.), the maximum income level for the assistance shall be 150 percent of the average income level in metropolitan areas of the State;

(2) in the case of community facility loans and grants provided under paragraphs (1) and (19), respectively, of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) and assistance provided under programs carried out by the Rural Utilities Service, the maximum income level for the loans, grants, and assistance shall be 150 percent of the average income level in nonmetropolitan areas of the State;

(3) in the case of a business and industry guaranteed loan made under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)), to the extent permitted under that Act, the Secretary of Agriculture shall—

(A) guarantee the repayment of 90 percent of the principal and interest due on the loan; and

(B) charge a loan origination and servicing fee in an amount not to exceed 1 percent of the amount of the loan; and

(4) in the case of assistance provided under the Rural Community Development Initiative for fiscal year 2000 carried out under the rural community advancement program established under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), the median household income level, and the not employed rate, with respect to applicants for assistance under the Initiative shall be scored on a community-by-community basis.

SEC. 736. Hereafter, notwithstanding any other provision of law, no housing or residence in a foreign country purchased by an agent or instrumentality of the United States, for the purpose of housing the agricultural attaché, shall be sold or disposed of without the approval of the Foreign Agricultural Service of the United States Department of Agriculture, including property purchased using foreign currencies generated under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) and used or occupied by agricultural attachés of the Foreign Agricultural Service: Provided, That the Department of State/Office of Foreign Buildings may sell such properties with the concurrence of the Foreign Agricultural Service if the proceeds are used to acquire suitable properties of appropriate size for Foreign Agricultural Service agricultural attachés: Provided further, That the Foreign Agricultural Service shall have the right to occupy such residences in perpetuity with costs limited to appropriate maintenance expenses.

SEC. 737. Hereafter, funds appropriated to the Department of Agriculture may be used to employ individuals to perform services outside the United States as determined by the agencies to be necessary or appropriate for carrying out programs and activities abroad; and such employment actions, hereafter referred to as Personal Service Agreements (PSA), are authorized to be negotiated, the terms of the PSA to be prescribed and work to be performed, where necessary, without regard to such statutory provisions as related to the negotiation, making and performance of contracts and performance of work in the United States: Provided, That individuals employed under a PSA to perform such services outside the United States shall not, by virtue of such employment, be considered employees of the United States government for purposes of any law administered by the Office of

Personnel Management: Provided further, That such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq.: Provided further, That Government service credit shall be accrued for the time employed under a PSA should the individual later be hired into a permanent U.S. Government position if their authorities so permit.

SEC. 738. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 739. Of any shipments of commodities made pursuant to Section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not less than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 740. AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT. (a) SHORT TITLE.—This section may be cited as the "Medicine Equity and Drug Safety Act of 2000".

(b) FINDINGS.—Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting "and section 804" after "paragraph (2)"; and

(2) by adding at the end the following:

"SEC. 804. IMPORTATION OF COVERED PRODUCTS.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Notwithstanding sections 301(d), 301(t), and 801(a), the Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting importation into the United States of covered products.

"(2) LIMITATION.—Regulations promulgated under paragraph (1) shall—

"(A) require that safeguards are in place that provide a reasonable assurance to the Secretary that each covered product that is imported is safe and effective for its intended use;

"(B) require that the pharmacist or wholesaler importing a covered product complies with the provisions of subsection (b); and

"(C) contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States.

"(3) RECORDS.—Regulations promulgated under paragraph (1) shall require that records regarding such importation described in subsection (b) be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

"(b) IMPORTATION.—

"(1) IN GENERAL.—The Secretary shall promulgate regulations permitting a pharmacist or wholesaler to import into the United States a covered product.

"(2) REGULATIONS.—Regulations promulgated under paragraph (1) shall require such pharmacist or wholesaler to provide information and records to the Secretary, including—

"(A) the name and amount of the active ingredient of the product and description of the dosage form;

"(B) the date that such product is shipped and the quantity of such product that is shipped, points of origin and destination for such product, the price paid for such product, and the resale price for such product;

"(C) documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received;

"(D) the manufacturer's lot or control number of the product imported;

"(E) the name, address, and telephone number of the importer, including the professional license number of the importer, if the importer is a pharmacist or pharmaceutical wholesaler;

"(F) for a product that is—

"(i) coming from the first foreign recipient of the product who received such product from the manufacturer—

"(I) documentation demonstrating that such product came from such recipient and was received by such recipient from such manufacturer;

"(II) documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by such recipient;

"(III) documentation that each lot of the initial imported shipment was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product;

"(IV) documentation demonstrating that a statistically valid sample of all subsequent shipments from such recipient was tested at an appropriate United States laboratory for authenticity and degradation by the importer or manufacturer of such product; and

"(V) certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act; and

"(ii) not coming from the first foreign recipient of the product, documentation that each lot in all shipments offered for importation into the United States was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product, and meets all labeling requirements under this Act;

"(G) laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards; and

"(H) any other information that the Secretary determines is necessary to ensure the protection of the public health of patients in the United States.

"(c) TESTING.—Testing referred to in subparagraphs (F) and (G) of subsection (b)(2) shall be done by the pharmacist or wholesaler importing such product, or the manufacturer of the product. If such tests are conducted by the pharmacist or wholesaler, information needed to authenticate the product being tested and confirm that the labeling of such product complies with labeling requirements under this Act shall be supplied by the manufacturer of such product to the pharmacist or wholesaler, and as a condition of maintaining approval by the Food and Drug Administration of the product, such information shall be kept in strict confidence and used only for purposes of testing under this Act.

"(d) STUDY AND REPORT.—

"(1) STUDY.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted under this section, taking into consideration the information received under subsections (a) and (b). In conducting such study, the Secretary or entity shall—

"(A) evaluate importers' compliance with regulations, and the number of shipments, if any, permitted under this section that have been determined to be counterfeit, misbranded, or adulterated; and

"(B) consult with the United States Trade Representative and United States Patent and Trademark Office to evaluate the effect of importations permitted under this Act on trade and patent rights under Federal law.

"(2) REPORT.—Not later than 5 years after the effective date of final regulations issued pursuant to this section, the Secretary shall prepare and submit to Congress a report containing the study described in paragraph (1).

"(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to importation of covered products, other than the importation described in subsections (a) and (b).

"(f) DEFINITIONS.—In this section:

"(1) COVERED PRODUCT.—The term 'covered product' means a prescription drug under section 503(b)(1) that meets the applicable requirements of section 505, and is approved by the Food and Drug Administration and manufactured in a facility identified in the approved application and is not adulterated under section 501 or misbranded under section 502.

"(2) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy in the United States, including the dispensing and selling of prescription drugs.

"(3) WHOLESALER.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States.

"(g) CONDITIONS.—This section shall become effective only if the Secretary of the Department of Health and Human Services certifies to the Congress that the implementation of this section will—

"(1) pose no risk to the public's health and safety; and

"(2) result in a significant reduction in the cost of covered products to the American consumer.".

SEC. 741. Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended by adding after "sulfites," "except in the production of wine,".

SEC. 742. None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act.

SEC. 743. Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median *family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).*

SEC. 744. SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE. It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

SEC. 745. NATURAL CHEESE STANDARD.—(a) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking "Whenever" and inserting "(a) Whenever"; and

(2) by adding at the end the following:

"(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk or casein in the definition of the term 'milk' or 'nonfat milk', as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling).".

(b) IMPORTATION STUDY.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

(A) the quantity of ultra-filtered milk that is imported annually into the United States; and

(B) the end use of that imported milk; and

(2) submit to Congress a report that describes the results of the study.

SEC. 746. None of the funds appropriated by this Act to the United States Department of Agriculture may be used to implement or administer the final rule issued in docket number 97–110, at 65 Federal Register 37608–37669 until such time as the USDA completes an independent peer review of the rule and the risk assessment underlying the rule.

SEC. 747. DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5)(A) any award entered into under the program that is canceled or voided after June 30, 1995, is made available for reassignment under the program as long as a World Trade Organization violation is not incurred; and

"(B) any reassignment under subparagraph (A) is not reported as a new award when reporting the use of the reassigned tonnage to the World Trade Organization.".

SEC. 748. STATE AGRICULTURAL MEDIATION PROGRAMS. (a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

"(1) ISSUES COVERED.—

"(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

"(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

"(i) Wetlands determinations.

"(ii) Compliance with farm programs, including conservation programs.

"(iii) Agricultural credit.

"(iv) Rural water loan programs.

"(v) Grazing on National Forest System land.

"(vi) Pesticides.

"(vii) Such other issues as the Secretary considers appropriate.

"(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

"(A) agricultural producers;

"(B) creditors of producers (as applicable); and

"(C) persons directly affected by actions of the Department of Agriculture."; and

(2) by adding at the end the following:

"(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

"(1) the intake and scheduling of cases;

"(2) the provision of background and selected information regarding the mediation process;

"(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

"(4) the mediation session.".

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking "Each" and inserting the following:

"(1) IN GENERAL.—Each"; and

(2) by adding at the end the following:

"(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

"(A) salaries;

"(B) reasonable fees and costs of mediators;

"(C) office rent and expenses, such as utilities and equipment rental;

"(D) office supplies;

"(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

"(F) education and training;

"(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

"(H) costs associated with publicity and promotion of the mediation program;

"(I) preparation of the parties for mediation; and

"(J) financial advisory and counseling services for parties requesting mediation.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2000" and inserting "2005".

SEC. 749. GOOD FAITH RELIANCE. The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

"SEC. 1230A. GOOD FAITH RELIANCE.

"(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contract and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

"(b) TYPES OF RELIEF.—The Secretary shall—

"(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

"(A) to retain payments received under the contract;

"(B) to continue to receive payments under the contract;

"(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

"(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; or

"(E) or any other equitable relief the Secretary deems appropriate; and

"(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

"(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

"(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).

"(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for all subsequent contracts.".

SEC. 750. AVAILABILITY OF DATA ON IMPORTED HERBS. The Secretary of Agriculture and the Secretary of the Treasury shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

DIVISION B

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $59,400,000, to be available until September 30, 2001: Provided, That this amount shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That the entire amount shall be available only to the extent an official budget request for $59,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for the Grain Inspection, Packers and Stockyards Administration, $600,000 for completion of a biotechnology reference facility: Provided, That the entire amount shall be available only to the extent an official budget request for $600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, *That the entire amount is designated by Congress as an emergency requirement in accordance with section 251(b)(2)(A) of that Act.*

Federal Crop Insurance Corporation Fund

For an additional amount for the Federal Crop Insurance Corporation Fund, up to $13,000,000, to provide premium discounts to purchasers of crop insurance reinsured by the Corporation (except for catastrophic risk protection coverage), as authorized under section 1102(g)(2) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999 (Public Law 105–277): Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $70,000,000, to remain available until expended: Provided, That funds shall be used for activities identified by July 18, 2000: Provided further, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Rural Community Advancement Program

For an additional amount for the Rural Community Advancement Program, $50,000,000 to provide grants pursuant to the Rural Community Facilities Grant Program for areas of extreme unemployment or economic depression, subject to authorization: Provided, That the entire amount shall be available only to the extent an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for the Rural Community Advancement Program, $30,000,000 to provide grants pursuant to the Rural Utility Service Grant Program for rural communities with extremely high energy costs, subject to authorization: Provided, That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for the Rural Community Advancement Program, $50,000,000, for the cost of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve for applications associated with a risk to public heath or the environment or a natural emergency: Provided, That of the amount provided by this paragraph, $10,000,000 may only be used in counties which have received an emergency designation by the President or the Secretary after January 1, 2000, for applications responding to water shortages resulting from the designated emergency: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926(a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: Provided, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): Provided further, That the $50,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

Rural Utilities Service

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

For additional five percent rural electrification loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), $111,111,000.

For the additional cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of five percent rural electrification loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $1,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $1,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 1101. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $35,000,000, to remain available until expended, shall be provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program and the Wetlands Reserve Program funded by the Commodity Credit Corporation: Provided, That the entire amount shall be available only to the extent an official budget request for $35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Sec. 1102. The paragraph under the heading "Livestock Assistance" in chapter 1, title I of H.R. 3425 of the 106th Congress, enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536) is amended by striking "during 1999" and inserting "from January 1, 1999, through February 7, 2000": Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Sec. 1103. Hereafter, for the purposes of the Livestock Indemnity Program authorized in Public Law 105–18, the term "livestock" shall have the same meaning as the term "livestock" under section 104 of Public Law 106–31.

Sec. 1104. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106–78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106–78: Provided, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as the payments to dairy producers under section 805 of Public Law 106–78: Provided further, That the Secretary shall make a determination as to whether a dairy producer is considered a new producer for purposes of section 805 by taking into account the number of months such producer has operated as a dairy producer in order to calculate a payment rate for such producer: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Sec. 1105. Notwithstanding any other provision of law, the Secretary of Agriculture may use the funds, facilities and authorities of the Commodity Credit Corporation to administer and make payments to: (a) compensate growers whose crops could not be sold due to Mexican fruit fly quarantines in San Diego and San Bernardino/Riverside counties in California since their imposition on November 16, 1999, and September 10, 1999, respectively; (b) compensate growers in relation to the Secretary's "Declaration of Extraordinary Emergency" on March 2, 2000, regarding the plum pox virus; (c) compensate growers for losses due to Pierce's disease; and (d) compensate growers for losses incurred due to infestations of grasshoppers and mormon crickets: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106–78 in an amount equal to 35 percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous 5-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106–78: Provided, That these funds shall be available until September 30, 2001: Provided further, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as, the payments to dairy producers under section 805 of Public Law 106–78: Provided further, That the Secretary shall make provisions for making payments, in addition, to new producers: Provided further, That for any producers, including new producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106–78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the 12 months preceding the enactment of this section or the producer's base production under the program operated under section 805 of Public Law 106–78 subject to such limitations as apply to other producers: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1107. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation in an amount equal to $450,000,000 to make and administer payments for livestock losses using the criteria established to carry out the 1999 Livestock Assistance Program (except for application of the national percentage reduction factor) to producers for 2000 losses in a county which has received an emergency designation by the President or the Secretary after January 1, 2000, and shall be available until September 30, 2001: Provided, That the Secretary shall give consideration to the effect of recurring droughts in establishing the level of payments to producers under this section: Provided further, That of the $450,000,000 amount, the Secretary shall use not less than $5,000,000 to provide assistance for emergency haying and feed operations in the State of Alabama: Provided further, That of the funds made available by this section, up to $40,000,000 may be used to carry out the Pasture Recovery Program: Provided further, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for $450,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1108. In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78), or under the matter under the heading "CROP LOSS ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION FUND" of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress: Provided further, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the wetlands reserve program: Provided, That notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall be provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1110. In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate or otherwise seek to make whole, from funds of the Commodity Credit Corporation, not to exceed $4,000,000, the owners of all sheep destroyed from flocks under the Secretary's declarations of July 14, 2000 for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1111. Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act) the Secretary of Agriculture shall use not more than $40,000,000 of Commodity Credit Corporation funds for a cooperative program with the State of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. et seq.), is transmitted by the President to Congress: Provided further, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1112. For an additional amount for the Secretary of Agriculture to provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund, $2,500,000: Provided, That, these funds shall only be available if the State of South Carolina provides an equal amount to the South Carolina Grain Dealers Guaranty Fund: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1113. (a) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) unless—

(1) the Secretary permits funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 to be used to provide financial or technical assistance to farmers and ranchers for the purposes described in section 211(b) of that Act; and

(2) notwithstanding section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a(c)), the Secretary permits funds made available under section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) to be used to provide additional funding for the Wildlife Habitat Incentive Program established under that section 387 in such sums as the Secretary considers necessary to carry out that Program.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1114. CROP LOSS ASSISTANCE. (a) IN GENERAL.—The Secretary of Agriculture shall use *such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $450,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.*

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1115. SPECIALTY CROPS. (a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1116. Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices.

SEC. 1117. APPLE MARKET LOSS ASSISTANCE AND QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—(a) APPLE MARKET LOSS ASSISTANCE.—

(1) IN GENERAL.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) PAYMENT QUANTITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster.

(c) NONDUPLICATION OF PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market or quality loss for apples or potatoes to the extent that the producer is eligible for compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for emergency repairs and dredging due to the effects of drought and other conditions, $10,000,000, to remain available until expended, which shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for emergency repairs and dredging due to storm damages, $35,000,000, to remain available until expended, of which such amounts for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that Fund: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For an additional amount necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $11,000,000, to remain available until expended, which shall be available only to the extent an official budget request for $11,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", $17,172,000 to remain available until expended, of which $15,687,000 shall be used to address restoration needs caused by wildland fires and $1,485,000 shall be used for the treatment of grasshopper and Mormon Cricket infestations on lands managed by the Bureau of Land Management: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $1,500,000, to remain available until expended, for support of the preparation and *implementation of plans, programs, or agreements, identified by the State of Idaho, that address habitat for freshwater aquatic species on nonfederal lands in the State voluntarily enrolled in such plans, programs, or agreements, of which $200,000 shall be made available to the Boise, Idaho field office to participate in the preparation and implementation of the plans, programs or agreements, of which $300,000 shall be made available to the State of Idaho for preparation of the plans, programs, or agreements, including data collection and other activities associated with such preparation, and of which $1,000,000 shall be made available to the State of Idaho to fund habitat enhancement, maintenance, or restoration projects consistent with such plans, programs, or agreements: Provided, That the entire amount made available is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

CONSTRUCTION

For an additional amount for "Construction", $8,500,000, to remain available until expended, to repair or replace buildings, equipment, roads, bridges, and water control structures damaged by natural disasters and conduct critical habitat restoration directly necessitated by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $3,500,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $5,300,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $1,300,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $1,200,000, to remain available until expended, for repair of the portions of the Yakama Nation's Signal Peak Road that have the most severe damage: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

For an additional amount for "Program Management", $15,000,000 to be available through September 30, 2001: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

SECURITY ENHANCEMENTS

For an additional amount for costs associated with security enhancements, as appropriated under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $11,874,000, to remain available until expended, of which—

(1) $10,000,000 shall be for security enhancements in connection with the initial implementation of the United States Capitol Police master plan: Provided, That notwithstanding such chapter 5, such funds shall be available for facilities located within or outside of the Capitol Grounds, and such security enhancements shall be subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate; and

(2) $1,874,000 shall be for security enhancements to the buildings and grounds of the Library of Congress:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CAPITOL POLICE

SALARIES

For an additional amount for costs of overtime, $2,700,000, to be available to increase, in equal amounts, the amounts provided to the House of Representatives and the Senate: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking "$10,000,000" each place it appears and inserting "$14,500,000".

(b) Section 201 of such Act is amended—

(1) by inserting "(a)" before "Pursuant", and

(2) by adding at the end the following:

"(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the $14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)).".

CHAPTER 6

GENERAL PROVISION—THIS TITLE

SEC. 1601. In addition to amounts appropriated or otherwise made available in Public Law 106–58 to the Department of the Treasury, Department-wide Systems and Capital Investments Programs, $123,000,000, to remain available until September 30, 2001, for maintaining and operating the current Customs Service Automated Commercial System: Provided, That the funds shall not be obligated until the Customs Service has submitted to the Committees on Appropriations an expenditure plan which has been approved by the Treasury Investment Review Board, the Department of the Treasury, and the Office of Management and Budget: Provided further, That none of the funds may be obligated to change the functionality of the Automated Commercial System itself: Provided further, That the entire amount shall be available only to the extent that an official budget request for $123,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

SUPPLEMENTAL APPROPRIATIONS AND OFFSETS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

From amounts appropriated under this heading in Public Law 106–78 not needed for federal food inspection, up to $6,000,000 may be used to liquidate obligations incurred in previous years, to the extent approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. Section 381A(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009(1)) is amended as follows:

"(1) RURAL AND RURAL AREA.—The terms 'rural and rural area' mean, subject to 306(a)(7), a city or town that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city or town that has a population in excess of 50,000 inhabitants, except for business and industry projects or facilities described in section 310(B)(a)(1), a city or town with a population in excess of 50,000 inhabitants and its immediately adjacent urbanized area shall be eligible for funding when the primary economic beneficiaries of such projects or facilities are producers of agriculture commodities.".

SEC. 2102. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Long Park Dam in Utah from funds available for the Emergency Watershed Program, not to exceed $4,500,000.

SEC. 2103. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kuhn Bayou (Point Remove) Project in Arkansas from funds available for the Emergency Watershed Program, not to exceed $3,300,000.

SEC. 2104. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Snake River Watershed project in

Minnesota from funds available for the Emergency Watershed Program, not to exceed $4,000,000.

SEC. 2105. None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), and the regulations issued pursuant to such section 1102(b).

SEC. 2106. Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

"(3) LOANS TO POULTRY FARMERS.—

"(A) INABILITY TO OBTAIN INSURANCE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

"(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

"(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

"(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in section 324(a)(2), the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

"(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

"(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

"(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

"(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) the farmer meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in section 324(a)(2), the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

"(I) the amount of the hazard insurance obtained by the farmer; and

"(II) the cost of rebuilding the chicken house in accordance with current industry standards.".

SEC. 2107. Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development Community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.

CHAPTER 2

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION (DOMESTIC ENHANCEMENTS)

METHAMPHETAMINE LAB CLEANUP ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT

For an additional amount for drug enforcement administration, $5,000,000 for the Drug Enforcement Agency to assist in State and local methamphetamine lab cleanup (including reimbursement for costs incurred by State and local governments for lab cleanup since March 2000): Provided, That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RADIATION EXPOSURE COMPENSATION

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For an additional amount for "Payment to Radiation Exposure Compensation Trust Fund", $7,246,000.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for the account entitled "Operations, Research, and Facilities", $3,000,000.

DEPARTMENT OF STATE

PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

For an additional amount for the "Presidential Advisory Commission on Holocaust Assets in the United States", as authorized by Public Law 105–186, as amended, $1,400,000, to remain available until March 31, 2001, for the direct funding of the activities of the Commission: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 3

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $40,000,000, to be available for obligation for the period April 1, 2000, through June 30, 2001, to be distributed by the Secretary of Labor to States for youth activities in the local areas containing the 50 cities with the largest populations, as determined by the latest available Census data, in accordance with the formula criteria for allocations to local areas contained in section 128(b)(2)(A)(i) of the Workforce Investment Act: Provided, That the amounts distributed to the States shall be distributed within each State to the designated local areas without regard to section 127(a) and (b)(1) and section 128(a) of such Act.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Under the heading "Discretionary Grants" in Public Law 105–66, "$4,000,000 for the Salt Lake City regional commuter system project;" is amended to read "$4,000,000 for the transit and other transportation-related portions of the Salt Lake City regional commuter system and Gateway Intermodal Terminal;".

SEC. 2402. Notwithstanding any other provision of law, the Commandant shall transfer $8,000,000 identified in the conference report accompanying Public Law 106–69 for "Unalaska, AK—pier" to the City of Unalaska, Alaska for the construction of a municipal pier and other harbor improvements: Provided, That the City of Unalaska enter into an agreement with the United States to accommodate Coast Guard vessels and support Coast Guard operations at Unalaska, Alaska.

SEC. 2403. From amounts previously made available in Public Law 106–69 (Department of Transportation and Related Agencies Appropriations Act, 2000) for "Research, Engineering, and Development", $600,000 shall be available only for testing the potential for ultra-wideband signals to interfere with global positioning system receivers by the National Telecommunications and Information Administration (NTIA): Provided, That the results of said test be reported to the House and Senate Committees on Appropriations not later than six months from the date of enactment of this act.

SEC. 2404. Notwithstanding any other provision of law, there is appropriated to the Federal Highway Administration for transfer to the Utah Department of Transportation, $35,000,000 for Interstate 15 reconstruction; such sums to remain available until expended: Provided, That the Utah Department of Transportation shall make available from state funds $35,000,000 for transportation planning, and temporary and permanent transportation infrastructure improvements for the Salt Lake City 2002 Olympic Winter Games: Provided further, That the specific planning activities and transportation infrastructure projects identified for state funding shall be limited to the following projects included in the Olympic Transportation Concept Plan approved by the Secretary of Transportation:

(1) Planning

(2) Venue Load and Unload

(3) Transit Bus Project

(4) Bus Maintenance Facilities

(5) Olympic Park & Ride Lots

(6) North-South Light Rail Park & Ride Lot Expansion.

SEC. 2405. Notwithstanding any other provision of law, the Secretary of Transportation may hereafter use Federal Highway Administration Emergency Relief funds as authorized under 23 U.S.C. 125, to reconstruct or modify to a higher elevation roads that are currently impounding water within a closed basin lake greater than fifty thousand acres: Provided, That the structures on which the roadways are to be built shall be constructed to applicable approved United States Army Corps of Engineers design standards.

SEC. 2406. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

CHAPTER 5

OFFSETS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE CHIEF INFORMATION OFFICER

Of the funds transferred to "Office of the Chief Information Officer" for year 2000 conversion of Federal information technology systems and related expenses pursuant to Division B, Title III of Public Law 105–277, $2,435,000 of the unobligated balances are hereby canceled.

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,147,000 are rescinded.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(RESCISSION)

Of the unobligated balances available under this heading for the Civil Division, $2,000,000 are rescinded.

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $13,500,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading for the Information Sharing Initiative, $15,000,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, including all unobligated balances available for the Office of the Chief of the Border Patrol, $5,000,000 are rescinded.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, $5,000,000 are rescinded.

VIOLENT CRIME REDUCTION PROGRAMS

(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(RESCISSION)

Of the amounts made available under this heading for the Bureau of Justice Assistance, $500,000 are rescinded from the Management and Administration activity.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENTAL MANAGEMENT

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

Of the funds appropriated for the Department's year 2000 computer conversion activities under this heading in the Department of Health and Human Services Appropriations Act, 2000, as enacted by section 1000(a)(4) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), $40,000,000 is hereby canceled.

EXECUTIVE OFFICE OF THE PRESIDENT

UNANTICIPATED NEEDS

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

Under this heading in division B, title III of Public Law 105–277, strike "$2,250,000,000" and insert "$2,015,000,000".

CHAPTER 6

GENERAL PROVISIONS—THIS TITLE

SEC. 2601. Under the heading "Federal Communications Commission, Salaries and Expenses" in title V of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113, delete "$210,000,000" and insert "$215,800,000"; in the first and third provisos delete "$185,754,000" and insert "$191,554,000" in each such proviso.

SEC. 2602. At the end of the paragraph under the heading "Justice prisoner and alien transportation system fund, United States Marshals Service" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113, add the following: "In addition, $13,500,000, to remain available until expended, shall be available only for the purchase of two Sabreliner-class aircraft.".

SEC. 2603. Title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as contained in Public Law 106–113) is amended in the paragraph entitled "Diplomatic and consular programs" by inserting after the fourth proviso: "Provided further, That of the amount made available under this heading, $5,000,000, less any costs already paid, shall be used to reimburse the City of Seattle and other Washington state jurisdictions for security costs incurred in hosting the Third World Trade Organization Ministerial Conference:".

SEC. 2604. Of the discretionary funds appropriated to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program in fiscal year 2000, $1,000,000 shall be transferred to the Violent Offender Incarceration and Truth In Sentencing Incentive Grants Program to be used for the construction costs of the Hoonah Spirit Camp, as authorized under section 20109(a) of subtitle A of title II of the 1994 Act.

SEC. 2605. Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as contained in Public Law 106–113) is amended in the paragraph entitled "Federal Bureau of Investigation, Salaries and Expenses" by inserting after the third proviso the following new proviso: ": Provided further, That in addition to amounts made available under this heading, $3,000,000 shall be available for the creation of a new site for the National Domestic Preparedness Office outside of FBI Headquarters and the implementation of the 'Blueprint' with regard to the National Domestic Preparedness Office".

SEC. 2606. Of the funds made available in fiscal year 2000 for the Department of Commerce, $1,000,000 shall be derived from the account entitled "General Administration" and $500,000 from the account entitled "Office of the Inspector General" and made available for the Commission on Online Child Protection as established under Title XIII of Public Law 105–825, and extended by subsequent law.

TITLE III

GENERAL PROVISIONS—THIS DIVISION

SEC. 3101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3102. None of the funds made available under this Act or any other Act shall be used by the Secretary of the Interior, in this or the succeeding fiscal year, to promulgate final rules to revise or amend 43 C.F.R. Subpart 3809, except that the Secretary may finalize amendments to that Subpart that are limited to only the specific regulatory gaps identified at pages 7 through 9 of the National Research Council report entitled "Hardrock Mining on Federal Lands" and that are consistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

SEC. 3103. No funds may be expended in fiscal year 2000 by the Federal Communications Commission to conduct competitive bidding procedures that involve mutually exclusive applications where one or more of the applicants in a station, including an auxiliary radio booster or translator station or television translator station, licensed under section 397(6) of the Communications Act, whether broadcasting on reserved or non-reserved spectrum.

SEC. 3104. STUDY OF OREGON INLET, NORTH CAROLINA, NAVIGATION PROJECT. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall have conducted, and submitted to Congress, a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to evaluate all reasonable alternatives, including nonstructural alternatives, to the authorized inlet stabilization project at Oregon Inlet.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary of the Army shall—

(1) take into account the views of affected interests; and

(2)(A) take into account objectives in addition to navigation, including—

(i) complying with the policies of the State of North Carolina regarding construction of structural measures along State shores; and

(ii) avoiding or minimizing adverse impacts to, or benefiting, the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge; and

(B) develop options that meet those objectives.

TITLE IV—FOOD AND MEDICINE FOR THE WORLD ACT

SEC. 4001. SHORT TITLE.

This title may be cited as the "Food and Medicine for the World Act".

SEC. 4002. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL PROGRAM.—The term "agricultural program" means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) JOINT RESOLUTION.—The term "joint resolution" means—

(A) in the case of section 4003(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 4003(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 4003(a)(1) of the Food and Medicine for the World Act, transmitted on   .", with the blank completed with the appropriate date; and

(B) in the case of section 4006(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 4006(2) is received *by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 4006(1) of the Food and Medicine for the World Act, transmitted on   .", with the blank completed with the appropriate date.*

(4) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(5) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) UNILATERAL AGRICULTURAL SANCTION.—The term "unilateral agricultural sanction" means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(7) UNILATERAL MEDICAL SANCTION.—The term "unilateral medical sanction" means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

SEC. 4003. RESTRICTION.

(a) NEW SANCTIONS.—Except as provided in sections 4004 and 4005 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) EXISTING SANCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act.

(2) EXEMPTIONS.—Paragraph (1) shall not apply to a unilateral agricultural sanction or unilateral medical sanction imposed—

(A) with respect to any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(B) with respect to the Export Credit Guarantee Program (GSM–102) or the Intermediate Export Credit Guarantee Program (GSM–103) established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622); or

(C) with respect to the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14).

SEC. 4004. EXCEPTIONS.

Section 4003 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 4003—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(C) against which the Armed Forces of the United States are involved in hostilities; or

(D) where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(C) used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.

SEC. 4005. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

Notwithstanding section 4003 and except as provided in section 4007, the prohibitions in effect on or after the date of the enactment of this Act under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on providing, to the government of any country supporting international terrorism, United States Government assistance, including United States foreign assistance, United States export assistance, or any United States credits or credit guarantees, shall remain in effect for such period as the Secretary of State determines under such section 620A that the government of the country has repeatedly provided support for acts of international terrorism.

SEC. 4006. TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 4003(a) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 4007. STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the export of agricultural commodities, medicine, or medical devices to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) shall only be made—

(1) pursuant to one-year licenses issued by the United States Government for contracts entered into during the one-year period and completed with the 12-month period beginning on the date of the signing of the contract, except that, in the case of the export of items used for food and for food production, such one-year licenses shall otherwise be no more restrictive than general licenses; and

(2) without benefit of Federal financing, direct export subsidies, Federal credit guarantees, or other Federal promotion assistance programs.

(b) QUARTERLY REPORTS.—The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) BIENNIAL REPORTS.—Not later than two years after the date of enactment of this Act, and every two years thereafter, the applicable department or agency of the Federal Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding two-year period, including—

(1) the number and types of licenses applied for;

(2) the number and types of licenses approved;

(3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) the extent to which the licensing procedures were effectively implemented; and

(5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

SEC. 4008. CONGRESSIONAL EXPEDITED PROCEDURES.

Consideration of a joint resolution relating to a report described in section 4003(a)(1) or 4006(1) shall be subject to expedited procedures as determined by the House of Representatives and as determined by the Senate.

SEC. 4009. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title takes effect on the date of enactment of this Act.

(b) EXISTING SANCTIONS.—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title takes effect 180 days after the date of enactment of this Act.

This Division may be cited as the "Fiscal Year 2000 Emergency Supplemental Appropriations Act for Natural Disasters Assistance".

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001".

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, and in consultation with the ranking member of the Senate Committee on Armed Services, pursuant to Public Law 106–65, announces the appointment of Alan L. Hansen, AIA, of Virginia, to serve as a member of the Commission on the National Military Museum.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–37

Mr. NICKLES. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following protocols transmitted to the Senate on July 25, 2000, by the President of the United States: Protocols to the Convention on the Rights of the Child (Treaty Document No. 106–37).

Further, I ask unanimous consent that the protocols be considered as having been read for the first time, that they be referred with accompanying papers to the Committee on

Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving advice and consent of the Senate to ratification, I transmit herewith two optional protocols to the Convention on the Rights of the Child, both of which were adopted at New York, May 25, 2000: (1) The Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict; and (2) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. I signed both Protocols on July 5, 2000.

In addition, I transmit for the information of the Senate, the report of the Department of State with respect to both Protocols, including article-by-article analyses of each Protocol. As detailed in the Department of State report, a number of understandings and declarations are recommended.

These Protocols represent a true breakthrough for the children of the world. Ratification of these Protocols will enhance the ability of the United States to provide global leadership in the effort to eliminate abuses against children with respect to armed conflict and sexual exploitation.

I recommend that the Senate give early and favorable consideration to both Protocols and give its advice and consent to the ratification of both Protocols, subject to the understandings and declarations recommended in the Department of State Report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 25, 2000.*

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mr. NICKLES. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 2614.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2614) entitled "An Act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes", with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Certified Development Company Program Improvements Act of 2000".

SEC. 2. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 3. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) LOAN LIMITS.—Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, other than loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.".

SEC. 4. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to any financing approved by the Administration during the period beginning on October 1, 1996 and ending on September 30, 2003.".

SEC. 5. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is repealed.

SEC. 6. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) SALE OF CERTAIN DEFAULTED LOANS.—

"(1) NOTICE.—

"(A) IN GENERAL.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, the Administration shall give prior notice thereof to any certified development company that has a contingent liability under this section.

"(B) TIMING.—The notice required by subparagraph (A) shall be given to the certified development company as soon as possible after the financing is identified, but not later than 90 days before the date on which the Administration first makes any record on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) LIMITATIONS.—The Administration may not offer any loan described in paragraph (1)(A) as part of a bulk sale, unless the Administration—

"(A) provides prospective purchasers with the opportunity to examine the records of the Administration with respect to such loan; and

"(B) provides the notice required by paragraph (1).".

SEC. 7. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) of this section the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) ELIGIBILITY FOR DELEGATION.—

"(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before the date of issuance of final regulations by the Administration implementing this section;

"(ii) is participating in the Premier Certified Lenders Program under section 508; or

"(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not fewer than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has one or more employees—

"(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) CONFIRMATION.—On request, the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(c) SCOPE OF DELEGATED AUTHORITY.—

"(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under subsection (a) may, with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner, according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) defend or bring any claim if—

"(I) the outcome of the litigation may adversely affect management by the Administration of the loan program established under section 502; or

"(II) the Administration is entitled to legal remedies not available to a qualified State or local development company, and such remedies will benefit either the Administration or the qualified State or local development company; or

"(ii) oversee the conduct of any such litigation; and

"(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or

foreclosure, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

"(2) ADMINISTRATION APPROVAL.—

"(A) LIQUIDATION PLAN.—

"(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any liquidation plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

"(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake any routine action not addressed in a liquidation plan without obtaining additional approval from the Administration.

"(B) PURCHASE OF INDEBTEDNESS.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

"(ii) ADMINISTRATION ACTION ON REQUEST.—

"(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

"(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the request.

"(C) WORKOUT PLAN.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

"(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

"(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

"(i) shall be in writing;

"(ii) shall state the specific reason for the inability of the Administration to act on the subject plan or request;

"(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

"(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

"(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender (or any associate of a third party lender) or any other person participating in a liquidation, foreclosure, or loss mitigation action.

"(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

"(1) does not meet the requirements of subsection (b)(1);

"(2) has violated any applicable rule or regulation of the Administration or any other applicable provision of law; or

"(3) has failed to comply with any reporting requirement that may be established by the Administration relating to carrying out functions described in subsection (c)(1).

"(e) REPORT.—

"(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of delegation of authority under this section.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

"(A) with respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

"(i) the total cost of the project financed with the loan;

"(ii) the total original dollar amount guaranteed by the Administration;

"(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

"(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

"(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed;

"(B) with respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

"(C) with respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

"(D) a comparison between—

"(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

"(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period; and

"(E) the number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subsection (c)(2)(A) or a workout plan in accordance with subsection (c)(2)(C), or to approve or deny a request for purchase of indebtedness under subsection (c)(2)(B), including specific information regarding the reasons for the failure of the Administration and any delay that resulted.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Effective on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have legal effect.

SEC. 8. FUNDING LEVELS FOR CERTAIN FINANCINGS UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(g) PROGRAM LEVELS FOR CERTAIN SMALL BUSINESS INVESTMENT ACT OF 1958 FINANCINGS.—The following program levels are authorized for financings under section 504 of the Small Business Investment Act of 1958:

"(1) $4,000,000,000 for fiscal year 2001.

"(2) $5,000,000,000 for fiscal year 2002.

"(3) $6,000,000,000 for fiscal year 2003.".

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate disagree with the amendment of the House, the Senate request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. INHOFE) appointed Mr. BOND, Mr. BURNS, and Mr. KERRY conferees on the part of the Senate.

LONG-TERM CARE SECURITY ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 685, S. 2420.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2420) to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment and an amendment to the title, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

TITLE I—FEDERAL LONG-TERM CARE INSURANCE

SEC. 1001. SHORT TITLE.

This title may be cited as the "Long-Term Care Security Act".

SEC. 1002. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90—LONG-TERM CARE INSURANCE

"Sec.
"9001. Definitions.
"9002. Availability of insurance.
"9003. Contracting authority.
"9004. Financing.
"9005. Preemption.
"9006. Studies, reports, and audits.
"9007. Jurisdiction of courts.
"9008. Administrative functions.
"9009. Cost accounting standards.

"§ 9001. Definitions

For purposes of this chapter:

"(1) EMPLOYEE.—The term 'employee' means—

"(A) an employee as defined by section 8901(1); and

"(B) an individual described in section 2105(e),

but does not include an individual employed by the government of the District of Columbia.

"(2) ANNUITANT.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

"(3) MEMBER OF THE UNIFORMED SERVICES.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services, who is—

"(A) on active duty or full-time National Guard duty for a period of more than 30 days; and

"(B) a member of the Selected Reserve.

"(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay, including a member or former member retired under chapter 1223 of title 10 who has attained the age of 60 and who satisfies such eligibility requirements as the Office of Personnel Management prescribes under section 9008.

"(5) QUALIFIED RELATIVE.—The term 'qualified relative' means each of the following:

"(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

"(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

"(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

"(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

"(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

"(7) QUALIFIED CARRIER.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(8) STATE.—The term 'State' includes the District of Columbia.

"(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

"(10) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

"(A) except as otherwise provided in this paragraph, the Secretary of Defense;

"(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

"(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

"(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

"§ 9002. Availability of insurance

"(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

"(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

"(1) the only coverage provided is under qualified long-term care insurance contracts; and

"(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

"(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

"(d) UNDERWRITING STANDARDS.—

"(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

"(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

"(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

"(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

"(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

"(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

"§ 9003. Contracting authority

"(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with one or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereafter in this chapter referred to as a 'master contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

"(b) TERMS AND CONDITIONS.—

"(1) IN GENERAL.—Each master contract under this chapter shall contain—

"(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

"(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

"(C) the terms of the enrollment period; and

"(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

"(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

"(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

"(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

"(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

"(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

"(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

"(i) to establish internal procedures designed to expeditiously resolve such disputes; and

"(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for one or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

"(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

"(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

"(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

"(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

"(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

"(d) DURATION.—

"(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such *contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.*

"(2) Exception.—

"(A) Shorter duration.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting 'ending on the last day of the 7-year period described in paragraph (2)(B)' for 'of 7 years'.

"(B) Definition.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

"(3) Congressional notification.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

"(4) Full portability.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

"§9004. Financing

"(a) In General.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

"(b) Withholdings.—

"(1) In general.—The amount necessary to pay the premiums for enrollment may—

"(A) in the case of an employee, be withheld from the pay of such employee;

"(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

"(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the pay of such member; and

"(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

"(2) Voluntary withholdings for qualified relatives.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

"(c) Direct Payments.—All amounts withheld under this section shall be paid directly to the carrier.

"(d) Other Forms of Payment.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

"(e) Separate Accounting Requirement.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

"(f) Reimbursements.—

"(1) Reasonable initial costs.—

"(A) In general.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

"(B) Reimbursement requirement.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

"(2) Subsequent costs.—

"(A) In general.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

"(B) Reimbursement requirement.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

"§9005. Preemption

"The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

"§9006. Studies, reports, and audits

"(a) Provisions Relating to Carriers.—Each master contract under this chapter shall contain provisions requiring the carrier—

"(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

"(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

"(b) Provisions Relating to Federal Agencies.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

"(c) Reports by the General Accounting Office.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

"§9007. Jurisdiction of courts

"The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

"§9008. Administrative functions

"(a) In General.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

"(b) Enrollment Periods.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

"(c) Consultation.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or (4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

"(d) Informed Decisionmaking.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

"(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

"(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

"(A) the projected effect of inflation on the value of those benefits; and

"(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

"(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

"(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

"(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

"(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

"(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

"(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

"§9009. Cost accounting standards

"The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not

apply with respect to a long-term care insurance contract under this chapter.''.

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

"90. Long-Term Care Insurance ...... 9001.''.

SEC. 1003. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this title, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL RETIREMENT COVERAGE ERRORS CORRECTION

SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Federal Erroneous Retirement Coverage Corrections Act".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE II—FEDERAL RETIREMENT COVERAGE ERRORS CORRECTION

Sec. 2001. Short title; table of contents.
Sec. 2002. Definitions.
Sec. 2003. Applicability.
Sec. 2004. Irrevocability of elections.

Subtitle A—Description of Retirement Coverage Errors to Which This Title Applies and Measures for Their Rectification

CHAPTER 1—EMPLOYEES AND ANNUITANTS WHO SHOULD HAVE BEEN FERS COVERED, BUT WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS-OFFSET COVERED INSTEAD, AND SURVIVORS OF SUCH EMPLOYEES AND ANNUITANTS

Sec. 2101. Employees.
Sec. 2102. Annuitants and survivors.

CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN FERS COVERED, CSRS-OFFSET COVERED, OR CSRS COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SECURITY-ONLY COVERED INSTEAD

Sec. 2111. Applicability.
Sec. 2112. Correction mandatory.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

Sec. 2121. Employee who should be Social Security-Only covered, but who is erroneously CSRS or CSRS-Offset covered instead.

CHAPTER 4—EMPLOYEE WHO WAS ERRONEOUSLY FERS COVERED

Sec. 2131. Employee who should be Social Security-Only covered, CSRS covered, or CSRS-Offset covered and is not FERS-Eligible, but who is erroneously FERS covered instead.
Sec. 2132. FERS-Eligible employee who should have been CSRS covered, CSRS-Offset covered, or Social Security-Only covered, but who was erroneously FERS covered instead without an election.
Sec. 2133. Retroactive effect.

CHAPTER 5—EMPLOYEE WHO SHOULD HAVE BEEN CSRS-OFFSET COVERED, BUT WHO WAS ERRONEOUSLY CSRS COVERED INSTEAD

Sec. 2141. Applicability.
Sec. 2142. Correction mandatory.

CHAPTER 6—EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD

Sec. 2151. Applicability.
Sec. 2152. Correction mandatory.

Subtitle B—General Provisions

Sec. 2201. Identification and notification requirements.
Sec. 2202. Information to be furnished to and by authorities administering this title.
Sec. 2203. Service credit deposits.
Sec. 2204. Provisions related to Social Security coverage of misclassified employees.
Sec. 2205. Thrift Savings Plan treatment for certain individuals.
Sec. 2206. Certain agency amounts to be paid into or remain in the CSRDF.
Sec. 2207. CSRS coverage determinations to be approved by OPM.
Sec. 2208. Discretionary actions by Director.
Sec. 2209. Regulations.

Subtitle C—Other Provisions

Sec. 2301. Provisions to authorize continued conformity of other Federal retirement systems.
Sec. 2302. Authorization of payments.
Sec. 2303. Individual right of action preserved for amounts not otherwise provided for under this title.

Subtitle D—Effective Date

Sec. 2401. Effective date.

SEC. 2002. DEFINITIONS.

For purposes of this title:

(1) ANNUITANT.—The term "annuitant" has the meaning given such term under section 8331(9) or 8401(2) of title 5, United States Code.

(2) CSRS.—The term "CSRS" means the Civil Service Retirement System.

(3) CSRDF.—The term "CSRDF" means the Civil Service Retirement and Disability Fund.

(4) CSRS COVERED.—The term "CSRS covered", with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than service subject to section 8334(k) of such title.

(5) CSRS-OFFSET COVERED.—The term "CSRS-Offset covered", with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, and to section 8334(k) of such title.

(6) EMPLOYEE.—The term "employee" has the meaning given such term under section 8331(1) or 8401(11) of title 5, United States Code.

(7) EXECUTIVE DIRECTOR.—The term "Executive Director of the Federal Retirement Thrift Investment Board" or "Executive Director" means the Executive Director appointed under section 8474 of title 5, United States Code.

(8) FERS.—The term "FERS" means the Federal Employees' Retirement System.

(9) FERS COVERED.—The term "FERS covered", with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(10) FORMER EMPLOYEE.—The term "former employee" means an individual who was an employee, but who is not an annuitant.

(11) OASDI TAXES.—The term "OASDI taxes" means the OASDI employee tax and the OASDI employer tax.

(12) OASDI EMPLOYEE TAX.—The term "OASDI employee tax" means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI EMPLOYER TAX.—The term "OASDI employer tax" means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(14) OASDI TRUST FUNDS.—The term "OASDI trust funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(15) OFFICE.—The term "Office" means the Office of Personnel Management.

(16) RETIREMENT COVERAGE DETERMINATION.—The term "retirement coverage determination" means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(17) RETIREMENT COVERAGE ERROR.—The term "retirement coverage error" means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986.

(18) SOCIAL SECURITY-ONLY COVERED.—The term "Social Security-Only covered", with respect to any service, means Government service that—

(A) constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410); and

(B)(i) is subject to OASDI taxes; but

(ii) is not subject to CSRS or FERS.

(19) SURVIVOR.—The term "survivor" has the meaning given such term under section 8331(10) or 8401(28) of title 5, United States Code.

(20) THRIFT SAVINGS FUND.—The term "Thrift Savings Fund" means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 2003. APPLICABILITY.

(a) IN GENERAL.—This title shall apply with respect to retirement coverage errors that occur before, on, or after the date of enactment of this Act.

(b) LIMITATION.—Except as otherwise provided in this title, this title shall not apply to any erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986.

SEC. 2004. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) by an employee or any other individual under this title shall be irrevocable.

Subtitle A—Description of Retirement Coverage Errors to Which This Title Applies and Measures for Their Rectification

CHAPTER 1—EMPLOYEES AND ANNUITANTS WHO SHOULD HAVE BEEN FERS COVERED, BUT WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS-OFFSET COVERED INSTEAD, AND SURVIVORS OF SUCH EMPLOYEES AND ANNUITANTS

SEC. 2101. EMPLOYEES.

(a) APPLICABILITY.—This section shall apply in the case of any employee or former employee who should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered or CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described under paragraph (3). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS-Offset covered, such individual shall be treated as CSRS-Offset covered, retroactive to the date of the retirement coverage error.

(2) COVERAGE.—

(A) ELECTION.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or FERS covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election by the date provided under subparagraph (A), a CSRS-Offset covered individual shall remain CSRS-Offset covered and a CSRS covered individual shall be treated as CSRS-Offset covered.

(3) REGULATIONS.—The Office shall prescribe regulations to carry out this subsection.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b).

(2) COVERAGE.—

(A) ELECTION.—

(i) CSRS-OFFSET COVERED.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(ii) THRIFT SAVINGS FUND CONTRIBUTIONS.—If under this section an individual elects to be CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of FERS coverage (and earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(B) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 2208, and any amount not waived is repaid.

(C) INELIGIBILITY FOR ELECTION.—An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424 of title 5, United States Code, or a distribution under section 8433 (b), (c), or (h)(1)(A) of title 5, United States Code, may not make an election under this subsection.

(3) CORRECTIVE ACTION TO REMAIN IN EFFECT.—If an individual is ineligible to make an election or does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

SEC. 2102. ANNUITANTS AND SURVIVORS.

(a) IN GENERAL.—This section shall apply in the case of an individual who is—

(1) an annuitant who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead; or

(2) a survivor of an employee who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead.

(b) COVERAGE.—

(1) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing an individual described under subsection (a) to elect CSRS-Offset coverage or FERS coverage, effective as of the date of the retirement coverage error.

(2) TIME LIMITATION.—An election under this subsection shall be made not later than 18 months after the effective date of the regulations prescribed under paragraph (1).

(3) REDUCED ANNUITY.—

(A) AMOUNT IN ACCOUNT.—If the individual elects CSRS-Offset coverage, the amount in the employee's Thrift Savings Fund account under subchapter III of chapter 84 of title 5, United States Code, on the date of retirement that represents the Government's contributions and earnings on those contributions (whether or not such amount was subsequently distributed from the Thrift Savings Fund) will form the basis for a reduction in the individual's annuity, under regulations prescribed by the Office.

(B) REDUCTION.—The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(4) REDUCED BENEFIT.—If—

(A) a surviving spouse elects CSRS-Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid;

then the survivor's CSRS-Offset benefit shall be subject to a reduction, under regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to under subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(5) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error may not make an election under this subsection unless repayment of that amount is waived in whole or in part under section 2208, and any amount not waived is repaid.

(c) NONELECTION.—If the individual does not make an election under subsection (b) before any time limitation under this section, the retirement coverage shall be subject to the following rules:

(1) CORRECTIVE ACTION PREVIOUSLY TAKEN.—If corrective action was taken before the end of any time limitation under this section, that corrective action shall remain in effect.

(2) CORRECTIVE ACTION NOT PREVIOUSLY TAKEN.—If corrective action was not taken before such time limitation, the employee shall be CSRS-Offset covered, retroactive to the date of the retirement coverage error.

CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN FERS COVERED, CSRS-OFFSET COVERED, OR CSRS COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SECURITY-ONLY COVERED INSTEAD

SEC. 2111. APPLICABILITY.

This chapter shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

SEC. 2112. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected, the corrective action previously taken shall remain in effect.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

SEC. 2121. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS OR CSRS-OFFSET COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered employee was erroneously CSRS covered or CSRS-Offset covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (3).

(2) COVERAGE.—In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such individual shall be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(3) ELECTION.—

(A) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain CSRS-Offset covered.

(C) REGULATIONS.—The Office shall prescribe regulations to carry out this paragraph.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b)(3).

(2) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error.

(3) NONELECTION.—If an eligible individual does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

CHAPTER 4—EMPLOYEE WHO WAS ERRONEOUSLY FERS COVERED

SEC. 2131. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, CSRS COVERED, OR CSRS-OFFSET COVERED AND IS NOT FERS-ELIGIBLE, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered, CSRS covered, or CSRS-Offset covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (2).

(2) COVERAGE.—

(A) ELECTION.—

(i) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to remain FERS covered or to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would have applied in the absence of the erroneous retirement coverage determination, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(ii) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

(B) Nonelection.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain FERS covered, effective as of the date of the retirement coverage error.

(3) Employee contributions in thrift savings fund.—If under this section, an individual elects to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit under section 8351 or 8432 of title 5, United States Code.

(4) Regulations.—Except as provided under paragraph (3), the Office shall prescribe regulations to carry out this subsection.

(c) Corrected Error.—

(1) Applicability.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under paragraph (2).

(2) Election.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations to remain Social Security-Only covered, CSRS covered, or CSRS-Offset covered, or to be FERS covered, effective as of the date of the retirement coverage error.

(3) Nonelection.—If an eligible individual does not make an election under paragraph (2), the corrective action taken before the end of any time limitation under this subsection shall remain in effect.

(4) Treatment of fers election.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

SEC. 2132. FERS-ELIGIBLE EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, CSRS-OFFSET COVERED, OR SOCIAL SECURITY-ONLY COVERED, BUT WHO WAS ERRONEOUSLY FERS COVERED INSTEAD WITHOUT AN ELECTION.

(a) In General.—

(1) FERS election prevented.—If an individual was prevented from electing FERS coverage because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act or the Federal Employees' Retirement System Open Enrollment Act of 1997 (Public Law 105–61; 111 Stat. 1318 et seq.), the individual—

(A) is deemed to have elected FERS coverage; and

(B) shall remain covered by FERS, unless the individual declines, under regulations prescribed by the Office, to be FERS covered.

(2) Declining fers coverage.—If an individual described under paragraph (1)(B) declines to be FERS covered, such individual shall be CSRS covered, CSRS-Offset covered, or Social Security-Only covered, as would apply in the absence of a FERS election, effective as of the date of the erroneous retirement coverage determination.

(b) Employee Contributions in Thrift Savings Fund.—If under this section, an individual declines to be FERS covered and instead is Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would apply in the absence of a FERS election, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(c) Inapplicability of Duration of Erroneous Coverage.—This section shall apply regardless of the length of time the erroneous coverage determination remained in effect.

SEC. 2133. RETROACTIVE EFFECT.

This chapter shall be effective as of January 1, 1987, except that section 2132 shall not apply to individuals who made or were deemed to have made elections similar to those provided in this section under regulations prescribed by the Office before the effective date of this title.

CHAPTER 5—EMPLOYEE WHO SHOULD HAVE BEEN CSRS-OFFSET COVERED, BUT WHO WAS ERRONEOUSLY CSRS COVERED INSTEAD

SEC. 2141. APPLICABILITY.

This chapter shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

SEC. 2142. CORRECTION MANDATORY.

(a) Uncorrected Error.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) Corrected Error.—If the retirement coverage error has been corrected before the effective date of this title, the corrective action taken before such date shall remain in effect.

CHAPTER 6—EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD

SEC. 2151. APPLICABILITY.

This chapter shall apply in the case of any employee who should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

SEC. 2152. CORRECTION MANDATORY.

(a) Uncorrected Error.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) Corrected Error.—If the retirement coverage error has been corrected before the effective date of this title, the corrective action taken before such date shall remain in effect.

Subtitle B—General Provisions

SEC. 2201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

Government agencies shall take all such measures as may be reasonable and appropriate to promptly identify and notify individuals who are (or have been) affected by a retirement coverage error of their rights under this title.

SEC. 2202. INFORMATION TO BE FURNISHED TO AND BY AUTHORITIES ADMINISTERING THIS TITLE.

(a) Applicability.—The authorities identified in this subsection are—

(1) the Director of the Office of Personnel Management;

(2) the Commissioner of Social Security; and

(3) the Executive Director of the Federal Retirement Thrift Investment Board.

(b) Authority To Obtain Information.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this title. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) Authority To Provide Information.—Each authority identified in subsection (a) may provide directly to any department or agency of the United States all information such authority believes necessary to enable the department or agency to carry out its responsibilities under this title.

(d) Limitation; Safeguards.—Each of the respective authorities under subsection (a) shall—

(1) request or provide only such information as that authority considers necessary; and

(2) establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 2203. SERVICE CREDIT DEPOSITS.

(a) CSRS Deposit.—In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS-Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage;

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code, and regulations prescribed by the Office, shall be paid to the employee, the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8424(d) of title 5, United States Code.

(b) FERS Deposit.—

(1) Applicability.—This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee owed a service credit deposit under section 8411(f) of title 5, United States Code; and

(B)(i) there is a subsequent retroactive change to CSRS or CSRS-Offset coverage; or

(ii) the service becomes creditable under chapter 83 of title 5, United States Code.

(2) Reduced annuity.—

(A) In general.—If at the time of commencement of an annuity there is remaining unpaid CSRS civilian or military service credit deposit for service described under paragraph (1), the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) Amount.—The reduced annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of the unreduced annuity benefit that would have been provided the individual.

(3) Survivor annuity.—

(A) In general.—If at the time of commencement of a survivor annuity, there is remaining unpaid any CSRS service credit deposit described under paragraph (1), and there has been no actuarial reduction in an annuity under paragraph (2), the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) Amount.—The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced survivor annuity benefit that would have been provided the individual.

SEC. 2204. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES.

(a) Definitions.—In this section, the term—

(1) "covered individual" means any employee, former employee, or annuitant who—

(A) is or was employed erroneously subject to CSRS coverage as a result of a retirement coverage error; and

(B) is or was retroactively converted to CSRS-offset coverage, FERS coverage, or Social Security-only coverage; and

(2) "excess CSRS deduction amount" means an amount equal to the difference between the CSRS deductions withheld and the CSRS-Offset or FERS deductions, if any, due with respect to a covered individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) REPORTS TO COMMISSIONER OF SOCIAL SECURITY.—

(1) IN GENERAL.—In order to carry out the Commissioner of Social Security's responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed a covered individual to report (in coordination with the Office of Personnel Management) in such form and within such timeframe as the Commissioner may specify, any or all of—

(A) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage; and

(B) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner's responsibilities under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) COMPLIANCE.—The head of an agency or the Office shall comply with a request from the Commissioner under paragraph (1).

(3) WAGES.—For purposes of section 201 of the Social Security Act (42 U.S.C. 401), wages reported under this subsection shall be deemed to be wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1986.

(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—

(1) IN GENERAL.—The Office shall transfer from the Civil Service Retirement and Disability Fund to the General Fund of the Treasury an amount equal to the lesser of the excess CSRS deduction amount or the OASDI taxes due for covered individuals (as adjusted by amounts transferred relating to applicable OASDI employee taxes as a result of corrections made, including corrections made before the date of enactment of this Act). If the excess CSRS deductions exceed the OASDI taxes, any difference shall be paid to the covered individual or survivors, as appropriate.

(2) TRANSFER.—Amounts transferred under this subsection shall be determined notwithstanding any limitation under section 6501 of the Internal Revenue Code of 1986.

(d) PAYMENT OF OASDI EMPLOYER TAXES.—

(1) IN GENERAL.—Each employing agency shall pay an amount equal to the OASDI employer taxes owed with respect to covered individuals during the applicable period of erroneous coverage (as adjusted by amounts transferred for the payment of such taxes as a result of corrections made, including corrections made before the date of enactment of this Act).

(2) PAYMENT.—Amounts paid under this subsection shall be determined subject to any limitation under section 6501 of the Internal Revenue Code of 1986.

(e) APPLICATION OF OASDI TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986 TO AFFECTED INDIVIDUALS AND EMPLOYING AGENCIES.—A covered individual and the individual's employing agency shall be deemed to have fully satisfied in a timely manner their responsibilities with respect to the taxes imposed by sections 3101(a), 3102(a), and 3111(a) of the Internal Revenue Code of 1986 on the wages paid by the employing agency to such individual during the entire period such individual was erroneously subject to CSRS coverage as a result of a retirement coverage error based on the payments and transfers made under subsections (c) and (d). No credit or refund of taxes on such wages shall be allowed as a result of this subsection.

SEC. 2205. THRIFT SAVINGS PLAN TREATMENT FOR CERTAIN INDIVIDUALS.

(a) APPLICABILITY.—This section applies to an individual who—

(1) is eligible to make an election of coverage under section 2101 or 2102, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is described in section 2111, and makes or has made retroactive employee contributions to the Thrift Savings Fund under regulations prescribed by the Executive Director.

(b) PAYMENT INTO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—

(A) PAYMENT.—With respect to an individual to whom this section applies, the employing agency shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a(a)(2) of such title on the employee's retroactive contributions to such Fund.

(B) AMOUNT.—Earnings under subparagraph (A) shall be computed in accordance with the procedures for computing lost earnings under section 8432a of title 5, United States Code. The amount paid by the employing agency shall be treated for all purposes as if that amount had actually been earned on the basis of the employee' s contributions.

(C) EXCEPTIONS.—If an individual made retroactive contributions before the effective date of the regulations under section 2101(c), the Director may provide for an alternative calculation of lost earnings to the extent that a calculation under subparagraph (B) is not administratively feasible. The alternative calculation shall yield an amount that is as close as practicable to the amount computed under subparagraph (B), taking into account earnings previously paid.

(2) ADDITIONAL EMPLOYEE CONTRIBUTION.—In cases in which the retirement coverage error was corrected before the effective date of the regulations under section 2101(c), the employee involved shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions (including any contributions made after the date of the correction) shall be treated in accordance with paragraph (1).

(c) REGULATIONS.—

(1) EXECUTIVE DIRECTOR.—The Executive Director shall prescribe regulations appropriate to carry out this section relating to retroactive employee contributions and payments made on or after the effective date of the regulations under section 2101(c).

(2) OFFICE.—The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section relating to the calculation of lost earnings on retroactive employee contributions made before the effective date of the regulations under section 2101(c).

SEC. 2206. CERTAIN AGENCY AMOUNTS TO BE PAID INTO OR REMAIN IN THE CSRDF.

(a) CERTAIN EXCESS AGENCY CONTRIBUTIONS TO REMAIN IN THE CSRDF.—

(1) IN GENERAL.—Any amount described under paragraph (2) shall—

(A) remain in the CSRDF; and

(B) may not be paid or credited to an agency.

(2) AMOUNTS.—Paragraph (1) refers to any amount of contributions made by an agency under section 8423 of title 5, United States Code, on behalf of any employee, former employee, or annuitant (or survivor of such employee, former employee, or annuitant) who makes an election to correct a retirement coverage error under this title, that the Office determines to be excess as a result of such election.

(b) ADDITIONAL EMPLOYEE RETIREMENT DEDUCTIONS TO BE PAID BY AGENCY.—If a correction in a retirement coverage error results in an increase in employee deductions under section 8334 or 8422 of title 5, United States Code, that cannot be fully paid by a reallocation of otherwise available amounts previously deducted from the employee's pay as employment taxes or retirement deductions, the employing agency—

(1) shall pay the required additional amount into the CSRDF; and

(2) shall not seek repayment of that amount from the employee, former employee, annuitant, or survivor.

SEC. 2207. CSRS COVERAGE DETERMINATIONS TO BE APPROVED BY OPM.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency's coverage determination is correct.

SEC. 2208. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) IN GENERAL.—The Director of the Office of Personnel Management may—

(1) extend the deadlines for making elections under this title in circumstances involving an individual's inability to make a timely election due to a cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive payments required due to correction of a retirement coverage error under this title.

(b) SIMILAR ACTIONS.—In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) JUDICIAL REVIEW.—Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) REPORT.—The Office of Personnel Management shall, not later than 180 days after the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

SEC. 2209. REGULATIONS.

(a) IN GENERAL.—In addition to the regulations specifically authorized in this title, the Office may prescribe such other regulations as are necessary for the administration of this title.

(b) FORMER SPOUSE.—The regulations prescribed under this title shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to *survivor benefits based on the service of the employee.*

Subtitle C—Other Provisions

SEC. 2301. PROVISIONS TO AUTHORIZE CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—Sections 827 and 851 of the Foreign Service Act of 1980 (22 U.S.C. 4067 and 4071) shall apply with respect to this title in the same manner as if this title were part of—

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this title relates to the Federal Employees' Retirement System.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this title in the same manner as if this title were part of—

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this title relates to the Federal Employees' Retirement System.

SEC. 2302. AUTHORIZATION OF PAYMENTS.

All payments authorized or required by this title to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this title, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 2303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS TITLE.

Nothing in this title shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this title).

Subtitle D—Effective Date

SEC. 2401. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this Act.

Ms. MIKULSKI. Mr. President, I rise today in strong support of final passage of H.R. 4040, The Long-Term Care Security Act. As the lead Democratic sponsor of the Senate companion to this bill, S. 2420, I believe this is an important part of our down-payment on finding solutions to the exploding problem of long-term care.

Without long-term care coverage, no family has real security against the costs of chronic illness or disability. The Long-Term Care Security Act H.R. 4040 (S. 2420), does 4 things:

1. Enables federal and military workers, retirees and their families to purchase long-term care insurance at group rates—projected to be 15 percent to 20 percent below the private market.

2. Creates a model that private employers can use to establish their own long-term care insurance program.

3. Provides help to those who practice self-help by offering employees the option to better prepare for their retirement.

4. Reduces the reliance on federal programs, like Medicaid, so the American taxpayer benefits. Federal workers also benefit because they are paying lower premiums than they would get in the private market.

I am a strong supporter of The Long-Term Care Security Act because it gives people choices, flexibility and security. Faced with a sick parent or spouse, most Americans currently do not have a lot of choices. They may choose, or be forced, to spend down their assets in order to qualify for Medicaid. They, or a spouse, may quit their job to do some of the caregiving themselves. Or, families may be forced to make the difficult choice of putting a child through college, or paying for long-term care for a parent. This legislation gives people better, more informed choices.

It also provides people with flexibility because beneficiaries will have different types of settings where they can receive care. They may choose to be cared for in the home by a family caregiver—or they may need a higher level of care that nursing homes and home health care services provide. Different plan reimbursement options will ensure maximum flexibility that meet the unique health care needs of the beneficiary.

Long-term care insurance also provides families with some security. Family members will not be burdened by trying to figure out how to finance health care needs—and beneficiaries will be able to make informed decisions about their future.

Some of us have faced the challenge of having a family member who needed long-term care. It is emotionally and financially difficult. But, imagine if you are a secretary working at the Social Security Administration, or a custodial worker here in the Senate. And a family member gets Alzheimers, or Parkinsons, or has some other illness that requires long-term health care. Your paycheck probably isn't big enough to cover the cost of home health visits, or a nursing home stay. So where do you go? Medicare doesn't cover long-term care so that is not an option. Should you quit your job so you can take care of your parent? But then what if you have a family of your own that you need to support? Or, what if you are trying to put a child through college?

Consider if you are a 61 year old employee at NASA and you are diagnosed with cancer. You might be able to retire, but the federal employees health benefits program does not cover long-term care—even for retirees. You may not have family to provide care and your pension probably isn't large enough to finance the high costs of long-term care. Where do you go?

Many Americans are currently facing these difficult decisions. Consider that:

At least 5.8 million Americans aged 65 or older currently need long-term care.

As many as six out of 10 Americans have experienced a long-term care need.

41 percent of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law.

80 percent of all long-term care services are provided by family and friends.

These statistics represent the enormous financial and emotional costs associated with long-term care. This legislation is an essential step in providing opportunities for federal workers to plan ahead for retirement so they can take responsibility for their future long-term care needs.

Since my first days in Congress, I have been fighting to help people afford the burdens of long-term care. Eleven years ago, I introduced legislation now known as Spousal Anti-Impoverishment. My bill changed the cruel rules of government that forced elderly couples to go bankrupt before they could get any help in paying for nursing home care.

Through the Older Americans Act, seniors have easier access to information and referrals they need to make good choices about long-term care. I am also working hard to create a National Family Caregivers Program so that families can access comprehensive information when faced with the dizzying array of choices in addressing the long-term care needs of a family member.

It is clear that we have a long-term care problem. The Office of Personnel Management estimates that 96,000 federal employees will be retiring in the year 2001. Providing federal employees with a long-term care insurance benefit is a down payment on a solution.

I am starting with federal employees for two reasons. As our nation's largest employer, the federal government can be a model for employers around the country whose workforce will be facing the same long-term care needs. Starting with the nation's largest employer also raises awareness and education about long-term care options.

I am a strong supporter of our federal employees. I am proud that so many of them live, work, and retire in Maryland. They work hard in the service of our country. And I work hard for them. Whether it's fighting for fair COLAs, lower health care premiums, or to prevent unwise schemes to privatize important services our federal workforce provide, they can count on me.

One of my principles is "promises made should be promises kept." Federal employees and retirees have made a commitment to devote their careers to public service. In return, our government made certain promises to them. One important promise made was the promise of health insurance. The lack of long-term care for federal workers has been a big gap in this important promise to our federal workers. This legislation will close that gap and provide our federal workers and retirees with comprehensive health insurance.

I reiterate my commitment to finding long-term solutions to the long-term care problem. I am proud that this bipartisan bill takes an important step forward in helping all Americans to prepare for the challenges facing our aging population.

I would like to thank Senator CLELAND, Senator GRASSLEY, Senator AKAKA, Senator COCHRAN, Senator LIEBERMAN and Senator THOMPSON for all of their hard work in coming to a bipartisan consensus on how best to provide federal and military employees, retirees, and their families with the opportunity to purchase long-term care insurance. Additionally, many Senate staff worked very hard in developing this compromise: Nanci Langley, Hope Hegstrom, Michael Loesch, Tamara Jones, Judy White, Larry Novey, and Dan Blair. And I would like to thank Cynthia Brock-Smith and Frank Titus at the Office of Personnel Management.

Mr. NICKLES. Mr. President, I ask unanimous consent that the committee substitute be agreed to, and the bill be considered read the third time.

I further ask that H.R. 4040 be discharged from the Governmental Affairs Committee and the Senate proceed to its consideration. I further ask consent that all after the enacting clause be stricken and the text of S. 2420, as amended, be inserted in lieu thereof. I further ask consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD. I finally ask consent that S. 2420 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4040), as amended, was read the third time and passed.

The title was amended so as to read:

A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.

ORDERS FOR WEDNESDAY, JULY 26, 2000

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, July 26. I further ask consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then begin a period of morning business for debate only until 10:15 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, in control of the first 20 minutes; Senator COLLINS, or her designee, in control of the second 20 minutes.

Mr. REID. Reserving the right to object, Mr. President, I want to make a parliamentary inquiry. Earlier today, I asked if 1 hour prior to the cloture vote it would be permissible to file a cloture motion on PNTR, and the Chair responded that would be OK, the answer would be yes. I say to the Chair today, with the 45 minutes just outlined, would that answer still be, yes, it could be filed under that 45-minute period in the morning?

The PRESIDING OFFICER. This agreement provides for debate only. That precludes a motion to proceed.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I will modify the unanimous consent request to state that morning business be for debate only, with the exception of the majority leader, or his designee, to make a motion dealing with cloture until 10:15 a.m., with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NICKLES. I ask unanimous consent that the vote on invoking cloture on the motion to proceed to the Treasury-Postal appropriations bill be at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, when the Senate convenes at 9:30 a.m., it will be in a period for morning business until 10:15 a.m. Following morning business, the Senate will proceed to a cloture vote on the motion to proceed to the Treasury-general government appropriations bill. Assuming cloture is invoked on the motion, the Senate will begin the 30 hours of postcloture debate. If cloture is not invoked, there will be a second cloture vote on the motion to proceed to the intelligence authorization bill.

As a reminder, cloture was filed on the motion to proceed to the energy and water appropriations bill during today's session. Under the rule, that vote will be on Thursday, 1 hour after the Senate convenes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Wednesday, July 26, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 2000:

DEPARTMENT OF THE TREASURY

JONATHAN TALISMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE DONALD C. LUBICK, RESIGNED.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE BARRY S. NEWMAN, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM T. NESBITT, 8512

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID P. RATACZAK, 5455

To be brigadier general

COL. GEORGE J. ROBINSON, 6368

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD W. MAYO, 4195

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

DONNA L. KENNEDY, 2070
EUSTOLIO E. MEDINA, 8739
REGINA E. QUINN, 9749
MURRAY C. ROBERTS, 0331
EMILY C. TATE, 6984
RICHARD P. WRIGHT, 0508

To be major

* MARGARETE P. ASHMORE, 6307
THOMAS F. MEEHAN III, 7995
MICHAEL D. PRAZAK, 6302

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

FRANKLIN C. ALBRIGHT, 4691
RUSSELL E. ALTIZER, 5379
NANCY M. AUGUST, 6854
FRANK W. BARNETT, JR., 0138
CHARLES. O BARRY III, 8425
KENNETH. E BERGGREN, JR., 6525
DONALD L. BOATRIGHT, 9664
MICHAEL R. BOULANGER, 4981
RICHARD L. BRAZEAU, 9058
DOUGLAS S. BROADHURST, 9902
MARSHALL A. BRONSTON, 8012
ROBERT B. BUEHLER, 8135
JOSEPH J. BULMER, JR., 6903
WILLIAM R. BURKS, 0223
TERRY L. BUTLER, 3060
ANDREW R. BUZZELLI, 9403
JOHN A. CAPUTO, 8283
SANDRA L. CARLSON, 5412
PERRY M. COLLINS, 5133

RONALD R. COLUNGA, 1507
MICHAEL R. CONNERS, 9652
VIRGIL D. COOPER, 9064
GARY M. COSTELLO, 5559
JAMES J. DAGOSTINO, 0491
MICHAEL C. DANIEL, 8552
GARRY C. DEAN, 9894
STEPHEN W. DEE, 4980
EUGENE J. DELGADO, 3412
THOMAS F. DOLNICEK, 0851
MICHAEL D. DUBIE, 9845
RUSSELL G. ERLER, 7482
DAVID L. FERRE, 7126
DONALD P. FLINN, 5486
HERBERT J. FOARD, 0293
DOUGLAS G. FOSTER, 5397
STEVEN E. FOSTER, 1516
WILLIAM R. GAIN, 7659
JAY C. GATES, 9021
MICHAEL D. GULLIHUR, 6497
WILLIAM S. HADAWAY III, 6437
JOHNNY O. HAIKEY, 4822
JAMES L. HALVERSON, 4167
GEHL L. HAMMOND, 9839
JOSEPH W. HIDY, 1769
MICHAEL W. HORNE, 5888
WILLIAM E. IGNATOW, 1356
DON S. JACKSON, JR., 2428
ROBERT A. KARP, 4705
MARCEL E. KERDAVID, JR., 9531
RICHARD D. KING, 6633
DENNIS W. KOTKOSKI, 9324
THOMAS E. LARSON, 5083
ROBERT L. LEEKER, 8205
KNOX D. LEWIS, 4401
JAMES M. LILLIS, 0396
RICHARD L. LOHNES, 2202
LYLE F. LONCOSTY, 6542
RAYMOND R. MAHALICK, 3784
ALAN L. MALONE, 7723
HAROLD C. MANSON, 8083
JAMES D. MARQUES, 5088
RICHARD P. MARTELL, 2478
JAMES R. MASON, 2006
JOHN P. MATANOCK, 1809
LAURENCE D. MATLOCK, 5196
ELWOOD J. MAYBERRY, JR., 9763
PATRICIA U. MEHMKEN, 9024
JOHN E. MOONEY, JR., 9460
JOHN D. MOORE, 0380
WAYNE R. MROZINSKI, 6069
DAVID W. NEWMAN, 4747
MICHAEL J. O'TOOLE, 4770
PETER W. PALFREYMAN III, 3330
DARRELL G. PIATT, 4428
GEORGE E. PIGEON, 3194
CAROLYN J. PROTZMANN, 3176
JAMES K. ROBINSON, 7562
JOHN G. ROBINSON, 5975
RANDY A. ROEBUCK, 9778
DENNIS S. SARKISIAN, 6079
GREGORY J. SCHWAB, 0577
RANDOLPH M. SCOTT, 9448
CHESTER G. SEAMAN, JR., 6649
PETER M. SHANAHAN, 9836
FRANK H. SHAW, JR., 0273
STEVEN H. SLUSHER, 3869
HAROLD S. SMITH, 9512
JEFFREY A. SOLDNER, 1548
CLARK F. SPEICHER, 6971
CAROL A. SPILLERS, 7714
PAUL C. STCIN, 9621
JERRY D. STEVENS, 9673
ROY T. STEWART, 7440
WENDYL B. STEWART, 9916
HENRY L. STRAUB, 3264
JANICE M. STRITZINGER, 4048
FREDERICK J. SUJAT, JR., 0671
LAWRENCE S. THOMAS III, 2749
FRANK J. TISCIONE, 8691
JOHN S. TUOHY, 6649
JAMES M. TURNER, 1837
KENT R. WAGGONER, 6704
ALBERT S. WICKEL, 5941
THOMAS O. WILDES, 3677
KAREN L. WINGARD, 6354
LEWIS F. WOLF, 6913

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS (MC) AND DENTAL CORPS (DE) (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

BRUCE D. ADAMS, 4094 MC
STEPHEN D. ADAMS, 2616 MC
DARRYL J. AINBINDER, 0046 MC
LARRY K. ANDREO, 2788 MC
MICHAEL D. BAGG, 7826 MC
WILLIAM P. * BAKER III, 6659 DE
WANDA D. BARFIELD, 7217 MC
DONALD S. BATTY, JR., 9441 MC
TERRY D. BAUCH, 4069 MC
VICTOR J. BERNET, 6379 MC
SEAN M. BLAYDON, 3652 MC
MARK W. BONNER, 5836 MC
CRAIG R. BOTTONI, 5401 MC
MICHAEL R. BOWEN, 0723 MC
JAMES P. BRADLEY, 6082 MC
JOHN C. BRADLEY, 7379 MC
WALLACE B. BRUCKER, 0277 MC
ALAN D. BRUNS, 8859 MC
DAVID A. CANCELADA, 5255 MC
MARK E. CLYDE, 4937 MC
STEVEN P. COHEN, 1747 MC
PAUL L. * COREN, 1349 DE
WILLIAM P. CORR III, 6902 MC
TRINKA S. COSTER, 2408 MC
KEVIN M. CREAMER, 6038 MC
CHRISTINE A. CULLEN, 2642 MC
ROBERT C. DEAN, 0941 MC
THOMAS M. DEBERARDINO, 2798 MC
EVERETT S. DEJONG, 3287 MC
ROBERT A. DELORENZO, 9139 MC
PAUL DUCH, 8420 MC
WAYNE H. DUKE, 8489 MC
JAN R. DUNN, 9480 MC
ERIN P. EDGAR, 1904 MC
ANDREW S. EISEMAN, 4722 MC
MARLEIGH E. ERICKSON, 1405 MC
CARLOS R. ESQUIVEL, 1501 MC
PATRICK J. FERNICOLA, 2375 MC
DAVID R. FINGER, 0639 MC
STEVEN M. * FLORENCE, 9727 DE
GRANT A. FOSTER, 1373 MC
STEVEN P. FRIEDEL, 4701 MC
JOSEPH B. FURLONG, 7926 MC
BRIAN J. GERONDALE, 8631 MC
GEORGE M. * GIBSON, 1828 DE
KEVIN L. GLASS, 1599 MC
JAMES M. GOFF, 3877 MC
VINCENT X. GRBACH, 7281 MC
JOHN B. HALLIGAN, 6501 MC
ROBERT W. HANDY, 7344 MC
BRIAN C. HARRINGTON, 5772 MC
MARK J. HARRISON, 8707 MC
ELEANOR R. HASTINGS, 9319 MC
KEITH L. HIATT, 3182 MC
JAMES B. HILL, 3430 MC
RICHARD B. HILLBURN, 2532 MC
NATHAN J. HOELDTKE, 4232 MC
JAMES R. * HONEY, 8590 DE
CURTIS J. HUNTER, 5814 MC
MICHAEL A. HUOTT, 8005 MC
LONNIE L. IMLAY, 9624 MC
RICHARD B. JACKSON, 2467 MC
PERRY E. JONES, 5119 MC
JOSEPH J. KAPLAN, 8718 MC
JULIE R. KENNER, 7069 MC
DAVID H. KIM, 7830 MC
SUN Y. KIM, 9873 MC
JEFFREY L. KINGSBURY, 9342 MC
BLAINE L. * KNOX, 5561 DE
DEBRA A. KONTNY, 7798 MC
DAVID J. * KRYSZAK, 1065 DE
ARNOLDAS S. KUNGYS, 3474 MC
BEVERLY C. LAND, 9116 MC
JON D. LARSON, 6448 MC
HEE C. LEE, 9115 MC
EMIL P. LESHO, 1213 MC
KEVIN L. LEWIS, 3746 MC
J. D. LITTLETON, 7518 MC
DAVID B. LONGENECKER, 5515 MC
THOMAS M. LOUGHNEY, 6120 MC
GLYNDA W. LUCAS, 2565 MC
WILLIAM P. MAGDYCZ, JR., 8327 MC
DAVID J. MALIS, 2607 MC
GREGG A. MALMQUIST, 1555 MC
DAVID G. MALPASS, 0479 MC
HENRY W. * MARCANTONI, 7973 DE
GREGORY A. MARINKOVICH, 8964 MC
ALBERT J. MARTINS, 7521 MC
JEFFREY P. MAWHINNEY, 3000 MC
ROBERT A. MAZUR, 7783 MC
SHERMAN A. MCCALL, 1841 MC
JOHN M. MCGRATH, 7828 MC
JEFFREY J. METER, 7500 MC
ANNA MILLER, 2815 MC
JOSEPH P. MILLER, 8810 MC
ROBERT S. MILLER, 3596 MC
LISA K. MOORES, 9809 MC
SUSAN K. MORGAN, 6211 MC
THOMAS G. MURNANE, 7393 MC
LARRY P. * MYERS, 8804 DE
PETER G. NAPOLITANO, 0279 MC
ROBERT B. * NEESE, 4602 DE
HOWARD G. OAKS, 7895 MC
JOHN J. O'BRIEN, 0912 MC
LARRY K. O'BRYANT, 7249 MC
CHARLES E. PAYNE, 8798 MC
KAREN S. PHELPS, 3939 MC
KAREN M. * PHILLIPS, 6731 DE
THOMAS R. PLACE, 5491 MC
RONALD D. PRAUNER, 0226 MC
SANDFORD W. * PRINCE, 6939 DE
BERTRAM C. PROVIDENCE, 0072 MC
ROBERT A. PUNTEL, 9307 MC
MICHAEL A. RAVE, 5677 MC
VICKY L. RHOLL, 9368 MC
WILLIAM A. RICE, 8722 MC
PATRICIO ROSA, JR., 9580 MC
GAYLORD S. ROSE, 7392 MC
HENRY E. RUIZ, 9010 MC
GREGORY D. SAFFELL, 8331 MC
KEITH L. SALZMAN, 7357 MC
JAMES R. SANTANGELO, 4408 MC
JOHN M. SAYLES, 4698 MC
DANIEL A. SCHAFFER, 2293 MC
JOHN P. SCHRIVER, 5772 MC
GREGORY J. SEMANCIK, 5826 MC
STUART D. SHELTON, 7174 MC
CYNTHIA H. SHIELDS, 0092 MC
COLLEEN C. * SHULL, 4664 DE
STEPHANIE J. * SIDOW, 2173 DE
TIMOTHY S. SIEGEL, 9277 MC
JOHN J. SIMMER, 2521 MC
ERIC P. SIPOS, 2656 MC
BRICE T. SMITH, 1108 MC
CRAIG D. SMITH, 5069 MC
MARK H. SMITH, 3652 MC
LARRY A. SONNA, 0123 MC
SETH J. STANKUS, 9624 MC
RONALD T. STEPHENS, 7441 MC
JAMES E. STUART, 0507 MC
PAUL J. TEIKEN, 1327 MC
MARK W. THOMPSON, 7170 MC
CAROLYN A. TIFFANY, 3301 MC
THOMAS W. * TYLKA, 0411 DE
JOHN T. WATABE, 5870 MC
KNUTSON S. WEIDNER, 2575 MC
MALCOLM A. WHITAKER, 6817 MC
DAVID C. WHITE, 9414 MC
MORGAN P. WILLIAMSON, 5951 MC
ROBERT W. * WINDOM, 2439 DE
HENRY K. WONG, 8677 MC
MICHAEL L. YANDEL, 5155 MC
LYNNE P. YAO, 3279 MC
STEPHEN M. YOEST, 2598 MC
NICHOLAS J. YOKAN, 6942 MC
DARIUS S. YORICHI, 6750 MC
LISA L. ZACHER, 8544 MC
VIKRAM P. ZADOO, 4261 MC

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS M. LARRATT, 2579

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531:

To be captain

FELIX R. TORMES, 4820

To be commander

ROGER R. BOUCHER, 2651
JAMES J. CHUN, 8618
BRADLEY H. SMITH, 9855

To be lieutenant commander

HANS T. WALSH, 9260
MATTHEW G. WESTFALL, 9610

To be lieutenant

ANDY E. BUESCHER, 1725
CRAIG M. LEAPHART, 8060
ANDREA C. PETROVANIE, 3052
CHRISTOPHER R. VIA, 3309

To be lieutenant junior grade

CHRISTOPHER F. BEAUBIEN, 5728

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

AVA C. ABNEY, 3439
GEORGE E. ADAMS, 6949
KAREN M. ALKOSHNAW, 3452
ARNE J. ANDERSON, 4809
BRUCE M. ANDERSON, 7581
CLAUDE D. ANDERSON, 8803
JOSEPH A. ANGELL II, 9196
COLLETTE J. B. ARMBRUSTER, 8211
TIMOTHY J. ARMSTRONG, 0079
LYNN A. BAILEY, 3181
WILLIAM G. BAKER, 8247
PAMELA E. C. BALL, 5343
BEN J. BALOUGH, 2753
CHERIE L. BARE, 0654
RICK D. BASTIEN, 0190
FAY M. BAYSIC, 0724
JAMES P. BECKETT, 4039
CLAUDE R. BEEDE, 8277
SCOTT R. BELL, 3351
LINDA J. BELTRA, 4744
HOLLY S. BENNETT, 9889
DAVID A. BERCHTOLD, 1564
MONICA E. BERNINGHAUS, 8817
DONNA T. BERRY, 3921
WILLIAM C. BEUTEL, 9001
ANDREW R. BIEGNER, 6383
DEBORAH L. BIENEMAN, 5656
KAREN K. BIGGS, 5885
JEANNE E. BINDER, 5270
ROBERT B. BIRMINGHAM, 2811
BRIAN D. BJORKLUND, 2849
WILLIAM H. BLANCHE, 2163
ROBERT B. BLAZEWICK, 8873
TIMOTHY L. BLEAU, 5963
MICHAEL A. BLUMENBERG, 6758
CRAIG L. BONNEMA, 2239
DANA G. BORGESON, 7685
JEFFREY T. BOROWY, 8865
WENDY M. BORUSZEWSKI, 5569
JIMMY L. BOSS, JR., 2330

THOMAS M. BOUCHER, 2735
MICHAEL J. BOWMAN, 5512
AGNES D. BRADLEYWRIGHT, 3509
ANTHONY P. BRAZAS, 3318
KURT J. BREILING, 4961
FRANK J. BRENNAN, JR., 7503
THOMAS D. BROGDON, 6697
EDWARD W. BROWN, 7075
STEVEN D. BROWN, 0935
DAVID M. BURCH, 9321
TED J. CAMAISA, 6144
DUANE C. CANEVA, 5860
LOUIS V. CARIELLO, 1254
GARY W. CARR, 2501
JOHN K. CARTER, JR., 4982
MARTHA W. CARTER, 8013
VALMORI M. CASTILLO, 4192
JAMES T. CASTLE, 6192
DAWN M. CAVALLARIO, 1825
DONALD R. CHANDLER, 0794
SHARON R. CHAPMAN, 8738
LESA D. CHEATHEM, 7963
DUANE A. CHILDRESS, 8011
LARRY R. CIOLORITO, 8109
BENJAMIN B. CLANCY, 7856
BARBARA F. CLAREY, 0269
ROBERT S. CLARKE, 2711
JAMES P. COLE, JR., 3917
MICHAEL J. COLSTON, 8360
STEWART W. COMER, 3519
STANTON E. COPE, JR., 6271
DENNIS W. COPP, 7935
DAVID B. CORTINAS, 6936
HAROLD S. COSS, 0512
GUIDO E. COSTA, 3990
ARTHUR L. COTTON III, 7295
RONALD D. CRADDOCK, 1597
DARSE E. CRANDALL, 2162
VICTORIA T. CRESCENZI, 5189
ANTONIO CRUSELLAS, 7064
KARINE M. CURETON, 5345
KENNETH E. CUYLER, 0932
CARL J. CWIKLINSKI, 5771
TINA A. DAVIDSON, 3885
ALBERT L. DAVIS, 7316
CINDY L. DAVIS, 6054
JAMES P. DAVIS, 1269
VINCENT DEINNOCENTIIS, 7720
ASHA S. V. DEVEREAUX, 8355
WILLIAM D. DEVINE, 9318
RONALD F. DODGE, 5583
PATRICIA W. DORN, 0524
EDIE H. DOZSA, 2731
JEAN T. DUMLAO, 0380
DOYLE W. DUNN, 1207
JOSEPH F. DUNN, 0219
PETER A. DUTTON, 3301
DEAN L. DWIGANS, 3772
BARBARA EBERT, 2065
JOHN H. EDWARDS, 1186
STEVEN A. ENEA, 3651
COLLEEN M. ESTES, 0400
LARRY A. EVANS, 4651
CHARLES R. FAHNCKE, 5872
WILLIAM K. FAUNTLEROY, 4885
BENJAMIN G. M. FERIL, 7024
ROBERT O. FETTER, 5970
BRONWYN R. FILLION, 9087
MICHAEL L. FINCH, 3295
WILLIAM E. FINN, 7805
STEVEN C. FISCHER, 0539
KAREN L. FISCHERANDERSON, 9787
JAMES B. J. FITZPATRICK, 9593
DONALD P. FIX, 3513
JAMES D. FLOWERS, 6705
ROBERT W. FOSTER, 5191
FRAZIER W. FRANTZ, 9603
MICHAEL L. FULTON, 4889
PRESTON S. GABLE, 6583
STEPHEN M. GALLOTTA, 6418
ROLAND C. GARIPAY, 3819
ARTHUR T. GEORGE, 3266
ATHANASIUS D. GEORGE, 1786
KATHRYN M. GIFT, 5820
ROGER A. GILMORE, 5492
DAVID W. GIRARDIN, 1581
LISA A. GLEASON, 8435
SUSAN P. GLOBOKAR, 6176
THOMAS J. GOALEY, JR., 9836
KATHY F. GOLDBERG, 2837
RICHARD GONZALES, 9590
JOHN S. GONZALEZ, 3911
MELODY H. GOODWIN, 3910
DENISE M. GRAHAM, 2096
MATTHEW J. GRAMKEE, 0652
LINDA J. GRANT, 6246
RANDALL L. GRAU, 6659
JOHN S. GRAY, 7832
MICHAEL G. GREEN, 8860
RICHARD GREEN, 5164
LAWRENCE P. GREENSLIT, 7381
PETER W. GREGORY, 2168
DAVID E. GROGAN, 9693
CAROL A. GRUSH, 7290
KLAUS D. GUTER, 6257
DONALD D. HAGEN, 1221
KIMBERLY M. HARLOW, 4127
KRISTINA E. HART, 3420
JONATHAN L. HAUN, 3477
STEVEN J. HAVERANECK, 1323
JOHN V. HECKMANN, JR., 5734
MARY J. HELINSKI, 0429
MARK C. HENRY, 3733
JUDI C. HERRING, 9450
MATTHEW L. HERZBERG, 8609
JOHN E. HICKS, 4411
JOHN M. HILL, 3293
MARY J. HOBAN, 5093
JEFFREY S. HOEL, 5066
MICHAEL E. HOFFER, 5485
JON L. HOPKINS, 3817
DAVID S. HORN, 4218
JEFFREY S. HORWITZ, 7844
GERMAN E. HOYOS, 8800
NANCY A. HUEPPCHEN, 6889
MICHAEL D. HUGGINS, 1669
JANET E. HUGHEN, 6515
DANIEL E. HUHN, 8981
WARREN S. INOUYE, 6702
MARK W. JACKSON, 9984
CARY D. JOHNSON, 0590
THOMAS M. JOHNSON, 6684
HARRY R. JOHNSTON, 9086
CHRISTILYNN JONES, 1283
CLAUDIA A. JONES, 2060
DAVID G. JONES, 1683
STUART S. JONES, 0100
EDWARD B. JORGENSEN, 9923
PATRICIA A. W. KELLEY, 1825
KENNETH J. KELLY, 4040
MICHAEL D. KELLY, 8780
SCOTT A. KENNEY, 2351
LEESA J. B. KENT, 9250
MARGARET G. KIBBEN, 4656
JOHN C. KING, 3881
ROGER T. KISSEL, 6528
TREYCE S. KNEE, 6692
BRIAN L. KNOTT, 5391
JOHN W. KORKA, 3787
LYNNE R. KUECK, 5985
JEFFREY D. LAMBERSON, 1643
PENNY C. LANE, 9979
STEPHEN N. LANIER, 0839
MARK S. LARSEN, 6029
STEVEN L. LARUE, 9324
AMY L. LAUER, 9654
JOHN H. LEA III, 3816
JOANNE R. LEAL, 6388
SUSAN J. LECLAIR, 0078
YVONNE R. LEE, 0114
JEFFREY T. LENERT, 2769
LYNN L. LEVENTIS, 3631
BENJAMIN D. LIAM, JR., 3149
MARK R. LIBONATE, 8042
RONALD L. LINFESTY, 1767
PHILIP L. LIOTTA, 9019
SCOTT R. LISTER, 7761
LINDA L. P. LOWREY, 8493
MICHAEL K. LUCAS, 7428
JEFFREY P. LUSTER, 1734
CORNELIOUS T. LYNCH, 1306
PETER S. LYNCH, 7924
WILLIAM J. LYONS, 9245
MICHAEL J. MACINSKI, 1470
DAVID J. MAILANDER, 6610
MARK A. MALAKOOTI, 7082
CRAIG T. MALLAK, 6735
VITO V. MANNINO, 7980
PETER A. MARCO, 3455
MARIA L. MARIONI, 9393
JOHN L. MARTIN, JR., 5586
STEPHEN C. MARTIN, 1227
LOREN K. MASUOKA, 8159
DAVID A. MATER, 8557
MELINDA L. MATHENY, 0425
JOSEPH A. MC BREEN, 1751
DEBORAH S. MC CAIN, 6660
JAMES A. MC CORMACK, 1943
PATRICK L. MC CORMACK, 4642
WILLIAM P. MC CORMACK, 3179
DEBRA E. MC GUIRE, 9512
JEFFREY L. MC KEEBY, 1736
ELIZABETH T. MC KINNEY, 5932
ROBERT A. MC LEAN III, 1993
THOMAS R. MC MURDY, 2405
REGINALD B. MC NEIL, 3298
MELISSA MEANSMARKWELL, 1723
DIANA L. MEEHAN, 3670
JOHN G. MEIER III, 0850
JANELLE A. MERRITT, 9511
DAVID C. MEYERS, 3955
THOMAS G. MIHARA, 8800
ALAN K. MILLER, 5374
ANTHONY C. MILLER, 5286
OREN F. MILLER, 0477
STUART O. MILLER, 8661
DEXTER R. MILLS, 7344
STEVEN G. MILLS, 6652
KEVIN G. MITTS, 3030
GERARD H. MOHAN, 1016
KEVIN M. MOORE, 0968
ANDREW S. MORGART, 7930
DANIEL J. MOTHERWAY, 1328
PATRICK J. MUNLEY, 6020
MARC A. MYRUM, 5789
KATHERINE M. NATOLI, 6132
TINA L. NAWROCKI, 6128
WILLIAM D. NELSON, 5651
JEFFERY S. NORDIN, 9783
MARILYN S. NORTON, 1850
THOMAS B. ODOWD, 9494
RANDAL J. ONDERS, 1945
JOSEPH G. ORLOWSKY, 3141
ROCHELLE A. OWENS, 2042
DANIEL J. PACHECO, 6923
GARY R. PAETZKE, 1627
MICHAEL T. PALMER, 8698
JOEL L. PARKER, 2195
JAMES K. PATTON, 3032
GRADY J. PENNELL, 9896
DEBRA A. PENNINGTON, 3094
JOHN F. PERRI, 0040
DAVID A. PETERS, 2801
DOUGLAS G. PETERSEN, 2738
MARTIN A. PETRILLO, 8288
BEVERLY J. PETTIT, 2357
RAYMOND E. PHILLIPS, 3959
DAVID R. PIMPO, 2267
BEN D. PINA, 4982
LEONARD PLAITANO, 2090
STACY A. POE, 3273
MARK A. POINDEXTER, 5873
GREGORY R. POLSTON, 4216
TERESA L. PRIBOTH, 2284
NASREEN S. QADER, 9524
CHARLES T. RACE, 9107
GARY H. RAKES, 8179
ABEL RAMIREZ, 4626
JOSEPH F. RAPPOLD, 2185
SCOTT M. RETZLER, 5183
ROBERT D. REUER, 2784
JEFFREY E. RHODES, 1795
MAGGIE L. RICHARD, 0841
MARK A. RICHERSON, 9235
JORGE P. RIOS, 1298
ELLEN E. ROBERTS, 7568
AMILCAR RODRIGUEZ, 1601
ROBERT J. ROOKSTOOL, 5694
JOEL A. ROOS, 3159
JOHN C. ROSNER, 1137
ROBERT D. RUPPRECHT, 4284
JEFFREY A. RUTERBUSCH, 8424
MARGARET A. RYAN, 6546
EFREN S. SAENZ, 4097
WILLIAM D. SANDERS, 3731
THOMAS A. SATTERLY, 8218
MARK L. SAYGER, 9990
DUANE J. SCHATZ, 8801
KRISTIN E. SCHLIEF, 5955
KYLE J. SCHMIDT, 5587
KYLE P. SCHROEDER, 3350
REBECCA SCHROEDER, 8617
STEPHEN T. SCHULTZ, 1127
MICHAEL L. SCHUTZ, 7165
JOSEPH A. SCORDO, 1726
JEFFREY H. SEILER, 7595
ROGER L. SELLERS, 2401
DAVID B. SERVICE, 5923
DEBORAH A. SHERROCK, 8060
DANIEL P. SHMORHUN, 3123
TIMOTHY R. SHOPE, 1309
RICHARD SILVEIRA, 3927
CATHERINE A. SIMPSON, 6784
DONALD L. SINGLETON, 1617
MICHEAL J. SIRCY, 0871
KELLY D. SKANCHY, 7134
JAMES W. SMART, 8317
HUGH C. SMITH, 7547
KAREN S. SMITH, 4065
TERESA E. SNOW, 9516
JOHN M. SOCHA, 2616
JOHN T. SOMMER, 0975
RONALD S. SONKEN, 9021
GLEN T. STAFFORD, 2140
TERRY A. STAMBAUGH, 6950
CARLA J. STANG, 6541
PATRICK J. STEINER, 7696
DANIEL C. STEPHENS, 6429
RICHARD W. STEVENS, 6101
STEVEN N. STEVENSON, 4301
FRANK A. STICH, 2715
CHRISTOPHER P. STOLLE, 3853
GAIL R. SWEET, 7537
STEPHEN B. SYMONDS, 7408
KEITH A. SYRING, 5839
GARY TABACH, 3239
DAVID W. TAYLOR, 9654
WILLIAM J. TERRY, 0643
THOMAS A. THARP, 7557
CLARENCE THOMAS, JR., 5894
JAMES A. THRALLS, 2169
LAURA S. TILLERY, 1374
ELIZABETH E. TIPTON, 8879
DAVID W. TOMLINSON, 7726
JOHN B. TOURTELOT, 4976
ANDREW P. TROTTA, 1948
BRADLEY S. TROTTER, 3853
LINDA E. TROUP, 3023
ROBERT F. TUCKER, 4108
MICHAEL A. UHALL, 1421
DEBORAH E. UHER, 7447
JON T. UMLAUF, 4790
SCOTT R. VANDERMAR, 2645
TIMOTHY S. VARVEL, 2804
THOMAS E. VELLING, 0685
PAUL J. VERRASTRO, 4464
AMILCAR VILLANUEVA, 6162
FRANCIS K. VREDENBURGH, JR., 0278
JOHN F. WARD, 9643
SHARON V. WARD, 0806
KATHY WARNER, 9115
JULIUS C. WASHINGTON, 2283
ALICE WHITLEY, 4943
THOMAS S. WILD, 9041
WADE W. WILDE, 5903
TIMOTHY H. WILKINS, 0608

ROBERT T. WILLIAMS, 1808
JAMES M. WINK, 0747
RICHARD B. WOLF, 1870
KEITH S. WOLGEMUTH, 3438
JOSEPH C. K. YANG, 2589
MYRON YENCHA, 6470
KENNETH S. YEW, 4112
LINDA E. YOUNG, 4893
KRISTEN C. ZELLER, 7997
GREGORY J. ZIELINSKI, 3195
MICHAEL E. ZIMMERMAN, 9307

HOUSE OF REPRESENTATIVES—*Tuesday, July 25, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 2000.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader, and the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

LIVABLE COMMUNITIES AND REDUCING GUN VIOLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my purpose in serving in Congress is to help make our families live in livable communities, places where those families can be safe, healthy, and economically secure. An important part of that effort is reducing the toll of death and injury from gun violence.

One of my biggest disappointments of a public service career is our inability as a government to take action. Since I have been active in politics we have lost 1 million Americans to gun violence, more than all the Americans killed in every war since the Civil War. Preparing to leave this summer, the House has delayed for 1 year acting on the activities for reducing gun violence that were passed by the Senate.

We can in fact take sensible steps, as we have with other public health crises. For instance, we had faced massive carnage on our Nation's highways. Yet, for the last 30 years, as part of a larger strategy, we have cut automobile deaths in half, not by accepting the carnage but by moving forward with a safer automobile product, highway design, and attitudes towards things like drunk driving.

The same approach can work with gun violence. The American public wants it and will support it. They want to see steps to make guns safer, to keep guns out of the hands of more people with violent or criminal histories, to close the gun show loophole.

One of the most important things we need to do to urge action is to put a face on the 1 million people who have been killed. That is an effort that I have been attempting in my term of office.

Today I wanted to say a couple of words about a young man named Ray Ray Winston, who was Portland, Oregon's first victim of gang-related slaying. Some dismissed his death as something that was a logical consequence of a young man running with a tough crowd, being at the wrong place at the wrong time. Yet, Ray Ray Winston was a young man who was dealt a very tough hand by life: a father incarcerated, not having as much family support; a young man who had aspirations, for instance in athletics. He had been just a couple of weeks before his death in a basketball camp with my son.

Unfortunately, his death set off a wave of shootings. Teenagers who should have been in school instead of out in the streets were involved with retaliatory activity, the risk being accentuated by the availability of guns and the willingness to use them.

It is important, Mr. Speaker, that we make sure that Americans understand that there is a face behind each one of those statistics. Then we need to press for action, first on the local level, not just with Governors and mayors and county commissioners and housing authorities, but also supporting the activities of citizen activists.

For example, in my State of Oregon we have put an initiative on the Oregon ballot to close the gun show loophole if Congress cannot and will not act.

But there is no escaping the need to put pressure on the national level. Sadly, there is a huge difference between the political parties regarding gun violence. Sadly, the Republican leadership in the House has been an active partner with the NRA preventing us from moving forward. They have even boasted that if they were able to elect George Bush, they would be able to work right out of the White House.

But Vice President GORE and the Democratic congressional leadership would in fact enact commonsense reforms to reduce gun violence. These are steps that are supported by the American public and steps that would make a difference. When we come back in September, it will have been 13 months since the conference committee on juvenile violence has even met.

I hope the American public will add their voice to demand an end to the spineless acceptance of gun violence and enact simple, commonsense gun reforms to make our communities more livable, to make our families safe, healthy, and economically secure.

DON'T LET TAXPAYERS GET "RAILROADED"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this week the House of Representatives is expected to be voting on a bill, H.R. 4844, the Railroad Retirement and Survivors Improvement Act of 2000. This legislation has been advertised as a historic agreement that is overwhelmingly supported by both rail management and labor.

Why have they agreed so easily? The answer is because American taxpayers rather then the private railroad companies are going to be footing the bill for their private pension fund.

Let me talk about the facts of this railroad retirement bill. The railroad retirement system already has an unfunded liability of $39.7 billion, according to our Committee on the Budget staff. The industry would need to increase contributions from 21 percent of wages to 31 percent of wages for the next 30 years to cover this shortfall.

Accurate accounting shows that the industry has received at least $85 billion more in benefits than it has paid in contributions.

The rail industry has for many years received special government subsidies that are available to no other industry. Under current law, income taxes paid by rail retirees do not go to U.S. Treasury. They are instead transferred to the Railroad Retirement System, costing taxpayers over $5 billion.

The government also currently pays the cost of Amtrak's social security contributions, costing taxpayers another $150 million a year.

Now this plan, H.R. 4844, would reduce both employer and employee contributions to the retirement fund. Let me say that again. They are going to reduce both employee and employer contributions to the retirement fund while providing substantial increases in benefits, so they reduce the contribution, they increase benefits, and they charge the American taxpayers for these private business pension plans.

Specifically, the bill will, number one, repeal a 26.5 cent per hour employer contribution for supplemental annuities; two, it will reduce employer contributions from the current 16.1 percent to 14.2 percent in the year 2002; three, it will expand benefits for widows; four, it will reduce the vesting requirement from 10 to 5 years; five, it will repeal the current cap on payments of earned benefits; six, it is going to reduce the minimum retirement age to 60.

This legislation fails to move to a privatized retirement system. It reduces contributions of the employee and employer and while substantially increasing benefits. It is going to cost the taxpayers of the country huge amounts to subsidize these kinds of pension plans for private sector business. The bill as written should not be passed.

IN MEMORY OF WILLIAM RUSSELL MOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, a friend of mine died this past week. His name was William Russell Mote. He was not only my friend, he was the Members', too, and a friend of all Americans, as well. As a matter of fact, he was a friend to people all over the world.

I would like to tell the Members why. Bill Mote was born in my State of Florida in the city of Tampa at the turn of the century. The world was a far different place for Bill Mote back in the early part of the last century. Teddy Roosevelt was President. There was a world without jet planes, without television. No man had flown in space. It was a world that encouraged a young boy to go fishing in the beautiful waters of the Gulf of Mexico.

It was also a time that encouraged entrepreneurs, and Bill Mote took full advantage. He could not wait to venture out into the world and start his own business. While he never earned a college degree, Bill Mote was a well-educated individual whose charisma and charm paved him a very successful path in the business world.

Mr. Mote's love for the world extended far beyond the realm of his exciting business ventures. He loved the adventure of travel and the excitement of the sea. He visited many places after he sold his company, and concentrated on trips that would enable him to be with marine scientists, oceanographers, and biologists.

Bill recognized very early on that irresponsible global habits were endangering his beloved sea. What a shame it would be that we would be destroying one of our two unexplored frontiers; a vast one at that, covering three-fourths of the world. To Bill Mote, that was just as exciting as man landing on the moon. Discovering and protecting our oceans became his passion.

It is not surprising to people who knew Bill to understand how his passion was superseded only by his generosity in his goal. He definitely put his money where his heart was. He met Eugenie Clark. Some may know her as the famous "shark lady" on PBS nature shows.

Bill and Dr. Clark started a partnership that would last over 35 years, and would be the root of Mr. Mote's philanthropic mission to save our oceans. Always drawn to the water, he settled on the West Coast of Florida, in Sarasota, with the intent to build a marine laboratory. He used what he learned from his travels and joined Dr. Clark in establishing one of the finest marine laboratories in the world.

When Mr. Mote discovered Cape Haze Laboratory in 1965, he immediately set his mind into catapulting the small marine research facility into a world-renowned program. Henceforth, the Mote Marine Laboratory, named after its principal benefactor, has been the catalyst for breeding and mammal programs which benefit sea life all over the world.

The lab first became known internationally for shark research, and in 1991, Congress designated Mote Marine Laboratory as the National Center for Shark Research. Bill Mote, who himself never had the opportunity of higher education, initiated a Scholar Chair in Fisheries Ecology and Enhancement at Florida State University.

He also encouraged younger people to become interested in marine life. Schoolchildren were exposed to the smallest creatures as well as the magnificent sharks and dolphins at Mote Marine Laboratories Aquarium. A new state of the art Marine Mammal Rescue Center gives all visitors a first-hand look at the expert veterinary care that Mote's Marine biologists provide.

Bill will always be remembered as a promoter of education, as well as an excellent educator himself. He was at the helm when the Jason Project began at Mote Marine. That was developed as an educational venture between Dr. Ballard and Mote Marine. Dr. Ballard is using Jason and Jason II remote submersibles, credited with the discoveries of the Titanic, the Bismarck, and other landmark discoveries beneath the depths of our oceans. Mr. Mote was constantly expanding the depths of our understanding, even to the bottom of the sea.

Even larger than his love of the oceans was his love for education. He gave not only to the studies of marine biology and oceanography, but also relentlessly promoted the fields to youth and professionals alike with his own special blend of enthusiasm. In 1968, Mr. Mote was awarded the Gold Medal of the International Oceanographic Foundation.

Many of us who knew Bill Mote have our own stories to tell. After meeting a person like Bill, his energetic and passionate love for the ocean was magnetic. His relentless drive passion and vigor was rivaled only by his charismatic personality.

Bill Mote was to all of us and will remain in our hearts a true example of what one person can do with a little determination.

I served on the board of Mote Marine before I came to Congress. I had the pleasure of knowing Bill Mote well. He was a devoted husband and brother. He was a counselor to marine biologists. He was a teacher to all ages of students. Most of all, he was a true conservationist, a self-educated man who saw a need in the world and went ahead to do something about it. He definitely graduated life with honors.

A REPUBLICAN PRESCRIPTION DRUG PROGRAM BUILT ON FALSE HOPES AND VAGUE PROMISES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, not long ago this House debated a prescription drug coverage bill, not a Medicare prescription drug coverage proposal but a bill endorsed by the Republican majority that features private stand-alone prescription drug coverage for seniors. It was the only bill we were permitted to consider.

I joined many other Members of this House when I questioned the logic of this proposal, the feasibility of this proposal, the arrogant anti-Medicare message of this proposal.

Our concerns are not theoretical. It turns out that Nevada has adopted a prescription drug program almost identical to the Republican plan. It is not working. It is not working for the same reason the Republican plan will not work, because insurers refuse to participate. They say the risks and the costs of providing individual insurance policies for prescription drugs are simply too high. We do not actually have to implement the national proposal to see whether insurers will participate. They have already said they will not.

This House raised the hopes of millions of seniors by passing prescription drug legislation, legislation that was forced upon this body by a majority unwilling to consider any other plan, any other bill, any other approach. Republican leadership forced this House to take seriously a proposal built on false hopes and vague promises.

The majority in this House saw a political opportunity and seized it. They decided it was time to associate themselves with the prescription drug issue. After all, Medicare beneficiaries and their families are a huge voting block, and the majority is up for grabs.

To my Republican colleagues, more power to them. If the media plays their bill right, maybe they will hold onto a few more seats, except for one thing. This is not a token issue. When Members play the prescription drug issue like a game, they are playing with the lives of real people. They are playing with the quality of those lives and the length of those lives.

To the 84-year-old woman eating 1 meal a day so she can afford the arthritis medication that permits her to walk, this is not a game. To the 67-year-old man who cannot afford to fill a blood pressure prescription that could keep him alive, this is not a game. To the adult sons and daughters wondering whether they are going to be able to find money for their parents' prescriptions, this is not a game.

Last week was the 35th anniversary of the Medicare program. The American public has financed that program and benefited from that program for 35 years. Various private insurance companies have come and gone. Private health plans have evolved from true insurance programs, where everyone paid the same rate and everyone was eligible for coverage, to selective organizations favoring the healthiest enrollees.

Medicare does not play favorites. It provides reliable coverage to all seniors. The original Medicare program is available to everyone. It never skips town. It never ratchets down benefits. It does not charge different premiums to different people based on different circumstances. It enables seniors to see the provider of their choice. No wonder it is the most popular political program, public program, in the Nation's history.

But to keep up with modern health care, the Medicare benefits package needs to be modified to include prescription drugs. Updating the Medicare benefits package, that is what the debate some weeks ago should have been about. It was an insult to the public, that instead we debated a bill that makes no sense unless the goal is not to provide a prescription drug benefit plan, but rather, to set the stage for a massive overhaul of Medicare; unless the goal is to promote privatization of Medicare. After all, if we privatize one benefit, like prescription drugs, we might as well privatize them all.

I urge my colleagues on the other side of the aisle to change course. I urge them to shift their support towards legislation that updates Medicaid and Medicare instead of spurning it. If we work together on a proposal like that, we can do the right thing for the American people. But if my Republican colleagues continually insist on going down this dead end street, they should not be surprised if come November it is the American voter who says, game over.

WILLIAM R. MOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. GOSS) is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise to say a few words about William Russell Mote. Mr. Mote passed away a few days ago after a long and productive life, as Members heard my colleague, the gentleman from Florida (Mr. MILLER), announce from this podium a few minutes ago.

I suppose not every American may know the Mote name, but surely they have been affected by his life and his generosity. William Mote contributed measurably to our understanding of the oceans and the fishes and other life in the oceans, helping us to learn how to be good stewards, taking care of these natural resources.

Mr. Mote's accomplishments are very many, but I think his most notable one from my perspective was the establishment and the sustainment, the very generous sustainment, of the world-recognized Mote Marine Research Laboratory in Sarasota, Florida.

Prior to redistricting in 1990 in Florida, I used to represent Sarasota and the Mote Marine Lab where it is. I can tell Members that today it is one of the premier marine laboratories in the world, an opinion that is quickly seconded by experts in this field, I would add.

Mote Marine is a very busy, very professional, and very accomplished institution, just like its founder. While Mr. Mote has passed on, all of us are going to continue to benefit enormously from his life and the Mote Marine Laboratory, which continues on. We are in his debt for that.

I would like to pass along to the many members of the Mote Marine laboratory community and their families my sincere condolences from myself and my wife, Mariel, and of course from other friends from southwest Florida which I now represent who understand the Mote Marine Laboratory and knew Mr. Mote well.

We appreciate greatly the legacy that he leaves us of awareness about the oceans and how fragile they are, and that the fishes and the critters and mammals in that ocean do need stewardship, now that mankind has made such a strong imprint on our globe; the educational efforts that are being made at Mote Marine to share knowledge with people who need that knowledge and want that knowledge to push forward into the horizons of the unknown in our oceans; and of course, the research that is done there in so many areas.

I have memories myself going back when I was a city councilman in the city of Sanibel trying to deal with the scourge of red tide, which is something that occasionally visits the Florida beaches. It is a very unpleasant thing, with dead fish and a bad smell, and it is bad for tourism, but it obviously says that something is wrong with the environment. We tried to understand that.

That was my first meeting with Mr. Mote, going to his laboratory and saying, can you help me understand red tide? Is there something we can do about that? That pursuit still goes on. That was back some 20 or 25 years ago, I think.

Bill Mote was a hands-on activist. He got very enthusiastically involved. He had a wonderful, charming way about going into a project. He was very pleasant. He was very knowledgeable. He was very eager to share whatever knowledge he had and pass it along.

He certainly raised awareness about sharks. I think most of us are familiar with the movie, but the facts about sharks, what they really are, how they live, what goes on with shark populations in the world, we owe a huge debt to the Mote Marine laboratory and the work that has been done there.

Dolphins, I remember going to Mote Marine to get assistance in writing legislation for dolphin protection. There is such a thing as dolphin captive program legislation now to protect our dolphin inventories, because they were being exploited at one point.

Manatee rescue operations, an endangered species in Florida. Those who have seen manatees know in what perilous shape they are and how wonderful they are, what great creatures, and the work that has been done there to try and make sure that we will continue to have manatees on this globe. All of these kinds of things are wonderful parts of the natural resource that Bill Mote found and fell in love with and decided that he would do something about.

I would suggest that Bill Mote met the test that most of us would like to meet. He left life a little better on this planet for the work that he did. I think that is his best and most wonderful legacy.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m today.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O Shepherd and Guardian of our souls, we have returned to You.

At times we do not realize how we have distanced ourselves from You. Not always attentive to Your voice, we tend to wander on our own.

Then, by Your grace, You bring us back.

When a sense of alienation shadows our soul, we find our differences difficult to bear and move away from each other.

Help us to overcome our hesitancy to accept diversity.

Bringing us to a deeper level of awareness by Your Spirit, make us one Nation.

Give us listening hearts, willing to give each other time and attention and ready to respond to Your Spirit living in one another now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MOROCCAN GIFTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, Mrs. Clinton has decided that she wants New York to be her new home. Of course, if New York decides this fall that the feeling is not mutual, she may decide to move somewhere else.

She certainly has no lack of friends in other places. Just this weekend she was in Annapolis, Maryland, raising money from the rich and famous. And we are pretty sure she still has some friends back home in Arkansas.

But it seems that some of her very best friends are from more exotic places. Last year she returned from the country of Morocco with $52,000 in gifts from Moroccan leaders.

One of the presents she received was a $20,000 purse. That is one heck of a purse. It has gold overlay, 64 diamonds, and 11 garnets.

I suppose, to be fair, we should point out that her husband was held in such high regard by the Nicaraguans that he came home with a $650 humidor for his cigars to be put in.

With friends like these, who needs the Senate?

But it must be lonely at the top.

TAX CODE MUST GO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the Tax Code must go.

Our labor, our savings, our investments all taxed. Our boat, our goat, our vote all taxed. Our sweat, our thrift, our future all taxed.

Beam me up.

Tax this.

It is time to replace the socialist Income Tax Code in America with a simple flat 15 percent sales tax.

No more forms, no more lawyers, no more accountants, no more IRS and, once again, Congress will restore liberty, true liberty, in America.

I yield back with the slogan "the Tax Code must go."

U.S. SHOULD NOT BECOME WORLD'S POLICEMAN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, as a former Air Force pilot and veteran, I have a special sensitivity and permanent appreciation for the needs and concerns of our Nation's military.

It seems obvious to me and to the men and women who serve in our military forces that I have spoken with that the Clinton-Gore administration has put our soldiers, sailors, airmen, and Marines in danger by continually asking the military to do more and more with less and less.

Over the past 8 years, President Clinton has requested drastic cuts in military spending and yet continues to send our troops all over the world.

As Commander in Chief, President Clinton has deployed U.S. forces 34 times, while cutting troop strength by 40 percent.

During the previous 40 years throughout the Cold War and prior to the Clinton administration, our military forces were only deployed 10 times.

Madam Speaker, our military should not become the world's policeman.

I am proud that this Republican Congress realizes the importance of maintaining a strong national defense and that our military serves the United States first and the rest of the world second.

"PORKER OF THE WEEK" AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, it appears that this time the Federal Government is the one that is due a substantial refund. Auditors within the Federal Emergency Management Agency have found $442 million in emergency funds that should be returned by States that did not need or abused these emergency dollars.

As my colleagues know, FEMA is often called upon to provide emergency aid to States in cases of natural disaster. However, the agency is starting to be viewed as a Federal insurance company which hands out free money to repair and to renovate.

In one case, the New Orleans sheriff's office has kept $56,000 it received for flood clean-up work that was performed free by prisoners.

California is holding on to $1.4 million it received to fight a wildfire that was recovered from a negligent party. And Georgia used $15 million in emergency payments to not only repair flood damage but to also upgrade a facility.

FEMA funds are taxpayer funds. They are not part of a slush fund for States to tap into for whatever they want. The guilty State governments get my "Porker of the Week" Award.

106TH CONGRESS HAS AGENDA FOR SUCCESS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Madam Speaker, nothing we do here in Congress can be accomplished alone. Today I want to thank my colleagues on both sides of the aisle who have worked to make the 106th Congress' record one of accomplishment and not of partisan gridlock.

This Congress has passed some of the most solid education reform ever brought before this body, measures that will give parents and teachers more flexibility to meet students' unique needs.

But that is not all. We have also worked tirelessly to pay off our national public debt, which is saddling children born this year with a $13,300 debt burden.

Our debt relief measure also saves the average household an estimated $4,000 in interest payments over the next 10 years.

Think of what American families can do with that $4,000 in additional income.

The 106th Congress has an agenda for success, and I am proud to be part of it.

REPUBLICAN ACCOMPLISHMENTS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, since 1995, Republicans have worked to change the very essence of government to make it an example of common sense, not nonsense.

While it is impossible to change 40 years of big government overnight, we are making significant progress.

This year alone, House Republicans passed a Medicare lockbox bill, a sequel to last year's successful Social Security lockbox measure, which protected Social Security surpluses from being spent on anything but Social Security or debt reduction.

We have also passed a prescription drug measure that makes prescription drugs affordable and available to the 30 percent of Medicare beneficiaries who currently cannot afford the prescription drugs they need.

We have also passed the IDEA Full Funding Act, legislation to help handicapped children get the best education possible.

These measures bring much-needed fairness to the Federal Government, and Republicans will continue to work to make legislation like this a priority for Congress.

AMERICAN COMMUNITY SURVEY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, the Census Bureau is proving that it is another arrogant Federal agency with a power-mad, public-be-damned attitude.

Despite the huge public outcry against the personal, intrusive questions on the Census long form, the Bureau wants to keep prying with the same or similar personal questions on the form called the American Community Survey to be sent to 250,000 homes each month.

The lame defense of questions on the long form was that these questions had been approved by Congress and that they had been asked before.

Well, Congress never had a vote on the specific questions and no Member saw those questions beforehand except possibly a few on the Subcommittee on the Census.

Also, if these nosy, personal questions were asked in the past, it was before the Federal Government got as big and out of control as it is today and before the age of the Internet.

I guess with the computer-controlled society we have today, true privacy is a thing of the past. But the Congress should offer at least a little resistance and not allow the Census Bureau to keep butting its nose into areas that should be none of our Federal Big Brother's business.

106TH CONGRESS HAS DONE NOTHING FOR AMERICANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I wish I had good news, but this Republican Congress is about to recess for our work session in the district and we have no real Medicare prescription drug benefit for our seniors.

Medicare is down. HMOs are closing. Over a million seniors will be kicked off of the HMO+Choice program through the Medicare. And we cannot give them a Medicare drug prescription benefit. We have no Patients' Bill of Rights, which allows individuals not to suffer the drive-by refusal of service in our hospitals.

We have no housing for individuals who work but cannot afford the large payments of high-priced condominiums, and the housing appropriations was cut.

We have no legislation to repair the crumbling schools throughout our Nation because we could not pass a school construction bill that would lend dollars to local communities to help them build new schools for our children.

And, yes, as we start another school year, we did not have the courage to pass real gun safety legislation that would close the loopholes that keep guns out of the hands of children.

All I can say is a bunch of nos. What have we done? Nothing for Americans.

"LA FE" CLINIC, EL PASO, TEXAS

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Madam Speaker, this morning I would like to take a moment to recognize a community health clinic in my district that has recently received national recognition.

The clinic is called Centro de Salud Familiar La Fe, or, as we call it in El Paso, "La Fe" Clinic. It was named as the best clinic in the Nation by one of the largest Hispanic advocacy groups in the United States, the National Concilio de la Raza.

I am very proud of the work that La Fe Clinic is doing in El Paso. It is truly a stellar facility that serves the needs of many local community residents.

I should add that many of these residents would have no other place to receive affordable health care if it were not for La Fe Clinic. This clinic has been at the center of this community for 34 years and continues to play an integral part in the health of El Paso's south side residents.

La Fe Clinic is truly a remarkable organization. In 1999, this clinic served almost 18,000 clients. This facility provides low-cost prescription medication to the elderly and to other patrons; provides pediatric care; provides dental care, even treating the dental needs of patients with AIDS; and assists in signing up children for the CHIPS program in Texas.

I would like to recognize the chief executive officer, Mr. Salvador Balcorta, and the staff of the La Fe Clinic for maintaining a vision and focus for the clinic many times against what seemed to be insurmountable odds.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on H.R. 4888 and H.R. 4923 will be taken after debate has concluded on those motions.

Record votes on remaining motions to suspend the rules will be taken later today.

☐ 1015

VETERANS BENEFITS ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

The Clerk read as follows:

H.R. 4850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits Act of 2000".

TITLE I—ANNUAL COMPENSATION INCREASE

SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Rate Adjustment.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) Amounts To Be Increased.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) Compensation.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) Additional compensation for dependents.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) Clothing allowance.—The dollar amount in effect under section 1162 of such title.

(4) New dic rates.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) Old dic rates.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) Additional dic for surviving spouses with minor children.—The dollar amount in effect under section 1311(b) of such title.

(7) Additional dic for disability.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC for dependent children.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) Determination of Increase.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not a whole dollar amount shall be rounded down to the next lower whole dollar amount.

(d) Special Rule.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2000, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 101, as increased pursuant to that section.

TITLE II—BENEFITS IMPROVEMENTS

SEC. 201. STROKES AND HEART ATTACKS INCURRED OR AGGRAVATED BY MEMBERS OF RESERVE COMPONENTS IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING TO BE CONSIDERED TO BE SERVICE-CONNECTED.

(a) Scope of Term "Active Military, Naval, or Air Service".—Section 101(24) of title 38, United States Code, is amended to read as follows:

"(24) The term "active military, naval, or air service" includes—

"(A) active duty;

"(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

"(C) any period of inactive duty training during which the individual concerned was disabled or died—

"(i) from an injury incurred or aggravated in line of duty; or

"(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.".

(b) Travel To or From Training Duty.—Section 106(d) of such title is amended—

(1) by inserting "(1)" after "(d)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "or covered disease" after "injury" each place it appears;

(4) by designating the second sentence as paragraph (2);

(5) by designating the third sentence as paragraph (3); and

(6) by adding at the end the following new paragraph:

"(4) For purposes of this subsection, the term 'covered disease' means any of the following:

"(A) Acute myocardial infarction.

"(B) A cardiac arrest.

"(C) A cerebrovascular accident.".

SEC. 202. COMPENSATION TO BE PAID AT SO-CALLED "K" RATE FOR SERVICE-CONNECTED LOSS OF ONE OR BOTH BREASTS DUE TO RADICAL MASTECTOMY.

Section 1114(k) of title 38, United States Code, is amended by inserting "or one or both breasts due to a radical mastectomy or modified radical mastectomy," after "loss or loss of use of one or more creative organs,".

TITLE III—VETERANS LIFE INSURANCE

SEC. 301. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) Eligibility.—Section 1965(5) of title 38, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) a person who volunteers for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10; and".

(b) Conforming Amendments.—Sections 1967(a), 1968(a), and 1969(a)(2)(A) of such title are amended by striking "section 1965(5)(B) of this title" each place it appears and inserting "subparagraphs (B) or (C) of section 1965(5) of this title".

(c) Effective Date.—The amendments made by this section take effect on October 1, 2000.

The SPEAKER pro tempore (Mrs. Emerson). Pursuant to the rule, the gentleman from Arizona (Mr. Stump) and the gentleman from Illinois (Mr. Evans) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Stump).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on H.R. 4850.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

H.R. 4850 is the Veterans Benefits Act of 2000. The bill includes a cost-of-living adjustment for VA disability compensation and survivors benefits. It also includes a number of changes in program eligibility and benefit improvements.

I urge my colleagues to support passage of H.R. 4850.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the chairman of the committee, the gentleman from Arizona (Mr. Stump), for bringing this legislation to the floor today. I believe all Members of this body can fully support the Veterans Benefits Act of 2000, H.R. 4850. Among other provisions, this act provides a cost-of-living adjustment to service-connected disabled veterans and DIC beneficiaries. As a result, these important benefits will be increased to keep pace with the cost of living.

The bill also recognizes the sacrifices made by two special groups of veterans, those who serve in the Guard and Reserve and suffer a heart attack or stroke while on inactive duty for training. These conditions will now be recognized as service connected. Madam Speaker, I also particularly want to commend and thank the gentleman from Michigan (Mr. Stupak) for his effective leadership on this important provision.

I am pleased that this bill incorporates the provisions of H.R. 3998 which I introduced to provide special monthly compensation to veterans who are service connected for a radical mastectomy.

This is a good bill. I urge my colleagues to vote in favor of it.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Quinn), the chairman of the Subcommittee on Benefits.

Mr. QUINN. Madam Speaker, I want to note the opportunity for us to talk with the gentleman from California (Mr. Filner) this morning and others.

We are proud to be here today to consider H.R. 4850, the Veterans Benefits Act of 2000. H.R. 4850 combines four bills that were referred to the Subcommittee on Benefits, H.R. 3816, H.R. 3998, H.R. 4131, and H.R. 4376.

Briefly, Madam Speaker, the Veterans Benefits Act provides a COLA, cost-of-living adjustment, effective December 1, 2000, for service-connected and survivor benefits. It also provides that a stroke or a heart attack suffered by a Reservist during inactive duty training shall be considered service connected for purposes of VA benefits. It adds the service-connected loss of one or both breasts due to a radical mastectomy to the list of disabilities entitled to an additional special monthly compensation. And, finally, extends service members' group life insurance eligibility to members of the Individual Ready Reserve.

I would like to thank the ranking member and my partner on the subcommittee, the gentleman from California (Mr. FILNER), for his help in bringing this bill to the floor today. I would also like to thank the gentleman from Michigan (Mr. STUPAK), who is not a member of the committee but had the foresight to bring to our attention and worked with us on the provision affecting Reservists who suffer a heart attack or stroke while performing weekend drills.

The benefits improvements in this bill will have an effect on a large number of veterans across the country. I urge my colleagues to support it.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I thank the gentleman for yielding time. I thank the gentleman from Arizona (Mr. STUMP), the gentleman from Illinois (Mr. EVANS), and the gentleman from New York (Mr. QUINN), the chairman of our Subcommittee on Benefits, for crafting H.R. 4850. I think everyone in this body can support this very important measure.

This measure is important to the financial well-being of our disabled veterans and their survivors. It ensures a cost-of-living increase so that VA benefits will not erode due to increases in the cost of living. It also recognizes the important contributions made to our Nation's security by members of the National Guard and Reserve. In fact, section 102 of the bill incorporates provisions that were introduced separately by the gentleman from Michigan (Mr. STUPAK), who will speak in a few minutes. He recognized that certain members of the Guard and Reserve who suffer a heart attack or stroke while serving on inactive duty for training are unfairly denied service connection for those conditions. So I thank the gentleman from Michigan now for his leadership in getting this important provision.

Section 202 of the bill is taken from a bill, H.R. 3998, introduced by the gentleman from Illinois (Mr. EVANS), our ranking member. This will provide veterans who are service connected due to a radical mastectomy with the additional compensation currently provided to veterans who are service connected for loss or loss of use of other body parts. This bill was recommended to us in the 1998 report of VA's Advisory Committee on Women Veterans.

Finally, section 301 of the bill will ensure that service members who volunteer for assignment to a mobilization category in the Ready Reserves will have access to VA life insurance. This is a simple thing but is very important because if we expect these service members to put their lives on the line for our Nation, we must assure that their survivors will be compensated if they are asked to pay the ultimate price for their service.

I ask for a unanimous vote on this very important measure.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES), a member of the committee.

Mr. REYES. Madam Speaker, today I rise in support of H.R. 4850, the Veterans Benefits Act. I want to thank the chairman and ranking member of our committee as well as the gentleman from Michigan (Mr. STUPAK) for his leadership on this bill. This bill provides serious improvement in services and benefits to our veterans. With H.R. 4850, we are providing important cost-of-living adjustments for compensation paid to veterans with service-connected disabilities as well as their dependents, along with enhancing other benefit programs providing compensation and life insurance benefits.

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Moreover, with the increasing number of Guard and Reserve members of our Armed Services that are being called upon to defend our Nation, the diseases and the symptoms that they suffer should be considered service connected just as if they were on active duty status.

Under current law, if a Guard member or a Reservist on inactive duty training suffers a heart attack or stroke, the disability is characterized as due to a disease and is not considered service connected.

This bill simply corrects this situation by allowing those on inactive duty for training as to count this as service connected for the purposes of Veterans benefits.

Furthermore, with the increasing number of female veterans, I am proud that this bill amends Federal veterans' benefits provisions to provide a monthly rate of compensation for the service-connected loss of one or both breasts due to the radical or modified radical mastectomy. This bill finally creates parity for breast cancer along the same lines as other visible physical disabilities.

Lastly, the bill expands the eligibility of veterans to participate in group life insurance programs.

Madam Speaker, when Reservists are called up for quick deployments, the need for insurance to cover these men and women for loss of life during acts of war is paramount. As it is, as regular insurance, their regular insurance, does not cover these types of situations.

This bill fulfills our obligation to make sure that our men and women in uniform of the Reserves who are putting their lives on the line for their country have the same opportunity to gain security for themselves and their families through our life insurance programs.

Clearly, the various aspects of this bill serve the needs of today's veterans, and they raise the level and quality of benefits for them and for their families. It is long overdue.

With this legislation, we improve and fulfill our obligation to better serve our male and female veterans, Reservists, Guardsmen and their families, who have sacrificed for the American ideal and interests around the world.

I, therefore, strongly support this legislation and urge Members of the House to unanimously pass this bill.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, first I would like to commend the gentleman from Arizona (Mr. STUMP), the chairman of the committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, the gentleman from New York, (Mr. QUINN) and the gentleman from California (Mr. FILNER) for their hard work in helping me bring forth part of this legislation.

It was really their work and the work of their staff that put together H.R. 4850, which incorporates several very worthy bills to help our veterans and their families, including my bill, H.R. 3816.

My bill closes an exceptionally problematic loophole brought to my attention by the Pearce family of Traverse City, Michigan. Master Sergeant Ron Pearce was a full-time employee of the Michigan National Guard who suffered a heart attack while performing required physical fitness tests, a part of the inactive duty training requirements.

Master Sergeant Pearce had a history of heart trouble and in the past had been exempted from the fitness test on recommendation of his doctor. He was ordered to take the test as a condition of his continued employment with the Michigan National Guard.

He passed away as a direct result of this fitness test, leaving behind a wife and family with no means of support. The VA first approved and then denied benefits to his family. My bill, now part of the larger bill, would consider heart attacks and strokes suffered by National Guard and Reserve personnel while on inactive duty for training to be service connected for the purpose of VA benefits.

Madam Speaker, I strongly urge support of this legislation. I am happy that the loophole will be closed and more families will not have to suffer as the Pearce family has.

I strongly urge Members to vote yes on this bill. I once again would like to thank the distinguished gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Veterans Affairs; the distinguished gentleman from

Illinois (Mr. EVANS), the ranking member, for their inclusion of my legislation in their bill.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member, for all of his assistance, as well as the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. FILNER).

Mr. BILIRAKIS. Madam Speaker, I rise in strong support of several veterans' bills that the House is considering today. First, H.R. 4850, the Veterans' Benefits Act of 2000, will increase, effective December 1, 2000, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. As in previous years, these deserving men and women will receive the same cost-of-living-adjustment (COLA) that Social Security recipients are scheduled to receive, and as a cosponsor of H.R. 4850, I am pleased that we are acting to provide disabled veterans and their survivors with an annual COLA.

H.R. 4850 includes several other important provisions. Under the measure, a stroke or heart attack suffered or aggravated by a reservist during inactive duty training will be considered service-connected. This will allow reservists to receive disability compensation for these conditions if they become disabled while on inactive duty training. H.R. 4850 would also provide a special monthly compensation for the service-connected loss of one or both breasts due to a radical mastectomy, at the same rate as that for a service-connected "loss or loss of use of one or more creative organs." Finally, H.R. 4850 will permit certain members of the Individual Ready Reserve to participate in the Servicemembers Group Life Insurance program.

The second veterans' bill we are considering today, the Veterans Claims Assistance Act of 2000, would eliminate the requirement that a claimant first submit a "well-grounded claim" before receiving assistance from the VA Secretary. A well-grounded claim for service-connected disability benefits would be one that included supporting medical opinion and evidence.

H.R. 4864 would require the VA Secretary to make a reasonable effort to obtain relevant records identified and authorized by the claimant. The VA Secretary would also have to provide a medical examination if warranted. H.R. 4864 would permit veterans who had claims denied or dismissed by the Court of Appeals for Veterans Claims to request a review of those claims within two years of enactment. Finally, H.R. 4864 would require other federal agencies to furnish relevant records to the VA at no cost to the claimant.

The VA has a long history of assisting veterans to obtain government and other records which may substantiate their claim for benefits. However, last year, the Court of Appeals for Veterans' Claims held that the VA had no authority to develop claims that are not well-grounded. Anyone who has ever had to deal with a bureaucracy knows how frustrating it can be, and the Court's decision had a devastating impact on a veteran's ability to develop his or her claim. H.R. 4864 reaffirms the government's obligation to assist our nation's veterans in developing their benefit claims, and I am honored to be an original cosponsor of this legislation.

Finally, I am pleased that the House will consider another resolution that I have cosponsored regarding the Persian Gulf War. Next month marks the tenth anniversary of the initial activation of the National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm as a consequence of the invasion of Kuwait by Iraq. Over 267,000 members of the National Guard and Reserve were ordered to active duty during the Persian Gulf War, and 57 of them lost their lives in service to their nation.

H. Res. 549 recognizes the historical significance of this anniversary and honors the service and sacrifice of these National Guard and Reserve personnel during Operation Desert Shield and Operation Desert Storm. The resolution also recognizes the growing importance of the National Guard and Reserve to the Security of the United States.

Madam Speaker, I urge my colleagues to support all three of these important veterans bills.

Mr. WATTS of Oklahoma. Madam Speaker, I rise in support of H.R. 4850, the Veterans Benefits Acts of 2000 and H.R. 4864, the Veterans Claims Assistance Act of 2000—two bills that give overdue support and assistance to our Nation's veterans. There are more than 2.6 million veterans receiving disability compensation as of May 2000, and the Department of Veterans Affairs expects expenditures for disability compensation to reach $15 billion for FY 2000.

H.R. 4850 directs the Veterans Secretary to increase the rates of veterans disability compensation, dependency and indemnity compensation, and additional compensation for dependents, which is equal to the Social Security cost-of-living adjustment (COLA) that will take place on December 1, 2000. Furthermore, this bill provides for a change in the law which states that a stroke or heart attack that is incurred by a member of a reserve component in the performance of duty shall be considered service-connected for the purpose of benefits under law. Finally, H.R. 4850 provides compensation for the service-connected loss of one or both breasts due to a radical mastectomy and will be treated as other service-connected loss of organs or limbs.

In addition to H.R. 4850, I support H.R. 4864 which authorizes the Secretary of Veterans Affairs to assist a claimant in obtaining evidence to establish entitlement to a benefit. The bill requires the Secretary to make reasonable efforts to obtain relevant records that the claimant identifies. Also, it eliminates the requirement that a claimant submit a "well-grounded" claim before the Secretary can assist in obtaining evidence to support a claimant. This is a change as the result of a recent Court of Appeals case that stated the Veterans Administration (VA) could help a veteran obtain records relevant to a claim only after the veteran provided enough evidence to prove that the claim is "well-grounded." This decision led to confusion on the part of the VA as to the meaning and application of the "well grounded" claim requirement. H.R. 4864 clarifies the "well grounded" claim requirement and enables the VA to once again provide as much assistance as possible to veterans.

I fully support these two important bills. I have always believed how our nation treats the veterans has a direct impact upon our ability to attract patriotic young Americans to military service. We must ensure our veterans receive proper and fair assistance in a timely manner. If we do not keep faith with our veterans—we will jeopardize the defense of the country.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 4850.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Claims Assistance Act of 2000".

SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS LAWS.

(a) IN GENERAL.—Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

"§5100. Definition of 'claimant'

"For purposes of this chapter, the term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 5101 the following new item:

"5100. Definition of 'claimant'.".

SEC. 3. ASSISTANCE TO CLAIMANTS.

(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is amended by striking sections 5102 and 5103 and inserting the following:

"§5102. Applications: forms furnished upon request; notice to claimants of incomplete applications

"(a) FURNISHING FORMS.—Upon request made in person or in writing by any person claiming

or applying for a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing such claim.

"(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application. The Secretary shall notify each claimant of any additional information and medical and lay evidence necessary to substantiate the claim. As part of such notice, the Secretary shall indicate which portion of such evidence, if any, is to be provided by the claimant and which portion of such evidence, if any, the Secretary will attempt to obtain on behalf of the claimant.

"(c) TIME LIMITATION.—In the case of evidence that the claimant is notified is to be provided by the claimant, if such evidence is not received by the Secretary within one year from the date of such notification, no benefits may be paid or furnished by reason of such application.

"(d) INAPPLICABILITY TO CERTAIN BENEFITS.—This section shall not apply to any application or claim for Government life insurance benefits.

"§5103. Applications: Duty to assist claimants

"(a) DUTY TO ASSIST.—The Secretary shall make reasonable efforts to assist in obtaining evidence necessary to establish a claimant's eligibility for a benefit under a law administered by the Secretary. However, the Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of eligibility for the benefit sought.

"(b) ASSISTANCE IN OBTAINING RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.

"(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the records sought, the Secretary shall inform the claimant that the Secretary is unable to obtain such records. Such a notice shall—

"(A) specifically identify the records the Secretary is unable to obtain;

"(B) briefly explain the efforts that the Secretary made to obtain those records;

"(C) describe any further actions to be taken by the Secretary with respect to the claim; and

"(D) request the claimant, if the claimant intends to attempt to obtain such records independently, to so notify the Secretary within a time period to be specified in the notice.

"(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—In the case of a claim by a veteran for disability compensation, the assistance provided by the Secretary under subsection (a) shall include obtaining the following records if relevant to the veteran's claim:

"(1) The claimant's existing service medical records and, if the claimant has furnished information sufficient to locate such records, other relevant service records.

"(2) Existing records of relevant medical treatment or examination of the veteran at Department health-care facilities or at the expense of the Department, if the claimant has furnished information sufficient to locate such records.

"(3) Information as described in section 5106 of this title.

"(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—In the case of a claim by a veteran for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination, or obtaining a medical opinion, when the evidence of record before the Secretary—

"(1) establishes that—

"(A) the claimant has—

"(i) a current disability;

"(ii) current symptoms of a disease that may not be characterized by symptoms for extended periods of time; or

"(iii) persistent or recurrent symptoms of disability following discharge or release from active military, naval, or air service; and

"(B) there was an event, injury, or disease (or combination of events, injuries, or diseases) during the claimant's active military, naval, or air service capable of causing or aggravating the claimant's current disability or symptoms, but

"(2) is insufficient to establish service-connection of the current disability or symptoms.

"(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions for—

"(1) specifying the evidence necessary under subsection (a) to establish a claimant's eligibility for a benefit under a law administered by the Secretary; and

"(2) determining under subsections (b) and (c) what records are relevant to a claim.

"(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.

"(g) OTHER ASSISTANCE NOT PRECLUDED.—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance to a claimant as the Secretary considers appropriate.".

(b) REENACTMENT OF RULE FOR CLAIMANT'S LACKING A MAILING ADDRESS.—Chapter 51 of such title is amended by adding at the end the following new section:

"§5126. Benefits not to be denied based on lack of mailing address

"Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 51 of such title is amended—

(1) by striking the items relating to sections 5102 and 5103 and inserting the following:

"5102. Applications: forms furnished upon request; notice to claimants of incomplete applications.

"5103. Applications: duty to assist claimants."; and

(2) by adding at the end the following new item:

"5126. Benefits not to be denied based on lack of mailing address.".

SEC. 4. BURDEN OF PROOF.

(a) REPEAL OF "WELL-GROUNDED CLAIM" RULE.—Section 5107 of title 38, United States Code, is amended to read as follows:

"§5107. Burden of proof; benefit of the doubt

"(a) BURDEN OF PROOF.—Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a claimant shall have the burden of proving entitlement to benefits.

"(b) BENEFIT OF THE DOUBT.—The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.".

SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: "No charge may be imposed by the head of any such department or agency for providing such information.".

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of the date of the enactment of this Act.

(b) RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.—(1) In the case of any claim for benefits—

(A) the denial of which became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) which was denied or dismissed by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, as in effect during that period),

the Secretary of Veterans Affairs shall, upon the request of the claimant, or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if such denial or dismissal had not been made.

(2) A claim may not be readjudicated under this subsection unless the request is filed or the motion made not later than two years after the date of the enactment of this Act.

(3) In the absence of a timely request of a claimant, nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate claims described in this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 4864, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4864 is the Veterans Claims Assistance Act of 2000. The bill includes difficulties veterans have experienced with the claims processing since the Veterans Administration's implementation of a decision in the case of Morton v. West.

The bill requires the VA to assist veterans in obtaining records even though the veterans has not filed what has been called a well-grounded claim.

The Subcommittee on Benefits has worked closely with the veterans service organizations, with the VA, and with the Senate Committee on Veterans Affairs on this bill. I urge my colleagues to support passage of H.R. 4864, as amended.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last fall I introduced H.R. 3193, the Duty to Assist Act. This measure provided a statutory requirement for the Department of Veterans Affairs to assist veterans filing a claim for benefits administered by the VA. This legislation became necessary as a result of the ruling of the U.S. Court of Appeals for veterans benefits in Morton v. West. Nearly 200 Members of the House have cosponsored this legislation.

Following a hearing on H.R. 3193 and subsequent meetings, including representatives of the VA and veterans service organizations, H.R. 4864 was introduced. It incorporates the basic principles of H.R. 3193. This measure will eliminate the onerous well-grounded claim requirement that reinstates the VA's traditional duty to assist claimants, as did H.R. 3193.

This legislation is needed to correct erroneous interpretations of the law. Judicial review was intended to continue VA's strong continuing obligation to assist all veterans with the development of their claims, but the exact opposite has occurred.

I strongly believe in judicial review; however, courts can and do make erroneous decisions. When those decisions affect the fundamental rights of veterans, it is this Congress' responsibility to correct the problem. H.R. 4864 will do this.

Under this measure, the Secretary of Veterans Affairs is required to obtain all evidence in control of the VA and other departments and agencies necessary to establish eligibility for benefits before deciding the claim. Likewise, veterans will be responsible for providing such evidence in their control.

Veterans seeking to establish their entitlement to benefits they have earned as a result of their service to our country deserve to have their claims decided fairly and fully, based on all relevant and available evidence. Passage of H.R. 4864 will help to assure that their claims are properly considered and decided.

I want to thank the gentleman from Arizona (Mr. STUMP), chairman of the committee. He has done great work on all of these bills today. I want to thank the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits; the gentleman from California (Mr. FILNER), the ranking Democrat on the Subcommittee, for their important work in this measure.

We have moved it timely, Mr. Chairman, because of your leadership; and I look forward to working with the gentleman on this issue. Madam Speaker, I urge my colleagues to support the Veterans Claims Assistance Act of 2000, H.R. 4864.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits.

Mr. QUINN. Madam Speaker, the members of the Subcommittee on Benefits have worked for the past 6 months or so to craft this legislation that we are considering this morning, which I am pleased to say has the bipartisan support of over 100 of our colleagues here in the House.

Madam Speaker, H.R. 4864, as amended, is in direct response to a 1999 decision by the Court of Appeals for veterans claims, the Morton v. West decision, which puts limitations on the VA's duty to assist veterans with the development of their claims.

The bill clarifies the claimants' and the VA's duties with respect to obtaining evidence in support of claims for veterans benefits. The bill also requires that the Secretary make reasonable effort to obtain relevant records that the claimant identifies and authorizes the Secretary to obtain, and it eliminates the requirement that a claimant submit a "well-grounded" claim before the Secretary can assist in obtaining evidence.

The Subcommittee on Benefits had a hearing on the issue this past March 23; and since that time, we have been working and meeting with members, not only the veterans service organizations but also the VA and its officials to develop the bill that addresses the concerns of all interested parties without requiring the Veterans Benefits Administration to do unnecessary work. It is our intention that H.R. 4864, as amended, this morning will give direction to both the VA and the claimant himself or herself.

Madam Speaker, I would like to thank the gentleman from Arizona (Mr. STUMP), and the gentleman from Illinois (Mr. EVANS), the ranking member, for their leadership on this issue as we crafted this bill. Both of these individuals have served together on the VA committee now for some 19 years. Thanks also goes to the VSOs that engaged in oftentimes a spirited dialogue to ensure that this bill does right by veterans and all of their survivors.

Madam Speaker, I would also like to take this opportunity to thank the gentleman from California (Mr. FILNER), the ranking member, and my partner on the Subcommittee on benefits, the gentleman from Texas (Mr. REYES), who had input from beginning to end on this matter.

Madam Speaker, I urge our colleagues to support H.R. 4864, as amended, this morning.

Madam Speaker, I inform the Chair that we expect to ask for a recorded vote when the time is appropriate.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, H.R. 4864 will eliminate a significant obstacle that has been imposed upon veterans who file a claim for benefits administered by the Secretary of the Department of Veterans Affairs.

Claimants for these benefits are now facing obstacles which are created by the decision of the U.S. Court of Appeals for veterans claims in the so-called Morton v. West decision last July. That decision meant that benefits claims that were filed by disabled veterans have been rejected prior to their proper development and consideration. This is simply unacceptable.

Madam Speaker, lead by the gentleman from New York (Mr. QUINN), our chairman of the Subcommittee on Benefits, we as a committee, along with the gentleman from Texas (Mr. REYES) as a member, undertook hearings, undertook discussions with the VA and the VSOs. And in that process, within a year of that decision, we now have a bill before us; and I thank the majority Chairs for getting this through in this timely fashion.

This legislation clearly and unequivocally removes the well-grounded claim requirement which has proven to be a significant barrier facing veterans seeking the fair and prompt adjudication of their claims. This bill includes many of the concepts contained in an earlier bill, H.R. 3193, which is sponsored and introduced by the gentleman from Illinois (Mr. EVANS), our ranking member. It takes into consideration also recommendations from the Department of Veterans Affairs, as well as the veterans service organizations, who I know the gentleman from New York (Mr. QUINN), and I commend very deeply for their advocacy to assure that veterans seeking benefits have their claims fairly and accurately adjudicated.

H.R. 4864 is certainly one of the most important veterans measures to be considered by this Congress. I urge a unanimous vote by my colleagues.

Mr. QUINN. Madam Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from New York.

Mr. QUINN. Madam Speaker, I want to take this opportunity to thank the gentleman from California (Mr. FILNER) to make certain our colleagues understand that this is an effort by the Veterans Subcommittee on Benefits to make the VA more user friendly, more constituent friendly. When we have said so many times on the subcommittee, when there is an area that is not certain, the benefit of the doubt should always go to the veteran when we are able to do that.

Madam Speaker, I want to publicly thank the gentleman for his effort in this regard. It has really made the hearings, I think, more beneficial to everybody.

Mr. FILNER. Madam Speaker, reclaiming my time, I thank the gentleman from New York (Mr. QUINN) for his leadership. We have had those hearings; they have not only been educational but fruitful. Ideas are put on the table; people have commented on them. We have taken those ideas and incorporated them in the process. And the gentleman's responsiveness to those concerns has been a model to the way I think we ought to be conducting ourselves in this Congress.

Mr. STUMP. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our committee.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from Arizona (Mr. STUMP), my good friend, for yielding time to me.

Madam Speaker, the House has before it today a piece of legislation that will go a long way towards helping veterans and their families file claims for VA benefits. I think the gentleman from New York (Mr. QUINN) rightly summarized it. The idea behind this bill is to make the VA more veterans user-friendly, so that the benefits we owe to those who have served this country can be accorded to them.

□ 1045

I am very happy about this bill and I want to thank the gentleman from Arizona (Mr. STUMP), the gentleman from New York (Mr. QUINN), my good friend the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. FILNER) for their good work in crafting this legislation.

Madam Speaker, as things now stand, it is up to veterans to prove that they are entitled to receive a particular benefit. This is how the Veterans Court of Appeals interpreted, last October, the requirement that a veteran's claim be well grounded before the VA consider it. Once determined to be well grounded, the VA must help obtain evidence related to the claim's actual merits.

The preliminary process of proving eligibility for a claim can be an onerous one for veterans, as well as for their families. Take, for example, the claims for service-connected disabilities. Veterans must, one, present evidence that they contracted a disease or sustained injury during military service. We all know from our case work how often the St. Louis fire comes up. Two, a diagnosis of a current disability; and three, a medical opinion stating that the in-service injury or disease caused the current disability.

The reality is that many veterans are unable to secure the medical records and other documents that they need because of poor health, difficult economic circumstances or an unfamiliarity with how to navigate a very complex Federal bureaucracy and thus have their legitimate claims dismissed outright as not well grounded. Or, they just get deterred in the process.

We all know again through our case work how often a veteran will come to one of our offices or a town meeting or a one-to-one meeting and say, "I am just exhausted, will you please help me?"

Under H.R. 4864, the VA would have to help veterans obtain service records and a medical examination if the former serviceman or woman has symptoms of a current disability, or evidence of an injury or disease sustained during medical service. The Veterans Claims Assistance Act of 2000 would also require other Federal agencies to furnish service records to the VA at no cost to the claimant.

Today's bill reassures veterans and their families that the country they served in uniform is on their side when it comes to getting the assistance that they have more than earned. I urge support for this legislation.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today in strong support of H.R. 4864, the Veterans Claims Assistance Act. I also want to thank our chairman, the gentleman from Arizona (Mr. STUMP); the ranking member, the gentleman from Illinois (Mr. EVANS); the subcommittee chair, the gentleman from New York (Mr. QUINN); and subcommittee ranking member, the gentleman from New York (Mr. FILNER) for their leadership on this very important issue for our veterans.

This bill is important because it makes sure that assistance is given to our veterans when establishing a claim for benefits. The bill requires the VA to assist a veteran in obtaining evidence to establish a claim by requiring the Veterans Administration to make reasonable efforts to obtain relevant records and materials.

This is an important legislative correction as it eliminates the unfair requirement that a veteran must first submit a well-grounded claim before the VA will assist him.

We have an obligation to make sure that our veterans are given a hand in receiving the benefits that they have worked for, that they have in some cases bled for, and have certainly earned in the defense of our country. We should never require our veterans to first overcome bureaucratic obstacles before they are given the help that they earned and that they deserve.

The Department of Veterans Affairs was established to assist our veterans, and this legislation reinforces their obligation to serve our veterans and to help them receive any benefits to which they are entitled. I am therefore extremely pleased with this bill's requirement that the VA assist our veterans in obtaining medical and treatment records and information from other Federal agencies and to provide a medical examination to establish whether or not they have a service-connected claim.

This is good, pro-veterans legislation, and I therefore ask the entire House to join in full support.

This morning, Madam Speaker, I also urge the House to fully support eliminating the offset of military retired pay against veterans compensation, which is included in the Senate defense authorization bill and which is contained in H.R. 303. Many of us have already made this request in a letter, and today I ask the House to vote to eliminate this very unfair and costly penalty to our veterans.

I again want to thank the ranking members and the chairmen of our committee for their leadership.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, once again I would like to express my appreciation to the gentleman from Illinois (Mr. EVANS), the ranking member; as well as the gentleman from New York (Mr. QUINN), the chairman of our subcommittee; the gentleman from California (Mr. FILNER), the ranking member on the subcommittee; as well as the gentleman from Michigan (Mr. STUPAK) for bringing this forward.

Mrs. MORELLA. Madam Speaker, I rise in support of the Veterans Claims Assistance Act of 2000 which enables veterans to receive proper assistance from the Veterans' Administration in obtaining evidence to establish entitlement to a benefit.

Currently, the Veterans Administration simply denies a veteran's claim for service-connected compensation benefits as "not well grounded" if the veteran does not provide medical and military information which shows a current disability is related to medical service. While I agree that the VA should not work on claims that do not merit attention, veterans are caught in a Catch-22 when the VA requires the veteran to provide the required information in 30 days and it routinely takes 6 months or longer to obtain records from the National Personnel Records Center (NPRC) or other military information repositories. Even after receiving those records, the VA must make a new determination of the case's status as well-grounded.

My hard working district office handles on average 3,600 constituents a year; many of these cases involve veterans who request my assistance in facilitating their retrieval of medical documents and their receipt of deserved disability compensation. The "well grounded" provision has severely hindered the American veterans' legal right to assistance from the government in gathering necessary medical evidence.

The Veterans Claims Assistance Act would help our nation's veterans by strengthening the VA's duty to assist by eliminating the requirement that a claimant submit a "well-grounded" claim. America is eternally grateful for the selfless service of our veterans. They must be reassured that their country stands steadfast in support.

Mr. FOLEY. Madam Speaker, on July 21, 2000, the Senate Veterans' Affairs Committee found that Florida has the largest backlog of veterans' benefits claims in the country. In fact, Florida has over 20,000 such claims pending, more than any other state. Florida veterans wait an average 213 days to have their claims processed whereas the VA target is 74 days.

While this might have been news to the committee, it wasn't news to me. Every time I visit my district in Florida, I hear from veterans who have been waiting sometimes months to even get a call returned from the VA.

We have a serious problem in this country when our Nation's veterans, who have sacrificed so much for this country, must wait months to even get a telephone call returned.

The Veterans' Claims Assistance Act would take a step toward alleviating this problem by directing the VA to assist claimants in obtaining the necessary documentation to establish their entitlement to benefits. This, in turn, should speed the process and allow our veterans to receive the benefits that are rightfully theirs.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 4864, as amended.

The question was taken.

Mr. STUMP. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DONALD J. MITCHELL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1982) to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic," as amended.

The Clerk read as follows:

H.R. 1982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, ROME, NEW YORK.

The Department of Veterans Affairs outpatient clinic in Rome, New York, shall after the date of the enactment of this Act be known and designated as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic". Any reference to such outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1982 names the Department of Veterans Affairs medical facility in Rome, New York, after Donald J. Mitchell. Mr. Mitchell, a five-term Member of the House, is being honored because of his service as a naval aviator in two wars. A citizen soldier, Mr. Mitchell served his state and Nation, and we honor him with this designation.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the measure now before this House names the outpatient clinic in Rome, New York, after Donald J. Mitchell, a former Member of this House. This is a well-deserved tribute for a truly outstanding American.

A naval aviator during World War II and a veteran of the Korean War, Don Mitchell served the House of Representatives from 1973 to 1983 as a Representative from the City of New York. Prior to being elected to Congress, he served his fellow citizens as a town councilman, a mayor, and as a member of the state assembly as well.

This measure honoring former Congressman Mitchell is strongly supported by the members of the New York Congressional delegation. It likewise deserves the support of each Member of this body.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT). I want to thank the gentleman for bringing this matter before us.

Mr. BOEHLERT. Madam Speaker, today we are saluting a genuine American hero, Don Mitchell. Let me tell you a little bit about the man.

Don Mitchell served with great distinction in the United States Navy from 1942 to 1946 as an aviator, then returned home, only to return to the military in the Korean conflict, where he served as a flight instructor. After that service, he returned back home to his beloved Herkimer, New York.

His talents were recognized. His talent for leadership, his vision, were recognized by the people of Herkimer. First they elected him a town councilman. Then they elected him mayor. But his talents were such and so obvious that he was obviously destined for higher office, and higher office came. He was elected to the New York State Assembly, where he served with great distinction for 8 years, and, once again, as they say, cream rises to the top, and before long, Don Mitchell was Majority Whip of the New York State Assembly, a leadership position.

So here is a distinguished American who had served in World War II, served in Korea, served as a town councilman, then a mayor, then in the State Assembly, and was beginning to think perhaps he had done his share.

But the people of Central New York would not have it, because they insisted that his talents go far beyond the community and the State, and he was elected to the United States Congress, where he served with great distinction for 10 years. During those 10 years he served on the House Committee on Armed Services, and defense was very much in his mind and heart. He provided leadership in that area. I recall particularly his call for an adequate civil defense program for America and the necessity of having an emergency preparedness scheme to protect our Nation and her people.

But Don Mitchell's finest hour perhaps occurred when the Department of the Air Force floated an ill-conceived idea that perhaps the Rome Air Development Center at the Griffiss Air Force Base in Rome, New York, one of the Nation's premier research and development facilities, dealing with command, control, communications and computer technology, and having a very sensitive role to play in intelligence technology, the Air Force thought that maybe Rome Air Development Center should be "disestablished," to use their word, and the assets scattered at other installations around the country.

Don Mitchell would not hear of it, and he led the fight, he was the quarterback of the team, and one year after that announcement was made of the Air Force's intention, Don Mitchell single-handedly convinced the officials in the Pentagon and the Department of the Air Force this should not occur, and it did not. And today, in the year 2000, that fine research and development facility still stands, and it is a tribute to Don Mitchell.

But in the intervening years, the BRAC commission closed the former Griffiss Air Force Base, but they set off in a controlment area that one magnificent R&D facility, and it is still serving our Nation well and proudly.

Don Mitchell has done so much for so many over the years, but let me tell you a little bit about the facility. When the Air Force was going to close the base and the hospital, a lot of people said that should not happen, because we still have a large veterans population, we still have a lot of military retirees and their dependents who need medical service, and we still had, at the Rome Air Development Center, a research laboratory where there were military families and their dependents.

Where were they to be served? I was able to convince the Department of Air Force, working in conjunction with the Veterans' Administration, to transfer that facility that was destined to be closed to the Veterans' Administration, who are operating it today as a full-service Veterans' Administration outpatient clinic, serving an average of 135 patients with quality medical care that they desire, but, more importantly, that they deserve, every single day.

That is a little bit about the facility; that is a lot of bit about the man.

So I want to commend the gentleman from Arizona (Chairman STUMP) for recognizing the importance of honoring a very distinguished American, and I would like to thank all of my colleagues in the House, Republicans and Democrats alike. Every single member of the New York Congressional delegation has cosponsored my bill to honor Mr. Mitchell.

So, collectively today, in the people's House, our House, we stand in the well and we salute a distinguished American.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS) for his work on this, and I would like to especially thank the gentleman from New York (Mr. BOEHLERT) for bringing this to our attention.

Having served with Mr. Mitchell many, many years ago on the Committee on Armed Services, it is truly a pleasure to honor a great American hero in this fashion.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 1982, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: A bill to name the Department of Veterans Affairs outpatient clinic in Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic".

A motion to reconsider was laid on the table.

□ 1100

RECOGNIZING HEROES PLAZA IN CITY OF PUEBLO, COLORADO, AS HONORING RECIPIENTS OF MEDAL OF HONOR

Mr. STUMP. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 351) recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor.

The Clerk read as follows:

H. CON. RES. 351

Whereas the Medal of Honor was established by Congress in 1862 and is the highest military declaration bestowed by the Nation;

Whereas the criteria for receiving the Medal of Honor are extraordinarily stringent, requiring that an individual, while a member of the Armed Forces, have "distinguish[ed] himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty" while engaged in combat and that there have been at least two eyewitnesses to the act;

Whereas fewer than 155 of the approximately 3,500 Americans who have been awarded the Medal of Honor are alive, including two who are natives of the City of Pueblo, Colorado;

Whereas the City of Pueblo, Colorado, will be the site for the September 2000 reunion of living recipients of the Medal of Honor; and

Whereas during that reunion, a Medal of Honor memorial, to be known as "Heroes Plaza", will be dedicated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Heroes Plaza in the City of Pueblo, Colorado, is recognized, effective as of the September 2000 reunion of living Medal of Honor recipients in that city, as honoring the recipients of the Medal of Honor and honoring their commitment to the United States and to serving in the Armed Forces with courage, valor, and patriotism.

The SPEAKER pro tempore Mrs. EMERSON). Pursuant to the rule, the gentleman from Arizona Mr. STUMP) and the gentleman from Illinois Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on H. Con. Res 351.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Con. Res. 351, recognizes Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor. The city will host the annual convention of the Medal of Honor Society later this year. I urge my colleagues to support passage of H. Con. Res. 351.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Con. Res. 351. This resolution recognizes Heroes Plaza in the City of Pueblo, Colorado, as honoring the recipients of the Congressional Medal of Honor. During September of this year, the City of Pueblo will be host to a reunion of the living recipients of the Congressional Medal of Honor. In conjunction with this gathering, it is indeed fitting and appropriate to recognize Heroes Plaza in Pueblo as honoring the recipients of the Congressional Medal of Honor.

I want to thank all Members who have worked on this resolution. The gentleman from Colorado (Mr. MCINNIS) is a leader in this effort, and sometime I will have to get down to Pueblo and see the program with the gentleman from Colorado (Mr. MCINNIS); and I salute him again for his work on this issue.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS), the sponsor of this resolution.

Mr. MCINNIS. Madam Speaker, first of all, I would like to thank the chairman, the gentleman from Arizona (Mr. STUMP), for yielding me this time. I appreciate the fact that he expedited this resolution. Without his assistance, we would not have been able to move forward.

Madam Speaker, I also wish to acknowledge the gentleman from Illinois (Mr. EVANS) and appreciate very much his cooperation, and I would wholeheartedly invite the gentleman from Illinois (Mr. EVANS) to Pueblo, Colorado, but only based on a commitment from him that he give me an extra day or two to take him up into the mountains and do a little skiing or see a little of that snow, show him the third district.

Anyway, I appreciate the assistance of both of these gentlemen. Clearly, the resolution is very simple in its writing, but it is very deep in its thought. Pueblo, Colorado, has a population of 100,000 people; and of that population four of them have received the Medal of Honor, probably the highest number of Medal of Honor winners proportionate to population of any city in the country.

The City of Pueblo takes deep pride in the military. Their schools incorporate, within their schools, what the real definition of the word "hero" means.

The Medal of Honor winners, when they come to Pueblo for these annual dinners, take extra time and go around to these schools. Many of these schools are poor schools. They go around and speak to these students, and I will say it is really refreshing and relives or brings back up a deep sense of patriotism, for those of us who feel that it is very important.

So this year, the City of Pueblo is recognizing Heroes Plaza and have actually commissioned, and it is a very expensive undertaking, but they have commissioned four statues representing each of the four Medal of Honor winners of the City of Pueblo.

Unfortunately, two of those four have passed away in the past year and will not be present, obviously, for the occasion in September; but, nonetheless, we expect a very large gathering, and we think that this resolution adds to the patriotism of that particular gathering. So I do appreciate the expedited schedule, again thanks to the gentleman from Arizona (Mr. STUMP), thanks to the gentleman from Illinois (Mr. EVANS), and thanks to the Speaker pro tempore.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like at this time to thank once again the gentleman from Illinois (Mr. EVANS) for all his cooperation in bringing these bills to the floor today, and also thank the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for allowing us to expedite this measure today.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 351.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4654

Mr. MCNULTY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4654.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

INNOCENT CHILD PROTECTION ACT OF 2000

Mr. HUTCHINSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4888) to protect innocent children.

The Clerk read as follows:

H.R. 4888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Innocent Child Protection Act of 2000".

SEC. 2. PROTECTION OF INNOCENT CHILDREN.

It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States to carry out a sentence of death on a woman while she carries a child in utero. In this section, the term "child in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on H.R. 4888, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4888 is the Innocent Child Protection Act of 2000, which would make it unlawful for the Federal Government or any State government to execute a woman while she is pregnant. This legislation was introduced by the gentlewoman from Florida (Ms. Ros-Lehtinen) on July 19 and would fulfill the obligations of the United States under the International Covenant on Civil and Political Rights.

That covenant, which was ratified by the United States in 1992 and has been signed by 143 other countries, guarantees certain civil and political rights to all individuals within the jurisdiction of the various nations, including the right to be free from torture or cruel and inhumane and degrading treatment or punishment, the right to be free from slavery, and the right to liberty and security of person.

The covenant also guarantees the right to freedom of expression, thought, conscience and religion; but of significance to today's legislation, article 6 of that covenant provides that a sentence of death shall not be carried out on a pregnant woman.

The United States agreed to this prohibition and promised to respect and ensure the rights recognized in the covenant to all individuals subject to the jurisdiction of the United States.

In addition, where not already provided for by existing legislation or by other measures, the United States agreed to take necessary steps to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in that covenant; and so Congress, pursuant to that treaty, enacted legislation in 1994 that prohibited Federal executions of pregnant women.

That statute codified the common-law rule which had been recognized by the United States Supreme Court in Union Pacific Railway v. Botsford. In that case, the Supreme Court explained the common law barred execution of a pregnant woman in order to guard against the taking of the life of an unborn child for the crime of the mother.

The majority of executions are carried out by the States; and, therefore, it appears that some States have no statutory prohibition on executing pregnant women; and for that reason it is necessary to implement the treaty for us to move forward with this legislation. It is important that the position of the United States be clear and unambiguous.

Now let me address the constitutional authority for this legislation. It is well settled that Congress has the authority to enact legislation implementing treaties under the necessary and proper clause of article I of the Constitution, even if that legislation interferes with matters that would otherwise be left to the States. The Supreme Court addressed this issue in Missouri v. Holland. In that case, the United States entered into a treaty with Great Britain in which both countries agreed to take certain steps to protect migratory birds. After ratification of the treaty, Congress enacted a Federal statute prohibiting the killing, capturing or selling of certain migratory birds, except as permitted by regulation of the Department of Agriculture. And so even though Missouri challenged this new statute and asserted the statute interfered with the powers reserved to the States by the 10th amendment, the Court upheld implementation of that treaty by statute.

In a similar way, the courts have followed similar reasoning in upholding of the Hostage-Taking Act, which was again implemented pursuant to a treaty; and so this is very appropriate that we enter into this legislation today.

The situation, we might say, contemplated by this legislation may occur very rarely, but enactment of the law is clearly worthwhile even if it has the potential to save only one innocent life. In recent years there have been 40 to 50 women at a time under state-imposed death sentences. As of January 1, there were 51 women on death row in the various States and 82 percent of those women were age 45 or younger.

While it may seem unlikely that any of these women would become pregnant, the fact is that incarcerated women do become pregnant even in maximum security facilities. As our colleague, the gentlewoman from California (Ms. WOOLSEY), pointed out during a June 22 debate on a proposal to remove the ban on the funding of abortions by the Bureau of Prisons, we know that women become pregnant in prison from rape or from having a relationship with one of the guards. And in his book, Into This Universe: The Story of Human Birth, Dr. Alan Guttmacher, the father of Planned Parenthood, recounted a story told to him by a judge about a woman who obtained two stays of execution after she became pregnant twice through the willing cooperation of her jailer.

It is not difficult to imagine this scenario recurring, especially given the fact that over 80 percent of the women on death row are of child-bearing age. This bill does not reflect any point of view on the desirability or the appropriateness of the death penalty. Nor does it have any relevance to other pending legislation pertaining to DNA evidence or other issues related to the guilt or innocence of a person who has been convicted of a crime. This bill simply recognizes and fulfills this Congress' obligation under the International Covenant on Civil and Political Rights, the treaty I referred to, to protect innocent unborn children from being executed with their mothers.

I urge my colleagues to support this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it has been said that legislative redundancy is a common sin on the House floor but this bill makes that sin unusually self-indulgent. The execution of pregnant women is already illegal under Federal law, and it is doubtful that this Supreme Court would acknowledge our jurisdiction to impose that dictum on State courts.

Let me read from Title 18, section 3596, implementation of death sentence:

> In general, a person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence.
>
> When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of the death sentence, the Court shall designate another State, the law of which does provide for the implementation of a death sentence and the sentence shall be implemented in the manner prescribed by such law; B, pregnant woman, a sentence of death shall not be carried out upon a woman while she is pregnant.

So I suggest to the members of the committee that this bill is likely to affect no one, but it is rushed through in lightning speed in an effort to satisfy some particular cause for the moment.

By contrast, the hate crimes legislation has been bottled up in the Committee on the Judiciary by the gentleman from Illinois (Mr. HYDE) for over 3 years now. We know that there are nearly 8,000 hate crimes in America each year; but that legislation, by contrast, has not seen the light of day. Our gun safety legislation continues to be blocked by the Congress; nearly 26,000 innocent people dying on the wrong end of a barrel each year. This Congress has not even shown the fortitude to stand up to the NRA on something as simple as closing the gun show loophole which makes guns available to criminals, but we can pass this legislation that in all likelihood will help no one.

This is a leadership that cannot pass a Patients' Bill of Rights; that cannot pass the minimum wage; that cannot pass prescription drug benefits for seniors; that cannot pass a marriage tax that will help middle-class Americans; cannot really do much of anything to help people.

□ 1115

So if we really wanted to protect innocent life, we would pass the bipartisan Innocence Protection Act already introduced, which would provide DNA tests and competent counsel for death row inmates. This legislation was introduced in the wake of widespread evidence across the country that innocents have been wrongly committed of capital crimes. But instead, we pass legislation that in all probability will assist no one.

Madam Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), author of the legislation.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from Arkansas for yielding me this time. In our Nation a convicted murderer loses the right to vote, along with all basic civil rights. In 38 States, a convicted murderer may lose even the most fundamental right, the right to live.

But what if within the confines of our judicial and penal system a convicted murderer would have the right to kill again. What if, as a result of this legal right, a completely innocent human being to whom no trespass could be attributed was brutally killed. These hypothetical examples could be realized because for the 38 States which impose the death penalty, there is no current law which prohibits the execution of a pregnant woman who carries an innocent, unborn child.

Madam Speaker, last week I introduced the Innocent Child Protection Act, H.R. 4888, which would make it illegal for any authority, military or civil, in any State to carry out a death sentence on a woman who carries a child in utero. No unborn child can possibly be guilty of committing a crime, therefore, no unborn child should be punished by death. H.R. 4888 will protect unborn children by preventing innocent human life from being sentenced to death.

Even in a maximum security facility, women do become pregnant. Otherwise, some in Congress would not have tried to require the Federal Bureau of Prisons to fund abortions. As of January 1991, 51 women were on State death row and 82 percent of them were of child-bearing age, age 45 or younger.

But how many lives must pay for the crime committed by one of these women? Today I ask my colleagues, regardless of whether they are pro-life or pro-choice, to vote to pass H.R. 4888. An innocent unborn child should not have to forfeit his opportunity for a life for a crime that his mother has committed. And as the gentleman from Arkansas has also pointed out, Alan Frank Guttmacher, commonly known as the "father of Planned Parenthood," stated in his book, Into This Universe, the Story of Human Birth, he makes the case for a child to be born, and not aborted, by a prisoner.

Madam Speaker, if even the father of Planned Parenthood is against a prisoner having an abortion, who can be against legislation to protect innocent life from death?

H.R. 4888 does not make a statement on the appropriateness of capital punishment as a means to castigate persons convicted of premeditated murder or other serious crimes. H.R. 4888 does not impose on a woman's right to choose, for it does not prohibit them from having an abortion. This bill merely asks one simple question: Should the government execute an unborn child who has committed no crime?

Madam Speaker, the only answer to this question is no. Therefore, I ask my colleagues to vote "yes" on H.R. 4888.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I fully respect the gentlewoman from Florida who has introduced this measure. I point out to her that normally, there is some Federal jurisdictional requirement that is cited in a bill of this kind that applies to a State, and that there is none such in this bill.

I am not quite sure if she was aware that there was in the Federal Criminal Code a measure that precludes in the Federal law at this moment a sentence from death being carried out upon a woman while she is still pregnant. I would ask the gentlewoman from Florida if she were aware of the existence of such a provision in our Federal law.

Ms. ROS-LEHTINEN. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Madam Speaker, what my bill simply says is that although there are provisions applying on the Federal death penalty, this would make it applicable at the State level.

Madam Speaker, 38 States do have the death penalty. So this would apply to those States that do.

Mr. CONYERS. Madam Speaker, reclaiming my time, if I might continue, is the gentlewoman familiar with the fact of the limited role of the Federal Government with respect to the State function? The New York v. U.S. and the U.S. v. Lopez cases limit the role of the Federal Government with respect to State function unless there is an explicit jurisdictional requirement satisfied.

Madam Speaker, I raise the question to the gentlewoman, or anybody on the floor, what is the jurisdictional authority in this bill?

Ms. ROS-LEHTINEN. Madam Speaker, if the gentleman will continue to yield.

Mr. CONYERS. I am happy to yield.

Ms. ROS-LEHTINEN. Madam Speaker, as the gentleman from Arkansas (Mr. HUTCHINSON) had pointed out in his introductory statements, which I then blotted out of mine because we did not want to be redundant, he had pointed out case after case where it was based on a treaty and then it does give the congressional authority to act in this way.

Madam Speaker, if I could ask the gentleman from Arkansas to reread, to recite those particular cases having to do with the treaty. If the gentleman from Michigan (Mr. CONYERS) would yield to the gentleman from Arkansas, he would be glad to cite those again.

Mr. CONYERS. Just a moment. Madam Speaker, I will be happy to yield to the gentleman from Arkansas, but before I do, I just wanted to remind him and the gentlewoman that the case that I cited, U.S. v. Lopez, requires and says that the statute in a bill must cite the authority. The authority must be cited. And in this bill, it is not cited. That is the question that still remains.

Mr. HUTCHINSON. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, the Lopez case is a Commerce clause case in which the Court had indicated that there had to be a recognition of the interstate basis and a legislative history for it. And in this case, this is not based upon the Commerce clause, but it is based upon the Constitution itself. The necessary and proper clause of the Constitution that gives the Federal Government authority to pass legislation to implement treaties.

So this legislation is based upon that clause of the Constitution fulfilling our obligation under the treaty that has been signed with the United States and 142 other nations, and I would thank the gentleman for the question, and direct him to the Missouri v. Holland case, which is really directly on point, which recites the authority of the Federal legislature to adopt legislation, even for the States, when it is carried out to implement a treaty, in that case the Migratory Bird Treaty.

Mr. CONYERS. Madam Speaker, again reclaiming my time, I would close by merely reminding everyone that these two cases, which both cite very clearly and unambiguously that they are not limited to the Commerce clause or any other particular part of the Constitution, require that the statute must cite the authority. The role of the Federal Government with respect to State functions must be made clear and explicit. The jurisdictional requirement has to be satisfied.

I submit to my friends that this is one of the few cases, few bills I have ever seen come to the floor that does not cite any authority, whatsoever. Now, it may be that in the haste of the moment, this is a bill that has not been before the Committee on the Judiciary, so maybe my colleagues forgot. We are dealing with a bill that was introduced on July 19, 2000. That was a few days ago. So that may be the problem.

Madam Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON), my good friend, for yielding me this time.

Madam Speaker, one might excuse Vice President AL GORE for not knowing that a 1994 Federal law prohibits Federal executions of pregnant women, but not State. Last week on NBC's Meet the Press, Mr. GORE did not have a clue, and even laughed nervously in response to the question.

A day later, however, all indecisiveness was gone. Mr. GORE came down in earnest in favor of executing children, as long as the convicted mother chose it. He said, and I quote, "The principle of a woman's right to choose governs in that case." According to Mr. GORE, the baby is property, mere chattel of no inherent worth, possessing no inherent dignity. If the mother is to be punished with death for the commission of a crime, the Vice President believes she can take her unborn child to the gallows with her.

Madam Speaker, Mr. GORE's position, in my view, is breathtakingly insensitive, callous and punishes an innocent baby, or babies if twins are involved, with electrocution or lethal injection.

Madam Speaker, as a Member of the Congress for the past 20 years, I am adamantly opposed to the death penalty, and I was before I came to Congress. Yet I respect those who take the contrary view and acknowledge that the argument of punishing heinous crimes like premeditated murder with death, and the requisite due process rights afforded to the accused, makes the argument in favor of the death penalty credible, but for me it is not convincing.

Yet, I would be less than candid if I did not say that I have no respect whatsoever for Mr. GORE, and those who take the position to permit the execution of children. Mr. GORE's child death penalty is totally contrary, Madam Speaker, to internationally recognized human rights principles. For example, the International Covenant on Civil and Political Rights states clearly in article VI that the sentence of death shall not be carried out on pregnant women.

I would remind my friends that this was the international covenant that was touted again and again on the Chinese debate on MFN and PNTR, because they had signed it, but not ratified it, and people talked glowingly about that very important human rights covenant. And yet it states in article VI that the sentence of death shall not be carried out on pregnant women.

Why? I think it should be obvious. Notwithstanding the gross distortion of caring and compassion and logic that has been forced on society and politicians by the abortion rights movement, it is self-evident that unborn children are human and alive and worthy of respect.

The abortion efforts have a curious and I would suggest an unreasonable need, obsession is more to the point, to deny the unborn child any recognition or respect whatsoever. Can we at least today, Madam Speaker, assert that protection for unborn children from the death penalty would be a prudent action to take?

Mr. CONYERS. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Madam Speaker, I have great professional respect and personal admiration for the gentleman from New Jersey (Mr. SMITH), as he well knows. And he and I share a very similar disposition on the preciousness of human life.

I do not believe that human life should be taken, whether it is human life within the womb or whether it is human life after the womb, and so I oppose the principle and practice of abortion on demand. I also strongly oppose the death penalty.

Unfortunately, I do not think that there is, generally speaking, a consistency in approach. Some individuals favor the death penalty for virtually any and every case where they want to show that they can get tough on crime. I think that is unfortunate.

□ 1130

I also have a tremendous amount of respect for the Constitution of the United States. Today I think we are dishonoring the Constitution. We have certain rights, and we have certain prerogatives, and they extend to matters within our jurisdiction.

We can pass legislation dealing with interstate commerce, et cetera, but there are certain matters that we cannot address unless there is a Federal nexus explicitly declared.

Now, in case after case, especially under this court, Justice Thomas, Justice Scalia, Justice Rehnquist, et cetera, have almost ridiculed the Congress because they have passed legislation without even purporting to have a Federal nexus.

What we are doing today is proving them right, that we care little about a Federal nexus, that if there is a TV show that can give us a temporary political advantage by the introduction and passage of a bill, let us do it regardless of the Constitution.

Well, I ask my friends to have more respect for the Constitution. To have an unbelievable intrusion into State law, there is a Federal law dealing with this issue for Federal crimes. Now my colleagues are talking about State sentences, where the bill before us does not even make one reference to a Federal nexus, where it was introduced a few days ago, where there has been no hearing, my colleagues do violence to the constitutional process. They do violence to the Constitution of the United States.

Mr. HUTCHINSON. Madam Speaker, may I inquire as to the time remaining on our side?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Arkansas (Mr. HUTCHINSON) has 8 minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 6½ minutes remaining.

Mr. HUTCHINSON. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I just wanted to point out, again, the Federal basis for this, Missouri v. Holland. Justice Holmes, a very distinguished jurist, said that the legislation is valid because there was a treaty involved; and, under the Constitution, the Federal Government has the right to impose legislation that would enforce the treaty nationwide.

It does not violate the 10th amendment because "valid treaties are as binding within the territorial limits in the States as they are elsewhere throughout the dominion of the United States."

Clearly, the court has said we have the authority to do this.

Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, today we will pass legislation to prevent innocent children from being executed along with their guilty parents; or, as one of the interns in my office so aptly put it, this bill is to ensure that a convicted killer cannot decide to kill again, this time the innocent child in her womb.

Now, opponents of this legislation have said that it is unnecessary. After all, when has a pregnant woman ever been executed, they ask? I agree with them that this bill should be completely unnecessary. Although a pregnant woman was once sentenced to death, according to the father of Planned Parenthood, Alan Guttmacher, the authorities had the good sense to postpone her execution until after she had given birth.

In fact, the innocent child principle has been the law of the land for more than a century. It was under a liberal Democratic Congress in 1994 that we reaffirmed this common law principle.

So why do we need to pass this bill? Well, it seems that there are those who think it is time to retreat from this long-standing policy. Some think, not many, but some very important people think that it is okay to execute pregnant women as long as they consent.

But what about the innocent child in utero who has committed no crime? The baby has no choice in the matter, says one of our leaders.

People on death row are there because they willfully have taken another life; and some, several lives. They are not given the death penalty for manslaughter or even third degree murder, only for the most heinous crimes.

The innocent child is not guilty of the horrible crimes of its mother. So we must defend this common law principle, common sense, in the face of liberal activism to legalize the execution of pregnant women or their innocent children.

Madam Speaker, we stand with the American people who believe that pregnant women should not be executed, plain and simple.

Is this a new problem? Yes. But we are not the one who caused it. Just examine the comments of the Vice President if one wants to understand how this came about.

I urge support for the Innocent Victim Protection Act.

Mr. CONYERS. Madam Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. HUTCHINSON) has the right to close.

Mr. CONYERS. Even when there is no report?

The SPEAKER pro tempore. The maker of the motion has the right to close in this case.

Mr. CONYERS. How much time is remaining, Madam Speaker?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 6½ minutes remaining. The gentleman from Arkansas (Mr. HUTCHINSON) has 5½ minutes remaining.

Mr. HUTCHINSON. Madam Speaker, just for the gentleman's information, I do have two speakers that I will recognize.

Mr. CONYERS. Madam Speaker, I am delighted to yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished ranking member of the Committee on the Judiciary for yielding me this time.

There would be little reason to come to the floor of the House and quarrel with this legislation. My distinguished colleague from Florida has raised an issue that I think should be part of a series of issues. So my angst today is not to quarrel with the fact that I think the legislation is weak on Federal nexus and, in fact, as we all have debated here today, it is already Federal law. But if this is to reach to the 50 States, then here are the questions that I would raise.

These are such weighty issues. There is so much debate going on on the sanctity and the reasonableness of the death penalty that I think it is actually a tragedy that we are here today on a very narrow function.

It has already been noted by Human Watch as well as statistics just related that this Nation has the most individuals incarcerated. Those of us who wish to protect the innocent, we hope that those who have been truly convicted of crimes, yes, do have to pay the time. But we also are looked upon in this world as a country that favors and supports and advocates democracy, justice.

Just yesterday, we debated the motto "In God we trust" to suggest that we are a people who believe and love in a higher being. But, yet, we have a situation where I come from a State where 135 people have been put to their death. We have had a legislative initiative that we are now debating that has not even seen a hearing.

What I would say to my colleagues, Madam Speaker, is that this is an issue, or the issue of the death penalty in general, that should be looked upon even in the face of its popularity in this country.

I am always reminded that it is those who stand against adversity or stand when others are pointing the finger that they are on the wrong side of the issue, if you will, that will rise to the occasion or will at least support the values of this country, which is that we believe in the protecting of the majority and the minority.

In the instance of the death penalty, there are legislative initiatives dealing with the moratorium. The Governor of Illinois, a conservative Republican, has given or rendered a moratorium in the

State of Illinois because he has doubts as to whether or not those who are on death row have truly gotten fair access to justice or that he is not in the position to have executed innocent people. We cannot even get the legislative initiative with a moratorium a hearing.

In addition, in my own State, it is well known that the procedures of the Board of Pardons and Parole is a procedure racked with inadequacy, lacking due process. I have a legislative initiative to standardize the due process procedures for administrative boards throughout this Nation who make those determinations on the death penalty.

Finally, I think we have the opportunity to look at putting forward a Federal body that deals similarly to what our Governor in Illinois has done, a national Federal innocence commission.

These are the global issues that I think puts this Nation and this Congress in a position where the debate is a realistic debate.

This narrow focus just offered some days ago, no one would come to the floor to debate in opposition to the realism or the practicality of such a legislative initiative. But I think that it is a shame that we are debating this in the narrowness of the focus.

I hope, Madam Speaker, that we are not politicizing this issue because we are engaged in national politics. That is not the place of this body.

So I would say to my Republican colleagues that, if we are to really promote this Nation for what it is, democracy and openness and fairness and justice, we would have considered the plight of a Gary Graham, we would have considered reviewing the entire death penalty, both Federal and State, and we would, as I close, Madam Speaker, look at the disparity of minorities on death row and seriously address this question.

Mr. HUTCHINSON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Madam Speaker, here we are again debating a question of life, and I am really saddened that we even have to be here.

I think the gentleman from New York (Mr. LAFALCE) raises a great question. What is the nexus? But there is an even greater question. What is the nexus that the Supreme Court used to say that innocent life has no value if, in fact, a mother says it has no value? So the question of nexus has tremendous precedent, as set by the Court, in overruling laws in my State that said innocent life should be protected beyond any shadow of a doubt.

The second point which I think is very obvious to us is that it is right, nobody would come to the floor to say that this is not a proper thing to do. What a shame it is that a potential next leader of our country was confused on this issue. What that tells me is there is a rudder lacking in our moral integrity and foundation in this country and it was very well exhibited by that gentleman's statements.

There is no question in this country that we are paying a tremendous moral price for the convenience of abortion. This bill is on the floor because we still have a tremendous moral wrong in this country. Any way that that issue can be discussed and talked about is a bona fide actuality on the floor of this House.

We may not like it, but the truth matters; and the truth is that our Founders said that we are all equal, that we all have the right to the pursuit of life, liberty and happiness.

Our country is in a sad state of affairs when we fail to recognize unborn life. This is just one of the symptoms of that. The gentleman from New York (Mr. LAFALCE), I grant him, I do not like the politicization of this issue. But the realistic facts are we are here today because innocent life is being torn from the foundation of what would make us a great country.

Mr. CONYERS. Madam Speaker, I yield myself 2½ minutes, the remaining time on our side.

Madam Speaker, I refer to the Missouri v. Holland case that the floor manager cited because it deals with whether incidents of the State are covered by treaties entered into by the United States. There the Supreme Court said that the supremacy clause means treaties do cover State residents, a very important point that is completely unrelated to the issue of Federal nexus before us.

But this bill is an entirely different constitutional animal. This bill deals with commandeering State functions and officials. As such, the New York v. U.S. and U.S. v. Lopez both reinforce one another and say that one must cite the Federal nexus, which this bill does not have.

But I say that to say that the bill may not have been, in haste, properly drafted. It does not mean that we cannot correct it. I would not object to this bill being passed. I do not oppose the bill on these grounds.

But my colleagues must recall, Madam Speaker, that, without any notice, we have had a bill rushed to the floor that was introduced less than a week ago. Is this to soften the less than kind, less than gentle, somewhat brutal image of the Republican presidential candidate after his somewhat callous and callow action on the death penalty in Texas?

□ 1145

I hope not. It seems to me that we have had the execution in the State of Texas of Karla Faye Tucker, a born-again Christian. She was executed and was mocked later by the governor of Texas, who made a whimpering noise and claimed, "With tears in her eyes, she said, 'Please Governor, don't kill me.'"

And so I am saddened by the fact that we take this small tiny portion of the death penalty and bring it to the floor in this very hurried manner.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Speaker, I want to commend the author of this act, the gentlewoman from Florida (Ms. ROS-LEHTINEN), one of our great leaders in the House on these issues.

It is very clear, Madam Speaker, that we have built a great and enormous system of safeguards to protect criminal defendants, and that is because we are very concerned about their rights. I would suggest that this bill attempts to transfer just a small part of that concern that we have about the criminal, just a very small insignificant fraction of that concern, to that unborn child. We should be able to give just a little bit of that concern to that child, and that is what we are doing right now.

Our criminal statutes reflect the need to deter and to punish; and they can, at the same time, reflect our humanity, and that is what we do today. Let us protect the innocent children. Let us pass this act.

Mr. HUTCHINSON. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, first I want to express my appreciation to the ranking member of the committee, the gentleman from Michigan (Mr. CONYERS), for the way that he has conducted this debate, as well as the other Members across the aisle. I think anytime, as the gentleman from Oklahoma (Mr. COBURN) said, that we can discuss the issues of life, that it is a healthy debate for the Congress of the United States; and whenever we conduct it in a high tone, I think it is even better.

If I understand the gentleman correctly, he really does not oppose the substance of this bill. There have been arguments made that we should have a broader debate; that we should look at some additional death penalty protections, and those are fair debates as well; but today we have this bill before us that is very important. We can do something today that not only carries out the intent of the United States in signing the treaty with 142 other nations, but we can do something to make sure that innocent life is protected and that everyone in our society understands that we are clear and unambiguous as to our attempt to protect that life.

The gentlewoman from Texas (Ms. JACKSON-LEE) indicated these are weighty issues. They are weighty issues; but I am so thankful that when there is a mooring, that even weighty issues can be simple issues because they are based upon a moral foundation. So I believe that we can all be together in supporting this legislation. I think it sends a strong statement. It certainly supplements the Federal legislation that was passed previously. It supplements what the States have already done, and I think it really sends a statement to the world that we are going to abide by the treaties that we have entered into; that we are going to support life under these circumstances. I ask my colleagues to support the passage of this bill.

Mr. PITTS. Madam Speaker, I submit the following for the RECORD.

SHOULD AN INNOCENT UNBORN CHILD BE EXECUTED? KEY POINTS ON THE INNOCENT CHILD PROTECTION ACT (H.R. 4888), JULY 20, 2000.

The Innocent Child Protection Act (H.R. 4888), introduced by Congresswoman Ileana Ros-Lehtinen (R-Fl.) on July 19, 2000, prohibits state governments from carrying out a sentence of death on a woman who carries a child in utero.

This bill does not reflect any point of view on the desirability or appropriateness of imposing capital punishment on persons convicted of premeditated murder or other grave crimes. Nor does this bill have anything to do with other bills that deal with DNA evidence or other issues pertaining to the actual guilt of a person who has been convicted of a capital crime. This bill simply recognizes (1) most states and the federal government do currently impose capital punishment for certain crimes, but (2) no child in utero can possibly be guilty of a crime, therefore (3) Congress should prevent the government from taking the life of an innocent child in utero by prohibiting, within all U.S. jurisdictions, any death sentence from being carried out while a woman convicted of a capital crime carries a child in utero.

Title 18 U.S.C.A. Sect. 3596, enacted in 1994, already prohibits federal executions of pregnant women, but most executions are carried out by states, and in any event it is just and appropriate to have a uniform law for all jurisdictions on this question.

Under traditional common law (non-statutory, judge-made law), a death sentence should not be carried out on a woman who carries a child in utero. The purpose of this common law doctrine, as the Supreme Court noted in the 1891 case of Union Pacific Railway v. Botsford, was "to guard against the taking of the life of an unborn child for the crime of the mother." [11 Sup. Ct. Rep. 1000, 1002] However, common law offers weak and uncertain protection against the execution of an innocent child in utero.

While the situation under discussion here may seldom arise in the U.S. in modern times, maintaining and reinforcing the innocent child principle is worthwhile even if it saves only one innocent life in a century. Currently, 38 states (and the federal government) employ the death penalty for certain offenses. As of January 1, 1999, 51 women were on state death rows, of whom 82% were age 45 or younger.

Women do become pregnant in prison—even in maximum-security facilities. As Congresswoman Lynn Woolsey (D-Ca.) said on the floor of the House of Representatives on June 22, 2000, in a speech in favor of an unsuccessful amendment to require the federal Bureau of Prisons to fund abortions, "We know that women become pregnant in prison, from rape or from having a relationship with one of the guards."

In his 1937 book Into This Universe: The Story of Human Birth, Dr. Alan Guttmacher—the "father of Planned Parenthood"—wrote: "A judge has told me that in one of the States a pregnant woman received the ordinary stay of execution on account of pregnancy, and through the willing cooperation of a jailer became pregnant again shortly after her delivery, before the original execution order could be carried out. She was granted a second stay to allow her to give birth to the jailer's child." (page 46)

In 1976, the U.S. became a signatory to the International Covenant on Civil and Political Rights (CCPR), which 143 other nations have also joined. Article 6(5) states, "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women." The U.S. entered a partial reservation to Article 6(5), which reads, "The United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age." [italics added for emphasis] Thus, within the reservation itself, the U.S. bound itself not to permit the execution of any woman who carries an unborn child. Congress has constitutional authority to explicitly apply this treaty obligation to the states.

H.R. 4888's definition of "child in utero" ("a member of the species homo sapiens, at any stage of development, who is carried in the womb") is taken verbatim from the Unborn Victims of Violence Act (H.R. 2436), passed by the House on September 30, 1999, by a vote of 254-172. (1999 House roll call no. 465) Similar definitions and terminology are found in numerous state laws. Like those state laws, this bill has no effect on access to legal abortion, either for women on death row or anybody else.

Vice President Gore, asked by NBC's Tim Russert whether he agreed with the current prohibition on federal executions of pregnant women, laughed and said, "I'd want to think about it." (Meet the Press, July 16, 2000) On July 17, "Mr. Gore said he favored allowing a pregnant woman to choose whether to delay her execution until she gave birth. 'The principle of a woman's right to choose governs in that case,' he said." (The New York Times, July 18) Gore's position implicitly repudiates the innocent child principle embodied in the International Covenant on Civil and Political Rights and in Title 18 U.S.C.A. Sect. 3596, both of which flatly prohibit the government from taking the child's life.

Mr. DELAHUNT. Madam Speaker, I rise in support of the bill, which would prevent the execution of a woman who is carrying a child.

As the lead sponsor of the Innocence Protection Act, I commend the authors of the bill for their concern that innocent human beings not be executed. However, I urge them to recognize that there may also be a second innocent human being involved in such cases—namely the mother herself.

Unfortunately, this very limited measure does nothing to prevent the execution of an innocent adult human being for a crime she did not commit.

The Innocence Protection Act of 2000 (H.R. 4167), which Mr. LAHOOD and I have introduced, would prevent such a thing from happening. Its two principal provisions concern the two most important tools by which the possibility of error can be minimized: DNA testing and competent legal representation.

This legislation arose out of a growing national awareness that the machinery by which we try capital cases in this country has gone seriously and dangerously awry.

Since the reinstatement of the death penalty in 1976, a total of 653 men and women have been executed in the United States, including 55 so far this year alone. During this same period, 87 people—more than one out of every 100 men and women sentenced to death in the United States—have been exonerated after spending years on death row for crimes they did not commit.

It is cases like these that convinced such organizations as the American Bar Association—which has no position on the death penalty per se—to call for a halt to executions until each jurisdiction can ensure that it has taken steps to minimize the risk that innocent persons may be executed.

It is cases like these that convinced Governor Ryan—a Republican and a supporter of the death penalty—to put a stop to executions in Illinois until he could be certain that "everyone sentenced to death in Illinois is truly guilty."

It is cases like these that should convince every American that Governor Ryan and the American Bar Association are right. We may not all agree on the ultimate morality or utility of capital punishment. Indeed, you have before you a pair of cosponsors who differ on that question. I spent my career as a prosecutor in opposition to the death penalty. Congressman LAHOOD is a supporter of the death penalty. But we agree profoundly that a just society cannot engage in the killing of the innocent. We have come together in this bipartisan effort to help prevent what Governor Ryan has called "the ultimate nightmare, the state's taking of innocent life."

I have heard some suggest that the concerns expressed by Governor Ryan are somehow peculiar to the State of Illinois. Nothing could be further from the truth. The system is fallible everywhere it is in place.

Only last month we received fresh evidence of this with the release of the first comprehensive statistical study ever undertaken of modern American capital appeals. The study, led by Professor James Liebman of Columbia University, looked at over 4,500 capital cases in 34 states over a 23-year period. According to the study, the courts found serious, reversible error in 68 percent of the capital sentences handed down over this period. And when these individuals were retried, 82 percent of them were found not to deserve the death penalty, and 7 percent were found innocent of the capital crime altogether.

These are shocking statistics, Mr. Speaker. It is hard to imagine many other human enterprises that would continue to operate with such a sorry record. I dare say that if seven out of every 10 NASA flights burned up in the upper atmosphere, we'd be reassessing the space program. If commercial airlines operated their planes with a 68 percent failure rate, we'd all be taking the train.

Yet even if these statistics are wildly exaggerated, where the taking of human life is involved, it seems to me we must strive to reach "zero tolerance" for error. As Governor Ryan recently said, "99.5 percent isn't good enough" when lives are in the balance.

Nothing we can do will bring absolute certainty. Judges, jurors, police, eyewitnesses, defense attorneys, and prosecutors themselves—all are human beings, and all make mistakes. As a prosecutor for over 20 years, I certainly made my share of them. But we do have the means at our disposal to minimize the possibility of error. And where lives are at stake, we have a responsibility to put those tools to use.

The Innocence Protection Act will help ensure that fewer mistakes are made in capital cases. And that when mistakes are made, they are caught in time.

I hope that the authors of today's bill are truly serious about the need to prevent the execution of the innocent, and that they will join the 79 members of this House—both Republicans and Democrats—who have cosponsored the Innocence Protection Act.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4888.

The question was taken.

Mr. HUTCHINSON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4461) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD to be the conferees on the part of the Senate.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4923) to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

The Clerk read as follows:

H.R. 4923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Community Renewal and New Markets Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—TAX INCENTIVES FOR RENEWAL COMMUNITIES

Sec. 101. Designation of and tax incentives for renewal communities.
Sec. 102. Extension of expensing of environmental remediation costs to renewal communities; extension of termination date for renewal communities and empowerment zones.
Sec. 103. Work opportunity credit for hiring youth residing in renewal communities.

TITLE II—EXTENSION AND EXPANSION OF EMPOWERMENT ZONE INCENTIVES

Sec. 201. Authority to designate 9 additional empowerment zones.
Sec. 202. Extension of enterprise zone treatment through 2009.
Sec. 203. 20 percent employment credit for all empowerment zones
Sec. 204. Increased expensing under section 179.
Sec. 205. Higher limits on tax-exempt empowerment zone facility bonds.
Sec. 206. Nonrecognition of gain on rollover of empowerment zone investments.
Sec. 207. Increased exclusion of gain on sale of empowerment zone stock.

TITLE III—NEW MARKETS TAX CREDIT

Sec. 301. New markets tax credit.

TITLE IV—IMPROVEMENTS IN LOW-INCOME HOUSING CREDIT

Sec. 401. Modification of State ceiling on low-income housing credit.
Sec. 402. Modification of criteria for allocating housing credits among projects.
Sec. 403. Additional responsibilities of housing credit agencies.
Sec. 404. Modifications to rules relating to basis of building which is eligible for credit.
Sec. 405. Other modifications.
Sec. 406. Carryforward rules.
Sec. 407. Effective date.

TITLE V—PRIVATE ACTIVITY BOND VOLUME CAP

Sec. 501. Acceleration of phase-in of increase in volume cap on private activity bonds.

TITLE VI—AMERICA'S PRIVATE INVESTMENT COMPANIES

Sec. 601. Short title.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Authorization.
Sec. 605. Selection of APICs.
Sec. 606. Operations of APICs.
Sec. 607. Credit enhancement by the Federal Government.
Sec. 608. APIC requests for guarantee actions.
Sec. 609. Examination and monitoring of APICs.
Sec. 610. Penalties.
Sec. 611. Effective date.
Sec. 612. Sunset.

TITLE VII—OTHER COMMUNITY RENEWAL AND NEW MARKETS ASSISTANCE

Sec. 701. Transfer of unoccupied and substandard HUD-held housing to local governments and community development corporations.
Sec. 702. Transfer of HUD assets in revitalization areas.
Sec. 703. Risk-sharing demonstration.
Sec. 704. Prevention and treatment of substance abuse; services provided through religious organizations.
Sec. 705. New markets venture capital program.
Sec. 706. BusinessLINC grants and cooperative agreements.

TITLE I—TAX INCENTIVES FOR RENEWAL COMMUNITIES

SEC. 101. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities

"Part I. Designation.
"Part II. Renewal community capital gain; renewal community business.
"Part III. Additional incentives.

"PART I—DESIGNATION

"Sec. 1400E. Designation of renewal communities.

"SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

"(a) DESIGNATION.—

"(1) DEFINITIONS.—For purposes of this title, the term 'renewal community' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as a renewal community (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

"(2) NUMBER OF DESIGNATIONS.—

"(A) IN GENERAL.—The Secretary of Housing and Urban Development may designate not more than 40 nominated areas as renewal communities.

"(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under paragraph (1), at least 8 must be areas—

"(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000,

"(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(3) AREAS DESIGNATED BASED ON DEGREE OF POVERTY, ETC.—

"(A) IN GENERAL.—Except as otherwise provided in this section, the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

"(4) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of a renewal community, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the 24-month period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed.

"(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

"(i) the local governments and the States in which the nominated area is located have the authority—

"(I) to nominate such area for designation as a renewal community,

"(II) to make the State and local commitments described in subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe, and

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate.

"(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as a renewal community shall remain in effect during the period beginning on July 1, 2001, and ending on the earliest of—

"(A) December 31, 2009,

"(B) the termination date designated by the State and local governments in their nomination, or

"(C) the date the Secretary of Housing and Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located—

"(A) has modified the boundaries of the area, or

"(B) is not complying substantially with, or fails to make progress in achieving, the State or local commitments, respectively, described in subsection (d).

"(3) EARLIER TERMINATION OF CERTAIN BENEFITS IF EARLIER TERMINATION OF DESIGNATION.—If the designation of an area as a renewal community terminates before December 31, 2009—

"(A) the date of such termination shall be substituted for 'December 31, 2009' in section 198(h) with respect to such area, and

"(B) the day after the date of such termination shall be substituted for 'January 1, 2010' each place it appears in sections 1400F and 1400J with respect to such area.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as a renewal community under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of one or more local governments,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population of not more than 200,000 and at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify in writing (and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

"(A) the area is one of pervasive poverty, unemployment, and general distress;

"(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate;

"(C) the poverty rate for each population census tract within the nominated area is at least 20 percent; and

"(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(4) CONSIDERATION OF HIGH INCIDENCE OF CRIME.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, the extent to which such areas have a high incidence of crime.

"(5) CONSIDERATION OF COMMUNITIES IDENTIFIED IN GAO STUDY.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, if the area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas.

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

"(A) the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal community, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area, and

"(B) the economic growth promotion requirements of paragraph (3) are met.

"(2) COURSE OF ACTION.—

"(A) IN GENERAL.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least 4 of the following:

"(i) A reduction of tax rates or fees applying within the renewal community.

"(ii) An increase in the level of efficiency of local services within the renewal community.

"(iii) Crime reduction strategies, such as crime prevention (including the provision of crime prevention services by nongovernmental entities).

"(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community.

"(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

"(vi) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood organizations, community development corporations, or private companies.

“(B) RECOGNITION OF PAST EFFORTS.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

“(3) ECONOMIC GROWTH PROMOTION REQUIREMENTS.—The economic growth promotion requirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify in writing that such government and State (respectively) have repealed or reduced, will not enforce, or will reduce within the nominated area at least 4 of the following:

“(A) Licensing requirements for occupations that do not ordinarily require a professional degree.

“(B) Zoning restrictions on home-based businesses which do not create a public nuisance.

“(C) Permit requirements for street vendors who do not create a public nuisance.

“(D) Zoning or other restrictions that impede the formation of schools or child care centers.

“(E) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

This paragraph shall not apply to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

“(e) COORDINATION WITH TREATMENT OF EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—For purposes of this title, the designation under section 1391 of any area as an empowerment zone or enterprise community shall cease to be in effect as of the date that the designation of any portion of such area as a renewal community takes effect.

“(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

“(1) GOVERNMENTS.—If more than one government seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

“(2) LOCAL GOVERNMENT.—The term ‘local government’ means—

“(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

“(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development.

“(3) APPLICATION OF RULES RELATING TO CENSUS TRACTS.—The rules of section 1392(b)(4) shall apply.

“(4) CENSUS DATA.—Population and poverty rate shall be determined by using 1990 census data.

“(g) PRIORITY FOR DISTRICT OF COLUMBIA NOMINATED AREA.—For purposes of this subchapter—

“(1) IN GENERAL.—Any nominated area within the District of Columbia shall be treated for purposes of subsection (a)(3) as having the highest average with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3).

“(2) DATE OF DESIGNATION.—Notwithstanding subsection (b)(1), the designation of a nominated area within the District of Columbia as a renewal community shall take effect on January 1, 2003.

“(3) NOMINATION.—The District of Columbia shall be treated as being both a State and local government with respect to such area.

“PART II—RENEWAL COMMUNITY CAPITAL GAIN; RENEWAL COMMUNITY BUSINESS

“Sec. 1400F. Renewal community capital gain.

“Sec. 1400G. Renewal community business defined.

“SEC. 1400F. RENEWAL COMMUNITY CAPITAL GAIN.

“(a) GENERAL RULE.—Gross income does not include any qualified capital gain from the sale or exchange of a qualified community asset held for more than 5 years.

“(b) QUALIFIED COMMUNITY ASSET.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified community asset’ means—

“(A) any qualified community stock,

“(B) any qualified community partnership interest, and

“(C) any qualified community business property.

“(2) QUALIFIED COMMUNITY STOCK.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘qualified community stock’ means any stock in a domestic corporation if—

“(i) such stock is acquired by the taxpayer after June 30, 2001, and before January 1, 2010, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

“(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business), and

“(iii) during substantially all of the taxpayer’s holding period for such stock, such corporation qualified as a renewal community business.

“(B) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

“(3) QUALIFIED COMMUNITY PARTNERSHIP INTEREST.—The term ‘qualified community partnership interest’ means any capital or profits interest in a domestic partnership if—

“(A) such interest is acquired by the taxpayer after June 30, 2001, and before January 1, 2010, from the partnership solely in exchange for cash,

“(B) as of the time such interest was acquired, such partnership was a renewal community business (or, in the case of a new partnership, such partnership was being organized for purposes of being a renewal community business), and

“(C) during substantially all of the taxpayer’s holding period for such interest, such partnership qualified as a renewal community business.

A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

“(4) QUALIFIED COMMUNITY BUSINESS PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified community business property’ means tangible property if—

“(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after June 30, 2001, and before January 1, 2010,

“(ii) the original use of such property in the renewal community commences with the taxpayer, and

“(iii) during substantially all of the taxpayer’s holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer.

“(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

“(i) property which is substantially improved by the taxpayer before January 1, 2010, and

“(ii) any land on which such property is located.

The determination of whether a property is substantially improved shall be made under clause (ii) of section 1400B(b)(4)(B), except that ‘June 30, 2001’ shall be substituted for ‘December 31, 1997’ in such clause.

“(c) QUALIFIED CAPITAL GAIN.—For purposes of this section—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘qualified capital gain’ means any gain recognized on the sale or exchange of—

“(A) a capital asset, or

“(B) property used in the trade or business (as defined in section 1231(b)).

“(2) GAIN BEFORE JULY 1, 2001, OR AFTER 2014 NOT QUALIFIED.—The term ‘qualified capital gain’ shall not include any gain attributable to periods before July 1, 2001, or after December 31, 2014.

“(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 1400B(e) shall apply for purposes of this subsection.

“(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (f) and (g), of section 1400B shall apply; except that for such purposes section 1400B(g)(2) shall be applied by substituting ‘July 1, 2001’ for ‘January 1, 1998’ and ‘December 31, 2014’ for ‘December 31, 2007’.

“(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the avoidance of the purposes of this section.

“SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

“For purposes of this subchapter, the term ‘renewal community business’ means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1397C if references to renewal communities were substituted for references to empowerment zones in such section.

“PART III—ADDITIONAL INCENTIVES

“Sec. 1400H. Renewal community employment credit.

“Sec. 1400I. Commercial revitalization deduction.

“Sec. 1400J. Increase in expensing under section 179.

“SEC. 1400H. RENEWAL COMMUNITY EMPLOYMENT CREDIT.

“(a) IN GENERAL.—Subject to the modification in subsection (b), a renewal community shall be treated as an empowerment zone for purposes of section 1396 with respect to wages paid or incurred after June 30, 2001.

“(b) MODIFICATION.—In applying section 1396 with respect to renewal communities—

“(1) the applicable percentage shall be 15 percent, and

“(2) subsection (c) thereof shall be applied by substituting ‘$10,000’ for ‘$15,000’ each place it appears.

“SEC. 1400I. COMMERCIAL REVITALIZATION DEDUCTION.

“(a) GENERAL RULE.—At the election of the taxpayer, either—

“(1) one-half of any qualified revitalization expenditures chargeable to capital account with respect to any qualified revitalization building shall be allowable as a deduction for the taxable year in which the building is placed in service, or

"(2) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service.

"(b) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

"(1) QUALIFIED REVITALIZATION BUILDING.—The term 'qualified revitalization building' means any building (and its structural components) if—

"(A) the building is placed in service by the taxpayer in a renewal community and the original use of the building begins with the taxpayer, or

"(B) in the case of such building not described in subparagraph (A), such building—

"(i) is substantially rehabilitated (within the meaning of section 47(c)(1)(C)) by the taxpayer, and

"(ii) is placed in service by the taxpayer after the rehabilitation in a renewal community.

"(2) QUALIFIED REVITALIZATION EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified revitalization expenditure' means any amount properly chargeable to capital account for property for which depreciation is allowable under section 168 (without regard to this section) and which is—

"(i) nonresidential real property (as defined in section 168(e)), or

"(ii) section 1250 property (as defined in section 1250(c)) which is functionally related and subordinate to property described in clause (i).

"(B) CERTAIN EXPENDITURES NOT INCLUDED.—

"(i) ACQUISITION COST.—In the case of a building described in paragraph (1)(B), the cost of acquiring the building or interest therein shall be treated as a qualified revitalization expenditure only to the extent that such cost does not exceed 30 percent of the aggregate qualified revitalization expenditures (determined without regard to such cost) with respect to such building.

"(ii) CREDITS.—The term 'qualified revitalization expenditure' does not include any expenditure which the taxpayer may take into account in computing any credit allowable under this title unless the taxpayer elects to take the expenditure into account only for purposes of this section.

"(c) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building shall not exceed the lesser of—

"(1) $10,000,000, or

"(2) the commercial revitalization expenditure amount allocated to such building under this section by the commercial revitalization agency for the State in which the building is located.

"(d) COMMERCIAL REVITALIZATION EXPENDITURE AMOUNT.—

"(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount which a commercial revitalization agency may allocate for any calendar year is the amount of the State commercial revitalization expenditure ceiling determined under this paragraph for such calendar year for such agency.

"(2) STATE COMMERCIAL REVITALIZATION EXPENDITURE CEILING.—The State commercial revitalization expenditure ceiling applicable to any State—

"(A) for the period after June 30, 2001, and before January 1, 2002, is $6,000,000 for each renewal community in the State,

"(B) for each calendar year after 2001 and before 2010 is $12,000,000 for each renewal community in the State, and

"(C) for each calendar year thereafter is zero.

"(3) COMMERCIAL REVITALIZATION AGENCY.—For purposes of this section, the term 'commercial revitalization agency' means any agency authorized by a State to carry out this section.

"(4) TIME AND MANNER OF ALLOCATIONS.—Allocations under this section shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

"(e) RESPONSIBILITIES OF COMMERCIAL REVITALIZATION AGENCIES.—

"(1) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization expenditure amount with respect to any building shall be zero unless—

"(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) by the governmental unit of which such agency is a part; and

"(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

"(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan—

"(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions,

"(B) which considers—

"(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process,

"(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

"(iii) the active involvement of residents and nonprofit groups within the renewal community, and

"(C) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

"(f) SPECIAL RULES.—

"(1) DEDUCTION IN LIEU OF DEPRECIATION.—The deduction provided by this section for qualified revitalization expenditures shall—

"(A) with respect to the deduction determined under subsection (a)(1), be in lieu of any depreciation deduction otherwise allowable on account of ½ of such expenditures, and

"(B) with respect to the deduction determined under subsection (a)(2), be in lieu of any depreciation deduction otherwise allowable on account of all of such expenditures.

"(2) BASIS ADJUSTMENT, ETC.—For purposes of sections 1016 and 1250, the deduction under this section shall be treated in the same manner as a depreciation deduction. For purposes of section 1250(b)(5), the straight line method of adjustment shall be determined without regard to this section.

"(3) SUBSTANTIAL REHABILITATIONS TREATED AS SEPARATE BUILDINGS.—A substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building shall be treated as a separate building for purposes of subsection (a).

"(4) CLARIFICATION OF ALLOWANCE OF DEDUCTION UNDER MINIMUM TAX.—Notwithstanding section 56(a)(1), the deduction under this section shall be allowed in determining alternative minimum taxable income under section 55.

"(g) REGULATIONS.—For purposes of this section, the Secretary shall, by regulations, provide for the application of rules similar to the rules of section 49 and subsections (a) and (b) of section 50.

"(h) TERMINATION.—This section shall not apply to any building placed in service after December 31, 2009.

"SEC. 1400J. INCREASE IN EXPENSING UNDER SECTION 179.

"(a) IN GENERAL.—For purposes of section 1397A—

"(1) a renewal community shall be treated as an empowerment zone,

"(2) a renewal community business shall be treated as an empowerment zone business, and

"(3) qualified renewal property shall be treated as enterprise zone property.

"(b) QUALIFIED RENEWAL PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified renewal property' means any property to which section 168 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after June 30, 2001, and before January 1, 2010, and

"(B) such property would be qualified zone property (as defined in section 1397D) if references to renewal communities were substituted for references to empowerment zones in section 1397D.

"(2) CERTAIN RULES TO APPLY.—The rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this section.".

(b) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION FROM PASSIVE LOSS RULES.—

(1) Paragraph (3) of section 469(i) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION.—Subparagraph (A) shall not apply to any portion of the passive activity loss for any taxable year which is attributable to the commercial revitalization deduction under section 1400I."

(2) Subparagraph (E) of section 469(i)(3), as redesignated by subparagraph (A), is amended to read as follows:

"(E) ORDERING RULES TO REFLECT EXCEPTIONS AND SEPARATE PHASE-OUTS.—If subparagraph (B), (C), or (D) applies for a taxable year, paragraph (1) shall be applied—

"(i) first to the portion of the passive activity loss to which subparagraph (C) does not apply,

"(ii) second to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

"(iii) third to the portion of such credit to which subparagraph (B) applies,

"(iv) fourth to the portion of such loss to which subparagraph (C) applies, and

"(v) then to the portion of such credit to which subparagraph (D) applies."

(3)(A) Subparagraph (B) of section 469(i)(6) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) any deduction under section 1400I (relating to commercial revitalization deduction)."

(B) The heading for such subparagraph (B) is amended by striking "OR REHABILITATION CREDIT" and inserting ", REHABILITATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION".

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities.".

SEC. 102. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS TO RENEWAL COMMUNITIES; EXTENSION OF TERMINATION DATE FOR RENEWAL COMMUNITIES AND EMPOWERMENT ZONES.

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (A) of section 198(c)(2) (defining targeted area) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) any renewal community (as defined in section 1400E)."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to expenditures paid or incurred after June 30, 2001.

(b) EXTENSION OF TERMINATION DATE.—Subsection (h) of section 198 is amended by inserting before the period "(December 31, 2009, in the case of an empowerment zone or renewal community)".

SEC. 103. WORK OPPORTUNITY CREDIT FOR HIRING YOUTH RESIDING IN RENEWAL COMMUNITIES.

(a) HIGH-RISK YOUTH.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) are each amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(b) QUALIFIED SUMMER YOUTH EMPLOYEE.—Clause (iv) of section 51(d)(7)(A) is amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(c) HEADINGS.—Paragraphs (5)(B) and (7)(C) of section 51(d) are each amended by inserting "OR COMMUNITY" in the heading after "ZONE".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 2001.

TITLE II—EXTENSION AND EXPANSION OF EMPOWERMENT ZONE INCENTIVES

SEC. 201. AUTHORITY TO DESIGNATE 9 ADDITIONAL EMPOWERMENT ZONES.

Section 1391 is amended by adding at the end the following new subsection:

"(h) ADDITIONAL DESIGNATIONS PERMITTED.—

"(1) IN GENERAL.—In addition to the areas designated under subsections (a) and (g), the appropriate Secretaries may designate in the aggregate an additional 9 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than 7 may be designated in urban areas and not more than 2 may be designated in rural areas.

"(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 2002. Subject to subparagraphs (B) and (C) of subsection (d)(1), such designations shall remain in effect during the period beginning on January 1, 2002, and ending on December 31, 2009.

"(3) MODIFICATIONS TO ELIGIBILITY CRITERIA, ETC.—The rules of subsection (g)(3) shall apply to designations under this subsection."

SEC. 202. EXTENSION OF ENTERPRISE ZONE TREATMENT THROUGH 2009.

Subparagraph (A) of section 1391(d)(1) (relating to period for which designation is in effect) is amended to read as follows:

"(A) December 31, 2009,".

SEC. 203. 20 PERCENT EMPLOYMENT CREDIT FOR ALL EMPOWERMENT ZONES

(a) 20 PERCENT CREDIT.—Subsection (b) of section 1396 (relating to empowerment zone employment credit) is amended to read as follows:

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is 20 percent."

(b) ALL EMPOWERMENT ZONES ELIGIBLE FOR CREDIT.—Section 1396 is amended by striking subsection (e).

(c) CONFORMING AMENDMENT.—Subsection (d) of section 1400 is amended to read as follows:

"(d) SPECIAL RULE FOR APPLICATION OF EMPLOYMENT CREDIT.—With respect to the DC Zone, section 1396(d)(1)(B) (relating to empowerment zone employment credit) shall be applied by substituting 'the District of Columbia' for 'such empowerment zone'."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 2001.

SEC. 204. INCREASED EXPENSING UNDER SECTION 179.

(a) IN GENERAL.—Subparagraph (A) of section 1397A(a)(1) is amended by striking "$20,000" and inserting "$35,000".

(b) EXPENSING FOR PROPERTY USED IN DEVELOPABLE SITES.—Section 1397A is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 205. HIGHER LIMITS ON TAX-EXEMPT EMPOWERMENT ZONE FACILITY BONDS.

(a) IN GENERAL.—Paragraph (3) of section 1394(f) (relating to bonds for empowerment zones designated under section 1391(g)) is amended to read as follows:

"(3) EMPOWERMENT ZONE FACILITY BOND.—For purposes of this subsection, the term 'empowerment zone facility bond' means any bond which would be described in subsection (a) if—

"(A) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1391(g) were taken into account under sections 1397C and 1397D, and

"(B) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia) were taken into account under sections 1397C and 1397D."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 206. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

(a) IN GENERAL.—Part III of subchapter U of chapter 1 is amended—

(1) by redesignating subpart C as subpart D,

(2) by redesignating sections 1397B and 1397C as sections 1397C and 1397D, respectively, and

(3) by inserting after subpart B the following new subpart:

"Subpart C—Nonrecognition of Gain on Rollover of Empowerment Zone Investments

"Sec. 1397B. Nonrecognition of Gain on Rollover of Empowerment Zone Investments.

"SEC. 1397B. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

"(a) NONRECOGNITION OF GAIN.—In the case of any sale of a qualified empowerment zone asset held by the taxpayer for more than 1 year and with respect to which such taxpayer elects the application of this section, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds—

"(1) the cost of any qualified empowerment zone asset (with respect to the same zone as the asset sold) purchased by the taxpayer during the 60-day period beginning on the date of such sale, reduced by

"(2) any portion of such cost previously taken into account under this section.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED EMPOWERMENT ZONE ASSET.—

"(A) IN GENERAL.—The term 'qualified empowerment zone asset' means any property which would be a qualified community asset (as defined in section 1400F) if in section 1400F—

"(i) references to empowerment zones were substituted for references to renewal communities,

"(ii) references to enterprise zone businesses (as defined in section 1397C) were substituted for references to renewal community businesses, and

"(iii) the date of the enactment of this paragraph were substituted for 'December 31, 2001' each place it appears.

"(B) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this section.

"(2) CERTAIN GAIN NOT ELIGIBLE FOR ROLLOVER.—This section shall not apply to—

"(A) any gain which is treated as ordinary income for purposes of this subtitle, and

"(B) any gain which is attributable to real property, or an intangible asset, which is not an integral part of an enterprise zone business.

"(3) PURCHASE.—A taxpayer shall be treated as having purchased any property if, but for paragraph (4), the unadjusted basis of such property in the hands of the taxpayer would be its cost (within the meaning of section 1012).

"(4) BASIS ADJUSTMENTS.—If gain from any sale is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any qualified empowerment zone asset which is purchased by the taxpayer during the 60-day period described in subsection (a). This paragraph shall not apply for purposes of section 1202.

"(5) HOLDING PERIOD.—For purposes of determining whether the nonrecognition of gain under subsection (a) applies to any qualified empowerment zone asset which is sold—

"(A) the taxpayer's holding period for such asset and the asset referred to in subsection (a)(1) shall be determined without regard to section 1223, and

"(B) only the first year of the taxpayer's holding period for the asset referred to in subsection (a)(1) shall be taken into account for purposes of paragraphs (2)(A)(iii), (3)(C), and (4)(A)(iii) of section 1400F(b)."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (23) of section 1016(a) is amended—

(A) by striking "or 1045" and inserting "1045, or 1397B", and

(B) by striking "or 1045(b)(4)" and inserting "1045(b)(4), or 1397B(b)(4)".

(2) Paragraph (15) of section 1223 is amended to read as follows:

"(15) Except for purposes of sections 1202(a)(2), 1202(c)(2)(A), 1400B(b), and 1400F(b), in determining the period for which the taxpayer has held property the acquisition of which resulted under section 1045 or 1397B in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property has been held as of the date of such sale."

(3) Paragraph (2) of section 1394(b) is amended—

(A) by striking "section 1397C" and inserting "section 1397D", and

(B) by striking "section 1397C(a)(2)" and inserting "section 1397D(a)(2)".

(4) Paragraph (3) of section 1394(b) is amended—

(A) by striking "section 1397B" each place it appears and inserting "section 1397C", and

(B) by striking "section 1397B(d)" and inserting "section 1397C(d)".

(5) Sections 1400(e) and 1400B(c) are each amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(6) The table of subparts for part III of subchapter U of chapter 1 is amended by striking the last item and inserting the following new items:

"Subpart C. Nonrecognition of gain on rollover of empowerment zone investments.
"Subpart D. General provisions."

(7) The table of sections for subpart D of such part III is amended to read as follows:

"Sec. 1397C. Enterprise zone business defined.
"Sec. 1397D. Qualified zone property defined."

(c) Effective Date.—The amendments made by this section shall apply to qualified empowerment zone assets acquired after the date of the enactment of this Act.

SEC. 207. INCREASED EXCLUSION OF GAIN ON SALE OF EMPOWERMENT ZONE STOCK.

(a) In General.—Subsection (a) of section 1202 is amended to read as follows:

"(a) Exclusion.—

"(1) In general.—In the case of a taxpayer other than a corporation, gross income shall not include 50 percent of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

"(2) Empowerment zone businesses.—

"(A) In general.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer's holding period for such stock, paragraph (1) shall be applied by substituting '60 percent' for '50 percent'.

"(B) Certain rules to apply.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

"(C) Gain after 2014 not qualified.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

"(D) Treatment of DC zone.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph."

(b) Conforming Amendment.—Paragraph (8) of section 1(h) is amended by striking "means" and all that follows and inserting "means the excess of—

"(A) the gain which would be excluded from gross income under section 1202 but for the percentage limitation in section 1202(a), over

"(B) the gain excluded from gross income under section 1202."

(c) Effective Date.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

TITLE III—NEW MARKETS TAX CREDIT

SEC. 301. NEW MARKETS TAX CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45D. NEW MARKETS TAX CREDIT.

"(a) Allowance of Credit.—

"(1) In general.—For purposes of section 38, in the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the new markets tax credit determined under this section for such taxable year is an amount equal to the applicable percentage of the amount paid to the qualified community development entity for such investment at its original issue.

"(2) Applicable percentage.—For purposes of paragraph (1), the applicable percentage is—

"(A) 5 percent with respect to the first 3 credit allowance dates, and

"(B) 6 percent with respect to the remainder of the credit allowance dates.

"(3) Credit allowance date.—For purposes of paragraph (1), the term 'credit allowance date' means, with respect to any qualified equity investment—

"(A) the date on which such investment is initially made, and

"(B) each of the 6 anniversary dates of such date thereafter.

"(b) Qualified Equity Investment.—For purposes of this section—

"(1) In general.—The term 'qualified equity investment' means any equity investment in a qualified community development entity if—

"(A) such investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

"(B) substantially all of such cash is used by the qualified community development entity to make qualified low-income community investments, and

"(C) such investment is designated for purposes of this section by the qualified community development entity.

Such term shall not include any equity investment issued by a qualified community development entity more than 5 years after the date that such entity receives an allocation under subsection (f). Any allocation not used within such 5-year period may be reallocated by the Secretary under subsection (f).

"(2) Limitation.—The maximum amount of equity investments issued by a qualified community development entity which may be designated under paragraph (1)(C) by such entity shall not exceed the portion of the limitation amount allocated under subsection (f) to such entity.

"(3) Safe harbor for determining use of cash.—The requirement of paragraph (1)(B) shall be treated as met if at least 85 percent of the aggregate gross assets of the qualified community development entity are invested in qualified low-income community investments.

"(4) Treatment of subsequent purchasers.—The term 'qualified equity investment' includes any equity investment which would (but for paragraph (1)(A)) be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

"(5) Redemptions.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this subsection.

"(6) Equity investment.—The term 'equity investment' means—

"(A) any stock (other than nonqualified preferred stock as defined in section 351(g)(2)) in an entity which is a corporation, and

"(B) any capital interest in an entity which is a partnership.

"(c) Qualified Community Development Entity.—For purposes of this section—

"(1) In general.—The term 'qualified community development entity' means any domestic corporation or partnership if—

"(A) the primary mission of the entity is serving, or providing investment capital for, low-income communities or low-income persons,

"(B) the entity maintains accountability to residents of low-income communities through representation on governing or advisory boards or otherwise, and

"(C) the entity is certified by the Secretary for purposes of this section as being a qualified community development entity.

"(2) Special rules for certain organizations.—The requirements of paragraph (1) shall be treated as met by—

"(A) any specialized small business investment company (as defined in section 1044(c)(3)), and

"(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

"(d) Qualified Low-Income Community Investments.—For purposes of this section—

"(1) In general.—The term 'qualified low-income community investment' means—

"(A) any equity investment in, or loan to, any qualified active low-income community business,

"(B) the purchase from another community development entity of any loan made by such entity which is a qualified low-income community investment,

"(C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and

"(D) any equity investment in, or loan to, any qualified community development entity.

"(2) Qualified active low-income community business.—

"(A) In general.—For purposes of paragraph (1), the term 'qualified active low-income community business' means, with respect to any taxable year, any corporation or partnership if for such year—

"(i) at least 50 percent of the total gross income of such entity is derived from the active conduct of a qualified business within any low-income community,

"(ii) a substantial portion of the use of the tangible property of such entity (whether owned or leased) is within any low-income community,

"(iii) a substantial portion of the services performed for such entity by its employees are performed in any low-income community,

"(iv) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(v) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property (as defined in section 1397C(e)).

"(B) Proprietorship.—Such term shall include any business carried on by an individual as a proprietor if such business would meet the requirements of subparagraph (A) were it incorporated.

"(C) Portions of business may be qualified active low-income community business.—The term 'qualified active low-income community business' includes any trades or businesses which would qualify as a qualified active low-income community business if such trades or businesses were separately incorporated.

"(3) Qualified business.—For purposes of this subsection, the term 'qualified business' has the meaning given to such term by section 1397C(d); except that—

"(A) in lieu of applying paragraph (2)(B) thereof, the rental to others of real property located in any low-income community shall be treated as a qualified business if there are substantial improvements located on such property,

"(B) paragraph (3) thereof shall not apply, and

"(C) such term shall not include any business if a significant portion of the equity interests in such business are held by any person who holds a significant portion of the equity investments in the community development entity.

"(e) Low-Income Community.—For purposes of this section—

"(1) In general.—The term 'low-income community' means any population census tract if—

"(A) the poverty rate for such tract is at least 20 percent, or

"(B)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

"(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income.

"(2) Areas not within census tracts.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

"(f) National Limitation on Amount of Investments Designated.—

"(1) In general.—There is a new markets tax credit limitation for each calendar year. Such limitation is—

"(A) $1,000,000,000 for 2001,

"(B) $1,500,000,000 for 2002 and 2003,

"(C) $2,000,000,000 for 2004 and 2005,

"(E) $3,500,000,000 for 2006 and 2007.

"(2) Allocation of limitation.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities.

"(3) Carryover of unused limitation.—If the new markets tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2014.

"(g) Recapture of Credit In Certain Cases.—

"(1) In general.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapture event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

"(2) Credit recapture amount.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

"(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

"(B) interest at the overpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

"(3) Recapture event.—For purposes of paragraph (1), there is a recapture event with respect to an equity investment in a qualified community development entity if—

"(A) such entity ceases to be a qualified community development entity,

"(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

"(C) such investment is redeemed by such entity.

"(4) Special rules.—

"(A) Tax benefit rule.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) No credits against tax.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(h) Basis Reduction.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment. This subsection shall not apply for purposes of sections 1202, 1400B, and 1400F.

"(i) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

"(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal tax benefits (including the credit under section 42 and the exclusion from gross income under section 103),

"(2) which prevent the abuse of the purposes of this section,

"(3) which provide rules for determining whether the requirement of subsection (b)(1)(B) is treated as met,

"(4) which impose appropriate reporting requirements, and

"(5) which apply the provisions of this section to newly formed entities."

(b) Credit Made Part of General Business Credit.—

(1) In general.—Subsection (b) of section 38 is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the new markets tax credit determined under section 45D(a)."

(2) Limitation on carryback.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

"(9) No carryback of new markets tax credit before January 1, 2001.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45D may be carried back to a taxable year ending before January 1, 2001."

(c) Deduction for Unused Credit.—Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph:

"(9) the new markets tax credit determined under section 45D(a)."

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. New markets tax credit."

(e) Effective Date.—The amendments made by this section shall apply to investments made after December 31, 2000.

(f) Regulations on Allocation of National Limitation.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall prescribe regulations which specify—

(1) how entities shall apply for an allocation under section 45D(f)(2) of the Internal Revenue Code of 1986, as added by this section,

(2) the competitive procedure through which such allocations are made, and

(3) the actions that such Secretary or delegate shall take to ensure that such allocations are properly made to appropriate entities.

TITLE IV—IMPROVEMENTS IN LOW-INCOME HOUSING CREDIT

SEC. 401. MODIFICATION OF STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) In General.—Clauses (i) and (ii) of section 42(h)(3)(C) (relating to State housing credit ceiling) are amended to read as follows:

"(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

"(ii) the greater of—

"(I) the applicable amount under subparagraph (H) multiplied by the State population, or

"(II) $2,000,000,".

(b) Applicable Amount.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

"(H) Applicable amount of state ceiling.—For purposes of subparagraph (C)(ii), the applicable amount shall be determined under the following table:

"For calendar year:	The applicable amount is:
2001	$1.35
2002	1.45
2003	1.55

"For calendar year:	The applicable amount is:
2004	1.65
2005	1.70
2006 and thereafter	1.75.".

(c) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies), as amended by subsection (c), is amended by adding at the end the following new subparagraph:

"(I) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a calendar year after 2006, the $2,000,000 in subparagraph (C) and the $1.75 amount in subparagraph (H) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2005' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—

"(I) In the case of the amount in subparagraph (C), any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(II) In the case of the amount in subparagraph (H), any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.".

(d) CONFORMING AMENDMENTS.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking "clause (ii)" in the matter following clause (iv) and inserting "clause (i)"; and

(B) by striking "clauses (i)" in the matter following clause (iv) and inserting "clauses (ii)".

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking "subparagraph (C)(ii)" and inserting "subparagraph (C)(i)"; and

(B) by striking "clauses (i)" in subclause (II) and inserting "clauses (ii)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.

SEC. 402. MODIFICATION OF CRITERIA FOR ALLOCATING HOUSING CREDITS AMONG PROJECTS.

(a) SELECTION CRITERIA.—Subparagraph (C) of section 42(m)(1) (relating to certain selection criteria must be used) is amended—

(1) by inserting ", including whether the project includes the use of existing housing as part of a community revitalization plan" before the comma at the end of clause (iii); and

(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses:

"(v) tenant populations with special housing needs,

"(vi) public housing waiting lists,

"(vii) tenant populations of individuals with children, and

"(viii) projects intended for eventual tenant ownership.".

(b) PREFERENCE FOR COMMUNITY REVITALIZATION PROJECTS LOCATED IN QUALIFIED CENSUS TRACTS.—Clause (ii) of section 42(m)(1)(B) is amended by striking "and" at the end of subclause (I), by adding "and" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) projects which are located in qualified census tracts (as defined in subsection (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan,".

SEC. 403. ADDITIONAL RESPONSIBILITIES OF HOUSING CREDIT AGENCIES.

(a) MARKET STUDY; PUBLIC DISCLOSURE OF RATIONALE FOR NOT FOLLOWING CREDIT ALLOCATION PRIORITIES.—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

"(iii) a comprehensive market study of the housing needs of low-income individuals in the area to be served by the project is conducted before the credit allocation is made and at the developer's expense by a disinterested party who is approved by such agency, and

"(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.".

(b) SITE VISITS.—Clause (iii) of section 42(m)(1)(B) (relating to qualified allocation plan) is amended by inserting before the period "and in monitoring for noncompliance with habitability standards through regular site visits".

SEC. 404. MODIFICATIONS TO RULES RELATING TO BASIS OF BUILDING WHICH IS ELIGIBLE FOR CREDIT.

(a) ADJUSTED BASIS TO INCLUDE PORTION OF CERTAIN BUILDINGS USED BY LOW-INCOME INDIVIDUALS WHO ARE NOT TENANTS AND BY PROJECT EMPLOYEES.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(1) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) INCLUSION OF BASIS OF PROPERTY USED TO PROVIDE SERVICES FOR CERTAIN NONTENANTS.—

"(i) IN GENERAL.—The adjusted basis of any building located in a qualified census tract (as defined in paragraph (5)(C)) shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation and not otherwise taken into account) used throughout the taxable year in providing any community service facility.

"(ii) LIMITATION.—The increase in the adjusted basis of any building which is taken into account by reason of clause (i) shall not exceed 10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of the preceding sentence, all community service facilities which are part of the same qualified low-income housing project shall be treated as one facility.

"(iii) COMMUNITY SERVICE FACILITY.—For purposes of this subparagraph, the term 'community service facility' means any facility designed to serve primarily individuals whose income is 60 percent or less of area median income (within the meaning of subsection (g)(1)(B)).".

(b) CERTAIN NATIVE AMERICAN HOUSING ASSISTANCE DISREGARDED IN DETERMINING WHETHER BUILDING IS FEDERALLY SUBSIDIZED FOR PURPOSES OF THE LOW-INCOME HOUSING CREDIT.—Subparagraph (E) of section 42(i)(2) (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting "or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)" after "this subparagraph)"; and

(2) in the subparagraph heading, by inserting "OR NATIVE AMERICAN HOUSING ASSISTANCE" after "HOME ASSISTANCE".

SEC. 405. OTHER MODIFICATIONS.

(a) ALLOCATION OF CREDIT LIMIT TO CERTAIN BUILDINGS.—

(1) The first sentence of section 42(h)(1)(E)(ii) is amended by striking "(as of" the first place it appears and inserting "(as of the later of the date which is 6 months after the date that the allocation was made or".

(2) The last sentence of section 42(h)(3)(C) is amended by striking "project which" and inserting "project which fails to meet the 10 percent test under paragraph (1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which".

(b) DETERMINATION OF WHETHER BUILDINGS ARE LOCATED IN HIGH COST AREAS.—The first sentence of section 42(d)(5)(C)(ii)(I) is amended—

(1) by inserting "either" before "in which 50 percent"; and

(2) by inserting before the period "or which has a poverty rate of at least 25 percent".

SEC. 406. CARRYFORWARD RULES.

(a) IN GENERAL.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit carryovers allocated among certain States) is amended by striking "the excess" and all that follows and inserting "the excess (if any) of—

"(I) the unused State housing credit ceiling for the year preceding such year, over

"(II) the aggregate housing credit dollar amount allocated for such year.".

(b) CONFORMING AMENDMENT.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking "clauses (i) and (iii)" and inserting "clauses (i) through (iv)".

SEC. 407. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2000; and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

TITLE V—PRIVATE ACTIVITY BOND VOLUME CAP

SEC. 501. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—The table contained in section 146(d)(2) (relating to per capita limit; aggregate limit) is amended to read as follows:

"Calendar Year	Per Capita Limit	Aggregate Limit
2001	$55.00	$165,000,000
2002	60.00	180,000,000
2003	65.00	195,000,000
2004, 2005, and 2006.	70.00	210,000,000
2007 and thereafter.	75.00	225,000,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after 2000.

TITLE VI—AMERICA'S PRIVATE INVESTMENT COMPANIES

SEC. 601. SHORT TITLE.

This title may be cited as the "America's Private Investment Companies Act".

SEC. 602. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) people living in distressed areas, both urban and rural, that are characterized by high levels of joblessness, poverty, and low incomes have not benefited adequately from the economic expansion experienced by the Nation as a whole;

(2) unequal access to economic opportunities continues to make the social costs of joblessness and poverty to our Nation very high; and

(3) there are significant untapped markets in our Nation, and many of these are in areas that are underserved by institutions that can make equity and credit investments.

(b) Purposes.—The purposes of this title are to—

(1) license private for profit community development entities that will focus on making equity and credit investments for large-scale business developments that benefit low-income communities;

(2) provide credit enhancement for those entities for use in low-income communities; and

(3) provide a vehicle under which the economic and social returns on financial investments made pursuant to this title may be available both to the investors in these entities and to the residents of the low-income communities.

SEC. 603. DEFINITIONS.

As used in this title:

(1) Administrator.—The term "Administrator" means the Administrator of the Small Business Administration.

(2) Agency.—The term "agency" has the meaning given such term in section 551(1) of title 5, United States Code.

(3) APIC.—The term "APIC" means a business entity that has been licensed under the terms of this title as an America's Private Investment Company, and the license of which has not been revoked.

(4) Community development entity.—The term "community development entity" means an entity the primary mission of which is serving or providing investment capital for low-income communities or low-income persons and which maintains accountability to residents of low-income communities.

(5) HUD.—The term "HUD" means the Secretary of Housing and Urban Development or the Department of Housing and Urban Development, as the context requires.

(6) License.—The term "license" means a license issued by HUD as provided in section 604.

(7) Low-income community.—The term "low-income community" means—

(A) a census tract or tracts that have—

(i) a poverty rate of 20 percent or greater, based on the most recent census data; or

(ii) a median family income that does not exceed 80 percent of the greater of (I) the median family income for the metropolitan area in which such census tract or tracts are located, or (II) the median family income for the State in which such census tract or tracts are located; or

(B) a property that was located on a military installation that was closed or realigned pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), section 2687 of title 10, United States Code, or any other similar law enacted after the date of the enactment of this Act that provides for closure or realignment of military installations.

(8) Low-income person.—The term "low-income person" means a person who is a member of a low-income family, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(9) Private equity capital.—

(A) In general.—The term "private equity capital"—

(i) in the case of a corporate entity, the paid-in capital and paid-in surplus of the corporate entity;

(ii) in the case of a partnership entity, the contributed capital of the partners of the partnership entity;

(iii) in the case of a limited liability company entity, the equity investment of the members of the limited liability company entity; and

(iv) earnings from investments of the entity that are not distributed to investors and are available for reinvestment by the entity.

(B) Exclusions.—Such term does not include any—

(i) funds borrowed by an entity from any source or obtained through the issuance of leverage; except that this clause may not be construed to exclude amounts evidenced by a legally binding and irrevocable investment commitment in the entity, or the use by an entity of a pledge of such investment commitment to obtain bridge financing from a private lender to fund the entity's activities on an interim basis; or

(ii) funds obtained directly or indirectly from any Federal, State, or local government or any government agency, except for—

(I) funds invested by an employee welfare benefit plan or pension plan; and

(II) credits against any Federal, State, or local taxes.

(10) Qualified active business.—The term "qualified active business" means a business or trade—

(A) that, at the time that an investment is made in the business or trade, is deriving at least 50 percent of its gross income from the conduct of trade or business activities in low-income communities;

(B) a substantial portion of the use of the tangible property of which is used within low-income communities;

(C) a substantial portion of the services that the employees of which perform are performed in low-income communities; and

(D) less than 5 percent of the aggregate unadjusted bases of the property of which is attributable to certain financial property, as the Secretary shall set forth in regulations, or in collectibles, other than collectibles held primarily for sale to customers.

(11) Qualified debenture.—The term "qualified debenture" means a debt instrument having terms that meet the requirements established pursuant to section 606(c)(1).

(12) Qualified low-income community investment.—The term "qualified low-income community investment" mean an equity investment in, or a loan to, a qualified active business.

(13) Secretary.—The term "Secretary" means the Secretary of Housing and Urban Development, unless otherwise specified in this title.

SEC. 604. AUTHORIZATION.

(a) Licenses.—The Secretary is authorized to license community development entities as America's Private Investment Companies, in accordance with the terms of this title.

(b) Regulations.—The Secretary shall regulate APICs for compliance with sound financial management practices, and the program and procedural goals of this title and other related Acts, and other purposes as required or authorized by this title, or determined by the Secretary. The Secretary shall issue such regulations as are necessary to carry out the licensing and regulatory and other duties under this title, and may issue notices and other guidance or directives as the Secretary determines are appropriate to carry out such duties.

(c) Use of Credit Subsidy for Licenses.—

(1) Number of licenses.—The number of APICs licensed at any one time may not exceed—

(A) the number that may be supported by the amount of budget authority appropriated in accordance with section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c) for the cost (as such term is defined in section 502 of such Act) of the subsidy and the investment strategies of such APICs; or

(B) to the extent the limitation under section 605(e)(1) applies, the number authorized under such section.

(2) Use of additional credit subsidy.—Subject to the limitation under paragraph (1), the Secretary may use any budget authority available after credit subsidy has been allocated for the APICs initially licensed pursuant to section 605 as follows:

(A) Additional licenses.—To license additional APICs.

(B) Credit subsidy increases.—To increase the credit subsidy allocated to an APIC as an award for high performance under this title, except that such increases may be made only in accordance with the following requirements and limitations:

(i) Timing.—An increase may only be provided for an APIC that has been licensed for a period of not less than 2 years.

(ii) Competition.—An increase may only be provided for a fiscal year pursuant to a competition for such fiscal year among APICs eligible for, and requesting, such an increase. The competition shall be based upon criteria that the Secretary shall establish, which shall include the financial soundness and performance of the APICs, as measured by achievement of the public performance goals included in the APICs statements required under section 605(a)(6) and audits conducted under section 609(b)(2). Among the criteria established by the Secretary to determine priority for selection under this section, the Secretary shall include making investments in and loans to qualified active businesses in urban or rural areas that have been designated under subchapter U of Chapter 1 of the Internal Revenue Code of 1986 as empowerment zones or enterprise communities.

(d) Cooperation and Coordination.—

(1) Program policies.—The Secretary is authorized to coordinate and cooperate, through memoranda of understanding, an APIC liaison committee, or otherwise, with the Administrator, the Secretary of the Treasury, and other agencies in the discretion of the Secretary, on implementation of this title, including regulation, examination, and monitoring of APICs under this title.

(2) Financial soundness requirements.—The Secretary shall consult with the Administrator and the Secretary of the Treasury, and may consult with such other heads of agencies as the Secretary may consider appropriate, in establishing any regulations, requirements, guidelines, or standards for financial soundness or management practices of APICs or entities applying for licensing as APICs. In implementing and monitoring compliance with any such regulations, requirements, guidelines, and standards, the Secretary shall enter into such agreements

and memoranda of understanding with the Administrator and the Secretary of the Treasury as may be appropriate to provide for such officials to provide any assistance that may be agreed to.

(3) OPERATIONS.—The Secretary may carry out this title—

(A) directly, through agreements with other Federal entities under section 1535 of title 31, United States Code, or otherwise, or

(B) indirectly, under contracts or agreements, as the Secretary shall determine.

(e) FEES AND CHARGES FOR ADMINISTRATIVE COSTS.—To the extent provided in appropriations Acts, the Secretary is authorized to impose fees and charges for application, review, licensing, and regulation, or other actions under this title, and to pay for the costs of such activities from the fees and charges collected.

(f) GUARANTEE FEES.—The Secretary is authorized to set and collect fees for loan guarantee commitments and loan guarantees that the Secretary makes under this title.

(g) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR LOAN GUARANTEE COMMITMENTS.—For each of fiscal years 2000, 2001, 2002, 2003, and 2004, there is authorized to be appropriated up to $36,000,000 for the cost (as such term is defined in section 502(5) of the Federal Credit Reform Act of 1990) of annual loan guarantee commitments under this title. Amounts appropriated under this paragraph shall remain available until expended.

(2) AGGREGATE LOAN GUARANTEE COMMITMENT LIMITATION.—The Secretary may make commitments to guarantee loans only to the extent that the total loan principal, any part of which is guaranteed, will not exceed $1,000,000,000, unless another such amount is specified in appropriation Acts for any fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES.—For each of the fiscal years 2000, 2001, 2002, 2003, and 2004, there is authorized to be appropriated $1,000,000 for administrative expenses for carrying out this title. The Secretary may transfer amounts appropriated under this paragraph to any appropriation account of HUD or another agency, to carry out the program under this title. Any agency to which the Secretary may transfer amounts under this title is authorized to accept such transferred amounts in any appropriation account of such agency.

SEC. 605. SELECTION OF APICS.

(a) ELIGIBLE APPLICANTS.—An entity shall be eligible to be selected for licensing under section 604 as an APIC only if the entity submits an application in compliance with the requirements established pursuant to subsection (b) and the entity meets or complies with the following requirements:

(1) ORGANIZATION.—The entity shall be a private, for-profit entity that qualifies as a community development entity for the purposes of the New Markets Tax Credits, to the extent such credits are established under Federal law.

(2) MINIMUM PRIVATE EQUITY CAPITAL.—The amount of private equity capital reasonably available to the entity, as determined by the Secretary, at the time that a license is approved may not be less than $25,000,000.

(3) QUALIFIED MANAGEMENT.—The management of the entity shall, in the determination of the Secretary, meet such standards as the Secretary shall establish to ensure that the management of the APIC is qualified, and has the financial expertise, knowledge, experience, and capability necessary, to make investments for community and economic development in low-income communities.

(4) CONFLICT OF INTEREST.—The entity shall demonstrate that, in accordance with sound financial management practices, the entity is structured to preclude financial conflict of interest between the APIC and a manager or investor.

(5) INVESTMENT STRATEGY.—The entity shall prepare and submit to the Secretary an investment strategy that includes benchmarks for evaluation of its progress, that includes an analysis of existing locally owned businesses in the communities in which the investments under the strategy will be made, that prioritizes such businesses for investment opportunities, and that fulfills the specific public purpose goals of the entity.

(6) STATEMENT OF PUBLIC PURPOSE GOALS.—The entity shall prepare and submit to the Secretary a statement of the public purpose goals of the entity, which shall—

(A) set forth goals that shall promote community and economic development, which shall include—

(i) making investments in low-income communities that further economic development objectives by targeting such investments in businesses or trades that comply with the requirements under subparagraphs (A) through (C) of section 603(10) relating to low-income communities in a manner that benefits low-income persons;

(ii) creating jobs in low-income communities for residents of such communities;

(iii) involving community-based organizations and residents in community development activities;

(iv) such other goals as the Secretary shall specify; and

(v) such elements as the entity may set forth to achieve specific public purpose goals;

(B) include such other elements as the Secretary shall specify; and

(C) include proposed measurements and strategies for meeting the goals.

(7) COMPLIANCE WITH LAWS.—The entity shall agree to comply with applicable laws, including Federal executive orders, Office of Management and Budget circulars, and requirements of the Department of the Treasury, and such operating and regulatory requirements as the Secretary may impose from time to time.

(8) OTHER.—The entity shall satisfy any other application requirements that the Secretary may impose by regulation or Federal Register notice.

(b) COMPETITIONS.—The Secretary shall select eligible entities under subsection (a) to be licensed under section 604 as APICs on the basis of competitions. The Secretary shall announce each such competition by causing a notice to be published in the Federal Register that invites applications for licenses and sets forth the requirements for application and such other terms of the competition not otherwise provided for, as determined by the Secretary.

(c) SELECTION.—In competitions under subsection (b), the Secretary shall select eligible entities under subsection (a) for licensing as APICs on the basis of—

(1) the extent to which the entity is expected to achieve the goals of this title by meeting or exceeding criteria established under subsection (d); and

(2) to the extent practicable and subject to the existence of approvable applications, ensuring geographical diversity among the applicants selected and diversity of APICs investment strategies, so that urban and rural communities are both served, in the determination of the Secretary, by the program under this title.

(d) SELECTION CRITERIA.—The Secretary shall establish selection criteria for competitions under subsection (b), which shall include the following criteria:

(1) CAPACITY.—

(A) MANAGEMENT.—The extent to which the entity's management has the quality, experience, and expertise to make and manage successful investments for community and economic development in low-income communities.

(B) STATE AND LOCAL COOPERATION.—The extent to which the entity demonstrates a capacity to cooperate with States or units of general local government and with community-based organizations and residents of low-income communities.

(2) INVESTMENT STRATEGY.—The quality of the entity's investment strategy submitted in accordance with subsection (a)(5) and the extent to which the investment strategy furthers the goals of this title pursuant to paragraph (3) of this subsection.

(3) PUBLIC PURPOSE GOALS.—With respect to the statement of public purpose goals of the entity submitted in accordance with subsection (a)(6), and the strategy and measurements included therein—

(A) the extent to which such goals promote community and economic development;

(B) the extent to which such goals provide for making qualified investments in low-income communities that further economic development objectives, such as—

(i) creating, within 2 years of the completion of the initial such investment, job opportunities, opportunities for ownership, and other economic opportunities within a low-income community, both short-term and of a longer duration;

(ii) improving the economic vitality of a low-income community, including stimulating other business development;

(iii) bringing new income into a low-income community and assisting in the revitalization of such community;

(iv) converting real property for the purpose of creating a site for business incubation and location, or business district revitalization;

(v) enhancing economic competition, including the advancement of technology;

(vi) rural development;

(vii) mitigating, rehabilitating, and reusing real property considered subject to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the Resource Conservation and Recovery Act) or restoring coal mine-scarred land;

(viii) creation of local wealth through investments in employee stock ownership companies or resident-owned ventures; and

(ix) any other objective that the Secretary may establish to further the purposes of this title;

(C) the quality of jobs to be created for residents of low-income communities, taking into consideration such factors as the payment of higher wages, job security, employment benefits, opportunity for advancement, and personal asset building;

(D) the extent to which achievement of such goals will involve community-based organizations and residents in community development activities; and

(E) the extent to which the investments referred to in subparagraph (B) are likely to benefit existing small business in low-income communities or will encourage the growth of small business in such communities.

(4) OTHER.—Any other criteria that the Secretary may establish to carry out the purposes of this title.

(e) FIRST YEAR REQUIREMENTS.—

(1) NUMERICAL LIMITATION.—The number of APICs may not, at any time during the 1-year period that begins upon the Secretary awarding the first license for an APIC under this title, exceed 15.

(2) LIMITATION ON ALLOCATION OF AVAILABLE CREDIT SUBSIDY.—Of the amount of budget authority initially made available for allocation under this title for APICs, the amount allocated for any single APIC may not exceed 20 percent.

(3) NATIVE AMERICAN PRIVATE INVESTMENT COMPANY.—Subject only to the absence of an approvable application from an entity, during the 1-year period referred to in paragraph (1), of the entities selected and licensed by the Secretary as APICs, at least one shall be an entity that has as its primary purpose the making of qualified low-income community investments in areas that are within Indian country (as such term is defined in section 1151 of title 18, United States Code) or within lands that have status as Hawaiian home land under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) or are acquired pursuant to such Act. The Secretary may establish specific selection criteria for applicants under this paragraph.

(f) COMMUNICATIONS BETWEEN HUD AND APPLICANTS.—

(1) IN GENERAL.—The Secretary shall set forth in regulations the procedures under which HUD and applicants for APIC licenses, and others, may communicate. Such regulations shall—

(A) specify by position the HUD officers and employees who may communicate with such applicants and others;

(B) permit HUD officers and employees to request and discuss with the applicant and others (such as banks or other credit or business references, or potential investors, that the applicant specifies in writing) any more detailed information that may be desirable to facilitate HUD's review of the applicant's application;

(C) restrict HUD officers and employees from revealing to any applicant—

(i) the fact or chances of award of a license to such applicant, unless there has been a public announcement of the results of the competition; and

(ii) any information with respect to any other applicant; and

(D) set forth requirements for making and keeping records of any communications conducted under this subsection, including requirements for making such records available to the public after the award of licenses under an initial or subsequent notice, as appropriate, under subsection (a).

(2) TIMING.—Regulations under this subsection may be issued as interim rules for effect on or before the date of publication of the first notice under subsection (a), and shall apply only with respect to applications under such notice. Regulations to implement this subsection with respect to any notice after the first such notice shall be subject to notice and comment rulemaking.

(3) INAPPLICABILITY OF DEPARTMENT OF HUD ACT PROVISION.—Section 12(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3537a(e)(2)) is amended by inserting before the period at the end the following: "or any license provided under the America's Private Investment Companies Act".

SEC. 606. OPERATIONS OF APICS.

(a) POWERS AND AUTHORITIES.—

(1) IN GENERAL.—An APIC shall have any powers or authorities that—

(A) the APIC derives from the jurisdiction in which it is organized, or that the APIC otherwise has;

(B) may be conferred by a license under this title; and

(C) the Secretary may prescribe by regulation.

(2) NEW MARKET ASSISTANCE.—Nothing in this title shall preclude an APIC or its investors from receiving an allocation of New Market Tax Credits (to the extent such credits are established under Federal law) if the APIC satisfies any applicable terms and conditions under the Internal Revenue Code of 1986.

(b) INVESTMENT LIMITATIONS.—

(1) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—Substantially all investments that an APIC makes shall be qualified low-income community investments if the investments are financed with—

(A) amounts available from the proceeds of the issuance of an APIC's qualified debenture guaranteed under this title;

(B) proceeds of the sale of obligations described under subsection (c)(3)(C)(iii); or

(C) the use of private equity capital, as determined by the Secretary, in an amount specified in the APIC's license.

(2) SINGLE BUSINESS INVESTMENTS.—An APIC shall not, as a matter of sound financial practice, invest in any one business an amount that exceeds an amount equal to 35 percent of the sum of—

(A) the APIC's private equity capital; plus

(B) an amount equal to the percentage limit that the Secretary determines that an APIC may have outstanding at any one time, under subsection (c)(2)(A).

(c) BORROWING POWERS; QUALIFIED DEBENTURES.—

(1) ISSUANCE.—An APIC may issue qualified debentures. The Secretary shall, by regulation, specify the terms and requirements for debentures to be considered qualified debentures for purposes of this title, except that the term to maturity of any qualified debenture may not exceed 21 years and each qualified debenture shall bear interest during all or any part of that time period at a rate or rates approved by the Secretary.

(2) LEVERAGE LIMITS.—In general, as a matter of sound financial management practices—

(A) the total amount of qualified debentures that an APIC issues under this title that an APIC may have outstanding at any one time shall not exceed an amount equal to 200 percent of the private equity capital of the APIC, as determined by the Secretary; and

(B) an APIC shall not have more than $300,000,000 in face value of qualified debentures issued under this title outstanding at any one time.

(3) REPAYMENT.—

(A) CONDITION OF BUSINESS WIND-UP.—An APIC shall have repaid, or have otherwise been relieved of indebtedness, with respect to any interest or principal amounts of borrowings under this subsection no less than 2 years before the APIC may dissolve or otherwise complete the wind-up of its business.

(B) TIMING.—An APIC may repay any interest or principal amounts of borrowings under this subsection at any time: *Provided*, That the repayment of such amounts shall not relieve an APIC of any duty otherwise applicable to the APIC under this title, unless the Secretary orders such relief.

(C) USE OF INVESTMENT PROCEEDS BEFORE REPAYMENT.—Until an APIC has repaid all interest and principal amounts on APIC borrowings under this subsection, an APIC may use the proceeds of investments, in accordance with regulations issued by the Secretary, only to—

(i) pay for proper costs and expenses the APIC incurs in connection with such investments;

(ii) pay for the reasonable administrative expenses of the APIC;

(iii) purchase Treasury securities;

(iv) repay interest and principal amounts on APIC borrowings under this subsection;

(v) make interest, dividend, or other distributions to or on behalf of an investor; or

(vi) undertake such other purposes as the Secretary may approve.

(D) USE OF INVESTMENT PROCEEDS AFTER REPAYMENT.—After an APIC has repaid all interest and principal amounts on APIC borrowings under this subsection, and subject to continuing compliance with subsection (a), the APIC may use the proceeds from investments to make interest, dividend, or other distributions to or on behalf of investors in the nature of returns on capital, or the withdrawal of private equity capital, without regard to subparagraph (C) but in conformity with the APIC's investment strategy and statement of public purpose goals.

(d) REUSE OF QUALIFIED DEBENTURE PROCEEDS.—An APIC may use the proceeds of sale of Treasury securities purchased under subsection (c)(3)(C)(iii) to make qualified low-income community investments, subject to the Secretary's approval. In making the request for the Secretary's approval, the APIC shall follow the procedures applicable to an APIC's request for HUD guarantee action, as the Secretary may modify such procedures for implementation of this subsection. Such procedures shall include the description and certifications that an APIC must include in all requests for guarantee action, and the environmental certification applicable to initial expenditures for a project or activity.

(e) ANTIPIRATING.—Notwithstanding any other provision of law, an APIC may not use any private equity capital required to be contributed under this title, or the proceeds from the sale of any qualified debenture under this title, to make an investment, as determined by the Secretary, to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from 1 area to another area, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs.

(f) EXCLUSION OF APIC FROM DEFINITION OF DEBTOR UNDER BANKRUPTCY PROVISIONS.—Section 109(b)(2) of title 11, United States Code, is amended by inserting before "credit union" the following: "America's Private Investment Company licensed under the America's Private Investment Companies Act,".

SEC. 607. CREDIT ENHANCEMENT BY THE FEDERAL GOVERNMENT.

(a) ISSUANCE AND GUARANTEE OF QUALIFIED DEBENTURES.—

(1) AUTHORITY.—To the extent consistent with the Federal Credit Reform Act of 1990, the Secretary is authorized to make commitments to guarantee and guarantee the timely payment of all principal and interest as scheduled on qualified debentures issued by APICs. Such commitments and guarantees may only be made in accordance with the terms and conditions established under paragraph (2).

(2) TERMS AND CONDITIONS.—The Secretary shall establish such terms and conditions as the Secretary determines to be appropriate

for commitments and guarantees under this subsection, including terms and conditions relating to amounts, expiration, number, priorities of repayment, security, collateral, amortization, payment of interest (including the timing thereof), and fees and charges. The terms and conditions applicable to any particular commitment or guarantee may be established in documents that the Secretary approves for such commitment or guarantee.

(3) Seniority.—Notwithstanding any other provision of Federal law or any law or the constitution of any State, qualified debentures guaranteed under this subsection by the Secretary shall be senior to any other debt obligation, equity contribution or earnings, or the distribution of dividends, interest, or other amounts, of an APIC.

(b) Issuance of Trust Certificates.—The Secretary, or an agent or entity selected by the Secretary, is authorized to issue trust certificates representing ownership of all or a fractional part of guaranteed qualified debentures issued by APICs and held in trust.

(c) Guarantee of Trust Certificates.—

(1) In general.—The Secretary is authorized, upon such terms and conditions as the Secretary determines to be appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Secretary, or an agent or other entity, for purposes of this section. Such guarantee shall be limited to the extent of principal and interest on the guaranteed qualified debentures which compose the trust.

(2) Substitution option.—The Secretary shall have the option to replace in the corpus of the trust any prepaid or defaulted qualified debenture with a debenture, another full faith and credit instrument, or any obligations of the United States, that may reasonably substitute for such prepaid or defaulted qualified debenture.

(3) Proportionate reduction option.—In the event that the Secretary elects not to exercise the option under paragraph (2), and a qualified debenture in such trust is prepaid, or in the event of default of a qualified debenture, the guarantee of timely payment of principal and interest on the trust certificate shall be reduced in proportion to the amount of principal and interest that such prepaid qualified debenture represents in the trust. Interest on prepaid or defaulted qualified debentures shall accrue and be guaranteed by the Secretary only through the date of payment of the guarantee. During the term of a trust certificate, it may be called for redemption due to prepayment or default of all qualified debentures that are in the corpus of the trust.

(d) Full Faith and Credit Backing of Guarantees.—The full faith and credit of the United States is pledged to the timely payment of all amounts which may be required to be paid under any guarantee by the Secretary pursuant to this section.

(e) Subrogation and Liens.—

(1) Subrogation.—In the event the Secretary pays a claim under a guarantee issued under this section, the Secretary shall be subrogated fully to the rights satisfied by such payment.

(2) Priority of liens.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of its ownership rights in the debentures in the corpus of a trust under this section.

(f) Registration.—

(1) In general.—The Secretary shall provide for a central registration of all trust certificates issued pursuant to this section.

(2) Agents.—The Secretary may contract with an agent or agents to carry out on behalf of the Secretary the pooling and the central registration functions of this section notwithstanding any other provision of law, including maintenance on behalf of and under the direction of the Secretary, such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate trusts backed by qualified debentures guaranteed under this title and the issuance of trust certificates to facilitate formation of the corpus of the trusts. The Secretary may require such agent or agents to provide a fidelity bond or insurance in such amounts as the Secretary determines to be necessary to protect the interests of the Government.

(3) Form.—Book-entry or other electronic forms of registration for trust certificates under this title are authorized.

(g) Timing of Issuance of Guarantees of Qualified Debentures and Trust Certificates.—The Secretary may, from time to time in the Secretary's discretion, exercise the authority to issue guarantees of qualified debentures under this title or trust certificates under this title.

SEC. 608. APIC REQUESTS FOR GUARANTEE ACTIONS.

(a) In General.—The Secretary may issue a guarantee under this title for a qualified debenture that an APIC intends to issue only pursuant to a request to the Secretary by the APIC for such guarantee that is made in accordance with regulations governing the content and procedures for such requests, that the Secretary shall prescribe. Such regulations shall provide that each such request shall include—

(1) a description of the manner in which the APIC intends to use the proceeds from the qualified debenture;

(2) a certification by the APIC that the APIC is in substantial compliance with—

(A) this title and other applicable laws, including any requirements established under this title by the Secretary;

(B) all terms and conditions of its license, any cease-and-desist order issued under section 610, and of any penalty or condition that may have arisen from examination or monitoring by the Secretary or otherwise, including the satisfaction of any financial audit exception that may have been outstanding; and

(C) all requirements relating to the allocation and use of New Markets Tax Credits, to the extent such credits are established under Federal law; and

(3) any other information or certification that the Secretary considers appropriate.

(b) Requests for Guarantee of Qualified Debentures That Include Funding for Initial Expenditure for a Project or Activity.—In addition to the description and certification that an APIC is required to supply in all requests for guarantee action under subsection (a), in the case of an APIC's request for a guarantee that includes a qualified debenture, the proceeds of which the APIC expects to be used as its initial expenditure for a project or activity in which the APIC intends to invest, and the expenditure for which would require an environmental assessment under the National Environmental Policy Act of 1969 and other related laws that further the purposes of such Act, such request for guarantee action shall include evidence satisfactory to the Secretary of the certification of the completion of environmental review of the project or activity required of the cognizant State or local government under subsection (c). If the environmental review responsibility for the project or activity has not been assumed by a State or local government under subsection (c), then the Secretary shall be responsible for carrying out the applicable responsibilities under the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act that relate to the project or activity, and the Secretary shall execute such responsibilities before acting on the APIC's request for the guarantee that is covered by this subsection.

(c) Responsibility for Environmental Reviews.—

(1) Execution of responsibility by the secretary.—This subsection shall apply to guarantees by the Secretary of qualified debentures under this title, the proceeds of which would be used in connection with qualified low-income community investments of APICs under this title.

(2) Assumption of responsibility by cognizant unit of general government.—

(A) Guarantee of qualified debentures.—In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds under this title, and to assure to the public undiminished protection of the environment, the Secretary may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for the guarantee of qualified debentures, any part of the proceeds of which are to fund particular qualified low-income community investments of APICs under this title, if a State or unit of general local government, as designated by the Secretary in accordance with regulations issued by the Secretary, assumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and such other provisions of law that further such Act as the regulations of the Secretary specify, that would otherwise apply to the Secretary were the Secretary to undertake the funding of such investments as a Federal action.

(B) Implementation.—The Secretary shall issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality. Such regulations shall—

(i) specify any other provisions of law which further the purposes of the National Environmental Policy Act of 1969 and to which the assumption of responsibility as provided in this subsection applies;

(ii) provide eligibility criteria and procedures for the designation of a State or unit of general local government to assume all of the responsibilities in this subsection;

(iii) specify the purposes for which funds may be committed without regard to the procedure established under paragraph (3);

(iv) provide for monitoring of the performance of environmental reviews under this subsection;

(v) in the discretion of the Secretary, provide for the provision or facilitation of training for such performance; and

(vi) subject to the discretion of the Secretary, provide for suspension or termination by the Secretary of the assumption under subparagraph (A).

(C) Responsibilities of states and units of general local government.—The Secretary's duty under subparagraph (B) shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular request for guarantee under subparagraph (A), or the use of funds for a qualified investment.

(3) PROCEDURE.—Subject to compliance by the APIC with the requirements of this title, the Secretary shall approve the request for guarantee of a qualified debenture, any part of the proceeds of which is to fund particular qualified low-income community investments of an APIC under this title, that is subject to the procedures authorized by this subsection only if, not less than 15 days prior to such approval and prior to any commitment of funds to such investment (except for such purposes specified in the regulations issued under paragraph (2)(B)), the APIC submits to the Secretary a request for guarantee of a qualified debenture that is accompanied by evidence of a certification of the State or unit of general local government which meets the requirements of paragraph (4). The approval by the Secretary of any such certification shall be deemed to satisfy the Secretary's responsibilities pursuant to paragraph (1) under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the guarantees of qualified debentures, any parts of the proceeds of which are to fund such investments, which are covered by such certification.

(4) CERTIFICATION.—A certification under the procedures authorized by this subsection shall—

(A) be in a form acceptable to the Secretary;

(B) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;

(C) specify that the State or unit of general local government under this subsection has fully carried out its responsibilities as described under paragraph (2); and

(D) specify that the certifying officer—

(i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to paragraph (2); and

(ii) is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

SEC. 609. EXAMINATION AND MONITORING OF APICS.

(a) IN GENERAL.—The Secretary shall, under regulations, through audits, performance agreements, license conditions, or otherwise, examine and monitor the operations and activities of APICs for compliance with sound financial management practices, and for satisfaction of the program and procedural goals of this title and other related Acts. The Secretary may undertake any responsibility under this section in cooperation with an APIC liaison committee, or any agency that is a member of such a committee, or other agency.

(b) MONITORING, UPDATING, AND PROGRAM REVIEW.—

(1) REPORTING AND UPDATING.—The Secretary shall establish such annual or more frequent reporting requirements for APICs, and such requirements for the updating of the statement of public purpose goals, investment strategy (including the benchmarks in such strategy), and other documents that may have been used in the license application process under this title, as the Secretary determines necessary to assist the Secretary in monitoring the compliance and performance of APICs.

(2) ANNUAL AUDITS.—The Secretary shall require each APIC to have an independent audit conducted annually of the operations of the APIC. The Secretary, in consultation with the Administrator and the Secretary of the Treasury, shall establish requirements and standards for such audits, including requirements that such audits be conducted in accordance with generally accepted accounting principles, that the APIC submit the results of the audit to Secretary, and that specify the information to be submitted.

(3) EXAMINATIONS.—The Secretary shall, no less often than once every 2 years, examine the operations and portfolio of each APIC licensed under this title for compliance with sound financial management practices, and for compliance with this title.

(4) EXAMINATION STANDARDS.—

(A) SOUND FINANCIAL MANAGEMENT PRACTICES.—The Secretary shall examine each APIC to ensure, as a matter of sound financial management practices, substantial compliance with this and other applicable laws, including Federal executive orders, Department of Treasury and Office of Management and Budget guidance, circulars, and application and licensing requirements on a continuing basis. The Secretary may, by regulation, establish any additional standards for sound financial management practices, including standards that address solvency and financial exposure.

(B) PERFORMANCE AND OTHER EXAMINATIONS.—The Secretary shall monitor each APIC's progress in meeting the goals in the APIC's statement of public purpose goals, executing the APIC's investment strategy, and other matters.

(c) INSPECTOR GENERAL RESPONSIBILITY.—In carrying out monitoring of HUD's responsibilities under this title and for purposes of ensuring that the program under this title is operated in accordance with sound financial management practices, the Inspector General of the Department of Housing and Urban Development shall consult with the Inspector General of the Department of the Treasury and the Inspector General of the Small Business Administration, as appropriate, and may enter into such agreements and memoranda of understanding as may be necessary to obtain the cooperation of the Inspectors General of the Department of the Treasury and the Small Business Administration in carrying out such function.

(d) ANNUAL REPORT BY SECRETARY.—The Secretary shall submit a report to the Congress annually regarding the operations, activities, financial health, and achievements of the APIC program under this title. The report shall list each investment made by an APIC and include a summary of the examinations conducted under subsection (b)(3), the guarantee actions of HUD, and any regulatory or policy actions taken by HUD. The report shall distinguish recently licensed APICs from APICs that have held licenses for a longer period for purposes of indicating program activities and performance.

(e) GAO REPORT.—

(1) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress regarding the operation of the program under this title for licensing and guarantees for APICs.

(2) CONTENTS.—The report shall include—

(A) an analysis of the operations and monitoring by HUD of the APIC program under this title;

(B) the administrative and capacity needs of HUD required to ensure the integrity of the program;

(C) the extent and adequacy of any credit subsidy appropriated for the program; and

(D) the management of financial risk and liability of the Federal Government under the program.

SEC. 610. PENALTIES.

(a) VIOLATIONS SUBJECT TO PENALTY.—The Secretary may impose a penalty under this subsection on any APIC or manager of an APIC that, by any act, practice, or failure to act, engages in fraud, mismanagement, or noncompliance with this title, the regulations under this title, or a condition of the APIC's license under this title. The Secretary shall, by regulation, identify, by generic description of a role or responsibilities, any manager of an APIC that is subject to a penalty under this section.

(b) PENALTIES REQUIRING NOTICE AND AN OPPORTUNITY TO RESPOND.—If, after notice in writing to an APIC or the manager of an APIC that the APIC or manager has engaged in any action, practice, or failure to act that, under subsection (a), is subject to a penalty, and after an opportunity for the APIC or manager to respond to the notice, the Secretary determines that the APIC or manager engaged in such action or failure to act, the Secretary may, in addition to other penalties imposed—

(1) assess a civil money penalty, except than any civil money penalty under this subsection shall be in an amount not exceeding **$10,000**;

(2) issue an order to cease and desist with respect to such action, practice, or failure to act of the APIC or manager;

(3) suspend, or condition the use of, the APIC's license, including deferring, for the period of the suspension, any commitment to guarantee any new qualified debenture of the APIC, except that any suspension or condition under this paragraph may not exceed 90 days; and

(4) impose any other penalty that the Secretary determines to be less burdensome to the APIC than a penalty under subsection (c).

(c) PENALTIES REQUIRING NOTICE AND HEARING.—If, after notice in writing to an APIC or the manager of an APIC that an APIC or manager has engaged in any action, practice, or failure to act that, under subsection (a), is subject to a penalty, and after an opportunity for administrative hearing, the Secretary determines that the APIC or manager engaged in such action or failure to act, the Secretary may—

(1) assess a civil money penalty against the APIC or a manager in any amount;

(2) require the APIC to divest any interest in an investment, on such terms and conditions as the Secretary may impose; or

(3) revoke the APIC's license.

(d) EFFECTIVE DATE OF PENALTIES.—

(1) PRIOR NOTICE REQUIREMENT.—Except as provided in paragraph (2) of this subsection, a penalty under subsection (b) or (c) shall not be due and payable and shall not otherwise take effect or be subject to enforcement by an order of a court, before notice of the penalty is published in the Federal Register.

(2) CEASE-AND-DESIST ORDERS AND SUSPENSION OR CONDITIONING OF LICENSE.—In the case of a cease-and-desist order under subsection (b)(2) or the suspension or conditioning of an APIC's license under subsection (b)(3), the following procedures shall apply:

(A) ACTION WITHOUT PUBLISHED NOTICE.—The Secretary may order an APIC or manager to cease and desist from an action, practice, or failure to act or may suspend or condition an APIC's license, for not more than 45 days without prior publication of notice in the Federal Register, but such cease-and-desist order or suspension or conditioning shall take effect only after the Secretary has issued a written notice (which may include a writing in electronic form) of such action to the APIC. Notwithstanding subsection (b), such written notice shall be effective without regard to whether the APIC has been accorded an opportunity to respond. Upon such notice, such cease-and-desist order or suspension or conditioning shall be subject to enforcement by an order of a court.

(B) PUBLICATION OF NOTICE OF SUSPENSION OR CONDITIONING OF LICENSE.—Upon a suspension or conditioning of a license taking effect pursuant to subparagraph (A), the Secretary shall promptly cause a notice of suspension or conditioning of such license for a period of not more than 90 days to be published in the Federal Register. The Secretary shall provide the APIC an opportunity to respond to such notice. For purposes of the determining the duration of the period of any suspension or conditioning under this subparagraph, the first day of such period shall be the day of issuance of the written notice under this paragraph of the suspension or conditioning.

(C) REVOCATION OF LICENSE.—During the period of the suspension or conditioning of an APIC's license, the Secretary may take action under subsection (c)(3) to revoke the license of the APIC, in accordance with the procedures applicable to such subsection. Notwithstanding any other provision of this section, if the Secretary takes such action, the Secretary may extend the suspension or conditioning of the APIC's license, for one or more periods of not more than 90 days each, by causing notice of such action to be published in the Federal Register—

(i) for the first such extension, before the expiration of the period under subparagraph (B); and

(ii) for any subsequent extension, before the expiration of the preceding extension period under this subparagraph.

(D) TERM OF EFFECTIVENESS.—A cease-and-desist order or the suspension or conditioning of an APIC's license by the Secretary under this paragraph shall remain in effect in accordance with the terms of the order, suspension, or conditioning until final adjudication in any action undertaken to challenge the order, or the suspension or conditioning, or the revocation, of an APIC's license.

SEC. 611. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act.

(b) ISSUANCE OF REGULATIONS AND GUIDELINES.—Any authority under this title of the Secretary, the Administrator, and the Secretary of the Treasury to issue regulations, standards, guidelines, or licensing requirements, and any authority of such officials to consult or enter into agreements or memoranda of understanding regarding such issuance, shall take effect on the date of the enactment of this Act.

SEC. 612. SUNSET.

After the expiration of the 5-year period beginning upon the date that the Secretary awards the first license for an APIC under this title—

(1) the Secretary may not license any APIC; and

(2) no amount may be appropriated for the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c)) of any guarantee under this title for any debenture issued by an APIC. This section may not be construed to prohibit, limit, or affect the award, allocation, or use of any budget authority for the costs of such guarantees that is appropriated before the expiration of such period.

TITLE VII—OTHER COMMUNITY RENEWAL AND NEW MARKETS ASSISTANCE

SEC. 701. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking "FLEXIBLE AUTHORITY.—" and inserting "DISPOSITION OF HUD-OWNED PROPERTIES. (a) FLEXIBLE AUTHORITY FOR MULTIFAMILY PROJECTS.—"; and

(2) by adding at the end the following new subsection:

"(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

"(1) TRANSFER AUTHORITY.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property, subject to the requirements of this section, to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations consent to transfer and the Secretary determines that such transfer is practicable.

"(2) QUALIFIED HUD PROPERTIES.—For purposes of this subsection, the term 'qualified HUD property' means any property for which, as of the date that notification of the property is first made under paragraph (3)(B), not less than 6 months have elapsed since the later of the date that the property was acquired by the Secretary or the date that the property was determined to be unoccupied or substandard, that is owned by the Secretary and is—

"(A) an unoccupied multifamily housing project;

"(B) a substandard multifamily housing project; or

"(C) an unoccupied single family property that—

"(i) has been determined by the Secretary not to be an eligible asset under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

"(ii) is an eligible asset under such section 204(h), but—

"(I) is not subject to a specific sale agreement under such section; and

"(II) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

"(3) TIMING.—The Secretary shall establish procedures that provide for—

"(A) time deadlines for transfers under this subsection;

"(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

"(C) such units and corporations to express interest in the transfer under this subsection of such properties;

"(D) a right of first refusal for transfer of qualified HUD properties to units of general local government and community development corporations, under which—

"(i) the Secretary shall establish a period during which the Secretary may not transfer such properties except to such units and corporations;

"(ii) the Secretary shall offer qualified HUD properties that are single family properties for purchase by units of general local government at a cost of $1 for each property, but only to the extent that the costs to the Federal Government of disposal at such price do not exceed the costs to the Federal Government of disposing of property subject to the procedures for single family property established by the Secretary pursuant to the authority under the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g));

"(iii) the Secretary may accept an offer to purchase a property made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

"(iv) the Secretary shall accept an offer to purchase such a property that is made during such period by such a unit or corporation and that complies with the requirements of this paragraph;

"(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

"(4) OTHER DISPOSITION.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

"(5) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

"(6) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

"(A) UPON ENACTMENT.—Upon the enactment of this subsection, the Secretary shall promptly assess each residential property owned by the Secretary to determine whether such property is a qualified HUD property.

"(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

"(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

"(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

"(8) USE OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

"(9) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any properties that the Secretary determines are to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

"(10) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

"(11) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) COMMUNITY DEVELOPMENT CORPORATION.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

"(B) COST RECOVERY BASIS.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than the sum of (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary shall establish, and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

"(C) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

"(D) RESIDENTIAL PROPERTY.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

"(E) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(F) SEVERE PHYSICAL PROBLEMS.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

"(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

"(ii) on not less than three separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

"(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced three or more blown fuses or tripped circuit breakers during the preceding 90-day period;

"(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

"(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

"(G) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence.

"(H) SUBSTANDARD.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

"(I) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

"(J) UNOCCUPIED.—The term 'unoccupied' means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

"(12) REGULATIONS.—

"(A) INTERIM.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue such interim regulations as are necessary to carry out this subsection.

"(B) FINAL.—Not later than 60 days after the date of the enactment of this subsection, the Secretary shall issue such final regulations as are necessary to carry out this subsection.".

SEC. 702. TRANSFER OF HUD ASSETS IN REVITALIZATION AREAS.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)), upon the request of the chief executive officer of a county or the government of appropriate jurisdiction and not later than 60 days after such request is made, the Secretary of Housing and Urban Development shall designate as a revitalization area all portions of such county that meet the criteria for such designation under paragraph (3) of such section.

SEC. 703. RISK-SHARING DEMONSTRATION.

Section 249 of the National Housing Act (12 U.S.C. 1715z-14) is amended—

(1) by striking the section heading and inserting the following:

"RISK-SHARING DEMONSTRATION";

(2) by striking "reinsurance" each place such term appears and insert "risk-sharing";

(3) in subsection (a)—

(A) in the first sentence, by inserting "and insured community development financial institutions" after "private mortgage insurers";

(B) in the second sentence—

(i) by striking "two" and inserting "4"; and

(ii) by striking "March 15, 1988" and inserting "the expiration of the 5-year period beginning on the date of the enactment of the Community Renewal and New Market Act of 2000"; and

(C) in the last sentence, by striking "10 percent" and inserting "20 percent";

(4) in subsection (b)—

(A) in the first sentence, by inserting "and with insured community development financial institutions" before the period at the end;

(B) in the first sentence, by striking "which have been determined to be qualified insurers under section 302(b)(2)(C)";

(C) in the second sentence, by inserting "and insured community development financial institutions" after "private mortgage insurance companies";

(D) by striking paragraph (1) and inserting the following new paragraph:

"(1) assume the first loss on any mortgage insured pursuant to section 203(b), 234, or 245 that covers a one- to four-family dwelling and is included in the program under this section, up to the percentage of loss that is set forth in the risk-sharing contract;"; and

(E) in paragraph (2)—

(i) by striking "carry out (under appropriate delegation) such" and inserting "delegate underwriting,"; and

(ii) by striking "function" and inserting "functions";

(5) in subsection (c)—

(A) in the first sentence—

(i) by striking "of" the first place it appears and insert "for";

(ii) by striking "insurance reserves" and inserting "loss reserves"; and

(iii) by striking "such insurance" and inserting "such reserves"; and

(B) in the second sentence, by inserting "or insured community development financial institution" after "private mortgage insurance company";

(6) in subsection (d), by inserting "or insured community development financial institution" after "private mortgage insurance company"; and

(7) by adding at the end the following new subsection:

"(e) INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—For purposes of this section, the term 'insured community development financial institution' means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).".

SEC. 704. PREVENTION AND TREATMENT OF SUBSTANCE ABUSE; SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following part:

"PART G—SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS

"SEC. 581. APPLICABILITY TO DESIGNATED PROGRAMS.

"(a) DESIGNATED PROGRAMS.—Subject to subsection (b), this part applies to discretionary and formula grant programs administered by the Substance Abuse and Mental Health Services Administration that make awards of financial assistance to public or private entities for the purpose of carrying out activities to prevent or treat substance abuse (in this part referred to as a 'designated program'). Designated programs include the program under subpart II of part B of title XIX (relating to formula grants to the States).

"(b) LIMITATION.—This part does not apply to any award of financial assistance under a designated program for a purpose other than the purpose specified in subsection (a).

"(c) DEFINITIONS.—For purposes of this part (and subject to subsection (b)):

"(1) The term 'designated program' has the meaning given such term in subsection (a).

"(2) The term 'financial assistance' means a grant, cooperative agreement, or contract.

"(3) The term 'program beneficiary' means an individual who receives program services.

"(4) The term 'program participant' means a public or private entity that has received financial assistance under a designated program.

"(5) The term 'program services' means treatment for substance abuse, or preventive services regarding such abuse, provided pursuant to an award of financial assistance under a designated program.

"(6) The term 'religious organization' means a nonprofit religious organization.

"SEC. 582. RELIGIOUS ORGANIZATIONS AS PROGRAM PARTICIPANTS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a religious organization, on the same basis as any other nonprofit private provider—

"(1) may receive financial assistance under a designated program; and

"(2) may be a provider of services under a designated program.

"(b) RELIGIOUS ORGANIZATIONS.—The purpose of this section is to allow religious organizations to be program participants on the same basis as any other nonprofit private provider without impairing the religious character of such organizations, and without diminishing the religious freedom of program beneficiaries.

"(c) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—

"(1) ELIGIBILITY AS PROGRAM PARTICIPANTS.—Religious organizations are eligible to be program participants on the same basis as any other nonprofit private organization as long as the programs are implemented consistent with the Establishment Clause and Free Exercise Clause of the First Amendment to the United States Constitution. Nothing in this Act shall be construed to restrict the ability of the Federal Government, or a State or local government receiving funds under such programs, to apply to religious organizations the same eligibility conditions in designated programs as are applied to any other nonprofit private organization.

"(2) NONDISCRIMINATION.—Neither the Federal Government nor a State or local government receiving funds under designated programs shall discriminate against an organization that is or applies to be a program participant on the basis that the organization has a religious character.

"(d) RELIGIOUS CHARACTER AND FREEDOM.—

"(1) RELIGIOUS ORGANIZATIONS.—Except as provided in this section, any religious organization that is a program participant shall retain its independence from Federal, State, and local government, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State shall require a religious organization to—

"(A) alter its form of internal governance; or

"(B) remove religious art, icons, scripture, or other symbols;

in order to be a program participant.

"(e) EMPLOYMENT PRACTICES.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment. A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by its participation in, or receipt of funds from, a designated program.

"(f) RIGHTS OF PROGRAM BENEFICIARIES.—

"(1) IN GENERAL.—If an individual who is a program beneficiary or a prospective program beneficiary objects to the religious character of a program participant, within a reasonable period of time after the date of such objection such program participant shall refer such individual to, and the appropriate Federal, State, or local government that administers a designated program or is a program participant shall provide to such individual (if otherwise eligible for such services), program services that—

"(A) are from an alternative provider that is accessible to, and has the capacity to provide such services to, such individual; and

"(B) have a value that is not less than the value of the services that the individual would have received from the program participant to which the individual had such objection.

"(2) NOTICES.—Appropriate Federal, State, or local governments that administer designated programs or are program participants shall ensure that notice is provided to program beneficiaries or prospective program beneficiaries of their rights under this subsection.

"(3) ADDITIONAL REQUIREMENTS.—A program participant making a referral pursuant to paragraph (1) shall—

"(A) prior to making such referral, consider any list that the State or local government makes available of entities in the geographic area that provide program services; and

"(B) ensure that the individual makes contact with the alternative provider to which the individual is referred.

"(4) NONDISCRIMINATION.—A religious organization that is a program participant shall not in providing program services or engaging in outreach activities under designated programs discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

"(g) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization that is a program participant shall be subject to the same regulations as other recipients of awards of Federal financial assistance to account, in accordance with generally accepted auditing principles, for the use of the funds provided under such awards.

"(2) LIMITED AUDIT.—With respect to the award involved, if a religious organization that is a program participant maintains the Federal funds in a separate account from non-Federal funds, then only the Federal funds shall be subject to audit.

"(h) COMPLIANCE.—With respect to compliance with this section by an agency, a religious organization may obtain judicial review of agency action in accordance with chapter 7 of title 5, United States Code.

"SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.

"No funds provided under a designated program shall be expended for sectarian worship, instruction, or proselytization.

"SEC. 584. EDUCATIONAL REQUIREMENTS FOR PERSONNEL IN DRUG TREATMENT PROGRAMS.

"(a) FINDINGS.—The Congress finds that—

"(1) establishing unduly rigid or uniform educational qualification for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs; and

"(2) such educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services.

"(b) NONDISCRIMINATION.—In determining whether personnel of a program participant that has a record of successful drug treatment for the preceding three years have satisfied State or local requirements for education and training, a State or local government shall not discriminate against education and training provided to such personnel by a religious organization, so long as such education and training includes basic content substantially equivalent to the content provided by nonreligious organizations that the State or local government would credit for purposes of determining whether the relevant requirements have been satisfied.".

SEC. 705. NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "New Markets Venture Capital Program Act of 2000".

(b) NEW MARKETS VENTURE CAPITAL PROGRAM.—

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(1) in the heading for the title, by striking "SMALL BUSINESS INVESTMENT COMPANIES" and inserting "INVESTMENT DIVISION PROGRAMS";

(2) by inserting before the heading for section 301 the following:

"PART A—SMALL BUSINESS INVESTMENT COMPANIES"

; and

(3) by adding at the end the following:

"PART B—NEW MARKETS VENTURE CAPITAL PROGRAM

"SEC. 351. DEFINITIONS.

"In this part, the following definitions apply:

"(1) DEVELOPMENTAL VENTURE CAPITAL.—The term 'developmental venture capital' means capital in the form of equity investments in businesses made with a primary objective of fostering economic development in low- or moderate-income geographic areas.

"(2) LOW- OR MODERATE-INCOME GEOGRAPHIC AREA.—The term 'low- or moderate-income geographic area' means—

"(A) a census tract, or the equivalent county division as defined by the Bureau of the Census for purposes of defining poverty areas, in which—

"(i) the poverty rate is not less than 20 percent;

"(ii) in the case of a census tract or division located within a metropolitan area, the median family income for such tract or division does not exceed the greater of 80 percent of the statewide median family income or 80 percent of the metropolitan area median family income; or

"(iii) in the case of a census tract or division not located within a metropolitan area, the median family income for such tract or division does not exceed 80 percent of the statewide median family income; or

"(B) any area located within—

"(i) a historically underutilized business zone (HUBZone), as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p));

"(ii) an urban empowerment zone or an urban enterprise community, as designated by the Secretary of the Department of Housing and Urban Development; or

"(iii) a rural empowerment zone or a rural enterprise community, as designated by the Secretary of the Department of Agriculture.

"(3) NEW MARKETS VENTURE CAPITAL COMPANY.—The term 'New Markets Venture Capital company' means a company that—

"(A) has been granted final approval by the Administration under section 354(e); and

"(B) has entered into a participation agreement with the Administration.

"(4) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

"(5) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administration and a company granted final approval under section 354(e), that—

"(A) details the company's operating plan and investment criteria; and

"(B) requires the company to make investments in smaller enterprises at least 80 percent of which are located in low- or moderate-income geographic areas.

"(6) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—The term 'specialized small business investment company' means any small business investment company that—

"(A) invests solely in small business concerns that contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages;

"(B) is organized or chartered under State business or nonprofit corporations statutes, or formed as a limited partnership; and

"(C) was licensed under section 301(d), as in effect before September 30, 1996.

"SEC. 352. PURPOSES.

"The purposes of the New Markets Venture Capital Program established under this part are—

"(1) to promote economic development and the creation of wealth and job opportunities in low- or moderate-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas; and

"(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises located in low- and moderate-income geographic areas, to be administered by the Administration—

"(A) to enter into participation agreements with New Markets Venture Capital companies;

"(B) to guarantee debentures of New Markets Venture Capital companies to enable each such company to make developmental venture capital investments in smaller enterprises in low- or moderate-income geographic areas; and

"(C) to make grants to New Markets Venture Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

"SEC. 353. ESTABLISHMENT.

"In accordance with this part, the Administration shall establish a New Markets Venture Capital Program, under which the Administration may—

"(1) enter into participation agreements with companies granted final approval under section 354(e) for the purposes set forth in section 352;

"(2) guarantee the debentures issued by New Markets Venture Capital companies as provided in section 355; and

"(3) make grants to New Markets Venture Capital companies, and to other entities, under section 358.

"SEC. 354. SELECTION OF NEW MARKETS VENTURE CAPITAL COMPANIES.

"(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a New Markets Venture Capital company, in the program established under this part if—

"(1) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

"(2) the company has a management team with experience in community development financing or relevant venture capital financing; and

"(3) the company has a primary objective of economic development of low- or moderate-income geographic areas.

"(b) APPLICATION.—To participate, as a New Markets Venture Capital company, in the program established under this part a company meeting the eligibility requirements set forth in subsection (a) shall submit an application to the Administration that includes—

"(1) a business plan describing how the company intends to make successful developmental venture capital investments in identified low- or moderate-income geographic areas;

"(2) information regarding the community development finance or relevant venture capital qualifications and general reputation of the company's management;

"(3) a description of how the company intends to work with community organizations and to seek to address the unmet capital needs of the communities served;

"(4) a proposal describing how the company will use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company will use licensed professionals, where applicable, on the company's staff or from an outside entity;

"(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

"(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the objectives of the program established under this part;

"(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the company's business plan; and

"(8) such other information as the Administration may require.

"(c) CONDITIONAL APPROVAL.—

"(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administration shall, in accordance with this subsection, conditionally approve companies to participate in the New Markets Venture Capital Program.

"(2) SELECTION CRITERIA.—In selecting companies under paragraph (1), the Administration shall consider the following:

"(A) The likelihood that the company will meet the goals of its business plan.

"(B) The experience and background of the company's management team.

"(C) The need for developmental venture capital investments in the geographic areas in which the company intends to invest.

"(D) The extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest.

"(E) The likelihood that the company will be able to satisfy the conditions under subsection (d).

"(F) The extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest.

"(G) The strength of the company's proposal to provide operational assistance under this part as the proposal relates to the ability of the applicant to meet applicable cash requirements and properly utilize in-kind contributions, including the use of resources for the services of licensed professionals whether provided by persons on the company's staff or by persons outside of the company.

"(H) Any other factors deemed appropriate by the Administration.

"(3) NATIONWIDE DISTRIBUTION.—The Administration shall select companies under paragraph (1) in such a way that promotes investment nationwide.

"(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—The Administration shall grant each conditionally approved company a period of time, not to exceed 2 years, to satisfy the following requirements:

"(1) CAPITAL REQUIREMENT.—Each conditionally approved company must raise not less than $5,000,000 of private capital or binding capital commitments from 1 or more investors (other than agencies or departments of the Federal Government) who meet criteria established by the Administration.

"(2) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company—

"(A) must have binding commitments (for contribution in cash or in kind)—

"(i) from any sources other than the Administration that meet criteria established by the Administration;

"(ii) payable or available over a multiyear period acceptable to the Administration (not to exceed 10 years); and

"(iii) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1);

"(B) must have purchased an annuity—

"(i) from an insurance company acceptable to the Administration;

"(ii) using funds (other than the funds raised under paragraph (1)) from any source other than the Administration; and

"(iii) that yields cash payments over a multiyear period acceptable to the Administration (not to exceed 10 years) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1); or

"(C) must have binding commitments (for contributions in cash or in kind) of the type described in subparagraph (A) and must have purchased an annuity of the type described in subparagraph (B), which in the aggregate make available, over a multiyear period acceptable to the Administration (not to exceed 10 years), an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1).

"(e) FINAL APPROVAL.—The Administration shall grant to a company conditionally approved under subsection (c) final approval to participate in the program established under this part after the company has met the requirements set forth in subsection (d).

"SEC. 355. DEBENTURES.

"(a) IN GENERAL.—The Administration may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any New Markets Venture Capital company.

"(b) TERMS AND CONDITIONS.—The Administration may make guarantees under this section on such terms and conditions as it deems appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

"(d) MAXIMUM GUARANTEE.—

"(1) IN GENERAL.—Under this section, the Administration may guarantee the debentures issued by a New Markets Venture Capital company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administration.

"(2) Treatment of certain federal funds.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than an agency or department of the Federal Government.

"SEC. 356. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

"(a) Issuance.—The Administration may issue trust certificates representing ownership of all or a fractional part of debentures issued by a New Markets Venture Capital company and guaranteed by the Administration under this part, if such certificates are based on and backed by a trust or pool approved by the Administration and composed solely of guaranteed debentures.

"(b) Guarantee.—

"(1) In general.—The Administration may, under such terms and conditions as it deems appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administration or its agents for purposes of this section.

"(2) Limitation.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

"(3) Prepayment or default.—In the event that a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administration only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

"(c) Full Faith and Credit of the United States.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administration or its agents under this section.

"(d) Fees.—The Administration shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administration may collect a fee approved by the Administration for the functions described in subsection (f)(2).

"(e) Subrogation and Ownership Rights.—

"(1) Subrogation.—In the event the Administration pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

"(2) Ownership rights.—No Federal, State, or local law shall preclude or limit the exercise by the Administration of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

"(f) Management and Administration.—

"(1) Registration.—

"(A) In general.—The Administration may provide for a central registration of all trust certificates issued under this section.

"(B) Forms of registration.—Nothing in this subsection shall prohibit the use of a book entry or other electronic form of registration for trust certificates.

"(2) Contracting of functions.—

"(A) In general.—The Administration may contract with an agent or agents to carry out on behalf of the Administration the pooling and the central registration functions provided for in this section including, notwithstanding any other provision of law—

"(i) maintenance, on behalf of and under the direction of the Administration, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

"(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

"(B) Fidelity bond or insurance requirement.—Any agent performing functions on behalf of the Administration under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administration determines to be necessary to fully protect the interests of the United States.

"(3) Applicability of the Securities Exchange Act of 1934.—Notwithstanding section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)), trust certificates issued under this section shall not be treated as government securities for the purposes of that Act.

"SEC. 357. FEES.

"Except as provided in section 356(d), the Administration may charge such fees as it deems appropriate with respect to any guarantee or grant issued under this part.

"SEC. 358. OPERATIONAL ASSISTANCE GRANTS.

"(a) In General.—

"(1) Authority.—In accordance with this section, the Administration may make grants to New Markets Venture Capital companies and to other entities, as authorized by this part, to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

"(2) Terms.—Grants made under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administration may require.

"(3) Grants to specialized small business investment companies.—

"(A) Authority.—In accordance with this section, the Administration may make grants to specialized small business investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies after the effective date of the New Markets Venture Capital Program Act of 2000.

"(B) Use of funds.—

"(i) In general.—The proceeds of a grant made under this paragraph may be used by the company receiving such grant only to provide operational assistance in connection with an equity investment (made with capital raised after the effective date of the New Markets Venture Capital Program Act of 2000) in a business located in a low- or moderate-income geographic area.

"(ii) Additional limitation.—Operational assistance referred to in clause (i) may not be provided in connection with more than 1 equity investment.

"(C) Submission of plans.—A specialized small business investment company shall be eligible for a grant under this section only if the company submits to the Administrator, in such form and manner as the Administrator may require, a plan for use of the grant.

"(4) Grant amount.—

"(A) New Markets Venture Capital companies.—The amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the company under with section 354(d)(2).

"(B) Other entities.—The amount of a grant made under this subsection to any entity other than a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to New Markets Venture Capital companies set forth in section 354(d)(2).

"(5) Pro rata reductions.—If the amount made available to carry out this section is insufficient for the Administration to provide grants in the amounts provided for in paragraph (4), the Administration shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

"(b) Supplemental Grants.—

"(1) In general.—The Administration may make supplemental grants to New Markets Venture Capital companies and to other entities, as authorized by this part, under such terms as the Administration may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

"(2) Matching requirement.—The Administration may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in cash or in kind), other than those provided by the Administration, a matching contribution equal to the amount of the supplemental grant.

"(c) Limitation.—None of the assistance made available under this section may be used for any operating expense of a New Markets Venture Capital company or a specialized small business investment company.

"SEC. 359. BANK PARTICIPATION.

"(a) In General.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any New Markets Venture Capital company, or in any entity established to invest solely in New Markets Venture Capital companies.

"(b) Limitation.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

"SEC. 360. FEDERAL FINANCING BANK.

"Section 318 shall not apply to any debenture issued by a New Markets Venture Capital company under this part.

"SEC. 361. REPORTING REQUIREMENTS.

"Each New Markets Venture Capital company that participates in the program established under this part shall provide to the Administration such information as the Administration may require, including—

"(1) information related to the measurement criteria that the company proposed in its program application; and

"(2) in each case in which the company under this part makes an investment in, or a loan or grant to, a business that is not located in a low- or moderate-income geographic area, a report on the number and percentage of employees of the business who reside in such areas.

"SEC. 362. EXAMINATIONS.

"(a) In General.—Each New Markets Venture Capital company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Administration in accordance with this section.

"(b) Assistance of Private Sector Entities.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

"(c) COSTS.—

"(1) ASSESSMENT.—

"(A) IN GENERAL.—The Administration may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

"(B) PAYMENT.—Any company against which the Administration assesses costs under this paragraph shall pay such costs.

"(2) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Administration.

"SEC. 363. INJUNCTIONS AND OTHER ORDERS.

"(a) IN GENERAL.—Whenever, in the judgment of the Administration, a New Markets Venture Capital company or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administration may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Administration that such New Markets Venture Capital company or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

"(b) JURISDICTION.—In any proceeding under subsection (a), the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the New Market Venture Capital company and the assets thereof, wherever located, and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

"(c) ADMINISTRATION AS TRUSTEE OR RECEIVER.—

"(1) AUTHORITY.—The Administration may act as trustee or receiver of a New Markets Venture Capital company.

"(2) APPOINTMENT.—Upon request of the Administration, the court may appoint the Administration to act as a trustee or receiver of a New Markets Venture Capital company unless the court deems such appointment inequitable or otherwise inappropriate by reason of the special circumstances involved.

"SEC. 364. ADDITIONAL PENALTIES FOR NONCOMPLIANCE.

"(a) IN GENERAL.—With respect to any New Markets Venture Capital company that violates or fails to comply with any of the provisions of this Act, of any regulation issued under this Act, or of any participation agreement entered into under this Act, the Administration may in accordance with this section—

"(1) void the participation agreement between the Administration and the company; and

"(2) cause the company to forfeit all of the rights and privileges derived by the company from this Act.

"(b) ADJUDICATION OF NONCOMPLIANCE.—

"(1) IN GENERAL.—Before the Administration may cause a New Markets Venture Capital company to forfeit rights or privileges under subsection (a), a court of the United States of competent jurisdiction must find that the company committed a violation, or failed to comply, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the company is located.

"(2) PARTIES AUTHORIZED TO FILE CAUSES OF ACTION.—Each cause of action brought by the United States under this subsection shall be brought by the Administration or by the Attorney General.

"SEC. 365. UNLAWFUL ACTS AND OMISSIONS; BREACH OF FIDUCIARY DUTY.

"(a) PARTIES DEEMED TO COMMIT A VIOLATION.—Whenever any New Markets Venture Capital company violates any provision of this Act, of a regulation issued under this Act, or of a participation agreement entered into under this Act, by reason of its failure to comply with its terms or by reason of its engaging in any act or practice that constitutes or will constitute a violation thereof, such violation shall also be deemed to be a violation and an unlawful act committed by any person who, directly or indirectly, authorizes, orders, participates in, causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

"(b) FIDUCIARY DUTIES.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to omit any act or practice, in breach of the person's fiduciary duty as such officer, director, employee, agent, or participant if, as a result thereof, the company suffers or is in imminent danger of suffering financial loss or other damage.

"(c) UNLAWFUL ACTS.—Except with the written consent of the Administration, it shall be unlawful—

"(1) for any person to take office as an officer, director, or employee of any New Markets Venture Capital company, or to become an agent or participant in the conduct of the affairs or management of such a company, if the person—

"(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust, or

"(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, or breach of trust; and

"(2) for any person continue to serve in any of the capacities described in paragraph (1), if—

"(A) the person is convicted of a felony, or any other criminal offense involving dishonesty or breach of trust, or

"(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

"SEC. 366. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

"Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administration may remove or suspend any director or officer of any New Markets Venture Capital company.

"SEC. 367. REGULATIONS.

"The Administration may issue such regulations as it deems necessary to carry out the provisions of this part in accordance with its purposes.

"SEC. 368. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) IN GENERAL.—For fiscal years 2000 through 2005, the Administration is authorized to be appropriated, to remain available until expended—

"(1) such subsidy budget authority as may be necessary to guarantee $150,000,000 of debentures under this part; and

"(2) $30,000,000 to make grants under this part.

"(b) FUNDS COLLECTED FOR EXAMINATIONS.—Funds deposited under section 362(c)(2) are authorized to be appropriated only for the costs of examinations under section 362 and for the costs of other oversight activities with respect to the program established under this part.".

(c) CONFORMING AMENDMENT.—Section 20(e)(1)(C) of the Small Business Act (15 U.S.C 631 note) is amended by inserting "part A of" before "title III".

(d) CALCULATION OF MAXIMUM AMOUNT OF SBIC LEVERAGE.—

(1) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

"(2) MAXIMUM LEVERAGE.—

"(A) IN GENERAL.—After March 31, 1993, the maximum amount of outstanding leverage made available to a company licensed under section 301(c) of this Act shall be determined by the amount of such company's private capital—

"(i) if the company has private capital of not more than $15,000,000, the total amount of leverage shall not exceed 300 percent of private capital;

"(ii) if the company has private capital of more than $15,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed $45,000,000 plus 200 percent of the amount of private capital over $15,000,000; and

"(iii) if the company has private capital of more than $30,000,000, the total amount of leverage shall not exceed $75,000,000 plus 100 percent of the amount of private capital over $30,000,000 but not to exceed an additional $15,000,000.

"(B) ADJUSTMENTS.—

"(i) IN GENERAL.—The dollar amounts in clauses (i), (ii), and (iii) of subparagraph (A) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

(ii) INITIAL ADJUSTMENTS.—The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993.

"(C) INVESTMENTS IN LOW- OR MODERATE INCOME AREAS.—In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low- or moderate-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.".

(2) MAXIMUM AGGREGATE LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(4)) is amended by adding at the end the following new subparagraph:

"(D) INVESTMENTS IN LOW- OR MODERATE INCOME AREAS.—In calculating the aggregate outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low- or moderate-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.".

(e) BANKRUPTCY EXEMPTION FOR NEW MARKETS VENTURE CAPITAL COMPANIES.—Section 109(b)(2) of title 11, United States Code, is amended by inserting "a New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958," after "homestead association,".

(f) FEDERAL SAVINGS ASSOCIATIONS.—Section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended by adding at the end the following:

"(F) NEW MARKETS VENTURE CAPITAL COMPANIES.—A Federal savings association may invest in stock, obligations, or other securities of any New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958, except that a Federal savings association may not make any investment under this subparagraph if its aggregate outstanding investment under this subparagraph would exceed 5 percent of the capital and surplus of such savings association.".

SEC. 706. BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(m) BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—In accordance with this subsection, the Administrator may make grants to and enter into cooperative agreements with any coalition of private entities, public entities, or any combination of private and public entities—

"(A) to expand business-to-business relationships between large and small businesses; and

"(B) to provide businesses, directly or indirectly, with online information and a database of companies that are interested in mentor-protégé programs or community-based, state-wide, or local business development programs.

"(2) MATCHING REQUIREMENT.—Subject to subparagraph (B), the Administrator may make a grant to a coalition under paragraph (1) only if the coalition provides for activities described in paragraph (1)(A) or (1)(B) an amount, either in kind or in cash, equal to the grant amount.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $6,600,000, to remain available until expended, for each of fiscal years 2001 through 2003.".

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on the bill, H.R. 4923.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ENGLISH. Madam Speaker, I ask unanimous consent that both sides in this debate control an additional 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RANGEL. Mr. Speaker, I am in support of the bill and, under the rules of the House, the time that is allocated to me should more properly be allocated to someone that is in opposition to the bill. The gentleman from Virginia (Mr. SCOTT) is in opposition, and so I ask that the 20 minutes allotted to me be yielded to him.

The SPEAKER pro tempore. Does the gentleman object to the additional 10 minutes?

Mr. RANGEL. No, I have no objection.

The SPEAKER pro tempore. There being no objection to the request of the gentleman from Pennsylvania, the gentleman from Virginia (Mr. SCOTT) will control 30 minutes in opposition.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I yield myself 2¼ minutes.

Today, Mr. Speaker, we will vote on landmark legislation that will provide our communities with the tools they need to revitalize our cities and many of our depressed rural areas. This is the day we will provide communities the tools they need to once again become self-reliant, and with that we give people more control over their own futures.

The Community Renewal and New Markets Act breathes new life into areas that have become America's forgotten communities. With this legislation, we empower impoverished cities and towns to rise above the perils of poverty. We give them the mechanisms needed to mold faith, family, hard work, and cooperation into opportunity, while expanding the community leaders' ability to attract new investment and grow existing businesses.

This bipartisan community renewal initiative will provide poor inner cities and rural areas with workable mechanisms that allow them to evaluate the needs in their communities and address them. This bill creates 40 renewal communities with targeted pro-growth tax benefits, homeownership opportunities, and other incentives that address the principal hurdles facing budding small businesses: raising capital and maintaining cash flow.

In a renewal community, individuals would not pay capital gains taxes on the sale of renewal community businesses and business assets held for more than 5 years. Small businesses would also be able to expense up to $35,000 more in equipment than they are able to under current law. And those who revitalize buildings located in these renewal communities will receive a special deduction.

Beyond that, this bill will stimulate State efforts to build the necessary infrastructure and rebuild economically depressed areas by accelerating the scheduled increase in the amount of tax exempt private bonds. Even more importantly, we will increase the amount of low-income tax credits a State can allocate. This translates into more and better housing opportunities for low-income families.

Today, through a variety of incentives, we will create a fertile environment for growth, with targeted pro-growth tax benefits, regulatory relief, savings accounts, and homeownership opportunities, as well as provide for the inclusion of local faith-based organizations. This is an opportunity for Congress to aid in lifting up those who have already been left behind during a time when many are enjoying the benefits of a prospering economy.

With this legislation, we will truly make a difference in people's lives and allow more people to participate in the American Dream.

Mr. Speaker, I submit for the RECORD material from the Joint Committee on Taxation relevant to this bill.

TECHNICAL EXPLANATION OF THE TAX PROVISIONS IN H.R. 4923 THE "COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000"

(Prepared by the Staff of the Joint Committee on Taxation)

I. INTRODUCTION

This document, prepared by the staff of the Joint Committee on Taxation, provides a technical explanation of the tax provisions contained in H.R. 4923, the "Community Renewal and New Markets Act of 2000."

II. SUMMARY

H.R. 4923, the "Community Renewal and New Markets Act of 2000," provides additional tax incentives for targeted areas that are identified as areas of pervasive poverty, high unemployment, and general economic distress. The bill also increases the limits with respect to the low-income housing tax credit and the private activity bond volume caps.

Tax incentives for renewal communities

The bill authorizes the Secretary of HUD to designate up to 40 "renewal communities" from areas nominated by States and local governments. At least eight of the designated renewal communities must be in rural areas. In general, nominated areas are ranked based on a formula that takes into account the area's poverty rate, median income, and unemployment rate. A nominated area within the District of Columbia will be designated as a renewal community (without regard to its ranking) beginning in 2003.

A nominated area that is designated as a renewal community is eligible for the following tax incentives during the period beginning July 1, 2001, and ending December 31, 2009: (1) a 100-percent capital gains exclusion for capital gain from the sale of qualifying assets acquired after June 30, 2001, and before

January 1, 2010, and held for more than five years; (2) a 15 percent wage credit to employers for the first $10,000 of qualified wages paid to each employee who (i) is a resident of the renewal community, and (ii) performs substantially all employment services within the renewal community in a trade or business of the employer; (3) a "commercial revitalization expenditure" that allows taxpayers (to the extent allocated by the appropriate State agency for the period after June 30, 2001) to deduct either (i) 50 percent of qualifying expenditures for the taxable year in which a qualified building is placed in service, or (ii) all of the qualifying expenditures ratably over a 10-year period beginning with the month in which such building is placed in service; (4) an additional $35,000 of section 179 expensing for qualified renewal property placed in service after June 30, 2001 and before January 1, 2010 by a renewal community business; (5) the expensing of certain environmental remediation expenditures incurred after June 30, 2001, and before January 1, 2010 within a renewal community; and (6) an expansion of the Work Opportunity Tax Credit with respect to qualified individuals who live in a renewal community.

Extension and expansion of empowerment zone incentives

The bill extends the designation of empowerment zone status for existing zones (other than the D.C. Enterprise Zone) through December 31, 2009. In addition, the 20-percent wage credit is made available to all existing empowerment zones beginning in 2002 (and remains at the 20-percent rate). Furthermore, $35,000 (rather than $20,000) of additional section 179 expensing is available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified zone business. The bill also extends an empowerment zone's status as a "target area" under section 198 (thus permitting expensing of certain environmental remediation costs) for costs incurred after December 31, 2001, and before January 1, 2010. Also beginning in 2002, certain businesses in existing empowerment zones (other than the D.C. Enterprise Zone) become eligible for more generous tax-exempt bond rules.

The bill also authorizes Secretaries of HUD and Agriculture to designate nine additional empowerment zones (seven to be located in urban areas and two in rural areas). The new empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the new empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009. Businesses in the new empowerment zones are eligible for the same tax incentives that, under this bill, are available to existing zones (i.e., a 20-percent wage credit, $35,000 of additional section 179 expensing, the enhanced tax-exempt financing benefits, and expensing of certain environmental remediation costs).

The bill permits a taxpayer to roll over gain from the sale or exchange of any qualified empowerment zone asset held for more than 1 year where the taxpayer uses the proceeds to purchase other qualifying empowerment zone assets (in the same zone) within 60 days of the sale of the original asset. In general, a qualifying empowerment zone asset refers to a stock or partnership investment in, or assets acquired by, a qualifying business within an empowerment zone that is purchased by a taxpayer after the date of enactment of the bill.

The bill increases to 60 percent (from 50 percent) the exclusion of gain from the sale of qualifying small business stock held more than five years where such stock also satisfies the requirements of a qualifying business under the empowerment zone rules. The provision applies to qualifying small business stock that is purchased after the date of enactment of the bill.

Provide new markets tax credit

The bill creates a new tax credit for qualified equity investments made after December 31, 2000, to acquire stock in a community development entity ("CDE"). The maximum annual amount of qualifying equity investments is capped as follows:

Calendar year	Maximum qualifying equity investment
2001	$1.0 billion
2002–2003	$1.5 billion per year
2004–2005	$2.0 billion per year
2006–2007	$3.5 billion per year

The amount of the credit allowed to the investor is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and for the first two anniversary dates after the purchase from the CDE, and (2) a six percent on each anniversary date thereafter for the following four years. The credit is recaptured if the entity fails to continue to be a CDE or the interest is redeemed within seven years.

A CDE is any domestic corporation or partnership (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons, (2) that maintains accountability to residents of low-income communities through representation on governing or advisory boards, and (3) is certified by the Treasury Department as an eligible CDE. A qualified equity investment means stock or a similar equity interest acquired directly from a CDE for cash. Substantially all of the cash must be used by the CDE to make investments in, or loans to, qualified active businesses located in low-income communities, or certain financial services to businesses and residents in low-income communities. A "low-income community" generally is defined as census tracts with either (1) poverty rates of at least 20 percent, or (2) median family income which does not exceed 80 percent of the greater of metropolitan area income or statewide median family income.

Improvements in the low-income housing tax credit

The bill increases the low-income housing credit cap to $1.75 per resident between 2001 and 2006 as follows:

Calendar year	Applicable credit amount
2001	$1.35
2002	1.45
2003	1.55
2004	1.65
2005	1.70
2006	1.75

In addition, beginning in 2001, the per capita cap is modified so that less populous States are given a minimum of $2 million of annual credit cap. The $1.75 per capita credit cap and the $2 million amount is indexed for inflation beginning in 2007. The bill also makes several programmatic changes to the credit.

Acceleration of phase-in of increase in private activity bond volume cap

The bill accelerates the scheduled phased-in increases in the present-law annual State private activity bond volume limits to $75 per resident of each State or $225 million (if greater). The increase is phased in as follows, beginning in calendar year 2001:

Calendar year	Volume limit
2001	$55 per resident ($165 million if greater)
2002	$60 per resident ($180 million if greater)
2003	$65 per resident ($195 million if greater)
2004, 2005, 2006	$70 per resident ($210 million if greater)
2007 and thereafter	$75 per resident ($225 million if greater)

III. EXPLANATION OF THE TAX PROVISIONS IN H.R. 4923

A. Renewal Community Provisions (Secs. 101–103 of the Bill)

PRESENT LAW

In recent years, provisions have been added to the Internal Revenue Code that target specific geographic areas for special Federal income tax treatment. As described in greater detail below, empowerment zones and enterprise communities generally provide tax incentives for businesses that locate within certain geographic areas designated by the Secretaries of Housing and Urban Development ("HUD") and Agriculture.

EXPLANATION OF PROVISION

The bill authorizes the designation of 40 "renewal communities" within which special tax incentives will be available.

Designation process

Designation of 40 renewal communities.—Secretary of HUD is authorized to designate up to 40 "renewal communities" from areas nominated by States and local governments. At least eight of the designated communities must be in rural areas. The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal communities are to be made within 24 months after such regulations are published. The designation of an areas as a renewal community generally will be effective on July 1, 2001, and will terminate after December 31, 2009.

Eligiblity criteria.—To be designated as a renewal community, a nominated areas must meet the following criteria: (1) each census tract must have a poverty rate of at least 20 percent; (2) in the case of urban area, at least 70 percent of the households have incomes below 80 percent of the median income of households within the local government jurisdiction; (3) the unemployment rate is at least 1.5 times the national unemployment rate; and (4) the area is one of pervasive poverty, unemployment, and general distress. Those areas with the highest average ranking of eligibility factors (1), (2), and (3) above would be designated as renewal communities. A nominated area within the District of Columbia becomes a renewal community (without regard to its ranking of eligibility factors) provided that it satisfies the area and eligibility requirements and the required State and local commitments described below. The Secretary of HUD shall take into account in selecting areas for designation the extent to which such areas have a high incidence of crime, as well as whether the area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas.

There are no geographic size limitations placed on renewal communities. Instead, the boundary of a renewal community must be continuous. In addition, the renewal community must have a minimum population of 4,000 if the community is located within a metropolitan statistical area (at least 1,000 in all other cases) and a maximum population of not more than 200,000. The population limitations do not apply to any renewal community that is entirely within an Indian reservation.

Required State and local communities.—In order for an area to be designated as a renewal community, State and local governments are required to submit (1) a written course of action in which the State and local governments promise to take at least four governmental actions within the nominated area from a specified list of actions, and (2) a list of at least four economic measures the State and local governments promise to take (from a specified list of measures) if the area is designated as a renewal community.

Empowerment zones and enterprise a communities seeking designation as renewal communities.—An empowerment zone or enterprise community can apply for designation as a renewal community. If a renewal community designation is granted, then an area's designation as an empowerment zone or enterprise community ceases as of the date the area's designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally would be available during the period beginning July 1, 2001, and ending December 31, 2009.

100-percent capital gain exclusion.—The bill provides a 100-percent capital gains exclusion for gain from the sale of a qualified community asset acquired after June 30, 2001 and before January 1, 2010, and held for more than five years. A "qualified community asset" includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning a partnership interest acquired for cash in a renewal community business); and (3) qualified community business property (meaning tangible property originally used in a renewal community business by the taxpayer) that is purchased or substantially improved after June 30, 2001.

A "renewal community business" is similar to the present-law definition of an enterprise zone business. Property will continue to be a qualified community asset if sold (or otherwise transferred) to a subsequent purchaser, provided that the property continues to represent an interest in (or tangible property used in) a renewal community business. The termination of an area's status as a renewal community will not affect whether property is a qualified community asset, but any gain attributable to the period before July 1, 2001, or after December 31, 2014, will not be eligible for the exclusion.

Renewal community employment credit.—A 15-percent wage credit is available to employers for the first $10,000 of qualified wages paid to each employee who (1) is a resident of the renewal community, and (2) performs substantially all employment services within the renewal community in a trade or business of the employer. The wage credit rate applies to qualifying wages paid after June 30, 2001, and before January 1, 2010.

Wages that qualify for the credit are wages that are considered "qualified zone wages" for purposes of the empowerment zone wage credit (including coordination with the Work Opportunity Tax Credit). In general, any taxable business carrying out activities in the renewal community may claim the wage credit.

Commercial revitalization deduction.—The bill allows each State to allocate up to $12 million of "commercial revitalization expenditures" to each renewal community located within the State for each calendar year after 2001 and before 2010 ($6 million for the period of July 1, 2001 through December 31, 2001). The appropriate State agency will make the allocations pursuant to a qualified allocation plan.

A "commercial revitalization expenditure" means the cost of a new building or the cost of substantially rehabilitating an existing building. The building must be used for commercial purposes and be located in a renewal community. In the case of the rehabilitation of an existing building, the cost of acquiring the building will be treated as qualifying expenditures only to the extent that such costs do not exceed 30 percent of the other rehabilitation expenditures. The qualifying expenditures for any building cannot exceed $10 million.

A taxpayer can elect either to (a) deduct one-half of the commercial revitalization expenditures for the taxable year the building is placed in service or (b) amortize all the expenditures ratably over the 120-month period beginning with the month the building is placed in service. No depreciation is allowed for amounts deducted under this provision. The adjusted basis is reduced by the amount of the commercial revitalization deduction, and the deduction is treated as a depreciation deduction in applying the depreciation recapture rules (e.g., sec. 1250).

The commercial revitalization deduction is treated in the same manner as the low income housing credit in applying the passive loss rules (sec. 469). Thus, up to $25,000 of deductions (together with the other deductions and credits not subject to the passive loss limitation by reason of section 469(i)) are allowed to an individual taxpayer regardless of the taxpayer's adjusted gross income. The commercial revitalization deduction is allowed in computing a taxpayer's alternative minimum taxable income.

Additional section 179 expensing.—A renewal community business is allowed an additional $35,000 of section 179 expensing for qualified renewal property placed in service after June 30, 2001, and before January 1, 2010. The section 179 expensing allowed to a taxpayer is phased out by the amount by which 50 percent of the cost of qualified renewal property placed in service during the year by the taxpayer exceeds $200,000. The term "qualified renewal property" is similar to the definition of "qualified zone property" under section 1397C.

Expensing of environmental remediation costs ("brownfields").—A renewal community is treated as a "targeted area" under section 198 (which permits the expensing of environmental remediation costs). Thus, taxpayers can elect to treat certain environmental remediation expenditures that otherwise would be capitalized as deductible in the year paid or incurred. This provision applies to expenditures incurred after June 30, 2001, and before January 1, 2010.

Extension of work opportunity tax credit ("WOTC").—The bill expands the high-risk youth and qualified summer youth categories in the WOTC to include qualified individuals who live in a renewal community.

EFFECTIVE DATE

Renewal communities must be designated within 24 months after publication of regulations by HUD. The tax benefits available in renewal communities are effective for the period beginning July 1, 2001, and ending December 31, 2009.

B. Extension and Expansion of Empowerment Zone Incentives (secs. 201–205 of the bill)

PRESENT LAW

Round I empowerment zones

The Omnibus Budget Reconciliation Act of 1993.("OBRA 1993") authorized the designation of nine empowerment zones ("Round I empowerment zones") and 95 enterprise communities to provide tax incentives for businesses to locate within targeted areas designated by the Secretaries of HUD and Agriculture. The targeted areas must have a condition of pervasive poverty, high unemployment, and general economic distress, and satisfy certain eligibility criteria, including specified poverty rates and population and geographic size limitations. Six of the empowerment zones are located in urban areas and three are located in rural areas. The Taxpayer Relief Act of 1997 ("1997 Act") authorized the designation of two additional Round I urban empowerment zones.

Businesses in the 11 Round I empowerment zones qualify for the following tax incentives: (1) a 20-percent wage credit for the first $15,000 of wages paid to a zone resident who works in the empowerment zone, (2) an additional $20,000 of section 179 expensing for qualifying zone property, and (3) expanded tax-exempt financing for certain qualifying zone facilities. Businesses in the enterprise communities are eligible for the expanded tax-exempt financing benefits, but not the other tax incentives available to empowerment zones. The tax incentives with respect to the empowerment zones designated by OBRA 1993 generally are available during the 10-year period of 1995 through 2004. The tax incentives with respect to the two additional Round I empowerment zones generally are available during the 10-year period of 2000 through 2009 (except for the wage credit, which expires after 2007).

Round II empowerment zones

The 1997 Act also authorized the designation of 20 additional empowerment zones ("Round II empowerment zones"), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit, but are eligible to receive up to $20,000 of additional section 179 expensing. Businesses in the Round II empowerment zones also are eligible for more generous tax-exempt financing benefits than those available in the Round I empowerment zones. Specifically, the tax-exempt financing benefits for the Round II empowerment zones are not subject to the State private activity bond volume caps (but are subject to separate per-zone volume limitations), and the per-business size limitations that apply to the Round I empowerment zones and enterprise communities (i.e., $3 million for each qualified enterprise zone business with a maximum of $20 million for each principal user for all zones and communities) do not apply to qualifying bonds issued for Round II empowerment zones. The tax incentives with respect to the Round II empowerment zones generally are available during the 10-year period of 1999 through 2008.

EXPLANATION OF PROVISION

Extension of tax incentives for Round I and Round II empowerment zones

The designation of empowerment zone status for Round I and Round II empowerment zones (other than the District of Columbia Enterprise Zone) is extended through December 31, 2009. In addition, the 20-percent wage credit is made available in all Round I and II empowerment zones for qualifying wages paid or incurred after December 31, 2001. The credit rate remains at 20 percent (rather than being phased down) through December 31, 2009, in Round I and Round II empowerment zones.

In addition, $35,000 (rather than $20,000) of additional section 179 expensing is available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified business in any of the empowerment zones. Businesses in the D.C. Enterprise Zone are entitled to the additional section 179 expensing until the termination of the D.C. zone designation. The bill also extends an empowerment zone's status as a "targeted area" under section 198 (thus permitting expensing of environmental remediation costs). The bill applies to expenses incurred after December 31, 2001, and before January 1, 2010.

Businesses located in Round I empowerment zones (other than the D.C. Enterprise Zone) also are eligible for the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The bill applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the bill.

Nine new empowerment zones

The Secretaries of HUD and Agriculture are authorized to designate nine additional empowerment zones ("Round III empowerment zones"). Seven of the Round III empowerment zones would be located in urban areas, and two would be located in rural areas.

The eligibility and selection criteria for the Round III empowerment zones are the same as the criteria that applied to the Round II empowerment zones. The Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009.

Businesses in the Round III empowerment zones are eligible for the same tax incentives that, under the bill, are available to Round I and Round II empowerment zones (i.e., a 20-percent wage credit, an additional $35,000 of section 179 expensing, and the enhanced tax-exempt financing benefits presently available to Round II empowerment zones). The Round III empowerment zones also are considered "targeted areas" for purposes of permitting expensing of certain environmental remediation costs under section 198.

EFFECTIVE DATE

The extension of the existing empowerment zone designations is effective after the date of enactment.

The extension of the tax benefits to existing empowerment zones (i.e., the expanded wage credit, the additional section 179 expensing, the brownfields designation, and the more generous tax-exempt bond rules generally is effective after December 31, 2001.

The new Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009.

C. Rollover of gain from the sale of a qualified empowerment zone investment (sec. 206 of the bill)

PRESENT LAW

In general, gain or loss is recognized on any sale, exchange, or other disposition of property. A taxpayer (other than a corporation) may elect to roll over without payment of tax any capital gain realized upon the sale of qualified small business stock held for more than six months where the taxpayer uses the proceeds to purchase other qualified small business stock within 60 days of the sale of the original stock.

EXPLANATION OF PROVISION

Under the bill, a taxpayer can elect to roll over capital gain from the sale or exchange of any qualified empowerment zone asset purchased after the date of enactment and held for more than one year ("original zone asset") where the taxpayer uses the proceeds to purchase other qualifying empowerment zone assets in the same zone ("replacement zone asset") within 60 days of the sale of the original zone asset. The holding period of the replacement zone asset includes the holding period of the original zone asset, except that the replacement zone asset must actually be held for more than one year to qualify for another tax-free rollover. The basis of the replacement zone asset is reduced by the gain not recognized on the rollover. However, if the replacement zone asset is qualified small business stock (as defined in sec. 1202), the exclusion under section 1202 would not apply to gain accrued on the the original zone assets. A "qualified empowerment zone asset" means an asset that would be a qualified community asset if the empowerment zone were a renewal community (and the asset is acquired after the date of enactment of the bill). Assets in the D.C. Enterprise Zone are not eligible for the tax-free rollover treatment.

EFFECTIVE DATE

The provision is effective for qualifying assets purchased after the date of enactment.

D. Increased exclusion of gain from the sale of qualifying empowerment zone stock (sec. 207 of the bill)

PRESENT LAW

Under present law, an individual, subject to limitations, may exclude 50 percent of the gain from the sale of qualifying small business stock held more than five years (sec. 1202).

EXPLANATION OF PROVISION

The exclusion for small business stock is increased to 60 percent for stock purchased after the date of enactment in a corporation that is a qualified business entity and that is held for more then five years. A "qualified business entity" means a corporation that satisfies the requirements of a qualifying business under the empowerment zone rules (sec. 1379B(b)) during substantially all the taxpayer's holding period.

EFFECTIVE DATE

The provision is effective for qualified stock purchased after the date of enactment.

E. New markets tax credit (sec. 301 of the bill)

PRESENT LAW

Some tax incentives are available to taxpayers making investments and loans in low-income communities. For example, tax incentives are available to taxpayers that invest in specialized small business investment companies licensed by the Small Business Administration to make loans to, or equity investments in, small businesses owned by persons who are socially or economically disadvantaged.

EXPLANATION OF PROVISION

The bill creates a new tax credit for qualified equity investments made to acquire stock in a selected community development entity ("CDE"). The maximum annual amount of qualifying equity investments is capped as follows:

Calendar year	Maximum qualifying equity investment
2001	$1.0 billion
2002–2003	$1.5 billion per year
2004–2005	$2.0 billion per year
2006–2007	$3.5 billion per year

The amount of the new tax credit to the investor (either the original purchaser or a subsequent holder) is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and the first two anniversary dates after the interest is purchased from the CDE, and (2) a six percent credit on each anniversary date thereafter for the following four years. The taxpayer's basis in the investment is reduced by the amount of the credit (other than for purposes of calculating the capital gain exclusion under sections 1202, 1400B, and 1400F). The credit is subject to the general business credit rules.

A CDE is any domestic corporation or partnership (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons, (2) that maintains accountability to residents of low-income communities through representation on governing or advisory boards, or otherwise and (3) is certified by the Treasury Department as an eligible CDE. No later than 60 days after enactment, the Treasury Department shall issue regulations that specify objective criteria to be used by the Treasury to allocate the credits among eligible CDEs. In allocating the credits, the Treasury Department will give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities.

If a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department can authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2014.

A "qualified equity investment" is defined as stock or a similar equity interest acquired directly from a CDE in exchange for cash. Substantially all of the investment proceeds must be used by the CDE to make "qualified low-income community investments," meaning equity investments in, or loans to, qualified active businesses located in low-income communities, certain financial counseling and other services specified in regulations to businesses and residents in low-income communities.

The stock or equity interest cannot be redeemed (or otherwise cashed out) by the CDE for at least seven years. If an entity fails to be a CDE during the seven-year period following the taxpayer's investment, or if the equity interest is redeemed by the issuing CDE during that seven-year period, then any credits claimed with respect to the equity interest are recaptured (with interest) and no further credits are allowed.

A "low-income community" is defined as census tracts with either (1) poverty rates of at least 20 percent (based on the most recent census data), or (2) median family income which does not exceed 80 percent of the greater of metropolitan area income or statewide median family income (for a non-metropolitan census tract, 80 percent of non-metropolitan statewide median family income).

A "qualified active business" is defined as a business which satisfies the following requirements: (1) at least 50 percent of the total gross income of the business is derived from the active conduct of trade or business activities in low-income communities; (2) a substantial portion of the use of the tangible property of such business is used within low-income communities; (3) a substantial portion of the services performed for such business by its employees is performed in low-income communities; and (4) less than 5 percent of the average aggregate of unadjusted bases of the property of such business is attributable to certain financial property or to collectibles held for sale to customers). There is no requirement that employees of the business be residents of the low income community.

Rental of improved commercial real estate located in a low-income community is a qualified active business, regardless of the characteristics of the commercial tenants of the property. The purchase and holding of unimproved real estate is not a qualified active business. In addition, a qualified active business does not include (a) any business consisting predominantly of the development or holding of intangibles for sale or license; (b) operation of any facility described in sec. 144(c)(6)(B); or (c) any business if a significant equity interest in such business is held by a person who also holds a significant equity interest in the CDE. A qualified active business can include an organization that is organized on a non-profit basis.

EFFECTIVE DATE

The provision is effective for qualified investment made after December 31, 2000.

F. INCREASE LOW-INCOME HOUSING TAX CREDIT CAP AND RELATED PROGRAM MODIFICATIONS (SECS. 401–407 OF THE BILL)

PRESENT LAW

The low-income housing tax credit may be claimed annually over a 10-year period for the cost of rental housing occupied by tenants having incomes below specified levels. The credit percentage of newly constructed or substantially rehabilitated housing that is not Federally subsidized is adjusted monthly by the IRS so that the 10 annual installments have a present value of 70 percent of the total qualified expenditures. The credit percentage for new substantially rehabilitated housing also receiving most other Federal subsidies and for existing housing is calculated to have a present value of 30 percent of the total qualified expenditures. The new credit authority provided annually is $1.25 per resident of each State. Projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private bond volume limit and receive the low income housing credit outside the State's credit cap.

EXPLANATION OF PROVISION

The bill increases the annual State credit caps from $1.25 to $1.75 per resident during the period between years 2001 and 2006 as follows:

Calendar year	*Applicable credit amount*
2001	$1.35
2002	1.45
2003	1.55
2004	1.65
2005	1.70
2006	1.75

In addition, beginning in 2001, the per capita cap is modified so that small population states are given a minimum of $2 million of annual credit cap. The $1.75 per capita credit cap and the $2 million amount are indexed for inflation beginning in 2007. The bill also makes several programmatic changes to the credit.

EFFECTIVE DATE

The provisions generally are effective for calendar years after December 31, 2000, and buildings placed in service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds subject to the private activity bond volume limit which are issued after such date.

G. INCREASE IN PRIVATE ACTIVITY BOND STATE VOLUME LIMITS (SEC. 501 OF THE BILL)

PRESENT LAW

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted or paid for by the governmental units. Interest on bonds issued by these governmental units to finance activities carried out and paid for by private persons ("private activity bonds") is taxable unless the activities are specified in the Code. Private activity bonds on which interest may be tax exempt include bonds for privately-operated transportation facilities (airports, docks and wharves, mass transit, and high speed rail facilities), privately-owned or privately-provided municipal services (water, sewer, solid waste disposal, and certain electric and heating facilities), economic development (small manufacturing facilities and redevelopment in economically depressed areas), certain social programs (low-income rental housing, qualified mortgage bonds, student loan bonds, and exempt activities of charitable organizations described in Code sec. 501(c)(3)).

The volume of tax-exempt private activity bonds that States and local governments may issue in each calendar year is limited by State-wide volume limits. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain governmentally owned, but privately operated, solid waste disposal facilities, certain high speed rail facilities, and certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain empowerment zone and enterprise community bonds). The current annual volume limits are $50 per resident of the State or $150 million (if greater). An increase in these volume limits to $75 per resident or $225 million (if greater) is scheduled to be phased-in during calendar years 2003–2007.

EXPLANATION OF PROVISION

The bill accelerates the currently scheduled phased increase in the present-law annual State private activity bond volume limits to $75 per resident of each State or $225 million (if greater). The increase is phased-in as follows, beginning in calendar year 2001:

Calendar year	Volume limit
2001	$55 per resident ($165 million if greater)
2002	$60 per resident ($180 million if greater)
2003	$65 per resident ($195 million if greater)
2004, 2005, 2006	$70 per resident ($210 million if greater)
2007 and thereafter	$75 per resident ($225 million if greater)

EFFECTIVE DATE

The volume limit increases are effective beginning in calendar year 2001.

ESTIMATED REVENUE EFFECTS ON H.R. 4923, THE "COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000"—FISCAL YEARS 2001–2005

[Millions of Dollars]

Provision	Effective	2001	2002	2003	2004	2005	2001–05
1. Designate 40 renewal communities, 8 of which are in rural areas, to receive the following tax benefits: 0% capital gains tax rate on qualifying assets held more than 5 years; deduction for qualified revitalization expenditures, capped at $6 million per community in 2001 and $12 million thereafter; an additional $35,000 of section 179 expensing; expensing of qualifying environmental remediation costs; a wage credit of 15% on first $10,000 of qualified wages	DOE [1]	−75	−545	−576	−578	−606	−2,380
2. Provide new markets tax credit with allocation authority of $1.0 billion in 2001, $1.5 billion in 2002 and 2003, $2.0 billion in 2004 and 2005, and $3.5 billion in 2006 and 2007	ima 12/31/00	−2	−18	−115	−246	−365	−747
3. Designate 9 new empowerment zones, extend present-law empowerment zone designations through 12/31/09, expand the 20% wage credit to all empowerment zones, increase the additional section 179 expensing to $35,000 for all empowerment zones including D.C. in 2002, and extend the more favorable round II tax exempt financing rules to all existing and new empowerment zones excluding D.C.	DOE [2]	....	−246	−476	−474	−541	−1,737
4. Capital gain rollover of empowerment zone assets and increased exclusion of gain on sale of certain empowerment zone investments	ima DOE	(3)	−3	−15	−32	−52	−102
5. Improvements in the Low-Income Housing Credit—increase per capita credit to $1.35 in 2001, $1.45 in 2002, $1.55 in 2003, $1.65 in 2004, $1.70 in 2005, $1.75 in 2006, and indexed for inflation thereafter; $2 million small State minimum beginning in 2001 and indexed for inflation beginning in 2007; modify stacking rules and credit allocation rules; certain Native American housing assistance disregarded in determining whether building is Federally subsidized for purposes of the low-income housing credit	tyba 12/31/00	−4	−24	−68	−140	−239	−475
6. Accelerate 5-year phasein of private activity bond volume cap	cyba 12/31/00	−10	−39	−80	−122	−155	−406
Net total	....	−91	−875	−1,330	−1,592	−1,958	−5,847

[1] The Secretary of Housing and Urban Development must prescribe regulations for the nomination process no later than 4 months after the date of enactment.

[2] Area may be designated as an empowerment zone any time after the date of enactment and before 1/1/02. The tax benefits generally become effective after 12/31/01 and terminate on 12/31/09.

[3] Loss of less than $500,000.

Note: Details may not add to totals due to rounding.

Legend for "Effective" column: cyba = calendar years beginning after; DOE = date of enactment; ima = investments made after; tyba = taxable years beginning after.

Mr. ENGLISH. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, this is an awkward process because the bill was just printed up late last night, and we have not gotten a final version of it. I assume it is the same version that we saw a couple of days ago.

This bill contains some provisions that are truly troublesome; and we are in the process right now, because we are under suspension of the rules, where there is no opportunity to amend the bill to eliminate the problem created by the charitable choice provisions of the bill. Now, usually, even if we have a closed rule and cannot offer amendments, at least we have a rule and we can argue about whether or not we should have had the opportunity to offer an amendment. But we do not even have that. We have to vote this thing up or down.

We have heard comments about the good in the bill. The charitable choice provision is a provision that will allow direct funding of churches, and that creates a number of problems constitutionally as well as how it is implemented.

For example, Mr. Speaker, the Supreme Court, in various cases, has ruled that we cannot constitutionally fund pervasively sectarian organizations. And they use several standards: one, whether or not the program is located near a house of worship; an abundance of religious symbols on the premises; religious discrimination in the institution's hiring practices; the presence of religious activities; the purposeful articulation of a religious mission.

Well, if we look at those problems and then we look at charitable choice, where this bill will allow the direct funding of churches located near a house of worship, this is in a house of worship. An abundance of religious symbols. The bill specifically says we cannot require the removal of religious symbols. Religious discrimination in an institution's hiring practices. That is in the bill. They can discriminate. Presence of religious activities. It is in the church. So on and so forth.

This is so clearly pervasively sectarian, and, Mr. Speaker, that is why many organizations have written us. In one letter, that came today, a group wrote, "This charitable choice provision threatens the beneficiaries' religious liberties by failing to protect them from discrimination based on their refusal to participate in religious activities by a tax-funded religious provider." The provision further threatens to excessively entangle the institutions of church and State, and they oppose the charitable choice provisions.

The list includes the American Association of University Women, the American Baptist Churches, the American Civil Liberties Union, the American Jewish Congress, the Americans United for Separation of Church and State, the Baptist Joint Committee for Public Affairs, and that is just through the B's in the list. That is why this provision should be deleted.

Mr. Speaker, there is another problem with the bill, and that is the way it deals with drug treatment programs. By specifically funding the church-run drug programs, we fund in the bill findings by Congress, and let me read them so my colleagues will know what is in the bill: "Congress finds that establishing unduly rigid or uniform educational qualifications for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs, and such educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services."

□ 1200

It further says that "the Government shall not discriminate against education and training provided to such personnel by religious organizations so long as education and training includes basic content substantially equivalent to the content provided by nonreligious organizations that the state or local government would credit for purposes of determining whether the relevant requirements have been satisfied."

That is a provision that has provoked a number of drug counseling organizations to write to oppose the bill, including the American Counseling Association, the American Mental Health Counselors Association, the American Public Health Association, the American Psychological Association, the American Society for Addiction Medicine, and the Anxiety Disorder Association of America. That just gets us down through the A's.

There is another provision in here that adds insult to injury; and that is, if a person does not want to participate in the church-run program, that they are entitled to be referred to a separate but equal program somewhere else.

I think it is an insult to suggest that Brown v. Board of Education is not alive and well in America.

But there is a final provision in the bill that I think is particularly egregious, and this is a provision that allows the sponsors of Federal programs to discriminate in their hiring based on religion.

There is a provision in section 582(e) of the bill that says specifically that the title VII prohibition against discrimination in hiring based on religion will not apply to these programs.

Civil rights laws should apply to federally funded programs, Mr. Speaker. The idea that religious bigotry might take place with Federal funds in this bill is not speculative. The bill specifically provides that religious sponsors are not covered by title VII of the Civil Rights Act.

During the prior debates we have had on charitable choice, we have heard how this would work. Cited on page H 4687 of the CONGRESSIONAL RECORD on June 22 of last year, the gentleman from Texas (Mr. EDWARDS) asked a major sponsor of charitable choice if a religious organization using Federal funds could fire or refuse to hire a perfectly qualified employee because of that person's religion; and the response from the supporter of charitable choice, which was never disputed during that debate or subsequent debates was, "a Jewish organization can fire a Protestant if they choose."

Last month, the supporter of charitable choice was quoted in Congressional Quarterly saying that "organizations should not be barred from Federal funds because they are a Christian organization and they like to hire Christians."

Mr. Speaker, there was a time when some Americans because of their religion were not considered qualified for certain jobs. In fact, before 1960 it was thought a Catholic could not be elected president. And before the civil rights laws of the 1960s, people of certain religions suffered invidious discrimination in employment routinely.

Fortunately, the civil rights laws of the 1960's put an end to that practice and we no longer see signs suggesting that those of certain religions need not apply for certain jobs.

Now, when those civil rights laws were passed, there was a common sense exception that allowed religious organizations to discriminate based on religion. When, for example, a Catholic church hires a priest, they can, of course, require that the prospective priest be Catholic. Or when a Jewish synagogue hires a rabbi, they can, of course, require that the rabbi be Jewish. But those exemptions apply to private funds, not Federal funds.

Many religious organizations already sponsor Federal funds. Catholic charities will sponsor federally funded programs. But one does not have to be Catholic to get a job because the civil rights laws apply to Federal funds.

Lutheran Family Services sponsors Federally funded programs, but one does not have to be Lutheran to get a job. Yet, section 582(e) specifically provides that programs' sponsors can look a job applicant in the eye and say that, although this is being run with Federal taxpayers' money, they do not qualify for a job because they do not hire their kind because of their religion.

That is wrong. This bill should not pass with this. We do not have an opportunity to amend the bill because of the procedural situation we are in.

This bill, therefore, ought to be opposed because it is unconstitutional, because it funds pervasively sectarian organizations. It ought to be opposed because it insults professional drug counselors by denigrating their professional credentials. And the bill ought to be opposed because it brings back separate but equal in drug programs and specifically provides for religious bigotry in hiring with taxpayers' money.

Mr. Speaker, I frankly do not care how much money might come to my community. I am not going to turn the clock back on fundamental civil and constitutional rights.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, it is a great privilege for me to yield 4 minutes to the gentleman from Missouri

(Mr. TALENT) one of the most active advocates of community renewal legislation over the last few Congresses.

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding me the time. I appreciate his advocacy on the Committee on Ways and Means and generally for these kinds of communities. I know he represents a number of distressed communities. I just want to thank him for his role in getting this bill out here.

Before I make my statement, I want to take a few minutes or a brief moment to respond to the comments made by my friend, the gentleman from Virginia (Mr. SCOTT). It is a sign of his typical principle stand and his eloquence that he made such a powerful statement.

But let me just say that the part of the bill that he is referring to is a provision that simply allows faith-based drug and alcohol counseling groups to participate in Federal programs in this sense, that a voucher would be given to people who have substance abuse or alcohol problems, and they could, if they wished, use that voucher at a faith-based program if they think that would be more effective and if that fits with their life.

This is similar to what we already do with regard to day-care programs, with regard to community service block grants. It is similar to what we did in the welfare reform bill. It simply gives individuals a choice. And the reason is, quite frankly, that these groups are highly effective in stopping drug abuse. They have a 60 to 80 percent cure rate.

It is kind of foolish to operate a Federal drug and alcohol substance abuse program and exclude from participation those groups which have the greatest success in stopping drug or alcohol abuse. We simply want them to be in in the same basis in which we have allowed similar groups to participate in similar programs.

There is no constitutional problem because the choice vests in the individual. There is no more problem here than there is when a student uses a Pell Grant to go to Notre Dame or Yeshiva. It is the same principle.

I understand the concern of the gentleman, and I too regret that we brought this up under a summary procedure. And yet I would say it has been so long since we have passed a comprehensive program designed to help poor people in this country that I will take it any way I can get it. If this is the only way I can get it here, I will say to the gentleman I will take it this way.

I am sorry that he did not have more chance to study it and to comment upon it, and I appreciate his position.

Let me just say that this is the most significant anti-poverty program to come out of Washington in decades. It is significant not only in its size and its scope but also in the fact that it represents a true bipartisan consensus.

This bill is strongly supported by the President of the United States, without whose advocacy it would not be here. It is strongly supported by my friend, the gentlewoman from New York (Ms. VELÁZQUEZ); by my friend, the gentleman from Chicago (Mr. DAVIS); by the gentleman from Oklahoma (Mr. WATTS), who will speak later; by the gentleman from Pennsylvania (Mr. ENGLISH); by me; by, of course, the gentleman from New York (Mr. RANGEL), the distinguished ranking member on the Committee on Ways and Means, who graciously allowed his friend, the gentleman from Virginia (Mr. SCOTT), to have the time to speak in opposition; and because it represents principles we all agree on now.

We know the Federal Government cannot get people out of poverty by itself. We also know that individuals cannot just pull themselves up by the bootstraps when they are raised in communities where families are in distress, where the institutions of private society that the rest of us relied upon to help us grow and to be nurtured no longer exist. But they can do it with help. They can do it with help from their neighbors. And that is the key.

This bill is designed to increase the tools, the prestige, the visibility of redevelopment groups, of neighborhood intermediaries who are rebuilding the infrastructure of life in poor urban and rural communities around America.

I have traveled, as have many of the other advocates for this bill, around this country. I talked to people in San Antonio and Washington and Missouri and Indianapolis about what they are doing to help their neighbors. This are rebuilding these communities.

They are going to do it I think, Mr. Speaker, whether we do anything about it or not. But we have the privilege and the opportunity to help them with this bill.

I am pleased and proud to be part of a body that has come together without regard to party; that has set aside ideological baggage; that has worked with the President of the United States, who has taken the lead with the Speaker of the House.

Let us get this bill passed, move it over to the Senate, and show the people we can get this done for the most vulnerable among our fellow citizens.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL) the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I rise in support of this piece of legislation. It might be the most historic bipartisan piece of legislation that we have been able to agree on passed and signed into law in this session.

It is very unusual when the President of the United States can get together with the Speaker and say that something has to be done when we find this country enjoying such a robust economy and yet, know, that in many of the rural and inner-city areas, they have not the slightest idea as to what Chairman Greenspan is talking about and to see how the Speaker was able to work with the gentleman from Missouri (Mr. TALENT), the gentleman from Oklahoma (Mr. WATTS), the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from Illinois (Mr. DAVIS) and to see what we have that has worked with empowerment zones; what we can do to improve upon these things and to see what concepts really worked in order to get access to capital, which is so necessary if we are going to talk about economic growth.

The jobs from our communities, most of the jobs in the United States, they do not come from the big firms. They come from small business people that hire people from the community. And it is these people that cannot get people to really invest so that they can expand and really hire more people from the community.

But we have all types of programs to encourage investment overseas. We have the Overseas Protection Insurance Corporation that allows for people to feel more secure. And so, what we have done is to snatch some of those included in the bill and let people be able to feel just as secure as investing in their own community as they would overseas.

We hear a lot of talk when trade bills come to the House floor about how important it is going to be for us to expand our markets, how important exports are going to be, how important it is to get people to increase demand.

Well, if it can work for overseas markets, why can it not work for Americans? We have got 2 million people locked up in jail in these United States, more than all of the people in China, higher per capita than any nation in the world. And we know that, with the proper education and economic opportunity, it did not have to be this way.

We spend billions of dollars just keeping them in jail; where that, if we could create an education and economic growth situation where they know that they would be a part of it, they would opt not for jail but opt to be a part of the prosperity that we are enjoying.

So if we are concerned about creating markets, why can we not go to the poorer communities that we have to start talking about the same full employment that we have on the national average to make certain that every block, every road, every village, every community knows what the concept of full employment can be.

And when people have money that, after they pay their expenses for shelter and food and education and health care and start saving, it means that there is more money available for more people to be able to expand their businesses. But the most important thing is that they will have what? Disposable income, so that they would again get more bang for the buck, as we find that people that now have such limited incomes will have more incomes to buy the things so America can continue manufacturing.

The gentleman from Virginia (Mr. SCOTT) raises some legitimate constitutional questions, and these things have to be studied. But also we know when we are talking about treating people in drugs that we know that there are institutions that spiritually do better than other people that have been trained but still do not have the people that have the type of faith which is necessary in order to do it.

When we start walking down this road, we take some gambles because Minister Farakan has been very, very good in making certain that people who are drug addicts, people who violate the law, people who go back to jail time and time again that he has been able to cause these people to join the Muslim religion, not drink alcohol, not be promiscuous, and not to do drugs.

□ 1215

And so when you are saying that you want it for one faith-based organization, you open the door for others. I hope these type of things can be corrected. But I want to commend the members of the committees for working together in a bipartisan way and giving us a chance to vote for something.

Mr. ENGLISH. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON), a distinguished member of the Committee on Ways and Means who has been fighting for low-income housing.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding time, and I rise in strong support of this bipartisan legislation which will help revitalize our most disadvantaged communities. It simply gives communities the tools they need to revitalize their neighborhoods. It includes pro-growth tax incentives, brownfields cleanup, regulatory relief, all things that will help create jobs in our distressed cities.

I want to talk about one provision that not only deals with the regeneration of the economic base of our cities but will enable people to live close to their jobs by expanding the number of affordable housing units in our distressed neighborhoods. This bill includes an increase in the low-income housing tax credit cap and important reforms to that program. Increasing the cap has the overwhelming support of the Members of this House and will result in an expansion of the Federal-State program that has produced more affordable rental housing across America than any other program; but due to inflation, its value and its power in our lives has been eroded 50 percent.

I ask strong support of the bill of my colleagues.

Mr. SCOTT. Mr. Speaker, I yield myself 30 seconds, and that is to comment from a letter that I have received from several national organizations which says that the National Institute of Drug Addiction said that it is not the position to support these claims of 60 to 80 percent cure rates. One commonly cited study which is nearly 30 years old has never been repeated and was not published in a peer review journal. This letter was signed by, as I indicated, about 20 or 30 national drug abuse organizations.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent because of the request for additional time on both sides that the Chair allow 10 minutes additional debate on both sides of the aisle.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Pennsylvania?

Without objection, each side is recognized for an additional 10 minutes.

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Banking and Financial Services.

Mr. LAFALCE. I thank the gentleman for yielding me this time.

Mr. Speaker, an important component of today's bill is title VI, America's private investment companies, also known as APIC. This title incorporates the text of H.R. 2764 as passed by the House Committee on Banking and Financial Services earlier this spring. H.R. 2764 was introduced by myself, the gentleman from Pennsylvania (Mr. KANJORSKI), the gentlewoman from New York (Ms. VELÁZQUEZ), and a number of other Democrats last year.

APIC is a component of the administration's new markets initiative and was in fact the first component of the new markets initiative to receive congressional approval through a bipartisan vote of the House Committee on Banking and Financial Services earlier this spring.

Approval of APIC represents a bold effort to bring economic opportunities and quality jobs to individuals and communities being left behind our strong economic expansion. APIC is structured to ensure that Federal resources are targeted to create opportunities for lower-income families and individuals. This is accomplished by providing $1 billion a year in Federal loan guarantees to a number of different APICs, private investment companies, which will be established specifically to invest in businesses operating in low-income communities.

Under the legislation, substantially all investments made with APIC-guaranteed loans or equity used to support such loans must be made in low-income communities, defined as census tracts with poverty rates in excess of 20 percent or median family income levels below 80 percent of the local or State median. And successful APIC licensees must pursue public-purpose goals, which include creating good-paying jobs, making investments in low-income communities, and working with community-based organizations and residents.

APIC is structured to make maximum use of scarce Federal resources. Without going into the details, the bottom line is that a Federal credit subsidy of only $36 million a year as determined by OMB will create at least $7.5 billion in targeted investments over the next 5 years.

I would also like to note that this bill includes a number of other critical Democratic and presidential initiatives, including the new markets tax credit, the new markets venture capital program, the creation of nine additional empowerment zones, and a 40 percent increase in the volume cap for the low-income housing tax credit.

I would urge passage of this bill and immediate Senate action, also.

Mr. ENGLISH. Mr. Speaker, it gives me a great deal of pleasure to yield 2 minutes to the distinguished gentleman from Illinois (Mr. WELLER), one of the leaders on the Committee on Ways and Means on the issue of brownfields remediation.

Mr. WELLER. Mr. Speaker, I rise in strong support of this bipartisan effort to help blighted communities across America. I stand in strong support particularly of the expansion of the low-income housing tax credit provisions, something that benefits every community in America.

I thought I would take my time just to draw attention to an issue I feel that we could do more for in this legislation as it moves through the legislative process, and that is the issue of brownfields. People often wonder, what is a brownfield? As you drive through your rural or your suburban or middle-class community or inner-city community, you see that old abandoned gas station that no one ever buys and fixes up or you see that old industrial park on the side of town that no one ever buys and recycles or reuses or revitalizes, and you find out the chief reason is because it needs some environmental cleanup; and because of that financial liability, investors are hesitant to buy it.

In 1997 as part of the Balanced Budget Act, a group of us worked successfully to provide a tax incentive, a tax incentive which attracted private investors to buy these old brownfields, to clean them up; and because of fiscal concerns at the time, we left it targeted to low-income areas. Since then, as that provision has been working to clean up and revitalize low-income areas, the folks that live in the rural and suburban and middle-class communities have often said, Hey, wait a second here. There are 425,000 brownfields across America. Only about one-fifth of those qualify for the current tax incentive. Why not help those blighted areas in those communities as well.

A group of us, in fact 22 of us on the Committee on Ways and Means, cosponsored legislation to eliminate that targeting so every community, rural and suburban and middle class could benefit from it as well. Almost every member of the Committee on Ways and Means signed the letter asking that it be included as part of this bipartisan package.

Mr. Speaker, my hope is that as we move through this process that we can work together, the chairman, the ranking member, the Speaker as well as the White House, to include expanded efforts to clean up so-called brownfields. It is all about jobs. The average cleanup of a brownfield is only about $500,000; but if you think of those communities, and every community has one, has those blighted areas in communities that we can recycle, reuse and revitalize, it will help every American community. I ask that it be included as we move through the process.

Thank you for this opportunity to speak regarding H.R. 4923, the Community Renewal and New Markets Act. While I stand in support of this bill, I would like to offer my concerns regarding a provision which was not included in this bill.

For the past several months, I have been working with several of my colleagues on the Ways and Means Committee to expand the eligible sites allowed to deduct the cost of environmental remediation expenditures under Section 198 of the Code to include all brownfield sites. This provision has broad bipartisan support with 22 cosponsors from the Ways and Means Committee. A similar provision was included in the Taxpayer Refund and Relief Act of 1999 and the Senate's version of last year's extenders bill S. 1792. We had hoped to have this provision included in H.R. 4923, but were not afforded the opportunity because the bill was never brought before the Ways and Means Committee.

Brownfields sites exist throughout all of our districts—abandoned eyesores that blight our urban, rural and suburban communities drag down local economies. Many brownfields properties are located in prime business locations near critical infrastructure, including transportation, and close to a productive workforce. As Members of Congress, we should be striving to enact policies that put as many of these sites as possible back into productive use, contributing to the economic and producing good paying jobs where they are needed most.

The first step towards doing this is to remediate these sites environmentally. The U.S. Conference of Mayors estimates that there are over 400,000 brownfields sites across the country. We clearly cannot limit the treatment of Section 198 to merely targeted areas. Development of these sites will help restore many blighted areas, create jobs where unemployment is high and ease pressure to develop beyond the fringes of communities. Small, urban centered businesses often benefit most directly by this redevelopment.

Some estimates suggest that there may be as many as 150,000 brownfield sites in urban areas and up to as many as 425,000 nationwide. In a recent survey, the U.S. Conference of Mayors study estimates that approximately. 21,000 brownfield sites exist in 210 cities surveyed (large and small). This represents almost 81,000 acres of land. Two-thirds of the 210 cities surveyed estimated that if their local brownfields sites were redeveloped, it would bring in additional tax revenues between $878 million and $2.4 billion annually. More than 550,000 jobs could be created on former brownfields sites. It is estimated that the average cost of brownfields cleanup is $500,000.

In Chicago, Illinois, there are an estimated 2,000 brownfield sites. According to the Conference of Mayors study, if these sites in Chicago were cleaned up it would mean a $78 million increase in tax revenue and an increase in 34,000 jobs. This would be very important to the local economy.

Mr. Speaker, I ask that you and Chairman ARCHER continue to work with myself and other members of the Ways and Means Committee who are interested in removing the targeting requirement on the existing brownfields expensing provision to allow brownfield sites to be cleaned up in all of our districts. I ask that this provision be included in the Conference Report on H.R. 4923.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 9, 2000.

Hon. BILL ARCHER,
Chairman, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN ARCHER: This letter is to urge you to include in your chairman's mark for the pending Community Revitalization tax package a provision included in H.R. 4003, which expands the eligible sites allowed to deduct the cost of environmental remediation expenditures under Section 198 of the Code to include all brownfield sites.

As you know, this provision has broad bipartisan support with 22 cosponsors from the Ways and Means Committee. A similar provision was included in the Taxpayer Refund and Relief Act of 1999 and the Senate's version of last year's extenders bill, S. 1792.

The community revitalization tax package agreed to by President Clinton and Speaker Hastert, acknowledges the importance of cleaning up so called "brownfields" by allowing the expensing of clean up costs for such sites located within the newly added empowerment zones and renewal communities. This validates the appropriateness of the expensing policy enacted in 1997 when Section 198 was added to the Code.

However, brownfields are not limited to empowerment zones and renewal communities. Brownfields sites exist throughout our districts—abandoned eyesores that blight our urban, rural and suburban communities and drag down local economies. Many brownfields properties are located in prime business locations near critical infrastructure, including transportation, and close to a productive workforce. As Members of Congress, we should be striving to enact policies that put as many of these sites as possible back into productive use, contributing to the economy and producing good paying jobs where they are needed most.

The first step towards doing this is to remediate these sties environmentally. The U.S. Conference of Mayors estimates that there are over 400,000 brownfields sites across the country. We clearly cannot limit the treatment of Section 198 to merely targeted areas. Development of these sites will help restore many blighted areas, create jobs where unemployment is high and ease pressure to develop beyond the fringes of communities. Small, urban centered businesses often benefit most directly by this redevelopment.

Again, we urge you to include in your mark for the community revitalization package the provision in H.R. 4003 which expands the eligible sites allowed to deduct the cost of environmental remediation expenditures under Section 198 of the Code to include all brownfield sites. Simply lifting this targeting requirement would lower the cost of the measure to only $43 million.

Thank you for your consideration of this important issue.

Sincerely,

Phil Crane, Clay Shaw, Nancy Johnson, Amo Houghton, Wally Herger, Jim McCrery, Dave Camp, Jim Ramstad, Jim Nussle, Jennifer Dunn, Mac Collins, Rob Portman, Phil English, Wes Watkins, JD Hayworth, Jerry Weller, Kenny Hulshof, Scott McInnis, Ron Lewis, Mark Foley.

Charlie Rangel, Pete Stark, Bob Matsui, Bill Coyne, Sandy Levin, Ben Cardin, Jim McDermott, Gerald Kleczka, John Lewis, Richard Neal, Michael McNulty, William Jefferson, John Tanner, Xavier Becerra, Karen Thurman, Lloyd Doggett.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), who is the ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong support of H.R. 4923. One of America's most resolute first ladies, Eleanor Roosevelt, once said, "The future belongs to those who believe in the beauty of their dreams."

We have heard throughout the last 10 years how America is in the greatest economic expansion in our history. Jobs have been created at an exponential rate and prosperity is everywhere. Well, almost everywhere. You see, even in these times of great prosperity, many Americans are being left behind. Too many areas across our Nation have not seen the economic boom that has benefited so many of their fellow citizens.

Indeed, the statistics show that our communities have unemployment rates that are in some cases double the national average. What they have seen is more of the same: poverty, joblessness and hopelessness.

Today, we have taken a large step toward breaking that cycle, and breaking it permanently. H.R. 4923, the Community Renewal and New Markets Act of 2000, is an unequaled effort providing a real chance for business owners and entrepreneurs in rural and urban cities and towns throughout America. This legislation will help attract investors to places with high unemployment and too little hope for determining their own future.

One of the sections of this bill, the New Markets Venture Capital Program, provides venture capital, the principal financial tool that has created a multitude of Internet and high-tech companies that currently dot.coms the American business landscape.

In short, NMVCs are public-private partnerships that bring equity investment and technical assistance to those areas that need it the most.

Mr. Speaker, by creating these long-term partnerships between the private sector and government, we are opening up a whole new marketplace for American companies, and this is what our new enterprise will do. It will harness the entrepreneurial power that exists in these cities and towns. This initiative will rebuild these communities by providing the necessary anchors, and not just a quick fix, that will lead to real growth and opportunity.

Today, we are sending a message to every American, from the family in rural Appalachia who does not even have safe drinking water, to the Latina living in "el barrio" trying to make ends meet and the African American youth looking for an alternative to running with the local gang. This economic boom must benefit everyone and to ensure that they too will be able to live the beauty of their dreams.

I urge passage of this legislation.

Mr. ENGLISH. Mr. Speaker, it gives me great pleasure to yield 4 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), one of the most distinguished advocates of community renewal in the House.

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise in support of H.R. 4923, the Community Renewal and New Markets Act, which I was proud to sponsor along with my good friends and colleagues, the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. DAVIS).

America is truly blessed as we continue in the longest economic boom in our history. But with all this extraordinary prosperity in every region of the country, there is still an unseen hunger that we ignore at great moral peril. It is a hunger that comes from struggling neighborhoods where vacant properties become home to crack users who destroy the sense of safety and security a community needs to grow and prosper. These are the neighborhoods where potential business sites are neglected because of the cost of environmental cleanup. These are the neighborhoods where venture capital does not venture.

Despite the strongest economic growth in this Nation's history, too many people living in America's poorest neighborhoods are still being left behind. Today, we can do something about that by voting for H.R. 4923.

This legislation establishes a model that merges new ideas about venture capital, regulatory reform, drug and alcohol rehabilitation, housing and homeownership, environmental cleanup, commercial revitalization and tax incentives.

I want to commend the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) and the gentleman from Pennsylvania (Mr. ENGLISH) for working so hard to make important tax aspects of this bill work. I also want to commend the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) and the gentleman from New York (Mr. LAZIO) for their hard work on the housing and community development provisions. I also commend the gentlewoman from New York (Ms. VELÁZQUEZ), who worked tirelessly with the gentleman from Missouri (Mr. TALENT) on the small business provisions.

I want to especially thank my original cosponsors, the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. DAVIS), who shared this vision and worked tirelessly over the years to keep this legislation moving.

□ 1230

Mr. Speaker, I also want to thank Reverend Floyd Flake, who made a tremendous contribution to this legislation when he served with us here in Congress.

Most importantly, I want to thank the gentleman from Illinois (Mr. HASTERT), Speaker of the House, for not simply endorsing this bill, but for embracing this bill, and devoting himself to hours of negotiations with the White House and the President to come to the product we are voting on today.

Friends, today we can deliver hope and opportunity to America's most distressed communities. Make a difference. Vote "yes" for the Community Renewal and New Markets Act and create homeownership and opportunity in savings and get rid of these blighted spots in these communities with the brownfields effort.

Let me say before I close, I would like to thank the gentleman from New York (Mr. RANGEL), who has fought tirelessly to raise the cap on the private activities bonds. This is the only way that many of these communities will get assistance, going in and taking rundown housing complexes or complexes that financial institutions will not invest in; but by raising the cap on these private activity bonds, we can get private investment to purchase these bonds that will give the capital needed to rehab these different housing efforts within these communities. I appreciate that effort as well.

I want to thank the gentleman from Pennsylvania (Mr. ENGLISH), again, for his efforts on the Committee on Ways and Means.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania, (Mr. KANJORSKI), the ranking member of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises of the Committee on Banking and Financial Services.

Mr. KANJORSKI. Mr. Speaker, I thank my friend from Virginia (Mr. SCOTT) for the opportunity to rise in favor of passage of this bill today, but not in total satisfaction, because H.R. 4923 represents a compromise.

Unfortunately, when we have a compromise, we often do not have everything that one would think is needed. But not to make the perfect the enemy of the good, I think it is important that my colleagues in the House support this bill to move the process along.

This compromise occurs because of a lot of good people in this body, in the Senate, and, particularly, the President of the United States, have the dream of extending American opportunity to those distressed communities and pockets of America that have not participated in the economic boom of the last 8 years.

Last year, I had the occasion to travel with the President of the United States the length and width of this country. We stopped in more than a dozen communities and saw their needs. Each night at dinner or some other gathering, we discussed what we saw that day. We concluded that there was not a uniform problem in America, and not any one single community was the same as another community, in terms of its base problem. In other words, Mr. Speaker, there is no silver bullet to bring economic opportunity and improved quality of life to many of those citizens that do not share it today.

I think this legislation does go a great distance in starting to develop tools that will help economically lagging communities. Whether it be the Indian tribes of South Dakota or the inner city of Hartford, Connecticut, or the Delta of Mississippi, all of these communities will find something within this bill that can lead them along the road to more economic development and increased economic opportunity for their citizens.

I would hope, as this bill proceeds from the House to conference with the Senate, that my friends in the House will recognize that there are other good demonstration projects that are being attached as part of this bill, particularly in the Senate. Our colleague in Pennsylvania, Senator SANTORUM, for example, has added a demonstration project to renew areas by attacking regional problems comprehensively.

Included in the Senate version of the bill by Senator SANTORUM will be the Anthracite Region Redevelopment Act. The gentleman from Pennsylvania (Mr. SHERWOOD) on the Republican side and I support this plan. The gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Pennsylvania (Mr. HOLDEN) also support this proposal from the standpoint that it represents an approach and a methodology to attack land destroyed as a result of prior mining practices with a renewal and a reclamation project that is self-funded and operated by the local community. It costs this government the least amount of money to accomplish this greatest end.

It is intended that we take that demonstration project and one day move it across the coal mines of America, from Pennsylvania to Alabama and from Alabama to Montana. We can use the project to examine those areas that have suffered horrendous environmental destruction over the last 100 years. To a large extent we cannot bring back the economies of those areas without bringing back the environment of those areas. We need a Federal vehicle to accomplish that end.

This amendment that was supposed to be part of this bill in the House, and I think was agreed to by the Speaker in Chicago with the President last November, does not appear in the context of this bill. I think we all have to be good sports. Sometimes we are not happy with what happens, but I hope that the Senate will attach that amendment to the bill as it proceeds.

Mr. Speaker, I urge my colleagues on both sides of the aisle in conference to support that plan. In the meantime trying to be a sport and a player on the team for progress, I compliment both sides of the aisle and the leadership in proceeding through with this bill today.

Mr. Speaker, I urge all of my colleagues in the House to support H.R. 4923. It is the right thing to do at the right time. In the midst of American prosperity we should give those distressed communities across America an opportunity to share in the benefits that most of Americans have shared in for the last 8 years.

Mr. ENGLISH. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Pennsylvania (Mr. ENGLISH) has 27 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 15½ minutes remaining.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. LAZIO), the chairman of the Subcommittee on Housing and Community Opportunity.

Mr. LAZIO. Mr. Speaker, let me say how wonderful it feels for me to be in this Chamber and to hear a broad base of support for this incredibly important piece of legislation. On the right, on the left, there are things that we love about this bill.

Mr. Chairman, I want to thank the gentleman from Texas (Chairman ARCHER) and the gentleman from Iowa (Chairman LEACH) for their leadership in helping to refine this bill. I also want to thank the ranking members, the gentleman from New York (Mr. RANGEL), the gentleman from New York (Mr. LAFALCE), for all of their work. I want to thank the people who created the original dream of this bill, the gentleman from Oklahoma (Mr. WATTS), the gentleman from Missouri (Mr. TALENT), and the gentleman from Illinois (Mr. DAVIS), for their persistence in moving this bill forward.

There are so many people to thank, including the gentleman from Pennsylvania (Mr. ENGLISH) for his remarkable help, and I am very proud to have played a role in the development of this legislation.

I am proud to speak here in support of this bill that will help revitalize and renew some of our most underserved and most challenged communities. As you know, Mr. Speaker, this Congress has a substantial record of legislative achievement in the area of housing and community development. Earlier this year, the House passed H.R. 1776, the American Homeownership Act.

Before that, Congress passed H.R. 202, a bill to protect America's seniors. And with this bill today, we bring tax incentives. We bring regulatory relief, and we bring economic investment to our struggling inner cities and rural areas.

This legislation does many things, including the expansion of the low-income housing tax credit, and I am happy to see this. If we would have developed a program from scratch, we would develop this program, a program that puts private sector capital at risk, that forces the private sector to do the due diligence and do the research to make sure that the program works, to make sure that we get to a mixed-income development so that there are role models for our children, people going to work during the day.

It is a wonderful program, and it deserves our continued support; and we are doing it here today. I am proud of the fact that we took APIC and extended it so that our Native Americans will have a chance at that dream as well, because this dream is not just for some, it is for everybody.

I am proud of the fact that people like Taylor Pennington and her husband and their newborn baby who were living in a cramped, dirty, dilapidated studio apartment will now have the ability to move into a new housing tax credit property that will give them a sense of self, where they can organize their lives and dream those dreams we want for all of our children, because of the work here.

I am proud of the fact that this bill establishes renewable communities throughout our Nations and that places like Harlem and the South Bronx and Troy, New York, will be eligible for employment wage credits. These credits will help encourage employment of our young men and women, offer an alternative to the illegal drug economy that dominates too many of our inner cities.

By encouraging employment, young people will learn the principles of accountability, responsibility, and punctuality that are necessary for successful careers.

I am particularly proud that because of our efforts, Native Americans will not be excluded from this program as they most likely would have been without our intervention. We insisted on measures devoted to investing in Native American lands—a Native American Private Investment Corporation. In 1996, we passed the Native American Housing and Self-Determination Act to increase the creation of much needed housing on American Indian reservations. In the same manner with this bill we continue to respond to the needs of our Native American citizens.

Mr. Speaker, for decades, we have witnessed a devastating impact that failed public policies have had on too many of our American cities. This bill brings new ideas to America's neighborhoods, and I urge its strong support and adoption.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I rise in serious and enthusiastic support of this legislation. I want to commend the gentleman from Missouri (Mr. TALENT) and the gentleman from Oklahoma (Mr. WATTS) for the longstanding pursuit that they have had of this legislation.

I also want to take the opportunity to thank all of those committees that have been a part of processing it up to this point.

I also want to thank President Clinton and Speaker HASTERT for following through, following up on the commitments that they made to people as they traveled all around America, looking at communities where people had lost hope, where people had given up, where people felt that there was nothing really for them.

Now we come with legislation that not only provides hope, but provides money, resources, venture capital, provides an opportunity to attract and bring new businesses to communities where there have not been any for years and years. Wage incentives, so that you can hire people who have been unemployed, opportunities for people to know that they, too, are part of America.

Mr. Speaker, I know that some of my colleagues are concerned about the charitable-choice provisions of this legislation; but I tell my colleagues, all of my research indicates that this legislation breaks no new ground in that arena. There are already charitable choices in the welfare bill that we currently operate under. There are already charitable choices in some of the community development activities that we all need and make use of.

So while I am concerned seriously about the Constitution and upholding the law, this legislation is in compliance with both. And I would urge a yes vote, a vote for the renewal, not only of people's minds, but the renewal of their communities.

I remember a passage of scripture in the Bible that says, And they rebuilt the walls because the people had a mind to work. This legislation would not only work for renewal communities, but it would work for all of America; and I urge that we vote its passage.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS), chairman of the Subcommittee on Empowerment of the Committee on Small Business.

Mr. PITTS. Mr. Speaker, the American people are the greatest resource of this land. Every community, no matter how poor, has people in it that care deeply for their neighbors. Every community, no matter how high the crime rate, has neighbors who look out for each other.

The American people are the greatest untapped resource of community renewal in this country. By allowing faith-based organizations to do what they do best, care for people and help them grow, we will see a revolution of prosperity, even in our most distressed neighborhoods.

Statistics have shown conclusively that faith-based, community-based organizations are vastly more successful at turning lives and neighborhoods around than any government program.

Teen Challenge, a program in Pennsylvania that has operated for over 40 years, it is a faith-based drug treatment program that keeps the individuals in their program for a year. They track their graduates for 7 years after they graduate. I have seen two studies, one 70 percent, one 86 percent success rate.

The Government programs do not track their people that go through their programs, and many of them recycle. The genius of this legislation is that it replaces faceless bureaucracies with the power of neighborly compassion. Through tax incentives and the creation of 40 new renewal communities, this bill says to leaders in distressed communities, "You go on and do what you do best. We know you'll do a better job than we can."

□ 1245

Mr. Speaker, this legislation is telling the American people that they hold the power of change, that they hold the key to the future.

Finally, Mr. Speaker, I am hopeful that the conference committee will insert the Individual Development Account legislation language in the bill, as the Senate version of the bill contains that language. As cochairman of the Renewal Alliance, along with my cochair in the Senate, Senator SANTORUM, we have been promoting this legislation for 3 years.

I want to commend the gentleman from Missouri (Mr. TALENT), the gentleman from Oklahoma (Mr. WATTS), and the President and the Speaker for their commitment to this legislation.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I am pleased that H.R. 4106, the Savings for Working Families Act, was included in the Senate's version of the Community Renewal and New Markets Act.

H.R. 4106, whicn I introduced with Congressman STENHOLM, creates the first nationwide Individual Development Account program.

These matched savings accounts are restricted to three uses: (1) buying a first home, (2) receiving post-secondary education or training, or (3) starting a small business.

Mr. Speaker, America is in a period of unprecedented growth. It is impossible for many to take advantage of this economic boom when one-fifth of American households do not have a bank account.

H.R. 4106 will help American families attain the American dream. While I am a strong supporter of the bill before us today, I urge my colleagues to consider including IDAs when this legislation goes to conference.

H.R. 4106 provides a tax credit to financial institutions and businesses that match the savings of the working poor through IDAs. IDAs are matched savings accounts restricted to three uses: (1) buying a first home, (2) receiving post-secondary education or training, or (3) starting a small business. All matched dollars are paid directly to the qualified financial institution and payments from the IDA are made directly to the asset provider. IDAs would be available to low-income citizens or legal residents of the U.S.

Mr. Speaker, there is an old joke that says the scariest thing an American citizen can hear is the phrase: "Hello, I'm from the federal government and I'm here to help you."

And, although it's a joke, I think there is some real wisdom there.

Many of us in this chamber can remember Lyndon Johnson's first 100 days, when he set about trying to solve every problem faced by the American people.

He planned a War on Poverty, which was designed to eradicate poverty—forever.

Well, almost 40 years later we still have poverty, and we have families who have been stuck in poverty for generations now.

Why is that?

Well, I would submit to my colleagues that government—as a rule—is unfit to solve the greatest problems of society.

Can government create a work ethic?

No.

Can government make people moral?

No.

Can government force families to stay together or communities to prosper?

No and no.

That was the problem with the Great Society.

It denied the fact that our society—and yes, it is a great one—is not only of the people, but also by the people.

Mr. SCOTT. Mr. Speaker, I yield myself 30 seconds at this point to comment on some previous speakers, one of whom said there is no new ground. Research has found that under the Welfare Reform and Community Development Block Grant, the recipients of those programs have not taken advantage of the opportunity to discriminate that is specifically provided in those bills. They have not taken advantage of it, but that would be new ground if we expand it, and organizations do take advantage of it.

Furthermore, Mr. Speaker, a 1998 GAO report found the following: Other treatment approaches such as faith-based strategies have not yet to be rigorously examined by the research community.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

REQUEST TO BE ADDED AS COSPONSOR OF H.R. 4923

Mr. FATTAH. Mr. Speaker, I ask unanimous consent that my name be added as a cosponsor of this legislation.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair is unable to entertain that request. The sponsor of the bill may add a cosponsor.

Mr. FATTAH. Mr. Speaker, I rise in support of this legislation. It provides a host of rules focused at the needs of communities in which this economic expansion has not yet reached, and many of which have been referenced earlier today. I think that is appropriate that this Congress move in this direction.

I want to compliment the gentleman from Pennsylvania (Mr. ENGLISH) and also others who have been involved in moving this legislation forward, the gentleman from Missouri (Mr. TALENT) and the gentleman from Oklahoma (Mr. WATTS); but on my side of the aisle the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. RANGEL) have done an extraordinary job.

I just want to say that the President's support for the New Markets initiatives indicates once again that we can, working together, perhaps provide hope in places where hope is necessary.

I just want to say that in this Congress, to the degree that we focus in on substantive relief for people who face present problems, I think that we can all be proud of our work, and this legislation is another example of it.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Oregon (Ms. HOOLEY), a distinguished supporter of this legislation who has given this legislation a strong bipartisan tilt.

Ms. HOOLEY of Oregon. Mr. Speaker, first of all, I want to commend the President, Speaker HASTERT, and the other Members who worked so hard in a variety of committees. This bill is about hope and opportunity, to make sure that all people can share in our economic good times.

As an original cosponsor of the American Private Investment Companies Act, I have supported the President's New Markets proposals because it will bring investments to areas left behind.

In my home state of Oregon, the Portland area has been booming from an infusion of high-tech jobs, but many rural areas have actually experienced reduced employment.

Last year, our largest newspaper, the Oregonian, published an article called "A Growing Gap" which stated, "Oregon's rural counties aren't keeping pace with Portland. Despite a decade of prosperity, inequalities not only exist, but they appear to be growing."

One machinist was quoted as saying that in his hometown, people are standing in line for minimum wage jobs. What a contrast to the new economy boom towns like Seattle and Portland. APIC and other programs in this bill will work, because they bring private sector solutions that have worked so well in other areas to our distressed rural and urban areas that have been left behind.

I urge my colleagues to support this bipartisan legislation.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to raise some questions about the bill, and I would like to take this opportunity to explain that this is the kind of legislation that really tests what you stand for.

Of course, this is good legislation that includes in it a lot of the answers to questions about what are we going to do about inner cities, how are we going to get some investment. This will do a lot of that. We all support empowerment zones, we all support venture capital, we all support more housing opportunities, and the President put a lot of time into it.

This is oiled, this is greased. Both sides of the aisle have agreed that this legislation should pass. So for those of us who raise questions, we raise them knowing that, nine times out of ten, this legislation is going to pass.

However, this should not have been on the suspension calendar. It is on the suspension calendar, which eliminates the opportunity for us to make amendments. Why would we want to make amendments? For several reasons. I am raising questions on three grounds.

I object, first of all, to the placement of H.R. 4923, the Community Renewal and New Market Act, on the suspension calendar.

Second, I have serious concerns regarding the use of Federal dollars for the funding of religious-based institutions which may use the funds in a discriminatory manner. I want to tell you, the Founding Fathers did a good job of separating state and religion, and they did this for a lot of reasons. People should be free to worship their God as they see fit, but also the government must never have such a strong hand that they can determine what happens in any religion.

Now, we have advanced in this country to the point where we protect the rights of people to work and to participate where tax dollars are involved. When we talk about giving these tax dollars to religious institutions, we are now talking in this legislation about allowing them to discriminate based on religion. This is discrimination creep.

What we are doing is opening up the door so that we say it is all right, 501(c)(3), if you are a religious institution to discriminate, but when the other 501(c)(3)s come in and say, well, we want to discriminate based on the fact that we have the kind of work that we are doing that is so special, that is so important, that we should be allowed to determine who can get a job and who cannot get a job. So we are opening up the door, and certainly we should have a debate about that on the floor of this Congress. We should not change our discrimination laws in this manner without a debate. So I have real concerns about that.

Third, I am concerned about what seems to be a blanket approval of religious-based drug treatment programs at the expense of State-funded programs. We do not know who is the best, there is not enough information for it, but we should give everybody an equal opportunity without allowing discrimination.

Mr. ENGLISH. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I might recall for the gentlewoman the remarks of the gentleman from Missouri (Mr. TALENT), that this does not in any way impose faith-based treatment on anyone. It simply gives the opportunity for very successful efforts to be available to a wide cross-section of individuals.

Mr. Speaker, I rise today in full and enthusiastic support of this bill. I want to commend my colleagues who have worked so hard to bring this legislation to the floor, the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Missouri (Mr. TALENT).

Mr. Speaker, while this bill is meant to address faltering local economies around the Nation, I want to address the situation in our rural areas in North Carolina's eighth district. Washington is finally waking up to the fact that success on Wall Street does not automatically translate into success on Main Street. In fact, while many in our Nation reap the benefits of a record economy, in the rural communities they continue to suffer with few local jobs and opportunities.

Mr. Speaker, the first bill I introduced after coming to Congress was the Rural Economic Development and Opportunities Act. This bill was meant to spur employment in rural areas by extending a modest tax credit for job creation in these areas. The Community Renewal and New Market Act captures and implements the spirit of that bill, and I am proud to support this legislation today.

Mr. ENGLISH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, one thing we need to clarify right off the bat is what the intent of the Founding Fathers was, in fact, in religion; and this bill does not go near that far. In fact, the Founding Fathers printed twice copies of Bibles to be distributed in American schools because there was a shortage of Bibles, and they printed them with taxpayer dollars. This bill does not do that.

Furthermore, anybody in this House gallery can see of all the lawgivers, one is looking down at us. It is Moses, and he is looking down at "In God We Trust." But this bill does not go that far. It does not mandate that everybody be in a Chamber that says "In God We Trust."

It gives some flexibility as we try to address the problems of the cities of this country and the low-income areas of this country. Problems which are heavily rooted in economics, and this bill has wonderful things in economics but are also matters of how to reach the soul, how to reach the families, how to help people who are hurting, who are broken, who are hungry, who are struggling with drug and alcohol abuse, and this bill does open that.

The question was raised, have we debated it in this House? We have debated it in this House five times. We passed it in welfare reform, we passed it in social services reform, both signed by the President. We passed it in juvenile justice; we passed it in housing. Every time this House has passed this bill. Every time we debated it. We have debated it here, we have debated it in the Senate, we debated it in conference. Some people do not like the bill, and they do not like it that there should even be a choice that people should have religious options.

Furthermore, the President of the United States has signed off on this compromise, Governor Bush of Texas has been very innovative in using faith-based organizations as alternatives in prison reform and actually in alcohol and drug assistance. Vice

President GORE has on his home page that in the specific instance of alcohol and drug abuse, that faith-based organizations ought to be allowed to be used.

The Drug Czar of the United States, General Barry McCaffrey says,

> ONDCP applauds your work with President Clinton on this historic initiative. We welcome broad involvement by private volunteer and religious groups in support of the national drug control strategy. Throughout the country, faith-based organizations are making significant contributions to educating our youngsters about the dangers of substance abuse and helping many thousands of addicted Americans to achieve and maintain recovery through the added motivation faith can provide.

There is no question that at the minimum, faith-based organizations are as effective as other programs in alcohol and drug abuse. The fact is the American Journal of Drug and Alcohol Abuse found that faith-based addiction programs are much more likely, up to 45 percent, to report success. Any study that has been done, non-biased, shows in fact they are cheaper to administer, because you have so many volunteers and other people willing to produce it, so it helps the taxpayers and the individual.

Now, one of the great ironies of this as I work with this in the City of Fort Wayne that I represent is many of these programs that people are so afraid of that are effective are in fact run by the communities themselves, by the minority leaders in their communities.

In my hometown, Reverend Jesse White has a computer program, as does Otha Aden, a pastor in Fort Wayne; so does Reverend Jesse Beasley is working with a program, Reverend Mike Nicholson has put together a community housing program through the Associated Black Churches. I have worked with George Middleton, who has taken his savings to help build a community center because his faith has motivated him to do so, and Andre Patterson. I have worked with Reverend Marshall White, who has a program for music, that in San Antonio, Texas, is one of the most remarkable programs in the United States. Freddie Garcia, a former cocaine addict, has run a program that has brought thousands to change their lives, many of whom are currently ministers and who are back on the streets. I personally have met over 200 former addicts in San Antonio in two different visits who have had their lives changed and are now reaching young people in the neighborhoods going door-to-door working in the different housing units in the city.

□ 1300

Bishop Raul Gonzalez in Hartford, Connecticut, has had a tremendous program to reach out through Youth Challenge to young people who are struggling with drug and alcohol addiction. He has reached into their hearts and tried to change their lives.

It is not enough just to give somebody a job who has messed up. One has to change both the soul and the ability to have a job. It is not enough sometimes just to change somebody internally either and help them get off drug and alcohol abuse. If they are going to live in a place that is unsafe, is intolerable living conditions and they do not have anything to do, they will fall back into drug and alcohol abuse. That is what is so great about this bill is it mixes the two.

Reverend Eugene Rivers, and I have a number of things I am going to insert in the RECORD, but this Newsweek story shows the debate of faith-based organizations and what he has done working with gangs in Massachusetts. When one talks to the people in the street there who have been working with these kids they say, Why, if we are faith-based, can we not get any money if we have all of these groups that have nothing to do with religion who are ineffective, who had no impact in our community, yet the people who live here, who are active in the community, have not been able to get access to the funds?

This bill will rectify that; and I congratulate my friends, the gentleman from Missouri (Mr. TALENT) and the gentleman from Oklahoma (Mr. WATTS), on their efforts.

BISHOP RAUL GONZALEZ, EXECUTIVE DIRECTOR, YOUTH CHALLENGE

"Youth Challenge has now expanded to 25 centers in 10 states and foreign countries. It has grown because it is based on a model of discipleship, where "sons" of Youth Challenge, who have a common heart and vision, go into the world to serve others. In Guatemala, we have a drug program for males. We have food programs, which we call "love kitchens." We begin by going into the streets, offering drug addicts and alcoholics food and clothing. From there, we share the gospel them food, we witness to them, and we convince them to enter the drug program.

We also have strong prison ministries. Many of our chaplains are, themselves, doing time—some for as many as 40 or 60 years. they are some of our best and most committed pastors, because they ain't going nowhere. Members of our prison churches actually tithe of soap and toothpaste and things like that. We provide our services gratis. We only ask the families to donate at ten dollars a week, if they can.

Our Youth Challenge ministers are committed and impassioned because they understand that we are in a virtual war and that this revolution is forever.

Not long ago, an AP story noted the findings of a 13-member group of experts on a panel set up by the UN. They announced that drug use is growing among youth in the United States. Now, the UN didn't have to spend all that money conducting that study. They could have just asked us who are working on the streets, and we would have told them that drug abuse was growing! All the ministers of Youth Challenge stay in touch with what's happening on the streets. From the beginning, I made that our policy and I think that is one reason that our program has lasted so long.

I've been involved in outreach to addicts for 30 years. Thousands of people have come through our doors. We have tracked what happens to them, and we have documented a success rate that ranges from 60 to 80 percent.

Our program has made unique progress as a faith-based organization, because we have been able to break ground in working cooperatively with the state. We are licensed, and no demands have been placed on us to cease preaching the gospel of Jesus Christ. We are "professional" without being "professionalized." I'm governed by a board. We have a men's home, a women's home, and a training center in Connecticut.

Our relationship with the State did not come overnight. For five years, I fought the regulators on the issue of licensure. I lost in the first count, where the decision was made by one judge. Then we took our case to a court with three judges. Eventually, our case was heard by five judges. Our position was that we were a religious organization, not a "drug treatment service" and that, as such, we shouldn't need a license. We said, "Okay, before you guys demand that we apply for a license, we want you to look at our materials." And we brought in a pile of Bibles and stack of scriptural readings. Our lawyer is retired, but was at the top of his field, and he proved that Youth Challenge taught more scripture than any seminary in new England.

What I learned from this experience was that when the state wants to do something, they just do it. Forget about this separation of church and state deal. They see what they want to see. You know what they did to us? They actually licensed our Bible training center. That's how my license reads—"Youth Challenge Bible Training Center." So the state thinks it has the power even to license the Bible! I could have fought them and refused to be licensed and gone to jail, but they would have closed us down. So I was forced to accept the license. In spite of their regulations and guidelines, I believe if they leave programs like ours alone, we would do a better job. But it was not an option for them to leave us alone.

I believe that if you know the Lord you can have the power to deliver a person from addiction. If you don't, but have all the education in the world, you are not going to deliver anybody. Yale University is only a half an hour from us, and they haven't been able to deliver nobody. The most they have done is to give out needles. Not far away, in Massachusetts, there is Harvard University. They haven't been able to do anything about the drug crisis expect document it. Yet, if somebody believes in Jesus Christ and has the power working through him, he's able to deliver people. I know because that is what happened to me 29 years ago, when a group of people laid hands on me. I met someone who knew God and I was set free."

C. YOUTH CHALLENGE CASE STUDY

(By Collette Caprara)

Bishop Raul Gonzalez, stately and commanding, yet embracing in his love, is the founder and director of Youth Challenge of Hartford, CT, and the founder of Youth Challenge programs in Puerto Rico, Florida, and the Bronx, New York. Raul is a devoted husband of his wife "Willie" and father of four children. He was also the son of an abusive alcoholic father whose own life was nearly annihilated by a heroine addiction. But then he emerged into a new life with an unshakeable commitment to free men, women, and youths from the chains of drug and alcohol abuse.

The philosophy of the program is the development of self-respect, confidence, and a capacity to enjoy life through discipline, proper counsel, and attitude. The basis of the Youth Challenge approach is a total living environment of personal and group interaction, with structured activity. The overall objective is to engender a total change in values and lifestyles among the young men and women who are served through the program. A trained and capable staff provide an atmosphere of warmth, trust, support, and love that many of the residents never before experienced. Residents participate in a variety of individual and group activities, and also engage in supervised housework duties according to a daily schedule. The primary goal of all the activities in which the residents are involved is to instill a sense of self-discipline and self-worth, which equips them to live as responsible, productive citizens when they graduate from the program. Instilled in Youth Challenges' students is the conviction that, not only can they be drug free, but they can be positive assets to their community.

Youth Challenge has expanded throughout the nation, establishing centers in 25 locations, within the United States, Central America, and the Caribbean, with a remarkably high success rate. Studies of program participants indicate that 70 percent of Youth Challenge's graduates never return to drugs. Youth Challenge centers have accepted more than 2,500 drug- and alcohol-dependent in their programs. Its staff is comprised of individuals from a spectrum of ethnic backgrounds who have successfully overcome drug and alcohol dependency, and its doors are open to individuals of all races, creeds, and ethnic backgrounds. The Youth Challenge Men's Induction center offers a bilingual program of counseling and classes.

PROGRAM ACTIVITIES

Youth Challenge is actively involved in both the treatment and prevention aspects of drug and alcohol problems. Along with its primary mission of being a residential rehabilitation program for troubled individuals, Youth Challenge has established several active satellite programs that augment its basic mission. These auxiliary programs have had a substantial impact on deterring youth crime and self-destructive behavior among young people as they have made opportunities available for productive activities and engendered a substantial change in the lives and lifestyles of the individuals it serves.

Youth Challenge's auxiliary activities include the following:

Family Support: Youth Challenge works very closely with the family of the substance user in a family counseling setting to support them in accepting and dealing with their loved one's addiction.

Prison Outreach: Youth Challenge is currently providing services to six prisons, two of which have extremely high Spanish-speaking populations and are visited weekly by Youth Challenge.

School Presentations: At the request of local school district authorities, Youth Challenge staff members offer presentations in both the primary and secondary schools within the greater Hartford area.

Street Outreach: Youth Challenge staff volunteer as street workers where they make initial contact with troubled individuals and provide access to treatment in a familiar non-threatening environment.

Youth Activities: Youth Challenge works with local neighborhood groups in the inner-city to provide services for at-risk children, including classes and group activities to promote positive values, an uplifting self image, constructive relationships, and character development.

Referred Services: A number of government agencies and private organizations refer their clients to Youth Challenge to assist them in addressing substance abuse. Among these agencies and programs are: the State of Connecticut Department of Corrections, the State of Connecticut Department of Education, the Probation Department of the State of Connecticut, Connecticut Valley Hospital, the State of Connecticut Department of Parole, the Department of Mental Health and Addiction Services, and the Salvation Army. In addition, Dr. Raul Gonzalez has been a consultant to the military and its Drug Education Program.

CENTRAL FACILITIES

Youth Challenge's main offices and male induction services are located at the community residence at 15–19 May Street in Hartford. This facility provides initial phases of treatment for 15 residents. Here, the incentive to forsake the drug habit is engendered and the desire to pursue a new life is instilled. This induction phase includes counseling, classes, and group activities, and lasts approximately four months or until the individual is ready to move to the second phase.

The goal of this program is the development of self respect, confidence, and a capacity to enjoy life through discipline, counseling, and positive attitude. A total living environment of personal and group interaction, with structured activity, provides the basis of this approach.

The Youth Challenge Mission for Women, which opened in 1981, follows the same program format as the male services program. It is licensed to accommodate 8 residents and is located at 32 Atwood Street in Hartford.

Long-range training for men is also provided at the Youth Challenge Training Center, a 21-acre farm located in Moosup, CT. The facilities can presently house 9 students. The training that began at the induction center continues at the training center, as individuals are challenged to develop, at progressive levels, the personal, social, academic, and vocational aspects of their lives. Here, a vocational training program helps its residents to develop job skills and a strong work ethic. Opportunities for academic advancement, including GED classes are also available.

The third phase of training is internship. Participants in the program complete six months of supervised, on-the-job training. This service solidifies gains that they have made in the induction center and in the training center throughout the twelve preceding months and provides an opportunity to continue to develop their personal skills and ability to relate and work with other people. After their internship, graduates of the program move into staff trainee positions in one of the Youth Challenge centers or they can become active in the re-entry program where they obtain gainful employment while continuing to reside in the supportive environment of the Youth Challenge facility. Program graduates may also choose to move out of the center to pursue their long-term goals, often reuniting with their family, entering long-term careers, and furthering their education.

The Corinthian School of Urban Ministry, operated by Youth Challenge, provides college-level scriptural education and training in faith-based, non-clinical counseling techniques. After completing the school's training curriculum, graduates continue on-the-job training as junior and senior counselors. This hands-on residential experience, which includes eighteen months of the National Teen Challenge curriculum, equips Youth Challenge ministers to become disciples and empathetic counselors whose firsthand experience gives them the power to engender transformations in others who suffer the bondage of addiction.

A GOAL OF COMPLETE AND LASTING FREEDOM FROM ADDICTION

Most conventional drug treatment programs refer to former addicts as "recovering," implying that the process is never fully complete and that progress is always in a state of jeopardy, as recidivism looms in the background. In contrast, Youth Challenge is built on the premise that complete and total freedom from addiction is possible through Christ. In the words of Raul Gonzalez, "We don't say that you will live in the shadow of a relapse." The high success rates and low recidivism rates of Youth Challenge and other faith-based programs give credence to their methodology of dramatic transformation when contrasted with conventional "recovery" in which relapse is common.

As Bishop Raul Gonzalez explains, the notion of "sonship" is central to its effective intervention. Residents at Youth Challenge centers are not considered as clients, but are welcomed into a "family" that provides a sense of love and belonging that replaces the false sense of identity and family structure which attracts many young people to gangs. The father-son, father-daughter relationships expand through discipleship to embrace "grandchildren"—a third level of individuals who are reached by its healing powers. As a new generation of sons are embraced by grassroots disciples, the mantle of leadership is passed and the family structure expands.

In Youth Challenge, Bishop Gonzalez and his family exhibit a standard of parental love that lasts a lifetime, not just for eighteen months of treatment. "We all need three fathers," he explains, "Our Heavenly Father, our physical father, and a spiritual father."

The powerful paradigm of sonship and parental love is markedly different from conventional drug treatment programs that are based on a professional-client model. Youth Challenge residents and staff resemble a family, or a "living body," as opposed to therapeutic programs that often "warehouse" clients in an institutional setting. The Youth Challenge program is truly "spirit filled," and is based on a heartfelt commitment to serve those who are within the ministry and the entire realm of individuals whose lives are dominated by addictions.

[From the Houston Chronicle, Mar. 6, 1995]

WELFARE FROM THE STREETS

(By Thaddeus Herrick)

SAN ANTONIO—On a vacant lot deep in the barrio, amid neglected bungalows and gang graffiti, reformed junkie and born-again preacher Freddie Garcia is waging war on the welfare state.

He grasps a homeless ex-con named Christopher by the collar, beseeching him to accept Jesus in voice that recalls both his Mexican-American heritage and his street-wise past.

"Lord Jesus, I'm a sinner," Garcia cries, urging his convert to repeat after him. "I ask forgiveness. Forgive all my sins. Jesus, come into my heart."

No tax dollars. No bureaucracy. No Washington.

Just this vacant lot and a barracks of sorts for drug addicts, prostitutes and other urban flotsam—and plenty of Bibles.

Sound like House Speaker Newt Gingrich's answer to welfare reform? It pretty much is.

Garcia's successful venture is called Victory Fellowship. It claims to have cured 13,000 people of drug addiction and alcoholism over the past 25 years throughout the Southwest and overseas and has made Garcia a Gingrich poster boy.

At a news conference earlier this month, the Republican speaker urged policy makers to take note of the 56-year-old preacher and his organization.

Indeed, Gingrich and his allies believe Garcia represents the solution to the war on poverty: personal experience, faith and local know-how.

"People like Freddie share the same zip code with the ones they're helping," says Robert Wodson, president of the National Center for Neighborhood Enterprise, a Washington-based group favoring Gingrich's free-market ideas. "I can't imagine that would be the case with a psychiatrist."

Experts, even those from opposing political camps, agree that Garcia's success should be studied. They warn, however, against completely localizing anti-poverty efforts.

"What concerns me," says Margaret Weir of the Brookings Institute, a Washington think-tank often allied with Democratic causes, "is that this could become a excuse for state and federal governments to wash their hands of the inner cities."

An unassuming man when he's not saving souls, Garcia was raised on San Antonio's poor East Side where he says he fell into a miserable, angry, heroin-addicted life.

"He and his girl, Ninfa, lived on the streets," reads the back cover of Garcia's self-published autobiography. "They abandoned their first child, aborted their second and brought their third infant along while they burglarized and scored drugs."

In 1966, strung out on the streets of Los angeles, Garcia accepted a friend's invitation to seek help at a Christian home called Teen Challenge.

Several months later, Garcia says, he stumbled to the altar during a revival and, tears filling his eyes, asked Jesus to "pasame quebrada," or "give me a break."

He then set out to convert others. After graduating from the Latin American Bible Institute in La Puente, Calif., Garcia returned to San Antonio and opened a home for barrio drug addicts. Today, there are five San Antonio homes under the Victory Fellowship umbrella.

"We teach Jesus in the morning, Jesus at noon, Jesus at night," says Garcia. "You leave Jesus out, man, you're like every other treatment program in the United States."

In Garcia's world, there is no room for social and economic analysis, psychiatry and psychology. Man sins, or he repents. He is lost, or he is saved.

Such a view of drug abuse makes state officials uneasy. Rehabilitation, they say, is not an exercise in black and white.

"I'm not one to say God's not in the miracle business," says John Cook, a spokesman for the Texas Commission on Alcohol and Drug Abuse. "But addiction is not a moral issue. It's a disease," he claims.

Garcia, however, insists he gets results: Nearly two out of three of the people who study the Bible at Victory Fellowship for three to six months overcome their addiction to drugs or alcohol, he says.

At the very least, the scene at Victory Fellowship on San Antonio's West 39th Street looks convincing. A group of addicts, arms in the air, stages a heated mini-revival inside the center. Outside, 100 down-and-out men and women gather in clusters for Bible study.

One group stands, waving arms frantically. "Lord, you are more beautiful than diamonds," they sing, "and nothing I desire compares with you."

In the men's bunkroom, a heroin addict named Paul and an alcoholic called Sam, both new arrivals, work their way through the Old Testament with a counselor, a former drug abuser himself.

"I been in the state hospital in Austin," says Sam. "I don't want no other program but this one."

While Garcia cannot document his success rate, his anti-drug efforts were praised by President Bush in 1990. Then in early February, Gingrich held Garcia up as a model in the war against the welfare state.

"But rather than study him," said Gingrich at a Washington press conference, "the bureaucracy has tried to put folks like Freddie out of business because they don't have Ph.D.s or can't fill out the paperwork."

Experts agree that Garcia's role as a recovered drug addict is central to his program. In fact, all the Victory Fellowship Bible instructors are recovered addicts, most of them felons.

"People like this play an important leadership role," says Weir. "They've done a terrific job when not a lot of other organizations have."

Still, Weir warns there is a danger in suggesting that those who fall on hard times—and the struggling communities where they live—must right themselves.

"There's a bit of false populism here," she says. "The problems of the inner city are largely economic problems that neighborhoods have no control over."

Nevertheless, Gingrich has assembled a National Leadership Task Force on Grassroots Alternatives for Public Policy, a group representing Victory Fellowship and several dozen other mostly faith-based programs, to offer ideas on legislation that would, in the House speaker's words, "end the welfare state."

Woodson of the National Center for Neighborhood Enterprise says its March 15 task force report to Gingrich will tout the achievements and cost-efficiency of organizations such as Victory Fellowship.

The task force will also urge federal and state leaders to fund faith-based groups (though Garcia says he wants no money) and relax the regulations that groups such as Victory Fellowship face.

"Too often," says Garcia, sounding a distinctly Gingrich theme, "the government rewards failure and punishes success."

For example, Garcia would prefer to advertise Victory Fellowship as a "rehabilitation center." When he tried that, however, the Texas Commission on Alcohol and Drug Abuse gave him an ultimatum: Apply for a drug-rehab license or advertise as a church.

But getting a license to treat drug addiction would mean meeting state health and safety codes. Even Garcia admits that would be tough, since his shelters seldom turn away the desperate no matter how full.

It would also mean having licensed counselors, which would mean hiring staff with college degrees. Garcia says he does fine with dropouts from the barrio.

"My people have educations you can't get at Yale University," he says.

[From the San Antonio Express-News, Feb. 6, 1997]

State of the Union Recognition Casts San Antonio in Limelight

(By Brenda Rodriguez)

For the first time during a State of the Union address, two of the Alamo City's native sons who rose from humble beginnings to prominence were recognized for their public service.

President Clinton took a few minutes from his hourlong speech to Congress Tuesday night to pay tribute to U.S. Rep. Frank Tejeda, who died last week after a battle with brain cancer.

He also recognized Henry Cisneros, the former San Antonio mayor who spent four years as Clinton's secretary of Housing and Urban Development.

Republican Rep. J.C. Watts—during remarks in response to the president's address—also praised Freddy Garcia for helping people kick their drug addictions.

"We are the incubator for great Hispanic leadership," political scientist Richard Gambitta said about Tuesday night's local honors. "Clearly San Antonio is a city on the rise."

Tejeda's mother, Lillie, and sister Mary Alice Lara sat behind first lady Hillary Rodham Clinton and Tipper Gore as the president commended the late congressman for his military bravery and public service.

The president had extended a special invitation for the family to attend the address. The Tejeda family would not comment Wednesday about the trip to Washington.

With help from her daughter, Lillie Tejeda stood proudly before Congress as they applauded her son's accomplishments.

Tejeda, a decorated Vietnam veteran, was buried with full military honors Monday at Fort Sam Houston National Cemetery.

The president also saluted Cisneros, who left the Cabinet in January and now will head the Spanish-language television network Univision in Los Angeles.

But Cisneros will not stray far from the political limelight. He will join Gen. Colin Powell and Vice President Al Gore in leading the president's Summit of Service in Philadelphia in April.

"Henry Cisneros remains the most viable political candidate in the state of Texas," Gamibtta said. "Henry Cisneros without question is a superstar."

In Watts' Republican Party response to the State of the Union address, he said Garcia is "the state of the union."

Garcia, a recovering drug addict, is the founder and director of Victory Fellowship, a Christian ministry that helps people overcome drug and alcohol dependencies.

Garcia said he was surprised Watts mentioned his efforts in his speech. The Oklahoma representative visited the ministry last spring during a trip to the Alamo City.

"You don't hear about anybody from our barrios being mentioned," Garcia said. "I know (Watts) knows our program is for real."

Gambitta added that such grassroots efforts by San Antonians will continue to garner recognition.

"We have tremendous potential in the city," he said.

[From the San Antonio Express-News, Feb. 21, 1996]

GOP Team Praises Drug Rehabilitation Program

(By Maria F. Durand)

A San Antonio faith-based drug rehabilitation program that has been heralded nationwide as a model of grass-roots community intervention won kudos Tuesday from members of a Republican congressional team charged with restructuring welfare.

"It's the most impressive of its kind I've seen," U.S. Rep. J.C. Watts, R–Okla., said during a visit to Victory Fellowship, a Christian-based program that receives no federal or state funds.

Watts is co-chair of the Task Force on Empowerment and Race Relations.

"We need to put these kinds of community values back into the programs," said U.S. Rep. Jim Talent, R–Missouri, another co-chair of the Republican team. "We need to encourage what the system has been discouraging."

During an hour-long noon service, a long list of recovering drug addicts told similar stories of recovery and clean lifestyles.

People like David Cortez, George Juarez and Ernest Guerrero, who now work in many of the center's outreach programs, lauded Jesus as their savior.

Part of the Republican proposals for welfare reform include dropping many of the guidelines prohibiting federal funds from going to faith-based organizations. The GOP also wants to turn more administrative power over to local organizations.

Republicans plan to announce welfare reform legislation next week in Washington.

Most groups working with community-based organizations agree that more power should go to local agencies and many regulations should be eliminated.

"Solutions should be local. Federal intervention is not good," said Beverly Watts Davis, executive director for San Antonio Fighting Back of United Way.

Victory Fellowship was founded by former drug addict Freddie Garcia in 1972.

"The only way that we would get federal funds is if there were no strings attached," said Garcia, who receives much of his funding from private donations. "I am not against the funds. I am against the regulations that make no sense."

However, while programs like Victory Fellowship serve some, they cannot help everyone.

"For some clients who can identify with a higher power, the program works, but it doesn't work with all the clients," said Cindy Ford, executive director of the San Antonio Council on Alcohol and Drug Abuse.

While praising the success of faith-based programs, local agencies insist federal dollars must continue.

"It's really sad with everything else going and what the state is doing to drug rehabilitation, for the federal funds to be drying up too," Watts Davis said.

A state-funded drug detoxication center here was closed late last year. Now Bexar County has no detoxication center.

Still, Robert Woodson, president of the National Center for Neighborhood Enterprise, who brought the congressional team to San Antonio, said the success rates for faith-based centers is unparalleled and the methods must be examined.

"We should undertake a major national study to compare the cost per day and the outcomes of faith-based programs with conventional programs," Woodson said. "We are interested in looking for a more effective option to fighting drug abuse."

[From the San Antonio Express-News, Apr. 7, 1996]

Easter Special to Ex-Addicts

(By J. Michael Parker)

Every day is Easter at Victory Fellowship.

The holiest feast on the Christian calendar, Easter celebrates what Christianity calls the central event of salvation history—Jesus' Resurrection from the dead and the triumph of salvation over sin.

But at Victory Fellowship, the Resurrection isn't merely an event to be commemorated.

It's a miracle that happens whenever a drug addict turns from his destructive lifestyle and dedicates his life to Jesus Christ.

Throughout San Antonio, many churches are filled this day with symbols of new life such as lilies, water and light.

But here, reality speaks for itself.

Once on fire with chemicals that consigned them to a form of living death, these people, most in their early 20s, now are on fire with faith.

When they sing, "I once was lost but now am found, was blind but now I see," they mean it literally.

They're on a high they say they'll never regret.

Their worship crackles with emotion. They sing, praise God and applaud his name with a fervor rarely seen in conventional churches.

"Nothing is greater than the love of Jesus!" shouted minister Juan Rivera, one of Pastor Freddie Garcia's first converts in 1973, as he led a recent worship service in the old church at Buena Vista and South Cibolo streets.

Rivera had been on heroin for six years, burglarizing homes to support his habit. He described a life of misery, pain, confusion, causing suffering to people he loved, being chased by police and sitting in jail wondering where he'd gone wrong. He wanted to be saved.

"I remember thinking once, 'If only I could be born again, I wouldn't choose this life. I'd warn others to stay away from it,'" he said.

But he didn't want Jesus.

"I'd been told since I was a kid that God would punish me. I'd seen friends killed in my neighborhood and I thought it was punishment from God," Rivera said.

"I thought he was going to get me sooner or later," he said.

In his first worship service at what until recently was called Victory Outreach, he recalled Garcia announced that "Jesus is here."

"I was so naive, I turned around to look at him. I didn't see him.

"I figured I was so sinful that he wasn't confirming my relationship with him," Rivera recalled.

But Garcia told him Jesus would forgive him and make him a new person if he would accept Jesus.

When he did, and saw other ex-addicts welcome him as a new brother in faith, "it was totally mind-blowing," he recalled.

Rivera said he learned—and has spent his entire life since then telling other addicts—that no sin is beyond God's power to forgive.

Rivera said only Jesus saved him from his sinful past.

"I had no will to change on my own, and all the drug treatment programs I'd tried had failed.

"Drugs were like a water current pulling me under, and I was drowning, but Jesus reached down and pulled me out," he said.

Easter, Rivera said, has a special meaning for one who's come out of a life of drugs and crime.

"I really am a new man, I've been clean for 23 years, and my faith goes beyond a couple of hours on Sunday morning. It permeates every aspect of my life.

"Every day is Easter here. When I see young guys coming off the street and turning to Jesus, it's an opportunity for me to thank God for what he's done for all of us," Rivera said.

James Valdez, 25; Ernest Guerrero, 22; and Johnny Samudio, 22, have been among the beneficiaries of Rivera's and Garcia's ministry.

They're taking leadership classes so they, too, can help change young addicts into productive servants of Jesus Christ.

They've also performed with other ex-addicts in a skit, "The Junkie," depicting the destructiveness and despair of gang life and the joy of feeling loved and cared for.

"My mother used to cry a lot for me. Now she cries for joy," Valdez said.

"Everyone of us here has been brought back to life. It shows that nothing is greater than the love of God," he said.

Valdez said he had turned to crack cocaine out of boredom. he spent several years on crack, losing jobs and stealing to support his habit.

"All the guys I'd never wanted to hang around with before became my best friends," he recalled.

But when his mother took him to Garcia's Victory Home—the fellowship's residence for recovering addicts at 1030 S.W. 39th St.—his life changed.

"It's easy to do things that are wrong, but it takes a real man to do what's right. It's a great feeling to know you can be right with God by confessing your sins and giving your life to him," Valdez said.

Samudio said many youngsters deny God because violence, crime and family neglect are all around them.

"I want to be an example of the change Jesus can bring in their lives. I want to be a man of God.

"We tell them about Jesus and show them a different lifestyle. We show that we care about them," he said.

Guerrero said his older brother, who is serving a 10-year prison sentence for murder, wrote him from prison and told him to get out of gangs and drugs.

"Gang life was fun for a while, but I lost everything. My mind was only on cocaine.

"I found drug-dealing everywhere I went. I became depressed and wanted to kill myself," Guerrero recalled, adding:

"Once, I put a 12-gauge shotgun to my head, but I realized that if I killed myself, I'd go to hell."

He said he cried out to God for help, and God saved his life by taking away his desire for drugs. Now he wants to help youths and gang members reject drugs as well.

"I was dead in the world," Guerrero said, "but now I'm alive here."

[From the Washington Times, Mar. 26, 1997]

Abuse Program Believes in Ability Without State Aid: Faith-Based Effort Serves as Example

(By Cheryl Wetzstein)

One by one, a parade of healthy, well-groomed men take the microphone at the church stage at Victory Temple.

"My name is Troy," says one man dressed in a white T-shirt and camouflage pants. "I was a heroin addict for 23 years. Now I have been clean for eight months, and I give all the honor and glory to Jesus Christ." The 600 men and women in the audience cheer, clap and stamp their feet.

Similar stories come from Martin, Juan, Noel, Roman and dozens of other men, whose only visible signs of decades of drug abuse and gang life are the tattoos on their muscular arms.

Victory Fellowship is the personal ministry of ex-addicts Freddie and Ninfa Garcia, who, as he puts it, "used to run in the streets and rob people, Bonnie and Clyde style."

Their 1966 conversion came through ex-addicts with the famed Teen Challenge program, founded by David Wilkerson, author of "The Cross and the Switchblade."

Today, the Garcias say the Victory Fellowship program has reclaimed no fewer than 13,000 hard-core addicts from the streets.

Program leaders say they have a 70 percent cure rate with people who stick with it for nine months, and they do it all with a $60,000-a-year budget, funded entirely by private donations.

Other substance-abuse treatment centers with multimillion-dollar budgets have cure rates around 10 percent.

Members of Congress such as Sen. John Ashcroft, Missouri Republican, who pushed for "charitable choice" in the welfare law often refer to successes such as Victory Fellowship and Teen Challenge as examples of programs government should be supporting.

But Mr. Garcia and other religious leaders aren't convinced that the government can help them.

"I don't want no grants," Mr. Garcia said at a recent seminar on charitable choice sponsored in San Antonio by the National Center for Neighborhood Enterprise (NCNE).

"I'm a church. All I want is for you to leave me alone," he said.

Under charitable choice, welfare recipients receiving vouchers for a variety of services—job training, food pantries, homes for unwed mothers, drug and alcohol treatment, day care—should be able to redeem them with a faith-based group.

Charities are prohibited from using the government money for sectarian worship, instruction or proselytism.

Texas Gov. George W. Bush has made charitable choice a priority and asked state agencies to report to him on their progress by May 1.

"I envision a new welfare system—an energized, competitive program where a person who needs help would get a debit card, redeemable not just at a government-sponsored agency, but at the Salvation Army or a church or a day care facility or a private-sector job-training program," the Republican has said.

One bill would "exempt" some faith-based substance-abuse centers from state regulations. Such programs would have to register with the state, say in their literature that they are exempt, and refrain from offering medical care or detoxification.

Another bill would allow "alternative accreditation" systems in lieu of state licensing for some programs.

Getting government funding flowing to programs that "transform" troubled people into responsible citizens has been NCNE founder Robert L. Woodson Sr.'s message for 20 years.

The recent NCNE seminar explored peer accreditation plans and alternative licensing plans as ways to make charitable choice work.

But the fear of government heavy-handedness—now and later—is pervasive.

"Shekels come with shackles," one program director warned.

"Yeah, and when the state comes after you, they go after your jugular," said Raul Gonzalez, executive director of Youth Challenge of Greater Hartford in Connecticut.

Addicts Get Tough Love at Victory

(By Cheryl Wetzstein)

The people come to the modest Victory homes day and night. Some shake from early drug withdrawal. Others are fresh from prison or fleeing a gang contract.

They are welcomed with food, a clean bunk and security: San Antonio's gangs know that Freddie Garcia's Victory Fellowship centers are havens, and anyone inside is off limits to attack.

If the newcomers decide to stay and kick their drug habits, they are surrounded by former addicts, prostitutes and criminals who pray with them, hold them close and clean up their messes.

The withdrawal is unmedicated and the violent suffering lasts for hours. So do the prayers, rubdowns and ministering by people who believe their own addictions were cured by the power of Jesus Christ.

"We see a lot of miracles here," said Alma Herrera, who with her husband, Roman, is among Victory home's house parents.

"The saying 'Once a junkie, always a junkie' is not true," said Victory Fellowship co-pastor and ex-addict Juan Rivera.

Once the purging is over, the newcomer is adopted into a family of believers whose daily lives are filled with prayer, chores, Bible study, singling and fellowship. Witnessing is conducted in housing projects, gang-infested streets and prisons.

Each Victory home is headed by a married couple who act as parents setting the standard for love, discipline and structure. Men work with men, and women work with women. They focus on building a person's character, self-discipline and understanding of life as taught in the new Testament.

The privately funded two-year program is offered at no cost to the ex-addicts. After graduation, the men and women often end up in school or in jobs. Some married couples volunteer to start Victory homes in other towns, where they will recruit addicts to a "new drug-free life in the Lord."

[From the Wall Street Journal, Dec. 14, 1993]

The Wrong Fix

(By Robert L. Woodson, Sr.)

Surgeon General Joycelyn Elders's recent comments that America's crime rate could drop "markedly" if illicit drugs were legalized epitomizes the tragic failure of accommodationists to take a moral stand against an immoral activity.

Tragically, the person who should be at the helm of a massive effort to dissuade a new generation from involvement with drugs cannot seem to bring herself to declare that actions detrimental to one's personal health and to the well-being of society are wrong and deserve no tolerance. Dr. Elders assumes drug use to be an unavoidable "given" for which the best goal is simple damage control.

In addition, Dr. Elders's argument in favor of drug legalization is riddled with factual errors. For example, experiments with legalization abroad have not been the successes she assumes them to be. The majority have now been reversed as was the failed "Needle Park" experiment in Zurich—a free-drugs zone designed to control drug use and stem the spread of AIDS. Predictably, this park quickly became a nest of chaos and licentiousness that spilled into the surrounding community. Needles were passed around, despite the availability of a clean-needle program, and the used, bloody needles were cast on curbsides and surrounding sidewalks, jeopardizing innocent pedestrians.

Dr. Elders says that legalizing drugs abroad has not increased drug use, but Hubert Williams, president of the Washington-based Police Foundation, says that a more relevant example is our nation's own past and trajectory: Since the repeal of Prohibition, "the amount of people using alcohol has increased significantly, and there's no reason to think the number of people using drugs will not increase significantly if drugs are legalized."

In a twist of logic, Dr. Elders reasons that because "many times they're robbing, stealing and all of these things to get money to buy drugs," legalization would help by making drugs a little less expensive. But even if drugs were legalized, regulations regarding their use would be enough to engender a black market and related criminal activity.

Rather than conduct a study on the possible effects of legalizing drugs, Dr. Elders should direct her resources to another type of research. In the same afflicted neighborhoods where men, women and children huddle on street corners and in dilapidated buildings to deal and use drugs, there are others who have not succumbed to their lure. These models of success should be the focus of Dr. Elders's scrutiny—and their behavior, vision and values the cornerstone for drug-prevention programs.

In numerous cases throughout the nation, low-income people who have opened their homes as safe havens for neighborhood children have proved that personal investment and the consistent example set by just one adult can change the futures of inner-city children—even those with unstable home lives. The community activists with first-hand knowledge of what succeeds in reaching young people should be at the forefront in designing drug-prevention policies. The problem, at its root, is a matter of values and morals, and those who have claimed success are those who have addressed the issue on this level.

The surgeon general should also take her notepad to San Antonio to study the activities of rehabilitated addict Freddie Garcia, whose outreach program has changed the lives of more than 13,000 addicts in its 25 years of operation. She should then travel to Hartford, Conn., to learn from Raul Gonzales, also a recovered addict, who has reached out to thousands of substance abusers through a men's residential center, a women's mission and a center that includes academic, vocational and social development training.

Dr. Elders should take the time to speak with a few of Mr. Garcia's former hardcore addicts who are now leading productive lives, and to some of the hundreds of families reunified and healed through Mr. Gonzales's efforts. She should ask them if their lives and the lives of their children would have been any better had someone legalized the drugs that had once controlled their destinies.

[From Newsweek, June 1, 1998]

Savior of the Streets

(By John Leland)

Patriot's Day is a city holiday in Boston, but the Rev. Eugene Rivers, a compact, graying black man in a blue dress shirt frayed at the elbows, is working hard. "Yo, wazzup, G money?" he greats a teenager, slapping him five. He wheels on another. "Take your hat off, son. Yes, what? No, yes, sir, we don't speak no Ebonics here." It is just noon on a spring day, and already the Ella J. Baker House—a grand, bowfront Victorian in Dorchester, one of the poorest neighborhoods in Boston—is full of fires: a man's teenage son has brought home a dangerous pit-bull terrier; a pregnant 16-year-old's parents have kicked her out of the house; the Negros Latinos, the house baseball team, need uniforms and a gang-neutral field. Rivers, 48, darts from one to the next, a fixer, embattled but engaged.

When he first moved into this neighborhood, as a refugee from Harvard, Rivers sought out a local drug dealer and gangbanger named Selvin Brown—"a sassy, smartass, tough-talking, gunslinging mother shut your mouth," he says, not without some appreciation. Brown took the reverend into crackhouses, introduced him to the neighborhood. And he gave Rivers, a Pentecostal, a lesson in why God was losing to gangs in the battle for the souls of inner-city kids. "Selvin explained to us, 'I'm there when Johnny goes out for a loaf of bread for Mama. I'm there, you're not. I win, you lose, It's all about being there'."

Ten years later, as the Baker House kids file out into the sunshine, Rivers turns from his full-contact pastoring—a mix of street slang and stern lessons—to tell a group of police officers from Tulsa, Okla., about Selvin Brown. Baker House is Rivers' answer to Selvin: it's run by a dozen people, some of whom have given up professorships, military careers and positions in finance to be there. The Tulsa cops are only the latest in a recent stream of law-enforcement emissaries who have come to Rivers' domain, a rec center and parish house that Rivers says serves more than 1,300 kids a year, to watch, listen and talk about the hottest new topic in crime fighting: the power of religion. For decades, liberals and conservatives have argued past each other about the crisis in the inner city. The right was obsessed with crime, out-of-wedlock births and the "responsibility" of the underclass; the left only wanted to talk about poverty, the need for government intervention and the "rights" of the poor. Now both sides are beginning to form an unlikely alliance founded on the idea that the only way to rescue kids from the seductions of the drug and gang cultures is with another, more powerful set of values: a substitute family for young people who almost never have two parents, and may not even have one, at home. And the only institution with the spiritual message and the physical presence to offer those traditional values, these strange bedfellows have concluded, is the church.

As the Tulsa cops sit around the Baker House oak table, Rivers tells them about a grievous stabbing inside the nearby Morning Star Baptist Church in 1992. During a funeral service for a young murder victim, a gang chased another kid into the church, beating and stabbing his in front of a crowd of mourners. For the clergy, says Rivers, "this was a wake-up call. We had to be out on the streets," just like Selvin Brown was. While the mainline Boston churches issued a denunciation of the violence, a group of ministers from smaller churches, mostly shoestring Pentecostal or Baptist, met in Rivers' house to discuss a more radical response: walking the hoods, engaging the gangs, pulling kids out. Instead of bickering with police, the ministers vowed to work with them, identifying the hardest cases. "The deal we cut was, 'Take this one off the streets, we can deal with him in a prison ministry'," the Rev. Jeffrey Brown, a Rivers ally, tells the Tulsa delegation. The cops, in turn, would rely on the clergy to work with the more winnable kids.

Since the 1992 alliance, and a reorganization of the Boston police and probation departments, juvenile crime here has fallen dramatically. Rivers is now trying to forge a similar coalition of churches nationwide. It won't be easy: his brand of street-smart charisma is not easily transferable, and the work is house by house, block by block. But "at the end of the day," he says, "the black church is the last institution left standing." The noted conservative criminologist John DiIulio Jr., best known for predicting a coming wave of inner-city "superpredators," has become an improbable friend and ally. In apocalyptic tones, Rivers—a forceful speaker who is sometimes accused of grandstanding—warns that as the teenage population swells in the next decade, "there will be virtual apartheid in these cities if the black church doesn't step into the breach."

Washington is starting to take notice, too. The 1996 welfare bill gives states the option to fund church groups in place of welfare agencies. Research on the effectiveness of faith-based programs is so far largely anecdotal. "But there is a lot of interest in this area now, because secular institutions have failed," says Bernardine Watson, a vice president of the nonprofit Public/Private Ventures. "Anybody who wants to fund faith-based programs is looking at the Baker House model. Conservatives like it because of the crime angle; liberals like it because of the youth angle."

When Rivers first came to Dorchester, the cops say, he believed there was no such thing as a bad kid. That has changed. Now, "ministers will come to us about a kid, say he's menacing the community," says Lt. Gary French, who works with Rivers. The Boston police estimate that 150 to 250 kids are responsible for most of the violent crime in the city. "We can disrupt a gang by incarcerating the most aggressive player," says French. "But we can also disrupt it by getting the fringe players into alternative programs," like those provided by Baker House. The exchange works both ways. "Right now," says Rivers, "any cop in Dorchester can dump a kid off in Baker House, and say, 'Look, I'm gonna crack this kid's skull, take him.' So we have taken the pressure off the police to play heavies."

At 2 a.m. in his cramped row house, Gene Rivers is still keyed up. "The great thing about serving the poor," he says, "is that there is no competition. These young males, ain't no black preacher want to be around these boys. You see [he names several kids at Baker House] coming, you go the other way." He is on the short side, maybe five feet six—by his own description, a "pushy, aggressive, interloper-would-be-usurper, with this kind of guerrilla campaign." In battle mode, he is scandalously impolitic. He refers to the mainline black churches as "the major crime families" and is a critic of Henry Louis Gates Jr., chair of Afro-American studies at Harvard, whom he has called "the emcee at the Cotton Club on the Charles." His own critics—"[it's a] long list," he says—dismiss him as a "black Rasputin" who has duped white people into thinking he has power in the black community. He holds no degrees from college or divinity school; his service on a recent Sunday drew just 19 congregants.

Yet Rivers is becoming a national figure. He has met with the president, been courted by the Christian Coalition and served on the religion panel at Colin Powell's 1997 Volunteerism Summit. Though Rivers comes from what he calls a "radical reform" line, his arguments for black self-help, and his unwillingness to make liberal excuses for urban pathologies, have endeared him to the right. "There's been more litmus-test stuff from the left than from the right," he says. (Rivers' ministry condemns homosexuality and abortion.) "One of the good things about the right is that they're sufficiently indifferent toward the concerns of blacks that they don't bother you." His alliance with DiIulio has given Rivers a boost in policy circles. "Gene and John are very odd soulmates," says Rivers' wife, Jacqueline, who trains inner-city teachers in the Boston Algebra Project. "One is so far left he's right, the other is so far right he's left. They really think alike."

The walls of Rivers' house still bear the bullet holes from two shootings, one a random spray, the second by a drug dealer Rivers had tried to move from a neighborhood park. He roots around for a 1992 essay he wrote for the Boston Review, entitled "On the Responsibility of Intellectuals in the Age of Crack." It, like his other writings, argues that after the victories of the civil-rights movement, the black middle class, particularly middle-class churches, abandoned the black poor. The signature phrases of these articles—"virtual apartheid," a "crisis of moral and cultural authority"—swim throughout his conversation, crusty set pieces amid his staccato improvisations. "When he talks slang, I don't understand him," says Police Lieutenant French. "And when he talks the Harvard level, I don't understand him, either."

Rivers was born in 1950 in Boston, the eldest of three children. His mother was a nurse, a Pentecostal; his father, who moved out when Gene was 3, was a painter, a Muslim, who later became art director for the Nation of Islam's paper, Muhammad Speaks. Both parents were black nationalists and intellectuals. "What my mother instilled was that life is duty," he says. "Life itself is a holy war." Rivers grew up in rugged northwest Philadelphia, where he was forcefully inducted into the Somersville street gang at the age of 12. "There was a side of my life nobody understood. At age 13, 14 and 15, I remember studying Andrew Wyeth, the Brandywine tradition. [And I'm] in a street gang with a lot of hoodlums. You learn to lead a double life. I've always had that tension."

Whenever Rivers describes the violent potential of the Dorchester kids, his voice livens with a certain rogue romance. "This ain't Yuppie kids, this ain't Cosby kids," he trumpets at one point. In part this is because he's playing to a public that finds lurid gang violence a sexier topic than, say, urban poverty. But it's also because he savors that street edge. Mark Scott, who runs the day-to-day affairs of Baker House, thinks Rivers would be bored in a straighter life. "He's pastor of the church, but he's also pastored by the people around him, especially Jackie." Scott believes that Baker House has saved Rivers, keeping him on the street but out of trouble, giving him a channel for his anger.

As he describes his own past, Rivers' tone becomes more sober. He's riding in Jackie's Volvo—Rivers doesn't have a license—listening to NPR and heading to pick up their two kids, Malcolm and Sojourner, 10 and 8, near their private school in tony Beacon Hill. It does not strike him as a contradiction to send his kids to private school. "I said, 'Jackie, I'm not a liberal. I'm not going to have my kid go to school where the kids are so completely antisocial that Malcolm will end up resenting black kids. No no no no no'." As Jackie drives, Rivers continues his own story. When he was 13, his life was forever changed by the Rev. Billy Graham's radio program. Rivers was being menaced by an older, bigger kid from a rival gang called the Lane, and Graham's words struck him.

"He asked, was I ready to meet my creator? At that point, that was not a farfetched possibility. I had a fear of death, which my conversion experience transformed. My response to fear is faith."

Eventually the Rev. Benjamin Smith, a legendary Philadelphia inner-city evangelical, pulled Rivers out of the gang and into the Pentecostal community. But he was at odds here, too, a bookish intellectual in a working-class church. He dropped in and out of two art schools; he read Herbert Marcuse and Noam Chomsky, getting deeper into radical political thought. The 1969 deaths of Black Panthers Fred Hampton and Mark Clark—men his own age, killed in a police raid—shook his moral center, as Graham had years before. The nonviolent movement of the '60s had crashed around him. Rivers was angry and confused, "buck wild," scorched with a case of "survivor's guilt" that has been his motivating force ever since. "I promised the Lord that if he would let me survive, I would never turn my back on these kids," Rivers says. He got a woman pregnant and drifted to New Haven, Conn., where he met Kwame Toure, then known as Stokely Carmichael of the Black Panthers. Taking occasional courses at Yale, he carved three identities for himself, collecting welfare checks in Philadelphia, New York and New Haven. Finally, another mentor—Martin Kilson, an iconoclastic black professor at Harvard—discovered Rivers and lured him to Cambridge. Rivers raged against the privileged black students of Harvard—including, at first, a Jamaican woman named Jacqueline Cooke—and left, angry, in 1983. He and Cooke married three years later.

On a school holiday at Baker House, Rivers is showing two boys the documentary "Eyes on the Prize," the installment about Fred Hampton and the black Panther Party. The boys are 12 and 13; Rivers takes satisfaction in calling the younger boy, who appeared pseudonymously in a 1997 New Yorker article, "America's worst nightmare." The kids are to write reports on the video for which Rivers gives them a few bucks. He hugs the boy, pays him, and the kids are off. "Kareem," as The New Yorker called the boy, was Baker House's most critical case a year ago, and he is still. His day with Rivers began when he showed up at the Rev.'s house for breakfast; it will end around 11 at night, when he asks Rivers for a lift to the city bus, bound for wherever, Rivers doesn't worry that Kareem will get home safely. "I'm worried about whether other people will." For Rivers, Kareem is a test. "[Kareem]'s father got murdered," says Rivers. "His mother lives in the street more than he does. If you can get [Kareem], you've got the whole neighborhood."

In the early days, Rivers pushed religion harder on the kids, but found that it intimidated—and turned off—many of them. So now he keeps preaching to a minimum. But the men and women who are giving their lives to Baker House still see faith at the heart of their mission. "Bob Moses and SNCC, Fred Hampton in Chicago, these folk laid their lives down," says Rivers. "My understanding is that those acts of heroism were very Christian acts, in the tradition of the martyrs. I live in Dorchester and have weathered what we've weathered because that's my understanding of radical discipleship. There is no crown without the cross. Most folk aren't ready to hear that."

At the end of a long day, a half dozen Baker House members gather for a prayer meeting: Ivy League refugees, MIT doctorates. Their testimony is an ecstatic, Pentecostal affair, full of hand-clapping and spontaneous witness. After half an hour, Rivers ducks out momentarily, passing the receptionist, a single mother he'd counseled years before. "Hallelujah, praise Jesus," he says—then, without pause, "Did you page [a city official]?" This is the refracted life of the Rev. Eugene Rivers, drawing upon Harvard and the Philadelphia street gangs, the church and the state. Rivers checks his pager. The Urban Institute is in for a visit; his wife is on the other line. He ducks back into the prayer meeting and gives thanks once more, and once more again.

Cops, Crime and Clergy

(By Paul F. Evans)

I was a beat cop in Gene Rivers' Dorchester neighborhood in the early '70s, but back then our paths wouldn't have crossed. At the time, the police force didn't look beyond itself to solve the problem of violence, and we had very little interaction with the clergy. By the early '90s, however, it became clear that our "get tough" policies just weren't working. The 1992 stabbing incident at Morning Star Baptist Church—there was a melee during a funeral—only underscored how bad things had gotten. We finally saw that we couldn't simply arrest our way out of the escalating bloodshed.

It was time for real collaboration. We realized that preachers have tremendous credibility as leaders in the community and that having them working with us out in the streets would have a powerful impact. For their part, the clergy saw cops doing their best to get inner-city kids into summer camps and to get them mentors. We both knew that what children need is an alternative to crime.

The alliance that resulted works because the police and the ministers really do have a common goal: keeping kids from getting killed. And it's not as if we don't know who is at risk: of the 155 young people who died from violence between 1990 and 1994, two thirds had prior arrests—an average of 9.4 arrests for every victim. For the first time, we can really concentrate on these specific kids and make honest assessments of what has to be done with them. We can put our heads together and say this kid has gotten into trouble, but he's a good kid—let's try extra hard to get him the services he needs. This one, we can't save—and if we don't get him off the streets and into prison, he's not going to make it.

With a clear, structured communication network now in place, we didn't have to wait for three or four homicides before realizing we had a problem with the Bloods and Crips gangs. We've got cops and clergy out there, visiting 36 schools and countless homes trying to identify gang wannabes. When there is gang warfare we call members in for an open session with representatives from the D.A.'s office, the probation officers, social-service workers and neighborhood ministers and say, "Look, the community is telling you to stop. If it doesn't, the whole system you see here is going to indict you, sentence you and send you to prison."

The New Holy War

(By Kenneth L. Woodward)

Check out any dying neighborhood in inner-city America and this is what you'll find: the church and the liquor store are the last establishments to leave. Many of the churches are Roman Catholic, built big and solid to serve Irish, Italian, Polish and other European immigrants. Today, most of the parishioners are Hispanic, Asian or African-American. And the parish schools where diligent nuns once tutored white ethnic children through English, math and first holy communion now cater mostly to kids who are neither white nor Catholic. Other Christian congregations moved up and out when the inner city went poor and black. The Catholic Church is the church that stayed. Around the corner are other, newer churches, some with Spanish names. Many are little more than basement "blessing stations" and storefront congregations: Pentecostal, Holiness, Jesus-Saves Baptist, Apostolic This or Prophesy That—the kind of churches that spring up wherever the promise of this life is so bleak that the promise of the next is all there is to count on.

These churches can't keep kids out of gangs, fight crime and rescue the nation's inner cities by themselves. But none of this is likely to happen without them. After spending 30 years and billions in fighting poverty, and decades trying to arrest our way out of the problem of crime, Washington has belatedly discovered the wisdom of empowering local churches to do what government alone has so far failed to accomplish—provide the kinds of direct services and inspired commitment needed to restore the nation's deteriorating urban core. In Congress, a bipartisan coalition has swung behind a series of policy changes—broadly called "charitable choice"—which allow federal, state and local funds to flow to faith-based antipoverty groups. Among the latest initiatives is a $500 tax credit for those who contribute to poverty-fighting programs, including churches. "Those from the left are disillusioned with government efforts," says Indiana's Sen. Dan Coats, a conservative Republican, "and those coming from the right are not comfortable with the let-the-market-sort-it-out thinking." There are limitations—money is always scarce, and the appeal of a preacher's personality in the 'hood is hard to replicate. But for people of faith, the redemption of the nation's inner cities is a calling, not a caseload. The God they bring into crime-infested streets is both the Old Testament Jehovah of law and order and the New Testament's merciful Jesus. A powerful combination—particularly if you add federal funding to the mix.

When it comes to rousing a congregation, or working one-on-one, there's nothing like the coiled power of a charismatic preacher. But when it's jobs and housing and a vision for the long haul, only Catholic leaders with a grasp of the wider common weal need apply. That's why in urban areas like Boston, Newark and Philadelphia, clergy are learning to reach across denominational lines and tap each other's strengths. When the Rev. Eugene Rivers, a black Pentecostal, needs access to Boston's power brokers, he dials the phone that rings beside the bed of Cardinal Bernard Law. "He's my patrone," says Rivers. "I don't need an archdiocese because the cardinal already has one." And it's come in handy: in a city with a traditionally Irish Catholic police force and a history of racial tension between cops and community, Law has been a key ally of the black clergy to deracialize law enforcement.

It's a win-win proposition. Rivers reaches an at-risk, non-Catholic population with what the cardinal calls "a pro-poor, pro-family, pro-life platform that I can enthusiastically support." That support includes the moral authority and institutional experience of a church that counts nearly half the Boston area's population as members. In turn, says Rivers, "we've got the local talent—the forgotten 40 percent of the inner-city blacks who are working, support families and go to church. We've got the clergy pool, the energy—we can make the conversions and put the Spirit into the letter of the law."

But there is much more to inner-city ecumenism than institutional cooperation. Movements need vision, and in the social teachings of the Catholic Church, black Protestant clergy like Rivers have discovered a body of thought that fits the problems of the inner city into a coherent Christian perspective. Unlike the individualisms of the secular left and right, Catholic doctrine conceives society as an interdependent organism rather than a social contract between isolated individuals. Rights and duties flow from the sacredness of every human person, justice seeks the common good, the state ensures public order. In this view, persons are inherently social and proper human development requires civic space for a range of institutions: family, neighborhood, religious and other voluntary associations like labor unions and political parties. Catholic lingo such as "social solidarity" in matters of public policy speaks directly to the needs of inner-city populations. In short, the moral community is one that balances individual goods with those of civil society and the state. Charity, yes, but also social justice. In all these ways we become our brother's keeper.

For people of faith, there's more than one way to give this vision flesh. In 1967, riots left Newark's Central Ward for dead. That's when Msgr. William Linder began to put together the New Community Corporation with government funds and corporate subsidies. Operating out of St. Rose of Lima parish, Linder has built 3,100 nonprofit housing units for inner-city residents. The corporation runs its own shopping center anchored by Pathmark, the first supermarket to open in the neighborhood in 25 years. Over the years Linder has gotten more than 3,000 people off welfare, employing more than half of them in the corporation's own nursing home, day-care centers and health services—including one for children who have HIV-positive. There's an automotive institute that trains mechanics, a credit union for small loans and another corporation to provide credit for local businesses. "Developing a community is a comprehensive task," says Linder, an application of Christian values. "The whole issue is—how do you respect the dignity of a person?"

If the New Community Corporation shows what one priest can accomplish, Cleveland's "Church in the City" program demonstrates how much more has to be done. Five years ago, Bishop Anthony Pilla looked at the migration of Cleveland's Catholics and concluded that his was "quickly becoming a suburban diocese." Over the previous four decades, the city's 2:1 population ratio over the suburbs had been reversed. There's nothing in the Bible that says "Thou shalt not move to the 'burbs." But Pilla, who grew up in Cleveland's Little Italy, thinks the church is obligated not to desert the poor who have no choice but to make the inner city home. As bishop, there are some economies Pilla can command. Cleveland's Catholic Charities Corporation, which uses both government funds and contributions from the pews, offers grants for inner-city projects. Like other Catholic bishops, Pilla has also twinned city parishes with more prosperous ones in the suburbs. The goal is partly financial—to allow the better-off to help keep up those parishes in need—and partly social—to establish Catholic solidarity across the boundaries separating safe from dangerous neighborhoods.

What Pilla does best is exhort others to find answers to the inner city's needs. Next month, for example, Third Federal Savings will begin construction of its new headquarters in the old Polish neighborhood just outside the city's high-rise downtown core. The bank's budget has grown from $6 million to $18 million, and instead of a functional corporate center, chairman Marc Stefanski—inspired by Pilla—is creating a capacious building that will anchor the neighborhood with space for retail shops and a small plaza.

Because they represent the institutional commitment of the church that stayed, Catholic bishops like Pilla can attract the kind of government and corporate funds that produce housing, jobs and educational opportunities for the inner-city poor. (Not for nothing does Andrew Cuomo, head of the Department of Housing and Urban Development, keep a Jesuit priest, Father Joseph Hacala, on his staff.) But inner-city America is honeycombed with fledgling operations by black evangelicals like Rivers whose faith-based approach to at-risk youths produces hard-won individual conversions. They wrestle black males from drug dealers and mentor kids who never knew their fathers. Cumulatively, their victories are impressive. "But corporate America balks at giving money directly to these Pentecostals because they don't come well packaged," says John DiIulio, a Princeton professor who labors at providing the statistical proof that such efforts are paying off. "Corporate grant makers are afraid of real God-talk. They prefer secular rehabilitation to spiritual transformation."

That may soon change—and must, both in the capital and in corporate America, if religion is to really work in the inner city. However appealing it sounds, "the churches can't do it alone," says Mark Scott, an associate of Rivers' in Boston. "We're the glue of civic life, addressing values and spiritual issues that the government can't address. But just saying 'let the churches do it,' without the government, won't work.

He's right. But as Scott and Rivers well know, the Devil may be in the details. In offering tax credits to those who support faith-based programs, for example, Coats wants to make sure the money doesn't go for "a new satellite dish for the church." Rivers is one of many black ministers who think the senator's caution is justified. He is repulsed by black denominations like the National Baptist Convention, whose president, the Rev. Henry Lyons, has been charged with diverting church funds for his personal use. The NBC board supports Lyons, who denies the charges. Some church bureaucracies, Rivers says, are like Caribbean governments—they ignore their own poor and reward politically connected stars of the pulpit. "The way it is now, the black church structure undermines any system of moral or financial accountability," Rivers argues. "It simply perpetuates a circulation of crooks in which younger clergy are encouraged to imitate the old dirty bulls."

Rivers and like-minded clergy everywhere think they can do things differently. Indeed, one of the emerging battlegrounds in the inner city's holy war lies between the churches themselves. In this post-civil-rights era, those congregations that prove their faith with honest deeds will attract this latest—and perhaps last—infusion of outside funds. The poor have always looked to their churches—for hope as well as for healing. Will they be disappointed?

THE GOSPEL OF ST. JOHN

(By Howard Fineman)

John Ashcroft's Washington seems worlds away from Eugene Rivers' Boston. A first-term Republican senator, Ashcroft is an antitax, pro-death-penalty conservative from the Missouri Ozarks, at home with rural accouterments: his bass boat, his dirt bike, his farm. But though they've never met, Rivers and Ashcroft are soul brothers of sorts, moved by the same Pentecostal roots and sociological rationale to pursue a similar mission: expanding the use of religious institutions to reclaim the lives—and lethal streets—of the cities.

While Rivers works Dorchester, Ashcroft ministers to Capitol Hill—and is eyeing a run for the presidency in 2000. The devout son and grandson of Assembly of God clergymen, he's leading a crusader to open the federal treasury to churches (and other religious institutions) who do the kind of social-welfare work now handled mostly by government. "Government bureaucracy looks at people by criteria, by type," he told Newsweek. "Religious people are concerned with the whole individual, with his whole life—even his eternal life. That's how you build self-esteem."

It's long been political and constitutional heresy to suggest that federal money be used in this way. But violent gangs and government failures—and the election-year demand for welfare reform—gave Ashcroft an opening. The 1996 welfare law contains his "charitable choice" provision, which allows states to contract with "faith-based" organizations to provide welfare services. The groups can't proselytize, but they can keep the "religious character" of their facilities and, subject to financial audits, remain exempt from most federal workplace regulation. The measure is being challenged in court, but Ashcroft is marching ahead with a new one, which would extend charitable choice to include drug treatment, juvenile-crime prevention and even low-income housing. He got bipartisan support in 1996 and hopes for more this year.

Ashcroft, 55, comes by his faith in the faith-based honestly. His late father was president of a sectarian college and a leading figure in Springfield, the Ozarks city Ashcroft jokingly calls "the Rome, the Jerusalem" of the Assembly of God. The denomination's tenets: no drinking, no smoking, no gambling, no dancing, no sex before marriage—but plenty of missionary work and gospel singing in celebration of the Holy Spirit. On the eve of his Senate swearing in, Ashcroft was blessed by a laying on of hands, and his head was "anointed with oil" in Old Testament fashion. He hosts a voluntary devotion in his office every morning.

Too churchy and remote to be a major player? Look closer. For college Ashcroft chose Yale (he played rugby but wrote home every day), followed by law school at the University of Chicago. His wife, whom he met at Chicago, teaches law in Washington at Howard University.

Having never heard the "call" to the ministry, Ashcroft instead is listening to what the Lord may tell him about the White House. Only He knows whether the Monica Lewinsky affair will lead the public—or even Republican primary voters—to yearn for an abstemious, high-collar figure.

Meanwhile, Ashcroft is as systematic about politics as his father was about preaching. He's won five statewide races in a classic "swing" state (two for attorney general, two for governor, one for the Senate). He sings barbershop with Trent Lott and is close to Dr. James Dobson and Pat Robertson. Aided by Christian Coalition members, he won a presidential straw poll in South Carolina last week and hosted a smart-money fund-raiser at a bistro in Washington. This week he campaigns in California. And who knows? He might even find support on the streets of Boston.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Speaker, I rise in very strong support of H.R. 4923, the Community Renewal and New Markets Act. I want to thank all those who played such a crucial role in bringing this bill to the floor. I especially want to thank our speaker, the gentleman from Illinois (Mr. HASTERT), for his work, his tireless efforts, to make sure this initiative moves forward.

Three years ago, Congress authorized and the administration designated 20 Round II empowerment zones. My home county of Cumberland County, New Jersey, in the Second Congressional District, is one of those Round II empowerment zones. We have tremendous potential for our community to create new jobs, to retain existing jobs, to help both socially and economically in our community.

However, Mr. Speaker, the Round II zones have not received full multiyear funding like the first round counterparts. Instead, they have received two installments in appropriation bills that were far below the Federal commitment.

Now, although this particular bill does not specifically mention the funding for Round II zones directly, I am very pleased that the President of the United States and the Speaker of the House have reached an agreement that was announced at a press conference at the White House a short time ago, where $200 million for Round IIs were agreed to, and also I would like to say that I am very pleased that the Speaker has personally assured me that discretionary funding to keep our existing zones operational will be included in the final appropriations process.

This is extremely important for all of our Round II zones and the hopes that our citizens have for the potential that this brings.

The employer wage tax credit, already extended to Round I designations, is included in this bill and is an extremely important component of our ability to empower these communities.

Those of us representing these distressed communities in Congress understand the vital need to have full funding in Round II. This bill helps us move toward that initiative, helps us bring to our communities renewed hope and empowerment to be able to create those jobs and do those things that so many of us want to see.

Mr. Speaker, once again I want to congratulate and thank all of those who have been involved in this process. I look forward to this enactment. I urge strong support of this initiative.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Speaker, this morning I was here to express my deep frustration at our inability, while on the one hand bringing up this suspension bill for the Community Renewal and New Markets Act, at the same time when we were unable to get full funding for Round II empowerment zones. After I just heard my colleague make mention that there has been an agreement that there will be $200 million for Round II, I am obviously pleased, as El Paso is one of the areas that was designated under Round II as an empowerment zone.

It is important to note, Mr. Speaker, that over the 10-year life of the program, urban empowerment zones were supposed to receive $100 million. However, in fiscal years 1999 and 2000, amounts less than $4 million each year were appropriated for each urban empowerment zone. Moreover, in this fiscal year, up until a few moments ago, we had been led to believe that there were zero dollars for empowerment zones. This is good news for El Paso. It is good news for all the communities that have been counting on and have been planning on a 10-year basis for money for their empowerment zones.

Full funding for empowerment zones unleashes tremendous potential for growth and economic development in places like El Paso under Round II. Each of these communities have laid out long-term plans and proposals which will deal with high unemployment, in some cases like El Paso with unemployment running consistently twice the level of the national unemployment rate. These communities have already been slated for assistance, and we are pleased this morning that that assistance will be forthcoming.

Mr. Speaker, I intend to vote for and support this bipartisan legislation.

Mr. SCOTT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 4923, the Community Renewal and New Markets Act. However, I do want to say I share the concerns of my colleague, the gentleman from Virginia (Mr. SCOTT), with regard to the issues of religious freedom and the application of religion to someone's requirement or ability to be served or have a part in a particular program.

I am a freshman Member of Congress. I serve on the Committee on Banking and Financial Services and the Committee on Small Business. I chose those committees because in Cleveland, Ohio, the 11th Congressional District, from 1986 through 1997 the average income dropped 10 percent. Within the State of Ohio, it rose an average of 5 percent. That is, in part, because the city has lost high-paying blue collar jobs and has gained jobs in the service sector where the salaries on average are lower by 13 percent.

I believe that this legislation will allow communities like the City of Cleveland to be revived. We have had great housing starts in Cleveland, new housing coming up in areas where we had riots a few years ago. What is not there is what makes a full community, and that is businesses and opportunities for employment right in one's own neighborhood, and opportunities for young people to see that the people in their communities own businesses and can employ persons right in their own neighborhood.

I rise in strong support of this act because I believe it will provide that opportunity and will clean up some of the neighborhoods through brownfields support. I support everyone who stood in support of this legislation.

Mr. ENGLISH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. TALENT), one of the authors of this legislation.

Mr. TALENT. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding me this time.

Mr. Speaker, I will say to the Members of this House this is deja vu all over again. It is the second time I have stood up in support of this bill. I think it is worth it.

I want to compliment the gentlewoman from Ohio (Mrs. JONES) on her remarks. Let me pick up on what she said because she mentioned she is a freshman. She is a very aggressive lady who advocates for her community. She is on the Committee on Small Business and the Committee on Banking and Financial Services because she recognizes that in the new world of economic empowerment and community renewal the key is drawing in private sector investment into these distressed neighborhoods and private sector investments that make sense in terms of private sector standards. That is the key to the future. She sees it, and this is a lady with ties and bonds to her community. She is hearing it from the organizations that are making a difference in these communities, as I have heard it, and as the other sponsors of this bill have heard it as well.

Let me go through some of the provisions in this bill so the House can see how comprehensive it is in proving out this principle I just mentioned and not just private sector investment, drug and alcohol counseling, which we have talked about, homeownership, all of these provisions that are necessary to rebuilding of neighborhoods, because these are not neighborhoods with housing problems or drug problems or police problems or educational problems. These are people who have all of the needs and the range of needs that people have, and we need to address them all at once; and we can do it through these community organizations.

The bill provides, as others have talked about, for the establishment of renewal communities within which there will be very significant tax and regulatory relief designed to draw in private venture capital, a zero capital gains rate, zero percent capital gains for investments made and held for 5 years in these communities; commercial revitalization deduction which the gentleman from Pennsylvania has fought so hard for, who encouraged investors and companies to rehab buildings in these neighborhoods; increased expenses for small business, up to $35,000 in deductions for equipment more than they can currently take, and employment wage credit for businesses to hire people from these neighborhoods; brownfields credit.

This, coupled with regulatory relief and municipalities that wish to be a renewal community, must include agreements with these neighborhood organizations about things like infrastructure investment, or taxes in those communities, or community policing; again, raising the visibility and the prestige of these neighborhood organizations.

Homeownership provisions, requires HUD to sell to neighborhood development organizations substandard housing so that HUD can no longer not do anything itself with housing, nor refuse to give the housing to people who will do something with it. This is a constant complaint I have and others have had from community redevelopment organizations.

The new market tax credit, new market venture capital companies which my friend, the gentlewoman from New York (Ms. VELÁZQUEZ), worked so hard on and which has been part of the President's vision for over a year, these are similar to small business investment corporations which we already have. What they do is they will be private equity investment corporations.

They will raise private capital. The Federal Government will, through the sale of the ventures, allow them to draw down additional capital, and they must invest it in these distressed neighborhoods. This idea is pulsating with the vision that this is correct, that these neighborhoods are places where the economy can prosper.

There are thousands of budding entrepreneurs in these neighborhoods, and all they need is some investment capital and some advice. We should not look on these neighborhoods as liabilities. They are assets, and the new market venture capital companies are premised on that assumption.

There are parts of this bill I like more than other parts, obviously, because I have been sponsoring them for a long time. There is not a part of this bill I disagree with. This is not a case where anybody in this coalition has had to accept something they really do not like in order to get something that they do. That is one of the things that is exciting about it.

I do not think I need my whole 5 minutes. I will say I appreciated so much the comments on the part of the sponsors in support of this bill and also the principled and eloquent statement of concern by my friend, the gentleman from Virginia (Mr. SCOTT). Let us go ahead and pass this bill. We still have Senate passage. We still have conference, but let us not stop this now.

We do not have a lot of time left in this session. It is almost a miracle we are able to do this on a bipartisan basis in an election year. Let us continue the miracle and do something for these neighborhoods which are doing so much for themselves.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I have been in this body 8 years almost now, and I think I have never seen a bill come to the floor that I thought was a perfect bill. Sometimes we have 99 percent terrible things in a bill and one good thing that tempts one to vote for it. Sometimes there is 99 percent good in a bill and one very bad provision that tempts one to vote against it. That is the situation we are in in this case, because the overwhelming balance of the argument about this bill is favorable. It is a magnificent bill that will help to stimulate inner city communities, rural communities in need of employment and revitalization. It will bring private funds back into our communities and extend the empowerment zones and provide bonding capacity.

□ 1315

And so this is certainly one of those bills where 99 percent of the bill is just a magnificent bill. There is 1 percent of the bill that causes some serious problems. And, unfortunately, they are constitutional problems that the gentleman from Virginia (Mr. SCOTT) has described eloquently in his comments.

They involve the ability of religious institutions to discriminate against applicants for employment who may not agree with their religious tenets. And what I am trusting is that as I vote for this bill and support the 99 percent favorable, that the Court will see fit to right the legal and constitutional wrong with this bill. I appreciate the gentleman from Virginia yielding me this time for me to voice my support of the bill.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as many of my colleagues have pointed out, there is a lot of good in the bill. But there clearly are constitutional problems with funding pervasively sectarian organizations. There are problems with the drug counseling provisions.

In a letter of July 12 of this year to Members of Congress, the National Association of State Alcohol and Drug Abuse Directors wrote the following: "There is a strong national consensus around the core competencies that a substance abuse practitioner must demonstrate in order for them to be effective," and they go on to talk about the importance of State regulations, which is essentially overturned in this bill.

Mr. Speaker, there is in the bill a provision that specifically allows religious discrimination in employment. So we are faced with a situation that reminds me of the question, "Other than that, Mrs. Lincoln, how did you like the play?" Other than the provisions that are constitutionally problematic, other than the drug counseling certification problems, other than the separate-but-equal drug programs, other than the discrimination in employment, how do we like the bill?

Mr. Speaker, I think we ought to vote against the bill, allow the bill to be amended so that we can enjoy the good and favorable things in the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this legislation is truly landmark legislation. I have listened to some of the criticisms from the other side of the legislation and I have been pleased to see the bipartisan character of its support. Every one of the objections that have been raised to this legislation have been before this House in the past and have been set aside. They should not deter us from moving forward and doing the right thing, because this legislation, Mr. Speaker, will place a new emphasis in this House on distressed communities. It will give those distressed communities and their inhabitants the opportunity to participate in our national growth and in our national opportunity.

We have an opportunity to move opportunities to where the needs are. That is something that at a time of rising growth and rising tides, we need to make a priority if our society is going to create opportunity for Americans and focus not only on liberty, but also on equal opportunity.

Mr. Speaker, in passing this legislation, we will give thousands of low-income Americans a stake in the American dream. And as we do so, we have an opportunity to greenline many of our distressed communities. All too often in the past, our distressed rural and urban communities have experienced redlining, a loss of opportunity for investment. Today, we are creating incentives which would effectively greenline those communities and attract new investment, new jobs, and new opportunity and create new tools to allow local people to design local institutions to their needs.

In western Pennsylvania, we have communities in my district like Farrell, Pennsylvania, and some of the neighborhoods even of my hometown of Erie, who could benefit enormously from these new, nonbureaucratic tools.

Mr. Speaker, we have passed many tax bills in this House. We have passed a marriage penalty credit, we have passed pension reform, we have passed a taxpayer Bill of Rights, too. We have passed small business incentives and we voted to eliminate the death tax. We have gotten rid of an antiquated phone tax in action in the House and we will be moving soon to repeal a tax on Social Security benefits.

We have passed many tax bills in this House. Why do we not today pass a tax bill to provide relief for those communities who all too often have been left behind? In passing this legislation, we are committing ourselves to a vision of a growing prosperous America and creating a land of opportunity where opportunity truly exists for every American.

Mr. Speaker, I urge all of my colleagues to join me in passing this legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, today we are voting on H.R. 4923, the Community Renewal and New Markets Act, which includes a provision to create several very large investment companies targeted toward the inner cities and rural communities.

The American Private Investment Companies' (APIC) proposed goal of bringing large-scale businesses to economically distressed communities is a laudable and important goal. However, the APIC proposed under the Community Renewal and New Markets Act accepts the various impediments to investing in the inner city and rural communities and simply offers businesses a subsidy for risky investment. Further, the legislation duplicates several existing programs, including Small Business Investment Companies (SBICs) which are also expanded under this bill. The proposal has not been adequately scored to take government loan guarantee risk into consideration, and is to be administered by the Department of Housing and Urban Development (HUD), which is inadequately prepared for the responsibility.

A lack of capital is not keeping businesses from investing in these areas, especially not the large-scale, established businesses that the APIC program would target—the problem is the high cost of doing business. Instead of attacking the fundamental problems of these areas, a program such as APIC reduces urban and rural areas' incentives to change what makes investment in these communities difficult in the first place—penalizing tax rates, burdensome regulatory policies, a lack of pubic infrastructure, and high crime rates.

Further, a lack of venture capital is not an issue. The companies the APIC proposal targets are not entrepreneurial start-ups, nor are they small businesses. They are companies like Safeway or Wal-Mart. Location of venture capital is also not an issue. In today's information economy where technology facilitates long-distance interpersonal communication, venture capital flows to where it can earn a high rate of return, whether the investment is in Chicago or the Appalachian Mountains.

At least eight federal programs already exist that have similar goals as the APIC program. We understand each program is structured slightly differently and awards loans and grants differently than APICs, but the outcome remains the same. These include Community Development Block Grants (CDBG) Section 108 Loan Guarantees, Community Development Financial Institutions (CDFIs), Small Business Investment Companies (SBICs), and the Business and Industry Loan program administered by the USDA.

The APIC proposed creates quasi-GSEs, by relying on government subsidies to back "private" loans. This is not a private market initiative. HUD is granted authority to create a secondary market in APIC debt, similar to how Ginnie Mae guarantees mortgage debt. Creation of this secondary market further lowers the cost of capital, but increases taxpayer risk.

In fact, under H.R. 4923, APICs are expected to lose $6 million for every $1 billion invested. CBO believes that this loss could be greater if the true value of risk is calculated. In addition, CBO wrote that although the APIC legislation "authorizes the appropriation of $36 million annually for the subsidy cost of loan guarantees and $1 million annually for administrative expenses . . . based on the experience of similar loan guarantee programs administered by the SBA. CBO estimates that the subsidy cost to guarantee $1 billion in loans under the APIC program would cost about $50 million annually." Based on SBA programs, "CBO expects that APIC borrowers would default on between 25 and 30 percent of the guaranteed loans."

To put this in perspective, CRS contrasts the expected 3.6 percent subsidy rate with both CDFIs and SBICs. CDFIs have a FY1999 subsidy rate of over 39 percent and SBICs have a subsidy rate of 25 percent (as of 1996). Accordingly, CRS, as well as CBO, the proposed 3.6 percent subsidy rate far too low.

Finally, HUD is a highly political department and has demonstrated a lack of success in handling new programs, such as the community builders program. Unlike the Treasury Department or the Small Business Administration (SBA), HUD has no expertise in managing a large-scale business investment program.

For the reasons outlined above, we believe that the APIC program is not the preferred means of addressing poverty and unemployment in economically distressed urban and rural areas. Its band-aid approach as a government subsidized investment program does not reduce the cost of business in these areas, aside from reducing the cost of capital for large companies who can easily find funds in the private market. The best way to promote economic growth is to reduce federal, state and local tax and regulatory burdens, which would encourage local entrepreneurs—with their own capital at risk—to determine what works best in their community.

Mr. GARY MILLER of California. Mr. Speaker, I rise today to speak about the American Community Renewal Act and one of the provisions relating to a very worthwhile and successful program called the low income housing tax credit. This program provides low and very low income families with affordable rental housing and represents the best of the federal/state public/private partnerships in housing. The low income housing tax credit encourages investors to fund the required risk equity for construction and rehabilitation of rental housing. Currently, the tax credit is the primary federal support for expanding the nation's stock of affordable housing. Roughly, 35,000 new and 35,000 rehabilitated rental units are created each year with this state-administered program.

What concerns me is the portion of the American Community Renewal Act which would reform the way in which the program works today. This reform would have the effect of requiring states to give a preference in their credit allocation to housing rehabilitation in qualified census tracts where more than 50 percent of the households have incomes at less than 60 percent of the area median income.

I have no quarrel with states allocating the tax credit to areas in need of community revitalization for rehabilitation of existing units. However, the beauty of this program is the balance struck between federal tax incentives and state administration. I do not want us at the federal level dictating to the states that the credits should go to any particular area. States already have the discretion to give preference in allocating the credit to projects going into areas in need of revitalization or rehabilitation of existing units in under served areas. I just do not believe the federal government should be in the business of forcing this upon the states. While I have no doubt that this provision included in the package is well intentioned I believe it would have a negative impact on the programs and the states which administer it. I hope that this bill can move forward and that at the appropriate time we can revisit this issue and clarify this provision.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 4923, the Community Renewal and New Markets Act. H.R. 4923 provides tax credits, regulatory assistance and access to capital aimed primarily at economically disadvantaged communities.

Since joining the Small Business Committee, I have been committed to seeing the President's New Markets Initiative enacted into law. As we consider H.R. 4923 today, I would like to call my colleague's attention to a pair of provisions in this bill offered by the Small Business Committee. I am proud to have worked on these bi-partisan, commonsense Small Business Committee provisions, the New Markets Venture Capital Program and BusinessLINC.

The New Markets Venture Capital Program (NMVC) creates a public private partnership to fund businesses located principally in low-income areas. The New Markets Initiative's primary objective is the establishment of a venture capital program with the specific mission of identifying and providing for the investment needs of small entrepreneurs in low-to-moderate income communities, including inner-city and rural areas. This program represents the heart and soul of the New Markets Initiative. NMVC takes the concept of venture capital, in a public-private partnership, and applies it directly to areas untouched by economic prosperity. The SBA is planning to name 10

NMVC's throughout the country. The NMVC's will receive a $15 million appropriation for loan guarantees that translates into $150 million in loans.

BusinessLINC encourages large businesses to team with small businesses and entrepreneurs located in low income areas. This grant program helps promote business-to-business networking through local third-party entities such as Chambers of Commerce. In addition, the program provides funds to these local business organizations for technical assistance programs, such as marketing and business plans.

Across this country, more than 34.5 million people live below the poverty line. In this time of unparalleled economic growth and prosperity, the Community Renewal and New Markets Act is truly needed to harness the entrepreneurial power that exists in these cities and towns, and to insure that our nation's economic growth touches all.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am in strong support of H.R. 4923, the Community Renewal and New Markets Act. This legislation enables distressed communities with the tools needed for community development.

As you know, the Empowerment Zone and Enterprise Community (EZ/EC) Initiative is a key element to President Clinton's job creation strategy for America. It create jobs and business opportunities in the most economically distressed areas of inner cities and the rural heartland. The EZ/EC effort provides tax incentives and performance grants and loans to create jobs and expand business opportunities. It also focuses on activities to support people looking for work: job training, childcare, and transportation.

H.R. 4923, will establish 40 new renewable communities across our nation and in areas where pervasive poverty and high unemployment exist. Furthermore, this bill will authorize various tax incentives for individuals and businesses located within these renewable communities. Some of these incentives include tax credits for private investors in poor neighborhoods, and loans and technical assistance to help small businesses in low income areas.

Most importantly, the bill will authorize the creation of nine additional EZs in low income neighborhoods. In my district, the 18th Congressional District of Houston, Texas, there is an urgent need for community redevelopment. In fact, I was glad to invite both Alvin Brown, Director of the White House Office of Empowerment Zones and Secretary Andrew Cuomo to my district to view firsthand the critical need for community development in my district.

Across our nation, I have seen and heard firsthand the benefits of EZs in distressed communities. This initiative continues to be one of our nation's leading programs in the fight against poverty. Although, there are clearly some provisions in this bill that cause me concern, I am positive this measure will equip small businesses, and communities with the tools needed to combat poverty.

In closing, I urge my colleagues to support H.R. 4923 and make economic revitalization a reality for many of our communities.

Mr. CRANE. Mr. Speaker, I want to commend you, Chairman ARCHER and Representatives WATTS and TALENT for the hard work and excellent result represented by the legislation before us here today. This bill applies Republican principles of economic growth and opportunity to those communities that have not fully participated in the strong economic growth experienced by much of our nation in the last several years.

Having said this, however, I need to mention one important issue that has not yet been addressed. This legislation, while helping many American communities, does little or nothing for the American citizens of Puerto Rico, citizens whose island is in dire need of economic development. I have introduced legislation in this Congress, H.R. 2138, that will apply the job creation incentives of section 30A of the tax code to U.S. companies doing business in Puerto Rico for new and expanded activities. My legislation applies to Puerto Rico the same objectives of the Community Renewal legislation to encourage private sector investment and job growth in areas which need it the most.

While I certainly support the legislation before us here today, I hope that we will be able to address as expeditiously as possible, the concerns I am raising with regard to Puerto Rico. I believe it is only fair that the opportunities for economic development and economic prosperity are extended to our American citizens in Puerto Rico as well. I submit for the RECORD a copy of a letter sent to Ways and Means Chairman ARCHER from a number of my colleagues expressing the very concerns I have articulated here. I look forward to working with my colleagues on this important issue.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: In the coming months we will consider exciting new initiatives to encourage private sector community economic development and job growth in areas that have not fully kept up with the economic expansion of the past decade. We are also considering tax proposals that will help business offset the impact of another increase in the minimum wage.

These initiatives are an important part of the economic agenda that you have been fighting for as Chairman, to encourage the growth of a vibrant private sector as the foundation for continued economic prosperity in all American communities.

Toward that goal, we urge you to include incentives for job creation in Puerto Rico in these programs. As you know, the minimum wage increase will apply in Puerto Rico. This increase will have the greatest impact on business there, because approximately 57% of workers are within $1.00 of the current minimum wage, far in excess of any other U.S. jurisdiction. Moreover, unemployment in Puerto Rico, despite massive infrastructure development and local tax incentives, stubbornly remains approximately 11 percent; per capita incomes remain less than ½ of any state; a very substantial number of the American citizens in Puerto Rico have incomes below the poverty line.

The job creation incentives of H.R. 2138 could alleviate these economic hardships. That bill would provide the incentives of section 30A to new companies and new lines of businesses and it would extend the section 30A program beyond 2005, when it is currently scheduled to terminate.

These are essential components of an efficient job creations incentive uniquely tailored to the needs of Puerto Rico.

We urge you to consider the principles in H.R. 2138 as you craft community revitalization tax incentives. This bill recognizes that the economic strength of this country is in the private sector. Enactment of this legislation will help keep Puerto Rico on the road to economic growth through principles in which we all believe.

Sincerely,
Charles B. Rangel, Xavier Becerra, Patrick J. Kennedy, Richard Neal, Robert T. Matsui, E. Clay Shaw, Jr., Phil English, Mark Foley, Michael R. McNulty, Philip M. Crane, Nancy Johnson, Dave Camp, Jim Ramstad, Jennifer Dunn, Tom Davis, J.D. Hayworth, Amo Houghton, Members of Congress.

Mr. LEACH. Mr. Speaker, I rise today in strong support of the legislation before us, in particular Title VI, the American Private Investment Companies (APIC) section that the Banking Committee approved in April. These APICs are designed to create new investment in those communities and the people of these communities who are not fully participating in the economic good times most Americans are currently enjoying.

Let me say at the outset Chairman Greenspan was before the Banking Committee today to talk about the longest economic expansion in the nation's post-World War II history which has provided jobs for more Americans than ever before. As he noted, the unemployment rate is low; inflation is in check; productivity growth is the highest in 15 years; and not only is the federal budget in balance, but to the astonishment of most, surpluses are forecast for the foreseeable future.

Sustained economic growth has occurred in part due to significant private sector productivity increases, in part as a result of a mix of fiscal and monetary policies which, perhaps, for the first time in decades are working in sync, rather than in juxtaposition.

One of the stark difficulties in our economy, however, is that the gap between the well-to-do and the less well off is widening. While job opportunities are expanding to the most disadvantaged parts of the population, clearly more can be done so that all Americans have the opportunity to work at fulfilling jobs and to provide for their families.

The portion of the legislation before us under the Banking Committee's jurisdiction would spur companies to make equity investments in distressed areas. These companies would be licensed by HUD as for-profit private venture capital firms and provided government guarantees of company debentures, provided the licensee brings at least $25 million in private equity capital and substantially serves low-income distressed neighborhoods and communities.

The Administration has testified that APICs, licensed and guaranteed by the Federal government, would provide the type of incentives necessary for developments such as shopping centers and manufacturing facilities that would otherwise not locate in some of our most distressed communities.

Before closing, I would also like to briefly mention the FHA Risk Sharing Demonstration

Program Proposal that will allow the FHA to risk-share 20 percent of its mortgage loan portfolio on a demonstration level with community development financial institutions. This will help more individuals purchase homes who normally don't qualify for loans because of a high risk credit history. This provision is similar to Section 206 of H.R. 1776, which the House approved earlier this year.

In addition, another important provision of this bill allows for transferring substandard, vacant, HUD-held properties into the possession of local governments and community development corporations for homeownership and community revitalization efforts in distressed communities. Ineffective federal housing policies regarding the disposition of federally held properties can negatively impact the economic vitality of neighborhoods. HUD's management of its property disposition program for FHA foreclosed homes has made it difficult for many communities to maintain property values and dedicated homeowners. According to Congressional testimony by HUD's Inspector General, at the end of January 2000, HUD's real estate-owned inventory totaled 47,711 properties, 42 percent of which had been in the inventory 6 months or more, and 17 percent of which had been in the inventory 12 months or more.

HUD's foreclosed, vacant and substandard single-family properties are widely perceived as contributing to increased crime, urban blight, and the overall decline of working-class neighborhoods.

This bill requires HUD to transfer, to the maximum extent practicable, ownership of eligible properties (HUD-owned substandard multifamily, unoccupied multifamily, or unoccupied single-family properties) to a unit of local government having jurisdiction for the area where the property is located, or to a community development corporation within such jurisdiction, on certain terms and conditions. In cases where single-family property is transferred to a local unit of government, this section requires a $1 purchase program, consistent with current HUD policy.

In closing, I would like to note that Representative LAZIO, Chairman of the Housing Subcommittee, along with Representatives WATTS, and TALENT and Banking Committee Ranking Member LAFALCE, are to be congratulated for their hard work on the legislative package before us. In addition, the leadership of Speaker HASTERT has been critical in putting this entire package together. His commitment to work bipartisanly with the President to advance this important legislative package deserves our commendation. I urge adoption of the bill.

Mr. ENGLISH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and pass the bill, H.R. 4923.

The question was taken.

Mr. ENGLISH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, following this 15-minute vote on H.R. 4923, the Chair will put the question on motions to suspend the rules on which further proceedings were postponed earlier today in the following order:

H.R. 4923, the pending vote;

H.R. 4888, by the yeas and nays;

H.R. 4864, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—yeas 394, nays 27, not voting 14, as follows:

[Roll No. 430]

YEAS—394

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—27

Ackerman
Baldwin
Conyers
DeFazio
Farr
Filner
Frank (MA)
Gejdenson
Gutierrez
Hastings (FL)
Jackson (IL)
Lofgren
McDermott
Miller, George
Olver
Paul
Payne
Pelosi
Sabo
Sanders
Schakowsky
Scott
Sherman
Stark
Visclosky
Waters
Waxman

NOT VOTING—14

Barton
Danner
Edwards
Ewing
Gilman
Gordon
Jenkins
Lampson
McCollum
McIntosh
Menendez
Ros-Lehtinen
Smith (WA)
Vento

□ 1344

Messrs. McDERMOTT, DEFAZIO, GUTIERREZ, WAXMAN and SHERMAN changed their vote from "yea" to "nay".

Mrs. MEEK of Florida and Ms. JACKSON-LEE of Texas changed their vote from "nay" to "yea".

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1345

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

INNOCENT CHILD PROTECTION ACT OF 2000

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 4888.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4888, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, answered "present" 2, not voting 15, as follows:

[Roll No. 431]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Johnson (CT)
LaFalce

NOT VOTING—15

Barton
Danner
Edwards
Ewing
Ganske
Gilman
Gordon
Jenkins
Lampson
McCollum
McIntosh
Menendez
Ros-Lehtinen
Smith (WA)
Vento

□ 1354

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 4864, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 4864, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 432]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen

Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Barton
Bilbray
Coburn
Danner
Edwards
Ewing
Gilman
Gordon
Jenkins
Kasich
Lampson
McCollum
McIntosh
Menendez
Moakley
Ros-Lehtinen
Serrano
Smith (WA)
Vento
Watkins

□ 1403

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–786) on the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SIMPSON). All points of order are reserved on the bill.

RECOGNIZING HISTORICAL SIGNIFICANCE OF 10TH ANNIVERSARY OF INITIAL ACTIVATION OF NATIONAL GUARD AND RESERVE PERSONNEL FOR OPERATION DESERT SHIELD AND OPERATION DESERT STORM

Mr. BUYER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 549) recognizing the historical significance of the 10th anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm and expressing support for ensuring the readiness of the National Guard and Reserve.

The Clerk read as follows:

H. RES. 549

Whereas August 27, 2000, is the 10th anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm, the operations of the United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq;

Whereas over 267,000 members of the National Guard and Reserve were ordered to active duty during Operation Desert Shield and Operation Desert Storm;

Whereas 106,000 of these members served in the Southwest Asia theater of operations, 16,000 served in a support capacity abroad outside the theater of operations, and 145,000 served in a support capacity in the United States;

Whereas 57 members of the National Guard and Reserve lost their lives in the service of the Nation in Operation Desert Storm; and

Whereas the majority of these members lost their lives in a missile attack on the United States Army barracks at Dhahran, Saudi Arabia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical significance of the 10th anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm;

(2) honors the service and sacrifice of these citizen soldiers and their families during Operation Desert Shield and Operation Desert Storm;

(3) recognizes the growing importance of the National Guard and Reserve to the security of the United States; and

(4) supports ensuring the readiness of the National Guard and Reserve.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 549.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by adopting this resolution today, we have an opportunity to recognize a pivotal event in the military history of the United States. This August marks the 10th anniversary of the executive order signed by President Bush to call up the National Guard and the Reserve components in support of Operation Desert Shield.

Mr. Speaker, the initial order was modest. Just 48,800 personnel were called to serve. But later that fall, following the decision to pursue an offensive option, the activation order was expanded to an additional 188,000 guardsmen and reservists.

Mr. Speaker, it is during that later activation that I was also called to active duty. Like many of my colleagues, I had just 3 days' notice to report to active duty. Did activation entail many difficult personal and business decisions? Obviously. But I, along with thousands of others who have come before me.

I, along with those thousands of others, were ready to make necessary sacrifices to meet the challenges of activation. I later served as an operational law judge advocate providing legal advice to forward-deployed Army combat service support units operating within the Persian Gulf theater of operations in Saudi Arabia, Iraq, and Kuwait.

During my tenure in the Gulf, reservists and guardsmen quickly transitioned to the demands of their full-time military service. The active duty units quickly integrated us as part of the team. In a short time, they could not tell the difference between the Reserve from the active units. By any measure, reservists and guardsmen performed extremely well completing vital missions and bringing critical and, in some cases, unique skills to the fight.

Mr. Speaker, the Persian Gulf call-up was large. When the activation orders were finished, Operation Desert Shield and Desert Storm required the largest mobilization and deployment of Reserve component forces in the post-World War II period. Seldom in our Nation's history have we touched the lives of so many to pursue our national security objectives.

There are many reasons to celebrate the Persian Gulf call-up. Our Reserve forces were ready. Their performance was extremely effective. The call-up was a massive demonstration of national resolve. These are all achievements worthy of recognition, but they are not what made the Persian Gulf Reserve call-up a pivotal event in United States military history. They are not the reasons why this resolution is so important.

The Reserve call-up in the Persian Gulf was a pivotal event because it marked the first time since World War II that the active duty forces could not have accomplished the mission without the support of Reserve and Guard forces. The call-up marked a new era in the security of our Nation.

After the Persian Gulf War, we can no longer view the Reserves as back-up forces. They have to be ready and engaged in the conflict from day one if, in fact, we are to be successful on the future battlefield.

The Persian Gulf War was proof that our Reserve forces cannot be viewed as low priority units for manpower, equipment, and funding. That is a luxury that we cannot afford.

The relationship today is seamless.

I commend the gentleman from California for authoring the important resolution. House Resolution 549 is a reminder to all of us today and to all leaders in the Pentagon and to the American people that the Reserve components are critical to the defense of this Nation and we must support our Reserves if we hope to be victorious in the future.

I urge my colleagues to adopt this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Indiana (Mr. BUYER) for his opening statement and for his sponsorship, as well.

As he indicated, Mr. Speaker, I rise in support of H. Res. 549 introduced by my colleagues the gentleman from California (Mr. GALLEGLY), whom I am very happy to see on the floor today, and the co-chair of the Reserve and Guard Caucus the gentleman from Mississippi (Mr. TAYLOR), who is also with us, which recognizes the 10th anniversary of the National Guard and Reserves in Operation Desert Storm and Desert Shield.

H. Res. 549 acknowledges the contribution of the more than 267,000 members of the National Guard and Reserves that were ordered to active duty to serve or support operations. Their activation and participation in Operation Desert Shield and Operation Desert Storm was a historic chapter in our nation's effort to achieve a total integrated force.

Although the United States and its allied forces overwhelmed the Iraqi opposition, Operation Desert Storm and Operation Desert Shield were not bloodless. Fifty-seven members of the National Guard and Reserves lost their lives in service. As we recognize the 10th anniversary of the contributions of the National Guard and Reserve to Operation Desert Storm and Operation Desert Shield, let us also remember and honor those who paid the ultimate sacrifice to protect our nation.

From enforcing the no-fly zone over Northern Iraq to supporting activities of Southern Watch, Guard and Reservists continue to support military operations in Southwest Asia. With 47 percent of the Army's combat support service units in the Reserves, the Guard and Reserves are increasingly becoming vital to the security of our country.

As President Clinton recently said, the "reserves are essential to America's military strength; they are part of the total force we bring to bear whenever our men and women in uniform are called to action." In the years following the activation for the Desert Shield and Desert Storm the country has called upon its Reservists repeatedly.

In Haiti we called some 8,000 to active duty. For peacekeeping operations in Bosnia, we have called over 19,000 to date, and with volunteers, we have cycled over 32,000 Guard and Reserve members through Bosnia.

Mr. Speaker, we will continue to call upon them. The bottom line is that today we simply cannot undertake sustained operations anywhere in the world without the Guard and Reserve.

Let me pay tribute to the 267,000 Guard and Reservists who served during Operations Desert Shield and Desert Storm as we recognize the 10th anniversary of their activation, and thank the 1.3 million Ready Reservists who are currently serving for their dedication and sacrifice.

Mr. BUYER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to also thank my good friend the gentleman from Hawaii (Mr. ABERCROMBIE) for his opening statement. Thanks to the gentleman from South Carolina (Chairman SPENCE) and also thanks to our majority leader the gentleman from Texas (Mr. ARMEY) for their help in bringing H. Res. 549 to the floor today.

I would also like to thank my constituent, Mr. Carl Wade of Ventura, who first brought the idea of a congressional resolution for this historic anniversary to my attention.

Mr. Speaker, I introduced H. Res. 549 with the gentleman from Mississippi (Mr. TAYLOR) to recognize the historical significance of August 27, 2000, as the 10th anniversary of President Bush calling up the Guard and Reserves to active duty for Operation Desert Shield.

This resolution also pays tribute to the service of the Guard and Reserves in Operation Desert Storm and reaffirms congressional commitment to ensure the readiness of this vital component of our national security.

The measure has 53 bipartisan cosponsors and the endorsement of the National Guard Association of the United States.

Mr. Speaker, a little over 10 years ago, Iraqi dictator Saddam Hussein invaded Kuwait without provocation. Mr. Wade, a chief warrant officer in the United States Naval Reserve, was one of the 267,000 Guard and Reservists who answered President Bush's call on August 27, 1990, to draw a line in the sand and defend Saudi Arabia from further Iraqi aggression.

When called upon, the Guard and Reserves were a part of the overall force that liberated Kuwait in Operation Desert Storm. The decision to send our sons and daughters into harm's way was probably the most important decision President Bush ever had to make. I know because I was one of the original cosponsors of the resolution to give the congressional authorization to use force to expel the Iraqis from Kuwait, a decision no one took lightly.

This decision is even more difficult when we call upon the Guard and Reserves, units comprised not of career soldiers, Mr. Speaker, but our next-door neighbors.

Of the 267,000 Guard and Reservists called to duty, 106,000 served in the Southwest Asia theater of operations, which includes the Middle East. Sixteen thousand served in a support capacity out of U.S. bases in Europe. And 145,000 served in a support capacity here at home in the United States.

Mr. Speaker, 57 men and women Reservists and Guardsmen did not come home, and this resolution recognizes their sacrifice.

As this resolution states, a majority of our Guard and Reservists who died did so in the Scud missile attack on the military barracks in Dharhan, Saudi Arabia. This was the largest loss of life in a single day for the United States during the war.

Their sacrifice was not in vain. In a mere 40 days after Desert Storm began, Iraq's army was expelled from Kuwait. The Guard and Reserves were an integral part of that triumph.

Mr. Speaker, I believe this is appropriate now, 10 years later, to take a moment and remember and reflect on the courage and sacrifice of these veterans made along with their families. And I say, "families," because we always have to remember that when we send these men and women away, their loved ones sacrifice for their country as well.

It is also time to recognize that the Reserves are being called upon to serve in even more hot spots as peacekeepers and peace enforcers.

□ 1415

Currently, over 8,000 Guard and Reservists are serving around the world in places such as Bosnia, Kosovo, South Korea, Macedonia, Kuwait, Saudi Arabia, and Colombia, to name just a few. I am asking this Congress to stand with me today and not only recognize the service of the Guard and Reserves in the past but to also reaffirm our commitment to ensure that we give these troops the best training and equipment we can provide. We must ensure the readiness of the Reserves.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me this time.

Mr. Speaker, I remember being in the leadership of this House when in early August 1990 Saddam Hussein determined to go into Kuwait. I remember shortly thereafter President Bush called a meeting down at the Executive Office Building and there were literally probably 60 of us in the meeting room, at which time President Bush set before us what had happened, what the challenge was and his intent. I was proud then and remain proud today that, to a person, everybody, Democrat and Republican, went out of that room and said we are going to support the President in confronting this aggression. And, in fact, that is what occurred.

Mr. Speaker, I rise in strong support of this particular resolution, because although it was easy for us to sit in that room and say yes, we will confront aggression, in the final analysis it is the individuals in uniform who take on that responsibility to confront aggression in the trenches, in the field, in the air and on the sea. It is those, young people for the most part, who show the courage and conviction to let aggressors of the world know that the United States is prepared to confront them.

Operation Desert Storm was the largest United States military deployment since the Vietnam War. Our National Guard played a role that was very important to the success of that mission to end Iraq's invasion of Kuwait. This resolution honors appropriately those who served in that conflict and the sacrifice they made for their country.

The National Guard consists of ordinary citizens who are also volunteer soldiers devoted to defending America's freedom. Since the phaseout of the draft in 1973, our military forces have had to depend on a smaller volunteer force, one that has become more sophisticated, more educated, and more technologically advanced. Making up an increasing share of our military force is a group of well-trained, well-educated and technologically savvy citizens who are also some of our best soldiers. We know them as the National Guard. The Army National Guard has units in 2,700 communities in all 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The Air National Guard has 88 flying units at more than 170 installations nationwide.

Over 267,000 men and women were called to active duty during Operation Desert Storm, each playing a vital role in ending Iraq's invasion of Kuwait. I join all of my colleagues in recognizing this 10th anniversary of this event to honor those who served and those 57 individuals who lost their lives.

Mr. Speaker, I thank the gentleman for introducing this measure and join him in honoring our National Guard.

Mr. BUYER. Mr. Speaker, I yield 2½ minutes to the gentleman from Nevada (Mr. GIBBONS), who was also called up during the Persian Gulf War, a colonel in the Air National Guard.

Mr. GIBBONS. I thank the gentleman from Indiana (Mr. BUYER) for allowing me the time in which to speak.

Mr. Speaker, I rise in strong support of H. Res. 549. It was just 10 years ago that our Nation was on the brink of its largest military engagement since Vietnam, with 600,000 men and women joined in an allied force facing the world's sixth largest army in the Iraqi forces. President Bush declared then that it was our intention to halt Iraqi aggression and said that he would draw a line in the sand. Unfortunately, however, in this world of ours, words alone could not thwart the will of one such individual, Saddam Hussein.

In order to defend that line and to defend the rule of law, President Bush called forth our Nation's military forces. Our Nation's full-time defenders of freedom, our active duty troops, were bolstered and enhanced by the modern version of the historic Minutemen, that is, our National Guard and Reserve forces.

106,000 of these citizen soldiers left their families, left their homes and left their civilian jobs to join the total force in the Southwest Asia theater of operations. As a Nevada Air National Guardsman, it was my duty and my honor to serve with my neighbors under the strong leadership of Secretary of Defense Dick Cheney and General Colin Powell in both Desert Shield and Desert Storm.

All told, Mr. Speaker, a total of 267,000 Guardsmen and Reservists were ordered to active duty at home and abroad. The only reason that there was such seamless integration of this total force was the recognition of the importance of our citizen soldiers to the success of the whole operation.

Ten years ago, congressional, executive, and local support for the Guard and Reserve forces produced a professional force, a force that gained a quick and overwhelming victory in the Persian Gulf. Such support must be maintained to ensure our ability to do so again if ever called.

Finally, Mr. Speaker, in this time of so-called surgical strikes and precision warfare, we must remember that there was nothing surgical and nothing precise for the 57 members of the National Guard and Reserve who lost their lives during Desert Storm. These men and women made the ultimate sacrifice in service to their Nation, to their States, and to their fellow citizens. Let us recognize their heroism and the strength they represent, the strength of our citizens, our soldiers, our Minutemen. As President Bush so eloquently said, these are Americans at their finest.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member of the Subcommittee on Military Personnel, who does such a marvelous job in supporting the men and women in uniform, both active duty, Guard and Reserve, for yielding this time to me.

Mr. Speaker, I think it is fitting that the gentleman from Indiana (Mr. BUYER) is handling this bill on his side of the aisle, because I compliment him for his role that he played as a Reservist in the United States Army; and I certainly thank him for his dedication then as well as for his hard work and dedication now. I also would be remiss if I did not mention the gentleman from Nevada (Mr. GIBBONS) on the role that he played in Desert Storm.

Today I rise in strong support of this resolution introduced by the gentleman from California (Mr. GALLEGLY). The inclusion of the National Guard and Reserves during Operations Desert Storm and Desert Shield set the standard for today's total force integration policy. The superior performance of our Guard and Reserves and our outstanding active duty force led to the overwhelming defeat of the Iraqi forces. The resolution before the House commends the 267,000 men and women in the Guard and Reserves for their service and their dedication to this Nation, and it honors the ultimate sacrifice of 57 Guard and Reservists who lost their lives in service to our great Nation.

Nearly 10 years after the operations known as Desert Shield and Desert Storm, Guard and Reserve personnel continue their outstanding service in

Southwest Asia. Air National Guard units continue to support our efforts to enforce the no-fly zone in Northern Iraq, while Army Guard units continue to support the Southern Watch in Southwest Asia.

Today we have over 1.3 million individuals in the Ready Reserves who have volunteered to protect and defend our country. It is because of the achievements of the Guard and Reservists who served in Operations Desert Shield and Desert Storm that the 49th Armored Division of the Texas National Guard is today in Bosnia and Herzegovina. For the first time, a National Guard unit has responsibility for the command and control of the Multinational Division-North Task Force Eagle.

Let us honor the men and women of the National Guard and Reserves who served with such great distinction in Desert Shield and in Desert Storm as we recognize the 10th anniversary of their initial activation.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Speaker, it has been mentioned that 267,000 people served in the National Guard and Reserves during the conflict. Of those I am proud to say, 11,000 came from Pennsylvania of the various units that served over there. I note that the gentleman from Pennsylvania, my colleague, is ready to give testimony to the special contribution that the individuals from his area made in this conflict, and I will not touch upon that at this moment; but I will also mention that other units from other parts of Pennsylvania participated, as they have in every conflict in the 20th century. From Harrisburg, my hometown, an Army Reserve hospital unit was called and served, an Air National Guard unit, and from the neighboring city of Lebanon, also in my district, two National Guard units also served in this conflict.

They are our citizen soldiers, our neighbors. We are all proud of them in their everyday and weekend warrioring that they do in our own communities. But when a conflict like this occurs, and we hope it never reoccurs, the spotlight goes on their day-by-day devotion to duty and day-by-day devotion to tradition that brings the best out in all Americans.

When the final chapters are written on the Middle East and the conflicts that we have undergone there, these individuals from Desert Shield and Desert Storm will have the highest honors.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MASCARA) who, as has been mentioned, has particular reason to speak today.

Mr. MASCARA. I thank the gentleman from Hawaii for yielding me this time.

Mr. Speaker, I rise in strong support of H. Res. 549, a resolution recognizing the historical significance of the 10th anniversary of the activation of the National Guard and Reserve personnel in Operation Desert Storm.

My district was deeply affected by the events in the Middle East. The 14th Quartermaster Detachment of Greensburg, Pennsylvania, located in my district, was stationed in military housing attacked by Iraqi Scud missiles on February 25, 1991. Thirteen members of the detachment were killed in this barbarous attack. Our community is still suffering the consequences of that attack; and while time has healed in part the wounds, I do not think we will ever be able to return to normalcy.

The stories of my constituents are not unique. Thousands of Americans from across the country answered the call to serve. All told, 257,000 Guard and Reservists were called to active duty. Tragically, 57 courageous men and women paid the ultimate sacrifice by giving their lives in this fight to deter Iraqi aggression and to preserve freedom in that part of the world. I know my colleagues join me in praising the heroism and honoring the families and loved ones that they left behind.

In closing, I am grateful for this opportunity to pay tribute to these brave Americans. Their country, and I, thank them from the bottom of our hearts.

Mr. Speaker, I urge my colleagues to support H. Res. 549.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. TAYLOR), one of the cosponsors of the resolution.

☐ 1430

Mr. TAYLOR of Mississippi. Mr. Speaker, in addition to the many anecdotes of the wonderful job the Guard and Reserve did when called up for Desert Shield and Desert Storm, I think there are two facts that history will eventually bear out. Number one was the very personal relationship of then Congressman Sonny Montgomery with then President George Bush.

Before there was a National Guard and Reserve Caucus of many, there was a National Guard and Reserve Caucus of one, that was Sonny Montgomery. Sonny and President Bush had come to Congress as freshmen together. George Bush went on to become the President of the United States, and it was that friendship that allowed then ranking member, the then senior member of the Committee on Armed Services, to call the President to tell him of the importance of bringing up the Guard and Reserve for all the military needs of our country.

Although the families of the Reservists, and I was a Congressman then, and I can tell my colleagues that the families of the Reservists were hesitant to send their loved ones away, the remarkable transformation that they brought to our Nation should never go unnoticed, because when the Guardsmen and Reservists were called up, unlike the Vietnam War, which is way too often thought of as that poor draftees war, that kid-from-across-the-town war, somebody else's war, when the Guardsmen and Reservists were called to active duty, it suddenly became my brother's war, my father's war, my uncle's war, my sister's war, my cousin's war.

It suddenly became everybody's war. I would hope that that lesson is never lost on this Nation that in addition to the great job that they did militarily, the C-141 outfit out of Jackson, Mississippi, I being told by the commanding officer at McGuire Air Force Base at midnight, long after the war was over, who came to meet me just to brag on that unit; the 3 hours that then General Calvano spent with me on July 4, I believe of 1991 telling me what a great job the Guardsmen and Reservists had done on the tarmac at the Dharhan Air Force Base in Saudi Arabia.

In addition to everything else, they brought the heart and soul of America to that conflict, and the heart and soul of America said make it quick, make it decisive, and bring our people home.

We should never forget that lesson. There should never ever be another conflict involving the United States of America where the Guardsmen and the Reservists are not involved, because they are the ones that saw to it that it was every American's war, and that is the only way for America to get involved. Either it is all of our war or none of our war.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to compliment and thank the last speaker, the gentleman from Mississippi (Mr. TAYLOR). We work cooperatively together as we cochair the Guard and Reserve Caucus here in the House. He is a valued member of the House Committee on Armed Services.

It is reflecting on his comments, and I agree wholeheartedly with him, that no country, no aggressor should ever test the resolve and the character of our Nation.

I suppose that they were reflecting upon the Vietnam experience and whether or not we actually would rise together and fight. So it makes me think about the Vietnam veteran. Often when we think of the Gulf War and its successes, I pay significant compliment to their contribution and leadership, because when we arrived in theater, one of the quick words was, when is the rotation? And the Vietnam leader said there is no such thing as rotation, it is called duration. We are going to be here for the duration; and when we get it done, then you get to go home.

I think what they brought to the battlefield was how not to do it. I also think of the complements of the military buildup of the 1980s. Iraq was very foolish to hit us at that time. I also think today about my first reaction when this resolution was brought up, whether the House should pay significance to the contribution of Guard and Reserve as if we also should not include the active counterpart, because on the desert sands, we were one team.

Then I began to think that, perhaps, we do need the added recognition of the contribution, because the Guardsmen and Reservists that serve in the communities all across the Nation are, in fact, twice the citizen. They are three times and four times the citizen. They go about their duties, balancing their lives with their homes and their families, the religious practices, civic responsibilities; and on top of that, they take an oath to lay down their life to fight and die for this country. I think that is worthy of extra recognition.

Mr. Speaker, of the 57 Guardsmen and Reservists that lost their lives in the Gulf, I want to recognize, in fact, one of them who was a dear friend of mine, Lieutenant Laurie Lawton. If God had given me the ability and said, Steve, one person in your unit will die, you get to choose one person that gets to stay home, whom would you choose? I would have chosen Laurie Lawton, because she would have had an impact on so many lives in the most positive way.

She was a remarkable individual who was studying her Ph.D. at Purdue University and was in France at the time. She was called up and came back home and then traveled with us as a unit, and she sat beside me on the plane as we went over to Saudi Arabia. When I left her, I told her that I would see her back in Indiana as I left, and I went off to the front.

The sad end of that story is I did see her back in Indiana, and it was at the cemetery. It was the most dramatic moment for me, but it was one that helped formulate my views and opinions in that I understand personally firsthand the tears of so many families out there who shed them for a loved one or a friend that have paid the ultimate sacrifice so that we can enjoy the freedoms and liberties of the greatest Nation.

I want to thank the gentleman from California for bringing the resolution to the floor as we pay significance and contribution to what occurred 10 years ago.

Mr. Speaker, I yield back the balance of my time.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of House Resolution 549, expressing the sense of the House that Congress acknowledges the historical significance of the anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm. August 27, 2000, is the tenth anniversary of President Bush calling up the guard and reserves to active duty for Operation Desert Shield. Over 267,000 members of the National Guard and Reserves were ordered to active duty during these Gulf War operations. 106,000 of these members served in the Southwest Asia theater of operations, 16,000 served in a support capacity abroad outside the theater of operations, and 145,000 served in a support capacity in the United States.

This resolution honors the service and sacrifice of these citizen soldiers and their families. We need to remember that when these patriots were called to the colors, the units were not comprised of career soldiers, but of our next door neighbors. Fifty seven of these brave men and women reservists and guardsmen did not come back. The majority who died, did so in the tragic Scud missile attack on the military barracks in Dharhan, Saudi Arabia. This was the largest loss of life in a single day for the United States during the war. Their sacrifice was not in vain. In a mere forty days after Desert Storm began, Iraq's army was expelled from Kuwait. The guard and reserves were an integral part of that resounding triumph. It is only right that we recognize their ultimate sacrifice.

Finally, this bill recognizes the growing importance of the National Guard and Reserve to the security of the United States and supports ensuring the readiness of the National Guard and Reserve. It reaffirms Congressional commitment to ensure the readiness of this vital component of our national security. The reserves are being called to serve in even more world hot spots. Currently over 8,000 guard and reservists are serving around the world in places such as Bosnia, Kosovo, South Korea, Macedonia, Kuwait, Saudi Arabia, and Colombia.

I am honored to have this opportunity to recognize the service of the guard and reserves in the past, but also to reaffirm my commitment that we give these troops the best training and equipment we can provide to ensure their readiness.

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of H. Res. 549 recognizing the contributions of our reservists in Operations Desert Shield and Desert Storm.

We all have stories about where we were when the first scud was launched in the Gulf War. My memories, however, are of my family members and friends who were called up to serve their country during this time. Both my brother-in-law and sister-in-law were called up, one to serve as an oral surgeon in the Army and the other to serve as a nurse in the Navy. For a time, my wife and I thought we might have to take care of our nieces and nephew because it looked like their parents would be deployed overseas. Fortunately, only one was deployed, and he eventually returned from the Gulf effort unhurt. So many people were called up to aid their strategically important effort that during Sunday church service, we were given a handout each week listing the names of those in our church family who had been called to serve. The names covered both the front and back of the weekly hand out.

Ten years later, we can look back and celebrate our accomplishments in Operations Desert Shield and Desert Storm. That celebration appropriately must contain an acknowledgments of the reservists—those individuals who promised to serve their country and to put their personal lives on hold to fulfill that commitment. This recognition is a small gesture to honor their sacrifice. Though small, the gesture also stands as a priceless assurance to those who continue to serve their country, as well as to those who may be called on to active duty in the future. This nation appreciates your willingness to serve and will stand behind you.

I urge all of my colleagues to support H. Res. 549.

Mr. ABERCROMBIE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and agree to the resolution, H. Res. 549.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL RECORDING PRESERVATION ACT OF 2000

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recording Preservation Act of 2000".

TITLE I—SOUND RECORDING PRESERVATION BY THE LIBRARY OF CONGRESS

Subtitle A—National Recording Registry

SEC. 101. NATIONAL RECORDING REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress shall establish the National Recording Registry for the purpose of maintaining and preserving sound recordings that are culturally, historically, or aesthetically significant.

SEC. 102. DUTIES OF LIBRARIAN OF CONGRESS.

(a) ESTABLISHMENT OF CRITERIA AND PROCEDURES.—For purposes of carrying out this subtitle, the Librarian shall—

(1) establish criteria and procedures under which sound recordings may be included in the National Recording Registry, except that no sound recording shall be eligible for inclusion in the National Recording Registry until 10 years after the recording's creation;

(2) establish procedures under which the general public may make recommendations to the National Recording Preservation Board established under subtitle C regarding the inclusion of sound recordings in the National Recording Registry; and

(3) determine which sound recordings satisfy the criteria established under paragraph (1) and select such recordings for inclusion in the National Recording Registry.

(b) Publication of Sound Recordings in the Registry.—The Librarian shall publish in the Federal Register the name of each sound recording that is selected for inclusion in the National Recording Registry.

SEC. 103. SEAL OF THE NATIONAL RECORDING REGISTRY.

(a) In General.—The Librarian shall provide a seal to indicate that a sound recording has been included in the National Recording Registry and is the Registry version of that recording.

(b) Use of Seal.—The Librarian shall establish guidelines for approval of the use of the seal provided under subsection (a), and shall include in the guidelines the following:

(1) The seal may only be used on recording copies of the Registry version of a sound recording.

(2) The seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines.

(3) In the case of copyrighted mass distributed, broadcast, or published works, only the copyright legal owner or an authorized licensee of that copyright owner may place or authorize the placement of the seal on any recording copy of the Registry version of any sound recording that is maintained in the National Recording Registry Collection in the Library of Congress.

(4) Anyone authorized to place the seal on any recording copy of any Registry version of a sound recording may accompany such seal with the following language: "This sound recording is selected for inclusion in the National Recording Registry by the Librarian of Congress in consultation with the National Recording Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance.".

(c) Effective Date of the Seal.—The use of the seal provided under subsection (a) with respect to a sound recording shall be effective beginning on the date the Librarian publishes in the Federal Register (in accordance with section 102(b)) the name of the recording, as selected for inclusion in the National Recording Registry.

(d) Prohibited Uses of the Seal.—

(1) Prohibition on distribution and exhibition.—No person may knowingly distribute or exhibit to the public a version of a sound recording or any copy of a sound recording which bears the seal described in subsection (a) if such recording—

(A) is not included in the National Recording Registry; or

(B) is included in the National Recording Registry but has not been approved for use of the seal by the Librarian pursuant to the guidelines established under subsection (b).

(2) Prohibition on promotion.—No person may knowingly use the seal described in subsection (a) to promote any version of a sound recording or recording copy other than a Registry version.

(e) Remedies for Violations.—

(1) Jurisdiction.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of subsection (d).

(2) Relief.—

(A) Removal of seal.—Except as provided in subparagraph (B), relief for violation of subsection (d) shall be limited to the removal of the seal from the sound recording involved in the violation.

(B) Fine and injunctive relief.—In the case of a pattern or practice of the willful violation of subsection (d), the court may order a civil fine of not more than $10,000 and appropriate injunctive relief.

(3) Limitation of remedies.—The remedies provided in this subsection shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in subsection (a).

SEC. 104. NATIONAL RECORDING REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) In General.—All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) shall be maintained in the Library of Congress and be known as the "National Recording Registry Collection of the Library of Congress". The Librarian shall by regulation and in accordance with title 17, United States Code, provide for reasonable access to the sound recordings and other materials in such collection for scholarly and research purposes.

(b) Acquisition of Quality Copies.—

(1) In general.—The Librarian shall seek to obtain, by gift from the owner, a quality copy of the Registry version of each sound recording included in the National Recording Registry.

(2) Limit on number of copies.—Not more than one copy of the same version or take of any sound recording may be preserved in the National Recording Registry. Nothing in the preceding sentence may be construed to prohibit the Librarian from making or distributing copies of sound recordings included in the Registry for purposes of carrying out this Act.

(c) Property of United States.—All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

Subtitle B—National Sound Recording Preservation Program

SEC. 111. ESTABLISHMENT OF PROGRAM BY LIBRARIAN OF CONGRESS.

(a) In General.—The Librarian shall, after consultation with the National Recording Preservation Board established under subtitle C, implement a comprehensive national sound recording preservation program, in conjunction with other sound recording archivists, educators and historians, copyright owners, recording industry representatives, and others involved in activities related to sound recording preservation, and taking into account studies conducted by the Board.

(b) Contents of Program Specified.—The program established under subsection (a) shall—

(1) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(2) generate public awareness of and support for these activities;

(3) increase accessibility of sound recordings for educational purposes;

(4) undertake studies and investigations of sound recording preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices; and

(5) utilize the audiovisual conservation center of the Library of Congress at Culpeper, Virginia, to ensure that preserved sound recordings included in the National Recording Registry are stored in a proper manner and disseminated to researchers, scholars, and the public as may be appropriate in accordance with title 17, United States Code, and the terms of any agreements between the Librarian and persons who hold copyrights to such recordings.

SEC. 112. PROMOTING ACCESSIBILITY AND PUBLIC AWARENESS OF SOUND RECORDINGS.

The Librarian shall carry out activities to make sound recordings included in the National Recording Registry more broadly accessible for research and educational purposes and to generate public awareness and support of the Registry and the comprehensive national sound recording preservation program established under this subtitle.

Subtitle C—National Recording Preservation Board

SEC. 121. ESTABLISHMENT.

The Librarian shall establish in the Library of Congress a National Recording Preservation Board whose members shall be selected in accordance with the procedures described in section 122.

SEC. 122. APPOINTMENT OF MEMBERS.

(a) Selections From Lists Submitted by Organizations.—

(1) In general.—The Librarian shall request each organization described in paragraph (2) to submit a list of 3 candidates qualified to serve as a member of the Board. The Librarian shall appoint one member from each such list, and shall designate from that list an alternate who may attend at Board expense those meetings which the individual appointed to the Board cannot attend.

(2) Organizations described.—The organizations described in this paragraph are as follows:

(A) National Academy of Recording Arts and Sciences (NARAS).

(B) Recording Industry Association of America (RIAA).

(C) Association for Recorded Sound Collections (ARSC).

(D) American Society of Composers, Authors and Publishers (ASCAP).

(E) Broadcast Music, Inc. (BMI).

(F) Songwriters Association (SESAC).

(G) American Federation of Musicians (AF of M).

(H) Music Library Association.

(I) American Musicological Society.

(J) National Archives and Record Administration.

(K) National Association of Recording Merchandisers (NARM).

(L) Society for Ethnomusicology.

(M) American Folklore Society.

(N) Country Music Foundation.

(O) Audio Engineering Society (AES).

(P) National Academy of Popular Music.

(Q) Digital Media Association (DiMA).

(b) Other Members.—In addition to the members appointed under subsection (a), the Librarian may appoint not more than 5 members-at-large. The Librarian shall select an alternate for each member-at-large, who may attend at Board expense those meetings that the member-at-large cannot attend.

(c) Chair.—The Librarian shall appoint one member of the Board to serve as Chair.

(d) Term of Office.—

(1) Terms.—The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) Removal of member of organization.—The Librarian shall have the authority to remove any member of the Board (or, in the case of a member appointed under subsection (a)(1), the organization that such member represents) if the member or organization over any consecutive 2-year period fails to attend at least one regularly scheduled Board meeting.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member's predecessor.

SEC. 123. SERVICE OF MEMBERS; MEETINGS.

(a) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) CONFLICT OF INTEREST.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

(c) MEETINGS.—The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(d) QUORUM.—11 members of the Board shall constitute a quorum for the transaction of business.

SEC. 124. RESPONSIBILITIES OF BOARD.

(a) REVIEW AND RECOMMENDATION OF NOMINATIONS FOR NATIONAL RECORDING REGISTRY.—

(1) IN GENERAL.—The Board shall review nominations of sound recordings submitted to it for inclusion in the National Recording Registry and advise the Librarian, as provided in subtitle A, with respect to the inclusion of such recordings in the Registry and the preservation of these and other sound recordings that are culturally, historically, or aesthetically significant.

(2) SOURCE OF NOMINATIONS.—The Board shall consider for inclusion in the National Recording Registry nominations submitted by the general public as well as representatives of sound recording archives and the sound recording industry (such as the guilds and societies representing sound recording artists) and other creative artists.

(b) STUDY AND REPORT ON SOUND RECORDING PRESERVATION AND RESTORATION.—The Board shall conduct a study and issue a report on the following issues:

(1) The current state of sound recording archiving, preservation and restoration activities.

(2) Taking into account the research and other activities carried out by or on behalf of the National Audio-Visual Conservation Center at Culpeper, Virginia—

(A) the methodology and standards needed to make the transition from analog "open reel" preservation of sound recordings to digital preservation of sound recordings; and

(B) standards for access to preserved sound recordings by researchers, educators, and other interested parties.

(3) The establishment of clear standards for copying old sound recordings (including equipment specifications and equalization guidelines).

(4) Current laws and restrictions regarding the use of archives of sound recordings, including recommendations for changes in such laws and restrictions to enable the Library of Congress and other nonprofit institutions in the field of sound recording preservation to make their collections available to researchers in a digital format.

(5) Copyright and other laws applicable to the preservation of sound recordings.

SEC. 125. GENERAL POWERS OF BOARD.

(a) IN GENERAL.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(b) SERVICE ON FOUNDATION.—Two sitting members of the Board shall be appointed by the Librarian and shall serve as members of the board of directors of the National Recording Preservation Foundation, in accordance with section 152403 of title 36, United States Code.

Subtitle D—General Provisions

SEC. 131. DEFINITIONS.

As used in this title:

(1) The term "Librarian" means the Librarian of Congress.

(2) The term "Board" means the National Recording Preservation Board.

(3) The term "sound recording" has the meaning given such term in section 101 of title 17, United States Code.

(4) The term "publication" has the meaning given such term in section 101 of title 17, United States Code.

(5) The term "Registry version" means, with respect to a sound recording, the version of a recording first published or offered for mass distribution whether as a publication or a broadcast, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright legal owner can compile in those cases where the original material has been irretrievably lost or the recording is unpublished.

SEC. 132. STAFF; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) EXPERTS AND CONSULTANTS.—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for level 15 of the General Schedule. In no case may a member of the Board (including an alternate member) be paid as an expert or consultant under this section.

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian for each of the first 7 fiscal years beginning on or after the date of the enactment of this Act such sums as may be necessary to carry out this title, except that the amount authorized for any fiscal year may not exceed $250,000.

TITLE II—NATIONAL RECORDING PRESERVATION FOUNDATION

SEC. 201. NATIONAL RECORDING PRESERVATION FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1523 the following:

"CHAPTER 1524—NATIONAL RECORDING PRESERVATION FOUNDATION

"Sec.
"152401. Organization.
"152402. Purposes.
"152403. Board of directors.
"152404. Officers and employees.
"152405. Powers.
"152406. Principal office.
"152407. Provision and acceptance of support by Librarian of Congress.
"152408. Service of process.
"152409. Civil action by Attorney General for equitable relief.
"152410. Immunity of United States Government.
"152411. Authorization of appropriations.
"152412. Annual report.

"§ 152401. Organization

"(a) FEDERAL CHARTER.—The National Recording Preservation Foundation (in this chapter, the "corporation") is a federally chartered corporation.

"(b) NATURE OF CORPORATION.—The corporation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

"(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

"§ 152402. Purposes

"The purposes of the corporation are to—

"(1) encourage, accept, and administer private gifts to promote and ensure the preservation and public accessibility of the nation's sound recording heritage held at the Library of Congress and other public and nonprofit archives throughout the United States; and

"(2) further the goals of the Library of Congress and the National Recording Preservation Board in connection with their activities under the National Recording Preservation Act of 2000.

"§ 152403. Board of directors

"(a) GENERAL.—The board of directors is the governing body of the corporation.

"(b) MEMBERS AND APPOINTMENT.—(1) The Librarian of Congress (hereafter in this chapter referred to as the "Librarian") is an ex officio nonvoting member of the board. Not later than 90 days after the date of the enactment of this chapter, the Librarian shall appoint the directors to the board in accordance with paragraph (2).

"(2)(A) The board consists of 9 directors.

"(B) Each director shall be a United States citizen.

"(C) At least 6 directors shall be knowledgeable or experienced sound in recording production, distribution, preservation, or restoration, including 2 who are sitting members of the National Recording Preservation Board. These 6 directors shall, to the extent practicable, represent diverse points of view from the sound recording community.

"(3) A director is not an employee of the Library of Congress and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

"(4) The terms of office of the directors are 4 years. An individual may not serve more than two consecutive terms.

"(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

"(c) CHAIR.—The Librarian shall appoint one of the directors as the initial chair of the board for a 2-year term. Thereafter, the chair shall be appointed and removed in accordance with the bylaws of the corporation.

"(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the corporation.

"(e) MEETINGS.—The board shall meet at the call of the Librarian for regularly scheduled meetings.

"(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

"(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

"§ 152404. Officers and employees

"(a) Secretary of the Board.—(1) The Librarian shall appoint a Secretary of the Board to serve as executive director of the corporation. The Librarian may remove the Secretary.

"(2) The Secretary shall be knowledgeable and experienced in matters relating to—

"(A) sound recording preservation and restoration activities;

"(B) financial management; and

"(C) fundraising.

"(b) Appointment of Officers.—Except as provided in subsection (a) of this section, the board of directors appoints, removes, and replaces officers of the corporation.

"(c) Appointment of Employees.—Except as provided in subsection (a) of this section, the Secretary appoints, removes, and replaces employees of the corporation.

"(d) Status and Compensation of Employees.—Employees of the corporation (including the Secretary)—

"(1) are not employees of the Library of Congress;

"(2) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

"(3) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, except that an employee may not be paid more than the annual rate of basic pay for level 15 of the General Schedule under section 5107 of title 5.

"§ 152405. Powers

"(a) General.—The corporation may—

"(1) adopt a constitution and bylaws;

"(2) adopt a seal which shall be judicially noticed; and

"(3) do any other act necessary to carry out this chapter.

"(b) Powers as Trustee.—To carry out its purposes, the corporation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

"(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

"(2) to acquire property or an interest in property by purchase or exchange;

"(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

"(4) to borrow money and issue instruments of indebtedness;

"(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

"(6) to sue and be sued; and

"(7) to do any other act necessary and proper to carry out the purposes of the corporation.

"(c) Encumbered or Restricted Gifts.—A gift, devise, or bequest may be accepted by the corporation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the corporation.

"§ 152406. Principal office

"The principal office of the corporation shall be in the District of Columbia. However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

"§ 152407. Provision and acceptance of support by Librarian of Congress

"(a) Provision by Librarian.—(1) The Librarian may provide personnel, facilities, and other administrative services to the corporation. Administrative services may include reimbursement of expenses under section 152403(f).

"(2) The corporation shall reimburse the Librarian for support provided under paragraph (1) of this subsection. Amounts reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the support.

"(b) Acceptance by Librarian.—The Librarian may accept, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations, the services of the corporation and its directors, officers, and employees as volunteers in performing functions authorized under this chapter, without compensation from the Library of Congress.

"§ 152408. Service of process

"The corporation shall have a designated agent to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

"§ 152409. Civil action by Attorney General for equitable relief

"The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the corporation—

"(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152402 of this title; or

"(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

"§ 152410. Immunity of United States Government

"The United States Government is not liable for any debts, defaults, acts, or omissions of the corporation. The full faith and credit of the Government does not extend to any obligation of the corporation.

"§ 152411. Authorization of appropriations

"(a) Authorization.—There are authorized to be appropriated to the corporation for each of the first 7 fiscal years beginning on or after the date of the enactment of this chapter an amount not to exceed the amount of private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

"(b) Limitation Related to Administrative Expenses.—Except as permitted under section 152407, amounts authorized under this section may not be used by the corporation for administrative expenses of the corporation, including salaries, travel, transportation, and overhead expenses.

"§ 152412. Annual report

"As soon as practicable after the end of each fiscal year, the corporation shall submit a report to the Librarian for transmission to Congress on the activities of the corporation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments.".

(b) Clerical Amendment.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1523 the following new item:

"1524. National Recording Preservation Foundation .... 152401".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. Ney) and the gentleman from Maryland (Mr. Hoyer) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Ney).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am here on behalf of the gentleman from California (Chairman Thomas) and the Committee on House Administration to bring before my colleagues a bill that is a public-private partnership. We help preserve national treasures so that all Americans will be able to access them.

The need for this legislation, I believe, is clear. The physical condition of many of our Nation's important sound recordings is at risk due to the lack of proper restoration and preservation. With the National Recording Preservation Act of 2000, Congress creates a public-private partnership which shall help ensure that these national treasures are preserved for future use and to be enjoyed by researchers, scholars, and the general public at large.

The other need for the legislation is that this legislation creates a sound recording program at the Library of Congress that will complement the existing film preservation program and the national audiovisual conservation center at Culpeper, Virginia.

The Culpeper facility, the film preservation program, and now the sound preservation program are all groundbreaking public-private partnerships that minimize taxpayers' investment while still ensuring the preservation of some of our greatest American treasures.

Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. Hoyer), the ranking member of the Committee on House Administration, the gentleman from Illinois (Mr. Hyde), the chairman of the Committee on the Judiciary, and the Library of Congress, interested Members and the sound recording industry for working with us to make this legislation possible. Also, of course, the staff of the Committee on House Administration on both sides of the aisle.

In brief, the sound preservation program has three components, providing for the creation of, number one, a national sound recording registry on which recordings slated for restoration and preservation will be indexed; the second is a national sound recording preservation board, which shall establish preservation protocols, to provide expertise and access to the recordings in this collection, and raise private funds for the restoration and preservation of selected recordings. Now, the bill does authorize a maximum of $250,000 for the annual operation of the board.

Finally, the third thing it does is a foundation to provide for the raising of private funds, which we all know is very important.

These components working together will ensure that the American public has access to the benefit of important sound recordings with a minimum of public investment.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in support of this legislation. I join the gentleman from Ohio (Mr. NEY), my friend, who serves with me on the Committee on House Administration, in bringing this bill to the floor. I am not only pleased but honored to support H.R. 4846, the National Recording Preservation Act of 2000.

Mr. Speaker, I would like to thank my colleague, the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on House Administration, for his hard work helping to get this legislation to the floor today, and of course, as I have already mentioned, the gentleman from Ohio (Mr. NEY), my colleague who is also a member of the Committee on House Administration.

Mr. Speaker, for over 120 years, more than half the life of our Nation, America's music, news and voice has been recorded. From "Mary Had a Little Lamb," the first recorded words, through Franklin Roosevelt's fireside chats, through today's legislative debates, the history of our great country has been broadcast and recorded through sound.

Unfortunately, Mr. Speaker, every day, a piece of this history is lost. The sounds of our past, the statesman appealing to our ideals, the singer touching our emotions, the poet romancing our souls, are fading. Soon, they will merely be memories. And once those memories fade, so, too, will a large portion of our Nation's history.

Today, we have a historic opportunity to protect our audio history. Modeled on the highly successful National Film Preservation Act, which Congress enacted in 1988, this bill will create and implement a comprehensive national strategy for protecting and preserving our sound-recorded heritage.

It establishes a national recording registry in the Library of Congress to identify, maintain, and preserve sound recordings that are culturally and historically significant.

It further creates a national recording preservation board to assist the librarian in implementing a comprehensive national recording preservation program. And it establishes lastly a National Recording Preservation Foundation, as the gentleman from Ohio (Mr. NEY) has pointed out, to encourage private gifts to enhance our recording heritage.

This foundation will create partnerships with the recording industry that will decrease the costs of preservation for the Government and increase the benefits for the people of our Nation.

This bill will preserve our past and give a gift to our future. I am sure that my colleagues will join with the gentleman from Ohio (Mr. NEY) and me who enthusiastically support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, again, I want to thank the gentleman from Maryland (Mr. HOYER) for his good work on this bill and also the gentleman from California (Chairman THOMAS).

Mr. Speaker, I include for the RECORD the exchange of letters with the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, through which the gentleman agreed to waive the committee's right to mark up this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, July 18, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On July 13, 2000, I introduced H.R. 4846, the National Recording Preservation Act of 2000, a bill designed to ensure that important sound recordings are restored and preserved for the future. In crafting this legislation, I have worked closely with Rep. Steny Hoyer, the Library of Congress, representatives of the sound recording industry and staff from the Subcommittee on Intellectual Property. The bill was referred to the Committee on House Administration and the Committee on the Judiciary.

I am writing to request that Committee on the Judiciary waive its jurisdiction over H.R. 4846, so that the Committee on House Administration may expeditiously bring this bill, for which there is broad bipartisan support, before the House.

Thank you for your consideration in this matter. If you have any questions or require additional information, please contact Steve Miller at 225-8281.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 24, 2000.

Hon. BILL THOMAS,
Chairman, Committee on House Administration, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing to you concerning the bill H.R. 4846, the "National Recording Preservation Act of 2000".

As you know, this bill contains language which falls within the Rule X jurisdiction of this committee relating to the Copyright Act. I understand that you would like to proceed expeditiously to the floor on this matter. I am willing to waive our committee's right to mark up this bill. However, this, of course, does not waive our jurisdiction over the subject matter on this or similar legislation, or our desire to be conferees on this bill should it be subject to a House-Senate conference committee.

I would appreciate your placing this exchange of letters in the Congressional Record. Thank your for your cooperation on this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. McCARTHY of Missouri. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding me the time.

Mr. Speaker, I rise today in support of the National Recording Preservation Act of 2000, known affectionately as the Grammy bill. As a member of the Congressional Arts Caucus and the National Academy of Recording Arts and Sciences who produced the Grammys, I am a firm believer in the power of recorded music.

The preservation of our audio history is critical to sustain our cultural past for future generations. The Thomas-Hoyer bill, which I am proud to cosponsor, would establish a national recording registry in the Library of Congress to preserve recordings that are culturally, historically, or aesthetically significant to us as Americans.

Many of these recordings are in jeopardy because they were originally created on a type of media such as wax cylinders, Depression-era disks, or wire recordings, that have not endured the passage of time well, or require special apparatus to play that is rare or no longer exists at all.

□ 1445

It would be a tragedy to lose important compositions or recitations of our Nation's history when we have the ability to save them.

An example near and dear to my heart is the compilation of works by Kansas City jazz great, Bennie Moten. Bennie and his band created the famous Kansas City swing style of jazz that later made Count Basie a star. Recording between 1923 and 1932, Bennie Moten's music is archived on 78 RPM records which require special equipment to play. If these precious musical works are not preserved, Bennie Moten's innovative sound that provided a foundation for other great artists will be lost forever.

Mr. Speaker, it is not just music that would be robbed from us if we do not pass this critical legislation. Events from bygone eras have been recorded in sound as well as on paper. These recordings humanize the events we read about in textbooks and transport us to an understanding of our past more comprehensive than any history volume. During World War II, the Office of War Information recorded their broadcasts on disks that are in desperate need of preservation. These irreplaceable recordings include news about the war, music performances by war-era artists and speeches asserting our ideals and motives.

Another treasure in jeopardy is the archives of the National Public Radio. NPR offers review and information about current events, as well as topical discussions. Unfortunately, these records are on tape which absorb moisture from the air. In order to save these historical sound documents for our children, the tape must be baked and recopied. Without this bill, these historical broadcasts will be lost.

Mr. Speaker, the Grammy bill accomplishes a crucial task; safeguarding precious historical commemorations for generations to come. We all concede this protection is in place for our revered paper documents, such as the Declaration of Independence. It is time to bestow that same honor and respect on their audio counterparts.

I commend the sponsors for their leadership, and urge my colleagues to support H.R. 4846.

Mr. Speaker, I include the following for the RECORD.

TREASURES FROM THE AMERICAN FOLKLIFE CENTER

(From Peggy Bulger, Director of the American Folklife Center)

All in need of preservation.

I. WAX CYLINDER ERA (1890–1930S)

1890—First field recording of folk music and folklore, as Harvard's Jesse Walter Fewkes uses new Edison recording machine to document songs and stories of Passamaquoddy Indian Noel Joseph in Calais, Maine.

1893—First recorded documentation of world music (I think), including Kwakiutl. Fijian Samoan Wallis Island, Javanese, and Turkish/Arabic music, made by Benjamin Ives Gilman in various pavilions at the Columbian Exposition in Chicago.

1895—Pioneering woman ethnographer Alice Fletcher teams up with her Omaha student, Francis LaFlasche, to record a comprehensive sampling of Omaha Indian music (this may also be the first recording under Bureau of American Ethnology auspices).

1895?—Bureau of American Ethnology begins a half century of recorded documentation of American Indian music and culture.

1907-41—Frances Densmore's 2000+lifetime recordings of American Indian music.

1906-08—Percy Grainger's recordings of English folksongs, including legendary English folksinger Joseph Taylor from Lincolnshire (Note: The Center's recordings were copied onto disc from the original cylinders when Grainger brought the cylinders into the Library in a sack—an early preservation effort).

1906-10—First cowboy songs recorded by John Lomax, including (??) "Home on the Range".

1929-35—James Madison Carpenter's recordings of Scottish ballad singer Belle Duncan.

II. DISC ERA (1930S–1940S)

Woody Guthrie's repertory, recorded by Alan Lomax, 193—.

Leadbelly's repertory, recorded by John and Alan Lomax, 193—.

Leadbelly's "Goodnight Irene" (or did he record this commercially first?).

"Rock Island Line," sung by Black prisoners in Cummins State Farm, Arkansas, recorded by John Lomax (accompanied by Leadbelly).

"Rock Island Line" recorded by Leadbelly.

The legendary interviews of Ferdinand "Jelly Roll" Morton with Alan Lomax on the stage of Coolidge Auditorium at the Library of Congress, describing the origins of jazz based on his personal experiences and observations, 1938.

The Library of Congress/Fisk University Coahoma County (MS) Project—recordings by Alan Lomax and John Work of the entire spectrum of African American music in the Mississippi Delta, 1941–42 (includes the two following items).

Muddy Waters (McKinley Morganfield)—the original Delta field recordings by Alan Lomax in 1941–42 (?), when Muddy Waters was a young man and before he went north to Chicago, electrified, and helped start the modern Rhythm and Blues style.

Eddie "Son" House—Mississippi Delta field recordings of the legendary blues singer by Alan Lomax, 1941?

"Bonaparte's Retreat" played on fiddle by Bill Stepp of Salyersville, KY, 1937, recorded by Alan Lomax—the source of the famous "Hoedown" music by Aaron Copeland's Rodeo.

Willard Rhodes/Bureau of Indian Affairs Collection, the most comprehensive effort to document American Indian music in the post-WW2 period.

American Dialect Society Collection—early documentation of American speech and dialect.

Alan Lomax Michigan collection (1938?)—includes both urban blues and various unusual ethnic traditions (Here's an example of a disc collection that, because of the particular composition of the acetate discs, is flaking and falling apart as we speak).

III. WIRE RECORDINGS (CA. 1947–65)

IV. TAPE ERA (1947–PRESENT)

Paul Bowles Moroccan Collection—60 to 70 7" tapes recorded by noted author/composer Paul Bowles with the assistance of the Library of Congress, surveying the music of Morocco.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from Missouri (Ms. MCCARTHY), for her leadership and support of this effort. She has been very much involved in bringing the bill to this point, and I certainly appreciate her support on the floor.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 4846, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4846.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRUTH IN REGULATING ACT OF 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4924) to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

The Clerk read as follows:

H.R. 4924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Regulating Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) "agency" has the meaning given such term under section 3502(1) of title 44, United States Code, except that such term shall not include an independent regulatory agency, as that term is defined in section 3502(5) of such title;

(2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, or for which an agency has prepared an initial or final regulatory flexibility analysis pursuant to section 603 or 604 of title 5, United States Code; and

(3) "independent evaluation" means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received, or in the case of a committee request for review of a notice of proposed rulemaking or an interim final rulemaking, by

the end of the period for submission of comment regarding the rulemaking, if practicable. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of an agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of an agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of an agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2001 through 2003.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4924.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, I move that the House suspend the rules and pass the Truth in Regulating Act of 2000. It is a bipartisan, good government bill. It establishes a regulatory analysis function within the General Accounting Office. This function is intended to enhance congressional responsibility for regulatory decisions developed under the laws Congress enacts.

It is a product of the leadership over the past few years by the chairman of the Subcommittee on Regulatory Reform and Paperwork Reduction of the Committee on Small Business, the gentlewoman from New York (Mrs. KELLY), who will be joining us here in a minute.

The most basic reason for supporting this bill is constitutional. Just as Congress needs a Congressional Budget Office to check and balance the executive branch in the budget process, so it needs an analytic capability to check and balance the executive branch in the regulatory process. The GAO, or the General Accounting Office, is the logical location, since it already has some regulatory review responsibilities under the Congressional Review Act, otherwise known as the CRA.

Article I, section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes the executive branch agencies to issue rules and implement laws passed by Congress. Congress has become increasingly concerned, however, about its responsibility to oversee agency rule making, especially due to the extensive costs and impacts of Federal Rules.

During the 105th Congress, the Committee on Government Reform Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, chaired by the gentleman from Indiana (Mr. MCINTOSH), on which I serve as vice chairman, held a hearing on the gentlewoman from New York's (Mrs. KELLY) earlier regulatory analysis bill, H.R. 1704, which sought to establish a new freestanding Congressional agency. The subcommittee then marked up and reported her bill, H.R. 1704, and called for the establishment of a new legislative branch Congressional Office of Regulatory Analysis. We often refer to this as CORA, most people refer to this as CORA legislation, to analyze all major results and report to Congress on the potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs.

This agency was intended to aid Congress in analyzing Federal regulations. The committee report stated that "Congress needs the expertise that CORA would provide to carry out its duty under the Congressional Review Act. Currently Congress does not have the information it needs to carefully evaluate regulations. The only analysis that it has to rely on are those provided by the agencies which actually promulgate the rules. There is no official third party analysis of new regulations."

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued against creating a new congressional agency on the basis of fiscal conservatism, but by this logic, Congress ought to abolish the CBO as an even more heroic demonstration of fiscal conservatism. But, of course, most of us recognize that dismantling the CBO would be penny wise and pound foolish.

In the 106th Congress, the chairman of the Committee on Government Reform Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, the gentleman from Indiana (Mr. MCINTOSH) and the Committee on Small Business chairman of the Subcommittee on Regulatory Reform and Paperwork Reduction, the gentlewoman from New York (Mrs. KELLY), sought to accommodate the prejudice against the free-standing agency and introduced bills H.R. 3521 and H.R. 3669 respectively to establish a CORA function within the General Accounting Office, which is where we are now, which is an existing legislative branch agency that has this kind of expertise. The gentleman from Indiana (Mr. MCINTOSH) and the gentlewoman from New York (Mrs. KELLY) introduced their bills in January and February of this year.

On May 10, the Senate passed its own regulatory analysis legislation, S. 1198, the Truth in Regulating Act of 2000, by unanimous consent. Like the bills of the gentleman from Indiana (Mr. MCINTOSH) and the gentlewoman from New York (Mrs. KELLY), the Senate legislation would also establish a regulatory analysis function within the GAO.

During the 106th Congress, the Committee on Government Reform did not hold a hearing specifically on this bill, but the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs did hold a June 14th hearing entitled, Does Congress delegate too much power to agencies and what should be done about it?

Witnesses discussed the need for a CORA function that would assist Congress in assuming more responsibility for agency rules now which impose over $700 billion in off-budget costs to the American people through regulations.

On June 26, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Indiana (Mr. MCINTOSH) introduced H.R. 4744, which made several needed improvements to the Senate-passed bill along the lines suggested by witnesses at the June 14 hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This was a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the cost, the scope, and the content of regulation.

In addition, unlike the Senate bill, this bill would require GAO to review not only the agency's data, but also the public's data, to assure a more balanced evaluation, analyze not only the rules, costing more than $100 million, but also the rules with a significant impact on small businesses, and examine whether or not alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with a greater net benefit.

On June 29, the Committee on Government Reform favorably reported out H.R. 4744, with a very thorough discussion of issues in its accompanying report.

H.R. 4924 introduced just yesterday, includes two, or more accurately, one and a half of H.R. 4744's improvements to S. 1198. A, the inclusion within the scope of GAO's purview of agency rules with a significant impact on small businesses; and, B, a directive to the GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is practicable.

House Report 106-772 explains the basis for these improvements. Nonetheless, I am deeply disappointed that we could not persuade the honorable gentleman from California that timely comments on proposed rules are better than untimely or late comments, but understand that in politics, half a loaf, or in this case, a fraction of a loaf, may still be better than none.

H.R. 4924 is, in my judgment, inferior to H.R. 4744, which is itself a watered down version of the complete reform needed that the gentlewoman from New York (Mrs. KELLY) worked on in returning's constitutional responsibility for regulatory oversight, but this bill is a step in the right direction and it will give reformers something to build on in the next Congress.

H.R. 4924 is truly a very modest bipartisan proposal. It does not require or expect GAO to conduct any new regulatory impact analyses, any new cost benefit analyses or other impacted analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost-benefit analyses, small business impacts, federalism impacts, or any other missing analysis.

For example, after the McIntosh subcommittee insisted that the Department of Labor prepare a missing RIA for its Baby UI proposal, they finally prepared one. Unfortunately, H.R. 4924 excludes from GAO's purview major rules promulgated by the independent regulatory agencies, such as the Federal Communications Commission, the Federal Trade Commission and the Securities and Exchange Commission, which regulate major sectors of the U.S. economy.

Since the analysis accompanying rules issued by the independent regulatory agencies are often incomplete or inadequate, this omission is unfortunate, and it makes the bill less useful than its Senate counterpart or H.R. 4744.

Here is basically how the bill works. The chairman or ranking member of a committee of jurisdiction may request that GAO submit an independent evaluation to the committee on a major proposed rule during the public comment period or on a final rule within 180 days. The GAO's analysts shall include an evaluation of the potential benefits of the rule, the costs, alternative approaches to the rule making and various impact analyses.

Congress currently has two opportunities to review agency regulatory action. Under the Administrative Procedures Act, Congress can comment on agency-proposed and interim rules during the public comment period. The APA says that public sector and private sector officials have the same comment period. Late Congressional comments cannot be accepted, anymore than late private comments. That is why it is important that the GAO finishes its analysis within the public comment period, and to do so just like any other entity that does so correctly under today's law and under today's APA procedures.

Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did with the Baby UI rule. Therefore, since GAO cannot be given more time than any members of the public to comment, they should clearly be able to complete their review of agency regulatory proposals during the public comment period. Under the CRA, Congress can disapprove an agency final rule after it has promulgated, but before it is effective. That is a very important point, Mr. Speaker.

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Unfortunately, Congress has not been able to fully carry out its responsibility under the CRA because it has neither all of the information it needs to carefully evaluate agency regulatory proposals, nor sufficient staff to carry out its function. In fact, since the March 1996 enactment of the CRA, at that time, we have had no completed congressional resolutions of disapproval. To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation.

What is needed is an analysis of legislative history to see if there is a nondelegation problem, such as the FDA administration's proposed rule on tobacco product regulation; the Baby UI rule which provides paid family leave to small business employees even though Congress in the Family Medical Leave Act said no to paid family and medical leave for coverage of small business employees as well.

Sometimes the quickest way to find out that an agency has ignored a congressional intent or failed to consider less costly regulatory alternatives is to examine nonagency data and analysis. It is for that reason, under H.R. 4744, the GAO would be required to consult the public's data in the course of evaluating agency rules.

Although H.R. 4924 does not require the GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up because some hope that H.R. 4924 implicitly contains a gag order forbidding the GAO to consult any analysis or data except for those supplied by the agency to be reviewed. This reading of H.R. 4924 would defeat the whole purpose of the bill, which is to enable Congress to comment knowingly and knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. I say this notwithstanding the words, where practicable, which some CORA foes hope will ensure that the GAO analysis of proposed rules are untimely and therefore relatively worthless. I am confident that despite the "where practicable" language, GAO will want to please rather than annoy its customers and employers and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill reported by the Committee on Government Reform, H.R. 4924 will increase the transparency of important regulatory decisions. It will promote the effective congressional oversight and increase the accountability of Congress. The best government is a government accountable for the people. For America to have an accountable regulatory system, the people's elected representatives must participate in and take responsibility for the rules promulgated under the laws Congress passes.

H.R. 4924 is a meaningful step toward Congress meeting its oversight and its regulatory oversight capabilities.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) for yielding to me.

Mr. Speaker, I rise in support of H.R. 4924, the Truth in Regulating Act. H.R. 4924 is similar to S. 1198, which passed by unanimous consent in the Senate and which was introduced in the House by the gentleman from California (Mr. CONDIT).

H.R. 4924 is a significant improvement over H.R. 4744, which narrowly passed in the Committee on Government Reform on a party line vote. It imposed costly obligations on the General Accounting Office and bogged down the rule-making process.

I would like to commend the sponsors of this bill, the gentlewoman from New York (Mrs. KELLY), the gentleman from California (Mr. CONDIT), the gentleman from Indiana (Mr. MCINTOSH), and the gentleman from Texas (Mr. TURNER), as well as the gentleman from Indiana (Mr. BURTON), for working with us in order to achieve this compromise.

By working together, we can now see a 100 percent bipartisan bill on the floor and have legislation that will actually be enacted into law.

This bill is sounder than the committee-passed bill. Unlike that bill, this one only requires the GAO to evaluate an agency's analysis of rules. It does not require the GAO to do its own cost-benefit or cost-effectiveness analysis on rules.

In addition, unlike H.R. 4744, this bill does not require the GAO to evaluate a rule by the end of the comment period if this is not practicable. Therefore, if necessary, to ensure a high quality review, the GAO could use 180 days to complete its evaluation of a rule and finish after the time for commenting has expired.

This bill is not a major piece of legislation, but in one way it is precedent setting. For the first time in at least 5 years, the Committee on Government Reform has developed a consensus on regulatory reform legislation. I hope any future regulatory reform initiatives are approached with this same bipartisan spirit, and I urge my colleagues to support this legislation.

Mr. KUCINICH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Speaker, I rise in support of H.R. 4924, the Truth in Regulating Act of 2000. I would like to thank the gentleman from Indiana (Mr. BURTON); the ranking member, the gentleman from California (Mr. WAXMAN); the gentlewoman from New York (Mrs. KELLY); and the gentleman from Indiana (Mr. MCINTOSH) for forging this compromise and all their hard work on this issue.

I am confident that this proposal is similar enough to S. 1198, the Truth in Regulating Act, which recently passed the Senate by unanimous consent to ensure a quick conference. This is a straightforward proposal to provide Members of Congress with an analytical, independent evaluation of the cost proposal of major rules. I urge all of my colleagues to support this bipartisan piece of legislation.

Mr. KUCINICH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I rise in strong support of H.R. 4924, the Truth in Regulating Act of 2000. Transparency in government is essential to our democracy. Many times our Federal agencies in their zeal to carry out their mission create regulations that can be overly burdensome to the public. As a Congress, we have a responsibility to ensure that agency rules fulfill statutory requirements in an open, efficient, effective and, most importantly, in a fair manner.

Agencies must be accountable to the people they serve. This legislation creates a 3-year pilot project in which at the request of the committee of jurisdiction the General Accounting Office would review proposed and final rules which have a significant impact on the public.

Within 180 days, the GAO would independently evaluate the agency's analyses of costs, benefits, alternatives, regulatory impact, and any other analysis prepared by the agency.

I want to commend the gentlewoman from New York (Mrs. KELLY); the gentleman from California (Mr. CONDIT); the gentleman from Indiana (Mr. BURTON); the gentleman from Indiana (Mr. MCINTOSH); the ranking member, the gentleman from California (Mr. WAXMAN); and the gentleman from Ohio (Mr. KUCINICH) for their leadership and willingness to work to craft a compromise on this bill.

I am particularly pleased that the language was included which clarifies that this bill only requires the GAO to audit the analyses which were prepared by the agency pursuant to statutory authority as opposed to requiring the GAO to do its own cost-benefit analysis.

I would hope that all parties to this compromise agree that it would be impractical and an overwhelming burden to the GAO to perform another separate, independent analysis.

Mr. Speaker, this is a good government bill; and I urge its passage by the House.

Mr. KUCINICH. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, the Truth in Regulating Act represents the culmination of nearly 4 years of hard work and is an effort that will provide Congress with a new resource for reviewing new government regulations before they take effect.

This is not the bill I had hoped for, but I accept it as a good place to begin. I first introduced this legislation during the 105th Congress with the goal of giving Congress the tools it needs to oversee the steady stream of new and often costly regulations coming from the Federal Government.

Government regulations have an impact on every American, Mr. Speaker. In most cases, regulations speak to a noble purpose and can often be viewed as a measure of the value that we place in protecting such things as human health, workplace safety, or the environment. Yet too often government oversteps its bounds in an attempt to achieve these goals, and we all pay the price as a consequence.

The price of regulations poses a particularly heavy burden on small businesses and manufacturers, those entities which make up the very thing that drives our economy forward. Estimates vary on the annual cost of government regulations. The Office of Management and Budget estimates $3 billion a year while other estimates run as high as $700 billion every year.

Congress has a special entity, the Congressional Budget Office, or CBO, to help it grapple with our enormous Federal budget, and there is growing sentiment that a similar office is needed within the legislative branch to review and analyze the numerous government regulations that are developed and issued every year.

Mr. Speaker, the gentleman from Wisconsin (Mr. RYAN) highlighted the difference between the Senate version, S. 1198 and H.R. 4924. Let me highlight one of the most important components of this compromise legislation, the inclusion of small business.

As the vice chairman of the Committee on Small Business and chairwoman of the Subcommittee on Regulatory Reform and Paperwork Reduction, I know that small business owners are very familiar with the burdens that Federal regulations place on them.

Some studies have shown that for small employers the cost of complying with Federal regulations is more than double what it costs their larger counterparts. Small businesses need help in addressing this burden. A new mechanism to help Congress to control the regulatory burden on small employers, H.R. 4924 provides such a mechanism.

This legislation authorizes GAO to study not only economically significant rules but also rules that agencies identify as a significant impact on small businesses. I think it is essential that Congress have the tools to perform proper oversight of the Federal regulatory process as it affects small firms in this country.

The bottom line, the Truth in Regulating Act, is about better information. The purpose of this office is to ensure that Congress exercises its legislative powers in the most informed manner possible.

Ultimately, this will lead to better and more finely tuned legislation, as well as more effective agency regulations.

This legislation would provide Congress with reliable, nonpartisan information and improve Congress' ability to understand burdens that are placed on small businesses and the economy by excessive regulations.

I urge my colleagues to support H.R. 4924, because only through active oversight can Congress ensure that the laws that it passes are properly implemented. This is a responsibility that Congress must take seriously, because as countless small business owners can attest, not doing so can have dramatic implications.

Mr. Speaker, I would like to thank the gentleman from Indiana (Mr. McIntosh) for his work on this legislation. I would like to thank the gentleman from California (Mr. Condit) and the gentleman from Texas (Mr. Turner) for their support, and I would like to thank the gentleman from Michigan (Mr. Barcia) for his ongoing support for this important legislation.

Finally, I would like to thank the gentleman from Indiana (Mr. Burton) and certainly my colleague, the gentleman from Wisconsin (Mr. Ryan), for moving this legislation swiftly to the floor today and for the leadership of the gentleman from Indiana (Mr. Burton) on this issue.

I strongly urge my colleagues to support me in this important effort.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak in support of H.R. 4924, the Truth in Regulating Act of 2000. I want to thank the gentleman from California (Mr. Condit) for introducing H.R. 4763 on which this bill is based. I also want to thank the gentleman from Indiana (Mr. Burton) of the Committee on Government Reform; the ranking member of our committee, the gentleman from California (Mr. Waxman); the gentleman from Indiana (Mr. McIntosh) of the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs; the gentleman from California (Mr. Condit); and the gentlewoman from New York (Mrs. Kelly), who have taken a leading role on this issue, and also my good friend, the gentleman from Wisconsin (Mr. Ryan), for working together so that we can craft a bipartisan compromise that we can all support.

I think also it should be mentioned that staff has played a very important role in helping to put this together, and we want to express our appreciation to the staff as well.

Mr. Speaker, I strongly support the stated purposes of this bill: first, to increase transparency of important regulatory decisions; second, to promote congressional oversight to ensure that agencies fulfill their statutory requirements in an efficient, effective and fair manner; and, third, to increase the accountability of Congress. Therefore, I am especially pleased that we were able to craft a compromise that will likely become law because it addresses the serious concerns raised during consideration of earlier versions of the bill.

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H.R. 4924, is substantially the same as the substitute amendment I offered, along with the gentleman from California (Mr. Waxman) when the Committee on Government Reform considered H.R. 4744. That substitute was H.R. 4763, a bill introduced by the gentleman from California (Mr. Condit). It was the same language that was passed by unanimous consent in the Senate on May 9, 2000, without opposition from the Government Accounting Office, public interest groups, or industry representatives.

H.R. 4924 creates a 3-year pilot project in which, at the request of a committee of jurisdiction, the GAO would analyze economically significant proposed and final rules. GAO would evaluate the agency's analyses of cost benefits, alternatives, regulatory impact, federalism impact, and any other analysis prepared by the agency or required to be prepared by the agency. All of this analysis would be completed within 180 days of the committee's request.

Mr. Speaker, H.R. 4929 is the same as the Senate version of this bill, except:

First, it clarifies that the bill only requires the GAO to analyze agency analyses that were required by separate statute or executive order. It does not require any new agency or GAO analysis.

Second, it exempts independent boards and commissions which are exempt under similar requirements in the Unfunded Mandated Reform Act and Executive Order 12866.

Third, it applies to committee requests for the review of a minor rule if that rule has significant impact on a substantial number of small entities.

And fourth, it requires GAO to complete its analyses of proposed and interim rules within the comment period, if practicable.

In all other respects, it is the same as S. 1198, which passed the Senate with unanimous consent.

When we considered an earlier version of the bill, GAO expressed serious concerns about the scope of the analyses, the timing provided for the conducting of the reviews, and the certainty of funding. Also, public interest groups expressed concerns and opposed passage. The bill we are considering today addresses those concerns.

Mr. Speaker, the most important change that has been made is that under this bill, GAO would retain its traditional role as auditor and evaluate only the agency's work. It would not be required to conduct its own independent analyses. In addition, the bill clarifies that it would not require the agency to conduct any analyses. It only reviews analyses that are required by separate statute or executive order.

Another personality change is that H.R. 4924 requires GAO to complete analyses within the comment period only when the shortened review period is practicable. Although it is useful to have the GAO report before the comment period is closed, we did not want to force the GAO into doing shoddy work. We wanted to make sure the GAO had time to do a complete review before implementing GAO safeguards for accuracy.

Mr. Speaker, I support H.R. 4924 because it sheds light on the adequacy and usefulness of agencies' analyses, yet it ensures the GAO has adequate time and resources to fulfill its new responsibilities. It requires GAO to focus on the factors that Congress found to be the most relevant, and preserves GAO's traditional role as auditor.

Mr. Speaker, I want to again express my appreciation to the Members on the other side of the aisle. This shows what happens when we have a concern on both sides, when we are able to negotiate and compromise, we produce a bill I think that is good for the Congress and it is good for the American people.

Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply just want to thank the gentleman from Ohio (Mr. Kucinich), ranking member; the gentleman from California (Mr. Waxman), ranking member of the full committee; the gentleman from California (Mr. Condit); the gentlewoman from New York (Chairman Kelly); the gentleman from Indiana (Chairman McIntosh); and the gentleman from Indiana (Chairman Burton) for all of their hard work on this, for coming together and putting together a good bipartisan product that we are now passing here.

Mr. Speaker, I simply want to reiterate one point, which is it is our hope and intent that GAO does conduct this new analysis within the public comment period, because then it helps us as Members of Congress respond to our congressional responsibility which is to see that we as legislators are writing the laws of this country. It is just a hope and intent.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 4924.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 13, line 3, strike out **[$60,000,000.]** and insert: *$60,000,000 for each of fiscal years 2002 and 2003.*

TITLE IV—MISCELLANEOUS

SEC. 401. USE OF AIRCRAFT PROHIBITED.

Section 7(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e(a)) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "fish." in paragraph (2) and inserting "fish; or"; and

(3) by adding at the end the following:

"(3) for any person, other than a person holding a valid Federal permit in the purse seine category—

"(A) to use an aircraft to locate or otherwise assist in fishing for, catching, or retaining Atlantic bluefin tuna; or

"(B) to catch, possess, or retain Atlantic bluefin tuna located by use of an aircraft.".

SEC. 402. FISHERIES RESEARCH VESSEL PROCUREMENT.

Notwithstanding section 644 of title 15, United States Code, and section 19.502–2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on H.R. 1651.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1651, the Fishermen's Protective Act Amendments of 1999. This bill makes a number of conservation and management improvements to several important fisheries laws.

Title I allows fishermen to be reimbursed if their vessel is illegally detained or seized by foreign countries.

Title II establishes a panel to advise the Secretaries of State and Interior on Yukon River salmon issues in Alaska. This section will provide much needed support in the conservation and management of Yukon River salmon.

Title III authorizes the Secretary of Commerce to acquire, purchase, lease, lease-purchase or charter and equip up to six fishery survey vessels. These vessels are one of the most important fishery management tools available to the Federal scientists. They allow for the collection of much-needed scientific data and to manage our Nation's fisheries.

Finally, the last title addresses the use of spotter aircraft in the New England-based Atlantic bluefin tuna fishery. This section was added in the other body which responded to concerns over use of planes which have accelerated the catch rates and closures in the general and harpoon categories.

Mr. Speaker, this is a well thought out, well drafted bill, and I urge an "aye" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, H.R. 1651, which was passed by the House last year. As my colleague on the other side has explained, it contains several provisions intended to improve the fisheries conservation, management and data collection. It was approved unanimously by the Senate last month, and I urge the Members to support passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in strong support of H.R. 1651, the Fishermen's Protective Act Amendments. H.R. 1651, as passed by the House, makes improvements in several important fisheries laws by enhancing conservation and management measures.

In the other body, this bill was amended to include a ban on the use of spotter planes to find Atlantic bluefin tuna. The Senate passed the amended bill by unanimous consent.

Mr. Speaker, I want to make clear how important this provision of the bill is to tuna fishermen in Maine. Most of them have been shut out of the fishery this season, as well as in the recent past. Currently, the larger boats can afford the planes. They take in the allowable catch and force smaller boats to end their season. Without this ban, owners of these smaller boats will be unable to make a living and support their families.

Many strong opinions are the rule when fisheries issues are concerned. In this case, however, the Secretary of Commerce received a unanimous recommendation from the Highly Migratory Species Advisory Panel in 1998. The panel advised the Secretary to prohibit the use of spotter aircraft in the General and Harpoon categories of the Atlantic bluefin tuna fishery.

The use of these planes can increase the catch rates and closures in the general and harpoon categories. The scientific and conservation objectives of the Highly Migratory Species Fisheries Management Plan can be negatively affected by the increased catch rates. Two years ago, the National Marine Fisheries Service issued a proposed rule to adopt the Advisory Panel recommendation but the rule was not finalized. It has, therefore, become necessary to take legislative action.

Mr. Speaker, this is a regional issue that many in the New England delegation on both sides of the aisle support. I thank the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) for expediting action on this bill, and I urge Members to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for his work and his support of this legislation, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1651.

The question was taken.

Mr. ALLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

OCEANS ACT OF 2000

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2327) to establish a Commission on Ocean Policy, and for other purposes.

The Clerk read as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 2000".

SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

(1) the protection of life and property against natural and manmade hazards;

(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

(3) the protection of the marine environment and prevention of marine pollution;

(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. COMMISSION ON OCEAN POLICY.

(a) Establishment.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) Membership.—

(1) Appointment.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) Nominations.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) Chairman.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) Vacancies.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) Resources.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) Staffing.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) Meetings.—

(1) Administration.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) Initial meeting.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) Required public meetings.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

(f) Report.—

(1) In general.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) Required matter.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) Consideration of factors.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) Limitations.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) Public and Coastal State Review.—

(1) Notice.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) Inclusion of governors' comments.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) Administrative Procedure for Report and Review.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) Termination.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section a total of $6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

(a) National Ocean Policy.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) Cooperation and Consultation.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SEC. 6. DEFINITIONS.

In this Act:

(1) Marine environment.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) Ocean and coastal resource.—The term "ocean and coastal resource" means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) Commission.—The term "Commission" means the Commission on Ocean Policy established by section 3.

SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on S. 2327.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2327 establishes a Commission on Ocean Policy and requires that the President submit a biennial report to the Congress detailing Federal ocean and coastal activities. Both the House and Senate adopted similar legislation in the 105th Congress, but no final measure was cleared for the President's signature.

In this Congress, I joined with the gentleman from California (Mr. FARR), the gentleman from Pennsylvania (Mr. GREENWOOD), and others to introduce H.R. 4410, the House companion bill to this bill.

The commission which will be created will consist of 16 members, 12 of which are members nominated by the House and Senate leadership. Members must be knowledgeable in coastal and ocean activities and represent geographically diverse districts. The commission will hold public meetings in coastal regions and gather input on a draft report from the public, the governors of coastal States, and the appropriate congressional committees.

The commission will prepare a report that includes a review of existing and planned ocean and coastal activities of Federal entities and make recommendations for modifications to the United States laws, regulations, and administrative structure of executive agencies necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

After a final report is submitted to the Congress and the President, the President is directed to submit to the Congress a statement of proposals to implement or respond to the commission's recommendations for coordinated, comprehensive, and long-term national policy for the responsible use and stewardship of the ocean and coastal resources for the benefit of the United States.

The President may not take any administrative or regulatory action or implement a reorganization plan not otherwise authorized by law in effect at the time of such action.

The Stratton Commission conducted a comprehensive review of national ocean policy and reported to Congress in 1969. Today, many of that commission's recommendations have been implemented, but no further comprehensive review of national ocean policy has been conducted. In light of the enormous growth of the population in coastal areas; our vastly improved understanding of physical, chemical, and biological oceanography; the tremendous technical advances in equipment available to explore and exploit ocean resources; and the number and complexity of Federal oceanographic and ocean and coastal resources conservation and management programs, it is time to conduct another comprehensive review of U.S. ocean policy. That is what this commission's purpose will be.

Mr. Speaker, I urge an "aye" vote on S. 2327.

Mr. Speaker, I include the following exchange of letters for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 25, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth HOB, Washington, DC.

DEAR CHAIRMAN YOUNG: I am in receipt of your letter of July 25, 2000 regarding S. 2327, the "Oceans Act of 2000."

As you state S. 2327 has provisions which fall within the jurisdiction of the Committee on Science. Given your desire to bring S. 2327 to the floor an expeditious manner, the Committee on Science will not object to its consideration.

We will request an appropriate number of conferees should a conference be convened on S. 2327 or similar legislation. I would ask that our exchange of letters be entered into the Congressional Record.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Resources intends to seek House passage of S. 2327, the Oceans Act of 2000, with an amendment, so as to clear the measure for the President.

The Transportation and Infrastructure Committee has a right to a referral of S. 2327. As you know, this legislation is based on previous bills establishing a Commission on Ocean Policy, including S. 1213, the Oceans Act of 1997, which was referred to our Committee, and H.R. 3445, the Oceans Act of 1998, which would have been referred to our Committee in the absence of an exchange of letters.

In view of your desire to move S. 2327 expeditiously, I will not insist on a referral that could delay consideration of this bill. This action should in no way be considered a waiver of the jurisdiction of the Committee on Transportation and Infrastructure over S. 2327. In addition, I would appreciate your inclusion of this letter in any Floor debate accompanying House consideration of S. 2327.

Thank you for your cooperation and that of your staff.

Sincerely,

BUD SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, July 25, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn HOB, Washington, DC.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science, Rayburn HOB, Washington, DC.

DEAR MESSRS. CHAIRMEN: Thank you for your letters regarding S. 2327, the Oceans Act of 2000. I agree that the bill contain provisions within your respective committees' jurisdiction and I appreciate your willingness to waive a referral of the bill to expedite its consideration by the House of Representatives this week.

I will be pleased to put your letters and this response in the Congressional Record when the bill is called up on the House Floor.

Thank you again for your cooperation.

Sincerely,

DON YOUNG,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2327, and I want to thank the gentleman from New Jersey (Mr. SAXTON), the gentleman from California (Mr. FARR), the gentleman from Pennsylvania (Mr. GREENWOOD), and others who have worked hard on this legislation.

It is very clear that, as a Nation, we must consider comprehensively the challenges and the opportunities that lie ahead in the 21st century to ensure that we manage our ocean environment in the way that is both integrated and sustainable in the long term. I believe that this legislation moves us toward that goal.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I embarked on a sea odyssey over 4 years ago to pass the Oceans Act to establish a commission modeled after the Stratton Commission, which was a commission that met over 30 years ago.

If one thinks about it, most of the instrumentation we use to measure weather, measure the ocean, measure fisheries management has all been invented since the Stratton Commission desolved. We know a lot more now than we did then. Yet, we do not have a national policy on how this country ought to look into the 21st century about an ocean strategy. That is what this bill does. It really is a tribute to the hard work, bipartisan work of the gentleman from New Jersey (Chairman SAXTON); members of the Committee on Resources, including the gentleman from California (Mr. GEORGE MILLER), ranking member; and others on that committee.

Let me just say in one quick statement what is of interest here. We just sent satellites, we sent astronauts around the globe to photograph the earth. They photographed the surface of the planet, not the bottom of the ocean. We know a lot about the surface of the Earth than the bottom of the sea. We know everything there is to know about the Moon, the entire Moon, the back side, top side, front side. We know very, very little, very, very little, less than 5 percent of what the ocean floor of the world is.

The ocean floor of the Earth is 76 percent of the Earth. That is unknown: the canyons, the rivers, the volcanoes, the sulfuric vents, the depths, the heights. That is what this 21st century exploration is all about is to explore and to learn ways in which this Earth's resources can be properly managed. So that we shall not perish, so that we can manage to survive as a healthy planet.

As we know, we cannot just continue to dump everything we do not like into our oceans. All the excesses of which we do not know what to do with on land, we just dump them in the sea. We think they just sort of disappear. They do not. They integrate with the life of the ocean. They can kill it. We have people fishing with cyanide. We have people fishing with dynamite in some parts of the world. We have runoff with toxic wastes, and so on.

So now is the time in the development of a society that we need to have a better look at how we manage these resources. This commission that we will vote on will do that. The President is required to bring back to Congress a report on how we should legislate within the next 18 months.

This is a very good bill. I ask for an "aye" vote.

Mr. BOEHLERT. Mr. Speaker, I rise in support of S. 2327, the Oceans Act of 2000. As chairman of the Water Resources and Environment Subcommittee of the Committee on Transportation and Infrastructure, I can attest to the importance of this legislation and the need to develop a comprehensive approach to our nation's oceans. Our Subcommittee held a hearing on comparable legislation in 1998 and since then has been active in reviewing and passing related bills advancing ocean and coastal protection efforts.

Like its predecessors (such as H.R. 3445 and S. 1213 in the 105th Congress), S. 2327 takes an important step towards a coordinated, comprehensive, and long-range national ocean policy. Clearly, there is a need for a renewed, comprehensive effort to develop such a policy. A lot has changed since the Stratton Commission was established in 1966. We have learned more about ocean and coastal problems and solutions and we have seen the enactment of laws such as the Clean Water Act, the Ocean Dumping Act, and the Oil Pollution Act. We also continue to witness the importance of shore protection and hurricane response programs of the Army Corps of Engineers and the Federal Emergency Management Agency.

Mr. Speaker, the Transportation and Infrastructure Committee was entitled to a referral of this legislation. However, in order to expedite House consideration of this important measure, the Committee agreed not to seek a referral. I appreciate the leadership and cooperation of Chairman SHUSTER, Chairman SENSENBRENNER of the Science Committee, and, of course, Chairman YOUNG of the Resources Committee. I also want to congratulate Rep. SAXTON, Rep. FARR, and others for their tireless efforts to move this legislation forward. Many of S. 2327's provisions are the result of negotiations among the House Committees and the Senate in 1998 and beyond.

Mr. Speaker, a vote for this bill is a vote for the responsible use and stewardship of ocean and coastal resources. I urge all of my colleagues to support S. 2327.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2327.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

☐ 1530

JARYD ATADERO LEGACY TRAIL

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3817) to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National

Forest in Colorado as the "Jaryd Atadero Legacy Trail," as amended.

The Clerk read as follows:

H.R. 3817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDING.

Congress finds that Jaryd Atadero, a 3-year old boy from Littleton, Colorado, was last seen the morning of October 2, 1999, 1½ miles from the trailhead of the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest.

SEC. 2. DEDICATION.

Congress dedicates the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest to Jaryd Atadero and his legacy of promoting safe outdoor recreation for children.

SEC. 3. SIGN.

The Secretary of Agriculture shall recognize the loss of Jaryd Atadero and the need for increased awareness of child safety in outdoor recreation settings by posting an interpretive sign at the Big South Trail trailhead that—

(1) describes consideration for safe outdoor recreation with children;

(2) refers to the tragic loss of Jaryd Atadero to underscore the need for such safety considerations;

(3) refers to the dedication by Congress of this trail and safety message to the legacy of Jaryd Atadero; and

(4) for not less than 1 year, includes a copy of this Act and an image of Jaryd Atadero.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), who is the chairman of our Subcommittee on Forests and Forest Health, for her support and efforts on this legislation. I also thank the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. UDALL) for their contributions at the hearing earlier this month.

Mr. Speaker, Colorado's Rocky Mountains are rugged and beautiful, but they are a dangerous playground for all small children. Three-year-old Jaryd Atadero was last seen on the morning of October 2, 1999, hiking one and one-half miles from the trail head of the Big South Trail in the Comanche Peak Wilderness Area of the Roosevelt National Forest.

On that day in October, a group of friends took Jaryd hiking on the Big South Trail as his father, Allyn, stayed behind to tend to their camp.

As the hike wore on, the group split into two, with the faster hikers moving ahead. Jaryd became missing as he ran from one group to the other. After 7 exhaustive days of searching by local volunteers, Air Force rescuers, and the Larimer and Arapahoe County authorities, no trace of Jaryd was found. He has vanished completely.

Jaryd's disappearance is a haunting story that leaves each person who hears it wishing they could do something to help, myself included. My colleagues may remember that the story received national attention for several weeks, and hundreds of people all over the country have contacted Jaryd's father offering their prayers and financial help to solve the mystery.

But Mr. Atadero, who is a deeply spiritual man, understood from the very beginning of this ordeal that the national attention given to his son's disappearance should also be focused on the prevention of future disappearances. This bill is the result of his efforts.

H.R. 3817 would dedicate the Big South Trail in the Comanche Peak Wilderness area of Roosevelt National Forest to Jaryd Atadero. Under the bill, a permanent sign will be placed at the trail head that has a list of the safety tips for children; and, for a period of no less than a year, a picture of Jaryd and a copy of this legislation will also appear.

This bill has the support of the entire Colorado delegation as well as the gentleman from California (Mr. HUNTER) who has a personal relationship with the Atadero family.

Today I brought with me a Jaryd Atadero Legacy Whistle. This is a program started by Larimer County officials that provides some basic safety tips and a whistle with a wristband that children can carry with them while hiking on a trail.

As of this week, Jaryd's whistles have been handed out to more than 4,000 children in Colorado alone. The county has received requests from schools and churches across this country in States such as Texas, Tennessee, Florida, and Kansas for these whistles and for the safety presentations by a search and rescue team. I introduced H.R. 3817 to provide a permanent reminder of Jaryd and to promote these kinds of safety precautions.

I believe that H.R. 3817 would not only keep Jaryd's memory alive, it would also raise awareness about the dangers that children face when they recreate on public lands. Many of these dangers are preventable if children and parents would remember to take safety precautions while hiking in the wilderness.

Again, I thank the Speaker and those Members of the Committee on Resources that have been of assistance in our efforts to promote this issue and remember Jaryd. I urge my colleagues to support H.R. 3817, as amended.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3817, dealing with the tragedy of Jaryd Atadero, who disappeared on the Big South Trail in Comanche Peak Wilderness area of the Roosevelt National Forest in Colorado. Despite a week-long search, Jaryd was never found. With this bill, perhaps some good can come from this tragedy.

I thank the gentleman from Colorado (Mr. TANCREDO) for bringing this legislation to the floor to deal with the memory of Jaryd and perhaps to warn other families and children about some of the dangers of being in a wilderness area, and to prevent other tragedies such as Jaryd's death.

I urge my colleagues to support this.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise in support of this bill. This bill is a good bill, and I recommend an "aye" vote on it.

Mr. UDALL of Colorado. Mr. Speaker, I am pleased that the House today is considering H.R. 3817, the bill to address the lessons to be learned from the story of a young boy, Jaryd Atadero, who became separated from his family in the Comanche Peak wilderness area in Colorado last year and has never been found.

I am a cosponsor of this bill, which would also remind us all of the need for vigilance for the safety of our children not only in the mountains but elsewhere as well.

The Resources Committee revised the bill to address some concerns raised by the Administration, and as it comes before the House today it enjoys the support of both sides of the aisle in our committee. I want to commend my Colorado colleague, Mr. TANCREDO, for working with the committee and with the Forest Service to resolve their concerns. I urge approval of the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and pass the bill, H.R. 3817, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.".

A motion to reconsider was laid on the table.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2919) to promote preservation and public awareness of the history of the

Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio, as amended.

The Clerk read as follows:

H.R. 2919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Underground Railroad Freedom Center Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the National Underground Railroad Freedom Center (hereinafter "Freedom Center") was founded in 1995;

(2) the objectives of the Freedom Center are to interpret the history of the Underground Railroad through development of a national cultural institution in Cincinnati, Ohio, that will house an interpretive center, including museum, educational, and research facilities, all dedicated to communicating to the public the importance of the quest for human freedom which provided the foundation for the historic and inspiring story of the Underground Railroad;

(3) the city of Cincinnati has granted exclusive development rights for a prime riverfront location to the Freedom Center;

(4) the Freedom Center will be a national center linked through state-of-the-art technology to Underground Railroad sites and facilities throughout the United States and to a constituency that reaches across the United States, Canada, Mexico, the Caribbean and beyond; and

(5) the Freedom Center has reached an agreement with the National Park Service to pursue a range of historical and educational cooperative activities related to the Underground Railroad, including but not limited to assisting the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act.

(b) Purposes.—The purposes of this Act are—

(1) to promote preservation and public awareness of the history of the Underground Railroad;

(2) to assist the Freedom Center in the development of its programs and facilities in Cincinnati, Ohio; and

(3) to assist the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (16 U.S.C. 4691).

SEC. 3. DEFINITIONS.

In this Act:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) Project budget.—The term "project budget" means the total amount of funds expended by the Freedom Center on construction of its facility, development of its programs and exhibits, research, collection of informative and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center, prior to the opening of the Freedom Center facility in Cincinnati, Ohio.

(3) Federal share.—The term "Federal share" means an amount not to exceed 20 percent of the project budget and shall include all amounts received from the Federal Government under this legislation and any other Federal programs.

(4) Non-federal share.—The term "non-Federal share" means all amounts obtained by the Freedom Center for the implementation of its facilities and programs from any source other than the Federal Government, and shall not be less than 80 percent of the project budget.

(5) The freedom center facility.—The term "the Freedom Center facility" means the facility, including the building and surrounding site, which will house the museum and research institute to be constructed and developed in Cincinnati, Ohio, on the site described in section 4(c).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) Program Authorized.—From sums appropriated pursuant to the authority of subsection (d) in any fiscal year, the Secretary is authorized and directed to provide financial assistance to the Freedom Center, in order to pay the Federal share of the cost of authorized activities described in section 5.

(b) Expenditure on Non-Federal Property.—The Secretary is authorized to expend appropriated funds under subsection (a) of this section to assist in the construction of the Freedom Center facility and the development of programs and exhibits for that facility which will be funded primarily through private and non-Federal funds, on property owned by the city of Cincinnati, Hamilton County, and the State of Ohio.

(c) Description of the Freedom Center Facility Site.—The facility referred to in subsections (a) and (b) will be located on a site described as follows: a 2-block area south of new South Second, west of Walnut Street, north of relocated Theodore M. Berry Way, and east of Vine Street in Cincinnati, Ohio.

(d) Authorization of Appropriations.—There are authorized to be appropriated $16,000,000 for the 4 fiscal year period beginning October 1, 1999. Funds not to exceed that total amount may be appropriated in 1 or more of such fiscal years. Funds shall not be disbursed until the Freedom Center has commitments for a minimum of 50 percent of the non-Federal share.

(e) Availability of Funds.—Notwithstanding any other provision of law, funds appropriated to carry out the provisions of this Act shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which the funds were appropriated.

(f) Other Provisions.—Any grant made under this Act shall provide that—

(1) no change or alteration may be made in the Freedom Center facility except with the agreement of the property owner and the Secretary;

(2) the Secretary shall have the right of access at reasonable times to the public portions of the Freedom Center facility for interpretive and other purposes; and

(3) conversion, use, or disposal of the Freedom Center facility for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation equal to the greater of—

(A) all Federal funds made available to the grantee under this Act; or

(B) the proportion of the increased value of the Freedom Center facility attributable to such funds, as determined at the time of such conversion, use, or disposal.

SEC. 5. AUTHORIZED ACTIVITIES.

(a) In General.—The Freedom Center may engage in any activity related to its objectives addressed in section 2(a), including, but not limited to, construction of the Freedom Center facility, development of programs and exhibits related to the history of the Underground Railroad, research, collection of information and artifacts and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center.

(b) Priorities.—The Freedom Center shall give priority to—

(1) construction of the Freedom Center facility;

(2) development of programs and exhibits to be presented in or from the Freedom Center facility; and

(3) providing assistance to the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (16 U.S.C. 4691).

SEC. 6. APPLICATION.

(a) In General.—The Freedom Center shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each application shall—

(1) describe the activities for which assistance is sought;

(2) provide assurances that the non-Federal share of the cost of activities of the Freedom Center shall be paid from non-Federal sources, together with an accounting of costs expended by the Freedom Center to date, a budget of costs to be incurred prior to the opening of the Freedom Center facility, an accounting of funds raised to date, both Federal and non-Federal, and a projection of funds to be raised through the completion of the Freedom Center facility.

(b) Approval.—The Secretary shall approve the application submitted pursuant to subsection (a) unless such application fails to comply with the provisions of this Act.

SEC. 7. REPORTS.

The Freedom Center shall submit an annual report to the appropriate committees of the Congress not later than January 31, 2000, and each succeeding year thereafter for any fiscal year in which Federal funds are expended pursuant to this Act. The report shall—

(1) include a financial statement addressing the Freedom Center's costs incurred to date and projected costs, and funds raised to date and projected fundraising goals;

(2) include a comprehensive and detailed description of the Freedom Center's activities for the preceding and succeeding fiscal years; and

(3) include a description of the activities taken to assure compliance with this Act.

SEC. 8. AMENDMENT TO THE NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT OF 1998.

The National Underground Railroad Network to Freedom Act of 1998 (112 Stat. 679; 16 U.S.C. 4691 and following) is amended by adding at the end the following:

"SEC. 4. PRESERVATION OF HISTORIC SITES OR STRUCTURES.

"(a) Authority to Make Grants.—The Secretary of the Interior may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

"(b) Grant Conditions.—Any grant made under this section shall provide that—

"(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

"(2) the Secretary shall have the right of access at reasonable times to the public portions of such property for interpretive and other purposes; and

"(3) conversion, use, or disposal of such property for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this Act.

(c) MATCHING REQUIREMENT.—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement of the preceding sentence with respect to a grant if the Secretary determines that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) FUNDING.—There are authorized to be appropriated to the Secretary for purposes of this section $2,500,000 for fiscal year 2001 and each subsequent fiscal year. Amounts authorized but not appropriated in a fiscal year shall be available for appropriation in subsequent fiscal years.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2919 sponsored by the gentleman from Ohio (Mr. PORTMAN) would bring financial assistance to the Freedom Center in Cincinnati, Ohio in order to promote preservation and public awareness of the history of the Underground Railroad. The gentleman from Ohio (Mr. PORTMAN) is to be commended for working very hard to bring all the parties together in order to move this measure forward.

The Freedom Center would interpret the history of the Underground Railroad and link the many Underground Railroad sites to a national center in keeping with the National Underground Railroad Network to Freedom Act.

From the end of the 18th century to the end of the civil war, the Underground Railroad flourished, symbolizing the ideal of freedom. In 1995, the National Underground Railroad Freedom Center was founded in Cincinnati to interpret the history of the Underground Railroad by bringing together exhibits that linked the scattered Underground Railroad sites through state-of-the-art technology.

The Freedom Center is the first public-private partnership with the National Underground Railroad Network to Freedom Act to coordinate the sites and activities within the National Park Service. This bill helps to complete the network of the various network sites of the Underground Railroad.

I would like to commend again the gentleman from Ohio (Mr. PORTMAN) for his efforts to ensure that the Underground Railroad's legacy is preserved and enhanced for all Americans to study and draw inspiration from.

Mr. Speaker, I urge my colleagues to support H.R. 2919, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation by the gentleman from Ohio (Mr. PORTMAN). This is follow-on legislation to the legislation that we passed to establish a National Underground Railroad Network to Freedom program and will provide for the construction of a facility known as the Freedom Center in Cincinnati, Ohio.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. PORTMAN), and I would just like to add that the gentleman worked extremely hard on this bill, and through his good works, we now have this legislation ready to be passed.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN) for yielding this time to me to speak about H.R. 2919. I want to thank him personally for the effort he has put into this. Simply put, we would not have been on the floor today without his help in the subcommittee and the full committee, and over the last 2 years giving me guidance and support.

I also want to commend the gentlewoman from Cleveland, Ohio (Mrs. JONES), my colleague on the other side of the aisle, who is an original cosponsor of this bill and who has put in a lot of hard work and has a real personal commitment to commemorating the Underground Railroad history.

I also want to thank, of course, the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG); and the ranking member, the gentleman from California (Mr. GEORGE MILLER); as well as the ranking member of the Subcommittee on National Parks and Public Lands, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ); and the subcommittee staff and committee staff who worked with us diligently over the last couple of years on this project.

What has become known, Mr. Speaker, as the Underground Railroad was a system of cooperation among African-American slaves, freed slaves, abolitionists, and other sympathetic whites to help slaves escape bondage and obtain freedom. Two years ago, this Congress overwhelmingly approved the National Underground Railroad Network to Freedom Act, legislation that joined together for the first time the historic sites all around the country in a network administered by the National Park Service. That legislation was a start in promoting the preservation of historic sites and increased public awareness of this remarkable chapter in our Nation's history.

Now, before us today, Congress has the opportunity to build on that start and to do more, to take the next step toward preserving endangered Underground Railroad sites and toward educating future generations of Americans about this remarkable story of cooperation and reconciliation.

The legislation takes two important steps: first, it authorizes limited Federal matching funds for the National Underground Railroad Freedom Center, the National Interpretive Museum, which is being developed on the river front in Cincinnati, Ohio. This is a very exciting undertaking that takes the best thinking nationally, including working with the National Park Service and working with the Smithsonian, and also uses state-of-the-art technology and private sector creative resources to communicate real uplifting Underground Railroad stories to underscore the value of freedom and the importance of cooperation.

Second, this legislation authorizes the Department of the Interior to provide funds directly to endangered or threatened Underground Railroad sites nationwide, to ensure that these vital historic sites will be preserved for future generations.

Mr. Speaker, I believe that preserving these sites and telling the story of the Underground Railroad is a noble and very important mission. At a time when the news is all too often filled with stories of racial tension and misunderstanding, we need positive examples and hopeful role models that encourage understanding, cooperation, respect, and reconciliation. I urge my colleagues to reaffirm their support today and to commemorate this important part of our Nation's heritage by passing the bill before us.

Mr. Speaker, I rise in strong support of H.R. 2919, the National Underground Railroad Freedom Center Act. And I'd like to commend my colleague from Ohio and the original cosponsor of this bill—STEPHANIE TUBBS JONES—for her hard work on this bill and her personal commitment to commemorating the history of the Underground Railroad movement. I'd also like to thank House Resources Chairman DON YOUNG and Ranking Member GEORGE MILLER—along with Parks Subcommittee Chairman JIM HANSEN and Ranking Member CARLOS ROMERO-BARCELÓ, and the subcommittee and committee staff—for their support.

Mr. Speaker, the Underground Railroad was a system of cooperation among African-American slaves, free African-Americans, abolitionists and other sympathetic whites to help slaves escape their bonds and obtain freedom. Two years ago, Congress overwhelmingly approved the National Underground Railroad Network to Freedom Act, legislation that joined together, for the first time, the historic sites of the Underground Railroad in a network administered by the National Park Service. That legislation was a start in promoting the preservation of historic sites and increased public awareness of this remarkable chapter in our nation's history.

Now, Congress has the opportunity to build on the Network to Freedom Act—to take the next step toward preserving endangered Underground Railroad sites and educating future generations of Americans about this remarkable story of cooperation and reconciliation.

This legislation takes two important steps. First, it authorizes limited matching Federal funding for the National Underground Railroad Freedom Center—the national museum being developed on the riverfront in Cincinnati, Ohio.

Second, it authorizes the Interior Department to provide funds directly to endangered or threatened Underground Railroad sites nationwide-to ensure that these vital historic sites will be preserved for future generations. Let me talk briefly about each of those components of the bill.

FREEDOM CENTER FUNDING

The National Underground Railroad Freedom Center will be a national education and distributive museum center located on the Ohio River, scheduled to open in 2003. The mission of the Freedom Center will be to dramatize the Underground Railroad's stories of cooperation and courage to better educate and inspire us in our lives today.

It is an exciting undertaking that is taking the best thinking nationally and using state of the art technology and private sector creative resources to communicate real, uplifting Underground Railroad stories to underscore the value of freedom and the importance of cooperation. Importantly, the Freedom Center is working closely with the National Park Service as well as the Smithsonian in developing the project.

As a distributive educational museum, the Freedom Center will also establish regional centers, or "freedom stations," in other areas of the country, especially those that are significant to the Underground Railroad, both in the North and the South. Many of these regional centers will partner with local Underground Railroad sites, linking them with other sites across the country and disseminating information.

Last year, under the able leadership of subcommittee chairman RALPH REGULA of Ohio, Congress appropriated $1 million in initial construction funding for the Freedom Center. The legislation we are considering today authorizes $16 million over 4 years for construction of the Freedom Center. I want to make it clear that this federal role is a relatively small part of the overall funding, and all of it is subject to non-Federal funds being raised. In fact, because the Freedom Center has created an innovative public/private partnership, the funding for this initiative involves the lowest percentage of federal matching funds of any of the national museums.

Most other national museums have raised only one-third to one-half of construction and/or operating from non-Federal sources. However, the non-Federal role in the Freedom Center would exceed 80 percent. But I want to make the point that, though limited, these federal funds are extremely important because they are used to leverage additional funds from the private sector.

The Freedom Center has already raised $36 million toward its goal of $90 million. And, an aggressive private sector funding campaign will provide a significant portion of the remaining $54 million. Incidentally, in addition to funding for construction, technology, and exhibit design and installation, the goal of $90 million includes an operating endowment of $10 million.

PRESERVING THREATENED URR SITES

The second key component of this legislation is an authorization for the Secretary of the Interior, through the Park Service, to provide $2.5 million annually for the preservation of historic Underground Railroad sites nationwide—particularly endangered or threatened sites that might otherwise be lost.

These grants would be available to any historical site that meets the criteria for inclusion on the National Underground Railroad Network to Freedom that Congress established two years ago.

Unfortunately, as community groups around the country will tell you, many Underground Railroad sites have already been lost. And, many other sites do not qualify for inclusion on the National Register of Historic Places because the structures have been altered or may have deteriorated over time.

We can't afford to lose any more of these historic sites. And this grant money is key to proper recognition and preservation of the Underground Railroad.

I believe preserving these sites and telling the story of the Underground Railroad is a noble and important mission. At a time when the news is too often filled with stories of racial tension and misunderstanding, we need positive examples and hopeful role models that encourage understanding, cooperation, respect and reconciliation. I urge my colleagues to reaffirm their support for commemorating this important part of our nation's heritage by passing H.R. 2919 today.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of H.R. 2919, the National Underground Railroad Freedom Center Act.

This bipartisan legislation, offered by the gentleman from Ohio (Mr. PORTMAN) and the gentlewoman from Ohio (Mrs. JONES), will accomplish two important goals in the preservation and commemoration of the Underground Railroad.

I would also like to thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG); and the ranking member, the gentleman from California (Mr. GEORGE MILLER); for working together to forge a compromise and bring this bill to the floor, a bill that meets the needs of protecting and enshrining the history of the Underground Railroad. I was happy to play a minor role in moving this bill through committee.

This legislation will allow the creation of the National Underground Railroad Freedom Center in Ohio. The center will be dedicated to communicating to the public the importance of the quest for human freedom that provided the foundation for the historic and inspiring story of the Underground Railroad.

Additionally, this legislation will create a $2.5 million annual program to preserve and restore historic properties associated with the Underground Railroad throughout our Nation. The Underground Railroad, which consisted of a number of routes leading from deep Southern States, like Louisiana, Mississippi and Alabama, to free States in the North, like Ohio, Pennsylvania, and my home State of New York, was made up of safe houses where slaves who escaped could rest, get fed, and hid from those people who were seeking to return them to a life of slavery.

The creation of the Freedom Center, as well as the new Federal investment in other sites involved in the history of the Underground Railroad, will play a key role in educating our diverse society about slavery, the origins of the abolitionist movement, and the story of African Americans in the early years of our Republic.

Again, I am pleased that the committee has been able to work out a compromise that will benefit our Nation's history and allow for the protection and preservation of many more Underground Railroad sites. I ask all Members to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of H.R. 2919. This opportunity is of particular significance because today one of the finest gentlemen of the House, a true statesman, my predecessor, the gentleman from Ohio, the Honorable Louis Stokes, is on the floor. And it is significant that I have the opportunity to continue his legacy by having an opportunity to speak on legislation that was part of his original work here in the House of Representatives, the underground railroad.

I want to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Ohio (Mr. PORTMAN) for their hard work and dedication. The Freedom Center Act will help establish the National Underground Railroad Freedom Center in Cincinnati, Ohio. The goal of the center is to preserve and promote the legacy of the underground railroad. The core feature will be its preservation of stories of the underground railroad in an interactive state of the art technology link to existing underground railroad sites.

The freedom center's mission is to educate the public about the historic struggle to abolish human slavery and secure freedom for all people. The museum will be the first of its kind in the Nation and Cincinnati is an ideal location because of its prominence in the underground railroad movement.

To preserve the legacy of the underground railroad, it is important that we think back, that some estimates say 40,000 slaves escaped via the railroad system in 22 States. According to the Ohio Humanities Council, Ohio has more underground railroad lines than any other State, numbering almost 150 sites.

H.R. 2919 supports this collaborative by, among other things, making grants for the preservation and restoration of historic buildings or structures associated with the undergrqund railroad across this Nation.

I rise today to build upon the work of the Honorable Louis Stokes and the gentleman from Ohio (Mr. PORTMAN) and I thank my colleagues for this opportunity to be heard.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I rise in support of H.R. 2919, the National Underground Railroad Network to Freedom. As we all know and as has been discussed previously, this is a way to preserve and link the underground railroad sites nationwide for the first time within the National Park Service.

I am a member of the Subcommittee on Interior of the Committee on Appropriations, and this is something that we do have concern about.

This bill is designed to protect and preserve the stories and the tales and the reality of the endangered sites of the underground railroad for future generations, and we believe that it is a story that should be told for future generations.

Last week, I joined Mr. DAVIS and Mr. LEWIS and the gentleman from Oklahoma (Mr. WATTS) to make an announcement about a resolution that we have urging the Speaker of the House to name a study committee to make recommendations on how this House can commemorate the fact that the United States Capitol was partially built with slave labor, 400 slaves to be exact.

As we in this country get together to reconcile racial differences, I believe an important component is to talk about our mutual history. It does seem like we have carefully, for many years, many decades, side stepped the issue of slavery in the construction of this great country. In Georgia, for example, where I am from, Savannah, Georgia, 1733, when it was founded, slavery was against the law, but as time progressed, economic pressure brought in slavery. Yet, as I look back to the history of my great State and the other States, certainly along the East Coast and then many as we expanded West, slaves were there helping build our country, all the way.

So I do not think we should be afraid to discuss this. I do not think it should be side stepped. I think we owe it to Americans, African Americans, Native Americans, Asian, Hispanic, white and black together to discuss this. I think it is something that we owe to our society.

So I am a supporter of this legislation, because it is long since that we are saying let us go back and honor the social and humanitarian movement to resist slavery in the United States prior to the Civil War and this, of course, was not something that just happened for a short period of time but went on for many years from about the 1830's to 1865.

It spanned more than 22 States and crossed all the way into the Mexican and Canadian borders.

Mr. Speaker, I believe that if we have a National Underground Railroad Freedom Center, it will help educate the public about the human struggle to abolish slavery and secure the freedom of all people. So I am a supporter of it and I urge Members of the House to vote for it.

Mr. SOUDER. Mr. Speaker, I rise today to urge support for this bill sponsored by my friend, the gentleman from Ohio. I believe the bill he has worked so diligently on is fundamental to re-discovering, preserving, and trumpeting the important contribution of the Underground Railroad in chipping away at the institution of slavery.

I am a cosponsor of this bill, which will provide funding to establish the National Underground Railroad Freedom Center in Cincinnati, Ohio. It is important to keep in mind that only 20 percent of total funding for the Freedom Center will come from the Federal Government—the lion's share of funding will be from private and local sources.

This important Center—the first of its kind in the nation—will be a clearinghouse for the education, collection, and dissemination of information on the Underground Railroad.

The Underground Railroad spanned 29 states, and is known for its role in the mid-1800s movement of enslaved African Americans seeking freedom from bondage in the South. For the slaves who had the courage and determination to free themselves, the Underground Railroad network provided shelter, food, supplies, transport, and discretion, which was invaluable during the dangerous journey to freedom.

The history of the Underground Railroad tells a story of strong determination of those who were dedicated to the freedom of a people.

It also tells a story of very special collaborations between people of diverse racial, cultural, and religious backgrounds. Without modern methods of communication—telephones, faxes, or the Internet—many people—Africans, Caucasians, Native Americans, and Quakers—banded together for a greater good: to provide freedom to some, and to end the abomination of slavery for all.

These people risked their lives on a daily basis to seek freedom or assist in helping others find it. It is estimated that in the 20 years prior to the Civil War, upwards of 40,000 slaves escaped bondage via the Underground Railroad.

Because of the nearly silent legacy of the people who passed through the Underground Railroad and provided assistance to freedom-seeking slaves, this Center is vital to reconstructing and communicating the significance of the Underground Railroad.

As a "distributive educational museum," an additional mission of the Freedom Center will be to establish regional centers, or "freedom stations."

In my district in northeast Indiana, we have been working to identify and protect numerous sites in Steuben, Allen and Noble Counties.

Carl Wilson has been working with a regional group in Ft. Wayne for two years. Carl and I have also worked with the Steuben County group as well. A key stop on the Underground Railroad may become a key point of a new bike trail in Angola, Indiana. We have been pleased to work with the Cincinnati museum in these efforts.

I believe one of the greatest challenges will be to distinguish between alleged and genuine Underground Railroad sites. Many of these alleged sites have been identified through the decades by local folklore—oral histories, notes found in family Bibles, and other unofficial documentation.

To complicate the identification process, many of these sites are in significant decay or are no longer known as part of Underground Railroad network.

These sites will need to be systematically reviewed and scientifically established.

Then, these sites should be linked together to provide Americans with a "holistic" approach to visiting and studying Underground Railroad locations. It is my understanding that the Freedom Center will assist in identifying nearly 60 Freedom Stations across America by 2003.

The history of the Underground Railroad is not only fundamental to understand the history of African Americans in this nation, the anti-slavery movement, and the Civil War, it is also fundamental to truly understand the significance of the cornerstone tenant of this nation: freedom.

This Center will educate and remind all of us about the long and winding path we have taken in America to achieve the goal of freedom for all.

I urge my colleagues to support this very important bill to provide funding for the Freedom Center in Cincinnati. Thank you.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2919, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

OREGON LAND EXCHANGE ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1629) to provide for the exchange of certain land in the State of Oregon.

The Clerk read as follows:

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Land Exchange Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) certain parcels of private land located in northeast Oregon are intermingled with land owned by the United States and administered—

(A) by the Secretary of the Interior as part of the Central Oregon Resource Area in the Prineville Bureau of Land Management District and the Baker Resource Area in the Vale Bureau of Land Management District; and

(B) by the Secretary of Agriculture as part of the Malheur National Forest, the Wallowa-Whitman National Forest, and the Umatilla National Forest;

(2) the surface estate of the private land described in paragraph (1) is intermingled with parcels of land that are owned by the United States or contain valuable fisheries and wildlife habitat desired by the United States;

(3) the consolidation of land ownerships will facilitate sound and efficient management for both public and private lands;

(4) the improvement of management efficiency through the land tenure adjustment program of the Department of the Interior, which disposes of small isolated tracts having low public resource values within larger blocks of contiguous parcels of land, would serve important public objectives, including—

(A) the enhancement of public access, aesthetics, and recreation opportunities within or adjacent to designated wild and scenic river corridors;

(B) the protection and enhancement of habitat for threatened, endangered, and sensitive species within unified landscapes under Federal management; and

(C) the consolidation of holdings of the Bureau of Land Management and the Forest Service—

(i) to facilitate more efficient administration, including a reduction in administrative costs to the United States; and

(ii) to reduce right-of-way, special use, and other permit processing and issuance for roads and other facilities on Federal land;

(5) time is of the essence in completing a land exchange because further delays may force the identified landowners to construct roads in, log, develop, or sell the private land and thereby diminish the public values for which the private land is to be acquired; and

(6) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for—

(A) protection of threatened and endangered species habitat; and

(B) permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Clearwater" means Clearwater Land Exchange—Oregon, an Oregon partnership that signed the document entitled "Assembled Land Exchange Agreement between the Bureau of Land Management and Clearwater Land Exchange—Oregon for the Northeast Oregon Assembled Lands Exchange, OR 51858," dated October 30, 1996, and the document entitled "Agreement to Initiate" with the Forest Service, dated June 30, 1995, or its successors or assigns;

(2) the term "identified landowners" means private landowners identified by Clearwater and willing to exchange private land for Federal land in accordance with this Act;

(3) the term "map" means the map entitled "Northeast Oregon Assembled Land Exchange/Triangle Land Exchange", dated November 5, 1999; and

(4) the term "Secretary" means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 4. BLM—NORTHEAST OREGON ASSEMBLED LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of the Interior shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) BLM LANDS TO BE CONVEYED.—The parcels of Federal lands to be conveyed by the Secretary to the appropriate identified landowners are as follows:

(1) the parcel comprising approximately 45,824 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 2,755 acres located in Wheeler County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(3) the parcel comprising approximately 726 acres located in Morrow Country, Oregon, within the Baker Resource Area of the Vale District of Land Management, as generally depicted on the map; and

(4) the parcel comprising approximately 1,015 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcel of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 31,646 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 1,960 acres located in Morrow County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map; and

(3) the parcel comprising approximately 10,544 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

SEC. 5. FOREST SERVICE—TRIANGLE LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of Agriculture shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) FOREST SERVICE LANDS TO BE CONVEYED.—The National Forest System lands to be conveyed by the Secretary to the appropriate identified landowners comprise approximately 3,901 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcels of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 3,752 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map;

(2) the parcel comprising approximately 1,702 acres located in Baker and Grant Counties, Oregon, within the Wallowa-Whitman National Forest, as generally depicted on the map; and

(3) the parcel comprising approximately 246 acres located in Grant and Wallowa Counties, Oregon, within or adjacent to the Umatilla National Forest, as generally depicted on the map.

SEC. 6. LAND EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the land exchanges implemented by this Act shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws.

(b) MULTIPLE TRANSACTIONS.—The Secretary of the Interior and the Secretary of Agriculture may carry out a single or multiple transactions to complete the land exchanges authorized in this Act.

(c) COMPLETION OF EXCHANGES.—Any land exchange under this Act shall be completed not later than 90 days after the Secretary and Clearwater reach an agreement on the final appraised values of the lands to be exchanged.

(d) APPRAISALS.—(1) The values of the lands to be exchanged under this Act shall be determined by appraisals using nationally recognized appraisal standards, including as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions (1992); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) To ensure the equitable and uniform appraisal of the lands to be exchanged under this Act, all appraisals shall determine the best use of the lands in accordance with the law of the State of Oregon, including use for the protection of wild and scenic river characteristics as provided in the Oregon Administrative Code.

(3)(A) all appraisals of lands to be exchanged under this Act shall be completed, reviewed and submitted to the Secretary not later than 90 days after the date Clearwater requests the exchange.

(B) Not less than 45 days before an exchange of lands under this Act is completed, a comprehensive summary of each appraisal for the specific lands to be exchanged shall be available for public inspection in the appropriate Oregon offices of the Secretary, for a 15-day period.

(4) After the Secretary approves the final appraised values of any parcel of the lands to be conveyed under this Act, the value of such parcel shall not be reappraised or updated before the completion of the applicable land exchange, except for any adjustments in value that may be required under subsection (e)(2).

(e) EQUAL VALUE LAND EXCHANGE.—(1)(A) The value of the lands to be exchanged under this Act shall be equal, or if the values are not equal, they shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)) or this subsection.

(B) The Secretary shall retain any cash equalization payments received under subparagraph (A) to use, without further appropriation, to purchase land from willing sellers in the State of Oregon for addition to lands under the administration of the Bureau of Land Management or the Forest Service, as appropriate.

(2) If the value of the private lands exceeds the value of the Federal lands by 25 percent or more, Clearwater, after consultation with the affected identified landowners and the Secretary, shall withdraw a portion of the private lands necessary to equalize the values of the lands to be exchanged.

(3) If any of the private lands to be acquired do not include the rights to the subsurface estate, the Secretary may reserve the subsurface estate in the Federal lands to be exchanged.

(f) LAND TITLES.—(1) Title to the private lands to be conveyed to the Secretary shall be in a form acceptable to the Secretary.

(2) The Secretary shall convey all right, title, and interest of the United States in the Federal lands to the appropriate identified landowners, except to the extent the Secretary reserves the subsurface estate under subsection (c)(2).

(g) MANAGEMENT OF LANDS.—(1) Lands acquired by Secretary of the Interior under this Act shall be administered in accordance with sections 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), and lands acquired by the Secretary of Agriculture shall be administered in accordance with sections 205(d) of such Act (43 U.S.C. 1715(d)).

(2) Lands acquired by the Secretary of the Interior pursuant to section 4 which are within the North Fork of the John Day subwatershed shall be administered in accordance with section 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), but shall be managed primarily for the protection of native fish and wildlife habitat, and for public recreation. The Secretary may permit other authorized uses within the subwatershed if the Secretary determines, through the appropriate land use planning process, that such uses are consistent with, and do not diminish these management purposes.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1629, sponsored by Senators SMITH and WYDEN of Oregon, and the gentleman from Oregon (Mr. WALDEN) on the House side, would facilitate two exchanges of public and private lands in Oregon: the Triangle Land Exchange in the Northeast Oregon Assembled Land Exchange.

Approximately 54,000 acres of BLM and Forest Service land is proposed to be traded for nearly 50,000 acres currently held by private ownership in northeast Oregon. The value of the lands exchanged will be the same or equalized by cash payments to the Secretaries. The proposed exchange has been proceeding under administrative process for 4½ years with a variety of delays along the way. The bill creates a legislative resolution to the exchange.

Both the government and the public have interest in this exchange. Federal agencies will acquire sensitive river corridors which will improve the efficiency of their protection efforts for threatened and endangered fish. Communities and landowners will benefit from these exchanges because the consolidation of ownership patterns and the release of previously inaccessible forest lands will boost local economies and enhance the ability of the private sector to manage its own lands.

The land exchanges have received the strong collective support of several Oregon Indian tribes, conservation groups such as the Oregon Natural Desert Association, Oregon Trout and the Sierra Club, the Governor and scores of concerned citizens at large.

Mr. Speaker, I commend the gentleman from Oregon (Mr. WALDEN) for his tireless efforts to bring this bill to the floor. His constituents are lucky to have someone of his caliber representing their interest.

I urge my colleagues to support S. 1629.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am rising on the issue of S. 1629, the Oregon Land Exchange Act. As the gentleman from Utah (Mr. HANSEN) stated, it is a bill that has come to us from the Senate sponsored by Senators SMITH and WYDEN and the gentleman from Oregon (Mr. WALDEN) who has done yeoman's work on this issue in the House.

The issue has been before the House for nearly a year. There have been a series of administrative actions that go back several years regarding these proposed exchanges.

□ 1545

In October of 1999, the subcommittee held a hearing on the issue, and in April of this year the bill was marked up. Before the hearing and before the markup, I and my staff made extensive inquiries of knowledgeable environmental groups throughout Oregon to see what concerns they might have regarding the legislation and what changes they might like to see. What I heard back, for the most part, was the benefits of the exchange, particularly along the north fork of the John Day. No one, until quite recently, came forward with specific objections to specific parcels involved as a small subset of the entire exchange. It is unfortunate that those concerns were raised so late in the process.

In general, the legislation identifies isolated parcels of publicly owned lands in eastern Oregon. I have spent some time looking at the maps; and it is quite a dispersed ownership, much of it really public islands surrounded by private land, in particular a large block of lands along the north fork of the John Day River, which is critical salmon habitat, and other private inholdings to allow the Forest Service and the BLM to block up their holdings in the public arena.

The bill is supported by Oregon Trout, the Native Fish Society, and the governor of Oregon. I contacted the Oregon Natural Resources Council, the Oregon Natural Desert Association, and the Sierra Club during consideration. They did support the Forest Service preferred alternative for the Northeast Oregon Assembled Land Exchange, which is part of the legislation. It is very complex legislation and includes other exchanges.

As I said earlier, I have heard some concerns very recently from a number of people who reside in the district of the gentleman from Oregon (Mr. WALDEN) raising concerns. In general, I am skeptical of land exchanges. When I was first here, I opposed a land exchange proposed by the chairman of the Committee on Resources, joining with the gentleman from California (Mr. MILLER) and very few others on the committee to oppose that, because we did not believe the public was getting full value. I have, in my district, put great emphasis in scrutinizing any proposals for even minor land exchanges.

This is a large exchange; and all I can do in part is rely upon the governor, the advocates, like Oregon Trout and Native Fish Society, the environmental groups that are the most knowledgeable of the area about the benefits, and try to weigh those benefits against what I am told are some detrimental exchanges on isolated parcels.

Unfortunately, I believe that at this point we cannot fix what minor problems might result, and we are threatened with harvest along the north fork of the John Day this summer or next fall if this exchange does not go forward. The owners there have withheld harvest for 3 or 4 years, and now this year went in and actually marked trees along the north fork, and I do know of the benefits and I am very familiar with that area.

The ranking member has recently revealed a report from the GAO which goes to the issue of land exchanges and problems with land exchanges; and I am hopeful that my efforts and the efforts of other members of the Oregon delegation, the resource agencies involved, and the interest groups that have scrutinized this have prevented any of those problems from recurring in this particular legislation.

Mr. Speaker, I would again, although unfortunately it comes very late in the process, I would enter the letter from the Friends of Rudio Mountain, Inc., into the RECORD at this point in time raising their concerns about that particular aspect of the exchange:

FRIENDS OF RUDIO MOUNTAIN, INC.,
Forest Grove, OR, July 20, 2000.

Representative PETER DEFAZIO,
RHOB,
Washington, DC.

DEAR PETER DEFAZIO: We are writing today with new and extremely important information that you should be informed of regarding the Oregon Land Exchange Act of 2000 (HR2950). The following new information gives the public moral grounds to ask you to stop all legislation regarding The Oregon Land Exchange Act Of 2000 (HR2950).

Our first concern is that misleading information has kept the public in the dark. We want to make it clear that Prineville District BLM officials have told us from the start that the Congressional Trade (HR2950) followed PHASE 1 of the NOALE Land Exchange. We were told that the maps in the FEIS for the NOALE were the same as the maps that you are using for The Oregon Land Exchange Act. This is not the truth.

Two weeks ago we received a set of the maps that outline the lands involved in (HR2950). Our group and many other special interest groups were not aware that entirely different maps were involved or that certain public lands of such high value in critical areas were being disposed of in (HR2950) until we reviewed maps 1 through 6. Had we known that the Congressional Trade was based on a different set of maps and that it intended to dispose of parcels of public land not set for disposal in PHASE 1 of NOALE we would have offered stormy opposition and this Bill would most likely have died at the onset. We are certain that if the true clear picture would have been laid out the Bill would not have had any supporters.

Please note that on July 19th Jessica Hamilton from Congressman David Wu's office spoke with one of the public officials that has been involved from the start with the NOALE exchange and (HR2950). During her conversation with him he told her the same misleading information that we had been led to believe. He firmly told her that he was not aware of any Rudio Mountain land at all that was involved in the Congressional Bill and that he was certain that no public land defined as Phase 2 Disposal Parcels in the FEIS were involved in (H.R. 2950). On this same date he told us that he was not aware that the Congressional Bill maps were different from those of the PHASE 1 maps of the FEIS, furthermore, he told us once again the same information that he had told to Jessica Hamilton. He kept insisting it was true until we told him that we had documents in our possession to prove him wrong. He firmly denied sending us anything at which point we reminded him that we had a map that he had outlined for us and other correspondence from him and that we were going to the State Director regarding certain matters. At this point he admitted that several thousand acres of PHASE 2 Rudio Mountain public land had been put into the Congressional trade because it contained Old-Growth Timber. He told us not to worry about it because the BLM was opposed to disposing of any Rudio Mountain land and even if Congress passed the Bill the BLM definitely would not allow those parcels to be traded away and that the NEPA process had not been completed on those parcels so BLM could not get rid of them even if Congress passed the Bill. Talk about being led down the garden path! Shortly after this conversation this public official put in a call to Jessica Hamilton to clarify certain matters. I have not had the opportunity to discuss the matter with Jessica to see exactly what he clarified.

Our second major concern is that the public lands involved do not meet the requirements of the Congressional Bill. (H.R. 2950) is defeating the purpose for land trades in Oregon. The agencies are not disposing of isolated parcels of public land as they would like the public to believe. (H.R. 2950) will dispose of large parcels of public land that are adjacent to other public land, for example, (SEE MAP 4), T12S R28E, Parcels 117B—139A—139B, (consisting of about 1500 acres), T12S R29E, Parcel 145, T12S R30E, Parcel 150A, (about 600 acres surrounded by public land and adjoining a major highway), to name just a few examples. Parcels like this have been targeted because they contain Old-Growth Timber. These public lands are currently being utilized by the public at large. To call them isolated or hard to manage is extremely misleading. In this same locale many parcels that are in fact isolated with no public access have been skipped over as they contain no Old-Growth Timber. In some areas small portions of large blocks of public land have been marked for disposal. Why would the agencies want to break apart large parcels when they could offer parcels that are truly small, isolated and separated from larger tracts. The answer is crystal clear, they contain no Valuable Old-Growth Timber.

Our third concern is that we have been involved in public meetings with the agencies regarding the NOALE exchange from the very beginning. The original EIS and FEIS for the NOALE exchange concerned only public lands that were marked for PHASE 1 of the process but it also listed lands that were being considered for a PHASE 2 exchange. PHASE 2 public land consisted mainly of high value Old-Growth habitat and critical wildlife habitat in the vicinity of Rudio Mountain. We have corresponded with the BLM regarding Rudio Mountain Lands for a number of years. BLM officials have always assured us both verbally and in writing that they would never trade any land in the vicinity of Rudio Mountain unless they could gain private land on Rudio Mountain that would block up to other public land that would benefit the public.

Some time ago former Congresswoman Elizabeth Furse and former Senator Mark Hatfield forwarded over 100 statements from individual people to the BLM addressing this very issue. The BLM had a firm agreement with us that no Rudio Mountain public land would ever be traded for land anywhere else except for on Rudio Mountain. In (H.R. 2950) over 8000 acres of the very best public land on Rudio Mountain will be forfeited in exchange for logged over land hundreds of miles from Rudio Mountain.

Attached hereto as EXHIBIT A is a letter that we sent to Jessica Hamilton to assist her in researching our concerns. EXHIBIT A outlines some of the parcels of public land that we are concerned with.

Will you stand by while hundreds of people are deceived through this Congressional Land Exchange. Will you stand by and let some of the most beautiful, untouched land in the State of Oregon be put into the control of a third party facilitator whose only interest is to reap outlandish profits by placing the public land into the hands of private parties and the Old-Growth Timber into the hands of private industries. Rudio Mountain public lands contain some of the best critical wildlife habitat and outstanding Old-Growth left in the State of Oregon. This valuable habitat in harmony with other things is responsible for producing and maintaining some of the best quality and wholesome wildlife in the Western States.

We can not afford to lose these treasures. We have walked these lands and forests for decades and our love for this land, for the forests and the wildlife is overflowing. To take such simple yet important pleasures from us would be heartbreaking.

Once again we ask you to stand with us and stop this land exchange. In closing this letter we have two requests. First, please consider the facts that we have set forth, second, please take one minute to look deep into our hearts before you make any decisions for our future and those that will come after us, who shall one day yearn to walk through the special places where we walk today. Thank you.

Very truly yours,

KATHLEEN R. KIDWELL,
For Friends of Rudio Mountain, Inc., & Others In Opposition To The Land Exchanges.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN), who has done a remarkable job on this piece of legislation and actually has a companion bill with this Senate bill we are considering, H.R. 2950.

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the gentleman's yielding to me and his hard work on this legislation. I thank him for his time and help on it.

I want to thank the gentleman from Oregon (Mr. DEFAZIO) as well, with whom I have worked on this and several other pieces of legislation in this session in a partnership that I think benefits all of our constituents in Oregon. We need to continue to work to move all those bills through the process and down to the President's desk.

I also want to thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and others who have worked in a bipartisan effort on this compromise legislation, including our Oregon Senators, Senator WYDEN and Senator SMITH.

The reason this bill passed unanimously out of the Senate and the House Committee on Resources is because people know it is good for the environment and good for the people. It will add 54½ miles of threatened and endangered species habitat for Bull Trout, Chinook Salmon, Mid-Columbia Steelhead, and Westslope Cutthroat Trout. It will add over 71½ miles of riparian zones under Federal management. It will increase public land holdings within the Wild and Scenic River System corridors by over 1,300 acres. It will increase commercial forest land under management by Federal agencies by more than 5,218 acres.

And as we have heard already, it is supported by Oregon's Democrat Governor John Ktizhaber, Oregon Trout, Oregon Trout Unlimited, Native Fish Society, the Confederated Tribes of the Warm Springs, and the Umatilla Reservations, to name just a few.

Mr. Speaker, this stack of documents I have in this box next to me, which I will not dump out on the table, but certainly could, weighs more than 13 pounds. It is some 5 years' worth of National Environmental Protection Act processes and failed time lines in an attempt to execute this exchange administratively. We have seen two U.S. Forest Service environmental impact assessments, a draft EIS for the Triangle Exchange, draft EIS and final EIS for the Northeast Assembled Land Exchange; we have had official consultation with all four impacted native American tribes, each of which supports the exchanges; and had formal consultation with and concurrence by the National Marine Fisheries and U.S. Fish and Wildlife Service.

This bill goes so far as to take the BLM and the Forest Service's preferred alternatives from these 5 years of NEPA processes and includes the preferred alternatives in this act.

Mr. Speaker, this is a sound environmental bill, providing sought-after Federal management of these vital salmon and steelhead streams. We cannot afford to allow these exchanges to fall apart due to bureaucratic failings and an increased hypersensitivity to land exchanges both good and bad.

Mr. Speaker, I share my colleague's concerns about land exchanges and will continue to vigorously review them as they come before this body to make sure the public gets its due in any exchanges that may be proposed.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S.1629.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1600

SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3676) to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, as amended.

The Clerk read as follows:

H.R. 3676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Santa Rosa and San Jacinto Mountains National Monument Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Establishment of Santa Rosa and San Jacinto Mountains National Monument, California.
Sec. 3. Management of Federal lands in the National Monument.
Sec. 4. Development of management plan.
Sec. 5. Existing and historical uses of Federal lands included in Monument.
Sec. 6. Acquisition of land.
Sec. 7. Local advisory committee.
Sec. 8. Authorization of appropriations.

SEC. 2. ESTABLISHMENT OF SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT, CALIFORNIA.

(a) FINDINGS.—Congress finds the following:

(1) The Santa Rosa and San Jacinto Mountains in southern California contain nationally significant biological, cultural, recreational, geological, educational, and scientific values.

(2) The magnificent vistas, wildlife, land forms, and natural and cultural resources of these mountains occupy a unique and challenging position given their proximity to highly urbanized areas of the Coachella Valley.

(3) These mountains, which rise abruptly from the desert floor to an elevation of 10,802 feet, provide a picturesque backdrop for Coachella Valley communities and support an abundance of recreational opportunities that are an important regional economic resource.

(4) These mountains have special cultural value to the Agua Caliente Band of Cahuilla Indians, containing significant cultural sites, including village sites, trails, petroglyphs, and other evidence of their habitation.

(5) The designation of a Santa Rosa and San Jacinto Mountains National Monument by this Act is not intended to impact upon existing or future growth in the Coachella Valley.

(6) Because the areas immediately surrounding the new National Monument are densely populated and urbanized, it is anticipated that certain activities or uses on private lands outside of the National Monument may have some impact upon the National Monument, and Congress does not intend, directly or indirectly, that additional regulations be imposed on such uses or activities as long as they are consistent with other applicable law.

(7) The Bureau of Land Management and the Forest Service should work cooperatively in the management of the National Monument.

(b) ESTABLISHMENT AND PURPOSES.—In order to preserve the nationally significant biological, cultural, recreational, geological, educational, and scientific values found in the Santa Rosa and San Jacinto Mountains and to secure now and for future generations the opportunity to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources in these mountains and to recreate therein, there is hereby designated the Santa Rosa and San Jacinto Mountains National Monument (in this Act referred to as the "National Monument").

(c) BOUNDARIES.—The National Monument shall consist of Federal lands and Federal interests in lands located within the boundaries depicted on a series of 24 maps entitled "Boundary Map, Santa Rosa and San Jacinto National Monument", 23 of which are dated May 6, 2000, and depict separate townships and one of which is dated June 22, 2000, and depicts the overall boundaries.

(d) LEGAL DESCRIPTIONS; CORRECTION OF ERRORS.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall use the map referred to in subsection (c) to prepare legal descriptions of the boundaries of the National Monument. The Secretary shall submit the resulting legal descriptions to the Committee on Resources and the Committee on Agriculture of the House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) LEGAL EFFECT.—The map and legal descriptions of the National Monument shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal descriptions. The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management and the Forest Service.

SEC. 3. MANAGEMENT OF FEDERAL LANDS IN THE NATIONAL MONUMENT.

(a) BASIS OF MANAGEMENT.—The Secretary of the Interior and the Secretary of Agriculture shall manage the National Monument to protect the resources of the National Monument, and shall allow only those uses of the National Monument that further the purposes for the establishment of the National Monument, in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(3) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) and section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a); and

(4) other applicable provisions of law.

(b) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED LANDS.—Lands or interests in lands within the boundaries of the National Monument that are acquired by the Bureau of Land Management after the date of the enactment of this Act shall be managed by the Secretary of the Interior. Lands or interests in lands within the boundaries of the National Monument that are acquired by the Forest Service after the date of enactment of this Act shall be managed by the Secretary of Agriculture.

(c) PROTECTION OF RESERVATION, STATE, AND PRIVATE LANDS AND INTERESTS.—Nothing in the establishment of the National Monument shall affect any property rights of any Indian reservation, any individually held trust lands, any other Indian allotments, any lands or interests in lands held by the State of California, any political subdivision of the State of California, any special district, or the Mount San Jacinto Winter Park Authority, or any private property rights within the boundaries of the National Monument. Establishment of the National Monument shall not grant the Secretary of the Interior or the Secretary of Agriculture any new authority on or over non-Federal lands not already provided by law. The authority of the Secretary of the Interior and the Secretary of Agriculture under this Act extends only to Federal lands and Federal interests in lands included in the National Monument.

(d) Existing Rights.—The management of the National Monument shall be subject to valid existing rights.

(e) No Buffer Zones Around National Monument.—Because the National Monument is established in a highly urbanized area—

(1) the establishment of the National Monument shall not lead to the creation of express or implied protective perimeters or buffer zones around the National Monument;

(2) an activity on, or use of, private lands up to the boundaries of the National Monument shall not be precluded because of the monument designation, if the activity or use is consistent with other applicable law; and

(3) an activity on, or use of, private lands, if the activity or use is consistent with other applicable law, shall not be directly or indirectly subject to additional regulation because of the designation of the National Monument.

(f) Air and Water Quality.—Nothing in this Act shall be construed to change standards governing air or water quality outside of the designated area of the National Monument.

SEC. 4. DEVELOPMENT OF MANAGEMENT PLAN.

(a) Development Required.—

(1) In general.—Not later than 3 years after of the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall complete a management plan for the conservation and protection of the National Monument consistent with the requirements of section 3(a). The Secretaries shall submit the management plan to Congress before it is made public.

(2) Management pending completion.—Pending completion of the management plan for the National Monument, the Secretaries shall manage Federal lands and interests in lands within the National Monument substantially consistent with current uses occurring on such lands and under the general guidelines and authorities of the existing management plans of the Forest Service and the Bureau of Land Management for such lands, in a manner consistent with other applicable Federal law.

(3) Relation to other authorities.—Nothing in this subsection shall preclude the Secretaries, during the preparation of the management plan, from implementing subsections (b) and (i) of section 5. Nothing in this section shall be construed to diminish or alter existing authorities applicable to Federal lands included in the National Monument.

(b) Consultation and Cooperation.—

(1) In general.—The Secretaries shall prepare and implement the management plan required by subsection (a) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and in consultation with the local advisory committee established pursuant to section 7 and, to the extent practicable, interested owners of private property and holders of valid existing rights located within the boundaries of the National Monument. Such consultation shall be on a periodic and regular basis.

(2) Agua Caliente Band of Cahuilla Indians.—The Secretaries shall make a special effort to consult with representatives of the Agua Caliente Band of Cahuilla Indians regarding the management plan during the preparation and implementation of the plan.

(3) Winter Park Authority.—The management plan shall consider the mission of the Mount San Jacinto Winter Park Authority to make accessible to current and future generations the natural and recreational treasures of the Mount San Jacinto State Park and the National Monument. Establishment and management of the National Monument shall not be construed to interfere with the mission or powers of the Mount San Jacinto Winter Park Authority, as provided for in the Mount San Jacinto Winter Park Authority Act of the State of California.

(c) Cooperative Agreements.—

(1) General authority.—Consistent with the management plan and existing authorities, the Secretaries may enter into cooperative agreements and shared management arrangements, which may include special use permits with any person, including the Agua Caliente Band of Cahuilla Indians, for the purposes of management, interpretation, and research and education regarding the resources of the National Monument.

(2) Use of certain lands by University of California.—In the case of any agreement with the University of California in existence as of the date of enactment of this Act relating to the University's use of certain Federal land within the National Monument, the Secretaries shall, consistent with the management plan and existing authorities, either revise the agreement or enter into a new agreement as may be necessary to ensure its consistency with this Act.

SEC. 5. EXISTING AND HISTORICAL USES OF FEDERAL LANDS INCLUDED IN MONUMENT.

(a) Recreational Activities Generally.—The management plan required by section 4(a) shall include provisions to continue to authorize the recreational use of the National Monument, including such recreational uses as hiking, camping, mountain biking, sightseeing, and horseback riding, as long as such recreational use is consistent with this Act and other applicable law.

(b) Motorized Vehicles.—Except where or when needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the National Monument shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan.

(c) Hunting, Trapping, and Fishing.—

(1) In general.—Except as provided in paragraph (2), the Secretary of the Interior and the Secretary of Agriculture shall permit hunting, trapping, and fishing within the National Monument in accordance with applicable laws (including regulations) of the United States and the State of California.

(2) Regulations.—The Secretaries, after consultation with the California Department of Fish and Game, may issue regulations designating zones where, and establishing periods when, no hunting, trapping, or fishing will be permitted in the National Monument for reasons of public safety, administration, or public use and enjoyment.

(d) Access to State and Private Lands.—The Secretaries shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the National Monument, which will provide the owner of the land or the holder of the interest the reasonable use and enjoyment of the land or interest, as the case may be.

(e) Utilities.—Nothing in this Act shall have the effect of terminating any valid existing right-of-way within the Monument. The management plan prepared for the National Monument shall address the need for and, as necessary, establish plans for the installation, construction, and maintenance of public utility rights-of-way within the National Monument outside of designated wilderness areas.

(f) Maintenance of Roads, Trails, and Structures.—In the development of the management plan required by section 4(a), the Secretaries shall address the maintenance of roadways, jeep trails, and paths located in the National Monument.

(g) Grazing.—The Secretaries shall issue and administer any grazing leases or permits in the National Monument in accordance with the same laws (including regulations) and executive orders followed by the Secretaries in issuing and administering grazing leases and permits on other land under the jurisdiction of the Secretaries. Nothing in this Act shall affect the grazing permit of the Wellman family (permittee number 12-55-3) on lands included in the National Monument.

(h) Overflights.—

(1) General rule.—Nothing in this Act or the management plan prepared for the National Monument shall be construed to restrict or preclude overflights, including low-level overflights, over lands in the National Monument, including military, commercial, and general aviation overflights that can be seen or heard within the National Monument. Nothing in this Act or the management plan shall be construed to restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the National Monument.

(2) Commercial air tour operation.—Any commercial air tour operation over the National Monument is prohibited unless such operation was conducted prior to February 16, 2000. For purposes of this paragraph, "commercial air tour operation" means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing.

(i) Withdrawals.—

(1) In general.—Subject to valid existing rights as provided in section 3(d), the Federal lands and interests in lands included within the National Monument are hereby withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) Exchange.—Paragraph (1)(A) does not apply in the case of—

(A) an exchange that the Secretary determines would further the protective purposes of the National Monument; or

(B) the exchange provided in section 6(e).

SEC. 6. ACQUISITION OF LAND.

(a) Acquisition Authorized; Methods.—State, local government, tribal, and privately held land or interests in land within the boundaries of the National Monument may be acquired for management as part of the National Monument only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(b) Use of Easements.—To the extent practicable, and if preferred by a willing landowner, the Secretary of the Interior and the Secretary of Agriculture shall use permanent conservation easements to acquire interests in land in the National Monument in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) Valuation of Private Property.—The United States shall offer the fair market value for any interests or partial interests in land acquired under this section.

(d) INCORPORATION OF ACQUIRED LANDS AND INTERESTS.—Any land or interest in lands within the boundaries of the National Monument that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the National Monument as provided in section 3(b).

(e) LAND EXCHANGE AUTHORIZATION.—In order to support the cooperative management agreement in effect with the Agua Caliente Band of Cahuilla Indians as of the date of the enactment of this Act, the Secretary of the Interior may, without further authorization by law, exchange lands which the Bureau of Land Management has acquired using amounts provided under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.), with the Agua Caliente Band of Cahuilla Indians. Any such land exchange may include the exchange of federally owned property within or outside of the boundaries of the National Monument for property owned by the Agua Caliente Band of Cahuilla Indians within or outside of the boundaries of the National Monument. The exchanged lands acquired by the Secretary within the boundaries of the National Monument shall be managed for the purposes described in section 2(b).

SEC. 7. LOCAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an advisory committee for the National Monument, whose purpose shall be to advise the Secretaries with respect to the preparation and implementation of the management plan required by section 4.

(b) REPRESENTATION.—To the extent practicable, the advisory committee shall include the following members:

(1) A representative with expertise in natural science and research selected from a regional college or university.

(2) A representative of the California Department of Fish and Game or the California Department of Parks and Recreation.

(3) A representative of the County of Riverside, California.

(4) A representative of each of the following cities: Palm Springs, Cathedral City, Rancho Mirage, La Quinta, Palm Desert, and Indian Wells.

(5) A representative of the Agua Caliente Band of Cahuilla Indians.

(6) A representative of the Coachella Valley Mountains Conservancy.

(7) A representative of a local conservation organization.

(8) A representative of a local developer or builder organization.

(9) A representative of the Winter Park Authority.

(10) A representative of the Pinyon Community Council.

(c) TERMS.—

(1) STAGGERED TERMS.—Members of the advisory committee shall be appointed for terms of 3 years, except that, of the members first appointed, ⅓ of the members shall be appointed for a term of 1 year and ⅓ of the members shall be appointed for a term of 2 years.

(2) REAPPOINTMENT.—A member may be reappointed to serve on the advisory committee upon the expiration of the member's current term.

(3) VACANCY.—A vacancy on the advisory committee shall be filled in the same manner as the original appointment.

(d) QUORUM.—A quorum shall be 8 members of the advisory committee. The operations of the advisory committee shall not be impaired by the fact that a member has not yet been appointed as long as a quorum has been attained.

(e) CHAIRPERSON AND PROCEDURES.—The advisory committee shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(f) SERVICE WITHOUT COMPENSATION.—Members of the advisory committee shall serve without pay.

(g) TERMINATION.—The advisory committee shall cease to exist on the date upon which the management plan is officially adopted by the Secretaries, or later at the discretion of the Secretaries.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3676 establishes the Santa Rosa and the San Jacinto Mountain National Monument. This bill was introduced by the gentlewoman from California (Mrs. BONO), and the work she showed in moving this legislation forward is really quite remarkable. Legislation dealing with land designations and uses can be very difficult, and the gentlewoman from California (Mrs. BONO) deserves congratulations in creating a bill which is agreeable to everyone involved. She has garnered tremendous support for this bill, including the very important local governments and private property owners.

This monument created by H.R. 3676 consists of approximately 280,000 acres and would be managed jointly by the Secretary of the Interior and the Secretary of Agriculture.

Mr. Speaker, although establishing a national monument, this bill has many private property protections that otherwise probably would not have been available if the President decided to proclaim this area a national monument in yet another of his administration's fiats.

H.R. 3676, for example, assures that Congress does not intend for the designation of the monument to lead to the creation of any protective boundaries or to change authorized use of Federal land. Furthermore, all valid existing rights shall continue. Private land within the boundaries of the monument are only to be acquired if the land is donated, purchased from a willing seller, or exchanged with a willing party.

H.R. 3676 also contains provisions which direct the Secretary to use conservation easements to the maximum extent possible rather than outright acquisitions of land.

Mr. Speaker, this is a carefully crafted bill which gives additional protections to Federal land while also protecting the foundation of this county, private property. I urge all my colleagues to support H.R. 3676, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Utah (Mr. HANSEN) has explained, this is legislation that has been worked out in extensive negotiations between the sponsor, our colleague, the gentlewoman from California (Mrs. BONO), and the Secretary of the Interior.

The Secretary believes that the bill before us will adequately protect this area.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. BONO), the sponsor and author of this bill.

Mrs. BONO. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of my legislation, H.R. 3676, the Santa Rosa and San Jacinto Mountains National Monument Act.

Congress has an opportunity to enact legislation which was originated by the constituents of California's 44th Congressional District. When these residents came to me and suggested that I introduce legislation to designate our local mountains a National Monument, I decided it was an idea well worth pursuing.

For years my family has enjoyed these scenic wonders and recreational opportunities that are abundant in this remarkable range. I have often hiked the hills and the canyons above our home in Palm Springs, sharing with my children, Chianna and Chesare, the beauty of an ecosystem that continues to thrive despite its close proximity to a highly urbanized community.

I have developed a profound respect for the people who over the past century have served as stewards of these lands. They have done a remarkable job in balancing the preservation of these mountains with the inevitable development that has occurred in Southern California.

It is appropriate that we also recall the original caretakers of this land, the Cahuilla people. For centuries, the Agua Caliente Band of Cahuilla Indians made the canyons and hills above Palm Springs their home. And the Cahuilla people roamed throughout the desert and mountains of this entire region living in harmony with the unique environment. Their culture and heritage is an integral part of this region. And even today, the Indian canyons near Palm Strings offer a welcome respite from the hectic pace of the urban areas of the Coachella Valley.

One of the tangible benefits that will be derived from this Monument designation is the preservation of tribal land and historic artifacts. The Agua Caliente Tribe has been a partner in this process from the start, and I would like to thank the Tribal Council and all the Cahuilla people in support of this legislation.

In crafting this bill, I was confronted with a similar challenge, to balance traditional uses and private property rights that the people of the region enjoy with the need to preserve these mountain vistas.

So we returned to the fundamental concept of how our system of government should work. I went directly to the people of the 44th district and sought their participation and input on how best to draft legislation that would reflect their commitment to both environmental preservation and private property rights protection. The result of their efforts is contained in the bill before us today.

Mr. Speaker, the best way our constituents can be heard on matters such as these is if Congress and not the administration takes this action. With all due respect to those who serve in Washington, the people who live in this area know better than any Federal worker how to resolve these issues. Therefore, it was encouraging that very early on the Secretary of the Interior took a personal interest in this effort and publicly supported the congressional process as the preferred vehicle for this designation.

I thank the Secretary and the Bureau of Land Management offices out of Washington, Sacramento, and Palm Springs for working with me on this issue.

With this bill, we are able to protect private property rights with strong buffer zone language, willing seller provisions, and clearly worded access language. And we are able to further protect these mountains by prohibiting further withdrawals, curbing motorized vehicle use, and controlling cattle grazing.

I have said many times that I would not go forth with a bill which does not protect the rights of those individuals who live within the proposed boundary lines and those who live right at the foot of the mountains. This bill strikes an appropriate balance by protecting the rights of affected constituents as well as these unique mountains.

I wish to thank the gentleman from Utah (Chairman HANSEN) and his able staff, Allan Freemyer and Tod Hull, for assisting me in this process so that I can achieve this balance.

In addition, I would like to thank the Coachella Valley Mountains Conservancy under the direction of Bill Havert, the Desert Chapter of the Building Industry Association and its executive director, Ed Kibbey, and the local branch of the Sierra Club and its head Joan Taylor.

Too often environmentalists and private property rights advocates are at odds with each other. In my heart, I believe that we can work to achieve the goals of each group for the betterment of all. It may be the more difficult course to choose, but one well worth taking.

So I would like to thank my many colleagues, my legislative director, Linda Valter, and the rest of my staff who have helped me along the way.

Mr. Speaker, as a child, my parents drove our family all over this wonderful country visiting national parks and awe-inspiring land throughout the West. Now my constituents have given me the opportunity to do something that will allow future families the same privilege. I hope they will all join me to achieve this worthy goal.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3676, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COLORADO CANYONS NATIONAL CONSERVATION AREA AND BLACK RIDGE CANYONS WILDERNESS ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4275) to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that certain areas located in the Grand Valley in Mesa County, Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and enjoyment of present and future generations. These areas include the following:

(1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley, which contain unique and valuable scenic, recreational, multiple use opportunities (including grazing), paleontological, natural, and wildlife components enhanced by the rural western setting of the area, provide extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing, and are worthy of additional protection as a national conservation area.

(2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique geological, paleontological, scientific, and recreational resources.

(b) PURPOSE.—The purpose of this Act is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands described in section 4(b), including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Colorado Canyons National Conservation Area established by section 4(a).

(2) COUNCIL.—The term "Council" means the Colorado Canyons National Conservation Area Advisory Council established under section 8.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed for the Conservation Area under section 6(h).

(4) MAP.—The term "Map" means the map entitled "Proposed Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Area" and dated July 18, 2000.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WILDERNESS.—The term "Wilderness" means the Black Ridge Canyons Wilderness so designated in section 5.

SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Colorado Canyons National Conservation Area in the State of Colorado and the State of Utah.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 122,300 acres of public land as generally depicted on the Map.

SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNATION.

Certain lands in Mesa County, Colorado, and Grand County, Utah, which comprise approximately 75,550 acres as generally depicted on the Map, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. Such component shall be known as the Black Ridge Canyons Wilderness.

SEC. 6. MANAGEMENT.

(a) CONSERVATION AREA.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(b); and

(2) is in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.

(c) WITHDRAWALS.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(d) Off-Highway Vehicle Use.—

(1) In general.—Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area—

(A) before the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public lands in the Conservation Area; and

(B) after the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(2) Administrative and emergency response use.—Paragraph (1) shall not limit the use of motor vehicles in the Conservation Area as needed for administrative purposes or to respond to an emergency.

(e) Wilderness.—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(f) Hunting, Trapping, and Fishing.—

(1) In general.—Hunting, trapping, and fishing shall be allowed within the Conservation Area and the Wilderness in accordance with applicable laws and regulations of the United States and the States of Colorado and Utah.

(2) Area and time closures.—The head of the Colorado Division of Wildlife (in reference to land within the State of Colorado), the head of the Utah Division of Wildlife (in reference to land within the State of Utah), or the Secretary after consultation with the Colorado Division of Wildlife (in reference to land within the State of Colorado) or the head of the Utah Division of Wildlife (in reference to land within the State of Utah), may issue regulations designating zones where, and establishing limited periods when, hunting, trapping, or fishing shall be prohibited in the Conservation Area or the Wilderness for reasons of public safety, administration, or public use and enjoyment.

(g) Grazing.—

(1) In general.—Except as provided by paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area and the Wilderness in accordance with the same laws (including regulations) and Executive orders followed by the Secretary in issuing and administering grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) Grazing in wilderness.—Grazing of livestock in the Wilderness shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(h) Management Plan.—

(1) In general.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-range protection and management of the Conservation Area and the Wilderness and the lands described in paragraph (2)(E).

(2) Purposes.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area and the Wilderness;

(B) take into consideration any information developed in studies of the land within the Conservation Area or the Wilderness;

(C) provide for the continued management of the utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site as such for the land designated on the Map as utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site;

(D) take into consideration the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area and the Wilderness, as well as the Ruby Canyon/Black Ridge Integrated Resource Management Plan, dated March 1998, which was the result of collaborative efforts on the part of the Bureau of Land Management and the local community; and

(E) include all public lands between the boundary of the Conservation Area and the edge of the Colorado River and, on such lands, the Secretary shall allow only such recreational or other uses as are consistent with this Act.

(i) No Buffer Zones.—The Congress does not intend for the establishment of the Conservation Area or the Wilderness to lead to the creation of protective perimeters or buffer zones around the Conservation Area or the Wilderness. The fact that there may be activities or uses on lands outside the Conservation Area or the Wilderness that would not be allowed in the Conservation Area or the Wilderness shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area or the Wilderness consistent with other applicable laws.

(j) Acquisition of Land.—

(1) In general.—The Secretary may acquire non-federally owned land within the exterior boundaries of the Conservation Area or the Wilderness only through purchase from a willing seller, exchange, or donation.

(2) Management.—Land acquired under paragraph (1) shall be managed as part of the Conservation Area or the Wilderness, as the case may be, in accordance with this Act.

(k) Interpretive Facilities or Sites.—The Secretary may establish minimal interpretive facilities or sites in cooperation with other public or private entities as the Secretary considers appropriate. Any facilities or sites shall be designed to protect the resources referred to in section 2(b).

(l) Water Rights.—

(1) Findings.—Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands;

(B) the lands designated as wilderness by this Act generally are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities;

(C) it is possible to provide for proper management and protection of the wilderness and other values of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) Statutory construction.—

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands designated as a national conservation area or as wilderness by this Act.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of enactment of this Act.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future national conservation area or wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(3) Colorado water law.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Conservation Area and the Wilderness.

(4) New projects.—

(A) As used in this paragraph, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. Such term does not include any such facilities related to or used for the purpose of livestock grazing.

(B) Except as otherwise provided by section 6(g) or other provisions of this Act, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(C) Except as provided in this paragraph, nothing in this Act shall be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of enactment of this Act within the boundaries of the Wilderness.

(5) Boundaries along Colorado River.—(A) Neither the Conservation Area nor the Wilderness shall include any part of the Colorado River to the 100-year high water mark.

(B) Nothing in this Act shall affect the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this Act shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(C) Subject to valid existing rights, all lands owned by the Federal Government between the 100-year high water mark on each shore of the Colorado River, as designated on the Map from the line labeled "Line A" on the east to the boundary between the States of Colorado and Utah on the west, are hereby withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the Map and a legal description of the Conservation Area and of the Wilderness.

(b) FORCE AND EFFECT.—The Map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the Map and the legal descriptions.

(c) PUBLIC AVAILABILITY.—Copies of the Map and the legal descriptions shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Grand Junction District Office of the Bureau of Land Management in Colorado;

(3) the appropriate office of the Bureau of Land Management in Colorado, if the Grand Junction District Office is not deemed the appropriate office; and

(4) the appropriate office of the Bureau of Land Management in Utah.

(d) MAP CONTROLLING.—Subject to section 6(l)(3), in the case of a discrepancy between the Map and the descriptions, the Map shall control.

SEC. 8. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall establish an advisory council to be known as the "Colorado Canyons National Conservation Area Advisory Council".

(b) DUTY.—The Council shall advise the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall consist of 10 members to be appointed by the Secretary including, to the extent practicable:

(1) A member of or nominated by the Mesa County Commission.

(2) A member nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness.

(3) A member of or nominated by the Northwest Resource Advisory Council.

(4) 7 members residing in, or within reasonable proximity to, Mesa County, Colorado, with recognized backgrounds reflecting—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and the Wilderness.

SEC. 9. PUBLIC ACCESS.

(a) IN GENERAL.—The Secretary shall continue to allow private landowners reasonable access to inholdings in the Conservation Area and Wilderness.

(b) GLADE PARK.—The Secretary shall continue to allow public right of access, including commercial vehicles, to Glade Park, Colorado, in accordance with the decision in Board of County Commissioners of Mesa County v. Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4275, sponsored by the gentleman from Colorado (Mr. McINNIS), seeks to protect and enhance the resources of the Grand Valley located in Mesa County, Colorado, and Grand County, Utah.

H.R. 4275 designates two areas of environmental protection, the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness. These lands are host to a variety of unique and valuable recreational multiple-use opportunities. Under this legislation, approximately 117,000 acres would be included in the conservation area. H.R. 4275 also establishes 75,000 acres of selected land as the Black Ridge Canyons Wilderness.

Both areas of land in H.R. 4275 will be managed by the Secretary of the Interior in accordance with existing laws. The Secretary is to prepare a comprehensive management plan for the lands included in this act no later than 5 years from the time of enactment. This management plan will take into consideration appropriate uses and historical involvement.

H.R. 4275 will also allow grazing to continue in the Wilderness area according to applicable laws. It is not the intent of this bill for these land designations to lead to the creation of buffer zones or to interfere with activities outside their boundaries.

I would like to commend the gentleman from Colorado (Mr. McINNIS) for his tireless effort in protecting these unique lands and in getting this bill to the floor today. This bill is good legislation because it not only protects these lands but also allows the area to be used by local people.

Mr. Speaker, I urge my colleagues to support H.R. 4275, as amended.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the time allocated to the gentleman from California (Mr. GEORGE MILLER) will be controlled by the gentleman from Colorado (Mr. UDALL).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Speaker, I thank my colleague from the State of Colorado for yielding me the time.

Mr. Speaker, I note that we have a couple of Members of the delegation from Colorado, both of whom have worked on this bill diligently. I appreciate very much the support of the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Colorado (Mr. UDALL).

We have had lots of meetings. As my colleagues know, we really owe special thanks to my staff. On my particular staff, Christopher Hatcher and Rene Howell.

But this bill really was necessitated by a move by the Department of Interior that perhaps they wanted to go out in Colorado and expand the Colorado National Monument.

In meeting with the Secretary of Interior, I asked the Secretary of Interior for a period of time because I felt that we could engineer a community buildup, in other words, a bill that was built by the community and not built out of Washington, D.C.; and the Secretary of Interior agreed to that.

In regards to that, we were able to put together, I think, an excellent bill, an excellent piece of legislation, a piece of legislation which protects Colorado water for Colorado people, a piece of legislation which preserves the ranchers' rights to use grazing permits and, therein, as a consequence of that, preserves the open space that the ranchers occupy with their ranches, a bill that will preserve recreation for the multiple-use users out there, and a bill that would allow us to recognize the value of this Wilderness Study Area called the Black Ridge Canyons and convert the Black Ridge Canyons into a Wilderness Study Area.

This bill is a positive bill. This bill had the entire spectrum of our community come together. But that was only a part of it. The next part of it was we needed to come to Washington, D.C., and we needed help by people, someone, for example, by the name of the gentleman from Utah (Chairman HANSEN), the chairman who is present on the floor today.

It is thanks to the gentleman from Utah (Mr. HANSEN) expediting this bill that we are going to be able to put this in place. We had to have this bill out by the August recess. It was critical. I went to the office of the gentleman from Utah (Mr. HANSEN). I sat down there with him for a period of time. And his definition, by the way, and the terms of the buffer zone and so on covered in his statement are exactly correct.

But if it were not for his assistance and the assistance of his able staff, there is no way we could have gotten this proposition over to the Senate on a timely basis. So I commend him.

As my colleagues know, it is not just the fact that the gentleman from Utah (Mr. HANSEN) expedited it, it is also the fact that he incorporated the assistance of the delegation from Utah, including the gentleman from Utah (Mr. CANNON). And the amendment of the gentleman from Utah (Mr. CANNON) and the gentleman from Utah (Mr. HANSEN), which we see right here, includes wilderness in the State of Utah.

This is an exciting way to go about the preservation and yet preserving the multiple use and not touching Colorado water. This is the way to do it. This is an example for the entire country to follow.

So not taking all the time from my colleagues, I will be happy to yield back to them so they have plenty of time for public, but I do want to publicly acknowledge the entire Colorado delegation. I do appreciate very much the efforts of the gentleman from Colorado (Mr. UDALL) and of the gentlewoman from Colorado (Ms. DEGETTE).

Mr. Speaker, I am pleased the House is considering H.R. 4275, the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness Act of 2000, which seeks to protect and enhance the resources of Grand Ridge Canyons Wilderness Act of 2000, which seeks to protect and enhance the resources of Grand Valley located in Mesa County, Colorado and Grand County, Utah. H.R. 4275 designates two areas for environmental protection, the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness.

The establishment of the Colorado Canyons National Conservation Area and the designation of the Black Ridge Canyons Wilderness Area will promote and protect unique and nationally important features of the area along the western boundary of the State of Colorado and the eastern boundary of the State of Utah. The Colorado Canyons National Conservation Area shall consist of approximately 122,300 acres in Mesa County of the State of Colorado and Grand County in the State of Utah. Within the Conservation Area shall be designated the Black Ridge Canyons Wilderness Area consisting of approximately 75,550 acres in Mesa County of the State of Colorado and Grand County in the State of Utah.

The diverse lands located within the Colorado Canyons National Conservation as well as the Black Ridge Canyons Wilderness Areas include pinyon juniper and sagebrush mesas to the south with steep red rock canyons cutting into the landscape forming natural arches, caves and alcoves. To the west, the lands include over 5,000 acres of eastern Grand County in the State of Utah, to the north are hills making up the Rabbit Valley. The entire area is bisected by the Colorado River, which helped form the unique features of the surrounding landscape.

The Colorado Canyons area includes tremendous wildlife, scenic, recreational, and paleontological resources which make it worthy of recognition and designation as a National Conservation Area, and portions of it as a Wilderness Area. An additional factor making these lands unique is their proximity to nearby urban centers including Grand Junction, Fruita and Palisade.

Central to the landscape as well as the legislation is the Colorado River. The legislation excludes, from both the Wilderness and the National Conservation Area, the area including the Colorado River up to the 100-year high water mark. The Wilderness and Conservation Area along the Colorado River abut the Colorado-Utah border, so any claims on the River or its water could have an extremely significant impact on water rights in Colorado. It is for that reason this land up to the 100-year high water mark of the Colorado River was excluded from the Conservation Area and Wilderness.

Also important to the area of the western State of Colorado and eastern State of Utah are traditional western uses of the land, in balance with other uses. Traditional western uses such as ranching are major economic and cultural contributors to western Colorado. The legislation demonstrates an underlying philosophy that a balance among all uses should be sought and can be achieved on the public lands covered by this legislation, and elsewhere on the public lands. As a result, there are several protections to allow reasonable grazing to continue in both the Conservation and Wilderness areas.

Along the mesas of the Black Ridge and Ruby Canyons, as well as in Rabbit Valley, are livestock grazing allotments that provide cattle forage during the late winter and early spring. With the cooperation of the ranchers and the Bureau of Land Management, grazing practices have been adjusted to better work with wildlife needs in the canyons. I stress that meaningful access to these allotments by the permittees ensures that the base ranches remain viable. Many of these base ranches are located in an area south of Black Ridge Canyons named Glade Park. Glade Park is an agricultural area, and as a viable ranching community has an integral part in the makeup of the local economy. If grazing in the Black Ridge Canyons Wilderness was to be curtailed, or meaningful access prohibited, the economic viability of the base ranches could suffer and potentially result in subdivision of these large open spaces of Glade Park into 35 acre ranchettes. There is no way for Mesa County to prevent the 35-acre subdivision under the law of the State of Colorado, so it is vitally important that reasonable access to the grazing allotments be continued to ensure that Glade Park may remain agricultural in nature. I think everyone agrees that it is not desirable for designation of wilderness to impact local land use planning in a way that promotes development where it is not desired.

As a result of the importance of the continued viability of ranching in the surrounding communities, language is included in this legislation to ensure that while the Black Ridge Canyons Wilderness is properly protected, so is the agricultural nature of the surrounding communities. Moreover, multiple use is preserved in appropriate areas included within the Colorado Canyons National Conservation Area such as Rabbit Valley.

H.R. 4275 is the result of intense work by the local community, the Bureau of Land Management, local cities, Mesa County and the State of Colorado and many others to produce a locally driven and locally supported proposal that recognizes the importance of the area as well as the importance of Colorado's land use priorities. Representative MCINNIS had the opportunity to discuss management of these land with representatives of the Department of the Interior, including the Secretary, on several occasions. Following significant work on a local level to develop a local consensus on the proposal, I introduced H.R. 4275 on April 13, 2000.

Secretary of the Interior Babbitt has indicated that if this legislation fails to be enacted before the Clinton Administration leaves office, he will recommend the President designate this area as a national monument under the Antiquities Act. I ask everyone to recognize that a far preferable alternative is the legislative process which affords everyone the opportunity to review the proposal and to work toward common purposes, in an open and public process.

I would like to make some comments about particular sections of the legislation:

Section 6(d) of the legislation limits off-highway vehicle use to roads and trails designated under the management plan in effect on the date of passage. This subsection allows continued use of motor vehicles in the Conservation Area for emergency and administrative purposes. It is my interpretation that reasonable access in the course of the management of wildlife by the relevant state wildlife officials within the National Conservation Area is an administrative purpose.

Section 6(g) on grazing directs that, in general and except as provided in paragraph (2), the Secretary shall issue and administer grazing leases or permits in the Conservation Area and Wilderness in the same manner as on other land under the jurisdiction of the Bureau of Land Management. Subsection (g)(2) directs the Secretary to administer grazing in the wilderness in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), and in accordance with the guidelines set forth in Appendix A of House Report 101–405, which sets out grazing guidelines for the Bureau of Land Management with respect to livestock grazing in wilderness areas. The language from House Report 101–405, H.R. 2570 Appendix A, clearly applies in the case of wilderness established under this Act. It is my expectation that the three permittees who currently use motorized vehicles within the Wilderness Study Area on an intermittent and infrequent basis would be able to continue these same uses at a frequency not exceeding the level established prior to the introduction of this bill. I would strongly request that the Bureau of Land Management would address this use of motorized vehicles in the terms and conditions of the permits held by the three involved permittees.

Section 6(j) permits acquisitions of land or interests in land depicted within the exterior boundary of the Conservation Area or Wilderness by purchase from a willing seller, exchange or donation. No land or interest inland may be acquired without the consent of the owner. Subsection (j)(2) sets out how land acquired under this subsection shall be managed. The boundaries of the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness were drawn so as to exclude private inholdings to the extent possible. Nonetheless, there are several private inholdings within the boundaries of the Conservation Area. Concerned about the potential for development on these lands, I would request that within 90 days after the date of enactment of this Act, the Bureau of Land Management should consult with each owner of non-federal lands within the Conservation Area and the Wilderness to determine which, if any, such owners desire to convey lands to the United States. If any such owner does desire to convey or exchange such lands, the Secretary should take all steps necessary or appropriate to complete the acquisition or exchange, supported by appropriate appraisals, of such lands as soon as possible. I expect that no later than one year after the date of enactment of this Act the BLM could provide Congress and me information regarding the status of its actions taken to acquire or exchange inholdings, together with any recommendations the BLM may wish to make for expediting the acquisition or exchange of inholdings within the Conservation Area.

Section 6(l) deals with water issues important to both Colorado and me. Within that section is important language under subsection (1)(5) which sets the boundaries of the Conservation Area and the Wilderness along the Colorado River at the 100-year high water mark. My intention of setting these borders back to the 100-year high water mark was to ensure that the designation of the Wilderness and the Conservation Area did not impact water rights in any way, including any water quality or instream flow impacts, along the mainstream of the Colorado River. Following concerns raised by some about potential for mining along the River, language was included to withdraw those lands owned by the Federal Government within the 100-year flood plain as designated on the legislation's Map from all forms of entry, appropriation, or disposal under the public land laws, the mining laws and laws relating to mineral and geothermal leasing, subject to valid existing rights. The legislation includes language indicating it does not affect any authority the Secretary may or may not have to manage recreation on the Colorado River, except as any such authority is affected by the requirement that the Secretary follow Colorado procedural and substantive water law. There is nothing in the Act to indicate if and the extent to which the Secretary has authority to manage recreation on the Colorado River, nor should any language be read to establish or serve as a basis for any such authority. This bill was not intended to give the Secretary authority that he may very well not have to regulate recreation on the Colorado River.

Finally, Section 8 of the bill directs the Secretary of the Interior to establish a Colorado Canyon National Conservation Area Advisory Council to advise the Secretary with respect to the Conservation Area and the Wilderness. The Advisory Council's purpose will be to furnish advice and recommendation to the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

The ten council members would be appointed by the Secretary, one of which would be a member of or nominated by the Mesa County Commission, one of which would be nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness, and one of which would be a member of or nominated by the Northwest Resource Advisory Council. Other members of the Council, residing in or within a reasonable proximity to Mesa County, Colorado, would be named as well. It is my intent when drafting this bill that cities like Denver or Boulder, Colorado, for example, would not be considered to be within a reasonable proximity to Mesa County, although Rifle, Colorado or Grand County, Utah could be considered to be within a reasonable proximity to Mesa County.

Mr. Speaker, I would like to thank several people who have helped ensure swift passage of this legislation. First and foremost I would like to thank the gentleman from Alaska, Mr. DON YOUNG, Chairman of the Resources Committee. His action helped bring this bill to the floor. Alongside Chairman YOUNG is the gentleman from Utah, Mr. HANSEN, who worked with his staff on the National Parks and Public Lands Subcommittee to get this bill here today. His personal help allowed this bill to be so quickly considered on the Floor of the House. The gentleman from Utah, Mr. CANNON, also contributed enormously to this legislation, amending it in subcommittee to include the first BLM wilderness in Utah. I would also like to thank my colleagues from Colorado, Mr. HEFLEY and Mr. TANCREDO and Ms. DEGETTE, who cosponsored this bill. Finally, I would thank the gentleman from Colorado, Mr. MARK UDALL, for all his work with his side of the aisle to get this bill to the Floor.

I would like to close by thanking the Majority Leader, the gentleman from Texas, Mr. ARMEY. He helped with the scheduling of this bill on short notice, and I very much appreciate his work on behalf of the bill and people of western Colorado. I look forward to quick passage in the Senate with the help of Senator CAMPBELL, and signature by the President.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4275, which will designate the Colorado Canyons National Conservation Area in Colorado and the Black Ridge Wilderness in both Colorado and Utah.

As my colleague, the gentleman from Colorado (Mr. McINNIS), has pointed out, enactment of this measure will provide for appropriate, protective management of some very special lands in western Colorado that are managed by the Bureau of Land Management. It will also be, I think, by my count, the third bill passed in this Congress to designate additional wilderness in Colorado.

The President has already signed the bill to designate wilderness in and adjacent to the Black Canyon of the Gunnison National Park; and I am hopeful Congress will soon complete action, as I know my colleague, the gentleman from Colorado (Mr. McINNIS), is as well, on the Spanish Peaks Wilderness Area in the San Isabel National Forest. We are continuing to make progress in Colorado, and I am proud to be a part of that.

I wanted to take a moment to talk about a number of amendments that were proposed by myself and that were adopted in the Committee on Resources. Taken together, these amendments embody the compromise with regard to the water provisions of the bill and also include a number of technical and conforming changes to reflect the agreements that were worked out among my colleague, the gentleman from Colorado (Mr. McINNIS), the Department of Interior, and those of us on the committee.

□ 1615

First, my amendments added provisions regarding the headwaters nature of the Black Ridge lands to make clear the rationale for following the approach of the 1993 Colorado Wilderness Act by including an express disclaimer of a Federal reserved water right with respect to the wilderness area. Second, the amendments added language to make clear that the bill will not affect any existing water rights, including those of the United States. Third, the amendments revised the boundary of the NCA and the wilderness along the Colorado River which made it possible to omit language that had been proposed regarding issues that some felt might arise had the boundary been closer to the river itself. Fourth, my amendments added provisions to make clear that the boundary revision will not compromise the ability of the Secretary to properly manage recreational or other uses of public lands adjacent to the river. Finally, my amendments added a provision, similar to that included in the 1993 Colorado Wilderness Act, to prohibit new water projects in the wilderness area designated by this bill.

These changes addressed most if not all the major concerns of the various Colorado groups, both the environmental groups and those representing other points of view regarding these aspects of the bill. At the same time they left intact the basic balance of the bill with regard to the lands covered by the bill that are now used for livestock grazing.

I want to express my appreciation for the hard work and continued cooperation of the gentleman from Colorado (Mr. McINNIS), as well as those of the Department of the Interior and both the majority and minority staff of the committee. Thanks to their efforts, I think the Committee on Resources has been able to achieve an acceptable bill that deserves the approval of the House even if it may not be everything that every party might have desired.

I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Speaker, the reason I came back up here again is I did not want to consume all of the time over on that side, but there are a couple of other people that I think it is very important to point out because without their help we would not have gotten this where it is. Their help was fundamental to the passage of this bill as well. That, of course, is the chairman of the Committee on Resources, the gentleman from Alaska (Mr. Young). The gentleman from Alaska helped us schedule this thing. He called the committee hearing so that we could have this heard, so that we could meet and have this bill off the House floor and over to the Senate by the conclusion of the period of time in July. The second one, of course, is the gentleman from Texas (Mr. Armey), our majority leader. If it were not for his scheduling and his staff assistance, we would not be able to do this as well.

Finally, I do want to take one final moment and just say once again to the gentleman from Utah (Mr. Hansen), we had spent a lot of time in his office talking about how important it was that as the country moves in the direction of taking a second look at the national parks and the national monuments, that it was absolutely critical that we put as a basic ingredient of any kind of new direction community input and that we go to the local community and that we do not go, as happened in the State of Utah, with the Grand Escalante.

They actually did not go into Utah. They made the announcement of Arizona and forced upon you something you did not even know was coming down the pike. As the gentleman said, this is the way that it should be handled and it is the way. It is being handled on a bipartisan basis. As our colleagues in here can see, both Democrats and Republicans from Colorado and Wyoming and Alaska and Texas, we all got together to make this thing work. As much as I am proud of this and the compromise that we were able to engineer, I also want to again publicly knowledge the gentleman from Utah for his contributions and his leadership, frankly, to put together this team, this coalition to make this a successful bill.

Now I know that our colleague, Senator Campbell, is anxiously awaiting to carry this bill through the Senate. He will do a terrific job, and we can all leave these Chambers very, very proud of this accomplishment. Thousands of generations to come will look back at the Colorado canyons and say, boy, whoever did that made a good decision.

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the great State of Colorado (Ms. DeGette).

Ms. DeGETTE. Mr. Speaker, I thank the distinguished gentleman from Colorado (Mr. Udall) for yielding me this time and a special thanks to my colleague to the West, the gentleman from Colorado (Mr. McInnis), for working diligently to make sure that this bill became a reality. This has been a real joint effort with the Colorado delegation. This bill is a very meaningful bill to the residents of Colorado. I just want to add my public thanks. It has been great.

Let me talk for a minute about what Black Ridge looks like, because I hiked Black Ridge last summer and was really stunned to see the sublime natural beauty. It is really some of the finest of Colorado's canyon country. Every year, thousands of hikers, hunters, and rafters enjoy the wild canyons, abundant wildlife, and the quiet float down the Colorado River. I have always steadfastly supported the strongest possible protections for the Black Ridge Canyons because they are an outstanding national example of deep sliprock canyons.

The area consists of three major canyon systems, innumerable spires and pinnacles, and the second greatest concentration of natural arches in the Southwest, second only to the beautiful arches, of course, in our neighbor to the West of Utah. Additionally, the Black Ridge Canyons' perennial streams and rich riparian vegetation provide critical wildlife habitat for a variety of species, including bighorn sheep, mountain lions, and bald eagles.

One of the critical reasons that we need to preserve Black Ridge as wilderness now is because of the impinging growth that we are seeing in Western Colorado. What struck me was, just a stone's throw away from Black Ridge, neighbors walk their dogs, people ride their bikes, and everyone is enjoying the beautiful natural beauty of Western Colorado. But if we do not act now, and why I am so glad my colleague to the west has brought this legislation forward now, we run the risk of having humanity overwhelm these beautiful natural canyons.

The thing that strikes me and the thing I think about a lot, while we have these growth pressures in Colorado and throughout the western United States, we also have many, many areas that still deserve wilderness protection in the West. Not every natural area, not every Federal land deserves protection; but there are many areas with unique wilderness characteristics like Black Ridge which still exist. That is why I was pleased last year when I announced the Colorado Wilderness Act, H.R. 829, to include Black Ridge and 48 other areas in Colorado as unique and deserving wilderness characteristics.

The lands on both sides of the Colorado River in the proposed national conservation area and the river itself as it goes through contain a wide array of unique natural features that deserve increased protection. The combination of the national conservation area and wilderness is appropriate in this bill, and I am pleased to see that H.R. 4275 includes the Colorado River and all lands within the 100-year flood plain to be managed as if they were in the NCA. I think it is critical that the river and sensitive riparian areas are managed in a manner that provides the utmost protection for this sensitive and heavily used area.

Additionally, Mr. Speaker, I am very pleased to see that the areas in Utah that are contiguous to this are also preserved in the bill.

I sincerely hope, in conclusion, that passage of this bill is the first step in a concentrated, unified effort of the delegation to protect all of the lands in Colorado which deserve wilderness protection.

This picture next to me is not the area we are talking about today, but it is the beautiful Gunnison Gorge Wilderness Study Area that is also included in my legislation. There are 47 other areas besides Black Ridge and Gunnison Gorge which we have in Colorado. While today's legislation provides protection for really the crown jewel of my wilderness bill, there are 48 other areas, beautiful canyons, many of them, that need and deserve protection. I urge Congress to act now. If we pass just one, two or even three of these areas every year, my 6-year-old daughter will be a grandmother by the time we protect all of these lands. More importantly and urgently, the growth that we are seeing in the West will begin to impinge on these critical areas.

Again, I thank my colleague. I think this is a critical step, and I thank him for all of the work he is doing for wilderness preservation in Colorado.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume. I wanted to echo the comments of my colleague from Colorado and also acknowledge that I am eager to work with the gentleman from Colorado (Mr. McInnis) and the rest of the Colorado delegation as we continue to decide with the input of the local people that the gentleman from Colorado (Mr. McInnis) has spoken so eloquently about how we might preserve and protect these lands for the future.

Mr. Speaker, I urge the passage of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the great work that has gone into this by the gentleman from Colorado (Mr. McInnis) and our other colleagues from Colorado. It is an excellent piece of legislation.

It is a great privilege to have in our company Lou Stokes from Ohio, a man that we all have such great respect for and have served with in various positions. I do not know if people realize the many chairmanships that he had, especially the chairman of the Committee on Standards of Official Conduct. I feel great empathy for anybody who was chairman of that committee as long as he was.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4275, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ACQUISITION OF THE HUNT HOUSE IN WATERLOO, NEW YORK

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1910) to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

The Clerk read as follows:

S. 1910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ACQUISITION OF HUNT HOUSE.

(a) IN GENERAL.—Section 1601(d) of Public Law 96–607 (94 Stat. 3547; 16 U.S.C. 410ll(d)) is amended—

(1) in the first sentence—

(A) by inserting a period after "park"; and

(B) by striking the remainder of the sentence; and

(2) by striking the last sentence.

(b) TECHNICAL CORRECTION.—Section 1601(c)(8) of Public Law 96–607 (94 Stat. 3547; 16 U.S.C. 410ll(c)(8)) is amended by striking "Williams" and inserting "Main".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

S. 1910, sponsored by Senator DANIEL PATRICK MOYNIHAN from New York, authorizes fee simple acquisition of a dwelling called the Hunt House in the Women's Rights National Historical Park located in Seneca Falls and Waterloo, New York.

□ 1630

Companion legislation has been introduced by the gentleman from New York (Mr. REYNOLDS), our good friend.

The Women's Rights National Historical Park was designated in 1980 and commemorates and interprets women's struggles for equal rights which began in these locations in 1848. The historical park consists of nine different sites, including the home of Elizabeth Cady Stanton, the former Wesleyan Methodist chapel, and the Hunt House. However, when the law designating the historical park was passed, it contained a provision that prevented the Federal Government from acquiring these three structures by fee simple title.

This bill removes the provision, thereby clearing the way for the Federal Government to purchase this important site for this historical park.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1910 is a noncontroversial bill introduced by Senator MOYNIHAN, which passed the Senate in April of this year.

The legislation authorizes the Secretary of the Interior to acquire full title to the Hunt House in Waterloo, New York, for management as part of the Women's Rights National Historical Park. Hunt House is already within the boundaries of the park, but the park's enabling legislation restricted the Secretary to acquiring less than full title. S. 1910 would lift that restriction and correct that error.

Hunt House is currently owned by the National Trust for Historic Preservation. The trust intends to donate the house to the National Park Service. The National Park Service supports this acquisition, and we support it as well.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I would like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands, as someone I look to for guidance and advice on a number of resource pieces of legislation that come through his committee. Also, I want to thank the gentleman from Alaska (Mr. YOUNG), the Committee on Resources chairman, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for their hard work in bringing this important measure to the floor.

Mr. Speaker, S. 1910, a bill identical to the legislation I introduced last year, H.R. 3404, is a technical bill with enormous historic significance.

In a letter to John Adams, Thomas Jefferson wrote that "a morsel of genuine history is a thing so rare as to be always valuable."

In my congressional district, such a morsel of genuine history exists today, the Hunt House, birthplace of the women's rights movement. And its value to my community is measured by its significant contribution to American history, because the coming together of people and events behind the distinctive white pillars of this Federal style brick home forever changed American society.

On July 9, 1848, Jane and Richard Hunt hosted a tea at their home at 401 East Main Street in Waterloo, New York; and like another famous tea party, held 75 years earlier, this meeting sparked a new revolution for liberty and human rights.

It was at this gathering that Elizabeth Cady Stanton, Lucretia Mott, her sister Martha Wright, and Mary Ann M'Clintock planned the Nation's first women's rights convention.

Following this historic meeting, several of these women drafted the Declaration of Sentiments which was presented at the women's rights convention in Seneca Falls, New York, on July 19 and 20 in 1848.

Even before this seminal meeting, Quakers Richard and Jane Hunt were active reformers and abolitionists. Their holdings included the M'Clintock Home and Drug Store, where in-laws harbored fugitive slaves and hosted famous speakers, such as Frederick Douglass; and their home and business were likely stops in the underground railroad.

The Hunts' contributions to their community were tremendous, creating opportunity and fostering human rights. Richard Hunt provided educational opportunity by founding an academy at Waterloo in 1844 and actively worked for abolitionist causes.

The Hunt family network and personal wealth supported reform efforts throughout upstate New York, including the 1848 Seneca Falls women's rights convention.

Mr. Speaker, this legislation simply ensures that a valuable piece of history will be available and accessible to future generations. The bill authorizes the Secretary of the Interior to acquire without restriction the Hunt House as part of the Women's Rights National Historic Park.

When the Women's Right National Historical Park was established, the Hunt House was in private ownership and not open for public tours or special events. However, in 1999 the property was put up for sale.

The Trust for Public Land and the National Trust for Historical Preservation worked together and purchased the Hunt House to ensure that the property would be available for public use and enjoyment.

Currently, the National Trust for Historical Preservation is leasing the Hunt House to the Women's Rights National Historic Park for $1 a year. Their intent in acquiring the property was to hold it until such time as the National Park Service had the authority to acquire a fee simple title to the property and open it to the public as part of the Women's Rights National Historical Park.

The changes made by this bill are necessary and essentially technical in nature due to the number of errors that have been made over the years in amending Public Law 96-607.

Mr. Speaker, I urge my colleagues to support this important bill and support the preservation of American history.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1910.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

YUMA CROSSING NATIONAL HERITAGE AREA ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2833) to establish the Yuma Crossing National Heritage Area, as amended.

The Clerk read as follows:

H.R. 2833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Yuma Crossing National Heritage Area Act of 2000".

(b) DEFINITIONS.—In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Yuma Crossing National Heritage Area established in section 3.

(2) MANAGEMENT ENTITY.—The term "management entity" shall mean the Yuma Crossing National Heritage Area Board of Directors referred to section 3(c).

(3) MANAGEMENT PLAN.—The term "management plan" shall mean the management plan for the Yuma Crossing National Heritage Area.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Certain events that led to the establishment of the Yuma Crossing as a natural crossing place on the Colorado River and to its development as an important landmark in America's westward expansion during the mid-19th century are of national historic and cultural significance in terms of their contribution to the development of the new United States of America.

(2) It is in the national interest to promote, preserve, and protect physical remnants of a community with almost 500 years of recorded history which has outstanding cultural, historic, and architectural value for the education and benefit of present and future generations.

(3) The designation of the Yuma Crossing as a national heritage area would preserve Yuma's history and provide related educational opportunities, provide recreational opportunities, preserve natural resources, and improve the city and county of Yuma's ability to serve visitors and enhance the local economy through the completion of the major projects identified within the Yuma Crossing National Heritage Area.

(4) The Department of the Interior is responsible for protecting the Nation's cultural and historic resources. There are significant examples of these resources within the Yuma region to merit the involvement of the Federal Government in developing programs and projects, in cooperation with the Yuma Crossing National Heritage Area and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations while providing opportunities for education, revitalization, and economic development.

(5) The city of Yuma, the Arizona State Parks Board, agencies of the Federal Government, corporate entities, and citizens have completed a study and master plan for the Yuma Crossing to determine the extent of its historic resources, preserve and interpret these historic resources, and assess the opportunities available to enhance the cultural experience for region's visitors and residents.

(6) The Yuma Crossing National Heritage Area Board of Directors would be an appropriate management entity for a heritage area established in the region.

(b) PURPOSE.—The objectives of the Yuma Crossing National Heritage Area are as follows:

(1) To recognize the role of the Yuma Crossing in the development of the United States, with particular emphasis on the roll of the crossing as an important landmark in the westward expansion during the mid-19th century.

(2) To promote, interpret, and develop the physical and recreational resources of the communities surrounding the Yuma Crossing, which has almost 500 years of recorded history and outstanding cultural, historic, and architectural assets, for the education and benefit of present and future generations.

(3) To foster a close working relationship with all levels of government, the private sector, and the local communities in the Yuma community and empower the community to conserve its heritage while continuing to pursue economic opportunities.

(4) To provide recreational opportunities for visitors to the Yuma Crossing and preserve natural resources within the Heritage Area.

(5) To improve the Yuma region's ability to serve visitors and enhance the local economy through the completion of the major projects identified within the Heritage Area.

SEC. 3. YUMA CROSSING NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Yuma Crossing National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of those portions of the Yuma region totaling approximately 21 square miles, encompassing over 150 identified historic, geologic, and cultural resources, and bounded—

(1) on the west, by the Colorado River (including the crossing point of the Army of the West);

(2) on the east, by Avenue 7E;

(3) on the north, by the Colorado River; and

(4) on the south, by the 12th Street alignment.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Yuma Crossing National Heritage Area Board of Directors which shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of the enactment of this Act.

SEC. 4. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this Act, the Secretary of the Interior shall enter into a compact with the management entity.

(b) COMPONENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the Heritage Area, including each of the following:

(1) A discussion of the goals and objects of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures to which the management entity commits.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available through this Act for the following:

(1) To make grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person.

(2) To hire and compensate staff.

(3) To enter into contracts for goods and services.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Taking into consideration existing State, county, and local plans, the management entity shall develop a management plan for the Heritage Area.

(2) CONTENTS.—The management plan required by this subsection shall include—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(E) a recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(F) a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation;

(G) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(H) an interpretation plan for the Heritage Area.

(3) SUBMISSION TO SECRETARY.—The management entity shall submit the management plan to the Secretary for approval not later than 3 years after the date of enactment of this Act. If a management plan is not submitted to the Secretary as required within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) DUTIES OF MANAGEMENT ENTITY.—In addition to its duties under subsection (b), the management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan, including steps to assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government, regional planning organizations, and nonprofit organizations with—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) restoring any historic building relating to the themes of the Heritage Area; and

(E) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) encourage, by appropriate means, economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(6) conduct public meetings at least quarterly regarding the implementation of the management plan; and

(7) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

(d) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property. Nothing in this Act shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

(e) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan. In assisting the management entity, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, and cultural resources which support the themes of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the Yuma Crossing National Heritage Area Board of Directors, shall approve or disapprove the management plan submitted under this Act not later than 90 days after receiving such management plan.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this Act may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

(e) DOCUMENTATION.—Subject to the availability of funds, the Historic American Building Survey/Historic American Engineering Record shall conduct those studies necessary to document the cultural, historic, architectural, and natural resources of the Heritage Area.

SEC. 7. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2015.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this Act.

(b) 50 PERCENT MATCH.—Federal funding provided under this Act, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2833 sponsored by the gentleman from Arizona (Mr. PASTOR) authorizes the Secretary of the Interior to establish the Yuma Crossing National Heritage Area. This bill would serve to protect and conserve the historic elements located in the Yuma community.

Its purpose would be to further educational, recreational, and economic opportunities of the region. The bill also provides for measures which preserve the historic features of the Yuma Crossing.

The Yuma Crossing was the national crossing place for the Colorado River. This geographic feature eventually led Yuma to become the epicenter of America's westward expansion during the mid-19th century. The area hosts many cultural, historic, and architectural resources.

The management of the national heritage area is to be conducted by the Secretary and the management entity known as Yuma Crossing National Heritage Area Board of Directors. The management entity is to develop a comprehensive plan that supports the goals and operations of the heritage area and to work directly with the Secretary in the implementation of this plan. This is supported on a bipartisan basis, and I commend the gentleman from Arizona (Mr. PASTOR) for his efforts to preserve and enhance the Yuma area.

Mr. Speaker, I urge my colleagues to support H.R. 2833, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2833 introduced by the gentleman from Arizona (Mr. PASTOR), our friend and colleague, would establish the Yuma Crossing National Heritage Area in Yuma, Arizona. Yuma's location as a natural crossing point of the Colorado River has drawn man to the area since ancient times; and as such, there is a long history associated with the area.

At the hearing on the bill before the Committee on Resources, our colleague, the gentleman from Arizona (Mr. PASTOR), and the other supporters of the legislation spoke of the historical and cultural heritage of the Yuma area and of their enthusiasm and commitment to a heritage area designation.

While the legislation was similar in form to other bills the committee has considered regarding the designation of heritage areas, the National Park Service testified that several changes needed to be made to conform the bill to other heritage designations.

The Committee on Resources adopted an amendment that reflected the changes to the bill requested by the National Park Service. We believe those changes improve the legislation and support the bill, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, first of all, I want to thank the gentleman from Utah (Chairman HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the ranking member; and the gentleman from Alaska (Chairman YOUNG), the full committee chairman; and the gentleman from California (Mr. GEORGE MILLER), the ranking member; for bringing this bill on the floor today.

Mr. Speaker, I rise in strong support of this legislation and ask that the House support the efforts of the entire Yuma community to designate the Yuma Crossing as a national heritage area. I want to assure this body that the entire area is united behind the principles of this legislation.

More than 60 years before the European settlement in Jamestown, Virginia, and more than 80 years, before the pilgrims landed at Plymouth Rock, Francisco Vasquez de Coronado marched across southeastern Arizona in search of the fabled Seven Cities of Gold. To supply Coronado's expedition, Captain Hernando de Alarcon commanded three ships through the Gulf of California into the mouth of the Colorado River.

The Spanish explorer Hernando de Alarcon became the first European to venture into what is now the southwest portions of the United States just below the confluence of the Colorado River and the Gila River. There they made use of a geological formation in the lower Colorado, consisting of two massive granite outcroppings known to us today as Yuma Crossing.

Alarcon's voyage is the first European discovery of the Colorado River, and the Crossing has become a natural bridge which played an important role in the western settlement of the United States.

Father Eusebio Francisco Kino mapped supply routes to California through the Yuma Crossing, a route that would be used in many other expeditions and used by many colonists. Using the knowledge pioneered by Father Kino, more than 200 settlers and herds of livestock crossed the treacherous Colorado River using the Yuma Crossing.

Anza, another famous Spanish explorer, crossed the Colorado at this point. He traveled westward to cross the desert to San Gabriel and then turned north and established the community of San Francisco in 1776.

Kit Carson traveled the Yuma Crossing as he carried dispatches between California and New Mexico to report on the United States' successful military conquest of California in the war with Mexico in 1846. It was during the war with Mexico that Lieutenant Colonel Phillip St. George Cooke used the Yuma Crossing to establish the Gila Trail, that became a passageway used by California's gold seekers, by pioneers, by ranchers, farmers, and the military.

Yuma Crossing quickly became a strategic military location following the Mexican war. Settlers and the Quechan Indians fought for the rights to hold ferry operations across the Colorado. In 1852, Fort Yuma was established to keep the peace between the settlers and the Quechans.

In addition to its importance, Yuma has become a major port town and transportation hub. Steamboats were used to freight supplies, as well as stagecoach and camel caravans were used to transport supplies. But as Yuma grew, more sophisticated modes of transportation were demanded, the outgrowth of which resulted in the development of the Southern Pacific Railroad. With the establishment of the Southern Pacific Railroad, Yuma established itself as a major connecting point in the westward expansion of our country.

Today, the city of Yuma has a population of 70,000 residents, the third largest city in Arizona. Along with its importance in the development of the West, there is a combination of arid desert landscapes, rugged mountains and wetlands that is the natural environment for this area which we want to preserve.

Designating Yuma Crossing as a national heritage area will preserve Yuma's early heritage and highlight Yuma Crossing's importance to opening the American West to exploration and settlement.

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The designation will also serve to preserve and protect its vital wildlife habitats and wetland areas. Yuma Crossing is a vital link in our Nation's heritage, and it is for these reasons that I proudly introduce this legislation that will designate Yuma Crossing as a national heritage area. I urge the House to support preserving an important part of our Southwestern heritage.

Mr. UNDERWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I compliment my friend from Arizona on the good work he has done on this bill to get it to this point. He has done a yeoman's job on it, and it is a good piece of legislation. I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2833, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GUAM OMNIBUS OPPORTUNITIES ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guam Omnibus Opportunities Act".

SEC. 2. GUAM LAND RETURN ACT.

(a) Short Title.—This section may be cited as the "Guam Land Return Act".

(b) Transfer of Excess Real Property.—

(1) Notice of availability.—Except as provided in subsection (e), before screening excess real property located on Guam for further Federal used under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Administrator shall notify the Government of Guam that the property is available for transfer to the Government of Guam pursuant to this section.

(2) Opportunity for acquisition by Guam.—If the Government of Guam, within 180 days after receiving notification under paragraph (1) with regard to certain real property, notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property to the Government of Guam in accordance with subsections (c) and (d). Otherwise, the Administrator shall dispose of the property in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) Compensation.—A transfer of excess real property under subsection (b) to the Government of Guam for a public purpose shall be made without reimbursement or other compensation from the Government of Guam.

(d) Conditions.—

(1) Restrictive covenants.—All transfers of excess real property under subsection (b) to the Government of Guam shall be subject to such restrictive covenants as the Administrator determines to be necessary to ensure that—

(A) the use of the property is compatible with continued military activities on Guam;

(B) the use of the property is consistent with the environmental condition of the property;

(C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required;

(D) to the extent the property was transferred for a public purpose, the property is so used; and

(E) to the extent the property has been used by another Federal agency for a minimum of two years, the transfer to the Government of Guam is subject to the terms and conditions of those permit interests until the expiration of those permits.

(2) Consultation.—In the case of real property reported excess by a military department and in all cases with respect to paragraph (1)(A), the Administrator shall consult with the Secretary of Defense regarding the restrictive covenants to be imposed on a transfer of the property.

(3) Other laws.—All transfers of excess real property under subsection (b) to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code. Any property that the Government of Guam has the opportunity to acquire under subsection (b) shall not be subject to section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(e) Exemptions.—Notwithstanding that real property located on Guam and described in this subsection may be excess real property, this section shall not apply—

(1) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred in accordance with subsection (f);

(2) to real property described in the Guam Excess Lands Act (Public Law 103–339, 108 Stat. 3116), which shall be disposed of in accordance with such Act; or

(3) to real property on Guam that is declared excess as a result of a base closure law.

(f) Treatment of Guam National Wildlife Refuge Lands.—

(1) Notification of availability; negotiations.—The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that real property within the Guam National Wildlife Refuge has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of the real property.

(2) Transfer and management under agreement.—If the parties reach an agreement under paragraph (1) within the 180-day period and the

agreement is submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives not less than 60 days prior to any transfer of the real property under the agreement, the property shall be transferred and managed in accordance with the agreement. Any such transfer shall be subject to the other provisions of this section.

(3) Effect of Lack of Agreement.—If the parties do not reach an agreement under paragraph (1) within the 180-day period, the Administrator shall provide a report to Congress on the status of the discussions, together with recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the Secretary of the military department may transfer administrative control over the property to the General Services Administration. Absent an agreement on the future ownership and use of the property, the property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying the property.

(4) Eventual Agreement.—If the parties come to an agreement prior to congressional action in response to a report under paragraph (3) and the agreement is submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives not less than 60 days prior to any transfer of the real property under the agreement, the real property shall be transferred and managed in accordance with the agreement. Any such transfer shall be subject to the other provisions of this section.

(g) Dual Classification Property.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(h) Authority To Issue Regulations.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as the Administrator deems necessary to carry out this section.

(i) Definitions.—For the purposes of this section:

(1) The term "Administrator" means—

(A) the Administrator of General Services; or

(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term "base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), or similar base closure authority.

(3) The term "excess real property" means excess property (as that term is defined in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)) that is real property and was acquired by the United States prior to the enactment of this section.

(4) The term "Guam National Wildlife Refuge" includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as Department of Defense lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the "Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993" to the extent that the Federal Government holds title to such lands.

(5) The term "public purpose" means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), as implemented by the Federal Property Management Regulations (41 CFR 101–47) or other public benefit uses provided under the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116).

SEC. 3. GUAM FOREIGN DIRECT INVESTMENT EQUITY ACT.

(a) Short Title.—This section may be cited as the "Guam Foreign Direct Investment Equity Act".

(b) In General.—Subsection (d) of section 31 of the Organic Act of Guam (48 U.S.C. 1421i) is amended by adding at the end the following new paragraph:

"(3) In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, the rate of tax under sections 871, 881, 884, 1441, 1442, 1443, 1445, and 1446 of the Internal Revenue Code of 1986 on any item of income from sources within Guam shall be the same as the rate which would apply with respect to such item were Guam treated as part of the United States for purposes of the treaty obligations of the United States.".

(c) Certain Guam-Based Trusts Exempt.—The provisions of this section shall not apply to any Guam-based trust formed pursuant to Division 2 of Title 11, Chapter 160, of the Guam Code Annotated.

(d) Effective Date.—The amendment made by subsection (b) shall apply to amounts paid after the date of the enactment of this Act.

SEC. 4. IMPORTATION OF BETEL NUTS ("ARECA NUTS") FOR PERSONAL CONSUMPTION.

(a) In General.—Notwithstanding any other provision of law (including sections 402 and 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342 and 381)), Guam shall be deemed to be within the customs territory of the United States in the case of importation from Guam into the United States of betel nuts (also known as "areca nuts") by an individual for personal consumption by the individual.

(b) Definitions.—In this section:

(1) Betel nuts.—The term "betel nuts" means husked betel nuts grown in Guam.

(2) Customs territory of the united states.—The term "customs territory of the United States" has the meaning given the term in general note 2 of the Harmonized Tariff Schedule of the United States.

SEC. 5. COMPACT IMPACT REPORTS.

Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting "President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii." and inserting in lieu thereof the following: "Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the financial and social impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments and recommendations of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. Hansen) and the gentleman from Guam (Mr. Underwood) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. Hansen).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Guam Omnibus Opportunities Act, H.R. 2462, introduced by the gentleman from Guam (Mr. Underwood) has been developed on a bipartisan basis and contains four provisions affecting our territory in the Western Pacific.

The bill proposes to, one, provide Guam the right of first refusal for the return of future lands currently in possession of the Federal Government; two, allows the government to lower the withholding tax rates imposed on foreign investors to equal that of the treatment of States under U.S. treaties with other nations; three, provides a narrow interpretation for Guam to be included in the U.S. Customs Zone for the purpose of importing betel nuts by an individual for personal consumption; and, four, authorizes the governors of the territories and the State of Hawaii to report to the Secretary of the Interior Department on the financial and social impacts of the Compacts of Free Association on their respective jurisdictions.

Mr. Speaker, I would like to add that our staff person, Manase Mansur, this is the last bill that he has worked on. He has done us a great job on the committee, and we wish him well in his future endeavors.

I urge the support of Members for this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you may understand, this bill is very important to me and to the people of Guam. I certainly want to thank all of those involved, especially the staff on both sides; the gentleman from Alaska (Chairman Young); and the ranking member, the gentleman from California (Mr. George Miller). I thank the gentleman for the words of support, and I also want to publicly thank the staff for their work, on both sides, including Manase Mansur. This is shocking news to me, that he is departing the scene.

But, in any event, as indicated, H.R. 2462 is omnibus legislation that is comprised of four distinct sections to address issues relevant to my home island. The legislation provides Guam the right of first refusal for the return of future lands currently in the possession of the Federal Government; allows the government to lower the withholding tax rates imposed on foreign investors in order to equal it to the treatment of States under U.S. treaties with other nations; provides a narrow interpretation for Guam to be included in the U.S. Customs Zone for the purpose of importing betel nuts for personal consumption; and authorizes the governors of the territories and the State of Hawaii to report to the Secretary of Interior on the financial and social impacts of the Compacts of Free Association on their respective jurisdictions.

Mr. Speaker, as you can imagine, one of the most valuable resources to an island is land. For smaller islands, such as Guam, whose land mass is approximately 212 square miles, land is highly valued and highly treasured. For Guam, much of our treasure was obtained by the Federal Government in the years following World War II to assist in the defense of our nation.

Nearly one-third of Guam, or roughly 44,000 acres, was kept by the U.S. for use by our military. It is easy to understand why this would be the case, because of Guam's strategic location to Asia, and it is understandable that our military continued to retain this property throughout the Cold War. But the Cold War is now over, and although we still have some genuine concerns over the instability of some Asian countries, excess Federal property on Guam should be returned to Guam, and we have worked this very closely with the Department of Defense.

In the 103rd Congress I was successful in getting legislation passed in Congress to return 3,200 acres of Federal land to the Government of Guam for public benefit, and I am pleased to acknowledge the work of our good friend the gentleman from Utah (Mr. HANSEN) on that particular bill, and I am pleased that 900 acres were deeded over to the Government of Guam just last month, and I am anxious for the return of more property.

H.R. 2462 builds on this policy of returning excess Federal property on Guam to the Government of Guam before it is offered to other Federal agencies or organizations. This legislation establishes a process where the Government of Guam is notified that Federal land is excess, and the island then has the opportunity to acquire it at no cost for public benefit purposes.

H.R. 2462 also provides for a process for the Government of Guam and the U.S. Fish and Wildlife Service to engage in negotiations on the ownership and management of declared Federal excess lands within the Guam National Wildlife Refuge. The administration, in discussion on this particular section of the bill, has raised some concerns on this part of the bill; and I assured them I will work with them to make sure that land is returned and used for a clear public purpose.

H.R. 2462 also addresses an issue that could have great economic potential for Guam. The Organic Act of Guam authorized the local Government to implement a mirror image tax system the same as the U.S. Internal Revenue Code. The Internal Revenue Code, unfortunately, imposes a withholding tax of 30 percent on foreign investors, except that in the case of the rest of the United States these rates have been adjusted according to treaty obligations negotiated by the United States with foreign countries. However, Guam is not included in those tax treaties.

This section simply asks that Guam be treated the same as every other jurisdiction in the United States for purposes of withholding tax for foreign investors. This omission has cost us some foreign investment, and this is a very critical time for our island. We are suffering over 15 percent unemployment due to the downturn in Asia. We think that this will give us an opportunity to recover some of our economic success we had earlier in the 1990s.

A third section of H.R. 2462 has received a lot of attention in Guam, not a lot of attention here, and it is humorous for many of our constituents. My people chew the betel nut. The betel nut in a mature form is a hard nut which has been banned from movement across the Customs Zone. Because Guam is outside the Customs Zone, we are sometimes treated as foreigners for this particular purpose. What this bill does is it does not allow it to be brought in for agricultural problems, it just says if it is for personal consumption, then it should be allowed to go through the Customs Zone.

The last section of the bill is equally of great concern, not only for Guam, but other U.S. areas like the Commonwealth of the Northern Marianas and the State of Hawaii. This authorizes the governors of those areas to submit a report and requires the Department of Interior to respond relative to the impact of the right of citizens of three new States, three new independent nations, to freely migrate into the United States.

This is good sense legislation. I want to again thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for working with me to address concerns raised by the administration during the full committee hearing. We did make some changes that addressed those concerns. I understand there may still remain some issues, but I am sure we can work with them as this legislation moves through the Senate.

Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA). I am proud to say I am probably the only person who pronounces his name right.

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to commend the gentleman from Guam for pronouncing my name properly, and you yourself, you did very well. Sometimes I wish maybe my colleagues should call me John Wayne just for he the sense of making it a little more clear.

Mr. Speaker, I do want to express my strong support of H.R. 2462, the Guam Omnibus Opportunities Act, chiefly sponsored by my good friend and colleague, the gentleman from Guam (Mr. UNDERWOOD). I want to commend the gentleman, who also serves as the Chairman of the Asian-Pacific Congressional Caucus. I also want to thank the gentleman from Utah (Mr. HANSEN) for his management of this legislation, and certainly want to commend him for his assistance.

Mr. Speaker, the return of Federal excess land to the people of Guam is an issue that has been under discussion for far too long. While the policy of offering Federal land to other Federal agencies when it is no longer needed by one agency is sound for most land in the continental United States, the history of these lands is often different in insular areas, and the Territory of Guam is an example.

In Guam, one-third of the land on the island is owned by the Federal Government and was taken, in most cases, for military purposes. Perhaps our colleagues are not aware of the fact that we currently have about a $10 billion presence of military bases, military equipment and personnel currently now on the island of Guam.

Now that the land is no longer needed, it should be returned to its previous owners, or, at a minimum, as it is done in this bill, give the local Government the option of acquiring it. I note in the last Congress, Mr. Speaker, the Senate passed a similar piece of legislation, and I hope that we can get this provision through both houses of the Congress this year.

Mr. Speaker, it is unfortunate that Guam has to come to Congress every time it wants to amend the Tax Code applicable to its own residents. As has been noted, current law mandates a 30 percent withholding tax on foreign investors, yet it is lower than that for most foreign investors who invest in the 50 States. This is an obvious disincentive for investment in the Territory of Guam, and I am glad to see we are alleviating this burden today.

I know this issue of betel nut consumption by the people of Guam has been an issue for some time. This bill addresses this problem by treating Guam as being within the U.S. customs territory for the purpose of importing betel nuts from Guam to the United States by an individual for personal consumption. While not important to most Americans, I guess, it is of cultural significance to many of the people of Guam, and I suspect also my friends from the other islands of Micronesia. I certainly support this change in the law.

Mr. Speaker, this legislation also addresses the continued problem caused by the migration of citizens from the freely associated States, the Federated States of Micronesia, the Republic of Palau and the Republic of the Marshall Islands. The residents from these entities migrate to Guam and other Pacific jurisdictions in the United States. Now, while Guam and Hawaii need more than a report to assist them with the impact of this migration, I do hope the report will provide the basis upon which substantial assistance can and will be provided, not only to Guam, but to all the affected Pacific jurisdictions.

Again, Mr. Speaker, I want to commend the gentleman from Alaska (Chairman YOUNG) and our ranking Democrat, the gentleman from California (Mr. GEORGE MILLER), for their efforts in working with all the parties involved, and to get this legislation to the House, especially I want to commend the gentleman from Guam (Mr. UNDERWOOD), for his leadership in bringing this important bill to the floor. I urge my colleagues to support this legislation.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from American Samoa for his kinds words.

Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding me time.

I too rise in strong support of H.R. 2462, and I want to congratulate and commend my good friend from Guam (Mr. UNDERWOOD) for his tireless efforts and hard work over the several years it took to get this bill to this point today.

As a cosponsor of H.R. 2462, I support the efforts of the gentleman from Guam (Mr. UNDERWOOD) to return land that was taken by the U.S. Government from the people of Guam during World War II. H.R. 2462 will address this issue by providing a process for the Government of Guam to receive lands from the U.S. Government for specified public purposes by giving Guam the right of first refusal of declared Federal excess lands by the General Services administrator prior to it being made available to any other Federal agency.

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Mr. Speaker, the people of Guam have suffered greatly because of their love for this country. Guamanians have been under U.S. sovereignty since 1898. During World War II, Japanese forces invaded and took control of Guam for 32 months. The people of Guam suffered atrocities, including executions, rapes, beatings, imprisonment, forced labor and forced marches, primarily due to their continued loyalty to the United States.

Mr. Speaker, the people of Guam have been seeking to have the issues of the return of Guam lands and restitution to Guamanians who suffered atrocities in World War II addressed for more than a decade now. It is time that they be resolved. How much longer must we make the people of Guam wait? As for myself, I pledge to do all that I can to assist the gentleman from Guam (Mr. UNDERWOOD) in finding a resolution to these issues that is acceptable to the people of Guam.

I ask my colleagues to also support the people of Guam and to support this legislation.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to again thank everyone who worked hard with the staffs of both sides, my own staff, Nick Minella, who is also leaving. With that, I want to thank the gentleman from Utah (Mr. HANSEN) for his support and kind words. I would like to thank again the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG) for their support on this effort.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of H.R. 2462—the Guam Omnibus Opportunities Act—of which I am a cosponsor along with the Chairman of the Resources Committee. I recognize and congratulate our colleague from Guam, Mr. UNDERWOOD, for his hard work and collaboration with the staff of the Committee to craft legislation which addresses some very complex issues facing the people of Guam. Some may not realize how difficult a job it is for the delegates from the territories to move legislation through the Congress and I, for one, am glad that we are considering Mr. UNDERWOOD's legislation today.

The Guam Omnibus Opportunities Act is legislation which, among other things, addresses two very important issues for the people of Guam—the future return of federal excess lands on Guam and the expansion of the island's economy. H.R. 2462 puts into place, a process wherein the government of Guam is given first consideration in the return of federal excess land. As chairman of the Resources Committee during the 103rd Congress, we passed legislation, authored by Mr. UNDERWOOD, which identified 3,200 acres of federal excess lands no longer needed by the federal government for return to the government of Guam to benefit the people of Guam. This was the first step in helping to address the very unique circumstances of Guam's history and the federal acquisition of 1/3 of the island after WWII for purposes of national defense. Currently, the return of excess federal land is governed by the General Service Administration's land return process which can completely prevent Guam from regaining the land, in favor of other federal interests. H.R. 2462 builds upon the success of our work during the 103rd Congress and establishes a process in which federal property no longer necessary for the continuing operations of the defense of our nation is returned to the government of Guam for uses consistent with benefitting the island's community.

H.R. 2462 also contains a novel approach to increase investment into Guam by allowing the government to match the withholding tax rates of foreign investors to equal the same rate offered in U.S. treaties for foreign investors doing business in the 50 states. Guam's U.S. "mirror image" tax system was instituted with the passage of its organic act in 1950. The Internal Revenue Code requires a withholding tax rate of 30 percent on foreign investors with the exception of withholding tax rates negotiated in U.S. treaties with foreign nations. These rates are often lowered to encourage foreign investment into the United States. It is often the case, however, that the definition of the United States does not include Guam or the other U.S. territories. The exclusion of the territories, has for better or worse, penalized Guam in this instance since the majority of their private sector development has come from foreign sources. Amending Guam's Organic Act to equal the withholding tax rate under U.S. treaties will boost their attraction to foreign investors and benefit the island's long-term private sector diversification.

I am mindful that over the past several years, the economy of Guam has spiraled downwards due to decreased military presence and the slumping economies in Asia. I am happy that we are attempting to address these issues in terms of making future excess federal land available to the island government for public benefit uses and the lifting of restrictive taxes on foreign investors. I thank Mr. UNDERWOOD again for his legislation and urge my colleagues to support H.R. 2462—the Guam Omnibus Opportunities Act.

Mr. UNDERWOOD. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2462, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 2919, S. 1629, H.R. 3676, H.R. 4275, S. 1910, H.R. 2833, and H.R. 2462, the last seven bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

USE OF WEBER BASIN PROJECT FACILITIES FOR NONPROJECT WATER

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3236) to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, as amended.

The Clerk read as follows:

H.R. 3236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF WEBER BASIN PROJECT FACILITIES FOR NONPROJECT WATER.

The Secretary of the Interior may enter into contracts with the Weber Basin Water Conservancy District or any of its member unit contractors under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using facilities associated with the Weber Basin Project, Utah; and

(2) the exchange of water among Weber Basin Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Weber Basin Project, Utah.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material therein, on H.R. 3236.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be discussing H.R. 3236, which I introduced with my colleague, the gentleman from Utah (Mr. HANSEN). This legislation authorizes the Secretary of Interior, through the Bureau of Reclamation, to enter into contracts with the Weber Basin Water Conservancy District to allow the delivery of non-Federal project water for domestic, municipal, industrial, and other beneficial purposes using facilities associated with the Weber Basin Project.

Such congressional authorization is required by the Warren Act and there are a number of Western reclamation projects which have already been given such authority including the Central Utah Project. The Weber Basin Conservancy District constructed the Smith Morehouse Dam and Reservoir in the early 1980s with local Weber Basin funding resources creating a supply of non-Federal project water.

There is now a need to deliver approximately 5,000 acre feet of this non-Federal Smith Morehouse water supply along with approximately 5,000 acre feet of Federal Weber Basin Project water utilizing some federally built project facilities to the Snyderville Basin Area of Summit County and to Park City. These are rapidly growing areas of my congressional district.

The Weber Basin Water Conservancy District entered into a memorandum of understanding and agreement in 1996 to deliver this water approximately 14 miles from Weber Basin Weber River sources upon the execution of an interlocal agreement with Park City and Summit County. The Warren Act requires that legislation be enacted to enable the district to move ahead with this agreement with the county and Park City to deliver the water utilizing Bureau-built Weber Basin Project facilities.

The Utah State Engineer last year stopped approval of new groundwater sources in the area. We do not have any more wells that we can drill there. This, along with the tremendous growth in the area, due in part to the 2002 Olympics, has led to an immediate need to import water to the area. The area to be served is within the taxing area of the Weber Basin District, and there is a definite need for a public entity to build a project to supply an adequate, reliable, and cost-effective water delivery project to meet future demands.

I hope we can pass this legislation to enable the District to expeditiously construct this project.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3236 authorizes the Secretary of the Interior to enter into Warren Act contracts for water from the Weber Basin project in Utah. These contracts are an important water management tool in the Western United States where there is an opportunity to use a nearby Bureau of Reclamation project to transport local water supplies for municipal or other uses.

We support the legislation, and we congratulate the gentleman from Utah (Mr. CANNON) on his effort.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just once again state this legislation is needed to continue the development of much-needed water resources in the Weber Basin Water Conservancy District. I urge my colleagues to join me in supporting this necessary legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3236, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DUCHESNE CITY WATER RIGHTS CONVEYANCE ACT

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3468) to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah, as amended.

The Clerk read as follows:

H.R. 3468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Duchesne City Water Rights Conveyance Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1861, President Lincoln established the Uintah Valley Reservation by Executive order. The Congress confirmed the Executive order in 1864 (13 Stat. 63), and additional lands were added to form the Uintah Indian Reservation (now known as the Uintah and Ouray Indian Reservation).

(2) Pursuant to subsequent Acts of Congress, lands were allotted to the Indians of the reservation, and unallotted lands were restored to the public domain to be disposed of under homestead and townsite laws.

(3) In July 1905, President Theodore Roosevelt reserved lands for the townsite for Duchesne, Utah, by Presidential proclamation and pursuant to the applicable townsite laws.

(4) In July 1905, the United States, through the Acting United States Indian Agent in Behalf of the Indians of the Uintah Indian Reservation, Utah, filed 2 applications, 43-180 and 43-203, under the laws of the State of Utah to appropriate certain waters.

(5) The stated purposes of the water appropriation applications were, respectively, "for irrigation and domestic supply for townsite purposes in the lands herein described", and "for the purpose of irrigating Indian allotments on the Uintah Indian Reservation, Utah. . . . and for an irrigating and domestic water supply for townsite purposes in the lands herein described".

(6) The United States subsequently filed change applications which provided that the entire appropriation would be used for municipal and domestic purposes in the town of Duchesne, Utah.

(7) The State Engineer of Utah approved the change applications, and the State of Utah issued water right certificates, identified as Certificate Numbers 1034 and 1056, in the name of the United States Indian Service in 1921, pursuant to the applications filed, for domestic and municipal uses in the town of Duchesne.

(8) Non-Indians settled the town of Duchesne, and the inhabitants have utilized the waters appropriated by the United States for townsite purposes.

(9) Pursuant to title V of Public Law 102-575, Congress ratified the quantification of the reserved waters rights of the Ute Indian Tribe, subject to reratification of the water compact by the State of Utah and the Tribe.

(10) The Ute Indian Tribe does not oppose legislation that will convey the water rights appropriated by the United States in 1905 to the city of Duchesne because the appropriations do not serve the purposes, rights, or interests of the Tribe or its members, because the full amount of the reserved water rights of the Tribe will be quantified in other proceedings, and because the Tribe and its members will receive substantial benefits through such legislation.

(11) The Secretary of the Interior requires additional authority in order to convey title to those appropriations made by the United States in 1905 in order for the city of Duchesne to continue to enjoy the use of those water rights and to provide additional benefits to the Ute Indian Tribe and its members as originally envisioned by the 1905 appropriations.

SEC. 3. CONVEYANCE OF WATER RIGHTS TO DUCHESNE CITY, UTAH.

(a) CONVEYANCE.—The Secretary of the Interior, as soon as practicable after the date of enactment of this Act, and in accordance with all applicable law, shall convey to Duchesne City, Utah, or a water district created by Duchesne City, all right, title, and interest of the United States in and to those water rights appropriated under the laws of the State of Utah by the Department of the Interior's United States Indian Service and identified as Water Rights Nos. 43-180 (Certificate No. 1034) and 43-203 (Certificate No. 1056) in the records of the State Engineer of Utah.

(b) REQUIRED TERMS.—

(1) IN GENERAL.—As terms of any conveyance under subsection (a), the Secretary shall require that Duchesne City—

(A) shall allow the Ute Indian Tribe of the Uintah and Ouray Reservation, its members, and any person leasing or utilizing land that is held in trust for the Tribe by the United States and is located within the Duchesne City water service area (as such area may be adjusted from time to time), to connect to the Duchesne City municipal water system;

(B) shall not require such tribe, members, or person to pay any water impact, connection, or similar fee for such connection; and

(C) shall not require such tribe, members, or person to deliver or transfer any water or water rights for such connection.

(2) LIMITATION.—Paragraph (1) shall not be construed to prohibit Duchesne City from charging any person that connects to the Duchesne City municipal water system pursuant to paragraph (1) reasonable, customary, and nondiscriminatory fees to recover costs of the operation and maintenance of the water system to treat, transport, and deliver water to the person.

SEC. 4. WATER RIGHTS.

(a) NO RELINQUISHMENT OR REDUCTION.—Except as provided in section 3, nothing in this Act may be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Utah on or before the date of enactment of this Act.

(b) NO PRECEDENT.—Nothing in this Act may be construed as establishing a precedent for conveying or otherwise transferring water rights held by the United States.

SEC. 5. TRIBAL RIGHTS.

Nothing in this Act may be construed to affect or modify any treaty or other right of the Ute Indian Tribe or any other Indian tribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material therein, on H.R. 3468.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to have the opportunity to discuss H.R. 3468, the Duchesne City Water Rights Conveyance Act on the House floor. This legislation gives the city of Duchesne rights to water owned by the United States Indian Service. Duchesne is currently using this water and has used it since the city was established.

Since this law corrects a legal anomaly, some historical background may be helpful. When the Uintah Indian Reservation was opened for settlement in 1905, land was auctioned to the highest bidder under the Township Act and the City of Duchesne was created. The acting Indian agent of the reservation filed two applications to appropriate water with the Utah State Engineer.

These applications were intended for irrigation and domestic supply in the City of Duchesne under the township provisions. For many years now, attempts to place the water rights in the name of Duchesne City have failed despite acknowledgments by all interested parties that the water rights were meant for Duchesne City exclusively.

Since the United States Indian Service no longer exists, there is no way to transfer these water rights without legislation. In fact, this bill is at the request of the Utah State Engineer.

Mr. Speaker, Utah is an arid State and water is a valuable resource. The very nature of water rights ownership can be contentious.

For this reason, the legislation is urgent and necessary. The City of Duchesne and the Ute Indian Tribe have worked hard on this legislation, and they hope to transfer these water rights during this session of Congress.

The Ute Indian Tribe will benefit by this proposal, being able to connect to the Duchesne City Municipal Water System without any water impact or connection fee. Furthermore, no members of the tribe connecting to the municipal water system will be required to give up rights to water or water rights that they hold in addition to the municipal water.

The version of the bill that is before us today includes language worked out between the Department of the Interior, the Ute Indian Tribe, and the City of Duchesne. We now include findings that ensure that the full history of these water rights is known.

Additionally, there is language that would ensure that tribal rights and current water rights are protected.

I would like to thank all those who have worked on this bill. Mayor Kim Hamlin, Councilman Paul Tanner from Duchesne, and CRAIG SMITH, special counsel on water have worked hard to coordinate with the Department of the Interior and have come up with the compromise language that we now have before us.

Again, Mr. Speaker, I am grateful for the opportunity to bring this before the House of Representatives. I look forward to resolving this problem for the City of Duchesne.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3468 would convey to Duchesne City, Utah, certain water rights now held in trust by the Secretary of the Interior. The bill would allow the Ute Indian Tribe to connect to the municipal water system of Duchesne City, Utah, without payment of customary impact and connection fees. It is my understanding that the concerns raised by the Department of the Interior have been satisfactorily resolved. We support the legislation and congratulate the gentleman from Utah (Mr. CANNON) on his efforts.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I would just like to reiterate that this bill simply corrects a legal anomaly. The City of Duchesne is using this water and should bear title to it. I urge my colleagues to join with me in supporting this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3468, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1715

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1651, to concur in the Senate amendment, by the yeas and nays;

H.R. 2919, by the yeas and nays;

S. 1910, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 1651.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1651, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 265, nays 154, not voting 15, as follows:

[Roll No. 433]

YEAS—265

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cramer
Crane
Cunningham
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Johnson (CT)
Johnson, Sam
Kelly
Kind (WI)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Larson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Markey
Martinez
McCrery
McDermott
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Metcalf
Mica
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pease
Pelosi
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Saxton
Scarborough
Schakowsky
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stark
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—154

Abercrombie
Ackerman
Baca
Baird
Barcia
Bateman
Becerra
Bentsen
Berkley
Blagojevich
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Carson
Clay
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Deutsch
Dingell
Dixon
Doyle
Duncan
Engel
Etheridge
Evans
Fattah
Filner
Forbes
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Goodlatte
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinojosa
Hoeffel
Holden
Inslee
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Lee
Levin
Lipinski
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Gary
Moakley
Mollohan
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Royce
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Scott
Sensenbrenner
Shows
Sisisky
Skelton
Slaughter
Spratt
Stabenow
Stearns
Strickland
Stupak
Thompson (MS)
Thurman
Towns
Turner
Udall (NM)
Velazquez
Visclosky
Wamp
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Wynn

NOT VOTING—15

Barton
Cubin
Edwards
Ewing
Franks (NJ)
Gilman
Jenkins
Lazio
McCollum
McIntosh
Menendez
Ros-Lehtinen
Smith (WA)
Thomas
Vento

□ 1741

Messrs. CROWLEY, BLAGOJEVICH, COOK, WAMP, VISCLOSKY, LANTOS, KING, CONYERS, SCHAFFER, PAYNE and JONES of North Carolina and Ms. BERKLEY changed their vote from "yea" to "nay".

Messrs. STARK, JACKSON of Illinois, STUMP, MORAN of Virginia, NADLER, CAMPBELL, MINGE, LEWIS of Georgia, CRAMER, HINCHEY, DICKS, DeFAZIO, McNULTY, ROTHMAN, SHERMAN, LARSON, SMITH of Michigan, COX, MARKEY and MEEHAN and Mrs. LOWEY, Mrs. CLAYTON, Ms. HOOLEY of Oregon and Ms. DeLAURO changed their vote from "nay" to "yea".

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2919, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2919, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 11, answered "present" 2, not voting 17, as follows:

[Roll No. 434]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest

Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—11

Chenoweth-Hage
Coble
Coburn
Jones (NC)
Largent
Norwood
Paul
Sanford
Schaffer
Sensenbrenner
Stump

ANSWERED "PRESENT"—2

Bateman
Spence

NOT VOTING—17

Barton
Berman
Cubin
Edwards
Ewing
Franks (NJ)
Gilman
Hutchinson
Jenkins
Lazio
Martinez
McCollum
McIntosh
Menendez
Ros-Lehtinen
Smith (WA)
Vento

☐ 1749

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ACQUISITION OF THE HUNT HOUSE IN WATERLOO, NEW YORK

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of suspending the rules and passing the Senate bill, S. 1910.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1910.

The vote was taken by electronic device, and there were—yeas 404, nays 9, answered "present" 1, not voting 20, as follows:

[Roll No. 435]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak

Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Chenoweth-Hage
Coburn
Jones (NC)
Largent
Norwood
Paul
Sanford
Schaffer
Sensenbrenner

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—20

Bachus
Barrett (NE)
Barton
Burton
Cannon
Cubin
Dickey
Edwards
Ewing
Franks (NJ)
Gilman
Jenkins
Lazio
McCollum
McIntosh
Menendez
Pryce (OH)
Ros-Lehtinen
Smith (WA)
Vento

□ 1758

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, I was unavoidably detained for rollcall No. 435. Had I been present, I would have voted "yea".

PREPAREDNESS AGAINST TERRORISM ACT OF 2000

Mrs. FOWLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4210) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) Short Title.—This Act may be cited as the "Preparedness Against Terrorism Act of 2000".

(b) References.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the President should strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State, and local agencies for development of a capability for early detection and warning of and response to potential domestic terrorist attacks involving weapons of mass destruction; and

(2) Federal efforts to assist State and local emergency preparedness and response personnel in preparation for domestic terrorist attacks should be coordinated so as to eliminate duplicative Federal programs.

(b) Purposes.—The purposes of this Act include—

(1) coordinating and making more effective Federal efforts to assist State and local emergency preparedness and response personnel in preparation for domestic terrorist attacks;

(2) designating a lead entity to coordinate such Federal efforts; and

(3) updating Federal authorities to reflect the increased risk of terrorist attacks.

SEC. 3. DEFINITION OF MAJOR DISASTER.

Section 102(2) (42 U.S.C. 5122(2)) is amended to read as follows:

"(2) Major disaster.—'Major disaster' means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, snow drought, or drought), or, regardless of cause, any fire, flood, explosion, act of terrorism, or other catastrophic event in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.".

SEC. 4. ADMINISTRATION OF EMERGENCY PREPAREDNESS PROGRAMS BY THE PRESIDENT.

Title VI (42 U.S.C. 5195 et seq.) is amended—

(1) by striking "Director" each place it appears (other than in sections 602(a)(7) and 603) and inserting "President";

(2) in section 603 by striking "Director of the Federal Emergency Management Agency" and inserting "President";

(3) in section 611(c)—

(A) by striking "With the approval of the President, the" and inserting "The"; and

(B) by striking "responsibilities and review" and inserting "responsibilities. The President shall review";

(4) in section 621(g) by striking the second sentence;

(5) in section 623—

(A) by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as so redesignated) by striking "unless" and all that follows through "approval of the President," and inserting "unless the President"; and

(6) in section 624 by striking "to the President and Congress" and inserting "to Congress".

SEC. 5. DEFINITIONS.

(a) Hazard.—Section 602(a)(1)(B) (42 U.S.C. 5195a(a)(1)(B)) is amended by striking the period at the end and inserting ", including a domestic terrorist attack involving a weapon of mass destruction.".

(b) Natural Disaster.—Section 602(a)(2) (42 U.S.C. 5195a(a)(2)) is amended to read as follows:

"(2) Natural disaster.—The term 'natural disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, snow drought, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.".

(c) Emergency Preparedness.—Section 602(a)(3)(A) (42 U.S.C. 5195a(a)(3)(A)) is amended by inserting "the predeployment of these and other essential resources (including personnel)," before "the provision of suitable warning systems,".

(d) Director.—Section 602(a) (42 U.S.C. 5195a(a)) is amended by striking paragraph (7) and redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(e) Weapon of Mass Destruction.—Section 602 (42 U.S.C. 5195a) is amended by adding at the end the following:

"(10) Weapon of mass destruction.—The term 'weapon of mass destruction' means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

"(A) toxic or poisonous chemicals or their precursors;

"(B) a disease organism; or

"(C) radiation or radioactivity.".

SEC. 6. DETAILED FUNCTIONS OF ADMINISTRATION.

(a) Federal Emergency Response Plans and Programs.—Section 611(b) (42 U.S.C. 5196(b)) is amended—

(1) by striking "may prepare" and inserting "shall prepare"; and

(2) by adding at the end the following: "In accordance with section 313, the President shall ensure that Federal response plans and programs are adequate to respond to the consequences of terrorism directed against a target in the United States, including terrorism involving weapons of mass destruction.".

(b) Emergency Preparedness Measures.—Section 611(e) (42 U.S.C. 5196(e)) is amended—

(1) in paragraph (1) by inserting "preventing and" before "treating";

(2) in paragraph (2) by striking "developing shelter designs" and inserting "development of shelter designs, equipment, clothing,"; and

(3) in paragraph (3) by striking "developing" and all that follows through "thereof" and inserting "development and standardization of equipment and facilities".

(c) Training and Exercise Programs.—Section 611(f) (42 U.S.C. 5196(f)) is amended—

(1) in the subsection heading by inserting "and Exercise" after "Training";

(2) in paragraph (1)(A) by inserting "and exercise" after "training";

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) the following:

"(2) The President shall establish priorities among training and exercise programs for preparedness against terrorist attacks based on an assessment of the existing threats, capabilities, and objectives.".

SEC. 7. REPEALS.

(a) Use of Funds To Prepare for and Respond to Hazards.—Section 615 (42 U.S.C. 5196d) is repealed.

(b) Security Regulations.—Section 622 (42 U.S.C. 5197a) is repealed.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 626 (42 U.S.C. 5197e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) Priorities.—Amounts appropriated pursuant to this section for training and exercise programs for preparedness against terrorist attacks shall be used in a manner consistent with the priorities established under section 611(f)(2).".

SEC. 9. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM PREPAREDNESS.

Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

"Subtitle C—President's Council on Domestic Terrorism Preparedness

"SEC. 651. ESTABLISHMENT OF COUNCIL.

"(a) In General.—There is established a council to be known as the President's Council on Domestic Terrorism Preparedness (in this subtitle referred to as the 'Council').

"(b) Membership.—The Council shall be composed of the following members:

"(1) The President.

"(2) The Director of the Federal Emergency Management Agency.

"(3) The Attorney General.

"(4) The Secretary of Defense.

"(5) The Director of the Office of Management and Budget.

"(6) The Assistant to the President for National Security Affairs.

"(7) Any additional members appointed by the President.

"(c) Chairman.—

"(1) In general.—The President shall serve as the chairman of the Council.

"(2) Executive chairman.—The President may appoint an Executive Chairman of the Council (in this subtitle referred to as the 'Executive Chairman'). The Executive Chairman shall represent the President as chairman of the Council, including in communications with Congress and State Governors.

"(3) Senate confirmation.—An individual selected to be the Executive Chairman under paragraph (2) shall be appointed by and with the advice and consent of the Senate, except that Senate confirmation shall not be required if, on the date of appointment, the individual holds a position for which Senate confirmation was required.

"(d) First Meeting.—The first meeting of the Council shall be held not later than 90 days after the date of enactment of this Act.

"SEC. 652. DUTIES OF COUNCIL.

"The Council shall carry out the following duties:

"(1) Establish the policies, objectives, and priorities of the Federal Government for enhancing the capabilities of State and local emergency preparedness and response personnel in early detection and warning of and response to all domestic terrorist attacks, including attacks involving weapons of mass destruction.

"(2) Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan in accordance with section 653, including the end state of preparedness for emergency responders established under section 653(b)(1)(D).

"(3) To the extent practicable, rely on existing resources (including planning documents, equipment lists, and program inventories) in the execution of its duties.

"(4) Consult with and utilize existing interagency boards and committees, existing governmental entities, and non-governmental organizations in the execution of its duties.

"(5) Ensure that a biennial review of the terrorist attack preparedness programs of State and local governmental entities is conducted and provide recommendations to the entities based on the reviews.

"(6) Provide for the creation of a State and local advisory group for the Council, to be composed of individuals involved in State and local emergency preparedness and response to terrorist attacks.

"(7) Provide for the establishment by the Council's State and local advisory group of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities in accordance with section 655.

"(8) Designate a Federal entity to consult with, and serve as a contact for, State and local governmental entities implementing terrorist attack preparedness programs.

"(9) Coordinate and oversee the implementation by Federal departments and agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such departments and agencies under the Domestic Terrorism Preparedness Plan.

"(10) Make recommendations to the heads of appropriate Federal departments and agencies regarding—

"(A) changes in the organization, management, and resource allocations of the departments and agencies; and

"(B) the allocation of personnel to and within the departments and agencies,

to implement the Domestic Terrorism Preparedness Plan.

"(11) Assess all Federal terrorism preparedness programs and ensure that each program complies with the Domestic Terrorism Preparedness Plan.

"(12) Identify duplication, fragmentation, and overlap within Federal terrorism preparedness programs and eliminate such duplication, fragmentation and overlap.

"(13) Evaluate Federal emergency response assets and make recommendations regarding the organization, need, and geographic location of such assets.

"(14) Establish general policies regarding financial assistance to States based on potential risk and threat, response capabilities, and ability to achieve the end state of preparedness for emergency responders established under section 653(b)(1)(D).

"(15) Notify a Federal department or agency in writing if the Council finds that its policies are not in compliance with its responsibilities under the Domestic Terrorism Preparedness Plan.

"SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN AND ANNUAL STRATEGY

"(a) Development of Plan.—Not later than 180 days after the date of the first meeting of the Council, the Council shall develop a Domestic Terrorism Preparedness Plan and transmit a copy of the plan to Congress.

"(b) Contents.—

"(1) In general.—The Domestic Terrorism Preparedness Plan shall include the following:

"(A) A statement of the policies, objectives, and priorities established by the Council under section 652(1).

"(B) A plan for implementing such policies, objectives, and priorities that is based on a threat, risk, and capability assessment and includes measurable objectives to be achieved in each of the following 5 years for enhancing domestic preparedness against a terrorist attack.

"(C) A description of the specific role of each Federal department and agency, and the roles of State and local governmental entities, under the plan developed under subparagraph (B).

"(D) A definition of an end state of preparedness for emergency responders that sets forth measurable, minimum standards of acceptability for preparedness.

"(2) Evaluation of federal response teams.—In preparing the description under paragraph (1)(C), the Council shall evaluate each Federal response team and the assistance that the team offers to State and local emergency personnel when responding to a terrorist attack. The evaluation shall include an assessment of how the Federal response team will assist State and local emergency personnel after the personnel has achieved the end state of preparedness for emergency responders established under paragraph (1)(D).

"(c) Annual Strategy.—

"(1) In general.—The Council shall develop and transmit to Congress, on the date of transmittal of the Domestic Terrorism Preparedness Plan and, in each of the succeeding 4 fiscal years, on the date that the President submits an annual budget to Congress in accordance with section 1105(a) of title 31, United States Code, an annual strategy for carrying out the Domestic Terrorism Preparedness Plan in the fiscal year following the fiscal year in which the strategy is submitted.

"(2) Contents.—The annual strategy for a fiscal year shall include the following:

"(A) An inventory of Federal training and exercise programs, response teams, grant programs, and other programs and activities related to domestic preparedness against a terrorist attack conducted in the preceding fiscal year and a determination as to whether any of such programs or activities may be duplicative. The inventory shall consist of a complete description of each such program and activity, including the funding level and purpose of and goal to be achieved by the program or activity.

"(B) If the Council determines under subparagraph (A) that certain programs and activities are duplicative, a detailed plan for consolidating, eliminating, or modifying the programs and activities.

"(C) An inventory of Federal training and exercise programs, grant programs, response teams, and other programs and activities to be conducted in such fiscal year under the Domestic Terrorism Preparedness Plan and measurable objectives to be achieved in such fiscal year for enhancing domestic preparedness against a terrorist attack. The inventory shall provide for implementation of any plan developed under subparagraph (B), relating to duplicative programs and activities.

"(D) A complete assessment of how resource allocation recommendations developed under section 654(a) are intended to implement the annual strategy.

"(d) Consultation.—

"(1) In general.—In developing the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall consult with—

"(A) the head of each Federal department and agency that will have responsibilities under the Domestic Terrorism Preparedness Plan or annual strategy;

"(B) Congress;

"(C) State and local officials;

"(D) congressionally authorized panels; and

"(E) emergency preparedness organizations with memberships that include State and local emergency responders.

"(2) Reports.—As part of the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall include a written statement indicating the persons consulted under this subsection and the recommendations made by such persons.

“(e) TRANSMISSION OF CLASSIFIED INFORMATION.—Any part of the Domestic Terrorism Preparedness Plan or an annual strategy for carrying out the plan that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately.

“(f) RISK OF TERRORIST ATTACKS AGAINST TRANSPORTATION FACILITIES.—

“(1) IN GENERAL.—In developing the plan and risk assessment under subsection (b), the Council shall designate an entity to assess the risk of terrorist attacks against transportation facilities, personnel, and passengers.

“(2) CONTENTS.—In developing the plan and risk assessment under subsection (b), the Council shall ensure that the following 3 tasks are accomplished:

“(A) An examination of the extent to which transportation facilities, personnel, and passengers have been the target of terrorist attacks and the extent to which such facilities, personnel, and passengers are vulnerable to such attacks.

“(B) An evaluation of Federal laws that can be used to combat terrorist attacks against transportation facilities, personnel, and passengers, and the extent to which such laws are enforced. The evaluation may also include a review of applicable State laws.

“(C) An evaluation of available technologies and practices to determine the best means of protecting transportation facilities, personnel, and passengers against terrorist attacks.

“(3) CONSULTATION.—In developing the plan and risk assessment under subsection (b), the Council shall consult with the Secretary of Transportation, representatives of persons providing transportation, and representatives of employees of such persons.

“(g) MONITORING.—The Council, with the assistance of the Inspector General of the relevant Federal department or agency as needed, shall monitor the implementation of the Domestic Terrorism Preparedness Plan, including conducting program and performance audits and evaluations.

“SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.

“(a) RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS.—

“(1) TRANSMITTAL TO COUNCIL.—Each Federal Government program manager, agency head, and department head with responsibilities under the Domestic Terrorism Preparedness Plan shall transmit to the Council for each fiscal year recommended resource allocations for programs and activities relating to such responsibilities on or before the earlier of—

“(A) the 45th day before the date of the budget submission of the department or agency to the Director of the Office of Management and Budget for the fiscal year; or

“(B) August 15 of the fiscal year preceding the fiscal year for which the recommendations are being made.

“(2) TRANSMITTAL TO THE OFFICE OF MANAGEMENT AND BUDGET.—The Council shall develop for each fiscal year recommendations regarding resource allocations for each program and activity identified in the annual strategy completed under section 653 for the fiscal year. Such recommendations shall be submitted to the relevant departments and agencies and to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall consider such recommendations in formulating the annual budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, and shall provide to the Council a written explanation in any case in which the Director does not accept such a recommendation.

“(3) RECORDS.—The Council shall maintain records regarding recommendations made and written explanations received under paragraph (2) and shall provide such records to Congress upon request. The Council may not fulfill such a request before the date of submission of the relevant annual budget of the President to Congress under section 1105(a) of title 31, United States Code.

“(4) NEW PROGRAMS OR REALLOCATION OF RESOURCES.—The head of a Federal department or agency shall consult with the Council before acting to enhance the capabilities of State and local emergency preparedness and response personnel with respect to terrorist attacks by—

“(A) establishing a new program or office; or

“(B) reallocating resources, including Federal response teams.

“SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND LOCAL PROGRAMS.

“The Council shall provide for the establishment of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities for the purpose of providing guidance in the development and implementation of such programs. The guidelines shall address equipment, exercises, and training and shall establish a desired threshold level of preparedness for State and local emergency responders.

“SEC. 656. POWERS OF COUNCIL.

“In carrying out this subtitle, the Council may—

“(1) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency;

“(2) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

“(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS–18 of the General Schedule under section 5332 of title 5, United States Code;

“(4) accept and use donations of property from Federal, State, and local government agencies;

“(5) use the mails in the same manner as any other department or agency of the executive branch; and

“(6) request the assistance of the Inspector General of a Federal department or agency in conducting audits and evaluations under section 653(g).

“SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY COUNCIL EFFORTS.

“The Council may, in the Council's role as principal adviser to the National Security Council on Federal efforts to assist State and local governmental entities in domestic terrorist attack preparedness matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council. The Council may, subject to the direction of the President, participate in the National Security Council's working group structure.

“SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.

“(a) EXECUTIVE DIRECTOR.—The Council shall have an Executive Director who shall be appointed by the President.

“(b) STAFF.—The Executive Director may appoint such personnel as the Executive Director considers appropriate. Such personnel shall be assigned to the Council on a full-time basis and shall report to the Executive Director.

“(c) ADMINISTRATIVE SUPPORT SERVICES.—The Executive Office of the President shall provide to the Council, on a reimbursable basis, such administrative support services, including office space, as the Council may request.

“SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

“(a) REQUESTS FOR ASSISTANCE.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall cooperate with the Council and, subject to laws governing disclosure of information, provide such assistance, information, and advice as the Council may request.

“(b) CERTIFICATION OF POLICY CHANGES BY COUNCIL.—

“(1) IN GENERAL.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall, unless exigent circumstances require otherwise, notify the Council in writing regarding any proposed change in policies relating to the activities of such department or agency under the Domestic Terrorism Preparedness Plan prior to implementation of such change. The Council shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

“(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Council as soon as practicable. The Council shall review such change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

“SEC. 660. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subtitle $9,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Mrs. FOWLER) and a Member of the minority each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. FOWLER).

□ 1800

Mrs. FOWLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the gentleman from Ohio (Mr. TRAFICANT) the subcommittee ranking member for his work on the bill. I also want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking minority member of the full committee, for their support and help, as well.

The gentleman from Minnesota (Mr. OBERSTAR) and I have worked long and hard these past several weeks on this, and I really deeply appreciate all of his advice and support on this.

Mr. Speaker, it was a brisk April morning 5 years ago that America was awakened with horror to the frightening reality that we live in a world where our main streets are no longer immune from the terror that lurks around the world.

The two posters that are here in front are illustrations from that time in Oklahoma. The pictures of that awful day are a sobering reminder of the new threats of evil that Americans face, but they also remind us of how grossly unprepared our Nation was and still is to respond to such a disaster.

Mr. Speaker, tonight we have a tremendous opportunity to tackle this lingering threat to our national security that grows deeper each day. Right now our terrorism preparedness efforts are floundering without a national strategy and real authority to support it. Over 40 departments and agencies are involved in the Federal effort with a $9 billion price tag.

Unfortunately, this effort has been tainted by bureaucrats bickering and battling over money and control, all under the guise of protecting and preparing Americans for a terrorist attack.

For more than 2 years, this administration has fostered an unworkable system and has, until last week, opposed any measure to fix the problem. Federal agencies have been playing politics with the lives of our friends and neighbors.

But this is not a partisan political issue by evidence of the support of my good friends and colleagues from across the aisle.

We have heard from the men and women in communities across the Nation who are our emergency responders, whether they be police, firefighters or emergency personnel, no one knows who to turn to for help.

These local responders know our preparedness programs have been independent and uncoordinated, resulting in overlapping and repetitive mistakes. It is an embarrassing alphabet soup.

But the Council on Terrorist Preparedness, which is proposed in this bill, would eliminate these problems. It brings with it the authority of the President of the United States and requires the creation of a national strategy.

H.R. 4210 eliminates the duplication of our Federal efforts and it strengthens our response capabilities. We are not attempting to reinvent the wheel by eliminating existing programs. This council will merely make our efforts more effective and better coordinated.

Without these changes, our Federal effort remains a dysfunctional family full of bickering siblings looking to get the upper hand while endangering the lives of our loved ones.

Let me be clear, the threat to our families is real. Just last week, the FBI arrested a group who apparently used the cover of night in a quiet North Carolina neighborhood to funnel funds to the terrorist group Hezbollah.

This bill will not prevent us from a terrorist attack. However, it will help us prepare for the inevitable and ensure that our emergency personnel have the right training and equipment to save lives.

The American people are depending on us. We must not fail them in this solemn responsibility.

I encourage my colleagues to support H.R. 4210.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Preparedness Against Terrorism Act 2000 and want to offer my highest congratulations to the gentlewoman from Florida (Mrs. FOWLER) on the splendid work that she has done, the persistence that she has demonstrated, and the determination to achieve something of everlasting value and significance to the country.

I appreciate the support that the gentleman from Pennsylvania (Chairman SHUSTER) has given to the gentlewoman from Florida (Mrs. FOWLER) and our side, and I appreciate very greatly the steadfastness of the ranking member of the subcommittee, the gentleman from Ohio (Mr. TRAFICANT) who has devoted considerable time and effort and talent to the achievement of this legislation.

But I also express my appreciation to the Office of Management and Budget, which from the very outset has not only had reservations about the bill but at various points said they were steadfastly opposed to the legislation.

I had felt all along from the time that this issue was raised at the very outset that there was a problem that needed to be addressed, that we needed to have the right vehicle, and if we could work together on both sides of the aisle, we could accomplish something good and lasting. And I think we are at that point.

In response to terrorist attacks in the United States already cited by the chairwoman, the World Trade Center bombings in 1993, the Murrah Federal Building in Oklahoma City in 1995, the Federal Government has increased efforts across the board to establish preparedness against terrorist attacks.

We in the Congress have enacted legislation to increase funding for preparedness to deal with terrorism. The President has issued Presidential Decision Directives, PDDs, to coordinate those efforts.

The funding for Federal counterterrorism programs has almost doubled from $6.5 billion in fiscal year 1998 to over $11 billion for the coming fiscal year.

That is all well and good. The problem is that these Federal programs were established without having an overarching national strategy. That led to programs being created independently of each other without coordination amongst the programs and with fragmentation and overlapping efforts and duplicative programs.

There are more than 90 terrorism preparedness training courses offered by such agencies as the Federal Emergency Management Administration, Department of Defense, Department of Justice, the Environmental Protection Agency, and many others.

Many of these courses have similar content, but they often have different program criteria. As Members of Congress, we, our colleagues in this body, are approached by local government officials saying, "we just do not know where to turn. We get the run-around. Do not see us, see some other agency."

And then there are some parts of the country and some communities and local units of government that get no training whatever for a variety of reasons, not turning to the right place, not putting the right application in, not phrasing it in the right way.

So the subcommittee, to the great credit of the gentlewoman from Florida (Mrs. FOWLER) and our ranking member, the gentleman from Ohio (Mr. TRAFICANT), held three hearings on emergency preparedness against terrorism attacks and confirmed in the process of those hearings the lack of a structured, coordinated Federal effort. State and local emergency responders testified that the current framework is a complex structure of uncoordinated and duplicative programs.

Now, to address this matter, the administration, to their credit, created a National Domestic Preparedness Office within the FBI for the purpose of offering one-stop shopping information on preparedness programs. But the hearings have shown that this office has fallen far short of expectations.

The General Accounting Office analyzed the issue. The panel created by Congress, a very long name, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, we cannot even put that in an acronym, we do not do very well ourselves, but both entities analyzed and reported to the committee the importance of establishing a national terrorism preparedness strategy to clearly define the end goal of preparedness for State and local responders.

That is what this legislation is all about, to ensure the development and the implementation of a coordinated, effective program to support State and local efforts.

The central entity here after a lot of compromise, a lot of discussion between the chairwoman, the ranking member of the subcommittee, myself, our staff, and the Office of Management and Budget, resulted in the establishment in this bill of the President's

Council on Domestic Terrorism Preparedness.

The first objective of this council is to establish coordination at a very high policy level. I believe that is the core. I think that is the most critical issue, and I say that based on my experience as a member of the Presidential Commission on Aviation Security and Terrorism.

What we found, in the aftermath of Pan Am 103, after a year inquiry into the causes of that tragedy and the splintered governmental response, was that, at the very highest policy levels of government, the assistant secretary of one entity would not talk to the director of an agency. The director of an agency could not communicate with an ambassador overseas.

Now, that is just nonsense. We need information to flow rapidly to the people who are in a policy position to make decisions that will have effect. And that was the concern of our commission on Pan Am 103. We recommended a central coordinating force that would operate as a clearinghouse and a coordinating force within and amongst the key domestic government agencies and those that do our work overseas, such as the CIA and the Defense Intelligence Agency and the State Department Intelligence Office.

Well, that is what we are going to do with this council, to coordinate and implement new efforts, eliminate duplication, eliminate overlapping, and assure that State and local emergency responders get all the assistance they need clearly, directly in a coordinated and focused manner.

And the council can then turn and advise Congress on recommendations for allocating the resources, rationalizing government-wide budgets on terrorism preparedness, and help the Congress monitor the efforts to assure that we are developing and putting in place a defined, effective, national strategy, one that is centrally directed and that will be effective nationwide.

That is the objective of this legislation. I think it moves in the right direction. There will be a few other issues to overcome, relatively minor ones in my opinion, but I think that we can overcome those issues working together as we have done up to this point.

Mr. Speaker, I reserve the balance of my time.

Mrs. FOWLER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON) who is a member of the subcommittee and who has worked very diligently with us on this legislation.

Mr. ISAKSON. Mr. Speaker, I want to thank the gentlewoman from Florida (Mrs. Fowler) for her tremendous work on this legislation and the gentleman from Ohio (Mr. TRAFICANT) the ranking member of the subcommittee.

Mr. Speaker, on a warm summer evening in 1996, in my home of Atlanta, Georgia, my daughter Julie and her friend from Washington, D.C., attended the Olympic Festival with tens of thousands of Americans and foreign visitors from all over the world.

On the same night, a terrorist bomb blew up, a U.S. citizen from Albany, Georgia, a foreign correspondent from Turkey were killed, and hundreds of Atlantans and others were injured.

The story the next day was more about the chaos of coordination, or lack thereof; and the Federal Government and all our resources, as well as State and local, were there.

□ 1815

Because of Oklahoma City, because of the trade center in New York, because of the subway in Tokyo, and because of my hometown of Atlanta, we know that terrorism and its attacks are a reality. And because of the hearings that the gentlewoman from Florida held and the ranking member held, we also came, I came, to a reasonable conclusion: those with the evil in their heart prepared to execute a terrorist act probably are better prepared to execute than we are to respond.

This bill changes that matrix. It coordinates the multiplicity and multiple levels of authority. It pulls us together with a common goal to be ready to respond and in fact ready to retard a terroristic act on the soil of our country and an international terroristic act beyond. We have no higher priority in the 21st century than the protection of our citizens, than to give them the coordination to protect them against the most dangerous and threatening threat of the 21st century. I commend the gentlewoman.

Mr. OBERSTAR. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. TRAFICANT), the ranking member of the subcommittee.

Mr. TRAFICANT. Mr. Speaker, I want to compliment the gentlewoman from Florida (Mrs. FOWLER), the gentleman from Pennsylvania (Mr. SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR). I want to compliment the staff, and I want to pay tribute to the entire Committee on Transportation and Infrastructure. There is a lot of talk about dealing with terrorism, but while everybody is talking the talk, our committee has walked the walk.

I am a little bit disappointed in this legislation; but I am going to support it because the original concept that I believe is the proper concept would have created the Office of Terrorism Preparedness in the Executive Office of the President with a director appointed similar to the powers of the drug czar. This has been watered down. But I congratulate the gentlewoman from Florida (Mrs. FOWLER) because a half a loaf is better than no loaf at all.

Let us talk about the Committee on Transportation and Infrastructure. We have passed through this Congress H.R. 809, the very first step to tackling domestic terrorism. H.R. 809 reforms the Federal Protective Service. Be advised at the time of the bombing of the Murrah Building out in Oklahoma City, there was one guard guarding three buildings; and that guard, not to demean the contract guards, but was not even a full-time FPS guard. We passed that. We are having problems with the other body to some degree and the administration on it, and that bill should be passed expeditiously because it sets the foundation and the framework for a domestic preparedness strategy.

But that is what this bill is all about. The bottom line, the entity that was created to coordinate these programs, the FBI's national domestic preparedness office, has not done the job. They have not done the job. They do not coordinate. In addition, to make that point, the General Accounting Office after an extensive review and the congressionally commissioned Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, which the gentleman from Minnesota (Mr. OBERSTAR) so eloquently alluded to, we have already commissioned these things; but we commission so many things and do not follow through.

That is why the gentlewoman from Florida is to be commended. The bottom line is this is not rocket science, folks. This council on domestic terrorism preparedness within the Executive Office of the President will do those coordinative efforts, will make those contacts, will bring the State and local communities into a coordinated national Federal strategy. And it is not going to end there. I think in talking about a half a loaf that we should make these incremental gains toward a better program of domestic antiterrorism measures, but we should not stop there.

There was a recent article printed that said our borders are so wide open a nuclear device could be slipped across any part of our border and literally launched at one of our cities from within our own territory. I believe that was USA Today. My God, what is happening here? I think the White House should be listening. I think the other body should pay strict attention to H.R. 809 and now to this finely crafted bill. The Committee on Transportation and Infrastructure under the chairmanship of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) I think has done a tremendous job in bringing that to the attention of the American people and developing a legislative criteria to promulgate these programs and place them into some practical action. That is what we need.

So although I am not totally satisfied, I do support the bill. I hope that it has resounding numbers and that it will have and reach success in the other body and be signed into law, that along with H.R. 809, the reform of the Federal Protective Service, which I think is so very important.

Mrs. FOWLER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST), a member of the full committee who has been working closely with us on the development of this legislation.

Mr. GILCHREST. Mr. Speaker, I thank the gentlewoman from Florida for yielding me this time. When we consider the size of the United States, the diversity of this great Nation, the range of our population and the configuration of the potential danger throughout the world, the United States above all countries should have the kind of strategy, the kind of policy, the kind of coordination, the kind of vision to protect our citizens. Up to this point, that strategy and that policy has been fragmented.

With this particular bill, the gentlewoman from Florida (Mrs. Fowler) and the members of the committee that have come together and their staff to coordinate this activity, that fragmentation will no longer exist, the policy will be straightforward; and America will be safer.

I urge my colleagues to vote for the bill.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me this time.

Domestic terrorism is one of the most fundamental threats to the liveability of our community. I have greatly enjoyed working with the gentlewoman from Florida (Mrs. FOWLER) and the leadership of our committee on the Preparedness Against Terrorism Act. It is providing important coordination as has been detailed by the preceding speakers, and I want to add my strong support and am proud to be a cosponsor.

But I would like to focus, if I could, for just 2 minutes on one particular aspect that I appreciate the subcommittee adding into the effort and that deals with the critical area of transportation. Providing safe and accessible transportation choices for all members of the community is a critical role for the functioning of that community. There are 350,000 Americans who work every day in providing public transportation services that allow our communities to work. And there are more than 6 million Americans a day who ride transportation services to work, to school, and to other functions in their community. Ensuring their safety from acts of terrorism is a critical step toward the larger goal of providing a safe working environment and safe transportation.

The Preparedness Against Terrorism Act adds an important launching point toward meeting this goal. It includes critical provisions for the first time in Federal statute for studying the threats from terrorism on our Nation's transportation systems and strategies for improving our ability to prepare, prevent, and respond to these potential attacks.

We had demonstrated and our colleague from Georgia mentioned a few moments ago the release of the poisonous gas in 1995 on the Japanese subway system. We saw how it faced the unique and increasing potential threat from terrorist attack given the difficulty in monitoring, identifying and responding to threats of this nature.

When accidents or crime occur on buses or rail, they often capture the news headlines. Despite the high profile given to such instances, transit, of course, remains one of the safest modes of transportation; but sometimes you would not know that through the headlines.

Sadly, in recent years there have been a series of events across the country. In Washington, D.C., and California, Wisconsin and Texas, bus drivers have been attacked, threatened and injured. In several instances passengers as well have been injured as a result of these attacks. When these types of tragedies occur, we have real problems in terms of making sure that people use the system. For the thousands of men and women who work as bus drivers, rail or ferry operators, we need to highlight the important job they perform and recognize the responsibility they take on with each passenger they carry.

I appreciate the provisions in this bill that have the director develop in its annual preparedness plan and risk assessment looking at what happens for transportation. But I hope that this will serve as a springboard for our doing a better job for the entire transportation system to deal with the needs of passengers and transportation workers.

I have enjoyed working with the gentlewoman from Florida (Mrs. FOWLER) and the transit union to include these provisions in the bill, but I hope this tip of the iceberg is something we can work on in our committee to extend these provisions because every day Americans deserve maximum safety and security when they use the transportation systems. I appreciate the work here, and I hope we will be able to follow up on it.

Mrs. FOWLER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KUYKENDALL), a member of the full committee, who has been working very closely with us on this legislation.

Mr. KUYKENDALL. Mr. Speaker, I thank the gentlewoman from Florida for yielding time. In my previous life I was a city councilman and sat on the Los Angeles County emergency preparedness commission.

In Los Angeles County, we have got about 10 million people. That is a little nation all by itself. We dealt with many of these risks that we are looking at here from a national perspective. We are a high-profile location in Los Angeles. We have subways and we have LAX Airport. We have the Ports of Los Angeles and Long Beach, targets to terrorists that would be immense if they wanted to successfully attack one of them.

I came to Congress, and I found myself sitting in the House Committee on Armed Services as a member of that committee and finding out in a recent study we just received that the greatest threat for loss of life to Americans in the next decade is acts of terrorism within the boundaries of our Nation. Not to our military forces deployed in Kosovo or in the Middle East, but the greatest threat for loss of life to Americans in the next decade is to civilians principally within the boundaries of the United States.

If you put high-profile targets, and that is the greatest threat for the next 10 years, it seems only understandable that you would want to coordinate a Federal exercise so that you could get the benefits of their expertise. We have had over 40 agencies spend $9 billion last year. In 2 years one city got eight training programs from three different agencies. We have had 12 States that did not get any training. In addition to that, there are 100 Federal terrorism response teams, but there is no plan on how they should all coordinate their effort.

This bill fixes that. This bill takes a giant step toward protecting American civilians, Americans who are going to be the most likely targets in this next decade. Although it seems relatively small in stature when you stack it up to the bills we take on every day, I think this could have an immense amount of impact on our personal lives over the next decade.

I urge Members' support of the bill.

Mrs. FOWLER. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), who is chairman of the Subcommittee on National Security for the Committee on Government Reform and has been working very diligently on this issue this year.

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding me this time. As we work on this very important bill, I rise with some disappointment that she will not be here next year to continue her excellent work.

I rise in support of the Preparedness Against Terrorism Act because I think it is an outstanding bill that addresses some real concerns. The Subcommittee on National Security of the Committee on Government Reform held eight hearings on terrorism in this Congress. The issues we looked at included the need for integrated foreign and domestic threat assessments, better coordination of Federal programs to combat terrorism, and a clearer focus on the needs of local and State first responders.

☐ 1830

The bill we are considering this evening would address the concerns that my subcommittee has heard expressed in testimony. With more than 40 Federal agencies and programs involved, and no clear national strategy to guide program spending, current policy is clearly confused, and there is no way to know if money is being targeted effectively.

Currently, only a coordinator on the National Security Council has any responsibility, but no authority over Federal counterterrorism programs. Some have been calling for appointment of a terrorism czar on the model of the Office of National Drug Control Policy.

Mr. Speaker, I think this bill strikes the right balance between those options by making one person in the Executive Office of the President responsible to coordinate Federal spending to combat terrorism while keeping the emphasis on the primary response role of the Federal Emergency Management Agency, FEMA, and local police, fire, medical, and National Guard units.

This is an outstanding bill, it will do important things, and I urge my colleagues to support this legislation. And I, again, thank the gentlewoman from Florida (Mrs. FOWLER) for her fine work on this legislation.

Mrs. FOWLER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentlewoman from Florida (Chairwoman FOWLER) for her leadership on this bill, as well as the gentleman from Minnesota (Mr. OBERSTAR).

Let me give my colleagues a little relation to disaster when it occurs, how difficult it is for communities, and while I make no comparison between terrorism and hurricanes, I was in the Florida Senate when Hurricane Andrew struck; and I was asked to chair a committee that would dole out the necessary resources to communities to dig ourselves out, if you will, of Hurricane Andrew.

The one thing that struck me was the lack of preparedness on behalf of all agencies. Everyone was scrambling, everyone was trying to provide and do good things, but everybody seemed to be in each other's way, because nobody had a template as to how to do it. When we look at the sheer fright and disaster that would accompany a domestic terrorism incident, we recognize firsthand this is so important, proactive legislation, in order to avoid the chaos that ensued after Hurricane Andrew.

We went through Oklahoma. We have seen other instances where potentially the United States could be a target of terrorist activities, the Hamas, other groups. Hizbollah we know are reportedly organizing and raising funds in America. We know Osama bin Laden has perpetrated tremendous acts of violence against citizens in our embassies in countries.

Now we recognize we have an opportunity here with this great bill, a bipartisan bill, to make America the leader both of hopefully preventing terrorism, because one thing I realize about Washington, people say why did we do that, one reason we do it is to be proactive, to put in place the necessary structure in order to not only signal to terrorists that we are serious, we are investigating your activities and we are going to thwart and stop your activities, but God forbid they occur, that at least we have a proper coordinated response in order to assist our citizens in bringing about some semblance of order to the communities.

I pray because of the proactivity of both Members of Congress and the committee, we will not only send a message to every terrorist worldwide, we are not only watching you, we are prepared to respond to you, and we will stop you before your deathly deeds are done.

Mrs. FOWLER. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Minnesota (Mr. OBERSTAR) for the purposes of a colloquy.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman from Florida (Mrs. FOWLER), the Chair of the subcommittee, for yielding to me.

Is it our intention that the legislation not conflict with existing Presidential decision directives, specifically PDD62, that this bill is, indeed, intended to create an entity to work within PDD62's working group structure?

Mrs. FOWLER. Reclaiming my time, yes, that is correct. Section 657 of this important legislation enables the council to participate in the National Security Council's working group structure. Our intention is to make the existing preparedness subgroups more effective.

Mr. OBERSTAR. If the gentlewoman would yield further, subsection 14 of section 653 states that the council shall establish general policies regarding financial assistance to States. It is my understanding, I think our understanding, that these policies are not intended to specifically direct where grants should go or to micromanage the agency programs.

Mrs. FOWLER. That is correct. The council should issue general policies for the purpose of implementing the overall plan. The council should provide assistance to agencies in identifying what types of projects or areas are consistent with the overall plan and should be priorities for funding.

Mr. OBERSTAR. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I do so just for the purpose of correcting what I think is a mischaracterization of the bill by my good friend, the ranking member of the subcommittee. This is not a half a loaf. This is virtually the whole loaf. To be sure, it does not include the original language of the bill to establish within the Executive Office of the President an entity to coordinate, but neither did we achieve that objective in the Aviation Security Legislation of 1990 after the report of our Presidential commission established by President Bush.

When we reported to the President the recommendation to establish within the Department of Transportation a new office, a new assistant Secretary, the President's response was that is really the prerogative, the privilege of the executive branch to establish such new authorities.

We acknowledge that is the prerogative of the executive. When the Office of Management and Budget in this context raised the same question, what we did was get together and ask how can we achieve the same objective and not transgress into what is appropriately executive branch prerogatives.

I think this coordinating council which we have established here and a precedent for which is a coordinating council that was established also in the Bush administration to deal with a plethora of transportation programs when the subcommittee that I chaired at the time found 137 different transportation programs in multiple departments of government, none of them being coordinated.

Then the Bush Administration's Office of Management and Budget came and said, we agree with your idea to have a coordinating council, and we are here to support it. That initiative has worked very well, as I anticipate this coordinating council will work very well.

Again, I compliment the gentlewoman from Florida (Mrs. FOWLER) on her initiative for being so stick-to-itive on this matter and bringing it to a very successful conclusion.

Mr. Speaker, I yield back the balance of my time.

Mrs. FOWLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to just thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member. I think the work that we have done on this legislation is an example of how this legislative process is supposed to work.

When we see a problem and we work together to develop what is going to be the best solution for that problem, and it evolves over time, that is what has happened with this legislation, that it has been a work in progress for several months now. I think the project that we have produced today is an excellent product.

It is not half a loaf as the gentleman said, it is the whole loaf, because the point of this all along was to establish an entity within the Executive Office of the President; and that is what we are doing, establishing this council within the executive office that will be able to coordinate and oversee and eliminate the duplication that occurs right now in these programs throughout our Federal Government. So it really has been an example of how we should work on every piece of legislation in this body together.

I also just wanted to point out, Mr. Speaker, that this legislation has been endorsed by the National League of Cities, the National Emergency Management Association, and the International Association of Fire Chiefs. These three groups have worked very closely with us, and we have taken their input as we have crafted this bill.

Mr. Speaker, I include for the RECORD the following letters:

JULY 25, 2000.

Hon. TILLIE K. FOWLER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FOWLER: We are writing on behalf of our members to express support for H.R. 4210, the "Preparedness Against Terrorism Act of 2000." This legislation will help address our concerns about a coordinated system of federal resources to communities throughout this country.

Local fire, police, and emergency medical services personnel are the first responders to the scene of a terrorist threat or attack. It is crucial that the federal government develop and implement a comprehensive national domestic preparedness plan as provided for in H.R. 4210.

Our organizations urge the swift adoption of this bill in the House of Representatives.

Sincerely,

NATIONAL LEAGUE OF CITIES.

NATIONAL EMERGENCY
MANAGEMENT ASSOCIATION,
July 25, 2000.

Hon. TILLIE K. FOWLER,
House of Representatives,
Washington, DC.

The National Emergency Management Association (NEMA) represents the state directors of emergency management who are responsible for protecting lives and property from natural disasters and man-made events such as domestic terrorism. State emergency management serves as the central coordination point for all state agency resources during an incident and provides interface with federal agencies when assistance is needed.

NEMA supports the concepts embodied in H.R. 4210 that strive to improve federal coordination efforts for domestic preparedness including the development of a national strategy. We support provisions in the bill that require budget and program reviews for federal agencies involved with domestic preparedness and that they are aligned with the goals and objectives identified in the national strategy. NEMA would like to see the greatest possible authority provided to the President's Council to affect real change in how federal agencies coordinate with each other and with states on this critical issue. State and local emergency management and responder input to the Council is extremely important as they are the ones who will respond to and manage the event for the first several hours. H.R. 4210 includes a provision that establishes a State and local advisory group.

NEMA commends you for your efforts to improve our nation's domestic preparedness program and we look forward to continuing to work with you to ensure H.R. 4210 meets its intended goal of enhancing preparedness and response capabilities among all levels of government.

Sincerely,

JOSEPH F. MYERS,
NEMA President.

Mr. Speaker, as stated earlier, this is an excellent bill. This is an important bill, because what we are doing here is ensuring that each and every community in our country will be better prepared when, and if, a terrorist act does occur.

American lives are at stake here, and we cannot waste any more time. We need to work together to make sure that those emergency responders that are the first ones on call when an instance occurs that they have the training, they have the resources, they have the equipment that they need to respond. Again, I urge my colleagues to support this bill.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 4210, the Preparedness Against Terrorism Act. Domestic terrorism has affected my life profoundly. I said to myself after the death of 169 innocent men, women, and children in the 1995 Oklahoma City bombing that I would lend my support and endeavor indefatigably to do everything possible to ensure that when terrorism touches America again, we will be as prepared as possible to deal with the consequences. However, today, the truth is the American government is just not able to properly deal with a massive biological/chemical/nuclear terrorist attack.

In 1998, the Attorney General created the National Domestic Preparedness Office (NDPO) within the FBI to coordinate federal terrorism preparedness programs. Prior to this switch, the Department of Defense was the lead body. The NDPO's mission is to coordinate the more than forty federal departments and agencies with programs to assist state and local emergency responders—firefighters, police, and ER workers—with planning, training, equipment, and exercise drills necessary to respond to a conventional or non-conventional weapon of mass destruction (WMD) terrorist incident. Unfortunately, the NDPO has not been able to perform as proposed due to funding shortfalls and a lack of authority necessary to execute its duties. I think that it is inexcusable that the Clinton/Gore administration has decided to set their priorities elsewhere without dealing with the defense of this nation and its citizens first, but don't take my word for it.

A recent congressionally mandated study preformed by the "Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving WMD" chaired by Governor James Gilmore and researched by RAND came to the same conclusion. Their report stated "that the complex nature of current Federal organizations and programs makes it very difficult for state and local authorities to obtain Federal information, assistance, funding, and support." In addition, the Panel concluded "the concept behind" the NDPO is sound, but it just was not doing what it was meant to do. Surely, the current administration has not done enough. I congratulate Ms. Fowler for her intrepid work on this and her steps to get the vital issue of improving our homeland defense addressed.

As the days in this Congress wind down, I promise to make my voice heard and leadership known in ensuring that Americans are as protected as possible against biological/chemical/nuclear terrorist attacks in the next Congress. I am going to fight to maintain and increase America's prevention and consequence management abilities. The federal government spends billions of dollars on fighting terrorism, but the American people need to know that their funds are not wasted and go to the most relevant programs to ensure their security.

Mrs. FOWLER. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentlewoman from Florida (Mrs. FOWLER) that the House suspend the rules and pass the bill, H.R. 4210, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. FOWLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4210, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

CARL ELLIOTT FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4806) to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building".

The Clerk read as follows:

H.R. 4806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 1710 Alabama Avenue in Jasper, Alabama, shall be known and designated as the "Carl Elliott Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Carl Elliott Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4806 designates the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the Carl Elliott Federal building. This legislation was favorably reported out of the Subcommittee on Economic Development, American Public Buildings, Hazardous Materials and Pipeline Transportation this morning.

Carl Elliott was born in Vina, Franklin County, Alabama, in 1913. He graduated from the University of Alabama Law School, and he was admitted to the Alabama Bar in 1936.

Later that same year, Congressman Elliott established a law practice in Russellville, Alabama, before relocating it to the city of Jasper. Congressman Elliott bravely served the United States of America during the course of World War II. After returning from the war, he was elected to the 81st Congress. During Congressman Elliott's 8 terms in office, he championed educational issues, including providing educational opportunities in rural communities.

While serving on the Committee on Rules, Congressman Elliott supported moderate social issues to provide opportunities for all Americans. After leaving office, Congressman Elliott served on President Lyndon Johnson's Library Commission in 1967 and in 1968. He also served under President Johnson and President Nixon's Public Evaluation Committee, Office of State Technical Services, and as a member of the Technical Advisory Board in the Department of Commerce.

Congressman Elliott passed away January 9 of last year. This is fitting tribute to a former Member. I support the bill and encourage my colleagues to join in support.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation will designate the Federal building in Jasper, Alabama, as the Carl Elliott Federal building. The Member whom we honor represented the 7th district of Alabama for 16 years. He was born in 1913 to a family of very modest means in Franklin County, Alabama.

He graduated from the University of Alabama in 1933 and from its law school in 1936. He practiced law in Russellville, and later moved to Jasper. He was a World War II veteran. He came back to Jasper and got involved in civic activities and was elected to Congress 2 years after my predecessor, John Blatnik, with whom he was a very close friend. John Blatnik, Bob Jones, and Carl Elliott, a Northern Minnesota, but Northern Minnesotan and these two Alabamians, were very, very close friends.

I served as administrative assistant for John Blatnik for 12 years and got to know Carl Elliott and Bob Jones very well. Congressman Elliott lost his seat in the House for an act of courage. He wrote a book entitled "The Cost of Courage, the Journey of an American Congressman."

The forward to that book says: "I am not a man who shows much emotion. I can't remember crying too many times in my life. I cried when my son died. I cried when my wife died, but I don't show a lot of personal feelings. So all of those folks up in Boston probably didn't know how I felt when they brought me out in front of that crowd on a rainy Tuesday morning in the spring of 1990 to give me the first John F. Kennedy Profile in Courage award."

□ 1845

And he thinks back through time, saying, "It has been a long time since those farmers and miners sent me to Congress in 1948, where I spent 16 years doing all I could for them, getting dams put up, libraries built, roads cut, mail delivered, doing as much as I could for the Nation; working 10 years to build and finally give birth to the National Defense Education Act," and he was the author of that education legislation, "which opened college doors to millions of students who, without it, never could have afforded the education that change their lives. A long time since I rode the crest of a progressive liberal wave in Congress, spearheaded by my contemporaries from Alabama, Senators Lister Hill, John Sparkman, Congressman Bob Jones, Albert Raines, Ken Roberts and others, to a spot on the Rules Committee, working arm-in-arm with Sam Rayburn and the new President, John F. Kennedy. The world was in our hands. So much of it seemed to be changing for the better. And all of a sudden it came apart. George Wallace was elected Governor of Alabama in '62, Kennedy shot in '63, the tide of segregation and racism cresting, swamping the South in hatred and driving me out of Congress in 1964. It was a long time since I gathered to make a stand against that tide, to face the forces of Wallace, to fight the Klan and the Birchers, the gunfire and smears and hysteria that all became a part of the Alabama governor's race of 1966, a campaign the likes of which my State and this Nation had never seen before, and I pray will never see again.

"That race was 25 years ago, the last time a man seriously stood up to George Wallace in this State, and I paid for it. I paid in dollars, cashing in my pension fund to help finance that campaign, and watching debt follow debt in years to come. I paid in dignity, going to colleges I helped build asking to be hired to teach politics or history. I paid in friendship, seeing many who stood by my side suddenly turn away as they were swept up by the same forces that left me behind. I paid in reputation, still hearing people tell me today that I purely and simply had been a fool, that everything would be fine if I had just played the game, not to commit political and financial suicide for a cause that was hopeless.

"They were higher prices, these were, than I ever imagined. I am 77 now, and I am still paying those prices, but we have all paid the price when the walls of segregation began crumbling across America. The torment, the pain, the push and the passion on both sides of the civil rights movement nearly tore the country apart. America, especially the South, paid a high price then, and is still paying today. The force I faced 25 years ago, a pointed power of racial hatred and sullen resistance, is far from dead in this Nation. To fail to see this, to neglect to continue to do all that we can to resist and rise above it, is to pay a higher price than any of us can afford."

In his speech at the John F. Kennedy Profile in Courage Award, he said, "There were those who said I was ahead of my time. But they were wrong. I believe that I was always behind the times that ought to be. The thing that I cherish more than any award or honor is the National Defense Education Act. It is still putting equipment into schools, training teachers, giving good students an opportunity to go to college. More than 20 million students have taken that opportunity. I consider them my family. When everything is said and done, when all the shouting and the hullabaloo are over, and there are no postscripts left to write, all you have got is yourself and the way you lived your life, the things you stood for, or didn't stand for. If you can live with that, you are all right, and, me, I can live with that."

I think we can all live with the Carl Elliott Federal Building.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I always learn a great deal when I listen to the gentleman from Minnesota (Mr. OBERSTAR) talk, it does not matter what the subject. The gentleman has more knowledge, institutional and otherwise, than any Member of the House.

I did not know that Mr. Elliott was the author of the NDEA. And if it had not been for the NDEA, I would not have had the opportunity to afford to go to college. So I am doubly pleased to be bringing the bill to the floor today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. ADERHOLT), the author of the legislation before us.

Mr. ADERHOLT. Mr. Speaker, it has already been stated tonight and it has been stated very eloquently some things about Congressman Carl Elliott, who served as an outstanding representative for Alabama and our Nation throughout his life.

He was born to Will and Nora Massey Elliott of Vina, in Franklin County, Alabama, in 1913, and he tirelessly devoted himself to serving others. He was a 1936 graduate of the University of Alabama Law School and he was admitted to the practice in Alabama under the Alabama State Bar the same year. He also set up his law practice in Russellville, Alabama, in 1936 and later moved that practice to Jasper, Alabama, where he later served as judge of the Recorders Court.

In June of 1940, Carl Elliott married Jane Hamilton, who remained his wife until her death in 1985. Through their years together, the couple raised four children, Carl, Jr., Martha, John and Lenora.

Following military service in the Second World War, Carl Elliott rose quickly in public life and was elected to the 81st and seven succeeding Congresses beginning in 1948.

From the first day he came to Washington, Carl Elliott began working on a bill for Federal aid for education. In every Congressional session from 1949 to 1958, Carl Elliott introduced some form of a student aid act, knowing that under the seniority system, his legislation might take years to get a hearing. Despite these challenges, Carl Elliott was undeterred in his strong desire to improve the quality of our Nation's education system, from the elementary and secondary level through higher education in our Nation's colleges and universities. This persistence paid off when he was appointed to the House Committee on Education and Labor in October of 1951, the committee on which Elliott is known for having done his greatest work in the House.

But Carl Elliott knew it was not always politically popular for a Congressman to be a champion of our Nation's educational system. In his autobiography, The Cost of Courage, the Journey of an American Congressman, Elliott wrote that "By stepping into the arena of the fight for Federal aid to education, I was entering a battleground littered with nearly two centuries of corpses. Only twice in America's history had the Federal Government been able to pass laws that significantly and directly provided aid to the Nation's schools. The first was the passage of the Northwest Ordinance in 1787, which set aside public lands for elementary and secondary schools. The second came in 1962, when Abraham Lincoln signed the Morrill Act, which provided land grants for state universities."

As chairman of the Education and Labor Subcommittee on Special Education, Carl Elliott saw that wherever he went, he was told the same thing that he had already known for quite some time, that something needed to be done to strengthen our educational system, particularly in the fields of science and technology. This need became dramatically clear in our Nation when Sputnik I was launched by the Soviet Union in October of 1957. With its strange beeping sound heard by millions of Americans as it orbited the Earth that month, Americans realized that there was a tremendous need to increase our scientific and technical knowledge base to win the space race and eventually win the Cold War.

When the House convened in 1958, Carl Elliott's number one priority was passage of his bill, the National Defense Education Act. This historic legislation established loans to students at our Nation's colleges and universities, and provided financial assistance for strengthening education by authorizing Federal grants to States to purchase equipment for science and mathematics instruction.

The National Defense Education Act helped to strengthen math and science instruction at a critical time in our Nation's race to the Moon and our eventual victory in the Cold War under Presidents Reagan and Bush.

Carl Elliott was also responsible for the Library Services Act, which brought libraries to rural communities, and even now provides millions of dollars in Federal assistance for low-income elementary, secondary and college level students.

As a member of the House Committee on Rules, Elliott worked for progressive social legislation and took a stand on racial issues during a time in the South when such a stand was anything but popular.

Despite his Congressional defeat in 1964, Carl Elliott continued his career in public life, serving as a member of President Johnson's Library Commission in 1967 and 1968. He also served under Presidents Johnson and Nixon as Chairman of the Public Evaluation Committee, Office of Technical Services, and a member of the Technical Advisory Board within the Department of Commerce.

Although elected and appointed to high office throughout his career, Elliott never forgot his roots, resuming his law practice in Jasper until his death on January 9 of last year. Two of Elliott's children, Martha Elliott Russell and Lenora Russell Cannon, who currently live in Jasper, are still living today, and also I just found out today that his grandson, William Russell, is working now on Capitol Hill.

In 1990, Carl Elliott was given what is perhaps the greatest honor of his career when he was named the first recipient of the John F. Kennedy Profile in Courage Award. Created by the John F. Kennedy Library Foundation to encourage elected officials to show courage in their political leadership, more than 5,000 people were nominated, but only one person was chosen, and that was Carl Elliott.

In his autobiography, Carl Elliott himself best summed it up, and, as the gentleman from Minnesota (Mr. OBERSTAR) eloquently put it tonight and it is the way he said it best in his book in the Profile in Courage speech, "There were those who said that I was ahead of my time. But they were wrong. I believe that I always was behind the times that ought to be."

To honor Carl Elliott's long and distinguished career, I am proud to introduce H.R. 4806 to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the Carl Elliott Federal Building. I urge my colleagues to join me in supporting this legislation. I believe it will serve as a fitting tribute to a great leader who truly made a difference in making the lives of Americans in his era and in our own better than they would have been without his leadership.

I had an opportunity to personally know Carl Elliott. As a college student I was working on a term paper and I went to see the former Congressman to discuss the topic that I was working on, the history of Winston County. He sat down with me, he was helpful, he was sincere, and he took time to help a student who needed his help.

It is only fitting and proper that we honor Carl Elliott through this legislation.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, while Mr. ADERHOLT was speaking, I was talking to the excellent staff director of our subcommittee, Rick Barnett, and he informed me he also was the recipient of an NDEA loan.

While I am on that subject, the members of the subcommittee today as we marked up this piece of legislation were stunned to find out that our staff director, Mr. Barnett, is leaving us and going into private service, and I would be happy to yield some time to the ranking member of the full committee when I finish these remarks.

I have been lucky enough to be on this subcommittee for the last 6 years since I came to the Congress in 1995. It is one of the best kept secrets in the United States Congress, this particular subcommittee. It goes through a lot of permutations. But the one constant during my tenure on the subcommittee has been the staff director, Rick Barnett.

Anyone who is here for any period of time at all, Mr. Speaker, recognizes that while we get to stand in front of the C-SPAN cameras, it is the staff that is the oil and grease and everything else that makes this place go.

Rick Barnett has provided professional service to not only the members of the subcommittee, but to the members of the full committee, and I could not have done my job and I know the chairman of our subcommittee, the gentleman from New Jersey (Mr. FRANKS), could not have done his job without him. As a matter of fact, during my three terms, we have had three chairmen, the gentleman from Maryland (Mr. GILCHREST), Mr. Kim, and now we have had the gentleman from New Jersey (Mr. FRANKS), and Mr. Barnett has been the one constant that has made sure all of the "t's" were crossed and "i's" were dotted.

Mr. Barnett, I will miss you very much.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota, the distinguished ranking member.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding, and especially thank him for taking time to pay tribute to Mr. Barnett. I also appreciate the gentleman's kind words about my previous remarks on the Elliott bill.

Mr. Speaker, I am quite surprised that our colleague on the subcommittee is leaving. I have memos in my files going back to the early 1990s when Mr. Barnett began service on the committee and our side had the majority. His memos were a model of rectitude and thoroughness then, as they are today. He has provided great service.

He is a thoroughgoing professional, a gentleman in the fullest sense of that term, but especially a bicyclist. It is not well known that he is a superb competition-level bicyclist, and the only solace I can take in his leaving the committee is that I will now probably be the strongest bicyclist on the committee among members or staff, either side of the aisle. That is the only consolation we take.

□ 1900

We regret greatly Mr. Barnett's departure from the committee and wish him success in all that he undertakes. Wherever he lands, he will be a success because he has demonstrated his professionalism here and his objectivity and thorough pursuit of the highest goal of public service. My congratulations.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished ranking member of the full committee; and I would just mention to him, if I am his only competition in cycling, he is going to be way, way ahead of any threat.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST), who was the first chairman that I served under on this wonderful subcommittee.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for yielding me this time.

Mr. Speaker, I would like to make a comment about Mr. Barnett's service on the committee. It was my first time as chairman of the committee and Rick ensured that the stability, the consistency, and the professionalism of that committee was carried out in an efficient, prompt manner.

I would also like to say something above Rick Barnett's ability to ride a bicycle. He is also a good horseback rider. In fact, on the day of the tragedy in Oklahoma, when the Murrah Building was bombed, Rick and I were riding horses in Kennedyville, Maryland, on the Eastern Shore when we came back to the House and saw that tragedy unfold. From that point on, Rick made sure that our committee was fully engaged in the healing process and the legislative process to ensure that that type of terrorist activity would not happen again.

So I salute Mr. Barnett in his future career.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think from comments of the gentleman from Maryland (Mr. GILCHREST), we now see Mr. Barnett embodies the intermodalism we are so proud of on the Committee on Transportation and Infrastructure. I would urge passage of the bill.

Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4806.

The question was taken.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4806, the measure just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING HISTORIC SIGNIFICANCE OF 210TH ANNIVERSARY OF ESTABLISHMENT OF COAST GUARD

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 372) expressing the sense of the Congress regarding the historic significance of the 210th anniversary of the establishment of the Coast Guard, and for other purposes.

The Clerk read as follows:

H. CON. RES. 372

Whereas the Revenue Cutter Service was established in 1790 under the jurisdiction of the Treasury Department;

Whereas the Revenue Cutter Service and the United States Life-Saving Service were combined in 1915 to form the Coast Guard;

Whereas in April 1967, the Coast Guard was transferred to the Department of Transportation where it remains today (except when operating as a service in the Navy in times of war);

Whereas the Coast Guard is comprised of nearly 35,000 active personnel and 28,000 reserve personnel;

Whereas the Coast Guard is supported by approximately 35,000 volunteers of the Coast Guard Auxiliary;

Whereas the Coast Guard is the Nation's premier military, multimission, maritime service that provides unique, nonredundant, complimentary capabilities to safeguard United States national security interests;

Whereas the Coast Guard provides unique services and benefits to the United States through a distinctive blend of humanitarian, law enforcement, diplomatic, and military capabilities;

Whereas the 5 operating roles of the Coast Guard are maritime safety, maritime security, protection of natural resources, maritime mobility, and national defense;

Whereas each year the Coast Guard conducts on average more than 65,000 search and rescue missions, saving over 5,000 lives and $1,400,000,000 in property;

Whereas each year the Coast Guard, through its drug interdiction efforts, keeps more than $3,000,000,000 worth of drugs off United States streets;

Whereas the Coast Guard safeguards ocean resources from degradation by pollution and overuse through marine environmental protection and fisheries enforcement programs;

Whereas each year the Coast Guard responds to more than 11,600 hazardous waste spills, inspects approximately 34,000 United States vessels and 19,400 foreign vessels, and investigates over 7,400 marine accidents;

Whereas the Coast Guard maintains the largest system of aids to navigation in the world, with more than 50,000 buoys, fixed markers, and lighthouses;

Whereas the Coast Guard provides critical ice breaking services for the Nation's inland waterways and shipping channels;

Whereas the Coast Guard is responsible for approximately 18,000 highway and railroad bridges that span navigable waterways throughout the Nation;

Whereas the Coast Guard plays a leading role in the Nation's undocumented migrant interdiction activities;

Whereas the Coast Guard is a military service and a branch of the Armed Forces, and plays a crucial role in the President's strategy of international engagement;

Whereas Coast Guard personnel have fought in every major military conflict since its inception in 1790; and

Whereas the men and women serving in the Coast Guard embody a rich tradition of honor, devotion to duty, and dedication to service during times of peace and war: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the historic significance of the 210th anniversary of the establishment of the Coast Guard and the indelible contributions of the Coast Guard to the United States;

(2) commends—

(A) the Coast Guard's effectiveness in protecting the public, the environment, and United States economic and security interests in the Nation's ports and inland waterways, along the Nation's coasts, on international waters, and in any maritime region in which United States interests may be at risk; and

(B) the men and women serving in the Coast Guard who risk their lives to save others in danger at sea, enforce the Nation's treaties and other laws, protect the marine environment, ensure a safe and efficient marine transportation system, and support diplomatic and national defense interests of the United States worldwide; and

(3) supports the Coast Guard in its efforts to remain "Semper Paratus"—Always Ready—as it moves forward to meet the demands of the 21st century.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Maryland (Mr. GILCHREST) for yielding me this time.

Mr. Speaker, as was said, this resolution honors the United States Coast Guard on its 210th birthday which will occur on August 4.

Many people, Mr. Speaker, say to me, well, what does the Coast Guard do? Never heard of the Coast Guard.

Well, the Coast Guard does not do too much. All they did since 1994 was rescue and save over 90,000 lives. All they did last year was establish a new record for cocaine seizures; the same Service that performed with dignity and courage under pressure in response to the numerous aviation accidents and natural disasters.

An Independent Government Performance Project recently completed its second report card rating the performance of Federal agencies. The good news, Mr. Speaker, is that out of 20 Federal agencies rated only the Coast Guard and the Social Security Administration received an overall grade of A for their performance. That is the good news for those two agencies.

How was the Coast Guard able to achieve a grade that eluded 18 other Federal entities? The answer, at least according to the Independent Government Performance Project, is innovation resulting from constant budgetary and operational pressure.

The Coast Guard, Mr. Speaker, receives an appropriation of about $4 billion a year, about the same amount that the Social Security Administration spends every 4 days, to do everything from rescuing endangered boaters, protecting fisheries, stopping illegal immigrants, and interdicting drugs.

In fact, the street value of the drugs seized by the Coast Guard exceeds the value of its entire budget.

As indicated in a recent GAO report during the 1990s, the Coast Guard has been assigned vastly increased responsibilities while shrinking its workforce by 10 percent and operating within a budget that has risen by only 1 percent in actual dollars. The time has come for us, it seems, Mr. Speaker, to reward the hard-working men and women of the United States Coast Guard by providing them with the necessary equipment and resources that will allow them to continue their excellent service to this country well into the 21st century.

At many Veterans' Day and Memorial Day services across this country, it is not uncommon for speakers to refer to our four Armed Services, the Army, Navy, Air Force and Marine Corps. Time and again I have heard that. The Coast Guard is significantly omitted. Mr. Speaker, I do not think there is any ill intent involved in that. I think it is omitted because the Coast Guard is the only armed service, as we perhaps know, that is not a Member of the Department of Defense.

I attended a Veterans' Day service in a school, Mr. Speaker, in my district. It has been 5 or 6 years ago. The local band honored the military services by playing their respective hymns. And guess what? The Coast Guard's marching hymn, Semper Paratus, was omitted. I almost knocked the table down to get to the music director. I asked her why it was omitted. She said, we did not have the music.

I said to her, it is the most beautiful and most stirring marching hymn of the armed services. She said next year if I get her the music she will play it. Next year the band did, in fact, play that hymn.

Mr. Speaker, there is a current movie that is just doing tremendously on box office receipts that portrays the Coast Guard in its proper role, and I think that many Americans take very casually what the Coast Guard members do day in and day out. It is indeed an unsung service. I call it oft times the blue collar service. I call them the buoy tenders. They are clearly the blue collar, the Coast Guard, but I think the Coast Guard is the blue collar armed service of this country and they serve us well.

Mr. Speaker, in closing I would just like to wish all of our Coasties and our men and women throughout the Coast Guard from sea to sea, ocean to ocean, and express our thanks to them on behalf of the country for giving us the opportunity to be here and to wish them a very happy 210th birthday.

I want to acknowledge the gentleman from Maryland (Mr. GILCHREST). He has done a tremendous job chairing the Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure. The Coast Guardsmen tell me that from the commandant on down. I commend him for that. Happy birth, Coasties. Semper Paratus.

Mr. Speaker, I rise today in support of this resolution honoring the United States Coast Guard on its 210th birthday which will occur on August 4. As many in this body already know, the U.S. Coast Guard is our nation's oldest maritime service. What many of you may not realize, however, is that the U.S. Coast Guard is also the seventh largest naval service in the world and operates with the second oldest fleet. Yes, that's right, our Coast Guard—the one that's saved over 90,000 lives since 1994, the one that set a record for cocaine seizures last year, and the same service that performed with dignity and courage under the pressure of numerous aviation accidents and natural disasters—operates with the second oldest fleet in the world.

While operating with the second oldest fleet in the world, the U.S. Coast Guard was one of only two federal agencies to earn an "A" from the independent government performance project for operating with unusual efficiency and effectiveness. How was the Coast Guard able to achieve a grade of "A" that eluded 18 other federal agencies? The answer, at least according to the independent government performance project, is innovation resulting from constant budgetary and operational pressure.

If the Coast Guard can get an "A" operating under these dire conditions, imagine what they could do with better equipment and well-compensated people.

Along these same lines, the Interagency Task Force on Coast Guard Roles and Missions recently reported that a healthy Coast Guard is vital to protect and promote many of our nation's important safety, economic and national security interests. The men and women of the Coast Guard—with a force smaller than the New York City Police Department—carry out these vital missions in this country's ports and waterways, along its 47,000 miles of coastline, lakes and rivers, on international waters or in any maritime region as required to support national security.

As exhibited by this laundry list of assignments, the Coast Guard has been spread far too thin in recent years. A recent GAO report found that the Coast Guard has been assigned vastly increased responsibilities while shrinking its workforce by 10 percent and operating within a budget that has risen by only one percent in actual dollars. Mr. Speaker, the time has come for this Congress to stop expanding the scope of the Coast Guard's operations without providing them with the necessary resources. Despite the Coast Guard's outstanding performance record, asking them to continue to do more with less jeopardizes the Coast Guard's core duties—which are matters of life and death.

The time has come for us to reward the hardworking men and women of the Coast Guard by providing them with the necessary equipment and resources that will allow them to continue their excellent service to this country well into the 21st Century.

To the men and women of the U.S. Coast Guard—thank you for your service to our country and for giving us the opportunity to wish the Coast Guard a Happy 210th Birthday. We would not be here today without your dedication and sacrifice. Happy Birthday Coasties and Semper Paratus!

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend our committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER), our subcommittee chairman, the gentleman from Maryland (Mr. GILCHREST), our ranking member on our side, the gentleman from Oregon (Mr. DEFAZIO), on combining forces to salute the Coast Guard on its 210th anniversary.

Our committee, arguably with the Committee on Ways and Means, is the oldest committee in the House of Representatives. We passed the very first legislation in the first Congress in 1789 to establish a lighthouse, the Cape Henry Lighthouse. Concurrently with that action, the Secretary of the Treasury, Alexander Hamilton, approached the Congress to establish a service to enforce our tariff laws.

The Congress responded with the authorization to construct 10 cutters needed to patrol the coast along the northern States and enforce our revenue laws. They had to be larger than any previously built. They had to be heavier for winter conditions. They had to be faster than anything we had had before, to collect tariffs on imported goods.

Ironically, these ships ended up costing as much as $500 more than the $1,000 each appropriated. All of the ships were built, but it is not clear from historical records where Secretary Hamilton found the money to complete the task.

With that action, the Revenue Cutter Service was established, the forerunner of what we know today as the U.S. Coast Guard. The Coast Guard is an amalgamation of five Federal agencies that also have their origins at the beginning of our country. The Steamboat Inspection Service, the Bureau of Navigation, the Lifesaving Service, and a very special service, the Lighthouse Service. As I said, the very first action of our committee was to establish a lighthouse.

The Coast Guard over the years has served our country in military conflict from the war with France in 1799 to actions today when they lead border parties to enforce the Naval blockade in Bosnia or Iraq or in World War II when they drove landing craft on to the beaches of Normandy or in Vietnam where they patrolled the rivers and bays to protect our soldiers.

Over the years, the Congress, seeing a need to provide service to the American public and protection for water travelers, has authorized new and ever more far-reaching and more challenging missions for the Coast Guard: search and rescue; maintain thousands of aids to navigation; break ice in the Arctic and Antarctic; and on the Great Lakes and the East Coast: protect the environment, the cleaning up of oil spills and hazardous material spills; safeguard our ports by inspecting ships to ensure that they are safe when they are entering our ports; to manage the protection of our fishery stocks out to our 200-mile exclusive economic protection zone; and to protect our borders from drug smugglers and illegal immigrants.

Every year the Coast Guard intercepts drugs and other illegal shipments destined for our shores, whose value is at least as great and in some years greater than the entire Coast Guard budget.

I particularly pay tribute to those Coast Guardsmen and women of the Ninth District that covers over 296,000 square miles of the Great Lakes, spanning from Alexandria Bay in New York, to depending on your persective, either the western terminus or the western beginning point of the Saint Lawrence Seaway, Duluth, Minnesota. The 92 Coast Guard units that cover this area protect some and serve some 2.3 million recreational boaters. They keep the lanes and harbors open with icebreakers to ensure that the iron ore from my district gets down lake to the Lower Lake steel mills, and that small East Coast communities receive their winter heating oil.

In the 1996/1997 winter season, icebreakers on the Great Lakes paved the way and broke ice for 16 million tons of iron ore, coal, stone and cement to be transported to Lower Lake ports and from the Lower Lakes to the Upper Lakes Region of Minnesota and Wisconsin.

The Coast Guard every year undertakes missions to save 5,000 lives and over 65,000 search and rescue missions. Every year, their actions protect over $1.5 billion in private and public property.

There is an old saying in the Coast Guard, "You have to go out but you do not have to come back."

□ 1915

Every year that they go out, every day that they go out on mission, our Coast Guard men and women know that they may never come back to their families. They risk their lives, but they do so in a thorough, professional manner that is in the highest tradition of this Nation.

They deserve this tribute and much more. They deserve to be fully funded and adequately funded. There was a year in the mid-1980s when, on another committee on which I served, the Committee on the Merchant Marine and Fisheries which had jurisdiction over the Coast Guard before it was transferred to the Committee on Transportation and Infrastructure, the Coast Guard budget had been pared back so far that we called it "Semi Paratus," but resolved that never again should that happen.

Mr. Speaker, when we take time as we do today to pay tribute to the men and women of the U.S. Coast Guard for the service they render all Americans, we shall always have a Coast Guard that is Semper Paratus.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, August 4 will mark the 210th anniversary of the U.S. Coast Guard. Since 1790, the men and women of the Coast Guard have demonstrated that they are always ready, Semper Paratus, to carry out their critical duties.

Today's Coast Guard has primary responsibility for the promotion of safety of life and property at sea. That is easy to say and difficult to do, because there are days when the seas are calm and there are days when the seas are stormy. There are evenings when the stars are out, and the twilight is beautiful. And there are evenings when the storm rages, the icebreakers are out there, and the storm ensures that the hours the Coast Guard is on duty will be very, very dangerous.

But, Mr. Speaker, they do their job in spite of all that. The Coast Guard is responsible for enforcing all Federal laws, at sea and under the sea, in all of the United States' waters and the United States' territories.

They maintain the aids to navigation, which is something we almost never think of until we are in a boat and we do not want to run aground. As a result of that, as a result of the Coast Guard's professional, efficient, persistent adherence to those aids of navigation, the mariners, whether they are on the high seas, in our coastal waters, or in our rivers, they are safe.

The protection of the marine environment, which is one of the major responsibilities exclusively designated to the U.S. Coast Guard. Under all circumstances, in all weather, in all seas, throughout the entire many thousands of miles of the U.S. coastline. And the U.S. citizens are protected from the vast array of problems surrounding pollution, including oil pollution from the vast array of oil tankers and cruise ships that navigate through our waters.

Domestic and international icebreaking activities from the North Sea to the majestic Great Lakes, to the

Arctic Circle, to the Antarctic Circle, and to the jewel of estuaries, the Chesapeake Bay. Those waters are protected. They are navigable in all weather to ensure that schoolchildren, if they live on an island like Smith Island in the Chesapeake, that they can get to school in spite of the ice. They might not be disappointed, but because of the Coast Guard they ensure that they get their education. Or to all the barges and the ships that travel throughout the Nation's waters, and especially in the Antarctic or the Arctic, the U.S. Coast Guard icebreakers are on duty 24 hours a day. Sometimes in the Antarctic, they are cutting through ice that is 12 feet thick. It is a lonely duty. But the courageous Coast Guard people ensure that it is done.

The safety and security of vessels, ports, waterways and facilities are all ensured by the Coast Guard. And the gentleman from Minnesota (Mr. OBERSTAR) mentioned the fisheries out 200 miles, the exclusive economic zone as it is called, is constantly under siege by the foreign fishing vessel fleet. And who is out there to protect the economics and the marine ecosystem but the U.S. Coast Guard.

As a military service and a branch of the Armed Forces, the Coast Guard also maintains a readiness to operate as a specialized service with the Navy upon the declaration of war, whenever the President directs. And we do not have to wait for a declaration of war. We know that there are very often illegal immigrants that go on tramp steamers, go on a number of vessels.

Mr. Speaker, recently in the Caribbean I was on a Coast Guard cutter that was directed to intervene in any vessel that they thought there were illegal immigrants. In one incident, there was a, what we might call a tramp steamer, a merchant marine fishing vessel from an Asian country filled with over 50 illegal, hostile immigrants. A small group of Coast Guard people, led by an officer who was a professional young woman, boarded that tramp steamer, arrested those illegal immigrants without incident, and assured that they were taken into custody.

The Coast Guard is a mighty fine outfit. And during all the wars that they were involved in, including Vietnam, and I was in Vietnam in the mid-1960s with the Marine Corps. And I have to say that the Marine Corps has a beautiful hymn. The gentleman from North Carolina said the Coast Guard, their song is a beautiful song, and it is. I would give a vote that the most beautiful song is the Marine Corps hymn, but the second most beautiful would be the Coast Guard hymn. But the Coast Guard served its Nation in Vietnam. And sometimes, yes, those young Coasties had barbecues on the back of those Coast Guard cutters in safe waters. But more often than not, the Coast Guard gave up those barbecues for dangerous patrols to protect American interests and the interests of the democratic process.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 372 to honor the U.S. Coast Guard on its 210th anniversary.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO), the author of the legislation.

Mr. CAPUANO. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 372, and I want to thank the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR), our ranking member; for bringing this bill to the floor so quickly so we can have it done in time.

I would also like to thank the gentleman from Maryland (Mr. GILCHREST), chairman of the Subcommittee on the Coast Guard and Maritime Transportation, and the gentleman from Oregon (Mr. DEFAZIO), the ranking member, for their guidance and leadership on such a relatively important bill.I would also like to thank the gentleman from Guam (Mr. UNDERWOOD), the gentleman from North Carolina (Mr. COBLE), the gentleman from North Carolina (Mr. JONES), the gentleman from Florida (Mr. GOSS), and the gentleman from Alabama (Mr. CALLAHAN) for their support on this legislation.

Mr. Speaker, we have all heard the history of the Coast Guard and what it is all about and why we are here. But I want to just bring a little bit more of a personal note to it. A few years ago, my family and I were enjoying a nice summer day out in the Boston Harbor and we had the misfortune of stumbling across an inebriated recreational boater. In his disoriented state, he did not have the slightest idea what he was doing and he proceeded to ram the boat that contained my wife, my child, my brother-in-law and his wife, several times.

Mr. Speaker, if it were not for the Coast Guard, I have no doubt that my family would have suffered serious injury. And if it were not for the Coast Guard's actions after the incident, I know that my family would have suffered more trauma than they deserved. They were there when we needed them. They were there after the incident to walk us through the process on how to prosecute this individual and what our rights and obligations were. They did it with a humane face.

To me, that is what the Coast Guard really is. They do a thousand things a day that the average American never sees. But they do 10,000 things a day that every average American, whoever steps 1 inch onto the oceans or the inland seas of this country, sees regularly.

They save us and they protect us every day. Every year, they save over 5,000 lives. Every year, they save over a billion dollars worth of property. Every year, they are there to ensure our safety and security on the oceans and on the inland lakes.

Mr. Speaker, I rise today to say "thank you" for my family, for my constituents, and a happy birthday and a happy anniversary to the Coast Guard. It has had 210 years; may they have another 210-plus.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of this House Concurrent Resolution 372, because I too am proud to recognize the 210 years and the 210th anniversary of the United States Coast Guard.

Mr. Speaker, I have to tell my colleagues that I have confessed to Admiral Loy, the Commandant of our Coast Guard, that I have a crush on every man and woman in the Coast Guard. I so admire what they do and what they provide to our country and how well they do it and what a proud group of individuals that they are.

I am especially supportive of this resolution because I have the only Coast Guard training center on the West Coast in my district, the Two Rock Coast Guard Training Center.

We know firsthand what good neighbors Two Rock Coast Guard training center is, how much they participate in our community, what wonderful neighbors they are, and what an important role they play in protecting our country and making sure that people are safe and saved when they have accidents out in the waters.

Mr. Speaker, through my time in this Congress, I have supported the efforts to modernize and maintain this important Two Rock Training Center. We have received strong community support in doing that because my community is proud that these Coasties live in our community, work in our community, and participate in our community and serve our Nation so well.

I am proud that we are taking the time tonight to thank all of the members of the Coast Guard who have continued to dedicate their lives to making our country a safer and cleaner place. Let us continue our commitment to supporting the Coast Guard. Let us say happy birthday on their 210th anniversary, and I urge my colleagues to vote for H. Con. Res. 372.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

Mr. Speaker, I rise today to honor the United States Coast Guard and the men and women who serve in this great organization. The Coast Guard has a demanding mission which has evolved far beyond its roots as the Revenue Cutter Service when it was created 210 years ago.

Today, the Coast Guard responsibilities cover many critical facets of American commerce and defense. We rely on the Coast Guard for maritime safety and mobility, law enforcement, and interdiction of drugs, environmental protection and response, and national defense.

The Coast Guard, as many people do not probably recognize, is an esteemed leader in modern management techniques. Indeed, they offer an excellent management model for other Federal agencies to follow.

Mr. Speaker, in my district which borders the Great Lakes, there are more than 1,500 miles of coastline in my Great Lakes district. I am pleased to have more than 500 Coast Guard personnel serving on 14 bases and ships in my district, such as the search and rescue helicopters in Traverse City or the Icebreaker *Mackinaw* docked at Cheboygan, just to name a few.

The United States Coast Guard is a fine progressive organization, Semper Paratus, always ready, and we have never needed them more than we do today. I join my colleagues in wishing the Coast Guard happy 210th birthday, and there will be many many more. We rely on them day and night.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) for that splendid statement and congratulate him on his close working relationship with the Coast Guard over many years.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

□ 1930

Mr. GEJDENSON. Mr. Speaker, I thank the ranking member for yielding. Let me say, ever since my wife was a sponsor of the Coast Guard ship in New London, she took a particular interest and responsibility for the Coast Guard.

Several weeks ago, we went to see a new movie that a friend's wife was a producer, and Gail Katz helped produce The Perfect Storm. When she came away from that movie, my wife was furious that the people in the Coast Guard were asked to take such risks in such dangerous conditions, particularly they she thought sometimes when people did not use the best of judgment.

So when we were at OpSail and had the privilege to be with the Coast Guard, head of the Coast Guard Academy, which is in New London, Connecticut, she expressed her concern. I think she was taken aback to a degree with the calmness that the head of the Coast Guard Academy responded by simply accepting the responsibility, no matter what the decisions of the yachtsmen or others that are out there that have put American Coast Guard personnel at risk, they are ready to take that responsibility.

We in this Congress have put tremendous burdens on them with drug fighting, with controlling the flow of ships. A country cannot go to war when necessary without the Coast Guard operating in the ports of our Nation.

We need to make sure we do more than just commend them. We need to make sure they have the resources to have the very best equipment and the best pay for the people who take these risks to really help America in all times.

All our branches of the service are tremendously important to the country, but the Coast Guard is there every day of the year, every week of the year. Whether there is war or peace, they are out there taking risks. Whether it is for a pleasure boater who has found themselves in difficult conditions, a commercial fisherman who may be caught with bad equipment or a storm, interdicting drugs, protecting our shores, the Coast Guard takes tremendous risks.

One of the great privileges I have is representing the Coast Guard Academy. I want to publicly thank them for what they have done, their participation in OpSail in New London. No one was prouder than the people of Eastern Connecticut when we saw in New York Harbor before they came to New London Harbor, the Eagle, the Coast Guard ship, followed by the Amistad, by the way, into New York Harbor.

Mr. Speaker, I thank the ranking member for the time, and I urge support of the resolution.

Mr. OBERSTAR. Mr. Speaker, does the gentleman from Maryland (Mr. GILCHREST) have his speakers?

Mr. GILCHREST. Mr. Speaker, we have no more speakers.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and the gentleman from Maryland (Chairman GILCHREST) for their work on this issue.

The Coast Guard's ninth district has a substantial presence in Cleveland, Ohio; and they serve, of course, the Great Lakes. I want to tell my colleagues what a great job they do in our area providing for safety as well as for the movement of commerce, particularly during bad weather. When it is snowing, the icebreaker has become legendary for helping to keep the commerce of the lake moving.

We rely on our Coast Guard in the greater Cleveland area, and all of Lake Erie is so grateful, all the cities along that lake were so grateful to have a Coast Guard which pays such careful attention to safety on the lake which has, in so many cases, saved people's lives and which enforces the laws which need to be enforced on our waterways.

I want to join in the effort here to salute the Coast Guard and to let the Coast Guard know in that area how proud we are of the work that they do. They are such an important part of this country.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to make some concluding remarks.

Mr. Speaker, another reason we, on the Great Lakes, have to celebrate this 210th anniversary of the Coast Guard is that, at long last, the Congress not only has, through our committee, provided the authorization but through the appropriation process provided the funding to build the first new replacement icebreaker for the *Mackinaw*, which has kept the lanes open, the shipping lanes in the winter months and in the early spring months to move the iron ore down lake and coal down lake as well as limestone and gravel and rock upstream.

We desperately need a new icebreaker. The Coast Guard is now in the process of design and build. We are very grateful to see a replacement coming for the venerable *Mackinaw* that has provided such stellar service.

I mentioned earlier that the Coast Guard is a very special service. The remarks of the gentleman from Connecticut (Mr. GEJDENSON) about christening call to mind that my wife, Jean, had the privilege of christening the William J. Tate, a buoy tender built at the Marinette Marine Shipbuilding Company on the Great Lakes. Captain William J. Tate was a member of the U.S. Lighthouse Service and a man of action who is a pioneer in many ways. My wife was truly honored and thrilled to have christened the Tate and to be a part in our family of that very special tradition of the U.S. Coast Guard.

In 1998, the Coast Guard seized $2.6 billion in illegal drugs attempting to enter this country. It is ironic to note that, in that year, the Coast Guard's operating budget was $2.8 billion. Every year we get more in our investment back from the U.S. Coast Guard.

Finally, it was a very good friend of mine who was Commandant of the Ninth Coast Guard District and later Commandant of the U.S. Coast Guard, Admiral Jim Gracey, who said: "It takes a very special person to wear this color blue, and we are all proud to wear it." We in the Congress are all proud that the men and women of the U.S. Coast Guard day in and day out wear that color blue and serve our Nation so well.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to reiterate what the gentleman from Minnesota (Mr.

OBERSTAR) said, we are also collectively, as a body, proud of the Coast Guard blue. I say to the gentleman from Minnesota (Mr. OBERSTAR), my daughter, when she was 15, some years ago christened a class of buoy tender called the Busal with a bottle of champagne, and she smacked it and broke it on the first try. She was a little worried about it, but she went and did it. So I understand the sense of pride that his family has in taking part of that celebration.

So, Mr. Speaker, we wish the Coast Guard Semper Paratus and happy birthday.

Mr. THOMPSON of California. Mr. Speaker, on this, the occasion of the 210th anniversary of the United States Coast Guard, it is fitting to acknowledge the outstanding contributions made to the residents of California's First Congressional District by Coast Guard Group Humboldt Bay. The sacrifices made over the years by these dedicated men and women are worthy of appreciation and recognition.

The Humboldt Bay Group has a long history on California's North Coast. As early as 1854, D.M. Pearce was appointed the first Keeper of Humboldt Harbor. In 1856, the Battery Point Lighthouse became the first lighthouse on the North Coast, aiding sailors along what is one of the stormiest coastlines in the nation. At the height of maritime travel, six lighthouses operated along this stretch of coastline.

Coast Guard Air Station Humboldt Bay was commissioned on June 24, 1977 as Air Station Arcata and redesignated Air Station Humboldt Bay in May 1982. Its commissioning completed a long process begun by local residents and fishermen wanting a year-round aviation Search and Rescue (SAR) facility for Northern California. The Station is also home to modern Lighthouse Keepers, who maintain navigation aids and lighthouses from Crescent City to Point Arena.

Group Humboldt Bay's area of responsibility extends from the Mendocino/Sonoma County line north to the California/Oregon border. Six units under the Groups' command patrol more than 250 miles of rugged, sparsely populated coastline. In carrying out its missions, Group Humboldt Bay's personnel operate 24 hours a day, seven days a week, 365 days a year. They are ready to respond at a moment's notice to ocean emergencies, and they remain constantly vigilant in the fight against drug smuggling, illegal fishing, and illegal migration.

It is an honor today, as the nation commemorates the 210th anniversary of the Coast Guard, to recognize and commend these dedicated men and women who selflessly serve and protect.

Semper Paratus!

Mr. UNDERWOOD. Mr. Speaker, I rise today in emphatic support of H. Con. Res. 372. I want to thank my colleagues who helped make this resolution possible: My fellow co-sponsor Congressman MIKE CAPUANO as well as Congressmen SHUSTER and GILCHREST from the Transportation Committee, and the House Leadership for bringing this to the floor in expedited fashion.

As a proud member of the Congressional Coast Guard Caucus, I am in awe of the U.S. Coast Guard and all the hard work that each and every member selflessly gives each day to our nation. The United States Coast Guard is this nation's oldest and its premier maritime agency. Indeed, this year we will celebrate the 210th anniversary of the creation of this August service.

The history of the Service is historic and multifaceted. It is the amalgamation of five Federal agencies—the Revenue Cutter Service, the Lighthouse Service, the Steamboat Inspection Service, the Bureau of Navigation, and the Lifesaving Service, which were originally independent agencies with overlapping authorities. They sometimes received new names, and they were all finally united under the umbrella of the Coast Guard. The multiple missions and responsibilities of the modern Service are directly tied to this diverse heritage and the magnificent achievements of all of these agencies.

The Coast Guard, through its previous agencies, is the oldest continuous seagoing service and has fought in almost every war since the Constitution became the law of the land in 1789. The Coast Guard has traditionally performed two roles in wartime. The first has been to augment the Navy with men and cutters. The second has been to undertake special missions, for which peacetime experiences have prepared the Service with unique skills. Today the Coast Guard is engaged on many open sea patrols in the war on drugs throughout the vast oceans and seas of the world.

The Coast Guard has been dedicated to protecting the environment for over 150 years. In 1822 the Congress created a timber reserve for the Navy and authorized the President to use whatever forces necessary to prevent the cutting of live-oak on public lands. The shallow-draft cutters were well-suited to this service and were used extensively. Today, the current framework for the Coast Guard's Marine Environmental Protection program is the Federal Water Pollution Control Act of 1972.

In 1973, the Coast Guard created a National Strike Force to combat oil spills. There are three teams, a Pacific unit based near San Francisco, a Gulf team at Mobile, Alabama, and an Atlantic Strike team stationed in Elizabeth City, North Carolina. Since the creation of the force, the teams have been deployed worldwide to hundreds of potential and actual spill sites, bringing with them a vast array of sophisticated equipment.

The 200-mile zone created by the Fishery Conservation and Management Act of 1976 quadrupled the offshore fishing area controlled by the United States. The Coast Guard has the responsibility of enforcing this law.

The Coast Guard additionally has the major responsibility for conducting and coordinating Search and Rescue operations and licensing and regulating safety and commercial boating rules. This enormous task is performed day in and day out by the dedicated men and women of the Coast Guard.

As you may be able to tell, the Coast Guard performs a complex but necessary array of missions that effect the very life blood of this nation in the areas of national defense, commerce, the environment, and lifesaving.

Mr. Speaker, I would like to particularly highlight one essential mission that the Coast Guard is performing right now in America's westernmost frontier—my home district on the island of Guam. During the past several years, Guam has experienced a significant influx of Chinese illegal immigrants. Chinese crime syndicates organize boatloads of indigent Chinese citizens to illegally enter the United States for an exorbitant fee of $8,000–$10,000 per person. After undergoing an arduous journey under fetid, unsanitary conditions, the Chinese reach Guam dehydrated, hungry, disease-ridden and sometimes beaten. Upon arrival, the smuggled Chinese become indentured servants as they attempt to pay their passage to America.

Guam's geographic proximity and asylum acceptance regulations make it a prime target for Chinese crime syndicates. According to the INS in 1998 about 900 illegal Chinese immigrants were apprehended by the Coast Guard, INS and local Guam officials. In 1999, approximately 700 had been apprehended and this year alone approximately 400 have been apprehended. The Coast Guard remains standing by as we speak, ever vigilant in their efforts to mitigate the influx of illegal migrants to Guam.

Mr. Speaker, Chinese crime syndicates have exploited Immigration and Nationality Act (INA) asylum regulations. Because Guam, through INA directives, has to accept asylum applications, Guam becomes a cheap and attractive location for shipment of smuggled Chinese.

The Marianas section of the Coast Guard, stationed out in Guam has been tasked to interdict, when possible, these wretched Chinese vessels that are transporting these illegal migrants. The local command, which is currently undermanned and over extended, is doing the impossible under such circumstances.

In recent months there has been much discussion the high level of OPSTEMPO and PERSTEMPO to describe the state of over-extension of manpower and the drain on resources within our military. Without a doubt, these discussions equally apply to the dedicated men and women of the Coast Guard.

To sum up the U.S. Coast Guard's concerns, an increased level of activity in maritime safety, Exclusive Economic Zone monitoring, and illegal immigration apprehension on Guam are collectively creating tremendous operational burdens on the beleaguered men and women of the Coast Guard. Coupled with very real concerns over modernization and procurement, the U.S. Coast Guard is being forced to do more with less—the less, of course, being older and inadequate equipment—in order to complete their mission requirements.

The Commandant of the Coast Guard, Admiral James M. Loy is truly to be commended for his leadership and dedication to the men and women of the Coast Guard. Admiral Loy also needs to be praised for his vision in stewarding the Deepwater Project and explaining the vital importance of this modernization effort to both Congress and the Administration. To be sure, Congress and the Administration need to seriously review their national security priorities to find some additional resources for our beleaguered Coast Guard and relieve the high level of OPSTEMPO faced by these men and women. We are all very proud of the incredible work that the men and women of the Coast Guard do every day. With that Mr. Speaker, I urge swift and overwhelming passage of this resolution.

Mr. DEFAZIO. Mr. Speaker, I rise in strong support of House Concurrent Resolution 372, recognizing the 210th anniversary of the United States Coast Guard.

Mr. Speaker, the U.S. Coast Guard is the premier maritime safety agency in the world. Its broad array of missions protect our coastlines and our communities. These missions include inspecting commercial vessels for compliance with all safety requirements; search and rescue; oil pollution prevention and response; maintaining all of the Federal aids-to-navigation on our navigable waterways; icebreaking in the Arctic, Antarctic, and domestic waterways; drug and migrant interdiction; and enforcing the fisheries laws in our 200 mile Exclusive Economic Zone.

For 210 years, the Coast Guard has defended our Nation in wars and armed conflicts—whether protecting our ships from pirates in the 1800's to landing on the beaches of Normandy on D-Day. The men and women of the Coast Guard have driven their ships and aircraft through hurricanes to save mariners in distress, and directed the cleanup efforts of the disasters involving the *Exxon Valdez* and *New Carissa*.

The people of the United States owe a debt of gratitude to the men and women of the Coast Guard. While most Americans sleep soundly in their beds, the members of the Coast Guard are risking their lives to save ours. The Coast Guard conducts over 65,000 search and rescue missions annually, saving more than 5,000 lives, and $1.4 billion in property. Therefore, it is entirely appropriate for the Congress of the United States, as representatives of the people, to express our gratitude to the Coast Guard by passage of House Concurrent Resolution 372.

Therefore, Mr. Speaker, I urge my colleagues to strongly support passage of House Concurrent Resolution 372, commemorating the 210th anniversary of the establishment of the United States Coast Guard.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 372.

The question was taken.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 372.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2000

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. HIV/AIDS drugs.
Sec. 1102. HIV/AIDS drugs.
Sec. 1103. Triacetoneamine.
Sec. 1104. Instant print film in rolls.
Sec. 1105. Color instant print film.
Sec. 1106. Mixtures of sennosides and mixtures of sennosides and their salts.
Sec. 1107. Cibacron Red LS-B HC.
Sec. 1108. Cibacron Brilliant Blue FN-G.
Sec. 1109. Cibacron Scarlet LS-2G HC.
Sec. 1110. MUB 738 INT.
Sec. 1111. Fenbuconazole.
Sec. 1112. 2,6-dichlorotoluene.
Sec. 1113. 3-amino-3-methyl-1-pentyne.
Sec. 1114. Triazamate.
Sec. 1115. Methoxyfenozide.
Sec. 1116. 1-fluoro-2-nitro benzene.
Sec. 1117. PHBA.
Sec. 1118. THQ (toluhydroquinone).
Sec. 1119. Certain chemical compounds.
Sec. 1120. Certain compound optical microscopes.
Sec. 1121. Certain cathode-ray tubes.
Sec. 1122. Other cathode-ray tubes.
Sec. 1123. Certain categories of raw cotton.
Sec. 1124. Rhinovirus drugs.
Sec. 1125. Butralin.
Sec. 1126. Branched dodecylbenzene.
Sec. 1127. A certain fluorinated compound.
Sec. 1128. A certain light absorbing photo dye.
Sec. 1129. Filter blue green photo dye.
Sec. 1130. Certain light absorbing photo dyes.
Sec. 1131. 4,4′-difluorobenzophenone.
Sec. 1132. A certain fluorinated compound.
Sec. 1133. DiTMP.
Sec. 1134. EBP.
Sec. 1135. HPA.
Sec. 1136. APE.
Sec. 1137. TMPDE.
Sec. 1138. TMPME.
Sec. 1139. Tungsten concentrates.
Sec. 1140. 2 chloro amino toluene.
Sec. 1141. Certain ion-exchange resin.
Sec. 1142. 11-aminoundecanoic acid.
Sec. 1143. Dimethoxy butanone (dmb).
Sec. 1144. Dichloro aniline (dca).
Sec. 1145. Diphenyl sulfide.
Sec. 1146. Trifluralin.
Sec. 1147. Diethyl imidazolidinnone (dmi).
Sec. 1148. Ethalfluralin.
Sec. 1149. Benfluralin.
Sec. 1150. 3-amino-5-mercapto-1,2,4-triazole (amt).
Sec. 1151. Diethyl phosphorochoridothiate (depct).
Sec. 1152. Refined quinoline.
Sec. 1153. DMDS.
Sec. 1154. Vision inspection systems.
Sec. 1155. Anode presses.
Sec. 1156. Trim and form.
Sec. 1157. Certain assembly machines.
Sec. 1158. Thionyl chloride.
Sec. 1159. Benzyl carbazate (dt-291).
Sec. 1160. Tralkoxydim formulated ("achieve").
Sec. 1161. KN002.
Sec. 1162. KL084.
Sec. 1163. IN-N5297.
Sec. 1164. Azoxystrobin formulated.
Sec. 1165. Fungaflor 500 EC.
Sec. 1166. NORBLOC 7966.
Sec. 1167. IMAZALIL.
Sec. 1168. 1,5- dichloroanthraquinone.
Sec. 1169. Ultraviolet dye.
Sec. 1170. Vinclozolin.
Sec. 1171. Tepraloxydim.
Sec. 1172. Pyridaben.
Sec. 1173. 2-acetylnicotinic acid.
Sec. 1174. SAMe.
Sec. 1175. Procion Crimson H-EXL.
Sec. 1176. Dispersol Crimson SF Grains.
Sec. 1177. Procion Navy H-EXL.
Sec. 1178. Procion Yellow H-EXL.
Sec. 1179. Ortho-phenyl phenol ("OPP").
Sec. 1180. 2-methoxypropene.
Sec. 1181. 3,5-difluroaniline.
Sec. 1182. Quinclorac.
Sec. 1183. Dispersol Black XF Grains.
Sec. 1184. Fluroxypyr 1-methylheptyl ester (FME).
Sec. 1185. Solsperse 17260.
Sec. 1186. Solsperse 17000.
Sec. 1187. Solsperse 5000.
Sec. 1188. Certain taed chemicals.
Sec. 1189. Isobornyl acetate.
Sec. 1190. Solvent Blue 124.
Sec. 1191. Solvent Blue 104.
Sec. 1192. Pro-jet magenta 364 stage.
Sec. 1193. Benzenesulfonamide,4-amino-2,5-dimethoxy-*n*-phenyl.
Sec. 1194. Undecylenic acid.
Sec. 1195. 2-methyl-4-chlorophenoxyacetic acid.
Sec. 1196. Iminodisuccinate.
Sec. 1197. Iminodisuccinate salts and aqueous solutions.
Sec. 1198. Poly (vinylchloride) (PVC) self-adhesive sheets.
Sec. 1199. BEPD 2-butyl-2-ethylpropanediol.
Sec. 1200. Cyclohexade-8-en-1-one.
Sec. 1201. A paint additive chemical.
Sec. 1202. Ortho-cumyl-octylphenol (OCOP).
Sec. 1203. Certain polyamides.
Sec. 1204. Mesamoll.
Sec. 1205. Vulkalent E/C.
Sec. 1206. Baytron M.

Sec. 1207. Baytron C–R.
Sec. 1208. Baytron P.
Sec. 1209. Dimethyl dicarbonate.
Sec. 1210. KN001 (a hydrochloride).
Sec. 1211. Methyl thioglycolate.
Sec. 1212. KL540.
Sec. 1213. DPC 083.
Sec. 1214. DPC 961.
Sec. 1215. Sodium petroleum sulfonate.
Sec. 1216. Pro-Jet Cyan 1 Press Paste.
Sec. 1217. Pro-Jet Black Alc Powder.
Sec. 1218. Pro-Jet Fast Yellow 2 RO Feed.
Sec. 1219. Solvent Yellow 145.
Sec. 1220. Pro-Jet Fast Magenta 2 RO Feed.
Sec. 1221. Pro-Jet Fast Cyan 2 Stage.
Sec. 1222. Pro-Jet Cyan 485 Stage.
Sec. 1223. Triflusulfuron methyl formulated product.
Sec. 1224. Pro-Jet Fast Cyan 3 Stage.
Sec. 1225. Pro-Jet Cyan 1 RO Feed.
Sec. 1226. Pro-Jet Fast Black 287 NA Paste/Liquid Feed.
Sec. 1227. 4-(Cyclopropyl-α-hydroxy-methylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester.
Sec. 1228. 4'-epimethylamino-4'-deoxyavermectin b1a and b1b benozates.
Sec. 1229. Formulations containing 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
Sec. 1230. Certain end-use products containing benzenesulfonamide, 2-(2-chloro- ethoxy)n-[[4methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]- and 3,6-dichloro-2-methoxybenzoic acid.
Sec. 1231. Methyl (e, e)-a-(methoxyimino)-2-[[[[1- [3- (trifluoromethyl) phenyl] ethylidene] oxy] methyl] benzeneacetate.
Sec. 1232. Formulations containing sulfur.
Sec. 1233. Formulations containing 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloro-ethoxy)-phenylsulfonyl]-urea.
Sec. 1234. Formulations containing 4-cyclopropyl-6-methyl-n-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile.
Sec. 1235. (r)-2-[2,6-dimethylphenyl)-methoxyacetyl-amino]-propionic acid methyl ester.
Sec. 1236. Formulations containing benzothialdiazole-7-carbothioic acid *S*-methyl ester.
Sec. 1237. Benzothialdiazole-7-carbothioic acid *S*-methyl ester.
Sec. 1238. O-(4-bromo-2-chlorophenyl)-o-ethyl-s-propyl phosphorothioate.
Sec. 1239. 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl] methyl]-1*H*-1,2,4-triazole.
Sec. 1240. Tetrahydro-3-methyl-n-nitro-5[[2-phenylthio)-5-thiazolyl]-4-h-1,3,5-oxadiazin-4-imine.
Sec. 1241. 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
Sec. 1242. 1,2,4-triazin-3(2*H*)one, 4,5-dihydro-6-methyl-4-[(3-pyridinyl methylene)amino].
Sec. 1243. 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile.
Sec. 1244. Nicosulfuron formulated product ("accent").
Sec. 1245. Fipronil technical.
Sec. 1246. Monochrome glass envelopes.
Sec. 1247. Ceramic coater.
Sec. 1248. Pro-jet black 263 stage.
Sec. 1249. Pro-jet fast black 286 paste.
Sec. 1250. Certain steam or other vapor generating boilers used in nuclear facilities.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1301. Extension of certain existing duty suspensions and reductions.
Sec. 1302. Extension of, and other modifications to, existing duty reductions.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1401. Certain telephone systems.
Sec. 1402. Color television receiver entries.
Sec. 1403. Copper and brass sheet and strip.
Sec. 1404. Antifriction bearings.
Sec. 1405. Other antifriction bearings.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

Sec. 1411. Short title.
Sec. 1412. Findings; purpose.
Sec. 1413. Amendments to Harmonized Tariff Schedule of the United States.
Sec. 1414. Entry procedures.
Sec. 1415. Effective date.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

Sec. 1421. Short title.
Sec. 1422. Findings and purposes.
Sec. 1423. Prohibition on importation of products made with dog or cat fur.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1431. Alternative mid-point interest accounting methodology for underpayment of duties and fees.
Sec. 1432. Exception from making report of arrival and formal entry for certain vessels.
Sec. 1433. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1434. International travel merchandise.
Sec. 1435. Change in rate of duty of goods returned to the United States by travelers.
Sec. 1436. Treatment of personal effects of participants in international athletic events.
Sec. 1437. Collection of fees for Customs services for arrival of certain ferries.
Sec. 1438. Establishment of drawback based on commercial interchangeability for certain rubber vulcanization accelerators.
Sec. 1439. Exemption from import prohibition.
Sec. 1440. Cargo inspection.
Sec. 1441. Treatment of certain multiple entries of merchandise as single entry.
Sec. 1442. Report on Customs procedures.

Subtitle C—Effective Date

Sec. 1451. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Trade adjustment assistance for certain workers affected by environmental remediation or closure of a copper mining facility.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)methyl]-4-thiazolidine-carboxamide (CAS No. 186538–00–1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1102. HIV/AIDS DRUGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1*H*-imidazole-2-methanol carbamate (CAS No. 178979–85–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.80	2,2,6,6- Tetramethyl-4-piperidinone 2,2,6,6 (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.37.02	Instant print film in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	”.

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1107. CIBACRON RED LS-B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.04	Reactive red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]-amino]4,11-triphenodioxazine-disulfonic acid, lithium sodium salt (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.86	Reactive re 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.91	2-Amino-4(4-aminobenzoylamino)-benzenesulfonic Acid (CAS No. 167614–37–1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.87	α-(2-(4-Chlorophenyl)-ethyl)-α-phenyl-1*H*-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369–43–6) (provided for in subheading 2933.90.06)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.82	2,6-Dichlorotoluene (CAS No. 118–69–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 1869–96–5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143–82–5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethyl-benzoyl)-2-(1,1-dimethyl-ethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1116. 1-FLUORO-2-NITRO BENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.04	1-Fluoro-2-nitro-benzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.03	p-Hydroxy-benzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.05	Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1119. CERTAIN CHEMICAL COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907–19–80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1120. CERTAIN COMPOUND OPTICAL MICROSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.98.07	Compound optical microscopes: whether or not stereoscopic and whether or not provided with a means for photographing the image; especially designed for semiconductor inspection; with full encapsulation of all moving parts above the stage; meeting "cleanroom class 1" criteria; having a horizontal distance between the optical axis and C-shape microscope stand of 8″ or more; and fitted with special microscope stages having a lateral movement range of 6″ or more in each direction and containing special sample holders for semiconductor wafers, devices, and masks (provided for in heading 9011.20.80)	Free	No Change	No change	On or before 12/31/2003	".

SEC. 1121. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1122. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	".

SEC. 1123. CERTAIN CATEGORIES OF RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	12/31/2003	
	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	12/31/2003	".

SEC. 1124. RHINOVIRUS DRUGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.97	(2E, 4S)-4(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly)amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1125. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.00	*N-sec*-Butyl-4-*tert*-butyl-2,6-dinitroaniline (CAS No. 33629-47-9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1126. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.01	Branched dodecylbenzenes (CAS No. 123-01-3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1127. A CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl) ethynyl-phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1128. A CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.55	4-Chloro-3-[4-[4-(dimethylamino)phenyl]methylene-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-1-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828-81-9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1129. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187-44-6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1130. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-1-yl]-benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940-17-2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066-12-9); 4-[4,5-Dihydro-4-[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H pyrazol-4-yl]methylene-3-methyl-5-oxo-1H-pyrazol-1-yl]- benzenesulfonic acid, dipotassium salt (CAS No. 94266-02-1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzene-sulfonic acid, potassium salt (CAS No. 27268-31-1); 4,5-Dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2,4-pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863-74-4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1131. 4,4′-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.85	Methanone, bis(4-fluorophenyl)- (CAS No. 345-92-6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1132. A CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.87	Methanone, (4-fluorophenyl)phenyl-(CAS No. 345-83-5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1133. DiTMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.10	Di-trimethylolpropane (DiTMP) (CAS No. 23235-61-2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1134. EBP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.52	2-Ethyl-2-butyl-1,3-propanediol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1135. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.09	Hydroxypivalic acid (HPA) (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1136. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.15	Allyl pentaerythritol (CAS No. 1471–18–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1137. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.58	Trimethylolpropane diallylether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1138. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.59	Trimethylolpropane monoallyl ether (TMPME) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1139. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	”.

SEC. 1140. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.62	2 Chloro Amino Toluene (CAS No. 95–74–9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1141. CERTAIN ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
“	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
“	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1142. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	1.6%	No change	No change	On or before 12/31/2003	”.

SEC. 1143. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1144. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.17	2,6-dichloro aniline (2,6-dichlorobenzenamine) (CAS No. 608–31–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1145. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.06	Diphenyl sulfide (CAS No. 139-66-2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1146. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.02	2,6-dinitro-N, N-dipropyl-4-(trifloromethyl) benzenamine; alpha, alpha, alpha,-trifloro-2-6-dinitro-p-toluidine) (CAS No. 1582-09-8) (provided for in subheading 2921.43.15)	5%	No change	No change	On or before 12/31/2003	".

SEC. 1147. DIETHYL IMIDAZOLIDINNONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.26	1,3-Diethyl-2-imidazolidinone (N, N-Dimethylethylene urea) (CAS No.80-73-9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1148. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.34	N-ehtyl-N-(2methyl-2-propenyl)-2,6-dinitro-4-(trifloromethyl) benzenamine (CAS No. 55283-68-6) (provided for in subheading 2921.43.80)	7.9%	No change	No change	On or before 12/31/2003	".

SEC. 1149. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

"	9902.29.59	Benfluralin, N-but-N-ethyl-2,6- dinitro-4- (tri-fluoromethyl benzenamine; N-butyl-N-ethyl-alpha, alpha, alpha trifluoro-2-6-dinitro-p-toluidine (CAS No. 5436-2-5, 1861-40-1) (as provided for in subheading 2921.43.80), 12.6 percent ad valorem	Free	No change	No change	On or before 12/31/2003	".

SEC. 1150. 3-AMINO-5-MERCAPTO-1,2,4-TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.08	3-amino-5-mercapto-1,2,4-triazole (CAS No. 16691-43-3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1151. DIETHYL PHOSPHOROCHORIDOTHIATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.58	O,O-Diethyl phosphorochoridothiate (CAS No. 2524-04-1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1152. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.61	refined quinoline (1-benzazine; benzo(b) pyridine) (CAS No. 91-22-5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1153. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.33.92	2,2-dithiobis(8-fluoro-5-methoxy)[1,2,4] triazolo[1,5-c] pyrimidine (CAS No. 166524-74-9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1154. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.90.20	Vision inspection systems of a kind used for physical inspection of automatic capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1155. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.21	Anode presses for pressing tantalum powder into anodes (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1156. TRIM AND FORM.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.40	Trim and form for forming capacitor leads (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1157. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.30	Assembly machines for assembling processed anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1158. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.01	Thionyl chloride (CAS No. 7719-09-7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1159. BENZYL CARBAZATE (DT-291).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331-43-1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1160. TRALKOXYDIM FORMULATED (“ACHIEVE”).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

“	9902.29.62	2-[1-(Ethoxyimino)- propyl]-3-hydroxy- 5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) (provided for in subheading 2925.20.60)	Free	No change	No change	On or before 12/31/2003	
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)- propyl]-3-hydroxy- 5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1161. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.63	1-piperidinecarboxylic acid, 2-[(2,4—dichloro-5-hydroxyphenyl)hydrazono]-, methyl ester (CAS No. 159393-46-1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1162. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.69	2-imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393-48-3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	”.

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.29.30, as added by subsection (a), is amended—

(A) by striking “5.4%” and inserting “4.7%”; and

(B) by striking “On or before 12/31/2000” and inserting “On or before 12/31/2001”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.30, as added by subsection (a), is amended—

(A) by striking “4.7%” and inserting “4.0%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(d) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.30, as added by subsection (a), is amended—

(A) by striking “4.0%” and inserting “3.3%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1163. IN-N5297.

Subchapter II of chapter 99 is amended by striking heading 9902.29.35 and by inserting the following new heading:

“	9902.29.35	2-(Methoxycarbonyl) Benzylsulfonamide (CAS No. 59777-72-9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1164. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.38.01	Methyl(E)-2-[6-(2-cyanophonoxy)pyrimidin-4-yloxy]pkhenyl)-3-methoxyacrylate (CAS No. 131860-33-8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	”.

SEC. 1165. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.09	Mixtures of enilconazole (CAS No. 73790-28-0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1166. NORBLOC 7966.

Subchapter II of chapter 99 is amended by striking heading 9902.29.22 and by inserting the following new heading:

“	9902.29.22	2-(2'-Hydroxy-5' -methacrylyloxyethylphenyl) -2H-benzotriazole (CAS No. 96478-09-0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1167. IMAZALIL.

Subchapter II of chapter 99 is amended by striking heading 9902.29.10 and by inserting the following new heading:

"	9902.29.10	Enilconazole (CAS No. 35554-44-0 and 73790-28-0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1168. 1,5- DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.14 and by inserting the following new heading:

"	9902.29.14	1,5- Dichloroanthraquinone (CAS No. 82-46-2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1169. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.17	9-Anthracene- carboxylic acid, (triethoxysilyl) methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1170. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.20	3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471-44-8) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1171. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.64	(E)-2-[1-[[(3-chloro-2-propenyl) oxy] imino] propyl] -3-hydroxy-5 (tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1 -one (CAS No. 149979-41-9) (provided for in subheading 2933.99.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1172. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.30	2-tert-butyl-5-(4-tert-butyl-benzylthio)-4-chloro-pyridazin-3(2H)-one (CAS No. 96489-71-3) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1173. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by striking heading 9902.29.39 and inserting the following new heading:

"	9902.29.39	2-Acetylnicotinic acid (CAS No. 89942-59-6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1174. SAMe.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.21.06	S-adenosylmethionine 1.4 butanedisulfonate (CAS No. 29908-03-0) (provided for in subheading 2933.59.95)	5.5%	No change	No change	On or before 12/31/2003	".

SEC. 1175. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.60	1,5-Naphthalenedisulfonic acid, 2-((8- ((4—chloro-6-((3-(((4-choloro-6-((7- ((1,5-disulfo-2- naphthalenyl)azo)-8- hydroxy-3,6-disulfo- 1-naphthlenyl)amino)- 1,3,5-triazin-2-yl)amino)methyl) phenyl)amino)- 1,3,5-triazin- 2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554-26-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1176. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.05	A mixture of Benzo (1,2-b:4,5-b′)difuran-2,6-dione,3-phenyl-7-(4-propoxyphenyl)-, (CAS No. 79694-17-0); Acetic acid (4-2,6-dihydro-2,6-dioxo-7-phenylbenzo(1,2-b:4,5-b′)difuran-3-yl)-phenoxy)-,2-ethoxyethyl) ester (CAS No. 126877-05-2); and Acetic acid (4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)benzo(1,2-b:4,5-b′)difuran-3-yl)phenoxy)-phenoxy)-, 2-ethoxyethyl ester (CAS No. 126877-06-3) (the foregoing provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1177. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.09	A mixture of 2,7-Naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl) amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554–27–8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthlenyl)amino)-1,3,5-triazin-2-yl)amino) methyl)phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1178. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by striking heading 9902.32.43 and inserting the following new heading:

“	9902.32.43	A mixture of 1,5-Naphthalenedisulfonic acid, 3,3′-((3-methyl (CAS No. 72906–24–2) and the 4-methyl compound -1,2-phyenylene)bis(imino(6-chloro-1,3,5-triazine-4,2-diyl)imino(2-(acetylamino)-5-methoxy-4,1-phenylene)azo))bis-, tetrasodium salt (CAS No. 72906–25–3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1179. ORTHO-PHENYL PHENOL (“OPP”).

Subchapter II of chapter 99 is amended by striking heading 9902.29.25 and by inserting the following new heading:

“	9902.29.25	O-phenyl phenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/03	”.

SEC. 1180. 2-METHOXYPROPENE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.27 and by inserting the following new heading:

“	9902.29.27	2-Methoxy-1-Propene (CAS No. 116–11–0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1181. 3,5-DIFLUROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by striking heading 9902.29.56 and by inserting the following new heading:

“	9902.29.56	3,5-Difluroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	”.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking “7.4%” and inserting “6.7%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking “6.7%” and inserting “6.3%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1182. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by striking heading 9902.29.47 and by inserting the following new heading:

“	9902.29.47	3,7-dichloro-8-quinoline carboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	”.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking “6.8%” and inserting “5.9%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking “5.9%” and inserting “5.4%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1183. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by striking heading 9902.32.44 and inserting the following new heading:

“	9902.32.44	A mixture of Napthalenesulfonic acid, polymer with formaldehyde, sodium salt (CAS No. 36290–04–7); .beta.-Alanine, N-(4-((2-bromo-6-choloro-4-nitrophenyl)azo)phenyl)-N-(3-methoxy-3-oxoproply)-, methyl ester (CAS No. 59709–38–5); Ethanol, 2,2′-((4-((3,5-dinitro-2- thienyl)azo)phenyl) imino)bis-, diacetate (ester) (CAS No. 42783–06–2); and .beta.-Alanine, N-(3-(acetylamino)-4-((2,4-dinitrophenly)azo)phenyl)-N-(3-methoxy-3-oxoproply)-, methyl ester (CAS No. 42783–06–2); and (CAS No. 70729–65–6) (the foregoing provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1184. FLUROXYPYR 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by striking heading 9902.29.77 and by inserting the following new heading:

"	9902.29.77	fluroxypyr 1-methylheptyl ester (1-methylheptyl 4 aminooo-3,5-dichloro-6-fluoro-2-pyridyloxyacetate (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1185. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.29	12-hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879–66–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1186. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quasternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1187. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.03	1-Octadecanaminium, N,N- dimethyl-N-octadecyl-, (SP-4-2)-[29H,31H-phthalocyanine-2-sulfonate (3-).kappa.N29, .kappa.N30,.kappa.N31, .kappa.N32]cuprate(1-) (CAS No. 70750–63–9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1188. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by striking heading 9902.29.70 and by inserting the following new heading:

"	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543–57–4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1189. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.71 and by inserting the following new heading:

"	9902.29.71	Isobornyl acetate (CAS No. 125-12-2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1190. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.73	Solvent Blue 124 (CAS No. 29243–26–3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1191. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.72	Solvent Blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1192. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.00	5-[4-(4,5-dimethyl-2-sulfo-phenylamino)-6-hydroxy-[1,3,5-] triazin-2-yl amino]-4-hydroxy-3-(1-sulfo-naphthalen-2-ylazo)-naphthalene-2,7-disulphonic acid, sodium/ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1193. BENZENESULFONAMIDE,4-AMINO-2,5-DIMETHOXY-N-PHENYL.

Subchapter II of chapter 99 is amended by striking heading 9902.29.73 and by inserting the following new heading:

"	9902.29.73	benzensulfonamide,4-amino-2,5-dimethoxy-*N*-phenyl (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1194. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by striking heading 9902.29.78 and by inserting the following new heading:

"	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1195. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by striking heading 9902.29.81 and by inserting the following new heading:

“	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 9021-09-6) (provided for in subheading 2918.90.20)	2.6%	No change	No change	On or before 12/31/2003	”.

SEC. 1196. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.83 and by inserting the following new heading:

“	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (CAS No. 144538–83–0) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1197. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1198. POLY (VINYLCHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.01	Poly (vinylchloride) (PVC) self-adhesive sheets of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1199. BEPD 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by striking heading 9902.29.84 and by inserting the following new heading:

“	9902.29.84	BEPD 2-Butyl-2-ethylpropanediol (CAS No. 115-84-4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1200. CYCLOHEXADE-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.85	Cyclohexade-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1201. A PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by striking heading 9902.29.33 and inserting the following new heading:

“	9902.29.33	N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159–98–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1202. ORTHO-CUMYL-OCTYLPHENOL (OCOP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.86	ortho-cumyl-octylphenol (OCOP) (CAS No. 73936–80–8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1203. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by striking heading 9902.39.08 and by inserting the following new heading:

“	9902.39.08	Micro-porous ultra fine spherical forms of polyamides 6, 12, and 6/12 powder (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1204. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.14	A certain Alkylsulfonic Acid Ester of Phenol (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1205. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.31	A mixture of N-Phenyl-N-((trichloromethyl)thio)-Benzenesulfonamide; calcium carbonate; and mineral oil (the foregoing provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1206. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.87	A certain 3,4-ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1207. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.15	A certain catalytic preparation based on Iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1208. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.15	A certain mixture of water and poly(3,4-ethylenedioxythiophene)- poly (styrenesulfonate) (cationic) (CAS No. 155090–83–8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1209. DIMETHYL DICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.87	Dimethyl dicarbonate (CAS No. 4525–33–1) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1210. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.88	2,4-dichloro-5-hydroxyhydrazine hydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1211. METHYL THIOGLYCOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.90	Methyl thioglycolate (CAS No. 2365–48–2) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1212. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.91	Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1213. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.92	(S)-6-chloro-3,4-dihydro-4-E-cyclopropylethenyl-4-trifluoromethyl-2(1H)-quinozolinone (CAS No. 214287–99–7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1214. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.20.05	(S)-6-chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinozolinone (CAS No. 214287–88–4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1215. SODIUM PETROLEUM SULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.34.01	Sodium petroleum sulfonate (CAS No. 68608-26-4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1216. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.20	Direct Blue 199 acid (CAS No. 80146–12–9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1217. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.23	Direct Black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1218. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.10	Direct Yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1219. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.46	Solvent Yellow 145 (CAS No. 27425–55–4) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1220. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.24	Direct Violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1221. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.17	Direct Blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1222. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.25	[(2-hydro- xyethylsul- famoyl)sulfo- phthalo- cyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1223. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.50	Methyl 2-[[[[[-4(dimethylamino) -6-(2,2,2-trifluoroethoxy) -1,3,5-triazin-2-yl] -amino]carbonyl] amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1224. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.64	[29H,31H-Phthalocyaninato (2-xN29, xN30, -xN31, xN32] copper, [[2-[4-(2- aminoethyl)-1-piperazinyl] ethyl]amino]-sulfonylaminosulfonyl [(2-hydroxethyl)amino] sulfonyl [[2-[[2-(1-piperazinyl) ethyl]-amino) ethyl]-amino]-sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1225. PRO-JET CYAN 1 RO FEED.

(a) Calender Year 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.32.65	Copper, [29H, 31H-phthalocyaninato(2-)-N29, N30, N31, N32]-, aminosulfonyl sulfo derivs., sodium salts (CAS No. 80146–12–9) (provided for in subheading 3204.14.50)	9.5%	No change	No change	On or before 12/31/2000	”.

(b) Calendar Year 2001.—

(1) In general.—Heading 9902.32.02, as added by subsection (a), is amended—

(A) by striking “9.5%” and inserting “8.5%”; and

(B) by striking “On or before 12/31/2000” and inserting “On or before 12/31/2001”.

(2) Effective date.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) Calendar Year 2002.—

(1) In general.—Heading 9902.32.02, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking “8.5%” and inserting “7.4%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) Effective date.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1226. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) Calender Year 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.32.67	Direct Black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	”.

(b) Calendar Year 2001.—

(1) In general.—Heading 9902.32.03, as added by subsection (a), is amended—

(A) by striking “7.8%” and inserting “7.1%”; and

(B) by striking “On or before 12/31/2000” and inserting “On or before 12/31/2001”.

(2) Effective date.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) Calendar Year 2002.—

(1) In general.—Heading 9902.32.03, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking “7.1%” and inserting “6.4%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) Effective date.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1227. 4-(CYCLOPROPYL-α-HYDROXY-METHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.93	4-(Cyclopropyl-α-hydroxy-methylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1228. 4’-EPIMETHYLAMINO-4’-DEOXYAVERMECTIN B1a AND B1b BENOZATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.94	4’-epimethylamino-4’-deoxyavermectin B1a and B1b benozates (CAS No. 137512–74–4) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1229. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	”.

SEC. 1230. CERTAIN END USE PRODUCTS CONTAINING BENZENESULFONAMIDE, 2-(2-CHLORO- ETHOXY)N-[[4METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)AMINO]CARBONYL]- AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.21	Certain end-use products containing benzenesulfonamide, 2-(2-chloroethoxy)N-[[4methoxy-6-methyl-1,3,5- triazin-2-yl)amino] carbonyl]- (CAS No. 82097–50–5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918–00–9) (the foregoing provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1231. METHYL (E, E)-A-(METHOXYIMINO)-2- [[[[1- [3- (TRIFLUOROMETHYL) PHENYL] ETHYLIDENE] OXY] METHYL] BENZENEACETATE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.41 and inserting the following new heading:

“	9902.29.41	Benzeneacetic acid, (E,E)-α-(-(methoxyimino) -2[[[[1-[3-trifluoromethyl) phenyl] ethylidene] amino]oxy] methyl]-, methyl ester (CAS No. 141517–21–7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1232. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.13	Formulations containing sulfur (CAS No. 7704–34–9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1233. FORMULATIONS CONTAINING 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLORO-ETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.52	Formulations containing 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloro-ethoxy)-phenylsulfonyl]-urea (CAS No. 82097–50–5) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1234. FORMULATIONS CONTAINING 4-CYCLOPROPYL-6-METHYL-N-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.53	Formulations containing 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1235. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYL-AMINO]-PROPIONIC ACID METHYL ESTER.

Subchapter II of chapter 99 is amended by striking heading 9902.29.27 and inserting the following new heading:

“	9902.29.27	(R)-2-[2,6-dimethylphenyl)-methoxyacetyl-amino]-propionic acid methyl ester (CAS No. 69516–34–3) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1236. FORMULATIONS CONTAINING BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.22	Formulations containing benzothialdiazole-7-carbothioic acid *S*-methyl ester (CAS No. 135158–54–2) (provided for in subheading 3808.90.08)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1237. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID S-METHYL ESTER.

Subchapter II of chapter 99 is amended by striking heading 9902.29.33 and inserting in numerical sequence the following new heading:

“	9902.29.33	Benzothialdiazole-7-carbothioic acid *S*-methyl ester (CAS No. 135158–54–2) (provided for in subheading 2934.90.18)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1238. O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.30 and inserting the following new heading:

“	9902.29.30	O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198–08–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1239. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL] METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.35 and inserting the following new heading:

“	9902.29.35	1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl] methyl]-1*H*-1,2,4-triazole (CAS No. 60207–90–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1240. TETRAHYDRO-3-METHYL-N-NITRO-5[[2-PHENYLTHIO)-5-THIAZOLYL]-4-H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.34	tetrahydro-3-methyl-N-nitro-5[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439–46–6) (provided for in subheading 2934.10.10)	4.3%	No change	No change	On or before 12/31/2003	”.

SEC. 1241. 1-(4-METHOXY-6-METHYL-TRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by striking heading 9902.29.40 and inserting the following new heading:

“	9902.29.40	1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1242. 1,2,4-TRIAZIN-3(2H)ONE, 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYL METHYLENE)AMINO].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.96	1,2,4-Triazin-3(2*H*)one, 4,5-dihydro-6-methyl-4-[(3-pyridinyl methylene)amino] (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1243. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.97	4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1244. NICOSULFURON FORMULATED PRODUCT (“ACCENT”).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.69	2-(((((4,6-Di- methoxypyrimi- din-2-yl) aminocarbonyl))-N,N- dimethyl-3-pyridinecarboxamide (CAS No. 111991-09-4) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1245. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.98	5-amino-1-[2,6-dichloro-4-(trifluoromethyl)phynyl)-4-[(trifluoromethyl)sulfinyl]-1*H*-pyrazole-3-carbonitrile. (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5%	No change	No change	On or before 12/31/2003	”.

SEC. 1246. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1247. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1248. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.74	5-[4-(7-amino-1-hydroxy-3-sulfo-naphthalen-2-ylazo)-2,5-bis-(2-hydroxy-ethoxy)-phenylazo]-isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1249. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.44	1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-6-sulfo-1-naphthalenyl]azo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1250. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) In General.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) Existing Duty Suspensions.—Each of the following headings is amended by striking out the date in the effective period column and inserting “12/31/2003”:

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX-E6758).

(8) Heading 9902.33.69 (relating to Rimsulfuron).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting "12/31/2003".

SEC. 1302. EXTENSION OF, AND OTHER MODIFICATIONS TO, EXISTING DUTY REDUCTIONS.

(a) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to Carbamic Acid (U-9069)) is amended—

(1) by striking "7.6%" and inserting "Free"; and

(2) by striking the date in the effective period column and inserting "12/31/2003".

(b) DPX-E9260.— Heading 9902.33.63 (relating to DPX-E9260) is amended—

(1) by striking "5.3%" and inserting "Free"; and

(2) by striking the date in the effective period column and inserting "12/31/2003".

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580-803-001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry	Port
E85-0001814-6	10/05/89	Miami, FL
E85-0001844-3	10/30/89	Miami, FL
E85-0002268-4	07/21/90	Miami, FL
E85-0002510-9	12/15/90	Miami, FL
E85-0002511-7	12/15/90	Miami, FL
E85-0002509-1	12/15/90	Miami, FL
E85-0002527-3	12/12/90	Miami, FL
E85-0002550-0	12/20/90	Miami, FL
102-0121558-8	12/11/91	Miami, FL
E85-0002654-5	04/08/91	Miami, FL
E85-0002703-0	05/01/91	Miami, FL
E85-0002778-2	06/05/91	Miami, FL
E85-0002909-3	08/05/91	Miami, FL
E85-0002913-5	08/02/91	Miami, FL
102-0120990-4	10/18/91	Miami, FL
102-0120668-6	09/03/91	Miami, FL
102-0517007-8	11/20/91	Miami, FL
102-0122145-3	03/05/91	Miami, FL
102-0121173-6		Miami, FL
102-0121559-6		Miami, FL
E85-0002636-2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A-583-009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
509-0210046-5	August 18, 1989
815-0908228-5	June 25, 1989
707-0836829-8	April 4, 1990
707-0836940-3	April 12, 1990
707-0837161-5	April 25,1990
707-0837231-6	May 3, 1990
707-0837497-3	May 17, 1990
707-0837498-1	May 24, 1990
707-0837612-7	May 31, 1990
707-0837817-2	June 13, 1990
707-0837949-3	June 19, 1990
707-0838712-4	August 7, 1990
707-0839000-3	August 29, 1990
707-0839234-8	September 15, 1990
707-0839284-3	September 12, 1990
707-0839595-2	October 2, 1990
707-0840048-9	November 1, 1990
707-0840049-7	November 1, 1990
707-0840176-8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110-1197671-6	10/18/86	7/6/92
110-1198090-8	12/19/86	1/23/87
110-1271919-8	11/12/86	11/6/87
110-1272332-3	11/26/86	11/20/87
110-1955373-1	12/17/86	7/26/96
110-1271914-9	11/12/86	11/6/87
110-1279006-6	09/09/87	8/26/88
110-1279699-8	10/06/87	11/6/87
110-1280399-2	11/03/87	12/11/87
110-1280557-5	11/11/87	12/28/87
110-1280780-3	11/24/87	01/29/88
110-1281399-1	12/16/87	2/12/88
110-1282632-4	02/17/88	3/18/88
110-1286027-3	02/26/88	2/17/89
110-1286056-2	02/23/88	2/12/89
719-0736650-5	07/27/87	3/13/92
110-1285877-2	09/08/88	06/02/89
110-1285885-5	09/08/88	06/02/89
110-1285959-8	09/13/88	06/02/89
110-1286057-0	03/01/88	04/01/88
110-1286061-2	03/02/88	02/24/89
110-1286120-6	03/13/88	03/03/89
110-1286122-2	03/13/88	03/03/89
110-1286123-0	03/13/88	03/03/89
110-1286124-8	03/13/88	03/03/89
110-1286133-9	03/20/88	04/15/88
110-1286134-7	03/20/88	04/15/88
110-1286151-1	03/15/88	09/15/89
110-1286194-1	03/22/88	08/24/90
110-1286262-6	04/04/88	06/09/89
110-1286264-2	03/30/88	06/09/89
110-1286293-1	04/09/88	06/02/89
110-1286294-9	04/09/88	06/02/89
110-1286330-1	04/13/88	06/02/89
110-1286332-7	04/13/88	06/02/89
110-1286376-4	04/20/88	06/02/89
110-1286398-8	04/29/88	06/02/89
110-1286399-6	04/29/88	06/02/89
110-1286418-4	05/06/88	06/02/89
110-1286419-2	05/06/88	06/02/89
110-1286465-5	05/13/88	06/02/89
110-1286467-1	05/13/88	06/02/89
110-1286488-7	05/20/88	07/01/88
110-1286489-5	05/20/88	07/01/88
110-1286490-3	05/20/88	07/01/88
110-1286567-8	05/27/88	06/02/89
110-1286578-5	06/03/88	06/02/89
110-1286579-3	06/03/88	06/02/89
110-1286638-7	06/10/88	06/02/89
110-1286683-3	06/17/88	06/02/89
110-1286685-8	06/17/88	06/02/89
110-1286703-9	06/24/88	07/29/88
110-1286725-2	06/24/88	06/02/89
110-1286740-1	07/01/88	06/02/89
110-1286824-3	07/08/88	06/02/89
110-1286863-1	07/20/88	06/02/89
110-1286910-0	07/24/88	06/02/89
110-1286913-4	07/29/88	06/02/89
110-1286942-3	07/26/88	09/09/88
110-1286990-2	08/02/88	06/02/89
110-1287007-4	08/05/88	06/02/89
110-1287058-7	08/09/88	06/02/89
110-1287195-7	09/22/88	06/02/89
110-1287376-3	09/29/88	06/02/89
110-1287377-1	09/29/88	06/02/89
110-1287378-9	09/29/88	06/02/89
110-1287573-5	10/06/88	06/02/89
110-1287581-8	10/06/88	06/02/89
110-1287756-6	10/11/88	06/29/90
110-1287762-4	10/11/88	06/02/89
110-1287780-6	10/14/88	06/02/89
110-1287783-0	10/14/88	06/02/89
110-1287906-7	10/18/88	06/02/89
110-1288061-0	10/25/88	06/02/89
110-1288086-7	10/27/88	06/02/89
110-1288229-3	11/03/88	06/02/89
110-1288370-5	11/08/88	06/29/90
110-1288408-3	11/10/88	06/29/90
110-1288688-0	11/24/88	06/02/89
110-1288692-2	11/24/88	06/02/89
110-1288847-2	11/29/88	06/29/90
110-1289041-1	12/07/88	06/02/89
110-1289248-2	12/22/88	06/02/89
110-1289250-8	12/21/88	06/02/89
110-1289260-7	12/22/88	06/02/89
110-1289376-1	12/29/88	06/02/89
110-1289588-1	01/15/89	06/02/89
110-0935207-8	01/05/90	03/13/92
110-1294738-5	10/31/89	03/20/90
110-1204990-1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110-1231352-1	07/24/88	08/26/88
110-1231359-6	07/31/88	09/09/88
110-1286029-9	02/25/88	03/25/88
110-1286078-6	03/04/88	04/08/88
110-1286079-4	03/04/88	06/29/90
110-1286107-3	03/10/88	04/08/88
110-1286153-7	03/11/88	04/15/88
110-1286154-5	03/17/88	04/22/88
110-1286155-2	03/31/88	04/22/88
110-1286203-0	03/24/88	06/29/90
110-1286218-8	03/18/88	04/22/88
110-1286241-0	03/31/88	03/24/89
110-1286272-5	03/31/88	08/03/90
110-1286278-2	04/04/88	08/03/90
110-1286362-4	04/21/88	06/29/90
110-1286447-3	05/06/88	06/29/90
110-1286448-1	05/06/88	06/29/90
110-1286472-1	05/11/88	06/29/90
110-1286664-3	06/16/88	06/29/90
110-1286666-8	06/16/88	07/13/90
110-1286889-6	07/22/88	08/03/90
110-1286982-9	08/04/88	06/29/90
110-1287022-3	08/11/88	06/29/90

Entry number	Date of entry	Date of liquidation
110–1804941–8	05/04/88	07/29/94
037–0022571–1	01/05/89	02/17/89
110–1135050–8	04/01/89	02/19/93
110–1135292–6	04/23/89	02/19/93
110–1135479–9	05/04/89	12/28/92
110–1136014–3	06/01/89	02/19/93
110–1136111–7	06/09/89	02/19/93
110–1136287–5	06/15/89	12/28/92
110–1136678–5	07/14/88	02/19/93
110–1136815–3	07/17/89	12/28/92
110–1137008–4	07/17/89	02/19/93
110–1137010–0	07/28/89	02/19/93
110–1231614–4	12/06/88	02/17/89
110–1231630–0	12/13/88	02/17/89
110–1231666–4	12/30/88	02/17/89
110–1231694–6	01/16/89	03/24/89
110–1231708–4	01/30/89	03/24/89
110–1231767–0	03/12/89	07/14/89
110–1232086–4	07/27/89	12/01/89
110–1287256–7	09/20/88	09/08/89
110–1287285–6	09/22/88	09/15/89
110–1287442–3	09/29/88	06/29/90
110–1287491–0	09/27/88	06/29/90
110–1287631–1	09/29/88	06/29/90
110–1287693–1	10/06/88	06/29/90
110–1288491–9	11/10/88	06/29/90
110–1288492–7	11/10/88	06/29/90
110–1288937–1	12/08/88	06/29/90
110–1710118–6	01/27/89	01/13/89
110–1137082–9	09/03/89	2/19/93
110–1138058–8	10/11/89	2/19/93
110–1138059–6	09/28/89	2/19/93
110–1138691–6	11/02/89	2/19/93
110–1138698–1	11/02/89	2/19/93
110–1139217–9	12/09/89	2/19/93
110–1139218–7	12/09/89	12/21/89
110–1139219–5	12/02/89	2/19/93
110–1139481–1	01/05/90	2/19/93
110–1140423–0	02/17/90	2/19/93
110–1140641–7	03/08/90	2/19/93
110–1141086–4	04/01/90	2/19/93
110–1142313–1	06/06/90	2/19/93
110–1142728–0	06/30/90	2/19/93
110–1232095–5	08/06/89	12/01/89
110–1232136–7	09/02/89	12/29/89
110–1293737–8	08/29/89	8/21/92
110–1293738–6	08/31/89	8/21/92
110–1293859–0	09/07/89	8/21/92
110–1293861–6	09/06/89	8/21/92
110–1294009–1	09/14/89	8/21/92
110–1294111–5	09/19/89	8/21/92
110–1294328–5	10/05/89	8/21/92
110–1294685–8	10/24/89	8/21/92
110–1294686–6	10/24/89	8/21/92
110–1294798–9	10/31/89	8/21/92
110–1295026–4	11/09/89	8/21/92
110–1295087–6	11/14/89	3/16/90
110–1295088–4	11/16/89	8/21/92
110–1295089–2	11/16/89	8/21/92
110–1295245–0	11/21/89	8/21/92
110–1295493–6	12/05/89	8/21/92
110–1295497–7	12/05/89	8/21/92
110–1295898–6	12/28/89	8/21/92
110–1295903–4	12/28/89	8/21/92
110–1296025–5	01/04/90	8/21/92
110–1296161–8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016-0112010-6	May 26, 1989
(4601)016-0112028-8	June 28, 1989
(4601)016-0112126-0	December 5, 1989
(4601)016-0112132-8	December 18, 1989
(4601)016-0112164-1	February 5, 1990
(4601)016-0112229-2	April 12, 1990
(4601)016-0112211-0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A-427-801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016-0112223-5	April 4, 1990
(4601)710-0225218-8	August 24, 1990
(4601)710-0225239-4	September 5, 1990
(4601)710-0226079-3	May 21, 1991
(1704)J50-0016544-7	January 31, 1991
(4601)016-0112237-5	April 19, 1990
(4601)710-0226033-0	May 7, 1991
(4601)710-0226078-5	May 15, 1991
(4601)710-0225181-8	August 24, 1990
(4601)710-0225381-4	October 3, 1990.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1411. SHORT TITLE.

This chapter may be cited as the "Product Development and Testing Act of 2000".

SEC. 1412. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as "prototypes", used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) PURPOSE.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1413. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) HEADING.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation or quality control purposes	Free		The rate applicable in the absence of this heading	".

(b) U.S. NOTE.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

"6. The following provisions apply to heading 9817.85.01:

"(a) The term 'prototypes' means originals or models of articles that—

"(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

"(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing shall not be considered to be "development, testing, product evaluation, or quality control.".

"(b)(i) Prototypes (as defined in paragraph (a)) may only be imported in limited noncommercial quantities in accordance with industry practice.

"(ii) Prototypes (as defined in paragraph (a)), or parts of prototypes, may not be sold (including sale for scrap purposes) after importation into the United States or be incorporated into other products.

"(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders, may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes, provided that they comply with all applicable provisions of law and otherwise meet the definition of 'prototypes' under paragraph (a).".

SEC. 1414. ENTRY PROCEDURES.

The Secretary of the Treasury shall establish regulations for the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

SEC. 1415. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1413(a), on or after the date of the enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1413(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1421. SHORT TITLE.

This chapter may be cited as the "Dog and Cat Protection Act of 2000".

SEC. 1422. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true origin of the fur.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States as it applies equally to domestic and foreign entities. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1423. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

"SEC. 308. PROHIBITIONS ON IMPORTATION OF AND OTHER COMMERCE IN DOG AND CAT FUR PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) CAT FUR.—The term 'cat fur' means the pelt or skin of any animal of the species *Felis catus*.

"(2) COMMERCE.—The term 'commerce' means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

"(3) CUSTOMS LAWS.—The term 'customs laws of the United States' means any other law or regulation enforced or administered by the United States Customs Service.

"(4) DOG FUR.—The term 'dog fur' means the pelt or skin of any animal of the species *Canis familiaris*.

"(5) DOG OR CAT FUR PRODUCT.—The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

"(6) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

"(b) PROHIBITIONS.—It shall be unlawful for any person to—

"(1) import into, or export from, the United States any dog or cat fur product; or

"(2) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

This subsection shall not apply to the importation, exportation, or transportation by an individual, for noncommercial purposes, of his or her personal pet that is deceased, including a pet preserved through taxidermy.

"(c) PENALTIES AND ENFORCEMENT.—

"(1) CIVIL PENALTIES.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under section 592 of this Act or any other provision of law, be assessed a civil penalty by the Secretary of not more than $5,000.

"(2) ENFORCEMENT.—The provisions of this section and any regulations issued under this section shall be enforced by the Secretary. In imposing penalties under paragraph (1), the Secretary shall take into account the seriousness of the violation, the culpability of the violator, and the violator's record of cooperating with the Government in disclosing the violation.

"(3) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section.

"(4) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

"(d) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the Secretary shall provide the following:

"(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of enactment of this section, the Secretary shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that Customs Service personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

"(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the Secretary shall submit a report to Congress on the efforts of the Department of the Treasury to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of Customs Service personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section.".

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1431. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking "For the period beginning on" and all that follows through "the Secretary may prescribe" and inserting "The Secretary may prescribe".

SEC. 1432. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking "bonded merchandise, or".

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking "bonded merchandise or".

(3) Section 91(a)(2) of the Appendix to title 46, United States Code, is amended by striking "bonded merchandise or".

(b) ADDITIONAL AMENDMENT.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

"(7) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.".

SEC. 1433. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) DESIGNATION.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term "private aircraft" has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) REPORT.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1434. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

"(c) INTERNATIONAL TRAVEL MERCHANDISE.—

"(1) DEFINITIONS.—For purposes of this section—

"(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

"(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

"(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

"(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

"(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

"(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

"(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

"(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

"(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

"(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.".

SEC. 1435. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking "10 percent" each place it appears and inserting "5 percent";

(B) effective January 1, 2001, by striking "5 percent" each place it appears and inserting "4 percent"; and

(C) effective January 1, 2002, by striking "4 percent" each place it appears and inserting "3 percent".

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking "5 percent" each place it appears and inserting "3 percent";

(B) effective January 1, 2001, by striking "3 percent" each place it appears and inserting "2 percent"; and

(C) effective January 1, 2002, by striking "2 percent" each place it appears and inserting "1.5 percent".

SEC. 1436. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	....	Free	Free	".

(b) TAXES, FEES, INSPECTION.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

"6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service."

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) TERMINATION OF TEMPORARY PROVISIONS.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1437. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

"(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or".

SEC. 1438. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as "commercially interchangeable" within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1439. EXEMPTION FROM IMPORT PROHIBITION.

Notwithstanding any other provision of law, Executive Order 13067 of November 3, 1997, shall not apply with respect to imports of articles described in headings 1301.20.00 and 1301.90.90 (other than balsams, tragacanth, and karaya).

SEC. 1440. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1441. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

"(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.—In the case of merchandise that is purchased and invoiced as a single entity but—

"(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

"(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.".

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1442. REPORT ON CUSTOMS PROCEDURES.

(a) REVIEW AND REPORT.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) SPECIFIC MATTERS.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

Subtitle C—Effective Date

SEC. 1451. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a "qualified worker" means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA-W-31,402; and

(B) was necessary for the environmental remediation or closure of a copper mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4868.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4868 would make miscellaneous and other technical and clerical corrections to the trade laws. The Committee on Ways and Means favorably reported the bill on July 19, 2000.

This bill contains over 155 provisions temporarily suspending or reducing duties on a wide variety of chemicals, including drugs used in the battle against HIV/AIDS and anticancer drugs, environmentally friendly herbicides and insecticides, and many organic dyes.

In each instance, there is either no domestic production of the product involved or the domestic producer supported the measure.

By suspending or reducing these duties, we can enable U.S. companies that use these products to be more competitive and cost efficient. This would help create jobs for American workers as well as reduce costs for consumers.

Also, the bill includes two other important provisions which I introduced earlier in this Congress. The first provision would reduce the duty rate, returning travellers pay to an amount more in line with the average duty rate of imported commercial merchandise. My second provision would provide duty free treatment to participants and individuals associated with all international athletic events held in the United States.

The bill also contains a ban on the import of products made from dog and cat fur and provisions that would help simplify customs entry processing.

This package of trade bills has been thoroughly evaluated and commented on by all concerned parties, including the U.S. Customs Service, the International Trade Commission, the United States Trade Representative, and firms which may be affected by tariff suspension on a product they produced domestically. The suspensions and duty reductions that remain on the bill are completely noncontroversial.

Mr. Speaker, I include for the RECORD the following exchange of letters:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4868, the "Miscellaneous Trade and Technical Corrections Act of 2000."

I acknowledge your Committee's jurisdiction over this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Commerce Committee with respect to its jurisdictional prerogatives on this or similar legislation, and will support your request for conferees on those provisions within the Committee on Commerce's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in our report on the legislation and as part of the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

BILL ARCHER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 18, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR BILL: I am writing regarding H.R. 4868, the Miscellaneous Trade and Technical Corrections Act of 2000. As you know, section 1423 of this legislation prohibits the importation and other commerce in products containing dog and cat fur. The Committee on Commerce has jurisdiction over this provision pursuant to its authority over interstate and foreign commerce generally pursuant to clause I of Rule X of the Rules of the House of Representatives.

However, in light of your desire to have the House consider this legislation expeditiously, I will not exercise the Committee on Commerce's right to act on the legislation. By agreeing to waive its consideration of the bill, however, the Commerce Committee does not waive its jurisdiction over this bill. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within the jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask that you support our request in this regard.

I ask that you include a copy of this letter and your response in your committee's report on the legislation and the RECORD during consideration of the bill on the House floor. I remain,

Sincerely,

TOM BLILEY,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4868. This bill reflects a bipartisan effort. It reflects the input of individual Members as well as the administration. The rule of thumb in putting this bill together, as in the past, was the provisions should be noncontroversial and carry a minimal cost. That rule was followed here.

As the title suggests, the provisions in this bill are of a technical nature, but these technical changes can have a real concrete impact on U.S. businesses, farmers, workers, and consumers.

For example, the bill suspends or reduces import duties on over 150 items. This improves the competitiveness of domestic manufacturing by reducing the price of inputs. It also provides a benefit to consumers by reducing the price of goods not produced in commercial quantities in the U.S., including anti-HIV/AIDS drugs.

The bill also includes an important provision to encourage product development and testing in the United States. It makes the importation of prototypes for development, testing, product evaluation, or quality control purposes duty free.

Currently, the value of such prototypes is effectively taxed twice, once when the prototype was imported for testing and again as part of the value of the finished product. This bill would eliminate that double dip which discourages testing and development of products in our country.

The bill also includes important provisions to streamline import processing. This will alleviate some of the administrative burden that can delay the shipment of goods from port to consumer.

Finally, I would like to mention that, thanks to the hard work of the able gentleman from Wisconsin (Mr. KLECZKA), my friend and colleague, the bill contains a prohibition on importation of goods made from dog or cat fur.

This is a significant provision that serves a humane consumer protection purpose, and we are very pleased to be in support of it.

I urge my colleagues to support passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Florida (Mr. SHAW), a member of the committee.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, this bill, a portion of this bill, requires that the Commissioner of Customs enter into a fee-for-service agreement to provide international air cargo customs service at the Fort Lauderdale-Hollywood International Airport.

Because of the difficulties that the airport has experienced in establishing the fee-for-service arrangements, the airport recently lost significant international air cargo business at its facility.

The provision of cargo clearance, inspection and other Customs services is a fundamental governmental function.

Once Customs cargo inspection services have been provided under a fee-for-service agreement for 2 years, and the Airport has established air cargo business of at least 29,000 commercial consumption entries a year, the Commissioner will provide Customs services to the Airport without requiring additional fees for those services.

□ 1945

This will merely put the Ft. Lauderdale-Hollywood International Airport on the same basis as other airports of similar size where such Customs services are already available.

Another portion of this bill, which I was pleased to sponsor, provides for customs fees on arrival of ferries. The Consolidated Omnibus Budget Reconciliation Act of 1985 precluded Customs from charging customs user fees for passengers on ferry boats. This has prevented Customs from issuing landing rights to ferries arriving in South Florida and its coastal region.

To correct this situation, COBRA is amended to permit the collection of customs user fees to enable Customs to issue landing rights to ferries operating in South Florida. Ferries will now be able to operate between the United States and other Caribbean countries, provided they are within 300 miles of the United States. This will help promote tourism and trade.

Another area which I am hopeful will become a part of this bill before it is finally enacted into law was a provision I was working on with the gentleman from New York (Mr. RANGEL), and that is the question of prohibiting the sale of gray market cigarettes. These are cigarettes that are produced in the United States for export into other countries but somehow find their way back into this country.

The presence of these cigarettes is going to cost my own State of Florida about $100 million a year, and it is time we act on this and stop the reimportation of these cigarettes that are produced for the foreign market.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I rise in strong support of this bill, and I would like to acknowledge my friend, the gentleman from Illinois (Mr. CRANE), and also the gentleman from Michigan (Mr. LEVIN) for agreeing to include in this bill a ban on the importation, exporting and interstate commerce of items of clothing or toys, children's toys, made from dog and cat fur.

The issue was brought to my attention by the Humane Society of the United States, who, for over 18 months, conducted an undercover investigation of not only the conditions of animals but the slaughter of these animals, and then finally the products that were made from the animal fur and shipped into this country. They handed their investigation and the results of their investigation over to the Dateline NBC program, which about a year and a half ago broadcast a long segment on the clothing that is being sold here in this country and the toys being sold to our children made from dog and cat fur.

After working with Senator ROTH in the other body, we did introduce legislation in both Houses to ban this practice. This legislation, I am happy to say, includes that ban.

Mr. Speaker, here in this country, in the United States, over 65 million households have pets, either cats or dogs; and clearly I find it and they find it very deplorable that the clothing they might buy at their local store or the toy they might buy for their children is made in another country from the hide of a domestic dog or a domestic cat. This bill, as I indicated, will ban this abhorrent practice.

Again, I want to thank not only the chairman and ranking member, but I also want to publicly acknowledge the hard work of the Humane Society of the United States, which worked tirelessly to bring this to a halt, and I think tonight's action on this bill and subsequent Senate action will do just that.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, far from the roar of the grease paint and the smell of the crowd when we enter a political season where we accentuate our differences, it is very easy to lose track of those areas where the real work of government occurs. Such is the case with this bill, H.R. 4868, the Miscellaneous Trade and Technical Corrections Act of 2000.

I am pleased to rise and speak in favor of this legislation because it will temporarily suspend the duty on dozens of items that are not produced in the United States and consequently have to be imported. They include drugs, as the gentleman from Michigan (Mr. LEVIN), the ranking member of the Subcommittee on Trade, mentioned, drugs used in the fight against HIV-AIDS and environmentally friendly herbicides and insecticides.

Mr. Speaker, I would be remiss if I did not mention now and thank the chairman of the Subcommittee on Trade, the gentleman from Illinois (Mr. CRANE), for including in the package several bills I introduced to suspend the duty on certain chemicals, chemicals vital to American industry and to our quality of life. Let me also commend the subcommittee chairman, Mr. Speaker, for including legislation introduced by our colleague, the gentleman from Georgia (Mr. COLLINS), legislation of which I am a cosponsor, that reduces the duty on steam generators, as we work on an energy policy for our Nation.

All of these provisions further the sound trade policy the chairman always tries to pursue because these products are not manufactured anywhere in the United States and, consequently, it makes no sense to tax their importation.

This is an excellent package of noncontroversial items. It offers the best examples of what we can do working together, and we rise not in partisanship but in progress with this legislation. Accordingly, Mr. Speaker, I urge my colleagues to support it.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to support this bill and to thank the leadership of the Committee on Ways and Means, both Democrats and Republicans, for inserting my provision in H.R. 4868 that extends Trade Adjustment Assistance to former copper mine employees in White Pine, Michigan.

White Pine is located in Michigan's Upper Peninsula, a region famous for its vast quantities of copper and timber. In 1995, the Copper Range Company in White Pine extracted its last pieces of copper. The Department of Labor concluded that increased copper imports from Canada resulted from NAFTA were directly responsible for the mine's demise.

The ensuing mine closure left many of its employees with an uncertain future as they contemplated career changes or leaving the area. While some former employees chose to leave the area in search of new jobs, others sought Trade Adjustment Assistance for worker retraining. Almost 89 percent of the Copper Range employees were laid off in September of 1995. I led the fight to make sure that they were all deemed eligible for TAA benefits by the Department of Labor.

Meanwhile, the company retained fewer than 20 employees for an environmental remediation of the mine. This work will be finished next year. Unfortunately, the employees who stayed behind to help clean up the mining site have been deprived of TAA benefits. They were denied by the Department of Labor because they did not perform a job that supported the production of copper.

However, under TAA standards, all employees of a company which closed because of NAFTA are eligible for Trade Adjustment Assistance, whether they are security guards, secretaries or, in this case, miners. It only makes sense that the employees providing environmental remediation at Copper Range should receive the same TAA benefits that their coworkers received in 1995.

This legislation, with the help of members of the Committee on Ways and Means, will correct this oversight. The passage of this legislation ensures that these employees, with assistance under TAA, will find future employment. The passage of this legislation ensures that all employees will continue to provide for their families while they explore their employment opportunities.

It is only fair to provide these workers with access to the TAA benefits they rightfully deserve, and I urge my colleagues to support this legislation.

After we pass this legislation, I know there is companion legislation in the other body, so, hopefully, we can correct this and pass this legislation this year to help all these employees and to provide the other benefits found in H.R. 4868. I urge my colleagues to support the bill.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I rise to salute the chairman and members of the Ways and Means Subcommittee on Trade and to rise in strong support of H.R. 4868, the Miscellaneous Trade and Technical Corrections Act.

This is good legislation which represents an important piece of housekeeping in our national trade policy. It is legislation which includes numerous noncontroversial trade provisions. This legislation provides for temporary duty suspensions on a variety of products, including environmentally friendly herbicides and fungicides.

Frequently, Mr. Speaker, Congress needs to make technical changes to our trade laws to suspend or reduce tariffs on certain products or chemicals which are not produced domestically. This process is done through the voluntary submission of requests to the Subcommittee on Trade by the administration, by Members of Congress, and by the public, which is then vetted through a public comment period. The subcommittee has done excellent due diligence in producing this product. Should any opposition arise regarding a specific trade provision, they set it aside; and they have presented here a consensus piece of work.

In some cases, American companies and farmers clearly need products or chemicals which are not produced in the United States. Under those circumstances, it does not make sense for us to apply tariffs in those situations. Since these products are not manufactured in the U.S., and their sale will not harm any domestic industry, it is neither necessary nor desirable to maintain these tariffs on such goods. A temporary duty suspension makes products more competitive and helps reduce costs for the farmers and the consumers who utilize these product or chemicals.

I urge my colleagues to support this miscellaneous trade bill. We think that this is an important addition to our trade policy, and our hope is that this Chamber will embrace this legislation and send it forward.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH), a very active Member of this House.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to begin by thanking the chairman, the gentleman from Illinois (Mr. CRANE), and the ranking member, the gentleman from Michigan (Mr. LEVIN), for their leadership on this in the Ways and Means Subcommittee on Trade.

I would like to bring to the attention of my colleagues an important provision in the Miscellaneous Trade and Technical Corrections Act, which prohibits the importation of products made with dog and cat fur into the United States. This provision is from H.R. 1622, the Dog and Cat Protection Act, a bill which has broad bipartisan support and 93 cosponsors.

A local television station, Channel 8 in my district, in Cleveland, Ohio, recently aired an investigation on the dog and cat fur industry. After that program aired, people called me in tears, in tears, to think that dogs and cats, God's creatures, defenseless animals that we love, could be treated with such cruelty, killed for their fur. My constituents were outraged that this practice was allowed to occur and deluged the station with over 3,000 phone calls expressing their shock, and asking what could be done to end this horrible trade.

Since the airing of the program, my office has received over 700 calls, letters, and e-mail messages from constituents who are very concerned about the mistreatment of dogs and cats and who support a prohibition on the importation of products made from dog and cat fur.

Mr. Speaker, I would like to commend Dick Goddard, Channel 8's respected weatherman, and the entire Channel 8 news team for their work in bringing awareness of this cruelty to the people of northeast Ohio. I want to thank also the Humane Society of the United States, which conducted an 18-month investigation which uncovered the international trade and products made from dog and cat fur. They discovered that dog and cat fur products are in widespread use overseas in a variety of garments, including coats, hats, and gloves and animal figurines. It was even discovered that one of the largest clothing retailers in the United States was unknowingly selling products made with dog fur.

When dog and cat fur is dyed, it is nearly impossible to distinguish it from other fur species. Fur companies purposely mislead consumers by not labeling or mislabeling their products. The only accurate way to determine fur species is through DNA testing.

□ 2000

An estimated 2 million dogs and cats are killed each year for their fur as part of an international fur trade. The animals are kept in deplorable conditions and are brutally killed by a number of inhumane methods, including clubbing and skinning alive.

Now, Americans love their pets. I remember our own family dogs, Spotty and Daisy, who gave us so much joy. And I know why Americans feel so strongly about animals. I also know that over 65 million households have a dog or a cat and many people consider their pets to be members of the family.

Americans deserve to be protected from unknowingly participating in this gruesome practice. I fully support this ban. I believe we must work to provide humane treatment for all animals. I urge my colleagues to support strong legislation to protect American consumers from unknowingly supporting an industry that involves the brutal slaughter of dogs and cats.

When I first heard about this, Mr. Speaker, I told the people of Cleveland that Congress would respond. Congress has responded. I want to say that again. When I first heard about this and the TV station received thousands of calls and my office received hundreds of calls, I told the people to have confidence that Congress would respond.

The gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) have answered that with a ringing support for the concerns of the people. I thank them on behalf of all the people in my district and also on behalf of all pet lovers in this country.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, today H.R. 4868 will, in part, designate San Antonio's International Airport as a point of entry.

Later today in this Chamber we will congratulate Mexico on its recent democratic elections, making this airport designation a timely one due to the City of San Antonio's close cultural and business relationship with Mexico.

This airport designation is important to my city so that it can further develop its business ties with Mexico that have already expanded since the approval of NAFTA.

However, significant barriers exist for the private aircraft operator that result in extra time and cost due to interim stops that must be made for Customs processing before coming to San Antonio.

Both business and trade leaders have indicated that business will be helped if San Antonio could receive noncommercial aircraft from Mexico on short notice. Several of San Antonio's large corporations have expanded business trade with Mexico and fly private aircraft into Mexico on a regular basis.

Finally, San Antonio is well equipped to handle a point-of-entry flight, as U.S. Customs has a significant presence at the San Antonio International Airport.

In closing, I want to express special thanks to all members of the Committee on Ways and Means for making this a reality for San Antonio and their assistance.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from West Virginia (Mr. WISE) my colleague and classmate.

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I thank the members of the majority and minority on the Committee on Ways and Means for bringing this bill to the floor.

In a lot of times in the sweeping debates on major trade policy a bill will pass, and then it is necessary to go back and realize there were certain situations that were not dealt with or perhaps the law of unintended consequences took effect. That is what this bill is about.

I just want to say that there are provisions in this bill that are important to working men and women across our country, certainly in my State of West Virginia. I am very grateful to the chairman and ranking member of the Committee on Ways and Means for putting this bill together, for bringing it to the floor, and for recognizing sometimes the law of unintended consequences and working to make our working men and women much more competitive.

So I think this is an important bill. I rise strongly in support and urge its adoption tonight.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues, in conclusion, please, as we can see clearly, this is a bill that is noncontroversial. We enjoy good, strong bipartisan support. I ask all my colleagues to get on board and vote for H.R. 4868.

Mr. MANZULLO. Mr. Speaker, last March, I introduced a miscellaneous tariff correction bill (H.R. 3715) to help keep the remaining cathode ray tube and computer display screen manufacturers in the United States. After careful review by the Administration and the Ways and Means Committee, this bill was changed to provide a 3-year duty suspension on monochrome glass envelopes. Also, my office has been given assurances that the permanent removal of the tariff on monochrome glass envelopes will be an item of discussion during the next round of global trade talks.

Monochrome glass envelopes are used to make cathode ray tubes that provide the "light" behind the computer monitor. When the tariff on monochrome glass envelopes was first proposed, there were American manufacturers of this product. But over the last few years, the final American manufacturer of monochrome glass envelopes decided to get out of the business. Thus, the tariff duty designed to provide a modest level of protection for U.S. makers of monochrome glass envelopes no longer serves its purpose. In fact, the import duty is now hurting the international competitiveness of U.S. cathode ray tube and computer display screen manufacturers.

Other foreign competitors are able to purchase monochrome glass envelopes without this tariff. Thus, they are able to price their computer monitors in the U.S. more competitively than U.S. manufacturers of equivalent product. Mr. Speaker, there should not be a U.S.-government imposed incentive for Americans to buy foreign computer display screens! That's why I ask my colleagues to support the Miscellaneous Trade and Technical Corrections Act of 2000 because section 1247 of this legislation waives the import tariff on monochrome glass envelopes for three years. We need to remove the import tariff on monochrome glass envelopes so that American manufacturers of cathode ray tubes and computer monitors can compete on a more equal footing with their foreign counterparts.

Finally, I want to thank the chairman of the Ways and Means Trade Subcommittee, Mr. CRANE, the ranking minority member, Mr. LEVIN, and the staff of the subcommittee for all the hard work that went into including the 3-year duty suspension of monochrome glass envelopes in H.R. 4868.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 4868, as amended.

The question was taken.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4806, by the yeas and nays;

H. Con. Res. 372, by the yeas and nays; and

H.R. 4868, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CARL ELLIOTT FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4806.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4806, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 436]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr

Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Barton
Bass
Bateman
Clay
Cubin
Edwards
Ewing
Franks (NJ)
Gilman
Granger
Jenkins
Lazio
McCollum
McIntosh
Menendez
Miller, George
Pickett
Ros-Lehtinen
Royce
Smith (WA)
Vento
Weiner
Wu

□ 2028

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HUTCHINSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING SENSE OF CONGRESS REGARDING HISTORIC SIGNIFICANCE OF 210TH ANNIVERSARY OF ESTABLISHMENT OF COAST GUARD

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 372.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 372, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 437]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)

Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)

Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh

Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Barton
Bass
Bateman
Clay
Cox
Cubin
Edwards
Ewing
Fossella

Franks (NJ)
Gilman
Granger
Houghton
Jenkins
Lazio
McCollum
McIntosh
McKinney

Menendez
Miller, George
Pickett
Ros-Lehtinen
Smith (WA)
Vento
Weiner

☐ 2036

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 437. I was inadvertently detained. Had I been present, I would have voted "yea."

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2000

The SPEAKER pro tempore (Mr. HUTCHINSON). The pending business is the question of suspending the rules and passing the bill, H.R. 4868, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 4868, as amended, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 438]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger

Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis

Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd

Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez

Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara

Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough

Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark

Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)

Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Barton
Bass
Bateman
Cubin
Edwards
Ewing
Franks (NJ)
Gilman

Granger
Horn
Jenkins
Lazio
McCollum
McIntosh
McKinney
Menendez

Miller, George
Ros-Lehtinen
Rush
Smith (WA)
Thompson (MS)
Vento
Weiner

☐ 2043

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, on rollcall Nos. 430, 431, 432, 433, 434, 435, 436, 437, 438, I was unavoidably detained. If present, I would have voted "aye" on rollcall Nos. 430, 431, 432, 433, 434, 435, 436, 437, 438.

☐ 2045

APPOINTMENT OF CONFEREES ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4578) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. HUTCHINSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. DICKS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4578, be instructed to insist on funding for the Institute of Museum and Library Services at a level not less than the $24,907,000 provided in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Washington (Mr. DICKS) and the gentleman from Ohio (Mr. REGULA) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the small increase for the Institute for Museum and Library Services will help address, which is only $600,000, I might add, some of the critical needs in this country of our museums and libraries.

The dramatic advances in technology, increasing diversity in our population and growing demands for learning across a lifetime requires museums and libraries to provide service in new ways. This is a small but vitally important increase. It is my hope that a favorable vote on this motion to instruct conferees will demonstrate the support for these programs, and I urge support for the motion.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding me time.

Mr. Speaker, perhaps more than any other institution, museums consistently give the American people a real glimpse into our past. Walk a few feet outside the door of the Capitol and you see hundreds of people from all over the country and the world touring through the many museums here in Washington. These visits give both adults and children a sense of our own history and culture as well as those of other nations. That is why I believe it makes good sense to provide the Institute for Museum and Library Services with the funding increase suggested by this motion.

In 1995, the budget for the Institution of Museum and Library Services was cut by more than 25 percent. Since then, the IMLS has seen only extremely modest increases in their funding levels. This motion to instruct provides much needed and very affordable relief by directing the conferees to accept a $600,000 increase for this agency, an amount that was responsibly added to this bill by the other body. This Institute of Museum and Library Services oversees America's 8,000 museums, connects schools, libraries and other institutions with many wonderful resources within their walls. With additional funding, IMLS can continue to administer the wonderful programs that connect our youth with history and expose all of us to worlds we have yet to know.

In an era where technology takes center stage in our society, we need new programs more than ever and not to forget to emphasize art, culture, and history. If we give these services nothing more than level funding, we send a message to the younger generation that it is okay to forget your past, it is okay not to have a place where individuals can see evidence of the greatness that came before them. Unless we approve this motion, we are contributing to the slow death of arts and culture in America. We owe our constituents much more than that.

Mr. Speaker, I urge all of my colleagues to vote in favor of the motion to instruct.

Mr. DICKS. Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct is a very small and modest amount for the Institute of Museum and Library Services, and it just requests that we take the Senate level, which was $600,000 above the House level, a good program. I urge adoption of the motion.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DICKS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

The motion was agreed to.

The SPEAKER pro tempore. Without objection the Chair appoints the following conferees: Messrs. REGULA, KOLBE, SKEEN, TAYLOR of North Carolina, NETHERCUTT, WAMP, KINGSTON, PETERSON of Pennsylvania, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, CRAMER, HINCHEY, and OBEY.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3380) to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Extraterritorial Jurisdiction Act of 2000".

SEC. 2. FEDERAL JURISDICTION.

(a) CERTAIN CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

"CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

"Sec.
"3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States.
"3262. Arrest and commitment.
"3263. Delivery to authorities of foreign countries.
"3264. Limitation on removal.
"3265. Initial proceedings.
"3266. Regulations.
"3267. Definitions.

"§3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

"(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—

"(1) while employed by or accompanying the Armed Forces outside the United States; or

"(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice),

shall be punished as provided for that offense.

"(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

"(c) Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

"(d) No prosecution may be commenced against a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice) under this section unless—

"(1) such member ceases to be subject to such chapter; or

"(2) an indictment or information charges that the member committed the offense with 1 or more other defendants, at least 1 of whom is not subject to such chapter.

"§3262. Arrest and commitment

"(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense

to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

"(b) Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

"§3263. Delivery to authorities of foreign countries

"(a) Any person designated and authorized under section 3262(a) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

"(1) appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

"(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

"(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

"§3264. Limitation on removal

"(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person arrested for or charged with a violation of section 3261(a) shall not be removed—

"(1) to the United States; or

"(2) to any foreign country other than a country in which such person is believed to have violated section 3261(a).

"(b) The limitation in subsection (a) does not apply if—

"(1) a Federal magistrate judge orders the person to be removed to the United States to be present at a detention hearing held pursuant to section 3142(f);

"(2) a Federal magistrate judge orders the detention of the person before trial pursuant to section 3142(e), in which case the person shall be promptly removed to the United States for purposes of such detention;

"(3) the person is entitled to, and does not waive, a preliminary examination under the Federal Rules of Criminal Procedure, in which case the person shall be removed to the United States in time for such examination;

"(4) a Federal magistrate judge otherwise orders the person to be removed to the United States; or

"(5) the Secretary of Defense determines that military necessity requires that the limitations in subsection (a) be waived, in which case the person shall be removed to the nearest United States military installation outside the United States adequate to detain the person and to facilitate the initial appearance described in section 3265(a).

"§3265. Initial proceedings

"(a)(1) In the case of any person arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

"(A) shall be conducted by a Federal magistrate judge; and

"(B) may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

"(2) In conducting the initial appearance, the Federal magistrate judge shall also determine whether there is probable cause to believe that an offense under section 3261(a) was committed and that the person committed it.

"(3) If the Federal magistrate judge determines that probable cause exists that the person committed an offense under section 3261(a), and if no motion is made seeking the person's detention before trial, the Federal magistrate judge shall also determine at the initial appearance the conditions of the person's release before trial under chapter 207 of this title.

"(b) In the case of any person described in subsection (a), any detention hearing of that person under section 3142(f)—

"(1) shall be conducted by a Federal magistrate judge; and

"(2) at the request of the person, may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

"(c)(1) If any initial proceeding under this section with respect to any such person is conducted while the person is outside the United States, and the person is entitled to have counsel appointed for purposes of such proceeding, the Federal magistrate judge may appoint as such counsel for purposes of such hearing a qualified military counsel.

"(2) For purposes of this subsection, the term 'qualified military counsel' means a judge advocate made available by the Secretary of Defense for purposes of such proceedings, who—

"(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

"§3266. Regulations

"(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons under this chapter and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

"(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

"(2) A failure to provide notice in accordance with the regulations prescribed under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

"(c) The regulations prescribed under this section, and any amendments to those regulations, shall not take effect before the date that is 90 days after the date on which the Secretary of Defense submits a report containing those regulations or amendments (as the case may be) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

"§3267. Definitions

"As used in this chapter:

"(1) The term 'employed by the Armed Forces outside the United States' means—

"(A) employed as a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department), as a Department of Defense contractor (including a subcontractor at any tier), or as an employee of a Department of Defense contractor (including a subcontractor at any tier);

"(B) present or residing outside the United States in connection with such employment; and

"(C) not a national of or ordinarily resident in the host nation.

"(2) The term 'accompanying the Armed Forces outside the United States' means—

"(A) a dependent of—

"(i) a member of the Armed Forces;

"(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

"(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

"(C) not a national of or ordinarily resident in the host nation.

"(3) The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a)(4) of title 10.

"(4) The terms 'Judge Advocate General' and 'judge advocate' have the meanings given such terms in section 801 of title 10.".

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following new item:

"212. Military extraterritorial jurisdiction .... 3261".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3380, the Military Extraterritorial Jurisdiction Act of 1999, was introduced by the gentleman from Georgia (Mr. CHAMBLISS) last year, together with the gentleman from Florida (Mr. MCCOLLUM), who is the chairman of the Subcommittee on Crime.

The bill as it is reported from the Committee on the Judiciary today is the product of close collaboration between the gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Florida (Mr. MCCOLLUM), and the ranking minority member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT). It also reflects the input of the Departments of Justice and Defense, the American Civil Liberties Union and the National Education Association. I am pleased to represent to the Members that the bill is supported by both the Defense and Justice Departments, as well as the ACLU and the NEA.

H.R. 3380 would amend Federal law to establish Federal criminal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the United States Armed Forces. It would also establish Federal criminal jurisdiction over offenses committed outside the United States by members of the Armed Forces, but who are not tried for those crimes by military authorities and later cease to be the subject of military control. This bill fills the jurisdiction gap in the law that has allowed rapists, child molesters and a variety of other criminals to escape punishment for their crimes. This bill fills that gap and will help to ensure that persons who commit crimes while accompanying our Armed Forces abroad will be punished for their crimes.

Mr. Speaker, I am pleased to support it. The Committee on the Judiciary ordered the bill reported favorably by voice vote late last month.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS), the original sponsor of the legislation. I would like to commend the gentleman for his leadership in this effort.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Ohio for his leadership on this and for his cooperation in bringing this bill to the floor.

Mr. Speaker, I rise in strong support of this bill, which fixes a loophole in the law and is critical to enforcing justice and assisting America's military leaders in maintaining order and discipline among our Armed Forces.

In many cases, when a crime is committed by an American civilian who accompanies our military overseas, they may be subject to prosecution by the foreign government, or subject to provisions of an international agreement which governs how these cases are handled. However, too many times there are instances where American civilians attached to a military unit commit crimes outside the United States but cannot be prosecuted because the foreign governments decline to take any action and U.S. military or civilian law enforcement agencies lack the appropriate authority to prosecute these criminals. As a result, military commanders can only issue minor administrative sanctions as a punishment for serious crimes like rape, arson, or murder.

Let me give you just a couple of examples of the problem our military faces. In one instance, a Department of Defense teacher raped a minor and videotaped the event. The host country chose not to prosecute, and our government did not have jurisdiction to prosecute the teacher.

In another case, the son of a contract employee in Italy committed various crimes, including rape, arson, assault and drug trafficking. Again, because of a lack of jurisdiction to prosecute, as a punishment for these criminal acts the son could only be barred from the base.

Finally, an Air Force employee molested 24 children ages 9 to 14. However, because the host country refused to prosecute, the only recourse was again to bar this individual from the base. Certainly these flimsy punishments do not match the seriousness of the crimes these individuals committed.

For several decades, Congress has been urged to close this jurisdictional gap. In fact, 20 years ago the General Accounting Office reported that in 1977, foreign countries hosting American troops and civilians refused to prosecute 59 cases of serious crimes such as rape, manslaughter, arson, robbery and burglary.

Today we have almost a quarter of a million civilian employees and dependents deployed with our military overseas. As we have drawn down our military services, civilian employees and contractors have played increasingly important roles in supporting our contingency operations. As this trend continues unabated, crimes that fall into this jurisdictional gap continue to go unpunished.

In 1995, Congress directed the Departments of Defense and Justice to review this issue and make recommendations on the appropriate way to extend criminal jurisdiction to civilians accompanying the Armed Forces overseas. Our bill is built on the hard work and efforts of the advisory committee established by the Departments of Defense and Justice which studied this issue very thoroughly. We have worked on a bipartisan basis with the Departments in drafting this important legislation to ensure that crimes are punished.

Furthermore, the courts have encouraged Congress to close the jurisdictional gap in the law. In one case an enlisted soldier was accompanied by her husband and stepdaughter on a tour of duty in Germany. Upon returning to the United States, the daughter gave birth to a child and revealed that the stepfather was in fact the baby's father. The man was charged with sexual abuse of a minor, but the case was ultimately dismissed because the Court of Appeals found that the statute could only be applied to a crime committed within the United States. A lack of jurisdiction allowed this crime to go unpunished and justice to be avoided.

Mr. Speaker, it is high time that we give our government the ability to hold citizens accountable for all criminal offenses. H.R. 3380 will finally close this legal loophole, that allows some criminals outside the United States to avoid prosecution and prevents justice from being served.

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This bill will create a new Federal law that would apply Federal criminal statutes to crimes which are committed overseas by employees or dependents of members of the Armed Forces, persons employed by the Department of Defense, or contractors or subcontractors of the Armed Forces.

The bill would preclude prosecution against a person if a foreign government prosecutes the defendant or if the defendant is subject to the Uniform Code of Military Justice.

Department of Defense law enforcement personnel would be authorized to arrest alleged criminals and would deliver them as soon as practicable to United States civilian law enforcement officials or to law enforcement personnel of a foreign country.

Finally, the bill places limits on the power of law enforcement personnel to remove arrested persons from the country in which they are arrested or found and ensure that the due process rights of the accused are protected.

Mr. Speaker, I want to recognize the leadership of Senator JEFF SESSIONS of the great State of Alabama, who sponsored the original bill and brought this issue to the forefront. I also want to thank the gentleman from Florida (Mr. MCCOLLUM), the coauthor of this bill with me, along with the ranking member, the gentleman from Virginia (Mr. SCOTT), in working together to craft a thorough and comprehensive approach to address this problem.

As I said earlier, this has been a true bipartisan effort and the gentleman from Virginia (Mr. SCOTT) has been very helpful in coming together with us on the language and I want to thank him on the floor tonight and commend him for his very dedicated service here.

We must continue our commitment to enforcing the law and reducing crime. I strongly believe that now is the time for Congress to act to close the loophole that allows civilian criminals to escape prosecution of their crimes, and I urge my colleagues to join me in supporting H.R. 3380, the Military Extraterritorial Jurisdictional Act.

Mr. CHABOT. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer my support for the bill; and I want to express my appreciation to the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime, and the gentleman from Ohio (Mr. CHABOT) and the chief patron of the bill, the gentleman from Georgia (Mr. CHAMBLISS), for their hard work and bipartisan and cooperative approach in developing this bill; and also to the staff of the Department of Defense, the Department of Justice, the National Education Association, the American Federation of Teachers, and the ACLU who helped us craft this bill.

The cooperative effort applied to this bill is a model for openness and collaboration which I would hope we would see more of in this body.

The bill closes a loophole in the current law which allows some individuals to escape responsibility for criminal acts committed outside of the United States. Civilian employees, contractors and dependent family members of both civilian and military personnel who commit criminal acts while connected to overseas military operations are not covered by either the Military Code of Justice, because they are not in the military, nor by the Federal Criminal Code because the acts were committed outside of the United States, as was in the example that the gentleman from Georgia (Mr. CHAMBLISS) mentioned; nor are recently discharged enlisted personnel whose crimes are not prosecuted prior to discharge.

Now, these crimes are technically subject to prosecution in the foreign country, but those who are attached to the military and commit a crime on a military base are generally not prosecuted by the foreign government who see this as a United States military problem, and they generally do not intervene. The bill fixes this problem by extending Federal criminal jurisdiction to these situations.

It is my position that a United States citizen attached to military bases abroad who commits serious criminal offenses while living on a military base should be held no less accountable than they would if they had committed such an offense in the United States. It is also my position that those individuals accused of such offenses are entitled to no less due process and other constitutional protections than they would receive if the offense had been committed in the United States.

This bill, as structured, effectively holds criminals responsible for acts and provides decent due process protection so that innocent people charged with a crime are considered for bail prior to trial and have a reasonable opportunity to defend themselves. For that reason, Mr. Speaker, and with thanks to the cooperative effort of those who worked on this bill with me, I urge my colleagues to support the bill.

Mr. MCCOLLUM. Mr. Speaker, I am proud to be the original co-sponsor of H.R. 3380 the Military Extraterritorial Jurisdiction Act of 1999, introduced by my friend and colleague Representative SAXBY CHAMBLISS last year. The bill as it is reported from the Judiciary Committee today is the product of close collaboration between Mr. CHAMBLISS, myself, and the ranking minority member of the Subcommittee on Crime, Representative SCOTT, together with the majority and minority staffs of the Subcommittee on Crime. It also reflects the input of the Departments of Justice and Defense, the American Civil Liberties Union, and the National Education Association, and I am please to announce that the bill is supported by both the Defense and Justice Departments as well as the ACLU and the NEA.

H.R. 3380 was introduced on November 16, 1999. The Crime Subcommittee held a hearing on the bill on March 30, 2000. On May 11, the Subcommittee reported the bill favorably, as amended, by voice vote. On June 27, the Committee on the Judiciary ordered the bill reported, by voice vote. The report on the bill, House Report 106–778, was filed on July 20, 2000.

H.R. 3380 would amend Federal law to establish Federal criminal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the United States Armed Forces. It would also establish Federal criminal jurisdiction over offenses committed outside the United States by members of the Armed Forces but who are not tried for those crimes by military authorities and later cease to be subject to military control.

When members of the military, and the civilians accompanying them, commit crimes overseas, they are subject to the jurisdiction of the nations where those crimes occurred. Military members are also subject to prosecution under the Uniform Code of Military Justice (UCMJ), and when they commit crimes overseas they are usually prosecuted by the military. Surprisingly, the nations that host Americans personnel often choose not to prosecute civilians who commit crimes within their territories. This is most often the case when Americans commit crimes against other Americans or their property. These civilians often go unpunished because there is no Federal jurisdiction covering their criminal conduct in most cases. For most crimes, Federal (and state) criminal jurisdiction stops at our nation's borders and so, persons who commit these crimes overseas cannot be prosecuted under American law. Further, if military members are discharged before their crimes are discovered, they too are beyond the reach of a military court martial. Each year, numerous incidents of rape, sexual abuse, aggravated assault, robbery, drug distribution, and a variety of fraud and property crimes committed by American civilians abroad go unpunished because host nations choose to waive jurisdiction over them.

Clearly, no crime, especially violent crimes and crimes involving significant property damage, should go unpunished when it is committed by persons employed by or accompanying our military abroad. In most, if not all cases, the only reason why these people are living in a foreign country is because our military is there and they have some connection to it. It is clear that the government has an interest in ensuring that they are punished for any crimes they commit there. Just as importantly, as many of the crimes going unpunished are committed against American victims and American property, the government has an interest in using its law to punish those who commit these crimes.

In addition to the moral justification in punishing these acts, punishing them will also have a beneficial effect on the functioning of the military. As a Defense Department witness testified at the hearing on H.R. 3380 held by the Subcommittee on Crime. "The inability of the United States to appropriately pursue the interests of justice and hold its citizens criminally accountable for offenses committed overseas has undermined deterrence, lowered morale, and threatened good order and discipline in our military communities overseas. In addition, the inability of U.S. authorities to adequately respond to serious misconduct within the civilian component of the U.S. Armed Forces, presents the strong potential for embarrassment in the international community, increases the possibility of hostility in the host nation's local community where our forces are stationed, and threatens relationships with our allies." In my mind, it is time for Congress to address these problems by enacting this legislation at this time.

H.R. 3380 will close the jurisdictional gap in existing law by extending Federal criminal jurisdiction to cover American personnel who engage in conduct outside the United States that would constitute an offense had it been committed within the special maritime and territorial jurisdiction of the United States. The extended criminal jurisdiction would apply to two groups of people: first, to persons employed by or who are accompanying the Armed Forces outside of the United States and second, to persons who are members of the Armed Forces at the time they committed criminal acts but thereafter cease to be subject to UCMJ jurisdiction without having been tried by courts-martial.

The bill defines the phrase "accompanying the Armed Forces outside the United States" to mean those persons who are dependents of members of the Armed Forces, civilian employees of a military department or the Department of Defense, or a DoD contractor or subcontractor, or an employee of a DoD contractor or subcontractor. As used in the bill, the term "dependents" also includes juveniles who are dependents of such persons. In all cases, however, the dependent must reside with the military member, employee, contractor or contractor employee and not be a national of or ordinarily resident in a host nation in order for United States jurisdiction to apply. The bill will bring within the scope of the new crime both American citizens and nationals, as well as persons who are nationals of other countries, provided those persons are not nationals of or ordinarily resident in the host nation. The bill also defines the phrase "employed by the Armed Forces outside the United States" to mean civilian employees of the Defense Department, DoD contractors or subcontractors, or employees of a DoD contractor or subcontractor.

The bill prohibits a prosecution under the new law statute if a foreign government has prosecuted or is prosecuting such person for the conduct constituting the offense in accordance with jurisdiction recognized by the United States, but allows the Attorney General or the Deputy Attorney General to waive this provision in appropriate cases. The bill further provides that the Secretary of Defense may designate and authorize persons serving "in law enforcement position" in the Department of Defense to arrest those who are subject to the new statute when there is probable cause to believe that the person engaged in conduct that constitutes an offense under the new statute. Persons arrested by DoD personnel are to be delivered "as soon as practicable" to the custody of civilian law enforcement authorities of the United States for removal to the United States for criminal proceedings. The bill also provides that the Secretary of Defense is to prescribe regulations governing the apprehension, detention, delivery, and removal of persons under the new chapter.

Finally, because this legislation will address the unusual circumstance in which a person who is not in the United States will be required to stand trial in this country, the bill restricts the power of military and civil law enforcement officials to forcibly remove from a foreign country a person arrested for, or charged with, a violation of section 3261. The bill prohibits the removal of the person to the United States or to any foreign country other than a country in which the person is believed to have committed the crime or crimes for which they have been arrested or charged, except for several situations in which the limitation on removal does not apply. For example, the bill does not prohibit the government from removing a defendant to the United States if a Federal judge orders the defendant to appear at a detention hearing or to be detained pending trial, as ordered by a judge. In fact, judges are given the discretion to order the defendant to be removed at any time. The bill also allows Defense Department officials to remove the defendant from the place where he or she is arrested if the Secretary of Defense determines that military necessity requires it. In such an event, however, the defendant may only be removed to the nearest United States military installation outside the United States that is adequate to detain the person and facilitate the initial proceedings described in the bill.

In order to allow most defendants to remain in the country where they are arrested, or where they are located when charged with a violation of section 3261, until the time of trial, the bill enacts novel provisions that allow for certain of the initial proceedings that may take place in a Federal criminal case to be conducted by telephone or even video teleconferencing. The bill allows Federal judges to conduct the initial appearance in that matter. As a practical matter, because the Federal Rules of Criminal Procedure require that the initial appearance be held without unnecessary delay after a person is arrested, conducting that appearance by telephone or video teleconferencing may be the only way to satisfy this requirement. If a detention hearing will be held in that case, and if the defendant requests, that hearing also may be conducted by telephone or other means that allows voice communication among the participants.

These removal provisions reflect the input of the Departments of Justice and Defense, as well as the ACLU and the NEA. I want to thank their representatives for working so closely with the majority and minority staffs of the Subcommittee on Crime in order to resolve concerns over this aspect of the bill.

Today, following consideration of H.R. 3380, I understand that the House will take the bill S. 768 from the desk and move it to its immediate consideration. This bill is similar to H.R. 3380, at least in purpose, and was introduced in the other body by Senator JEFF SESSIONS of Alabama. It passed the other body by voice vote on July 1, 1999. Pursuant to an agreement between Senator SESSIONS, Representative CHAMBLISS, and myself, following the passage of H.R. 3380 the House will amend S. 768 by striking the text of that bill as it passed the other body and insert the text of H.R. 3380 as it was passed by the House. The House will then pass, S. 768, and send that bill, as amended to the other body for passage. In short, the bill that will be signed into law will be numbered S. 768 but will contain the text of H.R. 3380 as passed here today.

I want to thank Representative CHAMBLISS for his leadership on this important issue and Representative SCOTT for all of the work that he and his staff have put in on this bill. I also want to thank several of the representatives of the Department of Defense and Justice who have spent a great deal of time working with the staff of the Subcommittee on Crime on this bill and whose input has been invaluable in developing the legislation. From the Department of Justice, Mr. Roger Pauley, Director for Legislation, Office of Policy and Legislation. From the Department of Defense: Mr. Robert Reed, Associate Deputy General Counsel; Brigadier General Joseph Barnes, Assistant Judge Advocate General, U.S. Army; Colonel David Graham, Chief International and Operational Law Division, Office of The Judge Advocate General; Colonel Donald Curry, Special Assistant for Legal Issues and Installations, Office of the Assistant Secretary of Defense—Legislative Affairs; Lieutenant Colonel Ronald Miller, Deputy Chief, International and Operational Law Division, Office of The Judge Advocate General, U.S. Army; Lieutenant Colonel Denise Lind, Criminal Law Division, Office of The Judge Advocate General, U.S. Army; Major (promotable) Gregory Baldwin, Legislative Counsel, Office of the Chief, Legislative Liaison, U.S. Army.

Finally, I want to thank the members of the staff of the Subcommittee on Crime who have worked so hard to craft this legislation: Glenn Schmitt, Chief Counsel; Rick Filkins, Counsel; Bobby Vassar, Minority Counsel; Iden Martyn, Minority DOJ Detailee. I know Mr. SCOTT joins me in thanking all of them for their hard work.

The issue of crimes committed by persons who accompany our Armed Forces abroad has been the subject of bills introduced in Congress for over 40 years. It's high time we acted to fix this problem. H.R. 3380 will do just that. I urge all of my colleagues to support this bill.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 3380, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER (during consideration of motion to instruct on H.R. 4578), from the Committee on Rules, submitted a privileged report (Rept. No. 106–790) on the resolution (H. Res. 563) providing for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4033) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests, as amended.

The Clerk read as follows:

H.R. 4033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) MATCHING FUNDS.—Section 2501(f) (42 U.S.C. 3796ll(f)) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "The portion" and inserting the following:

"(1) The portion";

(2) by striking "subsection (a)" and all that follows through the period at the end of the first sentence and inserting "subsection (a)—

"(A) may not exceed 50 percent; and

"(B) shall equal 50 percent, if—

"(i) such grant is to a unit of local government with fewer than 100,000 residents;

"(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

"(iii) such portion does not cause such grant to violate the requirements of subsection (e).''; and

(3) by striking "Any funds'' and inserting the following:

"(2) Any funds''.

(b) ALLOCATION OF FUNDS.—Section 2501(g) (42 U.S.C. 3796ll(g)) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.''.

(c) APPLICATIONS.—Section 2502 (42 U.S.C. 3796ll–1) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after subsection (c) the following new subsection:

"(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

"(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

"(2) expressly assumes the obligation to carry out the transaction regardless of whether such amounts are received.''.

(d) DEFINITION OF ARMOR VEST.—Paragraph (1) of section 2503 (42 U.S.C. 3796ll–2) of such Act is amended—

(1) by striking "means body armor'' and inserting the following: "means—

"(A) body armor''; and

(2) by inserting after the semicolon at the end the following: "or

"(B) body armor which has been tested through such voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any subsequent revision of such standard;''.

(e) INTERIM DEFINITION OF ARMOR VEST.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term "armor vest'' (as defined in section 2503 of such Act (42 U.S.C. 37966ll–2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking the period at the end and inserting the following: ", and $50,000,000 for each of fiscal years 2002 through 2004.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the H.R. 4033, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. LOBIONDO) be permitted to control my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to come before the House today in support of H.R. 4033, the Bulletproof Vest Reauthorization Act of 2000. This noncontroversial, bipartisan legislation was introduced by the gentleman from Indiana (Mr. VISCLOSKY) and myself in March, and it passed out of the full Committee on the Judiciary by voice vote on July 7.

To me, this is a very simple issue and one that I know well. I firmly believe that when a police officer is issued a badge and a gun they should also be issued a bulletproof vest. When police officers put their lives on the line every day protecting our neighborhoods, they deserve the highest level of protection and security, which only a bulletproof vest can provide.

When I first introduced the original bulletproof vest bill during the 105th Congress, I modeled the program after a Vest-a-Cop and Shield-the-Blue programs established in Southern New Jersey many years ago. When I was first elected to Congress, then Sergeant Rich Gray, an Atlantic County police officer in Pleasantville came to me telling me of a program that they had put together in Atlantic County, New Jersey.

Sergeant Gray, who is now Chief Rich Gray of the Pleasantville Police Department, and a very dedicated group of police officers decided that it was time to do something about those who were defending our citizens every day who did not have protection. They started a program called Vest-a-Cop. That Vest-a-Cop program began to grow in Atlantic County and it was really the genesis for the idea that I had and subsequently found out that my colleague, the gentleman from Indiana (Mr. VISCLOSKY), had from his jurisdiction in Indiana.

At that time, the Vest-a-Cop program was actually raising money in a variety of different ways. They were reaching out to the community asking people in the community to understand the needs of police officers and asking people in the community to contribute. We had Scouts who were basically baking cookies and cupcakes and selling them. We had events of all different kinds that were providing vests one and two and three at a time.

This program is one that we modeled after that, and we realized that doing it piecemeal was not going to really cut it and protect our officers for what they needed.

The current bulletproof vest partnership program has enabled police jurisdictions across the Nation to purchase over 180,000 bulletproof vests over the last 2 years, 180,000 vests that probably would not have been purchased otherwise. However, due to the tremendous popularity of the program, and actually the program became much more popular than we ever anticipated, we were not able to meet all of the demands. None of the jurisdictions received the full 50/50 Federal-State match this year; and, in fact, the Department of Justice reported that jurisdictions with under 100,000 residents received a disproportionately low share of Federal funds. An average of only 22 cents on the dollar came from the Federal Government.

Mr. Speaker, that is not what we in this House originally intended, and this legislation helps correct that.

The bill before us today will extend and improve the current bulletproof vest program. First, the annual authorization will be doubled from $25 million to $50 million per year through the year 2004, extending the program for 3 more years. That is critical to enable all the officers across the Nation to be able to take advantage of this program which saves lives.

Second, language was included in the bill which will guarantee that smaller jurisdictions receive a fair portion of the funding.

Finally, those jurisdictions and corrections officers who have been waiting for the national stab-proof standard to be approved by the Department of Justice will be able to purchase state-approved bulletproof and stab-proof vests under this standard. That is a very big improvement from where we were on the last go-around.

The stab-proof issue is of particular interest to me because it hits very close to home. Corrections Officer Fred Baker in my district in New Jersey was stabbed to death while on duty at Bayside State Prison. Officer Baker was not wearing a vest at the time. We can only speculate as to whether his life would have been spared had he had the opportunity to wear a vest, but many of us believe had he had that opportunity that Officer Baker would be alive today.

If Officer Baker had the chance, I am sure he would not have hesitated to put that vest on.

It is critical that Members vote in favor of this legislation. According to the FBI, an average of over 100 officers are assaulted every day and in 1999, 139 officers were slain while in the line of duty. There are still thousands of officers on duty who do not have access to these life-saving vests. This is an opportunity for us as Members of Congress, who talk so very often about the importance of law enforcement to us, who talk about what we want to do to provide law enforcement the opportunity to help protect themselves as they keep our citizens safe, this is our opportunity to do something.

This common sense bill has gained the support of 264 bipartisan cosponsors, as well as major law enforcement organizations across this Nation. I would like to commend all of those who were involved in bringing this bill to the floor today.

I would first like to thank the majority leader, the gentleman from Texas (Mr. ARMEY), who put up with my pleas and pestering for so very long about the importance of this bill; the gentleman from Illinois (Mr. HYDE); and the subcommittee chairman, the gentleman from Florida (Mr. McCOLLUM).

I would also like to thank my colleague, the gentleman from Virginia (Mr. SCOTT), for his help in this effort. The gentleman from Virginia (Mr. SCOTT) was influential on the Committee on the Judiciary as we were moving this bill through; and saving for last, my colleague, the gentleman from Indiana (Mr. VISCLOSKY).

The gentleman from Indiana (Mr. VISCLOSKY) and I have worked on this bill from the very beginning. This is probably a great example of a partnership to be developed to move legislation that is meaningful and can do something in a very positive way and save lives. That is the bottom line here.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. First, I want to commend my colleague, the gentleman from Indiana (Mr. VISCLOSKY), and the gentleman from New Jersey (Mr. LoBIONDO) for their hard work and dedication in bringing this bill forward. I also want to thank the chairman of the subcommittee, the gentleman from Florida (Mr. McCOLLUM), and the gentleman from Ohio (Mr. CHABOT) and their staffs for their cooperative and bipartisan spirit in developing this bill and moving it expeditiously along the way.

The Bulletproof Vest Partnership Grant Act will reauthorize and double the funding for this lifesaving program. I can think of no better way to show our gratitude and respect for the brave men and women who put their lives on the line every day to serve and protect the citizens of this country than to fully fund a program which may well save their lives and protect them from grave harm.

Regrettably, as has already been mentioned, we have had more requests for funding than we have had funding, and this bill will allow us to meet those requests. With a proven track record of having saved thousands of lives since their inception, we should not only ensure that all officers subject to harm from gunfire have access to bulletproof vests but also all officers subject to stab wounds, such as correctional officers, are provided with vests that can save their lives. That is why, Mr. Speaker, I supported the amendment of the gentleman from Florida (Mr. McCOLLUM) at the subcommittee markup to allow funding for stab-proof vests as well as bulletproof vests.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

□ 2115

Mr. LoBIONDO. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time. I also thank, in fact, all the people that have put forth effort in this.

Mr. Speaker, I used to be a police officer; and I can tell my colleagues something. On the street, the cheapest life insurance policy an officer can get is a bulletproof vest. It does not give 100 percent protection. They can still take a head shot or a shot in an artery in the leg. But it guarantees a lot better odds than they have without it.

I remember the days when I was cop on the street unit and the vests we put on; it is like it was yesterday. It was like putting on a bucket filled with concrete. They were miserable. When the officer bent, they would not bend so it looks like they twisted their neck as they tried to go around. The cops did not like to wear them. The other problem was that when they were on the force for a while, like several of my colleagues, bless their hearts, they never thought it would happen to them. They just read the stories. We were in small communities.

The third problem we had, which the gentleman from New Jersey (Mr. LoBIONDO) and the gentleman from Virginia (Mr. SCOTT) recognized, was the fact that in small communities we did not necessarily have the resources. I remember going to the big cities, how much we admired the equipment that they had. I mean, I am not that old, but this does show my age. We still had a fire truck that we winded on the front. We had to crank it. So bulletproof vests, that really meant something to us.

Mr. Speaker, I think this is an excellent bill. And clearly the technology has advanced. I had an opportunity not long ago, in fact, one of our surgeons at the hospital, one of our military surgeons who recently retired, his hobby was research on bulletproof vests. Believe it or not, they would take cadavers and take vests and try different things. The advancement that we have seen in technology could just mandate that these be put on every officer out there.

Mr. Speaker, I know the statistics. The statistics of over 2,000 officers saved. I will tell my colleagues what else it does. It not only has saved 2,000 lives, but it gives a lot of officers some confidence to go into situations that they would not otherwise have. Now, it is true that it may give some overconfidence, but the fact is there are a lot of situations where officers feel they are outgunned. But having the right kind of equipment, they can go in there quick.

As a police officer, they often find themselves in a situation. They were not paid to sit on the street and watch what was happening; they were paid to get in the way of danger and go in and stop it. They can go in with more boldness when they have the protection that this bill offers.

This is an excellent bill. And the way a bill should be measured, and obviously it sounds great, but there really must be accountability on a bill. When we measure the accountability of this bill, we see the dollars we spend out and what we are getting in return. Clearly, the return that we have gotten is such that it easily justifies the additional appropriation and the additional authorization that this bill asks for.

Mr. Speaker, I commend both of the gentlemen for their efforts in this regard. And I can tell these gentlemen that they will never get a thanks, because people will not think of them. But there will be many families in the future that will thank them for the saving of a life of their loved one.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the original cosponsor of the legislation who has done so much work to bring this bill forward.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman from Virginia (Mr. SCOTT) yielding me this time.

Mr. Speaker, I rise today in support of H.R. 4033, the Bulletproof Vest Partnership Grant Act of 2000. I would like to recognize the over 260 of my colleagues who have joined as cosponsors of this bipartisan legislation designed to save the lives of police officers. Foremost among them, I would want to thank the gentleman from New Jersey (Mr. LoBIONDO) who has proven that he is an indispensable leader on this vital issue and that his commitment to police officers is absolute.

I would also express my appreciation to the gentleman from Florida (Mr. McCOLLUM), the chairman of the Subcommittee on Crime, as well as the gentleman from Virginia (Mr. SCOTT), the ranking Democrat, who have lent their powerful voices to this important cause and who have been indispensable and tireless in ensuring that this legislation is brought to the floor.

Mr. Speaker, after me, the gentleman from West Virginia (Mr. WISE), will also speak and I will recognize his tireless efforts as well to secure many of the cosponsors of this legislation.

Mr. Speaker, studies show that between 1980 and 1996, there were over 2,182 felonous deaths of police officers due to firearms and that of those deaths, 924 of the officers were not wearing bulletproof vests. The Federal Bureau of Investigations has estimated that the risk of fatality from a firearm for officers not wearing body armor is 14 times higher than those wearing the armor. The gentleman from Colorado alluded to the 2,500 police officers whose lives have been saved from gunfire since its introduction in the mid-1970s.

But despite these statistics, tens of thousands of law enforcement officers do not even have access to a vest. In order to alleviate this problem, in 1997, the gentleman from New Jersey (Mr. LoBiondo) and I introduced the Bulletproof Vest Partnership Grant Act. This law provided a program which authorized $25 million per year to pay up to 50 percent of the costs of bulletproof vests for local and State law enforcement agencies.

In order to ensure that smaller jurisdictions received a fair share of the funds, the money was to be distributed evenly with half going to jurisdictions under 100,000 residents and half going to larger jurisdictions. In each of the first 2 years of this program, the Bulletproof Vest Partnership Grant Act has provided over 3,000 law enforcement agencies with funding to purchase over 90,000 bulletproof vests and body armor.

Mr. Speaker, I would point out that we are talking about reauthorizing legislation today, but I would also want to add my "thank you's" to the gentleman from Kentucky (Mr. Rogers) who chairs the subcommittee, as well as the gentleman from New York (Mr. Serrano), who is the ranking Democratic member, for ensuring that in each of the first 2 years of this Act the full appropriation was granted.

However, in the most recent year of the program, funding was insufficient to provide any law enforcement agency with the full matching grant requested under the program. And, in fact, the average grant award represented only 30 percent of the cost of the vest, a 20 percent shortfall on the Federal side. For many smaller agencies, the shortfall is devastating and could end up taking away funding from other important departmental programs.

Mr. Speaker, we must honor our commitment to provide these agencies with the full 50 percent of the cost of these vests, and in order to do so H.R. 4033 doubles the yearly authorization for the program to $50 million. The original authorization of this program also included a provision to allow the purchase of stabproof vests for corrections officers and sheriff's deputies who regularly face violent criminals at close quarters in our Nation's jails.

Unfortunately, the Department of Justice decided that requests for funding for stabproof vests under the program were not valid until a national standard was developed for such vests by the National Institutes of Justice. After 2 years of development, NIJ continues to delay the implementation of such a standard. In order to address this issue, we supported an amendment to this bill offered by the gentleman from Florida (Chairman McCollum) during subcommittee consideration which will allow States to develop their own stabproof vest standards until the NIJ makes good on their promise.

And, finally, this bill would take extra precautions to ensure that those small agencies which are often most in need of additional funding for vests would receive the entire grant for which they apply. The program has fallen short of giving many of these agencies a full grant and, therefore, H.R. 4033 includes a provision which ensures that smaller jurisdictions, again those under 100,000 residents, will receive all of the funding they request before money is allocated to larger jurisdictions.

Mr. Speaker, in this age of cross-country drug and illegal firearms trafficking, even rural and small town police officers increasingly find themselves faced with dangerous, well-armed criminals. We must protect the Crown Point, Indiana, police officer who unknowingly pulls over an armed drug dealer on Highway 231 as much as the New York City police officer involved in an orchestrated drug raid.

Our legislation is intended to reauthorize a highly successful program in order to make sure that every police and corrections officer who needs a bulletproof vest gets one. It was clear to us that every officer on the street should have a vest and that the need to supply officers with vests is important enough to warrant direct Federal assistance.

Mr. Speaker, at the heart of this effort is our desire to save the lives of police officers. When we make this commitment we offer protection, not just to the officers but to every community in America, we prevent the suffering of families of fallen officers, we prevent the loss of leaders in our community. Perhaps most importantly, we give those who protect us the ability to do their job better, more confidently, and with the knowledge that their entire Nation is behind them every day, even in the most dangerous of situations.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. SCOTT. Mr. Speaker, could the Chair advise how much time we have remaining?

The SPEAKER pro tempore (Mr. Tancredo). The gentleman from Virginia controls 12½ minutes.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. Wise).

Mr. WISE. Mr. Speaker, I thank the gentleman from Virginia (Mr. Scott) for yielding me this time, and I particularly thank the gentleman from New Jersey (Mr. LoBiondo) and the gentleman from Indiana (Mr. Visclosky) for their work in getting this bill to the floor.

Mr. Speaker, it was not that many years ago in West Virginia that I heard the story at Christmastime of a young wife who was using her Christmas savings to buy a bulletproof vest for her law enforcement husband. That just shocked me, to be honest, that when they got the badge and they got the gun and they got the uniform, they did not get the vest.

So that began to open a lot of our eyes, I think. Then when I began looking around and I was watching families and churches and FOP lodges and others holding bake sales to buy bulletproof vests. No one should have to hold a bake sale to protect their life or protect the life of their loved one, and particularly when we ask that loved one to take extraordinary steps for society.

This Congress took some steps in the early 1990s with an amendment that I offered on the DOD bill that permitted for the first time police departments to buy equipment at the lowest possible discount price, but yet they still had to pay the full amount, even though it was the lowest price, because they were buying in volume.

This legislation took a much more important step to say that there would be a grant to assist local governments and municipalities in the cost of procuring that bulletproof vest. This legislation tonight now continues that process.

It is estimated that 2,000 police officers in the past 10 years have been saved by having bulletproof vests. That alone demonstrates how important this is. And, of course, this legislation takes important steps because it includes correctional officers, a very, very dangerous profession as well.

I am very grateful that this legislation is moving. It is getting dark outside and somewhere tonight in West Virginia, as is true in every State across the country, somewhere tonight a State trooper is going to walk up on a strange car on a lonely rural highway and he or she is not going to know what is in that car or what may be coming at them from behind that car door. Somewhere tonight a deputy sheriff is going to answer a domestic violence call and will not know whether there is a shotgun waiting behind that front door. And somewhere tonight a municipal officer is likely to be preparing for a drug raid. Once again, when they go down that alley, they do not know what is coming at them. This protects them much more than they had before.

So as we ask them to go out and to answer our call, so it is that we should answer their call. I thank those who have made it possible to bring this legislation to the floor and to protect the men and women who serve us so well in our law enforcement community.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) very much for yielding me this time, and I thank the authors of this legislation. My compliments on saving lives.

Mr. Speaker, as a member of the Houston City Council, one of the issues we were concerned with was law enforcement and the protection of our officers and the protection of our community. This legislation helps to partnership with local communities, rural and urban centers, small towns and villages where they cannot afford to have the resources for these bulletproof vests.

These vests save lives and they secure our law enforcement officers as they work to secure us. This is a strike for a positive response to the needs of our law enforcement. It is good legislation. It is a good Federal-local partnership, and I would ask my colleagues to support this effort to save the lives of our law enforcement officers.

Mr. Speaker, I thank you for allowing time for discussion on this important subject matter, for few issues will command more attention than that of providing for the safety of our Nation's law enforcement officers.

Everyday a many law enforcement officers leave their homes—leaving behind their parents, children, wives and siblings—to faithfully uphold and enforce the laws of America. Every time they leave home there is a void, a void of certainty as to whether the faithful officer will return. When that officer hugs and kisses his or her family before leaving for work, they often ask themselves whether this is the last hug, the last kiss or the last time they will say to their children—Have a good day at school!

When our officers leave for work, their families anxiously await their return; asking each time the phone rings—is this that dreaded call! Yet, our officers devotedly show up for work everyday, not just for the protection of their own families but for the protection of everyone who depend on them—all of America!

We have the opportunity to say to our local protectors, that we are just as concerned with their safety as they are concerned with our safety and the safety of our friends and our families. We have the opportunity to make available a device that has been found to reduce the likelihood of death by a firearm of one of our officers by 14 times.

The bulletproof vest is credited for saving the lives of over 2,000 police officers since it was introduced in 1970. It is a small piece of equipment. However, the benefits of its use are too large to be measured. We will never be able to measure the value of a police officer's life or the joy the officer's family feels when he or she returns home from a job which involves the ultimate risk—the risk of dying. Furthermore, we must be aware that we will never be able to measure the value of the comfort we'll feel under the blanket of protection that our police officers provide.

By supporting this increase in funding for the Bulletproof Vest Grant Program, we will send a message to those brave men and women and their families that Congress and our Nation support and recognize the hard work and danger they endure to guarantee the safety of all of America's people. We all know that the support of others makes any job completed or any goal achieved more rewarding. What amount of support could be greater than the support of a Nation such as ours?

As the technology of the world advances daily, we must ensure that these advancements are available to our Nation's peace officers. America's police officers must have access to the best safety equipment to combat the improved, sophisticated weapons of the crime world.

There were 3,511 jurisdictions that applied for the Bulletproof Grant; 2,668 of these jurisdictions received the 50–50 matching grant they expected. The increased funding provided by H.R. 4033 will not only ensure that the other 843 jurisdictions that applied for the grant in the past will receive the 50–50 matching funds they expected, H.R. 4033 will also make available funding for additional grants for other jurisdictions. Thus, more of our police officers will be protected while providing our communities with security.

This bill provides that each qualifying jurisdiction that serves under 100,000 residents will receive a full 50–50 matching grant for body armor purchases. This provision ensures that police officers in our small towns and rural areas that operate under limited budgets are provided the same level of protection available to officers in our larger cities who have larger budgets to purchase safety equipment.

Our officers that patrol our neighborhoods are not the only ones who will receive additional safety equipment. H.R. 4033 provides money to purchase body armor for our correction officers who work in the closed sectors of our county and state jails.

So, as we enjoy the protection provided by our police officers, let us remember that we have a duty to make their jobs as safe for them as possible. I ask that all my colleagues support H.R. 4033, the Bulletproof Vest Partnership Grant Act of 2000.

Mr. SCOTT. Mr. Speaker, I thank those who have worked so hard on this bill, and I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, once again, I thank my colleagues, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Indiana (Mr. VISCLOSKY), all of those on the Committee on the Judiciary, and all of my colleagues who cosponsored this legislation.

Mr. Speaker, many times in this House when there are good ideas that come before us, we do not get a chance to act on them. I think, to reiterate what I mentioned earlier, this is a great example of a positive partnership. These are ideas that generated within our districts from citizens and police officers and law enforcement officers and corrections officers who were in the real world every day, as we heard our other colleagues talk about.

□ 2130

Instead of having to have local community groups raise money a little bit at a time, the officers in New Jersey in the second district, officers like Dominic Romeo in Cape May County, in the City of Wildwood, Sergeant Rich Gray, Shield-the-Blue, the corrections officers PBA-105, all those who are associated with the Vest-a-Cop program can look to us here in Washington and realize that we have joined together in a very special way, in a very bipartisan way, to generate legislation that means a great deal to law enforcement across this Nation.

Mr. Speaker, I urge all the Members of this body to vote for this legislation and show their commitment to law enforcement officers by voting for H.R. 4033.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4033, as amended.

The question was taken.

Mr. LOBIONDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3485) to modify the enforcement of certain anti-terrorism judgments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) SHORT TITLE.—This Act may be cited as the "Justice for Victims of Terrorism Act".

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3) by striking the period and inserting "; and";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking “(b)” through “entity—” and inserting the following:

“(b) An ‘agency or instrumentality of a foreign state’ means—

“(1) any entity—”; and

(D) by adding at the end the following:

“(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking “1603(b)” and inserting “1603(b)(1)”.

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking “(including any agency or instrumentality or such state)” and inserting “(including any agency or instrumentality of such state)”; and

(B) by adding at the end the following:

“(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution with respect to that judgment, in like manner and to the same extent as if the United States were a private person.”; and

(2) by adding at the end the following:

“(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

“(B) A waiver under this paragraph shall not apply to—

“(i) if property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

“(ii) if any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

“(C) In this paragraph, the term ‘property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations’ and the term ‘asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations’ mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

“(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 117(d) of the Treasury Department Appropriations Act, 1999, as enacted by section 101(h) of Public Law 105–277 (112 Stat. 2681–492) is repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

SEC. 2. PAYGO ADJUSTMENT.

The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from the enactment of this Act.

SEC. 3. TECHNICAL AMENDMENTS TO IMPROVE LITIGATION PROCEDURES AND REMOVE LIMITATIONS ON LIABILITY.

(a) GENERAL EXCEPTIONS TO JURISDICTIONAL IMMUNITY OF FOREIGN STATE.—Section 1605 of title 28, United States Code, is amended by adding at the end the following:

“(h) If a foreign state, or its agency or instrumentality, is a party to an action pursuant to subsection (a)(7) and fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in the action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates. Nothing in this subsection shall supersede the limitations set forth in subsection (g).”.

(b) MODIFICATION OF LIMITATION ON LIABILITY.—Section 1605(a)(7)(B)(i) is amended to read as follows:

“(i) the act occurred in the foreign state against which the claim has been brought and the foreign state has not had a reasonable opportunity to arbitrate the claim in a neutral forum outside the foreign state in accordance with accepted international rules of arbitration; or

(c) EXTENT OF LIABILITY.—Section 1606 of title 28, United States Code, is amended by adding at the end the following: “No Federal or State statutory limits shall apply to the amount of compensatory, actual, or punitive damages permitted to be awarded to persons under section 1605(a)(7) and this section.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from New Jersey (Mr. ROTHMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3485.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider H.R. 3485, the Justice for Victims of Terrorism Act legislation introduced by the gentleman from Florida (Mr. MCCOLLUM). This bill would finally provide justice for the victims of State-sponsored terrorism. These victims are entitled to compensation out of the frozen assets of the guilty terrorist state once the victim obtains a legitimate judgment. Sadly, these victims have been denied that justice that they so richly deserve.

In the 1980s, several Americans were kidnapped in Beirut and held hostage in deplorable conditions by agents of the Islamic Republic of Iran including Terry Anderson who resides in my home State of Ohio. Mr. Anderson, as we all recall, was barbarically held by Iranian terrorists for over 7 years.

In 1995, an American college student was killed in the Gaza strip when a terrorist from the Iranian backed Islamic Jihad rammed his car loaded with explosives into a bus.

In February 1996, two Americans studying in Israel were killed in a suicide bombing of a bus in Jerusalem. Those responsible were provided training, money, and resources by Iran.

Also in February of 1996, Cuban MiG aircraft shot down two aircraft flown by the Brothers to the Rescue organization in international airspace over the Florida Straits. Three American citizens were killed in that attack.

After the Brothers to the Rescue incident, President Clinton publicly encouraged Congress to pass legislation to provide compensation to the families out of Cuba's blocked assets in the U.S.

In 1996, the Antiterrorism and Effective Death Penalty Act became law. That law allowed American citizens injured in an act of terrorism or their survivors to bring a private lawsuit against the terrorist state responsible for that act.

All of the victims of terrorism that I have mentioned went to courts and received judgments awarding them millions of dollars in damages. Each time a judgment has been awarded, the administration has fought to block the attachment of the assets of the countries that sponsored these terrorist acts to satisfy the awards.

In 1999, the Congress passed section 117 of the fiscal year 1999 Treasury Department Appropriations Acts, mandating that the executive branch must allow Americans to attach the assets of terrorist states in the U.S. in order to collect judgments won in Federal court. At the insistence of the administration, that legislation included a provision for a Presidential waiver to block the attachment of assets if it was in the interest of national security.

The President determined that the authority granted by section 117 for the attachment of assets of terrorist states in general would not be in the interest of national security and Presidential Determination No. 99–1. This determination effectively applied the Presidential waiver in section 117 to all judgments attempting to attach terrorist state assets.

In March 1999, a Federal judge upheld a $187 million judgment against Cuba for its attack against the Brothers to the Rescue aircraft. In that judgment, Federal District Court Judge Lawrence King stated, "The court notes with great concern that the very President who in 1996 decried this terrorist action by the Government of Cuba now sends the Department of Justice to argue before this court that Cuba's blocked assets ought not to be used to compensate the families of the U.S. nationals murdered by Cuba. The executive branch's approach to this situation has become inconsistent at best. It now apparently believes that shielding a terrorist foreign state's assets is more important than compensating for the loss of American lives."

The President's broad use of his waiver power has frustrated the legitimate rights of victims of terrorism. That is why H.R. 3485 would amend the law to specifically deny blockage of attachment of proceeds from any property which has been used for any nondiplomatic purpose or of proceeds from any asset which is sold or transferred for value to a third party.

Also, it specifically provides that a judgment against a foreign state that sponsors terrorism can be executed against assets of an agency or instrumentality of that foreign state even if there is no proof of fraud or any proof that the agency or instrumentality has an alter ego of the foreign state.

We bring this bill to the floor today with a manager's amendment. This amendment was born from issues brought to the attention of the committee and language offered and withdrawn in committee by the distinguished gentleman from Michigan (Mr. CONYERS), ranking member.

The compromised language, motivated by the compassion of the gentleman from Michigan (Mr. CONYERS) for victims' rights has further improved the intent of this legislation, providing a legitimate remedy to American citizens harmed by terrorist states.

The amendment includes compromised language to make it easier for victims of state-sponsored terrorism to provide to court after a foreign state has had an opportunity to proceed to court after a foreign state has had an opportunity to arbitrate the claim.

The burden on the claimant under current law to allow arbitration by the terrorist state prior to a claim going forward under the Foreign Sovereign Immunities Act is often very difficult to meet given the fact that the foreign state is a known terrorist country where the claimant may not be offered the same rights as in other countries.

The amendment simply requires that the foreign state have a reasonable opportunity to arbitrate the case in a neutral forum that is outside the foreign state, and removes the burden on the victim to provide that opportunity. A provision to clarify that the costs estimated for this legislation are not appropriate funds has also been included.

The President has exercised what was intended to be a narrow national security waiver too broadly and, as a consequence, those who have admitted acts of terror resulting in the death of American citizens are effectively going unpunished and Americans are not receiving just compensation after favorable court verdicts.

These families have not only suffered the pain and loss of life associated with these terrorist acts, they have suffered the abandonment of their government in their pursuit of justice, justice that their President said they deserved. This legislation will make sure that they finally get it, that they finally get the justice that they deserve.

I urge my colleagues to vote to pass H.R. 3485.

Mr. Speaker, I reserve the balance of my time.

Mr. ROTHMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) for all of his fine work in this matter. I also want to recognize the great work of the gentleman from Florida (Chairman MCCOLLUM) and the distinguished gentleman from Michigan (Mr. CONYERS), ranking member, who made this very important bill even better and brought it to this point in its legislative process.

Mr. Speaker, last year, I stood in Teaneck, New Jersey at the dedication of a monument that I wish was never built, a monument built to honor the memory of Sarah Duker, a 22-year-old American citizen from my congressional district who was killed in 1996 in a bus bombing incident in Jerusalem, a bombing masterminded by Palestinian terrorists. At the time of her death, Sarah was a graduate student at Barnard College and she was working as a research technician in microbiology at the Hebrew University.

Last September, I also had a meeting with Steven Flatow, a meeting that I also wish never had to take place. See, Mr. Flatow's daughter Alisa was murdered by a Palestinian terrorist in the Gaza strip in 1995. Mr. Flatow had come to meet me in Washington to try to get justice from those who had killed his daughter. At the time of her death, Alisa Flatow was a student at Brandeis University in Massachusetts, and she was spending a semester abroad in Israel.

Mr. Speaker, I have come to the floor today to speak in support of this bill because I believe that Sarah Duker's mother, Arline; Alisa Flatow's family; the families of the victims of the Brothers to the Rescue shoot-down; and all Americans who have had family members victimized by terrorists abroad, all of these Americans deserve one thing, justice.

See, the sponsors of terrorism, and by that I do not just mean the individuals committing the acts, I mean the states sponsoring those individuals, they must pay for their crimes. They must first pay a diplomatic price for supporting the murder of Americans, and that means isolating those states which sponsor terrorism.

But I also believe that state sponsors of terrorism must pay more than just a political price. They must pay literally for their cold-blooded murders of Americans.

So it should be the policy of the United States of America to seize the U.S.-based nondiplomatic assets of states which are involved in the murder of Americans.

It is critically important that this bill be enacted into law because this measure delivers a powerful and essential message to state sponsors of terrorism around the world who target American citizens.

If one conspires in the murder of innocent Americans and tear our families apart, the United States of America will demand and receive justice. Justice, Mr. Speaker, can wait no longer. Terrorists will never win, and state sponsors of terrorism will always pay a price if we pass this legislation. They will pay a political and economic price. That is not too great a burden to place upon them and their assets for the killing of innocent Americans.

Mr. Speaker, I urge my colleagues to vote for H.R. 3485, the Justice for Victims of Terrorism Act.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to be an original cosponsor of the Justice for Victims of Terrorism Act and rise to speak in support of it.

Terrorism, defined as the systematic use of terror and violence as a means of coercion and intimidation, has become a global problem. It knows no boundaries—geographical or political. It does not discriminate among its victims. The damage it inflicts upon society extends far beyond the immediate physical destruction of each attack. The emotional and psychological scars are far greater. The question is not only how many lives have been lost in each terrorist attack, but how many futures were lost in their aftermath.

In the last 15 years, the United States has experienced in vivid terms the effects of terrorism, as our citizens have been targeted over and over again—in Beirut, over Lockerbie, in Saudi Arabia, in Israel, over international waters, in New York, and in Nairobi and Dar es Salaam, where Americans who devoted their lives to building better relations between the U.S. and other nations, died in a campaign of hatred against this country.

There is no justification for terrorism, and the United States must be committed to finding those who prey on innocent victims and put an end to their reign of terror.

The Justice for Victims of Terrorism Act is critical to achieving this goal. This bill allows the victims—our constituents—to seek justice for the crimes committed against them and their families by making their attackers—the terrorists—pay for their crimes.

The bill before us allows for the execution of judgements and recovery of punitive damages from pariah states such as Iran which sponsor terrorist groups that kill and maim hundreds of Americans, Israelis, and other innocent human beings each year.

It would punish the Castro regime for shooting down two U.S. registered civilian planes over international waters, killing Carlos Costa and Mario de la Pena (two U.S.-born citizens in the prime of their youth); Armando Alejandre (a decorated Vietnam veteran); and Pablo Morales (a U.S. resident who, years before, had escaped Castro's island prison in search of freedom in the U.S.)

Some would argue that terrorism is not about money. Certainly it is about life and the right to live free of fear. But, while terrorism requires a multifaceted approach, one of the key elements to curtailing the proliferation of terrorism and limiting its capabilities, is by cutting off the flow and access to financial resources.

By upholding and enforcing the right of American victims of terrorism to sue foreign states, in court, for damages, this bill would have a chilling effect on terrorist activities and would help deter future aggression against American citizens.

In the last few months, there have been numerous attempts to trade with terrorist states, which would afford them increased financial resources and would enable them to, not only continue their reign of terror over their own people, but to expand their campaign of violence against our allies, our neighbors, and our own U.S. citizens.

These states have even been down-graded to "states of concern"—despite the overwhelming evidence of their support for terrorist attacks against Americans.

In spite of this, I hope my colleagues will listen to their conscience. I ask my colleagues to pause for a moment. They will hear the cries of anguish and despair of little Alisa Flatow from New Jersey, who was killed in a Palestine Islamic Jihad suicide bombing in April 1995.

I ask my colleagues to understand the frustration of Alisa's parents; of the relatives of Carlos, Armando, Mario, and Pablo; of the families of the servicemen who died during the attack on the Kovar Towers; of all the victims' families.

Let us demonstrate our resolve to the sanctity of human life and principles of justice; our commitment to fundamental legal standards; and our dedication to the welfare of the American people. Support the Justice for Victims of Terrorism Act.

Mr. DELAY. Mr. Speaker, the first duty of our Government is to protect American citizens. This bill would help meet that responsibility by assisting the victims of terrorism. The Clinton administration has been quick to offer words of comfort to the bereaved relatives of those who have been killed by international violence. Their actions, however, have done little to hold the vile regimes responsible for such crimes accountable. It may be hard to believe, but the Clinton Justice Department has actively worked to stop terrorism victims from receiving just compensation out of the seized assets of terrorist states. This administration has thwarted the efforts of victims as they tried to collect court-ordered compensation from countries like Iran, Libya, and Fidel Castro's evil regime in Cuba. Held in even the most favorable light, this policy is unacceptable. It is a policy that smacks not only of appeasement, but capitulation to perpetrators of international terrorism.

And of this administration's poor foreign policy decisions, this is truly one of the most contemptible and distressing. The President of the United States should not be protecting the assets of foreign terror states. This bill would stop the Treasury Department from continuing to withhold these assets from victims' families.

The President gave his word to help injured parties collect compensation from terrorist states. Now, the foot-dragging of his administration requires us to pass legislation that would simply fulfill his promises to those victims. We look forward to the day when a handshake in the Oval Office is enough to guarantee justice for victims of terror. Unfortunately, the President's handshake apparently isn't enough. Therefore, we must pass this bill to ensure that terror victims don't first have to fight their way past their own government before they can receive the compensation owed to them.

To understand the importance of this proposal, consider the following example. In 1996, Fidel Castro gave the order to murder American pilots who were searching the Gulf of Mexico for refugees from his repressive dictatorship. Four years later, the pilots' families still haven't been compensated. This sad reality should spur the House to action. We ought to pass this bill and put terrorists on notice.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 3485, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 768) to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military and Extraterritorial Jurisdiction Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Civilian employees of the Department of Defense, and civilian employees of Department of Defense contractors, provide critical support to the Armed Forces of the United States that are deployed during a contingency operation.

(2) Misconduct by such persons undermines good order and discipline in the Armed Forces, and jeopardizes the mission of the contingency operation.

(3) Military commanders need the legal tools to address adequately misconduct by civilians serving with Armed Forces during a contingency operation.

(4) In its present state, military law does not permit military commanders to address adequately misconduct by civilians serving with Armed Forces, except in time of a congressionally declared war.

(5) To address this need, the Uniform Code of Military Justice should be amended to provide for court-martial jurisdiction over civilians serving with Armed Forces in places designated by the Secretary of Defense during a "contingency operation" expressly designated as such by the Secretary of Defense.

(6) This limited extension of court-martial jurisdiction over civilians is dictated by military necessity, is within the constitutional powers of Congress to make rules for the government of the Armed Forces, and, therefore, is consistent with the Constitution of the United States and United States public policy.

(7) Many thousand civilian employees of the Department of Defense, civilian employees of Department of Defense contractors, and civilian dependents accompany the Armed Forces to installations in foreign countries.

(8) Misconduct among such civilians has been a longstanding problem for military commanders and other United States officials in foreign countries, and threatens United States citizens, United States property, and United States relations with host countries.

(9) Federal criminal law does not apply to many offenses committed outside of the United States by such civilians and, because host countries often do not prosecute such offenses, serious crimes often go unpunished and,to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such civilians outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

(10) Federal law does not apply to many crimes committed outside the United States by members of the Armed Forces who separate from the Armed Forces before they can be identified, thus escaping court-martial jurisdiction and, to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such persons outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

SEC. 3. COURT-MARTIAL JURISDICTION.

(a) JURISDICTION DURING CONTINGENCY OPERATIONS.—Section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by inserting after paragraph (12) the following:

"(13) To the extent not covered by paragraphs (10) and (11), persons not members of the armed forces who, in support of a contingency operation described in section 101(a)(13)(B) of this title, are serving with and accompanying an armed force in a place or places outside the United States specified by the Secretary of Defense, as follows:

"(A) Employees of the Department of Defense.

"(B) Employees of any Department of Defense contractor who are so serving in connection with the performance of a Department of Defense contract.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to acts or omissions occurring on or after that date.

SEC. 4. FEDERAL JURISDICTION.

(a) CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following:

"CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

"Sec.

"3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

"3262. Delivery to authorities of foreign countries.

"3263. Regulations.

"3264. Definitions.

"§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

"(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

"(b) CONCURRENT JURISDICTION.—Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

"(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval shall not be delegated.

"(d) ARRESTS.—

"(1) LAW ENFORCEMENT PERSONNEL.—The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct that constitutes a criminal offense under subsection (a).

"(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

"(A) such person is delivered to authorities of a foreign country under section 3262; or

"(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

"§ 3262. Delivery to authorities of foreign countries

"(a) IN GENERAL.—Any person designated and authorized under section 3261(d) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in section 3261(a) of this section if—

"(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

"(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

"(b) DETERMINATION BY THE SECRETARY.—The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

"§ 3263. Regulations

"(a) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

"(b) NOTICE TO THIRD PARTY NATIONALS.—

"(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State, shall issue regulations requiring that, to the maximum extent practicable, notice shall be provided to any person serving with, employed by, or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

"(2) FAILURE TO PROVIDE NOTICE.—The failure to provide notice as prescribed in the regulations issued under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

"§ 3264. Definitions

"In this chapter—

"(1) a person is 'accompanying the Armed Forces outside of the United States' if the person—

"(A) is a dependent of—

"(i) a member of the Armed Forces;

"(ii) a civilian employee of a military department or of the Department of Defense; or

"(iii) a Department of Defense contractor or an employee of a Department of Defense contractor;

"(B) is residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

"(C) is not a national of or ordinarily resident in the host nation;

"(2) the term 'Armed Forces' has the same meaning as in section 101(a)(4) of title 10; and

"(3) a person is 'employed by the Armed Forces outside of the United States' if the person—

"(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

"(B) is present or residing outside of the United States in connection with such employment; and

"(C) is not a national of or ordinarily resident in the host nation.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

"212. Criminal Offenses Committed Outside the United States .... 3621".

MOTION OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CHABOT moves to strike all after the enacting clause of the Senate bill, S. 768, and insert in lieu thereof the text of H.R. 3380, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

A bill to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3380) was laid on the table.

□ 2145

TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4047) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

The Clerk read as follows:

H.R. 4047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Two Strikes and You're Out Child Protection Act".

SEC. 2. MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

"(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) DEFINITIONS.—For the purposes of this subsection—

"(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243 (relating to sexual abuse of a minor or ward), 2244 (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children), or an offense under section 2423 (relating to transportation of minors) involving the transportation of, or the engagement in a sexual act with, an individual who has not attained 16 years of age;

"(B) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred forming the basis for the subsequent Federal sex offense, and which was for either—

"(i) a Federal sex offense; or

"(ii) an offense under State law consisting of conduct that would have been a Federal sex offense if, to the extent or in the manner specified in the applicable provision of title 18—

"(I) the offense involved interstate or foreign commerce, or the use of the mails; or

"(II) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151;

"(C) the term 'minor' means any person under the age of 18 years; and

"(D) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 3. TITLE 18 CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 2247.—Section 2247 of title 18, United States Code, is amended by inserting ", unless section 3559(e) applies" before the final period.

(b) SECTION 2426.—Section 2426 of title 18, United States Code, is amended by inserting ", unless section 3559(e) applies" before the final period.

(c) TECHNICAL AMENDMENTS.—Sections 2252(c)(1) and 2252A(d)(1) of title 18, United States Code, are each amended by striking "less than three" and inserting "fewer than 3".

The SPEAKER pro tempore (Mr. TANCREDO). Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 4047, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. GREEN), and I ask unanimous consent that he may be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume; and let me begin by thanking the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, as well as the members of the committee, for their help and support in bringing this bill to the floor.

Let me also thank those Members who previously voted for this bill. This bill was voice voted last year as an amendment to the Juvenile Crime Bill, and so I appreciate the support that we had then and hope that we can count on similar support this evening.

Mr. Speaker, I think the best way to launch a discussion of this bill is to begin with a story. All bills in some way or another begin with a story, and this bill is no exception.

In January of 1960, a 19-year-old man in Green Bay, Wisconsin, my own district, a man named David Spanbauer, broke into a home, tied a babysitter to a bed and viciously raped her at knife point. When he was done, he waited until her uncle came home, and he shot him point-blank in the face. David Spanbauer was convicted and sentenced to 70 years in prison.

In May of 1972, 12 years later, he was paroled. Within months, he had raped another teenager, a hitchhiker, a random victim. He was returned to prison.

In January of 1991, he was released yet again; and a few years later he was caught trying to break into another home in northeastern Wisconsin. And when the police searched his car, they quickly found tools and resources linking him to a series of violent sexual assaults throughout the area. He confessed to raping and murdering a 10-year-old girl, raping and murdering a 12-year-old girl, raping and murdering a 21-year-old. He was convicted of 18 felonies in five counties.

Mr. Speaker, we are here tonight because of sick individuals like David Spanbauer. There is obviously no soft or pleasant way, there is nothing I can cleverly say that makes this subject matter easier. Sex crimes against children, we all agree here tonight, are the worst types of crimes. They are every parent's worst nightmare. And those of us who are parents, as I am, we try to reassure ourselves late at night by saying to ourselves that these are far away; these crimes and these individuals are far away. They are far off. They are not in our streets or in our communities. The problem is that David Spanbauer and others show us that that is not true.

The good news tonight, if we can call it that, is that statistics tell us the number of repeat child molesters, taken as a percentage of the prison population, is small, relatively small. The horrific news is that the damage that each of these monsters causes is unbelievable. They destroy lives, they destroy communities, they steal innocence. The recidivism rate for repeat child molesters is extraordinarily high, higher than any other crime with which I am familiar.

The bill that is before us tonight was voice voted once before, again added as part of the Crime Bill. It is a narrowly focused, carefully tailored bill aimed solely and squarely at repeat child molesters. This bill does not Federalize any crime. In fact, it carefully respects State laws in this area. It covers a limited number of the most heinous, most horrible Federal sex crimes against kids: aggravated sexual abuse of a minor, for example; sexual abuse resulting in death.

And what this bill says, "Two strikes and you're out," is real simple. It says that if an individual is arrested and convicted of a serious sex crime against kids and then serves their time, then after serving their time decides to do it yet again, they are going to go to prison for the rest of their life. I make no bones about it with this legislation.

This bill is not about rehabilitation, openly admitted. This bill is not even about deterrence. It is about removing bad people from society. It is about removing from society a very small number of people who cause tremendous damage. And every study tells us they will do it again and again and again, if we let them. They will rob children of their innocence, they will destroy families, and they will destroy our lives.

Mr. Speaker, before I sit down, I would like to point to this graphic. And as some of my colleagues noticed, it was originally upside down. I point to this graphic here, this number. Nothing fancy about it. Not a terribly elaborate graphic. But this graphic right here, this number, this number gives the essence of this bill.

The United States Department of Justice tells us that the average child molester will commit 380 acts of child molestation during his lifetime. Let me repeat that. The average child molester will commit 380 acts of child molestation during his lifetime.

Now, monsters like David Spanbauer, they are at fault, they are guilty, obviously, for their crimes. But I would suggest to my colleagues tonight, in the case of repeat child molesters, those who have been arrested and convicted before, if we let them out, if we fail to take action, do we not bear at least a little responsibility?

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the bill.

Here we are with another series of crime bills which, by their title, make it sound as if we are doing something about crime but really are not.

This time, according to the title of the bill, it is "Two Strikes and You're Out." This bill completes the baseball metaphor sound bites. A few years ago we had "Three Strikes and You're Out." A couple of weeks ago we had the "No Second Chances" bill, which was essentially "One Strike and You're Out." And although we have had no evidence that either one strike or three strikes did any good, we are now considering "Two Strikes and You're Out."

When we considered "Three Strikes," we asked those who were supporting the bill to explain to us whether or not there were any fourth offenses that we were trying to prevent with the "Three Strikes and You're Out," and we are still waiting for an answer. That was several years ago.

A few weeks ago we did have a hearing on "One Strike and You're Out," and we heard that that bill was onerous, impractical, and unworkable. It was worse than an unfunded mandate, certain to generate a morass of bureaucracy. It is enormous and costly, and with a net probable public safety impact of zero. Those are not my words but the words of the National Governors' Association, the National Conference of State Legislators, the Council of State Governments, the U.S. Department of Justice, and a noted criminologist. Notwithstanding that testimony, however, we passed the bill with an overwhelming majority.

Now we have "Two Strikes." It sounds like we are doing something about the tragic problem of child sexual assault. But this bill, if it has any effect at all, it might affect 10 cases per year. Every year there are approximately 100,000 cases of sexual assaults against children, 100,000; and this bill might affect 10, which in effect ignores 99.99 percent of the cases of sexual assaults against children in America.

Obviously, we ought to be focusing on what we can do to reduce the chances that one of the 99.99 might be assaulted. So long as we keep passing bills that offer virtually no prospect of reducing crime, we will never get the opportunity to consider those bills for which we have research-based evidence that they will demonstrably reduce crime. And therefore, Mr. Speaker, I ask for a "no" vote on this bill so we can get to other bills that will actually reduce crime.

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

There is nothing so despicable as those who prey on children. There is nothing so abhorrent as harming those who are most vulnerable. We have an obligation to do all within our power to protect this Nation's children from the monsters who are out there as we speak.

I want to thank the gentleman from Wisconsin (Mr. GREEN) for his leadership, and actually doing something about the despicable, the abhorrent things which happen to children in this country every day. The gentleman from Wisconsin has shown considerable leadership in offering this legislation. I commend him for that, and I urge my colleagues to support H.R. 4047.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume to read a comment from the United States Sentencing Commission, a letter to myself and the chairman of the Subcommittee on Crime dated May 1.

This is from the United States Sentencing Commission:

> H.R. 4047, as presently written, raises some serious proportionality concerns. The bill would require a mandatory life sentence for any person who is convicted of a Federal sex offense in which a minor is the victim, if the person had a prior sex conviction in which a minor was the victim. This sentence could be mandatory for two defendants convicted of vastly dissimilar crimes.
>
> For example, a defendant convicted of raping a child under 12 using force, who had a prior conviction for a similar offense, currently is subject to a mandatory life sentence. Under H.R. 4047, a 19-year-old defendant, who engaged in consensual sex with a 15-year-old, would be subject to the same life imprisonment if he had a prior statutory rape conviction or conviction for some other prior sex offense in which the victim was a minor. The seriousness of these two offenses and harm to the victims could obviously be very different.

I would just like that note from the Sentencing Commission placed in the RECORD.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume to sum up.

First of all, let me say that this will not be the first time or the last time I disagree with the Sentencing Commission, both regarding their opinion and also in their analysis of a bill.

But let me just close by saying this. I would invite all of my colleagues, when they go home this weekend, to go to their computer, go on line, and call up the sexual offender registry in their home State or their home community and take a look at the rogues gallery of sick monsters who prey on our children. What my colleagues will find interesting when they call up those names, in taking a look at for how many of those individuals the record shows that they have done it over and over and over again.

This bill is about removing sick monsters from society.

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of H.R. 4047, the Two Strikes and You're Out Child Protection Act. This is important legislation that will help protect our children from sexual predators.

Today, we are sending a message to all pedophiles. You get one chance to reform your ways. If you are caught a second time sexually assaulting a child and are convicted, you will be given a life sentence without parole. The sad truth is that sex offenders and molesters are four times more likely than other violent criminals to recommit their crimes. A typical molester will abuse between 30 and 60 children before they are finally arrested and the danger to other children eliminated. More shocking, a recent survey conducted by the Washington Post found that each pedophile in the survey had molested an average of 300 innocent victims. Even one more victim is too many, and the Two Strikes and You're Out Child Protection Act will aggressively curb sexual abuses and assaults.

With the emergence of the Internet, children are even more vulnerable to sexual predators. Luring children across state lines has become even more prevalent as a result of the Internet. In this world where state lines have less meaning to our everyday lives, we need a concerted, national effort to combat this perverse threat. The Two Strikes and You're Out legislation does exactly that, not by creating more cumbersome crimes or by removing the role of the states, but by strengthening the penalties for crimes already on the books.

As a state legislator, I worked tirelessly to pass a piece of legislation called the Tyler Jaeger Act. The bill helps California law enforcement officials combat child abuse by strengthening the penalties against individuals who commit child abuse that results in the death of a child. My goal in passing this legislation was to provide a greater level of protection for our children. As a form of child abuse, sexual assault is among the saddest of crimes that can be committed, largely because the victim is defenseless. With high recidivism rates, we know that pedophiles will repeat their crimes until we get them off the streets. Just like Tyler Jaeger gave California new tools to fight child abuse, H.R. 4047 will provide federal law enforcement with a greater ability to remove these threats from society. Supporting this bill is the least we can do for all of our children. I urge my colleagues to vote for this important tool.

Mrs. KELLY. Mr. Speaker, I rise today in support of this legislation offered by the gentleman from Wisconsin.

Child sex offenders are justly condemned by our society as being the worst kind of criminal. The bill being considered today reminds us that perhaps our policies dealing with them do not fully match our rhetorical reproach.

The proposal we will vote on today represents the tough approach that must be taken if we are to succeed in reducing sex crimes against our children. An examination of the issue tells us that pedophiles are more likely than virtually any other type of criminal to repeat the same offense—yet the convicted pedophile currently spends on average less than three years behind bars.

We have got to do better than that. Child sex offenders ruin lives. They are predators with no conscience. The defenseless children upon whom they prey must deal for the rest of their lives with the scars left by a child sex offender's cowardly actions.

We must do more to keep these pedophiles off our streets and away from our children. This bill clearly takes a significant step in this direction through its provision of tougher sentences for repeat offenders, so I thank my colleague from Wisconsin for his efforts on this matter, and join him today in advocating its passage.

Mr. GREEN of Wisconsin. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 2200

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4047.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ILLEGAL PORNOGRAPHY PROSECUTION ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4710) to authorize appropriations for the prosecution of obscenity cases.

The Clerk read as follows:

H.R. 4710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Pornography Prosecution Act of 2000".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice for fiscal year 2001 not to exceed $5,000,000 to be used by the Criminal Division, Child Exploitation and Obscenity Section, for the hiring and training of staff, travel, and other necessary expenses, to prosecute obscenity cases, including those arising under chapter 71 of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4710.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma (Mr. LARGENT) be permitted to control the time, and I yield the balance of my time to the gentleman from Oklahoma.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LARGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I would like to first thank the gentleman from Oklahoma (Mr. LARGENT) for yielding this time to me, but, more importantly, for his leadership in combatting the serious problem of child sexual abuse and pornography in this country, particularly the explosion that has taken place with the advent of the Internet.

The Internet is one of the most wonderful developments that we have experienced in the history of this country and the history of mankind. It allows people the opportunity to learn, to experience new things, to have educational opportunities, business opportunities, opportunities to shop on-line. We want people to use the Internet. We want them to feel safe in doing so, but one of the biggest businesses on the Internet is that of obscenity, of hardcore pornography.

There are thousands of sites, estimates range from 40,000 to 100,000 sites. And the gentleman's legislation is designed to provide the resources to law enforcement to combat this problem. He has been very supportive of efforts that I have initiated to combat this by giving grants to local law enforcement agencies.

This $5 million goes to the Department of Justice for funding for the child exploitation and obscenity section of the Department. The monies would be authorized only for prosecutions under title 18, chapter 71, obscenity.

Federal statutes make it illegal to transport obscenity. Obscenity has been defined by the Supreme Court and is not protected by the first amendment. The amount of material on the Internet is growing exponentially.

Law enforcement was doing a pretty good job until a decade or so ago of working with postal authorities and so on to deal with this, of shutting down some adult book stores in many parts of the country. It was a battle that we were in some respects winning.

The Internet has changed that. The feeling that some people have that they are so anonymous they can be in their home viewing this material creates a serious problem, and it is a problem that is not simply a matter of looking at pictures of women under certain circumstances. It is pictures of children engaged in sexual activities, best described to me by a law enforcement officer who said that child pornography is viewing a crime in the process of being committed.

It is entirely appropriate that we devote these resources to this. The prosecutions for obscenity have dropped dramatically over the last 8 years. The excuse used by the Justice Department is they do not have the resources. Let us change that today by making sure that they have adequate resources to prosecute these people who would prey on our children.

Estimates are as high as 400,000 children who are victims of child pornography in this country. I urge my colleagues to support this excellent legislation.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to H.R. 4710. It purports to add $5 million to the Department of Justice's 2001 budget for prosecuting obscenity cases. However, in reality, if the bill passes, it probably does not mean any new money to the Department to be used for this purpose. Rather it likely means that money already appropriated to the Department, of that money $5 million must be devoted to prosecuting obscenity cases.

We are told by the Department prosecutors that this would mean that they would have $5 million less to prosecute other serious crimes, such as sexual exploitation, such as child pornography, and other serious crimes which may be a priority now in order to pursue adult obscenity cases.

As the gentleman from Virginia (Mr. GOODLATTE), my colleague, says, the bill restricts the $5 million to obscenity cases, which may not include child pornography, and certainly does not cover child exploitation, nor drug conspiracies, nor organized crime, nor repeat sexual abuse, sexual molestation cases, like the bill that we just finished with would have had, which we could clarify to make sure that these kinds of cases could be covered; but we are under the suspension of the rules and amendments are not allowed.

Congress should not be managing the Department activities to this degree of detail. But even if we did, it makes no sense to prioritize adult obscenity prosecutions which are allowed under this bill over sexual exploitation and child pornography prosecutions.

Rather than making an assessment of the Department of Justice's funding, which they would need to prosecute all serious crimes, including obscenity cases, we are now taking this potshot approach which prioritizes certain politically popular cases of the moment at the expense of prosecuting more serious offenses, including other offenses against children. I, therefore, urge my colleagues to vote no on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LARGENT. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise today in support of the Illegal Pornography Prosecution Act introduced by the gentleman from Oklahoma (Mr. LARGENT), my friend. I want to commend the gentleman for introducing this important piece of legislation, because it addresses a growing and serious problem in our communities today, the proliferation of illegal hard-core pornography.

Mr. Speaker, pornographic, obscene material is illegal. It has no protection from the first amendment, nor does it deserve it. Hard-core pornography appeals to the darkest side of humanity, and it debases the value and dignity of human life.

Yet under the current administration, and this is the reason we need to specify, we have allowed obscenity to thrive in the streets of America. In fact, trading of this horrid material has grown exponentially in the last few years because of the new medium of the Internet.

Let me repeat, pornography is illegal; yet it is thriving in America today.

Mr. Speaker, this must change. H.R. 4710 authorizes $5 million in funding for the child exploitation and obscenity section of the Department of Justice. It is unconscionable that, while the current administration pays lip service to the concerns of millions of parents and families, their actions show a total disregard for common decency.

The lack of prosecution has been so noticeable that in the last few years that the adult entertainment industry has acknowledged that it has had years of benevolent neglect from the Justice Department.

Mr. Speaker, this is unacceptable. The children and families of America deserve better. My own hometown of Greenville, South Carolina, has recently waded through the disturbing discovery of patrons viewing pornography in the public library and inviting and even forcing children to view the disgusting material as well.

After documenting the widespread and serious nature of the problem, the library board has taken strong and proper measures to curtail the abuses and to protect children in our community. But this illegal material should not even be available to the public in the first place.

Pornography is illegal, and it should be treated as such; and those who trade in this illicit material should be prosecuted to the fullest extent of the law.

The Justice Department already has the authority to prosecute on-line and off-line obscenity. It has had the general, if not specific, resources to do it. It has heard congressional concern on this issue for years, and it has done nothing. In fact, there has been a precipitous decline in the prosecution of cases.

With H.R. 4710, the administration can no longer use the excuse that it does not have enough money. Congress with this bill is declaring that continued lack of action is unacceptable. We demand that the administration protect our children and our communities.

Mr. Speaker, I am pleased to support H.R. 4710, and I urge all of my colleagues to join me in voting in favor of this important bill.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding the time, as we may disagree on the merits of this bill, because I am one of the sponsors of this bill.

Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. LARGENT) for his leadership on this legislation, and I rise in support of H.R. 4710. What this bill really does is it allows the Department of Justice to keep pace with the challenges posed by the Internet. Everyone is aware of the explosion of the Internet, the explosion of Web sites on the Internet, and with the aggressive marketing tactics of the adult entertainment industry.

Obscene material is being brought into our homes of millions of American families, without their request or without our consent.

Why is there obscenity, and why are we placing the emphasis on this legislation and why is it necessary? Because no one can even be sure of how many sites exist. Estimates range that those sites are from 40,000 to 100,000. These sites feature all types of obscenity from child nudity to graphic sexual depictions. Adult entertainment sites on the Internet account for the third largest, it is the third largest sector of sales in cyberspace with an estimated $1 billion to $2 billion per year in revenue.

Clearly, these Web sites have no incentive to regulate themselves or to restrict access by minors. Innocent adults and minors are increasingly encountering these sites. In fact, these sites are often used in spam e-mail and technical manipulations to trap someone in the site on-line, and they may not even need to escape while they are on-line. Also as the Committee on Commerce noted in some hearings that we had this year, in the past because of sophisticated, yet easy to use navigating software, minors who can read and type are capable of conducting Web searches as easily as it is to operate a television in their own home.

The $5 million that we authorize with this legislation provides essential service for the Justice Department to prosecute obscenity cases on the Internet and elsewhere. Obscenity is not protected speech, and it should not be protected just because we do not have the money to prosecute it. This bill will give it the authorization to put forth $5 million to begin the crackdown on Internet obscenity.

Mr. Speaker, I am pleased to join the gentleman from Oklahoma (Mr. LARGENT), my friend and colleague, to support this legislation that will fund this very important fight. I would hope that we would all support H.R. 4710, the Illegal Pornography Prosecution Act.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I come to the floor to strongly support this, and I understand that our job is to set priorities for the administration. There is no question in the debate that this has not been a priority for the administration.

They have said that this has not been a priority, and no matter how much money we send to the Department of Justice, it behooves us to direct the spending of that money in this area.

Mr. Speaker, I want to relate a couple of things to my colleagues. I delivered a 9-year-old child of a baby, 9 years old, pregnant and delivering her. I want to tell my colleagues that that is never going to be and never will be a positive circumstance. The kind of actions that brought about that situation are the very actions that we are trying to get the Justice Department to look at, to follow the law and to prosecute the law.

The problem is much greater than we would say, because if, in fact, we look on the Internet today, under stop AIDS, we will find information under that category that is funded by our own CDC that lists how you participate in S&M sex. Also in that same area, it shows the same type of obscenity that we are paying for with our tax dollars to do that.

So the question is, this bill does not go near far enough. This should just be the first step as we attack this attack on our children.

□ 2215

The other point that I would like to make, if this is an addictive procedure, we are big about protecting our children from tobacco, we are big about protecting our children from alcohol, we are big about protecting our children from drugs, we are big about talking about the violence that our children are seeing, but we are not big when it comes to one of the things that can undermine their future more than any other thing.

So where is our priority? If we are really concerned about our children, then we ought to be concerned about every aspect that will undermine their future. This is one of, if not, the largest threat facing our children today, and I would hope that we would all support this legislation.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding me time.

I serve on the subcommittee of the House Committee on Appropriations that funds the Department of Justice, and on March 8 of this year in the routine annual testimony, Attorney General Janet Reno came before our committee and I asked her specifically to answer six questions about the issue of illegal pornography. She could not answer the questions in person, so she asked for time to answer in writing.

Today is July 25, and I have not heard the first word, the first answer, from the first question. I think that is unfortunate, because I do think this is an issue that we should in a bipartisan way meet at the water's edge. This is like national security, it is undermining, I think, the foundation of our country. I think it is important.

People may say is this one set of people trying to impose their values on another set of people? And I would say there is a differential between pornography which is protected under the first amendment and illegal pornography, the way it is defined under Supreme Court rulings. There is a difference.

This is the stuff we are all supposed to not approve of because it is illegal, and we are not prosecuting it, and the referrals are coming. All this says is it is time to make this a priority, because it is a cancer in our culture.

We are in an unprecedented time of peace and prosperity, but people know there is a deeper issue here. These things cannot be good. As a matter of fact, this is the darkest side of humanity, and we need to draw a line and say it is not right, it is not just, it is a cancer, and this entire country of ours will fall and collapse on the weight of this kind of cultural flaw.

The Word itself, the Good Book, says be wise as serpents, yet innocent as doves.

We need to root this out, and we need to prosecute it in the United States of America for the next generation.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me time.

Mr. Speaker, for a long time this has been a concern of mine, and I do not know if we are approaching this in the right direction, but I do say that this is an important step, and I support this legislation.

We always could do more. We always could be more precise. We will never find out unless we try. This initiative provides $5 million to the Criminal Division Child Exploitation and Obscenity Section to hire and train those individuals who will be able to prosecute cases that would arise under the chapter 71 of title XVIII.

When we did the Telecommunications Act some few years ago, one of the concerns was how would we stop obscenity on the Internet or on the computer system? Unfortunately, at that time we had difficulty in passing legislation. In fact, I believe the Supreme Court overturned some legislation that we did include in that omnibus bill.

We did manage to pass the V-Chip, which deals with television viewing, so parents could have control over their children and what they watch. Unfortunately, the Internet, the computer, is a vehicle and a tool that children are often using alone.

What I am concerned about is there is a whole range of obscenity and pornography. There is the enticing of children through the Internet. I know that this legislation does not particularly deal with that, but I do think it is important for this Congress to go on record that we oppose the manipulation of our children and pornography concepts that our children may be exposed to as they are attempting to learn on the Internet.

The Internet should be a learning tool for our children.

I might just say my good friend from Oklahoma, who mentioned the Clinton Administration, I would hope and think that the administration is not opposed to fighting pornography on the Internet and would welcome this legislation.

For that reason, let me say that I support the legislation, and as a cochair of the Democratic Task Force on Children, I believe all of us should be concerned about issues such as this and find a way to make the first step and then look to make legislative initiatives better, but to take the first step.

Mr. Speaker, I thank the gentleman for this legislation.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just make a couple of closing comments. We have heard a lot of comments about obscenity is illegal and child pornography is illegal. The bill, unfortunately, restricts the use of this money to obscenity cases, not child pornography cases.

Now, if we had a hearing and a markup, maybe we could cover what we want to cover, and I assume we are trying to cover child pornography. But you cannot use the $5 million to prosecute child pornography, because it is restricted just to obscenity.

We heard the case of the 9-year-old mother, and obviously there is somebody out there that ought to be prosecuted for rape. This bill is restricted just to obscenity. You cannot use the money to prosecute those rapes.

So, Mr. Speaker, we have $5 million. It has got to be taken out of something. Nobody said we ought to be prosecuting organized crime less or child rapes less or drug conspiracies less. They have not said that we ought to spend $5 million less on that. Obviously the money has to come from somewhere. It is not going to be additional money, because we have already had the appropriations bill pass the House.

So I would hope that we would not get into the minutia of the Justice Department budget and take money from an area, when we have not said where it is coming from, particularly when it could be coming from the prosecutions that we wanted prosecuted, like child pornography, which is illegal, but which you can use this money for.

Mr. Speaker, I yield back the balance of my time.

Mr. LARGENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a cancer in our culture today, and it literally is corroding our national character. The problem of illegal pornography is a cancer, eating away at America. Unless we begin to aggressively treat this cancer by prosecuting it as the law says and intends, it will continue to attack our marriages, our children, and our society.

It used to be that we were concerned about the dirty little bookstore down at the end of the street and the problems of criminal behavior and declining property values associated with it. Now the aggressive marketing tactics of the pornography industry have brought such material directly into the family rooms, our schools, our libraries, and offices of millions of Americans.

Do we think the social costs and community problems associated with those adult book stores have diminished just because it is on the Internet? Absolutely not. Instead, they have become more internalized and more destructive and more pervasive because of their accessibility, their affordability and the fact that you can now be anonymous. That is the nature of illegal pornography on the Internet today.

So what is the extent of the problem? Well, as has been mentioned already, estimates range somewhere between 40,000 and 100,000 Web sites are pornographic in nature today, and 200 new Web sites are created each day devoted to pornography, most of it illegal pornography, or "obscenity" as the legal term of art. Adult entertainment sites on the Internet account for the third largest sector of sales in cyberspace, with an estimated $1 to $2 billion per year in revenue on the Internet alone.

It is a well-known fact that the largest consumer group of this pornography is young boys ages 12 to 17 years old in this country. In fact, the average age of exposure because of the Internet has fallen to the age of 11. Illegal pornography is teaching an entire generation of young men distorted values about their sexuality, about marriage, about healthy relationships with women and respect for others. Rapists, for example, it has been found, are 15 times more likely to have had exposure to hard-core pornography during childhood.

So what exactly has the Department of Justice done in response to this epidemic, this cancer, in our culture? Prosecutions of obscenity have dropped over 75 percent since 1992, this at a time when pornography has become ubiquitous in our culture today, giving a false sense of legitimacy to the pornography industry. In fact, there have been porn industry people that have actually gone with public offerings now on the stock exchanges. The Department of Justice has turned a blind eye to this cancer, allowing America's children to be bombarded with obscenity.

In a Committee on Commerce subcommittee hearing in May of this year, the Department of Justice said that the prosecution of obscenity has not been a priority for them. In fact, it was suggested that if we gave them $50 million more, that they still would refuse to prosecute obscenity. So money is not the issue. It is the fact that this is not a priority. They stated that in the subcommittee hearing that I participated in and actually called for.

Furthermore, they could not name a single major distributor or producer of obscenity, although most Americans access these sites accidentally by searching through innocent key words on the Internet. This at a time when we would like to sit here in Congress and say well, you know, the real producers and purveyors of pornography, they are not from this country. But that is wrong.

Mr. Speaker, I would tell you that the facts are that America is the leading producer and promoter of pornography in the world today, in the world. We are leading in producing material that is degrading towards women, and yet the DOJ was unaware of even one major producer.

But what does the adult industry say about the Department of Justice's turning a blind eye? Here is what Adult Video News said, a trade magazine for the porn industry. They reported in 1996, "There have been fewer Federal prosecutions of the adult industry under Clinton than under Reagan and Bush. With no reason to change his hands-nearly-off porn policy, vote for Mr. Clinton."

In March 1998, following just six obscenity prosecutions in 1997 by all 93 U.S. Attorneys, the same magazine announced, "It's a great time to be an adult retailer."

In March of this year, the Adult Entertainment Monthly, another publication for the porn industry, mused over how unlikely it is that the adult entertainment industry will enjoy the same "benevolent neglect" under the next administration that the industry has enjoyed under Janet Reno.

Lieutenant Ken Seibert of the Los Angeles Administrative Vice Unit, quoted in the Los Angeles Daily News; stated, "Adult obscenity enforcement by the Federal Government is practically nonexistent since the administration changed in 1992."

Porn video distributor David Schlesinger told TV Guide in 1998, "President Clinton is a total supporter of the porn industry, and he's always been on our team."

These are not my quotes, these are not Republican quotes, these are the quotes from the porn industry itself. Just today a porn industry legal analyst stated, "On the Federal side the industry has not seen a Federal prosecution in years." That is what the porn industry legal analyst said.

H.R. 4710 is important. It is an important first step towards prodding the DOJ's Child Exploitation and Obscenity Section to prosecute obscenity and also holding them accountable to do so. H.R. 4710 authorizes $5 million in funding for the Child Exploitation and Obscenities Section of the Department of Justice for the prosecution of obscenity exclusively.

Obscenity is illegal under Federal law. Obscenity has been defined by the Supreme Court. Obscenity is not protected by the first amendment, and the vast majority of Americans believe obscenity laws should be vigorously enforced.

Mr. Speaker, I urge my colleagues to vote for H.R. 4710, which is a vote to prosecute obscenity, to uphold the law, and to protect our children from illegal pornography.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4710.

The question was taken.

Mr. LARGENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 2230

CONGRATULATING PEOPLE OF UNITED MEXICAN STATES ON SUCCESS OF DEMOCRATIC ELECTIONS HELD ON JULY 2, 2000

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 544) congratulating the people of the United Mexican States on the success of their democratic elections held on July 2, 2000.

The Clerk read as follows:

H. RES. 544

Whereas the United States and Mexico have a long history of close relations and share a wide range of interests;

Whereas the people of the United States and the people of Mexico have extensive cultural and historical ties that bind together families and communities across national boundaries;

Whereas a democratic, peaceful, and prosperous Mexico is of vital importance to the security of the United States;

Whereas a close relationship between the United States and Mexico, based on mutual respect and understanding, is important to the people of both nations;

Whereas Mexican leaders from across the political spectrum and representatives of civil society recognized the need for political and electoral reform and took important steps to achieve these goals;

Whereas on July 2, 2000, nearly two-thirds of all eligible voters in Mexico participated in the national election;

Whereas both domestic and international election observers declared the July 2nd elections to be the fairest and most transparent in Mexico's history;

Whereas the election of Vincente Fox marks the first transition in power at the presidential level in 71 years from the ruling Institutional Revolutionary Party (PRI), completing Mexico's transition to a total multi-party democratic system;

Whereas Vincente Fox, the winning presidential candidate, and Ernesto Zedillo, the current president, have both pledged themselves to a peaceful and cooperative transition of power; and

Whereas this transparent, fair and democratic election should be broadly commended: Now, therefore be it

Resolved, That the House of Representatives—

(1) congratulates the people and Government of the United Mexican States for the successful completion of the democratic multiparty elections for president and the legislature;

(2) commends all the citizens and political parties of Mexico for their participation in the democratic process and their strong support for the strengthening of their democracy;

(3) congratulates President-elect Vincente Fox for his election victory and his strong commitment to democracy and a free-market oriented economy; and

(4) reaffirms the United States friendship with the United Mexican States and our unequivocal commitment to encouraging democracy throughout Latin America.

The SPEAKER pro tempore (Mr. TANCREDO). Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 544.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.Res. 544, which this Member, along with the distinguished gentleman from Texas (Mr. GONZALEZ) and 26 of our colleagues, introduced to commend the government and people of Mexico on their recent national elections.

While Mexico, in fact, practiced democratic governments for the past several decades, the outcome of the July 2 presidential election ending 71 years of dominance in the office of the presidency by the PRI party represents the most dramatic and historic change in leadership in modern Mexican history.

In addition, this legislation was deemed by both domestic and international electoral monitors as the freest, fairest, and most transparent election in Mexican history; and the broad participation of nearly two-thirds of Mexico's eligible citizenry further evidences the noteworthy success of the election.

Mr. Speaker, aside from this broad recognition of success of the recent election, I want to address one important aspect of this election. I believe it is important to recognize Mexico's current President Ernesto Zedillo for his critical role in initiating reforms which assured the transparent and democratic process witnessed in the recent election.

Two years ago, Mexican leaders from across the political spectrum, led by President Zedillo and representatives of the civil society, recognized the need for political and electoral reform and took important steps to achieve these laudable goals.

One of the reforms he initiated was the establishment of the Independent Federal Electoral Institute, which was to oversee the electoral process, thereby insulating the electoral administration from political influence.

In addition, President Zedillo was instrumental in instituting a primary selection process for future presidential candidates within his own PRI party which has ruled Mexico since 1929. This primary process was a major accomplishment which helped to democratize the party itself.

Finally, Mr. Speaker, we should also recognize the diligent work of the National Action Party, or PAN, as well as the former political talent of President-elect Vicente Fox, which were also key factors in the July 2 electoral process.

This vote for H.Res. 544 not only recognizes Mexico's successful election and congratulates President-elect Fox, but it hopefully ushers in a new chapter in U.S.-Mexican relations which I hope will further bind our nations through our shared aspirations in the future.

Mr. Speaker, I urge our colleagues to join me in congratulating the people of Mexico, members of civil society and the political parties for the dramatic process made over the past several years in bringing about this historic and laudable electoral success.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first just take one moment to publicly thank Dennis McDonough for the great work he has done on the committee. Dennis is abandoning us to go to the other body and join Senator DASCHLE's staff, an excellent choice if he has to go to the Senate. We would have rather he stayed with us. We just want to publicly thank him for all of his fine work and tell him if he changes his mind we will be happy to take him back, at reduced pay, of course.

Mr. Speaker, I rise in support of the resolution. I think all of us were truly impressed by the changes that have occurred in Mexico and the electoral process. The good news is that democratic change has occurred there peacefully with our neighbor to the south, a country that I have great admiration for and have spent many vacations there.

Mr. Speaker, Mexico needs to go beyond simple political reform. It needs economic reform. It needs to be a country that gives not only democratic opportunity politically, it needs to give democratic economic opportunity to its citizenry as well. So I applaud what happened in Mexico, and I hope that we can work together to give every Mexican an opportunity to benefit from this change.

Additionally, I would only like to say, Mr. Speaker, that while we see this good news of democracy in Mexico and Venezuela, Peru and Haiti, we see democracy losing ground, and we all need to keep focused to make sure that in Venezuela, where democracy has been strong for so long, that it is not lost; in Peru and Haiti, that the troubles there do not lead to a continued deterioration in the democratic process.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), who recently led a 44-member delegation to oversee the national election in Mexico. He is my good friend and the chairman of the House Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise to compliment my very good friend, the gentleman from Simi, California (Mr. GALLEGLY), who has done a superb job on the Committee on International Relations, and having authored this resolution is a demonstration of his strong commitment to building ties between the two very important nations.

I would like to say that the gentleman from Connecticut (Mr. GEJDENSON) is somewhat modest on this when he talks about how he has vacationed in Mexico. He has actually worked in Mexico, too, because he is a veteran member of the Mexico-U.S. Interparliamentary Conference; and over the past 2 decades that he and I have been privileged to serve here in the Congress, he has been an active participant in a number of those meetings and has, as I have, observed the tremendous transition which has taken place.

In fact, when he and I were elected to the Congress exactly 20 years ago, we saw a Mexico which in fact was facing very serious economic problems. In fact, I remember in 1982, after the first Mexico-U.S. Interparliamentary meeting that I attended, we saw President Lopez Portillo nationalize the banking system and we saw a wide range of other steps which were actually retrograde steps when it comes to the issue of economic reform. Beginning in 1988, we saw the economic reform that my friend is actually saying needs to take place.

What we saw was policies put into place in the Salinas administration, led by the likes of Pedro Aspe, the treasury secretary, and Jaime Serra Puce, the commerce secretary who brought about the kind of reform that we as a nation and the rest of the world are moving towards: privatization, decentralization.

They closed down many state-owned enterprises. They, in fact, saw President Salinas because of his concern for environmental issues close down the largest oil refinery, putting 5,000 people out of work in Mexico City because of his commitment to environmental issues. That took place during the 6-year period of the Salinas administration; and, admittedly, there were many problems. President Salinas continues to face problems there, but his commitment to economic reform which began in 1988 was key to what we saw on July 2.

Now, in 1993 and 1994, my friend the gentleman, from Arizona (Mr. KOLBE), who is going to be speaking in just a few minutes, often at 10:39 in the evening, would stand here and talk about the importance of breaking down barriers, tariff barriers, among Canada, the United States and Mexico as we were seeking to get the Congress to pass the North American Free Trade Agreement. We argued that if we were to pass the North American Free Trade Agreement we would see very positive changes and economic improvement. Mr. Speaker, I am very proud of the fact that that has happened.

We have seen a dramatic improvement in both the standard of living in the United States and in Mexico. In fact, today the Mexican population that is considered to be middle class is larger than the entire Canadian population.

So, sure, there are many poor people in Mexico, and there are many rich people in Mexico. We have often heard that to be the case, but the North American Free Trade Agreement has been key in our quest to see the standard of living improve in Mexico. Much more work remains to be done, but we saw that step take place. We knew, based on the evidence that we have seen in other countries in this hemisphere, Argentina and Chile and the Pacific Rim, South Korea and Taiwan, that focusing on economic reform would in fact bring about an improvement in the issue of self-determination, political rights, human rights.

Mr. Speaker, I will say, having joined with the former Secretary of State, James Baker, and the mayor of San Diego, Susan Golding, in co-leading a delegation of the International Republican Institute, an arm of the National Endowment for Democracy, we saw self-determination finally take hold.

Now we have seen the success of opposition parties in mayoral elections. In fact, 15 of the 16 largest cities in Mexico have opposition party mayors. Governorships throughout the country, of the 32 states, we have seen a number of them with opposition party governors, but for 71 years we continued through a dozen elections to see the Institutional Revolutionary Party, the PRI party, hold control.

In fact, even members within the PRI acknowledged that there were a great deal of problems, to put it mildly, in elections that have taken place in the past. We remember very well in the 1994 election when the computers broke down, the PAN party had actually been ahead, and we saw a change that took place overnight. So that is why the commitment that President Zedillo made to strengthen the FEI, the Federal Electoral Institute, which was designed to have an independent body, independent of the Institutional Revolutionary Party, play a role in encouraging free and fair elections.

We saw it finally work. It is a demonstration of the commitment to economic reform and the success of the North American Free Trade Agreement, the commitment of President Zedillo and as my friend from California, the author of this resolution, along with the gentleman from Texas (Mr. GONZALEZ) made it very, very clear, the success of the National Action Party, the party which has embraced the policies which I believe are key to bringing about the kind of success economically that we have seen in the United States and around the world.

I am happy to see the PRI party embrace many of those PAN party positions during the 1990s, but now the people of Mexico are going to get the real thing with Vicente Fox as its president.

It is a coalition that has been put together, but the sense of optimism that I saw in Mexico was overwhelming. On election night, at about 1:00 in the morning, I joined one of the members of our delegation, M. Delal Baer, who is one of the most prominent Mexicologists at the Center for Strategic International Studies here in Washington, and to stand at what is known as the Plaza, which is the Angel of Independence, when Vicente Fox came out we stood among about 50,000 or 60,000 people, the level of optimism, the confidence that the people had was incredible.

I will say in closing that I will never forget being in a little tiny town called Metepec, which is in the hills above Puebla and Atlisco, when at 6:00 we counted the ballots, which was in a rural area where in fact the Institutional Revolutionary Party, the PRI party, was supposed to be very strong because of a lot of things that they had done to promote incumbency there, and a young 18-year-old woman who was the representative of the National Action Party stood there, and we witnessed the counting of the ballots in this casilla, which was a voting station. The vote was 210 votes for Vicente Fox and 106 for the PRI party candidate, Francisco Labastida.

What we saw was a level of excitement because this woman said to me, my family for years, as members of the National Action Party, we have been working to bring this day about, and it has finally happened. That is why I think it is very important for us as a Nation to say that the already strong relationship between Mexico and the United States will, I believe, be strengthened even more with the election of Vicente Fox. I believe that we have a tremendous potential for the future.

I congratulate the gentleman from Texas (Mr. GONZALEZ) for joining in as a cosponsor of this resolution. I want to again congratulate my friend, the gentleman from Arizona (Mr. KOLBE), who for years and years and years has pursued improvements in Mexico; and I was pleased when he stood in this aisle in 1987 and asked me to join with him as a cosponsors of legislation to eliminate those tariff barriers, and we on July 2 saw that ultimate victory because of the economic reform.

□ 2245

So I congratulate the people of Mexico and, of course, my colleagues who moved ahead with this.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, a special thanks, of course, to everyone that is here to speak to this issue and to this resolution. I especially appreciate the words from the gentleman from California (Mr. DREIER), looking forward to even a better relationship with Mexico and what this election represents.

A special thanks to the gentleman from California (Mr. GALLEGLY) and the gentleman from New Jersey (Mr. MENENDEZ) and their staffs for the privilege they have provided me to work with them on this legislation.

Mr. Speaker, I am honored to congratulate our neighbor, Mexico, for its peaceful, transparent federal election that took place on July 2, 2000. The Mexican citizens, through their participation and dedication to electoral reform in numbers that exceed those by our own voters in our elections, must be credited for assuring that this election was in fact transparent, fair, open, and in the final analysis a democratic success.

The United States and Mexico, joined by a common border, share mutual interests and concerns that make the fate of one country dependent on the other. The City of San Antonio, my city, with its proximity to Mexico, has always had a unique bond with Mexico due to its shared history.

The mutual responsibilities of Mexico and the United States make this a historic election important to our economies and national security. Today, with this election, Mexico will enter a new era that will have consequences for its international relationship, not only with the United States but with the rest of the world.

Mr. Speaker, I know that with President-elect Fox's leadership, as demonstrated during his campaign for office, he will reach out and embrace the different factions in Mexico, joining the country in its united cause to ensure that Mexico's dedication to democracy will not be compromised.

Finally, I would like to congratulate President Zedillo and President-elect Vicente Fox for their commitment to a peaceful transition of power.

In closing, I would hope what this election represents is a fruition of great effort by many of the greatest leaders in Mexico. Mr. Speaker, on reflection, when my grandparents came over in 1908 seeking a certain dream that they felt they could only achieve under the system in the United States, that after this election and what it brings that it will mean that individuals in Mexico will achieve the same dream that my grandparents sought in the United States, but rather than within their own borders of Mexico.

Mr. GALLEGLY. Mr. Speaker, I reserve the balance of our time.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I rise to join my colleagues in acknowledging this historic moment for our neighbors and friends to the south. We know that just 3 weeks ago Vicente Fox achieved a monumental victory in assuring his ascension to the Mexican Presidency.

I had a chance to meet Mr. Fox during the campaign. I spent several weeks in Mexico watching the election. I saw the hope and the optimism and the excitement engendered by his candidacy; a hope and optimism which I think bodes well for U.S.-Mexico relations.

This election represents also the example of leadership that was shown by President Ernesto Zedillo. He embarked on a reform policy from the beginning of his own 6-year presidency. He stayed committed to it and there was widespread confidence in the fairness of the election throughout Mexico.

On election night, President Zedillo recognized the legitimacy of Mr. Fox's victory and guaranteed the peaceful transfer of power. That will be his most enduring legacy. That legacy, the devotion to democracy, is a legacy to hold sacred the voices of Mexico's people.

Mr. Speaker, the district I represent, California's 50th, part of the City of San Diego, lies directly on the U.S.-Mexico border and my community shares close ties with Mexico. From our homes we look south and see the Mexican hills. We share ocean and river water, businesses and culture. The greatest number of legal cross-border travelers between any two nations in the world pass through my district.

But another highly visible feature of my district is a border fence, a symbolic scar that separates our businesses, our friendships, our families. On each side of that fence is tension, mistrust and violence. At this border we have great problems to solve and great challenges to meet: Immigration problems, environmental problems, infrastructure problems.

But Mr. Fox has already boldly spoken out on these issues. He sees a Mexican economy that will provide 1.5 million new jobs a year and a national campaign to raise standards of living and increase access to health care and education. He sees the breakup of a corrupt bureaucracy. He has promised to deal with human rights concerns in Chiapas. All these steps Mr. Fox rightly knows will reduce the pressure of immigration on our border.

Mr. Speaker, many San Diegans are as excited about the prospects of this new Mexico and this new border as are the Mexican people themselves. I believe now is the time to tear down the barriers, to embrace the new President and the Mexican president. Rather than building walls, it is time to build bridges and encourage Mexico's new and successful commitment to democracy. We can gain so much from this cooperative effort. We have already begun.

Mr. Speaker, I say to the new President, "Senor Presidente, si, se puede."

Mr. GALLEGLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California (Mr. GALLEGLY) for yielding me this time, and I thank him for his leadership in bringing this resolution to the floor. I also thank the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from Texas (Mr. GONZALEZ) for their efforts as well.

Mr. Speaker, this is a historic moment that we are here on the floor with this resolution, and I rise in strong support of it, a resolution to congratulate the people of Mexico for their historic democratic election which was held just a few days ago.

As a student of U.S.-Mexico relations, I know that history has not always been kind to Mexico. From the Spanish conquest of Mexico to the dictatorship of Porfirio Diaz, Mexico was for too long under the thumb of oppressive governments. The Mexican revolution broke those chains of oppression, but it threw Mexico into years of civil war and infighting. It was not until the PRI consolidated power 70-plus years ago that peace really returned to Mexico.

During the past two PRI presidencies, we began to see real change occurring in Mexico. A traditionally closed and protected economy began to open up to the world. United States and Mexico, sensing an historic opportunity, locked these reforms into place with the conclusion of the North American Free Trade Agreement. But NAFTA was more than a simple trade agreement between our three countries. It symbolized a new sense of partnership between the United States and Mexico. It made concrete what we all know to be true, that like it or not, the United States and Mexico share a common future.

Economically, I think NAFTA has been a huge success. It helps to bring investor confidence to Mexico. It has enabled both the United States and Mexico to specialize its production and it has led to increased exports on both sides of the border. But the true success of NAFTA lies much deeper than that.

As I have always said, with economic reforms, political reforms will follow. And there is no greater testament to this fundamental truth than the recent democratic elections in Mexico.

So, Mr. Speaker, it is with great pleasure that I congratulate the Mexican people for the bold and visionary steps that they have taken in recent years and very dramatically with this election. This month's election is the cumulation of slow political change in Mexico. And so we congratulate President-elect Vicente Fox and his party, the National Action Party.

But we congratulate more than an individual and more than a political party. We congratulate the people of Mexico, for this is a moment that Mexico should be justly proud. It is not the end; it is the beginning of a new era, a new era of openness, of democracy, of prosperity for the Mexican people.

Mr. Speaker, I am pleased to extend my best wishes and sincere congratulations to the people of Mexico. As the Mexicans themselves might say it, "En hora buena. Muchas Felicidades." Well done, congratulations.

Mr. GALLEGLY. Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Ohio (Mr. BROWN), who is a valuable member of the committee.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for yielding me this time.

Mr. Speaker, I rise in support of H. Res. 544 congratulating Vicente Fox and the Mexican people for this very successful election. Vicente Fox as a candidate was in the Capitol some months ago and I talked to him about Chiapas, the very poor state in southern Mexico, talking about rural development, about health care in Chiapas, and especially about the military occupation from the central government of many of the rural areas of Chiapas.

Once a year a Cleveland doctor friend of mine, who practices in the inner-city clinic in Cleveland, goes to Chiapas for a month and practices in a rural Catholic hospital. She has worked on several patients with tuberculosis. She tells me that in order to treat tuberculosis, someone needs to visit a doctor or a health clinic, or the health worker needs to go to the person's home and take medicine there every day for 6 months.

The problem in Chiapas is that patients simply cannot get to and from a clinic, nor can the workers in the clinics get to the patients' homes, because of the check points and the military occupation in southern Mexico in Chiapas. President Fox, back then Candidate Fox, pledged to me and several others publicly and privately that one of the first things he would do is negotiate with those indigenous peoples to get the military out of southern Mexico to get the military occupation out of Chiapas.

Mr. Speaker, that is a very important issue for the health of many of those people in rural southern Mexico, many of the indigenous people. I hope he follows up on that promise.

Second, very quickly, Mr. Speaker, President Fox talked during his campaign, and since, about beginning to put together if you will a European Union style deepening of the North American Free Trade Agreement. Many of us have mixed feelings about the success of NAFTA. I feel it has not been a success at all, unlike the previous speaker. Nonetheless, if he is going to pursue an EU-style, European Union style deepening of NAFTA, customs issues, currency issues, things like that. It is important that he also with that, as the Europeans have done, enact strong labor standards, strong environmental standards, strong food safety, truck safety standards; all the issues that will raise Mexicans up, not bring American food safety and environmental standards down. That will help build a prosperous middle class in Mexico so we can have real trade between the two countries.

Mr. Speaker, I applaud Mr. Fox's election and applaud the Mexican people for their success. I ask Mr. Fox and again urge him in terms of the indigenous people in Chiapas and the military occupation and the EU-style deepening of NAFTA.

Mr. GEJDENSON. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA), also a member of the committee.

Mr. FALEOMAVAEGA. Mr. Speaker, I join strongly with our colleagues in urging the passage of House Resolution 544 which congratulates the people and the government of Mexico for their tremendous success of their democratic elections held earlier this month.

Mr. Speaker, I certainly would want to thank the gentleman from New York (Mr. GILMAN), chairman of our Committee on International Relations, and also the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democratic member, for their leadership and support of this legislation.

I also want to commend the gentleman from California (Mr. GALLEGLY), chairman of the Subcommittee on the Western Hemisphere, my good friend, for introducing this legislation, and thank the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democratic member of the subcommittee, for bringing the measure to the floor. I am proud to join them as a cosponsor and strongly urge my colleagues to support this resolution.

Mr. Speaker, the United States has had a long close and special relationship with Mexico, our nearest neighbor to the south. I, and many of our colleagues, have traveled to that Nation to review issues of mutual concern. That is why we take great pride in Mexico's historic exercise of democracy this month, which saw national elections ending the three-quarters of a century domination and one-party rule by the PRI, or the Institutional Revolutionary Party.

In what is seen as the fairest and most competitive presidential elections ever in Mexico, two-thirds of eligible voters, over 35 million strong, participated.

□ 2300

According to former President Jimmy Carter, who observed the elections from Mexico City, "The Carter Center has been monitoring elections down here for more than 12 years and this one was almost perfect."

Mr. Speaker, of Mexico's 113,423 voting stations, it is reported that 99.99 percent functioned normally and without fraud, a country with a population of some 85 million plus. I say what a great example for a country with democratic institutions in place.

Mr. Speaker, there is an extraordinary accomplishment, a sign of political maturity and commitment to democracy, for which the good people of Mexico should be given tremendous credit.

Mr. Speaker, at the eve of such dynamic changes with Mexico's election process, I also want to especially note that Mexico's newly elected leaders to take up more seriously the really needed social and economic issues of the needs of millions of indigenous Indians who live in that country. I am certain that Mexico's first president and leader who liberated Mexico from Maximilian rule and, for that matter, from European colonialism, the irony of all of this, Mr. Speaker, is that Benito Juarez, the George Washington and Abraham Lincoln in Mexico combined, in my humble opinion, was a pure-blooded indigenous Indian who was orphaned at a tender age and educated by Catholic priests, even had personal communications with Abraham Lincoln during the Civil War.

One of the things I want to share with my colleagues, Mr. Speaker, when President Lincoln was assassinated, Mexico was the only country that President Juarez ordered flags half mast to pay honor and homage to President Abraham Lincoln. That is the caliber of this gentleman's leadership. I am very touched by the fact that I am sure that Benito Juarez would have been very happy with the results of the election.

But I want to note and to also send this message: Our friends in Mexico, do not neglect the needs of the indigenous Indians, the millions of indigenous Indians in that country.

Mr. Speaker, as we depart the 20th century, outgoing President Ernesto Zedillo should be recognized and commended for the electoral reforms he instituted that made possible free and fair elections in Mexico, which is truly an admirable legacy.

As we enter the 21st century, the United States should strive to support the President-elect Vicente Fox and his visionary agenda for Mexico to overhaul government and stop corruption, improve employment and strengthen education, and to vigorously combat the international drug trade.

Mr. Speaker, the people of Mexico have spoken, and they clearly want change from the corrupt practices of past administrations. This stunning example of democracy by one of our two closest neighbors are very special at a time when democratic institutions seem threatened in other countries in the Western Hemisphere.

I strongly urge my colleagues to support this legislation. I commend the gentleman from California (Mr. GALLEGLY).

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me this time. Mr. Speaker, I thank the proponents of this legislation.

Texas has a long-standing relationship, historical relationship with the Nation of Mexico. Let me just congratulate this being the first transition of government in 71 years.

Mr. Fox's election completes Mexico's transition to a total multiparty democratic system. I think the applause goes to the American people and to the Mexican people for their continued friendship, but particularly those who came out to vote in this most recent election where estimates say that more than or almost two-thirds of all eligible voters participated in what domestic and international election observers have declared to be the fairest and most transparent national election in Mexico's history.

I believe this is the road to a longer lasting and continued friendship between the United States and Mexico. As a Representative from Houston, let me say that we have continued and over the years continued to improve and to applaud the relationship that we have had with Mexico City, doing business, exchange of ideas, exchange of educational opportunities, exchange of our legislators. So there is a long-standing friendship, even of my local community.

I look forward to this new democracy being part of Mexico's increased and enhanced prosperity. I applaud the elections, and I wish them the very best.

Mr. Speaker, I rise in support of this resolution congratulating the people of the United Mexican States on their democratic elections held on July 2, 2000. These recent events are truly historical and will not only have an impact on Mexico's citizens, but also the impact of this change will be experienced the world over.

Throughout our history, the United States and Mexico have shared a unique history and continue to share a wide range of interest. In fact, my home state of Texas was once a part Mexico. I have often stated that America is not only a country of laws but also a country of immigrants.

The 18th Congressional District of Texas, which I am proud to represent, has a large number of people who are immigrants from Mexico or are descendants of past Mexican immigrants. I am certain that a number of my colleagues have large Hispanic populations in their home districts as well. With this in mind, it is easy to understand that many of our nation's Hispanic people still have strong cultural and family ties to Mexico.

The bond between family members is not destroyed because one family member lives in another country. For this reason, we must take care to maintain a close and positive relationship between the United States of America and Mexico.

Such a relationship is important to the people of both nations. A democratic and prosperous Mexico is important to the security of the United States.

A brief historical reflection helps us to better appreciate the significance of these recent elections. Vicente Fox represents the first transition in power at the presidential level in Mexico in 71 years from the ruling Institutional Revolutionary Party. Mr. Fox's election completes Mexico's transition to a total multi-party democratic system.

After a long period of questionable elections, estimates say that two-thirds of all eligible voters participated in what domestic and international election observers have declared to be the fairest and most transparent national election in Mexico's history. As the world's leading democratic system of government, the United States of America should not fail to recognize the magnitude of these July 2nd elections.

Mr. Speaker, because of the important democratic principles that these recent elections represent, principles that serve as the foundation for the American government, I urge all of my colleagues to support the passage of House Resolution 544, congratulating the people of the United Mexican States on their success.

Mr. ORTIZ. Mr. Speaker, I rise in support of House Resolution 544 commending the people of Mexico on their recent elections and congratulating President-elect Vincente Fox on winning a historical election as president of Mexico, an important economic ally of the United States.

It has been noted that, in a democracy, more important than the first election, is the first transition of power from one party to another. It is on this point that the people of Mexico proudly take their place alongside the world's great democracies.

Everyone deserves great credit for this election. As it should be in a democracy, it is the people of Mexico who deserve the greatest credit. They voted in large numbers, unafraid of what change might mean to them and their country.

When it was apparent that a candidate who was not part of the traditional power structure had won the election, Mexicans across the country celebrated; and Mexicans who supported the incumbent party did not riot nor try to undo the vast change wrought by the democratic election. While their revolution was fought from 1910–1920, their long-term democracy was sealed in the first election of the 21st Century.

President-elect Vincente Fox deserves great credit for running a great campaign, a long and steady campaign. He built a coalition composed of people representing various philosophies to include as many points of view as possible in his campaign.

Finally, Ernesto Zedillo, Mexico's sitting president, deserves great credit for accepting the country's decision without dissent. It was due in no small part to Zedillo's steady hand, cool head, and vow to make the transition between political parties go smoothly that led members of his party and the government to accept their defeat with grace and dignity.

The United States and Mexico have a long and storied history. As proud countries which share an international border, we have had more than our share of disagreements as well as victories. Along with that border comes an entire culture unto itself, on both sides of the border, that consists of traditions, unique cuisine, Old West legends and a language that is a mixture of Spanish and English.

In the past decade, we have strengthened our relationship with Mexico by virtue of NAFTA and other trade policies. It is my hope that in this decade and this century, the United States and Mexico will further cement that relationship with closer work on a host of economic and law-enforcement policies. President-elect Fox and the people of Mexico have a great deal to work through in the next year.

I have invited President-elect Fox to the United States to meet with me and other Hispanic Members of Congress to talk about issues that affect both our countries, but I know he has a great deal to do first. Meanwhile, the House of Representatives today offers our congratulations to Mexico and President-elect Fox. Adelante.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 544.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

* * *

INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4697) to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector, as amended.

The Clerk read as follows:

H.R. 4697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Anti-Corruption and Good Governance Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Widespread corruption endangers the stability and security of societies, undermines democracy, and jeopardizes the social, political, and economic development of a society.

(2) Corruption facilitates criminal activities, such as money laundering, hinders economic development, inflates the costs of doing business, and undermines the legitimacy of the government and public trust.

(3) In January 1997 the United Nations General Assembly adopted a resolution urging member states to carefully consider the problems posed by the international aspects of corrupt practices and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems.

(4) The United States was the first country to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977 and United States leadership was instrumental in the passage of the Organization for Economic Cooperation and Development (OECD) Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions.

(5) The Vice President, at the Global Forum on Fighting Corruption in 1999, declared corruption to be a direct threat to the rule of law and the Secretary of State declared corruption to be a matter of profound political and social consequence for our efforts to strengthen democratic governments.

(6) The Secretary of State, at the Inter-American Development Bank's annual meeting in March 2000, declared that despite certain economic achievements, democracy is being threatened as citizens grow weary of the corruption and favoritism of their official institutions and that efforts must be made to improve governance if respect for democratic institutions is to be regained.

(7) In May 1996 the Organization of American States (OAS) adopted the Inter-American Convention Against Corruption requiring countries to provide various forms of international cooperation and assistance to facilitate the prevention, investigation, and prosecution of acts of corruption.

(8) Independent media, committed to fighting corruption and trained in investigative journalism techniques, can both educate the public on the costs of corruption and act as a deterrent against corrupt officials.

(9) Competent and independent judiciary, founded on a merit-based selection process and trained to enforce contracts and protect property rights, is critical for creating a predictable and consistent environment for transparency in legal procedures.

(10) Independent and accountable legislatures, responsive political parties, and transparent electoral processes, in conjunction with professional, accountable, and transparent financial management and procurement policies and procedures, are essential to the promotion of good governance and to the combat of corruption.

(11) Transparent business frameworks, including modern commercial codes and intellectual property rights, are vital to enhancing economic growth and decreasing corruption at all levels of society.

(12) The United States should attempt to improve accountability in foreign countries, including by—

(A) promoting transparency and accountability through support for independent media, promoting financial disclosure by public officials, political parties, and candidates for public office, open budgeting processes, adequate and effective internal control systems, suitable financial management systems, and financial and compliance reporting;

(B) supporting the establishment of audit offices, inspectors general offices, and anti-corruption agencies;

(C) promoting responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;

(D) promoting judicial reforms that criminalize corruption and promoting law enforcement that prosecutes corruption;

(E) fostering business practices that promote transparent, ethical, and competitive behavior in the private sector through the development of an effective legal framework for commerce, including anti-bribery laws, commercial codes that incorporate international standards for business practices, and protection of intellectual property rights; and

(F) promoting free and fair national, state, and local elections.

(b) PURPOSE.—The purpose of this Act is to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to improve transparency and accountability at all levels of government and throughout the private sector.

SEC. 3. DEVELOPMENT ASSISTANCE POLICIES.

(a) GENERAL POLICY.—Section 101(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(a)) is amended in the fifth sentence—

(1) by striking "four" and inserting "five";

(2) in paragraph (3), by striking "and" at the end;

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(5) the promotion of good governance through combating corruption and improving transparency and accountability." .

(b) DEVELOPMENT ASSISTANCE POLICY.—Paragraph (4) of the third sentence of section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-1(b)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) progress in combating corruption and improving transparency and accountability in the public and private sector.".

SEC. 4. DEPARTMENT OF THE TREASURY TECHNICAL ASSISTANCE PROGRAM FOR DEVELOPING COUNTRIES.

Section 129(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(b)) is amended by adding at the end the following:

"(3) EMPHASIS ON ANTI-CORRUPTION.—Such technical assistance shall include elements designed to combat anti-competitive, unethical and corrupt activities, including protection against actions that may distort or inhibit transparency in market mechanisms and, to the extent applicable, privatization procedures.".

SEC. 5. AUTHORIZATION OF GOOD GOVERNANCE PROGRAMS.

(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"SEC. 131. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

"(a) ESTABLISHMENT OF PROGRAMS.—

"(1) IN GENERAL.—The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).

"(2) COUNTRIES DESCRIBED.—A country described in this paragraph is a country that is eligible to receive assistance under this part (including chapter 4 of part II of this Act) or the Support for East European Democracy (SEED) Act of 1989.

"(3) PRIORITY.—In carrying out paragraph (1), the President shall give priority to establishing programs in countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.

"(4) REQUIREMENT.—Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries.

"(b) SPECIFIC PROJECTS AND ACTIVITIES.—The programs established pursuant to subsection (a) shall include, to the extent appropriate, projects and activities that—

"(1) support responsible independent media to promote oversight of public and private institutions;

"(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;

"(3) establish audit offices, inspectors general, and anti-corruption agencies;

"(4) promote responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;

"(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;

"(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;

"(7) promote free and fair national, state, and local elections;

"(8) foster public participation in the legislative process and public access to government information; and

"(9) engage civil society in the fight against corruption.

"(c) CONDUCT OF PROJECTS AND ACTIVITIES.—Projects and activities under the programs established pursuant to subsection (a) may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of nongovernmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.

"(d) ANNUAL REPORT.—

"(1) IN GENERAL.—The President shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report on—

"(A) projects and activities carried out under programs established under subsection (a) for the prior year in priority countries identified pursuant to subsection (a)(3); and

"(B) projects and activities carried out under programs to combat corruption, improve transparency and accountability, and promote other forms of good governance established under other provisions of law for the prior year in such countries.

"(2) REQUIRED CONTENTS.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):

"(A) A description of all United States Government-funded programs and initiatives to combat corruption and improve transparency and accountability in the country.

"(B) A description of United States diplomatic efforts to combat corruption and improve transparency and accountability in the country.

"(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country.

"(e) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.".

(b) DEADLINE FOR INITIAL REPORT.—The initial annual report required by section 131(d)(1) of the Foreign Assistance Act of 1961, as added by subsection (a), shall be transmitted not later than 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4697, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as may consume.

Mr. Speaker, I rise in support of H.R. 4697, a bill introduced by the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

This bill amends the Foreign Assistance Act of 1961, to authorize the President to establish programs that combat corruption in developing countries by promoting principles of good governance designed to enhance oversight of private and public programs.

Mr. Speaker, this bill will strengthen our foreign assistance program and represent a sound investment for the future of good governance of developing societies.

I urge my colleagues to vote for its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. GALLEGLY) for his kind words and just join him first in thanking him for his efforts and others on the committee. I would also like to thank particularly on my staff, Nisha Desai, that has done so much work in this area, obviously the gentleman from Arizona (Mr. KOLBE), the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Chairman GILMAN).

When we look at this issue, and it is a critical issue in a number of areas, and I want to just go through them quickly. One, the estimates are we have lost $26 billion to bribery with contracts where American companies were in competition. Unethical business practices jeopardize fledgling democracies. It destroys the people's support and trust in their government. It aids criminal transactions.

Vice-President GORE convened a global conference on fighting corruption. We are now seeing progress. Some of our allies in the G–7 that at one point a number of them provided that one could deduct bribes given to other government officials are finally moving to end this practice.

For our part, AID and the administration and Congress have tried to root out corruption and bribery. It makes a big difference especially in the poorest countries as they try to establish good governance and governments that provide the services that their constituents dearly need.

American leadership has led to a beginning to end these corrupt practices. This legislation will help focus our foreign assistance and other government activities to try to work with governments to develop a procedure to root out corruption and bribery.

I urge support of the bill.

Over the past five years, U.S. firms overseas lost nearly $26 billion in business opportunities to foreign competitors offering bribes. Unethical business practices continue to jeopardize our ability to compete effectively in the international market.

Bribery and other forms of corruption impede governments in their efforts to deliver basic services to their citizens; they undermine the confidence of people in democracy; and they are all too often linked with transborder criminal activity, including drug trafficking, organized crime, and money laundering.

In 1999, the Vice President convened a Global Conference on Fighting Corruption where he declared corruption to be a direct threat to the rule of law and a matter of profound political and social consequence for our efforts to strengthen democratic governments. It is inarguably in the U.S. national interest to fight corruption and promote transparency and good governance. My bill will make anti-corruption measures a key principle of our Foreign AID program.

By helping these countries root out corruption, bribery and unethical business practices, we can also help create a level playing field for U.S. companies doing business abroad.

Then Congress passed the Foreign Corrupt Practices Act in 1977, the United States became the first industrialized country to criminalize corruption. It took us nearly two decades to get all the other industrialized nations to do the same. But American leadership and perseverance succeeded in getting countries which once offered tax write-offs for bribes to pass laws that criminalized bribery.

This bill extends our leadership in fighting corruption to the developing countries. The International Good Governance and Anti-Corruption Act of 2000 requires that foreign assistance be used to fight corruption at all levels of government and in the private sector in countries that have persistent problems with corruption, particularly where the United States has a significant economic interest. The bill would also require an annual report on U.S. efforts in fighting corruption in those countries which have the most persistent problems. My intent in requiring this report is to get from the Administration a comprehensive look at all U.S. efforts—diplomatic as well as through our foreign aid program—in those 15–20 countries where we have a significant economic interest or a substantial foreign aid program AND where there is a persistent problem with corruption. This bill makes an important contribution to pro-actively preventing crises that would result from stifled economic growth, lack of foreign investment, and erosion of the public's trust in government. I urge my colleagues to support H.R. 4697.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California for yielding me this time. I again want to thank him for his leadership on this and certainly the gentleman from Connecticut (Mr. GEJDENSON) for introducing this very important legislation, which I think is really very much underestimated in terms of its importance.

For decades, the United States has carried the standard in promoting democracy, market liberalization, economic development abroad.

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To further those goals, we have spent literally billions of dollars in developing countries in our aid programs. And those aid programs have made substantial progress. Underdeveloped nations have seen their economies bloom over the last few decades. We have seen democracy take root in some of the rockiest soil on this globe. Thanks to the creation of the World Trade Organization a few years ago, the vast majority of international trade is now governed by clear and transparent rules.

But, as the Asian financial crisis and the theft of billions of dollars of IMF money in Russia shows, we still have a long way to go. Too many places in the world continue to be held in the grip of corruption and cronyism. The obvious impact of these two evils are the loss of untold billions of dollars for people who desperately need the economic benefits those lost dollars might bring to them. But the corrosive effects of corruption and cronyism are worse. They are often hidden and ignored.

Government corruption undermines the rule of law, and that is the very cornerstone of democracy. It undermines economic development, squandering billions of dollars of investment capital on enrichment of the few rather than the benefit of the many. Not only that, it undermines the ability of U.S. business to compete freely and fairly for foreign government contracts, and that costs U.S. corporations millions of dollars in lost sales.

This legislation which we are considering here tonight makes anti-corruption procedures a key principle of our development assistance. The legislation requires that the Treasury Department incorporate anti-corruption measures when providing international technical assistance. The bill also requires the Agency for International Development to establish programs to battle corruption overseas and includes a provision of a bill that I have introduced on third-party monitoring to make sure that contracts are given by development banks and U.S. government agencies are fully monitored.

This legislation will help to ensure that U.S. funds are going for the purpose for which they are intended. It will also help to build a more open and transparent government procurement system in developing countries and help to eliminate corruption around the world.

It is, simply speaking, a much-needed common sense approach to a very serious problem. I urge support for this bill and congratulate the authors of it for bringing it to this body.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Arizona (Mr. KOLBE) for his efforts here. Really, his language has strengthened the whole process. It is an important step forward. It provides for an annual report so we can focus on those countries that have the greatest problems, and I really publicly want to thank the gentleman for his work on this bill, as well as the chairman and other members of the committee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume to again acknowledge the leadership of the gentleman from Arizona (Mr. KOLBE), and particularly thank the gentleman from Connecticut (Mr. GEJDENSON) on his leadership on this important legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 4697, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING BUREAU OF RECLAMATION TO PROVIDE COST SHARING FOR ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR UPPER COLORADO AND SAN JUAN RIVER BASINS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, as amended.

The Clerk read as follows:

H.R. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to authorize and provide funding for the Bureau of Reclamation to continue the implementation of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins in order to accomplish the objectives of these programs within a currently established time schedule.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Recovery Implementation Programs" means the intergovernmental programs established pursuant to the 1988 Cooperative Agreement to implement the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River dated September 29, 1987, and the 1992 Cooperative Agreement to implement the San Juan River Recovery Implementation Program dated October 21, 1992, and as they may be amended by the parties thereto.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Upper Division States" means the States of Colorado, New Mexico, Utah, and Wyoming.

(4) The term "Colorado River Storage Project" or "storage project" means those dams, reservoirs, power plants, and other appurtenant project facilities and features authorized by and constructed in accordance with the Colorado River Storage Project Act (43 U.S.C. 620 et seq.).

(5) The term "capital projects" means planning, design, permitting or other compliance, pre-construction activities, construction, construction management, and replacement of facilities, and the acquisition of interests in land or water, as necessary to carry out the Recovery Implementation Programs.

(6) The term "facilities" includes facilities for the genetic conservation or propagation of the endangered fishes, those for the restoration of floodplain habitat or fish passage, those for control or supply of instream flows, and those for the removal or translocation of nonnative fishes.

(7) The term "interests in land and water" includes, but is not limited to, long-term leases and easements, and long-term enforcement, or other agreements protecting instream flows.

(8) The term "base funding" means funding for operation and maintenance of capital projects, implementation of recovery actions other than capital projects, monitoring and research to evaluate the need for or effectiveness of any recovery action, and program management, as necessary to carry out the Recovery Implementation Programs. Base funding also includes annual funding provided under the terms of the 1988 Cooperative Agreement and the 1992 Cooperative Agreement.

(9) The term "recovery actions other than capital projects" includes short-term leases and agreements for interests in land, water, and facilities; the reintroduction or augmentation of endangered fish stocks; and the removal, translocation, or other control of nonnative fishes.

(10) The term "depletion charge" means a one-time contribution in dollars per acre-foot to be paid to the United States Fish and Wildlife Service based on the average annual new depletion by each project.

SEC. 3. AUTHORIZATION TO FUND RECOVERY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL PARTICIPATION IN CAPITAL PROJECTS.—(1) There is hereby authorized to be appropriated to the Secretary, $46,000,000 to undertake capital projects to carry out the purposes of this Act. Such funds shall be considered a nonreimbursable Federal expenditure.

(2) The authority of the Secretary, acting through the Bureau of Reclamation, under this or any other provision of law to implement capital projects for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin shall expire in fiscal year 2005 unless reauthorized by an Act of Congress.

(3) The authority of the Secretary to implement the capital projects for the San Juan River Basin Recovery Implementation Program shall expire in fiscal year 2007 unless reauthorized by an Act of Congress.

(b) COST OF CAPITAL PROJECTS.—The total costs of the capital projects undertaken for the Recovery Implementation Programs receiving assistance under this Act shall not exceed $100,000,000 of which—

(1) costs shall not exceed $82,000,000 for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin through fiscal year 2005; and

(2) costs shall not exceed $18,000,000 for the San Juan River Recovery Implementation Program through fiscal year 2007.

The amounts set forth in this subsection shall be adjusted by the Secretary for inflation in each fiscal year beginning after the enactment of this Act.

(c) NON-FEDERAL CONTRIBUTIONS TO CAPITAL PROJECTS.—(1) The Secretary, acting through the Bureau of Reclamation, may accept contributed funds from the Upper Division States, or political subdivisions or organizations with the Upper Division States, pursuant to agreements that provide for the contributions to be used for capital projects costs. Such non-Federal contributions shall not exceed $17,000,000.

(2) In addition to the contribution described in paragraph (1), the Secretary of Energy, acting through the Western Area Power Administration, and the Secretary of the Interior, acting through the Bureau of Reclamation, may utilize power revenues collected pursuant to the Colorado River Storage Project Act to carry out the purposes of this subsection. Such funds shall be treated as reimbursable costs assigned to power for repayment under section 5 of the Colorado River Storage Project Act. This additional contribution shall not exceed $17,000,000. Such funds shall be considered a non-Federal contribution for the purposes of this Act. The funding authorized by this paragraph over any 2-fiscal-year period shall be made available in amounts equal to the contributions for the same two fiscal year period made by the Upper Division States pursuant to paragraph (1).

(3) The additional funding provided pursuant to paragraph (2) may be provided through loans from the Colorado Water Conservation Board Construction Fund (37–60–121 C.R.S.) to the Western Area Power Administration in lieu of funds which would otherwise be collected from power revenues and used for storage project repayments. The Western Area Power Administration is authorized to repay such loan or loans from power revenues collected beginning in fiscal year 2012, subject to an agreement between the Colorado Water Conservation Board, the Western Area Power Administration, and the Bureau of Reclamation. The agreement and any future loan contracts that may be entered into by the Colorado Water Conservation Board, the Western Area Power Administration, and the Bureau of Reclamation shall be negotiated in consultation with Salt Lake City Area Integrated Projects Firm Power Contractors. The agreement and loan contracts shall include provisions designed to minimize impacts on electrical power rates and shall ensure that loan repayment to the Colorado Water Conservation Board, including principal and interest, is completed no later than September 30, 2057. The Western Area Power Administration is authorized to include in power rates such sums as are necessary to carry out this paragraph and paragraph (2).

(4) All contributions made pursuant to this subsection shall be in addition to the cost of replacement power purchased due to modifying the operation of the Colorado River Storage Project and the capital cost of water from Wolford Mountain Reservoir in Colorado. Such costs shall be considered as non-Federal contributions, not to exceed $20,000,000.

(d) BASE FUNDING.—(1) Beginning in the first fiscal year commencing after the date of enactment of this Act, the Secretary may utilize power revenues collected pursuant to the Colorado River Storage Project Act for the annual base funding contributions to the Recovery Implementation Programs by the Bureau of Reclamation. Such funding shall be treated as nonreimbursable and as having been repaid and returned to the general fund of the Treasury as costs assigned to power for repayment under section 5 of the Colorado River Storage Project Act.

(2) For the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River Basin, the contributions to base funding referred to in paragraph (1) shall not exceed $4,000,000 per year. For the San Juan River Recovery Implementation Program, such contributions shall not exceed $2,000,000 per year. The Secretary shall adjust such amounts for inflation in fiscal years commencing after the enactment of this Act. The utilization of power revenues for annual base funding shall cease after the fiscal year 2011, unless reauthorized by Congress; except that power revenues may continue to be utilized to fund the operation and maintenance of capital projects and monitoring. No later than the end of fiscal year

2008, the Secretary shall submit a report on the utilization of power revenues for base funding to the appropriate Committees of the United States Senate and the House of Representatives. The Secretary shall also make a recommendation in such report regarding the need for continued base funding after fiscal year 2011 that may be required to fulfill the goals of the Recovery Implementation Programs. Nothing in this Act shall otherwise modify or amend existing agreements among participants regarding base funding and depletion charges for the Recovery Implementation Programs.

(3) The Western Area Power Administration and the Bureau of Reclamation shall maintain sufficient revenues in the Colorado River Basin Fund to meet their obligation to provide base funding in accordance with paragraph (2). If the Western Area Power Administration and the Bureau of Reclamation determine that the funds in the Colorado River Basin Fund will not be sufficient to meet the obligations of section 5(c)(1) of the Colorado River Storage Project Act for a 3-year period, the Western Area Power Administration and the Bureau of Reclamation shall request appropriations to meet base funding obligations.

(e) AUTHORITY TO RETAIN APPROPRIATED FUNDS.—At the end of each fiscal year any unexpended appropriated funds for capital projects under this Act shall be retained for use in future fiscal years. Unexpended funds under this Act that are carried over shall continue to be used to implement the capital projects needed for the Recovery Implementation Programs.

(f) ADDITIONAL AUTHORITY.—The Secretary may enter into agreements and contracts with Federal and non-Federal entities, acquire and transfer interests in land, water, and facilities, and accept or give grants in order to carry out the purposes of this Act.

(g) INDIAN TRUST ASSETS.—The Congress finds that much of the potential water development in the San Juan River Basin and in the Duchesne River Basin (a subbasin of the Green River in the Upper Colorado River Basin) is for the benefit of Indian tribes and most of the federally designated critical habitat for the endangered fish species in the San Juan River Basin is on Indian trust lands, and 2½ miles of critical habitat on the Duchesne River is on Indian Trust Land. Nothing in this Act shall be construed to restrict the Secretary, acting through the Bureau of Reclamation and the Bureau of Indian Affairs, from funding activities or capital projects in accordance with the Federal Government's Indian trust responsibility.

(h) TERMINATION OF AUTHORITY.—All authorities provided by this section for the respective Recovery Implementation Program shall terminate upon expiration of the current time period for the respective Cooperative Agreement referenced in section 2(1) unless, at least one year prior to such expiration, the time period for the respective Cooperative Agreement is extended to conform with this Act.

SEC. 4. EFFECT ON RECLAMATION LAW.

No provision of this Act nor any action taken pursuant thereto or in furtherance thereof shall constitute a new or supplemental benefit under the Act of June 17, 1902 (chapter 1093; 32 Stat. 388), and Acts supplemental thereto and amendatory thereof (43 U.S.C. 371 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2348.

Mr. Speaker, for the last decade, I and many of my colleagues have been wrestling with how to address the problems we are facing with the implementation of the Endangered Species Act and the Colorado River. I personally believe that the current interpretation of the Endangered Species Act has strayed from it's original intent. There is little doubt in my mind that the authors of the bill never envisioned the taking of a person's property rights because of a fly, fish, or misplaced tortoise. I can remember when I was a young man, the same fish we are trying to save, we were unable to get rid of. However, I also believe that if we are ever to move forward on this very emotional issue, we must be willing to find the things we agree on and reach a compromise. This bill is a product of just that sort of compromise. It does not amend the federal Endangered Species Act, nor does it tear down any dams, it is a compromise that allows the water to flow and the fish to swim free.

In the past, request for funding the recovery programs have received support from Congress because they served as a dispute resolution mechanism and provided a means to solve a very complex set of problems in the Upper Colorado River and San Juan River Basins. Since 1998, these programs have relied primarily on the good will of Congressional appropriators and the Department of the Interior for adequate funding. While the U.S. Fish and Wildlife Service has clear authority to undertake capital projects under the federal Endangered Species Act, no such clear authority exists for the U.S. Bureau of Reclamation, the Bureau of Indian Affairs, or the Bureau of Land Management.

With capital construction projects finally underway and the amount of funding required increasing, program participants need to have clear statutory authority to help ensure that needed funds continue to be appropriated by Congress. H.R. 2348 would do this by authorizing the appropriation of $46 million to the Bureau of Reclamation and the Bureau of Indian Affairs for capital projects under the Upper Colorado Endangered Fish Recovery Program and the San Juan Recovery Implementation Program. The Bureau of Reclamation has been funding most of the capital cost to the projects to implement the Upper Colorado River program, like building fish ladders and acquiring flooded bottom lands where the fish thrive. Due to the heavy impact on Indian water development and Indian trust lands, the Bureau of Indian Affairs has shared the funding of the recovery efforts in the San Juan River Basin and would likely have responsibility for much of the construction of capital projects in the future.

By enacting this bill, non-federal participants like the states and those who purchase power from federal hydroelectric projects, will also help pay for capital projects. This cost sharing will be in cash, the value of water dedicated from a reservoir in Colorado, and the costs associated with reoperating the Flaming Gorge Dam. The cost sharing ratio amongst the non-federal participants shall be a true partnership, with the states and those who purchase power from federal hydroelectric projects equally dividing their cost.

Mr. Speaker, in conclusion I would like to thank Resources Chairman DON YOUNG and Ranking Member, GEORGE MILLER, for their leadership, and I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2348.

This legislation authorizes funding for the Bureau of Reclamation to continue the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins on a cost-shared basis with non-federal participants.

Through these recovery programs, government agencies, Indian tribes and private organizations are working to achieve recovery of endangered fish while balancing the continuing demands for water in the arid West. The participants are equal partners in the recovery programs and decisions are made by consensus. The recovery programs work within state laws and support water development under interstate water compacts.

The recovery programs are succeeding because all participants in the programs recognize that failure to recover the endangered species could result in limitations on current and future water diversions and use in the Upper Basin states. H.R. 2348 provides Congress and the Upper Basin stakeholders with finite limits on the construction costs anticipated by these recovery programs. H.R. 2348 authorizes the use of significant non-federal funding contributions.

Since 1988, the recovery programs have been relied primarily on the good will of congressional appropriators and the Department of the Interior for adequate funding. With the passage of H.R. 2348, funding authorities for the recovery programs will be crystal clear.

This is one of the most successful and broadly supported interagency cooperative programs in the history of fish management in this country. We seldom have an opportunity to pass legislation that enjoys such broad support. Years of cooperative work which brought this legislation before the committee, and I commend the many people both inside and outside government who have contributed to this program and the passage of this legislation.

I strongly urge my colleagues to support H.R. 2348.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2348, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE OF UTAH WATER RIGHTS SETTLEMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3291) to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is the official policy of the United States, in keeping with its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle the water rights claims of Indian tribes to avoid lengthy and costly litigation.

(2) Any meaningful policy of Indian self-determination and economic self-sufficiency requires the development of viable Indian reservation economies.

(3) The quantification of water rights and the development of water use facilities is essential to the development of viable Indian reservation economies, particularly in the arid Western States.

(4) The Act of March 3, 1891, provided for the temporary support of the Shebit (or Shivwits) tribe of Indians in Washington County, Utah, and appropriated moneys for the purchase of improvements on lands along the Santa Clara River for the use of said Indians. Approximately 26,880 acres in the same area were set aside as a reservation for the Shivwits Band by Executive order dated April 21, 1916. Additional lands were added to the reservation by Congress on May 28, 1937.

(5) The waters of the Santa Clara River are fully appropriated except during high flow periods. A water right was awarded to the United States for the benefit of the Shivwits Band in the 1922 adjudication entitled St. George Santa Clara Field Co., et al. v. Newcastle Reclamation Co., et al., for "1.38 cubic feet of water per second for the irrigation of 83.2 acres of land and for culinary, domestic, and stock watering purposes", but no provision has been made for water resource development to benefit the Shivwits Band. In general, the remainder of the Santa Clara River's flow is either diverted on the reservation and delivered through a canal devoted exclusively to non-Indian use that traverses the reservation to a reservoir owned by the Ivins Irrigation Company; dedicated to decreed and certificated rights of irrigation companies downstream of the reservation; or impounded in the Gunlock Reservoir upstream of the reservation. The Band's lack of access to water has frustrated its efforts to achieve meaningful self-determination and economic self-sufficiency.

(6) On July 21, 1980, the State of Utah, pursuant to title 73, chapter 4, Utah Code Ann., initiated a statutory adjudication of water rights in the Fifth Judicial District Court in Washington County, Utah, Civil No. 800507596, which encompasses all of the rights to the use of water, both surface and underground, within the drainage area of the Virgin River and its tributaries in Utah ("Virgin River Adjudication"), including the Santa Clara River Drainage ("Santa Clara System").

(7) The United States was joined as a party in the Virgin River Adjudication pursuant to section 666 of title 43, United States Code. On February 17, 1987, the United States filed a Statement of Water User Claim asserting a water right based on State law and a Federal reserved water rights claim for the benefit of the Shivwits Band to water from the Santa Clara River System. This was the only claim the United States filed for any Indian tribe or band in the Virgin River Adjudication within the period allowed by Title 73, Chapter 4, Utah Code Ann., which bars the filing of claims after the time prescribed therein.

(8) The Virgin River adjudication will take many years to conclude, entail great expense, and prolong uncertainty as to the availability of water supplies, and thus, the parties have sought to settle their dispute over water and reduce the burdens of litigation.

(9) After lengthy negotiation, which included participation by representatives of the United States Government for the benefit of the Shivwits Band, the State of Utah, the Shivwits Band, the Washington County Water Conservancy District, the city of St. George, and others on the Santa Clara River System, the parties have entered into agreements to resolve all water rights claims between and among themselves and to quantify the water right entitlement of the Shivwits Band, and to provide for the construction of water projects to facilitate the settlement of these claims.

(10) Pursuant to the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, the Shivwits Band will receive the right to a total of 4,000 acre-feet of water annually in settlement of its existing State law claims and Federal reserved water right claims.

(11) To advance the goals of Federal Indian policy and consistent with the trust responsibility of the United States to the Shivwits Band, it is appropriate that the United States participate in the implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement in accordance with this Act.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the Santa Clara River for the Shivwits Band, and the United States for the benefit of the Shivwits Band;

(2) to promote the self-determination and economic self-sufficiency of the Shivwits Band, in part by providing funds to the Shivwits Band for its use in developing a viable reservation economy;

(3) to approve, ratify, and confirm the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, and the Shivwits Water Right described therein;

(4) to authorize the Secretary of the Interior to execute the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, and to take such actions as are necessary to implement these agreements in a manner consistent with this Act; and

(5) to authorize the appropriation of funds necessary for implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement.

SEC. 4. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) UTAH.—The term "Utah" means the State of Utah, by and through its Department of Natural Resources.

(3) SHIVWITS BAND.—The term "Shivwits Band" means the Shivwits Band of the Paiute Indian Tribe of Utah, a constituent band of the Paiute Indian Tribe of Utah, a federally recognized Indian tribe organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and the Act of April 3, 1980 (94 Stat. 317).

(4) PAIUTE INDIAN TRIBE OF UTAH.—The term "Paiute Indian Tribe of Utah" means the federally recognized Indian Tribe organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and the Act of April 3, 1980 (94 Stat. 317), comprised of five bands of Southern Paiute Indians (Shivwits, Indian Peaks, Cedar, Koosharem, and Kanosh Bands).

(5) DISTRICT.—The term "District" means the Washington County Water Conservancy District, a Utah water conservancy district.

(6) ST. GEORGE.—The term "St. George" means St. George City, a Utah municipal corporation.

(7) VIRGIN RIVER ADJUDICATION.—The term "Virgin River Adjudication" means the statutory adjudication of water rights initiated pursuant to title 73, chapter 4, Utah Code Ann. and pending in the Fifth Judicial District Court in Washington County, Utah, Civil No. 800507596.

(8) ST. GEORGE WATER REUSE PROJECT AGREEMENT.—The term "St. George Water Reuse Project Agreement" means the agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, and St. George City, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(9) SANTA CLARA PROJECT AGREEMENT.—The term "Santa Clara Project Agreement" means the agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, the Washington County Water Conservancy District, St. George City, the New Santa Clara Field Canal Company, the St. George Clara Field Canal Company, the Ivins Irrigation Company, the Southgate Irrigation Company, Bloomington Irrigation Company, Ed Bowler, and the Lower Gunlock Reservoir Company, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(10) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means that agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, the Washington County Water Conservancy District, St. George City, the New Santa Clara Field Canal Company, the St. George Clara Field Canal Company, the Ivins Irrigation Company, the Southgate Irrigation Company, Bloomington Irrigation Company, Ed Bowler, and the Lower Gunlock Reservoir Company, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(11) SHIVWITS WATER RIGHT.—The term "Shivwits Water Right" means the water rights of the Shivwits Band set forth in the Settlement Agreement and as settled, confirmed, and ratified by section 7 of this Act.

(12) SHIVWITS BAND TRUST FUND.—The term "Shivwits Band Trust Fund" means the

Trust Fund authorized in section 11 of this Act to further the purposes of the Settlement Agreement and this Act.

(13) Virgin River Resource Management and Recovery Program.—The term "Virgin River Resource Management and Recovery Program" means the proposed multiagency program, to be administered by the United States Fish and Wildlife Service, Bureau of Land Management, National Park Service, Utah, and the District, whose primary purpose is to prioritize and implement native fish recovery actions that offset impacts due to future water development in the Virgin River basin.

SEC. 5. ST. GEORGE WATER REUSE PROJECT.

(a) St. George Water Reuse Project.—The St. George Water Reuse Project shall consist of water treatment facilities, a pipeline, and associated pumping and delivery facilities owned and operated by St. George, which is a component of, and shall divert water from, the Water Reclamation Facility located in St. George, Utah, and shall transport this water for delivery to and use by St. George and the Shivwits Band. St. George shall make 2,000 acre-feet of water available annually for use by the Shivwits Band in accordance with the St. George Water Reuse Project Agreement and this Act.

(b) Project Construction Operation and Maintenance.—(1) St. George shall be responsible for the design, engineering, permitting, construction, operation, maintenance, repair, and replacement of the St. George Water Reuse Project, and the payment of its proportionate share of these project costs as provided for in the St. George Water Reuse Project Agreement.

(2) The Shivwits Band and the United States for the benefit of the Shivwits Band shall make available, in accordance with the terms of the St. George Water Reuse Agreement and this Act, a total of $15,000,000 to St. George for the proportionate share of the design, engineering, permitting, construction, operation, maintenance, repair, and replacement of the St. George Water Reuse Project associated with the 2,000 acre-feet annually to be provided to the Shivwits Band.

SEC. 6. SANTA CLARA PROJECT.

(a) Santa Clara Project.—The Santa Clara Project shall consist of a pressurized pipeline from the existing Gunlock Reservoir across the Shivwits Reservation to and including Ivins Reservoir, along with main lateral pipelines. The Santa Clara Project shall pool and deliver the water rights of the parties as set forth in the Santa Clara Project Agreement. The Santa Clara Project shall deliver to the Shivwits Band a total of 1,900 acre-feet annually in accordance with the Santa Clara Project Agreement and this Act.

(b) Instream Flow.—The Santa Clara Project shall release instream flow water from the Gunlock Reservoir into the Santa Clara River for the benefit of the Virgin Spinedace, in accordance with the Santa Clara Project Agreement and this Act.

(c) Project Funding.—The Utah Legislature and the United States Congress have each appropriated grants of $750,000 for the construction of the Santa Clara Project. The District shall provide a grant of $750,000 for the construction of the Santa Clara Project. The District shall provide any additional funding required for the construction of the Santa Clara Project.

(d) Project Construction, Operation, and Maintenance.—The District shall be responsible for the permitting, design, engineering, construction, and the initial operation, maintenance, repair, and replacement of the Santa Clara Project. Operation, maintenance, repair, and replacement activities and costs of the Santa Clara Project shall be handled in accordance with the terms of the Santa Clara Project Agreement.

SEC. 7. SHIVWITS WATER RIGHT.

(a) In General.—The Shivwits Band and its members shall have the right in perpetuity to divert, pump, impound, use, and reuse a total of 4,000 acre-feet of water annually from the Virgin River and Santa Clara River systems, to be taken as follows:

(1) 1,900 acre-feet annually from the Santa Clara River System, with an 1890 priority date in accordance with the terms of the Santa Clara Project Agreement.

(2) 2,000 acre-feet of water annually from the St. George Water Reuse Project as provided for in the St. George Water Reuse Project Agreement. The Shivwits Band shall have first priority to the reuse water provided from the St. George Water Reclamation Facility.

(3) 100 acre-feet annually, with a 1916 priority date, from groundwater on the Shivwits Reservation.

(b) Water Rights Claims.—All water rights claims of the Shivwits Band, and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, are hereby settled. The Shivwits Water Right is hereby ratified, confirmed, and shall be held in trust by the United States for the benefit of the Shivwits Band.

(c) Settlement.—The Shivwits Band may use water from the springs and runoff located on the Shivwits Reservation. The amount used from these sources will be reported annually to the Utah State Engineer by the Shivwits Band and shall be counted against the annual 4,000 acre-feet Shivwits Water Right.

(d) Abandonment, Forfeiture, or Nonuse.—The Shivwits Water Right shall not be subject to loss by abandonment, forfeiture, or nonuse.

(e) Use or Lease.—The Shivwits Band may use or lease the Shivwits Water Right for either or both of the following:

(1) For any purpose permitted by tribal or Federal law anywhere on the Shivwits Band Reservation. Once the water is delivered to the Reservation, such use shall not be subject to State law, regulation, or jurisdiction.

(2) For any beneficial use off the Shivwits Reservation in accordance with the St. George Water Reuse Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and all applicable Federal and State laws.

No service contract, lease, exchange, or other agreement entered into under this subsection may permanently alienate any portion of the Shivwits Water Right.

SEC. 8. RATIFICATION OF AGREEMENTS.

Except to the extent that the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement conflict with the provisions of this Act, such agreements are hereby approved, ratified, and confirmed. The Secretary is hereby authorized to execute, and take such other actions as are necessary to implement, such agreements.

SEC. 9. SATISFACTION OF CLAIMS.

(a) Full Satisfaction of Claims.—The benefits realized by the Shivwits Band and its members under the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and this Act shall constitute full and complete satisfaction of all water rights claims, and any continuation thereafter of any of these claims, of the Shivwits Band and its members, and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, for water rights or injuries to water rights under Federal and State laws from time immemorial to the effective date of this Act. Notwithstanding the foregoing, nothing in this Act shall be—

(1) deemed to recognize or establish any right of a member of the Shivwits Band to water on the Shivwits Reservation; or

(2) interpreted or construed to prevent or prohibit the Shivwits Band from participating in the future in other water projects, or from purchasing additional water rights for their benefit and use, to the same extent as any other entity.

(b) Waiver and Release.—By the approval, ratification, and confirmation herein of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, the United States executes the following waiver and release in conjunction with the Reservation of Rights and Retention of Claims set forth in the Settlement Agreement, to be effective upon satisfaction of the conditions set forth in section 14 of this Act. Except as otherwise provided in the Settlement Agreement, this Act, or the proposed judgment and decree referred to in section 14(a)(7) of this Act, the United States, on behalf of the Shivwits Band and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, waives and releases the following:

(1) All claims for water rights or injuries to water rights for lands within the Shivwits Reservation that accrued at any time up to and including the effective date determined by section 14 of this Act, and any continuation thereafter of any of these claims, that the United States for the benefit of the Shivwits Band may have against Utah, any agency or political subdivision thereof, or any person, entity, corporation, or municipal corporation.

(2) All claims for water rights or injuries to water rights for lands outside of the Shivwits Reservation, where such claims are based on aboriginal occupancy of the Shivwits Band, its members, or their predecessors, that accrued at any time up to and including the effective date determined by section 14 of this Act, and any continuation thereafter of any of these claims, that the United States for the benefit of the Shivwits Band may have against Utah, any agency or political subdivision thereof, or any person, entitv, corporation, or municipal corporation.

(3) All claims for trespass to lands on the Shivwits Reservation regarding the use of Ivins Reservoir that accrued at any time up to and including the effective date determined by section 14 of this Act.

(c) Definitions.—For purposes of this section—

(1) "water rights" means rights under State and Federal law to divert, pump, impound, use, or reuse, or to permit others to divert, pump, impound, use or reuse water; and

(2) "injuries to water rights" means the loss, deprivation, or diminution of water rights.

(d) Savings Provision.—In the event the waiver and release contained in subsection (b) of this section do not become effective pursuant to section 14, the Shivwits Band and the United States shall retain the right to assert past and future water rights claims as to all lands of the Shivwits Reservation, and the water rights claims and defenses of all other parties to the agreements shall also be retained.

SEC. 10. WATER RIGHTS AND HABITAT ACQUISITION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish a water rights and habitat acquisition program in the Virgin River Basin—

(1) primarily for the benefit of native plant and animal species in the Santa Clara River Basin which have been listed, are likely to be listed, or are the subject of a duly approved conservation agreement under the Endangered Species Act; and

(2) secondarily for the benefit of native plant and animal species in other parts of the Virgin River Basin which have been listed, are likely to be listed, or are the subject of a duly approved conservation agreement under the Endangered Species Act.

(b) WATER AND WATER RIGHTS.—The Secretary is authorized to acquire water and water rights, with or without the lands to which such rights are appurtenant, and to acquire shares in irrigation and water companies, and to transfer, hold, and exercise such water and water rights and related interests to assist the conservation and recovery of any native plant or animal species described in subsection (a).

(c) REQUIREMENTS.—Acquisition of the water rights and related interests pursuant to this section shall be subject to the following requirements:

(1) Water rights acquired must satisfy eligibility criteria adopted by the Secretary.

(2) Water right purchases shall be only from willing sellers, but the Secretary may target purchases in areas deemed by the Secretary to be most beneficial to the water rights acquisition program established by this section.

(3) All water rights shall be transferred and administered in accordance with any applicable State law.

(d) HABITAT PROPERTY.—The Secretary is authorized to acquire, hold, and transfer habitat property to assist the conservation and recovery of any native plant or animal species described in section 10(a). Acquisition of habitat property pursuant to this section shall be subject to the following requirements:

(1) Habitat property acquired must satisfy eligibility criteria adopted by the Secretary.

(2) Habitat property purchases shall be only from willing sellers, but the Secretary may target purchases in areas deemed by the Secretary to be most beneficial to the habitat acquisition program established by this section.

(e) CONTRACT.—The Secretary is authorized to administer the water rights and habitat acquisition program by contract or agreement with a non-Federal entity which the Secretary determines to be qualified to administer such program. The water rights and habitat acquisition program shall be administered pursuant to the Virgin River Resource Management and Recovery Program.

(f) AUTHORIZATION.—There is authorized to be appropriated from the Land and Water Conservation Fund for fiscal years prior to the fiscal year 2004, a total of $3,000,000 for the water rights and habitat acquisition program authorized in this section. The Secretary is authorized to deposit and maintain this appropriation in an interest bearing account, said interest to be used for the purposes of this section. The funds authorized to be appropriated by this section shall not be in lieu of or supersede any other commitments by Federal, State, or local agencies. The funds appropriated pursuant to this section shall be available until expended, and shall not be expended for the purpose set forth in subsection (a)(2) until the Secretary has evaluated the effectiveness of the instream flow required and provided by the Santa Clara Project Agreement, and has assured that the appropriations authorized in this section are first made available for the purpose set forth in subsection (a)(1).

SEC. 11. SHIVWITS BAND TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Shivwits Band Trust Fund" (hereinafter called the "Trust Fund"). The Secretary shall deposit into the Trust Fund the funds authorized to be appropriated in subsections (b) and (c). Except as otherwise provided in this Act, the Trust Fund principal and any income accruing thereon shall be managed in accordance with the American Indian Trust Fund Management Reform Act (108 Stat. 4239; 25 U.S.C. 4001 et seq.).

(b) AUTHORIZATION.—There is authorized to be appropriated a total of $20,000,000, for fiscal years prior to the fiscal year 2004 for the following purposes:

(1) $5,000,000, which shall be made available to the Shivwits Band from the Trust Fund for purposes including but not limited to those that would enable the Shivwits Band to put to beneficial use all or part of the Shivwits Water Right, to defray the costs of any water development project in which the Shivwits Band is participating, or to undertake any other activity that may be necessary or desired for implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, the Settlement Agreement, or for economic development on the Shivwits Reservation.

(2) $15,000,000, which shall be made available by the Secretary and the Shivwits Band to St. George for the St. George Water Reuse Project, in accordance with the St. George Water Reuse Project Agreement.

(c) SHARE OF CERTAIN COSTS.—There is authorized to be appropriated to the Trust Fund in fiscal years prior to the fiscal year 2004 a total of $1,000,000 to assist with the Shivwits Band's proportionate share of operation, maintenance, repair, and replacement costs of the Santa Clara Project as provided for in the Santa Clara Project Agreement.

(d) USE OF THE TRUST FUND.—Except for the $15,000,000 appropriated pursuant to subsection (b)(2), all Trust Fund principal and income accruing thereon may be used by the Shivwits Band for the purposes described in subsections (b)(1) and (c). The Shivwits Band, with the approval of the Secretary, may withdraw the Trust Fund and deposit it in a mutually agreed upon private financial institution. That withdrawal shall be made pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.). If the Shivwits Band exercises its right pursuant to this subsection to withdraw the Trust Fund and deposit it in a private financial institution, except as provided in the withdrawal plan, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of the funds.

(e) NO PER CAPITA PAYMENTS.—No part of the principal of the Trust Fund, or of the income accruing thereon, or of any revenue generated from any water use subcontract, shall be distributed to any member of the Shivwits Band on a per capita basis.

(f) LIMITATION.—The moneys authorized to be appropriated under subsections (b) and (c) shall not be available for expenditure or withdrawal by the Shivwits Band until the requirements of section 14 have been met so that the decree has become final and the waivers and releases executed pursuant to section 9(b) have become effective. Once the settlement becomes effective pursuant to the terms of section 14 of this Act, the assets of the Trust Fund belong to the Shivwits Band and are not returnable to the United States Government.

SEC. 12. ENVIRONMENTAL COMPLIANCE.

(a) NATIONAL ENVIRONMENTAL POLICY ACT.—Signing by the Secretary of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, or the Settlement Agreement does not constitute major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) OTHER REQUIREMENTS.—The Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable environmental laws in implementing the terms of the St. George Water Reuse Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and this Act.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) OTHER INDIAN TRIBES.—Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community, other than the Shivwits Band and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band.

(b) PRECEDENT.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement Acts.

(c) WAIVER OF SOVEREIGN IMMUNITY.—Except to the extent provided in subsections (a), (b), and (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act may be construed to waive the sovereign immunity of the United States. Furthermore, the submission of any portion of the Settlement Agreement to the District Court in the Virgin River Adjudication shall not expand State court jurisdiction or expand in any manner the waiver of sovereign immunity of the United States in section 666 of title 43, United States Code, or any other provision of Federal law.

(d) APPRAISALS.—Notwithstanding any other law to the contrary, the Secretary is authorized to approve any right-of-way appraisal which has been completed in accordance with the provisions of the Santa Clara Project Agreement.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—The waiver and release contained in section 9(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) the funds authorized by sections 11(b) and 11(c) have been appropriated and deposited into the Trust Fund;

(2) the funds authorized by section 10(f) have been appropriated;

(3) the St. George Water Reuse Project Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(4) the Santa Clara Project Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(5) the Settlement Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(6) the State Engineer of Utah has taken all actions and approved all applications necessary to implement the provisions of the St. George Water Reuse Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, from which no further appeals may be taken; and

(7) the court has entered a judgment and decree confirming the Shivwits Water Right in the Virgin River Adjudication pursuant to Utah Rule of Civil Procedure 54(b), that confirms the Shivwits Water Right and is final as to all parties to the Santa Clara Division of the Virgin River Adjudication and from which no further appeals may be taken, which the United States and Utah find is consistent in all material aspects with the Settlement Agreement and with the proposed judgment and decree agreed to by the parties to the Settlement Agreement.

(b) DEADLINE.—If the requirements of paragraphs (1) through (7) of subsection (a) are not completed to allow the Secretary's statement of findings to be published by December 31, 2003—

(1) except as provided in section 9(d), this Act shall be of no further force and effect; and

(2) all unexpended funds appropriated under section 11(b) and (c), together with all interest earned on such funds shall revert to the general fund of the United States Treasury on October 1, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3291.

As anyone from the Western part of our great Nation can tell you, water is one of the most critical factors to our communities. This said, disputes over water are difficult to resolve and the outcomes rarely satisfy anyone. Today we have the opportunity to resolve potentially heated disputes and bring about a solution that will uncharacteristically satisfy all parties involved.

I introduced H.R. 3291 to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indians. On July 21, 1980, the controversy over water came to a head when the State of Utah initiated a statutory adjudication of water rights within the drainage of the Virgin River, including the Santa Clara River. The United States, as trustee for the Shivwits Band, filed a water user claim in the ongoing statutory adjudication of water rights in Washington County claiming a right to 11,355 acre feet of water for the benefit of the Shivwits. However, due to the time and expense of such adjudication, the parties have entered into agreements to resolve the water rights claims by construction of two water projects that will stabilize the erratic flow of the Santa Clara River and guarantee 4,000 acre-feet of water per year to the Shivwits. This stabilization of the water flow will not only help alleviate water shortages and bring an end to the water claim dispute, but also provide much needed water for endangered fish.

Along with the two water projects, H.R. 3291, authorizes the Secretary of Interior to create a water rights and habitat acquisition program. This program would be established in the Virgin River Basin for the benefit of species, primarily in the Santa Clara River Basin and secondarily in other parts of the Virgin River, Basin, which have been listed, are likely to be listed, or are the subject of a conservation agreement under the Endangered Species Act. Acquisition of water rights and habitat property must be from willing sellers and would be funded by an appropriation of $3 million.

Mr. Speaker, in conclusion I would like to thank Resources Chairman, Don Young, for his leadership in the Committee and I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3291.

Mr. Speaker, H.R. 3291 provides for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah. The bill would make 2,000 acre-feet of water available annually to the Shivwits Band of the Paiute Indian Tribe. The water would be diverted from the water reclamation facility in St. George, Utah.

This settlement will provide the tribe with a significant and long-overdue economic boost.

We have no objections to the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3291, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GREAT APE CONSERVATION ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4320) to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes, as amended.

The Clerk read as follows:

H.R. 4320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Ape Conservation Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) great ape populations have declined to the point that the long-term survival of the species in the wild is in serious jeopardy;

(2) the chimpanzee, gorilla, bonobo, orangutan, and gibbon are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(3) because the challenges facing the conservation of great apes are so immense, the resources available to date have not been sufficient to cope with the continued loss of habitat due to human encroachment and logging and the consequent diminution of great ape populations;

(4) because great apes are flagship species for the conservation of the tropical forest habitats in which they are found, conservation of great apes provides benefits to numerous other species of wildlife, including many other endangered species;

(5) among the threats to great apes, in addition to habitat loss, are population fragmentation, hunting for the bushmeat trade, live capture, and exposure to emerging or introduced diseases;

(6) great apes are important components of the ecosystems they inhabit, and studies of their wild populations have provided important biological insights;

(7) although subsistence hunting of tropical forest animals has occurred for hundreds of years at a sustainable level, the tremendous increase in the commercial trade of tropical forest species is detrimental to the future of these species; and

(8) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of great apes in the wild will require the joint commitment and effort of countries that have within their boundaries any part of the range of great apes, the United States and other countries, and the private sector.

(b) PURPOSES.—The purposes of this Act are—

(1) to sustain viable populations of great apes in the wild; and

(2) to assist in the conservation and protection of great apes by supporting conservation programs of countries in which populations of great apes are located and by supporting the CITES Secretariat.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices.

(2) CONSERVATION.—The term "conservation"—

(A) means the use of methods and procedures necessary to prevent the diminution of, and to sustain viable populations of, a species; and

(B) includes all activities associated with wildlife management, such as—

(i) conservation, protection, restoration, acquisition, and management of habitat;

(ii) in-situ research and monitoring of populations and habitats;

(iii) assistance in the development, implementation, and improvement of management plans for managed habitat ranges;

(iv) enforcement and implementation of CITES;

(v) enforcement and implementation of domestic laws relating to resource management;

(vi) development and operation of sanctuaries for members of a species rescued from the illegal trade in live animals;

(vii) training of local law enforcement officials in the interdiction and prevention of the illegal killing of great apes;

(viii) programs for the rehabilitation of members of a species in the wild and release of the members into the wild in ways which do not

threaten existing wildlife populations by causing displacement or the introduction of disease;

(ix) conflict resolution initiatives;

(x) community outreach and education; and

(xi) strengthening the capacity of local communities to implement conservation programs.

(3) Fund.—The term "Fund" means the Great Ape Conservation Fund established by section 5.

(4) Great ape.—The term "great ape" means a chimpanzee, gorilla, bonobo, orangutan, or gibbon.

(5) Multinational species conservation fund.—The term "Multinational Species Conservation Fund" means such fund as established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999, under the heading "MULTINATIONAL SPECIES CONSERVATION FUND".

(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. GREAT APE CONSERVATION ASSISTANCE.

(a) In General.—Subject to the availability of funds and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of great apes for which project proposals are approved by the Secretary in accordance with this section.

(b) Project Proposals.—

(1) Eligible applicants.—A proposal for a project for the conservation of great apes may be submitted to the Secretary by—

(A) any wildlife management authority of a country that has within its boundaries any part of the range of a great ape if the activities of the authority directly or indirectly affect a great ape population;

(B) the CITES Secretariat; or

(C) any person or group with the demonstrated expertise required for the conservation of great apes.

(2) Required elements.—A project proposal shall include—

(A) a concise statement of the purposes of the project;

(B) the name of the individual responsible for conducting the project;

(C) a description of the qualifications of the individuals who will conduct the project;

(D) a concise description of—

(i) methods for project implementation and outcome assessment;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(E) an estimate of the funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) Project Review and Approval.—

(1) In general.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine if the proposal meets the criteria specified in subsection (d).

(2) Consultation; approval or disapproval.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to the person who submitted the proposal, other appropriate Federal officials, and each country described in subparagraph (A).

(d) Criteria for Approval.—The Secretary may approve a project proposal under this section if the project will enhance programs for conservation of great apes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and great apes that arise from competition for the same habitat;

(3) enhance compliance with CITES and other applicable laws that prohibit or regulate the taking or trade of great apes or regulate the use and management of great ape habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition and health of great ape habitat;

(B) great ape population numbers and trends; or

(C) the current and projected threats to the habitat, current and projected numbers, or current and projected trends; or

(5) promote cooperative projects on the issues described in paragraph (4) among government entities, affected local communities, nongovernmental organizations, or other persons in the private sector.

(e) Project Sustainability.—To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of great apes and their habitats.

(f) Matching Funds.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) Project Reporting.—

(1) In general.—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary considers necessary) that include all information that the Secretary, after consultation with other appropriate government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) Availability to the public.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

(h) Limitations on Use for Captive Breeding.—Amounts provided as a grant under this Act—

(1) may not be used for captive breeding of great apes other than for captive breeding for release into the wild; and

(2) may be used for captive breeding of a species for release into the wild only if no other conservation method for the species is biologically feasible.

(i) Panel.—Every 2 years, the Secretary shall convene a panel of experts to identify the greatest needs for the conservation of great apes.

SEC. 5. GREAT APE CONSERVATION FUND.

(a) Establishment.—There is established in the Multinational Species Conservation Fund a separate account to be known as the "Great Ape Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 6; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) Expenditures From Fund.—

(1) In general.—Subject to paragraph (2), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

(2) Administrative expenses.—Of the amounts in the account available for each fiscal year, the Secretary may expand not more than 3 percent, or up to $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) Investment of Amounts.—

(1) In general.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) Acquisition of obligations.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) Sale of obligations.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) Credits to fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) Transfers of Amounts.—

(1) In general.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) Adjustments.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) Acceptance and Use of Donations.—The Secretary may accept and use donations to provide assistance under section 4. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2001 through 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4320.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4320.

The magnitude of the crisis facing the great apes is quite alarming. Populations of chimpanzees, gorillas, bonobos, and orangutans in Africa and Asia are disappearing at a record pace, and scientists have warned they could become extinct in the wild within the next twenty years.

A broad range of actions will be needed to conserve and recover great ape populations in

Africa and Asia. Logging companies must halt the flow of illegal bushmeat from their operations. Long term support for protected areas, national parks, and buffer zones must be secured to protect habitat and wildlife. Law enforcement capacity to enable countries to enforce wildlife protection laws must be developed to prevent poaching. Finally, efforts must be undertaken to help rural populations develop alternative sources of protein that will reduce the demand for bushmeat.

While it is a formidable task, we cannot let the desperate straights of the great apes immobilize us. We must do what we can as quickly as possible. H.R. 4320 bill is a good step in the direction and will hopefully inspire a broad scale effort to restore ape populations worldwide.

Modeled after the successful and widely supported African and Asian Elephant Conservation Acts, the Great Ape Conservation Act would authorize the Secretary to provide up to $5 million a year in grants to local wildlife management authorities and other entities in the ranges states to conserve and rebuild great ape populations. This is important because without the cooperation and commitment of the range states and the local communities, conservation efforts cannot be successful.

H.R. 4320 is supported by the Administration and a broad range of interest groups, and I hope Members can support its passage today.

Mr. SAXTON. Mr. Speaker, I rise in strong support of H.R. 4320, the Great Ape Conservation Act, and I compliment the author.

Today, great apes face multiple threats to their very survival. These include habitat destruction, civil wars, and an explosion in the devastating illegal hunting of apes for the commercial enterprise known as bushmeat trade. Unless immediate steps are taken, these magnificent animals will continue their slide toward extinction. We must not allow that to occur.

This legislation would continue the successful partnership established by the African Elephant Conservation Act by creating the Great Ape Conservation Fund, which would make grant money available to assist range state governments and nongovernmental organizations involved in the front-line battles to protect great apes.

These monies will complement established programs and, at the same time, leverage additional financial support from other organizations.

Mr. Speaker, great apes—defined as gorillas, orangutans, chimpanzees, bonobos, and gibbons—are listed both as endangered under the Endangered Species Act and Appendix I under CITES. In fact, one subspecies of gorilla—the mountain gorilla—made famous by the movie, "Gorillas in the Mist," has been decimated to less than 700 animals, making it more endangered than the giant panda.

These grand animals—with whom we share 98 percent of our genetic material—deserve our help.

This bill is supported by the administration and by a diverse group of conservation leaders, including the American Zoo and Aquarium Association, World Wildlife Fund, Wildlife Conservation Society, and many other organizations.

H.R. 4320 is noncontroversial and should be supported by all Members.

I urge an "aye" vote on this important conservation legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4320, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 2348, H.R. 3291, and H.R. 4320, the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

RECOGNIZING IMPORTANCE OF CHILDREN IN THE UNITED STATES AND SUPPORTING GOALS AND IDEAS OF NATIONAL YOUTH DAY

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 375) recognizing the importance of children in the United States and supporting the goals and ideas of National Youth Day, as amended.

The Clerk read as follows:

H. CON. RES. 375

Whereas national evidence indicates that America's youth are faced with oppressive issues, such as violence, drugs, abuse, and even family stress, causing the future of the youth of the United States, and therefore the future of the Nation, to be at risk;

Whereas youth in America, regardless of their economic status, ethnic or cultural heritage, or geographic location, are experiencing the pressures caused by contemporary society;

Whereas although Americans realize the challenges of today's busy lifestyles and balancing work schedules and youth activities, they remain committed to education, physical fitness, and civic-mindedness;

Whereas it is imperative that the people of the United States act willfully and purposely to secure a positive future for the Nation by devoting time to youth, sharing traditions, and communicating values to children in an effort to sustain ongoing relationships with caring adults;

Whereas America's Promise—The Alliance for Youth, led by General Colin L. Powell, United States Army (retired), is one of the Nation's most comprehensive nonprofit organizations dedicated to building and strengthening the character and competence of youth by mobilizing the Nation to fulfill the organization's "Five Promises" for young people:

(1) ongoing relationships with caring adults;

(2) safe places with structured activities during nonschool hours;

(3) a healthy start and future;

(4) marketable skills through effective education; and

(5) opportunities to give back through community service;

Whereas the citizens of the United States will celebrate American Youth Day and encourage all youth organizations to participate annually on a Saturday near the beginning of the school year; and

Whereas American Youth Day will provide opportunities for America's youth to reclaim the values which foster trust and build better communication and which will encourage parents, grandparents, and extended families to recognize the importance of being involved in the physical and emotional lives of their children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of youth to the future of the United States;

(2) supports the goals and ideas of American Youth Day; and

(3) encourages the people of the United States to participate in local and national activities that seek to fulfill the Five Promises to America's youth, as established by America's Promise—The Alliance for Youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and a member of the minority each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 375.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 375, offered by my colleague, the gentleman from Florida (Mr. MCCOLLUM).

House Concurrent Resolution 375 recognizes the importance of children and supports the goals and ideas of American youth today. This resolution enjoys bipartisan support, and I am pleased to have the opportunity today to speak on behalf of it.

America's young people, regardless of their economic status, ethnic heritage, or geographic location are faced every day with difficult problems, such as violence, drug abuse, and even family stress.

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Unfortunately, these problems also put the future of our youth and Nation at risk. Yet, these same young people are the key to the future of our country. They will eventually be making decisions that will not only affect current generations, but many generations to follow.

Accordingly, the people of the United States should act purposefully to help secure a positive future for the Nation by devoting time to our youth, sharing traditions and communicating moral values to our children.

One organization dedicated to helping our youth and getting adults involved in the lives of children and young people is America's Promise, the Alliance for Youth. This nonprofit organization chaired by General Colin Powell is devoted to strengthening the character and competence of children through the fulfillment of five promises.

These five promises are: every young person deserves ongoing relationships with caring adults; secondly, every young person deserves safe places with structured activities during nonschool hours; third, every young person deserves a healthy start and future; fourth, every young person deserves marketable skills through effective education; and, fifth, every young person deserves opportunities to give back through community service.

Mr. Speaker, research on the impact of these five promises is compelling. Studies show that children and young people who are guided by these promises are less likely to engage in negative behaviors. In fact, children that have mentors or adults involved in their lives are 46 percent less likely to start using drugs, 27 percent less likely to start using alcohol, 33 percent less likely to hit or strike others, and 53 percent less likely to skip school.

Mr. Speaker, this concurrent resolution is very simple and straightforward. It rightfully recognizes the importance of our Nation's children. It supports the goals and ideals of Youth Day. American Youth Day will help to provide opportunities for America's youth to reclaim the values that foster trust and the building of better relationships with adults and others.

American Youth Day will also serve to encourage parents, grandparents, and extended families to be actively involved in the physical and emotional lives of their children, grandchildren and others.

I commend the gentleman from Florida (Mr. McCOLLUM) for his leadership on the matter, and I urge my colleagues to vote in support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume, and I rise to support the legislation.

Mr. Speaker, this is a legislative initiative offered by a member of my committee, the gentleman from Florida (Mr. McCOLLUM), chairman of the Subcommittee on Crime. I am an original cosponsor of this legislation, and I rise to support the legislation for American Youth Day.

It was a few years ago that Colin Powell came to Texas, as he did to many other States, to begin to talk to Americans about the importance of focusing on children, the importance of focusing on youth. We have seen the results of the devastation of the different lives that our youth live, and that is, of course, the challenges of violence and drug abuse, the challenges of living in families that have been separated.

It is important for our children to be affirmed. This resolution affirms the fact that our youth have the right to have promises. Those promises include ongoing relationships with caring adults, safe places with structured activities during nonschool hours, a healthy start and future, marketable skills through effective education, and opportunities to give back through community service. I would add to that, Mr. Speaker, the opportunity for good housing, the opportunity for good food and to be nourished, the opportunity for good health care.

This legislation will remind this Congress and remind Americans to reaffirm our values and our commitment to youth.

Mr. Speaker, I say to my colleagues, the supporters of this legislation, this is also a resolution to support American Youth Day. I would like to salute a constituent of mine, Ovide Duncantell, who came to me some years ago to advocate for a children's day. We have now come to that point, and I hope that Americans all over the Nation will support our commitment to our youth and to add their support of our youth with these five promises.

Mr. Speaker, I rise today in support of all children, but more specifically for a sound solution before the floor today, H. Con. Res. 375. This resolution titled "Recognizing the Importance of Children in the U.S. and Supporting National Youth Day" sums up in few words, what I myself feel very strongly about.

It is indeed imperative that we take the time to acknowledge and support our children everyday, and that as a nation we recognize all children regardless of economic, religious, or ethnic background. Highlighting affirmatives steps at least one week of the year as this resolution requests is very important.

General Colin Powell began "America's Promise—The Alliance for Youth" in 1997. His dream as well as the dream of the entire organization was that as a nation we reached a specified goal where children are concerned.

Under a National Youth Day program certain steps would be implemented to achieve desired effects. The five main goals that are listed in this resolution include strong relationships with adults, structured after-school activities, a healthy outlook, education, and community service.

The idea is that children will gain enrichment with these elements presented if only for a week in schools nationwide. That the effects of this one week in the schools will extend to children's personal lives, as well as infiltrating their home to affect the entire family.

This week would encompass having the ideas of positive adult role models that should be present in an ongoing relationship, whether it is in the home or through mentorship. The week emphasizes: An increased awareness of structured activities during non-school hours that are available in the neighborhood, for all children to participate in; a dedication from each school that participates to provide healthy starts and futures for each child in their care; to help provide future initiatives by establishing marketable skills through effective education; and finally, the involvement of children in programs that allows them to connect to their communities through service projects.

These five combined goals will allow for positive development within America's homes and schools. Recognition of youth is essential to the well being of our country. I know this is something we as Members of congress all understand and wish to make strides towards accomplishing. In the process of developing these programs that encompass our youth, we the members of a legislative body are taking a much larger step in building the future of our country.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I am one of the supporters of this. I believe very strongly in Colin Powell's America's Promise to Youth. We have such a program in Montgomery County in which we engage, and I salute the measure. Mr. Speaker, I ask for the support of this body.

Mr. Speaker, I rise in support of H. Con. Res. 375 which recognizes the importance of children in the United States and encourages the efforts of groups such as General Colin Powell's America's Promise.

By establishing a Youth Day prior to the coming school year, local communities will be able to promote General Powell's "Five Promises" to our nation's youth. These ostensibly simple promises of providing our children with caring adults, safe places, healthy starts, marketable skills, and opportunities to serve, enable us to foster future generations of productive and contributing Americans.

It is crucial for our community and business leaders to take an active role in the lives of our youth. Each year, in my district, members of my staff participate in a program called "Partners in Education" which pairs businesses with schools for the purpose of tutoring.

The program's greatest strength is its direct link to local school districts and community leaders throughout the country. Through its 7,500 grassroots member programs, Partners In Education connects children and classroom teachers with corporate, education, volunteer, government, and civic leaders. These partners play significant roles in changing the content and delivery of education services to children and their families.

During the 1999–2000 school year, my staff tutored Fourth and Fifth graders from Hall Elementary School in Gaithersburg, Maryland. This school has an amazingly diverse student body with 42 percent Latino, 29 percent African American, 8 percent Asian, and 21 percent White. Summit Hall also had over 62 percent of its students participating in the Free And Reduced Meals (FARM) program in their cafeterias. By helping Principal Craig Logue and the hard working teachers of Summit Hall, members of my staff provided the students they tutored with the extra one-on-one attention that they needed. The National Youth Day legislation continues in this same spirit of service to the youth of our nation.

I often tell educators in my district that when you touch a rock . . . you touch the past . . . When you touch a flower . . . you touch the present . . . When you touch a child . . . you touch the future.

I ask for your support of H. Con. Res. 375 and encourage all members of this body to sponsor a Youth Day in their district.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 375, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day".

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING IMPORTANCE OF FAMILIES EATING TOGETHER

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the concurrent resolution (H. Con. Res. 343), expressing the sense of the Congress regarding the importance of families eating together, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RANGEL. Mr. Speaker, reserving the right to object, and I will not object, I just want to support this legislation. It is the National Eat Dinner with your Children Day, June 19. It was requested by former Secretary of HEW Joe Califano, who now works with the National Center on Addiction and Substance Abuse at Columbia University where extensive research is proven that families that eat with their children, the children are less likely to engage in illegal activities, illegal drugs, cigarettes and alcohol.

Mr. McCOLLUM. Mr. Speaker, I rise today in support of H. Con. Res. 343, the National Eat Dinner With Your Children Day Resolution. This legislation recognizes the importance of families eating together in order to help reduce substance abuse among teenagers.

As many of you know, I am a proud father of three wonderful sons. My wife, Ingrid, and I have always made it a priority for our family to sit down together for dinner. During our dinner conversations, Ingrid and I would inquire as to what each of our children accomplished or struggled with that day. We offered words of wisdom and support to our children throughout their formidable years and fostered the notion we would always be there for them in times of need. It is my belief that these consistent family times also served to make our children confident and responsible decision-makers.

The idea for this resolution grew out of research done by the National Center on Addiction and Substance abuse at Columbia University (CASA). In its latest survey, CASA found the more often a child eats dinner with his or her parents, the less likely that child is to smoke, drink, or use illegal drugs. The result was consistent throughout the five years of the CASA survey, but never in as striking a manner as in the most recent survey.

The survey showed that teens from families who almost never eat dinner together are 72 percent more likely than the average teen to use illegal drugs, cigarettes, and alcohol, while those from families who almost always eat dinner together are 31 percent less likely than the average teen to engage in these activities. In an effort to raise awareness about the powerful impact parents can have on their children's decisions about the drug use, Congressman RANGEL and I felt compelled to introduce this resolution to show the nation cares about our youth. We want America's children to know we will stand behind them as they deal with the growing pressures prevalent as an adolescent.

I thank Congressman RANGEL for his efforts in bringing this measure to the floor. I enthusiastically support H. Con. Res. 343, the National Eat Dinner With Your Children Day, and encourage my colleagues to vote in support of this important resolution.

Mr. LARSON. Mr. Speaker, I rise today in support of H. Con. Resolution 343, regarding the importance of families eating together. I would like to commend my colleague Mr. RANGEL for bringing this important piece of legislation to my attention and the attention of the American people. Families eating together have long been a pillar of American Family Life and should be part future generations as well. Family Dinners are a dying commodity or infrequent at best. Having dinner as a family opens up communication lines between parents and their children. One will know more and have more influence on their child if they spend time talking to them. What better time to talk and communicate, then sitting around the dinner table sharing a meal. We need to spend more time with our children to influence them to do their best in school, to avoid tobacco, alcohol, illegal drugs and to make them productive, healthy citizens.

One of my constituents, Chris Lenihan, who is now an intern in my office, a nice young gentleman, told me that he had dinner as a family every night when he lived at home. He has benefited greatly from the discussion at the dinner table and feels that his parents David and Midge had a great impact on him as result of eating dinner every night as a family.

We need to make sure that the Youth of America grow up to become healthy productive citizens. We can start by having more dinners with our families. I realize that parents can not immediately have dinner every night with their children, but establishing a National "Eat Dinner with Your Children Day" is a step in the right direction. I fully support this resolution and urge the rest of my colleagues to do the same.

Mr. RANGEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 343

Whereas the use and abuse of illegal drugs, nicotine, and alcohol are the greatest threat to the health and well-being of American children;

Whereas parental influence is one of the most crucial factors in determining the likelihood of teenage substance abuse;

Whereas family dinners have long been a pillar of American family life;

Whereas the correlation between the frequency of family dinners and the risk of substance abuse is well documented;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have found, for each of the past 4 years, that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas, according to these surveys, teenagers from families that seldom eat dinner together are 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol, and teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas one method for families to eat dinner together more often would be for them to select a recurring occasion for doing so, such as the third Monday of each month; and

Whereas a National Eat-Dinner-With-Your-Children Day on Monday, June 19, 2000, would encourage families to eat together: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) eating dinner together is a critical step for a family in raising healthy, drug-free children; and

(2) a National Eat-Dinner-With-Your-Children Day should be established in order to encourage families to eat together as often as possible.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. COBURN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4807) to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES
Subtitle A—HIV Health Services Planning Councils
Sec. 101. Membership of councils.
Sec. 102. Duties of councils.
Sec. 103. Open meetings; other additional provisions.
Subtitle B—Type and Distribution of Grants
Sec. 111. Formula grants.
Sec. 112. Supplemental grants.
Subtitle C—Other Provisions
Sec. 121. Use of amounts.
Sec. 122. Application.
Sec. 123. Review of administrative costs and compensation.
TITLE II—CARE GRANT PROGRAM
Subtitle A—General Grant Provisions
Sec. 201. Priority for women, infants, and children.
Sec. 202. Use of grants.
Sec. 203. Grants to establish HIV care consortia.
Sec. 204. Provision of treatments.
Sec. 205. State application.
Sec. 206. Distribution of funds.
Sec. 207. Supplemental grants for certain States.
Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV
Sec. 211. Repeals.
Sec. 212. Grants.
Sec. 213. Study by Institute of Medicine.
Subtitle C—Certain Partner Notification Programs
Sec. 221. Grants for compliant partner notification programs.
TITLE III—EARLY INTERVENTION SERVICES
Subtitle A—Formula Grants for States
Sec. 301. Repeal of program.
Subtitle B—Categorical Grants
Sec. 311. Preferences in making grants.
Sec. 312. Planning and development grants.
Sec. 313. Authorization of appropriations.
Subtitle C—General Provisions
Sec. 321. Provision of certain counseling services.
Sec. 322. Additional required agreements.
TITLE IV—OTHER PROGRAMS AND ACTIVITIES
Subtitle A—Certain Programs for Research, Demonstrations, or Training
Sec. 401. Grants for coordinated services and access to research for women, infants, children, and youth.
Sec. 402. AIDS education and training centers.
Subtitle B—General Provisions in Title XXVI
Sec. 411. Evaluations and reports.
Sec. 412. Data collection through Centers for Disease Control and Prevention.
Sec. 413. Coordination.
Sec. 414. Plan regarding release of prisoners with HIV disease.
Sec. 415. Audits.
Sec. 416. Administrative simplification.
Sec. 417. Authorization of appropriations for parts A and B.
TITLE V—GENERAL PROVISIONS
Sec. 501. Studies by Institute of Medicine.
Sec. 502. Development of rapid HIV test.
TITLE VI—EFFECTIVE DATE
Sec. 601. Effective date.

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

SEC. 101. MEMBERSHIP OF COUNCILS.

(a) IN GENERAL.—Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended—

(1) in paragraph (1), by striking "demographics of the epidemic in the eligible area involved," and inserting "demographics of the population of individuals with HIV disease in the eligible area involved,"; and

(2) in paragraph (2)—

(A) in subparagraph (G), by striking "or AIDS";

(B) in subparagraph (K), by striking "and" at the end;

(C) in subparagraph (L), by striking the period and inserting the following: ", including but not limited to providers of HIV prevention services; and"; and

(D) by adding at the end the following subparagraph:

"(M) representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding three years, and had HIV disease as of the date on which the individuals were so released.".

(b) CONFLICTS OF INTERESTS.—Section 2602(b)(5) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(5)) is amended by adding at the end the following subparagraph:

"(C) COMPOSITION OF COUNCIL.—The following applies regarding the membership of a planning council under paragraph (1):

"(i) Not less than 33 percent of the council shall be individuals who are receiving HIV-related services pursuant to a grant under section 2601(a), are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity, and reflect the demographics of the population of individuals with HIV disease as determined under paragraph (4)(A). For purposes of the preceding sentence, an individual shall be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services.

"(ii) With respect to membership on the planning council, clause (i) may not be construed as having any effect on entities that receive funds from grants under any of parts B through F but do not receive funds from grants under section 2601(a), on officers or employees of such entities, or on individuals who represent such entities.".

SEC. 102. DUTIES OF COUNCILS.

(a) IN GENERAL.—Section 2602(b)(4) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (C) through (G), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following subparagraphs:

"(A) determine the size and demographics of the population of individuals with HIV disease;

"(B) determine the needs of such population, with particular attention to—

"(i) individuals with HIV disease who are not receiving HIV-related services; and

"(ii) disparities in access and services among affected subpopulations and historically underserved communities;";

(3) in subparagraph (C) (as so redesignated), by striking clauses (i) through (iv) and inserting the following:

"(i) size and demographics of the population of individuals with HIV disease (as determined under subparagraph (A)) and the needs of such population (as determined under subparagraph (B));

"(ii) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;

"(iii) priorities of the communities with HIV disease for whom the services are intended;

"(iv) availability of other governmental and nongovernmental resources to provide HIV-related services to individuals and families with HIV disease, including the State plan under title XIX of the Social Security Act (relating to the Medicaid program) and the program under title XXI of such Act (relating to the program for State children's health insurance); and

"(v) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;";

(4) in subparagraph (D) (as so redesignated), by amending the subparagraph to read as follows:

"(D) develop a comprehensive plan for the organization and delivery of health and support services described in section 2604 that—

"(i) includes a strategy for identifying individuals with HIV disease who are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

"(ii) includes a strategy to coordinate the provision of such services with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment services for such abuse; and

"(iii) is compatible with any State or local plan for the provision of services to individuals with HIV disease;";

(5) in subparagraph (F) (as so redesignated), by striking "and" at the end;

(6) in subparagraph (G) (as so redesignated)—

(A) by striking "public meetings," and inserting "public meetings (in accordance with paragraph (7)),"; and

(B) by striking the period and inserting "; and"; and

(7) by adding at the end the following subparagraph:

"(H) coordinate with Federal grantees that provide HIV-related services within the eligible area.".

(b) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Section 2602 of the Public Health

Service Act (42 U.S.C. 300ff–12) is amended by adding at the end the following subsection:

"(d) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Promptly after the date of the submission of the report required in section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the Secretary, in consultation with entities that receive amounts from grants under section 2601(a) or 2611, shall develop epidemiologic measures—

"(1) for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

"(2) for carrying out the duties under subsection (b)(4) and section 2617(b).".

(c) TRAINING.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff–12), as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

"(e) TRAINING GUIDANCE AND MATERIALS.—The Secretary shall provide to each chief elected official receiving a grant under 2601(a) guidelines and materials for training members of the planning council under paragraph (1) regarding the duties of the council.".

SEC. 103. OPEN MEETINGS; OTHER ADDITIONAL PROVISIONS.

Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended—

(1) in paragraph (3), by striking subparagraph (C); and

(2) by adding at the end the following paragraph:

"(7) PUBLIC DELIBERATIONS.—With respect to a planning council under paragraph (1), the following applies:

"(A) The council may not be chaired solely by an employee of the grantee under section 2601(a).

"(B) In accordance with criteria established by the Secretary:

"(i) The meetings of the council shall be open to the public and shall be held only after adequate notice to the public.

"(ii) The records, reports, transcripts, minutes, agenda, or other documents which were made available to or prepared for or by the council shall be available for public inspection and copying at a single location.

"(iii) Detailed minutes of each meeting of the council shall be kept. The accuracy of all minutes shall be certified to by the chair of the council.

"(iv) This subparagraph does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.".

Subtitle B—Type and Distribution of Grants

SEC. 111. FORMULA GRANTS.

(a) EXPEDITED DISTRIBUTION.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(2)) is amended in the first sentence by striking "for each of the fiscal years 1996 through 2000" and inserting "for a fiscal year".

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—

(1) IN GENERAL.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(A) in subparagraph (C)(i), by inserting before the semicolon the following: ", except that (subject to subparagraph (D)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome"; and

(B) in subparagraph (C), in the matter after and below clause (ii)(X)—

(i) in the first sentence, by inserting before the period the following: ", and shall be reported to the congressional committees of jurisdiction"; and

(ii) by adding at the end the following sentence: "Updates shall as applicable take into account the counting of cases of HIV disease pursuant to clause (i)."

(2) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following subparagraph:

"(D) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—

"(i) IN GENERAL.—Not later than July 1, 2004, the Secretary shall determine whether there is data on cases of HIV disease from all eligible areas (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) sufficiently accurate and reliable for use for purposes of subparagraph (C)(i). In making such a determination, the Secretary shall take into consideration the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the fiscal impact of the use of such data, the impact of the use of such data on the organization and delivery of HIV-related services in eligible areas, and the fiscal impact of not using such data.

"(ii) EFFECT OF ADVERSE DETERMINATION.—If under clause (i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable for use for purposes of subparagraph (C)(i), then notwithstanding such subparagraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.

"(iii) GRANTS AND TECHNICAL ASSISTANCE REGARDING COUNTING OF HIV CASES.—Of the amounts appropriated under section 2675 for a fiscal year, the Secretary shall reserve amounts to make grants and provide technical assistance to States and eligible areas with respect to obtaining data on cases of HIV disease to ensure that data on such cases is available from all States and eligible areas as soon as is practicable but not later than the beginning of fiscal year 2007.".

(c) INCREASES IN GRANT.—Section 2603(a)(4)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

"(4) INCREASES IN GRANT.—

"(A) IN GENERAL.—For each fiscal year in a protection period for an eligible area, the Secretary shall increase the amount of the grant made pursuant to paragraph (2) for the area to ensure that—

"(i) for the first fiscal year in the protection period, the grant is not less than 98 percent of the amount of the grant made for the eligible area pursuant to such paragraph for the base year for the protection period;

"(ii) for any second fiscal year in such period, the grant is not less than 95.7 percent of the amount of such base year grant;

"(iii) for any third fiscal year in such period, the grant is not less than 91.1 percent of the amount of the base year grant;

"(iv) for any fourth fiscal year in such period, the grant is not less than 84.2 percent of the amount of the base year grant; and

"(v) for any fifth or subsequent fiscal year in such period, the grant is not less than 75 percent of the amount of the base year grant.

"(B) BASE YEAR; PROTECTION PERIOD.—With respect to grants made pursuant to paragraph (2) for an eligible area:

"(i) The base year for a protection period is the fiscal year preceding the trigger grant-reduction year.

"(ii) The first trigger grant-reduction year is the first fiscal year (after fiscal year 2000) for which the grant for the area is less than the grant for the area for the preceding fiscal year.

"(iii) A protection period begins with the trigger grant-reduction year and continues until the beginning of the first fiscal year for which the amount of the grant for the area equals or exceeds the amount of the grant for the base year for the period.

"(iv) Any subsequent trigger grant-reduction year is the first fiscal year, after the end of the preceding protection period, for which the amount of the grant is less than the amount of the grant for the preceding fiscal year.".

SEC. 112. SUPPLEMENTAL GRANTS.

(a) IN GENERAL.—Section 2603(b)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(b)(2)) is amended—

(1) in the heading for the paragraph, by striking "DEFINITION" and inserting "AMOUNT OF GRANT";

(2) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

"(A) IN GENERAL.—The amount of each grant made for purposes of this subsection shall be determined by the Secretary based on a weighting of factors under paragraph (1), with severe need under subparagraph (B) of such paragraph counting one-third.";

(4) in subparagraph (B) (as so redesignated)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following clauses:

"(iv) the current prevalence of HIV disease;

"(v) an increasing need for HIV-related services, including relative rates of increase in the number of cases of HIV disease; and

"(vi) unmet need for such services, as determined under section 2602(b)(4).";

(5) in subparagraph (C) (as so redesignated)—

(A) by striking "subparagraph (A)" each place such term appears and inserting "subparagraph (B)";

(B) in the second sentence, by striking "2 years after the date of enactment of this paragraph" and inserting "18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000"; and

(C) by inserting after the second sentence the following sentence: "Such a mechanism shall be modified to reflect the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease)."; and

(6) in subparagraph (D) (as so redesignated), by striking "subparagraph (B)" and inserting "subparagraph (C)".

(b) REQUIREMENTS FOR APPLICATION.—Section 2603(b)(1)(E) of the Public Health Service Act (42 U.S.C. 300ff–13(b)(1)(E)) is amended by inserting "youth," after "children,".

(c) CONFORMING AMENDMENT.—Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff–13(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

Subtitle C—Other Provisions

SEC. 121. USE OF AMOUNTS.

(a) PRIMARY PURPOSES.—Section 2604(b)(1) of the Public Health Service Act (42 U.S.C. 300ff-14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "HIV-related—" and inserting "HIV-related services, as follows:";

(2) in subparagraph (A)—

(A) by striking "outpatient" and all that follows through "substance abuse treatment and" and inserting the following: "Outpatient and ambulatory health services, including substance abuse treatment,"; and

(B) by striking "; and" and inserting a period;

(3) in subparagraph (B), by striking "(B) inpatient case management" and inserting "(C) Inpatient case management";

(4) by inserting after subparagraph (A) the following subparagraph:

"(B) Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, support, or sustain the delivery, or benefits of health services for individuals and families with HIV disease."; and

(5) by adding at the end the following:

"(D) Outreach activities that are intended to identify individuals with HIV disease who are not receiving HIV-related services, and that are—

"(i) necessary to implement the strategy under section 2602(b)(4)(D), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in paragraph (3);

"(ii) conducted in a manner consistent with the requirements under sections 2605(a)(3) and 2651(b)(2); and

"(iii) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.".

(b) ADDITIONAL PURPOSES.—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

"(3) EARLY INTERVENTION SERVICES.—

"(A) IN GENERAL.—The purposes for which a grant under section 2601 may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2) (including referrals under subparagraph (C) of such section), subject to subparagraph (B). The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section 2652(a).

"(B) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under subparagraph (A), such subparagraph applies only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

"(i) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(ii) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved."; and

(3) in paragraph (4) (as so redesignated), by inserting "youth," after "children," each place such term appears;

(c) QUALITY MANAGEMENT.—Section 2604 of the Public Health Service Act (42 U.S.C. 300ff-14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) QUALITY MANAGEMENT.—

"(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines.

"(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the chief elected official of an eligible area may (in addition to amounts to which subsection (f)(1) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

SEC. 122. APPLICATION.

Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff-15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following paragraph:

"(3) that entities within the eligible area that receive funds under a grant under section 2601(a) will maintain relationships with appropriate entities in the area, including entities described in section 2604(b)(3);".

SEC. 123. REVIEW OF ADMINISTRATIVE COSTS AND COMPENSATION.

Each chief elected official of an eligible area (as defined in section 2607 of the Public Health Service Act) shall ensure that, not later than one year after the date of the enactment of this Act, the planning council for the eligible area—

(1) conducts a review of the existing, available data on the extent to which entities in the area that receive amounts from a grant under section 2601(a) of the Public Health Service Act have from their overall budget expended amounts for administrative costs (including financial compensation and benefits), expressed as a proportion and indicating the growth in such expenditures, including a statement of the average amount expended for such costs per client served and the average amount expended for such costs per client served in providing HIV-related services; and

(2) makes a determination of whether the financial compensation of any officers or employees of such entities exceeds that of the chief elected official of the eligible area.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

SEC. 201. PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.

Section 2611(b) of the Public Health Service Act (42 U.S.C. 300ff-21(b)) is amended by inserting "youth," after "children," each place such term appears.

SEC. 202. USE OF GRANTS.

Section 2612 of the Public Health Service Act (42 U.S.C. 300ff-22) is amended—

(1) by striking "A State may use" and inserting "(a) IN GENERAL.—A State may use"; and

(2) by adding at the end the following subsections:

"(b) SUPPORT SERVICES; OUTREACH.—The purposes for which a grant under this part may be used include delivering or enhancing the following:

"(1) Support services under section 2611(a) (including case management) to the extent that such services facilitate, support, or sustain the delivery, or benefits of health services for individuals and families with HIV disease.

"(2) Outreach activities that are intended to identify individuals with HIV disease who are not receiving HIV-related services, and that are—

"(A) necessary to implement the strategy under section 2617(b)(4)(B);

"(B) conducted in a manner consistent with the requirement under section 2617(b)(6)(G); and

"(C) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.

"(c) EARLY INTERVENTION SERVICES.—

"(1) IN GENERAL.—The purposes for which a grant under this part may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2) (including referrals under subparagraph (C) of such section), subject to paragraph (2). The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section 2652(a).

"(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph applies only if the entity demonstrates to the satisfaction of the State involved that—

"(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

"(d) QUALITY MANAGEMENT.—

"(1) REQUIREMENT.—Each State that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines.

"(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the State may (in addition to amounts to which section 2618(c)(5) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

SEC. 203. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 of the Public Health Service Act (42 U.S.C. 300ff-23) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: ", particularly those experiencing disparities in access and services and those who reside in historically underserved communities"; and

(B) in subparagraph (B), by inserting after "by such consortium" the following: "is consistent with the comprehensive plan under 2617(b)(4) and";

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking "and" after the semicolon at the end;

(B) in subparagraph (E), by striking the period and inserting "; and";

(C) by adding at the end the following subparagraph:

"(F) demonstrates that adequate planning occurred to address disparities in access and services and historically underserved communities."; and

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by inserting after subparagraph (C) the following subparagraph:

"(D) entities described in section 2602(b)(2).".

SEC. 204. PROVISION OF TREATMENTS.

Section 2616 of the Public Health Service Act (42 U.S.C. 300ff–26) is amended by adding at the end the following subsection:

"(e) Use of Health Insurance and Plans.—In carrying out subsection (a), a State may expend a grant under this part to provide the therapeutics described in such subsection by paying on behalf of individuals with HIV disease the costs of purchasing or maintaining health insurance or plans whose coverage includes a full range of such therapeutics and appropriate primary care services.".

SEC. 205. STATE APPLICATION.

(a) Determination of Size and Needs of Population; Comprehensive Plan.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff–27(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(2) by inserting after paragraph (1) the following paragraphs:

"(2) a determination of the size and demographics of the population of individuals with HIV disease in the State;

"(3) a determination of the needs of such population, with particular attention to—

"(A) individuals with HIV disease who are not receiving HIV-related services; and

"(B) disparities in access and services among affected subpopulations and historically underserved communities;"; and

(3) in paragraph (4) (as so redesignated)—

(A) by striking "comprehensive plan for the organization" and inserting "comprehensive plan that describes the organization";

(B) by striking ", including—" and inserting ", and that—";

(C) by redesignating subparagraphs (A) through (C) as subparagraphs (D) through (F), respectively;

(D) by inserting before subparagraph (C) the following subparagraphs:

"(A) establishes priorities for the allocation of funds within the State based on—

"(i) size and demographics of the population of individuals with HIV disease (as determined under paragraph (2)) and the needs of such population (as determined under paragraph (3));

"(ii) availability of other governmental and nongovernmental resources to provide HIV-related services to individuals and families with HIV disease;

"(iii) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities; and

"(iv) the efficiency of the administrative mechanism of the State for rapidly allocating funds to the areas of greatest need within the State;

"(B) includes a strategy for identifying individuals with HIV disease who are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

"(C) includes a strategy to coordinate the provision of such services with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment services for such abuse;";

(E) in subparagraph (D) (as redesignated by subparagraph (C) of this paragraph), by inserting "describes" before "the services and activities";

(F) in subparagraph (E) (as so redesignated), by inserting "provides" before "a description"; and

(G) in subparagraph (F) (as so redesignated), by inserting "provides" before "a description".

(b) Public Participation.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(1) in paragraph (5), by striking "HIV" and inserting "HIV disease"; and

(2) in paragraph (6), by amending subparagraph (A) to read as follows:

"(A) the public health agency that is administering the grant for the State engages in a public advisory planning process, including public hearings, that includes the participants under paragraph (5), and entities described in section 2602(b)(2), in developing the comprehensive plan under paragraph (4) and commenting on the implementation of such plan;".

(c) Health Care Relationships.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended in paragraph (6)—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting "; and"; and

(3) by adding at the end the following subparagraph:

"(G) entities within areas in which activities under the grant are carried out will maintain relationships with appropriate entities in the area, including entities described in section 2612(c);".

SEC. 206. DISTRIBUTION OF FUNDS.

(a) Minimum Allotment.— Section 2618(b)(1)(A)(i) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking "$100,000" and inserting "$200,000"; and

(2) in subclause (II), by striking "$250,000" and inserting "$500,000".

(b) Amount of Grant; Estimate of Living Cases.—Section 2618(b)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(2)) is amended—

(1) in subparagraph (D)(i), by inserting before the semicolon the following: ", except that (subject to subparagraph (E)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome";

(2) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(3) by inserting after subparagraph (D) the following subparagraph:

"(E) Determination of Secretary Regarding Data on HIV Cases.—If under 2603(a)(3)(D)(i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable, then notwithstanding subparagraph (D) of this paragraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.".

(c) Increases in Formula Amount.—Section 2618(b) of the Public Health Service Act (42 U.S.C. 300ff–28(b)) is amended—

(1) in paragraph (1)(A)(ii), by inserting before the semicolon the following: "and then, as applicable, increased under paragraph (2)(H)"; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking "subparagraph (H)" and inserting "subparagraphs (H) and (I)"; and

(B) in subparagraph (H) (as redesignated by subsection (b)(2) of this section), by amending the subparagraph to read as follows:

"(H) Limitation.—

"(i) In general.—The Secretary shall ensure that the amount of a grant awarded to a State or territory under section 2611 for a fiscal year is not less than—

"(I) with respect to fiscal year 2001, 99 percent;

"(II) with respect to fiscal year 2002, 98 percent;

"(III) with respect to fiscal year 2003, 97 percent;

"(IV) with respect to fiscal year 2004, 96 percent; and

"(V) with respect to fiscal year 2005, 95 percent;

of the amount such State or territory received for fiscal year 2000 under such section. In administering this subparagraph, the Secretary shall, with respect to States or territories that will under such section receive grants in amounts that exceed the amounts that such States received under such section for fiscal year 2000, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 2000.

"(ii) Ratable reduction.—If the amount appropriated under section 2677 for a fiscal year and available for grants under section 2611 is less than the amount appropriated and available under such section for fiscal year 2000, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.".

(d) Territories.—Section 2618(b)(1)(B) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(1)(B)) is amended by inserting "the greater of $50,000 or" after "shall be".

(e) Separate Treatment Drug Grants.—Section 2618(b)(2) of the Public Health Service Act, as amended by subsection (b)(3) of this section, is amended in subparagraph (I)—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking "(I) Appropriations" and all that follows through "With respect to" and inserting the following:

"(I) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—

"(i) Formula grants.—With respect to";

(3) in subclause (I) of clause (i) (as designated by paragraphs (1) and (2)), by striking "100 percent" and inserting "98 percent"; and

(4) by adding at the end the following clause:

"(ii) SUPPLEMENTAL TREATMENT DRUG GRANTS.—

"(I) In general.—With respect to the fiscal year involved, if under section 2677 an appropriations Act provides an amount exclusively for carrying out section 2616, and such amount is not less than the amount so provided for the *preceding fiscal year, the Secretary shall reserve 2 percent of such amount for making grants to States whose population of individuals with HIV disease has, as determined by the Secretary, a need for quantities of therapeutics described in section 2616(a) greater than the quantities available pursuant to clause (i). Such a grant is available for purposes of obtaining such therapeutics. The Secretary shall carry out this clause as a program of discretionary grants, and not as a program of formula grants.*

"(II) DISTRIBUTION OF GRANTS.—The Secretary shall disburse all amounts under grants under subclause (I) for a fiscal year not later than 240 days after the date on which the amount referred to in such subclause with respect to section 2616 becomes available.

"(III) REQUIREMENT OF MATCHING FUNDS.—A condition for receiving a grant under subclause (I) is that the State agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of obtaining the therapeutics involved in an amount that is not less than 25 percent of such costs (determined in the same manner as under 2617(d)(2)(A)).".

(f) TECHNICAL AMENDMENT.—Section 2618(b)(3)(B) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking "and the Republic of the Marshall Islands" and inserting "the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico".

SEC. 207. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended—

(1) by striking section 2621; and

(2) by inserting after section 2620 the following section:

"SEC. 2621. SUPPLEMENTAL GRANTS.

"(a) IN GENERAL.—From amounts available pursuant to subsection (d) for a fiscal year, the Secretary shall make grants to States that meet the conditions to receive grants under section 2611, and that have one or more eligible communities, for the purpose of providing in such communities comprehensive services of the type described in section 2612(a) to supplement the development and care activities, primary care, and support services otherwise provided in such communities by the State under a grant under section 2611.

"(b) ELIGIBLE COMMUNITY.—For purposes of this section, the term 'eligible community' means a geographic area that—

"(1) is not within any eligible area as defined in section 2607; and

"(2) has a severe need for supplemental financial assistance to combat the HIV epidemic, according to criteria developed by the Secretary in consultation with the States, including evidence of underserved or rural areas or both.

"(c) APPLICATION.—A grant under subsection (a) may be made to a State if the State submits to the Secretary, as part of the State application submitted under section 2617, such information as required to apply for funds under this section as determined by the Secretary in consultation with the States.

"(d) FUNDING.—

"(1) IN GENERAL.—For the purpose of making grants under subsection (a) for a fiscal year, the Secretary shall reserve 50 percent of the amount specified in paragraph (2).

"(2) INCREASES IN PART B FUNDING.—

"(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 for the fiscal year involved and available for carrying out part B is an increase over the amount so appropriated and available for the preceding fiscal year, subject to subparagraphs (B) and (C).

"(B) INITIAL ALLOCATION YEAR.—The allocation under paragraph (1) shall not be made until the first fiscal year for which the amount appropriated under section 2677 for the fiscal year involved and available for carrying out part B is an increase of not less than $20,000,000 over the amount so appropriated and available for fiscal year 2000, subject to subparagraph (C).

"(C) EXCLUSION REGARDING SEPARATE TREATMENT DRUG GRANTS.—Each determination under subparagraph (A) or (B) of the amount appropriated under section 2677 for a fiscal year and available for carrying out part B shall be made without regard to any amount to which section 2618(b)(2)(I)(i) applies.".

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

SEC. 211. REPEALS.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–33 et seq.) is amended—

(1) in section 2626, by striking each of subsections (d) through (f); and

(2) by striking section 2627.

SEC. 212. GRANTS.

(a) IN GENERAL.—Section 2625(c) of the Public Health Service Act (42 U.S.C. 300ff–33) is amended—

(1) in paragraph (1), by inserting at the end the following subparagraph:

"(F) Making available to pregnant women with HIV disease, and to the infants of women with such disease, treatment services for such disease in accordance with applicable recommendations of the Secretary.";

(2) by amending paragraph (2) to read as follows:

"(2) FUNDING.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $30,000,000 for each of the fiscal years 2001 through 2005. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

"(B) ALLOCATIONS FOR CERTAIN STATES.—

"(i) IN GENERAL.—Of the amounts appropriated under subparagraph (A) for a fiscal year in excess of $10,000,000, the Secretary shall reserve the applicable percentage under clause (ii) for making grants under paragraph (1) to States that under law (including under regulations or the discretion of State officials) have—

"(I) a requirement that all newborn infants born in the State be tested for HIV disease; or

"(II) a requirement that newborn infants born in the State be tested for HIV disease in circumstances in which the attending obstetrician for the birth does not know the HIV status of the mother of the infant.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable amount for a fiscal year is as follows:

"(I) For fiscal year 2001, 25 percent.

"(II) For fiscal year 2002, 50 percent.

"(III) For fiscal year 2003, 50 percent.

"(IV) For fiscal year 2004, 75 percent.

"(V) For fiscal year 2005, 75 percent.

"(C) CERTAIN PROVISIONS.—With respect to grants under paragraph (1) that are made with amounts reserved under subparagraph (B) of this paragraph:

"(i) Such a grant may not be made in an amount exceeding $4,000,000.

"(ii) If pursuant to clause (i) or pursuant to an insufficient number of qualifying applications for such grants (or both), the full amount reserved under subparagraph (B) for a fiscal year is not obligated, the requirement under such subparagraph to reserve amounts ceases to apply."; and

(3) by adding at the end the following paragraph:

"(4) MAINTENANCE OF EFFORT.—A condition for the receipt of a grant under paragraph (1) is that the State involved agree that the grant will be used to supplement and not supplant other funds available to the State to carry out the purposes of the grant.".

(b) SPECIAL FUNDING RULE FOR FISCAL YEAR 2001.—

(1) IN GENERAL.—If for fiscal year 2001 the amount appropriated under paragraph (2)(A) of section 2625(c) of the Public Health Service Act is less than $14,000,000—

(A) the Secretary of Health and Human Services shall, for the purpose of making grants under paragraph (1) of such section, reserve from the amount specified in paragraph (2) of this subsection an amount equal to the difference between $14,000,000 and the amount appropriated under paragraph (2)(A) of such section for such fiscal year;

(B) the amount so reserved shall, for purposes of paragraph (2)(B)(i) of such section, be considered to have been appropriated under paragraph (2)(A) of such section; and

(C) the percentage specified in paragraph (2)(B)(ii)(I) of such section is deemed to be 50 percent.

(2) ALLOCATION FROM INCREASES IN FUNDING FOR PART B.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 of the Public Health Service Act for fiscal year 2001 and available for grants under section 2611 of such Act is an increase over the amount so appropriated and available for fiscal year 2000.

SEC. 213. STUDY BY INSTITUTE OF MEDICINE.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–33 et seq.) is amended by adding at the end the following section:

"SEC. 2630. RECOMMENDATIONS FOR REDUCING INCIDENCE OF PERINATAL TRANSMISSION.

"(a) STUDY BY INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

"(A) For the most recent fiscal year for which the information is available, a determination of the number of newborn infants with HIV born in the United States with respect to whom the attending obstetrician for the birth did not know the HIV status of the mother.

"(B) A determination for each State of any barriers, including legal barriers, that prevent or discourage an obstetrician from making it a routine practice to offer pregnant women an HIV test and a routine practice to test newborn infants for HIV disease in circumstances in which the obstetrician does not know the HIV status of the mother of the infant.

"(C) Recommendations for each State for reducing the incidence of cases of the perinatal transmission of HIV, including recommendations on removing the barriers identified under subparagraph (B).

If such Institute declines to conduct the study, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

"(2) REPORT.—The Secretary shall ensure that, not later than 18 months after the effective date of this section, the study required in paragraph (1) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress, the Secretary, and the chief public health official of each of the States.

"(b) PROGRESS TOWARD RECOMMENDATIONS.—Each State shall comply with the following (as applicable to the fiscal year involved):

"(1) For fiscal year 2004, the State shall submit to the Secretary a report describing the actions taken by the State toward meeting the recommendations specified for the State under subsection (a)(1)(C).

"(2) For fiscal year 2005 and each subsequent fiscal year—

"(A) the State shall make reasonable progress toward meeting such recommendations; or

"(B) if the State has not made such progress—

"(i) the State shall cooperate with the Director of the Centers for Disease Control and Prevention in carrying out activities toward meeting the recommendations; and

"(ii) the State shall submit to the Secretary a report containing a description of any barriers identified under subsection (a)(1)(B) that continue to exist in the State; as applicable, the factors underlying the continued existence of such barriers; and a description of how the State intends to reduce the incidence of cases of the perinatal transmission of HIV.

"(c) Submission of Reports to Congress.—The Secretary shall submit to the appropriate committees of the Congress each report received by the Secretary under subsection (b)(2)(B)(ii).".

Subtitle C—Certain Partner Notification Programs

SEC. 221. GRANTS FOR COMPLIANT PARTNER NOTIFICATION PROGRAMS.

Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by adding at the end the following subpart:

"Subpart III—Certain Partner Notification Programs

"SEC. 2631. GRANTS FOR PARTNER NOTIFICATION PROGRAMS.

"(a) In General.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, subject to subsection (c)(2), may make grants to the States for carrying out programs to provide partner counseling and referral services.

"(b) Description of Compliant State Programs.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if under such laws or regulations (including programs carried out pursuant to the discretion of State officials) the following policies are in effect:

"(1) The State requires that the public health officer of the State carry out a program of partner notification to inform partners of individuals with HIV disease that the partners may have been exposed to the disease.

"(2)(A) In the case of a health entity that provides for the performance on an individual of a test for HIV disease, or that treats the individual for the disease, the State requires, subject to subparagraph (B), that the entity confidentially report the positive test results to the State public health officer in a manner recommended and approved by the Director of the Centers for Disease Control and Prevention, together with such additional information as may be necessary for carrying out such program.

"(B) The State may provide that the requirement of subparagraph (A) does not apply to the testing of an individual for HIV disease if the individual underwent the testing through a program designed to perform the test and provide the results to the individual without the individual disclosing his or her identity to the program. This subparagraph may not be construed as affecting the requirement of subparagraph (A) with respect to a health entity that treats an individual for HIV disease.

"(3) The program under paragraph (1) is carried out in accordance with the following:

"(A) Partners are provided with an appropriate opportunity to learn that the partners have been exposed to HIV disease, subject to subparagraph (B).

"(B) The State does not inform partners of the identity of the infected individuals involved.

"(C) Counseling and testing for HIV disease are made available to the partners and to infected individuals, and such counseling includes information on modes of transmission for the disease, including information on prenatal and perinatal transmission and preventing transmission.

"(D) Counseling of infected individuals and their partners includes the provision of information regarding therapeutic measures for preventing and treating the deterioration of the immune system and conditions arising from the disease, and the provision of other prevention-related information.

"(E) Referrals for appropriate services are provided to partners and infected individuals, including referrals for support services and legal aid.

"(F) Notifications under subparagraph (A) are provided in person, unless doing so is an unreasonable burden on the State.

"(G) There is no criminal or civil penalty on, or civil liability for, an infected individual if the individual chooses not to identify the partners of the individual, or the individual does not otherwise cooperate with such program.

"(H) The failure of the State to notify partners is not a basis for the civil liability of any health entity who under the program reported to the State the identity of the infected individual involved.

"(I) The State provides that the provisions of the program may not be construed as prohibiting the State from providing a notification under subparagraph (A) without the consent of the infected individual involved.

"(4) The State annually reports to the Director of the Centers for Disease Control and Prevention the number of individuals from whom the names of partners have been sought under the program under paragraph (1), the number of such individuals who provided the names of partners, and the number of partners so named who were notified under the program.

"(5) The State cooperates with such Director in carrying out a national program of partner notification, including the sharing of information between the public health officers of the States.

"(c) Reporting System for Cases of HIV Disease.—

"(1) Preference in Making Grants Through Fiscal Year 2003.—In making grants under subsection (a) for each of the fiscal years 2001 through 2003, the Secretary shall give preference to States whose reporting systems for cases of HIV disease produce data on such cases that is sufficiently accurate and reliable for use for purposes of section 2618(b)(2)(D)(i).

"(2) Eligibility Condition After Fiscal Year 2003.—For fiscal year 2004 and subsequent fiscal years, a State may not receive a grant under subsection (a) unless the reporting system of the State for cases of HIV disease produces data on such cases that is sufficiently accurate and reliable for purposes of section 2618(b)(2)(D)(i).

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.".

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

SEC. 301. REPEAL OF PROGRAM.

Subpart I of part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.) is repealed.

Subtitle B—Categorical Grants

SEC. 311. PREFERENCES IN MAKING GRANTS.

Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended by adding at the end the following subsection:

"(d) Underserved and Rural Areas.—Of the applicants who qualify for preference under this section, the Secretary shall give preference to applicants that will expend the grant under section 2651 to provide early intervention under such section in rural areas or in areas that are underserved with respect to such services.".

SEC. 312. PLANNING AND DEVELOPMENT GRANTS.

(a) In General.—Section 2654(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(1)) is amended by striking "planning grants" and all that follows and inserting the following: "planning grants to public and nonprofit private entities for purposes of—

"(A) enabling such entities to provide HIV early intervention services; and

"(B) assisting the entities in expanding their capacity to provide HIV-related health services, including early intervention services, in low-income communities and affected subpopulations that are underserved with respect to such services (subject to the condition that a grant pursuant to this subparagraph may not be expended to purchase or improve land, or to purchase, construct, or permanently improve, other than minor remodeling, any building or other facility).".

(b) Amount; Duration.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Amount and Duration of Grants.—

"(A) Early Intervention Services.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

"(B) Capacity Development.—

"(i) Amount.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

"(ii) Duration.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.".

(c) Increase in Limitation.—Section 2654(c)(5) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(5)), as redesignated by subsection (b), is amended by striking "1 percent" and inserting "5 percent".

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking "in each of" and all that follows and inserting "for each of the fiscal years 2001 through 2005.".

Subtitle C—General Provisions

SEC. 321. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662(c)(3) of the Public Health Service Act (42 U.S.C. 300ff–62(c)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking "counseling on—" and inserting "counseling—";

(2) in each of subparagraphs (A), (B), and (D), by inserting "on" after the subparagraph designation; and

(3) in subparagraph (C)—

(A) by striking "(C) the benefits" and inserting "(C)(i) that explains the benefits"; and

(B) by inserting after clause (i) (as designated by subparagraph (A) of this paragraph) the following clause:

"(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV;

SEC. 322. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff-64(g)) is amended—

(1) in paragraph (3)—

(A) by striking "7.5 percent" and inserting "10 percent"; and

(B) by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.".

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

SEC. 401. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

"(C) The applicant will demonstrate linkages to research and how access to such research is being offered to patients."; and

(B) by striking paragraphs (3) and (4);

(2) in subsection (g), by adding at the end the following: "In addition, the Secretary, in coordination with the Director of such Institutes, shall examine the distribution and availability of appropriate HIV-related research projects with respect to grantees under subsection (a) for purposes of enhancing and expanding HIV-related research, especially within communities that are underrepresented with respect to such projects.";

(3) in subsection (f)—

(A) by striking the subsection heading and designation and inserting the following:

"(f) ADMINISTRATION.—

"(1) APPLICATION.—"; and

(B) by adding at the end the following paragraph:

"(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program."; and

(4) in subsection (j), by striking "1996 through 2000" and inserting "2001 through 2005".

SEC. 402. AIDS EDUCATION AND TRAINING CENTERS.

(a) SCHOOLS; CENTERS.—

(1) IN GENERAL.—Section 2692(a)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(a)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking "training" and inserting "to train";

(ii) by striking "and including" and inserting ", including"; and

(iii) by inserting before the semicolon the following: ", and including (as applicable to the type of health professional involved), prenatal and other gynecological care for women with HIV disease";

(B) in subparagraph (B), by striking "and" after the semicolon at the end;

(C) in subparagraph (C), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(D) to develop protocols for the medical care of women with HIV disease, including prenatal and other gynecological care for such women.".

(2) DISSEMINATION OF TREATMENT GUIDELINES; MEDICAL CONSULTATION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue and begin implementation of a strategy for the dissemination of HIV treatment information to health care providers and patients.

(b) DENTAL SCHOOLS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—

"(A) GRANTS.—The Secretary may make grants to dental schools and programs described in subparagraph (B) to assist such schools and programs with respect to oral health care to patients with HIV disease.

"(B) ELIGIBLE APPLICANTS.—For purposes of this subsection, the dental schools and programs referred to in this subparagraph are dental schools and programs that were described in section 777(b)(4)(B) as such section was in effect on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392) and in addition dental hygiene programs that are accredited by the Commission on Dental Accreditation.";

(2) in paragraph (2), by striking "777(b)(4)(B)" and inserting "the section referred to in paragraph (1)(B)"; and

(3) by inserting after paragraph (4) the following paragraph:

"(5) COMMUNITY-BASED CARE.—The Secretary may make grants to dental schools and programs described in paragraph (1)(B) that partner with community-based dentists to provide oral health care to patients with HIV disease in unserved areas. Such partnerships shall permit the training of dental students and residents and the participation of community dentists as adjunct faculty.".

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) SCHOOLS; CENTERS.—Section 2692(c)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(c)(1)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(2) DENTAL SCHOOLS.—Section 2692(c)(2) of the Public Health Service Act (42 U.S.C. 300ff-111(c)(2)) is amended to read as follows:

"(2) DENTAL SCHOOLS.—

"(A) IN GENERAL.—For the purpose of grants under paragraphs (1) through (4) of subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) COMMUNITY-BASED CARE.—For the purpose of grants under subsection (b)(5), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—General Provisions in Title XXVI

SEC. 411. EVALUATIONS AND REPORTS.

Section 2674(c) of the Public Health Service Act (42 U.S.C. 300ff-74(c)) is amended by striking "1991 through 1995" and inserting "2001 through 2005".

SEC. 412. DATA COLLECTION THROUGH CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71 et seq.) is amended—

(1) by redesignating section 2675 as section 2675A; and

(2) by inserting after section 2674 the following section:

"SEC. 2675. DATA COLLECTION.

"For the purpose of collecting and providing data for program planning and evaluation activities under this title, there are authorized to be appropriated to the Secretary (acting through the Director of the Centers for Disease Control and Prevention) such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.".

SEC. 413. COORDINATION.

Section 2675A of the Public Health Service Act, as redesignated by section 412 of this Act, is amended—

(1) by amending subsection (a) to read as follows:

"(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Health Care Financing Administration coordinate the planning, funding, and implementation of Federal HIV programs to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for support.";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (b) the following subsection:

"(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease."; and

(4) in each of subsections (c) and (d) (as redesignated by paragraph (2) of this section), by inserting "and prevention services" after "continuity of care" each place such term appears.

SEC. 414. PLAN REGARDING RELEASE OF PRISONERS WITH HIV DISEASE.

Section 2675A of the Public Health Service Act, as amended by section 413(2) of this Act, is amended by adding at the end the following subsection:

"(e) RECOMMENDATIONS REGARDING RELEASE OF PRISONERS.—After consultation with the Attorney General and the Director of the Bureau of Prisons, with States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary, consistent with the coordination required in subsection (a), shall develop a plan for the medical case management of and the provision of support services to individuals who were Federal or State prisoners and had HIV disease as of the date on which the individuals were released from the custody of the penal system. The Secretary shall submit the plan to the Congress not later than two years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.".

SEC. 415. AUDITS.

Part D of title XXVI of the Public Health Service Act, as amended by section 412 of this Act, is amended by inserting after section 2675A the following section:

"SEC. 2675B. AUDITS.

"For fiscal year 2002 and subsequent fiscal years, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures *of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.".*

SEC. 416. ADMINISTRATIVE SIMPLIFICATION.

Part D of title XXVI of the Public Health Service Act, as amended by section 415 of this Act, is amended by inserting after section 2675B the following section:

"SEC. 2675C. ADMINISTRATIVE SIMPLIFICATION REGARDING PARTS A AND B.

"(a) Coordinated Disbursement.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for coordinating the disbursement of appropriations for grants under part A with the disbursement of appropriations for grants under part B in order to assist grantees and other recipients of amounts from such grants in complying with the requirements of such parts. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than two years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.

"(b) Biennial Applications.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall make a determination of whether the administration of parts A and B by the Secretary, and the efficiency of grantees under such parts in complying with the requirements of such parts, would be improved by requiring that applications for grants under such parts be submitted biennially rather than annually. The Secretary shall submit such determination to the Congress not later than two years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.

"(c) Application Simplification.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for simplifying the process for applications under parts A and B. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than two years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.".

SEC. 417. AUTHORIZATION OF APPROPRIATIONS FOR PARTS A AND B.

Section 2677 of the Public Health Service Act (42 U.S.C. 300ff–77) is amended to read as follows:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"(a) Part A.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(b) Part B.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE V—GENERAL PROVISIONS

SEC. 501. STUDIES BY INSTITUTE OF MEDICINE.

(a) State Surveillance Systems on Prevalence of HIV.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

(1) A determination of whether the surveillance system of each of the States regarding the human immunodeficiency virus provides for the reporting of cases of infection with the virus in a manner that is sufficient to provide adequate and reliable information on the number of such cases and the demographic characteristics of such cases, both for the State in general and for specific geographic areas in the State.

(2) A determination of whether such information is sufficiently accurate for purposes of formula grants under parts A and B of title XXVI of the Public Health Service Act.

(3) With respect to any State whose surveillance system does not provide adequate and reliable information on cases of infection with the virus, recommendations regarding the manner in which the State can improve the system.

(b) Relationship Between Epidemiological Measures and Health Care for Certain Individuals With HIV Disease.—

(1) In general.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(2) Issues to be considered.—The Secretary shall ensure that the study under paragraph (1) considers the following:

(A) The availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services.

(B) The effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment, as well as the changing epidemiology of the epidemic, including determining the actual costs, potential savings, and overall financial impact of modifying the program under title XIX of the Social Security Act to establish eligibility for medical assistance under such title on the basis of infection with the human immunodeficiency virus rather than providing such assistance only if the infection has progressed to acquired immune deficiency syndrome.

(C) Existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process.

(D) Other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) Other Entities.—If the Institute of Medicine declines to conduct a study under this section, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(d) Report.—The Secretary shall ensure that—

(1) not later than three years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress; and

(2) not later than two years after the date of the enactment of this Act, the study required in subsection (b) is completed and a report describing the findings made in the study is submitted to such committees.

SEC. 502. DEVELOPMENT OF RAPID HIV TEST.

(a) Expansion, Intensification, and Coordination of Research and Other Activities.—

(1) In general.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to the development of reliable and affordable tests for HIV disease that can rapidly be administered and whose results can rapidly be obtained (in this section referred to a "rapid HIV test").

(2) Report to congress.—The Director of NIH shall periodically submit to the appropriate committees of Congress a report describing the research and other activities conducted or supported under paragraph (1).

(3) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

(b) Premarket Review of Rapid HIV Tests.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, shall submit to the appropriate committees of the Congress a report describing the progress made towards, and barriers to, the premarket review and commercial distribution of rapid HIV tests. The report shall—

(A) assess the public health need for and public health benefits of rapid HIV tests, including the minimization of false positive results through the availability of multiple rapid HIV tests;

(B) make recommendations regarding the need for the expedited review of rapid HIV test applications submitted to the Center for Biologics Evaluation and Research and, if such recommendations are favorable, specify criteria and procedures for such expedited review; and

(C) specify whether the barriers to the premarket review of rapid HIV tests include the unnecessary application of requirements—

(i) necessary to ensure the efficacy of devices for donor screening to rapid HIV tests intended for use in other screening situations; or

(ii) for identifying antibodies to HIV subtypes of rare incidence in the United States to rapid HIV tests intended for use in screening situations other than donor screening.

(c) Guidelines of Centers for Disease Control and Prevention.—Promptly after commercial distribution of a rapid HIV test begins, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or update guidelines that include recommendations for States, hospitals, and other appropriate entities regarding the ready availability of such tests for administration to pregnant women who are in labor or in the late stage of pregnancy and whose HIV status is not known to the attending obstetrician.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

GENERAL LEAVE

Mr. COBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 4807, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to make a statement. We are getting ready to talk a bill that will spend $7.1 billion over the next 5 years. We have 32 minutes to do it in; that is about $215 million a minute as we talk. I think it is unconscionable that we are doing this at this time at night, where the American public cannot see the extent of this epidemic and the problems we have facing it, the way the epidemic has moved into our minority communities, unfortunately, and in a greater rate than in any other communities, and that we are not going to put the resources that are necessarily needed to address that.

Mr. Speaker, I would just make that point; that this is the wrong time of the evening for us to be doing this. I stand here embarrassed that we are not going to be able to have an opportunity to educate the American public about the needs that are addressed in this bill.

Mr. Speaker, first of all, we need to recognize Jeanne White and the loss that she had and her vigor and desire to bring forward a bill to care for people with HIV. We have spent a lot of money in this country already, some of it very successfully, some of it not very successfully; but we have with this bill made some very significant major changes in this legislation.

In 1988, a Presidential commission made recommendations to the Congress and to the Government on what we should do. One of the things that they described in that report is the importance that should be placed on prevention. We have heard our grandmoms tell us for years that an ounce of prevention is worth a pound of cure.

□ 2330

We know that. And I am very thankful for the gentleman from California (Mr. WAXMAN) and his staff as we have been able to work together and with others on the other side of the aisle to bring to the body this bill. Again, I think it is very unfortunate that we, in fact, are doing this at this time.

There are several other components to the bill that we will discuss as we proceed through it.

Mr. Speaker, I include the report referred to earlier.

REPORT OF THE PRESIDENTIAL COMMISSION ON THE HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIC

Submitted to The President of the United States, June 24, 1988

Commissioners: Admiral James D. Watkins, Chairman, United States Navy (Retired); Colleen Conway-Welch, Ph.D.; John J. Creedon; Theresa L. Crenshaw, M.D.; Richard M. Devos; Kristine M. Gebbie, R.N., M.N.; Burton James Lee III, M.D.; Frank Lilly, Ph.D.; His Eminence John Cardinal O'Connor; Beny J. Primm, M.D.; Representative Penny Pullen; Cory Servaas, M.D.; William B. Walsh, M.D.

EXECUTIVE SUMMARY

The Human Immunodeficiency Virus (HIV) epidemic will be a challenging factor in American life for years to come and should be a concern to all Americans. Recent estimates suggest that almost 500,000 Americans will have died or progressed to later stages of the disease by 1992.

Even this incredible number, however, does not reflect the current gravity of the problem. One to 1.5 million Americans are believed to be infected with the human immunodeficiency virus but are not yet ill enough to realize it.

The recommendations of the Commission seek to strike a proper balance between our obligation as a society toward those members of society who have HIV and those members of society who do not have the virus. To slow or stop the spread of the virus, to provide proper medical care for those who have contracted the virus, and to protect the rights of both infected and non-infected persons requires a careful balancing of interests in a highly complex society.

Knowledge is a critical weapon against HIV—knowledge about the virus and how it is transmitted, knowledge of how to maintain one's health, knowledge of one's own infection status. It is critical too that knowledge lead to responsibility toward oneself and others. It is the responsibility of all Americans to become educated about HIV. It is the responsibility of those infected not to infect others. It is the responsibility of all citizens to treat those infected with HIV with respect and compassion. All individuals should be responsible for their actions and the consequences of those actions.

The urgency and breadth of the nation's HIV research effort is without precedent in the history of the Federal Government's response to an infectious disease crisis. However, we are a long way from all the answers. The directing of more resources toward managing this epidemic is critical; equally important is the judicious use of those resources.

The term "AIDS" is obsolete. "HIV infection" more correctly defines the problem. The medical, public health, political, and community leadership must focus on the full course of HIV infection rather than concentrating on later stages of the disease (ARC and AIDS). Continual focus on AIDS rather than the entire spectrum of HIV disease has left our nation unable to deal adequately with the epidemic. Federal and state data collection efforts must now be focused on early HIV reports, while still collecting data on symptomatic disease.

Early diagnosis of HIV infection is essential, not only for proper medical treatment and counseling of the infected person but also for proper follow-up by the public health authorities. HIV infection, like other chronic conditions—heart disease, high blood pressure, diabetes, cancer—can be treated more effectively when detected early. Therefore, HIV tests should be offered regularly by health care providers in order to increase the currently small percentage of those infected who are aware of the fact and under appropriate care. Since many manifestations of HIV are treatable, those infected should have ready access to treatment for the opportunistic infections which often prove fatal for those with HIV.

Better understanding of the true incidence and prevalence of HIV infection is critical and can be developed only through careful accumulation of data from greatly increased testing. Quality assured testing should be easily accessible, confidential, voluntary, and associated with appropriate counseling and care services. At the present time, a relatively small percentage of those infected with HIV are aware of their infected status.

Some preventive measures must be undertaken immediately.

Public health authorities across the United States must begin immediately to institute confidential partner notification, the system by which intimate contacts of persons carrying sexually transmitted diseases, including HIV, are warned of their exposure.

The HIV epidemic has highlighted several ethical considerations and responsibilities, including:

the responsibility of those who are HIV-infected not to infect others;

the responsibility of the health care community to offer comprehensive and compassionate care to all HIV-infected persons; and

the responsibility of all citizens to treat HIV infected persons with respect and compassion.

The Commission believes that if the recommendations in this report are fully implemented, we will have achieved the delicate balance between the complex needs and responsibilities encountered throughout our society when responding to the HIV epidemic.

MODELING HIV INFECTION

Disease surveillance began early in the epidemic, before the human immunodeficiency virus (HIV) had been identified or isolated, and before it was known that there could be a lengthy period of infection prior to illness. Because at that time it was possible to identify only those individuals in whom disease are far enough advanced to be symptomatic, monitoring the epidemic meant monitoring disease, rather than monitoring infection. The early concentration on the clinical manifestation of AIDS has had the unintended effect of misleading the public as to the extent of the infection in the population, from initial infection to sero-conversion, to an antibody positive asymptomatic stage to initial indicative symptoms to full-blown AIDS. Continued emphasis on AIDS has also impeded long-term planning efforts necessary to effectively allocate resources for prevention and health care. Decisions on who will receive care, and whose costs will be covered, focused only on those most seriously ill. Continuing to use only the term "AIDS" to make treatment, reimbursement, or prevention program decisions is anachronistic and a policy we can no longer afford.

While it is of value to continue monitoring diagnosed AIDS cases, public policy and prevention efforts should be based on an understanding of the extent and distribution of HIV in the population and on the rate at which new infections occur. This is especially critical in dealing with HIV, for which the average length of time between infection and diagnosis is at least eight years, according to the Institute of Medicine.

It is critical that CDC begin now to collect HIV infection data from the states, not just case reports.

The success of any disease or infection surveillance effort is dependent upon coordination at the national, state, and local levels and the sharing of resources and expenses.

The public health profession has a long tradition of respectful, confidential handling of sensitive data and of affected persons; those currently holding public health posts and should be striving to build public confidence by stressing the profession's traditional adherence to this standard.

Until CDC changes the focus of data collection from diagnosed AIDS cases to HIV infections, effectiveness of planning and intervention will be limited.

As of March 1988, CDC acknowledged that a precise statement of the prevalence and rate of spread of HIV infection in the general population is still not available. Most analysts concur with CDC that, based on presently available data, the best estimate of seroprevalence is one million, with a range of up to 1.5 million. Repeatedly, witnesses before the Commission agreed that every reasonable effort should be made to increase the precision of this number, and of the rate of infection within specific population groups.

OBSTACLES TO PROGRESS

The Commission has identified the following obstacles to a nationwide effort to improve the public's response to and participation in programs designed to quantify the HIV epidemic at the federal, state and local levels:

Continued focus on the label "AIDS," contributing to lack of understanding of the importance of HIV infection as the more significant element for taking control of the epidemic.

Lack of strong CDD leadership in the public health community for obtaining and coordinating HIV infection data.

Inadequate counseling resources to assist those tested makes many support and interest groups reluctant to recommend widespread HIV testing.

RECOMMENDATIONS

To respond to these obstacles, the Commission recommends the following:

The Centers for Disease Control must provide clear direction for expanded and improved surveillance, including endorsement and support by national leaders, other federal agencies, and state and local leaders.

States should require reporting of HIV infections. This information should be given to the Centers for Disease Control in appropriate form for statistical analysis, without identifiers.

WOMEN WITH HIV INFECTION

With little exception, HIV research and programs have focused exclusively on homosexual men and intravenous drug users. As a result, there is limited information about the course of HIV infection in women. Diagnosis of AIDS in women may be late or less accurate because the natural history of infection in women is so poorly understood to date. There is some evidence to suggest that it differs from men. The problem of women with HIV infection is particularly important because it is directly linked to the rapid growth of the pediatric AIDS population.

The greatest number of AIDS cases among women occur in the black and Hispanic populations. Of all cases of AIDS in women, 51 percent are black, and 20 percent are Hispanic. The routes of viral transmission are the same for women as for men, but in women, HIV infection occurring directly from intravenous drug use, and through heterosexual contact with an infected man rank first and second, respectively.

One of the most serious problems facing the HIV-infected mother is the guilt she may feel after giving birth to an infected child, her despair as she watches that child die, or her anguish, knowing that after her own imminent death, she will leave children behind.

MINORITIES

The impact of HIV infection on black and Hispanic communities has been felt very strongly; individuals from these groups comprise about 40 percent of all persons with symptomatic HIV infection.

Leadership is critically needed from major national minority organizations and from churches in minority communities.

PARTNER NOTIFICATION

Both public health practice and case law makes clear that persons put at risk of exposure to an infectious disease should be alerted to their exposure. The Commission believes that there should be a process in place in every state by which the official state health agency is responsible for assuring that those persons put unsuspectingly at risk for HIV infection are notified of that exposure. Such a process will enable that agency to work with the infected individual and the patient's primary health care provider to assure that contacts are notified of their exposure and urged to take advantage of the opportunity for testing and counseling.

When interviewed appropriately, any person infected should be able to identify one or more persons from whom the infection may have come or to whom it may have been given. There are options for contacting those persons and ensuring that they, too, are aware of their risks. Those options include patient-managed referral and professional-assisted referral (with notification by an individual's health care provider or with notification by the health department).

As an example, consider the women who has been married for 30 years to a man who, unknown to her, is a bisexual, or the person who believes he or she is involved in a completely monogamous marriage when, in fact, his or her spouse has been having sex with others. These people are completely ignorant of their exposure to the virus and would probably remain so until either their spouse, their child, or they, themselves, developed the clinical symptoms of AIDS. The Commission firmly believes in these individuals' right to be notified of their possible exposure so that they can seek prompt medical attention and avoid potentially exposing others.

RECOMMENDATIONS

The public health department has an obligation to ensure that any partners are aware of their exposure to the virus.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TANCREDO). The gentleman will state it.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Oklahoma (Mr. COBURN) implied that we had less than 20 minutes per side. How much time do we have?

The SPEAKER pro tempore. The gentleman from Oklahoma was recognized for 20 minutes.

Without objection, the gentleman from Ohio (Mr. BROWN) is recognized for 20 minutes.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Oklahoma (Mr. COBURN) complained about the lateness of the hour, and all of us concur with that. An issue as important as this was scheduled literally last among 35 suspensions. We are behind tonight naming post offices, regarding celebrating anniversaries; we are after our sense of Congress resolution regarding the importance of families eating together, something we all support, but a Congressional resolution for that; recognizing the importance of children in the U.S. We obviously recognize that. But to put all of that before this, it is again the sort of donothing Republican leadership in Congress that makes these decisions to schedule bills as important as this that we bipartisanly agree on finally after negotiations to put this bill last.

It is clearly not the way this Congress should operate. We should be doing this during the day when Members of Congress are awake and in this Chamber and watching from their offices. Instead we are doing a very, very important bill, the Ryan White CARE Act, in literally the middle of the night. Mr. Speaker, I think none of us approve of that kind of lack of leadership by Republicans in this Chamber.

I want to commend the gentleman from Oklahoma (Mr. COBURN) for his work; the gentleman from California (Mr. WAXMAN) for his work; Roland Foster, in the office of the gentleman from Oklahoma (Mr. COBURN); Paul Kim, in the office of the gentleman from California (Mr. Waxman); and Ellie Dehoney, in my office, for their exceptional work on this legislation.

The battle against HIV/AIDS is more than a medical challenge, although that challenge alone is overwhelming. It is a battle against ignorance, against intolerance, against apathy. It is a battle against isolation, against alienation, against despair. It is a battle against time, it is international, and it is down the street. AIDS is set to kill more people worldwide than World War I, World War II, the Korean War, and the Vietnam War combined.

The Ryan White CARE Act responds to HIV/AIDS, not just as a public health crisis, but as a threat to the stability and cohesiveness of communities and the rights of individuals. It fights the medical epidemic with prevention and with treatment. It fights ignorance, it fights intolerance, it fights apathy with awareness, commitment and compassion, and it fights alienation, isolation and despair by engaging communities in a focus that emphasizes living with HIV/AIDS, not dying with it.

The act was created in the memory of Ryan White, a young teenager who became a national hero in this fight. He was a hemophiliac and contracted HIV through a bad blood transfusion, but Ryan White fought against ignorance, fear and prejudice on behalf of all individuals with HIV/AIDS.

Ryan White died on April 8, 1990, at the age of 18. Ten years later the law named after him carries on his legacy. The Ryan White CARE Act has made a tremendous difference in the lives of people living with HIV/AIDS.

In my district, which includes much of Ohio's only title I eligible metropolitan area, Ryan White programs provide primary care and support services and the kinds of medication that contain HIV/AIDS into a chronic, rather than an acute illness. There is more to do and Ryan White will continue to play a pivotal role.

In Ohio, while AIDS deaths have declined, the incidence of HIV/AIDS has increased dramatically. After declining steadily, the incidence among young gay males is on the rise. HIV/AIDS is expanding into new populations, while continuing to spread in those populations originally at risk.

Prevention is vital, treatment is vital, The Ryan White programs are vital.

Mr. Speaker, I ask for passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me time. I thank the gentleman particularly for his leadership on this issue. We have always been very fortunate in this House to have his expertise.

I want to commend the gentleman from California (Mr. WAXMAN), the gentleman from Ohio (Mr. BROWN), and others, including the staff who have worked very hard on this.

I do agree, this is one of the most important measures that we will be voting on. It has made a difference, it will continue to make a tremendous difference, and the need is now greater than ever. I urge my colleagues obviously to support this bill, H.R. 4807, unanimously.

What the bill does is it reauthorizes and enhances care and treatment programs vital to the health and survival of Americans with HIV and AIDS. HIV/AIDS is not a disease that discriminates. It touches all. In fact, my State of Maryland is now known as one of the top ten states and territories reporting the highest number of AIDS cases. This is in part due to the pandemic growth of HIV and AIDS in rural areas and how AIDS is disproportionately affecting women, youth and communities of color.

This is a good bill. It has strong bipartisan support. Our States need this bill to be passed. Women need it, our youth need it; yes, all Americans need it. I urge strong support of this measure.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN), the author of the first Ryan White Act a decade or so ago.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the leadership of the House, the Republican leaders of the House for scheduling this bill. While it is 11:36 in Washington, it is only 8:36 in California.

Mr. Speaker, I rise also to urge my colleagues to support H.R. 4807. As the original author of the Ryan White CARE Act and the coauthor of H.R. 4807, I am pleased that this consensus bill is before the House today. With more than 250 bipartisan cosponsors and being reported by voice vote from committee, H.R. 4807 should be acted on expeditiously by the House.

Since we last authorized the CARE Act in 1996, there has been dramatic progress in treating AIDS, but there is still much more to be done. There are new treatments, but there still is no cure. There are fewer deaths, but no new HIV infections and dangerous complacency are on the rise, and the treatment gap grows wider every day for the poor and communities of color.

This is why the CARE Act is so important. Its reauthorization is crucial to the lives and health of hundreds of thousands of Americans, and it is essential that we refine and expand the CARE Act to respond to the epidemic's growing impact on women and adolescents.

H.R. 4807 preserves the structure of the original law and enhances its funding, but it also focuses on services for reaching individuals with HIV and AIDS who are not in care, eliminating disparities in services and access and helping historically underserved communities.

The legislation also begins to shift Ryan White funding to the HIV infected population, not just individuals with AIDS. This is an important transition which will occur when reliable data on HIV prevalence is available, and it is an important transition because we need to find the people who are HIV infected, because with appropriate treatment perhaps many of them can be helped not to develop full-blown AIDS.

The bill will also give priority to communities in severe need of supplemental funds. As HRSA Administrator Claude Fox testified, "These efforts, building on the current CARE Act, will significantly improve access to important health services for low-income, underinsured, and uninsured persons with HIV."

The bill also expands the perinatal HIV grant program to $30 million, with an increasing set aside for States with mandatory newborn testing laws. While I do not share the belief that this set aside is necessary, I am pleased that Dr. Fox confirmed that the program will greatly increase the funds available to help end the transmission of HIV to newborns.

The bill also enhances public participation in CARE Act programs and prevention efforts at the Federal, State and local levels, and adopts many important provisions in from the Senate bill.

I want to applaud the gentleman from Oklahoma (Dr. COBURN) for his cooperation on authoring this consensus bill, and acknowledge the contributions of the many community organizations to the legislation.

I want to thank the staff for their hard work, Roland Foster, Paul Kim, Karen Nelson, Marc Wheat, John Ford, Brent Delmonte, and Pete Goodloe.

Mr. Speaker, our friends and colleagues are right, this is an important bill, and I urge full support for it.

Mr. Speaker, I rise in support of H.R. 4807 and urge my colleagues to support the bill.

As the original author of the Ryan White CARE Act and the co-author of H.R. 4807, I am pleased that this consensus legislation is before the House today.

The bill has more than 250 bipartisan cosponsors and was reported by voice vote by the Commerce Committee. The Senate has already acted on its own bill, and H.R. 4807 should be acted on expeditiously by the House.

BACKGROUND ON THE CARE ACT

Mr. Speaker, until 1990, it was volunteers, cities and States who carried the burden of care in the AIDS epidemic—not the Federal government. Enacting the Ryan White CARE Act into law was our government's overdue response to the AIDS crisis, providing urgently needed care to tens of thousands of Americans living with AIDS.

Since we last reauthorized the CARE Act in 1996, there has been dramatic progress in treating AIDS. Lives have been extended and hope has been renewed. Deaths from AIDS have declined in our country.

But while progress has been made, progress must also be measured by the length of the road ahead. There are treatments, but there is still no cure. There are fewer deaths, but new HIV infections and a dangerous complacency are on the rise.

The epidemic is reaching into every community and every State in America. The treatment gap is growing wider than ever for the poor and for communities of color. And worldwide, the epidemic has killed 18 million people, orphaned millions of children and devastated entire countries.

This is why the CARE Act is so important. The CARE Act is the foundation of our country's response to the AIDS epidemic. Its reauthorization is crucial to the lives and health of hundreds of thousands of Americans. And as AIDS increasingly threatens women, adolescents and our communities of color, it is essential that we refine and expand the CARE Act to respond to these changes in the epidemic.

WHAT H.R. 4807 DOES

Today, the CARE Act provides early intervention services to prevent infection and to forestall illness in those who are infected. It furnishes medicines and outpatient and home health services to those who are ill. And the Act gives direct assistance to States and to the cities hardest hit by the epidemic.

H.R. 4807 preserves the structure of the CARE Act and enhances its funding. But it focuses services for the first time on—reaching individuals with HIV and AIDS who are not in care; eliminating disparities in services and access; and helping historically underserved communities.

The legislation also begins to shift Ryan White funding and services towards the HIV-infected population, not just individuals with AIDS. This is an important transition, and will mean a more equitable and accurate allocation of funds in relation to the demographics of the epidemic. But it will only occur when the Secretary determines that adequate and reliable data on HIV prevalence is available from all States and cities.

The bill also addresses disparities in care through the Title I supplemental funds and a newly created Title II supplemental. Communities and cities in "severe need" of additional resources will be given increased priority for these funds, so that all underserved areas—rural or urban—may better serve their patients.

These and other provisions enhance the responsiveness of the CARE Act to the needs of ethnic and racial minorities, consistent with the intent of the Congressional Black Caucus Minority AIDS Initiative. And as HRSA Administrator Claude Fox testified two weeks ago, "These efforts, building on the current CARE Act, will significantly improve access to important health services for low-income, underinsured, and uninsured persons with HIV."

When the Title I formula was modified five years ago, a "hold harmless" was added to limit any Eligible Metropolitan Area's (EMA) losses over five years to 5 percent of its Title I formula allocation. Our intention was to provide some time to allow EMAs to prepare for changes in their services and reductions in their funding. While there is broad agreement that the best way to avoid the need for a hold harmless is to increase funding overall to Title I, the funding increases to date unfortunately have not been so great as to render the "hold harmless" unnecessary. Now that five years have already passed since the formula was changed, the "hold harmless" has been adjusted to ensure greater funding equity in the Title I formula. I am particularly pleased that the Administration has made clear that it is unlikely that any new EMA will make use of such a hold harmless for the next three to four years.

H.R. 4807 also expands an existing grant program to end perinatal HIV transmission to $30 million, with an increasing set-aside for States with mandatory newborn testing laws. While I do not share the belief that this set-aside is necessary, I am pleased that all of the funds will be available for voluntary counseling, testing, treatment and outreach to pregnant mothers, as well as for implementing newborn testing programs. Dr. Fox confirmed two weeks ago that this program will greatly increase the funds available to help end the transmission of HIV to newborns.

This bill enhances public participation in both Title I and Title II, with greater representation of persons living with HIV and AIDS. Title I Planning Council meetings and records are opened to public "sunshine." And we call on States to engage in a more participatory public planning process.

The legislation makes other important reforms. It calls for greater coordination of HIV care and prevention efforts at the Federal, State and local levels—something I have always strongly supported. Patients are entitled to a seamless continuum of HIV prevention and care services from outreach, counseling and testing through to diagnostics, treatment and care.

Finally, H.R. 4807 also adopts many important provisions from the Senate's bill, particularly the authorization of early intervention services in Titles I and II, and the creation of new quality management programs for CARE Act services.

CONCLUSION

I want to applaud Dr. Coburn for his personal commitment to fighting AIDS and his cooperation on the bill. I also want to acknowledge the contributions of the many community organizations that participated in developing this legislation. And I want to thank the staff for their diligence and hard work—Roland Foster, Paul Kim, Karen Nelson, Marc Wheat, John Ford, Brent Delmonte and Pete Goodloe.

Mr. Speaker, I want to conclude by citing my friend and colleague the Minority Leader. Two weeks ago, Mr. GEPHARDT spoke on this floor about AIDS in Africa. He said—

> There has never in the history of the world been a threat to life like this . . . This is the moral issue of our time. I pray that this House and all of our great Representatives will stand and deliver on this, the most important moral issue we will ever face.

Mr. Speaker, our friend and colleague was right. His words hold true the world over.

So I ask my colleagues to commit themselves anew to ending the epidemic. I ask them to support this legislation. And I ask them to dedicate this legislation to the memory of our friends, our family and our countrymen who have died of AIDS.

□ 2340

MAKING IN ORDER ON LEGISLATIVE DAY OF TODAY CONSIDERATION OF H.R. 4920 UNDER SUSPENSION OF THE RULES

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain a motion that the House suspend the rules and pass H.R. 4920, as amended, at any time on the present legislative day.

The SPEAKER pro tempore (Mr. TANCREDO). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COBURN. Mr. Speaker, I continue to reserve my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. TOWNS), who has been a leader in fighting for health care for the disadvantaged.

Mr. TOWNS. Mr. Speaker, let me begin by first thanking the gentleman from Oklahoma (Mr. COBURN) and, of course, the gentleman from California (Mr. WAXMAN) for bringing this bill forward. It is a very important bill, with the way things are going today in this Nation.

I support the Ryan White CARE Act of 2000. We should pass this legislation, which is so vital to this Nation and its future.

Approximately 19 percent of the AIDS cases are in New York State. That means one in five living with AIDS reside in New York State. There are 8,200 living AIDS cases in Brooklyn, the borough that I represent, alone. Seventy-five percent of the cases are minorities and 25 percent are women.

This is just the beginning. I have yet to talk about the 100,000 people estimated to be living with HIV disease who may or may not know their status.

These numbers are truly staggering, and they show the importance and need of reauthorization of the Ryan White CARE Act.

I will not stand here and say that this bill is perfect because it is not, but it does represent a balance and I congratulate my colleagues again for their creativity and strong leadership. However, I must admit there are some things that I would like to see modified, and let me name them; namely, the hold harmless provision in title I of the bill, which my colleague, the gentlewoman from California (Ms. ESHOO) framed so well during the markup in the full Committee on Commerce. I think the point that she made should have been accepted. All the EMAs should be held harmless and brought up to a higher funding level.

There are many good provisions in this bill. It increases consumer participation on the planning council and ensures that the consumers are representative of the epidemic in that particular area. This change will enable the councils to be proactive when it comes to the disease, and the bill moves in the direction of counting HIV not AIDS cases.

In addition, I would like to highlight the Congressional Black Caucus' AIDS initiative language within the Committee Report. The initiative is intended to be a critical component of the strategy of the Department of Health and Human Services to comprehensively address HIV/AIDS. It focuses on the communities hardest hit by the epidemic, and that is the most effective way to tackle the problem. Therefore, I urge my colleagues to support this act.

Mr. COBURN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I also have a chart I want to show. Firstly, I thank the gentleman from New York (Mr. TOWNS) for his support of the bill and his fair criticism of what he sees as maybe a problem in funding disparities. However, I would tell him that the concerns of the State of New York were really of title II in this bill and not title I, and we changed that funding formula to meet the concerns of the State of New York.

I also would point out, as he can see on a cost adjusted basis, that the State of New York on a basis of a per AIDS case gets approximately $1,900 less per individual in New York City than somebody in San Francisco, and the whole disparity that we are trying to address is not to harm San Francisco but is to make an equalization for those in New York City that they might have an increase in funds.

The gentleman from New York (Mr. TOWNS) also made the statement that probably our problem is that there is just not enough money here, and I would probably tend to agree with him, that that is the base problem.

The other thing that I want to correct in his statement is there are 350,000, at least 350,000 in this country today that are infected with HIV that do not know it. It is not 100,000. It is 350,000. There are another 350,000 who have HIV and do know it, and there are another 350,000 who have full-blown AIDS. The problem is, and the reason this bill has moved some direction towards prevention, is we have made no dent in the case of new HIV infections in 7 years in this country.

The fact is that 40,000 this year, 40,000 next year and 40,000 last year and the 2 years before continue to get infected with this virus and that is why this bill is so important, because it redirects us to where the epidemic is, not to where it was.

We still recognize where it was but we want to put the dollars where the epidemic is.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), who has been an outspoken and tireless advocate on behalf of AIDS patients.

Ms. ESHOO. Mr. Speaker, I thank the ranking member, the gentleman from Ohio (Mr. BROWN) for yielding me this time.

Mr. Speaker, I rise this evening in support of the Ryan White CARE Act because without question it is the most important legislation Congress has ever enacted to provide life-saving and life-enhancing medical care and social services for people living with HIV and AIDS.

It was intended as a safety net for people battling HIV and AIDS and these are really the two cornerstones of the CARE Act, reliability and stability. Yet contained in this bill that is on the floor this evening is a provision that I and others believe runs contradictory to that safety net principle. Under existing law, an eligible metropolitan area, we call them EMAs, that is our Federal shorthand, those areas receiving title I funds can lose no more than 5 percent of its funding over a 5-year period. This hold harmless provision was specifically designed to prevent the rapid destabilization of existing systems of care when changes in the title I formula were adopted by Congress in 1996. H.R. 4807 changes this dramatically, allowing an EMA to lose 25 percent of its funding over the same time period.

The result will be a rapid decline in availability and quality of care, particularly in EMAs like San Francisco, where the epidemic has hit the hardest. AIDS advocates and EMAs across the country, not just the Bay Area, not just California but the entire country, including the State of New York, have expressed concern that a 25 percent hold harmless could destabilize the systems of care and undermine the very goals of the act. They fear what we already know in our area, that the 25 percent hold harmless could ironically cause great harm.

I support the Senate approach of 10 percent over 5 years and I urge my colleagues, that will eventually become conferees, to support the Senate language. We want to move ahead with this bill but we need to stay true of the hallmark of the act.

□ 2350

Mr. COBURN. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the AIDS Action Council, the largest AIDS organization in the United States, supports this funding formula. Let us be clear about that.

Number two is Ryan White title I funds, San Francisco last year received over $35 million. At the end of the year, they had a $7 million balance in their checking account. If we take the growth in title I funds that we have seen in this Congress and the two congresses previously, we are averaging 24 to 29 percent per year increase.

Take a million dollars. Under this hold harmless, at the end of 5 years that means they would have $750,000. But at a growth rate of 24 to 29 percent, what they would actually have is well over a million dollars at the end of that 5 years. So we are into the specifics of talking about a cut when there is no cut.

The fact is there is extreme imbalance in the amount of funding that is going to the EMA in San Francisco versus other areas and it is recognized. This legislation is not intended to hurt San Francisco. I will have a private wager with the gentleman and gentlewomen from California that in 5 years there will be more money under this formula for each of those EMAs than there is today, including San Francisco.

Because, in fact, if we increase something 25 percent per year, at the end of 5 years we will not have 200 percent, we will have about 270 percent. So even with the 25 percent cut, if that would happen, and that is just the potential. I understand my colleagues should be concerned to protect what is already coming in.

The second point that I would make is that the testimony from the GAO clearly said that there is a disparity in the funding. And they clearly said that the foundational factor under which we made that funding was based on what the funding was in 1990, which was evidence of those who had HIV, had AIDS, and had died.

So the base that is used for the San Francisco EMA continues to recognize in its base not people living with HIV, but people who have died from AIDS, people living with AIDS. What our formula will say is if HIV increases in San Francisco, they will get more money. As people live longer, they will get more money. And what we do is to make sure somebody who lives in South Carolina in the rural areas has the same opportunity for care and treatment as somebody in San Francisco.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I too rise in support of H.R. 4807, the Ryan White CARE Act Amendments of 2000. I commend my colleagues, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) for their hard work and their leadership in crafting this legislation which is so important to people with HIV and AIDS and their families.

While this bill is not perfect and needs to be fine-tuned, the product we have before us provides a good framework. One of my major concerns with this legislation remains the funding provided for States which have laws requiring mandatory testing of newborns. I oppose mandatory testing of any subpopulation and I strongly believe that this body must give full consideration to the Institute of Medicine study as it relates to this.

I am encouraged, on the other hand, that H.R. 4807 changes funding formulas to encompass all who are infected with HIV and not just provide resources for individuals who have progressed to AIDS. This amendment responds to the changing nature of the epidemic and the newer treatment protocols. It allows and enables treatment programs to begin and expand critical prevention efforts and encourages reporting of HIV infections by States which do not now report by infection.

Another major area which is of critical concern to the Congressional Black Caucus Health Brain Trust is the community planning councils, their compensation, effectiveness, and operation.

Mr. Speaker, we are encouraged by this bill's requiring that the local planning bodies and grantees reflect the demographics of the disease, that they conduct surveys to identify the epidemiology of the disease in their areas, and that they target funding to where the disease is most prevalent.

Mr. Speaker, I would be remiss if I did not point out that based on current forecasts through fiscal year 2001, funding for the all-important ADAP program falls more than $1 million short of what will be needed for the many low-income, uninsured, and underinsured Americans with HIV infection or AIDS, putting this country far from where we ought to be in fighting this epidemic.

We in the Caucus, our partners in the Congress, and our communities will remain vigilant in the Nation's fight against the HIV/AIDS crisis. The Ryan White CARE Act is a lifeline to countless Americans infected with this virus and it is our best ammunition in the war against this devastating disease.

Clearly, we in the U.S. Congress cannot wait until this disease mirrors the pandemic in Africa. An enhanced, strengthened, responsive and adequately funded Ryan White CARE Act is absolutely essential. I look forward to working closely with my colleagues in the House and the Senate and in the administration to craft and enact a measure that is responsive to the needs of all Americans, and I ask for my colleagues' support of this important legislation.

Mr. Speaker, I rise in support of H.R. 4807, the Ryan White CARE Act Amendments of 2000, and I commend my colleagues Congressmen TOM COBURN and HENRY WAXMAN for their hard work and leadership in crafting this legislation which is so important to persons with HIV and AIDS and their families.

While, this bill is not perfect and needs to be strengthened and fine-tuned, the product we have before us, provides a framework which can be built upon to develop a more comprehensive and responsive reauthorization measure.

One of my major concerns with this legislation, is the funding provided to states which have laws requiring the mandatory testing of newborns. I oppose mandatory testing of any sub-population, and I strongly believe, that this body must give full consideration to the IOM study as it relates to this issue. Let us seriously review those results and appropriately incorporate the findings in the "mandatory testing" provision of this reauthorization measure.

I am encouraged that H.R. 4807 also changes city and state funding formulas to encompass all who are infected with HIV, and not just provide resources for individuals who have progressed to AIDS. This amendment responds to the changing nature of the epidemic and the newer treatment protocols which begin medication earlier. It allows for treatment programs to begin and expand critical prevention efforts. This bill also more effectively represents the burden of the disease and the need for care. In addition, this measure makes a concerted effort to support the fact, that the funding "needs" to follow the trends of the disease (which are disproportionately and increasingly affecting people of color).

It also encourages reporting of HIV infections by states (many do not now report). Such adherence to reporting, will improve our ability to be more progressive and get in front of this epidemic by increasing prevention and outreach efforts.

Another major area which is of critical concern to the Congressional Black Caucus and the communities we represent (which are primarily people of color), is the community planning councils, their composition, effectiveness and operations. This process has not worked well for many disenfranchised communities under existing authorization. Community input is essential to effective service provision at the local level. Therefore, we are encouraged by this bill requiring, that the local planning bodies and grantees reflect the demographics of the disease and secondly, that they conduct surveys to identify the epidemiology of the disease in their areas.

Lastly, it directs that they target the funding where the disease is most prevalent. We, in the Caucus and our community partners, will be very vigilant on this issue.

In this regard, I also encourage that African Americans and other people of color be appropriately represented in the clinical trials and investigator pools based on the trends of the disease.

I would be remiss if, I did not say that based on the past epidemiology, and several studies and forecasts, FY 2001 funding for the all important ADAP program falls around $100 million dollars short of what will be needed to provide treatment to those infected.

This dramatic shortfall represents the many low income, uninsured and under-insured Americans who will not receive appropriate care, and further puts this country far from where we need to be in fighting this epidemic and saving the lives of those infected and most at-risk.

We in the Caucus and our partners in the Congress and the communities we serve, remain vigilant in the nation's fight against the HIV/AIDS crisis. The Ryan White Care Act is the life line to countless Americans infected with HIV and AIDS. It is our best ammunition in the war against this devastating disease which is plaguing our nation. Clearly, we in the U.S. Congress, must not wait until this disease begins to mirror the pandemic in Africa. An enhanced, strengthened, responsive and adequately funded Ryan White Care Act is absolutely essential to intensified care, treatment, prevention and outreach.

I look forward to working closely with my colleagues in the House and Senate, and in the Administration to ensure the crafting and enactment of a measure that is responsive to the needs of all Americans. I therefore, ask you to respond positively, and vote for this important legislation.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I submit for the RECORD a letter from the State of New York on the baby AIDS provision that they have in testing, and also the 1990 Senate Ryan White CARE Act Debate Regarding the Need for HIV Partner Notification.

STATE OF NEW YORK,
DEPARTMENT OF HEALTH,
Albany, NY, February 3, 2000.

Hon. TOM A. COBURN, M.D.,
Member of the Congress, U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR DR. COBURN: I have been asked to reply to your letter of December 20, 1999, to Commissioner Novello on prevention of perinatal HIV transmission. The perinatal HIV prevention program at the New York State Department of Health is a comprehensive program that seeks to address many of the steps in the chain of events leading to an HIV-infected child, as identified by the Institute of Medicine in their 1998 report, "Reducing the Odds."

An important initial prevention step in this chain of events is to ensure that all pregnant women are enrolled in prenatal care in the first trimester and ideally, have received preconception care. Significant program resources, including new funding from the Centers for Disease Control and Prevention (CDC) for outreach to high risk women, are directed to this purpose in New York State. In 1997, 10.6 percent of all women (according to birth certificate data) and about 10 percent of HIV positive women in New York State (based on chart reviews) received no prenatal care.

The second step in preventing perinatal transmission is to ensure that all women in prenatal care receive HIV counseling and testing according to the U.S. Public Health Service guidelines. In New York State, regulations adopted in 1996 (10 NYCRR sections 98.2(c), 405.21(c), 751.5(a)) require all regulated prenatal care providers (hospitals, clinics, HMO providers) to provide HIV counseling with a clinical recommendation to test, to all prenatal care patients. Such counseling and recommended testing is the standard of medical care in New York State, even for physicians not practicing in regulated settings. The Commissioner has sent a letter to this effect to all prenatal care physicians in the State. The letter was co-signed by the State Medical Society and the State chapters of professional organizations in pediatrics, obstetrics and family practice. The Department also monitors prenatal HIV counseling and testing rates at all regulated health care providers through review of a sample of prenatal care medical records. These data are fed back to providers and technical assistance is provided to improve delivery of these services.

For women who test HIV positive or are known to be HIV positive during pregnancy, the State has developed a network of specialty providers for perinatal HIV medical care. These providers ensure that each HIV positive pregnant woman has a full evaluation for combination antiretroviral therapy depending on her own health status, prescribe zidovudine (ZDV) according to the PACTG 076 regimen for prevention of perinatal transmission, and make referrals for housing, adherence counseling and other supportive services that these women may need to adhere to therapy. New York Medicaid and the State's AIDS Drug Assistance Program (ADAP) provide reimbursement for pharmaceuticals for women in need so that all women have access to preventive therapy. The Department, with the help of a panel of expert clinicians, publishes detailed clinical treatment guidelines for antiretroviral therapy and prevention of perinatal transmission, and also funds a network of clinical education providers across the state to train clinicians carrying for HIV positive patients.

In the area of newborn HIV testing, Public Health Law (PHL) 2500-f, signed into law by Governor Pataki in 1996, created an exception for newborn HIV testing to the informed consent requirements for HIV counseling and testing in the HIV Confidentiality Law, PHL Article 27-F. It also directed the Commissioner to develop a comprehensive program for the testing of newborns for HIV. This program is further defined in State regulations (10 NYCRR Subpart 69-1) and has gone through two phases. During the first phase, beginning on February 1, 1997, the Department's Newborn Screening Laboratory began HIV testing of all newborn filter paper specimens submitted for metabolic screening without removing patient identifiers and returning those test results to the birth hospital for transmittal to the pediatrician of record. Prior to that time, blinded HIV newborn testing had been done for epidemiological purposes since the late 1980's, and mothers had been encouraged to receive a copy of their newborn's HIV test result since May 1996 (over 90 percent of mothers consented to receive their newborn's HIV test result in that program).

Universal newborn HIV testing has resulted in the identification of all HIV-exposed births. HIV test results from the newborn testing lab are often not available until two weeks after birth. These results are not timely enough to permit administration of ZDV therapy to prevent HIV transmission, but can be used to counsel women to stop breastfeeding which may prevent some cases of transmission. Newborn testing has allowed hospital and health department staff to ensure that over 98 percent of HIV positive mothers are aware of their HIV status and have their newborns referred for early diagnosis and care of HIV infection. In less than 2 percent of cases have women not been located to receive newborn HIV test results and have their HIV-exposed newborns tested for HIV infection. The Department is in the process of reviewing all pediatric medical records up to 6 months of age for HIV-exposed infants born starting in 1997 to determine the quality of HIV care they are receiving and to document the perinatal HIV transmission rate.

The second phase of the newborn HIV testing program began on August 1, 1999. It added regulatory amendments to Subpart 69-1 to require expedited HIV testing in the hospital delivery setting in cases where an HIV test result from prenatal care is not available. This addition to the newborn testing program was undertaken because of evidence that perinatal HIV transmission may be reduced by initiating ZDV therapy during labor or soon after delivery, even if ZDV was not taken during prenatal care (NEJM 1998;339:1409–1414). Hospitals now screen all women admitted for delivery for HIV test results from prenatal care. If a prenatal HIV test result is not available, the hospital must provide the woman with HIV counseling and expedited testing if she consents. If the mother does not consent to HIV testing of herself, the hospital must perform expedited testing on her newborn immediately after birth under the authority of the comprehensive newborn HIV testing law. Expedited tests must be available as soon as possible, but in no case longer than 48 hours. Provisional data from the initial months of the program show that 32 HIV positive women/newborns were identified for the first time by expedited testing at delivery, permitting early initiation of ZDV in most cases; 12 additional positive cases could have been identified if all hospitals had fully implemented the program, and 17 false positive HIV results occurred. False positive preliminary HIV tests occur because Western blot confirmation of preliminary positive results cannot always be obtained in the 48 hour time period. The Department has encouraged the Food and Drug Administration (FDA) to approve additional rapid HIV tests in the near future to alleviate this problem. A significant benefit of the expedited testing program is that delivery hospitals are now working more closely with their prenatal care providers to ensure that HIV counseling and testing is done at the appropriate time during prenatal care and that the test results make it to the delivery hospital.

Rates of participation in prenatal care in New York State are monitored by review of birth certificate data. These rates have been increasing gradually over recent years. Currently about 80–85 percent of women delivering report first or second trimester prenatal care and about 10.6 percent of women report no or unknown prenatal care. There has been no detectable change in prenatal participation trends through 1997 that might be related to the newborn testing program. Anecdotally, we have not heard of problems in this regard. The analysis is currently being updated through 1998. Prenatal care for HIV positive women is also being examined through review of prenatal charts. Limited numbers of women whose HIV status was identified by newborn testing are being interviewed to see what the impact of newborn testing has been.

Ultimately, the goals of the prenatal HIV prevention program in New York are to reduce prenatal HIV transmission to the lowest possible level through; ensuring access to prenatal care for all pregnant women; ensuring counseling and testing of all women in prenatal care; ensuring that all HIV positive pregnant women are offered and adhere to ZDV therapy and are evaluated themselves for combination therapy and other care needs; ensuring that HIV test information is transferred in a timely way to the anticipated birth hospital; and, conducting expedited testing in the delivery setting for all women/newborns for whom prenatal HIV test results are not available.

Newborn testing will continue to be conducted at the Department's Newborn Screening Laboratory to ensure that all HIV positive newborns are identified and referred to care. The newborn testing data also provide valuable, timely information to monitor the epidemiology of perinatal HIV and prevention efforts.

Thank you for your interest in our program. Please let me know if I can provide any further information.

Sincerely,

GUTHRIE S. BIRKHEAD, M.D., M.P.H.,
Director, AIDS Institute.

1990 SENATE RYAN WHITE CARE ACT DEBATE REGARDING THE NEED FOR HIV PARTNER NOTIFICATION

In May 1990, Senators BARBARA MIKULSKI (D-MD) and TED KENNEDY (D-MA) offered an amendment to the original Ryan White CARE Act which passed unanimously that would have required all states to establish HIV reporting and partner notification programs as a condition of receiving federal funds under the CARE Act.

Senator MIKULSKI stated that the addition of this requirement was needed "to improve this legislation."[1]

Speaking in support of the amendment, Senator KENNEDY stated that, "it is difficult to argue against doing the utmost in terms of partner notifications."[2] Senator KENNEDY compared failing to conduct partner notification to having knowledge that someone's life is endangered and not warning them. "In a case in which there is a clear and present danger, there is a duty to warn," KENNEDY asserted.[3]

Senator ORRIN HATCH (R-UT) advocated for the amendment explaining that "I do not see how in the world we are going to solve this problem and how we are going to notify people who are in jeopardy of getting AIDS unless we have required contact tracing. . . . Contact tracing is absolutely essential for the ending of this epidemic."[4]

Senator William Armstrong (R-CO) praised the inclusion of the Kennedy/Mikulski amendment stating "I think the Kennedy amendment represents a strong step toward instituting responsible public health measures to slow the spread of this devastating epidemic. The Kennedy amendment, agreed to by voice vote, will ensure the collection of accurate epidemiological information concerning the incidence of the HIV epidemic, and more importantly will allow those innocent individuals who are unknowingly placed risk of infection to be notified of their risk."[5]

Responding to Senator Armstrong's statement, Senator KENNEDY conceded "We agree with Senator Armstrong that partner notification is an essential tool in the fight against AIDS. . . . In unanimously approving the amendment yesterday, I believe the Senate has done what is responsible and necessary."[6]

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI) who, with the gentleman from California (Mr. WAXMAN) has probably done more to fight HIV/AIDS in this institution.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time, and thank him for mentioning me in the same breath as the gentleman from California (Mr. WAXMAN) on the issue of HIV and AIDS.

The gentleman from California (Mr. WAXMAN), in his remarks, pointed to the provisions of this Ryan White reauthorization bill. The distinguished gentleman from Ohio (Mr. BROWN), the ranking member, talked about the need for it. I wish to associate myself with their remarks.

Mr. Speaker, I also want to associate myself with the remarks of the gentleman from New York (Mr. TOWNS) and the gentlewoman from California (Ms. ESHOO) in their pointing out, regretfully, the hold harmless clause that will not be contained in this bill.

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[1] Congressional Record—Senate, May 15, 1990, page 10356.

[2] Congressional Record—Senate, May 15, 1990, page 10364.

[3] Congressional Record—Senate, May 15, 1990, page 10360.

[4] Congressional Record—Senate, May 15, 1990, page 10358.

[5] Congressional Record—Senate, May 16, 1990, page 10718.

[6] Congressional Record—Senate, May 16, 1990, page 10720.

I want to point out a few things, because my City of San Francisco, which I represent, has been mentioned here this evening. Yes, we have suffered a great deal over the years from HIV/AIDS. When I came to Washington 13 years ago from California, 13,000 people had died in my district at that point from HIV/AIDS. We have suffered over the years greatly. We do not want any other places to bear that pain.

Working with the gentleman from California (Mr. WAXMAN) in a community-based way, the Ryan White authorization bill was developed with community-based input.

Now, and at the time of the reauthorization a number of years ago, it was not taken into consideration that there would be protease inhibitors which would prolong life. What this bill does is penalizes San Francisco for two reasons. First of all, it does not give value to the work which we do with people who are HIV infected to prevent them from getting full-blown AIDS. Only at that time when they have full-blown AIDS would they be counted in this formula.

Secondly, it again does not take into consideration protease inhibitors, because if they would, then they would recognize that people do live longer and they are not predictably dead as they would have been if we looked back 10 years and project out with the life expectancy.

So what I am saying to my colleagues is support the bill. We must move it along. Please agree with the Senate language. The health director of New York State has said that this bill, the Senate bill, is better for New York than that bill which will do harm to New York and to California.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would challenge what the gentlewoman from California (Ms. PELOSI) had to say. If my colleagues can see in this chart the nominal funding per AIDS case, and the arguments that she just made do not hold water.

The fact is the 13,000 people she describes, California still is getting money for them. Their funding formula in San Francisco still considers those 13,000. There is nothing in this bill as people are identified with HIV, not AIDS, San Francisco will get more money, not less money.

So the argument that there will be less money attributable to recognition of HIV and what is done in the EMA in San Francisco, it holds no water.

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If one looks at this chart, what one sees is that San Francisco, in real dollars, based on 1999 EMA gets $5,958 per AIDS case. The next closest is $3,132 in Miami, Florida. My colleagues can see all the rest of the red there. The vast majority gets 60 percent or less than San Francisco.

The goal of this bill is not to hurt San Francisco. The goal of the bill is to help those very people who do not have access at anywhere close to the level to the program, the medicines, or any other aspect of the Ryan White CARE funds. This is about fairness. This is not about fairness for a white male in Oklahoma. This is about fairness to an African American or Hispanic female in a rural area or in Baltimore who today does not get the same amount of resources directed to them that is available to somebody in San Francisco. It is not about penalizing. It is about fairness.

Mr. Speaker, I gladly yield to the gentlewoman from California (Ms. PELOSI) for her question.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Oklahoma for yielding to me.

What I would say is what the gentleman is saying is not accurate. The fact is that we will see a decline. What is a mystery to me is that, while the gentleman is participating in this reauthorization of this very important legislation, maybe the top bill we will do this year, and I commend him all for the emphasis on prevention, because that is very, very important, but why we would not be wanting to help people throughout the country, without penalizing those who are fighting this, at the HIV level instead of waiting until people have a full-blown case of AIDS.

Mr. COBURN. Mr. Speaker, reclaiming my time, we will have to disagree. The facts, they are very obvious. The facts are people with HIV today in this country are not and do not have the same reference to treatment and care based on the funding formula that we have. There is no recognition that we want to and there is no admission that we want anybody to get less treatment, nor will there be.

The fact is that, as the gentlewoman from California very well knows, in the San Francisco EMA, they spent $55,000 of Ryan White CARE money to fund the advocacy of an election in California, an initiative balance that had nothing to do with Ryan White.

So we also know many other things about EMA that I do not think we need to go into here. The facts are that, in San Jose, in the same area that the gentlewoman is, we are seeing $3,000 spent, whereas in the San Francisco EMA, it is $5,900.

So I would respectfully disagree with the gentlewoman from California (Ms. PELOSI).

The last point that I would make, if one has never told somebody they have HIV, if one has never been there to tell them that and then know they are not going to have access, regardless of whatever efforts one has, one cannot imagine the feeling knowing that one just put that person in a position of watching themselves die as we stand by.

So I am not about to want anybody in the San Francisco EMA to have that experience because I have had to tell people that, and I doubt very few others in this body have.

So I object to the fact that the gentlewoman would say that we are interested in withholding care for anybody with this disease. That is not what this debate is about. I understand that is where my colleagues want to take it. That is not what this debate is about.

Mr. Speaker, I yield to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I appreciate the gentleman from Oklahoma yielding to me.

Mr. Speaker, first of all to my colleague, we have had experience with the disease and in my own family. I have held someone in my arms and watched them die from it. So that is enough experience, I think, for anyone.

But what this debate is about is not to say that the gentleman from Oklahoma is an unfair person. We are saying that this funding mechanism hurts an area that deserves the same kind of funding for the people that have HIV and AIDS.

Mr. COBURN. Mr. Speaker, reclaiming my time on that statement to say that that area, that EMA gets twice as much money per person with that than anybody else in the country.

If the gentlewoman can stand and defend that while people in Oklahoma are waiting in line and not getting drugs, while people cannot get any of the care in rural areas in this country because more money is consumed in one EMA relative to all the rest, and we can stand by and watch people have to wait for somebody to die before they can get on a drug list, I will not recognize that. I will not accept that. I believe that it is an unfounded statement.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

During the hearing that was before our Subcommittee on Health and Environment, which I am a member of, we had very clear testimony from individuals, one of them, the distinguished Health AIDS Director of the State of New York that said that this funding formula would hurt the State of New York and supported the Senate language and said that it would hurt California as well.

Number two, the chart that was just up here and being used I questioned at the committee markup. It was removed because we are changing, shifting gears between title I and other titles, and that does not give a clear picture.

Number three, the GAO admitted on the record, admitted on the record that people that live beyond 10 years did not fit within their fiscal year projections. The analysis that they had done, and they had not done an analysis of this impact.

I think what has been acknowledged is the following: Is that the funding formula on hold harmless will do harm and that what we really need to have are additional resources in the bill so that we do not pit one American citizen that is HIV or with AIDS against one another. That is what is the ultimate fairness.

Mr. COBURN. Mr. Speaker, may I inquire as to the balance of time.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COBURN) has 5 minutes remaining. The gentleman from Ohio (Mr. BROWN) has 45 seconds remaining.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me make a couple of points. The area which the gentlewoman spoke about was from the concerns of New York were with title II. We adjusted all of that funding, and she is aware that we adjusted that. The State of New York supports this bill.

So let there be no question. We responded to what they recognize was a problem and fixed the title II funding distribution in the bill.

The second thing, the reason we pulled the chart down was so we could put up the other one, which both show the same thing.

The GAO testimony is clear. There is a disproportionate amount of money going for people in the EMA in San Francisco. I do not want to see that drop one penny. I do not believe it will. If I thought it would, I would not be sponsoring this bill.

I believe the statement of the gentleman from New York (Mr. TOWNS) was probably the most profound of all, that we need more money. Dr. Green's testimony about more ADAP funds we authorized whatever may be consumed in this bill, and it is our job to make sure it is appropriated to make sure those people are there.

So I think it is important for us to be clear. The fact is that GAO testimony says there is a marked disproportion. We are not going to fix that all. We are going to fix that a little bit, 2 percent this year, which, in direction, 2 percent this year with what has been appropriated will have no effect on the San Francisco EMA. I would hope that they would recognize that.

Mr. Speaker, I reserve the balance of my time to close.

Mr. BROWN of Ohio. Mr. Speaker, I yield the final 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Mr. Speaker, I thank the distinguished ranking member for his kindness in yielding me this time. I thank the gentleman from California (Mr. WAXMAN) for his leadership and the gentleman from Oklahoma (Mr. COBURN) for his leadership on H.R. 4807, the Ryan White CARE Act of 2000.

Mr. Speaker, I have had the displeasure of speaking and recollecting with a friend who is laying comatose in a hospital room dying of AIDS. I had the unfortunate opportunity, I guess, and it is not an opportunity to get a call to say that a friend was dying, and rushing to their bedside and getting there just a little too late, and that friend died of AIDS.

I have had coworkers who have lost their life as well. So this bill is extremely important.

Mr. COBURN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this bill is extremely important because what it does is say that we want to save lives. I believe that we can do a lot with this bill, and I look forward to us doing such.

But in my community they are asking for the Ryan White CARE Act to be reauthorized and to be funded. I want to see more dollars for research and treatment. I want to see more dollars to take care of those communities of which I represent, African American population, Hispanic population.

I think we should recognize this is a worldwide crisis. Forty million children will be orphaned in Africa. We must fight it worldwide and fight it in the United States.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have just spent 15 minutes talking about a tug of war over money, and what we should be talking about is prevention and the great things this bill does to keep the next person from getting HIV infected.

When I came to Congress in 1995, one of my goals was to try to raise the level of awareness of how we can prevent this disease. This is not hard. But we have let extraneous issues get before us.

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There is no one on that side that I doubt their compassion for wanting to do the same thing I want to do, and that is to not ever see another person get this disease. The gentlewoman from California (Ms. PELOSI) and the gentlewoman from California (Ms. ESHOO) feel as strongly about that as I do, and I know the gentleman from California (Mr. WAXMAN) does.

The gentleman from California has been a prince to work with. It has been one of the real pleasures of my time in Congress to have worked on this bill with him, and I will remember it and I thank him for his cooperation.

But we cannot forget about what this epidemic is about. There should not be 40,000 new infections this year for this disease. Now, think about it. For every one person who gets this disease, it is a minimum of $10,000 in health care. If we prevent 1,000 from getting it, we save $10 million in health care that year, the next year, and every year. If we drop the infection rate in half in this country, we will save $5 billion in 3 years, just by dropping the infection rate. We will have more money to take care of everybody that has it, plus we will be able to spend $5 billion on cancer research for breast cancer, just by prevention.

We get lost in the wrong issues. The issue is prevention. This bill goes a long way in identifying that. I will work with anybody to make sure nobody gets shortchanged when it comes to this, but we have to work together to make sure that there is no waste; that there is not exorbitant payments to groups that are not doing things to help people with HIV; that we do everything that we can to make sure the next person does not get infected.

I took a lot of heat in 1995 putting a baby AIDS bill into the Ryan White. It never got funded, and what was funded was not used for babies. The State of New York had the courage to put in a baby AIDS bill, where if we did not know the status of the mother they were tested. Today, all babies who are born are tested for HIV; 98.8 percent of them are in care. We have made a tremendous difference just in the discussion of it in the State of New York. I applaud the State of New York for what they have done.

Mr. Speaker, I thank again the gentleman from California (Mr. WAXMAN) and his staff, Paul; my staff, Roland Foster, and I look forward to the conference as we go along, because the House, I am sure, will pass this bill.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Ryan White CARE Act Amendments of 2000.

This legislation reflects a number of key priorities for my constituents in Queens and the Bronx, New York City by reauthorizing the most important and most widely encompassing set of programs for people with HIV and AIDS.

On May 23, the AIDS Alliance for Children, Youth and Families held its annual "Lobby Day" in Washington to fight for increased resources for those people living with HIV and AIDS.

At this meeting, I had the opportunity to speak with Ms. Martha Diaz of the Montifiore Medical Center in the Bronx, New York, in my Congressional District.

Ms. Diaz deals with children and youths suffering from HIV and AIDS. Instead of actually lobbying me on the issue of reauthorizing Ryan White, she had her guests do the talking—over 100 mothers and children, many suffering from the affliction of AIDS.

Their words were more touching than anything I can state on the floor today. But I am here to support this reauthorization for them and the thousands of Americans who battle this virus every day of their lives.

In New York, the AIDS crisis is particularly acute. New York City AIDS cases represent over 85 percent of the AIDS cases in New York State and 17 percent of the national total with 180,000 deaths from AIDS and AIDS related illnesses in 1998.

Sadly, this horrible disease has disproportionately affected minorities. The majority of individuals living with AIDS in New York City are people of color.

African Americans are more than eight times as likely as whites to have HIV and AIDS, and Hispanics more than four times as likely.

The most stunning fact I have come across is from the U.S. Department of Health and Human Services in October of 1998, when they reported that AIDS is the leading killer of black men aged 25–44 and the second leading cause of death for black women aged 25–44.

Together, Black and Hispanic women represent one-fourth of all women in the United States but account for more than three-quarters of the AIDS cases among women in the country.

These are horrible statistics, but the Ryan White CARE Act is battling to change this story to bring down these horrendously high numbers.

Specifically, this legislation also deals with one of my key projects, that of babies born with AIDS.

I have long worked in my community, notably with Assemblywoman Nettie Mayersohn of Flushing, Queens, New York. Assemblywoman Mayersohn and I have been active, both in Albany and now in Washington, in working to address the issue of newborns with AIDS.

This legislation will amend the current Baby AIDS grant program by adding treatment services for pregnant women with HIV to the list of authorized uses, which include counseling, voluntary testing and outreach for pregnant women with HIV and offset of State implementation of mandatory newborn testing programs.

I ask my colleagues to support this legislation and send a signal to those living with HIV and AIDS that this Congress is not ignoring their needs.

Mr. DREIER. Mr. Speaker, I am pleased to support H.R. 4807 which reauthorizes the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. I want to thank my colleagues on the Commerce Committee and particularly, Representatives COBURN and WAXMAN for their work in bringing forth a bipartisan bill.

The CARE Act is critical to the lives and well-being of hundreds of thousands of individuals living with HIV and AIDS and those who are at risk of contracting HIV. Now in its tenth year, the CARE Act has been instrumental in creating and maintaining a system of care for those individuals without the ability to pay, including state-of-the-art medical services, cutting-edge diagnostic techniques, newly developed pharmaceutical therapies, and social support services.

The CARE Act is significant to many individuals, and H.R. 4807 directs federal funding to growing populations affected by the disease. Specifically, this bill addresses long-standing historical inequities in the distribution of funds across Ryan White Title I areas, the portion of the Act directed to the epicenters of the epidemic, which includes Los Angeles County. These inequities are driven primarily through the implementation of the "holding harmless" provision included in the previous reauthorization.

The changing dynamic of the disease means that the CARE Act can no longer disregard the needs of all the other jurisdictions to protect just one jurisdiction. I believe that this bill ensures greater equity in the distribution of Ryan White funds across those jurisdictions most heavily impacted by the AIDS epidemic.

Once again, I want to commend my colleagues on the Commerce Committee for bringing forward this bipartisan legislation, and I urge my colleagues to join me in voting for this measure.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 4807, the Ryan White CARE Act Amendments of 2000. Since its enactment in 1990, the Ryan White CARE program has provided comprehensive medical and social services to hundreds of thousands of individuals infected with the human immunodeficiency virus (HIV) and AIDS. And I am proud to be a cosponsor of this vitally needed legislation to reauthorize funding to continue the fight against this deadly virus.

Every 12 minutes another person in the United States is newly infected with HIV, the virus that causes AIDS. This equates to between 800,000 and 900,000 individuals now living with HIV/AIDS. About a third of these individuals have been diagnosed and are in care; another third have been diagnosed, but may not be receiving ongoing care for their HIV disease; and the last third have not been diagnosed and, therefore are not in care.

H.R. 4807 will take the Ryan White CARE program further than it ever has before to reach out and assist these infected individuals. This bill will refine the focus of the Ryan White CARE program, by not only continuing to fund programs to assist those individuals with AIDS, but by also creating programs to assist HIV-positive individuals. AIDS is the end stage of HIV disease and can occur up to 10 or 15 years after infection. By providing HIV-positive individuals with pro-active and aggressive treatment before it progresses into AIDS, we could enhance their quality of life and prevent further transmission of this deadly virus.

H.R. 4807 also takes further measures focused on prevention. States with effective partner notification and HIV surveillance programs will be eligible for additional federal funds. Partner notification programs have been proven particularly effective in finding individuals from traditionally under-served communities and getting them into care. Federal resources will also be provided to assist states with efforts to reduce perinatal HIV transmission and to identify newborns at risk for infection, and individuals infected with HIV would be provided counseling to better empower them to disclose their status to potential partners.

Mr. Speaker, with almost 1,000,000 people living with HIV and AIDS in America today, I am sure that many of us know someone who is suffering or has suffered from this virus. Unfortunately, my sister-in-law's life was tragically cut short by AIDS just four years ago. She had been infected by her ex-husband, and my brother and Kristin had no idea of her infection until she was near death. My entire family is committed to working towards preventing further innocent lives from being stolen away again. While I have consistently voted to support federal programs to treat and prevent AIDS, my wife, Peggy, has done her part as well. In 1997, she biked 300 long miles in the AIDS bike-a-thon to raise money for AIDS charities. My family's commitment to assisting individuals with HIV and AIDS is deep and personal. Mr. Speaker, I ask my fellow colleagues to do their part as well in the fight against AIDS by voting in support of the Ryan White CARE Act Amendments of 2000.

Mr. LARSON. Mr. Speaker, I rise today in support of H.R. 4807, the Ryan White CARE Act Amendments of 2000. The programs that this will fund ensure that those living with HIV and AIDS in major metropolitan areas, as well as elsewhere, continue to get the federal support services they need.

HIV and AIDS are problems that America cannot afford to turn her back on. According to the Centers for Disease Control and Prevention, the number of Americans living with AIDS has more than doubled over the last five years, and it is currently the 5th leading cause of death among people aged 25–44. Such unchecked and exponential growth represents a most extreme threat.

Over the last few years we have seen a dramatic increase in spending for AIDS and HIV research, and accordingly, we have made some great progress regarding the treatment and understanding of this horrible disease. However, we must not forget about the 650,000–900,000 people who currently live with this disease and may have neither the means nor the opportunity to get the treatment they need and deserve. It is for these people, and for those who will be infected before such a time when a vaccine and other prevention methods are widely accessible and affordable, that we must pass the Ryan White CARE Act Amendments of 2000.

Under this act, funding to metropolitan areas will not only be based on the number of AIDS cases, but will also take into account the number of HIV infections. If we are to win this war we must do what we can to tackle AIDS in its early stages, and this means the treatment of people who suffer from HIV infection and not just the full-blown virus.

Under the act, grants for dealing with perinatal transmission of HIV are increased from $10 to $30 million. This increased funding will add treatment services for pregnant women infected with HIV, and will increase the funding for service on the current list which includes counseling, voluntary testing, and outreach.

Although we are extremely grateful for the recent advances in the treatment of HIV and AIDS, they still represent a very real threat to the well-being and security of our nation. By passing the Ryan White CARE Act Amendments of 2000 we will come one step closer to winning the war on HIV and AIDS, and we will come one step closer to helping those already infected with HIV and AIDS live more productive and healthier lives.

Mr. Speaker, distinguished colleagues, we must pass H.R. 4807. It is imperative to the well being of our country, and it is imperative to me as a public servant, and it is imperative to anybody who has seen the devastating effects of HIV and AIDS. I urge all of my colleagues to support H.R. 4807 so that we can continue to provide these important programs to those living with this disease.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 4807, the Ryan White CARE Act Amendments of 2000. The Health and Environment Subcommittee held a hearing on the bill earlier this month. On July 13th, the full Commerce Committee approved the bill by voice vote, after adopting several bipartisan amendments to further refine and strengthen this important legislation.

The swift movement of this measure is a testament to its bipartisan nature, and I want to commend Congressmen TOM COBURN and HENRY WAXMAN for their hard work. I was pleased to join many of my Committee colleagues as an original cosponsor of the bill.

The Ryan White Comprehensive AIDS Resouces Emergency or "CARE" Act was enacted in 1990, and Congress approved bipartisan legislation to reauthorize the law in 1996. The Ryan White CARE Act provides critical funding for health and social services to the estimated one million Americans living with HIV and AIDS. The bill before us, H.R. 4807, will ensure that these patients continue to receive the care and medications they need to enhance and prolong their lives.

H.R. 4807 makes an important change by relying on the number of HIV-infected individuals—as opposed to only the number of persons living with AIDS—as the basis for allocating funding under Titles I and II of the Ryan White CARE Act. By targeting resources to the "front line" of the epidemic, we will be able to reduce transmission rates and ensure the necessary infrastructure is in place to provide care to HIV-positive individuals as soon as possible. This change will allow the federal government to be pro-active, instead of reactive, in the fight against HIV and AIDS.

It should be noted, however that this shift will only occur when reliable data on HIV prevalence is available. The bill also includes a "hold harmless" provision to ensure that no metropolitan area will suffer a drastic reduction in CARE Act funds.

H.R. 4807 also increases the focus on prevention. States with effective partner notification and HIV surveillance programs will be eligible for additional federal funds. Several witnesses at our Subcommittee hearing emphasized the importance of partner notification programs as an effective way to identify individuals from traditionally under-served communities and help them obtain care. This emphasis on prevention services is part of a comprehensive effort under the bill to eliminate barriers to access to care.

In closing, Mr. Speaker, I want to again recognize the hard work of all the Members who worked together on a bipartisan basis to advance this reauthorization bill. H.R. 4807 is a critical piece of legislation that can literally save lives, and I urge all Members to join me today in supporting this important legislation.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Oklahoma (Mr. COBURN) that the House suspend the rules and pass the bill, H.R. 4807, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3250

Mr. COBURN. Mr. Speaker, I ask unanimous consent to withdraw my name from H.R. 3250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

Mr. LAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4920) to improve service systems for individuals with developmental disabilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

Sec. 101. Findings, purposes, and policy.
Sec. 102. Definitions.
Sec. 103. Records and audits.
Sec. 104. Responsibilities of the Secretary.
Sec. 105. Reports of the Secretary.
Sec. 106. State control of operations.
Sec. 107. Employment of individuals with disabilities.
Sec. 108. Construction.
Sec. 109. Rights of individuals with developmental disabilities.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

Sec. 121. Purpose.
Sec. 122. State allotments.
Sec. 123. Payments to the States for planning, administration, and services.
Sec. 124. State plan.
Sec. 125. State Councils on Developmental Disabilities and designated State agencies.
Sec. 126. Federal and non-Federal share.
Sec. 127. Withholding of payments for planning, administration, and services.
Sec. 128. Appeals by States.
Sec. 129. Authorization of appropriations.

Subtitle C—Protection and Advocacy of Individual Rights

Sec. 141. Purpose.
Sec. 142. Allotments and payments.
Sec. 143. System required.
Sec. 144. Administration.
Sec. 145. Authorization of appropriations.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

Sec. 151. Grant authority.
Sec. 152. Grant awards.
Sec. 153. Purpose and scope of activities.
Sec. 154. Applications.
Sec. 155. Definition.
Sec. 156. Authorization of appropriations.

Subtitle E—Projects of National Significance

Sec. 161. Purpose.
Sec. 162. Grant authority.
Sec. 163. Authorization of appropriations.

TITLE II—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Reaching up scholarship program.
Sec. 204. Staff development curriculum authorization.
Sec. 205. Authorization of appropriations.

TITLE III—REPEAL

Sec. 301. Repeal.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

SEC. 101. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society;

(2) in 1999, there were between 3,200,000 and 4,500,000 individuals with developmental disabilities in the United States, and recent studies indicate that individuals with developmental disabilities comprise between 1.2 and 1.65 percent of the United States population;

(3) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

(4) individuals with developmental disabilities often encounter discrimination in the provision of critical services, such as services in the areas of emphasis (as defined in section 102);

(5) individuals with developmental disabilities are at greater risk than the general population of abuse, neglect, financial and sexual exploitation, and the violation of their legal and human rights;

(6) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services, including access to assistive technology, from generic and specialized service systems, and remain unserved or underserved;

(7) individuals with developmental disabilities often require lifelong community services, individualized supports, and other forms of assistance, that are most effective when provided in a coordinated manner;

(8) there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that ensures that individuals from racial and ethnic

minority backgrounds are fully included in all activities provided under this title;

(9) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family members, friends, and community members are provided with the necessary community services, individualized supports, and other forms of assistance;

(10) current research indicates that 88 percent of individuals with developmental disabilities live with their families or in their own households;

(11) many service delivery systems and communities are not prepared to meet the impending needs of the 479,862 adults with developmental disabilities who are living at home with parents who are 60 years old or older and who serve as the primary caregivers of the adults;

(12) in almost every State, individuals with developmental disabilities are waiting for appropriate services in their communities, in the areas of emphasis;

(13) the public needs to be made more aware of the capabilities and competencies of individuals with developmental disabilities, particularly in cases in which the individuals are provided with necessary services, supports, and other assistance;

(14) as increasing numbers of individuals with developmental disabilities are living, learning, working, and participating in all aspects of community life, there is an increasing need for a well trained workforce that is able to provide the services, supports, and other forms of direct assistance required to enable the individuals to carry out those activities;

(15) there needs to be greater effort to recruit individuals from minority backgrounds into professions serving individuals with developmental disabilities and their families;

(16) the goals of the Nation properly include a goal of providing individuals with developmental disabilities with the information, skills, opportunities, and support to—

(A) make informed choices and decisions about their lives;

(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

(C) pursue meaningful and productive lives;

(D) contribute to their families, communities, and States, and the Nation;

(E) have interdependent friendships and relationships with other persons;

(F) live free of abuse, neglect, financial and sexual exploitation, and violations of their legal and human rights; and

(G) achieve full integration and inclusion in society, in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

(17) as the Nation, States, and communities maintain and expand community living options for individuals with developmental disabilities, there is a need to evaluate the access to those options by individuals with developmental disabilities and the effects of those options on individuals with developmental disabilities.

(b) PURPOSE.—The purpose of this title is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized under this title, including specifically—

(1) State Councils on Developmental Disabilities in each State to engage in advocacy, capacity building, and systemic change activities that—

(A) are consistent with the purpose described in this subsection and the policy described in subsection (c); and

(B) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families;

(2) protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

(3) University Centers for Excellence in Developmental Disabilities Education, Research, and Service—

(A) to provide interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title;

(B) to provide community services—

(i) that provide training and technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities;

(C) to conduct research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families; and

(D) to disseminate information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances; and

(4) funding for—

(A) national initiatives to collect necessary data on issues that are directly or indirectly relevant to the lives of individuals with developmental disabilities;

(B) technical assistance to entities who engage in or intend to engage in activities consistent with the purpose described in this subsection or the policy described in subsection (c); and

(C) other nationally significant activities.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this title shall be carried out in a manner consistent with the principles that—

(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of self-determination, independence, productivity, and integration and inclusion in all facets of community life, but often require the provision of community services, individualized supports, and other forms of assistance;

(2) individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals;

(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive, including regarding choosing where the individuals live from available options, and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

(4) services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

(5) specific efforts must be made to ensure that individuals with developmental disabilities from racial and ethnic minority backgrounds and their families enjoy increased and meaningful opportunities to access and use community services, individualized supports, and other forms of assistance available to other individuals with developmental disabilities and their families;

(6) recruitment efforts in disciplines related to developmental disabilities relating to pre-service training, community training, practice, administration, and policymaking must focus on bringing larger numbers of racial and ethnic minorities into the disciplines in order to provide appropriate skills, knowledge, role models, and sufficient personnel to address the growing needs of an increasingly diverse population;

(7) with education and support, communities can be accessible to and responsive to the needs of individuals with developmental disabilities and their families and are enriched by full and active participation in community activities, and contributions, by individuals with developmental disabilities and their families;

(8) individuals with developmental disabilities have access to opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, communities, and States, and the Nation;

(9) efforts undertaken to maintain or expand community-based living options for individuals with disabilities should be monitored in order to determine and report to appropriate individuals and entities the extent of access by individuals with developmental disabilities to those options and the extent of compliance by entities providing those options with quality assurance standards;

(10) families of children with developmental disabilities need to have access to and use of safe and appropriate child care and before-school and after-school programs, in the most integrated settings, in order to enrich the participation of the children in community life;

(11) individuals with developmental disabilities need to have access to and use of public transportation, in order to be independent and directly contribute to and participate in all facets of community life; and

(12) individuals with developmental disabilities need to have access to and use of recreational, leisure, and social opportunities in the most integrated settings, in order to enrich their participation in community life.

SEC. 102. DEFINITIONS.

In this title:

(1) AMERICAN INDIAN CONSORTIUM.—The term "American Indian Consortium" means any confederation of 2 or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in 2 or more States.

(2) AREAS OF EMPHASIS.—The term "areas of emphasis" means the areas related to quality assurance activities, education activities and early intervention activities, child care-related activities, health-related activities, employment-related activities, housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports, that affect their quality of life.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional capabilities of individuals with developmental disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term "assistive technology service" means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) conducting an evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of an assistive technology device by an individual with a developmental disability;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing an assistive technology device;

(D) coordinating and using another therapy, intervention, or service with an assistive technology device, such as a therapy, intervention, or service associated with an education or rehabilitation plan or program;

(E) providing training or technical assistance for an individual with a developmental disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and

(F) providing training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.

(5) CENTER.—The term "Center" means a University Center for Excellence in Developmental Disabilities Education, Research, and Service established under subtitle D.

(6) CHILD CARE-RELATED ACTIVITIES.—The term "child care-related activities" means advocacy, capacity building, and systemic change activities that result in families of children with developmental disabilities having access to and use of child care services, including before-school, after-school, and out-of-school services, in their communities.

(7) CULTURALLY COMPETENT.—The term "culturally competent", used with respect to services, supports, or other assistance, means services, supports, or other assistance that is conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of individuals who are receiving the services, supports, or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.

(8) DEVELOPMENTAL DISABILITY.—

(A) IN GENERAL.—The term "developmental disability" means a severe, chronic disability of an individual that—

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(I) Self-care.

(II) Receptive and expressive language.

(III) Learning.

(IV) Mobility.

(V) Self-direction.

(VI) Capacity for independent living.

(VII) Economic self-sufficiency; and

(v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN.—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

(9) EARLY INTERVENTION ACTIVITIES.—The term "early intervention activities" means advocacy, capacity building, and systemic change activities provided to individuals described in paragraph (8)(B) and their families to enhance—

(A) the development of the individuals to maximize their potential; and

(B) the capacity of families to meet the special needs of the individuals.

(10) EDUCATION ACTIVITIES.—The term "education activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities being able to access appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

(11) EMPLOYMENT-RELATED ACTIVITIES.—The term "employment-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

(12) FAMILY SUPPORT SERVICES.—

(A) IN GENERAL.—The term "family support services" means services, supports, and other assistance, provided to families with members who have developmental disabilities, that are designed to—

(i) strengthen the family's role as primary caregiver;

(ii) prevent inappropriate out-of-the-home placement of the members and maintain family unity; and

(iii) reunite families with members who have been placed out of the home whenever possible.

(B) SPECIFIC SERVICES.—Such term includes respite care, provision of rehabilitation technology and assistive technology, personal assistance services, parent training and counseling, support for families headed by aging caregivers, vehicular and home modifications, and assistance with extraordinary expenses, associated with the needs of individuals with developmental disabilities.

(13) HEALTH-RELATED ACTIVITIES.—The term "health-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of coordinated health, dental, mental health, and other human and social services, including prevention activities, in their communities.

(14) HOUSING-RELATED ACTIVITIES.—The term "housing-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of housing and housing supports and services in their communities, including assistance related to renting, owning, or modifying an apartment or home.

(15) INCLUSION.—The term "inclusion", used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence and participation of individuals with developmental disabilities, by individuals without disabilities, in social, educational, work, and community activities, that enables individuals with developmental disabilities to—

(A) have friendships and relationships with individuals and families of their own choice;

(B) live in homes close to community resources, with regular contact with individuals without disabilities in their communities;

(C) enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and

(D) take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.

(16) INDIVIDUALIZED SUPPORTS.—The term "individualized supports" means supports that—

(A) enable an individual with a developmental disability to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life;

(B) are designed to—

(i) enable such individual to control such individual's environment, permitting the most independent life possible;

(ii) prevent placement into a more restrictive living arrangement than is necessary; and

(iii) enable such individual to live, learn, work, and enjoy life in the community; and

(C) include—

(i) early intervention services;

(ii) respite care;

(iii) personal assistance services;

(iv) family support services;

(v) supported employment services;

(vi) support services for families headed by aging caregivers of individuals with developmental disabilities; and

(vii) provision of rehabilitation technology and assistive technology, and assistive technology services.

(17) INTEGRATION.—The term "integration", used with respect to individuals with

developmental disabilities, means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.

(18) NOT-FOR-PROFIT.—The term "not-for-profit", used with respect to an agency, institution, or organization, means an agency, institution, or organization that is owned or operated by 1 or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(19) PERSONAL ASSISTANCE SERVICES.—The term "personal assistance services" means a range of services, provided by 1 or more individuals, designed to assist an individual with a disability to perform daily activities, including activities on or off a job that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual's control in life and ability to perform everyday activities, including activities on or off a job.

(20) PREVENTION ACTIVITIES.—The term "prevention activities" means activities that address the causes of developmental disabilities and the exacerbation of functional limitation, such as activities that—

(A) eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities;

(B) increase the early identification of problems to eliminate circumstances that create or increase functional limitations; and

(C) mitigate against the effects of developmental disabilities throughout the lifespan of an individual.

(21) PRODUCTIVITY.—The term "productivity" means—

(A) engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

(B) engagement in work that contributes to a household or community.

(22) PROTECTION AND ADVOCACY SYSTEM.—The term "protection and advocacy system" means a protection and advocacy system established in accordance with section 143.

(23) QUALITY ASSURANCE ACTIVITIES.—The term "quality assurance activities" means advocacy, capacity building, and systemic change activities that result in improved consumer- and family-centered quality assurance and that result in systems of quality assurance and consumer protection that—

(A) include monitoring of services, supports, and assistance provided to an individual with developmental disabilities that ensures that the individual—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion;

(B) include training in leadership, self-advocacy, and self-determination for individuals with developmental disabilities, their families, and their guardians to ensure that those individuals—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion; or

(C) include activities related to interagency coordination and systems integration that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, productivity, and integration and inclusion in all facets of community life, of individuals with developmental disabilities.

(24) RECREATION-RELATED ACTIVITIES.—The term "recreation-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of recreational, leisure, and social activities, in their communities.

(25) REHABILITATION TECHNOLOGY.—The term "rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of assistive technology devices and assistive technology services.

(26) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(27) SELF-DETERMINATION ACTIVITIES.—The term "self-determination activities" means activities that result in individuals with developmental disabilities, with appropriate assistance, having—

(A) the ability and opportunity to communicate and make personal decisions;

(B) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive;

(C) the authority to control resources to obtain needed services, supports, and other assistance;

(D) opportunities to participate in, and contribute to, their communities; and

(E) support, including financial support, to advocate for themselves and others, to develop leadership skills, through training in self-advocacy, to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

(28) STATE.—The term "State", except as otherwise provided, includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(29) STATE COUNCIL ON DEVELOPMENTAL DISABILITIES.—The term "State Council on Developmental Disabilities" means a Council established under section 125.

(30) SUPPORTED EMPLOYMENT SERVICES.—The term "supported employment services" means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities—

(A)(i) for whom competitive employment has not traditionally occurred; or

(ii) for whom competitive employment has been interrupted or intermittent as a result of significant disabilities; and

(B) who, because of the nature and severity of their disabilities, need intensive supported employment services or extended services in order to perform such work.

(31) TRANSPORTATION-RELATED ACTIVITIES.—The term "transportation-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of transportation.

(32) UNSERVED AND UNDERSERVED.—The term "unserved and underserved" includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals who require assistive technology in order to participate in and contribute to community life.

SEC. 103. RECORDS AND AUDITS.

(a) RECORDS.—Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including—

(1) records that fully disclose—

(A) the amount and disposition by such recipient of the assistance;

(B) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(C) the amount of that portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

SEC. 104. RESPONSIBILITIES OF THE SECRETARY.

(a) PROGRAM ACCOUNTABILITY.—

(1) IN GENERAL.—In order to monitor entities that received funds under this Act to carry out activities under subtitles B, C, and D and determine the extent to which the entities have been responsive to the purpose of this title and have taken actions consistent with the policy described in section 101(c), the Secretary shall develop and implement an accountability process as described in this subsection, with respect to activities conducted after October 1, 2001.

(2) AREAS OF EMPHASIS.—The Secretary shall develop a process for identifying and reporting (pursuant to section 105) on progress achieved through advocacy, capacity building, and systemic change activities, undertaken by the entities described in paragraph (1), that resulted in individuals with developmental disabilities and their families participating in the design of and having access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life. Specifically, the Secretary shall develop a process for identifying and reporting on progress achieved, through advocacy, capacity building, and systemic change activities, by the entities in the areas of emphasis.

(3) INDICATORS OF PROGRESS.—

(A) IN GENERAL.—In identifying progress made by the entities described in paragraph (1) in the areas of emphasis, the Secretary, in consultation with the Commissioner of the Administration on Developmental Disabilities and the entities, shall develop indicators for each area of emphasis.

(B) PROPOSED INDICATORS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register for public comment proposed indicators of progress for monitoring how entities described in paragraph (1) have addressed the areas of emphasis described in paragraph (2) in a manner that is responsive to the purpose of this title and consistent with the policy described in section 101(c).

(C) Final indicators.—Not later than October 1, 2001, the Secretary shall revise the proposed indicators of progress, to the extent necessary based on public comment, and publish final indicators of progress in the Federal Register.

(D) Specific measures.—At a minimum, the indicators of progress shall be used to describe and measure—

(i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;

(ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in—

(I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;

(II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and

(III) the ability of individuals with developmental disabilities to access services, supports, and assistance in a manner that ensures that such an individual is free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restraints and seclusion; and

(iii) the extent to which the entities described in paragraph (1) collaborate with each other to achieve the purpose of this title and the policy described in section 101(c).

(4) Time line for compliance with indicators of progress.—The Secretary shall require entities described in paragraph (1) to meet the indicators of progress described in paragraph (3). For fiscal year 2002 and each year thereafter, the Secretary shall apply the indicators in monitoring entities described in paragraph (1), with respect to activities conducted after October 1, 2001.

(b) Time Line for Regulations.—Except as otherwise expressly provided in this title, the Secretary, not later than 1 year after the date of enactment of this Act, shall promulgate such regulations as may be required for the implementation of this title.

(c) Interagency Committee.—

(1) In general.—The Secretary shall maintain the interagency committee authorized in section 108 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6007) as in effect on the day before the date of enactment of this Act, except as otherwise provided in this subsection.

(2) Composition.—The interagency committee shall be composed of representatives of—

(A) the Administration on Developmental Disabilities, the Administration on Children, Youth, and Families, the Administration on Aging, and the Health Resources and Services Administration, of the Department of Health and Human Services; and

(B) such other Federal departments and agencies as the Secretary of Health and Human Services considers to be appropriate.

(3) Duties.—Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for individuals with developmental disabilities.

(4) Meetings.—Each meeting of the interagency committee (except for any meetings of any subcommittees of the committee) shall be open to the public. Notice of each meeting, and a statement of the agenda for the meeting, shall be published in the Federal Register not later than 14 days before the date on which the meeting is to occur.

SEC. 105. REPORTS OF THE SECRETARY.

At least once every 2 years, the Secretary, using information submitted in the reports and information required under subtitles B, C, D, and E, shall prepare and submit to the President, Congress, and the National Council on Disability, a report that describes the goals and outcomes of programs supported under subtitles B, C, D, and E. In preparing the report, the Secretary shall provide—

(1) meaningful examples of how the councils, protection and advocacy systems, centers, and entities funded under subtitles B, C, D, and E, respectively—

(A) have undertaken coordinated activities with each other;

(B) have enhanced the ability of individuals with developmental disabilities and their families to participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life;

(C) have brought about advocacy, capacity building, and systemic change activities (including policy reform), and other actions on behalf of individuals with developmental disabilities and their families, including individuals who are traditionally unserved or underserved, particularly individuals who are members of ethnic and racial minority groups and individuals from underserved geographic areas; and

(D) have brought about advocacy, capacity building, and systemic change activities that affect individuals with disabilities other than individuals with developmental disabilities;

(2) information on the extent to which programs authorized under this title have addressed—

(A) protecting individuals with developmental disabilities from abuse, neglect, sexual and financial exploitation, and violations of legal and human rights, so that those individuals are at no greater risk of harm than other persons in the general population; and

(B) reports of deaths of and serious injuries to individuals with developmental disabilities; and

(3) a summary of any incidents of noncompliance of the programs authorized under this title with the provisions of this title, and corrections made or actions taken to obtain compliance.

SEC. 106. STATE CONTROL OF OPERATIONS.

Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any programs, services, and supports for individuals with developmental disabilities with respect to which any funds have been or may be expended under this title.

SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that govern employment.

SEC. 108. CONSTRUCTION.

Nothing in this title shall be construed to preclude an entity funded under this title from engaging in advocacy, capacity building, and systemic change activities for individuals with developmental disabilities that may also have a positive impact on individuals with other disabilities.

SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(a) In General.—Congress makes the following findings respecting the rights of individuals with developmental disabilities:

(1) Individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities, consistent with section 101(c).

(2) The treatment, services, and habitation for an individual with developmental disabilities should be designed to maximize the potential of the individual and should be provided in the setting that is least restrictive of the individual's personal liberty.

(3) The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional programs, residential programs, and other community programs, including educational programs in which individuals with developmental disabilities participate, that—

(A) provide treatment, services, and habilitation that are appropriate to the needs of such individuals; and

(B) meet minimum standards relating to—

(i) provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than others in the general population;

(ii) provision to such individuals of appropriate and sufficient medical and dental services;

(iii) prohibition of the use of physical restraint and seclusion for such an individual unless absolutely necessary to ensure the immediate physical safety of the individual or others, and prohibition of the use of such restraint and seclusion as a punishment or as a substitute for a habilitation program;

(iv) prohibition of the excessive use of chemical restraints on such individuals and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such individuals; and

(v) provision for close relatives or guardians of such individuals to visit the individuals without prior notice.

(4) All programs for individuals with developmental disabilities should meet standards—

(A) that are designed to assure the most favorable possible outcome for those served; and

(B)(i) in the case of residential programs serving individuals in need of comprehensive health-related, habilitative, assistive technology or rehabilitative services, that are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded, promulgated in regulations of the Secretary on June 3, 1988, as appropriate, taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

(ii) in the case of other residential programs for individuals with developmental disabilities, that assure that—

(I) care is appropriate to the needs of the individuals being served by such programs;

(II) the individuals admitted to facilities of such programs are individuals whose needs can be met through services provided by such facilities; and

(III) the facilities of such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

(iii) in the case of nonresidential programs, that assure that the care provided by such programs is appropriate to the individuals served by the programs.

(b) CLARIFICATION.—The rights of individuals with developmental disabilities described in findings made in this section shall be considered to be in addition to any constitutional or other rights otherwise afforded to all individuals.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

SEC. 121. PURPOSE.

The purpose of this subtitle is to provide for allotments to support State Councils on Developmental Disabilities (referred to individually in this subtitle as a "Council") in each State to—

(1) engage in advocacy, capacity building, and systemic change activities that are consistent with the purpose described in section 101(b) and the policy described in section 101(c); and

(2) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

SEC. 122. STATE ALLOTMENTS.

(a) ALLOTMENTS.—

(1) IN GENERAL.—

(A) AUTHORITY.—For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 129 among the States on the basis of—

(i) the population;

(ii) the extent of need for services for individuals with developmental disabilities; and

(iii) the financial need,

of the respective States.

(B) USE OF FUNDS.—Sums allotted to the States under this section shall be used to pay for the Federal share of the cost of carrying out projects in accordance with State plans approved under section 124 for the provision under such plans of services for individuals with developmental disabilities.

(2) ADJUSTMENTS.—The Secretary may make adjustments in the amounts of State allotments based on clauses (i), (ii), and (iii) of paragraph (1)(A) not more often than annually. The Secretary shall notify each State of any adjustment made under this paragraph and the percentage of the total sums appropriated under section 129 that the adjusted allotment represents not later than 6 months before the beginning of the fiscal year in which such adjustment is to take effect.

(3) MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO $70,000,000.—

(A) IN GENERAL.—Except as provided in paragraph (4), for any fiscal year the allotment under this section—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than $210,000; and

(ii) to any State not described in clause (i) may not be less than $400,000.

(B) REDUCTION OF ALLOTMENT.—Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to the States pursuant to subparagraph (A) for any fiscal year exceeds the total amount appropriated under section 129 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF $70,000,000.—

(A) IN GENERAL.—In any case in which the total amount appropriated under section 129 for a fiscal year is more than $70,000,000, the allotment under this section for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than $220,000; and

(ii) to any State not described in clause (i) may not be less than $450,000.

(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).

(5) STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services for individuals with developmental disabilities, the Secretary shall take into account the scope and extent of the services, supports, and assistance described, pursuant to section 124(c)(3)(A), in the State plan of the State.

(6) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 129 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in paragraphs (3) and (4). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 129 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 129 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 129 (or a corresponding provision) for such preceding fiscal year.

(b) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

(c) OBLIGATION OF FUNDS.—For the purposes of this subtitle, State Interagency Agreements are considered valid obligations for the purpose of obligating Federal funds allotted to the State under this subtitle.

(d) COOPERATIVE EFFORTS BETWEEN STATES.—If a State plan approved in accordance with section 124 provides for cooperative or joint effort between or among States or agencies, public or private, in more than 1 State, portions of funds allotted to 1 or more States described in this subsection may be combined in accordance with the agreements between the States or agencies involved.

(e) REALLOTMENTS.—

(1) IN GENERAL.—If the Secretary determines that an amount of an allotment to a State for a period (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallot the amount.

(2) TIMING.—The Secretary may make such a reallotment from time to time, on such date as the Secretary may fix, but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make the reallotment in the Federal Register.

(3) AMOUNTS.—The Secretary shall reallot the amount to other States with respect to which the Secretary has not made that determination. The Secretary shall reallot the amount in proportion to the original allotments of the other States for such fiscal year, but shall reduce such proportionate amount for any of the other States to the extent the proportionate amount exceeds the sum that the Secretary estimates the State needs and will be able to use during such period.

(4) REALLOTMENT OF REDUCTIONS.—The Secretary shall similarly reallot the total of the reductions among the States whose proportionate amounts were not so reduced.

(5) TREATMENT.—Any amount reallotted to a State under this subsection for a fiscal year shall be deemed to be a part of the allotment of the State under subsection (a) for such fiscal year.

SEC. 123. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

(a) STATE PLAN EXPENDITURES.—From each State's allotments for a fiscal year under section 122, the Secretary shall pay to the State the Federal share of the cost, other than the cost for construction, incurred during such year for activities carried out under the State plan approved under section 124. The Secretary shall make such payments from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend for the cost under the State plan. The Secretary shall make such adjustments as may be necessary to the payments on account of previously made underpayments or overpayments under this section.

(b) DESIGNATED STATE AGENCY EXPENDITURES.—The Secretary may make payments to a State for the portion described in section 124(c)(5)(B)(vi) in advance or by way of reimbursement, and in such installments as the Secretary may determine.

SEC. 124. STATE PLAN.

(a) IN GENERAL.—Any State desiring to receive assistance under this subtitle shall submit to the Secretary, and obtain approval of, a 5-year strategic State plan under this section.

(b) PLANNING CYCLE.—The plan described in subsection (a) shall be updated as appropriate during the 5-year period.

(c) STATE PLAN REQUIREMENTS.—In order to be approved by the Secretary under this section, a State plan shall meet each of the following requirements:

(1) STATE COUNCIL.—The plan shall provide for the establishment and maintenance of a Council in accordance with section 125 and describe the membership of such Council.

(2) DESIGNATED STATE AGENCY.—The plan shall identify the agency or office within the State designated to support the Council in accordance with this section and section 125(d) (referred to in this subtitle as a "designated State agency").

(3) COMPREHENSIVE REVIEW AND ANALYSIS.—The plan shall describe the results of a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, and the extent of unmet needs for services, supports, and other assistance for those individuals and their families, in the State. The results of the comprehensive review and analysis shall include—

(A) a description of the services, supports, and other assistance being provided to individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies under which the State operates and in which individuals with developmental disabilities are or may be eligible to participate, including particularly programs relating to the areas of emphasis, including—

(i) medical assistance, maternal and child health care, services for children with special health care needs, children's mental health services, comprehensive health and mental health services, and institutional care options;

(ii) job training, job placement, worksite accommodation, and vocational rehabilitation, and other work assistance programs; and

(iii) social, child welfare, aging, independent living, and rehabilitation and assistive technology services, and such other services as the Secretary may specify;

(B) a description of the extent to which agencies operating such other federally assisted State programs, including activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), pursue interagency initiatives to improve and enhance community services, individualized supports, and other forms of assistance for individuals with developmental disabilities;

(C) an analysis of the extent to which community services and opportunities related to the areas of emphasis directly benefit individuals with developmental disabilities, especially with regard to their ability to access and use services provided in their communities, to participate in opportunities, activities, and events offered in their communities, and to contribute to community life, identifying particularly—

(i) the degree of support for individuals with developmental disabilities that are attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

(ii) criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude individuals with developmental disabilities from receiving services described in this clause;

(iii) the barriers that impede full participation of members of unserved and underserved groups of individuals with developmental disabilities and their families;

(iv) the availability of assistive technology, assistive technology services, or rehabilitation technology, or information about assistive technology, assistive technology services, or rehabilitation technology to individuals with developmental disabilities;

(v) the numbers of individuals with developmental disabilities on waiting lists for services described in this subparagraph;

(vi) a description of the adequacy of current resources and projected availability of future resources to fund services described in this subparagraph;

(vii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are in facilities receive (based in part on each independent review (pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C))) of an Intermediate Care Facility (Mental Retardation) within the State, which the State shall provide to the Council not later than 30 days after the availability of the review); and

(viii) to the extent that information is available, a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive;

(D) a description of how entities funded under subtitles C and D, through interagency agreements or other mechanisms, collaborated with the entity funded under this subtitle in the State, each other, and other entities to contribute to the achievement of the purpose of this subtitle; and

(E) the rationale for the goals related to advocacy, capacity building, and systemic change to be undertaken by the Council to contribute to the achievement of the purpose of this subtitle.

(4) PLAN GOALS.—The plan shall focus on Council efforts to bring about the purpose of this subtitle, by—

(A) specifying 5-year goals, as developed through data driven strategic planning, for advocacy, capacity building, and systemic change related to the areas of emphasis, to be undertaken by the Council, that—

(i) are derived from the unmet needs of individuals with developmental disabilities and their families identified under paragraph (3); and

(ii) include a goal, for each year of the grant, to—

(I) establish or strengthen a program for the direct funding of a State self-advocacy organization led by individuals with developmental disabilities;

(II) support opportunities for individuals with developmental disabilities who are considered leaders to provide leadership training to individuals with developmental disabilities who may become leaders; and

(III) support and expand participation of individuals with developmental disabilities in cross-disability and culturally diverse leadership coalitions; and

(B) for each year of the grant, describing—

(i) the goals to be achieved through the grant, which, beginning in fiscal year 2002, shall be consistent with applicable indicators of progress described in section 104(a)(3);

(ii) the strategies to be used in achieving each goal; and

(iii) the method to be used to determine if each goal has been achieved.

(5) ASSURANCES.—

(A) IN GENERAL.—The plan shall contain or be supported by assurances and information described in subparagraphs (B) through (N) that are satisfactory to the Secretary.

(B) USE OF FUNDS.—With respect to the funds paid to the State under section 122, the plan shall provide assurances that—

(i) not less than 70 percent of such funds will be expended for activities related to the goals described in paragraph (4);

(ii) such funds will contribute to the achievement of the purpose of this subtitle in various political subdivisions of the State;

(iii) such funds will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the funds paid under section 122 are provided;

(iv) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;

(v) part of such funds will be made available by the State to public or private entities;

(vi) at the request of any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to ½ (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5 percent of such funds provided to such State for any fiscal year, or $50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency; and

(vii) not more than 20 percent of such funds will be allocated to the designated State agency for service demonstrations by such agency that—

(I) contribute to the achievement of the purpose of this subtitle; and

(II) are explicitly authorized by the Council.

(C) STATE FINANCIAL PARTICIPATION.—The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.

(D) CONFLICT OF INTEREST.—The plan shall provide an assurance that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

(E) URBAN AND RURAL POVERTY AREAS.—The plan shall provide assurances that special financial and technical assistance will be given to organizations that provide community services, individualized supports, and other forms of assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

(F) PROGRAM ACCESSIBILITY STANDARDS.—The plan shall provide assurances that programs, projects, and activities funded under the plan, and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed by the Secretary in regulations and all applicable Federal and State accessibility standards, including accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Fair Housing Act (42 U.S.C. 3601 et seq.).

(G) INDIVIDUALIZED SERVICES.—The plan shall provide assurances that any direct services provided to individuals with developmental disabilities and funded under the plan will be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individual.

(H) Human rights.—The plan shall provide assurances that the human rights of the individuals with developmental disabilities (especially individuals without familial protection) who are receiving services under programs assisted under this subtitle will be protected consistent with section 109 (relating to rights of individuals with developmental disabilities).

(I) Minority participation.—The plan shall provide assurances that the State has taken affirmative steps to assure that participation in programs funded under this subtitle is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

(J) Employee protections.—The plan shall provide assurances that fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions taken under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and provide training and retraining of such employees where necessary, and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

(K) Staff assignments.—The plan shall provide assurances that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.

(L) Noninterference.—The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State plan development, or plan implementation of the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).

(M) State quality assurance.—The plan shall provide assurances that the Council will participate in the planning, design or redesign, and monitoring of State quality assurance systems that affect individuals with developmental disabilities.

(N) Other assurances.—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions (including the purpose) of this subtitle.

(d) Public Input and Review, Submission, and Approval.—

(1) Public input and review.—The plan shall be based on public input. The Council shall make the plan available for public review and comment, after providing appropriate and sufficient notice in accessible formats of the opportunity for such review and comment. The Council shall revise the plan to take into account and respond to significant comments.

(2) Consultation with the designated State agency.—Before the plan is submitted to the Secretary, the Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

(3) Plan approval.—The Secretary shall approve any State plan and, as appropriate, amendments of such plan that comply with the provisions of subsections (a), (b), and (c) and this subsection. The Secretary may take final action to disapprove a State plan after providing reasonable notice and an opportunity for a hearing to the State.

SEC. 125. STATE COUNCILS ON DEVELOPMENTAL DISABILITIES AND DESIGNATED STATE AGENCIES.

(a) In General.—Each State that receives assistance under this subtitle shall establish and maintain a Council to undertake advocacy, capacity building, and systemic change activities (consistent with subsections (b) and (c) of section 101) that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle. The Council shall have the authority to fulfill the responsibilities described in subsection (c).

(b) Council Membership.—

(1) Council appointments.—

(A) In general.—The members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State.

(B) Recommendations.—The Governor shall select members of the Council, at the discretion of the Governor, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council may, at the initiative of the Council, or on the request of the Governor, coordinate Council and public input to the Governor regarding all recommendations.

(C) Representation.—The membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity.

(2) Membership rotation.—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements of the Council, and shall notify the Governor when vacancies on the Council remain unfilled for a significant period of time.

(3) Representation of individuals with developmental disabilities.—Not less than 60 percent of the membership of each Council shall consist of individuals who are—

(A)(i) individuals with developmental disabilities;

(ii) parents or guardians of children with developmental disabilities; or

(iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves; and

(B) not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a–5(b)) of any other entity that receives funds or provides services under this subtitle.

(4) Representation of agencies and organizations.—

(A) In general.—Each Council shall include—

(i) representatives of relevant State entities, including—

(I) State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);

(II) Centers in the State; and

(III) the State protection and advocacy system; and

(ii) representatives, at all times, of local and nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

(B) Authority and limitations.—The representatives described in subparagraph (A) shall—

(i) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

(ii) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors, or applicants and comply with the conflict of interest assurance requirement under section 124(c)(5)(D).

(5) Composition of membership with developmental disabilities.—Of the members of the Council described in paragraph (3)—

(A) ⅓ shall be individuals with developmental disabilities described in paragraph (3)(A)(i);

(B) ⅓ shall be parents or guardians of children with developmental disabilities described in paragraph (3)(A)(ii), or immediate relatives or guardians of adults with developmental disabilities described in paragraph (3)(A)(iii); and

(C) ⅓ shall be a combination of individuals described in paragraph (3)(A).

(6) Institutionalized individuals.—

(A) In general.—Of the members of the Council described in paragraph (5), at least 1 shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

(B) Limitation.—Subparagraph (A) shall not apply with respect to a State if such an individual does not reside in that State.

(c) Council Responsibilities.—

(1) In general.—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (2) through (10).

(2) Advocacy, capacity building, and systemic change activities.—The Council shall serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects, and activities that carry out the purpose of this subtitle.

(3) Examination of goals.—At the end of each grant year, each Council shall—

(A) determine the extent to which each goal of the Council was achieved for that year;

(B) determine to the extent that each goal was not achieved, the factors that impeded the achievement;

(C) determine needs that require amendment of the 5-year strategic State plan required under section 124;

(D) separately determine the information on the self-advocacy goal described in section 124(c)(4)(A)(ii); and

(E) determine customer satisfaction with Council supported or conducted activities.

(4) State plan development.—The Council shall develop the State plan and submit the State plan to the Secretary after consultation with the designated State agency

under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

(5) STATE PLAN IMPLEMENTATION.—

(A) IN GENERAL.—The Council shall implement the State plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described in subparagraphs (B) through (L).

(B) OUTREACH.—The Council may support and conduct outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council and assist and enable the individuals and families to obtain services, individualized supports, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

(C) TRAINING.—The Council may support and conduct training for persons who are individuals with developmental disabilities, their families, and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such persons to obtain access to, or to provide, community services, individualized supports, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families. To the extent that the Council supports or conducts training activities under this subparagraph, such activities shall contribute to the achievement of the purpose of this subtitle.

(D) TECHNICAL ASSISTANCE.—The Council may support and conduct technical assistance activities to assist public and private entities to contribute to the achievement of the purpose of this subtitle.

(E) SUPPORTING AND EDUCATING COMMUNITIES.—The Council may support and conduct activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families—

(i) by encouraging local networks to provide informal and formal supports;

(ii) through education; and

(iii) by enabling neighborhoods and communities to offer such individuals and their families access to and use of services, resources, and opportunities.

(F) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

(G) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may support and conduct activities to enhance coordination of services with—

(i) other councils, entities, or committees, authorized by Federal or State law, concerning individuals with disabilities (such as the State interagency coordinating council established under subtitle C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the State Rehabilitation Council and the Statewide Independent Living Council established under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the State mental health planning council established under subtitle B of title XIX of the Public Health Service Act (42 U.S.C. 300x–1 et seq.), and the activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), and entities carrying out other similar councils, entities, or committees);

(ii) parent training and information centers under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) and other entities carrying out federally funded projects that assist parents of children with disabilities; and

(iii) other groups interested in advocacy, capacity building, and systemic change activities to benefit individuals with disabilities.

(H) BARRIER ELIMINATION, SYSTEMS DESIGN AND REDESIGN.—The Council may support and conduct activities to eliminate barriers to assess and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State plan.

(I) COALITION DEVELOPMENT AND CITIZEN PARTICIPATION.—The Council may support and conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, education of policymakers, and citizen leadership skills.

(J) INFORMING POLICYMAKERS.—The Council may support and conduct activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governors, State legislatures, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.

(K) DEMONSTRATION OF NEW APPROACHES TO SERVICES AND SUPPORTS.—

(i) IN GENERAL.—The Council may support and conduct, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change. The strategy may involve the education of policymakers and the public about how to deliver effectively, to individuals with developmental disabilities and their families, services, supports, and assistance that contribute to the achievement of the purpose of this subtitle.

(ii) SOURCES OF FUNDING.—The Council may carry out this subparagraph by supporting and conducting demonstration activities through sources of funding other than funding provided under this subtitle, and by assisting entities conducting demonstration activities to develop strategies for securing funding from other sources.

(L) OTHER ACTIVITIES.—The Council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle.

(6) REVIEW OF DESIGNATED STATE AGENCY.—The Council shall periodically review the designated State agency and activities carried out under this subtitle by the designated State agency and make any recommendations for change to the Governor.

(7) REPORTS.—Beginning in fiscal year 2002, the Council shall annually prepare and transmit to the Secretary a report. Each report shall be in a form prescribed by the Secretary by regulation under section 104(b). Each report shall contain information about the progress made by the Council in achieving the goals of the Council (as specified in section 124(c)(4)), including—

(A) a description of the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement;

(D) separate information on the self-advocacy goal described in section 124(c)(4)(A)(ii);

(E)(i) as appropriate, an update on the results of the comprehensive review and analysis described in section 124(c)(3); and

(ii) information on consumer satisfaction with Council supported or conducted activities;

(F)(i) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities in Intermediate Care Facilities (Mental Retardation) receive; and

(ii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) receive;

(G) an accounting of the manner in which funds paid to the State under this subtitle for a fiscal year were expended;

(H) a description of—

(i) resources made available to carry out activities to assist individuals with developmental disabilities that are directly attributable to Council actions; and

(ii) resources made available for such activities that are undertaken by the Council in collaboration with other entities; and

(I) a description of the method by which the Council will widely disseminate the annual report to affected constituencies and the general public and will assure that the report is available in accessible formats.

(8) BUDGET.—Each Council shall prepare, approve, and implement a budget using amounts paid to the State under this subtitle to fund and implement all programs, projects, and activities carried out under this subtitle, including—

(A)(i) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council; and

(ii) as determined in Council policy—

(I) reimbursing members of the Council for reasonable and necessary expenses (including expenses for child care and personal assistance services) for attending Council meetings and performing Council duties;

(II) paying a stipend to a member of the Council, if such member is not employed or must forfeit wages from other employment, to attend Council meetings and perform other Council duties;

(III) supporting Council member and staff travel to authorized training and technical assistance activities including in-service training and leadership development activities; and

(IV) carrying out appropriate subcontracting activities;

(B) hiring and maintaining such numbers and types of staff (qualified by training and experience) and obtaining the services of such professional, consulting, technical, and clerical staff (qualified by training and experience), consistent with State law, as the Council determines to be necessary to carry out the functions of the Council under this subtitle, except that such State shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the Council, to the extent that such policies would impact the staff or functions funded with Federal funds, or would prevent the Council from carrying out the functions of the Council under this subtitle; and

(C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the State plan approved under section 124.

(9) STAFF HIRING AND SUPERVISION.—The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring, and dismissal of staff shall be conducted in a manner consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with State law and personnel policies.

(10) STAFF ASSIGNMENTS.—The staff of the Council, while working for the Council, shall be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and shall not be assigned duties by the designated State agency or any other agency or entity of the State.

(11) CONSTRUCTION.—Nothing in this title shall be construed to authorize a Council to direct, control, or exercise any policymaking authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) DESIGNATED STATE AGENCY.—

(1) IN GENERAL.—Each State that receives assistance under this subtitle shall designate a State agency that shall, on behalf of the State, provide support to the Council. After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 (Public Law 103–230), any designation of a State agency under this paragraph shall be made in accordance with the requirements of this subsection.

(2) DESIGNATION.—

(A) TYPE OF AGENCY.—Except as provided in this subsection, the designated State agency shall be—

(i) the Council if such Council may be the designated State agency under the laws of the State;

(ii) a State agency that does not provide or pay for services for individuals with developmental disabilities; or

(iii) a State office, including the immediate office of the Governor of the State or a State planning office.

(B) CONDITIONS FOR CONTINUATION OF STATE SERVICE AGENCY DESIGNATION.—

(i) DESIGNATION BEFORE ENACTMENT.—If a State agency that provides or pays for services for individuals with developmental disabilities was a designated State agency for purposes of part B of the Developmental Disabilities Assistance and Bill of Rights Act on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, and the Governor of the State (or the legislature, where appropriate and in accordance with State law) determines prior to June 30, 1994, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this subtitle.

(ii) CRITERIA FOR CONTINUED DESIGNATION.—The determination, at the discretion of the Governor (or the legislature, as the case may be), shall be made after—

(I) the Governor has considered the comments and recommendations of the general public and a majority of the non-State agency members of the Council with respect to the designation of such State agency; and

(II) the Governor (or the legislature, as the case may be) has made an independent assessment that the designation of such agency will not interfere with the budget, personnel, priorities, or other action of the Council, and the ability of the Council to serve as an independent advocate for individuals with developmental disabilities.

(C) REVIEW OF DESIGNATION.—The Council may request a review of and change in the designation of the designated State agency by the Governor (or the legislature, as the case may be). The Council shall provide documentation concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or the legislature, as the case may be) regarding a preferred designated State agency.

(D) APPEAL OF DESIGNATION.—After the review is completed under subparagraph (C), a majority of the non-State agency members of the Council may appeal to the Secretary for a review of and change in the designation of the designated State agency if the ability of the Council to serve as an independent advocate is not assured because of the actions or inactions of the designated State agency.

(3) RESPONSIBILITIES.—

(A) IN GENERAL.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (B) through (G).

(B) SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

(C) FISCAL RESPONSIBILITIES.—The designated State agency shall—

(i) receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and

(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.

(D) RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

(E) NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c).

(F) ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

(G) MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

(4) USE OF FUNDS FOR DESIGNATED STATE AGENCY RESPONSIBILITIES.—

(A) CONDITION FOR FEDERAL FUNDING.—

(i) IN GENERAL.—The Secretary shall provide amounts to a State under section 124(c)(5)(B)(vi) for a fiscal year only if the State expends an amount from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) for the fiscal year that is not less than the total amount the State expended from such sources for carrying out similar responsibilities for the previous fiscal year.

(ii) EXCEPTION.—Clause (i) shall not apply in a year in which the Council is the designated State agency.

(B) SUPPORT SERVICES PROVIDED BY OTHER AGENCIES.—With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

SEC. 126. FEDERAL AND NON-FEDERAL SHARE.

(a) AGGREGATE COST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of all projects in a State supported by an allotment to the State under this subtitle may not be more than 75 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas, as determined by the Secretary, the Federal share of the cost of all such projects may not be more than 90 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(3) STATE PLAN ACTIVITIES.—In the case of projects undertaken by the Council or Council staff to implement State plan activities, the Federal share of the cost of all such projects may be not more than 100 percent of the aggregate necessary cost of such activities.

(b) NONDUPLICATION.—In determining the amount of any State's Federal share of the cost of such projects incurred by such State under a State plan approved under section 124, the Secretary shall not consider—

(1) any portion of such cost that is financed by Federal funds provided under any provision of law other than section 122; and

(2) the amount of any non-Federal funds required to be expended as a condition of receipt of the Federal funds described in paragraph (1).

(c) NON-FEDERAL SHARE.—

(1) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of any project supported by an allotment under this subtitle may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) CONTRIBUTIONS OF POLITICAL SUBDIVISIONS AND PUBLIC OR PRIVATE ENTITIES.—

(A) IN GENERAL.—Contributions to projects by a political subdivision of a State or by a public or private entity under an agreement with the State shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be contributions by such State, in the case of a project supported under this subtitle.

(B) STATE CONTRIBUTIONS.—State contributions, including contributions by the designated State agency to provide support services to the Council pursuant to section 125(d)(4), may be counted as part of such State's non-Federal share of the cost of projects supported under this subtitle.

(3) Variations of the non-federal share.—The non-Federal share required of each recipient of a grant from a Council under this subtitle may vary.

SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.

Whenever the Secretary, after providing reasonable notice and an opportunity for a hearing to the Council and the designated State agency, finds that—

(1) the Council or agency has failed to comply substantially with any of the provisions required by section 124 to be included in the State plan, particularly provisions required by paragraphs (4)(A) and (5)(B)(vii) of section 124(c), or with any of the provisions required by section 125(b)(3); or

(2) the Council or agency has failed to comply substantially with any regulations of the Secretary that are applicable to this subtitle,

the Secretary shall notify such Council and agency that the Secretary will not make further payments to the State under section 122 (or, in the discretion of the Secretary, that further payments to the State under section 122 for activities for which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payments to the State under section 122, or shall limit further payments under section 122 to such State to activities for which there is no such failure.

SEC. 128. APPEALS BY STATES.

(a) Appeal.—If any State is dissatisfied with the Secretary's action under section 124(d)(3) or 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court not later than 60 days after such action.

(b) Filing.—The clerk of the court shall transmit promptly a copy of the petition to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary shall file promptly with the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(c) Jurisdiction.—Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside the order of the Secretary relating to the action.

(d) Findings and Remand.—The findings of the Secretary about the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case involved to the Secretary for further proceedings to take further evidence. On remand, the Secretary may make new or modified findings of fact and may modify the previous action of the Secretary, and shall file with the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) Finality.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upcn certiorari or certification as provided in section 1254 of title 28, United States Code.

(f) Effect.—The commencement of proceedings under this section shall not, unless so specifically ordered by a court, operate as a stay of the Secretary's action.

SEC. 129. AUTHORIZATION OF APPROPRIATIONS.

(a) Funding for State Allotments.—Except as described in subsection (b), there are authorized to be appropriated for allotments under section 122 $76,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) Reservation for Technical Assistance.—

(1) Lower appropriation years.—For any fiscal year for which the amount appropriated under subsection (a) is less than $76,000,000, the Secretary shall reserve funds in accordance with section 163(c) to provide technical assistance to entities funded under this subtitle.

(2) Higher appropriation years.—For any fiscal year for which the amount appropriated under subsection (a) is not less than $76,000,000, the Secretary shall reserve not less than $300,000 and not more than 1 percent of the amount appropriated under subsection (a) to provide technical assistance to entities funded under this subtitle.

Subtitle C—Protection and Advocacy of Individual Rights

SEC. 141. PURPOSE.

The purpose of this subtitle is to provide for allotments to support a protection and advocacy system (referred to in this subtitle as a "system") in each State to protect the legal and human rights of individuals with developmental disabilities in accordance with this subtitle.

SEC. 142. ALLOTMENTS AND PAYMENTS.

(a) Allotments.—

(1) In general.—To assist States in meeting the requirements of section 143(a), the Secretary shall allot to the States the amounts appropriated under section 145 and not reserved under paragraph (6). Allotments and reallotments of such sums shall be made on the same basis as the allotments and reallotments are made under subsections (a)(1)(A) and (e) of section 122, except as provided in paragraph (2).

(2) Minimum allotments.—In any case in which—

(A) the total amount appropriated under section 145 for a fiscal year is not less than $20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than $107,000; and

(ii) to any State not described in clause (i) may not be less than $200,000; or

(B) the total amount appropriated under section 145 for a fiscal year is less than $20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than $80,000; and

(ii) to any State not described in clause (i) may not be less than $150,000.

(3) Reduction of allotment.—Notwithstanding paragraphs (1) and (2), if the aggregate of the amounts to be allotted to the States pursuant to such paragraphs for any fiscal year exceeds the total amount appropriated for such allotments under section 145 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) Increase in allotments.—In any year in which the total amount appropriated under section 145 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in subparagraphs (A) and (B) of paragraph (2). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 145 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 145 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 145 (or a corresponding provision) for such preceding fiscal year.

(5) Monitoring the administration of the system.—In a State in which the system is housed in a State agency, the State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under section 143(a).

(6) Technical assistance and American Indian consortium.—In any case in which the total amount appropriated under section 145 for a fiscal year is more than $24,500,000, the Secretary shall—

(A) use not more than 2 percent of the amount appropriated to provide technical assistance to eligible systems with respect to activities carried out under this subtitle (consistent with requests by such systems for such assistance for the year); and

(B) provide a grant in accordance with section 143(b), and in an amount described in paragraph (2)(A)(i), to an American Indian consortium to provide protection and advocacy services.

(b) Payment to Systems.—Notwithstanding any other provision of law, the Secretary shall pay directly to any system in a State that complies with the provisions of this subtitle the amount of the allotment made for the State under this section, unless the system specifies otherwise.

(c) Unobligated Funds.—Any amount paid to a system under this subtitle for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the next fiscal year, for the purposes for which such amount was paid.

SEC. 143. SYSTEM REQUIRED.

(a) System Required.—In order for a State to receive an allotment under subtitle B or this subtitle—

(1) the State shall have in effect a system to protect and advocate the rights of individuals with developmental disabilities;

(2) such system shall—

(A) have the authority to—

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of ethnic and racial minority groups; and

(ii) provide information on and referral to programs and services addressing the needs of individuals with developmental disabilities;

(B) have the authority to investigate incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(C) on an annual basis, develop, submit to the Secretary, and take action with regard to goals (each of which is related to 1 or more areas of emphasis) and priorities, developed through data driven strategic planning, for the system's activities;

(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairment, and their representatives, and as appropriate, non-State agency representatives of the State Councils on Developmental Disabilities, and Centers, in the State, an opportunity to comment on—

(i) the goals and priorities established by the system and the rationale for the establishment of such goals; and

(ii) the activities of the system, including the coordination of services with the entities carrying out advocacy programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and with entities carrying out other related programs, including the parent training and information centers funded under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012);

(E) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with developmental disabilities have full access to services of the system;

(F) not be administered by the State Council on Developmental Disabilities;

(G) be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities;

(H) have access at reasonable times to any individual with a developmental disability in a location in which services, supports, and other assistance are provided to such an individual, in order to carry out the purpose of this subtitle;

(I) have access to all records of—

(i) any individual with a developmental disability who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(ii) any individual with a developmental disability, in a situation in which—

(I) the individual, by reason of such individual's mental or physical condition, is unable to authorize the system to have such access;

(II) the individual does not have a legal guardian, conservator, or other legal representative, or the legal guardian of the individual is the State; and

(III) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect; and

(iii) any individual with a developmental disability, in a situation in which—

(I) the individual has a legal guardian, conservator, or other legal representative;

(II) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect;

(III) such representative has been contacted by such system, upon receipt of the name and address of such representative;

(IV) such system has offered assistance to such representative to resolve the situation; and

(V) such representative has failed or refused to act on behalf of the individual;

(J)(i) have access to the records of individuals described in subparagraphs (B) and (I), and other records that are relevant to conducting an investigation, under the circumstances described in those subparagraphs, not later than 3 business days after the system makes a written request for the records involved; and

(ii) have immediate access, not later than 24 hours after the system makes such a request, to the records without consent from another party, in a situation in which services, supports, and other assistance are provided to an individual with a developmental disability—

(I) if the system determines there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy; or

(II) in any case of death of an individual with a developmental disability;

(K) hire and maintain sufficient numbers and types of staff (qualified by training and experience) to carry out such system's functions, except that the State involved shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the system, to the extent that such policies would impact the staff or functions of the system funded with Federal funds or would prevent the system from carrying out the functions of the system under this subtitle;

(L) have the authority to educate policymakers; and

(M) provide assurances to the Secretary that funds allotted to the State under section 142 will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the allotted funds are provided;

(3) to the extent that information is available, the State shall provide to the system—

(A) a copy of each independent review, pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C)), of an Intermediate Care Facility (Mental Retardation) within the State, not later than 30 days after the availability of such a review; and

(B) information about the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive; and

(4) the agency implementing the system shall not be redesignated unless—

(A) there is good cause for the redesignation;

(B) the State has given the agency notice of the intention to make such redesignation, including notice regarding the good cause for such redesignation, and given the agency an opportunity to respond to the assertion that good cause has been shown;

(C) the State has given timely notice and an opportunity for public comment in an accessible format to individuals with developmental disabilities or their representatives; and

(D) the system has an opportunity to appeal the redesignation to the Secretary, on the basis that the redesignation was not for good cause.

(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium established to provide protection and advocacy services under this subtitle, shall receive funding pursuant to section 142(a)(6) to provide the services. Such consortium shall be considered to be a system for purposes of this subtitle and shall coordinate the services with other systems serving the same geographic area. The tribal council that designates the consortium shall carry out the responsibilities and exercise the authorities specified for a State in this subtitle, with regard to the consortium.

(c) RECORD.—In this section, the term "record" includes—

(1) a report prepared or received by any staff at any location at which services, supports, or other assistance is provided to individuals with developmental disabilities;

(2) a report prepared by an agency or staff person charged with investigating reports of incidents of abuse or neglect, injury, or death occurring at such location, that describes such incidents and the steps taken to investigate such incidents; and

(3) a discharge planning record.

SEC. 144. ADMINISTRATION.

(a) GOVERNING BOARD.—In a State in which the system described in section 143 is organized as a private nonprofit entity with a multimember governing board, or a public system with a multimember governing board, such governing board shall be selected according to the policies and procedures of the system, except that—

(1)(A) the governing board shall be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the system;

(B) a majority of the members of the board shall be—

(i) individuals with disabilities, including individuals with developmental disabilities, who are eligible for services, or have received or are receiving services through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i); and

(C) the board may include a representative of the State Council on Developmental Disabilities, the Centers in the State, and the self-advocacy organization described in section 124(c)(4)(A)(ii)(I);

(2) not more than ⅓ of the members of the governing board may be appointed by the chief executive officer of the State involved, in the case of any State in which such officer has the authority to appoint members of the board;

(3) the membership of the governing board shall be subject to term limits set by the system to ensure rotating membership;

(4) any vacancy in the board shall be filled not later than 60 days after the date on which the vacancy occurs; and

(5) in a State in which the system is organized as a public system without a multimember governing or advisory board, the system shall establish an advisory council—

(A) that shall advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities; and

(B) on which a majority of the members shall be—

(i) individuals with developmental disabilities who are eligible for services, or have received or are receiving services, through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i).

(b) LEGAL ACTION.—

(1) IN GENERAL.—Nothing in this title shall preclude a system from bringing a suit on behalf of individuals with developmental disabilities against a State, or an agency or instrumentality of a State.

(2) USE OF AMOUNTS FROM JUDGMENT.—An amount received pursuant to a suit described in paragraph (1) through a court judgment may only be used by the system to further the purpose of this subtitle and shall not be used to augment payments to legal contractors or to award personal bonuses.

(3) LIMITATION.—The system shall use assistance provided under this subtitle in a manner consistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404).

(c) DISCLOSURE OF INFORMATION.—For purposes of any periodic audit, report, or evaluation required under this subtitle, the Secretary shall not require an entity carrying out a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(d) PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.—The Secretary shall provide advance public notice of any Federal programmatic or administrative onsite review of a system conducted under this subtitle and solicit public comment on the system through such notice. The Secretary shall prepare an onsite visit report containing the results of such review, which shall be distributed to the Governor of the State and to other interested public and private parties. The comments received in response to the public comment solicitation notice shall be included in the onsite visit report.

(e) REPORTS.—Beginning in fiscal year 2002, each system established in a State pursuant to this subtitle shall annually prepare and transmit to the Secretary a report that describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year, including a description of the system's goals, the extent to which the goals were achieved, barriers to their achievement, the process used to obtain public input, the nature of such input, and how such input was used.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

For allotments under section 142, there are authorized to be appropriated $32,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

SEC. 151. GRANT AUTHORITY.

(a) NATIONAL NETWORK.—From appropriations authorized under section 156(a)(1), the Secretary shall make 5-year grants to entities in each State designated as University Centers for Excellence in Developmental Disabilities Education, Research, and Service to carry out activities described in section 153(a).

(b) NATIONAL TRAINING INITIATIVES.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(2), the Secretary shall make grants to Centers to carry out activities described in section 153(b).

(c) TECHNICAL ASSISTANCE.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(3) (or from funds reserved under section 163, as appropriate), the Secretary shall enter into 1 or more cooperative agreements or contracts for the purpose of providing technical assistance described in section 153(c).

SEC. 152. GRANT AWARDS.

(a) EXISTING CENTERS.—

(1) IN GENERAL.—In awarding and distributing grant funds under section 151(a) for a fiscal year, the Secretary, subject to the availability of appropriations and the condition specified in subsection (d), shall award and distribute grant funds in equal amounts of $500,000 (adjusted in accordance with subsection (b)), to each Center that existed during the preceding fiscal year and that meets the requirements of this subtitle, prior to making grants under subsection (c) or (d).

(2) REDUCTION OF AWARD.—Notwithstanding paragraph (1), if the aggregate of the funds to be awarded to the Centers pursuant to paragraph (1) for any fiscal year exceeds the total amount appropriated under section 156 for such fiscal year, the amount to be awarded to each Center for such fiscal year shall be proportionately reduced.

(b) ADJUSTMENTS.—Subject to the availability of appropriations, for any fiscal year following a year in which each Center described in subsection (a) received a grant award of not less than $500,000 under subsection (a) (adjusted in accordance with this subsection), the Secretary shall adjust the awards to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), prior to making grants under subsection (c) or (d).

(c) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—Subject to the availability of appropriations, for any fiscal year in which each Center described in subsection (a) receives a grant award of not less than $500,000, under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary shall make grants under section 151(b) to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families, as described in section 153(b).

(d) ADDITIONAL GRANTS.—For any fiscal year in which each Center described in subsection (a) receives a grant award of not less than $500,000 under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary may make grants under section 151(a) for activities described in section 153(a) to additional Centers, or additional grants to Centers, for States or populations that are unserved or underserved by Centers due to such factors as—

(1) population;

(2) a high concentration of rural or urban areas; or

(3) a high concentration of unserved or underserved populations.

SEC. 153. PURPOSE AND SCOPE OF ACTIVITIES.

(a) NATIONAL NETWORK OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDUCATION, RESEARCH, AND SERVICE.—

(1) IN GENERAL.—In order to provide leadership in, advise Federal, State, and community policymakers about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life, the Secretary shall award grants to eligible entities designated as Centers in each State to pay for the Federal share of the cost of the administration and operation of the Centers. The Centers shall be interdisciplinary education, research, and public service units of universities (as defined by the Secretary) or public or not-for-profit entities associated with universities that engage in core functions, described in paragraph (2), addressing, directly or indirectly, 1 or more of the areas of emphasis.

(2) CORE FUNCTIONS.—The core functions referred to in paragraph (1) shall include the following:

(A) Provision of interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title.

(B) Provision of community services—

(i) that provide training or technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities.

(C) Conduct of research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families.

(D) Dissemination of information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances.

(b) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—

(1) SUPPLEMENTAL GRANTS.—After consultation with relevant, informed sources, including individuals with developmental disabilities and their families, the Secretary shall award, under section 151(b), supplemental grants to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families. The Secretary shall make the grants on a competitive basis, and for periods of not more than 5 years.

(2) ESTABLISHMENT OF CONSULTATION PROCESS BY THE SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a consultation process that, on an ongoing basis, allows the Secretary to identify and address, through supplemental grants authorized under paragraph (1), training initiatives related to the unmet needs of individuals with developmental disabilities and their families.

(c) TECHNICAL ASSISTANCE.—In order to strengthen and support the national network of Centers, the Secretary may enter into 1 or more cooperative agreements or contracts to—

(1) assist in national and international dissemination of specific information from multiple Centers and, in appropriate cases, other entities whose work affects the lives of individuals with developmental disabilities;

(2) compile, analyze, and disseminate state-of-the-art training, research, and demonstration results policies, and practices from multiple Centers and, in appropriate

cases, other entities whose work affects the lives of persons with developmental disabilities;

(3) convene experts from multiple Centers to discuss and make recommendations with regard to national emerging needs of individuals with developmental disabilities;

(4)(A) develop portals that link users with every Center's website; and

(B) facilitate electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that impact individuals with disabilities and their families;

(5) serve as a research-based resource for Federal and State policymakers on information concerning and issues impacting individuals with developmental disabilities and entities that assist or serve those individuals; or

(6) undertake any other functions that the Secretary determines to be appropriate;

to promote the viability and use of the resources and expertise of the Centers nationally and internationally.

SEC. 154. APPLICATIONS.

(a) Applications for Core Center Grants.—

(1) In general.—To be eligible to receive a grant under section 151(a) for a Center, an entity shall submit to the Secretary, and obtain approval of, an application at such time, in such manner, and containing such information, as the Secretary may require.

(2) Application contents.—Each application described in paragraph (1) shall describe a 5-year plan, including a projected goal related to 1 or more areas of emphasis for each of the core functions described in section 153(a).

(3) Assurances.—The application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that the entity designated as the Center will—

(A) meet regulatory standards as established by the Secretary for Centers;

(B) address the projected goals, and carry out goal-related activities, based on data driven strategic planning and in a manner consistent with the objectives of this subtitle, that—

(i) are developed in collaboration with the consumer advisory committee established pursuant to subparagraph (E);

(ii) are consistent with, and to the extent feasible complement and further, the Council goals contained in the State plan submitted under section 124 and the system goals established under section 143; and

(iii) will be reviewed and revised annually as necessary to address emerging trends and needs;

(C) use the funds made available through the grant to supplement, and not supplant, the funds that would otherwise be made available for activities described in section 153(a);

(D) protect, consistent with the policy specified in section 101(c) (relating to rights of individuals with developmental disabilities), the legal and human rights of all individuals with developmental disabilities (especially those individuals under State guardianship) who are involved in activities carried out under programs assisted under this subtitle;

(E) establish a consumer advisory committee—

(i) of which a majority of the members shall be individuals with developmental disabilities and family members of such individuals;

(ii) that is comprised of—

(I) individuals with developmental disabilities and related disabilities;

(II) family members of individuals with developmental disabilities;

(III) a representative of the State protection and advocacy system;

(IV) a representative of the State Council on Developmental Disabilities;

(V) a representative of a self-advocacy organization described in section 124(c)(4)(A)(ii)(I); and

(VI) representatives of organizations that may include parent training and information centers assisted under section 682 or 683 of the Individuals with Disabilities Education Act (20 U.S.C. 1482, 1483), entities carrying out activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), relevant State agencies, and other community groups concerned with the welfare of individuals with developmental disabilities and their families;

(iii) that reflects the racial and ethnic diversity of the State; and

(iv) that shall—

(I) consult with the Director of the Center regarding the development of the 5-year plan, and shall participate in an annual review of, and comment on, the progress of the Center in meeting the projected goals contained in the plan, and shall make recommendations to the Director of the Center regarding any proposed revisions of the plan that might be necessary; and

(II) meet as often as necessary to carry out the role of the committee, but at a minimum twice during each grant year;

(F) to the extent possible, utilize the infrastructure and resources obtained through funds made available under the grant to leverage additional public and private funds to successfully achieve the projected goals developed in the 5-year plan;

(G)(i) have a director with appropriate academic credentials, demonstrated leadership, expertise regarding developmental disabilities, significant experience in managing grants and contracts, and the ability to leverage public and private funds; and

(ii) allocate adequate staff time to carry out activities related to each of the core functions described in section 153(a); and

(H) educate, and disseminate information related to the purpose of this title to, the legislature of the State in which the Center is located, and to Members of Congress from such State.

(b) Supplemental Grant Applications Pertaining to National Training Initiatives in Critical and Emerging Needs.—To be eligible to receive a supplemental grant under section 151(b), a Center may submit a supplemental application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, pursuant to the terms and conditions set by the Secretary consistent with section 153(b).

(c) Peer Review.—

(1) In general.—The Secretary shall require that all applications submitted under this subtitle be subject to technical and qualitative review by peer review groups established under paragraph (2). The Secretary may approve an application under this subtitle only if such application has been recommended by a peer review group that has conducted the peer review required under this paragraph. In conducting the review, the group may conduct onsite visits or inspections of related activities as necessary.

(2) Establishment of peer review groups.—

(A) In general.—The Secretary, acting through the Commissioner of the Administration on Developmental Disabilities, may, notwithstanding—

(i) the provisions of title 5, United States Code, concerning appointments to the competitive service; and

(ii) the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, concerning classification and General Schedule pay rates;

establish such peer review groups and appoint and set the rates of pay of members of such groups.

(B) Composition.—Each peer review group shall include such individuals with disabilities and parents, guardians, or advocates of or for individuals with developmental disabilities, as are necessary to carry out this subsection.

(3) Waivers of approval.—The Secretary may waive the provisions of paragraph (1) with respect to review and approval of an application if the Secretary determines that exceptional circumstances warrant such a waiver.

(d) Federal Share.—

(1) In general.—The Federal share of the cost of administration or operation of a Center, or the cost of carrying out a training initiative, supported by a grant made under this subtitle may not be more than 75 percent of the necessary cost of such project, as determined by the Secretary.

(2) Urban or rural poverty areas.—In the case of a project whose activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, as determined by the Secretary, the Federal share of the cost of the project may not be more than 90 percent of the necessary costs of the project, as determined by the Secretary.

(3) Grant expenditures.—For the purpose of determining the Federal share with respect to the project, expenditures on that project by a political subdivision of a State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be expenditures made by a Center under this subtitle.

(e) Annual Report.—Each Center shall annually prepare and transmit to the Secretary a report containing—

(1) information on progress made in achieving the projected goals of the Center for the previous year, including—

(A) the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement; and

(D) an accounting of the manner in which funds paid to the Center under this subtitle for a fiscal year were expended;

(2) information on proposed revisions to the goals; and

(3) a description of successful efforts to leverage funds, other than funds made available under this subtitle, to pursue goals consistent with this subtitle.

SEC. 155. DEFINITION.

In this subtitle, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization and Reservations.—

(1) Authorization.—There are authorized to be appropriated to carry out this subtitle

(other than section 153(c)(4)) $30,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(2) RESERVATION FOR TRAINING INITIATIVES.—From any amount appropriated for a fiscal year under paragraph (1) and remaining after each Center described in section 152(a) has received a grant award of not less than $500,000, as described in section 152, the Secretary shall reserve funds for the training initiatives authorized under section 153(b).

(3) RESERVATION FOR TECHNICAL ASSISTANCE.—

(A) YEARS BEFORE APPROPRIATION TRIGGER.—For any covered year, the Secretary shall reserve funds in accordance with section 163(c) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(B) YEARS AFTER APPROPRIATION TRIGGER.—For any fiscal year that is not a covered year, the Secretary shall reserve not less than $300,000 and not more than 2 percent of the amount appropriated under paragraph (1) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(C) COVERED YEAR.—In this paragraph, the term "covered year" means a fiscal year prior to the first fiscal year for which the amount appropriated under paragraph (1) is not less than $20,000,000.

(b) LIMITATION.—The Secretary may not use, for peer review or other activities directly related to peer review conducted under this subtitle—

(1) for fiscal year 2001, more than $300,000 of the funds made available under subsection (a); and

(2) for any succeeding fiscal year, more than the amount of funds used for the peer review and related activities in fiscal year 2001, adjusted to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase).

Subtitle E—Projects of National Significance

SEC. 161. PURPOSE.

The purpose of this subtitle is to provide grants, contracts, or cooperative agreements for projects of national significance that—

(1) create opportunities for individuals with developmental disabilities to directly and fully contribute to, and participate in, all facets of community life; and

(2) support the development of national and State policies that reinforce and promote, with the support of families, guardians, advocates, and communities, of individuals with developmental disabilities, the self-determination, independence, productivity, and integration and inclusion in all facets of community life of such individuals through—

(A) family support activities;

(B) data collection and analysis;

(C) technical assistance to entities funded under subtitles B and D, subject to the limitations described in sections 129(b), 156(a)(3), and 163(c); and

(D) other projects of sufficient size and scope that hold promise to expand or improve opportunities for such individuals, including—

(i) projects that provide technical assistance for the development of information and referral systems;

(ii) projects that provide technical assistance to self-advocacy organizations of individuals with developmental disabilities;

(iii) projects that provide education for policymakers;

(iv) Federal interagency initiatives;

(v) projects that enhance the participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

(vi) projects that provide aid to transition youth with developmental disabilities from school to adult life, especially in finding employment and postsecondary education opportunities and in upgrading and changing any assistive technology devices that may be needed as a youth matures;

(vii) initiatives that address the development of community quality assurance systems and the training related to the development, implementation, and evaluation of such systems, including training of individuals with developmental disabilities and their families;

(viii) initiatives that address the needs of aging individuals with developmental disabilities and aging caregivers of adults with developmental disabilities in the community;

(ix) initiatives that create greater access to and use of generic services systems, community organizations, and associations, and initiatives that assist in community economic development;

(x) initiatives that create access to increased living options;

(xi) initiatives that address the challenging behaviors of individuals with developmental disabilities, including initiatives that promote positive alternatives to the use of restraints and seclusion; and

(xii) initiatives that address other areas of emerging need.

SEC. 162. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public or private nonprofit entities for projects of national significance relating to individuals with developmental disabilities to carry out activities described in section 161(2).

(b) FEDERAL INTERAGENCY INITIATIVES.—

(1) IN GENERAL.—

(A) AUTHORITY.—The Secretary may—

(i) enter into agreements with Federal agencies to jointly carry out activities described in section 161(2) or to jointly carry out activities of common interest related to the objectives of such section; and

(ii) transfer to such agencies for such purposes funds appropriated under this subtitle, and receive and use funds from such agencies for such purposes.

(B) RELATION TO PROGRAM PURPOSES.—Funds transferred or received pursuant to this paragraph shall be used only in accordance with statutes authorizing the appropriation of such funds. Such funds shall be made available through grants, contracts, or cooperative agreements only to recipients eligible to receive such funds under such statutes.

(C) PROCEDURES AND CRITERIA.—If the Secretary enters into an agreement under this subsection for the administration of a jointly funded project—

(i) the agreement shall specify which agency's procedures shall be used to award grants, contracts, or cooperative agreements and to administer such awards;

(ii) the participating agencies may develop a single set of criteria for the jointly funded project, and may require applicants to submit a single application for joint review by such agencies; and

(iii) unless the heads of the participating agencies develop joint eligibility requirements, an applicant for an award for the project shall meet the eligibility requirements of each program involved.

(2) LIMITATION.—The Secretary may not construe the provisions of this subsection to take precedence over a limitation on joint funding contained in an applicable statute.

SEC. 163. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the projects specified in this section $16,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) USE OF FUNDS.—

(1) GRANTS, CONTRACTS, AND AGREEMENTS.—Except as provided in paragraph (2), the amount appropriated under subsection (a) for each fiscal year shall be used to award grants, or enter into contracts, cooperative agreements, or other agreements, under section 162.

(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of the amount appropriated under subsection (a) for each fiscal year may be used to provide for the administrative costs (other than compensation of Federal employees) of the Administration on Developmental Disabilities for administering this subtitle and subtitles B, C, and D, including monitoring the performance of and providing technical assistance to, entities that receive funds under this title.

(c) TECHNICAL ASSISTANCE FOR COUNCILS AND CENTERS.—

(1) IN GENERAL.—For each covered year, the Secretary shall expend, to provide technical assistance for entities funded under subtitle B or D, an amount from funds appropriated under subsection (a) that is not less than the amount the Secretary expended on technical assistance for entities funded under that subtitle (or a corresponding provision) in the previous fiscal year.

(2) COVERED YEAR.—In this subsection, the term "covered year" means—

(A) in the case of an expenditure for entities funded under subtitle B, a fiscal year for which the amount appropriated under section 129(a) is less than $76,000,000; and

(B) in the case of an expenditure for entities funded under subtitle D, a fiscal year prior to the first fiscal year for which the amount appropriated under section 156(a)(1) is not less than $20,000,000.

(3) REFERENCES.—References in this subsection to subtitle D shall not be considered to include section 153(c)(4).

(d) TECHNICAL ASSISTANCE ON ELECTRONIC INFORMATION SHARING.—In addition to any funds reserved under subsection (c), the Secretary shall reserve $100,000 from the amount appropriated under subsection (a) for each fiscal year to carry out section 153(c)(4).

(e) LIMITATION.—For any fiscal year for which the amount appropriated under subsection (a) is not less than $10,000,000, not more than 50 percent of such amount shall be used for activities carried out under section 161(2)(A).

TITLE II—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 201. FINDINGS.

Congress finds that—

(1) direct support workers, especially young adults, have played essential roles in providing the support needed by individuals with developmental disabilities and expanding community options for those individuals;

(2) 4 factors have contributed to a decrease in the available pool of direct support workers, specifically—

(A) the small population of individuals who are age 18 through 25, an age group that has been attracted to direct support work in the past;

(B) the rapid expansion of the service sector, which attracts individuals who previously would have elected to pursue employment as direct support workers;

(C) the failure of wages in the human services sector to keep pace with wages in other service sectors; and

(D) the lack of quality training and career advancement opportunities available to direct support workers; and

(3) individuals with developmental disabilities benefit from assistance from direct support workers who are well trained, and benefit from receiving services from professionals who have spent time as direct support workers.

SEC. 202. DEFINITIONS.

In this title:

(1) DEVELOPMENTAL DISABILITY.—The term "developmental disability" has the meaning given the term in section 102.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 203. REACHING UP SCHOLARSHIP PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary may award grants to eligible entities, on a competitive basis, to enable the entities to carry out scholarship programs by providing vouchers for postsecondary education to direct support workers who assist individuals with developmental disabilities residing in diverse settings. The Secretary shall award the grants to pay for the Federal share of the cost of providing the vouchers.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

(1) an institution of higher education;

(2) a State agency; or

(3) a consortium of such institutions or agencies.

(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

(1) the basis for awarding the vouchers;

(2) the number of individuals to receive the vouchers; and

(3) the amount of funds that will be made available by the eligible entity to pay for the non-Federal share of the cost of providing the vouchers.

(d) SELECTION CRITERIA.—In awarding a grant under this section for a scholarship program, the Secretary shall give priority to an entity submitting an application that—

(1) specifies that individuals who receive vouchers through the program will be individuals—

(A) who are direct support workers who assist individuals with developmental disabilities residing in diverse settings, while pursuing postsecondary education; and

(B) each of whom verifies, prior to receiving the voucher, that the worker has completed 250 hours as a direct support worker in the past 90 days;

(2) states that the vouchers that will be provided through the program will be in amounts of not more than $2,000 per year;

(3) provides an assurance that the eligible entity (or another specified entity that is not a voucher recipient) will contribute the non-Federal share of the cost of providing the vouchers; and

(4) meets such other conditions as the Secretary may specify.

(e) FEDERAL SHARE.—The Federal share of the cost of providing the vouchers shall be not more than 80 percent.

SEC. 204. STAFF DEVELOPMENT CURRICULUM AUTHORIZATION.

(a) FUNDING.—

(1) IN GENERAL.—The Secretary shall award funding, on a competitive basis, through a grant, cooperative agreement, or contract, to a public or private entity or a combination of such entities, for the development, evaluation, and dissemination of a staff development curriculum, and related guidelines, for computer-assisted, competency-based, multimedia, interactive instruction, relating to service as a direct support worker.

(2) PARTICIPANTS.—The curriculum shall be developed for individuals who—

(A) seek to become direct support workers who assist individuals with developmental disabilities or are such direct support workers; and

(B) seek to upgrade their skills and competencies related to being a direct support worker.

(b) APPLICATION REQUIREMENTS.—To be eligible to receive an award under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a comprehensive analysis of the content of direct support roles;

(2) information identifying an advisory group that—

(A) is comprised of individuals with experience and expertise with regard to the support provided by direct support workers, and effective ways to provide the support, for individuals with developmental disabilities in diverse settings; and

(B) will advise the entity throughout the development, evaluation, and dissemination of the staff development curriculum and guidelines;

(3) information describing how the entity will—

(A) develop, field test, and validate a staff development curriculum that—

(i) relates to the appropriate reading level for direct service workers who assist individuals with disabilities;

(ii) allows for multiple levels of instruction;

(iii) provides instruction appropriate for direct support workers who work in diverse settings; and

(iv) is consistent with subsections (b) and (c) of section 101 and section 109;

(B) develop, field test, and validate guidelines for the organizations that use the curriculum that provide for—

(i) providing necessary technical and instructional support to trainers and mentors for the participants;

(ii) ensuring easy access to and use of such curriculum by workers that choose to participate in using, and agencies that choose to use, the curriculum;

(iii) evaluating the proficiency of the participants with respect to the content of the curriculum;

(iv) providing necessary support to the participants to assure that the participants have access to, and proficiency in using, a computer in order to participate in the development, testing, and validation process;

(v) providing necessary technical and instructional support to trainers and mentors for the participants in conjunction with the development, testing, and validation process;

(vi) addressing the satisfaction of participants, individuals with developmental disabilities and their families, providers of services for such individuals and families, and other relevant entities with the curriculum; and

(vii) developing methods to maintain a record of the instruction completed, and the content mastered, by each participant under the curriculum; and

(C) nationally disseminate the curriculum and guidelines, including dissemination through—

(i) parent training and information centers funded under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.);

(ii) community-based organizations of and for individuals with developmental disabilities and their families;

(iii) entities funded under title I;

(iv) centers for independent living;

(v) State educational agencies and local educational agencies;

(vi) entities operating appropriate medical facilities;

(vii) postsecondary education entities; and

(viii) other appropriate entities; and

(4) such other information as the Secretary may require.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 203 $800,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) STAFF DEVELOPMENT CURRICULUM.—There are authorized to be appropriated to carry out section 204 $800,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.

TITLE III—REPEAL

SEC. 301. REPEAL.

(a) IN GENERAL.—The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Sections 644(b)(4) and 685(b)(4) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by striking "the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(2) NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.—Section 4(17)(C) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(17)(C)) is amended by striking "as defined in" and all that follows and inserting "as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.".

(3) REHABILITATION ACT OF 1973.—

(A) Section 105(c)(6) of the Rehabilitation Act of 1973 (29 U.S.C. 725(c)(6)) is amended by striking "the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)" and inserting "the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(B) Sections 202(h)(2)(D)(iii) and 401(a)(5)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 762(h)(2)(D)(iii), 781(a)(5)(A)) are amended by striking "Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)" and inserting "Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(C) Subsections (a)(1)(B)(i), (f)(2), and (m)(1) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) are amended by striking "part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(D) Section 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is amended by striking "Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)" and inserting "Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(4) ASSISTIVE TECHNOLOGY ACT OF 1998.—

(A) Section 3(a)(11)(A) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)(11)(A)) is amended by striking "part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(B) Paragraphs (1) and (2) of section 102(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3012(a)) are amended by striking "Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)" and inserting "Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(5) HEALTH PROGRAMS EXTENSION ACT OF 1973.—Section 401(e) of the Health Programs Extension Act of 1973 (42 U.S.C. 300a–7(e)) is amended by striking "or the" and all that follows through "may deny" and inserting "or the Developmental Disabilities Assistance and Bill of Rights Act of 2000 may deny".

(6) SOCIAL SECURITY ACT.—

(A) Section 1919(c)(2)(B)(iii)(III) of the Social Security Act (42 U.S.C. 1396r(c)(2)(B)(iii)(III)) is amended by striking "part C of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(B) Section 1930(d)(7) of the Social Security Act (42 U.S.C. 1396u(d)(7)) is amended by striking "State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, and the Protection and Advocacy System established under section 142 of such Act" and inserting "State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the protection and advocacy system established under subtitle C of that Act".

(7) UNITED STATES HOUSING ACT OF 1937.—Section 3(b)(3)(E)(iii) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is amended by striking "developmental disability" and all that follows and inserting "developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.".

(8) HOUSING ACT OF 1949.—The third sentence of section 501(b)(3) of the Housing Act of 1949 (42 U.S.C. 1471(b)(3)) is amended by striking "developmental disability" and all that follows and inserting "developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.".

(9) OLDER AMERICANS ACT OF 1965.—

(A) Section 203(b)(17) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(17)) is amended by striking "Developmental Disabilities and Bill of Rights Act" and inserting "Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(B) Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by striking "part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(C) Section 429F(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035n(a)(1)) is amended by striking "section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5))" and inserting "section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(D) Section 712(h)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3058g(h)(6)(A)) is amended by striking "part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(10) CRIME VICTIMS WITH DISABILITIES AWARENESS ACT.—Section 3 of the Crime Victims With Disabilities Awareness Act (42 U.S.C. 3732 note) is amended by striking "term" and all that follows and inserting the following "term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.".

(11) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The third sentence of section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)) is amended by striking "as defined" and all that follows and inserting "as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.".

(12) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(3) of the State Dependent Care Development Grants Act (42 U.S.C. 9877(3)) is amended by striking "section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(13) PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.—

(A) Section 102(2) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(2)) is amended by striking "part C of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(B) Section 114 of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10824) is amended by striking "section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "section 105 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(14) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 422(2)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(2)(C)) is amended by striking "as defined" and all that follows and inserting "as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, or".

(15) ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997.—

(A) Section 4 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14403) is amended—

(i) by striking the section heading and inserting the following:

"SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER CERTAIN GRANT PROGRAMS.";

and

(ii) by striking "part B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "subtitle B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act of 2000".

(B) Section 5(b)(1) of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404(b)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) PROTECTION AND ADVOCACY SYSTEMS UNDER THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000.—Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by thanking this House and, in particular, the chairman, the gentleman from Virginia (Mr. BLILEY), the ranking member, the gentleman from Michigan (Mr. DINGELL), and my colleague, the gentleman from Maryland (Mr. HOYER), for their help in bringing this bill to the floor on this very special day.

Mr. Speaker, today is the 10th anniversary of a landmark piece of civil rights legislation, the Americans with Disabilities Act. It is in that spirit that I rise in support of the Developmental Disabilities Assistance and Bill of Rights Act. This is good bipartisan legislation. It is legislation that reflects the spirit of enterprise and ingenuity that made America great. It is legislation that promotes self-sufficiency, productivity, and community integration for those who suffer from developmental disabilities.

This program provides basic State funding for local developmental disability councils. It provides State grants for advocacy and protection. It funds university-affiliated programs and programs of national significance, all of which are vital to the services needed for the disabled.

Mr. Speaker, those Americans who suffer from disabilities are no different from the rest of us. They have ambitions and goals and dreams and desires. They are people like Fred Klemm from Hauppauge, Long Island, who has a wife and two children. He was a dietary assistant, looking forward to going back to school, when disaster struck. Fred was found in the Atlantic Ocean at Smith Point County Park in Long Island after an accident on his jet ski. After four and a half months in the hospital, Fred was transported to a rehab center to begin his recovery.

Fred now lives in an assisted living apartment, and is being helped to relearn skills he will need to one day be able to live again independently. Mr.

Speaker, Fred's rehabilitation is being conducted by the Long Island Head Injury Association. That is an independent not-for-profit group that receives disability act funding through one of the four programs reauthorized by this act, the basic States grants for developmental disability councils.

Last year this Chamber lead the fight to improve the lives of disabled Americans when we passed the Work Incentives Act. This allowed disabled Americans to become taxpayers, to go back to the workforce with the peace of mind and security to know that their health care was traveling with them. This new law removes an enormous obstacle in the path of disabled Americans who want to lead a life of self-sufficiency. Yet our task to help the disabled is not nearly complete. Disabled Americans need special services and support that will aid them in their quest to gain the pride that comes with work and independence.

Since 1963, Mr. Speaker, the Developmental Disabilities Assistance Act has helped America's most vulnerable citizens obtain the productivity that benefits both them and us. And it does so in a way that is consistent with principles of responsibility and restraint that are at the core of our world view.

This bill provides flexibility for States to fashion programs that respond to local problems. It is pro-family, by supporting the ability of families to rear and nurture their developmentally disabled children in their very own home. It is fiscally responsible, because most activities are implemented at the State level, with only an extremely small Federal agency to provide general oversight of this program. It provides accountability for measurable results in programs serving the disabled.

Mr. Speaker, we more fortunate Americans will be judged on how we care for the less fortunate among us. Let us offer a hand up to some of those who need it the very most. Let us reauthorize this program, and let us pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, perhaps the two most important bills that were to be considered on the July 25 calendar have gone into July 26. We have the opportunity today, thanks to poor planning and bad priorities in this Congress, to celebrate the 10th anniversary of the legislation the gentleman from Maryland (Mr. HOYER) worked so effectively on and was, 10 years ago, signed into law, on July 26 of 1990. So congratulations to the gentleman from Maryland (Mr. HOYER) for his work, as well as to those Members of this Congress that were there then and helped pass this legislation.

Mr. Speaker, I rise in support of 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000. I would like to congratulate both the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. STRICKLAND), my colleague, for their long-standing commitment to the 4.5 million Americans with developmental disabilities.

The Developmental Disabilities Act has provided the basis for America's disability policy since 1963. The programs addressed in this bill, Mr. Speaker, provide more than a safety net for Americans with developmental disabilities and their families. They are the catalysts that enable these individuals to seek independence in their education, in their lives, and in their work.

The legislation before us this morning reauthorizes funding for State councils for disabilities, protection and advocacy systems, and university centers for excellence in developmental disabilities in education and research and service. These programs continue to work with the States to broaden the scope of services and protection on an as-needed basis.

H.R. 4920 sets new accountability goals for the DDA programs by requiring each program to set measurable outcomes from which performance evaluations can occur.

□ 0020

This will allow compliance within the Department of Health and Human Services with standards set by the Government Performance and Results Act.

What I am disappointed to see missing from this bill is the Families of Children With Disabilities Support Act of 1999, a provision championed by my tireless colleague in the Senate, Mr. HARKIN of Iowa. This provision passed the Senate last November 1999 to nothing. What this provision may have lacked in its size by comparison to the entire bill was more than made up by its critical importance to American families.

The Family Support Program extends funds to the States to establish and improve services for families electing to keep a relative with a developmental disability at home. This profamily program is necessitated by progress. Medical advances have both improved the health and lengthened the lives of individuals with developmental disabilities, placing new burdens on aging parents and existing resources.

Yet, the bill we are voting on this morning is marred by the absence of this provision due to procedural tactics being used by members of the Committee on Education and the Workforce.

As we gather in this Chamber on the 10th anniversary of the ADA, the Americans with Disabilities Act, our collective celebration of the freedom and progress its fostered for so many Americans and their families is tempered and diminished without this very important, crucial provision. Not standing behind the families of individuals with developmental disabilities will eventually affect every component of the developmental disabilities community infrastructure.

While I am pleased to support this important legislation to sustain the great strides made by Americans with developmental disabilities, I remain committed, Mr. Speaker, to working in conference to restore the families support protections title to the final bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Ohio (Mr. BROWN) has raised a point about title 2, and I have to share his opinion that it is unfortunate that we do not have title 2, but as the gentleman well knows, it was the only way to get this bill on the floor today to move this and we are going to be readdressing this issue.

I strongly support grants to States to provide family support programs. It is much more cost effective. As the gentleman knows, it is better on the whole to an individual with developmental disability to reside in their own home.

And while the bill does not provide for such grants, I would say it is unfortunate, but not a core issue to the bill. And I want to commit to this House and to the gentleman from Ohio (Mr. BROWN) that I will fight diligently for such programs in the ensuing conference committee. But, again, it was the only way for us to be able to address this bill at this time, and I physically expect to have this included by the time we get a conference report back from the House.

The second thing I would note, during negotiations on this bill, we have heard from the voice of the retarded. They are concerned that this bill will in some way lead to the profoundly retarded being denied their choice of residential facility. As somebody who has worked very hard for housing for the disabled, I have to tell my colleagues this is of acute interest to me.

Mr. Speaker, I would like the RECORD to reflect that it is in no way the intent of this Member or this body to facilitate or thwart any State trends relating to the closure of institutions. I stand willing to work with the VOR in the implementation of this act.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 9 minutes to the gentleman from Maryland (Mr. HOYER), one of the real leaders in the House on this whole issue of the Americans with Disabilities Act, and he has continued that leadership in the decade since.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN), my friend, the distinguished ranking member of the subcommittee who does such an outstanding job on behalf of health of all Americans on this subcommittee.

I am also pleased to join the gentleman from New York (Mr. LAZIO) in cosponsoring this particular piece of legislation. Mr. Speaker, I had the great honor 11½ years ago of getting involved with members of the disability community and Members of this House and, in particular, a Member of the Republican side of the aisle, Steve Bartlett from Texas, who worked on the passage of the Americans with Disabilities Act.

It took us approximately 2 years or perhaps a little longer from the initial introduction to its passage and to the signing by President George Bush on July 26, 1990. Because of the length of today's session, we have moved from the eve of that signing to the day of that signing.

Today is the 10th anniversary of the Americans with Disabilities Act. That act has properly been called I think the most significant civil rights act passed since 1965. From 1965 to 1990, it was a long time, a quarter of a century in which we saw a significant segment of our population discriminated against based upon their disability. What the Americans with Disabilities Act said very loudly, clearly and powerfully was that what we need to do in America is look at people's ability, not their disability.

Mr. Speaker, we need to look at what people can do, what they can contribute to a better America, and to a better life for themself. And what we said was as it is wrong in America to discriminate against people because of their race or their religion or national origin, it is also wrong to discriminate against Americans based upon a disability that we needed to look in a nondiscriminatorily way at what could be done by individuals, what contribution they could make in employment, in education, in transportation, in communication, in public accommodations, in every area of our society.

That bill, as we look at its performance 10 years hence, has been a success. It has not been a total success. There still is a long way to go. Tony Coehlo, who was the principal sponsor before he left, and I really took over his responsibility. When he left in 1989, Tony Coehlo made the point today that we had come a long way, but we still had a long way to go.

Another hero of the Americans with Disabilities Act, Justin Dart. I am sure that many of my colleagues know Justin Dart was there today, wheelchair bound and constricted by physical disability, but with a spirit that is unconstrained by any physical disability, a spirit that soars and impels all of us to understand the possibilities that life can present if one has the will to take those possibilities.

Having said that, Mr. Speaker, I am pleased to be here tonight to join the gentleman from New York (Mr. LAZIO) and the gentleman from Ohio (Mr. BROWN) and others in supporting the passage of the Developmental Disabilities Act.

Mr. Speaker, that act is a cornerstone of the disability policy and has been in place since 1963, as has been pointed out, and was a forerunner of the Americans with Disabilities Act, and in many ways was the genesis of that act.

It has not been substantially reauthorized since 1994, and it is in need of some updating. Just as our technology and science evolves everyday, so do the strategies for reaching, engaging, and assisting individuals with developmental disabilities.

Individuals with developmental disabilities often have multiple evolving lifelong needs, Mr. Speaker, that require interaction with agencies and organizations that offer specialized assistance, as well as interaction with generic services in their communities.

The Developmental Disability Act seeks to provide, as I said, a voice for those with disabilities as they negotiate the complicated system of public services policies and organizations that we currently have in place. The act seeks to provide families with the knowledge and tools they need to help individuals with developmental disabilities become integrated and included in their communities.

It seeks to foster true independence for those with developmental disabilities, and it provides support to protect them from abuse and neglect, something clearly that all of us would want.

This has been a long and arduous road for the act. The Senate worked tirelessly with the disability community on this bill to ensure that all voices were heard. They were, and as a result, the Senate passed its version with title 2 included, 99 to zero.

□ 0030

The version of the act that we are considering tonight is somewhat different, as has been referenced. The act that my colleague from New York (Mr. LAZIO) and myself introduced yesterday, along with the support of the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) included three titles. Unfortunately, this one includes only two.

While I rise in strong support of this bill, I would also like to reinforce my commitment to the segment of this bill that was struck by amendment. The gentleman from New York (Mr. LAZIO) has already done so, and I look forward to working with him and the gentleman from Ohio (Mr. BROWN) in seeing passage of that title that is not in this bill at this point in time.

Title II of the act would have authorized a funding to states for support of families that have individuals with developmental disabilities. That, unfortunately, was struck from the bill. I regret that we were unable to get agreement on including this section, which is in the jurisdiction of the Committee on Education and Workforce. Hopefully, hopefully, before we adjourn for the year, we will be able to pass a bill that includes that section.

Obviously, it was a difficult decision for many of us to drop this section, as funding to states for family support was and is an important provision in this bill, but we did not want to risk losing the rest of the act as well. As my colleagues have already stated, we intend to work very hard to have family support placed back into the Developmental Disabilities Act during conference.

Mr. Speaker, I rise in strong support of this bill. It is especially appropriate that we pass it today on the anniversary of the 10th year since passing and signage of the Americans with Disabilities Act, an act which said to every American, now 58 million of us who have a disability of some type or another, said to those 58 million people that the door of opportunity, the door to empowerment, is open to you. You have to take the steps, or roll the chair, or in some way get there, but we are going to make sure the door is open for you, and we are going to make sure that we take reasonable steps, we call them "reasonable accommodations," that can be done within the framework of reasonable expenses to make sure that the American dream is yours as well, notwithstanding the fact that you may have a disability that some of the rest of us do not have.

Passage of this bill tonight is another statement of this Congress to a commitment for empowerment and inclusion of all Americans, irrespective of some arbitrary and capricious distinction we might draw which might otherwise shut them out of enjoying the American dream.

Mr. Speaker, I am pleased to have had this opportunity to cosponsor and to speak in support of the passage of this bill tonight.

Mr. Speaker, tonight we commemorate the enactment of the most sweeping civil rights legislation since the Civil Rights Act of 1964.

Ten years ago tomorrow—on July 26, 1990—President Bush signed the historic "Americans With Disabilities Act" into law.

This bipartisan legislation prohibits discrimination against more than 50 million disabled Americans—in employment, in public services, in transportation, in public accommodations and in services operated by private entities.

The ADA sent an unmistakable—and long overdue—message to all Americans: It is unacceptable to discriminate against the disabled—to relegate our brothers and sisters to the sideline of our society—simply because they are disabled.

It is unacceptable and, under the ADA, it is illegal.

The disabled belong to the American family, and must share in all we have to offer: equality of opportunity, full participation, independent living and economic self-sufficiency.

I will never forget the President's words on July 26, 1990—nor the setting.

More than 2,000 advocates for the disabled—some in wheelchairs, some with interpreters, some with seeing-eye dogs—joined the President, Members of Congress and others in the hot summer sun on the South Lawn of the White House.

Some worried that the heat would cause the disabled too many medical problems. But the disabled—who have suffered so many indignities, so many unjustified acts of discrimination over the years—insisted on a major outdoor ceremony.

And they deserved it.

Mr. Speaker, as the lead sponsor of the ADA in this House, that day stands out as one of my proudest—especially when President Bush told those gathered:

"Every man, woman and child with a disability can now pass through once-closed doors into a bright new era of equality, independence and freedom. Let the shameful wall of exclusion finally come tumbling down."

I would be remiss tonight if I did not mention the tireless efforts of our former colleague in this House and my dear friend, Tony Coelho, on behalf of the disabled and the ADA.

As many of you know, Tony now chairs the President's Committee on Employment of People with Disabilities. You also may know that he has epilepsy.

However, you may not be aware of the discrimination he has overcome. When Tony's epilepsy was discovered some years ago, he was expelled from the seminary where he was studying to become a priest, he had his driver's license revoked, and his insurance company canceled his health coverage.

Simply because he had a disability.

Today, because of the ADA, that type of unjustified and indefensible discrimination is outlawed in America—as it should be.

I also want to thank and commend an organization in my District that now serves more than 2,000 people with developmental disabilities. Melwood, a non-profit organization based in Upper Marlboro, Maryland, has assisted the disabled for 35 years. Today, it is a national model in the areas of training, employment, housing and recreation.

There's no doubt that the ADA has promoted progress. The signs are everywhere—ramps, curb cuts, braille signs, captioned TV programs, and bus lifts.

So many disabled Americans have moved into the mainstream of American life, holding down good paying jobs in a New Economy where information and knowledge are key.

But while we commemorate the ADA tonight, let's not kid ourselves: Tomorrow we must roll up our sleeves and continue to build the house of opportunity and equality that we began 10 years ago.

While the unemployment rate in our country hovers around 4 percent, unemployment among disabled Americans remains unacceptably high.

Just last week, the National Organization on Disability released the findings from a Harris Survey of Americans with and without disabilities, and those findings demonstrate how much work we have left to do.

Only 32 percent of disabled people of working age work full or part time compared to 81 percent of non-disabled Americans;

More than two-thirds (67 percent) of the disabled who are not employed say they would prefer to work; and

People with disabilities are nearly three times as likely as those without disabilities to live in households with total incomes of $15,000 or less.

The Harris Survey also found that large gaps exist between people with and without disabilities with regard to education, access to transportation, health care, socializing, attendance at religious services, political participation, and life satisfaction.

Many of these measures, of course, are directly linked to employment. We know that a good job is the key to independence and self-sufficiency.

Thus, I believe we should implement nothing short of a comprehensive national strategy to address this unemployment crisis and continued cycle of dependency.

First, we must continue to make sure that government programs empower citizens and encourage them to seek employment in the private sector. For example, the Ticket to Work and Work Incentive Act, which extends Medicare coverage for disabled recipients who work, did just that. For too many, the fear of losing health insurance has proved to be a deterrent to work.

We also must redouble our commitment to the public-private partnerships created during the last 10 years to expand employment opportunities.

Further, in the New Economy, we must encourage disabled Americans to develop their technological skills. Information and knowledge—rather than brawn—are power and hold much promise for the disabled. Thus, we need to improve education, job training and rehabilitation programs.

Additionally, we must address the criticisms and recommendations contained in a recent report by the National Council on Disability. That report found that the impact of the ADA has been diminished by the lack of a cohesive, pro-active enforcement strategy. One of the Council's principal recommendations is to direct the Department of Justice to develop a strategic vision and plan for ADA enforcement across federal agencies.

Finally, we can take a big step in renewing our commitment to disabled Americans by passing the Development Disabilities Reauthorization Act this week before Congress breaks for its summer recess. This law is the cornerstone of disability policy, paving the way for the ADA 10 years ago and providing services, support, information and training for disabled Americans.

These issues must be addressed if the ADA is going to fulfill its promise.

So as we gather today to commemorate this historic law, let's recognize all that we've accomplished; let's renew our commitment to the principles and spirit of the ADA; and let's realize that our work is not done.

The ADA allowed us to tear down the wall of exclusion and pour a strong foundation for the House of Equality. But that House—in which Americans are judged by their ability and not their disability—is still being built.

The promise remains unfulfilled, but still is within reach. Let's not rest until we complete what we began 10 years ago.

Mr. LANTOS. Mr. Speaker, ten years ago this month the Congress adopted the Americans with Disabilities Act (ADA). I am honored to have been a Member of the Congress at that time and to have enthusiastically supported the adoption of that legislation.

As you know, Mr. Speaker, the ADA is an historic civil rights law that opened the doors to mainstream life for millions of Americans with disabilities. The ADA has been a great success in helping the disabled enter the work force, and it has helped changed the attitudes of Americans towards the disabled.

While there is still work left to be done to accomplish the goals we established in the Americans with Disabilities Act, on the tenth anniversary of the passage of that law I would like to acknowledge the importance of this legislation and its implementation in changing attitudes towards the disabled over the past decade. Partly as a result of the ADA, we now live in a society that has become more open-minded and accepting of people with disabilities.

This change in attitudes has been greatest in the employment of persons with disabilities, where it was feared by many that inclusion would be too costly. As a result of the ADA, businesses are employing more disabled Americans than ever before, and employers have fund that the costs of accommodating the disabled are small, while the gains have been great. These changes are a clear signal that the ADA has helped secure for the disabled one of the most fundamental rights we as citizens in a democracy cherish: the right to pursue a career and earn a living wage.

Mr. Speaker, before the adoption of the ADA, disabled workers were considered to be more expensive than what they could offer because accommodating them was considered to be too costly by employers. Since the Americans with Disabilities Act has passed, however, this attitude has changed. Research has shown a majority of people making hiring decisions—top executives and managers—now realize that hiring the disabled is good for the bottom line. The passage and implementation of the ADA has helped employers and employees realize that the disabled have much to offer in terms of creating economic wealth for our nation.

On this 10th Anniversary of the adoption Americans with Disabilities Act, we can also celebrate the success in changing popular attitudes toward the disabled. Now millions of Americans function side-by-side with disabled coworkers. They now know first hand that disabilities are not an obstacle to making a contribution in the workplace and in society generally.

However, even with these successes, there is still important work to be done. Despite the increase in the number of disabled in the workforce, currently there is still a high level of unemployment among the disabled. Compounding the problem, under current law, if people with disabilities work and earn over $500 per month, they lose cash payments and health care coverage under Medicaid or Medicare. We need to find solutions that do not penalize the disabled for becoming self-sufficient. These problems are among many difficulties we need to continue to work on in our fight to achieve the goals of the ADA.

Mr. Speaker, a recent study released by the National Organization on Disability reveals persistent gaps in levels of participation between people with disabilities and other Americans in employment, income, education, socializing, religious and political participation, and access to healthcare and transportation. The study revealed that while those with disabilities continue to lag other Americans generally, we have made encouraging progress in many areas—especially among younger people with disabilities and among those with less severe disabilities. We must do much more to unleash the talents and abilities of all our citizens with disabilities who want to work and to participate and contribute to the richness of our nation. Large numbers of people with disabilities report conditions have improved and this reflects the efforts by the disability community, employers, and community leaders, as well as advances in technology and greater access as a result of the enactment of the ADA.

Mr. Speaker, as we mark the 10th anniversary of the Americans with Disabilities Act and the 25th anniversary of the Individuals with Disabilities Education Act (IDEA) I urge my colleagues and all Americans to join in recommitting ourselves to the goals of equality of opportunity, full participation, independent living and economic self-sufficiency for all peoples with disabilities as specified in the Americans with Disabilities Act and the Individuals with Disabilities Education Act. This requires us to assure adequate funding for monitoring, oversight and enforcement of these laws.

Our Nation needs to harness the potential of all its citizens so that our economy can continue to grow, our labor force can face the challenges on the horizon, and we can continue to be a model of diversity and inclusion for the world. We cannot allow an individual's disability to limit a person's ability to make choices, pursue meaningful careers or participate fully in all aspects of American life.

Mr. THOMPSON of California. Mr. Speaker, today I recognize the outstanding achievements accomplished since the inception of the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA). Tomorrow, July 26, 2000, marks the 10th anniversary of ADA and the 25th anniversary of IDEA.

I also urge public leaders across this nation, Mr. Speaker, to join me and take this opportunity to publicly dedicate themselves to the ideas and principles that inform ADA and IDEA.

These two historic civil rights laws have provided 54 million individuals with disabilities the opportunity to learn, work and be fully integrated members of our society. Today, millions of children are receiving free education due to IDEA and millions of adults have their basic rights protected under ADA.

ADA is one of the most sweeping civil rights laws providing nondiscrimination protection for individuals with disabilities. Protections include rights in all aspects of employment, transportation services, building accessibility and communication capabilities. TTY devices alone have revolutionized the way individuals with hearing impairment communicate.

To recognize the 10th Anniversary of ADA, a "Spirit of ADA Campaign" has been created by the American Association of People with Disabilities, highlighted by a cross-country Torch Relay. This event kicked off in Houston, Texas on February 24th of this year, and will continue through the beginning of November.

The Campaign and many other dedicated advocacy groups continue to bring attention to the achievements and contributions of disabled children and adults. They are committed to strengthening relationships and coalitions between disabled people and their communities, and to reinforcing support for ADA and IDEA's goals by renewing America's commitments to both. By reaching out to children, adults, and communities as a whole, these organizations connect and involve countless Americans living with disabilities.

Mr. Speaker, this remarkable anniversary provides our colleagues and other public officials the opportunity to rededicate ourselves to the principles and goals of ADA and IDEA. In my congressional district, Community Resources for Independence of Napa and Sonoma counties are hosting an open house where special presentations will be made and local elected officials will be signing a petition rededicating themselves to the ideals of ADA and IDEA. It is appropriate and proper for public officials to follow this example and recognize the 10th Anniversary of ADA and the 25th Anniversary of IDEA, and the great progress made since the enactment of these two monumental pieces of legislation.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 4920, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4920.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT

Mr. LAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes a.m.), the House adjourned until today, Wednesday, July 26, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9298. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Fenbuconazole; Extension of Tolerances for Emergency Exemptions [OPP-301021; FRL-6596-6] (RIN: 2070-AB) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9299. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Department's annual report on the Defense Environmental Quality Program for Fiscal Year 1999, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on Armed Services.

9300. A letter from the Principal Deputy Under Secretary, Policy, Department of Defense, transmitting the Cooperative Threat Reduction Multi-Year Program Plan Fiscal Year 2000, pursuant to Public Law 103—337, section 1314(a) (108 Stat. 2895); to the Committee on Armed Services.

9301. A letter from the Secretary of Defense, transmitting the Annual Report of the Reserve Forces Policy Board for Fiscal Year 1999, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on Armed Services.

9302. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting a interim summary report of activities to date to outline plans for completing the final report as required by the FY98 Emergency Supplemental Appropriations Act; to the Committee on Armed Services.

9303. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting an update on the pilot program for revitalization of Department of Defense laborities; to the Committee on Armed Services.

9304. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of admiral on the retired list of Admiral Jay L. JOHNSON; to the Committee on Armed Services.

9305. A letter from the Secretary of Defense, transmitting a report entitled, "Joint Demilitarization Technology Program"; to the Committee on Armed Services.

9306. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Prompt Corrective Action; Risk-Based Net Worth Requirement—received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9307. A letter from the Office of Postsecondary Education, Department of Education, transmitting Final Regulations——Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and State Incentive Grant Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9308. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting the Department's final rule— Safe and Drug-Free Schools and Communities National Programs-Federal Activities Grants Program-The Challenge Newsletter—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9309. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting the Department's final rule— Office of Elementary and Secondary Education——Safe and Drug-Free Schools and Communities National Programs——Federal Activities——Grant Competetion to Prevent High-Risk Drinking and Violent Behavior Among College Students— received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9310. A letter from the Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—School Improvement Programs Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program—received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9311. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule— Notice of Final Priority, Eligible Applicants, and Selection Criteria— received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9312. A letter from the Chairperson, National Commission on Libraries and Information Science, transmitting a report on the Commission's activities, pursuant to 20 U.S.C. 1504; to the Committee on Education and the Workforce.

9313. A letter from the Financial Assistant Secretary, Department of the Treasury, transmitting the annual report of material violations or suspected material violations of regulations of the Secretary, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

9314. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency & Renewable Energy, Department of Energy, transmitting the Department's final rule—Energy Savings Performance Contracting; Technical Amendments (RIN: 1904–AB07) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9315. A letter from the Assistant General Counsel for Regulatory Law Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Electric and Hybrid Vehicle Research, Development, and Demonstration Program; Petroleum-Equivalent Fuel Economy Calculation [Docket No. EE-RM-99–PEF] (RIN 1904–AA40) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9316. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Facsimile Transmission of Prescriptions for Patients Enrolled in Hospice Programs [DEA–1901] (RIN: 1117–AA54) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9317. A letter from the Small Business Advocacy Chair, Enviromental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Revisions to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations [MD042–3051; FRL–6838–3] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9318. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—New Stationary Sources; Supplemental Delegation of Authority to the State of North Carloina [NC-AT–2000–01; FRL–6728–8] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9319. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Volatile Organic Compounds Regulations [PA158–4103a; FRL–6735–7] received July, 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9320. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California——Santa Barbara [CA–225–0230; FRL–6731–4] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9321. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Commonwealth of Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6840–9] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9322. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [CA 013–0139; FRL 6729–8] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9323. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6841–3] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9324. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District and the Kern County Air Pollution Control District [CA 105–0242; FRL–6733–6] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9325. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—New Stationary Sources; Supplemental Delegation of Authority to the States of Alabama, Florida, Georgia and Tennessee and to Nashville-Davidson County, Tennessee [FRL–6728–9] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9326. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program Revision [FRL–6840–7] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9327. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Revisions to Emergency Episode Plan Regulations [TX–125–1–7463a; FRL–6840–3] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9328. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Agency's final rule—Antitrust Review Authority: Clarification (RIN:3150–AG38) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9329. A letter from the Secretary of Energy, transmitting the Strategic Petroleum Reserve Plan (the Plan) Amendment No. 6—Regional Distillate Reserve in the Northeast; to the Committee on Commerce.

9330. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for Eritrea, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

9331. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulation: NATO Countries, Australia and Japan—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9332. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on "Overseas Surplus Property"; to the Committee on International Relations.

9333. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of a report entitled, "Certification Review of the Washington Convention Center Authority's Projected Revenues to meet Projected Operated and Debt Service Expenditures and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2001," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9334. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: April 2000 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

9335. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: May 2000 Reports, Testimony, Correspondance, and Other Publications; to the Committee on Government Reform.

9336. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 1999, through March 31, 2000, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9337. A letter from the Chairman, Postal Rate Commission, transmitting 1999 International Mail Volumes, Costs and Revenues; to the Committee on Government Reform.

9338. A letter from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 1999 Audited Financial Statements, pursuant to Public Law 101—73, section 511(a) (103 Stat. 404); to the Committee on Government Reform.

9339. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule— Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2000–2001 Subsistence Taking of Fish and Wildlife Regulations [RIN: 1018–AF74; RIN: 1018–AG03] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9340. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 071400B] received July 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

0. A letter from the transmitting ; to the Committee on Resources.

9341. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, the "Collateral Modernization Act of 2000"; to the Committee on the Judiciary.

9342. A letter from the Director, Policy Directives and Instructions Branch, Department of transmitting the Department's final rule—Delegation of the Adjudication of Certain Temporary Agricultural Worker (H–2A) Petitions, Appellate and Revocation Authority for Those Petitions to the Secretary of Labor [INS No. 1946–98, AG Order No. 2313–2000] (RIN:1115–AF29) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9343. A letter from the Director, Policy Directives and Instructions Branch, Department of transmitting the Department's final rule— Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization; Additional Class of Aliens Ineligible for Family Unity Benefits [INS No. 1823–96] (RIN:1115–AE72) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9344. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 1999 Annual Report of the Office of the Police Corps and Law Enforcement Education; to the Committee on the Judiciary.

9345. A letter from the Deputy Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting a report entitled, "Update on the Status of Splash and Spray Suppression Technology for Large Trucks"; to the Committee on Transportation and Infrastructure.

9346. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—FY2001 Wetlands Program Development Grants [FRL–6838–7] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9347. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Acquisition Planning—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9348. A letter from the Director, Office of Regulations Management, Department of Veterans transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900–AJ89) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9349. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter 41–98, change 1–Application of the Prevailing Conditions of Work Requirement-Questions and Answers—received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9350. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Rescission of Social Security Acquiesance Ruling 93–2(2) and 87–4(8)—received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9351. A letter from the Secretary of Energy, transmitting the Twelfth Annual Report entitled, "Comprehensive Environmental Response, Compensation and Liability Act"; jointly to the Committees on Commerce and Transportation and Infrastructure.

9352. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Progress made toward opening the United States Embassy in Jerusalem and notification of Suspension of Limitations Under the Jerusalem Embassy Act [Presidental Determination No. 2000–24], pursuant to Public Law 104—45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

9353. A letter from the Administrator, U.S. Agency for International Development, transmitting the quarterly update of the report required by Section 653(a) of the Foreign Assistance Act of 1961, as amended, entitled "Development Assistance and Child Surval/Diseases Program Allocations-FY 2000"; jointly to the Committees on International Relations and Appropriations.

9354. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's "CERTIFICATION TO THE CONGRESS: Regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations," pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

9355. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 21st Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts, pursuant to 45 U.S.C. 231f—1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

9356. A letter from the Commissioner of Social Security, transmitting a draft bill to make amendments to the Supplemental Security Income (SSI) program in support of the President's fiscal year 2001 budget with respect to the Social Security Administration; jointly to the Committees on Ways and Means, the Judiciary, Commerce, Veterans' Affairs, and the Budget.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 4464. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to make grants and to enter into cooperative agreements to encourage the expansion of business-to-business relationships and the provision of certain information; with an amendment (Rept. 106–784). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISTOOK: Committee on Appropriations. H.R. 4942. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–786). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2462. A bill to amend the Organic Act of Guam, and for other purposes; with an amendment (Rept. 106–787). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 4807. A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes; with an amendment (Rept. 106–788). Referred to the Committee of the Whole House of the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4868. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; with an amendment (Rept. 106–789). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 563. Resolution providing for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–790). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2348. A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; with an amendment (Rept. 106–791). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4320. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; with and amendment (Rept. 106–792). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK:

H.R. 4942. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. BARTLETT of Maryland:

H.R. 4943. A bill to amend the Small Business Act to require that certain acquisitions of goods and services be from small business concerns and to authorize certain acquisitions using a governmentwide commercial purchase card, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO:

H.R. 4944. A bill to amend the Small Business Act to permit the sale of guaranteed loans make for export purposes before the loans have been fully disbursed to borrowers; to the Committee on Small Business.

By Mr. TALENT (for himself, Ms. Velázquez, Mr. English, Mrs. Bono, Mr. Davis of Illinois, Mr. Sweeney, Ms. Millender-McDonald, Mrs. Christensen, Ms. Berkley, and Mr. Wynn):

H.R. 4945. A bill to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes; to the Committee on Small Business.

By Mr. SWEENEY (for himself, Mr. Talent, Mr. English, and Mr. McIntosh):

H.R. 4946. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. BECERRA:

H.R. 4947. A bill to amend the 21st Century Community Learning Centers Act to include public libraries; to the Committee on Education and the Workforce.

By Mr. DOOLEY of California (by request):

H.R. 4948. A bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; to the Committee on Resources.

By Mr. WAXMAN (for himself, Mr. Gephardt, Mr. Dingell, Mr. Stark, Mr. Brown of Ohio, Mr. George Miller of California, Ms. Schakowsky, Mr. Forbes, Mr. Holt, Mr. Lantos, Ms. Lee, Mr. Blagojevich, Mr. Hinchey, and Mr. Wynn):

H.R. 4949. A bill to amend title XIX of the Social Security Act to improve the quality of care furnished in nursing homes; to the Committee on Commerce.

By Mr. GREENWOOD (for himself, Mr. Deutsch, Mr. Burr of North Carolina, Mr. Strickland, Mr. Tauzin, Mr. McGovern, Mrs. Johnson of Connecticut, and Ms. Kaptur):

H.R. 4950. A bill to amend title XVIII of the Social Security Act to increase the proportion of charges Medicare recognizes for mental health services furnished to qualified Medicare beneficiaries who reside in congregate residences; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. Dooley of California, Mr. Sherwood, Mr. Baker, Mr. Peterson of Minnesota, Mr. English, Mr. Toomey, Mr. Hobson, Mr. Tauzin, Mr. Foley, Mr. Holden, Mr. Peterson of Pennsylvania, Mr. Bryant, Mr. Bilbray, Mr. Ramstad, Mr. Shays, Mr. Campbell, and Mr. Vitter):

H.R. 4951. A bill to amend part C of title XVIII to stabilize the Medicare+Choice Program by improving the methodology for the calculation of Medicare+Choice payment rates, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 4952. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of paramedic intercept services provided in support of public, volunteer, or non-profit providers of ambulance services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. Deal of Georgia, Mr. Holden, Mr. Baker, Mr. Goode, Mr. Frost, Mr. Delahunt, Mr. Baird, Mr. Hall of Texas, Ms. Baldwin, Mr. McIntyre, Mr. Boswell, Mr. Turner, Mr. Pomeroy, Ms. Hooley of Oregon, Mr. Minge, Mr. Etheridge, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Blumenauer, Mrs. Capps, Ms. Stabenow, Mr. Snyder, Mr. Kildee, Mr. Sawyer, Mr. Visclosky, Mr. John, Mr. Sandlin, Mr. Berry, and Mr. Stupak):

H.R. 4953. A bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support; to the Committee on Commerce.

By Ms. McCARTHY of Missouri (for herself, Ms. Danner, Mr. Moore, and Mr. Skelton):

H.R. 4954. A bill to ensure that law enforcement agencies determine, before the release or transfer of a person, whether that person has an outstanding charge or warrant, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 4955. A bill to amend title 49, United States Code, to allow States to regulate tow truck operations; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H.R. 4956. A bill to increase the amount of student loans that may be forgiven for service as a teacher in a school with a high concentration of low-income students; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. Watts of Oklahoma, Mr. Payne, and Mrs. Johnson of Connecticut):

H.R. 4957. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Resources.

By Ms. SLAUGHTER (for herself and Mr. Barton of Texas):

H.R. 4958. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for a portion of the cost of converting from the use of heating oil to natural gas or to a renewable energy source; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. Jefferson, and Mr. English):

H.R. 4959. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of property used in the generation of electricity; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H.R. 4960. A bill to extend the King Range National Conservation Area boundary in the State of California to include the Mill Creek Forest; to the Committee on Resources.

By Mr. HINCHEY:

H. Con. Res. 380. Concurrent resolution expressing the sense of the Congress with respect to the relationship between eating disorders in adolescents and young adults and certain practices of the advertising industry; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. Rush and Ms. Danner.

H.R. 266: Mrs. Maloney of New York.

H.R. 284: Mr. Sanders, Mr. Rohrabacher, and Mr. McGovern.

H.R. 303: Ms. DeGette and Mr. Coyne.

H.R. 362: Ms. Hooley of Oregon.

H.R. 464: Mr. Souder.

H.R. 531: Mr. Cooksey.

H.R. 534: Mr. Bishop.

H.R. 632: Mr. Lampson and Mr. King.

H.R. 804: Mrs. Chenoweth-Hage.

H.R. 864: Mr. Mollohan.

H.R. 914: Mr. Tierney.

H.R. 922: Mr. Maloney of Connecticut and Mr. Ose.

H.R. 1093: Mr. Green of Wisconsin and Mr. Saxton.

H.R. 1116: Mr. LaTourette.

H.R. 1160: Mr. Camp.

H.R. 1194: Mr. Peterson of Pennsylvania.

H.R. 1285: Mr. Smith of New Jersey.

H.R. 1532: Mr. Underwood.

H.R. 1586: Mr. Moran of Kansas.

H.R. 1640: Mr. Gejdenson.

H.R. 1926: Mr. Taylor of North Carolina.

H.R. 1997: Mr. McNulty.

H.R. 2002: Mr. George Miller of California.

H.R. 2308: Mr. Lewis of Kentucky.

H.R. 2346: Mr. Gary Miller of California.

H.R. 2356: Mrs. Morella and Mr. Gary Miller of California.

H.R. 2446: Mr. Bentsen.

H.R. 2451: Mr. Cook and Mr. Manzullo.

H.R. 2562: Mr. Kennedy of Rhode Island.

H.R. 2631: Mr. TIERNEY

H.R. 2710: Mr. STUMP and Mr. RAMSTAD.

H.R. 2790: Mrs. LOWEY.

H.R. 2798: Mr. SMITH of Washington.

H.R. 2870: Mr. STUPAK.

H.R. 2933: Mr. ANDREWS.

H.R. 3004: Mr. ENGEL, Ms. SLAUGHTER, Mr. LAFALCE, Mr. ETHERIDGE, and Mr. BOEHNER.

H.R. 3043: Mr. GUTIERREZ.

H.R. 3105: Mr. LANTOS, Mr. ENGEL, Mr. BERMAN, Mr. ETHERIDGE, and Mr. HINCHEY.

H.R. 3192: Mrs. LOWEY, Mr. PAYNE, and Mr. LUTHER.

H.R. 3221: Mr. BORSKI.

H.R. 3514: Mr. GREEN of Texas.

H.R. 3517: Mr. CALVERT.

H.R. 3546: Mr. BACA and Mr. MORAN of Virginia.

H.R. 3590: Mr. DOOLITTLE.

H.R. 3634: Ms. STABENOW.

H.R. 3650: Mr. MEEHAN.

H.R. 3659: Mr. BORSKI, Mr. FATTAH, Mr. WISE, and Mr. ANDREWS.

H.R. 3661: Mr. METCALF.

H.R. 3679: Mr. KING, Mr. MCINTOSH, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mr. CRAMER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. COSTELLO, Mr. COX, Mr. DEMINT, Mrs. EMERSON, Mr. GORDON, Mr. HORN, Mr. BERMAN, Mr. HYDE, Mr. STUPAK, Mr. HAYWORTH, Mr. BRYANT, Mr. DUNCAN, Mr. FOLEY, Mr. HILLERY, Mr. MOAKLEY, Mr. SHERWOOD, Mr. TIERNEY, Mr. QUINN, Mr. WAMP, Mr. SCHAFFER, Mr. GEKAS, Mr. LAZIO, Mr. MCHUGH, and Mr. MORAN of Kansas.

H.R. 3698: Mr. REYES, Mr. CHAMBLISS, Mr. BERMAN, and Mr. POMBO.

H.R. 3710: Mr. EDWARDS, Mr. UDALL of New Mexico, and Mr. DAVIS of Illinois.

H.R. 3844: Mr. BARR of Georgia.

H.R. 3865: Mr. MANZULLO.

H.R. 3901: Mr. DEFAZIO.

H.R. 3915: Mr. GORDON, Mr. ETHERIDGE, Mr. GOODLATTE, Mr. MOORE, and Mr. KILDEE.

H.R. 3983: Mr. CASTLE.

H.R. 4013: Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. CROWLEY, and Mr. KILDEE.

H.R. 4047: Mr. KUYKENDALL.

H.R. 4136: Mr. BARR of Georgia.

H.R. 4194: Mr. PRICE of North Carolina.

H.R. 4211: Ms. JACKSON-LEE of Texas and Mr. WU.

H.R. 4215: Mr. RADANOVICH.

H.R. 4219: Mr. WEXLER, Mr. FRANK of Massachusetts, Ms. DANNER, Mr. PALLONE, Mr. BEREUTER, Ms. CARSON, Mr. UNDERWOOD, and Mr. BUYER.

H.R. 4271: Mr. PASTOR, Ms. NORTON, Mr. COSTELLO, Mr. GIBBONS, Mr. BARCIA, Mr. WU, and Mr. BLAGOJEVICH.

H.R. 4272: Mr. PASTOR, Ms. NORTON, Mr. COSTELLO, Mr. GIBBONS, Mr. BARCIA, and Mr. BLAGOJEVICH.

H.R. 4273: Mr. PASTOR, Ms. NORTON, Mr. COSTELLO, Mr. GIBBONS, Mr. BARCIA, and Mr. BLAGOJEVICH.

H.R. 4274: Mr. BLAGOJEVICH.

H.R. 4275: Mr. TANCREDO and Ms. DEGETTE.

H.R. 4377: Mr. GOODLING, Mr. BOEHLERT, Mr. DICKS, Mr. ISAKSON, and Ms. DANNER.

H.R. 4283: Mr. HOEKSTRA and Mr. COOK.

H.R. 4338: Mr. GEORGE MILLER of California.

H.R. 4340: Mr. GIBBONS, Mr. RADANOVICH, and Mr. MOORE.

H.R. 4378: Mr. BISHOP.

H.R. 4390: Ms. MILLENDER-MCDONALD.

H.R. 4393: Mr. WAXMAN.

H.R. 4424: Mr. TERRY.

H.R. 4465: Mr. HUNTER, Mr. TAYLOR of North Carolina, and Mr. GOODLING.

H.R. 4467: Mr. PETERSON of Pennsylvania, Mr. HOEFFEL, and Mr. NUSSLE.

H.R. 4493: Mr. SESSIONS.

H.R. 4511: Mr. REYNOLDS, Mr. RILEY, Mr. CHAMBLISS, and Mr. HILLEARY.

H.R. 4514: Mr. KUCINICH.

H.R. 4539: Mr. PALLONE and Ms. SLAUGHTER.

H.R. 4548: Mrs. EMERSON.

H.R. 4555: Mrs. THURMAN.

H.R. 4566: Mr. ENGLISH.

H.R. 4570: Mr. SHAYS, Mr. INSLEE, and Mr. WATT of North Carolina.

H.R. 4580: Mr. DEFAZIO.

H.R. 4614: Mr. WEINER.

H.R. 4652: Mr. JOHN, Mr. PETERSON of Pennsylvania, and Mr. PICKERING.

H.R. 4659: Mr. CUMMINGS and Mr. WU.

H.R. 4669: Mr. LUCAS of Oklahoma, Mr. WAMP, and Mr. BARR of Georgia.

H.R. 4673: Mr. HALL of Ohio.

H.R. 4706: Mr. HOUGHTON.

H.R. 4710: Mr. HUNTER.

H.R. 4713: Mr. EHLERS.

H.R. 4722: Mr. TANNER.

H.R. 4727: Mr. BONIOR, Mr. CLAY, Mr. POMEROY, and Ms. HOOLEY of Oregon.

H.R. 4740: Mr. FORBES and Mr. BONIOR.

H.R. 4746: Mr. MICA.

H.R. 4759: Mr. GREEN of Texas and Mr. UPTON.

H.R. 4780: Mr. DICKEY.

H.R. 4807: Mr. WAMP, Mr. MCCOLLUM, and Mr. CLAY.

H.R. 4826: Mr. HULSHOF.

H.R. 4844: Mr. TRAFICANT, Mr. CANADY of Florida, Mr. DEUTSCH, Mr. EVERETT, Mr. HOLDEN, Mr. FLETCHER, Mr. BISHOP, Mr. BRYANT, Mr. CROWLEY, Mr. ISTOOK, Ms. DELAURO, Mr. ROGAN, Mr. SANDLIN, Ms. PELOSI, Ms. CARSON, Mr. GORDON, Mr. POMEROY, Mr. LAMPSON, Mr. REYES, Mrs. MINK of Hawaii, Mr. DICKS, Mr. MCINTYRE, Mr. CANNON, Mr. FRELINGHUYSEN, Ms. JACKSON-LEE of Texas, Mr. WELDON of Pennsylvania, Mr. PACKARD, Mr. GILLMOR, Mrs. ROUKEMA, Mr. ORTIZ, Mrs. MORELLA, Mr. SANDERS, Mrs. NORTHUP, Mr. PALLONE, Mr. ADERHOLT, Mr. CLEMENT, Mr. BOYD, Mr. ROEMER, Mr. HYDE, Mr. SMITH of New Jersey, Mr. BERMAN, Mr. LEACH, Mr. WU, Ms. LEE, Mr. DAVIS of Florida, Mr. MARKEY, Ms. BALDWIN, Mr. STRICKLAND, Mr. BAIRD, Mr. WATT of North Carolina, Mr. SMITH of Washington, Mr. OBEY, Mrs. MYRICK, Mr. MARTINEZ, Mr. BOEHNER, Mr. OLVER, Mr. RYAN of Wisconsin, Mr. JENKINS, Mr. GALLEGLY, MR. MCDERMOTT, Ms. McKinney, Mr. FORBES, Mr. BURR of North Carolina, Mr. FATTAH, Mr. HANSEN, Mr. KNOLLENBERG, Mr. MOAKLEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. TAUZIN, Mr. COYNE, Mr. COMBEST, Mr. MCNULTY, Mr. GRAHAM, Mr. ROGERS, Mr. GUTKNECHT, Mr. CAPUANO, Mr. BARR of Georgia, Mrs. CHRISTENSEN, Mr. WICKER, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Mr. SPENCE, Mr. HILL of Montana, Mr. MORAN of Virginia, Mr. CONDIT, Mr. BOUCHER, and Mr. HAYES.

H.R. 4845: Mr. SENSENBRENNER, Mr. WAMP, Mr. LARGENT, Mr. HORN, Mrs. ROUKEMA, Mr. BARRETT of Nebraka, and Mr. FRANK of Massachusetts.

H.R. 4890: Mr. WYNN and Mr. ABERCROMBIE.

H.R. 4897: Mrs. MALONEY of New York, Ms. CARSON, and Mr. WYNN.

H.R. 4902: Mr. GOODE.

H.R. 4920: Mr. BURR of North Carolina, Mr. UPTON, Mr. BARRETT of Wisconsin, Mr. LATOURETTE, Mr. ABERCROMBIE, Mr. FRELINGHUYSEN, Mr. ROGAN, Mr. PALLONE, Mr. FARR of California, Mr. WHITFIELD, Mrs. NAPOLITANO, Mr. BAIRD, Ms. WATERS, Mr. HOLDEN, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. TOWNS, Mr. WEXLER, Mr. MCGOVERN, Mrs. CAPPS, Mr. KLINK, and Mr. STRICKLAND,

H.R. 4927: Mr. BONIOR, Mr. STRICKLAND, and Mr. MCGOVERN.

H.R. 4937: Mr. FROST.

H.J. Res. 100: Mr. COBURN, Mr. DAVIS of Florida, Mr. ENGEL, Mr. PICKETT, Mr. RAHALL, Mr. MCDERMOTT, Mr. DEMINT, Mr. MENENDEZ, Mr. CHABOT, Ms. JACKSON-LEE of Texas, Mr. BATEMAN, Mr. GONZALEZ, Mr. HYDE, Mr. SHERMAN, MR. CROWLEY, and Mr. HALL of Ohio.

H. Con. Res. 58: Mr. RODRIGUEZ and Mr. GIBBONS.

H. Con. Res. 115: Mr. PAYNE.

H. Con. Res. 306: Mrs. CAPPS, Ms. VELÁZQUEZ, Mrs. ROUKEMA, Ms. MCKINNEY, Mr. BERRY, Mr. BERMAN, Mr. LAMPSON, Mr. STEARNS, Mr. REGULA, Mr. DEUTSCH, and Mrs. MEEK of Florida.

H. Con. Res. 345: Mr. MILLER of Florida.

H. Con. Res. 362: Mr. GONZALEZ, Mr. EVANS, and Mrs. SLAUGHTER.

H. Con. Res. 368: Mr. LEWIS of California, Mr. MCKEON, Mr. HORN, Mr. CALVERT, Mrs. BONO, Mr. OSE, Mr. DOOLITTLE, and Mr. RADANOVICH.

H. Con. Res. 372: Mr. MALONEY of Connecticut and Mr. GIBBONS.

H. Con. Res. 376: Mr. UDALL of Colorado.

H. Res. 347: Mr. WU.

H. Res. 414: Mr. HINCHEY.

H. Res. 430: Mr. FLETCHER.

H. Res. 461: Mr. BACA, Ms. SLAUGHTER, Mr. DEMINT, Mr. MARTINEZ, Mr. MCINNIS and Mr. WYNN.

H. Res. 537: Mr. MURTHA.

H. Res. 543: Mr. ROYCE.

H. Res. 549: Mr. MALONEY of Connecticut and Mr. DICKS.

H. Res. 561: Mr. ROTHMAN, Mr. GARY MILLER of California, and Ms. NORTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3250: Mr. COBURN.

H.R. 4654: Mr. MCNULTY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4942

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 2: At the end of the bill, insert after the last section (preceding the short title) the following new section:

BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC.   . (a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

(b) EXCEPTIONS.—

(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed $50.

(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.

(d) Effective Date.—This section shall apply during fiscal year 2001 and each succeeding fiscal year.

H.R. 4942

Offered By: Mr. Davis of Virginia

Amendment No. 3: Amend the item relating to "Tax Reform in the District" to read as follows:

Study of Regional Financing Issues

For a Federal payment to the Metropolitan Washington Council of Governments (MWCOG) for a study analyzing potential methods for financing the infrastructure needs of the Washington metropolitan area and reviewing potential tax incentives that the District of Columbia could adopt to expand its residential tax base, $100,000, to remain available until expended: *Provided*, That MWCOG shall enter into a contract for conducting such study only with a qualified independent auditor.

H.R. 4942

Offered By: Mr. Davis of Virginia

Amendment No. 4: Strike the item relating to "Tax Reform in the District".

H.R. 4942

Offered By: Mr. Davis of Virginia

Amendment No. 5: In the item relating to "FEDERAL FUNDS—Federal Payment for Resident Tuition Support", insert after the dollar figure the following: "(increased by $3,000,000)".

In the item relating to "FEDERAL FUNDS—Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia (including transfer of funds)", insert after the first dollar figure and the fourth dollar figure the following: "(decreased by $3,000,000)".

H.R. 4942

Offered By: Mr. Istook

Amendment No. 6: Strike the item relating to "Tax Reform in the District".

In the item relating to "Metrorail Construction (including transfer of funds)", strike "$7,000,000" and insert "$7,100,000".

In the item relating to "Metrorail Construction (including transfer of funds)", strike "$18,000,000" and insert "$17,900,000".

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 7: Strike sections 101 through .

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 8: Strike sections 101, 102, 110, 114, 121, 138, and 154 (and redesignate the remaining sections accordingly).

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 9: Strike sections 103, 108, 109, 111, and 112 (and redesignate the remaining sections accordingly).

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 10: Strike sections 104, 116, 117, 118, and 139 (and redesignate the remaining sections accordingly).

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 11: Strike sections 105, 122, 144, 147, 148, 156, 157, and 167 (and redesignate the remaining sections accordingly).

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 12: In the item relating to "District of Columbia Health and Hospitals Public Benefit Corporation", strike "funds:" and all that follows and insert a period.

Strike section 164 (and redesignate the succeeding provisions accordingly).

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 13: Strike sections 128 and 129 (and redesignate the succeeding provisions accordingly).

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 14: In section 130, strike "funds" and insert "Federal funds".

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 15: In section 131, strike "funds" and insert "Federal funds".

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 16: In section 168, strike "the Health Insurance Coverage" and all that follows and insert the following: "none of the Federal funds appropriated under this Act may be used to implement or enforce the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13-399).".

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 17: Amend section 168 to read as follows:

Sec. 168. None of the funds contained in this Act may be used to carry out the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13-399) unless such Act includes a religious exemption adopted by the Council of the District of Columbia and approved by the Mayor of the District of Columbia.

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 18: Strike section 168 (and redesignate the succeeding provisions accordingly).

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 19: In section 158(a), strike "funds" and insert "Federal funds".

H.R. 4942

Offered By: Mr. Moran of Virginia

Amendment No. 20: In section 146, strike "funds" and insert "Federal funds".

H.R. 4942

Offered By: Mr. Moran of Virginia

(To the Amendment Offered by Mr. Souder)

Amendment No. 21: In section 150 (as proposed to be amended by the amendment)—

(1) strike "funds" in subsection (a) and insert "Federal funds"; and

(2) strike "any funds" each place it appears in subsection (b) and insert "any Federal funds".

H.R. 4942

Offered By: Ms. Norton

Amendment No. 22: Strike "General Provisions" and all that follows through the last section before the short title.

H.R. 4942

Offered By: Ms. Norton

Amendment No. 23: In section 168, strike "(a)" and all that follows through "(b)".

H.R. 4942

Offered By: Mr. Souder

Amendment No. 24: In section 150, strike "Federal".

EXTENSIONS OF REMARKS

IN RECOGNITION OF SUPERVISORY SPECIAL AGENT TERRY SHUMARD ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that today I pay tribute to Supervisory Special Agent Terry Shumard on the occasion of his retirement. Terry has proudly served the Federal Bureau of Investigation for thirty years—demonstrating a remarkable dedication to public service.

During his career, Terry was assigned to several offices, including Miami, New York, and San Juan, before he arrived to the New Haven Division as the primary assistant to the Special Agent in Charge for the State of Connecticut, directing all administrative and investigative operations. Terry was responsible for establishing and directing the Public Affairs and Community Relations Programs throughout Connecticut. With his hard work and exceptional talent, Terry soon became the FBI's liaison to Connecticut's state and federal elected officials. It was in this capacity that I first had the opportunity to work with Terry. His expertise and commitment to the public has been an invaluable asset to both myself and my staff.

Over the past year, Terry has enjoyed tremendous success as the Project Coordinator for a U.S. Department of Justice pilot program, Strategic Approaches to Community Safety Initiative (SACSI). Requiring participation from the entire community, SACSI is designed to enhance the working relationship between the U.S. Attorney's office, local elected officials and community organizations. In a collaborative effort, this coalition of leaders analyze and identify the root causes of local crime issues and design targeted strategies and interventions to prevent and reduce crime. As one of only five cities chosen nationwide to participate in this program, leadership and experience were vital to the success of this project. With his strong background with the FBI and extensive experience working with local officials, Terry was an integral part of the success of this program.

His commitment has made New Haven and the State of Connecticut a safer place to raise our children and families. Terry exemplifies what is best in law enforcement and public service. I consider myself fortunate to call him my friend. For his many years of service, compassion and dedication, it is with great pride that I stand today to recognize the outstanding career of Terry Shumard and extend my best wishes to him for continued health and happiness as he retires from public service. My sincere thanks and appreciation for his many contributions to our community.

HONORING WILLIAM J. FELTY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan, and I am proud to recognize Billy J. Felty in the Congress for his invaluable contributions and service to our nation.

Next week Bill will retire as Chief Engineer of the St. Francis Levee District, thereby completing a distinguished career that spanned more than four decades. He was first employed by the district as an assistant engineer in 1959—shortly thereafter he became a member of the engineering committee of the Mississippi Valley Flood Control Association, and has since served two terms each as the committee's secretary and vice-chairman, and was named chairman in 1982 and 1984. In this capacity he headed a committee that studied the Birds Point-New Madrid Floodway, concluding that the floodway is an essential part of the approved flood control plan for the Lower Mississippi Valley, and recommending that the U.S. Army Corps of Engineers be prepared to utilize the floodway immediately in emergency circumstances.

This kind of leadership naturally led to Bill's promotion to Chief Engineer in 1989, which made him responsible for the maintenance and operation of the approximately 160 miles of main line Mississippi River levee and 70 miles of interior levee in the District. His work in this capacity earned him the Army Commanders Award for Public Service, the Army Outstanding Civilian Service Medal, the Army Bronze Order of the de Fleury Medal, and a Plaque for Dedicated and Devoted Service from the Mississippi Valley Flood Control Association.

In addition to this outstanding record of accomplishment, Bill also found time to be an active member of his community, assuming many influential roles, including President of the West Memphis Jaycees; Charter Member of Senator Blanche Lincoln's State Agriculture Advisory Committee; Chairman of the West Memphis City Board of Adjustments; President of the J.W. Rich Girls Club; and chairman of church committees.

Bill dedicated his life to protecting the lives and fortunes of his fellow citizens, and he deserves our respect and gratitude for his contributions. On behalf of the Congress, I extend my best wishes to my good friend Billy Felty on his retirement.

INTRODUCTION OF THE EXPORT WORKING CAPITAL IMPROVEMENT ACT OF 2000

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. MANZULLO Mr. Speaker, I am pleased to introduce H.R. 4944. The Export Working Capital Improvement Act of 2000. The Export Working Capital Guarantee Program (EWCGP) is subset of the popular 7(a) loan program at the Small Business Administration (SBA). It provides 90 percent guarantee for revolving capital needs for small business export financing. The SBA acts on loans for small business exporters that are under $750,000—the Export-Import Bank of the United States (Ex-Im) provides export working capital for loans over $750,000. These working capital loans are generally short-Term financing. Loans can be made for single or multiple export sales and can be exended for pre-shipment working capital and post-shipment exposure coverage. However, this is a very underutilized program.

The problem is that the SBA would like to be able to sell these loans on the secondary market. However, secondary market sales of guaranteed loans are conducted every six months. Current law requires that all 7(a) loans, including Export Working Capital loans, must be fully disbursed to the borrower prior to being included in a secondary market sale. Export Working Capital loans are often approved, disbursed, and repaid so quickly that they miss the window of opportunity for inclusion in a secondary market sale.

The purpose of the Export Working Capital Loan Improvement Act of 2000 is to exempt Export Working Capital loans from the disbursement requirement under the SBA's 7(a) loan program. This change will allow the inclusion of Export working Capital loans prior to disbursement in sales to the secondary market.

The Office of International Trade at the SBA believes that if Export Working Capital loans are allowed to be sold on the secondary market, more export finance would be available to small business exporters in many regions of the country. This would provide one answer to the problems of a lack of trade finance for small business exporters.

According to the Commerce Department, between 1987 and 1997, the number of small business exporters has tripled, going from 66,000 to 202,000. Small businesses now account for 31 percent of total merchandise export sales spread throughout every industrial classification. What is more surprising is that the fastest growth among small business exporters has been with companies employing fewer than 20 employees. These very small businesses represented 65 percent of all exporting companies in 1997.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Despite these encouraging statistics, there is still more work that needs to be done. Even though the number of small business exporters tripled, they form less than one percent of all small business in the United States. Even among these cutting-edge firms, nearly two-thirds of small business exporters sold to just one foreign market in 1997. In fact, 76 percent of small business exporters sold less than $250,000 worth of goods abroad. In other words, these are "casual" exporters. The key is to encourage more small businesses to enter the trade arena and then to prod "Casual" small business exporters into becoming more active.

Increasing the availability of export finance can help achieve this goal. I urge my colleagues to join me in supporting the Export Working Capital Loan Improvement Act of 2000.

HONORING MINNIE ELIZABETH SAPP

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. HILLEARY. Mr. Speaker, it is with great joy that I honor Minnie Elizabeth Sapp, who recently celebrated her one-hundredth birthday. Mrs. Sapp had the rare fortune of seeing a complete century unfold. It was on July 12, 1900 that Mrs. Sapp was born—in the log house built by her grandfather, James Waymon Mitchell, on Lost Creek in White County, and it was on July 12, 2000 that we celebrated her one-hundredth birthday.

On Christmas Day in 1921, Mrs. Sapp married Homer Floyd Sapp in the same room in the log house where she was born. The couple traveled by buggy to Homer's father's home, at what is now Rim Rock Mesa at Bon Air. Six years later they moved to a forty-acre farm on Corolla Road.

The couple has seven children. The two boys died as infants, and sadly one daughter, Helen, passed away at 14. The other four daughters survived: Josephine, Norma, Evelyn, and Betty. Although her husband Homer died in 1980, Mrs. Sapp continues to live at the farm that the couple moved to 73 years ago.

In 1993, Mrs. Sapp wrote her personal memoirs, and among her memories are recollections of lighting the house with coal lamps and making lye and soap. The United States has changed much since the days of her childhood, but her memories of quilting, walking barefoot to free school and later attending boarding school at Pleasant Hill Academy, carrying water from the spring, and keeping the fire going year round have shaped a strong, loving woman who is devoted to her family and friends.

Two weeks ago I had the honor of attending Mrs. Sapp's birthday celebration, and on the 16th of July the Bon Air United Methodist Church honored her with a service, singing, and presentation of a plaque. The family and friends who surround her serve as a testament to the impact this amazing woman has on all who meet her.

Truly, Minnie Elizabeth Sapp is a blessing to her community. Mrs. Sapp's devotion to family and religion has seen her through 100 years, and I am confident that it is her love of life which will fill every day that is to come. That is why it is the spirit of all who know and love her that I wish to congratulate Mrs. Sapp on her one-hundredth birthday celebration.

RECOGNIZING JOHN RUSSELL BERGENDAHL AND THE CROMWELL CHILDREN'S HOME'S 100TH ANNIVERSARY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. LARSON. Mr. Speaker, today I recognize a true World War II hero, John Russell Bergendahl. For most of his brief life, Mr. Bergendahl was a resident at the Cromwell Children's Home in my district, which is celebrating its 100th anniversary this year. He lived at the Home until his graduation from Middletown High School, and this year his classmates are holding their 60th class reunion in his honor.

While his unique role and his supreme sacrifice on D-Day are paramount in this recognition, it is also important to emphasize the example Mr. Bergendahl provided to so many of his peers as a friend, a serious academic student, an outstanding athlete, and a dependable worker during his years at the Children's Home.

Although an only child whose parents died early in his life. Mr. Bergendahl never reflected on his family tragedy. He had a remarkably positive attitude, an outgoing personality, and the physical and mental discipline needed for military service at the time, and would have been the key to his success in civilian life. He was a model resident at the Cromwell Children's Home, a reflection of the dedication of its staff and its program.

Russ Bergendahl and Jim Broman, who first brought Mr. Bergendahl's story to my attention, were in military training when they last met in Cromwell several months before being sent to England in early 1944. During that meeting, Mr. Bergendahl expressed that he did not expect to survive the war because of his assignment to the 82nd Airborne. Although Jim and Russ attempted to meet again when they were deployed overseas, these attempts were futile because Jim's assignment to the 101st Airborne, also limited outside contact prior to D-Day.

After D-Day, Mr. Broman was unable to learn anything about his friend Russ until nearly two weeks later when he was told that a Bergendahl was killed by a sniper six days after the invasion. It was not until 55 years later when Mr. Broman returned to Normandy and visited Russ Bergendahl's grave at Omaha Beach that he learned Russ was actually killed on D-Day, June 6, 1944, after the American landing.

It is not possible to document, or likely even comprehend, what Mr. Bergendahl experienced when he landed in Normandy prior to the massive airborne landings conducted by the 82nd and 101st Airborne Divisions a few hours later. He may have merited the highest of military honors, but none of us will ever know. However, we do know that his sacrifice and service is what allows us all to be here today to remember him under the banner of liberty and freedom he fought to maintain, and for that we should honor him as a true hero.

The 100th anniversary of the Cromwell Children's Home is an appropriate occasion to establish and maintain a memorial to John Russell Bergendahl at the place where he made his home for most of his brief life. This memorial is a tribute to his courage and bravery, and also recognizes the contribution of the Cromwell Children's Home and the many dedicated staff members to the lives of children, such as John Russell Bergendahl, during their 100 years of service. Therefore, I urge my colleagues to join with me in this tribute to remember the life of John Russell Bergendahl.

PERSONAL EXPLANATION

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. ROGAN. Mr. Speaker, I unfortunately missed rollcall No. 429, a vote to suspend the rules and pass H.R. 4700, a bill to grant the consent of Congress to the Kansas and Missouri Metropolitan Culture District Compact. Had I been present, I would have voted in the affirmative.

ENVIRONMENTAL IMPACT OF NATO AIRSTRIKES ON THE FORMER REPUBLIC OF YUGOSLAVIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. KUCINICH. Mr. Speaker, Dr. Vojin Joksimovich, a well respected scholar of the Balkans, has given a thorough analysis of the environmental impact that the NATO airstrikes have had on the ecosystem of the Former Republic of Yugoslavia. His research and analysis are profound and compelling, that I am inserting them into the CONGRESSIONAL RECORD so it may become public knowledge.

ENVIRONMENTAL ASPECTS OF YUGOSLAV RECONSTRUCTION: NATO ECOCIDE IN SERBIA

(By Vojin Joksimovich, Kennedy School of Government-Harvard University, April 25, 2000)

INTRODUCTION

In considering America's role in the world, it is worth starting from the premise that this has in general been extremely beneficial and positive. America's contributions to the defeat of the twin menaces of fascism and communism in this century are events of epic proportions. I myself am a refugee from Tito's brand of communism and my daughter fled from Milosevic's version. So I am personally grateful for America's role in combating this twin menace.

With this positive image of America's role in the front of my mind, I take no pleasure in saying that NATO's Kosovo war does not fit this positive pattern. In fact it was a source of evil. Many of the charges against the war are familiar to you: that it was illegal, unnecessary, counter-productive, damaging to global US interests and so on. I discuss all of these in my book "Kosovo Crisis: A Study in Foreign Policy Mismanagement."

Today, however, I want to draw on my professional background as a nuclear and industrial safety specialist to discuss an aspect with which you may be less familiar, namely the huge environmental catastrophe that was wrought by NATO. As a part of my professional career, I have studied the anatomy of catastrophic nuclear and non-nuclear accidents such as Chernobyl, Three Mile Island, Bhopal, Challenger, Piper Alpha, and others. As a member of the National Academy of Sciences Committee, I have studied oil spills such as the Exxon Valdez, Amoco Cadiz and many others. These were however, caused by man (operators) or management negligence.

Indeed, I want to introduce you to a new term added by NATO to the vocabulary of war. This is ecocide. For those with environmental background this is a familiar concept. But it may be new for students of war. I mean by ecocide in this context the deliberate and conscious causation of environmental damage to achieve war aims. In history, we have seen many instances of incidental damage to the environment caused by war. For example, dropping of atomic bombs on Japan to terminate WWII. As a matter of fact, wartime environmental damage is as old as the bible. The old testament states that "the trees in the battlefield are not men that you should besiege them" and it advised "not to cut down trees and not to kill animals in the enemy territory."

But my assertion is that, through NATO's use of contemporary precision weapons to demolish the infrastructure and poison the human habitat not as a byproduct of war but as pro-active instrument of war policy, the Kosovo war broke new ground. It is a new phenomenon. This justifies the use of the new word in military vocabulary-ecocide. It is a chilling concept. I hope by focusing on it today, we can raise such abhorrence for it that a consensus will be formed that ecocide cannot and should not ever be used again by civilized nations. At least in this way the cruel suffering of the Serbian people will bear some positive fruit.

NATO ECOCIDE IN SERBIA

Almost daily attacks on the chemical, petrochemical, pharmaceutical plants, plastic factories, refineries, fuel storage tanks, and the electric power grid have caused numerous industrial accidents throughout Serbia. Chemical substances released plus depleted uranium (DU) are carcinogenic, mutagenic, toxic, and as such cause perilous consequences to human, plant, and animal life. Most of these substances are unlikely to kill people instantly. Soaked into the soil they percolate into the aquifer and hence the people of Serbia and the entire region will be repeatedly exposed to them. Large quantities of ammonium and ammonium elements, oil and oil derivatives, acids, and alkali leaked into rivers—including the Danube River destroying aquatic flora and fauna. The Danube, Europe's most important waterway that runs almost 2,000 miles through 11 countries, is partially dead, although it provides drinking water for some 10 million people. Furthermore, one must take into account effect on the habitat and the ozone layer of kerosene, which fueled over 1200 NATO planes participating in destruction of Yugoslavia.

Herewith, we are dealing with deliberate and calculated poisoning of the human habitat. According to a NATO spokesman, targeting encompasses an environmental assessment. Hence, the consequences should have been known. Chris Hedges, reporting in the New York Times, called NATO officials in Belgium who told him that the environmental damage caused by the attack was taken into consideration. "When targeting is done we take into account all possible 'collateral damage', be it environmental, human, or to civilian infrastructure." It is apparent that NATO showed disregard for human life and the environment. We are talking about low intensity chemical and radiological warfare banned under the Geneva Convention and by the International Court. It is also a violation of the 1992 Rio Declaration on the Environment and Development, which explicitly protects the environment during war conflicts. This is a hideous stain on the moral fabric of the U.S. and its NATO allies.

In this country we celebrate the Earth Day. The Clinton-Gore administration takes a great pride in its environmental record. The environmental goals have been incorporated into the mainstream of U.S. foreign policy. In her April 10 speech to the World Resources Institute Secretary Albright stated: "Our citizens cannot be secure if the air we breathe, the food we grow and the water we drink are at risk because the global environment is in danger." This is well said. My point is that we embrace environmentalism as a domestic priority. We should not subvert this internationally as we did by deliberate poisoning of Serbia, Balkans and Eastern Europe.

PANCEVO HOT SPOT

NATO repeatedly pounded Pancevo, a town of 80,000 inhabitants, located on the Danube river only 12 miles from Belgrade with its 2 million population. Pancevo is a major industrial complex including a petrochemical plant, a fertilizer plant, and a major oil refinery. An artificial canal carries wastewater and stormwater runoff directly into the Danube. NATO destroyed all 3 major industrial plants with bombs and missiles: City Refinery (seven attacks), Petrohemija petrochemical plant (two airstrikes), and Azotara fertilizer nitrogen processing plant. Petrohemija and the oil refinery were leveled. Various noxious substances were released into the environment either directly or as a result of fires. Fires raged for 10 days. The cloud of smoke was more than 10 miles long. The sun was blotted out for a day. Black rain fell on the city and surroundings. Much of the town's population was evacuated following the strikes on April 17/18.

The following substances were intensely released from the refinery as a result of burning of 80,000 tons of oil and oil products: CO_2, NO_X, soot and polycyclic aromatic hydrocarbons (PAHs). Strikes at the petrochemical polyvinyl (PVC) plant and the ammonia and nitrogen fertilizer plant destroyed a reservoir with 1200 tons of vinyl chloride monomer (VCM) and 6 train cisterns of 30 tons of VCM each. 8 tons of metallic mercury leaked in the electrolysis system. Only 200 kg reached the wastecanal and 50–100 kg were found on the concrete floor. The rest likely evaporated. As a preventive measure 250 tons of liquid ammonia were released into the canal.

Fears of birth defects have tormented pregnant women. Mark Fineman reported in the Los Angeles Times, physicians recommend that all women who were in town on April 18, 1999 avoid pregnancy for at least the next 2 years. Women who were less than 9 weeks pregnant were advised to obtain abortions.

NOVI SAD

With 180,000 population, Novi Sad, located on the Danube river, is second largest city in FRY. NATO heavily targeted it with rail and road bridges across the river destroyed together with water pipelines carried by the bridges. Another principal target was the city oil refinery located only about a mile upstream from the filtration wells used for the city's water supply. The groundwater table beneath the refinery is located only 1–2 m below the surface. The water supply of Novi Sad was contaminated after 100 fuel tanks and the refinery was hit 12 times spewing oil. About 73,000 tons of crude oil and oil products burnt or leaked. Novi Sad streets were drenched with slimy, sooty rainwater. Danube was heavily contaminated. Even vast quantities of fire-extinguishing foam needed to control the 11-day blaze pose their own ecological threat.

OTHER TOWNS

Other places have been affected, such as Kragujevac, Kostolac, Lazarevac, Nis, Belgrade, Boor, Pharos and Smederevo. Bombings of the Zastava car factory in Kragujevac resulted in high levels of PCB's and dioxins; high levels of PCBs around high voltage transformers, contaminated water tanks. Some of the transformers used the highly toxic and cancerous coolant piralen. Severe air pollution from sulfur dioxide emissions, PCB contamination at transformer stations in the town of Bor in Eastern Serbia near the Bulgarian border.

APRIL 17/18 SIMULTANEOUS RELEASES

Essentially simultaneous releases of smoke plumes occurred from April 17/18 bombings of Pancevo and Novi Sad with the burning rate of 2000 tons per hour during the first 12 hours. With the methodology applied in the case of the Kuwait oil smoke plume, Prof. of Environmental Studies at Belgrade's Alternative Educational Network, Zorro Vukmirovic, and the Belgrade Institute of Meteorology estimated the trajectories of air pollution using the ETA model. The analyses show that the pollutants moved eastward over Romania, Bulgaria, Moldavia, Ukraine and the Black Sea. The lower level trajectories from Pancevo indicate pollutant tansport towards the Belgrade area in the first day. The regional transport of PAHs, dioxins and furans originating from Pancevo were registered at Xanthi in Greece.

OTHER BEYOND FRY EFFECTS

Rumania reported acid rain. The pH level of the rain stood at 5 indicating acidity instead of the normal level of 7. In many towns in the southwestern region, crops and forests were damaged and leaves fell from trees. Vineyards and crops in the southern region were also damaged. Bulgarian farmers near the towns of Kula and Belogradcik reported that flowers fell from fruit trees and vegetables began to rot on their land. Measurements of pollutants in northern Greece showed rising levels of toxin on the days the wind blew south. In Macedonia, radiation levels had risen 8 times over. Moldavia and Ukraine were affected as well.

UN ENVIRONMENT PROJECT REPORT

In late October, 1999 the UN Environmental Program and the UN Center for Human Settlements (UNCHS) issued a Balkan Task Force (BTF) report titled: "The Kosovo Conflict: Consequences for the Environment." The BTF, led by former Finnish Environment Minister Pekka Haavisto, has delivered the report in timely and professional manner. The report's highlights are as follows:

The BTF established an international scientific team from 19 countries, and organized five technical missions to FRY. Governments of the following countries provided the funding: Austria, Denmark, Finland, France, Germany, The Netherlands, Norway, Sweden and United Kingdom. The U.S., while the principal aggressor, did not participate.

The BTF concentrated on the following five areas: (a) Environmental consequences of air strikes on industrial sites; (b) Environmental consequences of the conflict on the Danube River; (c) Consequences of the conflict on biodiversity in protected area; (d) Consequences of the conflict for human settlements and the environment in Kosovo; (e) Possible use of DU weapons in Kosovo.

The BTF concluded that, while the conflict caused widespread physical destruction, it did not cause an environmental catastrophe affecting the Balkans region as a whole. Nevertheless, pollution detected at some sites poses a threat to human life. The BTF identified environmental hot spots in the four areas: Pancevo, Kragujevac, Novi Sad and Bor. Immediate remedial action from a humanitarian viewpoint and further monitoring and analyses were called for in order to avoid further damage to human health and ecology. Specific recommendations for the four hot spots have been developed.

Laboratory analyses of samples taken from the Danube sediment and biota revealed significant chronic pollution, both upstream and downstream of the sites directly affected by the conflict. The report strongly recommended carrying out follow-up monitoring with extension of the sampling to the confluence of major tributaries and to develop and implement an appropriate monitoring program compatible with the international standards. There is urgent need for the FRY to be integrated within international framework, which has been affected by the sanctions.

More than hundred craters were found in the Fruska Gora National Park. Craters were found in the Kopaonik and Zlatibor National Parks. A general conclusion is that conservation of biological diversity has suffered from the conflict and the sanctions.

While the BTF report represented a significant step in assessment of environmental consequences of the NATO aggression its scope was limited. As an example, the BTF team did not visit the Panecevo site until late July while most severe consequences have probably occurred during the April 17/18 NATO bombings. No computer simulations were done to assess impact immediately after bombing raids. In case of Novi Sad, significant discrepancies exist between UNEP data and those generated by the Novi Sad University Chemical Engineering Lab. In ability to get documentation from NATO regarding use of DU in Kosovo has prevented the BTF from arriving at meaningful conclusions for the impact of DU use on public health. Use of DU in Southern Serbia was not taken into account. It appears that cooperation with the FRY government was limited.

FOCUS

A team of Russian, Greek, Austrian, and Swiss experts, representing the FOCUS countries, issued a preliminary report on August 14, 1999. The principal conclusion is that Yugoslavia faces ecological disaster unless urgent measures are taken in the worst affected areas to prevent a "possible environmental collapse". Pancevo tops the list, followed by Novi Sad, Smederevo, Pristina, Nis, and Bor.

Some 8 tons of mercury had seeped from the electrolysis plant in Pancevo, posing a danger to human health and the environment in the Danube basin. "The release of petroleum, oil, diesel and fertilizers into the soil and water reservoirs has resulted in the contamination of nearby facilities, towns, villages, water and mud in channels and rivers, including the Danube. This could result in changes in the ecological balance in the region and irreversible mutation in plants and animals."

DU

NATO used armor-piercing shells loaded with the DU. This was officially confirmed in a letter from NATO Secretary General George Robertson to UN Secretary General Kofi Annan. Robertson wrote that the U.S. Air Force A-10 "tankbuster" had concentrated their operations in disclosed parts of Kosovo but many missions were carried out outside those areas.

DU, a waste product of uranium enrichment, is essentially a radioactive waste 1.7 times denser than lead. As a waste product, it costs nothing. Its kinetic energy is sufficient to penetrate tank armor or concrete bunkers. It is both radioactive and toxic. Upon impact, the DU core partially ignites producing uranium oxide in particulates of between 0.5 and 5 microns in size. The aerosol can spread over several hundred miles, depending on wind conditions. If inhaled or ingested, it stays in the body 10 or more years (practically it does not decay because of long half-life)—irradiating the tissue around it. One "hot particle" in the lungs is equivalent to one chest x-ray every hour of every day for the rest of one's life. It is impossible to remove—slow irradiation takes place resulting in radiation sickness and premature death. The uranium oxide goes into the soil as well. DU's chemical toxicity presently even greater danger to human health in the short term after exposure. The kidney is the target organ. DU is incorporated into the soil taken up by vegetables, and children can handle the shrapnel.

DU has been previously used in Iraq and Bosnia. According to the Pentagon, 400,000 American and British soldiers were exposed to this DU aerosol in the Gulf War. About 200,000 of them have sought medical care since the war and about 115,000 have been diagnosed as having Gulf War Syndrome. Dr. Hari Sharma, of the University of Waterloo in Ontario, predicted an increase of 20,000–100,000 fatal cancers in veterans and Iraqi citizens. An Iraqi pediatric oncologist claims that childhood leukemia has risen 600 percent in areas of Iraq where DU was used. Stillbirths, births or abortions of fetuses with monstrous abnormalities, and other cancers in children born since 1991 have also been found. In 1996, the DU issue was brought up before the UN Human Rights Tribunal in Geneva. The tribunal condemned it and called it a weapon of mass destruction. Dr. Sharma has written to all NATO heads of State asking them to eliminate DU munitions from their arsenals.

The Pentagon sponsored a Special Oversight Board headed by former senator Warren Rudman that produced an interim report, which recommended further studies. On the basis of studies by Pentagon and the Rand Corp., radiation was ruled out in the Gulf War illness thus far. A veterans group, the National Gulf War Resources Center, denounced the panel's findings as an "incomplete whitewash and failure". In addition to Dr. Sharma, Doug Rokke, a major in the U.S. Army Reserve's Medical Service Corps, is one of the biggest critics of the Pentagon.

It appears that revelations about "friendly fire" forced the Pentagon to admit the use of DU during the Gulf War. 29 American vehicles were contaminated by DU on the battlefield. 15 Soldiers killed and more than 60 injured by fire from DU arms. Rokke, a health physicist, was in charge of DU decontamination after the Gulf War in Iraq, Kuwait, and Saudi Arabia. Within 2 weeks upon return to the U.S., Rokke and other team members began developing health problems. In the 8 years since, some have died and most developed health problems. Rokke himself has difficulty breathing. His lungs are scarred and he has skin problems and damaged kidney. A urinalysis conducted 3 years later, showed a uranium level 4000 times higher than the U.S. safety limit of 0.1 micrograms per liter. "The Department of Defense doesn't want to admit that DU is harmful because they don't want the liability."

The British Government has been accused of a cover-up after the new evidence emerged proving that British soldiers suffered massive radiation poisoning in the Gulf. The results of urine analysis, performed by a Canadian geochemist and 500,000 times more accurate, were withheld from the public. The Government-appointed scientific advisor. Prof. Malcolm Hooper, views the Canadian results reliable and advocates a thorough investigation not only for Gulf War Veterans but also for those troops serving in Kosovo.

In spite of the above, the Pentagon confirmed that it has no plans for clean-up, despite the presence of NATO troops! Thus the hazard to Kosovo civilians and NATO troops is ignored. DU clean up is difficult and costly. The entire top layer of soil—roughly one foot deep—would have to be removed and disposed of. On October 4, 1992 an Israeli El Al cargo jet crashed in a fireball in Amsterdam killing 43 people. The plane contained 380-kg counterweights made of DU. Surface soil layer of 40 cm had been removed from the crash area.

The Sunday Times reported that 12 British servicemen are preparing to sue the British government. The Belgian government has begun a systematic review of the health of its 14,000 troops it sent to Kosovo.

YUGOSLAV MINISTRY REPORT

The author wishes to acknowledge receipt of a comprehensive report produced by the Yugoslav Ministry for Development, Science and Environment titled "Consequences of NATO Bombing on the Environment of FRY." However, well-documented material in this report, other than the DU portion, has not been utilized in this write-up since it arrived only hours before this paper was finalized.

It is the only report, which has addressed the use of DU. The claim is that NATO's A–10A planes have used DU ammunition south of the 44-degree latitude including sites outside Kosovo: seven in Serbia and one in Montenegro. Evidence presented is samples and ammunition remains of 30 mm API PGI–14B and the land contamination with U–238. The coordinates of contaminated areas are marked and defined.

Tests in southern Serbia show soil samples containing concentrations of uranium over a 1000 times the natural level used as a principle for decontamination considerations. British biologist Roger Coghill said:

"This is the best first hard evidence confirming fears of scientists that parts of former Yugoslavia have been turned into nuclear wasteland. On these figures, I have no hesitation in predicting 10,000 deaths and massive increase in cancers and baby deformities as we have seen in Iraq."

The report suggests that some mitigating measures have been undertaken including medical examinations of exposed individuals. However, the cost of decontamination or cleanup was characterized as prohibitive and cannot be done without the international aid. The report is dated February 2000 and it is not clear why the FRY government waited until April to approve it.

CONCLUSIONS

I hope you agree that I have made a convincing case that NATO's deliberate targeting and destruction of the environment in Serbia and the wider Southeast European region represents a new and deeply troubling escalation of man's inhumanity to man. I believe that the evidence is there to suggest that innocent lives of existing and even future generations have been shortened as a direct result of NATO's actions.

There seem to be two main conclusions:

In the short-term Serbia needs and is entitled to reconstruction aid from the NATO member states. NATO has a moral duty to make good the illegal destruction it caused. The economic sanctions against the Serbian people must be lifted immediately. The FRY must be allowed to rejoin international organizations it legitimately belongs to;

For the longer term, we must unite to identify ecocide as a crime against humanity on a level with genocide and other war crimes. We must ensure that we, the civilized countries of the world, undertake never to use ecocide again.

IN RECOGNITION OF CHIEF KEVIN J. CONNOLLY FOR OUTSTANDING SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that today I pay tribute to a dedicated and highly respected member of the North Haven Police Department—and a dear friend—whose decision to retire ended a career in law enforcement which spanned thirty years. Chief Kevin J. Connolly leaves a legacy of integrity and commitment to excellence which will not be forgotten by his fellow officers or the citizens of North Haven.

Kevin has dedicated nearly a third of his career to leading the Department of Police Services with dignity and commitment. He has had a profound effect on the quality of life in North Haven. Nine departmental commendations, as well as various other professional accolades from local and national agencies, including the Federal Bureau of Investigation and the United States Secret Service, reflect the commitment and devotion Kevin has given to North Haven and its residents. Throughout his career, Kevin has exemplified the best qualities we associate with law enforcement officials.

I have had the distinct pleasure of working with Kevin on several issues in the time I have served in Congress. He was a tremendous help to me and my staff on the Violent Crime Control and Law Enforcement Act of 1994, lending not only his knowledge and expertise, but his strong support as well. More recently he has been an invaluable resource for the many forums I have held on youth violence. As our community grapples with the pressing issue of school violence, Kevin's efforts never cease to exceed everyone's expectations. Understanding that our young people need to trust their local police force, Kevin has implemented community policing in the North Haven school district, fostering relationships with the students and curbing violence. His advocacy and hard work is a remarkable example of how law enforcement officials can partner with the community to ensure that our children are safe in their classrooms.

With his outstanding record of good work, he has demonstrated a unique commitment to public service—leaving an indelible mark on the North Haven community. It is with great pride that I join with his wife, Judy, his children, Kevin, Megan and Tara, friends, colleagues, and community members to honor my good friend, Police Chief Kevin Connolly for his outstanding service to our community. I wish him many years of continued health and happiness in his retirement.

HONORING VERNICE McKELLAR ON HER 100TH BIRTHDAY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Vernice McKellar on the occasion of her 100th birthday which she celebrated on June 24th, 2000. Mrs. McKellar has dedicated her life to helping others and improving her community.

Vernice McKellar was born in Kansas, but spent the majority of her years in California. At the age of seven, her family settled in Lindsay. After graduating from Lindsay High School in 1917, Vernice went on to become a registered nurse at Cottage Hospital in Santa Barbara in 1926. Vernice McKellar was married to Hugh A. McKellar in 1928 and moved to Ivanhoe where she and her husband farmed a successful Sunkist Orange Ranch, which she still takes part in operating.

Vernice has been an active member of the community. Her daughter, Norene March, describes her as "community minded." Her activities include volunteering for the American Red Cross, volunteer nursing in the community, and working with the PTA. Vernice is proud that she voted for the first time at age 21 and has not missed voting in an election since. Vernice encourages her friends to contribute to the Ivanhoe Youth Center in hopes of providing activities for youth and reducing gang activity in Ivanhoe.

Mr. Speaker, I rise today to pay tribute to Vernice McKellar and congratulate her on the occasion of her 100th birthday. I urge my colleagues to join me in wishing her many more years of happiness and success.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote #429 due to a late flight. Had I been present, I would have voted Yes or Aye on rollcall vote #429.

SENATE—*Wednesday, July 26, 2000*

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, take charge of the control centers of our brains. Think Your thoughts through us and send to our nervous systems the pure signals of Your peace, power, and patience. Give us minds responsive to Your guidance.

Take charge of our tongues so that we may speak truth with clarity, without rancor or anger. May our debates be efforts to reach agreement rather than simply to win arguments. Help us to think of each other as fellow Americans seeking Your best for our Nation, rather than enemy parties seeking to defeat each other. Make us channels of Your grace to others. May we respond to Your nudges to communicate affirmation and encouragement.

Help us to catch the drumbeat of Your direction and march to the cadence of Your guidance. Here are our lives. Inspire them with Your calming Spirit, strengthen them with Your powerful presence, and imbue them with Your gift of faith to trust You to bring unity into our diversity. In our Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, Senator ALLARD, is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business until 10:15 a.m. with Senators DURBIN and COLLINS in control of the time. Following morning business, the Senate will proceed to a cloture vote on the motion to proceed to the Treasury and general government appropriations bill. If cloture is invoked, the Senate will begin 30 hours of postcloture debate. If cloture is not invoked, the Senate will proceed to a second vote on the motion to proceed to the intelligence authorization bill. Again, if cloture is invoked on the motion, postcloture debate will begin immediately.

As a reminder, on Thursday the morning hour has been set aside for those Senators who wish to make their final statements in remembrance of the life of our former friend and colleague, Senator Paul Coverdell. At the expiration of that time, a vote on the motion to proceed to the energy and water appropriations bill will occur.

I thank my colleagues for their attention. I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for debate only, except for a motion to proceed made by the majority leader or his designee and the filing of a cloture motion thereon. Senators will be permitted to speak therein for up to 10 minutes each. Under the previous order, there should be 20 minutes under the control of the Senator from Illinois, Mr. DURBIN, or his designee, and under the previous order there should be 20 minutes under the control of the Senator from Maine, Ms. COLLINS, or her designee.

The Senator from Illinois.

LEGISLATIVE PRIORITIES

Mr. DURBIN. Mr. President, I am certain those who were observing the Senate Chamber yesterday and perhaps the day before are curious as to why absolutely nothing is happening. It reflects the fact that there is no agreement between the parties as to how to proceed on the business of the Senate, particularly on the appropriations bills.

At this moment in time negotiations are underway, and hopefully they will be completed successfully very soon. At issue is the number of amendments to be offered, the time for the debate, and some tangential but very important issues such as the consideration of appointments of Federal district court judges across America to fill vacancies. These judgeships have been a source of great controversy in recent times because there is a clear difference of opinion between Democrats and Republicans about how many judges should be appointed this year.

Of course, the Republicans in control of the Senate are hopeful that their candidate for President will prevail in November and that all of the vacancies can then be filled by a Republican President. That is understandable. The Democrats, on the other hand, in the minority in the Senate, have a President who has the authority to appoint these judges and wants to exercise that authority in this closing year. Therein lies the clash in confrontation.

Historically, the last time the tables were turned and there was a Republican President and a Democratic Senate, President Ronald Reagan had 60 Federal district court judges appointed in the election year. In fact, there were hearings on some of them as late at September of that year. This year, we have had about 30 appointed and we have many more vacancies, many more pending. We are hopeful, on the Democratic side, these will be filled. Those on the Republican side are adamant that they do not want to bring them up. I hope they will reconsider that and at least give Democrats the same consideration we offered President Reagan when he faced a Democratic Senate with many Federal district court vacancies.

The other item of business which consumed our attention over the last week or two related to tax relief. It is an interesting issue and one that many Members like to take back home and discuss; certainly most American families, regardless of whether they are rich or poor, desire some reduction in their tax burden.

The difference of opinion between the Democrats and Republicans on this issue is very stark. There is a consideration on the Republican side that tax relief should go to those who pay the most. Of course, those who pay the most taxes are, in fact, the wealthiest in this country. We have a progressive tax system. We have had it for a long time. We believe if one is fortunate enough to be successful, those taxpayers owe something back to this country. Those who are more successful owe more back to this country. You can't take blood from a turnip; you can't put a high tax rate on a person

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

with a low income. But you can certainly say to a successful person: We ask you to contribute back to America. We ask you, in the payment of taxes, to help maintain this great Nation which has given you, your family, and your business such a wonderful opportunity.

The Republican program from the start, as long as I have served in Congress, has always been to reduce the tax burden on those who are the wealthiest in this country. I happen to believe the tables should be turned and we should have a situation where those who are in the lower income groups and middle-income families who are struggling to make ends meet should be the ones most deserving of tax relief. That is a difference in philosophy, a difference between the parties, and is reflected very clearly in the debate we have had over the last 2 weeks.

This is a chart which I have been bringing to the floor on a regular basis. Some House Republicans told me this morning that they are tired of seeing my chart. They are going to have to get a little more exhausted because I am going to produce it again today. This chart outlines what happens with the Republican tax plans, with their idea of tax cuts.

In the area of the estate tax, a tax is imposed on less than 2 percent of the American population. Of 2.3 million people who die each year, only 40,000 end up with any liability under the estate tax. It is a tax reserved for those who really have large estates that they have accumulated during a lifetime. There are exemptions that people can write off when it comes to the estate tax liability, and those exemptions are growing, as they should, to reflect the cost of living increases.

By and large, the Republicans have proposed to do away with the tax completely, so the very wealthiest of Americans who pay this tax would receive the tax relief.

What does it mean? On the Republican plan, if you happen to be a person making over $300,000 a year in income—if my calculations are correct, that is about $25,000 a month in income—the Republicans have suggested you need an annual tax cut of $23,000 as a result of their elimination of the estate tax. That boils down to close to $2,000 a month, for those making $25,000 a month, that the Republicans would send your way when it comes to tax relief.

Most American income categories are people making between $40,000 and $65,000 a year. Under the Republican plan, if you happen to be with the vast majority of Americans paying taxes, you aren't going to notice this tax relief; $200 a year is what the Republicans offer to you. That comes down to $16 a month they are going to send your way. If you are in the highest income categories, you receive $2,000 a month; if you happen to be with the vast majority of Americans, you receive $16 a month.

That is the Republican view of the world. That is the Republican view of tax relief: If we are going to help people, for goodness' sake, let's help the wealthy feel their pain, understand the anxiety they must face in making investments, in choosing locations for new vacation homes, and give them some tax relief.

The fact is that 80 percent of Americans are making under $50,000 a year. For these Americans, $15 or $16 a month is something, but it is certainly not going to change their lifestyle.

Mr. President, 26 percent of Americans make between $50,000 and $100,000 a year. In those two categories of people under $100,000 a year and under $50,000 a year, we find the vast majority of American families, the overwhelming majority, and the people who will not benefit from the idea of tax relief propounded by the Republicans on the floor. They suggest to all American families they have them in mind when it comes to tax relief. The facts tell a different story.

Look at what we have suggested instead. The Democrats think we have to be much more responsible in spending this Nation's surplus or investing. It wasn't that long ago we were deep in deficit with a national debt that accumulated to almost $6 trillion. Now we are at a point where we have a strong economy, families are doing better, businesses are doing better, people are making more money, and the tax revenues coming in reflect it. That surplus is what we are debating. We have gone from the days of the Reagan-Bush deficits to a new era where we are talking about a surplus and what we will do with it.

Those who are younger in America should pay attention to this debate. If you are a young person in America, we are about to give you a very great nation. Our generation hopes to hand over as good a country as we found, perhaps even better, but we are also going to hand over to you a very great debt of $6 trillion. That debt we have to pay interest on. It is like a mortgage. You say to your children and grandchildren: Welcome to America, welcome to this land of opportunity, here's the debt you will have to pay.

In the late 1980s and 1990s in America, the political leadership in this country accumulated a massive debt, starting with the election of President Reagan, then with President Bush, and for the first few years of President Clinton we continued to see this debt grow. We have turned the corner. Under the Clinton-Gore leadership, under the votes that have been cast by Democrats in Congress, we now have a stronger economy.

People have a right to ask, What are we going to do with the surplus? The Republican answer is: Tax cuts for wealthy people. The Democratic answer is much different: First, pay down the national debt. We can't guarantee the surplus will be here in a year, 2 years, or 10 years. If it is here, shouldn't it be our highest priority? Let's wipe off the debt of this country as best we can, reduce the burden on our children, invest in Social Security and in Medicare.

This is not a wild-eyed idea. It is what Alan Greenspan of the Federal Reserve recommends. It is what major economists recommend. But you cannot sell it on the Republican side of the aisle. They think, instead, we should give tax cuts to the wealthy.

We think we should bring down the national debt and invest in Social Security and Medicare. If we are to have tax cuts, let us target these tax cuts to people who really need them, not the folks making over $300,000 a year. They are going to do quite well. They are going to have nice homes on islands off the coast of Maine. They are going to have places in Florida and California. They are going to have a very comfortable life.

But what about the people who live in Chicago? What about the people who live in Portland, ME? What about those who live in Philadelphia, PA? I would like to take to them this proposal, not to eliminate taxes on those making over $300,000 a year but to say to working families and middle-income families: Here are targeted tax cuts that you can use, that will help your life. Let's provide for a marriage tax penalty elimination for working families. Let's expand educational opportunities by making tuition costs tax deductible. Think about your concern of sending your son or daughter through college and the increasing cost of a college education. For a family who is struggling to try to make ends meet and to give their kids the best opportunity, to be able to deduct those college education expenses means an awful lot more to them than the comfort in knowing that Donald Trump does not have to pay estate taxes under the Republican proposal.

That is the difference in our view of the world. The Republicans feel the pain of Donald Trump, that he might have to pay these estate taxes. We believe that families across America face a lot more anxiety and pain over how to pay for college education expenses. We had a vote on the floor here, up or down, take your pick: Estate tax relief for Donald Trump or college deductions for the families working across America. Sadly, the Republicans would not support the idea of college education expense deductions.

Let's talk about caring for elderly parents. Baby boomers understand this. Everyone understands it. As your parents get older, they need special help. You are doing your best. I cannot tell you how many of my friends this affects. I am in that generation of baby boomers—slightly older, I might add—but in a generation where a frequent topic of conversation for my age group is how are your mom and dad doing? The stories come back, and some of them are heartbreaking, about Parkinson's and Alzheimer's and complications with diabetes that lead to amputations and people finally having to make the tough decision of asking their parents to consider living in a place where they can receive some assistance.

It is expensive. We, on the Democratic side, believe that helping to pay for those expenses the families endure because of aging parents is a good tax cut, one that is good for this country and good for the families. Not so on the Republican side. When we offered this, they voted against it. They would rather give estate tax relief to the wealthiest people.

How about child care? Everybody who got up this morning in America and headed to work and left a small child with a neighbor or at a day-care center understands that this is tugging at your mind constantly during the day. Is my child in safe hands? Is this a quality and positive environment for my child to be in? How much does it cost? Can we afford it? Can we do a little better?

We, on the Democratic side, think we ought to help these families. They are working families who should have peace of mind. Senator DODD offered an amendment that proposed tax credits, not only for day care, but also tax credits for stay-at-home moms who decide they are going to forgo working, to stay with the children and try to raise them. We want to help in both of those circumstances. We think those are the real problems facing America. The Republicans instead believe that estate tax relief for the superrich is much more important.

Expand the earned-income tax credit for the working poor, help families save for retirement, provide estate tax relief—particularly to make sure that a family-owned farm or a family-owned business can be passed on to the next generation. I think the estate tax needs reform. We support that. We voted for it. But we think the Republican proposal goes way too far in proposing we abolish it.

I see my time is coming to a close. We think the agenda before this Congress is an agenda of missed opportunities. The Republicans are in control in the House and Senate. They decide what will be considered on the floor, if anything. They have failed to bring forward commonsense gun safety legislation after Columbine, to try to keep guns out of the hands of kids and criminals. We passed it in the Senate with AL GORE's vote, sent it to the House—the gun lobby killed it. We lose 30,000 Americans every year to gun violence; 12 children every single day. For the Republicans, it is not a priority to bring this bill forward.

The Patients' Bill of Rights, so your doctor can make the call on your medical treatment or your family's medical treatment—most people think that is common sense. The insurance companies do not. They want their clerks to make the decision based on the bottom line of profit and loss. It is not a medical decision for them, it is a financial decision. And for a lot of families it is disastrous when they cannot get the appropriate care for their kids and their families. We think a Patients' Bill of Rights makes sense. The insurance lobby opposed it. The insurance lobby prevailed. The special interest groups won on the floor and we have gone nowhere with this proposal.

Minimum wage: $5.15 an hour for a minimum wage that affects some 10 million workers across America. It is about time for a pay raise. These folks deserve to do better. It used to be bipartisan. We didn't even argue about it. Now the Republicans say: No, no no, we can't give a 50-cent-an-hour pay raise to people making $5.15 an hour. Do you realize that 50 cents an hour comes out to, what, $1,000 a year that we will give these people?

Yet we are going to turn around and give Donald Trump a $400 million tax break on his estate? You cannot give working families a thousand bucks a year, but you can give the one of the superrich $400 million tax relief? Is something upside-down in this Chamber? I think so.

Take a look at the prescription drug benefit. Ask Americans—Democrats, Republicans, and Independents—the one thing we ought to do this year? A guaranteed universal prescription drug benefit under Medicare. The pharmaceutical companies oppose it. They are pretty powerful characters in this town. They have stopped this Senate and this House from considering it. Here we are, languishing, doing nothing, when it comes to a prescription drug benefit.

Finally, something for our schools. Seven million kids in America attend schools with serious safety code violations; 25,000 schools across our country are falling down. Are we going to be ready for the 21st century? Will our kids be ready? Will our workforce be ready? You can answer that question by deciding at this point in time whether education is truly a priority and, if it is such a priority, then for goodness' sakes we should invest more than 1 percent of our Federal budget in K–12 education. That is what we invest. The Democrats, under the leadership of Senator KENNEDY, believe that investment is overdue. We think that is what families in America are looking for, not for tax relief for the wealthiest among us.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2924 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I see that the Senate majority leader has come to the floor, so I yield to him. I thank the Chair.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senate majority leader.

Mr. LOTT. Mr. President, I thank the Senator from Maine for her comments, her leadership on so many important issues in the Senate, and for yielding to me at this time so we may proceed.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, obviously I had hoped we would be making a lot more progress this week on appropriations bills and other issues. That has not transpired yet. But we have been filing cloture motions, and we will be getting votes. In some way we will deal this week with the Treasury-Postal Service appropriations bill. I hope we can find a way to proceed on the energy and water appropriations bill. We will get to a vote at some point on the intelligence authorization bill. So, hopefully, we can still go forward.

I do not feel as if we are proceeding appropriately, but in spite of that, I think it generally was interpreted or understood that I would try to begin the discussion on the China PNTR bill. Even though it will be difficult to get through the maze of clotures we have had to file this week, I still think it is the appropriate thing to do to begin this process because we do not know exactly how long it will take to get to a final vote on the China trade issue.

I am still going to do my best to find a way to have the Thompson-Torricelli legislation considered in some manner before we get to the substance of the China trade bill because I think Chinese nuclear weapons proliferation is a very serious matter. We should discuss that and have a vote on it. I think it would be preferable to do it aside from the trade bill itself.

In the end, if we can't get any other way to get at it, these two Senators may exercise their right to offer it to the China PNTR bill. But I am going to continue to try to find a way for that to be offered in another forum. I think Senator DASCHLE indicated he would work with us to try to see if we could find a way to do that. But I do think if we can go ahead and get started—and since there will be resistance to the motion to proceed—then we will file cloture and have a vote on it then on Friday.

NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED

Mr. LOTT. So, Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 575, H.R. 4444, regarding normal trade relations with the People's Republic of China.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I am sorry there is objection just to proceeding to the bill. But I know that Senator REID is objecting on behalf of others who do not want us to proceed to it. I hope we can get to a vote on Friday; and then when we come back in September this will be an issue we can go to soon rather than later in the month.

CLOTURE MOTION

I move to proceed to the bill. So I make that motion to proceed at this time, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 575, H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China:

Trent Lott, Pat Roberts, Larry E. Craig, Christopher Bond, Chuck Grassley, Ted Stevens, Connie Mack, Orin Hatch, Frank H. Murkowski, Wayne Allard, Kay Bailey Hutchinson, Don Nickles, Bill Roth, Michael Crapo, Slade Gorton, and Craig Thomas.

Mr. LOTT. Mr. President, this cloture vote will occur on Friday, unless consent can be granted to conduct the vote earlier or we are in a postcloture situation on the Treasury-Postal Service appropriations bill. There is opposition, obviously, to this motion to proceed. But I still think that adequate time can be used for discussion. I know there are a number of Senators who would like to see this vote occur on Thursday instead of Friday. I am willing to accommodate that. But if that cannot be worked out, then we will have the vote on Friday. If we are in a postcloture situation, the vote could be postponed for some time. But I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed. I believe I have that right.

The PRESIDING OFFICER. The Senator has that right.

The motion is withdrawn.

Mr. LOTT. In conclusion, while we seek Utopia in dealing with these appropriations bills, the promised land of how we can work together to do the people's business, which we are not doing right now, at least in the case of this bill, I believe we will have broad bipartisan support for the China PNTR bill. I might add, there is going to be some bipartisan opposition, too.

So as we get into the substance of this—which I would rather be getting into rather than having to once again file cloture on a motion to proceed—I think we will have a good debate. I think it is going to serve the Senate well. I think it will serve the American people well. I believe when we do finally get to a vote, it will pass—and probably should. But there are a lot of serious questions still involved in how we are going to deal with China. So I look forward to this discussion.

Mr. President, I yield the floor.

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TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar number 704, H.R. 4871, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 2001, and for other purposes:

Trent Lott, Ben Nighthorse Campbell, Pat Roberts, Richard G. Lugar, Jesse Helms, Jeff Sessions, Larry E. Craig, Jon Kyl, Craig Thomas, Don Nickles, Strom Thurmond, Michael Crapo, Mitch McConnell, Fred Thompson, Judd Gregg, and Ted Stevens.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 4871, an act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Thomas
Torricelli

The PRESIDING OFFICER. If there are no Senators wishing to vote or change their votes, on this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from South Carolina.

(The remarks of Senator THURMOND pertaining to the introduction of S. 2925 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I take a few moments following this cloture vote to talk about the appropriations bill and a couple of related matters to that bill that are to be brought to the Senate floor. We are completing the last week of the legislative session before the August break. When we come back following the August break, we will have a number of weeks in September and a couple of weeks in October, perhaps, at which time the 106th Congress will be history.

We will have an election in early November, something that the late Congressman Claude Pepper, a wonderful public servant, used to call one of the miracles of democracy. He said: Every even numbered year, our Constitution provides that the American people grab the steering wheel and decide in which direction this country moves. He said it was one of the miracles of democracy. Indeed it is. We are headed toward an election. That will affect the Senate schedule. That means it is likely the Senate will complete its work, the Congress will complete its work, in the 106th Congress by the middle of October.

As we look to that moment, we have a lot of work to do between now and then. We have appropriations bills to complete. After all that, one of the fundamental responsibilities we have is to provide for the funding of things we do together in government. We build our roads together. It doesn't make sense for each family to build their own road to the supermarket. It is called government. We come together and build a system of roads. We come together to build schools and maintain and operate schools in which the American people can send their children. It doesn't make sense for each and every person to build their own school. So we have roads and schools. Then we hire a police force. We hire folks who will serve in the Armed Forces to defend our liberty and freedom.

All of these things we do, and much more, as a part of our governing process. I am proud of much of what we do. Much of what we have accomplished in this country is a result of the ingenuity of people in the private sector, in the market system, competing, the genius of those who are willing to take risks and use ideas to build new products and create new markets; on the other side, in the public sector, the vision that has been exhibited by some who have served this country for many years to do the right things in the public sector, to do together what we should do to provide for our common defense and build our schools, build roads, and do those things that we know also make this a better country.

One of the pieces of legislation we are intending to bring to the floor very soon is the Treasury-Postal appropriations subcommittee bill. That is through the full Appropriations Committee in the Senate. It is legislation that will be, I hope, debated next on the Senate floor. The bill is through the full Appropriations Committee and includes funding for a wide range of things we do in this country.

One of the larger portions of the bill is the funding for the Customs Service. The Customs Service is a very important element. Given the expanding nature of world trade, with the amount of commerce and goods and services moving in and out of our country and across our borders, the Customs Service provides an ever increasing important service to our country.

We fund the Internal Revenue Service which collects the revenue by which we fund most of the government services we have in this country. One of the areas of this legislation is the national youth antidrug media campaign. That campaign in the drug czar's office is now about 3 years old, and the Congress has been working on that diligently, as well.

We have a number of issues in this legislation that are very important, that are timely, and that we need to get to the floor of the Senate to debate and try to make some decisions about them.

Let me comment for a moment about a couple of issues that no doubt will be brought to the Senate floor on this bill. I will talk about why these issues are important and what I think will happen with these issues. In the House of Representatives, when they wrote the legislation dealing with Treasury and general government in that subcommittee, that legislation included some amendments dealing with the subject of Cuba and the sanctions with respect to food and medicine that exist with respect to Cuba.

I want to talk just a bit about that because those provisions are included in the House bill. We will undoubtedly have amendments on that same subject in the Senate bill. There will be a defense of germaneness on those amendments. I will offer one of those amendments. I believe my colleagues Senator DODD, Senator ROBERTS, perhaps Senator BAUCUS, and others will offer similar amendments. I want to describe why this is an important issue and why the Senate should consider these amendments, especially inasmuch as these types of amendments are in the House bill coming over for consideration in conference.

There are some bad actors internationally who run governments in a way that is well outside the norm of international behavior. We understand that. Saddam Hussein is one of those leaders. There are others. We have watched the behavior and the activities of countries such as Cuba, Iraq, Iran, North Korea, and others, and view with alarm some of the things that are happening.

Cuba is a country that is run, with a Communist government, by Fidel Castro. North Korea is a relatively closed society run by a Communist government, a Communist dictator. Iran is a different kind of country, run by a group of folks who seem to operate—at least they have for some while—outside the norms of international behavior, engaged in an attempt to acquire sophisticated missile technology. I suspect they and others on the list would love to acquire nuclear weapons. These are countries that have demonstrated by their behavior, by their actions, that they are operating outside the norms of what we consider acceptable behavior. I am talking now about the international community, the community of nations.

So what do we do? What we do is we say to Saddam Hussein: We are going to impose economic sanctions on your country. These sanctions, in the form of either sanctions or an embargo, are an attempt to choke your economy and cause you economic pain. They cause you to understand when you operate outside the norms of international behavior, when you are attempting to acquire nuclear weapons, chemical weapons, and biological weapons with which you can threaten your neighbors, we care about that and we intend to do something about that. We and other countries have imposed sanctions against the country of Iraq.

We have had an embargo against the country of Cuba for some 40 years. It is a small country 90 miles off the tip of Florida. We have had an embargo for some 40 years against the country of Cuba, preventing goods from being shipped to Cuba, preventing Cuban goods from coming into our country, essentially trying to shut down their economy with that embargo. We have had similar sanctions against North Korea and Iran.

One of the mistakes this country has made—and a very serious mistake—is deciding we will include food and medicine as a part of our economic sanctions. We should not have done that. This country should never have done that. This country is bigger and better than that. We should never use food as a weapon.

We produce food in such abundant quality—the best quality food in the world. We have farmers today who are out driving a tractor in some field somewhere, planting a seed and raising crops with great hope they will be able to make a living on their family farm. We produce such wonderful quality food in such abundance, and then we say to countries whose behavior we don't like: By the way, we are going to slap you with economic sanctions. We are going to put our fist around your economic throat, and included in that, we are going to prevent the movement of food in and out of your country.

I am all for economic sanctions. There is not any reason to make life better for Saddam Hussein. He ought to pay a price for his behavior. But this country is shortsighted to believe that using food as a weapon is an advancement in public policy for us. It is not. First, it hurts our farmers who are prevented from moving food through the international markets. Second, it takes aim at a dictator and ends up hitting hungry people. That is not the best of what this country has to offer.

So we have a very simple proposition—those of us who care about this issue. We say let's stop using food as a weapon; let us, as Americans, decide we shall never use food as a mechanism to try to punish others. We understand that Saddam Hussein and Fidel Castro have never missed a meal. They have never missed breakfast, they have never missed dinner, never missed supper. They eat well. When we use food as a weapon, it is only poor people, sick people, and hungry people who pay a price; and of course, our farmers here in America also pay a price.

So last year we had a debate about this. My colleague Senator ASHCROFT, I, Senators DODD, ROBERTS, BAUCUS—a range of people—have offered amendments. Last year we had a vote, and 70 Senators said: No, we shall not any longer ever use food as a weapon. Let us lift the sanctions on food and medicine; 70 percent of the Senate said let's stop it.

I cannot speak for all 70, but I will speak for myself to say it is immoral to have a public policy that uses food as a weapon. It is immoral to punish hungry, sick, and poor people around the world because we are angry at dictators. Seventy percent of the Senate said: Let's stop. Let's change the sanctions. We can continue some of the economic sanctions. We are not making a judgment about using economic sanctions to punish dictators or punish countries whose behavior is outside the international norm. We are saying, however, we should not any longer use food or medicine as a weapon or as part of the sanctions.

So 70 percent of the Senate voted. It was on the Senate agricultural appropriations bill, and off we marched to conference. I was one of the conferees. One of the first acts of conference between the House and Senate was my offering an amendment insisting that the Senate retain its position. In other words, we were saying as a group of Senators who were conferees: We insist on our provision, lifting the sanctions on food and medicine.

I offered the amendment in the conference. We had a vote of the Senate conferees, and my amendment carried. Therefore, the Senators at this conference with the House Members said: We insist on the provision. We insist on our policy of removing food and medicine as part of our economic sanctions.

Guess what. A Member of the House moved that the conference adjourn. We adjourned. It was late one morning, and we never, ever returned to conference. Do you know why? Because the House leaders, the House leadership, did not like that provision and they intended to kill it. They knew they could not kill it with their conferees. If there were a vote on it in the conference, they would lose. If there were a vote on it on the floor of the House, they would lose. So the only way they could win was to hijack that conference, adjourn it, never come back into session, and throw the ingredients of that bill into a broader bill, and we never saw the light of day on our policy.

The result is we are back on the floor right now and this country still has in place a policy of using food and medicine as part of our economic sanctions. It is wrong. It is wrong.

Following that conference last year, I had the opportunity to go to Cuba. I have traveled some, in various parts of the world, and have seen that what we produce in such abundance, the world needs so desperately. The winds of hunger blow every minute, every hour, and every day all across this world. So many people die of hunger, malnutrition, and hunger-related causes, and so many of them are children—every single day.

I went to Cuba. What I saw was a country in collapse. It is a beautiful country with wonderful people. The city of Havana is a beautiful city, but in utter collapse. There are gorgeous buildings designed in the 1940s and 1950s by some of the best architects—beautiful architecture, in total disrepair. The city is collapsing. The Cuban economy is in collapse. There is no question about that.

I visited a hospital, and I saw a young boy lying in a coma. His mother was seated by his bedside holding his hand. This was in an intensive care ward of a Cuban hospital. This young boy in intensive care was not hooked up to any wires. There was no fancy gadgetry, no fancy equipment, no beeping that you hear in intensive care—the beeping of equipment—no, none of that. He was lying on his bed with his mother holding his hand.

I asked the doctor, Do you not have equipment with which to monitor this young boy? He had a head injury and was in a coma. He said, Oh, no; they didn't have any of that equipment. They didn't even have any rudimentary equipment with which to make a diagnosis. Intensive care was to lay this boy in a room. They told me they were out of 250 different kinds of medicine in that hospital.

My point is this. The Cuban people do not deserve Fidel Castro—that is for sure. They deserve a free and open country, a free and open economy; they deserve the liberties we have and the freedom we have. But 40 years of an embargo, and especially 40 years preventing the movement of food and medicine back and forth, surely makes no sense.

It has not hurt Mr. Castro. It has hurt the poor people of Cuba and the hungry people of Cuba. It is time to change that policy. A year ago we tried it. Seventy percent of the Senate voted for it, and it has not happened.

This is what we have done this year: I offered an amendment, with Senator GORTON from the State of Washington, on the Agriculture appropriations bill that lifts the sanctions on food and medicine and also let's us do one other thing. It prevents any future President from ever including food and medicine as part of economic sanctions unless they come to the Senate and get a vote and the Senate says: Yes, we ought to do that.

We do two things: We lift the sanctions on food and medicine that exist with those countries that are subject to our economic sanctions, and we prevent future Presidents from imposing sanctions and using food as a weapon. That is in the Agriculture appropriations bill which came to the floor of the Senate. The Senate passed that bill. My amendment is in it. We will go to conference.

The only way we can lose that issue is if the House leaders hijack it once again. There is a member of the leadership of the House, whom I shall not name, who makes it his cause to derail us. He believes we ought to use food as a weapon, especially with respect to Cuba. He believes we ought not change the policy and will do everything he can to stop us.

My colleague in the House who has been working on this passed some legislation that was negotiated with the House leadership, but it turns out the legislation, when one looks at the language, is a step backward, not a step forward.

We will go to conference on the Agriculture appropriations bill with my amendment in it, and I say to those who might pay attention to the Senate record from the House side, if the House leaders expect to hijack this once again this year, they are in for a long session because there is a group of us—Republicans and Democrats—who insist this country change its policy. This policy is wrongheaded and it must change.

Yes, we have some people in the Senate who are still fighting the cold war. We have people in the Senate—not very many, I admit—but we have a few people in the Senate who do not want this changed, but 70 percent of the Senate want this changed. At some point, if they get a full vote in the House and we have a full vote in the Senate, 70 percent of the Congress will say: Let's change this foolish policy. This policy is not the best of this country. This policy is wrong, and we aim to change it.

Now we bring this bill to the floor of the Senate. We had a cloture vote on the motion to proceed today, and the Treasury-Postal bill will come to the floor at some point. As I indicated, in addition to the description of the amendment I offered to the Agriculture appropriations bill on the floor of the Senate dealing with sanctions on Cuba, a couple Members of the House applied some amendments, which were successful, to the Treasury-general government bill which means when our bill comes to the floor of the Senate, it will also attract these amendments. That is fine with me. Having them in two places is better than having them in one place. Perhaps one conference will be successful in changing this policy.

My colleagues in the House added a piece of legislation, for example, dealing with travel in Cuba saying that no funds will be used to enforce the restrictions on travel to Cuba. I prefer to do it a different way. Who is going to believe it makes sense to travel to Cuba if it is still illegal but they just will not enforce it? If we change travel, let's change travel. Let's not say you shall not enforce something that remains illegal. Let's say the travel restrictions are lifted. Period. End of story.

I hope my colleague who intends to offer that amendment in the Senate will consider doing that. We have other amendments as well, and I intend to offer an amendment dealing with food and medicine sanctions on Cuba on the Treasury-Postal bill when it is brought to the floor of the Senate.

There is another issue I wish to talk about briefly that relates in some measure to this bill, but especially to the issue of the Customs Service and our borders and the issue of international trade. I am going to talk in a bit about our trade problem because we have the largest trade deficit in the history of humankind.

There is a lot right with this country. There is a lot going on to give us reason to say thanks and hosanna. We have a wonderful economy. It is producing new jobs and new opportunity. All of the indices are right: unemployment is down; home ownership is up; inflation is way down. All the things one expects to happen in a good economy have been happening.

Some parts of the country are left behind, such as rural areas. We have a farm program that is a debacle, and we cannot get anybody to even hold a hearing to change the farm program, but that is another story.

There are some areas that have not kept pace with the prosperity. We need to continue to fight to write a better farm program and make sure those rural areas share in the full economic prosperity of America.

There is a lot right in this country. This is a good economy. It is producing unprecedented opportunities.

The one set of storm clouds above the horizon, however, is in international trade. We have a huge trade deficit. Our merchandise trade deficit was nearly $350 billion in 1999, and is projected to exceed $400 billion this year. Put another way: We are buying $1 billion more in goods from overseas than we are selling each and every day, 7 days a week.

Some say: Does that matter? Is it important? Gee, our economy is doing well. How on Earth can you make the case we should care about this?

You can live in a suburb someplace and have a wonderful home with a huge Cadillac in the driveway and have all the evidence of affluence, but if it is all borrowed, you are in trouble. On the borrowing side, we have made a lot of progress dealing with Federal budget deficits. In fact, we have eliminated the Federal budget deficits, and good for us, but the deficits on the trade side have continued to mushroom, and we must get a handle on that as well and deal with our trade imbalance.

What causes the trade imbalance, and what relevance does it have to this bill? In this bill, we fund the Customs Service, and the Customs Service evaluates what comes in, what goes out, and they try to assist in the flow of goods moving back and forth across our borders.

The fact is, they have an old, antiquated computer system to take care of all of that and it is melting down. With expanded trade coming in and going out, we need a new system. The Customs Service has proposed a new system to accommodate and facilitate their needs. We need to fund it. It is very important we fund this system. It is called the Automated Commercial Environment or ACE system. We need to keep it operational, and we need to build it and make it work.

In 1 day, the Customs Service processes $8.8 billion in exports and imports. They have to keep track of it all: $8.8 billion in daily exports and imports; and 1.3 million passengers and 350,000 vehicles moving back and forth across our borders. Think of that. This is the agency that has the responsibility of keeping track of all of it—whose vehicle, when did it come in, when did it go out, who is coming in, who is leaving our country, what are the goods coming in, what kind of tariffs exists on those goods, who is sending them, who is receiving them.

All of that is part of what we have to keep track of in terms of movement across our border. The current system that keeps track of all of that is nearly two decades old, and running at near capacity. It is the single most important resource in collecting duties and enforcing Customs laws and regulations.

This system has been experiencing brownouts over the past months that have brought the Customs operation at these border ports, in some cases, to a dead halt.

Over 40 percent of the Customs stations are using work stations that are unreliable, are obsolete operating systems, and are no longer supported by a vendor.

Trade volume has doubled in 10 years. The rate of growth in trade is astronomical. The Customs Service anticipates an increase of over 50 percent in the number of entries by 2005. That means the current system just can't and will not handle it.

So we have a responsibility to do something about that. If anybody wonders whether all this trade is important, and keeping track of it is important, as I said, look at the trade deficit and look at what is happening in this country.

From the standpoint of policy—I was talking about the system that keeps track of it—but from the standpoint of policy, we also have to make significant changes. We will not make them in this bill because this isn't where we do that, but you can't help but look at what is happening in our country and understand that our own trade policy does not work. It just does not work.

We have a huge and growing trade deficit with China—growing rapidly—of nearly $70 billion a year. We have a large abiding trade deficit with Japan that has gone on forever—$50 to $70 billion a year.

This Congress, without my vote—because I voted against it—passed something called NAFTA, the North American Free Trade Agreement. It was billed as a nirvana. What a wonderful thing, we were told, if we can do a trade agreement with Mexico and Canada. What a great hemispheric trade agreement, and how wonderful it would be for our country.

In fact, a couple of economists teamed together and said: If you just pass NAFTA, you will get 300,000 new jobs in the United States. The problem is, there is never accountability for economists. Economists say anything, any time, to anybody, and nobody ever goes back to check.

The field of economics is psychology pumped up with helium and portrayed as a profession. I say that having taught economics a couple years in college, but I have overcome that to do other things.

But economists told us, if we pass NAFTA, it will be a wonderful thing for our country. Well, this Congress passed NAFTA. I didn't vote for it. Guess what. We had a trade surplus with Mexico. We have now turned a trade surplus with Mexico into a significant deficit with the country of Mexico.

They said, by the way, if we pass NAFTA, the products that will come in from Mexico will be products produced by low-skilled labor. Not true. The products that are coming in from Mexico are the product of higher-skilled labor, principally automobiles, automobile parts, and electronics. Those are the three largest imports into the United States from Mexico.

So the economists were wrong. I would love to have them come back and parade around, and say: I said NAFTA would work, but I apologize. We had a trade surplus with Mexico. Now it is a fairly large deficit. We had a trade deficit with Canada, and we doubled the deficit. I want one person to stand up in the Senate and say: This is real progress. Doubling the deficit with Canada, and turning a surplus into a deficit with Mexico—hooray for us. That is real progress. I want just one inebriated soul to tell me here in Washington, DC, that this makes sense. Of course it does not make sense.

It did not work. So we have trade policy challenges dealing with Mexico, Canada, and NAFTA. We have policy differences dealing with our big trade deficit with China. We are going to have other struggles and challenges dealing with the recurring deficit that goes on forever with Japan.

It might be useful—I know people get tired of me talking about this—but it might be useful to describe our diminished expectations in this county and why we are in such trouble on trade.

About 10 years ago—we have always had a struggle with Japan—we were having, at that time, an agreement negotiated on the issue of American beef going to Japan. We were not getting enough beef into Japan. At that point, it cost about $30 a pound to buy a T-bone steak in Tokyo. Why? Because there was not enough beef. So you keep the supply low, the demand and price go up, and a T-bone steak costs a lot of money in Tokyo.

We wanted to get American beef into Japan. After all, we buy all their cars, VCRs and television sets. Maybe they should buy American beef. So we sent our best negotiators, and they negotiated. Our negotiators were hard nosed. It only took them a couple of days to lose. They sat at the table, and they negotiated and negotiated. And guess what they negotiated? They had a press conference and said: We have a victory. We have a beef agreement with Japan. What a wonderful deal. You would have thought they had just won the Olympics because they celebrated. And everybody said: Gosh, what a great deal.

Here is the agreement. You get more American beef into Japan. Yes, you do. And we did.

Ten or 11 years after the beef agreement with Japan, the tariff on American steak or American ground beef or American beef going to Japan today is 40 percent on a pound of beef. Can you imagine that? What would people think if you told them: In the United States, we only have a 40 percent tariff on your product coming into our country? They would say: What kind of nonsense is that? That is not free trade. Yet we celebrated the fact that we had an agreement with Japan that takes us to a 50 percent tariff, which is reduced over time, but snaps back up if we get more beef into Japan. We celebrated that.

This is the goofiest set of priorities I have ever heard. We ought to learn to negotiate trade agreements that are in this country's interests.

I have threatened, from time to time, to introduce a piece of legislation in Congress that says: When our trade negotiators go to negotiate, they must wear a jersey that says "USA," just so that they can look down, from time to time, and see who they are negotiating for. "I am from the United States. I have the United States's best interests at heart. When we negotiate with you, Japan, China, Mexico, Canada, or others, we insist on fair trade."

Yes, our producers will compete. We are not afraid of competition. But we are not going to compete with one hand tied behind our back. Our negotiators negotiated GATT with Europe, and they said to the Europeans: You know what—my colleague, Senator CONRAD, talks about this a lot—we will have a deal with you. You can have 6, 8, or 10 times greater subsidies on your sales of grain to other countries than we will have. And we will have a deal where we will agree to limit our support payments to family farmers to a fraction of what yours are. So once we have done that, we have tied both of our hands behind our back, and then said let's go ahead and compete.

That is what our negotiators have done virtually every time they have negotiated a trade agreement. They did it in GATT to family farmers and did it with Japan to our ranchers. I should say, our ranchers were pleased with the agreement with Japan. I would say to them: How can you be pleased? How can you call that success? It is because they have such low expectations in our trade negotiations. We give away everything. We expect little, get almost nothing, and then we are so pleased.

When you have roughly $1 billion a day in the merchandise trade imbalance, it is time to wonder whether your policy is working. When you have a $1-billion-a-day deficit—every single day—in merchandise trade, it is time to ask whether this is a policy that works. The answer is no.

I think it would behoove this Congress to say: Good for all the wonderful things that are happening in this country. Everybody deserves a little credit for all of that. Good for all the good things happening in our economy. But it is important for all of us to look at the storm clouds as well, and evaluate what is wrong, and try to fix that. If we did that, it would behoove us to bring to the floor of the Senate a debate and full discussion about America's trade policy.

Every time I come and talk about this issue, there is someone watching or someone listening, or somebody later will say: That guy sounds like a protectionist. There is this caricature: You are either for free trade or you are some isolationist, xenophobic stooge. You are either for free trade or you don't get it. You either see the horizon or you are nearsighted. That is the way it all works.

Even the largest newspapers do that. Try to get an op-ed piece in the Washington Post on trade issues. If you happen to believe we ought to stand up for our economic interests in trade, you can't do it.

It is not my intention to say this country should not be a leader in expanding trade. This country ought to be a leader in promoting an expanded free and fair opportunity for international trade. This country ought to be a leader. We ought to expect that other countries would be involved in saying the things that we fought for for 75 to 100 years. This country will be part of the discussions about trade.

We had people dying in the streets in this country, fighting for the right to organize in labor unions, fighting for the right to create labor unions. We had people die on the streets of America.

Some will say: We can avoid all that, having labor unions, having to worry about dumping chemicals into the water and the air, having to have a safe workplace, having to be prohibited from hiring kids; we can avoid all of that. We have debated it for 75 or 100 years in this country. We have made a lot of progress. We can avoid it all by moving our plant to some other Third World country where they don't have those inconveniences, where you can hire 12-year-old kids and work them 12 hours a day and pay them 12 cents an hour and everybody calls it free trade.

This country has a responsibility also to lead on the issues of what are the fair rules for international trade—not protectionism, what are the fair rules for trade that establish fair competition. That is something this country has a responsibility to be involved with as well.

Talking about trade in the context of the Customs Service and our responsibility to keep track of what is happening around the world, it is true that my frustration from time to time boils over on the issue. I come to the floor and talk about it without much effect because there are not sufficient votes in the Senate to require a very robust debate on trade policy. It is coming. We ought to make it happen.

If I can digress—because I have the time this morning, and I don't see anyone else waiting to speak—I want to mention something that happened some years ago that made a profound impact on me. I mentioned a moment ago that we struggled in this country to establish the right to form labor unions and establish collective bargaining. There are plenty of countries where, if you try to form labor unions, try to get workers together to see if they can't get a better deal, they can be thrown in jail. As I said, we had people who died in the streets in this country fighting for that opportunity. We now understand the consequences of that. We have labor unions, and we have management and labor, collective bargaining. It is a better country because of that. There are some areas of the world where we don't have the opportunity to do that. People who try to demonstrate for those rights are thrown in jail.

Let me describe something that happened in Congress a long while ago related to that point. We had a fellow who spoke to a joint session of Congress. Normally, a speaker to a joint session of Congress is a President. The pageantry is quite wonderful when there is a joint session. It is normally in the House Chamber because that is the larger Chamber. The Senators come in and are seated in the House Chamber, Cabinet officials come in, the Supreme Court comes in. The American people see this. That is when the network television cameras come on.

Then the Doorkeeper says: Mr. Speaker, the President of the United States. And the President marches in and gives a State of the Union speech.

We occasionally have other speakers who are invited to give an address to a joint session of Congress. On rare occasions, it has been a head of state. Many will remember other circumstances: General Douglas MacArthur coming back from Korea, when he was relieved of his command by President Truman, was invited to address a joint session of Congress; Winston Churchill addressed a joint session of Congress.

One day about 10 or 12 years ago, I was a Member of the U.S. House, it was a joint session of Congress. In the back of the room, the Doorkeeper announced the visitor. The Doorkeeper said: Mr. Speaker, Lech Walesa from Poland. And this fellow walked in, a rather short man with a mustache. He had red cheeks and probably a few extra pounds, an ordinary looking fellow who walked into the Chamber of the House, walked up to the microphone. The joint session stood and applauded and didn't stop. This applause continued to create waves, and it went on for some minutes. Then this man began to speak. Most of us, of course, knew the history. But in a very powerful way this ordinary man told an extraordinary tale.

He said 10 years before, he was in a shipyard in Gdansk, Poland on a Saturday leading a strike for workers to be able to chart their own destiny, leading a strike for a free labor movement in Poland against a Communist government. On that day, he had already been fired from his job as an electrician at a shipyard for his activities to fight for a free labor movement in Poland. The Communist government had him fired from his shipyard. So this unemployed electrician, on a Saturday morning, was leading a strike, leading a parade inside this shipyard for a free labor movement. He was grabbed by some Communist thugs and beaten and beaten badly. As they beat him, they took him to the edge of the shipyard, hoisted him up and unceremoniously dumped him over the barbed-wire fence outside the shipyard face down in the dirt. He lay there bleeding, wondering what to do next.

Of course, we know what he did next. Ten years later, he was introduced to a joint session of Congress as the President of the country of Poland. This man went to the microphone and said the following to us: We didn't have any guns; the Communists had all the guns. We didn't have any bullets; the Communists had all the bullets. We were armed only with an idea.

What he did next that Saturday morning, from lying on the ground bleeding from the beating he had received from the Communist agents of that Government of Poland, the history books record. He pulled himself back up and climbed back over the fence and climbed back into the shipyard.

This unemployed electrician showed up in the Chamber of the U.S. House to speak to a joint session of Congress 10 years later as the President of his country—not a diplomat, not a politician, not an intellectual, not a scholar, an unemployed electrician who showed up in this country 10 years later as the President of his country.

He said: We didn't break a windowpane in Poland. We didn't have guns. We didn't have bullets. We were armed with an idea and that idea simply was that free people ought to be free to choose their own destiny.

I have never forgotten that moment, understanding the power of ideas and understanding that common people can do uncommon things. Ordinary people can do extraordinary things. Wondering where did Lech Walesa get the courage to pull himself up that Saturday morning in a shipyard in Gdansk, an unemployed electrician, believing so strongly in the need to provoke change in this Communist country that this man and his followers toppled a Communist government and lit the fuse, caused a spark that lit the fuse that began to topple Communist governments all through Eastern Europe. That is the power of an idea.

What are the ideas that exist in this country that will make a better America and create a better future? We know from our history that in two centuries, a series of ideas by some remarkable men and women have created the best country in the world. It is the freest. I know there are a lot of blemishes, but there is no country that has freedoms like ours. There is no country that has accomplished what we have accomplished in every area. Find an area where we have had difficulty, we have confronted it. We have had difficult times, but we have solved the issues. We survived a civil war. We survived a great depression. When you think of what this country has done, it is quite remarkable.

We stand today at the edge of a new century, the year 2000, with a lot of challenges in front of us. Some say we are just sort of content to be where we are and to kind of nick around the edges. No person, no country, no organization ever does well by resting.

There are challenges in front of us. We have talked about some of them. Some of them will be in this legislation when we bring it to the floor. Some will be in other legislation. I was on the floor yesterday and Senator DURBIN, who is on the floor at the moment, talked about the challenge of making our health care system work; the challenge of passing a Patients' Bill of Rights, and one that is a real Patients' Bill of Rights; the challenge of putting a prescription drug benefit in the Medicare program. Those are ideas—ideas with power and resonance, ideas which ought to relate to the public policy this Congress embraces. I talked, a little bit ago, about trade policy, the idea that we need to change trade policy to make it a policy that is effective for our country, to reduce the trade deficits and continue to expand markets, and to have fair rules of trade.

There are so many things we need to do. Yesterday, I showed some of the challenges that we ought to address now in the coming weeks. For instance, gun safety. This is a wonderful country, but when you read the newspapers and read of the killings, and then you understand that we have a right to own weapons—and nobody is changing that right; it is a constitutional right. But we have said it makes sense for us to keep guns out of the hands of convicted felons. How do we do that?

We have a computer base with the names of felons on it. When you want to buy a gun, your name has to be run against the computer base. At the gun store, they run your name to find out if you are a convicted felon. If you are, you don't get a gun. But guess what. You can go to a gun show on a Saturday someplace and buy a gun or a weapon, and nobody is going to run your name through an instant check.

We say let's close that loophole. Are those who don't want to close it saying they don't want to keep guns out of their hands? I hope not. So join us in fixing this problem. That is an idea. That has some power. How many Americans will that save? How many children will it save by keeping the gun out of the hands of a convicted felon? We are not talking about law-abiding citizens. We are not going to disadvantage them. Let's keep guns out of the hands of convicted felons. Close the gun show loophole. It is a simple idea; yet one we can't get through the Congress because people are blocking the door on this issue.

The Patients' Bill of Rights: We talked about that yesterday. We talked about putting a drug benefit in the Medicare program. We talked about school modernization. I will conclude by talking for a moment about school modernization.

Our future is education. I have told my colleagues many times about walking into the late-Congressman Claude Pepper's office and seeing two pictures, both autographed, behind his chair. One was a picture of Orville and Wilbur Wright making the first airplane flight. It was autographed by Orville

Wright, saying, "To Congressman Pepper, with deep admiration, Orville Wright."

Then, the first person to stand on the Moon, Neil Armstrong, gave him an autographed picture. I thought to myself, this is really something. Here is a living American who has an autographed picture of the first person to leave the ground in powered flight, and also the person who flew all the way to the Moon. What was the in between? What was the difference between just leaving the ground and arriving on the Moon? Education, schools, learning; it is our future—allowing every young boy and girl in this country to become the very best they can be; universal education, saying that every young boy or girl, no matter what their background or circumstances are, can walk through a schoolroom door and be whatever they want to be in life, universal opportunity in education.

In the middle part of this past century, those who came back fighting for liberty in the Second World War, fighting for freedom, built schools all across our country as they went to school on the GI bill, got married, and had children. They built schools all across America. Now those schools, in many cases, are 45, 50 years old and in desperate need of repair and renovation. This country, as good as it is, can send our kids to the schoolroom doors of the best schools in the world. And we should. That ought to be our policy. So before this Congress ends, let's embrace our ideas and policies of saying let's modernize our schools, renovate our schools, and connect our schools to the Internet. Let's reduce the size of classes and make sure every student has the opportunity to go through a schoolroom door that we as parents are proud of. Let's make sure we keep the finest teachers, the best teachers in our classrooms and pay them a fair wage. These are ideas that we have that we can't get through this Congress. It doesn't make any sense to me.

So we are prepared to bring the Treasury-general government appropriations bill to the floor. In that legislation there will be several of the ideas I have talked about, and other appropriations bills, and other pieces of legislation. We will continue to pound away at this Congress to say: Accept some of these ideas. Accept some progress. Join us. This isn't partisan. Our kids and our schools don't represent a partisan issue. Keeping guns out of the hands of felons surely can't be a Republican or Democratic issue. Surely, every American should embrace that goal. Putting the prescription drug benefit in the Medicare program so senior citizens who have reached their declining income years have the opportunity and can afford to buy life-saving drugs surely can't be a Republican or Democratic approach. There can't be differences here in terms of goals. So let's resolve to join together to meet these goals, to do our work and embrace ideas—yes, big ideas—that recognize, yes, this country is doing very well in a lot of areas, but we are at the first stage of a new century, and we need to embrace new ideas to advance this country's interests and prepare for this country's future. Nowhere is that preparation more necessary than with our children and our schools.

Mr. President, I have spoken at some length. I know others on the floor have comments about these and other issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I understand that we are running out the clock on a motion to bring to the floor the Treasury-Postal appropriations bill. So I think my comments are pertinent to that bill and to the situation in which we find ourselves.

Mr. President, about 14 months ago, those of us in this Chamber passed a juvenile justice bill. Prior to its passage, many of us on this side of the aisle came together to say if we want to really achieve some limited improvements in targeted gun measures, what should they be? We decided on a few, and the Republican side had a few. So some targeted measures were added to that bill.

One of them was that guns should not be sold without trigger locks. That was made from our side of the aisle. One from the Republican side of the aisle was that children should not be permitted to buy assault weapons—a no-brainer. That was accepted by this body. A third vote was to close the gun show loophole which enabled the two youngsters from Columbine, 16 years old, to go to a gun show and buy two assault weapons with no questions asked. The final one was one I offered on the floor, which was to plug a hole in the assault weapons legislation.

Under the assault weapons legislation, it is illegal to manufacture, possess, sell, or to transfer a large-capacity ammunition feeding device in this country. So, in other words, nobody can manufacture one domestically in this country now. The loophole is that they can come in, if manufactured in foreign countries, and be sold. So since the passage of the original assault weapons legislation, about 18 million large-capacity ammunition feeding devices have come into the country. But just in the last 14 months, since the passage of the juvenile justice bill, 6.3 million of these clips have come into this country, many of them 250 rounds, but most 30 rounds.

What is the use of these clips? You can't hunt with them. You can't carry a clip with more than 10 bullets in virtually any State if you are going to hunt. You don't use them for self-protection. The street price of them has dropped. You can buy them, no questions asked, over the Internet for $7, $8, $9. The only reason for them is to turn a weapon into a major killing machine. They are used by drive-by shooters, by the gangs, and by the grievance killer who has a grievance and wants to walk into his place of business and kill a large number of people. Well, this body passed that, and the other body actually passed it by unanimous consent. So those are measures that have held up a whole huge juvenile justice bill for that period of time.

So in 14 months, we have gone nowhere in achieving safety regulations, prudent targeted gun regulations to protect people.

A million women—now 240 new organizations—in the Million Mom March, went to the streets of their cities and to the Capitol on Mother's Day to say they wanted prudent gun regulations. But what has happened since then is we have actually back slipped. The backsliding is taking place right in this very bill which time is running on.

An amendment was put in the bill that says this:

> None of the funds made available in this Act may be used to implement a preference for the acquisition of a firearm or ammunition based on whether the manufacturer or vendor of the firearm or ammunition is a party of an agreement with a department, agency, or instrumentality of the United States regarding codes of conduct, operating practices, or product design specifically related to the business of importing, manufacturing, or dealing in firearms or ammunition under chapter 44 of title 18, United States Code.

This amendment is essentially meant to prohibit the U.S. Government from giving any preference to any responsible gun manufacturer. I believe this measure is simply the worst possible public policy. I would rather not have a Treasury-Postal appropriations bill that has this kind of disincentive to good conduct in a manufacturer of weapons in this country.

When this bill comes to the floor, the first amendment from our side will be the amendment to strip this verbiage from the bill.

I am pleased to say I am joined in cosponsoring this by the Senator from Illinois, Mr. DURBIN, and the Senator from New Jersey, Mr. LAUTENBERG.

First, it is important to point out that no such preferences have been given. The thrust of this provision is based on a hypothetical. But it is based to be a deterrent. It is based to send a message. The message is to every manufacturer of weapons that there can be no reward in government if you manufacture safe guns. If you put trigger locks, if you have good, safe marketing practices, if you manufacture guns and see they are sold and distributed in a way to keep them out of the hands of children, people who are mentally deficient, or criminals—that is the thrust of this amendment—to reduce the gun industry to its lowest possible common denominator all across the United States of America, that is the worst possible public policy. Members on both sides of this aisle should stand together and refute it.

At least one company, Smith & Wesson, has agreed to adopt certain reasonable, responsible marketing practices. While this agreement was made under the threat of litigation, it is important to note that no dealer has to comply, and no measures have been forced on Smith & Wesson. Smith & Wesson has decided to take a responsible path to produce responsible policy, and for that this body would slap them on the hand.

As a result of their effort, Smith & Wesson has allegedly been targeted by others in the gun industry that are unhappy with the agreement who say you can't march ahead of us; you can't do something right; we all want to be able to do something wrong. There has been talk of boycotts and anticompetitive behavior. In fact, I recently joined a number of my colleagues in writing to the Federal Trade Commission, asking them to look into these allegations.

Given the determination of the National Rifle Association and its allies to stop any and all reasonable control of the flow of guns to criminals and children, I believe it would be dreadful to prevent the administration from encouraging agreements such as this one.

Let me be clear. No one is saying that law enforcement should buy inferior weapons simply because the manufacturer has agreed to act responsibly. The fact is, Smith & Wesson produces very good weapons. I have certainly never been one to argue that we should leave law enforcement without adequate weaponry. But where technology and safety of guns are similar, it makes eminent sense to give preference to the manufacturer that has agreed to certain commonsense standards.

I wish to take a few moments and go over a few of the details in the Smith & Wesson settlement document. This is what it looks like.

First, under the agreement, all handguns and pistols will be shipped from Smith & Wesson with child-safety devices. Again, the juvenile justice bill would have made this provision unnecessary. But, again, that bill has gone nowhere.

What would that do?

In Memphis, TN, not too long ago, a 5-year-old took a weapon off of his grandfather's dresser. It was loaded. He took it to kindergarten to kill the kindergarten teacher because that youngster had been given a "time out" the day before. The gun was discovered because a bullet dropped out of his backpack—a 5-year-old child toting in his backpack a loaded pistol with no safety lock to kill the teacher because he had been given a "time out" the day before. With the safety lock, the gun would have been inoperable to that child.

Another child in Michigan, a 6-year-old, has an argument with a child, brings a gun to school, and actually kills another 6-year-old.

These may not be everyday events. But they would be prevented from happening if guns were made with smart technology and, prior to that, with safety locks.

Also in the agreement, every handgun would be designed with a second hidden serial number. Why that? Because it prevents criminals from easily eradicating a serial number to impede tracing. How can we not support that?

New Smith & Wesson models will be no longer able to accept any large-capacity magazine. What is important about that? That immediately limits the kill power of that weapon. The weapon can still be used for defense. But the drums of 250 or 75 rounds with clips of 30 rounds, which are there for one reason—to kill large numbers of people—would not be accepted into that gun.

Within 2 years, every Smith & Wesson model would have a built-in, on-board locking system by which the firearm could only be operated with the key, or combination, or other mechanism unique to that gun.

Two percent of Smith & Wesson's firearms revenue would be devoted to developing smart gun technology for all future gun models. What a good thing to have happen.

Next, within a year of the agreement, each firearm would be designed so it could not be readily operated by a child under the age of six. This might include increasing the trigger-pull resistance, designing the gun so a small hand could not operate it, or perhaps requiring a sequence of actions to fire the gun that could not be easily accomplished by a 5-year-old. Who believes the Federal Government should not encourage manufacturers to make weapons so five- and six-year-olds cannot fire them?

The agreement includes safety in manufacturing tests, such as minimum barrel length and firing tests to ensure that misfires, explosions, and cracks such as those found in Saturday night specials do not occur. A drop test is also included.

I remember very well a major robbery in San Francisco where a police officer with a semiautomatic handgun went into the robbery, pulled out his weapon, and the clip dropped out. He was shot and killed. And I remember another incident where the gun was dropped and fired accidentally.

Another provision: each pistol would have a clearly visible chamber load indicator, so that the user can see whether there is a round in the chamber.

No new pistol design would be able to accept large-capacity ammunition clips.

The packaging of new guns will include a safety warning regarding the list of unsafe storage and use. What a good thing, a gun manufacturer that will put a warning with the gun that says to the prospective gun owner: Understand this is a lethal weapon. Here is how to keep it safely. Put it in a cabinet which is secure and locked. Keep the ammunition separate from the gun.

And we are going to prevent anyone who provides this from gaining any kind of preference? We give preference with merit pay. There are all kinds of preferences in Federal law. Yet we are to deny this to anybody who does the right thing and manufactures safe guns, smart guns, better guns.

Under the agreement, any dealer wishing to sell Smith & Wesson firearms would comply with a series of commonsense measures. Let me state what they are. Any dealer wishing to sell Smith & Wesson firearms first agrees not to sell at any gun show unless all the sellers in the gun show provide background checks. What a responsible thing to do. Again, this provision would be unnecessary if Congress had simply passed the juvenile justice bill and sent it to the President for his signature because all sellers at all gun shows would already be performing background checks. That bill is stalled in conference, and this provision of the agreement is a small step in the right direction.

Again, under the agreement, any dealer wishing to sell Smith & Wesson firearms must carry insurance against liability for damage to property or injury to persons resulting in firearm sales. The same thing would apply if you had a swimming pool. You would have some liability insurance if a neighbor fell into the pool and drowned. This isn't asking too much.

Any dealer wishing to sell Smith & Wesson firearms must maintain an up-to-date and accurate set of records and must keep track of all inventory at all times.

Any dealer wishing to sell Smith & Wesson firearms must agree to keep all firearms within the dealership safe from loss or theft, including locking display cases and keeping guns safely locked during off hours.

Ammunition must be stored separate from firearms.

Any dealer wishing to sell Smith & Wesson must stop selling large-capacity ammunition feeding devices and assault weapons.

This gun company has set itself in the vanguard of reform in the gun industry, and the Treasury-Postal bill coming before the Senate penalizes them for doing so. What kind of public policy is that? It simply says we are going to try, by law, to lower safety, regulation, careful record keeping, and all the things that are positive to the lowest possible denominator. We are not going to commend anybody who does the right thing. We are going to see they are not given preference. We are going to provide a disincentive to gun companies that want to do the right thing.

More than any other piece of legislation I have seen, this shows the disingenuousness of those who say they are for some targeted gun regulations. This speaks to what this is all about, that there should remain one, and one industry only, without regulation, without any kinds of standards, and that is the gun industry.

I think there is no better time to join this debate than in the upcoming Treasury-Postal bill. The amendment to strip this language from Treasury-Postal will be the first item of business of this side.

Mr. President, I will make this agreement available to anyone from either side of this aisle who wants to inspect it.

Mr. President, Senator KENNEDY is a cosponsor of the amendment. I thank him, as well.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Delaware.

Mr. BIDEN. Mr. President, the Senate will soon be considering the Treasury and general government appropriations bill. This is one of the important funding bills we will have to pass this year to keep the Government open and running.

In addition to the Department of the Treasury, this is the bill that provides moneys for the operation of the White House, the Executive Office of the President, and it also provides funds for the construction of new courthouses, reflecting the priorities of the administrative offices of the courts. It is this third branch of our Government that I will take a few minutes to talk about.

In 1994, the Senate and the House passed the Violence Against Women Act which President Clinton then signed into law. As the author of that legislation, securing its passage had been my highest priority for three sessions of Congress. The cause of eliminating violence against women remains my highest priority. I have watched the progress of the implementation of my Violence Against Women Act. In that act we included a provision giving anyone who had been the victim of a crime of violence motivated by gender the right to bring a lawsuit seeking damages from the assailant.

On May 15 of this year, in a case called United States v. Morrison, the Supreme Court struck down this provision. The Court said that addressing the problems of violence against women in this way was beyond the constitutional authority of the elected representatives of the United States. Flat out, they said it was an unconstitutional act we engaged in.

In ruling it was beyond the constitutional authority of the Congress, the Court said that it does not matter how great an effect such acts of violence have on interstate commerce. They said gender-based violence could be crippling large segments of our national economy, but, nonetheless, even if that were proven—according to the Court—the Congress is powerless to enact a law to deter such active violence because although we have acted this way under the commerce clause of the Constitution before, the Court ruled violence in and of itself is not commerce.

I believe this is a constitutionally wrong decision. It is true that it does not strike a fatal blow against the struggle to end violence against women in this country. The other parts of the Violence Against Women Act are unaffected by this decision. I am pleased to report that these other provisions, together with changing attitudes in this country, are beginning to make a difference in this struggle in the lives of women who have been victimized.

I have introduced a bill with, now, I think over 60 cosponsors, to enhance the provisions of my Violence Against Women Act so that we can continue to make progress. Nonetheless, the decision in Morrison is a wrongheaded decision. It is not just an isolated error. No, it is part of a growing body of decisions in which this Supreme Court is seizing the power to make important social decisions that, under our constitutional system of government, are properly made by elected representatives who answer to the people, unlike the Court.

I said at the time that the case came down, striking down the provisions of the Violence Against Women Act, that the decision does more damage to our constitutional jurisprudence than it does to the fight against gender-based violence. Since I said that, a number of people have asked me to explain what I mean by that. Today, since we have the time, I am beginning a series of speeches to do just that by placing the Morrison decision in a larger context of what an increasingly out-of-touch Supreme Court has been doing in recent years.

I plan on making two additional speeches on this subject over the next several weeks and months. It is crucial, in my view, that the American people understand the larger pattern of the Supreme Court's recent decisions and, to me, the disturbing direction in which the Supreme Court is moving because the consequences of these cases may well impact upon the ability of American citizens to ask their elected representatives in Congress to help them solve national problems that have national impact.

Many of the Court's decisions are written in the name of protecting prerogatives of the State governments and speak in the time honored language of federalism and States rights. But as my grandmother would say, they have stood federalism on its head. Make no mistake, what is at issue here is the question of power, who wants it, who has it, and who controls it—basically, whether power will be exercised by an insulated judiciary or by the elected representatives of the people.

In our separation of powers doctrine, upon which our Government rests, that power is being wrestled by the Court from the elected representatives, for in every case in which the Court has struck down a Federal statute, it has invalidated a statute that the people of the United States have wanted. As a matter of fact, in many of the cases of statutes that have been struck down, the numerous attorneys general of the various States have sided with the Federal Government in briefs filed with the Court, saying that they supported the decision taken by the Congress and the President.

Let's give the emerging pattern of Supreme Court decisions a name. In a speech I gave before the New Hampshire Supreme Court last year, I referred to this pattern as an emerging pattern of an imperial judiciary. I meant to describe the judiciary that is making decisions and seizing power in areas in which the judgment of elected branches of government ought to be the controlling judgment, not the Court's. With increasing frequency, the Supreme Court is taking over the role of government for itself.

The imperial judging might also be called a kind of judicial activism. "Judicial activism" is an overworked expression, one that has often been used by conservatives to criticize liberal judges. Under this Supreme Court, however, the shoe is plainly on the other foot. It is now conservative judges who are supplanting the judgment of the people's representatives and substituting their own for that of the Congress and the President.

This is not just JOE BIDEN talking. The Violence Against Women Act case came to the Supreme Court through the Fourth Circuit Court of Appeals, where Judge J. Harvie Wilkinson is the chief judge. Judge Wilkinson has been on many so-called short lists for possible Supreme Court nominees of Governor Bush and is a well recognized conservative. In the opinion he wrote, agreeing that the civil rights remedy in the Violence Against Women Act was unconstitutional, Judge Wilkinson praised the result as an example of "this century's third and final era of judicial activism."

He, Judge Wilkinson, acknowledges that the decision represents the "third and," he says, "final era of judicial activism." And he said he hoped this new activism would be enduring presence in our Federal courts.

That was in Brzonkala v. VPI, 169 F.3d 820, 892–893.

Or consider Judge Douglas Ginsburg of the Court of Appeals for the District of Columbia, another well recognized conservative. Judge Ginsburg has quite explicitly criticized the interpretation of the Constitution that has prevailed through the better part of this entire century and, indeed, throughout most of our country's history, an interpretation which correctly recognizes the broad capacity and competence of the people to govern themselves through their elected officials, not through the court system.

According to Judge Ginsburg, the correct interpretation of the Constitution produces results that severely restrict the power of elected government. He calls the Constitution "the Constitution in Exile." Under that Constitution, the one that he thinks controls, unelected Federal judges would wield enormous power to second-guess legislative bodies on both the State and the Federal levels.

When Judge Ginsburg wrote about these ideas in a magazine article in 1995, he was eagerly awaiting signs that the Supreme Court would begin to embrace his notion of a Constitution in exile. Five short years later, much has changed. As Linda Greenhouse recently put it in a New York Times column, Judge Ginsburg's hopes:

> . . . sound decidedly less out of context today than they did even 5 years ago, just before the court began issuing a series of decisions reviving a limited vision of federal power.

By taking a closer look at these series of decisions referred to in the New York Times, the pattern I have been referring to will become quite evident.

The first clear step toward an imperial judiciary was taken in the case called Lopez v. United States, which invalidated a Federal law making it a crime to possess a gun in a school zone. The Supreme Court held that it was not obvious "to the naked eye" that the nationwide problem of school violence has a substantial effect on the national economy and interstate commerce, the predicate we have to show to have jurisdiction under the commerce clause to pass such a law.

In our desire to respond quickly to the epidemic of school violence, which we all talk about here on the floor, we in the Congress did not make findings—that is, we did not have hearings that said "we find that the following actions have the following impact on commerce"—we did not make findings to relate school violence to interstate commerce. Subsequently, however, we did make such findings and pointed to the voluminous evidence that was before the Congress at the time we passed Senator KOHL's Gun-Free School Zone Act.

Nonetheless, the Court, this new imperial judiciary, ignored our findings and the raft of supporting evidence, and drew its own conclusions. They concluded—the Court concluded—that the threat of school violence to national commerce is not substantial enough to justify a legislative response on the part of those of us elected to the Congress.

The Lopez case startled many people. Numerous law schools sponsored conferences to discuss the meaning of this case. Constitutional scholars debated how great a departure this case signaled from the settled approach to congressional power that has been taken over the 20th century, at least the last two-thirds of the 20th century, by all previous Supreme Courts.

Immediately after the decision, no consensus emerged. Many scholars plausibly concluded that Lopez was, as one put it, just an "island in the stream," a decision that breaks the flow of the river of cases before it, but which will have no lasting effect of any significance on those that follow it.

How wrong he was. It now turns out that if Lopez is an island, it is one the size of Australia. The Court soon followed Lopez by striking down the Religious Freedom and Restoration Act that Senator HATCH and I had worked so hard to craft and the Senate and House passed and the President signed.

In Boerne v. Flores—that is the name of the case that struck down the Religious Freedom Act we passed—the Congress of the United States enacted the Religious Freedom Act in response to an earlier Supreme Court decision.

In 1990, the Court ruled in Employment Decision v. Smith that the constitutional freedom of religion is not offended by a State law that significantly burdens the ability of members of that religion to practice their religion, so long as that law applies across the board, without singling out religious practices of any one denomination in any way.

For example, under the Smith decision, a dry county which prohibits the consumption of all alcohol could prohibit a church from using sacramental wine when they give communion, as they do in my church; I am a Roman Catholic; and they do so in other churches as well.

Smith broke with the prior line of decisions holding that such laws needed to make reasonable accommodations for religion unless the Government had a very good reason for applying the law when it offended someone's sincere religious practices to do so. In other words, unless the Government had an overwhelming reason why in a Catholic Church they could not serve, when they give communion, a sip of wine with the host, prior decisions said you cannot pass a law to stop that.

The overwhelming majority of both Houses of Congress thought the Smith decision was incorrect as a matter of constitutional interpretation and as a matter of policy. We concluded that because section 5 of the 14th amendment authorized the Congress to protect fundamental civil liberties by appropriate legislation, we could enact a statute providing greater protection than the Smith decision did to accepted religious practices.

After extensive hearings under the leadership of Senator HATCH and Senator KENNEDY, the so-called RFRA, Religious Freedom and Restoration Act, was drafted to require that the application of neutral laws had to make reasonable accommodation to bona fide religious objections.

The Supreme Court struck down our effort to extend reasonable protections to religious practices. It held that the 14th amendment does not authorize the Congress to confer civil rights by statute or to give judicially recognized rights a greater scope than the Court has set forth.

In the Court's view, the power of section 5 of the 14th amendment gives the Congress the power to "enforce" the rights established in that amendment, but it only amounts to a power to provide remedies for the violations of the rights that the Court has recognized—not the Congress, the Court has recognized—not to protect any broader conception of civil rights than the Court has already recognized.

In the Flores case, it was another sign that we are on the road to judicial imperialism. Recognizing the implications of the decision, the Republican majority on the Judiciary Committee's Subcommittee on the Constitution in the House held a hearing on the Court's refusal to defer to Congress' factual findings and the policy determinations it based on those findings.

Judicial deference to congressional findings and congressional authority to enforce civil rights are obviously important questions standing alone, but the Supreme Court raised the stakes even higher in two decisions relating to what we call State sovereign immunity. In those cases, Seminole Tribe of Florida v. Florida and Alden v. Maine, the Court declared the Congress may not use its commerce clause powers to abrogate State sovereign immunity.

What this means, translated, is that when Congress acts under its broad power to improve the national economy, a power granted to it by the Constitution, the Congress, in the Court's view, cannot authorize an individual to sue a State even if they are suing over a purely commercial transaction with that State. For example, as the Court held in the Alden case, an employee of a State now cannot sue his or her employer for failing to comply with the Fair Labor Standards Act just because the employer happens to be a State.

If it is a business person, a corporation, and they violate the Fair Labor Standards Act, which we passed to protect all people who work, they can be held accountable under that act. The Supreme Court came along and said: But, Congress, you can't pass a law that holds a State accountable.

The Seminole Tribe and Alden cases highlight the importance of the issue of congressional power under the 14th amendment because the Court continues to recognize that Congress can authorize individuals to sue States if our legislation is authorized by the 14th amendment rather than by the commerce clause.

By limiting Congress' 14th amendment powers, therefore, the Boerne decision, which is the Religious Freedom Act decision, draws into question our capacity to meaningfully protect civil rights at all whenever remedies directly against a State are being considered.

Viewed in its historical context, this is a remarkable development in and of itself. The text of the 14th amendment was drafted immediately after the Civil War, and it grants powers to only one branch of the Government, the only one named in the amendment: the Congress, not the Court. Specifically, the amendment sought to grant the Congress ample power to enforce civil rights against the States. That is what the Civil War was about. That is why the Civil War amendments were passed: to put it in stone. Developments in these recent cases I have cited are in profound tension with the sentiments and concerns of the drafters of the 14th amendment.

Still, after that case, some might continue to say it is not clear where the Court was really headed. It was possible to say in the Flores case that it was simply articulating the standard governing the nature of Congress' power; namely, that it was purely remedial and not substantive.

Because the legislative record was designed to support an exercise of substantive power, that record did not so clearly support the exercise of the remedial power.

On this reading, the Court did not second-guess the congressional findings. It just saw them as answering the wrong question. Subsequent events, however, have confirmed that the Subcommittee on the Constitution had a right to be worried about Boerne because Boerne was much more ominous than that.

In one of the last cases decided in the 1998 term, the Court laid down yet another marker, perhaps the most bold decision yet in the trend of the Court usurping democratic authority.

In that decision, the Court held unconstitutional a Federal statute, the Patent and Plant Variety Protection Remedy Clarification Act. That act provided a remedy for patent holders against any State that infringes on the patent holder's patent. That was in Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank.

Before enacting this remedial legislation, the Congress had developed a specific legislative record detailing specific cases where States had infringed a federally conferred patent and evidence suggested the possibility of a future increase in the frequency of State infringements of patents held by individuals.

Unlike Lopez, the Patent Protection Act did not lack findings or legislative record. Unlike Boerne, the legislative record demonstrated that the statute was remedial and not substantive. Nonetheless, the Supreme Court decided, independently, that the facts before the Congress, as it, the Court, interpreted them, provided, in the Court's words, "little support" for the need for a remedy.

Get this: We, up here, concluded, on the record, that States have, in fact, infringed upon the patents held by individuals. We laid out why we thought—Democrat and Republican, House, Senate, and President—we should protect individuals from that and why we thought the problem would get worse. We set that out in the record when we passed the legislation.

But the Supreme Court comes along and says: We don't think there is a problem. Who are they to determine whether or not there is a problem? It is theirs to determine whether our action is constitutional, not whether or not there is a problem. But they said they found little support for our concern—the concern of 535 elected Members of the Congress and the President of the United States.

The Court was not substituting a constitutional principle here. The Court was substituting its own policy views for those of this body that described the problem of State infringement on Federal patents as being of national import. They concluded it is not that big of a deal.

We need to be clear about what the Court did in the patent remedy case. For a long time, it has been accepted constitutional law that once a piece of legislation has been found to be designed to cover a subject over which the Constitution gives the Congress the power to act—let me say that again—this has been accepted constitutional theory and law that once a piece of legislation has been found to be designed by the Congress to cover a subject over which the Congress has constitutional authority, that it then becomes wholly within the sphere of Congress to decide whether any particular action is wise or is prudent.

This has been constitutional law going all the way back as far as M'Culloch v. Maryland, written by the then-Chief Justice John Marshall, in 1819. There Chief Justice Marshall wrote that the "government which has the right to act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means [by which to act]."

In the patent remedy case, the Court quite clearly usurped the constitutional authority of Congress to select the means it thinks appropriate to remedy a problem that is admittedly within the authority of Congress to address.

In the patent remedy case, the Court did not hold that Congress has exercised a power in an area outside its constitutional authority. Instead, it disagreed with our substantive judgment as to whether the Federal remedy was warranted.

In short, the Court struck down the remedy just because it did not think the remedy was a good idea. Who are they to make that judgment? Talk about judicial activism. The cases I have reviewed today—Lopez, Boerne, Seminole Tribe, Alden, and Florida Prepaid—bring us up to this term just completed by the Supreme Court.

In the next series of speeches, I will show how the trend of judicial imperialism continued, and was extended by several cases decided this past year, including the Violence Against Women Act, which I began with today.

The bottom line here is, in the opinion of many scholars and observers of the Court, we are witnessing the emergence of what I referred to a year ago as the "imperial judiciary." I just discussed five cases leading up to the just completed term.

Now I would like to discuss two significant decisions of this term. I will also begin the task of trying to place these decisions in a broader framework of the Constitution's allocation of responsibility between the elected branches of Government and the judiciary. It is a framework that this "imperial judiciary" is disregarding.

Last December, the Court focused its sight on the Age Discrimination in Employment Act. That is the act that protects Americans against discrimination based on age and is amply justified under our Constitution. Not only does it protect the basic civil rights of equal protection and nondiscriminatory treatment—with bipartisan support, I might add—it also promotes the national economy, by ensuring that the labor pool is not artificially limited by mandatory requirements to retire.

So the Congress had ample constitutional authority to enact the Age Discrimination Act. And the Court did not deny that. Nonetheless, the Court, this last term, gutted the enforcement of the act as the act applied to all State government employees.

Building on its earlier decisions in the Seminole Tribe and Alden cases, which I discussed a moment ago, the Court ruled that the Constitution prevents us from authorizing State employees to sue their employers for violation of the Federal Age Discrimination Act. The Court also said, however, that the Constitution does not prevent the Congress from applying the law to the States.

Now, you have to listen to this carefully. In a thoroughly bizarre manner, in my view, the Supreme Court has now held that the Constitution allows the Age Discrimination Act to apply to State employers, but it denies the employees the right to sue the State employers when their rights under the Federal law are violated. We learned in law school that a right without a remedy can hardly be called a right.

As a result of this case, called Kimel v. Florida Board of Regents, over 27,000 State employees in my State of Delaware are left without an effective judicial remedy for a violation of a Federal law that protects them against age discrimination. Across the Nation, nearly 5 million State employees no longer have the full protection of Federal law.

Recall that in the Boerne decision—the case that invalidated the Religious Freedom Restoration Act, which I discussed a moment ago—the Court had begun the process of undermining the ability of the Congress under section 5 of the 14th amendment to enact legislation protecting civil rights. In Kimel, they continued that process.

In Kimel, the Court held that Congress' 14th amendment power to enforce civil rights refers only to the enforcement of those rights that the Court itself has declared and not to rights that exist by virtue of valid statutes. Because the Court decided that the Age Discrimination Act goes beyond the general protection the Constitution provides when it says that all citizens are entitled to "equal protection under the law," the Court ruled that the right to sue an employer for violations of the act was not "appropriate" and so ruled the act unconstitutional.

After Kimel, the pattern of the imperial judiciary now emerges with some clarity. First, the Court has repudiated over 175 years of nearly unanimous agreement that Congress, not the Court, will decide what constitutes "necessary and proper" legislation under any of its, Congress', enumerated powers. Then in a parallel maneuver, the Court has announced that it, not the Congress, will decide what constitutes "appropriate" remedial legislation to enforce civil rights and civil liberties.

Let me return for a moment to the Violence Against Women Act, which I began earlier in my speech. Prior to the enactment of the Violence Against Women Act, I held extensive hearings in the Judiciary Committee when I was chairman, compiling voluminous evidence on the pattern of violence against women in America. The massive legislative record Congress generated over a 4-year period of those hearings supported Congress' explicit findings that gender-motivated violence does substantially and directly affect interstate commerce. How? By preventing a discrete group of Americans, i.e., women, from participating fully in the day-to-day commerce of this country. These are the types of findings, I might add, that were absent when the Congress first enacted the Gun-Free School Zone Act, struck down in the Lopez case.

Let me remind you that Congress, when we enacted the civil rights provision invalidated in Morrison, found:

> [C]rimes of violence motivated by gender have a substantial adverse impact upon interstate commerce by deterring potential victims of violence from traveling interstate, from engaging in employment in interstate business, from transacting with businesses and in places involved in interstate commerce. Crimes of violence motivated by gender have a substantial adverse effect on interstate commerce by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products . . .

I cannot emphasize enough the seriousness of the toll that we found gender-motivated violence exacts on interstate commerce. Such violence denies women an equal opportunity to compete in the job market, imposing a heavy burden on our national economy.

Witness after witness at the hearing testified that as a result of rape, sexual assault, or domestic abuse, she was fired from, forced to quit, or abandoned her job. As a result of such interference with the ability of women to work, domestic violence was estimated to cost employers billions of dollars annually because of absenteeism in the workplace. Indeed, estimates suggested that we spend between $5 and $10 billion a year on health care, criminal justice, and other social costs merely and totally as a consequence of violence against women in America.

In response to this important national problem, one to which we found the States did not or could not adequately respond, Congress enacted my Violence Against Women Act in 1994, which included provisions authorizing women to sue their attackers in Federal court. This statute reflected the legislative branch's judgment that State laws and practices had failed to provide equal and adequate protection to women victimized by domestic violence and sexual assault and that the lawsuit would provide an adequate means of remedying these deficiencies. This was no knee-jerk response to a problem. Congress specifically found that State and Federal laws failed to "adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests" and that:

> . . . existing bias and discrimination in the criminal justice system often deprives victims of crimes of violence motivated by gender of equal protection of the laws and the redress to which they are entitled.

The funny thing about these explicit congressional findings and this mountain of data, as Justice Souter in his dissent called it, showing the effects of violence against women on interstate commerce—the funny thing about this is that the Supreme Court acknowledged all of it. They said: We don't challenge that.

This is the new height in their imperial judicial thinking. That is right. The Court acknowledged all of the findings of my committee. In Morrison, the Supreme Court recognized that in contrast to the lack of findings in the legislation on the Gun-Free School Zone case, Lopez, that the civil rights provisions of the Violence Against Women Act were supported by "numerous factual findings" about the impact of gender-motivated violence on interstate commerce.

But the Court also acknowledged the failure of the States to address this problem—they acknowledged the States had not addressed it before we did—noting that the assertion that there was a pervasive bias in State justice systems against victims of gender-motivated violence was supported by a "voluminous congressional record." They acknowledged that there was this great impact on interstate commerce. They acknowledged—because I had my staff, over 4 years, survey the laws and the outcomes in all 50 States—that many State courts had a bias against women.

So they acknowledged both those predicates.

Instead of according the deference typically given to congressional factual findings, supported by, as they said, a voluminous record, and without even the pretense of applying what we lawyers call the "traditional rational basis test"—that is, if the Congress has a rational basis upon which to make its finding, then we are not going to second-guess it; that is what we mean by "rational basis"—the Court simply thought it knew better.

This marks the first occasion in more than 60 years that the Supreme Court has rejected explicit factual findings by Congress that a given activity substantially affects interstate commerce. The Court justified this abandonment of deference to Congress by declaring that whether a particular activity substantially affects interstate commerce "is ultimately a judicial rather than a legislative question."

You got this? For the first time in 60 years, since back in the days of the Lochner era, the Supreme Court has come along and said they acknowledge that the Congress has these voluminous findings that interstate commerce is affected and the States aren't doing anything to deal with this national problem of violence against women; they are not doing sufficiently enough.

There is a bias in their courts. We acknowledge that. But they said, notwithstanding that, the question of whether a specific activity substantially affects interstate commerce "is ultimately a judicial rather than a legislative question." Hang on, here we go back to 1925.

As Justice Souter said in his dissent, this has it exactly backwards, for "the fact of such a substantial effect is not an issue for the courts in the first instance, but for the Congress, whose institutional capacity for gathering evidence and taking testimony far exceeds ours."

In short, in a decision that reads more like one written in 1930 than in 2000, the Court held that the judicial, not the legislative, branch of the Government was better suited to making these decisions on behalf of the American people—a conclusion that certainly would have surprised Chief Justice Marshall, the author of the seminal commerce clause decision in Gibbons v. Ogden in the early 1800s.

The judgments that the Congress made in enacting the Violence Against Women Act were, in my view, the correct ones. Even if you disagree with me, though, they were the Congress' judgments to make, not the Court's judgments to make.

When it struck down the Violence Against Women Act, the Court left little doubt that it was acting outside its proper judicial role. They said that the commerce clause did not justify the statute because the act of inflicting violence on women is not a "commercial" act. It said that section 5 of the 14th amendment also did not justify this act because creating a cause of action against the private perpetrators of violence is not an "appropriate" remedy for the denial of equal protection that occurs when State law enforcement fails vigorously to enforce laws that ought to protect women against such violence.

Over the course of this speech today, I have discussed seven significant decisions since 1995: Lopez, the gun-free school zones case; Boerne against Flores, the Religious Freedom Restoration Act case; Seminole Tribe and Alden, the two decisions prohibiting us from creating judicial enforceable economic rights for State employees; Florida Prepaid, the patent remedy case; Kimel, the Age Discrimination Act case; and finally, Morrison, the Violence Against Women Act case.

None of them deal fatal blows to our ability to address these significant national problems, but they each, in varying degrees, make it much more difficult for us to be able to do so.

There are two even more important points to make about these cases.

First, together, these cases are establishing a pattern of decisions founded on constitutional error—an error that allocates far too much authority to the Federal courts and thereby denies to the elected branches of the Federal Government the legitimate authority vested in it by the Constitution to address national problems.

Second, this is a trend that is fully capable of growing until it does deal telling blows to our ability to address significant national problems. This is not only my assessment; it is shared, for example, by Justice John Paul Stevens, who was appointed to the Court by Gerald Ford. Dissenting in the Kimel case, Justice Stevens has written that "the kind of judicial activism manifested in [these cases] represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises."

That is not JOE BIDEN speaking; that is a sitting member of the Supreme Court appointed by a Republican President.

It is also shared by Justice David Souter, who was appointed by President Bush. Dissenting in the Lopez case, Justice Souter has written that "it seems fair to ask whether the step taken by the Court today does anything but portend a return to the untenable jurisprudence from which the Court extricated itself almost 60 years ago." He was referring to the Lochner era.

It is shared by Justice Breyer, a Clinton appointee. Dissenting in College Savings Bank v. Florida Prepaid, Justice Breyer has written that the Court's decisions on State sovereign immunity "threaten the Nation's ability to enact economic legislation needed for the future in much the way Lochner v. New York threatened the Nation's ability to enact social legislation over 90 years ago."

Significantly, this imperialist trend can continue to grow and flower in two different places. The Supreme Court itself can continue to write more and more aggressive decisions, cutting deeper and deeper into the people's capacity to govern themselves effectively at a national level.

In the short term, perhaps the odds are that this will not occur. Many of the decisions in this pattern have been decided by votes of five Justices to four Justices, and it may be that one or more of the conservative majority has gone about as far as he or she is prepared to go at this time.

In the longer term, however, we can quite reasonably expect two or three appointments to the Court in the next 4 to 8 years, and if those appointments result in replacing moderate conservatives on the Court with activist conservatives, we have every reason to expect that this trend I have outlined for the last 45 minutes would gain momentum.

It can also bloom in the lower courts. This may, to some extent, be by design of the Justices who are taking the lead in the Court today. Certainly, many people have remarked on the proclivity of Justice Scalia to author opinions containing sweeping language that creates new ambiguities in the law and which then often provide a hook on which lower court judges can hang their judicial activism.

Already, opinions have been written by lower court judges overturning the Superfund legislation, challenging the constitutionality of the Endangered Species Act, calling into doubt Federal protection of wetlands, and eviscerating the False Claims Act, among others. Not all of these judicial exercises can be corrected by the Supreme Court, even if it were inclined to do so, because the Court decides only 80 or so cases a year from the entire Federal system.

In concluding, I wish to describe in the most basic terms why the imperialist course upon which the Court has embarked constitutes a danger to our established system of government.

In case after case, the Court has strayed from its job of interpreting the Constitution and has instead begun to second guess the Congress about the wisdom or necessity of enacted laws. Its opinions declare straightforwardly its new approach: The Court determines whether legislation is "appropriate," or whether it is proportional to the problem we have validly sought to address, or whether there is enough reason for us to enact legislation that all agree is within our constitutionally defined legislative power.

If in the Court's view legislation is not appropriate, or proportional, or grounded in a sufficient sense of urgency, it is unconstitutional—even though the subject matter is within Congress' power, and even though Congress made extensive findings to support the measure.

More significant than the invalidation of any specific piece of legislation, this approach annexes to the judiciary vast tracts of what are properly understood as the legislative powers. If allowed to take root, this expanded version of judicial power will undermine the project of the American people, and that project is self-government, as set forth in the Constitution.

To understand the alarm that Justice Stevens, Justice Souter, and others have sounded about the Court's pattern of activism, we must understand the way the Constitution structures the Federal Government and the reasons behind that structure. We must also understand the history and the practice that have made the Constitution's blueprint a reality and provide a scale to measure when the balance of power has gone dangerously awry. These considerations amply support Justice Stevens's assessment of "a radical departure from the proper role of this Court."

The Constitution (supplemented by the Declaration of Independence) sets forth the great aspirations and objects of our nation. It does not, however, achieve them. That is the great project of American politics and government: to achieve the country envisioned in those founding documents. The way to meet our aspirations and establish our national identity and our character as a people is through the process of self-government.

The Declaration of Independence proclaims our fundamental commitment to liberty and equality. These commitments are by no means self-executing. The history of our nation is in no small part the history of a people struggling to comprehend these commitments and to put these high ideals into practice.

The Constitution itself was concerned with a more complex function. Whereas the Declaration explained the reasons for splitting from Great Britain, the Constitution was concerned with explaining why the former colonies should remain united as a single nation. It was also concerned with the task of providing a government that could fulfill the promise and purposes of union.

The Framers who arrived in Philadelphia to debate and draft the Constitution were no longer immediately animated by an overbearing and oppressive government. In fact, our first national government, under the Articles of Confederation, was the precise opposite.

The emergency that brought the leading citizens of the North American continent together in Philadelphia that Summer of 1787 was the inability of the national government to act in any effective way. These framers saw the vast potential of the new nation with its unparalleled natural and human resources.

They saw as well the danger posed by foreign powers and domestic unrest. They realized too that the Confederation could never act credibly to exploit the nation's potential or to quell domestic and foreign hostilities. As Alexander Hamilton put it, "[w]e may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride or degrade the character of an independent nation which we do not experience."

Hamilton urged that the nation ratify the Constitution and throw off the ability of the states to constrain the national government: "Here, my countrymen, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquility, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the paths of felicity and prosperity."

Indeed, Hamilton may have been understating the degree of the crisis. Gouverneur Morris, a leading delegate from Pennsylvania, warned that "This country must be united. If persuasion does not unite it, the sword will . . . The scenes of horror attending civil commotion cannot be described . . . The stronger party will then make [traitors] of the weaker; and the Gallows & Halter will finish the word of the sword."

The words of the Constitution's preamble are not idle rhetoric. The founding generation ratified the Constitution in order to establish a government that could decisively and effectively act to "provide for the common defense, promote the general welfare, and secure the blessings of liberty." This is a fundamental constitutional value that must always be brought to bear when construing the Constitution.

Yet, it is precisely this constitutional value that the Supreme Court has lost sight of. Consider, for example, Justice Kennedy's statement in the case striking down the Line Item Veto Act. "A nation cannot plunder its own treasury without putting its Constitution and its survival in peril.

The statute before us then is of first importance, for it seems undeniable the Act will tend to restrain persistent excessive spending." Who is he to make that judgment? Yet, Justice Kennedy viewed this as completely irrelevant to the statute's constitutionality. He concurred that the Line Item Veto Act violates separation of powers even though there was no obvious textual basis for this conclusion and no apparent threat to any person's liberty.

Justice Kennedy is right about one thing. His statement is premised on the view that the Court is not particularly well-suited to make policy or political judgments. This is accurate and no mere happenstance. The Constitution itself structures the judiciary and the political branches differently by design.

The Judiciary is made independent of political forces. Judges hold life tenure and salaries that cannot be reduced. The purpose of the entire structure of the judiciary is to leave judges free to apply the technical skills of the legal profession to construe and develop the law, within the confines of what can be fairly deemed legal reasoning.

Outside this realm is the realm of policy. Here Congress and the President enjoy the superior place, again by constitutional design. The political branches are tied closely to the people, most obviously through popular elections.

Between elections, the political branches are properly subject to the public in a host of ways. Moreover, the political branches have wide-ranging access to information through hearings, through studies we commission, and through the statistics and data we routinely gather.

This proximity to the people and to information makes Congress the most suitable repository of the legislative power; that is, the power to deliberate as agents of the public and to determine what laws and structures will best "promote the general welfare."

It is much easier to describe the distinction between the judicial and the legislative power in the abstract than it is to apply in practice. That is why so much of our constitutional history has been devoted to developing doctrines and traditions that keep the judiciary within its proper sphere.

After much upheaval, the mid-twentieth century yielded a stable and harmonious approach to questions relating to the scope of Congress's powers: these questions are largely for the political branches and the political process to resolve—not the courts.

To be sure, the Court has a role in policing the outer boundaries of this power, but it is to be extremely deferential to the specific judgment of Congress that a given statute is a necessary and proper exercise of its constitutional powers. When the Court fails to defer, as it had during several periods prior to the New Deal, it inevitably finds itself making judgments that are far outside the sphere of the judicial power.

This is the point of Justice Stevens' warning. The Court is departing from its proper role in scope of power cases. What was initially uncertain, even after Lopez and Boerne, is now inescapable: This imperial Court, in case after case, is freely imposing its own view of what constitutes sound public policy. This violates a basic theory of government so carefully set forth in our Constitution. In theory, therefore, there is ample reason to expect that the Supreme Court's recent imperialism will undermine the fundamental value animating the Constitution, and that is the ability of the American people to govern themselves effectively and democratically.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield to the Senator from Missouri up to 7 minutes for a statement he wishes to make, and I ask unanimous consent I be allowed to do that without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Michigan for his kindness to me. I certainly am not the one to object to that unanimous consent. I appreciate that very much.

I express my unequivocal support, and I rise to do so for the many efforts that we are making in this Congress to reform U.S. policy on embargoes of food and medicine. Now is the time to reevaluate the policies we have engaged in in the past that are perpetuating losses to America.

Food embargoes can be summed up as a big loss: a loss to the U.S. economy, a loss of jobs, a loss of markets. For example, embargoed countries buy 14 percent of the world's total rice, 10 percent of the world's total wheat purchases, and the list goes on.

When we lose those markets for America, we should have a very good reason. There should be some benefit if we are going to give up access to 14 percent of the world's rice import market, 10 percent of the world's wheat market, for soybean farmers, cattlemen, hog farmers, poultry producers, cotton, and corn farmers.

The nation of Cuba, for example, imports about 22 million pounds of pork a year. Someone says that is important to the livestock farmers. Feed that pig corn before exporting it, so it is important to the grain farmers, as well.

The embargo causes a loss in America's foreign policy. Often we think we will inflict some sort of pressure or injury on another country and, instead of hurting them, we help them. I don't think there was any more dramatic case of that than the Soviet grain embargo with 17 million tons of grain and those contracts were canceled. Instead of hurting the Soviet Union, they replaced the contracts in the world marketplace at a $250 million benefit to the Soviet Union. Instead of hurting the former Soviet Union, we helped the former Soviet Union. That particular weapon was dangerous. Using food and medicine as an embargo is dangerous because that weapon backfires. Instead of hurting our opponent, we helped our opponent.

Who did we hurt? We hurt the American farm agricultural community. We hurt the food processing community. We need to make a commitment to ourselves that we need to reform this area of embargoing food and medicine resources.

The provision the Senator from Kansas and I and others will likely offer today simply reaffirms what we have been trying to do for some time; that is, to get real reform of humanitarian sanctions. I will cosponsor Senator ROBERTS' and Senator BAUCUS' amendment. I support it fully. However, the amendment should not be necessary. Twice we have passed sanctions reform for food and medicine in the Senate. Why is it necessary to do this a third time? My clear preference is to pass sanctions reform for all countries, not only for Cuba. We should reform the sanctions regime for all countries, not only Cuba, and we should ensure that future sanctions will not be imposed arbitrarily.

Last year, the Senate accepted overwhelmingly, by a vote of 70–28, accepted an amendment that I and many of my colleagues offered. That amendment lifts food and medicine sanctions across the board, not only applying the lifting of the sanctions to Cuba.

When we went to the House-Senate conference, the democratic process was derailed. We were not voted down. The conference was shut down because the votes were there to affect what the Senate had clearly voted in favor of. That is, the reformulation of our policy in regard to food and medicine embargoes. The conference was shut down by a select few individuals in the Congress who were outside of the conference committee.

This reform proposal was then adopted by the Senate Foreign Relations Committee. I am pleased the Senate Foreign Relations Committee has embraced the concept, which the Senate voted 70–28 in favor of, in spite of the fact this was shot down when the committee was shut down in the conference last year.

Once again, this provision passed the Senate this year. Senators DORGAN and GORTON offered it as an amendment in the agricultural appropriations markup, and it was accepted overwhelmingly.

Once again, we are faced with a House-Senate conference. It would be very troublesome to me if the democratic process is not allowed to work, especially after we have seen the will of Congress and the American people. That will is clearly expressed as a will to reform and embrace the reform of sanctions imposed by the President. It has passed the Senate Foreign Affairs Committee, and it has passed the Senate twice. Some version of this effort has now passed the House of Representatives and is broadly supported all across America.

I hold in my hand a list of about 50 organizations, dozens and dozens and dozens of organizations, including the American Farm Bureau, the National Farmers Union, the U.S. Chamber of Commerce, Gulf Ports of the Americas Association, the AFL–CIO. That is a pretty broad set of groups that want to reform this practice of embargoes.

I ask unanimous consent to have this list printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS AND INDIVIDUALS SUPPORTING THE AMENDMENT:

Missouri Farm Bureau, and numerous other Missouri farm organizations, The American Farm Bureau, The National Farmers Union, American Soybean Association, U.S. Rice Producers Association, Wheat Export Trade Education Committee, National Association of Wheat Growers, U.S. Wheat Associates, National Grain Sorghum Producers, Cargill.

ConAgra, Riceland, U.S. Chamber of Commerce, Grocery Manufacturers of America, Gulf Ports of the Americas Association, The AFL–CIO, Washington Office of Latin America, Resource Center of the Americas, The U.S.-Cuba Foundation, Cuban American Alliance Education Fund.

Association for Fair Trade with Cuba, The U.S.-Cuba Friendshipment/Bay Area, Americans for Humanitarian Trade with Cuba, Cuban Committee for Democracy, U.S.A./Cuba InfoMed, USCuBA Trade Association, Cuban Committee for Democracy, Cuban American Alliance Education Fund, Inc., InterAction (the American Council for Voluntary International Action).

Latin American and Caribbean Region American Friends Service Committee, World Neighbors, Lutheran World Relief, Church of the Brethren, Washington Office, Bread for the World, Paulist National Catholic Evangelization Association, World Education, Lutheran Brotherhood, PACT, Third World Opportunities Program.

Concern America, Center for International Policy, Program On Corporations, Law, and Democracy (POCLAD), Unitarian Universalist Service Committee, Committee of Concerned Scientists, Inc., (which is chaired by Joel Lebowitz, Rutgers University, Paul Plotz, National Institutes of Health, and Walter Reich, George Washington University), Women's International League for Peace and Freedom, Oxfam America, Institute for Food and Development Policy.

Paulist National Catholic Evangelization Association, The Alliance of Baptist, Institute for Human Rights and Responsibilities, Chicago Religious Leadership Network on Latin America, Fund for Reconciliation and Development, Guatemala Human Rights Commission, USA, The Center for Cross-Cultural Study, Inc., Mayor Gerald Thompson, City of Fitzgerald, Georgia, Professor Hose Moreno, Professor of Sociology, University of Pittsburgh, Berkeley Adult School, Career Center Director June Johnson, Youngstown State University, Dept. of Foreign Language, Lake Charles Harbor & Terminal District, Catholic Relief Services.

Mr. ASHCROFT. We are today offering yet another amendment because there is concern that the democratic process in the agricultural appropriations House-Senate conference will not be respected.

Let me be clear. We would not have to be here today offering this amendment that says "don't enforce the law," if we in the Congress were allowed to change the law, which is the purpose of Congress.

If you don't want to change the law, you don't need a Congress. You can have the same laws all the time. We found a law that is not working; we should change the law. This amendment will be a "don't enforce the law" amendment, but the truth is, our prior expressions on this are clear. We ought to change the law so we won't have to talk about withdrawing funding for enforcement.

My preference is to get this issue resolved in the agricultural appropriations conference and pass embargo reform for all countries and for future sanctions. We need to send real embargo reform to the President's desk this year. That should be our objective. I will support this amendment today which I am cosponsor of, but real reform, and reforming the regime, the framework in which these sanctions are proposed, is what we ought to do. It is what we have done. I believe, ultimately, it is what we will do for the benefit of not only those who work in agriculture and who respect foreign policy but for future generations and the relations of the United States with other countries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Treasury-Postal appropriations bill includes a provision to establish a special postage stamp called the semipostal, intended to raise funds for programs to reduce domestic violence.

I am a very strong supporter of programs to reduce domestic violence—I believe Congress should fully fund those programs—but I do not agree that another semipostal issue should be mandated by the Congress.

Semipostals are stamps that are sold with a surcharge on top of the regular first-class postage rate, with the extra revenue earmarked for a designated cause. Those causes are invariably causes which I think most, if not all, support. They are very appealing causes that come to Congress and ask to require the Postal Service to issue a stamp that has an amount for first-class postage more than the regular 33 cents amount, with the difference going to their cause.

The one and only time that we ever did that was for an extraordinarily worthy cause—breast cancer research. The question now is whether we are going to continue down that road and, as a Congress, mandate the Postal Service to issue those stamps for a whole bunch of causes that are competing with each other for us to mandate the Postal Service to issue such a stamp.

Section 414 of this bill says:

> In order to afford the public a convenient way to contribute to funding for domestic violence programs, the Postal Service shall establish a special rate of postage for first-class mail under this section.

It then goes on to describe what that rate shall be. It says in part of this section that:

> It is the sense of the Congress that nothing in this section should directly or indirectly cause a net decrease in total funds received by the Department of Justice or any other agency of the Government, or any component or program thereof below the level that would otherwise have been received but for the enactment of this section.

I am not sure how this can possibly be enforced. But that is just one of the problems, not the basic problem, with this language.

As I indicated, the first and only example in American history of a semipostal stamp being issued was the breast cancer research stamp which required the Postal Service to turn over extra revenue, less administrative costs, to the National Institutes of Health and the Department of Defense for its breast cancer research programs. That stamp broke tradition in Congress, not just because it was the first semipostal in our Nation's history but also because it was the first time that Congress mandated the issuance of any stamp in 40 years. I think our tradition of keeping Congress out of the stamp selection process has worked with respect to commemorative stamps, and I believe we should follow that with respect to semipostals as well.

For the last 40 years, Congress has deferred to the Postal Service and to an advisory board which it has set up, nonpartisan, out of politics, objective. That Citizens' Stamp Advisory Committee recommends subjects for the commemorative stamp program. That committee, the Citizens' Stamp Advisory Committee, was created more than four decades ago to take politics out of the stamp selection process. Committee members review thousands of stamp subjects each year and select only a small number that they believe will be educational and interesting to the public and meet the goals of the Postal Service.

Although Congress advises that advisory committee on stamp subjects by making recommendations through letters that we send or through sense-of-Congress resolutions, until now, for the last 40 years, Congress has left the decisionmaking on stamp issuance up to the Postal Service.

This is what the Postal Service says about the role of the Citizens Stamp Advisory Committee:

> The U.S. Postal Service is proud of its role in portraying the American experience to a world audience through the issuance of postage stamps and postal stationery.
>
> Almost all subjects chosen to appear on U.S. stamps and postal stationery are suggested by the public. Each year, Americans submit proposals to the Postal Service on literally thousands of different topics. Every stamp suggestion is considered, regardless of who makes it or how it is presented.
>
> On behalf of the Postmaster General, the Citizens' Stamp Advisory Committee (CSAC) is tasked with evaluating the merits of all stamp proposals. Established in 1957, the Committee provides the Postal Service with a "breadth of judgment and depth of experience in various areas that influence subject matter, character and beauty of postage stamps."
>
> The Committee's primary goal is to select subjects for recommendation to the Postmaster General that are both interesting and educational. In addition to Postal Service's extensive line of regular stamps, approximately 25 to 30 new subjects for commemorative stamps are recommended each year. Stamp selections are made with all postal customers in mind, not just stamp collectors. A good mix of subjects, both interesting and educational, is essential.
>
> Committee members are appointed by and serve at the pleasure of the Postmaster General. The Committee is composed of 15 members whose backgrounds reflect a wide range of educational, artistic, historical and professional expertise. All share an interest in philately and the needs of the mailing public.
>
> The Committee itself employs no staff. The Postal Service's Stamp Development group handles Committee administrative matters, maintains Committee records and responds to as many as 50,000 letters received annually recommending stamp subjects and designs.
>
> The Committee meets four times yearly in Washington, D.C. At the meetings, the members review all proposals that have been received since the previous meeting. No in-person appeals by stamp proponents are permitted. The members also review and provide guidance on artwork and designs for stamp subjects that are scheduled to be issued. The criteria established by this independent group ensure that stamp subjects have stood the test of time, are consistent with public opinion and have broad national interest.
>
> Ideas for stamp subjects that meet the CSAC criteria may be addressed to the Citizens' Stamp Advisory Committee, c/o Stamp Development, U.S. Postal Service, 475 L'Enfant Plaza, SW, Room 4474E, Washington, D.C. 20260-2437. Subjects should be submitted at least three years in advance of the proposed date of issue to allow sufficient time for consideration and for design and production, if the subject is approved.
>
> The Postal Service has no formal procedures for submitting stamp proposals. This allows everyone the same opportunity to suggest a new postage stamp. All proposals are reviewed by the Citizens' Stamp Advisory Committee regardless of how they are submitted, i.e., postal cards, letters or petitions.
>
> Afer a proposal is determined not to violate the criteria set by CSAC, research is done on the proposed stamp subject. Each new proposed subject is listed on the CSAC's agenda for its next meeting. The CSAC considers all new proposals and takes one of several actions: it may reject the new proposal, it may set it aside for consideration for future issue or it may request additional information and consider the subject at its next meeting. If set aside for consideration, the subject remains "under consideration" in a file maintained for the Committee.

What is important about all that is that there are very clear procedures where every citizen of this country can make a recommendation to the committee which has certain basic criteria to determine the eligibility of subjects for commemoration on U.S. stamps. These criteria are set forth for the general public to see—12 major areas guide the selection.

> It is a general policy that U.S. postage stamps and stationery primarily will feature American or American-related subjects.
>
> No living person shall be honored by portrayal on U.S. postage.
>
> Commemorative stamps or postal stationery items honoring individuals usually will be issued on, or in conjunction with significant anniversaries of their birth, but no postal item will be issued sooner than ten years after the individual's death. The only exception to the ten-year rule is the issuance of stamps honoring deceased U.S. presidents. They may be honored with a memorial stamp on the first birth anniversary following death.
>
> Events of historical significance shall be considered for commemoration only on anniversaries in multiples of 50 years.
>
> Only events and themes of widespread national appeal and significance will be considered for commemoration. Events or themes of local or regional significance may be recognized by a philatelic or special postal cancellation, which may be arranged through the local postmaster.
>
> Stamps or stationery items shall not be issued to honor fraternal, political, sectarian, or service/charitable organizations that exist primarily to solicit and/or distribute funds. Nor shall stamps be issued to honor commercial enterprises or products.

These criteria—I have just read six of them; there are a total of 12—are set forth for the public to see and for everybody to have a fair chance, according to certain criteria set forth in advance to have a recommendation considered.

The stamp advisory committee, however, does not issue semipostals. One of the questions we need to face as a Congress is whether or not, given the fact we now are beginning to authorize semipostage such as the breast cancer research, semipostal, it would not be better for us to authorize the advisory committee of the Postal Service to be performing this important function.

The problem is that since the breast cancer research stamp has been authorized, we have had dozens of requests for a semipostal stamp. This is a list of some of the bills that have been introduced. These are just the bills that have been introduced for semipostal: AIDS research and education; diabetes research; Alzheimer's disease research; prostate cancer research; emergency food relief in the United States; organ and tissue donation awareness; World War II memorial; the American Battle Monuments Commission; domestic violence programs; vanishing wildlife protection programs; highway-rail grade crossing safety; domestic violence programs—a second bill; another bill on organ and tissue donation awareness; childhood literacy.

There are not too many of us, I believe, who are about to vote against a stamp that could raise—could raise, I emphasize—some funds because the cost of these issues are supposed to be deducted from the receipts, but I do not believe there are too many of us who are in a position where we would want to vote against a stamp or anything else that could assist AIDS research, diabetes research, Alzheimer's disease, prostate cancer research, or organ and tissue donation. Many of us have devoted a great deal of our lives to those and other causes such as the World War II memorial and the National Battle Monuments Commission.

When the breast cancer research stamp was approved, I voted against it. I was one of the few who did. That created for me, and for others who voted no, the prospect that somebody would then say I opposed funds for breast cancer research, which obviously I do not. In a split second, I would have voted to increase the appropriation for breast cancer research by the amount of money which might have been raised by this stamp so we could give to NIH an amount of money at least equal to what might be raised by such a stamp. Obviously, I am not opposed to additional funds. Indeed, the opposite is true.

What does trouble me, however, is that we are now beginning a course which will politicize the issuance of stamps again in this country. We had taken politics out of it by the creation of an advisory committee. For 40 years this advisory committee, and this advisory committee alone, has decided and made the recommendation to the Postal Service what commemoratives will be issued. They have not issued any semipostals nor were any issued by this country until the breast cancer research stamp was approved.

Now in this bill we have another good cause, money which would go to programs aimed at reducing domestic violence. There is no doubt about the validity of the cause. The problem is that we have no criteria, that we do this ad hoc, helter-skelter.

We have already authorized one stamp, which I will get to in a moment, that relates to grade crossing safety. This is on the calendar, approved by the Governmental Affairs Committee, not yet approved by the Senate. This is going to unleash a politicization process of the issuance of stamps which I do not believe will benefit this Nation.

I think it will be incredibly difficult for the Postal Service, which does not want us to require the issuance of semipostals. They are still sorting through the breast cancer research stamp costs. We should reauthorize the breast cancer research stamp because we have already authorized the stamp and it has been printed, and unless we reauthorize it, then this program will run out. This is a very different issue from voting for an additional issue, and the next, and the next.

I will spend a couple of minutes this afternoon talking about what happened with another semipostal stamp which was proposed in a bill and was approved by the committee. I did not vote for it in the Governmental Affairs Committee, not because I oppose its cause, but, again, for what this is going to unleash upon us in terms of politics—issuance of stamps and using the issuance of stamps to raise money for causes which will then be vying against each other. I do not think that is in anybody's interest.

The one example on which I want to focus for a few moments is a proposal which has already been approved by the Governmental Affairs Committee, and that is what is called the Look, Listen, and Live Stamp Act. That bill requires the Postal Service to issue a semipostal stamp for an organization called Operation Lifesaver.

Operation Lifesaver is a nonprofit organization which is dedicated to highway and rail safety through education. Operation Lifesaver seems to be a fine organization, but it is not the only organization which is committed to preventing railroad casualties. As a matter of fact, railway safety advocates are split on the issue of grade crossing safety and the best method to prevent rail-related injuries. Operation Lifesaver, for example, emphasizes safety through education, while other railway safety advocates promote safety by funding automatic lights and gates at railway crossings.

After the Governmental Affairs Committee reported this stamp proposal, railroad safety organizations contacted my office to represent their disagreement with the "look, listen, and live stamp" primarily because of the emphasis that one organization, Operation Lifesaver, puts on education and education only.

The president of a group called the Coalition for Safer Crossings wrote me the following letter:

> Dear Senator LEVIN: I personally find Operation Lifesaver spin on education appalling. Three and a half years ago, I lost a very dear and close friend of mine at an unprotected crossing in southwestern Illinois. Eric was nineteen. I fought to close the crossing where Eric was killed and since helped many families after the loss of a loved one through my organization, the Coalition for Safer Crossings. And now today, we are moving forward with other smaller organizations to form a national organization to combat certain types of education being put out by other groups and to help victims' families and help change the trend of escalating collisions. The National Railroad Safety Coalition is comprised of families and friends of victims of railroad car collisions, unlike Operation Lifesaver.

Again, Operation Lifesaver is the group that is going to receive the net dollars that will be raised by the issuance of this "look, listen, and live stamp."

Then the head of this competing group says:

> I personally and professionally oppose this measure. If the United States Congress is truly concerned about this issue of railroad crossing safety and is dead set on making stamps, then you should make a railroad safety stamp not a Operation Lifesaver stamp. And rather than have the money go to their type of education, have it go towards the States funds for grade crossing upgrades in that State. A matching dollar scheme comes to mind from the State.

He concludes:

> I am currently 23 years old. When I was in high school, I received the same driver safety training regarding grade crossings safety as my best friend Eric did. Eric is now gone. The funds from this proposed stamp would not have helped him. Now if this stamp would have been around prior to 1996 and funds were allocated to the State of Illinois for hardware and a set of automatic lights and gates were installed at this crossing in question I wouldn't be writing you this letter today. I hope you understand the difference.

Mr. President, at the time that this stamp was approved in the Governmental Affairs Committee, I submitted minority views on this issue. In part, this is what I wrote just about a year ago this month:

> For over 40 years, the U.S. Postal Service has relied on the Citizens' Stamp Advisory Committee to review and select stamp subjects that are interesting and educational. The committee chooses the subjects of U.S. stamps using as its criteria, 12 major guidelines, established about the time of the Postal Reorganization Act. [They] have guided the committee in its decisionmaking function for decades.

> The tenth criteria guiding [their] selection makes reference to semi-postal stamps, the type of stamp that the Postal Service would be required to issue if the Look, Listen, and Live Stamp Act were enacted. With respect to semi-postals, the guidelines state, "Stamps or postal stationery items with added values, referred to as 'semi-postals,' shall not be issued. Due to the vast majority of worthy fund-raising organizations in existence, it would be difficult to single out specific ones to receive such revenue. There is also a strong U.S. tradition of private fund-raising for charities, and the administrative costs involved in accounting for sales would tend to negate the revenues derived." This position was also reflected in a . . . letter from Postmaster General William Henderson.

He has also cautioned and urged our committee not to mandate the issuance of specific semipostals.

So I do not believe that we can and should be in the business of deciding to promote one worthy charity over another, one specific organization over another. This stamp, the one that is now on the calendar—not the one in this bill; the one on the calendar—for safety at railway crossings is, it seems to me, an example of a stamp that may not be workable, and yet the full Governmental Affairs Committee has reported this bill out.

Then what are we to do? We are going to be presented with a number of proposals relative to semipostals. Many of our colleagues have introduced bills. The bill before us has such a provision. I believe the answer comes from Representative MCHUGH and Representative FATTAH, who are the chairman and the ranking member of the House Government Reform Subcommittee on the Postal Service. They put their views in a bill, H.R. 4437, which passed the House of Representatives on July 17.

It gives the Postal Service the authority to issue semipostals. It requires the Postal Service to establish regulations, before issuing any stamp, relating to, first, which office within the Postal Service shall be responsible for making decisions with respect to semipostals; two, what criteria and procedures shall be applied in making those decisions; and, three, what limitations shall apply, such as whether more than one semipostal will be offered at any one time.

The McHugh bill also requires the Postal Service to establish how the costs incurred by the Postal Service as a result of any semipostal are to be computed, recovered, and kept to a minimum. One thing we learned from the breast cancer semipostal is that the Postal Service did not establish an accurate accounting system for tracking the cost of semipostals.

According to a recently released GAO report, "Breast Cancer Research Stamp, Millions Raised for Research, But Better Cost Recovery Criteria Needed"—that is the title of the report—the Postal Service did not track all monetary or other resources used in developing and selling the breast cancer research stamp. They kept track of some costs but were not able to determine the full costs of developing and selling the stamp. Postal officials obviously should keep track of both revenues and their full costs so that the appropriate net can be determined for delivery to that particular cause.

The McHugh bill is before this body. The McHugh bill, in addition to authorizing the issuance of semipostals by the stamp advisory committee, also reauthorizes the breast cancer research stamp. It does both things. I hope this body will take up this bill and adopt this kind of procedure in order to attempt to take this issue out of politics and not put us in a position where we have to vote between a stamp raising money for AIDS research or diabetes research or Alzheimer's research or prostate cancer research, organ and tissue donation research, the World War II Memorial, domestic violence, and on and on.

I doubt very much that we would want to vote no to any of those. Yet we cannot possibly have all of them at once. The Postal Service cannot possibly handle the accounting, the delivery, the sale of all those stamps. They have urged us very strongly not to be authorizing and mandating the issuance of those stamps.

So I hope that when the bill comes before us, which I hope will be any time, we will reauthorize the breast cancer research stamp. Again, even though I voted against it, for the reasons I have given here this afternoon, nonetheless I think, given the fact that the stamps have been printed and that effort is already underway, and the huge number of people who have already been involved in promoting the sale, and the women and men from around this country who have gone out of their way to use that stamp are in place—they have been operating; they have been very successful, very productive with millions of dollars that will be raised, the pluses of continuing to reauthorize that stamp, once it has been issued, and once that effort is underway, outweigh the negatives, which I have outlined this afternoon.

At the same time, I hope that the rest of the McHugh bill will be adopted by us so that we can put into place criteria which will make it a lot easier for us to have a sensible system for the issuance of semipostals.

Mr. President, on a matter that relates directly to this bill, because it is a Treasury bill, I want to just spend a few minutes talking about the issue of the budget surplus, and the response of the Congress to that budget surplus. I want to use, as my text, and then intersperse some comments into it, a memorandum that the Director of the Office of Management and Budget, Jacob Lew, wrote on the effect of congressional legislative action on the budget surplus. This is what the OMB Director wrote:

> This memo is in response to your request that OMB assess the effect of legislative action on the budget surplus. Over the past six months, Congress has passed nine major tax cuts resulting in a cost of $712 billion over ten years. Draining this sum from the United States Treasury reduces the amount of debt reduction we can accomplish, thereby increasing debt service costs by $201 billion over ten years. Therefore, the Congressional tax cuts passed to date will draw a total of $913 billion from the projected surplus.
>
> In addition, the Congressional majority has stated clearly that its tax cuts to date represent only a "down payment" in a long series of tax cuts it intends to realize. While there has been little specificity about the size and nature of the entire program, the full range of action taken by the 106th Congress, both last year and this, provides an indication of the total impact of the Congressional tax cut proposals on the surplus.
>
> In the first session of the 106th Congress, the majority passed one large measure, which included a variety of tax cuts totaling $792 billion. Excluding certain individual tax cuts which passed this year as well as last year (such as elimination of the estate tax and the marriage penalty), the cost of tax cuts passed last year amounts to $737 billion, and the additional debt service amounts to $148 billion for a total of $885 billion.

Jacob Lew goes on as follows:

> The bill-by-bill approach to tax cuts in the absence of an overall framework masks the full impact and risks of the cumulative cost.

I will repeat that because that is the heart of the matter.

> The bill-by-bill approach to tax cuts in the absence of an overall framework masks the full impact and the risks of the cumulative cost. In the absence of more specific indications about the content and number of future tax cuts the congressional majority has stated it plans to produce, we have used the total costs associated with tax cuts from the 106th Congress as an illustration of Republican plans. If their plans remain consistent with the past activity, the full cost of this program would be:
>
> —tax cuts of $1.44 trillion
> —additional debt service of $349 billion
> —for a total of $1.796 trillion.
>
> The effect of such tax cuts would be to completely eliminate the projected non-Social Security/Medicare budget surplus at the end of ten years. Even by the more optimistic projections the entire surplus would be drained. The most recent CBO projections issued earlier this week estimate a ten-year non-Social Security/Medicare surplus of $1.8 trillion. OMB's recent projections estimate a ten-year non-Social Security/Medicare surplus of $1.5 trillion. In either case, because the costs of the tax cuts match or exceed the projected budget surplus, there would be no funds available for any of the nation's other pressing needs, including our proposals to establish a new voluntary Medicare prescription drug benefit, pay an additional $150 billion in debt reduction to pay down the debt by 2012, expand health coverage to more families, provide targeted tax cuts that help America's working families with the cost of college education, long-term care, child care and other needs, or extend the life of Social Security and Medicare.

Those are the options we are going to be faced with in the next few months, whether or not we want to take this projected surplus of either $1.5 trillion or $1.8 trillion—we are only talking about the non-Social Security, non-Medicare surplus—whether we want to take that surplus, which the CBO estimates is $1.8 trillion and the OMB estimates is $1.5 trillion, and use that almost exclusively or exclusively for the tax cuts which have been proposed, or whether we want to use a significant part of that surplus to pay down the national debt faster, to establish a new voluntary prescription drug benefit, to expand health coverage, to expand opportunity for college education, and to extend the life of Social Security and Medicare.

I want to put in the RECORD in a moment the list of the pending tax cuts in the 106th Congress which Jack Lew makes reference to, the $934 billion, approximately, in the 10-year cost. These are bills which have been passed by one body or another or one committee or another in one body: Marriage Penalty Conference Committee, $293 billion; Social Security tier 2 repeal, $117 billion; estate tax in the House $105 billion; the Patients' Bill of Rights in the House, $69 billion; the communications excise tax, $55 billion; the Taxpayers Bill of Rights, $7 billion; then the subtraction for provisions in multiple bills and so forth. Then you have to add the interest costs of these tax cuts. That comes out to be about $900 billion.

I ask unanimous consent to print this list in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PENDING TAX CUTS IN THE 106TH CONGRESS

[10-year cost, in billions of dollars]

Tax Legislation (Body Passed):	
Marriage Penalty (Conf. Cmte.)	293
Minimum Wage (House)	123
Social Security Tier II Repeal (W&M Cmte.)	117
Estate Tax (House)	105
Patient's Bill of Rights (House)	69
Communications Excise Tax (Finance Cmte.)	55
Pension Expansions (House)	52
Education Savings (Senate)	21
Taxpayer Bill of Rights 2000 (House)	7
Trade Act (Enacted)	4
Subtraction for Provisions in Multiple Bills (Estimate)	99
Interest Cost of Tax Cuts (Estimate)	187
Total, Pending Tax Legislation	934
Plus New Markets/Renewal Communities	20

Mr. LEVIN. Mr. President, there are problems with each of the major tax bills. I may spend a moment on each of those problems. On the estate tax bill, it has problems. There is an alternative which is a better alternative, which would help more people. For those relatively few people who do pay an estate tax, the alternative Democratic plan would provide immediate relief—100 percent relief to people who have less than $8 million per couple for family farms and small businesses; total and immediate relief for those people in the alternative plan.

The bill which has been adopted has a major problem in that it favors upper income individuals, the wealthiest among us, and most of its benefits go to those people rather than the people who need this the most, which are individuals and married couples who have estates that might be, in the case of a family farm or small business, $8 million or less. But there is a bigger problem, whether we are talking about repeal of the estate tax or the marriage penalty tax. And there—regarding the marriage penalty, we have an alternative as well which would benefit a larger number of low and moderate income people with a greater benefit instead of a group of people who are at the upper end of the income level. The major problem I have with these tax bills is that when you put them all together, what it means is that we would not be able to apply this surplus to reduction of the national debt.

I am out there, as all of us are, in our home States. I talk to people and ask people in all the meetings I have: What do you primarily want us to spend the surplus on? Do you want tax cuts—putting aside for the moment whether they benefit upper income folks or benefit working families, put aside that issue for the moment; that is a major issue—do you basically want us to take this $1.8 trillion and pay down the national debt? Or do you want that to go in tax cuts?

Overwhelmingly, repeatedly, I hear back from people, they want us to pay down the national debt. Whether we are talking about younger people, middle-age people, older people, they all come to the same conclusion: No. 1, we can't be sure the surplus will be that large so don't spend it all on anything, be it tax cuts or other programs. Spend most of it on protecting the future economy of the United States. Spend most of it on that $6 trillion debt that has been rung up—to reduce the amount of that debt, to try to assure that the economy, which we now have humming, will stay humming; that an economy which we finally have at a point where we don't add to the national debt with annual deficits each year, that is healthy in terms of interest rates and job creation and in low inflation, that that economy will be there for us next year, next decade, next generation.

I believe that is what the American people overwhelmingly want us to do. We can argue, and we should, and we can debate, and we should, which estate tax proposal is a better estate tax proposal. That is a legitimate debate. We obviously have an alternative to the one that was adopted which is targeted to the people who need it the most, people who have farms and small businesses and estates worth up to $8 million, people who are still paying an estate tax even though it might mean in some cases that they could lose that family farm. Our alternative provides total relief to those families and immediate relief to those families, unlike the one that was passed by the Republican majority which gives most of its cuts to the people who need it the least, people who are in the higher brackets, higher asset levels, and phases it in and then only does it partially.

We should, and we do, debate those issues: Which alternative plans on the estate tax or on the marriage penalty tax provide the fairest kind of tax relief to the people who need it the most. But the underlying issue, which is one I hope we will keep in mind, is whether or not we want to commit this projected surplus of almost $2 trillion in 10 years to any of these proposals to the extent that we have. Be it tax cuts or be it efforts to improve education or health care or what have you, it is my hope and belief that the greatest contribution we can make to our children and to their children is to protect this economy, to try to keep an economy, which is now doing so well, healthy in future years, as it has been in the past few years. That means we need to protect that surplus, not spend it; not use it for tax cuts on the assumption that there is going to be $1.8 trillion or $1.5 trillion over the next 10 years, because there is too much uncertainty in that, because our people sense—and correctly—that we do not know for certain that that budget surplus will in fact be there.

There has been recent public opinion polling which seems to me illuminating on this subject. When people are asked whether or not they want to protect Social Security and Medicare and pay down the debt, or whether or not they think passing a tax cut is the better way to go, 75 percent believe protecting Social Security and paying down the debt is the most important priority we have right now. Only 23 percent favor passing tax cuts as an alternative. When asked the question of whether or not the trillion-dollar tax cut package that was passed last year, without a penny for Medicare, and whether or not the tax cuts that are being added this year to the same amount, still without a penny for Medicare, is the better way to go, 63 percent say no, 32 percent say yes.

So the public senses that with the surplus we have, the proportion we project, the best thing we can do to protect our economy and the best thing we can do with that projected surplus is in fact to pay down the debt, protect Medicare, and to target our efforts on some of the needs we have as a country, rather than to provide for the kind of tax cuts that we have seen the Republicans enact.

What I have said about the estate tax is also true relative to the marriage penalty bill. We have two alternatives—the one that passed, but we also have an alternative that did not pass, which provides targeted, comprehensive relief and is fiscally more responsible because it leaves more for debt reduction and, therefore, overall is a better value for the American taxpayer. The alternative completely eliminates the penalty in all of its forms, not just in a few, as the marriage tax penalty legislation we passed does. The Democratic alternative eliminates it for couples earning up to $100,000, which is 80 percent of all married couples, and it costs $29 billion per year when fully phased in.

The plan that was adopted, the Republican plan, confers 40 percent of its benefits on taxpayers who currently suffer a penalty. In other words, only 40 percent of the benefits of the Republican plan go to taxpayers who currently actually suffer a penalty. The rest of the people who get a benefit in the Republican plan either don't suffer a penalty—indeed they received a bonus when they got married—or are left untouched one way or another. And the Republican plan addresses only 3 of the 65 instances of the penalty in the Tax Code, whereas the Democratic alternative plan addresses every place in the Tax Code where the marriage penalty exists. And the Republican plan costs $40 billion when fully phased in as compared to $29 billion per year for the alternative Democratic plan.

So, again, it seems to me it is a pretty clear choice that we have: Do we want a plan that is targeted to people who earn under $100,000, that confers benefits on people who are truly penalized when they are married, in terms of the taxes they pay, and a plan that does so at a cost significantly less than in the Republican plan that was adopted? Or do we want to adopt the more costly plan, most of the benefits of which go to people who are in the upper income brackets, and then do not address totally the problem that exists for those people who do suffer a tax penalty upon marriage?

The same thing is true with the overall tax cut that has been proposed. We have basically two alternatives that have been set forth to the American people, not yet put in the legislative form, but which have been proposed by Governor Bush and Vice President GORE. According to the Citizens For Tax Justice, the distribution of benefits of the Bush plan basically provides that 10 percent of the taxpayers get 60 percent—the upper 10 percent, the top 10 percent of taxpayers, get 60 percent of the benefits; the bottom 60 percent of the taxpayers get 12 percent of the benefits. That is the tax plan that has been proposed by Governor Bush.

It would reduce revenues by $460 billion over the first 5 fiscal years, and by $1.3 trillion over 9 fiscal years, plus an additional $265 billion in associated interest costs. That is an extraordinarily expensive plan. We haven't seen that yet in legislative form, and I am not sure we will. Nonetheless, the American people are again going to be presented with very different approaches as to how we should use the surplus.

Some people say, "Senator, that is our money you are talking about; what is wrong with the tax cut?" My answer is that it is our money, your money. It is also our economy. It is also our Social Security program. It is also our Medicare program. It is also our education program. It is our health care program.

So the argument that this money belongs to the people of the United States is clearly true. I think it is undeniable. I can't imagine anybody suggesting that anything in the Treasury is anything but the property of the people of the United States. But the other half of that, which is too often left out, is that the economy, which is now healthy, belongs to the people of the United States. They have made it possible, through their work, for us to have a strong economy. Keeping that economy healthy is also the job of this Congress, as well as the job of the people of the United States.

The Social Security system, which has made such a difference for so many that the poverty rate among seniors is now 5 percent, compared to the poverty rate among children, which is 20 percent, mainly because of the existence of Social Security—that program belongs to the people of the United States. Protecting that program is also our responsibility. So to say that, yes, the surplus belongs to the people is true. But the Medicare program, Social Security program, health care program, education program also belong to the people of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I come to the floor today to discuss moving to the Treasury-Postal appropriations bill. I agree with the Majority Leader and others who have come to the floor this year to insist that we do the people's business, and that the people's business means completing all of the appropriations bills. There are several very important amendments that will be proposed to this legislation, and we must give them the time and consideration they deserve. I may well vote against the Treasury-Postal appropriations bill in the end, but I recognize the importance of taking it up, considering it, and getting it done.

We have got to take care of the unfinished business.

We have more appropriations bills to consider, and we have other business as well, as my colleagues are well aware.

I find it interesting to look at some of the other measures we have considered, and still might consider, this year.

I am talking about priorities—what we get done on this floor, and what gets ignored.

As I said, it is essential that we pass these appropriations bills—they are the core of the people's business, because they keep the government up and running.

But beyond bills like Treasury-Postal, what are we choosing to do?

Recently, we chose to consider a repeal of the estate tax. As I said during that debate, the estate tax affects only the wealthiest property-holders. In 1997, only 42,901 estates paid the tax. That's the wealthiest 1.9 percent. People are already exempt from the tax in 98 out of 100 cases. Let me repeat that: Already, under current law, 98 out of 100 do not pay any estate tax.

The Republican estate tax repeal would give the wealthiest 2,400 estates—the ones that pay now half the estate tax—an average tax cut of $3.4 million each. And remember, 98 out of 100 people would get zero, nothing, from this estate tax cut.

Now, this doesn't sound like something most Americans are clamoring for.

It is of no use to most Americans, in fact. But it is of use to a very small—but wealthy—group of people.

Those who are wealthy enough to be subject to estate taxes have great political power.

They can make unlimited political contributions, and they are represented in Washington by influential lobbyists that have pushed hard to get the estate tax bill to the floor.

The estate tax is one of those issues where political money seems to have an impact on the legislative outcome. That's why I recently Called the Bankroll on some of the interests behind that bill, to give my colleagues and the public a sense of the huge amount of money at stake—not taxes, but political contributions.

We considered that bill not because it affected the vast majority of Americans, but because it directly affected the pocketbooks of a wealthy few.

A similar point can be made about another piece of legislation, the H–1B bill.

We haven't considered it yet, but we may well yet, and so far a terrific effort has been made by both sides to see it taken up.

Why? Why, when we have more appropriations bills to consider, when we have the real people's business to do, are we pushing so hard to take up H–1B?

Because the high-tech industry wants this bill to get done.

In the case of H–1B, I'm not addressing the merits of the legislation— I am not necessarily opposed to raising the level of H–1B visas. Instead I want to point out what is on our agenda and why? Why is it that we have this set of legislation as part of our agenda?

The high tech industry wants to get this bill passed, and they have the political contributions to back it up.

American Business for Legal Immigration, a coalition which formed to fight for an increase in H–1B visas, offers a glimpse of the financial might behind proponents of H–1Bs. ABLI is chock full of big political donors, and not just from one industry, but from several different industries that have an interest in bringing more high-tech workers into the U.S.

Price Waterhouse Coopers, pharmaceutical company Eli Lilly, telecommunications giant and former Baby Bell BellSouth, and software company Oracle, to name just a few.

All have given hundreds of thousands of dollars in this election cycle alone, and they want us to pass H–1B.

We all know this.

This is standard procedure these days for wealthy interests —you have got to pay to play on the field of politics. You've got to pony up for quarter-million dollar soft money contributions and half-million dollar issue ad campaigns, and anyone who can't afford the price of admission is going to be left out in the cold.

I Call the Bankroll to point out what goes on behind the scenes on various bills—the millions in PAC and soft money that wealthy donors give, and what they expect to get in return.

And yet we don't do anything about it.

We took a small but important step toward better disclosure of the activity of wealthy donors earlier this summer when we passed the 527 disclosure bill.

But there is a great deal more to do.

We are going to keep pushing until we address the other gaping loopholes in the campaign finance law.

Right now, wealthy interests have the power to help set the political agenda.

Wealthy interests spend unlimited amounts of money to push for bills which serve the interests of the wealthy few at the expense of most Americans.

We have got to question why consider some bills on this floor while we ignore so many crucial issues the American people care about—like increasing the minimum wage and supporting working families.

But instead we are left with an agenda that looks like wealthy America's "to do" list.

How does it happen, Mr. President?—It's all about access, and access is all about money.

Both parties openly promise, and even advertise, that big donors get big access to party leaders.

Weekend retreats and other "special events" where wealthy individuals have the chance to talk about what they want done—whether that might be a repeal of the estate tax, or that their company wants to see the H–1B bill passed this year.

Needless to say, that is the kind of access most Americans can't even dream of.

And I have to wonder why we aren't doing anything about that.

I am all for the doing people's business, and right now the people's business should be the Treasury-Postal Appropriations bill, and that's why I support the motion to proceed, even though I may well vote against the underlying bill in the end.

But I don't think that an issue like the repeal of the estate tax is the people's business—not 98 out of every hundred people, anyway.

We need to get at the heart of what is wrong here.

Our priorities are warped by the undue influence of money in this chamber.

We have got to change our priorities, and do it now, by putting campaign finance reform back on the agenda.

Because the best way to loosen the grip of wealthy interests is to close the loophole that swallowed the law: soft money.

Soft money has exploded over the past few years.

Soft money is the culprit that brought us the scandals of 1996—the selling of access and influence in the White House and to the Congress. The auction of the Lincoln Bedroom, of Air Force One. The White House coffees. All of this came from soft money because without soft money, the parties would not have to come up with ever more enticing offers to get the big contributors to open their checkbooks.

Soft money also brings us, time and time again, questions about the integrity and the impartiality of the legislative process. Everything we do is under scrutiny and subject to question because major industries and labor organizations are giving our political parties such large amounts of money. Whether it is telecommunications legislation, the bankruptcy bill, defense spending, or health care, someone out there is telling the public, often with justification in my view, that the Congress cannot be trusted to do what is best for the public interest because the major affected industries are giving us money.

For more than a year now, I have highlighted the influence of money on the legislative process through the Calling of the Bankroll. And the really big money, that many believe has a really big influence here, is soft money. We have to clean our campaign finance house and the best place to start is by getting rid of soft money. Let's play by the rules again in this country. With soft money there are no rules, no limits. But we can restore some sanity to our campaign finance system. When I came to the Senate, I will confess, I didn't even really know what soft money was. After a tough race against a very well financed opponent who spent twice as much as I did, I was mostly concerned with the difficulties that people who are not wealthy have in running for office. My interest in campaign finance reform derived from that experience. Soft money has exploded since I arrived here, with far reaching consequences for our elections and the functioning of the Congress. Now I truly believe that if we can do nothing else on campaign finance reform, we must stop this cancerous growth of soft money before it consumes us.

I will take a few minutes to describe to my colleagues the growth of soft money in recent years. It is a frightening story. Soft money first arrived on the scene of our national elections in the 1980 elections, after a 1978 FEC ruling opened the door for parties to accept contributions from corporations and unions, who are barred from contributing to federal elections. The best available estimate is that the parties raised under $20 million in soft money in that cycle. By the 1992 election, the year I was elected to this body, soft money fundraising by the two major parties had risen to $86 million. Eighty-six million dollars is clearly a lot of money; it was nearly as much as the $110 million that the two presidential candidates were given in 1992 in public financing from the U.S. Treasury. And there was real concern about how that money was spent. Despite the FEC's decision that soft money could be used for activities such as get out the vote and voter registration campaigns without violating the federal election law's prohibition on corporate and union contributions in connection with federal elections, the parties sent much of their soft money to be spent in states where the Presidential election between George Bush and Bill Clinton was close, or where there were key contested Senate races.

Still, even then, even with that tremendous increase in the use of soft money, soft money was far from the central issue in our debate over campaign finance reform in 1993 and 1994. In 1995, when Senator McCAIN and I first introduced the McCain-Feingold bill, our bill included a ban on soft money, but it was not particularly controversial and no one paid that much attention to it at that time.

Then came the 1996 election, and the enormous explosion of soft money, fueled by the parties' decision to use the money on phony issue ads supporting their presidential candidates. Remember those ads that everyone thought were Clinton and Dole ads but were actually run by the parties? That was the public debut of soft money on the national scene. The total soft money fundraising skyrocketed as a result. Three times as much soft money was raised in 1996 as in 1992. Let me say that again—soft money tripled in one election cycle. The reason was the insatiable desire of the parties for money to run phony issue ads, and that desire has only increased since 1996. Both political parties are raising unprecedented amounts of soft money for ad campaigns that are already underway this year. Soft money is financing our presidential campaigns, and this Congress stands by doing nothing about it.

Fred Wertheimer, a long time advocate of campaign finance reform said it well in an op-ed in the Washington Post on Monday: He wrote,

> Vice President Al Gore and Gov. George W. Bush and their presidential campaigns are living a lie. The lie is this: that the TV ads now being run in presidential battleground states across America are political party "issue ads." In fact, everyone—and I mean everyone—knows that these ads are presidential campaign ads being run for the unequivocal purpose of directly influencing the presidential election.

Wertheimer goes on to say:

> The "issue ad" campaigns now underway blatantly promote and feature Gore and Bush, are designed and controlled by the Gore and Bush presidential campaigns and are targeted to run in key battleground states. The political parties are merely conduits for the scheme and cover for the lie.

He continues:

> What's the significance of all of this? Well, for starters we are living this lie in the election for the most important office in the world's oldest democracy. The lie will result in some $100 million or more in huge corrupting contributions being illegally used by Gore and Bush in the 2000 presidential election. (Many millions more will be illegally used in the 2000 congressional races.)

Mr. President, I ask unanimous consent that the full text of Mr. Wertheimer's article, "Gore, Bush, and the Big Lie" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 24, 2000]

GORE, BUSH, AND THE BIG LIE

(By Fred Wertheimer)

Vice President Al Gore and Gov. George W. Bush and their presidential campaigns are living a lie. The lie is this: that the TV ads now being run in presidential battleground states across America are political party "issue ads." In fact, everyone—and I mean everyone—knows that these ads are presidential campaign ads being run for the unequivocal purpose of directly influencing the presidential election.

The presidential campaigns and political parties know it, the media know it and so do the viewers of the ads, which are indistinguishable from other presidential campaign ads being run.

As such, the "issue ads" are illegal, because, among other things, they are being financed with tens of millions of dollars of soft-money contributions that the law says cannot be used to influence a federal election. The "issue ad" campaigns now underway blatantly promote and feature Gore and Bush, are designed and controlled by the Gore and Bush presidential campaigns are targeted to run in key battleground states. The political parties are merely conduits for the scheme and cover for the lie.

What's the significance of all of this? Well, for starters we are living this lie in the election for the most important office in the world's oldest democracy. The lie will result in some $100 million or more in huge corrupting contributions being illegally used by Gore and Bush in the 2000 presidential election. (Many millions more will be illegally used in the 2000 congressional races.)

The lie makes a mockery of the commonsense intelligence of voters and the honesty of the presidential race. And, to date, no one in authority is prepared to do anything about it.

How did it happen that this lie came to rest at the core of our national elections? Well, in good part we have Presidential Clinton to thank. It was Clinton who, more than anyone else, developed and "perfected" the lie, and the legal fiction on which it is based.

Soft money had been a problem prior to 1995, but no presidential candidate had ever tried to use soft money to finance a TV ad campaign promoting his candidacy. That's not because politicians weren't clever enough to think of this, but because everyone understood it was illegal.

Then President Clinton and his staff invented a scam for the 1996 election: They would use the Democratic Party as a front for running a "second" presidential campaign. This $50 million second campaign would use soft money—funds that the law does not allow in a presidential campaign—to finance Clinton campaign ads that would be labeled Democratic Party "issue ads."

It didn't take long for the Republican presidential candidate, Bob Dole, to follow suit. Today, four years later, the "issue ads" lie is standard political practice in presidential and congressional races.

The lie is built on the legal fiction that under Supreme Court rulings, political party ads are not covered by federal campaign finance laws unless they contain such magic words as "vote for" or "vote against" a specific federal candidate. That's supposed to be true even if the party ads promote a specific federal candidate and even if the ads are coordinated with or controlled by the candidate.

But the reality is that neither the Supreme Court nor any other federal court has ever said anything of the kind regarding political party ads. When the Supreme Court established the "magic words" test in *Buckley v. Valeo*, it made explicit that it was for outside groups and non-candidates only and did not apply to communications by candidates or political parties. And in any case, the "magic words" test is not applicable when an ad campaign is conducted in coordination with a federal candidate, as a Washington federal district court confirmed last year.

The Justice Department, in its failure to pursue the 1996 Clinton soft-money ads, never found the ads to be legal. Instead, Attorney General Reno closed the case based on the Clinton campaign's reliance on its lawyers' advice, which she said was "sufficient to negate any criminal intent on their part."

The general counsel of the Federal Election Commission did find that the 1996 soft-money ads were illegal. The commission, however, by a 3 to 3 tie vote, refused to proceed with an enforcement action. Thus we are left today with enforcement authorities that refuse to act against these soft money ads and, at the same time, refuse to say they are legal. And the lie goes on.

Mr. FEINGOLD. Mr. President, the big lie led to the transformation of our two great political parties into soft money machines. And what was the effect of this explosion of soft money, other than the millions of dollars available for ads supporting presidential candidates who had agreed to run their campaigns on equal and limited grants from the federal taxpayers? Soft money is raised primarily from corporate interests who have a legislative axe to grind. And so the explosion of soft money brought an explosion of influence and access in this Congress and in the Administration.

Here are some of the companies in this exclusive group. We know they have a big interest in what the Congress does—Philip Morris, Joseph Seagram & Sons, RJR Nabisco, Walt Disney, Atlantic Richfield, AT&T, Federal Express, MCI, the Association of Trial Lawyers, the NEA, Lazard Freres & Co., Anheuser Busch, Eli Lilly, Time Warner, Chevron Corp., Archer Daniel's Midland, NYNEX, Textron Inc., Northwest Airlines. It's a who's who of corporate America, Mr. President. They are investors in the United States Congress and no one can convince the American people that these companies get no return on their investment.

They have a say, much too big a say, in what we do. It's that simple, and it's that disturbing. That's why our priorities are so out of whack, Mr. President. We should be going to the Treasury-Postal appropriations bill, and that's why I support the motion to proceed, despite the fact that I may vote against it when all is said and done. I recognize we have to focus on what people want, not what wealthy interests want.

As I said when I first began Calling the Bankroll last year, we know, if we are honest with ourselves, that campaign contributions are involved in virtually everything that this body does. Campaign money is the 800-pound gorilla in this chamber every day that nobody talks about, but that cannot be ignored. All around us, and all across the country, people notice the gorilla. Studies come out on a weekly basis from a variety of research organizations and groups that lobby for campaign finance reform that show what we all know: The agenda of the Congress seems to be influenced by campaign money. But in our debates here, we are silent about that influence, and how it corrodes our system of government.

I have chosen not to remain silent, but I know there are those who wish that I would stop putting the spotlight on facts that reflect poorly on our system, and in turn on the Senate, and on both the major political parties.

I wish our campaign finance system wasn't such an embarrassment.

I wish wealthy interests with business before this body didn't have unlimited ability to give money to our political parties through the soft money loophole, but they do.

I wish these big donors weren't able to buy special access to our political leaders through meetings and weekend retreats set up by the parties, but they can.

I wish fundraising skills and personal wealth weren't some of the most sought-after qualities in a candidate for Congress today, but everyone knows that they are.

Most of all I wish that these facts didn't paint a picture of Government so corrupt and so awash in the influence of money that the American people, especially young people, have turned away from their government in disgust, but every one of us knows that they have.

It is our unwillingness to discuss it or even acknowledge the influence of this money in this body that makes it even worse.

It goes on and on, and it just gets worse.

Last year was another record-breaker in the annals of soft money fundraising—the national political party committees raised a record $107.2 million during the 1999 calendar year—81 percent more than they raised during the last comparable presidential election period in 1995, according to Common Cause.

An 81 percent increase is astounding, especially considering that the year it's compared with—1995, the last off-election year preceding a presidential election—which was itself a record-breaking year for soft money fundraising.

This year one of the most notable fundraising trends hits very close to home, or to the dome, as the case may be: Congressional campaign committees raised more than three times as much soft money during 1999 as they raised during 1995—$62 million compared to $19.4 million.

That is a huge increase, Mr. President.

Three times as much soft money—much of it raised by members of Congress.

Now the latest news reports show record-breaking soft money figures for the first quarter of this year as well.

How should the public view this?

What can we expect them to think as Members of Congress ask for these unlimited contributions from corporations, unions and wealthy individuals, and then turn around and vote on legislation that directly affects those donors that they just asked for all this money?

Frankly, it is all the more reason for Americans to question our integrity, whether those donations have an impact on our decisions or not.

They question our integrity, and we give them reason. Why aren't we getting their business done? I say let's get the business done—let's agree to move to Treasury-Postal, whether we'll support that bill in the end or not. And then let's move on to the other pressing issues before us—not tax cuts for the wealthy, but real priorities like campaign finance reform.

Let's put a stop to the soft money arms race that escalates every day, and involves more and more Members of Congress.

I do not know how many of my colleagues are actually picking up the phones across the street in our party committee headquarters to ask corporate CEOs for soft money contributions. But no one here can deny that our parties are asking us to do this. It is now part of the parties' expectations that a United States Senator will be a big solicitor of soft money.

Consider the soft money raised in recent off-year elections. In 1994, the parties raised a total of $101.7 million. Only about $18.5 million of that amount was raised by the congressional and senatorial campaign committees. In 1998, the most recent election, soft money fundraising more than doubled to $224.4 million. And $107 million of that total was raised by the congressional and senatorial campaign committees. That's nearly half of the total soft money raised by the parties.

Half the soft money that the parties raised in the last election went to the campaign committees for members of Congress, as opposed to the national party committees. And I and many of my colleagues know from painful experience that much of that money ended up being spent on phony issue ads in Senate races. The corporate money that has been banned in federal elections since 1907 is being raised by Senators and spent to try to influence the election of Senators. This has to stop.

The growth of soft money has made a mockery of our campaign finance laws. It has turned Senators into panhandlers for huge contributions from corporate patrons. And it has multiplied the number of corporate interests who have a claim on the attention of members and the work of this institution.

I truly believe that we must do much more than ban soft money to fix our campaign finance system. But if there is one thing more than any other that must be done now it is to ban soft money. Otherwise the soft money loophole will completely obliterate the Presidential public funding system, and lead to scandals that will make what we saw in 1996 seem quaint. Virtually no one in this body has stepped up to defend soft money. So let's get rid of it once and for all. Now is the time. Let's move to the Treasury-Postal Appropriations bill, vote yes or no, and then let's do what we have to get done.

When we define what we need to get done this year, let's get serious. It is not the estate tax, and it's not the H-1B bill. It's banning soft money.

Now there is more support for banning soft money than ever before.

I think it is important to talk on this floor about just who those Americans are who want to clean up this campaign finance system, because today calls for reform are coming from an incredible range of people in this country, including some very unlikely places.

One of the most interesting places you can find demands for reform is corporate America, where one group of corporate executives, tired of being shaken down for bigger and bigger contributions, has said enough is enough.

This organization, called the Committee for Economic Development, issued a report and proposal urging reform, including the elimination of soft money.

One might guess that this group of people, who are in the position to use the soft money system to their advantage, would not dream of calling for reform.

But the soft money system cuts both ways—it not only allows for legalized bribery of the political parties, it also allows legalized extortion of soft money donors, who are being asked to give more and more money every election cycle to fuel the parties' bottomless appetite for soft money.

But it isn't just weariness at being shaken down that led CED members to call for reform of our broken campaign finance system. Let me quote from the CED report, which stated their concern so well:

> Given the size and source of most soft money contributions, the public cannot help but believe that these donors enjoy special influence and receive special favors. The suspicion of corruption diminishes public confidence in government.

The bigger soft money contributions get—and the amounts are truly skyrocketing—the more damaging the effect on the public's perception of our democracy.

I applaud CED for its commitment to restoring the public's faith in government by calling for a soft money ban.

And CED is just one part of a growing movement to call on this body to clean up our campaign finance system.

One of the most inspiring leaders of the movement for reform is not any business leader, or political figure for that matter. She is a great grandmother from Dublin, New Hampshire named Doris Haddock. Doris, known affectionately as Granny D, walked clear across the United States at age 90 to insist that Congress pay attention to reform issues.

She walked across mountains and desert, in sweltering heat and freezing cold, to make her point. And along the way she inspired thousands of others to speak up about the corrupting influence of money in politics, and demand action from Congress. I was proud to have her support for the McCain-Feingold bill, and I am thrilled to have such a devoted ally on this issue.

The fight for reform is also gaining tremendous strength from religious organizations that are reaching out to educate and mobilize their congregations about the issue.

Support from religious organizations includes: The Episcopal Church, Church Women United, the Lutheran Office for Governmental Affairs, the Evangelical Lutheran Church of America, the Church of the Brethren's Washington Office, the Mennonite Central Committee's Washington Office, the National Council of the Churches of Christ in the USA, the Union of American Hebrew Congregations, the United Church of Christ's Office for Church in Society, the United Methodist Church's General Board of Church and Society, and NETWORK—a national Catholic social justice lobby.

Reform has the vital support of environmental groups like the Environmental Defense Fund, Friends of the Earth and The Sierra Club, and the backing of seniors groups like AARP and the Gray Panthers.

The support for reform in this country is strong, it is vocal, and is truly broad-based. We also have the support of consumer watchdogs like the Consumer Federation of America, health organizations like the American Heart Association, children's groups such as the Children's Defense Fund, and of course the support of groups like Common Cause and Public Citizen, which have been fighting a terrific fight against the undue influence of money in politics for decades.

And I could go on. We are talking about people from every walk of life, every income level and every political affiliation. But they all have one simple thing in common: They are demanding an end to the soft money system that has made a mockery of our campaign finance laws, has deepened public cynicism about this body, and darkened the public perception of our democracy.

The public is watching us right now. That is why I want us to move to the Treasury-Postal Appropriations bill, whether we support it or not—so that they can have faith that we are doing what we should be doing. Not serving wealthy interests, but doing their business, and doing it responsibly.

And being responsible means acting on campaign finance reform.

That is what people want—their voices can be heard loud and clear in polls on the campaign finance issue:

Two out of three Americans think money has an "excessive influence" on elections and government policy, according to Committee for Economic Development's March 1999 report on campaign finance reform.

Another CED poll question revealed that two-thirds of the public think "their own representative in Congress would listen to the views of outsiders who made large political contributions before a constituent's views";

74.5 percent of respondents believe the Government is pretty much run by a few big interests looking out for themselves, according to a poll from the Center for Policy Attitudes;

78 percent of respondents believe "the current set of laws that control congressional campaign funding needs reform," in a Hotline poll.

These numbers are even more disturbing than the numbers of the soft money donations themselves.

These numbers tell us that it's a given today that people think the worst of us and the work we do—they believe that we are on the take, and who could possibly blame them?

What is it that they do not understand, that they are misinterpreting about this system and how it affects us? Nothing; the public has not missed a thing.

The public has got it exactly right. It is this body that has it wrong every time a minority of my colleagues block the majority of the Senate and will of the American people by trying to kill reform.

The public deserves a Congress that can respond to the concerns of all Americans, not a wealthy few.

The public deserves a responsible Congress that does its job by moving to the Treasury-Postal appropriations bill, whether we choose to vote yes or no, and the same goes for the other remaining approps bills that deserve our attention.

Most of all, the public deserves a Congress that can set priorities that represent the concerns of the American people, and not just soft money donors, not just those who can afford to attend weekend getaways with party leadership, and not just those who have estates of more than $100 million dollars.

That is our challenge. Let's address the people's real priorities. Let's do the people's business, and let's get started right now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Is there further debate on the motion?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Under the rules, once a quorum is called off, if nobody seeks the floor, is it the requirement that the Chair put the question?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I simply cannot understand what is going on here. I wish someone would tell me. I think we had a unanimous vote a little earlier here on the motion to invoke cloture on the motion to proceed to the consideration of the Treasury-Postal Service appropriations bill.

Why don't we vote? Why don't we vote?

As the ranking member on the Appropriations Committee, I can say to my colleagues that Senator TED STEVENS and I—the chairman and I—and the various chairmen and ranking members of the subcommittees on Appropriations have worked hard—have worked hard—to bring these appropriations bills to the Senate floor. We need to get on with acting on these appropriations bills so that we can send them to the President.

I can tell you what is going to happen. I have seen it happen all too often in recent years. We don't get the appropriations bills down to the President one by one, so that he can sign them or veto them, which he has a right to do. What we do is delay and delay and delay. As a result, when the time comes that the leaders and Senators have their backs to the wall, and there is a big rush on to finalize the work so Senators can go home and the Senate can adjourn sine die, then everything is crammed into one big bill, one omnibus bill.

I am telling you, you would be amazed at what happens in the conferences. You would be amazed to see what occurs in those conferences. Entire bills are sometimes put into the conference report—entire bills, bills that may or may not have passed either House. And the administration is there also. The executive branch has its representatives there. They are there for the purpose of getting administration measures or items that the executive branch wants put into those conference reports. The items may not have had a word of debate in either House. Neither House will have had an opportunity to offer amendments on bills or to debate measures, and yet those measures will be put, lock, stock, and barrel, into the conference reports.

Then the conference report comes back to the Senate, where Senators cannot vote on amendments to that conference report. So Senators, as a result, have no opportunity to debate these matters that are crammed into the conference reports in those conferences. They will have had no opportunity to debate them. They will have had no opportunity to amend them. They will have had no opportunity to vote on parts thereof. Yet Senators in this Chamber are confronted, then, with one package, and you take it or you leave it. You vote for it or you vote against it.

We have experienced that on a number of occasions. When we were considering the fiscal year 1997 appropriations, we had a conference report on the Defense Appropriations Bill and five additional appropriations bills were crammed into that conference report in conference, five appropriations bills. I believe two of them had never been taken up in the Senate. I believe two of them had had some debate, had been brought up, but had not been finally acted upon.

I intend at a future time to have all of this material researched so I can speak to it. Today, I recall there were five appropriations bills crammed into that conference report on the DOD Appropriations Bill. It was brought back to the Senate where Senators were unable to amend it and have votes on parts of it. And if Senators think that was bad, in fiscal year 1999, eight different appropriations bills were put into the final omnibus package. In addition thereto, a tax bill was put into that package in the conference. I believe that tax bill involved about $9.2 billion. That was put into the conference report. It had never had a day, an hour, or a minute of debate in this Senate. There were no amendments offered to it. Eight appropriations bills and a tax bill were all wrapped into one conference report in FY 1999, tied with a little ribbon, and Senators were confronted with having to vote for or against, that conference report—take it or leave it!

That was right at the end of the session when many Senators wanted to go home. They had town meetings scheduled; they wanted to go home. When that kind of circumstance arises, we are faced with a situation of having to vote on a bill that may contain thousands of pages which we have not had an opportunity to read. As I remember, there were 3,980 pages in that conference report. Imagine that. If the people back home knew what we were doing to them, they would run us all out of town on a rail. And we would be entitled to that honor, the way we do business here. All we do is carry on continual war in this body, continual war, each side trying to get the ups on the other side. It isn't the people's business we are concerned with. It is who can get the best of whom in the partisan battles that go on in this Chamber.

A lot of new Members come over from the House where they are accustomed, I suppose, to being told by their leaders what to do and how to do. Others come here fresh from the stump. I suppose they feel this is the way it has always been done. They don't know how it used to be done. They don't know that there was a day when we used to have conferences, and it was the rule that only items could be discussed in conference which had passed one or the other of the two bodies. Nothing could be put into a conference report that had not had action in one or the other of the two bodies. Otherwise, a point of order would lie against it.

I can assure you, those of you who are not on the Appropriations Committee, you ought to see what goes on in the conferences. Bills that have never passed either body, measures that have never passed either body, measures, in many instances, which are only wanted by the administration, are brought to that conference and are crammed into that conference report. The conference report comes back to the Senate. It is unamendable, and we have to take it or leave it. That is no way to do business.

I regret that it has come to this, and we are getting ready to do it again. I see the handwriting on the wall.

Those of you who have read the book of Daniel will remember Belshazzar having a feast with 1,000 of his lords. They drank out of the vessels that had been taken from the temple in Jerusalem and brought to Babylon. And as they were eating and drinking and having fun, Belshazzar saw a hand appear over on the wall near the candlestick. And he saw the handwriting: mene, mene, tekel, upharsin. So he sent for his wise men, his astrologers, and wanted them to tell him what this writing meant. They couldn't do it. But the Queen told Belshazzar that there was a young man in the kingdom who could indeed unravel this mystery. As a result, Daniel was sent for. He told the King what was meant by the handwriting on the wall: "God hath numbered thy kingdom, and finished it. Thou art weighed in the balances, and art found wanting. Thy kingdom is divided, and given to the Medes and the Persians." And that night, Belshazzar was slain and the Medes and the Persians took the kingdom.

I see the handwriting on the wall: mene, mene, tekel, upharsin. I see the handwriting. We have voted unanimously in this body today to proceed to take up the appropriations bill making appropriations for the Department of Treasury-Postal Service and so forth, but we are not going to vote on that. I have asked questions around: When are we going to vote? There is no intention to vote on that today. We have another cloture vote coming up within a few minutes. If that cloture motion is approved, the Senate will then take on that subject, and the Treasury-Postal appropriations bill will go back to the calendar. We are not going to take it up. There is no intention of voting on that bill, no intention. It will go back on the calendar.

Then what will happen? I see the handwriting on the wall. We will go to conference one day when we get back from the August recess. We will go to conference one day on another appropriations bill, and everything will go on that appropriations bill. I wish Daniel were here today so he could tell me exactly what the handwriting on this wall really means, but I think I know what it means. It means this bill isn't going to see the light of day until after the recess, and probably not then. In all likelihood, the Treasury-Postal Service bill will be put on a conference report, maybe on the legislative appropriations bill. This bill will go on that. As time passes, more and more appropriations bills will likely go on that in conference.

So we will get another conference report back here that is loaded—loaded—with appropriations bills. We won't know what is in them. We Senators won't know what is in those bills. We didn't know what was in the 3,980-page conference report in fiscal year 1999. We voted for it or against it blindly. I voted against it. I didn't know what was in it. That is what we are confronted with.

The American people, I think, are going to write us off as being irrelevant. We don't mean anything. We just stay here and fight one another and try to get the partisan best of one another. Democrats versus Republicans, Republicans versus Democrats. Who can get the ups on the other side. The people will say we can go to hell. That is the attitude here. Hell is not such a bad word. I have seen it in the Bible, so I perhaps will not be accused of using bad language here. But that is what we are in for. That is the handwriting on the wall. We are going to replay the same old record and have these monumental conference reports come back here, unamendable, and we take them hook, line, and sinker, one vote. No amendments. We won't know what is in the bill.

How is that for grown up men and women? We won't know what is in the bill because we are playing politics all the time. We are playing politics. That is why we are not getting our work done. I am not blaming that side or this side. I am just blaming both sides. We are all caught in this. I am sure the American people can't look at this body, or this Congress, and get much hope because we play politics all the time. I am sorry that things have come to this. But Congress doesn't work by the rules; the Senate doesn't operate under the rules it operated under when I came here and that existed up until a few years ago. This game has been going on and it is getting worse. It is getting worse.

Mr. President, I don't intend to hold the floor any longer. I will have more to say about this. If you want to know the truth, what is said is exactly the truth. We are absolutely working a fraud on the American people. They look to this body and expect us to legislate on the problems of the country, and we are just tied in knots. We only seem to think about partisanship. I am sick and tired of that. I am sure we have to have a little of that as we go along, but it has become all partisan politics. Who can win this? If they come up with something, we have to come up with an alternative.

I don't think the American people want that. I think they know more than we think they know, and I believe they are pretty aware of what is going on. We are just playing politics. That is exactly why we can't get this Treasury-Postal Service Appropriations Bill up and get it passed and send it to conference. Mark my words; we are going to play the same old game over and over again that we have played all too many times now, not passing appropriations bills, but having them all in conference put into one monumental, colossal conference report, and it is sent back here and we will vote on it and we won't know what is in the conference report. Shame! Shame on us!

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to discuss the current posture of the Treasury-Postal appropriations bill on the floor. It seems to me that we are in the doldrums. Our sails are unfurled, the crew is at their positions, but the ship is not moving. There are many reasons for that. But I suggest one of the principal reasons is that over the last several months—indeed, throughout this entire Congress—the leadership has taken it upon themselves to essentially try to nullify the President's constitutional authority to appoint judges to the Federal courts.

Article II, section 2 of the Constitution is quite clear that the President has the right to appoint Federal judges, subject to the advice and consent of the Senate. But what has happened with increasing enthusiasm is that these appointments arrive here and then languish month after month after month after month. At some point, this type of nullification, this avoidance of responsibility under the Constitution, subverts what I believe the Founding Fathers saw as a relatively routine aspect of Government: Presidential appointment and consideration within a reasonable time by the Senate of these appointments.

It has not been a reasonable time in so many cases. Repeatedly, appointments to the Federal bench have been made by the President. They have come to the Senate and have been virtually ignored month after month. At some point, we have to be responsible not only to the Constitution, but to the people of the country and act on these appointments. Now, that doesn't mean confirm every appointment. But it certainly, in my mind, means to have a reasonable deliberation, a hearing, and then bring it to a vote. It is far better, both constitutionally and in terms of the lives of individual Americans, to decide their fate, decide whether or not they will serve on the bench in a reasonable period of time than to let them twist slowly in the wind—some for upwards of a year or more. That is what has been happening. It is a reflection of a deeper paralysis within the system.

The Senate is not operating as it traditionally has, as a forum for vigorous debate, amendment, and discussion, and after a vigorous debate, a vote. We have seen a situation in which measures are brought to the floor only after concessions are made about the number of amendments, the scope of amendments, and the type of amendments. That is operational procedure that is frequently associated with the other body but which defies the tradition of this body, where we pride ourselves on our ability to debate and amend, to be a place in which serious discussions about public policy take place routinely and just as often decisions are made by the votes of this body. We haven't seen that.

We introduced on this floor for consideration—and it has been the pending business now since May—the Elementary and Secondary Education Act. Every 5 years, we reauthorize the education policy of the Federal Government—the education policy with respect to elementary and secondary schools throughout this country: the title I program, Professional Development Program, and the Eisenhower Program that assists professional development. Yet this major piece of legislation has come to this floor and then, like judges, has been languishing in the shadows for months now. Why? Well, some suggest it is because the majority doesn't want to consider amendments with respect to school safety and gun violence. Those amendments might cause difficult votes. But in any case, we are likely, this year, not to discharge our routine duty of every 5 years reauthorizing the Elementary and Secondary Education Act. We are going to—using a sports metaphor—punt.

All of these things together have caused us to stop and essentially ask why can't we refocus our operations, refocus our emphasis, and begin to renew the tradition in this body of debate, wide-open amendment leading to votes with respect to substantive legislation and with respect to appointments by the President to the judiciary and other appointments.

That is why I believe we are here in these doldrums. The lights are on. We are assembled, but we are not moving forward. I think we have to begin to look at what we are doing and why we are doing it. Perhaps that is the most useful aspect of this discussion this afternoon—because I hope that eventually we can emerge from these doldrums and begin to, once again, take up the people's business in a reasonable and timely fashion leading to votes after debate. Some may go the way we want. Some may not. But in the grand scheme of things, when we are debating and bringing the principles of the debate to conclusion by voting, we are discharging the responsibility that the American people entrusted to us when they elected us to the Senate.

There are many examples of what we could be doing if we adopted this approach. For example, I have an amendment which I would like to introduce with respect to this Treasury-Postal bill regarding the enforcement of our firearms laws in the United States.

We hear time and time again—particularly by the opponents of increased gun safety legislation—that all we have to do is enforce the laws. Yet in the past we have seen the erosion of funds going to the ATF for their enforcement policies. I must say that this year's Treasury-Postal appropriations bill has moved the bar upwards in terms of funding appropriate gun safety programs, and I commend the Chairman and Ranking Member for their effort. But there are two areas in which they have failed to respond. One is the youth crime gun interdiction initiative by the ATF.

I would request in my amendment an additional $6.4 million, which would bring it up to the funding requested by the President. This, to me, is an absolutely critical issue—not only in the sense of making sound public policy, but critical because in every community in this country we are astonished by the ease of access to firearms by youngsters. We are horrified by the results of this access to firearms.

A few weeks ago in Providence, RI, we were absolutely devastated by the murder of two young people. They had been in Providence on Thursday evening at a night club. They left. One youngster was working and the other was a college student. They were chatting by their car, waiting to go to their homes that evening when they were carjacked by five or six young men. They were driven to a golf course on the outskirts of Providence. Then they were brutally killed with firearms.

Where did these accused murderers get these firearms? It is a confused story. But there was an adult, apparently, who had lots of weapons. Either they were stolen from this individual, or he lent the firearms to one of these young men. But, in any case, this is one of those searing examples of young people having firearms being desperate, being homicidal, and using those weapons to kill two innocent people.

The program, which is underfunded in this appropriations bill, would authorize the ATF to work with local police departments to develop tracing reports to determine the source of firearms in juvenile crimes.

There was some suggestion initially and anecdotally that most of these firearms were stolen, but then preliminary research suggested not; that, in fact, there is an illegal market for firearms and that too many weapons used by juveniles in these heinous crimes are obtained in this illegal firearms market.

This type of information is extremely useful in terms of designing strategies to interdict access to firearms by youth perpetrators. We need this kind of intelligence in the Nation, if we are going to construct appropriate programs that are going to deal with this problem.

This, again, is a reflection of what I sense happened in Providence. It is unclear precisely what happened. But here you have the possibility that the individual with the firearms either sold them or lent them, got them into the hands of young people who, in turn, used them to kill other young people.

It would be extremely useful if we knew collectively and not only individually how these weapons moved through our society, because without this knowledge it is very hard to create counterstrategies.

That is one important aspect—these trace reports—for appropriations that I will seek to move today with respect to appropriations.

Indeed, the Senate Appropriations Committee report emphasizes the importance of the partnerships that are underlying this initiative, and underlying also the ability to deal with the incidents of youth firearm crimes. In their words:

> The partnership between ATF and local law enforcement agencies in these communities—

The communities that are already participating in this program—

> is invaluable to the mutual effort to reduce gun-related crimes. The tracing information provided by ATF not only allows local jurisdictions to target scarce resources to investigations likely to achieve results, but also gives ATF the raw data to be able to investigate and prosecute the illegal source of these crime guns. The Committee continues to believe that there are significant disruptions in these illegal firearms markets directly due to investigative leads arising from this regional initiative.

Frankly, the committee recognizes that this is a useful initiative. I would like to see it fully funded. That is something we could be talking about. Indeed, I hope we can move to incorporate that within the appropriations bill that is before us.

There is another important firearms enforcement measure that was not funded by the committee which I would like to see funded, and that is the national integrated ballistics information network. I would like to see that appropriation moved up by $11.68 million to meet the President's request. This would integrate two systems that try to identify bullets based upon their ballistic characteristics so they can be more useful in investigating crimes.

The ATF has an integrated ballistics identification system, which is called in shorthand IBIS. The FBI has what they call the "drugfire" ballistic system. I have seen demonstrations of these systems. They are remarkable. They recover a slug at a crime scene. They take it to a lab, which has the computer equipment that is designed to run this system. They are able to identify the characteristics of the particular slug that is being examined and then, through their data banks, match it up with a known group of slugs, make a positive identification, and the positive identification leads, in many cases, to the arrest, or certainly to the identification of the weapon that was used. It is very similar to fingerprinting, with which we are all familiar.

We have these two systems. They work very well independently. But they would work much better if their databases were combined; if the source was engineered to cooperate and work interdependently. That is what this appropriation would do.

We have seen success already. Both of these systems, working independently, have produced more than 8,000 matches and 16,000 cases. For the first time we can take a slug from a crime scene, match it up with known weapons, leading, hopefully, to arrests and ultimately conviction. In a way, it is not only like fingerprints, it is like DNA, like all the scientific breakthroughs we are able to use to more effectively enforce the laws and bring lawbreakers to justice.

I hope we can use this system more effectively by integrating the two programs, the ATF program and also the FBI program.

One of the reasons I am offering this amendment is to ensure we have the money this year. There is a 24-month proposed schedule for the deployment of this system. The work has been done, the plans have been done, but if we do not appropriate sufficient money in fiscal years 2001 and 2002, then we will fall short of this scheduled deployment. We will create a situation in which, again, when we ask why the American people get so frustrated with government, the situation in which we have been planning, we have been expending money, we are all ready to move forward on an initiative that will materially aid law enforcement authority, and then we stop short and go into a hiatus for a year, and maybe at the end of the year start again. But, more than likely, it will be more expensive, and we have lost months or years in terms of having effective tools for our law enforcement authorities. That is one of the frustrations. It is frustration based upon our inability to be able to move efficiently and promptly to do the people's business.

I hope we can deal with this issue of both the youth crime gun interdiction initiative and the national integrated ballistics information network. These are the types of appropriations measures we should not only be talking about, but we should be voting for. Again, we are in this predicament because there has been such a conscious, overt effort on the part of the leadership to deflect consideration, deliberation, and decision on so many important issues that are critical to the future of America. Lifetime tenure on Federal courts is being withheld because there is a hope, an expectation on one side, that these judges will go away, these nominees will go away, in 6 or 9 months.

I don't think that is what the American people want Congress to do. They want Congress to either approve or disapprove, but they want Congress to act.

Mr. BENNETT. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator.

Mr. BENNETT. Mr. President, the Senator has talked about the present situation we are in. Is the Senator aware that the majority leader tried to move the Senate toward consideration of this bill as long ago as last Friday and it was objected to by the minority?

Mr. REED. I am aware of that. It is one of the situations where, after months and months of cooperating, of trying to accommodate, mutually, the desire and the recognition of getting things done, at some point when we see no movement with respect to our constitutional obligation to confirm judges, no real movement, when we see the elementary and secondary education bill that has been put out to languish and perhaps not to see the light of day for the rest of the year, when we see a process in which the price of bringing a bill to the floor is an agreement to surrender the rights of individual Senators to amend that legislation, to make that amendment process subject to the approval of the majority leader, when we see all those things, what I think we have to do and what we must do is insist that we get back, away from that process of majority oppression. Perhaps that is too melodramatic. We have to get back to the rules of the Senate, the spirit of the Senate, which, I believe, is open debate, open amendment, and a vote.

Frankly, if that were the rule that was forthcoming from the majority leader, if the majority leader said, bring ESEA back, open up the amendment process, vote; when we finish the amendments, if the debate goes too long, in my prerogative, after long debate, I will enter a cloture motion—that is the way the Senate should operate. I suggest that is not the way this Senate is operating. That is why we are here today.

There is responsibility for every individual Senator for what happens on the floor of the Senate. Certainly the management of the Senate is within the grasp and the control immediately of the majority leader and the majority. That control has been deliberately, I think, to thwart the nomination and the confirmation of judges and deliberately to frustrate legislation important to the American people because there might be amendments that are uncomfortable for consideration by some in this body.

Mr. BENNETT. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator.

Mr. BENNETT. Is the Senator aware the majority leader has an agreement with the minority leader whereby a number of judges would, in fact, be confirmed and that the agreement was accepted by both sides, only to have the minority leader come forward and say that he wanted to identify the specific judges, and the numbers were not acceptable? The minority leader wanted to pick specific people, in contradiction of the normal pattern of the Judiciary Committee.

Is the Senator aware of the fact the minority leader has taken that stand?

Mr. REED. Reclaiming my time, essentially what the Senator is arguing, by implication, is that the majority leader has the sole responsibility and sole prerogative to pick who will come to this floor for consideration as a judge.

I am amazed at this whole process. Look at judges who have been pending for almost a year and their names are not coming to the surface. That is something more at work than the breaks of the game. That is a deliberate attempt by the majority to suppress the nomination of individual judges.

Frankly, an offer to bring some judges to the floor is, in my view, insufficient unless that offer was transparent, saying we will begin to work down the judges who have been pending longest, with perhaps other criteria, such as districts or circuits that need judges.

But that is not how it is working. These magnanimous offers of bringing up a couple of judges—I believe I saw yesterday where three judges from Arizona were just nominated by the President, and they already have hearings scheduled. We have other judges who were nominated over a year ago, and they have not even had a hearing, a year later. Some magnanimous gestures by the majority leader are self-serving and ultimately had to be rejected by the minority.

I respect the Senator, but I will continue my discussion on some other points.

Mr. BENNETT. I will respond at a later time.

Mr. REED. The youth crime gun interdiction initiative and the national integrative ballistics information network are important issues. Those are the issues we are talking about. They are a subset of what I argue is the larger issue.

The larger issue: Is the Senate going to be the Senate? Or is it some type of smaller House of Representatives where the leadership dictates what is coming to the floor, what judge's name might come up, what bill might come up, what amendment might come up, when it all comes about? That, I think, is the key point.

Let me take up another key point in terms of the demonstration of why we are not doing our duty. We have before the Senate a very difficult vote on extending permanent normal trade relations to China. It is a very difficult vote. We know that. It is a vote that bedeviled the House of Representatives. It was controversial. It was difficult. But after intense pressure and vigorous debate, the House of Representatives brought it to a conclusion and voted.

Now that measure is before the Senate. It is controversial. It is, like so many other things, languishing. It could have been accomplished weeks ago. The business community would argue vociferously it should have been accomplished weeks ago. It has been couched in many terms, but one term I think is most compelling is that it is a critical national security vote. It is a critical national security vote. Yes, it is about trade. Yes, it is about economic impacts within the United States and around the world. But it is also about whether or not we will continue to maintain a relationship of engagement with China, or if we reject it, or if we delay it indefinitely and open up the distinct possibility of confrontation and competition with China.

Yet this critical national security vote, this critical vote which is probably the No. 1 objective of the business community in this country, again languishes.

Some would say there are reasons. We want to talk about Senator THOMPSON's and Senator TORRICELLI's amendment about proliferation. But, again, it is symptomatic of a situation in which the Senate is not responding as it should to its constitutional and to its public responsibilities because of the political calculus.

Our side is not immune to political calculation. But the leadership of this body has created a situation in which avoidance of difficult issues, nullification of constitutional responsibilities and obligations to confirm judges, and deferment of critical national security issues for short-run advantages, is the standard of performance. I believe that is not the role the Senate should play and that is the heart of this discussion today.

Let me suggest one other point with respect to the business of the body. We confront a range of issues that deal with those world-shaking, momentous issues like China trade policy; issues with respect to domestic tranquility; the safety of our streets; the funding of the appropriations bills for law enforcement when it comes to firearms.

Then there are issues that are not important to the vast number of Americans in the sense it doesn't affect them directly but are critically important to many Americans. One is a measure I have been trying to find the opportunity to bring to the floor, and that is to somehow help the Liberian community in this country who came here in 1990, in the midst of their violent civil war, and who for the last decade have been in the United States. They have been residing here. They have been contributing to our communities. Many of them have children who are American citizens. Yet they are in a position where they face deportation October 1. The clock is ticking.

This is not an issue that is going to galvanize parades through every Main Street in America. But for these roughly 10,000 people who are caught up in this twilight zone while they are here, they want to remain here with their children, many of whom, as I said, are Americans, but they face a prospect of being deported back to a country that is still tumultuous, still dangerous, still threatening to them and many others.

This is legislation that has been supported by Senator CHAFEE, my colleague from Rhode Island, Senator HAGEL, Senator WELLSTONE, Senator KENNEDY, Senator LANDRIEU, Senator KERRY, and Senator DURBIN, legislation that will materially assist these individuals. But, once again, we are not moving with the kind of rapidity that allows for the easy accommodation of this type of legislation on the floor. I hope it does come up soon, but I think it represents the cost of this overcontrol and this inflexibility, perhaps, that we are seeing as the management leadership style here today.

Let me just briefly set the stage about the need for this legislation. Liberia is a country that has the closest ties of any African nation to the United States—it was founded by freed slaves in the middle 1800s. Its capital is Monrovia, named after President Monroe. It is a country that did its utmost throughout its existence in the 1800s and the 1900s, to emulate American Government structure, at least. But it erupted into tremendous violence in 1989 and 1990. Over the next several years, 150,000 people fled to surrounding countries. Many of them came to the United States—many being about 14,000. In March 1991, the Attorney General recognized that these individuals needed to be sheltered, so he granted temporary protected status, or TPS.

Under TPS, the nationals of a country may stay in the United States without fear of deportation because of the armed conflict or extraordinary conditions in their homeland. People who register for TPS receive work authorizations, they are required to pay taxes—and this is precisely what the Liberian community has done in the United States. They went to work. They paid taxes. However, they do not qualify for benefits such as welfare and food stamps. Not a single day spent in TPS counts towards the residence requirement for permanent residency. So they are in this gray area, this twilight zone. They have stayed there now for 10 years because the situation did not materially change for many years.

Each year, the Attorney General must conduct a review. The Attorney General did conduct such a review and continued to grant TPS until a few years ago, until the fall of 1999, when the determination was made that the situation in Liberia had stabilized enough that TPS was no longer forthcoming.

At that, many of us leaped to the fore and said the situation has changed. The situation has changed in Liberia, but it has also changed with respect to these individuals here in the United States. They have established themselves in the community. They have become part of the community. Their expectations of a speedy return to Liberia long ago evaporated and they started to accommodate themselves—indeed many of them enthusiastically—to joining the greater American community.

The situation changed in Liberia. The change there was more procedural than substantive. What happened was the situation in which there was an election, which was monitored by outsiders, which elected a President, the former warlord, Charles Taylor.

Based upon this procedural process change, the State Department and others ruled, essentially, that the situation was now ripe for the return of Liberians from the United States and surrounding countries to Liberia. But at the heart, the chaos, the economic disruption, the violence within Liberia did not subside substantially. As a result, Liberians here in the United States have genuine concerns about their return to Liberia. What has happened most recently, because this is an evolving situation, is that Charles Taylor, the President, again, duly elected President, has not renounced all of his prior behaviors because it is strongly suggested that he has been one of the key forces who is creating the havoc in the adjoining nation of Sierra Leone.

All of us have seen horrific photographs of the violence there, of children whose arms and hands have been cut off by warring factions in Sierra Leone. The Revolutionary United Front is one of the key combatants in that country. Part of this is an unholy alliance between Taylor and the Revolutionary United Front for the purpose of creating, not only mischief, but also for exploiting diamond resources within Sierra Leone for the benefit of Taylor and the benefit of others. But all of this, this turmoil, once again, suggests that Liberia is not a place that is a stable working democracy where someone, after 10 years of living in the United States, could return easily and gracefully and immediately.

Last year at this time, after being approached by myself and others, the Attorney General determined that she could not grant TPS again under the law. But she did grant Deferred Enforced Departure, or DED, to Liberians, which meant the Liberians could remain in the United States for another year but essentially they are being deported. It is just stayed, delayed for a while. They have been living in this further uncertainty for the last year.

My legislation would allow them to begin to adjust to a permanent residency status here in the United States, and hopefully, ultimately, after passing all of the hurdles, to become citizens of this country.

They arrived here, as I said, about 10 years ago. They came here with the expectation that they would have a short stay and would be home, back in their communities, back in Liberia, but that expectation was frustrated, not by them but by the violence that continued to break out throughout Liberia.

Now they have established themselves here. They are part and parcel of the community, and they are extremely good neighbors in my State of Rhode Island, as well as in other parts of this country. I believe equity, fairness, and justice require that we offer these individuals the opportunity to become permanent resident aliens and ultimately, as I said, I hope they will take the opportunity to become citizens of this country.

Our immigration policy is an interesting one, idiosyncratic in many cases, but it is important to point out there are several other countries around the globe that have already dealt with a problem like this: Norway, Denmark, the Netherlands, Spain, and Great Britain. After a certain length of time, even if you are there temporarily—certainly 10 years is a sufficient time—you can, in fact, adjust your status to something akin to permanent resident of the United States and pursue citizenship.

We have done this before. We have made these types of adjustments for other national groups that have been here and for many of the same reasons: Simple justice, length of stay, connections to the community of America, continued turmoil in their own countries. For example, in 1988 we passed a law to allow the Attorney General to adjust to permanent status 4,996 Polish individuals who had been here for 4 years, 387 Ugandans who had been here for 10 years, 565 Afghanis who had been here for 8 years, and 1,180 Ethiopians who had been here for 11 years.

The 102nd Congress passed a law which allowed Chinese nationals who had been granted deferred enforced departure after Tiananmen Square to adjust to permanent residency. Over the next 4 years, 52,968 Chinese changed their status.

In the last Congress, we passed legislation known as NACARA. Under this law, 150,000 Nicaraguans, 5,000 Cubans, 200,000 El Salvadorans, and 50,000 Guatemalans who had been living in the United States since the eighties were eligible to adjust to permanent residency status. A separate law allows Haitians who were granted DED to adjust to permanent residency.

As one can see, we are not setting a precedent. We are doing what we have done before in response to similar motivations: fairness, length of stay here, turmoil in the homeland to which we propose to deport these individuals.

Another important point is why we believe we have a special obligation to Liberia. As my colleagues know—and I have mentioned before—this is a country that shares so much with the United States.

In 1822, a group of freed slaves in the United States began to settle the coast of western Africa with the assistance of private American philanthropic groups and at the behest of the U.S. Government. In 1847, these settlers established the Republic of Liberia, the first independent country in Africa. Five percent of the population of Liberia traces their ancestry to former American slaves. They modeled their constitution after ours. And they used the dollar as their currency.

Before the 1990 civil war, the United States was Liberia's leading trading partner and major donor of assistance. When Liberia was torn apart by civil war, they turned to the United States for help. We recognized that special relationship, and we offered aid to Liberia. We offered it, as I said, to assist those who were fleeing destruction and devastation. We should continue to do that. We have had a special relationship with Liberia over history, and we have formed a special relationship throughout this country with those communities of Liberians who have been here for a decade and who seek to stay.

Again, this is some of the legislation we could be considering, some of the legislation with which we could be dealing if we had a process that allowed that free flow of legislation to the floor.

Mr. President, I ask unanimous consent that two letters be printed in the RECORD: A letter from Bill Gray, President of the College Fund, and a letter from the Lutheran Immigration and Refugee Service.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE COLLEGE FUND,
Fairfax, VA, April 19, 2000.

Hon. JACK REED,
U.S. Senator, Senate Hart Office Building, Washington, DC.

DEAR SENATOR REED: I write to let you know of the great importance I attach to the passage of legislation that would allow Liberian nationals already in the U.S. for almost ten years to become permanent residents. Your legislation, S. 656, the Liberian Immigration Fairness Act, would accomplish this important goal.

The United States has always shared a special relationship with Liberia, a country created in 1822 by private American philanthropic organizations for freed American slaves. In December 1989, civil war erupted in Liberia and continued to rage for seven years. USAID estimates that of Liberia's 2.1 million inhabitants, 150,000 were killed, 700,000 were internally displaced and 480,000 became refugees. To date, very little of the destroyed infrastructure has been rebuilt and sporadic violence continues.

When the civil war began in 1989, thousands of Liberians fled to the United States. In 1991, the Attorney General granted Temporary Protected Status (TPS) to these Liberians, providing temporary relief from deportation since ongoing armed conflict prevented their safe return home. For the next seven years, the Attorney General annually renewed this TPS status. Last summer, Attorney General Reno announced that this TPS designation would end on September 28, 1999. Throughout 1999, Liberians faced the prospect that they would be uprooted and forced to return to a country still ravaged by violence and repression. However, on September 27, 1999, President Clinton granted non-citizen Liberians living in the United States a reprieve, allowing them to remain in the country and work for one additional year.

The Department of Justice estimates that approximately 10,000 Liberians are living in the United States under protection of our immigration laws. There are significant Liberian populations in Illinois, Ohio, Michigan, Maryland, Pennsylvania, New Jersey, New York, Georgia, Minnesota, Rhode Island, and North Carolina. For the past decade, while ineligible for government benefits, Liberians have been authorized to work and are required to pay taxes. They married, bought homes, and placed their children, many of whom were born in this country, in school. Despite their positive contributions to our communities, their immigration status does not offer Liberians the opportunity to share fully in our society by becoming citizens.

When they first arrived, these nationals of Liberia hoped that their stay in this country would indeed be temporary. But ten years have passed and they have moved on with their lives. Liberians have lived in this immigration limbo longer than any other group in the United States. More importantly, other immigrant groups who were given temporary haven in the United States for much shorter periods have been allowed to adjust to permanent residency: Afghans, Ethiopians, Poles and Ugandans after five yeas and 53,000 Chinese after just three years. It is time to end the uncertainty that Liberians have lived with for so long. It is time to allow them the opportunity to adjust to permanent residency as our nation has allowed others before them.

Following our Nation's tradition of fairness and decency, I am pleased to add my personal support to S. 656 in order to offer Liberians the protection they deserve.

Sincerely,

WILLIAM H. GRAY III.

LUTHERAN IMMIGRATION AND
REFUGEE SERVICE,
Washington, DC, March 7, 2000.

Hon. JACK REED,
U.S. Senate, Washington, DC.

DEAR SENATOR REED: On behalf of the undersigned organizations, we urge your support of the Liberian Refugee Immigration Fairness Act of 1999 (S. 656). This Act would provide relief and protection for some 15,000 Liberian civil war refugees and their families now residing in the United States.

Since March of 1991, over 10,000 Liberian civil war refugees have resided in the United States. Recently, they were granted an extension of their temporary exclusion from deportation when President Clinton ordered the Attorney General to defer their enforced departure. Granted for one year, the order is set to expire in September of this year. Against this general background, legislation has been introduced by Senator Jack Reed (D-RI) to adjust the status of certain Liberian nationals to that of lawful permanent residence. We strongly support Senator Reed's proposed legislation, S. 656. We view this bill as being vital to the basic protection of and fairness towards Liberian civil war refugees.

JUSTIFICATIONS

The Liberian Refugee Immigration Fairness Act of 1999 would protect Liberian refugees and their families from being forcibly returned to a nation where their life and freedom may still be threatened. Even the Human Rights reports from the U.S. Department of State and Amnesty International have called attention to the continuing pattern of abuses against citizens by the Liberian government. Additionally, the legislation would protect against the dissolution of families as Liberian parents are forced to choose between leaving their American born children in the U.S. or taking them back to Liberia if they are deported. Further, after nearly a decade of living in the U.S., Liberians have established real ties in their local communities and as such, forced deportation would simply be wrong. Finally, it is imperative that Liberian civil war refugees be accorded the same favorable treatment as other refugee groups seeking relief in the United States.

We remain appreciative to Congress for its continued attention paid to the general issue of immigration relief for those in need, and we trust the same will be devoted to the Liberians. We appreciate your consideration of these comments.

Sincerely,

RALSTON H. DEFFENBAUGH,
President.

On behalf of:

Nancy Schestack, Director, Catholic Charities Immigration Legal Services Program.

Douglas A. Johnson, Executive Director, Center for Victims of Torture.

Richard Parkins, Director, Episcopal Migration Ministries.

Tsehaye Teferra, Director, Ethiopian Community Development Council.

Eric Cohen, Staff Attorney, Immigrant Legal Resource Center.

Curtis Ramsey-Lucas, Director of Legislative Advocacy, National Ministries, American Baptist Churches USA.

Jeanne Butterfield, Director, American Immigration Lawyers.

William Sage, Interim Director, Church World Service Immigration and Refugee Program.

John T. Clawson, Director, Office of Public Policy and Advocacy, Lutheran Social Service of Minnesota.

Muriel Heiberger, Executive Director, Massachusetts Immigrant and Refugee Advocacy (MIRA) Coalition.

Oscar Chacon, Director, Northern California Coalition for Immigrant Rights.

Skip Roberts, Legislative Director, Service Employees International Union.

David Saperstein, Director of the Religious Action Center of Reformed Judaism, Union of American Hebrew Congregations.

Ruth Compton, Immigrant and Latin America Consultant, United Methodist Church, General Board of Church and Society.

Katherine Fennelly, Professor, Humphrey Institute of Public Affairs, University of Minnesota.

Asylum and Refugee Rights Law Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs.

Don Hammond, Senior Vice President, World Relief.

Morton Sklar, Director, World Organization Against Torture, USA.

Mr. REED. These two letters are strong statements on behalf of the legislation, the Liberian Refugee Immigration Fairness Act, which I have spoken about and which I ardently desire to see acted upon in this session in the next few weeks.

Bill Gray, as many know, is a former distinguished Congressman from Philadelphia, PA. He is now President of the College Fund, which was formerly known as the United Negro College Fund.

He points out in his letter the long association between the United States and Liberia and urges that we act quickly and decisively to pass this legislation.

The letter from the Lutheran Immigration and Refugee Service also makes that same plea for prompt and sympathetic action on this legislation. It is signed also on behalf of numerous organizations: the Catholic Charities Immigration Legal Services Program; the Episcopal Migration Ministries; the National Ministries of American Baptist Churches USA; the Lutheran Social Services of Minnesota; the Union of American Hebrew Congregations; the United Methodist Church, General Board of Church and Society; and it goes on and on.

Again, this is the heartfelt plea by the church community and the religious community in general of this country for a favorable and immediate response to the plight of these Liberians who are here with us.

VISIT TO THE SENATE BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 6 minutes while Senators and others have an opportunity to meet a distinguished guest, the President of the Philippines, the Honorable Joseph Estrada.

There being no objection, the Senate, at 3:57 p.m., recessed until 4:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. REED. Mr. President, I extend my welcome to President Estrada of the Philippines. The Philippines and the United States are allies. We have a special relationship with them, as we have a special relationship with the country I have been speaking about; that is, the country of Liberia.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT OF 2001—MOTION TO PROCEED—Continued

Mr. REED. Mr. President, let me conclude my overall remarks by saying, as I began, that we are in the doldrums. We are here but we are not moving. I do not think it is sufficient to simply, on a day-by-day basis, make a little concession here and a little concession there.

I think to get this Senate under full sail again, moving forward, proudly, purposefully, is to once again summon up the spirit which I always thought was inherent in this body, the spirit of vigorous and free and open debate, of vigorous and wide-ranging amendment, unfettered by the individual proclivities of the leader, whoever the leader may be, and then, ultimately, doing our job, which is to vote.

This afternoon, I have tried to suggest several areas where we have neglected that obligation. With respect to Federal judges, it seems to me that there has been an attitude adopted here that our advice and consent is sort of an optional thing. If we do not choose to do it, then no judges will be confirmed. In a way, it is very subversive to the Constitution.

Frankly, I don't think anyone would object if judges were brought to this floor and voted down. That is a political judgment, a policy judgment, a judgment based upon their jurisprudence, their character, a host of issues. But what is so objectionable is this notion of stymying the Constitution by simple nonaction, by pushing it off into the shadows, allowing individual nominees to languish, hoping that no one pays attention to it, and that at the end of the day these judges will go away and more favorable judges will be appointed. I do not think that is the way to operate this Senate.

We have legislation, such as the ESEA, which has been permanently—or apparently permanently—shelved, not because there is something inherently wrong with the bill as it has been presented—we can debate the merits of that—but because to bring it back to the floor would invite amendments that might be uncomfortable. I think that is also wrong.

Then I think we have a measure which everyone claims is critical to our economy, critical to our future national security, critical to our relationships with Asia and China, particularly, over the next several decades. That, too, has been shunted aside, not because of substance, but because of political calculation. Once again, I think that is wrong.

In return, what has been suggested, is: Why don't you take a little of this and a little of that, and we will give you an amendment here, and we just might bring up two judges, but we don't know who they are. That, in comparison, is not an appropriate response to the basic question of: Will the Senate be the Senate?

I would hope that we would return to that spirit, that spirit which I think drew us all here initially, with the hope and the expectation that we would debate and we would vote—we would win some; we would lose some—but ultimately, by debating and by voting, and by shouldering our responsibilities—not avoiding them—the American people would ultimately be the great victors in this Democratic process.

I hope we return to that spirit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I appreciate the comments from the Senator from Rhode Island. I will have some responses to them in a moment.

MEASURE PLACED ON THE CALENDAR—S. 2912

Mr. BENNETT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2912) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

Mr. BENNETT. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

The Senator from Utah has the floor.

PROVIDING FOR NEGOTIATIONS FOR THE CREATION OF A TRUST FUND TO COMBAT THE AIDS EPIDEMIC

Mr. BENNETT. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 3519, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4018

(Purpose: To authorize additional assistance to countries with large populations having HIV/AIDS, to provide for the establishment of the World Bank AIDS Trust Fund, to authorize assistance for tuberculosis prevention, treatment, control, and elimination, and for other purposes)

Mr. BENNETT. Senator HELMS, for himself and others, has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] for Mr. HELMS, for himself, Mr. BIDEN, Mr. FRIST, Mr. KERRY, Mr. SMITH of Oregon, Mrs. BOXER, and Mr. FEINGOLD proposes an amendment numbered 4018.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4018) was agreed to.

Mr. HELMS. Mr. President, passage of the Global AIDS and Tuberculosis Relief Act is a priority for this Administration, but that is not why I support it. I am aware of the calamity inflicted by HIV/AIDS on many Third World countries, particularly in Africa.

Children are the hardest hit and they, Mr. President, are the innocent victims of this sexually transmitted disease. In fact, the official estimate of 28 million children orphaned in Africa alone could easily prove to be a low estimate. This is among the reasons why Senator BILL FRIST wrote the pending amendment, which is based on S. 2845, with solid advice from and by Franklin Graham, president of Samaritan's Purse and son of Billy and Ruth. That is why I support it.

Several items in the pending bill should be carefully noted. First, authorization for appropriations for the World Bank Trust Fund is scaled back from the House proposal of five years to two years. There is no obligation for the U.S. Government to support the trust fund beyond two years.

If the trust fund performs as expected, Congress may decide at that time to make additional funds available. However, if the Trust Fund is not transparent, if there is not strict accountability—and if money is squandered on second rate or politicized projects—I intend to do everything in my power to ensure that Congress does not provide another farthing.

The pending bill requires that twenty percent of U.S. bilateral funding for HIV/AIDS programs be spent to support orphans in Africa. That could be as much as $60 million. This is one of the provisions on which I insisted, and I wish it could have been an even higher percentage.

I suggest that A.I.D. get together with Nyumbani Orphanage in Nairobi, Kenya, Samaritan's Purse, and the other groups working in the field to develop a plan to address the crisis.

Finally, I insisted that the lions share of bilateral funding, specifically, 65 percent—or as much as $195 million, be available to faith-based groups and I am gratified that my colleagues have consented to this. At last, it has dawned on Senators that HIV/AIDS legislation and programs designed to address the spread of AIDS are worthless unless they recognize and address seriously the moral and behavioral factors associated with the transmission of the disease.

There is only one 100 percent effective way to stop the spread of AIDS, and that, of course, is abstinence and faithfulness to one's spouse. And it is through churches that this message will be effectively promoted and accepted, not through government bureaucracies. It is no exaggeration to say that policymakers refusing to face up to this obvious fact will be culpable in the deaths of millions.

Mr. President, approval of this bill will be an important accomplishment, and if its provisions are properly implemented it will save lives. The Foreign Relations Committee will work diligently over the next two years to ensure that the intent of Congress is understood and carried out.

Mr. BIDEN. Mr. President, I cannot tell you how pleased I am that the Senate will finally pass the Global AIDS and Tuberculosis Relief Act. HIV/AIDS has been acknowledged as the 21st century's bubonic plague. It is having a devastating impact in Sub-Saharan Africa, destroying the very fabric of African societies. And while Africa is the present day epicenter, there is no guarantee that the disease will not spread throughout the world in a manner that is just as devastating. No corner of the globe is immune.

HIV/AIDS is the only health related issue that has ever been the subject of a meeting of the United Nations Security Council, and the only one that has been the subject of a Security Council Resolution. Why? Because it poses a severe risk to every nation in the international community, but most especially to developing nations which do not have the means to either treat those living with the disease, or to educate those at risk of contracting the disease about how to avoid infection.

I believe that it is past time for the United States to step forward and lead the way in efforts aimed at stopping the spread of the HIV/AIDS. This bill does just that. The funding levels this bill authorizes significantly increase the level of U.S. assistance to combat HIV/AIDS. One of the key elements of this legislation is an authorization for the Secretary of the Treasury to enter into negotiations with the World Bank to create a Trust Fund, the purpose of which is the eradication and prevention of the spread of the virus.

The Trust Fund will allow donations and contributions from governments—the bill authorizes $150 million as the U.S. contribution—as well as the private sector, so that all sectors in society are working together at an international level to address this crisis. It is truly the best way to do so. The statistics are grim. According to UNAIDS, in 1999 alone 5.4 million people were infected with HIV/AIDS, bringing the total to 34.4 million infections world wide. 2.8 million people died of the disease last year. This does not have to be. We know how to prevent the spread of the disease. We have the means to treat the virus and the opportunistic diseases that kill those infected with HIV/AIDS. Millions of lives can be saved through both treatment and prevention. Through cooperation we can be successful. We must challenge other donors to dedicate the necessary resources to achieve our aim.

The bill also authorizes $300 million in bilateral assistance to stop the spread of the disease, and to treat it. While I strongly believe that a multilateral approach must be developed to respond to the HIV/AIDS epidemic, I also believe that the United States should do all it can right now to deliver targeted assistance to specific regions and specific treatment programs. The problem of HIV/AIDS is urgent. Bilateral assistance programs can be funded and programs carried out right away, and they should be.

Assistance is desperately needed, for example, in Africa. The countries in the sub-Saharan region cannot wait for the negotiation of a Would Bank Trust Fund; they must have help now. The news which came out of the International AIDS Conference in Durban was grim. Gross Domestic Product could be cut by as much as 20% due to the impact of HIV/AIDS in some African countries, according to a study released at the conference. African countries are among the poorest in the world. They cannot afford to have their incomes diminished to such a degree. According to the World Bank,

> AIDS is now the fourth leading cause of death worldwide and the leading cause of death in Sub-Saharan Africa. At all levels, the impact of AIDS in Africa is staggering: At the regional level, more than 13 million Africans have already died, and another 23 million are now living with HIV/AIDS. That is two-thirds of all cases on earth. At the national level, the 21 countries with the highest HIV prevalence in the world are in Africa. In Botswana and Zimbabwe, one in four adults is infected. In at least 10 other African countries, adult prevalence rates exceed 10 percent. At the individual level, a child born in Zambia or Zimbabwe today is more likely than not to die of AIDS at some point in her lifetime. In many other African countries, the lifetime risk of dying of AIDS is greater than one in three. The HIV/AIDS epidemic is not only an unparalleled public health problem affecting large parts of Sub-Saharan Africa, it is an unprecedented threat to the region's development. In many countries, the disease is reversing decades of hard-won development progress.

We cannot ignore these facts. The time to act is now. The sooner we address this crisis in Africa as well as the rest of the developing world, the better. The directives in this bill represent the best of the current proposals to do so. The World Bank and the Export-Import Bank of the United States both recently announced that they would make funds available for loans to African countries to help them purchase drugs to treat HIV/AIDS. While I welcome any efforts to procure drugs for this purpose, I do not believe that extending more loans to nations currently facing crippling debt burdens will, in the long run, prove to be the most useful strategy. Grants and no strings attached assistance, the aid provided in this bill, are what is needed.

I want to make it clear that this bill represents only the beginning of the United States' commitment to fighting HIV/AIDS. Sustained dedication of resources will be needed to continue the fight, and we in the Senate must ensure that such resources continue to be channeled towards eliminating the threat of HIV/AIDS. This bill is a good first step in our efforts.

Mr. FRIST. Mr. President, a bipartisan group of members of the Senate Foreign Relations Committee have today sent to the Senate for consideration a landmark legislative initiative to combat one of the great human tragedies of our time, the HIV/AIDS epidemic. The Global AIDS and Tuberculosis Relief Act of 2000 reflects the combination of many initiatives proposed by members of the Foreign Relations Committee. All initiatives share a common purpose of arresting the progress of the disaster and caring for the victims so far.

The initiative cannot come too soon. The cost in human life and productivity, as well as the potential societal and economic disruptions AID has and will cause assure us of one distinct possibility: All goals of the United States in Africa and the developing world—goals we share with them—will be seriously compromised, if not completely undermined, by AIDS. Growing trade, better education and health, stronger democracies, efforts toward peace—all will be undermined by a disease that is positioned to sap the life from the most promising and productive generations.

Two characteristics of this pandemic that distinguish it from the other great killers have impressed me the most and shaped the Senate's recent initiative to support the efforts to combat HIV/AIDS worldwide.

The first is the fact that AIDS affects the younger members of a community in their most productive years. It thus contorts and eventually turns on its head the already strained economic equation by effectively reversing the proposition of dependants to productive members of a family. In short, it has struck at the heart of the extended families, changing the breadwinners from a source of needed food or income to a burden. That is to say nothing of the grief, personal loss and often shame associated with death from AIDS.

The second is that the estimated number of orphans from AIDS in Africa, for example, already exceeds 10 million, and is expected to approach 40 million in coming years. Many of those children will themselves be HIV-positive. The prospect of 40 million children without hope, health and often without any support whatsoever is as dangerous as it is tragic. These children are susceptible to substance abuse, prostitution, banditry or, as we have seen so often on the continent, child soldiery. It will be an economic strain on weakening or completely broken economies, and an extremely volatile element in strained societies.

The human cost of AIDS is already alarmingly high, and the trends are increasingly terrifying—even apocalyptic.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. It is our greatest challenge. I have seen the effects of its ravages on the people of that continent firsthand. The potential is clearly written in the appalling statistics of the disease today.

According to December 1999 United Nations data, some 23.3 million adults and children are infected with the HIV virus in the region, which has about 10 percent of the world's population but nearly 70 percent of the worldwide total of infected people. In Botswana, Namibia, Zambia, and Zimbabwean estimated 20 percent to 26 percent of adults are infected with HIV, and 13 percent of adults in South Africa were infected as the end of 1997.

An estimated 13.7 million Africans have lost their lives to AIDS, including 2.2 million who died in 1998. The overall rate of infection among adults in sub-Saharan Africa is about 8 percent compared with a 1.1 percent infection rate worldwide.

AIDS has surpassed malaria as the leading cause of death in sub-Saharan Africa, and it kills many times more people than Africa's armed conflicts.

Sub-Saharan Africa is the only region in which women are infected with HIV at a higher rate than men. According to UNAIDS, women make up an estimated 55 percent of the HIV-positive adult population in sub-Saharan Africa, as compared with 35 percent in the Caribbean, the next highest-ranking region, and 20 percent in North America. Young women are particularly at risk. A U.N. study found girls aged 15–19 to be infected at a rate of 15 percent to 23 percent, while infection rates among boys of the same age were 3 percent to 4 percent.

The African AIDS epidemic is having a much greater impact on children than is the case in other parts of the world. An estimated 600,000 African infants become infected with HIV each year through mother to child transmission, either at birth or through breast-feeding.

At least 7.8 million African children have lost either their mother or both parents to AIDS, and thus are regarded by UNAIDS as "AIDS orphans." South Africa is expected to have one million AIDS orphans by 2004. An estimated 10 million or more African children will have lost either their mother or both parents to AIDS by the end of the year 2000. In some urban areas of Africa, orphans comprise up to 15 percent of all children. Many of these children are themselves infected with HIV/AIDS and often face rejection from their extended families and from their communities.

In its January 17, 2000 issue. Newsweek projected that there will be 10.4 million African AIDS orphans by the end of 2000. UNAIDS reports that AIDS orphans, suspected of carrying the disease, generally run a greater risk of being malnourished and of being denied an education.

At current infection and growth rates for HIV/AIDS, the National Intelligence Council estimates that the number of AIDS orphans worldwide will increase dramatically, potentially increasing three-fold or more in the next ten years, contributing to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children without care or hope are often drawn into prostitution, crime, substance abuse or child soldiery.

The majority of governments in areas of sub-Saharan Africa facing the greatest burden of AIDS orphans are largely ill-prepared to adequately address the rapid growth in the number of children who have no means of support, no education nor access to other opportunities.

Donors must focus on adequate preparations for the explosion in the number of orphans and the burden they will place on families, communities, economies, and governments. Support structures and incentives for families, communities and institutions which will provide care for children orphaned by HIV/AIDS, or for the children who are themselves infected by HIV/AIDS, will become increasingly important as the number of AIDS orphans increases dramatically.

By providing a knowledge, skills, and hope orphaned children might not otherwise have, education is an especially critical part of a long term strategy. Education is the key to providing opportunity and fighting poverty, and education is essential to winning the battle against the HIV/AIDS epidemic.

The legislation does not focus solely on Africa, but reflects the fact that the grip of the disease is tightening around the developing world. Some of the mechanisms are new and yet untested. But in their design, their potential for being the most effective tools at our disposal is clear.

We need to be mindful that the United States can be a great force for good in the world. Certainly, Americans are very charitable and compassionate people, and the political will exists to take a more aggressive posture toward combating AIDS.

However, our job is to determine how best to use our limited resources to maximize their potential for good on the African continent. These are life and death decisions which cannot be addressed simply by allocating more funds, confident that we have thus done our part. How we direct or allocate those resources has the potential to significantly affect the situation.

Questions and issues involved in life and death decisions are not easy. They are decisions based on the understanding that you cannot help or save all in need in a situation, but must make decisions based on the best information and understanding of your strengths and limitations.

Over the next two years, the legislation authorizes $300 million per year for ongoing HIV/AIDS programs worldwide. That represents a significant increase in our commitment and is well above the President's request. The United States has been a leader in AIDS prevention programs and in AIDS treatment and programs to mitigate the devastating societal and economic effects of the epidemic. We should continue that leadership and even strengthen it.

Additionally, the legislation authorizes $100 million to the Global Alliance for Vaccines Initiative, know by its acronym, GAVI, which receives both public and private funding to provide existing vaccines to children worldwide, and to provide incentives for the development of new vaccines. Often, companies determine that it is not possible to commit the capital to research and development toward developing vaccines for diseases such as malaria. While the potential number of recipients is great, the potential number of purchasers is very small. By providing a clear purchaser for the future, GAVI addresses much of the questions involving the risks of investing in such research.

The legislation goes beyond incentives alone. Over two years, it commits $20 million to the International AIDS Vaccine Initiative, or IAVI, a group which is committed to developing the ultimate weapon against the continued spread of HIV: a vaccine.

The legislation does not seek to act unilaterally, but has two critical elements which will help use our leadership position to leverage greater cooperation to combat the epidemic.

First, it seeks to establish a global trust for programs to combat the transmission of HIV and to respond to the devastation of AIDS. Under the legislation, the United States can contribute up to $150 million per year for two years to capitalize the fund. Of that, $50 million annually is specifically targeted to address the great human tragedy and most daunting challenge of AIDS orphans. Undoubtedly, the initial generous contribution of the United States will spur many more commitments from other nations.

The legislation does not leave the question of orphans to the trust fund alone. It also directs the United States to begin coordinating a global strategy to address the orphans crisis, especially in caring for them and educating them. This is in addition to the specific focus on education and care of orphans in Africa mandated in the initial authorization of ongoing programs and in the trust fund. Only education can provide the tools for these children to escape the poverty, violence and exploitation that they will often face. The strong emphasis on this explosive and frightening problem is one of the most forward looking approaches to international health yet considered by Congress. I cannot overemphasize the importance of these provisions.

The legislation also addresses the increasing threat of tuberculosis worldwide. The diseases' resurgence is a clear and direct threat to the United States' public health. Astonishingly, the World Health Organization estimates that one third of the world's population is infected with tuberculosis. With the increasingly drug resistant strains of the disease emerging yearly, the urgency of the initiative is critical. The legislation authorizes $60 million each year for two years for programs to combat the disease. That figure represents a substantial increase in our efforts to ensure our own safety and health and to combat the scourge worldwide.

Overall, this legislation represents a clear recognition of the importance to our own health and security to combating infectious disease worldwide. More significantly, though, it is a monumental new commitment by the United States to combat the death and suffering of our fellow humans. It is a great demonstration of America's generosity and our hope to improve the lives and potential of all people.

Mr. KERRY. I am pleased to join the distinguished chairman of the Foreign Relations Committee, Mr. HELMS, and the Chairman of the Africa Subcommittee, Dr. FRIST, in bringing this very important bill to the Senate.

Mr. President, the human toll of the AIDS crisis in Africa is stupefying. More than 30 million people now live with AIDS and annual AIDS-related fatalities hit a record 2.6 million last year. Ninety-five percent of all cases are found in the developing world. AIDS is now the leading cause of death in Africa and the fourth leading cause of death in the world. In at least 5 Africans countries, more than 20 percent of adults are HIV-positive.

The AIDS epidemic is more devastating than wars: in 1998 in Africa, 200,000 people died from armed conflict; 2.2 million died from AIDS—more than 5,000 Africans died every day from the disease.

This week, the U.S. Census Bureau announced new demographic findings for Africa. Because of AIDS, Botswana, Zimbabwe and South Africa will experience negative population growth in the next five years. Without AIDS, these countries would have experienced a 2–3 percent increase in population. Children born within the past 5 years in Namibia, Swaziland and Zimbabwe can expect to die before the age of 35. Without AIDS, their life expectancy would have been 70. In addition, a new and very troubling statistic was announced this week: UNAIDS reported that 55 percent of all HIV-infections were in women. So AIDS is not only robbing societies of young women but also of the child they might have had.

It is not hyperbole to say that this is Africa's worst social catastrophe since slavery, and the world's worst health crisis since the bubonic plague.

Other parts of the world are going down the same path as Africa. Infection rates in Asia are climbing rapidly, with several countries, especially India, on the brink of large-scale expansion of the epidemic. When I was in India in December, epidemiologist from our government as well as Indian officials admitted that the number of cases in Asia could surpass those of Africa by the year 2010.

In addition, countries of the former Soviet Union and Eastern Europe are especially vulnerable, as Russia is experiencing one of the highest increases in infection rates of any single country in the world last year. Is this the kind of world we want for the 21st century? In this age of remarkable biotechnical and biomedical breakthroughs, when we have cures of impotence and treatments for depression, do we want to ignore a public health crisis of biblical proportions? When we're talking about the democratization of the developing world, when we're talking about the triumph of capitalism and open markets, when we're talking about the benefits of globalization, we cannot remain silent—as rich as we are in talent, technology and money—about the threat AIDS poses to our national security.

Mr. President, last week, the 13th annual International Conference on AIDS was taking place in Durban, South Africa. It was the first time this international conference is being held in a country in the epicenter of the AIDS pandemic in the developing world.

A number of important breakthroughs have been announced from the Conference and the Senate should be aware of them:

Pharmaceutical companies have announced that they are prepared to offer their life-extending therapies to the developing world at no cost or at a very discounted rate. Merck will provide Botswana with $100 million in medicine over the next five years. Abbott Laboratories confirmed that it will initiate a charitable program in Tanzania, Burkina Faso, Romania and India. Boehringer Ingelheim will give away one of the most important drugs in preventing the transmission of HIV from mother to child—Viramune—to developing countries over the next 5 years. Similarly, Pfizer recently promised to give South Africa its effective product—Diflucan—which is used for treating a deadly brain infection associated with AIDS.

These are all important developments. Access to these pharmaceutical products has historically been prevented by high price, and these companies should continue to work with governments and philanthropies like the Bill & Melinda Gates Foundation—which today is announcing another $90 million in grants to combat AIDS in the developing world. The contribution made by Bill and Melinda Gates to fighting infectious diseases cannot be overstated. Through their philanthropy, they have given countries which are being ravaged by disease a fighting chance.

Fighting and winning the war against AIDS is more than just giving away medicine. We must continue to bolster the research into a cure. To this end, a number of significant biomedical breakthroughs have come out of Durban. The most significant is the announcement by the International AIDS Vaccine Initiative of human trials of a new vaccine candidate against AIDS. Development of an effective AIDS vaccine is critical especially in Africa where preventive measures—such as encouraging change in high-risk behaviors and debunking deadly myths—will do little to slow the spread of HIV in countries which have a 20 or 25 percent infection rate. It is clear that the only hope for these countries is a cure: that means, developing an effective vaccine and assuring its affordable distribution.

And, we have a responsibility to act in this increasingly intertwined world because, together with all the benefits associated with globalization, we also now are facing a range of new threats that know no borders and move without prejudice—international crime, cyber-terrorism, drug-trafficking and infectious diseases.

We are seeing a rise in the number of previously unknown lethal and potent disease agents identified since 1973—the ebola virus, hepatitis C, drug-resistant tuberculosis, West Nile virus and HIV. These diseases affect all of us, including American citizens. New Yorkers know the scare associated with these heretofore unknown diseases—last summer New York City was held captive by an encephalitis scare and new outbreaks this year have already been spotted in pigeons. There was a shock in the scientific community when it was discovered that outbreak of the mosquito-borne disease in New York was not, as scientists had believed, St Louis encephalitis: instead, it was a deadly variant of West Nile virus, a disease hitherto found only in Africa, the Middle East and parts of West Asia. United States health officials now fear that the disease may now become prevalent in the Americans. Similarly, it is foolhardly and dangerous to believe that any infectious disease can be adequately contained in one region. We are all at-risk.

Militaries are not immune; in fact, they are in some cases even more susceptible to upheaval and instability from infectious diseases, especially AIDS. Some militaries in Africa have HIV-infection rates which top 40 percent. These military forces could be part of the solution for democratization in Africa in terms of peacekeeping and conflict prevention; instead, African armed services are losing their military effectiveness and adding to the social instability.

It is projected that Africa will be home to 40 million children, orphaned by AIDS, by the year 2010. Zambia is a country of 11 million people—half a million of them will be AIDS orphans. We know from other regions of the world—like Cambodia and Burma—that exploited children are common targets by rogue militias and narco- and other criminal organizations. It is clearly in our interest to stem this activity.

Likewise, economies are not immune. In fact, development of the last 20 years is being reversed in the countries hardest-hit by AIDS. AIDS cost Namibia almost 8 percent of its GDP in 1996. Tanzania will experience a 15 to 25 percent drop in its GDP because of AIDS over the next decade. Over the next few years, Kenya's GDP will be 14.5 percent less than it would have been absent AIDS. AIDS consumes more than 50 percent of already meager health budgets. In many African countries, the total annual per capita health-care budget is $10. 80 percent of the urban hospital beds in Malawi are filled with AIDS patients—all is a direct threat on evolving democratic development and free-market transition. Mozambique and Botswana have two of the world's fastest growing economies but this economic growth cannot be maintained when those countries' workforces are being decimated with the daily deaths of hundreds of people in their most productive years. In the Cote d'Ivoire, a teacher dies of complications associated with AIDS every school day. In South Africa, businesses owners often hire and train two employees for one job, knowing that one will probably die from AIDS.

As we celebrated the passage this year of the Africa Trade bill, how can we seriously think that a vibrant market for products or investment can be formed on a continent which will lose up to 20 percent of its population in the next decade? To lure investors, the continent has already had to battle underdevelopment and racism, but now, some people in the developed world will see Africa as only as a place of disease. This is wrong and it is a direct threat to our national economic interests.

Governments are not immune. This epidemic is causing leadership crises in some African countries. President Benjamin Mkapa of Tanzania reported last week that "some ministries lose about 20 employees each month to AIDS."

African governments are grappling with the devastation wrought by HIV on their economies and their societies. It is difficult to fathom the challenges they face with this public health crisis, and some of the actions sometimes baffle western observers. Some critics have recently pointed to the questions raised by President Thabo Mbeki of South Africa as to the origins of AIDS and as to the proper course of treatment. When it comes to dealing with AIDS, there are moral questions, there are budgetary constraints, there are political decisions. But there are also some biomedical truths. Senator FRIST and I have discussed these issues with the distinguished ambassador from South Africa and followed up with President Mbeki when he came to Washington on a state visit. Leadership is necessary from both the United States and from Africa—this issue cannot be solved by one nation alone. But no one country can ignore it either. President Mbeki has focused his attention on fighting the AIDS epidemic by fighting poverty. In his remarks in Durban, he missed an opportunity by refusing to state unequivocally that HIV causes AIDS. And, I fear, his questions will allow those who engaged in risky and unsafe practices to continue. Only bashing pharmaceutical companies is not helpful in the fight against AIDS, and the participants at the International Conference on AIDS rightly passed a resolution in support of the tested science of AIDS.

One can argue—and I do not at all subscribe to that argument—that Africa does not matter to the security interests of the United States. Some even mock the suggestion. I believe that this is not an issue of which any decent rational human being can be dismissive. One humanitarian terms, on political terms, on cultural terms, on economic terms, on historical terms, no one should dare be dismissive. We are linked to everything that is happening in Africa, starting back to our nation's and civilization's earliest history, and we are now tied by the new forces of globalization and technology. And I hope that we will always be tied by who we are and what we are as nation. This really tests the fiber of our country, in a sense, and questions whether we are prepared to deal with this threat.

But even if you subscribe to the view that the AIDS disaster in Africa is not a threat to our national security, you have to at least recognize that unfettered spread of this horrendous virus to other regions of the world—including North America—is certainly a threat. As goes Africa, so goes India and China—and no one in this Senate can make the argument that an India or a China, destabilized by a public health catastrophe, can be ignored in terms of our national security interests.

The window of opportunity is now open to making a real difference in Africa and improving global health, and that is why I am so pleased that the Senate is acting with all dispatch to make a significant contribution to fighting the epidemic in Africa. This bill builds upon the work of many of our most thoughtful and distinguished colleagues. It includes initiatives that Congresswoman NANCY PELOSI, Senator FRIST and I began many months ago to speed vaccine development, to deal with AIDS orphans and to alleviate the suffering of those infected with HIV on the African continent. It also incorporates the plan Senator FRIST, Congressman LEACH and I have devised to inaugurate AIDS prevention grants from the World Bank. Senator DURBIN and I proposed a plan to assist AIDS orphans, and the spirit of that legislation is found throughout this bill. Senator BOXER and Senator GORDON SMITH have called for funding increases to AIDS prevention programs in Africa; Senator MOYNIHAN and Senator FEINGOLD have a proposal to target money to prevent further infection among infants. Their contributions can be seen in this bill.

The work of the appropriators has been and will continue to be vital in funding programs to assist Africa. I commend Senator LEAHY and Senator MCCONNELL for increasing funding for the existing appropriations accounts on global health in the Foreign Operations bill and I am very grateful that they have agreed to fund the Global Alliance for Vaccines and Immunizations (GAVI) which I have been urging for a year now.

I would also like to acknowledge the significant contribution of the distinguished Senator from North Carolina, Mr. HELMS. I commend the Chairman and our ranking member, Senator BIDEN, for their leadership. They have ensured that this session will not close until we have passed the largest single response by our Nation to the global AIDS epidemic.

It is my hope that the other body will move to pass these vital proposals with all necessary speed. It is clearly in our national interests—security, economic, political, health and moral—to do all we can to solve this crisis. Let me be clear on this, Mr. President, my commitment to this issue is not transitory. I will not rest on this legislative victory. I will be back next year and every year after that until this public health disaster is over.

Mr. FEINGOLD. Mr. President, I rise in support of the Global AIDS and Tuberculosis Relief Act of 2000. This bill recognizes the awesome and terrible scope of the HIV/AIDS epidemic, and responds with what is truly required to address it—a program far more comprehensive and substantial than what is entailed in the status quo.

The numbers one must use to describe the crisis are numbing. More than 70 percent of all people living with AIDS live in sub-Saharan Africa, and as the ranking member of the Senate Subcommittee on Africa, I have seen firsthand the devastating toll that the disease has taken in the region. In Africa alone, 15,900,000 people have died because of AIDS, and the World Bank has identified the disease as the fastest-growing threat to development in the region. Life expectancies are dropping dramatically, and the social fallout from this horrific upheaval has forced us to confront the disease not just as an epidemiological threat, but as a security threat as well. Nearly 4,500,000 children have HIV and more are being infected at the rate of one child every minute. According to UNAIDS, by the end of 1999, AIDS had left 13,200,000 orphaned children in its wake.

This bill is a serious effort to confront this monstrous crisis. It will provide hundreds of millions of dollars in assistance to strengthen prevention efforts, to combat mother-to-child transmission, to improve access to testing, counseling, and care, and to assist the orphans left in the wake of the disease. Through a new AIDS trust fund, it will leverage U.S. assistance with a multilateral approach and through innovative partnerships with the private sector. The bill provides support to the Global Alliance for Vaccines and Immunizations and to the International AIDS Vaccine Initiative, so that even as we address the urgent needs of the present, we work toward a solution in the future. The bill insists that AIDS education be provided to troops trained under the auspices of the African Crisis Response Initiative. It recognizes the inextricable link between HIV/AIDS and the resurgence of tuberculosis. It goes beyond the President's request and beyond anything that this Congress has contemplated since the epidemic began.

The bill is not perfect, of course. The needs are great and the problem multifaceted. I would still like to see this Congress address the important issue of access to pharmaceuticals, and to put strong language into statute that would prohibit the executive branch from pressuring countries in crisis to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhere to existing international regulations governing trade. This bill does not absolve this Senate of a continued responsibility to address the global AIDS crisis. But it is remarkable, all the same.

This bill has the unanimous support of the Senate Foreign Relations Committee. Senators HELMS, BOXER, FRIST, KERRY, and BIDEN have worked on it tirelessly. It includes provisions originally drafted in the Mother-to-Child HIV Prevention Act, a bill authored by Senator MOYNIHAN of which I was proud to be an original co-sponsor. It reflects the admirable work of the House and in particular of Congresswoman BARBARA LEE and Congressman LEACH, and it should reach the President's desk quite quickly. Rarely does such a substantive, ground-breaking bill enjoy this degree of bipartisan consensus. It is a tribute to my colleagues and a testimony to the undeniable magnitude and urgency of the crisis that the Senate stands ready to pass this legislation today.

Just days ago, U.S. Ambassador to the United Nations Richard Holbrooke testified before the Senate Foreign Relations Committee. When he was speaking about the AIDS crisis, he spoke of its impact and of the place the epidemic has already taken in history, and said, "All of us will have to ask ourselves, when our careers are done, did we address this problem?" This bill is an important part of the answer to that question.

Mrs. BOXER. Mr. President, today the Senate is taking a big step forward in the fight against international AIDS and Tuberculosis. Today's passage of H.R. 3519, the Global AIDS and Tuberculosis Relief Act of 2000, will help those throughout the world who are suffering from these deadly infectious diseases.

I am particularly pleased that this legislation includes two bills that I introduced earlier in the 106th Congress. In February, I introduced the Global AIDS Prevention Act (S. 2026). This legislation authorizes $300 million in bilateral aid for those nations most severely affected by HIV and AIDS. It calls on the United States Agency for International Development to make HIV and AIDS a priority in its foreign assistance program and undertake a comprehensive, coordinated effort to combat HIV and AIDS. This assistance will include primary prevention and education, voluntary testing and counseling, medications to prevent the transmission of HIV and AIDS from mother to child, and care for those living with HIV or AIDS.

H.R. 3519 also includes legislation I introduced last year, the International Tuberculosis Control Act (S. 1497). This bill authorizes $60 million in aid to fight the growing international problem of tuberculosis. With this legislation, the United States Agency for International Development will coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations toward the development and implementation of a comprehensive tuberculosis control program. This bill also sets as a goal the detection of at least 70 percent of the cases of infectious tuberculosis and the cure of at least 85 percent of the cases detected by 2010.

H.R. 3519 has other important provisions as well. The bill includes a $10 million contribution to the International AIDS Vaccine Initiative and a $50 million contribution to the Global Alliance for Vaccines and Immunizations. It also contains provisions calling for the establishment of a World Bank AIDS Trust Fund with the Secretary of the Treasury authorized to provide $150 million for payment to the fund.

I want to thank all of the members of the Senate Foreign Relations Committee for their work on this legislation. I am particularly grateful for the efforts of Chairman HELMS in pushing this bill forward.

This is an important step in the fight against AIDS and TB. I have no doubt that greater resources will be needed in future years to continue this effort. I am hopeful that the Senate will continue to treat the issue of infectious diseases with the seriousness it deserves.

There are 34 million people today living with HIV/AIDS, and one-third of the world's population is infected with tuberculosis. Much more needs to be done, and I am proud of the Senate for taking this action today.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3519), as amended, was read the third time and passed.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT OF 2001—MOTION TO PROCEED—Continued

Mr. BENNETT. Mr. President, I will now turn to the subject that has been raised today and yesterday and last week and repeatedly in the last few weeks. That is the subject of why the Senate is not proceeding on the pace and with the vigor we all think it should. We have heard from the Senator from Rhode Island and others today about how the majority leader has somehow dictatorially brought everything to a terrible halt and wouldn't it be wonderful if we went back to the great spirit of cooperation and comity that allows us to get things done. I agree absolutely that it would be wonderful to return to the spirit of cooperation and comity that would allow things to be done, but I think it is pointing the finger in the wrong place to attack the majority leader.

Let me share with you my experience this last week. Monday of this week was July 24, which in my home State is the biggest day of the year. July 24 happens to be the day that Brigham Young and the first group of Mormon pioneers entered Salt Lake Valley and put down roots that have now become not only Salt Lake Valley but the State of Utah. Every year we celebrate that historic event with a major parade. It is one of the requirements for a politician to be in that parade. Senator HATCH and I always confer about whether or not we will be able to make the parade because we don't want to miss votes. There have been times when we have had to miss the parade to be here to do our appropriate duty.

On Friday of last week, I went to the staff of the leadership and said: What is going to happen on Monday? I was told: We will be on energy and water. There will be amendments and there will be votes.

I then went to the subcommittee chairman of the Appropriations Committee and said to him—this being Senator DOMENICI—how important will the votes be and how many will there be?

Senator DOMENICI said: Well, there will be several votes, but I think they will be relatively unimportant ones. They will not be close.

I said: Well, Senator, I think under those circumstances, I will go to Utah and ride in the July 24 parade. If you can assure me that it will not create an undue hardship for you with respect to passing important amendments that my vote would not be absolutely essential, I think I will go to Utah.

He told me: Senator, you can go to Utah. I will see to it that the amendments that we vote on on Monday will not be so close that your vote would have made that much of a difference.

So I went to Utah. When I got back, I said to my staff: How many votes did I miss and how important were they? I found out I didn't miss any votes. The Senate didn't vote. Why? The Senate didn't take up the bill. Why? Because the minority objected to the motion to proceed, and the majority leader was required to file a cloture motion on the motion to proceed to consider the bill.

I have made the statement in this Chamber before that based on my experience, I can remember a time when no one ever objected to a motion to proceed. A filibuster on the issue of the motion to proceed was something that was unheard of from either side. We have been told this afternoon "couldn't we go back to the time when people got along with each other" from the same side of the aisle that has said: We will filibuster the motion to proceed.

So the majority leader had to file a cloture petition. He filed the cloture petition. We voted on it. When we voted on it, it was passed overwhelmingly, if not unanimously. That raises the question: Why did we go through this exercise? Why couldn't we have been on the bill at the time we were scheduled to be on the bill? Why are we in this situation now when we are under a cloture situation running off 30 hours on the clock so we can then finally get around to voting on the bill, knowing that as soon as we get through with this one, there will be another one where there will be objection to the motion to proceed, the requirement that a cloture petition be filed, and the running off the clock again?

There are various ways to defeat legislation. One of them is to delay it. I said once before, I worry this Chamber has started to move from being the world's greatest deliberative body to being the world's greatest campaign forum. I am distressed by reports in the popular press that say that the Vice President and his party intend to run against a do-nothing Congress. We are doing everything we can to make this a do-something Congress, but there are forces at work to try to create the prophecy of a do-nothing Congress into a self-fulfilling prophecy.

It can be done in such a way that the public at large doesn't understand what is going on. The public at large doesn't know what cloture means. I go home to my constituents and I try to explain what is going on. They don't understand what the motion to proceed is. They don't understand the rules of the Senate. You talk to them about unanimous consent agreements that are not being agreed to, agreements that are made between the two leaders that then get set aside and cloture petitions, their eyes glaze over when you start talking like that. They come back to you—these are my constituents—and they say: Why aren't you getting your work done?

When you have to make these kinds of explanations, the public gets impatient, which plays into the hands of those whose electoral strategy is run against a do-nothing Congress. I have started to use that language, as I explain to my constituents why we are not getting the people's work done. I say to them very deliberately—and it pains me because I do not want to cast clouds over this institution, but I believe I have to say it anyway—there are those who want to run against a do-nothing Congress who are determined to create a do-nothing Congress. And in the Senate, the rules are such that you can do that. The rules are such that even if you are in the minority, if you want to bring this place to its knees and bring it to a halt, you can do that.

I have been in the minority. I have heard some of my fellow party members in the minority say: We have to bring this place to a halt; we have to shut it down. I am glad I didn't participate in the attempts on the part of the minority to shut this place down when George Mitchell was the majority leader; when George Mitchell did many of the things that TRENT LOTT is now being accused of doing; when George Mitchell said: We have to do the people's business, even if it means, as majority leader, I exercise something of an iron fist to make sure we do the people's business; I will do it and we will get the people's business done. Those on this side of the aisle who said in my hearing, "let's shut this place down," did not prevail.

I did not participate with them, and I am proud of that fact, that we did not attempt to shut this place down. Were we frustrated? Absolutely. Were we upset? Absolutely. Did we engage in filibusters, yes, straight up. My assigned time was from 1 to 2 o'clock in the morning in a filibuster, when George Mitchell said: If the Republicans are going to filibuster us, let's go around the clock. I was very up front about it. I believed the bill that we were talking about was sufficiently bad that I was willing to take my turn from 1 to 2 o'clock in the morning to see to it that the bill didn't pass.

That is part of the game around here. That is the way the rules are structured. I have no problem with that. But objecting to the rule to proceed, which is the kind of thing the public doesn't understand, but that all of us understand, is a stealth filibuster. It is an attempt to slip under the public awareness, shut this place down, and create a situation where you can then run against a do-nothing Congress.

I remember the first person to run against a do-nothing Congress—Harry Truman. I remember what Harry Truman did. It was very different from what is being done here. Let's get a little history here.

Harry Truman was President of the United States by virtue of Franklin Roosevelt's death. He had not run for President, he had not been elected, and he was not very popular in the country. The Republicans controlled both Houses of Congress as a result of Harry Truman's lack of popularity, and they were absolutely sure they were going to win the 1948 election. So they were determined they were not going to pass any legislation that Harry Truman could veto. They were going to wait until Thomas Dewey became President of the United States, and then they were going to pass their legislation for a President who would sign it.

They held the Republican National Convention, and in the convention they outlined all of the things they were going to do, once they were in power, in both the Congress and the executive branch. Well, Harry Truman called their bluff. Harry Truman said: If that's what the Republicans really will do when they are in charge, let them do it now. He called the Congress back into session after the Republican convention and said to them: Here is your opportunity. Here is your platform. Pass your platform.

Well, Robert Taft, who was the dominant Republican—the man whose picture graces the outer lobby here as one of the five greatest Senators who ever lived—made what I think was a miscalculation. He thought Harry Truman was so unpopular in the country at large that the Congress could thumb its nose at the President of the United States, and he said: We are not going to do anything in this special session that the President has called us into. We are not going to play his game.

So the Republican Congress adjourned after that special session without having done anything—deliberately, without having done anything. Harry Truman then went out and ran against the do-nothing 80th Congress and got himself elected in his own right as President of the United States. It was one of the great political moves of this century.

That is not what we are dealing with here. We are not dealing with a Republican Party that doesn't want to act. We are not dealing with a Republican Party that doesn't want to solve the people's problems. We are dealing with a Republican Party that is trying desperately to perform the one absolutely required constitutional function that the Congress has, which is to fund the Government. We are trying to pass appropriations bills to fund the Government, so that there will not be a Government shutdown, there will not be a continuing resolution, there will not be a crisis at the end of the fiscal year. When we try to move to the bills that will fund the Government, we run into procedural roadblocks on the part of those who are then talking about running against a do-nothing Congress. That is what is going on here.

If we have to say it again and again and again, so that our constituents finally begin to understand it, I am willing to say it again and again and again. We have discovered that one of the strategies being played out in this great campaign forum is to take an amendment that is seen as a tough political vote, bring it up, see it defeated, and then the next week bring it up again, and then complain when the Republicans say we have already voted on that; we don't need to vote on it again. Oh, yes, you do, says the leadership on the other side; let's vote on it again.

If we vote on it again and defeat it, thinking, OK, we have had a debate and we have taken our tough political votes and we have made it clear where we stand on this issue, let's move forward, no, we are told somehow when you want to move forward without bringing up this amendment again: You are thwarting the will of the Senate; you are turning the Senate into another version of the House of Representatives if you won't let us vote on this controversial amendment a third time.

If it gets voted on a third time, then it comes up a fourth time. If it gets voted on a fourth time, it comes up a fifth time. Every time the majority leader says: We have done that, we have debated that, we have voted on that, he is told: No, if you take a position that prevents us from voting on it again, you are destroying the sanctity of this institution.

Well, now we are being told we are interfering with the President's constitutional right to appoint judges. I find that very interesting because this Congress has confirmed more judges in an election year than previous Congresses. Quoting from my colleague, the chairman of the Judiciary Committee, and therefore in a position to have the statistics, there are fewer vacancies in the Federal judiciary now than when the Democrats controlled the Congress and the Republicans controlled the White House in an election year. If I may quote from Senator HATCH:

> Democrats contend that things were much better when they controlled the Senate. Much better for them, perhaps. It was certainly not better for many of the nominees of Presidents Reagan and Bush. At the end of the Bush administration, for example, the vacancy rate stood at nearly 12 percent. By contrast, as the Clinton administration draws to a close, the vacancy rate stands at just 7 percent.

Well, turning it around, the vacancy rate we are facing now is roughly half that which a Democratic Senate gave to President Bush as he was facing reelection. Oh, but we are being told: No, there are judges who have languished for a long time; therefore, we should have a vote on the judges whose names have been before us the longest before we have a vote on the judges who may have been nominated more recently, and it is terrible to hold a judge or any nominee for a long period of time. We need to give him or her a vote. We need to bring the names to the floor of the Senate, and the minority leader should decide which name is brought to the floor of the Senate.

I remember when I first came to this body, I was assigned to the Banking Committee. There was a nominee sent forward by President Clinton whom the chairman of the Banking Committee didn't like. The chairman of the Banking Committee at the time was, of course, a member of President Clinton's own party. But his objection, as I understood it—and I may be wrong—was that this particular nominee had too much Republican background on his resume, that this particular nominee had not been ideologically pure enough for the chairman of the Banking Committee.

As I say, that is my memory, and I could be wrong. But that was the very strong position on the part of the chairman of the Banking Committee. That nominee didn't come up for a hearing before the Banking Committee for the entire 2 years that the Democrats controlled the Banking Committee and that man was the chairman. Any attempt on the part of anybody else to get that particular nomination moving was thwarted by the chairman.

Now, what if the then-minority leader, Senator Dole, had come to the floor and said we will not allow anything to go forward until this nominee comes to the floor for a vote?

How would people have reacted to that kind of action on the part of the minority leader if the entire minority had gathered around him, and said: We will stand with you, we will filibuster the motion to proceed, and we will do everything we can to bring the Senate to a complete halt until this nominee that has languished in the Banking Committee for almost 2 years is brought forward? I am pretty sure I know what George Mitchell would have told Bob Dole. I am pretty sure I know what the majority leader would have said under those circumstances. It probably would not be as mild as the comments TRENT LOTT is currently making about the present demands that are being made with respect to specific judges by name—not the agreement that the minority leader and the majority leader made where the majority leader said: All right, we will move forward on judges; we will bring a determined number of judges forward—but to say, no, we are now changing, and we are demanding a specific name be brought forward or we will shut the whole place down, and then come to the floor and say somehow the work of the people is not getting done.

I am willing to take the tough votes that are being referred to on the floor. I have taken the votes on guns. I have taken the votes on abortion. I have taken the votes on minimum wage. I have taken the votes on Patients' Bill of Rights. I have taken the votes on prescription drugs for seniors. I have a record now that I will have to stand and defend before my constituents. Those votes have been taken because the minority has had the right to bring up every one of those issues and demand a rollcall vote.

I don't apologize for the fact that I backed the majority leader in his position that we don't need to take those votes again. While we are in the process of trying to fund the Government and discharge our constitutional responsibility, we don't need to sidetrack that business to go over old ground. If there is an election that has come up so that there are new people here and the electoral balance has shifted, it obviously makes sense to take those votes against. But to have the same people in the same Chamber in the same Congress in the same session repeat the votes again and again and again doesn't make any sense when the process of debating each one of those votes again and again and again delays the whole legislative process to the point that we get to what I sadly have come to the conclusion is the goal here, which is to create a do-nothing Congress so that some people can run against a do-nothing Congress.

If it means the majority leader has to get as tough as George Mitchell, if it means the majority leader has to be as firm as his predecessors, who were Democrats who were firm in order to move the people's business, I support the majority leader. It does not disgrace this body. It does not take this body away from its traditions. It is in the tradition of the body to move legislation forward and get the people's business done.

I applaud Senator LOTT for his courage and his leadership in moving us in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. BENNETT. Mr. President, will the Senator yield for a leadership motion?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. SMITH of Oregon. I yield to the Senator to make a request.

UNANIMOUS CONSENT AGREEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that at the hour of 5 p.m. the Senate proceed to adopt the motion to proceed to the Treasury/Postal appropriations bill; that immediately after that the Senate vote on cloture on the motion to proceed to the intelligence authorization bill; that immediately after that vote, regardless of the outcome, the Senate proceed to a period for morning business until the Senate completes its business today, and that the preceding all occur without any intervening action or debate.

I announce that the cloture vote regarding the motion to proceed to the intelligence authorization bill which will occur at 5 p.m. this evening will be the last vote today. We would then go into a period for morning business and conclude the session for the day with the exception of any conference reports or wrap-up items that may be cleared for action.

I further ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. tomorrow; that the call of the calendar be waived and the morning hour be deemed to have expired; that there then be a period for eulogies for our former colleague Senator Coverdell as previously ordered; that following the swearing in of our new colleague, ZELL MILLER, at 11 a.m. and his eulogy of Senator Coverdell, the Senate adopt the motion to proceed to the intelligence authorization bill, if its pending, and then vote on the cloture vote on the motion to proceed to the energy/water appropriations bill, and that the preceding all occur without any intervening action or debate.

The PRESIDING OFFICER. Is their objection?

Mr. REID. Reserving the right to object, Mr. President, I want to say to my friend from Utah, for whom I have the highest regard, he is a great Senator. I have personal feelings toward him that he understands. But I want to just say a couple of things before we settle this little bit here.

I served under George Mitchell. Never did Senator Mitchell prevent the minority from offering amendments. That is our biggest complaint in this body—that the majority will not allow the minority to offer amendments. We believe the Senate should be treated as it has for over 200 years. If that were the case, we wouldn't be in the situation we are in now.

I also say to my friend that the percentage on the judges doesn't work because we are dealing with a larger number. Of course, if you have a larger number of judges, which has occurred since President Reagan was President, you could have a smaller percentage. That means a lot more judges. As we know, you can prove anything with numbers.

I also say that one of the problems we have with judges is my friend from Michigan has one judge who has waited 1,300 days. That is much shorter than the 2 years my friend talked about in regards to the Banking Committee. In fact, I think the majority is protesting too much.

I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. Mr. President, in light of this agreement, a rollcall vote will occur at 5 p.m. today on the motion to proceed to the intelligence authorization bill. Another rollcall vote will occur at approximately 11:30 a.m. on Thursday on the motion to proceed to the energy and water appropriations bill.

I thank the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. HARKIN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. SMITH of Oregon. I would be happy to yield for a unanimous consent request.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senator from Oregon finishes his remarks, the Senator from Iowa be recognized to make some remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank you for the time. I am here today at the request of my leader. I am here today to talk to the people of Oregon and to the American people.

I am often asked in townhall meetings why it is that we don't seem to be getting much done. Every time people turn on C-SPAN they see Republicans and Democrats bickering. I have said to them: I know it is frustrating. I know you do not like it. I know it sometimes isn't pleasant. But, frankly, rather than criticize it, we ought to celebrate it because this is the way we go about the business of government of a free people—of exchanging ideas, and using words as our weapons and not actually bullets.

This contest between Republicans and Democrats is not an unhealthy thing. But I must admit to the American people and to the people of Oregon that what I see happening on the Senate floor right now is nothing to be celebrated.

I came to the Senate looking for solutions—not looking for a fight. I don't mind a good debate. I don't mind differences of opinion. I don't mind taking tough votes. Frankly, I have learned that the tough votes are sometimes the most memorable because they are difficult. They set you apart. They make you come to a choice. Like Senator BENNETT said, I have taken all of these tough votes that my Democratic friends have wanted me to take, and they have taken some that we wanted them to take. However, I have to say that now is not a moment to be celebrated because of what I have been hearing since I came back from this last weekend.

I have heard from colleagues on both sides of the aisle that this session of Congress is essentially over, that right now politics is going to prevail over policy, and that there will be gridlock until the election so that the greatest political advantage can be made out of the Congress.

I am disappointed in that. I didn't come here for that. I didn't fight as hard as I did to win a seat in this body to just play that kind of a game.

I find on the Democratic side people of honor and good will. I hope they find that in Republicans. Frankly, I think we are allowing the worst of our natures to take over right now. I am disappointed. I am very disappointed.

I understand that the White House is now telling our leaders that unless we accede to every one of the President's demands, that we will be blamed for shutting the Government down because he won't sign any tax cut, he won't sign any appropriations bill. We are just going to be made the victims of this. I say to my friends in the White House, this is an overreach. This goes too far.

The American people will judge this for what it is. I think we owe the American people something better than that. I think we owe them the truth. I think we owe them our best efforts. I think the politics shouldn't be so blatantly transparent that it brings shame upon the Senate.

I am here with a heavy heart because I want to get something done. I have sat in the chair many times and begun to see this filibuster mentality build up among the minority that rails against these tax cuts that we have passed, to eliminate estate taxes, to eliminate the marriage penalty. They don't have to like it, they voted against it.

I will say why I voted for them. There is an overarching reason why I vote for tax cuts. I believe in times of surplus and prosperity there is a point when we can say we are taking too much and we believe it can do more good in the general economy and we will put some back. Tax cuts go to taxpayers. When it comes to specific taxes, for example, the estate tax, I will state why I voted to change the nature of that tax, to eliminate the incidence of debt as the tax, and to shift it over to the sale of an asset as the incidence of taxation. I don't believe it is any of the Government's business how my heirs receive my estate. I think that is about freedom. I think that is about people saying: I am going to work hard and I will accumulate what I can, and I want to determine how my sons and my daughters receive my estate. Then if my heirs are unwise, the marketplace will redistribute that income because of poor choices.

I don't think it is the Government's business to say we are going to determine how this money is redistributed. It is a difference of who you trust. Do you trust Government? Or do you trust freedom? Do you trust people? Or do you trust central planning? That is why I am on this side of the aisle— not because I think there are bad people over there; I know otherwise. There are good people there. But we have a difference of belief in how the public is best served. I think they want more equality. I think we want more liberty. That is the context of the debate here.

I want the American people to know I will defend my vote to my own grave to eliminate the estate tax. I believe the way we have shifted it to a capital gains as the incidence of taxation is far more consistent with notions of freedom than reaching into somebody's grave and saying we are going to distribute it a new way, a Government way. That is not the America that I believe in.

When it comes to the marriage penalty tax cut, they are complaining again that too few people will benefit. You say it affects people disproportionately. But many married people will benefit. Again, it is hard to give tax cuts to those who don't pay taxes. I am not ashamed of voting to cut taxes for married people. Some people say that is unfair. However, I think we ought to incentivize marriage. It is a cornerstone of our society. Take religion out of it. Sociologists and psychologists will say for a child to have the best chance in life they need a mom, they need a dad. Those are the kinds of things we ought to be incentivizing—not penalizing.

Without any embarrassment, I am proud to have voted to end the marriage tax penalty and the death tax penalty. These are bad tax policies. We have voted to end them. If they don't like the distribution of them, fine. But we have cast these votes. They voted one way; we voted another. We have taken their tough votes. As Senator BENNETT said, we have taken the gun votes. We have taken the votes on abortion. We have taken a whole range of votes. We have taken a vote against their prescription drug plan.

Let me go to prescription drugs for a minute. I am a member of the Budget Committee. I have sensed in the people of Oregon a real desire for a prescription drug benefit. I want to deliver for that. Because of that, I went into the Budget Committee when we created this template in the U.S. budget, determined to stand with my colleague, RON WYDEN, to accede the President's request for a prescription drug benefit. The President requested $39 billion. RON, OLYMPIA SNOWE, and I decided together we have a majority if the Democrats will vote with us. We felt strongly that we should deliver on this promise and this need.

We got the Budget Committee to exceed the President's request of $39 billion. We went to $40 billion. However, I was a little bit discouraged—even felt somewhat betrayed—when a few months later the President says, just kidding, we need $80 billion. Double? From where did the original $39 billion come? Why all of a sudden, $80 billion? Don't the American people want Congress to be responsible for this? I put everyone on notice, I am being told in the Budget Committee that $80 billion won't even begin to cover this. Now what we are looking at under the President's program, is a one size fits all plan. A Government bureaucrat will be in your medicine cabinet and making choices for your health. A plan, by the way, that doesn't even take effect when we pass it—3 years hence. How is that keeping faith with the American people? They cannot even begin to tell you what it costs.

This is not the way we should make these fundamental decisions about the health of the American people and the health of our Government's budgets. I hope everybody understands that. I am being told that come October 6, when we are supposed to sine die, if we haven't passed the President's version we are going to be put in a position that we are made to look as if we are shutting the Government down.

People of America, you do not want Congress making these fundamental irreversible decisions on such a basis. These are important issues. We should not be giving in to this kind of political pressure for expediency, for an election. We should do it carefully. We should do it right. When it comes to prescription drugs, I will spend what I have to make sure you have a choice, that it is voluntary, and that it is affordable.

Under the President's plan, I bet there is better than half of the American people who would be eligible for it, who would not pay less for prescription drugs, yet would be forced to pay more. Is that what we want? That is not voluntary. That is about Government central planning. That is about a bureaucrat in your medicine cabinet. That is a plan for which I will not vote.

I believe in the marketplace. I believe in freedom. I believe Government has a role. I believe we ought to have a safety net. But I don't believe we ought to be going to a system that says the Government knows best and a bureaucrat can tell you what pill you need to take.

I have talked about taxes. I have talked about the budget. I have talked about prescription drugs.

Let me end by talking a little bit about this other great frustration I hear from the people of Oregon and that is the cost of gas, the cost of energy.

There is plenty of blame to go around, I am sure. I am not defending big oil. I am not defending the Government, either. But what I am telling you is our country has an enormous trade deficit because we are spending over $100 billion per year on foreign oil. When President Carter was the President, we had gas lines and we had shortages. I remember waiting over an hour every time I went to get gasoline.

When that occurred, our country was 36-percent dependent on foreign oil. We are 56-percent dependent now. Do you know why? Because in the life of this administration we have had over 30 oil refineries close; we have had leases canceled; we have had no development; and we have had an increasing dependence—not less—on foreign oil. I tell the American people, that is why you are paying too much. That is why you are paying more than you need to, because we are being held hostage to a cartel of foreign nations—many that wish us ill, many that would like to put us over an oil barrel and push us over.

I am saying I don't like drilling for oil. Every one of us drives a car and for a lot of us, the oil that drives that car is refined in Texas. Everyone of us likes the freedom of an automobile. Frankly, I would rather say to the American people: Let your sons and daughters drill for oil so they do not have to die for oil. We are setting them up to die for oil if we do not figure out some better balance between production and conservation.

Conservation is important. I vote for conservation initiatives. But it is not the whole answer. You have to produce something. A third of our trade deficit is due to foreign oil. If you want an independent country, if you want an independent foreign policy, you cannot be totally dependent, as we are becoming, on foreign oil. But there you have it. That has been the policy of this administration.

Finally, our Vice President said he wants to outlaw or get rid of the internal combustion engine. In my neck of the woods, we have the incredible benefit of hydroelectric power. We have low energy rates because of hydroelectric power. But, guess what, they are talking about tearing them down. They want to tear out the most clean, most renewable, most affordable energy supply that we have. Guess what happens when you do that. You lose—the recreation is gone, but, more importantly, you lose the irrigation for farmers, you lose the transportation of goods from the interior all the way from Montana, Idaho, Washington, Oregon to the Port of Portland and around the Pacific rim. You lose the ability to use this system of locks to move vast quantities of agricultural and other commodities.

I don't think we want to do that. I think it is very unwise. If you want to get rid of the internal combustion engine —let's examine this briefly. Right now, to move about a half a million bushels of grain, you need four barges that move through these locks. Four barges use very little energy. It just floats and makes its way to the Port of Portland. Get rid of the locks or dams, guess what, you have to truck them or rail them. How many railcars does it take to replace the four barges? It takes 140 jumbo railcars to move the same volume.

The tracks, the infrastructure is not there to do all the railing. So then you go to trucks, internal combustion engines. Guess how many trucks it takes: Four barges versus 539 large "semi" trucks. Guess what creates pollution. Guess what creates damage to your roads. That will do it.

I want to be fair about this. When we are becoming so dependent on foreign oil, so dependent upon foreign energy, so dependent as a superpower on others, I think it is very imprudent to begin tearing out our energy infrastructure.

So I will close, and I say again with a heavy heart, I think right now politics is prevailing over good policy. I think that is too bad. But let me tell you, the real losers will be the American people if the Republican majority caves in to the kind of tactics that say if you don't take everything we want we are going to make you look like you shut the Government down.

There are a lot of us who are earnestly striving to do our duty, as is incumbent upon the majority, to move the business of the people while at the same time being fair to the minority. But how many times do we have to cast the same votes? Please, help us here. I plead with the President. Let's get something done. Let's deal in good faith. We don't have to let politics prevail. Because if we do, the legacy of this President and this Congress will be the words "it might have been."

It ought to be better than that. But I, for one, believe in our Republic. I believe in our separation of powers. I will be very disappointed in my leaders if we cave in to a King. We cannot do that. We are not going to cave in to a King. We need to stand up for our institution. Moreover, we need to pay attention to the details of our policy. Because if we work it out with civility, we will work it out right for the American people.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 654, S. 2507, the Intelligence Authorization Act for fiscal year 2001:

Trent Lott, Richard Shelby, Connie Mack, Ben Nighthorse Campbell, Michael D. Crapo, Rick Santorum, Wayne Allard, Judd Gregg, Christopher Bond, Conrad Burns, Craig Thomas, Larry E. Craig, Robert F. Bennett, Orrin Hatch, Pat Roberts, and Fred Thompson.

The PRESIDING OFFICER (Mr. VOINOVICH). By unanimous consent, the mandatory quorum call rule has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 2507, a bill to authorize appropriations for the fiscal year 2001 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from Minnesota (Mr. WELLSTONE) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE), would vote "aye."

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—1

Gorton

NOT VOTING—2

Thomas Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senate is now in morning business.

EMBARGO ON CUBA

Mr. BAUCUS. Mr. President, this morning we voted on cloture on the motion to proceed to the Treasury-Postal appropriations bill. I rise to address an issue that will certainly arise in the debate. The issue is the U.S. embargo on Cuba as it relates to food and medicine.

Earlier this month, I traveled to Havana along with Senators ROBERTS and AKAKA. It was a brief trip, but it gave us an opportunity to meet with a wide range of people. We met with Cuban Cabinet Ministers and dissidents, with the head of the largest NGO in Cuba, and also with a good number of foreign ambassadors, and with President Fidel Castro himself. I might say that was a marathon 10-hour session, about half of it dining.

I left those meetings more convinced than ever that it is time to end our cold war policy towards Cuba. We should have normal trade relations with Cuba. Let me explain why.

First, this is a unilateral sanction. Nobody else in the world supports it. Not even our closest allies. Unilateral economic sanctions, don't make sense unless our national security is at stake. Forty years ago Cuba threatened our national security. The Soviet Union planted nuclear missiles in Cuba and aimed them at the United States. Twenty years ago, Cuba was still acting as a force to destabilize Central America.

Those days are gone. The missiles are gone. The Soviet Union is gone. Cuban military and guerilla forces are gone from Central America. The security threat is gone. But the embargo remains.

My reason for my opposing unilateral sanctions is entirely pragmatic. They don't work. They never worked in the past and they will not work in the future. Whenever we stop our farmers and business people from exporting, our Japanese, European, and Canadian competitors rush in to fill the gap. Unilateral sanctions are a hopelessly ineffective tool.

The second reason for ending the embargo is that the US embargo actually helps Castro.

How does it help Castro? I saw it for myself in Havana. The Cuban economy is in shambles. The people's rights are repressed. Fidel Castro blames it all on the embargo. He uses the embargo as the scapegoat for Cuba's misery. Without the embargo, he would have no one to blame.

For the past ten years I have worked towards normalizing our trade with China. My operating guideline has been "Engagement Without Illusions." Trade rules don't automatically and instantly yield trade results. We have to push hard every day to see that countries follow the rules. That's certainly the case with China.

I have the same attitude towards Cuba. Yes, we should lift the embargo. We should do it without preconditions and without demanding any quid pro quo from Cuba. We should engage them economically. But we should do so without illusions. Once we lift the embargo, Cuba will not become a major buyer of our farm goods or manufactured products overnight.

We need to be realistic. With Cuba's failed economy and low income, ending the embargo won't cause a huge surge of U.S. products to Cuba. Instead, it will start sales of some goods, such as food, medicine, some manufactures, and some telecom and Internet services.

In addition, ending the embargo will increase Cuban exposure to the United States. It will bring Cubans into contact with our tourists, business people, students, and scholars. It will bring Americans into contact with those who will be part of the post-Castro Cuba. It will spur more investment in Cuba's tourist infrastructure, helping, even if only a little, to further develop a private sector in the economy.

In May of this year, I introduced bipartisan legislation that would repeal all of the Cuba- specific statutes that create the embargo. That includes the 1992 Cuban Democracy Act and the 1996 Helms-Burton Act. I look forward to the day when that legislation will pass and we have a normal economic relationship with Cuba.

Until that day, I support measures such as this amendment which dismantle the embargo brick by brick. The sanctions on sales of food and medicine to Cuba are especially offensive.

Last year, legislation to end unilateral sanctions on food and medicine passed the Senate by a vote of 70 to 28. That legislation was hijacked by the House in conference. This year we passed similar legislation again as part of the Agriculture appropriations bill. I hope our conferees stand firm and ensure its passage this year, with one correction.

This year the sanctions provisions of the Agriculture appropriations bill contain a new requirement. The bill requires farmers who want to sell food to foreign governments of concern to get a specific license. That is needless red tape which will make it harder to export. Last year the bill we passed had no such licensing requirement. We should strike that provision in the Agriculture appropriations conference this year.

When we begin debate on the bill, one of my colleagues will offer an amendment to address unilateral sanctions on food and medicine from a different angle. The amendment will cut off funding to enforce and administer them. The House passed a similar measure by a substantial majority. We should do the same in the Senate.

Mr. President, I hope that all of my colleagues will vote in favor of this amendment and will support the ultimate lifting of the entire Cuba trade embargo.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DOMENICI. Will the Senator yield for a unanimous-consent request?

Mr. MCCAIN. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent when Senator MCCAIN and Senator GORTON are finished, I might be recognized thereafter. Senator WYDEN is here and he has no objection. He is joining me.

The PRESIDING OFFICER. Is the consent request that after Senator MCCAIN and Senator GORTON speak——

Mr. DOMENICI. I be recognized to introduce a bill, and then that Senator WYDEN follow me.

The PRESIDING OFFICER. And Senator VOINOVICH after that?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

(The remarks of Mr. MCCAIN and Mr. GORTON pertaining to the introduction of S. Res. 344 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. DOMENICI and Mr. WYDEN pertaining to the introduction of S. 2937 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I now ask unanimous consent that notwithstanding rule XXII, following the 11:30 cloture vote the Senate proceed to consideration of the conference report to accompany H.R. 4576, the Defense appropriations bill. Further, I ask consent that there be up to 60 minutes for debate under the control of Senator MCCAIN and up to 15 minutes under the control of Senator GRAMM, with an additional 6 minutes equally divided between Senators STEVENS and INOUYE, and 20 minutes for Senator BYRD, and following that debate the conference report be laid aside.

I further ask consent that the vote on the conference report occur at 3:15 p.m. on Thursday, without any intervening action or debate, notwithstanding rule XXII, the motion to reconsider be laid upon the table, and any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that Senator DEWINE be recognized to speak in morning business immediately following the remarks of Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BALKANS MATTER

Mr. VOINOVICH. Mr. President, the Balkans, with Gavrilo Princip's assassination of Austrian Archduke Francis Ferdinand in Sarajevo, Bosnia in 1914, started the devastation of World War I. World War II had deep ties to the region as well. The Truman doctrine, the basis of American policy throughout the cold war, began with President Truman's decision to support anti-Communist forces in Greece and Turkey, again, in the Balkans. To deal with the historic threat to peace, security and prosperity the Balkans poses, the United States and Europe made a commitment in the aftermath of the Kosovo crisis to integrate the region into the broader European community. This commitment is consistent with the pillar that has bound the United States and Europe since the end of World War II—a belief in the peaceful influence of stable democracies based on the rule of law, respect for human rights and support for a market economy in Europe.

However, the Balkans continue to be unstable. Slobodan Milosevic constantly stirs trouble in Kosovo and Montenegro. The minority communities of Kosovo are suffering under a systematic effort by extremist ethnic Albanians to force them out. Moderate Albanians in Kosovo are threatened for simply selling bread to a member of the Serb community. As long as this instability remains, the shared European and American goal of a whole and free Europe will not become a reality.

Inclusion of the Balkans in the European community of democracies would promote our Nation's strategic interests. By providing a series of friendly nations south from Hungary to Greece and east from Italy to the Black Sea, we would be in a much better position to deter regional crises and respond to them should they occur. The link to the Black Sea would also provide a link into central Asia in the event that the protection of our national security interests were ever threatened in this area.

The U.S. and the EU account for more than 30 percent of world trade. The EU receives nearly 25 percent of our total exports and is our largest export market for agricultural products. The nations of the Balkans, due to their proximity to the EU's common market, have tremendous potential for American investors and businesses to expand these trading ties. Additionally, many in the Balkans have excellent educational backgrounds and work experience that would be invaluable to an American investor. Many nations currently being considered for EU membership began their transition from command economies in a much worse position than the nations of southeastern Europe. If these nations can make enough progress to be considered for EU membership in the short-term, surely Croatia, Macedonia, Romania, and Bulgaria can as well.

While we have done much as a country to respond to human suffering around the world in recent years, these efforts are made after the fact. This is a mistake that reflects the Clinton administration's lack of foresight. In Kosovo, for example, our lack of preparation for the refugees created by Milosevic's aggression was inexcusable. To prevent this type of tragedy in the Balkans again—the refugees, the homelessness, the starvation—we must remain involved in the region.

I believe that the following steps should be taken to advance our goal of an integrated, whole, and free Europe:

NATO and EU membership—The nations of southeastern Europe must be involved in these institutions to ensure their long-term peace, security, and prosperity. However, invitations for membership should only be offered once the nations have met the established membership criteria;

Implementation of the Stability Pact—The Pact, initiated by the Europeans to encourage democracy, security, and economic development in the region, must be fully implemented. There has been much talk and promises made about the Pact. Now is the time for action. The Europeans must begin to build the infrastructure projects they have promised in the region.

Open European markets—The Europeans have made a commitment to integrate the region into the broader European community. Lowering tariffs on the import of goods from the region would do much to encourage needed foreign investment. Investment, in turn, would speed development which would lead to the integration for which the Europeans have called.

To make these initiatives work, the Clinton administration must show more leadership than they have since the Kosovo crisis began. With the debacle of Bosnia in its background, coupled with the failed policies for the region over the last 18 months, our record in the region has been dismal. Implementing the above plan will begin to better this record.

THE SITUATION IN THE BALKANS

Mr. President, over the Fourth of July recess, I traveled with a delegation of my House and Senate colleagues to Southeast Europe where I attended the annual Parliamentary assembly Meeting of the Organization for Security and Cooperation in Europe in Bucharest, Romania.

In addition, while I was in Southeast Europe, I joined several of my House colleagues on a trip to Kosovo and Croatia to get an update on the situation there. I met with UN officials, Serb and Albanian leaders, KFOR commanders, and our American troops, and particularly soldiers from Ohio who are stationed in Kosovo.

I have traveled to the Balkans region three times this year to assess the situation in the region from a political, military and humanitarian point of view.

Besides my most recent trip, I traveled to Croatia, Macedonia, Kosovo and Brussels, Belgium in February and in May, I attended the annual meeting of the NATO Parliament Conference in Budapest, Hungary, and visited Slovenia as well. Based on the observations that I made, I would like to bring the Senate up to date on the current situation in southeastern Europe, particularly in Croatia and Kosovo.

While I was in Croatia this past February, I had the privilege to be the first Member of the United States Congress to personally congratulate Mr. Stipe Mesic on his being elected President of Croatia. During my trip earlier this month, I had a chance to spend time with President Mesic, along with my colleagues from the House of Representatives, and, again, hear his vision for the future of Croatia.

We also had an opportunity to meet with Prime Minister Racan, who along with President Mesic, is committed to providing to the Croatian people, a government that abides by the rule of law; respects human rights—particularly minority rights; adheres to the goals of a market economy; seeks the ultimate entrance into the European Union and NATO; and pledges to return minority refugees that were ethnically cleansed out of Croatia. This commitment was supported by members of the Croatian Parliament and acknowledged by members of the Serb minority, who are anxious to see the commitment carried out.

I am optimistic about the future of Croatia with its new leadership. Following the December, 1999 death of Croatia's ultra-nationalist President, Franjo Tudjman, Croatia's future was uncertain as far as the West was concerned.

However, the changes that have occurred since the establishment of a new government less than six months ago are stunning. I believe that the new government of President Mesic and Prime Minister Racan will ultimately be successful in guiding Croatia to EU and NATO membership. However, the legancy of Tudjman and his ruling elite—who we are just now learning were a bunch of thieves—poses some serious challenges for the "new" Croatia.

Tudjman drove Croatia deep into debt to a variety of international financial institutions while he and his henchmen "cleaned-out" the national treasury for their own personal gain. Because of Tudjman's mismanagement, President Mesic and Prime Minister Racan are facing a situation where their nation's economy is struggling, and they have little help available from outside creditors because of Tudjman's action.

These economic problems have an impact on another major challenge the new government is facing—the return of refugees. As my colleagues may remember, the Balkan wars of the 1990s created hundreds of thousands of refugees.

These refugees left their homes, abandoned nearly all of their possessions and took to the roads to avoid the bloodshed of ethnic hatred. In order for these people to go back and reclaim their homes and get on with their lives, there must be something to go back to—jobs, especially. There are few areas of Croatia today where jobs are plentiful enough to absorb thousands of returning refugees, which underscores the importance of reinvigorating the Croatian economy.

Despite these problems, I am very optimistic about the future of Croatia if President Mesic and Prime Minister Racan continue to lead their nation towards European integration. I am pleased that the United States is supporting the new Croatian leadership with financial, diplomatic and military assistance. I am also pleased that NATO has invited Croatia to become a member of the "Partnership for Peace" program.

Mr. President, as I think back to last year, to the time when this nation was engaged in an air war over Kosovo, the President, the Secretary of State, world leaders and the international media all brought to our attention the ethnic cleansing that was being perpetrated by Slododan Milosevic's Serbian military and paramilitary forces against the Albanian people in Kosovo.

During the height of the air war, President Clinton, in the Times of London, was quoted as saying "we are in Kosovo because Europe's worst demagogue has once again moved from angry words to unspeakable violence." Further, the President stated, "the region cannot be secure with a belligerent tyrant in its midst."

Secretary of State Madeleine Albright, before the Senate Foreign Relations Committee claimed "there is a butcher in NATO's backyard, and we have committed ourselves to stopping him. History will judge us harshly if we fail."

Words such as these were meant to back-up our actions in Kosovo and explain to the American people the moral imperative of engaging in a U.S.-led NATO air war over Kosovo.

In this effort to protect the innocent civilian Kosovo Albanian community from the devastation of Slobodan Milosevic and his Serb forces, few realized at the time that the United States had stumbled across a civil war in progress. A minority of Kosovo Albanians, under the leadership and flag of the Kosovo Liberation Army, the KLA, were pursuing their dream of an ethnically pure Kosovo, dominated by Albanians and independent from Serbia. These extremists were willing to resort to violence to achieve this dream.

On the other hand, Serbia and Slobodan Milosevic did not want to let this province break away, because Kosovo is very important to their history, culture, and religion.

Let me be clear on this. None of these circumstances in any way excuses the devastation the Serb forces brought to the ethnic Albanian community of Kosovo. The systematic plan, hatched by Milosevic, his wife and their inner circle of thugs, to instill fear through rape, torture, and murder was designed to drive the ethnic Albanian community out of Kosovo. Their plan was evil in its inception and execution.

The United States and our NATO allies vowed to put an end to this tragedy. Through our combined military strength, we were able to force Milosevic to withdraw his troops from Kosovo, making it safe for Kosovar Albanians to return to their homes.

And now that the air war in the Balkans has been over for a little more than a year, most Americans assume that the situation in Yugoslavia is now under control and that Serbs and Albanians in Kosovo have put aside their differences, declared peace and are working towards establishing a cooperative society.

How I wish that was true.

In fact, the reason I have come to the floor today is to make my colleagues and this nation aware what many in the European community already know, and that is, ethnic cleansing is being carried out in Kosovo today.

In the wake of the air war, a backlash of violence is now being perpetrated against minority groups in Kosovo, including Serbs, Romas, and moderate Albanians who are now trying to rebuild Kosovo. They have been attacked and killed by more radical, revenge-driven elements in the Albanian community, their homes and businesses have been burned and Serbian Orthodox churches and monasteries—some hundreds of years old—have been desecrated and destroyed.

I ask unanimous consent to print in the RECORD a document which summarizes the incidents of arson and murder that have occurred in recent months in Kosovo. These numbers were prepared by the OSCE, which is known for its independence.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A report released on June 9, 2000 provides recent numbers associated with violent crime that continues to threaten peace and reconciliation efforts in Kosovo. The report, UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, provides details on the three most prevalent crimes affecting minorities in Kosovo since January 2000. They are as follows:

ARSON, AGAINST

Serbs, 105 cases
Roma, 20
Muslim Slavs, 5
Albanians, 73
Persons of unknown ethnicity, 40

AGGRAVATED ASSAULT, AGAINST

Serbs, 49 cases
Roma, 2
Muslim Slavs, 2
Albanians, 90
Persons of unknown ethnicity, 9

MURDER, AGAINST

Serbs, 26 cases
Roma, 7
Muslim Slavs, 2
Albanians, 52
persons of unknown ethnicity, 8

According to the report, lack of security and freedom of movement remain the fundamental problems affecting minority communities in Kosovo. Though the Serbian population has been the minority group most affected by criminal activity, the ethnic Albanian community continues to be subject to serious violent attacks on a regular basis.

Mr. VOINOVICH. Mr. President, in addition, Bishop Kyr Artemije, a leader of the Kosovar Serbs, presented similar statistics documenting the violence and bloodshed that has been carried out in Kosovo since the end of the war in testimony he gave before the Helsinki Commission this past February. His statistics were updated and verified at a recent meeting that I and several of my House colleagues had with the Bishop over the Fourth of July recess in Kosovo.

I ask unanimous consent that Bishop Artemije's February testimony be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. VOINOVICH. Mr. President, in addition, a July 3 article written by Steven Erlanger for the New York Times, discusses the observations Dennis McNamara, the U.N. special envoy for humanitarian affairs in Kosovo, had regarding the status of the situation in Kosovo today, particularly how minorities have been treated since the end of the air war and how minorities are being pushed out of Kosovo in a continuous and organized manner.

McNamara is quoted as saying that:

> (this) violence against the minorities has been too prolonged and too widespread not to be systematic.

McNamara goes on to say;

> We can't easily say who's behind it, but we can say we have not seen any organized effort to stop it or any effort to back up the rhetoric of tolerance from Albanian leaders with any meaningful action.

The genocide that was inflicted upon thousands of Albanians is absolutely inexcusable and totally reprehensible. Crimes that are perpetrated against innocent civilians must always be condemned and those who carry out such acts must be prosecuted. That is why I do not understand why the President, the Secretary of State, and others in this administration have not been as vocal about the ethnic cleansing that is now being perpetrated as they were last year.

In fact, the condemnation for the ethnic cleansing that is now occurring in Kosovo is virtually nonexistent on the part of this administration. I am deeply troubled by their silence.

Because I have been following this matter so closely since the conclusion of the air campaign, I have had the opportunity to have a number of off-the-record, informal conversations with people both inside and outside of our Government. While I am reluctant to share this with my colleagues, I feel that I must. There is a feeling by many who are following the ongoing ethnic cleansing in Kosovo that there are some in our Administration who believe that the Serb community in Kosovo is simply getting what they are due.

In other words, the murders, arson, harassment and intimidation that extremist members of the Kosovo Albanian community are committing against the Kosovo Serb community should be expected and accepted given what the Serbs did to the Albanians.

A July 17 article written by Steven Erlanger of the New York Times makes this point as well. It describes how U.N. director of Kosovo administration, Bernard Kouchner, has been working to foster peace and stability among Albanians and Serbs in Kosovo. He points out that no one is paying much attention now that the tables have turned.

Kouchner says:

> I'm angry that world opinion has changed so quickly. They were aware before of the beatings and the killings of Albanians, but now they say, "There is ethnic cleansing of the Serbs." But it is not the same—it's revenge.

And McNamara makes the same point. He says:

> There was from the start an environment of tolerance for intolerance and revenge. There was no real effort or interest in trying to deter or stop it. There was an implicit endorsement of it by everybody—by the silence of the Albanian political leadership and by the lack of active discouragement of it by the West.

Mr. President, I ask unanimous consent that these two New York Times articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. VOINOVICH. The United States must not now—nor ever—condone this revenge approach in Kosovo in either thought, word or deed. We must maintain and promote our values as a nation—a respect for human rights, freedom of religion, freedom from harassment, intimidation or violence.

If this administration, and the next, does not acknowledge and seriously address the plight of Kosovo Serbs and other minorities in Kosovo, then I think that within a year's time there will not be any minorities still in Kosovo. To prevent this, I believe we should be more aggressive towards protecting minority rights in Kosovo immediately.

If we do not, I am concerned that the extremist members of the Kosovo Albanian community will continue to push out all minority groups until they have achieved their dream of an Albanian-only Kosovo. In other words, if we do nothing, there will be many who will argue that the ethnic cleansing of Kosovo was tacitly endorsed by the lack of leadership in the international community.

It is important to note that the problem does not rest with our KFOR troops, for they have been restricted in what they can and cannot do. These men and women are doing a terrific job under difficult circumstances. I know what they're going through because, last February, I walked through the village of Gnjilane with some of our soldiers, and saw first-hand the restrictions they were under.

While I was in Kosovo over the 4th of July recess, I had the opportunity to visit our troops at Camp Bondsteel. Every soldier that I spoke with talked of their commitment to their mission and ensuring the safety of the citizens of Kosovo. I fully believe that it is because of these troops that there is not further violence.

I do have hope that we can bring an end to the bloodshed in Southeastern Europe, and I believe that there are some within the Kosovo Albanian community who can prevail upon the better instincts of their fellow man in a commitment towards peace.

Earlier this year, at the headquarters of the United Nations Mission in Kosovo, UNMIK, in Pristina, Kosovo, I had the opportunity to sit down and meet with several key leaders of the Kosovo Albanian community and representatives on the Interim Administrative Council—Dr. Ibrahim Rugova, Mr. Hashim Thaci, and Dr. Rexhep Qosja.

All three leaders made a very clear promise to me that they were committed to a multi-ethnic, democratic Kosovo, one that would respect the rights of all ethnic minorities. I was heartened to hear these comments. This commitment could serve as the basis for long-term peace and stability in Kosovo.

I said that they could go down in history as truly great men were they to make this commitment a reality. I explained that the historic cycle of violence in Kosovo must end and minority rights must be respected—including the sanctity of churches and monasteries.

I also point out to them that "revenge begets revenge" and unless Albanians and Serbs learned to live in peace with one another, violence would continue to plague their children, their grandchildren and generations yet unborn.

It is my hope that they will realize that they and their actions will be keys to the future of Kosovo.

We all want peace to prevail in the Balkans, but we have a long way to go for that to happen. I believe we should listen to the words of His Holiness, Patriarch Pavle, the head of the Serbian Orthodox church, who states, "in Kosovo and Metohija there will be no victory of humanity and justice while revenge and disorder prevail. No one has a moral right to celebrate victory complacently for as long as one kind of evil replaces another, and the freedom of one people rests upon the slavery of another."

The Patriarch's call for leadership in protecting all citizens in Kosovo is one that this nation should heed if peace and stability in Kosovo is our goal.

At the OSCE meeting in Bucharest, I introduced a resolution on Southeastern Europe that had the support of several of my legislative colleagues from the U.S. The main point of the resolution that I offered was to call to the attention of the OSCE's Parliamentary Assembly the current situation in Kosovo and Serbia, and made clear the importance of removing Slobodan Milosevic from power.

Mr. President, I ask unanimous consent that the entire text of the resolution, as passed by the OSCE Parliamentary Assembly, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. VOINOVICH. My resolution put the OSCE, as a body, on record as condemning the Milosevic regime and insisting on the restoration of human rights, the rule of law, free press and respect for ethnic minorities in Serbia. I was pleased that the resolution passed—despite strong opposition by the delegation from the Russian Federation—and I am hopeful that it will help re-focus the attention of the international community on the situation in the Balkans.

In conclusion, Mr. President, I believe that we are approaching a crossroads in Kosovo with two very different directions that we can choose.

The first direction—the wrong direction—involves more of the same of what we have seen in recent months. More bloodshed, more grenade attacks on elderly minorities as they sit on their porch. More land-mines on roads traveled by parents taking their children to school. More intimidation, threats and harassment of minorities walking the streets in mixed villages and towns. All this would lead to the continued fleeing of minorities from Kosovo and the establishment of an Albanian-only Kosovo. Again, ethnic cleansing carried-out under the nose of NATO and the U.N.

The second direction—the right direction—involves the international community, led by the United States, protecting the human rights of the minority communities of Kosovo. With this protection, the minority groups would feel safe in their homes and be comfortable enough to be involved in UNMIK municipal elections this fall, a key priority for UNMIK. Places of historical significance, especially Serbian Orthodox monasteries, would be safe from destruction from extremists.

Minorities would be safe to travel to the market in their own communities without needing KFOR protection, something that does not happen today. Kosovo Albanians who sell goods to minorities would not be threatened, harmed or killed, again, something that does not happen today. In short, bloodshed would stop under the watch of the international community.

And there is encouraging news.

Just this last weekend, at Airlie House in Virginia, leaders of Kosovo's Serb and Albania communities met under the auspices of the United States Institute for Peace.

Among other provisions, the representatives agreed to launch a new initiative—a Campaign Against Violence—whereby the representatives of both communities agreed to a Pact Against Violence to promote tolerance, condemn violence, prevent negative exploitation of ethnic issues, and enable physical integration and political participation by all. In addition, the communities agreed on two key provisions to help reduce the power of extremist elements by calling on KFOR and UNMIK to guard and control more effectively all entry into Kosovo, and requesting that UNMIK move immediately to start-up a functioning court and prison system.

Also, the Serb and Albanian representatives agreed on several items regarding the return of displaced persons and refugees to their homes, including the recognition that the return of such individuals is a fundamental right and essential to the future of Kosovo. In order to facilitate such returns, the parties insist that UNMIK and KFOR pursue fresh efforts to provide greater security for individuals to return to their homes, and to expand aid for reconstruction and economic revitalization in those communities.

They further agreed that a new model of security and law enforcement is needed, and that the international community must overcome its differences to that UNMIK and KFOR can take much stronger measures to carry out their security and law enforcement responsibilities.

Last but not least, the representatives recognize that the international community will not support a Kosovo cleansed of some of its ethnic communities. Rather, all these communities must work together to build a multiethnic Kosovo respecting the rights of all its citizens.

I say "Amen and Hallelujah" to the fact that these two communities can come together and develop such an outline for peace.

There should be a loud voice coming out from this administraiton—the same loud voice that we heard last year—to the United Nations, to the UNMIK, and to our NATO Allies that we cannot allow ethnic cleansing of any kind to continue.

And I just want the administration to know that I am holding them responsible to make the same commitment to Kosovo now that they made during the war, specifically, to go in and make sure that NATO, UNMIK, and KFOR give the same priority to protecting minority rights today.

It is up to the United States to provide the leadership to make sure that the items that the representatives at Airlie House identified as important are actually carried out by the UNMIK and by KFOR in cooperation with the Serb and Albanian communities in Kosovo.

Individually, none of these entities can guarantee peace and stability in Kosovo. It is only by working together that peace will occur, and it is the primary reason that the U.S. needs to recommit itself to Kosovo.

We, the United States, with our strength and commitment to the protection of human rights, can largely determine which direction is taken in Kosovo. It is in our hands to live up to that potential.

It is in our national security interest. It is in our economic interest in Europe. It is in the interest of peace in the world that we make that commitment.

I yield the floor.

EXHIBIT 1

STATEMENT OF BISHOP ARTEMIJE, HELSINKI COMMISSION, HEARING, FEBRUARY 28, 2000, WASHINGTON, DC

Mr. Chairman, respected members of Congress, ladies and gentlemen. It is my distinct pleasure and privilege to be here with you today and speak about the latest developments in Kosovo. The last time I spoke here was in February 1998, just before the war in Kosovo began and on that occasion I strongly condemned both Milosevic's regime and Albanian extremists for leading the country into the war. Unfortunately the war came and so many innocent Albanians and Serbs suffered in it. Many times we have strongly condemned the crimes of Milosevic's regime in Kosovo while our Church in Kosovo supported suffering Albanian civilians and saved some of them from the hands of Milosevic's paramilitaries.

After the end of Kosovo war and return of Albanian refugees the repression of Milosevic's undemocratic regime was supplanted by the repression of extremist Kosovo Albanians against Serbs and other non-Albanian communities in full view of international troops. Freedom in Kosovo has not come for all equally. Therefore Kosovo remains a troubled region even after 8 months of international peace.

Kosovo Serbs and other non-Albanian groups in Kosovo live in ghettos, without security; deprived of basic human rights—the rights of life, free movement and work. Their private property is being usurped; their homes burned and looted even 8 months after the deployment of KFOR. Although Kosovo remained more or less multiethnic during the ten years of Milosevic's repressive rule, today there is hardly any multiethnicity at all—in fact the reverse is true. Ethnic segregation is greater now than almost at any other time in Kosovo's turbulent history. Not only are Serbs being driven out from the Province but also the Romas, Slav Moslems, Croats, Serb speaking Jews and Turks. More than 80 Orthodox churches have been either completely destroyed or severely damaged since the end of the war. The ancient churches, many of which had survived 500 years of Ottoman Moslem rule, could not survive 8 months of the internationally guaranteed peace. Regretfully, all this happens in the presence of KFOR and UN. Kosovo more and more becomes ethnically clean while organized crime and discrimination against the non-Albanians is epidemic.

Two thirds of the pre-war Serb population (200,000 people) fled the province under Albanian pressure. In addition more than 50,000 Romas, Slav Moslems, Croat Catholics and others have also been cleansed from Kosovo. More than 400 Serbs have been killed and nearly 600 abducted by Albanian extremists during this same period of peace. Tragically, this suffering of Serbs and other non-Albanians proportionally (with respect to population) represents more extensive suffering in peacetime than the Albanian suffering during the war. This is a tragic record for any post war peace mission, especially for this mission in which the Western Governments and NATO have invested so much of their credibility and authority.

Despite the sympathy for all of the suffering of Kosovo Albanians during the war, retaliation against innocent civilians cannot be justified in any way. It is becoming more and more a well-orchestrated nationalist ideology directed towards achieving the complete ethnic cleansing of the Province. The extremists believe that without Serbs and their holy sites in Kosovo independence would then become a fait accompli. The present repression against non-Albanians is carried out with the full knowledge of the Albanian leaders. Sometimes these leaders formally condemn repressive actions but in reality have not done anything to stop the ongoing ethnic violence and discrimination. Even more, some of them are instigating rage against Serbs developing the idea of collective Serb guilt and branding all remaining Serb civilians as criminals. There is much evidence that the KLA leaders bear direct responsibility for the most of the post-war crimes and acts of violence committed in Kosovo. As soon as KFOR entered the Province KLA gunmen took over the power in majority of cities and towns and immediately organized illegal detention centers for Serbs, Romas and Albanian "collaborators." They began killing people listed as alleged criminals and seized a large amount of property previously owned by Serbs and other non-Albanians. KLA groups and their leaders are directly linked with Albanian mafia clans and have developed a very sophisticated network of organized crime, drug smuggling, prostitution, white slavery, and weapons trading. According to the international press Kosovo has become Colombia of Europe and a main heroin gateway for Western Europe. The strategy behind the KLA purge of Serbs was very simple—quarter by quarter of a city would be cleansed of Serbs and their property would be either burned or sold for a high price to Albanian refugees (including Albanians from Albania and Macedonia who flowed into the province through unprotected borders along with the hundreds of thousands of Kosovo refugees). The KLA, although officially disbanded is still active and their secret police are continuing their intimidation and executions. Now more and more of their victims are disobedient Kosovo Albanians who refuse to pay their "taxes" and "protection money" to extremists. The Albanization of Kosovo is proceeding in a way many ordinary Albanians did not want. The gangsters have stepped into the vacuum left by the slowness of the West to adequately instill full control over the Province. Kosovo is becoming more like Albania: corrupt, anarchic, and ruled by the gun and the gang.

Serbs and many non-Albanians still do not have access to hospitals, the University and public services, simply because they cannot even freely walk in the street. They are unemployed and confined to life in poverty of their rural enclaves out of which they can move only under the KFOR military escort. The Serbian language is completely banished from the public life. All Serb inscriptions, road signs and advertisements have been systematically removed and the usage of Serbian language in Albanian dominated areas is reason enough for anyone to be shot right on the spot. Thousands of Serb books in public libraries have been systematically burned while all unguarded Serb cultural monuments and statues have been torn down and destroyed.

The Serbs who remain in major cities are in the worst situation of all. Out of 40,000 pre-war Serb population in Pristina today there remain only 300 elderly people who live in a kind of house arrest. They cannot go into the street without military protection and only thanks to KFOR soldiers and humanitarian organizations do they receive food and medicines, which they are not allowed to buy in Albanian shops. Almost all Serb shops are now in Albanian hands. In other areas Albanians are greatly pressuring Serbs to sell their property under threats and extortion. Those who refuse usually have their houses torched or are killed as an example to other Serbs. Grenade attacks on Serb houses; on few remaining Serb shops and restaurants force more and more Serbs to leave Kosovo. If this repression and persecution is continued unabated it is likely that soon most of the remaining Serbs will also be forced to flee Kosovo.

On one hand, KFOR's presence in Kosovo has given Albanian extremists free hands to do what that want because one of KFOR priorities has been so far to avoid direct confrontation with the extremists in order to escape possible casualties. On the other hand we cannot but say that if KFOR had not been in Kosovo during this rampage of hatred, not a single Serb or Serb church would have survived. We sincerely appreciate the efforts of many men and women from all over the world who are trying to bring peace to Kosovo even with in a rather narrow political framework in which KFOR must act.

An especially volatile situation is in Kosovska Mitrovica the only major city where a substantial number of Serbs remain. During the most intensive wave of ethnic cleansing in June and July many Serb internally displaced persons from the south found refuge in the north of the province in the Mitrovica area. In order to survive they organized a kind of self-protection network and prevented the KLA and mafia to enter the northern fifth of the city together with civilian Albanian returnees. KFOR, aware that the free access of Albanian extremist groups of Mitrovica would cause a Serb exodus, blocked the bridge connecting the southern and northern part of the city. Albanian extremists have since then made many attempts to make their way into the northern part of Mitrovica saying that they wanted undivided and free city. Serbs on the other hand state that they are ready for a united city only if Serbs would be allowed to go back to their homes in the south and elsewhere in Kosovo. Serbs also hold that only Kosovo residents be allowed to return to their homes. A few weeks ago, after two terrorist attacks against a UNHCR bus and a Serb café, in which a number of Serbs were killed and injured, radicalized Serbs began retaliatory actions against Albanians in the northern part of the city causing the death of several Albanian innocent citizens and served to broaden the crisis.

The Mitrovica crisis is not playing out in a void by itself and must be approached only in the context of the overall Kosovo situation. The fact remains that after the war extremists Albanians have not been fully disarmed and have continued their repression and ethnic cleansing of Serbs and other non-Albanians wherever and whenever they have had opportunity to do so. Unfortunately, such a situation as we have now in Kosovo has opened a door for the Belgrade regime, which is ow trying to profit from this situation and consolidate the division of Mitrovica for their own reasons. Each Serb victim in Kosovo strengthens Milosevic's position in Serbia. Albanian extremists on the other hand want to disrupt the only remaining Serb stronghold in the city in order to drive the Serbs completely out of Kosovo. Regretfully, the international community seems not to be fully aware of the complexity of the Mitrovica problem and has despite all Albanian crimes and terror in the last 8 months one-sidedly condemned Serbs for this violence.

This skewed view of the problem will only serve to encourage Albanian extremism, confirm Milosevic's theory of anti-Serb conspiracies that he uses to solidify his hold on power and will eventually lead to final exodus of the Serb community in Kosovo. Milosevic obviously remains at the core of the problem but he is not the greatest cause of the current round of violence and purges—the international community must find ways for controlling Albanian extremists.

We maintain our belief that the present tragedy in Kosovo is not what Americans wanted when they supported the policy of the Administration to intervene on behalf of suffering Albanians. In fact international community now faces a serious failure in Kosovo because it has not managed to marginalize extremist Albanians while at the same time Milosevic has been politically strengthened by the bombing and sanctions (which ordinary Serbs understand as being directed against innocent civilians). Therefore we expect now from the international community and primarily from United States to show more determination in protecting and supporting Kosovo Serbs and other ethnic groups who suffer under ethnic Albanian extremists. A way must be found to fully implement UNSC Resolution 1244 in its whole.

We have a few practical proposals for improving the situation in Kosovo:

1. KFOR should be more robust in suppressing violence, organized crime and should more effectively protect the non-Albanian population from extremists. This is required by the UNSC Resolution.

2. More International Police should be deployed in Kosovo. Borders with Macedonia and Albania must be better secured, and UNMIK should establish local administration with Serbs in areas where they live as compact population. Judicial system must become operational as soon as possible. International judges must be recruited at this stage when Kosovo judges cannot act impartially due to political pressures.

3. International community must build a strategy to return displaced Kosovo Serbs and others to their homes soon while providing better security for them and their religious and cultural shrines. Post war ethnic cleansing must not be legalized nor accepted—private and Church property has to be restored to rightful owners. Law and order must be established and fully enforced. Without at least an initial repatriation of Serbs, Romas, Slav Moslems and others Kosovo elections would be unfair and unacceptable.

4. The International Community, especially, US, should make clear to Kosovo Albanian leaders that they cannot continue with the ethnic cleansing under the protectorate of Western democratic governments. Investment policy and political support must be conditioned to full compliance by ethnic Albanian leaders with the UNSC Resolution 1244. KLA militants must be fully disarmed. The ICTY should launch impartial investigations on all criminal acts committed both by Serbs and Albanians.

5. The international community should also support moderate Serbs in regaining their leading role in the Kosovo Serb community and thus provide for the conditions for their participation in the Interim Administrative Kosovo Structure. Since the cooperation of moderate Serb leaders with KFOR and UNMIK has not brought visible improvement to the lives of Serbs in their remaining enclaves, Milosevic's supporters are gaining more confidence among besieged and frightened Serbs, which can seriously obstruct the peace process. Moderate Serbs gathered around Serb National Council need their own independent media; better communication between enclaves and other forms of

support to make their voice better heard and understood within their own community. International humanitarian aid distribution in Serb inhabited areas currently being distributed more or less through Milosevic's people who have used this to impose themselves as local leaders, has to be channeled through the Church and the Serb National Council humanitarian network.

6. The last but not least, the issue of status must remain frozen until there is genuine and stable progress in eliminating violence and introducing democratization not only in Kosovo but also in Serbia proper and the Federal Republic of Yugoslavia. It is our firm belief that the question of the future status of Kosovo must not be discussed between Kosovo's Albanians and Serbs only, but also with the participation of the international community and the future democratic governments of Serbia and FRY and in accordance with international law and the Helsinki Final Act.

We believe in God and in His providence but we hope that US Congress and Administration will support our suffering people, which want to remain where we have been living for centuries, in the land of our ancestors.

EXHIBIT 2

U.N. OFFICIAL WARNS OF LOSING THE PEACE IN KOSOVO

(By Steven Erlanger)

As the humane "pillar" of the United Nations administration in Kosovo prepares to shut down, its job of emergency relief deemed to be over, its director has some advice for the next great international mission to rebuild a country: be prepared to invest as much money and effort in winning the peace as in fighting the war.

Dennis McNamara, the United Nations special envoy for humanitarian affairs, regional director for the United Nations high commissioner for refugees and a deputy to the United Nations chief administrator in Kosovo, Bernard Kouchner, leaves Kosovo proud of the way the international community saved lives here after the war, which ended a year ago.

Mr. McNamara helped to coordinate nearly 300 private and government organizations to provide emergency shelter, food, health care and transport to nearly one million Kosovo Albanian refugees who have returned.

Despite delays in aid and reconstruction, including severe shortages of electricity and running water, no one is known to have died here last winter from exposure or hunger. Up to half of the population—900,000 people a day—was fed by international agencies last winter and spring, and a program to clear land mines and unexploded NATO ordnance is proceeding apace.

But Mr. McNamara, 54, a New Zealander who began his United Nations refugee work in 1975 with the exodus of the Vietnamese boat people, is caustic about the continuing and worsening violence against non-Albanian minorities in Kosovo, especially the remaining Serbs and Roma, or Gypsies. He says the United Nations, Western governments and NATO have been too slow and timid in their response.

"There was from the start an environment of tolerance for intolerance and revenge," he said. "There was no real effort or interest in trying to deter or stop it. There was an implicit endorsement of it by everybody—by the silence of the Albanian political leadership and by the lack of active discouragement of it by the West."

Action was needed, he said, in the first days and weeks, when the old images of Albanians forced out of Kosovo on their tractors were replaced by Serbs fleeing Kosovo on their tractors, and as it became clear that the effort to push minorities out of Kosovo was continuing and organized.

"This is not why we fought the war," Mr. McNamara said. He noted that in recent weeks there had been a new spate of comments by Western leaders, including President Clinton, Secretary of State Madeleine K. Albright and the NATO secretary general, Lord Robertson, warning the Albanians that the West would not continue its support for Kosovo if violence against minorities continued at such a pace and in organized fashion.

But previous warnings and admonitions have not been followed by any action, Mr. McNamara noted. In general, he and others suggested, there is simply a tendency to put an optimistic gloss on events here and to avoid confrontation with former guerrillas who fought for independence for Kosovo or with increasingly active gangs of organized criminals.

"This violence against the minorities has been too prolonged and too widespread not to be systematic," Mr. McNamara said, giving voice to views that he has made known throughout his time here. "We can't easily say who's behind it, but we can say we have not seen any organized effort to stop it or any effort to back up the rhetoric of tolerance from Albanian leaders with any meaningful action."

In the year since NATO took over complete control of Kosovo and Serbian troops and policemen left the province, there have been some 500 killings, a disproportionate number of them committed against Serbs and other minorities.

But there has not been a single conviction. The judicial system is still not functioning, and local and international officials here say that witnesses are intimidated or killed and are afraid to come forward, pressure has been put on some judges to quit and many of those arrested for murder and other serious crimes have been released, either because of lack of prison space or the inability to bring them to trial.

Only recently has the United Nations decided to bring in international prosecutors and judges, but finding them and persuading them to come to Kosovo has not been easy. And foreign governments have been very slow to send the police officers they promised to patrol the streets.

Now, some 3,100 of a promised 4,800 have arrived, although Mr. Kouchner wanted 6,000. The big problem, Mr. McNamara said, is the generally poor quality of the police officers who have come, some of whom have had to be sent home because they could neither drive nor handle their weapons. And coordination between the police and the military has been haphazard and slow.

"The West should have started to build up institutions of a civil society from Day 1," Mr. McNamara said. "And there should have been a wide use of emergency powers by the military at the beginning to prevent the growth of this culture of impunity, where no one is punished. I'm a human rights lawyer, but I'd break the rules to establish order and security at the start, to get the word out that it's not for free."

Similarly, the NATO troops that form the backbone of the United Nations peacekeeping force here were too cautious about breaking down the artificial barrier created by the Serbs in the northern Kosovo town of Mitrovica, Mr. McNamara said.

Northern Mitrovica is now inhabited almost entirely by Serbs, marking an informal partition of Kosovo that extends up to the province's border with the rest of Serbia, creating a zone where the Yugoslav government of President Slobodan Milosevic exercises significant control, infuriating Kosovo's Albanian majority.

"Having allowed Mitrovica to slip away in the first days and weeks, it's very hard to regain it now," Mr. McNamara said. "Why wasn't there strong action to take control of Mitrovica from the outset? We're living with the consequences of that now."

In the last two months, as attacks on Serbs have increased again in Kosovo, Serbs in northern Mitrovica have attacked United Nations aid workers, equipment of offices, causing Mr. McNamara to pull aid workers temporarily out of the town. After promises from the effective leader of the northern Mitrovica Serbs, Oliver Ivanovic, those workers returned.

Another significant problem has been the lack of a "unified command" of the peacekeeping troops, Mr. McNamara said. Their overall commander, currently a Spanish general, cannot order around the troops of constituent countries. Washington controls the American troops, Paris the French ones and so on.

And there are no common rules of engagement or behavior in the various countries' military sectors of Kosovo.

"The disparities in the sectors are real," Mr. McNamara said. And after American troops were stoned as they tried to aid French troops in Mitrovica last spring, the Pentagon ordered the American commander here not to send his troops out of the American sector of Kosovo.

While the Pentagon denies a blanket ban, officers in the Kosovo peacekeeping operation support Mr. McNamara's assertion. They say no commanders here want to risk their troops in the kind of significant confrontation required to break down the ethnic barriers of Mitrovica.

The United Nations has had difficulties of organization and financing, Mr. McNamara readily acknowledges, "but governments must bear the main responsibility," he said. "Governments decide what the United Nations will be, and what resources governments commit to the conflict they won't commit to the peace."

Governments want to dump problems like Kosovo onto the United Nations to avoid responsibility, he said. The United Nations should develop "a serious checklist" of requirements and commitments from governments before it agrees to another Kosovo, Mr. McNamara said, "and the U.N. should be able to say no."

U.N. CHIEF IN KOSOVO TAKES STOCK OF TOUGH YEAR

(By Steven Erlanger)

Bernard Kouchner, the emotional chief of the United Nations administration in Kosovo, has made it through a tumultuous year.

Last November, when the province's water and power were almost nonexistent, the West was not providing the money or personnel it promised and the cold was as profound and bitter as the ethnic hatred, Mr. Kouchner was in a depression so deep that his staff thought he might quit.

He spoke darkly then of "how hard it is to change the human soul," of the quick fatigue of Western leaders who prosecuted the war with Serbia over Kosovo and had no interest in hearing about its problematic aftermath, of the impenetrability of the local Serbs and Albanians, with their tribal, feudal passions.

"I've never heard an Albanian joke," he said sadly, looking around his dreary office, the former seat of the Serbian power here. "Do they have a sense of humor?"

Now, in a blistering summer, Mr. Kouchner's mood has improved. A French physician who founded Doctors Without Borders because he became fed up with international bureaucracy, he is not an international bureaucrat, sometimes uneasy in his skin. He still goes up and down with the vagaries of this broken province, with its ramshackle infrastructure, chaotic traffic and lack of real law or justice. And without question, he admits, some of those problems can be laid at his door.

"Of course I'm not the perfect model of a bureaucrat and an administrator," he said. "But we have succeeded in the main thing": stopping the oppression of Kosovo's Albanians by Belgrade, bringing them home and letting them restart their lives in freedom.

And yet, he said, "I have not succeeded in human terms" with a traumatized population. "They still hate one another deeply."

He paused, and added: "Here I discovered hatred deeper than anywhere in the world, more than in Cambodia or Vietnam or Bosnia. Usually someone, a doctor or a journalist, will say, 'I know someone on the other side.' But here, no. They had no real relationship with the other community."

The hatred, he suggested, can be daunting and has plunged him and his colleagues into despair. "Sometimes we got tired and exhausted, and we didn't want a reward, not like that, but just a little smile," he said wanly. "I'm looking for moments of real happiness, but you know just now I'm a bit dry." But he is proud that everyone has persisted nonetheless.

As for himself, he said, "my only real success is to set up this administration," persuading Albanian and some Serbian leaders to cooperate with foreign officials and begin to share some executive responsibility.

When the head of the local Serbian Orthodox Church, Bishop Kyr Artemije, and the leaders of perhaps half of Kosovo's Serbs decided to join as observers, "we were very happy then," he said. "We were jumping in the air. We believed then that we were reaching the point of no return.

But even those Serbs left the executive council set up by Mr. Kouchner, only to return after securing written promises for better security that have prompted the Albanian Hashim Thaci, former leader of the separatist Kosovo Liberation Army, to suspend his own participation.

Bishop Artemije's chief aide, the Rev. Sava Janjic, said carefully: "Kouchner has not been serious in his promises, and the efforts to demilitarize the Kosovo Liberation Army are very inefficient. But he is sincere, and this written document is important on its own."

A senior Albanian politician said Mr. Kouchner was "the wrong man for the job," which he said required more forcefulness and less empathy. "After a year, you still can't talk of the rule of law." Still, the politician said, "Kouchner's instincts are good—he knew he had to co-opt the Albanians, that the U.N. couldn't run the place alone."

Less successful, most officials and analysts interviewed here said, is Mr. Kouchner's sometimes flighty, sometimes secretive management of the clumsy international bureaucracy itself in the year since Secretary General Kofi Annan sent him here to run the United Nations administration in Kosovo.

Alongside the bureaucrats are the 45,000 troops of the NATO-led Kosovo Force, known as KFOR, responsible to their home governments, not to Mr. Kouchner or even to the force's commander. And while Mr. Kouchner was able to persuade the former commander, Gen. Klause Reinhardt of Germany, to do more to help the civilian side, they were both less successful with Washington, Paris, Bonn, Rome and London.

The affliction known here as "Bosnian disease"—with well-armed troops unwilling to take risks that might cause them harm—has settled into Kosovo, say Mr. Kouchner's aids and even some senior officers of the United Nations force.

Consequently, some serious problems—like the division of the northern town of Mitrovica into Serbian and Albanian halves that also marks the informal partition of Kosovo—appear likely not to be solved but simply "managed," no matter how much they embolden Belgrade or undermine the confidence of Kosovo Albanians in the good will be of their saviors. It was on the bridge dividing Mitrovica—not in Paris—that Mr. Kouchner chose to spend his New Year's Eve, making a hopeful toast, so far in vain, to reconciliation.

Nor will the peacekeeping troops do much to stop organized crime or confront, in a serious fashion, organized, Albanian efforts to drive the remaining Serbs out of Kosovo and prevent the return of those who fled, the officials say.

The discovery last month of some 70 tons of arms, hidden away by the former Kosovo Liberation Army and not handed over as promised to the peacekeepers, took no one here by surprise.

"It was a success," Mr. Kouchner said, "not a surprise."

In fact, senior United Nations and NATO officials say, the existence of the arms cache was known and the timing of the discovery was a message to the former rebels, who had recently used some of the weapons, to stop their organized attacks on Serbs and moderate Albanian politicians.

But few here expect the arrest of former rebel commanders who are widely suspected of involvement in corruption or political violence. The reaction may be volatile, officials say: troops could be attacked and the shaky political cooperation with the Albanians undermined.

Is the United Nations peacekeeping force too timid? Mr. Kouchner paused and shrugged. "Of course," he finally said. "But what can we do? Everything in the international community works by compromise."

Foreign policemen are also too timid and take too long with investigations that never seem to be finished, Mr. Kouchner says. But at least now, more than 3,100 of the 4,800 international police officers he has been promised—even if not the 6,000 he wanted—are here, and a Kosovo police academy is turning out graduates.

One of Mr. Kouchner's biggest regrets is the slow arrival of the police, which bred a culture of impunity. More than 500 murders have taken place in the year since the United Nations force took complete control of the province, and no one has yet been convicted.

There are still only four international judges and prosecutors in a province where violence and intimidation mean neither Serbs nor Albanians can administer fair justice.

What depresses him most, Mr. Kouchner says, is the persistence of ethnic violence even against the innocent and the caregivers. One of his worst moments came last winter, he said, when a Serbian obstetrician who cared for women of all ethnic groups was murdered by Albanians in Gnjilane, in the sector of Kosovo patrolled by American units of the United Nations force.

"He was a doctor!" Mr. Kouchner exclaimed, still appalled. "It was the reverse of everything we did with Doctors Without Borders."

While Mr. Kouchner says he has put himself alongside "the new victims," the minority Serbs, he carries with him his visit to the mass graves of slain Albanians.

"I'm angry that world opinion has changed so quickly," he said. "They were aware before of the beatings and the killings of Albanians, but now they say, 'There is ethnic cleansing of the Serbs.' But it is not the same—it's revenge."

He does savor the international military intervention on moral and humane grounds. "I don't know if we will succeed in Kosovo," he said. "But already we've won. We stopped the oppression of the Albanians of Kosovo."

Mr. Kouchner paused, lost in thought and memory. "It was my dream," he said softly. "My grandparents died in Auschwitz," he said, opening a normally closed door. "If only the international community was brave enough just to bomb the railways there," which took the Nazis' victims to the death camp. "But all the opportunities were missed."

That, he said, is why he became involved, early on, in Biafra, the region whose secession touched off the Nigerian civil war of 1967–70, in which perhaps one million people died. And it was what drives him in Kosovo.

Mr. Kouchner, now 60, holds to the healing power of time. He points to the reconciliation now of Germany and Israel, and of France and Germany.

"Working with Klaus Reinhardt is a good memory," he said. "He called me his twin brother." They both came of age in the Europe of 1968. "I'm a Frenchman and he's a German," and 50 years ago, he said, "no one could imagine this."

"It's much easier to make war than peace," Mr. Kouchner said. "To make peace takes generations, a deep movement and a change of the spirit." He smiled, looked away. "It's why I sometimes want to believe in God."

EXHIBIT NO. 3

RESOLUTION ON SOUTHEASTERN EUROPE

The OSCE Parliamentary Assembly,

1. Recalling that conflicts in the former Yugoslavia since 1991 have been marked by open aggression and assaults on innocent civilian populations, have been largely instigated and carried out by the regime of Slobodan Milosevic and its supporters, and have caused the deaths of hundreds of thousands of people; the rape, illegal detention and torture of tens of thousands; the forced displacement of millions; and the destruction of property on a massive scale, including places of worship;

2. Viewing the overall rate of return of refugees and displaced persons throughout the region to their original, pe-conflict homes, especially where these persons belong to a minority ethnic population, has been unacceptably low;

3. Reaffirming the necessity of fulfilling in good faith UNSC resolution 1244 for the settlement of the situation in Kosovo, Federal Republic of Yugoslavia;

4. Condemning the continuing violence in Kosovo against members of the Serb and other minority communities, including hundreds of incidents of arson and damaged or destroyed Serbian Orthodox church sites, and dozens of aggravated assaults and murders;

5. Reaffirming the commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, as stipulated by UNSC resolution 1244;

6. Noting that the OSCE and the United Nations High Commissioner for Refugees (UNHCR) have jointly reported that a lack of security, freedom of movement, language policy, access to health care and access to education, social welfare services and public utilities are devastating the minority communities of Kosovo;

7. Expressing concern for the situation of missing Albanians, Serbs and people of other nationalities in Kosovo and for ethnic Albanians kept in prisons in Serbia;

8. Noting that reports indicate that hundreds, and perhaps thousands, of ethnic Albanians, transferred from Kosovo to jails in Serbia proper around the time of the entry of international forces into Kosovo, have not been released in the year since, that several have received harsh sentences in show trials, and that problems regarding access to and treatment of such prisoners continue;

9. Recalling that the people and governments of the former Yugoslav Republic of Macedonia and Slovenia have positive records of respect for the rights of persons belonging jto national minorities, the rule of law and democratic traditions since independence;

10. Welcoming the commitment of the newly elected leadership of Croatia to progress regarding respect for human rights, refugee returns and the elimination of corruption;

11. Believing that the people of Serbia share the right of all peope to enjoy life under democratic institutions;

12. Viewing democratic development throughout Serbia and Montenegro as essential to long-term stability in the region, including the implementation of agreements regarding Bosnia and Herzegovina and Kosovo;

13. Noting that the regime of Slobodan Milosevic has been engaged in a planned effort both to repress independent media, and to crush political opposition, in Serbia, through the use of unwarranted fines, arrests, detentions, seizures, blackouts, jamming, and possibly assassination attempts, and also engaged in an effort to stop student and other independent movements;

14. Recognizing the importance of the Stability Pact to the long-term prosperity, peace and stability of southeastern Europe;

15. Supporting OSCE Missions throughout the region in their efforts to ensure peace, security and the construction of civil society; and

16. Recalling the legally binding obligation of States to cooperate fully with the International Criminal Tribunal for the former Yugoslavia, contained in UN Security Council Resolution 827 or 25 May 1993, including the apprehension of indicted persons present on their territory and the prompt surrender of such person to the Tribunal;

17. Insists that all parties in the region make the utmost effort to ensure the safe return and resettlement of all displaced persons and refugees, regardless of ethnicity, religious belief or political orientation, and to work towards reconciliation between all sections of society;

18. Encourages members of all ethnic groups in southeastern Europe, especially in Kosovo, Bosnia and Serbia, to respect human rights and the rule of law;

19. Reiterates its call upon all authorities of the Federal Republic of Yugoslavia, in accordance with international humanitarian law, to continue to provide for the ICRC ongoing access to all ethnic Albanians kept in prisons in Serbia, to ensure the humane treatment of such prisoners, and to arrange for the release of prisoners held without charge;

20. Encourages the newly elected leadership of Croatia to continue their efforts to reform and modernize their country in a manner that reflects a commitment to human rights, the rule of law, democracy and a market-based economy;

21. Condemns the repressive measures taken by the regime of Slobodan Milosevic to suppress free media, to stop student and other independent movements, and to intimidate political opposition in Serbia, all in blatant violation of OSCE norms;

22. Urges the regime of Slobodan Milosevic to immediately cease its repressive measures and to allow free and fair elections to be held at all levels of government throughout Serbia and monitored by the international community;

23. Calls upon Slobodan Milosevic to respect human rights and other international norms of behaviour in Montenegro;

24. Calls upon the international community to fully implement the Stability Pact, under OSCE auspices, in an effort to integrate the nations of South-Eastern Europe into the broader European community, and to strengthen those countries in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region;

25. Encourages all representatives of the international community operating in southeastern Europe, including the OSCE, the United Nations, the North Atlantic Treaty Organization and other non-governmental organizations to actively promote respect for human rights and the rule of law;

26. Urges participating States to provide sufficient numbers of civilian police to those international policing efforts deployed in conjunction with peacekeeping efforts in post-conflict situations such as Kosovo;

27. Calls upon the international community to target assistance programmes to help those persons returning to their original homes have the personal security and economic opportunity to remain;

28. Calls upon the participating States to organize, including through the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) programmes that can assist and promote democratic change in Serbia, and protect it in Montenegro; and

29. Reiterates its condemnation of any effort to provide persons indicted by the International Criminal Tribunal for the Former Yugoslavia, and its support for sanctioning any State which provides such persons with any form of protection from arrest.

The PRESIDING OFFICER. The Senator from Iowa.

TENTH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

Mr. HARKIN. Mr. President, I ask the indulgence of the Senate to do something that I did 10 years ago; that is, to recognize the 10th anniversary of the Americans with Disabilities Act by doing what I did on the floor 10 years ago. I will do a little bit of sign language with respect to that.

(Signing.)

Mr. President, what I just said in sign language was that 10 years ago I stood on the floor of the Senate and spoke in sign language when we passed the Americans with Disabilities Act. The reason I did that was because my brother Frank was my inspiration for all of my work here in Congress on disability law.

That was the reason that I became the chief sponsor of the Americans With Disabilities Act. I further said that I was sorry to say that my brother passed away last month. Over the last 10 years, he always said me that he was sorry the ADA was not there for him when he was growing up, but that he was happy that it was here now for young people so they would have a better future. Mr. President, we do celebrate today the tenth anniversary of the Americans With Disabilities Act, which has taken its place as one of the greatest civil rights laws in our history.

When you think about it, ten years ago, on July 25, 1990, a person with a disability saw an ad in the paper for a job for which that person was qualified, and went down to the business to interview for the job. The prospective employer could look at that person and say: we don't hire people like you, get out of here. On July 25, 1990, that person was alone. The courthouse door was closed. There was no recourse for that person because there was no ban on discrimination because of disability. We banned it on the basis of race, sex, religion, national origin, but not disability. So on July 25, 1990, a person with a disability held the short end of the stick.

But one day later, on July 26, 1990, the courthouse doors were opened. A person with a disability could now go down to that courthouse and enforce his or her civil rights. On July 26th, that one person who was alone the day before became 54 million people, and now that short end of the stick became a powerful club by which a disabled American could defend his or her rights.

Ten years ago, we as a Nation committed ourselves to the principle that a disability does not eliminate a person's right to participate in the cultural, economic, educational, political and social mainstream. Ten years ago, we said no to exclusion, no to dependence, no to segregation. We said yes to inclusion, yes to independence, and yes to integration in our society to people with disabilities. That is what the ADA is all about.

For me, the ADA, as I have just said, was a lot about my brother Frank. He lost his hearing at an early age. Then he was taken from his home, his family and his community and sent across the State to the Iowa State school for the deaf. People often referred to it as the school for the "deaf and dumb." I remember one time my brother telling me, "I may be deaf, but I am not dumb."

While at school, Frank was told he could be one of three things: a cobbler, a printers assistant, or a baker. When he said he didn't want to be any one of those things. They said, OK, you are a baker. So after he got out of school, he became a baker. But that is not what he wanted to do. So he went on to do other things, obviously.

Everyday tasks were always hard. I remember, as a young boy, going with my older brother Frank to a store and how the sales person, when she found out that he was deaf, looked through him like he was invisible and turned to me to ask me what he wanted; or how when he wanted to get a driver's license, he was told that "deaf people don't drive." So his life was not easy because the deck was stacked against him. He truly held the short end of the stick.

I remember when my brother finally changed jobs. He got out of baking and got a job at a plant in Des Moines. He had a good job at Delavan's. Mr. Delavan decided he wanted to hire people with disabilities, and so my brother went to work there. He had a great job. He became a drill press operator making jet nozzles for jet engines. He was very proud of his work. Later on, I was in the Navy, in the military. I remember when I came home on leave for Christmas, and I was unmarried at the time. I came home to spend it with my brother Frank, who was also unmarried, and the company he worked for had a Christmas dinner. So I went with my brother to it, not knowing that anything special was going to happen. It turned out that they were honoring Frank that night, because in 10 years of working there he had not missed one day of work and hadn't been late once. Mr. President, that is during Iowa winters. So, again, that is an indication of just how hard-working and dedicated people with disabilities are when they do get a job. He worked at that plant for 23 years, and in 23 years he missed 3 days of work. And that was because of an unusual blizzard.

Another little funny aside. In ADA, we mandated a nationwide relay system for the deaf, so that a deaf person could call a hearing person, and a hearing person could call a deaf person without having to use the TTY. One of the first calls made on the nationwide relay system was from the White House in 1993, when President Clinton put in a call to my brother Frank. We had it all set up. President Clinton called the number, and the line was busy. All the national press was there and everything. He waited a few seconds and the line was busy again. It was busy three or four times. Finally, I called my neighbor in Cumming, Iowa, and I said, "Go over and find out what is going on." My brother was so excited that he had been on the phone talking to his friends. He forgot that the President was going to call him. President Clinton related that story at the FDR memorial this morning in celebration of the Americans With Disabilities Act and reminded me again of what the ADA was all about. As President Clinton so eloquently said this morning, it is about ensuring that every American can just do ordinary things, such as use the phone, go shopping, use public transportation. It is also about ensuring that every American has access to resources as fundamental as health insurance, a job, an education—things that we take for granted.

The ADA is about designing our policies and physical environment so that we as a Nation can benefit from the talent of every citizen. It is about acknowledging that it costs much more to squander the potential of millions of people than to make the modest accommodations that let all Americans contribute fully. It is about tearing down the false dichotomy of abled and disabled, and realizing that each of us has a unique set of abilities.

Mr. President, a few weeks ago, in anticipation of this tenth anniversary celebration of ADA, I announced "A Day in the Life of the ADA Campaign." I asked people from across America to send stories about how their lives are different because of ADA. I wanted to find out just what the ADA meant to other people in ordinary life.

Based on these stories, I have learned that the ADA is truly changing the face of America.

A woman from Vinton, Iowa who uses a wheelchair wrote to tell me that because of the ADA, she now can travel around the country. She said:

> You can't understand until you've been there, searching for a hotel room, a restroom to stop in, a room to accommodate you, your spouse and your wheelchair. Oh, the joy of now knowing there are rest areas where we can stop, enter in without great difficulty, and then travel on to a waiting accessible motel room! What a good feeling to call ahead, make reservations and know that when we arrive there we'd find a clean room, ready to accommodate my needs.

A man from St. Paul, Minnesota who is visually-impaired wrote to say that because of accommodations required by the ADA, he can use city buses with dignity, hear the audible traffic signals, and work. He said that the ADA also enables him to enjoy cultural activities, because he can listen to narrations of plays through earphones and basketball games through special radio receivers. In his words:

> [The ADA] has made my life 1000 times better than my father's who was also totally blind.

And, a woman from Corpus Christi, Texas, whose daughter is hearing impaired told me that her daughter is able to join her schoolmates in classes and activities because of relay services and interpreters. The mother also told me that because of the ADA-required relay services, her daughter was able to speak with her father for the first time.

> When my daughter was just 4 years old, she got to call her real father for the first time. I wish you could have seen the sparkle in her eyes and the tears in mine as she 'talked' with her daddy. It took forever (she couldn't type) but the relay service was friendly and patient. I believe that Relay has played a part in keeping their relationship strong. Every little girl needs her daddy.

Mr. President, I have a whole stack of these stories. I will not ask permission for all, but I ask unanimous consent to have some of the more poignant stories that I received from around the country be printed in the RECORD. They are very short.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUCCESS STORIES FROM U.S. SENATOR TOM HARKIN'S "A DAY IN THE LIFE OF THE AMERICANS WITH DISABILITIES ACT" CAMPAIGN

NEW YORK

Summary: According to a man in New York with cerebral palsy, the ADA-required ramps, elevators, automatic doors, curb cuts, and accessible transportation have allowed him to be more independent in his life. Thanks to the ADA, he is now able to do his own banking, go to the post office or shop by himself, or enjoy a meal at a restaurant. Reasonable accommodation requirements have allowed him to work as an advocate for people with disabilities and earn money to contribute to his household expenses. In his words, the ADA has allowed him to "show my community that I am willing and able to be like anyone else in ways like getting a job and being independent."

Quotation: [Prior to the ADA,] I felt that I was not a real human being because people with disabilities . . . were not supposed to be seen or heard . . . [The ADA] opened the door to freedom for people with all types of disabilities . . . The ADA is a step toward reaching equal ground for EVERYONE! . . . Doing things on my own makes me feel like I am a PERSON and gives me a lot of confidence in myself".

TENNESSEE

Summary: A man from Tennessee has been quadriplegic since an automobile accident in 1990, the very year that the ADA was signed. According to him, the ADA has helped him pursue his academic, as well as employment, dreams. The ADA helped him to earn an undergraduate degree and was even the subject of his master's thesis during graduate school at a Tennessee state university.

Quotation: [With the passage of the ADA], my physical impairments that had recently been introduced to a cold world now had a blanket. A blanket provided by my country . . . My disability and the ADA were born together and this year we celebrate 10 years of success, for the both of us.

MARYLAND

Summary: A woman from Maryland is the mother of three autistic children—all of whom have benefitted from the ADA. Because of the ADA, she looks forward to her children graduating from school and working in the community when they grow up.

Quotations: Ten years ago before the ADA my boys would have been wrenched with heart ache as they walked with their heads hung down in shame. They would feel the pain of having a disorder that would make them stand and learn apart from the other children at school. I am not sure what their future holds in store. I know that the supports are in place.

SACRAMENTO, CALIFORNIA

Summary: A man with muscular dystrophy from Sacramento, California, cannot imagine what his life would be like without the ADA and celebrates July 26 as the "Other Independence Day." He credits the ADA with making his life "full and independent" by requiring stores, restaurants, parks, and theaters to be accessible to all people.

Quotation: The ADA embodies what people with disabilities really want, to be viewed as people first, not judged or excluded because of our disabilities. We want to earn a living, raise families, go to restaurants, churches and live our lives as independently as possible with dignity and respect and not be excluded because of barriers—be they architectural, communication or attitudinal barriers.

MOSS POINT, MISSISSIPPI

Summary: A woman from Moss Point, Mississippi has been in a wheelchair since 1997. The ADA makes it possible for her to do her own grocery shopping, attend events at her grandchildren's school, go to dinner "anywhere," travel, and stay in a handicapped room at a motel with the "greatest shower [she has] ever seen".

Quotation: No one plans to become handicapped, but I am grateful the ADA Program planned for me.

ARROYO GRAND, CALIFORNIA

Summary: A man from Arroyo Grand, California who uses a wheelchair says that he has benefitted from the ADA in a variety of ways. Because of the ADA, he is able to watch his nieces play basketball in an accessible gymnasium, to play chess in accessible recreation rooms, even to attend a Bob Dylan concert and to shut his own apartment door.

Quotation: The success of the Americans with Disabilities Act over the last ten years was caused by its enormous power. Knowledge of its power brings improvement. The reason the ADA is powerful is that all businesses know about it, and people with disabilities can communicate with that powerful knowledge . . . Everywhere I go today I can seriously say "ADA" and get a response.

SALEM, INDIANA

Summary: A woman from Salem, Indiana, uses a wheelchair and has limited use of one arm. She credits the ADA for the construction of buildings where her disability "never occurs to [her]"—with aisles wide enough to accommodate a wheelchair, bathrooms that are accessible, and drinking fountains at chair level. She writes of the joy of being allowed access, via outside elevators and ramps, to such historical sites as Thomas Jefferson's Monticello and the Lincoln Memorial.

Quotation: Dear ADA, Thank you for being there when we need you, the curb cuts, low-incline ramps, the grab bars and the list goes on and on . . . ADA, what life has done to us, you have equalized it, with accessibility.

GREENBELT, MARYLAND

Summary: A man who lives in Greenbelt, Maryland and is hearing impaired thanks the ADA for increasing public awareness of the abilities the "disabled" have. He praises the ADA for helping him become an attorney and allowing him to help other people with disabilities "achieve their dreams." According to him, the ADA has impacted almost every aspect of his daily life, from the time he turns on the television with closed-captioning in the morning, to the time he attends a city advisory meeting with an interpreter at night.

Quotation: The impact of the ADA is felt throughout my daily life. When I turn on the TV in the morning, I can watch captions and public service announcements because of the ADA. When I go to work and make phone calls, I use the telecommunication relay services enacted by the ADA. I talk with my friends who are given accommodations on the job as required by the ADA. In the afternoon I go to the doctor's office and am able to communicate with my doctor because the ADA has required the presence of a sign language interpreter. After the doctor's office, I decide to go shopping and am able to find a TTY (as required by the ADA) in the mall to call my family and let them know that I will be a bit late arriving home. After dinner with my family, I go to [city meeting] . . . and am able to participate fully . . . because the ADA allows me to receive the services of a sign language interpreter. In short, the ADA has had a major impact on almost every facet of my life.

WAUKEGAN, ILLINOIS

Summary: A 25-year-old social worker who is sight impaired writes from Waukegan, Illinois. According to her, Title III of the ADA has allowed her to receive bank statements in Braille and to balance her checkbook. She is now able to enjoy a level of privacy that many Americans take for granted.

Quotation: I now receive my statements in the mail every month, as do other bank customers. This might seem like a small victory to some. Obviously such people have never been denied the ability to read something so personal as a bank statement.

LAS CRUCES, NEW MEXICO

Summary: A woman from Las Cruces, New Mexico, uses a wheelchair and credits the ADA for allowing her to "pick up and make a move across the country" to a new home. She says that the ADA has given her her life back and made her a "possibility-thinker" again.

Quotation: I know that things are made possible for the disabled now because IT'S THE LAW. We have greater options, self-respect and better public awareness because of the ADA . . . My independence and free will are intact.

TEXAS

Summary with Quotation: A woman from Texas is hearing-impaired and writes of how the ADA has allowed her to return to academia. After teaching for 20 years, she was forced to quit teaching college-level English when she could no longer hear her students in the classroom. In her words "it tore my heart out to give it up." Now, because of services for disabled students required by the ADA, she can attend literature courses at a university by wearing a headset that amplifies her professor's voice. In her words, "[it] was sheer heaven to be in the classroom again."

GLEN ELLYN, ILLINOIS

Summary and Quotations: A man in Glen Ellyn, Illinois who is sight impaired regards the ADA as "a necessary civil rights law." Because of the ADA's employment provisions, he has been able to ask his employer to make materials—such as benefits information, texts for training courses, and time sheets—in an alternative format. Because of the ADA's transportation provisions, he has been able to travel on public transportation, because bus drivers now call out individual stops. Because of the ADA's public accommodation requirements, he is able to order what he wants at restaurants and to attend hotels and movie theaters independently.

BROOKLINE, MASSACHUSETTS

Summary and Quotations: A hearing-impaired man from Brookline, Massachusetts, writes to praise the ADA. Having grown up in Trinidad without the benefits of disability legislation, he appreciates being able to attend open-captioned movie theaters, use the Boston subways, which have visual displays announcing stops, and have access to interpreting services for work-related meetings and training sessions. He writes of the "growing respect" people give to individuals with disabilities and "awareness" that is motivated by more than "just a legal obligation."

ROCKY MOUNT, NORTH CAROLINA

Summary: A man in Rocky Mount, North Carolina who has been a paraplegic all his life thanks the ADA for allowing him "to become as independent as others." He now has access to a variety of school, shopping malls, and sports and entertainment events. Because of the ADA, he has job opportunities that he never could have dreamed of growing up.

Quotation: "When I was growing up I had to go to certain schools and shopping malls that were accessible. Sports and entertainment was something you dreamed about, but was never able to participate in. . . . But now things are different, thanks to the [ADA] . . . [The ADA] has made us . . . able to say, 'Don't look at my disability, but look at my ability.'"

ARKADELPHIA, ARKANSAS

Summary: A sight-impaired student in Arkadelphia, Arkansas, credits the ADA for making her first year at a state university a "beautiful experience and resounding success." Because the ADA requires colleges to ensure equal access to educational information, she is able to get a quality college education.

Quotation: [The ADA] has really helped the disabled people that are present on our campus to get as good an education as possible and also to make their college career a beautiful experience and a resounding success.

SOUTH AMBOY, NEW JERSEY

Summary: A woman from South Amboy, New Jersey who has mental, behavioral, and learning disabilities says that the ADA has made her feel included in community life. Through her local independent living center, a psycho-social rehabilitation program, an anger management workshop, and other support and advocacy groups, she has learned to accept her disabilities and "welcome them as a dimension to [her life]."

Quotation: Most importantly, I strongly believe that the ADA is breaking both physical and attitudinal barriers in the community and society so citizens with all disabilities are able to live, inclusive, full, productive, and independent lives.

Mr. HARKIN. Mr. President, the ADA, of course, ultimately is about our children. They will be the first generation to grow up with the ADA—the first generation in which children with and without disabilities play together on the playground, learn together in school, hang out together at the mall and the movie theater, and go out together for pizza. These children who will grow up as classmates and friends and neighbors will now see each other as neighbors and coworkers—no longer segregated. That is what the ADA is about. It has opened up new worlds for people with disabilities—where people with disabilities are participating more and more in their communities, living fuller lives as students, as coworkers, as taxpayers, as consumers, voters, and neighbors.

But we must never forget that prohibiting discrimination is not the same as ensuring equal opportunity. President Johnson understood this when he said: "[Y]ou cannot shackle men and women for centuries, then bring them to the starting line of a race and say, 'You see, we're giving you an equal chance.'"

That is why we all work so hard for the Ticket to Work and Work Incentives Improvement Act because we had to set the stage to change the employment rate for people with disabilities. That is why we all work so hard to defend the Individuals with Disabilities Education Act, because there is no equal opportunity without education.

I am proud that this morning President Clinton announced a new effort by the Federal Government to open up an additional 100,000 jobs in the Federal Government for people with disabilities. That is leadership. I thank President Clinton for providing that leadership.

Again, that is why we have to fight against genetic discrimination. That is why we have to add people with disabilities to the Hate Crimes Act that passed the Senate, and to make sure it becomes law.

That is why we have to fight to make sure we don't lose in the Supreme Court what we gained in Congress. There is a case now pending before the Supreme Court in which a State has argued that title II of the ADA which applies to State governments should be held unconstitutional because the Federal Government does not have the power to enforce the ADA against the States in the way other civil rights laws are.

The Civil Rights Act of 1964, which prohibits discrimination on the basis of race, applies to all the States and State governments. Now a State is arguing that the ADA, a civil rights law for people with disabilities, should not apply to States. They are saying: Don't worry. The State says: Leave it to us. We will make sure that people aren't subject to employment discrimination. We will make sure that people aren't forced to live inside institutions or carried up the steps in order to get into the local courthouse.

Some of us remember after the 1964 civil rights bill was passed that States were arguing the same thing: Leave it to the States; they will take care of civil rights; we don't need the Federal Government coming in.

What I think we are forgetting is that this is a civil rights law that covers the citizens of America. We are all in this together. We are talking about citizens'—Federal, national—constitutional rights to equal protection under the law. It is up to this Federal Congress to ensure that citizens with disabilities get that equal treatment. That is why we have title II of the ADA.

In sign language, there is a wonderful sign for America. It is this: This is the sign for America, all of the fingers put together, joining the hands in a circle. That describes America for all. We are all together. We are not separated out. We are all within one circle; a family—the deaf sign. It is not separate and apart. It is not one State and another State when it comes to civil rights and ensuring equal protection of the law. We will not let the Supreme Court rewrite history and erase civil rights—the national civil rights for people with disabilities.

Finally, we have to close the digital divide to make sure that people with disabilities have full access to the new technologies.

Last night, Vice President Gore held a reception at the Vice President's house for literally hundreds and hundreds of people with disabilities from all over America. It was a great event to celebrate the 10th anniversary. In one tent, they set up a wide variety of new technologies to assist people with disabilities. I was particularly taken with one new device that had a cathode ray tube, CRT. It was hooked up to a PC. There was a little device under the net, a CRT that looked up at your eyes. You sat there for a second and it calibrated it. With your eye movement alone, you could turn on lights, turn off lights, make phone calls, talk to people, type letters, get on the Internet, only by moving your eyes.

Think about what that means for people who have Lou Gehrig's disease or severe cerebral palsy. There are a lot of disabled people who can't do anything but move their eyes. But their mind is perfect.

One perfect example that Vice President Gore always uses is Stephen Hawkins, perhaps the smartest individual in the world, who is fully immobile because of his disability. Yet here is a machine that will allow him to more rapidly access information and to write his wonderful books about the universe. That is what I mean when I say we ought to close the digital divide because there is so much out there that can help people with disabilities.

Lastly, I say that the next step we have to do is fight and win against the continued segregation of people with disabilities from their own communities. That is why we have to move forward on the bill called MiCASSA, S. 1935, a bill that is pending in the Senate right now—the Medicaid Community Attendant Services and Supports Act—a bipartisan bill that will eliminate institutional bias in the Federal Medicaid program and give people with disabilities and the elderly a real choice to live in their communities. Right now, Medicaid is biased toward institutionalization.

Why shouldn't we give a person with a disability the right to decide where he or she wants to live and how they want to live? Let them live in their own home, in their own community settings. That is what S. 1935 is about. The disability community all over this country understands personal attendants are sorely needed. No individual should be forced into an institution just to receive reimbursement for services that can be effectively and efficiently delivered in the home of the community. Individuals must be empowered to exercise real choice in selecting long-term services and supports that meet their unique needs and allow them to be independent. Federal and State Medicaid policies should be responsive to and not impede an individual's choice in selecting services and supports.

This bill eliminates the bias toward institutional care. It would help deliver services and supports consistent with the principle that people with disabilities have the right to live in the most integrated setting appropriate to meeting that individual's unique needs.

In last year's Olmstead decision, the Supreme Court found that to the extent that Medicaid dollars are used to pay for a person's long-term care, that person has a civil right to receive those services in the most integrative settings. Therefore, we in Congress have a responsibility to help States meet the financial costs associated with serving people with disabilities who want to leave institutions and live in the community. MiCASSA, as the bill is known, S. 1935, will provide that help.

A lot of people say this will cost money. Actually, it will save money. Medicaid spending on long-term care in 1997 totaled $56 billion, but only $13.5 billion was spent on home and community-based services. That $13.5 billion paid for the care of almost 2 million people.

In contrast, the $42.5 billion we spent on institutional care paid for just a little over 1 million people.

The average annual cost of institutional care for people with disabilities is more than double the average annual cost of providing home and community-based services. Right now, all across the country, hundreds of thousands of people are providing unpaid support to sons and daughters, mothers, fathers, sisters and brothers, to allow them to remain in the community. Yet when they turn to the current long-term care system for relief, all too often all they can do is add their name to a very long waiting list. That is not right. That is not just. That is not fair. These family care givers are sacrificing their own employment opportunities and costing the country millions in taxable income.

Lastly, I take a moment to remark on the surplus. Lately that is all we are hearing about is how much surplus we will have over the next 10 years. I hear now it is up to $2 trillion and counting. We have some very important decisions to make about what we do with the surplus. Everyone is lining up—tax breaks here, tax cuts here, tax breaks here, for business, for corporations, for this group, for that group—all lining up to get some of that surplus.

I believe we have to make some important decisions. I believe we have to use that money to pay down the debt, shore up Social Security, make sure that our seniors get what they need under Medicare. With all these groups lining up to get a piece of the action on the surplus, I am asking: What about the disability community? What about the Americans all over our country who want to live in their own communities, who want supportive services in their homes, who want personal assistance services so they can go to work every day? I believe we should use some of that surplus to make sure that all Americans have the equal right to live in the community—not just in spirit, but in reality.

As I said, our present Medicaid policy has an institutional bias. We need to use some of this surplus to get people in their own homes and communities. There may be some transitional cost, but we know later on when these people start going to work, when their families and the family care givers who are at home now and underemployed, are employed, when they go to work they are working, making money, paying taxes.

Yes, when we are talking about what we are going to do with that surplus, let's not forget we have millions of Americans far too long segregated, far too long kept out of the main stream of society, far too long denied their rights as American citizens to full integration in our society. It is time we do the right thing. It is time when we make decisions about the surplus, we use some of that to make sure that people with disabilities are able to live and work and travel as they want.

ADA may stand for the Americans with Disabilities Act, but it stands for more than that. It really stands for the American dream for all.

In closing, as I said earlier, my brother, Frank, passed away last month. I miss him now and I will miss him forever. He was a wonderful brother to me. He was a great friend. He was my great inspiration. He was proud of what the ADA meant for people with disabilities. For 10 years he and millions of people across our country lived out its possibilities. So I thank my brother, Frank. I thank everyone else in the entire disability community who was an inspiration for me, who worked so hard for the Americans with Disabilities Act.

I include in that many of my fellow Senators and Representatives. This was never a partisan bill. It is not now a partisan bill. It will never be a partisan bill. Too many good people on both sides of the aisle worked hard. Senator Weicker, who led the charge early on, before I even got to the Senate; Senator Dole, who worked so hard, so long, to make sure we got ADA through; Boyden Grey, Counsel to the President who worked with us every step of the way; Attorney General Dick Thornburgh, what a giant he was, hung in there, day after day, working to make sure we got it through. On our side of the aisle, Senator KENNEDY, who made sure we had all the hearings, got the people there, made the record, to ensure that ADA was on solid ground; Tony Coehlo from the House of Representatives, and Representative STENY HOYER in the House; Congressman Steve Bartlett, another great giant, Republican leader in the House at that time, later on became mayor of Dallas. He was there this morning, too.

At that time, there weren't Democrat and there weren't Republicans. We were all in that same boat together, and we were all pulling together. We were, as I said earlier, Mr. President—the deaf sign for Americans is this (signing)—all of us together, fingers intertwined, all of us in that same family circle. That is what ADA is about. It is about this deaf sign. We are all in this together.

We want to make sure the ADA really does stand for the American dream for all.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, Senator DEWINE is recognized.

Mr. GORTON. Mr. President, I believe the Senator from Ohio will yield to me, and I ask unanimous consent to be recognized for a few remarks in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR PAUL COVERDELL

Mr. GORTON. Mr. President, all last week I deferred coming to the floor to speak about my friend, Paul Coverdell, on the ground that it might be easier to do so this week. It is not. It is not, but it is vitally important to memorialize such a friend.

Every Monday evening or Tuesday morning, Paul Coverdell and I sat at the end of the table during leadership meetings in the majority leader's office, with an opportunity to comment on all of the issues that came before that group. Frequently, however, at the end of the table, we would exchange whispered remarks on some of the other people or subject matter, either present or not present. Paul Coverdell had a wonderful sense of humor, there and elsewhere: Dry, gentle, always to the point. It was a delightful pleasure to share those moments, sometimes stressful, sometimes marvelously relaxed, with such a man.

If you sought advice on a matter of vitally important public policy, Paul Coverdell was one of the first you would seek out. You knew that anything he would discuss with you would be filled with wisdom and common sense, and that stacking your remarks against his would focus and sharpen your own thoughts and your own ideas. It hardly mattered what the subject was—education, taxes, national security, a dozen others; the advice was always good and always relevant.

If you then sought tactics or advice on how to accomplish a shared goal, Paul Coverdell was a man whom you sought out. Particularly if there were an individual in your own party, or in the other party, whom you might be reluctant, for one reason or another, to approach, you could ask Paul Coverdell to do it for you, and he would. There was no task, there was no detail that was too small for him, none that he thought was beneath him, if it was constructive, if it would help the cause in the long term.

One way in which you can determine individuals' reactions to other individuals is in a group. At the Republican conference meeting immediately before the Fourth of July recess, Paul Coverdell, as the Secretary of the conference, presented us a little plastic note card, the top of which read "Republican Policy." I no longer remember the particular subject, but I do remember that first one or two people said, "I don't agree with point 3." Pretty soon, everyone was piling on. Finally, one of our colleagues wrote across the top of this, "One Republican's Policy," and handed it back to Paul Coverdell, who just went back to perfect his message.

Whom you tease, you generally love. That in many respects was an expression of the love and respect his Republican colleagues had for Paul Coverdell.

Paul Coverdell made us all proud of our profession, a profession often criticized, in fact a profession rarely praised. When a State sends a Paul Coverdell to the Senate, it is proof positive that our system works. And when the Senate of the United States listens to and respects and follows a Paul Coverdell, that, too, is proof that our system works. When, as was my privilege, you come to know and be befriended by a Paul Coverdell, you are especially privileged and especially honored. I was so privileged. I was so honored.

I will not know his like again.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleague from Washington State on very eloquent comments about our dear friend, Paul

Coverdell. I had the chance a few days ago to make some more extensive comments than I will tonight about Senator Coverdell. But I just want to add, I had the opportunity, as many Members of the Senate did, to travel to Atlanta this past weekend to participate in that very wonderful service for our dear friend. I don't think it really hit me that he was really gone until I got back this week to Washington and started contemplating this Senate body without Paul Coverdell and all that he meant to each and every one of us. He was our friend. We loved him very much. This body, this institution, is a poorer place because he is gone.

Each one of us is richer because we were privileged to know this very gentle, this very kind, this very sweet, this very good man.

HONORING VIRGINIA "GINNY" GANO

Mr. DEWINE. Mr. President, on a happy note, I rise this evening to honor someone who has spent the last 30 years of her life serving the people of this country, of this Congress, of the State of Ohio; specifically, of the Seventh Congressional District in Ohio.

I am talking about a dear friend of mine, Virginia "Ginny" Gano. I had the great pleasure and honor to work with her during my years as Congressman from the Seventh Congressional District in Ohio. Ginny is now in her 31st year of service to the people. She is truly an ambassador for the Seventh district and for the entire State of Ohio.

Ginny grew up in Springfield, OH. She started working for Congressman Bud Brown at a very young age in 1969. In 1982, when I was elected to the House of Representatives, I asked Ginny if she would come work with me. I became the Congressman. Ginny agreed to stay on and work in our office. During that time, Ginny Gano was really invaluable to me and invaluable to our office and to the people of the district. She had and has an unbelievable wealth of knowledge and institutional memory. If you want something done, if you want to know something, you ask Ginny Gano.

In 1991, she joined current Seventh District Congressman DAVID HOBSON's team. This evening—I am sure at this very moment—knowing Ginny, she is still at work in the Longworth Building serving the people in the district.

Ginny is one of the hardest working people whom I have ever met. With her resources, her experience, and her knowledge, she can answer any question or just about any request made of her. She never says no. She is that good. She gets the job done. She just knows how to get it done. Whatever you want, Ginny will figure out a way of getting it done.

One of the many things that Ginny has done over the years has been to work with interns in a Congressman's office. She goes to great lengths to make sure these young people who come out from Ohio to serve the people and to learn have meaningful experiences in Washington, that they feel at home, that they have someone to look out for them.

Ginny has spent the last 30 years helping people in our district and has truly gotten to know the people of the Seventh District, and they know that she cares about them. She is the one constant in the office of the Congressman from the Seventh Congressional District. Whether it was Bud Brown, MIKE DEWINE, or DAVE HOBSON, Ginny Gano has been there. Ginny Gano is making a difference.

One of the things I appreciate about Ginny so much is that she has a way about her that makes everyone feel at ease. Whether it is a group of schoolchildren from Greene County or maybe someone whom she bumps into in the Rotunda of the Capitol, a total stranger, it does not matter; Ginny is there to help them and she makes everyone feel welcome in our Nation's Capitol. Ginny is a caring and compassionate human being. Being around Ginny Gano just makes you happy. She is that type of person. Her smile, her spirit, her energy—you just feel good when you are around Ginny Gano.

Ginny has dedicated some of her free time—the little free time she has—to something she loves: music. For years she has participated with a great deal of enthusiasm in the Capitol Hill Choral Society. She also has been a driving force behind the Ohio State society's selection of the cherry blossom princess every spring.

My wife Fran and I are just so proud to call Ginny Gano a friend. I thank her for over 30 years of dedicated service to the people of the Seventh Congressional District of the State of Ohio.

Ginny, thank you.

P.L. 480 ASSISTANCE IN HAITI

Mr. DEWINE. Mr. President, I want to talk this evening about an issue about which I have spoken before on the floor of the Senate, and that is the situation with the children in the poor country of Haiti. I rise tonight to remind my colleagues of a very important feeding program that is crucial to these children. The program I am talking about, of course, is the Public Law 480 title II Food Assistance Program which, according to the USAID mission in Port au Prince in Haiti, helps feed roughly 500,000 Haitian schoolchildren and almost 10,000 orphaned children through its Orphan Feeding Program.

As we know, funding for the P.L. 480 title II program was included in the Senate fiscal year 2001 Agriculture appropriations bill, which we in the Senate recently passed. I commend and thank the chairman and ranking member on the subcommittee, Senator COCHRAN and Senator KOHL, and also the chairman and ranking member on the full committee, Senator STEVENS and Senator BYRD, for their continuing ongoing support of Public Law 480.

I am very pleased the committee included language in the Agriculture appropriations bill that will maintain the same level of USAID resources for the Orphan Feeding Program in Haiti as were provided for our current year. I urge my colleagues in conference to continue this language and continue this program.

The reality is that the country of Haiti is a great human tragedy. The nation is in turmoil on a political, economic, and humanitarian level. Though the small island nation finally did hold its parliamentary elections in May after three previous postponements, and though voter turnout was certainly acceptable and the citizens were voting, the openness of these elections remains in serious question. The violence against opposition party members and supporters leading up to the May election cast serious doubt on the legitimacy of this election.

Leon Manus, the president of the electoral council, resigned after the first round of elections and had to flee the country fearing for his life after having accused the Haitian Government of pressuring him to approve the questionable election results.

The international community has severely and justifiably criticized both rounds of elections, with the European Union threatening economic sanctions. In spite of widespread criticism, in spite of OAS refusal to recognize the contested election results, Haitian officials proceeded with the runoff elections on July 9, and, as expected, a handful of Haitians turned out to vote, just a handful of people for the few legislative and local offices that were not already won by the ruling Lavalas Party.

Prior to these elections, I spoke on the Senate floor about Haiti's distressing political and economic situation. I talked at that time about how it was incumbent upon the political elite and the ruling party in Haiti, the Fanmi Lavalas Party, to make and to take reforms seriously. As I said then, and I have said many times before, Haiti simply will not progress until its political leaders and the elite in that country take responsibility for their situation and commit to true democratic reform.

Regardless of the recent election outcome, Haiti can succeed as a democracy if and only if the leaders of the nation, the political elite, the ruling elite, the economic elite, resolve to develop a free market system, resolve to reduce corruption, resolve to improve Haiti's judicial system and its election process, resolve to respect human rights and develop a sustainable agricultural system that can feed its people, and especially the poor children of Haiti.

Despite the success—I have seen it; and there has been success—of some USAID programs to promote growth in Haiti's agricultural sector, past deforestation and a lack of education about how best to use the land for both short-term and long-term economic gain have slowed, almost to a standstill, any improvement in the agricultural sector.

Because of that, I firmly believe that the United States should continue efforts aimed at teaching Haitian farmers viable ways to farm—agriculture that produces food for the Haitian people now and conserves the land for production in the future by generations to come—agriculture that shows farmers how sustainable agriculture is really in their best economic interest, both in the short run and in the long run.

Efforts to work directly with farmers provide the greatest hope of preventing Haitians from abandoning agriculture for urban areas, such as Port-au-Prince. One of the biggest problems in Haiti is that so many people who are not making it in agriculture at all, who can't feed their family, understandably flee the countryside and go into one of Haiti's big cities, only to face worse poverty and create a more dire situation for their family. The only way that will stop is if Haiti can develop, with our assistance, with the assistance of the international community, a viable, sustainable agricultural program.

As I have said, I have visited Haiti eight or nine times. My wife and I have seen many of these programs and have seen that they do, in fact, work. But until sustainable improvements are made in the Haitian agricultural sector, I believe we have a responsibility—I believe we have an obligation—to ensure that humanitarian and food assistance continues to reach this tiny island nation and most particularly, most importantly, continues to reach these children.

That is why it is vital that we maintain current funding levels for the Public Law 480 title II assistance program for Haiti and other parts of the world as well. The simple fact is, this program is essential to the survival—literally the survival—of many thousands of Haitian children, especially those living in overcrowded orphanages.

There are currently 114 orphanages throughout Haiti receiving USAID funds and caring for a vast number of children. Quite candidly, these represent just a small fraction of the total number of orphanages on this island.

My wife Fran and I have traveled to Haiti repeatedly—eight times in the past 5 years. We visited many of these orphanages. We have seen the dire and dismal conditions. We have held the children and felt their malnourished bodies. But we have also seen what can happen with these children, and how so many dedicated people working in these orphanages can literally nurse these children back to life.

The orphanages of Haiti feed and take care of thousands upon thousands upon thousands of orphaned and abandoned children. The flow of desperate children into these orphanages is constant, and these facilities face the increasing challenge of accommodating these children.

It is these children who need our help the most. It is these children who are not capable of providing for themselves. That is why I am convinced that the Public Law 480 title II feeding program is absolutely essential. This low-cost program guarantees one meal per day to orphan children who otherwise would not receive any food at all.

The school feeding program is also essential because the title II assistance program—the offer of a free meal to these children, and the parents who send their children to school—helps keep Haitian children in school.

I again thank the committee for its support for and its commitment to Public Law 480 title II assistance for these children in Haiti.

I urge my colleagues on the conference committee—and throughout this year, and into the next—to continue their support for this program.

COMMENDING AMBASSADOR TIM CARNEY

Mr. DEWINE. Mr. President, on another matter related to Haiti, I take this opportunity this evening to commend and thank my friend, Ambassador Tim Carney, for his 2-year service as U.S. Ambassador to Haiti. Tim and his wife Vicki proudly represented the United States. Day in and day out, they were committed to helping the people of Haiti overcome their dismal surroundings and their dire circumstances. Tim and Vicki worked to alleviate hunger and poverty throughout the island and encouraged practical economic reforms.

Through the support and cooperation of Ambassador Carney and Vicki, the conditions of several Haitian orphanages continue to improve. Although the Carneys' assignment in Haiti has concluded, their commitment continues today.

My wife Fran and I appreciate their friendship. We appreciate the support and help they have given to the children of Haiti. We look forward to continuing our work with them to help the children of Haiti.

TRIBUTE TO ERV NUTTER

Mr. DEWINE. Mr. President, I rise this evening to celebrate the life of a great man from my home State of Ohio, a true renaissance man. I am talking about Erv Nutter, who died on January 6 of this year at the age of 85.

I am honored to have known Erv and am humbled to have the chance this evening to say just a few words about what his friendship has meant to me and my family, to my community, and to my State.

Ervin John Nutter was born in Hamilton, OH, on June 26, 1914, to parents he described as "a Kentucky schoolteacher and a Wyoming cowboy." He was a running guard on the State championship Hamilton High School football team and later graduated from there. He attended Miami University in Oxford, OH, and then transferred to the University of Kentucky where, at the age of 21, he dropped out to take the Ohio examination for stationary engineers. Following that test, he became the youngest licensed engineer in Ohio, and then took a job at Proctor & Gamble in Cincinnati.

In 1943, Erv returned to the University of Kentucky to earn his degree in mechanical engineering. After graduation, he took a job in the engineering division of the Air Force at Wright-Patterson Air Force Base, where he was put in charge of aircraft environmental testing.

Then in 1951, Erv Nutter founded the Elano Corporation, which fabricates metal parts for jet engines. He started the business in a Greene County, OH, garage. Elano grew and grew, and it grew ultimately into a multimillion-dollar business that has influenced aviation worldwide, through precision forming and bending of tubular assemblies for fuel, and lubrication and hydraulic systems for jet aircraft and missiles.

I met Erv Nutter for the first time in 1973. I was right out of law school, on my first job, as an assistant county prosecutor in Greene County. I remember Sheriff Russell Bradley and then-county prosecutor Nick Carrera, and I were conducting a major drug investigation. It was going well. The only problem was, we had run out of money.

So we went to some people in the community. One of the first people we went to was Erv Nutter. To keep that investigation going, we simply had to have some financial assistance. So we asked Erv if he would help. Without any hesitation, as Erv would always do—he didn't ask anything—he just said: Sure. If you boys think it's a good idea, if you think we need to do it, I'll do it.

When it came to his community, Erv was always ready to lend a hand, whether with his financial resources or his time and energy. That was just Erv Nutter.

Erv has been a role model for so many people throughout the years. Through his kindness and extreme generosity, he has taught invaluable lessons, such as the importance of giving back to our communities, the importance of building and trusting our neighbors, and the economic future of our villages and our cities.

Through the years, he donated millions of dollars to the University of Kentucky and Wright State University. Today, two buildings at the Lexington campus bear Erv's name, as does Wright State University's indoor athletic complex.

Erv Nutter was a blunt man. He was an open man. He was a man who would tell you what he thought, never afraid in any way to express his convictions or his strong beliefs.

That is one of the things that made Erv Nutter so endearing. It has been said that the greatness of a man can be measured by the extent and the breadth of his interests and how he acts on those interests to make a difference in this world. Surely by that test, Erv Nutter was a great man. He was so passionate about his interests, and what interests he had: agriculture, technology, wild game conservation, education, sports, history, aviation, or working for a better government. Whatever Erv was interested in, he cared passionately about and he acted upon. And in each area, he made a difference. Sure, he helped financially but, more importantly, Erv gave his time and he gave his energy. He was a man of great passion.

In 1981, Erv Nutter was named Greene County Man of the Year. He served as business chairman of the American Cancer Society, chairman of the Fellow's Committee at the University of Kentucky, member of the President's Club at both Ohio State and Wright State University, past president and trustee of the Aviation Hall of Fame—one of his great passions and his wonderful wife, Zoe Dell's great passions; the work with Zoe Dell continues to this day—as former chairman of the Ohio Republican Finance Committee, and former chairman of the Beavercreek Zoning Commission.

In 1995, at the age of 80, Erv was inducted into the Ohio Senior Citizens Hall of Fame, an honor for outstanding contributions and exceptional achievements begun or continued after the age of 60. Erv always was there for our community. Erv always was there for our State. In all that he did, he made a positive difference. Erv Nutter was a remarkable person, a person who affected countless lives for the better. His family knows that probably better than anyone else because there were so many things Erv Nutter did that he didn't tell anybody about. He just was there to be supportive and to make a difference. He just quietly helped out whenever his community asked. And many times when his community didn't ask, he did it anyway.

The only thing Erv wanted was to make the world a better place for his children, his grandchildren, and for all of us. Erv Nutter took great pleasure in sharing his personal success with the whole community. I was particularly struck by Erv's humility. I remember that he once told the Xenia Daily Gazette he was the luckiest man in the world. He was lucky because he had had the opportunity to do so many things he had never, ever, in his wildest dreams, thought he would be able to do. He told the paper:

> No one can achieve success by himself. I think this is one of the most important things for people to remember today.

Erv didn't seek credit. Rather, he appreciated his success and understood that his community was a great part of that success. We all admired Erv Nutter. We all respected him.

As Chesterton once said:

> Great men take up great space, even when they are gone.

Erv Nutter will continue to take up great space on this Earth, not just in buildings but in lives touched and lives changed. Erv Nutter will continue to live on through the great work he has done. He also will live through his wonderful family: his wife Zoe Dell, Joe, Bob and Mary, Ken and Melinda, Katie and Jonathan.

We pay tribute to Erv tonight for what he has meant to our community.

ROCCO SCOTTI—A GREAT AMERICAN

Mr. DEWINE. Mr. President, I rise to recognize tonight Rocco Scotti, a talented and patriotic singer from my home State of Ohio, who is a fixture in Cleveland and Cuyahoga County, northeast Ohio, a fixture at Cleveland Indians baseball games and just about any public event in our community that matters.

Rocco, because of the countless times he has sung our national anthem at local, national, and international events, has truly earned the title of "Star-Spangled Banner Singer of the Millennium."

Rocco, an Italian American whose family is from Italy's east coast, grew up in Cleveland and started his vocal training in opera. He first performed the national anthem publicly in 1974 at an Indians-Orioles game.

Since that time, he has become a regularly featured national anthem singer for both American and National League baseball games, games played in Cincinnati, Cleveland, New York, for the Baltimore Orioles, Oakland A's, Kansas City Royals, Toronto Blue Jays, LA Dodgers. The list goes on and on. Rocco has also had the honor of performing the national anthem for Presidents Gerald Ford and Ronald Reagan.

Rocco's list of accomplishments doesn't end there. He was awarded the United States civilian Purple Heart for inspiring patriotism for his exceptional performance of the national anthem, and he has performed the anthem on national television for events such as the NBC game of the week, an American League playoff game, the 1981 All Star game, and countless other televised sporting events. Dubbed by People's magazine as one of the best anthem singers in America, he is the first singer to perform the national anthem for the Baseball Hall of Fame in Cooperstown, NY. He is a featured singer for the Indians, Cleveland Cavaliers, and Cleveland Force, and he is the permanent singer of the anthem for the Football Hall of Fame ceremonies in Canton, OH.

While Rocco is most known for his rendition of the national anthem, he is also a featured singer of other nations' anthems. He has sung the Polish national anthem for Polish boxing team matches, the Hungarian national anthem for Hungarian basketball games, the Italian national anthem for Italian soccer team contests, and the Israeli national anthem for the appearance of the Assistant Prime Minister of Israel in Cleveland.

Needless to say, Rocco Scotti is an American icon. His voice, indeed, is a national treasure. What impresses me most about Rocco isn't so much his beautiful voice, although it is beautiful, but his amazing attitude about his heritage, his life here in this great country. Rocco said the following to me once:

> I am very, very proud that with my Italian heritage, God has given me the honor of performing our country's greatest and most meaningful song.

For that kind of patriotism, love of country, I wish to say thank you to Rocco. I am proud to call him the Star-Spangled Banner Singer of the Millennium.

TRIBUTE TO THE GENERAL DANIEL "CHAPPIE" JAMES AMERICAN LEGION AUXILIARY UNIT 776

Mr. DEWINE. Mr. President, today I would like to honor a great volunteer organization from my home state of Ohio—The General Daniel "Chappie" James American Legion Auxiliary Unit 776. Based in the city of Dayton, this organization and its members were recognized recently by USA Weekend magazine for their participation in the "Ninth Annual Make a Difference Day," which is the largest national day of helping and volunteerism.

To be recognized by USA Weekend, an organization must demonstrate great efforts and achievements in the areas of volunteerism and community service. The General Daniel "Chappie" James American Legion Auxiliary Unit 776 certainly has done that. One of its members, Mrs. Ola Matthews, heard that foster children around the Dayton community must carry their belongings through the foster care system in plastic trash bags. This worried her greatly. So, she set about to help these children. Under her leadership, the members of Unit 776 conducted fundraisers to buy luggage and collected luggage from community donors. On October 23, 1999, the members of Unit 776 delivered the fruits of their effort—over 1,000 pieces of luggage, plus toiletries, underclothes, and baby supplies—to the Montgomery County Children's Services in Dayton. This is a remarkable achievement and one demonstrating great selflessness and generosity. It is actions like these—an organization helping those in its community—that makes Dayton such a great city.

Mr. President, one young member of this organization, in particular, has made outstanding contributions to her community. Shatoya Hill, who has been involved in Unit 776 most her life, has just been awarded a $6,000 scholarship for her community service and academic achievements. She has been Junior President of the organization for over 5 years. During this time, she has organized and participated in many fundraisers, from helping veterans to delivering food baskets to the needy during Christmas.

The Dayton Alumnae Chapter of Delta Sigma Theta, a public service sorority, awarded the scholarship, which is presented to young women who have excellent academic records, possess high moral character, participate in their church and community, and have interest in higher education. Shatoya certainly exhibits all of these positive qualities. It is great to see Ohio youths working hard for their communities and being recognized for their achievements.

Congratulations Unit 776 and congratulations Shatoya!

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPLANATION OF ABSENCE

Mr. WELLSTONE. Mr. President, I was necessarily absent today for rollcall vote No. 228, on the motion to invoke cloture on the motion to proceed to S. 2507, the intelligence authorization bill. I was in Minnesota visiting with my constituents in Granite Falls who were victims of a tornado which struck the city last night and caused severe damage and some loss of life. Had I been present, I would have voted aye on the motion.

MIDDLE EAST PEACE

Mr. BROWNBACK. As recently as this morning, upon Chairman Arafat's arrival back in Gaza, Arafat said:

> There is an agreement between us and the Israeli government made in Sharm-El-Sheikh that we continue negotiations until Sept. 13th, the date for declaring our independent state, with Jerusalem as its capital, whether people like it or not.

By itself, the threat undermines confidence in the Palestinians' commitment to the peace process and, in effect, would abrogate the foundation of the Oslo accords that all outstanding final status issues will be resolved through negotiations.

Allow me, for a moment, to review the history here. More than 50 years ago, the United Nations created two states: Israel and Palestine. The creation of a homeland for the Jews in Israel was unacceptable to the Arabs, and five Arab states attacked the newly created state. When all was said and done, Israel was a reality, and the nominal Palestine ended up in the hands of Jordan. We never heard about Jerusalem then.

In fact, when the PLO was created in 1964, Jerusalem was never even mentioned.

When Jordan lost the West Bank and Jerusalem in 1967, then the question of Palestine and Jerusalem became important once again. In fact, we are told that the reason Yasser Arafat walked out of Camp David was because he did not get all of east Jerusalem and the Old City. In other words, when Arafat did not get through the peace process what he could not get through war, he decided to walk away from peace.

One thing has become clear to me in the last few years. The Oslo agreement was nothing less than an admission on the part of the Palestinians and the PLO that Israel would never be defeated in war. The Palestinians entered into a peace process because they had no other choice. Now I am forced to question just how committed they are to that process. If the aim is to win through negotiations what they could not through war, then what kind of a process is it?

There are no ambiguities here: Either the Palestinians are committed to the process, and to a negotiated outcome, or they are not. Arafat's threat to declare a Palestinians state on September 13, 2000 is an abrogation of the peace process, and as such, an abrogation of any understanding with the United States regarding the PLO and Mr. Arafat as negotiating partners.

U.S. assistance to the Palestinians is predicated upon good faith negotiations in a peace process. Nothing else. Nothing. For those that have some doubt, I remind them that as far as U.S. law is concerned, the Palestine Liberation Organization is a terrorist organization.

I and many of my colleagues have always stood ready to accept the outcome of a negotiated peace between Israel and the Palestinians. We have done so reluctantly, because of fears about what a Palestinian state would do, how it would survive, about the commitment to democracy, and real fears about terrorism.

We will not stand idly by and accept a non-negotiated solution, contrary to the Oslo Accords, contrary to the spirit of a peace process. Should Mr. Arafat go forward and declare a Palestinian state, the bill that Senator SCHUMER and I are offering today will preclude the expenditure of funds to recognize that state and preclude further assistance to any Palestinian governing entity. It instructs the President to use the voice and vote of the United States in the United Nations bodies to stop recognition or admission of a Palestinian state.

I hope Chairman Arafat chooses the path of peace. However, if he does not, this legislation makes very clear that the relationship between the U.S. government and the Palestine leadership will change.

We will not recognize the unilaterally declared Palestinian state and we will strongly urge all others not to do so. Either there is peace through a process or there can be no peace. If that is what Yasser Arafat wants, it is a terrible crime against the Palestinians, and a mistake that history will not forget.

CELEBRATING THE 10TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT: A DECADE OF PROGRESS

Mr. BYRD. Mr. President, over the past month and a half, a brightly lit torch has made its journey through nineteen cities, carrying with it each step of the way the passionate and able spirit of the disability community. Today the torch arrives at its 20th stop along the way, our Nation's Capital, to mark the tenth anniversary of the signing of the Americans with Disabilities Act. It is indeed an important day in our Nation's long history.

President Franklin Roosevelt once said, "No country, no matter how rich, can afford to waste its human resources." I am proud to say that the Americans with Disabilities Act lives up to President Roosevelt's objective. For 10 years now, this momentous, landmark civil rights legislation has opened new doors to the disability community. It has, at long last, allowed handicapped individuals the opportunity and the access to have their potential recognized both inside the workplace and outside in the community. It has brought the American dream within reach for the millions of American families with disabled members.

Over the past decade of the ADA, we have seen dramatic changes throughout the nation in equal opportunity—

from new and advanced technology allowing for greater public accommodation at places of business and in commercial establishments, to state and local government services and activities, to transportation and telecommunications technology for disabled Americans. Look around today—people with disabilities are participating to a far greater extent in their communities and are living fuller, more productive lives as students, workers, family members, and neighbors. They are dining out; cheering at football games and other sporting events, often even playing sports themselves; going to the movies; participating in state, local, and Federal Government; and raising families of their own.

It is evident that that the capability of this community far outshines the challenges of a disability. I am proud that the ADA has been particularly instrumental in removing many of the barriers that would otherwise impede the ability and success of the disability community. Take the example of Casey Martin, the professional golfer from Orgeon with a rare disability that substantially limits one's ability to walk. Casey had long dreamed of playing in a PGA tour, but, because of his disability, Casey encountered a huge barrier. In these tournaments in which Casey wanted to play, the tour would not allow the use of a golf cart. When a Federal trial court in Oregon found that the PGA tour is a "public accommodation" and should modify their policy of no golf carts to accommodate Casey's disability, his vision became a reality. According to Casey, "Without the ADA I never would have been able to pursue my dream of playing golf professionally."

While for Casey Martin the ADA has meant achieving his most far-reaching goal, for other disabled Americans, the ADA has simply allowed them to live each new day with a little more ease and comfort. To name just a few areas in which the ADA has facilitated progress—access to restaurants and public restrooms, modifications to the aisles and entrances of supermarkets, assistive listening systems at places like Disney World and many theaters for the deaf and hard of hearing, and large print financial statements for those with vision impairments. Mr. President, these are the kind of simplicities in life that those without disabilities expect and take for granted, and because of the ADA, they have now come to be a part of the disability community's life too.

Just as the barriers that continue to face each of us in life take many years to craft, they take many years to conquer. Together, we must find the strength and the courage to pick our battles. I commend the disability community today on their passion and their vigilance, and I celebrate with you on this 10th anniversary of the Americans with Disabilities Act for all that this day has brought to your community, and for all that it will continue to bring in the years ahead. Let today recommit each of us to the ADA for all Americans.

Mr. KENNEDY. Mr. President, 10 years ago today Congress passed landmark civil rights legislation, based on the fundamental principle that people should be measured by what they can do, not what they can't do. With the passage of the Americans with Disabilities Act, America began a new era of opportunity for the 47 million disabled citizens who had been denied full and fair participation in society.

We continue to build in Congress on the bipartisan achievements of the ADA. I'm gratified by President Clinton's strong endorsement today of the Grassley-Kennedy Family Opportunity Act now pending in Congress. The goal of our legislation is to remove as many of the remaining barriers as possible that prevent families raising children with disabilities and special health needs from leading full and productive lives. No family in this country should ever be put in a position of having to choose between a job and the healthcare their disabled child needs. The Family Opportunity Act ensures that no family raising a child with special needs would be left out and left behind.

For generations, people with disabilities were viewed as citizens in need of charity. Through ignorance, the nation accepted discrimination and succumbed to fear and prejudice. The passage of the ADA finally moved the nation to shed these condescending and suffocating attitudes—and widen the doors of opportunity for people with disabilities.

Today we see many signs of the progress that mean so much in our ongoing efforts to see that persons with disabilities are included—the ramps beside the stairs, the sidewalks with curbs to accommodate wheelchairs, the lifts for helping disabled people board buses.

Whether they are family members, friend, neighbors, or co-workers, persons with disabilities are no longer second class citizens. They are demonstrating their abilities and making real contributions in schools, in the workplace, and in the community. People with disabilities are no longer left out and left behind—and because of that, America is a stronger, better and fairer country today.

As the Americans with Disabilities Act, and the many disabled persons who worked so long and hard and well for its passage continue to remind us, equal opportunity under the law is not a privilege, but a fundamental birthright of every American.

INFECTIOUS DISEASE SURVEILLANCE

Mr. LEAHY. Mr. President, I want to briefly discuss a GAO report that was released earlier this week to be sure that other Senators are aware of.

The report, entitled "Global Health: Framework for Infectious Disease Surveillance," was commissioned by Senator McCONNELL and myself, and Senators FRIST and FEINGOLD. It investigates the existing global system, or network, of infectious disease surveillance, and will be followed by a second report which analyzes the strengths and weaknesses of this network and make recommendations for strengthening it.

We requested this report in response to a growing concern among public health officials about the inability of many countries to identify and track infectious diseases and respond promptly and effectively to disease outbreaks. In fact, the World Health Assembly determined in 1995 that the existing surveillance networks could not be considered adequate.

By way of background, the term "surveillance" covers four types of activities: detecting and reporting diseases; analyzing and confirming reports; responding to epidemics; and reassessing longer-term policies and programs. I will touch on these categories in a bit more detail, as they illustrate the need for reform.

In the detection and reporting phase, local health care providers diagnose diseases and then report the existence of pre-determined "notifiable" diseases to national or regional authorities. The accurate diagnosis of patients is obviously crucial, but it can be very difficult as many diseases share symptoms. It is even more difficult in developing countries, where public health professionals have less access to the newest information on diseases.

In the next stage of surveillance, disease patterns are analyzed and reported diseases are confirmed. This process occurs at a regional or national level, and usually involves lab work to confirm a doctor's diagnosis. From the resulting data, a response plan is devised. Officials must determine a number of other factors as well, such as the capability of a doctor to make an accurate diagnosis. Unfortunately, in many developing countries this process can take weeks, while the disease continues to spread.

When an epidemic is identified, various organizations must determine how to contain the disease, how to treat the infected persons, and how to inform the public about the problem without causing panic. Forty-nine percent of internationally significant epidemics occur in complex emergency situations, such as overcrowded refugee camps. Challenges in responding to epidemics are mainly logistical—getting the necessary treatment to those in need.

Finally, in assessing the longer-term health policies and programs, surveillance teams can provide information on disease patterns, health care priorities, and the allocation of resources. However, information from developing countries is often unreliable.

I want to emphasize two points. The first is that all the activities that I have just described are done by what WHO calls a "network of networks." There is, in fact, no global system for infectious disease surveillance. Let me repeat, for anyone who thinks there is some centrally-managed, well-organized global system, there is not. Rather, what exists is a loose network, a patch-work quilt of sorts, involving the UN, non-governmental organizations, national health facilities, military laboratories, and many other organizations, all of which depend upon each other for information, but with no standardized procedures.

The second point is that in countries where a tropical climate fosters many infectious diseases, one also finds the least amount of reliable data. If we as a country, or we as a global community, are committed to eradicating the deadliest diseases, building the capacity for effective surveillance in the developing countries is where we need to focus our attention.

The sequel to this report is due to be released by the GAO in a few months. It will assess the strengths and weaknesses of this loosely-organized surveillance system, and make recommendations for strengthening it. We need to be able to accurately diagnose diseases, and quickly transmit the information to the global health community.

I urge other Senators to read this first report. This is an issue that has received far too little attention, and which directly affects the health of every American. Any disease, whether HIV/AIDS, malaria, TB, or others as yet unknown, which could infect and kill millions or tens of millions of people, is only an airplane flight away.

Accurate surveillance, which is the first step to an effective response, is critical. Yet today we are relying on a haphazard network of public, private, official, and unofficial components of varying degrees of reliability, patched together over time. It is a lot better than nothing, but the world needs a uniformly reliable, coordinated system with effective procedures that apply the highest standards. I look forward to GAO's next report, and its recommendations for action.

CAMPAIGN FINANCE REFORM

Mr. McCONNELL. As chairman of the Senate Rules Committee, which has jurisdiction over the campaign finance issue, and one who has been rather closely identified with the spirited debate in this arena over the past decade, I wholeheartedly support putting S. 1816, the Hagel-Kerrey bill, on the Senate Calendar.

That is not to say I would vote "aye" were there a rollcall vote on the bill as it is currently drafted.

Senator HAGEL's legislation was the backdrop for a comprehensive series of hearings held by the Senate Rules Committee between March and May of this year. The final hearing featured the testimony of Senator HAGEL, Senator KERREY, Senator ABRAHAM, Senator HUTCHISON, and Senator LANDRIEU. An impressive, to say the least, bipartisan lineup of Senators bravely stepping into the breach separating those who persist in trotting out the old, blatantly unconstitutional campaign finance schemes of the past, from others like myself who firmly believe that the first amendment is America's greatest political reform and must not be sacrificed to appease a self-interested editorial board at the New York Times.

The Senator from Nebraska has taken what for the past couple of years has been the biggest bone of contention in the campaign finance fight in the Senate—party soft money—and essentially split the difference between the opposing camps. Rather than an unconstitutional and destructive provision to entirely prohibit non-federal activity by the national political parties, Senator HAGEL has crafted a middle ground in which the party so-called "soft" money contributions would be capped. Yet, even a cap raises serious constitutional questions and would surely be challenged were one to be enacted into law. Nevertheless, the Hagel-Kerrey approach is more defensible and practicable than outright prohibition.

Coupled with the party soft money cap in the Hagel-Kerrey bill is an ameliorative and common sense provision to update the hard-money side of the equation by simply adjusting the myriad hard money limits to reflect a quarter-century of inflation. An inflation adjustment of the hard money limits is twenty-five years overdue. Candidates, especially political outsiders who are challenging entrenched incumbents, are put at a huge disadvantage by hard money limits frozen in the 1970s.

The lower the hard money limits are, the more that insiders with large contributor lists are advantaged. Incumbents and celebrities who benefit from the outset of a race with high name recognition among the electorate also start way ahead of the unknown challenger. The greatest beneficiary of low hard money limits are the millionaire and billionaire candidates who do not have to raise a dime for their campaigns because they can mortgage the family mansion, cash out part of their stock portfolio and write a personal check for the entire cost of a campaign.

As hard money limits are eroded through inflation and non-wealthy candidates are further hampered, election outcomes are ever more likely to be determined by outside groups whose independent expenditures and issue advocacy are completely unlimited. That is "non-party soft money."

Mr. President, absent from the attacks on party soft money is any acknowledgement by reformers that the proliferation is linked to antiquated hard money limits which control how much the parties can take from individuals and PACs to pay for federal election activities. It stands to reason that hard money limits frozen in 1974 and thereby doomed to antiquity are going to spawn an explosion of activity on the soft money side of the party ledger.

It also is not coincidence that increased soft money activity in the past decade corresponded to vastly increased competition in the political arena. We are amidst the third fierce battle for control of the White House in the past decade And every two years America has witnessed extremely spirited contests over control of the Congress. Democrats who had been exiled from the White House since Jimmy Carter's administration at long last got to spend some quality time at 1600 Pennsylvania Avenue and are not keen to give that up. Republicans, after four decades in the minority, got to savor the view from the Speaker's office in the House of Representatives and would like very much to keep it. And we have seen more than a little action on the Senate-side of the Capitol.

Reformers look upon all this activity over the past decade in abject horror, seeing only dollar signs and venal "special interests." I survey the same era and see an extraordinary period in which every election cycle featured a tremendous and beneficial national war of ideas over the best course for our nation to pursue in the coming years and which party could best lead America on that path.

All signs, Mr. President, of a competitive, healthy, and vibrant democracy.

While I strongly support the hard money adjustments in the Hagel-Kerrey bill, I remain concerned by the bill's silence in an area sorely in need of reform: Big Labor soft money. The siphoning off of compulsory dues from union members for political activity with which many of them do not agree is a form of tyranny which must not be permitted to continue. Senate Republicans have fought hard, and unsuccessfully, to protect union workers from this abuse. Democrats are understandably and predictably loathe to risk any diminution of Big Labor's contributions which may result from freeing the rank-and-file union members from forced support of Democratic candidates and causes, but the absence of reform in this area is unacceptable. Big Labor soft money and involuntary political contributions must be part of any comprehensive reform package which ultimately passes Congress.

With those provisos and a few others, I will close by again commending the Senator from Nebraska from his willingness to wade in a big way into one of the most contentious issues before Congress—an issue in which all Members of Congress have a vested personal interest but that affects not just us but every American citizen and group that aspires to participate in the political process. That is why the U.S. Supreme Court will be the final arbiter of any campaign finance bill of consequence. And those are the reasons we should continue to be cautions and deliberative as the effort continues for a nonpartisan, constitutional campaign reform package.

Mr. HAGEL. Mr. President, today we have moved a step closer to implementing comprehensive campaign finance reform. With the help of Senator MITCH McCONNELL, Chairman of the Senate Rules Committee, the Open and Accountable Campaign Financing Act of 2000 will soon be placed on the Senate Calendar, ready for debate by the full Senate.

I introduced the Open and Accountable Campaign Financing Act of 2000 along with Senators BOB KERREY, SPENCE ABRAHAM, MIKE DeWINE, SLADE GORTON, MARY LANDRIEU, CRAIG THOMAS, JOHN BREAUX, KAY BAILEY HUTCHISON, and GORDON SMITH as a bipartisan approach to campaign finance reform because we felt it was a common sense, relevant and realistic approach. We offered it as a bipartisan compromise to break the deadlock on campaign finance reform and to bring forth a vehicle that could address the main holes in the net of our current system.

The purpose of our legislation is to place more control and responsibility for the conduct of campaigns directly in the hands of the candidates. Our legislation is not the solution for all of the problems now facing us, but I believe it is a good solid beginning to accomplish meaningful campaign finance reform.

After a series of hearings in the Senate Rules Committee this spring on campaign finance reform, we will now be able to put a bill on the Senate Calendar that has bipartisan support. If we are to accomplish comprehensive reform this year, bipartisan support is essential and our bill has that support.

While I was very pleased with the recent vote in Congress to require disclosure for the '527' organizations, that bill is not a substitute for more comprehensive campaign finance reform. It is a solution for a small problem. We need to continue to fight for campaign finance reform that is broader and more comprehensive.

I am hopeful that the full Senate will be able to debate comprehensive campaign finance reform legislation, including the Open and Accountable Campaign Financing Act of 2000, this year. We have an opportunity to achieve something reasonable and responsible this year.

Again, I would like to thank Senator McCONNELL for holding hearings in the Rules Committee on campaign finance reform and helping move the process along. I look forward to working with him and all Senators interested in advancing campaign finance reform.

VICTIMS OF GUN VIOLENCE

Mr. WYDEN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 26:

Frederick Branch, 17, Memphis, TN; Kenny Curry, 30, Chicago, IL; Mendell Jones, 17, Baltimore, MD; Eduardo Lezcano, 36, Miami-Dade County, FL; Andre Moore, 21, Baltimore, MD; Kenneth Plaster, 52, Houston, TX; Mark Pringle, 18, Baltimore, MD; Carlton Valentine, 33, Baltimore, MD; Unidentified male, Detroit, MI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

RUSSIAN WARHEADS/DOMESTIC SECURITY

Mr. MURKOWSKI. Mr. President, I rise today to discuss two issues of great importance to our national security and our energy security—the agreement between the United States and the Russian Federation which provides for the conversion of Russian highly enriched uranium (HEU) derived from the warheads into fuel for civilian nuclear power plants, and the need for the United States to maintain a viable uranium enrichment capability.

First, let me give you a bit of history.

In 1992, the Energy Policy Act established the United States Enrichment Corporation as a wholly-owned government corporation to take over the Department of Energy's uranium enrichment enterprise. The Corporation was to operate as a business enterprise on a profitable and efficient basis and maximize the long-term valuation of the Corporation to the Treasury of the United States. The objective was to eventually privatize the Corporation as a viable business enterprise able to compete in world markets. Subsequently, the Corporation was selected as Executive Agent for, and entrusted with, the responsibility for carrying out the Russian HEU Agreement.

Enactment of the 1992 Act was the culmination of a decade of bipartisan effort spearheaded by Senators DOMENICI and Ford. Extensive hearings were held in both the House and the Senate and the legislation garnered the strong support of the Bush Administration.

Recognizing the complexity of privatization and the national security implications of the Russian HEU Agreement, Congress enacted the USEC Privatization Act of 1996. The Act provided the mechanics for privatization, clarified the relationship between a private USEC and the U.S. Government, and addressed concerns related to the implementation of the Russian HEU Agreement. The Corporation was sold in July of 1998.

Implementation of the Russian HEU Agreement has been important for the government and USEC. This government-to-government agreement facilitates Russian conversion of highly enriched uranium taken from their dismantled nuclear weapons into fuel purchased by USEC and resold for use in commercial nuclear power plants. The program is financed as a commercial transaction.

Every day, new warnings are heard about the ability of one rogue state or some well-financed terrorist to obtain weapons-grade nuclear materials on the black market. The Russian HEU Agreement addresses those concerns by converting thousands of nuclear warheads into fuel for electric power plants—the quintessential swords to plowshares concept. In spite of some start-up problems, implementation of the Agreement has resulted in the conversion of the equivalent of nearly 4,000 nuclear warheads into fuel for U.S. commercial power plants. The process, as well as purchases and shipments to USEC, continues.

From the outset, many felt there were built-in contradictions between the objectives of maintaining a viable domestic uranium enrichment capability while controlling the disposal of former Soviet nuclear weapons. But, all things considered, the program to date has been a success. Without question our Nation's national security—our most important charge as lawmakers—has been enhanced by implementation of this Agreement.

Mr. President, the Russian HEU Agreement contributes to our Nation's security, but the Agreement also adversely affects the enterprise that makes this commercial solution to a national security problem possible. This difficulty was understood when the government adopted this program.

Purchases of large quantities of Russian weapons derived material result in growing effects on the companies in the private sector domestic nuclear fuel cycle. Our uranium mining, conversion, and enrichment industries have been affected. The result has been steadily declining market prices for all phases of the nuclear fuel cycle. USEC, its plant workers, and the communities dependent upon those plants are being hit especially hard. As Executive Agent, USEC has suffered substantial losses due to fixed price purchases from Russia as well as increased costs due to reduced levels of domestic production resulting from introduction of the Russian material into the market.

Earlier this year, and with the support of the Administration, USEC had been negotiating with Russia to amend the Agreement to include market-based pricing. I have been advised that USEC closely coordinated its plans and intentions with the President's Interagency Enrichment Oversight Committee at all phases of its discussions with the Russians. Yet, as USEC and the Russians were meeting in Moscow to sign the new Agreement, the Department of Energy, a member of the Oversight Committee, prevented the signing at the last minute.

I can not understand why the Energy Department would prevent the adoption of an amendment that would stabilize the Agreement through the remaining thirteen years of the program. Reportedly the terms were acceptable to both parties. In addition, the Agreement would have protected the interests of our own domestic nuclear fuel industry. As part of the Agreement, Russia wanted USEC to purchase commercially produced enrichment in addition to the weapons derived enrichment. USEC negotiated terms consistent with a previous Administration approved program making it mandatory that this additional quantity be matched with domestically produced enrichment. In addition, no additional natural uranium would be brought into the domestic market. The amendment to the Agreement was specifically crafted so that no damage would be inflicted upon the domestic nuclear fuel cycle as a result of purchasing the additional material.

The Department of Energy's action threatens to destabilize the agreement. Who knows how long the Russians will sit by without this Agreement. The National Security Council and the State Department and others on the Enrichment Oversight Committee have endorsed the signing of this Agreement. I strongly urge that it be completed. I suggest that those of us in the Congress who believe in the vital importance of this Agreement express our concern to the Administration and demand that the Energy Department withdraw its objection and that the Agreement be speedily signed.

As I mentioned, higher production costs, decreased demand, and lower world prices have hit USEC, our Nation's sole domestic uranium enricher, particularly hard. USEC's Form 10–Q filed with the Securities and Exchange Commission for the quarter ended March 31, 2000 noted that: "In February 2000, Standard & Poor's and Moody's Investors Service revised their credit ratings of USEC's long-term debt to below investment grade. The revised rating gives USEC the ability to discontinue its uranium enrichment operations at a plant. USEC is evaluating its options; however, a decision has not been made as to whether to close a plant, which plant would be selected or the timing of any closure." Finally, on June 21, the Board of Directors of USEC Inc. voted to cease uranium enrichment operations in June 2001 at the Portsmouth gaseous diffusion plant in Piketon, Ohio, and to consolidate all enrichment operations at its Paducah, Kentucky production plant. USEC maintained that it could not sustain current operations at two production plants, each of which is currently operating at only 25 percent of capacity. The company said that its production costs were too high and that the termination of operations at Portsmouth would save upwards of $55 million in fixed costs annually.

USEC's decision to close a plant comes as no surprise. For over a year, there has been speculation within the Clinton Administration, the energy industry, the media and on Capitol Hill that USEC would be forced to consolidate its uranium enrichment production.

Mr. James R. Mellor, Chairman of USEC's Board of Directors was quoted in a news release as saying: "The decision to cease enrichment at one of our facilities was necessary given the business challenges facing the uranium enrichment industry . . . Mr. Mellor went on to say: "Choosing to close the Portsmouth plant was an extremely difficult decision because of the impact it will have on the lives of many of our workers, their families and the communities surrounding the plant."

USEC cited multiple factors in determining which plant would close. Key elements in USEC's analysis included "long-term and short-term power costs, operational performance and reliability, design and material condition of the plants, risks associated with meeting customer orders on time, and other factors relating to assay levels, financial results, and new technology issues."

I know that my colleagues from Ohio are deeply disturbed by USEC's decision to close the Portsmouth plant. I also know that if the company had chosen to cease operations at Paducah, my friends from Kentucky would be equally distraught. Plant closures are serious matters, particularly when they are the mainstay of the local economy. The public record is clear that technological advances in uranium enrichment were rapidly overtaking the gaseous diffusion process as an economic method of enriching uranium. Make no mistake, the Portsmouth and Paducah gaseous diffusion plants were and continue to be extraordinary engineering, design, and construction achievements—matched only by the dedication and skill of the men and women who have made the plants work—work, 24 hours a day—work, seven days a week—work, continuously for over 45 years without a stop, without a break in service—until now. It was inevitable that this would happen someday, but knowing that it will happen does not make it any easier.

The only person who seemed to be caught by surprise and unprepared to deal with the closure was the Secretary of Energy. Certainly, he must have known that USEC was preparing to make an announcement. He must have been aware that, as part of the 1996 USEC Privatization Act, the Department of Energy—not the company—would be responsible for decommissioning, decontamination and clean-up of the plants and the sites as well as for workforce disposition.

In fact, in a June 19, 2000 letter to Mr. William H. Timbers, USEC's president and chief executive officer, the Secretary of Energy asked if the company was planning to close either one of its uranium production facilities. In response, Mr. Timbers wrote on June 20, 2000, that "during our last meeting, I indicated to you, and reiterated in subsequent meetings with your staff, that it is inevitable that USEC must close one of its enrichment facilities." Mr. Timbers added that "During the last eight months, we have presented numerous proposals—still pending before you—to accomplish [transition]. But, DOE has yet to make a decision. We have also engaged in discussions with PACE union leadership aimed at advancing these efforts. We are still ready and eager to translate these discussions into actions and look forward to the prospect of working with DOE to adopt a program to minimize the employment disruption associated with ensuring a financially sound USEC under today's market conditions."

The next day, when USEC announced that its Board of Directors had voted to close the Portsmouth facility, the best the Nation's Secretary of Energy could come up with was the following statement: "I am extremely disappointed by [USEC's] decision today to close the uranium enrichment plant at Portsmouth. First and foremost, I am very concerned about the effect this closure will have on USEC workers. Many of these men and women spent their entire working lives helping our nation win the Cold War. They deserve better treatment. . ."

For once, Secretary Richardson and I agree. The workers do deserve better. But rather than threatening USEC, as the Secretary of Energy did when he recommended "serious consideration of replacing USEC as executive agent" for the Russian HEU Agreement, he should have been drafting a plan to assist the workers in Portsmouth to make the transition from operating the Department of Energy owned gaseous diffusion plant to cleaning up the site. This is an environmental restoration mission that is likely to take many years. We are all aware of the environmental contamination at the plants and the desperate need for action to restore them to reasonable environmental condition.

When Congress created the United States Enrichment Corporation as part of the 1992 Energy Policy Act, and when we later passed the 1996 USEC Privatization Act, we recognized that a privately owned USEC could better respond to the needs of the marketplace and thereby sustain a viable domestic uranium enrichment capability. Now that USEC has taken what it believes is a necessary step to ensure that it can compete in the world uranium enrichment marketplace, the first response by the Secretary of Energy is to second-guess the company's intentions and actions. Apparently the Secretary would keep facilities open regardless of the fundamental laws of economics that are evident to even the most modest businesses.

It has been suggested that the solution is to nationalize USEC—to have the government buy it back. I have no sympathy for such a proposal. While I am sympathetic to those who will be affected by the closure of Portsmouth, I do not believe that a return to the past is the remedy that will provide for a competitive domestic uranium enrichment capability in the future. I do not favor an appropriation of substantial sums, perhaps well over a billion dollars to buy USEC back, nor do I favor the then obligatory commitment to annually appropriate funds to make up for uneconomic operations.

It has been only two years since we privatized USEC. On the one hand the Congress and the Administration made an extraordinary effort to provide a private USEC with a strong foundation for a successful private enterprise competing in world markets—in the words of the '96 Act " . . . in a manner that provides for the long-term viability of the Corporation . . ." But at the same time, contradictory restraints imposed on the Corporation detract from its ability to compete. In retrospect, perhaps Congress and the Administration should not have placed so many burdens on USEC as it faced private sector dynamics and demands. Ensuring that the vital national security interests of the United States are protected is paramount, but preserving the competitiveness of our domestic uranium enrichment capability—at minimal costs to the federal government—is important too. We need to stop thinking of USEC as a Federal agency and respect it for what it is—a private business enterprise.

Challenges remain in the implementation of the Russian HEU Agreement and the long-term viability of the domestic uranium enrichment enterprise. These have proven to be complex, and at times conflicting tasks, but I believe that the National interest more than justifies our continued efforts to see these programs through to a successful conclusion. As part of these efforts we should encourage the Clinton Administration to approve the market-based pricing amendment to the Russian HEU Agreement. Now is also the time to secure a future for the workers in Portsmouth who face plant closure. We need to help them achieve their third transition—from Cold War patriots, to peacetime producers of fuel, to the task of environmental restoration

Thank you, Mr. President.

OMNIBUS LONG-TERM CARE ACT OF 2000

Mr. BAYH. Mr. President, I rise today as an original cosponsor of the "Omnibus Long-Term Care Act of 2000." This bill brings together very important initiatives for making long-term care more affordable for Americans. In particular, this bill contains a $3,000 tax credit for caregivers and a tax deduction for the purchase of long-term care insurance.

There are over 22 million people providing unpaid help with personal needs or household chores to a relative or friend who is at least 50 years old. In Indiana alone, there are 568,300 caregivers. The government spent approximately $32 billion in formal home health care costs and $83 billion in nursing home costs. If you add up all the private sector and government spending on long-term care it is dwarfed by the amount families spend caring for loved ones in their homes. As a study published by the Alzheimers Association indicated, caregivers provide $196 billion worth of care a year.

As a member of the Special Committee on Aging, I held a field hearing in Indiana on making long-term care more affordable. At this hearing, I learned first hand the importance of this tax credit. Jerry and Sue Cahee take care of Jerry's mother who has Alzheimers. At the hearing Jerry Cahee shared the following: "Mother is a wonderful and friendly person to everyone—except her caregivers. We have discovered that life, aging, and illness are not fair. We have discovered that love is hard—that love is not enough to make the difference. We know that memories are all that we have left of the happy times in Mother's life. To care for her, make her last days comfortable, to meet her ever increasing medical needs, to offer her the security of a loving safe home, and to let her know that she is loved—these things have become our purpose for living. The financial drain has been difficult, the emotional strains are enormous."

Paul Severance, the Director of United Senior Action, a senior advocacy group in Indiana represented his constituency at the hearing when he stated "The burden on families who are trying to provide long-term care at home is tremendous; they typically face substantial expenses for special care, such as nursing visits, they often have lost wages because of the demands of caring for a loved one; and there can be a great cost to their own health as a result of the constant demands of caregiving."

In addition to the tax credit, a deduction for the purchase of long-term care insurance makes it more affordable for Americans to purchase long-term care policies that can provide them with the coverage they will need. Congress needs to continue to explore ways in which to ensure long-term care options are available for all Americans.

I am encouraged by the introduction of this bill and the bipartisan support it has received. It is my hope that we can work together to implement this legislation and make it more affordable for seniors to receive long-term care. I urge my colleagues to support this bill.

FCC REGULATION OF PAY PHONES

Mr. BURNS. Mr. President, in the four years since the passage of the Telecommunications Act of 1996, dramatic changes have occurred in our telecommunications markets. We have seen competitive environments in such areas as wireless communication and long distance service. Advanced telecommunications services have great potential for deployment in the near term, if only the Federal Communications Commission would more aggressively promote them. All of this change is occurring in the context of an explosion of information technologies and the Internet.

Yet the '96 Act dealt with much more than the high tech changes we read so much about these days. The legislation was designed to transform the entire telecommunications industry under the leadership of the FCC, to the benefit of all consumers. And the Act was designed to ensure that all Americans could have access to the vast array of services the Act will stimulate.

Today I would like to briefly address one aspect of the '96 Act that is often overlooked in the glamour of "high-tech." Public payphones are a critical piece of this access. For millions of Americans, public payphones are the only access to the telecom network.

And when the batteries or the signal for the wireless device fail, public payphones are a reliable source of inexpensive access, in an emergency or otherwise. Public payphones are emerging as public information portals, true on-ramps to the information highway, available to anyone at anytime.

In order to ensure that these instruments of public access would continue serving as gateways of last resort and continue evolving using new technologies, the issue of adequate compensation for pay phone operators was addressed by the '96 Act. This requirement of the '96 Act was designed to promote fair competition and benefit consumers by eliminating distorting subsidies and artificial barriers. However, the law has not been successfully implemented, and I am calling on the FCC to act expeditiously to address this regulatory oversight. Payphones are an important segment of the telecommunications industry, especially in low income neighborhoods and in rural areas like those in my home state of Montana.

Local telephone companies operated payphones as a legal monopoly until 1984, when an FCC ruling mandated that competitors' payphones be interconnected to local networks. Still, local telephone companies were able to subsidize their payphone service in competition with independent payphones. The '96 Act was designed to change all of this. It was designed to create a level playing field between all competitors and to encourage the widespread deployment of payphones. It did this by requiring local telephone companies to phase out subsidies; by mandating competitive safeguards to prevent discrimination by the ILECs and ensure fair treatment of competitors when they connect to local systems; and by assuring fair compensation for every call, including so-called "dial around" calls which bypass the pay phones' traditional payment mechanism.

Yet the basic requirements of the '96 Act are not being implemented by the FCC to assure fair competition. Pay phone operators are not being compensated for an estimated one-third of all dial-around calls, particularly when more than one carrier is involved on long distance connections. An industry proposal to remedy this situation has been pending at the FCC for more than a year without any action being taken. And the FCC also needs to bring to a hasty resolution the issue of the appropriate line rate structure for payphone providers. Today, there are about 2.3 million pay phones nationwide. While all payphones are threatened by the gaps in dial-around payments, 600,000 of them are independently owned and are under particularly intense pressure; many small payphone operators now find themselves being forced to pull payphones or go out of business altogether. They are also in need of certainty regarding the rates they pay the telephone companies. This situation should not exist more than four years after the enactment of the 1996 legislation.

I hope the FCC will act quickly to assure adequate compensation for each call. I hope the FCC will take immediate steps to enforce the requirement for non-discriminatory and fair line rates. I hope the FCC will take those basic steps required by the 1996 law. Fair competition—and the resulting benefits to consumers envisioned by Congress—will not occur until these actions are taken. As Chairman of the Senate Communications Subcommittee, I will be carefully monitoring actions taken by the FCC on these important issues in the weeks and months ahead.

THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. LEAHY. Mr. President, I wanted to inform the Repubican leadership that the House of Representatives today passed the Bulletproof Vest Partnership Grant Act of 2000, H.R. 4033, by an overwhelming vote of 413–3. I hope that the Senate will quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our nation's law enforcement officers and is eager to sign it into law.

Senator CAMPBELL and I have introduced the Senate companion bill, S. 2413. Unfortunately, someone on the other side of the aisle has a hold on our bill. We have been working for the past week to urge the Senate to pass the Bulletproof Vest Partnership Grant Act of 2000, S. 2413. The Senate Judiciary Committee passed our bill unanimously on June 29. It has been cleared by all 45 Democratic Senators.

But it still has not passed the full Senate. This is very disappointing to our nation's law enforcement officers who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully with the Chairman of the Judiciary Committee in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. Senator HATCH is an original cosponsor this year's bill to reauthorize this grant program. Senators SCHUMER, KOHL, THURMOND, REED, JEFFORDS, ROBB, REID, SARBANES, BINGAMAN, ASHCROFT, EDWARDS, BUNNING, CLELAND, HUTCHISON, and ABRAHAM are also cosponsors of our bipartisan bill.

But for some reason a Republican senator has a hold on this bill to provide protection to our nation's law enforcement officers. According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998. Our law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor fpr fiscal years 1999–2001.

In its two years of operation, the Bulletproof Vest Partnership Grant Program has funded more than 180,000 new bulletproof vests for police officers across the country.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope this mysterious "hold" on the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and sent to the President for his signature into law.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 25, 2000, the Federal debt stood at $5,670,717,940,248.21 (Five trillion, six hundred seventy billion, seven hundred seventeen million, nine hundred forty thousand, two hundred forty-eight dollars and twenty-one cents).

Five years ago, July 25, 1995, the Federal debt stood at $4,940,346,000,000 (Four trillion, nine hundred forty billion, three hundred forty-six million).

Ten years ago, July 25, 1990, the Federal debt stood at $3,161,885,000,000 (Three trillion, one hundred sixty-one billion, eight hundred eighty-five million).

Fifteen years ago, July 25, 1985, the Federal debt stood at $1,798,533,000,000

(One trillion, seven hundred ninety-eight billion, five hundred thirty-three million).

Twenty-five years ago, July 25, 1975, the Federal debt stood at $535,316,000,000 (Five hundred thirty-five billion, three hundred sixteen million) which reflects a debt increase of more than $5 trillion—$5,135,401,940,248.21 (Five trillion, one hundred thirty-five billion, four hundred one million, nine hundred forty thousand, two hundred forty-eight dollars and twenty-one cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM T. YOUNG

• Mr. McCONNELL. Mr. President, I rise today to honor my good friend and fellow Kentuckian, Bill Young, in recognition of his service and dedication to the state of Kentucky. As Bill steps down from a few of his many leadership positions, I pay tribute to him for his lifelong commitment to this region.

Born in Lexington, he has always focused on the state's higher education. Bill's many leadership positions, including Transylvania University Board of Trustees member and chairman of the board of Shakertown, have guided the growth and success of Kentucky. As he is known for his single-minded determination to help the future success of Kentuckians, he has left a legacy behind that would prove he is one of the state's greatest assets.

No opportunity has been missed by Bill to continue Kentucky's prosperity. Beginning with investments in peanut butter that is now better known as Jif, his business endeavors started successfully. With an interest in horses, he continued his success in the business world by becoming a prominent leader of thoroughbred racing. Over the years, he became a leading philanthropist by helping construct the YMCA located on Lexington's High Street, Shakertown, and the University of Kentucky's new William T. Young Library. He still continues other projects for the community that are significant and meaningful to him.

Kentucky would not be what it is today without Bill's leadership and guidance over the past years. Though Bill has stepped down for others to guide the future, Kentucky will feel the effects of his accomplishments for years to come. Thank you, Bill, for putting so much of yourself into this state to make it a better place for others. Your hard work and successes are admired, and they will continue to impact Kentucky for years to come. My colleagues join me in congratulating you on a job well done, and I wish you all the best for your future.•

CELEBRATING THE 100TH BIRTHDAY OF COACH JEROME VAN METER

• Mr. ROCKEFELLER. Mr. President, today I rise to celebrate the life and accomplishments of one of West Virginia's most esteemed citizens, Coach Jerome Van Meter. On August 15th of this year, Coach Van Meter will celebrate his 100th birthday. A remarkable milestone for a truly remarkable man, Coach Van Meter's birthday provides a special opportunity for all of West Virginia to join in thanking him for a lifetime of service to our state.

With a career that has spanned a century, there isn't much that Coach Van Meter hasn't accomplished. Known affectionately as just Coach to his many students, he led the Beckley Flying Eagles to three state championships in football, and six more in basketball. A member of the National High School Sports Hall of Fame, Coach was both a beloved teacher and principal and served on the faculty of Beckley College. In addition to the numerous honors and awards he has received, Coach Van Meter holds the great distinction of being a surviving veteran of both World Wars.

Today, however, the countless lives touched by Coach are his greatest legacy. The lessons he taught on the basketball court and football field brought many victories, but the lessons of life he taught his players and students shaped their destinies in more profound ways. Dedication, hard work, compassion and dignity are the touchstones of Coach Van Meter's career, and his example continues to inspire us.

Thank you, Coach, for the invaluable contributions you have made to the families and communities of West Virginia. As you celebrate this very special birthday, you have my deepest admiration and gratitude.•

A GREAT LADY DEPARTS

• Mr. HELMS. Mr. President, on July 1, Mrs. Eusebia Ortiz Vera passed away in North Carolina. Born in 1912, she arrived in the United States from Cuba, appropriately, on the Fourth of July, 1954, poor and with young children to support.

In America, she promptly seized the opportunity to build a new life, as all immigrants to the U.S. hope they can do. Eusebia worked very hard to ensure that her children prospered. She made certain, above all, that all of them received good educations.

And those children who came to the United States did prosper, and become good citizens of the United States, going on to be a U.S. Ambassador to Honduras, a high school teacher, and a professor at the University of North Carolina.

Among her grandchildren, Mr. President, are two U.S. naval officers, a medical student studying to be a Navy doctor, two lawyers and an elementary school principal—college graduates all. Each of them is a testament to a good life.

When I read about her in The Charlotte Observer, I felt a sense of pride in her story. It is not merely a testimony to her own character, discipline and strength. No, it is also a reflection of what America is all about for so many—a land of opportunity and of hope.

Mr. President, I ask that the July 3 article published by The Charlotte Observer be printed in the RECORD at the conclusion of my remarks.

The article follows:

[From the Charlotte Observer, July 3, 2000]

FOR IMMIGRANT, JULY 4 WAS SPECIAL—WOMAN FROM CUBA ACHIEVED HER DREAM

(By Christopher Windham)

Eusebia Ortiz Vera of Charlotte came from Cuba on July 4, 1954, in search of the American dream.

Like millions of immigrants who arrived before her, she was poor, but optimistic about the future. She had only one wish: for her children to become educated and successful Americans.

When Vera, 87, died of natural causes Friday—just days before Independence Day and the anniversary of her arrival in this country—it marked an end of a life that some say epitomized American patriotism.

"She was the original liberated woman," said Vera's daughter Miriam Leiva, after Vera's burial Sunday. "She really wanted a better life for herself and her children."

And Vera did attain that American dream.

Born in Ponce, Puerto Rico, in 1912, Vera moved to Cuba with her father and six siblings when she was just 4 months old. Her mother had died moments after she was born. Vera married a Cuban schoolteacher at 22. She was a housewife during her years in Cuba. The marriage that brought Vera three children ended in 1952.

After the divorce, Vera was determined to give her children a better life than she had, family members said.

Vera decided to move the family to America, where she hoped her children would have greater opportunities. Leiva, 59, was 13 when her mother told her—at a moment's notice—to pack a suitcase of her belongings.

Leiva said she boarded a plane along with her mother, brother and two aunts en route to Miami. Her sister, Beatriz Manduley, 17 at the time, stayed in Cuba because she was married.

"We came to America for the same reasons as all immigrants, to better our family," said Leiva, a consulting professor at UNC Charlotte.

The family could not speak English when they arrived, family members said.

"It was hard," Leiva said. "The most difficult part was all things we didn't understand." She said her mother did not learn the language until 10 years later when she took English classes at a local high school.

The entire family shared a tiny one-room apartment, Leiva said. To make ends meet, Vera took a job as seamstress in the garment district of Miami. She never made more than 75 cents an hour, family members said.

Despite the limited income and food, Vera still strived for her children to be successful.

"From the moment we came to the United States, she told us we were going to succeed," said Frank Almaguer, Vera's son.

Almaguer is now the U.S. ambassador to Honduras.

Leiva said her mother prevented her from using a needle and thread because she didn't want her daughter to become a seamstress.

"Women would come to the house and ask, 'When is Miriam coming to the factory?' and mother will say 'No, Miriam is going to the university,'" Leiva said.

Vera's dream came true in 1957 when Leiva enrolled at Guilford College in Greensboro. With scholarships, loans and help from local Quakers, Leiva was able to graduate in 1961 with a degree in mathematics.

Almaguer graduated from the University of Florida in 1967. Manduley came to Miami in 1960. She received her master's degree from UNC Greensboro in 1973. All seven of Vera's grandchildren are college graduates. Vera lived in Miami until 1997, when health conditions caused her to move to a nursing home in Charlotte, close to Leiva.

"This is her legacy," said Leiva. "Failure was simply not an option for us."●

HONORING JUDGE QUILLEN

● Mr. BIDEN. Mr. President, I rise today to honor one of Delaware's most brilliant legal minds and genuinely altruistic public servants—the Honorable William T. Quillen.

I have known Judge Quillen for 33 years, since I was an attorney fresh out of law school and looking for a job. As a 32-year old Delaware Superior Court judge he met with me and on blind faith recommended me for my first legal job. He has been a dear friend and confidant ever since. Over the past three decades, I have watched Judge Quillen with pride and admiration attain the greatest judicial heights any lawyer could ever strive for in Delaware, which is universally recognized—nationally and internationally—as having one of the most reputable, intellectual benches bar none.

He is known in my state affectionately and respectfully as "Judge," "Chancellor," "Justice," and "Mr. Secretary of State." He nearly became Governor and was my recommendation to President Clinton in June, 1999 to serve on the United States Third Circuit Court of Appeals. It was during a medical examination required for this position that his physician detected prostate cancer. For health reasons, we withdrew his name from consideration. I am happy to report that following treatment for prostate cancer, he is as healthy as ever, running 5K races like a man half his age.

Now, in classic Bill Quillen altruism—he says it's time to retire from the bench and make way for younger lawyers to serve as judges.

Early in his career, Bill Quillen served in the United States Air Force as a judge advocate, then as a top aide for Delaware's Governor. His judicial career began in 1966 on the Superior Court, which is Delaware's primary trial court. In 1973, he was elevated and confirmed as Chancellor of Delaware's renowned Court of Chancery.

Following a two-year experience as a private attorney with the Wilmington Trust Company, he again heeded the call for public service. In 1978, the General Assembly had expanded Delaware's Supreme Court from three to five members, and the Governor called on Bill Quillen. He was confirmed unanimously as a Delaware Supreme Court Justice. He served on the State's Highest Court for five years, before stepping down to run for Governor on the Democratic ticket. In one of the rare instances when he did not achieve his goal, Bill Quillen was not bitter or discouraged. In 1993, he accepted Governor Tom Carper's call for continued public service to become Secretary of State. In a state that more than half of the Fortune 500 companies call home, Secretary Quillen made his mark on this prestigious office.

But his heart remained in the law. In November, 1994, Governor Carper nominated and the General Assembly unanimously confirmed him to the Court where his storied career began—the Delaware Superior Court. As I said earlier, I believe our federal bench would have been enlightened by his experience and brilliance, but for health reasons, this was not meant to be.

What's even more striking than his distinguished legal career is Judge Quillen's love for history. He is a true Delaware historian, with long-time family roots in historic New Castle. His love and respect for the law, democracy and justice for all are unparalleled.

Judge Quillen is recognized nationally for his extensive writings on Delaware's Court of Chancery, the history of Equity Jurisdiction in Delaware and the Federal-State Corporate Law Relationship. His colleagues nationwide also have awarded him numerous prestigious awards, including the First Place Award for the 1980 Judge Edward R. Finch Law Day U.S.A. Speech, sponsored by the American Bar Association, on the topic of "Seven Perceptions of Freedom." In June, 1998, he also received the "American Judicature Society's Herbert Harley Award."

Judge Quillen will continue to serve as a professor at the Widener University School of Law and plans to spend more time with his wife of 41 years, two daughters and three grandchildren. I have no doubt his legal legacy, knowledge of Delaware, writing and speaking ability will continue to serve our State for many years to come.

Judge Quillen is a proud graduate of Harvard Law School, and it was the Dean Emeritus of Harvard Law School—Roscoe Pound—who said:

"Law is experience developed by reason and applied continually to further experience."

Judge Quillen's vast experience and reasoned principles applied as a member of Delaware's top three courts will forever leave its marks on our body of law in Delaware. Our State and our citizens are so much better for his service. So, Your Honor, May It Please The Court, respectfully accept this statement of profound gratitude and admiration.●

TRIBUTE TO RON GIST

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to my friend and Phi Kappa Tau fraternity brother Ron Gist, as founder of Gist Piano Services, on the occasion of his success with his Louisville piano dealership.

After attending the University of Louisville, Ron started his piano dealership with only $1000 and two used pianos in 1971. Many years later, after persevering through a tornado in 1974, a devastating fire that nearly destroyed his business, and the hardship of an unfortunate economic downturn, Gist Piano Services has grown to become one of Louisville's most highly regarded piano dealerships, restorers, and consultants in the region.

As a natural salesman, Ron's success has led to profitable relationships with the Louisville Orchestra, Kentucky Center for the Arts, and Kentucky Fair & Exposition Center. Also, Ron is one of few in the country selected for the honor to represent Steinway pianos. Ron has also provided piano services to other prestigious performance venues and for popular entertainers like James Taylor and Carol King.

Ron should not only be congratulated for his success with Gist Piano Services, but he should be recognized for his service to the community. He has dedicated himself to making a difference in people's lives through music. By creating more avenues for young people to express themselves, like through playing the piano, children can learn how to imagine, create, and organize the power of music. These skills can later be used as key tools to succeed in the future as they enter adulthood. Thank you, Ron, for ensuring a better future for this state as the younger generations are better equipped to lead Kentucky.

Your hard work continues to display an unswerving commitment to the people of Kentucky and possesses the respect and gratitude of many in the community. The significant work which you and your wife Amanda have accomplished is appreciated by myself and the many others whose lives you have touched throughout your career.

Ron, thank you and best wishes for many more years of success. Know that your efforts to better the lives of those in the region will be felt for years to come. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others in Louisville, the state of Kentucky, and the entire music industry.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE TWENTY-FIRST ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1999—MESSAGE FROM THE PRESIDENT—PM #122.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454, 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Twenty-first Annual Report of the Federal Labor Relations Authority for Fiscal Year 1999.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 26, 2000.*

MESSAGE FROM THE HOUSE

At 11:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the bill (S. 768) to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States, with an amendment, in which it requests the concurrence of the Senate:

The message also announced that the House disagreed to the amendment of the Senate to the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses, and appoints Mr. REGULA, Mr. KOLBE, Mr. SKEEN, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. WAMP, Mr. KINGSTON, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Florida, Mr. DICKS, Mr. MURTHA, Mr. MORAN of Virginia, Mr. CRAMER, Mr. HINCHEY, and Mr. OBEY, as the managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes.

H.R. 2919. An act to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance to the Freedom Center in Cincinnati, Ohio.

H.R. 3236. An act to auhorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of noproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3291. An act to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah, and for other purposes.

H.R. 3468. An act to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 3485. An act to modify the enforcement of certain anti-terrorism judgments, and for other purposes.

H.R. 4047. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

H.R. 4210. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4697. An act to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building."

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 4923. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for nine additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress regarding the importance of families eating together.

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress regarding the historic significance of the 210th anniversary of the establishment of the Coast Guard, and for other purposes.

H. Con. Res. 375. Concurrent resolution recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day.

At 3:06 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4033. Act act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

H.R. 4710. An act to authorize appropriations for the prosecution of obscenity cases.

H.R. 4807. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes; to the Committee on the Judiciary.

H.R. 2919. An act to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; to the Committee on Energy and Natural Resources.

H.R. 3236. An act to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

H.R. 4047. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

H.R. 4210. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4320. An act to assist in the conservation of great apes and supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Environment and Public Works.

H.R. 4697. An act to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector; to the Committee on Foreign Relations.

H.R. 4710. An act to authorize appropriations for the prosecution of obscenity cases; to the Committee on the Judiciary.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building"; to the Committee on Environment and Public Works.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress regarding the importance of families eating together; to the Committee on the Judiciary.

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress regarding the historic significance of the 210th anniversary of the establishment of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 375. Concurrent resolution recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3485. An act to modify the enforcement of certain anti-terrorism judgments, and for other purposes.

H.R. 4807. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

The following bill was read the second time, and placed on the calendar:

S. 2912. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9975. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Active Duty" (RIN2900–AJ89) received on July 19, 2000; to the Committee on Veterans' Affairs.

EC–9976. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, a report of a rule entitled "Amendments to the International Traffic in Arms Regulation: NATO Countries, Australia and Japan" received on July 17, 2000; to the Committee on Foreign Relations.

EC–9977. A communication from the Assistance Secretary of Legislative Affairs, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Germany; to the Committee on Foreign Relations.

EC–9978. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9979. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9980. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9981. A communications from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Nonavailability Statement Requirement for Maternity Care" received on July 19, 2000; to the Committee on Armed Services.

EC–9982. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Mid-Session Review for fiscal year 2001; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations, and the Budget.

EC–9983. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Part 702—Prompt Corrective Action; Risk-Based Net Worth Requirement" received on July 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9984. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export Administration Regulations Entity List: Revisions to the Entity List" (RIN0694–AB73) received on July 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9985. A communication from the Managing Director, Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Advances, Eligible Collateral, New Business Activities and Related Matters" (RIN3069–AA97) received on July 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9986. A communication from the Managing Director, Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Election of Federal Home Loan Bank Directors" (RIN3069–AB00) received on July 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9987. A communication from the Managing Director, Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendment of Membership Regulation and Advances Regulation" (RIN3069–AA94) received on July 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9988. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of Hernandez v. Reno settlement agreement; Certain aliens eligible for family unity benefits after sponsoring family member's naturalization; additional class of aliens ineligible for family unity benefits" (RIN1115–AE72 INS No. 1823–96) received on July 19, 2000; .to the Committee on the Judiciary.

EC–9989. A communication from the Chief Justice of the Supreme Court, transmitting, the report of the Proceedings of the Judicial Conference on March 14, 2000; to the Committee on the Judiciary.

EC–9990. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Australia, French Guiana, Japan, Jordan, Kourou, The Netherlands, Singapore, and the United Kingdom; to the Committee on Foreign Relations.

EC–9991. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting , pursuant to law, the report on A–76 reviews; to the Committee on Appropriations.

EC–9992. A communication from the Deputy Executive Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Solvency Standards for Provider-Sponsored Organizations (HCFA–1011–F)" (RIN0938–AI83) received on July 12, 2000; to the Committee on Finance.

EC–9993. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2000-31 Form 1040 IRS e-file Program" (Rev. Proc. 2000–31) received on July 13, 2000; to the Committee on Finance.

EC–9994. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "1999 Differential Earnings Rate" (Revenue Ruling 2000–37) received on July 17, 2000; to the Committee on Finance.

EC–9995. A communication from the Commisioner of Social Security, Social Security Administration, transmitting, a draft of proposed legislation entitled "Social Security Amendments of 2000"; to the Committee on Finance.

EC–9996. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "August 2000 Applicable Federal Rates" (Revenue Ruling 2000–38) received on July 21, 2000; to the Committee on Finance.

EC–9997. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: All Industries-Lease Stripping Transactions" (UIL 9226.00–00) received on July 21, 2000; to the Committee on Finance.

EC–9998. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Motor Vehicle Industry-Service Technician Tool Reimbursements" (UIL 62.15–00) received on July 21, 2000; to the Committee on Finance.

EC–9999. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Increase in Cash-out Limit Under sections 411(a)(7), 411(a)(11), and

417(e)(1) for Qualified Retirement Plans" (RIN 1545–AW59 (TD8891)) received on July 18, 2000; to the Committee on Finance.

EC–10000. A communication from the Deputy Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Home Health Agencies (HCFA–1059–F)" (RIN0938–AJ24) received on July 19, 2000; to the Committee on Finance.

EC–10001. A communication from the Deputy Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; State Health Insurance Program (SHIP)–HCFA–4005–IFC" (RIN0938–AJ67) received on July 19, 2000; to the Committee on Finance.

EC–10002. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Forced or Indentured Child Labor" (RIN1515–AC36) received on July 20, 2000; to the Committee on Finance.

EC–10003. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000–40) received on July 24, 2000; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1586: A bill to reduce the fractionated ownership of Indian Lands, and for other purposes (Rept. No. 106–361).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 1729: A bill to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall".

H.R. 1901: A bill to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station".

H.R. 1959: A bill to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center".

H.R. 4608: A bill to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse".

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2253: A bill to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SMITH of New Hampshire for the Committee on Environment and Public Works.

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development. (New Position)

Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

By Mr. HELMS for the Committee on Foreign Relations.

Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Public Affairs).

Michael G. Kozak, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Belarus.

Nominee: Michael G. Kozak.

Post: Ambassador to Belarus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: Eileen Louise Kozak, none.
3. Children and spouses names: Dan B. and Laura D. Kozak, none; Alexander G. Kozak, none.
4. Parents names: George C. and Margaret L. Kozak, none.
5. Grandparents names: deceased.
6. Brothers and spouses names: none.
7. Sisters and spouses names: Susan D. and Tom Volking, none; Lucinda J. and Bruce Campbell, none.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 2922. A bill to create a Pension Reform and Simplification Commission to evaluate and suggest ways to enhance access to the private pension plan system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. MOYNIHAN, Mr. REED, Mr. L. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. BAUCUS, Mr. BREAUX, Mr. CONRAD, Mr. GRAHAM, Mr. BRYAN, Mr. KERREY, Mr. ROBB, Mr. INOUYE, Mr. LAUTENBERG, Mr. AKAKA, Mr. SCHUMER, and Mr. LEAHY):

S. 2923. A bill to amend title XIX and XXI of the Social Security Act to provide for Family Care coverage for parents of enrolled children, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 2924. A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2925. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 2926. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2927. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. KERRY, Mr. ABRAHAM, and Mrs. BOXER):

S. 2928. A bill to protect the privacy of consumers who use the Internet; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, Mr. INOUYE, and Mr. KENNEDY):

S. 2929. A bill to establish a demonstration project to increase teacher salaries and employee benefits for teachers who enter into contracts with local educational agencies to serve as master teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:

S. 2930. A bill to guarantee the right of individuals to receive social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 2931. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:

S. 2932. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Governmental Affairs.

By Mr. NICKLES:

S. 2933. A bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:

S. 2934. A bill to provide for the assessment of an increased civil penalty in a case in which a person or entity that is the subject of a civil environmental enforcement action has previously violated an environmental law or in a case in which a violation of an environmental law results in a catastrophic event; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. BAYH, Mr. BREAUX, Ms. COLLINS, and Mr. AKAKA):

S. 2935. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Public

Health Service Act to increase Americans' access to long term health care, and for other purposes; to the Committee on Finance.

By Mr. ROBB (for himself, Mr. Daschle, Mr. Baucus, Mr. Breaux, Mr. Dodd, Mr. Dorgan, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Leahy, Mr. Lieberman, Mrs. Lincoln, Mr. Reid, Mr. Rockefeller, Mr. Schumer, Mr. Torricelli, Mr. Harkin, and Mr. Bayh):

S. 2936. A bill to provide incentives for new markets and community development, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. Wyden, Mr. Grassley, and Mr. Kerrey):

S. 2937. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. Schumer):

S. 2938. A bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mr. Rockefeller, Mr. Jeffords, and Mrs. Lincoln):

S. 2939. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Finance.

By Mr. HATCH:

S. 2940. A bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; read the first time.

By Mr. HAGEL (for himself, Mr. Kerrey, Mr. Abraham, Mr . Breaux, Mr. DeWine, Mr. Gorton, Mrs. Hutchison, Ms. Landrieu, Mr. Smith of Oregon, and Mr. Thomas):

S. 2941. A bill to amend the Federal Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FITZGERALD (for himself, Mr. Lieberman, Mr. Hagel, Mr. Helms, and Mr. Lugar):

S. Res. 343. A resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself and Mr. Gorton):

S. Res. 344. A resolution expressing the sense of the Senate that the proposed merger of United Airlines and US Airways is inconsistent with the public interest and public convenience and necessity policy set forth in section 40101 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2922. A bill to create a Pension Reform and Simplification Commission to evaluate and suggest ways to enhance access to the private pension plan system; to the Committee on Health, Education, Labor, and Pensions.

THE PENSION REFORM AND SIMPLIFICATION COMMISSION ACT

Mr. BINGAMAN. Mr. President: I rise today to introduce legislation calling for the establishment of a Pension Reform and Simplification Commission. The legislation derives directly from conversations I have had with constituents and experts on three key issues.

First, there is the problem related to the current cost and complexity of private pension plans. In my view current regulations place an unnecessary burden on small and medium business as they attempt to adopt pension plans. Indeed, even the most simple plans are often so complicated in form and function as to be incomprehensive to an everyday businessperson.

Second, there is the problem involved in coverage. Although over-all pension coverage may be consistent over the last decade and the assets of private plans have been on the increase, my concern is with those individuals of low to moderate income who are being left out of the private pension plan equation. As companies move toward cheaper plans—401(k)s being a salient example—and feel less obligated to offer defined benefit-type plans, individuals who do not have the extra money to contribute to their pension plans are unable to benefit from a plan's availability. This is if a plan is available at all, and in many cases it is not.

Third, there is the problem of what kind of private pension plans are best suited for the so-called "New Economy". Clearly there is considerable debate as of late in terms of what kind of private pension plans should be offered so as to increase saving, decrease mobility, provide opportunity, enhance entrepreneurship, and so on, all of which is apparent in the rise of hybrid pension plans. My foremost concern here is that Congress now finds itself reacting to innovative private pension plans rather than being pro-active in their creation.

Mr. President, in 1974, Congress passed the Employee Retirement Income Security Act, known by most people by its acronym of ERISA, our intention at the time being twofold. First, we wanted to protect the assets held in private sector retirement plans. Second, we wanted to create uniform rules that govern how these plans will be implemented in each and every state.

From most accounts we have accomplished these two goals. There is no question that ERISA has flaws that must be addressed—and I will discuss these in detail later—but for all these flaws ERISA was extremely significant in that it reaffirmed the government's commitment to the importance of retirement plans for all Americans. Furthermore, it created a comprehensive framework in this country under which the expansion of private retirement plans could occur. Equally important, the mechanisms it established for personal saving has added trillions of dollars in available investment capital over the last decade alone, fueling in a very tangible way the unprecedented economic growth that we are seeing right now.

But for all the praise ERISA receives, it is also criticized widely and, in my opinion, correctly on a number of counts. For this reason, it is time to seriously re-evaluate whether it is addressing the needs and concerns of all Americans. It is time to examine whether it fits the demands of a changing, global, "new" economy.

As a specific example of these problems, the adoption of piecemeal, narrow, and complicated statutes and regulations in the 26 years since ERISA's implementation has made substantial portions of our retirement system inefficient, expensive, and oftentimes incomprehensible to anyone wishing to use it. It is well-known that we continue to add provisions and plans with no effort at all to make them internally compatible. We may have a broad vision about what we want to do with retirement policy in this country, but we instead of revising retirement policy in a comprehensive and strategic manner, we simply add new ideas and language incrementally, hoping they will appeal to businesses who wish to offer them to their employees.

Sadly, the end result is that for many businesses the cost of compliance with ERISA regulations—the administrative and professional costs of qualification—rival and even outweigh the costs of providing the benefits themselves. This, in turn, has led to a decision by many business owners that they can no longer afford to offer retirement plans to their employees, this in spite of their desire to do so. For these people, the current rules burden the system beyond the benefits they provide. This has to change.

But the cost and complexity I have just mentioned has had a corollary effect, that being a lack of access to pension plans on the part of low- and middle-income workers, women and minorities in particular. Rightly or wrongly, one of the foremost criticisms directed toward ERISA is that it has accelerated the demise of traditional defined benefit pensions and increased conversions to new forms of plans, specifically defined contribution plans like 401(k)s. Employers oftentimes no longer feel it is their role to provide retirement income to their employees as they once did under defined benefit plans. Instead they make defined contribution plans available and then educate employees as to how to save for themselves.

The problem is that the retirement security of a great many workers now lies in their ability to contribute individually to these plans, and this is not always possible. Indeed, data suggests that if these individuals are able to save adequately at all, they do so late in their careers—this after paying for their homes, their childrens' education, and other important spending priorities. Only then do they have the opportunity to accumulate the money needed to supplement Social Security and carry them through retirement. But these are the lucky ones. The fact is a large portion of Americans simply no longer have the capacity to save, this in spite of living in a time of economic prosperity. This too needs to be changed.

There is a third reason to re-evaluate ERISA, and that is that the dynamics of the New Economy demand a discussion of what retirement policies best serve the economic interests of the United States. For a good part of this century, private pension plans were seen by employers as a way to keep their workforce intact, their employees' morale high, and devotion to the company constant. Employees stayed with companies because they identified with the company and were treated by employers as family. Continuity and connection were the primary motivations for individuals as they considered a job.

Recently, however, this rationale has changed, and has done so significantly. According to most analysts, the main determinant for most employees as they choose a job is personal development and professional growth, the feeling being that economic security is best attained by mobility—moving from one job to another, increasing education, pay, and retirement savings as you go. Staying at one firm is still an ideal for some but it is not essential for many. Perhaps more importantly, given the dynamics of the New Economy, it may no longer be practical to assume that you can find retirement security at a single firm.

The bottom line, much as the recent debates over cash balance plans suggest, is that some very basic issues concerning pension policy are coming to the fore at this time, examples being the essence of the employer-employee relationship, the ability of companies to attract and maintain a skilled workforce, the benefits provided to short- and long-term employees, the advisability of worker mobility seen in the context of technological innovation and globalization, and so on. Here, we must confront the reality of political economic change, and do so quickly and coherently.

But Congress is not doing that. As I stated previously, we are reacting to changes rather than planning for the future in a coherent and strategic manner. In my view, this is an extremely serious problem as it limits our ability to create the conditions necessary for national economic growth and individual economic welfare.

As many of my colleagues know, the notion of a Pension Commission has been discussed and debated for a number of years, but we have never placed it high enough on our list of priorities to address it with purpose. I would argue that we can no longer afford the luxury of contemplation, and the time to act is now. Failure to adjust our existing policies to meet the challenges we face both now and in the future will result in several specific outcomes.

First, it will mean that many workers will see their retirement expectations fade or disappear. Second, it will likely mean that these individuals will be forced to rely on government sponsored programs that are themselves financially overextended. Finally, it will mean that the capacity of U.S. firms to compete in the global marketplace will be diminished. In my view, none of these outcomes are acceptable. We simply must become more thoughtful and pro-active.

The bill I introduce today has a number of purposes, but foremost among them is to establish an affordable, accessible, equitable, efficient, cost-effective, and easy to understand private pension plan system in the United States. It is designed to conduct a complete top-to-bottom evaluation of the current system and provide concrete recommendations as to how we can reform it to serve the interests of employers, employees, and the entire nation as a whole.

This Commission will be composed of fifteen members, all with significant experience in areas related to retirement income policy. It is mandated that the activities of the Commission will be concluded in a little over two years, with specific language to be provided to Congress so that we can act on their recommendations immediately. To ensure that the activities of the Commission are not redundant or otherwise wasteful, it will be allowed to secure data from any government agency or department dealing with retirement policy, and furthermore, may request detailees from these agencies and departments on a non-reimburseable basis. The Commission will also be allowed to hold hearings, take testimony, and receive evidence as appropriate from individuals who are able to contribute to this reform effort.

This bill has been created after detailed discussions with a number of individuals and organizations interested in retirement policy, from the Employee Benefits Research Institute, to the Center for Budget and Policy Priorities, to the Association of Private Pension and Welfare Plans. Although all of the organizations involved have their own perspective on how retirement policy issues should be addressed in the United States, I have made a concerted effort to make their concerns compatible in this legislation. Significantly, all endorse the goals of the bill, as does the American Academy of Actuaries, the Executive Committee of the New York State Bar Association, and the Chairman of the Special Commission on Pension Simplification of the New York State Bar Association, Mr. Alvin D. Lurie.

Mr. President, although there is much to recommend concerning our current pension system, it is common knowledge that this system is, in many instances, too complicated for participants to understand, too difficult for businesses to use, and too inaccessible for individuals to join. We have added layer upon layer of legislation, to the point that the system is not only unwieldy, but often of questionable purpose. We have reached the point that its complexity and inaccessibility is having a tangible impact on individuals and businesses alike.

In my view, the status quo is no longer viable or acceptable. It is time to meet the challenge that faces us in a direct and strategic fashion. It is time to reform and simplify the system so that we have a effective mechanism that serves employers and employees alike and provides the means to guarantee all Americans income security in their retirement years.

Mr. President, the time to act is now. I ask my colleagues to recognize the importance of this legislation, and lend their support for its passage.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD at the conclusion of my statement. I also ask that the letters of support from the American Academy of Actuaries and the Association of Private Pension and Welfare Plans be included in the RECORD immediately following my floor statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Reform and Simplification Commission Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The creation and implementation of an affordable, accessible, equitable, efficient, cost-effective, and easy to understand system is essential to the continuity and viability of the current private pension plan system in the United States.

(2) There is a near universal recognition in the United States that the laws that regulate our pension system have become unwieldy, complex, and burdensome, a condition that hinders the achievement of increased saving and economic growth and cannot be fixed by ad hoc improvements to ERISA and the Internal Revenue Code of 1986.

(3) Significant and effective improvement of laws can only be accomplished through a coordinated, comprehensive, and sustained effort to revise and simplify current laws by a high-level body of pension experts, whose recommendations are then transmitted to Congress.

(4) In recent years, the adoption of narrowly focused and increasingly complex statutes through amendment of the Employee Retirement Income Security Act of 1974 (in this Act referred to as "ERISA") and the Internal Revenue Code of 1986 has impeded the efforts of employers and employees to save for their retirement and imposed significant challenges for businesses which consider establishing pension plans for their workforce.

(5) A high national savings rate can contribute significantly to the economic security of the Nation as it adds to available investment capital, fuels economic growth, and enhances productivity, competitiveness, and prosperity.

(6) The Federal Government can potentially increase the national savings rate through the implementation of policies that create an effective framework for the spread of voluntary retirement plans and the protection of the private assets held in those plans.

(7) Private pension plans have been, and remain, the single largest repository of private capital in the world and potentially act as a significant inducement for personal saving and investment.

(8) Pensions represent the only hope that most working Americans have an adequate supplement to social security benefits, and while the private pension system has been greatly improved since the establishment of ERISA, many inequities remain, and many workers are still not covered by the system.

(9) It is essential that all Americans, no matter what their income security level, have the opportunity to achieve income security in their retirement years. Currently, many tax and retirement incentives for private pension plans, while benefiting higher income employees who can often save adequately for their retirement, do not serve sufficiently the needs of low and moderate income workers.

(10) The current pensions rules have tended to produce disparate coverage rates for low and moderate income workers.

(11) The failure of the Government to modify current pension policies will mean that many workers will be deprived of the options needed to save for their retirement and will, consequently, have their retirement expectations minimized or eliminated.

(12) The failure of the Government to redress the burdens imposed by over-regulation and complexity on employer-sponsored pension plans will harm employees and their families.

(13) The failure of the Government to redress the problems related to private pension plans may erode the ability of United States companies to compete effectively in the international market and result in a decrease in the economic health of the Nation.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Pension Reform and Simplification Commission (in this Act referred to as the "Commission").

SEC. 4. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) study the strengths, weaknesses, and challenges involved in the regulation of the current private pension system;

(2) review and assess Federal statutes relating to the regulation of the current private pension system; and

(3) recommend changes in the law regarding the regulation of the current private pension system to mitigate the problems identified under subsection (b), with the goal of making the system more affordable, accessible, efficient, less costly, less complex, and, in general, to expand pension coverage.

(b) ISSUES TO BE STUDIED.—The Commission shall include in the study under subsection (a) a consideration of—

(1) the manner in which the current rules impact private pension coverage, how such coverage has changed over the last 25 years (since the enactment of ERISA), and reasons for such change;

(2) the primary burdens placed on small and medium business in the United States regarding administration of pension plans, especially how such burdens affect the tenuous position occupied by these organizations in the competitive market;

(3) the simplification of existing pension rules in order to eliminate undue costs on employers while providing retirement security protection to employees;

(4) the primary obstacles to employees in gaining optimum advantages from the current pension system, with particular attention to the small and medium business sector and low and moderate income employees, including minorities and women;

(5) the feasibility of providing innovative design options to enable small and medium businesses to be relieved of complex and costly legislative and regulatory burdens in matters of adoption, operation, administration, and reporting of pension plans, in order to increase affordable and effective coverage in that sector, for low and moderate income employees, with emphasis on minorities and women;

(6) the means of leveling distribution of private pension plan coverage between high wage earners and low and moderate income workers;

(7) the feasibility of forward-looking reforms that anticipate the needs of small and medium businesses in the United States given the obstacles and opportunities of the new global economy, in particular issues related to the mobility and retention of skilled workers;

(8) how pension plan benefits can be made more portable;

(9) the means of achieving the expansion and adoption of pension plans by United States businesses, especially those employing low and moderate income workers who currently lack access to such plans;

(10) the impact of expanding individual retirement account contribution limits and income limits on private pension plan coverage;

(11) the provision of innovative incentives that encourage more employers to use existing private pension plans;

(12) the impact of qualified plan contribution and benefit limits on coverage; and

(13) any proposals for major simplification of Federal legislation and regulation regarding qualified pension plans, in order to address and mitigate problem areas identified under this subsection, with the goal of—

(A) strengthening the private pension system;

(B) expanding the availability, adoption, and retention of tax-favored savings plans by all Americans;

(C) eliminating rules that burden the pension system beyond the benefits they provide, for low and moderate income workers, including minorities and women, with specific emphasis on—

(i) eligibility and coverage;

(ii) contributions and benefits;

(iii) minimum distributions, withdrawals, and loans;

(iv) spousal and beneficiary benefits;

(v) portability between plans;

(vi) asset recapture;

(vii) plan compliance and termination;

(viii) income and excise taxation; and

(ix) reporting, disclosure, and penalties; and

(D) identification of the trade-offs involved in simplification under subparagraph (C).

(c) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the designation of the chairperson under section 5(d), the Commission shall transmit to the President and Congress a report containing—

(A) the issues studied under subsection (b);

(B) the results of such study;

(C) draft legislation and commentary under paragraph (2); and

(D) any other recommendations based on such study.

(2) LEGISLATIVE RECOMMENDATIONS.—The Commission shall develop draft legislation and associated explanations and commentary to achieve major simplification of Federal legislation regarding regulation of pension plans (including ERISA and the Internal Revenue Code of 1986) to implement any findings or recommendations of the study conducted under subsection (b).

(3) RECOMMENDATIONS.—Any official findings or recommendations of the Commission shall be adopted by ⅔ of the members of the Commission.

(4) MINORITY VIEWS.—All findings and recommendations of the Commission formally proposed by any member of the Commission and not adopted under paragraph (3) shall also be included in the report.

SEC. 5. MEMBERSHIP OF THE COMMISSION; RULES; POWERS.

(a) COMPOSITION.—

(1) NUMBER.—The Commission shall be composed of 15 members, appointed not later than 45 days after the date of enactment of this Act.

(2) APPOINTMENTS.—The membership of the Commission shall be as follows:

(A) 3 individuals appointed by the President, after consultation with the Secretary of Labor and the Secretary of the Treasury, or their respective designees.

(B) 3 individuals appointed by the majority leader of the Senate.

(C) 3 individuals appointed by the minority leader of the Senate.

(D) 3 individuals appointed by the Speaker of the House of Representatives.

(E) 3 individuals appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—Individuals appointed under subsection (a)(2) shall be individuals who—

(A) have experience in actuarial disciplines, law, economics, public policy, human relations, business, manufacturing, labor, multiemployer pension plan administration, single employer pension plan administration, or academia, or have other distinctive and pertinent qualifications or experience in retirement policy;

(B) are not officers or employees of the United States; and

(C) are selected without regard to political affiliation or past partisan activity.

(2) OTHER CONSIDERATIONS.—In the appointment of members under subsection (a), every effort shall be made to ensure that the individuals, as a group—

(A) are representatives of a broad cross-section of perspectives on private pension plans within the United States;

(B) have the capacity to provide significant analytical insight into existing obstacles and opportunities of private pension plans; and

(C) represent all of the areas of experience under paragraph (1)(A).

(c) TERMS; VACANCIES.—

(1) TERMS.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the appointment of the member causing the vacancy.

(d) CHAIRPERSON; VICE CHAIRPERSON.—Not later than 60 days after the date of enactment of this Act, the President shall designate a chairperson and vice chairperson of the Commission from the individuals appointed under subsection (a)(2).

(e) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in subparagraph (B), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular place of business in the performance of services for the Commission.

(f) RULES OF THE COMMISSION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for conducting the business of the Commission, except 5 members of the Commission may hold hearings, take testimony, or receive evidence.

(2) NOTICE.—Any meetings held by the Commission shall be duly noticed in the Federal Register at least 14 days prior to such meeting and shall be open to the public.

(3) OPPORTUNITIES TO TESTIFY.—The Commission shall provide opportunities for representatives of the general public, taxpayer groups, consumer groups, think tanks, and State and local government officials to testify.

(4) MEETINGS.—The Commission shall meet at the call of the chairperson of the Commission.

(5) OTHER RULES.—The Commission shall adopt such other rules as necessary.

(g) POWERS OF THE COMMISSION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Federal department or agency such materials, resources, data, and other information as the Commission considers necessary to carry out the provisions of this section. Upon request of the chairperson of the Commission, the head of such department or agency shall furnish such materials, resources, data, and other information to the Commission.

(B) COORDINATION OF RESEARCH INFORMATION.—The Commission shall ensure effective use of such materials, resources, data, and other information and avoid duplicative research by coordinating and consulting with the head of the appropriate research department of—

(i) the Pension and Welfare Benefits Administration of the Department of Labor;

(ii) the Department of the Treasury;

(iii) the Social Security Administration;

(iv) the Small Business Administration;

(v) the Pension Benefit Guaranty Corporation;

(vi) the National Institute on Aging; and

(vii) private organizations which have conducted research in the pension area.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

(3) ACCEPTANCE OF SERVICES; GIFTS; AND GRANTS.—The Commission may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Commission. Gifts or grants not used at the expiration of the Commission shall be returned to the donor or grantor.

(4) CONTRACT AND PROCUREMENT AUTHORITY.—The Commission may make purchases, and may contract with and compensate government and private agencies or persons for property or services, without regard to—

(A) section 3709 of the Revised Statutes (41 U.S.C. 5); and

(B) title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(5) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 6. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR; STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to civil service laws and regulations and after consultation with the Commission, appoint an executive director of the Commission and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title.

(b) STAFF OF FEDERAL AGENCIES.—Upon request by the chairperson of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this Act and such detail shall be without interruption or loss of civil service status or privilege.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services that are necessary to enable the Commission to carry out this Act.

SEC. 7. TERMINATION.

The Commission shall terminate not later than 26 months after the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMERICAN ACADEMY OF ACTUARIES,
July 13, 2000.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The American Academy of Actuaries would like to express its strong support for your idea of establishing a national commission on pension reform and simplification. The Academy has long advocated a comprehensive and coordinated approach to retirement policy. We believe the establishment of a bipartisan commission of experts to analyze obstacles that weaken our private pension system and recommend solutions is a positive first step. The Academy also believes that slight modifications to your proposal would make the commission more effective.

The Academy commends you for recognizing that, because the laws that regulate our private pension system have become too complex, they discourage employers from helping their workers save for an adequate retirement. We strongly support the concept of a bipartisan commission of experts that will recommend specific ways to simplify the rules governing private plans, thereby encouraging employers to expand coverage to more workers.

The Academy believes that the commission called for in your proposal could be made more effective if Congress was required to have an up-or-down vote on its recommendations. Furthermore, we believe that, given the expertise available to the commission, it should be possible to formulate a result in 12–18 months, rather than the 24 months specified in your legislation. Finally, we would encourage the commission to examine pension changes in the context of a national retirement income policy, including Social Security, since major changes to the private pension system undoubtedly will affect Social Security.

The Academy believes that creation of a national commission will be a positive first step toward our mutual goal of increasing pension coverage for Americans. We appreciate your recognition of the unique role that actuaries should play in such a commission and look forward to providing any assistance that may be of benefit to you and your staff.

Sincerely,

JAMES E. TURPIN,
Vice President, Pensions.

APPWP, ASSOCIATION OF PRIVATE
PENSION AND WELFARE PLANS,
July 18, 2000.

Pension Reform and Simplification Commission Act

Senator JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Association of Private Pension and Welfare Plans (APPWP—The Benefits Association), I want to express our appreciation for your interest in, and support for, our nation's voluntary, employer-sponsored retirement system as evidenced by the Pension Reform and Simplification Commission Act that you will soon introduce. APPWP is a public policy organization representing principally Fortune 500 companies and other organizations that assist companies of all sizes in providing benefits to employees. Collectively, APPWP's members either sponsor directly or provide services to retirement and health plans that cover more than 100 million Americans. We appreciate your past and continuing efforts to expand the private, voluntary retirement system that currently enables millions of working Americans to achieve financial security in retirement.

As you know, the employer-based retirement system provides an important source of income security for many Americans in retirement, and, in many respects, has been successful in meeting the challenges of an aging population. However, we recognize that public policy can build and expand on this success. Many employers, particularly small companies, find it difficult to establish retirement plans because of cost and administrative complexity. As a result, many workers do not have access to private pensions and cannot save adequately for retirement. Moreover, our pension laws have not kept pace with the rapid developments in the business world. New technologies, international competition, and many types of corporate transactions pose unique pension challenges that should be better accommodated by our nation's retirement policy. APPWP has consistently campaigned for expansion and reform of the nation's pension laws with the express goals of expanding coverage, increasing portability, reducing complexity, and reflecting business realities. We are therefore pleased that you have made these goals the central objective of the commission you propose.

In particular, APPWP commends you for putting the focus of pension reform on expanding coverage. You correctly note that our retirement system has become overly burdened with unwieldy and complex rules that have impeded expanded coverage and increased retirement security for all Americans. Your advocacy on behalf of the goals of coverage and simplification is an important step towards realizing a more secure retirement for all Americans.

We look forward to working with you on these important issues. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

JAMES A. KLEIN,
President.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. MOYNIHAN, Mr. L. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. BAUCUS, Mr. BREAUX, Mr. CONRAD, Mr. GRAHAM, Mr. BRYAN, Mr. KERREY, Mr. ROBB, Mr. INOUYE, Mr. LAUTENBERG, Mr. AKAKA, Mr. SCHUMER, and Mr. LEAHY):

S. 2923. A bill to amend title XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Finance.

THE FAMILY CARE ACT OF 2000

Mr. KENNEDY. Mr. President, I am pleased to announce the introduction of the Family Care Act of 2000, which takes the next logical step in assuring access by as many citizens as possible to affordable health insurance. I commend Congressman JOHN DINGELL and the rest of our colleagues for their fine work in crafting this legislation.

The number of uninsured Americans is now more than 44 million, and the figure is rising by an average of one million a year. America is the only industrial country in the world, except South Africa, that fails to guarantee health care for all it citizens.

It is a national scandal that lack of insurance coverage is the seventh leading—and most preventable—cause of death in America today.

Three years ago, we worked together to create CHIP, the federal-state Children's Health Insurance Program, which provides coverage to children in families with incomes too high for Medicaid and too low to afford private health insurance.

More than two million children have been enrolled in that program, and millions more have signed up for Medicaid as a result of outreach activities. Soon, more than three-quarters of all uninsured children in the nation will be eligible for assistance through either CHIP or Medicaid.

But, despite this progress, the parents of these children, and too many others, have been left behind. The time has come to take the next step.

The overwhelming majority of uninsured low-wage parents are struggling to support their families. I will ask unanimous consent to insert a statement in the RECORD from Patricia Quezada, a parent of three lovely girls, who would benefit from this legislation.

Parents who work hard, 40 hours a week, 52 weeks a year, should be eligible for assistance to buy the health insurance they need in order to protect their families. Our message to them today is that help is on the way.

Often, they work for companies which don't offer insurance, or they aren't eligible for insurance that is offered. Fewer than a quarter of the jobs taken by those who have been forced off the welfare rolls by welfare reform offer insurance as a benefit—and even when it is offered too few companies make it available for dependents. The time has come to take the next step.

The Family Care Act of 2000 will provide with the resources, incentives and authority to extend Medicaid and CHIP to the parents of children covered under those programs.

Coverage for parents also means better coverage for children. Parents are much more likely to enroll their children in health insurance, if the parents themselves can have coverage, too.

This step alone will give to six and a half million Americans the coverage they need and deserve.

The Family Care Act will also improve the outreach and enrollment for CHIP and Medicaid, and encourage states to extend coverage to other vulnerable population, such as pregnant women, legal immigrants, and children ages 19 and 20.

This program is affordable under current and projected budget surpluses. The Congressional Budget Office estimates that the cost will be $11 billion over the next five years.

Last Monday, a majority of the Senate voted in favor of this proposal as an amendment to the marriage penalty bill. We needed 60 votes, so it was not successful then, but we clearly have a bipartisan majority of the Senate.

The bottom line is that we have the resources to take this needed step, and end the suffering and uncertainty that accompanies being uninsured.

Mr. President, I ask unanimous consent that statements and letters of support for this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF PATRICIA QUEZADA, JULY 21, 2000

Good morning. I am Patricia Quezada. I am a mother of three girls (ages 9, 8 and 5). I work as a part-time parent liaison at Weyanoke Elementary School in Fairfax, Virginia. My husband is a self-employed general contractor. Because my husband is self-employed and I work part-time, our family does not have access to health insurance through our jobs.

In the past, we were able to purchase private insurance that covered our family. But, in recent times, our family has been unable to afford the high rates because it came down to either paying for our home, transportation and other necessities—including food—or purchasing this costly insurance. On two occasions, the coverage was cancelled because we were unable to meet the payments, which were required in advance.

It was such a relief that my children are now able to receive coverage through Medicaid and CMSIP, Virginia's SCHIP Program. (As a parent-liaison, part of my job has been to help other families sign up their children for health insurance.) I feel extremely fortunate that my children are now covered in case of an illness or accident, however I continue to fear what could happen if my husband or I fall sick or have an injury. While we both do our best to take care of our health, we know how important it is to have health insurance coverage if we should need it.

Thank you.

CHILDREN'S DEFENSE FUND,
Washington, DC, July 21, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We are taking this opportunity to thank you for introducing the FamilyCare Act of 2000 and to express the strong support of the Children's Defense Fund for this bipartisan initiative to provide and strengthen health care coverage for uninsured children and their parents. Building on the successes of Medicaid and the Children's Health Insurance Program (CHIP), this legislation will increase coverage for uninsured children, provide funding for health insurance coverage for the uninsured parents of Medicaid and CHIP-eligible children, and simplify the enrollment process for Medicaid and CHIP to make the programs more family friendly.

We want to extent our appreciation to Senators Chafee, Collins, Daschle, Lautenberg, Rockefeller, and Snowe for co-sponsoring this legislation in the Senate and to Representatives Dingell, Stark, and Waxman for taking the lead on this proposal in the House. We look forward to working with you for passage of the FamilyCare Act of 2000.

Sincerely,

GREGG HAIFLEY,
Deputy Director Health Division.

National Association of
Children's Hospitals,
Alexandria, VA, July 21, 2000.

Hon. Edward Kennedy,
U.S. Senate,
Washington, DC.

Dear Senator Kennedy: On behalf of the National Association of Children's Hospital (N.A.C.H.), which represents over 100 children's hospitals nationwide, I want to express our strong support for your introduction of the "FamilyCare Act of 2000."

As providers of care to all children, regardless of their economic status, children's hospitals devote nearly half of their patient care to children who rely on Medicaid or are uninsured, and more than three-fourths of their patient-care to children with chronic and congenital conditions. These hospitals have extensive experience in assisting families to enroll eligible children in Medicaid and SCHIP. They are keenly aware of the importance of addressing the challenges that states face in enrolling this often hard to reach population of eligible children.

In particular, N.A.C.H. appreciates and strongly supports your efforts to simplify and coordinate the application process for SCHIP and Medicaid, as well as to provide new tools for states to use in identifying and enrolling families. In addition, N.A.C.H. applauds your provisions that set a higher bar for covering children by: (1) requiring states to first cover children up to 200% of poverty and eliminating waiting lists in the SCHIP program before covering parents; and (2) requiring every child who loses coverage under Medicaid or SCHIP to be automatically screened for other avenues of eligibility and if found eligible, enrolled immediately in that program.

N.A.C.H. also supports your legislation's provision to give states additional flexibility under SCHIP and Medicaid to cover legal immigrant children. In states with high proportions of uninsured children, such as California, Texas and Florida, the federal government's bar on coverage of legal immigrant children helps contribute to the fact that Hispanic children represent the highest rate of uninsured children of all major racial and ethnic minority groups. Your provision to ensure coverage of legal immigrant children would be extremely useful in improving this situation.

N.A.C.H. greatly appreciates all that you have done throughout your years of service, and continue to do, to provide all children with the best possible chance at starting out and staying healthy. We welcome and look forward to working with you to pass the "FamilyCare Act of 2000."

Sincerely,

Lawrence A. McAndrews.

March of Dimes,
Birth Defects Foundation,
Washington, DC, July 21, 2000.

Hon. Edward Kennedy,
U.S. Senate, Washington, DC.

Dear Senator Kennedy: On behalf of more than 3 million volunteers and 1600 staff members of the March of Dimes, I want to commend you for introducing the "FamilyCare Act of 2000." The March of Dimes is committed to increasing access to appropriate and affordable health care for women, infants and children and supports the targeted approach to expanding the State Children's Health Insurance Program contained in the FamilyCare proposal.

. The "FamilyCare Act of 2000" contains a number of beneficial provisions that would expand and improve SCHIP. The March of Dimes strongly supports giving states the option to cover low-income pregnant women in Medicaid and SCHIP programs with an enhanced matching rate. We understand that FamilyCare would allow states to cover uninsured parents of children enrolled in Medicaid and SCHIP as well as uninsured first-time pregnant women. SCHIP is the only major federally-funded program that denies coverage to pregnant women while providing coverage to their infants and children. We know prenatal care improves birth outcomes. Expanding health insurance coverage for low-income pregnant women has bipartisan support in both the House and Senate.

The March of Dimes also supports FamilyCare provisions to require automatic enrollment of children born to SCHIP parents; automatic screening of every child who loses coverage under Medicaid or SCHIP to determine eligibility for other health programs; and distribution of information on the availability of Medicaid and SCHIP through the school lunch program. The March of Dimes also supports giving states the option to provide Medicaid and SCHIP benefits to children and pregnant women who arrived legally to the United States after August 23, 1996, and to people ages 19 and 20.

We thank you for your leadership in introducing the "FamilyCare Act of 2000" and are eager to work with you to achieve approval of this much needed legislation.

Sincerely,

Anna Eleanor Roosevelt,
Vice Chair, Board of Trustees; Chair, Public Affairs Committee.

Dr. Jennifer L. Howse,
Presdient.

Association of Maternal and
Child Health Programs,
Washington, DC, July 20, 2000.

Hon. Edward Kennedy,
U.S. Senate, Washington, DC.

Dear Senator Kennedy: On behalf of the Association of Maternal and Child Health Programs (AMCHP), I am writing to express our support of the FamilyCare Act of 2000. We are particularly supportive of the provisions that allow states to include pregnant women in their SCHIP and Medicaid programs.

We are also pleased with the provisions giving states the flexibility to expand outreach activities as well as moving towards greater equity in program payments.

AMCHP represents state officials in 59 states and territories who administer public health programs aimed at improving the health of all women, children, and adolescents. In 1997, over 22 million women, children, adolescents and children with special health care needs received services, which were supported by the Maternal and Child Health Block Grant.

We look forward to working with you and your staff on this bill.

Sincerely,

Deborah Dietrich,
Director of Legislative Affairs.

American Dental
Hygienist Association,
Washington, DC, July 24, 2000.

Hon. Edward M. Kennedy,
Hon. Jay Rockefeller,
U.S. Senate, Washington, DC.

Dear Senators Kennedy and Rockefeller: on behalf of the American Dental Hygienists' Association (ADHA), I write to express ADHA's support for the principles espoused in the Family Care Act of 2000. This legislation is an important step toward the goal of meaningful health insurance coverage, including oral health insurance coverage, for all children and their parents.

Regretfully, there is room for much improvement in our children's oral health, a fundamental part of total health. Studies show that oral disease currently afflicts the majority of children in our country. Dental caries (tooth decay), gingivitis, and periodontitis (gum and bone disorders) are the most common oral diseases. The Public Health Service reports that 50% of all children in the United States experience dental caries in their permanent teeth and two-thirds experience gingivitis.

The percentages of children with dental disease are likely far higher for the traditionally underserved Medicaid-eligible population and for those eligible for the State Children's Health Insurance Program (SCHIP). For example, one of the most severe forms of gum disease—localized juvenile periodontitis—disproportionately affects teenage African-American males and can result in the loss of all teeth before adulthood. If untreated, gum disease causes pain, bleeding, loss of function, diminished appearance, possible systemic infections, bone deterioration and eventual loss of teeth. Yet, each of the three most common oral health disorders—dental caries, gingivitis, and periodontitis—can be prevented through the type of regular preventive care provided by dental hygienists.

Despite the known benefits of preventive oral health services and the inclusion of oral health benefits in Medicaid's Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program, only one in 5 (4.2 million out of 21.2 million) Medicaid-eligible children actually received preventive oral health services in 1993 according to a 1996 U.S. Department of Health and Human Services report entitled Children's Dental Services Under Medicaid: Access and Utilization.

The nation simply must improve access to oral health services and your legislation is an important building block for all who care about our children's oral health, a fundamental part of general health and well-being.

We in the dental hygiene community look forward to working together toward our shared goal of health insurance coverage for all of our nation's families. Please feel free to call upon me or ADHA's Washington Counsel, Karen Sealander of McDermott, Will & Emery (202–756–8024), at any time.

Sincerely,

Stanley B. Peck,
Executive Director.

Premier Inc.,
Washington, DC, July 21, 2000.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: On behalf of Premier Inc., I am writing to applaud your introduction of the "FamilyCare Act of 2000" and express our strong support. Premier is a strategic alliance of leading not-for-profit hospitals and health systems across the nation. Premier provides group purchasing and other services for more than 1,800 hospitals and healthcare facilities.

As reported by the Urban Institute in the July/August issue of Health Affairs, the population of non-elderly uninsured grew by 4.2 million between 1994 and 1998. This hike in the rate of uninsured occurred among children and adults. In the same period, Medicaid coverage fell from 10 to 8.4 percent, or about 3.1 million persons (1.9 million children and 1.2 million adults). Your legislation confronts and seeks to address these disturbing trends head on.

The FamilyCare Act of 2000 not only expands coverage to children—it also enables states to provide health insurance to parents of children enrolled in CHIP and Medicaid. The bill creates new opportunities for states to cover immigrant children and pregnant women, and provides for the automatic coverage of children born to CHIP-enrolled parents, thereby enhancing presumptive eligibility.

This legislation provides for the mutual reinforcement of the Medicaid and CHIP programs by integrating eligibility determination and outreach efforts. A standard application form and simple enrollment process for both programs will raise the participation rate for both programs. Finally, the bill provides grants to support broader outreach activities and employer subsidies to offer health insurance packages, thereby encouraging joint public/private market innovations to reduce the population of uninsured.

Stifling the growth in the rate of uninsured and reversing the trend remain a top priority for the hospital community. Securing the appropriate preventative care for these individuals will improve the quality and cost-effectiveness of further care, as the uninsured are more likely to be hospitalized for medical conditions that, initially, could have been managed with physician care and/or medication.

Thank you for taking the lead in addressing the problem of America's uninsured. We look forward to working with you toward enactment of this important legislation.

Sincerely,

Kerb Kuhn,
Vice President, Advocacy.

Families USA,
Washington, DC, July 17, 2000.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, DC.

Dear Senator Kennedy: We congratulate you on the introduction of your bill, the Family Care Act of 2000, which gives states the option to provide parents of children enrolled in the Medicaid and CHIP programs with health insurance. We believe that your bill is a crucial next step in addressing the problem of our nation's uninsured, and we offer our unequivocal support.

By covering parents through CHIP, the Family Care Act could provide health insurance to over four million previously uninsured Americans. We believe this is a cost-effective and efficient way to provide quality healthcare to low- and moderate-income working families. Children of CHIP-enrolled parents will be automatically enrolled at birth, but, equally importantly, research has shown that children are more likely to have health coverage when their parents are insured. This means that the Family Care Act could, in effect, cover many more Americans than the estimated four million. Additionally, the expansion of coverage to legal immigrant children and pregnant women addresses the needs of two particularly vulnerable groups.

Again, we applaud your ongoing leadership in tackling the problem of the uninsured, and we support this important legislation. Please let us know how we can help you to enact this bill into law.

Sincerely,

Ronald F. Pollack,
Executive Director.

American Hospital Association,
Washington, DC, July 21, 2000.

Hon. Edward M. Kennedy,
Ranking Member, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, D.C.

Dear Senator Kennedy: The American Hospital Association (AHA), which represents, 5,000 hospitals, health care systems, networks, and other providers of care, is pleased to support the FamilyCare Act of 2000. The AHA shares your goal of expanding access to health care coverage for the 44 million uninsured Americans. We believe the federal budget surplus offers a unique opportunity to fund solutions to the health care problems of the uninsured.

Recent Medicaid expansions and the creation of the State Children's Health Insurance Program (S-CHIP) have greatly improved access to health care coverage for millions of children living in low-income families. But more needs to be done. AHA strongly supports the objective of your legislation that embraces, as one option to address the problems of the uninsured, building on existing public programs to expand coverage to the parents of the children covered by S-CHIP.

Furthermore, your provisions that include coverage for legal immigrants, improve Medicaid coverage for those transitioning from welfare-to-work, and create state grant programs to encourage market innovation in health care insurance are to be applauded. AHA believes these are good first steps toward lowering the numbers of the uninsured.

In addition to expanding public programs, AHA supports measures that make health care insurance more affordable for low-income working families. Toward that end, AHA also support H.R. 4113, bipartisan legislation establishing refundable tax credits to assist low-income families in the purchase of health care insurance.

Our nation's hospitals see every day that the absence of health coverage is a significant barrier to care, reducing the likelihood that people will get appropriate preventive, diagnostic and chronic care. With the uninsured growing in numbers, AHA supports your effort to build on current public programs as an important option to make it possible for more low-income families to get needed health care coverage. We thank you for your leadership and we look forward to working with you on advancing the FamilyCare Act of 2000.

Sincerely,

Rick Pollack,
Executive Vice President.

Network,
Washington, DC, July 2000.

From NETWORK—A National Catholic Social Justice Lobby.

Re: The Family Care Act of 2000.

Hon. Senator Ted Kennedy: Since 1975, NETWORK: A National Catholic Social Justice Lobby has worked for universal access to affordable, quality health care. NETWORK considers the constant increase in the number of uninsured persons a national disgrace and a serious moral and ethical issue. Sadly, the political will to reform the nation's fragmented non-system of health care is seriously lacking in the current climate of commercialization and profit-making. Therefore, millions of American citizens are denied their human right to medical care.

Given that as the context, NETWORK supports the efforts of those legislators who recognize that the anticipated federal surplus should be utilized in part to rectify the serious flaws inherent in the present situation. The Family Care Act of 2000 is one of those efforts. NETWORK urges Congress to pass the proposal.

The goal of the bill is to build on existing legislation in order to enroll more uninsured children and their working parents in Medicaid or CHIP. The bill requires that states first cover children up to 200% of poverty before they enroll parents. This will serve to increase coverage of previously eligible but uninsured children by eliminating the CHIP waiting lists. It is estimated that over 4 million previously uninsured children will be enrolled.

The proposal targets $50 billion in new money to enable the states to enroll the parents of children already covered by Medicaid and CHIP. This would reduce the number of uninsured parents by an estimated 6.5 million, one out of seven of the nation's uninsured. Most of these uninsured families have at least one member who works.

In addition, the bill proposes another $100 million per year for five years to encourage the states to develop innovative approaches to expanding coverage, tailoring their solutions to market needs. Much needed is the proposed extension of The Transitional Medicaid Assistance program. Some of the requirements which jeopardize access to health care by persons moving from welfare to low-wage, non-benefit jobs will be removed. First time pregnant women will receive prenatal care under the CHIP program and grants will enable states to develop innovative coverage mechanisms.

All in all, the Family Care Act of 2000 as drafted seeks to rectify to a marked degree the serious problem of lack of health care coverage for the most vulnerable in our society, low-wage working families and their children.

Kathy Thornton RSM,
National Coordinator.
Catherine Pinkerton,
CSJ Lobbyist.

Mr. ROCKEFELLER. Mr. President, over the last several years health care reform has dropped off our national and Congressional agenda. We talk about it primarily to posture politically, not because we are determined to actually succeed in extending coverage. Too often, the goal seems to be to simply create a campaign issue and make voters believe we are working to solve the problem, when in reality no progress is being made.

This year, we have seen a lot of talking on health care, but it's clear that Congress' priorities lie elsewhere. Just this past week we passed a tax break that will affect only 1.7 percent of Americans, yet will cost us $50 billion a year when fully phased in. In the meantime, 40 million people, mostly of modest incomes, continue to live their lives with little hope of getting the health coverage they need.

The question that Congress needs to answer: will we continue to sit back and simply watch as the problem of the uninsured grows worse?

Along with Senator Kennedy, and Congressmen Dingell, Stark and Waxman, I obviously have very clear answers to this question. And today we are offering a commonsense, bipartisan step that Congress can take this year to improve the plight of working, uninsured families.

We know that the majority of those without health insurance are concentrated in lower-income, working families. The Medicaid and CHIP Family Care Improvement Act would target our efforts to these families by allowing states to extend Medicaid and CHIP to the parents of eligible children. This is a sensible, affordable expansion that will make a real and immediate difference for many American families.

In addition, FamilyCare would provide assistance to increase coverage for workers in small businesses by providing grant money for states to pursue new and innovative approaches to expand health insurance coverage through small business.

Our plan also gives states a number of new tools to help improve outreach and enrollment in Medicaid and the State Children's Health Insurance Program.

FamilyCare would provide health insurance coverage to millions of low-income working families for a fraction of the cost of the recently-passed tax breaks that affect only a small number of people.

Eight years ago, the fight for universal health care had a surge of energy and there was a common purpose among political leaders and the American people. Unfortunately, little progress has been made since then. While the number of uninsured has grown from 36 million in 1993 to 44 million in 1999, we have stood by as a nation and simply watched. Over the next 3 years, about 30 percent of the population, 81 million Americans, can expect a gap in their health insurance coverage lasting at least one month. It is practically inconceivable—and morally wrong—that we are allowing this to happen in such a strong economy, with an extremely competitive labor market.

It is time to end the failed experiment of trying to let the disease cure itself. We need to accomplish the goal of comprehensive reform in any way we can—even if it means continuing to work on incremental changes, as long as we always keep our target squarely set on universal coverage.

Today, we are giving Congress the opportunity to take a major step forward in accomplishing this goal. With FamilyCare, we are simply taking a program that is already working to reduce the number of uninsured, and expanding it to cover more people who we know need the help.

This approach makes so much sense that even the conservative Health Insurance Association of America—the organization that helped to defeat universal coverage—has offered its support. In addition, our bill has four Republicans as original cosponsors. With this bipartisan bill we have a real opportunity to stop talking about expanding health coverage, and start acting.

By Ms. COLLINS (for herself, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 2924. A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

THE INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

Ms. COLLINS. Mr. President, today, along with my colleague from Illinois, Senator DURBIN, and my colleague from California, Senator FEINSTEIN, I am introducing legislation to stem the proliferation of web sites that distribute counterfeit identification documents and credentials over the Internet.

In May, the Senate Permanent Subcommittee on Investigations, which I chair, held hearings on a disturbing new trend—the use of the Internet to manufacture and market counterfeit identification documents and credentials. Our investigation revealed the widespread availability on the Internet of a variety of fake ID documents or computer templates that allow individuals to manufacture authentic looking IDs in the seclusion of their own homes.

The Internet False Identification Prevention Act of 2000 will strengthen current law to prevent the distribution of false identification documents over the Internet and make it easier for Federal officials to prosecute this criminal activity.

The high quality of the counterfeit identification documents that can be obtained via the Internet is simply astounding. With very little difficulty, my staff was able to use Internet materials to manufacture convincing IDs that would allow me to pass as a member of our Armed Forces, as a reporter, as a student at Boston University, or as a licensed driver in Florida, Michigan, and Wyoming—to name just a few of the identities that I could assume, using these phony IDs. We found it was very easy to manufacture IDs that were indistinguishable from the real documents.

For example, using the Internet, my staff created this counterfeit Connecticut driver's license, which is virtually identical to an authentic license issued by the Connecticut Department of Motor Vehicles. Just like the real Connecticut license, this fake with my picture on it, includes a signature written over the picture—which is supposed to be a security feature. It includes an adjacent "shadow picture," and it includes the bar code and the State seal for the State of Connecticut.

Each of these sophisticated features was added to the license by the State of Connecticut in order to make it more difficult to counterfeit. Yet the Internet scam artists have been able to keep up with the technology, and every time a State adds another security feature it has been easily duplicated.

Unfortunately, some web sites sell fake IDs complete with State seals, holograms, and bar codes to replicate a license virtually indistinguishable from the real thing. Thus, technology now allows web site operators to copy authentic IDs with an extraordinary level of sophistication and then distribute and mass produce these fraudulent documents for their customers.

The web sites investigated by my subcommittee offered a vast and varied product line, ranging from the driver's licenses that I already showed to military identification cards to Federal agency credentials, including those of the FBI and the CIA.

Other sites offered to produce Social Security cards, birth certificates, diplomas, and press credentials. In short, one can find almost any kind of identification document that one wants on the Internet.

Testimony before my Subcommittee demonstrated that the availability of false identification documents from the Internet is a growing problem. Special Agent David Myers, Identification Fraud Coordinator of the State of Florida's Division of Alcoholic Beverages and Tobacco, testified that two years ago only one percent of false identification documents came from the Internet, last year a little less than five percent came from the Internet, and he estimates that about 30 percent of the false identification documents now seized comes from the Internet. He predicts that by next year his unit will find at least 60 to 70 percent of the false identification documents they seize will come from the Internet.

The General Accounting Office and the FBI have both confirmed the findings of the subcommittee's investigation of this dangerous new trend. The GAO used counterfeit credentials and badges readily available for purchase via the Internet to breach the security at 19 Federal buildings and two commercial airports. GAO's success in doing so demonstrates that the Internet and computer technology allow nearly anyone to create convincing identification cards and credentials.

The FBI has also focused on the potential of misuse of official identification, and just last month executive search warrants at the homes of several individuals who had been selling Federal law enforcement badges over the Internet.

Obviously, this is very serious. It allows someone to use a law enforcement badge to gain access to secure areas and perhaps to commit harm. For example, the FBI is investigating a very disturbing incident where someone allegedly displayed phony FBI credentials to gain access to an individual's hotel room and then allegedly later kidnaped and murdered that individual.

The Internet is a revolutionary tool of commerce and communications that benefits us all, but many of the Internet's greatest attributes also further its use for criminal purposes. While the manufacture of false IDs by criminals is certainly nothing new, the Internet allows those specializing in the sale of counterfeit IDs to reach a far broader market of potential buyers than they ever could by standing on the street corner in a shady part of town. They can sell their products with virtual anonymity through the use of e-mail services and free web hosting services and by providing false information when registering their domain names. Similarly, the Internet allows criminals to obtain fake IDs in the privacy of their own homes, substantially diminishing the risk of apprehension that attends purchasing counterfeit documents on the street.

Because this is a relatively new phenomenon, there are no good data on the size of the false ID industry or the growth it has experienced as a result of the Internet, but the testimony at our hearing indicates that the Internet is increasingly becoming the source of choice for criminals to obtain false IDs.

The subcommittee's investigation found that some web site operators apparently have made hundreds of thousands of dollars through the sale of phony identification documents. One web site operator told a State law enforcement official that he sold approximately 1,000 fake IDs each month and generated about $600,000 in annual sales.

Identify theft is a growing problem that these Internet sites facilitate. Fake IDs, however, also facilitate a broad array of criminal conduct. We found that some Internet sites were used to obtain counterfeit identification documents for the purpose of committing other crimes, ranging from very serious offenses, such as identify theft and bank fraud, ranging to the more common problem of teenagers using phony IDs to buy alcohol.

The legislation which Senators DURBIN, FEINSTEIN, and I are introducing today is designed to address the problem of counterfeit IDs in several ways. The central features of our legislation are provisions that modernize existing law to address the widespread availability of false identification documents on the Internet.

First, the legislation supplements current Federal law against false identification to modernize it for the Internet age. The primary law prohibiting the use and distribution of false identification documents was enacted in 1982. Advances in computer technology and the use of the Internet have rendered that law inadequate. This bill will clarify that the current law prohibits the sale or distribution of false identification documents through computer files and templates which our investigation found are the vehicles of choice for manufacturing false IDs in the Internet age.

Second, the legislation will make it easier to prosecute those criminals who manufacture, distribute, or sell counterfeit identification documents by ending the practices of easily removable disclaimers as part of an attempt to shield the illegal conduct from prosecution through a bogus claim of novelty.

What we found is that a lot of these web sites have these disclaimers, in an attempt to get around the law, saying that these can only be used for entertainment or novelty purposes. No longer will it be acceptable to provide computer templates of government-issued identification cards containing an easily removable layer saying it is not a government document.

I will give an example. This is a driver's license from Oklahoma. It is a fake ID which my staff obtained via the Internet. It is enclosed in a plastic pouch that says "Not a Government Document" in red print across it, but it was very easily removed. All one had to do, with a snip of the scissors, was cut the pouch, and then the ID is easily removed and the disclaimer is gone. That is the kind of technique that a lot of times these web site operators use to get around the letter of the law. Under my bill, it will no longer be acceptable to sell a false identification document in this fashion.

Finally, my legislation seeks to encourage more aggressive law enforcement by dedicating investigative and prosecutorial resources to this emerging problem. The bill establishes a multiagency task force that will concentrate the investigative and prosecutorial resources of several agencies with responsibility for enforcing laws that criminalize the manufacture, sale, and distribution of counterfeit identification documents.

Our investigation established that Federal law enforcement officials have not devoted the necessary resources and attention to this serious problem. by prosecuting the purveyors of false identification materials, I believe that ultimately we can reduce end-use crime that often depends on the availability of counterfeit identification. For example, the convicted felon who testified at our hearings said that he would not have been able to commit bank fraud had he not been able to easily and quickly obtain high-quality fraudulent identification documents via the Internet. I am confident that if Federal law enforcement officials prosecute the most blatant violation of the law, the false ID industry on the Internet will wither in short order.

By strengthening the law and by focusing our prosecutorial efforts, I believe we can curb the widespread availability of false IDs that the Internet facilitates. The Director of the U.S. Secret Service testified at our hearing that the use of such fraudulent documents and credentials almost always accompanies the serious financial crimes they investigate. Thus, my hope is that the legislation we are introducing today will produce a stronger law that will help deter and prevent criminal activity, not only in the manufacture of false IDs but in other areas as well.

By Mr. THURMOND:

S. 2925. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

MEN'S HEALTH ACT OF 2000

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce the Men's Health Act of 2000. This legislation will establish an Office of Men's Health within the Department of Health and Human Services to monitor, coordinate, and improve men's health in America.

Mr. President, there is an ongoing, increasing and predominantly silent crisis in the health and well-being of men. Due to a lack of awareness, poor health education, and culturally induced behavior patterns in their work and personal lives, men's health and well-being are deteriorating steadily. Heart disease, stroke, and various cancers continue to be major areas of concern as we look to enhance the quality and duration of men's lives. Improved education and preventive screening are imperative to meet this objective.

Mr. President, as a lifelong advocate of regular medical exams, daily exercise and a balanced diet, I feel strongly that an Office of Men's Health should be established to help improve the overall health of America's male population.

This legislation is identical to a bill introduced earlier this year in the House of Representatives. I invite my colleagues to join me in supporting this measure. I ask unanimous consent that a copy of the bill appear in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Men's Health Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is a silent health crisis affecting the health and well-being of America's men.

(2) This health crisis is of particular concern to men, but is also a concern for women, and especially to those who have fathers, husbands, sons, and brothers.

(3) Men's health is likewise a concern for employers who lose productive employees as

well as pay the costs of medical care, and is a concern to State government and society which absorb the enormous costs of premature death and disability, including the costs of caring for dependents left behind.

(4) The life expectancy gap between men and women has steadily increased from 1 year in 1920 to 7 years in 1990.

(5) Almost twice as many men than women die from heart disease, and 28.5 percent of all men die as a result of stroke.

(6) In 1995, blood pressure of black males was 356 percent higher than that of white males, and the death rate for stroke was 97 percent higher for black males than for white males.

(7) The incidence of stroke among men is 19 percent higher than for women.

(8) Significantly more men than women are diagnosed with AIDS each year.

(9) Fifty percent more men than women die of cancer.

(10) Although the incidence of depression is higher in women, the rate of life-threatening depression is higher in men, with men representing 80 percent of all suicide cases, and with men 43 times more likely to be admitted to psychiatric hospitals than women.

(11) Prostate cancer is the most frequently diagnosed cancer in the United States among men, accounting for 36 percent of all cancer cases.

(12) An estimated 180,000 men will be newly diagnosed with prostate cancer this year alone, of which 37,000 will die.

(13) Prostate cancer rates increase sharply with age, and more than 75 percent of such cases are diagnosed in men age 65 and older.

(14) The incidence of prostate cancer and the resulting mortality rate in African American men is twice that in white men.

(15) Studies show that men are at least 25 percent less likely than women to visit a doctor, and are significantly less likely to have regular physician check-ups and obtain preventive screening tests for serious diseases.

(16) Appropriate use of tests such as prostate specific antigen (PSA) exams and blood pressure, blood sugar, and cholesterol screens, in conjunction with clinical exams and self-testing, can result in the early detection of many problems and in increased survival rates.

(17) Educating men, their families, and health care providers about the importance of early detection of male health problems can result in reducing rates of mortality for male-specific diseases, as well as improve the health of America's men and its overall economic well-being.

(18) Recent scientific studies have shown that regular medical exams, preventive screenings, regular exercise, and healthy eating habits can help save lives.

(19) Establishing an Office of Men's Health is needed to investigate these findings and take such further actions as may be needed to promote men's health.

SEC. 3. ESTABLISHMENT OF OFFICE MEN'S HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following section:

"OFFICE OF MEN'S HEALTH

"SEC. 1711. The Secretary shall establish within the Department of Health and Human Services an office to be known as the Office of Men's Health, which shall be headed by a director appointed by the Secretary. The Secretary, acting through the Director of the Office, shall coordinate and promote the status of men's health in the United States.".

By Mr. BINGAMAN:

S. 2926. A bill a amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individuals' benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Finance.

THE SOCIAL SECURITY FAMILY RELIEF ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce the Social Security Family Relief Act, which is legislation designed to both revise current Social Security law and assist families living in New Mexico and across the United States.

For those of my colleagues who are not familiar with this issue, at present the Social Security Administration pays benefits in advance, and, thus, a check an individual receives from Social Security Administration during the month is calculated and paid in anticipation that the individual will be alive the entire month in which a payment was received.

However, if a person dies during that month, the payment must be reimbursed in full to the Social Security Administration. If a person dies on the 5th of the month, or the 15th of the month, or the 25th of the month, none of this matters. If they die, they are no longer entitled to any benefits for that month, period. Furthermore, if a surviving spouse or family member uses a check received from the Social Security Administration for that month in which a family member had died, they must send it back—in full—to the Social Security Administration.

Let me make this clear that this is not just a problem in the abstract. Indeed, the introduction of this bill is prompted by a very real experience faced by a family living in New Mexico. In this case, a constituent had a close relative pass away on December 31, 1999. The last day of the month. Not knowing it ran contrary to Social Security law, the family used the relative's last Social Security check to pay her final expenses. Only after these activities had occurred did they receive a letter from the Social Security Administration stating that they would have to return the check. Not just partial payment, but in full. No recognition on the part of the Social Security Administration that this person was alive for the entire month. No recognition on the part of the Social Security Administration that this person had expenses that had to be paid for after they had died. No recognition on the part of the Social Security Administration that the surviving relatives had their own bills to pay, and that this additional expense imposed a burden on them that was difficult to manage.

My constituents found this to absurd. Why, they asked, should they have to return a check for a relative that was alive, was accumulating expenses while she was alive, and deserved the money that was provided to her? Why, they asked, should they be required to pay for the relative's expenses when money should be available? Why should their emotional suffering be made all the more distressful by the addition of financial obligations not of their own making?

I think these are good questions, and it is logical that Congress address them directly and in a manner that solves the problem at hand. From what I can see, they are right. Individuals that have worked over the years and have paid into the Social Security Trust Fund all that time, these folks have earned Social Security benefits and should receive them in full for the period that they are alive. As such, Social Security law should be written in such a way that allows the surviving spouse or family member to use the final check to take care of the remaining expenses, whether they be utilities, or mortgages, or car payments, or health care, or whatever needs to be taken care of.

But although my constituents are sometimes critical of the Social Security Administration on this issue, in fairness that agency did not create this problem, Congress did. We wrote the law, and the Social Security Administration merely implements it. Any responsibility for what is happening belongs to us. We need to fix the law so the Social Security Administration can do its job better.

It is my understanding that this issue has been discussed in the past by a number of Senators, but the revisions have gone nowhere because some felt it would impose an administrative burden on the Social Security Administration. I find this argument to be unconvincing as we clearly find a way to calculate complex equations that ultimately benefit that agency. There are those that now argue that tracking down appropriate beneficiaries would be difficult. But I find this to be quite unconvincing as well—after all, we do it already when someone dies. Surely there is a way to make the changes necessary. Surely the technology and expertise already exists. Surely it is time to stop making excuses and do what is right for Americans and their families.

The legislation I am introducing today is easy to understand. The legislation says, quite simply, that an individual's entitlement to Social Security benefits shall continue through the month of his or her death, and after that individual's death, the entitlement shall be calculated in a manner proportionate to the days he or she was still alive. In other words, we are using a method of pro-rating to calculate what portion of the entitlement that individual will receive for the last month. Then, instead of being asked to return that final check, the surviving spouse or appropriate surviving family members will receive a check, which can then be used to settle the decedent's remaining expenses. I think this is a perfectly fair and reasonable approach to solving the problem at hand. And I think it is long overdue.

It is my understanding that another bill addressing this problem has been introduced in the Senate by my colleague Senator MIKULSKI. Furthermore, she has introduced this legislation for several years in a row. I commend her for her awareness of this problem and her ongoing efforts to fix it.

That said, it is also my understanding that her bill as written calculates these entitlement benefits on a half-month basis. In other words, if you die before the 15th, you get benefits for a half a month. If you die after the 15th, you are entitled to benefits for the entire month. To be honest, I see no obvious rationale for addressing the problem in this way, and I find a prorate strategy to be far more compelling. But this said, I look forward to working with her and her co-sponsors to repair the problem. We clearly have the same concerns.

Mr. President, let me state in conclusion that this legislation represents only a partial fix of the current Social Security system. There is no doubt in my mind that much more needs to be done. We have talked about the issues far too long, and it is time to make a serious effort to make the Social Security solvent and effective. If had my way, this effort would begin tomorrow. But since it is not, this legislation can be considered one small but very important step on the path to reform.

Mr. President, I ask unanimous consent that a copy of the legislation be included in the RECORD at the conclusion of my statement.

Thank you, Mr. President, and I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Family Relief Act".

SEC. 2. CONTINUATION OF BENEFITS THROUGH MONTH OF BENEFICIARY'S DEATH.

(a) OLD-AGE INSURANCE BENEFITS.—Section 202(a) of the Social Security Act (42 U.S.C. 402(a)) is amended by striking "the month preceding" in the matter following subparagraph (B).

(b) WIFE'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(b)(1) of such Act (42 U.S.C. 402(b)(1)) is amended—

(A) by striking "and ending with the month" in the matter immediately following clause (ii) and inserting "and ending with the month in which she dies or (if earlier) with the month";

(B) by striking subparagraph (E); and

(C) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J).

(2) CONFORMING AMENDMENTS.—Section 202(b)(5)(B) of such Act (42 U.S.C. 402(b)(5)(B)) is amended by striking "(E), (F), (H), or (J)" and inserting "(E), (G), or (I)".

(c) HUSBAND'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(c)(1) of such Act (42 U.S.C. 402(c)(1)) is amended—

(A) by striking "and ending with the month" in the matter immediately following clause (ii) and inserting "and ending with the month in which he dies or (if earlier) with the month";

(B) by striking subparagraph (E); and

(C) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(2) CONFORMING AMENDMENTS.—Section 202(c)(5)(B) of such Act (42 U.S.C. 402(c)(5)(B)) is amended by striking "(E), (F), (H), or (J)" and inserting "(E), (G), or (I)", respectively.

(d) CHILD'S INSURANCE BENEFITS.—Section 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is amended—

(1) by striking "and ending with the month" in the matter immediately preceding subparagraph (D) and inserting "and ending with the month in which such child dies or (if earlier) with the month"; and

(2) by striking "dies, or" in subparagraph (D).

(e) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: she remarries, dies," in the matter following subparagraph (F) and inserting "ending with the month in which she dies or (if earlier) with the month preceding the first month in which she remarries or".

(f) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: he remarries, dies," in the matter following subparagraph (F) and inserting "ending with the month in which he dies or (if earlier) with the month preceding the first month in which he remarries".

(g) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(1) of such Act (42 U.S.C. 402(g)(1)) is amended—

(1) by inserting "with the month in which he or she dies or (if earlier)" after "and ending" in the matter following subparagraph (F); and

(2) by striking "he or she remarries, or he or she dies" and inserting "or he or she remarries".

(h) PARENT'S INSURANCE BENEFITS.—Section 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: such parent dies, marries," in the matter following subparagraph (E) and inserting "ending with the month in which such parent dies or (if earlier) with the month preceding the first month in which such parent marries, or such parent".

(i) DISABILITY INSURANCE BENEFITS.—Section 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is amended by striking "ending with the month preceding whichever of the following months is the earliest: the month in which he dies," in the matter following subparagraph (D) and inserting the following: "ending with the month in which he dies or (if earlier) with the month preceding the earlier of" and by striking the comma after "216(l))".

(j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C. 428(a)) is amended by striking "the month preceding" in the matter following paragraph (4).

SEC. 3. COMPUTATION AND PAYMENT OF LAST MONTHLY PAYMENT.

(a) OLD-AGE AND SURVIVORS INSURANCE BENEFITS.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"Last Payment of Monthly Insurance Benefit Terminated by Death

"(y) The amount of any individual's monthly insurance benefit under this section paid for the month in which the individual dies shall be an amount equal to—

"(1) the amount of such benefit (as determined without regard to this subsection), multiplied by

"(2) a fraction—

"(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

"(B) the denominator of which is the number of days in such month,

rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d).".

(b) DISABILITY INSURANCE BENEFITS.—Section 223 of such Act (42 U.S.C. 423) is amended by adding at the end the following new subsection:

"Last Payment of Benefit Terminated by Death

"(j) The amount of any individual's monthly benefit under this section paid for the month in which the individual dies shall be an amount equal to—

"(1) the amount of such benefit (as determined without regard to this subsection), multiplied by

"(2) a fraction—

"(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

"(B) the denominator of which is the number of days in such month,

rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d).".

(c) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED INDIVIDUALS.—Section 228 of such Act (42 U.S.C. 428) is amended by adding at the end the following new subsection:

"Last Payment of Benefit Terminated by Death

"(i) The amount of any individual's monthly benefit under this section paid for the month in which the individual dies shall be an amount equal to—

"(1) the amount of such benefit (as determined without regard to this subsection), multiplied by

"(2) a fraction—

"(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

"(B) the denominator of which is the number of days in such month, rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d).".

SEC. 4. DISREGARD OF BENEFIT FOR MONTH OF DEATH UNDER FAMILY MAXIMUM PROVISIONS.

Section 203(a) of the Social Security Act (42 U.S.C. 403(a)) is amended by adding at the end the following new paragraph:

"(10) Notwithstanding any other provision of this Act, in applying the preceding provisions of this subsection (and determining maximum family benefits under column V of the table in or deemed to be in section 215(a) as in effect in December 1978) with respect to the month in which the insured individual's death occurs, the benefit payable to such individual for that month shall be disregarded.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to deaths occurring after the month in which this Act is enacted.

By Mr. FEINGOLD:

S. 2927. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

THE PUBLIC SAFETY ACT

Mr. FEINGOLD. Mr. President, sending inmates to prisons built and run by prviate companies has become a popular way to deal with overcrowded prisons, but in recent years this practice has been appropriately criticized. As reports of escapes, riots, prisoner violence, and abuse by staff in private prisons increase, many have questioned the wisdom and propriety of private companies carrying out this essential state function. After considering safety, cost, and accountability issues, it is clear that private companies should not be doing this public work. Government and only government, whether it's federal, state, or local, should operate prisons. That is why I rise today to introduce a bill that will restore responsibility for housing prisoners to the state and federal government, where it belongs. An identical bill was introduced in the House of Representatives by Congressman TED STRICKLAND, where it has received broad bi-partisan support and currently has 141 cosponsors.

Private prison companies, and proponents of their use, claim that they save taxpayers money. They claim private companies can do the government's business more efficiently, but this has never been confirmed. In fact, two government studies show that it is far from clear whether private prisons save taxpayer money. One study, completed by the GAO, stated that it could not conclude whether or not privatization saved money. The second study, completed by the Federal Bureau of Prisons in 1998, concluded that there is no strong evidence to show states save money by using private prisons.

More importantly, private prison companies are motivated by one goal: making a profit. Decisions by these companies are driven by the desire to make a profit and, in turn, please officers and shareholders. This profit motive in the context of housing criminals is wrong. It is at cross-purposes with the government's goal of punishing and rehabilitating criminals.

So what happens when a private company runs a prison? The prisons have promised to save taxpayers money, so they cut costs. This invariably results in unqualified, low paid employees, poor facilities and living conditions, and an inadequate number of educational and rehabilitative programs. Recent episodes of escape, violence, and prisoner abuse demonstrate what happens when corners are cut.

At the Northeast Ohio Correctional facility, a private prison in Youngstown, Ohio, 20 inmates were stabbed, two of them fatally, within a 10-month period. After management claimed they had addressed the problems, six inmates, four convicted of homicide, escaped by cutting through two razor wire fences in the middle of the afternoon.

At a private prison in Whiteville, Tennessee, which houses many inmates from my home state of Wisconsin, there has been a hostage situation, an assault of a guard, and a coverup to hide physical abuse of inmates by prison guards. A security report at the same Tennessee prison found unsecured razors, inmates obstructing views into their cells by covering up windows, and an inmate using a computer lab strictly labeled, "staff only" without any supervision.

At a private prison in Sayre, Oklahoma, a dangerous inmate uprising jeopardized the security and control of the facility. As a result, the state of Oklahoma removed all its inmates from the facility and questioned its safety. Because the prison gets paid based on the number of inmates, however, the prison continued to request, and other states sent, hundreds of inmates to be housed there.

Earlier this year the Justice Department filed a lawsuit against the Wackenhut Corrections Corporation, the second largest private prison company in the United States, charging that in one of its juvenile prisons, conditions were "dangerous and life threatening." A group of experts who toured the prison reported that many of the juveniles were short of food, had lost weight, and did not have shoes or blankets. The Department of Justice lawsuit also alleges that inmates did not receive adequate mental health care or educational programming. In addition to the poor conditions and lack of training, the guards physically abused the boys and threw gas grenades into their barracks. Some juvenile inmates even tried to commit suicide or deliberately injure themselves so they would be sent to the infirmary to avoid abuse by the guards.

Mr. President, the profit motive clearly has a dangerous and harmful effect on the security of private prisons, but the profit motive also shortchanges inmates of the rehabilitation, education, and training that they need. Private prisons get paid based on the number of inmates they house. This means the more inmates they accept and the fewer services they provide, the more money they make. A high crime rate means more business and eliminates any motivation to provide job training, education, and other rehabilitative programs. These allegations of abuse and the negative effects of the profit motive are especially troubling because they have a disparate impact on the minority community, which has been incarcerated disproportionately in recent years particularly with the rise of mandatory minimum sentences for drug offenses.

Another issue of concern is accountability for dispensing one of the strongest punishments our society can impose. Incarceration requires a government to exercise its coercive police powers over individuals, including the authority to take away a person's freedom and to use force. This authority to use force should not be delegated to a private company that is not accountable to the people. This premise was reinforced by the Supreme Court in Richardson v. McKnight, which held that private prison personnel are not covered by the qualified immunity that shields state and local correctional officers. This means that a state or local government could be held liable for the actions of a private corporation.

Mr. President, the legislation I introduce today, the Public Safety Act, addresses these concerns. It restores control and management of prisons to the government. It makes federal grants under Title II of the Crime Control Act of 1994 contingent upon states agreeing not to contract with any private companies to provide core correctional services related to transportation or incarceration of inmates. The legislation was carefully crafted to apply only to core correctional services meaning that private companies can still provide auxiliary services such as food or clothing.

Mr. President, let us restore safety and security to the many Americans who work in prisons. Let us protect the communities that support prisons. And let us ensure rehabilitation and safety for the individuals, including young boys and girls, who are housed there. This bill returns to the government the function of being the sole administrator of incarceration as punishment in our society. I urge my colleagues to join me as cosponsors of the Public Safety Act.

I ask that the text of the bill be placed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The issues of safety, liability, accountability, and cost are the paramount issues in running corrections facilities.

(2) In recent years, the privatization of facilities for persons previously incarcerated by governmental entities has resulted in frequent escapes by violent criminals, riots resulting in extensive damage, prisoner violence, and incidents of prisoner abuse by staff.

(3) In some instances, the courts have prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community.

(4) Frequent escapes and riots at private facilities result in expensive law enforcement costs for State and local governments.

(5) The need to make profits creates incentives for private contractors to underfund mechanisms that provide for the security of the facility and the safety of the inmates, corrections staff, and neighboring community.

(6) The 1997 Supreme Court ruling in Richardson v. McKnight that the qualified immunity that shields State and local correctional officers does not apply to private prison personnel, and therefore exposes State and local governments to liability for the actions of private corporations.

(7) Additional liability issues arise when inmates are transferred outside the jurisdiction of the contracting State.

(8) Studies on private correctional facilities have been unable to demonstrate any significant cost savings in the privatization of corrections facilities.

(9) The imposition of punishment on errant citizens through incarceration requires State and local governments to exercise their coercive police powers over individuals. These powers, including the authority to use force over a private citizen, should not be delegated to another private party.

SEC. 3. ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—To be eligible to receive a grant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, an applicant shall provide assurances to the Attorney General that if selected to receive funds under such subtitle the applicant shall not contract with a private contractor or vendor to provide core correctional services related to the transportation or the incarceration of an inmate.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to grant funds received after the date of enactment of this Act.

(c) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall not apply to a contract in effect on the date of the enactment of this Act between a grantee and a private contractor or vendor to provide core correctional services related to correctional facilities or the incarceration of inmates.

(2) RENEWALS AND EXTENSIONS.—Subsection (a) shall apply to renewals or extensions of an existing contract entered into after the date of the enactment of this Act.

(d) DEFINITION.—For purposes of this section, the term "core correctional service" means the safeguarding, protecting, and disciplining of persons charged or convicted of an offense.

SEC. 4. ENHANCING PUBLIC SAFETY AND SECURITY IN THE DUTIES OF THE BUREAU OF PRISONS.

Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7);

(2) by striking "and" at the end of paragraph (4); and

(3) by inserting after paragraph (4) the following:

"(5) provide that any penal or correctional facility or institution except for nonprofit community correctional confinement, such as halfway houses, confining any person convicted of offenses against the United States, shall be under the direction of the Director of the Bureau of Prisons and shall be managed and maintained by employees of Federal, State, or local governments;

"(6) provide that the transportation, housing, safeguarding, protection, and disciplining of any person charged with or convicted of any offense against the United States, except such persons in community correctional confinement such as halfway houses, will be conducted and carried out by individuals who are employees of Federal, State, or local governments; and".

By Mr. MCCAIN (for himself, Mr. KERRY, Mr. ABRAHAM, and Mrs. BOXER):

S. 2928. A bill to protect the privacy of consumers who use the Internet; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER INTERNET PRIVACY ENHANCEMENT ACT

Mr. MCCAIN. Mr. President, I am pleased to join my colleagues from Massachusetts, Michigan, and California to introduce the Consumer Internet Privacy Enhancement Act. The purpose of this legislation is simple. We want to ensure that commercial websites inform consumers about how their personal information is treated, and give consumers meaningful choices about the use of that information. While the purpose of this legislation is simple, the task my colleagues and I are seeking to accomplish is complex and difficult.

The Internet is a tremendous medium spurring the world's economy and allowing people to communicate in ways that were unimaginable a few short years ago. The Internet revolution is transforming our lives and our economy at an incredible pace. Like any other technological revolution it promises great opportunities and, it presents new concerns and fears.

Chief among those concerns is the ability of the Internet to further erode individual privacy. Since the beginning of commerce, business has sought to learn more about consumers. The ability of the internet to aid business in the collection, storage, transfer, and analysis of information about a consumer's habits is unprecedented. While this technology can allow business to better target goods and services, it also has increased consumer fears about the collection and use of personally identifiable information.

Since 1998, the Federal Trade Commission has examined this issue in a series of reports to Congress. The FTC and privacy organizations formed by industry identified "four fair information practices" which should be utilized by websites that collect personally identifiable information. In simple terms, these practices are notice of what information is collected and how it is used; choice as to how that information is used; access by the user to information collected about them; and appropriate measures to ensure the security of the information.

Over the last three years industry has worked diligently to develop and implement privacy policies utilizing the four fair information practices. While industry has made progress in providing consumers with some form of notice of their information practices, there is much work to be done to improve the depth and clarity of privacy policies.

The legislation we introduce today should not be viewed as a failure on the part of industry to address privacy. Instead industry's efforts over the past few years have driven the development of standards which serve as the model for this legislation. Our objective is to provide for enforceable standards to ensure that all websites provide consumers with clear and conspicuous notice and meaningful choices about how their information is used.

Currently, some websites have privacy policies that are confusing and make it difficult for consumers to restrict the use of information. During a recent hearing before the Senate Commerce Committee, the Chairman of the Federal Trade Commission—a former dean of Georgetown Law School—expressed his own difficulties in understanding some privacy policies.

Privacy is harmed not enhanced when consumers are lost in a fog of legalese. Some current privacy policies confuse and contradict rather than provide clear and conspicuous notice of a consumer's rights.

The bill my colleagues and I introduce today attempts to end some of this confusion by providing for enforceable standards that will both protect consumers and allow for the continued growth of e-commerce. Specifically, the bill would require websites to provide clear and conspicuous notice of their information practices. It also requires websites to provide consumers with an easy method to limit the use and disclosure of information.

The provisions of the bill are enforceable by the FTC. States Attorneys

General could also bring suits in federal court under the Act using a mechanism similar to the Telemarketing Sales Rule. We also propose a civil penalty of $22,000 per violation with a maximum fine of $500,000. Currently, the FTC can only seek civil penalties if an individual or business is under an order for past behavior.

The legislation also preempts state law to ensure that the law governing the collection of personally identifiable information is uniform. Finally, the bill would direct the National Academy of Sciences to conduct a study of privacy to examine the collection of personal information in the offline-world as well as methods to provide consumers with access to information collected by them.

Despite our best efforts I recognize this bill does not address all of the issues affecting online privacy. As I said earlier, this is a complex and difficult issue. Other related concerns that should be addressed will continue to arise as we consider this measure. For example, the sale of data during bankruptcy, the use of software also known as spyware that can transfer personal information while online without the user's consent or knowledge, and the government's use and dissemination of personally identifiable information online.

Additionally, other new ways to help resolve the issue of online privacy will also arise as we consider this measure. These include the deployment of technology that will enable consumers to protect their privacy is one issue we should expect to address. Another issue is the use of verifiable assessment procedures to ensure that websites are following their posted privacy policies.

The discovery of new issues and new solutions as we move through this process will serve to highlight the difficulty and complexity of dealing with this issue. It is not my intention to rush to judgment on these matters. Instead, I firmly believe the best way to protect consumers and provide for the continued growth of e-commerce is to give privacy careful and thoughtful deliberation before we act.

Mr. President, it is clear that businesses should inform consumers in a clear and conspicuous manner about how they treat personal information and give consumers meaningful choices as to how that information is used. While some of us may disagree on the manner in which we meet this goal, we all agree that it must be done. I look forward to working with my colleagues and addressing their concerns as we move through the legislative process.

Mr. President, I ask unanimous consent to print the full text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Internet Privacy Enhancement Act".

SEC. 2. COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—It is unlawful for a commercial website operator to collect personally identifiable information online from a user of that website unless the operator provides—

(1) notice to the user on the website in accordance with the requirements of subsection (b); and

(2) an opportunity to that user to limit the use for marketing purposes, or disclosure to third parties of personally identifiable information collected that is—

(A) not related to provision of the products or services provided by the website; or

(B) not required to be disclosed by law.

(b) NOTICE.—

(1) IN GENERAL.—For purposes of subsection (a), notice consists of a statement that informs a user of a website of the following:

(A) The identity of the operator of the website and of any third party the operator knowingly permits to collect personally identifiable information from users through the website, including the provision of an electronic means of going to a website operated by any such third party.

(B) A list of the types of personally identifiable information that may be collected online by the operator and the categories of information the operator may collect in connection with the user's visit to the website.

(C) A description of how the operator uses such information, including a statement as to whether the information may be sold, distributed, disclosed, or otherwise made available to third parties for marketing purposes.

(D) A description of the categories of potential recipients of any such personally identifiable information.

(E) Whether the user is required to provide personally identifiable information in order to use the website and any other consequences of failure to provide that information.

(F) A general description of what steps the operator takes to protect the security of personally identifiable information collected online by that operator.

(G) A description of the means by which a user may elect not to have the user's personally identifiable information used by the operator for marketing purposes or sold, distributed, disclosed, or otherwise made available to a third party, except for—

(i) information related to the provision of the product or service provided by the website; or

(ii) information required to be disclosed by law.

(H) The address or telephone number at which the user may contact the website operator about its information practices and also an electronic means of contacting the operator.

(2) FORM OF NOTICE.—The notice required by subsection (a) shall be clear, conspicuous, and easily understood.

(3) OPPORTUNITY TO LIMIT DISCLOSURE.—The opportunity provided to users to limit use and disclosure of personally identifiable information shall be easy to use, easily accessible, and shall be available online.

(c) INCONSISTENT STATE LAW.—No State or local government may impose any liability for commercial activities or actions by a commercial website operator in interstate or foreign commerce in connection with an activity or action described in this Act that is inconsistent with, or more restrictive than, the treatment of that activity or action under this section.

(d) SAFE HARBOR.—A commercial website operator may not be held to have violated any provision of this Act if it complies with self-regulatory guidelines that—

(1) are issued by seal programs or representatives of the marketing or online industries or by any other person; and

(2) are approved by the Commission as containing all the requirements set forth in subsection (b).

SEC. 3. ENFORCEMENT.

(a) IN GENERAL.—The violation of section 2(a) or (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice in or affecting commerce proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57(a)(1)(B)).

(b) ENFORCEMENT BY CERTAIN OTHER AGENCIES.— Compliance with section 2(a) or (b) shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(4) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of section 2(a) or (b) is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under section 2(a) or (b), any other authority conferred on it by law.

(d) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating section 2(a) or (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that title is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that title.

(e) RELATIONSHIP TO OTHER LAWS.—

(1) COMMISSION AUTHORITY.—Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

(2) COMMUNICATIONS ACT.—Nothing in section 2(a) or (b) requires an operator of a website to take any action that is inconsistent with the requirements of section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 or 551, respectively).

(3) OTHER ACTS.—Nothing in this Act is intended to affect any provision of, or any amendment made by—

(A) the Children's Online Privacy Protection Act of 1998;

(B) the Gramm-Leach-Bliley Act; or

(C) the Health Insurance Portability and Accountability Act of 1996.

(f) CIVIL PENALTY.—In addition to any other penalty applicable to a violation of section 2(a), there is hereby imposed a civil penalty of $22,000 for each such violation. In the event of a continuing violation, each day on which the violation continues shall be considered as a separate violation for purposes of this subsection. The maximum penalty under this subsection for a related series of violations is $500,000. For purposes of this subsection, the violation of an order issued by the Commission under this Act shall not be considered to be a violation of section 2(a) of this Act.

SEC. 4. ACTIONS BY STATES.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates section 2(a) or (b), the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(C) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(3) AMICUS CURIAE.—Upon application to the court, a person whose self-regulatory guidelines have been approved by the Commission and are relied upon as a defense by any defendant to a proceeding under this section may file amicus curiae in that proceeding.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of section 2(a) or (b) no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that rule.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 5. STUDY OF ONLINE PRIVACY.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Commission shall execute a contract with the National Research Council of the National Academy of Sciences for a study of privacy that will examine causes for concern about privacy in the information age and tools and strategies for responding to those concerns.

(b) SCOPE.—The study required by subsection (a) shall—

(1) survey the risks to, and benefits associated with the use of, personal information associated with information technology, including actual and potential issues related to trends in technology;

(2) examine the costs and benefits involved in the collection and use of personal information;

(3) examine the differences, if any, between the collection and use of personal information by the online industry and the collection and use of personal information by other businesses;

(4) examine the costs, risks, and benefits of providing consumer access to information collected online, and examine approaches to providing such access;

(5) examine the security of personal information collected online;

(6) examine such other matters relating to the collection, use, and protection of personal information online as the Council and the Commission consider appropriate; and

(7) examine efforts being made by industry to provide notice, choice, access, and security.

(c) RECOMMENDATIONS.—Within 12 months after the Commission's request under subsection (a), the Council shall complete the study and submit a report to the Congress, including recommendations for private and public sector actions including self-regulation, laws, regulations, or special agreements.

(d) AGENCY COOPERATION.—The head of each Federal department or agency shall, at the request of the Commission or the Council, cooperate as fully as possible with the Council in its activities in carrying out the study.

(e) FUNDING.—The Commission is authorized to be obligate not more than $1,000,000 to carry out this section from funds appropriated to the Commission.

SEC. 6. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) COMMERCIAL WEBSITE OPERATOR.—The term "operator of a commercial website"—

(A) means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) COLLECT.—The term "collect" means the gathering of personally identifiable information about a user of an Internet service, online service, or commercial website by or on behalf of the provider or operator of that service or website by any means, direct or indirect, active or passive, including—

(A) an online request for such information by the provider or operator, regardless of how the information is transmitted to the provider or operator;

(B) the use of an online service to gather the information; or

(C) tracking or use of any identifying code linked to a user of such a service or website, including the use of cookies.

(4) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(5) PERSONALLY IDENTIFIABLE INFORMATION.—The term "personally identifiable information" means individually identifiable

information about an individual collected online, including—

(A) a first and last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number; or

(F) unique identifying information that an Internet service provider or operator of a commercial website collects and combines with any information described in the preceding subparagraphs of this paragraph.

(6) ONLINE.—The term "online" refers to any activity regulated by this Act or by section 2710 of title 18, United States Code, that is effected by active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

(7) THIRD PARTY.—The term "third party", when used in reference to a commercial website operator, means any person other than the operator.

Mr. KERRY. Mr. President, I am pleased to join Senators MCCAIN, BOXER and ABRAHAM in announcing that today we will be introducing a bill that takes a positive, balanced approach to the issue of Internet privacy. There can be no doubt that consumers have a legitimate expectation of privacy on the Internet. Our bill protects that interest. At the same time, consumers want an Internet that is free. For that to happen, the Internet, like television, must be supported by advertising. Our bill will allow companies to continue to advertise, ensuring that we don't have a subscription-based Internet, which would limit everyone's online activities and contribute to a digital divide.

If we recognize that the economy of the Internet calls for advertising, we must also recognize that it won't attract consumers if they believe their privacy is being violated. Finding this fine balance of permitting enough free flow of information to allow ads to work and protecting consumers' privacy is going to be critical if the Internet is going to reach its full potential. And I believe this bill strikes the right balance.

I think all of the bill's cosponsors were hopeful that self-regulation of Internet privacy would work. And I think self-regulation still has an important role to play. But it seems that now it is up to Congress to establish a floor for Internet privacy. I have no doubt that many innovative high tech companies and advertisers will go beyond the regulations for notice and choice we provide here. A number of companies in my home state of Massachusetts already do, providing consumers with anonymity when they go online. I applaud and encourage those efforts and am certain that if Congress enacts this bill, they will continue.

But technology and innovation won't address all the concerns people have about Internet privacy. Congress has the responsibility to ensure that core privacy principles are the norm throughout the online world. We need to respond to the consumers who don't shop on the Internet because they are concerned about their privacy. This is necessary not only for the sake of the consumers, but for every online business that wants to grow and attract customers.

The bill that we are introducing today will encourage those skeptical consumers to go online. This legislation will require Web sites to clearly and conspicuously disclose their privacy policies. People deserve to know what information may be collected and how it may be used so that they can make an informed decision before they navigate around or shop on a particular Web site. They shouldn't have to click five times and need to translate legalese before they know what a site will do with their personal information. Requiring disclosure has the added benefit of providing the FTC with an enforcement mechanism. If a Web site fails to comply with its posted disclosure policy, the FTC can bring an action against it for unfair or deceptive acts. This is the bare minimum of what I believe consumers deserve and expect, and I don't think this would have any unintended or negative consequences on e-commerce.

In addition, this bill addresses the core principle of choice by requiring Web sites to offer consumers an easy to use method to prevent Web sites from using personally identifiable information for marketing purposes and to prevent them from selling that information to third parties. This bill empowers consumers and lets them make informed decisions that are right for them.

By ensuring consumers have the right to full disclosure and the right to not have their personally identifiable information sold or disclosed, this bill addresses the most fundamental concerns many people have about online privacy. But I believe there are still a number of important questions that we need to answer. The first is whether there is a difference between privacy in the offline and online worlds.

Most of us hardly think about it when we go to the supermarket, but when Safeway or Giant scans my discount card or my credit card, it has a record of exactly who I am and what I bought. Should my preferences at the supermarket be any more or less protected than the choices I make online?

Likewise, catalog companies compile and use offline information to make marketing decisions. These companies rent lists compiled by list brokers. The list brokers obtain marketing data and names from the public domain and governments, credit bureaus, financial institutions, credit card companies, retail establishments, and other catalogers and mass mailers.

On the other hand, when I go to the shopping mall and look at five different sweaters but don't buy any of them, no one has a record of that. If I do the same thing online, technology can record how long I linger over an item, even if I don't buy it. Likewise, I can pick up any book in a book store and pay in cash and no one will ever know my reading preferences. That type of anonymity can be completely lost online.

This bill requires the National Research Council to study the issue of online versus offline privacy, and make a recommendation if there is a need for additional legislation in either area.

Likewise, this bill requires the Council to study the issue of access. While there is general agreement that consumers should have access to information they provided to a Web site, we still don't know whether it's necessary or proper for consumers to have access to all of the information gathered about an individual. Should consumers have access to click-stream data or so-called derived data by which a company uses compiled information to make a marketing decision about the consumer? And if we decide consumers need some access to this type of information, is it technology feasible? Will there be unforeseen or unintended consequences such as an increased risk of security breaches? Will there be less, rather than more privacy due to the necessary coupling of names and data? I don't we are ready to regulate until we have some consensus on this issue.

Finally, it is important to add that this bill in no way limits what Congress has done or hopefully will do with respect to a person's health or financial information. When sensitive information is collected, it is even more important that stringent privacy protections are in place. I have supported a number of legislative efforts that would go far to protect this type of information.

Mr. ABRAHAM. Mr. President, today I rise to join with the Senator from Arizona, the Senator from Massachusetts, and the Senator from California in introducing the Consumer Privacy Enhancement Act. This legislation will provide Americans with some basic—but critically important—protections for their personal information when they are online.

Privacy has always been a very serious issue to American citizens. It is a concept enshrined in our Bill of Rights. As persons from all walks of life become increasingly reliant on computers and the Internet to perform everyday tasks, it is incumbent upon policymakers to ensure that adequate privacy protections exist for consumers. We must ensure that our laws evolve along with technology and continue to provide effective privacy protection for consumers surfing the World Wide Web and using the Internet for commercial activities.

The American people are letting it be known that they have mounting concerns about their vulnerability in this digital age. They are very concerned about the advent of this new high-tech era we've entered and the new threats it potentially poses to our personal privacy. And I believe there is a consensus building in Congress to begin to tackle the question of ensuring adequate privacy protections for individuals using the Internet.

Whether we can find a similar consensus on a particular legislative proposal remains to be seen. However, I think it is imperative that we begin to address this topic now and not simply wait until Congress reconvenes next year before we take the issue up. So I have joined my colleagues here in introducing legislation that I think accomplishes several important objectives.

The most important provision, I believe, is its most elemental concept: We require that before consumers are asked to provide personal information about themselves, they must be given an opportunity to review the website's privacy policy in order to learn how their information will be utilized. While many websites have privacy policies, including the vast majority of those websites receiving the most traffic, there are still many websites out there that do not offer privacy policies or adequate protections for consumers.

In addition, many of the privacy policies that do exist are very lengthy and often quite confusing to consumers. There are pages and pages of ambiguous legalese and often seemingly contradictory claims about how protected your information truly is. So our bill also calls on the Federal Trade Commission to ensure that privacy policies are "clear, conspicuous, and easily understood," and that any consent mechanisms shall be "easy to use, easily accessible, and shall be available online."

Finally, this legislation recognizes the importance of allowing the Internet industry to continue to promote greater self-regulation and to develop new technology means for to continue to evolve and to help us address legitimate consumer privacy concerns. There have been several initiatives undertaken by industry leaders to get websites to develop and post privacy policies and to give consumers the option of when to provide information and for what uses. This legislation is designed to allow such efforts to continue and to provide for technological advances in the area of privacy to benefit consumers. For instance, Ford and other companies have been participating in the Privacy Leadership Initiative whereby companies engaged online are working to establish industry guidelines and protocols for protecting consumers privacy. Nothing we do here today should inhibit such industry efforts.

So with those critical features addressed, I believe the legislation we introduce today will be an important stepping stone along the path of ensuring that Americans can be confident of having their personal information will be protected when they go online.

I urge my colleagues to review this legislation and to support our efforts to protect consumers against unwarranted intrusions into their personal privacy when they are using their computers and surfing the Internet.

I yield the floor.

By Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, and Mr. INOUYE):

S. 2929. A bill to establish a demonstration project to increase teacher salaries and employee benefits for teachers who enter into contracts with local educational agencies to serve as master teachers; to the Committee on Health, Education, Labor, and Pensions.

MASTER TEACHER LEGISLATION

Mrs. FEINSTEIN. Mr. President, today Senators HOLLINGS, INOUYE, and I are introducing a bill to create a demonstration grant program to help school districts create master teacher positions.

Our bill authorizes $50 million for a five-year demonstration program under which the Secretary of Education would award competitive grants to school districts to create master teacher positions. Federal funds would be equally matched by states and local governments so that $100 million total would be available. Under the bill, 5,000 master teacher positions could be created, or 100 per State, if each master teacher were paid $20,000 on top of the current average teacher's salary.

As defined in this amendment, a master teacher is one who is credentialed; has a least five years of teaching experience; is judged to be an excellent teacher by administrators and teachers who are knowledgeable about the individual's performance; and is currently teaching; and enters into a contract and agrees to serve at least five more years.

The master teacher would help other teachers to improve instruction, strengthen other teachers' skills, mentor lesser experienced teachers, develop curriculum, and provide other professional development.

The intent of this bill is for districts to pay each master teacher up to $20,000 on top of his or her regular salary. Nationally, the average teacher salary is $40,582. In California, it is $44,585. Elementary school principals receive $64,653 on average nationally and $72,385 in California. The thrust of the master teacher concept in this bill is to pay teachers a salary closer to that of an administrator to keep good teachers in teaching.

The bill requires State and/or local districts to match federal funds dollar for dollar. It requires the U.S. Department of Education to give priority to school districts with a high proportion of economically disadvantaged students and to ensure that grants are awarded to a wide range of districts in terms of the size and location of the school district, the ethnic and economic composition of students, and the experience of the districts' teachers.

There are several reasons we need this bill.

NEW TEACHERS NEED SUPPORT

First, new teachers face overwhelming responsibilities and challenges in their first year, but in the real world, they get little guidance. When first-year teachers enter the classroom, there is typically little help available to them, in a year that will have a profound impact on the rest of their professional career. They are "out there alone," virtually isolated in their classroom, thrown into an unfamiliar school and classroom with a room full of new faces. By the current sink-or-swim method, new teachers often find themselves ill equipped to deal with the educational and disciplinary tasks of their first year.

In California, 23 percent of teachers in kindergarten through the third grade are novices. Furthermore, we have 30,000 inexperienced teachers on emergency credentials in California, over ten percent of our teaching workforce.

A new teacher can get experienced guidance from a master teacher who is paired with the new teacher. The master teacher can help plan lessons, improve instructional methods, and deal with discipline problems. "If you're [a master teacher] teaching a class, then you can say, 'last week I handled a discipline problem this way.' It's much more credible." said Carl O'Connell, a New York mentor teacher.

ENHANCING THE TEACHING PROFESSION

Second, master teacher programs can bring more prestige to teaching as a profession, by increasing the teacher's salary, by rewarding experience, and by giving teachers opportunities to supervise others. A master teacher designation is a way to recognize outstanding ability and performance. A master teacher position can give teachers a professional goal, a higher level to pursue. A 1996 report by the National Commission for Teaching and America's Future said that creating new career paths for teachers is one of the best ways to give educators the respect they deserve and to ensure that proven teaching methods spread quickly and broadly.

In one survey of teachers which asked which factors make teachers stay in teaching, 79 percent of teachers said that respect for the teaching profession is needed in order to retain qualified teachers. Eighty percent said that formal mentoring programs for beginning teachers is key (Scholastic/

Chief State School Officers' Teacher Voices Survey, 2000). Over 70 percent of teachers said that more planning time with peers is needed to keep teachers in the classroom. This amendment should help.

IMPROVING RETENTION, REDUCING TURNOVER

Because of the higher pay and enhanced prestige, a master teacher program can help to recruit and retain teachers. Mentor systems provide new teachers with a support network, someone to turn to. Studies indicate higher retention rates among new teachers who participate in mentoring programs. According to Yvonne Gold of California State University-Long Beach, 25 percent of beginning teachers do not teach more than two years and nearly 40 percent leave in the first five years. In the Rochester, New York, system, the teacher retention rate was nearly double the national average five years after establishing a mentoring program.

As Jay Matthews wrote in the May 16 Washington Post, programs like this "can provide a large boost to the profession's image for a relatively small amount of money." These programs can keep good teachers in the classroom, instead of losing them to school administration or industry. Larkspur, California, School Superintendent Barbara Wilson says she is "witnessing a steady exodus to dotcom and other, more lucrative industries." (San Francisco Chronicle, March 26, 2000).

Higher salaries and prestige for master teachers could deter the drain from the classrooms.

HOLDING TEACHERS ACCOUNTABLE

Another reason for this amendment is that teacher mentoring programs can make teacher performance more accountable. A master teacher can help novice teachers improve their teaching and get better student achievement. "Teachers cannot be held accountable for knowledge based, client-oriented decisions if they do not have access to knowledge, as well as opportunities for consultation and evaluation of their work," said Adam Urbanski, President of the Rochester, New York, Teachers Association. He went on: "Unsatisfactory teacher performance often stems from inadequate and incompetent supervision. Administrators often lack the training and the resources to supervise teachers and improve the performance of those who are in serious trouble."

Good teachers are key to learning. Lower math test scores have been correlated with the percentage of math teachers on emergency permits and higher math test scores were linked both to the teachers' qualifications and to their years of teaching experience, according to "Professional Development for Teachers, 2000."

CALIFORNIA WOULD BENEFIT

This bill could be very helpful in California where one-fifth of our teachers will leave the profession in three years, according to an article in the February 9, 2000, Los Angeles Times.

California will need 300,000 new teachers by 2010. "More students to teach, smaller classes, teachers leaving or retiring means that California school districts are now having to hire a record 26,000 new teachers each year," says the report, "Teaching and California's Future, 2000." California's enrollment is growing at three times the national rate. With these kinds of demands, understaffing often leads to under qualified and new teachers entering the classroom. We have to do all we can to attract and retain good teachers.

EXAMPLES OF MASTER TEACHER PROGRAMS

California has instituted several programs along these lines. California has a program to help beginning teachers. It has grown from $5 million (supporting 1,100 new teachers in 1992) to nearly $72 million (serving 23,000 new teachers in 1999–2000). But even with this increase, the program still does not serve all new teachers," according to the report, Teaching and California's Future, 2000.

The Rochester City, New York, school system has a Peer Assistance and Review Program, begun by the schools and the Rochester Teacher Association. The Rochester program is working. "The evaluation is absolutely spectacular. The program has been a terrific success. It has been deemed a success by mentors, by the panel, by the district, by the union, and, most importantly, by the interns themselves," reported the newspaper, New York Teacher.

Delaware provides mentors for beginning teachers. "Not only are beginning teachers receiving the support they need, but the mentoring program is also developing networks among teachers within districts and across the state, and the mentors have 'a new enthusiasm' for teaching," as reported in "Promising Practices" in 1998.

Columbus, Ohio, schools instituted a Peer Assessment and Review program similar to Rochester's. It has two components: the intern program for all newly hired teachers and the intervention program for teachers who are having difficulties in the classroom teaching. According to the State Education Agency, "the district has a lower rate of attrition than similar districts because of PAR." (Promising Practices, 1998).

The funds provided in this bill can supplement and expand existing State programs and help other States start new programs.

STUDENTS ARE THE WINNERS

The true beneficiaries of master teacher programs are the students and that is, or course, our fundamental goal. As stated in Rochester's teaching manual, the goal is "to improve student outcomes by developing and maintaining the highest quality of teaching, providing teachers with career options that do not require them to leave teaching to assume additional responsibilities and leadership roles."

I believe this bill can begin to provide teachers the real professional support they need, can attract and retain teachers and can bring to the profession the prestige it deserves.

I urge my colleagues to join us in support of this bill.

By Mr. MURKOWSKI:

S. 2931. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Government Affairs.

IMPROVEMENTS TO THE ARCTIC RESEARCH AND POLICY ACT OF 1984

Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation to improve the operation of the Arctic Research and Policy Act. We have about 15 years of experience with this Act, and the time has come to make some modifications to reflect the experience we have gained over that time.

The most important feature of this bill is contained in Section 4. This section authorizes the Arctic Research Commission, a Presidential Commission, to make grants for scientific research. Currently, the Commission can make recommendations and set priorities, but it cannot make grants. Our experience with the Act and the Commission has shown us that research needs that do not fit neatly in a single agency do not get funded, even if they are compelling priorities.

One example is a proposed Arctic contamination initiative that was developed a few years ago after we discovered that pollutants from the Former Soviet Union—including radionuclides, heavy metals and persistent organic pollutants—were working their way into the Arctic environment. It became clear that the job of monitoring and evaluating the threat was too big for any single agency. The Interior Department, given its vast land management responsibilities in Alaska, was interested. The Commerce Department, given the jurisdiction over fisheries issues, was interested. The Department of Health and Human Services, given its concern about the health of Alaska's indigenous peoples, was interested. The only agency that didn't seem interested in the problem, strangely enough, was the EPA, which at the time was in the process of dismantling its Arctic Contaminants program.

Unfortunately, because the job was too big for any single agency, it was difficult to get the level of interagency cooperation necessary for a coordinated program. Moreover, agencies were unwilling to make a significant budgetary commitment to a program that wasn't under their exclusive control. If the Arctic Research Commission, which recognized the need, had some funding of its own to leverage agency participation and help to coordinate the effort, we would know far more about the Arctic contaminants problem than we do today.

Another example is the compelling need to understand the Bering Sea ecosystem. Over the past 20 years we have seen significant shifts in some of the populations comprising this ecosystem. King crab populations have declined sharply. Pollock populations have increased sharply. Steller sea lion populations have declined as have many types of sea birds. Scientists cannot tell us whether these population shifts are due to abiotic factors such as climate change, biotic factors such as predator-prey relationships, or some combination of both. Because the nation depends on this area for a significant portion of all its seafood, this is not an issue without stakeholders. Despite the chorus of interests and federal agencies that have said research is needed, a coordinated effort has not yet occurred. If the Arctic Research Commission, which recognized this need early on, had some funding of its own to leverage agency participation and help to coordinate the effort, we would know far more about the Bering Sea ecosystem than we do today.

This bill also makes a number of other minor changes in the Act:

Section 2 allows the Chairperson of the Commission to receive compensation for up to 120 days per year rather than the 90 days per year currently allowed by the Act. The Chairperson has a major role to play in interacting with the Legislative and Executive branches of the government, representing the Commission to non-governmental organizations, in interacting with the State of Alaska, and serving in international fora. In the past, chairpersons have been unable to fully discharge their responsibilities in the 90 day limit specified in the Act.

Section 3 authorizes the Commission to award an annual award not to exceed $1,000 to recognize either outstanding research or outstanding efforts in support of research in the Arctic. The ability to give modest awards will bring recognition to outstanding efforts in Arctic Research which, in turn, will help to stimulate research in the Arctic region. This section also specifies that a current or former Commission member is not eligible to receive the award.

Section 5 authorizes official representative and reception activities. Because the Commission is not authorized to use fund for these kinds of activities, the Commission has experienced embarrassment when they were unable to reciprocate after their foreign counterparts hosted a reception or lunch on their behalf. Under this provision, the Commission may spend not more than two tenths of one percent of its budget for representation and reception activities in each fiscal year.

Mr. President, the Arctic Research and Policy Act and the Arctic Research Commission has worked well over the past 15 years. It can work even better with these modest changes. I look forward to working with my colleagues to enact this bill as soon as possible.

By Mr. NICKLES:

S. 2933. A bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

TO AMEND PROVISIONS OF THE ENERGY POLICY ACT OF 1992

Mr. NICKLES. Mr. President, I rise today to introduce a bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of active uranium and thorium processing sites. On October 24, 1992, President Bush signed the National Energy Policy Act of 1992 (EPACT) into law. Title X of EPACT authorized the Department of Energy to reimburse uranium and thorium processing licensees for the portion of the costs incurred in the remediation of mill tailings, groundwater and other by-product material generated as a result of sales to the federal government pursuant to the Atomic Energy Commission's procurement program.

The Title X reimbursement program has worked very well. The licensees have completed much of the surface reclamation at the Title X sites. However, increasingly stringent remediation standards and groundwater decontamination programs have significantly increased the cost and time necessary to complete remediation at many sites. Under current law, in order for a licensee to be eligible to recover the federal share of remediation costs incurred subsequent to December 31, 2002, the licensee must describe and quantify all costs expected to be incurred throughout the remainder of the site's cleanup in a plan for subsequent remedial action. This plan must be submitted to the Department of Energy before December 31, 2001 and approved prior to December 31, 2002.

This bill would amend Title X to extend the date, from 2002 to 2007, through which licensees can submit claims for reimbursement under the procedures now in place and extend the date until December 31, 2007 that licensees must submit their plans for subsequent remedial action to the Department of Energy. This legislation does not seek any increase in the existing authorization. It merely provides the time necessary to prepare the plans on a more informed basis and avoid the unintended hardship which would likely result from the 2002 deadline.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMEDIAL ACTION AT ACTIVE URANIUM AND THORIUM PROCESSING SITES.

Section 1001(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296a(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i), by striking "2002" and inserting "2007"; and

(B) in clause (ii), by striking "placed in escrow not later than December 31, 2002," and inserting "incurred by a licensee after December 31, 2007,"; and

(2) in paragraph (2)(E)(i), by striking "July 31, 2005" and inserting "December 31, 2008".

By Mr. TORRICELLI:

S. 2934. A bill to provide for the assessment of an increased civil penalty in a case in which a person or entity that is the subject of a civil environmental enforcement action has previously violated an environmental law or in a case in which a violation of an environmental law results in a catastrophic event; to the Committee on Environment and Public Works.

THE ZERO TOLERANCE FOR REPEAT POLLUTERS ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to draw attention to the increased number of environmental enforcement actions brought against repeat violators in the United States.

In 1970, many of America's rivers and lakes were dying, our city skylines were disappearing behind a shroud of smog, and toxic waste threatened countless communities. Today, after a generation of environmental safeguards, our rivers and lakes are becoming safe for fishing and swimming again. Millions more Americans enjoy clean air and safe drinking water, and many of our worst toxic dumps have been cleaned. Yet more remains to be done before we can truly say our environment is a healthy environment.

Indeed, in 1997 alone, over 11,000 environmental enforcement actions had to be taken at the State and Federal levels. Sadly, it is also becoming much more common for the defendants in these actions to be repeat violators. For instance, in 1994, a chemical company in New Jersey was fined $6,000 for environmental violations. Just four years later, the same chemical company was again cited for an environmental crime—releasing cresol into the air. Unfortunately, this time 53 children and 5 adults had to be hospitalized and the EPA had to evacuate the local community.

Incidents such as this are becoming all too common. Under current law, the penalties for repeat environmental violators, or parties responsible for environmental catastrophes resulting in serious injury, are too low. Indeed, paltry fines are insufficient deterrents for large corporations or parties that repeatedly commit environmental crimes. Between 1994 and 1998, New Jersey had 774 repeat violators—more than any other State in the nation. This lack of deterrence has serious repercussions for the environment and public health.

To provide a real safeguard against these repeat violators, today I will introduce the "Zero Tolerance for Repeat Polluters Act of 2000." This legislation will create stiffer penalties for repeat violators of environmental safeguards and provides penalties that will more accurately reflect the costs to public health and the environment of catastrophic events. The bill also gives the EPA emergency order and civil action authority to address imminent and substantial endangerments of health and environment and creates a new EPA trust fund into which recovered funds can be used to address other significant threats.

Repeat environmental polluters that negligently endanger the public with their actions or inaction will not be tolerated. No individual or business should be able to endanger the public's health and safety with only the threat of a slap on the wrist hanging over them. The "Zero Tolerance for Repeat Polluters Act of 2000" goes a long way towards ensuring that public health and the environment are truly protected for future generations.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. BAYH, Mr. BREAUX, Ms. COLLINS, and Mr. AKAKA):

S. 2935. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Public Health Service Act to increase Americans' access to long term health care, and for other purposes; to the Committee on Finance.

THE OMNIBUS LONG-TERM CARE ACT OF 2000

Mr. GRAHAM. Mr. President, it is with great pleasure that I rise today to introduce the Omnibus Long-term Care Act of 2000 with my colleagues Senators GRASSLEY, MIKULSKI, BAYH, BREAUX, COLLINS, and AKAKA.

Americans in need of long-term care now face a fragmented and inadequate system of state and federal programs. This is no longer acceptable. Millions are struggling today to meet their long-term care needs, and these numbers will grow dramatically as the country ages. While Medicare reform is important, we will have accomplished little if we address seniors' acute care needs, but then leave them to suffer in poverty when they require long-term care.

I am pleased to introduce bipartisan legislation that demonstrates the Senate's commitment to addressing this issue in a comprehensive way. The Omnibus Long-term Care Act of 2000 will help millions of seniors and their caregivers who are struggling in our communities, while also encouraging all Americans to better plan for their own retirements.

Many seniors move to Florida with plans of a comfortable retirement, but all too often, these hopes are never realized. A stroke or Alzheimer's Disease strikes and a family is quickly overwhelmed by their long-term care costs and responsibilities. To complicate matters, many spouses of disabled seniors are frail themselves, and so find it increasingly difficult to meet the needs of their loved ones.

Caregiving is also a huge concern for the millions of Americans in the sandwich generation, those who are caring both for their children and their parents, while also balancing work obligations. Almost one-third of all caregivers is juggling employment and caregiver responsibilities, and of this group, two-thirds have conflicts that require them to quit work, cut hours, or turn down promotions.

It is clear that too many Americans are now being forced to sacrifice their health and their careers to care for their loved ones. To help, this bill: provides the disabled or their caregivers with a $3,000 long-term care tax credit; implements the National Family Caregiver Support Program, which will provide caregivers with information and services to help them meet their responsibilities; increases Social Services Block Grant funding for community-based long-term care services; and ensures that seniors can return to their nursing home after hospitalization.

This bill can also avert the long-term care crisis that will result if we do nothing to prepare for the aging of the Baby Boomers. Millions who are struggling to care for their parents today will soon need long-term care themselves. Baby Boomers had a higher divorce rate and fewer children than today's seniors, so they will not have the same support network that today's retirees enjoy.

With more seniors needing more paid help in the future, costs will skyrocket. According to the Congressional Budget Office, individual out-of-pocket costs for long-term care could nearly double from $43 billion today to $82 billion in 2020, and government's costs could increase from $73 billion to $125 billion in the same period. It is clear that future retirees and the government cannot afford business as usual.

We must ask all Americans to take more responsibility for their own long-term care needs. To help bring this about, this bill: offers a tax deduction for the premiums of long-term care insurance policies; provides long-term care insurance to federal employees; authorizes a national public information campaign to educate employers and employees about the benefits of long-term care coverage; mandates a federal survey to determine whether cities and counties are "elder-ready;" calls for studies to determine how best to meet Americans' future long-term care needs; and includes a Sense of the Senate affirming the body's commitment to ensuring seniors' physical, emotional, and financial well-being in the new century.

The long-term care crisis we face demonstrates that we have neglected this issue for far too long. But we must act now. The large number of seniors and their caregivers who are suffering in our communities today and the future needs of the Baby Boomers require it. A big problem requires a big solution, and this bill helps protect seniors today and in the future.

All of the cosponsors of this legislation have championed the need to meet seniors' long-term care needs. The fact that we have all come together in a bipartisan manner demonstrates that the Senate is committed to addressing this issue in a meaningful way. I look forward to working with my colleagues and the many organizations that support this bill to make comprehensive long-term care reform a reality.

Ms. MIKULSKI. Mr. President I rise as a proud original cosponsor of the Omnibus Long-Term Care Act of 2000. I am very pleased to join Senators GRAHAM, GRASSLEY, BAYH, COLLINS, BREAUX, and AKAKA to introduce this bipartisan legislation that provides a comprehensive approach to the long-term care of our nation's citizens. I am committed to finding long-term solutions to the long-term care problem in our country.

I like this bill because it meets the day-to-day needs of Marylanders and the long-range needs of our country. At least 5.8 million Americans aged 65 and older currently need long-term care. While this legislation has many important provisions, I would like to highlight three of its features: the National Family Caregiver Support Program, long-term car insurance for federal employees, and the "return to home" provision.

First, this bill would establish the National Family Caregiver Support Program. I am proud to have sponsored and cosponsored this legislation previously in this Congress. This program will provide respite care, training, counseling, support services, information and assistance to some of the millions of Americans who care for older individuals and adult children with disabilities. In fact, eighty percent of all long-term care services are provided by family and friends. This program has strong bipartisan support, will get behind our nation's families, and give help to those who practice self-help.

As Ranking Member of the Subcommittee on Aging, I am pleased to report that last week the Health, Education, Labor, and Pensions Committee unanimously approved a bipartisan bill to reauthorize the Older Americans Act

(OAA). This bill included the caregiver support program which is strongly supported by the entire aging community. As I work with Senators JEFFORDS, KENNEDY, and DEWINE and our colleagues in the House to pass the OAA reauthorization in September, I want to strongly urge fellow appropriators in the House and Senate to fund these vital caregiver support services as close as possible to the full funding level of $125 million. Millions of Americans are waiting for Congress to act.

Second, I think it is important that this bill includes the Long-Term Care Security Act. This bill would enable federal and military workers, retirees, and their families to purchase long-term care insurance at group rates (projected to be 15–20 percent below the private market). It would create a model that private employers can use to establish their own long-term care insurance programs. As our nation's largest employer, the federal government can be a model for employers around the country whose workforce will be facing the same long-term care needs. Starting with the nation's largest employer also raises awareness and education about long-term care options.

Yesterday, the Senate passed the Long-Term Care Security Act (H.R. 4040). I am proud to be the lead Democratic sponsor of the Senate companion to this bill, S. 2420, because it gives people choices, flexibility, and security. Families will have an additional option available to them as they look at their long-term care choices. This provision would also help reduce reliance on federal programs, like Medicaid, so the American taxpayer benefits.

This legislation also provides people with flexibility because it allows them to receive care in different types of settings. They may choose to be cared for in the home by a family caregiver—or they may need a higher level of care that nursing homes and home health care services provide. Different plan reimbursement options will ensure maximum flexibility that meet the unique health care needs of the beneficiary.

Long-term care insurance also provides families with some security. Family members will not be burdened by trying to figure out how to finance health care needs—and beneficiaries will be able to make informed decisions about their future.

Finally, I am pleased that the bill we have introduced includes bipartisan legislation that I have previously sponsored, the Seniors' Access to Continuing Care Act (S. 1142). This legislation protects seniors' access to treatment in the setting of their choice and ensures that seniors who reside in continuing care communities, and nursing and other facilities have the right to return to that facility after a hospitalization, even if the insurer does not have a contract with the resident's facility.

Across the country seniors in managed care plans have discovered too late that after a hospital stay, they may be forced to return to a facility in the plan's provider network and not to the continuing care retirement community or skilled nursing facility where they live. No senior should have to face this problem. In Maryland alone, there are over 12,000 residents in 40 continuing care retirement communities and 24,000 residents in over 200 licensed nursing facilities. I have visited many of these facilities and heard from residents and operators about this serious and unexpected problem.

Residents choose and pay for facilities like continuing care retirement communities (CCRC's) for the continuum of care, safety, security, and peace of mind. Hospitalization is traumatic. Friends, family, and familiar staff and faces are crucial to a speedy recovery. Where you return after a hospital stay should be based on humanity and choice, not the managed care company's bottom line.

Specifically, the Seniors' Access to Continuing Care Act protects residents of CCRC's and nursing facilities by: enabling them to return to their facility after a hospitalization; and requiring the resident's insurer or managed care organization (MCO) to cover the cost of the care, even if the insurer does not have a contract with the resident's facility. Certain conditions must be met.

This legislation also requires an insurer or MCO to pay for a service to one of its beneficiaries, without a prior hospital stay, if the service is necessary to prevent a hospitalization of the beneficiary and the service is provided as an additional benefit. Lastly, the bill requires an insurer or MCO to provide coverage to a beneficiary for services provided at a facility in which the beneficiary's spouse already resides, even if the facility is not under contract with the MCO. Certain requirements must be met. These provisions are an important part of our safety net for seniors.

I want to salute the strong leadership of the other cosponsors of this legislation who have authored various provisions of this comprehensive bill that we have joined together to introduce today. I know that all the cosponsors are sincerely committed, as I am, to addressing the challenges facing our aging population. I look forward to working with all of them to enact this important legislation.

Mr. AKAKA. Mr. President, it is with great pleasure that I cosponsor the Omnibus Long-term Care Act of 2000, introduced by Senator GRAHAM. The cosponsors of this legislation are well-known for their commitment to encouraging all Americans to prepare for their own long-term needs.

Many Americans mistakenly believe that Medicare and their regular health insurance programs will pay for long-term care. They do not. Although Medicare provides some long-term care support, an individual generally must "spend-down" his or her income and assets to qualify for coverage.

More and more Americans are requiring long-term care. About 6.4 million Americans, aged 65 or older, require some long-term care due to illness or disability. Over five million children and adults under the age of 65 also require long-term care because of health conditions from birth or a chronic illness developed later in life. Only 12 percent receive care in nursing homes or other institutional settings.

The need for long-term care is great. In 20 years, one in six Americans will be age 65 or older. By the year 2040, the number of Americans age 85 years or older will more than triple to over 12 million. The cost of nursing home care now exceeds $40,000 per a year in most parts of the country, and home care visits for nursing or physical therapy runs about $100 per visit. In 1996, over $107 billion was spent on nursing homes and home health care. However, this figure does not take into account that over 80 percent of all long-term care services are provided by family and friends.

In my own state of Hawaii, 13.2 percent of the population is 65 years and older. Although Hawaii enjoys one of the highest life expectancies—79 years, compared to a national average of 75 years—the state's rapidly aging population will greatly impact available resources for long-term care, both institutional and from non-institutional sources. Hawaii's long-term care facilities are operating at full capacity. According to the Hawaii State Department of Health, the average occupancy rate peaked at 97.8 percent in 1994. But occupancy remains high. By 1997, the average occupancy dropped to 90 percent.

These statistics point to the overriding need to help American families provide dignified and appropriate care to their parents and relatives. We know that the demand for long-term care will increase with each passing year, and that federal, state, and local resources cannot cover the expected costs. Nursing home costs are expected to reach $97,000 by the year 2030.

What Congress can do, however, it make long-term care insurance available to a broad segment of the population. As the ranking minority member of the Subcommittee on Federal Services, I co-chaired a hearing on long-term care insurance on May 16, 2000. We heard testimony on S. 2420, legislation to authorize the Office of Personnel Management to contract with one or more insurance carriers for long-term care insurance for federal and military personnel and their families. As a cosponsor of that bill, I am pleased that just last night, the Senate passed our measure after substituting the text of S. 2420 under H.R. 4040, the House long-term care bill for the federal family. The bill, as amended, also includes provisions of S. 1232, the Federal Erroneous Retirement Coverage Corrections Act, which I cosponsored with Senator COCHRAN last year. These provisions will provide relief to the estimated 20,000 federal employees who, through no fault of their own, found themselves in the wrong retirement system. H.R. 4040, as amended, offer a model for the private sector. I am delighted that similar legislation providing long-term care insurance for federal employees and military personnel is included in Senator GRAHAM's bill, and I welcome the opportunity to join with him in helping Americans meet their long-term care needs in a dignified manner.

The bill introduced today provides a comprehensive effort to address our citizens' long-term care needs. Among its provisions are the authorization of a phased-in tax deduction for the premiums of qualified long-term care insurance, implementation of the National Family Caregiver Support Program, restoration of $2.38 billion authorization for the Social Services Block Grant, and creation of a national public information campaign.

Mr. President, I am pleased to be an original sponsor of this bill.

By Mr. ROBB (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BREAUX, Mr. DODD, Mr. DORGAN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. TORRICELLI, Mr. HARKIN, and Mr. BAYH):

S. 2936. A bill to provide incentives for new markets and community development, and for other purposes; to the Committee on Finance.

CREATING NEW MARKETS AND EMPOWERING AMERICA ACT OF 2000

Mr. ROBB. Mr. President, I rise today to introduce the Creating New Markets and Empowering America Act of 2000, which is designed to strengthen and revitalize low and moderate income communities across America.

Because we made some tough choices to balance our budget, we have the first federal surplus since Lyndon Johnson was President. And now is the time to give some back, particularly to those who have missed out on so much of our economic prosperity. This legislation would pump new capital into our nation's inner cities and isolated rural communities—areas that have had a difficult time building up from within.

The legislation contains three "New Markets" initiatives designed to attract and expand new capital into low to moderate income areas. First, a New Markets Tax Credit would infuse $15 billion in investments over the next 7 years through a 30 percent tax credit for businesses who provide capital to lower income communities. Secondly, the bill authorizes the designation of America's Private Investment Companies (APIC's) which would receive federal matching funds for private investments made in lower income areas. This provision would allow $1 billion in federal low-cost loans to match $500 million in private investment. Thirdly, the bill would create a new class of venture capital funds to assist with the operation and administration of ongoing businesses in lower income areas, who have growth potential, so they can continue to expand.

The bill also requires mandatory funding for Round II Empowerment Zones (EZ's) and Enterprise Communities (EC's) and creates a new set of Round III EZ's.

Mr. President, the mandatory funding of Round II Empowerment Zones is critically important to the citizens of Norfolk and Portsmouth, Virginia. The Federal Government made a commitment to these two communities—they need and deserve the funding—and I am determined to get the check in the mail to them. With this legislation, the Norfolk-Portsmouth Empowerment Zone would be guaranteed the remaining $94 million it was promised when it competed for the Empowerment Zone designation.

The legislation I'm introducing today also creates 40 Renewal Communities—which reflect the agreement between President Clinton and Speaker HASTERT—along with a host of tax provisions to expand and revitalize housing.

Very important to my home state of Virginia, this bill contains legislation I introduced earlier this year (S. 2445) to assist communities affected by job loss due to trade. The Assistance in Development for Communities Act (AID for Communities Act) both assists communities in developing a plan to retool their economies and offers financial assistance and tax incentives to help communities implement those plans.

Mr. President, the AID for Communities Act is immensely important to the people of Martinsville, Virginia—who have suffered economic devastation from the recent closing of a Tultex plant. This bill would give the citizens of Martinsville the urgent assistance they need to strengthen their economy and create a more vibrant future for all who live there.

Finally, Mr. President, this legislation includes two new initiatives to help religious and other community organizations better participate in federal grant programs. Specifically, it requires the Substance Abuse and Mental Health Services Administration to provide assistance in a manner similar to HUD's Office of Community and Faith-Based Organizations to assist faith-based and community organizations in applying for federal grant funds to provide substance abuse treatment. It would also require the IRS to provide guidance and make information available to assist religious and community organizations in establishing tax-exempt entities that can be used to operate social services.

Many of these organizations are unfamiliar with the process necessary to set up a tax-exempt organization and are, therefore, unable to participate in federal grant programs. This provision would provide them with the necessary information and assistance.

Mr. President, the "Creating New Markets and Empowering America Act of 2000" will spur economic growth in low to moderate income communities across our nation. As such, it will improve the lives of countless Americans. I urge my colleagues to support this important legislation.

Mr. BAUCUS. Mr. President, I rise today to cosponsor the Creating New Markets and Empowering America Act of 2000. We are living in a time of unprecedented prosperity. However this prosperity has not reached every American equally. The boom on Wall Street has not reached Main Street in many regions of our nation. The problem is quite simple. Many of our lower income communities are unable to attract the investment capital that is allowing more affluent areas to flourish. As the United States economy continues to grow it has become more and more apparent that attracting capital to these communities is one of the largest challenges facing the private sector and all levels of government.

It is important to keep in mind that this is not just an urban problem. Many rural communities, especially those that rely on agriculture, are watching their jobs disappear with nothing on the horizon in the form of new business or industry to offer much hope. My home state of Montana is facing this economic turmoil right now. A state that was built on agriculture, mining, and timber has watched these industries diminish to the point that Montana is now 50th in per-capita income relative to other states—dead last.

We often hear the phrase "digital divide." Well, Montana is standing on the edge of an economic divide, but we are not quitters. Montana has much to offer. We have an unparalleled quality of life, a highly-educated work force, a burgeoning high-tech sector, and top-notch schools. In many respects, we are right on the cusp of an economic upswing. However, we are having an extremely difficult time attracting the investment capital that we need to become a partner in the Internet mainstream, create good paying jobs, and truly turn the economic corner.

This past June over the course of two days, I convened a Montana Economic Development Summit that brought together not only our state's leaders and decision makers, but also outside experts in various disciplines in an effort to build a road map for improving Montana's economy. We covered many issues, but primarily focused on high-tech, business development, and marketing and trade. We tackled tough questions such as how we retain and support our current businesses and also attract new businesses that truly fit with Montanans and their values. Three points came up time and again. First, the need for and inability to get the necessary investment, capital. We simply do not have the population or resources available that larger states enjoy. Second, our window of opportunity is closing. Time moves faster than it used to and if we don't act quickly the world will move right past us. Third, and most importantly, any action or strategy that we take must come from begin locally. Economic development initiatives must be bottom-up and not top-down or they just will not work.

It is for these three reasons that I am cosponsoring this legislation. The New Markets proposals are a quick and efficient way to leverage the necessary investment in lower-income communities through private/public partnerships. And it will give these communities the tools they need to map their own economic destiny and create the better paying jobs that are so desperately needed.

Two portions illustrate the private/public partnership. On the public side, the Trade Adjustment Assistance provision will enhance the ability of each community to be proactive in crafting a long-term strategy for economic development. This is crucial for communities and regions in rural areas that are natural resource dependent and have suffered severe employment losses in the past decade. For the private sector, the New Markets tax credit will create opportunity by providing a tangible incentive for companies to take a serious look at areas of the country that are currently being ignored.

In closing, this legislation will provide the necessary ingredients for revitalizing America's less fortunate rural areas. It will help target investment to these communities and it will allow them the flexibility to build their economies on their terms and their ability. I commend my colleague from Virginia, Senator ROBB, for introducing such proactive legislation that addresses several of the most urgent issues facing economically troubled areas. Finally, I urge my colleagues to work together and pass this legislation so that states like Montana can begin their long climb back up to economic stability and prosperity.

Mr. KERRY. Mr. President, today I join Senator ROBB and 16 other colleagues to introduce comprehensive legislation aimed at spurring economic development and person empowerment in our inner cities and isolated rural areas. Our economy is booming, and has been for most of the 90s, yet there are still individuals and families who are struggling.

What we've tried to do is develop economic incentives that will encourage business development and remove barriers that make it hard for entrepreneurs, community organizations and individuals to build healthy communities.

Among the many important initiatives in this bill is my new markets legislation that I introduced last September, S. 1594, the Community Development and Venture Capital Act, which passed the Senate Committee on Small Business today, and as part of the Clinton/Hastert package in the House yesterday. It also includes full funding for Round II of Empowerment Zones.

The Community Development and Venture Capital Act has three parts: a venture capital program to funnel investment money into distressed communities; Senator WELLSTONE's program to expand the number of venture capital firms and professionals who are devoted to investing in such communities; and a mentoring program to link established, successful businesses with small businesses owners in stagnant or deteriorating communities in order to facilitate the learning curve.

The venture capital program is modeled after the Small Business Administration's successful Small Business Investment Company program. As SBA Administrator Alvarez pointed out just last week in a Small Business Committee hearing, the SBIC program has been so successful that it has generated more than $19 billion in investments in more than 13,000 businesses since 1992. And, in the past five years, the SBIC participating securities program has returned $224 million in profits, virtually paying for itself for the past nine years.

As successful as that program is, it does not sufficiently reach areas of our country that need economic development the most. One, out of the total $4.2 billion that SBICs invested last year, only 1.6 percent were deals of less than $1 million dollars in LMI areas. Two, only $1.1 million of that $4.2 billion went to LMI investments in rural areas. Three, in 1999, 85 percent of SBIC deals were $10 million and more.

In broader terms, the economy is booming. Since 1993, almost 21 million jobs have been created. Since 1992, unemployment has shrunk from 7.5 percent to 4 percent. In the past two years, we've paid down the debt $140 billion, and CBO currently projects a surplus of $176 billion. Some estimates even say more than $2 trillion. In spite of these impressive numbers, one out of five children grows up in poverty and there are pockets of America where unemployment is as high as 14 percent.

We can make a difference by investing in a new industry of community development venture capital funds that target investment capital and business expertise into low- and moderate-income areas to develop and expand local businesses that create jobs and alleviate economic distress. The existing 25 or 30 community development venture capital funds have set out to demonstrate that the same model of business development that has driven economic expansion in Silicon Valley and Route 128 Massachusetts can also make a powerful difference in areas like the inner-city areas of Boston's Roxbury or New York's East Harlem, or the rural desolation of Kentucky's Appalachia or Mississippi's Delta region.

Federal Reserve Board Chairman Alan Greenspan says "Credit alone is not the answer. Businesses must have equity capital before they are considered viable candidates for debt financing." He emphasizes that this is particularly important in lower-income communities.

What I'm trying to do as Ranking Member of the Small Business Committee, and have been working with the SBA to achieve, is expand investment in our neediest communities by building on the economic activity created by loans. I think one of the most effective ways to do that is to spur venture capital investment in our neediest communities. I am very glad that Senator ROBB and my other colleagues agreed to include this powerful economic development plan in this legislation.

Switching to another provision in this bill, this legislation builds on the President's and Speaker's agreement by securing full, mandatory funding for Massachusett's Empowerment Zone. As I said earlier, this passed the full House yesterday by a vote of 394 to 27. Full, mandatory funding is important because, so far, the money has dribbled in—only $6.6 million of the $100 million authorized over ten years—and made it impossible for the city to implement a plan for economic self-sufficiency. Some 80 public and private entities, from universities to technology companies to banks to local government, showed incredible community spirit and committed to matching the EZ money, eight to one. Let me say it another way—these groups agreed to match the $100 million in Federal Empowerment Zone money with $800 million. Yet, regrettably, in spite of this incredible alliance, the city of Boston has not been able to tap into that leveraged money and implement the strategic plan because Congress hasn't held up its part of the bargain. I am extremely pleased that we were able to work together and find a way to provide full, steady funding to these zones. That money means education, daycare, transportation and basic health care in areas—in Massachusetts that includes

57,000 residents who live in Roxbury, Dorchester and Mattipan—where almost 50 percent of the children are living in poverty and nearly half the residents over 25 don't even have a high school diploma.

Mr. President, I thank my colleagues for their work on this important legislation.

Mr. LEAHY. Mr. President, I rise today to give my support to the Creating New Markets and Empowering America Act of 2000. In a time of unprecedented economic prosperity, there are too many communities in this nation that are beleaguered by crumbling infrastructures and stagnant economies. This legislation will help attract capital, produce much-needed housing, and encourage private investment to communities most in need.

I am proud to join in cosponsoring this legislation and would like to thank Senator ROBB for all his hard work in crafting this bill. Of particular importance to my home state of Vermont are increases in the Low Income Housing Tax Credit and Private Activity Bond cap.

Vermont is currently in the middle of an affordable housing crisis. Production has stalled and demand has risen. In Chittenden County, one of Vermont's most populated areas, residents face a rental vacancy rate of less than one percent. Housing costs are so expensive, middle income families are being forced into hotels, college dorms, homeless shelters, or left out on the street. Sadly, this is a situation that is being repeated nationwide.

As funding for other federal housing assistance programs has diminished, states depend more and more on the LIHTC and private activity bonds to finance affordable housing projects. The LIHTC has been extremely successful since its enactment as part of the Tax Reform Act of 1986. Today, the LIHTC is one of the primary tools that states have to attract private investment in affordable rental housing. In Vermont, the LIHTC has made possible the production, rehabilitation, and preservation of over 2,600 affordable apartments since 1987. Unfortunately this credit has not been increased since its creation nearly fourteen years ago. Today, the demand for tax credits far exceeds their availability. This year in Vermont, over $2.5 million in credits were requested but only $718,000 were available.

I am pleased that this bill raises the annual per capita allocation of tax credits from $1.25 to $1.75 and indexes the credit to inflation. In addition to the increased per capita allocation, I hope to work a small state minimum. Such a floor would help to ensure that small states like Vermont have access to the resources they need to provide affordable housing for every resident in need.

Private activity bonds also play an important role in providing affordable housing for Vermonters. In 1986 the Federal Tax Reform Act limited the amount of tax-exempt bonds that each state could issue to no more than $50 per capita. There has not been an inflation adjustment to the cap since its inception. The Vermont Housing Finance Agency (VHFA) has issued over $1.25 billion in private activity bonds since 1974, bonds which have helped make the dream of home ownership a reality for over 20,425 Vermont households. I am pleased that this bill includes a cap increase from $50 to $75 per capita which will help Vermont's finance agencies continue this success.

Again, I am proud to be a cosponsor of this bill which will offer many households, businesses and communities new opportunities as we enter the 21st century. I urge my colleagues to join me in support of this legislation.

By Mr. DOMENICI (for himself, Mr. WYDEN, Mr. GRASSLEY, and Mr. KERREY):

S. 2937. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes; to the Committee on Finance.

THE MEDICARE GEOGRAPHIC FAIR PAYMENT ACT OF 2000

Mr. DOMENICI. Mr. President, I rise today with some very distinguished colleagues from both sides of the aisle—Senator WYDEN, who is here, and Senator GRASSLEY, who is not here—who are cosponsors of this measure, along with Senator BOB KERREY of Nebraska.

Mr. President, let me suggest for Senators' staff who are looking at this to look alphabetically. You will find how much is being reimbursed in your cities for the Medicare+Choice reimbursement. Look at it, and you will see how the HMOs are reimbursed to provide this rather good, fair, and competitive coverage to the senior citizens. You will be astounded. Many people think New York is covered. They are getting a very high rate of reimbursement because they started high. But look at some of the cities in New York. You will find that New York has a number of cities that are under $450. We reimburse them on the high level—as high as $800.

The bill we are introducing today we are going to call the Medicare Geographic Fair Payment Act. Week after week, the Federal Government deducts a portion of everyone's paycheck to support the Medicare program. After our seniors have retired and begin to take advantage of the program they have supported for so many years, I think it is fair that they continue to have a choice.

Right now they have a choice. But the choice is really not for all seniors because we made a decision when we put in the Medicare+Choice Program, which was really an alternative that seniors could choose. We made a decision as to how we would reimburse the provider. That decision was made based upon, as I understand from my good friend, Senator WYDEN—allegedly based on what they needed to get the job done to get the program going.

I don't intend to be critical, but in many instances those who had not been frugal, had not been careful about costs, got high reimbursements. But if you lived in Senator WYDEN's State or New Mexico, where they were being extremely frugal in what they charged for the services, they got a very low rate.

It is unfortunate, but for Staten Island the rates of reimbursement are $814; $794 for Dade County—I am not complaining; I am stating a dollar amount—$702 for New Orleans; and $661 for Los Angeles.

Senator WYDEN, perhaps, could intervene and tell me what it is in Portland.

Mr. WYDEN. $445.

Mr. DOMENICI. $445; Albuquerque is $430, $15 under Oregon. That is all the government will give as reimbursement if you decide to get into the HMO business with hospitals and everybody else joining together, if you are going to furnish this service. Remember, there are some places getting $800-plus.

I am not here to take away anything from anyone. That is how our amendment is different. We are not trying to take the pie, leave it the same size, and say those who are getting more money have to cut back. Rural areas are even lower and are expected to provide the same level of benefits or nearly half the reimbursement.

There were seniors who had a marvelous Medicare+Choice Program. Why was it good? It was good because for a reasonable cost they were getting prescription drugs, which you don't get under Medicare, and the whole package was new benefits. Some of them got dental insurance, which they don't get. Some of them got a number of different things they don't get under Medicare, for a premium they could afford.

These programs are being closed down every day we delay. Thousands of seniors are getting notices. They had a good program, but they won't have it in January. I want everybody to know if there are going to be any entitlement bills getting out of here on anything that is even close to Medicare, this is an amendment that will be on there—or something better. This amendment says by January 1st of this year, the rates are raised. They are these low rates we are talking about. Very simply, under this bill, we will change the rates.

It is pretty easy for everybody to understand. This is not a complicated bill. What we are doing is saying for those metropolitan areas which are

250,000 or more, the minimum reimbursement will be $525. If we can't get that through here to preserve some of these plans where seniors are just falling off the log, desperately getting their notices, and raising it to $525, then I don't know what is fair around here anymore. For all the rural counties, we have raised the minimum to $475.

My friend, Senator WYDEN, can talk about his State and about his observations. Clearly, he has been asking everybody around here, including the Budget Committee, to have hearings on this great disparity which he calls penalizing efficiency.

The truth of the matter is in my home city and in my State of New Mexico, what is happening, the HMO companies can no longer stay in business. Seniors are getting notified. In fact, we don't have a lot of people under this program—15,000 are going to get knocked off the program right now, very soon. If you think they are not going to meetings, they met with Heather Wilson, one of our representatives, and 400 people showed up because they read in the newspaper she was holding a meeting and they already got their notices: Come January, find a new plan. They are asking: Why? The plan is good. It is very good for me. I have been paying all my life. Why are you taking this away?

I ask Senators to take a look. In my case, we will get $34 million in additional reimbursements during the first year and $170 out of this bill. Incidentally, this bill will cost $700 million the first year. I say to the thousands of seniors who may be able to keep their insurance and be under this kind of program, that is a pretty good bargain. Over 5 years, it will cost $3.7 billion.

It also includes a third provision which I ask Senators to look at. It is the product of some very wise thinking by Senator Grassley. It should have been separately called the GRASSLEY bill, but it is packaged in this as our third title. It says essentially hospitals will hereinafter be reimbursed on labor costs—on what the actual cost is, not on what the stated cost is. That makes the payment to hospitals go up substantially. My small State will go up about $6.5 million over the year. I don't know what it would be in a State such as Ohio, but it would be rather substantial.

I have extensive research, with cities alphabetically listed. Just look for your city and see what the reimbursement rate is. If it is under $525, we will take it to $525. If there are rural counties that are not in these lists, call home and ask what some of the counties are getting reimbursed. Raising it to $475 will help an awful lot of people. Is it enough? I don't know. I want to get something done. My friend wants to get something done, as do my two cosponsors. I assume in a couple of days or a week we will have a lot more Senators, bipartisan, asking to be on this.

I remind everyone, the total cost of doing a bit of fairness to seniors and ending discrimination by region is going to be $700 million in the first year and $3.7 over 5. We have been talking about astronomical numbers for Medicare reform, prescription drugs. I don't know where we will end up. I hope in the heat of this political 6 weeks we don't do anything major, because it will be wrong, but clearly we have to do something.

Come January 1, if we don't put money into this reimbursement program, I think my friend, who has followed this carefully, will say hundreds of thousands of seniors will be denied the option to buy coverage which they think is rather good in many cases, including prescription drugs, for which they only have to pay $50 extra. They can't get that anywhere else. They got extensive coverage of items in their health care needs that are not covered anywhere.

I very much thank the Senators who are cosponsoring, Senators WYDEN, GRASSLEY, and BOB KERREY of Nebraska. We will have more.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Geographic Fair Payment Act of 2000".

SEC. 2. IMPROVED ACCESS TO MEDICARE+CHOICE PLANS THROUGH AN INCREASE IN THE ANNUAL MEDICARE+CHOICE CAPITATION RATES.

Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(B)(ii)) is amended—

(1) by striking "(ii) For a succeeding year" and inserting "(ii)(I) Subject to subclause (II), for a succeeding year"; and

(2) by adding at the end the following new subclause:

"(II) For 2001 for any area in any Metropolitan Statistical Area with a population of more than 250,000, $525 (and for any area outside such an area, $475).".

SEC. 3. REQUIREMENT THAT THE ACTUAL PROPORTION OF A HOSPITAL'S COSTS ATTRIBUTABLE TO WAGES AND WAGE-RELATED COSTS BE WAGE ADJUSTED.

(a) IN GENERAL.—The first sentence of section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended by striking ", (as estimated by the Secretary from time to time) of hospitals' costs" and inserting "of each hospital's costs (based on the most recent data available to the Secretary with respect to the hospital)".

(b) SPECIAL RULE FOR HOSPITALS LOCATED IN PUERTO RICO.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended by adding at the end the following new sentence: "In the case of a hospital located in Puerto Rico, the first sentence of this subparagraph shall be applied as in effect on the day before the date of enactment of the Geographic Adjustment Fairness Act of 2000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to discharges occurring on or after January 1, 2001.

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000

Population[1]	Metropolitan statistical area	State and county name	2000 payment rate
2	Akron, OH PMSA	OH Summit	$569.96
		OH Portage	517.50
2	Albany-Schenectady-Troy, NY MSA	NY Rensselaer	451.95
		NY Albany	426.70
		NY Saratoga	426.15
		NY Montgomery	415.97
		NY Schenectady	414.50
		NY Schoharie	408.51
2	Albuquerque, NM MSA	NM Bernalillo	430.44
		NM Sandoval	402.64
		NM Valencia	401.61
2	Allentown-Bethlehem-Easton, PA MSA	PA Northampton	550.07
		PA Carbon	530.57
		PA Lehigh	520.68
2	Ann Arbor, MI PMSA	MI Washtenaw	557.62
		MI Livingston	535.35
		MI Lenawee	492.06
2	Appleton-Oshkosh-Neehan, WI MSA	WI Calumet	401.61
		WI Outagamie	401.61
		WI Winnebago	401.61
1	Atlanta, GA MSA	GA Clayton	639.17
		GA Douglas	631.97
		GA Coweta	612.58
		GA Henry	578.76

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population[1]	Metropolitan statistical area	State and county name	2000 payment rate
		GA Newton	572.05
		GA Fulton	569.09
		GA Walton	562.39
		GA Gwinnett	560.30
		GA Forsyth	560.28
		GA Paulding	552.37
		GA Cobb	552.00
		GA Barrow	549.34
		GA De Kalb	549.32
		GA Carroll	538.55
		GA Cherokee	536.79
		GA Pickens	532.62
		GA Fayette	531.71
		GA Rockdale	528.77
		GA Spalding	491.23
		GA Bartow	457.53
2	Atlantic-Cape May, NJ PMSA	NJ Cape May	575.01
		NJ Atlantic	564.89
2	Augusta-Aiken, GA–SC MSA	GA McDuffie	506.13
		GA Columbia	480.21
		GA Richmond	474.28
		SC Aiken	472.78
		SC Edgefield	401.61
2	Austin-San Marcos, TX MSA	TX Travis	457.95
		TX Caldwell	449.43
		TX Bastrop	437.16
		TX Hays	429.58
		TX Williamson	411.43
2	Bakersfield, CA MSA	CA Kern	549.94
1	Baltimore, MD PMSA	MD Baltimore City	671.43
		MD Anne Arundel	596.99
		MD Howard	575.83
		MD Baltimore	573.77
		MD Harford	567.54
		MD Carroll	519.96
		MD Queen Annes	468.85
2	Baton Rouge, LA MSA	LA Ascension	701.89
		LA Livingston	669.57
		LA E. Baton Rouge	574.48
		LA W. Baton Rouge	569.45
2	Beaumont-Port Arthur, TX MSA	TX Jefferson	635.70
		TX Orange	628.21
		TX Hardin	580.77
1	Bergen-Passaic, NJ PMSA	NJ Bergen	559.77
		NJ Passaic	537.18
2	Biloxi-Gulfport-Pascagoula, MS MSA	MS Jackson	630.08
		MS Hancock	612.91
		MS Harrison	596.61
2	Binghamton, NY MSA	NY Broome	415.83
		NY Tioga	403.34
2	Birmingham, AL MSA	AL Shelby	686.53
		AL Blount	575.59
		AL St. Clair	570.54
		AL Jefferson	557.62
2	Boise City, ID MSA	ID Ada	401.61
		ID Canyon	401.61
1	Boston, MA-NH PMSA	MA Suffolk	676.30
		MA Norfolk	628.81
		MA Middlesex	604.17
		MA Plymouth	566.16
		MA Essex	542.07
		NH Rockingham	479.31
2	Bridgeport, CT PMSA	CT Fairfield	546.20
2	Brownsville-Harlingen-San Benito, TX MSA	TX Cameron	439.76
1	Buffalo-Niagara Falls, NY MSA	NY Niagara	458.37
		NY Erie	444.70
2	Canton-Massillon, OH MSA	OH Stark	439.09
		OH Carroll	425.34
2	Charleston, WV MSA	WV Kanawha	485.94
		WV Putnam	459.31
2	Charleston-North Charleston, SC MSA	SC Charleston	480.38
		SC Berkeley	455.71
		SC Dorchester	429.44
1	Charlotte-Gastnia-Rockhill, NC–SC MSA	NC Cabarrus	459.94
		NC Gaston	456.16
		NC Mecklenburg	433.27
		NC Union	433.15
		NC Lincoln	431.34
		SC York	430.89
		NC Rowan	429.39
2	Chattanooga, TN–GA MSA	TN Marion	689.49
		GA Walker	533.01
		TN Hamilton	526.68
		GA Catoosa	503.89
		GA Dade	497.19
1	Chicago, IL PMSA	IL Cook	593.51
		IL Will	523.73
		IL Grundy	519.32
		IL Du Page	509.42
		IL Lake	507.05
		IL Kane	482.60
		IL Mc Henry	466.26
		IL Kendall	444.33
		IL De Kalb	415.25
1	Cincinnati, OH–KY–IN PMSA	OH Hamilton	505.97
		OH Clermont	505.91
		KY Boone	502.28
		KY Kenton	483.13
		KY Campbell	479.25
		OH Brown	473.04
		IN Ohio	471.63
		IN Dearborn	469.59
		KY Grant	469.13
		OH Warren	468.11
		KY Gallatin	457.05

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population[1]	Metropolitan statistical area	State and county name	2000 payment rate
		KY Pendleton	422.65
1	Cleveland-Lorain-Elyria, OH PMSA	OH Cuyahoga	575.59
		OH Lorain	522.63
		OH Medina	511.38
		OH Lake	506.72
		OH Ashtabula	503.62
		OH Geauga	484.81
2	Colorado Spring, CO MSA	CO El Paso	472.16
2	Columbia, SC MSA	SC Lexington	429.22
		SC Richland	406.65
2	Columbus, GA-AL MSA	GA Chattahoochee	486.30
		AL Russell	450.62
		GA Muscogee	430.84
		GA Harris	401.61
1	Columbus, OH MSA	OH Madison	511.41
		OH Franklin	496.33
		OH Fairfield	461.07
		OH Pickaway	453.38
		OH Delaware	450.01
		OH Licking	434.03
2	Corpus Christi, TX MSA	TX Nueces	515.88
		TX San Patricio	501.62
1	Dallas, TX PMSA	TX Denton	557.79
		TX Collin	547.45
		TX Dallas	545.56
		TX Rockwall	511.05
		TX Kaufman	510.50
		TX Henderson	507.26
		TX Ellis	489.89
		TX Hunt	484.39
2	Davenport-Moline-Rock Island, IA-AL MSA	IA Scott	420.23
		IL Rock Island	416.48
		IL Henry	401.72
2	Daytona Beach, FL MSA	FL Volusia	481.63
		FL Flagler	432.48
2	Dayton-Springfield, OH MSA	OH Montgomery	497.25
		OH Clark	487.66
		OH Miami	461.54
		OH Greene	438.27
1	Denver, CO PMSA	CO Denver	534.62
		CO Adams	513.59
		CO Arapahoe	484.26
		CO Jefferson	475.87
		CO Douglas	452.51
2	Des Moines, IA MSA	IA Polk	443.74
		IA Warren	405.72
		IA Dallas	401.61
1	Detroit, MI PMSA	MI Wayne	677.77
		MI Oakland	639.26
		MI Macomb	628.03
		MI Monroe	567.21
		MI Lapeer	541.44
		MI St. Clair	513.96
2	Dutchess County, NY PMSA	NY Dutchess	485.41
2	El Paso, TX MSA	TX El Paso	481.85
2	Erie, PA MSA	PA Erie	461.47
2	Eugene-Springfield, OR MSA	OR Lane	424.21
2	Evansville-Henderson, IN-KY MSA	KY Henderson	487.38
		IN Posey	455.23
		IN Warrick	441.91
		IN Vanderburgh	439.14
2	Fayetteville, NC MSA	NC Cumberland	420.50
2	Flint, MI PMSA	MI Genesee	654.33
1	Fort Lauderdale, FL PMSA	FL Broward	690.17
2	Fort Myers-Cape Coral, FL MSA	FL Lee	516.74
2	Fort Pierce-Port St. Lucie, FL MSA	FL St. Lucie	582.27
		MI FL Martin	536.70
2	Fort Wayne, IN MSA	IN Adams	405.10
		IN Allen	403.97
		IN Whitley	403.29
		IN De Kalb	401.61
		IN Huntington	401.61
		IN Wells	401.61
1	Fort Worth-Arlington, TX PMSA	TX Tarrant	529.17
		TX Johnson	502.06
		TX Hood	492.86
		TX Parker	488.76
2	Fresno, CA MSA	CA Madera	473.12
		CA Fresno	438.04
2	Gary, IN PMSA	IN Lake	564.82
		IN Porter	514.53
2	Grand Rapids-Muskegon-Holland, MI MSA	MI Allegan	445.34
		MI Muskegon	443.96
		MI Kent	423.54
		MI Ottawa	401.61
1	Grnsboro Winston-Salem-HI PT, NC MSA	NC Davie	461.90
		NC Davidson	436.36
		NC Guilford	434.67
		NC Forsyth	434.28
		NC Stokes	417.35
		NC Yadkin	415.82
		NC Alamance	415.23
		NC Randolph	414.23
2	Greenville-Spartanburg-Anderson, SC MSA	SC Cherokee	466.06
		SC Anderson	409.97
		SC Greenville	405.47
		SC Pickens	401.61
		SC Spartanburg	401.61
2	Hamilton-Middletown, OH PMSA	OH Butler	480.01
2	Harrisburg-Lebanon-Carlisle, PA MSA	PA Dauphin	511.84
		PA Perry	508.55
		PA Cumberland	454.13
		PA Lebanon	420.60
1	Hartford, CT MSA	CT Tolland	541.27
		CT Hartford	525.95

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population [1]	Metropolitan statistical area	State and county name	2000 payment rate
		CT Litchfield	511.80
		CT Windham	505.42
		CT Middlesex	482.64
2	Hickory-Morganton-Lenoir, NC MSA	NC Alexander	451.10
		NC Burke	437.35
		NC Caldwell	429.74
		NC Catawba	408.16
2	Honolulu, HI MSA	HI Honolulu	451.71
1	Houston, TX PMSA	TX Liberty	719.28
		TX Chambers	719.23
		TX Montgomery	706.08
		TX Harris	631.59
		TX Waller	527.01
		TX Fort Bend	521.77
2	Huntington-Ashland, WV-KY-OH MSA	KY Boyd	499.45
		KY Greenup	487.07
		OH Lawrence	483.34
		KY Carter	434.54
		WV Wayne	428.33
		WV Cabell	427.27
2	Huntsville, AL MSA	AL Limestone	464.15
		AL Madison	454.59
1	Indianapolis, IN MSA	IN Marion	506.06
		IN Madison	492.95
		IN Hendricks	487.01
		IN Hamilton	478.86
		IN Shelby	477.17
		IN Morgan	470.63
		IN Hancock	469.54
		IN Boone	462.42
		IN Johnson	442.74
2	Jackson, MS MSA	MS Madison	446.48
		MS Rankin	445.23
		MS Hinds	442.96
2	Jacksonville, FL MSA	FL Duval	558.61
		FL Nassau	534.03
		FL St. Johns	503.27
		FL Clay	494.78
2	Jersey City, NJ PMSA	NJ Hudson	572.80
2	Johnson City-Kingsport-Bristol, TN–VA MSA	TN Unicol	486.65
		TN Hawkins	475.81
		VA Scott	475.48
		TN Washington	460.53
		TN Sullivan	451.21
		VA Bristol City	445.38
		TN Carter	419.53
		VA Washington	401.61
2	Kalamazoo-Battle Creek, MI MSA	MI Calhoun	497.87
		MI Van Buren	468.21
		MI Kalamazoo	457.00
1	Kansas City, MO–KS MSA	KS Wyandotte	539.21
		MO Jackson	535.72
		MO Ray	521.98
		MO Clay	519.84
		KS Johnson	506.41
		KS Leavenworth	503.12
		KS Miami	494.24
		MO Platte	493.90
		MO Lafayette	486.11
		MO Cass	479.90
		MO Clinton	428.27
2	Killeen-Temple, TX MSA	TX Coryell	415.61
		TX Bell	407.33
2	Knoxville, TN MSA	TN Loudon	506.47
		TN Knox	484.18
		TN Anderson	460.95
		TN Union	453.63
		TN Blount	446.59
		TN Sevier	439.09
2	Lafayette, LA MSA	LA Lafayette	512.01
		LA St. Landry	492.02
		LA Acadia	463.22
		LA St. Martin	460.29
2	Lakeland-Winter Haven, FL MSA	FL Polk	437.74
2	Lancaster, PA MSA	PA Lancaster	416.00
2	Lansing-East Lansing, MI MSA	MI Ingham	519.79
		MI Eaton	495.86
		MI Clinton	473.56
2	Las Vegas, NV–AZ MSA	NV Clark	554.90
		AZ Mohave	522.27
		NV Nye	513.76
2	Lexington, KY MSA	KY Madison	459.32
		KY Bourdon	445.13
		KY Scott	417.38
		KY Fayette	413.37
		KY Clark	413.34
		KY Jessamine	407.65
		KY Woodford	401.61
2	Little Rock-N. Little Rock, AR MSA	AR Pulaski	498.44
		AR Saline	488.13
		AR Lonoke	472.87
		AR Faulkner	462.94
1	Los Angeles-Long Beach, CA PMSA	CA Los Angeles	660.65
2	Louisville, KY–IN MSA	KY Bullitt	546.27
		KY Oldham	509.91
		IN Clark	506.02
		KY Jefferson	499.44
		IN Floyd	495.70
		IN Scott	476.68
		IN Harrison	454.42
2	Macon, GA MSA	GA Houston	548.86
		GA Bibb	518.70
		GA Jones	488.31
		GA Peach	470.78

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population [1]	Metropolitan statistical area	State and county name	2000 payment rate
		GA Twiggs	461.55
2	Madison, WI MSA	WI Dane	421.05
2	McAllen-Edinburg-Mission, TX MSA	TX Hidalgo	437.02
2	Melbourne-Titusvile-Palm Bay, FL MSA	FL Brevard	527.54
1	Memphis, TN-AR-MS MSA	TN Shelby	491.67
		MS De Soto	490.50
		TN Tipton	479.39
		TN Fayette	476.86
		AR Crittenden	472.60
1	Miami, FL PMSA	FL Dade	794.02
1	Middlesex-Somerset-Hunterdon, NJ PMSA	NJ Middlesex	558.12
		NJ Hunterdon	516.24
		NJ Somerset	491.08
1	Milwaukee-Waukesha, WI PMSA	WI Milwaukee	470.57
		WI Waukesha	435.85
		WI Ozaukee	424.93
		WI Washington	411.74
1	Minneapolis-St. Paul, MN-WI MSA	MN Ramsey	470.65
		MN Hennepin	457.66
		MN Anoka	453.31
		MN Chisago	443.66
		MN Dakota	438.75
		MN Washington	427.94
		MN Carver	420.00
		MN Isanti	416.79
		MN Wright	405.57
		MN Scott	401.61
		MN Sherburne	401.61
		WI Pierce	401.61
		WI St. Croix	401.61
2	Mobile, AL MSA	AL Mobile	561.50
		AL Baldwin	485.76
2	Modesto, CA MSA	CA Stanislaus	509.26
2	Monmouth-Ocean, NJ PMSA	NJ Monmouth	542.02
		NJ Ocean	534.05
2	Montgomery, AL MSA	AL Montgomery	483.38
		AL Autauga	481.43
		AL Elmore	480.94
2	Nashville, TN MSA	TN Wilson	630.43
		TN Davidson	547.87
		TN Williamson	538.17
		TN Cheatham	537.65
		TN Sumner	529.86
		TN Robertson	527.44
		TN Rutherford	494.76
		TN Dickson	491.06
1	Nassau-Suffolk, NY PMSA	NY Nassau	622.51
		NY Suffolk	592.30
2	New Haven-Meriden, CT PMSA	CT New Haven	528.19
2	New London-Norwich, CT-RI MSA	CT New London	492.51
1	New Orleans, LA MSA	LA Plaquemines	772.26
		LA St. Bernard	763.90
		LA St. Charles	675.95
		LA Jefferson	674.13
		LA St. Tammany	669.91
		LA St. John Baptist	668.62
		LA Orleans	651.27
		LA St. James	589.96
1	New York, NY PMSA	NY Richmond	814.32
		NY Bronx	772.81
		NY New York	756.77
		NY Kings	748.55
		NY Queens	699.17
		NY Rockland	630.25
		NY Putnam	628.30
		NY Westchester	608.47
1	Newark, NJ PMSA	NJ Essex	578.68
		NJ Warren	568.99
		NJ Union	545.04
		NJ Morris	525.78
		NJ Sussex	511.04
2	Newburgh, NY-PA PMSA	NY Orange	524.02
		PA Pike	500.29
1	Norfolk-Va Beach-Newport News, VA-NC MSA	VA Chesapeake City	484.88
		VA Williamsburg City	479.54
		VA Suffolk City	476.74
		VA Norfolk City	470.52
		VA Portsmouth City	470.52
		VA Virginia Beach City	463.75
		VA Isle Of Wight	461.15
		VA Poquoson	458.58
		NC Currituck	455.80
		VA James City	446.91
		VA Hampton City	443.76
		VA York	430.15
		VA Newport News City	423.90
		VA Gloucester	414.28
		VA Mathews	405.39
1	Oakland, CA PMSA	CA Contra Costa	629.07
		CA Alameda	617.69
2	Oklahoma City, OK MSA	OK Oklahoma	472.85
		OK Cleveland	469.40
		OK Canadian	461.36
		OK Mcclain	453.93
		OK Logan	431.02
		OK Pottawatomie	401.61
2	Omaha, NE-IA MSA	NE Douglas	471.42
		IA Pottawattamie	458.62
		NE Sarpy	428.48
		NE Cass	420.07
		NE Washington	411.08
1	Orange County, CA PMSA	CA Orange	609.63
1	Orlando, FL MSA	FL Osceola	595.95
		FL Orange	553.31
		FL Seminole	536.05

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population[1]	Metropolitan statistical area	State and county name	2000 payment rate
		FL Lake	489.82
2	Pensacola, FL MSA	FL Santa Rosa	503.69
		FL Escambia	502.10
2	Peoria-Pekin, IL MSA	IL Tazewell	421.61
		IL Peoria	414.60
		IL Woodford	401.61
1	Philadelphia, PA-NJ PMSA	PA Philadelphia	747.35
		PA Delaware	626.24
		PA Bucks	610.87
		NJ Camden	593.47
		NJ Gloucester	591.58
		NJ Salem	584.62
		PA Chester	553.66
		NJ Burlington	552.60
		PA Montgomery	548.59
1	Phoenix-Mesa, AZ MSA	AZ Pinal	551.74
		AZ Maricopa	524.36
1	Pittsburgh, PA MSA	PA Allegheny	632.02
		PA Fayette	619.07
		PA Westmoreland	594.10
		PA Washington	590.58
		PA Beaver	544.52
		PA Butler	542.33
1	Portland-Vancouver, OR-WA PMSA	OR Washington	460.95
		OR Columbia	452.07
		OR Multnomah	445.25
		OR Clackamas	438.74
		WA Clark	433.86
		OR Yamhill	425.86
1	Providence-Fall River-Warwck, RI-MA MSA	RI Kent	519.29
		RI Washington	512.79
		MA Bristol	501.50
		RI Providence	498.70
		RI Newport	484.96
		RI Bristol	473.50
2	Provo-Orem, UT MSA	UT Utah	427.96
2	Raleigh-Durham-Chapel Hill, NC MSA	NC Orange	480.56
		NC Johnson	475.66
		NC Wake	464.96
		NC Franklin	452.16
		NC Durham	441.05
		NC Chatham	437.33
2	Reading, PA MSA	PA Berks	452.56
2	Reno, NV MSA	NV Washoe	492.94
2	Richmond-Petersburg, VA MSA	NA New Kent	522.64
		VA Charles City	508.84
		VA Hanover	490.45
		VA Richmond City	488.94
		VA Prince George	483.13
		VA Petersburg City	479.97
		VA Dinwiddie	477.64
		VA Hopewell City	475.67
		VA Powhatan	467.99
		VA Chesterfield	463.81
		VA Henrico	463.29
		VA Colonial Heights City	449.40
		VA Goochland	445.19
1	Riverside-San Bernardino, CA PMSA	CA San Bernardino	565.55
		CA Riverside	553.64
1	Rochester, NY MSA	NY Monroe	449.04
		NY Genesee	435.80
		NY Livingston	429.12
		NY Orleans	417.78
		NY Wayne	415.82
		NY Ontario	405.78
2	Rockford, IL MSA	IL Boone	406.73
		IL Ogle	401.61
		IL Winnebago	401.61
1	Sacramento, CA PMSA	CA Sacramento	545.65
		CA Placer	527.72
		CA El Dorado	515.35
2	Saginaw-Bay City-Midland, MI USA	MI Saginaw	488.38
		MI Bay	488.15
		MI Midland	468.12
2	Salem, OR PMSA	OR Marion	401.61
		OR Polk	401.61
2	Salinas, CA MSA	CA Monterey	542.83
1	Salt Lake City-Ogden, UT MSA	UT Salt Lake	418.00
		UT Davis	415.88
		UT Weber	407.27
1	San Antonio, TX MSA	TX Bear	512.11
		TX Wilson	432.60
		TX Guadalupe	417.56
		TX Comal	415.47
1	San Diego, CA MSA	CA San Diego	563.76
1	San Francisco, CA PMSA	CA San Francisco	571.60
		CA Marin	563.18
		CA San Mateo	518.73
1	San Joae, CA PMSA	CA Santa Clara	543.23
2	Santa Rosa, CA PMSA	CA Sonoma	531.59
2	Sarasota-Bradenton, FL MSA	FL Sarasota	500.10
		FL Manatee	476.27
2	Savannah, GA MSA	GA Bryan	607.83
		GA Effingham	551.72
		GA Chatam	534.76
2	Scranton-Wilkes-Barre-Hazleton, PA MSA	PA Lackawanna	529.65
		PA Luzerne	511.96
		PA Wyoming	504.41
		PA Columbia	463.56
1	Seattle-Bellevue-Everett, WA PMSA	WA King	482.58
		WA Snohomish	465.44
		WA Island	429.61
2	Shreveport-Bossier City, LA MSA	LA Webster	498.03
		LA Bossier	489.39
		LA Caddo	485.94

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population [1]	Metropolitan statistical area	State and county name	2000 payment rate
2	Spokane, WA MSA	WA Spokane	467.75
2	Springfield, MA MSA	MA Hampdon	479.61
		MA Franklin	467.86
		MA Hampshire	462.21
2	Springfield, MO MSA	MO Greene	420.15
		MO Christian	414.31
		MO Webster	410.20
1	St. Louis, MO–IL MSA	MO St. Louis City	575.17
		MO Jefferson	527.45
		MO Warren	527.07
		MO Lincoln	524.23
		MO St. Charles	501.12
		MO St. Louis	500.86
		IL St. Clair	500.06
		IL Clinton	499.07
		IL Madison	482.50
		MO Franklin	440.86
		MO Crawford	436.38
		IL Jersey	435.63
		IL Monroe	425.58
2	Santa-Barbara-Santa Maria-Lompoc, CA MSA	CA Santa Barbara	455.77
2	Stockton-Lodi, CA MSA	CA San Joaquin	495.62
2	Syracuse, NY MSA	NY Cayuga	434.08
		NY Oswego	418.50
		NY Onondaga	417.97
		NY Madison	410.00
2	Tacoma, WA PMSA	WA Pierce	456.83
2	Tampa-St. Petersburg-Clearwater, FL MSA	FL Pasco	572.46
		FL Hernando	542.69
		FL Pinellas	533.00
		FL Hillsborough	521.34
2	Toledo, OH MSA	OH Lucas	605.01
		OH Wood	498.46
		OH Fulton	476.56
2	Trenton, NJ PMSA	NJ Mercer	590.38
2	Tucson, AZ MSA	AZ Pima	499.04
2	Tulsa, OK MSA	OK Wagoner	518.50
		OK Rogers	484.50
		OK Creek	467.80
		OK Tulsa	467.54
		OK Osage	445.45
2	Utica-Rome, NY MSA	NY Oneida	405.03
		NY Herkimer	401.61
2	Vallejo-Fairfield-NAPA, CA PMSA	CA Napa	596.07
		CA Solano	552.60
2	Ventura, CA PMSA	CA Ventura	545.69
2	Visalia-Tulare-Porterville, CA MSA	CA Tulare	452.57
1	Washington, DC–MD–VA–WV PMSA	MD Prince Georges	639.21
		DC The District	619.89
		MD Charles	599.55
		MD Montgomery	535.62
		MD Calvert	517.03
		VA Alexandria City	501.57
		VA Arlington	501.02
		VA Falls Church City	497.85
		VA Manassas Park City	497.04
		VA Prince William	493.46
		VA Stafford	489.44
		VA Fredericksburg City	488.13
		VA Spotsylvania	484.82
		MD Frederick	477.87
		VA Fairfax City	473.73
		VA King George	471.99
		VA Loudoun	468.81
		VA Fauquier	462.06
		VA Fairfax	460.45
		VA Culpeper	450.19
		VA Manassas City	445.63
		VA Warren	442.67
		WV Berkeley	438.86
		WV Jefferson	426.32
		VA Clarke	409.66
2	West Palm Beach-Boca Raton, FL MSA	FL Palm Beach	600.62
2	Wichita, KS MSA	KS Sedgwick	480.50
		KS Butler	427.72
		KS Harvey	403.67
2	Wilmington-Newark, DE–MD PMSA	MD Cecil	548.76
		DE New Castle	547.20
2	Worcester, MA–CT PMSA	MA Worcester	559.24
2	York, PA MSA	PA York	421.90
2	Youngstown-Warren, OH MSA	OH Trumbull	565.28
		OH Mahoning	508.37
		OH Columbiana	478.90

[1] 1=greater than 1 million; 2=250,000 to 1 million.

Source: Table prepared by the Congressional Research Service using data from the Health Care Financing Administration.

Note: A Metropolitan Statististical Area is a city with 50,000 or more enhabitants, or a Census Bureau-defined urban area of at least 50,000 inhabitants, and a total metropolitan population of at least 100,000 (75,000 in New England). This study specifically examines MSAs that contain 250,000 or more enhabitants. If an MSA has a population of over 1 million and the population can be separated into component parts, then the primary component part is desginated the Primary Metropolitan Statistical Area (PMSA). For more information see, [http://www.census.gov/population/www/estimates/aboutmetro.html].

Mr. WYDEN. Mr. President, before he leaves the floor, I thank the chairman of the Budget Committee for the opportunity to be involved in this issue. I think the chairman has said it very well. In effect, what he has done is make the case for why the bill we are proposing is absolutely essential to modernize the Medicare program.

If there is one principle that Medicare is going to have to stand for in the 21st century, it is that we must change this system which now literally rewards waste and penalizes frugality.

Medicare has an HMO reimbursement system today which is, even by beltway standards, perverse. It sends the message if you are really inefficient, if you have not taken the steps that Colorado and Oregon and other States have taken, don't worry about it, don't go out and make the tough choices about introducing competition to your community. The Federal Government will just keep sending you big checks.

I think it is absolutely key, especially given the fact that close to a million seniors are going to lose their HMO coverage this year—close to a million seniors will lose their coverage this year—that we pass this bipartisan legislation. I think the chairman is right. I think by the end of the next couple of days, we will have many other colleagues from both political parties here. I see my friend, Senator SMITH of Oregon, has come into the Chamber. He and I have worked on this issue since he has come to the Senate as part of our bipartisan agenda for Oregon. I am going to talk for a few minutes to try to elaborate on some of the themes Chairman DOMENICI has so eloquently addressed.

As we have seen in Oregon and New Mexico and so many other States, the present HMO reimbursement system is literally driving HMO plans out of the program and leaving seniors across this country petrified about their future health care in their communities. What senior after senior asks at this point is how can it be that since they pay the same amount for hospitalization and outpatient services, if they live in Pendleton or they live in Portland, they pay the same amount for outpatient and hospitalization services as seniors in other parts of the country yet the Federal Government does not send an equal payment to folks in Pendleton and Portland? As Chairman DOMENICI has very specifically and eloquently described, they send dramatically different payments to communities across this country. So you can have communities, for example, on the east coast, that literally get twice the reimbursement of communities in Oregon and New Mexico.

We hear about it very bluntly from our constituents. You can have a senior in Pendleton or Coos Bay call up their cousin in one of the cities back East and ask their cousin about Medicare, how it is going.

The senior back East says: You know, it goes great. I get prescription drugs for only a few dollars a month. I also get dental coverage. I get free hearing aids. How is it going for you there in Coos Bay or Pendleton or Albuquerque, NM? How is Medicare going for you?

That senior in Albuquerque or Pendleton or Portland wants to throw the telephone through the living room window because they don't get that prescription drug coverage, hearing aids, or dental coverage because the reimbursement is as low as Chairman DOMENICI has described.

The Congress was supposed to have begun, several years ago, a bipartisan effort to change this. The system was called a blended rate. In effect, over the next few years, we would move to a national system, so instead of driving some of these high-cost areas down precipitously, we would move low-cost areas up over the next few years. Unfortunately, that system has been delayed. It has been delayed, in my view, in a fashion that has made for many plans saying they can no longer afford to stay in business; certainly no longer afford to offer some of those benefits such as prescription drugs, which are so important to seniors.

That is why Chairman DOMENICI and I and Senator GRASSLEY and Senator KERREY and I know many of our colleagues are going to join in a bipartisan effort, first, to establish a minimum payment floor for urban counties; second, to boost the rural counties where, again, these programs have barely been able to survive as a result of low reimbursement rates; and, third, to address the concerns with respect to wages that Senator GRASSLEY has so eloquently described. But I am of the view that if this Congress is to modernize the Medicare program, the essence of such a modernization effort is to create more options and more choices. That will not be possible if you perpetuate an HMO reimbursement system that day after day after day penalizes frugality and rewards waste.

For those who really want to get into the details of this subject, the system is known as the AAPCC, the average adjusted per capita cost. The way it has worked, the HMOs are reimbursed by the Federal Government through a system that historically has looked at average local costs of various procedures, such as a heart bypass in Pendleton or cataract operation in Portland—and then you calculate a formula for reimbursing these HMOs, using a percentage of the fee-for-service costs for health care in the area.

But at the end of the day, the message is, if you are wasteful, don't worry about it. If you are inefficient, the Federal Government is going to say maybe that is not ideal, but we will just send you a check to reflect the fact that you are not taking steps to hold down your costs and we are not going to give you any consequences as a result.

That makes no sense to Senator DOMENICI and me and our cosponsors. I know it makes no sense to the Presiding Officer because he and I have talked about this innumerable times. We tried to boost reimbursement rates for the people of Oregon. We have to change the Medicare program to eliminate the discrimination against communities that control costs while offering good quality care.

Our bipartisan legislation is not just a one-time infusion of money. We structured it so that money becomes part of a base for future increases, which in my view helps to jump-start what Congress intended several years ago by passing legislation to promote a nationwide blended rate.

We all understand that at present, as we look to the last days of the session, with the budget surplus, it is going to be possible to use a portion of that surplus, after we have helped pay down the debt, after hopefully there is a targeted tax cut; at that point, we will have some dollars to take the steps to better meet the health care needs of older people and also jump start the modernization of the Medicare program.

Our legislation, I hope, will be part of that effort. I think Chairman DOMENICI and Senator GRASSLEY, among our cosponsors, are very likely to be in the room at the end of the day when that legislation is being offered. I and others are going to do our best to support those efforts in the Budget Committee. I know the Presiding Officer and I have used every opportunity to raise these issues, and we are going to continue to do so.

Our State has been a pioneer in the health care reform area. We are proud of the fact that we are the first State in the country to have made tough choices about health care priorities through the Oregon health plan. We are proud of the fact that we have been able to introduce more choices and more competition to the health care system and, as a result, seniors in our State are able to get more for their health care dollar.

It is not right for older people in Oregon, New Mexico, Iowa, and in other States where they have done the heavy lifting and they have taken steps to hold down their costs, to be discriminated against by the Federal Government.

This bipartisan legislation, in my view, is going to help keep HMOs that are currently in the program in the program, and it will begin the process of bringing back to Medicare some of those we have lost because they have been discriminated against in the past with respect to reimbursement and they could not keep their doors open.

We will be talking about this legislation frequently in the last few days of this Congress and in the fall, and I believe passing this legislation, as we look at that final budget bill that is sure to be part of our fall debates, that this is one of the best ways we can target dollars that need to be spent carefully so as to maximize the values of what we are getting in health care for older people.

Mr. President, I yield the floor.

Mr. VOINOVICH. Mr. President, I could not help but hear the words of Senator WYDEN and Senator DOMENICI about the terrible situation we have across this country today in regard to HMOs dropping senior citizens off the Medicare Plus Choice Program.

While I was Governor of the State of Ohio, we had several instances where people were thrown off the rolls of their HMO and forced to be without any kind of supplemental insurance or prescription drug benefits. It is a growing epidemic today in the United States of America. I want to go on record in support of the legislation of

Senator WYDEN and Senator DOMENICI. In fact, earlier today I asked Senator DOMENICI if I could be a cosponsor of this legislation.

It is important to point out that some of the on-budget surplus that we now have in the year 2000 and the projected $102 billion in 2001 is generated by the fact that projected Medicare costs are coming in far below what they anticipated because of the formula that was adopted in 1997. It seems to me we ought to look at the situation as it really is, increase the reimbursement to those HMOs so individuals can stay in those programs, and so they don't have to buy Medigap insurance to cover out-of-pocket expenses and prescription drugs.

It seems to me it should be our responsibility to make sure those who are now covered remain covered and not be thrown out on the street. I have read so often: Don't worry about those people, somebody else will pick them up, or they can go to fee for service. When they go to fee for service, they don't get their 20 percent out-of-pocket paid for, nor does Medicare pick up prescription drugs.

It is time for this Congress to step in and change the system, increase the reimbursement, keep those individuals who are on Medicare Plus Choice Programs so they can maintain coverage for out-of-pocket expenses and maintain the prescription drug coverage they have.

Mr. GRASSLEY. Mr. President, I rise to note the introduction of the Medicare Geographic Fair Payment Act of 2000. I'm very pleased to join Senators DOMENICI, WYDEN, and KERREY in this effort. While we share the problem of low payment rates, Iowa and Nebraska are in a different situation than New Mexico and Oregon. Those two states are concerned about Medicare + Choice plans leaving, but for the most part we in Iowa are still waiting for plans to arrive. There are a number of things that have to fall into place for Medicare + Choice to become a reality in Iowa, but one of them is increasing payment rates. I want to make sure that if Congress provides any relief in Medicare + Choice this year, that low-cost areas are not forgotten. We need to make Medicare + Choice a truly national program.

There are two simple Medicare + Choice payment provisions in the bill. It would raise the minimum payment floor for all counties from the current $415 to $475 in 2001. This would primarily benefit rural and small urban areas, including the vast majority of Iowa. Secondly, it would establish a new minimum payment floor of $525 for all counties in Metropolitan Statistical Areas (MSAs) with populations exceeding 250,000. In Iowa, this would mean a substantial incentive for plans to enter the Des Moines and Quad Cities areas.

As I've said so often throughout the five-plus years that I've been working on this issue, people in low-cost states like Iowa pay the same payroll taxes as those in high-cost areas. So it's a matter of simple fairness and equity that all seniors have access to the choices in Medicare, wherever they live. The problem with Medicare + Choice has been that payment rates are based on fee-for-service payment rates in the same county; thus, cost-effective regions like ours are punished. This makes no sense. We took our first step toward breaking that unfortunate link in 1997, and I have high hopes that we will take another big step with this bill in 2000.

We in low-cost regions have to keep the fight for equity going on two fronts: Medicare + Choice payment, and traditional Medicare payment. The latter is harder for Congress to change, because we have to identify inequities in the various Medicare payment policies and fix them one by one. I thank my colleagues for including in this bill my earlier bill on the hospital wage index, which is one of those flaws in fee-for-service Medicare that cries out to be fixed.

I look forward to the Finance Committee's Medicare discussions this fall; this is the kind of legislation that merits serious consideration there.

By Mr. GRASSLEY (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, and Mrs. LINCOLN):

S. 2939. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Finance.

THE RESOURCE EFFICIENT APPLIANCE INCENTIVE ACT

Mr. GRASSLEY. Mr. President I rise today to introduce an extremely timely piece of legislation in light of the current energy crisis facing our nation. This legislation, entitled "The Resource Efficient Appliance Incentive Act," will provide a valuable incentive to accelerate and expand the production and market penetration of ultra energy-efficient appliances. Senator ROCKEFELLER is joining me in this bipartisan effort, along with Senators JEFFORDS and LINCOLN.

Earlier this year, the appliance industry, the Department of Energy, and the nation's leading energy-efficiency and environmental organizations came together and agreed upon significantly higher energy efficiency standards for clothes washers to accompany the new energy efficiency standards for refrigerators that go into effect in July 2001, as well as the new criteria for achieving the voluntary "Energy Star" designation. This agreement is significant considering the fact that clothes washers and dryers, together with refrigerators, account for approximately 15 percent of all household energy consumed in the United States.

This legislation will provide a tax credit to assist in the development of super energy-efficient washing machines and refrigerators, and creates the incentives necessary to increase the production and sale of these appliances in the short term. Manufacturers would be eligible to claim a credit of either $50 or $100, depending on efficiency level, for each super energy-efficient washing machine produced between 2001 and 2006. Likewise, manufacturers would be eligible to claim a credit of $50 or $100, depending on efficiency level, for each super energy-efficient refrigerator produced between 2001 and 2006. It is estimated that this tax credit will increase the production and purchase of super energy-efficient washers by almost 200 percent, and the purchase of super energy-efficient refrigerators by over 285 percent.

Equally important is the long-term environmental benefits of the expanded use of these appliances. Over the life of the appliances, over 200 trillion Btus of energy will be saved. This is the equivalent of taking 2.3 million cars off the road or closing 6 coal-fired power plants for a year. In addition, the clothes washers will reduce the amount of water necessary to wash clothes by 870 billion gallons, an amount equal to the needs of every household in the city the size of Phoenix, Arizona for two years. Most importantly, the benefits to consumers over the life of the washers and refrigerators from operational savings is estimated at nearly $1 billion.

In my home state of Iowa, this legislation would result in the production of 1.5 million supper energy-efficient washers and refrigerators over the next six years, requiring over 100 new production jobs. I also expect Iowans to save $11 million in operational costs over the life span of the appliances, and 9 billion gallons of water—enough to supply drinking water for the entire state for 30 years.

Lastly, I believe the total revenue loss of this credit compares extremely favorably to the estimated benefits of almost $1 billion to consumers over the life of the super energy-efficient clothes washers and refrigerators from operational savings.

Mr. ROCKEFELLER. Mr. President, I am pleased to join my colleagues, Senators GRASSLEY, JEFFORDS, and LINCOLN, in the introduction of legislation to establish a tax credit incentive program for the production of super energy-efficient appliances. This creative proposal will result in substantial environmental benefits for the nation at a very small cost to the government.

Our bill would provide for either a $50 or $100 tax credit for the production and sale of energy efficient washing machines and refrigerators. Today, these two appliances account for approximately 15 percent of the energy consumed in a typical home, which amounts to about $21 billion in energy expenditures annually. Although most

Americans may not realize it, home appliances offer the potential for major energy savings across the nation.

Recently, several energy efficiency and environmental organizations joined with the appliance industry in endorsing considerably tougher energy-efficiency standards for washing machines. These proposed standards are now under active consideration by the Department of Energy for incorporation in new regulations. The new standards will result in tremendous energy-efficiency improvements that will have very positive environmental consequences over time. But there is a cost to these new minimum standards and, as we often find, reluctance on the part of industry and the public to incur the additional costs necessary to achieve higher energy efficiencies. Home appliances can be made more efficient but it would mean greater costs to consumers. I believe there is a necessary balance between the objective of obtaining higher energy efficiencies that reduce air emissions and the higher product costs that result. This is as true with respect to the purchase of appliances as it is with respect to the automobile, electric power, and other markets. I also recognize that there are understandable limits to the costs that society is willing to bear through regulation to obtain higher energy savings that result in environmental benefits.

However, that is not necessarily the limit at which point energy savings can be achieved. While many consumers may not be willing to pay extra for more energy-efficient appliances, I believe they can be encouraged to do so through incentive programs. The legislation we are proposing today would do just that by giving manufacturers either a $50 or $100 tax credit for every super energy-efficient appliance produced prior to 2007. The idea is to give manufacturers the means by which to create the most appropriate incentives to get consumers to purchase washing machines and refrigerators that are the most energy-efficient. Through these tax credits we will accelerate the production and market penetration of leading-edge appliance technologies that create significant environmental benefits.

The expanded use of super energy-efficient appliances will have significant long-term environmental benefits. It is estimated that as a result of this legislation over 200 trillion Btus of energy will be saved over the life of the appliances manufactured with these credits. This is the equivalent of taking 2.3 million cars off the road or closing down six coal-fired power plants for a year. Energy savings of this magnitude pay significant environmental dividends. For example, it is projected that with these energy savings carbon emissions, the critical element in greenhouse gas emissions, will be reduced by over 3.1 million metric tons. In addition, the super energy-efficient washing machines will reduce the amount of water necessary to wash clothes by 870 billion gallons, or approximately the amount of water necessary to meet the needs of every household in a state the size of West Virginia for nearly 2 years.

Vice President GORE recently recommended a similar program of tax incentives for the purchase of home appliances as part of his energy savings initiatives—and I congratulate him for his leadership in this regard. I am very glad the Vice President is considering ways to balance how we produce energy savings and believe it is important that we discuss this balance of interests as part of our national dialogue to improve our energy efficiency. I am also extremely pleased this legislation is strongly supported by leading environmental organizations including the Natural Resources Defense Council, the Alliance to Save Energy, and the American Council for an Energy Efficient Economy.

The use of energy-efficient appliances is an important milestone on the road to a cleaner, lower-cost energy future. This common-sense initiative follows on the heels of other important bipartisan legislation that I am proud to have sponsored or cosponsored during this Congress to improve our nation's energy independence and the environment. During the first session of the 106th Congress, I was joined by Senators HATCH, CRAPO, and BRYAN in introducing the Alternative Fuel Promotion Act in an effort to reduce greenhouse gas emissions and lower our consumption of imported oil. Earlier this year I joined Senators JEFFORDS and HATCH on the Alternative Fuels Tax Incentives Act, which would accomplish many of the same goals.

I am especially proud to have joined with Senator BINGAMAN and six of my Democratic colleagues on the Energy Security Tax and Policy Act, a comprehensive energy policy bill that looks to improve our nation's energy independence while protecting the environment. Finally, it was my pleasure last week to join with Environment and Public Works Chairman BOB SMITH and the Ranking Democratic Member Senator BAUCUS on the Energy Efficient Building Incentives Act, which promotes the construction of buildings 30–50 percent more efficient than today's standard. As building energy use accounts for 35 percent of the air pollution emissions nationwide and $250 billion per year in energy bills, this legislation could produce a dramatic benefit for our environment, and this country's long-term energy needs.

By Mr. HATCH:

S. 2940. A bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; read the first time.

GLOBAL AIDS AND TUBERCULOSIS RELIEF ACT OF 2000

Mr. HATCH. Mr. President, earlier today, we approved the Helms substitute to H.R. 3519, "Global AIDS and Tuberculosis Relief Act of 2000." I was pleased to support this legislation, recognizing the need for our country to support an enhanced effort to prevent and treat AIDS and tuberculosis abroad.

I was pleased to work with Chairman HELMS, Senator BIDEN, Senator FRIST, Senator SMITH of Oregon, and other members of the Senate Foreign Relations Committee as this legislation was finalized, and, indeed, I want to work closely with them on our continuing efforts to address the problems of infectious diseases in the developing world.

For the reasons I will lay out today, I believe the aid we make possible in H.R. 3519 should be expanded to embrace not only HIV/AIDS and TB, but also malaria as well. In fact, I think it essential to make sure our foreign assistance program in Africa and the developing world coordinates its activities closely among these three diseases.

With the support of Chairman HELMS, Senator BIDEN, and Senator FRIST in the Senate, and Chairman LEACH in the House of Representatives, I have drafted companion legislation to H.R. 3519 which make certain that U.S. efforts for all three diseases are well-coordinated.

Accordingly, I rise today to introduce S. 2940, the "International Malaria Control Act of 2000".

The World Health Organization estimates that there are 300 million to 500 million cases of malaria each year. According to the World Health Organization, more than 1 million persons are estimated to die due to malaria each year.

The problems related to malaria are often linked to the devastation of two other terrible diseases—Acquired Immunodeficiency Disease, that is AIDS, and tuberculosis. One of the unfortunate commonalities of these diseases is that they all ravage sub-Saharan Africa and other parts of the underdeveloped world.

In addition to the one million malaria related deaths per year, about 2.5 million persons die from AIDS and another 1.5 million people per year die from tuberculosis.

The measure I introduce today centers on malaria control and calls for close cooperation among federal agencies that are charged with fighting malaria, AIDS, and TB worldwide.

According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected. About half of those who die each year from malaria are children under nine years of age. Malaria kills one child each 30 seconds.

Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa. In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

These high risk areas represent many of the world's poorest nations which complicates the battle against malaria as well as AIDS and TB.

Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions. Research has found that pregnant mothers who are HIV-positive and have malaria are more likely to pass on HIV to their children.

"Airport malaria," the importing of malaria by international aircraft and other conveyances is becoming more common as is the importation of the disease by international travelers themselves; the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported. Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

In Africa, the projected economic impact of malaria in 2000 exceeds $3.6 billion. Malaria accounts for 20 to 40 percent of outpatient physician visits and 10 to 15 percent of hospital visits in Africa.

Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes. No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

Our nation must play a leadership role in the development of a vaccine for malaria as well as vaccines for TB and for the causal agent of AIDS, the human immunodeficiency virus—HIV. In this regard I must commend the President for his leadership in directing, back on March 2nd, that a renewed effort be made to form new partnerships to develop and deliver vaccines to developing countries. I must also commend the Bill and Melinda Gates foundation for pledging a substantial $750 million in financial support for this new vaccine initiative.

The private sector appears to be prepared to help meet this challenge as the four largest vaccine manufacturers, Merck, American Home Products, Glaxo SmithKline Beecham, and Aventis Pharma, have all stepped to the plate in the quest for vaccines for HIV/AIDS, TB and malaria. We must all recognize that the private sector pharmaceutical industry, in close partnership with academic and government scientists, will play a key role in the development of any vaccines for these diseases.

Among the promising developments in recent months has been Secretary Shalala directing the National Institutes of Health to convene a meeting of experts from government, academia, and the private sector to address impediments to vaccine development in the private sector. Another goal of this first in a series of conferences on Vaccines for HIV/AIDS, Malaria, and Tuberculosis, held on May 22nd and 23rd, was to foster public-private partnerships.

These ongoing NIH Conferences on Vaccines for HIV/AIDS, Malaria, and Tuberculosis will address three basic questions: what are the scientific barriers to developing vaccines for malaria, TB and HIV/AIDS? What administrative, logistical and legal barriers stand in the way of malaria, TB and HIV/AIDS vaccines? And, finally, if vaccines are developed how can they best be produced and distributed around the world?

Each of these questions will be difficult to answer. Developing vaccines for malaria, TB, and HIV/AIDS will be a difficult task. While each vaccine will be different, there are commonalities such as the fact that the legal impediments and distributional issues may be very similar. Also, there is an unfortunate geographical overlap with respects to the epidemics of malaria, TB, and HIV/AIDS. Ground zero is sub-Saharan Africa.

So while the ultimate goal is to end up with three vaccines, we must be mindful that there is a close societal and scientific linkage between the tasks of developing and delivering vaccines and therapeutic treatments for those at risk of malaria, TB and HIV/AIDS worldwide.

While the greatest immediate need is clearly in Africa and in other parts of the developing world, citizens of the United States and my constituents in Utah stand to benefit from progress in the area of vaccine development.

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. McCAIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1227

At the request of Mr. L. CHAFEE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1318

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1318, a bill to authorize the Secretary of Housing and Urban Development to award grants to States to supplement State and local assistance for the preservation and promotion of affordable housing opportunities for low-income families.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information of genetic services.

S. 1394

At the request of Mr. TORRICELLI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1394, a bill to require the Secretary of the Treasury to mint coins in commemoration of the U.S.S. New Jersey, and for other purposes.

S. 1586

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1586, a bill to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 1732

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1990

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1911

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. MACK was added as a cosponsor of S. 1911, a bill to conserve Atlantic highly migratory species of fish, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. REID), the Senator from Georgia

(Mr. CLELAND), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2554

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2554, a bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), the Senator from North Dakota (Mr. DORGAN), the Senator from Kentucky (Mr. BUNNING), the Senator from New Hampshire (Mr. GREGG), the Senator from Tennessee (Mr. FRIST), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2718

At the request of Mr. SMITH, of New Hampshire, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2793

At the request of Mr. HOLLINGS, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2793, a bill to amend the communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2807

At the request of Mr. FRIST, the name of the Senator from Virginia (Mr. WARNER) was added as cosponsor of S. 2807, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes.

S. 2829

At the request of Mr. HUTCHINSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as cosponsor of S. 2829, a bill to provide of an investigation and audit at the Department of Education.

S. 2869

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as cosponsor of S. 2869, a bill to protect religious liberty, and for other purposes.

S. 2872

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as cosponsor of S. 2872, a bill to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2891

At the request of Mr. REID, the name of the Senator from Colorado (Mr. CAMPBELL) was added as cosponsor of S. 2891, a bill to establish a national policy of basic consumer fair treatment for airline passengers.

S. 2912

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. CON. RES. 123

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as cosponsor of S. Con. Res. 123, a concurrent resolution expressing the sense of the Congress regarding manipulation of the mass and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation.

S.J. RES. 48

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) was added as cosponsor of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from West Virginia (Mr. BYRD) was added as cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. ROBB), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

SENATE RESOLUTION 343—EXPRESSING THE SENSE OF THE SENATE THAT THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT SHOULD RECOGNIZE AND ADMIT TO FULL MEMBERSHIP ISRAEL'S MAGEN DAVID ADOM SOCIETY WITH ITS EMBLEM, THE RED SHIELD OF DAVID; TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. FITZGERALD (for himself, Mr. LIEBERMAN, Mr. HAGEL, Mr. HELMS, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 343

Whereas Israel's Magen David Adom Society has since 1930 provided emergency relief to people in many countries in times of need, pain, and suffering, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable humanitarian services in Kosovo, Indonesia, Ethiopia, and Eritrea, as well as Greece and Turkey in the wake of the earthquakes that devastated these countries;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Red Cross and Red Crescent Movement "an injustice of the highest order";

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member, with its emblem;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protective emblems under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it "makes no discrimination as to nationality, race, religious beliefs, class or political opinions," and it "may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature";

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949;

Whereas in the six fiscal years 1994 through 1999, the United States Government provided a total of $631,000,000 to the International Committee of the Red Cross and $82,000,000 to the International Federation of Red Cross and Red Crescent Societies; and

Whereas in fiscal year 1999 alone, the United States Government provided $119,500,000 to the International Committee of the Red Cross and $7,300,000 to the International Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

Resolved, That—

(1) the International Committee on the Red Cross should immediately recognize the Magen David Adom Society and the Magen David Adom Society should be granted full membership in the International Red Cross and Red Crescent Movement;

(2) the International Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society;

(3) the Magen David Adom Society should not be required to give up or diminish its use of its emblem as a condition for immediate and full membership in the International Red Cross and Red Crescent Movement; and

(4) the Red Shield of David should be accorded the same recognition under international law as the Red Cross and the Red Crescent.

Mr. FITZGERALD. Mr. President, today I am introducing a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David. I thank Senators LIEBERMAN, HAGEL, HELMS, and LUGAR for joining me as original cosponsors of this important resolution.

The International Red Cross and Red Crescent Movement is the largest humanitarian network in the world. The Movement has many components, including the International Committee of the Red Cross (the ICRC—the Swiss-based founding institution of the Movement that serves as a neutral intermediary in armed conflict areas) and the International Federation of Red Cross and Red Crescent Societies (the Federation, which groups together the Movement's 176 recognized national societies and coordinates international disaster relief and refugee assistance in non-conflict areas).

The Red Shield of David has been in use and recognized de facto since 1930 as the distinctive emblem of the medical and first aid services of the Jewish population in Palestine and, after 1948, the state of Israel. Israel signed the Geneva Conventions in 1949. The new state of Israel therefore attempted to have the Red Shield of David recognized in the Geneva Conventions as an alternative to the red cross, the red crescent, and the red lion and sun. In a secret ballot, however, Israel's request was rejected, 22 to 21. The end result was that Israel's equivalent of the Red Cross, Magen David Adom (MDA), was relegated to non-voting observer status and thereby effectively excluded from the Movement.

In rejecting the Red Shield of David, and excluding Israel's national society from the Movement, the 1949 diplomatic convention established the principle that only those already using an exceptional sign—that is, a non-Red Cross emblem—had the right to continue using it. All new national societies would have to adopt the Red Cross. However, the admission of 25 new Red Crescent societies since 1949 demonstrates the inconsistency with which this principle has been applied.

Despite MDA's exclusion from the Movement, it has continuously played an active role in disaster assistance worldwide, recently helping to rescue trapped civilians following the 1999 earthquakes in Turkey and Greece. Israeli medical teams were also among the first to assist victims of severe flooding in Mozambique this year. ICRC officials have praised MDA for its "life-saving work" and report they have maintained "excellent working relations" with the MDA for decades.

The existing Protocols of the Geneva Conventions provide for two different uses of the Movement emblem: "protective," whcih is used for protective purposes in armed conflicts and requires the use of a single unique emblem, and "indicative," which is used for identification purposes in non-conflict circumstances, and therefore allows for the existence of several emblems. Currently, negotiations are underway to add a possible third Protocol to the Geneva Conventions to create a new neutral emblem and allow for MDA recognition with its emblem. However, before these negotiations can translate into formal recognition, significant procedural hudles must be overcome, including super-majority votes of three bodies and ratification by member nations that could take years. Meanwhile, the American Red Cross has been pursuing other approaches that would allow for the recognition of MDA and its emblem without the introduction of a third Protocol.

The resolution I am introducing today would help facilitate the negotiating process by putting the Senate on record in support of MDA recognition at a critical time in these negotiations. The House of Representatives passed a similar resolution on May 3, 2000. The Senate, however, last announced its support of recognition of MDA and its emblem over 12 years ago.

Over the last six years, the United States Government has provided the ICRC and the Federation with $713 million. Once again, the United States Senate should urge the International Red Cross and Red Crescent Movement to recognize the Red Shield of David emblem and admit MDA for full membership in the Movement.

I urge my colleagues to support this resolution to encourage the International Red Cross and Red Crescent Movement to recognize Israel's Magen David Adom society and its emblem, the Red Shield of David.

SENATE RESOLUTION 344—EXPRESSING THE SENSE OF THE SENATE THAT THE PROPOSED MERGER OF UNITED AIRLINES AND U.S. AIRWAYS IS INCONSISTENT WITH THE PUBLIC INTEREST AND PUBLIC CONVENIENCE AND NECESSITY POLICY SET FORTH IN SECTION 40101 OF TITLE 49, UNITED STATES CODE

Mr. McCAIN (for himself and Mr. GORTON) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 344

Whereas, in 1999 the 6 largest hub-and-spoke airlines in the United States accounted for nearly 80 percent of the revenue passenger miles flown by domestic airlines, Whereas, according to Department of Transportation statistics, a combined United Airlines and US Airways would result in at least 20 airline hub airports in the United States where a single airline and its affiliate air carriers would carry more than 50 percent of the passenger traffic;

Whereas, the Department of Transportation and the General Accounting Office have documented that air fares are relatively higher at those airline hub airports where a single airline carries more than 50 percent of the passenger traffic;

Whereas, a combined United Airlines and US Airways would hold approximately 40 percent of the air carrier takeoff and landing slots at the 4 high density airports, even taking into account the parties' planned divestiture of slots at Ronald Reagan Washington National Airport;

Whereas, most analysts agree that a United Airlines-US Airways merger would lead to other merger in the airline industry, likely resulting in combinations that would reduce the 6 largest domestic hub-and-spoke airlines to 3 airlines;

Whereas, media reports indicate that American Airlines has made a tangible offer to purchase Northwest Airlines and that Delta Air Lines and Continental Airlines have engaged in merger negotiations;

Whereas, it would be difficult for the Department of Transportation and other responsible Federal agencies of jurisdiction to disapprove subsequent airline merger proposals if the government allows the largest domestic airline, in terms of total operating revenue and revenue passenger miles flown in 1999, United Airlines, to merge with the sixth largest airline, US Airways, making United Airlines substantially bigger than its next largest competitor;

Whereas, 3 larger domestic airlines will have substantially increased market power, and would have the ability to use that market power to drive low fare competitors out of direct competition and to thwart new airline entry into the marketplace;

Whereas, the Department of Transportation credits nearly all of the benefits of deregulation (a reported $6.3 billion in annual savings to airline passengers) to the entry and existence of low fare airline competitors in the marketplace;

Whereas, a combined United Airlines and US Airways, including their commuter airline partners, would be the only carrier offering nonstop flights between at least 26 domestic airports in 12 States;

Whereas, in 1999 United Airlines and US Airways enplaned 22 percent of all revenue passengers flown by domestic airlines;

Whereas, the transition from 6 major airlines to 3 would likely result in less competition and higher fares, giving consumers fewer choices and decreased customers service;

Whereas, it is the role of the Senate Committee on Commerce, Science, and Transportation and, more specifically the Subcommittee on Aviation, to conduct oversight of the aviation industry and to promote consumers' receiving a basic level of airline customer service;

Whereas, the Air Transport Association member air carriers agreed to an Airline Customer Service Commitment to improve the current level of customer service in the airline industry;

Whereas, in an interim oversight report, the Department of Transportation Inspector General recently concluded that the results are mixed with respect to the effectiveness of the efforts of the major airlines to implement their Airline Customer Service Commitment;

Whereas, the combination of 2 entities as large as United Airlines and US Airways could cause at least short-term disruptions in service;

Whereas, according to the Department of Transportation statistics for the month of May 2000, for the 10 major airlines, a combined United Airlines and US Airways would have had the lowest percentage of ontime flight arrivals, the highest percentage of flight operations canceled, the second highest rate of consumer complaints, and the second highest rate of mishandled baggage: Now, therefore, be it

Resolved, That—

(1) the Senate expresses concern about the proposed United Airlines-US Airways merger because of its potential to leave consumers with fewer travel options, higher fares, and lowered levels of service; and

(2) it is the sense of the Senate that the potential consumer detriments from the proposed United Airlines-US Airways merger outweigh the potential consumer benefits.

Mr. MCCAIN. Mr. President, I am pleased to be joined by the Commerce Committee Aviation Subcommittee Chairman, Senator GORTON, to introduce a Senate resolution expressing our strong reservations about the proposed merger of United Airlines and US Airways.

Through Commerce Committee deliberations, Senator GORTON and I have carefully analyzed the proposed merger, as well as its long-term consumer effects. We conclude that whatever air travelers stand to gain from the merger is outweighed by what they stand to lose.

The public interest would likely be harmed by a United Airlines-US Airways merger. First, almost all analysts agree that the merger would trigger additional consolidation in the airline industry. The six largest hub-and-spoke carriers in the country would likely become the "big three." Everything else being equal, basic economic principles suggest that consumers are better served by having six competitors in a market rather than three.

Even at this preliminary date, our experience bears out the prediction of additional industry consolidation. American Airlines has already made an offer for Northwest Airlines. Delta Air Lines and Continental have reportedly engaged in merger negotiations.

Consolidation among these network carriers poses additional problems for the flying public. The likely result of fewer carriers is more single-carrier concentration at hub airports across the country. Studies by the Department of Transportation, the General Accounting Office, and others consistently conclude that air fares are relatively higher at hub airports "dominated" by a single carrier.

Important new entry in the airline industry would be hurt by consolidation among the major airlines. The mega-carriers would have additional resources to engage in fierce and prolonged behavior designed to drive new competitors out of the market, and to single potential entrants that they dare not compete with the incumbent.

Today, many new entrants simply choose not to enter the major airlines' hub markets because they fear they cannot survive a sustained head-to-head battle. A United-US Airways merger, and the consolidation that would ensue, would further entrench the incumbent air carriers' positions.

I admit that there are benefits associated with the proposed United-US Airways merger. The carriers, for instance, tout "seamless" connections to international destinations, an expanded frequent flyer program, and similar benefits that should appeal to travelers on the United-US Airways system.

United and US Airways also applaud new service to a multitude of destinations as a consequence of the merger. It is important to note, however, that what is new to United is not exactly new to the flying public, since United's "new" service is made up of flights that are now offered by US Airways.

Again, the point is that the anticompetitive harm posed by the proposed United-US Airways merger outweighs its benefits. And that conclusion does not even take into account the customer service problems associated with integrating the work forces of two or more major airlines.

I want to underscore that this resolution is designed to express our concerns about the proposed United-US Airways merger. It does not seek to force any federal agency or department to take any specific action with respect to the proposed merger. However, our concerns for the consumer are of such a significant nature that we are compelled to introduce this resolution.

I ask unanimous consent to have printed in the RECORD a letter from the father of airline deregulation, Prof. Alfred Kahn. His letter outlines his preliminary concerns with the proposed United-U.S. Airways merger.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALFRED E. KAHN,
Ithaca, New York, June 9, 2000.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: I'm very sorry that I can't accept your invitation to testify before your Committee on June 20th, and hope that you will regard the arrival that day of my son and his family from Australia, for a brief visit, as a sufficient reason. I particularly regret my inability to take advantage of that opportunity to renew our acquaintance.

Your Ann Choiniere has asked me to offer, as a substitute, a statement of my—as yet only provisional—opinions about the proposed merger of United Airlines and US Airways. I am happy to do so, even though, to repeat, I have by no means a settled final opinion about whether or not it should be approved.

I do urge you to give careful consideration to its possible anticompetitive effects, however. The central premise of deregulation was that competition would best serve and protect consumers; that meant vigorous enforcement of the antitrust laws rather than direct regulation would become critical in the new regime.

Primary responsibility for making this investigation rests, of course, with the antitrust agencies. It is my understanding, however, that the Antitrust Division's resources are severely strained by their other obligations, including other proceedings specifically involving the airlines; if they lack the resources to look at this latest proposed merger with great care, it seems to me that would be a case of the government being penny-wise and pound-foolish. Partly because of the possible direct effects of this merger and, perhaps even more, because of its threatening to set off a series of imitative mergers that would substantially increase the concentration of the domestic industry, there is a possible jeopardy here to the many billions of dollars that consumers have been saving each year because off the competition set off by deregulation.

It seems to me there are several levels at which to assess these possible anticompetitive effects.

1. The first goes to the question of whether there are any substantial number of particular routes on which United and US Airways are already direct competitors. In the case of the proposed merger of Continental/Northwest, the Antitrust Division identified several very important routes between their respective hubs (for example, Houston/Minneapolis-St. Paul, Houston/Detroit, Cleveland/Minneapolis-St. Paul, Cleveland/Memphis, Newark/Twin Cities) on which it appeared those airlines were the two main if not only competitors, and their merger would simply eliminate that competition. I do not know to what extent there are similar overlaps between US Airways and United.

2. In deregulating the airlines we relied very heavily on the threat of potential as well as actual competition to prevent exploitation of consumers: an important part of the rationale of deregulation was the contestability of airline markets. It seems to me highly likely that there are many routes in which United or US Airways is a potential competitor of the other. And it is my recollection that while studies of the behavior of airline fares after deregulation (notably one by Winston and Morrison and another by Gloria Hurdle, Andrew Joskow and others) demonstrated that one actual competitor in a market is worth two or three potential contesters in the bush, they nevertheless also found that the presence of a potential contester—identified as a carrier already present at one or the other end of a route—did constrain the fares incumbents could charge.

3. The likelihood that a United/US Airways merger would indeed result in suppression of this potential competition would seem to be enhanced by what I take it would be United's explanation and justification—namely, its need for a strong hub in the Northeast (commented on widely in the literature, along with attributions of a similar need to American Airlines). But if United really does feel the need for a big hub in the Northeast, this suggests that it is indeed an important potential competitor of US Airways, and that, denied the ability to acquire the hub in the easiest, noncompetitive fashion, by acquisition, it might instead feel impelled to construct a hub of its own in direct competition with US Airways; if some place within a couple of hundred miles of Pittsburgh is the needed location—observe the hubs of Continental at Cleveland and Delta at Cincinnati—then why not, say, Buffalo for United? And while I have the impression that the suppression of potential competition has not played a major role in most merger litigation, it might properly be definitive in this case, if only because, either explicitly or implicitly, United is in effect conceding the potentiality of that competition in its rationalizations of the merger itself. The stronger its argument that it does indeed require a big hub in the Northeast, the more that signifies that the alternative, if it were denied the opportunity to acquire US Airways, would be to construct a major competitive hub of its own.

4. In addition, if indeed United's acquisition of a competitive advantage by this acquisition—giving it the first claim on traffic feed from US Airways' extensive network—does increase the pressure on other carriers, particularly American to merge similarly, then it seems to me that is a possible competitive consequence of this particular merger that should additionally be taken into account in deciding whether it should be permitted.

I do hope you will undertake this important inquiry: we may be confronting a very radical consolidation of the industry, which cannot be a matter of indifference to people like you and me, who have regarded deregulation as a striking success thus far.

With warm personal regards,
Sincerely,

ALFRED E. KAHN,
Robert Julius Thorne Professor of Political Economy, Emeritus, Cornell University; Chairman, Civil Aeronautics Board 1977–78.

Mr. McCAIN. Mr. President, I want to highlight one point Professor Kahn makes. He asserts that United's main justification for the merger is the need for a hub in the northeast. He goes on to question, however, why United doesn't create a hub in the northeast, rather than follow the path of "least competitive resistance" by trying to acquire on its competitors' hubs. Mr. President, I ask the same question, and urge my colleagues to join Senator GORTON and me in supporting this Senate resolution expressing our strong concerns about a United-US Airways merger.

Mr. President, I thank my friend and colleague, the distinguished chairman of the Aviation Subcommittee of the Commerce Committee who joined me in this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is my purpose to join with the Senator from Arizona today in introducing this sense-of-the-Senate resolution. Each of us has thought long and hard about this proposed measure, as it goes to the heart of our air transport system in the United States. I believe I speak for the Senator from Arizona as well as for myself in saying this merger seems quite obviously to be beneficial both to United Airlines and to U.S. Airways. Public policy, however, does not concern itself primarily with the benefits to the companies involved in the competitive field. Public policy should concern itself with consumer interests and with the interests of the millions of Americans who use these airlines to fly from one place to another across the United States and for that matter overseas.

A merger of these two airlines would create by far the largest single airline in the United States. Inevitably, it seems to me that would lead to two more mergers, at the very least involving the other four of the largest six airlines in the United States. In fact, it would be almost impossible to mount a logical and rational defense against such mergers as those airlines would complain with real justification that they were no longer competitive with the giant created by a United-U.S. Airways merger.

From our perspective, we need to consider what the ultimate outcome of this merger would be and the impact it would have on airline passengers all across the United States. There would be a significant increase in the number of hubs overwhelmingly dominated by a single airline. There would be, in my view, a sharp decrease in the competition for airline travel in many cities across the United States. There would certainly be the legitimate desire on the part of the remaining airlines to maximize their profits. That exists at the present time. But these three mergers would vastly increase the ability of the airlines to do so in what would be distinctly a less competitive market.

I have attended hearings on this subject. I have had meetings with the CEOs of both airlines seeking to merge and with some of those who have apprehensions about that merger. I may say there are a number of ways in which my mind was changed by those meetings. My first reaction to the proposal was that the creation of one new entrant—D.C. Airlines—was little more than a sham. The hearings and my meetings indicated to me that I was almost certainly wrong in that respect, and that the proposed new owner and manager of D.C. Airlines did intend to be a real airline to provide real service. But even if we grant the potential success of that airline, the net effect on competition overall would be highly negative on the part of this merger.

I join with the chairman of the Commerce Committee in this resolution. I do not think in the ultimate analysis that this merger is in the public interest. I believe it would lessen competition among domestic airlines. I think it would not improve the way in which the airline passengers are treated, and probably, at least in the short term and perhaps in the long term, would exacerbate an already troublesome situation.

I believe we would end up with three major airlines flying roughly 80 percent of all the passengers on domestic flights in the United States, and that the net result, by a significant margin from such a merger, would not be in the public interest.

I hope this resolution becomes more formalized than it is just by the introduction by these two Members. I suspect the chairman of the Commerce Committee will bring it up in the Commerce Committee. I hope it is here for consideration by the entire Senate promptly, and it will be considered by the regulatory authorities that are dealing with the proposed merger at the present time.

AMENDMENTS SUBMITTED

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

LEAHY AMENDMENT NO. 4016

(Ordered to lie on the table.)

Mr. LEAHY submitted the following amendment intended to be proposed by him to the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Not later than 90 days after the date of the enactment of this Act, the Inspector General of each agency funded under this Act shall submit to the Congress a report that discloses—

(1) any agency activity related to the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the agency; and

(2) any agency activity related to entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits to nongovernmental Internet sites.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

ALLARD AMENDMENT NO. 4017

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NON-PROJECT WATER.

The Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

WORLD BANK AIDS PREVENTION TRUST FUND ACT

HELMS (AND OTHERS) AMENDMENT NO. 4018

Mr. HELMS (for himself, Mr. BIDEN, Mr. FRIST, Mr. KERRY, Mr. SMITH of Oregon, Mrs. BOXER, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global AIDS and Tuberculosis Relief Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Findings and purposes.

Subtitle A—United States Assistance

Sec. 111. Additional assistance authorities to combat HIV and AIDS.
Sec. 112. Voluntary contribution to Global Alliance for Vaccines and Immunizations and International AIDS Vaccine Initiative.
Sec. 113. Coordinated donor strategy for support and education of orphans in sub-Saharan Africa.
Sec. 114. African Crisis Response Initiative and HIV/AIDS training.

Subtitle B—World Bank AIDS Trust Fund

CHAPTER 1—ESTABLISHMENT OF THE FUND

Sec. 121. Establishment.
Sec. 122. Grant authorities.
Sec. 123. Administration.
Sec. 124. Advisory Board.

CHAPTER 2—REPORTS

Sec. 131. Reports to Congress.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

Sec. 141. Authorization of appropriations.
Sec. 142. Certification requirement.

TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Assistance for tuberculosis prevention, treatment, control, and elimination.

TITLE III—ADMINISTRATIVE AUTHORITIES

Sec. 301. Effective program oversight.
Sec. 302. Termination expenses.

TITLE I—ASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

SEC. 101. SHORT TITLE.

This title may be cited as the "Global AIDS Research and Relief Act of 2000".

SEC. 102. DEFINITIONS.

In this title:

(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

(2) ASSOCIATION.—The term "Association" means the International Development Association.

(3) BANK.—The term "Bank" or "World Bank" means the International Bank for Reconstruction and Development.

(4) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen which causes AIDS.

(5) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

SEC. 103. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Surgeon General of the United States, the epidemic of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) will soon become the worst epidemic of infectious disease in recorded history, eclipsing both the bubonic plague of the 1300's and the influenza epidemic of 1918–1919 which killed more than 20,000,000 people worldwide.

(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 34,300,000 people in the world today are living with HIV/AIDS, of which approximately 95 percent live in the developing world.

(3) UNAIDS data shows that among children age 14 and under worldwide, more than 3,800,000 have died from AIDS, more than 1,300,000 are living with the disease; and in one year alone—1999—an estimated 620,000 became infected, of which over 90 percent were babies born to HIV-positive women.

(4) Although sub-Saharan Africa has only 10 percent of the world's population, it is home to more than 24,500,000—roughly 70 percent—of the world's HIV/AIDS cases.

(5) Worldwide, there have already been an estimated 18,800,000 deaths because of HIV/AIDS, of which more than 80 percent occurred in sub-Saharan Africa.

(6) The gap between rich and poor countries in terms of transmission of HIV from mother to child has been increasing. Moreover, AIDS threatens to reverse years of steady progress of child survival in developing countries. UNAIDS believes that by the year 2010, AIDS may have increased mortality of children under 5 years of age by more than 100 percent in regions most affected by the virus.

(7) According to UNAIDS, by the end of 1999, 13,200,000 children have lost at least one parent to AIDS, including 12,100,000 children in sub-Saharan Africa, and are thus considered AIDS orphans.

(8) At current infection and growth rates for HIV/AIDS, the National Intelligence Council estimates that the number of AIDS orphans worldwide will increase dramatically, potentially increasing threefold or

more in the next 10 years, contributing to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children without care or hope are often drawn into prostitution, crime, substance abuse, or child soldiery.

(9) Donors must focus on adequate preparations for the explosion in the number of orphans and the burden they will place on families, communities, economies, and governments. Support structures and incentives for families, communities, and institutions which will provide care for children orphaned by HIV/AIDS, or for the children who are themselves afflicted by HIV/AIDS, will be essential.

(10) The 1999 annual report by the United Nations Children's Fund (UNICEF) states "[t]he number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an emergency response" and that "finding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community.".

(11) The discovery of a relatively simple and inexpensive means of interrupting the transmission of HIV from an infected mother to the unborn child—namely with nevirapine (NVP), which costs US$4 a tablet—has created a great opportunity for an unprecedented partnership between the United States Government and the governments of Asian, African and Latin American countries to reduce mother-to-child transmission (also known as "vertical transmission") of HIV.

(12) According to UNAIDS, if implemented this strategy will decrease the proportion of orphans that are HIV-infected and decrease infant and child mortality rates in these developing regions.

(13) A mother-to-child antiretroviral drug strategy can be a force for social change, providing the opportunity and impetus needed to address often long-standing problems of inadequate services and the profound stigma associated with HIV-infection and the AIDS disease. Strengthening the health infrastructure to improve mother-and-child health, antenatal, delivery and postnatal services, and couples counseling generates enormous spillover effects toward combating the AIDS epidemic in developing regions.

(14) United States Census Bureau statistics show life expectancy in sub-Saharan Africa falling to around 30 years of age within a decade, the lowest in a century, and project life expectancy in 2010 to be 29 years of age in Botswana, 30 years of age in Swaziland, 33 years of age in Namibia and Zimbabwe, and 36 years of age in South Africa, Malawi, and Rwanda, in contrast to a life expectancy of 70 years of age in many of the countries without a high prevalence of AIDS.

(15) A January 2000 United States National Intelligence Estimate (NIE) report on the global infectious disease threat concluded that the economic costs of infectious diseases—especially HIV/AIDS—are already significant and could reduce GDP by as much as 20 percent or more by 2010 in some sub-Saharan African nations.

(16) According to the same NIE report, HIV prevalence among militias in Angola and the Democratic Republic of the Congo are estimated at 40 to 60 percent, and at 15 to 30 percent in Tanzania.

(17) The HIV/AIDS epidemic is of increasing concern in other regions of the world, with UNAIDS estimating that there are more than 5,600,000 cases in South and South-east Asia, that the rate of HIV infection in the Caribbean is second only to sub-Saharan Africa, and that HIV infections have doubled in just two years in the former Soviet Union.

(18) Despite the discouraging statistics on the spread of HIV/AIDS, some developing nations—such as Uganda, Senegal, and Thailand—have implemented prevention programs that have substantially curbed the rate of HIV infection.

(19) AIDS, like all diseases, knows no national boundaries, and there is no certitude that the scale of the problem in one continent can be contained within that region.

(20) Accordingly, United States financial support for medical research, education, and disease containment as a global strategy has beneficial ramifications for millions of Americans and their families who are affected by this disease, and the entire population which is potentially susceptible.

(b) PURPOSES.—The purposes of this title are to—

(1) help prevent human suffering through the prevention, diagnosis, and treatment of HIV/AIDS; and

(2) help ensure the viability of economic development, stability, and national security in the developing world by advancing research to—

(A) understand the causes associated with HIV/AIDS in developing countries; and

(B) assist in the development of an AIDS vaccine.

Subtitle A—United States Assistance

SEC. 111. ADDITIONAL ASSISTANCE AUTHORITIES TO COMBAT HIV AND AIDS.

(a) ASSISTANCE FOR PREVENTION OF HIV/AIDS AND VERTICAL TRANSMISSION.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraphs:

"(4)(A) Congress recognizes the growing international dilemma of children with the human immunodeficiency virus (HIV) and the merits of intervention programs aimed at this problem. Congress further recognizes that mother-to-child transmission prevention strategies can serve as a major force for change in developing regions, and it is, therefore, a major objective of the foreign assistance program to control the acquired immune deficiency syndrome (AIDS) epidemic.

"(B) The agency primarily responsible for administering this part shall—

"(i) coordinate with UNAIDS, UNICEF, WHO, national and local governments, and other organizations to develop and implement effective strategies to prevent vertical transmission of HIV; and

"(ii) coordinate with those organizations to increase intervention programs and introduce voluntary counseling and testing, antiretroviral drugs, replacement feeding, and other strategies.

"(5)(A) Congress expects the agency primarily responsible for administering this part to make the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS) a priority in the foreign assistance program and to undertake a comprehensive, coordinated effort to combat HIV and AIDS.

"(B) Assistance described in subparagraph (A) shall include help providing—

"(i) primary prevention and education;

"(ii) voluntary testing and counseling;

"(iii) medications to prevent the transmission of HIV from mother to child; and

"(iv) care for those living with HIV or AIDS.

"(6)(A) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $300,000,000 for each of the fiscal years 2001 and 2002 to carry out paragraphs (4) and (5).

"(B) Of the funds authorized to be appropriated under subparagraph (A), not less than 65 percent is authorized to be available through United States and foreign nongovernmental organizations, including private and voluntary organizations, for-profit organizations, religious affiliated organizations, educational institutions, and research facilities.

"(C)(i) Of the funds authorized to be appropriated by subparagraph (A), not less than 20 percent is authorized to be available for programs as part of a multidonor strategy to address the support and education of orphans in sub-Saharan Africa, including AIDS orphans.

"(ii) Assistance made available under this subsection, and assistance made available under chapter 4 of part II to carry out the purposes of this subsection, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries.

"(D) Of the funds authorized to be appropriated under subparagraph (A), not less than 8.3 percent is authorized to be available to carry out the prevention strategies for vertical transmission referred to in paragraph (4)(A).

"(E) Of the funds authorized to be appropriated by subparagraph (A), not more than 7 percent may be used for the administrative expenses of the agency primarily responsible for carrying out this part of this Act in support of activities described in paragraphs (4) and (5).

"(F) Funds appropriated under this paragraph are authorized to remain available until expended.".

(b) TRAINING AND TRAINING FACILITIES IN SUB-SAHARAN AFRICA.—Section 496(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(2)) is amended by adding at the end the following new sentence: "In addition, providing training and training facilities, in sub-Saharan Africa, for doctors and other health care providers, notwithstanding any provision of law that restricts assistance to foreign countries.".

SEC. 112. VOLUNTARY CONTRIBUTION TO GLOBAL ALLIANCE FOR VACCINES AND IMMUNIZATIONS AND INTERNATIONAL AIDS VACCINE INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended by adding at the end the following new subsections:

"(k) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President $50,000,000 for each of the fiscal years 2001 and 2002 to be available only for United States contributions to the Global Alliance for Vaccines and Immunizations.

"(l) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President $10,000,000 for each of the fiscal years 2001 and 2002 to be available only for United States contributions to the International AIDS Vaccine Initiative.".

(b) REPORT.—At the close of fiscal year 2001, the President shall submit a report to the appropriate congressional committees on the effectiveness of the Global Alliance for Vaccines and Immunizations and the International AIDS Vaccine Initiative during that fiscal year in meeting the goals of—

(1) improving access to sustainable immunization services;

(2) expanding the use of all existing, safe, and cost-effective vaccines where they address a public health problem;

(3) accelerating the development and introduction of new vaccines and technologies;

(4) accelerating research and development efforts for vaccines needed primarily in developing countries; and

(5) making immunization coverage a centerpiece in international development efforts.

(c) Appropriate Congressional Committees Defined.—In subsection (b), the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 113. COORDINATED DONOR STRATEGY FOR SUPPORT AND EDUCATION OF ORPHANS IN SUB-SAHARAN AFRICA.

(a) Statement of Policy.—It is in the national interest of the United States to assist in mitigating the burden that will be placed on sub-Saharan African social, economic, and political institutions as these institutions struggle with the consequences of a dramatically increasing AIDS orphan population, many of whom are themselves infected by HIV and living with AIDS. Effectively addressing that burden and its consequences in sub-Saharan Africa will require a coordinated multidonor strategy.

(b) Development of Strategy.—The President shall coordinate the development of a multidonor strategy to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic in sub-Saharan Africa.

(c) Definition.—In this section, the term "HIV/AIDS" means, with respect to an individual, an individual who is infected with the human immunodeficiency virus (HIV), the pathogen that causes the acquired immune deficiency virus (AIDS), or living with AIDS.

SEC. 114. AFRICAN CRISIS RESPONSE INITIATIVE AND HIV/AIDS TRAINING.

(a) Findings.—Congress finds that—

(1) the spread of HIV/AIDS constitutes a threat to security in Africa;

(2) civil unrest and war may contribute to the spread of the disease to different parts of the continent;

(3) the percentage of soldiers in African militaries who are infected with HIV/AIDS is unknown, but estimates range in some countries as high as 40 percent; and

(4) it is in the interests of the United States to assist the countries of Africa in combating the spread of HIV/AIDS.

(b) Education on the Prevention of the Spread of AIDS.—In undertaking education and training programs for military establishments in African countries, the United States shall ensure that classroom training under the African Crisis Response Initiative includes military-based education on the prevention of the spread of AIDS.

Subtitle B—World Bank AIDS Trust Fund

CHAPTER 1—ESTABLISHMENT OF THE FUND

SEC. 121. ESTABLISHMENT.

(a) Negotiations for Establishment of Trust Fund.—The Secretary of the Treasury shall seek to enter into negotiations with the World Bank or the Association, in consultation with the Administrator of the United States Agency for International Development and other United States Government agencies, and with the member nations of the World Bank or the Association and with other interested parties, for the establishment within the World Bank of—

(1) the World Bank AIDS Trust Fund (in this subtitle referred to as the "Trust Fund") in accordance with the provisions of this chapter; and

(2) the Advisory Board to the Trust Fund in accordance with section 124.

(b) Purpose.—The purpose of the Trust Fund should be to use contributed funds to—

(1) assist in the prevention and eradication of HIV/AIDS and the care and treatment of individuals infected with HIV/AIDS; and

(2) provide support for the establishment of programs that provide health care and primary and secondary education for children orphaned by the HIV/AIDS epidemic.

(c) Composition.—

(1) In general.—The Trust Fund should be governed by a Board of Trustees, which should be composed of representatives of the participating donor countries to the Trust Fund. Individuals appointed to the Board should have demonstrated knowledge and experience in the fields of public health, epidemiology, health care (including delivery systems), and development.

(2) United states representation.—

(A) In general.—Upon the effective date of this paragraph, there shall be a United States member of the Board of Trustees, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the qualifications described in paragraph (1).

(B) Effective and termination dates.—

(i) Effective date.—This paragraph shall take effect upon the date the Secretary of the Treasury certifies to Congress that an agreement establishing the Trust Fund and providing for a United States member of the Board of Trustees is in effect.

(ii) Termination date.—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

SEC. 122. GRANT AUTHORITIES.

(a) Program objectives.—

(1) In general.—In carrying out the purpose of section 121(b), the Trust Fund, acting through the Board of Trustees, should provide only grants, including grants for technical assistance to support measures to build local capacity in national and local government, civil society, and the private sector to lead and implement effective and affordable HIV/AIDS prevention, education, treatment and care services, and research and development activities, including access to affordable drugs.

(2) Activities supported.—Among the activities the Trust Fund should provide grants for should be—

(A) programs to promote the best practices in prevention, including health education messages that emphasize risk avoidance such as abstinence;

(B) measures to ensure a safe blood supply;

(C) voluntary HIV/AIDS testing and counseling;

(D) measures to stop mother-to-child transmission of HIV/AIDS, including through diagnosis of pregnant women, access to cost-effective treatment and counseling, and access to infant formula or other alternatives for infant feeding;

(E) programs to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic;

(F) measures for the deterrence of gender-based violence and the provision of post-exposure prophylaxis to victims of rape and sexual assault; and

(G) incentives to promote affordable access to treatments against AIDS and related infections.

(3) Implementation of program objectives.—In carrying out the objectives of paragraph (1), the Trust Fund should coordinate its activities with governments, civil society, nongovernmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, the private sector, and donor agencies working to combat the HIV/AIDS crisis.

(b) Priority.—In providing grants under this section, the Trust Fund should give priority to countries that have the highest HIV/AIDS prevalence rate or are at risk of having a high HIV/AIDS prevalence rate.

(c) Eligible Grant Recipients.—Governments and nongovernmental organizations should be eligible to receive grants under this section.

(d) Prohibition.—The Trust Fund should not make grants for the purpose of project development associated with bilateral or multilateral bank loans.

SEC. 123. ADMINISTRATION.

(a) Appointment of an Administrator.—The Board of Trustees, in consultation with the appropriate officials of the Bank, should appoint an Administrator who should be responsible for managing the day-to-day operations of the Trust Fund.

(b) Authority to Solicit and Accept Contributions.—The Trust Fund should be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(c) Accountability of Funds and Criteria for Programs.—As part of the negotiations described in section 121(a), the Secretary of the Treasury shall, consistent with subsection (d)—

(1) take such actions as are necessary to ensure that the Bank or the Association will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Trust Fund.

(d) Selection of projects and recipients.—The Board of Trustees should establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the grant-making process.

(e) Transparency of operations.—The Board of Trustees should ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

SEC. 124. ADVISORY BOARD.

(a) In General.—There should be an Advisory Board to the Trust Fund.

(b) Appointments.—The members of the Advisory Board should be drawn from—

(1) a broad range of individuals with experience and leadership in the fields of development, health care (especially HIV/AIDS), epidemiology, medicine, biomedical research, and social sciences; and

(2) representatives of relevant United Nations agencies and nongovernmental organizations with on-the-ground experience in affected countries.

(c) Responsibilities.—The Advisory Board should provide advice and guidance to the Board of Trustees on the development and implementation of programs and projects to be assisted by the Trust Fund and on leveraging donations to the Trust Fund.

(d) PROHIBITION ON PAYMENT OF COMPENSATION.—

(1) IN GENERAL.—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board should receive compensation for services performed as a member of the Board.

(2) UNITED STATES REPRESENTATIVE.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Board.

CHAPTER 2—REPORTS

SEC. 131. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS BY TREASURY SECRETARY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

(2) REPORT ELEMENTS.—The report shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities, including any vaccination approaches, supported by the Trust Fund;

(C) private and governmental contributions to the Trust Fund; and

(D) the criteria that have been established, acceptable to the Secretary of the Treasury and the Administrator of the United States Agency for International Development, that would be used to determine the programs and activities that should be assisted by the Trust Fund.

(b) GAO REPORT ON TRUST FUND EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of the Congress a report evaluating the effectiveness of the Trust Fund, including—

(1) the effectiveness of the programs, projects, and activities described in subsection (a)(2)(B) in reducing the worldwide spread of AIDS; and

(2) an assessment of the merits of continued United States financial contributions to the Trust Fund.

(c) APPROPRIATE COMMITTEES DEFINED.—In subsection (a), the term "appropriate committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

SEC. 141. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any other funds authorized to be appropriated for multilateral or bilateral programs related to HIV/AIDS or economic development, there is authorized to be appropriated to the Secretary of the Treasury $150,000,000 for each of the fiscal years 2001 and 2002 for payment to the Trust Fund.

(b) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by subsection (a) for the fiscal years 2001 and 2002, $50,000,000 are authorized to be available each such fiscal year only for programs that benefit orphans.

SEC. 142. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—Prior to the initial obligation or expenditure of funds appropriated pursuant to section 141, the Secretary of the Treasury shall certify that adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

(b) TRANSMITTAL OF CERTIFICATION.—The certification required by subsection (a), and the bases for that certification, shall be submitted by the Secretary of the Treasury to Congress.

TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the "International Tuberculosis Control Act of 2000".

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be controlled in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs; and

(D) the risk of having a bad tuberculosis program, which is worse than having no tuberculosis program because it would significantly increase the risk of the development of more widespread drug-resistant strains of the disease.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

SEC. 203. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)), as amended by section 111(a) of this Act, is further amended by adding at the end the following:

"(7)(A) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those nations that had previously largely controlled the disease. Congress further recognizes that the means exist to control and treat tuberculosis, and that it is therefore a major objective of the foreign assistance program to control the disease. To this end, Congress expects the agency primarily responsible for administering this part—

"(i) to coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations toward the development and implementation of a comprehensive tuberculosis control program; and

"(ii) to set as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, in those countries in which the agency has established development programs, by December 31, 2010.

"(B) There is authorized to be appropriated to the President, $60,000,000 for each of the fiscal years 2001 and 2002 to be used to carry out this paragraph. Funds appropriated under this subparagraph are authorized to remain available until expended.".

TITLE III—ADMINISTRATIVE AUTHORITIES

SEC. 301. EFFECTIVE PROGRAM OVERSIGHT.

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end thereof the following new subsection:

"(l) The Administrator of the agency primarily responsible for administering part I may use funds made available under that part to provide program and management oversight for activities that are funded under that part and that are conducted in countries in which the agency does not have a field mission or office.".

SEC. 302. TERMINATION EXPENSES.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read as follows:

"SEC. 617. TERMINATION EXPENSES.

"(a) IN GENERAL.—Funds made available under this Act and the Arms Export Control Act, may remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such Acts for the necessary expenses of winding up programs related to such termination and may remain available until expended. Funds obligated under the authority of such Acts prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds. In order to ensure the effectiveness of such assistance, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

"(b) Liability to Contractors.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under such Acts prior to the termination of assistance.

"(c) Termination Expenses.—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

"(d) Guaranty Programs.—Provisions of this or any other Act requiring the termination of assistance under this or any other Act shall not be construed to require the termination of guarantee commitments that were entered into prior to the effective date of the termination of assistance.

"(e) Relation to Other Provisions.—Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law.".

INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 2000

CAMPBELL AMENDMENT NO. 4019

Mr. DeWINE (for Mr. Campbell) proposed an amendment to the bill (S. 1586) to reduce the fractionated ownership of Indian Lands, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Land Consolidation Act Amendments of 2000".

TITLE I—INDIAN LAND CONSOLIDATION

SEC. 101. FINDINGS.

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in Babbitt v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests "to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206";

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is a matter of Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

SEC. 102. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking "(1) 'tribe'" and inserting "(1) 'Indian tribe' or 'tribe'";

(B) by striking paragraph (2) and inserting the following:

"(2) 'Indian' means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe, or any person who has been found to meet the definition of 'Indian' under a provision of Federal law if the Secretary determines that using such law's definition of Indian is consistent with the purposes of this Act;";

(C) by striking "and" at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting "; and"; and

(E) by adding at the end the following:

"(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.";

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking "Any Indian" and inserting "(a) In General.—Subject to subsection (b), any Indian";

(ii) by striking the colon and inserting the following: ". Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.";

(iii) by striking ": *Provided*, That—"; and inserting the following:

"(b) Conditions Applicable to Purchase.—Subsection (a) applies on the condition that—";

(B) in paragraph (2)—

(i) by striking "If," and inserting "if"; and

(ii) by adding "and" at the end; and

(C) by striking paragraph (3) and inserting the following:

"(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.";

(3) by striking section 206 and inserting the following:

"SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

"(a) Tribal Probate Codes.—

"(1) In general.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

"(A) located within that Indian tribe's reservation; or

"(B) otherwise subject to the jurisdiction of that Indian tribe.

"(2) Possible inclusions.—A tribal probate code referred to in paragraph (1) may include—

"(A) rules of intestate succession; and

"(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

"(3) Limitations.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

"(b) Secretarial Approval.—

"(1) In general.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

"(2) Review and approval.—

"(A) In general.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

"(B) Consequence of failures to approve or disapprove a tribal probate code.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(C) Consistency of tribal probate code with act.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(D) Explanation.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

“(E) Amendments.—

“(i) In general.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

“(ii) Consequence of failure to approve or disapprove an amendment.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.

“(3) Effective dates.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

“(A) the date specified in section 207(g)(5); or

“(B) 180 days after the date of approval.

“(4) Limitations.—

“(A) Tribal probate codes.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

“(B) Amendments to tribal probate codes.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

“(5) Repeals.—The repeal of a tribal probate code shall—

“(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

“(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

“(c) Authority Available to Indian Tribes.—

“(1) In general.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of such interest, as determined by the Secretary on the date of the decedent's death. The Secretary shall transfer such payment to the devisee.

“(2) Limitation.—

“(A) In general.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

“(B) Reservation of life estate.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

“(3) Payments.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

“(A) upon the request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

“(B) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

“(d) Use of Proposed Findings by Tribal Justice Systems.—

“(1) Tribal justice system defined.—In this subsection, the term ‘tribal justice system’ has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

“(2) Regulations.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.”;

(4) by striking section 207 and inserting the following:

“SEC. 207. DESCENT AND DISTRIBUTION.

“(a) Testamentary Disposition.—

“(1) In general.—Interests in trust or restricted land may be devised only to—

“(A) the decedent's Indian spouse or any other Indian person; or

“(B) the Indian tribe with jurisdiction over the land so devised.

“(2) Life estate.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

“(3) Remainder.—

“(A) In general.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent's Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

“(B) Descent of interests.—If a decedent described in subparagraph (A) has no Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent's collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(C) Definition.—For purposes of this section, the term ‘collateral heirs of the first or second degree’ means the brothers, sisters, aunts, uncles, nieces, nephews, and first cousins, of a decedent.

“(4) Descent to tribe.—If the remainder interest described in paragraph (3)(A) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) Acquisition of interest by Indian co-owners.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in Indian land to an Indian tribe under paragraph (4) by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such an interest, the highest bidder shall obtain the interest. If payment is not received before the close of the probate of the decedent's estate, the interest shall descend to the tribe that exercises jurisdiction over the parcel.

“(6) Special rule.—

“(A) In general.—Notwithstanding paragraph (2), an owner of trust or restricted land who does not have an Indian spouse, Indian lineal descendant, an Indian heir of the first or second degree, or an Indian collateral heir of the first or second degree, may devise his or her interests in such land to any of the decedent's heirs of the first or second degree or collateral heirs of the first or second degree.

“(B) Acquisition of interest by tribe.—An Indian tribe that exercises jurisdiction over an interest in trust or restricted land described in subparagraph (A) may acquire any interest devised to a non-Indian as provided for in section 206(c).

“(b) Intestate Succession.—

“(1) In general.—An interest in trust or restricted land shall pass by intestate succession only to a decedent's spouse or heirs of the first or second degree, pursuant to the applicable law of intestate succession.

“(2) Life estate.—Notwithstanding paragraph (1), with respect to land described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall only receive a life estate in such land.

“(3) Descent of interests.—If a decedent described in paragraph (1) has no Indian heirs of the first or second degree, the remainder interest from the life estate referred to in paragraph (2) shall descend to any of the decedent's collateral Indian heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(4) Descent to tribe.—If the remainder interest described in paragraph (3) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) Acquisition of interest by Indian co-owners.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to pay for such an interest, the highest bidder shall obtain the interest. If no such offer is made, the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

“(c) Joint Tenancy; Right of Survivorship.—

“(1) Testate.—If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the land involved.

“(2) Intestate.—

“(A) In general.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

"(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land;
shall be held as tenancy in common.

"(B) Limited interest.—Any interest in trust or restricted land that—

"(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

"(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land;
shall be held by such heirs with the right of survivorship.

"(3) Effective date.—

"(A) In general.—This subsection (other than subparagraph (B)) shall become effective on the later of—

"(i) the date referred to in subsection (g)(5); or

"(ii) the date that is six months after the date on which the Secretary makes the certification required under subparagraph (B).

"(B) Certification.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted land held with the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

"(d) Descent of Off-Reservation Lands.—

"(1) Indian reservation defined.—For purposes of this subsection, the term 'Indian reservation' includes lands located within—

"(A)(i) Oklahoma; and

"(ii) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary);

"(B) the boundaries of any Indian tribe's current or former reservation; or

"(C) any area where the Secretary is required to provide special assistance or consideration of a tribe's acquisition of land or interests in land.

"(2) Descent.—Except in the State of California, upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

"(A) by testate or intestate succession in trust to an Indian; or

"(B) in fee status to any other devises or heirs.

"(e) Approval of Agreements.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent's heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

"(f) Estate Planning Assistance.—

"(1) In general.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

"(2) Requirements.—The estate planning assistance provided under paragraph (1) shall be designed to—

"(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

"(B) assist Indian landowners in accessing information pursuant to section 217(e).

"(3) Contracts.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

"(g) Notification to Indian Tribes and Owners of Trust or Restricted Lands.—

"(1) In general.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

"(2) Specifications.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

"(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

"(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

"(3) Requirements.—The Secretary shall provide the notice required under paragraph (1)—

"(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

"(B) through the Federal Register;

"(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

"(D) through any other means determined appropriate by the Secretary.

"(4) Certification.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

"(5) Effective date.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).";

(5) in section 208, by striking "section 206" and inserting "subsections (a) and (b) of section 206"; and

(6) by adding at the end the following:

"SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.

"(a) Acquisition by Secretary.—

"(1) In general.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, any fractional interest in trust or restricted lands.

"(2) Authority of Secretary.—

"(A) In general.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(g)(5).

"(B) Required report.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

"(3) Interests held in trust.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

"(b) Requirements.—In implementing subsection (a), the Secretary—

"(1) shall promote the policies provided for in section 102 of the Indian Land Consolidation Act Amendments of 2000;

"(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997));

"(3) to the extent practicable—

"(A) shall consult with the tribal government that exercises jurisdiction over the land involved in determining which tracts to acquire on a reservation;

"(B) shall coordinate the acquisition activities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

"(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate entity of the tribal government to carry out some or all of the Secretary's land acquisition program; and

"(4) shall minimize the administrative costs associated with the land acquisition program.

"(c) Sale of Interest to Indian Landowners.—

"(1) Conveyance at request.—

"(A) In general.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

"(B) Limitation.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

"(2) Multiple owners.—If more than one Indian owner requests an interest under (1), the Secretary shall convey the interest to the Indian owner who owns the largest percentage of the undivided interest in the parcel of trust or restricted land involved.

"(3) Limitation.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

"SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

"(a) In General.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

"(b) Conditions.—

"(1) In general.—The conditions described in this paragraph are as follows:

"(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

"(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

"(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

"(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the 'Indian Reorganization Act') (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

"(i) the Secretary makes any of the findings under paragraph (2)(A); or

"(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

"(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

"(A) the Secretary makes a finding that—

"(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

"(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

"(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

"(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

"(c) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

"(1) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"SEC. 215. ESTABLISHING FAIR MARKET VALUE.

"For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

"SEC. 216. ACQUISITION FUND.

"(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

"(1) disburse appropriations authorized to accomplish the purposes of section 213; and

"(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

"(b) DEPOSITS; USE.—

"(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

"(A) be deposited in the Acquisition Fund; and

"(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

"(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

"SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.

"(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

"(1) involving individual Indians;

"(2) between Indians and the tribal government that exercises jurisdiction over the land; or

"(3) between individuals who own an interest in trust and restricted land who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved;

in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

"(b) SALES, EXCHANGES AND GIFT DEEDS BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

"(1) IN GENERAL.—

"(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

"(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

"(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

"(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

"(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest..

"(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

"(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

"(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

"(1) other Indian owners of interests in trust or restricted lands within the same reservation;

"(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

"(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

"(f) NOTICE TO INDIAN TRIBE.—After the expiration of the limitation period provided for in subsection (b)(2) and prior to considering an Indian application to terminate the trust status or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the parcel of such land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

"SEC. 218. REPORTS TO CONGRESS.

"(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

"(1) the number of fractional interests in trust or restricted lands acquired; and

"(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

"(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

"SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

"(a) APPROVAL BY THE SECRETARY.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of an Indian, if—

"(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

"(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

"(2) Rule of construction.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

"(3) Definition.—In this section, the term 'allotted land' includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

"(b) Applicable Percentage.—

"(1) Percentage interest.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

"(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

"(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

"(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

"(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

"(2) Determination of owners.—

"(A) In general.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

"(B) Rule of construction.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997)).

"(c) Authority of Secretary to Sign Lease or Agreement on Behalf of Certain Owners.—The Secretary may give written consent to a lease or agreement under subsection (a)—

"(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

"(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

"(d) Effect of Approval.—

"(1) Application to all parties.—

"(A) In general.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

"(B) Description of parties.—The parties referred to in subparagraph (A) are—

"(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

"(ii) all other parties to the lease or agreement.

"(2) Tribe not treated as party to lease; no effect on tribal sovereignty, immunity.—

"(A) In general.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(B) Application of lease.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"(e) Distribution of Proceeds.—

"(1) In general.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

"(2) Determination of amounts distributed.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

"(f) Rule of Construction.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000, or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

"SEC. 220. APPLICATION TO ALASKA.

"(a) Findings.—Congress find that—

"(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

"(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

"(b) Application of Act to Alaska.—Except as provided in this section, this Act shall not apply to land located within Alaska.

"(c) Rule of Construction.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.".

SEC. 104. JUDICIAL REVIEW.

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed $8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

SEC. 106. CONFORMING AMENDMENTS.

(a) Patents Held in Trust.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking "and partition"; and

(B) by striking "except" and inserting "except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except".

(b) Ascertainment of Heirs and Disposal of Allotments.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking "under" and inserting "under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to"; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking "with regulations" and inserting "with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations".

(c) Transfer of Lands.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking "member or:" and inserting "member or, except as provided by the Indian Land Consolidation Act,".

TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS

SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.

(a) Definitions.—In this section:

(1) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Individually owned Navajo Indian allotted land.—The term "individually owned Navajo Indian allotted land" means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) Navajo Indian.—The term "Navajo Indian" means a member of the Navajo Nation.

(4) Navajo Indian allotted land.—The term "Navajo Indian allotted land" means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) Owner.—The term "owner" means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

(b) Approval by the Secretary.—

(1) In general.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

FUGITIVE APPREHENSION ACT OF 2000

THURMOND (AND OTHERS) AMENDMENT NO. 4020)

Mr. DEWINE (for Mr. THURMOND (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill (S. 2516) to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service, as follows:

On page 14, beginning with line 21, strike through page 15, line 20 and insert the following:

"(3) NONDISCLOSURE REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

"(B) ORDER.—The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

"(i) endangering the life or physical safety of an individual;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses; or

"(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

On page 16, line 9 insert ", in consultation with the Secretary of the Treasury," after "eral".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 26, 2000. The purpose of this hearing will be to review the Federal sugar program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 26, 2000 at 9:30 a.m., in open session to consider the nominations of Mr. Donald Mancuso to be Inspector General, Department of Defense; Mr. Roger W. Kallock to be Deputy Under Secretary of Defense for Logistics and Material Readiness; and Mr. James E. Baker to be a Judge of the United States Court of Appeals for the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 26, 2000, at 9:30 a.m., on broadband issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 26 at 9:30 to conduct an oversight hearing. The committee will receive testimony on Natural Gas Supply.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 26, at 9:00 a.m., Hearing Room (SD–4006), to consider the following items:

1. S. 2417, Water Pollution Program Enhancements Act of 2000, with a manager's amendment;
2. S. 1109, Bear Protection Act of 1999;
3. S. 2878, National Wildlife Refuge System Centennial;
4. GSA FY 2001 Construction authorizations (including courthouses);
5. Namings: H.R. 1729, Pamela B. Gwin Hall, Charlottesville, Virginia; H.R. 1901, Kika de la Garza United States Border Station, Pharr, Texas; H.R. 1959, Adrian A. Spears Judicial Training Center, San Antonio, Texas; and H.R. 4608, James H. Quillen United States Courthouse, Greeneville, Tennessee.
6. Nominations: a. Arthur C. Campbell, Assistant Secretary for Economic Development, The Department of Commerce; b. Ella Wong-Rusinko, Alternate Federal Co-Chair, Appalachian Regional Commission; and
7. A study resolution to approve a Natural Resources Conservation Service flood control dam in Warren, Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Wednesday, July 26, 2000 for a public hearing to consider the nominations of Robert S. LaRussa to be Under Secretary for International Trade, Department of Commerce, Ruth M. Thomas to be Assistant Secretary for Legislative

Affairs, Department of the Treasury; and Lisa G. Ross to be Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 26, 2000, at 11 am to hold a business meeting (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 26, 2000 at 10 a.m. for a hearing regarding S. 1801, the "Public Interest Declassification Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on "Health Disparities: Bridging the Gap" during the session of the Senate on Wednesday, July 26, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Americans with Disabilities Act: Opening the Doors to the Workplace during the session of the Senate on Wednesday, July 26, 2000, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 26, 2000 at 1:30 p.m. in room 485 of the Russell Senate Building to mark up pending legislation to be followed by an oversight hearing, on the Activities of the National Indian Gaming Commission; to be followed by a legislative hearing on the S. 2526, to reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 26, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to conduct a hearing on the S. 2526, to reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, July 26, 2000, at 9:30 a.m., in 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, July 26, 2000, to markup S. 1594, "Community Development and Venture Capital Act of 1999," and other pending matters. The markup will begin at 9:00 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 26, at 2:30 p.m. to conduct an oversight hearing to receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 26 at 2:30 p.m. to conduct a legislative hearing followed by an oversight hearing. The subcommittee will receive testimony on S. 2877, a bill to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyehee River basin, and Powder River basin, Oregon; S. 2881, a bill to update an existing Bureau of Reclamation program by amending the Small Reclamation Projects Act of 1956, to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and for other purposes; and S. 2882, a bill to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes. The subcommittee will then receive oversight testimony on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent for Jim Worth of my office to be granted the privilege of the floor for the rest of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS PLACED ON CALENDAR

Mr. DEWINE. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations and that they be placed on the executive calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: No. 524.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF ENERGY

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 1999

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 714, S. 1586.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1586) to reduce the fractionated ownership of Indian Lands, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment:

[Strike out all after the enacting clause and insert the part printed in italic]

S. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Land Consolidation Act Amendments of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in Babbitt v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found that the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests "to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206";

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is based on Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

SEC. 3. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

SEC. 4. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking "(1) 'tribe'" and inserting "(1) 'Indian tribe' or 'tribe'";

(B) by striking paragraph (2) and inserting the following:

"(2) 'Indian' means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe at the time of the distribution of the assets of a decedent's estate;";

(C) by striking "and" at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting "; and"; and

(E) by adding at the end the following:

"(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.";

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking "Any Indian" and inserting "(a) In General.—Subject to subsection (b), any Indian";

(ii) by striking the colon and inserting the following: ". Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.";

(iii) by striking ": Provided, That—"; and inserting the following:

"(b) Conditions Applicable to Purchase.—Subsection (a) applies on the condition that—";

(B) in paragraph (2)—

(i) by striking "If," and inserting "if"; and

(ii) by adding "and" at the end; and

(C) by striking paragraph (3) and inserting the following:

"(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.";

(3) by striking section 206 and inserting the following:

"SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

"(a) Tribal Probate Codes.—

"(1) In General.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

"(A) located within that Indian tribe's reservation; or

"(B) otherwise subject to the jurisdiction of that Indian tribe.

"(2) Possible Inclusions.—A tribal probate code referred to in paragraph (1) may include—

"(A) rules of intestate succession; and

"(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

"(3) Limitations.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

"(b) Secretarial Approval.—

"(1) In General.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

"(2) Review and Approval.—

"(A) In General.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

"(B) Consequence of Failures to Approve or Disapprove a Tribal Probate Code.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

"(C) Consistency of Tribal Probate Code with Act.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

"(D) Explanation.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

"(E) Amendments.—

"(i) In General.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

"(ii) Consequence of Failure to Approve or Disapprove an Amendment.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 3 of the Indian Land Consolidation Act of 2000.

"(3) Effective Dates.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

"(A) the date specified in section 207(f)(5); or

"(B) 180 days after the date of approval.

"(4) Limitations.—

"(A) Tribal Probate Codes.—Each tribal probate code enacted under subsection (a) shall

apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

“(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a descendant who dies on or after the effective date of the amendment.

“(5) REPEALS.—The repeal of a tribal probate code shall—

“(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

“(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

“(c) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

“(1) APPLICATION.—The recognized tribal government that has jurisdiction over an Indian reservation (as defined in section 207(c)(5)) may exercise the authority provided for in paragraph (2).

“(2) AUTHORITY TO MAKE PAYMENTS IN LIEU OF INHERITANCE OF INTEREST IN LAND.—

“(A) PROHIBITION.—An individual who is not an Indian shall not be entitled to receive by devise or descent any interest in trust or restricted land, except by reserving a life estate under subparagraph (B)(ii), within the reservation over which a tribal government has jurisdiction if, while the decedent's estate is pending before the Secretary, the tribal government referred to in paragraph (1) pays to the Secretary, on behalf of such individual, the value of such interest. The interest for which payment is made under this subparagraph shall be held by the Secretary in trust for the tribal government.

“(B) EXCEPTION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the ineligible non-Indian heir or devisee described in such subparagraph renounces the interest in favor of a person or persons who are otherwise eligible to inherit.

“(ii) RESERVATION OF LIFE ESTATE.—The non-Indian heir or devisee described in clause (i) may retain a life estate in the interest and convey the remaining interest to an Indian person.

“(iii) PRESUMPTION.—In the absence of any express language to the contrary, a conveyance under clause (ii) is presumed to reserve to the life estate holder all income from the lease, use, rents, profits, royalties, bonuses, or sales of natural resources during the pendency of the life estate and any right to occupy the tract of land as a home.

“(C) PAYMENTS.—With respect to payments by a tribal government under subparagraph (A), the Secretary shall—

“(i) upon the request of the tribal government, allow a reasonable period of time, not to exceed 2 years, for the tribal government to make payments of amounts due pursuant to subparagraph (A); or

“(ii) recognize alternative agreed upon exchanges of consideration between the ineligible non-Indian and the tribe in satisfaction of the payment under subparagraph (A).

“(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

“(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term ‘tribal justice system’ has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

“(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.”;

(4) by striking section 207 and inserting the following:

“SEC. 207. DESCENT AND DISTRIBUTION; ESCHEAT OF FRACTIONAL INTERESTS.

“(a) TESTAMENTARY DISPOSITION.—

“(1) IN GENERAL.—Except as provided in this section, interests in trust or restricted land may be devised only to—

“(A) the decedent's Indian spouse or any other Indian person; or

“(B) the Indian tribe with jurisdiction over the land so devised.

“(2) NON-INDIAN ESTATE.—Any devise not described in paragraph (1) shall create a non-Indian estate in Indian land as provided for under subsection (c).

“(3) JOINT TENANCY WITH RIGHT OF SURVIVORSHIP.—If a testator devises interests in the same parcel of trust or restricted land to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create a joint tenancy with right of survivorship.

“(b) INTESTATE SUCCESSION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), with respect to an interest in trust or restricted land passing by intestate succession, only a spouse or heirs of the first or second degree may inherit such an interest.

“(2) NON-INDIAN ESTATE.—Notwithstanding paragraph (1), a non-Indian spouse or non-Indian heir of the first or second degree may only receive a non-Indian estate in Indian land as provided for under subsection (c).

“(3) JOINT TENANCY.—

“(A) IN GENERAL.—Unless modified by a tribal probate code that is approved under section 206—

“(i) any heirs of the first or second degree that inherit an interest that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land, shall hold such interest as tenants in common; and

“(ii) any heirs of the first or second degree that inherit an interest that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land, shall hold such interest as joint tenants with the right of survivorship.

“(B) RENOUNCING OF RIGHTS.—The heirs who inherit an interest as tenants in common with a right of survivorship under subparagraph (A)(ii) may renounce their right of survivorship in favor of one or more of their co-owners.

“(4) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the escheat of an interest in Indian lands for which there is no legal heir by paying into the decedent's estate, the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall obtain the interest. If no such offer is made, the interest will escheat to the tribe that exercises jurisdiction over the land.

“(c) NON-INDIAN ESTATES.—

“(1) RIGHTS OF NON-INDIAN ESTATE HOLDERS.—

“(A) IN GENERAL.—An individual who receives a non-Indian estate in Indian land under subsection (a)(2) or (b)(2)—

“(i) shall receive a proportionate share of the proceeds of any lease, use, rents, profits, royalties, bonuses, or sale of natural resources based on their share of the decedent's interest in such land; and

“(ii) may—

“(I) convey or deed by gift the decedent's interest in trust or restricted land to an Indian or the tribe with jurisdiction over the land; or

“(II) devise the decedent's interest to either an Indian or an Indian tribe as provided for in subsection (a)(1) or a non-Indian as provided for in subsection (a)(2).

“(B) DECEDENT'S INTEREST.—In this section, the term ‘decedent's interest’ means the equitable title held by the last Indian owner of an interest in trust or restricted lands.

“(2) ESCHEAT AND INTESTATE SUCCESSION.—If the holder of a non-Indian estate in Indian land dies without having devised or conveyed the interest of the individual under paragraph (1)(A)(ii), the decedent's interest in the trust or restricted land involved shall—

“(A) descend to the non-Indian estateholder's Indian spouse or Indian heirs of the first or second degree as provided for in subsection (b)(3); or

“(B) in the case of a decedent that does not have an Indian spouse or heir of the first or second degree, descend to the Indian tribe having jurisdiction over the trust or restricted lands.

“(3) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the escheat of an interest to the tribe under paragraph (2) by paying into the estate of the owner of a non-Indian estate in Indian land the fair market value of the interest. If more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall obtain the interest.

“(4) DEVISE OF INTEREST.—If the owner of a non-Indian estate in Indian land devises the interest in such land to a person who is not an Indian, at the discretion of the Secretary and subject to the availability of appropriations, the Secretary may, pursuant to section 213, acquire such interest, with or without the consent of the devisee, by depositing the value of the interest in the estate of the owner of the non-Indian estate in Indian land.

“(5) RULE OF CONSTRUCTION.—

“(A) IN GENERAL.—With respect to a decedent's interest in trust or restricted lands under this subsection, until such time as an Indian or an Indian tribe acquires such interest through inheritance, escheat, or conveyance, the Secretary shall be treated as the holder of the remainder from the life estate.

“(B) LIMITATION.—Subparagraph (A) shall not be construed to authorize the Secretary to retain any of the proceeds from the lease, use, rents, profits, royalties, bonuses, or sale of natural resources with respect to the trust or restricted lands involved.

“(6) DESCENT OF OFF-RESERVATION LANDS.—

“(A) INDIAN RESERVATION DEFINED.—For purposes of this paragraph, the term ‘Indian reservation’ includes lands located within—

“(i)(I) Oklahoma; and

“(II) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary);

“(ii) the boundaries of any Indian tribe's current or former reservation; or

“(iii) any area where the Secretary is required to provide special assistance or consideration of a tribe's acquisition of land or interests in land.

“(B) DESCENT.—Upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

“(i) by testate or intestate succession in trust to an Indian; or

“(ii) in fee status to any other devises or heirs.

“(d) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent's heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

“(e) ESTATE PLANNING ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

"(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

"(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

"(B) assist Indian landowners in accessing information pursuant to section 217(g).

"(3) CONTRACTS.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

"(f) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST OR RESTRICTED LANDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

"(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

"(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

"(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

"(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

"(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

"(B) through the Federal Register;

"(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

"(D) through any other means determined appropriate by the Secretary.

"(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

"(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4)."; and

(5) by adding at the end the following:

"SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.

"(a) ACQUISITION BY SECRETARY.—

"(1) IN GENERAL.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, except as provided in section 207(c)(4), and at fair market value, any fractional interest in trust or restricted lands.

"(2) AUTHORITY OF SECRETARY.—

"(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(f)(5).

"(B) REQUIRED REPORT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

"(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the reservation.

"(b) REQUIREMENTS.—In implementing subsection (a), the Secretary—

"(1) shall promote the policies provided for in section 3 of the Indian Land Consolidation Act Amendments of 2000;

"(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997));

"(3) to the extent practicable—

"(A) shall consult with the reservation's recognized tribal government in determining which tracts to acquire on a reservation;

"(B) shall coordinate the acquisition activities with the reservation's recognized tribal government's acquisition program, including a tribal land consolidation plan approved pursuant to section 204; and

"(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the reservation's recognized tribal government or a subordinate entity of the tribal government to carry out some or all of the Secretary's land acquisition program; and

"(4) shall minimize the administrative costs associated with the land acquisition program.

"(c) SALE OF INTEREST TO INDIAN LANDOWNERS.—

"(1) IN GENERAL.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

"(2) LIMITATIONS.—

"(A) TRIBAL CONSENT.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

"(B) LIMITATION.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

"SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

"(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

"(b) CONDITIONS.—

"(1) IN GENERAL.—The conditions described in this paragraph are as follows:

"(A) Except as provided in subsection (d), until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

"(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

"(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

"(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the 'Indian Reorganization Act') (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

"(i) the Secretary makes any of the findings under paragraph (2)(A); or

"(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

"(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

"(A) the Secretary makes a finding that—

"(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

"(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

"(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

"(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

"(c) EFFECT ON INDIAN TRIBE.—

"(1) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"SEC. 215. ESTABLISHING FAIR MARKET VALUE.

"(a) IN GENERAL.—For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the owner of an interest in trust or restricted lands from appealing a determination of fair market value made in accordance with this section.

"SEC. 216. ACQUISITION FUND.

"(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

"(1) disburse appropriations authorized to accomplish the purposes of section 213; and

"(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213.

"(b) DEPOSITS; USE.—

"(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

"(A) be deposited in the Acquisition Fund; and

"(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

"(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

"SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.

"(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions involving individual Indians and between Indians and a reservation's recognized tribal government in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

"(b) SALES AND EXCHANGES BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

"(1) IN GENERAL.—

"(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling or exchanging an interest in land has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

"(i) the sale or exchange of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

"(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

"(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling or exchanging an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

"(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

"(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

"(d) STATUS OF LANDS.—The sale or exchange of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

"(e) GIFT DEEDS.—

"(1) IN GENERAL.—An individual owner of an interest in trust or restricted land may convey that interest by gift deed to—

"(A) an individual Indian; or

"(B) the Indian tribe that exercises jurisdiction over that land.

"(2) SPECIAL RULE.—With respect to any gift deed conveyed under this section, the Secretary shall not require an appraisal and the transaction shall be consistent with this Act and any other provision of Federal law.

"(f) NO TERMINATION.—During the 7-year period beginning on the date on which the Secretary approves a conveyance of an interest in trust or restricted land under subsection (e), the Secretary shall not approve an application to terminate the trust status of, or remove the restrictions on, such an interest.

"(g) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

"(1) other Indian owners of interests in trust or restricted lands within the same reservation;

"(2) the tribe that exercises jurisdiction over the reservation where the parcel is located or any person who is eligible for membership in that tribe; and

"(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

"SEC. 218. REPORTS TO CONGRESS.

"(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

"(1) the number of fractional interests in trust or restricted lands acquired; and

"(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

"(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

"SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

"(a) APPROVAL BY THE SECRETARY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land, if—

"(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

"(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

"(b) APPLICABLE PERCENTAGE.—

"(1) PERCENTAGE INTEREST.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

"(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

"(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

"(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

"(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

"(2) DETERMINATION OF OWNERS.—

"(A) IN GENERAL.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997)).

"(c) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to a lease or agreement under subsection (a)—

"(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

"(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

"(d) EFFECT OF APPROVAL.—

"(1) APPLICATION TO ALL PARTIES.—

"(A) IN GENERAL.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

"(B) DESCRIPTION OF PARTIES.—The parties referred to in subparagraph (A) are—

"(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

"(ii) all other parties to the lease or agreement.

"(2) EFFECT ON INDIAN TRIBE.—

"(A) IN GENERAL.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(B) APPLICATION OF LEASE.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"(e) DISTRIBUTION OF PROCEEDS.—

"(1) IN GENERAL.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

"(2) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.) or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

"SEC. 220. APPLICATION TO ALASKA.

"(a) FINDINGS.—Congress find that—

"(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

"(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

"(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.".

SEC. 5. JUDICIAL REVIEW.

Notwithstanding section 207(f)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(f)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to their interest in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed $8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this Act (and the amendments made by this Act) that are not otherwise funded under the authority provided for in any other provision of Federal law.

SEC. 7. CONFORMING AMENDMENTS.

(a) PATENTS HELD IN TRUST.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking "and partition"; and

(B) by striking "except" and inserting "except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except".

(b) ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking "under" and inserting "under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to"; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking "with regulations" and inserting "with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations".

(c) TRANSFER OF LANDS.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking "trust:" and inserting "trust, except as provided by the Indian Land Consolidation Act:".

AMENDMENT NO. 4019

(Purpose: To provide for a complete substitute)

Mr. DEWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for Mr. CAMPBELL, proposes an amendment numbered 4019.

(The text of the amendment is printed in today's RECORD Under "Amendments Submitted.")

Mr. CAMPBELL. Mr. President, on September 15, 1999, I introduced S. 1586, the Indian Land Consolidation Act Amendments of 2000. At that time I pledged to work with all interested parties to address the vexing problems associated with fractionated ownership of Indian lands. These lands were carved out of Indian reservations in the late 19th and early 20th centuries. Within only a few generations, the ownership of the allotments was divided among dozens of the heirs of the original owners of these parcels. This situation has only grown worse as each decade passes.

In 1983, Congress tried to solve fractionation when it enacted the Indian Land Consolidation Act (ILCA), P.L. 94-459. The ILCA prevented small undivided interests from passing by either devise or descent. Only those interests that produced more than $100 in revenue in the preceding year were exempted. In 1987 the Supreme Court ruled in *Hodel* v. *Irving*, 481 U.S. 704, that those provisions of the ILCA violated the 5th Amendment by taking property without just compensation.

Then in 1992, the General Accounting Office surveyed 12 Indian reservations with fractionated ownership and reported to Congress:

> BIA's workload for ownership records is substantial. The agency maintains about 1.1 million records for the 12 reservations. Over 60 percent of the records represent small ownership interests of Indian individuals—some as small as one four thousandth of 1 percent. (GAO/RCED-92-96BR)

In 1994, the Department of Interior began a national consultation with tribal leaders and landowners concerning the need to address fractionation through a comprehensive legislative proposal. Based on these consultations, in June 1997, the Administration submitted a legislative proposal on land fractionation to Congress.

Also in 1997, the Supreme Court ruled in *Babbitt* v. *Youpee*, 519 U.S. 234 that the 1984 amendments to the ILCA did not go far enough to alter the Court's previous finding that the ILCA violated the 5th Amendment.

On November 4, 2000, the Senate Indian Affairs Committee (SCIA) held a joint hearing on S. 1586 with the House Committee on Resources.

On March 23, 2000, the SCIA reported S. 1586. Relying on a suggestion in the Supreme Court's 1987 opinion, the reported bill allowed an owner to devise fractional interests of less than 2%, but eliminated the intestate descent of such interests. These interests were allowed to "escheat" to the tribe exercising jurisdiction over the parcel. Because of the controversy associated with the escheat provision, Committee staff continued to work with interested parties to develop a proposal for addressing fractionation without the use of escheat.

On June 14, 2000, the SCIA reported S. 1586 with an amendment in the nature of a substitute. In response to concerns that probate reform should be comprehensive, the reported version of the bill was not limited to smaller fractional interests. Instead the bill addressed both the problem of fractionated ownership and the loss of trust land through devise and descent. The bill provided that non-Indian heirs and devisees would receive "non-Indian interests in Indian land," rather than fee title to trust and restricted land. In most instances, these interests would operate as if they were a life estate in the interest.

S. 1586 was endorsed on June 28, 2000 by the National Congress of American Indians (NCAI), the largest and most representative tribal organization in the Nation, through Resolution Jun-00-044. The Resolution requested that the bill's sponsor continue to work with NCAI to address technical issues.

Throughout June and July, a concerted effort has been made to consult with Indian tribes, landowners, and inter-tribal organizations, BIA personnel, and interested academics to clarify and simplify the bill. For example, in many instances a "non-Indian estate in Indian land" might prove a more complicated interest than was necessary to achieve the bill's objective. It was recommended that the bill's non-Indian estate should simply be replaced by an ordinary life estate.

A proposed amendment in the nature of a substitute has been produced. The amendment differs from the version reported by the SCIA on June 14, 2000 in the following ways:

The definition of "Indian" is amended. As reported on June 14, 2000, the definition included members of Indian tribes and those eligible for membership in an Indian tribe. The proposed amendment adds a provision for: "any person who has been found to meet the definition of 'Indian' under a provision of Federal law if the Secretary determines that using such law's definition of Indian is consistent with the purposes of this Act." This amendment will ensure that individuals who are treated as Indians for other purposes of Federal law will also be treated as Indian for purposes of this Act.

Section 207 dealing with the devise and descent of interests in trust and restricted lands has been rewritten to provide that non-Indians inheriting interest in trust and restricted land will now receive life estates in place of "non-Indian interests in Indian land." The owner of allotted land who does not have any Indian heirs may devise his interest to non-Indian heirs. Such a devise may then reserve a life estate if the remainder interest is acquired by the tribe under section 206(c).

Section 206(c), which allows Indian tribes to acquire interests devised to non-Indians has been rewritten for clarity.

As reported on June 14, 2000, S. 1586 provided that interests of 5% or less that pass by intestate succession would be inherited with the right of survivorship to prevent further fractionation. Since the BIA is in the process of reforming its trust and probate management system, the proposed amendment provides that this provision will not take effect until the Secretary certifies that the BIA has a process in place to track interests held with the right of survivorship.

A separate subsection concerning gift deeds is now incorporated into another section that allows the Secretary to approve conveyance of trust land to Indians. Also, trust land may now be conveyed to Indians by a person of Indian ancestry who owns trust land, but does not meet the ILCA''s definition of Indian.

A second title to S. 1586 includes the text from S. 1315 and its House counterpart H.R. 3181, which allow the Secretary of Interior to approve oil and gas leases on lands allotted to individual Navajo Indians, as long as the specified majority of owners of undivided interests approve the transaction. S. 1315 and H.R. 3181 were introduced at the request of the Navajo Allottee Association, Shii Shi Keyah.

I have described S. 1586 as the "cornerstone" of the Committee's efforts to reform the BIA's management of land fractionation. Without this bill, interests will continue to fractionate. That is why the Department of the Interior continues to support this bill, even though it differs greatly from the Department's original proposal.

As far back as 1934, a member of the House of Representatives referred to fractionated interests as: "a meaningless system of minute partitioning in which all thought of the possible use of the land to satisfy human needs is lost in a mathematical haze of bookkeeping." S. 1586 provides a framework that will allow the Federal government, tribal governments, and those who own interests in allotments to begin addressing these issues.

Mr. DEWINE. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment be agreed to, as amended, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4019) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1586), as amended, was read the third time and passed.

S. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Land Consolidation Act Amendments of 2000".

TITLE I—INDIAN LAND CONSOLIDATION

SEC. 101. FINDINGS.

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in Babbitt v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests "to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206";

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is a matter of Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

SEC. 102. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking "(1) 'tribe'" and inserting "(1) 'Indian tribe' or 'tribe'";

(B) by striking paragraph (2) and inserting the following:

"(2) 'Indian' means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe, or any person who has been found to meet the definition of 'Indian' under a provision of Federal law if the Secretary determines that using such law's definition of Indian is consistent with the purposes of this Act;";

(C) by striking "and" at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting "; and"; and

(E) by adding at the end the following:

"(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.";

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking "Any Indian" and inserting "(a) IN GENERAL.—Subject to subsection (b), any Indian";

(ii) by striking the colon and inserting the following: ". Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.";

(iii) by striking ": *Provided*, That—"; and inserting the following:

"(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the condition that—";

(B) in paragraph (2)—

(i) by striking "If," and inserting "if"; and

(ii) by adding "and" at the end; and

(C) by striking paragraph (3) and inserting the following:

"(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.";

(3) by striking section 206 and inserting the following:

“SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

“(a) Tribal Probate Codes.—

“(1) In general.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

“(A) located within that Indian tribe's reservation; or

“(B) otherwise subject to the jurisdiction of that Indian tribe.

“(2) Possible inclusions.—A tribal probate code referred to in paragraph (1) may include—

“(A) rules of intestate succession; and

“(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(3) Limitations.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

“(b) Secretarial Approval.—

“(1) In general.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

“(2) Review and approval.—

“(A) In general.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

“(B) Consequence of failures to approve or disapprove a tribal probate code.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(C) Consistency of tribal probate code with act.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(D) Explanation.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

“(E) Amendments.—

“(i) In general.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

“(ii) Consequence of failure to approve or disapprove an amendment.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.

“(3) Effective dates.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

“(A) the date specified in section 207(g)(5); or

“(B) 180 days after the date of approval.

“(4) Limitations.—

“(A) Tribal probate codes.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

“(B) Amendments to tribal probate codes.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

“(5) Repeals.—The repeal of a tribal probate code shall—

“(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

“(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

“(c) Authority Available to Indian Tribes.—

“(1) In general.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of such interest, as determined by the Secretary on the date of the decedent's death. The Secretary shall transfer such payment to the devisee.

“(2) Limitation.—

“(A) In general.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

“(B) Reservation of life estate.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

“(3) Payments.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

“(A) upon the request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

“(B) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

“(d) Use of Proposed Findings by Tribal Justice Systems.—

“(1) Tribal justice system defined.—In this subsection, the term ‘tribal justice system’ has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

“(2) Regulations.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.”;

(4) by striking section 207 and inserting the following:

“SEC. 207. DESCENT AND DISTRIBUTION.

“(a) Testamentary Disposition.—

“(1) In general.—Interests in trust or restricted land may be devised only to—

“(A) the decedent's Indian spouse or any other Indian person; or

“(B) the Indian tribe with jurisdiction over the land so devised.

“(2) Life estate.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

“(3) Remainder.—

“(A) In general.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent's Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

“(B) Descent of interests.—If a decedent described in subparagraph (A) has no Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent's collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(C) Definition.—For purposes of this section, the term ‘collateral heirs of the first or second degree’ means the brothers, sisters, aunts, uncles, nieces, nephews, and first cousins, of a decedent.

“(4) Descent to tribe.—If the remainder interest described in paragraph (3)(A) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) Acquisition of interest by Indian co-owners.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in Indian land to an Indian tribe under paragraph (4) by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such an interest, the highest bidder shall obtain the interest. If payment is not received before the close of the probate of the decedent's estate, the interest shall descend to the tribe that exercises jurisdiction over the parcel.

“(6) Special rule.—

“(A) In general.—Notwithstanding paragraph (2), an owner of trust or restricted land who does not have an Indian spouse, Indian lineal descendant, an Indian heir of the first or second degree, or an Indian collateral heir of the first or second degree, may devise his or her interests in such land to any of the decedent's heirs of the first or second degree or collateral heirs of the first or second degree.

“(B) Acquisition of interest by tribe.—An Indian tribe that exercises jurisdiction over an interest in trust or restricted land described in subparagraph (A) may acquire any interest devised to a non-Indian as provided for in section 206(c).

“(b) Intestate Succession.—

“(1) In general.—An interest in trust or restricted land shall pass by intestate succession only to a decedent's spouse or heirs of the first or second degree, pursuant to the applicable law of intestate succession.

“(2) Life estate.—Notwithstanding paragraph (1), with respect to land described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall only receive a life estate in such land.

"(3) DESCENT OF INTERESTS.—If a decedent described in paragraph (1) has no Indian heirs of the first or second degree, the remainder interest from the life estate referred to in paragraph (2) shall descend to any of the decedent's collateral Indian heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

"(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

"(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to pay for such an interest, the highest bidder shall obtain the interest. If no such offer is made, the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

"(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—

"(1) TESTATE.—If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the land involved.

"(2) INTESTATE.—

"(A) IN GENERAL.—Any interest in trust or restricted land that—

"(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

"(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land;

shall be held as tenancy in common.

"(B) LIMITED INTEREST.—Any interest in trust or restricted land that—

"(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

"(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land;

shall be held by such heirs with the right of survivorship.

"(3) EFFECTIVE DATE.—

"(A) IN GENERAL.—This subsection (other than subparagraph (B)) shall become effective on the later of—

"(i) the date referred to in subsection (g)(5); or

"(ii) the date that is six months after the date on which the Secretary makes the certification required under subparagraph (B).

"(B) CERTIFICATION.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted land held with the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

"(d) DESCENT OF OFF-RESERVATION LANDS.—

"(1) INDIAN RESERVATION DEFINED.—For purposes of this subsection, the term 'Indian reservation' includes lands located within—

"(A)(i) Oklahoma; and

"(ii) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary);

"(B) the boundaries of any Indian tribe's current or former reservation; or

"(C) any area where the Secretary is required to provide special assistance or consideration of a tribe's acquisition of land or interests in land.

"(2) DESCENT.—Except in the State of California, upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

"(A) by testate or intestate succession in trust to an Indian; or

"(B) in fee status to any other devises or heirs.

"(e) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent's heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

"(f) ESTATE PLANNING ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

"(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

"(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

"(B) assist Indian landowners in accessing information pursuant to section 217(e).

"(3) CONTRACTS.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

"(g) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST OR RESTRICTED LANDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

"(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

"(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

"(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

"(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

"(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

"(B) through the Federal Register;

"(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

"(D) through any other means determined appropriate by the Secretary.

"(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

"(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).";

(5) in section 208, by striking "section 206" and inserting "subsections (a) and (b) of section 206"; and

(6) by adding at the end the following:

"SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.

"(a) ACQUISITION BY SECRETARY.—

"(1) IN GENERAL.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, any fractional interest in trust or restricted lands.

"(2) AUTHORITY OF SECRETARY.—

"(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(g)(5).

"(B) REQUIRED REPORT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

"(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

"(b) REQUIREMENTS.—In implementing subsection (a), the Secretary—

"(1) shall promote the policies provided for in section 102 of the Indian Land Consolidation Act Amendments of 2000;

"(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997));

"(3) to the extent practicable—

"(A) shall consult with the tribal government that exercises jurisdiction over the land involved in determining which tracts to acquire on a reservation;

"(B) shall coordinate the acquisition activities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

"(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate entity of the tribal government to carry out some or all of the Secretary's land acquisition program; and

"(4) shall minimize the administrative costs associated with the land acquisition program.

"(c) SALE OF INTEREST TO INDIAN LANDOWNERS.—

"(1) CONVEYANCE AT REQUEST.—

“(A) In general.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

“(B) Limitation.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(2) Multiple owners.—If more than one Indian owner requests an interest under (1), the Secretary shall convey the interest to the Indian owner who owns the largest percentage of the undivided interest in the parcel of trust or restricted land involved.

“(3) Limitation.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

“SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

“(a) In General.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

“(b) Conditions.—

“(1) In general.—The conditions described in this paragraph are as follows:

“(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

“(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

“(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

“(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the ‘Indian Reorganization Act’) (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

“(i) the Secretary makes any of the findings under paragraph (2)(A); or

“(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

“(2) Exception.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

“(A) the Secretary makes a finding that—

“(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

“(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

“(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

“(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

“(c) Tribe Not Treated as Party to Lease; No Effect on Tribal Sovereignty, Immunity.—

“(1) In general.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(2) Application of lease.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

“SEC. 215. ESTABLISHING FAIR MARKET VALUE.

“For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

“SEC. 216. ACQUISITION FUND.

“(a) In General.—The Secretary shall establish an Acquisition Fund to—

“(1) disburse appropriations authorized to accomplish the purposes of section 213; and

“(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

“(b) Deposits; Use.—

“(1) In general.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

“(A) be deposited in the Acquisition Fund; and

“(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

“(2) Maximum deposits of proceeds.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

“SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.

“(a) Policy.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

“(1) involving individual Indians;

“(2) between Indians and the tribal government that exercises jurisdiction over the land; or

“(3) between individuals who own an interest in trust and restricted land who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved;

in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

“(b) Sales, Exchanges and Gift Deeds Between Indians and Between Indians and Indian Tribes.—

“(1) In general.—

“(A) Estimate of value.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

“(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

“(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

“(B) Waiver of requirement.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

“(2) Limitation.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(c) Acquisition of Interest by Secretary.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

“(d) Status of Lands.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

“(e) Land Ownership Information.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

“(1) other Indian owners of interests in trust or restricted lands within the same reservation;

“(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

"(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

"(f) Notice to Indian Tribe.—After the expiration of the limitation period provided for in subsection (b)(2) and prior to considering an Indian application to terminate the trust status or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the parcel of such land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

"SEC. 218. REPORTS TO CONGRESS.

"(a) In General.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

"(1) the number of fractional interests in trust or restricted lands acquired; and

"(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

"(b) Report.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

"SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

"(a) Approval by the Secretary.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of an Indian, if—

"(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

"(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

"(2) Rule of construction.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

"(3) Definition.—In this section, the term 'allotted land' includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

"(b) Applicable Percentage.—

"(1) Percentage interest.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

"(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

"(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

"(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

"(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

"(2) Determination of owners.—

"(A) In general.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

"(B) Rule of construction.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997)).

"(c) Authority of Secretary to Sign Lease or Agreement on Behalf of Certain Owners.—The Secretary may give written consent to a lease or agreement under subsection (a)—

"(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

"(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

"(d) Effect of Approval.—

"(1) Application to all parties.—

"(A) In general.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

"(B) Description of parties.—The parties referred to in subparagraph (A) are—

"(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

"(ii) all other parties to the lease or agreement.

"(2) Tribe not treated as party to lease; no effect on tribal sovereignty, immunity.—

"(A) In general.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(B) Application of lease.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"(e) Distribution of Proceeds.—

"(1) In general.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

"(2) Determination of amounts distributed.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

"(f) Rule of Construction.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000, or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

"SEC. 220. APPLICATION TO ALASKA.

"(a) Findings.—Congress find that—

"(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

"(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

"(b) Application of Act to Alaska.—Except as provided in this section, this Act shall not apply to land located within Alaska.

"(c) Rule of Construction.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.".

SEC. 104. JUDICIAL REVIEW.

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed $8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

SEC. 106. CONFORMING AMENDMENTS.

(a) Patents Held in Trust.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking "and partition"; and

(B) by striking "except" and inserting "except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except".

(b) Ascertainment of Heirs and Disposal of Allotments.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking "under" and inserting "under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to"; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking "with regulations" and inserting "with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations".

(c) Transfer of Lands.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking "member or:" and inserting "member or, except as provided by the Indian Land Consolidation Act,".

TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS

SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.

(a) Definitions.—In this section:

(1) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Individually owned Navajo Indian allotted land.—The term "individually owned Navajo Indian allotted land" means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) Navajo Indian.—The term "Navajo Indian" means a member of the Navajo Nation.

(4) Navajo Indian allotted land.—The term "Navajo Indian allotted land" means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) Owner.—The term "owner" means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

(b) Approval by the Secretary.—

(1) In general.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) Percentage interest.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) Authority of Secretary to sign lease or agreement on behalf of certain owners.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) Effect of approval.—

(A) Application to all parties.—

(i) In general.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) Description of parties.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) Effect on Indian tribe.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) Distribution of proceeds.—

(A) In general.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) Determination of amounts distributed.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

RECOGNIZING HEROES PLAZA IN THE CITY OF PUEBLO, COLORADO

Mr. DeWINE. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H. Con. Res. 351, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 351) recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DeWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements relating to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR UNITED STATES POSTAL SERVICE TO ISSUE SEMIPOSTALS

Mr. DeWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4437, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4437) to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DeWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4437) was read the third time and passed.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. DeWINE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 1167.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1167) entitled "An Act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes", with the following amendments:

(1) Page 14, line 12, strike **[**(or of such other agency)**]**.

(2) Page 15, line 1, after "functions" insert: *so*

(3) Page 19, line 4, after "section 106" insert: *other provisions of law,*

(4) Page 20, line 6, strike **[**305**]** and insert: *505*

(5) Page 31, line 23, strike **[**may**]** and insert: *is authorized to*

(6) Page 39, strike lines 7 through 14, and insert the following:

"'*(g) Wages.—All laborers and mechanics employed by contractors and subcontractors (excluding tribes and tribal organizations) in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects funded by the United States under this Act shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494). With respect to construction alteration, or repair work to which the Act of March 3, 1931, is applicable under this section, the Secretary of Labor shall have the authority and functions set forth in the Reorganization Plan numbered 14, of 1950, and section 2 of the Act of June 13, 1934 (48 Stat. 948).*".

(7) Page 39, strike line 24 and all that follows through page 40, line 6, and insert the following:

"'*Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions of the Office of Federal Procurement and Policy*

Act (41 U.S.C. 401 et seq.) and Federal acquisition regulations in any funding agreement entered into under this part. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply.".

(8) Page 41, line 1, insert a comma after "Executive orders".

(9) Page 49, strike lines 4 through 10.

(10) Page 56, beginning on line 21, strike [for fiscal years 2000 and 2001].

(11) Page 60, line 6, strike [(a) IN GENERAL.—].

(12) Page 60, strike lines 9 and 10.

(13) Page 60, strike line 16 and all that follows through page 65, line 16.

(14) Page 65, line 17, strike [**SEC. 13.**] and insert: ***SEC. 12.***

(15) Page 66, after line 7, insert the following:

"SEC. 13. EFFECTIVE DATE.

"*Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act.*".

INDIAN TRIBAL PURCHASES OF PRESCRIPTION DRUGS IN SELF GOVERNANCE

Mr. HELMS. Mr. President, it would be helpful to get a clarification for the RECORD from the manager of H.R. 1167, the distinguished Chairman of the Senate Committee on Indian Affairs. I understand that H.R. 1167, the bill to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, contains a provision that would allow Indian tribes to purchase prescription drugs from the Federal Supply Schedule for the purpose of providing health services to Indians under contract with the Indian Health Service.

Mr. CAMPBELL. I would be glad to clarify this matter for the distinguished Senator from North Carolina. Your understanding is correct.

Mr. HELMS. I thank the able Senator. Moreover, I understand that the committee intends that the prescription drugs purchased off the Federal Supply Schedule can only be used for Indians whose health care is provided by the tribe, and cannot be purchased or used for resale, nor may they be dispensed to non-Indian employees of a tribe. Is that correct, Mr. Chairman?

Mr. CAMPBELL. It is the Committee's intent that prescription drugs purchased off the Federal Supply Schedule, as authorized under H.R. 1167, are for the exclusive use of tribal members, not for non-Indian employees of a tribe. Furthermore, it is the intent of the committee that prescription drugs purchased through access to the Federal Supply Schedule by tribes are not to be resold.

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUGITIVE APPREHENSION ACT OF 2000

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 695, S. 2516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2516) to fund task forces to locate and apprehend fugitives in Federal, State and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic)

S. 2516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fugitive Apprehension Act of 2000".

SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshal Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Administrative subpoenas to apprehend fugitives

"*(a) DEFINITIONS.—In this section:*

"*(1) FUGITIVE.—The term 'fugitive' means a person who—*

"*(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;*

"*(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;*

"*(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law; or*

"*(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.*

"*(2) INVESTIGATION.—The term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.*

"*(3) STATE.—The term 'State' means a State of the United States, the District of Colombia, and any commonwealth, territory, or possession of the United States.*

"*(b) SUBPOENAS AND WITNESSES.—*

"*(1) SUBPOENAS.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of the fugitive. A subpoena under this subsection shall describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be assembled and made available.*

"*(2) WITNESSES.—The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.*

"*(c) SERVICE.—*

"*(1) AGENT.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service.*

"*(2) NATURAL PERSON.—Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested.*

"*(3) CORPORATION.—Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.*

"*(4) AFFIDAVIT.—The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.*

"*(d) CONTUMACY OR REFUSAL.—*

"*(1) IN GENERAL.—In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered.*

"*(2) CONTEMPT.—Any failure to obey the order of the court may be punishable by the court as contempt thereof.*

"*(3) PROCESS.—All process in any case to enforce an order under this subsection may be served in any judicial district in which the person may be found.*

"(4) RIGHTS OF SUBPOENA RECIPIENT.—Not later than 20 days after the date of service of an administrative subpoena under this section upon any person, or at any time before the return date specified in the subpoena, whichever period is shorter, such person may file, in the district within which such person resides, is found, or transacts business, a petition to modify or quash such subpoena on grounds that—

"(A) the terms of the subpoena are unreasonable or unnecessary;

"(B) the subpoena fails to meet the requirements of this section; or

"(C) the subpoena violates the constitutional rights or any other legal rights or privilege of the subpoenaed party.

"(e) REPORT.—

"(1) IN GENERAL.—The Attorney General shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued under this section, whether each matter involved a fugitive from Federal or State charges, and identification of the agency or component of the Department of Justice issuing the subpoena and imposing the charges.

"(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

"(f) GUIDELINES.—

"(1) IN GENERAL.—The Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to this section.

"(2) REVIEW.—The guidelines required by this subsection shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice.

"(g) DELAYED NOTICE.—

"(1) IN GENERAL.—Where an administrative subpoena is issued under this section to a provider of electronic communication service (as defined in section 2510 of this title) or remote computing service (as defined in section 2711 of this title), the Attorney General may—

"(A) in accordance with section 2705(a) of this title, delay notification to the subscriber or customer to whom the record pertains; and

"(B) apply to a court, in accordance with section 2705(b) of this title, for an order commanding the provider of electronic communication service or remote computing service not to notify any other person of the existence of the subpoena or court order.

"(2) SUBPOENAS FOR FINANCIAL RECORDS.—If a subpoena is issued under this section to a financial institution for financial records of any customer of such institution, the Attorney General may apply to a court under section 1109 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409) for an order to delay customer notice as otherwise required.

"(3) NONDISCLOSURE REQUIREMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in paragraphs (1) and (2), the Attorney General may require the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena for 30 days.

"(B) EXTENSION.—The Attorney General may apply to a court for an order extending the time for such period as the court deems appropriate.

"(C) CRITERIA FOR EXTENSION.—The court shall enter an order under subparagraph (B) if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

"(i) endangering the life or physical safety of an individual;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses; or

"(v) otherwise seriously jeopardizing an investigation or undue delay in trial.

"(h) IMMUNITY FROM CIVIL LIABILITY.—Any person, including officers, agents, and employees, who in good faith produce the records or items requested in a subpoena shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer, in compliance with the terms of a court order for nondisclosure.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"1075. Administrative subpoenas to apprehend fugitives.".

SEC. 4. STUDY AND REPORT OF THE USE OF ADMINISTRATIVE SUBPOENAS.

Not later than December 31, 2001, the Attorney General shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

AMENDMENT NO. 4020

Mr. DEWINE. Mr. President, I send an amendment to the desk on behalf of Senators THURMOND, BIDEN, and LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. DEWINE) for Mr. THURMOND, Mr. BIDEN, and Mr. LEAHY, proposes an amendment numbered 4020.

The amendment is as follows:

(Purpose: To impose nondisclosure requirements, and for other purposes)

On page 14, beginning with line 21, strike through page 15, line 20 and insert the following:

"(3) NONDISCLOSURE REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

"(B) ORDER.—The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

"(i) endangering the life or physical safety of an individual;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses; or

"(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

On page 16, line 9 insert ", in consultation with the Secretary of the Treasury," after "eral".

Mr. THURMOND. Mr. President, I am very pleased that tonight the Senate is considering S. 2516, the Fugitive Apprehension Act. Senator BIDEN and I introduced this important legislation to help address the serious threat of federal and state fugitives. The need for it was clearly demonstrated in a hearing I held on this matter last month in my subcommittee.

The number of wanted persons is truly alarming. There are over 38,000 felony warrants outstanding in federal cases. There are over one-half million felony or other serious fugitives listed in the National Crime Information Center database. Yet, this is far less than the actual number of dangerous fugitives roaming the streets because many states do not put all dangerous wanted persons into the database. As recently reported in the Washington Post, California has 2.5 million unserved felony and misdemeanor warrants, and Baltimore has 61,000.

While violent crime in the United States has been decreasing in recent years, the number of serious fugitives has been climbing. The number of N.C.I.C. fugitives has doubled since 1987, and continues to rise steadily each year.

Fugitives represent not only an outrage to the rule of law, they are also a serious threat to public safety. Many of them continue to commit additional crimes while they roam undetected.

The bill would provide $40 million dollars over three years for the Marshals Service to form fugitive task forces with state and local authorities. The Marshals Service is the lead federal agency regarding this matter. Task forces combine the expertise of the Marshals Service in these specialized investigations with the knowledge that local law enforcement has about their communities. This teamwork helps authorities prioritize and apprehend large numbers of dangerous criminals.

The legislation would also provide administrative subpoena authority, which would allow investigators to track down leads about wanted persons faster and more efficiently. Currently, the time it takes to get vital information, such as telephone or apartment rental records, through a formal court order can make the difference between whether a fugitive is apprehended or remains on the run.

This bill has been endorsed by various law enforcement organizations, including the National Sheriffs Association, the Fraternal Order of Police, and the National Association of Police Organizations, and the subpoena authority is supported by the Administration. This is an important step that we can take to help federal and state law enforcement address the serious fugitive threat that exists in our country.

I ask consent to have printed in the RECORD a section-by-section analysis of the bill.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The title is the "Fugitive Apprehension Act of 2000."

Section 2. Fugitive apprehension task forces

The purpose of this provision is to assist Federal, state and local law enforcement authorities by forming multi-agency task forces around the country to locate and apprehend fugitives wanted by their jurisdictions.

The bill would authorize to be appropriated to the U.S. Marshals Service $40 million dollars over three years to establish new, permanent Fugitive Apprehension Task Forces and supplement the efforts of task forces already operating in areas throughout the United States. The Fugitive Apprehension Task Forces would be totally dedicated to locating and apprehending fugitives under the direction of a National Director and not under a specific District to insure that they are not utilized for other Marshals Service missions.

Section 3. Administrative subpoena authority

This section of the bill creates a new section 1075 in Title 18, United States Code, providing for administrative subpoena authority to ascertain the whereabouts of fugitives.

Section 1075(a) contains various definitions for "fugitive," "investigation," and "state," that delimit the scope of the section's operative provisions.

Section 1075(b) provides for the issuance of administrative subpoenas in investigations as defined in section 1075(a). The Attorney General may subpoena witnesses for the production of records the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of a fugitive. A subpoena must describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be assembled and made available. Witnesses may not be required to travel more than 500 miles from the place of service of the subpoena, and must be paid the same fees and mileage paid witnesses in United States courts.

Section 1075(c) provides for methods of service of a subpoena under this section.

Section 1075(d) empowers courts to enforce subpoenas issued under this section. Subpoena recipients may move to modify or quash an administrative subpoena within 20 days of service of the subpoena, or prior to the return date, whichever period is shorter, on specified grounds.

Section 1075(e) provides that the Attorney General must issue a report to the Congress about the use of this section, for the first three years following enactment of the statute.

Section 1075(f) provides that the Attorney General shall issue guidelines governing the issuance of administrative subpoenas aimed at the apprehension of fugitives as authorized by this section. The guidelines shall mandate that no such subpoenas issue absent review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice.

Section 1075(g) provides that administrative subpoenas issued to a provider of electronic communication service (as defined in 18 U.S.C. §2510) or remote computing service (as defined in 18 U.S.C. §2711) may include delayed notification and nondisclosure provisions consistent with 18 U.S.C. §2705. Paragraph (g) further provides that subpoenas issued under this section for financial records are subject to the Attorney General's power to request a delayed customer notice pursuant to 12 U.S.C. §3409. Administrative subpoenas issued pursuant to this section should be governed, where appropriate, by 18 U.S.C. §2705 and 12 U.S.C. §3409. Otherwise, the Attorney General may apply for a court order imposing a non-disclosure period for specified reasons.

Section 1075(h) provides that good faith compliance with a subpoena issued under this section, and good faith compliance with a nondisclosure order under this provision (whether incorporated in a subpoena by the Attorney General or separately ordered by a court), will be immunized from civil liability in state and federal courts.

Section 4. Study and report of the use of administrative subpoenas

This section requires the Attorney General, in consultation with the Secretary of the Treasury, to complete a study of the use of administrative subpoena power, and report to the Congress by December 31, 2001.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 2516, "The Fugitive Apprehension Act of 2000."

During Senate Judiciary Committee consideration of this legislation, we were able to reconcile in the Thurmond-Biden-Leahy substitute amendment to S. 2516, the significant differences between that bill, as introduced, and S. 2761, "The Capturing Criminals Act," which I introduced with Senator KOHL on June 21, 2000. I commend Senators THURMOND and BIDEN for their leadership on this issue and am glad we were able to make a number of changes to the bill to ensure that the authority granted is consistent with privacy and other appropriate safeguards.

As a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flaunt courts order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens.

Our federal law enforcement agencies should be commended for the job they have been doing to date on capturing federal fugitives and helping the states and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 federal, state and local fugitives in the past four years, including more federal fugitives than all the other federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI's efforts have resulted in the arrest of a total of 65,359 state fugitives.

Nevertheless, the number of outstanding fugitives is too large. The substitute amendment we consider today will help make a difference by providing new but limited administrative subpoena authority to the Department of Justice to obtain documentary evidence helpful in tracking down fugitives and by authorizing the Attorney General to establish fugitive task forces.

"Administrative subpoena" is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grand jury secrecy rules and the documents provided in response to such subpoenas are, therefore, subject to broader dissemination. Moreover, since investigative agents issue such subpoenas directly, without review by a judicial officer or even a prosecutor, fewer "checks" are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

Nonetheless, unlike initial criminal inquiries, fugitive investigations present unique difficulties. Law enforcement may not use grand jury subpoenas since, by the time a person is a fugitive, the grand jury phase of an investigation is usually over. Use of grand jury subpoenas to obtain phone or bank records to track down a fugitive would be an abuse of the grand jury. Trial subpoenas may also not be used, either because the fugitive is already convicted or no trial may take place without the fugitive.

This inability to use trial and grand jury subpoenas for fugitive investigations creates a gap in law enforcement procedures. Law enforcement partially fills this gap by using the All Writs Act, 28 U.S.C. § 1651(a), which authorizes federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." The procedures, however, for obtaining orders under this Act, and the scope and non-disclosure terms of such orders, vary between jurisdictions.

Thus, authorizing administrative subpoena power will help bridge the gap in fugitive investigations to allow federal law enforcement agencies to obtain records useful for tracking a fugitive's whereabouts.

The Thurmond-Biden-Leahy substitute amendment incorporates a number of provisions from the Leahy-Kohl "Capturing Criminals Act" and makes significant and positive modifications to the original version of S. 2516. First, as introduced, S. 2516 would have limited use of an administrative subpoena to those fugitives who have been "indicted," and failed to address the fact that fugitives flee after arrest on the basis of a "complaint" and may flee after the prosecutor has filed an "information" in lieu of an indictment. The substitute amendment, by contrast, would allow use of such subpoenas to track fugitives who have been accused in a "complaint, information or indictment."

Second, S. 2516, as introduced, would have required the U.S. Marshal Service to report quarterly to the Attorney General (who must transmit the report to Congress) on use of the administrative subpoenas. While a reporting requirement is useful, the requirement as described in the original S. 2516 was overly burdensome and insufficiently specific. The substitute amendment, as in the Capturing Criminals Act, would require the Attorney General to report for the next three years to the Judiciary Committees of both the House and Senate with the following information about the use of administrative subpoenas in fugitive investigations: the number issued, by which agency, identification of the charges on which the fugitive was wanted and whether the fugitive was wanted on federal or state charges.

Third, although the original S. 2516 outlined the procedures for enforcement of an administrative subpoena, it was silent on the mechanisms for contesting the subpoena by the recipient. The substitute amendment expressly addresses this issue. As set forth in the Capturing Criminals Act, this substitute amendment would allow a person who is served with an administrative subpoena to petition a court to modify or set aside the subpoena on grounds that compliance would be "unreasonable or oppressive" (a standard used in Fed. R. Crim. P. 17 for trial subpoenas) or would violate constitutional or other legal rights of the person.

Fourth, the original S. 2516 did not provide, or set forth a procedure, for the government to command a custodian of records not to disclose or to delay notice to a customer about the existence of the subpoena. This is particularly critical in fugitive investigations when law enforcement does not want to alert the fugitive that the police are on his/her trail. The substitute amendment incorporates from the Capturing Criminals Act the express authority for law enforcement to apply for a court order directing the custodian of records to delay notice to subscribers of the existence of the subpoena on the same terms applicable in current law to other subpoenas issued to phone companies and other electronic service providers and to banks.

Fifth, the original S. 2516 did not provide any immunity from civil liability for persons complying with administrative subpoenas in fugitive investigations. As in the Capturing Criminals Act, the substitute amendment would provide immunity from civil liability for good faith compliance with an administrative subpoena, including nondisclosure in compliance with the terms of a court order.

Sixth, S. 2516, as introduced, would have authorized use of an administrative subpoena upon a finding by the Attorney General that the documents are "relevant and material," which is further defined to mean that "there are articulable facts that show the fugitive's whereabouts may be discerned from the records sought." Changing the standard for issuance of a subpoena from "relevancy" to a hybrid of "relevant and material" sets a confusing and bad precedent. Accordingly, the substitute amendment would authorize issuance of an administrative subpoena for documents if the Attorney General finds based upon articulable facts that they are relevant to discerning the fugitive's whereabouts.

Seventh, the original S. 2516 authorized the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas only to the Director of the U.S. Marshals Service, despite the fact that the FBI, and the Drug Enforcement Administration also want this authority to find fugitives on charges over which they have investigative authority. The substitute amendment would authorize the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas to supervisory personnel within components of the Department.

Eighth, the original S. 2516 did not address the issue that a variety of administrative subpoena authorities exist in multiple forms in every agency. The substitute amendment incorporates from the Capturing Criminals Act a requirement that the Attorney General provide a report on this issue.

Finally, as introduced, S. 2516 authorized the U.S. Marshal Service to establish permanent Fugitive Apprehension Task Forces. By contrast, the substitute amendment would authorize $40,000,000 over three years for the Attorney General to establish multi-agencytask forces (which will be coordinated by the Director of the Marshals Service) in consultation with the Secretary of the Treasury and the States, so that the Secret Service, BATF, the FBI and the States are able to participate in the Task Forces to find their fugitives.

This Thurmond-Biden-Leahy substitute amendment makes necessary changes to this bill that will help law enforcement—with increased resources for regional fugitive apprehension task forces and administrative subpoena authority—bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation's criminal justice system.

Mr. DEWINE. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment, as amended, agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4020) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2516), as amended, was passed.

S. 2516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fugitive Apprehension Act of 2000".

SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshal Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Administrative subpoenas to apprehend fugitives

"(a) DEFINITIONS.—In this section:

"(1) FUGITIVE.—The term 'fugitive' means a person who—

"(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

"(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law; or

"(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

"(2) Investigation.—The term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.

"(3) State.—The term 'State' means a State of the United States, the District of Colombia, and any commonwealth, territory, or possession of the United States.

"(b) Subpoenas and Witnesses.—

"(1) Subpoenas.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of the fugitive. A subpoena under this subsection shall describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be assembled and made available.

"(2) Witnesses.—The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(c) Service.—

"(1) Agent.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service.

"(2) Natural person.—Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested.

"(3) Corporation.—Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

"(4) Affidavit.—The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

"(d) Contumacy or Refusal.—

"(1) In general.—In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered.

"(2) Contempt.—Any failure to obey the order of the court may be punishable by the court as contempt thereof.

"(3) Process.—All process in any case to enforce an order under this subsection may be served in any judicial district in which the person may be found.

"(4) Rights of subpoena recipient.—Not later than 20 days after the date of service of an administrative subpoena under this section upon any person, or at any time before the return date specified in the subpoena, whichever period is shorter, such person may file, in the district within which such person resides, is found, or transacts business, a petition to modify or quash such subpoena on grounds that—

"(A) the terms of the subpoena are unreasonable or unnecessary;

"(B) the subpoena fails to meet the requirements of this section; or

"(C) the subpoena violates the constitutional rights or any other legal rights or privilege of the subpoenaed party.

"(e) Report.—

"(1) In general.—The Attorney General shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued under this section, whether each matter involved a fugitive from Federal or State charges, and identification of the agency or component of the Department of Justice issuing the subpoena and imposing the charges.

"(2) Expiration.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

"(f) Guidelines.—

"(1) In general.—The Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to this section.

"(2) Review.—The guidelines required by this subsection shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice.

"(g) Delayed Notice.—

"(1) In general.—Where an administrative subpoena is issued under this section to a provider of electronic communication service (as defined in section 2510 of this title) or remote computing service (as defined in section 2711 of this title), the Attorney General may—

"(A) in accordance with section 2705(a) of this title, delay notification to the subscriber or customer to whom the record pertains; and

"(B) apply to a court, in accordance with section 2705(b) of this title, for an order commanding the provider of electronic communication service or remote computing service not to notify any other person of the existence of the subpoena or court order.

"(2) Subpoenas for financial records.—If a subpoena is issued under this section to a financial institution for financial records of any customer of such institution, the Attorney General may apply to a court under section 1109 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409) for an order to delay customer notice as otherwise required.

"(3) Nondisclosure requirements.—

"(A) In general.—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

"(B) Order.—The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

"(i) endangering the life or physical safety of an individual;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses; or

"(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

"(h) Immunity From Civil Liability.—Any person, including officers, agents, and employees, who in good faith produce the records or items requested in a subpoena shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer, in compliance with the terms of a court order for nondisclosure.".

(b) Technical and Conforming Amendment.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"1075. Administrative subpoenas to apprehend fugitives.".

SEC. 4. STUDY AND REPORT OF THE USE OF ADMINISTRATIVE SUBPOENAS.

Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

ORDER FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. **DeWINE**. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate, committees have until 1 p.m. on

Friday, August 25, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 2940

Mr. DEWINE. Mr. President, I understand that S. 2940 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2940) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

Mr. DEWINE. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Under the order, the bill will receive its next reading on the next legislative day.

MEASURE READ FOR THE FIRST TIME—S. 2941

Mr. DEWINE. Mr. President, I understand that S. 2941 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2941) to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

Mr. DEWINE. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, JULY 27, 2000

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, July 27. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for Coverdell tributes only until 11 a.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. When the Senate convenes at 9:30 a.m., the Senate will be in a period of morning business until 11 a.m. for statements in memory of Senator Paul Coverdell. Following morning business, the Senate will have a swearing-in ceremony for Senator-designate Zell Miller. After the ceremony and the remarks by the Senator-designate, the Senate will proceed to a cloture vote on the motion to proceed to the energy and water appropriations bill. By previous order, following the cloture vote, the Senate will begin consideration of the conference report to accompany the Department of Defense appropriations bill, with a vote to occur at approximately 3:15 p.m. Assuming cloture is invoked on the motion to proceed to the energy and water appropriations bill, the Senate will then begin 30 hours of postcloture debate.

As a reminder, cloture was filed on the motion to proceed to the PNTR China legislation during today's session. It is hoped an agreement can be made to schedule that vote for tomorrow afternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:04 p.m., adjourned until, Thursday, July 27, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 2000:

NATIONAL CREDIT UNION ADMINISTRATION BOARD

GEOFF BACINO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF SIX YEARS EXPIRING AUGUST 2, 2005, VICE NORMAN E. D'AMOURS, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

DAVID Z. PLAVIN, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF ONE YEAR. (NEW POSITION)

BROADCASTING BOARD OF GOVERNORS

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003. (REAPPOINTMENT)

ALBERTO J. MORA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN F. ALOIA, OF NEW JERSEY
EDIE J. BACKMAN, OF VIRGINIA
CHRISTOPHER J. BANE, OF VIRGINIA
DESIREE A. BARON, OF MICHIGAN
DAVID HILL BENNER, OF VIRGINIA
DANA M. BROWN, OF CALIFORNIA
CHRISTOPHER P. CHIARELLO, OF VIRGINIA
D. SHANE CHRISTENSEN, OF CALIFORNIA
ELIZABETH OVERTON COLTON, OF VIRGINIA
LAMONT CARY COLUCCI, OF WISCONSIN
JOHN P. COONEY III, OF NEW YORK
CHAD PARKER CUMMINS, OF CALIFORNIA
ERIC G. FALLS, OF VIRGINIA
EVAN T. FELSING, OF NEW JERSEY
MARGARET J. FLETCHER, OF VIRGINIA
ELISE J. FOX, OF CALIFORNIA
SAMIR A. GEORGE, OF VIRGINIA
MICHAEL JOSEPH GIARUCKIS, OF FLORIDA
JULIET S. GOLE, OF MARYLAND
GLENN GRIMES, OF VIRGINIA
GLENN JAMES GUIMOND, OF CALIFORNIA
TRACY HAILEY GEORGIEVA, OF FLORIDA
NORMAN C. HALL, OF VIRGINIA
JENNY S. HAN, OF LOUISIANA
JASON M. HANCOCK, OF VIRGINIA
RUTH ANN HARGUS, OF VIRGINIA
ANDREW R. HERRUP, OF THE DISTRICT OF COLUMBIA
NICHOLAS J. HILGERT III, OF VIRGINIA
CHARLES DAVID HILLON, OF VIRGINIA
KIMBERLY A. HOFFSTROM, OF FLORIDA
HANS A. HOLMER, OF THE DISTRICT OF COLUMBIA
JOHN A. IRVIN, OF VIRGINIA
KEVIN A. KIERCE, OF VIRGINIA
JOSEPH C. KOEN, OF TEXAS
JOHN A. KRINGEN, OF VIRGINIA
ANNE M. LARSON, OF VIRGINIA
BRYAN D. LARSON, OF COLORADO
EUGENE LENSTON, OF CALIFORNIA
DAVID WALTER LETTENEY, OF MARYLAND
DANA M. LINNET, OF MASSACHUSETTS
GREGORY DANIEL LOGERFO, OF NEW YORK
DAVID P. MATHEWSON, OF VIRGINIA
LORRIE W. MCCORKELL, OF VIRGINIA
CRAIG W. MCGARRAH III, OF VIRGINIA
RANDALL T. MERIDETH, OF MINNESOTA
EDWARD L. MICCIO, OF CALIFORNIA
FRANKLIN B. MILES, OF VIRGINIA
DAVID ERIC MITCHELL, OF TEXAS
ANNE MARIE MOORE, OF NEW HAMPSHIRE
DAVID THOMAS MOORE, OF CALIFORNIA
KATHARINE MOSELEY, OF THE DISTRICT OF COLUMBIA
STANLEY M. NESTOR, OF PENNSYLVANIA
MICHAEL J. OLEJARZ, OF FLORIDA
RANDALL M. OLSON, OF VIRGINIA
CHRISTOPHER J. PANICO, OF CONNECTICUT
ANDREW B. PAUL, OF OHIO
SHERYL A. PICKNEY-MAAS, OF SOUTH CAROLINA
DANIEL MOSHE RENNA, OF THE DISTRICT OF COLUMBIA
DAVID N. RICHELSOPH, OF CONNECTICUT
SHERI SIMPSON RIEDL, OF VIRGINIA
SCOTT R. RIEDMANN, OF OHIO
MARK S. RILEY, OF VIRGINIA
LISA CHRISTINE ROYDEN, OF VIRGINIA
EDWIN S. SAEGER, OF MARYLAND
PHILIP S. SALTER, OF VIRGINIA
MARK ANDREW SCHAPIRO, OF NEW YORK
GREGORY KENT SCHIFFER, OF TEXAS
DAVID C. SCHROEDER, OF FLORIDA
MICHAEL K. SINGH, OF ILLINOIS
MARY JANE SKAPEK, OF VIRGINIA
BRICE SLOAN, OF IDAHO
MATTHEW DAVID SMITH, OF NEW HAMPSHIRE
LEE J. SPERRY, OF VIRGINIA
RUTH ANNE STEVENS, OF OHIO
TRACY LYNN TAYLOR, OF THE DISTRICT OF COLUMBIA
WILLIAM W. TENNEY, OF VIRGINIA
BETTY L. WADE, OF WEST VIRGINIA
DANIEL JOSEPH WARTKO, OF THE DISTRICT OF COLUMBIA
TIMOTHY W. WILKIE, OF HAWAII
GREGORY M. WINSTEAD, OF FLORIDA
NOAH S. ZARING, OF IOWA
DAVID L. ZINKOWICH, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

AGENCY FOR INTERNATIONAL DEVELOPMENT

GEORGE DEIKUN, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEPARTMENT OF STATE

PAUL G. CHURCHILL, OF ILLINOIS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES R. HOLLAND, 4055

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GLEN W. MOORHEAD III, 6124

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. NORTON A. SCHWARTZ, 7542

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND AS A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

MAJ. GEN. JOHN P. ABIZAID, 6229

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD G. ANDERSON III, 2536

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRYAN D. BROWN, 2565

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM P. TANGNEY, 4937

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601.

To be lieutenant general

MAJ. GEN. MICHAEL P. DELONG, 5191

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE F. BOWMAN, 9374
BRIG. GEN. LLOYD D. BURTCH, 7226
BRIG. GEN. ALFONSA GILLEY, 9002
BRIG. GEN. JAMES R. HELMLY, 0535
BRIG. GEN. DENNIS E. KLEIN, 0720

TO BE BRIGADIER GENERAL

COL. JAMES A. CHEATHAM, 4975
COL. GEORGE R. FAY, 4701
COL. CHARLES E. GORTON, 6077
COL. JOHN H. KERN, 3064
COL. CHARLES E. MCCARTNEY, 5546
COL. JACK C. STULTZ, JR., 5861
COL. STEPHEN D. TOM, 2119

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GREGORY S. NEWBOLD, 6783

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WALTER F. DORAN, 4942

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WILLIAM B. ACKER III, 4849
DENNIS L. ANDERSON, 0040
JAMES W. ANTHAMATTEN, 9090
PAUL E. ANTONIOU, 7787
TERRENCE E. ARAGONI, 0873
ANA M. AVILLANROSA, 2290
JAMES G. BAKER, 6721
DANIEL J. BALBERCHAK, JR., 0385
JOHN D. BALUCH, 2022
WENDY L. BARNES, 9372
CRAIG L. BARTOS, 8274
JEFFREY J. BARTZ, 0212
MICHAEL G. BENAC, 7520
STEPHEN A. BIRD, 7315
JERRY J. BISHOP II, 4856
WAYNE A. BLEY, 8711
PAUL M. BLOSE, JR., 1500
PHILIP L. BOERSTLER, 3333
JULIE L. BOHANNON, 0380
BRUCE H. BOKONY, 4189
MICHAEL T. BOND, 7993
CHRISTINA M. BONNER, 7743
DOUGLAS J. BOWER, 6454
KENNETH G. BRADSHAW, 2178
MARK V. BRADY, 2021
THOMAS D. BRANT, 8301
STEVE J. BRASINGTON, 3415
WAYNE A. BREER, 8270
PETER S. BRIGHTMAN, 8066
RANDY S. BRINKMANN, 1072
SHERRY L. BROWN, 4951
MICHAEL J. CATANESE, 7880
SIMON K. CHAN, 7013
RENEE C. CLANCY, 4286
LOGAN V. COCKRUM, JR., 0587
PRISCILLA B. COE, 8916
FREDERICK J. COLE, 8269
DOUGLAS R. CONTE, 9442
KEVIN B. COOK, 2915
LAWRENCE H. COPPOCK, JR., 8197
CELINDA R. CREWS, 3869
KEVIN W. CROPP, 0030
KAREN C. DANTIN, 6222
DONNA E. DEHART, 4370
JOSEPH P. DERVAY, 9579
MICHAEL L. DETZKY, 7975
STEPHEN I. DEUTSCH, 4132
BILLY K. DODSON, 4170
PATRICK G. DONOVAN, 4684
TERESA L. DOYLE, 8813
MICHAEL A. DROLL, 7664
CYNTHIA A. DULLEA, 9603
CLARETTA Y. DUPREE, 1501
SCOTT W. ECK, 4187
CARL F. ERCK, 1776
JOHN C. ERLANDSON, 9951
WILLIE E. EVANS, 1668
LARRY D. FARR, 4937
WALTER W. FARRELL, 4466
JAMES R. FELL, 5859
BRIAN E. FERGUSON, 0914
ELAINE A. FINCHER, 0201
WILLIAM F. FISCHER, 9647
WESTBY G. FISHER, 9964
CAROL A. FORSSELL, 2474
MICHAEL J. FRAC, 8514
GREGORY FRAILEY, 4332
SANDRA S. FRANKLIN, 7625
DONALD GALLIGAN, 9938
PAUL M. GAMBLE, 2672
V.A. GARBARINI, 0932
FREDERICK GENUALDI, 3039
LEON A. GEORGE, 1951
WILLIAM F. R. GILROY, 9610
DONALD R. GINTZIG, 7788
GLORIA S. GLENEWINKEL, 5646
MARY A. GONZALEZ, 9542
JULIA C. GOODIN, 8687
KENT S. GORE, 5648
TIMOTHY M. GRIGGS, 8963
THOMAS C. GUERCI, 3771
ANNE L. GUZA, 9414
KENT N. HALL, 4786
OLEH HALUSZKA, 2923
MARY E. HARDING, 8558
CHARLES D. HARR, 1754
BEVERLY D. HEDGEPETH, 3132
MARIE C. HEIMERDINGER, 8190
KATHLEEN G. HENNELLY, 0745
JEFFREY A. HILL, 8750
JANICE J. HOFFMAN, 0906
JAMES L. HONEY, 0800
MICHAEL D. HOOD, 5004
JACK N. HOSTETTER, 9111
JAMES G. HUPP, 7990
KATHERINE L. IMMERMAN, 1356
JANICE R. JOHNSON, 9119
EDWARD C. KASSAB, 5824
PAMELA A. KEEN, 9805
KEVIN M. KENNY, 5573
MICHAEL J. KING, 0881
ANN M. KOLSHAK, 1140
STEPHEN KORONKA, 9552
HUGH S. KROELL, JR., 5934
DAVID R. LAIB, 7352
STEVEN R. LAPP, 0206
ROSANNE V. LEAHY, 2196
LINDA M. LENAHAN, 1986
PATRICIA A. LEONARD, 3896
FREDERICK S. LOCHTE, 2225
RAYMOND K. LOFINK, 9061
ADRIEL LOPEZ, 9850
TERRY M. LOUIE, 5487
BRIAN M. MADDEN, 8389
CLOVIS E. MANLEY, 7094
CHARLES J. MARDEN, JR., 9693
MICHAELEEN MASON, 3505
JOHN W. MASTERS, 0068
WILLIAM J. MCELLROY, JR., 0487
JEANETTE L. MCGRAW, 1386
THOMAS P. MCGREGOR, 8078
CRAIG L. MEADOWS, 5598
L.M. MECKLER IV, 1014
IGNACIO I. MENDIGUREN, 8377
JUDY R. MERRING, 3005
MELISSA M. MERRITT, 7315
JAMES A. MILLER, 4685
JOHN H. MILLER II, 6238
RICHARD J. MILLS, 0796
LAURA J. MIRKINSON, 2706
DIANA L. MITTSCARCAVALLO, 6333
EDA MORENO, 8536
CATHERINE J. MORTON, 2183
RICHARD J. MULLINS, 6804
KARLA J. NACION, 8366
GORDON S. NAYLOR, 3304
JEFFREY M. NEVELS, 5760
ROBERT S. NEWMAN, 6384
MICHAEL S. OCONNOR, 7740
WANG S. OHM, 4593
JOAN M. OLSON, 8334
RICHARD E. OSWALD, JR., 4080
JOHN W. OWEN, 5897
THOMAS C. PATTON, 7081
JEFFREY R. PEARCE, 3867
WILLIAM T. PERKINS, 5494
JOHN F. PIERCE, 9193
SANFORD POLLAK, 4429
PAUL J. PONTIER, 7709
EDWARD J. POSNAK, 8819
BRUCE M. POTENZA, 9757
PRESCOTT L. PRINCE, 3469
KAREN PURDIN, 7253
JANET J. L. QUINN, 2945
BRUCE T. REED, 0461
GARY M. REITER, 1296
RONALD G. RESS, 3890
MICHAEL D. RIGG, 6034
JOHN K. ROBERTSON, 3613
PAUL P. ROUNTREE, 3359
BRUCE A. RUMSCH, 3505
KAROLYN K. RYAN, 4436
LINDA K. M. SALYER, 9945
JOSE SAMSON, 2287
DAVID F. SCACCIA, 1352
RICHARD J. SCAPPINI, 8768
REINHART SCHELERT, 0100
PAUL E. SCHMIDT, JR, 9556
RANDALL K. SCHMITT, 6680
STEVEN R. SCHNEIDER, 6250
JOHN R. SCHUSTER, 5800
KEVIN G. SEAMAN, 4976
CAROL F. SEDNEK, 9933
STEPHEN W. SEELIG, 4638
CATHERINE P. SESSIONS, 5720
ROBERT A. SHARP, 9345
THOMAS G. SHAW, 5501
EUGENE M. SIBICK, 3475
JARED H. SILBERMAN, 7643
BARBARA A. SISSON, 4408
SUSAN M. SKINNER, 6425
MARTIN E. SMITH, 2378
PAUL R. SMITH, 2118
CHRISTOPHER W. SOIKA, 1389
CATHERINE E. SPANGLER, 1854
CRAIG W. SPENCER, 1827
CHRISTOPHER C. STAEHELI, 2014
ALLAN M. STANCZAK, 0931
PAUL W. STEEL, 4257
VICTOR G. STIEBEL, 1776
ORSURE W. STOKES, 3666
MARC A. SUMMERS, 1512
MICHAEL A. SZYMANSKI, 4940
LESLIE J. TENARO, 7342
ARTHUR F. I. THIBODEAU II, 2138
PAMELA L. M. THOMPSON, 1347
KEITH G. TOWNSLEY, 2719
JANET L. TREMBLAY, 2211
RALPH W. TURNER, JR, 0593
WILLIAM M. TURNER, 7406
SUSAN P. TYE, 8937
TIMOTHY E. TYRE, 2418
DAVID S. VANDERBILT, 4463
DAVID O. VOLLENWEIDER II, 3249
MARIAN C. WELLS, 9387
MELVIN D. WETZEL II, 3830
MARY S. WHEELER, 6301
STEPHEN B. WHITE, 6278
BARBARA A. WHITING, 7608
NANCY A. WINCHESTER, 9494
JEROME A. WISNIEW, 1208
RICHARD J. WOLFRAM, 5628
JOAN H. WOOTEN, 3484
PATRICIA E. YAP, 0986
BRIAN G. YONISH, 7999
JAMES YOUNG, 5829
JOHN ZAREM, 5759

DEPARTMENT OF TRANSPORTATION

SUE BAILEY, OF MARYLAND, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE RICARDO MARTINEZ, RESIGNED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 26, 2000, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

JOHN R. SIMPSON, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JULY 19, 1999.

CONFIRMATION

Executive nomination confirmed by the Senate July 26, 2000:

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY.

HOUSE OF REPRESENTATIVES—*Wednesday, July 26, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 26, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend C.F. McDowell, III, Baptist's Children's Homes of North Carolina, Thomasville, North Carolina, offered the following prayer:

Almighty God, You are worthy of our time and attention as we begin this day.

For each person in this Chamber, may these moments represent a day full of the blessings of Your loving presence, amazing grace, guiding hand, sustaining strength, and perfect wisdom.

May each of us as Americans fulfill the hope of the late Dr. Peter Marshall in casting off all Pharisaical garments, laying down the overcoats of smug complacence, putting aside self-interest and pride, and become truly righteous so that America might rise to her God appointed destiny of world leadership.

May Thy will be done in this place today above party and personality for the good of every American, peace in the world, and Your glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. WELLER) come forward and lead the House in the Pledge of Allegiance.

Mr. WELLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2614) "An Act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, and Mr. KERRY, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 106-65, the Chair, on behalf of the Democratic Leader, and in consultation with the Ranking Member of the Senate Committee on Armed Services, announces the appointment of Alan L. Hansen, AIA, of Virginia, to serve as a member of the Commission on the National Military Museum.

INTRODUCTION OF REVEREND C.F. McDOWELL III

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute.)

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I recognize the gentleman who is today's guest chaplain, the Reverend C.F. McDowell, III, who just offered our prayer.

A native of Greensboro, North Carolina, Reverend McDowell currently serves as executive vice president of Special Ministries for the Baptist Children's Homes of North Carolina.

He is immensely involved in community, civic and church-related activities, and he has served the citizens of North Carolina through his decision, dedication, and determination.

He is a man of decision who has provided support and guidance to many, including myself, and many others in many communities throughout North Carolina.

He is a man of dedication who has provided a positive example for all to follow and whose hope he shares with many, especially young people and children, now in his current position.

Finally, he is a man of determination who understands that we face challenges every day, not only as families, but also as a Nation, challenges that will define our future.

Reverend McDowell is one of those special folks that provides advice and guidance to those seeking answers to life's most difficult questions and problems.

Mr. Speaker, Reverend McDowell has spent his entire life serving people. So it was very appropriate today that he came from North Carolina to join us here in the people's House to provide us with keen insight, a man of decision and dedication and determination who is, indeed, I am sure my colleagues will agree, his words in his prayer offered up to God have blessed us and will bless us in this day of decision and dedication and determination for all of us and for America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 15 one-minute speeches on each side.

TAX RELIEF WILL HELP THE AMERICAN FAMILY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today is just another typical Wednesday for the average hard-working American family because, Mr. Speaker, millions of hard-working people will punch a time card at work in order just to put food on the table and clothes on the back of their children.

Yet, every day, the IRS takes far more than its fair share out of the average American's paycheck.

The continual greed of a bloated and inefficient Washington bureaucracy is being financed on the back of hard-working Americans.

Mr. Speaker, by providing meaningful tax relief, parents will not have to spend their extra time at a second job to make ends meet. Instead, these hard-working parents will have more time to spend with their kids or to lend time to their elderly family members.

Tax relief can bring about a family renewal.

I am proud to be a part of a Republican Congress dedicated to helping

American families by keeping Washington in check, balancing the budget, paying off the national debt, protecting Social Security, strengthening Medicare, and reducing taxes on every hardworking American. Thank you and I yield back.

PALESTINIANS NEVER MISS AN OPPORTUNITY TO MISS AN OPPORTUNITY

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as has happened so often before, the Palestinians never miss an opportunity to miss an opportunity.

The President and the Secretary of State may be constrained by diplomatic protocol, but those of us in this House who follow these events are not. This summit collapsed because Yasir Arafat refused to budge. I pay high tribute to the President and his team. I pay high tribute to Prime Minister Barak, who has gone way beyond anything that anybody could rationally expect in terms of compromise and giving.

I deplore that Egypt and Saudi Arabia again encourage the most intransigent position possible on Arafat.

Today, I am introducing legislation that would terminate all aid to the Palestinian Authority if a unilateral declaration of independence should be forthcoming. Such a declaration would mean new violence, and we cannot be party to it. I encourage all of my colleagues to join me.

BORN ALIVE INFANTS PROTECTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, ever since Roe v. Wade, Americans have debated the question, When does life begin? Some of us believe it starts at conception, others at viability, and others, amazingly, not until birth.

But once a baby has been born, everyone agrees life has begun, and this baby is a new human being with all his or her God-given rights.

Well, what was once obvious seems to have been called into question lately. The Supreme Court shocked America recently by ruling that States may not ban partial birth abortions. Now we are hearing stories of children being born alive in abortion clinics and then left to die.

H.R. 4292, the Born Alive Infants Protection Act, codifies in law that, once a baby is born, it is legally alive. Unbelievably, the National Abortion Rights Action League and their allies call this a renewed assault on Roe. What they really mean to say is that, when a doctor botches an abortion and the child is born alive, the doctor should still have the right to kill it. How far we have fallen, Mr. Speaker?

INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, this weekend I brought together international leaders at a luncheon in London to discuss the problem of international parental child abduction. This is an issue that touches families everywhere and an issue, to be solved, needs to be addressed everywhere. The luncheon was very productive, and I hope that it will lead to action by my foreign counterparts. National boundaries are no barrier to the transportation and victimization of children.

Today, there is no enforceable global system to attack and address this problem. Despite legal, law enforcement, and diplomatic mechanisms, many cases are not identified. Many children are not recovered. Many children who are located are not returned to their country of origin due to legal and procedural problems. This situation causes anger, outrage, and pain for searching parents around the world.

Unless urgent and rapid action is taken, more and more children will be denied their most basic right, that of having access to both parents. The challenge is now to find commitment at both national and international levels to implement these actions. Family disputes and divorce will never go away. Parental child abduction, however, must be eradicated.

OPPOSITION TO H.R. 4892, SCOUTING FOR ALL ACT

(Mr. BUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUYER. Mr. Speaker, the Supreme Court has ruled that the Boy Scouts of America, as a private organization, has the right to set its own standards for membership and leadership. This allows the Scouts to continue developing young men of strong moral character without imposing the mores on them that they find abhorrent.

Would my colleagues like a view of extremist liberal Democrats who seek to control this House? They have filed a bill to revoke the Boy Scouts Federal charter, a blatant attempt to undermine the Supreme Court's ruling and punish the Boy Scouts for their belief.

This bill promotes intolerance. The Boy Scouts respect other people's right to hold differing opinions than their own and ask others to respect their belief. Extremist Democrats believe just the opposite. They believe that if one does not subscribe to their beliefs and their view of the world, then one is intolerant and must be chastised.

These liberal Democrats are in error. Tolerance does not require a moral equivalency. Rather, it implies a willingness to recognize and respect the beliefs of others.

The Boy Scouts are a model of inclusiveness. Today, boys of every ethnic, religious, and economic background, including those with disabilities and special needs, participate in Scouting programs across America.

I urge my colleagues to vote against this extremist measure promoted by liberal Democrats.

ACCIDENTAL HOSPITAL DEATHS ARE HIGHER THAN ACCIDENTAL GUN DEATHS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, accidental deaths caused by doctors and hospitals in America reached 120,000 per year. Meanwhile, gun deaths have dropped 35 percent. In fact, accidental gun deaths dropped to 1,500 last year.

Think about it. We have got hospitals slicing and dicing American people like Freddie Kruger, and Congress is passing more gun laws. Beam me up. There is something wrong in America when one is 80 times more likely to be killed by a doctor than Smith & Wesson. Think about it, 80 to 1. Maybe we need a gun in surgery.

I yield back the fact that the second amendment was not written to cover just duck hunters.

GORE SENIOR TAX POLICY

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, the Austrian philosopher Karl Krauss once wrote, "When the end comes, I want to be living in retirement."

Many Americans in this country feel that way. They put in countless hours anticipating the day when they will retire. Unfortunately, the Clinton-Gore administration sees these benefits as a prime opportunity to grab more money for the Federal Government.

In 1993, the Clinton-Gore administration decided to tax up to 85 percent of the Social Security benefits received by single seniors whose incomes were $34,000, and married taxpayers, seniors, with incomes exceeding $44,000.

Worse yet, Mr. Speaker, because these incomes were not indexed for inflation, the tax effects were more dramatic every year for our seniors.

This week the House will vote to end this burdensome tax and give seniors a well-deserved tax break. Seniors have paid their fair share of taxes. It is time we repeal the Clinton-Gore seniors' tax.

VETERANS RIGHT TO KNOW ACT

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, I rise this morning to commend this body for passing two pieces of legislation yesterday that enhance the benefits of our veterans, H.R. 4850 and H.R. 4864. It does not matter how many benefits we provide our veterans if they do not know what they are entitled to.

Throughout our Nation's history, millions of men and women have served in our Armed Forces during times of peace and times of war. They have defended the very freedoms our country was founded upon.

Too often our Nation's heroes are not adequately informed about what their benefits are and what they are entitled to. This is simply unacceptable.

We have introduced H.R. 3256, the Veterans Right to Know Act; and if anyone has a right to know, our veterans have a right to know. The Veterans Right to Know Act requires the Secretary of VA to prepare an annual outreach plan that will include efforts to identify veterans who are not otherwise enrolled or registered with the Department for benefits or services.

It enjoys the bipartisan support of 72 House members. Veterans have served this country. We are accountable to our veterans, and we are going to deliver.

MARRIAGE TAX PENALTY RELIEF DESERVES SUPPORT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, have you heard Bill Clinton and AL GORE's latest definition of rich? Bill Clinton and AL GORE say that, if one is married and one is a homeowner or if one is married and one gives money to church and charity and one suffers the marriage tax penalty, one is rich.

Bill Clinton and AL GORE say now that they want to veto the Marriage Tax Elimination Act, legislation which wipes out the marriage tax penalty for 25 million married working couples who, on average, pay $1,400 more in higher taxes. They say that there are people that are homeowners, there are people that give money to church and charity, and there are people that itemize their taxes, and because of that, they are rich, and they do not deserve marriage tax relief, and they should be discriminated against and should continue to receive and suffer from the marriage tax penalty.

I was so proud when this House passed just this past week legislation wiping out the marriage tax penalty for 25 million married working couples, on average, $1,400. We made sure, if one suffers the marriage tax penalty, whether one is a homeowner or not, one receives relief. It deserves bipartisan support. I hope the President will change his mind.

□ 1015

GOP ACCOMPLISHMENTS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, nothing we do in Congress can be accomplished alone. Today I want to thank my colleagues on both sides of the aisle who have worked to make the 106th Congress' record one of accomplishments and not of partisan gridlock.

This Congress has passed some of the most solid education reform ever brought before this body, measures that will give parents and teachers more flexibility to meet students' unique needs. But that is not all. We have also worked tirelessly to pay off our public debt portion of our national debt which is saddling children born this year with a $13,300 debt burden. Our debt relief measures will save the average household an estimated $4,000 in interest payments over the next 10 years. Think of what American families can do with $4,000 in additional income.

The 106th Congress has an agenda for success, and I am proud to be a part of it.

BIG BROTHER IS READING OUR E-MAIL

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, although it is 16 years after the titled date of 1984 in George Orwell's novel of the same name, Big Brother is really here and now he is reading our e-mail. Our constitutional rights to privacy are currently being trampled by government-sanctioned invasions currently over at the FBI. These privacy invasions use today's latest technology through the FBI's Carnivore system which monitors and captures our e-mail without our consent or our knowledge.

What business is it of the U.S. Government what I say in an e-mail to my family and to my friends? We must never knowingly allow any government agency to use our e-mail to do to us today what they did with other technologies to Malcolm X and Martin Luther King yesterday.

SPACE STATION TEACHES COSTLY LESSON

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, yesterday's lead front page story in the Christian Science Monitor newspaper was headlined, "Late, Costly Milestone for Space Base." It was about the Space Station and U.S. costs now approaching $100 billion. When this project was first started in 1984, cost projections were only 6 to $8 billion. This is the old Washington con game: Drastically low ball the cost estimates at the beginning, then spread the project around to as many congressional districts as possible and it will never end.

As the well-respected Monitor pointed out yesterday, "The $96 billion station is 2½ years behind schedule and costs are burgeoning," meaning still going up. U.S. taxpayers have even had to pay out an extra 3 to $5 billion to help the Russians participate.

This Space Station will go down in history as the biggest boondoggle this Nation has ever produced. Mr. Speaker, it just goes to show once again that the Federal Government cannot do anything in an economical, cost-effective manner.

RECOGNIZING EL PASO VET CENTER

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Mr. Speaker, I rise to recognize an outstanding institution in my district, the Department of Veterans Affairs El Paso Vet Center which has served the veterans of west Texas and southern New Mexico for the last 21 years. The center provides quality care to improve the lives of men and women who fought and defended our Nation's security and freedom. These services are provided with incredible compassion and understanding. Through counseling, guidance and rehabilitation programs, the center is an invaluable link between our veterans and the Department of Veterans Affairs. By reaching out to more than 100,000 veterans in the El Paso area, the center makes an incredible difference in our community.

It is veterans programs like this that deserve the full support and appreciation of this institution. Abraham Lincoln once said, "Let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan."

Wars indeed have left behind men and women who need our assistance. As we celebrate the 25th anniversary of the end of the Vietnam War, I am proud to recognize the El Paso Vet Center, an institution that has continuously provided assistance to our Nation's veterans in El Paso.

THE FLEECING OF UTAH PROPERTY OWNERS

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, the U.S. Constitution says that if the Government takes private property, the owner of the property shall receive just compensation. In Washington County, Utah, the desert tortoise was put on the endangered species list. Therefore, the U.S. Government required hundreds of acres of tracts for that habitat. About 30 taxpayers were involved. They did not want to give up their ground. They wanted to keep it. But no, the Federal Government says, "We've got to take that ground for this habitat." And they said, "It's not taking your ground."

And then you ask, "What is it taking?"

"Well," they say, "you can keep your property but you can't put your foot on it. You can pay taxes on your property, but you can't use it. We're not taking your property."

So the Federal Government offered about one-fourth of the value of the ground. Now, is that fair? Is that just? Is that just compensation? I do not think it is.

Tom Brokaw of NBC does a program called The Fleecing of America. He used this land issue saying these poor taxpayers fleeced the American Government when they got it for that price. Well, he got it wrong, as the press normally does. I am just amazed that the media misses one so far. Who really got fleeced on this, Mr. Speaker? The people who got fleeced were those people that gave up their ground for one-fourth of the value.

REPUBLICAN ACCOMPLISHMENTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, Democrats are running scared. Their message of fear, class warfare and big government has failed again. Even their own focus groups and polls tell them Americans want the Republican agenda of less taxes, less government and local control.

And who can blame them? Just listen to what the Republicans have accomplished: we have created the longest economic expansion in America's history, balanced the budget, paid down the national debt, saved Medicare, locked away 100 percent of the Social Security surplus, eliminated the Social Security earnings penalty, and eliminated the marriage penalty and death tax. That is just to name a few.

The Democrats have attacked these accomplishments as risky. But I do not think it is risky to give something back to the very Americans who made this country great, the people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, July 25, 2000, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4033, by the yeas and nays;

H.R. 4710, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote after the first such vote in this series.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4033, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4033, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 3, not voting 18, as follows:

[Roll No. 439]

YEAS—413

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky

Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NAYS—3

Blunt
Paul
Sanford

NOT VOTING—18

Abercrombie
Baker
Barton
Cubin
Engel
Ewing
Gilman
Granger
Jenkins
McIntosh
Meek (FL)
Smith (WA)
Stark
Tierney
Vento
Waters
Young (AK)
Young (FL)

☐ 1049

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on this additional motion to suspend the rules on which the Chair has postponed further proceedings.

ILLEGAL PORNOGRAPHY PROSECUTION ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4710.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4710, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 4, not voting 18, as follows:

[Roll No. 440]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu

NAYS—4

Moran (VA)
Nadler
Paul
Scott

NOT VOTING—18

Barton
Cubin
Ewing
Gilman
Granger
Jenkins
McIntosh
Meek (FL)
Neal
Ney
Smith (WA)
Stark
Tierney
Vento
Waters
Wynn
Young (AK)
Young (FL)

☐ 1057

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MEEK of Florida. Mr. Speaker, on rollcall No. 440, final passage on H.R. 4710, Illegal Pornography Prosecution Act, I was unable to vote. Had I been present, I would have voted "yea."

DISAPPROVING EXTENSION OF MOST FAVORED NATION TRADING STATUS TO VIETNAM

Mr. CRANE. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 99) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 99 is as follows:

H.J. Res. 99

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 2, 2000, with respect to Vietnam.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, July 24, 2000, the gentleman from Illinois (Mr. CRANE) and a Member in support of the joint resolution each will control 30 minutes.

Is there a Member in support of the joint resolution?

Mr. McNULTY. Mr. Speaker, I claim the time in support of the joint resolution.

The SPEAKER pro tempore. The gentleman from New York (Mr. McNULTY) will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield 15 minutes of my time to my colleague, the gentleman from Michigan (Mr. LEVIN), and I ask unanimous consent that he be allowed to yield further blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.J. Res. 99.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1100

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.J. Res. 99 and in support of Vietnam's Jackson-Vanik waiver. Over the past decade, the United States has taken gradual steps to normalize our bilateral relations with Vietnam. This process has borne tangible results on the full range of issues on our bilateral agenda including increased accounting of our missing in action, MIAs; substantial progress on remaining immigration cases; and increased trade and investment opportunities for U.S. firms and workers.

The paramount issue in our bilateral relationship with Vietnam remains the fullest possible accounting of MIAs. Since 1993, 288 sets of remains of U.S. servicemen have been repatriated and fate has been determined for all but 41 of 196 persons associated with last known-alive cases.

Future progress in terms of the ability of U.S. personnel to conduct excavations, interview eye witnesses and examine archival items is dependent upon continued cooperation by the Vietnamese.

On immigration, the central issue to the Jackson-Vanik waiver, more than 500,000 Vietnamese citizens have entered the United States under the orderly departure program in the past 10 to 15 years. As a result of steps taken by Vietnam to streamline its immigration process, more than 98 percent of cases in the resettlement opportunity for Vietnamese returnees have been cleared for interview.

Currently, Vietnam has agreed to help us reinstate a refugee program for former U.S. Government employees.

Earlier this month, the administration concluded a bilateral trade agreement with Vietnam that will serve as the basis for a reciprocal extension of normal trade relations once it is transmitted and approved by Congress. The trade agreement contains provisions on market access in goods, trade in services, intellectual property protection and investment which are necessary for U.S. firms to compete in the Vietnamese market, the 13th most populous in the world. Because Congress has not yet approved a bilateral agreement, the effect of the Jackson-Vanik waiver at this time is quite limited, enabling U.S. exporters doing business in Vietnam to have access to U.S. trade financing programs, provided that Vietnam meets the relevant program criteria.

At this time, I would insert into the RECORD a letter I received from over 40 trade associations supporting Vietnam's Jackson-Vanik waiver as an important step in the ability of the U.S. business community to compete in the Vietnamese market.

July 19, 2000.

Hon. PHILIP CRANE,
U.S. Congress,
Washington, DC.

DEAR REPRESENTATIVE CRANE: As members of the American business and agricultural community, we strongly support action to normalize trade relations with Vietnam. Renewal of the Jackson-Vanik waiver is a key step in this process. We oppose H.J. Resolution 99, which would overturn the waiver, and urge you to vote against the resolution when it comes to the floor Wednesday, July 26, 2000. Renewal of the Jackson-Vanik waiver will ensure that U.S. companies and farmers exporting to Vietnam will maintain access to critical U.S. export promotion programs, such as those of the U.S. Export-Import Bank, the Overseas Private Investment Corporation, and agricultural and maritime credit programs. Ultimately, the Jackson-Vanik waiver, plus the bilateral trade agreement, will lead the way for normal trade relations, enabling American companies and products to compete effectively with European and Asian companies and products in the Vietnamese market.

Important progress in the bilateral relationship has been made this year. The agreement on trade relations between the U.S. and Vietnam has just been successfully concluded, paving the way to full normalization of trade relations. The bilateral trade agreement, which addresses issues relating to trade in goods and farm products, trade in services, intellectual property rights and foreign investment, creates more open market access, greater transparency and lower tariffs for U.S. exporters and investors in Vietnam.

Also this year, the Ex-Im Bank framework agreements, which allow Ex-Im to open operations in Vietnam, were concluded and OPIC made its first loan to a U.S. company in Vietnam. In March Secretary of Defense William Cohen became the first U.S. Defense Secretary to visit Vietnam in 25 years.

The American business and agricultural community believes that a policy of economic normalization with Vietnam is in our national interest. Last year, the House defeated the resolution of disapproval on Jackson-Vanik by a vote of 297 to 130. We urge you to support the renewal of the Jackson-Vanik waiver this July as an important step in the normalization process.

We stand ready to work with Congress towards renewal of the Jackson-Vanik waiver for Vietnam, which will help American businesses and farmers reach this important market.

Sincerely,

American Apparel Manufacturers Association, American Chamber of Commerce in Hanoi, American Chamber of Commerce in Ho Chi Minh City, American Chamber of Commerce in Hong Kong, American Chamber of Commerce in Japan, American Chamber of Commerce in Singapore, American Chemistry Council, American Electronics Association, American Feed Industry Association, American Council of Life Insurers, American Meat Institute, American Potato Trade Alliance, AMT—The Association for Manufacturing Technology, Asia Pacific Council of American Chambers, Coalition for Employment Through Exports, Emergency Committee for American Trade, The Fertilizer Institute, Footwear Distributors and Retailers of America, The Grocery Manufacturers of America, and Information Technology Industry Council.

International Association of Drilling Contractors, International Mass Retail Association, National Association of Manufacturers, National Association of Wheat Growers, National Corn Growers Association, National Oilseed Processors Association, National Potato Council, National Retail Federation, New Orleans Regional Chamber of Commerce, National Foreign Trade Council, North American Export Grain Association, North American Millers' Association, Oregon Potato Commission, Pacific Basin Economic Council—U.S. Committee, Sporting Goods Manufacturers Association, Telecommunications Industry Association, U.S.-ASEAN Business Council, U.S. Association of Importers of Textiles and Apparel, U.S. Chamber of Commerce, U.S.-Vietnam Trade Council, Washington State Potato Commission, and Wheat Export Trade Education Commission.

Although the practical effect of Vietnam's Jackson-Vanik waiver is small at this time, its significance is that it permits us to stay engaged with Vietnam and to pursue further reforms on the full range of issues on the bilateral agenda.

Terminating Vietnam's waiver will give Vietnam an excuse to halt further reforms. I ask my colleagues not to take away our ability to pressure the Vietnamese for progress on issues of importance to the United States and I urge a no vote on H.J. Res. 99.

Mr. Speaker, I reserve the balance of my time.

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that half of my time be yielded to the gentleman from California (Mr. ROHRABACHER) and that he be permitted to allocate that time as he sees fit.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of joint resolution 99, which disapproves the

President's determination to waive the Jackson-Vanik freedom of information requirement for Vietnam. Others will point out that this debate is not about extension of normal trade relations with Vietnam but rather about the more limited issue of whether Vietnam should be eligible to participate in U.S. credit and credit-guaranteed programs.

Technically, Mr. Speaker, that is correct. However, I think we all know that this debate is about something much more important. As I said last year, Mr. Speaker, I do not oppose the eventual normalization of relations with Vietnam, but I do oppose declaring business as usual while the remains of American servicemen are still being recovered.

According to the Department of Defense, we are receiving newly discovered remains on a fairly frequent basis. As recently as June 3, last month, Mr. Speaker, the possible remains of three American military personnel were recovered. Can we not wait until this process is completed?

Mr. Speaker, on August 9, 1970 my brother, HM3 William F. McNulty was killed in Vietnam. He was a Navy medical corpsman transferred to the Marines. He spent his time patching up his buddies, and one day he stepped on a land mine and lost his life. That was a tremendous loss for our family, and I can tell my colleagues from personal experience that while the pain may subside it never goes away.

There is a difference between what the McNulty family went through and what an MIA family goes through. Because Bill's body was returned to us, we had a wake and a funeral and a burial. What we had, Mr. Speaker, was closure. I can only imagine what the family of an MIA has gone through over these past several decades.

Mr. Speaker, until there is a more complete accounting of those missing in action, this waiver should not be granted.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana (Mr. JEFFERSON) be allowed to yield further time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.J. Res. 99. I support the President's decision to waive the Jackson-Vanik prohibitions with respect to Vietnam for an additional year.

This action takes place against a backdrop of bitter relationships in the past with Vietnam. Memories of those years remain, and appropriately so.

Over the past 5 years, the U.S. has gradually been reengaging with Vietnam. In 1994, we lifted the comprehensive embargo that had been in place since 1975. In 1995, we reopened the American Embassy in Hanoi. In 1998, the President decided to waive the Jackson-Vanik prohibitions. This body supported that decision with decisive margins. Each of these steps was a long time in evolving. Each responded to positive developments in Vietnam. Notably, the government of Vietnam has improved cooperation in the location of U.S. servicemen and women missing in Vietnam, and there has been improvement in the administration of programs to facilitate the resettlement of Vietnamese wishing to immigrate.

We must be clear concerning what today's vote is about, and what it is not about.

Today we simply vote on whether to approve or disapprove the Jackson-Vanik waiver for Vietnam for an additional year. Approving the waiver will continue the availability of export-related financing from OPIC, Ex-Im Bank, and the Department of Agriculture. Disapproving the waiver will cut off those sources of financing with an impact on U.S. exports, our businesspeople and our workers. Approving the waiver will not extend most favored nation status to goods and services from Vietnam. Imports from Vietnam will remain subject to restrictive tariffs until the Congress approves a bilateral trade agreement.

Two weeks ago, our country did, in fact, sign a trade agreement with Vietnam, negotiated over a period of 4 years. However, that agreement is not before the House today. When the President eventually submits it for approval, we will have to give careful consideration to a number of issues, including the extent of Vietnam's commitments, the extent to which it is implementing its commitments, our ability to monitor and enforce those commitments and Vietnam's compliance with international standards in areas including labor and the environment.

Fully normalizing relations with Vietnam is a long-term task. It requires us to work with Vietnam, including through the provision of technical assistance. For now, we must preserve the forward momentum that has developed over the past 6 years. To cut off programs now would be to pull out the rug from under U.S. producers of goods and services.

In short, let us keep intact the groundwork upon which a meaningful and enduring relationship hopefully could be built.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.J. Res. 99. The American people and our colleagues should listen carefully to this debate. What is it about? It is about trade subsidies. It is about a subsidy by the American people, the taxpayers of American businessmen that want to invest in Vietnam. Investing in Vietnam? That does not mean selling American products in Vietnam. That means setting up manufacturing units in Vietnam to take advantage of the fact that that country is a brutal dictatorship that does not permit unions, that does not permit strikes, and thus there is virtual slave labor there at a cheap price.

Do we really want to give taxpayer subsidies and encourage American businessmen to close factories in the United States and open them up to take advantage of that type of market? That is immoral. It is immoral against the people of Vietnam and it is against the well-being of our own people. We are sinning against our own people by providing subsidies for our businessmen to close up operations here and open up there in a dictatorship.

It has been 2 years, Mr. Speaker, since President Clinton issued the first Jackson-Vanik waiver for Vietnam. Each year we have been assured by this administration and by our ambassador to Hanoi that this action would lead to greater political openness and prosperity for the Vietnamese people and a better economic climate for American investors so they would not need those subsidies. Unfortunately, the exact opposite has happened.

As The Washington Post stated on May 3, Vietnam remains a one-party state, rampant with corruption that retards foreign investment, and the Communist party fears more openness to the outside world could bring in more political heterodoxy for which the party shows zero tolerance, end of quote.

In a recent Human Rights Watch, reports link the ongoing persecution of dissidents and religious believers in Vietnam to the pervasive economic and political corruption in that country. There is no free press in Vietnam. All information is controlled by the state. Radio Free Asia broadcasts are jammed routinely.

The repeated promises by Hanoi of economic reform have been no more credible than their pledges in 1973 at the Paris Peace Agreement that the Communist violence against the people of South Vietnam would end and that there would be peaceful elections rather than bombs in resolving that war.

There is still not even the slightest hint of a free and fair election or opposition parties in Vietnam.

In that repressive government, it is hardly surprising that foreign investors and businessmen are bailing out. They are bailing out, but let us come by and save them. Let us use taxpayer subsidies and give them an encouragement to stay there in that corrupt and support that corrupt and undemocratic society, that tyrannical regime.

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As this panel is aware, the Jackson-Vanik provision primarily addresses the issue of freedom of immigration and migration for people who fear or who have had the experience of persecution. The Vietnam Exit Permit system for immigration, including the longtime reeducation camp survivors, Amer-Asians, Americans, Montagnards and other people who have an interest in the United States of America, that state remains ripe for corruption. Many Vietnamese on the U.S. migration list have not been able to come to the United States because they could not afford to pay the bribes.

Contrary to the claims that we have just heard here today, there has been no progress in the MIA/POW issue. Hanoi has not even released the records. This Member has repeatedly, and last year, I might add, I made the same demand, but I have made this over and over again: if you want to prove good faith to us, simply release the records that you have of the prisons that you held Americans in during the war. Just give us those records. How about giving us the records of the facility that held our American ambassador, Pete Peterson. Just give us those records so we can examine it to see how many prisoners you really had. They have not given us those records after repeated demands. That is a sign of bad faith, and it is bad faith in the whole MIA/POW effort.

Mr. Speaker, my joint resolution disapproving the President's waiver for the corrupt Vietnamese dictatorship does not intend to isolate Vietnam or to stop U.S. companies from doing business there. It simply prevents the Communist Vietnam regime from enjoying a trade status that enables American businessmen, now listen to this, to make increasingly risky investments with loan guarantees and subsidies provided by the American taxpayer.

Why are we giving this perverse incentive for American companies to shut down their operations here or even refrain from opening up operations in countries that are struggling to be democratic and instead, to invest in dictatorships like Vietnam and China. If private banks and insurance companies will not back up these private ventures, why should the American taxpayer do that? American taxpayers should not be asked to do this.

Rampant corruption and mismanagement, as well as the abuse of the migration program, the lack of free trade unions, the suppression of freedom of expression, and the persecution of dissidents and religious believers, these are valid reasons to oppose the Jackson-Vanik waiver, and also it is not in our interests to make sure the American people are shortchanged by subsidizing investments in dictatorships.

Mr. Speaker, we do no favors for the Vietnamese people or American investors by again reflexively supporting the President's bogus Jackson-Vanik waiver. I propose that we get the Communists to give the Communist dictators in Vietnam to give a strong message from the United States Congress that corruption, mismanagement and tyranny will no longer be tolerated, much less subsidized.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Our colleagues should have received a letter yesterday, in fact, and it was initiated by our distinguished colleague on the minority side, the gentleman from California (Mr. MATSUI), and the gentleman from Nebraska (Mr. BEREUTER) on ours; and in it it explains something, and there is one paragraph I would like to read to my colleagues: "At this time, Vietnam's waiver only allows that country to be reviewed for possible coverage by U.S. trade financing programs, such as those administered by the Overseas Private Investment Corporation, OPIC; the Export-Import Bank, Exim; and the U.S. Department of Agriculture, USDA. Vietnam is not automatically covered by these programs as a result of its Jackson-Vanik waiver."

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade, for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to oppose the resolution disapproving the President's extension of the Jackson-Vanik waiver for Vietnam. Rejecting this resolution is especially important now that the United States and Vietnam have signed a bilateral trade agreement which will allow Vietnam in the future to gain Normal Trade Relations status renewable on an annual basis. But before that bilateral agreement is approved by Congress, we must continue the process of normalizing trade relations with Vietnam that began when we ended our trade embargo 6 years ago.

Over these few years, good progress has been made. From its accounting of U.S. POWs and MIAs, to its movement to open trade with the world, to its progress on human rights, Vietnam has taken the right steps. Vietnam is not there yet, but Vietnam is moving in the right direction.

Mr. Speaker, House Joint Resolution 99 is the wrong direction for us to take today. Who is hurt if we pass this resolution? We are. It is the wrong direction for U.S. farmers and manufacturers who do not have a level playing field when they compete with their European or Japanese counterparts in Vietnam. It is the wrong direction for our joint efforts with the Vietnamese to account for the last remains of our soldiers and to answer, finally, the questions of their loved ones here. It is the wrong direction for our efforts to influence the Vietnamese people, 65 percent who were not even born when the war was being waged.

Let us not turn back the clock on Vietnam. Let us continue to work with them and, in doing so, teach the youthful Vietnamese the values of democracy, the principles of capitalism, and the merits of a free and open society.

Mr. MCNULTY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I support the McNulty resolution to disapprove the extension of trade waiver authority with Vietnam.

Mr. Speaker, last year I supported the exact opposite position, in hopes that there would be signs in Vietnam that, in fact, that government would move toward a more open society. There are no signs of that, and political repression continues. Talk to people who live here in the United States who have relatives in Vietnam; many live in the Washington area.

What was even more troubling to me and the reason for this change in my own position, and I am not going to use the person's name, but one of the two most important Americans in charge of shaping U.S. policy toward Vietnam was speaking with me the other day; and I said, what are you going to do about the treatment of workers in Vietnam under this trade authority to give them dignity, whether they are working for a U.S.-based company or some other multinational working over there? And this American said to me, oh, that is not a trade issue, that is probably more cultural. That offended me so much.

Mr. Speaker, I think our government is on the wrong song sheet here. We ought to be for developing a civil society in Vietnam, beginning with humanitarian linkages, as our community is trying to do by helping build schools and clinics. We ought to be having educational exchanges to teach people something about democracy-building. We ought to have family reunification. We ought to have arts and cultural exchanges; but by golly, when top-ranking people from our own government fail to see that the basis of Jackson-Vanik is that political repression is wrong and this Nation ought to stand up for liberty at every cost, we ought to bring back those who are missing in action and call the government of Vietnam to task on that.

But we need to support the McNulty resolution and deny the additional extension, because it is in freedom's interests here and abroad.

Mr. JEFFERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge support of the Jackson-Vanik waiver by voting no on H.J. Res. 99, to encourage progress by Vietnam on a host of issues important to the United States.

It is undeniable that we have had a very troubled history with Vietnam, and we still have difficult issues. The scars of the past, as we have seen evidenced today, and this discussion run very deep; and we could never forget those who sacrificed their lives in the service of that country there.

But isolating Vietnam will not heal these scars. Perhaps no one can speak more authoritatively on that issue than one of our former colleagues, Pete Peterson, who is here with us today. Pete Peterson was shot down flying his 67th mission during the Vietnam War and spent 6½ years as a prisoner of war. After serving 6 years with us in the U.S. House as a member of my class in 1991, Pete Peterson returned to Vietnam, this time as the first ambassador since the Communist takeover.

It is Ambassador Peterson's remarkable optimism about the changes going on in Vietnam, I believe, that sheds the greatest light on what our policy toward Vietnam should be. So while serious issues remain in our relationship with Vietnam, the dialogue with the Vietnamese on a full range of issues is the foundation on which those issues can be resolved.

For this reason, support for the Jackson-Vanik waiver for Vietnam and a no vote on this resolution is in our best interests, I believe.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we have heard here that this really is not about taxpayer subsidy, because what we are doing today only makes possible that we will give taxpayer subsidies to American businessmen for closing factories here and opening up in this dictatorship in Southeast Asia, Vietnam.

The fact is, that is what this debate is all about, whether or not it should be permitted for American companies to receive these subsidies from the American taxpayer that are not in the interest of the American people so that they can go over and manufacture things in Vietnam and then to export them back to the United States. That is what this is about, the same way it is about this in China in our China debate, and what the gentleman from Illinois (Mr. CRANE) read confirms that.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding, and I rise today in support of the Rohrabacher resolution.

Mr. Speaker, let me say that we have heard about the terrible human rights situation in Vietnam; and sadly, let me say it, in fact, is true. If we look at the rights abolished by the socialist republic of Vietnam, political freedoms are gone, all religious freedom is gone, economic freedom has been systematically abolished for the people there.

Now, the State Department tells us that the Vietnamese government quote, "maintains an autocratic one-party state that tolerates no opposition." Earlier this year, I visited Vietnam and I saw firsthand the Communist Party's harassment of those Vietnamese citizens who decide to peacefully set forth dissenting political and religious views. I visited several who were under house arrest.

Now, we can argue whether or not engagement best advocates freedom in Vietnam. In fact, I believe engagement does. If done right, a two-track policy of engaging Vietnam on economic reform, while pressuring it on its political and religious repression with Radio Free Asia and other means, promises to promote the freedom the Vietnamese people have long sought.

Trade in investment terms with Vietnam, though, is not what this particular piece of legislation addresses. Denying this waiver would not make U.S. businesses any more or less free to do business in Vietnam. Approving this resolution would simply disallow taxpayer dollars from being used to continue subsidizing U.S. companies to do business in Vietnam. The reforms the Vietnamese government promises to make in its trade agreement with the U.S. generally are comprehensive. They are comprehensive because the business climate in Vietnam right now is so bad. The Communist Party runs the economy, making Vietnam abjectly poor, despite the talents and drive of the Vietnamese people. The economy is riddled with corruption, red tape, and cronyism.

Mr. Speaker, the State Department says, U.S. businesses find the Vietnamese market is a tough place to operate. That is an understatement. American and European companies, which eagerly entered Vietnam a few years ago, are in retreat. If they wish to stay the course, that is their decision; but we should not ask for a U.S. Government subsidy to do that.

Mr. Speaker, we all hope that freedom comes to Vietnam. Today we are debating whether the U.S. Government subsidies for American business is a constructive way to promote this freedom. I do not think that that case has been made for Vietnam, or from any other places, for that matter. I ask my colleagues to support this resolution.

Mr. CRANE. Mr. Speaker, I would remind our colleagues that OPIC and Ex-Im Bank help businesses in a majority of countries around the globe; it is not confined to Vietnam.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

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Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the resolution from the gentleman from California (Mr. ROHRABACHER) and support the Jackson-Vanik waiver.

In the 1870s, France colonized Vietnam. From 1940 to 1945, the Japanese and the French collaborated to oppress and colonize Vietnam. In 1945, President Roosevelt sent an agent, Archemedis Patti of the OSS, the forerunner of the CIA, to see what was going on in Vietnam and what should happen after World War II, which was fought for self-determination around the world.

Archemedis Patti suggested that Ho Chi Minh was fighting for independence against the French and the Japanese.

Roosevelt died. Archemedis Patti persisted with President Truman. Throughout the 1950s, the OSS, which turned into the CIA, recommended that the United States not become involved in the Vietnam conflict because it was a matter of a civil war and a matter of a fight for independence.

Now, I know the decisions were tough back then. In the 1940s and 1950s it was Communist expansion, China fell to the Communist, there was a Korean War and so on. But the United States got involved in the conflict. I served in Vietnam. I lost close friends in Vietnam. I knew men who are still to this day MIAs. I was proud to fight for the democratic process in the 1950s in Vietnam.

It is now 25 years later. The war virtually ended in 1975. The United States does have business interests around the globe and in Vietnam. The United States does have humanitarian interest around the world and in Vietnam. We will not lose sight of those humanitarian interests regardless of what anybody says about cultural interests.

So I highly recommend to my colleagues that we vote against the gentleman from California (Mr. ROHRABACHER), we stand firm in favor of the Jackson-Vanik waiver; and while we do that, we salute Pete Peterson, the Ambassador to Vietnam from the United States.

Mr. McNULTY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in support of H.J. Res. 99 and oppose the granting of the waiver for Vietnam.

Mr. Speaker, I do not believe Vietnam has made significant improvements in allowing political express or religious freedom.

I intend to support today's resolution opposing the waiver of the Jackson-Vanik provisions of the 1974 Trade Act. The Communist government in Hanoi still clings to the belief that any form of individualism is a threat to their grip on power.

Every year the House is asked to make exceptions to the countries who consistently oppress political dissent and religious freedom. When is the United States going to say enough is enough?

I understand that we are here today because of the tremendous economic opportunities that are available in Vietnam. I understand that. Vietnam has the cheap labor and lax environmental regulations that we seem to favor to produce our clothes and our shoes.

What would we get in return for waiving the Jackson-Vanik provisions of the 1947 Trade Act? Are we going to get more help in locating our missing servicemen? The legacy of the Vietnam War will remain open and festering without a higher level cooperation from the government in Hanoi.

I hope that next year, if we repeat this process, the United States is not running a huge trade deficit with Vietnam. Injecting large amounts of foreign investment in Vietnam to bring about social change is a flawed theory. We have been doing that with China for years, and it still suppresses religious expression, and it still sells weapons to some of the most unstable nations in the world.

It is interesting that the companies and businesses who are successful in our country because of the freedom of individualism and initiative want to take advantage of a society that suppresses it to the point, and that is the very reason that our society and our government is successful because, individually, we have the right to succeed.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this resolution and in support of the continuation of the Jackson-Vanik waiver for Vietnam.

Last year, 297 Members of the House voted against a disapproval waiver. Since that time, major steps have been taken in many areas of greatest concern to the Congress and the American people with respect to issues between the United States and Vietnam.

The number of Vietnamese who have been able to leave the country to resettle in the United States has reached merely 16,000 in the first 6 months of this year compared to 3,800 2 years ago.

Ambassador Pete Peterson, our former colleague, has declared that "Vietnam's cooperation on emigration policy, the test issue for the Jackson-Vanik waiver, is exemplary." Close cooperation between our governments is also continuing in the location, identification, and the return of remains, and in resolving the remaining MIA questions has been considerable.

I had an opportunity to visit with our teams in the country that are seeking these remains and going through this intensive, arduous process. They will tell us the cooperation that they are getting from the government now that they did not get before. The program is working, not as fast as we would like, but the cooperation is in fact there.

In reaching an accord with the United States on a comprehensive trade agreement, which is not an issue before this Congress today, the government of Vietnam has also demonstrated that it is prepared to move in the direction of transparency, fair trade, and a more open economy that will ultimately serve the people of that nation well.

Our continued waiver of Jackson-Vanik, which is strongly supported by a number of veterans organizations, has encouraged Vietnam to implement reforms that are needed to establish the basic labor and political rights we believe are critical. There is still much room for improvement, to be sure, on all of these fronts, on freedom of expression, on religious freedom, on labor rights, on political rights; but the fact of the matter is progress is being made because of this engagement.

We should continue to encourage these reforms in Vietnam through expanded trade, labor, and educational exchanges, again which are taking place already; cooperation, environmental and scientific initiatives which, again, are already taking place. But we need more of them. We need these efforts to build a stronger relationship between the two countries to promote the kind of open and democratic societies we believe they have a right to enjoy.

Mr. ROHRABACHER. Mr. Speaker, will the Chair please let me know what the time is remaining.

The SPEAKER pro tempore (Mr. OSE). The gentleman from California (Mr. ROHRABACHER) has 6 minutes remaining. The gentleman from Louisiana (Mr. JEFFERSON) has 8 minutes remaining. The gentleman from New York (Mr. MCNULTY) has 8½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 7 minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first and foremost, let us look again at the central issue. No matter how much people are trying to deny it, the central issue is whether or not the American taxpayer should be subsidizing the investment by American businesses, not to sell American products in Vietnam but to set up factories in Vietnam, to take advantage of their, basically, slave labor, people who have no right to form a union, people who have no legal protections. Should we subsidize with our taxpayers' dollars American businessmen that want to go over there and exploit that market, closing factories in the United States, and then exporting their produce that they produced with this slave labor back to the United States, again, competing with our own goods made by our own people? That is immoral.

Let us just say, yes, I agree with the gentleman from Illinois (Mr. CRANE). OPIC and Exim Bank, these are the vehicles that we use taxpayers' dollars to subsidize this investment overseas. They do it with a lot of countries. But we should put our foot down here today and say dictatorships should not receive this kind of subsidy, especially the dictatorship in Vietnam that has not cooperated in finding our missing in action and POWS.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our distinguished colleague, Ambassador Pete Peterson, was here a moment ago. He is over here on the floor. I would like to recognize him. He spent 6 years with us here in the House. He spent 6½ years in the Hanoi Hilton, and he is doing an outstanding job as our Ambassador in Vietnam. He assures me that he has the records from the prison in which he was held for 6½ years. These records are now publicly available.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this House Joint Resolution 99. As a Vietnam veteran, I empathize with many of the arguments that I have heard by some of the opponents to this waiver. I am concerned about the issue of emigration of Vietnamese from that country. I also, of course, want a full accounting of our MIAs and POWs, and our ambassador has been working very hard on achieving that.

Of course I am concerned about religious freedom and its state in a country like Vietnam. But I disagree with the proposed solutions that the other side suggested as denying the Jackson-Vanik waiver for Vietnam does nothing to further the progress in any of these areas. In fact, I believe it has just the opposite effect.

Let us put this vote today in its historical perspective. It was 1991 that President Bush proposed a road map for improving our relations with Vietnam. To follow the road map, Vietnam had to take steps to help us account for our missing servicemen. In return for this cooperation, the United States agreed to move towards normalizing relations in an incremental fashion.

Progress has been made through the years in that. In 1994, a second step was taken when President Clinton lifted the trade embargo against Vietnam. In 1995, in response to further reforms by the Vietnamese, formal diplomatic relations were established between the United States and Vietnam. In 1998, President Clinton issued the first waiver for Vietnam under the Jackson-Vanik procedures. This waiver, which was approved by this House by a very substantial margin, made American products eligible for trade investment programs such as Ex-Im and OPIC.

This year, an even more historic step was reached when the United States and Vietnam signed a bilateral trade agreement which contained significant concessions for the U.S. industry in Vietnam.

Now, this vote today is not going to provide us with all the benefits of the agreement, nor will it mean that we will have normal trade relations with Vietnam. That will require an additional vote by Congress. But today's vote does send a message that Congress supports the policy of continued engagement with Vietnam. I believe that has helped us.

I urge a no vote on this resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to remind all Members that references to the presence on the floor of non-Members during debate is not appropriate.

Mr. MCNULTY. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from New York (Mr. MCNULTY) for yielding me this time.

As the Congresswoman who represents the largest Vietnamese-American population in the United States in Orange County, California, this Jackson-Vanik is about the immigration issue and the reunification of the families, the Vietnamese-American families that we have here in our country.

We have gone through the process. Our State Department has allowed that these members of families come to the United States, and then they run into a problem. The problem is that the corrupt government of Vietnam charges bribes of about $2,000 to try to get an exit for each person who is trying to come here to the United States to be with their family members.

Well, when one considers that the household income in Vietnam is $300 a year, $2,000 is not an easy amount to get one's hands on to get one's exit visa so that one can come here and be with one's family after our State Department says, in fact, one should and can be here in the United States.

So on the issue of immigration, the government of Vietnam has not held up its end. But in addition to that, why should we, the United States, help a government that is so against human rights?

The government continues to repress basic political and religious freedoms and does not tolerate most types of public dissent. This is what the United States State Department reported in its 1999 review of the human rights situation in Vietnam.

What they are doing now in Vietnam is that, instead of holding prisoners in prisons, they put them in house arrest so that the rest of the nations will not criticize them internationally. In fact, the last time I was in Vietnam, while I was talking to a dissident under house arrest in his home, the government figured out I was there. They sent their police knocking on the door trying to get through. I do not know, if I had not had a couple of Marines there with me, what would have happened.

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But the situation is that dissidents do not have an ability to speak their mind under this government. So I ask again, why should we reward that government with a Jackson-Vanik waiver?

It was just 2 months ago when the Vietnamese police placed Ha Si Phu under house arrest and threatened to charge him with treason. The Vietnamese authorities apparently believe that Mr. Ha is connected to an open appeal for democracy issued by intellectual dissidents. If convicted, he could face the death penalty.

Sadly, this is not the first time that Ha Si Phu has been harassed by authorities for peacefully expressing his views. In recent years, he has become well known at home and abroad for his political discourses and for focusing international attention on Vietnam's terrible human rights record. For his efforts, he was imprisoned in December 1995 for a year; and he continues to be under House arrest, like the rest of the people who speak up in Vietnam and say that what they are doing is wrong.

How do we reward this country when it punishes its citizens for exercising basic human rights; a country where a citizen is punished for speaking out against what he or she believes is wrong?

Unfortunately, Mr. Ha's situation is not the only example of what we see over and over and over in this country. Our ambassador, Mr. Pete Peterson, says that human rights conditions are getting better. They are not. We have only to ask the relatives who live here in the United States.

I urge my colleagues to vote "yes" on this resolution.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, this vote today is a vote on whether we are truly dedicated to the hard work of getting full accounting of our missing from the Vietnam War.

As the Veterans of Foreign Wars have stated, passing this resolution of disapproval will only hurt our efforts at a time in which we are receiving the access and cooperation we need from the Vietnamese to determine the fate of our POW-MIAs. There is no more authoritative force and voice on this issue than our former colleague and now ambassador to Vietnam, Mr. Pete Peterson, who supports this waiver. As a prisoner of war who underwent years of imprisonment in the notorious Hanoi Hilton, he should have every reason to be skeptical and harbor bitterness against the Vietnamese. Yet he believes the best course is to develop better relations between our two nations.

We have achieved progress on this POW-MIA issue because of our evolving relationship with the Vietnamese, not despite it. Without access to the jungles and the rice paddies, to the information and documents, and to the witnesses of these tragic incidents, it would be impossible to give the families of the missing the answers our country owes them.

We are making progress and providing these answers. Much of this is due to the Joint Task Force—Full Accounting, our military presence in Vietnam tasked with looking for our missing. I have visited with these young men and women, and they are among the most brave and motivated troops I have ever met. Every day, from the searches of jungle battle sites to the excavation of crash sites on precarious mountain summits, they put themselves in harm's way to perform a mission they truly believe in.

It is moving to see these young men and women, some who were not even born when our presence was so involved in Vietnam. They have told me time and time again one thing; allow us to remain on this job.

The resolution before us today puts this at risk. I urge my colleagues to please vote against this resolution.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, as chairman of the Subcommittee on Asia and the Pacific, this Member rises in opposition to the resolution.

It is important for us, I think, to recognize what the Jackson-Vanik waiver does and what it does not do. By law, the underlying issue here is about immigration. Based on Vietnam's record of progress on immigration and its continued cooperation on U.S. refugee programs over the past year, renewal of the Jackson-Vanik waiver will continue to promote freedom of immigration. Disapproval would undoubtedly result in the opposite.

The Jackson-Vanik waiver also symbolizes our interest in further developing relations with Vietnam. Having lifted the trade embargo and established diplomatic relations 5 years ago, the United States has tried to work with Vietnam to normalize incrementally our bilateral, political, economic, and consular relationships. This is in America's own short-term and long-term national interests. It builds on Vietnam's own policy of political and economic reintegration into the world.

This will be a lengthy and challenging process. However, now is not the time to reverse course on Vietnam. Vietnam continues to cooperate fully with our priority efforts to achieve the fullest possible accounting of American POW-MIAs. The Jackson-Vanik waiver supports this process.

The Jackson-Vanik waiver certainly does not constitute an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion. On May 4, however, this body passed a resolution condemning just such violations of human rights.

The Jackson-Vanik waiver does not provide Vietnam with new trade benefits, including Normal Trade Relations, NTR, status. With the Jackson-Vanik waiver, the United States has been able to successfully negotiate and sign a new bilateral commercial trades agreement with Vietnam. Congress will have an opportunity in the future whether to approve it or not, and whether to grant NTR or not, but that is a separate process. The renewal of the Jackson-Vanik waiver only keeps this process going, nothing more.

Renewal of the Jackson-Vanik waiver does not automatically make American exports to Vietnam eligible for possible coverage by U.S. trade financing programs. The waiver only allows American exports to Vietnam to be eligible for such coverage.

Mr. Speaker, the war with Vietnam is over, and we have embarked upon a new, although cautious, expanded relationship with Vietnam. Now is not the time to reverse this constructive course. Accordingly, this Member urges a "no" vote on the resolution.

Having summarized the key reasons to oppose the resolution, this Member would like to expand on a few of these points. First, the issue of emigration, which indeed, is what the Jackson-Vanik provision is all about. Since March of 1998, the United States has granted Vietnam a waiver of the Jackson-Vanik emigration provisions of the Trade Act of 1974. As this is only an annual waiver, the President decided on June 2, 2000, the renew this extension because he determined that doing so would substantially promote greater freedom of emigration from that country in the future. This determination was based on Vietnam's record of progress on emigration and on Vietnam's continued cooperation on U.S. refugee programs over the past year. As a result, we are approaching the completion of many refugee admissions categories under the Orderly Departure Program (ODP), including the Resettlement Opportunity for Vietnamese Returnees, Former Re-education Camp Detainees, "McCain Amendment" sub-programs and Montagnards. The Vietnamese Government has also agreed to help implement our decision to resume the ODP program for former U.S. Government employees, which was suspended in 1996. The renewal of the Jackson-Vanik waiver is an acknowledgment of that progress. Disapproval of the waiver would, undoubtedly, result in Vietnam's immediate cessation of cooperation.

Second, the Jackson-Vanik waiver also symbolizes our interest in further developing relations with Vietnam. Having lifted the trade embargo and established diplomatic relations five years ago, the United States has tried to work with Vietnam to normalize incrementally our bilateral political, economic and consular relationship. This policy is in America's own short- and long-term national interest. It builds on Vietnam's own policy of political and economic reintegration into the world. In the judgment of this Member, this will be a lengthy and challenging process. However, he suggests that now is not the time to reverse course on Vietnam.

Third, over the past five years, Vietnam has increasingly cooperated on a wide range of issues. The most important of these is the progress and cooperation in obtaining the fullest possible accounting of Americans missing from the Vietnam War. Those members who attended the briefing by the distinguished Ambassador to Vietnam, a former Prisoner of War and former Member of this body, the Honorable "Pete" Peterson, learned of the significant efforts to which Vietnam is now extending to address our concerns regarding the POW/MIA issue, including their participation in remains recovery efforts which are physically very dangerous.

Fourth, the Jackson-Vanik waiver does not constitute an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion. However, our experience has been that isolation and disengagement does not promote progress on human rights. New sanctions, including the symbolic disapproval of the Jackson-Vanik waiver, only strengthens the position of the Communist hard-liners at the expense of those in Vietnam's leadership who are inclined to support more openness. Engagement with Vietnam has resulted in some improvements in Vietnam's human rights practices, though we still remain disappointed at the very limited pace and scope of such reforms. As this Member mentioned, on May 4, 2000, this body adopted a resolution condemning Vietnam's human rights record. Given the strong reaction to our resolution by Hanoi, it is evident that our actions and concerns did not go unnoticed.

Fifth, the Jackson-Vanik waiver does not provide Vietnam with any new trade benefits, including Normal Trade Relations (NTR) status. However, with the Jackson-Vanik waiver, the United States has been able to successfully negotiate a new bilateral commercial trade agreement with Vietnam. This agreement was signed two weeks ago in Washington. In the opinion of this Member, this agreement is in our own short and long term national interest. Vietnam remains a very difficult place for American firms to do business. Vietnam needs to undertake additional fundamental economic reforms. This new bilateral trade agreement will require Vietnam to make these reforms and will result in increased American exports supporting jobs here at home.

In a separate process with a separate vote Congress will have to decide whether to approve or reject this new trade agreement and to grant NTR status to Vietnam. Given that the agreement has yet to even be transmitted to Congress and there are only a limited number of legislative days before the body's scheduled adjournment, this Member believes that these decisions will not be made until the 107th Congress meets next year. Thus, the Jackson-Vanik waiver simply ensures that the modest trade opportunities currently available to American businesses will continue until Congress considers the agreement.

Sixth, contrary to the claims of some opponents of the Jackson-Vanik waiver, renewal of the Jackson-Vanik waiver does not automatically make American investment in and exports to Vietnam eligible for coverage by U.S. trade financing programs such as those administered by the Overseas Private Investment Corporation, the Export-Import Bank, and the U.S. Department of Agriculture. The waiver only allows American exports and investments to be eligible for such coverage. Each must still face separate individual reviews against each program's relevant criteria.

Mr. Speaker, Americans must conclusively recognize that the war with Vietnam is over. With the restoration of diplomatic relations in 1995, the United States and Vietnam embarked on a new relationship for the future. It will not be an easy or quick process. Vietnam today remains a Communist country with very limited freedoms for its citizens. Significant reforms must occur before relations can be truly normal. The emotional scars of the Vietnam war remain with many Americans. In the mid-1960's, this Member was an infantry officer and intelligence officer with the First Infantry Division. Within a month of completing my service, members of my tight-knit detachment of that division were in Vietnam and taking casualties the first night after arrival. Like other Vietnam-era veterans, this Member has emotional baggage. A great many Americans have emotional baggage about Vietnam, but this Member would suggest that it is time to get on with our bilateral relationship and not reverse course on Vietnam.

Passing this resolution of disapproval of the Jackson-Vanik waiver would represent yet another reflection of animosities of the past at a time when Vietnam is finally looking ahead and making changes towards its integration into the international community. A retrenchment on our part by this disapproval resolution is not in America's short and long term national interests. Accordingly, this Member strongly urges the rejection of House Joint Resolution 99.

Mr. McNULTY. Mr. Speaker, I would like to inquire of the Chair about the procedure for closing statements?

It is my understanding that the order would be the gentleman from California (Mr. ROHRABACHER), followed by the gentleman from Louisiana (Mr. JEFFERSON), followed by myself, and then followed by the gentleman from Illinois (Mr. CRANE); is that correct?

The SPEAKER pro tempore (Mr. OSE). The gentleman's understanding is correct.

Mr. MCNULTY. Mr. Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. JEFFERSON) for yielding me this time, and I strongly associate myself with the comments of my colleague, the gentleman from Nebraska (Mr. BEREUTER).

I too rise in opposition to this resolution and support President Clinton's decision to waive Jackson-Vanik requirements for the next year. This would absolutely be the worst thing we could do at this point, undercutting the outstanding work that Ambassador Peterson and our team has done in terms of continued progress in immigration, in terms of continued accounting and cooperation in dealing with prisoners of war and missing in action. It would also undercut the progress that has been represented by the successful conclusion of the bilateral trade agreement, a critical, critical milepost.

This debate is absolutely not about some hypothetical huge potential trade deficit with Vietnam. The amount of trade involved is minuscule at this point and is not going to be, under the wildest circumstances, anything significant in the foreseeable future.

It is absolutely not about closing United States' factories and shipping this process overseas. The goods that have been identified here as the primary products for Vietnam are not things that the United States is specializing in right now. Most of those products are already manufactured overseas and simply shifting suppliers.

And it is categorically not about slave labor. That is absolute nonsense and referenced by someone who clearly has never seen the activity that is going on now in Vietnam factories. I am informed by our embassy in Vietnam that there have been dozens of strikes already this year. And if we talk to the men and women who have done work in Vietnam, we see that even in this area progress is being achieved.

Mr. Speaker, this House is poised to make some very significant accomplishments in foreign policy; a historic realignment of our policy with China. Last week's vote sent signals about being real about our relationship with Cuba and reversing some absolutely ineffectual activities in the past. We are now on the verge of doing the same with Vietnam. I strongly urge rejection of this resolution and keeping us moving in this direction.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, again, we should take a look at what is being said here today and what the central issues are. We have heard that if we vote today for this resolution that these subsidies for businessmen who go over there, who close factories in the United States and open up factories to produce goods with the slave labor in Vietnam and export them to the United States, will not "automatically" be granted; will not "automatically" have these subsidies available.

We keep getting these words that should make it very clear that is what this debate is about. The debate is about whether or not U.S. taxpayers are going to subsidize American companies to close their doors in the United States, go over there and take advantage of, yes, slave labor.

I am not impressed when I hear that there have been strikes in Vietnam. The question is what happened to the strikers after the strike. The question is whether those strikers had a right to form a union and to try to peacefully advocate their own position, which is the right of every person in a free society.

There has been no progress reported in labor relations in Vietnam. There is no progress in terms of a free press, no progress in terms of religious freedom, no progress in terms of an opposition party. So where is this progress? We are rewarding the Communist government of Vietnam for continuing its repression.

As far as Mr. Peterson's report, this is the first time any of us have ever heard of a report that there are records from a prison available. Let me note this, and I have just spoken to the gentleman from Nebraska (Mr. BEREUTER), chairman of the committee, that it has never been reported to him; it has never been reported to me, a senior member of the Committee on International Relations and the Subcommittee on Asia and the Pacific, that those records are available.

Now, how limited are they? How long have they been available? We are being told this right now, during this debate, that records that have been denied us for 10 years of our demanding are now available to us. Let me just say if that is the case, and those records have been available and it has not been reported to the oversight committee of the United States Congress, there is something wrong with our State Department or something wrong with the process.

And I would put on the record today that I expect to see those prison records. I would put this on the record for our ambassador to Vietnam that I expect to see those prison records forthwith and immediately so that they can be examined in relationship to the MIA-POW issue. Those records have not been made available to us. We have not had a good faith effort, and it is wrong to spring this in the middle of a debate on the floor on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise this morning in support of maintaining the President's waiver of Jackson-Vanik for Vietnam and in opposition of this resolution.

Our policy of engagement with Vietnam is our most effective tool for influencing Vietnamese society and achieving positive relationships with that country. With engagement, we are able to insert American ideals of freedom and liberty to the Vietnamese people. Furthermore, as a global leader in economic enterprise, American companies are poised to develop even broader commercial ties and influential relationships throughout Vietnam.

I can tell my colleagues that our presence in Vietnam impacts their society in all areas, from commercial relations to worker rights.

□ 1200

Moreover, as a Vietnam veteran, I believe that the coordination and cooperation of the Vietnamese government in the recovery of remains of our servicemen is essential and has been extremely successful and possible through our policy of engagement.

Clearly, additional progress must be made in Vietnam on a whole range of issues including trade, human rights, religious freedom, and freedom of expression. However, we can only do that through a policy of engagement. We all agree that there must be greater political and democratic reforms as well as more open access to Vietnamese markets in order to address the large and growing trade imbalance.

In my view, the most effective way to bring about improvements in trade, human rights, and political and religious freedoms and to maintain other progress in successful joint searches for veterans' remains is through continued engagement with the Vietnamese government and increased contacts with the Vietnamese people so that they can learn and appreciate the values of democracy and the values of freedom.

If we do not support the President's waiver of Jackson-Vanik for Vietnam, the result will be that it will cause us to disengage and withdraw. This will harm and not improve our situation with Vietnam.

Removal of Vietnam's status would likely result in the withdrawal of American goods and, therefore, American values.

I strongly urge everyone in this House to support the waiver of Jackson-Vanik for a status for Vietnam and vote against this resolution.

Mr. ROHRABACHER. Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. McNULTY. Mr. Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. McCARTHY).

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in strong opposition to the resolution and thank my friend and colleague, the gentleman from Louisiana (Mr. JEFFERSON), for giving me this opportunity to speak.

There is no question that the Vietnam War strained the very fiber of our nation, however, the time has come to reconcile the discord of the past. Including trade in our new diplomatic relationship with Vietnam will allow us to create a positive partnership for the future.

In January, I traveled to Vietnam and was struck by the evolution of their economy and the progress which has occurred to provide opportunities for both our countries.

Mr. Speaker, in our increasingly global economy, shutting Vietnam out would be detrimental not only for the people of Vietnam and southeast Asia but for American citizens and businesses, as well.

In the shadow of the historic market-opening agreement made only this month thanks to the efforts of U.S. Ambassador Pete Peterson, it would be a disaster for Congress to approve legislation to deny Vietnam eligibility for U.S. trade credits.

Opening the Vietnamese markets will not only provide an economic boon for both Vietnam and the U.S. but will improve trade between the two countries, and that will go a long way toward healing the wounds both nations have been nursing for decades.

I urge my colleagues to oppose this resolution.

I rise in strong opposition to the resolution and thank my friend and colleague from Louisiana Mr. JEFFERSON, for giving me the opportunity to speak.

The Vietnam war is the war of my generation and I will always have strong feelings regarding the longest war in our country's history and the conflict which strained the fiber of our nation.

In January, I traveled to Vietnam and was struck by the evolution of their economy and the progress which has occurred to provide opportunities for both our countries.

Mr. ROHRABACHER. Mr. Speaker, could I get the time that is left for all of us and what sequence that we will be making our closing arguments.

The SPEAKER pro tempore (Mr. OSE). The order of close shall be the gentleman from California (Mr. ROHRABACHER) first, the gentleman from Louisiana (Mr. JEFFERSON) second, the gentleman from New York (Mr. McNULTY) third, and finally the gentleman from Illinois (Mr. CRANE) will have the final word.

The amount of time remaining for the gentleman from California (Mr. ROHRABACHER) is 2½ minutes, for the gentleman from Louisiana (Mr. JEFFERSON) 1 minute, for the gentleman from New York (Mr. McNULTY) 4½ minutes, and the gentleman from Illinois (Mr. CRANE) 2 minutes.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I ask my colleagues to join me in support of this resolution. Mr. Speaker, I would ask my colleagues to support this resolution. Let us today make a stand for principle. Let us send the message to the world and to the American people about what America stands for.

Today we are really a government that simply can be manipulated by large financial interests, billionaires who want to invest in various parts of the world under a guise of globalism.

Is that what we are all about? No. We have Mr. Lafayette who watches us today. We have George Washington who watches us today. Is that the America that they fought for? Is that the globalism they had in mind?

The globalism our forefathers had in mind were universal rights where the concept of the United States stands as a hope of liberty and justice for the world, not just that we are a place where people can come and do business together. Yes, we believe in that and that our businessmen have a right to do businesses overseas. Yes, they have a right do that. But there is some higher value involved with our country.

We can reaffirm that today, and not only reaffirming that principle that human rights and democracy means something, but at the same time, watch out for the interests of the American people.

We see this American flag behind us. What does that flag stand for? It stands for, number one, we believe in liberty and justice and independence and freedom. We believe in those things our Founding Fathers talked about 225 years ago. But, number two, it also stands for that we are going to represent the interests of those American people who have come here to this country and become citizens of our country.

It is not in their interest, and it is not in the interest of human freedom that we subsidize American businesses to go over and do business in dictatorships, dictatorships where they throw the leaders of strikes in jail 2 days after the strike is over, dictatorships where they do not allow any opposition parties or freedom of religion.

There has been no progress in terms of human rights in Vietnam. And now we are thinking about offering a perverse incentive again today. That is what this debate is about, to our businessmen to close their doors here, not watching out for the interests of the American people, but instead making sure that these business men can go over and use that slave labor.

Those people in Vietnam have a $300 a year per capita income, and they are going to be exploited by American businessmen.

Let us vote for this resolution. Let us not give them this waiver. Let us put them on notice that they have a year to clean up their act, and then we can grant them some concessions if they have progressed in those areas.

I ask for support of the resolution.

Mr. JEFFERSON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I think it is important to keep in mind what this legislation is all about. It is not to cure all these difficulties that exist between the United States and Vietnam, nor between the debate over democracy versus communism. It is strictly about providing greater access for immigration and our review of whether or not that is taking place in that country in sufficient capacity to permit us to continue with the waiver.

Since the 1980s, over 500,000 Vietnamese people have emigrated as refugees of that country to the United States. Ambassador Peterson reports that while there are bribes and corruption, these are isolated incidents and this is not a form of government policy in Vietnam.

And so Vietnam is meeting the requirement for us to continue the waiver, and that is all that is important here. While incident to this there will be permission of OPEC and Ex-Im Bank to engage and support U.S. business there, that is not the overriding purpose of what we are doing here. And so Vietnam has met its obligation.

It is time for our country to step up and meet its obligation as well and to permit the Jackson-Vanik waiver to continue and to permit people to continue to enjoy free immigration to this country.

Mr. McNULTY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank Ron Cima and Chuck Henley of the Office of the Secretary of Defense for the briefing that they gave me last week on the search for our MIAs. I am grateful to them, to Pete Peterson, and to all of those who are working to bring our MIAs home.

As I grow older, Mr. Speaker, I try to keep my priorities in proper order. I am not always successful at that, but I work at it. That is why when I get up in the morning the first two things I do are to thank God for my life and veterans for my way of life.

Had it not been for my brother Bill and all of those who gave their lives in service to this country through the years, had it not been for people like the gentleman from Texas (Mr. SAM JOHNSON) and Pete Peterson and JOHN McCAIN, who endured torture as prisoners of war, had it not been for people like Pete Dalessandro, a World War II Congressional Medal of Honor winner from my district who was just laid to rest last year in our new veterans' cemetery in Saratoga, had it not been for them and all of the men and women who wore the uniform of the United

States military through the years and put their lives on the line for us, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on Earth.

Freedom is not free. We paid a tremendous price for it. And we should always remember those who paid the price.

So today, Mr. Speaker, based upon the comments that I made earlier on behalf of all 2,014 Americans who are still missing in southeast Asia, on behalf of their families, I ask my colleagues to join with me, the American Legion, the National League of POW/MIA Families, the National Alliance of POW/MIA Families, the National Vietnam Veterans Coalition, the Veterans of the Vietnam War, and the Disabled American Veterans in supporting this resolution of disapproval.

Mr. CRANE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to just make one brief concluding remark, and it has to do with the events in Vietnam that all of us have recollections of.

My two kid brothers served over there. I know that we all had a concern not just for the welfare of our friends, neighbors and relatives, but we had a concern about the Vietnamese people, too.

I think it is important for us to recognize that since the Vietnam War ended that there is a whole new Vietnam that has come into existence. Sixty-five percent of the people in Vietnam were not alive at the end of the Vietnam War. As this new population has taken over the country, I think it is important for us to lend our efforts in advancing the Vietnamese country and people toward those civilized values that we cherish.

For that reason, I think the Jackson-Vanik waiver is a very tiny but incremental and important step in that direction. And for that reason, with all due respect to my colleagues who are supporting H.J. Res. 99, I would urge my colleagues to vote no on H.J. Res. 99 and keep us moving in the right direction.

Mr. ROHRABACHER. Mr. Speaker, I am surprised to hear for the first time today that the Vietnamese communists have made available the records of one of the prisons where Ambassador Peterson was held. In response, I just asked Ambassador Peterson which records he was referring to. Unfortunately, the records he is speaking of are not from the prisons in which he was held early during his captivity, for which I am most concerned that some Americans may not have returned from. I do not doubt that Ambassador Peterson is being honest that commanders from those prisons told him that they do not know where the records are after so many years. However, they as individuals were not the record keepers. The Vietnamese communist government kept many overlapping records on prisoners they held in Vietnam, Laos and Cambodia or transferred from Indochina to other communist countries. It is those meticulous records that I am concerned about and to which my request to communist officials in Hanoi has not been addressed.

Former American POWs such as Mike Benge and Colonel Ted Guy have told my staff and I how they were repeatedly interviewed and had written records made by overlapping Vietnamese communist intelligence and military organizations while they were transferred between Laos and a number of prison camps in Vietnam. U.S. officials have to this day, not had those records made available to them by the Vietnamese regime.

In addition, there are some 400 Americans who U.S. intelligence agencies have identified as having been alive or who perished under Vietnamese communist control. The Vietnamese regime could easily account for these men, but to this day, refuse to do so. Finally, the CIA and DIA have verified the validity of the testimony before Congress by a Vietnamese mortician who testified to processing hundreds of deceased American prisoners' remains in Hanoi during the war. He testified that the organization he worked for kept meticulous records of the deceased Americans, processed the remains for storage, and carefully packaged and labeled personal belongings of the deceased Americans. To this day, none of the records of that organization—which could resolve the fates of scores of missing American servicemen—have been made available by the Vietnamese regime.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this resolution and urge my colleagues to uphold the current Jackson-Vanik waiver.

The Jackson-Vanik provision of the 1974 Trade Act was intended to encourage communist countries to relax their restrictive emigration policies. At the time, the Soviet Union was prohibiting Soviet Jewry from emigrating to the United States and Israel.

The Jackson-Vanik waiver specifically granted the President the power to waive the restrictions on U.S. government credits or investment guarantees to communist countries if the waiver would help promote significant progress toward relaxing emigration controls.

To avoid confusion among some of my colleagues, this waiver does not provide Vietnam with normal trade relations. Ironically, the economic incentives provided in the Jackson-Vanik are all one-sided favoring U.S. firms doing business in Vietnam.

Mr. Chairman, Senator Scoop Jackson was a staunch anti-communist. Yet, he was willing to consider to incentives to encourage the Soviet Union to relax its emigration policy.

In 1998, Charles Vanik, former Member and co-author of the Jackson-Vanik provision, sent me a letter expressing his strong opposition to the motion to disapprove trade credits for Vietnam and upholding the current waiver.

Vietnam is experiencing a new era, driving by a population where 65 percent of its citizens were born after the war. Vietnam today welcomes U.S. trade and economic investment.

The Vietnamese Government has made significant progress in meeting the emigration criteria in the Jackson-Vanik amendment. Through a policy of engagement and U.S. business investment, Vietnam has improved its emigration policies, cooperated on U.S. refugee programs, and worked with the United States on achieving the fullest possible accounting of POW/MIAs from the Vietnam War.

Despite problems of corruption and government repression, there is reason to believe that our presence in Vietnam can improve the situation and encourage its government to become more open, respect human rights and follow the rule of law.

U.S. Ambassador to Vietnam, Pete Peterson, our esteemed former colleague and former POW, has been one of our nation's strongest advocates for expanding trade with Vietnam. Renewing the Jackson-Vanik waiver will increase market access for U.S. goods and services in the 12th most populous country in the world.

Disapproval of this waiver will only discourage U.S. businesses from operating in Vietnam, arm Soviet-style hardliners with the pretext to clamp down on what economic and social freedoms the Vietnamese people now experience, and eliminate what opportunity we have to influence Vietnam in the future.

Mr. Speaker, last year we debated and soundly rejected a similar disapproval resolution. I urge my colleagues to do the same today and uphold the presidential waiver of the Jackson-Vanik requirements.

Ms. LOFGREN. Mr. Speaker, I rise in support of H.J. Res. 99.

I represent San Jose California, a community greatly enhanced by the presence of immigrants. Many years ago, as a Supervisor on the Santa Clara County Board of Supervisors I worked with refugees escaping a brutal and oppressive political regime.

As an immigration lawyer, I did my best to help these courageous individuals adjust to their new life. During that time, I met families torn apart by a government that would not let them leave unless they escaped. All of these families sacrificed—so that some of them could see freedom.

Over the past two decades these brave people have become my friends and my neighbors. I have learned lessons about freedom and liberty from them. These same people tell me that we must not waive the Jackson-Vanik amendment.

I am a strong supporter of fair trade. I believe that an economic search for open markets often results in a more open society. I believe that an economic dialogue often results in an enhanced political one. I also believe that a trusted economic partner can evolve into a trusted political ally.

However, not every nation travels the same path to a more open society. In the case of Vietnam, I believe we can achieve more by making Vietnam live up to the free emigration requirements of the Jackson-Vanik amendment to the Trade Act of 1974.

Why? Because Vietnam is so eager for a trade relationship with America that they would improve their human rights policies in order to get it—but only if we insist.

One cornerstone of our trade policy with nonmarket economies has been the Jackson-Vanik Amendment. This amendment requires that a country make progress in allowing free emigration in order to achieve normal trade status. More than two decades after the end of the Vietnam War, my congressional staff in San Jose continues to receive letters from Vietnamese American families seeking reunification with a brother or sister, a mother or a father, a son or a daughter.

Think of what this resolution says to them. More than two decades after the end of the Vietnam War, they are still waiting for a loved one. And in the face of their wait, we are exploring the extension of normal trade relations to a nation that still holds those captive who would leave if only they could.

I understand my colleagues when they say Vietnam has changed. It has changed, but not enough. In a 1999 review of Vietnam's human rights record, the State Department reached the conclusion that Vietnam's overall human rights record remained poor. The report pointed out that "the government continued to repress basic political and some religious freedoms and to commit numerous abuses." The report pointed out that the government was "not tolerating most types of public dissent."

Additionally, reports from human rights organizations indicate that he Vietnamese government has tried to clamp down on political and religious dissidents through isolation and intimidation. Dissidents are confined through house arrest and subject to constant surveillance. During her trip to Vietnam Secretary Albright said that the bilateral relationship between Vietnam and the United States "can never be totally normal until we feel that the human rights situation has been dealt with." I agree.

The essence of this debate is freedom—how we can best achieve greater freedom for the Vietnamese people and how we as a nation can more greatly influence the government to create a more open society. I believe that course is to pass this resolution. After all, leverage is no longer leverage once it is given away. I urge my colleagues to support H.J. Res. 99.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.J. Res. 99, Disapproving the Extension of Emigration Waiver Authority to Vietnam.

While the United States and Vietnam signed a trade agreement last week which requires Vietnam to overhaul its economy, by reducing tariffs on a range of goods and allowing foreign firms to participate in businesses in Vietnam; the resolution on the House floor today is whether Vietnam allows free and open emigration for its citizens. In 1999, President Clinton granted Vietnam a waiver of the Jackson-Vanik Amendment's on this condition. Unfortunately, not much improvement can be cited nor documented. *Boat People, SOS* an organization in my district, informed me that there is significant corruption in Vietnam and the Vietnamese government continues to exclude thousands of former political prisoners and former U.S. government employees from participating in U.S. refugee programs. On average, an applicant must pay $1,000 in bribes to gain access to these programs. In a country where the average Vietnamese's annual salary is $250—impoverished former political prisoners and former U.S. government employees simply cannot afford these outrageous bribes to apply for these programs.

Corruption exists not only in the Vietnamese government but also undermines U.S. exchange programs as well. Our programs offer outstanding Vietnamese students the opportunity to study in the U.S. However, the Vietnamese government excludes those students whose parents are not members of the Communist cadre. Thus, many qualified Vietnamese students are denied the opportunity to study in U.S. exchange programs simply because their parents are not card-carrying members of the Communist party. This discrepancy is only one example of the apartheid system that the Vietnamese government has implemented to punish those who do not agree with their ideology.

On the issue of human rights, while Vietnam has released some political prisoners, many more remain imprisoned while the Communist government continues to arrest others for speaking out against the government. While the Vietnamese government may claim to make strides, I would like to share with you 2 prominent cases: Dr. Nguyen Dan Que, a prominent prisoner of conscience who was released in late 1998, remains under house arrest in Saigon; while Professor Doan Viet Hoat, a former prisoner of conscience who had been imprisoned for over 20 years for promoting democratic ideals, was forced to leave Vietnam as a condition of his release. The government of Vietnam does not tolerate liberties, such as the right to free speech, the right to freely practice one's religion, and the right to peacefully assemble. Reports reveal that the Vietnamese police have forced many religious groups to renounce their beliefs or face the threat of imprisonment. Furthermore, when I visited Vietnam in 1998, a Catholic priest told me that the Communist government did not allow him to wear vestments in public.

Even more egregious is the persecution of the Hmong, approximately 10,000 of them have had to flee their ancestral lands in the north, traveling 800 miles to the south central highlands in Dak Lak Province. Many have been arrested as "illegal migrants" or on charges of "illegal religion" as part of a government crackdown on Hmong Christians.

Mr. Speaker, in light of these offenses, I believe H.J. Res. 99 is an important bill that deserves the support of every Member, and I urge my colleagues on both sides of the aisle to vote in favor of this resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Monday, July 24, 2000, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 91, nays 332, not voting 11, as follows:

[Roll No. 441]

YEAS—91

Aderholt
Andrews
Baca
Bachus
Barr
Bartlett
Bonilla
Bonior
Brown (OH)
Burton
Buyer
Canady
Chabot
Chenoweth-Hage
Coble
Collins
Cook
Cox
Davis (VA)
Deal
Diaz-Balart
Doolittle
Duncan
Ehrlich
Everett
Forbes
Fossella
Goode
Goodling
Graham
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Holden
Hunter
Hyde
Jackson-Lee (TX)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kucinich
LaHood
Lazio
Lewis (GA)
LoBiondo
Lofgren
McIntyre
McKinney
McNulty
Menendez
Metcalf
Paul
Pitts
Pombo
Riley
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Sanchez
Sanders
Saxton
Scarborough
Schaffer
Shadegg
Sherwood
Smith (NJ)
Souder
Strickland
Stump
Sweeney
Taylor (MS)
Taylor (NC)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Wolf
Young (FL)

NAYS—332

Abercrombie
Ackerman
Allen
Archer
Armey
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
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Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson

Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Barton
Clay
Cubin
Ewing
Gilman
Granger
Jenkins
McIntosh
Radanovich
Smith (WA)
Vento

☐ 1235

Messrs. EHLERS, DEMINT, CROWLEY and Ms. BERKLEY changed their vote from "yea" to "nay."

Messrs. DUNCAN, SOUDER, WAMP, SHERWOOD, BACHUS, FOSSELLA, BONILLA, BARTLETT of Maryland, and JONES of North Carolina changed their vote from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except against section 153. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII, pro forma amendments for the purpose of debate, and the amendments printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. Each amendment printed in the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 563 is a modified open rule providing for consideration of H.R. 4942, the District of Columbia Appropriations Bill for fiscal year 2001.

The rule waives all points of order against consideration of the bill and provides for 1 hour of general debate divided equally between the chairman and the ranking minority member on the Committee on Appropriations.

The rule waives clause 2 of rule XXI, prohibiting unauthorized appropriations, legislative provisions or reappropriations in an appropriations bill, against provisions in the bill except as noted in the rule.

The rule makes in order only those amendments that have been preprinted in the CONGRESSIONAL RECORD and those amendments printed in the Committee on Rules report. All points of order are waived against the amendments printed in the Committee on Rules report.

These amendments shall be offered by the Member designated in the report and only at the appropriate point in the reading of the bill. The amendments in the report shall be decreed as read and shall be debatable for the time specified in the report to be equally divided between a proponent and an opponent. Finally, the amendments printed in the report shall not be subject to amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule permits the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides a motion to recommit, with or without instructions, which is the right of the minority.

Mr. Speaker, House Resolution 563 is a modified open rule, similar to those considered for other general appropriations bills. Any Member who wishes to offer an amendment to the District of Columbia appropriations bill and has preprinted the amendment in the RECORD will have an opportunity to do so.

In order to better manage the debate, the Committee on Rules has structured the debate on four specific amendments. An amendment offered by the gentleman from Oklahoma (Chairman ISTOOK) would reprogram funds from a survey of the District's tax policies to help fund Metrorail construction.

Another amendment, to be offered by the gentleman from Kansas (Mr.

TIAHRT), would prevent needle exchange programs from operating within 1,000 feet of schools, day care centers, playgrounds, public housing or other places where children play and spend time during the day.

The gentleman from Indiana (Mr. SOUDER) plans to offer an amendment to prohibit the use of funds to finance needle exchange programs in the District. This language mirrors a provision in the D.C. appropriations bill that passed the House last year.

Finally, an amendment by the gentleman from California (Mr. BILBRAY) would prohibit individuals under the age of 18 from possessing tobacco in the District. The amendment imposes the same restrictions on tobacco use by minors that are in force in most States, including Maryland and Virginia.

Under this rule, the House will have the opportunity to exercise its responsibility to address these important social issues facing the District. Rather than avoiding controversial issues like needle exchanges and tobacco use by minors, Members of this House will be accountable to their constituents and the people of the District. I am pleased that this open rule will bring these honest policy disputes out into the open so that Americans will know where their Representatives stand on these issues that affect them right in their towns and neighborhoods.

Mr. Speaker, H.R. 4942 appropriates a total of $414 million in Federal funding support for the District. I applaud the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee, and the gentleman from Virginia (Mr. MORAN), the ranking Member, for their hard work to produce this solid legislation. This is a responsible bill that makes the Federal Government a partner in D.C. government and helps our Nation's Capital move closer to the success and independence that its residents deserve.

On a separate note, this is the last of 13 appropriations bills that must be considered each year. The Committee on Appropriations has once again performed admirably, working within the responsible budget limits while managing the available resources to best serve the American people. Congress is on track to have all spending bills complete before the end of the fiscal year, having again preserved the Social Security surplus, provided tax relief for working Americans, and maintain important funding priorities that millions of Americans depend on.

Mr. Speaker, H.R. 4942 was favorably reported out of the Committee on Appropriations, as was this fair rule by the Committee on Rules. I urge my colleagues to support the rule so we can proceed with general debate and consideration of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the District of Columbia finds itself last, but certainly not least, in the appropriations lineup for fiscal year 2001. This is the last of 13 appropriations bills, but it is the bill which accords the least amount of respect to the residents of this city.

□ 1245

Year after year, the Republican majority has gone out of its way to turn what should be an easy task into an unnecessarily difficult one. This year is no different; and for that reason, Mr. Speaker, I rise in opposition to this rule and in opposition to the bill.

Mr. Speaker, last year the D.C. appropriations was considered six times before finally becoming the engine that drove the omnibus appropriations bill. I must ask, is there a good reason the Republican majority seems to want to repeat that exercise again this year?

The bill is loaded with the usual social riders the Republican majority seems willing to impose on the residents of the District, but not on their own constituents. Again the bill contains veto bait such as barring the District from using its own local funds to provide abortion services to low-income residents, or implementing its own domestic partnership law.

But to add insult to injury, this rule makes in order two amendments that the delegate from the District of Columbia specifically asked the Committee on Rules to deny. These two amendments, one relating to the issue of needle exchange and one relating to the sale of tobacco to minors, are perennial Republican favorites on this bill. But, Mr. Speaker, these are the amendments the elected government of the District of Columbia, as well as the gentlewoman from the District of Columbia (Ms. NORTON), oppose.

Mr. Speaker, the chairman of the Committee on Rules has pointedly through the consideration of 12 appropriation bills denied Members the right to offer amendments that required a waiver of clause 2 of Rule XXI; but when it comes to the District, the chairman and the Republican majority of the committee send out an engraved invitation to any Member who has a particular legislative ax to grind.

Mr. Speaker, is it any wonder the District Government has proposed license plates for its residents that proclaim "Taxation Without Representation"?

Mr. Speaker, I oppose this rule for the simple reason that the Republican majority has again set up this appropriation for an unnecessary protracted legislative debate. I urge my colleagues to vote no on this rule and on the bill. Let us put some common sense and some respect into this process.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to take a moment to point out to my colleague from Texas that no Democrat submitted a request for a waiver on amendment. The ones that were denied were only Republican amendments.

Mr. Speaker, I yield such time as he might consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, first of all I would like to thank the ranking minority Member, the gentleman from Virginia (Mr. MORAN). He and I have become very close friends in this body. It does not mean like two Irishmen we do not disagree on occasion passionately, but I want to thank him. We disagree on some issues in this particular bill. I do not agree with everything in the bill; but like everything that comes forward in this House, it is a good bill overall.

The Constitution of the United States of America, and we were all sworn and held up our hand to support the Constitution, which says that all legislation, all legislation, for the D.C. area, is from this body. We were all sworn to uphold that. If we uphold the Constitution of the United States, we will support this bill because we are legislating in the best interests.

I would say to my friends on the other side that for 30 years you controlled this House, and if you take a look what happened to Washington, D.C., in those 30 years of neglect, look at the systems that are typical of the United States, you look at education. Members of Congress, the President, the Vice President, all send their children to private schools. Why? Because the D.C. system has been so terrible.

But I want to tell you, I have been in some of those schools; and I have seen some wonderful dedicated teachers and schools. But where you have roofs that are caving in, that the fire department has to shut down those schools, that we do not have the support over that 30 years for education systems, something is wrong.

We came in and appointed boards. Another bright light is Mayor Williams. He has got a monumental task at hand to get through that bureaucracy that he has; but if you look at education and what we have done, we fully funded charter schools. When my own party in the last Congress wanted to reduce the amount of funds for the public schools, we fought, the gentleman from Virginia (Mr. MORAN) and I, and said we reward schools for going in the right direction. We do not penalize them. Together we were able to come up with full funding for the public school systems and charter schools. I think that is a positive, and that is in this bill as well.

I look at the economy. When you have month-to-month leases because you have got some members in this bureaucracy taking money under the table on a month-to-month lease, we fought together to have those leases extended so we could get business to invest in Washington, D.C.

We can make this waterfront the best waterfront in the whole country, like San Diego or San Francisco or the others. But you cannot when you have got drugs going down there; and we have worked together, not only there but to clean up the Anacostia River, the worst river in the United States for pollution. The fecal count is the highest in any river in the United States. We are working together on a bipartisan fashion with the Mayor and on both sides to fix that. These are very positive things that we are working on.

But I would say to my friend that there are things in this bill that I disagree with, and that my colleagues disagree with; but overall it is a good bill, and it moves not only the legislation forward, but in the long run it is the best for the D.C. residents. I would ask for full support of this.

I thank the gentleman from Oklahoma (Chairman ISTOOK) for his work with the ranking minority Member.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time.

I want to begin as we embark upon the D.C. appropriation by thanking the gentleman from Oklahoma (Mr. ISTOOK) for his hard work on this bill. The gentleman and I have had disagreements on this bill, but I appreciate his efforts to work out some of those disagreements with me. I want to thank the gentleman from Virginia (Mr. MORAN) for his strong advocacy and work for the District as well.

Mr. Speaker, I rise to oppose a rule shot through with financial, operational, and social intrusions that should concern no one unless you happen to be a resident of the District of Columbia. D.C. is once again bringing up the rear of the appropriations. Here is hoping that the number 13 in the appropriations cycle has nothing to do with bad luck.

This should be the easiest of the 13 appropriation bills. Few Members have or should bother to acquire familiarity with the complicated, necessarily parochial operations of a big American city that is not their own.

Mr. Speaker, I oppose this rule because the bill before us is full of avoidable problems any city would have to find objectionable.

First, movement of available funds from D.C. priorities to others chosen by the subcommittee without any consultation with the District.

Second, movement of riders, and not only social riders, but riders that are so old that they are laughably out of date or redundant because the provisions are already in the D.C. code or Federal law. Anyone scrutinizing the D.C. appropriation would find attachments so dated or irrelevant as to cast doubt on the committee's work product.

With a lot of hard work and sacrifices, the District has emerged from insolvency, but the city has no State to fall back on and has urgent needs it cannot possibly fund. City officials requested funding from the President for some urgent priorities. The White House chose to fund just a few of them.

The city understands, of course, that the subcommittee's 302(b) allocation was cut, and, therefore, all the District's priorities could not be fully funded. The city fully understands that the shortfall was beyond the subcommittee's control. Those funds must, in our judgment, be restored. However, at the very least, the District cannot be expected to endorse transfer of whatever funds are left over after the cuts to items not in the first tier of the city's own urgent priorities.

The White House funded the state functions that are now Federal responsibilities and added $66.2 million for priorities negotiated and ratified by city officials. A cut of $31 million from the 302(b) allocation left only $34.8 million.

Instead of redistributing the scarce remaining funds to the District's stated priorities, $13.85 million for new matters was actually added to the D.C. appropriation. How can items be added to an appropriation that has been cut? The only way to do this, of course, is to cut funding for the priorities the city has stated it must have. Yet, new items were added, for example, funding for the Arboretum, a Federal facility funded by the Agriculture Department that never before has appeared in a D.C. appropriation. Adding new items guaranteed that the District's priorities would be downgraded and defunded.

What was left after a combination of cuts and new additions was predictable: $7 million instead of $25 million for D.C.'s top economic priority, a New York Avenue subway station, now in great jeopardy; $14 million instead of $17 million for the D.C. College Access Act, despite a letter from Mayor Williams requesting funding for juniors and seniors previously excluded only because it was erroneously thought there would be insufficient funding. The subcommittee says to the District, pay for critical items like the New York Avenue Metro station, not from Federal funds, but from interest on D.C. funds held by the Control Board.

This requirement remains in the bill, despite a letter from the Control Board Chair, Alice Rivlin, that says that such funds no longer exist, but, to quote her words, "have already been included by the District as a source of funds to support governmental operations."

The requirement to pay for the subway from interest remains in the bill, despite the fact that D.C. could never pay for the great majority of a subway station's cost itself and was able to make a commitment to use its own funds for a station only because the OMB and the private sector had each committed to pick up one-third of the cost.

Mayor Williams wrote to Chairman ISTOOK: "In the case of the New York Avenue Metro, the reduction in Federal funds has sent a chilling message to the business community who have expressed interested in bringing business to the District. The $22 million cut greatly imperils the District's ability to secure the private funds that were to be leveraged by the public allocation. Local businesses have made investments in the city based on this project. Without full funding, the success of this effort is jeopardized. I urge you to restore full funding."

It is one thing for the subcommittee to make cuts; it is quite another for the subcommittee to nullify the District's carefully thought-out priorities. Adding funding controversy to the attachments disputes that always surround this appropriation has not helped this bill, for we also will waste a lot of time discussing riders today. It is wasted time because, in the end, the riders have caused a veto of the bill; and to get the bill signed at all, they are removed or substantially changed.

The chairman indicated these riders simply reflected those transmitted by the President from prior years. OMB has worked with the District to remove riders from prior years that are outdated, no longer relevant or are already included in D.C. or Federal law; and the city has moved to make other riders permanent that should be permanent a part of D.C. law. The Chair must prefer long and wasteful debates, because he has reinserted into the bill not only the very few that were social riders, but all the redundant, outdated, and irrelevant riders as well.

What is the point, if we ever were striving to get a bill that could be signed? When even steps to remove patently irrelevant material provokes disagreement, we seem well on our way to a veto of the D.C. bill.

I had hoped for better this year. Please oppose this rule.

Mr. LINDER. Mr. Speaker, I yield such time as he might consume to the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for the opportunity to speak.

Mr. Speaker, I rise in support of this rule, which enables us to go forward with this bill which, in addition to the District of Columbia's own tax revenue, and budget allocates $414 million from the taxpayers in the rest of the United States of America to the District of Columbia.

☐ 1300

Now one might have thought, from listening to people, that we are not doing anything for the District of Columbia, and here is $414 million, Federal money from the rest of the country, not going to New York City, not going to Chicago or Los Angeles or Oklahoma City, we do not make direct appropriations to those communities or to any others, only the District of Columbia. This is in addition to its own tax revenues and budget, in addition to qualifying for Federal grants from all sorts of other sources. In addition to those, the District of Columbia gets $414 million directly from the Federal Government. We do it year after year. Why? Because the District of Columbia is not just another city. It is the Nation's capital, so designated in the United States Constitution.

As the Nation's Capital, it has a very different relationship.

Now, I heard the gentlewoman from the District of Columbia (Ms. NORTON) in this House say, and I think these were the words, that what happens here should not concern anyone not a resident of D.C., and said people should not be concerned with a city not their own. If that were the case, we would not be talking about $414 million for Washington, D.C., but we are because Washington, D.C. is not just another city.

The Constitution specifies it is the Capital of the United States of America, and as the Capital it has a distinct position. Article I, section 8 of the U.S. Constitution says that exclusive control over all legislation, in all cases whatsoever, for the District of Columbia resides right here in the Congress of the United States, because the Founding Fathers knew that the Nation's Capital would be distinct, would be different.

One thing they wanted to be sure was that the Nation's Capital was in harmony with the rest of the country. We do not want one thing going on in what is supposed to symbolize and represent America that is totally foreign to the rest of the country. We do not want one set of standards in the Nation's Capital that is inconsistent with Federal law or that is inconsistent with the values of the Nation.

So to create that consistency, the Constitution says legislative control over the Nation's city belongs to the Nation.

I realize that is difficult sometimes for people that live here to recognize why it is set up that way, but to say that this should not concern people who are not residents or this is a city that does not belong to the rest of the country, I have to disagree. When one comes here and they see the best of Washington, they visit the Capitol, they see the Lincoln Memorial, the Washington Monument, the Jefferson Memorial, the new memorials to FDR, to Korean veterans, the Vietnam veterans, the one underway for World War II veterans, they see those things and they get a sense, they get an inspiration from it. Then to be told, oh, no, they are not a part of this, this is not their city, sure it is. It is the Nation's city.

That is why we do things and will do things here today, to try to make sure that Washington, D.C. is in harmony with the Nation. If we are not the Nation's city would we have the hundreds of thousands of people that are employed here because the Federal Government is located here? No, the District of Columbia would not have that guarantee of employment, of revenue, of opportunity that comes with it. It would not enjoy that.

The District also would not have the burdens that come with it; the Presidential inauguration, for example, coming up. One of the things in this bill is approximately $6 million to reimburse D.C. for special expenses that it will have when the presidential inauguration occurs, the security needs, all the influx of Americans coming here for the presidential inaugural. Now some cities would be saying, hey, that is great for business, that is great for tourism; we do not need the extra money to pay for these additional costs; that revenue itself is going to be enough.

We have not taken that approach with D.C. We have said they have an extra burden. We want to help them with it. So some of the money which the gentlewoman complains about, and says I wish it were applied some place else, is to reimburse the District of Columbia for this expense when they have to have all of the overtime, all the extra work by their transit people, their public safety people, their people that work with waste disposal, with cleaning up afterward. It is a big expense, and we are trying to be responsible in taking care of that.

Washington, D.C., in addition to $414 million of Federal money from the rest of the country under this bill, still qualifies the same as any other municipality and school district in the Nation to receive Federal grants, Federal assistance, Federal funds that help their schools. In addition, they get transportation grants.

One of the riders of which the gentlewoman complains is to improve the ability of Washington, D.C. to fully qualify for grants from the Environmental Protection Agency, because they do have pollution problems, especially the Anacostia River. We provided special funding to help with cleaning that up. We are doing these things because we do believe Washington, D.C. belongs to all of us. We do not all live here. There is a difference between people who live here and people who do not, but that difference is not to say that the Nation's Capital does not belong to all of us. It does belong to all of us. It must belong to all of us, and if we want to have pride in the country we have to have pride and confidence in what is happening in Washington, D.C.

If we find out that the District is going off in a totally different direction and thereby become the symbol for the whole country, we have to make sure that it is in tune instead. So sometimes the local officials do things and Congress says, no. If you were in New York, if you were Chicago, if you were Detroit, if you were Phoenix, if you were Tampa, if you were Wisconsin's Madison, any of these other communities, we would not do that because they are not the Nation's Capital.

They do not belong to all of us, but we will do some things differently.

This rule makes in order an opportunity to consider those things, and Members have had the opportunity to present them.

Now I heard the gentlewoman from the District of Columbia (Ms. NORTON) say, well, we have riders on the bill and some of them have been there too long. Well, what was not mentioned was we went through and we dropped 25 provisions that have been carried year after year after year after year in this bill that we did not see where they served any further purpose. We knocked out 25 of them.

Now, are there some others that still need to go? We are going to look at them and continue to make deletions as we go through the process. If something is actually outdated or covered by some other provision of law, we will continue working with people to do that. But the ones that remain are the ones in harmony with what I have explained, that distinct relationship between the Nation's Capital and the Nation. It is not just another city.

We have in this bill, and this is a program adopted last year, we have in this bill millions of dollars to provide assistance to any student who has graduated from public school, or private school for that matter, in the District of Columbia. I think the cutoff date is since 1998. This program provides them assistance up to $10,000 a year to go to college. We have not done that for any other community in the country.

We think there are good reasons why we have set it up, because there is not a State education system and there are definitely education problems, major ones, here in the District of Columbia. That program was started last year and every penny necessary for every student who qualifies is fully funded in this bill, plus a reserve fund of about an extra 12 percent.

We hear people say but the President requested more. Well, last year we appropriated $17 million for the program. Guess what? Now that we have had a year to get the program in motion to find out how much it really costs, we found out that $14 million does the job.

So there is a $3 million carryover. So we do not need to appropriate as much next year, but we have still gone 12 percent beyond what they figured they needed next year just to be sure.

Just because we do not give the same amount of money as the President requests does not justify coming here and saying, oh, our budget is being cut. No, that simply is not true. We are not cutting a single penny from the budget submitted by the District of Columbia with the control board that has been helping it out with oversight. Not a single penny is cut from their budget. We have approved their budget, and we have $414 million of Federal money beyond that.

The Federal Government, a couple of years ago, assumed new responsibilities. We are in charge of funding the court system. We are in charge of funding the probation and parole services. We are in charge of funding the prison system. That consumes most of the $414 million, and we fund that in here.

Yes, sometimes Federal agencies submit budgets to us, and we make adjustments, but we have not adjusted the District's own budget.

Now let us talk about this Metro station. We have put over $7 million of Federal money in this bill and allocated an additional $18 million from an account where the District deposits funds it gets from the Federal government and collects interest on those and other funds. We have said they can use the rest. Last year it was Congress that made the decision on how to use that same fund, to assist the District with buy-outs of its employees because they have a big problem with too many workers not doing enough work. To try to reduce the size of the work force the Mayor, Anthony Williams, who is a good man and a good mayor, says he needs to reduce the size by buying out people's contracts. And we provided money from the same fund last year, done by this Congress, to help them with what the Mayor said was his top priority.

This year, we are told the top priority is the Metro station, we said fine, we will make that money available from that same fund for the Metro station, and suddenly we are told, oh, we are meddling; that they should not have to use that fund for the metro construction.

Contrary to what has been claimed by some people before, that fund is not part of the District's budget. The District has not put any budget here that says this is a part of our budget to spend it. What they have done, since we said we will put it on their top priority then, they have come up with a laundry list and say, oh, we want to spend it on some different things instead. Some of those things are bonuses for people working in the Mayor's office. Some of those things are severance pay, perhaps golden parachutes, for this control board that has been helping with the fiscal responsibility in helping D.C. get its budget back in balance, which they have done and they deserve a lot of credit for that, both D.C. and the control board, because they were in deficit for so many years and now they are in their 4th year of having a budget surplus; and we want that to continue.

As this control board goes out of existence, they want to double their budget in their last year, double their budget in their last year. They want to go into this fund, which we say ought to go to the New York Avenue Metro station, and they say no, we ought to help double the budget in the last year for the control board so we can have all of these real nice severance pay packages for them.

That is what this debate is about. We have funded the priorities of the District. Every penny that is necessary for what has been authorized in this college assistance program is in the bill, paid for. We have provided the money for the New York Avenue Metro station. Now we were told those are the top two priorities, and we have been responsible and handled them responsibly. Had this been the top two priorities for any other city in the country, do my colleagues think they would get a direct Federal appropriation for it like this? No. They might qualify for Federal assistance through different grant programs and apply for this and so forth, but they would not just get it handed to them on a silver platter, saying because they are Washington, D.C. we are going to do something more for them. We are trying to be responsible and do that, and it really galls me to hear some people in the District griping; "well, this is being done for us but we want more."

The rest of the country does not appreciate that. The rest of the country, if they see somebody from Washington, D.C. in their State and the license plate says "Washington, D.C., taxation without representation," what will they think? Something very different than people in the District will think. Others around the country will think, yes, they are taking my money and I am not getting enough representation for it.

Let us have some perspective here. We have a special responsibility for the Capital of the United States of America. It has severe drug problems. It has severe crime problems. It has some decrepit public schools that need improvement for the future of our kids. It has major management problems and a huge bureaucracy that has more confusion and more complexity than the Federal bureaucracy, but still it is the Nation's Capital and we are doing things trying to help D.C. come back and rebound.

□ 1315

And I hear people come up on this Floor and try to pretend, oh, you are not doing this and you are not doing that. Take a look at what we are doing. This is a good bill. It deserves support from every Member of this body. It deserves support from people who say, I do not want to give money to Washington, D.C., because I do not like a lot of the things they do there. I understand that; I do not like a lot of things the District does either. But it is the Nation's Capital; it was set up differently under the Constitution. They do not get the same tax base that some people do because of all of the Federal land here.

There are restrictions on construction, for example, of high-rise buildings that do not exist elsewhere, because of national security issues. The District is different. We should be helping the District, whether one is on the right, or on the left, or in the middle. We are doing the right thing with this bill. Because it gives us a fair chance to consider the differences, the rule should be adopted, and the bill as well.

I thank the gentleman for yielding to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair notes a disturbance in the gallery in contravention of the law and the Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this rule should be rejected.

Let me first say to the chairman of the subcommittee, I appreciate his feelings that are inspired by the Federal monuments, whether it be the F.D.R. Memorial, the Vietnam Memorial, the Washington Monument, or the Lincoln Memorial. Of course, that is all on Federal land, it is owned by the Federal Government, it is run by the Interior Department through the National Park Service. That is not at issue here.

What we are talking about here is the people who live within the District of Columbia who buy their own home, who are responsible for maintaining their own property, who elect their own representatives, and would like their representatives to be able to represent them, but would not like the Congress necessarily to be overruling their elected representatives, because they have no democratic right to hold us accountable, and that is the problem with this bill. The legitimately elected representatives of the District of Columbia are being overridden by Members of Congress who will never be held accountable for what they do to the District of Columbia.

In terms of the budget, we made a deal back in 1997. Basically, because the District of Columbia has no State to support it, there are certain functions that we agreed we would pick up, and those functions are being shortchanged in this bill to the tune of $31 million. The bill is even $22 million less than last year's level. For those reasons, plus four specific reasons, I think this rule should be rejected.

First of all, it protects four Republican amendments, which are all of the Republican amendments that were offered. Those Republican amendments, if they were treated the same way as the Democratic amendments, would be subject to a point of order. The Democratic amendments are all subject to a point of order. The gentlewoman from the District of Columbia (Ms. NORTON) wanted to offer a "Democracy" amendment. I think she has some very compelling arguments, and I totally agree with those arguments; but they are going to be ruled out of order. We cannot bring them up, we cannot get a vote on them, because they are not protected. Why? Because they were Democratic amendments.

Secondly, two of these Republican amendments that could have been ruled out of order are wholly contrary to what we would do to our own citizens in the jurisdictions that we are legitimately elected to represent. The Tiahrt needle exchanges amendment inserts new language that will kill the District's private needle exchange program that is run by a local nonprofit organization. It negates it. We are going to show that. It means that, despite what the House full Committee on Appropriations did, this program, run by a private organization, will not be able to operate. No Federal and no local public funds are involved in this program, and yet we are going to ensure that it cannot even operate.

The Bilbray smoking amendment would impose Federal penalties and sanctions on children caught smoking. That is a well-intentioned thing to do, but no other jurisdiction in this country faces a similar Federal penalty for children caught smoking. We would never do that to any district we represent. It is clearly legislating on an appropriations bill. There is not one Member of this body that would impose this restriction on any citizen that elects them directly to represent them.

Third, it protects the bill against a point of order that could be raised against a whole host of provisions in this bill that are legislating on an appropriations and have no business in an appropriations bill. We do not have those type of legislative restrictions on any other appropriations bills. They are punitive provisions put in to fix one-time situations and left in there.

Lastly, these amendments are a clear violation of the spirit of District home rule, offering amendments that prohibit the District from implementing local initiatives where no Federal funds are involved. It is an abuse of congressional power. With the passage of the 1997 D.C. Revitalization Act that eliminated direct Federal payments to the district, the context and circumstances with which Congress might have justified past intervention is now gone. Federal taxpayer funds are not involved, we should not be involved, and that means we should vote against the rule.

Mr. FROST. Mr. Speaker, I urge a no vote on the rule.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge all of my colleagues to support this rule so we can begin the important debate on the Washington, D.C. Appropriations bill for 2001.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and the Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The vote was taken by electronic device, and there were—yeas 217, nays 203, not voting 14, as follows:

[Roll No. 442]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey

Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—14

Barton
Cubin
Ewing
Gilman
Granger
Jenkins
Jones (OH)
Klink
Lewis (CA)
McDermott
McIntosh
Roemer
Smith (WA)
Vento

□ 1344

Messrs. KUCINICH, CROWLEY and THOMPSON of California and Mrs. MALONEY of New York, Ms. BROWN of Florida and Mrs. CLAYTON changed their vote from "yea" to "nay".

Mr. SMITH of Michigan and Mr. SHOWS changed their vote from "nay" to "yea".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MCDERMOTT. Mr. Speaker I was unavoidably detained by official business and unable to vote on H. Res. 563. I would have voted against H. Res. 563 (rollcall No. 442).

PERSONAL EXPLANATION

Ms. GRANGER. Mr. Speaker, due to attendance at a funeral, I was not present for several rollcall votes today.

Had I been present, I would have voted "aye" on rollcall 439, 440 and 442. I would have voted "no" on rollcall 441.

□ 1345

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill H.R. 4942.

□ 1346

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the appropriation bill that we consider each year for the District of Columbia, the Capital of the United States of America. In addition to local monies and in addition to monies that the District receives, just as other communities and other States do through different Federal programs for transportation, for education, for public assistance, for Medicaid and Medicare; in addition to all of those, this bill appropriates $414 million for the District of Columbia to operate its prisons, its courts, and the program of supervising those that are on some form of probation or parole.

And even beyond that, this makes additional monies available for a number of special items in the District of Columbia, such as the new expansion of the metro system, the subway system in the District; funding for a special college tuition program that provides thousands of dollars to D.C. students to go to college, dollars that are not provided to students from any other part of the country; providing environmental cleanup monies; or providing assistance in the development and the strengthening of the charter school movement here in the District of Columbia.

I do not want to detail all of them right now. I do not think I need to. Mr. Chairman, as I made the point earlier, this is a different community than any other community in the Nation or we would not be talking about this. We would not be making special money available to D.C. were it not our Nation's Capital.

We have a Nation's Capital that was in severe financial straits, basically bankrupt financially, a few years ago; murder rates were at the top of the charts; failure rates in schools at the bottom. This Congress got busy several years ago and created a plan to restructure and restrengthen the District of Columbia, to get it back on its feet. And I want to applaud the people that were involved in this Congress, the people that were involved in the administration, the people involved in the District government, the people involved on the control board that was set up to oversee the District government, who collectively have worked together and have brought the Nation's Capital out of bankruptcy so that this year, for the fourth straight year, they are going to have a budget surplus. The figure I am hearing is they are looking at a surplus of about $280 million. That is great.

Now, it would not have happened, Mr. Chairman, had the Federal Government not assumed some direct liabilities that other States and communities face themselves, such as I mentioned earlier, the prison system, the court system and so forth. We also assumed some retirement obligations that are not directly appropriated but are paid through the Federal Government, and increased the Federal share of Medicaid reimbursements from 50 percent to 70 percent. So, with that help, and some of it seen and some unseen, but with an agreement of involvement and help of this Congress, the District of Columbia is back on its financial feet.

They still have severe problems in schools, with drugs, with crime, but there is also a resurgence of the business community. The D.C. Council—and they deserve all the credit in the world for this—a year ago they led the way saying that D.C. was going to reduce taxes on people here because they wanted people to come back and live in the city. Tens of thousands of people over the years moved out of the District. We want them back and we want to create financial incentives as well as a better and safer place for the people who live here, who work here, and who visit here.

The District has made a lot of financial progress. But everything is not straightened out yet, and we understand that and we are trying to work patiently. There is a new Mayor: Anthony Williams. He is a good man doing a good job, really focusing on working the bureaucracy and getting it whittled down because it consumes resources and it stops things from happening that ought to be happening, whether it is a business that wants a permit or whether it is a matter of running the D.C. General Hospital.

Now, here we have a public hospital that already gets tens of millions of dollars each year in direct subsidies from the District government and still has been going beyond that. They have taken hundreds of millions of dollars in money that was not even budgeted. It was not even budgeted. And here is where I will fault the local government. They took money that was not even budgeted, and hundreds of millions of dollars were supposedly loaned to the hospital and then they wrote off the loans. The District needs to be honest in its budgeting. And taxpayers are not getting their monies' worth in public health benefits, yet they are paying inordinately high amounts for it. And they are paying through the use of gimmicks such as loans, which they then write off.

I say that as one example of the management problems and the waste problems that are still severe in the District. If they took even half the money that they were wasting and applied it to things like a metro station, or a cleanup problem, or an economic development problem, whatever it might be, they would not need to ask for special money from Congress to help with the revitalization of the District of Columbia. They would have it.

So we are trying to work with them on all fronts. This bill does that. It helps with the charter school movement, which is a part of public schools, but is run differently without the normal school bureaucracy, that is approaching 15 percent of the students in D.C. public schools. These parents have chosen to send their children to a public charter school instead of one of the other regular public schools, and we are trying to help give them equal footing with the regular public schools as far as the way that public resources are allocated and the way the bureaucracy treats them so the bureaucracy does not try to hold them back but, for the benefit of the future of these kids, it lets them advance.

So we will have a debate, Mr. Chairman, on many of these different items. I know it is not all financial. Life is not just all about money, and being the Nation's Capital and being in harmony with the rest of the country is not all about money either.

I appreciate the gentleman from Virginia (Mr. DAVIS), who chairs the authorizing committee, the oversight committee. We have not worked with him as smoothly as we should have on many things, but he and his committee have been so supportive of helping D.C. to get back on its feet and helping to make reforms happen in Washington, D.C.

Mr. Chairman, I am submitting herewith for the RECORD a chart comparing the amounts recommended in H.R. 4942 with the appropriations for fiscal year 2000 and the request for fiscal year 2001:

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2001 (H.R. 4942)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
FEDERAL FUNDS					
Federal payment for Resident Tuition Support	17,000	17,000	14,000	-3,000	-3,000
Federal payment for Incentives for Adoption of Children	5,000	5,000	....	-5,000	-5,000
Federal Payment to the Chief Financial Office of the District of Columbia	....	....	1,500	+1,500	+1,500
Federal payment to the Citizen Complaint Review Board	500	....	....	-500	....
Federal payment to the Department of Human Services	250	....	....	-250	....
Federal payment to the District of Columbia Corrections Trustee Operations	176,000	134,300	134,300	-41,700	....
Federal payment to the District of Columbia Courts	99,714	103,000	99,500	-214	-3,500
Defender Services in District of Columbia Courts	33,336	38,387	34,387	+1,051	-4,000
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	93,800	103,527	115,752	+21,952	+12,225
Federal payment of Washington Interfaith Network	....	....	1,000	+1,000	+1,000
Children's National Medical Center	2,500	....	....	-2,500	....
Federal payment for Metropolitan Police Department	1,000	....	....	-1,000	....
Federal payment to the General Services Administration (Lorton Correctional Complex)	6,700	....	....	-6,700	....
Federal payment to the Georgetown Waterfront Park Fund	1,000	....	....	-1,000	....
Federal payment for Study of Tax Reform in the District	....	....	100	+100	+100
Federal payment for Simplified Personnel System	....	....	250	+250	+250
Metrorail construction	....	25,000	7,000	+7,000	-18,000
(By transfer)	....	....	18,000	+18,000	+18,000
Federal payment for the National Museum of American Music	....	3,000	250	+250	-2,750
Federal payment for Brownfield remediation	....	10,000	....	....	-10,000
Presidential Inauguration	....	6,211	5,961	+5,961	-250
Total, Federal funds to the District of Columbia	436,800	445,425	414,000	-22,800	-31,425
DISTRICT OF COLUMBIA FUNDS					
Operating Expenses					
District of Columbia Financial Responsibility and Management Assistance Authority	(3,140)	(6,500)	(3,140)	....	(-3,360)
Governmental direction and support	(167,356)	(197,771)	(194,621)	(+27,265)	(-3,150)
Economic development and regulation	(190,335)	(205,638)	(205,638)	(+15,303)	....
Public safety and justice	(778,770)	(762,346)	(762,346)	(-16,424)	....
Public education system	(867,411)	(998,418)	(995,418)	(+128,007)	(-3,000)
Human support services	(1,526,361)	(1,542,204)	(1,532,204)	(+5,843)	(-10,000)
Public works	(271,395)	(278,242)	(278,242)	(+6,847)	....
Receivership Programs	(342,077)	(394,528)	(389,528)	(+47,451)	(-5,000)
Workforce Investments	(8,500)	....	....	(-8,500)	....
Buyouts and Management Reforms	(18,000)	....	....	(-18,000)	....
Reserve	(150,000)	(150,000)	(150,000)	....	....
Financing and Other	(384,948)	(331,529)	(331,279)	(-53,669)	(-250)
Procurement and Management Savings	(-21,457)	....	....	(+21,457)	....
Total, operating expenses, general fund	(4,686,836)	(4,867,176)	(4,842,416)	(+155,580)	(-24,760)
Enterprise Funds					
Water and Sewer Authority and the Washington Aqueduct	(279,608)	(275,705)	(275,705)	(-3,903)	....
Lottery and Charitable Games Control Board	(234,400)	(223,200)	(223,200)	(-11,200)	....
Sports and Entertainment Commission	(10,846)	(10,968)	(10,968)	(+122)	....
Public Benefit Corporation	(89,008)	(78,235)	(78,235)	(-10,773)	....
D.C. Retirement Board	(9,892)	(11,414)	(11,414)	(+1,522)	....
Correctional Industries Fund	(1,810)	(1,808)	(1,808)	(-2)	....
Washington Convention Center	(50,226)	(52,726)	(52,726)	(+2,500)	....
Total, Enterprise Funds	(675,790)	(654,056)	(654,056)	(-21,734)	....
Total, operating expenses	(5,362,626)	(5,521,232)	(5,496,472)	(+133,846)	(-24,760)
Capital Outlay					
General fund	(1,218,638)	(1,029,975)	(1,022,074)	(-196,564)	(-7,901)
Water and Sewer Fund	(197,169)	(140,725)	(140,725)	(-56,444)	....
Total, Capital Outlay	(1,415,807)	(1,170,700)	(1,162,799)	(-253,008)	(-7,901)
Total, District of Columbia funds	(6,778,433)	(6,691,932)	(6,659,271)	(-119,162)	(-32,661)
Total:					
Federal Funds to the District of Columbia	436,800	445,425	414,000	-22,800	-31,425
District of Columbia funds	(6,778,433)	(6,691,932)	(6,659,271)	(-119,162)	(-32,661)

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the District of Columbia has 13 elected city council members; they have an elected mayor; and there are six members on the control board that are not elected but have responsibility. It is more members than we have on the Subcommittee on the District of Columbia of the Committee on Appropriations, and yet we gave the elected representatives of the District of Columbia 1 day of hearings and then turned around the very next day and marked up this bill.

In the markup we decided to impose our fixes on some of the most serious problems that the District faces. For example, let me just give one example. In Anacostia, in the poorest part of this city and one of the poorest parts of this Nation, where there are homicides that occur on a nightly basis, where there is some of the worst poverty and desperation, rapes and all the things that occur when too many low-income people are forced into desperate circumstances, they depend on what is called D.C. General Hospital. The folks who use that hospital do not have health insurance, for the most part, and the care they need is very expensive care and it is very difficult to get doctors and health care professionals working there.

So what we decided to do, because they have management problems and financial problems, is to say that D.C. General cannot use its line of credit any more. It is actually operated by what is called the Public Benefits Corporation. We are now told that means that this hospital goes under; it will become insolvent within a year, as well as the Southeast Community and a number of health care clinics in Southeast D.C. that deal with women and children throughout the neighborhoods.

Now, an alternative might have been to consult with the mayor, the city council, the professional experts working on this problem. But we did not do that. We gave 1 day, then imposed our solutions. I do not think that is the way we should be doing things.

Now, we are going to talk at greater length on that when we have a specific discrete amendment on that issue, but it is typical of a number of what are called general provisions in this bill that attempt to legislate and to override what D.C.'s legitimately elected officials are trying to do to solve their own problems. But in addition to that, we have a funding shortfall. The bill is $31 million short of what the administration and the District of Columbia government requested. It is $22 million below what Congress appropriated for the District of Columbia last year.

Now, what excuse can we offer? We are in a time of great surplus. This is one of the cities that needs help the most. It is our capital city, and we made a commitment in the 1997 D.C. Revitalization Act to assume certain responsibilities; to make them Federal responsibilities. And now, in this bill, we are shortchanging the D.C. government, reneging on our commitment to the tune of $31 million. In a $1.7 trillion budget we cannot find $31 million to meet our own commitments? The fact is we can, but we choose not to.

Now, with this lower allocation, what don't we fund? Well, we have two critically needed economic development initiatives in the District, and one is completion of a New York Avenue metro station. The private sector, the business community, said that they would put up $25 million, D.C.'s own taxpayers said they would put up $25 million, and the Federal Government was to put up $25 million as well. This bill does not do that, though. They met their share, we are not meeting our share.

We are putting up $7 million in federal funds. We are going to use $18 million from an interest account that exists, but we find out now that the $18 million does not exist. It has already been used in the D.C. budget that has already been submitted; that has been approved by the District and will become law unless Congress disapprove it, which we will not do.

So the $18 million does not exist. It is a shell game. It is double counted. So we are underfunding the New York Avenue metro station when two-thirds of it is not even being funded by the Federal Government.

And then there is the Poplar Point brownfield remediation project, an excellent project. We agree with it. We give it all the rhetoric and none of the money that it needs.

□ 1400

We will not have the funds to extend the foster care adoption incentives. There are kids languishing in the foster care. There are people that want to adopt them, good parents, and we underfund that. It even underfunds our own Financial Control Board that we set up to oversee the District's budget.

So I do not think that this is a bill that we should be particularly proud of. But even more troubling, once again we are going to debate a series of social riders and address some new ones as well that violate the principle of democracy and home rule and restrict how the District may elect to use its own funds to address its own set of priorities.

Earlier this year I asked the gentleman from Oklahoma (Chairman ISTOOK) if we could not start with a clean appropriations bill this year, clear it of all of last year's general provisions that did not belong in an appropriations bill. The District of Columbia, the Mayor, and the President of the United States followed this recommendation in their budget. But we have not done so.

We have got 68 superfluous general provisions; and in the vast majority of them we would never think of imposing these kind of punitive, paternalistic restrictions on any jurisdiction that we were elected to represent.

Why do we do it to the District of Columbia? We do it to the District of Columbia because they cannot fight back, they are helpless, we have control over them, and they cannot vote us out of office. They cannot hold us responsible. They cannot do a darn thing to us. And so we beat up on them with these kinds of restrictive provisions and make ourselves look good back home.

So we are going to offer a series of amendments here. I know we will probably lose them, and many of them are going to be found out of order because of this rule that protected Republican amendments and did not protect the Democratic initiatives.

One of them deals with a controversial issue, medicinal use of marijuana. But what did we do? We decided that D.C. took a referendum, and we prevented them for the last year from even counting the results of that referendum.

Well, that is not the responsible way to address a controversial issue. I will not get into that any further except to say this is not the way that we treat a community; it is not the way we would treat communities within our district.

We have got a domestic partners law, and it says that D.C. cannot offer health insurance for domestic partners. But yet 3,000 employers across the country do it in any number of State and local jurisdictions. We never restrict any of those States and local jurisdictions. We did not tell employers they cannot do it, but we tell D.C. it cannot do it.

There is a Contraceptive Coverage Act that has received a lot of publicity. It does seem that if a health insurance company is going to cover things like Viagra for men, it ought to cover contraception for women. That seems only fair and equitable.

We put in legislation that said that they cannot do that unless they include the kind of religious exemption and ability to opt out on the grounds of moral objections, which makes sense, except that it is very broad and, again, we do not do it to anyone else.

I think D.C. should be able to control these issues on their own. They are the ones that are being held responsible. The Mayor is going to pocket veto the contraceptive coverage and insist on the religious exemption clause. But let him do it. He is held accountable. Let them make that kind of decision. It is not up to us to be doing that.

And the same legislation exists in 13 States. We have not tried to restrict them in any of those States that we have legitimate control over.

Again, there are a number of specific situations that are objectionable in this bill. We have 68 general provisions that I mentioned. Many of them were punitive. They were one-time measures. Five of them are already Federal law. We have got another dozen roughly that are already included in the D.C. Code or in the D.C. budget. To include them is superfluous.

Why do we leave this junk in an appropriations bill? We want to clear it out. That amendment should have been made in order.

Mr. Chairman, we will now embark upon probably a spirited and controversial debate. But the bottom line is that we ought not be having this debate because every issue we will discuss has been discussed by the members of the District of Columbia City Council, has been considered by the Mayor, has been considered by the citizens of the District of Columbia.

We live in a democracy. They should be able to exercise their democratic rights, and we should not be overruling them.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the bill.

I want to compliment the chairman and members of the subcommittee. This was not an easy bill to bring before the subcommittee or the full committee. There were considerable differences of opinion, to say the least.

However, I am happy to report to our colleagues the good news. This is the final appropriations bill to go through the House of Representatives in this phase of our appropriations process. Not only is this number 13, but the House has already concluded work on the Supplemental. We have conferenced the Supplemental. We have conferenced the Military Construction appropriations bill. We have conferenced the Defense Appropriations bill. And several other conferences are under way as we speak.

So we are moving right along. I think the Members will be happy to hear that this is the final bill, this is the 13th bill.

I wanted to say something about the process. The gentleman from Virginia (Mr. MORAN) when he spoke earlier talked about treating the Democratic amendments one way and Republican amendments another way. I will say to our colleagues that during the entire process on this bill and every other bill we have treated both Republicans and Democrats the same way. If an amendment was germane to the bill, we debated the amendment as much time as the Members wanted. And on occasion that was a lot of time. But we took whatever time was necessary to give everybody a fair opportunity to present their views and to support or oppose the amendments that were before the committee.

Here in the House, on each of those amendments that we knew were subject to a point of order, we allowed the Member who sponsored that amendment sufficient time to explain the amendment before we ever pressed for the point of order. So I think we have bent over backwards.

I served here for a long time in the minority, and I do not recall that ever happening to one of our amendments when we were in the minority. If there was a point of order lying, the point of order was raised and the amendment was stricken at that point.

In fact, on one occasion, just a few days ago, we allowed 3 hours of debate under unanimous consent on an amendment offered by the Democratic side of the House knowing full well that it was subject to a point of order. The sponsor of the amendment knew that it was subject to a point of order, but yet we allowed 3 hours of debate.

Now, how the gentleman could suggest that we have treated Democrats differently than Republicans I do not know. But we have bent over backwards to be extremely fair to both sides of the aisle. And what is fair for one side is fair for the other.

I hope that we can resolve these differences today, Mr. Chairman; and I hope that we can pass this bill and let the appropriators get busy with the conference meetings with the other body so we can conclude our appropriations business well ahead of the beginning of the fiscal year.

Mr. MORAN of Virginia. Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who is the one person actually elected by the D.C. residents to represent them.

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise to speak for the city where free Americans reside, not the Federal city. The Federal city belongs to everyone. As free American citizens, Wards 1 through 8 belong to those of us who live in the District of Columbia.

Each year lots of time has been spent debating the minutia of details of one city far afield from urgent national business and outside the competence of national legislators. The result, without exception, has been multiple vetoes that ultimately result in turning around the very controversial amendments voted into this bill or substantially changing them.

When will we learn? Hopefully, this year. There is not enough time left in this session to play games with the D.C. appropriation.

The Mayor, the D.C. council and I have been clear about our two major objections to this bill. One: not merely cuts, but redirection of the remaining funds from indispensable priorities that the Mayor and the council specifically requested Federal funds to cover, including a subway station that is essential to the District's number one economic priority and to a new Federal ATF facility on New York Avenue; and two: reinserting into the bill not only social riders, to which we have always objected, but gratuitously a far larger number of riders that are so out of date, or irrelevant that OMB and the District believed that no Member would want the bill encumbered with them.

A new administration that is cleaning house in the city and streamlining D.C. government deserves at least to be relieved of outdated and redundant riders from prior city administrations.

The dollars used in this bill to pay for items meant to be federally funded deserve special mention and has been discredited in a June 30 GAO report commissioned by the chairman himself.

The bill requires D.C. to use interest accumulated on D.C. accounts instead of Federal money in the President's budget. Yet the June 30 GAO report to the chairman stated that Congress has already instructed the District on how the interest must be used. The GAO concluded: "As a result, the District does not have any interest earnings on available Federal funds."

The Mayor and the city council have made their views known in writing to the chairman, and I have had some discussions with him. The bill is not yet acceptable to the District, and I ask my colleagues to vote no on this bill.

We are not naive about bills before this body. We are prepared to support any amendments or changes that would produce not the preferred bill but a better bill. To accomplish this, it will take more give and take and more respect for the local prerogatives freely given to every other locality than this bill reflects for the District.

Let us get to work and challenge ourselves to do better.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend, the distinguished chairman of the full committee, for yielding me the time.

My compliments to the chairman and the ranking member for the time and energy they and their staffs have put forward devoted to reviewing the D.C. budget and bringing this bill to the floor in a timely manner.

Just a few years ago, the District of Columbia government faced a financial crisis of epic proportions. That situation was so severe that the District could not deliver basic services, and there was a very real concern that it would run out of cash to pay its debt service or to even meet its payroll.

Today, the city's population is stabilizing, the real estate market is up, suburban residents are making more leisure trips into the city, and jobs have increased dramatically.

Next year, the Control Board will go in a dormant state, as anticipated in the legislation that we passed here in 1995. The city has balanced its budget for a fourth straight year; and its leaders are showing, with only a handful of exceptions, that they are focused on fostering economic growth and delivering basic services.

This budget goes a long way toward continuing the tremendous strides we have made in the Nation's capital over the past 6 years. It funds a wide variety of programs. It will greatly enhance the quality of life for D.C. residents and those who visit and work in this wonderful city from enhanced resource for foster care, for drug treatment and public education, to money to clean up the Anacostia River and construct a Metro Rail Station on New York Avenue.

☐ 1415

There are funds for a number of programs to bolster opportunities for the city's youth population, including $500,000 for character education and $250,000 for youth mentoring programs.

And there is much more: $1 million for the Washington Interfaith Network for affordable housing in low-income neighborhoods and another $250,000 for new initiatives to battle homelessness; $6 million to cover the city's costs associated with the 2001 presidential inauguration; $250,000 for Mayor Williams to simplify personnel practices, money which will allow the city to build on the many improvements already under way in the area of management reform.

But there are shortcomings to this bill as well. I am concerned, for example, that funding for the D.C. college access program, a program created by legislation I introduced in the last Congress, is cut by $3 million in this budget. I am profoundly concerned that this shortage could leave some D.C. students out in the cold, back in their old disadvantaged position and unable to become all that they can and should be. However, I am heartened by the fact that the Senate has a higher 302(b) allocation and that hopefully when this comes to conference some of this money can be restored. I urge my colleagues to restore the funding level for this historic program.

The religious exemption or conscience clause that is in this legislation may be rendered moot by the fact that the Mayor has said that he will pocket veto this legislation. In my judgment, the city council made a huge mistake in not having a conscience clause attached to their contraceptive coverage legislation, but we ought to let the city and encourage the city to remedy the mistakes they make. That is the only way democracy is going to grow and nurture, is not having us try to redo everything that they do but make them accountable for their own ordinances and their own mistakes. In this case, I think the council and most importantly the Mayor have stepped up to the plate and have said that they would try to remedy this on their own.

Overall, I commend the gentleman from Oklahoma (Mr. ISTOOK), though, for this forward-looking spending plan, a budget that ensures the District of Columbia's renaissance will continue in coming years. I am proud to have played a part in the city's rebirth these past years, and I want to thank the fellow members of my subcommittee on the authorizing side, the gentlewoman from the District of Columbia (Ms. NORTON), the ranking Democrat; and the gentlewoman from Maryland (Mrs. MORELLA), my vice chairman; and other Republicans and Democrats for the work that they have done over these past years to get the District back on its feet. I wish Mayor Williams and the city council the best of luck in the future. I think the city is in pretty good hands at this point. Although this bill is not everything it can and probably should be, this is a very difficult measure to craft, as we have found every year on this floor.

I urge a "yes" vote on the bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I rise to express my concern about the amendments regarding needle exchange programs in the District of Columbia that are being offered by the gentleman from Indiana (Mr. SOUDER) and the gentleman from Kansas (Mr. TIAHRT). The bill before us already bars the use of Federal funds to pay for these programs. But the Souder amendment would go further. It would prohibit the people of the District from using their own money, money obtained through local taxation, for programs that are widely supported by the local citizenry. This is unfair to D.C. citizens who find themselves subject to the whims of representatives whom they did not elect. But I would submit it is also a terrible precedent for the country as a whole, because despite the squeamishness of some Members of Congress at the mere sight of a needle, the truth is that these programs work. They prevent HIV infection. They do not encourage or increase drug abuse. In fact, there is solid evidence that they actually help reduce drug abuse by encouraging injection drug users to enter treatment.

It is bad enough for legislators to overrule local decision-makers in matters of this kind, but it is the worst kind of irresponsibility for us to substitute our own uninformed opinions for the sound judgment of the public health community, to say, in effect, Our minds are made up. Don't confuse us with facts.

I have seen what needle exchange programs have accomplished in Massachusetts, Mr. Chairman. I know they save lives. If the Souder amendment becomes law, more people in Washington, D.C., may be infected with the AIDS virus. More people will die of it. And our Nation's capital will continue to lose ground in its fight to protect the public health of its citizens.

On the other hand, if the Souder amendment is enacted, local needle exchange programs in the District will somehow manage to carry on their work without the benefit of public funding as they have been doing with the current restrictions. But the Tiahrt amendment would have a serious and immediate impact on these existing programs. It would prohibit them from distributing sterile needles within 1,000 feet of a school or university, public housing project, student center or other recreational facility. I realize the gentleman is trying to protect children from exposure to unsafe needles and the drugs that are used to inject. I only wish the problem were that simple. As a former law enforcement official, I have spent considerable time in our inner cities. The reality is there are plenty of needles out there well within 1,000 feet of schools and housing projects and student centers, and those needles are not sterile.

This amendment will do nothing to change that tragic reality. It will not keep out the drugs and drug paraphernalia that litter these urban battlegrounds, if you will. It will not keep out the diseases that are spread by ignorance and lack of sanitation. What it will do is make sure that these kids who inject drugs and who live in these neighborhoods, the very young people who are at most risk for HIV/AIDS, hepatitis and other diseases transmitted through infected needles, will have no recourse but to reuse unsterile equipment.

We cannot cure the problem by throwing a cordon around our public institutions. Only good science and sound health policy can do that.

I urge my colleagues to reject these amendments.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), one of the valued members of our subcommittee.

Mr. TIAHRT. Mr. Chairman, I would like to step back just 6 years and look at the District of Columbia because it was a very different place then. They were running a budget deficit. Schools were failing. It was known as the murder capital. And crime had kept people in fear.

The first interaction that I had with the District of Columbia was trying to get a constituent who had been killed by a taxi, have their body released to the family. Red tape ruled in the District of Columbia, and it was a very large task just to get the deceased released to their family.

But today it is a better city by a long ways. The D.C. budget is balanced, and that is why it was accepted in this bill. The quality of education has improved through charter schools and through new projects in public schools. It is a safer community to live in. And the people from Kansas are more comfortable when they come to the District of Columbia. Things have gotten better.

But it did not happen by accident. Congress did get involved. It provided oversight. The D.C. control Board insisted on revisions to the city and to the police department. The gentlewoman from the District of Columbia (Ms. NORTON) said earlier the Federal city belongs to everyone. I think that is exactly what the writers of the Constitution had in mind when they gave Congress, and I quote, "power to exercise exclusive legislation in all cases whatsoever," in article 1, section 8 of our Constitution.

The opponents of our bill say, Well, our cities aren't regulated like this, so we shouldn't be involved. But if you talk to the city councils in Kansas, they know that Congress has intervened. They have intervened through the Clean Air Act, through clean water regulations, through transportation regulations, air travel regulations, labor regulations, wage restrictions. And the people in the city have been regulated by Congress, too, health care, work requirements. Congress has injected itself into our schools, our hospitals, our city councils and our own homes. Congress does have oversight of the District of Columbia.

So the question is, How should we be involved in this process? I think one of the things that this bill does that is very positive is that we go into the areas of this city which need to be reclaimed and provide mentoring programs to children that are at risk, giving a mentor to them, to be with them when they need to go to school to find out their homework assignments, when they need to go to the hospital or to the physician, and God forbid they should have to go to court, the mentor is there with them. This bill provides such help. It also provides a hotline so that if someone is in need in this city, they call a hotline and they are not let off the phone line until they are directly connected with an agency that can provide directly for their need.

There are other things we are going to debate. We are going to debate where we should deliver needles through the drug needle exchange program. I personally think we ought to protect the children. We have talked to the District of Columbia Police Department. There are currently four locations that would not be affected by my amendment where needles could be distributed.

As we continue this debate, Mr. Chairman, I hope we come to a conclusion and pass this bill today.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 30 seconds on this issue, we are going to have a little time later on to discuss it, in terms of needle exchange.

D.C. has the worst problem of AIDS infection of women and children, and the principal reason is the exchange of dirty needles. The exchange of clean needles works, but it is very restricted because of the Congress' intervention. This amendment would effectively preclude even private organizations from being able to address this problem. There are too many women and children dying of AIDS in D.C. We ought to do whatever is necessary to save their lives.

Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), the leader of the Smart Growth Initiative nationwide.

Mr. BLUMENAUER. Mr. Chairman, I can only imagine the frustration that the gentlewoman from the District of Columbia (Ms. NORTON) must feel talking about the special benefits that are accorded to the District of Columbia; for indeed what we have done, the District has special obligations that no other local government in the country has. It has the burdens of both a city and a State and it does not have the tools that we give the rest of America. On top of that, Congress is interfering unnecessarily, making that job even harder.

Not only does it add unnecessary and outdated riders, but the budget that we are discussing here today is $22 million below last year's funding level. The funding that remains is not fairly distributed to the city's most urgent economic and educational priorities.

I care specifically about livable communities, and I would like to reference two: one, the New York Avenue Metro station and Poplar Point in Southeast District of Columbia. The proposed Metro station at New York and Florida Avenues is the linchpin of proposed new economic development activity for the District.

We here in the District every day experience poor air quality, choking traffic. We hear about problems of sprawl and economic development. The proposed Metro station represents an important step in bringing jobs and people together in a location that is convenient for commuters and does not increase sprawl or require massive additional infrastructure investments in outlying areas.

This has been extensively planned through public and private initiatives with the District, the Federal Government, and the private sector each committing one-third of the funds. While the city and the private sector have stepped up, Congress is shirking its duty by not providing the full $25 million in Federal funds that the President has proposed. It includes only $7 million directly and makes up the remaining $18 million through accounting gimmicks, including the borrowing on the city's interest fund which only has $6 million left and is already obligated by other uses.

The choice forced on the city to delay building the station or losing other important priorities is not acceptable. We compound this missed opportunity by the nearby development of the Metropolitan Branch Trail, the bicycle beltway within the Beltway that could have the $8 million that we have already allocated through TEA-21 coordinated with the station. We risk losing both the station and the coordination of the trail. It would be a tragedy.

Poplar Point, a 110-acre site along the southern corridor of the Anacostia River, has the potential of becoming a vital urban waterfront, serving the needs of District residents who now must travel faraway to enjoy the waterfront amenities that are right outside their and our door.

Not only has the site been neglected by the Federal Government, but a portion of the environmental damage is the result of pesticide residue left by the Architect of the Capitol, because that was our nursery that operated there for many years. It adds a new dimension of interference for the Congress in the District of Columbia. It illustrates the special responsibility we owe to the District both as a neighbor and as a tenant.

The bill does not provide the requested $10 million for environmental cleanup and infrastructure improvement needed to spur the redevelopment and improve the economic health for the residents living near Poplar Point.

□ 1430

Between the irrelevant riders, the limitations of the District's ability to self-govern, we are missing an opportunity. It is not just unfair to the residents of the District of Columbia, it is not fair to the American public.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I keep hearing people try to create a fiction that supposedly we are not taking care of what the District says is its top priority; namely, the Metrorail station at New York Avenue. In fact, at the Full Committee, we shifted a few million dollars more of Federal funds into the Metrorail project, as well as the interest earnings on the Federal and other funds that we are allocating.

Mr. Chairman, I heard the gentleman from Oregon (Mr. BLUMENAUER) say, oh, but the fund only has $6 million, and it does not have $18 million. That is not accurate. Mr. Chairman, what has happened is after the control board found out that we thought that money should go to the top priority of the District, then we started receiving lists saying "we have these things that were not part of our budget, we want to spend this money on something different than our top priority." And that is where we found out they want to spend the money on more bonuses at city hall and golden parachutes for people involved with the control board, to double their budget in the control board in their last year of operation, Mr. Chairman.

I wanted to correct that, Mr. Chairman; and I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of our subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I live in D.C. and have for some time. I have sat and I have talked to residents, many of them minorities, and many saying to me we need help for years and years and years. When we look at the school systems, we look at the economy, we look at the Anacostia River, the sewage systems, the crime, the drugs and the lack of response, they would say, I know you are a Republican, we are Democrat, but would you help us?

I think this committee has done a lot in the last few years. I say to my colleagues that for 30 years my D.C. was kind of an anachronism, that there was not that help and we let the D.C. rule, but then we had a mayor that ended up putting more cocaine up his nose than worrying about the economy of his own city. The good news is that Mayor Williams is trying to work with us and do many of the things that we are trying to do for this city.

I lived by the train station and in one year, my car was broken into twice. I heard a gunshot out my driveway, a young man was caught and said he just wanted to know what it felt like to kill somebody. Two of the women in my complex were mugged going into a locked gate. There is a grocery store, the little mom and pop store, across the street was robbed six times in one year. The residents were saying, we have to live in this, can you do something, Mr. Congressman. Our children, the roofs on their schools are falling apart. And my colleagues will remember they had to cancel schools. We fully funded schools. We established charter schools.

My own party wanted to cut funds from our public funds, and we were able to work in a bipartisan way saying that our schools are moving in the right direction, let us fully fund them. And I think we have seen some movement. We have a long way to go in this Nation's Capital, but there are good teachers. There are good schools, but many of those schools are still failing and we need help.

That is the direction we are working in. When I first arrived here, there was a woman on the board that was appointed by Marion Barry that could not read. She was on the committee on the budget, but she had never had an accounting course. She was a functioning illiterate, but yet she was a political appointee. We appointed a board to try and help that. And we have done a lot of very positive things in that.

We wanted to work on something for D.C. We need a long-term sewage problem. Every time it rains in Washington, D.C., and it is raining right now, that raw sewage goes into the Anacostia River every time it rains. It has the highest fecal count in any river in the United States, and we need to address that.

The mayor is trying to take that up as well, the cleanup of the Anacostia River. But I look at the economy. When I first came here, the city was left up to its own devices, they had month-to-month leases. Now no business is going to come into the city and make an investment, because people were getting money under the table.

They had governmental control over those businesses to make them do what they wanted, and no one would invest. And we looked at the businesses. We could not even get a Safeway here because of the practices of the city councils and the government, and we have changed that, in a bipartisan way. We are starting to get investment. We have increased those leases. We are starting to get jobs into D.C., and I think that is positive change.

I would say one thing about the Tiahrt amendment, if we look at his amendment on drug exchange, none of my colleagues would want one of these outside their door, because it attracts drug dealers, it attracts drug users. Needles are discarded. What his amendment says, where we have schools, where we have parks and swimming pools, where children play barefooted and fall, that we do not want to have our children to have the risk of the contracting AIDS or other diseases like hepatitis.

Mr. Chairman, I ask for a support of the bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 10 seconds to respond to the gentleman from Oklahoma (Mr. ISTOOK). With regard to the use of the New York Avenue Metro money, the reality is that that money was included in the D.C. budget, that D.C. budget was received by the Congress before the bill was marked up. There is no way that the D.C. government could have known, and so that money was already spent before we spent it again.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), a most respected and effective legislator.

Mr. CUMMINGS. Mr. Chairman, I want to thank the gentleman from Oklahoma (Mr. ISTOOK) for yielding the time to me and to say to the last speaker, the gentleman from California (Mr. CUNNINGHAM), one of the interesting things is about the needle exchange program in Baltimore, there are people who actually want the needle exchange program in certain areas, because they have discovered that it cleans up the needles. It gets rid of the problem. I think that one should take a look at that, and that is something very important.

The other thing that I find so interesting is how the gentleman from Virginia (Mr. DAVIS) and now the distinguished gentleman from California (Mr. CUNNINGHAM) have talked about the wonderful job that the mayor is doing. He is doing an outstanding job and a wonderful job. I would also say that the gentlewoman from the District of Columbia (Ms. NORTON) is doing a wonderful job.

At some point in time, folks ought to be able to control D.C. themselves. We do not have to have Big Brother hanging around forever and forever. I think that it has been clear and it has been said here over and over again by both sides that they are doing an outstanding job.

The motto for the District of Columbia is justice to all. Justice in the form of the ability of District of Columbia residents to use their own funds to operate needle exchange programs in areas they deem appropriate. Justice in allowing D.C. to determine appropriate laws to address the issue of tobacco use among minors. Justice in the right of District of Columbia residents and the city council to approve and enact legislation that will permit city employees to receive health insurance benefits for their long-term partners, regardless of gender, and to require insurers and employers to cover contraceptive if other prescription drugs are covered.

Justice in increased funding for Metrorail construction at New York and Florida Avenues, Northeast, an area ripe for economic development.

Justice in increased funding for tuition assistance for District of Columbia college-bound students, helping to offset out-of-State tuition costs at colleges and universities across the country. As a result of this program, numerous D.C. students applied to Maryland colleges and universities, including 10 at Coppin State University and Morgan State University in my district.

Justice in the right of the District to use funds to petition for or file a civil action intended to obtain District voting representation in Congress.

Unfortunately, if this bill is passed in its current form, justice to all will not prevail. Instead, this body will send a message to District residents that they are not to be afforded justice, but are to be burdened with requirements that

Congress imposes on no other local jurisdiction and stripped of their right to make local decisions.

I submit that it is our duty as lawmakers to ensure that justice is applied impartially and equally to all of our Nation's citizens. Therefore, I urge my colleagues to oppose this bill and support District residents and the principle of justice for all.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is a general principle we often quote here that says, you should not do for people what they are capable of doing for themselves, because you don't want to restrict their ability to grow and to achieve.

It is not a matter of we do not want to help them, but it is a matter we want to do it in the right way.

I hear a lot of comments about we ought to be doing more for the District here, we ought to be doing more for the District there. Then I hear people say, oh, we have cut this budget or that budget. For example, they claim, inaccurately, but they claim, that we have cut a Federal commitment to the metro subway station. Let us back up.

What Federal commitment are we talking about? We are talking about the budget proposal submitted by the White House which is not a budget submitted or approved by the Congress. Just because something is proposed by the President, let us not pretend that if we do not agree with the President on something, that we have gone out and we have cut budgets or that we reneged on a commitment; that is not the case.

We have made sure that rather than going to this new, after-the-budget, laundry list of things that now they say are higher priorities than the metro subway station, so we cannot spend money out of this account for it. Instead of doing that, we said no, we are going with the top priority of the metro station.

Let us look at what the District is doing or not doing for themselves. We know they have remaining significant management and financial problems. Let me just give my colleagues the figures on just one of them. In addition to the money budgeted and tens of millions of dollars of subsidies that were budgeted, the D.C. General Hospital with the Public Benefit Corporation in the last 4 years has had loans, so-called, of $174 million, which were, in fact, spending beyond what was authorized or appropriated by law.

In that one institution alone there was $174 million. On top of the subsidies, on top of their budget. We had a hearing on this, more than one hearing that we had, and District officials including the central board said they are not loans they are receivables because the hospital is supposed to pay it back out of money they receive. No, they know that. They do not even have the hospital sign any paper. There is no written agreement. The city and the control board just write checks for millions of dollars until they have gone $174 million in the hole, beyond their budget, beyond the subsidies, and then the District government writes it off.

They have a group looking at it right now that is telling horror stories about the level of management. In fact, the just-fired individual in charge, even though people will say when he was in charge, this hospital got run into the ground even farther than it was already, he wants a million dollars severance pay, a million dollars severance pay for helping something go $174 million in the red.

That is the kind of priorities or lack of them that waste money, and then they come to Congress and say we make up the difference, and then claim we are reneging on a pledge made at 1600 Pennsylvania Avenue if we do not just rubber stamp that instead of trying to take a more responsible approach.

They say we are using too much of their money for these things. We are using money of the taxpayers of the United States of America in this bill, $414 million. And we still have management problems. I agree that Mayor Williams is working diligently and making a bona fide effort, but if we look at who is still in charge, the upper level, what they call the "excepted service" positions, in other words, these are the people that can be hired and fired by the mayor, as opposed to through a civil service system.

The Department of Consumer and Regulatory Affairs still has 62 percent of the upper level people who are holdovers from the prior administration and administrations that had these severe problems with how they handled taxpayers' money.

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In the Department of Employment Services, two-thirds, two-thirds are still management holdovers. In the Office of Contracting and Procurement, two-thirds are holdovers. In the Department of Public Works, 62 percent. There is a lot of change that has not happened yet. There is a lot of savings the District can achieve in its own budget, and we are trying everything we can to help them to do that.

But remember, you ought to come to this Congress, and if you are wanting people to do something because you are the Nation's Capital, you ought to show what you have done for yourself. We had, I believe it was $330 million in past years, that this Congress provided to the District for management reforms to achieve savings, and we had the General Accounting Office go in a few months ago and say, okay, we spent $330 million supposedly to create savings beyond that figure. How much savings can you find?

GAO said, well, you spent $330 million, and the savings were supposed to be $200 million annually. What was actually achieved was about $1.5 million annually. You spend $330 million, and you get back $1.5 million? That is not a good investment by the taxpayers. The District needs more focus on getting its own House in order. It is making progress, but it has not made near enough. It needs more focus on that, rather than accusing the Congress of not doing its job.

Mr. Chairman, I ask support for this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, we debated the D.C. bill six times on the floor, and it was vetoed twice last year. The principal issue was needle exchanges. We are going to have the ranking member of the Permanent Select Committee on Intelligence, and for many years the chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, the gentleman from Los Angeles, California (Mr. DIXON), explain how important this needle exchange program is and why the amendment that is going to be offered will not work.

Mr. Chairman, I yield 3 minutes to the gentleman from Los Angeles, California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, I thank the ranking member for yielding me time.

This is the traditional day that when the city is wrong, it is wrong; and when the city is right, it is wrong.

The bill provides to allow the city of Washington D.C. to have a needle exchange program to use its own funds and private funds. The gentleman from Kansas (Mr. TIAHRT) is going to offer an amendment that basically says within 330 yards of 14 designated areas, that you shall not be able to implement the needle exchange program. It is really a fox in sheep's clothing. The gentleman from Kansas (Mr. TIAHRT) in the full committee voted against the program, so he is not here to in fact assist the needle exchange program in any way or for good public policy reasons.

When the gentleman shows you a chart later, he will have designated some schools that in fact one will not be allowed within 330 yards to provide needle exchange programs. But that is only one element of the amendment. There are 13 others. So when you add that to the list, and you consider that Washington, D.C., is only 66 square miles, that leaves about five positions that you can exchange needles: the Mall, Soldiers' Home, Bolling Air Force Base, St. Elizabeth's, Washington Hospital Center, and Rock Creek Park.

The problem with the D.C. bill is that no one comes to the floor straight; they come with a cosmetic reason for whatever they want to do. This Tiahrt amendment is designed to make the needle exchange program ineffective. It should be voted down.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the gentleman from California (Mr. DIXON) explained, the amendment that we will be considering precludes the ability of any needle exchange program to effectively operate.

Now, why is that important? It is important because we have hundreds, thousands, of residents of the District of Columbia who are infected with the ignominious disease of AIDS, and in the District the population where the AIDS epidemic is growing fastest are women and children.

Imagine what it must be like to realize that your baby is infected with AIDS. Now, you can blame the mother, you can blame whoever, you can blame society; but the reality is that there is horrible, unjust suffering going on, and the principal reason for that pain and suffering is because of the use of dirty needles.

The only program we have found that actually works, and we have any number of studies that proves that it works, is when an organization offers clean needles. But you only get a clean needle if you give back a dirty needle, and you have to get into a program. It is access to drug treatment, and it is working.

Mr. Chairman, we might like to turn our backs and pretend this stuff does not go on and pretend there are easier ways to do it and ways that are less controversial, but there are not. They are not working as effectively, and that is why the administration stood up and kept vetoing this bill, because we have to care about people who are suffering and dying needlessly, if there is a way that we can stop it.

This program can stop it, and that is why we ought to let it function, but not with any Federal funds, not with any public money, all with private donations. That is the point, that is how the program is being operated. But it ought to be allowed to operate. That is only fair. And the D.C. Government ought to be allowed to decide how it is going to cope with its problem, and not let us gain political advantage by superseding their judgment and preventing them from being able to address a critically important, desperate need within the District of Columbia. That is why this issue is so important.

There are funding issues. Maybe we can take care of the funding issues in conference. We are going to try to do that. It is silly, when we have a $2.2 trillion surplus, a $1.7 trillion budget, we cannot find $31 million to make the District whole on a contractual obligation that we agreed to assume.

So I trust we will be able to find that money. The District is getting on its feet. It has got a great Mayor, it has got a good city council. It is getting a lot of good people in running its government. If we believe in democracy, if we believe that the people have the power to regulate, to run their own affairs, that they will elect the people that will provide the kind of quality of life and security in the future for their children that they decide they want, that is what this is all about.

Let us extricate ourselves from these matters where we ought not be involved. Let us do right for the District of Columbia. Until we fix this bill, I do not think we can support it.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 2 minutes.

Mr. ISTOOK. Mr. Chairman, drug problems in the District of Columbia are America's problem, because Washington, D.C., is America's capital. I am sorry to hear that the gentleman says that if you do not have a program to exchange drug needles, you are causing pain and suffering. No. Pain and suffering is caused by the use of drugs. Crime is caused by the use of drugs. Parents failing to take care of their kids is caused by the use of drugs.

You are saying dirty needles cause pain and suffering? No, people injecting themselves with drugs cause pain and suffering. We are not talking about sewing needles here; we are talking about hypodermic syringes, needles for people to inject illegal drugs into themselves, and a program operating in broad daylight out on public streets to do these swaps. Bring in a dirty needle, get a clean needle, go shoot yourself up.

I know a couple of people that the other day observed one of these sites, and it was an area where there were residences and small businesses. The van is there for a few hours, and just minutes after the van they used for the needle exchange pulls away, you know what pulled up? A school bus. It is a bus stop for school kids.

The D.C. Council passed its own law declaring drug-free zones. The amendment of the gentleman from Kansas (Mr. TIAHRT) just says those areas that the District has already chosen to be drug-free zones should not be used for these programs to exchange drug needles. The D.C. Council defined them. For example, 1,000 feet around a youth center or public library or public housing or a swimming pool or an elementary school or vocational school or a video arcade, the D.C. Council says those sites are supposed to be drug free zones. The amendment of the gentleman from Kansas (Mr. TIAHRT) just says if that is supposed to be a drug-free zone, what are you doing with a drug needle exchange program taking place in the same spot?

I urge support of the bill; and when the time comes, I certainly will support the amendment of the gentleman from Kansas (Mr. TIAHRT).

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill shall be in order except those printed in the CONGRESSIONAL RECORD, pro forma amendments for the purpose of debate, and amendments printed in the House Report 106–790.

Amendments printed in the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, $14,000,000, to remain available until expended: *Provided,* That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: *Provided further,* That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: *Provided further,* That not more than 5 percent of the funds may be used to pay administrative expenses.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: *Provided,* That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13–679, enrolled June 12, 2000.

Federal Payment to the Chief Financial Officer of the District of Columbia

For a Federal payment to the Chief Financial Officer of the District of Columbia, $1,500,000, of which $250,000 shall be for payment to a mentoring program and for hotline services; $500,000 shall be for payment to a youth development program with a character building curriculum; $500,000 to remain available until expended, shall be for the design, construction, and maintenance of a trash rack system to be installed at the Hickey Run stormwater outfall; and $250,000 shall be for payment to support a program to assist homeless individuals to become productive, taxpaying citizens in the District of Columbia.

Federal Payment to the District of Columbia Corrections Trustee Operations

For salaries and expenses of the District of Columbia Corrections Trustee, $134,300,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, $99,500,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,709,000; for the District of Columbia Superior Court, $72,399,000; for the District of Columbia Court System, $16,892,000; and $2,500,000, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: *Provided*, That none of the funds in this Act or in any other Act shall be available for the purchase, installation or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives:

Defender Services in District of Columbia Courts

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $34,387,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $2,500,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $2,500,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC–99–226 regarding payments to court-appointed attorneys and shall report to the Office of Management and Budget and to the House and Senate Appropriations Committees quarterly on the status of these reforms.

Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712) $115,752,000, of which $69,871,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $18,778,000 shall be transferred to the Public Defender Service; and $27,103,000 shall be available to the Pretrial Services Agency: *Provided*, That of the amount provided under this heading, $22,161,000 shall be used to improve pretrial defendant and post-conviction offender supervision, enhance drug testing and sanctions-based treatment programs and other treatment services, expand intermediate sanctions and offender re-entry programs, continue planning and design proposals for a residential Sanctions Center and improve administrative infrastructure, including information technology; and $836,000 of the $22,161,000 referred to in this proviso is for the Public Defender Service: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

Federal Payment for Washington Interfaith Network

For a Federal payment to the Washington Interfaith Network to reimburse the Network for costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions, $1,000,000: *Provided*, That such activities may include architectural and engineering studies, property appraisals, environmental assessments, grading and excavation, landscaping, paving, and the installation of curbs, gutters, sidewalks, sewer lines, and other utilities: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Network has received matching funds from private sources (including funds provided through loans) to carry out such activities in an aggregate amount which is equal to the amount of such payment (as certified by the Inspector General of the District of Columbia) and has provided the Secretary of the Treasury with a request for reimbursement which contains documentation certified by the Inspector General of the District of Columbia showing that the Network carried out the activities and that the costs incurred in carrying out the activities were equal to or less than the amount of the reimbursement requested: *Provided further*, That none of the funds provided under this heading may be obligated or expended after December 31, 2001 (without regard to whether the activities involved were carried out prior to such date).

Tax Reform in the District

For a Federal payment to the Mayor of the District of Columbia for a study analyzing the District's tax structure, and the anticipated impact upon the District's economy and government of recent and potential tax changes, and of tax simplification, $100,000, to remain available until expended. This may include but not be limited to proposals made by the District's Delegate to the House of Representatives. *Provided*, That the Mayor shall enter into a contract for such analysis only with a qualified independent auditor who is experienced in analyzing tax sources and who has no other affiliation with the District government.

AMENDMENT NO. 1 OFFERED BY MR. ISTOOK PRINTED IN HOUSE REPORT 106–790

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106–790 offered by Mr. Istook:

Strike the item relating to "Tax Reform in the District".

In the item relating to "Metrorail Construction (including transfer of funds)", strike "$7,000,000" and insert "$7,100,000".

In the item relating to "Metrorail Construction (including transfer of funds)", strike "$18,000,000" and insert "$17,900,000".

The CHAIRMAN. Pursuant to House Resolution 563, the gentleman from Oklahoma (Mr. Istook) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. Istook).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think 5 minutes will be necessary. I believe this amendment will be adopted by unanimous consent and neither of us will need the 5 minutes.

This simply removes an item for a study of the future tax structure potential in the District and shifts the $100,000 in Federal funds that was allocated for it to support the new Metro station that is planned at the New York Avenue site.

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I believe there is no debate, and if that is the case I would ask unanimous consent that we yield back the balance of our time and adopt the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond, but not in a critical manner. Mr. Chairman, what we are withdrawing here is a study that was proposed that was related to the idea of a D.C. commuter tax. There had been a provision that was included in the subcommittee bill by the gentleman from Oklahoma (Mr. Istook) that said that if residents of suburban Maryland or Virginia earned money in the District of Columbia they do not have to pay state income taxes on that money to Virginia or Maryland or basically any other State where they might reside. So it meant every Member of Congress who earns their money here would not have to pay any state income taxes on their income, until the District was permitted to tax income they might earn in the District.

What we could have done is to suggest then that if that is the case then any resident of the District of Columbia that earns money in another State would not pay taxes in D.C., and D.C. would have wound up worse because the reverse flow of people finding jobs in the suburbs where the economic growth is happening is even greater than economic development in D.C. So there were problems with that. It was withdrawn.

There was going to be a further study. The gentleman from Oklahoma (Mr. Istook), upon consideration and discussion with the chair of the authorizing committee, has decided not to do that study. I personally would have preferred that we do a study that was broad based, looking at D.C.'s long-term revenue needs. I think that needs to be done. I think it could probably be done for $100,000. So I was hoping we would do that, but the study ought to be done by organizations that are located within the District of Columbia, private, nonprofit organizations, probably nonpartisan. We could get maybe the Brookings Institution and the Hudson Institute to collaborate. In doing so, they could look at ways that we can raise sufficient revenues to ensure that D.C. remains the economic core of the metropolitan Washington region but also sustain the economic viability of the suburbs as well.

That is a long-term, mutually shared objective. I know that the gentleman from Virginia (Mr. Davis) is in agreement with that objective. I would hope that we could find the money to put in this bill to do that kind of a study, but I have no objection to the manager's amendment and the decision of the gentleman from Oklahoma (Mr. Istook) at this point to withdraw funding for this study.

No one on this side is going to object to the manager's amendment, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, any study that the District may desire to do certainly they have the authority and the capability of doing whatever study. I certainly would not agree with all of the characterizations of the gentleman, but I certainly appreciate his interest in the economic conditions in the District, as well as in the surrounding Northern Virginia area that he represents.

However, I think we have all agreed that right now there is a high priority with the District of the New York Avenue Metrorail station, and if the District wants to do a study they can do it. In the meantime, we would like to put this Federal contribution of the $100,000 toward that Metro station at New York Avenue.

Mr. Chairman, I ask adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. Istook).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Federal Payment for Simplified Personnel System

For a Federal payment to the Mayor of the District of Columbia to study and design a system approved by the Comptroller General for simplifying the administration of personnel policies (including pay policies) with respect to employees of the District government, $250,000: *Provided*, That the Mayor shall carry out such study and design through a contractor approved by the Comptroller General.

Metrorail Construction

(including transfer of funds)

For a contribution to the Washington Metropolitan Area Transit Authority for construction of a Metrorail station located at New York and Florida Avenues, Northeast, $25,000,000, to remain available until expended, of which $7,000,000 is appropriated under this heading and $18,000,000 shall be transferred by the District of Columbia Financial Responsibility and Management Assistance Authority (DCFRMA) from interest earned on accounts held by DCFRMA on behalf of the District of Columbia government.

Federal Payment for National Museum of American Music

For a Federal payment to the Federal City Council for the establishment of a National Museum of American Music, $250,000, to remain available until expended: *Provided*, That such funds shall be used for the costs of activities necessary to complete the planning phase for such Museum, including the costs of personnel, design projects, environmental assessments, and the preparation of requests for proposals: *Provided further*, That such funds shall be deposited into a separate account of the Federal City Council used exclusively for the establishment of such Museum: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Federal City Council has deposited matching donated funds from private sources into the account in an aggregate amount which is equal to 200 percent of the amount appropriated herein (as certified by the Inspector General of the District of Columbia.)

Presidential Inauguration

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, $5,961,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except for section 136(a) of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $5,689,276,000 (of which $192,804,000 shall be from intra-District funds and $3,245,623,000 shall be from local funds):

Provided further, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

District of Columbia Financial Responsibility and Management Assistance Authority

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000 from local funds: *Provided*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2001 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

Governmental Direction and Support

Governmental direction and support, $194,621,000 (including $161,022,000 from local funds, $20,424,000 from Federal funds, and $13,175,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That $303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: *Provided further*, That no funds except those already encumbered shall be available for the Maximus, Inc., revenue recovery services contract (Contract GF 98104) until such time as the contract is renegotiated to require Maximus, Inc., to recover maximum revenue first for Medicaid reimbursable special education transportation costs, second for Medicaid reimbursable special education residential placement costs, and third for the Medicaid reimbursable costs of Mental Retardation and Developmental Disabilities Administration clients.

Economic Development and Regulation

Economic development and regulation, $205,638,000 (including $53,562,000 from local funds, $92,378,000 from Federal funds, and $59,698,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase or lease of 135 passenger carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government $762,346,000 (including $591,365,000 from local funds, $24,950,000 from Federal funds, and $146,031,000 from other funds): *Provided further*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 2000, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

Public Education System

Public education system, including the development of national defense education programs, $995,418,000 (including $821,367,000 from local funds, $147,643,000 from Federal funds, and $26,408,000 from other funds), to be allocated as follows: $769,443,000 (including $628,809,000 from local funds, $133,490,000 from Federal funds, and $7,144,000 from other funds), for the public schools of the District of Columbia; $200,000 from local funds for the District of Columbia Teachers' Retirement Fund; $1,679,000 from local funds for the State Education Office, $14,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $105,000,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the D.C. public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That the D.C. public charter schools will report enrollment on a quarterly basis: *Provided further*, That the quarterly payment of October 15, 2000, shall be fifty (50) percent of each public charter school's annual entitlement based on its unaudited October 5 enrollment count: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (D.C. Code, sec. 31–2853.43(A)(2)(D); Public Law 104–134, as amended): *Provided further*, That the Mayor of the District of Columbia shall convene a task force to recommend changes, which shall be released by December 31, 2000, to the School Reform Act of 1995, for the purpose of instituting a funding mechanism which will account for the projected growth of charter schools: *Provided further*, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That $76,433,000 (including $44,691,000 from local funds, $13,199,000 from Federal funds, and $18,543,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That $200,000 is allocated for the East of the River Campus Assessment Study, $1,000,000 for the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis, $500,000 for the Adult Education State Plan, $650,000 for The Saturday Academy Pre-College Program, and $481,000 for the Strengthening of Academic Programs; and $26,459,000 (including $25,208,000 from local funds, $550,000 from Federal funds and $701,000 other funds) for the Public Library: *Provided further*, That the $1,020,000 enhancement shall be allocated such that; $500,000 is used for facilities improvements for 8 of the

26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and $119,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That $2,204,000 (including $1,780,000 from local funds, $404,000 from Federal funds and $20,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That $2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: *Provided further*, That $50,000 is allocated to fund a conference on learning support for children ages 3–4 in September 2000 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: *Provided further*, That no local funds in this Act shall be used to administer a system wide standardized test more than once in FY 2001: *Provided further*, That no less than $389,219,000 shall be expended on local schools through the Weighted Student Formula: *Provided further*, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina: *Provided further*, That section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Code, sec. 47–101), is amended as follows:

(a) The third sentence is amended to read as follows:

"However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2001, the fiscal year for the District of Columbia Public Schools and the District of Columbia Public Charter Schools shall begin on the first day of July and end on the thirtieth day of June of each calendar year.".

(b) One new sentence is added at the end to read as follows: "The District of Columbia Public Schools shall take appropriate action to ensure that its financial books are closed by June 30, 2003.".

Human Support Services

Human support services, $1,532,204,000 (including $633,897,000 from local funds, $881,589,000 from Federal funds, and $16,718,000 from other funds): *Provided*, That $25,836,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.): *Provided further*, That $1,250,000 shall be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as follows: $250,000 to cover debt owed by the District of Columbia government for services rendered shall be paid to the Doe Fund within 15 days of the enactment of this Act; and $1,000,000 shall be paid in equal monthly installments by the 15th day of each month: *Provided further*, That $400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13–329): *Provided further*, That $7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13–329).

Public Works

Public works, including rental of one passenger carrying vehicle for use by the Mayor and three passenger carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $278,242,000 (including $265,078;000 from local funds, $3,328,000 from Federal funds, and $9,836,000 from other funds): *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That $100,000 shall be available for a commercial sector recycling initiative: *Provided further*, That $250,000 shall be available to initiate a recycling education campaign: *Provided further*, That $10,000 shall be available for community clean-up kits: *Provided further*, That $190,000 shall be available to restore a 3.5 percent vacancy rate in Parking Services: *Provided further*, That $170,000 shall be available to plant 500 trees: *Provided further*, That $118,000 shall be available for two water trucks: *Provided further*, That $150,000 shall be available for contract monitors and parking analysts within Parking Services: *Provided further*, That $1,409,000 shall be available for a neighborhood cleanup initiative: *Provided further*, That $1,000,000 shall be available for tree maintenance: *Provided further*, That $600,000 shall be available for an anti-graffiti program: *Provided further*, That $226,000 shall be available for a hazardous waste program: *Provided further*, That $1,260,000 shall be available for parking control aides: *Provided further*, That $400,000 shall be available for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

Receivership Programs

For all agencies of the District of Columbia government under court ordered receivership, $389,528,000 (including $234,913,000 from local funds, $135,555,000 from Federal funds, and $19,060,000 from other funds).

Reserve

For replacement of funds expended, if any, during fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $150,000,000: *Provided*, That none of these funds shall be obligated or expended under this heading until (1) the reductions from "Operational Improvement Savings", "Management Reform Savings", and "Cafeteria Plan" have been achieved and the achievement certified by the District of Columbia Inspector General; (2) the Chief Financial Officer certifies that the reserve assets are not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8; and (3) the District of Columbia government enters into leases provided for under the heading "Federal Payment for Waterfront Improvements" in Public Law 105–277, approved October 21, 1998 (112 Stat. 2681–124), as amended by section 164 of Public Law 106–113, approved November 29, 1999 (113 Stat. 1529): *Provided further*, That the unexpended portion of the fiscal year 2000 reserve that is carried over into fiscal year 2001 will free up local funds in the fiscal year 2001 Reserve that can be used to fund selected programs upon certification by the Chief Financial Officer of the District of Columbia that: (1) the Mayor will achieve operational improvement savings and management reform productivity savings in the fiscal year 2001 Budget and Financial Plan, (2) the collection of additional revenues within the fiscal year 2001 Budget and Financial Plan will be achieved; and (3) agency expenditures are monitored and fiscal challenges are addressed to the satisfaction of the Chief Financial Office during fiscal year 2001. The programs that will be funded following certification by the Chief Financial Officer are as follows: Governmental Direction and Support, $4,163,000 (including $621,000 for the Office of the Mayor; $1,042,000 for Human Resource Development; $2,500,000 for the Office of Property Management): Economic Development and Regulation, $3,496,000 (including $3,296,000 for the Department of Housing and Community Development; $200,000 for the Department of Employment Services): Public Safety and Justice, $6,483,000 (including $200,000 for the Metropolitan Police Department, $1,293,000 for the Fire and Emergency Medical Services Department, $4,890,000 for Settlements and Judgments, $100,000 for the Citizen Complaint Review Board): Public Education System, $15,099,000 (including $12,079,000 for Public Schools, $2,500,000 for the University of the District of Columbia, $400,000 for the Public Library, $120,000 for the Commission on the Arts and Humanities): Human Support Services, $17,830,000 (including $4,245,000 for the Department of Health, $1,511,000 for the Department of Recreation and Parks, $574,000 for the Office on Aging, $1,500,000 for the Office on Latino Affairs, $10,000,000 for Children and Youth Investment Fund): Public Works, $4,050,000 (including $1,500,000 for the Department of Public Works, $1,000,000 for the Department of Motor Vehicles, $1,550,000 for the Taxicab Commission): Receivership Programs, $19,300,000 (including $6,300,000 for Child and Family Services, $13,000,000 for the Commission on Mental Health Services): and Cafeteria Plan Savings, $5,000,000: *Provided further*, That the freed-up appropriated funds in fiscal year 2001 from the reserve rollover shall be used to provide funding in the following order: (1) the first $32,000,000 shall be used to provide in the following order, $6,300,000 to the LaShawn Receivership, $13,000,000 to the Commission on Mental Health, $12,079,000 to the District of Columbia Public Schools, and $621,000 to the Office of the Mayor, if the Chief Financial Officer certifies that the first $32,000,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8; (2) the next $37,189,000 shall be used to provide $37,189,000 to Management Savings to the extent, if any, the Chief Financial Officer determines the Management Savings is not achieving the required savings, and the balance, if any, shall be provided in the following order: $10,000,000 to the Children Investment Trust, $1,511,000 to the Department of Parks and Recreation, $1,293,000 to the Department of Fire and Emergency Medical Services, $120,000 to the Commission on the Arts and Humanities, $400,000 to the District of Columbia Public Library, $574,000 to the Office on Aging, $3,296,000 to the Department of Housing and Community Development, $200,000 to the Department of Employment Services, $2,500,000 to the University of the District of Columbia, $1,500,000 to the Department of Public Works, $1,000,000 to the Department of Motor Vehicles, $4,245,000 to the Department of Health, $1,500,000 to the Commission on Latino Affairs, $1,550,000 to the Taxicab Commission, $2,500,000 to the Office of Property Management, and $5,000,000 for the savings associated with the implementation of the Cafeteria Plan, if the Chief Financial Officer certifies that the $37,189,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, in fiscal year 2000, and that all the savings are being achieved from the Management Savings; (3) the next $10,000,000 shall be used to provide $6,232,000 to Operational Improvement to the extent, if any, the Chief Financial Officer determines the Operational Improvement is not achieving the required savings, and the balance, if any, shall be provided in the following order: $100,000 to the Civilian Complaint Review Board, $200,000 to the Metropolitan Police Department for the Emergency Response Team, $1,042,000 to be used for Training, and $4,890,000 to the Settlement and Judgments Funds, if the Chief Financial Officer certifies that the $6,232,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, in fiscal year 2000 and that all the savings are being achieved from the Operational Improvement Savings; and (4) the balance shall be used for Pay-As-You-Go Capital Funds in lieu of capital financing if the Chief Financial Officer certifies that the balance is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8: *Provided further*, That section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Code, sec. 47-392.2(j)), is amended as follows:

Repayment of Loans and Interest

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, $243,238,000 from local funds: *Provided further*, That for equipment leases, the Mayor may finance $19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That $2,000,000 is allocated to the Metropolitan Police Department, $4,300,000 for the Fire and Emergency Medical Services Department, $1,622,000 for the Public Library, $2,010,000 for the Department of Parks and Recreation, $7,500,000 for the Department of Public Works and $1,800,000 for the Public Benefit Corporation.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Code, sec. 47-321(a)(1)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $1,140,000 from local funds.

Presidential Inauguration

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93–198, as amended, approved December 24, 1973 (87 Stat. 824, and D.C. Code, sec. 1–1803), $5,961,000, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

Certificates of Participation

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

Wilson Building

For expenses associated with the John A. Wilson Building, $8,409,000.

Optical and Dental Insurance Payments

For optical and dental insurance payments, $2,675,000 from local funds.

Management Supervisory Service

For management supervisory service, $13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

Tobacco Settlement Trust Fund Transfer Payment

There is transferred $61,406,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13–38; to be codified at D.C. Code, sec. 6–135), to be spent pursuant to local law.

Operational Improvements Savings (Including Managed Competition)

The Mayor and the Council in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

Management Reform Savings

The Mayor and the Council in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

Cafeteria Plan Savings

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of $5,000,000 in local funds.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority and the Washington Aqueduct

For operation of the Water and Sewer Authority and the Washington Aqueduct, $275,705,000 from other funds (including $230,614,000 for the Water and Sewer Authority and $45,091,000 for the Washington Aqueduct) of which $41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3 172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $223,200,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,968,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11-212, D.C. Code, sec. 32–262.2, $123,548,000 of which $45,313,000 shall be derived by transfer from the general fund, and $78,235,000 from other funds: *Provided*, That no appropriated amounts and no amounts from or guaranteed by the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,808,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $52,726,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,077,282,000 of which $806,787,000 is from local funds, $66,446,000 is from highway trust funds and $204,049,000 is from Federal funds, and a rescission of $55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,022,074,000 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 40, line 19 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

AMENDMENT NO. 12 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer amendment No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in the CONGRESSIONAL RECORD offered by Mr. MORAN of Virginia:

In the item relating to "DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION", strike "funds:" and all that follows and insert a period.

Strike section 164 (and redesignate the succeeding provisions accordingly).

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. MORAN of Virginia. Mr. Chairman, the purpose of this amendment is, again, to let the District of Columbia deal with its most severe problems, and one of its most severe problems has to do with the operation of D.C. General Hospital.

Mr. Chairman, within the District of Columbia, there are over 80,000 people who have no health insurance, and D.C. General is their health care of last resort. When they go to the hospital, it is too often because they have a gunshot wound, because they have been physically attacked, because women have been raped, because they have serious drug problems, because they have problems that take acute attention and oftentimes very expensive care. Because these people generally do not have the money to pay for their health care, D.C. General has gone broke, as has Southeast Community Hospital, a number of the health clinics in the community.

We are talking about places like Anacostia primarily, very low-income section of the city. Some people are in desperate poverty, even in today's world in the capital city. So a public benefit corporation was set up to see if they cannot manage these health care facilities and find a way to finance them. The PBC has not been successful in doing that. It is unfortunate. It needs to be corrected, but this bill tries to correct it without consultation with the mayor, the D.C. council and the outside health care consultants who have been looking at this problem for years.

One of the ways it attempts to correct it is by cutting off its funding, terminating its line of credit. So what happens? The hospital, we are told, will become insolvent, will shut down within a year if this amendment is included in the bill and the bill is enacted.

Okay. Fine. It is not being run well. It is losing money, but tell me, Mr. Chairman, what do we do with the thousands of people who go to D.C. General as their health care of last resort? No one else wants to handle them. No one else wants to handle these gunshot victims. No one else wants to handle these drug addicts. No one else wants to handle these people who have no money to pay for their health care.

So what are we going to do with them? Are we just going to let them loose without health care? We are going to send them to other hospitals that do not take them, that do not want them, that are not going to treat them. So that is my problem with this solution. It is too easy. It was not done by D.C. because D.C. is held accountable by its voters for coming up with constructive alternatives. This is too easy an alternative: Cut it off, shut it down.

That is not the way to handle a very difficult, complex problem. So what I want to do with this amendment is strike the language, leave it to D.C. to deal with. Do not come up with solutions that are going to make the situation worse. Do not have that pain and suffering of people who have no health care and desperately need it on our hands. We have no business getting involved in this issue, unless we have a constructive alternative. We do not, so we ought to strike the language.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment as to the underlying merits. I will offer at an appropriate time a written statement for the record.

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill. The precedents of the House are clear in this matter: Amendments to a paragraph or section are not in order until such paragraph or section has been read. Cannon's Precedents, Volume 8, section 2354.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. If no other Member desires to be heard, for the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Are there any other amendments to this portion of the bill?

PARLIAMENTARY INQUIRY

Ms. NORTON. Mr. Chairman, parliamentary inquiry. Are we at general provisions where an amendment can be at the desk and now be pursued?

The CHAIRMAN. When the Clerk begins to read again, he will begin at that portion.

The Clerk will read section 101.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

AMENDMENT NO. 22 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 printed in the CONGRESSIONAL RECORD offered by Ms. NORTON:

Strike "GENERAL PROVISIONS" and all that follows through the last section before the short title.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. This amendment touches portions of the bill that have not yet been read or considered. Does the gentlewoman from the District of Columbia (Ms. NORTON) ask unanimous consent for its present consideration?

Ms. NORTON. I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentlewoman from the District of Columbia?

Mr. ISTOOK. Mr. Chairman, I reserve a point of order. I have no objection to the gentlewoman proceeding for, I believe, the agreed upon time was for 5 minutes to certainly explain her amendment and her position.

The CHAIRMAN. Without objection, pending the point of order, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes on her amendment.

There was no objection.

Ms. NORTON. Mr. Chairman, I believe that there has been a time agreement for 20 minutes divided equally. If I may have unanimous agreement on that time?

Mr. ISTOOK. Mr. Chairman, I would certainly agree to that. I misstated on the time. I agree to a unanimous consent request of 20 minutes to be divided 10 minutes per side.

The CHAIRMAN. Without objection, the time on the amendment of the gentlewoman from the District of Columbia (Ms. NORTON) will be 20 minutes divided equally.

There was no objection.

The CHAIRMAN. That will include any amendments thereto.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to introduce a democracy amendment that will wipe out all riders, most of them operational riders, that are outdated or irrelevant. Members would not commit themselves one way or the other on the substance of any underlying provision by voting to eliminate them all.

The chairman announced on the floor just a few minutes ago that he has himself begun to look at these provisions and has found some of them to be outmoded. I appreciate that he is now looking into the bill in this way.

In his budget, as transmitted, the President offered to work with the Congress and the District to identify and limit at the very least the number of general provisions or attachments not only to be consistent with the principle of home rule but also because most are so old that they have been overtaken by events, or they are now a part of D.C. or Federal law.

Last year, the chairman indicated that riders in the D.C. appropriation reflected the fact that over many years, whoever was President had been transmitting old riders and the chairman had simply included what the President sent. Upon inspection, the White House found that most of the attachments are no longer applicable. Many already exist in Federal law or the D.C. Code. Example, section 114 requires council approval of capital project borrowing; but that is now required by the D.C. code.

Other riders should be deleted because they are incorporated into the D.C. budget text or the local budget act, or will be proposed locally this year. Example, restrictions on the use of official vehicles, a restriction required by Congress and adopted in the local Budget Support Act.

Still, other riders should be deleted because they are one-time provisions, are no longer applicable or duplicate existing Federal law. Example, the bill says appropriations or obligations that expire at the end of the year unless otherwise stated. Yet this matter is covered by Federal law.

Other provisions should be deleted because they are issues of local home rule and/or should be deleted to ensure that the District is treated the same as any other State or local jurisdiction. Some of these are social riders, such as voting rights. Most, however, are operational matters normally left to local jurisdictions. The democracy amendment I offer today would eradicate all of these riders, most of them operational and out of date or redundant of current law.

□ 1515

No Member would answer for any one of them, because the amendment is a democracy and autonomy amendment that does not address any substantive issue or specific provision. However, we will surely answer for the piling on of amendments that are already in local or Federal law, or corpses, left over from prior years and circumstances and administrations that are dead and gone.

Mr. Chairman, District residents gave themselves a new start with a new mayor and a reconstructed city council. I ask the House to respond with a new bill that does not hang on the back of today's cities, tails, and times it has thrown off.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I continue to reserve my point of order, and I yield myself such time as I may consume.

Mr. Chairman, basically, the gentlewoman representing the District of Columbia has offered an amendment to strike out all of the provisions after the appropriating paragraphs, all of the substantive provisions in this bill; and basically, as I believe she stated, there are two categories. One of them are so-called social riders, such as the concern with programs to exchange drug needles out on the public streets, and programs such as the marijuana initiative that the District in a referendum adopted, which this Congress has expressly disapproved and said it shall not go into effect. Other provisions are not so-called social riders, but they are provisions that have been carried on this bill for a number of years because they have not been enacted into substantive law, where this would be the controlling standard if they were not in the bill.

Now, I realize that the gentlewoman says, well, these are old things to be done away with; they are not needed anymore. We went through those provisions before this bill was offered this year; and we wiped out two dozen, two dozen provisions that have been carried on this bill for years, that I agree, fit the description of things that were outdated, outmoded, duplicative, and no longer necessary. If there are any others of those that still remain, we want to take them out too; but we are not satisfied that that is the case.

For example, we do have provisions in this bill to make it clear that all contracts regarding the District are a matter of public record. We had a circumstance, Mr. Chairman, just a few weeks ago when the former head of the Public Benefit Corporation, which operates the D.C. General Hospital, said, since you fired me, I am entitled to $1 million, and people said, where is the contract? And people could not find it. It should have been public record.

We had testimony in a hearing from the control board that is supposed to be a repository of these, and they said, we never saw such a contract. And get this: the control board, headed by the former vice chairman of the Federal Reserve Board, has been writing checks for millions of dollars not budgeted, not approved, for millions of dollars, as I mentioned before, to keep this facility afloat, despite years of efforts by this Congress, years and years by this Congress saying, they are wasting money over there, it is a sink hole, they have not fixed it, and the control board continued writing millions of dollars worth of checks.

There were no signed agreements, there were no memoranda, there were no security agreements, there was no promissory note, there was no statement of collateral, there was nothing, nothing, for about $200 million of outlay of public money, not budgeted, not authorized by law, and they did not even have any sort of written agreements for it.

So of course we need a provision that says, all of these contracts are a matter of public record. If the District or the control board is going to loan money to the Public Benefit Corporation for the D.C. General Hospital, they ought to have at least one piece of paper that reflects why they wrote all of these millions of dollars of checks. All contracts are a matter of public record. That is an example of one of the provisions that the gentlewoman wishes to strike.

Also, a restriction saying, we do not use this public money for personal cooks, chauffeurs or other servants. They cannot use it for any sole-source contracts. They cannot renew contracts or extend them without taking competitive bids. Let us protect the taxpayer from sweetheart deals.

Now, we can be satisfied that some provisions are actually in the law elsewhere so that they do not need to be carried in this bill. That is why we wiped out two dozen of them that have been carried year after year: and we want to get rid of all of these and have them in substantive law, but they are not there yet.

That is just an example, Mr. Chairman, of the provisions of the gentlewoman's amendment, along with many others that we will be discussing later, would wipe out all in one block.

As well as reserving my point of order against this amendment, Mr. Chairman, as an improper way to bring issues up before this House, I certainly oppose the amendment.

Mr. Chairman, I reserve my point of order, and I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

If I may respond, the gentleman has named what amounts to violations of D.C. law and violations of what is required in this appropriation attachment. All that demonstrates is having it in an attached provision, does not get the provision enforced.

The point is, is it a matter of D.C. law, and is it a matter of Federal law? Once it is a matter of law, anything else we do to make it a matter of law is redundant, a law that is already there. And if one has a complaint about sole-source contracts, and I certainly would, if one has a complaint about competitive bids, and I certainly would, then you have to go to those who are not enforcing the law, not simply pile on attachments, which also do not enforce the law.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I offered this democracy amendment in the full Committee on Appropriations, and I appreciate the gentlewoman from the District of Columbia (Ms. NORTON) offering it today on the House floor, because she is the democratically elected representative of the District of Columbia, and she well knows that most of the provisions in this appropriations bill do not belong in any Federal appropriations bill.

There are 72 provisions at last count, 17 new ones in the bill this time. We have a couple dozen provisions that are either already part of Federal law, other parts of Federal law that do not need to be here for any purpose, or are in the D.C. Code. D.C. is legally required to do these things. It is in their law. What are we doing keeping this stuff in the D.C. appropriations bill? It is sort of just making sure that that heel stays deep on D.C.'s throat so that they do not ever think that they can run their own affairs.

Let us get rid of this junk. It is detritus. It does not belong on an appropriations bill. There are so many of these examples, punitive examples where we tell them what to do with their own vehicles, how much allowance for privately owned vehicles, how fuel-efficient automobiles have to be. It is all stuff that is contained in other places, or it ought not to be contained anyplace.

Now, there are some controversial issues included in this amendment. There is a domestic partnership, tough issue. But the reality is that 3,000 employers across the country offer domestic partnership coverage. All kind of States and localities. I was not given those numbers this year, but we know the numbers; and it is a whole bunch of States and localities that do this. Why are we telling the District that it cannot? We do not turn around and tell anybody in the jurisdictions that we represent that they cannot do this; but we tell D.C. they cannot do it, because we are not accountable to them. They cannot do anything to fight back.

Mr. Chairman, that is why this democracy amendment is in order, and that is why it is called a democracy amendment. We believe that people ought to be able to run their own affairs, that the power comes not from the State to the people, but from the people to the government. Then let the people of the District of Columbia be empowered to run their own government and get rid of this extraneous stuff. It does not belong here. Treat D.C. residents the way we treat our own constituents. That is all we are asking. That is the bottom line of this amendment. Do unto others as you would do unto yourself.

Mr. Chairman, we would not do it to our constituents; we should not do it to D.C. residents.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I rise to commend the subcommittee chairman for the provisions he has put in the bill, and I oppose the amendment. The fact of the matter is, there has been an ongoing effort to expand charter schools in the District of Columbia. It is one of the most successful efforts in the United States. We have had a policy for a number of years, when the D.C. government closes a school, to allow the people who have charter school programs to have an opportunity to use the unused school building, and that policy has been flouted. It has not been put into effect. The chairman, in the bill, is trying to honor that agreement and get the D.C. Government off the dime to allow the unused school buildings, under proper circumstances, to be used by the children of the District who are enrolled in charter schools.

I understand that if we drop this language, the charter school people are going to be ignored. If we keep the language in, we will have an opportunity to work out something reasonable, so I commend the chairman for his language.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of my colleague's amendment, and I thank her for her leadership on these issues.

I want to address just one provision in the gentlewoman's democracy amendment, the domestic partnership health benefits.

At a time when 44 million people in our country lack health care coverage, this House has decided that it will erect new barriers for certain citizens of our capital city to obtain health care insurance. They have decided to prohibit the implementation of the District's plan to extend health care coverage to domestic partners of city employees, and I must ask why. Congress stands as the only barrier between affordable health care for countless families of city employees. This stand could mean the difference between having a sensible health care plan or no plan at all; it could mean the difference between wellness and illness, and in some cases, life and death.

As a proponent for health care for all, I am extremely disturbed by this underlying provision. The employees of this city want nothing more and nothing less than fairness and equality in the workplace. Allowing access to the most basic of benefits, health care, does just that.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, on July 11, the D.C. Council passed a bill which would require employers in the District of Columbia to provide contraceptive coverage to their employees. Despite the fact that a good conscience clause exempting employers who wish to waive this on religious or moral obligations was offered, it was not adopted by the council.

Furthermore, the debate got rather ugly and some council members espoused anti-Catholic and anti-Christian beliefs in the course of this discussion. One of the provisions that would be deleted by the gentlewoman's amendment would be the requirement for the District of Columbia City Council to go back and reconsider the conscience clause, allowing for religious and moral obligations.

Now, if the concern is that there are not contraceptives available in the District of Columbia, according to the Department of Health and Human Services, there are 10 locations inside the District of Columbia where contraceptives can be obtained free.

☐ 1530

If one is above the poverty level, one can pay a minimum cost for contraceptives. Contraceptives are available in the District of Columbia. There is no reason for the District, for the council to carry on this debate about religious and moral convictions not being applicable. Because if someone for some reason did not have access to health care coverage that provided contraceptives, and they wanted to obtain contraceptives, they could go to one of the 10 locations in the District of Columbia where they could get free contraceptives at low cost if they are above the poverty level.

So I think the gentlewoman's amendment to strike all provisions would go way too fast and would not task the city council with going back and reconsidering the conscience clause which I think they should could consider.

So if one strikes all the general provisions, I think it is a bridge too far, a step too far; and I think it is a wrong thing. I think we should allow Congress, which has the constitutional requirement to oversee this, to carry on with these general provisions as are listed in the bill.

The CHAIRMAN. The gentlewoman from the District of Columbia has 1½ minutes remaining.

Ms. NORTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in strong support of her amendment.

Mr. Chairman, as I sat here to think about what could one say in 90 seconds, it occurs to me that each and every one of my colleagues ought to consider this. None of us, not one of us in this body wants to take ownership of every policy adopted by the D.C. City Council and its mayor, not one of us. It is theirs to take, theirs to do.

But I suggest to my colleagues, to the extent that we include provision 1, 2, 3, and 4 and leave out 5, 6, and 7, one could clearly argue, well, apparently one is against 1 through 5, but one must be for 6, 7 and 8. That is not the case. It is not the case. I am not responsible for what the D.C. City Council does, the D.C. City Council is, and the voters of the District of Columbia are, any more than the D.C. Council is responsible for what I do on this floor.

This is called a democracy amendment, because, in a democracy, we believe that the people can be wrong. The people can disagree. The people do not all need to be overseen by Big Brother. It seems to me that is a conservative concept. It seems to me that is something that people who want smaller government adopt as a premise, that Big Brother ought not to be overseeing the District of Columbia. Vote for this democracy amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 2 minutes remaining.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I thank the gentleman for yielding me this time.

There has always been, there always will be, there is now bureaucratic opposition to any sort of reform, especially in school reform that gives parents greater opportunities, greater freedoms.

The gentleman rails on about micromanaging this and avoidance of that. What we are trying to do with, especially the charter school provision, is to give people, the individuals, the parents in the District of Columbia, greater freedom, greater choice, not the bureaucrats, not the educational system in general, but parents, individuals.

Is that not the best kind of freedom to give anybody? Is that not the best kind of public policy to adopt here? It is not a hard hand of government coming down on the District. It is the freedom we are going to give parents in the District of Columbia to select charter schools for their kids, the greatest opportunity we can possibly give to anyone, including the residents of the District of Columbia.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 1 minute remaining.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of the time.

Certainly, as I said before, I agree with the concept that, if there are things in this bill that are carry-overs that serve no purpose any further, then they should join the two dozen provisions that we have already taken out that have been carried year after year in this bill.

We will continue to work with the other side of the aisle and our own side to make sure that we do not carry anything that is not necessary. Of course, the other issues are policy issues such as we have talked about relating to drug needles, relating to contraceptive mandates that exclude a conscience clause. Those issues are going to be brought up in further amendments.

But as to this one, Mr. Chairman, I would like to close the debate.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: "Amendments to a paragraph or section are not in order until such paragraph or section has been read," Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from the District of Columbia desire to be heard on the point of order?

Ms. NORTON. Mr. Chairman, I understand the rules of the House. I appreciate that I have been heard on what, for us, is a vital amendment. I will continue to work with the gentleman from Oklahoma (Mr. ISTOOK) to eliminate such provisions as we can agree should be eliminated.

The CHAIRMAN. For the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4942 in the Committee of the Whole pursuant to House Resolution 563 no further amendment to the bill shall be in order except, one, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; two, the amendments printed in House Report 106–790; three, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and, four, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4942.

☐ 1528

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open from pages 41 line 1 through page 41 line 3.

Pursuant to the order of the House of today, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations, or their designees for the purpose of debate, the amendments printed in House Report 106–790, and the following additional amendments, which shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question:

One, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and

Two, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

The Clerk will read.

The Clerk read as follows:

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 53 line 14 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the remainder of the bill from page 41, line 24, through page 53 line 14 is as follows:

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. (a) REQUIRING MAYOR TO MAINTAIN INDEX.—Effective with respect to fiscal year 2001 and each succeeding fiscal year, the Mayor of the District of Columbia shall maintain an index of all employment personal services and consulting contracts in effect on behalf of the District government, and shall include in the index specific information on any severance clause in effect under any such contract.

(b) PUBLIC INSPECTION.—The index maintained under subsection (a) shall be kept available for public inspection during regular business hours.

(c) CONTRACTS EXEMPTED.—Subsection (a) shall not apply with respect to any collective bargaining agreement or any contract entered into pursuant to such a collective bargaining agreement.

(d) DISTRICT GOVERNMENT DEFINED.—In this section, the term "District government" means the government of the District of Columbia, including—

(1) any department, agency or instrumentality of the government of the District of Columbia;

(2) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act or any other agency, board, or commission established by the Mayor or the Council;

(3) the Council of the District of Columbia;

(4) any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia); and

(5) the District of Columbia Financial Responsibility and Management Assistance Authority.

(e) No payment shall be made pursuant to any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 120. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 121. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 122. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 123. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 124. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 125. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 126. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2001, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 127. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 128. (a) CONDITIONS FOR GRANTING PREFERENCE IN USE OF SURPLUS SCHOOL PROPERTIES TO PUBLIC CHARTER SCHOOLS.—

(1) IN GENERAL.—Section 2209(b)(1)(A) of the District of Columbia School Reform Act

of 1995 (sec. 31-2853.19(b)(1)(A), D.C. Code) is amended—

(A) by striking "purchase or lease" and inserting "purchase, lease-purchase, or lease"; and

(B) by striking ", provided that" and all that follows and inserting a period.

(2) PROPERTY SUBJECT TO PREFERENCE.—Section 2209(b)(1)(B)(iii) of such Act (sec. 31-2853.19(b)(1)(B)(iii), D.C. Code) is amended to read as follows:

"(iii) with respect to which the Authority or the Board of Education has transferred jurisdiction to the Mayor at any time prior or subsequent to the date of the enactment of this title.".

(b) PROCEDURES FOR DISPOSITION OF PROPERTY.—Section 2209(b)(1) of such Act (sec. 31-2853.19(b)(1), D.C. Code) is amended by adding at the end the following new subparagraphs:

"(C) DISPOSITION TO PUBLIC CHARTER SCHOOLS.—

"(i) IN GENERAL.—Public charter schools shall have the priority right to lease, lease-purchase, or purchase any vacant facility or property described in subparagraph (B), and any facility or property described in subparagraph (B) which is leased or occupied as of the date of the enactment of this subparagraph by an entity other than a public charter school.

"(ii) APPRAISAL OF PROPERTY.—When a public charter school notifies the Mayor of its intention to exercise its rights under clause (i), the Mayor shall obtain within 90 days an independent fair market appraisal of the facility or property based on its current permitted use, and shall transmit a copy of the appraisal to the public charter school. The public charter school shall have 30 days from the date of receipt of the appraisal to enter into a contract for the purchase, lease-purchase, or lease of such facility or property, which time may be extended by mutual agreement. Upon execution of the contract, the public charter school shall have 180 days to complete the acquisition of the property.

"(iii) PRICES.—

"(I) PURCHASE.—The purchase price of a facility or property described in this clause and in subparagraph (B) shall be the fair market value of the facility or property, less a 25 percent discount.

"(II) LEASE.—The lease price of a facility or property described in this clause and in subparagraph (B) shall be the price charged by the District of Columbia to other nonprofit organizations leasing public facilities or, if there is no nonprofit rate, fair market value less a 25 percent discount. The price shall be reduced to take into account the value of any improvement to the public school facility or property which is preapproved by the Mayor.

"(III) LEASE-PURCHASE.—A lease-purchase price of a facility or property described in this clause and in subparagraph (B) shall reflect a 25 percent discount from fair market value, in a manner consistent with subclauses (I) and (II).

"(iv) QUARTERLY REPORT.—On January 1, April 1, July 1, and October 1 of each calendar year, the Mayor shall publish a report describing the status of each facility or property described in subparagraph (B), including the date of expiration of the lease term or right of occupancy, if any, and the date, if any, each facility or property was or will be put out for bid or transferred to a District of Columbia agency, if any. The Mayor shall deliver such report to each eligible chartering authority and shall publish it in the District of Columbia register.

"(D) DISPOSITION OF FACILITIES OR PROPERTIES AFTER EXCLUSIVE PERIOD.—

"(i) IN GENERAL.—The Mayor may put out for bid to the public or transfer to a District of Columbia agency for the use of such agency any facility or property described in this subparagraph (B) which was not acquired by a public charter school pursuant to subparagraph (C).

"(ii) NOTICE.—At least 90 days prior to putting any such facility property out for bid or transferring it to a District of Columbia agency, the Mayor shall notify each eligible chartering authority in writing of his intention to do so.

"(iii) PUBLIC CHARTER SCHOOL RIGHT TO ACQUIRE BEFORE BID OR TRANSFER.—Prior to the expiration of the 90-day notice period described in clause (ii), a public charter school may purchase, lease-purchase, or lease any facility or property described in the notice under the terms described in clause (iii) of subparagraph (C).

"(iv) PUBLIC CHARTER SCHOOL RIGHT TO MATCH BID.—With regard to any facility or property offered for bid under this subparagraph, the Mayor shall notify each eligible chartering authority in writing within 5 days of the amount of the highest acceptable bid. A public charter school may purchase, lease-purchase, or lease such facility or property by submitting a bid for the facility or property within 30 business days of receipt by each eligible chartering authority of such notice. The cost of acquisition shall be as described in clause (iii) of subparagraph (C).

"(v) FACILITIES OR PROPERTIES NOT PUT OUT FOR BID OR TRANSFERRED.—A public charter school shall have the right to purchase, lease-purchase, or lease, under the terms described in clause (iii) of subparagraph (C), any facility or property described in this paragraph that has not been put out for bid or transferred to a District of Columbia agency by the Mayor as provided for in this subparagraph.".

(c) PREFERENCES FOR USE OF CURRENT PROPERTY.—Section 2209(b)(2) of such Act (sec. 31-2853.19(b)(2), D.C. Code) is amended—

(1) in subparagraph (B)(ii), by striking "purposes," and inserting "purposes directly related to its mission,"; and

(2) by adding at the end the following new subparagraph:

"(C) PREFERENCE DESCRIBED.—A public charter school shall have first priority to lease, or otherwise contract for the use of, any property described in subparagraph (B), at a rate which does not exceed the rate charged a private nonprofit entity for the use of a comparable property of the District of Columbia public schools and which is reduced to take into account the value of repairs or improvements made to the facility or property by the public charter school.".

(d) EXERCISE OF PREFERENCES BY OTHER ENTITIES.—Section 2209(b) of such Act (sec. 31-2853.19(b), D.C. Code) is amended by adding at the end the following new paragraph:

"(3) EXERCISE OF PREFERENCE BY CERTAIN OTHER ENTITIES.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under this subsection.".

AMENDMENT NO. 13 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in the CONGRESSIONAL RECORD offered by Mr. MORAN of Virginia:

Strike sections 128 and 129 (and redesignate the succeeding provisions accordingly).

Mr. ISTOOK. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason for doing this is we want to strike sections 128 and 129. The reason is that the District of Columbia is already on the leading edge of the charter school movement throughout the country. It is reforming its schools. In fact, it had an enrollment increase of over 100 percent in the last year. Mayor Williams has seen to it that the funding has increased by 300 percent to $77 million for charter schools. That is good. That is what we want.

The Center for Washington Area Studies reported that D.C. charter schools funding is among the most generous in the entire Nation in terms of per-pupil expenditures. Unfortunately, these two provisions could potentially jeopardize both that funding and the positive impact which charter schools are having because it substantially reduces the authority of local elected officials to determine the best use of surplus school properties. It was done without consultation with the Mayor or the school board or local elected officials.

So passage of these provisions is going to have a very serious effect potentially upon homeless shelters, alternative education programs, the Metropolitan Police Department, because these organizations, these services are using surplus school properties.

These amendments say any charter school can go in and buy these surplus school properties at 25 percent less than market even if they are occupied. So potentially, one could displace the Commission on Mental Health which operates a clinic at the Addison School, the Center of Hope which leases Keene School, the Commission on Mental Health which operates a children's program at the Reno School, the homeless shelters at Madison School in Old Emery, the Police Department at Petworth School.

I have got all kinds of examples here that could be displaced if any charter school wants to come in and buy these surplus properties. They can get it at 25 percent discount on all leases, sales and lease sales. That means that the District of Columbia could lose $48 million from the market value of this property. That is why the Mayor does not want this.

This does not make sense. We would not want it if we were mayor. Why would one lose that kind of money? We want to cooperate with charter schools. We are strongly in favor of charter schools. D.C. is doing a good job on charter schools. But this could really impede its efforts.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining.

Mr. MORAN of Virginia. That is exactly even, Mr. Chairman, and that is what we want.

Mr. Chairman, I yield the balance of my time to the very distinguished gentlewoman from the District of Columbia (Ms. NORTON).

□ 1545

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I am a strong supporter of charter schools. This city has more charter schools than any other jurisdiction in the United States. It has been very generous with them.

Some residents went around our mayor and came up here to get this amendment. I believe Mr. Peabody and Mr. Patten. There may be others. If they were having trouble with the District, they have now had a meeting with the District, they should have come to me or someone else. Instead, what we get is a heavy-handed amendment that this House could never, never, at least if it is a market-driven House, could never approve. It slaps a huge compelled nonmarket-driven reduction on property without knowing where the property is or what it is worth and otherwise directs how properties should be disposed of. We do not do that in a free economy. We do not do that in a market-driven economy.

The District has very scarce resources precisely because the Federal Government takes up all of the space. Mayor Williams wrote to the chairman saying, "I am opposed to language concerning disposition of surplus school property that would hamper the District Government's ability to utilize its assets to reform our schools."

This amendment is big-time overkill to tell the City how much it should sell property for, how much it should reduce property to. Some of it should be reduced to nothing; some of it should be reduced very little. None of us in this body knows.

I arranged a meeting when I learned of this problem. I understand that the City itself is going to deal with this and it should have it dealt with within a month. I hope that by the time we get to conference, the chairman will see fit to withdraw this, because I think the matter shall have already been taken care of.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment, as well as reserving a point of order.

What is happening with charter schools in the District of Columbia is that parents and students are flocking to them because they offer an escape from the bureaucracy that governs the District's schools, that assumes the cash, that has one of the highest per-pupil funding rates in the country; but where the cash ends up in a bureaucracy not helping out in the classroom with Johnny and Suzy.

Charter schools have now attracted over 10 percent of the student enrollment, moving toward 15 percent of the students in the public schools in the District of Columbia. Charter schools are themselves public schools but they do not get stuck with the same bureaucracy, and parents want these charter schools. They are sending their kids to them. But what is happening, Mr. Chairman, is that the bureaucracy is striking back. Not openly, not out in the open, but using their weapon of choice, red tape, and strangling the charter schools when they try to do something. Charter schools are supposed to have the same access to public resources as public schools do.

We did not create this, Mr. Chairman, but the control board had an order that they issued in 1998 saying that if a charter school wanted to match the bid price of a vacant school, and they have tons of them in the District of Columbia, if a charter school wanted to match the bid price, because they were also part of the public school system, that if the price was a million dollars or less, they would get a 25 percent discount; if the price was over a million dollars, it would be 15 percent. That is where this language providing discounts comes from. It is the standard the control board approved.

But guess what? Let me tell my colleagues a couple of things. Charter schools found when they tried to make the leases, the process was being dragged out. Let me tell my colleagues the story of the Franklin School. The Franklin School had bids solicited for this vacant property in February of 1998. There was an appraisal made so the taxpayer would be protected. The appraisal was $4.1 million, and the successful bidder was a charter school.

But then the emergency board of education trustees said, well, we want to oppose this, and the control board rejected the bid. Why? Well, the control board said they found out there was an assessment and the District claimed the building is worth more than the $4 million, that it is worth $15 million. And they hung on to that claim for months and months as a reason, until somebody finally went back to the District and checked the records, and the District had changed its own assessment, but no one bothered to ask the District about it. The District had agreed. They had changed it back in June of 1999 that the assessed value was $4.2 million, right in line with the appraisal of $4.1 million.

Despite the successful bid of the charter school, which is now, gosh, Mr. Chairman, it is a year and a half old now, the D.C. schools and their bureaucracy are dragging their feet and refusing to let the building be used for a charter school. They just drag it out. Never any overt actions; just we are waiting on this, we are waiting on that. Mr. Chairman, we have to cut through the red tape sometime.

Now, I want to work with the gentlewoman from the District; I want to work with the gentleman from Virginia, the ranking member; and I want to work with the District people and the school people. I just want to make sure that they want to work with the charter schools. The charter schools are public schools. They have the same rights, because they represent and teach the same kids, the same source of kids, and we have to stop the bureaucracy from trying to strangle them.

The general provisions in the bill just put in common sense requirements to make sure they get equal treatment. We could delve into the details, but as I said, they could change as we work through this process. We want to protect the kids, whether they attend a regular public school or a charter school. They need protection. They need a good solid education so that they can have a future of hope and growth and opportunity.

Mr. Chairman, we certainly oppose the amendment that tries to take out these efforts at reform, but we do want to continue to work with everyone involved to make these provisions the best they can be.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time to sum up here.

Mr. Chairman, I do not object if the intent is simply to help the charter school movement. The mayor wants to do that. I think most people in D.C. want to have an alternative school system.

The problem is this amendment could potentially take $48 million out of the public school system. It could displace a number of very important organizations; the Commission on Mental Health; the D.C. Police Department is using Petworth School. Homeless shelters. So I do not think it was fully thought out.

The problem is that it was done without consultation with the mayor, D. C. Council, and the school board. That is why the amendment really should be struck. I understand the point of order, but I also know we are doing the right thing if we were to strike it.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

I appreciate the gentleman's concern, Mr. Chairman. I want to assure him this is not about displacing anyone, and certainly I do not believe the amendment does what the gentleman claims, but I understand the bona fide concern to make sure that it does not.

We have been working both directly and indirectly with the mayor's office and other entities involved and will continue to do so.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: "Amendments to a paragraph or section are not in order until such paragraph or section has been read." Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, for the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 129. (a) MODIFICATION OF CONTRACTING REQUIREMENTS.—

(1) CONTRACTS SUBJECT TO NOTICE REQUIREMENTS.—Section 2204(c)(1)(A) of the District of Columbia School Reform Act (sec. 31-2853.14(c)(1)(A), D.C. Code) is amended to read as follows:

"(A) NOTICE REQUIREMENT FOR PROCUREMENT CONTRACTS.—

"(i) IN GENERAL.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding $25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

"(ii) EXCEPTION FOR CERTAIN CONTRACTS.—The notice requirement of clause (i) shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter.".

(2) SUBMISSION OF CONTRACTS TO ELIGIBLE CHARTERING AUTHORITY.—Section 2204(c)(1)(B) of such Act (sec. 31-2853.14(c)(1)(B), D.C. Code) is amended—

(A) in the heading, by striking "AUTHORITY" and inserting "ELIGIBLE CHARTERING AUTHORITY";

(B) in clause (i), by striking "Authority" and inserting "eligible chartering authority"; and

(C) by amending clause (ii) to read as follows:

"(ii) EFFECTIVE DATE OF CONTRACT.—A contract described in subparagraph (A) shall become effective on the date that is 10 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.".

(b) CLARIFICATION OF APPLICATION OF SCHOOL REFORM ACT.—

(1) WAIVER OF DUPLICATE AND CONFLICTING PROVISIONS.—Section 2210 of such Act (sec. 31-2853.20, D.C. Code) is amended by adding at the end the following new subsection:

"(d) WAIVER OF APPLICATION OF DUPLICATE AND CONFLICTING PROVISIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this title, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this title.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995.

(c) LICENSING REQUIREMENTS FOR PRESCHOOL OR PREKINDERGARTEN PROGRAMS.—

(1) IN GENERAL.—Section 2204(c) of such Act (sec. 31-2853.14(c), D.C. Code) is amended by adding at the end the following new paragraph:

"(18) LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program.".

(2) CONFORMING AMENDMENTS.—(A) Section 2202 of such Act (sec. 31-2853.12, D.C. Code) is amended by striking clause (17).

(B) Section 2203(h)(2) of such Act (sec. 31-2853.13(h)(2), D.C. Code) is amended by striking "(17),".

(d) Section 2403 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.43, D.C. Code) is amended by adding at the end the following new subsection:

"(c) ASSIGNMENT OF PAYMENTS.—A public charter school may assign any payments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan.".

(e) Section 2210 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.20, D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(e) PARTICIPATION IN GSA PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding any provision of this Act or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

"(2) PARTICIPATION BY CERTAIN ORGANIZATIONS.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under paragraph (1).".

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 2000, fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, which ever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING UNDER "DIVISION OF EXPENSES".—

(1) IN GENERAL.—The Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by striking "2000" and inserting, "2001"; in subsection (b), by striking "2000" and inserting "2001"; in subsection (i), by striking "2000" and inserting, "2001"; and in subsection (k), by striking "2000" and inserting, "2001".

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education or its successor, and DCPS shall assess or evaluate a student who may have a

disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.2(j), DC Code), as amended by section 148(a) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

"(j) RESERVE.—

"(1) IN GENERAL.—Beginning with fiscal year 2000, the financial plan or budget submitted pursuant to this Act shall contain $150,000,000, to remain available until expended, for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

"(2) CONDITIONS ON USE.—The reserve funds—

"(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority;

"(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

"(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings, management reform savings, and cafeteria plan savings.

"(3) REPORT REQUIREMENT.—The Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.

"(4) REPLENISHMENT.—Any amount of the reserve funds which is expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the $150,000,000 balance.".

(b) Section 202(k) of such Act (sec. 47–392.2(k), DC Code), as amended by section 148(b) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

"(k) POSITIVE FUND BALANCE.—

"(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

"(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

"(A) not more than 50 percent may be used for authorized non-recurring expenses; and

"(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.".

(c) The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2000.

SEC. 149. Subsection 3(e) of Public Law 104–21 (D.C. Code sec. 7–134.2(e)) is amended to read as follows:

"(e) INSPECTOR GENERAL AUDIT.—Not later than February 1, 2001, and each February 1, thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and shall submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31, thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next five fiscal years commencing on the previous October 1 and shall submit to Congress a report on the results of such examination.".

SEC. 150. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 106–790 offered by Mr. SOUDER:

In section 150, strike "Federal".

The CHAIRMAN. Pursuant to House Resolution 563, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my amendment would prohibit the use of any funds appropriated by this bill to finance needle exchange programs in the District of Columbia.

The reasoning is simple: Needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to keep off our streets. They send the wrong message, and it simply does not work.

This is consistent with the needle exchange ban we passed and that was enacted in the bill last year, and I urge my colleagues to maintain the ban in this bill. This amendment restores the exact same language as the amendment that passed last year with 240 votes and was signed by the President.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Dixon), whose amendment passed in full committee and whose amendment would be negated by this amendment.

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment clearly illustrates the philosophy of this bill, and that is "do as I say." Let me read to my colleagues the people that support the needle exchange program.

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The American Medical Association, the American Public Health Association, the United States Conference of Mayors.

Let me read to my colleagues what, on March of this year, the Surgeon General said. He said that "after reviewing all of the research to date, the senior scientists of the Department and I have unanimously agreed that there is conclusive scientific evidence that syringe exchange programs as part of a comprehensive HIV prevention strategy are, in effect, public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs."

Clearly, everyone can see that some people are opposed to it notwithstanding the facts, and that is the reason this amendment is being offered.

The American Medical Association says that it has an impact. The Surgeon General has studied this. It is a simple amendment. It is a matter of simple philosophy. They do not like it.

What funds are they using? Their own funds. Is this some novel idea? Thirty States have these programs where they use State and local funds, 133 cities. But we come to the floor because we personally do not like it and say to them that they cannot use their own funds.

I urge my colleagues to vote no on this.

Mr. SOUDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Indiana (Mr. SOUDER) for yielding me the time and commend him for his effort.

I strongly support his amendment. This is something that would make it absolutely clear that the taxpayers' dollars, no matter what taxpayers' dollars those might be, cannot be used to provide needles to drug addicts to participate in an illegal activity.

We should not tell our children do not do drugs on the one hand while giving them free needles to shoot up with on the other. We need a national drug control policy which emphasizes education, interdiction, prevention and treatment, not subsidies for addicts.

Providing free hypodermic needles to addicts so that they can continue to inject illegal drugs sends a terrible message to our children that Congress has given up on the fight to stop illegal drug use and that the Federal Government implicitly condones this illegal activity.

As lawmakers, we have a responsibility to rise up and fight against the use and spread of drugs everywhere we can. We should start by making it harder, not easier, to practice this deadly habit.

This amendment will reaffirm the Federal Government's commitment to the war on drugs by prohibiting Federal and District funds from being used to conduct needle exchange programs in the District of Columbia. These programs are harmful to communities and undermine our Nation's drug control efforts.

Drug abuse continues to ravage our communities, our schools, and our children. Heroin use is again on the rise. Thousands of children will inject hardcore drugs like heroin and cocaine. The first year, many will die.

Oppose the effort to have needle exchanges. Support the Souder amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the very distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong opposition to this amendment to prohibit the District of Columbia from using any funds, Federal or local, for a needle exchange program.

The positive effects of needle exchange are proven. In communities across the country, needle exchange programs have been established and are contributing to the reduction of HIV transmission among IV drug users.

In my hometown of Madison, Wisconsin, as well as in other Wisconsin communities, outreach workers and volunteers go into the community and provide drug users with risk-reduction education and referrals to drug counseling treatment and other medical services.

Yet Congress continues to ignore the overwhelming scientific evidence showing that needle exchange is an effective HIV prevention tool.

I want to end with a personal note on this issue. When outreach workers in my community and in other Wisconsin communities go out to drug abusers and say, I care about whether you live or die, it brings them into treatment and takes them off their dependency.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman who chairs the Subcommittee on Criminal, Justice, Drug Policy and Human Resources of the Committee on Government Reform.

Mr. MICA. Mr. Chairman, I do not ask my colleagues to support this amendment. I implore them to support this amendment.

If we want to listen to people who are making statements about needle exchange programs, take the word of our drug czar, this administration's drug czar, General Barry McCaffrey, who said, "by handing out needles, we encourage drug use. Such a message would be inconsistent with the tenure of our national youth-oriented antidrug campaign."

That is our drug czar that made that statement.

If we want to look at examples where they have instituted drug and needle exchange programs and see the results, a 1997 Vancouver study reported that their needle exchange program started in 1988 with HIV prevalence in drug addicts at only 1 to 2 percent and now it is 23 percent.

The study found that 40 percent of the HIV-positive addicts had lent their used syringes in the previous 6 months.

Additionally, the study found that 39 percent of the HIV-negative addicts had borrowed a used syringe in the previous 6 months.

If we want to see what a liberal program will do to a city, just look to the sister city to the north, Baltimore. With a liberal mayor who adopted a liberal policy on needle exchange, everyone could do it.

The murder rate is a national disgrace. The addicts, and this information was given to our subcommittee by DEA, in 1996 were at 39,000.

Recently, a councilwoman, Rickie Specter, said that the statistics are not one in 10 of the city population, according to a Time Magazine report in September of 1999, but, and these are her words, "it is more like one in eight."

So if we want to ruin this city, adopt the policy in the bill and defeat the amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, drug czar General McCaffrey has never opposed a prohibition on local jurisdiction's efforts to implement a needle exchange program.

Mr. Chairman, I yield 1 minute to my friend, the honorable gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this amendment is an example of the misguided moralism that is so replete in this District of Columbia appropriations bill.

What is at issue here is public health. It has been clearly demonstrated that by providing sterile syringes and needles to drug addicts, we cut back dramatically on the incidence of HIV and AIDS.

Fifty percent of the AIDS-positive people in the District of Columbia contracted that condition by using contaminated needles. Seventy-five percent of the women in the District of Columbia who are HIV-positive got that way as a result of contaminated needles. Seventy-five percent of the children who are HIV-positive in the District of Columbia got that way as a result of contaminated needles.

This is a public health issue. My colleagues ought to poke their noses out of it. Let the District run their own business. They are condemning people to contract HIV and AIDS by proposing this amendment if it passes. More people will become HIV-positive and more people will die of AIDS as a result of this amendment if it passes. It should be defeated.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me make it clear. There are only two scientific long-term studies, one in Vancouver and one in Montreal. In Montreal, the number that contracted the AIDS virus more than doubled; in Vancouver, it was higher among participants in the program.

Furthermore, one prominent advocate of the needle exchange program said most needle exchange programs provide a valuable service to users. They serve as sites of informal and increasingly formal organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site, networking that might otherwise have taken half a day.

This does not help HIV people. This does not help drug addicts. The merciful thing to do, the caring thing to do is to help people get off of their addiction, not to fuel their habit by giving them free needles paid for by the taxpayers either directly or indirectly.

This idea that the money is not fungible is laughable. Either directly or indirectly, it should not come from the taxpayers of Indiana or anywhere else to fuel people's drug habits that also can lead them to the HIV virus.

Mr. Chairman, my amendment would prohibit the use of any of the funds appropriated by this bill to finance needle exchange programs in the District of Columbia. The reasoning is simple: needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to keep off our streets, send the wrong message, and simply don't work. It is consistent with the needle exchange ban we passed and that was enacted in the bill last year, and I urge my colleagues to maintain the ban in this bill. This amendment restores the exact language that passed last year with 240 votes and was signed by the President.

NEEDLE EXCHANGE PROMOTES DRUG USE

Our experience with the needle exchange programs so far has shown us that needle exchange programs can become havens not only for drug use, but also magnets for drug dealers and networking sites for addicts to learn where to find more drugs. For example, Donald Grovers, who is a prominent advocate of needle exchange programs, has said:

> Most needle exchange programs provide a valuable service to users. . . . They serve as sites of informal (and increasingly formal) organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day.

It's also a basic economic law that sellers go where their customers are, and for a drug dealer there can be few targets of opportunity riper than a needle exchange location. It is almost literally bringing sheep to the wolf. The New York Times reported in 1997 that:

> When a storefront is handing out 20,000 syringes a week, suppliers are not far away. East Villagers who have been trying to rebuild a neighborhood devastated by drugs during the 1980s complain that the needle exchange has brought more dealers back to the streets and more addicts into the halls of the public housing projects at the corner.

James Curtis, a Columbia University Professor, observed in a New York Times Op Ed that tenant groups around one of New York's largest needle exchange programs told him that the center had become a magnet for dealers, and that used needles, syringes and crack vials litter their sidewalks. The police do nothing.

Needle exchange sites have become, for all practical purposes, safe havens for drug users to escape law enforcement. The office of the DC Police Chief has previously said that its policy is to "look the other way" when drug addicts approach the Whitman-Walker clinic's mobile van unit to receive needles, and other programs are designated "police-free zones." The Office of National Drug Control Policy concluded that the highest rates of property crime in Vancouver were within two blocks of the needle exchange.

NEEDLE EXCHANGE PROGRAMS SEND THE WRONG MESSAGE

Mr. Chairman, we have already appropriated billions of dollars for next year to keep drugs off our streets through drug interdiction and law enforcement, including aid to the states and the District of Columbia. We have also appropriated substantial sums to help those who are addicted to drugs get off and stay off through prevention and treatment efforts, also including aid to the states and the District of Columbia. It makes no sense whatsoever to turn around in this bill and appropriate more funds to directly counter those efforts by passing out free needles to addicts, or to support efforts by the District of Columbia (or any state for that matter) to counter the goals of federal policy in these areas.

Finally, General McCaffrey also pointed out that:

> Needle exchange programs are almost exclusively located in disadvantaged, predominantly minority, low income neighborhoods. . . . These programs are magnets for all social ills—pulling in crime, violence, addicts, prostitution, dealers, and gangs and driving out hope and opportunity. The overwhelming likelihood is that the burdens of any expansion in needle exchange programs will continue to fall upon those already struggling to get by.

Just yesterday, we passed the Community Renewal bill, one of the most hopeful and optimistic pieces of legislation we have considered this Congress. Do we want to turn around today and go in the other direction?

NEEDLE EXCHANGE PROGRAMS DON'T WORK

Finally, even if we were to ignore all of that and adopt for the purposes of argument the fundamental premises of needle exchange advocates, the cold fact of the matter is that needle exchange programs simply don't work.

Dr. Fred Payne, medical advisor to the Children's AIDS Fund, found that "the data from four studies . . . strongly indicate that needle exchange is ineffective in reducing HIV transmission among study participants," and concluded that the evidence on the whole indicated that programs were ineffective.

Mr. MORAN of Virginia. Mr. Chairman, I yield the final one minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, for many of us, this has become an issue laden with emotional content because of its life-or-death consequences so visible where we live.

HIV-AIDS has become another burden of race in our country and in this majority black and Hispanic city. Today, the disease is largely a black and brown killer because of contaminated needles. The overwhelming majority of new cases have been black and Hispanic for years now. HIV-AIDS is now a racially based public health emergency.

What Congress does on needle exchange is heavily laden with racial content. The Congress allows citizen localities everywhere else on Earth to do what is safe and what works for them.

The Congress must not condemn women, men, and children who live in the District to die because they live in the District. That is what we do if we wipe out the District needle exchange program in the city.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I urge my colleagues to allow the District to make its own decisions on how to best prevent new HIV infection.

Mr. Chairman, I rise in opposition to the Souder amendment. This amendment will prohibit the use of both federal and local funds for the City's needle exchange program to prevent new HIV infections in injection drug users and their partners.

The District of Columbia has one of the highest HIV infection rates in the country. Intravenous drug use is the District's second highest mode of transmission, accounting for over 37 percent of all new AIDS cases. For women, where the rate of infection is growing faster than among men, it is the highest mode of transmission.

Scientific evidence supports the fact that needle exchange programs reduce HIV infection and do not contribute to illegal drug use. The American Medical Association, the American Bar Association, the American Public Health Association, the American Academy of Pediatrics, and the United States Conference of Mayors all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. Dr. C. Everett Koop, former Surgeon General, also expressed support for clean needle exchange programs. These are his words, "Having worked on the HIV/AIDS epidemic since its emergence in the U.S., I . . . express my strong belief that local programs of clean needle exchange can be an effective means of preventing the spread of the disease without increasing the use of illicit drugs."

Once again, we are engaged in heated debate over policies that are best left in the hands of the scientific community. We should not be politicizing public health decisions.

The District of Columbia has had a local needle exchange program in place since 1997. By using its own funds the number of new HIV/AIDS cases due to intravenous drug uses had fallen more than 65% through 1999. This represents the most significant decline in new AIDS cases, across all transmission categories, over this time period.

Mr. Chairman, AIDS is the third leading cause of death in the District. Without a needle exchange program, HIV will spread unchecked, and more people will be at risk. Public health decisions should be made by public health officials; science should dictate such decisions, not politics. I urge my colleagues allow the District to make its own decisions on how best to prevent new HIV infections. Vote "no" on this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to oppose the Souder amendment and the bill for several reasons.

The bill ignores the fact that needle exchange does not increase drug use. It ignores the fact that society would have fewer individuals infected with HIV if they used clean needles. Needle exchange programs make needles available on a replacement basis only, and refer participants to drug counseling and treatment. Numerous studies concluded that needle exchange programs have shown a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of 30 percent or greater reduction of HIV.

Mr. Chairman, it has long been known that socioeconomic status impacts not only an individual's access to and use of health care but also the quality and benefits derived from health care. Impoverished communities have higher numbers of homeless individuals. Homelessness, in turn, increases risk for HIV due to associated high rates of substance abuse and prostitution.

The Federal Office of Minority Health has determined that increased economic inequality is the driving force behind the rising health disparities among Americans. Today, racial and ethnic minorities comprise approximately 27 percent of the U.S. population, but account for more than 66 percent of the Nation's new AIDS cases.

Mr. Chairman, last year I said this amendment was politically driven, rather than scientifically based and that still remains true. This bill whips on the poorest of the poor. This bill puts at risk millions of Americans who might be married or committed to someone who they may not know is an intravenous drug user. More importantly, this bill puts children at risk.

Mr. Chairman, in order to stop the spread of HIV and improve the health care of those already infected, prevention and intervention programs that are designed to address the specific needs of the population affected must be supported. The D.C. "clean" needle exchange program must be funded. I urge all members to vote against this thoughtless amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 563, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60–day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60–day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none for the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60–day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time to time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 153. Section 158(b) of Public Law 106–113, approved November 29, 1999 (113 Stat. 1527) is amended to read as follows:

"(b) SOURCE OF FUNDS.—An amount not to exceed $5,000,000 from the National Highway System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a)."

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against section 153 on the grounds that it is legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House.

This provision makes changes to existing law by earmarking up to $5 million of the District of Columbia's Federal highway funds to complete design and environmental requirements for the construction of expanded lane capacity for the 14th Street Bridge. This would be an unprecedented earmarking of State formula highway funds by the Congress.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The gentleman from Virginia (Mr. MORAN) is recognized.

Mr. MORAN of Virginia. Mr. Chairman, put this language in. We have a desperate situation on the 14th Street Bridge that is going to be exacerbated by construction on the Woodrow Wilson Bridge and construction on I-66.

Right now, on many days we will see backups for miles both north and south on the GW Parkway. I am sure that many of the Members who do live in Virginia are acutely aware of this problem. We need to widen the 14th Street Bridge desperately. It should be taken care of by the Public Works Committee.

Now, all this is is money for planning, design, and construction to widen the 14th Street Bridge. I can see that the Public Works Committee wants to retain all of its prerogatives and this is a turf thing, and that is understandable.

What we were trying to do was to help out the District of Columbia so they did not have to take it from their own transportation money.

No good deed generally goes unpunished, and I see this good deed is going to be punished. So I understand the motion of the gentleman from Wisconsin (Mr. PETRI). There is little we can do at this point because, under the parliamentary rules, it is a point of order.

At this point I would concede the point of order.

□ 1615

The CHAIRMAN. Section 153 of the bill proposes directly to amend existing law. As such, it constitutes legislation in violation of clause 2(b) of rule XXI. The point of order is sustained. Section 153 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 154. (a) CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 30-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority and any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

(b) PENALTY.—Any chief financial officer who carries out any activity in violation of any provision of this Act or any amendment made by this Act shall be subject to a civil money penalty in accordance with applicable District of Columbia law.

SEC. 155. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code 1-601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) or work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996 in order to ratify and approve the Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996.

SEC. 156. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 157. In submitting any document showing the budget for an office of the District of Columbia government (including an independent Agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 158. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also know as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 159. Notwithstanding any other provision of law, the Mayor of the District of Columbia, in consultation with the committee established under section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 8009-293, as amended by Public Law 106-113; 113 Stat. 1526), is hereby authorized to allocate the District's limitation amount of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 160. (a) Section 11232 of the Balanced Budget Act of 1997 (sec. 24-1232, DC Code) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j); and

(2) by inserting after subsection (e) the following new subsection:,

"(f) TREATMENT AS FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—The Trustee and employees of the Trustee who are not covered under subsection (e) shall be treated as employees of the Federal Government solely for purposes of the following provisions of title 5, United States Code:

"(A) Chapter 83 (relating to retirement).

"(B) Chapter 84 (relating to the Federal Employees' Retirement System).

"(C) Chapter 87 (relating to life insurance).

"(D) Chapter 89 (relating to health insurance).

"(2) EFFECTIVE DATES OF COVERAGE.—The effective dates of coverage of the provisions of paragraph (1) are as follows:

"(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation, August 5, 1997, or the date of appointment, whichever is later.

"(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

"(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

"(3) RATE OF CONTRIBUTIONS.—The Trustee shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

"(4) REGULATIONS.—The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection.".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

SEC. 161. It is the sense of Congress that the patients of Saint Elizabeths Hospital and the taxpayers of the District of Columbia are being poorly served by the current facilities and management of the Hospital.

SEC. 162. It is the sense of Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property, a property which has been vacant for over 20 years.

SEC. 163. It is the sense of Congress that the District of Columbia government should take all steps necessary to ensure that officials of the District government (including officials of the District of Columbia Financial Responsibility and Management Assistance Authority, independent agencies, boards, commissions, and corporations of the government) maintain a fiduciary duty to the taxpayers of the District in the administration of funds under their control.

SEC. 164. No amounts may be made available during fiscal year 2001 to the District of Columbia Health and Hospitals Public Benefit Corporation (through reprogramming, transfers, loans, or any other mechanism) other than the amounts which are otherwise provided for the Corporation in this Act under the heading "DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION".

SEC. 165. (a) For each payment or group of payments made by or on behalf of the District of Columbia Health and Hospitals Public Benefit Corporation, the Chief Financial Officer of the District of Columbia shall sign an affidavit certifying that the making of the payment does not constitute a violation of any provision of subchapter III of chapter 13 of title 31, United States Code, or of any provision of this Act.

(b) More than one payment may be covered by the same affidavit under subsection (a), but a single affidavit may not cover more than one week's worth of payments.

(c) It shall be unlawful for any person to order any other person to sign any affidavit required under this section, or for any person to provide any signature required under this section on such an affidavit by proxy or by machine, computer, or other facsimile device.

SEC. 166. The District of Columbia Health and Hospitals Public Benefit Corporation may not obligate or expend any amounts during fiscal year 2001 unless (at the time of the obligation or expenditure) the Corporation certifies that the obligation or expenditure is within the budget authority provided to the Corporation in this Act.

SEC. 167. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 168. (a) Notwithstanding any other provision of law, the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13-399) shall not take effect.

(b) Nothing in this section may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

AMENDMENT NO. 23 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 printed in the CONGRESSIONAL RECORD offered by Ms. NORTON:

In section 168, strike "(a)" and all that follows through "(b)".

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

I rise to ask that subsection (a) of section 168 be stricken as moot. It certainly repeals a section of D.C. law soon to be vetoed locally. The Congress like every legislature or law enforcement body always prefers to have people act on their own.

This is what the mayor and the D.C. council have done to extinguish the controversy that arose concerning the council bill to provide contraception as an option in insurance sold in the District. The council, on its own, came close to adopting a conscience clause but narrowly failed. Now indisputably the council is ready, willing and able to act. A joint letter from Mayor Anthony Williams and Council Chair Linda Cropp to the chairman indicated that they, quote, "who know the issues best and all the parties well are prepared to address the necessary clause, giving great weight to parties in the District who advocate family planning and religious liberty," end quote.

To make good on his letter, the mayor publicly announced, on television, that he will pocket veto the contraception bill and work with the council to produce an acceptable compromise. The mayor is using a pocket veto rather than a veto now not because of any reluctance to veto the bill but because he has taken upon himself to bring all the parties together to a solution acceptable to all.

Mayor Williams is himself Catholic, and he has met with Auxiliary Bishop William Lori. He knows his council, and his judgment is that a pocket veto is what is appropriate if the point is to reach a solution acceptable to church and state alike, rather than further polarize the parties. The letter from Council Chair Cropp and Mayor Williams to the gentleman from Oklahoma (Mr. ISTOOK) and the Mayor's public announcement that he will pocket veto the bill as well as assurances of the pocket veto received here in writing to the chairman makes subsection (a) of section 168 moot. What would remain is section 168(b).

This section relating to religious and moral concerns more than satisfies the issue that has been raised in the Congress. Not to strike section (a) comes close to an insult to the Mayor and the Council Chair who have given their word in writing and publicly. In political life, a public man or woman's word is his or her bond. What D.C. officials have written and the Mayor has publicly declared concerning a pocket veto surely closes the circle and gives all the assurances that out of respect and dignity should ever be asked.

There is more. As you know, D.C. law is not law until it lays over for 30 legislative days. That time frame means that considering the upcoming recess days, no bill could become law until sometime in March. To add to that insurance policy, the Congress can on its own, sui sponte, introduce and enact any bill or amendment concerning the District, such is your all-consuming power over the District of Columbia.

Mayor Anthony Williams and Council Chair Linda Cropp and the D.C. City Council deserve their dignity as grown-up public officials with reputations for integrity elected to govern our Nation's capital. I ask you to show them the same respect we ourselves would demand. Please strike section 168(a).

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I am going to have a somewhat mixed response to the comments by the gentlewoman from the District of Columbia. What we are talking about here has not, I do not think, been fully stated, and it needs to be. I believe the date was July 11 when the Council had its meeting.

At that meeting, an ordinance came up for consideration requiring placing a mandate compelling employers in the District of Columbia to make one portion of health insurance coverage be that contraceptives would be covered, that they would be part of the benefit. Now, we could have a separate debate, we are not going to, but we could have a separate debate about what happens when you keep putting different mandates on health insurance.

No matter how common sense some particular mandate may seem to some people, it still drives up the cost. It is like every time you buy a car, they say, do you want this option or that option, or anything else that you purchase that you have got options, the more options you choose, the higher it costs. The same thing is true, of course, with health insurance.

If you require that people cannot buy health insurance unless you get it with all these options, then you find that nobody can buy plain coverage. Just like they could not buy a plain car if they had to buy the ones with all the options with it. Now, that is a separate issue because frankly it is not the core of the debate but that is where it started.

They said we want to mandate. We want to make sure if you are an employer in the District of Columbia and you are offering health care benefits, you cannot do it unless you include coverage for contraceptives. In the process of doing so, there had been a lot of work behind the scenes and a lot of debate and a lot of effort by the D.C. Council and by people within the community bringing up the issue of a conscience clause.

The Catholic Church, and entities affiliated with it, which has religious beliefs that are negative toward contraceptives, at least in the way that many other people may look at them, but the Catholic Church is a major employer in the District of Columbia. Georgetown University, the hospital services they provide, I will mention maybe as part of the laundry list later, but the point is they said, "For us and for other people, you are asking us to be doing something that is against our beliefs. You shouldn't do that."

We have got the first amendment protecting religion in this country. And what happened—and people saw it on TV, and they read about it—was that a little bit of a fire storm developed because rather than accommodating a good faith request for a conscience clause for people who have a religious or moral problem with providing contraceptives, the D.C. Council ran roughshod over them. Not only that, they conducted a hearing that was vitriolic toward people of faith in general and the Catholic Church in particular.

That did not sit well with this Congress. That did not sit well with a great many people in the District. That did not sit well with people in the country. So we put in the bill a simple provision under our authority, under our obligation of article 1, section 8 of the Constitution, to have the legislative authority over the District of Columbia, saying this proposed law, that I believe ultimately was even adopted unanimously by the D.C. Council, this proposed law shall not take effect, cannot do it. And if you come back to fix things, to adopt a conscience clause, make sure that it covers religious beliefs and moral convictions, which is the law that is found in the Federal standard that we have adopted, for example, for the Federal employees health benefit plan. The Federal standard provides coverage for contraceptives but does not mandate that it has to be done so in violation of a religious belief or a moral conviction of the employer, employee and so forth. So we have got that in there.

The gentlewoman from the District of Columbia, however, makes an objection to the portion, and to her credit she is not asking that we strike the entire section, she is not asking that and nobody should think that she is. She is not asking that we strike the section that says if they come back and do something again, they must provide a conscience clause for religious belief and moral conviction. What she is requesting is that we strike the part that says this proposed law shall not go into effect.

Well, why? Because, she says, having been subjected to this fire storm, the mayor and the council have learned and they have made public statements that they intend to do this and the mayor has made a public statement, indeed he has done so to me in writing, that he intends to do a pocket veto of the bill.

Now, that legislation was passed by the D.C. Council a couple of weeks ago, and he has had an opportunity to veto this legislation. He has had the opportunity. He could just take it, write veto, and it is vetoed. And then what is left for us to do?

Instead, he said he wants to use a procedure that drags it out, that gives them, I think it is about 10 business days or so, that may ultimately result in vetoing that legislation which so many people find so offensive, but he has not done it yet. We are dealing with the here and now. We are talking about the current circumstances, which is that this provision is alive, and people want to look to us and they say, "We don't want you to demonstrate the disregard for religious convictions and beliefs of people of faith in this country that was demonstrated by the Council in the District of Columbia." They want to make sure that we take action to show which side we are on on this issue.

If we do not use our opportunity to disapprove it, who are we siding with? The mayor could veto this bill, the bill that was passed by the D.C. Council. He could veto it. He has chosen not to do so. He has said he will do it with a pocket veto in the future. I believe him.

Nevertheless, right now it is a live issue. And since a live issue is before us and people in the District government knew the basic schedule of when this bill would come to the floor, they could have taken action before it got to this point. They have not chosen to do so. The D.C. Council could have gotten together and said, we rescind, we take back what we did. They have not done that. They have had time to do it. They have not done it. People want to know where we stand. I believe that we, under the situation as it exists now, should not accept this amendment, we should oppose it, but certainly we look forward to the future when the D.C. Council and the mayor will actually take action, not just say they are going to do something but will actually take action to fix this situation.

Mr. Chairman, I would like to include a letter from the National Conference of Catholic Bishops and printed excerpts from D.C. Council proceedings on this issue.

NATIONAL CONFERENCE OF
CATHOLIC BISHOPS,
Washington, DC, July 25, 2000.

To Hon. ERNEST ISTOOK, Jr.

DEAR MEMBER OF CONGRESS: As the House of Representatives considers the District of Columbia appropriations bill for Fiscal Year 2001, I write to explain the need for strong conscience protection in the bill's provision on mandated contraceptive coverage.

As approved by committee, the bill prevents implementation of the D.C. City Council's proposal to force all employers in the District of Columbia, to buy coverage for a broad range of contraceptives and abortifacient "morning-after" drugs for their employees. The bill also expresses the intent of Congress that any future D.C. legislation on this issue include a conscience clause that "provides exceptions for religious beliefs and moral convictions."

On the House floor there may be an effort to delete or weaken this provision, possibly by deleting conscience protection based on moral convictions. Congress should reject such a change.

We object to a government mandate for contraceptive coverage generally. At a time when tens of millions of Americans lack even the most basic health coverage, effort to mandate elective drugs and devices which raise serious moral problems and can pose their own health risks are misguided. In addition, any such mandate will cause needless injustice if it does not provide full protection to those who object for reason of conscience. This is so for several reasons:

Narrow Language Protecting only Churches Is Inadequate. City Council members who strongly favor the contraceptive mandate offered a concscience clause protecting only "religious organizations" when they approved their bill July 11. But they defined a "religious organization" so narrowly that it would exclude hospitals, universities, religiously affiliated social service agencies such as Catholic Charities, and even Catholic elementary schools. An organization could qualify for exemption only it its "primary purpose" is the "inculcation of religious beliefs"—and as a Council member observed, Catholic schools teach subjects other than religion. The Council also would have assessed a fine against each religious organization claiming an exemption; the fine would defray the costs of investigations by the D.C. Insurance Commissioner to ensure that the organization is "reglious enough." Council members who support genuine conscience protection rightly declined the offer of "protection" framed in this way. A vague requirement to protect only "religious beliefs," however, may invite renewed mischief of this kind.

Moral Concerns and Abortifacient Drugs. The D.C. mandate requires coverage of all prescription drugs and devices approved by the FDA for contraception, including, what the FDA calls "postcoital emergency contraception." Aside from specifically religious concerns, there is broad agreement that such drugs often work by destroying an early human embryo. This raises moral concerns about early abortion which transcend any particular religion. Congress itself bans federal funding of experiments that harm or destroy human embryos in the first two weeks of life—a sound moral decision based on no one religious belief. Congress should not deny the same right of morally based decision making to others.

Federal Precedent on Rights on Conscience. Numerous conscience clauses in federal law protect conscientious objection based on both religious and moral grounds, in contexts ranging from capital punishment to abortion and sterilization. Many state laws are similarly broad. These are based on a sound understanding that forcing someone to engage in activity that violates his or her deeply held conscientious beliefs is a violation of human rights and an abuse of government. Clearly, not all conscientious moral convictions are based on religious belief. Indeed, Congress protects medical residency programs from being forced to provide abortion training regardless of whether their opposition is morally based, because abortion is simply not the kind of practice which anyone should be forced to participate in for any reason. Current protections against forced participation in abortion and sterilization also extend to organizations as well as individuals. To retreat from this tradition now in favor of narrower and more grudging protection restricted to religious belief alone would send an ominous signal regarding the U.S. government's respect for rights of conscience.

Protecting Individuals' Conscience Rights. By mandating prescription contraceptive coverage in health plans, the government increases the pressure on individual physicians and pharmacists in these plans to violate their own consciences. Even without a government mandate, pharmacists' careers have been endangered when they refuse on moral grounds to fill prescriptions for abortifacient "emergency contraception" (see J. Allen, "Morning-after pill" battles flare: Patients, doctors, druggists in birth-control tug of war," Washington Times, May 27, 1997, p. A3). In light of such cases, the American Pharmaceutical Association and other organizations have urged respect for rights of "conscientious refusal" which they do not confine to religious grounds. Codes of medical ethics, as well, generally speak of physicians' right to refuse participation in activities they find immoral or unethical. The federal government has already enacted conscience protection based on both religious and moral convictions for health care personnel in health plans providing coverage to federal employees. It should do no less here, attending as well to employees who could be forced by government to purchase morally objectionable contraceptive coverage or forgo prescription drug coverage altogether.

We believe contraceptive mandates should not be imposed on private organizations. But if some form of mandate is adopted, effective protection for conscientious objection on both moral and religious grounds should be ensured.

Sincerely yours,

Rev. Msgr. DENNIS M. SCHNURR,
General Secretary.

REMARKS BY DC CITY COUNCIL ON CONTRACEPTIVE COVERAGE

KATHLEEN PATTERSON (WARD 3)

"It would, in fact, put the District in the role of sanctioning workplace discrimination. . . . If we approve this amendment, we are, as a matter of policy, permitting one particular large and powerful institution to between low income District women and comprehensive health care coverage."

SHARON AMBROSE (WARD 6)

"If some other religion, let's say some other religion that was not quite so large an employer in Ward 5 and in the city in general as is the Holy Roman Church. Let us say another religion, Mrs. Allen's Sunday Morning Worship Service over on K St., SE . . . what if decided it was going to exclude certain employees of its large church kitchen from coverage in its plan. Would that be, would that be OK?"

JIM GRAHAM (WARD 1)

"And you know, I spent years in this city fighting—and let me mention the Catholic Church by name—fighting Church dogma in terms of availability of condoms in this city which prevented, which prevented us have from having an effective program in many instances for the prevention of the transmission of HIV. Now I see on both of these amendemnts . . . the standard is religious belief, religious belief whether it be bona fide or not. I am very concerned about having religious principles impact health policy . . . what does this mean is terms of domestic partnership? . . . Are we going to say that we are going to defer to Rome in terms of our views on whether domestic partners should be covered by insurance plans that happen to be operated by religious organizations?"

DAVID CATANIA (AT-LARGE)

"I mean, so to suggest that the church is somehow unduly burdened in this society by this minor provision, I think is absurd . . . And, I want to associate myself very strongly with the comments of Mr. Graham on other issues, not only with respect to the teaching of some churches on gay and lesbian issues, but also the role of fighting against the use of contraceptives and role that it has in the spread of HIV, . . ."

KEVIN CHAVOUS (WARD 7)

". . . And not necessarily this feeling that we should respect the individual religious doctrine of a certain organization. . . . and urge my colleagues to act not just on this nation that we are, and this has nothing to do with the separation of church and state. I mean, we're not imposing our will on any particular religious organization. Again, the question is to what extent should we accommodate those religious organizations that seek to profit off of the public in some way."

JIM GRAHAM (WARD 1)

". . . we are permitting religious principles to dictate public health policy. . . . There is a difference b/n the words 'tenets' and 'beliefs,' but it is the same thing. It's the same thing. The church will now determine, a particular church will now determine, if, why, whether contraceptives and contraceptive devices will now be available. We're going to turn over the responsibility for these decisions in effect to the pope. . . . Because ROME has determined that this is against the tenets of the Catholic Church and so you're not going to have access to this of the terms of your health care plan . . . My problem of surrendering decisions on public health matters to a church so that religious principles rather than sound public policy can determine whether a contraceptive device is or is not available. . . . The church is homophobic so we have to say, we respect what are homophobic points of view."

□ 1630

Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have had it. I have really had it. Why do you see people go to the gallery, screaming at the top of their lungs, something I do not encourage now and did not encourage then, it has a lot to do with what we have just heard.

A mayor of the District of Columbia who has credibility with every Member of this body has indicated in writing and publicly on television that he will pocket veto a bill, and the reason he is going to pocket veto the bill is because if he just vetoed it in the face of the council, then it would be hard of him to bring the Catholic Church, and he is a Catholic, together with his council.

He has indicated publicly, this mayor, who has all the credibility in the world, that he is going to do what this chairman has asked him to do. The mayor has asked me to accept the language this chairman has written and this chairman has just gotten up and said that that is not enough. We, in the District, are damned if we do and we are damned if we try to do what we say do.

A pocket veto from a mayor who is trying to do what you say do should be all you need when he has accepted the language that we asked him to accept and when he is working with his own Catholic Church, and they have agreed to work with him and they have agreed not to come here to ask us to do another thing, we ought to declare victory and go home.

I am insulted by the fact that you would not accept my amendment by how hard my mayor and my city council have worked. You have cast aspersions on their credibility. You have indicated that the mayor had nothing to do with the debate in the council, it will never be enough for you.

You have two more bites at the apple. Supposedly he is a liar, and that is what you called him today. Supposedly he is a liar. You need to have a veto. You need to make it almost impossible for him to bring the sides together by putting a veto in his face. Supposedly he is a liar.

You still have two bites at the apple by rubbing the city's nose in it, time and time again. Patience is running out with this body. I resent what the gentleman has done, and I want you to know it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, perhaps some people take umbrage at the passion of the gentlewoman from the District of Columbia (Ms. NORTON), but I would expect that any of us if facing the same level of frustration and unfairness would react in the same passionate manner.

She is defending, not only her constituents but a process, a democratic process, that she believes in that caused all of us to get into public service, and the fact is, she is right, Madam Chairman. The mayor of the District of Columbia said he is going to pocket veto this bill. We have to believe the mayor, I cannot believe any of us do not believe that he is going to do that. So if we believe he is going to do that, why are we doing this?

He is going to insist that there be a religious exemption clause. People that have moral objections are going to be able to raise them. So why are we doing this, putting this offensive language in this bill? Just to show that we are more powerful than them, just to show them. She is right. This is wrong.

Now, let me also say it is wrong for insurance companies to cover viagra for men and not cover contraception for women. Let us just tell it like it is. What could be more unfair? All this contraceptive equity provision says is that insurance companies ought to be fair and start respecting women, when contraception is the largest single expense, out-of-pocket expense, for women during most of their lives. It ought to be covered.

So it is the right legislation. They should have passed this legislation, and it is also true that most of these Catholic institutions are self-insured. It does not even apply to them. They are self-insured.

Let me also say something else. I certainly would never say this if my own life were different, but having been educated in Catholic schools all my life, I understand the sense of frustration and disappointment that Councilman Jim Graham expressed on the D.C. council on this matter.

He expressed disappointment with the Catholic church as an institution because of its position towards homosexuality. That is his right. So I do not blame him for that. I know he wishes he had not said that, but these are debates that belonged in the D.C. council. These are debates and issues that should be settled, should be settled by the D.C. government.

The Catholic institutions within the D.C. government have plenty of access. They are well respected, deservedly so. They contribute tremendous benefits to D.C. government and its society. They will be fully reflected in the legislation that becomes law, and that is the way it ought to be. We have no business getting involved in this issue, particularly when we have no legitimate role to play.

The gentlewoman from the District of Columbia (Ms. NORTON) is absolutely right. The mayor is going to take care of that situation. Let him take care of the situation. He will be held accountable. He should be held accountable. He is elected. He understands it. He has a solution for it, and that is the way it should be, and what we are doing on this floor is not what should be done by this Congress. Madam Chairman, I gather we are going to continue this debate tomorrow.

Ms. NORTON. Madam Chairman, I reserve the balance of my time.

Mr. ISTOOK. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, although I think everyone wants to continue the debate tomorrow, I do find it necessary to take at least 30 seconds, because I think a couple of things need to be said.

I certainly would not endorse and extend the attacks on the Catholic Church or any other church, whether the gentleman from Virginia (Mr. MORAN) wishes to do so is his free speech right. I fear that he has added fuel to the fire rather than trying to suppress it.

In response to the gentlewoman from the District (Ms. NORTON), I said clearly, and I will repeat it, the mayor said in writing to me that he intends to do the pocket veto of the bill, and I believe him. That does not change the fact that it has not been vetoed; it remains a live issue where people expect this Congress to do something. It is a live issue until such time as the veto has indeed occurred.

Madam Chairman, I reserve the balance of my time.

Ms. PELOSI. Madam Chairman, I rise in support of Representative NORTON's Amendment because I am concerned about several of the provisions in the "General Provisions" section of this bill. Specifically, I object to discriminatory riders targeting the District's lesbian and gay people, and people living with HIV/AIDS.

Approximately half of all new HIV infections are linked to injection drug use, and three-quarters of new HIV infections in children are the result of injection drug use by a parent. Why would we pass up the opportunity to save a child's life by shutting down programs that work?

Although AIDs deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African-Americans aged 25–44 in the District. In spite of these statistics Republicans have singled out the District and attempted to shut down programs that the local community has established to reduce new HIV infections. This Congress should be supporting the decisions that local communities make about their health care. Giving local control back to the American people has been a major theme of the current Congress, and interfering with District self-government is contradictory to that goal.

Numerous health organizations including the American Medical Association, the American Public Health Association, and the National Alliance of State and Territorial AIDS Directors have concluded that needle exchange programs are effective. In addition, at my request the Surgeon General's office has prepared a review of all peer-reviewed, scientific studies of needle exchange programs over the past two years and they also conclusively found that needle exchange programs reduce HIV transmission and do not increase drug use.

I also object to the provision in this bill that prevents the Health Care Benefits Expansion Act from being implemented. The District passed this legislation eight years ago to allow District employees to purchase health insurance for a domestic partner, take family and medical leave to care for a partner, and visit a hospitalized partner. This legislation provides basic, fundamental health care rights that all Americans should enjoy regardless of sexual orientation.

Over 3,000 employers around the country, including hundreds of cities, municipalities, private and public college and universities, have established domestic partnership health programs. A list of these firms includes almost a hundred Fortune 500 companies, including some of the biggest, like AT&T, Citigroup, and IBM. These companies understand the benefits of offering these programs in today's competitive work environment.

Cities such as Atlanta, Chicago, Los Angeles, San Francisco, and New York all have domestic partnership benefits in place. Congress has taken no action to block any of the domestic partnership benefits provided by hundreds of municipalities throughout the nation.

Gay and Lesbian Americans in the District of Columbia and across the country make significant contributions to our society and their relationships, in the community and in the workplace, should be treated with respect. I urge my colleagues to support the Norton Amendment.

Mr. ISTOOK. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mrs. Morella, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

MOTION TO GO TO CONFERENCE ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, by direction of the Committee on Armed Services and pursuant to clause 1 of rule XXII, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SPENCE moves that the House take from the Speaker's table the bill H.R. 4205, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from South Carolina (Mr. SPENCE) is recognized for 1 hour.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I look forward to going to conference with the Senate and bringing back an agreement that can be supported by all of my House colleagues.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. TAYLOR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to insist upon the provisions contained in section 725, relating to the Medicare subvention project for military retirees and dependents, of the House bill.

The SPEAKER pro tempore. Pursuant to rule XXII, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from South Carolina (Mr. SPENCE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct conferees would instruct the House conferees to retain the House-passed provisions of the bill that make Medicare subvention for our Nation's military retirees permanent and nationwide.

I think in May when the House voted on this we finally took a historic step in fulfilling a promise that has been made by recruiters across our country for decades, those recruiters were wearing the uniforms of the United States of America; they were in Federal buildings. They promised young, unsuspecting 17-year-olds, 18-year-olds, and 19-year-olds that if they enlisted in our country, if they served their country honorably for 20 years, they would be given lifetime health care in a military installation.

Mr. Speaker, as a result of the Defense drawdown and as a result of shrinking Defense budgets, the Department of Defense was unfortunately left with no other choice but to start asking military retirees who have attained the age of 65 to go out and see a private sector doctor and have Medicare pay the bill.

After going to the same hospital since they were 18 years old or 19 years old, you can imagine how angry they were, because they had kept their promise to our Nation, and our Nation did not keep its promise to them.

It is said when a politician breaks his word, shame on him; but when a Nation breaks its word, shame on all of us.

In May, the House took what I thought was the unprecedented step of making lifetime health care for military retirees, for the first time it will be treated the same as Medicare and Medicaid and that that money will be there every year and not subject to an annual appropriation.

Mr. Speaker, I was very pleased to have a number of people helping on that, Democrats and Republicans from all parts of our country, in an united effort that just passed the House by 400 votes.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), one of the Members that helped make this possible.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for granting me this time, and I urge my colleagues to support the motion to instruct conferees that has been offered by the gentleman.

The motion directs the House conferees to maintain the House position in conference on expanding and making TRICARE Senior Prime permanent.

☐ 1645

As you may recall, on May 18 during consideration of H.R. 4205, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001, the House overwhelmingly voted 406 to 10 to make permanent TRICARE Senior Prime, more commonly known as Medicare Subvention. The House sent a clear signal that Medicare Subvention should continue to be available to our Medicare-eligible military retirees and their families. Expansion of permanent authority for Medicare Subvention is a vital step toward fulfillment of the commitment made to our career men and women in uniform who were promised access to health care services for life.

We made a promise to take care of those who served their Nation with distinction for 20 years or more. We must keep that promise. The motion to instruct conferees to retain the House position will help to ensure access to medical care for Medicare-eligible military retirees.

By spreading TRICARE Senior Prime to military hospitals and making the program permanent, we will begin to meet our promise. Medicare Subvention is an important step toward ensuring access to care for retirees and their dependents over the age of 65 who live near military facilities. Military retirees and their dependents that participate in the program are very satisfied with the quality of health care they receive. In fact, there are many retirees and their family members in the current test areas that have been placed on a waiting list because military treatment facilities cannot take more patients at this time.

As I have stated before, this is the year of military health care. As the ranking member of the House Committee on Armed Services, I focused on the need to improve access to health care services for men and women in uniform, particularly for our Medicare-eligible retirees. Retention of TRICARE's Senior Prime is the first important step in meeting our moral obligation to provide access to quality health care for our military retirees and their families.

Mr. Speaker, I urge my colleagues to support this motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion by the gentleman speaks to a provision that passed this House by an overwhelming vote of 406 to 10 on May 18. I supported the provision at the time, reflecting my strong support for addressing the health care crisis afflicting our over-65 military retiree population.

Since that vote, the Senate, the other body, adopted a differing proposal to accomplish the same objective that in turn will form the basis for negotiating between our two bodies. Given the strong support in both Chambers for each of these provisions, it is clear to me that the conference will bring back an agreement that goes a long way toward addressing this legitimate and pressing priority.

Accordingly, I will support and urge my colleagues to support the gentleman's motion as a further affirmation of the bipartisan and bicameral commitment to address the unacceptable situation facing our military retirees.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I certainly welcome the support of the gentleman from South Carolina, a person who has served our country all the way from a paratrooper to the chairman of the Committee on Armed Services.

Mr. Speaker, in the bipartisan spirit in which we passed this amendment and hope to keep this amendment in the bill in the final form, I yield such time as he may consume to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I am very pleased to rise in strong support of the Taylor motion to instruct the conferees.

I have seen the recruitment brochures from a number of years ago when those who are now our seniors were recruited. The recruitment brochures promised them and their family lifetime care in a military facility. We have broken that promise, and we are paying a heavy price for having broken that promise.

Three of the services are now unable to meet their recruitment goals, and that is partly because when prospective enlistees confer with their father or their uncle or their grandfather, they frequently get the advice that "I am not sure that you can believe what they are telling you, because they did not keep their promise to me."

We are having problems with retention for exactly the same reason, because our young men and women in the military are not sure that what we have now promised them is going to be there after they retire because we have broken our promise to their elders.

What Medicare Subvention does is to permit our retired military people, who either with great difficulty or not at all, can now get health care in a military facility. For those who have not been in the military or worked for the military and lived in a military community, they cannot understand the sense of community that these people have, how important it is that they continue to get health care where they have gotten it all their life, in a military facility.

We have had a demonstration project which has been very successful, and what the legislation now in conference does is simply to make this universal and permanent. It is the right thing to do, and the benefits we are going to accrue from this are enormous compared to the modest cost, because the cost should be very, very modest, because Medicare Subvention assures that the money is going to be there.

What this does is to help us in recruitment and help us in retention.

Even if there were a meaningful cost, I think that that cost should be more than justified by the benefits that we are going to have in recruiting and keeping our young people in the military.

This is the right thing to do. My only regret is that we did not do it years ago. But we are doing it now. So let us make sure that our conferees understand that we want them to hold with the position that we voted so overwhelmingly here in the House.

Again, I want to thank the gentleman from Mississippi (Mr. TAYLOR) for his commitment to this cause.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the promise for veterans health care has been 58 years, 58 years. The subvention bill was not written by DUKE CUNNINGHAM; it was written by my constituents in San Diego, California.

I was the originator of this subvention bill. Why? Because nothing was being done for our veterans. TRICARE, if you live in a rural area, is a Band-aid and does not serve. Subvention, if you live in a rural area, my bill is a Band-aid if it is not controlled.

I am going to support this. Even though it was in my bill, I have concern. Subvention, TRICARE, FEHBP, like civilians have, if you take a civilian secretary that works alongside a major or lieutenant commander, when they retire they get a government health care plan that supplements their Medicare. The military worker does not.

There is a board already formed looking at what is the most universal way that we can provide this health care; and whatever that is, I would hope that this House and the other body will come together to provide whatever is needed, whether it is a combination of TRICARE, a combination of subvention, or FEHBP. I do not feel that subvention is an end-all for our veterans, and I would hope that we come together on that.

I would also tell my colleagues there was another promise. My colleague, the gentleman from California (Mr. FILNER), is working on it, as I am. A promise was made to our Filipinos in World War II on that health care. It has not been completed, and I would hope that this body and the other body would act on that as well.

Mr. Speaker, I want to commend the gentleman for what he has done. I still have concern that it may in some way, down the line, if we do not come together, negate what we could do in totality for our veterans. I would like to work with the gentleman to make sure that that comes to fruition.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. CUNNINGHAM) for his assistance on this. As the gentleman pointed out during the previous debate, he was truly one of the founding fathers of the idea of subvention. And I do not claim to have invented it; I just think it is a heck of a good idea.

For the public who may not quite understand what we are trying to do, we are trying to fulfill the promise of lifetime health care to our Nation's military retirees, a promise made to them. We are trying to do it in a way they are comfortable with. They have been going to military treatment facilities for most of their lives, and they are justifiably angry that upon hitting the age of 65 they are being turned away from those treatment facilities, when they have been promised they could use that facility, they and their spouse, for the rest of their lives.

It is also something that we did not point out in the first debate, but if you look on the pay stub of the people who serve in our Nation, on their tax form they pay into the Medicare Trust Fund, just like every other American. So the question is, should not they be allowed to take that Medicare that they have contributed to and use it in the hospital that they wish to go to? That is the hospital on a military installation.

Let us give them the choice that every other American has been having, to go to the private sector. Let us let them go to the hospital that they want to go to. We know that we can save money.

The Treasury report that came out just a couple of days ago showed that the Nation, despite the talk of unprecedented surpluses, really had to borrow $11 billion from other trust funds thus far this year. There is not a lot of money laying around. But we know that with Medicare Subvention, that we can treat these same people for 95 cents on the dollar of what we would have paid a private sector doctor for the exact same treatment. So we are going to let them go to the hospital they want to go to. They have not only paid into the system with their taxes, but paid into the system with at least 20 years of dedicated service to their Nation. They deserve it.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Mississippi for yielding time, as I thank the chairman of the Committee on Armed Services.

This is an important motion to recommit, to make sure that those who serve on the conference understand that the House, as the chairman of the Committee on Armed Services said, almost 100 percent said that we want to make sure that our retirees who are 65 years and older will have adequate health care.

I want to thank the gentleman from Mississippi, because I know he has been fighting this issue for a couple of years, and I was delighted along with other Members from the Republican Party as well as the Democratic Party to be part of his amendment.

Mr. Speaker, I have 77,000 retired veterans in my district. I have about 13,000 retired military retirees. I have three military bases: two Marine, Camp Lejeune and Cherry Point Marine Air Station; and Seymour Johnson Air Force Base. Since I have been in Congress, for approximately 6 years, I can tell you from day one, the biggest issue has been health care for our veterans and our military retirees.

I think we have made some great progress in the last 6 years to speak to this issue, because as has been said by the gentleman from Mississippi (Mr. TAYLOR) and by the gentleman from South Carolina (Chairman SPENCE) and others, the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Maryland (Mr. BARTLETT), those men and women who have served this Nation, whether it be wartime or peacetime, certain promises were made to them, and if you cannot look to your government who made that promise to keep that promise, then there is a big problem; and in the eyes of many of our men and women who have served this Nation, the Government has not kept its promise.

I want to thank again the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from South Carolina (Mr. SPENCE), because we are keeping that promise now; and this amendment by the gentleman from Mississippi (Mr. TAYLOR) was certainly a great step forward, as it deals with those who are reaching the age of 65.

Many of our veterans and retirees are like all of us, with the better quality of life and health care, we are living to be in the seventies and eighties, and these men and women were made a promise, and the promise should be kept.

So I strongly support this motion to instruct conferees as it relates to the Taylor amendment, because this issue of Medicare Subvention is with us, and we have to do what is right for those men and women who have served this Nation.

Mr. Speaker, as I start closing down on my comments, it is always brought to my attention back home that we seem to find the monies to send our troops to Bosnia, or we seem to find the money to go to Yugoslovia. I think Bosnia and Yugoslovia both have probably cost the American people about 10 or 11 billion, and yet we have got men and women who have served this Nation that do not have adequate health care.

□ 1700

That is what this bill is doing and that is what this amendment by the gentleman from Mississippi (Mr. TAYLOR) is doing. We are finally saying to those who have served we are not going to make them wait any longer. We are going to start addressing this issue of them having adequate health care and we are going to make sure that they have it.

Mr. Speaker, let me quote Abraham Lincoln because he said it better than I could ever say it. He said, "Let us care for him who shall have borne the battle and for his widow and his orphan."

I think that should always be a reminder to those of us in Congress that men and women who have served this Nation in wartime or peacetime, that we made a promise to give them the very best of health care and I want to say to them today that we are taking giant steps to keep that promise.

I want to thank the gentleman from Mississippi (Mr. TAYLOR) for his effort. I want to thank the chairman of the Committee on Armed Services who has been fighting to help those men and women to have the very best health care possible.

I am pleased to support this motion to instruct.

Mr. SPENCE. Mr. Speaker, I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the last point I would like to make is that since the passage of this amendment I have had the opportunity to visit with the surgeon general of the United States Air Force, and I had some concerns that quite possibly the services, if they were not in favor of this idea, could administratively poison it.

I asked him, I said if we can find the money for this will he make it work?

I am not smart enough to remember his exact words, but his sentiments were that he was extremely excited about the idea of being compensated for taking care of 65 and older retirees, something that he has been doing basically out of hide.

The second thing that he was extremely excited about is the variety of health care cases that his doctors will now be able to see and be compensated for because, as he said, and I will never say it as well as he did, cardiologists do not stay very busy when all they are taking care of is 18- and 19- and 20-year-olds; but in order to have them well trained for mobilization, it is important that some of the older retirees are included in this mix so that those people can hone their skills that they are going to need in the event of a national emergency.

So for so many reasons, I think this is a good idea for our Nation. Number one, it is the right thing to do. We are going to keep our promise to those people who kept their promise to us.

Number two, we are going to do it in a fiscally responsible manner.

I think, Mr. Speaker, quite frankly, I am most pleased that in the history of this committee we have tried to do things in a bipartisan manner. I am most pleased that we are going to keep that promise in a bipartisan manner. I very much welcome the remarks of the chairman of the committee. I very much welcome the remarks of gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me this time.

Mr. Speaker, I rise in opposition. The Congressional Budget Office has estimated that this national missile defense system, which is part of this report, will cost $60 billion to build and deploy. Congress intends to spend $12 billion in the next 6 years. The SDI Star Wars system has cost the taxpayer more than $60 billion, and it is estimated that this system though less far-reaching than Star Wars will cost more. We have spent more than $122 billion on various missile defense systems. We need to reorganize our priorities and look at how we could better use these funds for programs that benefit the poor, seniors, and our Nation's children.

Before the decision is made, three exo-atmospheric intercept tests have been scheduled to determine the system's success rate and reliability to deploy the system, but one of two tests failed. The third test failed miserably as well. Three tests cannot define the technical readiness of the system and serve the basis for deploying a national missile defense.

According to the Union for Concerned Scientists, countermeasures could be deployed more rapidly and would be available to potential attackers before the United States could deploy even the much less capable first phase of the system.

A report by the Union of Concerned Scientists details how easily countermeasures could be used against this system and would not have to use new technology or new materials.

We are the only superpower in the world. The deterrent that we currently have is sufficient. We have thousands of missiles on hand that act as a deterrent. Any attack by another state would not be massive and would not be able to completely destroy our country or our nuclear arsenals. So any attack would leave the United States and its Armed Forces intact.

Our deterrent is impaired only if another state had enough missiles to knock off ours before they launched.

The national missile defense system will simply line the pockets of weapons contractors, spending billions of dollars for a system that does not work and does not protect against real threats. We will undermine our legitimate military expenditures and erode the readiness of our forces.

So who is benefiting from having a national missile defense system? According to The Washington Post, Boeing in 1998 already obtained a 3-year contract for $1.6 billion to assemble a basic system before the President even decided to deploy the system. The Post states that TRW has contracts for virtually every type of missile defense program. The military industry has the most to gain from a national defense system. According to The Washington Post, Lockheed Martin is the major contractor on theater missile defense with its upgraded version of the Patriot missile and the Army's $14 billion Theater High Altitude Area Defense system.

Deploying a national missile defense system could politically succeed in setting the stage for a worldwide arms race and dismantle past arms treaties.

The NMD violates the central principle of the ABM treaty, which is a ban on deployment of strategic missile defenses. It will undermine the nuclear nonproliferation treaty. It will frustrate SALT II and SALT III. It will lead directly to proliferation by the nuclear nations. It will lead to transitions toward nuclear arms by the nonnuclear nations. It will make the world less safe. It will lead to the impoverishment of the people of many nations as budgets are refashioned for nuclear arms expenditures.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the lessons I had to teach myself was that almost every Member of Congress represents about 600,000 people. Even those people I disagree with, everybody in this floor was elected by a majority of the voters and I am going to respect their ability to say what they want to say.

I would like to remind the gentleman from Ohio (Mr. KUCINICH) that the matter at hand is health care for our Nation's military retirees. This is a motion to instruct the conferees to stick to the House-passed provisions of the bill, provisions that I think greatly improve health care for our Nation's military retirees; a much better package than the other body.

At this moment we are instructing our conferees to stick to what I think is the better language of the two. It really has nothing to do with missile defense.

Mr. Speaker, again, it is always to be a position to be envied when one has their chairman and ranking member with them and most of their subcommittee chairmen with them.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OLVER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

TWENTY-FIRST ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1999

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Twenty-first Annual Report of the Federal Labor Relations Authority for Fiscal Year 1999.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 26, 2000.*

EDUCATION DEPARTMENT'S MISMANAGEMENT OF TAXPAYERS' MONEY

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, I am here on a personal crusade. I came to Congress because I have got five children and I care about their school. They are getting ready to go back to school in August.

A couple of things disturb me, Mr. Speaker. The Department of Education contract employees, some of them, pleaded guilty to participating in a scheme to defraud the Department of more than $1 million in equipment and false overtime. They illegally procured equipment, including a 61-inch television set, digital cameras, and Gateway computers for the personal use of Department employees and their families.

That is not all. Another fraudulent overtime claim includes a trip to Baltimore to pick up crab cakes for another Department employee. Two more Department employees were recently charged by the Department of Justice with involvement in this scandal, and as many as four other Department employees remain under investigation.

In 1998, the Department could not even audit its books, they were so badly managed. In 1999 when they did audit their books, they got a D minus.

Republicans have a different idea. We want to get dollars to the classroom and out of that bureaucracy over there.

Mr. Speaker, unbeknownst to all but Beltway bureaucrats and a handful of reform minded Members of Congress, the U.S. Department of Education has failed its last two financial audits.

The nationally known and respected accounting firm Ernst and Young has attempted, for fiscal years 1998 and 1999, to determine if the Department of Education has spent the money sent to it by Congress appropriately and lawfully.

The sad truth is, we just don't know. The Department's books were unauditable for FY 1998. This means the auditors couldn't even form an opinion on the state of the Department's books, let alone say whether those books were balanced and accurate.

In FY 1999, the Department received a grade equivalent of a D−. This means the auditors could put the books together into some sort of coherence, but not well enough to give the Department a passing grade in Accounting 101.

According to the auditors, if a private company received the same results the Department did on its FY 1999 audit, its stock would plummet. A real life example of this is MicroStrategy, whose stock, on the day a critical and unfavorable audit was announced, fell 62% and unleashed a slew of investor lawsuits.

Sadly, no one really knows when the Department will be able to receive a clean audit.

So, Mr. Speaker, what does this really mean to taxpayers—parents—and children? A few recent incidents illustrate the effects of this financial mis-management.

A Department of Education contract employee pleaded guilty to participating in a scheme to defraud the Department of more than one million dollars in equipment and false overtime. Illegally procured equipment included a 61 inch TV, digital cameras, and Gateway computers for the personal use of Department employees and their families.

However, that's not all. Among the fraudulent overtime claims was a trip to Baltimore to pick-up crab-cakes for another Department employee.

Two more Department employees were recently charged by the Department of Justice with involvement with this scandal, and as many as four other Department employees remain under investigation.

Earlier this year, 39 students were incorrectly notified by the Department that they had won the prestigious Jacob Javits scholarships. The cost of the mistake? Nearly $4 million dollars.

The theft ring and mis-identified students may only be the tip of the iceberg. Who knows what other kinds of waste, fraud, abuse and mismanagement might be taking place right now because of the inaction of the AL GORE and Education Secretary Riley?

For example, in one academic year alone, $177 million dollars in Pell Grants were improperly awarded, and the Department forgave almost $77 million in student loans for borrowers who falsely claimed to be either permanently disabled or dead.

The Department of Education also maintains a "grantback" account which at one time contained $750 million. Not surprisingly for an agency that cannot pass a basic audit, most of this money didn't really belong there. So far, the Department has been unable to explain exactly where the money came from, where it went, or why it came and went.

Is a clean audit an unreasonable goal for a federal agency? Bureaucrats would have you believe it is, but we all know it isn't. In fact, businesses large and small comply with this simple measure of fiscal responsibility every day. Any business owner will tell you the importance of a clean audit to maintain the confidence of investors and customers and to prevent waste, fraud and abuse.

The Department has failed to address its financial management for eight years running. Inaction has consequences and our children are paying the price. Fortunately, Republicans have responded to this inexcusable waste of hard-earned taxpayer money devoted to support the education of American children. We have held numerous oversight hearings, continue a rigorous investigation and passed a bill requiring a comprehensive fraud audit of the Department by the General Accounting Office.

We know what needs to be done. Until it is, the taxpayers' investment in the education of American school children will not reap anything close to maximum return.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JULY 25, 2000 AT PAGE H–6853

(The following addition to the statement of the gentleman from Wisconsin (Mr. RYAN) was omitted from the CONGRESSIONAL RECORD of Tuesday, July 25, 2000 at page H6853.)

Mr. Speaker, H.R. 4924, the "Truth in Regulating Act of 2000," is a bi-partisan, good government bill. It establishes a regulatory analysis function within the General Accounting Office (GAO). This function is intended to enhance Congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the last few years by Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction, Sue Kelly.

The most basic reason for supporting this bill is Constitutional: Just as Congress needs a Congressional Budget Office (CBO) to check and balance the executive Branch in the budget process, so it needs an analytic capability to check and balance the Executive Branch in the regulatory process. GAO is a logical location since it already has some regulatory review responsibilities under the Congressional Review Act (CRA).

Article I, Section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes Executive Branch agencies to issue rules that implement laws passed by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal rules.

During the 105th congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, chaired by David McIntosh, held a hearing on Mrs. Kelly's earlier regulatory analysis bill (H.R. 1704), which sought to establish a new, freestanding Congressional agency. The Subcommittee then marked up and reported her bill (H. Rept. 105–441, Part 2). H.R. 1704 called for the establishment of a new Legislative Branch Congressional Office of Regulatory Analysis (CORA) to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs. This agency was intended to aid Congress in analyzing Federal regulations. The Committee Report stated, "Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently, Congress does not have the information it needs to carefully evaluate regulations. The only analysis it has to rely on are those provided by the agencies which promulgate the rules. There is no official, third-party analysis of new regulations" (p. 5).

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued against creating a new Congressional agency on the basis of fiscal conservatism. By this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that dismantling CBO, however penny wise, would be pound foolish.

In the 106th Congress, Government Reform Subcommittee Chairman David McIntosh and Small Business Subcommittee Chairwoman Sue Kelly, seeking to accommodate the prejudice against a freestanding agency, introduced bills (H.R. 3521 and H.R. 3669, respectively) to establish a CORA function within GAO, which is an existing Legislative Branch agency. McIntosh and Kelly introduced their bills in January and February 2000. On May 10th, the Senate passed its own regulatory analysis legislation, S. 1198, the "Truth in Regulating Act of 2000," by unanimous consent. Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within GAO.

During the 106th Congress, the Government Reform Committee did not hold a hearing specifically on H.R. 4924 but the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs did hold a June 14th hearing, entitled "Does Congress Delegate Too Much Power to Agencies and What Should be Done About It?" At the hearing, Senator SAM BROWNBACK and Representative J.D. HAYWORTH testified that Congress needs to assume more responsibility for regulations. Dr. Wendy Lee Gramm, Director, Regulatory Studies Program, Mercatus Center, George Mason University and former Administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB); Alan Raul, partner, Sidley & Austin and former OMB General Counsel; and David Schoenbrod, Professor of Law, New York Law School and Adjunct Scholar, Cato Institute, all affirmed that Congress needs to conduct more oversight of regulations, especially regulatory proposals lacking an explicit delegation of authority from Congress.

Witnesses discussed the need for a CORA function that would assist Congress in assuming more responsibility for agency rules, which now impose over $700 billion in annual off-budget costs on the American people. Witnesses stressed the need for analytical assistance so that Congress could especially provide timely comment on proposed rules, while there is still an opportunity to influence the cost, scope and content of the final agency action. Witnesses stated that a regulatory analysis function should: (a) take into account Congressional legislative intent; (b) examine other, less costly regulatory and nonregulatory alternative approaches besides those in an agency proposal; and (c) identify additional, non-agency sources of data on benefits, costs, and impacts of an agency's proposal.

Dr. Gramm testified that, "there's clearly a need for more and better analysis that is independent of the agency writing the regulation . . . In my view, Congress cannot carry out its responsibilities effectively without such analysis." She continued by recommending, "a shadow OIRA, and that is to perform independent, high-quality analysis of agency regulations at the proposal stage . . . whether or not the agency has considered the different alternatives, what might be other alternatives . . . I would suggest that all this analysis be done at the proposal stage so that this information can be put into the rulemaking record."

On June 26th, Chairwoman Kelly and Chairman McIntosh introduced H.R. 4744, which made several needed improvements to the Senate-passed S. 1198, along the lines suggested by the witnesses at the June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This was a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the cost, scope, and content of regulation. In addition, unlike the Senate bill, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing $100 million or more but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29th, the Government Reform Committee favorably reported H.R. 4744, with a thorough discussion of issues in its accompanying report (H. Rept. 106–772).

H.R. 4924, introduced July 24th, includes only two—or, more accurately, one and a half—of H.R. 4744's improvements to S. 1198: (a) inclusion, within the scope of GAO's purview, of agency rules with a significant impact on small businesses; and (b) a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is "practicable." House Report 106–772 explains the basis for these improvements. Nonetheless, I am deeply disappointed that we could not persuade the Honorable gentleman from California that timely comments on proposed rules are better than untimely or late comments. But, I understand that, in politics, half a loaf—or, in this case, a fraction of a loaf—may still be better than none. H.R. 4924 is, in my judgment, inferior to H.R. 4744, which is itself a watered down version of the complete reform needed to implement Congress' Constitutional responsibility for regulatory oversight. But, it is a step in the right direction. And, it will give reformers something to build upon in the next Congress.

H.R. 4924 is truly a modest proposal. It does not require or expect GAO to conduct any new Regulatory Impact Analyses (RIAs), cost-benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit, small business impact, federalism impact, or any other missing analysis. For example, after the McIntosh Subcommittee insisted that the Department of Labor prepare a missing RIA for its Birth and Adoption Unemployment Compensation ("Baby UI") proposed rule, Labor finally prepared one.

Unfortunately, H.R. 4924 excludes from GAO's purview major rules promulgated by the independent regulatory agencies, such as the Federal Communications Commission, the Federal Trade Commission, and the Securities and Exchange Commission, which regulate major sectors of the U.S. economy. Since the analyses accompanying rules issued by the independent regulatory agencies are often incomplete or inadequate, this omission is unfortunate and makes the bill less useful than either S. 1198 or H.R. 4744.

Here's how H.R. 4924 works. The Chairman or Ranking Member of a Committee of jurisdiction may request that GAO submit an independent evaluation to the Committee on a major proposed rule during the public comment period or on a major final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, the potential costs of the rule, alternative approaches in the rulemaking record, and the various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedure Act (APA), Congress can comment on agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late Congressional comments cannot be considered by the agency unless all other late public comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did after its proposed "Baby UI" rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to fully carry out its responsibility under the CRA because it has neither all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function. In fact, since the March 1996 enactment of the CRA, there has been no completed Congressional resolutions of disapproval.

In recent years, various statutes (such as the Unfunded Mandates Reform Act of 1995 and the Small Business Regulatory Enforcement Fairness Act of 1996) and executive orders (such as President Reagan's 1981 Executive Order 12291, "Federal Regulation," and President Clinton's 1993 Executive Order 12866, "Regulatory Planning and Review") have mandated that Executive Branch agencies conduct extensive regulatory analyses, especially for economically significant rules having a $100 million-or-more effect on the economy or a significant impact on small businesses. Congress, however, does not have the analytical capability to independently and fairly evaluate these analyses.

To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation. What is needed is an analysis of legislative history to see if there is a non-delegation problem, such as in the Food and Drug Administration's proposed rule to regulate tobacco products, which was struck down by the Supreme Court in FDA v. Brown & Williamson, or backdoor legislating, such as in the Department of Labor's "Baby UI" rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest (or only) way to find out that an agency has ignored Congressional intent or failed to consider less costly or non-regulatory alternatives, is to examine non-agency (i.e., "public") data and analyses. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data in the course of evaluating agency rules. Although H.R. 4924 does not require GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up, because some hope that H.R. 4924 implicitly contains a gag order, forbidding GAO to consult any analyses or data except those supplied by the agency to be reviewed. This reading of H.R. 4924 would defeat the whole purpose of the bill, which is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. I say this, notwithstanding the words "where practicable," which some CORA foes hope will ensure that all GAO analyses of proposed rules are untimely and, therefore, worthless. I am confident that, despite the "where practicable" language, GAO will want to please rather than annoy its customers and employers, and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill reported by the Government Reform Committee, H.R. 4924 will increase the transparency of important regulatory decisions, promote effective Congressional oversight, and increase the accountability of Congress. The best government is a government accountable to the people. For America to have an accountable regulatory system, the people's elected representatives must participate in, and take responsibility for, the rules promulgated under the laws Congress passes. H.R. 4924 is a meaningful step towards Congress's meeting its regulatory oversight responsibility.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FARM ECONOMY IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I rise this afternoon to address this Chamber on the topic of the farm economy in the United States and the agricultural policies that we have adopted in Congress.

The 1996 farm bill, generally called the Freedom to Farm Act, has been effective in one respect, and that is it has given farmers flexibility to plant what they are interested in raising and not be tied as closely to particular commodities by the design of the farm bill itself.

Unfortunately, the Freedom to Farm Act has become a freedom to fail act, and we have farmers that are exiting from farming at a record rate. We have prices for commodities in this country that have dropped to levels that are as low as they have been in 100 years, if we adjust for inflation. We constantly hear about the plight of those who were producing oil and now we have gasoline at $1.50 to $1.75 a gallon throughout the country.

Well, if farmers had seen their prices go up without any adjustment for inflation, they at least would be paying $2.50 for corn, $3.00 for wheat, and higher amounts for other products. Tragically, in the United States, in the midst of a very robust and healthy and growing economy, one sector of the American economy that is hurting severely is agriculture. So I am pleased to announce that today I have joined with my colleague, the gentleman from North Dakota (Mr. POMEROY), and we have introduced legislation that is the Family Farm Safety Net Act of 2000.

The purpose of this legislation is to provide an outline or guide to the type of prices that are necessary in order to enable a farm to survive in the United States.

Since 1996, we can see what has happened to the prices for corn, wheat and soybeans. Prices have dropped precipitously. In 1996, corn was at $2.71 a bushel. Here we are in the summer of the year 2000, corn is roughly half that price at most of the elevators in the Midwest.

□ 1715

The drop in the price of wheat has not been quite as dramatic, but it still has come down by roughly $1.80 a bushel, and the price for a bushel of soybeans has come down by about $2.50 a bushel.

This certainly is not success in terms of agricultural policy.

In terms of flexibility, we also have a very frustrating situation. This chart shows what has happened in terms of the planting of wheat compared to the planting of soybeans. Soybeans, according to agricultural economists, are favored by the current situation. Wheat, by comparison, is not as advantageous to raise. So as a consequence, we have seen the acreage of wheat, it has been reduced by thousands of acres, and at the same time, the planting of soybeans has gone up by about a corresponding amount.

Mr. Speaker, we need to reestablish parity among the various crops. One way to do this is to take the loan rate for the marketing loans and harmonize the loan rates so that the loan rates for soybeans, for corn, for wheat, barley and other crops are neutral, and at the same time, have the loan rates pegged at a level where America's farmers can cover most of the costs of their operation. So as a consequence, our proposal is to increase the loan rate for corn as an example, to $2.43 a bushel; the loan rate on soybeans to $5.50 a bushel; to extend the period of the marketing loan to 20 months; and to include payment limitations, so that this farm program does not enrich those that are farming tens of thousands of acres, but instead, focuses its benefits and its attention on those farmers that are moderate size, family farming operations.

Mr. Speaker, I submit that this is the track that we need to take if we are going to get American agriculture back on course, and I urge my colleagues to join with the gentleman from North Dakota (Mr. POMEROY) and myself on this legislation.

TOPICS OF NATIONAL INTEREST

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to speak on two unrelated, but very important topics of national interest.

CAPITAL PUNISHMENT

Mr. DUNCAN. Mr. Speaker, first, I spent 7½ years before coming to Congress as a criminal court judge, trying felony criminal cases. I tried several death penalty cases, and I think I am the only Member of this Congress who has sentenced anyone to the electric chair.

It is almost impossible, Mr. Speaker, to get a jury to return a death sentence today. Despite polls showing very high support for capital punishment, it is one thing to favor the death penalty, but a much more difficult thing to actually impose it. It is so difficult, in fact, that most prosecutors will not even ask for a death sentence except in the most gruesome, horrible cases; and that is the main point I wish to make today, that juries return death sentences only in extremely brutal, terrible crimes.

In fact, it has been the law in this country for many years that an ordinary, simple murder, if there is such a thing, with nothing more, is not a capital case. To have a case justifying the death penalty, there must be aggravating circumstances that outweigh any mitigating factors, anything sympathetic in favor of the defendant. There have to be multiple crimes or killings, circumstances that make the case especially heinous.

I do not think a death sentence is appropriate except in 1 in 1 million very rare, very unusual kinds of cases. But I do believe that there are cases which are so gruesome, so horrendous that a death sentence is the only appropriate punishment. Those who oppose the death penalty should ask themselves, would they oppose it if their daughter or wife or sister was brutally raped as her three small children watched and then all were strangled to death, an actual case.

The media does a great job gaining sympathy for those who are about to be put to death. I wish they would do just as good a job describing the sickening details of the murders that have been committed, even if almost shockingly, a prosecutor can get a rare, unusual jury to return a death sentence, the trial judge sits as the 13th juror and must later approve the verdict or grant a new trial or sometimes a lesser sentence. Following the trial judge, both State and Federal appellate courts review the case. Usually at least 30 or 40 judges review a death sentence before it is carried out, and many of these judges are philosophically opposed to the death penalty. There seems to be a real drum beat in the media to do away with capital punishment.

I urge my colleagues and others to look very closely at this before they jump on this particular band wagon.

SHORTAGE OF TEACHERS IN AMERICA

Mr. DUNCAN. Secondly, Mr. Speaker, another important, but unrelated issue of national concern is the impending teacher shortage. This is a very artificial, political government-produced shortage. It has come about only because the teachers' unions and colleges of education want to drastically restrict and limit and control the number of people allowed to teach in the Nation's public schools.

If a person with a Ph.D. and 30 years of experience, say a chemist, wanted to teach after working for years for the Government, he cannot do so under the rules in most States today. If a small college went under and a professor with 25 years of teaching experience, let us say a professor of English, wanted to move to a public school, he could not do so in most States today. If a very successful businessman wanted to teach for a few years as a way to contribute back to society, he could not do so today, despite all of his great wealth and success and experience. Why? Because they would not have the required degrees in education.

So school boards are restricted to hiring 22-year-olds with no experience because they have taken a few education courses over people with Ph.D.s and great experience and success and knowledge who have not had the education courses. This makes no sense at all at any time, but it is crazy in a time when there is or is about to be a teacher shortage. School boards should never hire an unqualified teacher, but they should be given the flexibility and freedom and power to hire people who have great knowledge or experience or success in a particular field, even if they have never taken an education course. If they could do this, there would be no teacher shortage in this country. There are hundreds of thousands of experienced, well-trained, well-educated people with degrees and even graduate degrees who have not taken education courses, but who could and would make great teachers, if only government regulations would give them the freedom and opportunity to do so.

HIV/AIDS, THE WORLD'S DEADLIEST DISEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, today I rise to discuss one of the most challenging and life-threatening public health issues facing the global community, HIV infection and AIDS. I will also highlight significant actions our government and fellow Americans have taken to combat this threat.

HIV/AIDS is now the world's deadliest disease with more than 40 million persons infected worldwide. Not surprisingly, the pandemic affects the most vulnerable citizens of our global community. In fact, nearly 95 percent of infected persons live in the developing countries, with sub-Saharan Africa being the hardest hit of any other region in the world.

The statistics are startling. New HIV infections in Africa have numbered more than 1.4 million each year since 1991. That is an average of more than 3,800 new HIV/AIDS infections per day. Nearly 6,000 will die within this same time frame. Mr. Speaker, 23.3 million adults and children are infected with the HIV virus in the region, which has about 10 percent of the world's population, but nearly 70 percent of the worldwide total of infected people.

Life expectancy in these nations has been reduced by the disease to between 22 and 40 years. Some sub-Saharan African countries could lose as much as a third of their adult population by 2010, and 16 African countries have an HIV infection rate of more than 10 percent. South Africa is 20 percent, Zimbabwe and Swaziland are at 25 percent; and in Botswana, which has the highest infection rate in the region, 36 percent of adults are HIV infected.

When I hear these daunting statistics, I am reminded of a quote by John F. Kennedy. He said, "Mankind must put an end to war, or war will put an end to mankind." HIV/AIDS and its death toll have declared war on our humanity. We must fight back. All sectors and all spheres of society have to be involved as equal partners in fighting this assault. The health sector cannot meet this challenge on its own, nor can one government or nation. It is imperative that we have a collective global effort.

Although I do believe we can do more, I am proud to say that the executive and legislative branches of our government, as well as the private sector, have taken significant steps in that direction. Earlier this month, the U.S. Export-Import Bank extended up to $1 billion in financing to 24 sub-Saharan African countries to buy anti-AIDS drugs. The financing will be combined with a $500 million commitment from the World Bank to help these countries purchase reduced-priced drugs, buy medical equipment, and develop specialized health services.

More recently, the gentlewoman from California (Ms. LEE), along with the gentlewoman from California (Ms. WATERS), the gentleman from Florida (Mr. HASTINGS), and the gentleman from Illinois (Mr. JACKSON), and the Congressional Black Caucus successfully offered an amendment adding $42 million to the Infectious Disease Account for international HIV/AIDS funding in the House-passed version of the fiscal year 2001 Foreign Operations Appropriations Act. The amendment increased this important funding for HIV/AIDS to the President's original budget request of $244 million, which is $190 million over current-year funding.

Additionally, during the 13th International Annual AIDS Conference in Durban, South Africa this month, the Bill and Melinda Gates Foundation announced a round of grants amounting to $100 million to prevent AIDS in mothers and children, assist AIDS orphans, and relieve suffering in dying patients. Of this funding, a $50 million grant will go to Botswana, the country in sub-Sahara with the highest HIV infection rate. That will be matched mostly through drug donations by the U.S. Merck Pharmaceutical Corporation.

When the history of this war is written, it will record the collective efforts of societies. Future generations will judge us on the adequacy of our response. I commend the Ex-Im Bank, my colleagues in this House, and the Bill and Melinda Gates Foundation for their compassion and foresight in addressing this issue.

TENTH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I am pleased to comment this evening to this body on the 10th anniversary of the Americans With Disabilities Act.

I want to make a quote: "I now lift my pen to sign the Americans With Disabilities Act and say, let the shameful wall of exclusion finally come tumbling down."

That was spoken by President Bush on July 26, 1990. Mr. Speaker, I rise today to reflect on how far we as a Nation have come since that summer day 10 years ago when I was honored to be an original cosponsor of the Americans With Disabilities Act.

Today, I joined another President and disability advocates at the F.D.R. Memorial, President Franklin Delano Roosevelt Memorial, to commemorate this landmark law.

I want to discuss a little bit what has happened in the decade since its enactment, but I would like to recognize for about 40 seconds the distinguished gentleman from Pennsylvania (Mr. GEKAS), who would like to make a comment.

Mr. GEKAS. Mr. Speaker, I join with the gentlewoman in the celebration of the moment of the 10 years of good times spent in developing the Americans With Disabilities Act. I was on the committee, as I still am, on the Committee on the Judiciary, when we had the first hearing; and one of the principal witnesses, some may remember, was Attorney General, then Attorney General Dick Thornberg in the Bush administration, speaking for the Bush administration, endorsing the Americans With Disabilities Act, and bringing into play not only his personal and professional endorsement of it for the Bush administration, but also because he himself as a father has undergone problems in the family with people with disabilities.

So we had a merging, during that committee, of all of the elements that are necessary to make the Americans With Disabilities Act work, namely, that the administration, whatever administration it is, always is behind it; number two, that spokesmen for the administration now and in the future will be developing programs with the Americans With Disabilities Act; and, third, to recognize that members of our own families and neighbors and friends are all subject to the benefits of the Americans With Disabilities Act.

I thank the gentlewoman.

□ 1730

Mrs. MORELLA. Yes, Mr. Speaker, in the decade since its enactment, the ADA has changed the social fabric of our Nation. It has brought the principle of disability civil rights into the mainstream of public policy. In fact, the law, coupled with the disability rights movement, has fundamentally changed the way Americans perceive disability.

ADA placed disability discrimination alongside race gender discrimination, and exposed the common experiences of prejudice and segregation, and provided a cornerstone for the elimination of disability discrimination in this country.

The passage of ADA resulted from a long struggle by Americans with disabilities to bring an end to their inferior status and unequal protection under law. It is well documented the severe social, vocational, economic, and educational disadvantages of people with disabilities.

Besides widespread discrimination in employment, housing and public accommodations, education, transportation, communication, recreation, I could go on, institutionalization, health services, voting, and access to public services, people with disabilities faced the additional burden of having little or no legal recourse to redress their exclusion.

Mr. Speaker, over the past decade, ADA has become a symbol of the promise of human and civil rights. It has brought change and access to the architectural and telecommunications landscape of the United States. It has created increased recognition and understanding of the manner in which the physical and social environment can pose discriminatory barriers to people with disabilities.

I want to point out that we have been making some strides. My Subcommittee on Technology passed and allows Congress significant assistive technology which was included in the budget. Just last week, a commission on the advancement of women, minorities, and persons with disabilities in science, engineering, and technology established under my legislation in the last Congress did a roll-out of their recommendations. We are hoping to pull together a public-private partnership so that we can give more access and opportunity to persons with disabilities.

ADA is not self-acting in ensuring its provisions are fully enforced.

The Federal Government commitment to the full implementation of ADA and its effective enforcement is essential to fulfill the law's promises. Although this country has consistently asserted its strong support for the civil rights of people with disabilities, many of the Federal agencies charged with enforcement and policy development under ADA, to varying degrees, have been overly cautious, reactive and lacking any coherent and unifying national strategy.

Enforcement efforts are largely shaped by a case-by-case approach based on individual complaints rather than an approach based on compliance monitoring and a cohesive, proactive enforcement strategy.

In addition, enforcement agencies have not consistently taken leadership roles in clarifying frontier or emergent issues, issues that, even after nearly 10 years of enforcement, continue to be controversial, complex, unexpected, and challenging.

Mr. Speaker, for ADA to be effective, this needs to be changed.

There is something ADA cannot legislate, and that is attitude. There is a saying with the disability community: "Attitude is the real disability." The attitude toward employment of people with disabilities has to change.

In closing, President Bush said it best at the signing of the ADA. He said, "This Act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard. Independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the right mosaic of the American mainstream." Let us remember that.

CONGRATULATIONS ON THE RETIREMENT OF GENERAL JOHN GORDON, USAF

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise today to recognize an outstanding American who has faithfully served our country for the past 32 years, General John A. Gordon.

General Gordon, who retired from the Air Force earlier this month, was awarded two commendations this morning in a ceremony at the George Bush Center for Intelligence. George Tenet, Director of Central Intelligence, awarded him the National Intelligence Distinguished Service Medal; and General Michael Ryan, Air Force Chief of Staff, awarded him the Air Force Distinguished Service Medal.

John Gordon's Air Force career began in 1968, and his early assignments were in the highly scientific areas of weapons research, development and acquisition. He went on to serve as a long-range planner at the Strategic Air Command. He was then assigned as a politico-military affairs officer at the Department of State. He returned to the real Air Force as commander of the 90th Strategic Missile Wing.

General Gordon also served our country as a staff officer with the National Security Council and in several senior Department of Defense planning and policy-making positions.

Joining the intelligence community late in his career, General Gordon was first appointed as associate director of Central Intelligence for Military Support back in 1996. Following that assignment, he was named Deputy Director of Central Intelligence, the second-highest ranking intelligence officer in the United States, a position he held with great distinction from October of 1997 through June of this year.

His tenure came at a time when the intelligence community was rebuilding in response to new threats to the United States national security that have emerged since the end of the Cold War, things we know as transnational threats, terrorism, weapons proliferation, weapons of mass destruction proliferation, illegal arms sales, narcotics, those types of things. As DDCI, General Gordon worked closely with Congress and the House Permanent Select Committee on Intelligence to improve U.S. intelligence capability and to safeguard sensitive national security information.

General Gordon brought a singular sense of purpose to the Deputy Director's job that was highly valued by those inside and outside the intelligence community.

I would like to point out, despite the fact that he does not have a background in intelligence, John Gordon would have made a great case officer. Last year he took time to sit down with a group of high school students from my district, some of the top students in southwest Florida. After he spoke to them, several were ready to sign up for a career in the U.S. intelligence community; and this comes in an era where many gifted students are leaving school early to earn a fortune in a new digital economy. I think General Gordon has another career out there as a recruiter for Intelligence if he wants it.

From this gentleman's perspective, it was a pleasure to work with General Gordon while he wore the uniform of the United States Air Force. I am sure he will bring the same diligence and professionalism and integrity to his first civilian job as the Under Secretary of Energy for Nuclear Security and the first administrator for the National Nuclear Security Administration. As we all know, our nuclear secrets and weapons abilities will be more secure, and needs to be more secure in places like Los Alamos, with John Gordon as their steward. We look forward to his taking up the reins.

On behalf of the members of the House Permanent Select Committee on Intelligence, I would like to thank General John Gordon for his continuing service to our Nation. I wish John and his wife, Marilyn, and their daughter, Jennifer, all the best for their future. I offer sincere gratitude for the family sacrifices I know have been made to allow General Gordon to commit so much time and energy to distinguish himself in critical 7-day-a-week, 24-hour-a-day top-level jobs that he has done so well. That is a great contribution to our country. It deserves to be recognized.

PRESCRIPTION DRUG COVERAGE FOR SENIORS TOP PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I appreciate the opportunity to rise today and have an opportunity to speak about an issue that I have come to the floor very frequently to speak about for many, many months now.

I am asking my colleagues to make sure that we place prescription drug coverage for seniors under Medicare as a top priority for us before we leave session this year. Time is running out.

We have the best economy in a generation. We have budget surpluses that we are deciding how to use and how to invest. I cannot think of a more important issue than investing in the future health and well-being of older Americans and families all across the United States.

I have been coming to the floor of the House on a regular basis to speak out and to share stories of constituents of mine, family members, older Americans who have been calling me and writing me.

I set up a hotline back in August of last year and have set up something called the Prescription Drug Fairness Campaign, whereby I have been asking people to share with me their stories, what is really happening in their lives as it relates to the issue of their medications and the high costs of prescription drugs. I have been overwhelmed with the letters and the phone calls that we have received.

I want one more time to be reading a letter this evening on the floor of this House from one of my constituents in Michigan. This is a letter from Mr. James Schlieger from Flint, Michigan. He writes to me: "My wife Joan has Alzheimer's Disease. In 1999, my out-of-pocket payment for preparations was $3,020.43. Our other medical expenses were $3,909.79. Our Social Security income is $20,252. This leaves us little over $13,000 to pay our property taxes, utility bills, food, and gasoline and all of our other expenses. Bottom line, there is nothing left to enjoy the Golden Years. With my wife's condition, in a few years, we will have depleted our savings, then we will have to become dependent on government care. Please help us. James Schlieger from Flint, Michigan."

I think we need to help Mr. Schlieger. We need to make sure that our seniors are not using all of their savings to pay for the cost of the health care that they are supposed to be receiving under Medicare.

This Sunday is the 35th anniversary of the day that the Medicare legislation was signed. At the time it was set up, it covered the way health care was provided. The promise was there that, once an American reached the age of 65 or was disabled, they knew that there would be health care available to them.

The difficulties that we have now is that health care has changed. The way we treat people has changed. Instead of it being in the hospital and with operations and inpatient prescription drugs, we are now in a situation where the majority of care is outpatient, is home health care. It almost always involves prescription drugs. So Medicare simply needs to be modernized to cover the way health care is provided today.

There are others who are talking about privatizing. There are others talking about other kinds of approaches. I would urge my colleagues to simply look at a system that the seniors of our country know and trust. It has worked. It just needs to be updated. If we cannot do that now with the best economy in a generation, with budget surpluses and the ability to take a small percentage and invest that back into Medicare to lower the cost of prescription drugs, I do not believe we ever will.

So I call on my colleagues one more time. Let us not let one more senior sit down at breakfast in the morning and decide, do I eat today or do I pay for my medications? That is a choice that older Americans should not have to make.

I am going to do everything in my power to fight on behalf of the seniors of Michigan, to make sure that we modernize Medicare for prescription drugs.

WHALE KILLING ENDS FOR MAKAH INDIAN TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the Makah Indian Tribe in Washington State has been granted special permission by the Clinton-Gore administration to kill four gray whales each year. They have already killed one whale and injured at least one. By the way, for every whale killed, there is an average of two that are injured and get away.

But last year, I filed an appeal along with several co-plaintiffs to overturn the decision made by the U.S. District Court to allow whaling by the Makah Indian Tribe. Two months ago, a three-judge panel from the 9th Circuit Court handed down a decision in that case. The decision specifically confirmed my position. We won. Whale killing was ended. The only way the Clinton-Gore administration would be able to gain approval for this whale hunt now would be to blatantly violate the Federal environmental protections law.

In fact, the court specifically asked, and I quote from the decision language, "Can the Federal Defendants now be trusted to take the clear-eyed hard look at the whaling proposal's consequences required by law, or will a new (Environmental Assessment) be a classic Wonderland case of first-the-verdict, then-the-trial?"

Alice in Wonderland, indeed. However, in this story, the heads that are being chopped off belong to the majestic gray whales that ply the western coast of America and each year travel north to the Bering Sea and occasionally even to Siberia. Most Americans believe that we have risen above the wanton slaughter of the buffalo for their hides, or the whales for the value of their body parts.

This would have been the first step toward returning to the terrible commercial exploitation of whales of the 19th century. In the papers filed with NOAA by the Makah Tribe, the tribe refused to deny that this was a move toward renewal of commercial whaling.

□ 1745

It is important to understand that the International Whaling Commission has never sanctioned the Makah whale hunt. Under the International Whaling Convention, of which the United States is a signatory, it has been legal to hunt whales for scientific or aboriginal subsistence purposes only. The tribe clearly has no nutritional need nor subsistence need to kill the whales.

Even in the face of the strong International Whaling Commission's opposition to the original Makah proposal in 1997, the U.S. delegation unbelievably ignored years of U.S. opposition to whale killing and cut a sleazy deal with the Russian government in a back-door effort to find a way to grant the Makah's the right to kill whales.

The agreement was to allow the Makah Tribe to kill four of the whales from the Russian quota each year under the artificial construction of cultural subsistence. Before this shameful back-door deal, the United States had led the opposition worldwide to any whale killing not based on true subsistence need. Cultural subsistence is a fraud. It is a slippery slope to disaster.

Cultural subsistence would have expanded whale hunting to any nation with an ocean coastline and any history of whale killing. The whaling interests in Norway and Japan, who still occasionally pirate whales on the high seas, were delighted with the U.S. position. They have orchestrated and financed an international cultural subsistence movement. America's historical role as a foe of renewed whaling around the world would have been drastically undercut.

The treaty signed by the Makah Tribe in 1855 only gives them the right to hunt whales in common with the citizens. This provision was to ensure equal rights, not special rights. Now, under the 9th Circuit Court ruling, the Makah Tribal Government will not be allowed to kill whales when it is illegal for anyone else in the United States to do so.

It is shameful that the Clinton-Gore administration supported a proposal that flies in the face of the values, interests and desires of the majority of United States citizens. It violates the law and the clearly stated U.S. policy in opposition to whaling.

I support those Makah tribal elders and others who oppose this hunt, and I am deeply appreciative of the court ruling and our success in stopping the renewal of the barbaric practice of whaling.

ENSURING A COMPETITIVE AIRLINE INDUSTRY

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I am deeply troubled over the possibility of mergers of major domestic airlines. Many observers have predicted that if the proposed merger of United Airlines and US Airways is allowed to proceed, it will be followed by mergers of other major carriers, and soon we will have an industry dominated by three mega-carriers. This would be devastating to consumers.

The father of deregulation, Alfred Kahn, observed, "Because of the United-US Airways threatening to set off a series of imitative mergers that would substantially increase the concentration of the domestic industry, there is a possible jeopardy here to the many billions of dollars that consumers have been saving each year because of the competition set off by deregulation."

I am strongly opposed to the United-US merger and other mergers that likely will follow. I have asked the Department of Justice and Transportation to use all available authority to stop the mergers under the antitrust laws, and many Members have indicated they share those concerns.

At hearings held in several House and Senate committees there was little support for the United-US merger. Members raised concerns about the impact of the merger on service to the areas they represent as well as to the Nation at large. As one Member in our hearing in our Committee on Transportation and Infrastructure observed, "I don't think the merger is a win-win for the consumer. As a matter of fact, it might be a lose-lose look for the consumer." A number of Members expressed the sentiment that if Congress were to vote on the proposed United-US merger, it would fail.

I hope and expect that the Department of Justice will heed those strongly-held views. At the same time, however, I believe we have to begin thinking about steps we would take to protect consumers if competition in the industry is reduced to a point where it is no longer an affective check on monopolistic behavior. I must emphasize that this type of legislation is not my preference. I would greatly prefer an environment in which consumers are protected by adequate competition in a free market.

The legislation I am introducing will give the Department of Transportation extended authority to protect the American consumer should a series of mergers or acquisitions be approved, leaving our domestic market with three or fewer carriers, who would account for over 70 percent of scheduled revenue passenger miles. The authority that I would extend to the Department of Transportation in this legislation will include oversight of air carrier pricing, anti-competitive responses to new entrant competition, and other unfair competitive practices.

This is not reregulation. Airlines will remain free to set prices and enter or leave markets without prior government approval. But the bill will give DOT authority to intervene if the airlines take unfair advantage of the absence of sufficient competition.

I just want to cite the highlights of this legislation. The bill would take effect when, as a result of mergers between two or more of the top seven carriers, three or fewer carriers control more than 70 percent of domestic revenue passenger miles.

Monopolistic fares. The Secretary of Transportation is authorized to require reduction in fares that are unreasonably high. When the Secretary finds that a fare is unreasonably high, he may order that it be reduced and that the reduced fare be offered for a specified number of seats and that rebates be offered.

Preventing unfair practices against low-fare new entrants. If a dominant incumbent carrier responds to low-fare service by a new entrant, and matches that low fare, and offers two or more times the low-fare seats as the new entrant, the dominant carrier must continue to offer the fare for 2 years, for at least 80 percent of the highest level of low-fare seats it offered.

Increasing competition at hubs. If a dominant carrier at a hub airport takes advantage of its monopoly power by offering fares 5 percent or more above industry averages in more than 20 percent of hub markets, DOT may take steps to facilitate added competition at the hub.

And, finally, the measures to encourage competition may include measures relating to the dominant carrier's gates, slots, or other airport facilities, to travel agent commissions, frequent flyer programs and corporate discount programs.

I hope we do not ever have to come to a point where this legislation must be enacted and must take effect. I hope that the Justice Department will disapprove the United-US merger and discourage all other mergers that are likely to follow this one. If not, and if the domestic airspace and the world airspace is reduced to three globe-straddling mega-carriers, then we will need this legislation in place to protect competition and protect consumers.

Mr. Speaker, I want to go into a little more detail about some of the problems my legislation seeks to address.

MONOPOLISTIC FARES

If the airline sector is reduced to three major carriers the remaining mega-carriers could substantially reduce competition and raise fares. The way airline competition works today, when established carriers control markets, the tendency is for the carriers to follow each other's fare changes so that the fares are identical, and the passenger choice is limited. These tendencies would be magnified if there were only a few major airlines. There would be enormous incentives for each carrier to avoid competing with the others at their strong hubs and routes. This strategy would likely lead to the greatest mutual profitability, while strong competition across the board could prove suicidal. As the DOT aptly stated, "[e]conomic theory teaches that the competitive outcome of a duopoly is indeterminate: the result could be either intense rivalry or comfortable accommodation, if not collusion, between the duopolists." Collusion to fix prices is not new to the airline industry—in 1992 it was caught red-handed in an elaborate price-fixing scheme using computer reservations software.

The impact of mergers on fares goes beyond the effects of having only three major competitors. Each merger by itself eliminates competition between the parties to the merger; history shows that this reduction in competition will lead to higher fares. The General Accounting Office, in a 1988 report, found that after TWA bought Ozark, it raised roundtrip fares 13 to 18 percent on 67 routes serving St. Louis. An October 1989 report by the Economic Analysis Group, a DOJ research arm, noted that: "The merger of Northwest and Republic appears to have caused a significant increase in fares [5.6 percent] and a significant reduction in overall service on city pairs out of Minneapolis-St. Paul." That happened despite the fact the number of cities served from Minneapolis-St. Paul increased after Northwest/Republic merger.

My bill will give DOT authority to intervene if carriers take advantage of the absence of competition by raising fares above competitive levels. The bill gives DOT authority to require reductions in fares which it finds to be unreasonably high. The bill gives examples of situations in which a fare might be found to be unreasonably high: if the fare in a particular market is higher than the fare the carrier charges in other markets with similar characteristics, or if the fare in a market is increased beyond increases in costs. The bill provides that if DOT finds that a fare is excessively high it may order that the far be reduced, specify the number of seats at which the reduced fare must be offered, and order rebates.

UNFAIR COMPETITIVE PRACTICES AGAINST LOW FARE CARRIERS

A second problem that my bill deals with is unfair competitive practices against new entrants.

New entrants providing low fare service have been a critical element in airline competition under deregulation. In fact, history has shown that the public experiences real competition only when low far carriers like Southwest Airlines enters a market. DOT called it the "Southwest effect." Studies have shown that when Southwest begins service to a new city, competitors tend to lower their fares and more people start flying. DOT studies show that average fares in markets served by low-fare carriers were $70–$90 lower than average fares in other markets. On the other hand, fares were higher in markets not served by a low-fare carrier, even when these markets had competition from several established carriers. New entrants with low fare service will be even more important in an industry dominated by three large carriers.

In recent years, low fare carriers have faced great difficulty in establishing their services. Last year on the House floor, I expressed my concern over unfair competitive practices that incumbent airlines have used when new entrant low fare carriers try to compete. In the typical scenario, the low fare carrier enters a market with a limited amount of low fare service. The incumbent carrier responds by matching the low fare and adding service so that the low fare will be available on many times the number of seats offered by the low fare carrier. This flooding of the market frequently drives the low fare carrier out, and permits the incumbent to raise its fare to the prior level.

The adverse effect of these practices on competition does not end with the particular challenger. Once it becomes known in the industry that an incumbent will respond aggressively to a challenge by a low fare carrier, other prospective competitors will also be deterred in the future. This is not a theoretical problem. DOT investigations and Congressional hearings have uncovered a number of instances in which major airlines have adopted money-losing strategies to drive out new entrants who have instituted low fare service at the major carrier's hub airports.

The Transportation Research Board (TRB), in its 1999 study Entry and Competition in the U.S. Airline Industry, examined 32 complaints of unfair competition on file with the DOT, concluding that "it is apparent that some of the actions described are difficult to reconcile with fair and efficient competition." The TRB reported that one-half of the cases involved sharp price cutting and excessive increases in capacity. In fact, last year the DOJ filed suit against American Airlines to enforce the antitrust laws against alleged predatory practices by American Airlines to drive new entrants out of its Dallas/Ft. Worth hub.

If the industry is reduced to three mega-carriers, these carriers will have greater financial resources and general freedom from competition. This will enhance their ability to eliminate new entrants by unfair practices.

To deal with this problem, my bill adopts a concept suggested by Dr. Kahn and others to discourage unfair tactics against new entrants. In cases where a dominant carrier at a hub airport meets new low fare competition by reducing its fares and offering the new low fare on more than twice the number of seats as the new entrant carrier on that route, the bill requires the dominant carrier to continue to offer the new low fares for two years. During this two year period, the low fares must be made available on at least 80 percent of the highest number of seats per week for which that fare has been offered. This will ensure that a dominant carrier's efforts to defend its market, route or hub will be a truly competitive response, not one designed only to drive a new competitor out of business and then recoup reduced profits or losses by raising fares.

MONOPOLISTIC ABUSES AT HUB AIRPORTS

Another major problem that my bill addresses is monopolistic practices at hub airports dominated by a single airline. Several studies have shown that fares for hub airports are higher than fares in markets where there is more competition. The recent TRB study concluded that "the consistency with which hub markets appear among the highest-free markets is noteworthy and raises the possibility that the hub carriers are exploiting market powers in ways that would not be sustained if they were subject to more competition."

In an environment of less competition, the hub problem can be expected to grow worse. My bill addresses this problem in several ways. First, as I have previously discussed, the bill gives the Secretary authority to require that fares at hub airports be reduced if they are higher than fares elsewhere.

Secondly, the bill includes provisions to encourage more competition at hubs. The bill provides that, upon a finding that a dominant carrier is exploiting its position at a hub airport by offering unreasonably high fares in more than 20 percent of the hub's markets, the Secretary may require the dominant air carrier to make gates, slots, and other airport facilities reasonably available to other carriers. We have often heard of dominant air carriers that refuse to give to other carriers, especially new entrants, access to key airport facilities.

The ability to prevent other air carriers from competing effectively at hub airports will only be magnified if the industry is reduced to three major carriers.

My bill would also give the Secretary the authority to require that the air carrier exploiting a hub monopoly make adjustments in commissions paid to travel agents, in frequent flyer programs, and in corporate discount arrangements. Each of these marketing programs has served, in the past, to make it nearly impossible for new entrants to gain a foothold in a dominant hub market. The recent TRB report noted that use of these programs to drive out competition "merits further investigation by DOT."

UNREASONABLY HIGH FARES FOR BUSINESS PASSENGERS

A final problem the bill addresses is excessibly high fares for business travelers and others who cannot meet the conditions on discount tickets. In the last several years, airlines have been charging increasingly higher airfares to business travelers who do not qualify for discount tickets. The TRB noted that the: "higher-fare travelers . . . are now paying 5 to 25 percent more. Also evident is that these travelers are paying fares much higher than the median, at least in comparison with earlier periods (1995 to 1992). For instance, travelers paying the highest fares in 1992 paid 2 to 2.1 times the median fare. In 1998, these travelers paid 2.7 to 2.9 times the median." If the aviation industry were to consolidate to just three globe-straddling mega-carriers, the business traveler is the one who would bear the brunt of the super-premium airfares that are sure to be charged in those monopoly power airport markets.

My bill would give the Secretary power to require reductions in fares that are unreasonably high, either in and of themselves, or by comparison to the lower fares offered other passengers.

Mr. Speaker, I believe that we are at a critical point for the future of a competitive airline industry. The inescapable lesson of 22 years of deregulation is that mergers and a reduction in competition often lead to higher fares for the American traveling public. We cannot stand idly by and allow the benefits of deregulation to be derailed by a wave of mergers. If these mergers are approved, we will need a new legislative framework to give the Secretary of Transportation appropriate authority to combat anti-competitive practices by the new line-up of powerhouse mega carriers, to preserve competition in the public interest, and ensure the widest range of travel options at the lowest possible prices for air travel.

If the mergers proceed without the competitive protections I am proposing, then the ultimate irony of deregulation will be that we will have traded government control in the public interest, for private monopoly control in the interests of the industry.

Mr. Speaker, I submit for the RECORD herewith a section-by-section summary of my legislation:

AIRLINE COMPETITION PRESERVATION ACT—SECTION-BY-SECTION SUMMARY

SECTION 1—SHORT TITLE

This section provides that the Act may be cited as the "Airline Competition Preservation Act of 2000."

SECTION 2—OVERSIGHT OF AIR CARRIER PRICING

Subsection (a)(1) provides that the Act takes effect immediately upon a determination by the Secretary of the Department of Transportation that, as a result of consolidation or mergers between two or more of the top 7 air carriers, three or fewer of those air carriers control more than 70 percent of scheduled revenue passenger miles in interstate air transportation.

Subsection (a)(2) states that the Secretary shall, in determining the number of scheduled revenue passenger miles under subsection (a)(1), use data from the latest year for which complete data is filed. In addition, subsection (a)(3) provides that the Secretary in making the concentration determination in (a)(1) should attribute to the remaining airline those routes acquired from the air carrier with which it has merged or consolidated.

Subsections (b)(1) and (b)(2) give the Secretary the authority to investigate whether an air carrier is charging a fare or an average fare on a route that is unreasonably high. The factors in making this determination include whether the fare or average fare in question: is higher than fares charged in similar markets; has been increased in excess of cost increases; and strikes a reasonable relationship between fares charged to passengers who are price sensitive and those charged to passengers who are time sensitive.

Under subsection (b)(3), if a fare is found to be unreasonably high, the Secretary may order, after providing the air carrier with an opportunity for a hearing, that it be reduced, that the reduced fare be offered for a specified number of seats and that rebates be offered.

Subsection (c) provides that if a dominant air carrier, on any route in interstate transportation to or from a hub airport, responds to low fare service by a new entrant by matching the low fare, and offering two or more times the low fare seats as the new entrant, the dominant carrier must continue to offer the low fare for two years, for at least 80 percent of the highest level of low fare seats it offered.

Subsection (d)(1) authorizes the Secretary to investigate whether a dominant carrier at a hub airport is charging higher than average fares at that airport. Subsection (d)(2) provides that the Secretary may determine that higher than average fares are being charged where an air carrier is offering fares that are 5 percent or more above industry average fares, in more than 20 percent of its routes that begin or end in its hub market. If higher than average fares are being charged, the DOT may, after providing the air carrier with an opportunity for a hearing, take steps to facilitate added competition at the hub, including measures to relating to the dominant carrier's gate, slots, and other airport facilities, travel agent commissions, frequent flyer programs and corporate discount programs.

Subsection (e) defines the terms "dominant air carrier," "hub airport," "interstate air transportation," and "new entrant air carrier." "Dominant air carrier" is defined, with respect to a hub airport, as an air carrier that accounts for more than 50 percent of the total annual boardings at the airport in the preceding 2-year period or a shorter period as specified by the Secretary. A "hub airport" means an airport that each year has at least .25 percent of the total annual boardings in the United States. "Interstate air transportation" is defined as including intrastate air transportation. A "new entrant air carrier," with respect to a hub airport, is defined as an air carrier that accounts for less than 5 percent in the preceding 2-year period or a shorter period as specified by the Secretary.

SEND EDMOND POPE HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today with a heavy heart. On my left is a picture of Edmond and Cheri Pope, a lovely couple from State College, Pennsylvania. On March 14, Edmond left for Russia on a routine trip, a business trip. It would have been his 27th trip there. He was someone very involved in working with the Russians on business development, helping them market their declassified technology, someone who was very fond of the Russians and liked to help them economically in deals that were beneficial to both our countries.

For 115 days Edmond Pope, from April 3 on, has been in a Russian prison. For 115 days Mrs. Pope has not had a husband, except for 2 hours that she spent with him several weeks ago. His children have had no father for 115 days. His aging parents do not understand why for 115 days they have not been able to talk to their son.

My colleagues, Edmond Pope was placed in prison unfairly. He is not a spy. He was charged with espionage. That is not true. And what is disturbing is for the first 11 weeks his wife and family had no chance to communicate with him; did not receive one note from him, one phone call from him, or able to get a note or a phone call or letter to him. That is 77 days he was absolutely separated from his family. They had no idea of his health, no idea if he had a lawyer; a good lawyer.

On June 19, Mrs. Pope, Cheri, and two of my staff, were leaving for Russia to attempt to visit him. That afternoon Cheri's mother passed away unexpectedly in San Diego, California. Mrs. Pope had to make the decision whether she went to bury her mother or she went to Russia to encourage her husband. She made the decision to go to Russia, and so she went. And several days later she had the chance to spend a few moments with him.

On Tuesday, June 20, they met for the first time in 3 months, just a few feet from a watchful prosecutor in Lefortovo prison. Edmond and Cheri Pope hugged and belatedly wished each other a happy 30th anniversary. Then Cheri Pope said, "The first thing he said to me was, 'Cheri, I didn't do anything wrong. I didn't.' And I said to him, I never thought for a minute you did."

In an emotional interview on Tuesday after that reunion, Cheri Pope said her husband, whom the Russians had accused of spying, was strikingly thin. He had a rash; he had lost a lot of weight; he had a pallor about him and some skin problems. She said, "Even though he didn't look well, he still looked handsome to me."

While they were there, Cheri and my staff were able to obtain a good lawyer for him. He did not have a good lawyer, and they had no way of knowing that. And since that time we have been working hard to obtain his release.

On June 26, we wrote President Putin a letter, and I will share with my colleagues some of the things we shared with him. "Mr. Putin, if you value our friendship, send Edmond Pope home. President Putin, if you value the growing business relationships beneficial to both of our countries, send Edmond Pope home." It said, "President Putin, if you value the many ways we aid you financially, send Edmond Pope home.

"Edmond Pope is a man who was there on sound financial business reasons. He is not a spy. He needs to be home with his family and with his grieving wife. He needs to be home to visit his father, who is seriously ill. He needs to be home to have his own health monitored, and he needs to be home so that our relationship between the Russian Federation and America can grow and not be destroyed."

We have not heard from that letter, though we thought we would. Today, I wrote another letter to President Putin and it has been faxed to him. One hundred fifteen days have passed. This case has no merit. His new lawyer tells us he has shredded the evidence completely. On August 5, in just a few days, his son, Dusty Pope, plans to marry a young lady named Justin. It is only fitting that Edmond Pope be home to stand with his son and his future daughter-in-law and wish them into the world of matrimony.

I hope and believe that it is important that we get this issue resolved and that we get him home, because it is vital that we build a relationship between these two countries. I have a resolution that urges the President, with 109 signatures, and I could get many more, to discontinue our assistance to the Russian Federation, to approve no more loans to the Russian Federation, or no more technical assistance. I do not want to do that. I believe the future of Russia depends much on a friendship with this country. But it is time to send Edmond Pope home so that our relationship can grow to the benefit of both our countries. I ask President Putin to help us accomplish this today.

CALLING ON RUSSIAN GOVERNMENT AND PRESIDENT PUTIN TO FREE EDMOND POPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise this evening to reinforce the comments of my colleague, the distinguished gentleman from Pennsylvania (Mr. PETERSON), and to call on the Russian government and President Putin to free Mr. Ed Pope. We have heard he is an American businessman that they have held without trial for months, and I rise to assure Mr. And Mrs. Pope's family that the gentleman from Pennsylvania (Mr. PETERSON) and I are doing everything we can to secure his release.

□ 1800

Mr. Speaker, the Russian government's continued incarceration of Mr. Pope, an American citizen, is nothing short of outrageous. Not only was his arrest and subsequent imprisonment contrary to international law, but the treatment he has received while in custody has been appalling.

Until recently, I am told, he has been denied communications with his wife. We heard they went for 70-plus days without being able to exchange letters or any communication. He has been denied access to sufficient food and medical treatment by American standards and certainly every other basic right we associate with justice systems of civilized nations.

Indeed, Mr. Speaker, Mr. Pope's imprisonment is reminiscent of those ugly dark days of the old Soviet regime when men and women were taken from their homes in the dark of night, interrogated, and sometimes never seen again. And that is wrong.

Mr. Speaker, as of yesterday, I was told that Mr. Pope still lacks such basics as a blanket, a blanket his wife has been trying to send to him, a blanket that has been described and detailed about what they have to do to get through the Russian bureaucracy and yet continued to be denied, a blanket.

A few weeks ago, I had the opportunity to meet with Mr. Pope's parents, Roy and Elizabeth Pope, who live in my district in Grant's Pass, Oregon. Mr. Speaker, both of them are elderly. Mr. Pope suffers from terminal cancer and dementia. They and I do not fully comprehend the diplomatic obstacles that keep their son away from his family.

Mr. Speaker, on May 9, I wrote to our own Secretary of State. On June 27, I wrote again. In neither case has this administration bothered to respond to the two letters of inquiry that I have sent directly to the Secretary of State.

Mr. Speaker, Ed's family knows that Ed is no criminal and that his imprisonment is unjust.

Mr. Speaker, we simply must do everything in our collective power to see to it that he is freed as soon as humanly possible.

Mr. Pope is no spy and he should be returned to his family. So I urge my colleagues on both sides of the aisle to join us in sending a strong message to President Putin and the Russian government that the American people are serious about this and will not forget their actions if Mr. Pope is not returned immediately.

In an era when the opportunity exists for better relations between our two nations, now is not the time to return to the mutual antagonism and suspicion that held the entire world hostage for a half a century of the Cold War.

TRIBUTE TO HONORABLE JIMMY MORRISON

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. VITTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. VITTER. Mr. Speaker, tonight I rise to mourn the passing of a former Member of this body, the Honorable Jimmy Morrison of Louisiana.

Congressman Morrison was one of my constituents and represented much of the district I now represent. He served in this body from 1944 through 1966.

I was only 5 years old when he left this House, so my knowledge, obviously, of his tenure here is limited to conversations with those who were privileged to work with him and to the history books. I do know that he was a Member of whom we can all be proud.

In 1944, when he was first elected to office, his district was, like much of the country, a rural area still working to recover from the Great Depression.

Congressman Morrison earned a seat on the Committee on Agriculture and the Post Office and Civil Service committee, two assignments that allowed him to address the immediate needs of his constituents.

The esteem in which my older constituents hold him speaks volumes of his effectiveness. He had a distinguished record in this body. He always stood up for the downtrodden and spoke very passionately about his commitment to speaking and working for the causes of the downtrodden.

Perhaps the clearest example of that was his vocal support of the Civil Rights Act of 1964. He was extremely instrumental in furthering the needs and the interests of his particular district. He was really personally responsible for seeing to it that the intersection of I–12 and I–55 in his district happened in the area of Hammond, which helped enormously with the growth of the entire Hammond area.

He also worked as a leading member of the Committee on Post Office and Civil Service to establish needed post offices throughout his district.

On a more national scale, he introduced the legislation that led to the John F. Kennedy Center for the Performing Arts.

He was also very colorful and effective in the realm of politics. Besides being a sterling stump speaker, Mr. Morrison staged what he called the "convicts parade" on Canal Street during the 1939–1940 campaign to call attention to the convictions arising out of the Louisiana scandals involving the Huey Long machine.

Perhaps those of us in Louisiana politics today should take a lead from that in light of the recent conviction of our former governor, Edwin Edwards. Maybe we need another convicts parade.

I can speak from personal knowledge of his life after Congress. He returned full time to his hometown of Hammond and resumed an active role as an attorney and civic leader. Leaving Congress in no way weakened his commitment to public service. He was a strong supporter of Southeastern Louisiana University in Hammond, the institution that houses his congressional papers.

In honor of this support, the University hosts an annual lecture. The James H. Morrison Lecture on Politics and Government has brought leaders from throughout Louisiana and the Nation to Hammond to share their wisdom with the southeastern community.

Shortly after joining this body a little over a year ago, I traveled to Hammond to seek Congressman Morrison's advice. It is clear from our conversation that he held the House in great esteem and viewed his opportunity to serve as a great honor accompanied by great responsibilities. I always will remember our discussion and the advice and wisdom he shared.

To his wife, Marjorie, to family and many friends, let us all offer our sincere condolences. May they be comforted by the knowledge that he is now blessed with the joy and peace far greater than any on Earth.

Mr. Speaker, Congressman Morrison served with only two present Members of the House. One of those with whom he served for quite a bit of time was the honorable gentleman from Michigan (Mr. DINGELL).

The gentleman from Michigan (Mr. DINGELL) could not join with me tonight. He had a pressing engagement off the floor. But he did give me a statement which he asked for me to read on his behalf. This again is from the gentleman from Michigan (Mr. DINGELL):

> Mr. Speaker, I rise to pay tribute to an honorable, courageous man who passed away last Thursday in his hometown of Hammond, Louisiana. James H. "Jimmy" Morrison represented his constituents well, fought for the underdog admirably, and served in this body with distinction.
>
> I had the pleasure of serving with Jimmy Morrison, a principled populist and a passionate fighter on behalf of Louisiana and his Sixth District, which he served from 1942–1966. He was an advocate for working men and women before he came to Congress, beginning his legal career organizing strawberry farmers who fell prey to unfair price fixing. In Congress, he continued to fight to ensure that every individual was entitled to fair treatment in the workplace and given the opportunity to live the American dream. Always alert to the needs of his constituents, he brought back federal dollars home for roads, schools, and post offices.
>
> Mr. Speaker, I would like to note Jimmy Morrison's courage. Jimmy Morrison's proudest and most courageous vote, in support of the Civil Rights Act of 1964, undoubtedly cost him his seat. His opponent played the race card during a tense time in the South, throwing fuel on the fire of fear and hate, and beat Jimmy in doing so. But that did not matter; Jimmy Morrison knew he was on the side of righteousness, not political expediency. History should remember his courage.
>
> I would ask my colleagues to join me in honoring James H. Morrison, a good, descent, courageous public servant who should be remembered both for his accomplishments and the example he set.

Those were the comments, as I said, Mr. Speaker, of the gentleman from Michigan (Mr. DINGELL).

Mr. Speaker, I know the gentleman from Louisiana (Mr. BAKER) joins me in this special order, and he is here with us on the floor. I yield to the gentleman.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a recent high school graduate many, many years ago, I had the occasion to open my mail and there in the mailbox was a letter from my Congressman. I was so shocked to think that he first knew that I had graduated high school and that he would send me such a nice congratulatory note.

Many years later, I was at the dedication of a new building project in the congressional district and in the audience was Congressman Jimmy Morrison. And I reminded him of his kind act of courtesy in sending me this congratulatory letter in which he not only said "Congratulations on your fine academic achievement. But should you ever have occasion to come to Washington, I certainly want to invite you."

In that context, I extended my appreciation for that offer and accepted his kind invitation to come to Congress.

Congressman Jimmy Morrison was more than just a good political figure. He had exemplary courage. In fact, he was a leader in the civil rights fights of the 1960s. And many believe it was his belief and conviction in the action of civil rights that brought his long and distinguished congressional career to an end.

But it was also exemplary of the core of what Congressman Morrison's strengths really were. He was a courageous person. Serving in office from 1943 to 1967, he was never afraid to take a stand whether controversial or not.

Many might say about many Louisiana politicians that at times they can be flamboyant. Certainly Congressman Morrison was no exception to that observation. But throughout it all, he was a leader. He is a leader who is known in the State for his accomplishments but also as a political legend. But he is known as a legend for all the right reasons.

Mr. VITTER. Mr. Speaker, reclaiming my time, we will all remember Congressman Morrison very fondly, very proudly for his contributions not only to his part of Louisiana, to our home State, but to the Congress and to the country.

FUNDING FOR NATIONAL INSTITUTES OF HEALTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 50 minutes.

Mr. GEKAS. Mr. Speaker, we rise here today to state and restate a goal that we had set several years ago to attempt to and to succeed in doubling the funding for NIH, the National Institutes of Health, over a 5-year period. This was 3 years ago.

We began that by introducing a resolution to that effect and gathering sponsorship. And lo and behold, the first 3 years have yielded the steady advance toward that doubling of funding that we so earnestly felt was necessary for the people of our country.

Today, as we stand here, the Congress is poised to do the third leg of that doubling process down the road by engaging in a conference report between the House and the Senate in which the top figure, that contained in the Senate, $2.7 billion, or thereabout, would be exactly the amount required to keep us on the path towards the doubling of the funding.

We anticipate that Members of the House and the Senate will eventually support that final figure that will keep us on this track.

But why is this important? It is important not just for the sake of the money required to keep an enterprise moving, but the work of that enterprise will be to relieve pain, to relieve suffering, to prevent disease, to cure disease. Because that is what the business of the NIH is, to reach out and, through research and through efforts in the world of medicine and healthcare, to bring about breakthroughs in the various maladies that face the people of the Earth.

We have seen evidence over the last 10 years of tremendous breakthroughs and advances in Parkinson's disease, in women's breast cancer, in other types of cancer, in Alzheimer's disease, in many of the things that plague us and for which there is sometimes said to be no cure. And that is true, but we do not know how soon we could reach a point where we might develop a cure.

☐ 1815

But the point is that is the purpose of the increased funding for the NIH. Along the way, then, we in this Congress submitted a similar resolution, H. Res. 437, which does the very same thing. $2.7 billion is our target. We are short of that in the House, but as I said the conference report will probably yield assent by the Congress to this third leg of the doubling effort about which we speak. We have ample documentation and evidence from other Members of Congress and people throughout the Nation that there is gigantic support for this particular effort.

Mr. Speaker, I want to enter into the RECORD my own statement in this regard, a copy of H. Res. 437, various Dear Colleague letters that speak on the subject, a list of cosponsors of the effort, and also letters of support, some dozen of them.

H. RES. 437

Whereas past Federal investment in biomedical research has resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge about health and disease, and revolutionized the practice of medicine;

Whereas the Federal Government is the single largest contributor to biomedical research conducted in the United States;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origin of many new drugs and medical devices currently in use is biomedical research supported by the National Institutes of Health;

Whereas women have traditionally been underrepresented in medical research protocols, yet are severely affected by diseases including breast cancer, which will kill over 43,300 women this year; ovarian cancer, which will kill 14,500; and osteoporosis and cardiovascular disorders;

Whereas research sponsored by the National Institutes of Health is responsible for the identification of genetic mutations relating to nearly 100 diseases, including Alzheimer's disease, cystic fibrosis, Huntington's disease, osteoporosis, many forms of cancer, and immunodeficiency disorders;

Whereas many Americans face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease, threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the Medicare and Medicaid programs;

Whereas 2.7 million Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer as well as liver failure;

Whereas 297,000 Americans are now suffering from AIDS, and hundreds of thousands more are infected with HIV;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a top cause of morbidity and mortality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV;

Whereas infants and children are the hope of our future, yet they continue to be the most vulnerable and underserved members of our society;

Whereas approximately one out of every six American men will develop prostate cancer and over 40,000 men will die from prostate cancer each year;

Whereas juvenile diabetes and diabetes, both insulin and non-insulin forms, afflict 16 million Americans and place them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis, and nerve degeneration;

Whereas the emerging understanding of the principles of biometrics have been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, and diagnostic and analytical reagents;

Whereas research sponsored by the National Institutes of Health will map and sequence the entire human genome by 2003, leading to a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnoses, treatment, and cure of diseases that currently plague society;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research training programs, and development of new skills among scientific investigators; and

Whereas most Americans overwhelmingly support an increased Federal investment in biomedical research: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Biomedical Revitalization Resolution of 2000".

SEC. 2. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that funding for the National Institutes of Health should be increased by $2,700,000,000 in fiscal year 2001 and that the budget resolution should appropriately reflect sufficient funds to achieve this objective.

WASHINGTON, DC,
July 12, 2000.

TAKE THE THIRD STEP TOWARD DOUBLING THE NIH BUDGET IN FIVE YEARS: COSPONSOR THE "BIOMEDICAL REVITALIZATION RESOLUTION OF 2000"

DEAR COLLEAGUE: We are writing to invite you to join us in becoming a cosponsor of the "Biomedical Research Revitalization Resolution of 2000," a bipartisan resolution that takes the third step toward doubling the National Institutes of Health (NIH) budget in five years. This Resolution expresses the sense of the House of Representatives that the NIH budget should be increased by $2.7 billion in Fiscal Year 2001.

The Resolution states that we can accomplish this goal in five years through budget surpluses, budget offsets, and the regular appropriations process. The budget resolution must reflect these potential funding opportunities to make this goal a reality. NIH funding has doubled over the past ten years, but with scientific discoveries occurring at a revolutionary pace, this investment must be accelerated NOW! The outstanding performance of the American economy is providing budget surpluses at just the time when NIH needs this money the most. By 2005, the NIH will complete the mapping and sequencing of the human genome. This will usher in a new era of molecular medicine with unprecedented research potential to prevent, diagnose, treat, and cure diseases that currently plague our society.

These future breakthroughs, however, depend upon Congress appropriating sufficient funds to continue and expand on the research currently being conducted. We are seeking funding that will ensure the realization of major biomedical breakthroughs in the next decade. We must demonstrate our commitment to improving the health and well-being of all Americans by increasing funding for NIH and keep medical advancements on the fast track to discovery.

NIH research has spawned the biotechnology revolution, whose products grew into a $50 billion industry in 1999. NIH supports over 50,000 scientists at 1,700 universities and research institutes across the United States. The biotechnology industry—a direct result of advances in biomedical research funded by the NIH—employs 118,000 people in over 12,000 biotechnology companies across the country. The biotechnology revolution has also spurred advancements in other industries that have applied the discoveries to their own fields. In agriculture, biotechnology is producing greater crop yields while reducing the dependence on traditional chemical pesticides. Biotechnology research, while conducted by the public sector, has had substantial impacts on the economy and society as a whole that affect the lives of every individual in this country. Continued advances, however, are directly dependent on the biomedical research conducted by the NIH.

Whether affecting our family, friends, neighbors, and colleagues, we have all seen the heartbreaking impact of cancer, stroke, diabetes, heart disease, AIDS, and other diseases that cause chronic disability and shortened lives. We can do something about these diseases by making the investment to double NIH funding this year. Last year a similar proposal to double the NIH budget in five years received the bipartisan support of over sixty five members of the House of Representatives. We enjoyed some success in the effort when we added $2.3 billion to the NIH Fiscal Year 2000 budget. Please contact Matt Zonarich in Representative Gekas' office at

5-4315 to cosponsor the Biomedical Revitalization Resolution of 2000.

Very truly yours,

George W. Gekas,
Nancy Pelosi,
Ken Bensten,
Sonny Callahan,
Constance Morella,
Members of Congress.

H. RES. 437 COSPONSORS

Rep. Baldacci, John Elias
Rep. Bentsen, Ken
Rep. Blagojevich, Rod R.
Rep. Borski, Robert A.
Rep. Brady, Robert
Rep. Callahan, Sonny
Rep. Capuano, Michael E.
Rep. Castle, Michael N.
Rep. Cunningham, Randy (Duke)
Rep. DeFazio, Peter A.
Rep. DeGette, Diana
Rep. Fowler, Tillie
Rep. Frank, Barney
Rep. Gejdenson, Sam
Rep. Gilchrest, Wayne T.
Rep. Gonzalez, Charles A.
Rep. Greenwood, James C.
Rep. King, Peter T.
Rep. LaFalce, John J.
Rep. Lantos, Tom
Rep. McGovern, James P.
Rep. McNulty, Michael R.
Rep. Moakley, John Joseph
Rep. Morella, Constance A.
Rep. Nethercutt, George R., Jr.
Rep. Pelosi, Nancy
Rep. Porter, John Edward
Rep. Price, David E.
Rep. Rivers, Lynn N.
Rep. Schakowsky, Janice D.
Rep. Slaughter, Louise McIntosh
Rep. Stearns, Cliff
Rep. Wolf, Frank R.

Joint Steering Committee
for Public Policy,
Bethesda, MD, July 18, 2000.

Hon. George Gekas,
House of Representatives,
Washington, DC.

Dear Representative Gekas: On behalf of the Joint Steering Committee for Public Policy, representing 25,000 basic biomedical researchers, thank you for your leadership in organizing a Special Order to support doubling the NIH budget from 1999-2003. We also salute your introduction of H. Res. 437, which calls for the same.

Your outstanding efforts to educate the Congress through the Congressional Biomedical Research Caucus about the National Institute of Health and its ability to effectively utilize a 15%, $2.7 billion increase in this year's appropriation. We recognize the difficulty Congress faces in achieving this goal, but we are confident that through your leadership and that of Congressman Porter, this goal will be achieved and health research will be accelerated by this visionary investment.

As you well know, our country leads the world in biological science, enabled by a farsighted national policy of federal funding for research at our Nation's colleges and universities through the NIH and other agencies. The NIH is the major source of funds for critical basic research in laboratories throughout the U.S., on Alzheimer's disease, cancer, diabetes, heart disease and many other devastating diseases. This investment will provide a significant boost to these important efforts by translating the promise of scientific discovery into better health.

The sequencing of the human genome has provided a huge amount of information highly relevant to human health. However, the information is encoded in a form that is currently unreadable by modern methods for deciphering the biological meaning of genome sequences require extensive computation, some of it still beyond the limits of existing computer algorithms, software and hardware. Incremental investment in the NIH will enable the important search for the key to the human genome.

Thank you for your support of biomedical research and basic science.

Sincerely yours,

Eric S. Lander, Ph.D.,
Chair.

Federation of American Societies
for Experimental Biology,
May 8, 2000.

Hon. George W. Gekas,
House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Representative Gekas: On behalf of the more than 60,000 scientists belonging to the Federation of American Societies for Experimental Biology (FASEB), thank you for your continued efforts to support biomedical research, specifically the National Institutes of Health (NIH). By introducing the Biomedical Revitalization Resolution of 2000 (H. Res. 437) in support of a $2.7 billion dollar increase in NIH funding in FY 2001, you have made a testament to your steadfast dedication to this cause.

As stated in the resolution, continued investment in biomedical research will result in further improvements in our nation's health, quality of life and economy. We can expect this investment to lead to decreases in health care expenditures and stimulation of biotechnology and pharmaceutical industries. This increase, together with the momentum from other recent investments, should enable the biomedical sciences to capitalize on expanding knowledge of disease processes and their underlying genetic basis in order to develop new therapies.

We depend on the insight and leadership you have shown once again. Your strong support enables scientists to seize current opportunities in biomedical research and bring about advances in science and health that benefit the American public.

Sincerely,

David G. Kaufman, M.D., Ph.D.

American Heart Association,
Washington, DC, June 14, 2000.

Hon. George Gekas,
House of Representatives,
Washington, DC.

Dear Representative Gekas: The American Heart Association applauds your continuing initiative and leadership in the bicameral, bipartisan effort to double funding for the National Institutes of Health by FY 2003. The historically large funding increase received by the NIH for FY 2000 represented the second step toward that goal.

Your ongoing efforts and those of the 33 cosponsors of H. Res. 437, expressing the sense of the House that the federal investment in biomedical research should be increased by $2.7 billion in FY 2001, are vital in securing the third installment to double funding for the NIH. The American Heart Association strongly supports your hard work in making funding for the NIH a top priority in the FY 2001 appropriations process.

State-based polls show that an overwhelming majority of Americans favor doubling federal spending on medical research by FY 2003. NIH research reduces health care costs, provides cutting-edge treatment and prevention efforts, creates jobs and maintains America's status as the world leader in the biotechnology and pharmaceutical industries.

Also, an overwhelming majority of Americans want Congress to increase funding for heart and stroke research. According to an April 2000 national public opinion poll, 73 percent of Americans say increased federal funding for heart research is very important and 66 percent say increased federal funding for stroke research is very important.

The fight against heart disease—America's No. 1 killer—and stroke—America's No. 3 killer—requires innovative research and prevention programs. However, these programs to help advance the battle against heart disease and stroke are contingent on a significant increase in funding for the NIH. Now is the time to capitalize on progress and pursue promising opportunities that could lead to novel approaches to diagnose, treat, prevent or cure heart disease and stroke.

The American Heart Association commends you for your outstanding leadership and steadfast commitment to double funding for the NIH by FY 2003. Thank you.

Sincerely,

Lynn Smaha, M.D., Ph.D.,
President.

Jefferson Medical College,
May 11, 2000.

Representative George W. Gekas,
U.S. House of Representatives, Room 2410, Rayburn HOB, Washington, DC.

Dear Representative Gekas: I write to urge you to support the 15%, $2.7 billion increase in the Fiscal Year 2001 Labor, Health and Human Services and Education Appropriations bill for the National Institutes of Health. I also call for your support of a 17% increase for the National Science Foundation in the Fiscal Year 2001 VA-HUD and Independent Agencies Appropriations bill.

These increases are essential for biomedical research to capitalize on the many opportunities that we now have to benefit the health of the Nation. Strong NIH and NSF funding is also essential for the scientific discoveries that fuel the burgeoning biotechnology industry in the United States.

My own work on steroid receptors and cell death, especially in cells that invade the airway during asthmatic attack, is supported by the National Institutes of Health.

Thank you for your consideration.

Yours sincerely,

Gerald Litwack, Ph.D.,
Chairman, Department of Biochemistry and Molecular Pharmacology.

School of Medicine, Center for
Gene Therapy,
MCP Hahnemann University,
Philadelphia, PA, April 4, 2000.

Hon. George Gekas,
House of Representatives, Washington, DC.

Dear Representative Gekas: I would like to ask for your continuing support of a 15% increase in the National Institutes of Health budget and a 17% increase in the National Science Foundation budget for FY 2000. As you are well aware, the tremendous investments that the citizens of the United States have made in research over the past several decades are beginning to pay off. We are just at the brink of tremendous benefits that will include dramatic new cures for diseases and produce a thriving industry for creating new jobs for our citizens.

I know you have been a strong supporter of these research budgets in the past. I thank you for that support.

Sincerely yours,

DARWIN J. PROCKOP, M.D., Ph.D,
Director.

AMERICAN ASSOCIATION FOR
CANCER RESEARCH, INC.,
Philadelphia, PA, March 23, 2000.

Hon. GEORGE W. GEKAS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEKAS: As we enter the 21st Century, we have an unprecedented opportunity to take the bold steps required to end the human and economic devastation caused by cancer. As you consider and deliberate the 2001 budget, consider that cancer will kill more than half a million of our citizens this year, more Americans than were lost in all of the wars we fought in the 20th Century. More than 1.2 million Americans will receive a diagnosis of cancer in 2000. However, as horrible as these statistics are, we anticipate that cancer incidence and mortality will increase significantly in the next 10–20 years due primarily to the aging and changing demographics of America. Cancer will hit those hardest who can least afford it, the minority and medically underserved and aged populations. Addressing the current and future cancer epidemic must become one of America's highest health care priorities. If we act now with a sense of urgency to provide the resources and continuity needed to cure and prevent cancer, we can and will prevail.

On behalf of the more than 15,500 basic, translational, clinical researchers and other research professionals who are the members of American Association of Cancer Research (AACR), we appreciate your steadfast support for increasing our commitment to the conquest of cancer. We recognize that as a member of the House of Representatives you face a range of priorities and deserving requests each year to provide increased funds for many of this Nation's healthcare needs. However, this year we ask that you carefully reflect on the very real possibility that we can finally turn the tide against cancer. Our prior investments in cancer research are paying off in advances in basic research that we could have only dreamed of 10 years ago. There are now unimagined opportunities to prevent and cure cancer through the transfer of these discoveries into new prevention and treatment technologies. We can accelerate the realization of these new diagnostic technologies, therapeutic drugs and prevention programs and continue needed advances in basic cancer research by deciding as a Nation to mount a multi-year final assault to defeat cancer at the earliest possible time.

To achieve the first step in this bold goal, the AACR requests that you support full funding for the Bypass Budget of the National Cancer Institute (NCI) at the $4.135 billion requested. This level of funding will provide funding to support major initiatives such as individual research grants, clinical trials, training, cancer centers, improving quality of life for cancer patients, and allow the NCI to pursue several extraordinary research opportunities in cancer imaging, new cancer therapeutics, chemoprevention and tobacco control and tobacco related cancers. We also urge you to ensure that the National Institutes of Health receives a 15% increase in funding to continue the current plan of doubling the NIH budget in five years. Lastly, to provide needed funds for key programs in early cancer detection and cancer prevention, so badly needed by minority and medically underserved populations, the AACR requests that you support increasing the budget for cancer control programs of the Centers for Disease Control (CDC).

This is a bold first step, but we urge you to look beyond 2001. Last year Congress received a document, created by more than 150 of the Nation's leading cancer researchers, clinicians, survivors, advocates and business leaders, entitled, "Report from The March Research Task Force," that outlined in simple fashion a set of cogent recommendations regarding what it will take to accelerate progress against cancer. This unprecedented Report stated that if we are willing to look beyond 2001 and define a multi-year strategy and plan to address the cancer epidemic now and in the future, we can conquer cancer. We strongly encourage you to do just that—take the bold step this year to provide the needed increases for the NCI, NIH and the CDC, and take the next bold step, to develop a five-year strategy and funding plan to finally defeat this tragic killer.

Thank you again for your past support. The AACR looks forward to working with you in the future as we take the steps necessary to prevent and cure cancer.

Sincerely yours,

ANNA D. BARKER,
Chairperson, Public Education Committee.
MARGARET FOTI, PH.D.
Chief Executive Officer.

THE AD HOC GROUP FOR
MEDICAL RESEARCH FUNDING,
June 13, 2000.

Hon. GEORGE GEKAS,
House of Representatives, Washington, DC.
Attn: Matt Zonarich

DEAR REPRESENTATIVE GEKAS: the Ad Hoc Group for Medical Research Funding greatly appreciates your continued leadership on behalf of doubling the budget for the National Institutes of Health (NIH), as demonstrated by your special order on Wednesday, June 14.

Enclosed is the FY 2001 proposal from the Ad Hoc Group for Medical Research Funding, which calls for a $2.7 billion (15 percent) increase in the NIH appropriation as the third step in doubling the NIH budget by FY 2003. This report highlights some of the advances made possible by NIH-supported research and discusses the continuing health challenges that we believe justify doubling the NIH budget. Also enclosed is the list of nearly 200 patient groups, scientific societies, and research institutions and organizations that have endorsed the group's proposal.

We hope that you will consider including this material in the CONGRESSIONAL RECORD during your special order on June 14 on NIH funding.

Sincerely,

DAVID B. MOORE,
Executive Director.

THE AD HOC GROUP FOR MEDICAL RESEARCH FUNDING

ORGANIZATIONS ENDORSING THE FY 2001 PROPOSAL AS OF MAY 24, 2000

Academy of Clinical Laboratory Physicians and Scientists.
Academy of Osseointegration.
Administrators of Internal Medicine.
Allergan.
Alliance for Aging Research.
Alzheimer's Association.
Ambulatory Pediatric Association.
American Academy of Allergy, Asthma and Immunology.
American Academy of Child and Adolescent Psychiatry
American Academy of Dermatology.
American Academy of Neurology.
American Academy of Ophthalmology.
American Academy of Optometry.
American Academy of Otolaryngology—Head and Neck Surgery
American Academy of Pediatrics
American Academy of Physical, Medicine & Rehabilitation.
American Association for Cancer Research
American Association of Dental Research.
American Association for the Study of Liver Diseases.
American Association of Anatomists.
American Association of Cancer Research.
American Association of Colleges of Nursing
American Association of Colleges of Osteopathic Medicine
American Association of Colleges of Pharmacy.
American Association of Dental Schools
American Association of Immunologists
American Association of Pharmaceutical Scientists.
American Association of Plastic Surgeons
American Chemical Society
American College of Clinical Pharmacology.
American College of Preventive Medicine.
American College of Radiology.
American College of Surgeons.
American Federal for Medical Research.
American Foundation for AIDS research
American Gastroenterological Association.
American Heart Association.
American Lung Association.
American Nephrology Nurses' Association.
American Optometric Association.
American Osteopathic Association.
American Pediatric Society.
American Podiatric Medical Association.
American Preventive Medical Association.
American Psychiatric Association.
American Psychiatric Nurses Association.
American Psychological Association.
American Psychological Society.
American Society for Biochemistry and Molecular Biology.
American Society for Bone and Mineral Research.
American Society for Cell Biology.
American Society for Clinical Nutrition.
American Society for Clinical Oncology.
American Society for Clinical Pharmacology and Therapeutics.
American Society for Investigative Pathology.
American Society for Microbiology.
American Society for Nutritional Sciences.
American Society for Pharmacology and Experimental Therapeutics.
American Society for Reproductive Medicine.
American Society of Addiction Medicine.
American Society of Hematology.
American Society of Human Genetics.
American Society of Nephrology.
American Society of Pediatric Nephrology.
American Society of Tropical Medicine and Hygiene.
American Thoracic Society.
Americans for Medical Progress.
American Urogynecologic Society.
American Urological Association.
American Veterinary Medical Association.
Arthritis Foundation.
Association for Research in Vision and Ophthalmology.
Association of Academic Health Centers.
Association of Academic Health Sciences Libraries.
Association of American Cancer Institutes.
Association of American Medical Colleges.
Association of American Universities.

Association of American Veterinary Colleges

Association of Departments of Family Medicine.

Association of Independent Research Institutes.

Association of Medical and Graduate Departments of Biochemistry.

Association of Medical School Microbiology and Immunology Chairs.

Association of Medical School Pediatric Department Chairs.

Association of Minority Health Professions Schools.

Association of Pathology Chairs.

Association of Pediatric Oncology Nurses.

Association of Professors of Dermatology.

Association of Professors of Medicine.

Association of Schools and Colleges of Optometry.

Association of Schools of Public Health.

Association of Subspecialty Professors.

Association of Teachers of Preventive Medicine.

Association of University Professors of Ophthalmology.

Association of University Radiologists.

Boys Town National Research Hospital.

Campaign for Medical Research.

Cancer Research Foundation of America.

Candlelighters Childhood Cancer Foundation.

Citizens for Public Action.

Coalition for American Trauma Care.

Coalition for Heritable Disorders of Connective Tissue.

Coalition of National Cancer Cooperative Group Organization.

College on Problems of Drug Dependence.

Columbia University College of Physicians and Surgeons.

Consortium of Social Science Associations.

Cooley's Anemia Foundation.

Corporation for the Advancement of Psychiatry.

Crohn's and Colitis Foundation of America.

Cystic Fibrosis Foundation.

Digestive Disease National Coalition.

Dystonia Medical Research Foundation.

Emory University.

ESA, Inc.

Eye Bank Association of America.

FDA-NIH Council.

Federation of American Societies for Experimental Biology.

Federation of Behavioral, Psychological and Cognitive Sciences.

Fred Hutchinson Cancer Research Center.

Friends of the National Institute of Dental and Craniofacial Research.

Friends of the National Library of Medicine.

Genetics Society of America.

The Genome Action Coalition.

Immune Deficiency Foundation.

International Myeloma Foundation.

Jeffrey Modell Foundation.

Joint Council of Allergy, Asthma and Immunology.

Johns Hopkins University.

Johns Hopkins University School of Medicine.

Juvenile Diabetes Foundation International.

Krasnow Institute for Advanced Study.

Massachusetts Institute of Technology.

Medical Device Manufacturers Association.

Medical Library Association.

MedStar Research Institute.

Mount Sinai School of Medicine.

National Alliance for the Mentally Ill.

National Alliance for Eye and Vision Research.

National Association for Biomedical Research.

National Association of State University and Land-Grant College.

National Caucus of Basic Biomedical Science Chairs.

National Childhood Cancer Foundation.

National Coalition for Cancer Research.

National Committee to Preserve Social Security and Medicare.

National Foundation for Ectodermal Dysplasias.

National Health Council.

National Hemophilia Foundation.

National Marfan Foundation.

National Organization for Rare Disorders.

National Osteoporosis Foundation.

National Perinatal Association.

National Vitiligo Foundation.

New York State Cancer Programs Association, Inc.

New York University School of Medicine.

North American Society of Pacing and Electrophysiology.

Ocular Microbiology and Immunology Group.

Oncology Nursing Society.

Oregon Health Sciences University.

Osteoporosis and Related Bone Disorders Coalition.

Pfizer.

The Protein Society.

PXE International, Inc.

Radiation Research Society.

Research America.

Research Society on Alcoholism.

Research to Prevent Blindness.

Resolve, The National Infertility Association.

Society for Academic Emergency Medicine.

Society for Investigative Dermatology.

Society for Maternal-Fetal Medicine.

Society for Neuroscience.

Society for Pediatric Research.

Society for Women's Health Research.

Society of Academic Anesthesiology Chairs.

Society of Gynecologic Oncologists.

Society of Toxicology.

Sudden Infant Death Syndrome Alliance.

Tourette Syndrome Association, Inc.

University of Utah Health Sciences.

University of Washington.

Wake Forest University School of Medicine.

WHY DOUBLE THE NIH BUDGET?

Based on the potential of current scientific opportunities and the successes of the past, we can confidently predict that an investment of a doubling over five years will be easily repaid in discoveries that will benefit the U.S. public and mankind.

The Human Genome Project will enable doctors to identify individuals at increased risk for diseases like hypertension and stroke, glaucoma, osteoporosis, Alzheimer's disease, or severe depression.

Our ultimate goal will be to find ways to prevent the development or progression of these diseases and design ways to intervene to prevent the development of these horrific diseases.

Cancer therapy will change; physicians will be able to customize cancer treatment by knowing the molecular fingerprint of a patient's tumor.

The genetic "fingerprint" of a person's cancer cells will be used to create a drug that will attack only the cancer cells—and render targeted treatment which is more effective and safe.

We will have effective vaccines for infectious diseases such as AIDS, tuberculosis, and malaria.

New science on the brain will lead to treatments for alcoholism, drug abuse, and mental illness.

HOW CAN INCREASED FUNDING BE USED TO HELP MAKE MORE PROGRESS?

Improvements in the treatment and prevention of disease are dependent on the generation of new ideas. The speed of discovery can be accelerated by devoting greater resources to the NIH and NSF budgets.

The explosion of new knowledge from explorations of the human genome and the biology of the cell is providing new opportunities to further understand disease, and new innovative ways of treating, diagnosing, and preventing illness.

Unused capacity remains available in this great research enterprise. The great resources provided the Congress in FY 1999 and FY 2000 have facilitated the nation's research system to more fully use its potential capacity to respond more quickly to new ways to cure disease.

The more new ideas explored and the more rapid the effort, the sooner these findings will be translated into the real life medical benefits and medical practice.

ECONOMIC COSTS OF MAJOR ILLNESSES

[Dollar amounts in billions]

Illness	Year	Direct costs	Indirect costs	Total costs	Ratio[1]
Injury	1995	$89.0	$248.0	$337.0	74
Heart diseaes	1999	101.8	81.3	183.1	44
Disability	1986	82.1	87.3	169.4	52
Mental disorders	1992	66.8	94.0	160.8	58
Cancer	1994	41.4	68.7	110.1	62
Alzheimer's disease	1997	15.0	85.0	100.0	85
Diabetes	1997	44.1	54.1	98.2	55
Chronic pain condition	1986	45.0	34.0	79.0	43
Arthritis	1992	15.2	49.6	64.8	77
Digestive diseases	1985	41.5	14.7	56.2	26
Stroke	1998	28.3	15.0	43.3	35
Kidney and urological diseases	1985	26.2	14.1	40.3	35
Eye diseases	1991	22.3	16.1	38.4	42
Pulmonary diseases	1998	21.6	16.2	37.3	43
HIV/AIDS	1999	13.4	15.5	28.9	54
Other (10 further illnesses)	(2)	53.4	23.9	77.2	31
Total: 25 illnesses		707.1	917.5	1624.0	56

[1] Ratio of indirect total costs (percent).

[2] Various.

THE PROMISE OF NIH RESEARCH FOR HEALTH

Identify genetic predispositions and risk factors for heart attack and stroke.

New approaches to treating and preventing diabetes and its complications.

Genomic sequencing of disease-causing organisms to identify new targets for drug development.

Earlier detection of cancer with new molecular technologies.

New ways to relieve pain.

Diagnostic imaging for brain tumors, cancers, chronic illnesses.

Assess drugs for their safety and efficacy in children.

Medications for the treatment of alcoholism and drug addiction.

Rigorous evaluation of CAM practices (complementary and alternative medicine).

Clinical trials database—help public gain access to information about clinical trials.

Understand the role of infections in chronic diseases.

Vaccines for preventing HIV infection, middle ear infection, typhoid, dysentery, TB, *E. coli* food contamination.

Human genome sequence to assess predisposition to disease, predict responses to drugs and environmental agents, and design new drugs.

New means of detecting and combating agents of bioterrorism.

New ways to repair/replace organs, tissues, and cells damaged by disease and trauma.

Understand and ameliorate health disparities.

Improved interventions for lead poisoning in children.

New interventions for neonatal hearing loss.

Safer, more effective medications for depression and other mental illnesses.

New approaches to preventing rejection of transplanted organs, tissues, cells.

New treatment, and preventive strategies for STDs (sexually transmitted diseases).

New approaches to restoring function after spinal cord injury.

New effective vaccines for infectious disease such as AIDS, tuberculosis, and malaria.

WHO WAS THE FIRST TO CALL FOR DOUBLING OF THE NIH AND NSF BUDGETS FOR BASIC RESEARCH?

In 1993, the magazine Science published a call for action by two Nobel Prize Laureates, and other science leaders Drs. Michael Bishop, Harold Varmus and Mark Kirschner, who plead that their Government and their Congress double the amounts of federal funding for the basic research being undertaken by the National Institutes of Health over a period of five years. This was not the enterprise of some creative lobbyists, but rather born from the thoughtful, rational and scientific deliberations of some of the foremost minds in science. When Members of this great Chamber consider their votes for the consistent and substantial increases in funding of basic research at the National Institutes of Health and the National Science Foundation, they can rely with great confidence on the fact that these scientists placed their entire reputations on the line in making the recommendation that this Government and this Congress continue to expand their investment of federal dollars in basic research.

RECOMMENDATIONS

These great scientists stated and I quote in part, "If the United States is to realize the promise of science for our society, the new Administration should take action on several fronts:

Develop an economic strategy for optimizing investment in biomedical research, which would take into account the new opportunities that have been made available by the recent revolution in biology, the potential for reducing health-care costs, and the benefits to agriculture and industry. Until a full evaluation has been completed, Drs. Bishop, Varmus, and Kirschner recommend increasing the NIH budget by 15% per year, which would double the budget in current dollars by 1998. This increase would provide funds for approximately 30% of approved grants, thereby retaining healthy competition and exploiting the major areas of scientific opportunity.

Generate a comprehensive plan for the best use of federal funds for biomedical research.

Institute a mechanism for the periodic evaluation of peer-review procedures, utilizing scientists from inside and outside the government.

Facilitate the application of fundamental discoveries by encouraging technology research in the private sector.

Ensure that new departures by the NIH and NSF in education and technology do not diminish the support of basic research.

Strengthen the position of the presidential advisor on science and technology.

Create a program for long-term investment in research laboratories and equipment.

Increase federal attention to science education."

These were the recommendations of America's best and brightest scientists in 1993 and we should work to fulfill and implement these excellent recommendations.

SCIENCE AND THE NEW ADMINISTRATION

(J. Michael Bishop, Marc Kirschner, Harold Varmus)

With the new presidential Administration now in office, the scientific community is hopeful that measures will be taken to enhance research and the contributions it can make to our society. What little was said of research during the presidential campaign concerned technological improvement and economic stimulus. This limited focus probably arose from the necessities of electoral politics. Now it is important to broaden the discussion to include aspects of the scientific enterprise that are essential for its long-term viability.

The opportunities for progress through science are greater than ever. However, the last decade has witnessed an accelerating erosion of the infrastructure for fundamental research in the United States. If that erosion is not reversed soon the pace of discovery will necessarily decline, with widespread consequences for industry, health care, and education.

In hopes that President Clinton and Vice President Gore will soon address the prospects for basic science in the United States, we offer our view of how fundamental research benefits our nation and what should be done to secure those benefits for the future. We speak here for biomedical research, our area of expertise, but believe that our remarks illustrate problems and opportunities found throughout science.

THE PROMISE OF BIOMEDICAL RESEARCH

Recent progress in biomedical research has brought an understanding of molecules, cells, and organisms far beyond anything anticipated a generation ago. The benefits of this progress include the makings of a revolution in preventive medicine, novel approaches to the diagnosis and treatment of cancer, heart attacks, infections, inherited diseases, and other ailments; the prospect of improving agricultural productivity in ways never imagined by the Green Revolution; new tools for environmental protection; and a renewed impetus to stimulate and inform public interest in science.

The economic benefits of these gains are substantial. Consider two examples: First, it is often argued that advances in research increase the costs of health care. However, biomedical research typically generates simpler and less costly devices; Inexpensive viral vaccines now save the United States billions of dollars annually; new tests for viruses have helped cleanse our blood supply, greatly reducing the economic losses from diseases that are spread by transfusion; and growth factors for blood cells are cutting the costs of caring for patients who receive bone marrow transplantation or chemotherapy for cancer. Second, fundamental research spawned the biotechnology industry, of which our nation is the undisputed leader. Biotechnology is a growing contributor to our economy, a source of diverse and gratifying employment, a stimulus to allied industries that produce the materials required for molecular research and development (R&D), and a vigorous partner to our academic institutions in the war against disease.

CHALLENGES TO BIOMEDICAL RESEARCH

Despite the progress, preeminence, and promise of American biomedical research, the enterprise is threatened by inadequate funding of research and its infrastructure; flawed governmental oversight of science, confusion about the goals of federally supported research, and deficiencies in science education.

The productivity of biomedical research is limited most immediately by financial resources. In 1992 the nation spent about $10 billion on biomedical research, mostly by congressional appropriations to the National Institutes of health (NIH). This investment is too small by several measures: (i) The United States currently devotes between $600 and $800 billion annually to health care, yet less than 2% is reinvested in the study of disease. In contrast,the defense industry spends about 15% of its budget on research. (ii) U.S. expenditures on R&D as a percentage of our gross national product have been declining steadily and are now lower than those of Japan and Germany. Moreover, 60% of our R&D dollars is designated for defense. (iii) The funding of approved NIH grant applications has fallen below 15% in some categories and under 25% in many, compared with rates of 30% or more in the preceding two decades, when progress was so rapid. Under these conditions, outstanding proposals cannot be pursued, first-rate investigators have become dispirited, and even the best students are discouraged from pursuing a career in science. (iv) Outstanding institutions lack funds for laboratories and replacement of inadequate instruments; as a result, the conduct of biomedical research is constrained and even dangerous.

Biomedical research is also impeded by outmoded procedures for the federal administration of science. Agencies that should be working together to promote research in the life sciences, instead remain separated in competing departments. NIH has suffered from a chain of command that requires approval from secretaries and undersecretaries with little expertise or interest in science. Some sources of funding for research in the life sciences lack appropriate mechanisms or expertise for initiating, judging, and administrating programs, and others have not adapted their mechanisms appropriately to the progress that has been made in research. For example, many of the NIH study sections, traditionally the pride of the peer-review system, are now organized according to outmoded or otherwise inappropriate categories. In addition, the government has not learned how to involve the scientific community adequately in administrative decisions to initiate targeted projects. To cope with a decaying infrastructure, Congress has occasionally appropriated substantial funds for construction, but they have done so in a way that circumvents peer review and serves local needs rather than the advancement of science as a whole.

The confidence that the scientific community once had in the federal governance of biomedical research has been further eroded by the use of inappropriate criteria for appointments to high-ranking positions, particularly within the Department of Health and Human Services. In recent administrations it has become commonplace to consider political views on issues such as abortion and the use of fetal tissue in research. This tendency has compromised our ability to select leaders on the basis of their scientific accomplishments and their capacity to manage complex programs and make objective decisions.

These administrative problems have been compounded by confusion over the goals of federally supported biomedical research. Economic woes have encouraged call for increased application of current knowledge to practical problems in all branches of science. These appeals have special resonance in biomedical science now that so many opportunities for practical applications are at hand. In recent months such calls for applied science have gained further prominence because they have been championed by National Science Foundation (NSF) director Walter Massey and Representative George Brown (D-CA), a long-time friend of science. (1)

Claims that "society needs to negotiate a new contract with the scientific community . . . rooted in the pursuit of explicit, longterm social goals" (2) are, however, based on debatable assumptions and threaten the viability of our greatest asset—basic research. Such claims imply that basis research has become an entitlement program, although evidence shows it to be underfunded. They presume that basic and applied research can be unambiguously distinguished, although the experimental objective of academic and industrial sectors of biomedical research are often synonymous. They seem to deny that science has produced benefits for society, although its positive effects on health and the economy can be readily measured. Finally, in asking that federally supported academic investigators become responsible for practical applications, they ignore the demonstrated ability of the biotechnology and pharmaceutical industries to develop the fruits of basic science.

Enactment of policies that favor practical applications over basic science or narrowly defined objectives over scientific excellence is likely to come at the expense of traditional, broadly conceived explorations of biology. At this stage in the growth of biomedical science, when major discoveries are still unpredictable, this sacrifice would jeopardize the scientific progress required for social benefits and economic growth in the future. This year, for example, the NSP budget for basic research declined, despite an overall increase that benefited more applied areas.

The long-range future of biomedical science is also jeopardized by the deterioration of our educational programs in math and science. Academic institutions and the biotechnology and pharmaceutical industries depend on the nation's schools to supply a competent work force by stimulating interest in scientific thought and by training students in scientific methods. Many indicators show that we are failing to achieve these goals, especially with students in their early school years and when our performance is compared to those of other countries. We are also failing to produce an informed public that can respond intelligently to scientific advances.

RECOMMENDATIONS

If the United States is to realize the promise of science for our society, the new Administration should take action on several fronts.

(1) Develop an economic strategy for optimizing investment in biomedical research, which would take into account the new opportunities that have been made available by the recent revolution in biology, the potential for reducing health-care costs, and the benefits to agriculture and industry. Until a full evaluation has been completed, we recommend increasing the NIH budget by 15% per year, which would double the budget in current dollars by 1998. This increase would provide funds for approximately 30% of approved grants, thereby retaining healthy competition and exploring the major areas of scientific opportunity.

(2) Generate a comprehensive plan for the best use of federal funds for biomedical research. Development of new strategies, programs, and funding mechanisms should include the active participation of the scientific community and not originate solely from administrative directives.

(3) Institute a mechanism for the periodic evaluation of peer-review procedures, utilizing scientists from inside and outside the government. Efforts should be made to ensure that the thematic alignments of review panels accurately reflect contemporary progress and opportunities in biomedical research.

(4) Facilitate the application of fundamental discoveries by encouraging technology research in the private sector, culmulating alliances between industry and academia, and clarifying the federal areas of conflict of interest.

(5) Ensure that new departures by the NIH and NSF in education and technology do not diminish the support of basic research. If the Administration or Congress provides new mandates or new requirements for the NIH and NSF, it should also provide the necessary additional funds.

(6) Strengthen the position of the presidential adviser on science and technology. The adviser should have strong credentials as a scientist and as an administrator, be alert to contemporary developments in both the biological and physical sciences, be encouraged to consult the diverse representatives of the research community, and have regular access to the president and vice president.

(7) Establish the NIH as an independent federal agency and consolidate the authority of the director over the individual institutes.

(8) Apply appropriate criteria to the choice of science administrators. Appointments should be based on stature in the research community and administrative ability rather than on political and religious considerations.

(9) Implement a uniform and comprehensible policy for indirect costs that provides incentives to institutions for cost savings and ensure that the funds will be used only to support the infrastructure required for research.

(10) Create a program for long-term investment in research laboratories and equipment based on peer review of merit and need rather than on political affiliations

(11) Increase federal attention to science education. Measures could include the development and dissemination of new curricula and textbooks, enrichment programs for established teachers, improvements in the training of science teachers, and scholarships and other incentives for prospective science teachers.

CONCLUSION

We look to our new president and vice president for leadership in fulfilling the promise of science for our nation. We hope that they will not fall prey to the view that the problems of our society might be solved by a shift in emphasis from basic science to applied research. Instead, the U.S. federal government should act decisively and soon to revitalize the support of fundamental as well as applied research. President Clinton and Vice President Gore have spoken clearly on health care, economic policy, and education. We ask them to do the same on the issues that confront science (3).

REFERENCE AND NOTES

1. D. Thompson, * * * 140, 84 (25 November 1992).

2. G. Brown, Los Angeles Times (8 September 1992), P. 12.

3. This policy forum is based in part on a statement prepared in November 1992 by the Joint Steering Committee for Public Policy, representing the American Society for Cell Biology, the American Society for Biochemistry and Molecular Biology, the Biophysical Society, and the Genetics Society of America.

STATEMENT OF PURPOSE FOR THE BIOMEDICAL RESEARCH CAUCUS

To broaden support and knowledge of basic and clinical biomedical research issues throughout the Congress in a bipartisan manner.

To support the excellent work of existing Committees and Members with jurisdiction over National Institutes of Health, National Science Foundation, science research and health issues. The caucus seeks to augment their work.

To encourage careers for men and women in biomedical research among all segments of our society by ensuring stability and vitality in the programs at the National Institutes of Health and the National Science Foundation.

To inform and educate the Congress about potential and actual advances in health care made by our investment in biomedical research. Also, we will explore future advances that could be achieved with increase support.

To maintain our economic advantage in world markets in biomedical research and resulting biotechnology enterprises.

To provide an educational forum for discussion and exchange of ideas on issues involving biomedical research.

Biomedical Research Caucus Co-Chairs:

Congressman George W. Gekas, Congresswoman Nancy Pelosi, Congressman Sonny Callahan, and Congressman Ken Bentsen.

CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS

2000 SCHEDULE OF EVENTS

March 1, 1999, Angiogenesis in Health and Disease, Napoleone Ferrara, Genentech, Inc.

March 29, 2000, Caucus 10th Anniversary Commemoration, Harold Varmus, Memorial Sloan-Kettering Cancer Center.

April 4, 2000, Using Genomics to Study Human History, Mary-Claire King, University of Washington.

May 3, 2000, Race and Ethnicity in Human Health and Disease, Harold Freeman, North General Hospital, New York.

June 7, 2000, Metastasis: How Cancer Cell Invade the Body, Richard Hynes, Massachusetts Institute of Technology.

July 12, 2000, Bioinformatics and Human Health, David Bolstein, Stanford University.

September 6, 2000, The Crisis at Academic Health Centers, Samuel Thier, Partners HealthCare System, Inc.

October 4, 2000, Pharmacogenetics & Genomics: Tailor-Made Therapies, Elliot Sigal, Bristol-Myers Squibb.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2000.

JOIN ME IN COSPONSORING H.R. 2399 THE NATIONAL COMMISSION FOR THE NEW NATIONAL GOAL: THE ADVANCEMENT OF GLOBAL HEALTH

DEAR COLLEAGUE: The entire world acknowledges that the 20th century was engaged by our nation's leadership in the removal of the threat of totalitarianism and of world communism. The national goals were the safeguarding and expansion of democracy through the maintenance of military and political power. With the fall of the Berlin Wall, these goals were made a reality. As we approach the beginning of the 21st century, America has a unique opportunity to channel the genius of its technology, industrial might, scientific research and dedicated will of our people into a positive goal equal to the 20th century challenge of defeating totalitarianism. Today, it is time to rechannel these tremendous energies to an all-out effort to enhance the health of Americans and to combat disease worldwide.

America has both humanitarian and enlightened, self-interested reasons to commit to the global eradication of disease—such accomplishments would protect our citizens, improve the quality of life, enhance our economy, and ensure the continued advancement of American interests worldwide. While the actual eradication of disease on a global scale may not be possible, the pursuit of such a goal could lead to new products in health care, new medicines, and new methods of treating disease.

On June 30, 1999, I introduced H.R. 2399, the National Commission for the New National Goal: The Advancement of Global Health Act. This legislation would create a Presidential/Congressional commission to investigate how we as a nation can commit ourselves to the goal of the global eradication of disease. Specifically, this commission would recommend to Congress a nationwide strategy of coordination among governmental health agencies, academia, industry, and other institutions and organizations that are established for the purpose of preventing and eradicating diseases.

In order to accomplish these objectives, H.R. 2399 sets two tangible goals for the Commission. First, the Commission would assist the Center for Vaccine Development at NIH to achieve global control of infectious diseases. In addition, the Commission would use NIH and NSF to expand health resources and research information globally through Internet conferencing and data dissemination capabilities. The Commission would be authorized to spend up to $1 million as seed money to coordinate and attract private and public funds, both at home and abroad, to reach these goals.

The knowledge and unbounded imagination of our researchers, doctors and scientists have ensured the preeminence of research that has fostered our freedom and economic well being. Now, we can empower these individuals in a all-out effort to devise the methods and substances to eradicate disease worldwide. The concern for human life requires us to muster all available resources, bolstered by a concerted, dedicated will to eradicate diseases from the face of the Earth.

Please join me and Rep. John Porter in cosponsoring this important legislation. If you have any questions about this proposal, or would like to become a cosponsor, please contract Matt Zonarich at 5-4315.

Very truly yours,

GEORGE W. GEKAS,
Member of Congress.

H.R. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission for the New National Goal: The Advancement of Global Health Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) During the 20th century the United States led the world in defeating totalitarianism and communism.

(2) The United States also led the world in spreading and establishing democracy in every region.

(3) The end of global conflict and the end of the Cold War, now guaranteed by the power and leadership of the United States, allow the Nation to establish new goals for the 21st century.

(4) The United States, the world leader in the research, development, and production of technologies, medicines, and methodologies utilized to prevent and cure disease, has established a Center for Vaccine Development at the National Institutes of Health that could assist in the global control of infectious diseases. Infectious disease is the number one global health challenge killing 11 million people globally and 180,000 people in the United States and is the third leading cause of death in the United States. The United States has the resources, through the National Institutes of Health and the National Science Foundation, to expand health research information globally through the use of Internet conferencing and dissemination of data.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "National Commission for the New National Goal: The Advancement of Global Health" (in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

The Commission shall recommend to the Congress a national strategy for coordinating governmental, academic, and public and private health care entities for the purpose of the global eradication of disease. The Commission shall address how the United States may assist in the global control of infectious diseases through the development of vaccines and the sharing of health research information on the Internet.

SEC. 5. MEMBERSHIP.

(a) MEMBERSHIP OF THE COMMISSION.—The Commission shall consist of individuals who are of recognized standing and distinction and who possess the demonstrated capacity to discharge the duties imposed on the Commission, and shall include representatives of the public, private, and academic areas whose capacity is based on a special knowledge, such as computer sciences or the use of the Internet for medical conferencing, or expertise in medical research or related areas.

(b) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) The Secretary of Health and Human Services (or the Secretary's delegate).

(2) The Chairman of the Federal Trade Commission.

(3) The Director of the National Institutes of Health.

(4) The Director of the National Science Foundation.

(5) 3 Members of the Senate appointed jointly by the President of the Senate and the President pro tempore. Not more than 2 members appointed under this paragraph may be of the same political party.

(6) 3 Members of the House of Representatives appointed by the Speaker of the House of Representatives. Not more than 2 members appointed under this paragraph may be of the same political party.

(7) 2 individuals appointed by the President, by and with the advice and consent of the Senate, from among individuals who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(8) 3 individuals appointed by the President from among individuals who will represent the views of recipients of health services. Not more than 1 member appointed under this paragraph may be an officer or employee of the Federal Government.

(c) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member may continue as a member for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(d) TERMS.—Each member shall be appointed for the life of the Commission.

(e) BASIC PAY.—Members shall serve without pay.

(f) QUORUM.—Nine members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(g) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be designated by the President at the time of the appointment.

(h) MEETINGS.—The Commission shall meet monthly or at the call of a majority of its members.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Chairperson or Commission. For purposes of Federal income, estate, and gift taxes, property accepted under this subsection shall be considered as a gift, bequest, or devise to the United States.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for administrative and other services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

SEC. 7. REPORTS.

(a) INTERIM REPORTS.—The Commission may submit to the President and the Congress interim reports as the Commission considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the President and the Congress not later than 12 months after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative, administrative, or other actions, as the Commission considers appropriate.

SEC. 8. TERMINATION.

The Commission shall terminate 30 days after submitting its final report pursuant to section 7.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of its enactment.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed $1,000,000 for fiscal year 2000 for the National Institutes of Health to carry out coordination activities under this Act with the Commission, the National Science Foundation, and other appropriate groups to transfer health research information on the Internet and to transfer the benefits of the infectious disease vaccine development program.

SEC. 11. BUDGET ACT COMPLIANCE.

Any spending authority (as defined in subparagraphs (A) and (C) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(A) and (C))) authorized by this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

Mr. GEKAS. Mr. Speaker, we have here a little poster that tells the story and tells you the intricate number of steps and areas in which we are involved on behalf of the American people. That is the important thing. Are you not interested as an American in the person down the street who has cancer and might be dying from cancer? Are you not concerned about him? How about your own child who might need a new device, a new biotechnical device to sustain life? How about an elderly person that is beginning to be afflicted by Alzheimer's? Do we not want to do something about this? That is what we are going to be doing in the continued work of the National Institutes of Health. And doubling it will increase the focus and effort on every one of these diseases that can plague your family or the people down the street.

For instance, the human genome project will enable doctors to identify individuals at increased risk for diseases like hypertension and stroke, glaucoma, osteoporosis, Alzheimer's or severe depression. These are not just labels that we throw out. These are living organisms of disease that are killing us, that are hurting us as an American people; and we are trying through this effort to reduce the pain and suffering and to eliminate the early deaths that so hurt our Nation.

Our ultimate goal will be to find ways to prevent the development of progression of these diseases and design ways to intervene to prevent the development of these horrific diseases as we have said. Cancer therapy will change. Physicians will be able to customize cancer treatment by knowing a molecular fingerprint of a patient's tumor. That is important work. The genetic fingerprint of a person's cancer cells will be used to create a drug that will attack only the cancer cells and render targeted treatment which is more effective and safe. In other words, hit the cancer cells and do not allow this other destruction of tissues that so often this day and age while sometimes helping to cure the cancer kills the patient because of the reduction of vital tissues in other parts of the body.

These are living species that we are talking about. We will have effective vaccines for infectious diseases such as AIDS, tuberculosis and malaria. New science on the brain will lead to the treatments for alcoholism, drug abuse and mental illness. What this new funding brings about is progress in all of these things. Improvements in the treatment and prevention of disease are dependent on the generation of new ideas. We all know that.

The speed of discovery can be accelerated by devoting greater resources to the NIH and the National Science Foundation budgets. We have been saying that, we will resay it, it is important to restate it as often as possible, but it is absolutely vital.

One thing I want to mention, that not only do we along the way start to discover methodologies for preventing disease but there is a side dividend to the American people for all of this, because as we begin to treat and, let us say, cure kidney disease, just to give you an example, we would be saving millions and millions of dollars to the American taxpayers, to the Federal budget, to the local budgets by bringing about a closure to this terrible disease.

And when you add that combined with kidney disease are blindness, hypertension, all other kinds of side maladies, bringing them all into a cure or preventive methodology means that we will be saving not just the pain and suffering which are reason enough to try to do this but to have the added benefit of reduced health care costs which is so much on the mind of all the Members of the Congress and on the members of the public, knowing what bills they have for pharmaceuticals, for doctors bills, for HMOs, for hospital care, all of the various expenses to keep us healthy.

We will, as we progress towards doubling this effort of funding, come to a point where we are also saving money. That should be good news because that is one of our duties as Members of Congress, not just to bring about an investment in trying to prevent disease but also to do it as economically and with as much saving of taxpayers' money as possible.

Just to give you an example, in 1994, the direct costs for cancer, in billions, $41 billion was spent. Indirect costs, some $68 billion. So the total cost for cancer in 1994, $110 billion. What happens if we start to focus on certain cures and bring about a no cost to that kind of particular tumor or cancer that has taken the life of someone? We will not only have saved the life and other lives and prevent it, but the costs of health care go down proportionately.

Look at diabetes. In 1997, $44 billion actually spent, $54 billion of indirect costs, $98 billion in costs for just that, in one year, 1997. As we know, diabetes, back to kidney disease and other consequences of diabetes, the costs and the effects all mount up to the detriment of the American people. We are out to stem the tide of these adverse effects on our fellow Americans. And so on and so forth.

Look at pulmonary diseases in 1998, $21 billion. Kidney and urological diseases in 1985, $26 billion. Stroke, $28 billion. And so on and so forth. No wonder we have rising health care costs. All the more reason why we should be devoting our efforts, legislative and financial, fiscally, fiscal concentration, on defeating some of these diseases that plague us as they are doing. So we save lives and while we are doing it, not an inconsequential thing, we save taxpayers' money.

Now, what I want to do, also, is to mention here that in support of the NIH and all these efforts, about 10 years ago we developed a very unique lecture series here in the Capitol. The Biomedical Research Caucus as we framed it at that time was going to bring and has brought scientists of the first order to the Capitol to explain the latest developments and bring us up to date on what is happening in the field of women's breast cancer or Alzheimer's disease or Parkinson's disease. Just today, we had a wonderful lecture by astronauts and astronaut scientists, NASA scientists on microgravity and some of the things that are being discovered in space that help us here on Earth to early detection of certain diseases and prevention of other diseases, and the cure of some diseases.

Why? Because we are engaged in while we are funding space projects, marrying them to the National Institutes of Health so that the new science of the space age can be adopted and adapted to human endeavors here on Earth, blending every new advance that we make, in space and on Earth.

Which brings me to something poignant in what we have been trying to say here. In one of our recent lectures on June 7, 2000, the subject was, just to give you an example, metastasis, how cancer cells invade the body. We all know what metastasis is. That is, a discovered tumor, even though excised from the body, can still result in the destruction of that individual, the death of that individual through metastasis, that it spreads to other vital parts of a body and the surgeons and the medical people are helpless to stem the tide of this metastasis, this spreading of the tumor.

Ironically, one of the stronger figures in our enterprise, a lady by the name of Belle Cummins, an attorney who has been helping us for years in all these projects and was very close to the scientists and to the legislators and knew the subject matter back and forth, was very helpful, as I say, on every detail of our massive enterprise here, herself was struck with cancer, a rare form of cancer, actually. But the cause of final death was the metastasis, the irreverent spreading of this cancer to other parts of the body which killed her and robbed us of a friendly agent in the gigantic enterprise in which we have found ourselves here.

The other kinds of subject matter we had, just in the year 2000, we have had some 90 sessions on Capitol Hill since we started this program and among the people who lectured to us were a handful, six or seven or eight, Nobel winners. I sometimes jokingly say they won the Nobel because they came and lectured to us, because we brought them to Capitol Hill. That is not exactly the case. But the point is that we have had the latest news that has been developed across the globe on the various diseases, from cloning and the genome project, the mapping of the human gene, all of these things are a part of the regular routine of our Biomedical Research Caucus, keeping all the Members of Congress aware of the various developments.

I see sitting with us one of the members of the Biomedical Research Caucus, as a matter of fact one of the cochairs, the gentleman from Texas (Mr. BENTSEN). I wish to yield to him now for the purpose of adding his commentary to this special order.

Mr. BENTSEN. I thank my colleague from Pennsylvania for yielding. Let me say, Mr. Speaker, at the outset that the gentleman from Pennsylvania (Mr. GEKAS) is the real driving force behind this particular effort in doubling the NIH budget as well as in the entire Congressional Biomedical Caucus.

I think all Members of the House and the American people owe him a great debt of gratitude for the tireless work that he has put into this effort. I also want to join with him in his comments regarding Belle Cummins. It was a tremendous loss to this effort and to many of us personally for the work that she had done in her tireless effort. She will be greatly missed. But perhaps in her loss, that should afford us the ability to redouble our efforts in trying to achieve the goal that she so much sought to see the Congress achieve.

□ 1830

I also want to add, before I get to my prepared statement, my comments regarding the marriage of medical research and scientific research, because, in fact, in my congressional district that I have the honor of representing, it includes the Texas Medical Center and it abuts the Johnson Space Center; and the Texas Medical Center is the first biomedical research center of NASA.

It is a joint project between NASA and Baylor College of Medicine, Rice University and several other institutions, including some other institutions around the country.

This is something that the NASA administrator, Dan Golden, and his people came up with early on as an idea of how to leverage both the basic scientific research being done at NASA, with the medical research being done at our medical institutions with the hope that this type of leveraging can go on in other areas beyond medical research.

But it would not have happened, it would not have happened had it not been for the seed capital put in by the Congress through the National Institutes of Health and through the Medicare program and other programs that have established these academic medical centers which now are true laboratories for growth. It is a tremendous effort.

I want to say, I am not going to go through my whole statement, I will submit most of it for the RECORD, but I do have the honor of being one of the cochairs with the gentleman from Pennsylvania (Mr. GEKAS), he is the real chair, we just work for him in this process. He is absolutely correct on H. Res. 437, a sense of the House that the House should provide an additional $2.7 billion for the National Institutes of Health budget for fiscal year 2001.

This is one of the best things we could do in the United States in terms of what it does to continue to try and find cures for diseases that ail our populace and the populace of the world. People do not realize that we have a quarter of a million people who come to this country every year seeking medical treatment, because we have the best medical treatment in the world in the United States, and that is because of the leverage done off of the NIH.

This resolution would help to ensure that more scientists and doctors and researchers have the resources to conduct the cutting edge research. Today, only one-third of NIH peer-reviewed, merit-based grants are funded, and this additional investment would allow us to increase the number awarded each year and ensure, particularly, that the younger scientists have the resources that they need to find the cures to save the lives of so many Americans.

I am also convinced that this additional 50 percent investment in NIH is being wisely used. There are more than 50,000 scientists across the United States who directly benefit from NIH research funds.

At the Texas Medical Center, which I mentioned is in the district I represent, there was a total of $289 million funded through the NIH for clinical research projects in fiscal year 1999 alone. For many of these scientists, the NIH funding is critically important to funding their research and without it, they would not be able to test new therapies.

Today with many academic medical centers struggling to maintain their mission of training our Nation's health care professionals with the advent of managed care, providing quality health care services and conducting clinical research, it is critical, it is critical that they have adequate resources from the NIH.

Mr. Speaker, I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. There are not many government programs we can find that have that kind of yield on investment.

The government funds the basic research with which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes and heart disease and the like.

A lot of our colleagues may say, why should we not just allow the private sector to fully fund this? The fact remains that there is a lot of research where the private sector will not go. The risk is far too great, and there is a large gap there, which only a public entity, in this case, the Federal Government, can fill that gap.

It can underwrite that risk and, yet, even doing that, we know that there is a tremendous return, not only in the better well-being and health of our citizens, which should be our first concern, but there is an economic return in the long run to the general economy of the United States, and that is a benefit I think all of us can be proud of.

Let me just finally say that we are all extremely excited with the announcement just this past month that the scientists who were mapping the human genome have made significant discoveries and are on the cusp of finalizing that project.

I was honored that Baylor College of Medicine is one of the three research organizations that are part of the NIH program. I met with the officials from the researchers from Baylor on numerous occasions about this program that they are doing, and I know that at one point it appeared there was a race between the Federally funded project with worldwide assistance and the private project that was being done. But I think it goes without saying, had NIH not been there at the beginning, not funded this, we would not have seen a private entity come in to it.

Furthermore, and I have talked with many of the researchers about this, had there not been a Federal public domain involvement in something as critical as the human genome project. I think it is unlikely that we would have had the early commitment that the data that has been found will be data that is part of the public domain and not something that is down at the Patent Office that says that the future treatment that can be so critical to the future well-being of the American citizenry is something that we would have to go through a copyright and pay a premium for as opposed to something that we as Americans can all enjoy the opportunity of.

So I think it is a testament to the work of the NIH, and I would just say to my colleague, the gentleman from Pennsylvania (Mr. GEKAS), that, once again, on this particular issue, and there are other issues as well, but on this particular issue, he is very much on the right track, taking a leadership role in saying that the United States taxpayers should put its resources behind funding and doubling the budget for the NIH.

We get a tremendous return for our well-being, and I commend the gentleman for once again taking the lead on this and this resolution. I look forward to continuing to working with him on this until we achieve that goal of doubling it over the 10-year period.

Mr. Speaker, I rise today in strong support of H. Res. 437, a Sense of the House of Resolution that the House of Representatives should provide an additional $2.7 billion for the National Institutes of Health (NIH's) budget for Fiscal Year 2001. This $2.7 billion investment would be the third installment on our five-year effort to double the NIH's budget.

As one of four Co-Chairs of the Congressional Biomedical Caucus, I have strongly supported providing maximum resources for biomedical research conducted at the NIH. This $2.7 billion investment in NIH's budget will help to save lives and improve our international competitiveness. Our nation's biomedical research is the envy of the world, but we must continue this investment to ensure that we maintain this preeminence.

This resolution would help to ensure more scientists have the resources they need to conduct cutting-edge research. Today, only one-third of NIH peer-reviewed, merit-based grants are funded. This additional investment would help us to increase the number of grants awarded each year and ensure that young scientists have the resources they need to save lives and cure diseases.

I am also convinced that this additional 50 percent investment in the NIH is being used wisely. Today, there are more than 50,000 scientists who directly benefit from NIH research funds. At the Texas Medical Center, which I represent, the NIH provides a total of $289 million for clinical research projects in Fiscal Year 1999. For many of these scientists, the NIH funding is critically important to funding their research. Without it, they would not be able to test new therapies. Today, many academic health centers are struggling to maintain their mission of training our nation's health care professionals, providing quality health care services, and conducting clinical research. As managed care plans reducing reimbursements for health care services, the NIH funding helps to ensure that this mission is achieved.

I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. The government funds the basic research which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes, and heart disease.

As the representative for the Texas Medical Center, one of our nation's premiere research centers, I have seen firsthand that this investment is yielding promising new therapies and treatments for all Americans. Just this month, it was announced by Baylor College of Medicine and 2 other research organizations have reached their goal of mapping the human genome. With this genetic map, researchers will have the information they need to develop new treatments to cure diseases such as cancer, heart disease, AIDS, and Alzheimer's. At Baylor College of Medicine, the NIH funding is leading to new information about pediatric AIDS treatments, tuberculosis, and prostate cancer treatments.

As a member of the House Budget Committee, I coauthored an amendment to add $2.7 billion to the NIH's budget. Although the NIH amendment was not successful, I believe it is critically important to continue to remind my colleagues of the potential for success with more investment in biomedical research. For many families, maximizing the NIH budget is an important part of their efforts to fight and beat chronic diseases such as heart disease and diabetes. As we learn more about the molecular basis for disease, we can bring new tools to defeat diseases and save lives.

As part of the Congressional Biomedical Caucus, we have also sponsored luncheons to discuss biomedical topics in Congress. These well attended luncheons provide an opportunity for Congress and staff to learn about new research programs which have been funded by the NIH-sponsored grants. This first-hand information will help to highlight how well these resources are being used.

I strongly urge the House of Representatives to support and become a cosponsor of H. Res. 437, legislation that would provide $2.7 billion more for the NIH's budget as part of the Fiscal Year 2001 budget process.

In a related matter, a conference is currently meeting to reconcile the differences between the two versions of Fiscal Year 2001 Labor, Health and Human Services, and Education appropriations bill. I am concerned that the House bill includes $18.8 million, a 6 percent increase above this year's budget. However, I am pleased that the Senate appropriations bill includes the additional $2.7 billion investment in the NIH that we need. I strongly urge my colleagues in this conference committee to adopt the Senate funding level so that the NIH's budget will be doubled over five years.

Mr. GEKAS. Mr. Speaker, we thank the gentleman from Texas (Mr. BENTSEN) for his very valuable contribution.

There is something I always wanted to put in the RECORD to how we got started on this tremendous effort on behalf of the National Institutes of Health, and after a number of searches of memory as to how this all began, we concluded that the starting point was an article written by scientists interested in expanding the avenue towards increased research.

In 1993, the magazine Science published a call for action by two Nobel Peace Laureates and other science leaders like Dr. Michael Bishop, Harold Varmus and Mark Kirschner, who at that time pleaded with their government and their Congress to double the amounts of Federal funding for the basic research being undertaken by the National Institutes of Health over a period of 5 years.

This was not the enterprise of some creative lobbyists, but rather born from the thoughtful rationale and scientific deliberations of some of the foremost minds in science.

When Members of this great Chamber consider their votes for the consistent and substantial increases in funding of basic research at the National Institutes of Health and the National Science Foundation, they can rely with great confidence on the fact that these scientists placed their entire reputations on the line in making recommendation that the government and the Congress continue to expand their investment of Federal dollars in basic research. So there we have it.

Dr. Kirschner, Bishop and Varmus preeminent scientists who thought it would be a great idea if we could double the effort of the NIH to get scientists to focus on new research and continued expanded research. We seized upon that, certain Members of Congress, and thought that was a light bulb for the Congress upon which to become enlightened as to progress that can be made.

And from that, emerged the effort about which we speak here tonight, the resolution to double the effort. We picked up adherence and supporters in the Senate of the United States, and lo and behold, again, we are here tonight reporting to the American people that we are intent on moving along on this spiraled staircase towards doubling the funding of the NIH within 5 years.

The 3rd year is here upon us, next year we will come back to these Chambers and see how far we have gotten and be able to report to my colleagues even more progress.

Mr. Speaker, the last item that we wish to record for my colleagues are some of the recommendations that have come out of the scientific dialogue on this important question. These great scientists stated, and I quote, in part, if the United States is to realize the promise of science for our society, the new administration, this was back in 1993, should take action on several fronts, and here are bits and pieces of these several fronts, develop an economic strategy for optimizing investment and biomedical research, and what we are saying is, the doubling of the funding of NIH is one of those strategies.

Number two, generate a comprehensive plan for the best use of Federal funds for biomedical research; implicit in what we have said.

Institute a mechanism for the periodic evaluation of peer-review procedures utilizing scientists from inside and outside the government. That is very important in the world of health care, because if one scientist says a-ha, I can cure brain cancer overnight, that has to be evaluated and reviewed and criticized and analyzed, et cetera.

The American people know that we have a system in place that has checks and balances in everything we do, not the least of which should be in the discoveries or research breakthroughs that we see now on a daily basis.

They go on and say facilitate the application of fundamental discoveries by encouraging technology research in the private sector; that goes without saying. Strengthen the position of the Presidential advisor on science and technology, increase Federal attention to science education.

Do you know what? Without knowing it, it just dawned on me that about 2 years ago I introduced a concept, and it is in legislation and heading for a hearing in September, on something akin to this, that is, I believe that in the 20th century, the one which was just engulfed us in so many conflicts, so many tears, but so much progress at the same time, this century, our country was faced with one gigantic goal, that goal was to overturn tyranny and repression and to advance democracy, to repel tyrannical governments, Communism, Naziism, all of the tyrannical forms that have hurt us so blatantly across the years. Our goal as a Nation was to repulse all of that and to establish and reestablish and ferment democracy throughout the remainder of the world.

It dawned on me we ought to be stating a goal for the next century, for the 21st century. What should that goal be for the United States of America? In my judgment, it should be the eradication of disease from the face of the Earth.

Mr. Speaker, now the goal of repulsing tyranny and establishing democracy was worthwhile, we would not be in a position where we could even talk about eradication of disease as in a new goal, but listen to what has happened. Our country is the foremost in every endeavor of the human mind can generate, in everything. We are the superpower. We are the supersuperpower in everything. We do not want to be just the superpower in military strength, we have the capacity now to lead the world in those efforts that can lead to the eradication of disease.

Now, I mentioned this to Dr. Harold Varmus, who later became the director of the National Institutes of Health, and now most recently has transferred his talents to Sloan Kettering in New York, a renowned scientist, a Nobel winner.

□ 1815

I mentioned this to him while he was director of NIH, that we ought to try to do something to try to eradicate disease across the face of the Earth. He said, "George, I don't think we can actually eradicate every disease." I said, "I know that, Harold. I know though the effort has to yield progress in the eradication of disease, even if we fall short of total eradication of every disease known to mankind."

But the point is that should be the national goal. And if you look at it again, in rounder terms, the goal of eradicating disease that the United States would undertake would be in its own self-interest, its own enlightened self-interest.

Why? While we are trying to eradicate disease or leading the world in those efforts, we are producing new pharmaceuticals, new biotechnology devices, new methodologies for treating disease, for discovering new anecdotes, et cetera. While we are doing that then, we are creating economic fervor, economic opportunities and economic expansion, enterprises of every stripe while marching down the road towards leading the world, leading mankind, in the eradication of disease.

We are number one in biotechnology now, number one in biomedical research, number one in every effort leading towards these things. Why not then move towards this goal about which I speak?

Let me tell you that my bill, the one I have introduced and on which a hearing will be held, as I said in September, would create a commission of the greatest experts our country can produce on how we can begin this worldwide enterprise of eradicating disease from the face of the Earth. It would employ every sector of our country and all its citizenry, from teaching children in first grade about washing their hands before meals and in washing their hands as often as possible, a simple little gesture, as part of a global strategy to eradicate disease, not to mention space exploration and all of the other things about which we have made mention here today.

So from washing one's hands in kindergarten to climbing to Mars in 3 years, all of these things can be a part of the global effort on the part of the United States to eradicate disease from the face of the Earth; and these members of these commissions, the commission that I envision through this legislation, could create the steps necessary to begin that enterprise.

We have been joined by the gentlewoman from North Carolina, is that correct?

Mrs. CLAYTON. That is correct.

Mr. GEKAS. I get North and South mixed up once in a while.

Mrs. CLAYTON. South Carolina is good, but North is even better.

Mr. GEKAS. I yield to the gentlewoman.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for his leadership on this issue and allowing me to participate. I think this issue that the gentleman brings before us is exciting and has great potential and is critical and needed.

Mr. Speaker, I strongly support the gentleman from Pennsylvania (Mr. GEKAS) and others in their effort to double the funding for the National Institutes of Health for research in the biomedical field. Research today will be the basis for the discovery of treatments and prescription drugs that will provide much needed benefits tomorrow.

Passive investments in biomedical research have resulted in better health and improved quality of life for all Americans, as well as a reduction in national health care expenditures. The Federal Government represents the single largest contributor to biomedical research conducted in the United States and must continue to play a vital role in the growth of this national biotechnology industry.

The National Institutes of Health is prepared to lead us into a new era of molecular medicine that will provide us with unprecedented opportunities for the prevention, the diagnosis, the treatment, the cure of all diseases that currently plague our society.

Currently more than 297,000 Americans are suffering from AIDS, and hundreds of thousands more with HIV infections. These Americans, although still facing serious and life-threatening health problems, can benefit from biomedical and biotechnology advances in the treatment of HIV. Biomedical advances assist in providing assurances of more effective and accessible and affordable treatment for persons with HIV and the hope of arresting the disease until a cure is discovered.

Patients with debilitating diseases such as osteoporosis and diabetes, or life-threatening cervical, breast, and prostate cancer will benefit from the further understanding of the principles of biometrics. The development of new hard tissue, such as bone and teeth, as well as the study of soft tissue development, holds great promise for the design of new classes of bio-materials and pharmaceuticals, and the diagnosis and analytical reagents for use in the treatment of disease and their side effects.

We are on the dawn of a biomedical revolution, and most Americans show overwhelming support for an increased Federal investment in biomedical research to improve the quality of their lives and of world citizens.

Again, I support the request to increase by $2.7 billion the budget to the National Institutes of Health to fund biomedical research. American biomedical researchers should not have to wait any longer than necessary to begin the new generation of discovery that awaits them and to benefit the overall health of our great Nation and the world.

Again, I thank the gentleman for allowing me to participate.

Mr. GEKAS. I thank the gentlewoman.

Mr. Speaker, to bring to a close our special Special Order, I just want to repeat some of the promises that lie ahead with the continued development of our research capability: new ways to relieve pain, that goes without saying; medications for the treatment of alcoholism and drug addiction; clinical trials database to help the public gain access to information about all of these trials through the Internet and through other devices that we have.

I see our colleague, the gentleman from Iowa (Mr. GANSKE), who is seated here, ready to take a Special Order on his own. Just today he and I had a discussion about the Patients' Bill of Rights and the pharmaceuticals and all of that, which is a part of all of this; and I maintain if we can pass our bill and establish this commission to look at all the phases of health care for the eradication of disease, that the plight of our teaching hospitals, patient care, pharmaceuticals, everything that worries us on a daily basis, can be placed in a proper order to take the lead globally in the eradication of disease.

Mr. PACKARD. Mr. Speaker, I urge my colleagues to support increased funding for the National Institutes of Health (NIH). The NIH is the pre-eminent biomedical research enterprise in the world, relied on for its innovation by countries spanning the developing and industrialized world. The vast bulk of the NIH funding we appropriate goes to the large medical research institutions in this country that lead the fight against disease and illness.

The NIH has always enjoyed strong bipartisan support from Congress. An increase in NIH funding would accommodate substantial increases in the grants, training awards, and infrastructure improvements that are critical to the continued success of medical research. Additional funding would also give the NIH a greater ability to disseminate information on new breakthroughs to patients and health care providers. NIH researchers are on the verge of tremendous new discoveries in science and medicine.

Mr. Speaker, I again urge my colleagues to continue their support for the NIH in the best way possible—by increasing funding.

Mr. LAFALCE. Mr. Speaker, the National Institutes of Health benefits all Americans, and we should all be proud of the research work that they do. Thanks to the scientists, doctors and other professionals at NIH, we are closer than ever before to finding cures and improved treatments for diseases like Alzheimer's, diabetes and cancer. We need to show our unwavering commitment to the NIH and the important work that they do. That is why I strongly support doubling the NIH budget.

In addition to the countless health benefits that this will bring to the American people, it will result in savings as well. Every dollar that we invest, particularly in preventive medicine, will reduce hospitalization and the costs of treating a disease that we can cure. Diabetes is a prime example of this. It is estimated that one out of every ten health care dollars in the United States and one out of every four Medicare dollars is spent on diabetes care. If we invest enough money to follow all the promising leads that the congressionally-mandated Diabetes Research Working Group has identified, we can cure this disease. We should do that. Just think what it would mean to the 16 million Americans, and their families, who suffer from this disease. As Vice-Chair of the House Diabetes Caucus, I urge all of my colleagues to support this investment in finding a cure. And it truly is a cost-effective, life-saving investment. In this time of unparalleled prosperity, there is no reason that we can't do it.

Alzheimer's, arthritis, multiple sclerosis, osteoporosis, diabetes, cancer, autism, macular degeneration and on and on—we all have family, friends, constituents who are affected by these diseases in one way or another. Particularly as our older population continues to grow, we need to increase our commitment to health care. An appropriate investment now, when the resources are available, will translate into immeasurable savings, both in human life and in dollars, down the road.

This is truly an investment in our future. Let's make this commitment and let science show us how we can all live healthier, happier, longer lives.

Mr. FILNER. Mr. Speaker, I rise today in support of doubling the budget of the National Institutes of Health to further life-saving research.

The world is at the cutting edge of biomedical research breakthroughs that will alter forever the age-old battle of humans against disease. The discovery of cures for most life threatening diseases can, and will, be achieved in our lifetime. But, we can cross that ultimate frontier of an improved quality of life for all Americans only if this Nation commits itself to funding biomedical research at a sufficient level to do the job.

Mr. Speaker, we can demonstrate our collective resolve to accomplish that result by doubling the funding for the National Institutes of Health.

Our research is beginning to pay off. Hundreds of new drug discoveries are rapidly making their way through clinical trials. Through the concerted genome effort, we will in a very short time have effectively decoded the enormous amount of DNA sequence information that forms the blueprint for human ife. The developing field of proteomics will provide the tools to understand the function of proteins produced by genes. The quantity and quality of targets for the development of new drugs will be increased by a factor of previously unbelievable proportions. In addition, progress is being made in learning how to stimulate the immune system itself to fight cancer and other diseases. Immunotherapy, and gene therapy, as demonstrated by the scientists at the Sidney Kimmel Cancer Center in San Diego, are beginning to unlock the secrets of how to effectively combat disease in virtually every cell of the body. Anti-angiogenesis—a process which prevents the formation of new blood vessels which feed the cancer as it multiplies—offers great hope. The progress being made in San Diego research institutes suggest that the accelerating pace of laboratory discoveries will soon be translated into innovative treatments. In San Diego, basic science break-throughs are happening at the University of California, San Diego (UCSD)—one of the largest recipients of NIH funding in the country—and also at the Salk Institute, the Burnham Institute, and the Scripps Research Institute. And, the most dramatic results of these scientific advances may be demonstrated when they work in combination with chemotherapy, radiation, and surgery.

At the University of California at San Diego, for example, Dr. Mark Tuszynski has received approval from the FDA to test a form of gene therapy in humans with the dreaded Alzheimer's disease. Alzheimer's now afflicts 4 million Americans, a number which is projected to grow to 8 million in this country alone by the year 2020. Dr. Tuszynski will surgically implant genetically modified cells into the brains of human volunteers to determine if we can slow the progression of Alzheimer's disease and enhance the function of some of the remaining brain cells.

Mr. Speaker, charitable contributions and the scholarship of great universities and research institutes play important roles in the evolution of our scientific success. It is through the investsment of significant Federal dollars in the National Institutes of Health that we can combine all of these positive forces to realize the medical miracles on our horizon. NIH promotes the research and coordinates the science. NIH helps to develop new skills of scientific investigators, and provides the stimulus for the emergence of new technologies.

I am privileged to represent San Diego, the biotech capital of the world. What we do in San Diego in collaboration with scientists around the globe will enhance life itself at a time in history when life is most worth living.

Now is the time to redouble our investment in biomedical research. America is at peace, our economy is prospering, our citizens are gainfully employed, our budget is balanced, and our surplus is real, There is no excuse to ignore what Americans want more than anything else: the cure of diseases which inflict death, pain, suffering, and economic distress to almost every family.

Mr. Speaker, let's do it; let's do it now.

Mr. CUNNINGHAM. Mr. Speaker, I am grateful to the gentleman from Pennsylvania (Mr. GEKAS) for arranging this special order tonight, to focus on the importance of doubling America's investment in health research over the next five years.

I am honored to be a cosponsor of his resolution, H. Res. 437, expressing the sense of Congress on how to accomplish our goal of doubling our national investment in health research. This research is the gift of America's hard-working taxpayers to this generation and the next—not just to Americans, but to the world.

Furthermore, for us to take fullest advantage of this investment, we must take care to invest it wisely. So in addition to increasing our work in basic health research at the National Institutes of Health, we should treat in a similar fashion our investment in the Centers for Disease Control and Prevention, and in the programs of the Health Resources Service Administration, which are vital to putting in practice the things we learn through basic health research. As a strong fiscal conservative, and as a member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, I am committed to working with my colleagues to achieve these goals within a limited federal budget.

Rather than to address this issue myself, I have asked several of my constituents and leaders in the field of health research to address this issue themselves. With the consent of the gentleman from Pennsylvania (Mr. GEKAS), I would like to insert in the RECORD at this point several letters, e-mails, and notes that describe in further detail the importance of doubling our investment in health research.

Mr. Speaker, I submit the following letters for the RECORD.

CHIRON CORPORATION,
Emeryville, CA, June 14, 2000.

Hon. RANDY "DUKE" CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of Chiron Corporation's Blood Testing Division, I appreciate this opportunity to convey our support for increased funding for biomedical research.

Chiron Corporation, headquartered in Emeryville, California, is a leading biotechnology company with innovative products in three global healthcare markets: biopharmaceuticals, vaccines and blood testing. Chiron, and its partner, Gen-Probe Incorporated of San Diego, formed a strategic alliance in 1998 to develop, manufacture and market genomic nucleic acid testing (NAT) for detection of blood transfusion associated viruses such as Human Immunodeficiency Virus (HIV) and Hepatitis C Virus (HCV).

Genomic NAT is the next technological advance in ensuring the safety of the nation's blood supply. It detects small amounts of virus in donated blood before antibodies or viral proteins are detectable by current blood screening technologies. Today's blood testing methods depend solely on the detection of these antibodies or viral proteins, so newly infected donors may escape detection during the "window period" between infection and appearance of these serologic markers.

Since April of 1999, the Chiron-Gen-Probe partnership has been supplying NAT reagents, instrumentation, training, and technical support to U.S. blood centers performing NAT under FDA approved clinical protocols. The Chiron Procleix HIV-1/HCV Assay is currently utilized to screen approximately 75% of all volunteer blood donations in the U.S. In addition, the Armed Services Blood Program now routinely screens blood donations with the Chiron assay.

Genomic NAT testing has already increased the safety of the U.S. blood supply. In less than one year, testing by Chiron's system alone has detected 28 infected HCV donors and 4 HIV-1 infected donors. Identification of these infected donors prevented the potential transfusion of over 100 HCV and/or HIV-1 infected units of blood components. Scientific studies estimate that genomic NAT may reduce the window period of potential HCV infection by 70% and by nearly 50% for HIV. Recent studies also indicate that genomic NAT, when used on individual donor samples, may close the Hepatitis B Virus (HBV) window by 50% (as much as four weeks) compared to currently available tests.

Implementation of NAT has required the utilization of many new scientific inventions and innovations. One historic discovery in this effort was the genomic mapping of the HIV and HCV viruses by Chiron scientists. Gen-Probe Incorporated developed new high throughput genomic amplification and detection technologies known as TMA, that are required to detect very low levels of viruses in blood donations.

The National Heart, Lung, and Blood Institute of the National Institutes of Health contracted with Chiron's partner, Gen-Probe Incorporated, to develop genomic NAT testing assays and automation. All of these factors in combination have led to the development of genomic NAT as the new world standard in blood screening technology, and offers the promise of providing Americans a blood supply that is safer from risk of HIV, HCV and HBV transmission.

HCV is becoming a significant public health concern, both here in California and elsewhere. Despite these remarkable advances in blood testing and safety, our work is not complete. There are new viral strains that may contaminate our blood supply. The immensely important genomic amplification technologies are at the beginning of their technological life cycle. It is vitally important that the U.S. Government continues, and increases where possible, its investment in these areas of biomedical research.

Thank you again for the opportunity to provide Chiron's comments on this important public policy issue.

Sincerely,

RAJEN DALAL,
President,
Chiron Blood Testing Division.

POWEY, CA,
June 14, 2000.

DEAR CONGRESSMAN CUNNINGHAM: I am a 47 year old woman. My diabetes was discovered 40 years ago. I should be dead! Due to the advances in health research I am not only alive but a success despite my physical challenges.

I am a speaker for UCSD transplantation and animal research program. I should have died at the age of 15, being unconscious and having extremely high, unexplained blood sugars. I survived that challenge and then later went on to college supported by the Rehab. center for the blind in Connecticut. My kidneys failed as I was receiving my BA in Psychology and BS in Business. (Double Major). I then moved to San Diego and received my first kidney transplant. My right leg was amputated as I was in Graduate school. As I was finishing Graduate school I received my first Service dog for Physical assistance.

To make a long story short, I am able to drive with one good eye—medical research. I can walk, but do use a wheelchair, to reserve energy. I am now a licensed Marriage and Family Therapist!!! (long haul and Hall) AND I have founded and co run with my fiance, Leashes for Living Assistance/Service Dogs. A unique program enabling the challenged to train their own Service Dogs.

Without medical and health research I would not be able to give back so much to the community. I pride myself in the fact that along with the medical teams, I have worked hard to stay alive . . . and now am able to help others live happier and healthier lives despite their challenges.

With my highest regards for your endeavors,

CYNTHIA CLAY.

POLYCYSTIC OVARIAN
SYNDROME ASSOCIATION, INC.,
Rosemont, IL, June 14, 2000.

Rep. RANDY CUNNINGHAM,
Rayburn Bldg,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM, We at the PolyCystic Ovarian Syndrome Association, Inc., or PCOSA, would like to add our voices in support of House Resolution 437, sponsored by Rep. George Gekas from Pennsylvania.

Polycystic Ovary Syndrome (PCOS) is a little understood endocrine disease that affects as many as 1 in 10 women and yet continues to be misdiagnosed by doctors. Recent research strides point only to the need for more research, education and raised awareness about PCOS, which is the leading cause of infertility and puts women at risk for type II diabetes, endometrial cancer, and cardiovascular disease. PCOSA is an international non-profit organization dedicated to the education and support of women with PCOS and their healthcare providers.

Dr. R. Jeffrey Chang, at the University of California at San Diego is a pioneer in the research and education of women and doctors about PCOS. Having edited one of the few texts on the subject for doctors, he remains a strong voice for women's health care. At our recent membership conference in San Diego, Dr. Chang spoke to patients and other doctors, and was even able to explain this complicated syndrome to members of the San Diego press. He is a tremendous asset to endocrinology and to California.

It is imperative that Dr. Chang's research, and that of his colleagues searching for the cause and treatment of PCOS, continue to be supported by the NIH until we understand the disease and have an answer for every single woman that suffers from it.

With Best Regards,

CORRINA P. SMITH,
Dir. of Media Relations.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,
La Jolla, CA, June 12, 2000.

Hon. RANDY DUKE CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR DUKE, I am writing to urge you and your colleagues to support an increase in funding for the NIH for FY2001 that will keep us on track for doubling in five years. In spite of our continued and spectacular recent progress in the fight against disease, too many of our friends and loved-ones die prematurely or suffer needlessly from diseases that we could defeat if our research efforts could proceed more swiftly. This year alone, I have already lost one dear friend to a premature death from cancer, and several other friends are literally in a fight for their lives. I have also received many phone calls and letters from people afflicted with presently incurable diseases, but where research holds hope for treatment in the not too distant future. Better and faster biomedical research is clearly the best answer for these people. It is only by understanding fully the cellular and molecular basis for disease that we can then develop effective therapeutic strategies.

As you know, the House and Senate have been working toward the goal of the doubling of NIH by the year 2003. Congress has provided the necessity 15% increases over each of the past two years to meet this important goal. For FY2001, Congress must provide an increase of $2.7 billion in order to reach the doubling goal. These funds are critical for our continued rapid progress in the battle against cancer, diabetes, ALS, Alzheimer's and other diseases affecting millions of Americans.

I know that you share my belief that biomedical research and our fight against disease is one of our most important national priorities. I look forward to working together with you in the future on this important battle.

Sincerely,

LAWRENCE S.B. GOLDSTEIN, Ph. D.

Mr. CAPUANO. Mr. Speaker, I would like to take a moment to thank my colleague from Pennsylvania, Mr. GEKAS, for arranging tonight's special order, as well as the distinguished chairman of the Labor-HHS-Education Appropriations Subcommittee, Mr. Porter, for his work and dedication in support of biomedical research at the National Institutes of Health (NIH). I believe it is essential that Congress move forward in its commitment to double the research budget at the NIH. Currently, scientists at the NIH are developing cutting-edge treatments for hundreds of diseases, including cancer, Alzheimer's, and diabetes. Increased funding for medical research and development will allow millions of Americans to lead healthier lives. I, therefore, rise in support of efforts to provide a 15% increase for NIH in FY2001. This increase will mark the third installment of the plan to double the NIH budget over a period of five years.

Each and every day, researchers at the NIH succeed in making important discoveries about the human body and the diseases that may effect it. These scientists work tirelessly to develop cutting-edge technologies that push the envelope of human capacity.

For FY2001, the NIH have developed four critical initiatives. These include: (1) Genetic Medicine—this involve the mapping of the human genome and the subsequent gene therapy. Advances in the treatment of cancer, chronic illness, and infectious disease may be possible through this work; (2) Clinical Research—this initiative reinforces the goal of turning the results of laboratory research into treatment for patients; (3) Fostering Interdisciplinary Research; and (4) Eliminating Health Disparities. These four areas of scientific research present incredible opportunities that have the promise to generate tremendous benefits in the future. Providing increased funding for biomedical research today will allow millions of Americans to lead healthier lives tomorrow.

With this in mind, I urge each of my colleagues to support funding the full 15% budget increase for the National Institutes of Health.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of increasing the Federal Government's commitment to biomedical research through the National Institutes of Health. As chairman of the Health and Environment Subcommittee of the House Commerce Committee, and as a member of the Congressional Biomedical Research Caucus, I am a strong advocate of this agency's vital mission. I have joined many of my colleagues in supporting efforts to double federal funding for the NIH.

The NIH is the primary Federal agency charged with the conduct and support of biomedical and behavioral research. Each of its institutes has a specialized focus on particular diseases, areas of human health and development, or aspects of research support. When we consider its role as one of the world's foremost research centers, it is amazing to remember that the NIH actually began its existence as a one-room Laboratory of Hygiene in 1887.

Medical research represents the single most effective weapon against the diseases that affect many Americans. The advances made over the course of the last century could not have been predicted by even the most farsighted observers. It is equally difficult to anticipate the significant gains we may achieve in years to come through increased funding for further medical research.

Last year, Congress gave a substantial increase in funding to the NIH. The fiscal year 2000 omnibus appropriations law provided $17.8 billion for the NIH—an increase of $2.2 billion or 14 percent over the previous fiscal year. This increase represents a sizable down payment toward the goal of doubling its funding over 5 years. This year, I am hopeful that we can make similar progress in that regard.

As we work to increase Federal funding, I am also sponsoring legislation to encourage private support for NIH research efforts. My bill, H.R. 785, the Biomedical Research Assistance Voluntary Option or "BRAVO" Act, would allow taxpayers to designate a portion of their federal income tax refunds to support NIH research efforts. I introduced the bill on a bipartisan basis with the ranking member of the Health and Environment Subcommittee, Mr. BROWN of Ohio.

Mr. Speaker, every dollar invested in research today will yield untold benefits for all Americans in years to come. Indeed, our own lives might some day depend on the efforts of scientists and doctors currently at work in our Nation's laboratories. I urge all Members to join me in supporting a strong Federal commitment to biomedical research.

Mr. LEVIN. Mr. Speaker, I am pleased to join my colleagues on both sides of the aisle to talk about the importance of doubling the funding for the National Institutes of Health over the next 5 years. As we all know, we have already made two down payments on this goal, first in 1999 and again in 2000. Unfortunately, last month the House approved a Labor-HHS-Education bill which significantly backtracks from our commitment. We must insist on a bipartisan basis that this serious underfunding is corrected in conference.

I support full funding for the NIH on behalf of all of my constituents who struggle with illnesses that we do not fully understand. I know, as they do, that the work of NIH-funded scientists offers their best hope for a cure. At the same time, each year NIH researchers uncover new information which helps doctors better treat patients with heart disease, cancer, diabetes, mental illness, and many other terrible diseases.

The National Institutes of Health fund well over a third of all biomedical research in the United States. But NIH's role goes well beyond that, because NIH is the primary funder of all basic research. Basic research, which is generally focused on discovering new scientific principles, often cannot be patented and is therefore not appealing to for-profit companies. But basic research provides the building blocks on which new treatments and cures are built. Of the 21 most important medications introduced between 1965 and 1992, 15 were developed using tools from federally funded research. Seven were directly developed by government-funded researchers.

One of these exciting new drugs, Cisplatin, was developed by researchers in my home State at Michigan State University. Working with NIH's National Cancer Institute, biophysicist Barnett Rosenberg developed Cisplatin, an anti-cancer drug which cures sixty to sixty-five percent of testicular cancer cases and reduces risk of death by fifty percent when used to treat cervical cancer. Without NIH's expertise and resources, Dr. Rosenberg might not have been able to complete the pharmacology, toxicology, and clinical trials needed to get this drug to the cancer patients who need it.

Each year that we increase funding for NIH, we make possible more discoveries like this and we make sure that the public benefits from those discoveries. Currently, the economic cost of illness in the United States is estimated at about $3 trillion. An annual appropriation of $16 billion—less than 1 percent of the Federal budget—is a small price to pay to maintain NIH's strength in controlling and curing disease. I hope that all of my colleagues will join with me and the other members of the Congressional Biomedical Caucus in supporting full funding for the NIH and medical research.

Mrs. MALONEY of New York. Mr. Speaker, I join my colleagues in support of doubling the NIH budget for fiscal year 2001.

I thank my colleague GEORGE GEKAS for organizing this special order. This is one budget that affects every single American. Whether it is diabetes, Alzheimer's, cancer, or safe childbirth, the NIH is there as a shining star to protect our Nation and help us understand and treat dreaded diseases.

One of the diseases that NIH researchers feel could be cured in a matter of years is Parkinson's disease. I am proud to be the founder and co-chair of the Congressional Group on Parkinson's Disease with my friend and colleague FRED UPTON. We are so close to a cure for this disease.

Leading scientists describe Parkinson's as the most curable neurological disorder. Breakthrough therapy or—perhaps a cure—is expected within a decade. When have researchers ever said that they think they can cure a disease in 10 years?

I would like to focus my remarks tonight on the importance of giving NIH the largest increase possible. Specifically, I have been advocating for $71.4 million to implement NIH's Parkinson's Disease Research Agenda. During last year's appropriations debate, we were successful in including language to support the development of this research agenda for Parkinson's disease.

It truly is a roadmap for what needs to be done in the next 5 years to get to a cure. I have spearheaded a letter to the conferees asking for the $71.4 million needed in the first year to enact this research agenda. I am very hopeful that we will get this money in the budget this year. But if we don't, I will introduce legislation requiring this plan be funded in its entirety.

Finally, I just want to mention that I am anxiously awaiting the release of the final guidelines on stem cell research. We worked hard in Congress this year to not let stem cell research get politicized. We stood firm that Parkinson's disease—along with diabetes, ALS, and a host of other diseases—must not be held hostage to extremists in Congress. I will continue to work for prompt implementation of this critical research when the guidelines are finalized. I thank my colleagues again for organizing this special order.

Mr. GEKAS. Mr. Speaker, reluctantly, because I am having a good time here, reluctantly, I am looking around, I see no other recourse except to yield back the balance of my time.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Special Order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

IMPORTANT HEALTH CARE ISSUES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

HMO ABUSES

Mr. GANSKE. Mr. Speaker, tonight I am going to talk about two important health care issues that are facing Congress. One concerns HMO abuses, and the other concerns the number one public health problem in the country, and that is the use of tobacco.

Mr. Speaker, about 8 months ago on the floor of this House we had a momentous debate for about 2½ days on patient protection legislation; and at the end of that debate, 275 bipartisan Republican and Democratic Members of this Congress voted to pass the Norwood-Dingell-Ganske bipartisan consensus Managed Care Reform Act of 1999. Nearly every nurse, nearly every dentist, nearly every doctor who is a Member of this body voted for that.

Well, what has happened since then? Very little. A conference committee was belatedly named to try to get agreement between the bill that passed the House, the strong patient reform bill, and the bill that passed the Senate, which was more an HMO reform bill.

Unfortunately, nothing much is going on in that conference now. I do not think they have met for probably about 2 months. There has been a paucity of public meetings. But a few weeks ago the issue was brought back to the floor of the Senate and a GOP HMO bill was added as an amendment to a bill, and it passed, just barely. It was the Nickles HMO amendment.

I would have to advise my colleagues that that GOP Senate bill that passed a few weeks ago by a margin of about one or two votes is worse than no bill at all. In fact, it is an HMO protection bill, not a patient protection bill. Would Members like to have some proof of that? Well, let me tell my fellow colleagues about some of the things that HMOs have been doing that have been documented in a recent article in Smart Money magazine in their July issue.

Consider the case of a man named Jim Ridler. It was shortly after noon on a Friday back in August 1995 when Jim Ridler, then 35 years old, had been out doing some errands. He was returning to his home in a small town in Minnesota on his motorcycle when a minivan coming from the opposite direction swerved right into his lane. It hit Jim head on. It threw him more than 200 feet into a ditch. He broke his neck, his collarbone, his hip, several ribs, all of the bones in both legs. It ripped the muscles right through his arm.

Over the next 4 months, after a dozen surgeries, he still did not know whether he would ever walk again. When he got a phone call from his lawyer who had started legal proceedings against the driver of that minivan who had swerved into his path, that call that he got from his lawyer really shook him up.

"I am afraid I have got some bad news for you," said his lawyer. He told Jim that even if Jim won his lawsuit, his health plan, his HMO, wanted to take a big chunk out of what they had spent on his care.

"You are joking, right?" said Jim.

"Nope," said the lawyer.

Jim's health plan had a clause in its contract that allowed the HMO to stake a claim in his settlement, a claim known in insurance as subrogation.

"So I pay the premium, and then something happens that I need the insurance for, and they want their money back?" Ridler asked incredulously. "The way I figure it, my health insurance is just a loan."

Well, Ridler eventually settled his lawsuit for $450,000, which was all the liability insurance available. His health plan then took $406,000, leaving him after expenses with a grand total of $29,000.

Jim said, "I feel like I was raped by the system," and I guess I can understand his point of view.

I doubt that my colleagues know, and I doubt that most people know, that they have what are called subrogation clauses in their contracts that mean that if they have been in an accident and they try to recover from a negligent individual, like the person who almost killed Ridler, that their HMO can go after that settlement.

Now, Mr. Speaker, originally subrogation was used for cases in which care was provided to patients who had no health insurance at all, but who might receive a settlement due to somebody else's negligence. However, HMOs are now even seeking to be reimbursed for care that they have not even paid for.

Susan De Garmos found that out 10 years ago when her HMO asked for reimbursement on her son's medical bills. In 1990 her son, Stephen De Garmos, who was age 10 at that time, was hit by a pickup truck while riding his bike to football practice near his home in West Virginia. That accident left him paralyzed from the waist down. His parents sued the negligent driver; and they collected $750,000 in settlement, plus $200,000 from the underinsured motorist policy. Now, remember, this little boy is paralyzed for the rest of his life.

Well, the Health Plan of Upper Ohio Valley wanted $128,000 in subrogation for Stephen's bills. It so happens that Stephen's mother thought that amount was high, so she phoned the hospital in Columbus, Ohio, where Stephen had been treated; and she got an itemized list of the charges.

□ 1900

What she found out infuriated her. The HMO had paid much less than the $128,000 it was now seeking from her son, her paralyzed son's settlement.

Mrs. DeGarmo had found another dirty little secret of managed care, and that was that HMOs often use subrogation to go after a hospital's billed charges, the fee for full paying patients, even though the HMO gets a discount off the bill charges.

According to DeGarmo's lawyer, the health plan of Upper Ohio Valley actually paid about $70,000 to treat Steve. That meant they were trying to take $50,000 that they had not even paid for from Steve's settlement. They were going to make money off this little boy who had been paralyzed.

When the DeGarmos refused to pay, get this, the HMO had the gall to sue them.

Well, others found out about this HMO's action and in 1999 the HMO, that HMO, settled suits for $9 million among roughly 3,000 other patients that they had treated like the DeGarmos.

Now, when HMOs get compensation in excess of their costs, I believe they are depriving victims of funds that those victims need to recover. This subrogation process has even spawned an industry of companies that handle collections for a fee. It could be 25 to 33 percent of the settlement. The biggest of these subrogation companies is Louisville, Kentucky-based Health Care

Recoveries, Inc. Last year, Health Care Recoveries, Inc., of Louisville, whose biggest customer, not surprisingly is United Health Care, recovered $226 million from its clients and its usual cut was 27 percent.

According to one former claims examiner for HRI, Steve Pope, the company is so intent on maximizing collections that it crosses the line into questionable perhaps.

Take the case of 16-year-old Courtney Ashmore, who had been riding a four-wheeler on a country road near her home by Tupelo, Mississippi. The owner of the bordering land had strung a cable across the road. You guessed it. Courtney ran into it and almost cut off her head.

Her family collected $100,000 from the property owner. Their health plan paid $26,000 for Courtney's medical care. Steve Pope, the claims examiner for HRI, that Louisville, Kentucky, company, contacted the family's lawyer and wanted the $26,000 back.

Well, the lawyer was no dummy. He asked for a copy of the contract showing the subrogation clause. Well, HRI could not find a copy of the contract so Mr. Pope was told by his supervisor at HRI to send out a page from a generic contract that did have a subrogation clause in it, and later Mr. Pope found out that Courtney's health plan did not, in fact, mention subrogation.

Still he has testified he was told to pursue the money anyway. Let me repeat that. This employee of this company in Louisville, Kentucky, the right-hand man company for United Health Care, was told to go after part of this little girl's settlement even though they did not have a subrogation clause in the contract.

Mr. Pope has testified, quote, these practices were so widespread and I just got tired of being told to cheat and steal from people, unquote.

Mr. Speaker, the notion that subrogation should be prohibited or at least restricted is gaining ground. Twenty-five States have adopted doctrine that injured people get fully compensated before health plans, HMOs, can collect any share of personal injury money.

In March, a Maryland appeals court went even further. It ruled that the State's HMO act prohibits managed care companies from pursuing subrogation at all. The Court said, quote, an HMO by its definition provides health care services on a prepaid basis. A subscriber has no further obligation beyond his or her fee, unquote.

So what did the Senate GOP bill do to address this problem with subrogation? Did the Senate GOP bill try to make the system more fair for patients? Did it protect those State laws which are being passed to prevent subrogation abuses by HMOs? Oh, no, Mr. Speaker. The Senate GOP bill goes even further than subrogation in protecting HMOs. It says that the total amount of damages to a patient like Jim Ridler or Steve DeGarmo or Ashley Courtland could be reduced by the amount of care costs whether they have a subrogation clause in their contract or not.

In other words, the Senate GOP bill passed a few weeks ago would preclude State laws being passed on subrogation entirely, and over in the Senate they say, oh, we are for States' rights; we do not want to take away the States rights to regulate insurance? And in their bill they do exactly that.

If that were not enough of a sop to the HMO industry, the Nickels bill says that the reduction in the award would be determined in a pretrial proceeding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). The Chair will caution the gentleman that it is not in order to characterize Senate action or to otherwise cast reflection on the Senate.

Mr. GANSKE. In talking about other legislation on Capitol Hill, the bill that passed a couple of weeks ago says that the reduction in the award would be determined in a pretrial proceeding and that any evidence regarding this reduction would be inadmissible in a trial between the injured patient and the HMO.

Well, what does that mean? Well, let us say that one is hit by a drunk driver while crossing the street and one's HMO subsequently refuses to pay for necessary physical therapy even though these are covered services under one's employer plan.

So one files two separate lawsuits, one against the drunk driver in the State court and the other against the HMO in the Federal court because the HMO is not treating one fairly.

Let us say the civil case against the drunk driver is delayed because criminal charges are prevailing against him. If the Federal case, the one against the HMO, proceeds to trial under the bill that passed a couple of weeks ago, the Federal judge would have to guess how much a State jury would award one, and the Federal judge would have no way of knowing what one actually could collect.

This collateral source damages rule would leave patients uncompensated for very real injuries. For example, if one is injured in a car accident by another driver who has a $50,000 insurance policy but one has medical costs of $100,000 that one's HMO refuses to cover, when one goes to collect the $50,000 from the negligent driver they might get nothing. Why? Because whether one has brain damage or broken legs or one's loved one is dead, one gets nothing because under the bill that passed a couple of weeks ago the HMO gets to collect all $50,000, even though it denied one necessary medical care for their injuries and one does not get a penny.

Mr. Speaker, bills that have passed in the other body that value the financial well-being of HMOs more than the values and well-being of the patient do not deserve the name "patient protection."

We passed a strong bill in this House. That is what we should be working on. We can do better than what has been done recently. The voters are watching.

Now, Mr. Speaker, the Congressional leadership is trying to limit damages by putting $300,000 caps on awards. Many times I have stood on this floor and talked about a mother, for instance, who has been mistreated by her HMO and lost her life. I want to ask, is that mother's life worth $350,000?

How many times have I stood on this floor talking about a little boy in Atlanta, Georgia, whose HMO was responsible for his losing both of his hands and both of his feet, the rest of his life, no hands, no feet? And they want to put a cap of $350,000 on that? That little boy, when he grows up and gets married, will never be able to touch the face of the woman that he loves with his hand.

I am sorry, Mr. Speaker, but that is a travesty. People who put those kind of provisions in bills that deal with patient protection should be ashamed of themselves.

THE RESULTS OF TOBACCO, A TOUGH PRICE TO PAY

Mr. GANSKE. Now, Mr. Speaker, I want to move on to another topic, a number one public health problem. I think that HMO patient protection is very important, but the reason that this House is out tonight is because we are having the Congressional baseball game. I think that is a good thing, a little bit of bipartisanship, have a nice competition, but I will say what is going on on that baseball field right now. There are colleagues of ours that are chewing tobacco, and they are spitting that tobacco out there and there are a bunch of little kids that are in that audience and they are looking at dad out there chewing and spitting that tobacco and they are thinking, boy, that is kind of a neat thing.

There are over 1 million high school boys in this country who chew tobacco. They probably watch some of the baseball stars do it. They certainly have been enticed to do it by the tobacco companies.

Before I came to Congress, I was a reconstructive surgeon and I can say about some of the patients that I took care of who chewed that tobacco, who ended up with cancer of their gums and cancer of their jaw and I had to remove their lower jaws, and they ended up like Andy Gump, cannot talk right, if at all. They end up breathing through a hole in their windpipe. That is a stiff price to pay for watching somebody chewing tobacco that one respects.

Mr. Speaker, more than 400,000 people die prematurely each year from diseases attributable to tobacco use in the

United States alone. Tobacco really is the Grim Reaper. More people die each year from tobacco use in this country than die from AIDS, automobile accidents, homicide, suicides, fires, alcohol and illegal drugs combined.

More people in this country die in one year from tobacco than all the soldiers killed in all of the wars that this country has fought.

Treatment of these diseases will continue to drain over $800 million from the Medicare Trust Fund. The VA spends more than one half billion dollars annually on inpatient care of smoking-related diseases, but these victims of nicotine addiction are statistics that have names and faces.

Mr. Speaker, about a month or two ago I was talking to a vascular surgeon who is a friend of mine in Des Moines, Iowa. He looked pretty tired. I said, "Bob, you must be working pretty hard these days."

He said, "Greg, yesterday I went to the operating room at about 7:00 in the morning. I operated on three patients. I finished up about midnight and every one of those patients I had to operate on to save their legs."

I said, "Were they smokers, Bob?"

He said, "You bet. And the last one that I operated on was a 38-year-old woman who would have lost her leg to arteriosclerosis caused by heavy tobacco use."

I said, "Bob, what do you tell those people?"

He said, "Greg, I talk to every patient, every peripheral vascular patient that I have, and I try to get them to stop smoking. I ask them a question, I say, if there were a drug available on the market that they could buy that would help save their legs, that would help prevent them from having coronary artery bypass surgery, that would significantly decrease their chances of having lung cancer or losing their larynx, would they buy that drug?"

□ 1915

Every one of those patients say, you bet I would buy that drug and I would spend a lot of money for it. Do my colleagues know what he says to those patients then, my friend, the vascular surgeon? He says, well, you know what? You can save an awful lot of money by quitting smoking, and it will do exactly the same thing as that magical drug would have done.

Mr. Speaker, my mom and dad were both heavy smokers, and they are only alive today because coronary artery bypass surgery saved their lives; and they have finally stopped smoking. I will never forget some patients that I took care of in the VA hospital. They had a disease called thromboangitis obliterans.

Now, I have talked about this on the floor a couple of times in the past, and we got some phone calls from constituents. They said, what are you talking about? I have never heard of this disease. Well, this is a disease that really happens, and I really took care of this patient I am about to describe. Basically, these people are addicted to tobacco, and it sets up sort of an allergic reaction to the small vessels in their fingers, in their hands, and in their feet, and those vessels clot off, they thrombose, and they start to lose one finger after another.

I remember taking care of one patient who had lost both lower legs, he had lost all of the fingers in one hand, and he only had one finger left on his right hand, all due to that disease caused by his tobacco addiction. Do my colleagues know what he had done? He had a little wire loop made that he could put one loop over his one remaining finger and then a nurse or somebody, a friend, could stick a cigarette in the loop at the other end of that wire and then he could smoke. He knew that he could stop that disease from progressing and taking his fingers and his hand and his feet if he would just stop smoking.

Mr. Speaker, he could not. Tobacco is one of the most addicting substances that we know of, nicotine and tobacco, we know that. It is as addicting as cocaine; it is as addicting as morphine and heroin.

Statistics show the magnitude of this problem. Over a recent 8-year period, tobacco use by children increased 30 percent. More than 3 million American children and teenagers now smoke cigarettes. Every 30 seconds, a child in the United States becomes a regular smoker. The sad fact is, Mr. Speaker, that each day, 3,000 kids in this country start smoking. Each day. And 1,000 of those kids will die of a disease related to smoking tobacco.

So why did it take a life-threatening heart attack to get my folks to quit smoking? I nagged at them all the time. It took that near-death experience to get them to quit. Why would my patient with that one finger not quit smoking? Why do fewer than one in seven adolescents quit smoking, even though 70 percent regret starting?

I say to my colleagues, it is sadly because of that addictive nature of the drug nicotine that is in tobacco. The addictiveness of tobacco has become public knowledge in recent years as a result of painstaking scientific research that demonstrates that nicotine is similar to amphetamines, cocaine, and morphine. In fact, Mr. Speaker, there is a higher percentage of addiction among tobacco users than among users of cocaine or heroin; and recent tobacco industry deliberation show that the tobacco industry knew about this a long time ago. Those tobacco CEOs who testified before Congress raised their right hands and took an oath to tell the truth. When they testified that tobacco was not addicting, they were committing perjury, Mr. Speaker.

Internal tobacco company documents dating back to the early 1960s show that tobacco companies knew of the addicting nature of nicotine, but they withheld those studies from the Surgeon General. A 1978 Brown & Williamson memo stated that very few customers are aware of the effects of nicotine, i.e., its addictive nature and that nicotine is a poison. A 1983 Brown & Williamson memo stated that nicotine is the addicting agent in cigarettes. Indeed, the industry knew that there was a threshold dose of nicotine necessary to maintain addiction.

A 1980 Lorilard document summarized the goals of an internal task force whose purpose was not to avert addiction, but to maintain addiction. It said, "Determine the minimal level of nicotine that will allow continued smoking. We hypothesize that below some very low nicotine level, diminished physiological satisfaction cannot be compensated for by psychological satisfaction. At that point, smokers will learn to quit or return to higher tar and nicotine brands."

Mr. Speaker, we also know that for the past 30 years, the tobacco industry manipulated the form of nicotine in order to increase the percentage of "free base" nicotine delivered to smokers as a naturally occurring base; and I have to say, Mr. Speaker, this takes me back to medical school, biochemistry. Nicotine favors the salt form at its lower PH levels, and the free base form at its higher levels.

So what does that mean? Well, the free base nicotine crosses the alveoli in the lungs faster than the bound form, thus giving the smoker a greater kick, just like the druggie who free bases cocaine, and the tobacco companies knew that very well.

In 1966, British American Tobacco, BAT, reported, "It would appear that the increased smoker response is associated with nicotine reaching the brain more quickly. On this basis, it appears reasonable to assume that the increased response of a smoker to the smoke with a higher amount of extractable nicotine, not synonymous with, but similar to free-based nicotine, may be either because this nicotine reaches the brain in a different chemical form, or because it reaches the brain more quickly."

Tobacco industry scientists were well aware of the effect of PH on absorption and on the physiological response. In 1976, RJR reported, "Since the unbound nicotine is very much more active physiologically and much faster acting than bound nicotine, the smoke in PH seems to be strong in nicotine." Therefore, the amount of free nicotine in smoke may be used for at least a partial measure of the physiologic strength of the cigarette.

Indeed, Mr. Speaker, Philip Morris commenced the use of ammonia in their Marlboro brand in the 1960s in order to raise the PH of its cigarettes, and it subsequently emerged as the leading brand.

So, by reverse engineering, the other manufacturers caught on to Philip Morris's nicotine manipulation, and they copied it. The tobacco industry hid the fact that nicotine was an addicting drug for a long time, even though they privately called cigarettes "nicotine delivery devices."

Claude E. Teague, assistant director of research at RJR said in a 1972 memo, "In a sense, the tobacco industry may be thought of as being a specialized, highly ritualized and stylized segment of the pharmaceutical industry. Tobacco products uniquely contain and deliver nicotine, a potent drug with a variety of physiologic effects. Thus, a tobacco product is, in essence, a vehicle for the delivery of nicotine designed to deliver the nicotine in a generally acceptable and attractive form. Our industry is then based upon the design, manufacture, and sale of attractive forms of nicotine."

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER.)

Mr. DREIER. Mr. Speaker, I would like to thank the gentleman for allowing me to take this time to congratulate him on his effort. While our Republican colleagues are at this point out working on a stunning victory over our Democratic colleagues on the baseball field, the Committee on Rules is hard at work; and I know my friend from Iowa is working hard too, and I thank him.

Mr. GANSKE. Mr. Speaker, I have a bill before Congress that would basically allow the FDA to prevent the tobacco companies from marketing and targeting children. It is not a tax increase bill, it is not a prohibition bill, it simply addresses the Supreme Court's decision which says, Congress must give the FDA authority for the FDA to regulate, to issue regulations that would prevent tobacco companies from marketing and targeting kids. We have 95 bipartisan cosponsors on that bill.

Mr. Speaker, I want to continue on about tobacco, because I came across an article in the July 31 issue of Newsweek magazine, and it is entitled "Big Tobacco'S Next Legal War." I wanted to bring this to the attention of my colleagues. I sit on the Committee on Commerce, and we held hearings on tobacco a couple years ago when Senator MCCAIN had his tobacco bill outstanding and we were looking at a tobacco bill here in the House. The tobacco companies said, if you raise the tax on tobacco, that will create a black market, and a lot of smuggling and illegal activities, i.e., look at what happened in Canada.

Well, since that testimony, it turns out that it was the tobacco companies who were involved in the smuggling. This is an amazing story. I would highly recommend it to my colleagues. It is called "Tobacco's Next War," Newsweek magazine, July 31. I just need to read a few of the excerpts from this article.

This is a quote from the article: "For cigarette salesman Leslie Thompson, 1993 was an especially good year. A star employee with Northern Brands International, a tiny 4-person export outfit owned by the tobacco giant RJR Nabisco, Thompson sold an astonishing 8 billion cigarettes that year, reaping about $60 million in profits. Walking the company's halls, Thompson received a standing ovation from RJR executives who had gotten hefty bonuses as a result of his work. On his wrist he flashed a Rolex, a gift from grateful wholesalers."

"These days, Thompson's name is no longer greeted with applause in the tobacco industry. He and other former executives are soon to be quizzed by Federal prosecutors about the shady side of the cigarette business. Newsweek has learned that a Federal grand jury in North Carolina is investigating explosive allegations about links between major cigarette makers and global smuggling operations that move vast quantities of cigarettes across borders without paying any taxes. It is a multibillion-dollar-a-year enterprise.

"The grand jury deliberations spotlight a new round of legal troubles for big tobacco. The proceedings are secret and it could not be learned which companies are under scrutiny. The U.S. Attorney in Raleigh, North Carolina declined to comment. Cigarette makers are under attack from governments around the world that seek to hold them responsible for the costs of smuggling: billions in lost taxes, soaring violence, and weakened efforts to prevent kids from smoking."

□ 1930

Last week, the European Union announced that it plans to launch a civil suit against U.S. cigarette makers for their alleged involvement in smuggling. In the last 8 months, Canada, Colombia, and Ecuador have all filed smuggling suits against American tobacco companies using U.S. anti-racketeering laws.

Britain, Italy, China have also mounted extensive investigations. The Canadian and European investigators are cooperating closely with their U.S. counterparts building a case against the industry. The World Bank and World Health Organization plan to release the results of the 3-year investigation claiming the tobacco industry has deliberately thwarted international efforts to control the tobacco trade.

In the United States, Thompson is expected to be an important witness in the Grand Jury proceedings. In February, he began serving a 6-year sentence in Federal prison after pleading guilty to money laundering related to the smuggling case.

American and Canadian prosecutors charged that Thompson racked up his impressive sales numbers through his involvement with smugglers who shipped billions of RJR cigarettes into Canada. On the books, everything looked legitimate. But once over the border, the cigarettes were passed on to black marketers, evading high Canadian cigarette taxes.

Investigators believe this soft-spoken 52-year-old family man was merely a bit player in the global smuggling scene. Before his sentencing and in press interviews before he went to prison, he said he operated with the knowledge and encouragement of his superiors.

His case has given prosecutors a road map of how the underground trade works. His company MBI was located inside R.J. Reynolds' Winston Salem, North Carolina headquarters. To the public Thompson's job was to sell Export A's, a leading Reynolds brand in Canada. But the Canadian government charges MBI was nothing more than a shell company that supplied smugglers with cigarettes.

According to court documents and Thompson's own testimony, Thompson shipped millions of cartons of Export A's from Canada and Puerto Rico to the United States where virtually no one smokes them. The crates were then diverted to a Mohawk reservation on the U.S.-Canadian border, the secret staging ground for the operation.

Smugglers on the reservation built huge warehouses to stockpile the cigarettes. After dark, a flotilla of speed boats would ferry the cargo across the Saint Lawrence River to the Canadian side of the reservation. The cigarettes were then sold on the black market, skirting Canada's cigarette taxes.

In 1994, Canadian politicians were so horrified by the brazenness of the law breakers that the government rolled back the cigarette taxes, and that slowed down the smuggling.

MBI worked out a plea bargain with U.S. prosecutors and paid $15 million in fines and forfeitures. In a related Canadian proceeding against Thompson, the prosecutors made it clear that he believed that the tobacco company had hung its former employee out to dry. In other words, he was a little guy, so he was going to get the 6-year term in jail while his superiors who knew about those tobacco CEOs for RJR, they skate free with their big bonuses.

"Thompson was not on a lark of his own here, he told the court. He did not commit this crime by himself. His acts were part and parcel of a corporate strategy developed largely by other senior executives who closely monitored his work."

We then have reports in the British press that have focused attention on the alleged role of British-American tobacco in foreign smuggling operations drawing on internal company documents recently made public.

The British House of Commons, the equivalent of our House of Representatives, has recommended that the British government launch a formal investigation into the allegations. One set of documents highlighted by English anti-smoking groups they say indicates that the company went out of its way to bill market share by encouraging smuggling.

Those pages, culled from vast archives, suggest that the company was aware of just how many of its own cigarettes were being smuggled. The 1993 through 1997 marketing plan for one of BAT's key subsidiaries included projected profits from what are called "general trade" cigarettes. These are cigarettes where taxes are not paid on them.

The document describes plans to "grow our business" in "general trade" countries, including China and Vietnam where most foreign-made cigarettes are illegal.

Anti-smoking activists say that general trade is industry jargon for smuggled cigarettes. Another BAT document they focus on suggests that the company closely monitored the smuggling of its brands. Records show it tracking how cigarettes entered Vietnam "from sailors, 40 percent; from fisherman, 25 percent; from smuggling by sea, 35 percent."

Mr. Speaker, Mr. Thompson was the first to go to jail, but given all the heavy guns trained on the industry, I doubt that he will be the last.

I would ask this of my colleagues, especially my colleagues and the chairman of the Committee on Commerce on which I sit, we have ample evidence that the tobacco companies have been smuggling cigarettes and breaking the law. It is time for the oversight committee of the Committee on Commerce to hold a full-scale investigation into this corrupt practice, another example of how tobacco companies have not really shot straight with the American public.

Mr. Speaker, I have talked briefly tonight about patient protection legislation, something we need to get done before we recess, a piece of legislation modeled after what passed the House. Neither the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), nor I who wrote the bill that passed with 275 votes have ever said that it has to be every word our way or the highway. We have never said that. We have always said that we would be willing to sit down and try to achieve a compromise.

Unfortunately, the Speaker of this House decided not to appoint to the conference committee the two Republicans, the gentleman from Georgia (Mr. NORWOOD) and myself, who wrote the bill that passed this House with 275 votes, thus precluding our efforts to try to achieve a compromise to get a strong piece of legislation passed. But we are still available, and we are still working.

I actually am optimistic about the chances of getting true patient protection legislation passed because, as I look at the vote in the Senate, I think we now have 50 supporters plus for the bill that passed this House. I expect that, when that bill comes up again in the Senate after the August recess, we very well may see that the bill that passed the House with 275 votes also passes the Senate, and I am sure the President will sign that.

On the matter of tobacco, I see very little movement in the House even though the gentleman from Michigan (Mr. DINGELL) and I have 95 cosponsors for a bill that would simply allow the FDA the authority to regulate an addicting substance, as I said, not to increase taxes and not to prohibit the substance, but to make sure that those tobacco companies which have marketed and targeted kids 14 and younger cannot get away with that in the future.

Well, I remain optimistic that, as we continue to work on these issues, we will make progress. I sincerely thank all of my colleagues from both sides of the aisle who have shown so much interest in actually achieving true and real reform legislation in both of these areas.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

Mr. DREIER (during the Special Order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106–795) on the resolution (H. Res. 564) providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2328

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REYNOLDS) at 11 o'clock and 28 minutes p.m.

LEGISLATIVE PROGRAM

Mr. DREIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of explaining the schedule for the rest of the evening and tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, it is our intention to have the House recess until 7 a.m. tomorrow, at which time we hope to file H.R. 4516, the Legislative Branch Appropriations bill conference report. Then, the Committee on Rules hopes to meet at 8:30 a.m., at which time we will consider the rules on both the Legislative Branch conference report for H.R. 4516; the adjournment resolution; and the Child Support Distribution Act, H.R. 4678. At that time, the House, after the filing of those rules, would adjourn, and the House would then convene at 10 a.m. tomorrow and we would consider the bills that I have just mentioned, the 3 measures that I have just mentioned, as well as continue work on the District of Columbia Appropriations bill and H.R. 4865, the Social Security Benefits Tax Relief Act.

Mr. Speaker, that is our intention at this point.

RECESS

Mr. DREIER. Mr. Speaker, I move that the House recess until 7 a.m. tomorrow, July 27, 2000.

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 7 a.m. tomorrow, July 27, 2000.

Accordingly (at 11 o'clock and 30 minutes p.m.), the House stood in recess until 7 a.m. on Thursday, July 27, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9375. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule —Food Stamp Program: Recipient Claim Establishment and Collection Standards (RIN 0584-AB88) received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9376. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Extension of Tolerance for Emergency Exemptions [OPP–301023; FRL–6597–1] (RIN: 2070–AB78) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9377. A communication from the President of the United States, transmitting the request and availability of appropriations for the Low Income Home Energy Assistance

Program of the Department of Health and Human Services; (H. Doc. No. 106—274); to the Committee on Appropriations and ordered to be printed.

9378. A letter from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Air Force, Department of Defense, transmitting notification that the Commander of Anderson Air Force Base (AFB), Guam, has conducted a cost comparison to reduce the cost of the Supply and Transportation function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9379. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State, the Annual Report on the Panama Canal Treaties, Fiscal Year 1999, pursuant to 22 U.S.C. 3871; to the Committee on Armed Services.

9380. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report on the Feasibility Study on Department of Defense Electronic Funds Transfer Process; to the Committee on Armed Services.

9381. A letter from the Akternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Nonavailability Statement Requirement for Maternity Care—received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9382. A letter from the Secretary of Transportation, transmitting the Sixth Annual Report Required Pursuant to the National Shipbuilding and Shipyard Conversion Act of 1993; to the Committee on Armed Services.

9383. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the 1999 Annual Report of the Resolution Funding Corporation, pursuant to Public Law 101—73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.

9384. A letter from the Secretary of the Treasury, transmitting the Report on the Audited Fiscal Years 1999 and 1998 Financial Statements of the United States Mint; to the Committee on Banking and Financial Services.

9385. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Federal Activities Effective Alternative Strategires: Grant Competition to Reduce Student Suspensions and Explusions and Ensure Educational Progress of Students who are Suspended or Expelled—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9386. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Federal Activities Middle School Drug Prevention and School Safety Program Coordinators Grant—received July 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9387. A letter from the Clerk, District of Columbia Circuit, United States Court of Appeals, transmitting two opinions of the United States Court of Appeals for the District of Columbia, concerning: Tax Analysts v. Internal Revenue Service and Christian Broadcast Network, Inc. and Brandon Calloway, et al. v. District of Columbia, et al.; to the Committee on Education and the Workforce.

9388. A letter from the Director Congressional Relations, Consumer Product Safety Commission, transmitting the Commission's Annual Report for Fiscal Year 1999, pursuant to 15 U.S.C. 2076(j); to the Committee on Commerce.

9389. A letter from the Assistant General Counsel for Regulatory Law, Office of the Environment, Safety & Health, Department of Energy, transmitting the Department's final rule—Guidelines for Preparing Criticality Safety Evaluations at Department of Energy Non-Reactor Nuclear Facilities [DOE-STD-3007-93, Change Notice No. 1] received June 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9390. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR) and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments [FRL-6715-4] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9391. A letter from the Associate Bureau Chief, Wireless Telecommunication, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 0, 80 and 90 of the Commission's Rules to make the Frequency 156.250 MHz available for Port Operations purposes in Los Angeles and Long Beach, CA Ports [WT Docket No. 99-332, FCC 00-220] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9392. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Well Category Determinations [Docket No. RM00-6-000; Order No. 616] received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9393. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 1998 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Commerce.

9394. A letter from the Director, Regulations Policy and Management, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 98F-0165] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9395. A letter from the Secretary of Commerce, transmitting the second annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Commerce.

9396. A letter from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Guidance on Mini-Tender Offers and Limited Partnership Tender Offers—received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9397. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 00-47), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9398. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 00-48), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9399. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Republic of Korea for defense articles and services (Transmittal No. 00-55), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9400. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Federal Republic of Germany (Transmittal No. 06-00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9401. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Sweden (Transmittal No. 05-00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9402. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-00 which constitutes a Request for Final Approval for the Amendment II to the Medium Extended Air Defense System (MEADS) Project Definition/Validation (PD/V) Memorandum of Understanding for the MEADS Risk Reduction Effort (RRE) with the Federal Republic of Germany and the Republic of Italy, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9403. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada, Australia and New Zealand [Transmittal No. DTC 079-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9404. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 92-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9405. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany, NATO, Sweden, Switzerland, Austria, and Thailand [Transmittal No. DTC 059-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9406. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Italy [Transmittal No. DTC 90-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9407. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia [Transmittal No. DTC 085-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles and/or defense services sold commercially under a contract to Japan [Transmittal No. DTC 084-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9409. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 091-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9410. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 088-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9411. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 36-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9412. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Reexports to Serbia of Foreign Registered Aircraft Subject to the Export Administration Regulations [Docket No. 000717209-0209-01] (RIN: 0694-AC26) received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9413. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9414. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of Inspector General for the period September 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9415. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program Accomplishments Report for FY 1999, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

9416. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1999, through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9417. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

9418. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

9419. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978 for the period October 1, 1998–September 30, 1999, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

9420. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the Federal Acquisition Regulation (FAR) to implement the Sections 411-417 of the Small Business Reauthorization Act of 1997 (RIN: 9000-AI55) received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9421. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 000211040-0040-01; I.D. 071400C] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9422. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Adjustment of Civil Monetary Penalties for Inflation (RIN: 3038-AB59) received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9423. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a report on an environmental restoration and recreation project along the Rio Salado and Indian Bend Wash in Phoenix and Tempe, Arizonia; to the Committee on Transportation and Infrastructure.

9424. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's Final rule—Exemption of SBIR/STTR Phase II Contracts from Interim Past Performance Evaluations Under FAR Part 42—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9425. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revises the Final Reports under NASA Research and Development Contracts —received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9426. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: Motor Vehicle Industry Service Technician Tool Reimbursements (UIL 62.15-00) received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9427. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2000-40] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9428. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000-38] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9429. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: All Industries Lease Stripping Transactions [UIL 9226.00-00] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9430. A letter from the Clerk, District of Columbia Circuit, United States Court of Appeals, transmitting two opinions of the United States Court of Appeals for the District of Columbia Circuit, concerning: Tax Analysts v. Internal Revenue Service and Christian Broadcast Network, Inc. and Brandon Calloway, et al. v. District of Columbia, et al.; to the Committee on Ways and Means.

9431. A letter from the Board Members, Railroad Retirement Board, transmitting the 2000 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of July 25, 2000]

Mr. TALENT: Committee on Small Business. H.R. 4530. A bill to amend the Small Business Investment Act of 1958 to direct the Administrator of the Small Business Administration to establish a New Market Venture Capital Program, and for other purposes (Rept. 106-785). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 26, 2000]

Mr. ARCHER: Committee on Ways and Means. H.R. 4844. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; with an amendment (Rept. 106-777 Pt. 2). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 4678. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; with an amendment (Rept. 106-793 Pt. 1).

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 99. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam (Adverse Rept. 106-794). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 564. Resolution providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits (Rept. 106-795). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on the Judiciary and Education and the Workforce discharged. H.R. 4678 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION ON REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4678. Referral to the Committees on the Judiciary and Education and the Workforce extended for a period ending not later than July 26, 2000.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

433. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 189 memorializing the Congress of the United States to investigate the rapid increase in gasoline prices and to take immediate action; to the Committee on Commerce.

434. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 35 memorializing the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards; to the Committee on Commerce.

435. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 72 memorializing the United States Congress and the President to enact statutory provisions which would permit additional states to establish private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care, in order to stimulate the development of an expanded private long term-care insurance market nationwide; to the Committee on Commerce.

436. Also, a memorial of the Legislature of the State of Alaska, relative to CSSenate Joint Resolution No. 39 L.R. No. 38 memorializing the United States Congress to pass S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; to the Committee on Resources.

437. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to fully fund the Ricky Ray Hemophilia Relief Fund Act of 1998 in the year 2000 so that there is no delay between the authorization and timely appropriation of this relief; to the Committee on the Judiciary.

438. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 27 memorializing Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes; to the Committee on the Judiciary.

439. Also, a memorial of the Legislature of the State of Alaska, relative to CS House Joint Resolution No. 48 L.R. No. 40 memorializing the United States Congress to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to exempt from the requirements of sec. 110 of that Act Canadian citizens who enter at land border crossing stations along the border between the United States and Canada; and further requesting that additional resources are provided to adequately faciliate the free flow of people and the fair trade of goods and services across the border between the United States and Canada; to the Committee on the Judiciary.

440. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 58 memorializing the President and the Congress of the United States to enact H.R. 271 of 1999, the Justice for Holocaust Survivors Act, which would permit U.S. citizens who are victims of the Holocaust, whether or not they were U.S. citizens during World War II, to sue the Federal Republic of Germany for compensation in U.S. courts of law; to the Committee on the Judiciary.

441. Also, a memorial of General Assembly of the State of New Jersey, relative to Resolution No. 48 memorializing Congress to enact H.R. 2456, The Marriage Tax Elimination Act; to the Committee on Ways and Means.

442. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 27 memorializing the Congress of the United States to maintain its commitment to America's retirees by providing lifetime health care for military retirees over the age of sixty-five; to enact comprehensive legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as legistation to require opening the Federal Employees Health Benefits Program to those eligible for Medicare; jointly to the Committees on Armed Services and Government Reform.

443. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 308 memorializing the President, the United States Congress and the Surgeon General to establish a small National Public Health Service Hospital on Guam to provide free health care to medically indigent patients on Guam because of Federal law; to provide additional doctors and nurses through the National Public Health Service for the purpose of caring for medically indigent parients; or to appropriate four million dollars annually to the Guam Memorial Hospital to defray costs; jointly to the Committees on Commerce and Resources.

444. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 133 memorializing the Congress of the United States to provide adequate funding for Michigan's remedial action plans for areas of concern under the Great Lakes Water Quality Agreement; jointly to the Committees on Transportation and Infrastructure and Commerce.

445. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 22 memorializing the Congress to instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been accomplished; and further urging the President of the United States and Congress to act to eliminate further Medicare revenue reductions of the Act and thereby protect beneficiaries' access to quality care when needed; jointly to the Committees on Ways and Means and Commerce.

446. Also, a memorial of the Senate of the State of Michigan, relative to Senate Joint Resolution No. 153 memorializing the Congress of the United States to enact legislation to remove the time limit for medicare coverage for immunosuppressive drugs; jointly to the Committees on Ways and Means and Commerce.

447. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 20 memorializing Congress to stop the collection of certain kinds of information from patients in a home health care setting; jointly to the Committees on Ways and Means and Commerce.

448. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution memorializing Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas; jointly to the Committees on Commerce, Agriculture, and the Judiciary.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

99. The SPEAKER presented a petition of Essex County Board of Supervisors, Essex, NY, relative to Resolution No. 100 supporting the Heritage Cooridor-Champlain Valley Economic Initiative; to the Committee on Resources.

100. Also, a petition of City of Detroit City Council, Detroit, MI, relative to a Resolution in support of reparations to descendants of African/African American Slaves and petitioning the United States Congress to convene hearings on the issue of reparations, in support of legislation to authorize such reparations; to the Committee on the Judiciary.

101. Also, a petition of City of Detroit City Council, Detroit, Michigan, relative to a Resolution supporting the Stebenow Bill, H.R. 3144, and urges its immediate passage; to the Committee on the Judiciary.

102. Also, a petition of City of Kaktovik, Office of the Mayor, relative to Resolution No. 00-04 petitioning the United States Congress to support the Conservation and Reinvestment act of 1999: H.R. 701 and S. 2123; jointly to the Committees on Resources, Agriculture, and the Budget.

□ 0700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REYNOLDS) at 7 o'clock a.m.

CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. TAYLOR of North Carolina submitted the following conference report and statement on the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-796)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4516) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

DIVISION A

LEGISLATIVE BRANCH APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the *fiscal year ending September 30, 2001, and for other purposes, namely:*

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Nancy Nally Coverdell, widow of Paul D. Coverdell, late a Senator from Georgia, $141,300.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $3,000 for each Chairman; in all, $62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $92,321,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,785,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $453,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,742,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,722,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $6,917,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,152,000 for each such committee; in all, $2,304,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $590,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,171,000 for each such committee; in all, $2,342,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $288,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $14,738,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $34,811,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,292,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $22,337,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,046,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,069,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $73,000,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,077,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $71,511,000, of which $2,500,000 shall remain available until September 30, 2003.

MISCELLANEOUS ITEMS

For miscellaneous items, $8,655,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $253,203,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. SEMIANNUAL REPORT. (a) IN GENERAL.—Section 105(a) of the Legislative Branch Appropriations Act, 1965 (2 U.S.C. 104a) is amended by adding at the end the following:

"(5)(A) Notwithstanding the requirements of paragraph (1) relating to the level of detail of statement and itemization, each report by the Secretary of the Senate required under such paragraph shall be compiled at a summary level for each office of the Senate authorized to obligate appropriated funds.

"(B) Subparagraph (A) shall not apply to the reporting of expenditures relating to personnel compensation, travel and transportation of persons, other contractual services, and acquisition of assets.

"(C) In carrying out this paragraph the Secretary of the Senate shall apply the Standard Federal Object Classification of Expenses as the Secretary determines appropriate.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by this section shall take effect on the date of enactment of this Act.

(2) FIRST REPORT AFTER ENACTMENT.—The Secretary of the Senate may elect to compile and submit the report for the semiannual period during which the date of enactment of this section occurs, as if the amendment made by this section had not been enacted.

SEC. 2. SENATE EMPLOYEE PAY ADJUSTMENTS. Section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a–1) is amended—

(1) in subsection (a)—

(A) by inserting "(or section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)" after "employees under section 5303 of title 5, United States Code,"; and

(B) by inserting "(and, as the case may be, section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)" after "the President under such section 5303";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) Any percentage used in any statute specifically providing for an adjustment in rates of pay in lieu of an adjustment made under section 5303 of title 5, United States Code, and, as the case may be, section 5304 or 5304a of such title for any calendar year shall be treated as the percentage used in an adjustment made under such section 5303, 5304, or 5304a, as applicable, for purposes of subsection (a).".

SEC. 3. (a) Section 6(c) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 121b–1(c)) is amended—

(1) by striking "and agency contributions" in paragraph (2)(A), and

(2) by adding at the end the following:

"(3) Agency contributions for employees of Senate Hair Care Services shall be paid from the appropriations account for 'SALARIES, OFFICERS AND EMPLOYEES'."

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 4. (a) There is established in the Treasury of the United States a revolving fund to be known as the Senate Health and Fitness Facility Revolving Fund ("the revolving fund").

(b) The Architect of the Capitol shall deposit in the revolving fund—

(1) any amounts received as dues or other assessments for use of the Senate Health and Fitness Facility, and

(2) any amounts received from the operation of the Senate waste recycling program.

(c) Subject to the approval of the Committee on Appropriations of the Senate, amounts in the revolving fund shall be available to the Architect of the Capitol, without fiscal year limitation, for payment of costs of the Senate Health and Fitness Facility.

(d) The Architect of the Capitol shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Architect determines are in excess of the current and reasonably foreseeable needs of the Senate Health and Fitness Facility.

(e) Subject to the approval of the Committee on Rules and Administration of the Senate, the Architect of the Capitol may issue such regulations as may be necessary to carry out the provisions of this section.

SEC. 5. For each fiscal year (commencing with the fiscal year ending September 30, 2001), there is authorized an expense allowance for the Chairmen of the Majority and Minority Policy Committees which shall not exceed $3,000 each fiscal year for each such Chairman; and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses, and amounts so paid shall not be reported as income and shall not be allowed as a deduction under the Internal Revenue Code of 1986.

SEC. 6. (a) The head of the employing office of an employee of the Senate may, upon termination of employment of the employee, authorize payment of a lump sum for the accrued annual leave of that employee if—

(1) the head of the employing office—

(A) has approved a written leave policy authorizing employees to accrue leave and establishing the conditions upon which accrued leave may be paid; and

(B) submits written certification to the Financial Clerk of the Senate of the number of days of annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and

(2) there are sufficient funds to cover the lump sum payment.

(b)(1) A lump sum payment under this section shall not exceed the lesser of—

(A) twice the monthly rate of pay of the employee; or

(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1) (A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

(c) Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.

(d) If an individual who received a lump sum payment under this section is reemployed as an employee of the Senate before the end of the period covered by the lump sum payment, the individual shall refund an amount equal to the applicable pay covering the period between the date of reemployment and the expiration of the lump sum period. Such amount shall be deposited to the appropriation account or fund used to pay the lump sum payment.

(e) The Committee on Rules and Administration of the Senate may prescribe regulations to carry out this section.

(f) In this section, the term—

(1) "employee of the Senate" means any employee whose pay is disbursed by the Secretary of the Senate, except that the term does not include a member of the Capitol Police or a civilian employee of the Capitol Police; and

(2) "head of the employing office" means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

SEC. 7. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account "JOINT ECONOMIC COMMITTEE" under the heading "JOINT ITEMS" shall be paid from the Senate appropriations account for "SALARIES, OFFICERS AND EMPLOYEES".

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 8. Section 316 of Public Law 101–302 (40 U.S.C. 188b–6) is amended—

(1) in the first sentence of subsection (a) by striking "items of art, fine art, and historical items" and inserting "works of art, historical objects, documents or material relating to historical matters for placement or exhibition";

(2) in the second sentence of subsection (a)—

(A) by striking "such items" each place it appears and inserting "such works, objects, documents, or material" in each such place; and

(B) by striking "an item" and inserting "a work, object, document, or material"; and

(3) in subsection (b)—

(A) by striking "such items of art" and inserting "such works, objects, documents, or materials"; and

(B) by striking "shall" and inserting "may".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $769,551,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $14,378,000, including: Office of the Speaker, $1,759,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,726,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,096,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,466,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,096,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $410,000; Republican Steering Committee, $765,000; Republican Conference, $1,255,000; Democratic Steering and Policy Committee, $1,352,000; Democratic Caucus, $668,000; nine minority employees, $1,229,000; training and program development—majority $278,000; and training and program development—minority, $278,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $410,182,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $92,196,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $20,628,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $90,403,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $14,590,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,692,000; for salaries and expenses of the Office of the Chief Administrative Officer, $58,550,000, of which $1,054,000 shall remain available until expended, including $26,605,000 for salaries, expenses and temporary personal services of House Information Resources, of which $26,020,000 is provided herein: Provided, That of the amount provided for House Information Resources, $6,497,000 shall be for net expenses of telecommunications: Provided further, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,249,000; for salaries and expenses of the Office of General Counsel, $806,000; for the Office of the Chaplain, $140,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,201,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,045,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,085,000; for salaries and expenses of the Corrections Calendar Office, $832,000; and for other authorized employees, $213,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $141,764,000, including: supplies, materials, administrative costs and Federal tort claims, $2,235,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $138,726,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $393,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. During fiscal year 2001 and any succeeding fiscal year, the Chief Administrative Officer of the House of Representatives may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multi-year contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

SEC. 102. (a) PERMITTING NEW HOUSE EMPLOYEES TO BE PLACED ABOVE MINIMUM STEP OF COMPENSATION LEVEL.—The House Employees Position Classification Act (2 U.S.C. 291 et seq.) is amended by striking section 10 (2 U.S.C. 299).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to employees appointed on or after October 1, 2000.

SEC. 103. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2001. Any amount remaining after all payments are made under such allowances for fiscal year 2001 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 104. (a) There is hereby appropriated for payment to the Prince William County Public Schools $215,000, to be used to pay for educational services for the son of Mrs. Evelyn Gibson, the widow of Detective John Michael Gibson of the United States Capitol Police.

(b) The payment under subsection (a) shall be made in accordance with terms and conditions established by the Committee on House Administration of the House of Representatives.

(c) The funds used for the payment made under subsection (a) shall be derived from the applicable accounts of the House of Representatives.

JOINT ITEMS

For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2001

For all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2001, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 89, agreed to March 14, 2000 (One Hundred Sixth Congress), and Senate Concurrent Resolution 90, agreed to March 14, 2000 (One Hundred Sixth Congress), $1,000,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2001. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2000: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service for the Joint Congressional Committee on Inaugural Ceremonies shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

ADMINISTRATIVE PROVISION

SEC. 105. During fiscal year 2001 the Secretary of Defense shall provide protective services on a non-reimbursable basis to the United States Capitol Police with respect to the following events:

(1) Upon request of the Chair of the Joint Congressional Committee on Inaugural Ceremonies established under Senate Concurrent Resolution 89, One Hundred Sixth Congress, agreed to March 14, 2000, the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States.

(2) Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the joint session of Congress held to receive a message from the President of the United States on the State of the Union.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,315,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,430,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,835,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $97,142,000, of which $47,053,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $50,089,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $6,772,000, to be disbursed by the Capitol Police Board or their delegee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2001 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 106. Amounts appropriated for fiscal year 2001 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 107. (a) APPOINTMENT OF CERTIFYING OFFICERS OF THE CAPITOL POLICE.—The Chief Administrative Officer of the United States Capitol Police, or when there is not a Chief Administrative Officer the Capitol Police Board, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) RESPONSIBILITY AND ACCOUNTABILITY OF CERTIFYING OFFICERS.—

(1) IN GENERAL.—Each officer or employee of the Capitol Police who has been duly authorized in writing by the Chief Administrative Officer, or the Capitol Police Board if there is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(2) RELIEF BY COMPTROLLER GENERAL.—The Comptroller General may, at the Comptroller General's discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) ENFORCEMENT OF LIABILITY.—The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

SEC. 108. CHIEF ADMINISTRATIVE OFFICER.—(a) There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer:

(1) The Chief Administrative Officer shall be appointed by the Comptroller General after consultation with the Capitol Police Board, and shall report to and serve at the pleasure of the Comptroller General.

(2) The Comptroller General shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(3) The Chief Administrative Officer shall receive basic pay at a rate determined by the Comptroller General, but not to exceed the annual rate of basic pay payable for ES-2 of the Senior Executive Service Basic Rates Schedule established for members of the Senior Executive Service of the General Accounting Office under section 733 of title 31.

(4) The Capitol Police shall reimburse from available appropriations any costs incurred by the General Accounting Office under this section.

(b) The Chief Administrative Officer shall have the following areas of responsibility:

(1) BUDGETING.—The Chief Administrative Officer shall—

(A) after consulting with the Chief of Police on the portion of the budget covering uniformed police force personnel, prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems;

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) the Chief Administrative Officer shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resource management activities of the Capitol Police, except that with respect to uniformed police force personnel, the Chief Administrative Officer shall perform these activities in cooperation with the Chief of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(c) Administrative provisions with respect to the Office of Administration:

(1) The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration but he shall not have the authority to hire or discharge uniformed police force personnel.

(2) The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(d) No later than 180 days after appointment, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a plan—

(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) No later than September 30, 2001, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) The Chief Administrative Officer shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) As of October 1, 2002, unless otherwise determined by the Comptroller General, the Chief Administrative Officer established by section (a) will cease to be an employee of the General Accounting Office and will become an employee of the Capitol Police, and the Capitol Police Board shall assume all responsibilities of the Comptroller General under this section.

SEC. 109. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking "the annual rate" and all that follows and inserting the following: "the rate of basic pay payable for level ES–4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title).".

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,371,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 43 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $1,820,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $28,493,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISION

SEC. 110. Beginning on the date of enactment of this Act and hereafter, the Congressional Budget Office may use available funds to enter into contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year and may enter into multi-year contracts for the acquisition of property and services, to the same extent as executive agencies under the authority of section 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $43,689,000, of which $3,843,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, such amount shall be available for the position of Project Manager for the Capitol Visitor Center, at a rate of compensation which does not exceed the rate of basic pay payable for level ES–2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title): Provided further, That effective on the date of the enactment of this Act, any amount made available under this heading under the Legislative Branch Appropriations Act, 2000, shall be available for such position at such rate of compensation.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,362,000, of which $125,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $63,974,000, of which $21,669,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $32,750,000, of which $123,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $39,415,000, of which $523,000 shall remain available until expended: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2001.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $73,592,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $71,462,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

ADMINISTRATIVE PROVISION

SEC. 111. (a) CONGRESSIONAL PRINTING AND BINDING FOR THE HOUSE THROUGH CLERK OF HOUSE.—

(1) IN GENERAL.—Notwithstanding any provision of title 44, United States Code, or any other law, there are authorized to be appropriated to the Clerk of the House of Representatives such sums as may be necessary for congressional printing and binding services for the House of Representatives.

(2) PREPARATION OF ESTIMATES.—Estimated expenditures and proposed appropriations for congressional printing and binding services shall be prepared and submitted by the Clerk of the House of Representatives in accordance with title 31, United States Code, in the same manner as estimates and requests are prepared for other legislative branch services under such title, except that such requests shall be based upon the results of the study conducted under subsection (b) (with respect to any fiscal year covered by such study).

(3) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(b) STUDY.—

(1) IN GENERAL.—During fiscal year 2001, the Clerk of the House of Representatives shall conduct a comprehensive study of the needs of the House for congressional printing and binding services during fiscal year 2003 and succeeding fiscal years (including transitional issues during fiscal year 2002), and shall include in the study an analysis of the most cost-effective program or programs for providing printed or other media-based publications for House uses.

(2) SUBMISSION TO COMMITTEES.—The Clerk shall submit the study conducted under paragraph (1) to the Committee on House Administration of the House of Representatives, who shall review the study and prepare such regulations or other materials (including proposals for legislation) as it considers appropriate to enable the Clerk to carry out congressional printing and binding services for the House in accordance with this section.

(c) DEFINITION.—In this section, the term "congressional printing and binding services" means the following services:

(1) Authorized printing and binding for the Congress and the distribution of congressional information in any format.

(2) Preparing the semimonthly and session index to the Congressional Record.

(3) Printing and binding of Government publications authorized by law to be distributed to Members of Congress.

(4) Printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient.

This title may be cited as the "Congressional Operations Appropriations Act, 2001".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,328,000, of which $25,000 shall remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $282,838,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2001, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2001 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $10,459,575 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, $2,506,000 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $10,000,000 is to remain available until expended for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 STAT. 93 et seq.): Provided further, That of the total amount appropriated, $5,957,800 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula, which amount shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library: Provided further, That of the total amount appropriated, $404,000 is to remain available until expended for a collaborative digitization and telecommunications project with the United States Military Academy *and any remaining balance is available for other Library purposes: Provided further, That of the total amount appropriated, $4,300,000 is to remain available until expended for the purpose of developing a high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving western North Carolina, and any remaining balance is available for support of the Library's Digital Futures initiative.*

Copyright Office

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $38,523,000, of which not more than $23,500,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2001 under 17 U.S.C. 708(d): Provided, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,783,000 shall be derived from collections during fiscal year 2001 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,283,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $48,609,000, of which $14,154,000 shall remain available until expended.

Furniture and Furnishings

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $4,892,000.

Administrative Provisions

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $199,630, of which $59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2001, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $92,845,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. Section 1 of the Act entitled "An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes", approved December 15, 1997 (2 U.S.C. 141 note) is amended by adding at the end the following new subsection:

"(c) Transfer Payment by Architect.—Notwithstanding the limitation on reimbursement or transfer of funds under subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the entity from which the property was acquired by the Architect of the Capitol. Such transfers may not exceed a total of $16,500,000.".

SEC. 208. The Librarian of Congress may convert to permanent positions 84 indefinite, time-limited positions in the National Digital Library Program authorized in the Legislative Branch Appropriations Act, 1996 for the Library of Congress under the heading, "Salaries and Expenses" (Public Law 104–53). Notwithstanding any other provision of law regarding qualifications and methods of appointment of employees of the Library of Congress, the Librarian may fill these permanent positions through the noncompetitive conversion of the incumbents in the "indefinite-not-to-exceed" positions to "permanent" positions.

SEC. 209. (a) In addition to any other transfer authority provided by law, during fiscal year 2001 and fiscal years thereafter, the Librarian of Congress may transfer to and among available accounts of the Library of Congress amounts appropriated to the Librarian from funds for the purchase, installation, maintenance, and repair of furniture, furnishings, and office and library equipment.

(b) Any amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purpose and for the same period as the appropriation or account to which such amounts are transferred.

(c) The Librarian may transfer amounts pursuant to subsection (a) only with the approval of the Committees on Appropriations of the House of Representatives and Senate.

SEC. 210. (a)(1) This subsection shall apply to any individual who—

(A) is employed by the Library of Congress Child Development Center (known as the "Little Scholars Child Development Center", in this section referred to as the "Center") established under section 205(g)(1) of the Legislative Branch Appropriations Act, 1991; and

(B) makes an election to be covered by this subsection with the Librarian of Congress, not later than the later of—

(i) December 1, 2000; or

(ii) 60 days after the date the individual begins such employment.

(2)(A) Any individual described under paragraph (1) may be credited, under section 8411 of title 5, United States Code, for service as an employee of the Center before the date of enactment of this Act, if such employee makes a payment of the deposit under section 8411(f)(2) of such title without application of section 8411(b)(3) of such title.

(B) An individual described under paragraph (1) shall be credited under section 8411 of title 5, United States Code, for any service as an employee of the Center on or after the date of enactment of this Act, if such employee has such amounts deducted and withheld from his pay as determined by the Office of Personnel Management which would be deducted and withheld from the basic pay of an employee under section 8422 of title 5, United States Code.

(3) Notwithstanding any other provision of this subsection, any service performed by an individual described under paragraph (1) as an employee of the Center is deemed to be civilian service creditable under section 8411 of title 5, United States Code, for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of such title, if such individual makes payment of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual if such individual had been an employee subject to section 8422 of title 5, United States Code, for such period so credited, together with interest thereon.

(4) An individual described under paragraph (1) shall be deemed an employee for purposes of chapter 84 of title 5, United States Code, including subchapter III of such title, and may make contributions under section 8432 of such title effective for the first applicable pay period beginning on or after the date such individual elects coverage under this section.

(5) The Office of Personnel Management shall accept the certification of the Librarian of Congress concerning creditable service for purposes of this subsection.

(b) Any individual who is employed by the Center on or after the date of enactment of this Act shall be deemed an employee under section 8901(1) of title 5, United States Code, for purposes of health insurance coverage under chapter 89 of such title. An individual who is an employee of the Center on the date of enactment of this Act may elect coverage under this subsection before December 1, 2000, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after such date.

(c) An individual who is employed by the Center shall be deemed an employee under section 8701(a) of title 5, United States Code, for purposes of life insurance coverage under chapter 87 of such title.

(d) Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, 8708, and 8906 shall be made by the Librarian of Congress from any appropriations available to the Library of Congress.

(e) The Library of Congress, directly or by agreement with its designated representative, shall—

(1) process payroll for Center employees, including making deductions and withholdings from the pay of employees in the amounts determined under sections 8422, 8432, 8707, and 8905 of title 5, United States Code;

(2) maintain appropriate personnel and payroll records for Center employees, and transmit appropriate information and records to the Office of Personnel Management; and

(3) transmit funds for Government and employee contributions under this section to the Office of Personnel Management.

(f) The Center shall—

(1) pay to the Library of Congress funds sufficient to cover the gross salary and the employer's share of taxes under section 3111 of the Internal Revenue Code of 1986 for Center employees, in amounts computed by the Library of Congress;

(2) as required by the Library of Congress, reimburse the Library of Congress for reasonable administrative costs incurred under subsection (e)(1);

(3) comply with regulations and procedures prescribed by the Librarian of Congress for administration of this section;

(4) maintain appropriate records on all Center employees, as required by the Librarian of Congress; and

(5) consult with the Librarian of Congress on the administration and implementation of this section.

(g) The Librarian of Congress may prescribe regulations to carry out this section.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $15,970,000, of which $5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $27,954,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1999 and 2000 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,285 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: Provided further, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $10,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $384,867,000: Provided, That not more than $1,900,000 of payments received under 31 U.S.C. 782 shall be available for use in fiscal year 2001: Provided further, That not more than $1,100,000 of reimbursements received under 31 U.S.C. 9105 shall be available for use in fiscal year 2001: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2001 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. No part of any appropriation contained in this Act under the heading "Architect of the Capitol" or "Botanic Garden" shall be obligated or expended for a construction contract in excess of $100,000, unless such contract *includes a provision that requires liquidated damages for contractor caused delay in an amount commensurate with the daily net usable square foot cost of leasing similar space in a first class office building within two miles of the United States Capitol multiplied by the square footage to be constructed under the contract.*

Sec. 309. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "2000" and inserting "2001".

Sec. 310. Russian Leadership Program. Section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) is amended—

(1) by striking "fiscal years 1999 and 2000" in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting "fiscal years 2000 and 2001"; and

(2) by striking "2001" in subsection (a)(2), (e)(1), and (h)(1)(B) and inserting "2002".

Sec. 311. (a)(1) Any State may request the Joint Committee on the Library of Congress to approve the replacement of a statue the State has provided for display in Statuary Hall in the Capitol of the United States under section 1814 of the Revised Statutes (40 U.S.C. 187).

(2) A request shall be considered under paragraph (1) only if—

(A) the request has been approved by a resolution adopted by the legislature of the State and the request has been approved by the Governor of the State, and

(B) the statue to be replaced has been displayed in the Capitol of the United States for at least 10 years as of the time the request is made, except that the Joint Committee may waive this requirement for cause at the request of a State.

(b) If the Joint Committee on the Library of Congress approves a request under subsection (a), the Architect of the Capitol shall enter into an agreement with the State to carry out the replacement in accordance with the request and any conditions the Joint Committee may require for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by a State under section 1814 of the Revised Statutes (40 U.S.C. 187), and

(2) the State shall pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) Nothing in this section shall be interpreted to permit a State to have more than 2 statues on display in the Capitol of the United States.

(d)(1) Subject to the approval of the Joint Committee on the Library, ownership of any statue replaced under this section shall be transferred to the State.

(2) If any statue is removed from the Capitol of the United States as part of a transfer of ownership under paragraph (1), then it may not be returned to the Capitol for display unless such display is specifically authorized by Federal law.

(e) The Architect of the Capitol, upon the approval of the Joint Committee on the Library and with the advice of the Commission of Fine Arts as requested, is authorized and directed to relocate within the United States Capitol any of the statues received from the States under section 1814 of the Revised Statutes (40 U.S.C. 187) prior to the date of the enactment of this Act, and to provide for the reception, location, and relocation of the statues received hereafter from the States under such section.

Sec. 312. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking "$10,000,000" each place it appears and inserting "$14,500,000".

(b) Section 201 of such Act is amended—

(1) by inserting "(a)" before "Pursuant", and

(2) by adding at the end the following:

"(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the $14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)).".

Sec. 313. Center for Russian Leadership Development. (a) Establishment.—

(1) In general.—There is established in the legislative branch of the Government a center to be known as the "Center for Russian Leadership Development" (the "Center").

(2) Board of trustees.—The Center shall be subject to the supervision and direction of a Board of Trustees which shall be composed of 9 members as follows:

(A) 2 members appointed by the Speaker of the House of Representatives, 1 of whom shall be designated by the Majority Leader of the House of Representatives and 1 of whom shall be designated by the Minority Leader of the House of Representatives.

(B) 2 members appointed by the President pro tempore of the Senate, 1 of whom shall be designated by the Majority Leader of the Senate and 1 of whom shall be designated by the Minority Leader of the Senate.

(C) The Librarian of Congress.

(D) 4 private individuals with interests in improving United States and Russian relations, designated by the Librarian of Congress.

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term. Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) Purpose and Authority of the Center.—

(1) Purpose.—The purpose of the Center is to establish, in accordance with the provisions of paragraph (2), a program to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(2) Grant program.—Subject to the provisions of paragraphs (3) and (4), the Center shall establish a program under which the Center annually awards grants to government or community organizations in the United States that seek to establish programs under which those organizations will host Russian nationals who are emerging political leaders at any level of government.

(3) Restrictions.—

(A) Duration.—The period of stay in the United States for any individual supported with grant funds under the program shall not exceed 30 days.

(B) Limitation.—The number of individuals supported with grant funds under the program shall not exceed 3,000 in any fiscal year.

(C) Use of funds.—Grant funds under the program shall be used to pay—

(i) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe.

(4) Application.—

(A) In general.—Each organization in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably require.

(B) Contents.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought;

(ii) include the number of program participants to be supported;

(iii) describe the qualifications of the individuals who will be participating in the program; and

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.

(c) Establishment of Fund.—

(1) In general.—There is established in the Treasury of the United States a trust fund to be known as the "Russian Leadership Development Center Trust Fund" (the "Fund") which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.

(2) Donations.—Any money or other property donated, bequeathed, or devised to the Center under the authority of this section shall be credited to the Fund.

(3) Fund management.—

(A) In general.—The provisions of subsections (b), (c), and (d) of section 116 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1105 (b), (c), and (d)), and the provisions of section 117(b) of such Act (2 U.S.C. 1106(b)), shall apply to the Fund.

(B) Expenditures.—The Secretary of the Treasury is authorized to pay to the Center from amounts in the Fund such sums as the Board of Trustees of the Center determines are necessary and appropriate to enable the Center to carry out the provisions of this section.

(d) Executive Director.—The Board shall appoint an Executive Director who shall be the chief executive officer of the Center and who shall carry out the functions of the Center subject to the supervision and direction of the Board of Trustees. The Executive Director of the Center shall be compensated at the annual rate specified by the Board, but in no event shall such rate exceed level III of the Executive Schedule under section 5314 of title 5, United States Code.

(e) Administrative Provisions.—

(1) In general.—The provisions of section 119 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1108) shall apply to the Center.

(2) Support provided by library of congress.—The Library of Congress may disburse funds appropriated to the Center, compute and disburse the basic pay for all personnel of the Center, provide administrative, legal, financial management, and other appropriate services to the Center, and collect from the Fund the full costs of providing services under this paragraph, as provided under an agreement for services ordered under sections 1535 and 1536 of title 31, United States Code.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) Transfer of Funds.—Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on the date of enactment of this Act.

(2) TRANSFER.—Subsection (g) shall only apply to amounts which remain unexpended on and after the date the Board of Trustees of the Center certifies to the Librarian of Congress that grants are ready to be made under the program established under this section.

SEC. 314. REVIEW OF PROPOSED CHANGES TO EXPORT THRESHOLDS FOR COMPUTERS. Not more than 50 days after the date of the submission of the report referred to in subsection (d) of section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note), the Comptroller General of the United States shall submit an assessment to Congress which contains an analysis of the new computer performance levels being proposed by the President under such section.

TITLE IV—EMERGENCY FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated out of any money in the Treasury not otherwise appropriated, to provide additional emergency supplemental appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, namely:

CAPITOL POLICE BOARD

SECURITY ENHANCEMENTS

For an additional amount for the Capitol Police Board for costs associated with security enhancements, under the terms and conditions of chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $2,102,000, to remain available until expended, of which—

(1) $228,000 shall be for the acquisition and installation of card readers for 4 additional access points which are not currently funded under the implementation of the security enhancement plan; and

(2) $1,874,000 shall be for security enhancements to the buildings and grounds of the Library of Congress:

Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

For an additional amount for necessary expenses for urgent repairs to the underground garage in the Cannon House Office Building, $9,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for FHA—General and special risk program account for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $40,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act: Provided further, That the funding under this heading shall only be made available upon the submission of a certification by the Secretary of Housing and Urban Development to the Committees on Appropriations that all funds committed, expended, or obligated under this heading in the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act, 2000 were committed, expended or obligated in compliance with the Antideficiency Act (31 U.S.C. 1341).

SEC. 401. Appropriations made by this title are available immediately upon enactment of this Act.

This Division may be cited as the "Legislative Branch Appropriations Act, 2001".

DIVISION B

SEC. 1001. (a) The provisions of H.R. 4985 of the 106th Congress, as introduced on July 26, 2000, are hereby enacted into law.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a)of this section.

SEC. 1002. Effective on the date of the enactment of this Act, sections 5105, 5106, and 5109 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246) are repealed, and the provisions repealed or amended by such sections shall be revived and have effect as if such sections had not been enacted.

SEC. 1003. REPEAL OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATIONS SERVICES.

(a) IN GENERAL.—Chapter 33 of the Internal Revenue Code of 1986 (relating to facilities and services) is amended by striking subchapter B.

(b) CONFORMING AMENDMENTS.—

(1) Section 4293 of such Code is amended by striking "chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33," and inserting "and chapter 32 (other than the taxes imposed by sections 4064 and 4121),".

(2)(A) Paragraph (1) of section 6302(e) of such Code is amended by striking "section 4251 or".

(B) Paragraph (2) of section 6302(e) of such Code is amended by striking "imposed by—" and all that follows through "with respect to" and inserting "imposed by section 4261 or 4271 with respect to".

(C) The subsection heading for section 6302(e) of such Code is amended by striking "COMMUNICATIONS SERVICES AND".

(3) Section 6415 of such Code is amended by striking "4251, 4261, or 4271" each place it appears and inserting "4261 or 4271".

(4) Paragraph (2) of section 7871(a) of such Code is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 of such Code is amended by striking the item relating to subchapter B.

(c) STUDY REGARDING CONTINUING ECONOMIC BENEFIT OF REPEAL.—

(1) STUDY.—The Comptroller General of the United States, after consultation with the Chairman of the Federal Communications Commission, shall study and identify—

(A) the extent to which the benefits of the repeal of the excise tax on telephone and other communication services under subsection (a) are passed through to individual and business consumers, and

(B) any actions taken by communication service providers or others that diminish such benefits, including increases in any regulated or unregulated communication service provider charges or increases in other Federal or State fees or taxes related to such service occurring since the date of such repeal.

(2) REPORT.—By not later than September 1, 2001, the Comptroller General of the United States shall submit a report regarding the study described in paragraph (1) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid pursuant to bills first rendered after September 30, 2000.

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 2, line 1, down through and including page 8, line 7, of the House engrossed bill, H.R. 4516.

And the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, strike all beginning on page 23, line 13, down through and including page 23, line 16, of the House engrossed bill, H.R. 4516, and strike lines 7 and 8 on page 45 of the House engrossed bill, H.R. 4516.

And the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Delete the matter proposed.

And the Senate agree to the same.

CHARLES H. TAYLOR,
ZACH WAMP,
JERRY LEWIS,
KAY GRANGER,
JOHN E. PETERSON,
C.W. BILL YOUNG,
Managers on the part of the House.

ROBERT F. BENNETT,
TED STEVENS,
LARRY CRAIG,
THAD COCHRAN,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with four numbered amendments. The conference agreement addresses all the differences contained in the four amendments in the disposition of the first numbered amendment. The first numbered amendment therefore includes a complete version of the Legislative Branch bill plus all other legislation included in this conference report. An explanation of the resolution of the differences of the other three numbered amendments is included in the first numbered amendment. The disposition of the other three numbered amendments therefore is purely technical in nature to enable the complete bill text to be included in the first amendment.

In addition to the Legislative Branch Appropriations Act, 2001, the conference agreement also enacts the Treasury and General Government Appropriations Act, 2001, by reference, and provisions dealing with the repeal of certain telephone taxes. These additional pieces of legislation are included within amendment number 1 as Division B. The Legislative Branch Appropriations Act, 2001, is designated as Division A within amendment number 1. An explanation of the matter in Division B is included in this statement under amendment number 1 after the explanation of the matter in Division A.

Amendment No. 1: Deletes the matter inserted and inserts complete bill text.

DIVISION A

LEGISLATIVE BRANCH APPROPRIATIONS

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements or policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. The conferees have agreed to drop without prejudice the direction in the House report under the heading, Information Security, subsumed under "LEGISLATIVE BRANCH WIDE MATTERS". With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

TITLE I—CONGRESSIONAL OPERATIONS

Senate

Appropriates $506,797,300 for Senate operations, and includes, at the request of the managers on the part of the Senate, an amendment adding $250,000, an amendment containing the traditional death gratuity upon the death of a Senator, and an amendment to Section 8. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

House of Representatives

At the request of the managers on the part of the House, an enrollment error in the House bill has been corrected and an administrative provision has been added to provide funds for a special education need. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

Joint Items

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 2001

SALARIES AND EXPENSES

Appropriates $1,000,000 for the Joint Committee on Inaugural Ceremonies of 2001 as proposed by the Senate, amending two dates.

ADMINISTRATIVE PROVISION

The conferees have amended the administrative provision proposed by the House regarding assistance for the Capitol Police during the Inauguration in January 2001 and the 2001 joint session of Congress to receive the State of the Union message.

JOINT ECONOMIC COMMITTEE

Appropriates $3,315,060 for the Joint Economic Committee as proposed by the Senate instead of $3,072,000 as proposed by the House.

JOINT COMMITTEE ON TAXATION

Appropriates $6,430,000 for the Joint Committee on Taxation instead of $6,174,000 as proposed by the House and $6,686,000 as proposed by the Senate. The conferees believe that this level of funding is sufficient for the Joint Committee on Taxation to complete its report on the overall state of the Federal tax system.

CAPITOL POLICE BOARD

Capitol Police

SALARIES

Appropriates $97,142,000 for salaries of officers, members, and employees of the Capitol Police instead of $92,769,000 as proposed by the House and $102,700,000 as proposed by the Senate, of which $47,053,000 is provided to the Sergeant at Arms of the House of Representatives and $50,089,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate. Of the amount provided, $4,660,000 is for overtime.

The conferees have agreed this will fund 1,481 FTE's, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees before filling positions above the level of 1,402 FTE's. The conferees intend that sufficient resources be allocated to implement the "two officers per door" policy. The Police are directed to study the posting requirements of all posts and report to the House and Senate Appropriations Committees. Until such a study is presented, the police are authorized an FTE level of 1402.

GENERAL EXPENSES

Appropriates $6,772,000 for general expenses of the Capitol Police instead of $6,549,000 as proposed by the House and $6,884,000 as proposed by the Senate. The funds provide $103,000 for motorcycle replacement, and the conferees direct that the Capitol Police continue the program begun in FY 2000 to utilize American-made motorcycles, targeting the funds made available in this agreement towards smaller motorcycles. In addition, the conferees have not included reimbursement for telecommunications costs ($235,000) and direct that these savings be applied to other programs. Items for installation and maintenance of physical security and information security measures shall not be less than the FY 2000 funded level.

ADMINISTRATIVE PROVISIONS

The conferees have included two administrative provisions proposed by the House relating to certifying officers and a chief administrative officer. The conferees have also added a provision adjusting the salary of the chief of the Capitol police.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

Appropriates $2,371,000 for the Capitol Guide Service and Special Services Office as proposed by the Senate instead of $2,201,000 as proposed by the House.

STATEMENTS OF APPROPRIATIONS

Appropriates $30,000 for statements of appropriations as proposed by the Senate instead of $29,000 as proposed by the House and makes technical changes.

OFFICE OF COMPLIANCE

Appropriates $1,820,000 for the Office of Compliance instead of $1,816,000 as proposed by the House and $2,066,000 as proposed by the Senate. The conferees note that Office of Compliance telephones frequently are not answered during normal business hours. As an agency providing service to employees and agencies of the Legislative branch, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. In addition, the conferees believe the Executive Director should examine the use of contract couriers to make deliveries to Congressional offices and should reduce costs for such deliveries by use of other means when appropriate.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

Establishes the limitation on funds for representation and reception expenses at $3,000 as proposed by the House instead of $2,500 as proposed by the Senate and appropriates $28,493,000 for salaries and expenses of the Congressional Budget Office instead of $27,403,000 as proposed by the House and $27,113,000 as proposed by the Senate.

The conferees have included an administrative provision, as proposed by the Senate, authorizing the Congressional Budget Office to enter into multiple year contracts to the same extent as executive agencies.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

CAPITOL BUILDINGS

SALARIES AND EXPENSES

Appropriates $43,689,000 for salaries and expenses, Capitol buildings, Architect of the Capitol, instead of $44,234,000 as proposed by the House and $44,191,000 as proposed by the Senate. Of this amount, $3,843,000 shall remain available until expended instead of $4,280,000 as proposed by the House and $4,255,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget: $39,346,000.

Capitol Projects:

1. Update electrical system drawings on CAD $70,000.
2. CAD Mechanical database $70,000.
3. Conservation of wall paintings $200,000.
4. Study, confined spaces, Capitol Complex $0.
5. Replacement on Minton tile $100,000.
6. Provide infrastructure for security installations $400,000.
7. Computer, telecommunications and electrical support $300,000.

8. Security project support for AOC $0.
9. Roof fall protection $555,000.
10. Life safety support services $0.
11. Safety and environmental program and SOP development $0.
12. Wayfinding and ADA compliant signage $50,000.
13. Computer aided facility management $263,000.

The conference agreement includes a provision authorizing the Architect of the Capitol to hire a project manager for the construction of the Capitol Visitors Center and establishing a ceiling on the level of pay for this position. The conferees direct the Architect to fill this position from among persons recruited from outside the agency. The language authorizing the position and funding for same will require inclusion in annual appropriations bills and will be withdrawn upon completion of the project.

The conferees have agreed to modify the Senate report language directing the Architect to create and fill a position for employee advocate. The conferees direct that the Architect fill the position of Employee Advocate on a one-year, temporary basis, using existing resources, at a level appropriate to the task. In the submission of the FY 2002 budget request, the Architect is directed to report on measures taken to fulfill directives in the Senate report in lieu of the quarterly reports outlined in the Senate report regarding this position. The House and Senate Committees on Appropriations will review the results of this temporary measure before considering a permanent solution.

The conferees are aware that the Architect of the Capitol employs a significant number of temporary workers (excluding intermittent workers) who do not receive the usual benefits available to permanent federal workers. The Architect is directed to provide a report within 90 days to the Senate Committees on Appropriations and Rules and Administration, and to the House Committees on Appropriations, Transportation and Infrastructure, and House Administration, both majority and minority, detailing its use of temporary workers, the terms and conditions thereof, and the reasons therefor; the total number of such workers employed during each of the last five fiscal years; and a list and explanation of the benefits, if any, such workers receive by reason of their AOC employment. The report shall make recommendations for how to provide such workers access to federal benefits and a list of any alternatives that may exist to the use of temporary workers.

The conferees are concerned about a class-action suit against the Architect (*Harris et al.* v. *Architect of the Capitol*). The Architect is urged to make every effort to settle this lawsuit as expeditiously as possible, and to report to the House and Senate Committees on Appropriations within 45 days on the status of the case.

CAPITOL GROUNDS

Appropriates $5,362,000 to the Architect of the Capitol for care and improvement of grounds surrounding the Capitol, House and Senate office buildings, and the Capitol power plant instead of $5,217,000 as proposed by the House and $5,512,000 as proposed by the Senate. Of this amount, $125,000 shall remain available until expended instead of $25,000 as proposed by the House and $225,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget: $5,127,000.

Capitol Projects:

1. CAD database development—site utilities $110,000.
2. Wayfinding and ADA compliant signage $100,000.

SENATE OFFICE BUILDINGS

Appropriates $63,974,000 to the Architect of the Capitol as proposed by the Senate, of which $21,669,000 shall remain available until expended, for the operations of the Senate office buildings. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

HOUSE OFFICE BUILDINGS

Appropriates $32,750,000 to the Architect of the Capitol as proposed by the House, of which $123,000 shall remain available until expended, for the operations of the House office buildings. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

CAPITOL POWER PLANT

In addition to the $4,400,000 available from receipts, appropriates $39,415,000 to the Architect of the Capitol for Capitol power plant operations instead of $39,151,000 as proposed by the House and $39,569,000 as proposed by the Senate. Of this amount, $523,000 shall remain available until expended as proposed by the Senate instead of $200,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget:

1. Personnel compensation $4,467,000.
2. Other expenses 34,110,000.

Capital Projects:

1. Study, heat balance/efficiency improvements 0.
2. Update CAD drawings 65,000.
3. Roof fall protection 323,000.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates $73,592,000 for salaries and expenses, Congressional Research Service, Library of Congress instead of $73,810,000 as proposed by the House and $73,374,000 as proposed by the Senate. In keeping with both the complete research and maximum practicable administrative independence of the Congressional Research Service, it is the conferees intent that the Director of the Congressional Research Service shall be obligated to bring to the attention of the appropriate House and Senate Committees issues which directly impact the Congressional Research Service and its ability to serve the needs of Congress. The budgetary needs of CRS that may not be adequately addressed in the annual budget submission should be raised with the Appropriations Committees.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Appropriates $71,462,000 for Congressional printing and binding instead of $69,626,000 as proposed by the House and $73,297,000 as proposed by the Senate. The conference agreement includes a heading and provision for transfer of balances for preceding fiscal years to the Government Printing Office revolving fund as proposed by the House and language proposed by the Senate to provide for printing and binding for the Architect of the Capitol and for preparing the semimonthly and session indexes for the Congressional Record.

Rather than limiting funding for the Congressional Record Index and indexers to close out activities, as directed in the House report, the conferees agree that this activity should continue and that improvements in work processes should be pursued by taking advantage of the latest available technology. These activities and initiatives should be more closely integrated and coordinated with related GPO functions and should be pursued under the direction of the Public Printer or appropriate officials designated by the Public Printer.

ADMINISTRATIVE PROVISION

The conference agreement amends an administrative provision proposed by the House regarding a study of Congressional printing needs and authorization of appropriations beginning in fiscal year 2003 to limit its application to the Clerk of the House and the printing needs of the House of Representatives.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

Appropriates $3,328,000 for salaries and expenses, Botanic Garden instead of $3,216,000 as proposed by the House and $3,653,000 as proposed by the Senate of which $25,000 shall remain available until expended instead of $150,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget $3,303,000.

Capitol Projects:

1. Replace equipment at growing facilities 0.
2. Wayfinding signage $25,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides $282,838,000 for salaries and expenses, Library of Congress instead of $269,864,000 as proposed by the House and $267,330,000 as proposed by the Senate. Of this amount, $6,850,000 is made available from receipts collected by the Library of Congress, and $10,459,575 is to remain available until expended for acquisition of library materials as proposed by the House instead of $10,398,600 as proposed by the Senate. With respect to differences between the House and Senate bills, the conferees have agreed to the following:

1. Mandatories $8,459,000.
2. Price level −$1,920,000.
3. Russian Leadership Program $10,000,000.
4. Hands Across America $5,957,800.
5. Arrearage reduction $500,000.
6. Mass deacidification $1,216,000.
7. National Film Preservation Board $250,000.
8. Digitization pilot with West Point $404,000.
9. Digitization non-personal costs $7,590,000.
10. Ft. Meade Storage: One-time costs -$406,000.
11. Ft. Meade Storage: Open module one $618,000.
12. Automation: National Digital Library servers and storage $300,000.
13. Security Office $2,342,000.
14. High-speed transmission line $4,300,000.

The conference agreement includes funds for four programs, to remain available until expended. One provision, for $5,957,800, is for teaching educators how to incorporate the Library's digital collection into school curricula. A second provision provides $404,000 for a digitization pilot project with the Military Academy at West Point. A third provision provides $10,000,000 to continue the Russian Leadership Program for FY2001. A fourth provision provides $4,300,000 to the Library of Congress to develop high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving the National Digital Library pilot program. The Library is directed to investigate the most cost effective method of providing this capability and take the necessary steps to develop the capability within the resources available. Any remaining balance not required for the development of the high speed data transmission is available for support of the Library's digital futures initiative.

The conferees agree with language in the House report directing the Library to employ students at the Ft. Meade remote storage facility and with language in the Senate report directing the Library to devote all available resources to elimination of cataloging arrearage.

The conferees are aware that a task force has been established at the Library of Congress to explore the feasibility and desirability of instituting a telecommuting program for the Library. The conferees encourage the Librarian to consider a telecommuting program for the Library (including the Congressional Research Service), and to include a description of the program with his next budget submission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides $38,523,000, including $29,283,000 made available from receipts, for salaries and expenses, Copyright Office instead of $38,771,000, including $31,783,000 from receipts, as proposed by the House and $38,332,000, including $26,783,000 from receipts, as proposed by the Senate. With respect to differences between the House and Senate bills, the conferees have agreed to the following:

Salaries $31,318,000.

Expenses 7,205,000.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates $48,609,000 for salaries and expenses, books for the blind and physically handicapped instead of $48,507,000 as proposed by the House and $48,711,000 as proposed by the Senate. Of this amount, $14,154,000 shall remain available until expended as proposed by the Senate instead of $14,135,000 as proposed by the House.

FURNITURE AND FURNISHINGS

Appropriates $4,892,000 for furniture and furnishings at the Library of Congress as proposed by the Senate instead of $5,394,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

Various technical corrections and section number changes have been made. In Section 201, the conferees have agreed to an overall limitation of $199,630 on funds available for attendance at meetings as proposed by the House and a limitation of $59,300 on CRS attendance at meetings as proposed by the House. The conference agreement includes Section 202 as proposed by the House. The conferees have modified the scope of accounts available for transfer authority to include transfers only from the furniture and furnishings account and not to it. The conference agreement does not include the separation incentives proposed by the House. The conferees have authorized use of appropriated funds to pay the employer share of benefit costs for employees of the Library of Congress child care center.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Appropriates $15,970,000 for structural and mechanical care, Library buildings and grounds, Architect of the Capitol instead of $15,837,000 as proposed by the House and $16,347,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget:

1. Personnel compensation and benefits $7,959,000.

2. Annual expenses $1,966,000.

Capitol Projects:

3. Preservations environmental monitoring $0.

4. Replace HVAC variable speed drive motor $90,000.

5. Room and partition modifications $165,000.

6. Replace partition supports $200,000.

7. Lightning protection, Madison building $190,000.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Appropriates $27,954,000 for salaries and expenses, Office of the Superintendent of Documents instead of $25,652,000 as proposed by the House and $30,255,000 as proposed by the Senate. The conferees have retained the heading "Transfer of Funds" as proposed by the House and "distribution" to replace the wording, "on-line access", within the appropriating paragraph as proposed by the Senate. The conferees have included the Senate language for the appropriating provision on the availability of $2,000,000 from the appropriation and the appropriation provision authorizing transfer of funds as proposed by the House.

The conferees recognize that the funding level provided may require adjustments in historically applicable program services and agree that no employee layoffs will be required. Emphasis should be on streamlining the distribution of traditional paper copies of publications which may include providing online access and less expensive electronic formats. The conferees agree to the transfer of unexpended funds proposed by the House, which provides additional flexibility in meeting program requirements.

The conferees have agreed to modify the language in the House report directing the Congressional Research Service to conduct a study and direct that the General Accounting Office shall conduct a comprehensive study on the impact of providing documents to the public solely in electronic format. The study shall include: (1) a current inventory of publications and documents which are provided to the public, (2) the frequency with which each type of publication or document is requested for deposit at non-regional depository libraries, and (3) an assessment of the feasibility of transfer of the depository library program to the Library of Congress that: Identifies how such a transfer might be accomplished; Identifies when such a transfer might optimally occur; Examines the functions, services, and programs of the Superintendent of Documents; Examines and identifies administrative and infrastructure support that is provided to the Superintendent by the Government Printing Office, with a view to the implications for such a transfer; Examines and identifies the costs, for both the Government Printing Office and the Library of Congress, of such a transfer; Identifies measures that are necessary to ensure the success of such a transfer.

The study shall be submitted to the Committee on House Administration and the Senate Committee on Rules and Administration by March 30, 2001.

ADMINISTRATIVE PROVISION

The conferees have not included a provision proposed by the Senate amending 44 U.S.C. 1708.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Appropriates $384,867,000 for salaries and expenses, General Accounting Office as proposed by the Senate instead of $368,896,000 as proposed by the House. Within the appropriating paragraph, the conferees have set the limitation on representation expenses at $10,000 as proposed by the House, instead of $7,000 as proposed by the Senate and made technical corrections to two other matters.

The General Accounting Office shall undertake a study of the effects on air pollution caused by all polluting sources, including automobiles and the electric power generation emissions of the Tennessee Valley Authority on the Great Smoky Mountains National Park, the Blue Ridge Parkway and the Pisgah, Nantahala, and Cherokee National Forests. This study will also include the amount of carbon emissions avoided by the use of non-emitting electricity sources such as nuclear power within the same region. The GAO shall report to the Committees on Appropriations no later than January 31, 2001.

ADMINISTRATIVE PROVISIONS

The conferees have not included several administrative provisions proposed by the Senate.

TITLE III—GENERAL PROVISIONS

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement and technical corrections have been made. The conferees have included a liquidated damages provision proposed by the House. The conferees have included provisions proposed by the Senate changing a date and extending the Russian Leadership Program. The conferees have not included a proposed merger of various law enforcement activities and have amended language in the Senate bill regarding the placement of statues in Statuary Hall. The conferees have adjusted the limitation on the National Garden and have agreed to establish a Center for Russian Leadership Development as proposed by the Senate. A Sense of the Senate provision and a limitation on the use of pesticides have not been included. There is a provision regarding an assessment by the General Accounting Office of a report referred to in the National Defense Authorization Act for Fiscal Year 1998.

TITLE IV—FISCAL YEAR 2000 EMERGENCY SUPPLEMENTAL

The conferees have included several Fiscal Year 2000 supplemental appropriation items that require urgent attention and are considered emergency situations.

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

SECURITY ENHANCEMENTS

The conference agreement provides an additional $2,102,000 for Fiscal Year 2000 to the

Capitol Police Board for security enhancements. Of this amount, $228,000 are for acquisition and installation of card readers for four additional Capitol buildings access points not currently funded in the security enhancements plan. In addition, $1,874,000 is provided for work at the Library of Congress to complete the closed circuit television ($1,390,000) and access control ($484,000) improvement tasks. These funds are designated as an emergency requirement.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

The conference agreement appropriates $9,000,000 for Fiscal Year 2000 to the Architect of the Capitol for urgent repairs to the underground garage in the Cannon House Office Building. These funds are designated as an emergency requirement.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

At the request of the House and Senate subcommittees on VA, HUD and Independent Agencies Appropriations, the conferees have agreed to include a provision for the Department of Housing and Urban Development (HUD) that provides, on an emergency basis, $40,000,000 in credit subsidy for the FHA General and Special Risk Program Account. Without these additional funds, the Title I home improvement program, the condominium loan program, the FHA reverse mortgage program for senior citizens, and various multifamily housing insurance programs would have to be suspended. The additional appropriation would have been unnecessary if HUD had adhered to assumptions made by the Office of Management and Budget (OMB) in determining credit subsidy rates when the President's budget was submitted to Congress, a violation of budget conventions. In the future, HUD should refrain from similar actions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$2,475,080
Budget estimates of new (obligational) authority, fiscal year 2001	2,725,604
House bill, fiscal year 2001	1,913,691
Senate bill, fiscal year 2001	2,523,378
Conference agreement, fiscal year 2001	2,526,863
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+51,783
Budget estimates of new (obligational) authority, fiscal year 2001	−198,741
House bill, fiscal year 2001	+613,172
Senate bill, fiscal year 2001	+3,485
Title IV—FY 2000 Emergency Supplemental	51,102

DIVISION B

Division B of the conference agreement would enact the provisions of H.R. 4985, as introduced on July 26, 2000. The text of that bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $156,315,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $11,439,000: Provided further, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $47,287,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $32,899,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $118,427,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $31,000,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,000,000, to remain available until expended: Provided, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $37,576,000, of which not to exceed $2,800,000 shall remain available until September 30, 2003; and of which $2,275,000 shall remain available until September 30, 2002: Provided, That funds appropriated in this account may be used to procure personal services contracts.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $55,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $94,483,000, of which up to $17,043,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2003: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually *by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.*

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $29,205,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $103,476,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $206,851,000, of which not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $768,695,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2001: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,863,765,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $133,228,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2001 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $258,400,000, to remain available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $130,000,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a final plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management *practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that final expenditure plan has been approved by the Committees on Appropriations.*

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,301,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at $182,901,000. In addition, $23,600, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380; and in addition, to be appropriated from the General Fund, such sums as may be necessary for administrative expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106–53.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; providing an independent taxpayer advocate within the Service; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,567,001,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; providing service to tax exempt customers, including employee plans, tax exempt organizations, and government entities; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,382,402,000, of which not to exceed $1,000,000 shall remain available until September 30, 2003, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $145,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,545,090,000 which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 844 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $823,800,000, of which $3,633,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $8,941,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. Hereafter, funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) of title 18, United States Code, without regard to the limitation on the rate of pay payable during a pay period contained in section 5547(c)(2) of title 5, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.

SEC. 119. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 120. Under the heading of Treasury Franchise Fund in Public Law 104-208, delete the following: the phrases "pilot, as authorized by section 403 of Public Law 103-356,"; and "as provided in such section"; and the final proviso. After the phrase "to be available", insert "without fiscal year limitation,". After the phrase, "established in the Treasury a franchise fund", insert, "until October 1, 2002".

SEC. 121. Notwithstanding any other provision of law, no reorganization of the field operations of the United States Customs Service Office of Field Operations shall result in a reduction in service to the area served by the Port of Racine, Wisconsin, below the level of service provided in fiscal year 2000.

SEC. 122. Notwithstanding any other provision of law, the Bureau of Alcohol, Tobacco and Firearms shall reimburse the subcontractor that provided services in 1993 and 1994 pursuant to Bureau of Alcohol, Tobacco and Firearms contract number TATF 93–3 from amounts appropriated for fiscal year 2001 or unobligated balances from prior fiscal years, and such reimbursement shall cover the cost of all professional services rendered, plus interest calculated in accordance with the Contract Dispute Act of 1978 (41 U.S.C. 601 et seq.)

This title may be cited as the "Treasury Department Appropriations Act, 2001".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $96,093,000, of which $67,093,000 shall not be available for obligation until October 1, 2001: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2001.

This title may be cited as the "Postal Service Appropriations Act, 2001".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $390,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $53,288,000: Provided, That $9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $10,900,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $968,000, to remain available until expanded, for projects for required maintenance, safety and health issues, Presidential transition, telecommunications infrastructure repair, and continued preventive maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,673,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $354,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,110,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,165,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by

5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $43,737,000, of which $9,905,000 shall be available until September 30, 2002 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $68,786,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,759,000, of which $2,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws, and up to $600,000 for the evaluation of the Drug-Free Communities Act: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of Division C of Public Law 105–277), $29,053,000, which shall remain available until expended, consisting of $15,803,000 for counternarcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: Provided, That the $15,803,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $206,500,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2002, may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That, of this latter amount, $1,800,000 shall be used for auditing services: Provided further, That HIDTAs designated as of September 30, 2000 shall be funded at fiscal year 2000 levels unless the Director submits to the Committees, and the Committess approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105–277, $233,600,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: Provided further, That of the funds provided, $3,300,000 shall be made available to the United States Olympic Committee's anti-doping program no later than 30 days after the enactment of this Act: Provided further, That of the funds provided, $40,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: Provided further, That of the funds provided, $1,000,000 shall be available to the National Drug Court Institute.

This title may be cited as the "Executive Office Appropriations Act, 2001".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $4,158,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $40,500,000, of which no less than $4,689,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,058,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administration Act of 1949, as amended (40 U.S.C. 490(f)), $464,154,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,971,509,000 of which (1) $472,176,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations: California, Los Angeles, U.S. Courthouse; District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters; Florida, Saint Petersburg, Combined Law Enforcement Facility; Maryland, Montgomery County, Food and Drug Administration Consolidation; Michigan, Sault St. Marie, Border Station; Mississippi, Biloxi-Gulfport, U.S. Courthouse; Montana, Eureka/Roosville, Border Station; Virginia, Richmond, U.S. Courthouse; Washington, Seattle, U.S. Courthouse: Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $671,193,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: Provided further, That *funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:*

Repairs and alterations:
Arizona:
Phoenix, Federal Building Courthouse, $26,962,000
California:
Santa Ana, Federal Building, $27,864,000
District of Columbia:
Internal Revenue Service Headquarters (Phase 1), $31,780,000
Main State Building, (Phase 3), $28,775,000
Maryland:
Woodlawn, SSA National Computer Center, $4,285,000
Michigan:
Detroit, McNamara Federal Building, $26,999,000
Missouri:
Kansas City, Richard Bolling Federal Building, $25,882,000
Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000
Nebraska:
Omaha, Zorinsky Federal Building, $45,960,000
New York:
New York City, 40 Foley Square, $5,037,000
Ohio:
Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000
Pennsylvania:
Pittsburgh, U.S. Post Office-Courthouse, $54,144,000
Utah:
Salt Lake City, Bennett Federal Building, $21,199,000
Virginia:
Reston, J.W. Powell Federal Building (Phase 2), $22,993,000
Nationwide:
Design Program, $21,915,000
Energy Program, $5,000,000
Glass Fragment Retention Program, $5,000,000
Basic Repairs and Alterations, $290,000,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $185,369,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,944,905,000 for rental of space which shall remain available until expended; and (5) $1,624,771,000 for building operations which shall remain available until expended: Provided further, That in addition to amounts made available herein, $276,400,000 shall be deposited to the Fund, to become available on October 1, 2001, and remain available until expended for the following construction projects (including funds for sites and expenses and associated design and construction services): District of Columbia, U.S. Courthouse Annex; Florida, Miami, U.S. Courthouse; Massachusetts, Springfield, U.S. Courthouse; New York, Buffalo, U.S. Courthouse: Provided further, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2001, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,971,509,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $123,920,000, of which $27,301,000 shall remain available until expended: Provided, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,520,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,517,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended, $7,100,000.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2001 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2002 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5–year construction plan: Provided, That the fiscal year 2002 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate *per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).*

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Section 411 of Public Law 106–58 is amended by striking "April 30, 2001" each place it appears and inserting "April 30, 2002".

SEC. 409. DESIGNATION OF RONALD N. DAVIES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 102 North 4th Street, Grand Forks, North Dakota, shall be known and designated as the "Ronald N. Davies Federal Building and United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the Ronald N. Davies Federal Building and United States Courthouse.

SEC. 410. From the funds made available under the heading "Federal Buildings Fund Limitations on Revenue", in addition to amounts provided in budget activities above, up to $2,500,000 shall be available for the construction of a road and acquisition of the property necessary for construction of said road and associated port of entry facilities: Provided, That said property shall include a 125 foot wide right of way beginning approximately 700 feet east of Highway 11 at the northeast corner of the existing port facilities and going north approximately 4,750 feet and approximately 10.22 acres adjacent to the port of entry in Township 29 S. Range 8W., Section 14: Provided further, That construction of the road shall occur only after this property is deeded and conveyed to the United States by and through the General Services Administration without reimbursement or cost to the United States at the election of its current landholder: Provided further, That notwithstanding any other provision of law, and subject to the foregoing conditions, the Administrator of General Services shall construct a road to the Columbus, New Mexico Port of Entry Station on the property, connecting the port with a road to be built by the County of Luna, New Mexico to connect to State Highway 11: Provided further, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration: Provided further, That upon completion of the construction of the road by the General Services Administration, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Luna County, New Mexico, without reimbursement, all right, title, and interest of the United States to that portion of the property constituting the improved road and standard county road right of way which is not required for the operation of the port of entry: Provided further, That the General Services Administration on behalf of the United States upon conveyance of the property to the municipality of Luna, New Mexico, shall retain the balance of the property located adjacent to the port, consisting of approximately 12 acres, to be owned or otherwise managed by the Administrator pursuant to the Federal Property and Administrative Services Act of 1949, as amended: Provided further, That the General Services Administration is authorized to acquire such additional real property and rights in real property as may be necessary to construct said road and provide a contiguous site for the port of entry: Provided further, That the United States shall incur no liability for any environmental laws or conditions existing at the property at the time of conveyance to the United States or in connection with the construction of the road: Provided further, That Luna County and the Village of Columbus shall be responsible for providing adequate access and egress to existing properties east of the port of entry: Provided further, That the Bureau of Land Management, the International Boundary and Water Commission, the Federal Inspection Agencies and the Department of State shall take all actions necessary to facilitate the construction of the road and expansion of the port facilities.

SEC. 411. DESIGNATION OF J. BRATTON DAVIS UNITED STATES BANKRUPTCY COURTHOUSE. (a) The United States bankruptcy courthouse at 1100 Laurel Street in Columbia, South Carolina, shall be known and designated as the "J. Bratton Davis United States Bankruptcy Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States bankruptcy courthouse referred to in section 1 shall be deemed to be a reference to the "J. Bratton Davis United States Bankruptcy Courthouse".

SEC. 412. (a) The United States Courthouse Annex located at 901 19th Street in Denver, Colorado is hereby designated as the "Alfred A. Arraj United States Courthouse Annex".

(b) Any reference in a law, map, regulation, document, or paper or other record of the United States to the Courthouse Annex herein referred to in subsection (a) shall be deemed to be a reference to the "Alfred A. Arraj United States Courthouse Annex".

SEC. 413. DESIGNATION OF THE PAUL COVERDELL DORMITORY. The dormitory building currently being constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, shall be known and designated as the "Paul Coverdell Dormitory".

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $29,437,000 together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for the purposes of Public Law 102–252, $2,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,250,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $209,393,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $95,150,000, to remain available until expended of which $88,000,000 is to complete renovation of the National Archives Building.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,450,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $9,684,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $94,095,000; and in addition $101,986,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $10,500,000 shall remain available until expended for the cost of automating *the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2001, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.*

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,360,000; and in addition, not to exceed $9,745,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $11,147,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2001".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2001 from appropriations made available for salaries and expenses for fiscal year 2001 in this Act, shall remain available through September 30, 2002, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. (a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Archivist of the United States shall transfer to the Gerald R. Ford Foundation, as trustee, all right, title, and interest of the United States in and to the approximately 2.3 acres of land located within Grand Rapids, Michigan, and further described in subsection (b), such grant to be in trust, with the beneficiary being the National Archives and Records Administration, for the purpose of supporting the facilities and programs of the Gerald R. Ford Museum in Grand Rapids, Michigan, and the Gerald R. Ford Library in Ann Arbor, Michigan, in accordance with a trust agreement to be agreed upon by the Archivist and the Gerald R. Ford Foundation.

(b) LAND DESCRIPTION.—The land to be transferred pursuant to subsection (a) is described as follows:

The following premises in the City of Grand Rapids, County of Kent, State of Michigan, described as:

That part of Block 2, Converse Plat, and that part of Block 2 of J.W. Converse Replatted Addition, and that part of Government Lot 1 of Section 25, T7N, R12W, City of Grand Rapids, Kent County, Michigan, described as: BEGINNING at the NE corner of Lot 1 of Block 2 of Converse Plat; thence East 245.0 feet along the South line of Bridge Street; thence South 230.0 feet along a line which is parallel with and 170 feet East from the East line of Front Avenue as originally platted; thence West 207.5 feet parallel with the South line of Bridge Street; thence South along *the centerline of vacated Front Avenue 109 feet more or less to the extended centerline of vacated Douglas Street; thence West along the centerline of vacated Douglas Street 237.5 feet more or less to the East line of Scribner Avenue; thence North along the East line of Scribner Avenue 327 feet more or less to a point which is 7.0 feet South from the NW corner of Lot 8 of Block 2 of Converse Plat; thence Easterly 200 feet more or less to the place of beginning, also described as:*

Parcel A—Lots 9 & 10, Block 2 of Converse Plat, being the subdivision of Government Lots 1 & 2, Section 25, T7N, R12W; also Lots 11–24, Block 2 of J.W. Converse Replatted Addition; also part of N ½ of Section 25, T7N, R12W commencing at SE corner Lot 24, Block 2 of J.W. Converse Replatted Addition, thence N to NE corner of Lot 9 of Converse Plat, thence E 16 feet, thence S to SW corner of Lot 23 of J.W. Converse Replatted Addition, thence W 16 feet to beginning.

Parcel B—Part of Section 25, T7N, R12W, commencing on S line of Bridge Street 50 feet E of E line of Front Avenue, thence S 107.85 feet, thence 77 feet, thence N to a point on S line of said street which is 80 feet E of beginning, thence W to beginning.

Parcel C—Part of Section 25, T7N, R12W, commencing at SE corner Bridge Street & Front Avenue, thence E 50 feet, thence S 107.85 feet to alley, thence W 50 feet to E line Front Avenue, thence N 106.81 feet to beginning.

Parcel D—Part of Government Lot 1, Section 25, T7N, R12W, commencing at a point on S line of Bridge Street (66′ wide) 170 feet E of E line of Front Avenue (75′ wide), thence S 230 feet parallel with Front Avenue, thence W 170 feet parallel with Bridge Street to E line of Front Avenue, thence N along said line to a point 106.81 feet S of intersection of said line with extension of N & S line of Bridge Street, thence E 127 feet, thence northerly to a point on S line of Bridge Street 130 feet E of E line of Front Avenue, thence E along S line of Bridge Street to beginning.

Parcel E—Lots 1 through 8 of Block 2 of Converse Plat, being the subdivision of Government Lots 1 and 2, Section 25, T7N, R12W.

Also part of N ½ of Section 25, T7N, R12W, commencing at NW corner of Lot 9, Block 2 of J.W. Converse Replatted Addition; thence N 15 feet to SW corner of Lot 8; thence E 200 feet to SE corner Lot 1; thence S 15 feet to NE corner of Lot 10; thence W 200 feet to beginning.

Together with any portion of vacated streets and alleys that have become part of the above property.

(c) Terms and Conditions.—

(1) Compensation.—The land transferred pursuant to subsection (a) shall be transferred without compensation to the United States.

(2) Appointment of successor trustee.—In the event that the Gerald R. Ford Foundation for any reason is unable or unwilling to continue to serve as trustee, the Archivist of the United States is authorized to appoint a successor trustee.

(3) Reversionary interest.—If the Archivist of the United States determines that the Gerald R. Ford Foundation (or a successor trustee appointed under paragraph (2)) has breached its fiduciary duty under the trust agreement entered into pursuant to this section, the land transferred pursuant to subsection (a) shall revert to the United States under the administrative jurisdiction of the Archivist.

Sec. 515. (a) In General.—The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

(b) Content of Guidelines.—The guidelines under subsection (a) shall—

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) require that each Federal agency to which the guidelines apply—

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director—

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency.

Sec. 516. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

Sec. 517. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

Sec. 518. Not later than July 1, 2001, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs in the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that (1) evaluates, for each agency, the extent to which implementation of chapter 35 of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3501 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2001 and 2002 in the burden imposed by all rules issued by each agency that issued such a major rule.

TITLE VI—GENERAL PROVISIONS

Departments, Agencies, and Corporations

Sec. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Sec. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

Sec. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

Sec. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

Sec. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided *further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.*

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2001, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2000, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2001, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2001, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2001 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2001 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2000 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2000, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2000, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2000.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. (a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 625. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 626. Hereafter, the Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 627. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 628. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 629. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 630. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) Care Choices;

(C) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this *section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.*

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 631. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 632. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2001 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 633. (a) IN GENERAL.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(d) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 634. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 635. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 636. RETIREMENT PROVISIONS RELATING TO CERTAIN MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—(a) QUALIFIED MWAA POLICE OFFICER DEFINED.—For purposes of this section, the term "qualified MWAA police officer" means any individual who, as of the date of the enactment of this Act—

(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority (hereinafter in this section referred to as an "MWAA police officer"); and

(2) is subject to the Civil Service Retirement System or the Federal Employees' Retirement System by virtue of section 49107(b) of title 49, United States Code.

(b) ELIGIBILITY TO BE TREATED AS A LAW ENFORCEMENT OFFICER FOR RETIREMENT PURPOSES.—

(1) IN GENERAL.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer (within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(2) PRIOR SERVICE DESCRIBED.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual's election under this section, as—

(A) an MWAA police officer; or

(B) a member of the police force of the Federal Aviation Administration (hereinafter in this section referred to as an "FAA police officer").

(c) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective unless—

(1) it is made before the employee separates from service with the Metropolitan Washington Airports Authority, but in no event later than 1 year after the regulations under this subsection take effect; and

(2) it is accompanied by payment of an amount equal to, with respect to all prior service of such employee which is described in subsection (b)(2)—

(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, U.S.C. (as the case may be) if such election had then been in effect, minus

(B) the total employee deductions and contributions under such chapter 83 and 84 (as applicable) that were actually made for such service,

taking into account only amounts required to be credited to the Civil Service Retirement and Disability Fund. Any amount under paragraph (2) shall be computed with interest, in accordance with section 8334(e) of such title 5.

(d) GOVERNMENT CONTRIBUTIONS.—Whenever a payment under subsection (c)(2) is made by an individual with respect to such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund any additional contributions for which it would have been liable, with respect to such service, if such individual's election under this section had then been in effect (and, to the extent of any prior FAA police officer service, as if it had then been the employing agency). Any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

(e) CERTIFICATIONS.—The Office of Personnel Management shall accept, for the purpose of this section, the certification of—

(1) the Metropolitan Washington Airports Authority (or its designee) concerning any service performed by an individual as an MWAA police officer; and

(2) the Federal Aviation Administration (or its designee) concerning any service performed by an individual as an FAA police officer.

(f) REIMBURSEMENT TO COMPENSATE FOR UNFUNDED LIABILITY.—

(1) IN GENERAL.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

(2) PAYMENT METHOD.—The Metropolitan Washington Airports Authority shall pay the amount so determined in five equal annual installments, with interest (which shall be computed at the rate used in the most recent valuation of the Federal Employees' Retirement System).

SEC. 637. (a) For purposes of this section—

(1) the term "comparability payment" refers to a locality-based comparability payment under section 5304 of title 5, United States Code;

(2) the term "President's pay agent" refers to the pay agent described in section 5302(4) of such title; and

(3) the term "pay locality" has the meaning given such term by section 5302(5) of such title.

(b) Notwithstanding any provision of section 5304 of title 5, United States Code, for purposes of determining appropriate pay localities and making comparability payment recommendations, the President's pay agent may, in accordance with succeeding provisions of this section, make comparisons of General Schedule pay and non-Federal pay within any of the metropolitan statistical areas described in subsection (d)(3), using—

(1) data from surveys of the Bureau of Labor Statistics;

(2) salary data sets obtained under subsection (c); or

(3) any combination thereof.

(c) To the extent necessary in order to carry out this section, the President's pay agent may obtain any salary data sets (referred to in subsection (b)) from any organization or entity that regularly compiles similar data for businesses in the private sector.

(d)(1)(A) This paragraph applies with respect to the five metropolitan statistical areas described in paragraph (3) which—

(i) have the highest levels of nonfarm employment (as determined based on data made available by the Bureau of Labor Statistics); and

(ii) as of the date of the enactment of this Act, have not previously been surveyed by the Bureau of Labor Statistics (as discrete pay localities) for purposes of section 5304 of title 5, United States Code.

(B) The President's pay agent, based on such comparisons under subsection (b) as the pay agent considers appropriate, shall: (i) determine

whether any of the five areas under subparagraph (A) warrants designation as a discrete pay locality; and (ii) if so, make recommendations as to what level of comparability payments would be appropriate during 2002 for each area so determined.

(C)(i) Any recommendations under subparagraph (B)(ii) shall be included—

(I) in the pay agent's report under section 5304(d)(1) of title 5, United States Code, submitted for purposes of comparability payments scheduled to become payable in 2002; or

(II) if compliance with subclause (I) is impracticable, in a supplementary report which the pay agent shall submit to the President and the Congress no later than March 1, 2001.

(ii) In the event that the recommendations are completed in time to be included in the report described in clause (i)(I), a copy of those recommendations shall be transmitted by the pay agent to the Congress contemporaneous with their submission to the President.

(D) Each of the five areas under subparagraph (A) that so warrants, as determined by the President's pay agent, shall be designated as a discrete pay locality under section 5304 of title 5, United States Code, in time for it to be treated as such for purposes of comparability payments becoming payable in 2002.

(2) The President's pay agent may, at any time after the 180th day following the submission of the report under subsection (f), make any initial or further determinations or recommendations under this section, based on any pay comparisons under subsection (b), with respect to any area described in paragraph (3).

(3) An area described in this paragraph is any metropolitan statistical area within the continental United States that (as determined based on data made available by the Bureau of Labor Statistics and the Office of Personnel Management, respectively) has a high level of nonfarm employment and at least 2,500 General Schedule employees whose post of duty is within such area.

(e)(1) The authority under this section to make pay comparisons and to make any determinations or recommendations based on such comparisons shall be available to the President's pay agent only for purposes of comparability payments becoming payable on or after January 1, 2002, and before January 1, 2007, and only with respect to areas described in subsection (d)(3).

(2) Any comparisons and recommendations so made shall, if included in the pay agent's report under section 5304(d)(1) of title 5, United States Code, for any year (or the pay agent's supplementary report, in accordance with subsection (d)(1)(C)(i)(II)), be considered and acted on as the pay agent's comparisons and recommendations under such section 5304(d)(1) for the area and the year involved.

(f)(1) No later than March 1, 2001, the President's pay agent shall submit to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, a report on the use of pay comparison data, as described in subsection (b)(2) or (3) (as appropriate), for purposes of comparability payments.

(2) The report shall include the cost of obtaining such data, the rationale underlying the decisions reached based on such data, and the relative advantages and disadvantages of using such data (including whether the effort involved in analyzing and integrating such data is commensurate with the benefits derived from their use). The report may include specific recommendations regarding the continued use of such data.

(g)(1) No later than May 1, 2001, the President's pay agent shall prepare and submit to the committees specified in subsection (f)(1) a report relating to the ongoing efforts of the Office of Personnel Management, the Office of Management and Budget, and the Bureau of Labor Statistics to revise the methodology currently being used by the Bureau of Labor Statistics in performing its surveys under section 5304 of title 5, United States Code.

(2) The report shall include a detailed accounting of any concerns the pay agent may have regarding the current methodology, the specific projects the pay agent has directed any of those agencies to undertake in order to address those concerns, and a time line for the anticipated completion of those projects and for implementation of the revised methodology.

(3) The report shall also include recommendations as to how those ongoing efforts might be expedited, including any additional resources which, in the opinion of the pay agent, are needed in order to expedite completion of the activities described in the preceding provisions of this subsection, and the reasons why those additional resources are needed.

SEC. 638. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 639. MANDATORY REMOVAL FROM EMPLOYMENT OF FEDERAL LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES. (a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding after subchapter VI the following:

"SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

"§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies

"(a) In this section, the term—

"(1) 'conviction date' means the date on which an agency has notice of the date on which a conviction of a felony is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and

"(2) 'law enforcement officer' has the meaning given that term under section 8331(20) or 8401(17).

"(b) Any law enforcement officer who is convicted of a felony shall be removed from employment without regard to chapter 75 on the last day of the first applicable pay period following the conviction date.

"(c) This section does not prohibit the removal from employment before a conviction date.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7363 the following:

"SUBCHAPTER VI—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

"7551. Mandatory removal from employment of law enforcement officers convicted of felonies.".

SEC. 640. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

"7.5 .... January 1, 2001, to December 31, 2002.
7 .... After December 31, 2002."

and inserting the following:

"7 .... After December 31, 2000.";

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

"8 .... January 1, 2001, to December 31, 2002.
7.5 .... After December 31, 2002."

and inserting the following:

"7.5 .... After December 31, 2000.";

(3) in the matter relating to a Member for Member service by striking:

"8.5 .... January 1, 2001, to December 31, 2002.
8 .... After December 31, 2002."

and inserting the following:

"8 .... After December 31, 2000.";

(4) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

"8 .... January 1, 2001, to December 31, 2002.
7.5 .... After December 31, 2002."

and inserting the following:

"7.5 .... After December 31, 2000.";

(5) in the matter relating to a bankruptcy judge by striking:

"8.5 .... January 1, 2001, to December 31, 2002.
8 .... After December 31, 2002."

and inserting the following:

"8 .... After December 31, 2000.";

(6) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

"8.5 .... January 1, 2001, to December 31, 2002.
8 .... After December 31, 2002."

and inserting the following:

"8 .... After December 31, 2000.";

(7) in the matter relating to a United States magistrate by striking:

"8.5 .... January 1, 2001, to December 31, 2002.
8 .... After December 31, 2002."

and inserting the following:

"8 .... After December 31, 2000.";

(8) in the matter relating to a Court of Federal Claims judge by striking:

"8.5 .... January 1, 2001, to December 31, 2002.
8 .... After December 31, 2002."

and inserting the following:

"8 .... After December 31, 2000.";

(9) in the matter relating to a member of the Capitol Police by striking:

"8 .... January 1, 2001, to December 31, 2002.
7.5 .... After December 31, 2002."

and inserting the following:

"7.5 .... After December 31, 2000.";

and

(10) in the matter relating to a nuclear materials courier by striking:

"8 .... January 1, 2001 to December 31, 2002.
7.5 .... After December 31, 2002."

and inserting the following:

"7.5 .... After December 31, 2000.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) The applicable percentage under this paragraph for civilian service shall be as follows:

"Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	After December 31, 2000.
Congressional employee	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Nuclear materials courier	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.".

(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(ii) in the matter after the colon, by striking all that follows "December 31, 2000."; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(ii) in the matter after the colon, by striking all that follows "December 31, 2000.".

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

"January 1, 2001, through December 31, 2002, inclusive	7.5
After December 31, 2002	7"

and inserting the following:

"After December 31, 2000	7".

(e) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking all that follows "December 31, 2000." and inserting the following:

"7.5 .... After December 31, 2000.".

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(f) CIVIL SERVICE RETIREMENT SYSTEM.—Notwithstanding section 8334 (a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge;

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System;

in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

SEC. 641. (a) Section 5545b(d) of title 5, United States Code, is amended by inserting at the end the following new paragraph:

"(4) Notwithstanding section 8114(e)(1), overtime pay for a firefighter subject to this section for hours in a regular tour of duty shall be included in any computation of pay under section 8114.".

(b) The amendment in subsection (a) shall be effective as if it had been enacted as part of the Federal Firefighters Overtime Pay Reform Act of 1998 (112 Stat. 2681–519).

SEC. 642. Section 6323(a) of title 5, United States Code, is amended by adding at the end the following:

"(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.".

SEC. 643. Section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1988, as contained in the Act of December 22, 1987 (40 U.S.C. 490b), is amended by adding at the end the following:

"(e)(1) All existing and newly hired workers in any child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

"(2) For purposes of this subsection, the term 'executive facility' means a facility that is owned or leased by an office or entity within the executive branch of the Government (including one that is owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government).

"(3) Nothing in this subsection shall be considered to apply with respect to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.".

SEC. 644. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON

USE OF INTERNET.—None of the funds made available in this Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list that includes, personally identifiable information relating to an individual's access to or use of any Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list that includes, personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons; or

(2) any voluntary submission of personally identifiable information.

SEC. 645. (a)(1) Title 5, United States Code, is amended by inserting after section 5372a the following:

"§ 5372b. Administrative appeals judges

"(a) For the purpose of this section—

"(1) the term 'administrative appeals judge position' means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and

"(2) the term 'agency' means an Executive agency, as defined by section 105, but does not include the General Accounting Office.

"(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS–15 pursuant to section 5108.

"(c) A rate of basic pay fixed under this section shall be—

"(1) not less than the minimum rate of basic pay for level AL–3 under section 5372; and

"(2) not greater than the maximum rate of basic pay for level AL–3 under section 5372.".

(2) Section 7323(b)(2)(B)(ii) of title 5, United States Code, is amended by striking "or 5372a" and inserting "5372a, or 5372b".

(3) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5372a the following:

"5372b. Administrative appeals judges.".

(b) The amendment made by subsection (a)(1) shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

(1) the 120th day after the date of the enactment of this Act; or

(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.

SEC. 646. Not later than 60 days after the date of enactment of this Act, the Inspector General of each department or agency shall submit to Congress a report that discloses any activity of the applicable department or agency relating to—

(1) the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the department or agency; and

(2) entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits for governmental and nongovernmental Internet sites.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2001".

JOINT EXPLANATORY STATEMENT

Following is explanatory language on H.R. 4985, as introduced on July 26, 2000.

The conferees on H.R. 4516 agree with the matter inserted in this division of this conference agreement and the following description of this matter.

H.R. 4871, the House passed Treasury, Postal Service, and General Government Appropriations Bill, 2001, and S. 2900, the Senate reported Treasury and General Government Appropriation Bill, 2001, were the basis for development of the introduced bill. The following statement is an explanation of the action agreed upon in resolving the differences of those two bills and recommended in the accompanying conference report.

The conference agreement on the Treasury and General Government Appropriations Act, 2001, incorporates some of the language and allocations set forth in House Report 106–756 and in the Senate Report to accompany S. 2900. The language in these reports should be complied with unless specifically addressed in the accompanying statement of managers. Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

REPROGRAMMING AND TRANSFER OF FUNDS GUIDELINES

The conference agreement includes the following reprogramming guidelines which shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 2001:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;
2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;
3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;
4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;
5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;
6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;
7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,
8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conferees agree to provide $156,315,000 instead of $149,437,000 as proposed by the House and $149,610,000 as proposed by the Senate. Included in this amount is $7,332,000 to maintain current levels; $3,813,000 as a transfer from the Department-Wide Systems and Capital Investments Programs (SCIP); $3,027,000 to annualize the costs of the fiscal year 2000 drug supplemental for the Office of Foreign Asset Control (OFAC); $854,000 to annualize the costs of filling 6 positions with the Office of International Affairs during fiscal year 2000; $2,899,000 for OFAC program initiatives; $504,000 and no more than 3 positions for increased management and coordination by the Office of Enforcement of the Department's involvement in the National Money Laundering Strategy; $2,900,000 for grants to state and local law enforcement groups to help combat money laundering; $502,000 for reimbursements to Morris County, New Jersey, for law enforcement agencies; $150,000 for reimbursements to Arlington County, Virginia, law enforcement agencies; and not to exceed $300,000 to reimburse the State Police, the police departments of the towns of New Castle, North Castle, Mount Kisco, Bedford, and the Department of Public Safety of Westchester County of the State of New York.

RECEPTION AND REPRESENTATION ALLOWANCES

The conferees are concerned to learn that, over the past several years, the Office of the Under Secretary of Enforcement has required the various Treasury law enforcement bureaus to transfer a portion of their reception and representation funds to the Office of the Under Secretary. Although there may be certain functions appropriate to the involvement of all the Treasury law enforcement bureaus, the conferees remind the Under Secretary that expenses for these events are accommodated within the amounts authorized for Departmental Offices reception and representation allowances. In the event that the Under Secretary believes that Departmental Offices representation allowances are insufficient to meet current needs, the Under Secretary should submit a justification for increases to this allowance to the Committees for its consideration. The conferees also direct the Under Secretary to submit for advance approval any requirement to use reception and representation allowance funds from any appropriation account other than Departmental Offices, Salaries and Expenses.

ALTERNATIVE FUELS

The conferees urge the Treasury Department to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting the Department's fuel needs.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

The conferees agree to provide $47,287,000 instead of $41,787,000 as proposed by the

House and $37,279,000 as proposed by the Senate. Included in this amount is $14,779,000 for communications infrastructure (including radios and related equipment) associated with Departmental law enforcement responsibilities for the Salt Lake City Winter Olympics; $2,000,000 for Critical Infrastructure Protection; and $3,500,000 for Public Key Infrastructure.

Office of Inspector General

SALARIES AND EXPENSES

The conferees agree to provide $32,899,000 as proposed by the Senate instead of $31,940,000 as proposed by the House.

Treasury Inspector General for Tax Administration

SALARIES AND EXPENSES

The conferees agree to provide $118,427,000 as proposed by Senate instead of $115,477,000 as proposed by the House.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

The conferees agree to provide $31,000,000 as proposed by the House instead of $22,700,000 as proposed by the Senate.

EXPANDED ACCESS TO FINANCIAL SERVICES

The conferees agree to provide $2,000,000 as proposed by the House instead of $400,000 as proposed by the Senate. The conferees agree to $300,000 to assist one or more locally-owned Alaska banking institutions and community partners and $100,000 to begin a pilot program with the Metropolitan Family Services' Family Economic Development program.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

The conferees agree to provide $37,576,000 as proposed by the Senate instead of $34,694,000 as proposed by the House.

COUNTERTERRORISM FUND

The conferees agree to provide $55,000,000 for the Counterterrorism Fund as proposed by the Senate instead of no appropriation as proposed by the House. Funds are provided as a contingent emergency.

Treasury Forefeiture Fund

The conferees are aware that the $42,500,000 assumed to be available by the Administration in the Super Surplus to the Treasury Forfeiture Fund will not be available in fiscal year 2001. Activities proposed for funding through this account have been included in either Salaries and Expenses or Construction related accounts, as appropriate, for the individual law enforcement bureaus.

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

The conferees agree to provide $94,483,000 instead of $93,483,000 as proposed by the House and $93,198,000 as proposed by the Senate. Included in this amount is $1,000,000 for the rural law enforcement education project.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $29,205,000 as proposed by the Senate instead of $17,331,000 as proposed by the House.

Interagency Law Enforcement

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $103,476,000 as proposed by the House instead of $90,976,000 as proposed by the Senate.

Financial Management Service

SALARIES AND EXPENSES

The conferees agree to provide $206,851,000 instead of $198,736,000 as proposed by the House and $202,851,000 as proposed by the Senate. The conferees fully fund the President's request. In addition, the conferees include $4,000,000 to partially fund a budget shortfall. The conferees fully concur with the language on this topic contained under Departmental Offices in the Senate Report accompanying S. 2900.

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

The conferees agree to provide $768,695,000 instead of $731,325,000 as proposed by the House and $724,937,000 as proposed by the Senate. The conferees fully fund the President's request with the exception of $5,521,000 for tobacco compliance initiatives and $4,148,000 for the proposed Joint Terrorism Task Forces.

Gang Resistance Education and Training Grants

The conferees agree to provide $13,000,000 for grants to local law enforcement organizations as proposed by the Senate.

United States Customs Service

SALARIES AND EXPENSES

The conferees agree to provide $1,863,765,000 instead of $1,822,365,000 as proposed by the House and $1,804,687,000 as proposed by the Senate. Included in this amount is $13,700,000 for the second year of funding of the fiscal year 2000 Southwest Border initiative; $10,000,000 for security enhancements along the northern border; $11,000,000 for vehicle replacement; $3,700,000 for money laundering; $9,500,000 for drug investigations; and an additional $5,000,000 to combat forced child labor. Additionally, the conferees include $500,000 for Customs' ongoing research on trade of agricultural commodities and products at a Northern Plains university with an agricultural economics program and support the use of $2,500,000 for the acquisition of Passive Radar Detection Technology.

Targeted Resources for the Southwest Border

The conferees provide $13,700,000 to be combined with the $11,300,000 in fiscal year 2000 Super Surplus of the Treasury Forfeiture Fund to hire new inspectors, agents, or acquire new detection technology for use along the Southwest border for a total of $25,000,000. The House conferees do not concur with the Senate Report language on Targeted Resources for the Southwest Border.

Ports of Entry

The conferees have received numerous requests to establish, expand, or preserve Customs presence at various ports, as well as, to designate new ports of entry. Customs has made a commitment to put in place a staffing resource allocation model to permit a more transparent and consistent basis for making such decisions, but the delay in doing so has caused concern about the ability of Customs to fulfill its responsibilities. The conferees therefore direct the Treasury Department and Customs to complete this model and to report to the Committees on Appropriations not later than November 1, 2000 on its implementation. In relation to this, the conferees urge the Customs Service to give full consideration to the needs of the following areas for increases or improvements in Customs services: Fargo, North Dakota; Highgate Springs, Vermont; Charleston, South Carolina; Charleston, West Virginia; Honolulu, Hawaii; Great Falls, Sweetgrass-Coutts, and Missoula, Montana; Tri-Cities Regional Airport, Tennessee; Dulles International Airport; Louisville International Airport; Miami International Airport; Pittsburg, New Hampshire; San Antonio, Texas; and multiple port areas in Arizona, New Mexico, and Florida.

Operation, Maintenance and Procurement

AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $133,228,000 instead of $125,778,000 as proposed by the House and $128,228,000 as proposed by the Senate. Included in this amount is $5,000,000 for source zone deployment of P–3's; $2,174,000 to maintain current levels; $7,450,000 for flight safety and enhancements; and $9,916,000 for costs associated with the delivery of new P–3's.

Automation Modernization

The conferees agree to provide $258,400,000 instead of $233,400,000 as proposed by the House and $128,400,000 as proposed by the Senate. Included in this amount is $5,400,000 for the International Trade Data System, as well as, not less than $130,000,000 to begin work on the Automated Commercial Environment (ACE).

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

The conferees agree to provide $182,901,000 as proposed by the House and Senate. The conferees agree to include a provision as proposed by the Senate with respect to administrative costs associated with certain trust funds.

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conferees agree to provide $3,567,001,000 instead of $3,487,232,000 as proposed by the House and $3,506,939,000 as proposed by the Senate. The conferees fully fund the President's request with respect to adjustments required to maintain current levels of service, organizational modernization, and operational contract support. The funding level also reflects an increase of $60,000,000 above the fiscal year 2000 level as a result of an inter-appropriation transfer during fiscal year 2000. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative, a proposed fiscal year 2001 inter-appropriation transfer, or the electronic tax administration marketing initiative.

IRS DATA FOR ECONOMIC MODELING

The conferees are aware of the critical importance and usefulness of IRS data to economic modeling, such as the modeling used to project the economic impact of proposed Social Security legislation. The conferees direct IRS to continue working closely with the Bureau of the Census to ensure the appropriate availability of these data in a timely manner to groups such as the Congressional Budget Office (CBO) to facilitate the operation of CBO's long-term models of Social Security and Medicare. CBO requires records from the IRS' Statistics Of Income that are matched with survey data from the Bureau of the Census (involving the Current Population Survey and the Survey of Income and Program Participation) and records of the Social Security Administration with all record identifiers removed.

TAX LAW ENFORCEMENT

The conferees agree to provide $3,382,402,000 instead of $3,332,676,000 as proposed by the House and $3,378,040,000 as proposed by the Senate. The conferees fully fund the President's request with respect to adjustments required to maintain current levels of service and operational contract support. The funding level also reflects a decrease of $100,000,000 below the fiscal year 2000 level as a result of an inter-appropriation transfer during fiscal year 2000 and a decrease of $666,000 for a transfer to the Treasury Inspector General for Tax Administration, as requested. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative or for the Counterterrorism Initiative, nor have they agreed to a proposed transfer of $41,000,000 out of the account as an inter-appropriation transfer during fiscal year 2001.

INFORMATION SYSTEMS

The conferees agree to provide $1,545,090,000 instead of $1,488,090,000 as proposed by the House and $1,505,090,000 as proposed by the Senate. The conferees fully fund the President's request with the exception of the Staffing Tax Administration for Balance and Equity (STABLE) initiative and $3,000,000 for an inter-appropriation transfer proposed for fiscal year 2001.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 101. The conferees agree to continue a provision which allows the transfer of 5 percent of any appropriation made available to the IRS to any other IRS appropriation subject to Congressional approval.

Section 102. The conferees agree to continue a provision which requires the IRS to maintain a training program in taxpayers' rights, dealing courteously with taxpayers, and cross cultural relations.

Section 103. The conferees agree to continue a provision which requires the IRS to institute and enforce policies and practices that will safeguard the confidentiality of taxpayer information.

Section 104. The conferees agree to continue a provision proposed by the Senate with respect to the IRS 1–800 help line service.

United States Secret Service

SALARIES AND EXPENSES

The conferees agree to provide $823,800,000 as proposed by the House instead of $778,279,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $8,941,000 instead of $5,021,000 as proposed by the House and $4,283,000 as proposed by the Senate. Included in this amount $3,920,000 for security enhancements at the Vice President's residence.

General Provisions—Department of the Treasury

Section 110. The conferees agree to continue a provision which requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities.

Section 111. The conferees agree to continue a provision which allows the Department of the Treasury to purchase uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the Department of State for health and medical services for Treasury employees in overseas locations.

Section 112. The conferees agree to continue a provision which requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Administration Act.

Section 113. The conferees agree to continue a provision which authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114. The conferees agree to continue a provision which authorizes the transfer, up to 2 percent, between the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of Public Debt appropriations under certain circumstances.

Section 115. The conferees agree to include a new provision proposed by the House that authorizes transfer, up to 2 percent, between the Internal Revenue Service and the Treasury Inspector General for Tax Administration under certain circumstances.

Section 116. The conferees agree to continue a provision regarding the purchase of law enforcement vehicles.

Section 117. The conferees agree to continue a provision proposed by the House which prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the $1 Federal Reserve Note.

Section 118. The conferees agree to continue and make permanent a provision which authorizes Treasury law enforcement agencies to pay their protection officers premium pay in excess of the pay period limitation.

Section 119. The conferees agree to include a new provision that provides for transfer from and reimbursements to the Salaries and Expenses appropriation of the Financial Management Service for the purposes of debt collection.

Section 120. The conferees agree to include a new provision that extends the Treasury Franchise Fund through October 1, 2002.

Section 121. The conferees agree to include a new provision that requires that no reorganization of the U.S. Customs Service shall result in a reduction of service to the area served by the Port of Racine, Wisconsin, below the level of service provided in fiscal year 2000.

Section 122. The conferees agree to include a new provision proposed by the House authorizing and directing the Bureau of Alcohol, Tobacco and Firearms to reimburse the subcontractor that provided services in 1993 and 1994 pursuant to Bureau of Alcohol, Tobacco and Firearms contract number TATF 93–3 out of fiscal year 2001 appropriations or prior year unobligated balances.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

The conferees agree to provide $96,093,000 as proposed by the House instead of $67,093,000 as proposed by the Senate. Of this amount, $67,093,000 is provided as an advance appropriation for free and reduced rate mail and $29,000,000 is provided for reimbursement to the Postal Service for prior year losses.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President and the White House Office

SALARIES AND EXPENSES

The conferees agree to provide $53,288,000 as proposed by the Senate instead of $52,135,000 as proposed by the House and include a proviso that $9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency, as proposed by the House.

Executive Residence at the White House

OPERATING EXPENSES

The conferees agree to provide $10,900,000 as proposed by the Senate instead of $10,286,470 as proposed by the House.

White House Repair and Restoration

The conferees agree to provide $968,000 instead of $5,510,000 as proposed by the Senate and $658,000 as proposed by the House. The conferees provide $458,000 for the design and replacement of the existing concrete raceway containing voice and communication lines serving the East Wing and the Executive Residence instead of the full request of $5,000,000. The conferees direct the Executive Residence to submit a completed design to the Committees on Appropriations, including an estimate of total construction costs associated with this project.

Special Assistance to the President and Official Residence of the Vice President

SALARIES AND EXPENSES

The conferees agree to provide $3,673,000 as proposed by the Senate instead of $3,664,000 as proposed by the House.

Council of Economic Advisors

SALARIES AND EXPENSES

The conferees agree to provide $4,110,000 as proposed by the Senate instead of $3,997,000 as proposed by the House.

Office of Policy Development

SALARIES AND EXPENSES

The conferees agree to provide $4,032,000 as proposed by the Senate instead of $4,030,000 as proposed by the House.

National Security Council

SALARIES AND EXPENSES

The conferees agree to provide $7,165,000 as proposed by the Senate instead of $7,148,000 as proposed by the House.

Office of Administration

SALARIES AND EXPENSES

The conferees agree to provide $43,737,000 as proposed by the Senate instead of $41,185,000 as proposed by the House. The conferees agree to delete language proposed by the House to delay the effective date of section 638(h) of Public Law 106–58, regarding the establishment of a Chief Financial Officer within the Executive Office of the President.

Office of Management and Budget

SALARIES AND EXPENSES

The conferees agree to provide $68,786,000 instead of $67,143,000 as proposed by the House and $67,935,000 as proposed by the Senate. The conferees fully fund the President's request.

APPORTIONMENT FOR INTERNATIONAL FOOD ASSISTANCE PROGRAMS

The conferees do not concur with the House report language regarding apportionment for International Food Assistance Programs.

Office of National Drug Control Policy

SALARIES AND EXPENSES

The conferees agree to provide $24,759,000 as proposed by the House instead of $24,312,000 as proposed by the Senate.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

The conferees agree to provide $29,053,000 instead of $29,750,000 as proposed by the House and $29,052,000 as proposed by the Senate.

Federal Drug Control Programs

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

The conferees agree to provide $206,500,000 instead of $217,000,000 as proposed by the House and $196,000,000 as proposed by the Senate. The conferees fully fund the Administration's request, and include an additional $14,500,000 to increase funding or expand existing HIDTAs, or to fund newly designated

HIDTAs. The conferees provide that existing HIDTAs shall be funded at fiscal year 2000 levels unless the ONDCP Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness (PMEs). Similarly, while the conferees provide additional funding that may be used for newly designated HIDTAs, they direct that no funds may be obligated for such purposes until similar justification is provided to the Committees for approval.

The ability to evaluate effectiveness of individual HIDTAs, and to match funding needs against budgets, depends on reliable and consistent methodology for performance measurement and management. This is particularly important given the key role HIDTAs play in bringing together many divergent counterdrug agencies and cross-cutting programs—which also exacerbates the problem of isolating the impact of HIDTAs. The conferees anticipate that the completion of work by the HIDTA Performance Management Working Group will improve performance measurement methodology and data collection covering the three main target areas identified in 1999. These are: increasing compliance with HIDTA developmental standards; dismantling or disabling at least 5 percent of targeted drug trafficking organizations; and reducing specific types of violent crime. The conferees support ONDCP plans to validate and verify the HIDTA management, including the use of on-site reviews and external financial evaluations.

As ONDCP reviews candidates for new HIDTA funding, the conferees direct it to consider the following: Las Vegas, NV; Arkansas, Minnesota, North Carolina, and Northern Florida, which have requested designation; increases for Central Florida, Southwest Border (for New Mexico, South Texas, West Texas, and Arizona), New England, Gulf Coast, Oregon, Northwest (including southwest and eastern Washington), and Chicago HIDTAs; and full minimum funding for new HIDTAs in Central Valley, California, Hawaii, and Ohio. The conferees urge ONDCP to consider using funds provided above the budget request for designating new HIDTAs from areas which have already submitted requests.

SPECIAL FORFEITURE FUND

The conferees agree to provide $233,600,000 instead of $219,000,000 as proposed by the House and $144,300,000 as proposed by the Senate. Of this amount, the conferees provide $185,000,000 for the National Youth Anti-Drug Media Campaign; $40,000,000 to carry out the Drug-Free Communities Act; $3,000,000 for the costs of space and operations of the counter drug intelligence executive secretariat (CDX); $3,300,000 for anti-doping efforts of the United States Olympic Committee; $1,300,000 to the Metro Intelligence Support and Technical Investigative Center (MISTIC); and $1,000,000 for the National Drug Court Institute.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

The conferees negate neither the House nor Senate Committee Report language regarding the youth media campaign. The conferees are concerned with ONDCP's use of pro bono credits under the match program for programming content, and note with interest the Statement of Pro-Bono Match Program and Guidelines that ONDCP posted on its website in July 2000. Consistent with those guidelines, the conferees direct that ONDCP not issue credits for ad time and/or space if already purchased with funds appropriated for the campaign. Furthermore, the conferees direct that ONDCP not issue any credits for programming content once a program is in syndication unless it has previously reported to the Committees on Appropriations reasons why such credit is necessary. Finally, the conferees underscore the language on page 11 of the guidelines that reads "ONDCP exercises its authority to review public service match materials for credit and valuation through its primary advertising contractor. No ONDCP contractor may make suggestions or requests about, or otherwise attempt to influence or modify the creative product of any media organization or representative for the purpose of qualifying for pro bono match credit." In keeping with this the conferees direct ONDCP to ensure that neither it nor its contractor will review programming content under consideration for pro bono credit under the match program until such programming is in its final form.

TITLE IV—INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

The conferees agree to provide $40,500,000 instead of $40,240,000 as proposed by the House and $39,755,000 as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The conferees agree to provide $5,971,509,000 in new obligational authority instead of $5,272,370,000 as proposed by the House and $5,502,333,000 as proposed by the Senate. The conferees directly appropriate $464,154,000 into the Fund to cover a portion of the new obligational needs of the Fund.

AFRICAN BURIAL GROUND

The conferees recognize the efforts of GSA to memorialize the 17th and 18th century African Americans whose remains were discovered during the excavation for a new federal building at Foley Square in lower Manhattan. Since 1992, significant work has been conducted on the memorialization but additional work is required prior to and including the reinterment of the remains. The conferees expect GSA to complete the project using funds made available from the Federal Buildings Fund or from the borrowing authority remaining for the buildings project at Foley Square.

CONSTRUCTION AND ACQUISITION

The conferees agree to provide $472,176,000 instead of no funding as proposed by the House and $3,000,000 as proposed by the Senate. These funds are provided for nine projects. The conferees direct GSA to provide a written report to the Committees on Appropriations with respect to how GSA plans to allocate these funds among the various projects prior to allocating the funds. Within the funds provided the conferees have included $3,500,000 for the design and site acquisition of a combined law enforcement facility in Saint Petersburg, Florida.

The conferees also agree to provide $276,400,000 as an advance appropriation, not available until October 1, 2001, for four courthouse construction projects.

REPAIRS AND ALTERATIONS

The conferees agree to provide $671,193,000 as proposed by the Senate instead of $490,592,000 as proposed by the House. This level fully funds the request with the following exceptions: no funds are provided for the chlorofluorocarbon program, the energy program is funded at $5,000,000, and the glass fragment retention program is funded at $5,000,000.

BUILDING OPERATIONS

The conferees agree to provide $1,624,771,000 as proposed by the Senate instead of $1,580,909,000 as proposed by the House. Within this limitation level, the conferees have included $500,000 to conduct a site selection analysis for a replacement facility for the National Center for Environmental Prediction of the National Oceanic and Atmospheric Administration, currently located in Camp Springs, Maryland. The delineated area shall be in the Washington, D.C. Metropolitan area and include the consideration of appropriate educational institutions qualified to be project partners. A report on the findings of the study shall be provided to the conferees within 120 days of the enactment of this Act.

POLICY AND OPERATIONS

The conferees agree to provide $123,920,000 instead of $123,420,000 as proposed by the Senate and $115,434,000 as proposed by the House. Increases above the enacted level include $3,285,000 for pay costs to maintain current levels, $2,075,000 for protection and maintenance at the Lorton complex in Virginia, and $8,000,000 for the critical infrastructure protection initiative. The conferees agree to provide up to $500,000 for virtual archive storage. And agree to provide $190,000, from within available funds, for the Plains States Depopulation Symposium as proposed by the Senate. The conferees do not agree to the reduction of funding from the fiscal year 2000 level for the digital learning technology effort and direct that $1,000,000 be used to continue a digital medical education project in connection with the Native American Digital Telehealth Project and Upper Great Plains Native American Telehealth Program and that $1,000,000 be used to continue activities that will be the basis for the 21st Century Distributed Learning Environment in Education.

ALTERNATIVE FUELS

The conferees urge the General Services Administration to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting GSA's fuel needs.

EXPENSES, PRESIDENTIAL TRANSITION

The conferees agree to provide $7,100,000, as proposed by the Senate instead of no appropriation as proposed by the House.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

Section 401. The conferees agree to continue a provision that provides that accounts available to GSA shall be credited with certain funds received from government corporations.

Section 402. The conferees agree to continue a provision that provides that funds available to GSA shall be available for the hire of passenger motor vehicles.

Section 403. The conferees agree to continue a provision that authorizes GSA to transfer funds within the Federal Buildings Fund to meet program requirements subject to approval by the Committees on Appropriations.

Section 404. The conferees agree to continue a provision that prohibits the use of funds to submit a fiscal year 2001 budget request for courthouse construction projects that do not meet design guide criteria, do not reflect the priorities of the Judicial Conference of the United States, and are not accompanied by a standardized courtroom utilization study.

Section 405. The conferees agree to continue a provision that provides that no funds may be used to increase the amount of occupiable square feet or provide cleaning services, security enhancements, or any other service usually provided to any agency which does not pay the requested rental rates.

Section 406. The conferees agree to continue a provision that provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund.

Section 407. The conferees agree to continue a provision that permits GSA to pay claims of up to $250,000 arising from construction projects and the acquisition of buildings.

Section 408. The conferees agree to include a provision as proposed by the House to provide a one-year extension to the period for which voluntary separation incentive payments may be offered by the Administrator of the General Services to qualified employees.

Section 409. The conferees agree to include a new provision proposed by the Senate designating the Federal Building and United States Courthouse located at 102 North 4th Street in Grand Forks, North Dakota, as the "Ronald N. Davies Federal Building and United States Courthouse".

Section 410. The conferees agree to include a new provision proposed by the Senate regarding the Columbus, New Mexico border station.

Section 411. The conferees agree to include a new provision proposed by the Senate designating the United States Bankruptcy Courthouse located at 1100 Laurel Street in Columbia, South Carolina, as the "J. Bratton Davis United States Bankruptcy Courthouse".

Section 412. The conferees agree to include a new provision proposed by the Senate designating the United States Courthouse Annex located at 901 19th Street in Denver, Colorado, as the "Alfred A. Arraj United States Courthouse Annex".

Section 413. The conferees agree to include a new provision proposed by the Senate designating the dormitory building currently being constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, as the "Paul Coverdell Dormitory".

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

The conferees agree to provide $29,437,000 as proposed by the Senate instead of $28,857,000 as proposed by the House.

FEDERAL PAYMENT TO THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

The conferees agree to provide $2,000,000 as proposed by the House instead of $1,000,000 as proposed by the Senate.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

The conferees agree to provide $1,250,000 as proposed by the House instead of $500,000 as proposed by the Senate.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

The conferees agree to provide $209,393,000 as proposed by the Senate instead of $195,119,000 as proposed by the House, of which up to $5,000,000 may be used for the implementation of the Nazi War Crimes Disclosure Act (5 U.S.C. 552 note; Public Law 105-246), including preservation and restoration of declassified records, public access and dissemination activities, and necessary support services for the Nazi War Criminal Records Interagency Working Group.

REPAIRS AND RESTORATION

The conferees agree to provide $95,150,000 instead of $5,650,000 as proposed by the House and $4,950,000 as proposed by the Senate. This level of funding provides $4,950,000 for the base repairs and restoration program, $88,000,000 for the major repair and restoration project at the main Archives building, $1,500,000 for the construction of a new Southeast Regional Archives facility, and $700,000 for the design of a 10,000-square-foot extension to the Gerald R. Ford museum.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

The conferees agree to provide $6,450,000 as proposed by the Senate instead of $6,000,000 as proposed by the House.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

The conferees agree to provide $94,095,000 as proposed by the Senate instead of $93,471,000 as proposed by the House.

PARENTAL LEAVE

The conferees direct the Office of Personnel Management to conduct a study to develop alternative means for providing Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child, and submit a report containing its findings and recommendations to the Committees on Appropriations by September 30, 2001. The report should include projected utilization rates and views as to whether this benefit can be expected to curtail the rate at which Federal employees are being lost to the private sector, help the Federal government recruit and retain employees, reduce turnover and replacement costs, and contribute to parental involvement during a child's formative years.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conferees agree to provide $101,986,000 as proposed by the House instead of $99,624,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conferees agree to provide $1,360,000 as proposed by the House instead of $1,356,000 as proposed by the Senate.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

The conferees agree to provide $11,147,000 instead of $10,319,000 as proposed by the House and $10,733,000 as proposed by the Senate. The conferees fully fund the President's request.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

The conferees agree to provide $37,305,000 as proposed by the House instead of $35,474,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

THIS ACT

Section 501. The conferees agree to continue the provision limiting the expenditure of funds to the current year unless expressly provided in this Act.

Section 502. The conferees agree to continue the provision limiting the expenditure of funds for consulting services under certain conditions.

Section 503. The conferees agree to continue the provision prohibiting the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

Section 504. The conferees agree to continue the provision prohibiting the transfer of control over the Federal Law Enforcement Training Center out of the Department of the Treasury.

Section 505. The conferees agree to continue the provision concerning employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces.

Section 506. The conferees agree to continue the provision that requires compliance with the Buy American Act.

Section 507. The conferees agree to continue the provision concerning prohibition of contracts that use certain goods not made in America.

Section 508. The conferees agree to continue the provision prohibiting contract eligibility where fraudulent intent has been proven in affixing "Made in America" labels.

Section 509. The conferees agree to continue the provision prohibiting the expenditure of funds for abortions under the FEHBP, as proposed by the House.

Section 510. The conferees agree to continue the provision that would authorize the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest, as proposed by the House.

Section 511. The conferees agree to continue the provision providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 512. The conferees agree to continue the provision restricting the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

Section 513. The conferees agree to continue the provision that cost accounting standards under the Federal Procurement Policy Act shall not apply to the FEHBP.

Section 514. The conferees agree to include a new provision that transfers a parcel of land from the Gerald R. Ford Library and Museum to the Gerald R. Ford Foundation as trustee, with reversionary interest as proposed by the House.

Section 515. The conferees include a new provision requiring OMB to develop guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies as proposed by the House.

Section 516. The conferees agree to include a new provision permitting OPM to utilize certain funds to resolve litigation and implement settlement agreements regarding the non-foreign area cost-of-living allowance program as proposed by the Senate.

Section 517. The conferees include and modify a provision prohibiting the use of funds for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol as proposed by the House.

Section 518. The conferees agree to include a new provision requiring OMB to report to Congress on the effectiveness of the Paperwork Reduction Act of 1975 as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES AND CORPORATIONS

Section 601. The conferees agree to continue the provision authorizing agencies to pay costs of travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Section 602. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603. The conferees agree to continue the provision regarding price limitations on vehicles to be purchased by the Federal Government.

Section 604. The conferees agree to continue the provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 605. The conferees agree to continue the provision prohibiting the Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S.

Section 606. The conferees agree to continue the provision ensuring that agencies will have authority to pay GSA bills for space renovation and other services.

Section 607. The conferees agree to continue the provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 608. The conferees agree to continue the provision providing that funds may be used by certain groups to pay rent and other service costs in the District of Columbia.

Section 609. The conferees agree to continue the provision providing that no funds may be used to pay any person filling a nominated position that has been rejected by the Senate.

Section 610. The conferees agree to continue the provision precluding the financing of groups by more than one Federal agency absent prior and specific statutory approval.

Section 611. The conferees agree to continue the provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards as proposed by the Senate.

Section 612. The conferees agree to continue the provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the U.S.

Section 613. The conferees agree to continue the provision limiting the pay increases of certain prevailing rate employees.

Section 614. The conferees agree to continue the provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Section 615. The conferees agree to continue the provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Section 616. The conferees agree to continue the provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Section 617. The conferees agree to continue the provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 618. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 619. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 620. The conferees agree to continue the provision prohibiting the payment of the salary of any employee who prohibits, threatens or prevents another employee from communicating with Congress.

Section 621. The conferees agree to continue the provision prohibiting Federal training not directly related to the performance of official duties.

Section 622. The conferees agree to continue and modify the provision prohibiting the expenditure of funds for implementation of agreements in nondisclosure policies unless certain provisions are included.

Section 623. The conferees agree to continue the provision prohibiting use of appropriated funds for publicity or propaganda designed to support or defeat legislation pending in Congress.

Section 624. The conferees agree to continue and make permanent the provision directing OMB to provide an accounting statement and report on the cumulative costs and benefits of Federal regulatory programs.

Section 625. The conferees agree to continue the provision prohibiting any Federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order.

Section 626. The conferees agree to continue and make permanent the provision authorizing the Secretary of the Treasury to establish scientific canine explosive detection standards.

Section 627. The conferees agree to continue the provision prohibiting funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the Government without the approval of the Committees on Appropriations.

Section 628. The conferees agree to continue the provision prohibiting the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 629. The conferees agree to continue the provision directing agency employees to use official time in an honest effort to perform official duties.

Section 630. The conferees agree to continue, and include technical modifications to the provision addressing contraceptive coverage in health plans participating in the FEHBP, making it identical to current law as enacted by Section 625 of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 2000 and deleting the names of two plans that no longer participate in the program.

Section 631. The conferees agree to continue the provision authorizing the use of fiscal year 2001 funds to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 632. The conferees agree to continue and modify the provision authorizing agencies to transfer funds to the Policy and Operations account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 633. The conferees agree to continue and modify the provision authorizing agencies to provide child care in federal facilities.

Section 634. The conferees agree to continue and modify the provision authorizing breast feeding at any location in a Federal building or on Federal property.

Section 635. The conferees agree to include a new provision that permits interagency funding of the National Science and Technology Council as proposed by the House.

Section 636. The conferees agree to include a new provision concerning retirement provisions relating to certain members of the police force of the Metropolitan Washington Airports Authority as proposed by the House.

Section 637. The conferees agree to include a new provision authorizing the President's Pay Agent to use appropriate data from sources other than the Bureau of Labor Statistics in making new locality pay designations as proposed by the House.

Section 638. The conferees agree to continue the provision requiring identification of the Federal agencies providing Federal funds and the amount provided for all proposals, solicitations, grant applications, forms, notifications, press releases, or other publications related to the distribution of funding to a State.

Section 639. The conferees agree to include a new provision requiring the mandatory removal from employment of any law enforcement officer convicted of a felony as proposed by the Senate.

Section 640. The conferees agree to include a new provision to restore the federal employee retirement contribution share to pre-1999 levels.

Section 641. The conferees agree to include a new provision making a modification to the calculation of disability pay for federal firefighters as proposed by the House.

Section 642. The conferees agree to include a new provision that includes a technical modification to the basis for using inactive duty military leave as proposed by the House.

Section 643. The conferees agree to include a new provision that requires criminal background checks for employees at federally provided day care facilities of the executive branch as proposed by the House.

Section 644. The conferees include a new provision prohibiting the use of funds in this Act by any federal agency to use federal Internet sites to collect or review personally identifiable information, or to create aggregate lists that include personally identifiable information, about individuals who access federal Internet sites. The conferees are concerned with federal agencies improper use of certain computer technologies, such as "cookies", and do not want this use to continue until the appropriate Congressional committees establish a government-wide, consistent policy, under the force of law, that provides the necessary protections against the unintentional and involuntary collection of personal information. This provision exempts the voluntary submission of personally identifiable information via federal Internet sites.

Section 645. The conferees agree to include a new provision that makes pay rates for Administrative Appeals Judges comparable to Administrative Law Judges as proposed by the House.

Section 646. Conferees agree to include a new provision that requires the Inspector General of each department or agency to submit to Congress a report that discloses any activity relating to the collection of data about individuals who access any Internet site of the department or agency.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follows:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2000	$28,069,062
Budget estimates of new (obligational) authority, fiscal year 2001	31,756,826

House bill, fiscal year 2001	29,102,263
Senate bill, fiscal year 2001	29,433,584
Conference agreement, fiscal year 2001	30,371,528
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+2,302,466
Budget estimates of new (obligational) authority, fiscal year 2001	−1,385,298
House bill, fiscal year 2001	+1,269,265
Senate bill, fiscal year 2001	+937,944

Amendment No. 2: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment numbered 1.

Amendment No. 3: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment numbered 1.

Amendment No. 4: Deletes the matter inserted. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment numbered 1.

CHARLES H. TAYLOR,
ZACH WAMP,
JERRY LEWIS,
KAY GRANGER,
JOHN E. PETERSON,
C.W. BILL YOUNG,
Managers on the Part of the House.
ROBERT F. BENNETT,
TED STEVENS,
LARRY CRAIG,
THAD COCHRAN,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 1 minute a.m.), the House stood in recess subject to the call of the Chair.

☐ 0910

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 10 minutes a.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–797) on the resolution (H. Res. 565) waiving points of order against the conference report to accompany the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4678, CHILD SUPPORT DISTRIBUTION ACT OF 2000

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–798) on the resolution (H. Res. 566) providing for consideration of the bill (H.R. 4678) to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A CONCURRENT RESOLUTION FOR THE ADJOURNMENT OF THE HOUSE AND SENATE FOR THE SUMMER DISTRICT WORK PERIOD

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–799) on the resolution (H. Res. 567) providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the summer district work period, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 4437. An act to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

H. Con. Res. 351. Concurrent resolution recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3519. An act to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 1167) "An Act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-goverance by Indian tribes, and for other purposes."

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1586. An act to reduce the fractionated ownership of Indian lands, and for other purposes.

S. 2516. An act to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

(The following Members (at the request of Mr. VITTER) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today and July 27.

Mr. METCALF, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1586. An act to reduce the fractionated ownership of Indian lands, and for other purposes; to the Committee on Resources.

S. 2516. An act to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service; to the Committee on the Judiciary.

ADJOURNMENT

Mr. LINDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 11 minutes a.m.), the House adjourned until today, July 27, 2000, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Filed on July 27 (legislative day, July 26), 2000

Mr. TAYLOR of North Carolina: Committee of Conference. Conference report on H.R. 4516. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–796). Ordered to be printed.

Mr. LINDER: Committee on Rules. H. Res. 565. Resolution waiving points of order against the Conference report to accompany H.R. 4516, the Legislative Branch Appropriations Act, 2001 (Rept. 106–797). Referred to the House Calendar and ordered to be printed.

Ms. PRYCE: Committee on Rules. H. Res. 566. Resolution providing for the consideration of H.R. 4678, Child Support Distribution Act of 2000 (Rept. 106–798). Referred to the House Calendar and ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. H. Res. 567. Resolution providing for the consideration of a concurrent resolution for the adjournment of the House and Senate for the summer district work period (Rept. 106–799). Referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WATT of North Carolina (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. CLYBURN, Mr. TOWNS, Ms. NORTON, Mr. FATTAH, Ms. LEE, Mr. SCOTT, Ms. BROWN of Florida, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. CLAY, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. DIXON, Mrs. CLAYTON, Mr. CONYERS, Ms. WATERS, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. BISHOP, Ms. CARSON, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FORD, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. MILLENDER-MCDONALD, Mr. RANGEL, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. HILLIARD, Ms. MCKINNEY, Mr. OWENS, Mr. RUSH, and Mr. JEFFERSON):

H.R. 4961. A bill to amend the Voting Rights Act of 1965 to clarify the intent of Congress; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 4962. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly disqualified from benefits under pension plans and welfare plans based on a miscategorization of their employee status; to the Committee on Education and the Workforce.

By Mr. BOEHNER:

H.R. 4963. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. BURR of North Carolina (for himself and Mr. STUPAK):

H.R. 4964. A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies; to the Committee on Commerce.

By Mr. CONDIT (for himself and Mr. POMBO):

H.R. 4965. A bill to amend the Perishable Agricultural Commodities Act, 1930, to extend the time period during which persons may file a complaint alleging the preparation of false inspection certificates at Hunts Point Terminal Market, Bronx, New York; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Ms. JACKSON-LEE of Texas, Mrs. MORELLA, Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Mr. CLYBURN, Mr. UNDERWOOD, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. NADLER, Ms. WATERS, Mr. DELAHUNT, Mr. WEINER, Mr. FILNER; Ms. LEE, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. MCDERMOTT, Mr. SERRANO, Mr. FROST, Mr. CROWLEY, Ms. MILLENDER-MCDONALD, Ms. BROWN of Florida, Mrs. MINK of Hawaii, and Mr. BISHOP):

H.R. 4966. A bill to amend the Immigration and Nationality Act to restore fairness to immigration law, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Florida:

H.R. 4967. A bill to amend title XVIII of the Social Security Act to provide for the classification of certain hospitals as cancer hospitals for purposes of payment for inpatient and outpatient hospital services under the Medicare Program; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. KLECZKA, and Mr. MCDERMOTT):

H.R. 4968. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the Medicare Program to Medicare+Choice organizations; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH:

H.R. 4969. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Director of the Federal Emergency Management Agency to develop a plan for stockpiling potassium iodide tablets in areas within a 50-mile radius of a nuclear power plant; to the Committee on Transportation and Infrastructure.

By Mr. GREEN of Texas:

H.R. 4970. A bill to amend part D of title III of the Public Health Service Act to provide grants to strengthen the effectiveness, efficiency, and coordination of services for the uninsured and underinsured; to the Committee on Commerce.

By Mr. HAYWORTH (for himself, Mr. ENGLISH, Mr. MATSUI, Mr. WELLER, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mrs. THURMAN, Mr. HERGER, Mr. WATKINS, Mrs. JOHNSON of Connecticut, and Mr. SHAW):

H.R. 4971. A bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. MATSUI):

H.R. 4972. A bill to amend the Internal Revenue Code of 1986 to encourage the granting of employee stock options; to the Committee on Ways and Means.

By Mr. KOLBE:

H.R. 4973. A bill to amend the Public Health Service Act to establish a grant program regarding the unreimbursed costs of border hospitals in providing emergency medical services to undocumented aliens; to the Committee on Commerce.

By Mr. KUCINICH (for himself, Mr. BONIOR, Mr. VISCLOSKY, Ms. RIVERS, Ms. MCKINNEY, Mr. SANDERS, Ms. MCCARTHY of Missouri, and Mr. FILNER):

H.R. 4974. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to allow an income tax credit for purchases of fuel-efficient passenger vehicles, and to allow grants for mass transit; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LoBIONDO (for himself, Mr. PAYNE, Mr. ANDREWS, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. HOLT, Mr. MENENDEZ, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 4975. A bill to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the "Frank R. Lautenberg Post Office and Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Mr. REYNOLDS, Mr. LANTOS, Mrs. LOWEY, Mr. ENGEL, Mr. BRADY of Texas, Mr. FRANKS of New Jersey, Mr. WEINER, Mr. TANCREDO, Mr. CROWLEY, Ms. BERKLEY, Mr. BERMAN, Mr. SISISKY, and Mr. LAZIO):

H.R. 4976. A bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes; to the Committee on International Relations.

By Mr. NUSSLE (for himself, Mr. TANNER, Mr. CAMP, Mr. MATSUI, Mr. CARDIN, Mr. LEWIS of Georgia, Mr. BOSWELL, Mr. GANSKE, Mr. GILLMOR, Mr. HUTCHINSON, Mr. LATHAM, Mr. LEACH, Mr. MARKEY, Mr. REGULA, Mr. SNYDER, and Mr. UPTON):

H.R. 4977. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 4978. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to oversee the competitive activities of air carriers following a concentration in the airline industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMEROY (for himself and Mr. MINGE):

H.R. 4979. A bill to amend the Agriculture Market Transition Act to extend the availability of marketing assistance loans beyond the 2002 crop year, to increase the loans rates for such loans, to extend the duration of such loans, and to revise the limitations on the total amount of marketing loan gains and loan deficiency payments that a producer may receive; to the Committee on Agriculture.

By Mr. SENSENBRENNER:

H.R. 4980. A bill to amend title 18, United States Code, with respect to DNA testing of prisoners, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4981. A bill to amend title XVIII of the Social Security Act to establish a national policy on chronic illness care, to improve administrative, delivery, and financing capabilities, to establish prototype models for serving persons with serious and disabling chronic conditions, to provide for coverage under the Medicare Program of disease management services for serious and disabling chronic illnesses, and to refine Medicare and Medicaid waiver authority; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 4982. A bill to prohibit the unauthorized destruction, modification, or alteration of product batch codes to protect consumer health and safety and assist with law enforcement efforts, and for other purposes; to the Committee on Commerce.

By Ms. VELÁZQUEZ (for herself, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. HINOJOSA, Mr. GONZALEZ, Mr. MOORE, Mrs. NAPOLITANO, Mr. BAIRD, Mr. UDALL of Colorado, Ms. BERKLEY, Mrs. CHRISTENSEN, and Mr. PHELPS):

H.R. 4983. A bill to amend the Small Business Investment Act of 1958 to include expansion of business development by individuals with disabilities among the public policy goals of State and local development companies; to the Committee on Small Business.

By Mr. WALDEN of Oregon (for himself and Mr. HERGER):

H.R. 4984. A bill to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes; to the Committee on Resources.

By Mr. KOLBE:

H.R. 4985. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, and Mr. CAPUANO):

H. Con. Res. 381. Concurrent resolution expressing the sense of the Congress that there should be established a National Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. PITTS, and Mr. CARDIN):

H. Con. Res. 382. Concurrent resolution calling on the Government of Azerbaijan to hold free and fair parliamentary elections in November 2000; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. PAUL.

H.R. 82: Mr. DAVIS of Illinois.

H.R. 207: Mr. REYES.

H.R. 218: Mr. CROWLEY.

H.R. 284: Mr. BACA and Mr. NEY.

H.R. 323: Mr. ROTHMAN.

H.R. 372: Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. TIERNEY, and Mr. UDALL of New Mexico.

H.R. 407: Mr. SHADEGG.

H.R. 583: Mr. RODRIGUEZ.

H.R. 837: Mr. PAYNE.

H.R. 1172: Mr. SUNUNU, Mr. GILMAN, Mr. SWEENEY, and Mr. PASCRELL.

H.R. 1196: Mr. ROTHMAN.

H.R. 1217: Mrs. KELLY and Mr. PETERSON of Pennsylvania.

H.R. 1396: Mrs. LOWEY and Mr. BECERRA.

H.R. 1485: Mr. OWENS.

H.R. 1590: Mr. GILMAN.

H.R. 1622: Mr. BILBRAY.

H.R. 1891: Mr. WELDON of Florida.

H.R. 2270: Mrs. THURMAN.

H.R. 2344: Mr. HOLDEN and Mr. CLEMENT.

H.R. 2451: Mr. GUTKNECHT.

H.R. 2457: Mr. TURNER and Mr. FRELINGHUYSEN.

H.R. 2512: Mr. MOORE.

H.R. 2514: Mr. BARTLETT of Maryland.

H.R. 2562: Mr. FRELINGHUYSEN.

H.R. 2631: Mr. HINOJOSA.

H.R. 2710: Mr. HUTCHINSON, Mr. SANDLIN, Mr. BACA, and Mr. TRAFICANT.

H.R. 2859: Mr. SANDERS and Mr. CLAY.

H.R. 2870: Ms. ROYBAL-ALLARD and Mr. WAXMAN.

H.R. 2892: Mr. SKELTON.

H.R. 2902: Ms. ROYBAL-ALLARD.

H.R. 2953: Mr. PETERSON of Pennsylvania.

H.R. 3032: Ms. WATERS and Mr. DEUTSCH.

H.R. 3082: Mr. HULSHOF.

H.R. 3193: Ms. BALDWIN.

H.R. 3517: Mrs. THURMAN.

H.R. 3575: Mr. VITTER.

H.R. 3576: Mr. SESSIONS.

H.R. 3578: Mr. BASS.

H.R. 3677: Mr. CALVERT.

H.R. 3766: Mr. PRICE of North Carolina and Mr. HINOJOSA.

H.R. 3841: Mr. REYES.

H.R. 3865: Mr. GIBBONS.

H.R. 3887: Mrs. MINK of Hawaii.

H.R. 3915: Mr. POMEROY and Mr. NEAL of Massachusetts.

H.R. 4066: Mr. PASTOR, Mr. CUMMINGS, and Mr. GUTIERREZ.

H.R. 4119: Mr. HOSTETTLER.

H.R. 4162: Ms. LEE.

H.R. 4206: Mr. WEXLER.

H.R. 4239: Mr. QUINN and Mr. ETHERIDGE.

H.R. 4277: Mrs. MINK of Hawaii.

H.R. 4292: Mr. MICA, Mr. LEWIS of Kentucky, Mr. ADERHOLT, Mr. THUNE, Mr. FORBES, and Mr. HANSEN.

H.R. 4303: Ms. KAPTUR.

H.R. 4305: Mrs. THURMAN.

H.R. 4395: Mr. GREENWOOD.

H.R. 4416: Ms. RIVERS, Mr. RYUN of Kansas, Ms. BERKLEY, Mr. HOEFFEL, Mr. GUTIERREZ, Mr. SMITH of Washington, and Mr. RANGEL.

H.R. 4492: Mr. DEUTSCH and Mr. KIND.

H.R. 4536: Mr. BONIOR and Ms. BERKLEY.

H.R. 4566: Mrs. LOWEY and Mrs. THURMAN.

H.R. 4660: Mr. CLEMENT.

H.R. 4701: Mr. GARY MILLER of California and Mr. HERGER.

H.R. 4715: Mr. MCINNIS, Mr. STARK, Mr. CAMP, and Mr. TANNER.

H.R. 4728: Mr. PORTMAN, Mr. HERGER, and Mr. BOEHNER.

H.R. 4735: Mr. BLAGOJEVICH, Mr. DIXON, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. HORN, and Ms. WATERS.

H.R. 4776: Mr. RAMSTAD, Mr. KNOLLENBERG, and Mr. BARR of Georgia.

H.R. 4786: Ms. MCKINNEY.

H.R. 4787: Ms. MCKINNEY.

H.R. 4793: Mr. LAHOOD.

H.R. 4794: Mrs. LOWEY.

H.R. 4825: Mr. WEYGAND, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. WAMP, Mr. MURTHA, Mr. GILLMOR, Mr. UDALL of New Mexico, Mr. MCGOVERN, Mr. BONILLA, Mr. SWEENEY, Mr. COBLE, and Mr. TIAHRT.

H.R. 4841: Mr. TALENT, Mr. PETERSON of Minnesota, and Mr. HULSHOF.

H.R. 4844: Mr. TANNER, Mr. DELAHUNT, Mr. BARTLETT of Maryland, Mr. OWENS, Mr. CLAY, and Mr. COBLE.

H.R. 4858: Mr. JEFFERSON and Mr. BONIOR.

H.R. 4885: Mr. CALVERT, Mr. HOBSON, Mr. HAYES, Mr. GREEN of Wisconsin, and Mr. HUTCHINSON.

H.R. 4894: Mr. TALENT, Mr. HULSHOF, Mr. BARRETT of Nebraska, and Mr. EWING.

H.R. 4895: Mr. TALENT, Mr. HULSHOF, and Mr. BARRETT of Nebraska.

H.R. 4897: Mrs. BIGGERT, Mr. GILMAN, and Mrs. MORELLA.

H.R. 4935: Mr. FROST, Mr. REYES, Mr. GORDON, Mr. DAVIS of Illinois, and Mr. BALDACCI.

H.R. 4937: Mr. INSLEE.

H.R. 4946: Mrs. KELLY and Mr. TERRY.

H.R. 4957: Mrs. CLAYTON, Mr. SCOTT, Mr. WYNN, and Mr. EHLERS.

H.R. 4958: Mr. FROST.

H.J. Res. 105: Mr. GOODE.

H. Con. Res. 133: Mr. SHAYS.

H. Con. Res. 177: Mr. THOMPSON of California.

H. Con. Res. 252: Mr. BARR of Georgia, and Mr. FORBES.

H. Con. Res. 257: Mr. CUNNINGHAM, Mrs. BIGGERT, Mr. COOK, and Mr. METCALF.

H. Con. Res. 328: Mr. PRICE of North Carolina.

H. Con. Res. 357: Mrs. THURMAN.

H. Con. Res. 368: Mr. SNYDER.

H. Con. Res. 370: Mrs. LOWEY and Ms. BERKLEY.

H. Res. 124: Ms. DELAURO, Mr. BARRETT of Wisconsin, Mr. FROST, Mr. ENGEL, and Mr. BISHOP.

H. Res. 543: Mr. ACKERMAN.

EXTENSIONS OF REMARKS

HONORING JAKE HARTZ, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan. Jake Hartz, Jr. celebrates his 80th birthday this week, and I think that this is a good time to recognize him in the Congress for his accomplishments and service to this country.

Our national agriculture was profoundly impacted by Jake's promotion and development of soybean farming. His family brought the first soybean seed to the mid-South, and he achieved remarkable success through the Jacob Hartz Seed Co., a leader in the industry. More than just a businessman, Jake's long-standing service in State and national soybean organizations culminated in his tenure as president of the American Soybean Association; in the interim he founded the Arkansas Soybean Association, served as president of the Arkansas Seed Dealers Association, was named director and finance chairman of the Soybean Council of America, and was an active member of the Arkansas Plant Board. All this while sitting on the board of directors for the Little Rock branch of the Federal Reserve Bank of St. Louis, and serving on the trust board of the Boy Scouts of America.

Jake was ahead of his time in understanding the importance of research and technology in agriculture. He hired the first registered seed technologist in 1952. In 1973, Jake was appointed to the U.S. Department of Agriculture's Plant Variety Protection Board, and this experience led him to begin a research program to develop higher-yield, disease-resistant soybean varieties for the mid-South. Soon thereafter, the Hartz Seed Co. established the largest soybean research facility in the southern United States.

Even further, Jake worked tirelessly to protect the valuable surface and groundwater supplies in the Grand Prairie region. Through the conservation measures and alternative water supplies he proposed, Jake contributed significantly toward achieving the re-authorization of the Grand Prairie Region and Bayou Meto Basin project.

Numerous awards and honors have been bestowed upon Jake Hartz, including the Presidential "E" Certificate for Exports to recognize his outstanding contribution to export expansion in Japan, Mexico, and Spain; the U.S. Army Corps of Engineers Commander's Award for Public Service, in honor of his leadership in protecting natural resources; and special designations from Ducks Unlimited, the Boy Scouts of America, and St. Vincent Infirmary.

As a veteran of World War II, a community activist, an outstanding businessman, a leader in agriculture, and a generous public servant, Jake Hartz deserves our respect and gratitude. On behalf of the Congress, I am proud to extend best wishes to my good friend on his 80th birthday.

REMARKS OF AMANDA PEARSON—"SAM ADAMS: FATHER OF THE AMERICAN REVOLUTION"

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. MANZULLO. Mr. Speaker, I was visited recently by Amanda Pearson of Rockford, Illinois. Amanda is in high school. When I discovered that her essay on Sam Adams had been placed in God's World News, I requested that she send me a copy. The article is so timely that I believe more Americans need to know this story. I commend this article to my colleagues and other readers of the RECORD.

SAMUEL ADAMS: FATHER OF THE AMERICAN REVOLUTION

(By Amanda Pearson)

"We must do something. The present situation cannot remain untouched." The middle-aged man of about 48 mulled these thoughts over as he paced steadily toward the Boston building that sheltered the town meetings.

Samuel Adams shuddered, pulled his jacket closer around him and continued his musing.

"The day before yesterday, March 5, several colonists were killed right here in Boston, when those oppressive British regulars opened fire."

"We are being ruled by a pure tyrant," he muttered under his breath. "How long must we suffer under a power that violates the laws of nature and of nature's God?"

He turned a corner and walked along the street toward the building at the end. His thoughts turned back to the massacre.

"Yes," Mr. Adams thought. "We must fight to remove the British from Boston before more difficulties arise!"

With that, he marched up the steps and into the building.

Yes, Samuel Adams did succeed in getting those British troops removed from Boston. In fact, he became known as the "Father of the American Revolution."

YOUNG SAM

Samuel Adams was an older cousin of John Adams, who eventually became president of the United States. Samuel was born in Boston, Massachusetts, on Sept. 22, 1722.

His father was well-to-do and provided his son with a good education. And Samuel proved to be studious.

At 18, he graduated from Harvard, a college with strong Christian roots. Once he was done with his schooling, he was apprenticed to a well-established merchant in Boston.

Eventually, Samuel set up his own business. But he did not care for that profession. He was more interested in politics and the current situation of the colonies.

SAM'S YOUNG FAMILY

Samuel married Elizabeth Checkley in October of 1749. Only two of the couple's five children—Samuel Adams Jr. and Hannah—reached adulthood.

And his wife, Elizabeth died on July 25, 1757. Seven years later, Sam married Elizabeth Wells, an industrious woman who helped her step-children and husband to live comfortably in spite of Samuel's small income.

Samuel reared his family on Christian principles. The Bible was read every night in the Adams household.

TOWARD REVOLUTION

Samuel Adams knew that the British and King George III of England were treating the colonists unfairly. The people tried to settle their problems with the government peacefully.

But the British wouldn't listen, and things continued to simmer towards a boil.

In 1763, Samuel was one of the first to propose that the American colonies become united to fight against England. Seven years later, he was serving as spokesman for Boston after the Boston Massacre occurred.

In 1772, he launched the Committees of Correspondence with the help of Richard Henry Lee. The Committees provided the colonists with the latest current events and kept them up-to-date on British activities.

THE COMMITTEES

The Committees had three goals:

1. to delineate the rights the Colonists had as men, as Christians, and as subjects of the crown;
2. to detail how these rights had been violated; and
3. to publicize throughout the Colonies the first two items.

One of the documents that the Committees of Correspondent distributed in late 1772 was the "Rights of The Colonists" that Sam Adams had written. His Christian character and knowledge of Scripture were apparent as he wrote:

"The Rights of the Colonists as Christians. These may be best understood by reading and carefully studying the institutes of the great Law Giver and Head of the Christian Church, which are to be found clearly written and promulgated in the New Testament."

FOR GOD AND COUNTRY

In 1774, the British governor of Massachusetts attempted to quiet Sam Adams. He offered him a high rank in the colonial government.

However, Sam refused to be silenced. "I trust I have long since made my peace with the King of kings. No personal consideration shall induce me to abandon the righteous cause of my country," he said.

"Tell Governor Gage, it is the advice of Samuel Adams to him, no longer to insult the feelings of an exasperated people."

HONOR

In 1774, Samuel Adams was elected as a delegate of Massachusetts to the Continental Congress. There in 1776 he eagerly signed the Declaration of Independence, declaring the colonies free from England.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1778, after the Revolution, Mr. Adams eventually supported Massachusetts' ratification of the U.S. Constitution, although at first he refused to do so.

He served as governor of Massachusetts from 1793 to 1797 then retired from public service altogether.

GLORY

At the end of his life on earth, Samuel Adams made a final statement of his beliefs in his will:

"Principally and first of all, I reccommend my soul to that Almighty Being who gave it and my body I commit to the dust, relying upon the merits of Jesus Christ for a pardon of all my sins."

He died in 1803 at the age of 82, a Founding Father, "Firebrand of the Revolution," and most important, a Christian man.

TRIBUTE TO SERGEANT MAJOR MILDRED FULWOOD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to honor Sergeant Major Mildred Fulwood who is retiring from the United States Army after 30 years of active duty. She has served this great country with dignity, integrity, and honor.

Sergeant Major Fulwood is a native of South Carolina and attended the public schools of Williamsburg County, South Carolina. She graduated from Atkins High School, Winston-Salem, North Carolina in 1968. She entered the Women's Army Corps in September 1970. Sergeant Major Fulwood attended Basic Training and Advance Individual Training at Fort McClellan, Alabama. She also earned an Associate of Science degree from Vincennes University, Indianapolis, Indiana and a Bachelor of Arts degree from Coker Liberal Arts College, Hartsville, South Carolina. She is a graduate of the United States Army Sergeants Major Academy, The Women's Drill Sergeant Academy, and has completed numerous technical and functional courses.

Sergeant Fulwood has held numerous positions of leadership during her career, including: Squad Leader; Barracks Sergeant; Instructor; Course Director; First Sergeant; and Sergeant Major. She has also served as The Detachment Commander, U.S. Army Personnel Command, Personnel Security Screening Program; Enlisted Signal Branch Sergeant Major, U.S. Army Personnel Command, and Executive Officer, Office of the Deputy Chief of Staff for Personnel, U.S. Army Materiel Command. Currently Major Fulwood is serving as Sergeant Major, Office of the Deputy Chief of Staff for Personnel, U.S. Army Materiel Command.

Sergeant Major Fulwood has served in various overseas and stateside assignments. They include multiple tours in Korea and U.S. Element Land Southeast, Turkey. She also served in my district at Fort Jackson in Sumter, South Carolina.

Sergeant Major Fulwood's awards and decorations include: the Defense Meritorious Service Medal, the Meritorious Service Medal with four oak leaf clusters; the Army Commendation Medal with two oak leaf clusters; the Army Achievement Medal; The Good Conduct Medal; The National Defense Service Medal with Bronze Service Star; the Overseas Service Ribbon with numeral 2; the Non-Commissioned Officer Professional Development Ribbon with Numeral 4; and the Drill Sergeant Badge. Sergeant Major Fulwood is also an honorary member of the United States Army Signal Corps Regiment.

Sergeant Major Fulwood is a source of inspiration for young aspiring soldiers and represents not only African-Americans, but Americans of all ethnic groups. I am especially proud of her accomplishments as a female career soldier from my district in Salters, South Carolina. Her accomplishments speak to her diligence, integrity, and loyalty to her country.

Mr. Speaker, please join me in honoring Sergeant Major Mildred Fulwood for her dedicated service to the United States Army.

HONORING DR. DONALD J. KRPAN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Donald J. Krpan, D.O., F.A.C.O.F.P. and congratulate him on his induction as the President of the American Osteopathic Association (AOA).

Dr. Krpan, a board certified family practice physician, will lead the nation's 44,000 osteopathic physicians (D.O.s) and the AOA from July 2000 to July 2001. The AOA is an association organized to advance the philosophy and practice of osteopathic medicine by promoting excellence in education, research and the delivery of quality and cost-effective health care in a distinct, unified profession. Aside from protecting the right and privilege to practice osteopathic medicine, Dr. Krpan will work with the AOA to enhance professional unity, ensure quality education and training programs and preserve basic osteopathic principles.

A practicing family and emergency room physician for 20 years, Dr. Krpan currently serves as the Provost of Western University of Health Sciences College of Osteopathic Medicine of the Pacific in Pormona, California. I am proud to say that my district is the home of both the College and Donald Krpan. In addition, he serves as a member of the board of directors of Mad River Community Hospital in Arcata, California, and is a member of the Joint Conference Committee of Arrowhead Regional Medical Center in San Bernardino, California.

Dr. Krpan has been involved with the osteopathic profession in many capacities before becoming AOA president. He serves as chairman of the ethics committee of the Osteopathic Medical Board of California, and has been a member of the Osteopathic Physicians and Surgeons of California's board of directors. Dr. Krpan has also served as a member of the AOA's Board of Trustees since 1988, as well as a member of its House of Delegates since 1980.

A graduate of the University of Health Sciences/College of Osteopathic Medicine in Kansas City, Missouri, Dr. Krpan completed a rotating internship at Phoenix General Hospital in Phoenix, Arizona. Dr. Krpan has two sons and a nephew who are also osteopathic physicians.

Mr. Speaker, I ask that this House please join me in recognizing, honoring and commending the induction of Donald Krpan, D.O. as President of the American Osteopathic Association.

OSHA AWARD FOR SPRINGFIELD REMANUFACTURING

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BLUNT. Mr. Speaker, today I congratulate the vision, and commitment of the officers, administrative staff and employees of the Springfield Remanufacturing Corporation in Springfield, Missouri as they attain the highest status available in OSHA's Voluntary Protection Program.

The company located in Missouri's Seventh Congressional District employs 370 people in the remanufacturing of diesel engines for trucking, agriculture and heavy equipment industries. With this award from the Occupational Safety and Health Administration, the company joins a select group of only 15 other firms in the state, four in Springfield, with the designation of Star Sites. Nationally there are only 550 sites which have attained this level of commitment to worker safety.

The certification was granted after an intensive self study of safety policies, procedures and practices by employees at all levels followed by a rigorous comprehensive review visit by OSHA inspectors who found the workplaces to be fully in compliance with all regulations.

According to OSHA this designation means that the health and safety practices and procedures developed by the company are models within their industry, and that the company is achieving the highest levels of health and safety compliance.

I would also point out that this outstanding achievement is the result of a cooperative effort between public and private entities rather than a unilateral regulatory effort on the part of a lone federal agency. To quote OSHA "This concept recognizes that compliance enforcement alone can never fully achieve the objectives of the Occupational Safety and Health Act. Good safety management programs that go beyond OSHA standards can protect workers more effectively than simple compliance."

Springfield Remanufacturing Corporation, apart from this award, is a success story on its own. In 1983 employees of the Remanufacturing Division of International Harvester purchased the operation from the parent company and established it as an employee owned company. The firm has since established a number of its own subsidiaries and has been named as one of the "The 100 Best Companies to Work for in America".

I express my appreciation, and that of all my colleagues, to President Jack Stack, Plant Manager Marty Callison and Safety Director

Kathy Miller for their leadership in bringing this national recognition to Springfield, Missouri and the Seventh Congressional District.

IN RECOGNITION OF NEW HAVEN POSTMASTER SHELDON RHINEHEART FOR OUTSTANDING PUBLIC SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I pay tribute to an outstanding public servant and my good friend, Postmaster Sheldon Rhinehart. Sheldon's recent retirement ends a career with the United States Postal Service that has spanned nearly half a century, leaving a legacy of integrity and inspiration.

In his forty-seven years with the postal service, Sheldon has been witness to a variety of changes, social as well as operational. From his start as a clerk, he moved up the ranks. As New Haven's first African-American postmaster, he is not only an example of these tremendous changes but has continually challenged the postal service to change itself. Sheldon's work has been recognized locally and nationally—a tribute to the invaluable contributions he has made.

Sheldon is a strong advocate for minority groups, both professionally and personally. During his tenure, he has made room at the postal service for many with disabilities. He played a key role in the establishment of the Vision Trail from downtown New Haven to the waterfront and was a driving force in involving the Postal Service with the 1995 Special Olympic World Games held in New Haven. Sheldom has also had a primary role in developing training and social programs for the Postal Service on a nationwide basis. With his outstanding record of commitment, he has demonstrated a unique commitment to public service—leaving an indelible mark on the United States Postal Service and our community.

Sheldon has shown unparalleled leadership, not only in his professional positions, but in the community as well. He is currently serving on the United Way of New Haven's Board of Directors and has served on a variety of boards within his community including the Newhallville Action Committee, the Newhallville Day Care Center and St. Luke's Episcopal Church. We are certainly fortunate to have such a committed individual working on behalf of our community.

I am proud to stand today and join his wife, Carolyn, two children, Deborah and Sheldon Jr., friends, and colleagues to honor Sheldon for his good work and dedicated career. I wish him many years of continued health and happiness in his retirement.

INTRODUCTION OF THE LOCALLY REGULATED TOWING ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing the "Locally Regulated Towing Act." This legislation will restore the ability of local governments to regulate tow truck operations.

Congress took this authority away from state and local hands when it passed the Federal Aviation Administration Authorization Act of 1994, (P.L. 103–305). This law was intended to replace multiple and sometimes conflicting state and local regulations on interstate carriers like Federal Express and UPS, with a single uniform, national regulation. Expanding services like Federal Express and UPS urged passage of the law to help lower costs and improve their delivery time. While the law achieved its objectives, it also opened a loophole that permitted tow trucks to qualify as an interstate carrier and thereby exempted them from state and local regulations.

Unlike Federal Express, UPS, and other major interstate carriers which are regulated by the federal government, tow truck operators are not. Congress has never granted any federal agencies the power to regulate tow trucks. As a result, their operations are free of any direct oversight or public accountability.

In response to growing complaints about tow truck operations, Congress did amend the law in December 1995 (P.L. 104–88) to permit state and local governments to regulate prices on non-consensual towing. This change in federal law restored state and local governments' ability to regulate towing performed without the permission of the vehicle's owner, as in the instance where owners of vacant, private lots arrange for a tow truck operator to remove cars parked there without their permission. I am familiar with a number of alleged "sham operations" where lot owners failed to properly post signs that prohibited parking. Local business and restaurant patrons and tourists unable to find street parking were enticed to use these vacant lots only to discover later their cars were towed away and the cost to recover them is $100 or more.

Unfortunately, even this modest change in federal law has had limited success. Consumer complaints about tow truck operators still abound. In the last two years, Arlington County, a jurisdiction I represent, received more than 160 complaints ranging from rates charged, some as high as $120, to vehicle damage, to theft and rude behavior. People who have had their vehicles towed have told my office about having to go to impoundment lots late at night in dangerous neighborhoods to recover their cars. When they get there, they are told that only cash is accepted.

Moreover, State and local ability to reassert control over tow truck operations have been thrown into even greater confusion following two conflicting Federal appeals court rulings. Ace Auto Body & Towing v. City of New York upheld the ability of states and local governments to regulate safety issues and prices of non-consensual towing, while R. Mayer of Atlanta, Inc. v. City of Atlanta denied local governments' similar authority.

The only real and effective solution to this problem is to restore full state and local authority over all aspects of tow truck operations. The legislation I am introducing today will accomplish this objective. It is a common sense, pro consumer piece of legislation.

I urge my colleagues to support it.

REMARKS IN HONOR OF THE LATE JUDGE JON BARTON

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. GRANGER. Mr. Speaker, today I honor and remember the life of Texas state District Judge Jon Barton, who passed away Saturday at his home in Keller, Texas. He was 43 years old. Judge Barton, the younger brother of our friend and colleague, Congressman JOE BARTON, was a good, kind, and loving man. Our thoughts and prayers go out to his wife, Jennifer; his sons, Jake and Jace; and to all of his family at this difficult time in their lives.

Judge Barton was born on October 12, 1956, in Pecos, Texas, to Larry and Nell Barton. However, he spent most of his childhood in Waco, Texas, and eventually received his Bachelor's degree in Business Administration and Juris Doctor degree from Baylor University. In 1987, Judge Barton received his Master's degree in Finance from Colorado State University. That same year, he married his lovely wife Jennifer.

After practicing law in Corpus Christi and Fort Worth, Texas, Judge Barton was elected to preside over the 67th District Court in 1996. Judge Barton was a talented and hard working individual. There is no question that he will be deeply missed within the Texas legal community.

Judge Barton was very active in our area. He was a member of the Downtown Fort Worth Rotary Club and past president of the Hurst-Euless-Bedford Rotary Club. Judge Barton served on the advisory board of the John Peter Smith Health Network and was a charter member of the Center for Christian Living. As a man of God, he actively served Broadway Baptist Church in Fort Worth, Texas. Judge Barton was always willing to give of himself to his community, his church, and his family.

Judge Barton was known for his great sense of humor and for his kindness to all. He was a committed husband and father who loved his family deeply. Judge Barton faced cancer with the same humor and courage that he lived life. His deep faith in God gave Judge Barton the strength to carry on throughout his struggle with sinus and liver cancer. His life and fight with cancer serve as an inspiration to us all.

Again, my heart goes out to Judge Barton's family and to all those who are grieving his passing. Judge Barton will truly be missed, but his spirit will live with us forever.

2102 BANKS OF PROMISE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the commitment that more than 2000 banks in our great country have made to our Nation's Youth

Last year, the American Bankers Association pledged to enroll 1000 banks in America's Promise, the organization led by General Colin Powell that draws on the talents and resources of public, private and nonprofit organizations to improve the lives of our nation's youth. Banks of Promise agreed to increase their involvement in programs and activities that benefit children in order to provide them with the five fundamental resources they need to succeed in life. Those resources are: (1) An ongoing relationship with a caring adult; (2) a safe place with structured activities during non-school hours; (3) a healthy start in life; (4) a marketable skill through effective education; and (5) a chance to give back through community service.

The response by the industry has been overwhelming. Today, the number of Banks of Promise has more than doubled to 2102, reflecting the banking industry's commitment to its communities, America's youth and the future of our nation. These banks—and state bankers associations across the country—are offering the children in their communities everything from job training and mentoring to safe and accessible playgrounds and financial education. Indeed, our nation's banks are making an invaluable investment: they are investing in our kids.

Mr. Speaker, today I rise not only to recognize the banking industry's commitment but also to encourage other businesses, organizations and individuals to make a similar investment in their local youth. From Fortune 500 companies to government agencies to the local mom and pop store—we all have the ability, and the obligation, to help our children succeed in life.

One familiar quote adequately sums up the importance of America's Promise. It says: "One hundred years from now, it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be different because I was important in the life of a child."

To learn more about the Banks of Promise program and to see a list of the participating banks go to www.aba.com.

A TRIBUTE TO DR. JUDSON HARPER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. SCHAFFER. Mr. Speaker, today, on the eve of his impending retirement, I honor Dr. Judson M. Harper, Vice President for Research and Information Technology and Professor of Chemical and Bioresearch Engineering, at Colorado State University (CSU), located in Ft. Collins, Colorado. During his tenure at the University, Dr. Harper has been instrumental in positioning CSU as a world-class leader for research in the fields of animal sciences, information technology, natural resources management, atmospheric sciences, and agriculture.

In 1993, Dr. Harper orchestrated the construction of the Animal Reproduction and Biotechnology Lab, located on the campus of CSU. With the acquisition of this nationally-renowned research facility, CSU became the first in the nation to develop artificial insemination procedures for livestock. Other accomplishments associated with the lab include pioneering efforts in gene splicing and cloning. Research projects from the Animal Reproduction and Biotechnology Lab have also ensured the United States' livestock production industry remains competitive internationally.

Dr. Harper is also primarily responsible for establishing the Center for Geosciences at CSU. The Center, in partnership with the Department of Defense, is entering into a fourth phase of research projects to develop more sophisticated equipment and technology to better understand weather dynamics as it relates to military activities.

Dr. Harper has not only provided leadership in the scientific arena, but as the interim president in 1887, when Dr. Albert Yates, current CSU President, was away on sabbatical. Dr. Harper also directed the University through perhaps its darkest period. The flood of 1997, one of the worst weather disasters in the history of the state, claimed five lives, destroyed 2000 homes, and damaged 212 businesses, resulting in a $200 million loss. Thirty buildings on the CSU campus sustained damage and nearly 200 faculty, staff, and students were displaced. Many books were ruined, and tragically, many faculty lost much of their life's work. Disaster officials were extremely impressed with CSU's rapid recovery, many attributing the credit to Dr. Harper.

An active administrator and respected researcher, Dr. Harper is recognized internationally as an expert in the area of food extrusion, a process by which food ingredients are heated and fashioned in an effort to achieve desired shapes and textures. Food extrusion is energy efficient, cost effective, and has become a central part of many modern food processing operations. His accomplishments in this area include 77 journal publications, two books, and 10 separate chapters in other works. In addition, he is also the co-holder of five U.S. patents.

Mr. Speaker, I have had the good fortune to work with Dr. Harper for many years and on many projects during my service as a Colorado State Senator and a United States Congressman. I regard him as a friend, an honorable public servant, a scholar, and one of the most decent human beings I've ever met. Dr. Harper's devotion to Colorado State University and the people of Colorado has been the basis for the profound legacy he has established.

Future generations may one day become unfamiliar with the name of Jud Harper, but all will be touched just the same by his exemplary work and his superior intellect. There are many reasons Colorado State University has risen to the top of higher education achievement. Dr. Jud Harper is among the most significant leaders who have positioned the institution in a place of such world-class prestige.

Mr. Speaker, Dr. Jud Harper is leaving behind a tremendous legacy as he moves on from Colorado State University to the next phase of his life. He will truly be missed.

TRIBUTE TO THE RED ARROW CLUB

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. KLECZKA. Mr. Speaker, today I honor and pay tribute to the Red Arrow Club of Milwaukee. October 15th, 2000 marks the 60th anniversary of the U.S. Army's 32d Infantry Division's call to active duty prior to World War II, and also the 39th anniversary of the October 15th, 1961 call to active duty for the Berlin Crisis. This is a very important day for the club, for those who have worn the "Red Arrow" in war, as well as peacetime.

Comprised of troops from Michigan and Wisconsin, these soldiers were inducted into federal service at Lansing, Michigan on October 15th, 1940. The "Red Arrow" arrived in Australia on May 14, 1942 and participated in a number of heroic WWII campaigns, seeing action in Papua, New Guinea, Leyte, and Luzon, and later in Japan they often withstood bitter hand-to-hand combat, and fought bravely and honorably for their country. During their tour of duty in World War II, the members of the 32d Division laid their lives on the line for their country, asking nothing in return. And once again on October 15th, 1961 the "Red Arrow" answered the call of their country to protect our vital interests overseas, this time for the Berlin Crisis.

For their bravery, members of the 32d have received a total of ten Congressional medals of Honor and fourteen Distinguished Unit Citations. In addition, the unit has received several decorations including the Presidential Unit Citation (Army) and the Philippine Presidential Unit Citation.

This special day serves to honor the many veterans who answered the call to duty to serve their country in this distinguished division, a number of whom made the ultimate sacrifice and never returned home to family and friends. To the veterans, as well as those on active duty, my sincere congratulations on this very special milestone in the 32d Division's history. It is an honor that is well deserved.

HONORING THE LATE DIANE BLAIR

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan. Today President Clinton, First Lady Hillary Rodham Clinton, and many other distinguished citizens of Arkansas are attending a memorial service in Fayetteville to celebrate and honor the life of Diane Blair, who passed away last month. I believe that Diane Blair also deserves a tribute in the Congress, because her influence and service impacted our nation as well.

Diane was first and foremost a professor of political science at the University of Arkansas, and it was through this role that she touched an entire generation of Americans. She literally "wrote the book" on Arkansas politics—Arkansas Politics and Government: Do the People Rule? still stands as the one and only authoritative treatment of the subject. Beyond her academic accomplishments, Diane is best remembered as a caring and thoughtful teacher. She engaged her students, and imparted her love of learning to them.

Moreover, through her example she inspired countless people to become active in the political system. She was the conscience of the Democratic party in Arkansas for years, but her grace and magnanimity attracted admirers from across the political spectrum. She was an outspoken advocate for women and education, and for progress in general.

Her accomplishments are manifold and diverse: chairwoman of state and national commissions, including the Corporation for Public Broadcasting; professor emerita; author and editor of two books; mother of five, grandmother of two.

The life of Diane Blair will be memorialized in many ways. The University of Arkansas will create a center for the study of southern political culture in her name. The Corporation for Public Broadcasting has already named its new boardroom in her honor. However, the best memorial to Diane Blair exists in the hearts and minds of her friends, students, and loved ones. I am proud to count myself among this fortunate group, and on behalf of the Congress I extend my deepest sympathies to the family of Diane Blair in their time of mourning.

IN RECOGNITION OF GARY FRANCIS THOMAS, UPON HIS RETIREMENT FROM THE OFFICE OF THE SERGEANT AT ARMS

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. WYNN. Mr. Speaker, today I congratulate Mr. Gary Francis Thomas upon his retirement from the United States House of Representatives Office of the Sergeant at Arms, after thirty-six years of service.

Mr. Thomas began his career in Congress in 1965 working for the Architect of the Capitol in the Labor Room, where he served for five years. Upon completing his work with the Architect of the Capitol in 1970, Mr. Thomas transferred to the Parking Office, where he is now completing his thirty-six year career.

Mr. Thomas began his career during the 89th Congress when Representative John W. McCormick was Speaker of the House and Lyndon B. Johnson was President of the United States. He has since served under eighteen Congresses and seven Presidents, rising within the Sergeant at Arms Office to the supervisory level.

Mr. Thomas resides in the 4th Congressional District of Maryland, which I am proud to represent. He is the father of six, three boys and three girls, while his wife, Mrs. Janell Thomas, is currently expecting the couple's seventh child. Mr. Thomas is a man of conviction and community service, dedicating his free time to fostering youth development. He has also been an active Minister for the past ten years at the Remnant Ministries.

Gary Francis Thomas' dedication to all he has served here in Congress will undoubtedly be missed. Whether it was assisting Members of Congress with car problems or issuing parking permits to staff, Mr. Thomas served the entire Capitol Hill community without reservation, always in high spirits and with a good word for everyone.

Mr. Speaker, I ask that my colleagues join me in extending our sincerest appreciation and best wishes to Gary Francis Thomas upon his retirement from the United States Congress.

PERSONAL EXPLANATION

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. OSE. Mr. Speaker, on rollcall No. 429, I was unavoidably detained due to a plane delay. Had I been present, I would have voted "aye."

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2000

Mr. WELLER. Mr. Speaker, I submit for the record a letter written by the Joint Committee on Taxation (JCT) regarding a provision included in H.R. 4843, the Comprehensive Retirement Security and Pension Reform Act. This letter should help to clarify the provision which applies to the Section 415 limits for multiemployer pension plans.

The JCT letter helps to clarify that, if the IRS follows the precedents it has established in the past, the individual multiemployer pension plans will be able to provide benefit increases for individuals who are already retired from their plan related employment if all of their benefits have not been previously distributed. This means that an employee who is currently retired from union employment can benefit from the Section 415 modifications included in H.R. 4843.

I am particularly interested in this issue because of a family in my district who loses more than one-half of their annual pension because of the Section 415 limits. Larry Kohr is a retired union worker who lives with his family in my district in Illinois. Larry loses more than one-half of his annual benefits because of the 415 limits. The letter I am including into the record today clarifies that the IRS and the individual multiemployer pension plans will have the right and the ability, once the 415 changes are signed into law, to ensure that current retirees, such as the Kohr's, will be able to benefit from the changes in the Section 415 limits.

Mr. Speaker, thank you for the opportunity to clarify this important issue.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, July 19, 2000.

Hon. JERRY WELLER,
House of Representatives,
Washington, DC.

DEAR MR. WELLER: This is response to your request dated July 18, 2000, regarding the provision in H.R. 4843, the "Comprehensive Retirement Security and Pension Reform Act," as reported by the Committee on Ways and Means, modifying the section 415 limits on benefits under multiemployer pension plans. Specifically, you requested information concerning the impact that the enactment of H.R. 4843 would have on the authority and ability of multiemployer pension plans to correct future benefits for retirees whose pension benefits are reduced under present law by operation of the section 415 limits.

H.R. 4843 would not require multiemployer pension plans to increase pension benefits for retired participants or participants who are currently employed. Section 415 provides limits on the maximum benefits that may be paid from a pension plan, not minimum benefit requirements. Therefore, a modification of an applicable section 415 limit would not automatically increase a participant's benefit. Rather, whether an increase occurs would depend on the plan provisions and any modification made to the plan to reflect the increased limit.

In order to determine the effect that H.R. 4843 would have on the authority and ability of a multiemployer plan to increase benefits for retirees, a useful analogy is the repeal of the combined limitation on defined benefit and defined contribution plans under former section 415(e) as a result of the enactment of the Small Business Job Protection Act of 1996. Prior to the effective date of the repeal of section 415(e), the Internal Revenue Service (the "IRS") issued Notice 99–44, in which the IRS provided guidance concerning benefit increases that would be permitted upon the repeal of the combined limitation on defined benefit and defined contribution plans.

In Notice 99–44, the IRS stated that if a plan is not amended to take into account the repeal of section 415(e), the effect on the benefits of plan participants will depend on the plan's existing provisions for applying the limitations of section 415(e) and any other relevant plan provisions. According to the IRS, a plan's existing provisions could result in automatic benefit increases for participants as of the effective date of the repeal of section 415(e). For example, the IRS stated, the repeal of section 415(e) could result in automatic benefit increases for participants in defined benefit plans that incorporate by reference the limitations under section 415.

In addition, the IRS stated in Notice 99–44 that a defined benefit pension plan may provide for benefit increases to reflect the repeal of section 415(e) for a current or former employee who has commenced benefits under the plan prior to the effective date of the repeal of section 415(e) for the plan, but only if the employee or former employee has an accrued benefit on that date. In other words, the IRS determined that a plan may provide for benefit increases to reflect the repeal of section 415(e) for a former employee who has begun receiving benefit distributions prior to the effective date of the repeal but whose benefits under the plan have not been completely distributed prior to the effective date of the repeal.

If H.R. 4843 is enacted, the modifications to the section 415 limits affecting multiemployer pension plans would be effective for years beginning after December 31, 2000. If, in the implementation of these modifications, the IRS follows the precedent that it has established with respect to the repeal of section 415(e), a multiemployer plan would be permitted to provide for benefit increases to reflect the modifications of the section 415 limits for a former employee who has commenced distributions prior to 2001 but whose benefits have not been completely distributed prior to 2001. In addition, the modification of the section 415 limits could result in automatic benefit increases for participants in defined benefit plans that incorporate by reference the section 415 limits.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

LINDY L. PAULL.

IN RECOGNITION OF CAPTAIN BARBARA P. MORGAN FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. DELAURO. Mr. Speaker, today I pay tribute to an outstanding individual whose service to our nation and the Greater New Haven community is unparalleled. Captain Barbara P. Morgan has served as the Commander of the U.S. Navy and Marine Corps Reserve Center in New Haven, Connecticut for the past three years and has recently announced that she will be leaving her command to attend the Naval War College.

As Commander of the Reserve Center, Captain Morgan has been a driving force in involving the Reserve Center with the surrounding community, opening its doors to government agencies and community-based programs. The American Red Cross, New Haven Public School's after school program, Sea Cadets and various veteran organizations have all benefited from her generosity. Captain Morgan has been a leading advocate for the Marine Cadets of America, a very special program for the young people of Greater New Haven, to whom she has provided support as the Commanding Officer and by encouraging the entire military community to participate in the operation of the program.

For twenty-two years, Captain Morgan has served in the United States Navy with honor and distinction. She has been decorated with the Meritorious Service Medal, Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal—a reflection of her remarkable career. Captain Morgan has demonstrated a unique commitment to our community—rare for an individual who has only been with us such a relatively short time. I commend her for her efforts and extend my deepest thanks and appreciation to her for her invaluable contributions.

I am proud to rise today to join her husband, William, friends, colleagues, and community members to thank her for her outstanding service and wish her well as she departs for the Naval War College.

PERSONAL EXPLANATION

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. HILLEARY. Mr. Speaker, on Monday, July 10, I was unavoidably detained from the House chamber when my flight from Tennessee to return to Washington was canceled due to weather conditions. Had I been present I would have cast my vote as follows: Rollcall No. 373, yes; Rollcall No. 374, no; Rollcall No. 375, yes; Rollcall no. 376, no; Rollcall No. 377, yes; Rollcall No. 378, no.

On Monday, July 24, I was unavoidably detained from the House chamber while I attended a funeral in Tennessee of the mother of my good friend and our colleague, Representative BILL JENKINS. Had I been present I would have cast my vote as follows: Rollcall No. 429, yes.

TRIBUTE TO CARTER BROADCAST GROUP, INC.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today I pay tribute to the Carter Broadcast Group, Inc., owner of KPRS–FM and KPRT–AM radio, the oldest African-American owned and operated radio station in America. This year they celebrate 50 years of excellence as one of Kansas City's, and the nation's, most established and respected broadcasters.

In 1950, Andrew "Skip" Carter had a dream to build a black owned radio station in Kansas City that would serve the needs of his community. His station, KPRS–AM was only the second African-American station to receive a broadcast license from the Federal Communications Commission (FCC). Operating with just 1,000 watts, it went on the air playing such artists as Ray Charles and James Brown. It had to go off the air at sundown because of the low wattage.

In 1963 Skip Carter received a license from the FCC to operate a 100,000 watt FM facility. In 1973, their stations became the first fully automated stations in the Midwest.

Skip Carter and his wife, Mildred, had operated the two stations as a family business since their inception. Their grandson, Michael, had his own jazz show in the late 1960's at eight years of age. In 1987 Michael Carter was named President of KPRS Broadcasting Corporation by his grandfather to carry on the family tradition. The name was later changed to the Carter Broadcast Group, Inc. to honor Skip Carter's legacy.

Between 1990 and 1996 KPRS advanced from the eighth rated station to the top rated station in the Kansas City market as measured by Arbitron. This recognition of the "Hot 103 Jamz" came about by the hard work and dedication of the total staff, which has been incorporated into the Carter Broadcast "Family." There have been numerous accolades during their 50 years. Skip Carter was named to the Radio Hall of Fame, the station received a Crystal Award from the National Association of Broadcasters, a Griffin Award from the Missouri Broadcasters Association for Community Service, and their recent nomination for the Marconi Award from the National Association of Broadcasters which recognizes excellence in radio. Winners of the Marconi Award will be announced September 23 in San Francisco, our community will be cheering them as they are acknowledged and honored. They have been recognized for business successes and community service on many occasions. Three times they have been honored as a Top 10 Small Business of the Year by the Greater Kansas City Chamber of Commerce, the most recent being this past April. They have constantly stepped forward in the community in times of crisis. When children have been abducted, they have devoted live broadcast time to assist in finding them. They have lent their airwaves to help raise funds for community organizations such as the Ad Hoc Group Against Crime. In 1999 alone, the stations assisted more than 150 community organizations and aired 10,000 community service spots.

Saturday, July 22, the Carter Broadcast Group is having a "50th Anniversary Gala." The proceeds from this event will benefit the St. Vincent's Day Care Center, which servies many of Kansas City's critically at risk children.

In celebration of this significant milestone, I am honored to recognize Michael Carter and the Carter Broadcast Group's efforts and legacy. Mr. Speaker, please join me in congratulating the Carter family and the entire organization for 50 years of service to the Greater Kansas City community.

EXPRESSING SENSE OF CONGRESS CONCERNING RELEASE OF RABIYA KADEER, HER SECRETARY AND SON BY GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2000

Mr. WOLF. Madam Speaker, I rise in support of this resolution that calls on the People's Republic of China to immediately release Rabiya Kadeer, a prominent Uighur businesswomen, her son, and her secretary.

When the Chinese government arrests and imprisons people like this, it is an important reminder to all of us of the true character of the Chinese regime. The State Department's 1999 Human Rights Report on China stated this clearly, saying, "The [Chinese] government's poor human rights record deteriorated markedly throughout the year as the Government intensified efforts to suppress dissent, particularly organized dissent."

The Chinese government will stop at nothing to silence any voice of freedom and truth. The Chinese government murders its own people to stay in power, flattening thousands of its own citizens who supported the Tiananmen Square democracy movement. The Chinese government has arrested, imprisoned, or kicked out of the country virtually every leading democratic dissident.

People of faith are persecuted by the Chinese government. Christians, Tibetan Bhuddists, and Muslim Uighurs like Ms. Kadeer are imprisoned and forced into prison labor, because of their faith. The Chinese regime has imprisoned old men like 80–90 year-old-Catholic bishops. The government regularly persecutes and imprisons priests and Protestant House church leaders, Tibetan Bhuddist monks and nuns.

I am very supportive of this resolution today and I think this resolution sends an important message of disapproval of the Government of China's deplorable behavior toward its own citizens.

IN MEMORY OF REV. AMINAH BULLOCK-MUMIN

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, today we celebrate the passage in the House of Representatives of legislation which will bring hope and opportunity and faith-based solutions to thousands of Americans who live in our nation's older, struggling communities. At the same time we celebrate its passage, we should also celebrate the lives of those who have devoted themselves in that same spirit to bring hope and opportunity to their own communities across America.

One of those individuals is Rev. Aminah Bullock-Mumin who passed away on Thursday and was laid to rest today just as we were debating and voting on this legislation.

Rev. Bullock was born on May 26, 1943 to the late Charles and Etta Coates. Aminah completed high school and attended the University of the District of Columbia. She married, had four sons, and worked for the Veterans Medical Center in Washington, DC, for more than 25 years, receiving many honors and awards for outstanding service, before retiring last year on medical disability.

Aminah was an ordained minister who loved preaching and teaching the Word of God. She had a vision to start a Women's Ministry which she lived to see become a reality. She was the chairperson of the Women's Ministry, served on the Missionary Ministry and assisted many families who resided in women and children shelters.

As we here today in the Capitol seek to give tools to those who work to improve their local communities, it is fitting to take a moment to recognize the good works and good life of Rev. Aminah Bullock-Mumin who dedicated herself to improving the lives of others.

80TH BIRTHDAY OF BRIG. GEN. ROBERT F. McDERMOTT, USAF (RET.)

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BONILLA. Mr. Speaker, Monday, July 31, 2000 is the 80th birthday of retired Air Force Brigadier General Robert F. McDermott. I offer congratulations and continued happiness to him and his loved ones. On this special day for "McD," I wish to honor and salute him for his lifelong service to his fellow Americans.

Born in Boston, Massachusetts, General McDermott attended Boston Latin School and Norwich University. He graduated from West Point with the Class of January 1943. After commissioning, he flew 61 combat missions in a P–38 over Europe. After World War II ended, he continued his military service in Europe, the Pentagon, and, after earning an MBA at Harvard, on the faculty at West Point.

His assignment to the newly created Air Force Academy in 1954 signaled the beginning of his outstanding contributions to the U.S. Air Force. As Dean of the Faculty for the first ten graduating classes, he pioneered and championed a number of innovations that changed the face of service academy education. These included a modernized and enriched curriculum, academic majors, the first Department of Astronautics in the country, and cooperative Master's degree programs with prestigious universities such as UCLA and Purdue. He also developed a whole-person admissions program which brought the highest quality students to the Academy. These innovations were so successful that West Point and Annapolis broke with their traditions and instituted many of them. For these accomplishments, General McDermott is universally acknowledged as the "Father of Modern Military Education."

For many this would have been enough success for one lifetime, but not for McD. In 1969 he tackled the private sector, becoming the head of USAA, an insurance and financial services association that served military officers and their families. Under General McDermott USAA grew from a relatively small property and casualty insurer into a successful financial services supermarket. He added no-load mutual funds, credit cards, a discount brokerage, and a full-service bank. He also pioneered technology-based customer service, employing "800" phone services, computers, and IMAGE processing. Today USAA is a worldwide insurance and diversified financial services family of companies, where the majority of customers continue to be members of the U.S. military.

General McDermott also made USAA a great place to work. No company was rated higher in the first publication of the "Best Places to Work in America," and Fortune selected USAA as the best service provider in the insurance industry. McD has received virtually all the highest accolades offered to businessmen, including selection to the National Business Hall of Fame. After retiring as USAA Chairman Emeritus in 1993, his methods continue to be a model for insurance and financial services companies.

At the same time McD has made enormous contributions to his community, including founding the San Antonio Economic Development Foundation, the Texas Research Park, and a mentor program that has reached thousands of children. General McDermott's energy, vision, intelligence, character, and belief in the Golden Rule has made everything he touches positive and successful.

Once again, Happy Birthday McD. Congratulations on a great 80 years and best wishes for many more.

IN RECOGNITION OF DR. OTAKAR HUBSCHMANN

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, today I recognize an individual who epitomizes the spirit of public service, Otakar Hubschmann, M.D.

Dr. Hubschmann, a nationally renowned neurosurgeon from Short Hills, NJ, received his medical degree in May 1967 from Charles University in Prague. Later that same year, he defected from Communist-ruled Czechoslovakia and fled to England. He sought and attained asylum in the United States where he completed his medical residency at Albert Einstein College of Medicine in New York. After his residency, he served as a Major in the United States Army and eventually became a full tenured professor at the University of Medicine and Dentistry of New Jersey. He currently serves as Chief of Neurological Surgery at Saint Barnabas Health Care System in West Orange, NJ.

Since the demise of Communism in Czechoslovakia in 1989, Dr. Hubschmann has been involved in a number of important projects to help the newly democratized Czech Republic. He has led efforts to secure much needed medical equipment for Czech hospitals, has been an invited lecturer at Charles University and has worked with Mrs. Olga Havel, the former Czech First Lady, to help developmentally disabled children in the Republic.

Recently, Dr. Hubschmann founded "Lacrosse Without Borders," to develop new friendships and enhance international tolerance through lacrosse, a sport originated by Native Americans. Through his tireless efforts, "Lacrosse Without Borders" hosted 20 former and current college lacrosse players in Prague earlier this month. These young American athletes ran lacrosse instructional clinics and participated with their Czech counterparts in the Prague Cup 2000. This extremely successful program generated a great deal of interest in Prague and significant media coverage both within the Czech Republic and here in the United States.

Mr. Speaker, please join me in recognizing Dr. Otakar Hubschmann's selfless efforts to promote positive relations between the United States and the Czech Republic.

RECOGNIZING THE CHEVRON CORPORATION AND THE YOSEMITE NATIONAL PARK VOLUNTEER PROJECT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. RADANOVICH. Mr. Speaker, today I recognize the outstanding work of the Yosemite National Park Volunteer Project. The project is celebrating a decade of effort by the Yosemite Fund and volunteers from Chevron Corporation to restore and preserve one of the crown jewels of our National Park System. Yosemite's 4 million yearly visitors will bear witness to the fruits of this effort: More than 60 acres of meadows, lake area and woodlands have been restored. Nearly 3,000 volunteers donated 27,500 hours to collect and plant 10,000 oak seedlings, remove 1,000 feet of roadway, build 4,000 feet of split rail fence, install 1,500 feet of boardwalk, remove 600,000 pounds of asphalt, plant 100 black oak trees and improve one mile of trails.

Mr. Speaker, this is not glamorous work. To the contrary, splitting rails, digging up asphalt and laying boardwalk to protect meadows is hard, physical labor. The Chevron volunteers did it happily, putting to superb use the $1.3 million in contributions provided by Chevron. The Yosemite Fund, the National Park Service and Chevron have created a partnership that invigorates natural conditions in Yosemite which still might be in danger of permanent degradation if it were not for this timely volunteer and financial assistance. This cooperative effort is a model public/private partnership that has made a lasting difference in one of this nation's most beautiful and most important natural settings.

NANCY BERRY INDUCTED INTO THE NATIONAL TEACHERS HALL OF FAME

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BUYER. Mr. Speaker, on June 14, I had the great opportunity to speak before a very select group of individuals, the year 2000 inductees into the National Teachers Hall of Fame. These are individuals who have shown exceptional dedication and creativity in the teaching profession.

It was a great honor to have as one of the inductees Nancy Berry, the Principal of Columbia Elementary School in Logansport, Indiana. At Columbia Elementary School you would be welcomed to "Berryland," the creative classroom of Nancy Berry, where children acquire an appreciation to learn. Nancy has taught in the classroom for Logansport Community School Corporation for over 20 years. Although she has been principal for the last three years, she still keeps active in the classroom.

Nancy, as well as the other inductees, has the gift to spark the imaginations of our children and the commitment to demand excellence and character, not only from students, but also in inspiring other teachers to strive for these goals. Nancy has created educational materials as well as a management program that promotes dignity, imagination, self-discipline, and responsibility. As Nancy puts it "behavior is like a shirt, it can be changed."

It was my privilege to welcome these outstanding teachers to the National Teachers Hall of Fame, and on behalf of grateful parents and a grateful nation, to express thankfulness for their hard work and dedicaiton.

COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. GEJDENSON. Mr. Speaker, it is with great appreciation today, on the fiftieth anniversary of the Korean War, to celebrate those who fought for this country and its ideals.

I respect those who served in the Korean War and for the more than 54,000 who didn't return. I commend the men and women who served valiantly and with little recognition. These brave veterans returned home and went back to work to make our country the greatest nation on Earth.

Because of this lack of attention, the Korean War has frequently been called "The Forgotten War." Today I say that we have not forgotten. To this day, American and South Korean troops stand watch on the Korean peninsula, living testaments to this critical episode in the annals of the Cold War. Millions of citizens in South Korea remember the sacrifices Americans made and cherish the freedom that we fought to preserve for them.

Let me also pay special tribute to those who have made it their mission to ensure we do not forget those who fought there and did not return. Bob Dumas, a constituent of mine, continues his untiring search for his brother, Roger, who remains MIA in North Korea. Remains of another twelve American servicemen were returned to the U.S. by North Korea on Saturday. I believe we must continue to press until we have accounted for all lost in the conflict.

Finally, let me challenge my colleagues to take this opportunity, while we are remembering this "Forgotten War," to renew our commitment to those who served with honor, those who fought bravely, and those who died with valor in the service of our country—our veterans. Whether they served at Chosin Reservoir, Bunker Hill, Bloody Ridge, or Heartbreak Ridge, let us respect their service and sacrifice through fully supporting those programs which they truly deserve: adequate funding of medical facilities including mental health programs; more Community Based Outreach Clinics to bring health care closer to our aging veterans; more coordination among federal agencies for our homeless veterans; and continued support of education and rehabilitation. Given the sacrifices of our veterans, we owe them much more than just a debt of gratitude—we owe them the care that they earned.

ASSURING QUALITY OF ELDER CARE IN NURSING HOMES—THE INTRODUCTION OF H.R. 4898 TO REQUIRE AIR CONDITIONING IN NURSING HOMES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. LANTOS. Mr. Speaker, on June 15th and 16th of this year, three elderly patients died at the SunBridge Care and Rehabilitation home in Burlingame, California, in my Congressional District and five others at the home were hospitalized during a heat wave when temperatures in the county soared to 108°. When county officials visited the nursing home in Burlingame during last month's heat wave, fans were pointed toward staff, while elderly people were dying. Those deaths are under investigation by state and local officials in California.

Mr. Speaker, we cannot have the federal government financially supporting nursing homes where conditions are life-threatening. That is why I have introduced H.R. 4898, legislation which will require air conditioning in nursing home facilities which receive Medicare or Medicaid funding. If the operators of these profit-making facilities are not willing to assure humane conditions for the elderly living there, they will not receive federal funds.

H.R. 4898 amends the Social Security Act to add the requirement for air conditioning to the specifications which nursing home facilities must meet in order to be eligible for federal funds. Because Medicare and Medicaid provide a major portion of the funding for many of the patients at most nursing homes in the country, this legislation will require virtually all such facilities to have air conditioning.

Mr. Speaker, these deaths in California occurred just a week after the release of a congressional study which was conducted at the request of the members of the Bay Area congressional delegation. This study revealed how substandard the conditions are in nursing homes in our area. The study found that only 6 percent of Bay Area nursing homes were in "substantial compliance" with federal standards, and 41 percent of homes were found to have violations of federal standards "that caused actual harm to residents or placed them at risk of death or serious injury." In short, this report says our nursing homes are in crisis, and corrective action is necessary. Just one week later we saw the consequences in the tragedy in Burlingame.

Mr. Speaker, this need for air conditioning is not just a California problem. The heat wave now affecting much of the Southern states over the past two weeks has been blamed for the deaths of at least 12 people in Texas and four in Louisiana. Heat kills. It is an absolute outrage that elderly people in nursing homes are dying because it's too hot. We need to take action to protect our elderly who are in nursing homes. I urge my colleagues to join me as cosponsors of H.R. 4898 so that we can protect our elderly citizens, our father and mothers, grandfathers and grandmothers, brothers and sisters, and friends from the heat when they are cared for in nursing homes.

CHINA LAKE NAVY MUSEUM

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. THOMAS. Mr. Speaker, on July 28th supporters of the Naval Air Warfare Center, Weapons Division, China Lake will gather together in Ridgecrest, California for the ribbon cutting of a new Navy museum dedicated to the history and achievements of the people who have worked at China Lake since the 1940s. As a Life Member of the Museum Foundation that is collecting private funds to create this monument, I support this effort to preserve a complete record of China Lake's record for future generations.

Those of us familiar with China Lake have a strong sense of what the Navy personnel and employees there have done for this Nation's defense. China Lake personnel developed the first Sidewinder air to air missile. China Lake has been the source of technological advances in cruise missiles, fuel-air munitions, infrared and other technologies that Americans in uniform rely on in their quest to defend the nation. It is a remarkable story proving what exceptional dedication can accomplish.

By building this museum, we can preserve a record of the achievements of people at China Lake. Those achievements are a source of justifiable pride in eastern Kern County, California. With this museum, they become a source of inspiration to visitors and to those important future Americans who will come to China Lake to solve new problems.

RECOGNIZING THE SHREWSBURY HIGH SCHOOL COLONIALS BASEBALL TEAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Shrewsbury, Massachusetts, in celebrating the outstanding performance of the Shrewsbury High School Colonials Baseball team. Their remarkable season came to an abrupt end on June 19th with their defeat in the Division 1 State Championship game. This defeat, however, could not detract from their extraordinary season.

The mentality of the Colonials' baseball team can be summed up in a common idiom—"comeback kids." However there is nothing "common" about this group of distinguished young men. This season, driven by the passionate leadership of Coach Dave Niro, the Colonials surprised many with late-inning rallies, strong defense, and incredible hitting. As a matter of fact, four of their last six wins were come-from-behind victories. It was their "never-say-die" attitude that lifted the spirits and performance of the Shrewsbury High School Baseball team to a level that very few anticipated.

Teamwork was the key to the Colonials' highly successful season. Led on the field by co-captains Catcher Jimmy Board and First Baseman Jamie Buonomo, every player performed to the highest level. The sensational play of outfielders Shayne Barnes, Tommy Crossman, and Tim Kilroy, the outstanding defense of infielders Jon Bacotti, Alex Biaz, Ryan Bigda, Bill Orflea, and Andy Morano, the mastery of pitchers Shawn Walker, Lee Diamotopolous, Brendan Slavin and Mike Sigismondo, the clutch hitting by designated hitter Matt Vaccaro and the numerous contributions by players Bob Roddy, Nick Dion, Matt Amdur, Todd Cooksey, Tim Ford, and Brian Merchant helped make this season such a success. Also, special recognition must be extended to Head Coach Dave Niro, assistants P.J. O'Connell and Jay Costa, and manager Michelle Pessolano.

It is with tremendous pride that I recognize the members of the Shrewsbury High School Colonials Baseball team for an unforgettable season. I congratulate them on their accomplishment and wish them the best of luck in the years to come.

OVERSIGHT AND INVESTIGATIONS ON PORTALS BUILDING

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. KLINK. Mr. Speaker, yesterday, the Commerce Committee received a letter from the Department of Justice which stated that the Department found that "there is not a sufficient basis to warrant a criminal investigation" concerning whether a document was "intentionally" withheld by Tennessee developer Franklin Haney or one of his business associates in a "deliberate" attempt to obstruct the Committee investigation of the lease for the Portals building. That building is now the headquarters of the Federal Communications Commission.

This letter marks the second time in two years that the Justice Department has rejected the majority's call for a criminal investigation because staff believed its Portals' work had been obstructed. In December of 1998—after the Committee's year-long investigation and seven days of hearings resulted in a spectacularly unsuccessful attempt to uncover improper political influence in the leasing of the Portals building—the majority wrote a staff report outlining its unsubstantiated suspicions and asked Justice to determine if the witnesses had made false statements "under oath in a deliberate effort to mislead the Committee and obstruct its legitimate fact-finding processes."

This referral was made, even though not a single witness testified to improper influence, and not a single document provided the necessary evidence. Justice responded by stating that there was no "specific and credible" evidence to support the allegations of perjury and conspiracy.

The majority has never accepted the results of their own investigation or even the FBI's. The FBI has already done an extensive investigation of the origins of and statements in the unproduced document and obtained no evidence to warrant prosecution. So now apparently the allegation is that if the Committee had had the document, it could have done a better job. Nothing in the Committee's history indicates any truth in that statement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 27, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

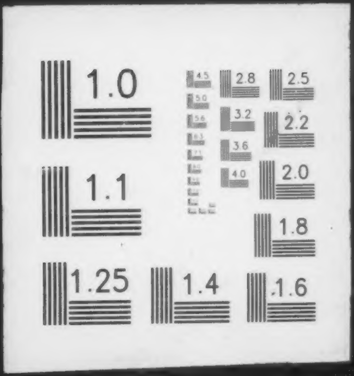
SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building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